U. S. Congress.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, FIRST SESSION.

IN SIX PARTS, WITH AN INDEX.

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CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, FIRST SESSION.

PART II.

CONGRESSIONAL RECORD.

[From January 29, 1874, to March 5, 1874.]

Mr. WILSON, of Indiana. I desire to make an inquiry of the Chair. If the House should refuse to recommit would it not then be in order to send it to the Committee of the Whole and make it a special order for a particular day?

The SPEAKER. It would necessarily go to the Committee of the Whole on the point of order already raised by the gentleman from Massachusetts, [Mr. G. F. HOAR,] but it would not be within the competency of a majority of the House to make it a special order. It would simply take its place on the Calendar in Committee of the Whole, and then it could be reached by a majority of the committee laying aside the intervening orders.

Mr. WILSON, of Indiana. Then as soon as we go into Committee of the Whole a majority of the committee can take it up if they see fit?

The SPEAKER. Except—as the Chair has already stated, although he believes the gentleman from Indiana was not in his seat at the time—except in the case of bills which have been made a special order by the House; and then the House itself, while the motion to go into Committee of the Whole is pending, can lay aside those bills, so that it is in the power of the House absolutely to get at any bill.

Mr. GARFIELD. I wish to add my testimony to what several have said in favor of having such discussion of this bill as can be had in Committee of the Whole. That is really the best place, it seems to me, for a full and free discussion. I do not care what preliminary motion the gentleman may make, if it results in putting the bill in Committee of the Whole, where we can have such debate upon it as it deserves. I am very sure that few subjects can possibly be brought to the attention of the House as important to the interests of the country as this bill.

Mr. MAYNARD. If the gentleman will allow me, I will say that I had suggested that I desired to have this bill placed so that it shall be a special order in Committee of the Whole two weeks from to-day, excepting, of course, appropriation bills and the bills reported from the Committee on Ways and Means the other day. That is my wish, and that is what I have been trying to accomplish, if the House concurs with me. If it does not, of course I must accept their action.

Mr. HAWLEY, of Illinois. Does any one object to that arrangement?

Mr. RANDALL. I do.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to ask him why he puts it off for two weeks?

Mr. MAYNARD. I stated the reason that operated upon the committee, and I am acting under their instructions. They thought that within that time the bill could by printed and sent out to the country, so that we might get the benefit of such criticism as intelligent men would desire to make.

Mr. BUTLER, of Massachusetts. I desire to say that I dissent from the idea that the first business for us to do is to make appropriations. Everybody knows that no appropriations we make at this session of Congress can take effect until the 1st day of next July, except in deficiency bills. All the regular appropriations take effect then. There is no more important question than this, and we should take it up and settle, so far as the House is concerned, the question of currency and taxation. I think they should be settled together. I should therefore desire, for one, that the bill be committed to the Committee of the Whole on the state of the Union, and then, as the Speaker has informed us, it will be within the power of the House to bring it up at any time, and we may discuss the proposition of the Committee on Ways and Means as to taxation and the proposition of currency involved in this bill together.

Now, if the gentleman will let the bill go to the Committee of the Whole on the state of the Union it will be printed at once, and we shall hear from the country as soon as they choose to inform us. But, in the mean time, suppose we should consider it our duty to inform the country instead of the country informing us; suppose we consider it our duty to inform the country—we are sent here for that purpose—what is the intention of Congress, without the interference of men who always look at legislative measures as a means of interfering with the business of the country.

I think there is no more important subject to be discussed in the House, and I think that the question of time enters largely into the question of importance. It is a question that ought to be discussed at the earliest possible day. If the gentleman has been as fortunate as I have been, his table is piled up a foot high, and higher, with pamphlets, papers, and instructions; and if he has read them all I congratulate him. I am as ready as I ever shall be to go into this discussion, and I believe every other gentleman is ready to go into it as soon as we can reach it. I hope, therefore, the idea of my colleague [Mr. G. F. HOAR] will be adopted, and that the bill will be referred at once to the Committee of the Whole on the state of the Union, and that it will come up along with the question of taxation. It seems to be the universal opinion that the two ought to come up together. Let us not fix any day, but let us get the bills up as soon as we can.

Mr. MAYNARD. I move first that the bill be printed.

The motion was agreed to.

Mr. MAYNARD. I suppose this subject is understood by the House, and in order to test the sense of the House I renew my motion to recommit the bill to the Committee on Banking and Currency, giving notice that if that motion shall prevail I shall enter a motion to reconsider, and shall endeavor, if I can get the floor, to call up the motion two weeks hence.

The SPEAKER. The motion being privileged, the gentleman can of course get the floor.

Mr. RANDALL. I think a great deal of time will be saved by sending the bill to the Committee of the Whole on the state of the Union at once, and I hope the motion of the gentleman from Tennessee will be voted down.

The question was taken on Mr. MAYNARD'S motion, and it was not agreed to.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] raises the point of order that this bill cannot now be considered in the House, but must first be considered in Committee of the Whole on the state of the Union. The Chair sustains the point of order, and the bill will go to the Committee of the Whole.

Mr. MAYNARD. I give notice that if I can get the ear and the eye of the Chair, I will, two weeks from this day if not earlier, endeavor to get the House into Committee of the Whole and to reach this bill for discussion.

Mr. DAWES. I suggest to the gentleman that he put this bill with the others, and that they go along together.

Mr. MAYNARD. We can arrange that.

The SPEAKER. If gentlemen will send for the Calendar of the House, at any time they can see precisely what is to be done in order to get at any particular bill upon it.

Mr. BUTLER, of Massachusetts. I ask consent that this bill be printed in the RECORD

The SPEAKER. The bill has been read in full by the Clerk, and of course will go into the RECORD.

IMPROVEMENT OF THE CURRENCY, ETC.

Mr. MAYNARD. I am instructed by the Committee on Banking and Currency to report back adversely House bill No. 41, for the improvement of the currency and the reduction of the interest on the funded debt of the United States, and to move that the same be laid on the table.

Mr. KELLEY. I move to amend the motion, so that the bill shall be referred to the Committee of the Whole in connection with the other bill; and upon that I call the previous question.

Mr. G. F. HOAR. I raise the point of order that the bill must be first considered in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

Mr. KELLEY. I ask that the bill may be read, so that it may go into the RECORD.

Mr. HAWLEY, of Connecticut. It has already been printed, and is all over the House.

The SPEAKER. The bill will be read.

The Clerk read the bill.

The first section provides that the amount of United States notes in circulation be limited, except as hereinafter provided, to $400,000,000; and that any holder of said notes presenting any sum not less than $50, or some multiple thereof, to the Treasury of the United States, or any of the assistant treasurers, shall receive in exchange therefor an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, which the Secretary of the Treasury is hereby authorized to prepare and furnish for that purpose; and that when any person shall demand of the Treasurer of the United States, or any assistant treasurer, redemption of said bonds, it shall be the duty of said Treasurer or assistant treasurer to pay in United States notes the principal of said bond or bonds with accrued interest, and cancel and forward the bonds thus redeemed to the Treasurer of the United States forthwith, in such manner as the Secretary may prescribe. The second section provides that the Secretary of the Treasury shall cause to be prepared United States notes of the several denominations now in use to the amount of $50,000,000, which shall be held as a reserve or redemption fund for the purpose of securing prompt payment of said bonds when demanded, and the United States notes so held in reserve shall be used only when needed for the payment of said bonds on their presentation, and shall be withdrawn and placed again in reserve out of any United States notes not otherwise appropriated received by the Treasury Department thereafter; and the whole amount of United States notes received by the Treasury Department in exchange for said bonds bearing 3.65 per cent. interest shall be appropriated and applied by the Secretary of the Treasury as rapidly as practicable to the purchase or redemption of any bonds of the United States outstanding at the passage of this act. The third section authorizes national banks to hold said bonds bearing 3.65 per cent. interest instead of the reserve of United States notes now required by law.

The bill was then referred to the Committee of the Whole on the state of the Union.

OCEAN NATIONAL BANK, NEW YORK.

Mr. MAYNARD. I am instructed by the Committee on Banking and Currency to report back a resolution referred to that committee in relation to the Ocean National Bank, New York, and a substitute therefor.

The SPEAKER. The substitute alone will be read, and treated as an original resolution, unless objected to.

The resolution was read, as follows:

Resolved, That the Committee on Banking and Currency be, and are hereby, instructed and required to investigate the affairs of the Ocean National Bank, of New

York City, and especially to inquire whether Theodore M. Davis, receiver therefor, and other officials, have been guilty of illegal or improper conduct in the management of its affairs, either in disposing of any portion of its securities at less than their par value and becoming personally interested in the purchase thereof, or in any other manner. That said committee have power to send for persons and papers, to appoint a sub-committee, with power to employ a clerk and stenographer, to take testimony in New York or elsewhere, and to report by bill or otherwise.

Mr. SPEER. I suggest that the word "and" should be changed to "or" between the words "illegal" and "improper," so that it will read "guilty of illegal or improper conduct."

Mr. MAYNARD. I accept the suggestion.

Mr. G. F. HOAR. I would like to have the chairman of the Committee on Banking and Currency [Mr. MAYNARD] explain to the House the reason why the House of Representatives of the United States should assume the functions of investigator over national banks, or the character of any of their officers who may be charged with embezzlement or other improper conduct. There is an officer upon whom that duty is imposed, and I suppose there is some reason why the House of Representatives is called upon to perform that duty.

Mr. MAYNARD. I ask that the original resolution referred to the committee be read.

The Clerk read as follows:

Whereas the Ocean National Bank, of the city of New York, failed December 12, 1871, having a capital of $1,000,000, and assets to the amount of $2,600,000, and owing debts to the amount of $1,400,000, and on that day one Theodore M. Davis, of the city of New York, was appointed receiver of said bank by the Comptroller of the Currency, Hulburd, and the said Davis, immediately after his said appointment, entered upon the duties of his office, taking possession of all the property and assets of said bank, amounting to $2,600,000, and has, since that time, had control of said bank, its assets and all its affairs; and whereas it appears by the report of said Davis, in the hands of the present Comptroller of the Currency, that up to July, 1873, a period of unvarying financial prosperity, that he has paid to the creditors only the sum of $886,660, and has remaining in his hands, of both good and doubtful assets, only $260,000, showing a loss under his administration of over $1,300,000, and that since the said Davis has entered upon the duties of his said office as receiver he has been guilty of illegal and improper conduct in his said office in reference to the assets of said bank and in managing its affairs; and whereas his illegal and improper conduct has for several months last past been brought to the attention of the Comptroller without redress or removal of said Davis from the office of receiver, so that the action of Congress seems to be the only remedy in the premises: Therefore be it

Resolved, That the Committee on Banking and Currency proceed forthwith to investigate the affairs of said bank, and the conduct of said Davis and other officials connected with said bank, and that said committee have power to send for persons and papers, and report by bill or otherwise.

Mr. G. F. HOAR. I waive all objection to the resolution.

Mr. MAYNARD. The committee were satisfied that such a resolution as we now report ought to be adopted, though they were not willing to recommend the adoption of the preamble to the original resolution. The committee were unanimous in their decision.

The SPEAKER. The substitute, as reported, will be treated as an original resolution.

The resolution was agreed to.

Mr. MAYNARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTAL SAVINGS-BANKS.

Mr. MAYNARD. By the same committee, I am instructed to report back adversely, with a recommendation that it be referred to the Committee of the Whole, the bill (H. R. No. 797) to establish and maintain a national savings depository as a branch of the Post-Office Department.

The SPEAKER. The bill will be referred to the Committee of the Whole on the state of the Union.

Mr. MAYNARD. I give notice that I shall endeavor to have this bill taken up at as early a day as may be convenient after the middle of April.

The SPEAKER. The Chair will call attention to the ground of his ruling on this point, which differs from the point raised upon the commitment of a bill. When a committee reports adversely a bill that should properly receive its first consideration in Committee of the Whole on the state of the Union, the Chair, when the point is made, will, instead of having the bill laid on the table, send it to the Committee of the Whole, because the opponents of the bill ought not to be precluded from discussion by a motion which is not debatable. To send such a bill to the Committee of the Whole puts all sides on an equality.

Mr. RANDALL. Just here let me ask the Chair whether a committee has not the right to report a bill adversely and move that it lie on the table?

The SPEAKER. If the bill contains an appropriation of money, or is a tax bill, the Chair thinks not. The first discussion on such a measure should, in the opinion of the Chair, be had in the Committee of the Whole on the state of the Union, because thus both sides are afforded an equal opportunity for debate. This ruling of the Chair is in the interest of free and wide discussion.

Mr. RANDALL. This ruling prevents the majority of a committee from acting unfairly toward a measure.

The SPEAKER. It prevents a majority of a committee or a majority of the House from deciding summarily questions embraced in a bill which are entitled to consideration in Committee of the Whole.

Mr. RANDALL. I think the ruling of the Chair is right.

CITIZENS' NATIONAL BANK, HAGERSTOWN, MARYLAND.

Mr. PHELPS, from the Committee on Banking and Currency, reported back, with an amendment in the form of a substitute, the bill (H. R. No. 839) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location.

The SPEAKER. Unless there be objection, the substitute alone will be read, and will be treated as an original bill.

The bill (H. R. No. 1573) was read.

It authorizes the Citizens' National Bank of Hagerstown, Washington County, Maryland, to change its location to the city of Washington, District of Columbia, provided that the capital stock of the bank shall be increased to $200,000 before the bank shall begin business in Washington City; and the name of the bank is to be changed to the Citizens' National Bank of Washington City. Whenever the stockholders, representing two-thirds of the capital stock of the bank, at a meeting called for that purpose, shall execute a certificate under the corporate seal of the bank, certifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and shall publish notice of such contemplated change of location in two weekly papers in Hagerstown, Maryland, not less than four weeks, thereupon such change of location and name shall be effected; and the operations of discount and deposit by the bank shall be carried on in Washington City. But the acceptance of the act is to be made within six months after its passage; and all expenses incident to the proposed change, including engraving, shall be borne and paid by the bank. The second section provides that nothing in the act shall be construed as in any manner releasing the bank from any debt, demand, or liability whatever, nor affect any action or proceeding in law in which the bank may be a party interested. All the rights, privileges, and powers of the Citizens' National Bank of Hagerstown, Maryland, are to devolve upon the Citizens' National Bank of Washington City whenever such change is effected.

Mr. PHELPS. The committee have instructed me to report this bill, with the recommendation that the substitute be passed. The substitute has been prepared for simple reasons of form, the language and structure of the original bill being somewhat awkward and inapt. The substitute embraces but two alterations of any importance affecting the merits of the measure. One is a provision which we have inserted, that all expenses of this change of location shall be borne by the bank. The other is a provision that the capital of the bank shall be increased to $200,000; its present capital is but $50,000; and the increase is made necessary by that provision of the general banking law which requires that a bank established in a city having fifty thousand inhabitants or more shall have a capital of at least $200,000.

The bill authorizes this Citizens' Bank of Hagerstown to change its location to the city of Washington, and take the name of the Citizens' Bank of Washington. The change is in accordance with the precedents of the Department. Nine changes were made by the Forty-second Congress of the location and of the name of national banks; and this especial act has received the approbation of the Comptroller of the Currency, who states there is nothing in the policy of the Department that would make the change of location and of name impolitic or undesirable. I understand my colleague from New York [Mr. MERRIAM] wishes the floor for a minute or two, and I yield to him.

Mr. KELLEY. May I ask a question of the gentleman from New Jersey?

Mr. PHELPS. Certainly.

Mr. KELLEY. Does this increase the circulation the bank is to have?

Mr. PHELPS. No, sir.

Mr. MERRIAM. Mr. Speaker, I regret to antagonize any measure reported from the committee of which I am a member, but there are two important reasons why, in my judgment, this bill should not pass.

First. I do not think it wise for Congress to increase the banking facilities of large cities by taking them away from the interior of the country, where we all know there is a disproportionate amount of banking capital.

Secondly. A fact, which I presume will surprise many of the oldest members of this House, and which of itself is sufficient reason for not authorizing the removal of any bank to the District of Columbia—and that is, no tax other than national is imposed in this District upon banks except the trifling license tax of fifty cents on every thousand dollars of capital.

I will make no apology for stating, in this connection, a fact still more startling; and that is, while Congress is, by its annual appropriations, taxing our constituents millions of dollars for the improvements in this District, not one dollar of tax is levied upon the millions of dollars of personal property centralized here by reason of exemption from burdens imposed elsewhere upon like property. Now, Mr. Speaker, I submit that this is not in harmony with the spirit of our institutions or with a proper regard to the rights of people elsewhere.

I stand, Mr. Speaker, in profound admiration of the patriotism and unselfishness of those men who administer the affairs of this District, and who annually press Congress for appropriations to adorn and beautify their native city—appropriations so large that I have felt constrained heretofore to cast my vote against them. It is true there are many good men and good citizens associated in the administration of the affairs of this District, but they should not forget that we owe a responsibility to our own constituents, whose money in part paves streets, levels hills, and fills valleys in the suburbs of the city, and from which expenditures real-estate speculators become rich.

I am aware that the citizens of this Republic take a just pride in the capital of the nation, and that they would be glad to see it become the finest city on the continent. All who have visited it the past year have admired the improvements consequent to a general upheaval of street, lane, and by-way. The change from chivalry to shovelry is already apparent and admirable. [Laughter.] But would it have intensified their admiration to have been told that their money was the master power, while the capital in the safes of the very wealthy bore no part? No, Mr. Speaker; the people are sensitive upon the subject of unequal taxation.

I had occasion, when investigating the facts as to taxation in this District, to inquire why the millions and millions of personal property owned by the wealthy of this District were exempt from taxation, and I was told by those most patriotic and interested fathers that it was to induce Congressmen to settle here after their labors were no longer appreciated by their constituents. [Laughter.] Generous hospitality, convincing argument, to those who see in their own valleys, and on their own hills, and in their own homes, beauties and advantages never known here! But, Mr. Speaker, I confess they cannot boast of homes where personal property is exempt from taxation.

From earliest childhood I have been taught that there were two things we could never escape from in this world—death and taxation. But it seems that the ingenious fathers of this District have removed one of the inevitables; and who can tell but that they have in contemplation the removal of the other? [Laughter.] Only in such accomplishment can they hope to people, in this generation, the speculative city lots made accessible by streets paved largely with the people's money, while the rich, the great, the happy of this District know no tax forever.

I make no apology, Mr. Speaker, for calling the attention of Congress to this monstrous injustice by the authorities of this District, who in their generosity to the rich have managed to override one of the demands of a free people—the equalization of taxation. I do it in the hope that Congress will vote no dollar more to improve this city until all property alike shares the burdens.

Why, Mr. Speaker, this is the very paradise for banking. Money commands a high rate of interest; deposits are large; and the drippings of the Treasury not inconsiderable, and there is no taxation. I only wonder that all the banks in the surrounding country have not petitioned for removal hither. While banks in the large cities of the State of New York pay an average of over 3½ per cent. for State and municipal taxes, and the average of such taxes throughout the United States exceeds 2½ per cent., only a license tax of fifty cents on a thousand dollars is imposed in the District of Columbia.

I object, Mr. Speaker, to the creation of any new banks, or the removal hither of those now established, so long as the result will give such advantage over other national banks located elsewhere. This bill is equivalent to a subsidy to the stockholders of this bank, over that of national banks located elsewhere, of $5,000 a year, and for twenty years, of over $100,000.

One of the great causes of complaint throughout this country against the national banking system is the restriction of advantages to a few men—the monopoly of it. If monopoly and special advantage is unjust, then we should not give so palpable an advantage to the stockholders of this bank.

I move that the bill be laid on the table.

Mr. MAYNARD. I hope the gentleman will not press that motion until the other side can be heard.

Mr. PHELPS. I did not yield to the gentleman from New York for any such motion.

The SPEAKER. The gentleman from New York has been speaking in the time of the gentleman from New Jersey.

ORDER OF BUSINESS.

Mr. WHEELER. Has the morning hour expired?

The SPEAKER. It has.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the Army appropriation bill.

The SPEAKER. The motion to lay the bill upon the table is not pending, as the gentleman from New Jersey is entitled to the floor and states he did not yield to any such motion. Pending the consideration of the bill, the gentleman from New York moves to go into Committee of the Whole on the Army appropriation bill.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. KELLOGG in the chair,) and proceeded to the consideration of the special order, a bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The gentleman from Indiana [Mr. COBURN] is entitled to the floor, and has fifteen minutes remaining of his hour.

Mr. COBURN. This, as the committee is already aware, is not a proposition coming from the Military Committee to reduce the Army, or in any form a measure to provide for a systematic reduction, but merely to stop recruiting. And in that view, not having had sufficient preparation to see in what shape the reduction should be made just now, I wish to state that I most cordially concur in the suggestions made by the gentleman from New York, who reported this bill, and shall support a reasonable reduction in the appropriations for the Army, with a view to the cutting off in part the work of recruiting. I hope the Committee on Military Affairs will, in a few days, present a substantial scheme of reduction. I see no objection to any part of the bill, so far as appropriations are concerned. The Army may be reduced not only in men, as I think, but in officers; and not only in officers, but the expenditures of the military establishment may be reduced largely in public works and in munitions of war.

We are not, except in point of men, in point of personal, physical strength, a warlike nation. And while we are ready upon any just cause to defy any armed force, and take care of ourselves against all nations, at the same time we are not bound by any proper sense of public duty to make very great provision for war. The axiom that "in time of peace we should prepare for war" is not here applicable in the general sense as applied to armed monarchies, and to us only in a slight degree. We are rearing men, in the first place, to make ready for war on any and all occasions. So far the experiment has been successful. No nation that ever developed its military power upon a sudden call has surpassed our own. The experiment has been made on both sides, North and South, and for patience, courage, endurance, daring, everything that constitutes manhood in war, our people fall behind none. In all these respects this nation, North and South, proved its superiority to all others within the last ten years.

We have provided for the education and training of officers at our great Military Academy, who, in time of war, may drill, discipline, fit for the field, and lead to battle the men, the volunteers, who must constitute the body of every great American army. In addition we make and supply the best small-arms and ammunition of any nation to our soldiers.

What else have we to look to as a part of our military establishment? Fortifications along the sea-coast—something to prevent foreign inroads? How much of that can we undertake; how much of that need we provide? I think we are in no danger of invasion; that with the railroads which we have throughout our country, enabling great and sudden concentrations of troops, there is little danger that any hostile body of men from foreign lands will come to land upon our shores. All that we want to do is to provide upon the sea-coast some works, some fortifications, to prevent the great iron-clads of first-class military or naval powers from destroying our naval depots and our great cities. We ought to have a few of our important sea-coast cities and other important points taken care of by strong works. We ought to have strong fortifications in places like Boston, New York, Philadelphia, Baltimore, and a few other strategic points. We need there an ample supply of great guns. I think it would cost, according to the testimony of the Chief of Ordnance and the Chief of Engineers more than half a hundred million dollars to fortify amply our sea-coast on scientific principles. We cannot think of that just now; it is too much—too great an expenditure.

We can only, then, look to such care of our sea-coast as a great nation can readily bring to bear in case of emergency. What we want, in addition to few great forts of masonry, is to have a sufficient supply of great guns to protect such points as I have named, to be placed in such works of a temporary character as large bodies of men can erect on an emergency. The great rifled guns once provided are of the first importance for harbor defense.

The only other important work for our military establishment is to provide against attacks from, and to take care of, the Indians. Nothing else that I know of; and when we talk about the Indian question and the management of the Indians, it is not necessary to look to the appropriations for the Indian Bureau and to read of its operations; it is not necessary to go to the Interior Department and see there what the Indians cost us; but the great expenses of the Indians are found in the War Department. General Sheridan alone has sixteen thousand five hundred men under his command; and I venture the assertion will be sustained by the common sense of the House and the country when I say that not five hundred out of the sixteen thousand five hundred men in Sheridan's grand division are needed or used for anything else than as a police force against the Indians. There is where our Army is used; there is where it is necessary, and there is where it is almost alone necessary. The thirty regiments this hour on the frontier could be disbanded but for the Indians, and more than $16,000,000 of direct outlay for the soldiery alone saved, outside of the cost of the Indian Bureau. If I had the power, although I do not profess to have military knowledge and experience and ability sufficient to guide the House, or to guide any public action in that matter, I would take the risk, and strip our lakes, and strip our sea-shore, and strip the South of soldiers almost entirely, and what Army I retained in service I would keep on the Indian frontier. There is where it is needed almost entirely. And just here let me say, for fear I should forget it, that the testimony which has been read by the gentleman from Pennsylvania [Mr. ALBRIGHT] in relation to the use of soldiers against Indians applies and was applied by the witnesses not to all the Indians, but to a few tribes comparatively, the Sioux, the Kiowas, the Arapahoes, the Comanches, and the Apaches in Arizona. The fact about it is that not one Indian in four in this country is troublesome at all and needs the repression of military force.

But I was saying that if I had my way I would take the risk of having a very small garrison in these forts along the Atlantic sea-

coast; a few men, a squad of men in each of the forts is all that we need there; a few men to hold possession and guard the places. The little force we have there now could do but little in time of actual war. New recruits, volunteers, must at all events come in and learn and do the duties of defense. This is inevitable without a great standing army. How are these forts occupied at present? By artillery chiefly; perhaps a small force of infantry can be found in some of them. Some of these posts are occupied by a whole company of artillery. In New York Harbor there is almost a regiment, costing the Government yearly $500,000. They are needed there for no earthly purpose for the present defense of the city, nor for the preservation of good order; they are there only as a stationary force, going through the infantry and the heavy-artillery drill. Thus, if we should have an Indian war and should need those men in the field, we could strip every one of these forts of the force now there, except a few men who may be necessary to prevent the destruction of public property, and this would be done. True enough, these trained men would be valuable in case of a foreign war, they would leaven the lump of our soldiery; but after all, we must rather rely upon trained officers than drilled men to do this work effectually.

The gentleman from Pennsylvania [Mr. ALBRIGHT] said that it was necessary to keep a company of soldiers at these great fortifications to prevent their being destroyed. That, as I understand, is not necessary. The soldiers there do not work upon their repairs; that task is done by the Engineer Corps, having in its employ more than five thousand men engaged in erecting or repairing fortifications. How are your arsenals taken care of? Not by a company of men, but by ten or fifteen; perhaps less than that number at some of them; yet many of these arsenals contain property of very much more value than can be found in any one of these forts—large numbers of cannon and small-arms, great quantities of ammunition and ordnance stores.

I will now read letters from the Chiefs of Ordnance and Engineers, showing the number of enlisted men on duty:

Distribution of enlisted men of the Ordnance Department.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 26, 1874.

SIR: In compliance with your request of this date I have the honor to report the following distribution of the enlisted men of the Ordnance Department, namely:

At Allegheny arsenal, Pennsylvania	29
At Augusta arsenal, Georgia	21
At Benicia arsenal, California	33
At Columbus arsenal, Ohio	12
At Detroit arsenal, Michigan	8
At Fort Monroe arsenal, Virginia	10
At Fort Union arsenal, New Mexico	13
At Frankford arsenal, Pennsylvania	30
At Indianapolis arsenal, Indiana	15
At Kennebec arsenal, Maine	8
At Leavenworth arsenal, Kansas	15
At Pikesville arsenal, Maryland	3
At Rock Island arsenal, Illinois	65
At Saint Louis arsenal, Missouri	31
At Vancouver arsenal, Washington Territory	14
At Washington arsenal, District of Columbia	44
At Watervliet arsenal, New York	35
At Watertown arsenal, Massachusetts	31
At West Point Military Academy, New York	10
At Ordnance Office	12
Total	439

By order of the Chief of Ordnance:
Very respectfully, your obedient servant,

S. V. BENET,
Major of Ordnance.

Hon. JOHN COBURN,
Chairman of Committee on Military Affairs,
House of Representatives, Washington, D. C.

Enlisted men of the battalion of Engineers.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 26, 1874.

SIR: In answer to your communication of this date, I have the honor to report that the number of enlisted men of the battalion of Engineers on the last day of December, 1873, was three hundred and fifty-six, stationed as follows:

At the Engineer depot of Willet's Point	254
At the Military Academy, West Point	75
At the headquarters Department of the Missouri	6
At the headquarters Department of Dakota	7
In New York City on recruiting service	5
Surrendered deserters, in confinement, at various points	9
Total	356

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. JOHN COBURN,
Chairman, Committee on Military Affairs, House of Representatives.

I submit, then, whether it is not totally unnecessary, so far as the care and preservation of these forts are concerned, to have artillery soldiers in them. And if that is all the use for the garrisons let there be a guard of a few men at each of them; and, except to this extent, let us strip our public works of soldiers.

What is the condition of things in the South? I have here a statement showing the number of men in the different military departments. Let us see how many men are needed in the South. A few years ago, perhaps a few months ago, it was necessary to keep troops there on account of the prevalence of disturbances; but I feel that now a time has arrived when public policy, as well as sound sense, dictates that troops shall in a great measure be withdrawn from that country. I believe that troops are necessary in the State of Louisiana only; I do think that at New Orleans there is a necessity for an armed force, perhaps a regiment.

Let me go back a moment and call the attention of the committee to the number of men we have in the East and in the Department of the Lakes. Eighteen hundred and twenty-six men are in this region along the sea-board, reaching from the south line of Virginia up to Canada, and reaching back no farther than Pennsylvania and New York. The Department of the Lakes has 629 men more, making in all about 2,450 men in the region reaching from Lake Michigan eastward, and south as far as the lower end of the Chesapeake Bay. Now, there seems to be no possible use in all this region for guard duty, outside of mere drill, for more than 800 men. All we require for that purpose is a few men in each fortification. A few hundred men at West Point, in the Engineers' battalion at Willet's Point, and on recruiting service, might do all the military duties required in that region for the present. Our system contemplates the use of the militia to meet all real emergencies, and not a standing army.

Now, let us turn our attention to the South. In the Department of the South, reaching from Virginia down to the borders of Louisiana, there are 2,192 soldiers. In the Department of the Gulf, including Mississippi, Louisiana, and Arkansas, there are 1,031 men, making 3,223 soldiers in the region reaching from this neighborhood around to Texas. In view of the reduction of the Army, it is a matter for the judgment of the House whether or not we need troops there; for if the Army is to be reduced, the troops must be taken either from the East, or from the South, or from the Indian country, or from the frontier of California or Texas.

As a matter of history, transpiring every day, we know that the disturbances in the South have in a large degree ceased. There is some testimony tending to show that in some districts in Tennessee, the Carolinas, Alabama, and Georgia, there is difficulty in collecting the internal revenue. But I find upon examination that the amount of revenue collected annually from any one of those districts will not, except in a very few instances, support a single company of soldiers. Every soldier costs about one thousand dollars annually; so that if you put in a district fifty or sixty soldiers, with their officers, they just about exhaust all the revenue that is raised there. What sense or reason can there be in retaining a military force in a district for the purpose of collecting revenue when the amount collected is all exhausted in supporting that force? Better not attempt to collect it at all. Better lose part by fraud than lose all by the employment of military power.

I now proceed to consider the Department of Texas. In that Department there are of cavalry 2,491, and of infantry 2,492. The investigations of the Military Committee tend to show that the number of hostile Indians in Texas and the troubles arising on the border require about all the force there is there. We have examined the Secretary of War, General Sherman, General Sheridan, Secretary Delano, the Commissioner of Indian Affairs, and various other officers, and the evidence goes to show that there is a disturbed region in Texas that has to be cared for. The tribes of Comanches, Kiowas, Arapahoes, and Cheyennes are mischievous and dangerous. They make raids into New Mexico and Texas; they make raids northward toward the Union Pacific Railroad, in the back settlements of Kansas and Colorado, and even into the peaceable parts of the Indian territory. So that there appears to be no way of dispensing with the troops in that region.

Go further north, then, along the line of the Union Pacific Railroad. Officers in charge seem to think it is necessary to keep troops there. Doubtless a force must be kept there. It is perfectly possible for these Indians to make raids north or south in that vast region of Western Kansas, Nebraska, Colorado, and in Wyoming, and the territory lying north and west of that. So I see no possibility of reducing the force there. Going then further north and northeast, we come into the region of the Sioux Indians—an active, mischievous, and partially hostile set of tribes. East of them, in Minnesota and Dakota, are some twenty thousand peaceable Chippewas, quietly living on reservations, and requiring no restraint of military power worth naming.

The military posts near the Sioux border the Missouri River and extend up and around the bend of that river into Northeastern Montana, and then further west and south of that, running down to Utah. Here is a string of posts, encircling these great tribes of Sioux Indians, not to be dispensed with. These men need guarding against. These men need to have armed men surround them, and I can see no possibility there of withdrawing any military force; and from the best evidence it may be necessary to increase it somewhat; but that is a matter for the future, and I do not pretend to say what is advisable. There is a little difference of opinion as to that. General Sheridan says we can get along, and he can take charge of the Indians in his division and all disturbances with the army he has there now. I believe that can be done. The weight of testimony goes to show it is possible we can take care of the Indian troubles in Sheridan's division with his 16,500 men. In Sheridan's division are embraced almost all the troublesome and dangerous Indians in the country except those which are in Arizona; and the Apaches are the only ones there

we need have any serious apprehension about. And the number of troops in Arizona military authorities go to show is amply sufficient. The number there at this time is 1,744.

Now, in the western part of Colorado there is a large reservation of Utes; but they are not regarded as dangerous or mischievous, and do not require any additional military force. These Utes this summer have made a treaty, by which they have disposed of and sold to the Government of the United States about one-third of all their reservations, amounting to about three acres of land, largely million mineral.

Going then beyond Arizona into California, we find peaceable Indians. Going northward into Nevada we find peaceable Indians. Going up into Idaho, and Oregon, and Washington we find comparatively peaceable Indians. There is no danger to be apprehended from them; and the presence of a small force of soldiers at occasional posts is all that is required. The judgment of some of the most intelligent men who have been there goes to the extent that a large part of the region which embraces Salt Lake as a center, a large country, embracing four hundred thousand square miles and a number of tribes, nearly a hundred, needs no repression of military force. I refer to the evidence of Major Powell, the explorer of the Colorado of the Pacific, who has visited and counted sixty-six tribes in that region; and a very interesting fact has been developed by him in connection with these tribes. He says we have been paying and supplying, taking care of, about 30,000 Indians, when according to actual count there are but about 10,000.

And, Mr. Chairman, I will say in this connection, the number of Indians has been very largely magnified at very many points in our country. It has been difficult to ascertain their true number, and I verily believe, from the testimony which is furnished, the numbers of the Sioux tribes will be found to be considerably smaller than we have supposed and estimated their number to be. So the apprehension the country has labored under from these tribes has been greater than it should have been.

Certainly, from what we have submitted to us on these points, I am led to believe that we might possibly diminish the force in California and Oregon. We had before us General Milroy, superintendent of the Indians in Washington Territory, and his testimony goes to show they are peaceable; that they are disposed to adopt the arts of civilized life; and in that region, so remote from settlement, they have very little of the savage and mischievous nature attributed to the wild and predatory tribes east of the mountains. So that, so far as any investigations we have made are concerned, taking the entire circuit of the Indian tribes, men who are dangerous, who are mischievous, who need the repression of military force, can be found in considerable numbers only in the places among the great Sioux tribes in Northern Texas, and the Apaches in Arizona.

But no one is so foolish as to say the troops shall be stripped from the entire frontier country. The process of consolidating these wild men upon reservations is going on, and in a short time we will solve this Indian question by placing them where they will cultivate the arts of civilized life. Major Powell avers that this can be done easily and peaceably with the tribes he visited, putting them all on four comparatively small reservations, where no force will be necessary to overawe them.

At present some reduction can be made in the Western Territories; but the greater reductions, if any are made, would most probably fall in the Department of the Lakes, on the Atlantic sea-board; in the Department of the South; and in the extreme West, on the Pacific coast. At Salt Lake City, perhaps, where a regiment is located, a half regiment might be dispensed with. I have made these suggestions now as to the positions of the Army, not for any action of the House—that is not a matter of legislation—but simply to call the attention of members to the reductions which are possible under the pressure of the present hour. We had fewer troops on the frontier some years ago than we have now. Finding less use for troops in the South, within a few years three regiments have been moved to the West. There was just as much danger from Indian inroads two, three, or four years ago as there is now. When this is taken in view, it occurs that the force might be diminished at several points in the Indian country. The testimony of those who have been on the ground goes largely to work the conviction that in an emergency troops can be dispensed with at several posts without exposing the settlers.

We had on the frontier in 1869 twenty-seven regiments; in 1870, twenty-eight; in 1871, twenty-seven; in 1872, twenty-eight; and now we have thirty regiments. It would seem that one or two regiments, more or less, would make little difference. The dangers of Indian inroads were greater four years ago, just after the construction of the Pacific Railroad, than now. The truth is, there are a few regiments stationed in those regions which have to be disposed of in some way; and they have been located at points no doubt judiciously, where they could be best used, under the discretion of the military commanders.

Let me call the attention of the committee now to the number, as far as we could ascertain it, of some of these Indian tribes which have to be guarded against. I will be very brief. According to the best testimony furnished this year, the number of Apaches is from eleven to twelve thousand; and this includes men, women, and children. And it is said now that the older members of these tribes are not hostile, are not disposed to carry on war; but the young men—perhaps one man in five, or one man in ten—are disposed to be mischievous. Taking, then, the number of Apache warriors to be about two thousand, there might be four or five hundred who would have to be watched and cared for; and the same ratio would apply to the Sioux tribes, and also to the Arapahoes, Cheyennes, Kiowas, and Comanches. There are said to be about eight thousand in these tribes. There are about fifty-three thousand wild or mischievous Sioux. This covers the really troublesome tribes. It is said on the best authority, so far as we can ascertain, that there are not over one thousand of the Sioux—that is young bucks, as they are called—that are really dangerous. They are well armed, and cannot be restrained from mischief by the older and more prudent men.

So the House can judge from these facts as to the necessity of the presence of a very great military force in that neighborhood, and so dispose of the real and only question for us to act on, and that is the furnishing the requisite number of troops. To expose the settlers would be an outrage, and no considerations of economy should for a moment stand in the way of their ample protection. After all, we deal with men in numbers and dollars in gross, and location and outlay are matters of administration.

What I have said has been on the hypothesis that a reduction of the Army was actually to be made. I discussed the possibilities and probabilities in that view, and in no other. I have no doubt the sentiment of the country is we must make a reduction of expenditures at all points, and the Army can be no exception to that rule; retrenchment can begin at no safer point. But what has been said as to the location of the Army, what has been said as to its effectiveness, or what is proposed to be done by it in future, has been said not as a criticism upon the control and management of the Army; for, so far as I know or from what appears in any testimony adduced before us, that management has not only been good, but may be said to have been admirable, as to the position of the troops, forces, and posts.

Mr. Chairman, there is a reduction going on in the Army all the time. We need not act positively by discharges, by mustering out, by breaking up organizations, or in any other way, for that matter; for a great reduction is going on from natural causes. According to the evidence of the Adjutant-General of the Army, his statement as to the reduction of the Army, which I hold in my hand, is astonishing. It was so to me, as it was to other members of the committee. During the last year more than half the Army has gone out of service. There have died 481 men; there have been discharged by expiration of service 4,187 men, for disability 1,113 men, for other causes 2,281 men; deserted 7,813 men, making an aggregate of almost 16,000 men. The yearly average of casualties of Army officers is 83. So, without the passage of the law, a stopping of recruiting would diminish the Army more than one-half. Therefore, if the House decides to reduce the Army, no officer, no man in the service, need be alarmed lest he is going to be put out and lose his position, as a great many officers apprehended they would, and thus be obliged to go out and make a living in the ordinary way at a time of life when they are totally unfit to do it. Eighty-three constitute officers enough for several regiments. There can be, therefore, no trouble and no apprehension on the part of Army officers. Regiments may be consolidated, and those officers who are supernumeraries, or who may belong to regiments that are dispensed with, can be assigned to others that are kept in existence, and discharge duties there. This has been done, and there is no difficulty at all about that. I think it possible that a measure of that kind may be submitted to the House.

I now want to show the committee what Secretary Belknap says about a reduction of the Army:

Question. How much of reduction would the cessation of recruiting cause in the number of enlisted men annually?

Answer. The number to be enlisted next year, estimated by the Adjutant-General, is 12,300 men; the number of men required at the date of his estimate to fill the Army was 1,854; the number of discharges by expiration of service in the next fiscal year is 691; the estimated number of deserters, deaths, &c., during the same period, is 3,842; the number to be enlisted, 12,300. Mr. WHEELER'S estimate for recruiting, as I understand, was based on the recruiting of 7,000 men instead of 12,000. He obtained this information from the Adjutant-General, based on the idea that instead of recruiting 12,000 the succeeding year he would recruit 7,000, throwing off 5,000 men; and the cost of recruiting is about twenty dollars for each man.

Q. Then there is added to this the cost of transporting them to their regiments. Have you any idea how much that will average?

A. The twenty dollars includes transportation. The cost of recruiting each man and of his transportation to the depot has averaged, for several years, twenty dollars. It does not include clothing, but only recruiting and transportation.

The committee will therefore see that this operation of cutting down the Army is going on from natural causes. All we need to do just now, in order to accomplish this object, is to stop recruiting. The Committee on Military Affairs may, and I hope they will, take up this subject, continue it further, and adjust this matter as to officers as well as men. But with a practical measure like this it would be folly to refuse to support it, as it can be followed by systematic action. There are some matters in connection with the official part of the Army that might, in my judgment, be changed. For example, adjutants and quartermasters of regiments are supernumerary officers. Formerly lieutenants were detailed from the line and did this duty. They can do so now, according to the evidence of several of the most prominent and intelligent officers of the Army, as well as the Secretary of War. The permanent and recruiting parties, which now amount to nine hundred and sixty-two men, according to the evidence of General Sherman and others, can be largely reduced. So too with the battalion of Engineers. I read from the testimony of General Sherman:

You may limit the number of men allowed to the Engineer Battalion, or you may limit the number of men about recruiting stations, and more especially the numbers who are counted as soldiers, but in fact are clerks, (four hundred and eighty-one, I think,) and you can save 50 per cent. on these figures without impairing the efficiency of the Army itself.

There can be a reduction of the clerical force in the War Department and at posts.

I will now call the attention of the committee to what the Secretary of War says in relation to a reduction:

Question. In view of the possible reduction of the Army, can the number of clerks and other civil employés and enlisted men detailed for extra duties in the War Department and in the Quartermaster's Department, and in all those great departments, be diminished?

Answer. A very beneficial change can be made in the War Department. The chairman of the Committee on Expenditures in the War Department, Mr. WILLIAMS, of Indiana, has prepared a bill, which I have seen, which reduces the clerical force in the War Department some two hundred. It increases the pay of some of the higher officers, especially the chief clerk, whose pay, I think, should be increased, for he is a very hard-working officer. But it reduces the number of employés, and makes a very material reduction of expenditures. I am satisfied that if that bill, or a similar one, should pass, the work of the Department would be expedited and it would be demonstrated that we have too many employés there. The Adjutant-General's Office is very hard pushed, and though Mr. WILLIAMS's bill reduces the force there somewhat, yet other branches of the Department could stand it much better than the Adjutant-General's. There is an immense amount of work growing out of the war which that office has to perform. But in regard to the employés generally throughout the country of the War Department, they could be reduced.

The CHAIRMAN. Have you any calculations or estimates going to show whether the number of employés in the Quartermaster's Department, some six thousand, can be cut down?

Secretary BELKNAP. They can be cut down in all the Departments, in my judgment. I have cut them down from time to time. I have a statement here showing that in 1870, shortly after I became Secretary of War, I reduced the number of animals, horses and mules, and also the number of employés very materially. I have done it a second time since, and I have taken steps to do it a third time.

Thus we see the clerical force can be reduced about two hundred in the War Department, and that a large force of employés in the Quartermaster's Department may, as it has been, be dispensed with. There are also general-service men, some of whom can be discharged. Commissary sergeants are mentioned to the number of one hundred and fifty-two; they, it is suggested, may be dispensed with.

I have thus called the attention of the House in a summary and general way to the location of the Army and the possible reduction of troops by reason of changes in its stations, and to the possible changes and reductions that may be made in the official branches of certain parts of the War Department. This, however, is a matter which requires a more thorough and extended investigation. For the present, whatever is proposed by way of reduction of expenditure by the Committee on Appropriations, I, as one of the members of the Committee on Military Affairs who have given some attention to these matters, heartily indorse and approve. I think we can do nothing more judicious at this time than to concur in the main with the report of the committee.

I yield the balance of my time to the gentleman from New Jersey, [Mr. SCUDDER.]

Mr. SCUDDER, of New Jersey. I have the impression, Mr. Chairman, that the committee will be found ultimately to be mistaken in some of their views as to the necessity or propriety of the reduction of the Army. But, notwithstanding that present impression, I shall cheerfully go with them in any measure of economy and reform which they have presented, or shall hereafter think proper to propose.

The great difficulty that we labor under is, that we suppose that our communications with the rest of the world are of that character that peace will always be maintained. Our difficulty, or if not a difficulty, our situation, is this: that our commercial relations with all parts of the world are daily and hourly growing more intimate. We start from the city of New York, go westward across this continent to the Pacific Ocean, and then go to the East Indies. That extended commercial relation necessarily brings us in close contact in commerce and in business with other nations, and will bring about collisions.

We have a large and extended coast, which necessarily requires some troops for fortifications. These fortifications should not be empty. They should be places for drill and exercise.

We have then a vast frontier with Mexico. We are on the borders of a state which is in a constant condition of volcanic eruption—such a condition, that it has often been proposed that we should exercise some protectorate power over that territory. We have also hostile Indians on our borders, and we have in addition to that a large and extended immigration coming to this country, and the bold and restless young men of our own people seeking homes in the far West. Under this state of circumstances, it seems to me hardly possible that we can safely rely on a permanent reduction of the Army.

The Army stands in this condition: it is the nucleus of a great organization, a nucleus of great value and importance for enforcing discipline, and which will enable our people in time of great emergency readily to rally around a common standard, with good officers and an efficient organization, for the common defense or for aggression, if necessary.

Now, Mr. Chairman, under that state of circumstances the committee have thought proper to reduce the estimates about $6,000,000, to reduce the Army to about twenty-five thousand men; leaving, if we consider the situation of affairs, about one soldier for every twenty-five hundred men within our borders. Under those circumstances there is no danger whatever from a standing army; no danger of the intimidation of our people; no danger of a power that will overawe us, but that army becomes the nucleus around which discipline, order, and in time of trouble, victory may come. We are all aware that when our Army went into Mexico, with generals of the regular Army and volunteers, the time came when the volunteers appealed to the men of West Point, and said, "Drill us, and prepare us for this emergency;" and the effect of the discipline thus brought about was, that the Army marched in triumph from Vera Cruz to the city of Mexico, with a degree of order, discipline, and power which astonished the world.

I have thought proper to make these remarks with the idea that the American people, as well as all the other people of the world, are fighting people; that the millennium has not come and will not come for a long time, when universal peace will shroud the world; and that it is necessary to keep up our military organization upon the basis on which it now is, and take the very first opportunity to enlarge, increase, and strengthen it.

Mr. WHITTHORNE. Mr. Chairman, it is in the consideration of the appropriation bills that the people are brought to an examination of the conduct of those to whom they have delegated the trusts of Government. When the Executive Departments demand of us the means that they deem necessary to the due execution of their agency, it behooves us, who are the Representatives of the people, to inquire into the expediency and necessity of the estimates they submit. The events of the past twelve months; the recent demand of the Executive Departments of the Government for an increase of taxation; the admitted fact that the Secretary of the Treasury is daily adding to our immense volume of debt; that within less than four months this debt has been increased about $25,000,000; and that a deficiency in the revenues of over $40,000,000 is before us, all are facts which have brought the people seriously to the consideration of the questions, What shall be the administrative character of our Government? Shall it be one noted for its splendor and magnificence, or for its simplicity and purity? Shall it be one for the favored few, protected, enriched, and advanced by special and class legislation, or one wherein "equal and exact justice is done to all, and exclusive privileges granted to none?"

I did not participate in the recent discussion in this House on the salary question. Had I done so, I would have antagonized the position assumed by gentlemen in favor of high salaries. I was opposed last March, as I am now, to the increase of salaries. The indebted condition of the country did not warrant the passage of the act of March, 1873, and the tendency of the measure in all of its details, from the highest to the lowest officer benefited by its provisions, was to make a splendid and luxurious Government. It was the passage of this measure, following rapidly the *exposé* of the Credit Mobilier, that more particularly arrested the attention of the country to the increase of its expenditures, and to the growth of abuses which have crept into nearly all of its Departments.

There can be no question of the earnestness of the people in their demands for retrenchment and reform in the Government, and their determination to purify and simplify the character of its administration.

Without asking or considering what may be our individual fates in the future, let us, Mr. Chairman, look at these demands and this determination, and see if they be not such as, in our characters as citizens, anxious to perpetuate free institutions and a popular form of government, as an inheritance for those who are to succeed us, meet the concurrence of our judgment, and such, particularly, as that, in our character as Representatives and servants of the people, require our approval. This is the duty I now propose to myself. It is appropriate, in the consideration of one of the appropriation bills. I repeat, the Executive Departments of the Government demand of the people in the way of taxes, by these bills, what in their opinion is necessary to the discharge of the agency with which they have been invested. They submit their estimates. In their consideration there are two proper questions to be solved: first, their necessity; secondly, the means and resources of the people. Grouping the two questions together, the consideration of these bills means an inquiry into the state and condition of the whole country, in making which we will necessarily solve the propriety of the complaints of the people and the justice of their demands.

What, then, is the state and condition of the country? Turning first to the census tables for 1870, we find the total population of the United States and Territories to be 38,558,371. Out of this number of 38,558,371 people there are of those over ten years of age, but 12,505,923 engaged in all classes of occupation. And this number so "engaged in all classes of occupation" is divided, as appears from the report of the Superintendent of the Census, as follows:

In agriculture	5,922,471
Professional and personal	2,684,793
Trade and transportation	1,191,238
Manufacturing, mining, and mechanical	2,707,421

Before making any comment upon this table let us go a step further and look to the amount of public indebtedness and public taxation which rests upon these classes.

Quoting again from the report of the Superintendent of the Census, 1870, I find—

National indebtedness	$2,406,562,372
State and municipal indebtedness	868,676,758
Total	3,435,239,130

When you reflect that this amount does not include the private and individual indebtedness of the citizen, and especially that part incurred for works of improvement by him directly, you will agree that this is indeed a heavy load upon the producing classes of this country.

Going yet a step further, we find the annual burdens resting upon these classes to be—I again quote from same report—

Taxation, 1870, national	$411,255,479
Taxation, 1870, State and municipal	281,180,312
Total	692,435,312

Speaking in round numbers, it would appear, Mr. Chairman, from these statistics, that the labor of the producing classes in this country pays annually for the support of their national and local governments $700,000,000—a large and oppressive amount; one that no wise statesman would increase; one that a prudent and wise people would make haste to decrease. But does this amount rest upon the labors of the twelve millions, as separated and classified by the Superintendent of the Census? The actual producers of wealth do not number ten millions. I am not one of those who make war upon the professional laborer or those engaged in trade. They perform useful and necessary aid to the actual producers; but yet, in considering those who bear the burdens to which I have referred, we must regard only him who, in very truth creates the harvest out of which you gather your tithes. We are considering the complaints, and determining their justice.

In so far as this vast amount of indebtedness has been created in maintaining the nationality of the Government, there is, and will be, no complaint; but where it has been increased in utter disregard of the condition of the country, to magnify offices, to create sinecures, to favor classes, and to encourage luxury and splendor, or, worse still, where it has been done, as in most of the Southern States, for corrupt and oppressive purposes, it has been, and ever will be, a matter of surprise that the people have so long slumbered; and it is now a matter for deep congratulation that they are awakened, and are likely to be severe in their condemnation of these abuses. The country is familiar with the mode and manner of the increase of indebtedness of the Southern States and municipalities since the war. But it is not with the increase in the number of officers and increase of pay made here in the National Government. I do not now mention defaults, peculations, or losses.

Sir, within the last few years new offices, new ranks, new districts, with increase of salaries, seem to have been "in the regular order of things." The salaries of your judges have been twice increased; the salaries of your officers in the Army and Navy have been increased; the salaries of your officers on the civil list have been increased. And without going into details or entering into what might be termed partisan comparison, I propose to demonstrate this unnecessary extravagance and increase by a comparison of expenditures of years since the close of the war.

Before doing so, it may not be inappropriate to refer to statements made by the leaders of the republican party within the last year, to the end that these gentlemen having claimed credit for their party in the matter of reduction, that party may be held to responsibility for any failure to make it. Those of us who were present will not forget the careful, able, and eloquent speech made by the chairman of the Committee on Appropriations on the 23d day of January, 1872, when he opened the discussion on the appropriation bills. I refer to that speech:

> The expenditure of revenue forms the grand level from which all heights and depths of legislative action are measured. The increase and diminution of the burdens of taxation depend alike upon their relation to this level of expenditures. That level once given, all other policies must conform to it and be determined by it. The expenditure and distribution of revenue, therefore, form the best test of the health, the wisdom, and virtue of a government. Is a government corrupt; that corruption will inevitably, sooner or later, show itself at the door of the Treasury in demand for expenditures.

These are words of wisdom and statesmanship uttered by the distinguished chairman of the Committee on Appropriations, as I believe in all sincerity. They are pregnant with truth; and no less by their truth, than their utterance by that gentleman, is the party in power to be tried and judged. They were made to invite the attention of the country to the assured fact urged by him, that his party was addressing themselves to a reduction of the expenditures of the Government. In fact, at a later period in his speech he says:

> We have not yet gone over all the appropriation bills, the eleven which we are required to present for the action of this House, but we have gone so nearly over them that I am able to state in general terms what the result will be. I hope we shall, in those eleven bills, be able to reduce the appropriations about $9,000,000 from the appropriations of last year. The total appropriations of last year in those bills amounted in round numbers to $160,000,000. The total appropriations we shall recommend in the same eleven bills this year, I hope, will not exceed $151,000,000; perhaps they may be a little less, even, than that sum. These appropriations of $151,000,000 will be understood to be outside of what are known as permanent appropriations. The permanent appropriations include the public debt in its various forms and some other form of charges, which we find will be reduced about $9,000,000 from the amount appropriated last year. The amount for the fiscal year 1871 was $182,302,243; the amount for the fiscal year 1872 is estimated at $163,601,861; the amount for the fiscal year 1873 is estimated at $154,961,237.

The committee claimed to have reduced the estimates for 1873 $3,000,000. When this statement was made, Mr. BECK said:

> With the gentleman's consent, I would like to say a single word. I worked for two years on the Committee on Appropriations of the last Congress; and it was as stingy a committee as I ever saw. The consequence was that a deficiency bill of $11,000,000 had to be brought in, and the gentleman's committee will have to do the same thing as soon as the presidential election is over.

The gentleman from Kentucky was right, as the tables and documents to which I shall hereafter refer will show.

Now, Mr. Chairman, it will be seen upon reference to the statements made by the chairman of the Committee on Appropriations that the amount estimated for the expenditures of the Government, independent and outside of the expenditures of the Government on account of permanent appropriations, for the year 1873 were $151,000,000. They were, in fact, $173,495,015.55; and, as predicted by the gentleman from Kentucky, at the next session were followed by a deficiency appropriation. It will further be seen that the gentleman promised the people a continued reduction. In the speech referred to already, the gentleman from Ohio said for this promised reduction:

> I know it is not safe to attempt to forecast the future; but I venture to express the belief that, if peace continues, the year 1876 will witness our ordinary expenditures, exclusive of the public debt, reduced to $125,000,000, and the interest on the public debt to $95,000,000—making our total expenditures, exclusive of payment on the principal of the public debt, $230,000,000.

In the light of subsequent events, and with the estimates of the Secretary of the Treasury for the year 1875—amounting to over $319,000,000—it is believed the gentleman will recall his prediction.

The appropriations for the year 1874 were $197,920,297.38, an increase of $46,000,000 more than the chairman of the Committee on Appropriations—the keeper of the key of the public Treasury—deemed necessary for the support of the Government in 1873. What was there, what has there been, in the condition of the country to demand this large increase? Is it "that a government being corrupt, that corruption will inevitably, sooner or later, show itself at the door of the Treasury in demand for expenditures?" Are we not confronted with the fact, as already referred to, that within the last few months the Secretary of the Treasury has, in the exercise of questionable authority, increased the public debt about $25,000,000? I pause, to call attention to the fact that a little over one year ago it was claimed by the then Secretary of the Treasury that the public debt was being reduced; that public expenditures were being decreased; and that public taxation was being lessened. The country believed the statement; but time, with its inexorable logic, has shown that the public debt is being increased, that public expenditures are growing and multiplying, and that more taxes—even on the necessaries of life—are being demanded. Shall I repeat the words of the chairman of the Committee on Appropriations, "That the expenditures and distribution of revenue form the best test of the health, the wisdom, and virtue of a government?" Tried by this most sound rule, what must be the judgment of the people upon that party who are alone responsible for this condition?

In defense of the enormous amount of our yearly expenditures, much has been charged to the recent civil war, and the state of circumstances growing out of it, and this has been deemed an all-sufficient answer to each and every comparison made of the expenses of the Government prior and subsequent to that period. I propose, Mr. Chairman, in addition to the comparison I have already made of the estimates for 1873 and those of 1874, in which and by which a large increase is shown, to invite your attention to another comparison which I think will show more conclusively than any other this growing cancer of public expenditures.

By the act of the 4th of July, 1836, it is made the duty of the Secretary of the Senate and Clerk of the House of Representatives to prepare at the close of each session of Congress statements showing, first appropriations made during the session; secondly, of Offices created, and the salaries thereof; and thirdly, the offices the salaries of which have been increased.

Before calling attention specifically to the facts shown by these reports, allow me to say that a reference is made to them, not with a view of assailing the action of the Committee on Appropriations, but with a view of holding responsible the party who have had, during this period of time, the control of the expenditures of the Government. We fix this responsibility upon the party by an examination of what they have done. It is right to assume that what they appropriate in any given year is all that is required for the expenditures of that year, if honestly made. Now, turning to these reports, we find (I quote from Mis. Doc. No. 84, Thirty-ninth Congress, second session) the following appropriations made for the year ending June 30, 1868:

Deficiencies, for the year ending June 30, 1867	$1,135,953 62
Post-Office Department, for the year ending June 30, 1868	19,133,000 00
Pensions, for the year ending June 30, 1868	33,280,000 00
Consular and diplomatic, for the year ending June 30, 1868	1,425,454 00
Military Academy, for the year ending June 30, 1868	368,913 00
Repair and completion of certain public works, for the year ending June 30, 1868	4,702,781 70
Legislative, executive, and judicial, for year ending June, 30, 1868	23,400,191 89
Sundry civil expenses, for the year ending June 30, 1868	5,307,191 38
Deficiencies, for the year ending June 30, 1867	10,493,439 05
Army, for the year ending June 30, 1868	23,874,454 00
Repair of public works, year ending June 30, 1868	1,290,000 00
Naval service, for year ending June 30, 1868	16,288,244 01
Indian Department, for year ending June 30, 1868	3,042,003 86
Miscellaneous	1,421,163 46
Total for 1868	145,162,789 97

The appropriations for 1869 were, (Mis. Doc. No. 168, second session Fortieth Congress)	$160,551,885 85
The appropriations for 1870 were, (Mis. Doc. No. 57, third session Fortieth Congress)	151,719,777 94
The appropriations for 1871 were, (Mis. Doc. No. 153, second session Forty-first Congress)	161,533,823 15
The appropriations for 1872 were, (Mis. Doc. No. 107, third session Forty-first Congress)	$174,865,082 65
The appropriations for 1873 were, (Mis. Doc. No. 230, second session Forty-second Congress)	173,495,015 55

The appropriations for 1874 were, (Mis. Doc. No. 111, third session Forty-second Congress)—

I quote the items of the appropriations for the year 1874 to the end that they may be compared with those made for the year 1868—

For the payment of invalid and other pensions of the United States for year ending June 30, 1874	$30,480,000 00
To supply deficiencies, &c., for the year ending June 30, 1867	1,699,833 82
For expenses of Indian Department, 1874	5,541,418 90
For legislative, judicial, and executive expenses, 1874	17,120,496 60
For sundry civil expenses, 1874	32,186,129 09
To supply deficiencies for 1874 and other purposes	11,278,584 78
For the naval service, 1874	22,276,257 65
For completion of certain public works, &c., 1874	6,102,900 00
For support of Army, 1874	31,796,008 81
For Post-Office Department, 1874	32,529,167 00
For consular and diplomatic service, 1874	1,311,359 00
For Military Academy, 1874	344,317 56
For certain fortifications and other works of defense, 1874	1,899,000 00
For payment of claims reported by commissioners of claims under act of March 3, 1871	789,083 86
For miscellaneous	2,565,740 31
Total for year 1874	197,920,297 38

It will be seen, as you follow the appropriations actually made, and when you come to look at the bills as footed up by the cashier and charged to the people, that there has been a gradual and steady increase—one hundred and forty-five millions in 1868; one hundred and ninety-seven millions in 1874, and an equal number of millions demanded for 1875, its grand total being more. Are we, in view of these facts, on the road to reduction and economy? The gentleman from Ohio, chairman of the Committee on Appropriations, for whose intelligence and familiarity with the details of Government expenditures I have a very high opinion, promised us from his official position in 1872 that when the year 1876 came we would reach the level of just expenditures, which he then placed at one hundred and twenty-five millions yearly appropriations and ninety-five millions permanent appropriations. Can he now promise the country as much?

Mr. GARFIELD. Allow me to correct the gentleman on one figure. The gentleman has correctly copied what is printed in the report made by the Secretary of the Senate and the Clerk of the House, of new offices and appropriations actually made, and he makes a total of $197,920,000 made during the last session of Congress. I notice among the items given, by which he arrives at that figure, for the Post-Office Department, $32,529,167. Now, it is perfectly well known that we did not appropriate any such sum as that out of the Treasury for the Post-Office Department. We appropriate out of the Treasury only the deficit of revenues below the expenditures, and for the current year this deficit was about $6,500,000. Now, the gentleman has presented the whole $32,500,000, which includes all the revenues of the Post-Office Department, as an appropriation made by Congress. Now, the gentleman, instead of $32,500,000, should have charged to Congress $6,500,000, the difference being $26,000,000, which he needs to subtract from his $197,000,000 in order to show the appropriations made by Congress at its last session.

Mr. WHITTHORNE. For the very reason that some gentlemen might attempt to mislead the country on this point, I have invited the attention of those who shall do me the honor to read my remarks to a comparison between the years 1868 and 1873. They will find that while in 1868 the expenses of the Government amounted in round numbers to $145,000,000, and last year we appropriated $197,000,000, in 1868 we appropriated $19,000,000 for the Post-Office Department, and last year nearly $33,000,000. I again ask the gentleman, can he now promise the country as much as he did in the speech to which I have referred?

Mr. GARFIELD. After the vote yesterday in relation to public buildings and grounds, I fear not.

Mr. WHITTHORNE. I repeat that that gentleman, in fixing the appropriations in his eleven bills, for the year 1873, at $151,000,000, and promising further reductions, certainly fixed that amount as the proper level of expenditures in the then condition of the country. Congress, in 1867, for the year 1868, as is seen, fixed $145,162,789.97 as the proper level. Why is it, Mr. Chairman, that now, in less than seven years, they have swelled $50,000,000 beyond this amount? Interest upon your public debt has been decreased. The amount for pensions has not been increased, as will be seen by comparing the pension appropriations for 1868, which were $33,280,000, and those of 1874, which were $30,480,000. These years have been years of peace, and, until the panic of last September, years of commercial and industrial prosperity. There has been no legitimate demand, nor is there any legitimate excuse, for an increase of expenditures.

Let us make another comparison, which will make evident that this increase of expenditures is not properly chargeable to the civil war and its consequences. That comparison is by excluding the items "war," "navy," "pensions," and "permanent appropriations," and taking only the items "Indians" and "miscellaneous," (as shown by the report of the Secretary of the Treasury, made to the present session,) for the years 1868, 1869, 1870, 1871, 1872, and 1873:

INDIANS.

Year.	Amount.	Increase.	Decrease.
1868	$4,100,682 32		
1869	7,042,923 06	$2,942,240 74	
1870	3,407,938 15		$3,634,984 91
1871	7,426,997 44	4,019,059 29	
1872	7,061,728 82		365,268 62
1873	7,951,704 88	889,976 06	
Total		7,851,276 09	4,000,253 53
Increase from 1868		3,851,022 56	

MISCELLANEOUS.

1868	$53,009,867 67		
1869	56,474,061 53	$3,464,193 86	
1870	53,237,461 56		$3,236,599 97
1871	60,481,916 23	7,244,454 67	
1872	60,984,757 42	502,841 19	
1873	73,328,110 06	12,343,352 64	
Total		23,554,842 36	3,236,599 97
Increase from 1868		20,318,242 39	

Presenting an increase during the administration of the republican party from and upon their own management of the expenditures, in these two items, of over $24,000,000, and that, too, in five years' time. With this increase, and the startling fact that for miscellaneous purposes alone over $73,000,000 per year are expended, is it at all surprising that the people should be aroused and awakened? Is it at all surprising that they should demand an account of those to whom they have delegated the control of their Government? Can the party in power successfully explain why these results? Sir, their very attempt now to remedy and retrench these abuses in the administration convicts them of unfaithfulness to the people in this regard in the times that are past. The people will not be slow to understand that if you can now remedy, you failed to exercise the power with which they clothed you heretofore; and they will not be slow to conclude that to reach "the economic level of expenditures" they must select other administrators of the Government.

Let the people reflect that this item of $73,000,000 excludes the amount they pay for the Army, the amount they pay for the Navy, the amount they pay for the Indian Department, the amount they pay for pensions, and the amount they pay for permanent appropriations, and that it is more than the entire expenses of any year of the Government, under any administration when the country was not involved in war; and as the people reflect, let us, Mr. Chairman, answer them frankly that the expenditures are too large, and that their complaints are just. Let us as their Representatives, meeting their just expectations, resolve that neither by bond or tax will we add to the weight of the burdens already too heavy to be by them patiently borne, and that we will by the severest retrenchment take care that these burdens shall be reduced and lightened.

A thought or two in this connection I deem appropriate. I have stated already that seven hundred millions were annually levied and collected from the labor of not more than the number engaged in all classes of occupation, principally from the agricultural, mining, manufacturing, and mechanical classes—less than ten millions of our population charged with the support of the non-producers, nearly three-fourths of our total population! What more do these classes pay? By bounties secured and concealed under your revenue laws, by privileges granted and used under your currency laws, by rights and special franchises conferred upon railroads, you are legalizing tithes upon their labor equal in amount to that paid by them for the support of their national and local governments; or, stated in other terms, the labor of the producers of wealth in this country is taxed per annum seven hundred millions for the support of their national and local governments, are taxed to pay bounties to the protected classes, are taxed to pay tribute to favored money-changers, are taxed to foster and enrich monopolies, created by the empires of territory your indulgence has ceded to them, and which should have been reserved as homes for their children.

Sir, the people are at last awakened to these great abuses and wrongs, and they demand their reformation by all the means known to our laws and form of government; and I have to say for the party of which I am a member, it must make haste to enter upon this duty. We must grapple as one man with these giant questions, and resist the growth of expenditures, and retrench them. We must resist special and protective legislation, and disenthrall the labor of the country from its serfdom to the favored classes. We must teach those who claim immunity under charters that while the rights of all citizens will be respected, and we will see to it that no wrong is done any one of them, yet no agent of the people, whether in national or local legislature, can barter away the public safety and the public life, and make these the property of a few individuals. And I say to those who control the democratic party that if they should hesi-

tate or delay in the discharge of this duty the aroused people will demand other agents and commission them to the performance of it. The work must be done, and speedily, if we would preserve what is dear to the heart of every American, no matter where he may reside—the form of popular government and the character of American institutions.

I am no alarmist, Mr. Chairman; but I cannot resist the belief that two active forces are at work which threaten the ultimate destruction of the Government, and a change in its character, and these are represented in the ideas of centralization and communism; and it behooves the patriotism and conservatism of the country to combine in order to arrest these expenses. It can only be done by bringing content to the public mind, and that can only be done by making your legislation and government, in all of its departments, conform to equality, justice, and integrity.

But, leaving the discussion of the currency and revenue to other occasions, I return to the immediate question before us—appropriations for the support of the Government. Where and how shall we retrench? Let me answer briefly. In your Navy; abolish useless navy-yards and reduce the pay of officers. In your Army; reduce its numbers and the pay of its officers. In the civil Departments; abolish useless customs districts, costing more than they yield; get rid of all unnecessary officers and employés; reduce salaries and fees everywhere; reduce your foreign-intercourse list; see to it that contracts are faithfully and honestly let; reform your Indian policy. Do all this, not with the idea of a splendid government, but one simple in form, economic in character, and whose existence is to be perpetuated, not by its magnificence, but by its virtue, wisdom, and justice.

Mr. Chairman, the views and opinions I have now advanced are not new ones with me; for nearly coeval with my entrance upon duty as a Representative upon this floor, I declared my views upon what I deemed should be the administrative character of the Government. This was done upon the proposition to amend post-office bills, to grant subsidies to mail steamships, in the second session of the Forty-second Congress. I beg leave to quote from a speech I had then the honor to make upon this floor these words:

> Now, sir, it is said that we will build up a splendid government. When you build up or erect a splendid government, in my judgment, Mr. Chairman, that very moment you build it up at the expense of the liberties of the people. We are referred to the example of older countries. Go and mark the history of the past. Let that history pass under your review, and you will find that whenever there has been erected a splendid and luxurious government, that the moment you write its brightest history, you write it at the expense of the laboring people of that country.
>
> It will not do to refer me to the flag of Saint George. Go rather and tell this people to live humbly; to live simply; to live within their means, and to build up no favored or special class within the limits of their government. When you do that, you have made your citizens happy; you have made your citizens prosperous. You have made not a splendid government, but a government where the people may live free and enjoy their rights. It is such a government I desire to see in this country.

And, for myself, I claim that whatever record I have made as a servant of the people has been in strict accord with these views; and, so far as I may know how, I intend faithful adherence to them now and hereafter.

I have now, sir, a word to add in reply to the remark of the chairman of the Committee on Appropriations a few moments since, that he could not answer for the correctness of his prediction after the vote taken yesterday in relation to public buildings and grounds. Sir, I voted with the chairman yesterday; but I learned a lesson from that vote of yesterday. I see from the remarks of gentlemen on this floor, I see from the character of the reports made by the Committee on Appropriations, that if retrenchment is to be made it is not by abolishing useless offices, not by reducing the expense of the civil Government here; but that if economy is to be had at all, it is to be had by the East and North taking away necessary, useful, and proper appropriations for the West and South. Your retrenchment is to come in that shape and in that form. I stand ready to vote with you for any proposition of real economy whenever and wherever made; but do not make us witnesses to the fact that your sectional jealousy is touched, or that your combination of capital and power is touched, and that while you deny justice to the West and South you will not retrench or reform abuses here in the East.

I yield the remainder of my time to the gentleman from Nevada, [Mr. KENDALL.]

Mr. KENDALL. Mr. Chairman, it is utterly impossible for me to review the whole question here presented in the short time yielded to me by the courtesy of the gentleman from Tennessee, [Mr. WHITTHORNE.] But I desire here and now in few words to enter my earnest protest against any reduction of appropriations to maintain the Army in full force as it now exists, at least upon our western frontiers. While I agree with the gentleman who has just taken his seat, that there is small necessity for a military force in most of the Southern States, I must earnestly urge upon the attention of this committee that you cannot reduce the force of the Army along our western frontier—along those long lines of settlement extending from Texas in the south to Montana and Washington Territory in the north—without endangering the safety of those settlements and the lives of a people who found that vast country a wilderness, and have built up instead prosperous, powerful, and advancing commonwealths.

I was surprised yesterday, exceedingly surprised, to hear the declaration made by the gentleman from New York, a member of the Committee on Appropriations, [Mr. WHEELER,] that—

> If there be any force in the legal maxim that a private inconvenience ought to give way to a great public benefit, these daring adventurers ought, if necessary, to come within the limits of civilization, until, at least, we are better able to protect them.
>
> We hear a great deal about the contraction of the currency. A contraction of our population is quite as desirable, if not necessary. The Government certainly ought not to encourage further expansion, especially when an army must precede and follow it.

Sir, are these sentiments to be heard in an American Congress, representing a people first in progressive energy and high spirit of enterprise among the nations of the earth? What is the object or purpose of our Army? Is it merely to protect the old settlements along the Atlantic sea-board? Sir, I had supposed that the brave and indomitable spirit of our hardy pioneers who go forth, for your benefit, to explore, to reclaim, and to beautify new lands, deserved encouragement. I had supposed that the "daring adventurers" who have dug from the western mountains the gold and silver that carried you successfully through the war against the rebellion and enabled you to maintain the credit of the Government at home and abroad, were deserving of some consideration, protection, and encouragement at your hands. I had hardly expected to hear such a sentiment announced upon this floor, that the people upon our frontiers should withdraw from the homes that they with difficulty have reared, and return to the older and more permanently settled portions of the country.

If such sentiments had prevailed heretofore, instead of a country extending from the Atlantic to the Pacific shore, we would even now be thinly scattered colonies, shut in between the Atlantic and the crest of the Alleghanies. But I rejoice that such a sentiment finds little response here; and certainly none whatever among the liberal and intelligent people of either the East or the West.

It is said by some who have spoken here to-day that a reduction of the Army on the frontiers is recommended by the Secretary of War. No, sir; such is not the fact. For what purpose was held the consultation by the Committee on Military Affairs of this House with General Sherman, Adjutant-General Townsend, and the Secretary of War? Was it for the purpose of obtaining information? And is that information thus obtained set forth correctly in this document laid before us this morning? I have it here in my hand. It is styled "Notes of Consultation by the Committee on Military Affairs of the House of Representatives with General W. T. Sherman, Adjutant-General Townsend, the Secretary of War, &c." Is it the purpose and object of this committee to be governed or guided by the views of these officers of the Government? Do they recommend any reduction of the force of the Army on the frontier? General Sherman says:

> I have no doubt that we occupy a great many posts in the Indian country to-day which next week, or the week after, we may abandon with profit, but which cannot be abandoned by an order from Washington without exposing life and property.
>
> I have in my hand a statement prepared by the Adjutant-General of the Army, which indicates every post from which post returns are made. I have not made up this statement myself, and would have to go over each item in order to answer your question fully, and I rather think that that is more than you expect. This paper gives a list of every post from which post returns are made. Detachments may be, and often are, sent out from those posts to other points not named herein, but they are called back again. These constitute the regular posts. For instance, the First Cavalry occupies Benicia Barracks, California; Fort Klamath, Oregon; Camp McDermot, Nevada; Fort Lapwai, Indian Territory; Fort Walla Walla, Washington Territory; Camp Harney, Oregon, and Camp Halleck. These are six or seven distinct posts, stretched from our northern boundary down into Nevada, a distance of about eight or nine hundred miles of frontier, right in the midst of Indians. Now for me, or for the Secretary of War, or for the President of the United States, to order a discontinuance of any one of these posts would be simply to expose life and property in the neighborhood to immediate danger. Therefore I answer that question in the negative. We cannot order the discontinuance of any of these forts.

I continue to read from this document:

> The CHAIRMAN. State whether or not the Indians there are hostile in their conduct and character.
>
> General SHERMAN. They are of a mischievous nature; semi-hostile; and would be converted into hostile the very moment troops are withdrawn. Some people trust them. I do not. We did trust the Modocs, and we got the worst of it.
>
> The Second Cavalry occupies Fort Sanders, Wyoming Territory, Fort Fred Steele, Camp Stambaugh, Camp Brown, Camp Douglass, Fort Laramie, and Fort Ellis, with a detachment at Omaha Barracks. That regiment is, therefore, strung from the Pacific Railroad, in the neighborhood of Cheyenne, northward through the Rocky Mountains up to Fort Ellis in Montana, at least eight hundred miles of frontier. They are in the presence of probably three thousand of the most dangerous and hostile Indians on this continent.

I read further. General Sherman continues:

> The Fifth Cavalry is now in Arizona.

My friend from Arizona [Mr. MCCORMICK] suggests that I read this as illustrating the condition of the Territory he so ably and faithfully represents.

> The Fifth Cavalry is now in Arizona. It can hardly be said to be occupying any place, as it is on the go all the time. It has detachments at Camp Verde, Camp Apache, Camp Bowie, Camp MacDowell, Camp Grant, Camp Lowell, and Fort Whipple. It occupies the whole valley of the Gila, with detachments at the foot of the White Mountains, near the capital of Arizona, which is called Prescott. This regiment, I have no doubt, has had harder service within the last two years than any regiment of cavalry had in the service of the United States during the civil war. It numbers about nine hundred and thirty-five men, according to this list, but there are in the field probably about eight hundred men. Under the leadership of General Crook, it has subdued the wild Apaches, who are now as much afraid of this regiment as Indians ought to be afraid of our soldiers. General Crook, with this regiment and some infantry, has restored comparative peace to that country; not peace exactly, but such peace only as can exist in that miserable desert land. If you, gentlemen, will get Mexico to take Arizona back, I will agree to knock two regiments of cavalry from our estimates. But, as Tom Corwin used to say, "It is our country, and therefore we must love it and protect it."

Here, perhaps, I owe an apology to my friend from Arizona for reading too far and too much. [Laughter.]

Without indorsing all these statements as regards the character of that Territory, which, as I have already remarked, is represented so faithfully by my friend at my side, I would say that, in my belief, the operations carried on by General Crook in Arizona have done more to open up that Territory, abounding, as I think, in vast resources, than all the maudlin sentiment and pious exhortations of your eastern Pecksniffs and pseudo philanthropists, so lavishly expended from the organization of the peace commission down to yesterday, when all the people of Arizona were kindly advised by the gentleman from New York [Mr. WHEELER] to abandon the country they have partially subdued, and come within the limits of civilization. [Laughter.]

While I do not mean to disparage whatever honest and whatever true Christian zeal have been put forth in behalf of the Indians under this new sentimental and emotional policy of the Administration; while I might concede all sincerity to its advocates; I still believe that if there ever was a policy deserving of reprobation; if there ever was an Indian policy that was disgraceful, sickening, and disgusting to the ultimate degree, it is that policy we have been pursuing for the last few years. Why, sir, ask any settler in that country; ask any man who has come in contact with the Indian as he is, who has not borrowed all his notions and theories about Indian character from the novels of J. Fenimore Cooper and the reports of the peace commission, [laughter;] ask General Sherman; ask General Sheridan; ask any man whose opinions are worth anything, and he will tell you that the Indian laughs at and despises your so-called Christian peace policy; that he regards you as suing for his mercy and forbearance; that he regards you as willing to buy or beg his good will and good behavior. Sir, the only sensible Indian policy (and of this I propose to speak more at length when the Indian appropriation bill shall be before us for consideration) is a policy administered by a powerful, firm, and just hand, under the exclusive control of the War Department of the Government. Under such a policy there might be less sentiment, less gushing sentimentalism, and fewer Christian converts; but, assuredly, less peculation and more honest dealing. [Laughter.]

Mr. CRITTENDEN. I wish to ask my friend from Nevada [Mr. KENDALL] whether any of these Indians have been christianized by the missionaries sent out by the Government to these Territories?

Mr. KENDALL. If there have been I have not heard of it, nor have I heard that such a thing is even seriously claimed.

We have all heard of these pretended missionary operations carried on in Arizona and in my own State. Some of these enterprises are under the auspices of that respectable sect, the Baptists—singularly enough, it would seem, since my friend from Arizona [Mr. MCCORMICK] knows, and my friend from Missouri who asks me this question also knows, if he has ever been there, that on our arid plains, often for hundreds of miles, there is not water enough to decently baptize a single proselyte. [Laughter.]

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. KENDALL. Certainly.

Mr. ELDREDGE. I understand the gentleman to say (I think I must have misunderstood him) that there was not water enough in that whole country to baptize one Indian. If that is a fact, the country there must be very scant of water. I think that my friend probably intended to say there was not water enough there to wash away the sins of one Indian. [Laughter.]

Mr. KENDALL. I accept most cheerfully the amendment of my distinguished friend from Wisconsin, [Mr. ELDREDGE.] I think it is a very proper one.

Now, Mr. Chairman, without trespassing further upon the patience of the committee, I will say in all seriousness, that I hope any legislation looking to a reduction of our military force in the western country will be most sternly voted down. I conclude, as I began, by entering my most earnest and solemn protest against any reduction of the military force now employed for the protection of our thinly scattered, struggling pioneers, who are leading ever onward and forward real Christian civilization, and culture, and well-ordered society over all that wide region, from the frontiers of Texas to Montana and sloping toward the Pacific Sea.

Mr. MCCORMICK. Mr. Chairman——

The CHAIRMAN. As the gentleman from Nevada [Mr. KENDALL] has five minutes remaining, the Chair will consider that the gentleman from Arizona [Mr. MCCORMICK] is speaking in the remainder of his time.

Mr. MCCORMICK. I had not intended in this connection to submit any remarks on the proposed reduction of the Army, but to confine my words on that subject to the debate that will necessarily arise upon the Indian appropriation bill. I have, during a number of years past, taken part in the debate upon that bill; and gentlemen who have served with me in this House will testify to the fact that I have always insisted that a great part of our difficulty with the Indians has arisen because of our inadequate military force. Gentlemen protest here from year to year against increasing the expenditures in the Indian Department; but we never should have been called upon for such increased expenditures or had an accumulation of ills such as we have upon the frontier, if the Army had been kept at a proper strength or placed so as to furnish anything like adequate protection to the people, and to meet properly the advances of hostile Indians. The trouble has been that for years our Army on the frontier has been compelled generally to confine itself to mere defensive movements; and such movements are of scarcely any value in Indian warfare.

Mr. COBURN. Does the gentleman characterize the conduct of General Crook as being in that style?

Mr. MCCORMICK. No, sir; I do not characterize General Crook's conduct as being in that style; but I undertake to say that what General Crook has done should have been done years ago.

Mr. COBURN. Does not the gentleman consider that what General Crook has done has been done well?

Mr. MCCORMICK. What has been done by General Crook has been well done, as I have said repeatedly on this floor; but although General Crook has succeeded in putting many of the wild Apaches upon reservations throughout Arizona and New Mexico, it is believed that those wild Apaches will not stay there unless he is allowed to retain all the force he has at this time. No longer ago than last evening the Commissioner of Indian Affairs told me that the presence of the troops to watch the Indians upon the reservations was a part of the President's so-called peace policy.

Now, sir, a word about the statements of General Sherman lately made before the Military Committee. Those who know General Sherman know he has a prejudice against the great southwestern region which came to us under the treaty of Guadalupe-Hidalgo and under the Gadsden treaty; that he is one of those gentlemen who are content to say, without careful and thorough examination of the land to any extent, that it is totally worthless. I say, after ten years of familiarity with that tract, after ten years of examination of its various resources, I believe it is one of the richest mineral districts belonging to the General Government, a country well worth protecting, and which to-day would be returning millions of dollars to the Treasury of the United States if it had had adequate protection for its mines and settlers, so they could prosecute their industries without constant interruption on the part of hostile savages. The governor of the Territory of Arizona, a practical miner, asserts that if adequate protection had been given to those engaged in mining the Territory to-day would yield a revenue of $20,000,000 a year from its gold and silver mines.

The country is not worthless. It is destitute of water in some sections, but the grasses are abundant and nutritious; and in Arizona we have one river, with five steamboats running on it at the present time—I speak of the great Colorado River—the line between Arizona and California. Gentlemen are too apt to take it for granted that these remote Territories are utterly barren, and it is too much the custom to underrate their population and capabilities, as is the practice with my friend General Sherman. Eastern people are too apt to think the stories as to their desolate characteristics are true. I now, Mr. Chairman, pronounce most of these stories false, utterly and completely false; and I know that gentlemen who have familiarized themselves with the frontier will agree with me.

The Territories have had no proper representation of the facts regarding their resources presented here. There has been no opportunity. While we have a book here of two hundred and four pages of testimony taken by the Military Committee, there has been no hearing given to any representative of the Territories; no chance to make a single explanation concerning the resources of the Territories, the wants of the settlers there, or the adequacy or inadequacy of the military force there.

In the name of nearly four hundred thousand men who live upon the frontier, I protest against the acceptance year after year of statements from those who are not qualified to speak on subjects relating to the frontier, and against the absolute indifference to the men who come from there and who have a right to speak. They may be few in number as compared with the population throughout the length and breadth of the United States, but they are American citizens, worthy of your confidence, worthy of your sympathy, worthy of your support. They are men who are entitled to as much of protection as though they lived in the city of New York, or the city of Boston, or the city of Philadelphia. It is no argument to say they are few in numbers and have gone far out upon the frontier; no argument at all.

It is, I think, a most humiliating thing to admit, on the floor of the House of Representatives, that the American people—forty millions of people—are not sufficiently strong and have no sufficient means to protect the men who go upon their own frontiers. It remains for our Government to be the only government in the world to admit openly in the halls of legislation that it has not force enough, it has not strength enough, it has not money enough, to protect its own citizens wherever they choose to carry its own flag upon its own soil.

I hope hereafter more opportunity will be given to those who represent frontier districts to speak on these and other questions, to be heard before committees. I have great respect for these committees, but I think, in reference to matters appertaining to the frontier, they should give every opportunity to those who represent frontiermen to be heard.

Frontiermen in Congress never undertake for a single moment to make suggestions in reference to the interests of the Eastern States, or the Middle States, or the Southern States. No man from the frontier ever attempts to say what should be done in Boston, or what should be done in New York, or what should be done in Cincinnati, or what should be done in New Orleans.

We ask but little, in the way of appropriations, in proportion to

what goes to older States and districts. You have a vast number of appropriations here, in which we never share. Your appropriations for improvements of harbors and rivers, your appropriations for fortifications and public buildings, we have nothing to do with. In all appropriations of that class we never share. But in appropriations that affect the Army, the Indian service, and the survey of the public lands, I contend that the gentlemen who come from the frontier should have at least the same hearing before committees that is granted to those representing other sections of the country. Indeed, it would be no more than right to let them be heard first, and especially so in whatever relates to the Army, as the frontier is now the only seat of war, and the protection of life and property there the chief military service required.

[Here the hammer fell.]

Mr. CRITTENDEN. Before the gentleman takes his seat I wish to ask whether the protection given to pioneers in Arizona is given by the Army or the peace commissioners sent there by the Government?

Mr. McCORMICK. It is given by the Army. And another reason why we must protest against the reduction of the regular Army is, that every time we have appealed to Congress to authorize our raising a force of our own, which would be the cheapest and best, we think, we have been refused——

Mr. MOREY. I find, among other items of appropriations in this bill, one for pay of the Army, for allowances to officers when traveling on duty, &c., the sum of $11,450,000. In looking hastily over the evidence before the Committee on Military Affairs, to ascertain in what places and in what items and what branches of the service a reduction of expenditures can be made, I do not find much hope that we can reduce the rank and file of the Army at all. But I think I can point out one small leak, where perhaps a saving can be made.

I find that in 1866, by some strange device, this remarkable provision was put into a law:

That officers of the regular Army, entitled to be retired on account of disability occasioned by wounds received in battle, may be retired on the full rank of a command held by them, whether in the regular or volunteer service, at the time such wounds were received.

This applies to officers of the regular Army. Now, sir, what is the practical operation of this bill? It is this: Officers holding the rank only of captain in the regular Army, held—perhaps only for a few days, as in some cases, in others for a few months, or possibly for a year or two—very high rank in the volunteer service; some of them the rank of brigadier-generals and major-generals. They were retired; the lieutenants, captains, majors, or lieutenant-colonels under the operation of the law, upon the retired pay of brigadier and major generals. In some cases officers leaving the Army, holding the rank of captain, receiving about $2,500 a year, were retired upon the retiring allowance, which I think is two-thirds of the pay, of a major-general—the full pay being $9,472 a year.

I hold in my hand the last Army Register. There are on this list about seventy of these officers, holding ranks varying from the grade of lieutenant to the grade of major-general; and among these officers there are many known not only to myself but to other members on this floor, who have no disability whatever that is at all apparent to themselves, their friends, or the community at large. Some of them are practicing law in New York; others are traveling over Europe. If they have any disability, it has not been discovered by their friends. Some two or three of them whom I could instance are doing more labor, more mental labor, in the practice of their profession of the law in New York, than the majority of the members on this floor give to their legislative duties and their professional duties together.

A MEMBER. Name.

Mr. MOREY. I would rather not name publicly. I might not object to do so privately.

I wish to call the attention of the House to the fact, that while the officers in the volunteer service, who went through the war and shared its perils and its risks equally with those of the regular service, and received nothing but a pension for the actual grade which they held and in which they served—the highest amount, I believe, being thirty-five dollars per month, or $420 a year—these officers, many of whom never held a higher rank in the regular Army than the rank of captain, are receiving as high as two-thirds of $9,400 a year.

Now, while the eyes of the country are upon us, so to speak; while the country is clamoring for economy, for the reduction in expenses; and while the members of the House are equally anxious in the same direction, I wish to call the attention of the House, and particularly that of members who are serving on the Committee on Military Affairs, to this unjust—because in its practical operation it is unjust—provision of the law, which makes such a broad distinction between officers of the regular Army and officers of the volunteers.

I will now yield ten minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. I wish to make a few not very well-digested observations upon the proposition of the committee to reduce the force of enlisted men in the Army. They propose to reduce it from thirty thousand to twenty-five thousand men, as I understand. I wish to say in advance that I am not opposed to economy in this matter. I am not opposed necessarily to a reduction of the aggregate force. I wish it to be done, however, in accordance with some well-considered system; I wish it to be done as any wise manufacturer or business man, of whatever class, would reduce his own scale of operations. For example, in the running of a large manufacturing establishment, should we expect the directors or superintendents, if a bar or wheel or rod gave out in a machine, to neglect to renew that wheel, rod, or bar because they could save something by doing it? Should we expect the superintendent or manager to discharge a large force of working operatives while he continued to purchase the usual supply of raw material, and continued to employ the usual number of men in the counting-room, and the usual number of foremen to attend to the usual number of machines? Now, to reduce the operative men of the Army, while you leave the whole grand machine in its full proportions, is just as unwise, exactly. The manufacturer would begin to reduce his purchases of raw material; he would reduce the number of men in the counting-room; he would find that he could discharge some foremen, and instead of suffering machines to fall into disorder and break up, he would stop arbitrarily the running of some machines and sell them. If any analogous reduction can be made in the Army, well and good; but you cannot dash into the middle of a machine and take out a portion of it, and say you will no longer supply that portion with whatever is necessary to the running of the machine. We have already greatly damaged the Army by this ill-considered, irregular method of reduction. We have stopped promotions in certain corps of the Army. If you do not want an officer higher than a colonel on a certain staff, there is an easy way of providing for reducing the system; but do not stop promotion where it stands. Do not let there be no further promotions, for in that way you inflict great injury on the Army, and secure no real benefit to the revenue.

Now, it was well enough to say that there should not be more than three major-generals in the Army, and to provide that as vacancies occurred they should not be filled. We have reduced the number in this manner from six to three.

But look at the course you have pursued with regard to the medical staff. You have stopped promotion and forbidden appointments there, and to what condition have you brought that staff? I might stop here to show you the importance of a well-regulated staff, and a medical staff especially. I could stop to show you that the medical staff occupies a different position to-day from what it did fifty years ago. There was a time when a surgeon in the Army was looked on very much as a horse-doctor was. But a medical officer in the service now receives equal social honors and professional credit with his brethren outside of the service. You have stopped promotions and appointments, until the evil has become so great that there has come to the rescue of the medical staff of the Army the American Medical Association. Four hundred and fifty delegates from all parts of the country, representing that learned and useful profession, met at Saint Louis and adopted the resolutions which I will read:

Resolved, That, in the opinion of this association, the rank of the medical officers of the Army ought to be fully equal to that of the officers of any other staff corps or of the medical corps of the Navy; that we learn with regret that this is not the case; and that we regard with grave disapproval the odious discrimination thus made against a meritorious body of officers.

Resolved, That we look upon the law which prohibits promotions and appointments in the medical corps of the Army as unwise and unjust, and that, in our opinion, it ought forthwith to be repealed.

I wish to put that upon record as the expression of opinion of this great, learned, and useful body of men. They affirm that you are doing gross injustice to the medical staff.

I hold here in my hand also the respectful representation of a large number of the older and abler surgeons in the Army to the President, representing the discreditable situation in which they find themselves. I quote from it three paragraphs:

The inducements to engaging in private practice are the prospect of increased income and reputation with advancing years. In the Army these are represented by rank, not only because increased rank carries with it an increase of emolument, but also because to the Army officer rank is well and properly understood to enhance the dignity of the person holding it, as well as the respect in which he is held by his compeers and subordinates.

The rank of medical officers should therefore be no less than that of the other staff corps; they require an equal education and equal abilities, they perform equally arduous duty, they sustain as great responsibilities, they are exposed to like dangers, and in the distribution of the rewards of the military career they should be entitled to an equal share. * * * * * * *

A further injustice has been done not only to the medical staff, but to the profession at large, by the legislation which at present forbids any promotions or new appointments in the Medical Department; to the former, because, from the rapid depletion which ordinary casualties make in its ranks, it throws increased labor upon those who remain, and necessitates the employment of physicians under contract, who, having but a temporary tenure of office, cannot be expected to be actuated by that single regard for the service which is a *sine qua non* to the faithful performance of duty; to the profession at large, for it prevents many who are desirous of entering the military service from doing so, and thus perhaps compels them to abandon a design to the accomplishment of which their education may have been especially directed. There are now sixty-one vacancies in the medical staff, fifty-three of them being in the grade of assistant surgeon. Should promotion be restored, it would then take at least two years to fill the vacancies now existing.

We can have no more physicians and surgeons than you authorize by law, and the result is that the Department is compelled to employ them temporarily. There is no inducement for young men of talent and ambition to enter the medical corps, for you have cut off promotion.

So, too, under a false pretense of economy, you have reduced the number of paymasters until the number is now below that requisite to pay the Army as it ought to be paid; for every man who has ever been in the Army knows, that if you are to have contented and faithful troops, you must keep your bargain with them and pay them at the end of every two months, as you promised.

You have forbidden promotion and appointments in the Ordnance Corps. I do not stop to argue that, though I should like to do it if I could have time for thepurpose; but I hold in my hand a list, which I asked an ordnance officer to give me, showing the number of the arsenals and the posts of duty occupied by every officer in the Ordnance Department. And I venture to say that these men many people look upon, as I fear many of you here look upon them, as doing nothing to earn their salaries. Sir, there are no officers under this Government anywhere who serve more faithfully or are paid less generously than these ordnance officers. There is not an idle man among them.

You have nineteen arsenals. I say you can reduce them to four or five. That is one of the reductions which I would advocate. You have nineteen arsenals, besides your headquarters ordnance office, and all your officers are busy from morning till night. I will illustrate by referring to a particular case of which I have some knowledge. In Springfield, Massachusetts, near where I live, is Captain or Major Benton; I am not sure what his exact position upon the staff is. He is called Colonel Benton, and is in charge of that great manufacturing establishment, at a very moderate salary. Just below him, at Hartford, is General Franklin, who, if he had remained in the Ordnance Corps, would, I think, have been of the same rank as Major Benton. Yet General Franklin is receiving, in civil life, more than twice as much money as Colonel Benton, the faithful and veteran servant of the Government, is receiving. Yet I suppose there are persons who may happen to see Colonel Benton, with his shoulder-straps on, who will say, "See; there goes one of your idlers, living upon the fat of the land and doing nothing." I could go through all these officers, and in the case of each one show a similar condition of affairs. They are all well qualified and busy men.

Now, if you want to become economical, if you want to reduce properly, then begin at the head of the Army, and not at the foot, as General Sherman said before your Military Committee. He said, "You had better set me adrift, and tear out the first thirty pages of your Army Register, than to begin at the bottom of the Army." Begin with the salary of General Sherman, and cut it down to $10,000 or $12,000 if necessary.

Mr. WHEELER. Does not the gentleman know perfectly well that it is not within the province of the Committee on Appropriations to do any such thing?

Mr. HAWLEY, of Connecticut. I understand that very well. The Committee on Appropriations now begs for mercy, and says that it cannot go into this thing. Then it should have done nothing at all, instead of striking at the center of the machine and making the whole of it useless, by the mere pretense of economy. If the Committee on Appropriations wants to get at this matter properly, then let it bring in a well-matured and carefully prepared resolution looking to this end, and urge it upon the consideration of the House, and it can and will instruct its Committee on Military Affairs to prepare the necessary provisions of law for the purpose. Then you would have a symmetrical, well-balanced and well-considered reduction. But you should not go into my factory, for instance, and tell me to discharge a hundred of my workmen, and then expect me to continue to run the factory and make it profitable.

I wish now to call attention to some remarks made by General Sheridan upon this subject. It is in the testimony of General Sherman, given since the printing of the testimony laid upon our tables this morning. I am very sorry that this House could not have heard his testimony before the Committee on Military Affairs, when, with the map of this whole great country before him, he took his pencil and designated the position of every regiment and every company. And yet gentlemen wonder what we want with so many soldiers out there.

As has been well said here to-day, in 1860 our frontier was a line running from Saint Paul straight on down through the Indian Territory to the Gulf, with a few scattered posts in California. Now your Indian frontier is really ten times what it was in 1860. You have regiment after regiment distributed through that country—a company here, a company there, and a company there. And when General Sherman was asked what a particular company at a certain place had to do, he said that there was a pass through the mountains there through which the Indians made their raids once in a while; that a little time ago they raided on a settlement there. He gives a strategic reason for each company, and goes over the whole western territory, until it is all covered with the lines of his pencil. He shows how these companies are necessary to protect your railroads, your emigrants, and others you have invited to go into the country.

Now, can you reduce these companies? Yes; you can provide that the companies shall not be filled up to replace their natural depletion; that a company away out in Wind River Valley shall be reduced to twenty men; that another company shall be reduced to thirty men. But some one will say, you should equalize your companies. Yes; but that involves transportation for several hundred miles. In short, you would throw your whole force, from the Mississippi River to the Pacific Ocean, into confusion.

I beg you, if you insist upon reduction, to direct your Military Committee to bring in a bill, beginning with the generals of your Army and going down, so that we may have the machine reduced from a cannon down to a pistol; and not take a musket and take out the mainspring, hammer, and ramrod, and then ask us to use it. Let us, at least, keep a pistol, so that we can have something to fight with.

I want to read a few words from the testimony of General Sheridan. When asked how he would make a reduction in the Army, he said:

I do not know that I can fairly answer that question. My knowledge is almost entirely about my own command. I do not know anything about the fortifications, or the amount of appropriations that is asked for them, or anything of the kind. I therefore do not know what can be done in that respect. But I do know that you cannot reduce the force in my command unless you cease protection to some of the best interests of the country.

I read further from the same examination:

Mr. GUNCKEL. If compelled to reduce the number of either, would you reduce the number of privates or officers in the line of the Army?

General SHERIDAN. I think they should go together. If you reduce the number of men, of course you would have to reduce the number of officers. But the fact of the case is that you gentlemen cannot imagine the utter demoralization that has been created in the Army by the constant legislation in Congress affecting the Army. Almost all of you have commanded troops, and know what a panic is. The Army is kept in a condition of constant panic all the time, until I have become very much discouraged about it. In the matter of economy, I can say that there is not a single demand for money coming from any part of my division that I do not supervise myself. I have been all over the division, and know everything about it; and no officer can ask for a cent of money without my knowing whether he should get it or not. We are as economical as we can possibly be.

Mr. ALBRIGHT. Is it not a fact that a good many companies now in your command are but skeleton companies?

General SHERIDAN. They are skeletons. They are so small that they really become non-effective, so that when we have anything to do one company is scarcely enough to do it.

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The trouble about all that is this: that the Government is all the time breaking its contract with its people. It engaged with me twenty years ago for my service for my whole life; and if it turns me out it breaks its contract with me. It is not the intention of the Government to deal unjustly with individuals; and we ought not to abandon a system because it costs something to carry it on. Sometimes we happen to be caught in a panic and a pinch, but if we can bridge it over for a little while things will be all right again. It will be a violation of the contract, on the part of the Government, to deprive men of the profession to which they have given their lives. Suppose I was turned out of the Army, what would I do? I would have to die as soon as I could; and I am better prepared for being turned out—prepared for it physically and otherwise—than most of the officers whom I know. With this constant legislation by Congress we do not know what to do. We get demoralized. We are kept in a condition of panic; and you know what it is to manage men who are panic-stricken. If you do not, I do.

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The CHAIRMAN. But as there are eighty-three officers going out every year, that number would cover the officers of several regiments.

General SHERIDAN. That would be a shrinkage.

The CHAIRMAN. Could it not be done in that way?

General SHERIDAN. If it is to be done that would be the best way to do it. The Government then does not violate its contract with the officers. There was an instance of that two or three years ago, when it was concluded to have only three major-generals. There were six major-generals then, but there was to be no promotion until the number came within the limit. Since that time the limit has been reached by the deaths of Major-General Meade, Major-General Thomas, and Major-General Halleck.

So that if we want to reduce the force of officers we should pass laws providing that as officers retire or die their places shall not be filled.

General Sheridan further testifies, in regard to the demands made upon him for troops, that since he came here to this city, in obedience to the summons of the Military Committee, he has received a request from the Interior Department to protect a certain location out in that country, but has not troops with which to do it.

I might go further; but I see my time is about out.

Mr. GARFIELD. Let the reading of the bill now be proceeded with by sections.

Mr. SPEER. I want to inquire of the gentleman from Connecticut [Mr. HAWLEY] whether I understood him correctly upon one point.

The CHAIRMAN. The gentleman from Indiana [Mr. NIBLACK] is recognized.

Mr. SPEER. I want to inquire of the gentleman from Connecticut whether I understood him correctly as reading from the testimony of General Sheridan that that officer said he would have to die unless the Government supported him; that he was unable to maintain himself in civil life?

Mr. HAWLEY, of Connecticut. If the gentleman wants me to go into an exposition of the abilities of General Sheridan, I can do so; but I supposed the gentleman had heard of him before.

Mr. SPEER. I hope the gentleman will answer my question.

Mr. HAWLEY, of Connecticut. The statement I read from the testimony of General Sheridan was made in his characteristic off-hand way, and was that if he were now turned out of the Army he would have to die as soon as he could. The gentleman may take the statement for what it is worth. I presume General Sheridan could earn his own living anywhere; and if he could not there are some people who would be quite willing and glad to help him. General Sheridan made that remark as an illustration of what would be the situation of officers who have served thirty, forty, or fifty years if they were turned out; that they would have difficulty in earning an honorable living, as their whole training has been with reference to military life.

Mr. NIBLACK. I yield ten minutes to the gentleman from Oregon, [Mr. NESMITH.]

Mr. NESMITH. Mr. Chairman, if I were to consult my own convenience I would not trespass upon the time of the House; but I feel that my duty to my constituency requires me to enter my protest against any proposed reduction of the military forces now employed for the protection of the frontier.

Our frontier has expanded and been extended a hundred fold since I crossed it, thirty-five years ago; then its practical extent was from

Fort Leavenworth on the North to Texas on the South. Since that day we have acquired Texas, Arizona, New Mexico, California, Alaska, Oregon, Washington, Idaho, Montana, Colorado, and the other great interior Territories have been settled up and require protection.

Now the great "hue and cry" that has been gotten up here for the reduction of the Army has emanated from those who are interested in maintaining what is known as the "peace policy" in relation to the conduct of our Indian affairs. They tell us that we want no military force to protect the frontiersmen; that "Jesus Christ and Him crucified" is the means by which the Indians should be pacified. Why, Mr. Chairman, if John the Baptist had gone there "preaching in the wilderness," he would not have kept the hair on his head for twenty-four hours.

The missionaries sent out by the Government have rendered no protection, but, on the contrary, they have robbed and plundered the Treasury. All the protection we ever get on the frontier is derived from the presence of troops. I can take you through my State for more than two hundred miles where you will never be out of sight of the grave of a white settler, butchered by ruthless savages before we had protection. I believe the transactions in the lava-beds will demonstrate to every gentleman upon this floor—and if they do not now they will when the appropriation bill comes up to pay for them—that there is no peace on that border. The troops there were held in abeyance by these peace commissioners, who were sent out with the understanding they should negotiate peace with these hostile Indians with arms in their hands—as brave and as gallant troops as ever shouldered a musket or drew a sword—kept in abeyance for three months, while supplies were being sent in to feed Indians who had murdered our women and our children on the frontier.

These stump orators of the Lord, [laughter,] these broken-down gospel peddlers, [renewed laughter,] who are selected for the purpose of going out to investigate Indian affairs, come back with the report that the Army demoralizes the Indians, and that the frontiersmen are worse than the Army. I repudiate it, sir, as a frontiersman; and I say that as a class they are as honest, as law-abiding, as intelligent, and as virtuous as any class of people in this country, notwithstanding what the gentleman from New York said yesterday about contracting the frontier and bringing those people in as you would contract the currency; bringing those people into the civilized portion of the country where they would not need protection. It was well said by my friend from Nevada, [Mr. KENDALL,] that the same system would confine civilization east of the Alleghanies. Why, sir, if this policy is to be pursued, and our country is not to be permitted to extend because of the appropriation of money required to be made by Congress for the protection of our frontiers, why not extend it to the civilized portion of the country as well as to our western frontiers, whence you derive all of your metallic currency to-day? Why not extend it to New York? More money is asked in the way of appropriation for the defense of the city of New York to-day than for the defense of the entire frontier. I would ask the gentleman from New York, why not move that city up above the highlands of the Hudson; stretch across the river the old chain they had in the days of the Revolution, and abandon the place which to-day requires such large appropriations for its defense?

Mr. Chairman, those people who desire to break down the Army and deprive us of any frontier defense are the men who are disbursing to-day $10,000,000, under the pretense of benefiting the Indians Under their organization they have five inspectors. They pick up some old broken-down politician, or some dilapidated stump orator of the Lord in the East who never saw an Indian, [laughter,] and give him $3,000 a year and pay his expenses to go out upon the frontier to inspect Indian affairs. [Laughter.] What sort of an inspection is it? The inspector goes there under the direction of the agent, who belongs to his own society, and he has an interpreter. I questioned some of those gentlemen on that subject. They do not know a single word of the Indian language, never having been, perhaps, beyond the city of New York or the city of Philadelphia before. All their impressions, all their knowledge, are obtained through the Indian agent, who is holding his office by the sufferance of the inspectors, and the interpreter who communicates between him and the Indians is also dependent on them for his official position. Of course the result is, that the frontiersmen are denounced, and the Indians are praised as legitimate and proper subjects to be embraced within the folds of the Church. [Laughter.]

Mr. CRITTENDEN. Will the gentleman allow me to ask him a question?

Mr. NESMITH. Certainly.

Mr. CRITTENDEN. I wish to ask the gentleman from Oregon whether the same missionaries are not more rapid in going to the paymaster's table than in going to the Lord's table? [Laughter.]

Mr. NESMITH. I have seen them at the paymaster's table, but never at the Lord's table. [Laughter.]

Mr. COBURN. Did you ever go there yourself?

Mr. NESMITH. I have been at both places. [Laughter.]

Mr. COBURN. To stay?

Mr. NESMITH. Now I wish to illustrate this question by showing the information these gentlemen obtain from the Indians. The Indians are assembled by order of the agent, and communications are made through a dependent interpreter. These Indians tell a good story. I have heard them tell it over and over again. They tell this commissioner, this inspector, that this agent is a very good man, that he is doing what is right about them. They say he is honest.

Those old humbugs sit around and tell these stories, and the Indians go home with a sack of flour under one arm and a blanket under the other, as a reward for testifying for this peace commission. We had an illustration of it last year in my own State, in a case I referred to at the commencement of my remarks. There the Indians were permitted to abandon their reservation and go into a country occupied by the white settlers, the land having been surveyed and occupied by pre-emption settlers; and if I had time I have abundance of testimony in my desk which I could submit to the House, which would establish this. But I have not time to go into that, and gentlemen will observe that I am speaking in rather a hurried manner on this subject, and without due preparation. I shall probably take occasion, again, during this session, when the Indian appropriation bill comes up, to refer to this subject a little more at length.

But, without attempting to delineate what the general characteristics of the Indians are, I will say that of all the commissioners we have sent among them, Miles Standish was the first and ablest; after him came Anthony Wayne, who settled the troubles in his time in the Northwest; after that, Jackson, in the South; Harney, at Ash Hollow; and we have had Sheridan, Crooke, and a great many commissioners of that kind, who have afforded us great protection and done a great deal to civilize those gentlemen who are constantly murdering, plundering, and committing depredations on the frontier. In this view of the subject I protest against any reduction, not of the Army merely, but of the appropriation for its support. We frontiersmen know what their ulility is and what benefit we derive from them. Without them our frontiers would be desolated; our people would be driven from their homes; women and children would be ruthlessly murdered—and these your own citizens, your own kith and kin, people of your own blood. You may by a parsimonious contraction of your appropriations, save a few millions of dollars; but every dollar you withhold from so necessary a purpose will be responded to by the blood of the frontiersman and the wail of the widow and the orphan.

[Here the hammer fell.]

Mr. NIBLACK. I yield ten minutes to the gentleman from New York, [Mr. CROOKE.]

Mr. CROOKE. This subject has been discussed from so many points of view that what I have to say which has not been said previously will take me but a very few minutes. I rise mainly to say a few words on the subject of economy. The word "economy" has been used and misused in this House.

From the 1st of December this House is said to have had an unusual number, relatively, of new members. We came here but little acquainted with the forms of the House, and of course we had to follow in the wake of old members who knew the rules of proceeding and the manner of getting their views before the House. All that is gradually passing away, and now, as the school-boys say, that we are getting a little the hang of the school-house, the new members will have their bashfulness wear off gradually and be able to express their own views with less reference to those who led the debates in the beginning of the session.

I understand, Mr. Chairman, that the Government of the United States owes some duties to the collective people of the United States, irrespective of party and irrespective of economy. It has been said here again and again that the country is paralyzed, that the prosperity of its people is paralyzed, and that it is necessary for something to be done.

The state paralyzed! Are we a live people, or must we go and do something to become so? Now if, as has been said, taxes are the blister of the body-politic, my constituents are a live people—not paralyzed; and they will hold that a blister is better than a paralysis, and that it will be better for the Government of the United States to discharge the functions of protection to the whole country than to stay paralyzed and talk paralysis the whole time.

The member who preceded me occupied most of his time in telling up of the misdeeds of the Congresses and the administrations which had preceded us. That has but little bearing on what is now before the House. We are acting for the future, or ought to act for the future. The misdeeds of the past, if there were misdeeds, are of no consequence, have no bearing upon the future of this people. The people require to be protected.

The gentleman from Oregon [Mr. NESMITH] spoke of the gentleman from New York who has reported this bill from the Committee on Appropriations. That gentleman advocates economy according to his views, and I believe he is as conscientious a member as there is in this House. He comes from the extreme north of the State of New York, and I represent the extreme southern portion, and perhaps our views may be as extreme—we living three or four hundred miles apart—as our relative whereabouts are.

One member has used the expression "sectional jealousy" as if the northern portion of the United States unnecessarily had jealousy toward the West and the South. The State of New York can afford to cherish no jealousy to anybody or to anything appertaining to the United States. The State of New York is large enough to dispense with jealousy at any time anywhere. That is the position of the State of New York. She is willing to be taxed, she is willing to be blistered, to protect our western brethren, from Alaska to the southern point of California.

I speak for my constituents. I speak for the people whom I represent, and nobody else on this floor has a right to speak for them; and when the apostles of economy on this floor would almost dispense

with the ordinary functions of government on behalf of the United States, they do not speak for my people, and I repudiate the enunciation. The people I represent ask to be protected in their rights; ask to be protected on our southern frontier from incursions of pirates and enemies; ask to be protected by fortifications and heavy ordnance. The people on the western frontier ask to be protected by cavalry; ask to be protected by serviceable police, because our Army is nothing more in time of peace. We join hands with them from New York Bay to Oregon. There is no jealousy, no difference of opinion. We ask protection; it is the right of the people to claim, and it is the duty of the Government to give it. And when Congress interferes between the people and the executive and the administrative functions of this Government, the people will tell Congress to abdicate, rather than be without a government and without protection.

These are the views of the people I represent; and allow me to say one word in addition. Economy is well, retrenchment is well; parsimony is ridiculous in the Government. No government can stand parsimony; no government can stand meanness. The only question between me and any of my friends in this House is as to what is parsimony and what is economy. That is the only difference. I hold that it is parsimony and not economy to leave our West unprotected. It has been said here, and it has been said outside, that the Army of the United States is larger now than it was at the close of the war. The answer has been given here on the spot by the gentleman from Connecticut, [Mr. HAWLEY.] Our frontier is six times as large. That is the answer to the whole story.

I see in reading over the items of the bill presented, the item of metallic ammunition, and there is hardly enough provided for to supply the Army for one week. Sir, retrenchment of that sort is not economy; nor is it retrenchment or economy to dispense with the requisite ordnance for the Army, and with the heavy guns needed for our fortifications; retrenchment of that kind is not economy. These are things that can only be got up in time, and cannot be got at a moment's notice. Anything of this sort is not economy.

[Here the hammer fell.]

Mr. NIBLACK. In what little I have to say in regard to the pending bill, I desire to have the ear of the chairman of the Committee on Appropriations, and every member of that committee so far as possible. I appreciate as fully as any one can do the difficulties by which that committee is surrounded during the present Congress. I do not for a moment doubt the desire on the part of the committee, and every member of it, to retrench the expenses of the Government so far as possible; and in all matters of mere discretion, where the law does not settle the amount which is to be provided, I have every reason to believe that they will exercise that discretion in favor of a rigid economy. But what I desire to call attention particularly to, the attention not only of the committee but of the House and the country, is the fact that the mere withholding appropriations in most of the cases in which the committee is called upon to report money for disbursements by the different Departments of the Government is not either retrenchment or economy. And hence if we rely upon the Committee on Appropriations to retrench the expenses of this Government alone, we will for the most part fail of our purpose, and at the close of the present Congress be called upon to respond to demands for deficiencies, which will not only equal in the aggregate the amount of the expenditures appropriated for during the last fiscal year, but will be perhaps the usual advance upon them.

Why do I make this declaration? Because the largest portion, indeed almost the entire portion of the amount of money to be appropriated under the lead of the Committee on Appropriations is a matter fixed by law. We have already passed the naval appropriation bill, on which I submitted a few remarks, but for want of time did not say all I desired to say on the general subject of appropriations. But in regard to the naval appropriation bill, the committee did not appropriate the amounts estimated for by the Secretary of the Navy. We did not appropriate by about one and a half million dollars as much as he insists is absolutely necessary to carry on the Navy Department under existing laws. Of course I voted for the bill, but I did so with the most distinct, implicit impression, accompanied by a prediction which I believe I made at the time, that next winter, if the naval appropriation bill should pass the Senate without any restoration of the amounts estimated for, we will be called on to appropriate a deficiency. Let me illustrate this. Suppose we decline to appropriate the full amount to which the President of the United States is entitled by law; that would not reduce his salary. He could go into the Court of Claims, and by the action of that court obtain judgment against the United States for the amount of salary which we had withheld from him.

This deficiency can be obviated, of course, by the House passing bills for the reduction of the Army, and thus getting rid of expenditures which, under existing laws, must be and of course will be made. But what I am complaining of is that the mere withholding of money by the Committee on Appropriations, without some corresponding law reducing the expenses of that branch of the public service by the amount thus withheld, is not economy. Why do I say that? During the Fortieth Congress, in the summer of 1868, when public attention was beginning, for the first time after the close of the war, to be attracted to the expenses of the Government, and to the necessity for some reduction by which the country could be placed upon a peace basis, and some reduction of the Army take place if possible, the estimates submitted to the House for the next ensuing fiscal year were, for the Army proper, $51,039,134. Under the laws as they then existed, according to the number of men then belonging to the Army, on duty in different portions of the country, many of them being then engaged in carrying out the reconstruction measures of Congress in the States of the South; also upon the frontier, and wherever they were needed, as now, or at least wherever the public exigencies seemed to require them, this amount of money was estimated for as being necessary for the pay and subsistence of these men, and for the general operations of the Army according to the then existing law.

We had that year, however, what we have not this year, and I am very glad of it for many reasons, a presidential election on hand; and, as I have already intimated, it was thought necessary then by men of all parties that we should make at least a show of economy. I have not the precise figures here; but the result was that, instead of appropriating a little over $51,000,000, according to the estimate, we appropriated a little over $28,000,000; and in the canvass of 1868 the expenses of the Government for the succeeding fiscal year were computed upon that basis—that the Army was going to cost only a little over $28,000,000.

Having then already had some experience on the Committee on Appropriations, I sought the floor on that occasion and made some predictions in regard to the result of our reduced appropriations. I gave it as my opinion that it must inevitably result in a very large deficiency for the next fiscal year. I am very much tempted to have read at the Clerk's desk some remarks made by me on that occasion, but I suppose they are a little stale now. ["Have them read."] I will ask the Clerk to read what I send him from the Congressional Globe.

The Clerk read as follows:

Mr. NIBLACK. I want to call the attention also of the country to the fact that, in my judgment, the appropriations as they stand in this bill are insufficient for the purpose of carrying our Army establishment through the coming fiscal year; and that we shall be met hereafter by a demand to pass a vast deficiency bill to make up the deficit, created merely to make a show of economy just now. Therefore, though we may flatter the country with the idea that we are cutting down appropriations, and that the Government is going to be carried on very much more cheaply during the coming year than in times past, yet this idea will prove to be an illusory one, as the facts will hereafter demonstrate. I submit that so long as we keep our Army to its present standard, so long as we continue to maintain an immense standing Army in time of peace, so long as we support at a vast outlay a Freedmen's Bureau, and so many other unnecessary and expensive systems and offices, we cannot economize by simply failing to appropriate money in advance to meet the expenses of them. We shall be obliged to appropriate it hereafter. These expenses and salaries are always, sooner or later, paid; and we shall not accomplish any economy in the end by simply withholding appropriations now.

Mr. NIBLACK. I was then interrupted by the gentleman from Wisconsin, [Mr. ELDREDGE,] who made some predictions, and charged that this apparent economy was practiced for political effect during the pending campaign. But, Mr. Chairman, I shall not have that read because it is not germane to the question now before the committee. In response, however, to what the gentleman from Wisconsin said, the gentleman from Maine, [Mr. BLAINE,] the present Speaker of this House, having charge of the bill, proceeded to make a brief reply, which I ask the Clerk to read.

The Clerk read as follows:

Mr. BLAINE. Mr. Chairman, I do not think we can afford time now for any political discussion on this bill. The Committee on Appropriations have done their best to furnish the facts on which they have based their action. They cannot furnish confidence or credulity to my friend from Indiana, [Mr. NIBLACK.] He may go on doubting and distrusting to the end. But we on this side of the House are determined to cut down the expenditures of the Government, and we have succeeded measurably, though not, I fear, with the good will or active co-operation of gentlemen on the other side. I move that the committee rise.

Mr. NIBLACK. I hope the gentleman will allow me a moment?

Mr. BLAINE. For a question, certainly.

Mr. NIBLACK. I only wished to place upon the record my prediction, we will next year have to meet a great deficiency bill.

Mr. BLAINE. The gentleman is one of the wise ones who want the advantage of saying "I told you so." I move that the committee now rise for the purpose of closing the debate.

Mr. NIBLACK. I now ask the Clerk to read the amount of the deficiency which we appropriated the winter following for the fiscal year which the bill then under consideration was intended to cover. This will show how well the prediction then made was verified.

The Clerk read as follows:

War Department.— For regular supplies of the Quartermaster's Department, $2,500,000; for incidental expenses of the Quartermaster's Department, $500,000; for horses for cavalry and artillery, $1,500,000; for transportation of officers' baggage, $100,000; for transportation of the Army and its supplies, $7,000,000; for barracks and quarters, $1,000,000; for Medical and Hospital Department, $50,000; for contingencies of the Army, $475,000; for Medical and Hospital Department, $750,000; for secret-service fund, $100,000.

Mr. NIBLACK. Now the actual amount of deficiencies which we were called upon to appropriate, as embraced in the items just read, was $13,975,000—nearly $14,000,000—about one-half as much as had been appropriated in the regular Army bill the year before. I have no idea that any deficiency so grave as that is likely to occur this year; but the point to which I desire to call attention is, that, however vigilant the Committee on Appropriations may be, and by however large a sum we may reduce at any one time the amount appropriated for the support of any branch of the public service, it is, in the end, no economy so long as existing laws authorizing these large expenditures are allowed to remain in force. This is true as a general rule, though there may be now and then a case where the Committee on Appropriations, or this House, by withholding an appropriation, may repeal an existing law to that extent. If it be the purpose of Congress to

curtail the expenses of the Government for the next fiscal year, there is but one method by which it can be effectively done, and that is by having the different committees charged respectively with the several subjects for which we are called upon to appropriate go to work and bring about the repeal of existing laws under which extravagant appropriations are now authorized.

Mr. HALE, of Maine. I would like to put to the gentleman a question. I understand him to say that the only way to economize is to change the law under which these establishments now exist?

Mr. NIBLACK. As a rule that is the only method.

Mr. HALE, of Maine. Then must not the gentleman concede that under the law these establishments are conducted as economically as they can be? Is not that a fair inference from the gentleman's position?

Mr. NIBLACK. As a rule I am not prepared to charge otherwise.

Mr. HALE, of Maine. I am glad to have the gentleman's admission put on record.

Mr. NIBLACK. I could give instances during a few years past of expenditures which I think were not authorized by law, and which I think were larger than they ought to have been. I might criticise in that way many matters of detail; but that is not the purpose of my argument. The heads of Departments are entitled to the support of every one so long as we are not able to show that they are undeserving of public favor. They are responsible as heads of Departments, and the point I intend to make before I take my seat is this—I am glad the gentleman called my attention to it: Without the active co-operation of the heads of these different Departments—by which the Committee on Appropriations are given to understand, and other committees having charge of the subject are given to understand, certain laws may be repealed or certain expenses curtailed—it is no use to attempt to economize by simply withholding appropriations; for sooner or later, my experience is, these Departments get whatever they claim. Hence this matter of retrenchment depends more on the Departments of the Government—upon the Executive Departments of the Government—than upon Congress, because they are in possession of all the details.

Mr. HALE, of Maine. Let me make a suggestion to the gentleman from Indiana. Has it ever occurred to him, if that is the case with the heads of these Departments, and they go on spending what they can get, that this line of argument is an encouragement to them to go on and expend more money than Congress appropriates, in the belief that it will be met by a deficiency bill? His line of argument, then, cripples Congress in attempting to limit these Departments in appropriations.

Mr. NIBLACK. My object in calling attention to the responsibility of these gentlemen, who stand at the head of the Executive Departments, for the expenditures of the money of the Government, is not to invite them to increase their expenses, but to try to get the country to understand they almost alone, in many respects, are responsible for many of the expenses which do occur, where those expenses are largely of a discretionary character, appertaining to their several Departments. But where it is a matter of law, where they have no discretion whatever, then the responsibility falls upon Congress, and Congress ought to make the attempt to correct the errors of the past; and it ought, in reference to many of these departmental expenditures, to call upon the head of the Department to communicate in what way a repeal or modification can be made of the law, so as, while economizing in these expenditures, not to cripple or impair the public service.

Mr. HALE, of Maine. Does not the gentleman know, in any appropriation where Congress fixes the measure of the appropriation, and member after member gets up and predicts there will be a deficiency, that then there is more likelihood to be such a deficiency, because of the prediction and statement, than there would if members acquiesced in the limitation and sought to hold the Departments in their expenditures exactly to the measure of the appropriations passed by Congress?

Mr. NIBLACK. I suppose no member connected with the present administration of the Government will be unsophisticated enough to take anything I may say as marking the policy on the part of Congress.

Mr. HALE, of Maine. The gentleman is influential here, and what he says has great weight.

Mr. NIBLACK. I am obliged to the gentleman for his compliment. I think his experience on the Committee on Appropriations must have already indicated to him that when the law requires a certain thing to be done, every executive officer of the Government feels himself compelled to do that thing, and the responsibility for paying for that service rests upon Congress; and if we do not pay for it all at one time, we do pay for it in the end. I have no confidence in any proposition of retrenchment which does not at the same time have the concurrence of the officers of the Department to which the appropriation refers. I think, sir, every gentleman who has had much experience on the Committee on Appropriations, or on any other committee, must have long since come to that same conclusion.

Now, Mr. Chairman, the reason why I call attention to this matter is because the Committee on Ways and Means are charged with the duty of providing means necessary to carry on the Government. If we have not the money in the Treasury to do it, we have to provide for the deficiency either by increased taxation or a further loan.

If we can get along through the next fiscal year by simply withholding appropriations, cutting down below what they were last year, below the estimates, without increasing the burdens of the people in any way, either by taxation or a further loan, I for one shall be much gratified to be able to do so; but we ought not, in the present crisis in our monetary affairs, to deceive ourselves or to make a wrong impression upon the country. I hold it is the duty of the present Congress to do one of two things: either to repeal existing laws, as I have intimated, so as to reduce the volume of the expenditures, or else at once provide an additional loan, by which the money necessary to meet our present appropriation bills shall be provided. I do not claim any superior wisdom about this at all. It is the result simply of several years' close observation since I have had the honor of being a member of this House.

I will repeat what I have said, in substance, about the Committee on Appropriations. They seem anxious to do their part. They seem anxious to cut down appropriations wherever they can. I sympathize warmly with the chairman of that committee in his efforts to call back gentlemen to their duty in this respect. But, sir, I want to repeat in his hearing that that point is a vain one, unless he can have the co-operation of every leading committee of this House in these measures of economy and reform; and to attempt to cut down simply to withhold is not what the crisis demands.

Mr. GARFIELD. I appreciate the kindness of the gentleman, but I wish he would now add some words of advice as to what the chairman of the Committee on Appropriations, and the Committee on Appropriations itself, can do to bring about the desired result.

Mr. NIBLACK. If I were a member of the Committee on Appropriations, but without some of the responsible relations which the gentleman holds to the Administration and the country, I should recommend the appropriation simply of the amount of money that the revised estimates call for, and leave to the Administration the responsibility of making the estimates higher or lower, as they saw proper. Of course, if in looking over these estimates I found a particular item which ought to be stricken out, I would strike that out.

Mr. GARFIELD. Suppose five thousand enlisted men of the Army were one of the items, what would you say to that?

Mr. NIBLACK. If they could be dispensed with I would do it; but I would leave the responsibility in the first place on the Administration which makes the recommendation, and then upon the co-ordinate committee of the House in carrying into effect such a recommendation. I appreciate the gentleman's desire for reduction, and shall go with the gentleman in making the amount as large as he desires; but I want to go about it in a way that will mislead nobody; in a way that I shall not be misled myself; in a way that the House shall not be misled.

And I make this further suggestion as a member of the Committee on Ways and Means, that in the present condition of affairs this Congress has to do one of two things, unless there shall be a great revival of the business, the trade, and commerce of the country: it has either to increase taxes or to borrow money. But we have resolved here to do neither; neither to increase taxes nor to borrow money. I appreciate fully how very unpleasant and ungracious a thing it is to attempt to raise additional sums of money for carrying on the Government. But for one I desire to say here in my place, that, ungracious as it is, I shall co-operate in the endeavor to furnish the means to carry on the Government economically and efficiently.

I shall not attempt to occupy the attention of the House any longer. I trust I shall not be considered as having attempted to lecture anybody. But having had some experience as a member of the Committee on Appropriations, and having now some responsibility as a member of the Committee on Ways and Means, which is charged with the responsibility of providing the money for these appropriations, I desire to put my opinions on record, and I shall endeavor to be governed by those opinions as far as I shall be called upon to take action in this House.

Mr. WHEELER and Mr. RANDALL rose.

The CHAIRMAN. The gentleman from New York, [Mr. WHEELER,] who has charge of the bill, is recognized.

Mr. WHEELER. What does the gentleman from Pennsylvania desire?

Mr. RANDALL. I desire to address a few words to the committee.

Mr. WHEELER. Will the gentleman give way for a motion that the committee rise with the understanding that to-morrow morning, before the House goes into committee, I will move that all general debate shall be closed in half an hour, one-half of which shall be given to the gentleman from Pennsylvania?

Mr. RANDALL. I am willing to agree to that arrangement, although I do not know that I shall occupy as much as fifteen minutes.

I should like just here, however, to say a word. As one of the minority on this side of the House, I wish to say that I mean to vote not one dollar of appropriation which it is shown to me is not necessary to carry on the Government in its absolutely legitimate purposes. And I believe, further, that if we do that we shall meet the expectations of the country in that particular. I believe that either a temporary loan, or an increase of taxation in any direction, is entirely unnecessary if we bring ourselves down to a strict and legitimate economy. And when I hear gentlemen prating about economy, and failing to vote for it on every occasion, I am led to doubt the sincerity of their motives or the independence of their action.

Now, sir, we are just in the position in which a man is in a period when he must economize—just as I have been myself since the reduction of salaries. [Laughter.] I tell you, sir, we have been spending more money than has come into our Treasury, and we must now

economize and spend under our receipts, so as to reach a level with the past extravagance. When we have reached that point, then we can commence anew.

As to the Army, I agree that it is most essential that the border people of this country, who have displayed more spirit than those who remain in the East at home, receiving all the culture of civilization, should be protected in their lives, their homes, and their wives and families. But, sir, the fault is not in the number of the Army; the fault is in the assignment of the Army. I say, take your Army from the South; take your Army from Louisiana, and put it to its legitimate purposes—for the defense of the lives of our citizens, and not for the crushing of the liberties of our people.

Mr. BECK. I desire to say something before the gentleman yields the floor.

Mr. RANDALL. Let the gentleman proceed.

Mr. BECK. I do not want to speak at much length, but I wish to say a few words now in connection with what my friend from Indiana [Mr. NIBLACK] has said. I differ with him absolutely as to its being either right or proper for this Congress to appropriate what the heads of Departments ask us to appropriate, without thorough investigation into all the facts upon which the recommendations are based; when we do, we come short of our duty, and throw off the responsibility which is properly imposed upon us.

Mr. NIBLACK. I did not exactly say that much. I simply desire to place myself right, by stating that I said that in the absence of any information of my own, I took such information as was furnished me by the heads of Departments; but where I had information in regard to particular items I would be governed by my own judgment, and reduce the amount if I could. But the point I was insisting on was that, in regard to this matter of information, we are in the very nature of things almost entirely dependent on the Executive Departments. And furthermore, that however much we may struggle to investigate matters ourselves, we are sooner or later brought back to the information they furnish us, and have to be governed by it. I do not, in saying this, say that I would take their judgment where I had means of forming an opinion of my own; but where we cannot form opinions of our own, then it is necessary that we shall take what we can obtain from the Departments.

Mr. BECK. Now, Mr. Chairman, I admit that where this House has no opportunity for obtaining information, as in the extraordinary appropriation bill for the Navy, and a responsible officer of the Government tells us that such an amount is absolutely necessary, and we have no means of knowing whether it is true or not, it is hardly fair for us to deny the truth of what he says. But this House has absolute power and authority, in ordinary times and upon all ordinary subjects, to obtain information upon all matters. Everything that is accessible to the head of any Department is equally accessible to the committees of this House.

Mr. NIBLACK. Have the committees time to obtain that information?

Mr. BECK. Some of them, perhaps, have not time to do all that is imposed on them, nor all that they propose to assume. But there are committees enough in this House, if those committees will work faithfully, to obtain all the information that need be obtained upon all subjects. They can demand it from all the Departments. We have committees now charged with the duty of inquiring into the expenditures of the Treasury Department, into the expenditures of the War Department, into the expenditures of the Navy Department, into the expenditures of the Interior Department, into the expenditures of the Post-Office Department, and into the expenditures of the Department of Justice; and I do not believe, sir, that one of those committees, although two months of the session have gone by, have yet met, or taken any steps to obtain the needed information. If one of them has, let some gentleman tell me which one.

Mr. SPEER. The Committee on the Expenditures of the Department of Justice was only provided for recently, and has not had time to meet yet; they will meet before long.

Mr. BECK. Have any others met?

Mr. TODD. The Committee on Expenditures in the Post-Office Department have held a meeting and adopted a plan for investigation.

Mr. BECK. Has any other? No, sir. Two months of the session have gone by, and the committees of this House, in the face of charges made that the contingent funds of the several Departments have been misappropriated, up to this time have not ascertained the facts, and most of them have not held a single meeting. We need these facts now to act intelligently on appropriation bills.

Mr. GARFIELD. I ask the gentleman if he thinks it quite right to scold the committees of this House? [Laughter.]

Mr. BECK. It is not—as you illustrated yesterday. But I say that this House has time and opportunity to obtain all necessary information. If its committees do their duty, we are not dependent upon heads of Departments for information.

Mr. NIBLACK. If anything I have said, or that the gentleman may be able to say, will put these other committees to work in this matter, then I shall have accomplished much more than I hoped to do. But what I was endeavoring to do in the discursive remarks which I made was to say that the other committees must go to work, and I am glad to know that the gentleman from Kentucky concurs with me in that view.

Mr. DAWES. Will the gentleman from Kentucky allow me to put an interrogatory?

Mr. BECK. Yes, sir.

Mr. DAWES. I have listened for several days to the effort of the gentleman from Kentucky to suggest to this House how it ought to conduct its business. May I suggest to him that he has no reason and no occasion to get up in the House here and assume that any committee of the House has not discharged its duties? I suggest that each committee of the House is supposed to be conversant with its own duties and responsibilities, and is cognizant of them. I should myself be unwilling to get up and say that any committee of the House had not been discharging its duty, because I am not certain that they would not turn on me, and ask me if I am sure that I am discharging my own duties.

I suggest to my friend that this continual repetition of the charge that this committee and that committee of this House is not discharging its duty is assuming such a supervision over the committees that I would not myself want to assume.

Mr. BECK. I want to say, in reply to that, that I never alluded to this subject before, except yesterday evening in reply to the gentleman from Ohio, [Mr. GARFIELD.] My friend from Indiana [Mr. NIBLACK] suggested that the committees had no time for their investigations. Now I insist that they ought to take time, and that there are committees enough in this House to get at the bottom of every evil that anybody has complained of. That is all I desire to say. We all know this to be true, that the contingent expenses of all the Departments of the Government ought to be ascertained, and accurate statements made in regard to them. We have, as is well known, committees enough for that purpose, and they have sufficient time to enable them to obtain and furnish that information.

Mr. DAWES. Has my friend any evidence that any one of these committees is neglecting that very duty?

Mr. BECK. I will answer in this wise: it is so important that we should know these things that I have gone to the minority members of these committees, and they have told me that the committees have never been called together. I have urged them to impress upon their chairman the necessity for calling them together.

Mr. DAWES. I would suggest to the gentleman that he should not put his reliance solely upon——

Mr. BECK. That is my information.

Mr. DAWES. Perhaps if the gentleman were to inquire of the chairman of the committee he might ascertain some reason why they have not met.

Mr. BECK. The minority members of the committee ought to know.

Mr. DAWES. I do not wish to interrupt the gentleman too much, but I suggest to him that he assumes that members of the House are not discharging their duties.

Mr. BECK. I accept the intimation of the gentleman. I had no intention of making a reflection on members. I want the information they can obtain; the House needs it while appropriation bills for the various Departments are pending before it.

Mr. RICE. I desire to know of the Chair what is the subject-matter before this committee now?

Mr. BECK. I want to go on with another subject.

Mr. NIBLACK. Allow me a moment. Does not the gentleman concur with me that it is impossible for any committee of this House to sift all the expenditures of any Department carefully and successfully without the active co-operation and aid of the head of that Department, and the heads of the Bureaus in that Department?

Mr. BECK. It is very difficult to do so. What I contend for is this: Believing that this House has the time, believing that its committees are sufficient for the purpose, believing that if we go to work with a will we can probe all the evils complained of without relying upon the heads of Departments—believing this, I insist that it is the duty of Congress to deal with each subject-matter, influenced, if you please, by such recommendation as may come from the heads of Departments, but not to be concluded, or to pass laws, unless the information they themselves obtained verifies and sustains the recommendations. This Congress is responsible to the country for all bad legislation and all the extravagance that may take place.

I have no doubt that the Army can be reduced to the point indicated by the Committee on Appropriations, and even below it, and still be sufficient to protect the lives and property of all the people on the western frontier, provided the Army is used for that purpose. But if the Army is kept all along the eastern sea-board, all through the Middle States, all through the States of the South, not for the purpose of protection, when millions of dollars are squandered in that way, it is no argument to me to say that we have not enough men on the frontier now. Why are they not put there? They are not needed anywhere else. There can be ample protection afforded to the frontier even if twenty thousand is made the maximum of the Army.

A great deal has been said about the Indian troubles. We are compelled to expend, as the Secretary of the Treasury has shown in his Book of Estimates this year, $8,500,000 for the Indians, in addition to all the sums expended on the Army. It is claimed that treaties have been made which require this large annual expenditure, and that in addition to all that we are now proposing by this bill to take from the tax-payers of this country. We have to pay $8,500,000 additional

for the support of Indians—a sum more than double what ought to be required, or what was ever given until within the last four or five years. All this, be it remembered, is independent of the millions given to the Army to keep the Indians in peace. Sir, it seems to me that Congress can regulate these things, no matter what Departments may say.

Take another thing. In the Treasury Department $3,000,000 are now used by the Secretary of the Treasury under what is known as the loan fund or per cent. fund. Bureaus and chiefs of staff are organized all through that Department, where hundreds of thousands are spent. Men are traveling all over Europe who are allowed mileage, compensation, and expenses. All sorts of means are resorted to to get clear of this $3,000,000. And there is not a man in this Congress to-day who can tell how it is spent; no account whatever is given of it. Have we not the right to put that matter in shape, to lop it off? Because the Secretary of the Treasury wants to keep up this personal and traveling staff, and retain all these scores of men, for which he has no warrant of law, and because he has $3,000,000 of money which he can spend at his discretion, are we to say that we shall not look into it, and lop it off if we deem it right to do so? I contend that it is not only our right but our bounden duty to look into this and other like matters; and it is our right to withhold appropriations which are not in accordance with law, and to repeal laws that are improper, no matter who protests.

I want to state further that to-day we have one hundred and ten ports of entry and twenty-four ports of delivery. At many of these ports which are utterly useless there are collectors or appraisers at a fixed salary of $3,000 a year; we allow to these places weighers, gaugers, and all sorts of useless but expensive machinery of that kind. Are we to keep them up because a Secretary wants them? By comparing the Finance Report of 1873, page 449, with the last Book of Estimates, page 267, you find some curious results at these ports of entry, taking the State of Maine alone, simply as an example, it being the first on the list and no worse than the others, perhaps not so bad on the whole. At Aroostook, Maine, $13,000 are collected, while $13,167 are paid out for expenses; at Passamaquoddy, $92,000 are collected, and $27,000 paid out; at Castine, Maine, $36 are collected, and $5,900 paid out; at Waldoborough, $7,000 are collected, and $7,000 are paid out; at Bath, $7,300 are collected, and $7,700 paid out. So it is nearly all the way through, in the Southern as well as in the Northern States. Indeed only eighty-four of the one hundred and ten make any returns at all, but the expenses go on all the same; the whole system is rotten to the core.

Mr. TODD. Will the gentleman allow me one question?

Mr. BECK. Yes, sir.

Mr. TODD. Would the gentleman abandon all ports of entry at which the amount received for customs is less than the expense of maintaining the port of entry?

Mr. BECK. I tell you what I would do. Out of one hundred and ten ports of entry, as I said, only eighty-four return anything; nearly one-half show larger expenses than the moneys received. I would cut off all the superfluous employés, or consolidate four or five of them into one.

Mr. TODD. I wish to suggest, in connection with my question, that along the coast line, where there would otherwise be abundant facilities for smuggling, these ports are established for its prevention.

Mr. BECK. At nearly every one of these ports there is a collector, at $3,000, or $2,500, or $2,000; and there is besides a list of from five to fifteen other officers; while it is a fact that in many cases three or four of these collection districts could be consolidated without any damage to the public interest, or that an assistant collector of internal revenue could make all the reports and exercise all the supervision necessary.

For the collection of our customs revenues we are now paying $8,500,000 in one form or other; and at three-fourths of these ports an officer engaged at the salary of a few hundred dollars annually could do the work as well as or better than it is now done with all this expensive machinery.

Mr. TODD. Has not this system existed for sixty years or more, under all administrations of the Government?

Mr. BECK. This system has existed from time immemorial; but the expense of it has increased from $3,000,000 in 1860 to $8,500,000 at the present time. When we see these swarms of office-holders increasing is it not our duty (even though the Secretary of the Treasury asks us to keep them all up) to investigate the facts, and if we find that one man can do the work of three, are we to be bound by his recommendation? Ought we not to cut down these expenses wherever the facts may warrant it, and by all means within our power?

Mr. CONGER. Will the gentleman allow me to ask him one question?

Mr. BECK. As many as the gentleman pleases.

Mr. CONGER. With all the ports of delivery on the Mississippi and its tributaries, there are no receipts for customs there except at New Orleans. Now, would the gentleman abolish all those ports of delivery?

Mr. BECK. I would not abolish any port that may be necessary to guard against smuggling or to collect any amount of duties, however small. I would put no limitation upon commerce. But I would do away with the needless hordes of officials that are now drawing from five to twenty thousand dollars at each of these ports, when in fact one man can do all the work. I would not keep up at these ports of entry a swarm of officers as part of a system of machinery to control elections or for any other purpose.

Mr. CONGER. I would like the gentleman to answer my question.

Mr. BECK. I will.

Mr. CONGER. Not one of the ports on the Mississippi and its tributaries above New Orleans pays into the Treasury one dollar of revenue; and according to the gentleman's rule there should be no port of delivery on those rivers except at New Orleans. Yet the gentleman and his friends would, I have no doubt, complain bitterly if those ports of delivery were discontinued, although they do not pay one cent into the Treasury and are kept up at great expense to the Government. Why would not the gentleman apply to the Mississippi and its tributaries the same rule he would apply to the coast of Maine?

Mr. BECK. I would apply the rule to the Mississippi River, to the coast of Michigan, or wherever elsewhere extravagance and corruption may prevail, no matter in what part of the country it is.

Now, let me show how these things are managed. I hold in my hand a paper published in New Hampshire; I believe it is a democratic paper; but I will read you an extract from a republican paper embraced in the same article. It shows, for example, how our navy-yards are managed when an election is about to take place, and may be taken as a specimen brick, which is the way in which I want the House to look at the ports in Maine to which I have referred. This paper goes on to say:

> It is known that the politicians who went to Washington in December succeeded in having a large sum set apart specifically "to be applied to the additional force to be employed from New Hampshire" in January, February, and March. In round numbers, the pay-roll for these three months will amount to $300,000.
>
> And while this crowd of men are kept in the navy-yard at this station, and this immense sum is drawn from the United States Treasury to pay them, hundreds have been discharged from Brooklyn and Charlestown because there was no work, and because the money recently appropriated by Congress for the navy-yards had been expended.

Mr. TODD. What paper is the gentleman reading from?

Mr. BECK. From the Portsmouth, New Hampshire, Evening Gazette, a democratic paper.

Mr. RANDALL. But the extract which is referred to is from a republican paper.

Mr. BECK. Yes, sir. It then goes on to say:

> It is a matter which interests every tax-payer, and we intend to keep the ball rolling. The Portland Advertiser (a republican paper) in a recent issue, in speaking of affairs at this naval station, says:
>
> "It is a notorious fact that at the navy-yard a swarm of hangers-on are maintained, whose sole duties are political. The are paid to keep our Senators and members of Congress in place. One of these people said the other day, 'If the management of the yard were left to me, I could save $50,000 a year for the Government, and do all that is done now; and I would begin the list of removals with myself. I ought to resign now; but if I did, some other do-nothing would draw the pay.' It is perfectly understood that, in addition to the list of permanent sinecures, a special fund is always used to carry the elections in Maine and New Hampshire."
>
> An admission from one of the hangers-on, published in a republican paper, that $50,000 a year might be saved by the abolition of useless permanent sinecures; $100,000 might be saved during this campaign, if the yard was not used as a political machine to make votes for McCutchins, and as much work would be done as will be done previous to our State election.

If these facts are true, as stated by that paper, and it is said to be republican, ought we to be controlled by the recommendation of the Secretary of the Navy as to the system prevailing at the navy-yards? Ought we not to look into it to see whether these facts are true, and if they are, ought they not to be corrected?

Now I will yield to the gentleman from New York, [Mr. E. H. ROBERTS,] who I see wishes to ask me a question.

Mr. E. H. ROBERTS. I wish to ask the gentleman from Kentucky whether the Committee on Ways and Means, of which he is a distinguished and active member, is not now busy in reference to the very matter about which he is complaining, to wit, the reduction of the expenses of collecting the customs, and particularly in reference to the class of customs officers to which he has referred?

Mr. BECK. The Committee on Ways and Means is actively employed on these things, and my friend from New York is one of the most active members of the committee in that regard; but if we are to be met on this floor with statements that we must do what the Secretary wants, I intend to show that we ought not, and I wish to prepare, as far as I can, the minds of members of the House to be ready to act when the gentleman from New York makes his report, and I hope he will make it strong, to sustain his recommendations. Notwithstanding the Secretary may contend that the Department cannot do without them, this House ought to insist promptly and in strong language, not to be misunderstood, that all these abuses shall be corrected. It will be false to the country if it does not.

Mr. E. H. ROBERTS. But will not the gentleman from Kentucky confess that the statement, that "we must do what the Secretary wants," comes from his side of the House, and not from ours?

Mr. BECK. The statement, as I first understood it from the gentleman from Indiana, [Mr. NIBLACK,] was what caused my remarks; but he has since explained it to the satisfaction of the gentleman from New York as well as myself, and fully agrees with me. But no matter who makes it or what side it comes from, the sooner it is rectified the better. The truth is Congress has been doing what the gentleman from Indiana [Mr. NIBLACK] has charged and made good, and that is, we have been yielding to the orders of the Departments who

create these deficiencies, as they call them. Whenever we do not give them what they ask, they spend the money out of the Treasury in spite of us, just as the Secretary of the Treasury drew $5,000,000 of the $6,000,000 in the first three months of the fiscal year, and then forced deficiencies upon us to be provided for, saying the service would be stopped if we did not give them to him. All the Departments do it, and tell Congress that it creates a deficiency by not giving all they ask, just as enormous buildings are begun, and money must be furnished to any amount demanded on that which has been expended last.

Mr. E. H. ROBERTS. I will ask the gentleman from Kentucky another question. Will he not admit that it will be more fair to discuss this question when it shall be legitimately before the committee and the House than to draw it in here just now by the tail?

Mr. BECK. It is legitimate to draw it in by the head or by the tail whenever an opportunity is afforded, and I intend to get it in whenever I can get the floor to call the attention of the House and country to it. I am making these statements in this disconnected way now because I may never have another opportunity. I obtained the floor by accident, expecting to say only a few words when I rose, but I have yet more to say.

I differ with the gentleman from Indiana [Mr. NIBLACK] still further. He thinks we will have to vote for increased taxes or an increased loan, and seems to believe that we cannot get along otherwise. I say here I will not vote for either increased interest-bearing loans or increased taxation, because *I know* we can so reduce the expenses of the Government as to keep them far within even the revenues now being received, if we keep expenses where they ought to be. The Secretary of the Treasury in his report shows that he had $131,000,000 in the Treasury on the 1st of July, sixty-odd millions of which can be used. One hundred and forty-two millions were paid to him from the 1st of July to the 1st of January, from customs and internal revenue, and he has $44,000,000 of greenbacks which he is using besides, while all his necessary expenditures were $152,000,000 during that time. Under the enormous appropriations for the current year we have been guilty of the folly—and I intend to show that it was done in violation of law—of attempting to pay large amounts of the principal of the public debt; we have squandered $40,000,000, given it to bondholders in palpable violation of law, in order to buy in $400,000,000 of our debt. I have the authority of a distinguished Senator belonging to and a leader in the party on the opposite side of the House for the statement that it has cost $40,000,000 to get in the $400,000,000. Sir, there is no sense, there is no propriety, in running syndicates at an expense, as was said by the Senator from Ohio, the chairman of the Committee on Finance in the Senate, the other day, of more than 2 per cent. under the pretense of trying to convert our bonds from 6 to 5 per cents, even when we pledge payment of principal and interest of the latter in gold, and exempt them from Federal taxation to boot.

Sir, when the interest on the public debt has been diminished $30,000,000—mark the statement; I have the authority of the chairman of the Committee on Finance of the Senate for it—when we have $30,000,000 less interest now to pay than we had to pay four years ago, when the average appropriations were about $280,000,000 annually, until we made them $323,000,000 last year; why, I ask, is it that with $30,000,000 less of interest the yearly expenses of the Government should exceed $250,000,000? And why should estimates be laid before us for $319,000,000? Sir, stop the Secretary of the Treasury from buying the principal of the public debt long before it is due, and taking from the tax-payers of the country money, worth to them 10 per cent., to pay to men holding obligations of the Government, bearing only 6 per cent. interest, and they not due. Stop the syndicates, lop off the excrescences, and $250,000,000 annually is all we need.

I expect to show by authority that the other side of the House will recognize that even your act of March 18, 1869, to strengthen the public credit, which I have declared upon this floor, and now repeat, was the greatest financial swindle ever perpetrated, and to repeal which I have a bill now pending before the Committee on Ways and Means—that even that act prohibited the squandering of the $40,000,000 that have been taken from the tax-payers and given to bondholders.

I will read the act:

That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver.

Now listen to this:

But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

The CHAIRMAN. The Chair would suggest to the gentleman from Kentucky that the longest time claimed has long since expired.

Mr. WHEELER. I yielded to the gentleman from Pennsylvania [Mr. RANDALL] in his own right.

The CHAIRMAN. If the gentleman from Pennsylvania claims his whole hour, the Chair will recognize his right to it; but the Chair understood that he only asked for fifteen minutes, and that time has long since expired.

Mr. RANDALL. I understood the gentleman from New York [Mr. WHEELER] to make a proposition that the committee rise, and that to-morrow we should close the debate in half an hour, each taking fifteen minutes; but subsequently he yielded to me in my own right, and after making a few remarks I yielded to the gentleman from Kentucky, [Mr. BECK,] and whatever time I had in my own right I transferred to him.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania to yield what remained of his fifteen minutes to the gentleman from Kentucky.

Mr. BECK. I did not so understand it.

Mr. RANDALL. I have no doubt the Chair got the impression from the first proposition of the gentleman from New York.

Mr. BECK. If the committee desires to rise now, I will limit myself to ten minutes to-morrow, to show, as I can conclusively, that these bonds have been paid in violation of the law of 1869.

Mr. RANDALL. I cannot permit the gentleman from Kentucky to make any proposition as to my time.

The CHAIRMAN. The gentleman from Kentucky is speaking in the time of the gentleman from Pennsylvania.

Mr. RANDALL. I will resume the floor.

Mr. BECK. If the committee will rise now I will be content with ten minutes to-morrow.

Mr. WHEELER. I would like to understand what are the views of the gentleman from Pennsylvania in regard to further time for debate. I supposed he had taken all the time he desired.

Mr. RANDALL. I did not desire to speak at length except to-morrow morning.

Mr. WHEELER. I did not so understand. I supposed he had taken all the time he desired this evening. I will now state my purpose, so that gentleman on the opposite side may not be taken by surprise.

Mr. RANDALL. We will not come in conflict.

Mr. WHEELER. I shall move now that the committee rise, and then I will move in the House that general debate on this bill be limited to one hour after the committee resumes its session.

Mr. RANDALL. I do not propose to yield the floor to allow the gentleman to make any such motion.

Mr. WHEELER. The gentleman has the floor in his own right, and has had it from the outset.

Mr. RANDALL. I know that, and I want to accommodate myself to you.

Mr. WHEELER. I wish the gentleman would indicate what he wants.

Mr. RANDALL. All I wish is to have the floor when we next go into committee.

The CHAIRMAN. The gentleman will have that, of course.

Mr. WHEELER. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. KELLOGG reported that the Committee of the Whole had had under consideration the special order, being the bill (H. R. No. 1009) making appropriations for the support of the Army for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. WHEELER. I move that all general debate on the Army appropriation bill be limited to one hour after the House shall again resume its consideration in Committee of the Whole; and that thereafter it shall be considered under the five-minute rule.

Mr. RANDALL. What will be the effect of that motion, if agreed to, upon my right to the floor in Committee of the Whole on this bill, for one hour, as conceded to me by the gentleman from New York, [Mr. WHEELER,] and of which I had occupied but a portion when the committee rose?

Mr. WHEELER. I conceded to the gentleman ten minutes, which I understood was all he desired.

Mr. RANDALL. I took the floor in my own right, which, under the rules, gave me one hour.

The SPEAKER. If the gentleman from Pennsylvania [Mr. RANDALL] had the floor in Committee of the Whole, and yielded only to allow the committee to rise, the House cannot take from him his right to an hour, except by a suspension of the rules.

Mr. RANDALL. Of course, if two-thirds of the House are disposed to take from me my right to an hour, I must submit.

The SPEAKER. That can be done only by a suspension of the rules on Monday, after the morning hour.

Mr. WHEELER. Then I modify my motion, and move that all general debate be limited to one hour after the time expires to which the gentleman from Pennsylvania [Mr. RANDALL] is entitled.

The motion was agreed to.

MONUMENT TO THE MOTHER OF WASHINGTON.

Mr. SENER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the select committee formed by a resolution of this House to consider the practicability of finishing the Washington Monument by the approaching centennial be also further directed to inquire and report as to the practicability of completing the unfinished monument to the memory of Mary, the mother of Washington, at Fredericksburgh, Virginia.

Mr. POLAND. I move that the House now take a recess.

The motion was agreed to; and (at four o'clock and thirty-five minutes p. m.) the House took a recess until seven and a half o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873." The Clerk will resume the reading of the bill.

Mr. POLAND. Before the Clerk resumes the reading of the bill, I desire to present the amendment to come in at the close of section 766, which I suggested last evening, but did not have here in the proper form.

The Clerk read the amendment, as follows:

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution or of any law or treaty of the United States. 2. In the case of any prisoner, who, being a subject or citizen of a foreign state and domiciled therein, is committed, or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations or under color thereof.

Mr. DURHAM. Is this a part of the original statute?

Mr. POLAND. It is. As I explained last night, these are the cases in which an appeal lies in *habeas corpus* cases.

Mr. DURHAM. This is the one to which you called our attention last night?

Mr. POLAND. It is the one I explained last night, but did not have present.

The amendment was agreed to.

Mr. POLAND. I now yield to my colleague on the committee, the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. In the chapter relating to the Army I have some amendments to propose. The first is in the head-line on page 257, line 1183. That now reads "Paymaster's Department organization;" it should read "Department organization." That is no part of the law, but should be stated accurately.

The SPEAKER *pro tempore*. The Clerk will note the change indicated.

Mr. LAWRENCE. In the first section of this chapter, in the paragraph relating to brigadier-generals, I move to strike out the word "eight" and insert the word "six," so that it will read "six brigadier-generals." The act of July 15, 1870, (16 Statutes, 318, section 8,) provides "that no appointment to the grade of brigadier-general shall be made until the number of officers of that grade is reduced below six; after which the number of brigadier-generals shall not exceed six." As a matter of history there are but six brigadier-generals now, and so the law now only authorizes six.

The amendment was agreed to.

Mr. LAWRENCE. I also move to amend on page 259, line 19, by changing "Paymaster's Department" to "Pay Department."

The amendment was agreed to.

Mr. LAWRENCE. I also move to amend on page 258, by striking out the last proviso of the first section of this chapter, as follows:

And provided further, That no appointment to the grade of brigadier-general shall be made until the number of officers of that grade is reduced below six; and after which the number of brigadier-generals shall not exceed six.

The amendment was agreed to.

Mr. LAWRENCE. I offer the following amendment:

On page 273, insert between sections 1227 and 1228 the following as a new section: SEC. —. The President is authorized to prescribe the uniform of the Army.

Mr. CONGER. Is that the present provision of law?

Mr. LAWRENCE. The section which I send to the desk is in words a little different—article 100 in the Articles of War, April 10, 1806, volume 2 United States Statutes, page 371. It is found in volume 1 page 310, of the printed volume of the commissioners' revision, but is omitted in the final report. This is not the exact language, but it is the idea as agreed upon by the Committee on Revision of the Laws. The provision, as far as I have been able to ascertain, has never been repealed.

Mr. WILLARD, of Michigan. I wish to inquire if the amendments the gentleman from Ohio proposes have all been acted upon by the Committee on Revision of the Laws.

Mr. POLAND. The amendment which the gentleman has just proposed was considered by the committee. It was stated to me, by Judge James, one of the revisers, that this original provision of the law that the President should prescribe the uniform of the Army had been repealed, and that the uniform was now prescribed by law. I would suggest that this amendment be passed over for the present.

Mr. LAWRENCE. Very well.

The SPEAKER *pro tempore*. If there be no objection the amendment will be withdrawn. The Chair hears none.

Mr. LAWRENCE. I desire to offer an amendment on page 290, under the heading "Articles of War." My first amendment is to article 1.

Article 1 was as follows:

ARTICLE 1. Every officer now in the Army of the United States shall, within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

Mr. LAWRENCE. I offer the following amendment:

Strike out in line 1 the words "now in," and insert in place thereof the word "of;" and strike out all after the word "States" to the word "officer," inclusive; so it will read:

Every officer of the Army of the United States hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

The amendment was agreed to.

Mr. LAWRENCE. I move to strike out article 58, on page 297, as follows:

ART. 58. Regimental officers serving in their regiments and having brevets, or commissions of prior date to those by which they are mustered in their regiments, may take place on courts-martial or on detachments, when such courts or detachments are composed of different corps, according to the rank given them in their brevets, or according to the dates of their former commissions; but they shall do duty and take rank in the regiment, troop, battery, or company to which they belong, both in courts-martial and on detachments which are composed only of their own corps, according to the commissions by which they are mustered in the said corps.

This article is the same as article 61 in the Articles of War of 1806, United States Statutes, volume 2, which was subsequently repealed.

The motion to strike out was agreed to.

Mr. LAWRENCE. My next amendment is in section 1383, page 304.

The section was as follows:

SEC. 1383. When the office of paymaster, passed assistant paymaster, or assistant paymaster becomes vacant, by death or otherwise, in ships at sea, or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person, who shall perform the duties thereof until another paymaster, passed assistant paymaster, or assistant paymaster shall report for duty, and shall be entitled to receive the pay of such grade while so acting.

Mr. LAWRENCE. I offer the following amendment:

In lines 1 and 2 strike out "passed assistant paymaster;" and strike out the same words in line 6.

The amendment was agreed to.

Mr. CONGER. The same words, "passed assistant paymaster" occur in several subsequent sections. Should not the same amendment be made there as in section 1383? The expression occurs again in section 1385.

Mr. LAWRENCE. There it is right. It properly belongs there. But the amendment should be made in section 1389.

Section 1389 was as follows:

SEC. 1389. No paymaster, passed assistant paymaster, or assistant paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply steamers and store vessels.

Mr. LAWRENCE. I move to amend the section by striking out in line 1, the words "passed assistant paymaster."

The amendment was agreed to.

Mr. LAWRENCE. My next amendment is in section 1396.

The section was as follows:

SEC. 1396. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately warranted by the Secretary of the Navy as engineers.

Mr. LAWRENCE. I offer the following amendment:

In lines 3 and 4 of the section strike out the words "immediately warranted by the Secretary of the Navy as engineers," and insert "appointed by the President and confirmed by the Senate as second assistant engineers."

The amendment was agreed to.

Mr. LAWRENCE. The next amendment is in section 1397, page 306.

The section was as follows:

SEC. 1397. The President, by and with the advice and consent of the Senate, may appoint chaplains in the Navy.

Mr. LAWRENCE. I offer the following amendment:

Strike out in line 2 the words "chaplains in the Navy," and insert "for the public armed vessels of the United States in actual service, eighteen chaplains in the Navy."

Mr. E. R. HOAR. It occurs to me that my colleague should allow me to propose a slight change in the phraseology. Might not the effect of the section, passed in the language now given to it, be to authorize the President to make additional new appointments of so many chaplains besides the number already existing?

Mr. LAWRENCE. I ask the Clerk to read the section as it will be if amended as I propose.

The Clerk read as follows:

SEC. 1397. The President, by and with the advice and consent of the Senate, may appoint, for the public armed vessels of the United States in actual service, eighteen chaplains in the Navy.

Mr. E. R. HOAR. My suggestion was, that instead of giving the President the power to appoint eighteen chaplains in the Navy, this might be construed as an additional appointment of that number. I would suggest that it should read in this way:

The President, by and with the advice and consent of the Senate, may appoint chaplains for the public armed vessels of the United States in actual service, and the number of chaplains shall not exceed eighteen.

Mr. LAWRENCE. I have no objection to that.

Mr. POLAND. It hardly occurs to me that the amendment, as presented by the gentleman from Ohio, is fairly open to the criticism of the gentleman from Massachusetts. If we were passing what pro-

fessed to be a new law, it might well enough be construed that we were providing for eighteen more chaplains than the law now provides for. But when we put in this provision, professing that this is merely the state of the law on the 1st day of December, it seems to me that the difficulty does not arise which the gentleman from Massachusetts apprehends.

Mr. LAWRENCE. I will state that we considered in committee this morning the question whether there should be eighteen chaplains, or more; and the committee determined that eighteen, and only eighteen, were authorized by law. Since that time I have received a letter from the Secretary of the Navy, saying that, according to the construction of the Navy Department, there are twenty-four chaplains authorized. That, however, does not change my opinion about it; but I think it fair to state the matter to the House.

Perhaps I may as well state the exact position in which this matter stands. The act of April 21, 1806, Statutes at Large, volume 2, page 390, authorizes the President to appoint chaplains for the public armed vessels of the United States in actual service. The ninth section of the act of March 3, 1871, (16 Statutes at Large, page 536,) provides for not exceeding eighteen chaplains; it leaves the whole number possibly indefinite. The commissioners in their printed volumes say there are twenty-four chaplains authorized; but they do not refer to any statute which in terms fixes any such number.

The act of August 4, 1842, (5 Statutes at Large, page 800, section 1,) limits the number of officers to the number in service on the 1st of January, 1841. What that number was does not of course appear by any statute. But the construction which the committee put upon these laws is that the act of March 3, 1871, (chapter 117,) limits the number to eighteen. That I believe to be the true reading of the law.

Mr. CONGER. Mr. Speaker, on a former occasion I urged, with what ability I could, the propriety of inserting in this revision the laws as they actually exist, even to the extent of referring, if necessary, to the last appropriation bill which may have declared the number of different officers to be paid. But I was met by the committee with the proposition that while the law provided for classes of officers the different appropriation bills changed them, and they only held office in accordance with the appropriations made by Congress, and that therefore it was unnecessary to specify any number. It is pleasant to me to perceive that the suggestions which I then made have been quietly working in the minds of the committee, and have even led my friend from Ohio [Mr. LAWRENCE] to try to reduce my suggestions to practice.

Now, the number of chaplains in the Navy from the time when the act of 1793 was passed has varied, I venture to say, every ten years, if not every year. During the late war the number of chaplains could be counted by hundreds. There must have been some provision of law upon our statute-books later than the act of 1793, later than the act of 1841, later than the act of 1847, which authorized the appointment of chaplains by the score and the hundred during the late war; and there must have been some provision for their reduction. Where is the law for the increase, and where is the law for the reduction? It can only be found, I suppose, in the revision and reorganization of the Army and Navy, which I have no doubt does define accurately and carefully the number of chaplains that may exist in the Navy in a peace establishment.

Mr. POLAND. What is the number? That is what we want to know.

Mr. CONGER. I cannot say. It has not been my duty, and I am sorry to say it has not been my privilege, to follow up this examination. I am only talking to the same point as I did the other night—the existence of a law on this subject. Now, I do not know of any law that limits the number of these chaplains to eighteen; and I do not propose to accept the law of 1793 as the last law on this subject, when there have been since that time hundreds of chaplains in the Navy. The only interest I feel in being present here with my fellow-members during the examination of this revision is, first, in regard to some particular chapters which I have examined and in which I feel a special interest; and, next, that this committee shall report and the House shall pass upon the law as it is.

Now, I understand the fact to be that in the law reorganizing the Navy there was a provision for twenty-four chaplains. If we now incorporate into this revision a restriction to eighteen, somebody must go out; some old minister of God—I do not know who—must depart. [Laughter.] If we adopt this provision it becomes a law of the land; for I assume that the House is not going to review this matter again. The House will probably adopt the revision as agreed on in this thin House as the final action on the subject. I think, therefore, that our amendments should be made with full reference to the law as it is. I have insisted heretofore, and I now insist, that our amendments shall be so framed as not to change the law as it is, whether the law be found in a general act or in an appropriation bill. When I speak of "the law as it is" I mean, of course, the law as it was on the 1st of December last. In thus acting in a thin House upon this revision we may by inadvertence, by changing or omitting a few words, by embodying what we consider to be the substance of the law—we may change the organization of our Departments, or leave them without any law under which to act until Congress shall meet again, unless we chance to discover the error during the present session. In this way we may create great confusion. It is for that reason I desire to add to what is said on this subject the expression of my regret that the changes were made the other evening in striking out the number of clerks. And it is for that reason I desire to call the attention of the committee as to the propriety of striking out any number which is supposed to be the law.

Mr. POLAND. I am thankful for this lecture of my friend from Michigan. Several members of the committee have, over and over again, repeated that our efforts will be confined entirely to make this revision express just what the law is. My friend seems to have an idea we have a lurking purpose to change the law, when we have determined ourselves, and said so, here and everywhere, and to everybody, not only that we did not intend to do it ourselves, but did not intend to allow anybody else to do it if we could possibly help. So my friend may content himself from now forward; the committee do not intend to make or to allow, if they can help, the slightest change in the law. That we may sometimes mistake what the law is is very possible, and perhaps more than possible; but our work has to go through another House and before another committee, and there will be a fair opportunity for any mistakes which may be left in this work when we get through with it to be discovered and corrected.

We are going through this in a liberal, good-natured way, and with the understanding, agreed to all around by general consent, if anything is discovered which is wrong, we are to go back and correct it. That is all I desire to say.

As to this particular amendment, it is true the committee have agreed to it in the form presented by my friend from Ohio; but from an examination of the statute since we are satisfied the number we put in, eighteen, is not the true number. The number is fixed by law. It is not like the action my friend is talking about, of mere annual appropriation to pay a number of persons. Chaplains in our Navy are officers, who are so by law, as much as the Secretary of the Navy. The committee came to this conclusion on the recent statute which provides chaplains in the Navy shall take rank, &c., in three different ranks of chaplains in the Navy, and those, three in number, make eighteen, and we assumed that statute provided for all the chaplains there were in the Navy; but going back it does appear by statute twenty-four chaplains in the Navy were authorized, and the commissioners in their revision put in the number at twenty-four. The committee struck off the additional six. I think, taking both acts together, the number should be twenty-four instead of eighteen.

Mr. CONGER. I have but one word further to say to my venerable friend, the chairman of this committee. He is so remarkably thankful to me for small favors that I may venture to say he will receive greater ones in proportion; and if my simple objection to this, as it was about to pass unquestioned, has been able to call from the gentleman from Vermont an admission that the amendment proposed by the committee is wrong, and which he now seeks to correct, I have, in my feeble way, done some service. It was for that object I rose, and having accomplished that purpose I take my seat.

Mr. LAWRENCE. The commissioners in their revision, in their printed volume, referred to this matter of chaplains. I will give the text, and the note accompanying it, as well as the marginal reference:

Chaplains, number and appointment of.

"SEC. 36. The President, by and with the advice and consent of the Senate, may appoint not exceeding twenty-four chaplains in the Navy."

21 Apr., 1806, ch. 35, § 3, vol. 2, p. 390; 16 Apr., 1814, ch. 58, § 5, vol. 3, p. 125; 4 Aug., 1842, ch. 121, § 1, vol. 5, p. 500.

The act of 3d March, 1871, ch. 117, fixes the relative rank of chaplains as follows: "Four chaplains shall have the relative rank of captain, seven that of commander, and not more than seven that of lieutenant-commander or lieutenant."

This accounts for only eighteen. The question therefore arises whether Congress intended to limit the number of chaplains to eighteen, or intended that all over that number should be without relative rank. Meantime the number is left in this revision as fixed by previous acts. There is no such inconsistency as works a repeal.

I may remark that there is no previous act which fixes the number of chaplains. There is an act, the act of August 4, 1842, volume 5 of the Statutes at Large, page 500, section 1, which limits the number of officers to the number in the service on the 1st of January, 1841. What that number was I do not know, but the view I take of it, and the view which the committee took of it this morning is, that the act of 1871, which will be found on page 536 of volume 16 of the Statutes at Large, in section 9, did limit the number of chaplains to eighteen. I think that when Congress provided relative rank in these words, "four chaplains shall have the relative rank of captain; seven that of commander, and not more than seven that of lieutenant-commander or lieutenant," Congress had in mind this: that there should be four chaplains who should have the relative rank of captain, seven that of commander, and that the President might appoint as many more, not exceeding seven, making in all eighteen, if he deems it necessary, the latter seven of whom, if all were appointed, shall have the relative rank of lieutenant-commander or lieutenant; in other words, Congress contemplated the possibility that there would be no necessity for the whole eighteen, and therefore, in my judgment, they used the expression "and not more than seven" who should have this relative rank. They intended to have none without any relative rank. They did not intend to have a class which, according to naval etiquette, would be thus degraded. I think, therefore, that the true reading of all these statutes taken together is, that the number is limited to eighteen; but if the House should be of a different opinion, as the Navy Department seems to be, and I am not much surprised at it, we can correct the number accordingly, and, of course, I shall ac-

quiesce in any decision that is made. It is a question of construction, and it is for the House to determine what is the true construction.

Mr. WILLIAMS, of Michigan. I desire to inquire what would be the effect of omitting the number altogether.

Mr. LAWRENCE. Well, Mr. Durant, in his revision, uses this language:

The President, by and with the advice and consent of the Senate, may appoint chaplains in the Navy.

That is the construction he puts on these laws, and the effect would be that the President might appoint every preacher in the United States as a chaplain, if it were possible for him to abuse his discretion in that way.

Mr. WILLIAMS, of Michigan. Do we repeal the laws already existing on the statute-book when we re-enact them in this?

Mr. LAWRENCE. Well, that is a question of construction. Where a statute is evidently designed as a revision of the whole subject, it repeals by implication all other statutes upon the same subject. That is a rule of law, a rule of construction. And we are to determine by construction what is the meaning of these laws all taken together.

Mr. WILLIAMS, of Michigan. I move to amend the amendment by striking out the number, to wit, the word "eighteen."

Mr. POLAND. If the gentleman will yield to me, I will suggest that the amendment be perfected hereafter, and the number left blank for the present. The committee gave the same construction to this statute that the gentleman from Ohio does, and I did agree to this number. I put the same construction on it that is given in this amendment, but on further examination, it strikes me that a provision giving rank to eighteen is not so contradictory of the previous provisions of law, fixing the number at twenty-four, that we could say that if there were six more to whom no rank was given, they were dismissed.

Mr. LAWRENCE. There is no law which fixes the number at twenty-four.

Mr. POLAND. Let the amendment be adopted, leaving the number blank.

Mr. WILLIAMS, of Michigan. I want to arrive at what we are doing. I confess I have been somewhat in the dark. I suppose we are revising the laws, and if that is what we are doing, then certainly it occurs to me that the remarks of my colleague from Michigan [Mr. WILLARD] are very pertinent in reference to our action in the past in this revision. But I understand that by peculiar phraseology we are revising, consolidating, and virtually compiling the laws; then the question occurs to me, do we re-enact the laws? It seems to be a little strange that we should re-enact laws that are dead and no longer in force, and have no vitality on our statute-books. If in revising we are putting into the revision laws no longer on the statute-book, it seems to me an absurdity. And therefore I wish in offering this amendment to draw from the committee precisely what we are doing, and I insist on my amendment, in order that we may have a full explanation.

Mr. LAWRENCE. With the consent of the committee, I will withdraw my amendment and offer it in different language.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Michigan to insist on his amendment to the amendment.

Mr. WILLIAMS, of Michigan. I will hear the amendment read, and then perhaps I may withdraw the amendment to the amendment.

The Clerk read Mr. LAWRENCE's amendment, as modified, as follows:

There shall be in the Navy, for the public armed vessels of the United States in actual service, not exceeding —— chaplains, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. WILLIAMS, of Michigan. I will let the matter stand as it is for the present.

Mr. POLAND. I desire to say to my friend from Michigan [Mr. WILLIAMS] that we do not intend to revive any obsolete or repealed law. We intend to have this revision present the law just as it now is. But the statutes in relation to the number of chaplains in the Navy are in such a state that it is a matter of great doubt what the law actually is. That is what we are disagreeing about; not about what the law ought to be, but what the law is as to the number of chaplains. The statutes are somewhat contradictory upon that subject. This matter was considered in the committee only this morning, and the various members of the committee have not yet had time to make a thorough examination of all the statutes.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. LAWRENCE] has the right to withdraw his amendment without the consent of the gentleman from Michigan, [Mr. WILLIAMS.] Rule 40 authorizes a motion to be withdrawn before it is actually amended by the House.

Mr. WILLIAMS, of Michigan. I will withdraw my amendment.

Mr. LAWRENCE. I ask that this amendment may be adopted, and at some subsequent time the blank can be filled.

The amendment was agreed to.

Mr. LAWRENCE. I move further to amend, on page 306, by striking out of section 1398 the word "chaplains" and inserting in lieu the words "a chaplain;" also, by striking out "their" and inserting "his;" so that the section will read:

SEC. 1398. A chaplain shall not be less than twenty-one nor more than thirty-five years of age at the time of his appointment.

The amendment was agreed to.

Mr. LAWRENCE. I move to amend section 1406 by striking out the words "and assistant naval constructors." Those words are not found in the act of March 3, 1845. The section will then read:

Naval constructors may be required to perform duty at any navy-yard or other station.

Mr. CONGER. Those officers exist, either by law or without law, and have rank in the Navy—"assistant naval constructors." Gentlemen will find, by turning to section 1477, on page 316, that their rank is defined: "Assistant naval constructors shall have the relative rank of lieutenant or master." They are therefore recognized by some provision of law; authority for their appointment must exist somewhere. In fact they do exist, to my own knowledge. There are assistant naval constructors, and they have a certain rank in the Navy, as naval officers all have.

Now it seems to me that, there being a section of the law recognizing this office of assistant naval constructor, and defining the rank of the officer, it is not proper to strike out the provision that authorizes them to be assigned to certain duty. Therefore I object to the amendment.

Mr. LAWRENCE. This section relates to the question of assignment to duty, not to the question of their existence at all.

Mr. CONGER. I happen to be familiar with the practice and orders in such cases, having among my acquaintance a gentleman occupying that position. I have seen his orders to go from one naval station to another, from New York to Pensacola. I do not know why an assistant naval constructor should not by law be required to perform duty at any navy-yard or station. These officers exist; they have their appointment, they have their rank; and they are the very officers that should be required to perform duty wherever directed. I cannot believe it possible that such an office does not exist by law.

Mr. POLAND. It does exist by law.

Mr. CONGER. If such an officer does exist by law, then I cannot conceive of his not being required to perform duty at such stations as may be directed.

Mr. POLAND. It is quite likely that the law ought to be as my friend from Michigan [Mr. CONGER] suggests. The difficulty is that it is not so. The act of 1845, from which this section is taken, provides that "naval constructors may be required to perform duty at any navy-yard or other station, and when so ordered shall be entitled to the same allowance for travel," &c.

Mr. CONGER. Very well; an assistant naval constructor is as much a naval constructor as a principal one is.

Mr. POLAND. That is what we suppose, and it is what we propose to accomplish by this amendment.

Mr. CONGER. No; because another portion of the same law divides them into grades. The office of assistant naval constructor having been established by law, and the officer having been given grade, the requirement of law for him to perform duty should not be left out.

Mr. POLAND. We left the statute just as we found it.

Mr. CONGER. You left one branch of it.

Mr. POLAND. No; the whole of it.

The amendment was agreed to.

Mr. LAWRENCE. On page 309 I move to amend by inserting before section 1430 a new section, as follows:

SEC. —. The officers of vessels of the United States shall in all cases be citizens of the United States.

I will say that section 9, on page 697 of volume 1, commissioners' revision, was stricken out by them from their final official report. This is found in the eight volumes in the room of the Committee on Revision of the Laws. The section which the commissioners reported is found as section 4194 in Durant's revision, on page 1048.

The section as there reported applies only to commanders—not to all officers of vessels.

Some question has been made as to whether this section which I have offered applies to vessels in the Navy or to merchant-vessels. The Committee on Revision of the Laws determined this morning, after a tolerably careful examination, that it applied to officers of both classes of vessels, and directed that it should be inserted as a new section, preceding section 430. Of course the gentleman from Massachusetts, [Mr. E. R. HOAR,] who has charge of that portion of Durant's revision on page 1048, will consider the question whether it ought to be reincorporated in terms as a part of section 4194, as I have no doubt it will be.

Mr. E. R. HOAR. Yes, sir; I have marked it to be inserted there.

The amendment was agreed to.

Mr. LAWRENCE. The next section to which I propose to offer an amendment is section 1588.

The section was as follows:

SEC. 1588. The pay of all officers of the Navy who have been retired after forty-five years' service, after reaching the age of sixteen years, or who have been or may be retired after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to 75 per cent. of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement.

Mr. LAWRENCE. I move to amend by inserting after the word "wounds," in line 6, the words "or injuries"

The amendment was agreed to.

Mr. LAWRENCE. I desire to move an amendment to section 1664.

The section was as follows:

SEC. 1664. The several compensations fixed by the preceding section for master-armorers and inspectors shall be paid quarter-yearly. All ordnance store-keepers and paymasters shall give bond and security for the faithful discharge of their duties in such sum as may be prescribed by the Secretary of War.

Mr. LAWRENCE. I move to amend by striking out the word "ordnance," in line 3, and inserting in lieu thereof the word "military." This word is found in the act of August 23, 1842.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment I wish to offer is to section 1797.

The section was as follows:

SEC. 1797. The Chief of Engineers shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President through the Department of the Interior, except those buildings and grounds which are otherwise provided for by law.

Mr. LAWRENCE. I move to amend by striking out after the word "Department" the words "of the Interior," and inserting before "Department" the word "War."

The amendment was agreed to.

Mr. POLAND. Should not the last clause of the section, beginning with the word "except," be struck out?

Mr. LAWRENCE. Yes, sir; I move to amend by striking out the words "except those buildings and grounds which are otherwise provided for by law."

Mr. CONGER. In the organic act establishing the District of Columbia, or in some amendatory act since passed, has not the supervision of these buildings been given to another officer than the Chief of Engineers? I believe General Babcock has charge of them now.

Mr. POLAND. General Humphreys is Chief of Engineers. General Babcock, I presume, is detailed by him.

The SPEAKER *pro tempore*. How would the section, as now proposed to be amended, leave the Capitol?

Mr. LAWRENCE. The Capitol is under the charge of the architect of the Capitol extension. I see that my last amendment is not proper. I withdraw it.

The next section which we wish to amend is section 1798.

The section was as follows:

SEC. 1798. All estimates for public buildings and grounds in charge of the Chief of Engineers shall be approved and submitted by the Secretary of the Interior, through the Treasury Department, as other estimates, to the two Houses of Congress; and all appropriations which have been or may be hereafter made for repairs or improvements of the public buildings and grounds in the District of Columbia, and now in charge of the Chief of Engineers, shall be expended under the direction of the Secretary of the Interior.

Mr. LAWRENCE. I move to amend by striking out "the Interior" in the third line, and inserting "War;" also by making the same change at the end of the section.

The amendment was agreed to.

Mr. LAWRENCE. I wish to move an amendment to section 1799, the first clause of which reads as follows:

SEC. 1799. The Chief of Engineers in charge of public buildings and grounds is authorized to employ in his office and about the public buildings and grounds under his control the following persons, who shall receive, respectively, the annual salaries herein named, to be paid upon the order of the Chief of Engineers, namely.

I move to amend by striking out the whole of this section after the word "control," in the third line, and inserting in lieu thereof the following words:

Such number of persons for such employment, at such rates of compensation, as may be appropriated for by Congress from year to year.

The amendment was agreed to.

Mr. LAWRENCE. I move to amend by striking out sections 1804 and 1806, as follows:

SEC. 1804. Every person who maliciously breaks, injures, defaces, or destroys any main or pipe, bend, branch, valve, hydrant, service-pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of Washington and Georgetown, shall be punishable by imprisonment in the county jail for not more than two years.

SEC. 1806. Every person who maliciously commits any act by reason of which the supply of water, or any part thereof, to the cities of Washington and Georgetown, becomes impure, filthy, or unfit for use, shall be fined not less than $500 nor more than $1,000, or imprisoned at hard labor in the District of Columbia not more than three years nor less than one year.

Those sections are a part of the law, but they are merely local.

Mr. E. R. HOAR. If found anywhere, it should be in a compilation of the laws of the District of Columbia.

Mr. LAWRENCE. They possibly belong to the laws of this District, which we are not attempting to compile in this revision.

The amendment was agreed to.

Mr. CONGER. I suggest whether an amendment is not required in section 1812, where it provides that the Chief of Engineers shall report to the Secretary of the Interior.

Mr. E. R. HOAR. Yes, sir; that requires correction.

Mr. LAWRENCE. I will move to amend that section.

The section was as follows:

SEC. 1812. The Chief of Engineers shall, as Superintendent of Public Buildings and Grounds, and as Superintendent of the Washington Aqueduct, annually submit the following reports to the respective heads of Departments in time to accompany the annual message of the President to Congress, namely:

First. To the Secretary of the Interior a report of his operations for the preceding year, with an account of the manner in which all appropriations for public buildings and grounds have been applied, including a statement of the number of public lots sold, or remaining unsold, each year, of the condition of the public buildings and grounds, and of the measures necessary to be taken for the care and preservation of all public property under his charge.

Second. To the Secretary of War, a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under his charge.

Mr. LAWRENCE. I move to amend the section by striking out in lines 3 and 4 the words "respective heads of Departments," and inserting "Secretary of War."

The amendment was agreed to.

Mr. LAWRENCE. I move further to amend the same section by striking out in the first line of the second paragraph the words "to the Secretary of the Interior;" and also by striking out in the first line of the third paragraph the words "to the Secretary of War."

The amendment was agreed to.

Mr. LAWRENCE. The next section to which I wish to move an amendment is section 1821.

The section was as follows:

SEC. 1821. The appointment of the Capitol police shall be made by the Sergeant-at-Arms of the two Houses and the architect of the Capitol extension.

Mr. LAWRENCE. I move to amend by striking out the words "the appointment of the Capitol police shall be made," and inserting in lieu thereof the words "there shall be a Capitol police, the members of which shall be appointed."

The amendment was agreed to.

Mr. LAWRENCE. I move, on page 402, section 1821, to add to that section these words:

There shall be a captain of Capitol police, and such other members, with such rate of compensation, as may be appropriated for by Congress from year to year.

The amendment was agreed to.

Mr. LAWRENCE. I move, in line 2, section 1821, to strike out the letter "s," so as to make it read "sergeant" instead of "sergeants-at-arms."

Mr. SHANKS. Does not this say we shall provide for these officers in appropriation bills?

Mr. LAWRENCE. There are more clerks in the Treasury Department by authority of appropriation bill four times over than by strict letter of the law.

Mr. SHANKS. We ought not to plead vice by way of extenuation.

Mr. LAWRENCE. We are reporting what the law is, and not what the law should be.

Mr. SHANKS. I understand that.

The amendment was agreed to.

Mr. LAWRENCE. I move, in section 1822, to strike out the letter "s," so as to make it read "sergeant-at-arms."

The amendment was agreed to.

Mr. LAWRENCE. I move, on page 404, to strike out section 1838, which reads as follows:

Sec. 1838. All laws of the United States are extended over, and shall have full force and effect within, all the States, and within every new State on its admission into the Union.

I will state, Mr. Speaker, that the commissioners, in their revision, reported a provision similar to this, with a note, saying that language of similar import is found in nearly all of the territorial acts, generally qualified with the expression, "laws not locally inapplicable," but in the admission of Texas the general expression was used as found in this statute.

And this section as found here is undoubtedly the law, except only there is a qualification as to some of the States, that all laws not locally inapplicable shall be in force; but the committee were of the opinion we might safely omit this, because the law is so without putting in any such provision. The laws of the United States, not locally inapplicable, are in force in every State admitted into the Union, and it is not necessary to spread upon the statute-books what is so palpably the clear law without it.

The amendment was agreed to.

Mr. LAWRENCE. It is in the commissioners' revision as follows:

"SEC. 3. All laws of the United States are extended over, and shall have full force and effect within, all the States, and within every new State on its admission into the Union."

Laws of United States extended over all the States.

29 Dec., 1845, ch. 1, vol. 9, p. 1.

Language of similar import, with the qualifying words, however, "laws not locally inapplicable," is found in the acts of admission of nine States, namely: Tennessee, Louisiana, Arkansas, Iowa, Florida, Minnesota, California, Nevada, and Nebraska. But on the admission of Texas, Congress used terms without limit or qualification; and the above section is substantially drawn from that act. If any such provision is important at all, it has seemed to us best to incorporate it, in some proper form, for all time, in the general and permanent law.

Mr. LAWRENCE. I move, on page 404, to strike out section 1839, which is as follows:

SEC. 1839. Every new State, on its admission into the Union, shall be entitled to one Representative in the House of Representatives, unless the ratio of population, according to the last general census preceding its admission, entitles such State to a larger number.

The amendment was agreed to.

Mr. LAWRENCE. I will state the first part of that section is already in the Constitution and the last part of it is not the law. That question was discussed in this House when we had under discussion Du-

rant's revision, pages 5 and 6, chapter 2. The gentleman from Massachusetts [Mr. E. R. HOAR] explained all that, and it is not necessary to explain it any further. Here is what the commissioners say in their revision on that section:

Representation o new States.

2 Feb., 1872, ch. 11, § 5, vol. 17, p. 29.

"SEC. 6. Every new State, on its admission into the Union, shall be entitled to one Representative in the House of Representatives, unless the ratio of population, according to the last general census preceding its admission, entitles such State to a larger number."

NOTE.—Congress has almost uniformly declared what representation a new State shall be entitled to in the House of Representatives. Fifteen States have been admitted with one Representative, to wit: Tennessee, Ohio, Indiana, Louisiana, Mississippi, Illinois, Alabama, Arkansas, Iowa, Florida, Kansas, Oregon, Missouri, Nevada, and Nebraska. Three have been admitted with two: Texas, Minnesota, and California. Two have been admitted with three: Wisconsin and West Virginia; while nothing is said in the acts of admission about representation concerning Kentucky, Vermont, Maine, and Michigan. The terms of the above section are more general than those in the act cited in the margin, which restricts the ratio of representation of new States to the standard, as fixed by the act of apportionment under the *ninth* census.

The amendment was agreed to.

Mr. LAWRENCE. I move, on page 405, to strike out section 1841, which is as follows:

SEC. 1841. Nothing in this title shall be construed to inhibit the Government of the United States from dividing any Territory, or from changing its boundaries, in such manner and at such time as Congress may deem convenient and proper, or from attaching any portion of such Territory to any other State or Territory.

That is found in the statute, but the committee were of the opinion the law is equally clear without inserting it, because nothing in this statute, or any other, can be construed to prevent the Government of the United States dividing any Territory, &c. It is not necessary to re-enact the law of God. Here is what the commissioners in their revision say about it:

Division and boundaries of the Territories.

New Mex., 9 Sept., 1850, ch. 49, § 2, vol. 9, p. 447.
Utah, 9 Sept., 1850, ch. 51, § 1, vol. 9, p. 453.
Colo., 28 Feb., 1861; ch. 59, § 1, vol. 12, p. 172.
Idaho, 3 Mar., 1863, ch. 117, § 1, vol. 12, p. 808.
Dak., 2 Mar., 1861, ch. 86, § 1, vol. 12, p. 239.
Ariz., 24 Feb., 1863, ch. 56, § 1, vol. 12, p. 664.
Mont., 26 May, 1864, ch. 95, § 1, vol. 13, p. 85.
Wyo., 25 July, 1868, ch. 235, § 1, vol. 15, p. 178.

"SECTION 1. Nothing in this title shall be construed to inhibit the Government of the United States from dividing any Territory, or from changing its boundaries, in such manner and at such time as Congress may deem convenient and proper, or from attaching any portion of such Territory to any other State or Territory."

NOTE.—No such provision is found in the act establishing Washington Territory, whether by inadvertence or design we cannot determine. It is, however, an omission which, it seems to us, should be supplied. We have, therefore, made the provision general.

The amendment was agreed to.

Mr. LAWRENCE. I move on page 436, section 1994, line 5, after the word "provisions," to insert the word "or;" so it will read:

SEC. 1994. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

The amendment was agreed to.

Mr. LAWRENCE. I move on page 453, section 2075, to strike out "Washington Territory, California, Arizona, Nevada, Idaho, and Colorado;" so it will read:

SEC. 2075. The salaries of interpreters lawfully employed in the service of the United States in Oregon, Utah, New Mexico, shall be $500 a year each, and of all so employed elsewhere $400 a year each.

The amendment was agreed to.

Mr. LAWRENCE. I offer another amendment to the same section, as follows:

In line 2, between the word "Utah" and the words "New Mexico," insert the word "and."

The amendment was agreed to.

Mr. LAWRENCE. I have an amendment also to section 1892, page 414.

The section was as follows:

SEC. 1892. The legislative assemblies of the several Territories shall not grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits.

Mr. LAWRENCE. I offer the following amendment:

Add at the end of the section the following words:
Or construction or operation of railroads, wagon-roads, irrigating-ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable, or scientific association.

Mr. CONGER. Is that in the law now?

Mr. LAWRENCE. Yes, sir; it is found in the law.

The amendment was agreed to.

Mr. POLAND. This is as far as the committee is prepared to go to-night; and I move that the House do now adjourn.

The motion was agreed to; and thereupon (at nine o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as follows:

By Mr. BANNING: Resolutions of the common council of the city of Cincinnati, remonstrating against any delay or postponement of the construction of the new public buildings lately ordered for that city, to the Committee on Public Buildings and Grounds.

Also, resolutions of the board of aldermen of the city of Cincinnati, requesting the Representatives in Congress from the city of Cincinnati to use their utmost endeavor to urge forward the prosecution of work on the new post-office building designed to be erected in that city, to the Committee on Public Buildings and Grounds.

By Mr. BARRERE: The petition of M. A. McClelland and others, physicians and surgeons of Knox County, Illinois, in relation to rank, promotion, and appointment in the medical corps of the Army, to the Committee on Military Affairs.

Also, the petition of the medical society of Knox County, Illinois, for the publication for circulation of a larger edition of the Medical and Surgical History of the War of the Rebellion, to the Committee on Printing.

By Mr. BECK: The petition of Brannin, Summers & Co., to be reimbursed certain duties collected from them on foreign sugars, to the Committee on Ways and Means.

By Mr. BLAINE: Several petitions from one-armed soldiers of the war of the rebellion, for increase of pension, to the Committee on Invalid Pensions.

Also, the petition of bankers, merchants, and citizens of the city of New York, in relation to the numerous propositions before Congress for increasing the volume of the currency, to the Committee on Banking and Currency.

Also, the petition of certain citizens of the State of Kentucky, protesting against the present system of carrying newspapers without prepayment of postage, to the Committee on the Post-Office and Post-Roads.

Also, the petition of certain citizens of the State of Tennessee, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of certain citizens of the State of Ohio, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Albany County, New York, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Weare, Michigan, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of West Eaton, Ohio, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Meigs County, Ohio, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Louisiana, asking for the application and enforcement of the guarantee contained in section 4 of article 4 of the Constitution of the United States, to the Committee on the Judiciary.

By Mr. BUCKNER: A paper relating to the establishment of a post-route from Truxton to Jonesburg, in the State of Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER, of Massachusetts: The remonstrance of N. H. Felt, A. P. Rockwood, and others, native-born citizens of Massachusetts, now residing in Utah, against the passage of certain bills now before Congress, purporting to be in aid of the execution of the laws in the Territory of Utah, to the Committee on the Judiciary.

Also, the petition of James N. Buffum & Co. and others, merchants and importers, of Lynn, Massachusetts, that their custom-house business may be done at Boston instead of Marblehead, to the Committee on Ways and Means.

Also, the petition of William Coventry H. Waddell, that national currency may be received for duties on imports on and after March 1, 1874, to the Committee on Ways and Means.

Also, the petition of Caroline Augusta Slocomb, of New Orleans, for reimbursement of property taken by United States forces during the war, to the Committee on War Claims.

Also, the petition of Cora Ann Slocomb, of New Orleans, for reimbursement for property taken by United States forces during the war, to the Committee on War Claims.

Also, the petition of Ida A. Slocomb, of New Orleans, for reimbursement for property taken by United States forces during the war, to the Committee on War Claims.

By Mr. CLYMER: The petition of Frederick Crouse and others, workingmen of Durham Township, Bucks County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. on certain duties, to the Committee on Ways and Means.

By Mr. COMINGO: The petition of James Brice, for indemnification for depredations by the Arapahoe Indians in 1868, to the Committee on Claims.

By Mr. CROCKER: The petition of citizens of Enfield, Massachusetts, for the prepayment of postage on all printed matter, to the Committee on the Post-Office and Post-Roads.

By Mr. ELKINS: Reports from the Secretary of the Interior relative to private land claims in New Mexico, to the Committee on Private Land Claims.

By Mr. FIELD: The petition of E. F. Coldwell and others, druggists of Detroit, Michigan, for the repeal of the stamp duties on medicines, to the Committee on Ways and Means.

By Mr. HAMILTON: Resolutions of the Legislature of New Jersey, in relation to arming and equipping the whole body of the militia of the United States, to the Committee on Military Affairs.

By Mr. HOLMAN: The petition of John Wible, for relief, to the Committee on War Claims.

By Mr. LAMPORT: The petition of Margaret W. Burrall, widow of Thomas D. Burrall, for extension of patent for improvement in corn-shellers, to the Committee on Patents.

By Mr. LYNCH: The petition of citizens of Jackson County, Mississippi, for the passage of the supplementary civil-rights bill, to the Committee on the Judiciary.

By Mr. McCRARY: The petition of Benoval Grove, for a pension, to the Committee on Invalid Pensions.

Also, the petition of A. Webster and others, of Fort Atkinson, Iowa, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on Education and Labor.

By Mr. SAYLER, of Ohio: Resolutions of the common council of the city of Cincinnati, remonstrating against any delay or postponement of the construction of the new public buildings designed for that city, to the Committee on Public Buildings and Grounds.

Also, resolutions of the board of aldermen of Cincinnati, requesting the Representatives in Congress from that city to urge forward the prosecution of work on the new post-office building designed to be erected in Cincinnati, to the Committee on Public Buildings and Grounds.

By Mr. SCUDDER, of New York: The petition of citizens of Patchogue and other villages on the south side of Long Island, asking that Patchogue be made a port of delivery, to the Committee on Commerce.

By Mr. SHEATS: The petition of the boards of trade of Columbus, Mississippi, and Mobile, Alabama, for the improvement of the Tombigbee and Tennessee Rivers, to the Committee on Commerce.

By Mr. SLOSS: The petition of the heirs of Henry Fulenweider, for compensation for services in carrying the United States mail, to the Committee on Claims.

By Mr. SMITH, of Virginia: The petition of John Hamilton, of Baltimore, Maryland, for compensation for destruction of ice-house by United States troops, to the Committee on War Claims.

By Mr. STONE: The memorial of the North Saint Louis Savings Association, asking payment of $15,000 advanced to Russell, Majors & Waddell on acceptances of Hon. John B. Floyd, Secretary of War, to the Committee on Claims.

By Mr. THORNBURGH: The petition of D. F. Smith, for remuneration for horse and equipments lost in the service of the United States, to the Committee on Military Affairs.

Also, the petition of William H. Edwards, for a pension, to the Committee on Invalid Pensions.

Also, the petition of druggists of Knoxville, Tennessee, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. WOODFORD: The remonstrance of Clark Brothers & Co., Morris, Denning & Co., and other wholesale hat dealers, of New York, against any further extension of the Wells patent for forming hat-bodies, to the Committee on Patents.

Also, several petitions of citizens of Brooklyn, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

IN SENATE.

FRIDAY, *January* 30, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. INGALLS. I move that the further reading of the Journal be dispensed with.

Mr. DAVIS. I think we had better go through with the reading of the Journal.

The PRESIDENT *pro tempore*. The Senator from West Virginia objects. The reading will proceed.

The Secretary continued and concluded the reading of the Journal of yesterday.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills, which had previously received the signature of the Speaker of the House of Representatives:

A bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri; and

A bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented the memorial of the Board of Trade of Philadelphia, Pennsylvania, protesting against any reduction of the usual annual appropriation for the preparation and publication of the Nautical Almanac; which was referred to the Committee on Appropriations.

He also presented a memorial of the Wholesale Grocers' Association of Philadelphia, Pennsylvania, praying for certain modifications of the bankrupt law, or, if it cannot be modified, its repeal; which was ordered to lie on the table.

He also presented the petition of the Dauphin County (Pennsylvania) Medical Society, in favor of the enactment of a law giving the Medical Corps of the Army increased rank and pay, and opening the corps for appointment and promotion; which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. Susan Leach, of Blair County, Pennsylvania, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CHANDLER presented a petition numerously signed by citizens of Michigan, asking the extension of the money-order system to every post-office in the United States, with such a low rate of expense as shall be equitable and just toward the people; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a petition of citizens of Richland County, Iowa, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the memorial of the Chamber of Commerce of the city of New Orleans, Louisiana, asking the enactment of such laws as shall authorize the Government to assume exclusive control of all quarantine regulations, whether foreign or domestic; which was referred to the Committee on Commerce.

Mr. CLAYTON presented a memorial of the trustees of the Arkansas Industrial University, asking for the passage of the agricultural-college bill of Mr. MORRILL, of Vermont; which was referred to the Committee on Education and Labor.

Mr. CONOVER presented a memorial of the Legislature of Florida, in favor of appropriations for harbor and river improvements in the State of Florida; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Florida, in favor of the establishment of a mail-route in Volusia County, Florida; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented the memorial of Duff Green, of Georgia, suggesting a bill to be entitled "An act to pay the public debt by issue of a national currency;" which was referred to the Committee on Finance.

He also presented the memorial of Columbus D. Smith, of Georgia, asking payment for medical services rendered United States troops in 1865 and 1866; which was referred to the Committee on Military Affairs.

He also presented the petition of Eugene Beebe, of the city of New York, praying for the issue of $100,000,000 of greenbacks; which was referred to the Committee on Finance.

He also presented the memorial of the governor of the State of Georgia, asking payment by the United States for the use of the Western and Atlantic and East Tennessee Railroads, the property of that State; which was referred to the Committee on Claims.

Mr. BAYARD. I present a petition from bankers, merchants, and citizens of the city of Baltimore, Maryland, representing the alarm which they feel at the various propositions before Congress for the increase of the volume of the currency; declaring that they deem any additional issue of paper money, directly by the Government or indirectly by the national banks, to be highly injurious to the interests of the nation; declaring also their belief of the great injury to the commercial interests of the country to result from the persistence in the use of an irredeemable paper currency, and praying that no more issue of paper may take place, and that the greenbacks already out, of the so-called reserve, may be withdrawn as speedily as possible.

The petition is signed by Alexander Brown & Sons and numerous others, representatives of the national banks of the city of Baltimore, representatives of the largest commercial and banking interests of the city of Baltimore, all agreeing upon the same state of facts, and all urging the same treatment of those facts.

Mr. President, I desire also to say that this petition is a precise duplicate of a petition presented within a few days in the other House from the city of New York, and that petition represented the views of forty-six of the national banks of the city of New York, and of two trust companies in that city whose aggregate capital amounts to over $61,500,000; it represented the views of the life-insurance companies, with a capital of $89,000,000, and one hundred and twenty-six of the most wealthy and prominent bankers, merchants, and manufacturers of the city of New York; and all of these signatures, which were the signatures of the respective firms, were obtained in the course of two days. I present these petitions, and move that they be referred to the Committee on Finance.

The motion was agreed to.

Mr. SCHURZ presented a resolution of the Legislature of Missouri, in favor of an appropriation for the construction of a custom-house and post-office building at Kansas City, and the establishment of a district court thereat; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution of the Legislature of Missouri, in favor of the enactment of a law granting to the residents on school lands in all the fractional townships numbered 67, in ranges 8 to 43 west of the principal meridian, the benefits of the act of May 20, 1826; which was referred to the Committee on Public Lands.

He also presented a resolution of the Legislature of Missouri, asking an appropriation for the erection of a public building at Kansas City, to be used as a custom-house and post-office; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of citizens of Missouri, asking the enactment of a special law, placing upon the pension-rolls Mrs. Elizabeth Reidenbach, of Osage County, Missouri, widow of Frederick Reidenbach, late a private in Company E, Second Regiment Artillery Illinois Volunteers; which was referred to the Committee on Pensions.

Mr. NORWOOD presented the petition of Joseph S. Baynard and others, of Savannah, Georgia, praying for the repayment to them of $356.50, collected as direct taxes under the act of June 7, 1862, on the lands known as Muddy Creek plantation, Spanish Wells plantation, Hobkirk and Braddock's Point plantation, situated upon Hilton Head Island, in the State of South Carolina, and the restoration to them of the said plantations; which was referred to the Committee on Private Land Claims.

Mr. RAMSEY presented the petition of a committee of the Board of Trade of Minneapolis, Minnesota, praying an appropriation for the continuance of the work in the improvement of the Falls of Saint Anthony at that place; which was referred to the Committee on Commerce.

Mr. SUMNER presented the petition of A. Greene, of Springfield, and other citizens of Massachusetts, and the petition of the Grand Division of Sons of Temperance of Massachusetts, an organization representing 9,322 citizens of the Commonwealth of Massachusetts, signed by Eugene H. Clapp, grand worthy patriarch, and Samuel W. Hodges, grand scribe, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relation to pauperism, crime, the public health, and general welfare; which were ordered to lie on the table.

Mr. GORDON presented the petition of A. A. Willett, of Americus, Georgia, grandson and heir of Jedidiah Willett, deceased, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

Mr. HAMLIN. I have had put in my hands, Mr. President, a memorial addressed to the House and the Senate by the governor of this District, in which he makes certain statements in relation to a memorial which was presented a few days since by the Senator from Ohio, [Mr. THURMAN.] I ask that it be received by the Senate; and inasmuch as that memorial was read at length, to do equal justice to this memorialist I ask that his memorial shall also be read, and then lie upon the table, together with the memorial presented by the Senator from Ohio.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Chief Clerk read as follows:

To the Senate and House of Representatives:

Your memorialist, the governor of the District of Columbia, respectfully represents, that, in common with other officers of said District, he has been arraigned before your honorable body by two memorials of certain pretended tax-payers, in which your memorialist and his associates are charged with grave offenses. Charges so gravely presented, and apparently so gravely made, demand of your memorialist, on the part of himself and associates, as a duty they owe to themselves and the good people of the District, to place before your honorable body certain facts of record and of public notoriety touching both the allegations made and the persons making them.

Your memorialist, speaking for himself and associates in office, declares that they have not sought, and do not now seek, to evade the fullest and fairest investigation into the affairs of the District; and as proof thereof they remind your honorable body that at every session of Congress since the organization of the new government for the District, they have been before the District Committee and Committees on Appropriations of both the Senate and House of Representatives with full exhibits of all the transactions of said District; that at the second session of the Forty-second Congress an investigation was ordered by the House of Representatives on the 22d January, 1872, which was continued throughout the winter and till May of the same year, when a report was made (No. 72) covering nearly one thousand printed pages, and embracing record evidence and oral testimony upon every substantial allegation presented by the memorialists of your honorable body at this session of Congress; that said investigation was regarded by the Forty-second Congress as an impartial, thorough, and searching inquiry into every expenditure of the District government; of the prudence, wisdom, and honesty of the expenditure, and of the durability and valuableness to the District of the improvements then made and proposed to be made; that at said investigation the entire plan of improvement complained of by said memorialists was examined and approved, and so reported by said committee; that your memorialist, and his associates were not only warranted by said report to go forward with their plan, but they were further encouraged by appropriations made by the Forty-second Congress in furtherance of said plan, as well also by the apparently universal approval of the whole country, and especially by a large majority of the citizens of the District of Columbia; that at the following and the last session of the Forty-second Congress, complaints having been made that the District authorities were exceeding the limits of the general debt of the District, a second investigation was ordered, the result of which will be found in House report No. 7, third session. The confidence of Congress still remaining in the integrity of the District officers, further appropriations were made. And at the present session of the Forty-third Congress your memorialist invited an investigation, which, under the order of the House of Representatives, is now being made, and covers every substantial allegation not heretofore finally and fully considered.

Your memorialist now insists that unless probable cause is shown for the existence of the evils heretofore and now complained of, and which have been disproved before Congress, he and his associates ought not to be subjected, at great expense to the General Government and to the great detriment of the interests of the District, to further needless and fruitless investigation.

Your memorialist further represents that full and complete printed reports have been made to the President, as provided by law, showing in detail all the financial transactions of the officers of said District government; every expenditure of the board of public works, with the date and name of person receiving money; full, ample, and complete reports of all the improvements made, of the character and place where made, and the cost thereof. There never has been any concealment on the part of your memorialist and his assistants from the public of a single official transaction of said District government; there never has been a time when it was not within the power of any citizen of the District to challenge the wisdom of any improvement being made, or the expenditure of any money; and your memorialist declares that there is no substantial grievances complained of to your honorable body for which there is not ample remedy provided by law through the courts of the District.

Your memorialist would respectfully represent to your honorable body that the difficulties and embarrassments which have resulted from the factious and unreasonable opposition of certain citizens, of whom the memorialists complaining to your honorable body are a fair type and part, have been such as at times to threaten the destruction of all government in the District, and have resulted in incalculable pecuniary damage to the citizens thereof. This opposition arrayed itself even before the District government was fully organized; and while your memorialist, as he feels bound to do, presents to your honorable body some of the vicissitudes through which the District government has passed by reason of this opposition, he calls attention to the fact that from the beginning the people of the District, and those most interested in its welfare, have sustained it with great unanimity.

Your memorialist says that at the first election held under the organic act, the question of liberal improvements was made an issue, and was approved by a vote of several thousand majority in favor of the plan then discussed. Later, on the assembling of the Legislature, this plan was made known to said body by message of the governor, and at once became the topic of general discussion. It had received the approval of an advisory board of eminent Government officers and private citizens, and was enacted into law by act of July 10, 1871. Every effort was made to defeat this legislation; failing in which, resort was had to the courts, and an injunction obtained, chiefly on the ground that the proposed loan had not received the indorsement of the people. Unwilling to wait the slow process of law, another act was passed submitting the question to the people. The opposition organized in every part of the District, and attacked not only the plan of improvements, but assailed the personal character and integrity, both in private and public life, of the officers whom the President had appointed and the people had elected to carry out the organic act. Not one dollar had thus far been expended, nor had these officers been afforded a single opportunity to show whether they intended an honest or dishonest administration of affairs. After the fullest canvass of the question, only 1,213 votes in the whole District were cast against the loan and improvements. Almost the entire working season was thus consumed when, in November, the District authorities placed the loan upon the market; whereupon the opposition, aided by the pecuniary and moral support of some of those now complaining to your honorable body, sought to discredit the District in the money markets of the world, and prevent the negotiation of its bonds.

Upon the assembling of the last Congress an effort was made by these factionists to suspend the functions of the new government and thus to strike a blow at its very existence, and destroy its credit both at home and abroad. The attempt, however, failed, receiving no sympathy in your honorable body when the proposition was presented. At the same time a memorial was offered in the House of Representatives demanding an investigation into charges covering, substantially, the same complaints as have been recently made to your honorable body, the result of which was a report completely vindicating the District authorities.

Your memorialist further says that, substantially, every charge of unlawful exercise of power by the District authorities now complained of has been presented to the courts of the District, and in every instance the District authorities have been sustained; that at every election, of which there have been several, the people of the District have sustained its officers by large majorities; that notwithstanding attacks through the public press and the utmost efforts of the factionists of the District, already alluded to, which, for malevolence, unscrupulousness, and want of truth, have been unparalleled, still your memorialist believes that the officers thus assailed have not forfeited the respect of the public at large, or of the citizens of the District, but would be fully vindicated before your honorable body if their voices could be heard.

Your memorialist denies that the opposition now demanding a third or fourth investigation are law-abiding citizens, or are seeking the good of the District; but says their whole purpose is either to overthrow the present form of government or to cause the removal of officers whose appointment they cannot themselves dictate.

Your memorialist further says that before giving heed to the complaints made to your honorable body they should be presented at least by those who come with clean hands, and are willing to abide by the laws which they charge have been violated; whereas, as will be seen by the exhibit hereto attached, certified by the superintendent of assessments, the fact is shown that of said complainants the largest property-holders, namely, Messrs. W. W. Corcoran, George W. Riggs, William Gunton, Marshall Brown, Edmund Handley, William B. Webb, H. N. Easby, George E. Kirk, Charles W. Matthews, Henry S. Davis, A. Adamson, William Rutherford, H. K. Randall, S. D. Castleman, and Columbus Alexander, have personally paid nothing on account of the improvements against which they protest, in defiance of the law of Congress approved February 21, 1871, specifically providing "that upon the property adjoining, and to be especially benefited by the improvements authorized by law, there shall be assessed and collected a reasonable proportion of the cost, not exceeding one-third thereof."

The pecuniary ability of said individuals to pay the amount so assessed against them being unquestioned, they stand before your honorable body as willful violators of law; for having, as hereinbefore set forth, appealed to the courts and suffered defeat upon the identical issues embraced in their memorial, they cannot plead ignorance of the law or want of means to comply with its demands.

Your memorialist, on behalf of his associates and the patriotic and public-spirited people of the District of Columbia, points with pride to the increased prosperity of the District under its new government. In spite of unparalleled opposition; of malicious and criminal misrepresentations; of attempts on the part of the opposition to arouse the people to the commission of public crimes—going to the extent even of threatening the lives of your memorialist and his associates, and notwithstanding a determined and implacable attack on the part of certain newspapers of the country, sustained from week to week by malicious and willful falsehoods, the capital of the nation has been transformed from an unattractive, unhealthy, unsightly place into the most beautiful city of our country; the most desirable for residence, and has given evidence of prosperity as great as that of any city of the Union. In the midst of all its trials and all opposition, and the midst of all the alleged burdens of taxation, threatening confiscation, as has been charged, your memorialist would call attention to the fact, as a complete refutation of all the charges brought against him and his associates, that the transactions in real estate in the city of Washington have increased from $4,927,000 in 1870 to $12,195,300 in 1873.

Disclaiming all purpose to evade any reasonable and proper investigations, your memorialist submits whether, under all the circumstances, it would be fair and just to the people of the country, to the people of the District, and to your memorialist and his associates, to enter upon an inquest without some probable cause shown of the truth of the charges made.

ALEXANDER R. SHEPHERD.

Mr. THURMAN. I ask to have the last sentence read again.

The Chief Clerk read as follows:

Disclaiming all purpose to evade any reasonable and proper investigation, your memorialist submits whether, under all the circumstances, it would be fair and just to the people of the country and the people of the District, and to your memorialist and his associates, to enter upon an inquest without some probable cause shown of the truth of the charges made.

Mr. THURMAN. I will thank the Secretary to read the first sentence of that memorial.

The Chief Clerk read as follows:

Your memorialist, the governor of the District of Columbia, respectfully represents that, in common with other officers of said government, he has been arraigned before your honorable body by two memorials of certain pretended tax-payers——

Mr. THURMAN. That will do, Mr. President. At the proper time I shall ask the indulgence of the Senate to allow me to make some remarks upon that very extraordinary paper, for a very extraordinary paper it is, which begins with setting out that the persons who have heretofore petitioned Congress on this subject are "pretended tax-payers;" a very extraordinary paper it is, which professes all the while to desire investigation and to have skirts perfectly clean, and yet submits a long argument against any investigation at all; and a very extraordinary paper it is, which says that the charges made in the memorials presented by me have all been investigated by the courts, when many of those charges could not come before the courts at all, and have not come before them; and a very extraordinary paper it is, which says that the House of Representatives at this session have ordered an investigation that covers all the grounds of the petitions that have been presented to this body, when the fact is that that investigation is an investigation merely of the books of the officers of this District.

Mr. EDMUNDS. What have we to do with that question in either case?

Mr. THURMAN. This memorial brings it here. But, sir, I do not wish to speak at large on this subject now, for it would occupy much time, and require preparation. I suppose the Senator who presents this memorial will be willing that it may, with the petitions which have been heretofore presented, lie on the table until the proper time comes for action.

Mr. HAMLIN. That was the motion I made.

Mr. CONKLING. Before this matter passes away I wish to say a word, with the indulgence of the Senator from Maine, not touching the merits of this or the other petitions relating to a subject in which I feel no interest except that justice may be done; but to note the fact that no request has been made to print the memorial just read. Had such a request or motion been made, I should have objected, as the Senator from Rhode Island objected some days ago to the printing of a memorial which I thought was of exceptional importance, and as other Senators have objected in other instances. I would attract the attention at least of the Senate to this point, for a reason I will state.

On a recent occasion, when a memorial relating to affairs in this District was presented and read at length, I think——

Mr. SHERMAN. Read in full.

Mr. CONKLING. The Senator says it was read in full, and no objection was made. A suggestion rather than a motion came from the Senator from Ohio farthest from me [Mr. THURMAN] that it should be printed, and I reminded him that the rule and practice of the Senate was the other way, and that the printing of petitions, even in important cases, had been refused in all cases alike during the present session.

Mr. THURMAN. Will the Senator allow me to correct him? When I presented the first petition, I asked that it might be printed. Objection was made to that, and I said I was indifferent about it. A motion was then made to print by the Senator from Delaware, [Mr. SAULSBURY,] and that motion was referred to the Committee on Printing. That committee reported adversely to printing it, on the ground that it was not customary to print petitions of private individuals. That led to some little discussion, which was going on when I came into the Senate Chamber——

Mr. CONKLING. As the Senator is now himself interrupted by another Senator, I wish he would let me say what he is anticipating, and what I rose to say the Senator by his interruption prevents a statement as much in his behalf as in mine. I beg him to allow me to proceed for a moment, and then I will yield the floor.

I was about to remind the Senate of the facts to which the Senator has adverted, and I had gone so far as to say that he made the suggestion, rather than the motion, that a memorial should be printed, when an objection was made, the objection being to call his attention to the fact that it was not the usage of the Senate to print memorials, and that printing had been refused in all cases. Subsequently the Senator from Delaware made the motion to print the memorial. Under the rule the motion went to the Committee on Printing; and a report was made afterwards, that it should not be printed for reasons assigned, and treating it as all other memorials and petitions whatsoever had been treated. Thus the petition was received and treated just like all other petitions, except that it was read in full—a consideration not usually bestowed upon petitions.

Mr. President, having stated the facts I will now state my motive for bringing the matter to the attention of the Senate.

There has been sent out generally to the country (my attention has been brought to it in papers printed in different States) a statement that on the occasion in question the Senate refused to receive the petition, refused to allow it to be read, and excluded it altogether. I might say that the public journals which have made these statements, have not, I think, paid a compliment to their own intelligence. The suspicion suggests itself that the writers of these statements do not understand that, imbedded in the Constitution itself, among the fundamental rights of the people, beyond the reach of the Senate, is the right of petition, which no Senate or House would dare thus to trample on.

Notwithstanding the groundlessness and absurdity of the statement, the public has been informed, and probably many persons have not stopped to doubt it, that my honorable friend from Ohio nearest me, [Mr. SHERMAN,] by dint of his parliamentary skill—I believe it was called "a parliamentary quibble" in several of the statements—I furnishing such feeble and secondary aid as I could, that we together induced or caused the Senate to refuse to receive a petition, to shut it out altogether, to refuse to have it read; and thereupon dismal homilies are hung, which, inasmuch as they relate only, or chiefly, to the honorable Senator from Ohio nearest me and myself personally, I will not comment one. It seemd to me, as it seemed to the Senator from Ohio upon consulting with him, that it might be our duty to bring this to the attention of the Senate, and possibly succeed in bringing it to the attention of at least a narrow circle beyond, in order that no portion of the public might from our silence suppose that the Senate of the United States had trampled the Constitution under foot by refusing to receive a petition, when the truth is wholly otherwise, and when in the matter of printing, as in the case of a memorial presented by me for the Chamber of Commerce of New York, touching a matter of grave magnitude, and as in all other cases where a request to print memorials have been made, the Senate simply stood by its rule and said, let this petition be presented. let this particular petition be read at length, which rarely occurs, and let the Senator who presents it refer it to such committee as he pleases; let it lie upon the table if he pleases, and let it have its full force and effect in all regards.

I will only add that I should not have brought this to the attention of the Senate, had it been a matter which related to me alone, or to the Senator from Ohio. I have yet to reach the time when I will occupy the attention of the Senate to deny allegations in newspapers merely personal to me. But I thought the version given to this matter gave it larger than personal dimensions, and that a correction was due to the Senate and to the editors of the papers honestly misled, like the editor of the Brooklyn Argus, a paper edited, I think, with intelligence and fairness; he evidently has been so far imposed upon as to accept the statement, and he has not yet ceased to reiterate his indignation and amazement that such a thing could occurr in the United States Senate, as well he might; and I hope I have not wholly wasted time in calling attention to the fact that no such thing did occur, and no such thing by possibility could occur in any case in this body.

The PRESIDENT *pro tempore*. This memorial will lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RAMSEY, it was

Ordered, That two memorials of the Legislature of Dakota, dated January 24, 1873, and February 18, 1873, asking the improvement of the Red River of the North, with accompanying papers, be taken from the files and referred to the Committee on Commerce.

On motion of Mr. RAMSEY, it was

Ordered, That Mrs. Anna W. Osborne have leave to withdraw her petition and papers from the files.

On motion of Mr. MORTON, it was

Ordered, That the petition and papers in the case of R. S. McRay be taken from the files and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BOREMAN, from the Committee on Claims, to whom was referred the petition of Hiram W. Love, of Johnson County, Iowa, praying compensation for cotton crop destroyed by the Army during the late war, submitted a report, acccompanied by a bill (S. No. 398) for the relief of Hiram W. Love.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CHANDLER. I am instructed by the Committee on Commerce, to whom was referred the petition of citizens of the United States asking the enactment of a law giving precedence in the courts of the United States to proceedings for the redress of wrongs of seamen, to report the same back, and ask to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary, inasmuch as it proposes a change in the proceedings of the courts.

The report was agreed to.

Mr. CHANDLER. The Committee on Commerce, to whom was recommitted the bill (S. No. 87) to facilitate the execution of, and to protect, certain public works of improvement at the mouth of the Mississippi River, have directed me to report the same back with an amendment, and recommend its passage; and as it is very important that the bill should pass, I ask present action on it, if there be no objection.

The Chief Clerk read the title of the bill.

Mr. EDMUNDS. Let it be read at length.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DAVIS. There is.

The PRESIDENT *pro tempore*. Objection being made, the bill will lie over.

Mr. BOUTWELL subsequently said: I should like to have the unanimous consent of the Senate to submit an amendment to Senate bill No. 87, and to move that the bill, as amended by the report of the Committee on Commerce, and with the amendment which I now propose, may be printed for the use of the Senate.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) That order will be made.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of Mrs. Sarah Brooks, praying compensation for injuries inflicted on her person by Indians in the State of Kansas, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. SARGENT. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, to report it with amendments; and I give notice to the Senate that I shall call it up early next week and press for action upon it.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Ruth Ellen Greeland, widow of John H. Greeland, late captain Fourth Artillery, United States Army, praying for a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 42) granting a pension to Caleb A. Lamb, late a musician in Company E, Forty-sixth Regiment of Indiana Volunteer Infantry, reported it without amendment, and submitted a report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 387) granting a pension to Captain Benjamin Farley, Company C, Fifth Indiana Cavalry, reported it with amendments, and submitted a report; which was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of William T. Parker, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the petition of Karl Mook, praying the payment of arrears of pension to the heir of August Kessler, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the petition of Colonel William C. Ives, late of the One hundred and sixteenth Regiment Indiana Volunteers, praying for a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. WRIGHT. The Committee on Civil Service and Retrenchment, to whom was referred the bill (S. No. 9) to repeal so much of the act of March 3, 1873, as increases the salaries therein named, have directed me to report it back; and inasmuch as the same subject-matter has been disposed of by a House bill, to move that this bill be indefinitely postponed.

The motion was agreed to.

CONGRESSIONAL RECORD.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives for the printing and distribution of the CONGRESSIONAL RECORD, have instructed me to report it back with amendments; and I ask for its present consideration, as Senators and Members are anxious to know what is to be done with the RECORD.

There being no objection, the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the Congressional Printer be instructed to furnish to each Senator, and to each Member and Delegate in the House of Representatives, twenty-four copies of the CONGRESSIONAL RECORD, or of any such like official report of the debates in Congress as may hereafter be authorized by law, either daily, as originally published, or in the revised form, without binding, or in bound volumes, or part in each form, as each Senator, Member, and Delegate may elect.

The Committee on Printing proposed to amend the resolution so as to make it read:

That the Congressional Printer be directed to furnish thirty-one hundred copies for the use of the Senate, and seventy-two hundred and fifty copies for the use of the House of Representatives, of the CONGRESSIONAL RECORD, or of any such other like official publication of the debates in Congress as may hereafter be authorized by law, either daily, as originally published, or in the revised form, without binding, or in bound volumes, or part in each form, as each Senator, Member, and Delegate receiving the same may elect.

The amendments were agreed to.

Mr. ANTHONY. I wish the Senate to understand the resolution. The number assigned to the House of Representatives is the same that they now have, and which is fixed in the resolution which they sent over to us. The number assigned to the Senate, which of this document has been always much larger than to the House, has been cut down one-half. The number assigned to the Members of the House, and Delegates, is twenty-four each, and to the Senators forty each. It has always been customary to supply certain documents more largely to the House, and certain other documents more largely to the Senate, *per capita*. For instance, the Agricultural Report has always been furnished much more numerously to the House than to the Senate. The Congressional Globe was always furnished more numerously to the Senate for very evident reasons, as Senators are expected to supply State institutions, and also to supply some persons, newspapers, or libraries in districts where the member of the House and the Senator are not of the same politics. This resolution, if passed, cuts our supply down one-half and leaves the House as it was, putting ours at forty copies and theirs at twenty-four each.

The resolution, as amended, was agreed to.

POSTAL-CAR FACILITIES.

Mr. WINDOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to report to the Senate the number of postal-car clerks and employés now employed on the lines between Washington and New York, New York and Boston, between New York, Albany, Buffalo, and Suspension Bridge; the gross amount of their annual compensation, the amount paid for the transportation of the mails on said lines, and what additional compensation the railroads demand for this service; also the number of daily express trains on each of said routes, and what reduction of the expense of the mail service and what increase in the frequency of the service and greater dispatch in the delivery of the bills can be effected by the withdrawal of the postal cars from said routes and substituting a more frequent service by transmitting the mails on all express or local trains running, or that may hereafter be run, over said routes.

PRINTING OF A DOCUMENT.

Mr. BOREMAN. I have received a statement from the Secretary of the Treasury in regard to the expenses and charges upon the Treasury of each of the Territories. It became necessary for me to have this information on account of matter before the committee of which I have the honor to be chairman, and I ask that it be printed. I think it is a document that ought to be put in a bound volume, for the information of Senators.

The PRESIDENT *pro tempore*. The order to print will be made, if there be no objection.

BILLS INTRODUCED.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 399) concerning the practice in territorial courts and appeals therefrom; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOREMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 400) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORRILL, of Maine, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 401) to establish a uniform registry of sea-going vessels, to afford protection to life on ship-board, and to govern rebates in duties on merchandise damaged on the voyage of importation; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. NORWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 402) to restore the franking privilege; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 403) confirming the title in lands to persons claiming under the homestead law in all cases where such claimants have settled on said lands in good faith and made valuable improvements thereon; which was read twice by its title, and referred to the Committee on Public Lands.

GENERAL O. O. HOWARD.

Mr. MORRILL, of Maine. I ask leave, without previous notice, to introduce a joint resolution authorizing a special court of inquiry concerning General O. O. Howard, and I should like to have it read.

Mr. SUMNER. Should not that be a bill, under our new rule, the understanding being to do away as much as possible with joint resolutions?

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair understands that to be the rule. It should be in the form of a bill.

Mr. MORRILL, of Maine. Very well; let it be amended accordingly.

There being no objection, leave was granted to introduce a bill (S. No. 404) authorizing a special court of inquiry concerning General O. O. Howard; which was read twice by its title.

Mr. MORRILL, of Maine. I ask that the bill be read at length for information, and then I shall ask for its present consideration, if there be no objection.

The Chief Clerk read as follows:

Be it enacted, &c., That the President of the United States be, and is hereby, authorized and requested to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be when so convened to fully investigate all the charges against Brigadier-General O. O. Howard contained in the communication of the Secretary of War to the Speaker of the House of Representatives of the date of December 5, 1873, and to report their opinion as well upon the moral as upon the technical and legal responsibility for such offenses, if any, as may be discovered.

Mr. MORRILL, of Maine. Mr. President, I desire to make a single remark, and then to ask the present consideration of this bill.

Public attention has been called to the management by this distinguished officer of the affairs of the Freedmen's Bureau while at the head of that service, and certain proceedings have been instituted in relation to it which I am advised this bill, if passed at the present time, will facilitate. Therefore, as a matter of public interest, as also a matter which I think due to that officer, and with a view of facilitating that inquiry, I introduce this bill; and if there be no objection I should like to have it passed upon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. WEST. It is proposed to pass that bill without any reference to a committee. It occurs to me that we are infringing on the usages of the Army in this case.

Mr. LOGAN. I will state to the Senate that the Senator from Maine submitted the resolution to me, and I said to him that I did not desire its reference to the Committee on Military Affairs, because I thought it was a resolution that ought to pass, and referring it to the committee and bringing it back would only take up time. Hence I suggested to him to introduce it and ask for its present consideration; and I will state, as I am up, the reason for it.

As I understand, the period named in the statute of limitations has expired, so that the Secretary of War cannot convene a court-martial for the purpose of trying these charges. Therefore the necessity arises for a bill or resolution being passed by Congress to give the authorization to the President to call a court. That being the only question involved, I suggested to my friend from Maine to have the bill passed without reference to a committee.

Mr. WEST. It is very true, as the chairman of the Military Committee states, that if the statute of limitations has precluded a remedy in this case a new statute would be necessary; but there is no statute that requires to be passed in order to institute a court of inquiry, which I understand this bill to provide for. The Senator from Illinois speaks of a court-martial. Here is a provision that the President of the United States shall convene a court of inquiry, and I ask him if there is any statute that either prohibits that or requires it, or whether it is necessary that one should be passed to authorize it? It is optional with the President to order one, as I understand.

Mr. MORRILL, of Maine. Of course if any gentleman on the Military Committee desires its reference, I have no objection; but it seemed to me a matter so obvious that a reference might not be necessary. The Senator from Louisiana perhaps was not in when I made the observation that this is done to facilitate proceedings which may be taken elsewhere; and I am advised that if this be done here it would facilitate—not originating here, but it originates in a communication to the House of Representatives made by the Secretary of War, which is referred to in this resolution. Its passage here will facilitate proceedings which are being taken elsewhere in harmony with this, as I am advised. Still, if any gentleman desires to make the motion to refer, I shall not object.

Mr. WEST. I shall not make any motion to commit to a committee, but I will ask that the matter be held in abeyance for a few moments, until I can get some further information on the subject. We can take it up again.

Mr. MORRILL, of Maine. I do not object to that.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Then the bill will be laid aside for the present.

POINT LOOKOUT RAILROAD.

Mr. SUMNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be instructed to consider if any further legislation is needed to protect the interests of the United States in the lands of the Government Hospital for the Insane of the Army and the Navy, and also the riparian rights of the United States on the Anacostia and Potomac Rivers attached to such lands, so far as the same are impaired by the Point Lookout Railroad.

ADJOURNMENT TO MONDAY.

On motion of Mr. EDMUNDS, it was

Ordered, That when the Senate adjourns to-day it adjourn to meet on Monday next.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 29th instant, approved and signed the bill (S. No. 61) providing for busts of the late Chief Justices Roger Brooke Taney and Salmon Portland Chase, to be placed in the Supreme Court Room of the United States.

SENATOR FROM LOUISIANA.

The PRESIDING OFFICER. The unfinished business of yesterday is before the Senate, being the resolution in relation to the admission of Mr. Pinchback as Senator from Louisiana. The Secretary will report the resolution and amendment.

The CHIEF CLERK. The resolution submitted by Mr. MORTON, on the 26th of January, is as follows:

Resolved, That the credentials of the Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to inquire into the conduct of said Pinchback in connection with said election.

Mr. CARPENTER resumed and concluded the speech begun by him yesterday. His speech in full is as follows:

Mr. CARPENTER. Mr. President, I have no ambition to make a speech to-day, and shall not attempt to do so. An English writer, intending to be very severe, has paid Americans an unintended compliment when he says that no American can make a speech unless he can glorify his country about something. Sir, I trust the glory of America will long remain to inspire American eloquence. I trust the day is far distant when our bards shall sing and our orators lament the decadence of American greatness. But, sir, unfortunately, in this business there is nothing to call forth songs of joy; nothing to inspire one note of exultation. I never reflect upon the present attitude of the United States toward the State of Louisiana without mingled emotions of sorrow and shame. It was my purpose, at the commencement of the session, to say nothing in regard to this subject; but having been upon the committee which investigated this matter at the last session, and having prepared the report, I may, without vanity, suppose that I am more familiar with the facts of the case than Senators who were not upon the committee, and it is perhaps my duty to make a plain statement of the case to the Senate.

The Senator from Indiana [Mr. MORTON] opened the debate on this subject with his accustomed skill. That Senator, when he leads in the right direction, moves with such power, that it is an easy task to follow; but when, as he rarely does, he goes wrong, he is a very troublesome opponent. The speech which he made upon this subject, on presenting the resolution, is an illustration of this. Fact and fiction, logical conclusions and audacious assumptions, are so mingled, that close thought and examination are necessaryto determine where the reasoning ends and the fallacy begins.

Mr. President, I shall attempt this afternoon to reply to that speech, and I shall attempt to state the facts of this case and the questions of law involved in it.

The Senator commenced his remarks by controverting the statement of Senators that there had already been an investigation of this subject. He says:

I submit that they are both mistaken—

The Senator from New Jersey [Mr. STOCKTON] and the Senator from Mississippi [Mr. ALCORN] are alluded to—

that this question has never been before the committee, nor has it ever been before the Senate; and so far as that volume of testimony is concerned—

Meaning the report of the committee—

while I have no sort of objection to anybody referring to it for any purpose, it is no part of the *res gestæ*; it is not a part of this case; it was taken before a different committee. The committee has been twice reorganized since that time. It was taken at a former session of Congress, in a proceeding to which Mr. Pinchback was not a party, and for which he is nowise responsible; and while it is here for reference, as every document in the document-room is and every book in the library is, it is no part of this case.

Mr. President, let us see about this. I hold in my hand the credentials of Mr. Pinchback and the credentials of Mr. Ray, Mr. Kellogg signing both as governor of the State, and certifying in one case that on the 15th day of January, in the year of our Lord 1873, the Legislature of that State elected Mr. Pinchback for the term to commence on the 4th of March, 1873, and in the other that the same Legislature, on the same day, elected Mr. Ray to fill the vacancy occasioned by the resignation of Mr. Kellogg. These credentials show that these gentlemen were elected on the same day. Mr. Ray presented his credentials at the last regular session of the Senate and claimed his seat. Mr. Pinchback presented his credentials at our extra session last spring, and now claims his seat.

The Senator from Indiana, speaking of Pinchback's rights, says:

The first proposition that I present on the resolution that I have offered is that Mr. Pinchback is entitled, upon his credentials, to be sworn in and take his seat as a member of this body; that he presents what is called a *prima facie* case, and upon that case he is entitled to be sworn in, and if there are grounds of contest, either because he was not elected by the right Legislature, or was elected by fraud or bribery, or that there was not a quorum of the two houses present, or that he was not elected in conformity to the act of Congress of 1866, those grounds of contest can only be urged after he has been sworn in and taken his seat, &c.

The Senator from Indiana was chairman of the Committee on Privileges and Elections when Mr. Ray came here in February last and presented his credentials. Why was not Mr. Ray seated on a *prima facie* case? Then, if ever, we had a *prima facie* case; we had this certificate from the pretended governor of that State, under what purports to be the great seal of the State, in due form, and certifying to the election of Mr. Ray. Why was he not seated on his *prima facie* case? We all know why. The air was filled with rumors, and Senators were disturbed with doubts whether there was any Legislature in that State, whether there was any governor of the State, whether there was anything valid in the parchment which was laid upon our table; and when Mr. Ray's credentials were referred to the Committee on Privileges and Elections, a Senator—and I think it was the Senator from Indiana—offered a resolution requiring the committee "to inquire and report to the Senate whether there is any existing State government in Louisiana, and how and by whom it was constituted." It was because the Senator from Indiana doubted the existence of a lawful Legislature to elect Mr. Ray that he offered this resolution; it was because we all disbelieved the fact or doubted it that the resolution was carried unanimously in the Senate, and the whole subject referred to the Committee on Privileges and Elections.

The committee devoted weeks to the investigation, and reported to the Senate ten hundred and ninety-four pages of testimony, justifying every apprehension as to the legality of the Legislature. The

committee also recommended the adoption of the following resolutions:

Resolved, (*first*,) That there is no State government at present existing in the State of Louisiana.

Resolved, (*second*,) That neither John Ray nor W. L. McMillen is entitled to a seat in the Senate, neither having been elected by the Legislature of the State of Louisiana.

And the committee reported a bill to provide for an election of State officers and members of the Legislature for that State. So far as regards the legality of the Kellogg government, the report was concurred in by all the members of the committee, except the Senator from Indiana. Mr. Trumbull, then a member of the committee, dissented from the report made by the majority upon the ground that McEnery and his associates were entitled to be recognized. Mr. Hill, then a member of the committee, dissented from the majority in regard to ordering a new election, and proposed other relief; but the committee, with the single exception of its chairman, were of the opinion that there was no government in the State. So, sir, I say it is entirely too late to talk about seating Mr. Pinchback upon a *prima facie* case. His *prima facie* case is overturned. The presumption that might spring from reading these papers is rebutted by the full proof of the fact that a committee of this body unanimously, except one of its members, has reported to you, and that report lies upon your table to-day, or in your document-rooms, that there was no State Legislature and there was no State government in Louisiana on the 15th day of January last, when it is pretended Pinchback was elected.

Again, the Senator says this testimony was not taken in Mr. Pinchback's case; it was taken in Mr. Ray's case, and therefore Mr. Pinchback is not to be affected by it. Why, sir, in a judicial court, for reasons that pertain to such tribunals alone, the testimony taken in a case between Smith and Jones cannot be used in a case between Brown and Gray, for the reason that each is entitled to cross-examine witnesses whose testimony is to affect him.

Mr. MORTON. I desire to correct the Senator in one particular. The resolution instructing the committee to inquire whether there was any State government in Louisiana was offered on the 16th of January, 1873, and the credentials were not presented to the Senate until some time afterward. That investigation was already ordered before the credentials were presented to the Senate.

Mr. CARPENTER. That is wholly immaterial. I thought it was after the credentials were presented. I thank my friend, however, for making that suggestion, because if he is right it ends the objection that it was a proceeding in Mr. Ray's case, and therefore cannot affect Mr. Pinchback. If the investigation had no reference to Mr. Ray's case; if it was an independent proceeding ordered by the Senate to ascertain an important fact upon which we might be called to legislate, then it binds all the world; all mankind were parties to that investigation.

Mr. MORTON. I said it was before the credentials of either were presented.

Mr. CARPENTER. Very well; then it was not a proceeding in Ray's case, and Mr. Pinchback was as much a party to the proceeding as any other citizen of the United States.

Mr. MORTON. In the same way exactly.

Mr. CARPENTER. I do not claim that it affects Mr. Pinchback more than any other citizen. I claim that it affects everybody.

In regard to the distinction I am considering between the methods of proceeding in legislative bodies and judicial courts, let me read from Lewis's Reasonings and Methods in Politics:

> The subject of judicial evidence has been treated by jurists with more or less fullness since jurisprudence became a science; but it has, perhaps, been elaborated in more detail, and has received a more systematic form, in England than in any other country. This has been owing to peculiarities in the procedure of our courts of common law, which need not be here noticed. With respect to our present subject, the most important rule of evidence in the law of England is that which prescribes the exclusion of *hearsay testimony;* that is to say, of statements of fact made by the witness, not from his own observation, but from the observation of others.
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> In judicial proceedings, therefore, where the facts are determined, not by official agents of the government but by the testimony of witnesses taken casually from the midst of the community, the general principle is recognized by our law that the witness must speak to an event which occurred under his notice, and within the reach of his senses.
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> The process of ascertaining facts for legislative purposes is not, in general, so formal, or subject to such strict rules of evidence as the procedure of executive departments, whether administrative or judicial. Petitions, complaints, remonstrances, statements of grievances, are presented to a legislature, or, if it consist of a deliberative body, individual members of that body may represent facts upon their own authority. It may then either proceed at once to legislate upon the faith of such suggestions; or it may take them as raising merely a presumption, and may institute an inquiry of its own. It may call for papers, accounts, correspondence, and other documents; it may likewise, by proper means, examine witnesses, and thus ascertain, by original testimony, the facts bearing upon the subject under consideration.

So I say that the information which is furnished to the Senate by the report and testimony of this committee not only comes within the rules of evidence upon which legislative bodies must act, but that it was obtained in a proceeding instituted by its own authority, conducted by its own members, exercising its own power to send for persons and papers, and conducted, too, under the supervision of the Senator from Indiana himself; and I say that it is before us, as evidence in this case, and in all cases, and for all purposes. The Senator says it is before us like any other volume in the document-room, or any book in the library. I am willing to accept that expression, because every book in the library which gives us a fact of history applicable to this case, every law-book which discusses the questions involved in this case, and every document in any room of this Capitol which furnishes information bearing upon this subject, is legitimately and properly before us this morning.

The attempt of the Senator to exclude from this case the information obtained by weeks of investigation and the examination of numerous witnesses upon this subject, and to seat Mr. Pinchback upon a *prima facie* case, is certainly worthy of his ingenuity. He says, "My first proposition is that Pinchback is to be seated upon a *prima facie* case," and he then refers to the case of Mr. GOLDTHWAITE, and to the remarks of the Senator from Ohio [Mr. THURMAN] upon that suject, I will not say taking care, because it was undoubtedly accidental, but happening to fall upon that particular part of the speech of the Senator from Ohio which did not touch the precise question, and omitting the part of it which did. The Senator from Ohio has been a judge, and he has acquired that habit of methodical and accurate statement which belongs to the bench, and with his statement upon that occasion of what constitutes a *prima facie* case I entirely concur. But let us see what he did say. I read from the Congressional Globe of January 9, 1872, page 320:

> Mr. THURMAN. The Committee on Privileges and Elections, in accordance with the universal practice of this body from the foundation of the Government to this day, a practice that has not a single exception, reported that the credentials of this gentleman being correct—

That is, being in due form—

> and he having been *elected by a body competent to elect*, he was *prima facie* entitled to his seat, and to be sworn in.

The Senator from Ohio stated the proposition accurately. When a gentleman comes to this body with credentials in due form, showing that he has been elected by a body authorized to elect a Senator, then he has a *prima facie* case. The case then before the Senate, and upon which the Senator from Ohio was speaking, was such a case. There was a question made here as to individuals sitting in the Legislature of Alabama, but there was no question that the body itself was the Legislature of the State; and the better opinion is that the Senate has no authority to inquire into the right of individual members of a State Legislature to sit therein, that being a question to be settled by the Legislature, if there be a Legislature to settle it; but the Senate has authority to inquire whether the body which has pretended to elect a Senator was the Legislature of the State. The Legislature alone can elect a Senator, and, therefore, to make a *prima facie* case it must be shown that the Legislature has made an election.

Mr. MORTON. What is the proper form? A certificate by the governor?

Mr. CARPENTER. Certainly.

Mr. MORTON. That is the proper form.

Mr. CARPENTER. That is the proper form of credential; but back of that is the question whether there was any Legislature in Louisiana or not—a question to which we have devoted six weeks of investigation; a question upon which a committee of your body has brought almost eleven hundred pages of testimony to your bar, showing conclusively, as I shall establish, that there was not, on the 15th day of January, 1873, any government whatever in that State, nor any Legislature. Therefore I lay aside what is called the *prima facie* case with the single remark that it does not exist. We have the credentials in proper form, but we know the fact from our own investigation, instituted independently of Mr. Pinchback's application for a seat, that there was no Legislature in that State on the 15th of January, 1873.

Mr. MORTON. Will my friend allow me to call his attention to the fact that the case of Robbins *vs.* Potter, in 1834, from Rhode Island, was the precise case, where it was contended that Mr. Potter was not elected by a Legislature, but that the Legislature itself was a nullity, having no authority in law; and that in that very case the Senate solemnly decided after a discussion that as his credentials were in regular form, signed by the governor of Rhode Island, he must first be seated, and the question as to whether he was elected by the Legislature of Rhode Island be decided afterward.

Mr. CARPENTER. Will my friend allow me to remind him that the report in that case shows that it was not such a case as this?

Mr. MORTON. Prove it by the report.

Mr. CARPENTER. I shall prove it by the report. I have it here; I have it marked; and I only ask my friend to be a little patient, because it is impossible for me to discuss all the points in this case at the same instant.

Mr. MORTON. The Senator said he was passing from the *prima facie* case, and that was the reason I made that remark.

Mr. CARPENTER. I intended to pass from the asserted *prima facie* case, because there was no *prima facie* case here. But, certainly, I shall attend to the case of Robbins; I will not forget it; I have it noted.

The fact was, in GOLDTHWAITE'S case, that there was but one man in that State who claimed to be governor; there was but one body claiming to be the Legislature. As a court is bound to take judicial notice, so we are bound to take legislative notice of the component parts of this Union and their condition; and we may form our judgment, as Lewis says, from petition, and remonstrances, and newspaper reports, or from the representations of Senators who come from the locality, or we may institute investigations of our own. In this

case it happens that all these sources of information have been drawn upon, and the result is embodied in the report of the committee to which I have referred, that on the 15th day of January, 1873, there was no Legislature in the State of Louisiana.

Let me come now to the case of Robbins. This case arose in Rhode Island, while the State was under its colonial charter. As everybody knows, the close of the Revolution found all the States, except Rhode Island, with new constitutions. She continued under the charter granted by Charles II. While the State was under this charter government a question arose as to the validity of an act of the Legislature continuing a portion of the Legislature in office by an act of the Legislature itself. The Legislature, thus continued, elected a gentleman to the Senate, and he came here and claimed his seat. After the next election, the new Legislature declared the former proceedings void and elected another Senator, and he came here and claimed a seat. In that case the matter was thoroughly examined; and now let us see how much consolation out of that report can be drawn by the Senator from Indiana. In the first place, the committee were of opinion that the Legislature, under the charter, had power to continue the term of those senators, and therefore the first election was entirely legal. Now, let us see what the committee say on a point that is material to our discussion:

> There was but one governor and but one senate in the State claiming to be a part of the General Assembly. *If there had existed another body of men, however chosen, contending for the offices of the governor and senators in the State, it will not be denied that their respective rights might be the subject of inquiry in deciding a contested election in the Senate of the United States.* But in the absence of any such conflicting claims to these offices, where only one legislative body was known in the State, which exercised all the power and performed all the functions of the Legislature, and whose acts have in every form and by every department of the government been declared valid, it would seem to be a palpable invasion of the sovereignty of the State to abrogate its laws, and overthrow its government by denying that a body capable of exercising the powers of legislation existed in the State after the term for which a governor, lieutenant-governor, and senators, chosen at the annual election in April, 1831, had expired.

That was the Rhode Island case.

Mr. MORTON. Does my friend read that as an answer to the statement I made awhile ago?

Mr. CARPENTER. I do.

Mr. MORTON. Seriously?

Mr. CARPENTER. I do, seriously; I might even say, solemnly.

Mr. MORTON. Now, Mr. President——

Mr. CARPENTER. I believe I have the floor at present.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Wisconsin declines to yield.

Mr. CARPENTER. I will yield to the Senator at any time while I am on the floor, for the legitimate purposes of an interruption. If he wishes to ask a question or to briefly call my attention to a fact, I will yield to him; but I will not yield for the purpose of letting him reply to every paragraph that I utter while I am proceeding. Now the Senator understands whether he is authorized to interrupt me or not.

Mr. MORTON. I simply wish to say that the Senator, a moment ago, contradicted me positively. That remark in that report is made upon the final examination. When Mr. Potter proposed to take his seat, his right was contested upon the ground that the Legislature that elected him was no legislature at all; but the Senate determined that that question must be investigated after he had taken his seat; and it was in the final investigation that the remark now read was made, and in discussing the question, too, whether they were bound by the decisions of the supreme court of Rhode Island. That is all I want to say.

Mr. CARPENTER. The Senator, I trust, did not understand me as attempting to raise a question of veracity.

Mr. MORTON. You raised a question of correctness of statement.

Mr. CARPENTER. Which statement is as to the effect of the report, and that is a matter of opinion on your part and a matter of opinion on mine.

Mr. MORTON. Not much a matter of opinion.

Mr. CARPENTER. I do not think it is, either. I think it is absolute certainty, if the Senator will press me to that point. I think it entirely clear that he is wrong; but I only meant to say that he erred in opinion.

Now, what resemblance is there between the Rhode Island case and this case? It does not matter at what point you investigate. The Senator says that case is a great authority for him, because the Senate investigated the case after they seated the Senators. If the Senator from Indiana had moved to seat Mr. Ray when he came here, and this investigation had taken place afterward, that would have been the proper proceeding, but for the fact that he knew, without any investigation, that there was no Legislature to elect. But the Senator did not see fit to pursue that course. He did not ask that Mr. Ray should be seated on his *prima facie* case; he called for an investigation of the facts, and the committee sat six weeks to ascertain those facts.

Now, what resemblance is there between this case and the case of Robbins? None whatever. In that case the report itself asserts that if there had been two bodies claiming to be the Legislature, it would have been within the power of the Senate to investigate which was the lawful Legislature. The Senator says, you must investigate it after you have seated the Senator on a *prima facie* case. But here you have investigated the subject before Pinchback presented his credentials. Does the Senator mean to assert that if we proceed to investigate, and ascertain that there is no State government in Louisiana, that as often as a question arises, the decision of which depends upon that fact, and we know that the status remains the same as when we investigated, we cannot act upon our knowledge of that fact but must investigate again, call the same witnesses, take the same testimony, and report it again to this body? The Senator can hardly maintain such a proposition. It makes no difference whether the investigation was made before Mr. Pinchback applied for his seat or is made afterward; his claim must be determined upon the facts, and it is immaterial when those facts came to our knowledge.

A *prima facie* case is that which appears before an examination of the merits; but when there has been a full investigation and trial, and it is ascertained that what appeared, *prima facie*, to be the case, is not the true case, then the *prima facie* case is gone. In Robbins's case there had been no investigation, and therefore the Senate properly acted upon the *prima facie* case. But here a full investigation had been made before Pinchback presented his *prima facie* case. Whenever the Senate acts it must act upon all the facts before it; and, in this instance, we have not only the *prima facie* case made by the credentials, but also the full investigation showing that Pinchback's *prima facie* case is false. This is the difference between this case and the Robbins case.

Mr. President, with these remarks upon the *prima facie* case made by Mr. Pinchback's credentials, I come to consider the events which have transpired in the State of Louisiana.

In this part of the case I shall be dry, and, I fear, tedious. It will consist of a mere narration, which can encourage no one, and must depress every lover of his country. But it is my duty to lay before the Senate the facts of the case in all their naked deformity; after which I shall wash my hands of all this business; and if my republican friends, with full knowledge of the case, see fit to take it upon their shoulders through the next political campaign, I can only say I wish them joy.

It is conceded on all hands that on the 1st of November, 1872, Warmoth was governor of the State and Pinchback was lieutenant-governor, he having been elected president *pro tempore* of the senate and becoming lieutenant-governor on the death of Governor Dunn. The board of canvassers provided for by the State law at that time—I am speaking now of the 1st of November—consisted of the governor, Warmoth; the lieutenant-governor, Pinchback; the secretary of state, if anybody could find out who that was; John Lynch, and T. C. Anderson. On the 4th of November, 1872, there was a general election for electors of President and Vice-President, State officers, half the senate, and the whole house of representatives.

Let us here see what were the provisions of the constitution and laws under which this election was held. The provision of the constitution, found on page 2 of the report of the committee, and the statute, on the third page of the report, are as follows:

> The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the lieutenant-governor elected for the same term, be elected as follows: The qualified electors for representatives shall vote for governor and lieutenant-governor at the time and place for voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state, who shall deliver them to the speaker of the house of representatives on the second day of the session of the General Assembly then to be holden. The members of the General Assembly shall meet in the house of representatives to examine and count the votes. The person having the greatest number of votes for governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall be immediately chosen governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for lieutenant-governor shall be lieutenant-governor; but in case of a tie vote between two or more candidates, one of them shall be immediately chosen lieutenant-governor by joint vote of the members of the General Assembly.—*Constitution, title* 3, *executive department, article* 48.

The act of 1870 provides in one section:

> SEC. 54. *Be it further enacted, &c.*, That the governor, the lieutenant-governor, the secretary of state, and John Lynch, and T. C. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise by either of the board, then the vacancy shall be filled by the residue of the board of returning officers.

Then on page 5 is section 57, as follows:

> That should any of the returning officers named in this act be a candidate for any office at any election, he shall be disqualified to act as returning officer for that election, and a majority of the remaining returning officers shall summon some respectable citizen to act as returning officer in place of the one so disqualified.

Thus it will be seen that the governor, the lieutenant-governor, the secretary of state, John Lynch, and T. C. Anderson were the returning board. The act which created the returning board was clearly unconstitutional; that is, in conflict with the constitution of the State, which provides that the governor shall appoint all officers. The act itself created the office and filled it. It is as if Congress tomorrow should create a new department of the Government, to be called the department of internal commerce, and provide that John Doe shall be secretary of that department and A B, C D, E F, and so on, shall be clerks and assistants in the department. The act creating that office and filling it in the same breath by two private citizens was as clearly and flagrantly in violation of the constitution as any act can be; but that was the act under which the election was held.

Now, to recapitulate, the board consisted of Warmoth, of Pinchback, of the secretary of state, (there being a dispute as to who

was secretary of state,) of John Lynch, and of T. C. Anderson. It was provided by another section that if any one of this board should be a candidate at any election for any office whatever, he should be ineligible to canvass that election. Mr. Pinchback and Mr. Anderson were candidates and were clearly disqualified. So that the board was composed of Warmoth, the secretary of state, and John Lynch.

Here let me call the attention of the Senate to the contest as to who was secretary of state. Warmoth, on the 1st of August, 1871, by what he was pleased to style an "executive order," suspended Mr. Bovee, who had been elected secretary of state at the same time that Warmoth was elected governor, and appointed one Herron in his place. Before Bovee was suspended he had appointed one Wittgenstein assistant secretary of state. After Herron was appointed by the governor he pretended to remove Wittgenstein and appoint one Fairfax. Of course this executive order of Governor Warmoth was just as efficacious for any legal purpose as an executive order issued by the editor of the New Orleans Republican removing Warmoth would have been. It did not remove Bovee; it was utterly void. The governor had no more authority to issue it than a private citizen had, but still he did issue it, and Herron went into office and Bovee went out, and Herron removed Wittgenstein and appointed Fairfax, and Herron and Fairfax were in the offices, that is, they were in the rooms, in possession of the papers, the seal of the State, and the documents and records of the office, when this election took place, on the 4th of November, 1872. So that Herron had good hope that he was the secretary of state designated by the act to serve in the board of canvassers.

The law requires that within ten days after the election the board shall meet to canvass the returns. On the 13th of November the board met. It was evident from the first meeting that there was a good time coming, and desiring not to hasten it unnecessarily, they adjourned without doing anything until the 14th. On the 14th Warmoth seems to have been convinced that he could not control Herron in the canvassing board, and that Herron having the casting vote between him and Lynch would organize that board with men unfriendly to his purposes. The board had adjourned to twelve o'clock of the 14th; but on the morning of the 14th Warmoth put forth another "executive order," removing Herron and appointing one Wharton to take his place; and Wharton appeared and claimed his seat as a member of the board of canvassers. Then the board consisted of Warmoth and Lynch, undoubted members under the law, Herron or Wharton, if anybody could determine which, and two vacancies; and it was the duty of the board to fill those vacancies. They proceeded to perform that duty. Warmoth and Wharton voted for Hatch and Da Ponte; Lynch and Herron voted for Longstreet and Hawkins.

Now it is manifest that only one of these persons, either Herron or Wharton, was entitled to act, because both of them were not secretary of state; but as it was uncertain which was, they both voted; Warmoth and Wharton voting for Hatch and Da Ponte, and Lynch and Herron voting for Longstreet and Hawkins.

After this there were two boards: one consisting of Warmoth, an undoubted member, Wharton, Hatch, Da Ponte, and Lynch, (always absent;) and the other board consisting of Warmoth, (always absent,) Lynch, Longstreet, Hawkins, and Herron and Bovee, serving by turns. These, then, were the two boards resulting from the attempt to fill the vacancies in the board.

If we could ascertain here whether Herron or Wharton was secretary of state at the time of this filling of vacancies, we could then determine whether Hatch and Da Ponte, or Longstreet and Hawkins, were duly elected. It turns out in point of fact that neither Herron nor Wharton was secretary of state; neither of them had a right to vote at all, as I will show you; and therefore the attempted election resulted as follows: Warmoth, entitled to vote, voting for Hatch and Da Ponte; Lynch, entitled to vote, voting for Longstreet and Hawkins, and therefore there was no election. Let us see if this is the true state of the case.

I have already reminded the Senate that Herron, who had been appointed by Warmoth after the removal of Bovee, removed Wittgenstein and appointed Fairfax assistant secretary of state. Wittgenstein and Fairfax commenced litigating to determine which of them was assistant secretary of state. That case went to the supreme court, and let me call the attention of the Senate to the fact that the case was decided by the supreme court of Louisiana before any contest arose as to the election of 1872.

The Senator from Indiana has dilated much upon our duty to bow to the decisions of the supreme court of Louisiana in determining a question of which the Constitution of the United States says we shall be the exclusive judges. And if we are to bow to the decisions of that State court, I want to show the Senate that the decisions which were made when the judicial mind was impartial, made before temptation had overwhelmed the judges, made before political necessities had undermined their integrity, were all in favor of the line of argument which I am pursuing.

In this suit of Joseph Wittgenstein *vs.* F. J. Herron and J. W. Fairfax, to be found in volume 24 Louisiana Annual Reports, pages 432, 433, the court held as follows:

It was not necessary in the action of the relator in seeking his rights to incorporate a proceeding against Herron to have him decreed to be an intruder. There was an unnecessary and improper joinder of parties. Eliminating, therefore, from the action the extraneous portion of it, we shall proceed to an examination of the issue between Wittgenstein and Fairfax in regard to the office of assistant secretary of state. The governor suspended the secretary of state from the exercise of his functions as a state officer. No vacancy in the office of secretary of state thereby arose.

The governor suspended Bovee as secretary of state, but no vacancy in the office of secretary of state was thereby created.

The governor is without power to appoint a secretary of state unless a vacancy occur in the office, and then only *ad interim* as provided by the constitution.

Conceding—

And I want to call my friend's attention particularly to this. This is high authority. This is the supreme court of Louisiana while it was a court:

Conceding that in case of the suspension of a secretary of state from the performance of the duties of the office, the governor would have, on general principles, the right to appoint a person to discharge the duties of secretary of state—upon which we express no opinion—*the person so appointed would be clothed only with ministerial duties, such as arise in the usual routine of office business.* The secretary of state is vested by law with the power to appoint an assistant secretary of state. This is not a mere ministerial duty. The person charged with the performance of the ministerial duties of the secretary of state during his suspension from office is without power to remove from office, and much less without the power to appoint to office an assistant secretary, *for the reason that he himself is not secretary of state.*

That court before it was tampered with, that court while it entertained no fear of its existence, decided what every other court would decide, that a void order produces no legal result; that as the governor had no authority to remove Bovee, Bovee had not been removed; as he had no authority to appoint a secretary of state except in case of a vacancy, and Bovee had not been removed, there was no vacancy, and the appointment of Herron was a nullity. They say that conceding which they do not decide, but even conceding that when the governor had done such an extraordinary thing as to suspend an officer over whom he had no control, he might appoint another to discharge the duties of the office *ad interim*, yet such appointee could only discharge the mere routine duties of the office, and that he could not appoint an assistant secretary of state for the reason that he was not secretary of state himself. This decision was made in May, 1872, six months before the election.

There is another decision in the same volume on page 19, establishing the same principle—the case of Edmondson *vs.* McNeely. In this case the court say:

The relator, M. D. Edmondson, proceeding under the intrusion act, complains that the defendant has intruded into the office of parish judge of the parish of Sabine, which office belongs to the relator by virtue of his election at the November election of 1870, and to which he was duly commissioned and qualified.

Then they state other facts, and add:

There is no doubt that the relator, M. D. Edmondson, is the lawful incumbent of the office in question. He was duly elected and qualified, receiving his commission from the governor, dated 31st December, 1870.

It is not pretended that he has resigned or has been removed by address or impeachment. It appears as a matter of fact that the commission to the defendant was issued by the governor in error, the governor having been led to suppose that the plaintiff had left the State permanently and thus abandoned his office.

It is well settled that a constitutional officer cannot be destituted of his office except in the manner provided in the constitution, and that the appointment to an office not vacant gives no title thereto.

There, Mr. President, are two clear adjudications of the supreme court of Louisiana, when everything was tranquil, when no election was pending, when no canvass was proceeding, when no rival candidates were struggling for the State offices, settling principles which show clearly and conclusively that Herron never was secretary of state, and that he therefore had no right to act in the canvassing board, that not being one of the routine duties of the office; and of course he had no right to vote in the board to elect the vacant members of that board. He could no more vote to fill those vacancies than he could appoint an assistant secretary of state, and for the same reason, because, as the court say, *he was not secretary of state himself.*

Then it follows, Mr. President, by necessary logical conclusion, that the vacancies existing in the canvassing board on the 14th day of November were never filled. There were on the 14th of November but two legal members of the board; one was Warmoth, the governor, the other was Lynch. Warmoth voted for Hatch and Da Ponte, and Lynch voted for Longstreet and Hawkins, and of course no election was effected. Warmoth and Lynch never met officially afterward. Warmoth, at the election to fill the vacancies, treated Wharton as secretary of state, counted his vote with his own, and declared that Hatch and Da Ponte were elected, and the four withdrew, inviting Mr. Lynch, but Mr. Lynch went not. Mr. Lynch, considering Herron secretary of state, thought Herron's vote should be counted with his own, and they withdrew with Longstreet and Hawkins, and constituted the Lynch board, recognizing Warmoth as a member, but he refusing to act with them.

But in the light of these decisions of the supreme court it is as clear as any proposition can be made by adjudication that Herron had no right to vote in that board; that the only men who had a right to vote were Warmoth and Lynch, and that they voted in opposite ways, and no election whatever resulted; and from that day those two boards never met; from that day Warmoth and Lynch never met; from that day there never was but one man who was a legal officer under the election law who pretended to sit in any board that pretended to be a canvassing board.

Mr. WEST. Who was that?

Mr. CARPENTER. That legal officer was Warmoth in one board, and Lynch in the other.

Mr. WEST. You said "one."

Mr. CARPENTER. I say but one officer in each board. Nobody will claim that Warmoth sitting in one building, and Lynch sitting in another, made a legal board. They must meet as a board; the legal members of the board must meet in order to have the power which the act conferred on the board. Such a meeting never took place; and if the decisions made by this court in May, 1872, are to be considered as settling the law, then Herron never was secretary of state, and never had a right to vote for any man to fill those vacancies, and his vote was therefore void, and the vacancies never were filled.

The fact is that Bovee was secretary of state all the time; but if the fact had been known it would not have obviated the difficulty, because Bovee was himself a candidate, and therefore ineligible to serve. There would still have been but two legal members of the board, and three vacancies.

If I am wrong in this the supreme court decisions made before this controversy arose are to be ignored utterly, and all sound reasoning is to be disregarded on the subject, for I maintain that those decisions are the undoubted law and what any court would hold. And in the light of these decisions it is clear that the canvass of votes by the Lynch board was absolutely void.

But it is worth while to see how this Lynch board proceeded. The Senator from Indiana, when pressed upon this matter, will have to rely upon the proceedings of this board. He has done so in the former discussions of this case, and he will now. Conceding now the Lynch board to have been legal, although we know it was not, let us see what was done by it. The returns as they came up from the election under the law were sent to Governor Warmoth, and the law made it his duty to lay them before the canvassing board; and immediately afterward, this difficulty having arisen, the Lynch board, so called, obtained an injunction against Governor Warmoth, restraining him from canvassing those returns except in their board; and the Warmoth board obeyed this injunction and made no canvass.

This much is to be said in favor of the Warmoth board, that being enjoined, it stopped; but the Lynch board, although equally enjoined, proceeded to make a canvass, in open contempt of the injunction; and yet it is admitted it never had a return before it to canvass.

Mr. MORTON. The Senator omits one fact there.

Mr. CARPENTER. What is it?

Mr. MORTON. Governor Warmoth opened the returns in his private office.

Mr. CARPENTER. Yes; the testimony shows that Governor Warmoth opened these returns in his own office, but they were not laid before his board with a view to be canvassed, and they were never laid before the Lynch board at all.

Now let me call attention to the contest which sprang up between these two boards. I ask the Clerk to read from page 8 of the report which I send to him.

The Chief Clerk read as follows:

These boards, for convenience of designation, will hereafter be called the Warmoth board and the Lynch board.

Each of these boards appealed to the court. The Lynch board, about November 18, 1872, commenced suit against the Warmoth board in the eighth district court of New Orleans, Dibble, J., presiding. About the same time the Warmoth board commenced suit against the Lynch board, in the same court, and before the same judge. Dibble granted an injunction in both cases, enjoining both boards. In connection with this extraordinary proceeding of injunction against injunction, it should be borne in mind that Dibble was a judge holding over until his successor should be commissioned, and was therefore directly interested in restraining any canvass of votes which must determine that his opponent (Elmore) was duly elected and entitled to his (Dibble's) seat; and that he would continue in office as long as the injunctions granted by him should prevent a legal determination that his opponent (Elmore) had been elected in his place. That Elmore had, in fact, been elected over Dibble, two to one, is admitted by all parties in this controversy.

About the 19th of November Dibble decided the suit commenced by the Lynch board in their favor, and enjoined the Warmoth board, and on the same day dismissed the suit in favor of the Warmoth board against the Lynch board.

Thereupon Governor Warmoth took from his safe a bill which had been passed by the Legislature in the previous spring, but never approved by him so as to become a law, and on the 20th of November, 1872, gave it his approval.

This act, approved November 20, 1872, among other things, provides as follows:

"SEC. 2. *Be it further enacted, &c.*, That five persons, to be elected by the senate, from all political parties, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall, after each election, before entering on their duties, take and subscribe to the following oath, before a judge of the supreme or any district court:

"I, A B, do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election: So help me God.

"Within ten days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the statement of votes made by the commissioners of election, and make returns of the election to the secretary of state. They shall continue in session until such returns have been compiled. The presiding officer shall, at such meeting, open, in the presence of the said returning officers, the statements of the commissioners of election, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate; one copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation, by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and officers voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The return of the election thus made and promulgated shall be *prima facie* evidence in all courts of justice and before all civil officers, until set aside after contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. The governor shall, within thirty days thereafter, issue commissions to all officers thus declared elected who are required by law to be commissioned."

And further, as follows:

"SEC. 71. *Be it further enacted, &c.*, That this act shall take effect from and after its passage, and that all others on the subject of election laws be, and the same are hereby, repealed."

Governor Warmoth claimed that the effect of this act was to abolish all previously existing canvassing or returning boards; and that, inasmuch as the act took effect during the vacation of the Legislature, he was authorized to appoint the board under that provision of the constitution before quoted, which authorizes the governor to fill vacancies occurring during such vacation.

On the same day upon which the governor approved the last-named act he issued a proclamation, calling a session of the Legislature, to convene on the 9th day of December, 1872. It is admitted on all hands that the members of the Legislature elected November 4, 1872, if any were elected, were authorized to convene under this proclamation.

On the 21st of November motion was made before Judge Dibble for a new trial in the suit of the Lynch board against the Warmoth board, in which the judge had decided in favor of the Lynch board, enjoining the Warmoth board, and in the suit in favor of the Warmoth board against the Lynch board, which that judge had dismissed; and these motions were set down for hearing before Judge Dibble on the 25th of November. Before this day arrived Governor Warmoth, pretending to be convinced that Elmore had been elected in place of Dibble, commissioned Elmore, who, supported by the sheriff and a *posse comitatus* of roughs and thugs, took his place on the bench, and excluded Dibble. It should be stated, however, in this connection, that although no legal canvass had been made ascertaining the fact that Elmore was elected, nevertheless it is admitted by all parties that he was, in fact, elected by about 9,000 majority.

On the 3d of December, Elmore, who had been commissioned as aforesaid, and was seated on the bench, substantially by force, granted the motion for new trial in both cases, upon the ground that the act approved November 20 had abolished all former boards; and he dissolved the injunction granted against the Warmoth board, and dismissed both suits.

Governor Warmoth, having thus, by the judgment of a judge by him prematurely commissioned, rid himself of the embarrassment arising from the two boards of canvassers pretending to act, on the evening of the 3d of December proceeded to fill the board provided for by the act of November 20, by appointing De Feriet, Wiltz, Isabelle, Austin, and Taylor, in pretended pursuance of the authority conferred upon him by article 61 of the constitution, to fill vacancies happening in the vacation of the Legislature.

Mr. CARPENTER. I have requested the reading of this extract from the report to give a brief history of the contest which took place between these two boards. I now want to show how the Lynch board proceeded; and I will ask the Clerk to read, from page 51 of the evidence, section 29 of the election law of 1870, under which this election was held.

The Chief Clerk read as follows:

SEC. 29. *Be it further enacted, &c.*, That in any parish, precinct, ward, city, or town, in which during the time of registration or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, at any place within said parish, or at or near any poll or voting place or places of registration or revision of registration, which riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences shall prevent, or tend to prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish, precinct, ward, city, or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences occur on the day of election, or of the supervisor of registration, or any assistant supervisor of registration of the parish, if they occur during the time of registration or revision of registration, to make in duplicate, and under oath, a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, in preventing a fair, free, peaceable, and full registration or election, and of the number of qualified electors deterred by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, from registering or voting, which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish.

Mr. CARPENTER. Now turn to pages 57 and 58 and read section 55 of the same act, for the purpose of showing what was the jurisdiction of a canvassing board under that act.

The Chief Clerk read as follows:

SEC. 55. *Be it further enacted, &c.*, That in such canvass and compilation the returning officers shall observe the following order: They shall compile first the statements from all polls or voting places at which there shall have been a fair, free, and peaceable registration and election. Whenever from any poll or voting place there shall be received the statement of any supervisor of registration, assistant supervisor of registration, or commissioner of election, in form as required by section 29 of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, which prevented or tended to prevent a fair, free, and peaceable and full vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count, or compile the statement of votes from such poll or voting place until the statements from all other polls or voting places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll or voting place, and if from the evidence of such statements they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If after such examination the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place, but shall exclude it from their returns.

Mr. CARPENTER. Thus it will be seen, Mr. President, that the duty of the canvassers is entirely ministerial. Their entire duty is to

take the statements and returns sent up from the polls and compile them, aggregate them, and state the result, except there shall come from some polls a certificate from the commissioner that there was riot or fraud or bribery in such degree as materially to affect the result of the election. Then, their duty is to canvass all the unquestioned polls first. Then, take up these disputed cases, and their jurisdiction to inquire into the subject is based entirely upon the statement from the commissioner that there has been riot, fraud, or bribery, which has materially affected the result. They shall take, in the first place, the statement, and if they are satisfied from that, they may decide without further evidence. If not, they may send for persons and papers and determine whether there has been such riot, fraud, bribery, &c., at the polls. If they find that there has been, and are still of the opinion that it did not materially affect the result of the election, they are to canvass the return just as the return is; but if on the investigation they are satisfied that the riot, bribery, fraud, &c., did materially affect the result, then they are to reject that poll entirely; so that the only jurisdiction they have is based upon this report from the poll of fraud, riot, &c., and the only thing they can do after they have made the investigation is either to count the return or reject it *in toto*.

I may say here in passing that in point of fact not a single statement showing any riot, or fraud, or bribery accompanied a single return. Therefore, if the proper canvassing board had had the proper legal returns before them, they would have had no jurisdiction whatever to call a witness or inquire into the fact of the election at a single poll.

I wish in this connection to refer to the case of Bashford *vs.* Barstow, (4 Wisconsin, 798;) and I will ask the Clerk to read the passages I have marked. I may say that the statute of Wisconsin, so far as this question is concerned, is almost identical with this Louisiana election law of 1870. It requires the canvassers to make their statements from the returns made to them, and the acts are for all material purposes identical. In the case to which I refer the canvassers did receive what were called supplemental returns; that is, they received statements made by the officers at a day later than the regular return, and then they received some affidavits showing that irregularities took place, and all that without any authority from the law. The extract which I ask the Clerk to read will show how that matter was disposed of when the election came in contest before the supreme court of Wisconsin.

The Chief Clerk read as follows:

"SEC. 73. The board, when thus formed, shall, upon the certified statements of elections made by the boards of county canvassers, proceed to examine and make a statement of the whole number of votes given at any such election for the offices of governor and lieutenant-governor, secretary of state, treasurer, attorney-general, and State superintendent, or either of them; and another statement of the votes given for Representative in Congress in each congressional district; each of which statements shall show the name of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each, distinguishing the several districts and counties in which they were given.

"SEC. 74. They shall certify such statements to be correct, and subscribe their names thereto, and they shall thereupon determine what persons have been by the greatest number of votes duly elected to such offices or either of them, and shall make and subscribe on each statement a certificate of such determination, and deliver the same to the secretary of state.

* * * * * * *

"SEC. 95. Whenever it shall satisfactorily appear that any person has received a plurality of the legal votes at any election, for any office, the canvassers shall give to such person a certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing or conducting the election, or canvassing or returning the votes, so that the real will of the plurality may not be defeated by any informality."

It will be observed that according to the seventy-third and seventy-fourth sections above quoted the board are, upon the certified statements of elections made by the boards of county canvassers, to make a statement of the whole number of votes given for State officers, which shall show the names of the persons to whom such votes shall have been given, &c., and that thereupon they shall determine what persons have been, by the greatest number of votes, duly elected.

It is clear from these sections of the statute that the State canvassers are to make their statement and determination from the certified statements of the county canvassers alone. All other testimony is excluded from their consideration. The statute is too positive and explicit upon this subject to admit of any doubt. No language could have been used in the statute which would have expressed more clearly the intention of the Legislature to confine the State canvassers to the statements of the county canvassers than that contained in these sections.

But it was contended by the counsel for the respondent, in an argument submitted to the court on a former occasion, that section 95, above quoted, gave almost unlimited discretion to the State canvassers, and enabled them to receive other testimony as to the number of votes given in the several counties for a State office, and to determine from such testimony that a person had received a plurality of the votes, although such a result might not be established by the statements of the county canvassers. We cannot assent to this construction of the provision of the statute in question. This section provides that whenever it shall satisfactorily appear that any person has received a plurality of legal votes, &c. How is this fact satisfactorily to appear? Manifestly by the statements made by the county canvassers. There is no intimation in this section that any other testimony is to be resorted to by the State canvassers for the purpose of determining the question submitted to them than that which the statute prescribes, namely, the statements of the county canvassers. To allow the construction of the statute contended for to prevail would be to dispense with the necessity of a statement of votes by the county canvassers in all cases, and to permit the State canvassers to substitute any proof which they might choose to hear.

This section of the statute further provides that the canvassers shall give to the person who has received a plurality of legal votes a certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing and conducting the election, or canvassing or returning the votes, &c.

We think that this provision does not authorize the canvassers to hear other testimony than such as the statute prescribes. It gives the canvassers power to decide that a person who has received a plurality of the votes shall receive a certificate of election, although the statements which show this fact may not be in all respects in strict conformity with the statute. But it by no means gives the canvassers power to consider statements of votes made by other persons than those who by law are authorized to make them, nor by those persons, unless the statements themselves are authorized by the statute. It appears to us that this must be the correct exposition of this section of the statute, for the reason that unauthorized statements of votes made by inspectors of town elections and by county canvassers, upon general principles of law, cannot be evidence for any purpose. It is only when these officers are authorized to make these statements that any effect can be given to them.—4 *Wisconsin Reports, pages* 398–800.

Mr. CARPENTER. Mr. President, I have referred to this decision because, as I remarked before, the statutes in the two cases are for all material purposes identical. In Wisconsin there is a little more machinery about it, but the State canvassing board have to canvass from the statements sent to them by the county boards; in Louisiana the State canvassing board have to canvass statements sent up from the polls; but the language of both laws is the same in substance in defining the duty of the State canvassing board. They are to canvass from the statements sent to them, and not otherwise; and in that case the court held, that under no circumstances could the canvassing board go outside of those statements, or take any other testimony, or take any supplementary returns, from the returning officers.

It has been claimed for this board that inasmuch as they were the legal board, but did not have the legal returns, they must canvass something; and if they had not the legal returns to canvass, they must canvass in some other way; and if they had not the returns before them, they might take parol proof. I doubt very much whether, under any circumstances, that board of canvassers would be authorized to take secondary evidence of the contents of the returns. I do not assert that they could not; but I doubt it. A court of general jurisdiction, when an instrument or paper which would be evidence has been lost or destroyed or is withheld, may, after proper foundation laid, receive parol proof to establish the contents of the writing; but I doubt whether this board would have any such authority. I am of opinion that if these returns had all been collected in the state-house and destroyed by fire, under that law the canvassers could have done nothing.

But passing that, concede that they might have taken parol proof; how far could they go? Manifestly no further than to ascertain the contents of the returns. If, for instance, the returns had been destroyed by fire, or, as the case was, were withheld by Warmoth, what parol proof could they take? If they could do anything, they could call witnesses to prove the contents of the returns, and having established by parol what the returns were, then they could canvass the returns by parol proof established. It is evident that such a power would be very dangerous. To provide that a canvassing board, if the returns were destroyed or lost, might go back to the fact of the election, and establish its results by parol proof, would be offering an inducement to destroy the returns in all cases of closely contested elections. So that all that could have been done in any event by this board was to take parol proof of the contents of those returns, and so having ascertained their contents, count them and make return accordingly.

But what did this board do? They resolved themselves into a general committee of investigation. They had no authority as a canvassing board to inquire as to the vote at any of the polling places, because there was no accompanying statement from the commissioner that there had been fraud or riot which had disturbed the election. They had no jurisdiction of that kind; they had no returns before them to canvass. What did they do? They resolved that they would go away from the returns back to the fact, and ascertain how this election resulted. They went on, and, as this testimony shows—and after a brief statement of it I shall have the testimony read, so that I may not misstate it at all—they went on in some cases and obtained from the United States officers the duplicate statements which they kept under the act of Congress. The State canvassers had no more authority to take them than they had to take an affidavit signed by a private person. They took those where they could. Where they could not get them, they took newspaper reports of what the result was at different polls. Where they could not get those, they resorted to forged affidavits; and one pleasant little gentleman swears, with a smiling face, that he himself forged twelve hundred affidavits in one day and delivered them to Mr. Bovee, sitting in the board, and Bovee said he was "a hell of a fellow," and asked if he could not get more of the same kind; and he said he could get three or four hundred more of the same kind by nine o'clock the next morning, if necessary. [Laughter.] Then, not satisfied with the duplicate returns, not satisfied with the newspaper accounts, not satisfied with forged affidavits, and after all these valuable means of information failed, the board themselves swear that they made an estimate based upon their knowledge of the political complexion of the country as to what the vote ought to have been if it had been fair, and counted it accordingly.

Mr. EDMUNDS. And so estimated it?

Mr. CARPENTER. And so estimated it in one parish, giving Mr. Kellogg so many votes, and so on. Now, to illustrate, take the parish of Bossier. There was no statement of riot to give any jurisdiction to inquire into the fact. If any such statement had existed, all that the board could do was either to count or reject the return. They were first to ascertain whether there was any riot, and then to inquire whether it materially affected the result. If it did not amount to much, then they were to count the returns just as they did all the others. If they thought it did materially affect the result, then they were to reject it altogether, and canvass the rest. They must either

count it as it came or reject it entirely. They were to ascertain, on the question of fact, whether the result had been materially affected by the riot. If it had been, then they were to reject it altogether and count nothing from that poll; if it had not materially affected the result, although there had been a riot or had been bribery, they were to count it. In other words, it was a general equitable jurisdiction, to do, as they say up in New England, about what is right.

Mr. EDMUNDS. They could not take a part and reject a part?

Mr. CARPENTER. They could not take a part and reject a part. It was all to be counted, or nothing to be counted. In the first place, they had no jurisdiction to inquire; and, in the second place, if they had jurisdiction, they must either count or reject the return; but in this parish of Bossier they did neither the one nor the other. The returns showed that Mr. McEnery had 953 votes and Kellogg 555. If they had found the riot, &c., then they would have excluded that poll, and neither McEnery nor Kellogg would have had a vote from it; but, nevertheless, by their ciphering they gave Kellogg, 1,159 votes; they gave Antoine, the candidate for lieutenant-governor, 1,159 votes; they gave Deslonde 1,159 votes; they gave Clinton 1,159 votes; they gave Field 1,159 votes; they gave Brown 1,159 votes. They gave McEnery nothing, Penn nothing, Armstead nothing, Graham nothing, Ogden nothing, Lusher nothing.

Mr. EDMUNDS. Do you say that is a fact found by the committee in the form of a report, or appearing in the evidence there?

Mr. CARPENTER. Certainly. The returns themselves show that McEnery had 953 votes in that parish. He did not get a vote in this return. The returns show that Kellogg had 555 votes; he gets 1,159. How much more satisfactory than an election that is!

Take the parish of Natchitoches. The returns show that McEnery had 1,250 votes; Penn, 1,252; Armstead, 1,243; Ogden, 1,252; Graham, 1,252; Lusher, 1,251; Kellogg, 550; Antoine, 548; Deslonde, 549; Field, 549; Clinton, 548; Brown, 549. This board gave Kellogg 1,206 instead of 550. They gave Antoine 1,206; Deslonde, 1,206; Clinton, 1,206; Field, 1,206; Brown, 1,206; McEnery, nothing; Penn, nothing; Armstead, nothing; Ogden, nothing; Graham, nothing; Lusher, nothing.

Mr. EDMUNDS. Did they profess to be acting under the statute which you have just read?

Mr. CARPENTER. Certainly; but made slight deviations where the republican ticket required the deviations, as they testify themselves. In reading over these returns, finding that every republican candidate got precisely the same vote, and that every democratic candidate got precisely the same, which is nothing at all, I am forcibly reminded of an anecdote I heard about the proceedings in a court out in Indiana. A powerful old Hoosier was called up and indicted for stealing hogs, and to avoid the danger of variance the pleader had charged that on a certain day, feloniously, &c., &c., the defendant took and carried away two hogs, two pigs, two boars, two sows, two barrows, and two of every kind of hog that he had ever heard of. When the indictment was read through to the Hoosier, he looked up to the court and said, "Why, your honor, there never was such an evenly divided gang of hogs on earth; the indictment must be void." Laughter.]

We all know the contingencies that ordinarily attend an election. Take the case of this man Armstead, who was a colored man, who was a preacher, who was a popular man among his own race, who had at all events a great many friends all around; and when you see that he did not get even a vote, and that the other side were raised from 550 up to 1,206, then ask anybody to believe that there was anything done honestly by that board.

In the two parishes to which I have just referred McEnery had 2,203 and Kellogg 1,105 votes; that is to say, in the two parishes McEnery's majority, as shown by the returns, is 1,098, and they gave Kellogg in those two parishes 2,365, and McEnery not a vote; that is to say, in those two parishes they changed the result 3,463 votes!

Now, Mr. President, for the purpose of showing that I have not been railing at these men, I propose to have their own testimony read. Bovee came back into this canvassing board after the proceedings had gone on for a time, and took his seat as secretary of state, after the supreme court decided that he was secretary of state. He was ineligible to a seat in that board because he was a candidate at the election; but Bovee was not going to be stopped by a little difficulty of that kind. Mere ineligibility to act in a board where neither of them had the slightest right to act at all, where they had nothing to act upon, where they were under injunction restraining them from acting at all—a little question of the ineligibility of a man certainly was not entitled to much consideration, and Bovee acted. Now let us read his testimony, and the testimony of some of the other members of this board, for the purpose of showing what they did. I will ask the Clerk to read the passages I have marked on pages 484 and 485.

The Chief Clerk read as follows:

A. Saint Helena is a very close parish. In 1870 it gave 30 democratic majority. It is considered a very close parish. We made our returns upon affidavits.
Q. That is, the Federal supervisors and their returns?
A. Yes, sir.

By Mr. WARMOTH:

Q. You say it is a very close parish?
A. Very close, indeed.
Q. How many candidates ran for the Legislature there?
A. I do not know. It is a very close parish.

By the CHAIRMAN:

Q. You said you had the affidavits of the Federal supervisor upon what? Did you have these affidavits of the Federal supervisors of the national Government? I do not like to use that word "Federal" too much.
A. Affidavits of the supervisors of election.
Q. What did they show?
A. They showed a very doubtful case. I think just as likely one was elected as another.

Mr. CARPENTER. I call the attention of the Senate to that remark of Bovee, that he thinks one was just as likely elected as the other.

The Chief Clerk continued the reading, as follows:

Q. Did they show fraud?
A. Not particularly.

By Mr. CARPENTER:

Q. What did you decide about it?
A. To give that to the republicans.

By the CHAIRMAN:

Q. You gave them the benefit of the doubt?
A. We were determined to have a legislature.

By Mr. MCMILLEN:

Q. In these very doubtful districts, the evidences of fraud were not so patent?
A. No, sir; they were not in these particular instances.

By Mr. CARPENTER:

Q. Do you mean it was very doubtful whether there had been any frauds there or not?
A. I have no recollection about that. There were some reports, but to no great extent.
Q. Some unpleasant rumors?
A. Yes, sir.
Q. And it being close, you put the republican in?
A. Yes, sir.

Mr. CARPENTER. In that very parish in which Bovee swears that one was just as likely elected as the other, the returns show that Davis, the republican candidate, had 276 votes, and Gorman, the democrat, 708. This canvassing board reversed the thing and gave Davis 543 and Gorman 439, giving Davis, the republican, a majority of 4; and yet Bovee says that one was just as likely to be elected as the other!

Now I call attention to the testimony of Mr. Lynch, who, I believe, stands so fair in all these proceedings in New Orleans that I am told he is affectionately called "Honest John Lynch;" and if that be a fact, after we have heard his testimony in regard to this canvass, we shall be pretty well enabled to judge of the general standard of honesty in official proceedings in New Orleans. I ask the Clerk to read from pages 155 and 156.

The Chief Clerk read as follows:

Answer. * * * I would like to make a statement, with the permission of the committee, of the general principle that controlled me in my action as a member of the board.
Q. Go on and state it.
A. We had not the technical evidence before us. We were what I considered in the midst of a revolution, and in order to get at the result of the election as near as we could, as an officer acting, I availed myself of every kind of information within my reach, not only the affidavits, but my former knowledge of the political divisions of the inhabitants of the State as corroborative of the evidence placed before us. I do not pretend to say that the results we arrived at in all cases were technically correct, but I believe we were substantially correct as to the result, and that it was the best we could do under the circumstances. It was the best under the circumstances we could do in our efforts to arrive at the truth.
Q. How many affidavits altogether were counted from different parishes as votes?
A. I could not enumerate the whole number. I have not them in my memory. I remember particular parishes. In Natchitoches there were 1,206.

Mr. CARPENTER. Let me call attention to one fact at that point. Under the law, as I have already shown, they could only count the return or reject the return entirely. Instead of that, they set the return aside, and then proceeded to count affidavits, of what? Of the number of votes cast? O, no; but the affidavits of men who swear that they would have voted the republican ticket, but were deprived of the right to vote. So that upon that theory the only way a man could be sure of his vote in that parish, was to keep it in his pocket. If he put it in the box, somebody might steal it, and he would have no remedy; but if he kept it in his pocket, after the election he could file an affidavit, and then they would count the affidavit as though the vote had been cast. All these affidavits that he is speaking about are affidavits of men who swear that they did not vote, and yet each affidavit is counted as a vote in Mr. Kellogg's majority.

The Chief Clerk resumed the reading, as follows:

Q. In this parish, in which you say the regular vote was rejected and you counted only those that made affidavits that they had not voted, or had been denied the right to vote, how many were there?
A. That was Bossier, 1,159.
Q. Was that the whole number of votes returned by you from that parish?
A. Yes, sir.
Q. Were they all for one ticket?
A. Yes, sir.
Q. Were there any other parishes in which the regular vote was thrown out?
A. Yes, sir; Natchitoches.
Q. Was the whole of the regular vote thrown out there?
A. Yes, sir.
Q. And you acted upon affidavits?
A. Yes, sir.
Q. How many?
A. One thousand two hundred and six.
Q. For what tickets were those affidavits?
A. All republican.
Q. Then is your statement distinct that there were no votes counted in that parish except upon affidavits?
A. None by us.

Mr. CARPENTER. That is, every vote that was counted in that parish was upon the affidavit of a man who said *he had not voted.*

The Chief Clerk resumed the reading, as follows:

Q. Were there any other parishes in the same way, that were thrown out entirely?
A. I do not at this moment recollect any.
Q. How many votes were thrown out in the first parish you named? How many did you reject?
A. I do not know that; we rejected the whole thing.
Q. State how many that was as near as you can tell.
A. I cannot tell.
Q. Was it 100, or 1,000, or 2,000?
A. I cannot tell.

By Mr. CARPENTER:

Q. Will those returns be here showing that precisely?
A. Yes, sir; we rejected the whole parish on the ground that we believed it to have been an organized fraud, and that we could not have determined who the votes were cast for, nor what was the intention of the voters.
Q. Did you throw out the regular vote in any other parishes except in those two?
A. Yes, sir.
Q. Did you throw out the vote in the whole parish in any other case?
A. No, sir; I do not remember of any other whole parish now.
Q. There was no other parish that you threw out in full.
A. None.
Q. You threw out a part of the vote in other parishes?
A. Yes, sir.
Q. Can you name the parish?
A. Yes, sir; we threw out some in the parish of Orleans, which the minutes of the board will show. I cannot state them accurately.
Q. Do you know the number of the poll, or can you designate the vote thrown out?
A. I cannot tell from memory; the minutes will show.

Mr. CARPENTER. Now I ask the Clerk to read from the testimony of Mr. Lynch, on pages 157 and 158.

The Chief Clerk read as follows:

By Mr. CARPENTER:

Question. What do you mean by saying you set aside a part of a poll in some cases?
Answer. Not a part of a poll. In a case where the irregularities presented were such, we threw out the whole poll.
Q. I think I understand you.
A. Then here are affidavits presented by parties that were prevented from depositing their ballots at all. In that case we counted them.

Mr. CARPENTER. That, is they rejected the whole of the return, and then they counted the affidavits of men who swore that they had not voted.

The Chief Clerk resumed the reading, as follows:

Q. In some cases you threw out a part of a poll?
A. No, sir.

By the CHAIRMAN:

Q. You mean you threw out the vote of some parishes.
A. Some parishes were thrown out completely, and in some cases polls only.
Q. Entire polls?
A. Yes, sir; entire polls.
Q. I will ask whether in any case where the vote was thrown out you would make any estimate of what the vote fairly was in that poll and count it.
A. No, sir.
Q. You would actually count votes upon affidavits.
A. Upon affidavits, except in the parishes I stated where we had no returns, and where we took them on the basis returned by the opposition.
Q. By what?
A. By the opposition. We took all the evidence we had before us and our knowledge of the parishes and their political complexion, and we then decided.

By Mr. CARPENTER:

Q. You estimated it, then, upon the basis of what you thought the vote ought to have been?
A. Yes, sir. That was just the fact, and I think on the whole we were pretty correct.

Mr. CARPENTER. Now I ask the Clerk to read the testimony of the same witness on page 162.

The Chief Clerk read as follows:

Q. Does not the board canvass all the returns?
A. Yes, sir; it is my impression that Mr. Bovee was a candidate for police jury in his parish.
Q. Being such a candidate, would he not be excluded from acting on the board by the law?
A. The section of the law would seem to look that way.
Q. Would seem to exclude him?
A. Yes, sir; I have read the act, but that, of course, is a legal question I cannot decide.

Mr. CARPENTER. Now I ask the Clerk to read the testimony of the same witness on pages 165 and 166.

The Chief Clerk read as follows:

Q. Did you have any official returns before you furnished under the laws of Louisiana——
A. Did we have any?
Q. Yes; did you have any?
A. Not unless those I have stated
Q. Did you have any at all?
A. No, sir; I do not think we had.
Q. You had no official returns furnished in pursuance of the laws of Louisiana before you?
A. No, sir.
Q. You made your canvass without those?
A. Yes, sir; we came to the conclusion that there were no official returns in existence, as the law had been trampled upon.
Q. Would the law having been trampled upon prevent an official return from being an official return as well?
A. No, sir; I suppose not.
Q. Then there were official returns somewhere?
A. Yes, sir.
Q. When, as you stated here, you gave notice to Governor Warmoth, did you not suppose he had official returns?
A. Yes, sir.
Q. Then there were official returns?
A. Yes, sir.
Q. They were not before you?
A. No, sir.
Q. You counted votes in your estimate which were not polled at all, did you?
A. Yes, sir.
Q. Well, upon what ground?
A. On the authority of the United States law, and on the ground or principle of justice.
Q. On the principle of justice you think if a man does not vote he ought to have voted?
A. That is hardly the position; but when we were satisfied a man was prevented from voting.
Q. You then counted it as if he had voted?
A. Yes, sir.

Mr. CARPENTER. Now I ask the Clerk to read from the testimony of the same witness, on pages 167 and 168.

The Chief Clerk read as follows:

By Mr. TRUMBULL:

Q. What do you mean by democratic returns? Did the democrats make returns to you?
A. No, sir; but we had returns from that source, democratic sources.
Q. What do you mean by that?
A. O, well, I do not say returns; we had results published from those sources.
Q. Do you mean official results?
A. Not official, technically, but what purported to be official.
Q. You called them democratic?
A. Not necessarily democratic, but they came from those sources; they were published in some cases in the democratic papers as coming from both sources. We relied upon those in the absence of testimony, and not being able to get other testimony, we gave that as the result.
Q. Did you not throw out two wards in the city of New Orleans, the eighth and ninth wards?
A. We simply stated that the returns before us would not justify us in proclaiming the result.
Q. In two wards?
A. Yes sir; in two wards.
Q. How many votes were there in those wards?
A. I cannot state.
Q. Were there five or ten thousand?
A. The record will show it.
Q. If it does show it, state as near as you can.
A. I do not mean the result I have printed here, but the returns from New Orleans. There is no question about it, as the history of this ballot-box given in these tally-sheets and evidence submitted in connection with this that prevented our making the return.
Q. You made no returns from two wards?
A. None.
Q. Have you no idea of the votes of those two wards?
A. I do not remember, sir.
Q. Can you not tell whether there were one hundred or two thousand voters in those two wards?
A. I am not posted in the politics of the city, and cannot state from memory.
Q. Cannot you state anything about it?
A. Not exactly.
Q. I do not ask for it exactly. Can you tell within a thousand votes?
A. No, sir; I could not.
Q. Were they democratic or republican?
A. Those wards?
Q. Were they Greeley or Grant wards?
A. Now?
Q. At that time, when you threw them out and did not count them, were they Greeley or Grant wards?
A. My impression is that they were Greeley wards.

Mr. CARPENTER. Another witness, Mr. Jaques, appeared before the committee, and at first I was strongly impressed with the belief that he was lying, that his whole story was made up, and I went for him with a pretty thorough cross-examination, followed him through several pages, and finally became thoroughly convinced that the man was telling the truth. He swore that he had forged twelve hundred affidavits; he said he took the names from an old worn-out poll-list, that a great many of them were dead, and a great many probably never did live. He made up the affidavits without seeing the men; hundreds of them. They were certified as sworn to in blank by a judge before they were filled; and the proceeding, as he testifies to it, is one of the richest that I know of in the history of politics. His testimony—I will not stop to read it—is found on pages 520, 521, 522, and 523, and pages 526, 527, 528, and 530, and fully sustains all that I say.

The affidavits were printed, and they were delivered to this fellow to be manufactured, and with the jurat of the judge attached certifying that ——— ——— had sworn to the affidavit. Then Mr. Jaques took the affidavits, filled them up, signed names to them, then delivered twelve hundred of them at one time to Mr. Bovee, in the open session of the board, the testimony leaving no doubt that the board knew that they were forged affidavits; and, indeed, he says that Bovee joked him afterward for days by asking if they had got through voting up at Plaquemines Parish.

In the parish of Tangipahoa, Barkdull swears, on pages 562, 563, and 564, (which I will not take the time to read as I am occupying so much time,) to a very remarkable state of things, and I give the pages so that any Senator can refer to them. The returns show in that parish that Tait had 111 majority over Wands—Tait being the democratic candidate. The witness went to this parish to investigate, and found that there was no particular fraud; nobody had heard of any; and he came down to one of our republican men, and he said, "That won't do; you have got to go back; we are beaten unless we make out some fraud here." He went back, got up some affidavits, came down to this board, and they gave Wands 750 and Tait 622; that is, instead of giving Tait, as the returns showed, 111 majority, they gave his opponent 128.

This is a fair sample and by no means an exaggerated statement;

it is taken at random from the proceedings of that board. They went through in this way and reached the end of their labors on the 6th of December, 1872. The entire returns from the State showed that McEnery had 65,579 votes, and that Kellogg had 55,973 votes, so that McEnery's majority was 9,606. That can be seen in this report on page 81. This Lynch board gave Kellogg 72,890 and McEnery 54,029, making Kellogg's majority 18,861; that is, in place of McEnery's majority as shown by the returns being 9,606, they gave Kellogg almost twice that, 18,861. They were not going to do things by halves. If they were going to have a governor they were not going to stop on the majority that the democratic governor in fact got; they were going better, and they doubled and gave Kellogg 18,000. The returns showed Penn's majority to be 15,000, and they gave Antoine 13,000.

Now, in passing from the proceedings of this Lynch board, let me stop for a moment to enumerate the objections to their proceedings. In the first place, there was no board of any kind. That I have shown. There never was but one man who ever met at any place with other men having a legal right to sit in the board. That was Warmoth with one body, and Lynch with another; the two men never coming together, and their associates never having been members of the board. Then both boards were under valid injunctions from making a count. The Warmoth board respected the injunction; the Lynch board disregarded it. In the next place, they had no jurisdiction to inquire beyond the returns for want of a statement from the commissioner showing riot or fraud. In the third place, they had not a single return to canvass. In the fourth place, on the 20th of November, Warmoth approved a law which he had carried in his pocket for six months, abolishing the board altogether. And I may here remark that if Governor Warmoth, carrying the entire legislative power of that State in his pocket, could not abolish that board, then I undertake to say that board is immortal, and it never can be abolished.

But, Mr. President, there is another feature of this case worth considering. This canvass made by the Lynch board, although utterly void, was exceedingly profitable to the board. Virtue in Louisiana has its reward, and right speedily, too.

Mr. Lynch testifies that Pinchback immediately appointed his son to be inspector of live stock, &c., an office worth from $10,000 to $15,000 a year. This commission was delivered to Mr. Lynch for his son. The son was an engineer on the Southern Pacific road, and was then away in the direction of Texas, five hundred miles from New Orleans. By letter the father arranges with his son that he shall appoint a certain man in New Orleans to be his deputy or clerk. That arrangement is all made by letter, and Pinchback delivers the commission to Lynch by which the son became clothed with this office. The father testified that, on reflection, he thought it might not be well for him, after having made this canvass, to have his son hold that office; so his son resigned it. But after Mr. Lynch had been examined he went back to New Orleans, and Kellogg appointed him to the identical office, and he holds it to this hour, and it is worth from $10,000 to $15,000 per annum.

Herron, during the political campaign, wrote from New York a letter which I will ask the Clerk to read, found on page 572, referring to Southworth, who was recorder of deeds at New Orleans.

The Chief Clerk read as follows:

NEW YORK, *September* 3, 1872.

DEAR CAPTAIN: The papers give intelligence of the fusion, and heartily glad was I to see it. This makes the election of the combined ticket a certainty, and will do much toward helping the cause in the North. I shall get home in time to help, and to assist in the count and make the certificates of the "duly elected." In the mean time, as you and I are both very fond of Dr. Southworth, I think I shall have to get you to speak to Governor McEnery for his place. Of course we do not want him turned out, but under the circumstances, &c., let us ask him to retire. There is no sort of question about the election of Greeley, but the Grant people are making great exertions. With regards to all, I am,

Truly, yours,

F. J. HERRON.

Captain J. C. SINNOTT.

Mr. CARPENTER. He had a desire to be recorder of deeds. He went home, he changed his views as to who had been elected and who had carried Louisiana, but he saved the place of recorder of deeds for New Orleans; Pinchback appointed him to it.

Longstreet is levee commissioner, appointed by Mr. Pinchback, a place worth $6,000, salary fixed by law.

Now see how handsomely Hawkins was provided for. The Legislature abolished two courts, created a new court, and conferred upon it the jurisdiction that pertained to both the former courts. Of this new court Hawkins was appointed judge, with exclusive jurisdiction of contested elections, injunctions, and *mandamuses*. Faithful over a few things, made ruler over many things! [Laughter.] He was so useful in the canvass of Kellogg he shall canvass everybody; all contested elections shall be decided by Hawkins!

Nor did the Legislature forget Mr. Pinchback. The Lynch board canvassed in a Legislature, and the Legislature made Pinchback governor by impeaching Warmoth, and Pinchback rewarded the Lynch board. No wonder that these functionaries all recognize each other as entitled to hold their respective offices. That made Pinchback governor. And they did not forget Pinchback even there. The Legislature, so manufactured, further rewarded Pinchback by sending him to the Senate.

Whatever else may be said of these rascals, they certainly are kind to each other. [Laughter.] All these adjustments of reward were made between December 9, 1872, and the second Tuesday of January, 1873. Prompt pay! Adequate pay!

Here I bid adieu to the Lynch board. When my friend from Indiana comes to reply, and brings this Lynch board again to the front for effective service, I commend him to a careful examination of the facts which I have read from their own statements, made under oath in his and my presence.

I now come, Mr. President, to consider the interference of the General Government in this muddle. November 14, 1872, the board of canvassers divided, as I have before stated, into the Lynch board and the Warmoth board, and proceeded to litigate. While this contest was going on, on the 16th of November, Kellogg commenced suit in the United States circuit court, and Durell issued an injunction, or restraining order, which I will ask the Clerk to read from pages 13, 14, and 15 of the report.

The Chief Clerk read as follows:

United States of America, circuit court of the United States, fifth circuit and district of Louisiana, November term, A. D. 1872.

WILLIAM P. KELLOGG *vs.* H. C. WARMOTH *et al.* } No. 6830.

NEW ORLEANS, *Saturday, November* 16, 1872.

Court met pursuant to adjournment. Present Hon. E. H. Durell, district judge.

On motion of J. R. Beckwith, counsel and solicitor for complainant, it is ordered that H. C. Warmoth, Jack Wharton, Frank H. Hatch, Durant Da Ponte, John McEnery, and the New Orleans Republican Printing Company, publishers of the New Orleans Republican, a newspaper, being the official journal of the State of Louisiana, be enjoined and restrained from in any manner, either directly or indirectly, pretending to consider or canvass any certificate, statement, or return of any supervisor of registration, except in the presence of the legal returning officers named in the bill of complaint filed this day, to wit, John Lynch, Jacob Hawkins, James Longstreet, and Francis J. Herron; and it is further ordered that the said H. C. Warmoth desist and refrain from submitting to the defendants, Jack Wharton, Frank H. Hatch, and Durant Da Ponte, or any or either of them, either as pretended members of any board of returning officers of elections of the State of Louisiana, or as individuals, any statements, certificates of returns, or pretended statements, certificates, or returns of election, and to desist from assisting, aiding, abetting, or permitting any other person or persons whatsoever, other than John Lynch, Jacob Hawkins, James Longstreet, and Francis J. Herron, or their duly qualified successors, as returning officers, to inspect, consider, or have custody of or access to said statements, certificates, or returns of said supervisors of registration, or any other paper, document, affidavit, or proof that may have come into the hands of the said Warmoth, or shall hereafter come into his hands, relating to said election, or to the fairness or correctness thereof, and which by law it is his duty to submit to the said John Lynch, Jacob Hawkins, James Longstreet, and Francis J. Herron, the said legal board of returning officers of elections, and which should be properly considered by them.

And it is further ordered that the said H. C. Warmoth, Jack Wharton, Frank H. Hatch, and Durant Da Ponte, and each of them, be commanded and enjoined to refrain and desist from pretending to act together as a board of returning officers, or as returning officers of election, from canvassing or attempting to canvass or consider any certificate, document, affidavit, return, statement of votes, or any paper whatsoever properly relating to said election mentioned in the said bill of complaint, and from attempting to make a canvass, to make, declare, or publish any pretended deduction, calculation, statement, or proclamation based thereon, or pretended to be derived therefrom, in any way relating or pertaining to said election mentioned in the said bill of complaint, held on the 4th day of November, 1872, or certifying to any candidate for office at said election, any certificate of election, or any statement of the result of said election tending to show any right to office in any person growing out of ballots cast at said election, and from meddling with, altering, suppressing, falsifying, obliterating, or destroying any document, paper, voucher, proof, statement of votes, or certificate relating to said election. And it is further ordered that the said John McEnery be commanded, enjoined, restrained, and inhibited from in any manner acting or pretending to act as governor of the State of Louisiana, and from making any pretensions or asserting any claim to the office of governor of said State by virtue of any pretended evidence of election thereto under or by virtue of any certificate, document, or count, canvass, or adjudication now or hereafter made by the said defendant H. C. Warmoth, and the said defendants Jack Wharton, Frank H. Hatch, Durant Da Ponte, in this bill charged to be unlawfully combined and conspired as returning officers. And it is further ordered that the said New Orleans Republican Printing Company, under whose control and direction the newspaper called the New Orleans Republican, the official journal of the State of Louisiana, is published, whereof W. R. Fish is president, be enjoined and restrained from in any manner publishing any official notice, document, or statement relating to any canvass or statement of votes made, or pretended to be made, or in aay manner emanating from the said H. C. Warmoth, and said Jack Wharton, Frank H. Hatch, Durant Da Ponte, or either of them, as a pretended board of returning officers of elections, in any manner relating to the said election held on the 4th day of November, A. D. 1872.

And it is further ordered that the said defendants H. C. Warmoth, Jack Wharton, Frank H. Hatch, Durant Da Ponte, John McEnery, and the New Orleans Republican Printing Company, named in the bill of complaint this day filed, be so commanded, enjoined, and restrained until the further order of this honorable court.

Mr. CARPENTER. That, you will see, is rather a remarkable document to be issued by a judicial officer, and still more remarkable when issued by a judicial officer of the United States who had no jurisdiction whatever of any suit brought to inquire into the question which of these two boards was the legal canvassing board. The bill filed before him was a bill merely to perpetuate testimony; that is, the returns themselves; but in this injunction he assumes to determine which is the legal board and which is the illegal board, and assumes to take the governor of that State into his jurisdiction and command him how he shall perform his duties under the election law of 1870.

But Governor Warmoth was not to be outdone in this way; and at this juncture of affairs he approves the new election law, on the 20th of November, 1872, which abolished the board without regard to which class of persons constituted the board. It abolished it by a total repeal of all former election laws, and provided that a board of canvassers should be elected by the senate, and expressly and flatly and in words repealed every prior election law. Of course, all the rights that these men, any of them, had to proceed as a canvassing

board, they possessed under the election law of 1870; and when this act was approved it repealed the election law of 1870, and their authority, whatever it was, was thereby extinguished.

On the 3d of December Warmoth appointed a new board under this bill, which he claimed created vacancies in vacation. And in one sense it did, because it legislated the old board out of existence and provided for a new board; and the bill was approved in the vacation of the Legislature; and it certainly did create offices which were vacant. The board thus appointed is called the De Feriet board; consisting of five persons, whose names may be found in the report, and the governor laid before them the returns which had come to him as governor, and which it was the duty of the board of canvassers, if anybody could ascertain who they were, to canvass. This De Feriet board canvassed the returns, and the result of their labors was proclaimed in the New Orleans papers, in the form prescribed by law, on the next day, December 4.

On the 6th of December Judge Durell seems to have become apprehensive that Warmoth was getting ahead of him. The judge's injunction, issued without the slightest authority, had been met by an act approved by the governor by main strength on the 20th. This act in its turn was overthrown by another proceeding of Judge Durell, which has no parallel in judicial history. On the 6th of December, at two o'clock in the morning, Judge Durell, at his own house, without being applied to by any party, issued an order for seizing the state-house, which I will ask the Clerk to read from pages 16 to 17 of the report.

Mr. EDMUNDS. What do you mean by his not being applied to by any party?

Mr. CARPENTER. He went home to take his dinner, put on his slippers, reviewed the field of operations, and finally took it into his head to issue an order seizing the state-house.

The Chief Clerk read as follows:

Circuit court of the United States, fifth circuit and district of Louisiana, in equity—No. 6830. William P. Kellogg *vs.* H. C. Warmoth *et als.* Whereas Henry C. Warmoth, one of the respondents herein, has, in violation of the restraining order herein, issued the following proclamation and returns of certain persons claiming to be a board of returning officers, all in violation and contempt of the said restraining order, as follows, namely:

PROCLAMATION.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, December 4, 1872.

Whereas P. S. Wiltz, Gabriel De Feriet, Thomas Isabelle, J. A. Taylor, and J. E. Austin, returning officers appointed by the governor to fill vacancies existing, in accordance with the constitution and laws of the State of Louisiana, have made declaration of the result of an election held November 4, 1872, and have declared certain persons elected to the senate and house of representatives of the State of Louisiana, as will appear from the returns herewith attached and made a part of this proclamation; and whereas such returns are compiled from the official returns of commissioners of election and supervisors of registration, on file in this office, and are in fact and in form accurate and correct, and made in accordance with law:

Now, therefore, I, Henry Clay Warmoth, governor of the State of Louisiana, do issue this my proclamation, making known the result of said election aforesaid, and command all officers and persons within the State of Louisiana to take notice of and respect the same.

Given under my hand and the seal of the State this 4th day of December, A. D. 1872, and of the Independence of the United States the ninety-seventh.

H. C. WARMOTH.

By the Governor:
Y. A. WOODWARD,
Assistant Secretary of State.

Now, therefore, in order to prevent the further obstruction of the proceedings in this cause, and, further, to prevent a violation of the orders of this court, to the imminent danger of disturbing the public peace, it is hereby ordered, that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute, and occupied as the state-house for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

E. H. DURELL.

Mr. CARPENTER. So you will see, Mr. President, that is the order of the judge, not of the court. The testimony shows that he went to his lodgings, and about eleven o'clock at night he issued this order to seize the state-house. Nobody applied to him for the order. He was neither sitting in chambers nor sitting in court. He does not pretend to issue a writ. This order has no form of judicial process. It is not directed to the marshal; it is not attested in the name of the Chief Justice of the United States; it has not the seal of any court; it is the mere order of the district judge, at his chambers, at midnight, commanding the marshal of the United States to seize the state-house of a State. The marshal executed that order, and a company of Federal troops garrisoned the state-house at midnight and held it in military custody for more than six weeks, during which time the farce of organizing the Legislature on the *mandamus* of this same judge was enacted, and Pinchback was elected Senator by this Legislature while the state-house was held in military custody. At eleven o'clock a. m., December 6, Durell made the restraining order which he had made before a perpetual injunction. The same day the Lynch board completed their canvass, and December 7, 1872, Antoine commenced his suit, the state-house being in possession of the troops; and in that suit Durell issued the injunction and *mandamus*, for it is both, upon which the Legislature of the State was organized.

Now, without taking time to read it, as I had intended to do—for I am getting too weary to do that—let me call your attention to the extent of the jurisdiction of the Federal court in respect to a State election. The fifteenth amendment to the Constitution provides that no man shall be deprived of the right to vote on the ground of race, color, or previous condition of servitude, and that the Congress shall have power to legislate, so as to give effect to this amendment. Congress has legislated, and has provided that if any man shall be deprived of an office in consequence of a citizen having been denied the right to vote on the ground of race, color, or previous condition of servitude, he may bring his suit and be installed into the office by the judgment of a Federal court, except it be the office of "elector of President or Vice-President, Representative or Delegate in Congress, or member of a State Legislature." The very act of Congress under which Durell pretended to proceed and entertain a suit to organize this Legislature, in express words excludes members of the Legislature from the jurisdiction which is granted by the act. If, for instance, a man is a candidate in Louisiana, and is defeated by five majority, and he can show that ten colored citizens went to the polls and offered to vote for him; but were denied the right to vote upon the ground of race, color, or previous condition of servitude, then he may have his office adjudged to him by the Federal court, unless the office for which he was a candidate be that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State Legislature; but in no case has a Federal court jurisdiction as to these offices. So that the Federal court was without the slightest pretext or show of jurisdiction in the Antoine suit. It was a suit brought by the lieutenant-governor, to declare who had been elected to the Legislature, and to restrain another class, who were pretending to be elected, from taking seats in the Legislature—the very case excepted by the act of Congress from Federal jurisdiction. The judge enjoined the officers of both houses of the Legislature from calling the democrats; it commanded them in the form of a *mandamus* to call the republicans; and under that injunction and *mandamus* the Legislature was organized which made this *prmia facie* case, which the Senator from Indiana says has been so indorsed and so sanctioned that it has stripped the Senate of its constitutional power to determine whether Mr. Pinchback has been elected by the Legislature. I will have that paper read, and I wish it could be read in the hearing of every citizen of the United States.

The Chief Clerk read as follows:

Circuit court of the United States in and for the district of Louisiana.

C. C. ANTOINE *vs.* H. C. WARMOTH *et als.* } No. 6861—in equity.

Restraining order.—Issued December 7, 1872.

Whereas the plaintiff herein has this day filed and exhibited his bill of complaint against the said defendant, H. C. Warmoth, and the other defendants named in said bill of complaint, and has therein prayed that injunctions, *pendente lite*, issue against the defendants therein, and that a restraining order be also issued restraining the said defendants as prayed for in said bill from doing or permitting to be done the acts in said bill complained of:

Now, therefore, on motion of J. R. Beckwith and E. C. Billings, solicitors for complainant, it is ordered that the defendants named in said bill do show cause on the 11th day of December, 1872, why injunctions, *pendente lite*, should not be allowed as prayed for. It is further ordered that said defendants each and every one of them be, and are hereby, commanded and restrained to the extent and effect as in said bill of complaint prayed [*the clerk will attach to this order a copy of the prayer for injunction as set forth in said bill of complaint*] until the hearing and determination of said rule for injunction, and until the further order of the court in the premises.

E. H. DURELL, *Judge.*

A true and correct copy of the original order on file in this cause.

F. A. WOOLFLEY, *Clerk.*

Mr. CARPENTER. It will be seen that this order restrains the parties according to the prayer for relief in the bill, which must be read to show the extent of the injunction.

The Chief Clerk read as follows:

Wherefore your orator humbly prays that your honor will grant unto him all just and proper relief in the premises; that you will allow and grant unto him the most gracious writ of injunction issued under the seal of this honorable court, directed to the said defendant, Henry C. Warmoth, enjoining and restraining him from in any manner, directly or indirectly, by himself or through any other officer of the State, city, or parish, or through any other person, from controlling or attempting to control, interfering with, or attempting to interfere with, the organization of either branch of this General Assembly of the State of Louisiana, called to assemble on the 9th day of December, A. D. 1872, or that may be called to assemble at any future day, and from directly or indirectly, either by himself or through any other person, preventing any person claiming to be a member of said General Assembly from having full and free ingress and egress to and from the place, building, and room of that branch of said General Assembly of which he may claim to be a member, or from issuing any written or oral order or instruction, request, or direction, calculated or designed to directly or indirectly control or interfere with the organization of either of the branches of said General Assembly, or calculated or designed to prevent any person from having free access thereto, who claims to be a member thereof, and from doing any act, or from giving any order, direction, or making any request which may, directly or indirectly, prevent or hinder any person from being present and taking part in the organization of said senate, called to convene on the said 9th day of December, or at any future day, who may be returned as a member thereof by the board of returning officers, composed of the said Henry C. Warmoth, George E. Bovee, James Longstreet, Jacob Hawkins, and John Lynch, and whose name shall also be transmitted by the said George E. Bovee, secretary of state, to Charles H. Merritt, the secretary of the senate of the last General Assembly, and placed by the said Merritt upon the roll of said senate, so to be convened, and from in any manner, directly or indirectly, aiding or abetting any person who is not so returned by said returning board as a member of said senate, so to be convened, and whose name is not so transmitted as a member elected to said senate, and is not so placed upon the roll of said senate, from participating in the organization of said senate, and from doing any act, or from giving any order, direction, or making any request which may, directly or indirectly, prevent or hinder any person from being

present and taking part in the organization of said house, called to convene on the said 9th day of December, or that may be called to convene at any future day, who may be returned as a member thereof by the board of returning officers composed of the said Henry C. Warmoth, George E. Bovee, James Longstreet, Jacob Hawkins, and John Lynch; and whose name shall also be transmitted by the said George E. Bovee, secretary of state, to William Vigers, the secretary of the house of the last General Assembly, and placed by the said William Vigers upon the roll of said house, so to be convened, and from in any manner, directly or indirectly, aiding or abetting any person who is not so returned by said returning board as a member of said house, so to be convened, and whose name is not so transmitted as a member elected to said house, and is not so placed upon the roll of said house, from participating in the organization of said house; except that the said Henry C. Warmoth is not hereby prohibited from participating in the canvass and return of the members elected to the said branches of said General Assembly, so to be convened, provided he do the same in conjunction with and in the presence of said George E. Bovee, James Longstreet, Jacob Hawkins, and John Lynch, but not otherwise. And that he further be enjoined and restrained from in any manner obstructing or hindering the said William Vigers, clerk of the house of representatives, or the said secretary of the senate, Charles H. Merritt, in the free and unobstructed discharge of their duties, or in full and complete obedience to the orders of this court, and from suspending, removing them, or either of them from office, or appointing or ordering, or abetting any other person or persons to perform any act which by law or the orders of this court devolves on either the said Vigers, Merritt, or upon George E. Bovee, secretary of state, and from recognizing any validity in any act done or performed by any other person or persons pretending to act in the office or capacity of either of said officers.

And that a writ of injunction may also issue, directed to A. S. Badger, chief of metropolitan police, and to each member of the board of the metropolitan police, and to the board of metropolitan police, enjoining and restraining them and each of them from interfering in any manner with the organization of either branch of the General Assembly to be convened on the 9th of December, A. D. 1872, or at any time thereafter, except to preserve the peace, and to prevent no person from having access to either of the halls of said houses who is certified by George E. Bovee as being a member-elect of the same.

Mr. CARPENTER. That metropolitan police were a part of the militia of the State of Louisiana. The district judge having taken possession of the state-house by Federal troops, enjoined the State militia from interfering.

The Chief Clerk continued the reading, as follows:

And that writs of injunction also issue, directed to the said E. Booth, A. Voorhees, A. J. Lewis, B. F. Jonas, T. B. Stamps, D. S. Cage, R. C. White, T. C. Anderson, J. M. Thompson, E. S. Weber, A. S. Herron, Robert Worrall, O. H. Brewster, E. M. Graham, J. W. McDonald, A. H. Leonard, C. J. C. Puckett, James G. White, J. F. Kelly, enjoining and restraining them and each of them from participating in any manner in the organization of the senate to be convened on the 9th day of December, A. D. 1872, or at any time thereafter, or from doing any act or thing toward, in, or about the organization of said senate, either by casting a vote or otherwise, unless his name shall be and appear on the list of names of members of said senate transmitted to the secretary of the same by George E. Bovee, secretary of state, as having been elected thereto.

And that a writ of injunction also issue to the said J. J. Mellon and James Timony, J. A. Shakespeare, J. A. Rice, J. J. Finney, E. H. McCaleb, Charles Montaldo, W. B. Barrett, W. L. Standford, T. B. Blanchard, jr., F. C. Zacharie, F. Fusillier, V. O. King, A. Garidel, L. S. Roderiguez, John Barrow, John Delaney, William Stevens, W. C. Kinsella, C. Kummell, J. B. Eustis, J. McConnell, A. J. Dumont, E. L. Bowers, E. Riviere, P. Landry, C. N. Lewis, E. B. Cox, Numa Vives, T. J. Edwards, W. K. Johnston, T. L. Mills, T. Bynum, J. S. Gardere, J. L. Lobdell, W. S. Cockernam, W. H. Scanlan, L. P. Sandidge, J. C. Moncure, George L. Smith, J. Sella Martin, W. H. Kirkman, Thomas J. Humble, Paul Jones, George C. Bonham, Cain Sartain, Allen J. Davis, W. F. Moreland, Thomas Price, David Young, George Washington, J. P. Elam, A. F. Stephenson, John Goir, James Laws, James W. Armstead, F. W. Norris, J. H. Hadnot, L. A. Snaer, J. K. Cavannaugh, E. A. Hubin, William Kern, C. W. Lowell, J. D. Trahan, John S. Billim, O. Harang, T. G. Davidson, James R. McDowell, C. C. Davenport, E. L. Pierson, W. A. Ponder, W. F. Southard, D. Hill, H. Mahoney, J. P. Harris, L. B. Claiborne, L. Texada, John J. Swan, J. G. P. Hooe, E. W. Dowees, H. F. Vickers, J. F. Smith, R. V. Ducros, M. Hahn, D. K. Gorman, Henry Demas, Benjamin R. Gantt, J. F. Little, E. D. Estilette, L. D. Prescott, V. Bochon, L. A. Martinet, James Costello, M. J. Foster, J. G. Tate, J. R. Stewart, J. S. Mathews, J. J. Booles, P. Fontelin, J. R. Smart, A. C. Bickham, J. P. Schultz, William A. Strong, enjoining and restraining them, and each of them, from participating in any manner in the organization of the house of representatives to be convened on the 9th day of December, A. D. 1872, or at any time thereafter, or from doing any act or thing toward, in, or about the organization of the same, either by casting a vote or otherwise, unless his name shall be and appear on the list of names of members of said house transmitted to the clerk of the same by George E. Bovee, secretary of state, as having been elected to the same.

And that a writ of injunction may also issue, directed to Charles H. Merritt, secretary of the senate of the last General Assembly, enjoining and restraining him from placing, causing, or suffering to be placed, upon the roll of the senate to be convened on the 9th December, A. D. 1872, or at any time thereafter, or from placing, causing, or suffering to be placed, upon any list of members-elect to said last-mentioned senate, or from announcing, causing, or suffering to be announced, as a member elected to said last-mentioned senate, or from recognizing, or causing, or suffering to be recognized, as a member elected to said last-mentioned senate, or from in any manner designating, or causing, or suffering to be designated, as a member to the said last-mentioned senate, prior or during the organization thereof, any person whose name shall not be transmitted to him by George E. Bovee, the secretary of state, upon a list of the names of such persons as have been elected to the said last-mentioned senate, and from in any manner acting upon any other list; except the one so transmitted by the said George E. Bovee, in the organization of the last-mentioned senate, and to disregard in said organization all other lists.

And that a writ of injunction may also issue directed to William Vigers, clerk of the house of representatives of the last General Assembly, enjoining and restraining him from placing, causing, or suffering to be placed, upon the roll of the house of representatives to be convened on the 9th of December, A. D. 1872, or at any time thereafter, or from placing, causing, or suffering to be placed, upon any list of members elected to said last-mentioned house, or from announcing, causing, or suffering to be announced, as a member elected to said last-mentioned house of representatives, or from recognizing, or causing, or suffering to be recognized, as a member elected to said last-mentioned house of representatives, or from in any manner designating, or causing, or suffering to be designated, as a member to the said last-mentioned house, prior or during the organization thereof, any person whose name shall not be transmitted to him by George E. Bovee, the secretary of state, upon a list of the names of such persons as have been elected to the said last-mentioned house of representatives, and from in any manner acting upon any other list, except the one so transmitted by the said George E. Bovee, in the organization of the last-mentioned house of representatives, and to disregard in said organization all other lists.

And that a writ of injunction also issue directed to said George E. Bovee, enjoining and restraining him from receiving any return or returns of the election of any State officers or of the members of either branch of the General Assembly of the State of Louisiana, excepting such returns as may be received by or filed in the office of him as secretary of state from the board of returning officers and a majority of the same, composed of Henry C. Warmoth, James Longstreet, and Jacob Hawkins, and John Lynch, and himself, and from delivering, causing, or suffering to be delivered, to any speaker of the house of representatives any return, except received and filed as above stated, of any election whatever, or from making, or causing, or suffering to be made, any list of names of the members elected to either branch of the General Assembly, except from and according to returns so received or filed, as above stated.

That a writ of injunction also issue directed to the said Jack Wharton and Samuel Armstead, and each of them, enjoining and restraining them and each of them from receiving any returns of the elections held in the State of Louisiana on the first Monday of November last past for members of the General Assembly, or from transmitting to William Vigers, the clerk of the house of representatives, or to Charles H. Merritt, the secretary of the senate of the last General Assembly, or to any other person, any list of names which is or purports to be a list of names of such persons, or the name of any person who, according to any returns, shall have been, or shall be stated, or claimed, or assumed to have been, elected to either branch of the General Assembly, called to convene on the 9th day of December, A. D. 1872, or that may be called to convene at any future time, and from making any statement or doing anything calculated or designed to furnish a basis for the organization of either of said branches of the said General Assembly, or from delivering or interfering, conniving at or aiding, or suffering any other person to deliver, to the speaker of the house of representatives, or any other person, any returns of any election whatever.

And that writs of injunction may also issue directed to the said Thomas Isabelle, P. S. Wiltz, J. S. Taylor, J. E. Austin, and G. De Feriet; also issue against the said H. C. Warmoth, Jack Wharton, Frank H. Hatch, and Durant Da Ponte, commanding them and each of them to refrain and desist from pretending to act together as a board of returning officers or as returning officers of elections, from canvassing or attempting to canvass or consider any certificate, document, affidavit, return, statement of votes, or any paper whatsoever properly relating to said election, and from attempting to make a canvass, declare or publish any pretended deduction, calculation, statement, or proclamation based thereon, or pretended to be derived therefrom, in any way relating or pertaining to said election, held on the 4th day of November, 1872, or certifying to any candidate for office at said election any certificate of election, or any statement of the result of said election tending to show any right to office in any person growing out of ballots cast at said election, and from meddling with, altering, suppressing, falsifying, obliterating, or destroying any document, paper, voucher, proof, statement of votes, or certificates relating to said election.

I hereby certify that the foregoing is a true and correct copy of the complainant's prayer for injunction in his bill of complaint in the cause of Cæsar C. Antoine *vs.* Henry C. Warmoth *et al.*, No. 6851 of the docket of the circuit court of the United States for the district of Louisiana, referred to and made a part of the subjoined restraining order.

[SEAL.] F. A. WOOLFLEY, *Clerk.*

JANUARY 3, 1873.

Mr. CARPENTER. I have had this injunction read so that Senators may see that it justifies all I have said about it. It was a double-faced document; it was an injunction against the democrats, it was a *mandamus* in favor of the republicans; to the democrats a sword, to the republicans a shield. All that a republican partisan could decently have asked, even from such a judge, in organizing that Legislature, was that he should enjoin the democrats from going in, and leave the republicans at liberty to go in or stay out as they pleased. But having his hand in, he was determined to do thorough work, and by his injunction he kept the democrats out, and by his *mandamus* he put the republicans in.

[At this point the honorable Senator yielded for an executive session.]

FRIDAY, *January* 30, 1874.

Mr. CARPENTER, (resuming:) Mr. President, when the Senate were kind enough to adjourn yesterday, I had had the Clerk read the remarkable order which was made by Judge Durell, combining both the qualities of an injunction and a *mandamus*, restraining the officers of the Legislature from calling one set of men and commanding them to call the names of another set of men. These orders of Judge Durell are the more censurable from the fact that Congress had provided by the thirteenth section of the enforcement act as follows:

It shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in *the execution of judicial process issued under this act.*

Thus conferring a power upon the President which is equivalent to making it his duty in all cases to execute the process of judicial courts. It may well be doubted whether in strictness these orders were regular on their face; but that is one of those questions that a marshal of the United States can hardly be called upon to decide. The circuit court for Louisiana, like all our circuit courts, is one of general jurisdiction: and unless the defect of jurisdiction in the particular case appeared upon the face of the process, it was a protection to the marshal, and the President was bound to enforce it. Let me repeat what I said in discussing this matter at the last session. I do not disapprove of the President's issuing orders for the enforcement of Judge Durell's orders. The President is necessarily in one place. Courts are sitting in various places, and may be sitting in thirty-seven States at the same moment. The Constitution makes it the duty of the President to take care that the laws be faithfully executed. In discharging this duty he can have no better guide than the decisions of the judicial courts. Indeed, having no judicial power, the President has no right to review the decisions of the judicial tribunals. It his duty to enforce all of them. The judge who makes an erroneous decision is answerable for it, if it be corruptly made. But to say that the President may enforce one, and refuse to enforce another decision, is to clothe him with judicial power, which is denied to him by the Constitution; and when he is informed that the United States court in Maine, or in California, or in Florida, or in Wisconsin, has made a certain order, he can do no less in the nature of things than to execute that order. So I lay no censure whatever upon the action of the President; none what-

ever upon the action of the marshal; and I complain only of Judge Durell for the occupation of the state-house by troops. The responsibility of that act rests upon that judge, and not upon the marshal and not upon the President.

I come now to consider another thing, which the Senator from Indiana relies upon as estopping the Senate in this investigation, to wit, the recognition of Kellogg as governor, and the Legislature, which is known as the Kellogg government, by the President of the United States. And here it becomes necessary to distinguish between the preliminary dispatches that were sent by telegraph between persons in Louisiana and persons in Washington, running through the month of December, 1872, and a part of January, 1873, and the subsequent action of the President of the United States, upon the application made to him by Kellogg, which I shall particularly mention hereafter.

These telegrams are a telegram from the Attorney-General to Packard, in these words:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

That was several days before the order had been issued by Judge Durell to which I have referred.

Then there is a dispatch from Mr. Casey to the President, found on page 55 of the report. I have not the strength, and will not take the time, to read all these dispatches; but I will refer to them with the pages of the report where they can be found, so that Senators can examine them if they please. The dispatch of Casey to the President, on page 55, I think I will read:

NEW ORLEANS, *December* 6, 1872.

President GRANT:

Marshal Packard took possession of state-house this morning, at an early hour, with military *posse*, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board, in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the result of the election of officers of State and Legislature, which will meet in state-house with protection of court. The decree was sweeping in its provisions——

There never was a more appropriate comment than that. The decree swept away a Legislature, it swept away the organization of one of the members of this Union.

The decree was sweeping in its provisions, and if enforced will save *the republican majority, and give Louisiana a republican Legislature and State government*, and check Warmoth in his usurpations. Warmoth's democratic supporters are becoming disgusted with him, and charging that his usurpations are ruining their cause.

JAS. F. CASEY.

Then follows a telegram from Packard to the Attorney-General, found on page 55 of the report; another from Packard to the Attorney-General, on the same page; another from Packard to the Attorney-General, on page 56; another from Packard, on the same page; another from Pinchback to the President, page 57 of the report, which I will read:

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution, although all is quiet here.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

No "insurrection," no "domestic violence;" everything was quiet, but, as a precaution, the demand was made for the intervention of the General Government.

On page 57 is the communication from Mr. Pinchback, which he refers to in the telegram just read:

NEW ORLEANS, *December* 9, 1872.

We have the honor to transmit to your excellency the following concurrent resolution of both houses of the General Assembly, and to request an early reply:

"Whereas the General Assembly is now convened, in compliance with the call of the governor, and certain evil-disposed persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence: Therefore,

"*Be it resolved by the senate and house of representatives of the State of Louisiana in General Assembly convened*, That the President of the United States be requested to afford the protection guaranteed each State by the Constitution of the United States, when threatened with domestic violence, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

"Adopted in General Assembly convened this 9th day of December, A. D. 1872."

P. B. S. PINCHBACK,
Lieutenant-Governor, and President of the Senate.
CHAS. W. LOWELL,
Speaker of the House of Representatives.

I may say that on receiving that communication from Governor Pinchback the President himself apparently paid no attention to it; and here I wish to call the attention of the Senator from Indiana specially to this point. I maintain that there is nothing whatever here to show that the President of the United States has ever recognized the Kellogg Legislature. The Kellogg Legislature sent to the President these resolutions, declaring, not that insurrection against the State existed, but that *domestic violence was threatened;* and there is a subsequent telegram from the governor to the President asking action, although he says "*everything is quiet;*" that is, there is no insurrection, there is no domestic violence; and I maintain that in all this correspondence there is nothing to show that the President has ever recognized any Legislature whatever in that State; because the President did not act, in the only way he is authorized to act, upon their call.

The two telegrams from Pinchback to the President, and one to the Attorney-General, are found on pages 57 and 58; another, from Casey to the President, on page 58; another, from Kellogg to the Attorney-General, on page 58; another, from Casey to the President, on page 59; one from Casey to the President, again, on page 59; from the Attorney-General to Governor Pinchback, on page 59; and this last I will read:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

Mr. MORTON. Was that by authority of the President?

Mr. CARPENTER. That you will have to ask the Attorney-General.

Mr. MORTON. Does the Senator deny that it was by his authority?

Mr. CARPENTER. I know nothing about it.

Mr. MORTON. The Senator just said that the President had never recognized the Legislature; and there is an express recognition of the body sitting at Mechanics' Institute.

Mr. CARPENTER. I knew that the Senator from Indiana regarded this as a recognition. I knew that when he came to reply to me he would read it. For that reason I read it myself, and I propose to comment upon it. I maintain that that is no recognition of the Legislature of that State which can have the slightest legal effect upon anybody. And now let us see about that question. Let us see under what circumstances the President can interfere in the affairs of a State, and how he is to interfere. The Constitution provides in these words:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against *domestic violence.*

This does not authorize the President to do anything. It grants authority to the United States. The last clause of the legislative article empowers Congress—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all the powers vested by this Constitution in the *Government of the United States*—

That is the very power which we are now speaking of—

or in any department or officer thereof.

You will observe, Mr. President, that the language of the Constitution makes it the duty of the United States to guarantee any State against domestic violence. That is to be provided for by law which shall regulate the time, mode, and manner of enforcing that guarantee. When you turn to see what Congress has done under that provision, you find that Congress has not exhausted the power that is conferred by this clause of the Constitution. This phrase, "guarantee a State against domestic violence," may be broad enough to cover every case of tumult and riot and disorder that may happen in a State. I do not say that it covers the whole field, but it may do so. "Domestic violence" is a very general and very broad phrase, and if Congress in a particular instance should see fit to legislate for the purpose of suppressing riots in a State, I am not certain that it would not have the power, under this clause of the Constitution, to pass a law for that purpose; but Congress has not passed such a law. But let us see what Congress has done. The first act upon the subject was that of 1792, to be found in 1 Statutes at Large, 264, which by its terms was to expire in two years, and at the end of the then next session of Congress. That act provided as follows:

In case of an *insurrection in any State against the government thereof*, it shall be lawful for the President of the United States, on application, &c., to call forth such number of the militia, &c.

Not "in case of domestic violence," leaving the President to judge whether it was a proper case to interfere or not, but it must be that kind of domestic violence which amounts to an insurrection against the government of the State. Anything short of that does not authorize the President to interfere at all.

Mark how carefully Congress has defined the power conferred upon the President. There is nothing in all the powers conferred upon this Government so delicate and so difficult of proper exercise as those powers which authorize us to meddle in the affairs of a State. There we come in conflict with the prejudice in favor of State rights, deeply imbedded in American thought; we come in contact with the pride and the vanity of States; and of all our powers none are so likely to involve us in trouble as those which bring us into contact with the affairs of a State. Congress has recognized this fact, and has sought to avoid its difficulty. It has not authorized the President to call out

troops in case of domestic violence, but only in case of one kind of domestic violence, to wit, that which amounts to insurrection in any State against the government thereof. Then, by section 3 of this act, it is provided that before the President shall call forth the militia, he shall issue a proclamation commanding the insurgents to disperse within a time to be named by him.

On the 28th of February, 1795, before this act had expired by its terms, being in the session of Congress which followed the expiration of two years from the passage of the act, the act was repealed, and a new act was passed upon the same subject, which is still in force, and under which the interference was made in the Rhode Island case, and under which it was pretended to be made in this Louisiana case. It is just as precise as the other. Its provision is—

In case of an insurrection in any State against the government thereof, &c.—

following precisely the language of the former act. Then, again, in section 3, it is provided that the President shall immediately issue a proclamation commanding the insurgents to disperse, &c.

The next, and, so far as I know, the only other act applicable to this subject, is the act of March 3, 1807, to be found in 2 Statutes at Large, page 443. The act of February 28, 1795, will be found in Statutes at Large, page 424.

Mr. MORTON. I should like to call the attention of the Senator to the fact that he has overlooked the second section of the act of 1795 altogether. He confines the case in which the President is authorized to interfere to a case of insurrection. That is provided for in the first section. The second section provides:

Whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia, &c.

Mr. CARPENTER. What has that to do with this question?

Mr. MORTON. The Senator overlooked it; that is all.

Mr. CARPENTER. No; I did not overlook it.

Mr. MORTON. You did not mention it.

Mr. CARPENTER. I did not mention it because it had no more to do with the matter I am discussing, than a chapter from the Koran. There are two cases provided for by the act. One is the case we are speaking about, authorizing intervention in the affairs of a State; the other is a case entirely within the Government of the United States, where the President is required to execute our laws without application from any State. If our laws are resisted in New York, or in Florida, or anywhere else, he must enforce them. The case provided for by the first section and the case we are discussing is the case of an insurrection in a State, where the State applies to the President to suppress such insurrection. That second section has nothing to do with what I am discussing.

Here let me call particular attention to the language of the act of March 3, 1807, because an ambiguity in expression led the person who drew this proclamation—I suppose, of course, it was not drawn by the President—into an error, I think, as to the effect of the act. The act is as follows. I will first read it, without note or comment:

That in all cases of insurrection or obstruction to the laws, either of the United States, or of any individual State or Territory, *where it is lawful for the President of the United States to call forth the militia* for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purpose, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

The first two acts which I have read only authorized the President to call out the militia; he could not use the Army or the Navy. This act was passed only for the purpose of enabling him to use the Army and Navy instead of calling out the militia; but it was evidently intended by this act to provide for the two cases, the one of intervention in the affairs of a State when called on by the State for that purpose, and the power of executing the laws of Congress, which it is the duty of the President to do without application from any State. And in coupling the two cases, the sentences are so constructed that at first reading it might seem to imply that the President might use the Army and Navy whenever the laws of an individual State were obstructed; but a reading of the whole act shows that that is not its true construction. Let me read it again:

That in all cases of insurrection or obstruction to the laws, either of the United States, or of any individual State or Territory—

If the description of occasions for using the Army and Navy had stopped here, and the enacting clause commenced at that point, "it shall be lawful for him to employ the Army and Navy," &c., it would have been clear that Congress intended to confer authority to use the Army and Navy to enforce the laws of a State; but that is not the description. Let me read that whole description now:

That in all cases of insurrection or obstruction to the laws, either of the United States, or of any individual State or Territory, *where it is lawful for the President of the United States to call forth the militia*——

What does that mean? It relates back to the act of 1795, and says that in those cases of insurrection or obstruction of the laws where the President by that act is authorized to call out the militia, he may use the Army and Navy. I maintain that on a careful reading of this law it is perfectly clear that the President has no right to call forth the militia or to employ the Army and Navy for the mere purpose of executing the laws of a State.

Mr. MORTON. Did the Senator refer to the fourth section of the act of 1795?

Mr. CARPENTER. I did not; but I will stop and let you do it.

Mr. MORTON. I think the Senator is under a mistake.

Mr. CARPENTER. Well, what is it?

Mr. MORTON. That section reads:

In all cases of insurrection or obstruction to the laws—

Putting them together—

either of the United States, or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, it shall be lawful for him to employ for such purpose such part of the land or naval forces, &c.

That is the regular Army. I think that covers it.

Mr. CARPENTER. That is a good illustration of the value of these interruptions by the Senator from Indiana. I have read that act three times, and have been commenting upon it for ten minutes. The Senator from Indiana takes up another book—I suppose he has Brightly's Digest, in which the several acts relating to any one subject are arranged by sections—and reads the identical act that I read and have been commenting upon; and he says I have utterly overlooked that act, and it upsets everything I have said.

Mr. MORTON. The Senator said himself he had not read it, but would let me do it.

Mr. CARPENTER. It is true that when the Senator from Indiana asked me if I had not overlooked the fourth section of the act of 1795 I did not know but that there might be a mare's nest I had not found; but I knew if there was the Senator from Indiana would certainly be deep in it, and well qualified to point out its dimensions and locality. [Laughter.] I therefore stopped to hear what it was; but ascertained that instead of being the fourth section of the act of 1795, as the Senator supposed, it is an entire act, being the act of 1807, 2 Statutes at Large, 443, which I read in full, and have read three times in full, and have commented upon at length. The Senator now says that I have overlooked altogether the statute I am commenting upon. [Laughter.] I desire to say to the Senator that I take these interruptions very kindly, and I hope he will keep track of me, and as often as I overlook anything will call my attention to it.

Mr. MORTON. I understood the Senator to say that the President could not use the land and naval forces for that purpose, and I simply wanted to call his attention to the law. If the Senator is disposed to make a joke of it, I cannot help it; I have not the slightest objection to it.

Mr. CARPENTER. Well, Mr. President, I am not such a wit as to perpetrate such a joke as the Senator from Indiana has just made.

Mr. MORTON. The Senator's wit is more dangerous than his arguments generally.

Mr. CARPENTER. I had referred to the statute; I had referred to the page where it was to be found; I had read it three times; I was then proceeding and trying to satisfy the Senator from Indiana that it did not authorize the President to call out the troops to execute the laws of the State. The Senator from Indiana asked leave to interrupt me, and said I had overlooked the act I was commenting upon, and that it proved exactly what I am trying to prove it does not. That is all a perfectly legitimate argument for the Senator from Indiana to make. It is just as legitimate for me to make the argument that it does not give any such power, and *that* I was trying to do. The only difficulty about this matter is that it is impossible under the rules of the Senate for me to be enforcing one construction of the statute and the Senator from Indiana to be enforcing exactly the opposite construction at the same moment.

Let me turn again to this act. I say that for the whole act taken together it is manifest that it was not designed to add to the occasions upon which the President may employ force, but to authorize him to use the Army and Navy, instead of the militia, in cases already provided for. It refers in plain terms to two cases—one of insurrection against the government of a State where he was authorized to call out the militia; another of obstruction of the laws of the United States; and in providing for both cases in one section, an ambiguity was created in one part of the act, which is, however, entirely removed by the following additional descriptive phrase: "*where it is lawful for the President of the United States to call forth the militia*," &c.; that is to say, the act, taken entire, says that in both cases—the case of insurrection against a State, and the case of obstructing the laws of the United States; that is, in the cases where by law the President was then authorized to call out the militia—he might use the Army and Navy instead of the militia; and therefore, under this act of 1807, in order to ascertain whether the President is entitled in a given instance to use the Army and Navy, you must go back to the act of 1795 and ascertain whether it is a case within the provisions of that act, because unless it be it is not a case where it is lawful for the President of the United States to call forth the militia. All this act was intended to do was to authorize the use of the Army and Navy, instead of the more expensive force of the militia; but in terms the use of the Army and Navy is confined to the cases where by law the President was then authorized to call out the militia.

The first case arising under the act of 1795, as amended by the act of 1807, was the Rhode Island rebellion. That case fell precisely not only within the broad power conferred by the Constitution guaranteeing a State against "*domestic violence*," but within the much more restricted power conferred by Congress upon the President, to wit, a

case of insurrection in any State against the government thereof. What were the facts of that case? The old charter government which had been in existence from the Revolution was going quietly on exercising its accustomed power, represented in the Senate, when some individuals took it into their heads to establish a new government. There was no warrant of law for their proceeding. The government of Rhode Island, which was one of the original members of the Union, one of the States which ratified our Constitution, had given no authority to anybody to establish another government. But voluntarily certain men called caucuses instead of legal conventions, and in the several towns and counties of that State they caused delegates to be elected to a convention which was nothing but a caucus, and that caucus framed a constitution and invited the people of Rhode Island to adopt the constitution they had framed at an election which they ordered; and subsequently they declared that the people of that State had adopted the new constitution; and then an election was held for officers under the new constitution, and Mr. Dorr was elected governor, as they said, and Mr. Dorr proceeded to make the fact manifest by assuming the duties of governor of the State under the new constitution. That was a clear case of insurrection against the State as soon as Mr. Dorr rallied a military force to put the new government into operation, because that was an attempt to overturn the legal government and set another in its place.

The Legislature of the legal government of Rhode Island represented to the President, not that there was domestic violence, but that there was insurrection in that State against the constituted authorities of the State, and called upon him to interfere. Subsequent to that, the governor himself wrote several communications of this kind, and the President did interfere; that is to say, he issued his proclamation, as the law requires that he shall in such a case, commanding the insurgents in arms against the charter government to disperse and go to their homes within so many days. That is what the President did in that case; and for this I refer the Senator who wishes to examine it to the document which was published by the House of Representatives upon the Rhode Island troubles, at page 673, and the President's proclamation, printed in the same book, at page 684, with all the correspondence which took place upon the subject, showing how carefully President Tyler observed his duty, and how cautiously he proceeded, sending out his agents to examine; and then the governor, having forgotten that the Legislature had convened, and standing on his former request, the President writes to inform him that he has fallen into an error, and that, the Legislature being in session, they must make the application—all showing what care the President took to keep within the provisions of the Constitution and act.

That was the only instance in which this power had been exercised until the present case. Now I want to call your attention, Mr. President, to the case upon which, in the summer of 1873, the President issued a proclamation. But before coming to that let me say that until the 15th of January, 1873, when Mr. Pinchback was elected, there had been no recognition by the President of governor or Legislature, unless the telegram of December 12, 1872, from the Attorney-General to Acting Governor Pinchback can be so regarded; and that I deny. The Senator from Indiana argues that we are estopped from inquiring into the legality of the Kellogg Legislature for various reasons, one of which is that the President has recognized that Legislature which he claims to result from the telegram last mentioned. A judge on the bench has jurisdiction, under certain circumstances, to decide a question of title between my friend from New York and myself to a farm; but suppose he hears a rumor that my friend and myself are contending about that matter, and he directs his clerk to telegraph to the Senator from New York, "My dear Senator, let it be understood that I decide in favor of your right to this farm and that the pertinacious and obstreperous Senator from Wisconsin had better hide his head;" would that telegram preclude my rights or estop me from litigating the question?

Under the carefully worded provisions of the act, the President must be informed by application from the State authorities that an insurrection exists against such State government, and then he must issue a proclamation to the insurgents which gives notice to all the world of the action he is about to take; and why does that amount to a recognition? Simply because the President having been called upon, and a proper case made, it becomes his duty to put down those who are in arms against the legal government. Therefore the determination on his part of which is the legal government is a determination of a matter as to which he has jurisdiction to decide, and differs from the telegram sent by the Attorney-General to Governor Pinchback, as a judgment of a judge in a case properly before him between my friend from New York and myself would differ from a telegram sent by the judge to my friend, as before supposed; and I maintain that in no other way than by the proceedings prescribed by the act can the President effectually recognize any State government.

Will the Senator from Indiana seriously maintain that the President can telegraph to different States, "I recognize you as governor of such a State," and "I recognize you as the Legislature of such a State," with no case made calling upon him to act under the law? Have we come to that in this country? No, sir; we have not. And I maintain that when a proper case is made, the President can proceed only in pursuance of the act, and can in no other way accomplish a recognition of a State government which would bind anybody.

The President of the United States is charged with a most delicate and important duty. When an application is made to him in proper form, and showing the proper case, he must march with the Army and Navy and restore order; but he must have the proper case before he does so.

Now let us see what was the case as made by Governor Kellogg. I sent the other day to the Attorney-General for a copy of the communication from Louisiana upon which the President issued his proclamation of May 23, 1873. It is in the following words:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, May 13, 1873.

SIR: Domestic violence existing in several parishes of this State, which the State authorities are unable to suppress without great expense and danger of bloodshed, and the Legislature not being in session, and it being impossible to convene the Legislature in time to meet the emergency, I respectfully make application, under the fourth section of article 4 of the Constitution of the United States, for a sufficient military force of the United States Government to enable the State authorities to suppress insurrection and domestic violence.

Very respectfully, your obedient servant,

WILLIAM P. KELLOGG,
Governor of Louisiana.

To his Excellency U. S. GRANT, *President United States.*

The word "insurrection" appears but once in this communication, and that not in the statement of facts, but in the prayer for relief. He states the case as follows:

Domestic violence existing in several parishes of this State, which the State authorities are unable to suppress without *great expense* and *danger* of *bloodshed.*

I turn to the proclamation which was issued by the President, and which I think shows conclusively that whoever drafted it had never seen Mr. Kellogg's application. The Senator from Indiana read this proclamation, and I read it from the report of his speech. This is his estoppel on the Senate to inquire whether Pinchback was elected by a Legislature or by a town meeting:

Whereas under the pretense that William P. Kellogg, the present executive of Louisiana, and the officers associated with him in the State administration, were not duly elected, certain turbulent and disorderly persons have combined together, with force and arms, to resist the laws and constituted authorities of said State; and whereas it has been duly certified by the proper local authorities, and judicially determined by the inferior and supreme courts of said State that said officers are entitled to hold their offices respectively, and to execute and discharge the functions thereof—

All of which I shall show is a mistake—

and whereas Congress, at its late session, upon a due consideration of the subject, tacitly recognized the said executive and his associates then, as now, in office, by refusing to take any action with respect thereto——

The Senator from Ohio [Mr. THURMAN] and his associates voted against a new election, because they thought McEnery was the governor and he and his legislature formed the government of that State; others voted the same way because they thought Kellogg was the governor; and the bill was defeated by the joint action of the democratic party, holding that McEnery was elected, and a portion of the republicans, who were of the opinion that Mr. Kellogg was elected. The bill passed, as you know, in the late hours of the morning.

Mr. MORTON. It did not pass; it died.

Mr. CARPENTER. Yes, it passed away; and therefore we have had all these difficulties. We have had this bogus government standing now nearly a year, passing laws under which men have been acting, under which rights are supposed to have been vested. We have had bloodshed, and tumult, and riot, all, in my judgment, the legitimate fruit of the non-action of Congress when it ought to have acted, and when, in my judgment, it would have acted but for the circumstances under which the bill was brought before the Senate. It came here in the very last days of the session, when all the accumulation of business for six months was crowding upon us, and when but a short time could be devoted to any one subject, and we sat here all night long to consider this bill. My belief is that the bill could have been passed at midnight, at one o'clock, at two o'clock; but by three some of the oldest Senators, and one or two who were in poor health, had left, could not remain longer; and so it ran on until four o'clock, when the vote would have been decidedly against the bill. I recollect that at that time some debate was started of a political nature, which drew, I think, the late Senator from California, Mr. Casserly, to his feet; and that delayed a vote until we could send for Senators; and when the count came it turned out that there was a majority of two against passing the bill.

Mr. MORTON. That was the trouble exactly.

Mr. CARPENTER. That was the trouble; and let me say to the Senator from Indiana it was trouble indeed. It has been trouble to that State; it is trouble to this country; it is a cloud upon the fair name of our nation.

But let me return to the proclamation:

And whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the Legislature, or of the executive when the Legislature cannot be convened, against domestic violence; and whereas it is provided in the laws of the United States that in all cases of insurrection in any State, or of obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive when the Legislature cannot be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection, or causing the laws to be duly executed.

This recital shows that whoever drafted this proclamation had mistaken the effect of the act of 1807, and concluded that it authorized the President to enforce State laws, which I hold not to be the case,

unless the obstruction of the laws of the State amounts to an insurrection against the government of the State. I will not take time further to consider the recitals of the proclamation. I have read enough to show their incorrectness and insufficiency to justify Federal interference.

Mr. MORTON. Do I understand the Senator to say that that proclamation was issued in violation of law? Is that his point?

Mr. CARPENTER. Well, Mr. President, if I cannot make my points I am certain the Senator from Indiana cannot make them for me, for he does not understand what I am trying to do half as well as I do myself. If he thinks I am making a very weak speech on this subject it need not distress him at all; he can enjoy that fact; and if I am not making my points he certainly does not want to help me make them. If I was conscious that I was failing to establish any point here I certainly would not go to that Senator for help about it.

Mr. MORTON. I asked a very plain question.

Mr. CARPENTER. What was the question?

Mr. MORTON. Does the Senator insist that that proclamation was issued in violation of law? I want an answer to that question.

Mr. CARPENTER. I understand perfectly well the motive of putting that question, and I am just as free to answer it as I am to tell the truth about anything else. I do not say it was issued in violation of any act, because no act forbids it to be issued. I say it was issued without any authority of law. There was no case made before the President which authorized him to interfere. Nothing was shown to him establishing the fact that there was an insurrection in that State against the government of the State. The case made is "*domestic violence.*" The President does not know anything about domestic violence. That is not a call that brings him to his feet. That might bring Congress into action; there might simply be a riot there, or other disturbance, not directed against the State government, and under the power which the Constitution confers upon us, perhaps we could order the Army there to suppress it. I do not say whether we could or could not, but I do say that the President could not. He must have a case, not of domestic violence, but a case of insurrection in a State against the government thereof; and I say no such case was shown. Therefore I say there was no authority for issuing that proclamation.

No one questions that the proclamation was issued in good faith. No one questions that in the attitude in which affairs were left by Congress omitting to act upon the subject, the proclamation did good. I have no doubt that issuing the proclamation did stay the effusion of blood in that State. I have no doubt that but for that proclamation these factions would have fought it out among themselves and settled it one way or the other, to the shame of our civilization; and I do not regret that the President took the responsibility of issuing that proclamation. But I am discussing here its technical validity and effect. The Senator from Indiana pleads, as an estoppel to the right of the Senate to inquire into the fact, that the President, in a case made before him, has determined that Mr. Kellogg and his legislature constitute the government of that State. Now, I answer in the first place on the question of fact, that he never has recognized the Legislature of that State. That telegram from the Attorney-General I throw out of the case as worthy of no consideration whatever. In the proclamation nothing is said about the Legislature. The President paid no attention to the Legislature when they called upon him. The act of the President was based on this application made by Mr. Kellogg as governor of the State, and all that can be claimed on the question of fact is, that the President recognized the governor when he recognized his authority to make this application; but standing here technically, answering the Senator's technical plea of estoppel by which he proposes to prevent our inquiring into the fact, I meet him with the technicality pertaining to such a plea, and I say that, standing upon the strict letter of the law, there was no authority for that proclamation. It therefore has no validity as an estoppel.

There is another matter worthy of consideration at this point. The President of the United States, in the closing days of the last session, sent us a message laying the responsibility of this business upon our shoulders, and telling us what he had done, and saying that if Congress did not act in the premises he would be compelled to uphold the Kellogg government. The President acted in perfect good faith to Congress. Congress failed to pass any act.

O, Mr. President, I just begin to see, I think, the drift of the Senator's interruptions. The truth is, that while I am not a very good lawyer, I am no politician at all; and, being engaged here in the discussion of a dry legal question, it just occurs to me that the Senator from Indiana is lying in wait for me in the forum of politics. What in a strict legal sense may be the effect of the proclamation as an estoppel upon the Senate is one thing, and what may be said in popular speech about the propriety or impropriety of the President's course is a very different question. The Senator has less taste for the dusty paths of professional discussion than for the greener fields and sunnier skies of the domain of politics; and he is apparently laboring to have it appear that I am abusing the President. But, sir, in this he will fail. I claim to be a true friend of the President; and I am his friend and admirer for the reason, among others, that he not only tolerates but desires the fullest examination of his official acts, and does not expect his friends to approve what they think erroneous. It is one thing to say that Kellogg's letter did not make a case which could justify the interference of the President under the act of 1795, and quite another to say that furnishing troops to execute the mandates of the courts was unjustifiable.

If I were on the stump and some democrat were abusing the President of the United States, the defense would be easy. The President of the United States being compelled by the Constitution to execute the laws, and ascertaining that the Federal courts there had made a certain decision and issued a certain order the validity of which he had no right to question, properly enough stationed troops to execute it. All that he actually did may be defended upon that ground. Indeed, the issuing of this proclamation harmed no one. All the troops that are in Louisiana to-day were there before the proclamation issued. They were there as a *posse* to enforce the decrees of the court, and they were properly there for that purpose. They merely executed the decrees of the court, and that is the defense of the President politically. But that does not enable the Senator from Indiana to estop the Senate on this inquiry as to whether Mr. Pinchback was elected by a Legislature or not. The Senator from Indiana does not seek to rest the defense of the President upon the true ground, but seeks to interpose a technicality, and says that, because the President has issued a proclamation, our mouths are closed; and while I am discussing this legal question he aims to give the discussion a political direction, and raise a partisan clamor around my ears. But I trust that the Senate will distinguish between that kind of justification which a generous people will always accord a faithful and honest President for acts well intended though not within the letter of the law, and that technical justification which would be held valid in a court of law if the officers acting under his orders were sued for trespass.

But let us dwell a moment upon this subject, because it is an important one, and, from a remark or two which has fallen from the Senator while I have had the floor, I fear that he and I do not think entirely alike about it.

Mr. MORTON. This is trifling.

Mr. CARPENTER. If I should speak forever I could not satisfy the Senator on this Louisiana question. I have no hope of ever being able to do so. He says the subject is a very trifling one.

Mr. MORTON. No; I said from the character of your remarks it must be a very trifling subject.

Mr. CARPENTER. Therefore my remarks are very trifling! Well, they are sufficient for my purpose; and I announced in the outset that it was not my purpose to make a speech; I have no ambition in that direction at all; but I will try to make as many Senators as will listen to me understand, in the first place, just what the facts of this case are, and second, that the Senator from Indiana has a theory about it that is entirely unsound.

Now let us see what there is in this doctrine of our being estopped to inquire into the status of that Legislature which elected Mr. Pinchback. The Senator says that because the President issued this proclamation recognizing that Legislature we are precluded from this inquiry. In the first place, one complete answer is that the Constitution of the United States provides that each House shall be the exclusive judge of the elections, returns, and qualifications of its own members. Neither House, nor both, can abdicate that power. The Constitution vests it in this body. No power on earth can divest it. No man will dispute that in determining upon the election of a Senator we must inquire as to two things: First. Was the body of men which pretended to elect the Legislature the law-making power of the State? Second. Did that body in fact choose? We cannot judge of the election of a Senator without determining both of these questions. The Constitution having laid that duty upon us, if the acts to which I have referred of 1795 and 1807 have the effect which is claimed for them by the Senator from Indiana, and have stripped us of the power of inquiring into that fact, then they are unconstitutional; because no act of Congress can take from us the power which the Constitution in express words vests in us. But, in the next place, conceding that the acts are constitutional, which they undoubtedly are when properly construed, such results would not follow, because in this case there has been no decision of the President upon the subject which can estop our inquiring into it.

The Senator from Indiana has referred at great length to the decision of Luther *vs.* Borden. That case will always be a subject of dispute. Before reading the passages of the opinion which the Senator relies upon, I wish to read a few words from Chief Justice Marshall. In the trial of Aaron Burr, when the decision in Bollman and Swartwout's case was handed up by the bar and was claimed to conflict with what the Chief Justice was holding in the case at bar, the Chief Justice disposed of it with this remark:

> Every opinion, to be correctly understood, ought to be considered with a view to the case in which it was delivered. In the case of the United States against Bollman and Swartwout, there was no evidence that even two men had ever met for the purpose of executing the plan in which those persons were charged with having participated. It was, therefore, sufficient for the court to say, that unless men were assembled, war could not be levied. That case was decided by this declaration. The court might, indeed, have defined the species of assemblage which would amount to levying of war; but as this opinion was not a treatise on treason, but a decision of a particular case, expressions of doubtful import should be construed in reference to the case itself; and the mere omission to state that a particular circumstance was necessary to the consummation of the crime ought not to be construed into a declaration that the circumstance was unimportant. General expressions ought not to be considered as overruling settled principles without a direct declaration to that effect. (Burr's Trial, 1807, Robertson, volume 2, page 415.)

Let us turn for a moment to the case of Luther *vs.* Borden. In the first place, it was an action of trespass *quare clausum fregit.* The defendant pleaded that he was in the employment of the government of Rhode Island as a soldier, and that the breaking into the plaintiff's house was by direction of his superior officer, the State being under martial law in consequence of a rebellion. To this it was replied that this pretended government was no government, &c., and that made the issue in the case. It came before the Supreme Court from the circuit court of the United States for that district. The Chief Justice, in this celebrated opinion, after stating the facts of the case and the issue, proceeds as follows:

When the decision of this court might lead to such results—

That is to say, if they were to overturn the government on this plea it would unsettle rights of property, &c.—

When the decision of this court might lead to such results, it becomes its duty to examine very carefully its own powers before it undertakes to exercise jurisdiction.

Certainly, the question which the plaintiff proposed to raise by the testimony he offered has not heretofore been recognized as a judicial one in any of the State courts. In forming the constitutions of the different States after the Declaration of Independence, and in the various changes and alterations which have since been made, the political department has always determined whether the proposed Constitution or amendment was ratified or not by the people of the State, and the judicial power has followed its decision. In Rhode Island the question has been directly decided. Prosecutions were there instituted against some of the persons who had been active in the forcible opposition to the old government. And in more than one of the cases evidence was offered on the part of the defense similar to the testimony offered in the circuit court—

That is, for the purpose of showing that the proposed constitution had been adopted, &c.—

but the courts uniformly held that the inquiry proposed to be made belonged to the political power and not to the judicial.

Mark here, for the purpose of understanding the scope of the opinion, what the Chief Justice was discussing. He was showing that this question could never be decided in a court, because it was not of a judicial character—it was in its nature political; no judicial court could decide it. That was the point. He says that in all cases since the Revolution it has been for the political department to determine whether a constitution or an amendment to a constitution had been adopted.

But the courts uniformly held that the inquiry proposed to be made belonged to the political power and not to the judicial; that it rested within the political power to decide whether the charter government had been displaced or not; and when that decision was made, the judicial department would be bound to take notice of it as the paramount law of the State, without the aid of oral evidence or the examination of witnesses; that, according to the laws and institutions of Rhode Island, no change had been recognized by the political power; and that the charter government was the lawful and established government of the State during the period in contest, and that those who were in arms against it were insurgents and liable to punishment. This doctrine is clearly and forcibly stated in the opinion of the supreme court of the State in the trial of Thomas W. Dorr, who was the governor elected under the opposing constitution, and headed the armed force which endeavored to maintain its authority.

Indeed, we do not see how the question could be tried and judicially decided in a State court.

Not only could the Federal courts not try the question, but "indeed we do not see how the question could be tried and judicially decided in a State court."

Judicial power presupposes an established government, capable of enacting laws and enforcing their execution and of appointing judges to expound and administer them. The acceptance of the judicial office is a recognition of the authority of the government from which it is derived. And if the authority of that government is annulled and overthrown, the power of its courts and other officers is annulled with it. And if a State court should enter upon the inquiry proposed in this case, and should come to the conclusion that the government under which it acted had been put aside and displaced by an opposing government, it would cease to be a court, and be incapable of pronouncing a judicial decision upon the question it undertook to try. If it decides at all as a court, it necessarily affirms the existence and authority of the government under which it is exercising judicial power.

That single remark disposes of all that the Senator says about the binding effect of the decisions in the State of Louisiana. I will show, before I get through, that in point of fact those courts have decided that they have no jurisdiction to inquire into it for another reason; they cannot even in the case of a parish officer go back of the returns made by the returning board and the issue of a commission. They say they have no jurisdiction to inquire into the fact of election. But, entirely apart from that objection, the broad ground that whether there was a government in Louisiana or not is not a judicial but a political question disposes of all the decisions; that is, the opinions pronounced by the judges of the court on that subject.

I pass a portion of the opinion, and start again on page 10 of 7 Howard:

Moreover, the Constitution of the United States, as far as it has provided for an emergency of this kind and authorized the General Government to interfere in the domestic concerns of a State, has treated the subject as political in its nature, and placed the power in the hands of that department.

The fourth section of the fourth article of the Constitution of the United States provides that "the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and on the application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence."

Under this article of the Constitution *it rests with Congress to decide what government is the established one in a State.*

Before reading further in this opinion let me remind the Senate of one of the points made by the Senator from Indiana, that we were estopped from inquiring into this subject as a Senate in consequence of the President's recognition. Although he conceded that the two Houses of Congress could reverse that decision by passing a law overthrowing the government, and nothing else could, he insisted that we as a Senate were estopped, and the House as a House were estopped, from inquiring into the subject. Bearing that in mind, let us see what the Chief Justice says:

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not.

Now, mark:

And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by *the proper constitutional authority.* And its decision—

That is, the decision of Congress—

is binding on every other department of the Government, and could not be questioned in a judicial tribunal.

This is the point to which I wish to call the special attention of the Senator from Indiana. The Chief Justice here was speaking of a case where the President had interfered, the case of an insurrection against the government of a State, where the call was proper, where the proclamation had issued, and the consequence of that interference was under discussion. The judge says:

It is true that the contest in this case did not last long enough to bring the matter to this issue—

That is to say, to bring the matter into Congress to be tried—

and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. *Yet the right to decide is placed there, and not in the courts.*

Now, let us see how sound the Senator's proposition is, that the action of the President estops us—and he read this decision to prove it. The court, in words, say that it is for Congress alone to determine this question, and that when they do determine it they bind every other department of the Government. The Senator from Indiana has completely reversed the order of precedence as to authority.

The Supreme Court in this opinion decide that this is a question which the courts cannot decide, but as to which the courts must follow the decision of Congress; that no court, Federal or State, can decide it, because the question is political and not judicial. The Senator maintains that the courts of the State *have decided it*, and therefore we are estopped to inquire into it. Again, the court holds that when Congress passes upon the question it is settled by "the proper constitutional authority, and its decision is binding on *every other department of the Government.*" The Senator maintains that the President has decided the question, and therefore Congress cannot; that is, the Senate cannot, the House cannot. That there may be no chance for the Senator to escape from the conflict between his views and the doctrine of this decision by saying that he has admitted that Congress may by a law overthrow the government the President has established, let me call your attention particularly to what he said upon this point. Speaking of the President, he says:

He has made the decision, empowered thereto by an act of Congress; and the court well say, after he has exercised that power, shall a circuit court of the United States inquire whether he has done it properly? And now I inquire of Senators, is it for the Senate alone to ask the question whether he has made that decision properly? If I concede, for the sake of the argument, that both Houses of Congress by a bill may overrule that decision, I submit that neither House acting by itself has the right to do it.

And again, he says:

And now I ask, has the Senate of the United States the right to decide that he is not the governor of Louisiana, and thus to overrule the action of the President to which he has been authorized by an act of Congress? I say no; that while both Houses, by a law, acting under the fourth section of the fourth article of the Constitution, may declare what is the lawful government of Louisiana, it is not competent for either House, acting separately, to overrule the decision of the President of the United States in this matter. The fourth section of the fourth article of the Constitution declares that the United States shall guarantee to every State in this Union a republican form of government. We have exercised that power in regard to the States which were involved in the rebellion. Their case presented the first and the highest ground for the exercise of that great power which was known to the history of this Government. But how was it to be exercised? Exercised by both Houses in the form of a law, to be submitted to the President of the United States for his approval or rejection, not to be exercised by one House alone *in any form whatever.*

Here the Senator asserts that the Houses cannot separately decide anything about this matter after the decision of the President is made.

Now let us see what the court say:

And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.

And speaking of the government of Mr. Dorr, which in that case the President had overthrown, the court add:

It is true that the contest in this case did not last long enough to bring this matter to this issue; and as no Senators or Representatives were elected under the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. *Yet the right to* decide is placed there and not in the courts.

Here the court in words hold that, if the Dorr government, which was overthrown by the decision of the President, had subsequently sent Senators and Representatives to Congress, Congress would have been compelled to decide the whole question by deciding whether or not they should be admitted. Well, sir, how would that have been

determined? By the two Houses passing a law? No, sir; no such law could have been passed. The Senate would have decided whether to seat the Senators, and the House as to Representatives. Yet the Senator from Indiana reads this opinion to sustain his proposition that the Houses of Congress separately could, in such case, decide nothing.

Again, the Senator quotes from this decision, which declares that this question is political, and therefore cannot be determined in a judicial court, and then triumphantly asks whether the Senate has any jurisdiction in the premises. His logic is this: Because Congress must, and the courts cannot, decide the question, therefore the Senate can make no decision. This exactly reverses the doctrine of the court in Luther *vs.* Borden which the Senator cites to sustain his proposition.

Why, sir, in all this business of putting down an insurrection in a State the President is but the mere agent of Congress. Was it supposed by our fathers, or if we were sitting to-day to frame a Constitution and were discussing the form in which this power ought to be conferred in the Constitution, would we think that the complicated questions involved in such a case ought to be settled by the sword? Would that be the method of decision? No; we would say just what the Constitution does say, that where an insurrection arises, where there is a contest between two factions claiming to be the government, and it has swollen to the dimensions of an insurrection, and one party is arrayed against the other, one party being the legal government and the other not, in that case the President shall restore order. It does not matter much whether he sets up the right party or the wrong party; he will bring about a condition of things where the matter can be discussed and considered; he will settle the insurrection; and when the government which he has set up or overthrown—to use the language of the great Chief Justice—sends its Senators and Representatives to Congress, then the issue can be settled by the two Houses determining separately who are entitled to seats. This is not only the doctrine of this decision, but it is the plainest teaching of prudence. To send a military force to settle all the questions that arise in this Louisiana difficulty and call that one of the processes of a civilized government for settling such questions would be simply monstrous.

There are other parts of the opinion in Luther *vs.* Borden which ought to be considered in this connection. I shall read one or two passages, but shall not consume time in commenting upon them. The court says:

> So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided that, "in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection."
>
> By this act, the power of deciding whether the exigency had arisen upon which the Government of the United is bound to interfere is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature, and who is the governor, before he can act. The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking—

That is, an armed conflict of one government trying to displace another, the case of an insurrection against the State—

> it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government, and which party is unlawfully arrayed against it, before he can perform the duty imposed upon him by the act of Congress.

Then going on further with the doctrine on this subject and meeting the argument that the President might act corruptly or fall into mistakes about it, the court says this:

> Undoubtedly, if the President, in exercising this power, shall fall into error or invade the rights of the people of the State, it would be in the power of Congress to apply the proper remedy. But the courts must administer the law as they find it.

Now I assert that there is not one single sentence of that opinion which, considered with reference to the context and the facts of the case before the court, gives the slightest color to the idea that the President's interfering can bind us in a case like the one we are now engaged in. Let us see how it would bind us. To a certain extent it would bind all the world where he had interfered properly. For instance, he sends troops to arrest a man. No court could release that man; Congress could not treat the arrest as illegal, because, the proper case being made, the President has acted within the scope of his authority, and so far it binds everybody. As to whether this man should be held a prisoner, as to whether this town should be bombarded or or besieged—on any of these questions his determination is our determination, because for that purpose we have made him our agent; and when he decides, he decides for us in our name, and it is our decision, and so far it binds us, and binds the court, and binds everybody. But when, months afterward, peace is restored, and the question is whether the President erred or not in the selection of the government to be sustained, then the Chief Justice says the question will come before Congress on the application of the Senators and Representatives of the State for admission.

Mr. MORTON. Will the Senator allow me to ask him a question at that point?

Mr. CARPENTER. Certainly.

Mr. MORTON. The Senator, I believe, admits that in a proper case the recognition by the President of one government is the act of the Government of the United States, because it is made in pursuance of law.

Mr. CARPENTER. That is admitted.

Mr. MORTON. Now, suppose we admit Senators here who are commissioned by the McEnery government, and the other House admits members who are commissioned by Kellogg, what is the condition of things?

Mr. CARPENTER. I should think it would be mixed. [Laughter.]

Mr. MORTON. I should think so, and the Senator says it is lawful to mix it in that way,

Mr. CARPENTER. I do not see how you can help yourself. Suppose the thing did happen to-day, what are you going to do about it? Suppose we seat McMillen here from the McEnery government; suppose that the House of Representatives seat men coming from the Kellogg government, and suppose the President recognizes a third party—what are you going to do about it?

Mr. MORTON. What condition does that leave Louisiana in?

Mr. CARPENTER. The truth is it all comes to this: you can regulate these commotions that happen in a State by civil authority up to a certain point. Beyond a certain point they swell out of the limits within which they can be controlled by peaceful means; they swell beyond the power of the Senate to control, beyond the power of the House to control, and then it becomes a case again of original, downright fighting, and the strongest party will be in the ascendant. Your courts can go a pace; Congress can go a distance still further; but these commotions may come to a point where the fighting has got to come and settle it.

Mr. EDMUNDS. May I ask my friend a question?

Mr. CARPENTER. Certainly.

Mr. EDMUNDS. In the case he has last supposed, or my friend from Indiana supposed, of the House deciding that the Kellogg Representatives are the true ones, and so recognizing the Kellogg government, and the Senate deciding that the McEnery Senators are the true ones, and so recognizing the McEnery government, then my friend says the case is mixed. So it is; but is not that one of the cases which he has named as going beyond the power of the Senate or of the House separately in acting upon its own special privileges, and does it not then become a case for the legislative action of the Government, which declares that the Congress—which means the two Houses together, with the approval of the President—are to interfere and settle the dispute?

Mr. MORTON. The Senator from Wisconsin says it comes to fighting when it gets to that point.

Mr. CARPENTER. The trouble is that the Senator from Indiana has been up to the fighting point for about two hours, and he is courting a fight at every point. At the end of every paragraph that I have uttered I have met the Senator's question as I thought it deserved. But to be serious, I concur with the suggestion made by the question of the Senator from Vermont.

In a case where the Senate should seat Senators from one government, and the House from another, in the same State, and in many other cases which might arise, it is easier to suggest than solve the difficulty; and those cases may properly be left until they arise.

I am not certain that the House of Representatives might not seat members who had received a majority of the legal votes in their respective districts, although the State government should be conceded to be overthrown. The election of members of that House depends upon the votes of the people in districts which Congress may establish. It is otherwise with the election of Senators; they represent the organized State, the corporation. And if there be no State government there can certainly be no election of a Senator. But, without attempting to solve questions which have not yet arisen, let me come back to the line of remark which I had prescribed for myself.

The Senator from Indiana claims that Mr. Pinchback should be seated as Senator from that State, first, upon the ground of what he calls the *prima facie* case. Here I desire to call the attention of the Senate to what escaped me yesterday, when speaking on this part of the case. I need not spend much time in discussing this *prima facie* case, because the Senator from Indiana has gone back on it himself. The Senator from Indiana in his remarks said—I read from the report of his speech:

> The first question, therefore, that I submit to the Senate upon this *prima facie* case is: Was Governor Kellogg the governor of the State of Louisiana at the time these credentials were signed? If he was, that is the end of this argument; we need proceed no further. If we hold that he was the governor of Louisiana at that time in contemplation of law as well as fact, then we need proceed no further in the argument so far as this resolution is concerned, because he certifies that Mr. Pinchback was elected a member of this body, in conformity to law, by the Legislature of Louisiana.

And yet, Mr. President, you will bear in mind that on a later day, several days ago, the Senator from Indiana gave notice of a motion to recommit this matter to the Committee on Privileges and Elections, in consequence, he said, of rumors that had reached his ears about the circumstances under which Mr. Pinchback was elected. The Senator from Ohio [Mr. THURMAN] reminds me that the Senator from Indiana has already substituted that for his original resolution. Then the Senator from Indiana stands here asserting, first, that on the *prima facie* case, to wit, the credentials signed by Governor Kellogg,

we have no right to inquire any further; and yet he stands here moving that this matter be referred to the committee for the purpose of further inquiry. If there were any improper circumstances about Pinchback's election, if he was elected by fraud or bribery, conceding the Legislature to have been qualified to elect, then, the *prima facie* case existing, he is to be seated, and that matter is to be discussed subsequently; and yet the Senator from Indiana has gone directly back upon his own proposition and moved to recommit this whole subject to the committee. Mr. Pinchback may have been elected by fraud or bribery, and yet if he was in fact elected by a legal body, and his credentials are in due form, both according to the principles laid down by the Senator himself and the uniform practice of the Senate, he is entitled to his seat. Why does the Senator withdraw from his position in regard to the *prima facie* case? He must believe that there is some doubt as to whether this man has been elected by a Legislature authorized to elect, or he must have some doubt whether Kellogg is governor, or he would not have made a motion to recommit this subject to the committee.

Mr. MORTON. Does the Senator think that the argument he is now making is legitimate? The Senator certainly understood the circumstances under which I made the motion and the purpose for which I made it; and my remarks, which he has before him, explain how I came to offer that resolution; why I felt constrained to offer it. I felt that I had no right to conceal that knowledge from the Senate; that that would be to undertake to determine myself the question that it should not be investigated until after he was admitted, and I felt constrained to give the Senate an opportunity of passing upon that question. I offered the resolution for that purpose, and I knew of no other way of getting it before the Senate. That is all in my remarks.

Mr. CARPENTER. I trust the Senator from Indiana does not understand me as disapproving of that motion. I am commending him. He has made an argument here stronger than I could make against what he calls his *prima facie* case. He has overthrown it by his own motion. It was waste of time for him to ask us if it did not estop us when he has himself shown that it did not, by moving to refer it to the committee. I say he has done right in making this motion.

Mr. MORTON. The Senator speaks of my motion as being inconsistent with my former argument. I explained fully how I came to make it. It was for the purpose of giving the Senate an opportunity of passing upon that question in connection with the other questions—whether they would investigate first and seat afterward, or seat first and investigate afterward; and my remarks there show it, so that the Senator's argument is neither fair nor legitimate.

Mr. CARPENTER. Well, let us go slow about this matter. I think I shall prove that it is both fair and legitimate. Let me refer now to the Senator's speech made here on the 16th of December, and see what he said about it then:

> The first proposition that I present on the resolution that I have offered is that Mr. Pinchback is entitled, upon his credentials, to be sworn in and take his seat as a member of this body; that he presents what is called a *prima facie* case, and upon that case he is entitled to be sworn in; and if there are grounds of contest, either because he was not elected by the right Legislature, or was elected by fraud or bribery, or that there was not a quorum of the two houses present, or that he was not elected in conformity to the act of Congress of 1866, those grounds of contest can only be urged after he has been sworn in and taken his seat, and cannot be brought forward now as a reason why he should be kept out of his seat until after those questions have been decided.

That is the language of the Senator from Indiana. He said if Pinchback had a *prima facie* case—and he had one if Kellogg was governor—that ended the question, and the investigation of every other objection to Mr. Pinchback must be postponed until he was sworn in and became a member of this body. How has the case changed? Not at all. Is not Kellogg governor now as much as he was on the 16th of last month? Is not Pinchback's *prima facie* case as good now as it was then? And yet the Senator says that out of respect to the Senate he has been constrained to move to send this case back, to investigate the very questions which on the 16th of December he said could not be investigated until after he had taken his seat. I was referring to that to show that the Senator's subsequent conduct in this case answered his own argument. Now he appeals to me and says, "Is it fair or is it legitimate for you to say that I have acted inconsistently in my speech?" I remember that on one occasion, when I had read from a speech a certain Senator had made two years before in this body, the late Senator from Illinois, Mr. Trumbull, came to me and said, "You are a young Senator here; perhaps you do not know one thing." Said I, "Very likely; what is it?" Said he, "It is an established rule in this body, as among gentlemen, that nobody shall refer to the Congressional Globe of more than two years previous." [Laughter.] But I supposed I could refer to the CONGRESSIONAL RECORD one month back. I supposed I could refer to the CONGRESSIONAL RECORD, which contains the Senator's speech on this very resolution which we are now considering, in which the Senator from Indiana, in plain words, says the seating of Mr. Pinchback involves no question but whether Kellogg is governor; and if he was elected by fraud or by bribery—those matters must be investigated subsequently. I referred to that to show that the Senator's speech could not be sound, because he had disregarded it himself.

Mr. MORTON. Will the Senator allow me to interrupt him right there?

Mr. CARPENTER. Certainly.

Mr. MORTON. To show how eminently unfair that is, although I do not care anything about it——

Mr. CARPENTER. If you do not care anything about it, let me finish. [Laughter.]

Mr. MORTON. No; let me go on; you said you would allow me to do so.

When I offered this last resolution I recapitulated the argument I had made before; I took nothing back; I have not taken anything back; but I explained the introduction of this resolution about the examination of Mr. Pinchback's personal conduct because that was a thing that had not been before the Senate before, and I used this language:

> Now, Mr. President, within a few days, and since that time, information has come to me of a character that I was not at liberty to overlook or pass by; in effect charging Mr. Pinchback with improper conduct in connection with his election; which charges, if true, would, in my opinion, render it improper for him to have a seat upon this floor. Having due regard to my honor as a Senator, as the chairman of the committee charged with such investigations, and my duty to the Senate, I did not feel at liberty to withhold that information from the Senate and proceed with the original resolution asking Mr. Pinchback to be seated. To have withheld that information from the Senate would have been an assumption upon my part of the right to determine the question that Mr. Pinchback should first be seated and the investigation made afterward. I thought I had no right myself to determine that question, and that it was my duty to bring it before the Senate and devolve upon the Senate the responsibility in regard to that question, as well as in regard to others, whether the Senate would seat Mr. Pinchback first and investigate him afterward, or would first investigate him and determine whether he was entitled to be seated afterward. I knew of no way of placing myself, and of getting that question properly before the Senate, than by making the motion which I now send to the Chair.

It was not inconsistent with my former position, but to place the whole matter before the Senate, and I knew of no other way of doing it. When the first resolution was offered, this matter in regard to Mr. Pinchback's own conduct in connection with his election was not a matter within my knowledge, nor was it embraced in the original limits of the discussion. Therefore, in duty to myself and in duty to the Senate, I felt bound to place the whole matter before the Senate before the subject was acted upon. I do not care what more you say about it.

Mr. CARPENTER. Evidently the Senator does not, and evidently he does not care much what he said himself about it. [Laughter.]

I refer again to this proposition. The Senator from Indiana, on the 16th day of December, laid down this proposition, that if Mr. Kellogg was governor of the State, Mr. Pinchback was entitled to his seat, and we could inquire into no other question. He went on to say that while he did not propose to hurry this thing through in haste, he should demand the early action of the Senate upon the resolution to seat Pinchback; that we had no right to keep the State unrepresented while we were inquiring into anything beyond the *prima facie* case. That Kellogg was governor he maintained by his argument. That being so, the credentials being in form, the whole question was settled, and we could do nothing until we seated Mr. Pinchback, and then he might be investigated as to fraud, bribery, or anything else. I then find that the Senator on a subsequent day made a motion to refer this matter back to the committee to investigate the matters he had before declared could not be investigated until after Pinchback was seated. It is not very important, and I did not propose to make any criticism upon the consistency of the Senator, except to show that he did not rely very much on the *prima facie* case himself. But when the Senator asserts that there is no inconsistency between his former speech and his subsequent motion, I must be permitted to say that I cannot see it in that light. When on one day he asserts that Kellogg is governor, and that being so the whole subject is ended, and Pinchback must be seated, and all improprieties attending his election must be subsequently investigated; and then on the next day he says, "In consequence of things that have come to my knowledge I wish to refer this matter back to the committee, so that they may investigate these improprieties before Pinchback is seated"—if there is no inconsistency in those two propositions, there is not between any two that ever were or ever can be stated.

So much for the *prima facie* case. The Senator's second point is that we cannot inquire into the existence of the State government, because Kellogg's government has been recognized by the President. I have said all that I care to about that. Third, because it has been recognized by the supreme court of Louisiana; and, fourth, because it has existed *de facto* for more than a year.

As to the last proposition, the length of time this government has been in existence, that certainly can add nothing to its title. We know how it has been in existence. It has not been in existence by the voluntary consent and assent of the people of Louisiana. We know the governor of that State cried for help in May last. We know that Federal troops are in New Orleans to-day. We know that that government has been sustained by the strong arm of Federal military power ever since Mr. Kellogg was inaugurated. Now that the righting of this wrong has been so long delayed, that a Legislature has been pretending to pass laws, and rights are supposed to have become vested under them, are inconveniences very great, I concede, which should induce Congress carefully to consider whether, under all the circumstances, it is best to do this thing or that, or to do nothing; but on the question I am discussing—the rightfulness of this government—I say whether it be upheld there by Federal force one year or five is immaterial. If it be a legal government, it was so the day it

was set up. If it was not then, it is not now; and we understand how it has been held up from that time to this.

But let me say a few words in regard to these remarkable decisions of the State court of Louisiana. The Senator says we are bound by them. He refers to the settled doctrine that in the Federal judicial courts a line of decisions of a State court settling a principle of local law is always followed when the Federal courts pass upon the same question. He must be equally well aware that that rule is subject to a good many important exceptions, and one of these is, that if the decisions of the State court are not harmonious, the Federal courts will follow that decision which it considers most consonant with sound principle. This has been over and over again determined by the Supreme Court.

Let me say, however, before coming to this, that the ground upon which the judicial courts of the Union follow the decision of the State courts is that an act of Congress has prescribed the State laws as a rule for decisions in the Federal courts in cases where they apply; and in ascertaining what the State law is, the decisions of the State court, if they are uniform and have been continued through a series of years and been respected by the bench and bar of the State, are taken to be the highest evidence of what the local law is; but not so if they are inconsistent. The Supreme Court of the United States in the case of the Ohio Life and Trust Company *vs.* Debolt, 16 Howard, 432, and again in Gelpecke *vs.* Dubuque, 1 Wallace, 175, and in Havemeyer *vs.* Iowa County, 3 Wallace, 294, and in many other cases that might be cited, have established this exception to the rule, that if the decisions of the State court are not consistent, the Federal court wil follow those which they regard correct in principle.

I undertake to say that any man who will take the decisions rendered by the supreme court of Louisiana, commencing in May, 1872—the two decisions which I read here yesterday—and the decisions which they have made since this contest arose, will find it impossible to entertain the slightest respect for anything that court can declare. In the case which I read from yesterday they held in words that the attempted removal of Bovee by Governor Warmoth was an absolute nullity; that he never ceased to be secretary of state for one moment; that Herron, the man he appointed as his successor, never was secretary of state at all. And yet, when they came subsequently to decide between the two canvassing boards—the Lynch board and the Warmoth board—because it was necessary to sustain the Lynch board, they decided exactly the reverse. I will try to find that decision, as it so well illustrates what I mean. Bear in mind that this court, six months before this election was held, and when there was no contest, no temptation to do anything wrong, had held that Warmoth's attempt to remove Bovee was an absolute nullity; that his attempt to appoint Herron was absolutely void; that Herron never was secretary of state, and could perform none of the duties of secretary of state except the routine business of the office, and as to whether he could do even that they declined to express an opinion. On the 14th of November, after this election, and when it was necessary, in order to sustain Kellogg's government, to sustain the validity of the Lynch board, and in a case which was supposed to involve that question, the court used this language:

> We think there can be no doubt that the effort to make Wharton a member of the board was a total failure. Herron is described by Warmoth himself as secretary of state, and a member of the board, by virtue of such office, up to the appearing of Wharton, during the proceedings, on the second day of the meeting. The order suspending Bovee as secretary of state and appointing Herron, by the governor, on the 29th August, 1871, (which was before us in the case of the State *ex rel.* Bovee *vs.* Herron,) is in this record as a part of Wharton's testimony. This document, the above-named suit, and the published statutes of the State since August, 1871, show that Herron was *de facto* secretary of state, and according to the opinion in the suit just named and the constitution and laws of the State the governor was wholly without legal authority to suspend, remove, or appoint said officer.

Now see the attitude in which the court in placed. In May they decided that Bovee was not removed and Herron never was secretary of state. In December, when it was necessary to sustain the other side of the question, they decided that Herron was secretary of state, and that the governor, who had removed Bovee as secretary of state and appointed Herron, had no power to remove Herron and appoint Wharton; that is, he had less power over his own appointee than he had over the secretary of state elected by the people.

The court say, speaking of Warmoth's attempt to appoint Wharton in place of Herron:

> His attempted appointment of Wharton was an absolute nullity, and gave Wharton no color of authority to act, either as secretary of state, or member of the board of returning officers. Owing to the manner in which the case of the State *ex rel.* Bovee *vs.* Herron, decided, finally, about the time of the events above narrated, was managed, there was a final judgment of a court of competent jurisdiction, decreeing the suspension of Bovee, as secretary of state, and appointment of Herron to discharge the duties thereof to be legal; and the effect of that judgment continued until the decision by this court (about the 2d of December, 1872) just referred to. Hence, as to *the world* Herron was the acting secretary of state at the above date, and it was not in the power of the governor to remove him, the governor having no control of said office.

To understand the absurdity of this decision, I should remind the Senate that after the governor did put Bovee out and put Herron in, Bovee commenced a suit against Herron, charging that he had intruded into the office. They fixed that up, Governor Warmoth, if I recollect aright, appointing a judge to try the case; and that judge decided in the court below that it was legal for the governor to remove the secretary of state and appoint Herron.

Bovee failed to take his appeal within the time fixed by law, and when the case reached the supreme court the appeal was dismissed for this irregularity. So the judgment of the court below remained in force as between the parties. Now, whom did this judgment bind? Every lawyer knows that if it bound anybody it bound Bovee and Herron only, and them only because they were parties to the record. An erroneous judgment rendered by a court of competent jurisdiction binds the parties to the record and their privies, but it binds nobody else. Now see the beauty of this remark of the court, that, in consequence of that erroneous decision, "as to the world Herron was secretary of state." They have just reversed the fact. As to all the world he was not secretary of state. As to Bovee, touching the question of salary for instance, Herron was secretary of state. Why? Because that judgment, although erroneous, bound Bovee, he being a party to the record; but it bound nobody else. But they say that that erroneous judgment as to all the world made Herron the secretary of state, who, as they had decided six months before, never was secretary of state at all; and they held that Herron, who had been put in by this hocus-pocus, was in so fast that even Warmoth could not get him out, and the only ground upon which Warmoth could get him in was that he had removed the man the people had elected; and yet he could not remove his own appointee.

If anybody wishes further to pursue the decisions of this court let him turn and read—for I lack the patience to do it—the case of Bovee *vs.* Herron, 24 Annual, 595; and if any lawyer will take those cases, read the decisions made when the judicial mind was unclouded by temptation, when no contest was pending, no necessity existing for any erroneous decision, holding expressly that Herron never was secretary of state, and could do no act as secretary of state, and then turn to the decisions made six months later by the same court, and can entertain the slightest respect for that court, either its intelligence or its integrity, I yield the palm to him; I cannot.

But, Mr. President, there is another very rich thing in this connection. The Senator from Indiana says that we are estopped; we, the Senate, pursuing an investigation which the Constitution lays upon us, are estopped to inquire into the facts because the courts of Louisiana have settled them. Now the same supreme court of Louisiana in two cases have held, (and they were driven to hold that to avoid overturning Kellogg's government altogether,) that they had no authority in any case to go back of the decision of the returning board. I hold in my hand a pamphlet, which was laid before our committee by Mr. Marr, and which contains, or is said to contain, opinions of the supreme court in cases decided since the reports have been published. This pamphlet was, however, conceded to be a truthful statement of these decisions. I read it believing it to be so. In the case of Collins *vs.* Knoblock, the court held this language:

> In cases under the intrusion law, courts cannot go behind the commissions legally issued, and to determine the validity of a commission, they cannot go beyond the returns and report of the legal returning officer for all elections of the State.
>
> The returns made by the legal State board, and officially promulgated by that board, as the general returning officers for the State at large, constitute the basis upon which the governor is authorized to issue commissions.
>
> * * * * * * *
>
> This *prima facie* evidence, it is provided, may be rebutted and set aside, but this we apprehend could only be done by proceedings under the statute of 1855.

That is a proceeding before a political tribunal—a contestation as they call it—not in a judicial court. Again:

> It is well settled that the judiciary have no warrant or authority to exercise jurisdiction in matters of elections, unless it be expressly delegated by the co-ordinate branch of the Government controlling the political department, and no express authority is granted under the intrusion act to inquire into the correctness of election returns officially promulgated by the legal returning officers.
>
> * * * * * * *
>
> The court *a quâ* erred in going into the inquiry in regard to the details of the election, and the correctness of the official returns promulgated by the returning officers.

This matter ought not to be lightly passed by. I wish some one was treating this subject now who could do justice to this point. I am not equal to it. But consider this proposition. There was a contest growing out of this very election; the court below erroneously thought that an election rested upon the votes and not upon the certificate; they therefore opened the question as to who was elected, and the Kellogg man was beaten because his opponent was proved to have received more votes. The case was appealed to the supreme court, and the supreme court held that no judicial tribunal in that State had authority to inquire into the fact of an election, but that the canvass by the board and the commission of the governor were conclusive. So they reversed the judgment, and conferred the office upon the candidate proved to have received the fewest votes.

Now, the Senator from Indiana maintains that when the Senate, pursuing the line of its constitutional duty, reaches the question whether Kellogg and his associates are the legal State officers and his Legislature has been duly elected, we are estopped, because the supreme court of Louisiana has settled that they are; although that court themselves declare they have no jurisdiction to determine that question. The determination of a court having no jurisdiction to inquire is made conclusive upon an inquiry as to which the Constitution makes us the exclusive judges. This is one of the healthy legal propositions which the Senator from Indiana is driven to maintain.

Mr. MORTON. Does the Senator think now that he states the case fully?

Mr. CARPENTER. I know I state it as fully as is necessary to the decision of this question.

Mr. MORTON. The supreme court of Louisiana in that case decided that they could not go into the question as to who was elected, because there was another tribunal created by the law to determine that question—a special tribunal created by the laws of Louisiana for that purpose, and they are bound by the decision of that tribunal. That tribunal is the returning board. But they do decide who constitute the returning board, and when they have decided that they say that they cannot go behind the decision of that returning board, because the jurisdiction is conferred upon that board to make the returns. That is all of it.

Mr. CARPENTER. And that is a good deal more than there is of it, too. Then the revised position of the Senator is this: We set out here to inquire as to the existence of certain officers; we are estopped in that inquiry because the supreme court of the State have settled it; and now he says that the supreme court have said they had no jurisdiction to inquire into it because some other tribunal had. Well, I do not care what is the reason that the supreme court cannot inquire into it; all that it is necessary for me to make out in order to show that their decision cannot bind us is that the court making the decision had no jurisdiction to inquire into the facts. If the Senator chooses to rest that want of power to inquire upon one ground instead of another, it is all the same to me; but still I maintain that we cannot be bound by the decisions of a court which had no jurisdiction to inquire into the question which we *must* decide.

Mr. MORTON. They had jurisdiction to decide which was the board, and did decide it.

Mr. CARPENTER. They had jurisdiction to repeat, parrot-like, as the Senator has done after them; and so all these questions, from the right of a Senator of the United States down to the right of every parish officer in Louisiana, are to be settled by a false return, proved false in every court that has ever investigated it; known to be false by every man who has ever examined it; proved false by the very men who made it, and known by the Senator himself to be an unparalleled fraud; and that false canvass has estopped the State courts, and the State courts estop us, and everything is concluded by a fraud which is confessed on all hands and laid bare by an investigation of a committee of this body.

There are two cases in the pamphlet to which I have alluded in which the supreme court of Louisiana hold expressly that they are bound by the commission and cannot go behind it.

And now, because, as I have said before, it is my purpose never to open my mouth about this case again, I desire here to say a few words in regard to the bill which I now give notice I shall offer to-morrow morning, for a new election in the State of Louisiana. I have tried to show from the record, from the testimony taken by the committee under the safeguard of an oath and laid on your table, that Mr. Kellogg never was elected governor, that his associates in the State offices never were elected, that the men he calls his Legislature never were elected, and that none of them have any decent pretext to claim that they are in office in consequence of the expressed will of the people of Louisiana. I shall not again go over these grounds, but I claim to have established these propositions.

We had before us in the committee the original returns which were laid before the De Feriet board by Governor Warmoth. Of those returns there are two or three bushels, I suppose, and we had them in our committee. We sent a subpœna to Louisiana and they were brought here. Mr. Ray was before the committee, and Mr. McMillen was before the committee, and Mr. Pinchback was before the committee conducting their respective sides of the case, and they all agreed that those were the returns, and agreed that those returns showed the result which had been arrived at by the De Feriet board; that McEnery had 9,606 majority. There was no contest about it.

Mr. EDMUNDS. Were those the original returns?

Mr. CARPENTER. Certainly.

Mr. EDMUNDS. Coming from the parishes?

Mr. CARPENTER. Certainly.

Mr. EDMUNDS. And sent up to be counted by the State board?

Mr. CARPENTER. Certainly.

Mr. MORTON. Original returns many of which proved to be outright forgeries.

Mr. EDMUNDS. Like the affidavits on the other side?

Mr. MORTON. Forgeries in every particular.

Mr. CARPENTER. I get considerably confused here as to who is making this speech, the Senator from Indiana or myself, [laughter,] but I will go on for awhile longer.

Mr. MORTON. I thought the Senator had been confused all through.

Mr. CARPENTER. If I am not, it is certainly not the fault of the Senator from Indiana. He has done what he could to confuse me. [Laughter.]

The canvass made by the De Feriet board and based upon the returns gives McEnery 9,606 majority. The report of the canvass by the Lynch board gives Kellogg 18,000 majority. Now, let me repeat, these returns, the original papers, which if there had been no contest whatever in Louisiana as to who constituted the returning board, would have been laid before that board and would have been canvassed by the board, were brought bodily into the committee-room in the basement of this Capitol for our examination. It is not pretended that with any single return there came a statement which under the State law would authorize the returning board to inquire into the legality and fairness of the election.

Mr. EDMUNDS. If I do not interrupt the Senator I wish to ask a question. The Senator from Indiana states that many of these returns coming from the parishes, so called, were totally forgeries, and that that appeared before the committee. I should like to know how far that extends.

Mr. CARPENTER. That is one of those statements that that Senator from Indiana can make and nobody can help it.

Mr. MORTON. Does the Senator deny the showing?

Mr. CARPENTER. I do not deny anything the Senator from Indiana says, but I simply say this: I never heard of it before; I mean in the form of evidence. I heard his suspicions.

Mr. MORTON. There is evidence showing that in a number of instances the signatures were forgeries, all in the same handwriting.

Mr. CARPENTER. As you have rendered me so much assistance about this speech, will you not turn me to the testimony which shows that?

Mr. MORTON. I have not got the testimony here now.

Mr. CARPENTER, [handing Mr. MORTON the report and testimony.] Can you find it in the course of a half hour? If so, I will wait.

Mr. MORTON. Perhaps I can.

Mr. CARPENTER. If I have reached a point where the Senator from Indiana will not render me any further assistance, I am in a pretty bad way. [Laughter.]

I will state to the Senator from Vermont what I believe the fact to be. The machinery of holding the election is this: one officer acts for the whole parish, and then they have what are called commissioners at each poll in the parish. When the ballots are put in the box, the boxes are taken to the parish seat, from all the polls, counted by the supervisor or registrar, whatever his title is, and then the returns are made out for all the polls, and they are signed by the commissioners of each poll, and then all of them are signed by the supervisor; that is, the parish officer. My recollection of the matter is, that in several of the cases, taking the polls from any one parish, they seemed all to be in the same handwriting, so far as the signatures of the commissioners of the polls are concerned. The explanation of that, as I understand, is that the commissioners were very frequently men who could not write, and the same man wrote the returns, their signatures and all; but each one had the genuine signature of the parish officer. I understand that to be the fact. If there was any forgery of anything beyond that I do not know of it. I know that these returns were before us; the Senator from Illinois [Mr. LOGAN] looked over the returns and found two or three that he thought were all in the same handwriting. I understand that to be the explanation of it; that they were all from the same parish, for instance, and all in the same handwriting, except the signature of the parish officer.

Mr. LOGAN. If the Senator will allow me, I will state my recollection of it, because I agree with the Senator that there was fraud on both sides; so much so that no honest man could say that there was a fair election. But there were seven sets of returns that were counted by the Warmoth board that I examined myself and asked a witness in reference to, and those returns were all in the same handwriting—figures, certificates, and everything else. I held them up and asked some of the witnesses, I do not remember who, if they were not forgeries; and the general understanding was, and the reply was to the committee at that time, that those seven returns were forgeries from head to foot.

Mr. MORTON. And the Senator from Wisconsin himself agreed to it at the time.

Mr. CARPENTER. I think the Senator from Indiana is mistaken.

Mr. LOGAN. I have no doubt myself that those returns were made up at the office. It does not make the case any better on either side, but that is my recollection of it.

Mr. CARPENTER. In that respect I am undoubtedly mistaken; the Senator from Illinois no doubt recollects the facts, and the Senator from Indiana is undoubtedly right in that particular; but I have no recollection of any witness having been interrogated on that subject, and I never heard anything about those returns, as I now remember, until after the testimony was closed, and we were discussing the subject. Then I recollect the Senator from Illinois made a statement as to some which he had examined and thought were forgeries. My present belief is that any examination upon this subject was when I was not with the committee. But take those cases; take them to-day; send for those returns, and say that they are forgeries, and throw them out in all the cases mentioned, and I think the result would still be the same; in other words, in those cases which the Senator from Illinois thinks were forgeries the whole vote in favor of McEnery would not change the result. Is not that so?

Mr. LOGAN. I will not state positively about that, because I do not remember what the evidence did show. My impression, however, is that it would be different. But that was not the reason I suggested it. I only suggested it from the fact that we came to the conclusion that the fraud was so evident on both sides that we could not agree to anything except the report which we made. I only speak of these seven returns that I examined myself to show the character of them; and these seven returns, my recollection is, were from strong democratic parishes; but I may be mistaken about that. All I examined

were of the very same character, whether from republican parishes or democratic parishes. My recollection is that the majority of them were democratic, but I am not sure about that.

Mr. CARPENTER. Be that as it may, the returns were there; genuine or forged, the returns were before our committee, the returns that ought to have been sent to the canvassing board. If they had been forgeries, and could have been proved to be so, the canvassing board ought to have rejected them. But the board which did canvass Mr. Kellogg in never had any returns, never had either the genuine or forged returns, never had anything upon which it had any legal authority to act at all.*

Mr. MORTON. Will the Senator allow me a moment right here?

Mr. CARPENTER. To which point of my speech do you want to reply here?

Mr. MORTON. Right in this connection.

Mr. CARPENTER. I yield.

Mr. MORTON. Supposing that this discussion is intended for the development of truth, and not for mere trifling, I desire to call the attention of my friend to this fact, that in his report he stated that it was testified before the committee that the control that Warmoth had over the machinery of the election was counted equal to 20,000 votes, and that the testimony before the committee bore out the truth of that statement.

Mr. EDMUNDS. Counted by whom as equal to 20,000 votes?

Mr. MORTON. That when the coalition was formed between Warmoth and the democrats his control over the machinery of the election was counted as equal to 20,000 votes; and the Senator in his report stated that the evidence afterward showed that it was.

Mr. EDMUNDS. Do you mean that the Kellogg canvassers made that allowance accordingly?

Mr. MORTON. No, sir; I am only stating what the Senator from Wisconsin said in his report.

Mr. CARPENTER. I desire to thank my friend from Indiana. He has returned to help me, and put in a part of my speech which I should have put in myself in three minutes if he had let me alone, and which I am just coming to. I say that these returns are somewhere in existence, genuine or forged. They could have been produced if there had been anybody to canvass them; but they never have been canvassed by anybody who has had any pretense of authority except the De Feriet board, which was appointed by the governor under the act approved November 20, 1872, and whose canvass may be found on page 81 of the report.

My understanding is that, taking all those parishes where it was suspected that the returns were false—I mean the papers themselves; I am not speaking now about an honest, truthful return, but one which has been absolutely forged—throwing out all those returns, McEnery would still be elected by several thousand majority; and my recollection is that that was talked over, and that is where I think the Senator has got his impression that the democrats did not claim over six thousand majority. That is, throwing out all the parishes that were questioned on the ground of forgery would not change the result. I do not care anything about that, because the Senator knows very well, and the Senate knows very well, that I am not trying to make out here that McEnery was elected; I do not believe he was; and I am not trying to make out that those returns ought to preclude us from ascertaining the facts. I have always contended that they did not.

But what was the real fraud committed in that election? This brings me to the part of my speech that the Senator from Indiana has just made for me. Governor Warmoth was in possession of the State; and I mean all that these words imply. He owned the Legislature; he had laws passed in blank which he could approve at pleasure; he carried the courts in his pocket. He was the State. His control over the election, his power to appoint the officers who conducted the election, were proved before our committee to be worth 20,000 votes in any election in that State. It was said that when they fixed up the fusion between the democrats and liberal republicans, they counted Warmoth's accession worth 20,000 votes, because he had the machinery of the election in his hands and could manipulate it at pleasure.

Another most remarkable provision of the law of that State is that the supervisor of registration appointed by the governor may determine how many polling places there shall be in each parish, and where they shall be located, and these may be varied as to number and location at each election; so that if the governor wanted to carry that State for the republicans, he would fix in the republican parishes a great number of voting places, making it very convenient for voters; and in the democratic parishes he would fix only two or three, and make men travel twenty or thirty miles to get to the polls. If he wanted to carry it fusion or democratic, he would reverse that process and stud the democratic parishes all over with voting places, and establish but few in the republican parishes, and those at inconvenient points.

It so happened that this fall Governor Warmoth was acting with the McEnery party. He organized that election. There is no doubt about it in my mind, not the slightest. In parishes where there ought to be a large republican vote he so arranged the voting places that in some instances men had to travel twenty or thirty miles to vote. He studied artfully to put the voting places at the most inconvenient points and as far as possible from traveled routes; and the testimony, I think, shows that in some instances the people were not informed how many voting places there were, nor where they were situated, until the very day of the election. The consequence was that in the strong republican counties the vote was light, and in the democratic counties the vote was heavy; and in that way, and by the obstacles placed in the way of registration of republicans, they secured the result shown by the returns, and, as I believe, completely reversing the will of the people.

Now, Senators may ask me, and my colleague has in conversation two or three times asked me, to point out particularly the testimony that shows this. Well, it is one of those facts which appear, I think satisfactorily, from the whole case. It is not a fact which could in the nature of things be testified to positively by any one witness. The testimony does show, however, that all the men that had charge of the election were Warmoth and McEnery men. It shows that the polls were so established in the republican parishes that they were next to inaccessible; and it shows, too, that every obstacle possible was thrown in the way of the registration of republicans. In the nature of things, the extent of effect produced by any one of these causes can only be estimated; it cannot be the subject of direct proof; and this is just the case which can be investigated only by legislative, not by judicial methods. My belief is, that if any judicial court to-day had jurisdiction of the question in Louisiana, the result of that election, as held, that is to say the result of the ballots actually cast, would be shown to be that McEnery was elected; but I am equally well persuaded that the result misrepresents the will and the intention of the people of that State on that election day, and that it was in consequence of these frauds and obstacles in the way of registration, and the fraudulent location of voting places, that Warmoth was able to carry that State by from six to nine thousand majority in favor of McEnery. I believe that if my colleague will take that testimony, and wade through it, and devote as many hours as I have days to the examination of it, he will be thoroughly convinced, as I am, that such is the case, although he may not be able to point to any particular sentence in proof of it.

It was in the testimony before us that in the parishes of Natchitoches, Bossier, and others, the polls were so located that men had to travel from twenty to thirty miles. Now take any of our Northwestern States, take Wisconsin, and suppose the people had to travel twenty-five or thirty miles to vote, and there was nothing of especial importance depending on the result, how many of our people would travel thirty miles to vote? We all know that it is with the greatest difficulty (and that makes it necessary to resort to all campaign contrivances, speeches, public meetings, and barbecues) we can get the people out when they have to travel four or five miles to vote. Suppose they had to travel twenty or thirty miles, and then suppose such a population as exists in Louisiana in the republican parishes, where they were to a great extent poor colored men who had no means of conveyance, who had to walk thirty miles to vote and walk back the next day, and suffer the expense and fatigue of such a journey—how many under such circumstances would be likely to vote? So I believe, from this testimony and from the whole history of the case, that although of the ballots actually cast McEnery had a majority, yet in consequence of the frauds committed previous to the election, that result utterly reverses what was the wish and intention of that people.

And there is no doubt, I think, of one other thing—that but for the interference by the General Government McEnery's government would have been in existence to-day. It was smothered, in the first place, by Durell, who issued an injunction to the officers of the State Legislature, restraining them from calling the McEnery men, and a *mandamus* compelling them to call the members canvassed in by the Lynch board. Under these circumstances the Legislature which elected Mr. Pinchback was organized. While the matter was pending here before us on the 26th of February, 1873, as I find by the newspapers

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*Since this discussion I have examined the report of the committee, and all I can find in relation to forged returns is on the last page of the report, as follows:

"WASHINGTON, D. C., *Thursday, February* 13, 1873.

"JOHN RAY recalled.

"The WITNESS. I desire to call the attention of the committee to a statement, at a suggestion made by one member of the committee yesterday. I examined and found, and if the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits. For instance, there is one from Madison Parish, [exhibiting the papers,] and so in the parish of Grant also, and in the parish of Point Coupee, and the parish of East Baton Rouge, which, if the committee will examine as experts, they will find it very evident in some cases that they were forged."

In the parishes mentioned the returns show the following result:

Parish.	McEnery.	Kellogg.
	Votes.	*Votes.*
Madison	837	1,227
Grant	514	405
Point Coupee	1,142	1,552
East Baton Rouge	1,644	1,166
Total	4,137	4,350

So that if the returns from all these parishes had been excluded as forgeries, Kellogg's vote would have been reduced 213. It will hardly be believed that the democrats were forging returns to increase Kellogg's majority. If McEnery's vote were excluded in these parishes, and Kellogg's counted, McEnery would, as shown by the returns, still have 4,469 majority.

of that date, the following telegram was sent from Washington by Mr. Packard, our United States marshal, to his deputy in New Orleans:

WASHINGTON, *February* 26, 1873.

T. W. DEKLYNE, *Deputy United States Marshal:*

Tell Kellogg to keep his shirt on. His talk of a compromise only irritates authorities. The only compromise is for members elected to go in and take their seats in the Legislature, and that excludes all contest. The McEnery government *must be broken up as soon as Congress adjourns.*

S. B. PACKARD.

Congress adjourned on the 4th of March. It had been telegraphed from Washington that the McEnery government must be broken up as soon as Congress should adjourn. Kellogg sent his metropolitan police—a military brigade, armed with Winchester rifles and led by Brigadier-General Badger—backed by United States troops within call, and the McEnery Legislature was dispersed by force. Members of the senate and members of the house were arrested. McEnery escaped through a back window. That was what was done by Kellogg in obedience to this command from Packard to break up the McEnery government as soon as Congress adjourned; and McEnery and his Legislature are now petitioning Congress to order a new election.

In this attitude of the case I wish for a very few moments (and that will conclude what I have to say) to discuss the power of Congress to order a new election. Instead of devoting the mere closing moments of an argument to this subject, it ought to be the subject of a day's argument. But I can, in a very few words, indicate the processes by which my mind reaches the conclusion that we possess the power to order this new election.

The Constitution declares that we shall guarantee to every State a republican form of government. I read that phrase to mean that the United States shall guarantee to every State a republican government. It could not have been intended that a government which in its mere form or constitutional structure was republican would satisfy that provision. The men who framed the Constitution were men who dealt with substance and fact, not with names and forms. They meant to secure ends; and when they declare that the States shall at all times have, and that the United States shall take care that every State has, a republican government, it means something more than a mere form; it means that the practical governing power of the State shall be republican—that is, shall be elected by the people. No government can claim to be republican that is not elected by the people; and therefore if to-day the powers of that State government are exercised by men who have no right resting on an election, then I say that government is not a republican government. I do not speak of the mere constitution, (which, I suppose, reposes in some pigeon-hole in the state-house.) I speak of the government that exists, the power that is seen and felt, that makes laws, that tries criminals, that commands militia, that exercises sovereign powers. I say that governing power in Louisiana to-day never was elected by the people of Louisiana. Therefore I say Louisiana to-day has not a republican government. It is fact, substance, which that provision of the Constitution intended to secure.

Now, what is our power, assuming, as I do, that these men were not elected? It is our duty to guarantee to every State a republican government. That is a full, complete, entire guarantee covering the whole subject. Suppose, Mr. President, you had made a lease to some man and his heirs for ninety-nine years, and had covenanted that you would keep the farm-house on the premises in good repair; that you and your heirs would do so for ninety-nine years, what would be your duty? If the house were consumed from cellar to garret, you would be compelled to rebuild the house. If it was partially destroyed by a fire, your duty would be performed by reconstructing the demolished portion of it, so that the entire structure would be as good as the house was when the place was rented. So here in 1865 you found the State government entirely demolished, destroyed to the foundation, and you commenced at the foundation to reconstruct the government. You called a constitutional convention, you authorized the forming of a constitution, you provided for elections under that constitution, you set up the entire government from its foundation to its dome. Now, then, we find, not the whole State overturned, but a part of it languishing; we find the political department of the government on its back, and no power in that State to set it up, no power in the Legislature to order a re-election, no power in the constitution of that State to have a new election until four years, for State officers. What is your duty? You are to deal with the demolished portion of that government as you would deal with the whole government if it were entirely overturned. It is not necessary here to change the constitution, nor interfere with the supreme court; it is not necessary, in other words, to meddle with that part of the structure that remains entire; but the part that is ruined, the part that has lapsed, the political department of the government, you must set on its feet, or it cannot exist for four years. I say that it is your duty to order a new election. Your powers are commensurate with your duty. The Constitution does not say how you shall do the thing; it says you shall do it; and you are to employ the necessary means. In this case, fortunately, you can perform your entire duty, and give them a republican government by simply holding an election and declaring that these men when elected shall go into the offices and take up the threads of official life where they would have been to-day had they been elected last November. You thus supply the defect in that government, you repair what is wanting, and you give and secure and guarantee to that State a republican government by putting on its feet what is now on its back.

In the case of Georgia—not entirely like this, because Georgia was to some extent in the process of reconstruction, her Senators had not been admitted, I think, but her members had been admitted into the House of Representatives—what was done? The Legislature assembled there and by intimidation expelled all the colored men so as completely to change the political character of that Legislature. What did we do? We said that was not a republican Legislature—I do not mean republican in a party sense, but it was not such a Legislature as the people had elected. What did we do? We passed a law requiring the officers of that Legislature to call together again the men who had been elected, white and colored, and put them back and organize the Legislature as it was organized originally. No doubt we had the power to do that. No doubt we have the power to do this, because when the Constitution, uttering the sovereign command of the people, says the United States shall do a thing, and does not say how it shall do it, it may employ any necessary means.

This is one of those unlimited powers conferred upon us in gross. It could not be limited; it could not be defined; because the framers of the Constitution could not foresee all the contingencies and all the emergencies that might arise in these States. They granted a general power. They say to us, "See to it that at all times every State has a republican government, a government elected by the people of the State; and no matter what it may be necessary to do to accomplish that end, whether it is to order an election or to reconstruct a Legislature; whether it is to overturn the whole concern and rebuild from the base, do whatever is necessary in any particular case; because in the name of the people we command you to do the particular thing, and leave you all means and the choice of every possible means," not expressly prohibited of course by other provisions of the Constitution.

Now, Mr. President, speaking about the government of Louisiana, and whether it is republican or not, I hold in my hand a copy of the New Orleans Republican, the Kellogg paper, of January 6, 1874, glorifying Durell, from its political stand-point not undeservedly:

Generals SHELDON, SYPHER, Representatives DARRALL, MOREY, and SMITH, Lieutenant-Governor Antoine, Auditor Clinton, Superintendent Brown, Secretary of State Deslonde, Senator Pinchback, Speaker Lowell, Judge Hawkins, all the republican members of both houses who were elected in 1872, in short all the republican officers, appointees, and employés to-day owe their places to the firm, inflexible, learned, just man who now seems to be turned over to receive the buffets of the combined hosts of democracy. The democratic papers were right in ascribing to Judge Durell all the credit of having thrown himself timely in the breach and stayed the tide of disaster which treachery and cunning had wrought for the defeat of republicans.

That does not overstate Durell's services. That government undoubtedly owes its existence, from Kellogg down to every member of the Legislature, to the fiat of a Federal judge; and we are told if we order a new election State rights will be violated. Why, Mr. President, if we had left that muddle alone, if we had washed our hands of it from the first and stood aloof, then there might be some plausibility in saying "Let them fight it out among themselves." But the Government of the United States intervened in the affairs of that State, and through its judicial department set up a bogus government. Now, says the Senator from Indiana, to right this wrong would be to violate State rights, and on that rallying-cry, a cry that the democratic party in this Chamber and elsewhere never refuse to follow, the Senator from Indiana, placing himself at the head of the democratic party, led them in the contest on this bill last year, and defeated the bill for a new election by two majority. State rights! A State absolutely defrauded of rightful government by Federal interference, and when Congress proposes to redress the wrong and relieve the State from this imposition and outrage, "O," says the Senator from Indiana, (and he must have smiled in his sleeve when he said it,) "it would violate State rights to undo the wrong that you have done in that State." [Laughter.] So that if the people of Louisiana have not to-day a government elected by themselves; if they have not a republican government; if they have not what the Constitution guarantees to them that they shall have, and makes it our duty to see that they have, they have what is far dearer to every democrat than any practical good—they have State rights!

Mr. President, I propose to vindicate State rights by our action here. I say the State of Louisiana has been trodden beneath the foot of a Federal judge. I say that we may not and cannot stand here blameless and see that wrong continued. Is there a man in this Chamber to-day, is there a lawyer who hears my voice, who does not believe that these orders issued by Durell were without the shadow of jurisdiction? Is there a man, be he lawyer or layman, who does not know that the original order of Durell, void when issued, was what set up the Kellogg government, and that it has been from that time to this supported by military power; and can any man doubt that to redress a wrong of that kind would be an act friendly to the rights of that State?

Mr. President, to show how this Louisiana matter is looked upon by those who are totally disconnected with the contest, I want to read a note of Judge Cooley, of Michigan, in his edition of Story's works. While we were sitting here discussing this subject at the last session, he was preparing an edition of Story on the Constitution; and I will read the note which he has appended touching this Louisiana matter. Mark, this is not the language of a partisan, but of a judge learned and revered, separated from this contest geographically, and from all

partisan feeling by his official station. In the calm seclusion of his closet, where the poet says the scales which weigh the actions of others are held with unfeverish hand, this judge has appended to this constitutional work a note in regard to the subject which I am now discussing, under the clause of the Constitution guaranteeing a republican form of government to every State:

The recent case of Louisiana demonstrates that there may be greater wrongs than even the wrongful refusal by Congress to recognize the legitimate government of a State, and yet no speedy and effectual remedy be attainable. Such action on the part of Congress would at least be that of a proper authority, and would imply deliberation, and be supported by a presumption of due regard for the public good and for the supremacy of the law. But in the case of Louisiana in 1873, an inferior Federal judge, without a shadow of authority, and consequently in defiance of law, and for that reason supported by no presumption of correct motives, and with scarcely a pretense of observing even the usual forms, by the process of his court, aided by a military force, installed in power a State government which he sided with as against rival claimants, and in consequence of a pressure of business in Congress precluding prompt attention to the case by that body, has been enabled to sustain this government in power until the present time. Mr. Justice Story has with reason predicted that "if a despotic or monarchical government were established in one State it would bring on the ruin of the whole republic." *What government can be more despotic—*

And I call attention to this language particularly, for it bears on the precise point now under discussion—

what government can be more despotic than one elected by an injunction, and continued in power by a military force under the order of a judge who, having no jurisdiction, is restrained by no law but his own arbitrary will? For the facts of this unparalleled wrong we refer to reports made by the Judiciary Committee of the United States Senate, in February, 1873. The case requires no further comment than it there receives. The dullest mind cannot fail to see that the facility with which the wrong is committed, and the possible immediate advantages which individuals may derive therefrom, present constant temptations to its repetition, and if suffered to pass once unrebuked, a precedent will be tacitly asserted which cannot fail to threaten constant danger to our liberties, especially at those very periods of high political excitement when prudence, caution, and the strictest regard for the Constitution and the laws are most important. What party, or what political leader, can, at such times, be expected to pay scrupulous deference to the laws if a judge may ignore them with impunity? It was thought the climax of wrong had been reached when a local judge in one of the States could seize upon the property of individuals and corporations through his injunctions and mandates, and plunder them through receivers; but he at least was not acting wholly without jurisdiction, and if he seized property, he did not venture to go so far as to make the liberties of the people the subject of a receivership.

Mr. President, if I owe an apology to the Senate for the warmth of any expressions I have used to-day, I refer, in mitigation, to this language of a judge whose blood was not stirred by the excitement of debate, and who has denounced the conduct of Judge Durell more severely than I have or can, because criticism is always more severe when free from passion and couched in the temperate language which characterizes the bench.

Mr. President, I have done with this matter. I devoted to this investigation several weeks in the committee last winter. I came here and sat all night long until five o'clock in the morning, endeavoring and hoping to pass the bill for a new election. I have performed my duty. I will prepare and introduce to-morrow a bill ordering a new election in the State of Louisiana.

I thank you, Mr. President, and I thank the Senate, for the patience and the attention with which you have heard me through remarks protracted much longer than they would have been by the fact that I am suffering under great physical depression.

Mr. MORTON addressed the Senate; and having spoken some time said:

Mr. President, I will not detain the Senate any longer to-night, but I have not finished.

Mr. EDMUNDS. Do I understand that my friend from Indiana wishes to go on on Monday?

Mr. MORTON. I have not concluded, I will say to my friend.

Mr. EDMUNDS. I wish to move to take up the bankrupt bill, if there is no objection. Does the Senator wish to go on on Monday?

Mr. MORTON. I should like to continue a little while longer.

Mr. THURMAN. Let us understand this matter. Do I understand that the Senator from Indiana has concluded his remarks?

Mr. MORTON. No, sir; I have not.

[Mr. MORTON'S speech in full will be found in the Appendix.]

Mr. EDMUNDS. In that case I move, or shall in a moment move, that the Senate proceed to the consideration of executive business; but I give notice that as soon as my friend shall have concluded, or as soon thereafter as it shall be the pleasure of the Senate, I shall ask to take up the bankrupt bill. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 30, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

HOURS AND WAGES OF LABOR.

Mr. MONROE. The Committee on Education and Labor instruct me to report back one or two matters, without any discussion or comment. The first is the petition of M. Spahn and others, representing the Bricklayers' Association of the District of Columbia, praying for relief in regard to the number of hours of work and the wages of labor upon public works of the United States. The Committee on Education and Labor have considered this subject, and ask to be discharged from the further consideration of it, because they regard it as a matter for the executive rather than for the legislative branch of the Government. It is rather a question of administration under the law than a question for this place. I move that the committee be discharged from the further consideration of the subject, and that the same be laid on the table.

The motion was agreed to.

LIQUOR TRAFFIC.

Mr. MONROE. The Committee on Education and Labor also ask permission to report back to the House certain petitions praying Congress to authorize a commission to inquire into the liquor traffic and its influence to produce pauperism and crime; and ask to be discharged from their further consideration, because petitions of this class and certain bills relating to the same subject have, by common consent, been sent to the Committee on the Judiciary, where I suppose the subject properly belongs. I move that the committee be discharged from the further consideration of the petitions, and that they be referred to the Committee on the Judiciary.

The motion was agreed to.

BREAKWATER AT CLEVELAND, OHIO.

Mr. PARSONS. I ask unanimous consent to present the memorial of the city council of Cleveland, Ohio, relative to the construction of a harbor of refuge at Cleveland, Ohio, and a resolution on the same subject of the Board of Trade of Cleveland. I desire a few minutes, not exceeding fifteen, to explain the matter.

The SPEAKER. The gentleman from Ohio [Mr. PARSONS] asks that, by unanimous consent, he be allowed fifteen minutes to make some remarks on the subject of the memorial and resolution he has presented. The Chair hears no objection.

Mr. PARSONS. Mr. Speaker, I desire to call the special attention of the House to the resolutions I have had the honor to present for its consideration. These resolutions were passed by the Board of Trade and city council of Cleveland, and relate to the pressing necessity which exists for the building by the General Government of a harbor of refuge at some point adjacent to or near that city.

I am painfully aware, sir, that a grave duty is imposed upon us, as the Representatives of the people, at this time to watch with jealous care all demands made for the expenditure of the public moneys. And I am equally aware that it is the desire of this House to avoid as far as possible the voting for the construction of any new works of magnitude, which may call for a large expenditure of the public treasure. No man, I trust, sir, upon this floor appreciates the situation of the country more keenly than myself, or will endeavor to the extent of his ability to aid the House in all its legislation with an eye single to the strictest economy and prudence, in every branch of the public service. But, sir, a long and somewhat varied experience in public life has convinced me that there may be a too rigid economy that is not prudence, and an apparent saving that ends in loss, and oftentimes in positive disaster. It is with nations as with individuals—"There is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty."

While for the moment there has come a time in the history of the country when its expenses are larger than its receipts, yet it does not follow, as the gentleman from New York [Mr. WOOD] has stated, that the nation is bankrupt, or that its credit is in any manner impaired. Nor does it follow that, because of this temporary decrease of income, the public works are to be arrested, the public buildings permitted to fall into decay, the public docks, piers, and wharves, built at enormous expense, to perish for needed repairs, or that our harbors and rivers are to be neglected, and the funds necessary for keeping them in proper order are to be withheld, or the great channels of trade and commerce of this mighty nation to be in any manner obstructed for the want of needful and proper expenditures. The commerce of the country is its life; and whatever is absolutely necessary to aid, foster, encourage, and protect it must be done. To permit it in any manner to languish or become crippled will prove the most disastrous economy that was ever practiced by any people, and, in the end, would produce the very poverty, bankruptcy, and ruin that every wise man seeks to prevent.

During the last five years the administration of General Grant has paid over four hundred millions of the public debt, a far greater sum than the law required. If this enormous decrease of the public debt has been made too rapidly, or in any manner beyond the necessities of the public interests, we can, without detriment, stop this policy by withholding taxation, until the material interests of the country will warrant its resumption. It is entirely practicable, and in my judgment wholly consistent with the wisest economy, and without imposing any additional taxes upon the people, or inflation of the volume of the currency, to provide by a temporary loan, for a year or two,

for any necessary deficit in the current expenditures of the Government. This to me would seem a far wiser statesmanship than to permit the real material interests of this country to suffer, by withholding the needful means for the development of the wealth of the country, by neglecting to provide for our rivers and harbors vital improvements and protection, by neglecting to sustain, foster, and encourage as far as possible the magnificent inland commerce of the country, its pride and source of national greatness. While the ships of our land vie with those of other nations in bringing to our shores, and carrying abroad to the farthest corners of the earth, the commerce of the world, the inland commerce of the country is by far the greatest in magnitude, and year by year growing with such wonderful rapidity, that it is at this moment the gravest question we are called upon to meet, as legislators, how best to promote, protect, and provide for its vast and increasing demands.

With all the vast extent of our country, interlaced all over with a net-work of railroads, with mighty seas called inland lakes, and rivers flowing in almost every direction, capable of carrying almost limitless quantities of agricultural, mineral, and manufacturing commodities from ocean to ocean, and from the Saint Lawrence River to the Gulf of Mexico, yet the cry everywhere is for greater, broader, ampler, and cheaper means of transport; and to this appeal Congress cannot long turn a deaf or indifferent ear. This country, though temporarily depressed, is the richest and most prosperous on which the sun shines. It has boundless resources, every variety of soil and climate, vast and fertile fields rich in agricultural wealth, inexhaustible mines of coal, iron, silver, copper, and gold; manufactories producing yearly thousands of millions of dollars in value, a commerce that whitens every sea and ocean and lake and river in the world; a prosperous and enlightened people, capable of proving to the world, which looks on in wonder, their capacity for self-government, and the wisdom of a nation formed and carried on "for the people and by the people." And yet it is this land of ours, in a time of profound peace, with no great standing army or navy, like England, or France, or Prussia, to absorb its wealth and curtail its industries, that at this moment is claimed to be unable to carry on its yearly expenditures for public improvements; that is asked to let its own vessels lie half finished upon the stocks; its harbors and rivers to be seriously impaired by neglect and want of proper care; its great piers and wharves and docks, built at an enormous expense, to go surely to decay, and all because in a time of temporary depression the expenses of the Government are for a moment beyond its actual income. To some minds this policy may seem economical, prudent, and statesman-like; to me it seems short-sighted and disastrous.

It is not true, in fact, that the money paid by the United States for permanent improvements like those of the public buildings, should be counted as a part of the ordinary expenditures for carrying on the Government of the country. These great buildings become a part and parcel of the substantial property of the Government. They are solid investments built for all time, and in most cases are at this moment worth their actual cost to the country, and in many cases far beyond it. In my own city the United States does not own a single piece of property that would not bring at public auction more than its original cost. Hence, if the Government was compelled to sell a small portion of its bonds for the completion of these buildings it would simply add to its nominal indebtedness, but at the same time secure the full value of the debt in substantial and durable landed property. For these reasons I am opposed to the stoppage of work upon the great public buildings of the country, and believe it the highest wisdom to complete them at the earliest practicable moment. Especially at this time, when labor can be procured at a moderate rate, and so many families are suffering for employment, I would advocate, as far as practicable, the continuance of work upon the public buildings as the wisest economy, and in accordance with the practice of other countries when private demands are insufficient to employ the substantial laboring men of the nation.

With these views, Mr. Speaker, I address myself to the immediate question before me.

It will be admitted by all, that the great chain of lakes, of which Lake Erie is one, forms at this time the most important means of communication for the vast agricultural, mineral, and commercial wealth which is annually transported between the eastern sea-board and the great Northwestern States. On these inland seas there annually float more than thirty-four hundred vessels, valued at nearly $25,000,000, and carrying a commerce vastly greater than the whole foreign commerce of the country. It is needless to add that if at any future time the demands of the people of the Northwest and South for cheap transportation should be heeded by Congress, and a water communication be opened from the Mississippi River to the Atlantic coast, this commerce would be immensely increased, and this noble chain of lakes would become the great national highway over which our products would be carried to supply the markets of the world.

I do not intend to detain the House with any extended remarks upon this branch of my subject, but would earnestly refer the House to an exhaustive report made last year to the House by Hon. Mr. CONGER, from the Committee on Commerce. That report is a masterly review of this whole subject of cheap transportation, its needs and claims upon the country, and cites the action of the several States, conventions, Legislatures, boards of trade, &c., which have taken action upon this subject.

In reading that report, with its array of statistics and important facts, gathered with painstaking labor, the almost boundless resources and wealth of these States, whose marketable produce must find its way (if ever) to the sea-board over the great chain of lakes, will be abundantly realized. And it is upon one of the most important of these lakes, and near to one of the most growing and thriving cities of the country, that the resolutions just presented ask for special and needed legislation.

I shall take the liberty of calling the attention of the House to a few important statistics connected with this subject. They tell their own story, and from them the House can gather the most important and valuable information. They have been repeatedly presented to Congress heretofore, in connection with the arguments used for the necessity of providing cheaper means of transport from the West to the Atlantic sea-board.

Wheat products in bushels for the years 1867 to 1871, inclusive.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	18,000,000	17,550,000	20,400,000	21,270,000	21,830,000
Indiana	16,861,000	17,336,000	20,000,000	20,170,000	21,560,000
Kentucky	2,847,000	2,850,000	5,500,000	5,610,000	5,930,000
Illinois	28,000,000	28,500,000	29,200,000	27,115,000	24,740,000
Missouri	4,961,000	5,357,000	7,500,000	6,750,000	8,050,000
Kansas	1,250,000	2,800,000	1,537,000	2,343,000	2,577,300
Nebraska	1,000,000	1,565,000	1,000,000	1,848,000	2,032,000
Dakota	----------	100,000	130,000	178,000	200,000
Iowa	16,300,000	20,350,000	25,000,000	27,500,000	30,250,000
Minnesota	10,000,000	14,500,000	19,000,000	20,290,000	22,319,000
Wisconsin	22,000,000	22,600,000	24,000,000	26,400,000	29,040,000
Michigan	15,250,000	16,012,000	16,800,000	18,480,000	20,328,000
Total	136,969,000	149,520,000	170,067,000	178,154,000	193,876,300

Number of hogs for the same years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	2,139,991	2,194,163	2,694,170	2,033,000	2,266,000
Kentucky	1,300,156	1,560,186	1,955,000	1,994,100	2,193,510
Indiana	2,581,369	2,007,195	2,590,369	2,349,000	2,583,900
Illinois	2,181,734	2,042,938	2,160,080	3,363,000	3,699,300
Missouri	1,741,154	2,042,438	2,300,000	2,530,000	2,783,000
Kansas	140,662	160,848	516,000	572,600	629,860
Nebraska	54,968	65,637	125,000	137,500	151,250
Dakota	----------	----------	13,000	14,000	21,100
Iowa	1,748,853	1,948,059	2,500,000	3,100,000	3,410,000
Minnesota	150,795	158,732	187,230	205,953	226,546
Wisconsin	378,555	421,608	471,602	651,900	717,090
Michigan	418,342	441,608	443,357	517,400	509,140
Total	12,836,879	13,043,912	15,945,108	17,468,453	19,887,686

Corn products in bushels for the same years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	64,000,000	74,000,000	83,000,000	87,751,000	96,526,100
Kentucky	46,550,000	58,187,000	51,500,000	63,345,000	69,679,500
Indiana	80,000,000	90,832,000	100,000,000	113,150,000	124,465,000
Illinois	109,000,000	134,333,000	123,500,000	201,378,000	221,515,800
Missouri	50,437,000	60,967,000	80,500,000	94,990,000	104,489,000
Kansas	8,150,000	8,487,000	24,500,000	26,950,000	29,645,000
Nebraska	2,325,000	3,185,000	6,750,000	7,425,000	8,167,500
Dakota	70,000	103,000	130,000	145,000	178,000
Iowa	53,333,000	65,339,000	85,270,000	93,797,000	125,062,660
Minnesota	4,500,000	8,255,000	14,230,000	15,653,000	17,218,300
Wisconsin	9,885,000	12,565,000	16,180,000	19,995,000	21,994,500
Michigan	15,118,000	18,815,000	21,870,000	24,057,000	26,462,700
Total	443,368,000	535,038,000	607,430,000	748,636,000	919,348,060

NOTE.—It is estimated by the best and most reliable authorities on this subject that the corn crop of these States was at least one-fourth greater in 1872 than in 1871, or any previous year. If that be a correct estimate, and of that there can be but little, if any, doubt, it amounted to the enormous aggregate of 1,349,285,175 bushels.

Number of cattle for those years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	1,415,000	1,496,750	1,415,866	1,535,100	1,688,610
Kentucky	491,048	479,303	629,500	627,600	690,360
Indiana	892,000	906,000	1,000,000	1,185,500	1,304,050
Illinois	1,395,000	1,457,000	1,535,000	1,907,400	2,098,140
Missouri	843,097	999,491	1,306,000	1,376,000	1,513,600
Kansas	235,860	254,000	274,572	507,600	558,360
Nebraska	114,011	142,762	161,300	177,435	195,180
Iowa	1,013,894	1,103,503	1,162,000	1,280,200	1,408,220
Minnesota	349,000	318,241	334,400	382,500	420,750
Wisconsin	353,601	794,158	813,800	895,080	984,588
Dakota	----------	----------	81,711	89,882	98,870
Michigan	604,837	651,761	602,837	715,400	786,940
Total	8,207,348	9,991,969	9,323,986	10,679,697	11,745,668

Number of sheep for the same years.

States.	1867.	1868.	1869.	1870.	1871.
Ohio	6,730,126	6,300,000	7,160,252	8,876,277	9,763,904
Kentucky	895,865	868,989	942,000	904,300	994,730
Indiana	2,882,176	2,622,780	3,141,582	3,200,000	3,280,000
Illinois	2,736,431	2,380,694	3,092,288	3,401,505	3,741,655
Missouri	1,377,547	1,584,179	2,300,000	2,500,000	2,800,000
Kansas	76,342	107,896	120,000	115,000	130,000
Nebraska	22,059	28,078	35,030	42,290	51,430
Dakota			10,120	12,230	15,471
Iowa	2,591,379	2,332,241	2,850,517	2,293,100	2,563,124
Minnesota	129,010	134,170	162,220	180,259	210,030
Wisconsin	1,880,758	1,749,104	2,012,412	2,810,320	2,910,029
Michigan	3,948,191	3,553,371	4,343,011	4,701,000	4,981,263
Total	23,269,884	21,661,512	26,169,532	29,036,281	31,441,736

WHEAT PRODUCT IN 1870 AND 1871.

From the foregoing statistics, compiled from the agricultural reports at Washington, State agricultural reports, and other equally reliable sources, we find that in those twelve States the wheat product for 1870 was 178,154,000 bushels, while all other portions of the Union, including the Pacific States, produced only about 67,730,700. In 1871 the wheat crop of these States amounted to 193,876,300 bushels, all the other portions of the country producing about 78,530,000 bushels. In other words, those States, two-thirds of which are not one-sixth developed, produced more than two-thirds of the entire wheat crop of the whole country. In 1872 the wheat crop of those States amounted to about 225,000,000 bushels. In all other States, to 86,383,000 bushels.

CORN CROP FOR THE YEARS 1870 AND 1871.

In 1870 the entire corn crop of the whole country amounted to 1,094,255,000 bushels, of which those States produced 748,636,000 bushels. In 1871 the whole corn crop of the country was 1,203,680,500 bushels, of which those twelve States produced 919,323,060 bushels, leaving but 284,457,440 bushels for all the balance of the country. In 1872 those States produced about 1,349,285,175 bushels, and that, too, when several of them are not and never can be adapted to corn-raising—especially Michigan, Wisconsin, and Minnesota—and while two others, to wit, Dakota and Nebraska, are hardly developed at all.

In a report from the Committee on Commerce, made to this House in February, 1873, by Mr. NEGLEY, he gives the estimates of the aggregate products of those States for 1872, which are substantially correct, and their probable products in 1880, simply at an increase of 10 per cent. annually, as follows:

Estimate of aggregate products and value of said States for the year 1872, *based upon the reports of the Agricultural Bureau.*

Wheat, 225,844,800 bushels, at 50 cents per bushel	$112,922,400
Corn, 1,021,937,476 bushels, at 25 cents per bushel	255,484,369
Hogs, 22,660,040 head, at $5 each	113,300,200
Cattle, 13,362,492 head, at $10 each	133,624,920
Sheep, 35,146,407 head, at $1.50 each	52,719,610
Wool, 70,292,814 pounds, at 40 cents per pound	28,117,125
Aggregate value	706,168,624

Estimate of aggregate products thereof in 1880, *at* 10 *per cent. increase per annum.*

Wheat, 484,794,850 bushels, at 50 cents per bushel	$242,397,425
Corn, 2,892,329,851 bushels, at 25 cents per bushel	723,082,463
Hogs, 46,894,113 head, at $5 each	234,470,565
Cattle, 38,912,764 head, at $10 each	389,127,640
Sheep, 74,149,492 head, at $1.50 each	111,224,238
Wool, 110,450,787 pounds, at 40 cents per pound	44,180,314
Aggregate value	1,744,482,677

Or enough almost in value to pay the national debt in a single year.

It is of course conceded that only a small portion of these products find their way over the highway of the lakes to an eastern market; yet the annual amount in value of the commerce of the lakes aggregates the enormous sum of over $1,000,000,000.

The length of Lake Superior is 390 miles, while its greatest breadth is 180 miles; Lake Michigan, 345 by 84 miles; Lake Huron, 270 by 105 miles; Lake Erie, 250 by 60 miles; and the distance from Chicago to Buffalo is 1,020 miles. It is from the city of Chicago that the great shipment of cereals is mostly made, while the vast quantities of iron and copper ore, lumber, &c., are brought from all points on the upper lakes.

But whatever may be the amount of the magnificent commerce of the lakes, either eastward to Buffalo, or westward as far as Toledo or Detroit, it all passes by the point where the harbor of refuge contemplated by these resolutions is asked to be built. And as a proof of the vital necessity of such a work, I desire to call the attention of Congress to the fact that, after leaving the Put-in-Bay Islands, there is not a natural harbor or artificial harbor of any kind which will accommodate the vessels of larger draught from Detroit to the city of Buffalo. The harbor at Cleveland, as these resolutions state, is narrow, difficult of entry, and to the largest class of vessels entirely closed. It is but two hundred feet wide at its mouth, and vessels can have no protection from violent storms until they pass within the limits guarded by the Government pier. So hazardous and so dangerous to vessels is this passage, owing to the natural defects of the harbor, that all prudent seamen avoid it, and weather the storm as they best can by remaining out in the open lake rather than court almost certain destruction by seeking refuge within the pier. It is no uncommon occurrence to see vessels endeavoring to make the harbor in rough weather, in broad daylight, strike the pier and dash themselves to pieces against its granite sides. I have seen a noble steamer, costing more than $100,000, ably manned and under the command of one of the most experienced commanders upon the lake, in the open sunlight and under full steam, strive in a violent gale to enter this harbor. But, sir, of what avail was her iron and oak, the power of her engines, or the skill of her master, against the resistless power which bore her to certain destruction? In sight of and almost within speaking distance of her own dock the mighty waves and still stronger winds seized her in their terrible grasp, and dashed her a helpless, crushed, and broken mass against the rocky bulwark built for her protection.

But, sir, the sum paid during the last ten years for insurance upon vessels and cargoes upon the lakes alone, amounting to $22,849,640, tells a fearful story of the dangers and hazards attending navigation upon these great seas, and calls loudly upon Congress to do all in its power to save such a splendid property from loss and destruction. In ten years it will be seen that almost the total value of all the vessel property at this moment owned upon the lakes has been lost by shipwreck; and it is well known that a large proportion of it would have been saved had this harbor of refuge we now desire to be built been in existence. Add to this great ruin of property the priceless value of human lives lost, amounting to more than one hundred persons annually, and the total loss of life and property becomes truly appalling.

That Cleveland is the best and most natural point between Detroit and Buffalo for a harbor of refuge is conceded by all, aside from the fact that a vast amount of the commerce of the lake goes directly to that city.

By examining a chart of Lake Erie, it will be seen that there is not a harbor of any kind between Buffalo at the east, and Point au Pelée at the northwest of Lake Erie, saving Kelly's Island, at nearly its northwest corner. The Buffalo breakwater is a noble work, though not yet completed, and vessels of any draught of water can run behind it in the worst weather and find perfect protection. Kelly's Island and Point au Pelée are natural harbors. There is also a poor harbor at Erie, behind the peninsula, that is sometimes sought by vessels in passing in rough weather. There is also a harbor at Long Point, and another about sixty-five miles west of Buffalo, on the Canada shore. The harbors at Ashtabula, Conneaut, and Fairport, east of Cleveland, and Huron and Black River, on the American shore, west, can none of them accommodate the larger class of vessels trading between Buffalo and Lake Superior ports, laden with grain and iron ore, or the still larger class of vessels which come from the ports of Lake Michigan to those of Lake Erie. Nearly all of these latest built vessels, costing for sailing-crafts from $50,000 to $60,000 each, and for steamers, from $90,000 to $160,000, and carrying from twelve to sixteen hundred tons burden, draw from thirteen to fourteen and a half feet of water.

A prominent citizen of Cleveland, who has spent most of his life upon the lakes, writes me that if the Government would construct one or two harbors of refuge, in addition to those now being built upon the lakes, where vessels drawing from eighteen to nineteen feet of water could run with safety, and capable of carrying from thirty-five hundred to four thousand tons, it would do more to solve the problem of cheap transportation than almost any one measure that could be adopted.

That we do not overestimate the importance of Cleveland as the next point west of Buffalo demanding a breakwater or harbor of refuge, I desire to call the attention of the House to the growth of that city, and also the extent of its imports and exports during the last ten years. While it is conceded to be one of the most beautiful cities of the world, I may be pardoned if I add that at this time it is, for its population, one of the richest, as well as most prosperous, in the entire country.

In the year 1800 the population of Cleveland consisted of 7 persons; in 1810, of 57; in 1820, about 150; in 1830, 1,075; in 1840, 7,648; in 1850, 20,984; in 1860, 43,838; in 1870, over 100,000; in 1874, about 140,000. Should it continue to increase in the same ratio until 1880, it is computed that the city will have a population of 262,000 souls.

From the tables herewith presented, compiled with great care by Collector Watmough, it will be seen that the number of vessels entering and clearing the Cleveland harbor during the last ten years number over eighty-one thousand. The value of cargoes entered during the same period amounts to the enormous sum of $730,274,017, and the value of cargoes cleared to the sum of $664,405,041, making a total value of about $1,400,000,000. The aggregate amount of duties collected at the same time at this custom-house is $1,229,491. I may add, although the exact figures are not before me, that there was collected and paid into the Treasury of the United States by the Cleveland district as taxes, during the first four years of the internal-revenue law, and while I was collector, the sum of about $8,000,000; while over $3,000,000 in value of petroleum was shipped in bond, to be returned in gold or its equivalent to the country.

Statement of the number of vessels, tonnage, &c., entered and cleared at the port of Cleveland during the last ten years, namely from 1864 *to* 1874.

Year.	Number entered.	Number cleared.	Tonnage entered.	Tonnage cleared.	Value of cargoes entered.	Value of cargoes cleared.
1864	2,988	3,060	998,698	1,068,349	$107,904,567	$105,011,669
1865	3,499	3,377	1,205,435	1,125,176	117,580,984	76,572,137
1866	3,859	3,948	1,390,360	1,437,414	119,656,544	75,353,847
1867	4,909	4,946	1,540,501	1,530,474	100,819,701	75,116,926

Statement of the number of vessels, tonnage, &c.—Continued.

Year.	Number entered.	Number cleared.	Tonnage entered.	Tonnage cleared.	Value of cargoes entered.	Value of cargoes cleared.
1868....	3,996	4,093	1,399,214	1,404,477	86,390,779	78,493,487
1869....	5,286	4,953	1,681,095	1,755,514	76,968,207	70,229,802
1870*...	4,092	4,172	1,218,127	1,294,484	35,230,776	53,571,488
1871....	4,552	4,123	1,209,121	1,117,617	42,350,875	59,816,699
1872....	3,672	3,688	1,125,129	1,050,940	21,105,147	37,149,494
1873....	4,351	4,305	1,281,541	1,253,300	22,066,437	33,089,492
Totals..	41,204	40,665	13,049,221	13,037,745	730,274,017	664,405,041

*During the year 1870 the regulations of the Secretary of the Treasury were so modified as to make it unnecessary for vessels making Cleveland an intermediate port to report and clear; hence the apparent falling off in business at and after that date; but from information obtained from the various marine transportation companies, and other sources, it can be shown that the general commerce of the port has increased from year to year during the period covered by this statement.

Statement of amount of coal, iron and copper ore, received, together with the aggregate of duties collected, at the port of Cleveland, during the last ten years, namely, from 1864 *to* 1874.

Year.	Coal.	Iron ore.	Copper ore.	Duties.
	Tons.	*Tons.*	*Tons.*	
1864	5,526	135,854	4,414	$22,267
1865	4,935	191,296	4,823	43,422
1866	7,114	185,154	4,558	127,523
1867	7,473	278,636	5,243	104,919
1868	13,665	289,149	1,558	95,906
1869	9,636	361,337	1,539	116,865
1870	10,590	581,461	845	148,131
1871	8,432	395,721	1,067	159,584
1872	6,137	622,059	477	244,701
1873	1,806	689,440	256	166,173
Totals	75,314	3,730,107	24,780	1,229,491

Statement of amount of coal exported from the port of Cleveland during the last ten years, namely, from 1864 *to* 1874.

	Tons.
1864	229,640
1865	248,028
1866	288,841
1867	322,247
1868	383,438
1869	470,176
1870	447,390
1871	547,701
1872	638,917
1873	854,862
Total	4,431,240

This statement does not include the coal taken on board by steam craft touching at Cleveland for the purpose of coaling. The records of the custom-house do not show this item, but as Cleveland is the principal city in the Northwest for the trade in bituminous coal, the amount so exported would largely increase the total of the above exhibit.

That the House may see that Cleveland has not in any sense been a burden to the General Government, or asked for appropriations above those of her neighbor cities, I give the entire amounts expended by the Government since its origin for the improvement of sundry harbors upon the lakes. I take these figures from the office of the Secretary of War. For Buffalo, there has been expended $965,043; for Erie, $426,217; for Cleveland, $311,381; for Detroit, (Saint Clair Flats,) $625,560, and for Chicago, $865,105; with the breakwaters at Buffalo and Chicago in process of erection.

I believe that a careful review of the statistics presented must compel the conclusion that additional legislation is absolutely demanded of Congress to protect and foster the magnificent commerce of the lakes, that an additional harbor of refuge is needed upon Lake Erie, and that Cleveland is the point above all others where it should be built. The work is in no sense a local one, but one of great national importance; especially required by the people of the East and West, whose property is annually destroyed, and whose seamen are needlessly sacrificed for the want of it. Should the trade have already reached its maximum, the necessity of building a harbor of refuge at Cleveland would have been demonstrated as a measure of wise and practical economy. But, sir, as every man upon this floor realizes, that trade is in its infancy. It is destined to become the wonder of mankind. Sir, give us harbors for our vessels, and water communication from the Mississippi to the sea-board, and in a few years the mighty West will pour forth a flood of wealth that shall put to shame the fairy-tales of Aladdin, the streams whereof shall make glad the nations of the earth.

ORDER OF BUSINESS.

Mr. WHEELER. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty-eight minutes past twelve o'clock, and reports from committees of a private nature are in order.

Mr. WHEELER. I raise the question of consideration, with a view to moving that the House resolve itself into Committee of the Whole to resume the consideration of the Army appropriation bill.

The SPEAKER. The Chair must appeal to the gentleman from New York not to disturb the morning hour. The morning hour ought to be maintained. Immediately at the close of it the gentleman from New York will be recognized for a motion to go into Committee of the Whole House on the state of the Union. But this is the only chance of committees being called for private reports, and should not be taken from them.

NORTH BERWICK NATIONAL BANK.

Mr. MAYNARD. I am instructed by the Committee on Banking and Currency to report back, with the recommendation that it do not pass, the bill (H. R. No. 121) authorizing the Secretary of the Treasury to issue new national-bank notes to the North Berwick National Bank for mutilated bank-notes burned in mails, &c.

I desire to say that there is a general provision of law covering this case.

Mr. RANDALL. That is not a private bill.

The SPEAKER. The point having been raised, the Chair begs to say he does not think that this is a private bill.

Mr. MAYNARD. It is a bill to refund some eighty or one hundred dollars alleged to be lost.

The SPEAKER. To a banking institution?

Mr. MAYNARD. Yes, sir.

The SPEAKER. The Chair does not think that that would be a private bill. But as it is an adverse report, the Chair does not suppose that there would be any objection to allowing it to go upon the table.

There being no objection, the committee was discharged from the further consideration of the bill, and the same was laid upon the table.

CORRECTION.

Mr. MAYNARD. I desire permission of the House to make a simple correction in the RECORD, not as a matter of privilege or as a matter of right, but simply as information on a point on which gentlemen may be misled. In the second proviso of the third section of the bill which I reported yesterday the words, as printed in the RECORD, are:

That the entire amount of notes outstanding and in circulation at any one time shall not exceed the sum of $400,000,000, now authorized by existing laws.

It ought to read, as it is in the bill, thus: "the amount of United States notes." The words "United States" have been left out.

RICHARD H. DUTTON.

Mr. HAWLEY, of Illinois. I am instructed by the Committee on Claims to report back the bill (H. R. No. 21) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont, with a substitute. I move that the bill and substitute (H. R. No. 1574) be referred to the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

RICHARD H. SWIFT.

Mr. HAWLEY, of Illinois, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1575) for the relief of Richard H. Swift; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

REVES B. FULLER.

Mr. HAWLEY, of Illinois, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1576) for the relief of Reves B. Fuller, of Wilton, Maine; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HAWLEY, of Illinois. Are all favorable reports ordered to be printed, as well as adverse reports?

The SPEAKER. Favorable reports are not always ordered to be printed.

Mr. HAWLEY, of Illinois. Then I ask that all reports from the Committee on Claims, whether favorable or adverse, be printed.

The SPEAKER. Adverse reports are always printed, because they are valuable as precedents.

SUSAN L. GALLOWAY.

Mr. DUNNELL, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1577) for the relief of Susan L. Galloway; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF MARTIN KALBFLEISCH.

Mr. DUNNELL also, from the same committee, reported a bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's heirs; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH J. PETRI.

Mr. DUNNELL also, from the same committee, reported a bill (H. R. No. 1579) for the relief of Joseph J. Petri; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF ASBURY DICKINS.

Mr. LANSING, from the same committee, reported a bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CENSUS-TAKERS OF 1860.

Mr. BURROWS, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 295) to authorize the payment of the census-takers of 1860; and the same was laid on the table, and the accompanying report ordered to be printed.

GEORGE S. WRIGHT.

Mr. BURROWS also, from the same committee, reported a bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN K. MAYO.

Mr. SMITH, of Ohio, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 512) for the relief of John K. Mayo, of New York; which was laid on the table, and the accompanying report ordered to be printed.

B. F. WEST & CO.

Mr. SMITH, of Ohio, also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 314) to reimburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from the post-office at Cambridge, Ohio, on the night of May 4, 1871; which was laid on the table, and the accompanying report ordered to be printed.

C. C. SPAIDS.

Mr. MELLISH, from the Committee on War Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 1582) for the relief of C. C. Spaids; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. LAWRENCE, the Committee on War Claims was discharged from the further consideration of the memorial of C. M. France, and an accompanying bill for his relief, and the memorial of Martha A. Ashburn; and the same were referred to the Committee on Claims.

CHARLES J. M'KINNEY.

Mr. KELLOGG, from the Committee on War Claims, reported a bill (H. R. No. 1583) for the relief of Charles J. McKinney, of Tennessee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. BROMBERG, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 1584) to prevent the importation of contagious and infectious diseases into the United States; which was read a first and second time, ordered to be printed, and recommitted to the committee, not to be brought back by a motion to reconsider.

HEIRS OF SETH LAMB.

Mr. HARRIS, of Virginia, from the Committee on War Claims, reported a bill (H. R. No. 1585) for the relief of the heirs of Seth Lamb; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

INDIAN DEPREDATIONS IN OREGON AND CALIFORNIA.

Mr. AVERILL, from the Committee on Indian Affairs, reported back the bill (H. R. No. 1586) to provide for ascertaining losses sustained by citizens of Southern Oregon and Northern California, by reason of Indian depredations in 1872 and 1873; which was referred to the Committee of the Whole on the Private Calendar.

REMOVAL OF INDIANS.

Mr. GIDDINGS. I am instructed by the Committee on Indian Affairs to report back the bill (H. R. No. 175) for the removal of the Alabama and Muscogee tribes of Indians from the States of Texas and Louisiana to the Creek Nation, in the Indian Territory, and to supply them for one year; and to move that it be referred to the Committee of the Whole on the Private Calendar.

Mr. G. F. HOAR. Is that a private bill?

The SPEAKER. It is not; and therefore not in order under this call.

MARIE BARTON GREENE.

Mr. NESMITH, from the Committee on Military Affairs, reported adversely upon a memorial of Marie Barton Greene, of Massachusetts, for relief; and moved that the committee be discharged from its further consideration, and that it be laid on the table.

The motion was agreed to.

WILLIAM H. PILKINTON.

Mr. COBURN, from the Committee on Military Affairs, reported back the bill (H. R. No. 1587) for the relief of William H. Pilkinton, late second lieutenant in Company G, Fifth Regiment Indiana Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

GENERAL O. O. HOWARD.

Mr. COBURN, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, joint resolution H. R. No. 43, authorizing a special court of inquiry concerning General O. O. Howard.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution, which was read, authorizes and requests the President of the United States to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be, when so convened, to fully investigate all the charges against Brigadier-General O. O. Howard, contained in the communication of the Secretary of War to the Speaker of the House, of date December 5, 1873, and to report their opinion as well upon moral as upon technical and legal responsibility for such offenses, if any, as may be discovered.

Mr. DUNNELL. Is that a private bill?

The SPEAKER. The Chair thinks it is. The point has been raised conversationally, and some arguments have been brought forward on each side. Yet the Chair would decide that it is a private bill, and in order under this call.

Mr. FRYE. I desire to offer an amendment to the joint resolution.

Mr. COBURN. I cannot yield for an amendment, and call for the previous question.

Mr. WOODFORD. I ask that the amendment be read for the information of the House.

Mr. COBURN. I have no objection to that.

Mr. FRYE. I desire to move to amend, by adding to the joint resolution the following:

Provided, That the accused may be allowed the same right of challenge as allowed by law in trials by court-martial.

Mr. YOUNG, of Georgia. The law gives him that right.

Mr. FRYE. I believe that in courts of inquiry there is no such thing as challenge, those courts being simply to collect evidence and report it.

Mr. YOUNG, of Georgia. I do not think there is any particular harm in the amendment.

Mr. COBURN. I cannot yield for the amendment. The President makes the appointment, and how could the right of challenge be allowed?

Mr. FRYE. If the law allows the right of challenge now, it certainly can do no harm to add this amendment.

The question was upon seconding the previous question.

Tellers were ordered; and Mr. COBURN and Mr. FRYE were appointed.

The House divided, and the tellers reported that there were—ayes 74, noes 100.

So the previous question was not seconded.

Mr. FRYE. I now offer the amendment I have indicated.

Mr. SPEER. I would like to ask the gentleman from Maine to inform the House what is the right of the accused upon trials by courts-martial in respect to challenge.

Mr. HAWLEY, of Connecticut. The gentleman from Maine [Mr. FRYE] tells me that he has not the Army Regulations in his hand. I happen to have them, and if he has no objection I will answer the inquiry.

Mr. FRYE. Certainly.

Mr. HAWLEY, of Connecticut. In reference to the organization of a court of inquiry, nothing is said about the right of challenge. As to courts-martial, article 77 in the Regulations of War provides:

When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

I suppose, if a member was challenged off, then the authority that appointed the court-martial would substitute another in his place. An analogous course would be taken in this case; if General Howard should challenge off for favor a member of the court of inquiry, the President would appoint another in his place. It is rather a delicate thing for him to do, for he must challenge and state why he thinks a member would not give him that fair trial to which he is entitled. I beg leave to say that this point was not specially brought to my attention before, but I am inclined to think on its presentation now that it would be a fair thing to do.

Mr. SPEER. Who determines upon the sufficiency of the cause?

Mr. HAWLEY, of Connecticut. The court of inquiry.

Mr. SPEER. Is there any limit to the challenge for cause?

Mr. HAWLEY, of Connecticut. I know of none, except that there can be but one member at a time challenged for cause. If one should be challenged off, then of course the court would wait until the President appointed another. Even if it should result in setting aside the whole five first appointed, there would be no injustice to the Government; and I think it is due to General Howard.

Mr. SPEER. Must General Howard be tried by officers of equal rank, or can the court be composed of officers of lower grade?

Mr. HAWLEY, of Connecticut. I have not read all these provisions; but I do not recall any that covers that point.

Mr. ALBRIGHT. I refer the gentleman to article 71 of the Articles of War.

Mr. HAWLEY, of Connecticut. I have just read article 71. The question asked by the gentleman from Pennsylvania [Mr. SPEER] is whether any member of the court may be of lower rank than the officer upon trial.

Mr. YOUNG, of Georgia. I would like to have read all the provisions upon the subject of these courts. The gentleman from Connecticut [Mr. HAWLEY] has read only one paragraph. The ninety-first Article of War explains everything.

Mr. HAWLEY, of Connecticut. I read from article 91:

In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three—

We thought that a court consisting of three members would not be large enough; therefore, in our resolution, we have provided for five—

and a judge-advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing; all of whom shall be sworn to a faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required.

Our resolution requires this court to give an opinion upon the moral, technical, and legal responsibility of this officer.

The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court-martial in cases not capital or extending to the dismission of an officer, provided that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Mr. SPEER. Will not the court provided for by this resolution have authority only to inquire and report, not to try and convict? If this is so, there is not the same reason for the right of challenge in this case as in the case of an ordinary trial by court-martial.

Mr. HAWLEY, of Connecticut. These questions ought to be answered rather by the chairman of the committee than by myself. I merely rose to answer a special inquiry, because I held the book in my hand.

Mr. SPEER. Then I direct my inquiry to the chairman of the committee.

Mr. HAWLEY, of Connecticut. Perhaps I may be permitted to answer upon this point as well as I may, and the chairman of the committee can afterwards add anything he may deem proper. It is of very little consequence to General Howard, in one view of the case, whether this court shall dismiss him from the Army or shall not dismiss him. The essential thing to him with reference to his standing in the Army or his standing in the world is the judgment of this court upon his moral and professional responsibility in this matter. Hence I think it a fair thing to give him a right to challenge.

Mr. SPEER. I now direct my inquiry to the chairman of the Committee on Military Affairs, [Mr. COBURN.]

Mr. COBURN. What is the inquiry?

Mr. SPEER. Whether the court of inquiry provided for by this joint resolution will have the power to try and convict, or only to inquire and report?

Mr. COBURN. The only power they would have under the Army Regulations would be to inquire and report testimony. If the order convening the court required them to give an opinion, they would have to do so, in addition to reporting the testimony. This resolution requires the court of inquiry to inquire and report: they are not to make any finding; they are merely to report an opinion as to the responsibility of this officer, not only technically and legally, but morally; but they are to make no finding aside from this expression of an opinion. Ordinarily a court of inquiry would only report the evidence, just like a commissioner to take depositions.

Mr. SPEER. The report will be made to the President?

Mr. COBURN. The report will be made to the President, of course, as the authority convening the court.

Mr. FRYE. I understand, Mr. Speaker, and the House must also have understood, from the reading of the joint resolution reported by the Committee on Military Affairs, that this court of inquiry differs entirely from an ordinary military court of inquiry. If the resolution be passed, this court will be instructed to make a finding not only as to the technical or legal responsibility, but also as to the moral responsibility of General Howard. It is to have nearly all the latitude of a court-martial. The reputation of General Howard being involved in the finding of this court of inquiry, the amendment I submit to the House asks only that he shall have the same right of challenge that is allowed to the accused in cases tried before courts-martial. This is a right of challenge for cause only, not a peremptory challenge. In no State of the Union, so far as I know, is a man charged with crime, as General Howard is charged here, put upon trial without being allowed the right of challenge for cause, and in most States a peremptory challenge is also allowed.

Now, sir, the friends of General Howard, of whom I count myself one—a firm friend, upon whom he can rely always until convicted by a fair and impartial tribunal—the friends of General Howard themselves ask for a court of inquiry. But they want it to be fair; they want it to be righteous; they want it to be just, and they will insist upon this; they will be content with nothing less.

I have known General Howard, sir, always, he having been born in the county adjoining my own. I have known him in his school-boy days. He was a class-mate of mine in the college where we received our education. I have known him intimately, I have known him well. I was on Meridian Hill when he marched with his regiment through the storm to the protection of the country. I was with him shortly after his arm was lost, before the wound was healed; we were together fighting on the stump to raise troops, he in sickness and weakness of body, but with a spirit undaunted, full of faith. I was with him after the war was over, and I followed him in history all through the war. I know him well; and I say, sir, that from childhood up till to-day I have never known a flaw, a stain, a shadow, upon the Christian character of Oliver O. Howard. In his boyhood he was bright, and honest, and pure. In his college life he put me to shame again and again by the pure and noble life he led. In the Army—and there lies the secret—his life, his every-day walk, was a constant reminder and reproach to hundreds of Army officers who had charge of the destinies of our soldiers. Since the war has been over I have not known a single stain, and I do not believe there is a single stain, that any court of inquiry or any court-martial, fairly constituted, can fasten upon him. I stake my life, my reputation—all that I hold dear in life—upon the finding of an honestly-constituted court-martial or court of inquiry.

Sir, the friends of General Howard do not shrink from this inquiry, neither does General Howard himself. To show you that I am speaking words of soberness and truth, I ask the Clerk to read the following communication which I have received from General Howard; and when it has been read before the House, I trust there is sufficient fairness here, in the trial of so noble a man as history has written General Howard to be, and a sufficient sense of justice, to give him the same rights that every accused man is entitled to by the laws of the land.

The Clerk read as follows:

WASHINGTON, DISTRICT OF COLUMBIA, *January* 21, 1874.

DEAR SIR: As you represent the district where I was born, and where I lived until I became connected with the Army of the United States, I feel at liberty to ask a favor of you.

Should the report of the Committee upon Military Affairs recommend the appointment by the President of a military court to investigate the charges made against me by the honorable Secretary of War, and also to determine whether or not my official administration of financial affairs has been either legally or morally wrong, I would like to have you say, that knowing my own innocence of any conscious wrong act or violation of law, and desirous of having my military and personal character established at the earliest possible moment, I am ready and willing to commit myself at once to the judgment of such a court.

At the same time, I hope that the court may not be appointed or its proceedings reviewed by the honorable Secretary of War, since he has made the charges against me; and I would like, for obvious reasons, the privilege of challenge, as in ordinary courts-martial. The objections hitherto made by me to a military court do not apply to one constituted as I have indicated as likely to be reported by the committee.

Very respectfully, your obedient servant,

O. O. HOWARD.

Hon. WILLIAM P. FRYE, *M. C.*

Mr. COBURN. What is the date of that?

Mr. FRYE. January 21, 1874.

Mr. YOUNG, of Georgia. I desire to ask the gentleman from Maine [Mr. FRYE] a question.

Mr. FRYE. I will hear the gentleman's question.

Mr. YOUNG, of Georgia. I should judge from the remarks of the gentleman from Maine that he has some reason to suppose that the President of the United States is prejudiced against General Howard, and is prepared to appoint a court to convict him.

Mr. FRYE. I understood the gentleman desired to ask a question.

Mr. YOUNG, of Georgia. Very well. Has the gentleman any information or reason to believe that the President is prejudiced against General Howard, or that he will appoint a court prejudiced against General Howard, and prepared to enter upon their duties in prejudice against him?

Mr. FRYE. The question is entirely unnecessary. I have given no intimation of anything of the kind. On the contrary, both General Howard, and I as a friend of General Howard, have unlimited confidence in the President of the United States. But, sir, the President cannot know men's hearts. He cannot know the jealousies that have arisen or the rivalries that have sprung up so well as the accused himself. I intended no reflection upon the President or upon any officer of the Army by the remarks which I made.

I yield eight minutes to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. Mr. Speaker, would it be in order to offer a substitute for the resolution reported by the committee?

The SPEAKER. The position of the resolution is, that the House having refused to second the previous question, enables the gentleman from Maine to offer his amendment. The gentleman from Maine is now on the floor, and while he occupies the floor no amendment can be offered without his consent. The gentleman will say whether

he yields to the gentleman from New York for an amendment in the nature of a substitute.

Mr. FRYE. I do not.

Mr. YOUNG, of Georgia. May not the substitute proposed by the gentleman from New York be read?

The SPEAKER. The gentleman from New York is at liberty to make it part of his remarks.

Mr. WOOD. I will refer to what I desire to accomplish by it.

My relations to the origin of these charges against General Howard compel me at this time, inasmuch as the gentleman from Maine has gone away from the immediate question for the purpose of referring to the question of guilt, to address some remarks to the House. Had he not done so I should have kept my seat and offered no remarks to the House; although I am not in favor of the resolution as presented by the committee, because, in my judgment, it is very far short of the action that is required at the present moment.

I desire to say that, so far as General Howard is concerned, I have no unkind feelings toward him. To me, personally, he is a stranger. He has never injured me so far as I know, and anything I may have done in reference to the charges made against him has been done simply, singly, and purely in the discharge of what I deem to be my duty as a member of this House. I need not, sir, refer to the origin of these charges made by myself on this floor. They were fifteen in number, comprehending not only everything that is now communicated by the Secretary of War, who has renewed those charges, but going very far outside of that, and reaching moral guilt of the highest turpitude. Those charges were referred to a committee of this House. That committee investigated them to a limited extent, and made their report to this House. The result we all know, and it is not necessary to refer to the fact that the House did exonerate General Howard from the charges I made against him, entirely exonerating him and presenting him to the people of the United States as an injured man, and as a pure, good man, and Christian statesman and soldier. Sir, let that pass. General Howard said then, as he says now, to the gentleman from Maine, [Mr. FRYE,] "I am ready, and desire inquiry;" and after quibbling and avoiding, during that investigation, every possible inquiry that could be made; after inducing witnesses to absent themselves from the court-room by threats, by coaxing, by efforts to intimidate, and the other means used in courts of justice to prevent the truth from coming out, yet he told us and he told the world he was ready for inquiry. And, again, when the Secretary of War first called on him to answer as to certain accounts growing out of the closing up of the Freedmen's Bureau, he said, "I am ready for inquiry;" but down to this hour he has always avoided inquiry, and he will yet prevaricate and evade and interpose every technical objection to avoid, if he can, final inquiry and final punishment.

Now, sir, this resolution, allow me to say, as it comes from the committee, is directly in the line of avoidance of inquiry. These gentlemen know, as well as we all know, that under existing law a court of inquiry cannot be convened; that it cannot be done until that existing law shall be altered, amended, or abolished. A court of inquiry must consist of three members; and such a court of inquiry can, under ordinary circumstances, be called by the President of the United States, without the intervention of Congress, under existing law; and the only reason why that course has not been adopted is, that there has been some doubt in the mind of the Secretary of War whether the circumstances out of which these charges arise, having occurred long since, and not within the time within which such inquiry could be had, he had the power to institute such court.

Now, we all know that if we pass this resolution it must go to the Senate for concurrence and there must be delay, whereas a simple House resolution, calling upon the President of the United States to institute a court of inquiry in the case, is all that is required, if gentlemen really desire that General Howard should have an opportunity to meet these charges. I hold in my hand a resolution which I desire to offer as a substitute for the resolution reported by the Military Committee, and which I will read as a portion of my remarks. It is as follows:

Resolved, That the President be requested to convene a court of inquiry into the charges made against General O. O. Howard by the Secretary of War, and General Vincent, and Adjutant-General Townsend.

It is not necessary to make it a joint resolution, which would be subject to long delay in the Senate, where it might finally be submerged in the necessity of hasty legislation, growing out of the closing of the session. The resolution of the committee is exactly in the line that General Howard has pursued. He stands before the world as an innocent man desiring investigation, but he interposes to prevent by every available means the possibility of an investigation. I hope that the gentleman from Maine [Mr. FRYE] will allow me to test the sense of the House upon my resolution as a substitute for that reported by the Committee on Military Affairs.

Mr. FRYE. I decline to yield for that purpose.

Mr. WOOD. I desire to inquire whether, if the gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs, consents to my offering this amendment, the gentleman from Maine can prevent it?

The SPEAKER. The attitude of the case is this: The House refused to second the demand for the previous question on the resolution reported from the committee by the opposition of the gentleman from Maine, [Mr. FRYE,] who desired to offer his amendment. That, under the rules of the House, gives him a right to the floor to offer his amendment and also a right to test the sense of the House whether the previous question shall be seconded. When he shall move the previous question, if the House shall decline to second it, it will be the duty of the Chair to recognize the gentleman from New York to try his substitute. The whole matter is within the control of a majority of the House.

Mr. FRYE. I now yield five minutes to the gentleman from New York, [Mr. WOODFORD.]

Mr. WOODFORD. Mr. Speaker, it is now nearly thirteen years since a regiment from Maine, under the command of then Colonel Oliver O. Howard, marched through the city of New York, on its way to the front. By the courtesy of the citizens of Maine resident in New York I was permitted at that time, in their behalf, to present the standard which the regiment bore, and which it brought home all shot-riddled and honored. We then pledged to those men, and we pledged to their colonel, that we would stand by them in the struggle on which they entered. Years passed, and he who was one of the early colonels of the war was permitted, under Providence, to become a leader in that movement which placed the musket in the hands of the slave, and lifted the downtrodden black man up to the full stature of manhood and American citizenship. You and I know how slander and the shaft of venom have followed Oliver O. Howard from that time until now. You and I, Mr. Speaker, have heard even this morning that the suggestions of Christian statesmanship and of the Christian soldier are sneeringly and tauntingly urged upon this floor. Sir, if Christian statesmanship has suffered wrong, so much the worse for those who have used the name of the Master to cover crime. If Christian soldiership has suffered wrong, so much the worse for those who have used the sacred name to shield cowardice or conceal crime. But there never was an hour when sincere and earnest Christian statesmanship and Christian manhood were so needed in this country and on this floor as to-day.

It is known by all that the statute of limitation had practically run against many of the offenses which are charged upon Oliver O. Howard. You and I also know that he, of his own generosity, has waived all his claim on that ground and submitted the entire case. You and I know that courts of inquiry are generally directed to ascertaining legal guilt. But this resolution which has been here introduced requires this court of inquiry "to report their opinion as well upon moral as upon technical and legal responsibility." This inquiry is to go to the very root and essence of the whole matter. And there is not a gentleman on this floor but knows that the finding of this court will be the ultimate judgment of large masses of the people of this country.

There is no friend of General Howard who holds him so dear that he would shield him if wrong. All that we insist upon is, that in a case that will involve the trial of some political questions, which will arouse some jealousies of race and of section, there shall be an impartial court and an absolute investigation, in order that justice may be done between Oliver O. Howard and his accusers. We plead for simple justice; we ask for no delay.

If my memory serves me right, some sixty-three days were occupied in the investigation before the committee which had under consideration the resolutions and the accusations presented by the honorable gentleman from New York, [Mr. WOOD.] If my memory serves me right, the honorable gentleman from New York occupied sixty of those days, and the accused, General Howard, occupied three of the sixty-three days. The committee confounded the accuser and cleared the accused. Simple justice is all that we ask. That justice the nation demands for one who has borne an honored name, and whose fame is part and parcel of the heritage of the whole land.

Mr. FRYE. I now yield for ten minutes to the gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs.

Mr. COBURN. It may be well that the minds of the House shall be cleared a little after the declamation we have heard in relation to the character and services of General Howard. No man goes before me in respect personally for General Howard and for his services or his character. But what earthly reason there can now be for discussing his character or his services or his merits, as a soldier and citizen, I, as a member of the republican party and a radical republican, having always been one, cannot see. What he was, what he is, what is his history, his renown, is aside from the question before the House.

We are here now to settle the simple question as to whether the President shall have power, unlimited by this resolution, to appoint the court of inquiry, or whether General Howard shall have given him, in express terms and in an unprecedented way, the right to challenge such persons as he desires. That is all there is in it. I have confidence that the President will, judiciously and fairly and honestly—I will say further than that, that he will kindly—appoint a court in this matter; and that whatever may be the right of the accused generally to challenge members of the court is not affected by an omission in this resolution.

What relation does the President bear to General Howard? A companion in arms; a man whose fame is common with his in all the transactions of which Howard or the republicans of this country are proud. His glory is inseparable from the glory of General Howard.

And his management of the Freedmen's Bureau, as the executive officer of the United States—for the President of the United States had the management of the Freedmen's Bureau, as had General Howard, in a general sense—his management of the Freedmen's Bureau was identified at every step of its progress with the management of General Howard, and if he is to be condemned, the President is to be condemned side by side with him; that is inevitable. And if disgrace is to be brought upon General Howard and upon the republican party by his management of the Freedmen's Bureau, it attaches to the very man who is to constitute this commission.

Why, then, all this declamation about what General Howard has done? Why this demand of this House that "the fair thing shall be done;" that "justice shall be done?"

Who proposes to do anything unfair? Who proposes to do anything unkind? Who proposes to do anything unjust? Who proposes to do anything unreasonable? Why should there be clamor here to-day for kind and just and reasonable action? The resolution now before the House comes from men who are friendly to General Howard; and as the letter dated the 21st instant has been read, I will tell the House something of a more recent date that has been communicated from General Howard. No longer ago than yesterday, as I sat in this seat, with the joint resolution in my hand, I had a conversation with him upon this very matter; and he told me that the resolution suited him—that it might be passed without objection. He told me that he would go to the gentleman from Massachusetts, [Mr. BUTLER,] who some days ago suggested an amendment that a majority of the court should consist of officers who had been in command of colored troops, that he would tell the gentleman from Massachusetts he did not desire an amendment of that kind; that he was willing the resolution should be passed by the House in the form agreed on by the committee.

Now, if the friends of General Howard—his special, self-constituted friends—desire to do more for him than he asks for himself, in Heaven's name, let it be done. I count myself also among his friends. But for the fact that that letter was read at the Clerk's desk I would not have repeated in the presence of this House what was said by him to me in relation to this matter. But I feel that any action of the House to-day limiting the power of the President in making these appointments, by allowing to the accused the right of challenge, would be an imputation upon the President himself. While I believe the proposition has not been offered in any such spirit—far be it from me to say that the gentleman from Maine [Mr. FRYE] or any other gentleman who favors this proposition intended anything of that kind—the adoption of such a provision would, in the opinion of the thinking men throughout the country, be construed as an expression of lack of confidence in the President of the United States—in his fairness, his sense of justice, his kindly feeling toward one of the most distinguished men that served in our Army during the war. It is a useless provision at best, containing what is found nowhere else in the laws authorizing courts of inquiry.

As to my own position in this matter, I will say (because it is all about to be made public) that I am one of those who have been in favor of this body making the investigation, instead of having it made by a court of inquiry. While I am not among those who have thought the latter the most advisable tribunal, I say if we must have a court of inquiry, if we must submit this matter to military men, who ought, in my judgment, never to have had jurisdiction of it, let us trust the President of the United States in making the appointment of the court; let us repose some confidence in him; let us not expressly threaten him with challenges in advance. If any gentleman has any apprehension that the Secretary of War may have undue influence in the appointments, let me say that I have the best authority in the world for stating that the Secretary of War will have nothing whatever to do with the appointment of this commission, the conduct of the investigation, or the report that the court may make. The court will be solely under the direction of the President. I have confidence in him; I desire to intrust him with the responsibility in this matter. I insist that the resolution ought to be passed as reported, without threat, warning, or caution against the President.

Mr. FRYE. I now yield three minutes to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. SPEER. Will the gentleman from Maine [Mr. FRYE] allow me to have an amendment read?

Mr. FRYE. Yes, sir.

Mr. SPEER. I think the amendment I send to the Clerk's desk will obviate the objection to the amendment of the gentleman from Maine.

The Clerk read as follows:

Provided, That when a challenge shall be made, its sufficiency shall be determined by the President, upon the reasons publicly assigned by the accused.

Mr. SPEER. This amendment will allow the President, instead of the court, to determine the sufficiency of the challenge.

Mr. BUTLER, of Massachusetts. I would not trouble the House on this question but for the fact that in going about the House I have heard gentlemen say that this is like an inquiry by a grand jury, and I have been asked more than once whether in the courts of the United States there is a right of challenge as regards a grand jury. Upon that point, I wish to say that in the most important case that ever came before a court of the United States—the case of Aaron Burr upon trial for treason at Richmond, where Chief Justice Marshall presided in person—this question was debated. After the argument the district attorney admitted the right of challenge at common law; the court decided that the accused should have the right; and he did challenge two of the grand jurors. Since this question arose, I have sent for the book and have refreshed my memory as to the facts.

I want to say further that I do not regard the amendment of the gentleman from Maine [Mr. FRYE] as an imputation upon the President, any more than I would look upon a challenge of a grand juror as an imputation upon the marshal who had the right of selection. He may have selected men generally regarded by him as "good and true men;" yet it may turn out that in the case of some particular juror there may be some personal partiality or enmity, or, as happened in one case in my own State, one of the grand jurors may have been formerly convicted of crime—a fact unknown to the officers of the court until brought out by strict inquiry on the part of the accused. Under these circumstances I do not look upon this as implicating the President or bringing any distrust upon him.

Now let me say, what is due to my friend, the chairman of the Committee on Military Affairs, as well as to General Howard, that General Howard came to me and said that he did not desire that I should press my amendment to the resolution, that three officers of the colored troops shall sit upon the court of inquiry; that he was satisfied with the resolution; that he had no doubt the President would do right. But while I could easily see that he was perfectly satisfied that it would not be proper, courteous, modest, or in good taste for him to object to any tribunal that his superior officer, the President of the United States, might choose, and while he felt a delicacy, undoubtedly, in asking to have this provision put in, as I should had I been in his place, still the question is not one for General Howard or for the President, but it is a question of precedent in the administration of public justice. This court of inquiry makes an indictment; nay, further, it makes a decision; and all that anybody asks is that it shall be a fair tribunal. And I know that the chairman of the Committee on Military Affairs, if the matter had been brought to his attention before he reported the resolution, would have seen no objection to it; and he now feels that he is treated a little unkindly in being thought to be opposed to General Howard, and unfriendly to him.

But is there really any objection to this proposition? If it should so turn out that one of the officers innocently and properly selected by the President had cause of personal grievance against General Howard, would anybody desire that he should be tried by his personal enemy? But we can suppose a case of one who had stated an adverse opinion. If he should know that an officer—which the President might not know—had said, "I believe General Howard to be guilty; all the evidence in the world would not convince me of his innocence;" would you desire him to be tried by such an officer? Yet the officer might be a very honorable man. Take General Hooker. If one might believe the newspapers, which I do not always believe—if the President believed he had already expressed in public the opinion which he is said to have expressed, of course he would not choose him. Suppose some other officer had expressed the same opinion privately, would the chairman of the Military Committee or anybody else, friend or enemy of General Howard, desire he should be tried by an officer so circumstanced? Clearly not. This only gives a right of challenge for cause, to be decided by the remaining unchallenged portion of the court.

Mr. HAWLEY, of Illinois. If an hour is allowed after the seconding of the previous question, I should like to have a portion of it.

The SPEAKER. The gentleman from Indiana [Mr. COBURN] would be entitled to the hour.

Mr. COBURN. I desire that some other gentlemen should have the opportunity of expressing their views. I yield to the gentleman from Illinois, [Mr. HAWLEY,] if the Chair accords me the floor.

The SPEAKER. The Chair has no discretion in the matter.

Mr. COBURN. The gentleman from Illinois may have five or ten minutes.

Mr. HAWLEY, of Illinois. I hope the gentleman from New York [Mr. WHEELER] will not manifest too much impatience. Certainly any debate on this matter was not precipitated on this House by the Committee on Military Affairs. There was no disposition whatever shown by that committee, or any member of it, to discuss this joint resolution. But it seems to me, from the discussion which has taken place here this morning, that it is sought by some to lead the House and the country to suppose that the Military Committee, or some portion of it, is not friendly to General Howard. Now, I believe I may say that as far as I know, and I think I am now in a position to know the sentiments of all the members of the committee, since this question has been under discussion there is not a member of that committee who is unfriendly to General Howard, or would see any injustice done to him.

The chairman of the Committee on Military Affairs stated that if he had had his own way he would have had this investigation conducted by a committee of this House. I would have opposed that. I am in favor of this resolution with the amendment proposed by the gentleman from Maine; and I think if General Howard had suggested to the committee that he desired such a provision to be placed in the resolution there is not a man upon that committee who would have opposed it. It never occurred to me, and I think it never occurred to any gentleman upon the committee; but when it is suggested I see the pro-

priety of it and think it should be adopted. And I am sure a majority of the committee, so far as I can judge from the way in which the majority of the members of the committee have expressed themselves, are in favor of the amendment of the gentleman from Maine.

Now the case, in my judgment, occupies a very different position from that of ordinary cases that may come before courts of inquiry. There are special considerations applicable to this case. It is a very important one. It has attracted very wide notice throughout the country. Everybody in the country is interested in it. General Howard has handled—he and his subordinates—millions of money, and everybody is looking now to the inquiry which shall be conducted in regard to it, particularly after what the Secretary of War has said in his letter to Congress.

It appeared to the Committee on Military Affairs that he should be tried by his peers; that being an officer of the Army very high in authority and command, he should be tried as other military officers are tried, by those whose verdict, after they shall have rendered it, will carry weight one way or the other. If the case should be investigated by Congress again there may be a great deal of dissatisfaction with the result, let Congress or the committee decide one way or the other; but if he shall submit to being tried, as he is willing to do, by his peers, having five Army officers to try him, he can go with confidence before that tribunal, and the country will look upon the decision of that tribunal as a settlement of the questions involved.

I do not hesitate to say, sir, that I am a friend of General Howard. I wish to see him have a fair trial, and I would be as unwilling and reluctant as any man in the world to see him put before a tribunal that would not do him justice; but after a careful consideration of the question, I have come to the conclusion, as a majority of the committee have done, that this is the fairest and best way of proceeding, and the only necessity for this joint resolution is that it is proposed to increase the number of the court from three to five, which, I think, is very wise and prudent, and which I hope Congress will adopt. As I said before, I am heartily in favor of the resolution, with the amendment of the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I yield now for ten minutes to the gentleman from Iowa, [Mr. DONNAN.]

Mr. DONNAN. Mr. Speaker, no man in this House is more heartily pleased than myself to listen to the laudations of General O. O. Howard. No man in this country who reads its history for centuries to come will forget his memory. But the question now is whether we shall go into an examination relative to certain charges which have been preferred against him, or whether we shall refer the case to a court of inquiry of his peers in the organization in which he serves.

It has been intimated here that he stands charged before his country by the Secretary of War. I ask the members of this House to consider for a moment how this matter happened to come before the committee of which I am a member. It is now three years since there were charges made against this officer for his conduct in the Freedmen's Bureau. An investigating committee of Congress examined those charges and exculpated him. What was the result? Was the country satisfied? Were the members of the opposition in this House satisfied? On the contrary, in the very next Congress we found similar charges preferred by members of the opposition here, and a demand for further investigation. The matter passed over during the last Congress, and scarcely had we been seated in the present Congress before like charges were again preferred by a member of this body, and a demand made that the House should go into another investigation with reference to them, or that a court of inquiry should be ordered to try him. Now, it was because the last Congress preferred additional charges against this officer that the Secretary of War felt it to be his duty, in response to the action of Congress and in response to complaints that were being made, to submit the question to Congress for its consideration. General Howard, in his recent letter which was published to the country about a month ago, intimates that the Secretary of War is the person who stands charging him with crime before the country. Not at all. No man who listened to the kind sentiments expressed toward this officer by the Secretary of War before the Committee on Military Affairs would for one moment doubt that the kindest possible relations exist between the two. But the Secretary of War like myself, and I hope like every other member on the floor, feels not only confidence in General Howard, but a sincere wish in the depth of his heart that this matter may be fully investigated, and General Howard not only exonerated but fully exculpated before the House and the country.

A word now as to the action of the committee. After mature deliberation it was decided by the committee that, with the amount of business on its hands, and in view of the fact that a former committee had gone through an investigation the result of which proved unsatisfactory and had only resulted in producing additional charges, if the committee should undertake the investigation and exculpate General Howard, charges would still be made by the minority on this floor and the minority in the country that there had only yet been a whitewashing report. It was believed by the Committee on Military Affairs—and I believe I may say that every member of that committee is extremely friendly to General Howard, and hopes his character may stand unblemished before the country; it was believed that in justice to him, in justice to the country, in justice to the Christian Church, who demand that no member of its organization, standing in a position of high influence and responsibility, shall stand accused of charges of misconduct before the world without having an absolutely fair, but at the same time thorough investigation; I say it was believed by the committee best to recommend the appointment of a court of inquiry, who should sift these charges to the bottom. At the suggestion of the officer against whom the charges are made, the committee agreed to authorize the court to examine into any charges of moral misconduct, as well as technical official misconduct.

As to the amendment which has been offered by the gentleman from Maine, [Mr. FRYE,] I would like to ask him whether it is offered at the request of General Howard? I do not understand it to be asked in the letter which has been read. This officer stated to the committee that he was entirely satisfied with their recommendations. I have only this objection to the amendment offered: it was suggested by the gentleman from Maine [Mr. FRYE] that it was an unheard-of thing that there should be a court of inquiry appointed without giving this officer the right to challenge, because this court of inquiry is required to report their opinion. Sir, that is provided for in the military law. Ever since military law was established in this country, courts of inquiry may, at the suggestion of the officer appointing them, be required to report their opinions upon any question submitted to them. This case does not stand upon any different ground from any ordinary court of inquiry. The only difference is that it is to be composed of five instead of three officers.

In my judgment it is unwise for the friends of General Howard to ask that he be made an exception to the rule applying to other officers of the Army; to ask that he shall have the right of challenge which no other officer of the Army is permitted to demand in his own behalf; to ask that he shall be permitted to challenge a court of inquiry to investigate facts. I believe that it is for General Howard's interest, that it is best for his character, if he shall be exculpated, as I hope he will be, that no court of inquiry shall be summoned differing in any regard from one regularly appointed by military authority.

For this reason I hope the House will not change the resolution as reported by the Military Committee; that they will not make the case of General Howard an exceptional case; that they will show to the country that they are willing and desirous to place themselves where General Howard himself says he wants them to place themselves, in favor of an investigation before a court organized by the President, who, as the chairman of the committee says, will deal justly, fairly, and honestly in the organization of this court.

I doubt whether you can find an officer in the United States Army but what would prefer to be tried by his peers rather than in any other manner. And I think if you were to ask the general officers of the Army if they wished to be made exceptions to the general rule applicable to a court of inquiry, they would say they wished to stand precisely in the same position in which officers of the Army are compelled to stand when their conduct is undergoing investigation.

I hope this amendment will not be adopted. I believe a court of inquiry of five officers, summoned by the President, declared by General Howard himself to be satisfactory to him, will do him substantial justice. And there is no man here, there is no man who ever attended college with him, or ever served under him, or is nearest to him in friendship, who will rejoice more heartily than myself if that court of inquiry shall absolutely exculpate him from all blame in this matter.

Mr. COBURN. I now yield to the gentleman from Tennessee, [Mr. THORNBURGH.]

Mr. THORNBURGH. I am one of the members of the Committee on Military Affairs of this House who believe that that committee is the proper tribunal to investigate this whole matter. Grave and serious charges have been made against General Howard by the Secretary of War. The duties upon which General Howard was engaged at the time the public moneys are said to have been squandered were not purely of a military character. Under a special law of Congress he was assigned to duties which were, to say the least of them, of a civil as well as a military character.

The Committee on Military Affairs is composed of gentlemen who have not only had some experience in military matters and military law, but gentlemen who have been engaged in the practice of the profession of law, and who are familiar with investigating subjects of this character. I earnestly desire a full, fair, and thorough investigation of this whole matter, with men of both political parties to make that examination, a committee acquainted with military law, and men who have made the study and practice of law the profession of their lives. With such men I think we can have a full, fair, and thorough investigation, with such a report upon the facts as will do General Howard justice and satisfy the country that Congress has done its duty in regard to the charges against him. I would be glad to see this whole subject referred back to the committee, with instructions to investigate it and report to the House.

I cannot now, in the present attitude of the question before the House, enter a motion I desire to submit. But if this amendment should be voted down, and the gentleman from Indiana, the chairman of the committee, [Mr. COBURN,] will yield the floor to me, I will then move that this whole question be recommitted to the Committee on Military Affairs, to fully investigate and report upon all matters involved.

Mr. COBURN. I now yield to the gentleman from Connecticut [Mr. HAWLEY] for five minutes.

Mr. HAWLEY, of Connecticut. I shall trouble the House for as brief

a period as possible. I propose not to begin by saying whether I am a special friend of General Howard or not, for that is not the question. I propose not to begin by a eulogy upon his brilliant military services, for that is not the question. I am anxious for two things: first, that he shall have a thorough trial; and, next, that there shall be a complete and unlimited investigation of the whole range of charges submitted by the Secretary of War, in justice to him, in justice to the country, and in justice to the House of Representatives. That is all that I shall speak to.

It was first proposed that there should be an investigation by the Committee on Military Affairs. At the first blush I thought favorably of that proposition. But it afterward occurred to me, and it is now my conviction, that it is best not to have the investigation conducted by that committee. Why? I do not distrust the ability or the fairness of that tribunal. For myself individually I should be willing to be tried by the Committee on Military Affairs; and I doubt not General Howard would be. But I do not care, so far as this case is concerned, whether he would or would not. That committee is composed, with a single exception, of men who have served in the Army on one side or the other; and whichever side they may have fought upon, I would trust them to decide honestly this case, according to the standard of professional honor as recognized in every army that I know anything about.

But what would be the result if that committee should try the case? Suppose the committee should acquit the accused entirely? General Howard's case would be as unsettled as it is now. A large portion of the country would turn upon us with the reproach that the tribunal making the examination was simply a "whitewashing" committee of political partisans. Now, while ordinarily, in the performance of what seems to be duty, I prefer to go on and do my duty scorning such charges, I think it really better for General Howard, and the Army, and the committee, and the House, that we should now fix upon such a tribunal that nobody can have an excuse for finding fault with its verdict. We propose therefore to remit the whole case of General Howard to the President, the proper authority in all such cases, that he may appoint a court of inquiry, as provided for in the Army Regulations.

It is true we make some little deviation from the ordinary method of conducting courts of inquiry. In the first place, however, we do not limit the investigation in any way. We give to General Howard and the Government a wider field of inquiry than there would be under an ordinary court-martial. Before such a tribunal the investigation is usually confined to an examination of direct charges and specifications. In this resolution we authorize the court of inquiry to take the whole body of evidence and charges submitted by the Secretary of War, and make a general examination. It seems to me that this ought to be satisfactory to everybody, whether a friend or an enemy of General Howard. Whatever may be the belief of any man in the justice or the injustice of this case, it must be conceded that there can be nothing fairer than this unlimited investigation.

It has also been thought proper by the committee that in this exceptional case the court should consist of five officers rather than three. Does not this proposition commend itself to the unprejudiced judgment of every member of this House? Is not the court likely to be a fairer, more satisfactory tribunal, if it be composed of five experienced Army officers than if it should consist of only three? I think that clearly the resolution is right in this respect.

Then, as to the right of challenge. The gentleman from Massachusetts, [Mr. BUTLER,] and other gentlemen whose opinions on questions of law are entitled to great respect, have shown that there is a right of challenge even in the case of an ordinary grand jury. Indeed, I cannot suppose that there can be any legal tribunal, final or preparatory, that cannot be reached by some sort of challenge for favor. Indeed, many able lawyers would hold (and I have the opinion of one such who sits near me) that the right of challenge pertains even to a court of inquiry, because members of the court take this oath:

> You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God.

Now, suppose a person on trial before such a court should know perfectly well that some member of the court, appointed in good faith by the commanding officer, had expressed a decided opinion or had a prejudice against the accused, would there not be, even in a court of inquiry, the right of challenge? I am inclined to think there would be; and though I do not know the precedents, there are lawyers around me who I think would compel a court of inquiry in such a case, under the law as it now stands, to admit the right of challenge. But as the right is not entirely certain, why should we not assure it in this case by a specific provision?

But there is an additional reason for giving that right in this case. We propose to give this court of inquiry a wider scope than it would have ordinarily under the law. The ordinary provision is that "they shall not give their opinion on the merits of the case excepting they shall be thereto specially required." We propose to require that this court shall express an opinion, not alone upon the legal or pecuniary responsibility of General Howard for any squandering of public money that may have occurred in the management of the Freedmen's Bureau, but also upon his moral guilt. We provide that his whole standing as a man, as a soldier, and as an accounting officer, shall be investigated; and we propose that this investigation shall be conducted by five regular Army officers.

One word as to the reflection which this amendment is supposed to imply upon the President of the United States. I shall not say whether or not I know anything of the President's opinions upon this matter from any conversations with him; but I have the same unlimited confidence as the gentleman from Maine, [Mr. FRYE,] that the President of the United States, knowing this officer and having a high regard at the same time for the professional honor and integrity of the Army, will hold the scales evenly, and will, so far as it may be within his power, appoint a fair court. But he may not know everything in regard to the character or opinions of the men whom he appoints; and it seems to me perfectly right that the accused, if he knows something upon this point that the President does not know, should be allowed to specify it as a ground for challenge; for he can only challenge for favor.

[Here the hammer fell.]

Mr. COBURN. I yield five minutes to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I shall not need more than a moment or two to state the reason which controls my vote on this amendment. I am not the friend of General Howard, nor am I conscious of being in any sense his foe. By no act, nor vote, nor wish of mine will the luster of his fame, either civil or military, be ever wantonly tarnished. With regard to his guilt or innocence of the offenses charged upon him I have no opinion except the general inclination of my mind to discredit charges made against men occupying high and responsible stations. But I would respectfully submit that when such charges are made, emanating as these do from a source so exalted, it is far better for his reputation that such accusations should be met by a calm, serene, and dignified demand for a prompt and public trial rather than by rhetorical laudations on the part of his friends of his past career.

Now, sir, with regard to this amendment. My opinion is, that a party accused before a military court of inquiry has the right to challenge a member of that court for cause. The military law in this country and in England is subordinate to the civil and municipal laws. The general principles of jurisprudence are supreme, and the soldier does not lose his rights as a citizen. The right of an accused to challenge for cause any member of a tribunal before whom he is brought for trial is a right inherent in the principles of public law, peculiar to no one country, but of universal application to criminal trials and investigations whether preliminary or final. No regulation or special statute has been cited subversive of this right.

But, sir, if this principle of common and public law has been superseded by any special regulation or custom obtaining in the conduct of these preliminary military trials, I think there should be no departure from that regulation in the proposed inquiry. Arbitrary, unjust, and harsh as such a rule (if it exist) must be, if it is the law General Howard should not be specially exempted from its operation. Any attempt made by his friends to vary his trial from the regular and established procedure will subject the accused and the proceeding alike to grave misconstruction, and will break the value and force of that acquittal and vindication which have been so confidently predicted by his eulogists in this debate.

However elevated in position, or brilliant in his career, or useful in his services to his country, he ought not to be placed above the law; nor should the stringency of its rules be relaxed for his benefit.

Opposed, therefore, to any special legislation—any special favor—I shall vote against this amendment; believing, however, that as a general principle the right of challenge attaches to an accused in these trials, especially in view of the fact that no rule or special provision forbidding or depriving him of such a right has been produced in this discussion.

Mr. COBURN. I yield five minutes to the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. TOWNSEND. Mr. Speaker, I would not have participated in this debate had it not been for a remark made by the gentleman from New York, [Mr. WOOD,] that though an investigation had been made some time ago by a committee of this House, of which I was a member, that investigation was only a limited one. My own self-respect and the justice that is due to the remainder of the committee, the greater portion of whom have passed away from this House, require me to say that the charges which have been made by the gentleman from New York, charging a limited investigation, or any limitation on the part of anybody connected with that investigation, are not founded in fact.

The committee appointed on that occasion to listen and adjudge upon the fifteen counts in the indictment of the gentleman from New York against General Howard, sat with great patience for sixty-three days, as has already been stated to the House by the gentleman's colleague from the city of Brooklyn. There was given to the gentleman from New York who preferred these charges the greatest power of the Government so as to secure the largest liberty of investigation. It conferred upon him all the authority that this House could give. It gave him the services of the Sergeant-at-Arms. It issued subpœnas, and enabled him to range the country from one end to the other. He had everything in the way of an opportunity for a varied and extended investigation that any accuser could require. He summoned witnesses wherever he thought proper. He brought them before that committee, and for sixty long days, earnestly, carefully, faithfully,

fairly, and patiently, we listened to the accusations and the testimony that he chose to bring forward against General Howard.

In replying to the accusations and the testimony that were offered against him General Howard occupied but three days. In that brief period of time we heard his testimony. We allowed, also, the counsel whom his accuser produced there to argue the case; we heard the argument upon the other side; and after full and faithful consideration we came to the conclusion that General Howard was not guilty of the charges that were preferred against him. Eight out of ten of that committee decided that the charges made had entirely failed, and they authorized me to lay before the House this resolution, which, by a vote of the House of 134 yeas to 52 nays, was adopted. I ask the Clerk to read the resolution.

The Clerk read as follows:

March 2, 1871, Mr. TOWNSEND moved to suspend the rules and pass the following resolution of the Committee on Education and Labor, namely:

Resolved, That the policy pursued by the United States toward four and a half millions of its people suddenly enfranchised by the events of a great civil war, in seeking to provide for their education, to render them independent and self-supporting, and in extending to them civil and political equality, is a source of just national pride; and that the House hereby acquits Major-General Oliver O. Howard of the groundless and causeless charges lately preferred against him, and does hereby declare and record its judgment that, in successfully organizing and administering with fidelity, integrity, and ability, the Freedmen's Bureau, which has contributed so much to the accomplishment of the first two of these great ends, he is deserving of the gratitude of the American people.

Mr. TOWNSEND. I have called for the reading of that resolution to show that in the estimation of a committee of this House the charges that were then made by the gentleman from New York were "groundless and causeless," and that General Howard was entirely acquitted from them, and to redeem the committee from the accusation that seems to have been made by the gentleman from New York, whether intentionally or not, of having endeavored to screen General Howard, or of having acted unfaithfully toward the House in making the investigation. They made it, as I said before, patiently and carefully and thoroughly, and arrived at the results which are contained in the resolution; and the House, after having all the testimony before it for twenty days or more, came to the conclusions that are embodied in that resolution, and passed it by the vote I have already stated.

Having vindicated the committee from what I considered the unfounded charges of the gentleman from New York, I give back the floor to the gentleman from Indiana.

Mr. WOOD. I ask the gentleman from Indiana to yield me five minutes.

Mr. COBURN. I have agreed to yield just now to the gentleman from Pennsylvania, [Mr. ALBRIGHT.]

Mr. ALBRIGHT. When in the early part of this session the communication from the Secretary of War and the accompanying documents were presented to the House, I believed it was proper and right for the Committee on Military Affairs to investigate this matter. I believe now it would be better to have the Committee on Military Affairs do this, because they have all the power that a court of inquiry could have, and more too; because whatever findings they arrive at can be accompanied with such recommendations to Congress as may be deemed proper to legislate upon. Now, a military court of inquiry can do nothing of the sort. It has no power beyond its findings, and its findings must be simply in the form of recommendations. But since the committee has determined that this matter shall be referred to a court of inquiry, I do not feel disposed to resist it. I do not, however, see any objection to what is proposed by the gentleman from Maine, [Mr. FRYE,] because, by the Articles of War, there is special provision made for courts-martial, and also for courts of inquiry, and the law which is applicable to one is not applicable to the other. The manner in which courts-martial are organized and constituted differs from that in which courts of inquiry are constituted under the law which prevails. A court of inquiry must be organized and provided for by the President of the United States, if he sees proper, or when demanded by the accused. A military officer, ordinarily, cannot organize a court of inquiry; it must be done by the President, or upon the demand of the accused. Now, in all trials where a man is accused of a crime he has a right to challenge. This is really not such a case as comes properly before a military tribunal, and it requires special legislation to bring it there. It is true, in my judgment, as has been remarked by other gentlemen who have addressed the House, that the men who might be named by the President to constitute this court might be men who would be prejudiced against General Howard, and yet the President not know that fact. It must be observed, however, that the challenge of General Howard would not be conclusive; because, while he may challenge, he must challenge for cause, and the sufficiency of that cause must be determined by the court itself. I refer gentlemen to the seventy-first Article of War, which relates to this subject, and is in these words:

When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Now that is the law which relates to courts-martial, and it is the law which it is proposed to make effectual for this court of inquiry. What objection can there be to it? It is said that it will be an imputation on the President. I cannot see in what sense it will be a reflection on him, because it is simply a provision designed to protect the rights of a man who is presumed to be innocent until he is found guilty by the tribunal that is to try him.

Now, sir, like the gentleman from Connecticut, [Mr. HAWLEY,] I do not feel that this is the time or place to express our laudations of General Howard, or to say how much we admire him for having fought for his country, and for what he has done more recently. The question is whether General Howard is guilty of these charges and accusations. And there is this other question, what court or tribunal shall try him? I say, therefore, that I am in favor of having General Howard tried by a military court of inquiry, with the right to challenge any of his triers for cause.

Mr. COBURN. I now yield for a few moments to the gentleman from Georgia, [Mr. YOUNG.]

Mr. YOUNG, of Georgia. There is nothing in this amendment, except that it is an imputation upon the President and the Army. No court of inquiry in the world ever denied the right of an accused to challenge one of its members. I have served upon many of them. A court of inquiry is the highest tribunal known to military jurisprudence. It has power far beyond that of a court-martial, excepting to prescribe punishment; it has power that a court-martial does not possess, in procuring testimony, and there is no court of inquiry, no military authority which ever denied any accused before it the right to challenge one of its members. In order to prove this I have, since the beginning of this discussion, sent a dispatch to the War Department, and have received the answer, which I send to the Clerk's desk, and desire to have read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, D. C., January 30, 1874.

Hon. P. M. B. YOUNG, *House of Representatives:*

Secretary at Cabinet. It is held by all the authorities to be an established principle that the accused has the right to challenge members in a court of inquiry.

H. T. CROSBY, *Chief Clerk,*
(For Secretary.)

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. YOUNG, of Georgia. With pleasure.

Mr. BUTLER, of Massachusetts. What harm is there in putting this in and making it certain?

Mr. YOUNG, of Georgia. What harm would there be in putting in an amendment that would require the President to appoint an impartial court?

Mr. BUTLER, of Massachusetts. I do not think it would do any harm.

Mr. YOUNG, of Georgia. I think it would do considerable harm; it would be a reflection on the Chief Magistrate of the nation. The right of challenge in a court of inquiry has always, I repeat, been regarded as the prerogative of the accused. Courts of inquiry do not partake of the prosecuting features of courts-martial. They have even been regarded as a means of defense against unjust accusation from parties who are prejudiced. None of the functions of courts of inquiry are in the interests of the prosecution, but all of them are on the side of injured innocence; and hence I say it is absurd to hold that the accused can in any way be deprived of his undeniable right to challenge any member of a court of inquiry; in fact I am sure no officer of the Army would serve upon a court of inquiry when the accused objected to him, no matter whether the objection was held valid or not by the court.

Mr. SHANKS. I will ask the gentleman whether a civil court feels itself reflected on by the criminal at the bar challenging one of the jury?

Mr. YOUNG, of Georgia. I consider the cases very different. I hope the amendment will not be agreed to, because it is not necessary. I am sure that a court of inquiry would no more feel itself reflected upon, in the case of a challenge of one of its members, than would a civil court under like circumstances, for I shall always hold and maintain that the accused has the same right to challenge a member of a court of inquiry that he has to challenge a member of a court-martial, or one of the jurors in a civil court. Therefore I see no reason to ingraft this amendment on the resolution of the committee, which it appears to me must be looked upon as an imputation upon the President and the Army.

Mr. SHANKS. This is in the nature of a grand jury.

Mr. YOUNG, of Georgia. It goes far beyond a grand jury. I repeat that I hope the amendment will not be agreed to, because I assure every member of the House that no court of inquiry will ever deny to any accused the right to challenge one of its members.

Mr. COBURN. I now yield five minutes to the gentleman from Pennsylvania, [Mr. SPEER.]

Mr. SPEER. This surely is not the time to judge or prejudge General Howard. I make no assumption of his guilt. I give him the benefit which every accused party is entitled to, of the presumption of innocence until he is legally proved guilty. But whether innocent or guilty, it is certainly in bad taste, and injurious to General Howard himself, at this stage to have the accusations against him met, not with evidence of his innocence but with the wildest rhapsodies over the achievements of his past life. It is an old and familiar trick with criminal pleaders, when they have no other defense to make, to throw the good character of their clients into the jury-box. I admit that character is a fact to be considered; that when General Howard

shall be put upon his trial, if that day shall ever arrive, his character, his services to the country, faithful and meritorious as they have been, may all be proper subjects for the consideration of the court which shall try him. But what have we to do here at this hour and at this stage of the proceedings with those things? What have the star-spangled banner, the battle-fields of the South, the regiments marching and filing and counterfiling through the city of New York, with their flags tattered and torn borne at their head—what have all these to do with this question, except to afford gentlemen an opportunity of indulging in fine specimens of spread-eagle oratory? All these surely can do no good to General Howard. They seem to be resorted to to divert the attention of the country from the charges made and to darken the air with the dust of fulsome and hollow flattery.

Now, what should General Howard ask? He should ask that to which he is entitled. First, a fair court of inquiry; and, secondly, and above all things, he should demand a thorough investigation. He, above all others, should desire a fair court and a thorough investigation; because the result of the work of any other court will do and can do him no good. If this thing is to be a whitewashing process, to bespatter him with eulogies of his past services, instead of being an honest, fair, impartial, thorough, and incisive investigation into the facts of the accusations made, then it would be better for him and his reputation that it never be made at all.

If General Howard is innocent he should be the man asking for a court of inquiry. He should not have waited until the Secretary of War presented to this House accusations and charges against him. He should have come here himself, or he should have gone to the President, and asked for the means of vindicating his character and reputation before the country and the world.

Now a word upon the subject of challenge. I want this investigation to be fully and thoroughly made. But it seems to be a little singular and exceptional to put in a provision here that has never been accorded to any other party accused under similar circumstances, allowing the accused to challenge and allowing the parties challenged to determine upon the sufficiency of the challenge. I submitted an amendment which the gentleman from Maine [Mr. FRYE] would not allow to be considered as pending, to the effect that the President should judge of the sufficiency of the challenge upon reasons publicly assigned by the accused. That would put upon the accused the responsibility of assigning reasons that would stand the test of public scrutiny; and it would throw upon the President the responsibility of meeting those reasons, and of determining their sufficiency under the obligations of his high office.

No honorable officer would sit in a court if the accused should challenge him, whether the cause for challenge were sufficient or insufficient. No honorable soldier would sit upon an investigation like this with his usefulness destroyed before the investigation commenced. Because, if he were challenged for cause and were still to remain, even though the cause should be of the most frivolous character, the weight of his judgment and opinion would be destroyed by the charge that he was prejudiced.

I understand that the universal practice in cases like this is to allow challenges for cause; and I know of no reason for making an exceptional and special provision in favor of General Howard. If the uniform rule is to be departed from in his case, then I submit that it would be proper to provide that the Secretary of War, having preferred the charges, should also have the right to challenge for cause, on the part of the Government. If it is deemed proper to protect the accused from an inquiry possibly conducted by an unfriendly court, it seems equally fair that the Government should have the power of securing an honest investigation, by keeping off the court the special friends of General Howard. The danger is, not that the President will convene a court composed of his enemies, but of his friends. And as the court, when convened, can only inquire and report, and not convict, this early movement of the friends of the accused seems to show that he flutters even before he is shot.

[Here the hammer fell.]

Mr. COBURN. I now yield to the gentleman from New York [Mr. WOOD] for three minutes.

Mr. WOOD. I would not again have troubled the House upon this question but for the remarks of the gentleman from Pennsylvania, [Mr. TOWNSEND.] I stated before, and I now repeat, that witnesses were summoned to the door of that committee-room to investigate the charges against General Howard, that they were denied admission, and the committee refused to entertain for a moment a request that they be brought into the committee-room to give testimony implicating General Howard. I read now from page 48 of the report of the minority of the committee in that case, Report No. 122 of the Forty-first Congress, second session:

> It was offered to be proved that in South Carolina the assistant commissioner, Scott, had been elected governor of that State by the corrupt use of rations, provisions, and transportations; that as an officer of the Bureau, and having the control of this property, he, by and with the knowledge and connivance of Howard, did use such property to the extent of $300,000 for this purpose. The names of the witnesses, men of high character and members of the republican party, were handed to the committee and subpœnas asked for them, by whom, it was stated by respectable persons, these facts could be substantiated. The majority of the committee refused to allow them to be summoned.

Now, I say the less the gentleman from Pennsylvania [Mr. TOWNSEND] says in behalf of his committee the better, because the subsequent action of the Secretary of War, who cannot be suspected of any personal or partisan hostility to General Howard, has, in the course he has taken in presenting the accusation here, fully censured that committee, and has shown that it was a whitewashing committee all through. Now, the final resolution which the minority of the committee reported to this House was very much like the proceeding we are now taking. The minority of the committee asked the House to adopt this resolution:

> *Resolved*, That a copy of the testimony taken by the Committee on Education and Labor, in the investigation of the charges made by Hon. FERNANDO WOOD, of New York, against Major-General Oliver O. Howard, be referred to the Secretary of War, with directions to order a court-martial for the trial of said Howard upon the charges so made.

And every member of the republican party in this House at that time voted against the adoption of that resolution. If I had time within my three minutes to tell to this House the conduct of that committee, I think that no member of the committee would afterward dare to rise in his place here and attempt to vindicate its action.

Mr. COBURN. I yield five minutes to the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. Mr. Speaker, the accusations which have been made by the Secretary of War against General Howard do not, so far as I understand them, relate to any of the matters which were investigated by a committee of this House in a former Congress.

Mr. WOOD. I beg the gentleman's pardon. The matter in question here was embraced in those specifications.

Mr. G. F. HOAR. I repeat my general statement, that the specifications made before that committee did not cover the same charges as are now made by the Secretary of War. But in order to show the character and spirit of the person who has made these charges against General Howard and against the committee of which I was a member in the last Congress but one, I will simply state the fact, which has been so strangely perverted and misstated in the speech of the gentleman from New York. That committee gave to the accuser, who was represented by able counsel, sixty days in which to prosecute this investigation. At the end of that time the counsel whom he had employed (a gentleman who I will say conducted himself with great propriety before the committee) was accused of a contempt of court in this District, and to escape the process of the court fled into a neighboring State. An application was made to the committee to delay their investigation in consequence of the absence of the counsel under those circumstances. Wishing to be perfectly fair, although we considered the fact presented no sufficient cause for delay, we asked at what time the investigation would be concluded provided the delay sought for were granted. The time was fixed by the accuser himself, within which he bound himself to conclude his testimony if we would grant delay in consequence of the absence of his counsel. When that time arrived, we had reached so late a period in the session that we could give General Howard only three days to answer this evidence that had extended over sixty days. After the expiration of that time, which had been fixed with the consent of the accuser, in view of the indulgence granted him by the committee, he came in with an offer of further evidence relating to a transaction in South Carolina, the investigation of which would necessarily have involved sending the whole investigation over to another session of Congress. We refused permission to go into this additional charge and to hear these new witnesses.

Now, Mr. Speaker, General Howard never pleaded a statute of limitations in his life in answer to any charge. I ask the House to mark the unfairness with which it is now sought to deal with the character of a brave officer, who has lost his right arm in the service of his country, and with the character of the associates on this floor of the gentleman from New York. I am willing to risk whatever reputation I have anywhere as a lawyer or as a public man, not on the correctness of the conclusions which in this or any other case I may have reached, but on the fairness, and thoroughness, and impartiality with which we heard the charges of the gentleman from New York.

Mr. WOOD. Mr. Speaker——

Mr. COBURN. I yield three minutes to the gentleman from New York, [Mr. COX.]

Mr. WHEELER. Mr. Speaker, has not the hour of the gentleman from Indiana [Mr. COBURN] expired?

The SPEAKER. It is just about expiring.

Mr. WOOD. Mr. Speaker——

Mr. WHEELER. I call for the regular order.

The SPEAKER. The gentleman from Indiana [Mr. COBURN] is entitled to the floor.

Mr. COBURN. I yield three minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. If I may be allowed, I will yield to my colleague, [Mr. WOOD.]

Mr. WOOD. In reply to the gentleman from Massachusetts, [Mr. G. F. HOAR,] I desire to say that he is now, as he was then, the friend, the counsel, the adviser, the defender, and the small legal trickster, engineering the case of General Howard.

Mr. GARFIELD. I call the gentleman from New York to order.

The SPEAKER. The Chair thinks the language used by the gentleman is not proper.

Mr. WOOD. Well, I will withdraw the word "trickster."

Mr. GARFIELD. The gentleman having been called to order, cannot proceed without the consent of the House.

Mr. WOOD. I want to explain the action of the gentleman from Massachusetts.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] has called the gentleman from New York to order; and it is not within the power of the Chair to allow him to proceed except by leave of the House.

Mr. WOOD. Then, if I understand the Speaker correctly, I must get the consent of the House before I can proceed.

The SPEAKER. That is the rule.

Several MEMBERS. No objection.

Mr. RANDALL. I move that the gentleman be allowed to proceed in order, not withdrawing anything he has said.

The SPEAKER. The gentleman from Pennsylvania moves that the gentleman from New York be allowed to proceed in order.

Mr. WHEELER. I rise to a point of order. Has not the hour to which the gentleman from Indiana was entitled expired?

The SPEAKER. It is expiring just this moment.

Mr. WHEELER. Then I call for the regular order.

Mr. WOOD. I hope my colleague [Mr. WHEELER] will not interpose in this way.

Mr. WHEELER. I call for the regular order.

The SPEAKER. The hour allowed for debate after the ordering of the main question has expired; and the question will now be taken first upon the amendment of the gentleman from Maine [Mr. FRYE] to the resolution reported by the Committee on Military Affairs.

The Clerk read the amendment, as follows:

Add to the resolution the following:

Provided, That the accused may be allowed the same right of challenge as is allowed by law in trials by court-martial.

The question being taken on agreeing to the amendment, there were—ayes 87, noes not counted.

Mr. YOUNG, of Georgia. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLS. I ask that the amendment be again read.

The SPEAKER. The gentleman from Maine [Mr. FRYE] proposes to add the following proviso to the resolution reported by the committee.

The Clerk read as follows:

Provided, That the accused may be allowed the same right of challenge as is allowed by law in trials by court-martial.

The question was taken; and it was decided in the affirmative—yeas 172, nays 64, not voting 52; as follows:

YEAS—Messrs. Albert, Albright, Arthur, Atkins, Barnum, Barrere, Bass, Biery, Bradley, Bromberg, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Conger, Corwin, Crocker, Crooke, Crutchfield, Curtis, Danford, Dobbins, Duell, Dunnell, Eames, Elliott, Farwell, Field, Fort, Frye, Garfield, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamport, Lansing, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Lynch, Magee, Marshall, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McNulta, Mellish, Merriam, Mills, Mitchell, Monroe, Moore, Morrison, Myers, Negley, Niblack, Nunn, Orr, Orth, Packard, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Purman, Rainey, Ransier, Rapier, Rawls, Rice, Richmond, Ellis H. Roberts, James C. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sessions, Sheats, Sheldon, Sherwood, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, St. John, Stone, Stowell, Strait, Strawbridge, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—172.

NAYS—Messrs. Adams, Ashe, Begole, Bell, Berry, Bland, Blount, Bowen, Brown, Buckner, Caldwell, John B. Clark, jr., Freeman Clarke, Clymer, Coburn, Cook, Cotton, Crittenden, Crossland, Crounse, Darrall, Alexander M. Davis, Donnan, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Hunton, Jewett, Killinger, Lamar, Lamison, Leach, Martin, McLean, Milliken, Neal, Nesmith, O'Brien, Randall, Read, Robbins, William R. Roberts, Sener, Smart, Southard, Speer, Standeford, Swann, Vance, Waddell, Whitehouse, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—64.

NOT VOTING—Messrs. Archer, Averill, Banning, Barber, Barry, Beck, Bright, Bundy, Cason, Cox, Creamer, John J. Davis, Dawes, DeWitt, Foster, Freeman, Gooch, John T. Harris, Hathorn, Howe, Hynes, Lewis, Luttrell, MacDougall, McKee, Morey, Niles, O'Neill, Packer, Page, Pelham, Phelps, Phillips, Pierce, Ray, James W. Robinson, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Shanks, Lazarus D. Shoemaker, Sloss, George L. Smith, William A. Smith, Starkweather, Stephens, Storm, Sypher, Tremain, Walls, Charles G. Williams, and Ephraim K. Wilson—52.

So the amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. KASSON. I call the attention of the chairman of the Committee on Military Affairs to a verbal correction necessary in the ninth line, where the words occur "contained in the communication of the Secretary of War to the Speaker of this House." This being a proposed enactment of Congress, instead of "this House," it should be, "the House of Representatives."

Mr. COBURN. That correction is proper.

The SPEAKER. The verbal correction by the gentleman from Iowa will be made.

The joint resolution was then passed.

Mr. COBURN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole, to resume the consideration of the Army appropriation bill.

Mr. HAWLEY, of Illinois. I rose at the same time as the gentleman from New York, desiring to move that the House resolve itself into Committee of the Whole on the Private Calendar. And I submit that as a question of order my motion takes precedence.

Mr. NEGLEY. I desire the gentleman having the floor to yield to me to have a bill printed and recommitted.

Mr. WHEELER. I decline to yield.

Mr. MAYNARD. I would be glad to be permitted to submit a resolution, merely for reference to the Printing Committee.

The SPEAKER. The Chair asks the attention of the House to what the Clerk will read.

The Clerk read as follows:

A motion to go into Committee of the Whole House on the state of the Union may be entertained on private-bill day; but a motion to go into Committee of the Whole House takes precedence, unless, according to the general, though not universal, practice a special order is pending in the former.

The SPEAKER. The rulings have been both ways in regard to which motion should take precedence. But the Chair thinks, in view of the adoption of the recent rule, by which all bills of a private nature containing any appropriation of property or money should go to Committee of the Whole, cutting them off from the opportunity of being at once passed by the House, that it is the fair ruling to give the precedence on Friday to the motion to go into Committee of the Whole on the Private Calendar. But it can make no possible difference, because neither motion is debatable, and if one is negatived the other immediately comes up.

The question being taken on the motion that the House resolve itself into Committee of the Whole on the Private Calendar, there were—ayes 93, noes 52.

So the motion was agreed to.

The SPEAKER. The House is in the Committee of the Whole on the Private Calendar, and the gentleman from Pennsylvania, Mr. CESSNA, will please take the chair.

Mr. RANDALL. Before the House goes into the Committee of the Whole, I move that the session of to-morrow be devoted to debate only.

Objection was made.

Mr. RANDALL. Then I move that when the House adjourns to-day, it be to meet on Monday next.

The SPEAKER. The gentleman's motion would not be in order, because the House is really in Committee of the Whole.

Mr. RANDALL. I do not see that the chairman of the Committee of the Whole is in the chair. [Laughter.]

The SPEAKER. The motion, nevertheless, has been adopted. But before the Speaker leaves the chair he will, if there is no objection, refer a resolution submitted by the gentleman from Tennessee, [Mr. MAYNARD,] for the printing of three thousand extra copies of the bill reported from the Committee on Banking and Currency. The resolution goes, under the law, to the Committee on Printing.

The House then resolved itself into Committee of the Whole, (Mr. CESSNA in the chair,) and proceeded to consider the business on the Private Calendar.

APPROACHES TO THE HOUSE.

The first business on the Calendar was the following resolution from the Committee on Public Buildings and Grounds, by Mr. PLATT, of Virginia:

Resolved by the House of Representatives of the United States of America, That the architect of the Capitol extension be authorized and directed to employ a man, at a salary of not exceeding sixty dollars per month, for the purpose of keeping the approaches to the House in good order during the session of Congress.

Mr. WILLARD, of Vermont. I understand that the Doorkeeper has detailed a portion of his force for this work. I move, therefore, that the resolution be laid aside to be reported to the House, with the recommendation that it be not adopted.

Mr. HOLMAN. I would inquire of the Chairman if this is objection day under the rules or not?

The CHAIRMAN. The Speaker of the House informs the Chair that this is not objection day. The Clerk will read the rule upon the subject.

The Clerk read the rule, as follows:

129. On the first and fourth Friday and Saturday of each month the Calendar of Private Bills shall be called over, (the Chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.

The CHAIRMAN. This being the fifth Friday of the month, the rule does not apply.

Mr. HOLMAN. What is the pending motion in reference to the resolution?

The CHAIRMAN. That it be reported to the House adversely.

Mr. HOLMAN. I hope that motion will be concurred in.

The question was taken on the motion of Mr. WILLARD, of Vermont, and it was agreed to.

WILLIAM H. VESEY.

The next business on the Calendar was the bill (H. R. No. 1400) for the relief of William H. Vesey.

Mr. SPEER. I think the Clerk has missed one bill—the bill (H. R. No. 604) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana.

Mr. BLAINE, (the Speaker.) I desire to state to the committee that that bill is on the Calendar by mistake. A bill for the relief of Robert N. McMillan was reported from two committees; being reported by one of the committees it passed, and being reported by another it was placed on the Calendar. It should be laid aside.

Mr. HAWLEY, of Illinois. It was reported by the Committee on Claims and passed.

The bill was laid aside.

The CHAIRMAN. The Clerk will now read the pending bill.

The bill was read. It directs the Secretary of the Treasury to pay to William H. Vesey, former consul of the United States at Havre, in France, the sum of $1,320.57, being the amount of his loss in consequence of the failure, on March 27, 1857, of the house of Green & Co., American bankers, with whom he had deposited moneys belonging to the United States to the amount of $1,467.30, upon the assignment by said Vesey to the United States of his claim against said firm for the moneys so deposited.

Mr. SPEER. Is there a report in that case?

The CHAIRMAN. The Chair is informed that there is no report.

Mr. COX. I will state that I reported this bill from the Committee on Foreign Affairs. There is a report made to the Senate by Mr. PRATT, of Indiana, last year, and the case was also favorably reported on by Mr. SUMNER, of Massachusetts, three years ago. I did not think it worth while to write out a new report, as in a letter from the State Department, dated January 13, 1874, they sent me Mr. PRATT'S report. The facts are stated there and are verified by one of the Auditors of the Treasury. This Mr. Vesey had $1,400 of Government money. He placed it in Green & Co.'s bank. They became insolvent, and, unlike many bankers, they paid 10 per cent. as dividend. One hundred and forty-odd dollars were paid to this consul; $1,320 were paid by our consul into the Treasury, closing up his accounts. The truth is that he placed this money in that bank as the safest depository in Havre. Minister Washburne writes that he could not have made it safer by keeping it in his own office. He lost the money by the failure of the bank. It is a case exactly like that of the postmaster for whose relief a bill was reported the other day by some gentleman from Massachusetts. The Committee on Foreign Affairs were unanimous in following the report of Senator PRATT and of Senator SUMNER, and concluded that this man ought to be reimbursed for a loss occasioned by the failure of a bank.

Mr. TOWNSEND. How much was it?

Mr. COX. A little over $1,300. I ask the Clerk to read the report of Mr. PRATT.

The Clerk read as follows:

The Committee on Claims, to whom was referred the memorial of William H. Vesey, praying to be relieved of a certain loss sustained while consul at Havre, France, submit the following report:

Mr. Vesey presents the following state of facts as the basis for the relief asked: On the 27th of March, 1857, he was consul of the United States at Havre, and had been for several years previously. During all this time he had been in the habit of depositing moneys received by him in his official capacity with the banking-house of Green & Co., American bankers at Paris, with a branch at Havre, for safe-keeping. On that day there remained on deposit in the hands of said firm the sum of $1,467.30 at the time they failed and became insolvent. On settlement of their affairs Mr. Vesey has received 10 per cent. of his deposit, or $146.73, leaving a loss of $1,320.57. Notwithstanding the failure, Mr. Vesey paid the amount of his deposit into the Treasury of the United States.

He asks Congress to refund him the sum of $1,320.57, and says he has executed an assignment to the United States of all his right, title, interest, and claim to the moneys still due from Green & Co.

The present minister to France recommends the relief of Mr. Vesey.

The Secretary of the Treasury makes no recommendation, but admits that Mr. Vesey has paid the amount of the loss into the Treasury.

The chief clerk in the State Department pays a high compliment to Mr. Vesey as a faithful officer, and says that full confidence may be placed in his statements.

The Secretary of State expresses his confidence in Mr. Vesey's account of his loss, and says this gentleman was for many years in the employ of the Government under his Department in several consulates, and enjoyed a high reputation for integrity, capacity, and the faithful discharge of all the duties of his position.

That the money was lost by the failure of the bankers; that it was funds belonging to the United States, though standing to the credit of Mr. Vesey; that it has been made good to the United States, are facts which the committee assume as established. The evidence is not before us showing the standing and reputed solvency of Green & Co. at the time of failure, though from the report made to this body on May 23, 1860, by the Committee on Foreign Relations, it would seem there was satisfactory evidence before them that up to the date of their suspending payment the credit of Green & Co. was good, and their branch house at Havre regarded a safe place for the deposit of moneys, better much than the keeping of them by Mr. Vesey either at the consulate or at his residence. Such is the testimony of Mr. Mason, at that time minister from this country to France.

We think the evidence shows that the consul was not guilty of want of caution in making his deposits with this banking-house, if he chose to commit public funds to the hands of others at all for safe-keeping.

The deposit, however, was at his risk. He was bound to account for all the consular fees collected, and he confessed his liability at law by promptly accounting for the money.

Shall he or the Government be the loser? The committee are of opinion that Mr. Vesey should be relieved, and accordingly report a bill herewith, and recommend its passage.

Mr. COX. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally, and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed the resolution of the House, directing the Congressional Printer to furnish to each Senator, Member of the House of Representatives, and Delegate twenty-four copies of the CONGRESSIONAL RECORD, with amendments, in which he was directed to ask the concurrence of the House.

The Committee of the Whole then resumed its session.

PENELOPE T. HEALD.

The next business on the Calendar was the bill (H. R. No. 1401) granting a pension to Penelope T. Heald.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Penelope T. Heald, widow of Henry H. Heald, captain of schooner Norman, and pay her a pension the same as if he was a master in the United States Navy, from and after the passage of this act.

Mr. SPEER. I ask for the reading of the report in that case.

The Clerk read the report, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Penelope T. Heald, for a pension, have considered the same, and submit the following report:

Penelope T. Heald, applicant, is the widow of Henry H. Heald, who was captain of schooner Norman, which was in the employ of Government as transport, and while master of such vessel it was captured by the rebels on the coast of Florida, burned, and the crew taken prisoners. While a prisoner, the captain died of starvation and disease, as is alleged. Did not belong to the military or naval service. Widow asks pension same as if her husband had been mustered into the service as master in the Navy; and the committee, considering the fact that the immediate voyage which resulted in the capture of the vessel was undertaken by orders from the commander of the military; that the Government have considered themselves responsible, and have paid for the vessel; and that said Heald was considered a prisoner of war, are inclined to the opinion that he rendered such service to his country as would entitle his widow, now in need, to a pension. They therefore recommend the passage of the accompanying bill.

Mr. BUFFINTON. This Captain Heald was a resident of my own city, and I would like to have the memorial in this case read. I can state from my own knowledge that I know the facts as stated in the memorial to be true.

Mr. RUSK. I hardly think that is necessary.

Mr. BUFFINTON. There is not the least question but what this captain was taken and held as prisoner of war, and died while so held.

Mr. SPEER. I desire to make an inquiry. Was the person to whose widow this bill proposes to grant a pension in the employ of the Government or in the employ of a private party?

Mr. BUFFINTON. He was in the employ of the Government. He was captain of the schooner Norman. The Government of the United States has paid the owners of the schooner for the loss of the schooner; that I know of my own knowledge.

Mr. SPEER. Was the schooner at the time under the control of the Government?

Mr. BUFFINTON. It was.

Mr. RUSK. The schooner was taken by order of the commanding general to transport rations from one point to another. While transporting those rations the schooner was captured and destroyed, the captain and crew were made prisoners, and the captain died while in prison. It was the strongest muster into the service that could be made; a muster by special order, forcing the man into the service, and depriving him of his free will in the matter.

Mr. SPEER. Has application been made to the Pension Department for a pension?

Mr. RUSK. Application has been made, but under the general law the name cannot be put on the pension-rolls. This captain was not mustered regularly, as it is termed; but he was put into the service by order of the commanding general, and not by regular enlistment and muster.

Mr. HOLMAN. This bill, I believe, is without a precedent. I do not mean that there is no precedent for such a bill being brought into the House, because during the last four or five years there have been many such bills introduced. But I mean that the House has not heretofore passed any such bill as this, to give a pension to a civilian. The only question is, whether the House should now enter upon that policy? The policy heretofore has been to grant pensions only to persons engaged in the military or naval service of the United States. I believe I understand the history of this case. The vessel was chartered by the Government as a transport.

Mr. RUSK. It was not chartered by the Government. It was seized by the Government and pressed into the service.

Mr. HOLMAN. I hope that portion of the evidence from the Military Department will be read, showing the seizure of this vessel and its application to military purposes, because it would be a very extraordinary case, especially in that branch of the service.

Mr. RUSK. I state for the benefit of the gentleman from Indiana that there have been several pensions granted to persons not mustered into the service of the United States. It has been the custom of this House to place upon the pension-rolls the widows of pilots of Government vessels who were not mustered into service, but were employed as pilots.

Mr. HOLMAN. But this was not a Government vessel. Precedents are always set by just these extreme cases, where our sympathies are excited.

Mr. RUSK. The Government paid for the vessel.

Mr. HOLMAN. Certainly; the Government pays for every vessel that is chartered or pressed into the service and lost; that is all that was done in this case. Whether this vessel was chartered or pressed into the service, the persons on the vessel, the captain of the vessel and the crew, were not in military service and bound to remain there.

Mr. RUSK. How can the gentleman get a man into the service any stronger than by force?

Mr. HOLMAN. The report does not say that he was put there by force.

Mr. RUSK. Just read that report, if you please.

Mr. BUFFINTON. The captain of this vessel protested against making this trip which he was ordered to make by the commanding officer. He protested in as strong terms as it was possible for him to use. He was compelled to make it; was taken prisoner with all his crew; and but one of the crew and officers came out of prison alive.

Mr. HAWLEY, of Illinois. Was he held as prisoner of war?

Mr. BUFFINTON. He was, and so acknowledged.

Mr. HOLMAN. That was the case with many civilians in all portions of the country. If they were taken within the rebel lines they were held as prisoners of war by the rebel authorities until properly exchanged. But the point of objection is to the fact that we propose to grant a pension to a person who was not in any sense in the military or naval service. I think the Government should go to the extreme of granting pensions to all men, or their widows, who were actually in the military service. That is necessary for the purpose of obtaining enlistments in the Army. If a soldier is satisfied that, should he be disabled or should he die and leave a widow and children, the Government will make provision for them to the extent that can be accomplished by a pension, there will be that inducement for men to enter the service. There seems to be nothing here to repel the assumption that this captain of this vessel was acting ordinarily as other captains acted.

Mr. HAWLEY, of Illinois. The gentleman from Indiana has inquired whether application has been made to the Pension Office for a pension in this case. I will ask him the further question if it is not true that every case that comes here for a pension is a case that has been rejected at the Pension Office because it does not come under the general pension law, and therefore requires a special act?

Mr. HOLMAN. O, yes.

Mr. HAWLEY, of Illinois. Is it not true that a large number of the pension bills passed here are to cover cases in which persons have rendered undoubted service as soldiers, sailors, or marines, but for some reason or other were not regularly mustered in? Here is a case, as I understand, where the man, being under the absolute control of military authority, was forced into the service, was taken prisoner, and died in prison. I understand those to be the facts.

Mr. BUFFINTON. There is no question about that.

Mr. HOLMAN. I do not understand that this man was forced into the service. I ask that the report may be read again.

The report was again read.

Mr. HOLMAN. Now, Mr. Chairman, it is very clear from that report that this was a chartered vessel; and it is proposed that the captain of this vessel shall receive a pension. This is going very much further than the House has ever gone before. I am willing to join in doing justice in that vast multitude of cases where actual military service has been rendered, but where the claims have been rejected at the Pension Office upon merely technical grounds. Yet I must object to the precedent which favorable action upon this case would establish; for I must insist that this is the first instance in which a civilian, a captain or employé upon a chartered vessel in the service of the Government, has been regarded as in the military service so as to entitle him to a pension. On the contrary, I regard this as manifestly the beginning of a civil pension list.

I know of no duty that is more clearly incumbent upon the Government than that of providing a liberal system of pensions with reference to persons who actually render service in the Army or the Navy. The establishment of such a system is to be advocated not merely as a matter of sympathy or humanity, but on the ground of the public interest; so that persons in the military and naval service of the Government may feel that, in case of casualty, they or their widows and children shall not be left without any provision for their support. But, in the case now before us, the motive for a pension is entirely absent. Here was the captain of a chartered vessel——

Mr. RUSK. Will the gentleman permit me to make an explanation?

Mr. HOLMAN. Certainly.

Mr. RUSK. This vessel was chartered to transport horses from New York to New Orleans, and after discharging that cargo was impressed into the service to carry rations from New Orleans to another point.

Mr. HOLMAN. That does not appear in the report.

Mr. RUSK. I examined the case and made the report; and the statement I now make as chairman of the committee is as good as the statement embraced in the report.

Mr. HOLMAN. I admit that fully.

Mr. RUSK. I will state further that I submitted this matter to the gentleman from Indiana, [Mr. HOLMAN,] and he told me he would not object.

Mr. HOLMAN. I did not understand the gentleman.

Mr. BUTLER, of Massachusetts. If the whole report were read, it would show——

Mr. HOLMAN. Mr. Chairman——

Mr. BUTLER, of Massachusetts. I have the floor now.

Mr. HOLMAN. I will yield to the gentleman from Massachusetts in a few minutes. I always like to hear him speak.

Mr. HAWLEY, of Illinois. Mr. Chairman, who has the floor?

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUFFINTON] took the floor some time ago. How long a time did he yield to the gentleman from Indiana, [Mr. HOLMAN?]

Mr. HOLMAN. I did not ask the gentleman from Massachusetts to yield the floor to me. I asked and obtained the floor in my own right.

Mr. BUTLER, of Massachusetts. The five-minute rule, I believe, prevails.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has been much more than five minutes on the floor.

Mr. HOLMAN. Then I yield to the gentleman from Massachusetts with great pleasure. [Laughter.]

Mr. BUTLER, of Massachusetts. I only desire to say——

Mr. DAWES. I would like to understand why the five-minute rule obtains.

Mr. RANDALL. There is no five-minute rule operating now.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] is correct.

Mr. DAWES. So I supposed.

The CHAIRMAN. That is the reason the Chair asked the gentleman from Massachusetts [Mr. BUFFINTON] how long he yielded to the gentleman from Indiana. The gentleman from Massachusetts [Mr. BUTLER] has the floor now.

Mr. BUTLER, of Massachusetts. I desire to say that this report, when fully read, answers all the objections of the gentleman from Indiana. It states that—

> The immediate voyage which resulted in the capture of the vessel was undertaken by orders from the military commander.

So that this man was brought directly under the orders of the Government.

Mr. HOLMAN. If this vessel was chartered would she not still be operating under an order? Is there anything to repel the assumption that the vessel was a chartered vessel?

Mr. BUTLER, of Massachusetts. The vessel, whether chartered or not, was under the orders of the military commander. The captain and the crew had no choice; they must go where they were told to go. They were as much under the orders of the military commander as was any soldier. I want to say further, this House and Congress have set the precedent of giving relief in special cases where men were not mustered in. For example, the Sixth Massachusetts Regiment started from Massachusetts without being mustered into the service. They went through Baltimore. They could not be mustered in, for they were going to Washington to be mustered in. Six were killed in Baltimore in coming to Washington, and the country has taken their families under its charge. There are other cases where men were killed while going to muster. So the only question is, was the man potentially or legally in the service of the United States? If he is legally in by muster, he gets a pension without coming here. If he is only potentially in by order, then he has to come here to get it.

Mr. BUFFINTON. I hope the bill will now be laid aside, to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I do not understand what pension it is proposed to pay under this bill. This is not a private soldier in any sense. He was not a naval officer. I ask the bill be again reported.

The bill was again reported.

Mr. HOLMAN. I wish to know from the chairman of the committee exactly what is the pension of a master in the Navy.

Mr. RUSK. I believe it is thirty dollars, but he is only to be paid the pension as fixed by law for this grade.

Mr. HOLMAN. Thirty dollars is the highest pension known.

Mr. KELLOGG. Is it proposed to pay this man the highest pension?

Mr. RUSK. It is not.

Mr. KELLOGG. Then it is not proposed to pay more than thirty dollars if that be the highest pension?

Mr. RUSK. It is only proposed to pay him the pension allowed by law.

Mr. HOLMAN. We are acting blindly, for we are not able to tell what is the pension we propose to grant.

Mr. BUFFINTON. It is the pension under the law.

Mr. RUSK. I am told the pension in this case will be fifteen dollars. It does not make any difference what the man is. If he is entitled to that pension he ought to have it. This bill grants him a pension which under the law he is entitled to.

Mr. HOLMAN. He was not a captain in the service, although he

was the captain of a chartered vessel. He was not an officer or a sailor in our service. That is clear enough. The fixing of this grade in this case is therefore purely arbitrary. And I wish only to add to what I have already said on this subject, that there seems to be a growing tendency, which ought not to be encouraged, to build up as it were in these cases a civil pension list. That tendency seems to be very strong. It displays itself at every session of Congress more or less. All that seems to be necessary is to get some extreme case, where our sympathies are strongly aroused, where the motive for legislation is strong, and in that way lay the foundation for building up a civil pension list. Pensions for those who have served in the Army and Navy ought to be encouraged, and, in my judgment, we cannot be too liberal to those who have been disabled, or to the families of those who have fallen in the service; but I do insist we ought not to begin the establishment of a list of civil pensions.

Mr. BUFFINTON. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 83, noes 18.

So the bill was laid aside, to be reported to the House with the recommendation that it do pass.

EZRA TAYLOR.

The CHAIRMAN. The next thing on the Private Calender is an adverse report upon the petition of Ezra Taylor, which will be read.

The Clerk read as follows:

That Colonel Ezra Taylor, chief of artillery Fifteenth Army Corps, in 1863 and 1864, was honorably discharged from the service on the 20th day of July, 1864, on account of gunshot wounds received at the battle of Dallas, Georgia; that he made application for a pension on the 28th day of December, 1871, and that pension was granted him at the rate of thirty dollars per month, commencing on the 3d day of February, 1872, application not having been made within the five years' limitation. He asks that his pension shall commence on the date of his discharge from the service, and that he be paid the arrears due him. Your committee believe, from all the circumstances surrounding the case, that Colonel Taylor should be allowed the arrears of pension from date of discharge from the service to the 3d day of February, 1872, but, owing to an unjust provision in the pension laws, and the action of the House in similar worthy cases, are forced to report adversely.

Mr. HURLBUT. Mr. Chairman, I desire briefly to call the attention of the committee to this case.

Mr. WILLARD, of Vermont. I rise to a point of order—what question is there before the committee?

The CHAIRMAN. An adverse report on the petition of Ezra Taylor.

Mr. HURLBUT. I propose to have the case recommitted to the committee. I move that it be laid aside to be reported back to the House for the purpose of being recommitted, with instructions to the committee to report back a bill for the relief of Ezra Taylor.

Mr. RANDALL. I suggest to the gentleman that he omit from his motion any instruction to the committee, for it does no good.

Mr. HURLBUT. I am not particular as to how the motion shall be stated. I ask for the reading of the petition.

The CHAIRMAN. There seems to be no petition, but there is a letter from Colonel Taylor, which will be read.

Mr. HURLBUT. The letter of Colonel Taylor embraces a statement of the facts.

The Clerk read as follows:

CHICAGO, *November* 17, 1873.

DEAR SIR: I have the honor to inclose a copy of the bill for my relief, which failed to become a law, as I suppose, from want of time to get through the committee before the Forty-second Congress adjourned, and most respectfully to solicit your influence in my behalf in getting this or a similar bill passed at the coming session of Congress. There can be no doubt I am justly entitled to the relief asked, and that I am greatly in need of it the bill will, no doubt, convince you. I lost all by the fire, after which I overworked myself in my endeavor to provide a new home for myself and family, the result of which was that in December last I was taken sick and confined to the house all winter and spring and prevented from attending to my business, which is that of inspector of provisions.

About the 1st of August last got to work again for a few days; when the money panic came on and cut me off again, so that in the past year I have scarcely done anything. It being quite impossible to live on air, I have been compelled to borrow $5,000 in order to enable me to meet my obligations.

Mr. HURLBUT. I desire to state to the committee that Colonel Taylor entered the service as captain of Battery B early in 1861. He was at Donelson and Shiloh; was promoted colonel of the First Regiment Illinois Artillery, acted as chief of ordnance for General Sherman, and continued in the service with him until the 20th day of July, 1864, when he was honorably discharged the service on account of gunshot wounds received at the battle of Dallas, Georgia. He has a record as good as that of any of the most gallant officers that served in any portion of our Army.

Now, sir, this gentleman, being comparatively well to do in the world at the end of the war declined to become an applicant for a pension, and to be a burden upon the country; and he never made any application for a pension at all until in the great fire at Chicago his property was swept away. He then made his application for a pension, and it was allowed him at the rate of thirty dollars a month, to commence from the 3d day of February, 1872; and he asks now that his pension or the arrears of it be granted to him as if he had made his application when he was by law entitled to do it.

Mr. HOLMAN. Will the gentleman from Illinois [Mr. HURLBUT] inform us whether this pension was granted in the regular course by the Pension Bureau or by act of Congress? I would infer from the letter which has been read that it was granted by act of Congress.

Mr. HURLBUT. I understand it was granted by an act passed last session.

Mr. KELLOGG. Is not the reason for the pension commencing from the date of its being granted to be found in the fact that this applicant did not file his petition within the five years' limit?

Mr. HURLBUT. The pension was granted to Colonel Taylor, not by special act of Congress—I was in error as to that—but in the regular course of business in the Pension Office, and could only commence from the date of the pension being granted, because he had allowed the lapse of time to run against him. Now I state to the House as a fact within my own personal knowledge, and I will be confirmed by two gentlemen from Chicago who are Representatives upon this floor, that the reasons why Colonel Taylor did not make application within the time that would have entitled him to draw the pension from the date of his disability are such as I have stated; that he had no call from pecuniary necessity at that time to become a burden on the country, and consequently did not choose to load it down by any demands of his own; but now that calamity has overtaken him he asks this Congress that the provision which your own committee designated as an unjust provision in the pension laws may not operate to defeat his receiving the arrears to which he is entitled on all principles of equity and of justice.

Mr. HOLMAN. I would suggest to the gentleman from Illinois whether it would not be right, in view of this report from the committee, in which for my own part I concur, to provide by a general bill for an extension of pensions back to the date of the disabilities incurred in the service.

Mr. HURLBUT. To that I would have no objection; but I do not want to have the case of my friend overslaughed by a general act.

Mr. SPEER. Just such a bill as that was passed by the House last Congress, but failed in the Senate.

Mr. HURLBUT. I hope such a bill will be passed here again.

Mr. WILLARD, of Vermont. This same question has been before Congress for several years at every session. Of course this is a meritorious case, In fact, in every case where a person is pensioned on account of injuries received in the service, the pension in justice, one would think, should date back to the time of the injury instead of dating from the application for the pension. But the policy which has been adopted by Congress, in law and in practice, has been to date the pensions granted by all these special acts from the passage of the act. And, besides, there is the general statute of limitation applying to all these cases that are not brought to the notice of the Pension Office within five years.

Now, whether this is wise or unwise as a matter of law, while it is a law it ought to be respected, and such a case as this ought not to be passed over the law. It is no more meritorious than hundreds of other cases. In fact, in most of these cases—and they come to the attention of members every day—when the application has not been made within five years it has been delayed for the very reason stated in this case of Colonel Taylor. The persons entitled to the pension were in easy circumstances, and they did not care about drawing bounties from the Government while they were abundantly able to support themselves. They therefore did not take advantage of the pension law. But, some disaster having overtaken them, their property having been swept away by fire or some other calamity, they come then and ask that they may have their pension. And whether it be wise or unwise to refuse to date back their pensions, the policy which Congress has adopted during the last four years has been to refuse to grant arrears. And I think there is some wisdom in that in one aspect of it. In the last Congress some gentlemen will remember that we had applications running back twenty, thirty, and forty years.

I was on the Committee on Revolutionary Pensions and War of 1812 in the last House, and application came before that committee to date pensions back to the time of the war of 1812, and was supported with much zeal. Special acts have been passed granting pensions to persons for disabilities occasioned by their service in the war of 1812, granted twenty, thirty, or forty years after that war. They came and asked for arrears of pension running back to the war of 1812. It has been thought, I know, by some gentlemen in the House that this delay in applying should be treated as a relinquishment, as an abandonment of the claim for pension; that the person had waived for the time being his claim, and that he should not be allowed to revive it at some later day. But, as I said at the outset, whether it is a wise or unwise provision of law, it seems to me the only way of getting over it is to repeal the law; and so I shall object very much to the passage of the bill in this particular case, although I am not at all certain that I should object to a repeal of the law, and the determination by law that all pensions of this kind may date back to the point of disability.

Mr. POTTER. Mr. Chairman, I agree entirely with what has been said by the gentleman from Vermont, [Mr. WILLARD.] This bill belongs to what I conceive to be the most vicious class of legislation; special legislation for the benefit of particular persons in the nature of Government bounty, without any public reason. We have a law which prohibits soldiers from securing their pensions except from the time they apply for them. This law may be wise or it may be unwise, but it is a general law, and should be applied to all whom it affects equally. I regard nothing as more vicious in the nature of legislation than to listen to the cry of a man who comes here and says, "Make me an exception to the general law; give me the pension that you refuse to everybody else;" simply because he comes here and asks for it. We have such cases every week, not only in the

form of applications for pensions, but of applications of every other kind for relief from the provisions of general laws. One man comes here and says, "Let me introduce a foreign-built ship, one not entitled to come in under the registry law, and give her a register." Another man comes here and says, "Let me bring in goods free, which I cannot get through the custom-house without paying duties upon them." Another man says, "Give me a pension which I am not entitled to under the general law." Now, I am one of those who believe trade should be free. I favor, with some limitations, free ships. I am opposed to duties of a protective nature, but I have nevertheless always resisted granting special privileges of such nature to anybody, because laws should be equal and just. The first duty of the Government is to see that its laws operate impartially on all its citizens.

Why, sir, I have sent me from my own district cases like that of the gentleman from Illinois; cases of men who were entitled to pensions long before they applied for them, but who delayed applying for them, because unwilling to add to the burdens of the country. Sir, such men are entitled to the gratitude of the country for their patriotism, and I greatly regret that it is not in the power of the Government to give them everything they may ask. It would indeed be a very gratifying thing if we could carry on the Government on the principle avowed by Tittlebat Titmouse when he first went to Parliament, of giving everybody everything; but inasmuch as somebody must bear the burdens of Government, and those burdens should be distributed equally, it is against the first principles of justice to discriminate in favor of persons, however meritorious, who are without any good reason for the discrimination except that they come here and importune the favor of the Congress to give them, at the expense of the whole people, what is denied to all others of the same class.

Mr. SPEER. The gentleman from New York is inaccurate in this, that there is a limitation by general law as to the time when a man may make application for a pension. The limitation is this, that if the application is not made within five years from the time of the death or the injury, then the pension shall date only from the date of the application or from the time of filing the proof. If a soldier had been injured thirteen years ago, at the beginning of the war, he could apply to-day for a pension—there is no limitation against his filing an application; but when the pension is allowed, it begins only from the date of the application, and does not run back to the date of the injury.

In the last Congress I introduced a bill to repeal that limitation, and provide that where an application for a pension is granted, the pension in all cases shall date back to the time of the death or of the injury. I think that is logical and just. If the pension is given for the injury, it should commence when the injury was incurred. That bill passed the House and went to the Senate, and was there defeated. It was stated in the House by the chairman of the Committee on Appropriations [Mr. GARFIELD] that that bill would take $20,000,000 from the national Treasury. If it would have taken $20,000,000 then, now, after the lapse of two years, it would take still more out of the Treasury. But the bill was based on an essential principle of justice; the principle is right and just, and if right and just it should apply to all cases. There is no justice in extending a just principle to a single case. It is using a just principle to inflict injustice; to deny to one soldier what you cannot to another.

Now, I will not oppose the bill of the gentleman from Illinois, [Mr. HURLBUT,] but I suggest that the true policy of this House is for all those gentlemen who agree with him to join hands here and pass a general bill, and then to go to the Senate with it, and induce the Senate to pass the bill. Then all cases will stand on an equal basis, and when pensions are granted they will date back to the time of the death or injury. But I submit that the policy is wrong of appealing to the generosity and sympathy of the Government to do a wrong; because, while it may grant to this soldier what is justly his, other soldiers, poorer perhaps than he, less able to support themselves and their families than he, are drawing pensions only from the date of their certificates. It would be giving to this soldier something like two or three thousand dollars of arrears of pensions; that is, thirty dollars a month for six or eight years. I say I will not vote against this bill, but I submit to the gentleman that the bill should be general, so as to embrace all.

Mr. HURLBUT. Such a bill is now pending before the committee.

Mr. HOLMAN. Then let this bill be laid aside until the general bill is reported.

Mr. HURLBUT. My motion is that this bill be laid aside, to be reported to the House with a recommendation that it be recommitted to the Committee on Invalid Pensions.

Mr. HOLMAN. I would ask if the Committee of the Whole has the power to report a subject back to the House with a recommendation that the subject be referred to the appropriate committee with instructions?

The CHAIRMAN. No doubt that motion might be made, but the gentleman from Illinois [Mr. HURLBUT] withdrew that portion of his motion.

Mr. HOLMAN. Then I move to amend the motion of the gentleman from Illinois, so as to add the recommendation to recommit this bill, with instructions to the committee to report a general bill extending pensions already granted back to the time of the death of the soldier.

Mr. RANDALL. What amount of money would that take out of the Treasury?

Mr. HOLMAN. I do not know.

Mr. RANDALL. The gentleman is an economical member. He should consider that such a bill would take twenty millions out of the Treasury.

Mr. HOLMAN. When it is a question of justice to the men who served in our Army and Navy in times of the nation's peril, I have never sought to inquire the cost of doing justice, and I shall not now stop to inquire. When this House passed such a bill a few years ago, one that was conceded by all to be an act of mere common justice, the argument that it would be attended with great expense was not deemed to be a good one. I do not think such an argument is a good one now. It should not operate to the prejudice of the soldier that he delayed making application in this case. I suppose none of us have failed to receive applications from our constituents involving this same principle. I insist that, in whatever other respect we may economize, we should not attempt to economize at the expense of justice to the men who exposed their lives in our service. I never shall raise the cry of economy when a question like this is before the House, as I never have done.

Mr. RICE. I hold that the question of justice and liberality does not enter into the question that is now before the committee. I believe that every man in the United States desires through his Government to help those who sought to assist their country when in danger. Those who have been disabled in that service are entitled to assistance from this Government. But the Government of the United States has no more money now than it needs, and when those who served their Government and were disabled in that service have enough of this world's goods to make them independent of Government assistance, and do not apply for that assistance, I hold that by every principle of right the Government is debarred from assisting them in the days when they need no assistance. For that reason I believe the law as it stands is just and equitable to all the people, that from the day of their necessity, from the day when they shall ask for assistance, this Government shall grant it, and not before. I therefore move that the adverse report of the committee be adopted.

The CHAIRMAN. There is a motion pending to recommend that the bill be recommitted; and there is an amendment to that motion to recommit with instructions.

Mr. G. F. HOAR. I rise to a point of order. Is it in order to amend any motion for commitment or recommitment of a private bill, by adding instructions to bring in a general law?

The CHAIRMAN. That point of order is raised too late. The amendment has been discussed for some time past.

Mr. G. F. HOAR. The motion to amend has just been made.

The CHAIRMAN. The motion to amend was made by the gentleman from Indiana, [Mr. HOLMAN,] and he and other gentlemen have made speeches on it.

The question was then taken on the amendment; and it was not agreed to upon a division—ayes 46, noes not counted.

The question recurred upon the motion of Mr. HURLBUT to report the bill back to the House with a recommendation that it be recommitted.

Mr. POTTER. If I understand the question, it is simply whether we shall adopt the adverse report of the committee on this claim, or recommit it to the committee.

The CHAIRMAN. The question is upon non-concurring in the adverse report, and directing that the bill be reported back to the House with a recommendation that it be recommitted to the Committee on Invalid Pensions.

The question was taken; and there were—ayes 41, noes not counted.

So the motion of Mr. HURLBUT was not agreed to.

The question recurring on concurring in the adverse report of the committee, it was concurred in.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to; there being—ayes 90, noes not counted.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CESSNA reported that the Committee of the Whole on the Private Calendar had had the same under consideration, and had directed him to report certain bills.

SESSION FOR DEBATE TO-MORROW.

Mr. RANDALL. I ask unanimous consent that the session of to-morrow be devoted to debate only.

Mr. COBURN. I would like to inquire whether the Committee on Appropriations do not wish to have a session to-morrow for business?

Mr. RANDALL. I think I can answer that they do not.

The SPEAKER. If there be no objection, it will be ordered that the session of to-morrow be for debate only, no business to be transacted.

There being no objection, it was so ordered.

SECURITY OF LIFE ON STEAM-VESSELS.

Mr. NEGLEY, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 1588) to amend an act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871; which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

APPROACHES TO THE HOUSE OF REPRESENTATIVES.

Mr. HAWLEY, of Illinois. I demand the regular order.

The SPEAKER. The regular order is the consideration of bills, &c., reported from the Committee of the Whole on the Private Calendar. The first proposition is a resolution which will be read.

The Clerk read as follows:

Resolved, That the architect of the United States Capitol extension be authorized and directed to employ a man, at a salary of not exceeding sixty dollars per month, for the purpose of keeping the approaches of the House in good order during the sessions of Congress.

The SPEAKER. This resolution is reported from the Committee of the Whole, with a recommendation that it be not adopted.

Mr. BUTLER, of Massachusetts. I move that the resolution be laid on the table.

The motion was agreed to.

WILLIAM H. VESEY.

The next business reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1400) for the relief of William H. Vesey.

The bill was read. It directs the Secretary of the Treasury to pay to William H. Vesey, former consul of the United States at Havre, in France, out of any money in the Treasury not otherwise appropriated, the sum of $1,320.57, being the amount of his loss in consequence of the failure, on March 27, 1857, of the house of Green & Co., American bankers, with whom he had deposited moneys belonging to the United States to the amount of $1,467.30, upon the assignment by Vesey to the United States of his claim against the firm for the moneys so deposited.

Mr. MILLS. I move that the House now adjourn.

The motion was not agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENELOPE T. HEALD.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1401) granting a pension to Penelope T. Heald.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Mrs. Penelope T. Heald, widow of Henry H. Heald, captain of schooner Norman, and pay her a pension the same as if he was a master in the United States Navy, from and after the passage of this act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

Mr. BUFFINTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EZRA TAYLOR.

The next business reported from the Committee of the Whole on the Private Calendar was the petition of Ezra Taylor.

The SPEAKER. This petition was reported upon adversely by the Committee on Invalid Pensions, and was sent to the Committee of the Whole on the Private Calendar, whence it is now reported adversely. The question is, shall it lie on the table?

The petition was laid on the table.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. PENDLETON. I move that the House now adjourn.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion. I move to go to business on the Speaker's table, for the purpose of taking therefrom the resolution providing for the distribution of the CONGRESSIONAL RECORD, which has been returned from the Senate with amendments, in which I shall ask the House to non-concur and appoint a committee of conference.

Mr. RANDALL. I would like to make a statement of the effect of those amendments.

Mr. BUTLER, of Massachusetts. I wish you would.

Mr. ELDREDGE. Is this question of higher privilege than the motion to adjourn?

Mr. PENDLETON. I withdraw the motion to adjourn.

The question being taken on the motion of Mr. BUTLER, of Massachusetts, to go to business on the Speaker's table, it was agreed to.

The first business on the Speaker's table was the following resolution, returned from the Senate with amendments:

Resolved, by the House of Representatives, (the Senate concurring,) That the Congressional Printer be instructed to furnish to each Senator, and to each Member and Delegate in the House of Representatives, twenty-four copies of the CONGRESSIONAL RECORD, or of any such other like official reports of the debates in Congress as may be hereafter authorized by law, either daily as originally published, or in the revised form, without binding, or in bound volumes, or part in each form, as each Senator, Member, or Delegate may elect.

The SPEAKER. This comes back from the Senate amended thus:

The Clerk read as follows:

Strike out all after "concurring," in line 2, down to and including "copies," in line 6, and insert the following: "That the Congressional Printer be directed to furnish thirty-one hundred copies for the use of the Senate, and seventy-two hundred and fifty for the use of the House of Representatives."

In line 12, after "each," where it occurs the second time, insert "Senator."

In line 13, after "Delegate," insert "receiving the same."

Mr. RANDALL. Mr. Speaker, as I introduced the original resolution into the House, it may not be amiss for me to state the effect of these amendments of the Senate. The resolution as originally proposed, as will be seen by the reading, gave us twenty-four copies each, to the members of the Senate and the members of the House alike. The amendments of the Senate, lumping the number to the House and lumping the number to the Senate, give to the House twenty-three copies each, with a fraction of two hundred and fifty-four for extra requirements, and give to each member of the Senate forty-one copies, with sixty-six extra copies. I merely state the facts, and the House can now determine whether they wish to be on an equality with the Senate in this particular——

Mr. DAWES. Without regard to previous condition. [Laughter.]

Mr. RANDALL. Or whether they wish to give to the Senate more copies than they receive themselves.

Mr. BUTLER, of Massachusetts. I move to non-concur in the amendments of the Senate.

Mr. DONNAN. I move that it be referred to the Committee on Printing.

Mr. RANDALL. It has been to the Committee on Printing once already, so that the motion of the gentleman from Massachusetts is in order.

The SPEAKER. It is not necessary to go to the Committee on Printing at all. The gentleman from Massachusetts can call the previous question, as he holds the floor, having called up the amendments of the Senate.

Mr. BUTLER, of Massachusetts. I demand the previous question.

The SPEAKER. That will cut off the motion to refer to the Committee on Printing.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments of the Senate were non-concurred in.

Mr. BUTLER, of Massachusetts. I move that the House ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House, Mr. BUTLER, of Massachusetts, Mr. RANDALL, and Mr. DONNAN.

HENRY SAVAGE.

Mr. E. R. HOAR, by unanimous consent, from the Committee on Foreign Affairs, reported a bill (H. R. No. 1589) for the relief of Henry Savage, acting chargé d'affaires of the United States in Guatemala, from May 7, 1856, to November 14, 1858; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROTECTION OF THE TEXAS FRONTIER.

Mr. GIDDINGS, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 1590) to provide for the better protection of the frontier of Texas against Indian and Mexican depredations; which was read a first and second time, ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

CAPTAIN BENJAMIN GREADELL.

Mr. COX. I wish to ask unanimous consent to report from the Committee on Foreign Affairs a joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Greadell, officers, and crew of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean.

I will state before the resolution is read that there was passed at the last session a resolution giving the thanks of Congress to the officers and crew of this vessel for saving another vessel belonging to Portland, Maine, in mid-ocean. A mistake, however, was made in the name of the captain. I ask the joint resolution may be passed in the House again, so it may go to the Senate, and proper thanks be tendered. The English government has given medals to the officers and crew, and I think the least we can do is to tender our thanks to the officers and crew of this vessel.

The joint resolution was read a first and second time.

It provides that the thanks of Congress be presented to Captain B. Greadell, and the officers and crew of the steamer Atlantic, of the White Star line, for saving the captain and crew of the brigantine Scotland, of Portland, Maine, wrecked in a tempestuous sea in mid-ocean.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES DE LONG.

Mr. MYERS, by unanimous consent, from the Committee on Foreign Affairs, reported a bill (H. R. No. 526) for the relief of James De

Long; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying papers, ordered to be printed.

SESSION OF SATURDAY.

Mr. PENDLETON. I insist upon my motion that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn the Chair will state that in pursuance of the order of the House the session of to-morrow will be for debate only, as in Committee of the Whole, no business whatever to be transacted. The gentleman from Missouri, Mr. PARKER, will be in the chair as Speaker *pro tempore*.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBER: The petition of George Eley and others, of Green County, Wisconsin, for an amendment of the Constitution which shall prohibit the making, selling, importation, and exportation of intoxicating liquors, to the Committee on the Judiciary.

By Mr. BLAINE: The petition of Robert Minnan, of Clearfield, Pennsylvania, for arrears of pay, to the Committee on Military Affairs.

By Mr. CESSNA: The petition of citizens of Somerset County, Pennsylvania, for the repeal of duty on friction and lucifer matches, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of Thomas H. Barron, for payment for materials furnished and work done on the city hall, to the Committee on Claims.

Also, the petition of Cecilia McKenna, for compensation for services as nurse in the late war, to the Committee on War Claims.

Also, the petition of Rev. John Lanahan, presiding elder, and others, of Washington, District of Columbia, for the payment of the claim of the Southern Methodist publishing house, at Nashville, Tennessee, to the Committee on War Claims.

By Mr. DAWES: The petition of the Grand Division of the Sons of Temperance of Massachusetts, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. DONNAN: The petition of druggists of Independence, Iowa, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

Also, the petition of M. A. Chamberlain and others, of Winthrop, Iowa, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. GOOCH: The petition of citizens of South Scituate, Massachusetts, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on Education and Labor.

By Mr. G. F. HOAR: The petition of the Congregational church at Waltham, Massachusetts, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HYNES: The petition of citizens of Arkansas, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. KELLEY: The petition of Jacob Wistar and others, of Philadelphia, for the repeal of the second section of the act of June 6, 1872, which reduced the duty on certain articles 10 per cent., to the Committee on Ways and Means.

By Mr. LAMAR: Several petitions of citizens of Mississippi, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. LAWRENCE: The petition of S. Brown & Co., and others, druggists, of Springfield, Ohio, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. LOFLAND: Several petitions of citizens of Delaware, for the repeal of the second section of the act of June 6, 1872, which reduced the duty on certain articles 10 per cent., to the Committee on Ways and Means.

By Mr. LYNCH: The petition of citizens of Mississippi, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. MAYNARD: The petition of James Mullins, of Tennessee, for remuneration for property burned by masked men in retaliation for the faithful discharge of his duty as collector of internal revenue to the Committee on Claims.

By Mr. McNULTA: The petition of the Pekin Alcohol Manufacturing Company, of Illinois, to be relieved from liability on export bond for fifty barrels of alcohol destroyed in transit, to the Committee on Ways and Means.

By Mr. NEGLEY: Several petitions of wholesale and retail druggists in the State of Pennsylvania, for the repeal of the stamp tax on medicine, to the Committee on Ways and Means.

By Mr. O'NEILL: The remonstrance of the Board of Trade of Philadelphia, against the proposed reduction to $10,000 of the usual annual appropriation of $20,000 for the preparation and publication of the Nautical Almanac, to the Committee on Appropriations.

By Mr. PURMAN: The petition of Mrs. R. E. Alexander, of Fernandina, Florida, for the settlement of the French spoliation claims, to the Committee on Foreign Affairs.

Also, the petition of citizens of Apalachicola, Florida, for an appropriation to clear out Apalachicola Bay and for other purposes, to the Committee on Commerce.

By Mr. READ: The petition of druggists of Lebanon and Springfield, Kentucky, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. SCUDDER, of New York: The memorial of pilots of the port of New York, for a change in the regulations governing the use of lights at sea, to the Committee on Commerce.

By Mr. THORNBURGH: The petition of S. E. Rankin, for pay and allowances as first lieutenant from October 5, 1865, to February 13, 1866, to the Committee on Military Affairs.

By Mr. WHITEHEAD: The petition of dealers in and manufacturers of cigars and tobacco in Virginia, for a change in the mode of assessing and collecting taxes on said commodities, to the Committee on Ways and Means.

By Mr. ———: The petition of Philip G. Hopkins, for relief, to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 31, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

On motion of Mr. KELLOGG, the reading of the Journal of yesterday was, by unanimous consent, dispensed with.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. PARKER, of Missouri, in the chair.) The House meets to-day, as in Committee of the Whole, for debate only, no business whatever to be transacted. The gentleman from Indiana [Mr. WILSON] has the floor.

Mr. WILSON, of Indiana. I yield five minutes to the gentleman from New York, [Mr. COX.]

ILLEGAL OVERISSUES—CURRENCY.

Mr. COX. Mr. Speaker, I am very much obliged to the distinguished gentleman from Indiana [Mr. WILSON] for allowing me a few moments to explain a substitute I have offered for the bill relative to the currency reported by the Ways and Means Committee.

I made a remark the other day as to our "relapse into barbarism" on the money question, which tripped up my parliamentary heels very dromptly. I was not, strictly speaking, entitled to the floor at the time, so I do not complain; but I ought to explain, as the remark seemed to be a reflection on the civilization of which this House is a beautiful representative and exemplar. I meant only that our care for the present and carelessness of the future made us like those of the halcyon days of the remote and savage past. This remark was in reference to money. We are so happy in seeing no difference between printed notes and real money. It is all faërie currency to us.

On no subject which interests our society have we so much of that simple improvidence which belongs to the happy barbaric days. We are happy in summer and forget the winter ahead. During the first half of our hundred years of national existence there were prejudices existing in favor of gold and silver as a standard of values. The French *assignats* were too familiar to our ancestors. They were as familiar as the story of Paul and Virginia to our grandmothers. The South Sea bubble was to our early statesmen but a pretty prismatic inflation of soap and water—to collapse with the first zephyr; but these statesmen were stern and unpoetical Gradgrinds.

When I first came here, as chairman of Revolutionary Claims, continental money was sent us by the hatful, for redemption by special acts of Congress. But for them there was no redeemer. No one could tell the good from the bad, and two generations were made happy—the revolutionary one, which had used the paper, and the present one, which did not have to redeem it. It would be hard to say who suffered by this continental bubble. It would be unpleasant to inquire in a House so full of optimists as this.

In one of the essays of Macaulay it is proven that the youth of the world is most favorable to epic poetry. It is true that he revised this opinion afterward; but there are many writers who hold that the Arcadian simplicity which belongs to the untutored and uncivilized of our race is the happiest. Literature is full of illustrations of that bliss which is thought to accompany ignorance.

At no time since our beginning as a nation had we such beatitudes. We are really inside of Paradise. Desiring on behalf of the wise men of the East to present some facts, even though they militate against our present beautiful and roseate dreams of the fiscal Utopia, I have offered a bill, as a substitute for that of the Committee on Ways and Means.

When the debate opens on that bill I shall endeavor to represent the views of the best merchants and the interests of the workingmen of the city of New York. These views and interests are not those of speculators, but of the country.

This bill proposes to recall, without loss to the holders, the extra legal-tenders above three hundred and fifty-six millions.

The same arguments in favor of some law of this kind would be included in the general argument against the constitutional power of Congress, and against the expediency of increasing the volume of legal-tenders.

Congress must decide upon the legality of the Secretary's act. If his act is illegal, it is better at once to fix the status of the overissue, before the banks have expended their credits upon them, than to allow the banks to count them as legal-tenders, which are slowly to be withdrawn from circulation. To do this now might hurt a few speculators, but it is better to sacrifice them than hereafter the legitimate business of the whole country.

The passage of this act would take away only the legal attribute of money. The notes would continue to pass in circulation the same as the old demand notes, unless the convertible clause should make them worth a premium, until they had gradually all been either converted or paid into the Treasury. The Government has got to acknowledge the debt which they bear on their face, and it appears as if no plan could be better than the one suggested.

For one, I will not consent to overturn a fundamental principle of government to help a bankrupt Treasury; nor to abdicate the legislative duty to excuse an incompetent or defiant officer. He ought not to play with the issues and values of our material life. He should not be pardoned by legalizing acts. He has no more power than Congress, either by the first or second decision of the Supreme Court of the United States, to make such notes money; nor, under the Constitution, can such issues ever be made legal.

But, sir, I only propose to-day to throw down the glove in defense of these theses:

First. That our issues were limited to three hundred and fifty-six millions, and that all issues over that is a bold, bad, defiance of law.

Secondly. That by the last decision of the Supreme Court of the United States there is no power under the Constitution, in a time like this, when there is no great emergency of war, to issue such notes as money.

Thirdly. That such issues are not wise, even if constitutional.

When the question comes up for general debate on the bills reported by the Ways and Means and Banking and Currency Committees, I hope to express myself at length, and to offer the following substitute:

Amendment in the nature of a substitute proposed to be submitted by Mr. COX to the bill (H. R. No. 1398) to fix the amount of legal-tender notes at $400,000,000.

Whereas The Secretary of the Treasury has caused to be issued United States notes to the sum of —— in excess of three hundred and fifty-six millions, the amount authorized by law, the same being in every respect like the legal-tender notes of the United States; and whereas the said notes were issued without authority of law, and are not legal-tenders; and whereas Congress cannot give them the attribute of money, inasmuch as Congress has not the constitutional power, under a recent decision of the Supreme Court, to make anything but gold and silver a legal tender, except in "seasons of great emergency," and as a last resort in defense of the Government; but whereas the said notes have been issued and paid to the public creditors, and are, therefore, a just debt against the Government of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain illegal issue of United States notes, amounting to the sum of —— dollars, issued between the — day of —— and the — day of ——, are a just debt against the United States, but are not legal-tenders, and are redeemable, at the pleasure of the Government, in legal money, or convertible, at the pleasure of the holders, into the United States bonds known as the new 5 per cents.

SEC. 2. That the Secretary of the Treasury shall cause to be prepared, immediately on the passage of this act, a full and complete list, designating the denomination and number of the overissue; and shall cause the same, with a copy of this act, to be delivered by mail or otherwise, to each and every national bank, and to be published in one newspaper in every city containing twenty thousand inhabitants in the United States: *And provided*, That it shall be the duty of every national bank, on receipt of the list and a copy of this law, to immediately stamp each note which they may then be possessed of, and thereafter every note which may be presented to them, which are included in the list furnished by the Secretary, as follows: "This note is not a legal tender:" *And provided further*, That the said notes shall be receivable by the Government for all dues, except duties on imports: *And provided further*, That when received into the Treasury they shall be canceled, and not reissued.

Mr. COBURN. Will the gentleman from New York answer me one question?

Mr. COX. I have not time.

Mr. COBURN. When the gentleman again addresses the House on this question I hope he will look at the point of law whether the contraction of the currency was not stopped at $356,000,000.

Mr. COX. I will make the most exhaustive discussion of the question I am capable of.

Mr. HOLMAN. Will the gentleman from New York read that part of the decision of the Supreme Court which he says decides that Congress, in times like these, cannot issue greenbacks as lawful money?

Mr. COX. I have not the book here. It is at my room.

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. WILSON] yield further?

Mr. WILSON, of Indiana. I do not.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. WILSON] is entitled to the floor.

CENTRAL BRANCH UNION PACIFIC RAILROAD COMPANY.

Mr. WILSON, of Indiana. Mr. Speaker, I avail myself of the opportunity presented by the House being in Committee of the Whole for general debate to present some considerations in relation to the bill introduced by me to declare the true intent and meaning of the Union Pacific Railroad acts, so far as the same apply to what is now known as the Central Branch Union Pacific Railroad Company.

My reason for doing this now is that it involves an analysis of statutes, the consideration of the action of Departments, and the arguments adduced in favor of the company, making a tedious and laborious investigation for which few members can find the necessary time from their other duties; and I hope by now presenting the questions involved to render it less difficult for my fellow-members to examine the subject for themselves.

That company has been seeking for many months past to procure from the President the approval of a map locating an extension of its road from the present terminus, about one hundred miles west of the Missouri River, to a point on the Union Pacific Road at or near the one hundredth meridian. This effort, as I have good reason to believe, has been made with much persistence, and by some of the ablest and most influential lawyers of the nation by printed briefs and reported oral arguments. One of the objects sought to be attained by procuring the approval of this map is to fix upon the Government a liability to issue to this company bonds of the United States to the amount of $16,000 per mile, and alternate sections of the public lands for a width of twenty miles on each side of the proposed extension; and as this extension will be not far from two hundred and fifty miles in length, the House will perceive that this is a proposition to take from the Government an aggregate of about $8,000,000—four millions in bonds and four millions in public lands.

That the House may see that I am not mistaken in stating this to be one of the objects which this railroad company has in view, I read a paragraph from the brief of Hon. William M. Evarts, submitted to the Solicitor-General. He says:

We are before you in substance in the position of parties having performed what we were desired to perform by the Government of the United States in order to complete this great public work, for the public benefit, and we call upon the Government to perform its promises under which this corporation and this devotion of capital was invited and has been devoted and has been received by the Government; and that is that we be permitted to lay out the route from the terminus of our first and original right of one hundred miles from the river, and receive an allotment of the lands, and as a consequence of the bonds under the act.

This case has been frequently before the Department of the Interior, and adverse decisions rendered thereon, to which I will allude hereafter, but which I have not seen; but the present Solicitor-General has directed to the President an opinion in its favor, and I find it stated in an argument by one of the counsel for the company that the Secretary of the Interior is of the opinion that the claim should be allowed. With the highest respect for the opinion of the Solicitor-General, and for that of the Secretary of the Interior if he entertains the opinion thus attributed to him, I am constrained to the conclusion that they are in error, and as this company thus proposes to secure this enormous subsidy of lands and bonds, in my judgment without legal right, I have felt it to be my duty to prevent it if possible, and therefore have introduced the bill to which the attention of the House is now invited. Without stopping here to recite in detail the provisions of the bill, it is sufficient for my present purpose to say that it forbids any officer or Department of the Government to recognize this claim, or in any way to commit the Government to the issuance of these bonds or lands to this company.

As I have no inclination to do any injustice to this railroad company, nor any desire to deprive it of any rights it may have acquired by virtue of any previous enactments of Congress, nor any disposition to throw an obstacle in the way of the enjoyment of such rights, I propose to examine the grounds upon which this demand is made, and to give some of the reasons why I think it is without legal support.

To properly understand the question involved it is necessary to consider portions of the acts of July 1, 1862, July 2, 1864, and July 3, 1866, in relation to the construction of the railroad and branches from the Missouri River to the Pacific Ocean. It will be remembered that on this side of the Rocky Mountains, in addition to the Union Pacific road, the acts of 1862 and 1864 provided for the construction of branches from different points on the Missouri River to form a union with the main line. Among these branches one was from the mouth of the Kansas River, now known as the Kansas Pacific road; and another was an extension authorized to be made by the Hannibal and Saint Joseph Railroad Company of Missouri, from Saint Joseph, via Atchison, Kansas. The one last referred to is what is now known as the Central Branch Union Pacific Railroad Company, whose claim is now being considered, and it is out of the legislation of Congress touching these two branches that this claim arises. To this legislation I wish to call especial attention.

By the act of 1862, section 9, the Leavenworth, Pawnee and Western Railroad Company of Kansas (now the Kansas Pacific Railroad Company) was authorized to construct a railroad and telegraph line from the mouth of the Kansas River so as to connect with the Union Pacific Railroad on the one hundredth meridian, and was to receive lands and bonds—$16,000 per mile in bonds, and twenty sections per mile of lands. This road was to be located so as to enable the roads from Missouri and Iowa "herein authorized to connect with the same," to make that connection "within the limits prescribed in this act," provided the same could be done "without deviating from the general direction of the whole line to the Pacific coast." The route of this road, from the meridian of Fort Riley to the one hundredth meridian,

was to be "subject to the approval of the President of the United States, to be determined by him on actual survey."

Section 13 of this act of 1862 is as follows:

SEC. 13. *And be it further enacted*, That the Hannibal and Saint Joseph Railroad Company of Missouri may extend its roads from Saint Joseph, via Atchison, to connect and unite with the road through Kansas, upon filing its assent to the provisions of this act, upon the same terms and conditions in all respects, for one hundred miles in length next to the Missouri River, as are provided in this act for the construction of the railroad and telegraph line first mentioned, and may for this purpose use any railroad charter which has been or may be granted by the Legislature of Kansas: *Provided*, That if actual survey shall render it desirable, the said company may construct their road, with the consent of the Kansas Legislature, on the most direct and practicable route west from Saint Joseph, Missouri, so as to connect and unite with the road leading from the western boundary of Iowa at any point east of the one hundredth meridian of west longitude, or with the main trunk road at said point; but in no event shall lands or bonds be given to said company, as herein directed, to aid in the construction of their said road for a greater distance than one hundred miles. And the Leavenworth, Pawnee and Western Railroad Company of Kansas may construct their road from Leavenworth to unite with the road through Kansas.

The Central Branch Union Pacific claims to be the successor or assignee of the Hannibal and Saint Joseph Railroad Company, named in this section. It has constructed one hundred miles of road west from the Missouri River, and has received bonds therefor, and has received or will receive the alternate sections of land for that length of road. From its present western terminus it proposes to extend its road to the one hundredth meridian, a distance, as I before stated, of nearly two hundred and fifty miles, and to demand from the Government lands and bonds aggregating in value about $8,000,000 additional, notwithstanding the provision of the section above quoted, that "in no event shall lands or bonds be given to aid in the construction of their road for a greater distance than one hundred miles."

I desire the House here to notice four points prominent in this section:

First. This Central Branch might connect with the Kansas Pacific.

Secondly. It might connect with the branch leading from the western boundary of Iowa at any point east of the one hundredth meridian.

Thirdly. It might connect at the one hundredth meridian.

Fourthly. Whether its western connection should be in the one direction or the other; whether to make that connection the length of road required was one hundred or one thousand miles, only subsidies of land and bonds were to be had for one hundred miles. Thus far in this legislation nothing can be plainer than that Congress intended only to give this company subsidies for one hundred miles of road.

In 1834 an amendatory act was passed, in the ninth section of which is the following language:

And provided further, That any company authorized by this act to construct its road and telegraph line from the Missouri River to the initial point aforesaid [one hundredth meridian] may construct its road and telegraph line so as to connect with the Union Pacific Railroad at any point westwardly of such initial point, in case such company shall deem such westward connection more practicable or desirable; and in aid of the construction of so much of its road and telegraph line as shall be a departure from the route hereinbefore provided for its road, such company shall be entitled to all the benefits, and be subject to all the conditions and restrictions of this act: *Provided further, however*, That the bonds of the United States shall not be issued to such company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific Railroad on the one hundredth degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided.

This Central Branch Company, as I have already shown, was authorized by the act of 1862 to build to the one hundredth meridian; therefore the section last quoted is applicable to it, and thereby another option was given as to a western terminus, namely, to unite with the Union Pacific west of the one hundredth meridian; but Congress was again careful to provide that this company should only have lands and bonds for a distance of one hundred miles. This section also authorized the Kansas Pacific road to unite with the Union Pacific west of the one hundredth meridian.

The legislative intent is not left in doubt by these sections. Whenever Congress legislated specifically with reference to this road now under consideration, it has expressly restricted its subsidies of lands and bonds to a distance of one hundred miles. A basis for this claim must therefore be found elsewhere in these acts, if found at all.

But I desire the House to bear these sections in mind in connection with the interpretation of another section, and a subsequent statute. Section 16 of the act of 1864 is as follows:

SEC. 16. *And be it further enacted*, That any two or more of the companies, authorized to participate in the benefits of this act, are hereby authorized at any time to unite and consolidate their organizations, as the same may or shall be, upon such terms and conditions, and in such manner as they may agree upon, and as shall not be incompatible with this act or the laws of the State or States in which the roads of such companies may be, and to assume and adopt such corporate name and style as they may agree upon, with a capital stock not to exceed the actual cost of the roads so to be consolidated, and shall file a copy of such consolidation in the Department of the Interior; and thereupon such organization, so formed and consolidated, shall succeed to, possess, and be entitled to receive from the Government of the United States, all and singular, the grants, benefits, immunities, guarantees, acts, and things to be done and performed, and be subject to the same terms, conditions, restrictions, and requirements which said companies, respectively, at the time of such consolidation, are or may be entitled or subject to under this act, in place and substitution of said companies so consolidated, respectively. And all other provisions of this act, so far as applicable, relating or in any manner appertaining to the companies so consolidated, or either thereof, shall apply and be of force as to such consolidated organization. And in case, upon the completion by such consolidated organization of the roads, or either of them, of the companies so consolidated, any other of the road or roads of either of the other companies authorized as aforesaid (and forming, or intended or necessary to form, a portion of a continuous line from each of the several points on the Missouri River, hereinbefore designated, to the Pacific coast) shall not have constructed the number of miles of its said road within the time herein required, such consolidated organization is hereby authorized to continue the construction of its road and telegraph in the general direction and route upon which such incomplete or unconstructed road is hereinbefore authorized to be built, until such continuation of the road of such consolidated organization shall reach the constructed road and telegraph of said other company, and at such point to connect and unite therewith; and for and in aid thereof the said consolidated organization may do and perform, in reference to such portion of road and telegraph as shall so be in continuation of its constructed road and telegraph, and to the construction and equipment thereof, all and singular the several acts and things hereinbefore authorized or granted to be done by the company hereinbefore authorized to construct and equip the same, and shall be entitled to similar and like grants, benefits, immunities, guarantees, acts, and things to be done and performed by the Government of the United States, by the President of the United States, by the Secretaries of the Treasury and Interior, and by commissioners, in reference to such company, and to such portion of the road hereinbefore authorized to be constructed by it, and upon the like and similar terms and conditions so far as the same are applicable thereto. And said consolidated company shall pay to said defaulting company the value, to be estimated by competent engineers, of all the work done and material furnished by said defaulting company, which may be adopted and used by said consolidated company in the progress of the work under the provisions of this section: *Provided, nevertheless*, That said defaulting company may at any time before receiving pay for its said work and material, as hereinbefore provided, on its own election, pay said consolidated company the value of the work done and material furnished by said consolidated company, to be estimated by competent engineers, necessary for and used in the construction of the road of said defaulting company, and resume the control of its said road; and all the rights, benefits, and privileges which shall be acquired, possessed, or exercised, pursuant to this section, shall be to that extent an abatement of the rights, benefits, and privileges hereinbefore granted to such other company. And in case any company, authorized thereto, shall not enter into such consolidated organization, such company, upon the completion of its road as hereinbefore provided, shall be entitled to, and is hereby authorized to, continue and extend the same under the circumstances, and in accordance with the provisions of this section, and to have all the benefits thereof as fully and completely as are herein provided touching such consolidated organization. And in case more than one such consolidated organization shall be made, pursuant to this act, the terms and conditions of this act, hereinbefore recited as to one, shall apply in like manner, force, and effect to the other: *Provided, however*, That rights and interests at any time acquired by one such consolidated organization shall not be impaired by another thereof: *It is further provided*, That should the Central Pacific Railroad Company of California complete their line to the eastern line of the State of California before the line of the Union Pacific Railroad Company shall have been extended westward so as to meet the line of said first-named company, said first-named company may extend their line of road eastward one hundred and fifty miles, on the established route, so as to meet and connect with the line of the Union Pacific road, complying in all respects with the provisions and restrictions of this act as to said Union Pacific road, and upon doing so shall enjoy all the rights, privileges, and benefits conferred by this act on said Union Pacific Railroad Company.

I have quoted this section in full so that the attention of the House may be particularly attracted to it, but it may be briefly stated, so far as applicable to this case, thus: Where by these acts there was to be a union of two roads, the company that first reached the point of union might go on constructing along the line of the other until it reached the "constructed portion" of the latter, and should receive the bonds and lands the latter would have received if it had constructed to the point of union, or the bonds and lands appertaining to that portion of the road.

It will be remembered that the Kansas Pacific, by the act of 1862, was to be constructed from the mouth of the Kansas River to the one hundredth meridian, and that the Central Branch had the option to connect with the Kansas Pacific. Now, the basis of this claim is, that the Central Branch Company elected to connect with the Kansas Pacific; that when it had built one hundred miles of road and had reached the point where the connection should have been made, the Kansas Pacific had not constructed its road to that point, and, therefore, under the provisions of this sixteenth section, it (the Central Branch Company) has the right to continue on to the one hundredth meridian and to receive bonds and lands for the additional distance.

It is assumed—

First. That the Kansas Pacific was to build to the one hundredth meridian.

Secondly. That the act required the location of the Kansas Pacific to be so made as that the Central Branch could connect with it within one hundred miles west from the Missouri River, if it should elect to unite with that road.

Thirdly. That the Central Branch elected to unite with the Kansas Pacific.

Fourthly. That when it reached the end of the one hundred miles the Kansas Pacific had not built to that point.

From these premises the conclusion is asserted that the Central Branch has the right, under the sixteenth section, to go on and build a road from the present terminus to the one hundredth meridian, and to receive the lands and bonds that the Kansas Pacific would have received if it had constructed that portion of the road.

I have already shown by the statutes that the Kansas Pacific had the option to make its western terminus indefinitely west of the one hundredth meridian, and therefore the first proposition above is inaccurate, and I shall take occasion hereafter to show that the second is a bald assumption; that the statutes contain no provision requiring the Kansas Pacific to be located so as that the Central Branch could unite with it within one hundred miles west of the Missouri River.

Before considering these propositions and the arguments that have been based upon them by the learned counsel for this company, I call the attention of the House specially to the language of the sixteenth section, to show that this section does not and cannot be made to apply to this Central Branch Company, if the letter of the act is to govern. There is no argument that I have seen in favor of this claim that pretends that it has any foundation outside of this section, and if I can

show from this and another section that it has no reference to this branch, it is an end of the controversy.

Now mark the language of this section. After providing that two or more companies may consolidate for purposes of construction, it proceeds as follows:

And in case, upon the completion by such consolidated organization of the roads, or either of them, of the companies so consolidated, any other of the road or roads of either of the other companies authorized as aforesaid (and forming, or intended or necessary to form, a portion of a continuous line from each of the several points on the Missouri River, hereinbefore designated, to the Pacific coast) shall not have constructed the number of miles of its said road within the time herein required, such consolidated organization is hereby authorized to continue the construction of its road and telegraph in the general direction and route upon which such incomplete or unconstructed road is hereinbefore authorized to be built, until such continuation of the road of such consolidated organization shall reach the constructed road and telegraph of said other company, and at such point to connect and unite therewith.

Then it is further provided that—

In case any company, authorized thereto, shall not enter into such consolidated organization, such company, upon the completion of its road, as hereinbefore provided for, shall be entitled to, and is hereby authorized to, continue and extend the same, under the circumstances and in accordance with the provisions of this section, and to have all the benefits thereof, &c.

This language cannot be made to apply to the Central Branch road in its relations to the Kansas Pacific. It can only apply to such roads, as by a continuation along the line of another road, will ultimately reach a constructed portion of the latter. It may build until it "shall reach the constructed road and telegraph of said other company, and at such point connect and unite therewith," is the language of the act. In the case of the Central Branch and the Kansas Pacific, in view of another provision, this is a physical impossibility.

Section 10 of the act of 1862 requires the Kansas Pacific to commence constructing at the mouth of the Kansas River, and to complete one hundred miles within two years after filing assent to the act, and one hundred miles each year thereafter. Congress, having required construction to be commenced at the mouth of the Kansas and progress to be made westwardly, did not intend that it should commence at the one hundredth meridian and work eastwardly. Consequently the Central Branch could not extend in the general direction from any western terminus so as to "unite with the constructed road" of the Kansas Pacific.

If the Central Branch should go on constructing in the "general direction" it would never unite with the Kansas Pacific, but when it reached the one hundredth meridian it would "connect and unite" with the Union Pacific. The Central Branch, therefore, does not come within the letter of the section.

But it may be contended that this Central Branch road comes within the spirit of the sixteenth section. For the sake of the argument let that be granted, and it will still not be entitled to what it claims, as I think I shall be able to show; in doing which it will be necessary to advert to some of the arguments which the attorneys of the company have been urging before the Departments.

Section 22 of the act of 1834, the same act in which this sixteenth section occurs under which this claim is made, is in these words:

Congress may at any time alter, amend, or repeal this act.

All that was done by any of these companies was in the view of this plain reservation of power. No company could claim that by filing a map or making a location any vested right to the subsidies was created, so as to prevent Congress from exercising this reserved right to "alter, amend, or repeal."

Now, Mr. Speaker, asking the House to bear in mind the fact that the ninth section of the act of 1864 authorized the Kansas Pacific to build its road to unite with the Union Pacific indefinitely westwardly of the one hundredth meridian, at any point that might be deemed advisable, I ask especial attention to an act approved July 3, 1866. I will read it:

An act to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Pacific Railway Company, Eastern Division, is hereby authorized to designate the general route of their said road, and to file a map thereof, as now required by law, at any time before the 1st day of December, 1866; and upon the filing of the said map, showing the general route of said road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior: *Provided*, That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific Railroad on the one hundredth degree of longitude, as now required by law: *And provided further*, That said company shall connect their line of railroad and telegraph with the Union Pacific Railroad, but not at a point more than fifty miles westwardly from the meridian of Denver, in Colorado.

SEC. 2. *And be it further enacted*, That the Union Pacific Railroad Company, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road from Omaha, in Nebraska Territory, westward, according to the best and most practicable route, and without reference to the initial point on the one hundredth meridian of west longitude, as now provided by law, in a continuous completed line, until they shall meet and connect with the Central Pacific Railroad Company of California; and the Central Pacific Railroad Company of California, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road eastward, in a continuous completed line, until they shall meet and connect with the Union Pacific Railroad: *Provided*, That each of the above-named companies shall have the right, when the nature of the work to be done, by reason of deep cuts and tunnels, shall, for the expeditious construction of the Pacific Railroad, require it, to work for an extent of not to exceed three hundred miles in advance of their continuous completed lines.

It will be observed that by this act the Kansas Pacific, which by the act of 1862 was to connect with the Union Pacific at the one hundredth meridian, and by the act of 1864 at any point indefinitely westwardly of the one hundredth meridian, was limited in making a change of line, so as that the connection should not be more than fifty miles west of the meridian of Denver; and it is worthy of remark, although not essential to the argument, that, at the time of the passage of this last act, the Central Branch Company had not completed any portion of its road. Twenty miles of it were so far completed as to have been accepted by the Government a few days afterward. Pursuant to this act the Kansas Pacific Company changed the line of its road from the line originally contemplated, and located it from the meridian of Fort Riley westwardly to Denver, and thence to Cheyenne, on which route the road has since been built.

Now, sir, what was the effect of that act of July 3, 1866, and of this action of the Kansas Pacific Company pursuant thereto? It was to vacate, so to speak, any line of the Kansas Pacific for which provision had formerly been made from the meridian of Fort Riley to the one hundredth meridian. From the date of this new location no road was to be built by the Kansas Pacific between those two points.

Congress had reserved to itself the right to make any alteration that might be deemed advisable, and by the act of July 3, 1866, this alteration in this line was made, whether wisely or not it is not necessary to discuss. By the sixteenth section of the act of 1864, under which the Central Branch sets up this claim, that company only had the right to make that part of the line of the Kansas Pacific Company which the latter company did not make. The right of the Central Branch Company to construct a part of the line set apart to the Kansas Pacific was only a secondary right. The primary right was in the Kansas Pacific. The Central Branch could only succeed to a right possessed by the Kansas Pacific which the latter had failed to exercise. But the line of the Kansas Pacific was, under the act of 1866, removed from that locality altogether and placed farther west, and it has been constructed on the new location. It has not, therefore, failed to construct any portion of its line, and there is therefore nothing to which the Central Branch can succeed. The latter is claiming to succeed to the right of the Kansas Pacific to construct that portion of the original line of the Kansas Pacific lying between its terminus one hundred miles west of the Missouri River and the Union Pacific at the one hundredth meridian. But the Kansas Pacific has had no rights there since the legislation of 1866 to which it could succeed. All of the rights of the Kansas Pacific between those points ceased with that legislation and the action of that company pursuant thereto. Since then no road has been required to be built between those two points by the Kansas Pacific Company. It had no right to build a road there. Hence the Central Branch has no such right, and this claim is without legal foundation upon which to rest.

I find in the perusal of one of these briefs that to obviate this, to my mind, most manifest conclusion, it is contended on behalf of this claim that the road built by the Kansas Pacific after the passage of the act of 1866, and pursuant to that act, is not one of the roads or branches contemplated by the acts of 1862 and 1864. In other words, it is insisted that Congress in passing the act of 1866 made provision for a new, or an additional, road.

The language used in this brief is this:

After a careful examination of the act of 1866, we find it to be no more nor no less than legislation granting a new franchise to the Kansas Pacific Company in respect to that portion of the road lying west of the meridian of Fort Riley.

And the conclusion is drawn that the original route of the Kansas Pacific between the meridian of Fort Riley and the one hundredth meridian was left remaining, and is now open to be constructed by the Central Branch Company. This position was necessary to be resorted to, to avoid the force of the point that Congress had, by the act of 1866, made a diversion or deflection of that route.

But, sir, this assumption that a "new franchise" was created by that act is grossly at variance with the act itself. The title of the act which I have before read declares it to be an act amendatory of the act of 1864, which was amendatory of the act of 1862.

And now listen to the language of the act itself, as found in section 1, which I have before read, but which I must repeat here to show upon what baseless premises this argument is made:

Be it enacted &c., That the Union Pacific Railway Company, Eastern Division—

The name had been changed from the Leavenworth, Pawnee and Western to Union Pacific, Eastern Division, and has since been changed to the Kansas Pacific—

is hereby authorized to designate the general route of their said road—

I pause, sir, to ask what "said road" is here referred to? Is it a new road, separate and distinct from any before authorized? As I said before, this was an act amending the act of 1864, which amended the act of 1862. Those acts authorized this company to build from the mouth of the Kansas River to the Union Pacific at the one hundredth meridian, and that is the only road which this company had anything to do with under those acts. The language, therefore, "their said road" refers to this, and cannot refer to anything else. The section proceeds—

and to file a map thereof as now required by law before the 1st day of December, 1866.

I pause again to call attention to this language. This company was authorized to "file a map" of their general route as now required by law. But the counsel making this argument insists that this is a

new road or franchise being provided for. If this is so, then there must have been something "now required by law," with reference to a road that did not, at that time, have even legislative authority for an existence. This is such a palpable absurdity that perhaps I should apologize to the House for wasting time upon it. But, inasmuch as this is one of the arguments or theories upon which it is proposed to relieve the public of a few millions, I will read the first proviso in this section:

Provided, That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of railroad and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific Railroad, on the one hundredth degree of longitude, as now required by law.

Is it not too manifest for argument that Congress was treating of a road already provided for by law, and that that was a road which it had been provided might connect with the Union Pacific at the one hundredth meridian? That road was this same Kansas Pacific. It was not a "new road" for which provision was being made, but changes were being made in relation to one that had already been "provided" for "by law."

Mr. Speaker, out West when a question is started which is too difficult for the wisest, it is commonly said of it that it would "puzzle a Philadelphia lawyer." If all the wisdom of all the lawyers of Philadelphia, living or dead, with those of New York and New England thrown in, were concentrated together, melted down, purified, and refined, until it was the very fine gold of wisdom, it would be inadequate to the task of demonstrating that the language of this section has reference to some new road for the construction of which Congress was making provision in this section, and not for a change of the line of one already authorized to be constructed to the one hundredth meridian. Nothing can be plainer than that Congress was legislating with reference to this road from the mouth of the Kansas, authorized by the acts of 1862 and 1864; and the next proviso shows that its route or location was to be changed. I will read it:

And provided further, That said company shall connect their line of railroad and telegraph with the Union Pacific Railroad, but not at a point more than fifty miles westwardly from the meridian of Denver in Colorado.

But it is further argued by these learned lawyers that the act of 1866 does not divest the Central Branch Company of this right of extension unless it repeals the portion of the act of 1864 under which it might have made the extension. They say that it does not, in express words, repeal any portion of the act of 1864. And they contend that there is no repeal by implication, because both acts can stand together; that, the one not being inconsistent with the other, both can be executed.

Well, sir, I do not pretend that the act of 1866 repealed the act of 1862 or 1864, or any part of either. By these acts Congress did not pretend to designate the particular ground upon which any of these roads should be built. They designated terminal points on the Missouri River, leaving the western terminal points indefinite, and reserved the right to "alter" the lines at any time. Congress did not intend, by the act of 1866, to repeal the authority to build the Kansas Pacific road, but it did exercise its expressly-reserved right to alter the western terminus of that road, which involved a change of line. And I agree with these learned gentlemen that both acts can be executed. The Central Branch may build so as to connect with the Kansas Pacific, or it may build to the one hundredth meridian, or to points east or west of that meridian. That was what it might do originally, and it has the same rights still, if by laches they have not been lost; but, in the language of the act—

In no event shall it receive lands or bonds for a greater distance than one hundred miles.

But these gentlemen in their arguments assume that the original act required the Kansas Pacific road to be so located that the Central Branch could connect with it within one hundred miles west from the Missouri River; and upon this assumption, which I shall presently show is entirely without foundation in fact, they base an argument, and the Solicitor-General bases an opinion, which I now propose to notice.

In his opinion, as reported, the Solicitor-General says:

After the filing of the map of July 1, 1855, (*i. e.*, by the Kansas Pacific, locating to the one hundredth meridian) and the subsequent election of the Central Branch Company, (*i. e.*, to build to unite with the Kansas Pacific Company) the United States, the Kansas Company, and the Central Branch Company were all parties to a contract by which, among other things, the Kansas Company stipulated that at the end of a road of less than one hundred miles in extent the Central Company should find the Pacific Railroad to connect with. I apprehend there is no principle of law by which two of these parties could, against the will of the third, rescind such contract.

Further on in the opinion he says:

Upon the whole, from the course of legislation and the conduct of the parties, I entertain no doubt that at the time of the passage of the act of 1866, a trilateral contract existed between the United States, the Kansas Company, and the Central Branch Company; that by such contract it was contemplated that the Kansas Company by non-action, might yield its right to construct a road from the meridian of Fort Riley to the one hundredth meridian; and in that case such right would devolve upon the Central Branch Company, &c.

The House will see that, to reach this conclusion, the Solicitor asserts as a fact that the Kansas Pacific was by this legislation to be so located; that the Central Branch could connect with it within one hundred miles. I assert, most unqualifiedly, that there is no such provision in the act, nor any provision that will bear any such construction.

I will read to the House the portions of the act bearing upon this subject. In section 9 of the act of 1862, there is the following:

And said railroad through Kansas [Kansas Pacific] shall be so located between the mouth of the Kansas River as aforesaid and the aforesaid point on the one hundredth meridian of longitude, that the several railroads from Missouri and Iowa herein authorized to connect with the same can make connection within the limits prescribed in this act, provided the same can be done without deviating from the general direction of the whole line to the Pacific coast.

It will be very difficult to find what the "limits" referred to in this paragraph are.

But the advocates of this claim assert that is a connection with the Kansas Pacific within one hundred miles. I will read the provision of the act upon which they rely; and I may add that it is the only one, directly or indirectly, nearly or remotely relating to this matter.

I read the thirteenth section of the act of 1862:

The Hannibal and Saint Joseph Railroad Company, of Missouri, [now Central Branch,] may next extend its roads from Saint Joseph via Atchison to connect and unite with the road through Kansas upon filing its assent to the provisions of this act, upon the same terms and conditions in all respects, for one hundred miles in length next to the Missouri River, as are provided in this act for the construction of the railroad and telegraph line first mentioned, and for this purpose use any railroad charter which has been or may be granted by the Legislature of Kansas.

Now, sir, that is the only provision fixing any "limits" within which the Kansas Pacific must be located; and I most respectfully submit that it fixes no limits whatever. It would require very vigorous and ingenious construction of language to make this mean that the Kansas Pacific should be located so that the Central Branch could connect with it within one hundred miles west from the Missouri River. It is simply a provision that the Hannibal and Saint Joseph road may extend so as to unite with the road through Kansas; and, as to the distance of one hundred miles west from the Missouri River, it shall have the same terms and conditions in all respects as are accorded to the Union Pacific. It can have bonds for one hundred miles, and lands for one hundred miles, &c., and no farther; but that the union is to be effected within one hundred miles cannot be tortured out of this language. Not only will the language not support any such hypothesis or assumption, but subsequent provisions show that no such idea was entertained. The same section in which the language to which I have been referring occurs further provides that this Hannibal and Saint Joseph road (Central Branch) may unite with a branch from Iowa, or may unite with the Union Pacific at the one hundredth meridian, at its option; and then follow these words:

But in no event shall lands or bonds be given to said company, as herein directed, to aid in the construction of their said road for a greater distance than one hundred miles.

Thus showing conclusively that the "hundred miles" limitation was as to the benefits to be received, and not as to the point where the union of the two roads was to be effected. Nor is this all. By section 9 of the act of 1834 the Kansas Pacific was authorized to construct its road so as to connect with the Union Pacific at any point west of the one hundredth meridian—no matter how far west. It could have gone to Cheyenne, as it has since gone. It needs no diagram to show that if it went west for a connecting point the distance for the Central Branch to traverse in order to connect with this road through Kansas must be increased also. It might require a distance of two, three, four, or even five hundred miles, depending upon where the western terminus of the Kansas Pacific road might be located.

Is it not perfectly apparent from this that Congress did not intend to require this Kansas Pacific road to be located so that the Central Branch could unite with it within the limit of one hundred miles? This provision expressly authorized it to do otherwise.

And, again, in this section it is provided that no more lands or bonds should be issued than had before been specified. The location might be changed, the lines might be lengthened, but the subsidies should not be increased.

Mr. Speaker, it seems to me that whoever will carefully look at these acts must come to the conclusion that this idea that the Kansas Pacific road was required to be located so that the Central Branch Company could unite with it within one hundred miles is the merest figment of the brain. And yet upon this assumption, this fiction, is built an argument in favor of putting an additional strain upon the public credit, and turning over to this corporation an enormous subsidy of public lands.

The Solicitor-General says it will be observed that the United States and the Kansas Pacific Company stipulated that "at the end of a road less than one hundred miles in extent the Central Company should find the Pacific road to connect with." I do not pretend to know what the Central Company expected to find at the end of one hundred miles, but I think I can safely assert that it had no right to indulge in the expectation that it would find the Kansas Pacific road there. In support of this I will state some facts that will be verified by the record.

First. The Kansas Pacific never, at any time, filed a map of definite location west of the meridian of Fort Riley to the one hundredth meridian.

Secondly. The President never approved of a route for that road west of the meridian of Fort Riley to that meridian. But the ninth section of the act of 1862 provides that the portion of the route between

these two meridians shall be subject to the approval of the President, and to be determined by him on actual survey There never was any "actual survey."

The location of this part of the route, therefore, was entirely uncertain. Until this survey was made, and the President's approval secured, it was impossible to know the distance that this portion of the route would lie west of the Missouri River, and it is idle, therefore, to talk of this Central Branch Company expecting to find the Kansas Pacific to connect with at the end of their one hundred miles, and it is still more idle to talk of a contract that it should be there. Its location was wholly indefinite under the act of 1862, and, if possible, more so under the act of 1864, when it was authorized to move indefinitely westwardly. When these maps were filed it was not known where the Kansas Pacific would be built. Having never been definitely located, and the Kansas Pacific Company having the right to go as far west with its road as it desired, there was no ground for expectation that the road would be located at any particular place, and none could have been reasonably entertained.

The Solicitor-General, it will be perceived, comes to the conclusion that this legislation and the filing of maps by the companies makes the United States a party to a trilateral contract that the Central Company might build from the meridian of Fort Riley to the one hundredth meridian if the Kansas Company did not do so.

Having shown that the act does not require the location to be within one hundred miles, there is no ground left for this contract theory to stand upon.

But, sir, independent of this, did the United States enter into any such contract? Conceding, for the sake of the argument, that what was done was in the broadest and strictest sense a contract, was it such a contract as is intimated by the learned Solicitor? No, sir. On the contrary, the United States expressly reserved therein the right to alter, amend, or abrogate it altogether "at any time," and it reserved this right for the purpose expressed in the act itself, or, if you please, the contract, namely, "to promote the public interest and welfare." Congress was making vast grants or subsidies to these corporations of public lands and public credit, and therefore most wisely reserved the right to make such alterations in regard to the construction of these roads as the "public interest" required. When this Central Branch Company filed its assent to the provisions of this legislation, as it was required to do before it could acquire any rights thereunder, it assented to this right which Congress had reserved to itself.

The exercise of this right to change the location of the Kansas Pacific road by the act of July 3, 1866, was no violation of any contract into which the United States had entered, but was in direct accordance with the express, direct, unequivocal stipulations or provisions of the act.

In the examination of this question I have with much interest considered the printed arguments submitted to the Solicitor-General by the counsel for this Central Branch Company. The reputation they have for great learning and ability, and which they so justly deserve, will possibly have more force in sustaining any position they may have assumed than any argument I might be able to urge in its refutation.

I find them also, upon the assumption of the one hundred mile limit, arguing, as does the Solicitor-General in substance, that by the passage of these acts, and by the filing of these maps by the companies, the right to build this road in the particular place where the Central Branch Company now seeks to build it, and consequently the right to the lands and bonds, became vested rights, and of course, if vested, not to be divested. I have an answer to this that is satisfactory to my mind, however little weight it may have in the minds of others as against these learned gentlemen. It is found in the language of the acts I have already quoted, namely, that Congress may "at any time alter, amend, or repeal this act."

Now, to adopt the doctine of "vested rights" is to deprive Congress of this expressly reserved right. If this doctrine of "vested rights" is sound, then it was in the power of these companies to file their maps of location, and thereby to cut off the right of Congress thus reserved in the interest of the public. The effect of the doctrine would be to enable these companies to say to Congress, "You did not exercise the right to alter, amend, or repeal before our maps were filed—it cannot be done afterwards;" when the contract between the parties, if it must be called a contract, was that Congress might do that "at any time." If it was a contract, Congress has done no more by the passage of the act of 1866 than the contract authorized.

Mr. Speaker, whoever will give himself the pleasure to read the ingenious briefs that have been submitted in support of this claim, will find another consideration strongly urged in its favor. It is contended that those interested in this corporation, having placed their money in this one hundred miles of road upon the faith that the Kansas Pacific would be built to the one hundredth meridian, it would now be inequitable to deny this application, and therefore that the President should approve this map and thereby sanction this claim, notwithstanding the act of 1866.

I think I have shown that that act had the effect to remove the line of the Kansas Pacific, so that now there is no law authorizing that company to build to the one hundredth meridian, and therefore nothing to which the Central Branch could succeed. If that is the case, then these gentlemen have made their application at the wrong place. The President has no power to settle and adjust equities. No Department has any such power in such a case as this. To administer the law as Congress has made it, right or wrong, is the extent of executive power in this behalf. If Congress has done an inequitable thing, they must come to Congress for a redress of their grievances; and when they come here, it may, and doubtless will, become interesting to inquire whether this company, that talks through counsel about equity, has ever complied with the law under which it is acting, so as to entitle it to favorable consideration; and when the investment of money is urged, it may be still more interesting to know whether the Government did not by subsidies furnish all the means expended in the construction of the existing one hundred miles. And it may furthermore be very interesting to know whether the subsidies already received by this company were not received without legal right.

Thus far, Mr. Speaker, I have presented this case upon the construction of these statutes. There is one other view of the case to which I will briefly call the attention of the House.

Those who have been and still are pressing this demand made it as long ago as 1866. Mr. Browning, then Secretary of the Interior, decided against it. I refer the House to his letter, of date February 19, 1867, and also to his annual report, November 3, 1868, page 16.

It was again brought before that Department, and again it was decided adversely to the claimants, when Mr. Cox was Secretary of the Interior.

And yet again it was brought before the same Department, and was referred by Mr. Delano to Attorney-General Akerman, who decided against it. The opinion will be found in volume 13 Opinions of Attorneys-General, page 430.

With a persistence worthy, in my judgment, a more righteous cause, it is again exhumed, brought before the Solicitor-General, and he has given the opinion to which I have adverted.

Now, sir, this case is *res adjudicata*. These former decisions, adverse to this demand, are conclusive of the question. The decisions of the Secretaries to which I have alluded are conclusive upon their successors.

In support of this proposition I refer to the following authorities, which I cannot now read for want of time:

First. The opinion in the case of the Western Pacific Railroad Company, (13 Opinions of Attorneys-General, 387,) and authorities there cited.

Secondly. Case of R. H. McGoon, (13 Opinions of Attorneys-General, 457,) and authorities cited.

There are other considerations connected with this case which I shall bring to the attention of the House hereafter if necessary, relating to the action of Congress in the passage of the act, and the action of these companies in regard to filing maps, and in relation to motives which influenced the Central Branch Company to take the route that was taken. I cannot do so now for want of time.

Mr. Speaker, perhaps I should apologize for having made the reference I have to the briefs of counsel and the opinion of the Solicitor-General in connection with this matter. The apology that I have to offer is simply this: This application on behalf of this company before the Solicitor-General was *ex parte* in its character. While there are millions involved, in which the Government (which is but another name for the people) is directly interested, it happens to be the fact that there is no one whose duty it is to appear before the Solicitor-General and represent the interests of the people even in an affair of so much moment. Here, then, is the only place where these arguments by which this claim is urged can be answered. I may not have successfully answered them, but I have brought them and the subject to the attention of the House. After having examined them, in connection with the acts of Congress to which I have referred, I am convinced that there is no existing law which will entitle this company to lands and bonds for their proposed extension; and if I am right in that conclusion it is not only eminently proper but it is the duty of Congress to set this question at rest.

We know how persistently claims of this character may be urged. We know how the presentation may be, and most likely will be, repeated. In a case like this, involving so many millions, unless something is done to prevent it we may expect it will be renewed from time to time, more especially as this corporation has the Solicitor-General on its side, and professes to have the Secretary of the Interior on its side also; and, in the end, it may in some way be fastened upon the Government. If the President had followed the advice of the Solicitor-General already this company would have gained a position from which it could fight with great advantage. I trust the House will, by the passage of this bill, render it impossible for this company to press this demand any further in the direction it has been pursuing.

And I venture to say further, that there should be no delay in this behalf. Late in the last Congress an act was passed to procure a judicial determination of the rights of the Government growing out of the legislation of Congress for the construction of the Union Pacific Railroad and the acts of the parties who constructed it. Under that act the Attorney-General brought a suit; and in an argument against the constitutionality of the act a learned lawyer characterized it as an act that "was passed by a Congress in its expiring hours, agitated with its own reputation."

While this Congress is yet young and in the full vigor of its integrity, and before it has been subjected to the sophistries and blandishments of those whose tongues are oily with the fatness of an already largely subsidized corporation, and while, therefore, it has no occasion

to be "agitated with its own reputation," I trust it will, by the passage of the act I have introduced, give a quietus to this claim, and relieve the President from being further importuned on the subject.

Mr. COBB, of Kansas. I desire to ask the gentleman from Indiana [Mr. WILSON] a question before he resumes his seat.

The SPEAKER *pro tempore*. The time of the gentleman from Indiana has expired. The gentleman from Connecticut [Mr. KELLOGG] has the floor.

Mr. KELLOGG. I yield to the gentleman from Kansas for a question merely.

Mr. COBB, of Kansas. I desire to address a question to the gentleman from Indiana, in no spirit of hostility to his argument, but with a view to arrive at the real facts in the case. I understood the gentleman to state that the Kansas Pacific Railroad never laid out nor contemplated to lay out its main line westward from Fort Riley up the Republican Valley in the direction of Fort Kearney, to connect with the Union Pacific at the one hundredth meridian. Did it not, prior to the passage of the act of 1866, file a map for its line up the Republican Valley westward from Fort Riley; and in consequence was not the land in the valley along the line of said railroad withdrawn from market by the Government prior to the passage of that act of 1866?

Mr. WILSON, of Indiana. The Kansas Pacific did file a map of general location between Fort Riley and the one hundredth meridian, but not a map of definite location; nor was there ever a survey of route made. After the filing of the map the land was withdrawn from sale, but, after the passage of the act, was restored to market.

CURRENCY.

Mr. KELLOGG. Mr. Speaker, for the first time in almost five years I have been in the House I have risen here to-day to address the House on what is known as debate day, or Saturday, and I do not expect to occupy nearly an hour in anything I may say to the House to-day. I did not know until an hour ago that I could have any opportunity to speak to-day, and had it not been for the kindness of my friend from Nevada, [Mr. KENDALL,] for which I thank him heartily, I should not have had the floor; and I am not here with any prepared or written speech, but merely for the purpose of replying to some views that I have heard thrown out all around me since we assembled at the opening of this session of Congress.

I have heard frequently from our good friends of the South and West, since the beginning of this session, "You in New England and in the Eastern States have got more than your share of the national currency, the national-bank circulation; and if you of the East do not give us more currency we will take away some of yours;" and I propose, in the brief period I occupy here to-day, to show how we came by it, how we were forced to take it, and to ask my good friends from the South and West what they are going to do about it. Sir, I do not assume to speak for New England; I am not commissioned as her champion on this floor; but I do speak, and I have a right to speak, for the largest district in my own State, which I represent here; a district of intelligence, of refinement, and of wealth, and a perfect hive of busy and energetic industry; and a district whose active, intelligent business men have views large enough and broad enough to comprehend and seek to promote the interests, not only of their own State and section, but of the whole country. I usually find work enough on Saturdays for my constituents to occupy my time without indulging in speeches here. Yet some unfair and mistaken things have been said here, and have been so often repeated that I now feel like making some reply to them.

But before proceeding to this subject I want to allude to views which I have heard expressed on the floor of this House, from the time we met, on the 1st of December, that our late panic—as our friends the expansionists allege—was owing wholly or almost entirely to the fact that we had not currency enough in this country; that we had so little in proportion to the wants of the business community that a few men in New York with immense capital were able to lock it up and to cause the panic that spread so much distress all through this country.

I must differ with those gentlemen, for I believe we have had an abundant currency all through the late years for the legitimate business of this country; and while I would not urge here any contraction of the currency to any extent, I should not urge and shall not by my vote, if I know it, consent to any material expansion. I believe the business people of the country want no violent contraction or expansion. I believe they want a settled, stable, permanent policy; that they want this Congress to let them know very soon what their intention is about legislation in regard to the currency question.

Now, in regard to the late panic, it was a peculiar panic in some respects. It differed from any other panic the country has ever known. There was no fear about the soundness or value of our money in that panic. The only difficulty was that the money was so good that every one kept all he had on hand, and all he could get hold of; and every man, woman, and child who could get hold of it fastened upon it and hoarded it, and that increased the distress. I do not look upon that panic as growing out of any lack of currency. It grew rather out of an overexpansion of all kinds of business, and a wild speculation which I may say embraced almost every branch of business throughout the country; and this chiefly led to the lock-up in New York and to the panic. It was not the railroad enterprises alone that were expanded; it was not alone Jay Cooke & Co. with the Northern Pacific project; it was not alone your railroad projects in the West, where you have attempted to build as much railroad in one year as you ought to take five years to build. There was a wild speculation, I will admit, in regard to railroad enterprises all through the country, and the people were endeavoring to do too much and to go too fast; but it was not confined to the railroad enterprises.

Take our manufacturing industries in New England. When you find a leading manufacturing concern, with its branches of business ramifying through all parts of the country, and standing among the first and foremost of the manufacturers of New England for wealth and enterprise; and when you find such a manufacturing company with assets of nineteen millions, and owing fourteen or fifteen millions, with bills coming due for purchases of materials and labor of hundreds of thousands per month, I ask what is possible for men so situated to do except to suspend in time of sudden pressure? When orders stop, the machinery and labor must stop also, with such a mountain load of debt. Take also the mercantile community. When you find one of your leading houses in New York City, one of the first and foremost in enterprise and energy of all the mercantile concerns in this country, with twenty-one millions of assets, and owing fifteen or sixteen millions, how in the world are they going to meet their hundreds of thousands of bills coming due every week in time of sudden pressure or lock-up of money? And so in every branch of business. The American people, during years of prosperity, had been growing rich as they thought faster than they had ever dreamed in their most sanguine expectations, and they had run wild in speculations in almost every branch of business. There will always be a pressure and panic following such a condition of speculation; there always has been, from 1837 down to this time, and before then. There will be South Sea bubbles and there will be wild speculations wherever a people has a redundant currency, over and above what is demanded for the legitimate and well-beaten paths of business, that men will more safely tread when there is no inducement to lead them aside by an overexpanded currency. I look upon this late panic not as arising from any lack of currency. After careful reflection and study of the views of others more familiar with our wide-spread business than myself, I look upon this panic as a necessary corollary, following of necessity the expansion of business that men in almost all branches of industry in this country had been led into during the last two or three years.

But, sir, I rose more particularly to speak to my friends here from the South and West in reply to their oft-repeated claims, that we have too much of the currency in the North and East; that we have more than our share of banking currency; that we in New England have more than our share, and they are going for us; that we have in the States of New York and Pennsylvania several million above the *pro rata* share of those States. I want to tell gentlemen how we came by it, and how we were obliged to take it. The first national bank organized under our national-banking law, if I remember aright, was organized in 1863 in the city of Philadelphia, with a capital of $1,000,000; and I remember that my predecessor on this floor, who represented my district all through the war—a gentleman of wealth, and energy, and patriotism—came home about that time with a special appeal from Secretary Chase to go home and organize one of these national banks for the purpose of saving the Government in the hour of its necessity and distress. The gentleman I refer to is well known to gentlemen on this floor, and my friend from Indiana [Mr. NIBLACK] remembers him. He has been honored with an election as governor of my State for several years since he retired from Congress. He came home with that special appeal from Secretary Chase, and, with four other patriotic gentlemen of wealth and energy and faith in the future of the country, living in the city of New Haven, in my district, organized the second national bank that was organized in the country under that law, with a capital of $500,000. One of the next two national banks organized was also organized in Connecticut; and this was done at the special solicitation of the Secretary of the Treasury in the darkest hour of our country's trial, and when the Government was appealing to her patriotic citizens to furnish the sinews and means of carrying on the war.

That was where and when we began to acquire our national-bank circulation in Connecticut, when some were even telling us the bonds would not be worth the paper on which they were printed. I will admit that for a considerable period after this time there was a much less amount of national-bank capital taken up in Connecticut and in the other New England States than there was in some of the Western States; and I shall allude to that in another point of view by and by. We had an excellent banking system in our State, as most of the New England States had; a banking system that had been growing up for from fifty to sixty years under State legislation, and our bank-notes were at a premium in many parts of the West before the war. Before the war I could have gone to one large State in the West with a package of Connecticut bank-notes, and got in exchange for them some 20 or 30 per cent. in addition of their own State-bank currency, and had a pocket full of red-dog and wild-cat notes of that section to come home with, but of very little use after I got home; and of our circulation, a large portion of that of eastern banks was scattered over the West. We had a State-bank circulation that stood high all over the country, and our banking capital disliked to be obliged to go through the expense and inconvenience of withdrawing

all the State-bank notes, and adopting the national-bank note system, when we had already the means of helping the Government through our State-bank circulation, and were giving it freely and with full hands. Nevertheless, gentlemen, you obliged us to do it. Congress taxed all of our State-bank circulation out of existence. They compelled every one of our banks to reorganize under the national-banking law; to surrender their State organizations, and to buy bonds of the Government for the purpose of strengthening the Government, and to take the national-bank circulation. In that way we got some eight or ten million dollars more that our quota, as you now figure it up, in my own State, and in that way only. And it has been some six or eight years since we have been enabled to get a national bank organized in any portion of the State, however much the business of the section had increased, and however much that increased business demanded and called for it. Where business has sprung up, as it has in some places in my own section, additional banks would be to-day organized if you gave them a chance. We were compelled by your legislation on this floor to surrender all our State-bank circulation, and to take national circulation in exchange; and in that way we got more than our share, as you call it, perhaps, of the national-bank circulation. More than our share; when you compelled us to turn the accumulated bank capital of seventy years of toil and industry into the one broad channel of national banking! And do you find fault with us now for obeying in good faith the provisions of the law you imposed upon us? You find fault in one breath because we have to pay so large an amount of interest to the foreign bondholders, causing a yearly drain upon the specie of the country, and in the next breath you find fault with us for making a market, in obedience to your law, for three hundred millions of bonds at home and keeping the interest here.

I have a few words more in regard to this complaint that I have heard several members make upon this floor, and which seems to be re-echoed by the press of the South and West, that we have more than our fair share of circulation; and that unless we will consent, here and now, to give you eighty or one hundred millions more of national currency or greenbacks—in a measure which we think most disastrous and ruinous to the whole country, to your interests and to ours—in some way or other you are going to take away the surplus over our share of circulation, as you call it.

Mr. JEWETT. Have you more circulation than you need?

Mr. KELLOGG. We have not in our section, and we cannot keep what we have got. There are from five to ten millions of our circulation to-day out in your Western States. We cannot keep enough for our business purposes at some seasons of the year, because men go to the West with it, and get 10 and 12 per cent. interest upon it, when they cannot get more than 6 or 7 per cent. with us.

Mr. JEWETT. Will the gentleman allow me to ask him another question?

Mr. KELLOGG. Certainly.

Mr. JEWETT. If you have in the East no more national-bank currency than you want, why do you object to the West having what they want?

Mr. KELLOGG. We do not object to the West having what they want. We are giving up millions of our currency every day to the West, and helping you out in this very matter. And I will say to the gentleman that if he will go into a bank in Cleveland, or Chicago, or Saint Louis, and obtain a package of bank-notes on a check, he will find that more than one-half of those notes thus paid him were issued by banks in New York and the Eastern States rather than by banks in the West.

Mr. JEWETT. I understand the gentleman to say that in the East they have no more currency than they need.

Mr. KELLOGG. So I say. Our business requires a great deal of bank currency.

Mr. JEWETT. I understand the gentleman to say that he does not object to the West having more.

Mr. KELLOGG. Certainly not; whenever you have the capital to take it up, or the business to employ it.

Mr. JEWETT. Then why will not the gentleman consent to the passage of a law that will give us more?

Mr. KELLOGG. A free-banking law?

Mr. JEWETT. Any law that will accomplish that purpose.

Mr. KELLOGG. I will come to that in a moment; and I will strike hands with gentlemen from the West upon the matter if they will take up more bank capital and reduce the volume of greenbacks, so as to get within sight of specie payments. In a few moments I will endeavor to show why they have not so much currency in the West as they would like. First, I will read an extract published in a paper in this city since the debate in this House on Saturday last. It is an article upon the distribution of the currency, and commenting especially upon that of the six New England States. The figures are the same as were given by the gentleman from Ohio [Mr. BUNDY] in his speech on Saturday last. The extract is as follows:

> This unequal distribution of the currency explains the comfortable feeling of New England and the determined fight she is making to defeat a change. For the same reason she advocates the resumption of specie payments, knowing full well that the enactment of such a law would necessitate a curtailment of the present issue, not so much among her own banks as in other States, and particularly in the West, and this would add very largely to her present control, or rather monopoly, of the circulating medium of the country; her people being so educated that in times of panics they seldom, if ever, drain their banks of its reserved coin, but rather aid them. But this is not the case in other sections, because the people of these sections know that their banks do not have the same advantage of self-protection as those enjoyed by New England. To sum up the case a little stronger, here are the exact figures, taken from official documents, open to all who feel an interest in this question. They show the locality, excess of issue, deficiency and *per capita* circulation:

Locality.	Excess of issue.	Deficiency.	Per capita.
Six New England States	$70,690,046		$31 68
Five Middle States	9,416,503		12 82
Nine Western States		$21,423,811	7 09
Fifteen Southern States		51,271,034	2 91
Pacific States and Territories		7,625,000	1 82

> With facts so incontrovertible as these we are at a loss to understand why members of Congress representing the Middle, Western, and Southern States are so blind to their own interests. They seem not to care about the people they claim to represent, and the cries of "no work" and "no bread" that come up from all their districts, or their ignorance is of the most criminal character, and one that in almost any other country would be followed by revolution.
>
> If plenty of currency makes New England comfortable—if it renders her banks solvent and easy at all times, and especially during a crisis—why not the same facilities for other sections? The whole course of the East in this matter is not only selfish, but mean; and we think it is time that members of Congress open their eyes to the real situation. There was a time when Congress legislated exclusively for one section—when all others bowed with disgraceful acquiescence to its demands; but to-day we are living under a new dispensation of equality, and whatever good there is in national legislation belongs to the whole country.
>
> If we are to have no more currency—if the East is sincere in its opposition to an increase—then, we say in all fairness, let there be an equal distribution of what there is; to put it plain—a new deal. Let the argument be sent home for experiment, and, our word for it, New England will get enough of the cry of "no more currency." The people are getting tired of this trifling away of their time, and members of Congress who have their interests at heart should open their eyes to the fact at once.

I will come now to the first point to which the gentleman called my attention, why the West has no more currency.

Mr. NIBLACK. Will the gentleman state from what paper he has been reading?

Mr. KELLOGG. From a newspaper, the Sunday Morning Chronicle, I think, published in this city since the debate of Saturday last, reflecting, though with more severity, the same sentiments to some extent which the gentleman will find in speeches uttered on this floor a week ago to-day and before in this session.

Now let us see why the West has not so much of this national-bank currency issued on their own soil. Allow me to say to my friend from Ohio right here that under the provisions of our national banking law it makes no sort of difference whether the bills with which he carries on his business are issued in Chicago and Saint Louis or in New York and Boston. The notes of all the banks circulate freely all over the country, and when they go from one section to another section where the necessities of business require, then they will remain there.

Mr. JEWETT. Allow me——

Mr. KELLOGG. Do not interrupt me further now. I have already agreed to yield twenty minutes of my time to the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Iowa, [Mr. LOUGHRIDGE.]

I am coming now to the reason why the West has not its share of banking currency. As I have said, the organization of the national banks was commenced in June, 1863. It was December 21, I think, when the first national-bank notes were issued in Philadelphia. We all remember that a distinguished gentleman from Ohio, since Chief Justice, and now deceased, was then Secretary of the Treasury. He set his heart upon carrying this national-bank system into immediate operation and retiring the greenbacks; for I know from the best authority that that was his idea—retiring the greenbacks as soon as it could be done after the necessity which called them into existence had ceased to exist. They were issued as a necessity of war; and it was not expected that they should continue for all time to be the currency of the country.

Of course in his own State Secretary Chase had a wonderful influence with all his friends. And we find that of the very first banks that were organized a great portion were located in the State of Ohio. I have here a list of the first hundred banks that were organized under the national banking law, a list furnished by the Treasury Department. By that list it appears that twenty-eight, or more than one-quarter of those banks, were organized in the State of Ohio alone. I commend them for it; I honor their patriotism and their energy in responding to the patriotic appeal of their own Secretary of the Treasury to come forward and push on the wheels of Government and carry it, if possible, through the great struggle. I find twenty-eight of the first hundred banks organized located in Ohio, with a capital of $5,925,000. Two of the first four organized, as I have said, were located in my own State. Of the first two hundred only five were organized in my State, for the reason I have already given, that we had a State-bank organization well managed and a State-bank circulation, and which gave us an amount of currency more than equal to the quota we were entitled to under the national banking law. We responded to the call of the Government for aid, as you did in the State of Ohio; and we bought the bonds of the Government with our State-bank notes freely, until you compelled us, as I have said, under the lead of the Treasury Department, to use them as a basis for our own circulation.

I find, in referring to the speech of the gentleman from Ohio, [Mr. BUNDY,] that he gives a table from the report of the Comptroller of the Currency, from which he finds fault that we of the Eastern States and of New York, and I believe of Pennsylvania and all the Middle States, for we are all in the same category, have more than our share of the currency, while the State of Ohio has in round numbers $1,500,000 less than her quota. Now upon turning to the same report of the Comptroller of the Currency, page 92, I find a list of the national banks that have gone into voluntary liquidation under the provisions of section 42 of the national banking act, and which have voluntarily returned their circulation to the national Treasury for some reason or other. In this list I find nine banks of the State of Ohio, with a circulation of $1,843,940, which have returned all that circulation. It is for that very reason that Ohio has not to-day her quota of the national-bank circulation. If they had not returned it, if they had been able to keep it, they would to-day have had over $300,000 more than their quota of circulation. But having had it—having had the earliest opportunity to organize under the national banking law—what reason is there for those gentlemen coming here to-day and complaining of New England or of the East because we have more than our quota? They once had their full share, or more; but for some reason or other they have not been able to hold it; they have returned it. I think I can explain the reason of this.

They had banks organized in agricultural communities where the banking business would not pay—where better interest could be obtained upon money by investing it in some other way, by lending it on bond and mortgage at 10 or 12 per cent. or putting it into some other form of investment. For that reason they have returned their circulation. Having had it they gave it back, because, I suppose, they could do better with their money.

And so, too, of nearly all the Western States. Five or six appear in this list to have returned their circulation from the State of Illinois; four from the State of Indiana; seven from Wisconsin; five from Missouri; and so on to the end of the chapter. And in all New England, but one little bank in Maine, with only $30,000 capital and $53,000 and a little more of circulation, has voluntarily returned it. But one little bank has failed, and that in my own State, with its capital probably impaired while it was a State-bank institution, if I am not mistaken, and that has paid eighteen cents on the dollar.

Why, Mr. Speaker, banking capital, as well as circulation, in a country like this will, like water, seek its own level. Banking capital will go where it can be made to pay as an investment. Your circulation will go where the wants of business call for it. My friend from Ohio, in alluding to New England as being so well satisfied with her condition in respect to the currency, quoted the well-known words of Job, "Doth the wild ass bray when he hath grass, or loweth the ox over its fodder?" I have shown that his State once had its full share of the fodder; and all I have to say to my friend is that if the ass, having once had its fodder, does not know how to keep it, or cannot keep it, he must be the veriest ass indeed.

The Western States, having once had this banking circulation, have returned it, as I have shown. These instances have occurred all over the West within recent years. These banks have been voluntarily surrendering their circulation, for the reason, I suppose, that the banking business in that section did not require it, and that better use could be made of the money.

Now, Mr. Speaker, while I show here from the report of the Comptroller of the Currency that these States in the West have been voluntarily returning their currency, I will admit that in New York and New England capital has lain idle; there has been money seeking investment; and whenever an opportunity has presented for taking up any of this circulation, I presume that, as far as possible, advantage has been taken of the opportunity. Of late years, however, our banks have been denied the privilege of taking that of other banks, unless they could get it from other banks in their own States when they had more than their quota.

Sir, if my friends from the West want to put more money into a free-banking system I shall be willing to vote with them for a free-banking law properly guarded. I shall be willing, perhaps, to go further and provide that the present requirement with reference to a reserve held by the banks on their circulation shall be modified; for when the banks have a circulation of only 90 per cent. upon bonds which are worth in gold their par face value, I think it perfectly idle and useless to require the banks to keep a reserve for their circulation; but I do not desire any expansion to stimulate speculation and bring worse panics in the future. As I shall not again allude to this subject of the reserve I may as well make one further remark upon it. My friend from Ohio complained last week that the banks are obliged to keep 25 per cent. of their circulation in reserve; but on this point I think he was mistaken. I think that is only the case with the banks of the city of New York, and certain other cities named in the law. Most of the other banks keep a reserve of only 15 per cent., the average being, perhaps, about 20 per cent. for all the banks.

I look upon the requirement with reference to the reserve as no more than well-managed banks will keep without any provision of law, and that is, perhaps, a provision made to be broken in times of panic. It was broken all over the country during the late panic. There was hardly a bank North, South, East, or West that kept its reserve fully up to the legal limit. But in good times I think the safety of a bank in the honest management of its business will undoubtedly induce it to keep as a reserve an amount equal to or greater than the amount now required by law. But this is a matter that can be left to be regulated by the banks themselves.

Mr. PENDLETON. Will the gentleman permit me to ask him a question?

Mr. KELLOGG. Yes, sir; if it is not too long.

Mr. PENDLETON. It will occupy but a moment. I wish to ask whether it is not the fact that this reserve is kept for the very purpose of being used by the banks when a panic comes? Does not every bank in such a case use its reserve to pay its depositors? I know that a bank under the law cannot discount while its reserve is below the legal amount; but I assume it has the right to pay out that reserve to depositors.

Mr. KELLOGG. I presume the gentleman is right on that point, but I do not recollect the exact language of the law. And in such a panic as we had last fall, if the banks can save good honest customers who happen to be in a tight place by going still further into the line of their reserve, I think they will consider the law on that point as one made to be broken for the salvation of the business community; precisely as the Bank of England, in a time of panic, suspends specie payments.

Before concluding, I wish to say a few words in regard to the amount of circulation. I do not think the business interests of the country are suffering at this day for want of currency. I think we have as much currency as we ought to have for the legitimate healthful working of industrial pursuits and the different branches of business in this country. My friend from Ohio told us last Saturday (and though I have not examined the figures I presume he is correct) that the circulation of Great Britain is about six hundred millions for thirty-two millions of people; and then by putting the bank capital and the circulation together, he attempted to figure out that there was an enormous disproportion in favor of the people of England *per capita* as compared with the people of this country.

Well, sir, I care nothing, and your business men care nothing, for any theory based on a comparison with countries a thousand years old, where the commerce of centuries has been pouring the wealth of the world into their lap for hundreds of years, where their flag had carried their commerce to the uttermost ends of the earth before we were known as a nation. And, if they are richer to-day, is it for us who are mere children in age in comparison with them to insist, without regard to the extent of business, that we must have as large a proportionate circulation as theirs? But I call attention, Mr. Speaker, to this fact, that we have a larger circulation to-day than England has, in proportion to our population. But before showing this, as I said at the outset, I am not in favor of contraction. I am not one of those who believe in any violent measures whatever, either of contraction or expansion, for such measures destroy the business of the country. I believe your business men South, North, East, and West, want some stable, permanent business policy. They want to know what you are going to do about it, so that they may calculate their business arrangements for twelve months to come; what contracts they will make, what labor they will hire, what materials they will procure. But so long as you keep them in uncertainty about your legislation, so long as you have forty different schemes before the House, no man knows how to lay out his business for twelve months to come. And this is especially injurious to the laboring classes, for employers will not and cannot lay out their business for the future to give them employment unless they have some stable and settled financial policy upon which they can depend.

I find, Mr. Speaker, in turning to this report of the Comptroller of the Currency, that the whole amount of our bank circulation in 1862, after we had progressed far in the second year of the war; after we had raised armies of several hundred thousand, and every branch of business was stimulated; after all our banks had virtually suspended specie payments and were issuing currency in larger amount than they had ever done before—I find the whole amount of bank circulation at that time, as given on page 11 of the Comptroller's Report for the present year, was only $238,671,210.

A MEMBER. That did not include the Southern States.

Mr. KELLOGG. No, sir; it did not include the Southern States. I admit they had a large currency there; their printing-presses were throwing it off every day as fast as they could print it and find paper. And they carried it just where your greenbacks would go if some of you on this floor had your way, and you added two hundred million or more to the circulation, destroying their value by their volume.

Now I find that, at the present time, taking the last statement of the public debt and the report of the Comptroller of the Currency, we have a bank circulation of $353,968,149; we have of demand and legal-tender notes, $378,481,339.50; of fractional currency, $48,544,792.40; making a total volume of currency of $780,994,380.90, from which I have deducted all the currency there is in the Treasury, being $4,277,851.98, leaving a balance of over $776,000,000. I say, then, without taking time to go into the details, that, comparing the population, comparing the wealth shown by the last census and that of 1860, and allowing a proportional increase, with the wealth and population as they were in 1862, and considering that we are now in a time of peace and were then in a time of war, raising armies by the hundred thousand, and building ships, monitors, and everything of that kind, I say we have a larger *pro rata* circulation to-day than we had during that second year of the war; and I say that that appears from the figures

given by the gentleman from Ohio [Mr. BUNDY] in his speech last Saturday.

Now, Mr. Speaker, before closing I will allude to my distinguished friend from Pennsylvania, [Mr. KELLEY,] and the theory he has advocated here of his 3.65 convertible bonds. I know the distinguished gentleman from Pennsylvania has given much study to the theory that he has presented; and I admire always the zeal and the energy with which he works at any subject he undertakes. But the plan he has brought before this House and this country looks to me like pure and simple inflation. It looks to me as an engine which bankers and lockers-up of currency in New York City would use for worse lock-ups and worse panics than we have so lately experienced.

But I will not spend much time upon that theory to-day. It is well perhaps not to spend too much time on it now; for it is too far gone in its present condition, being almost *in extremis;* and the old maxim "*de mortuis nil nisi bonum*" is a generous and excellent one for the dying as well as the dead. If the gentleman from Pennsylvania can resurrect it in this House, if he can again breathe the breath of life into his scheme, which has been brought back here by the feet from the doors of two of its leading committees, and now lies here stark and cold and lifeless, then by and by we will have more to say on that subject. I shall have a blow or two to give it then, if I have opportunity; but I pass it by now with head uncovered and in silence. I will only say now that I look upon that scheme, as I look upon every one of these plans advanced here for the expansion of the currency, as something that will prove ruinous and disastrous to your business, West and East.

I believe, Mr. Speaker, that this Congress ought not to adjourn its present session without taking some decisive, onward, and forward step for the resumption of specie payments. I am not one of those who believe that for Congress to say "specie payment" will bring it. I do not believe that an act of Congress, legislating the resumption of specie payment this day or the next or the next, will bring it. I think such legislation would do what the report of the then chairman of the Ways and Means Committee, Mr. Thaddeus Stevens, during the war, did for gold—when, you remember, under the whip and spur of the previous question he put through a bill one day that after a certain time it should be a misdemeanor, and punishable with severe penalties, to speculate in gold in the city of New York above a certain rate. You will remember, also, that gold went up as soon as that law passed, kiting, kiting, almost out of sight; and Congress was forced to repeal that law within a week.

No, gentlemen, we cannot by any decree of ours say that specie payment shall be or can be resumed any sooner than the business interests of the country will bring us to it; but I believe we can do one thing—we can take a step forward in that direction. For that reason I am willing to go for a free-banking law, guarded by proper restrictions. Let gentlemen of the South and West have all the banks they want, if they have the money to organize them and their business demands them; but as I have said already, many of these States have returned the banking circulation they already had taken, and they will not take it any faster than the business of the country requires it. Why, gentlemen, you have had free banking for four years past. Four years ago we passed a law providing for the issue of $54,000,000 of currency, and that it should be allotted to your States; that we of the East should have none of it; and that when that was all gone $25,000,000 more should be taken from us and given to you. Why have you not had it? Because during the four years your business has offered no inducement to capitalists to take up the $54,000,000, and it was not taken up in December last. I believe that it has been substantially taken up now. If, however, you want more circulation, I should be disposed to give you a free-banking law; but I would couple with it a provision that as fast as you increase the volume of circulation by free-bank notes, the Secretary of the Treasury shall retire an equal amount of greenbacks. And when you get the amount of greenbacks down to $200,000,000 the Government by and by can resume specie payments, and your bank-notes will be worth the value on their face. You have got to bring the Government to a position to resume first; and it is the duty of this Congress, here and now, to take the first step towards specie payments; to take it in a manner not to be mistaken, and to take no step backward on this subject.

Sir, this is no party question. I would scorn politics in a matter that concerns the business welfare of all my constituents, without distinction of party, and a question that concerns the best interests of all the people of the whole country, for whom we legislate here. But if I were to talk to my friends on the republican side of the House, I would say to them that we are pledged by our platforms of 1868 and 1872, if we are pledged to anything, to a return to specie payments. You declared that you would do it at Chicago in 1868, and would pay your whole debt in coin when not otherwise provided; and your President, in addressing the people from the portico of this Capitol on the 4th of March following, repeated the pledge. The first law you passed was a renewal of that pledge. You put it again in your platform of 1872; and it is now too late for you to go back from that pledge, and say that greenbacks are good enough currency for all time, and that we never want to come back to specie payments.

Senator SHERMAN says that when we get down to $300,000,000 of greenbacks we can come to specie payment; but I think his amount too large. Yet if we allow more bank-note circulation and take up greenbacks in their stead, when we get down to $150,000,000 or $200,000,000 the Government then can resume specie payment; and the Government must be the first to do it. The gold in the country will then be added to the volume of currency, if you need inflation by that time. Our bank-notes will be so good that nobody will want them redeemed in gold, for they are secured by bonds of the Government worth more than their face in gold.

I believe, when you have assured the country that your policy is one tending to specie payments, you will have placed the country on the basis of a sound, permanent, and lasting prosperity.

I now yield five minutes to the gentleman from Pennsylvania, [Mr. KELLEY.]

REPLY TO THE NATIONAL BOARD OF TRADE.

Mr. KELLEY. Mr. Speaker, my friend from Connecticut, [Mr. KELLOGG,] for whose courtesy I am grateful, may save his sympathy for my currency bill. Had I been permitted to have a vote on the question of referring it to the Committee of the Whole, to which it was sent on a point of order, he would have found it just the most vital and the liveliest corpse his eyes have ever beheld, and I apprehend that when the question comes, what bill shall be discussed in Committee of the Whole, he will find that a majority of the House cannot be trammeled by the report of any committee or committees.

We have been instructed, Mr. Speaker, by the National Board of Trade, which was recently in session at Baltimore; and that learned body, not content with indoctrinating us through its speeches and resolutions, sent its venerable president, my friend from childhood, Frederick Frailey, esq., of Philadelphia, to tell the Committee on Banking and Currency what it ought to do, and what the House must do, in order to merit the good opinion of that enlightened and influential body.

Sir, boards of trade have, as I shall show you, been in the habit of assuming to guide legislation for more than a century, and I think the controlling spirits of our National Board of Trade must be lineal descendants of the board of trade of Great Britain of 1764, one hundred and ten years ago. Their resolutions vindicate their genealogy. They have inherited all the mental and moral idiosyncrasies that characterized the board of trade that was presided over by Lord Hillhouse, and will probably, as he was a noble lord, not object to my attributing such a descent to them. They have the same intense regard for the creditor class, and would increase the value of the money in which it is to receive payment of obligations contracted under an expanded currency. They have also the same sublime disregard for the debtor class and for the laboring community. They care not how much these suffer, in order that creditors may be paid in money of abundant and increasing value.

I will not undertake to answer this learned and disinterested body, composed, as it was, largely of stockholders and officers of national banks. I will allow one to reply to them whose name is known to all, and whom all regard as having been a patriot in his day, and a philosopher for all time.

On the 9th of February, 1764, the British board of trade made a report, in which, speaking of paper money as legal-tender, they asserted, first, "that it carries the gold and silver out of the province, and so ruins the country, as experience has shown in every Colony where it has been practiced in any great degree;" secondly, "that the merchants trading to America have suffered and lost by it;" thirdly, "that the restriction of it has had a beneficial effect in New England;" fourthly, "that every medium of trade should have an intrinsic value, which paper money has not—gold and silver coin are therefore the fittest for this medium, as they are an equivalent, which paper never can be;" fifthly, "that debtors in the Assemblies make paper money with fraudulent views;" sixthly, "that in the Middle Colonies, where the credit of the paper money has been best supported, the bills have never kept to their nominal value in circulation, but have constantly depreciated to a certain degree whenever the quantity has been increased."

You see that the British board of trade in 1764 raised for consideration precisely the questions which the National Board of Trade present to us. And by whom were they answered? By one Benjamin Franklin, printer, who, having recently returned from London, was administering the post-office system as Postmaster-General; and I invoke him to reply to our board of trade. In the fourth volume of Franklin's Works, Duane's edition, published in 1809, on page 182, we find a paper on paper money, entitled "Remarks and Facts relative to the American Paper Money." I will read only a brief extract or two, having furnished a copy to the reporters, which will appear in the RECORD.

[After reading for a time, including the following:]

The fourth reason is: "That every medium of trade should have an intrinsic value, which paper money has not. Gold and silver are therefore the fittest for this medium, as they are an equivalent, which paper never can be." However fit a particular thing may be for a particular purpose, wherever that thing is not to be had, or not to be had in sufficient quantity, it becomes necessary to use something else—the fittest that can be got—in lieu of it. Gold and silver are not the produce of North America, which has no mines; and that which is brought thither cannot be kept there in sufficient quantity for a currency.

Now, sir, notwithstanding the extension of our country our condition is identical with that of the Colonies then. It is true that we have the richest mines of gold and silver in the world. But we cannot keep their products. And why? Because we have gone blindly on issuing gold-bearing bonds, until we owe, annually, not only the entire product of

our mines, but 66 per cent. more than the total annual product. Owing $100,000,000 annual interest on our bonded debt in 1874, we are in precisely the same condition, by reason of our gold-bearing bonded indebtedness, that our colonial ancestors were when Franklin truly said they were without mines of gold.

Mr. BECK. How old did the gentleman say that book was?

Mr. KELLEY. I have quoted what Benjamin Franklin wrote in 1764.

Mr. BECK. I understood the gentleman to say that he would print the book in the RECORD, but would read a little of it now.

Mr. KELLEY. I did not hear the gentleman exactly.

Mr. BECK. I understood you to say that you would read a little from the book, and print the balance in the RECORD.

Mr. KELLEY. I will print, not the whole book, but——

Mr. BECK. O, yes; print it all.

Mr. KELLEY. I will print Franklin's paper, showing that he understood vastly more of the laws of commerce and currency in those provincial days that the gentleman from Kentucky [Mr. BECK] does to-day, with all the intervening experience before him. And with this remark, I will hand the book to the reporters.

Mr. BECK. The gentleman from Pennsylvania [Mr. KELLEY] would not know much if he did not know more than I do after listening to him for four days in committee and three Saturdays in the House. [Laughter.]

Mr. KELLEY. Four days! Now, BECK, you know very well that you consumed two of them yourself with irrelevant questions and crude and unconsidered suggestions. [Great laughter.]

The following is the paper referred to by Mr. KELLEY in his remarks:

REMARKS AND FACTS RELATIVE TO THE AMERICAN PAPER MONEY.

In the report of the board of trade, dated February 9, 1764, the following reasons are given for restraining the emission of paper bills of credit in America as a legal tender:

First. That it carries the gold and silver out of the province, and so ruins the country, as experience has shown in every Colony where it has been practiced in any great degree.

Secondly. That the merchants trading to America have suffered and lost by it.

Thirdly. That the restriction of it has had a beneficial effect in New England.

Fourthly. That every medium of trade should have an intrinsic value, which paper money has not. Gold and silver are therefore the fittest for this medium, as they are an equivalent, which paper never can be.

Fifthly. That debtors in the Assemblies make paper money with fraudulent views.

Sixthly. That in the Middle Colonies, where the credit of the paper money has been best supported, the bills have never kept to their nominal value in circulation, but have constantly depreciated to a certain degree whenever the quantity has been increased.

To consider these reasons in their order: the first is—

First. "That paper money carries the gold and silver out of the province, and so ruins the country, as experience has shown in every Colony where it has been practiced in any great degree." This opinion of its ruining the country seems to be merely speculative, or not otherwise founded than upon misinformation in the matter of fact. The truth is that, the balance of their trade with Britain being greatly against them, the gold and silver are drawn out to pay that balance; and then the necessity of some medium of trade has induced the making of paper money, which could not be carried away. Thus if carrying out all the gold and silver ruins a country, every Colony was ruined before it made paper money. But, far from being ruined by it, the Colonies that have made use of paper money have been, and are, all in a thriving condition. The debt indeed to Britain has increased, because their numbers, and of course their trade, have increased; for all trade having always a proportion of debt outstanding, which is paid in its turn, while fresh debt is contracted, the proportion of debt naturally increases as the trade increases; but the improvement and increase of the estates in the Colonies have been in a greater proportion than their debt. New England, particularly in 1696, (about the time they began the use of paper money,) had in all its four provinces but one hundred and thirty churches or congregations; in 1760 they were five hundred and thirty. The number of farms and buildings there is increased in proportion to the numbers of people, and the goods exported to them from England in 1750, before the restraint took place, were near five times as much as before they had paper money. Pennsylvania, before it made any paper money, was totally stripped of its gold and silver, though they had from time to time, like the neighboring Colonies, agreed to take gold and silver coins at higher nominal values, in hopes of drawing money into, and retaining it for the internal uses of the province. During that weak practice silver got up by degrees to eight shillings and nine pence per ounce, and English crowns were called six, seven, and eight shilling pieces long before paper money was made. But this practice of increasing the denomination was found not to answer the end. The balance of trade carried out the gold and silver as fast as they were brought in, the merchants raising the price of their goods in proportion to the increased denomination of the money. The difficulties for want of cash were accordingly very great, the chief part of the trade being carried on by the extremely inconvenient method of barter; when in 1723 paper money was first made there, which gave new life to business, promoted greatly the settlement of new lands, (by lending small sums to beginners on easy interest, to be repaid by installments,) whereby the province has so greatly increased in inhabitants that the export from hence thither is now more than tenfold what it then was; and by their trade with foreign colonies they have been able to obtain great quantities of gold and silver to remit hither in return for the manufactures of this country. New York and New Jersey have also increased greatly during the same period with the use of paper money; so that it does not appear to be of the ruinous nature ascribed to it. And if the inhabitants of those countries are glad to have the use of paper among themselves that they may thereby be enabled to spare for remittances hither the gold and silver they obtain by their commerce with foreigners, one would expect that no objection against their parting with it could arise here in the country that receives it.

The second reason is: "That the merchants trading to America have suffered and lost by the paper money." This may have been the case in particular instances, at particular times and places, as in South Carolina about fifty-eight years since, when the Colony was thought in danger of being destroyed by the Indians and Spaniards, and the British merchants, in fear of losing their whole effects there, called precipitately for remittances, and the inhabitants, to get something lodged in safe countries, gave any price in paper money for bills of exchange, whereby the paper, as compared with bills or with produce or other effects fit for exportation, was suddenly and greatly depreciated. The unsettled state of government for a long time in that province had also its share in depreciating its bills; but since that danger blew over, and the Colony has been in the hands of the Crown, their currency became fixed, and has so remained to this day. Also, in New England, when much greater quantities were issued than were necessary for a medium of trade, to defray the expedition against Louisburgh, and during the last war in Virginia and North Carolina, when great sums were issued to pay the Colony troops, and the war made tobacco a poorer remittance, from the higher price of freight and insurance; in these cases the merchants trading to those Colonies may sometimes have suffered by the sudden and unforeseen rise of exchange. By slow and gradual rise they seldom suffer, the goods being sold at proportionable prices. But war is a common calamity in all countries, and the merchants that deal with them cannot expect to avoid a share of the losses it sometimes occasions by affecting public credit. It is hoped, however, that the profits of their subsequent commerce with those Colonies may have made them some reparation. And the merchants trading to the Middle Colonies (New York, New Jersey, and Pennsylvania) have never suffered by any rise of exchange, it having ever been a constant rule there to consider British debts as payable in Britain, and not to be discharged but by as much paper—whatever might be the rate of exchange—as would purchase a bill for the full sterling sum. On the contrary, the merchants have been great gainers by the use of paper money in those Colonies, as it enabled them to send much greater quantities of goods, and the purchasers to pay more punctually for them. And the people there make no complaint of any injury done them by paper money, with a legal tender; they are sensible of its benefits, and petition to have it so allowed.

The third reason is: "That the restriction has had a beneficial effect in New England." Particular circumstances in the New England Colonies made paper money less necessary and less convenient to them. They have great and valuable fisheries of whale and cod, by which large remittances can be made. They are four distinct governments, but having much mutual intercourse of dealings, the money of each used to pass current in all; but the whole of this common currency not being under one common direction was not so easily kept within due bounds; the prudent reserve of one Colony in its emissions being rendered useless by excess in another. Those in Massachusetts therefore were not dissatisfied with the restraint, as it restrained their neighbors as well as themselves; and perhaps they do not desire to have the act repealed. They have not yet felt much inconvenience from it, as they were enabled to abolish their paper currency by a large sum in silver, from Britain, to reimburse their expenses in taking Louisburgh which, with the gold brought from Portugal, by means of their fish, kept them supplied with a currency till the late war furnished them and all America with bills of exchange; so that little cash was needed for remittance. Their fisheries, too, furnish them with remittances through Spain and Portugal to England; which enables them the more easily to retain gold and silver in their country. The Middle Colonies have not this advantage, nor have they tobacco, which in Virginia and Maryland answers the same purpose. When Colonies are so different in their circumstances, a regulation that is not inconvenient to one or a few may be very much as to the rest. But the pay is now become so indifferent in New England, at least in some of its provinces, through the want of currency, that the trade thither is at present under great discouragement.

The fourth reason is: "That every medium of trade should have an intrinsic value, which paper money has not. Gold and silver are therefore the fittest for this medium, as they are an equivalent, which paper never can be." However fit a particular thing may be for a particular purpose, wherever that thing is not to be had, or not to be had in sufficient quantity, it becomes necessary to use something else, the fittest that can be got in lieu of it. Gold and silver are not the produce of North America, which has no mines; and that which is brought thither cannot be kept there in sufficient quantity for a currency. Britain, an independent, great state, when its inhabitants grow too fond of expensive luxuries of foreign countries, that draw away its money, can, and frequently does, make laws to discourage or prohibit such importations; and by that means can retain its cash. The Colonies are dependent governments, and their people, having naturally great respect for the sovereign country, and being thence immoderately fond of its modes, manufactures, and superfluities, cannot be restrained from purchasing them by any province law; because such law, if made, would immediately be repealed here, as prejudicial to the trade and interest of Britain. It seems hard, therefore, to draw all their real money from them, and then refuse them the poor privilege of using paper instead of it. Bank-bills and bankers' notes are daily used here as a medium of trade, and in large dealings perhaps the greater part is transacted by their means; and yet they have no intrinsic value, but rest on the credit of those that issued them; as paper bills in the Colonies do on the credit of the respective governments there. Their being payable in cash upon sight by the drawer is indeed a circumstance that cannot attend the Colony bills, for the reason just above mentioned, their cash being drawn from them by the British trade; but the legal-tender being substituted in its place is rather a greater advantage to the possessor, since he need not be at the trouble of going to a particular bank or banker to demand the money, finding (wherever he has occasion to lay out money in the province) a person that is obliged to take the bills. So that even out of the province, the knowledge that every man within that province is obliged to take its money, gives the bills credit among its neighbors, nearly equal to what they have at home.

And were it not for the laws here that restrain or prohibit as much as possible all losing trades the cash of this country would soon be exported; every merchant who had occasion to remit it would run to the bank with all its bills that came into his hands and take out his part of its treasure for that purpose; so that in a short time it would be no more able to pay bills in money upon sight than it is now in the power of a Colony treasury so to do. And if government afterward should have occasion for the credit of the bank, it must of necessity make its bills a legal tender; funding them, however, on taxes by which they may in time be paid off, as has been the general practice in the Colonies. At this very time even the silver money in England is obliged to the legal tender for part of its value; that part which is the difference between its real weight and its denomination. Great part of the shillings and sixpences now current are by wearing become 5, 10, 20, and some of the sixpences even 50 per cent. too light. For this difference between the real and the nominal you have no intrinsic value; you have not so much as paper; you have nothing. It is the legal tender, with the knowledge that it can easily be repassed for the same value, that makes threepennyworth of silver pass for sixpence. Gold and silver have undoubtedly some properties that give them a fitness above paper, as a medium of exchange; particularly their universal estimation; especially in cases where a country has occasion to carry its money abroad, either as a stock to trade with, or to purchase allies and foreign succors. Otherwise, that very universal estimation is an inconvenience, which paper money is free from; since it tends to deprive a country of even the quantity of currency that should be retained as a necessary instrument of its internal commerce, and obliges it to be continually on its guard in making and executing at a great expense the laws that are to prevent the trade which exports it. Paper money well funded has another great advantage over gold and silver—its lightness of carriage and the little room that is occupied by a great sum, whereby it is capable of being more easily and more safely, because more privately, conveyed from place to place. Gold and silver are not intrinsically of equal value with iron, a metal in itself capable of many more benefits to mankind. Their value rests chiefly in the estimation they happen to be in among the generality of nations and the credit given to the opinion that that estimation will continue. Otherwise, a pound of gold would not be a real equivalent for even a bushel of wheat. Any other well-founded credit is as much an equivalent as gold and silver; and in some cases more so, or it would not be preferred by commercial people in different countries. Not to mention again our own bank-bills, Holland, which understands the value of cash as well as any people in the world, would never part with gold and silver for credit, (as they do when they put it into their bank, whence little ever is afterward drawn out,) if they did not think and find the credit a full equivalent.

The fifth reason is: "That debtors in the Assemblies make paper money with fraud-

ulent views." This is often said by the adversaries of paper money, and if it has been the case in any particular Colony, that Colony should, on proof of the fact, be duly punished. This, however, would be no reason for punishing other Colonies, who have not so abused their legislative powers—to deprive all the Colonies of the convenience of paper money because it has been charged on some of them that they have made it an instrument of fraud, as if all the India, bank, and other stocks and trading companies were to be abolished, because there have been, once in an age, Mississippi and South Sea schemes and bubbles.

The sixth and last reason is: "That in the Middle Colonies, where the paper money has been best supported, the bills have never kept to their nominal value in circulation, but have constantly depreciated to a certain degree whenever the quantity has been increased." If the rising of the value of any particular commodity wanted for exportation is to be considered as a depreciation of the values of whatever remains in the country, then the rising of silver above paper to that height of additional value which its capability of exportation only gave it may be called a depreciation of the paper. Even here, as bullion has been wanted or not wanted for exportation, its price has raised from 5*s*. 2*d*. to 5*s*. 8*d*. per ounce. This is near 10 per cent. But was it ever said or thought on such an occasion that all the bank-bills, and all the coined silver, and all the gold in the kingdom were depreciated 10 per cent.? Coined silver is now wanted here for change, and 1 per cent. is given for it by some bankers. Are gold and bank notes therefore depreciated 1 per cent.? The fact in the Middle Colonies is really this: On the emission of the first paper money, a difference soon arose between that and silver, the latter having a property the former had not, a property always in demand in the colonies, to wit, its being fit for a remittance. This property having soon found its value by the merchants bidding on one another for it, and a dollar thereby coming to be rated at 8*s*. in paper money of New York, and 7*s*. 6*d*. in paper of Pennsylvania, it has continued uniformly at those rates in both provinces now nearly forty years, without any variation upon new emissions, though in Pennsylvania the paper currency has at times increased from £15,000, the first sum, to £600,000 or near it. Nor has any alteration been occasioned by the paper money in the price of the necessaries of life, when compared with silver. They have been for the greatest part of the time no higher than before it was emitted, varying only by plenty and scarcity, or by a less or greater foreign demand.

It has, indeed, been usual with the adversaries of a paper currency to call every rise of exchange with London a depreciation of the paper; but this notion appears to be by no means just; for if the paper purchases everything but bills of exchange at the former rate, and these bills are not above one-tenth of what is employed in purchases, then it may be more properly and truly said that the exchange has risen than that the paper has depreciated. And as a proof of this, it is a certain fact that whenever in those colonies bills of exchange have been cleared, the purchaser has been constantly obliged to give more in silver, as well as in paper, for them, the silver having gone hand in hand with the paper at the rate above mentioned; and therefore it might as well have been said that the silver was depreciated.

There have been several different schemes for furnishing the Colonies with paper money that should not be a legal tender, namely:

1. To form a bank in imitation of the Bank of England, with a sufficient stock of cash to pay the bills on sight.

This has been often proposed, but appears impracticable under the present circumstances of the Colony trade, which, as is said above, draws all the cash to Britain, and would soon strip the bank.

2. To raise a fund by some yearly tax, securely lodged in the Bank of England as it arises, which should (during the term of years for which the paper bills are to be current) accumulate to a sum sufficient to discharge them all at their original value.

This has been tried in Maryland, and the bills so funded were issued without being made a general legal tender. The event was, that as notes payable in time are naturally subject to a discount proportioned to the time, so these bills fell, at the beginning of the term, so low as that twenty pounds of them became worth no more than twelve pounds in Pennsylvania, the next neighboring province, though both had been struck near the same time, at the same nominal value, but the latter was supported by the general legal tender. The Maryland bills, however, began to rise as the term shortened, and toward the end recovered their full value. But as a depreciating currency injures creditors, this injured debtors, and, by its continually changing value, appears unfit for the purpose of money, which should be as fixed as possible in its own value, because it is to be the measure of the value of other things.

3. To make the bills carry an interest sufficient to support their value.

This, too, has been tried in some of the New England Colonies, but great inconveniences were found to attend it. The bills, to fit them for a currency, are made of various denominations, and some very low, for the sake of change; they are of from £10 down to 3*d*. When they first come abroad they pass easily and answer the purpose well enough for a few months; but as soon as the interest becomes worth computing, the calculation of it on every little bill in a sum between the dealer and his customers, in shops, warehouses, and markets, takes up much time, to the great hinderance of business. This evil, however, soon gave place to a worse, for the bills were in a short time gathered up and hoarded, it being a very tempting advantage to have money bearing interest and the principal all the while in a man's power, ready for bargains that may offer, which money out on mortgage is not. By this means numbers of people became usurers with small sums, who could not have found persons to take such sums of them upon interest, giving good security, and would therefore not have thought of it, but would rather have employed the money in some business, if it had been money of the common kind. Thus trade, instead of being increased by such bills, is diminished; and by their being shut up in chests, the very end of making them, namely, to furnish a medium of commerce, is in a great measure, if not totally defeated.

On the whole, no method has hitherto been formed to establish a medium of trade in lieu of money equal in all its advantages to bills of credit, funded on sufficient taxes for discharging it, or on land security of double the value for repaying it at the end of the term, and in the mean time made a general legal tender.

Mr. KELLOGG. I now yield the remainder of my time to the gentleman from Iowa, [Mr. LOUGHRIDGE.]

RETRENCHMENT.

Mr. LOUGHRIDGE. Mr. Speaker, I desire to call the attention of the House to the necessity of economy and retrenchment in the present condition of the finances of the country.

Upon meeting together at the first session of this Congress we are brought face to face with this state of facts: Our expenditures are in excess of our revenues. Taking, this year, the deficiencies coming over from the last year, and the estimates of the revenue and expenditures for the next fiscal year, and the proposed expenditures will exceed the revenues by some twenty-five or thirty millions.

It is for this Congress to decide what shall be done in this emergency. The Government must not become insolvent; it must not go to protest. We will all agree that every legal claim, when due and presented, must be paid.

There are, then, three courses open to us—either to borrow money to pay the expenses of the Government, or to impose upon the country additional taxation, or to cut down the expenditures to such an extent as that they shall come within the ordinary revenues of the Government, as the laws now stand.

As to the first of these plans, I consider that, with our present revenue, it would be a lasting disgrace to the party in power that it should be driven to the necessity of borrowing money to pay the ordinary expenses of the Government in times of peace; and, for one, I cannot consent to it.

As to the increase of taxation, I am utterly opposed to adding one cent to the heavy burdens now upon the shoulders of the people. To do so would, in my opinion, be a political crime, which should consign those responsible for it to political oblivion.

Why, sir, it has already been proposed upon this floor to increase taxation by imposing a tariff upon tea and coffee. Against this, or any similar proposition, I enter my most earnest protest. And I desire here to say, in explanation of my having at this session introduced a bill to impose a tax upon incomes of over $3,000 per annum, that, while I am opposed to any increase of taxation, and think it unnecessary, yet, if there must be an increase, I prefer that such increase should come from the surplus wealth of the country, instead of from the labor of the country; should be gathered from the overflowing treasuries of the wealthy and the prosperous, rather than from the breakfast tables of the poor.

But I do not desire now to enter into a discussion of the true theory of taxation. My purpose at this time is to urge the importance of avoiding all increase of taxation, and to point out the true way to this end.

Taxation is necessary to support governments, and the people cannot avoid it; but excessive taxation is a great calamity to a people—one of the greatest that can befall any country. It binds grievous burdens upon labor; discourages the laboring classes, consigning them to lives of hopeless and illy requited toil; cripples industries; and paralyzes the energies of the nation.

The burdens of taxation are felt more severely by the laboring classes than by the wealthy, for it is doubtless true that in the end the tax is mostly paid by the producer. The great mass of the people of this country live by their own labor. The number of those who have incomes to support them, independently of their daily labor, is small compared with those who are dependent upon their daily labor for their subsistence; and it is the duty of a government to guard well the interests and the rights of labor, and, above all other things, to protect it against excessive taxation, for there is no doubt of the truth of the statement that the capital, the aggregated wealth of the country, can better endure the burdens of additional taxation than can the labor of the country. And, in behalf of the interests of all the people, of all classes, I insist that there shall be no increase of taxation.

There is in my mind no doubt of the fact that the present revenues of the Government are more than is necessary for the support of the Government conducted with a proper degree of economy. I apprehend, sir, that the principles which apply to men in the management of private business apply equally to the management of the financial affairs of a government; and one of the well-understood maxims of business, recognized as true the world over, is, that "economy is absolutely necessary to financial success and prosperity." A man must spend less than he makes. Franklin said, "If you know how to spend less than you get you have the philosopher's stone." Cicero said, "Economy is itself a great revenue." And the experience and observation of every gentleman upon this floor will add to the testimony of the truth of this maxim. The want of economy has made wreck of many a private fortune, and the want of it will as surely bankrupt a nation.

And in view of this necessity, speaking for myself, animated by a sense of duty to the country, my motto and watchword shall be "Retrenchment and reform." I have enlisted under that flag, and shall there remain so long as I have the honor to occupy a seat upon this floor as a Representative of the people. And, speaking for the Committee on Appropriations, which has a great responsibility in this direction, I can say that that committee is laboring faithfully and earnestly to reduce the expenditures to the lowest possible figure consistent with the good of the public service, as I think their bills already brought into the House fully show. All that we ask is that the House sustain us, as far as we properly go in the direction of retrenchment.

Retrenchment should not be confined to any one department; it should be applied to all. We have commenced in the right place; where all reform should commence—at home. We have cut down our own salaries, and now we should go through the whole list, and wherever the pruning-knife can be applied properly and justly apply it. This is what is demanded by the present condition of the country; it is what is demanded by the people from Maine to California, and when I say "demanded," I mean what I say. The people were never more in earnest than they are upon this question, and they are watching this Congress closely.

A partial and temporary retrenchment will not satisfy the people; it must be a system extending into every department, thoroughly scrutinizing all expenditures, great and small, cutting down and cutting out wherever it can be done; an economy radical, thorough, and severe; just such economy as a citizen would exercise in his own

private affairs, if he found that his expenses were exceeding his income and insolvency staring him in the face.

Every member of this House is in favor of economy, and cutting down the expenditures; but the difficulty is that there are so many gentlemen who think that the economy should be applied in some other place than in the place or department which happens to be at the time under consideration, and where the knife is about to be applied.

When the Navy bill was before the House—having been reduced by the Appropriation Committee between two and three million dollars below the estimates, and some three millions below the expenditures of last year—we found quite a number of the members of the Naval Committee ready to fight against the proposed reductions there; all of them, of course, in favor of economy, but in favor of it in some other place than in the Naval Department.

So with the bill making appropriations for the War Department, now pending in the House. The Committee on Appropriations deemed it proper to cut down the expenses of the Army, believing that the expenses of the military establishment in these times of peace is greater than necessary, and greater than the people desire; and the bill was framed with a view to a decrease of the expense, the revised estimate of the Secretary of War being $32,708,716, and the bill introduced being $28,500,000, a cutting down of $4,200,000. And no sooner is this bill before the House than it is assailed by several leading members of the Committee on Military Affairs. Those gentlemen are all in favor, earnestly in favor, of economy; but the cutting down must be some other place than in the Army—that cannot be touched.

The gentleman from Connecticut, a member of the Committee on Military Affairs, eloquently resists the reduction of the Army as proposed by that bill, and objects to it because the officers are not reduced as well as the rank and file. This is true; but that gentleman well knows that the Committee on Appropriations has no jurisdiction or power to change the law so as to reduce the officers. That is the province of the committee of which that gentleman is a member; and if his committee will bring in such a bill, I doubt not he will have the cordial support of every member of the Committee on Appropriations.

The gentleman from Pennsylvania, of the Committee on Military Affairs, also opposes entirely the reduction of the Army in any respect. He paints in eloquent language the injustice of mustering out any of the officers of the regular Army. Speaking of the officers, he said:

> They are compelled to live in remote parts of the country, deprived of the society of the refined and cultured—often away from their friends and families—for years, with barely sufficient to keep them.

And yet, to permit these officers to leave the hard and self-denying service described by the gentleman and return to their homes, and remain in the society of the "refined and cultured" and with their wives and families, would be, in the opinion of that gentleman, a great outrage and wrong. And why? Because the gentleman intimates the officers are incapacitated from obtaining their living in any other way.

Sir, as a friend of the Army officers of this country I repudiate any such idea; I have a higher estimate of the manhood of the men who compose the list of officers of the Army of the United States. There is no more worthy, able, cultivated, and educated class of men in this country than the officers of the regular Army. The great majority of them are young, energetic, active, and able-bodied men; and I would not do them the injustice to believe that they are incapable, as a class, of obtaining a livelihood outside of the Army, if thrown upon their own resources. No man respects the officers of the Army more than I do; no man more than I would dislike to do them injustice; but if the interests of our common country require a reduction in the Army, I have the confidence in them to believe that they would yield cheerfully to the necessity.

Nor do I believe, sir, that a return to private life for a season would injure their efficiency as officers. On the contrary, I believe that it would be rather a benefit. The great chieftain of our armies in the late war against the rebellion, as we all know, left the Army and lived for years in private life, supporting himself and his family by his own exertions; and when the tocsin of war sounded re-entered the Army with renewed strength and vigor of manhood, made stronger by contact with the business of life, and none the less a soldier by his absence from the Army. No, sir; I believe it to be a mistake that a return for a season to private life impairs the effectiveness of an officer of the Army. I believe the reverse to be the truth.

The gentleman rehearses the hard service performed heretofore by the officers of the Army, on the march, in battle, and in camp, and complains of the injustice of throwing them upon their own resources after their faithful service. Sir, I admit their service, their fidelity, and their worth. I go as far as the gentleman in giving them the meed of praise to which they are entitled, those of them who have seen service, as most of them have; but, sir, I must recollect, and the gentleman knows, that there are millions of men all over the country who left their homes and families as he did, and spent long years in the service of their country, and who, when they had sustained the flag and the authority of the Government, laid aside their arms, were mustered out—thousands of them desiring to remain in the Army—and who are now in the field, the mine, the workshop, and in all the many avocations of private life, toiling manfully to support themselves and their families; and that those millions are the tax-payers who support the Government, and that they have rights and interests as well as those who are still in the Army; that those men are also undergoing hardship and toil, and many of them want and privation; their hands hardened by toil, their cheeks bronzed by summer suns, and their faces hardened by winter storms. For those veterans of the Army and sons of toil I insist upon retrenchment, even if a decrease of the Army is a consequence.

Another illustration of the fact that it is hard for the House to agree upon any line of retrenchment is the action of the House upon the bill reported by the Committee on Appropriations on Tuesday last, which had been prepared by the committee with great care, and after consultation with the Secretary of the Treasury and the Government architect.

The object of the committee in preparing that bill was to have both Houses declare (if they thought it wise to do so) that the public buildings which had been authorized, but which had not been commenced, should not be commenced at present, but should be postponed until a future season when the country is better able to build them.

The attention of Congress was called to this subject of public buildings by the President in his message at the opening of this session, in the following words:

> I commend to Congress such economy, and point out two sources where it seems to me it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced.

The President regarded this matter of public buildings, and the harbors and fortifications, as the two most likely and favorable fields for retrenchment.

The Secretary of the Treasury also, in his report, pointed this out as one of the first places to exercise economy and apply the pruning knife; he uses the following language:

> In the annual report of the Secretary for 1872, the attention of Congress was called to the fact that large sums of money would be needed for the completion of buildings begun and authorized, and it was recommended that no new buildings should be authorized, Contrary to this recommendation Congress authorized the commencement of seventeen new buildings and the purchase of sites for several others. This legislation has rendered it necessary to submit estimates, in an aggregate sum much larger, I think, than should be expended in any one year.

The Secretary of the Treasury then also recommended this Department as a good field for economy.

The Committee on Appropriations then, through the House, called upon the Secretary for information as to the public buildings, and the following tables, No. 1 and No. 2, were furnished.

TABLE No. 1.

Statement showing buildings not commenced, balances of appropriations therefor January 1, 1874, and amounts estimated for fiscal year ending June 30, 1875.

Location and nature of building.	Balance of appropriation January 1, 1874.	Estimate for year ending June 30, 1875.
Albany, New York, custom-house	$247,233 95	.....
Atlanta, Georgia, court-house, &c	110,000 00	.....
Covington, Kentucky, court-house and post-office	99,355 70	.....
Dover, Delaware, post-office, &c	29,963 70	.....
Evansville, Indiana, custom-house	54,285 70	$150,000 00
Fall River, Massachusetts, custom-house	96,800 00	.....
Grand Rapids, Michigan, court-house, &c	.....	100,000 00
Jersey City, New Jersey, post-office and court-house	99,928 00	100,000 00
Little Rock, Arkansas, court-house, &c	99,020 75	.....
Memphis, Tennessee, custom-house	25,000 00	100,000 00
Nashville, Tennessee, custom-house	150,000 00	.....
San Francisco, California, marine hospital	58,789 56	.....
Utica, New York, court-house, &c	199,832 30	.....
Washington, District of Columbia, building for Treasury archives, &c.	.....	500,000 00
Total	1,270,809 66	950,000 00

TABLE No. 2.

Statement showing buildings commenced, the suspension of which is possible, balances of appropriations therefor January 1, 1874, and estimates for fiscal year ending June 30, 1875.

Location and nature of building.	Balance of appropriation January 1, 1874.	Estimate for year ending June 30, 1875.
Boston, Massachusetts, post-office and sub-treasury	$767,993 75	$750,000 00
Chicago, Illinois, custom-house	814,136 08	750,000 00
Cincinnati, Ohio, custom-house	701,515 25	750,000 00
Columbia, South Carolina, court-house, &c	22,283 06	156,899 75
Hartford, Connecticut, custom-house	61,327 20	200,000 00
Lincoln, Nebraska, court-house, &c	129,700 40	.....
Philadelphia, Pennsylvania, court-house, &c	537,234 05	1,000,000 00
Port Huron, Michigan, custom-house	84,957 40	100,000 00
Parkersburgh, West Virginia, post-office, &c	129,973 60	.....
Rockland, Maine, custom-house	65,032 00	.....
Raleigh, North Carolina court-house, &c	191,909 75	.....
San Francisco, California, appraisers' stores	324,194 15	.....
Saint Louis, Missouri, custom-house	872,420 29	750,000 00
Trenton, New Jersey, court-house, &c	119 881 70	.....
Total	4,822,558 68	4,456,899 75

These tables thus show that to take no steps to commence the buildings authorized but not yet commenced, and no contract made, would enable us to reduce the appropriations for next year $950,000, and to cover into the Treasury $1,270,000 already appropriated last Congress, making a saving of $2,220,000. And of the buildings in Table No. 2 about $4,000,000 could be saved, without any detriment or loss to the Government.

I confess, sir, that I was surprised at the opposition which the introduction of that bill roused in the House, and at the disposition made of it by the House; and I confess further that I was much discouraged by the result of that effort on the part of the Committee on Appropriations to carry out the recommendation of the President and the Secretary of the Treasury, and put a stop to the expenditure of money where it could be done without detriment to the public service.

The bill was taken from the Committee on Appropriations and sent to another committee, for what reason it is not for me to say; but the record shows that the gentleman from Pennsylvania, who was one of the most active in that disposition of the bill, spoke as follows just as the vote was being taken. I read from the RECORD:

Mr. NEGLEY. But if referred to the Committee on Public Buildings and Grounds, that is the end of it.

It may, sir, be the end of that particular bill, but I trust it is not the end of all attempts to stop a reckless and extravagant expenditure.

If the party in power and having control of all the departments of the Government will take this position and carry it out honestly and thoroughly, it will have the confidence and the support of the people. If those who manage and control its councils shall lack the nerve or the will to take this course, then the days of its power are numbered, and some other organization more in accord with the people will take its place and assume control of the Government.

It would seem, Mr. Speaker, that it should be unnecessary for any one to urge the duty of economy in the expenditure of the money wrung by taxation from the toiling millions of the land. Let the Representatives of the people upon this floor go back in mind to their constituencies, to their homes and their firesides; let them reflect upon the want and the privation suffered by so many; let them think of the struggling poor who can scarcely obtain the necessaries of life; let them bring to mind the sons of toil in the fields, the mines, and the workshops, struggling to support themselves and those dependent upon them, and to keep the wolf from their doors; let them think of the tens of thousands who are suffering for the comforts of life—let the Representatives of the people think of these things, and it seems to me that no further incentive should be required to induce the exercise of the most severe economy in the expenditure of the people's money, so as to avoid taxation. I repeat what I have before said upon this floor, that it is much easier for us, sitting in these easy-chairs, to vote away millions from the Treasury than it is to gather that money from the small savings of toil, industry, and self-denial.

I have spoken, sir, not as a partisan, but as a citizen; but I desire to say to the republican majority upon this floor that in my opinion the fate of the republican party depends upon the action of this Congress. We have been, during and since the war, floating upon a sea of extravagance. Money was plenty and the people did not feel the burden. But we have had a financial revulsion; business is to a great extent paralyzed, and but little money is in circulation. The attention of the country is directed to the necessity of national economy, and if retrenchment is not thoroughly enforced, the people will not only lose confidence in the ability of the individual members of this Congress to sacrifice private gratification and personal advantage for the sake of the public good, but will lose all confidence in the ability of the party in power to come up to the needs and requirements of the day; and for myself I should feel that such loss of confidence would in such case be fully justified by the facts.

I am, sir, a republican; I have followed the flag of that party from its origin to the present time, in victory and in defeat; I am proud of its splendid record and its glorious achievements during the time it has had control of the Government, and I would rejoice to see it retain its power and its supremacy. Yet to do so it must retain the confidence of the people. It can do this, not by virtue of its great deeds in the past, but by the integrity, honesty, and capacity with which it meets and disposes of the great questions of the present, and the fidelity with which it shall sustain and protect the interests and rights of the poor, and the laboring classes of the country. The masses of the people have trusted the party long, and they will still adhere to it if it shows itself worthy of continued confidence. But if, having both the executive and legislative power, it shall refuse the retrenchment and reform demanded by the people; if instead of being the champion of the poor and oppressed and of the laboring classes, which has been its glory and strength in the past, it shall come to legislate in the interest of capital, to have more care for bondholders than for plowholders, more concern for the financial credit of the Government among the money kings of Europe than for removing the burdens from the people at home; in short if, as the old whig party did, it becomes the champion of capitalists and monopolists, then from that hour is it shorn of its strength and its power, and it will sink into a small minority.

These may not be pleasant words to many here, but they are true words. The flag under which political victories will be won, in the immediate future, is the flag upon which is inscribed "Retrenchment and reform; equal rights for all classes; equal privileges to all; and equal protection to all interests."

I want the republican party to carry that flag and to carry out these principles, and I hope it will. Whether it will or not this session of Congress will determine.

FINANCE AND CURRENCY.

Mr. BERRY. Mr. Speaker, inasmuch as numerous propositions have been submitted to this House relating to the subject of banking and currency, one of which I had the honor to propose myself, I feel constrained, now that the committee to whom all of these propositions have been referred have made a report to the House, to offer a few suggestions which I conceive to be of some importance.

The subject is one which, in my judgment, is of the highest and most vital importance to the whole country. So long as the policy of the Government is not distinctly, definitely, and ultimately settled relative to its finances, doubts, uncertainty, and want of confidence will disturb, embarrass, and paralyze every material interest of the country.

The quality and the quantity of the currency with which the business of this country is to be transacted is one of the problems—and the most difficult and complex of all—the solution of which devolves upon us. We cannot escape it if we would. The sooner it is done the better, if it is well done when it is done.

That it is one of the prerogatives of the Government to provide its people with a medium of exchange, as well as one of its primary duties, has never been questioned. That it is within the power of the Government to make that medium something other than gold or silver, and to confer upon it the attributes of money, by making it an absolute legal-tender for the payment of debts, it is now too late to attempt to controvert.

However much we might be disposed to question such an assumption of power if the claim to it were now for the first time submitted to our arbitrament, it is now *res adjudicata*. The power has been exercised by the Government, it has been acquiesced in by the people, it has been sustained by the highest judicial tribunal of the country, and by that decision I am content to abide.

Having been educated in that straightest sect of conservative politics, the hard-money Jacksonian democracy, I confess it was hard for me to relinquish their theory, and with it the anticipation of soon again realizing, what is among the cherished recollections of the past, the merry jingle of "dimes and dollars, dollars and dimes."

But, sir, I am forced to recognize that maxim, which has been so fearfully demonstrated in this country, "that war legislates." It makes, unmakes, and interprets constitutions as well as laws.

Whatever may have been the settled convictions of the American people as to the quality of our money, as they interpreted the Constitution prior to the late unhappy and disastrous war, the necessities of the country during that struggle compelled it to adopt as money—a legal-tender for the payment of debts—something other than gold and silver. In that emergency Congress declared that Treasury notes issued for that purpose should be a legal-tender for the payment of debts, as well as a medium of exchange. In short, that they should be clothed with all the attributes of money, and be the money of the country. The Supreme Court of the United States affirmed the right and the power of Congress to make that declaration, and such notes became, and were, and are, the lawful money of the country.

In the discussions which have been had upon this subject much has been said about the necessity of making our money conform to the recognized money of the world.

If there were any such thing as a uniform recognized money throughout the world I concede that it would be desirable, for the sake of uniformity, that ours should conform to that of "the rest of mankind." But there is not now, and there never has been, any thing that has been recognized the world over as money. There is not now, and never has been, any uniformity in the money of the world.

Every government, since the beginning of governments, has ever determined for itself what should constitute its money. A hundred different things have been brought into requisition as money at different times and in different countries. These have been as various as the different manners, customs, and necessities of the people of those countries. Among the rude savages of the forest it was the wampum; among other peoples it has been leather, lead, tin, copper, brass, nickel, silver, gold, and paper. No less than five of the substances named are by the acts of our Government lawful money in this country to-day. All that it is necessary for a government to do to create money is to stamp upon what it would change into money "its image and superscription," and declare it be money.

The considerations which, in all times and in all countries, have actuated legslators in determining what shall constitute their money have been those of expediency and practicability. The quantity of the currency necessary for the transaction of the business of the country has always entered largely as an element in these considerations.

This "necessary quantity" is of itself a complex question, into the determination of which many elements enter. While population is prominent among these, it by no manner of means depends upon that alone.

All other things being equal, a population of forty million people, scattered over as vast an extent of territory as that which we occupy,

would require a much greater relative proportion of currency *per capita* to transact their business than the same number of people thrown compactly together, as are the people of France. Yet it is true that the people of France have 50 per cent. more circulating medium *per capita* to-day than have the people of the United States.

The amount of the business transactions of a country has also much to do in fixing the amount of money needed with which to transact it.

There is no country on the globe, with the same population, which, in the extent and diversity of its business transactions, can be compared with our own—stretching over an area of territory extending from the magnificent lakes of the north, where the tall pines of Michigan and Wisconsin rival the cedars of Lebanon and the oaks of Bashan, to the sunny strands of the Mexican Gulf, where the air is redolent of the odor of oranges and magnolias, and fragrant with the perfume of a thousand flowers; from the rock-bound coast and rugged hills of New England to the placid and tranquil waters of the Pacific. Embraced within this vast area are the largest and most fertile plains, the most beautiful and prolific valleys, the most stupendous mountains and mighty rivers in the world.

These plains and valleys are crying aloud to the hardy, enterprising, and industrious of the over-crowded populations of the Old World to come and possess them as an inheritance for themselves and their children, and promise them to become fruitful fields and blooming gardens. These mountains are full of undeveloped wealth. They, too, are inviting the enterprise, the capital, and the energy of the world to develop their hidden treasures. These rivers, designed by the Omnipotent to be broad highways, to bear upon their bosoms to the marts of the world the products and wealth of these plains, and valleys, and mountains demand that art shall utilize what nature has provided.

All through the uncultivated and undeveloped portion of this vast domain populations are planting and to be planted, mines are to be opened, forests felled, fields cultivated, railroads built, canals dug, cities reared, manufactories established, and a thousand other industries built up and maintained.

Sir, in such a country as this, with the amount and diversity of its already established industries and business, and the wide and inviting field for their expansion, you cannot limit the amount of their currency *per capita* to that of more dense and settled populations and industries, without crippling their energies, dwarfing their operations, stagnating their business, and destroying their prosperity.

During the late war the currency of the country was expanded until we had more than $2,000,000,000 of circulating medium. The consequence was that business of every description was stimulated to the very highest degree of activity. Manufactures and commerce flourished; trade and tradesmen prospered; labor was in demand, and laborers in employment at remunerative wages; railroads were extended and new fields opened up for settlement, where towns and cities sprang up as if by magic. Immigration poured in upon us, and our wealth increased as it had never done before. Labor strikes were unknown. Pauperism ceased to exist. The red flag of the commune was not seen, nor the gathering of the hungry mob, demanding "bread or blood!" Sir, the people were contented, prosperous, and happy.

But, sir, in an evil day, at the behest of a bond-holding and grasping aristocracy, the fatal mistake of the policy of contraction was adopted. Day by day the cords have been tightened, and day by day, as this process has been carried on, one interest after another has been injured, crippled, ruined; until finally, before the process was complete, every business and commercial interest has been destroyed, and the country itself on the verge of bankruptcy. And we witness the spectacle to-day of suspended manufactories, closed shops, bankrupt merchants, idle workmen, and riotous gatherings of hungry, starving, famished people clamoring for redress. They demand employment and food; the latter they must and will have, or they declare they will have blood! To furnish them employment, you must furnish more money.

The farmers and producers of the great West, who are among the worst sufferers by this artificial panic, which has been brought about in the interest and for the benefit of the bondholding monopolies, are clamoring for "cheap transportation," hoping that through that channel some means may be devised to lift from them the incubus that has settled upon all of the business and the industries of the country. Give them money enough, sir, and they can get cheap transportation. Give us currency enough and private enterprise, without any subsidies from the Government, will build your railroads; it will open up your great water routes; it will construct your Fort Saint Philip, your Georgia, your Niagara, your James River and Kanawha, and all your other canals. It will give employment to your idle, feed your hungry, and clothe your naked. It will abolish your soup-houses and your almshouses. It will infuse new life, and vigor, and energy into every department of trade, and commerce, and business. It will "lift the vail" and again give us confidence and prosperity. Give us plenty of money, and "all these things shall be added unto you."

And now, sir, a few words as to the quality of the money we should have.

Obviously it cannot be gold and silver. The same reasons that existed during the war for substituting something other than gold and silver for these metals as lawful money still exist. We have not got gold or silver in sufficient quantities to meet the demands of our commerce for a circulating medium. It would be impracticable to adopt any of the baser metals; their value is too fluctuating and their volume too great. In fact, there is no metallic substance which is not fluctuating in value. Gold and silver, as are all other precious metals, are articles of merchandise. Their value, like that of every other commodity, depends upon the supply and the demand.

It is true that heretofore, especially in the countries which have adopted these substances as their money, their supply and demand have been more uniform than that of other metallic substances, while their volume has not been so large as to become cumbersome, and they have maintained their relative value to each other and have been supplied in quantities sufficient to meet the demands of those countries for a circulating medium.

These are the reasons why gold and silver, in preference to other metals, substances, or things have been adopted as the medium of exchange by the countries adopting them. It is not true that they do not, like every other article of merchandise, fluctuate in value; neither is it true that they maintain a uniform standard of relative value. Just now the relative supply of silver in France, Germany, the South American states, everywhere, is vastly greater than that of gold. The consequence is that there is a relative depreciation of the value of silver and appreciation of gold the world over.

Then if we have not got gold and silver enough in the country to supply the demands of business for a circulating medium, or even if we had, it becomes simply a practical question for us after all to determine, under all the circumstances, what we will adopt as the legal currency of the country. Obviously it cannot be gold and silver, whether desirable or not, for the simple reason that we have not got it.

The bill which has been reported to the House by the Committee on Banking and Currency proposes to keep up and maintain the national banking system, and to make the "national-bank note" the lawful money of the country—a system, sir, which, in my judgment, is one of the most monstrous systems, ay, monstrous frauds, that was ever fastened upon any people anywhere upon the face of the globe. This system is so well understood by the members of this House, and throughout the country, that it would seem superfluous and unnecessary to detail its features.

The main features of the system, however, are simply these: The national banks have deposited with the Government in the aggregate about $400,000,000 of Government bonds to secure the redemption of the circulating notes of the banks, upon which the Government has issued to the banks 90 per cent. of that amount in bank-notes. These bonds bear interest payable in gold semi-annually. The bank-notes are redeemable in legal-tender notes, and are practically of the same value. The effect of this is to pay to these bondholders interest on $400,000,000 when they really have but $40,000,000 invested. They are, in fact, drawing interest at the rate of 60 per cent. on their entire investment, while they are loaning out their bank-notes at from 1 per cent. a month to 1 per cent. a day.

These privileges have been vouchsafed to these national banking associations for the purpose of creating a moneyed monopoly which can control the entire finances of the country; which can make money tight or loose at pleasure; can make currency scarce or plenty at any time; can unsettle the values of the entire commodities of the country at any moment; can create a panic whenever they choose; and for these privileges which have been conferred upon them the people of this country pay them the handsome bonus of $25,000,000 per annum.

> Can such things be,
> And overcome us like a summer's cloud,
> Without our special wonder?

And yet your committee propose that we shall retain this system, with but slight modifications.

Mr. Speaker, I am utterly opposed to it. I am opposed to perpetuating a fraud and a wrong. I am in favor, sir, of equal rights to all and special privileges to none. I am down upon monopolies of every description, and especially this worst, as it is the most powerful and dangerous, monopoly in the country. I am in favor of abolishing the whole system; while I believe it to be, as I have already said, the duty of the Government to provide a medium of exchange for the people to give it money. When it has done that its power over the subject ought to cease. It should be entirely divorced from banks and banking associations.

The bill which I introduced into the House a few days ago I think would substantially effect that object. It provides that the Treasury note shall be the lawful money of the country; a legal tender for all debts public and private except such existing debts as are by the terms of the contracts creating them payable in coin.

It further provides for the retirement of the national-bank notes by the redemption of the bonds pledged for their security. This alone would increase the volume of the currency 10 per cent. It would also release the reserves now held by the banks, and to that extent further increase the circulation. Such an increase would probably meet the immediate wants of the people. But to give elasticity and flexibility to the currency, and to allow it to accommodate itself to the fluctuations of trade and of supply and demand, it also provides for the issue of $100,000,000 of convertible bonds interchangeable at the pleasure of the holder for the legal-tender currency of the country.

If you will adopt this system, sir, I believe, while you will be saving in annual interest $25,000,000 per annum, you will give new life and vitality to the trade and business of the country, knock the fetters from commerce, and bid the country again march onward in the highway to prosperity and greatness.

CHEAP TRANSPORTATION.

Mr. HYDE. Mr. Speaker, the duties which public opinion and the wants, necessities, and peculiar condition of the country impose upon the present Congress are more important and more urgent than have ever rested upon any American Congress in time of peace.

We are privileged to live at a time in the history of this country when the development of its industries is so extensive and so rapid, and its wants are so pressing and imperious, that we need to be constantly on the alert, constantly pressing forward and studying the wishes and necessities of the people and their vast and complicated industries, or there is great danger that we shall fall behind in the race of progress, and instead of promoting it become an obstruction and a burden.

The people expect much of the present Congress, and they are not in a mood to suffer their wants and wishes to be disregarded. They are thoroughly, and I may say terribly, in earnest. And those who neglect their duty at this time may expect when they return to their homes to hear the sentence which was long ago passed upon the unprofitable servant.

Sir, aside from such a modification of our financial policy as shall abolish those special privileges enjoyed by the few at the expense of the Government, give to the people a stable and elastic currency in volume sufficient to facilitate commerce, and reduce the rate of interest to the average profits of the various branches of industry, the other great and pressing need of the country, and especially of the West, is cheap transportation. It is to the latter subject that I shall address my remarks to-day.

I hold, sir, that it is one of the first and most important of the duties devolving upon the government of a great nation to improve every available channel of internal commerce; to keep those channels open to the fullest and freest competition, and thereby to make the exchange of commodities as cheap as possible, both to the producer and consumer.

This duty is enhanced a hundred-fold in a country like the United States, whose people are scattered over a vast extent of territory, and with industry and productions the most diverse. And I say, in such a country as this, considering our vast extent of territory, diversified industry and productions, and the almost incalculable importance and amount of our internal trade, this Government will be held to be flagrantly recreant to its duty if it longer permits the channels of commerce to remain under the unrestricted control of huge and voracious monopolies, which prey upon the industry of the country, plunder the people, and eat out their substance.

That such is the present condition of the internal commerce of this great nation, no one who is in the least degree acquainted with the facts will pretend to deny; and that such will be the just verdict of condemnation passed by the people upon us if we longer neglect that pressing and imperious duty, no one who is at all acquainted with their temper and feelings can doubt. This condition of our internal commerce has been the work of time, but chiefly of the last twenty years.

At first the encroachments of these monopolies were so gradual as to be scarcely noticed. But within the last decade their rapid extension, their wide-spread combinations making competition impossible, and the proficiency of their managers in all the tricks of corruption and intrigue have made them at once the wonder, the terror, and the shame of the country. It is because the oppression of these monopolies has become intolerable that the people from Maine to California and from the Lakes to the Gulf now demand of Congress that it shall exercise for the protection of their industry the power conferred upon it by the Constitution of the United States to regulate commerce among the several States.

The only excuse that can be found for neglecting this duty heretofore is the want of experience in regulating a new and wonderful power in locomotion, the development of which has been more rapid than the wisest could foresee.

Prior to the year 1850, the greater part of our internal commerce was conducted upon natural and artificial water-routes, and the policy of the State and national governments was to encourage and assist such enterprises. But about that time the development of the railway system became more rapid, and has ever since absorbed almost entirely the public attention to the exclusion and neglect of water communication; and railway enterprises have been the recipients of nearly all governmental, municipal, and individual aid. Everything has been done for encouragement, until our railway system, by the vastness and rapidity of its development, has become the wonder of the world. Nothing has been done for restriction until that railway system has developed into monopolies the most gigantic and the most powerful for good or evil that ever existed upon earth.

These monopolies exercise an absolute and despotic power of practically by their freights fixing the value of the products of the industry of a majority of the people.

The people of the Eastern States who reside near to the sea-board and to the great markets of the country do not feel the crushing weight of this power as do the people of the West.

The people of the Western States, who are chiefly engaged in raising grain and cattle, who reside more than a thousand miles from the sea-board, and are entirely dependent upon the railways for transportation during the winter season, have been plundered until their patience has become exhausted, and they are preparing to resist further extortion.

It is obvious that the Northwestern States suffer more than any other section of the country from railway extortion. The people of the Eastern and Middle States have the benefit of more routes and of much shorter distances to reach their markets. The people of the Southern and Southwestern States suffer less, partly because their water communications are open the entire year, and partly because they are engaged in the production of staples that are of greater value in proportion to their weight than are the products of the Northwestern States. Cotton, sugar, tobacco, and rice being of much greater value in proportion to their weight, will bear transportation longer distances and at higher rates than will the wheat, corn, rye, oats, and cattle of the northwestern farmers.

The fifteen million people who inhabit the Northwestern States, (for in that term I include Kentucky and Missouri, with nine others,) and whose productions amount to more than $1,000,000,000 annually, are during nearly half the year entirely at the mercy of the railways. Whether the industry of that vast empire of fifteen millions of enlightened and industrious people, possessing a soil of unequaled fertility, shall be remunerative practically, depends upon the will of less than half a dozen men who control the trunk-lines of railway between the East and the West. That power is, I am sorry to say, often exercised in such a manner as to strip the farmer of nearly all the profits of his industry.

Navigation closes before any considerable portion of the crop can be shipped to the eastern markets, thus leaving the railways in undisputed possession of the field. Practically they control the price of produce throughout the Northwestern States; for, notwithstanding the fact that a considerable quantity is consumed in the States where it is raised, I think that after making due allowance for fluctuations in prices, which are always liable to occur, that it will be found that the price in the western markets generally approximates to the price for which the surplus can be shipped to and sold in the eastern markets. Being wholly free from public regulation or control, and wholly emancipated from the laws of competition, they can so adjust their freights as to leave the farmer no profit upon his produce; and it often happens that they leave him not only no margin of profit but nothing even for his labor.

They can also, by an increase in freight charges, enhance the value of produce in the eastern markets in the hands of rings and favorites; or, by giving special cheap rates to such parties, they enable them to make millions of dollars at the expense of both the producers and the consumers.

I trust that it requires no argument to convince reasonable men that such a state of things should not and cannot long continue; that so much power in the hands of a few men for purposes of injustice, speculation, and extortion at the expense of the wants, the necessities, and the industry of a great nation will not long be tolerated, especially when it so nearly concerns the welfare and prosperity of a free and enlightened people, who are accustomed to look closely into public affairs, and to whom monopoly in any form is inexpressibly odious.

Sir, I am sensible that these views will not meet with favor in certain quarters. There is a very considerable and very respectable portion of the community who believe that because railways have been of such great, and I may say inestimable, value to the people, in providing means of transportation where no other means were practicable; in bringing vast sections of our territory within the reach of the markets, thereby peopling, as it were, the wilderness and the desert with an industrious and thriving population, that therefore they should be let alone—should not be subjected to any interference or restraint by the national or State governments, for fear that capitalists will be alarmed, will lose confidence in them as a paying investment; that new enterprises will be checked, and old roads rendered bankrupt.

Certainly I should not be in favor of any interference by the Government if I believed that any such results would follow. It is infinitely better to have railways managed as they are than not to have them at all. But I maintain that the very reverse of these results would follow from a proper and wise regulation on the part of the Government.

Why, sir, if anything in the world would alarm the *bona fide* holder of railway stock or bonds, it seems to me it would be the reckless, the corrupt, the criminal manner in which many of the leading railways in this country are managed. If there are any possible proceedings that would have a tendency to alarm capitalists and prevent the sale of railway securities, they are the princely salaries that are paid to railway officials; the enormous and fraudulent contracts for supplies at outrageously exorbitant prices, in which very often the officers and directors share, thus dividing among themselves a large part of the revenues of the company; the independent fast-freight lines, in which the officers and directors are often either directly or indirectly interested, and by which the railway company is deprived of a large part of the profits of its business; the immense sums expended in corrupting Legislatures and judges, and in securing the election of favorites against the wishes of the people; the watering of stock, issued without any value received to the villains who for the time happen to have control of the company, by which millions and sometimes tens of millions of dollars are added to the ostensible cost of construction, and upon which dividends must be paid by extortion upon the public; and,

finally, the outrageous extortion that is often practiced upon the patrons of the road by the imposition of unreasonably high, unequal, and unjustly discriminating rates, whereby the road loses the confidence and support of the public.

These, sir, are among the causes by which the value of railway securities have been impaired and new enterprises have been checked, and not by the demand for honesty, economy, and fairness in railway management.

These acts of railway mismanagement, to which I have briefly alluded in general terms, because the time allowed will not permit me to go as specifically into the details as I should be glad to do, are a few among the many gross and intolerable abuses which have grown up with our railway system in this country, by which our internal commerce has been compelled to pay tribute to a voracious and insatiable monopoly, our industry subjected to the greed and rapacity of rings, and the whole people plundered for the benefit of railway robbers and their favorites.

Sir, when we consider the magnitude of the power possessed by these corporations, and the arbitrary manner in which they have used it, we cannot wonder that the people have become alarmed, not only for the interests of commerce, but for the purity and independence of the Government itself. The power which these corporations have so suddenly acquired in this country, under a favoring public sentiment and by the aid of the most liberal laws for their encouragement and endowment, has become so enormous, that they only lack that supremacy which they audaciously claim as vested rights under their charters to make them more powerful than the Government itself.

Let us examine the power from a financial stand-point.

We have in the United States about seventy thousand miles of railway, with liabilities estimated at nearly $4,000,000,000, and with gross earnings amounting annually to $500,000,000—amounts largely in excess of the liabilities and revenues of the Government of the United States. And this truly alarming power is practically centralized in the hands of a few men, and can readily be arrayed against the people upon any question in which the interests of railways may be involved. It has a vast army of men in its employ and under its control; it disburses more money and has greater patronage than the Government of the United States; it is the great patron of the telegraph and the press; it can control elections and buy up Legislatures; and for all this it is practically irresponsible under our present laws. Although created to serve a wise and necessary public purpose, it can totally disregard the object of its origin, and become an instrument of oppression and corruption; and yet there is no law by which its chartered privileges may be forfeited, or the public protected from its abuses of power and trust.

As an example of some of the abuses of power and trust to which I have referred, and by which the commerce and industry of the country is burdened and in many instances crippled or destroyed in order that the men who control a huge monopoly may amass princely fortunes, take the case of the New York Central and Hudson River Railway.

Although the total cost of that road to its stockholders and bondholders has been less than $30,000,000, its obligations now amount to about $90,000,000, and it is actually paying dividends at about 8 per cent. per annum upon the latter sum.

But these figures, without explanation, do not convey an adequate idea of the outrageous extortion which the managers of that railway have imposed upon the commerce and industry of the country.

Prior to 1868 the capital stock of the New York Central and Hudson River Railway had been increased by various devices to $35,000,000. But in 1868, notwithstanding the liberal dividends which had been declared and the large sums which must have been expended for purposes of corruption, there was an accumulation of net earnings amounting to over $44,000,000, which the managers had not dared to distribute as dividends, because that would apprise the public of the outrageous profits that were made.

Accordingly, a scheme was prepared and secured the sanction of a corrupt Legislature by which $44,428,330 were divided in the form of stock certificates. And upon this sum, as upon the watered stock of many other railways, the industry of the country has since been compelled to pay dividends.

Those who believe that such extortion and abuse of trust on the part of public corporations will be much longer tolerated must have a very poor idea of the spirit and intelligence of the American people.

Are these evils and abuses remediable? Can we by a wise exercise of the power conferred upon us by the Constitution subject interstate railways to such restrictions and regulations as shall prevent these gross abuses of trust in the future, and the imposition of unjustly discriminating, unreasonable, and extortionate charges upon the industry and commerce of the country? That is the practical question which must be decided in the near future. If we are unable to decide it, the places which know us now will very soon know us no more forever. They will be filled by men who are able and willing to find a practical and thorough remedy for these abuses.

Early in the present session I called the attention of this House and the proper committees to these and other abuses which burden our internal commerce, and to the subject of providing a remedy therefor, by the following resolutions which I introduced, and which, being so amended as not to make them mandatory upon the committees, were adopted by the House. The resolutions to which I have referred, and which I introduced on the 15th of January, 1874, are as follows:

Resolved, That the Committee on Commerce be instructed to examine and report at an early day in favor of the most effectual means for promoting cheap transportation upon the navigable waters of the United States, and for preventing combinations calculated to prevent competition upon said waters, including the tug-boat combination said to exist at the mouth of the Mississippi River.

Resolved, That the Committee on Railways and Canals be, and they are hereby, instructed to investigate and report at an early day upon the best and most practicable plans for securing cheap transportation, both by canals and railways; for securing reasonable charges upon railways to all points, without unjust discrimination either for or against any person or locality; for preventing combinations among common carriers over such railways or canals calculated to prevent competition; for regulating and prescribing the duties of the officers, directors, and managing agents of railway corporations toward the public, and in the management of their trusts; and for punishing such officers, directors, and agents for extortion, fraud, breaches of trust, and other willful acts injurious to the public, or to the stockholders or bondholders of said railways.

These resolutions were not intended to anticipate the work of the committees by prescribing specifically the remedies for the abuses of which I complain, nor yet to include all that I think we shall be required to do, but they were intended to call attention to the subject in general, the necessity for action, and to point out the general line of policy which, in my judgment, should be pursued.

To provide adequate remedies for the evils which oppress the commerce and labor of the country is the great work to which we must give our attention at once. It is truly a great work; great as to the power and wealth and influence we shall have to combat; great as to the inestimable good which will result to the people if we do it well; and great as to the difficulties which present themselves at the very threshold of the investigation. It is at the same time one of the most important and most difficult questions with which the statesman or the law-maker has ever had to deal. Vast interests are involved upon either side. And I come to the consideration of the question with a determination to do justice to all interests, so far as I may be able to know and understand my duty; but feeling at the same time, as I cannot help feeling, that the corruption, the injustice, and the oppression have heretofore been wholly on one side, and the patient sufferance under outrageous extortion has been entirely upon the other side; knowing and feeling this, I am determined, if I err at all, it shall be on the side of the people.

Undoubtedly the first, the most immediate, remedy that can be applied is the regulation of such means of transportation as we already have, by such provisions of law as will restrain the abuses to which I have alluded, and compel these vast railway corporations, which were organized, not to plunder the public, but to serve it for a reasonable and just compensation, to conform their action to the objects of their creation.

Let me not be misunderstood in this statement. I am ready to go as far as the people wish us to go, and I desire to do it at this session of Congress, in the direction of making adequate, and I may say liberal, appropriations for the improvement of the great natural water-routes of the country, and for constructing canals of national importance. I have never been a member of a party which did not favor appropriations for such works of internal improvement by the national Government, and I never expect to be. And before I sit down I desire, if time will permit, to speak of some of the great works which I think ought to be immediately undertaken for the improvement and extension of our internal water communications.

But these works will require time as well as money for their completion; and while we should not neglect to provide at once for those which are practicable and of national importance, we must not forget that the wants of the people are pressing; that our commerce and industry are prostrated under the iron heel of a reckless, corrupt, and extortionate monopoly, and that the people expect and will demand immediate relief. This relief, in great measure, must come from Congress.

It is true that each State has the power, undoubted as I had supposed by nearly all disinterested men, to regulate commerce upon railways between all points within the limits of such State; but that is as far as the power of the State can go. It cannot regulate commerce upon railways between places one or both of which are without its limits, although the railway may pass through the State and be chartered by it.

It is perfectly apparent that this must be the limit of the power of the several States, even if the Constitution were less explicit upon the subject; for what else could prevent the conflict of jurisdiction, or where could the jurisdiction of each State end if not at the limits of her territory?

Therefore, from necessity, as well as for the sake of uniformity, the power to regulate interstate commerce is conferred upon Congress by section 8, article 1, of the Constitution of the United States, in these words:

The Congress shall have power to regulate commerce with foreign nations, and among the several States.

Sir, I have been surprised to hear many members of this House expressing doubts as to the power of Congress to regulate commerce upon railways. Some have acknowledged that they have not investigated it, and charity would suggest that excuse for all who hold to that opinion; but they ought to reflect that such an excuse will not be very long regarded as sufficient by the people whose industry must suffer from their neglect.

I greatly regret that more time cannot be devoted to the discussion of this great question, and that, in order to say what I desire to say upon the general subject of transportation, I cannot devote as much time as I wish to the legal aspect of the case; by which I mean the power of the people through their State and national Governments to regulate commerce upon railways.

I cannot better and more briefly express the views which I entertain upon that proposition than by reading a short extract from a speech delivered by me on the 4th of last July, at Bethany, Missouri, upon this subject. On that occasion, speaking of the power of the Government to regulate and control commerce upon railways, I said:

The power of the people, through their representatives, to regulate and control commerce, both foreign and internal, and whether conducted upon land or water, is so firmly founded in reason and public policy, so plainly expressed in the Constitution, and so fortified by numerous decisions of our highest judicial tribunals, that it is truly wonderful that it should be disputed by any intelligent person. The power of the people over the railroads necessarily arises from their very nature, from their public character, and from the public use which is the object of their creation.

Their public character arises chiefly from the public use for which they are created, and from the fact that the State authorizes them to use the right of eminent domain. Without this concession no lengthy line of railroad ever has been or could be built. Why are they clothed with this supreme power?

The power to take private property for private use cannot be granted, because it does not exist; but it may be taken for public use, upon just compensation being rendered. The law upon this question is so briefly, yet fully and strongly, stated by the supreme court of Pennsylvania in the case of Sharpless *vs.* The Mayor of Philadelphia, that I will ask your indulgence while I read a brief extract. The court say:

"A tax for a private purpose is unconstitutional, though it pass through the hands of public officers; and the people may be taxed for a public work, although it may be under the direction of an individual or private corporation. The question then is, whether the building of a railroad is a public or a private affair. If it be public, it makes no difference that the corporation which has it in charge is private. A railroad is a public highway, for the public benefit, and the right of a corporation to exact a uniform, reasonable, stipulated toll from those who pass over it does not make its main use a private one. It being the duty of the State to make such public improvements, if she happen to be unable or unwilling to perform it herself to the full extent desired, she may accept the voluntary assistance of an individual, or a number of individuals, associated together and incorporated into a company. The company may be private, but the work they are to do is a public duty, and along with the public duty there is delegated a sufficient share of the sovereign power to do it. The right of eminent domain is always given to such corporations; but the right of eminent domain cannot be used for private purposes; and therefore if a railroad, canal, or turnpike, when made by a corporation, is a mere private enterprise, like the building of a tavern, store-house, mill, or blacksmith shop, there never was a constitutional charter given to an improvement company; and every taking of land or materials under any of them was a flagrant trespass."

It is, then, on account of the public services which railroad companies are expected to perform that the right of eminent domain is granted to them; and it is for the same reason that a county or city is permitted to subscribe to the capital stock of railroad corporations, and to employ the power of taxation for their benefit.

The supreme powers of the State, which railroad companies are authorized to use for a wise and beneficent public purpose, are not, because they cannot be, irrevocably delegated or abandoned, but are liable, at all times, to be resumed or controlled by the people, and are justly forfeited when they are abused. How ridiculous to say that powers which were granted for the public use and the public good may be converted into instruments of oppression and extortion, and that the public has no means to correct and restrain this abuse. The claim of right in the people to regulate and control public corporations and the use of powers granted for the public good is no new theory, gotten up for an emergency, but has always been the law, and has constantly been applied to many things of a similar nature.

The toll which millers and turnpike-road companies are allowed to take, and the fare allowed to ferrymen, hackmen, and draymen, have always been regulated by law, whenever, in the opinion of the Legislature the public good required it. The same reason and public policy which require these humble agents of the public to be restrained from extortion and regulated by law apply with a thousand times more force to the vast monopolies which now control so large a part of the internal commerce of the country.

I have already shown, by high authority, and I repeat, that the supreme power of the State to use the right of eminent domain is granted to railroad corporations solely on account of their public character and the service to the public which they are expected to perform, and could be legally granted for no other reason. Where is the man who is prepared to defend the grant of such power simply for the furtherance of private interests? If your farm or dwelling-house is in the way of a proposed railroad, and you refuse to grant the right of way, they go ahead without your consent, and run through your farm and remove or tear down your house; and you have no means of preventing it, and no remedy, except a just compensation in damages. Why is this? Simply because these railroads are public highways, constructed to serve a very necessary and important public purpose; and the law says that your private interests must yield to the public good.

How absurd, then, to say, after their public character is thus established, and the powers of taxation brought into requisition to aid in their construction, that the public loses all control over their operations; that they may be perverted from their original design; and instead of serving the public, as they are bound to do, with justice, impartiality, and at reasonable rates, may be converted into instruments of injustice, discrimination, and extortion; and that the public is powerless to correct the abuse. The right of the public to this supervision and control is not only founded in reason, justice, and public policy, but is upheld by numerous decisions of our highest courts, which place the rights of the people in this matter beyond reasonable controversy.

Railroad companies are common carriers, and, as such, their duties and responsibilities are well defined, even by the common law. Common carriers were always held to the most rigid responsibility; were never allowed to discriminate between individuals, but were bound to carry for all and at equal and reasonable rates. On this subject permit me to read a brief extract from the opinion of the supreme court of Illinois, in the case of the People *vs.* The Chicago and Alton Railroad Company, delivered at the January term, 1873:

"Conceding for the purposes of this appeal all that is claimed by counsel for the appellant in regard to the inviolability of railroad charters, regarded in the light of contracts, we are still of the opinion that the Legislature has the clearest right to pass an act for the purpose of preventing an unjust discrimination in railway freights, whether as between individuals and communities, and to enforce its observance by appropriate penalties. * * * While the law now imposes, and always has imposed, upon individuals exercising the vocation of a common carrier the obligation of rendering service to all persons, without injustice to any, how utterly unreasonable it is to claim that a corporation is to be permitted to discriminate in its tolls, at its own discretion and without regard to justice, merely because the Legislature, in the charter that created it for the purpose of exercising a like vocation, has authorized it to establish rates of toll, without in terms providing that they shall be free from unjust discrimination."

But railroad officials, well knowing that their extortion and unjust discrimination cannot be justified or upheld by the common law, have been driven to take refuge behind their charters, claiming that these charters are in the nature of a contract with the State, by which the State has parted forever with these delegated powers, and with all control over their exercise; and that these supreme powers have become vested rights in the railroad corporations. Logically and necessarily their argument leads to this conclusion, that by these charters an *imperium in imperio* has been created—a government existing within another government.

As a matter of fact, no legislature has ever attempted or intended to make an irrevocable and uncontrollable grant or contract; but for the purposes of this argument it is wholly unnecessary to inquire what the charters may contain, or what may have been the intention of the Legislature. If such a grant or contract was attempted to be made it would be absolutely void, because no legislation can thus surrender or barter away the sovereignty of the people.

The right to regulate the use of all property so as to promote the public health, safety, and prosperity, and the right to regulate and control the use of all franchises are parts of the supreme police power of the State, which cannot be limited or abandoned.

Fellow-citizens, I do not wish to leave this question with you simply upon my opinion; the great importance of the subject, and wide-spread misunderstanding of the law in relation to it, I think, fully justify me in making—even on this occasion—a few brief extracts from leading decisions in which it is discussed.

In 27 Vermont Reports, page 150, Chief Justice Redfield, in delivering the opinion of the court, said:

"There is also the general police power of the State, by which persons and property are subjected to all kinds of restraints and burdens, in order to secure the general comfort, health, and prosperity of the State; of the perfect right in the Legislature to do which no question ever was, or upon acknowledged general principles ever can be, made, so far as natural persons are concerned. And it is certainly calculated to excite surprise and alarm that the right to do the same in regard to railways should be made a serious question."

In 25 Wisconsin Reports, page 196, the supreme court, in delivering their opinion, say:

"The public use, therefore, which has been held to justify the application of the doctrine of eminent domain in the case of these railroads, owned and operated by private individuals, consists in the fact that the owners cannot, without reasonable excuse, refuse to receive and transport passengers and freight, when offered at usual rates, and in the fact that the State retains the power to regulate and control the franchise and limit the amount of tolls which it shall be lawful for the owners to charge."

In 62 Pennsylvania State Reports, page 293, the court, speaking of the right of the State to control railroad fares, say:

"The right to demand any toll or charge upon any and all articles transported, or fares for passage, is derived from her grant, and the power to determine their extent depends on her discretion. It is a right of which she cannot be deprived, and of which she is the only judge."

In 26 Pennsylvania State Reports, page 307, that eminent jurist, Judge Black, in delivering the opinion of the court, says:

"When the franchise ceases by its own limitation, by forfeiture, or by repeal, the highway is thrown back on the hands of the State, and it becomes her duty, as the sovereign guardian of the public rights and interests, to take care of it. She may renew the franchise, give it to some other person, exercise it herself, or declare the highway open and free to all people. If the railway itself was the private property of the stockholders, then it remains theirs, and they may use it without a charter as other people use their own. The repeal of charters on such terms would be courted by every railroad company in the State; for it would have no effect but to emancipate them from the control of law, and convert their limited privileges into a broad, unbounded license. On this principle a corporation might be rewarded, but never punished, for misconduct. Repeal of its charter, instead of bringing it to a shameful end, would put 'length of days in its right hand, and in its left hand riches and honor.' But it is not so; railroads made by authority of the Commonwealth upon land taken under her right of eminent domain, and established by her laws as thoroughfares for commerce that passes through her borders, are her highways. No corporation has any property in them, though corporations may have franchises annexed to and exercisable within them."

Permit me to refer to two other authorities upon the question, whether the Legislature can, by contract or otherwise, abridge or abandon these sovereign powers of the State.

Mr. Greenleaf, a very able and learned law-writer, in a note to his edition of Cruise on Real Property, speaking of the police powers of the State, uses the following language:

"Powers of the former class are essential to the constitution of society, as without them no political community can well exist; and necessity requires that they should continue unimpaired. They are intrusted to the Legislature to be exercised, not to be bartered away; and it is indispensable that each Legislature should assemble with the same measure of sovereign power which was held by its predecessor. Any act of the Legislature disabling itself from the further exercise of power intrusted to it for the public good must be void, being in effect a covenant to desert its paramount duty to the people."

And in 1st Ohio State Reports, page 659, the supreme court say:

"In this country, no vested right of private property can exist or be held in the civil power or authority of government. Our Constitution declares that the sole object of government is to secure to the people the blessings of liberty, and promote their common welfare. Our Government being one of delegated power, founded upon the principle that sovereignty is inherent in the people, that civil power and authority are expressly delegated to the Government only for the public good, and that all powers and authority not expressly delegated remain with the people, it follows that the civil power delegated to the Government is a high and sacred trust to be exercised solely for the equal protection and common benefit of the people. No portion of it can be sold out by the Government, or parted with by contract.

"When in the establishment of the civil institutions of the State, or in the administration of the Government, civil power is vested or delegated to any person or persons, it is still a trust to be exercised pursuant to the design of its original delegation by the people, and ever subject to control and regulation for that purpose.

"The claim, therefore, that vested rights of private property can be created and held in the civil authority, or special privileges granted or confirmed by the Government, is in derogation of the fundamental principles of all civil government in this country."

These are only a few of the very numerous decisions that I might cite in support of these views, but they are sufficient for the present occasion, and establish beyond all controversy the right and power of the people in their collective and sovereign capacity to regulate and control the management, fares, and freights of railroads, by such reasonable and just regulations as will protect the people from extortion and unjust discrimination, and secure the public uses and benefits for which those corporations were created.

And, under the provisions of the Constitution of the United States, authorizing Congress to "regulate commerce with foreign nations and among the several States," the power of Congress to exercise this control over railroads running from one State into another is considered unquestionable.

To the authorities already cited I will only add a few extracts from Story on the Constitution, in which that great lawyer most forcibly and convincingly discusses the authority of Congress to regulate

commerce, as conferred by the provision of the Constitution to which I have referred. He says:

In the first place, then, what is the constitutional meaning of the words "to regulate commerce;" for the Constitution being (as has been aptly said) one of enumeration and not of definition, it becomes necessary, in order to ascertain the extent of the power, to ascertain the meaning of the words.

The power is to regulate, that is, to prescribe the rule by which commerce is to be governed. The subject to be regulated is commerce. Is that limited to traffic, to buying and selling, or the interchange of commodities? or does it comprehend navigation and intercourse?

If the former construction is adopted, then a general term, applicable to many objects, is restricted to one of its significations. If the latter, then a general term is retained in its general sense.

To adopt the former, without some guiding grounds furnished by the context or the nature of the power, would be improper.

The words being general, the sense must be general also, and embrace all subjects comprehended under them, unless there be some obvious mischief or repugnance to other clauses to limit them.

In the present case there is nothing to justify such a limitation.

Commerce undoubtedly is traffic; but it is something more: it is intercourse. It describes the commercial intercourse between nations, and parts of nations, in all its branches; and is regulated by prescribing rules for carrying on that intercourse.

The mind can scarcely conceive a system for regulating commerce between nations which shall exclude all laws concerning navigation; which shall be silent on the admission of the vessels of one nation into the ports of another; and be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or barter.

Foreign and domestic intercourse has been universally understood to be within the reach of the power.

How, otherwise, could our systems of prohibition and non-intercourse be defended? From what other source has been derived the power of laying embargoes in a time of peace, and without any reference to war or its operations?

Yet this power has been universally admitted to be constitutional, even in times of the highest political excitement.

And although the laying of an embargo in the form of a perpetual law was contested, as unconstitutional, at one period of our political history, it was so, not because an embargo was not a regulation of commerce, but because a perpetual embargo was an annihilation, and not a regulation of commerce.

It may, therefore, be safely affirmed that the terms of the Constitution have at all times been understood to include a power over navigation as well as trade, over intercourse as well as traffic; and that, in the practice of other countries, and especially in our own, there has been no diversity of judgment or opinion.

This power the Constitution extends to commerce with foreign nations, and among the several States, and with the Indian tribes.

In regard to foreign nations, it is universally admitted that the words comprehended every species of commercial intercourse. No sort of trade or intercourse can be carried on between this country and another to which it does not extend.

Commerce, as used in the Constitution, is a unit, every part of which is indicated by the term.

If this be its admitted meaning in its application to foreign nations, it must carry the same meaning throughout the sentence.

Having satisfied ourselves that the power to regulate interstate commerce, whether conducted upon land or water, is conferred upon Congress, and that the people demand of us an exercise of that power to protect their industry from the burdens and extortions to which I have alluded, the practical question which now presents itself is, in what manner can it be exercised so as most speedily to accomplish the desired results, to give not only immediate, but permanent relief, and to interfere as little as practicable with the legitimate business interests of the country?

Sir, I am fully conscious that this question is surrounded by great difficulties, but I do not think that they are by any means insurmountable.

There are three measures of relief, at least two of which I am satisfied that we must and will adopt.

One measure that we must act upon at the present session is the regulation of inserstate commerce upon railways.

And here, at the very outset, we must not fail to remember that laws do not generally execute themselves; a remark which I think we shall soon find by experience applies very properly to the present subject. No matter what laws may be enacted upon this subject, they will be practically a dead letter unless we provide a wise and systematic plan for enforcing them. It will be absolutely necessary, in my judgment, in order to accomplish this end, to create a railway bureau or commission, the duty of which will be to collect information upon this subject, enforce the regulations which Congress may make, and exercise a general supervisory control over the railways of the country.

Without attempting at this time to go into the details of those regulations, which I trust will be done by the proper committee at an early day, I am free to say that my opinion is formed as to the general objects which we should seek to accomplish.

These railways having been created under a grant of the sovereign power, made not for the private emolument of individuals, but solely for the public good, they are in no sense private enterprises; and they should in all cases be limited to a reasonable profit upon the capital actually invested in the work. Charges for transportation in all cases, whether for long or for short distances, should be restricted to a reasonable and uniform rate. The outrage now so common of discriminating against places and individuals should be absolutely prohibited.

One of the very greatest evils of the present system is the outrageous extortion which is practiced upon places in the interior which are wholly dependent upon one railway for transportation. It is very common to charge as much, or more, for transportation thirty or forty miles as is charged over the same road for ten times that distance. Ten thousand instances of this kind might be cited, for there is scarcely a railway in the country which has not been guilty of it, not occasionally, but as a constant and systematic practice.

The superintendent of a Massachusetts railway frankly and innocently (if a seared conscience could be regarded as an evidence of innocence) acknowledged to the railway commissioners that when a car-load of freight was hauled only ten miles on his road he charged twenty dollars more than the rate over the whole road of one hundred and ten miles. In other words, he charged twenty dollars for not hauling it one hundred miles.

As a further illustration of the injustice and inequality of the present system, take the following facts, as reported by a meeting of the business men of Rochester, New York, in 1872:

Goods were shipped from the city of New York to Indiana for twenty-five cents per hundred pounds, while from Rochester, New York, to Indiana $1.25 was charged. One firm paid $1.30 per hundred from Rochester to Hannibal, Missouri, while at the same time the same class of freight was shipped from Worcester, Massachusetts, to Hannibal for sixty cents, and from Philadelphia to Hannibal for forty-five cents. In shipping to Minnesota the same firm had paid at the rate of eighty cents per car-load per mile from Rochester to Buffalo, and from Buffalo to Minnesota at the rate of nineteen cents. Let us analyze these facts and see what we have. In the first case they charged twenty-five cents for eight hundred and twenty miles, and $1.25 for four hundred and forty miles, or five times as much for about half the distance as they do for the whole distance. In the second case they charge sixty cents for fourteen hundred and five miles and $1.30 for eight hundred and thirty-five miles, or, in round numbers, twice as much for eight hundred as they do for fourteen hundred miles. In the third case the rate is more than four times greater from Rochester to Buffalo than it is from Buffalo to Minnesota.

This unjust, unequal, and oppressive system of charges necessarily drives almost every species of industry except farming to competing points and favored localities. Manufacturing in their midst, so much desired by agricultural communities, can never be made successful so long as this system is suffered to continue. It is unjust to all, but by far the most oppressive to the inhabitants of the agricultural districts.

Equally unjust is the practice common on all railways of giving special cheap rates to certain favored individuals, thus helping them to monopolize business, and prevent the farmer and smaller dealer from shipping their produce.

And right here I desire to call attention to another of the very worst features of this outrageous system, namely, the power which it gives to railway companies—and they have not neglected to use it—of discriminating against the water-routes, so that they cannot be used except by those who can reach them without the aid of railways.

A notable instance of this kind fell under my observation a few months ago. In September last I was passing through the State of Minnesota, and I found the people everywhere indignant at the then recent action of the leading railway companies in raising the freight upon wheat three cents per bushel. It was estimated that that increase robbed the farmers of Minnesota of $900,000.

You may imagine that their just indignation was not lessened when the general superintendent of one of the leading railways made the explanation that the increase was not intended to apply to through freights by rail, but only to shipments to points on the Mississippi River.

Therefore, in view of these facts, I say that it will be of very little benefit to the people of the interior to improve the navigation of the great rivers if the railways are not prevented from discriminating against them.

It is sometimes easier to illustrate the workings of a system, by taking an example confined within comparatively narrow limits, than to view it in its broadest application. I noticed during last September that a cry went up from the farmers of the Umpqua Valley, in Oregon, on account of an advance of the railway tariff of seven cents per bushel upon wheat.

The simple fact was, that there had been an advance in the price of wheat in the market, and the railway company proposed that the benefit of that advance should accrue to the common carrier instead of the farmer, whose hard labor had produced the wheat, and who, upon every principle of fairness and justice, was entitled to the advance.

The editor of the Portland Oregonian, in commenting upon these facts, aptly remarks:

It would seem as if the railway company simply watched the fluctuations in the price of wheat, and adjusted its tariff so as to draw to itself every cent that the farmer could possibly stand.

Sir, this practice has a broader field and more numerous victims. The farmers of the whole Northwest are robbed in the same way, and the aggregate of their losses amounts to a sum so enormous that we can no longer wonder that the great trunk lines of railway are able to pay large dividends notwithstanding their reckless management, and the vast sums paid for salaries and purposes of corruption.

When navigation closes each year the railway tariff upon grain between Saint Louis or Chicago and New York City is advanced from ten to fifteen cents per bushel.

To show more clearly what the farmers are losing by high freights, take the following table of the number of bushels of wheat, corn, oats, rye, barley, and buckwheat produced in the year 1871, in the Northwestern States, as given in the agricultural reports. Estimate the loss upon the entire crop at ten cents per bushel, which is certainly low enough when all the facts are considered, and we have as the total of loss upon those six staples alone in the eleven Northwestern States the enormous sum of $101,262,700. This is a moderate statement of the depreciation of value of those crops in the States named, and the direct loss to those States would, of course, be in proportion to the amount sold in other markets. But if we were to add to the above the losses upon other crops, I believe that two hundred millions would

be a moderate estimate of the yearly losses of the people of the Northwestern States from railway extortion.

The following is the table referred to; which shows quantity produced, the excess in rate of transportation per bushel, and the amount of the excess:

Crop.	Quantity produced.	Excess.	Amount of excess.
	Bushels.		
Wheat	149,600,000	$0 10	$14,960,000
Corn	690,900,000	10	69,090,000
Oats	153,789,000	10	15,378,900
Rye	6,625,000	10	662,500
Barley	10,019,000	10	1,001,900
Buckwheat	1,694,000	10	169,400
Total	1,012,627,000	.....	101,262,700

But not to pursue these details further, it is evident what are the wrongs we are called upon to redress, and what must be the leading features of the regulations to which railway companies should be subjected.

The evils of railway management under the present system are great, and the remedy to be applied must be thorough, radical, and co-extensive with the abuses to be removed. It will be necessary to subject railway companies to a system which shall compel honesty and economy in the administration of their affairs; which shall prevent the paying of princely salaries and the squandering of money for purposes of corruption and intrigue; which shall restrict their earnings to a fair percentage upon the capital actually invested; which shall require their charges to be reasonable for all distances, and free from unjust discrimination either for or against any person or locality; and finally, as the best and surest means of enforcing honesty, economy, and justice in their management, the duties of their officers, directors, and agents, toward the public and in the management of their trusts, should be prescribed by law, and adequate punishments awarded for violations of their duties injurious to the public or to the holders of railway stocks or bonds.

The project of building a Government railway, exclusively for freight, between the Atlantic sea-board and the Mississippi River, has many advocates in various parts of the country. I am not committed to that project, because I do not think there has yet been a sufficient expression of the public judgment in regard to it to justify us in undertaking a project of that kind and magnitude.

If we commence building Government railways it is not easy to see exactly where we shall stop. But it is undoubtedly true that such a railway, managed in the interest of the public, would accomplish results of incalculable good, which it will be difficult, and perhaps may be impossible, to attain in any other way.

The first important result of a railway so managed would be to restore competition.

Under the present system there is no competition among railways, and never will be, except upon extraordinary occasions and for short intervals. Not a rate is charged between the East and the West which is not the result of combination. The freight and ticket agents of the various railways meet and agree upon their schedules of freights and fares.

But give us one railway between the East and the West which will not combine with the others, and competition is instantly restored. Give us a Government railway, that will carry wheat from the Mississippi River to the Atlantic for ten cents per bushel, and every one of the railways between those points must and will carry at the same rate. Give us a Government railway, with charges so low that with honest and economical management it will pay only 6 per cent. interest on the capital invested, and the other railways will be compelled not only to make the same low charges, but being deprived of the chance of levying an unlimited tax upon the industry of the country, they will also be compelled to practice honesty and economy in their management.

I am satisfied that reasonable and equitable rates, just both to the people and the railways, can be better and more surely secured in this way than any other; and I am sure it is the only way in which competition can be secured while the water-routes are closed in winter.

And we should not forget, while discussing this subject, that no matter how good the water communications may be, there will always be a vast amount of business for which the water-routes can never compete with the railways. I refer to that immense commerce which considerations of time and convenience will always give to the railways in preference to any less rapid means of conveyance.

Mixed ownership, or the ownership of a part of the railways by the Government and a part by private corporations, is not an untried experiment. In Belgium the government owns about one-third of the railways; and experience in that country has fully justified the system, and demonstrated that the ownership and operation of a part by the government, in the interest of the people absolutely, prevents combinations and maintains the most active competition. And if we find it to be impracticable to secure cheap and equitable rates in this country by laws regulating the management of such railways as we already have, we shall be compelled to resort to the system of Government ownership of a part, which has proved so successful in other countries.

Various objections are raised against connecting the Government in any way with the management or ownership of railways. The strongest opposition comes from those who are opposed to what they term paternal government, or the meddling of the Government with the business affairs of the people.

But certainly there has never been a government of a civilized people which did not meddle with their business, if the regulation of commerce can be called meddling. And there is not, necessarily, any difference in principle between the building of a railway by Government in the interest of commerce and the building of a canal.

The most strenuous opponents of Government interference must admit that the necessity may arise in various branches of business where it would become the duty of the Government to interfere for the protection of the people against monopoly or overwhelming combination and oppression.

Perhaps there is no newspaper in the country more determined in its opposition to paternal government than the Nation of New York. Yet in its issue of February 6, 1872, it admits the principle which would justify such interference, in an article opposing the postal telegraph, as follows:

> There is but one case which warrants such interference and that is essentially the same in all departments of industry. That case arises for a republican government, when any one branch of the business of the community is so monopolized that citizens can no longer share in or control it, and so mismanaged that they can no longer endure it.
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> When that day comes, either in the shoe trade or the coal trade, in the conduct of a Pennsylvania petroleum combination, or of railroads and telegraphs, Government is warranted, when all other remedies have failed, in prostrating private enterprise by the crushing hand of power, and supplanting private industry as best it may.

This is a very extreme statement of the principle which would justify Government interference by one of its most determined opponents.

But even if we were to accept the definition as laying down the true principle, I maintain that it would fully justify, yea, demand, the interference of Government at this moment to protect the people from railway extortion.

I believe that the language above quoted is now fully applicable to our railway system; that that branch of the business of the country is so monopolized that citizens can no longer share in or control it, and so mismanaged that they can no longer endure it.

The railway system is a monopoly in its very nature. Each railway company has a grant of certain exclusive rights and privileges with which no other person or corporation can interfere. Being a public highway, its rights are held to be superior to all private rights, and in case of conflict the latter must yield. The railway which obtains the first grant and location is presumed to occupy the shortest and best route between its terminal points, to the exclusion of all intruders; and this of itself amounts to a monopoly.

But even if the business is so great as to justify the building of a parallel road, then combination takes place and destroys competition. Competition will never, as a rule, exist in any business, except in the presence of competing forces too numerous to combine. And it must be perfectly evident to the most casual observer that this can never be the case in respect to railways. It never has been the case even at the great railway center; but even if that could be, it would result in no benefit to the tens of thousands of other places which are not so favorably situated.

Again, it is urged by others, in their great solicitude for the welfare of the railways, that the building and operation by the Government of a railway which should afford cheap transportation to the people would interfere with the vested rights of railway companies already created, would depreciate their property and render them bankrupt. This argument certainly admits one thing, namely, that the people would get cheap transportation.

As the proposition is not to build a Government railway to do business for nothing, but for a reasonable profit, it is difficult to see what vested rights of the railway companies would be disturbed, unless it is that which they claim and exercise—of practicing extortion upon the public. The same principle carried to its logical results would prevent the improvement of rivers or the building of canals, because that also would greatly affect the business of railways.

Although a new application of it, this is not the first time we have heard of this argument, so unworthy of the age of progress in which we live. The railways themselves, at an early day, when they applied for their charters, encountered the same objections from those who maintained that the building of railways would interfere with such vested rights as belonged to turnpike and plank-road companies. Such appeals come with a bad grace from corporations which received their great privileges, including the power to obtain the right of way in opposition to private right, solely on the principle that the public good is superior to the rights of the individual. As they acquired their power, so must they exercise it. For the public good they received the grant, and for the public good they must use it.

Therefore if we find that a Government railway is necessary to secure cheap transportation, or that it would materially promote that great end, I trust that we shall not hesitate to give it our approval.

Sir, in conclusion (for I see that my time is already exhausted) let me entreat the attention of the House to the best, the surest, the most permanent means for securing cheap transportation for our internal

commerce by the improvement of the great rivers, the channels connecting the great lakes, and by the construction of such canals as are absolutely needed and are of national importance.

That vast section of country known as the Mississippi Valley, unequaled in fertility, which now contains nearly one-half of the population of the United States, and which is destined at no distant day to contain an immense majority of that population, which is unrivaled in the production of the great staples of agriculture, and contains mines, the extent and wealth of which cannot be estimated, is also most abundantly supplied with natural facilities for cheap transportation. Bounded on the north by the Lakes, and on the south by the Gulf, and with great rivers stretching throughout its entire extent, comprising in all nearly ten thousand miles of navigable river, the Mississippi Valley possesses the grandest system of water communication which can be found in any part of the world.

But those lakes and rivers, like everything else upon earth, are imperfect, and require improvement to fit them for their highest uses. The improvements heretofore made have generally been of a temporary nature, and such as the bare necessities of the case demanded. But the time has come when a change of policy is absolutely demanded by the necessities of the people of that section.

Within the last twenty years the population and products of the Mississippi Valley have increased with a rapidity and to an extent heretofore unparalleled in the history of the world, and the means of transportation that were adequate ten years ago now fall far short of meeting the demands of the immense commerce of that valley.

In regard to the natural and most obvious remedy for this want, the views which I expressed in the speech to which I have heretofore alluded I have found no reason for changing, and I therefore reproduce a few sentences:

> Although the Mississippi River is navigable for more than two thousand miles, and has a channel usually deep and broad enough to meet all the requirements of the immense commerce of this valley, yet obstructions are found at various places, and, at others, are constantly formed by the shifting sands. The greatest difficulty is found at the mouth of the river, where the sediment carried by the current settles and accumulates, leaving the channel so shallow as to require constant dredging. But even that affords but a small part of the relief required; and ocean steamers leaving New Orleans, loaded with grain for the great markets of the East and of Europe, are constantly stranding upon the ever-accumulating sands at the mouth of the river, and are compelled to unload and reload their cargoes at great expense before they can finally start upon their ocean voyage. All this adds greatly to the cost of transportation, and is all a tax upon the producers.
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> Various projects are now in contemplation, calculated to relieve the internal commerce of the country from railroad monopoly, by a system of canals to be constructed by the Government and free to all. Many of these are doubtless impracticable, or would be too expensive to justify their construction. But others are not only practicable, but would be of such inestimable value that it is almost unaccountable that they have been so long neglected. In my judgment the first in importance and in its perfect practicability is the project known as the Fort Saint Philip Canal, which, starting from the Mississippi River a few miles above its mouth, would run six and a half miles through a country perfectly flat, and lower, even, than the river in high water, and but little higher than the Gulf, and into the Gulf of Mexico at a point where its depth is always sufficient for the largest vessels. A single lock at the point of convergence from the river would shut out the current and the sand. By this route I believe that your grain could be shipped to the city of New York for 50 per cent. less than it can ever be done by railroads, and more than 100 per cent. less than the railroads charge at present. This canal, of such inestimable value to the millions of people who inhabit the great valley of the Mississippi, would cost less than the post-office in the city of New York.
>
> Perhaps second in importance is the project of uniting Lake Michigan with the Mississippi River through the medium of the Illinois River and a ship-canal, thus connecting the navigation of the Mississippi and Missouri Rivers with the great lakes, the Saint Lawrence and Hudson Rivers, and the Erie Canal, and affording facilities for internal commerce unequaled in any other part of the world.

I do not by any means assume, or take it for granted, that these works to which I have referred are the only ones of the kind which should be undertaken by the Government, for I feel assured that after the Fort Saint Philip Canal, which I regard as first, there are several others of nearly equal merit and importance, all of which I trust will receive due consideration when presented.

The construction of the Fort Saint Philip Canal, and the improvement of the navigation of the Mississippi and Missouri Rivers and their tributaries, which must be the logical sequence of that work, will furnish a cheap and safe outlet to the ocean for that which is destined at no distant day to be the greater part of the commerce of the United States; and it should, in my judgment, be among the very first subjects to receive the attention of Congress.

Great and not unmerited praise has been bestowed upon the Forty-third Congress, because it has inaugurated this grand system for providing cheap transportation—has appointed committees to investigate, to collect facts, and to report upon the subject with a view not only to the regulation of railways, but to the construction of canals and the improvement of rivers. The work of preparation has been far advanced, and we are now near to the time when the work of legislation must begin. If we fail in our duty we may retard, but we cannot defeat, the will of the people, nor change the destiny of this great nation.

"The edict has gone forth;" these improvements must and will be made. The grasp of monopoly must be loosened from our commerce; the nightmare of corruption must be shaken off. If we fail we shall receive the just condemnation of the people, and wiser men will be sent to take our places and perform those duties which we have neglected. But I feel assured that we shall not fail; that we shall catch the spirit of the people whose will it is our duty to obey, and who have spoken emphatically, though with deliberation, upon this great question.

And let economy go hand in-hand with these improvements. Instead of squandering unnecessary millions upon palatial post-offices and custom-houses, let us cut off every extravagant expenditure, and devote the surplus revenues to the great and beneficent work of providing cheaper transportation, to the end that the laborer, the farmer, the producers of all articles, may receive the just rewards of their industry.

Mr. HAVENS. I yield first to my colleague [Mr. WELLS] who has a request to make to the House.

Mr. WELLS. I have prepared some remarks upon the transportation question. I will not take up the time of the House with delivering them, but will ask leave to have them printed in the RECORD, as a portion of the debates of this House. [See Appendix.]

No objection was made, and leave was accordingly granted.

Mr. HAVENS. I now yield for five minutes to the gentleman from Alabama, [Mr. HAYS.]

CIVIL RIGHTS.

Mr. HAYS. Mr. Speaker, passing in review the memorable events that have occurred within these walls, none is possessed of more significance than the one which we daily behold, of a race of people, from whose limbs the fetters and chains of slavery have been but recently dropped, asking and imploring for the passage of some law that will guarantee to them the sacred and inalienable rights of liberty and freedom. Human beings like ourselves, possessed of all the cravings of ambition that belong to mortals here below, it is not strange that they appear before this august tribunal with such natural demands. Hailing from a section of our country where, unfortunately, passion and prejudice have ruled the hour, with an honest intent to do justice alike to the unlettered and the ignorant, the rich and poor, the white and colored, I confess I approach the discussion of this subject with diffidence and with caution. If in the dim vista of futurity a single ray of hope could be discovered upon which to predicate the belief that nature would work the solution of this great race problem, for one I should be content to bide the time; but when the forecast to the colored people, a large number of whom I represent, looks so dismal and so gloomy, the whisperings of conscience tell me the path of duty is open and clear.

I am very well aware, sir, that in taking the step I do I shall receive the censure of those who sit and worship in the temples of a dead past, forgetful of the great events which have been indelibly recorded upon the pages of our country's history within the last decade. I am aware, sir, that the hate of the ignorant and the scorn of the untutored will be invoked against me. All these things are sources of profound regret; but they shall not deter me from the faithful discharge and sacred observance of a duty which God, reason, and conscience tell me is right.

Coming from the far South, being once the owner of a large number of slaves, thoroughly conversant with their history in the past and present, I feel that I have some idea of what should be accorded them now. Set free by the strong arm of Federal power, cut adrift upon the cold charities of an inhuman world in ignorance and penury that they did not bring upon themselves, struggling against adverse winds and storms of hate, in my opinion, sir, the colored race have set an example that fairly entitles them to the plaudit of "Well done, ye good and faithful servants."

The discussion of this question of "civil rights" has brought about a state of feeling in the South which is to be deplored. Fancies have taken the place of facts. Imagination has been called upon to paint pictures which reality could not do. Newspapers, politicians, demagogues, and inciters of sectional hate have preached to the white masses of the South that Congress was upon the verge of enacting a law enforcing "social equality" and blotting out the lines between knowledge and ignorance. You and I know better; but the text has been taken from the bible of democracy, and will be preached to those who will listen without reasoning and believe without knowing.

The bill proposed for adoption does not force anything but that which the gentleman from Massachusetts [Mr. BUTLER] has expressed, the "right of the colored man to be the equal of the white man, if he can."

Gentlemen upon the other side of the House tell us that the negro is the inferior of the white man, and that when in the struggle of life the two races come together, the black must inevitably go to the wall before the superior knowledge and energy of the white man. Very well, Mr. Speaker. Concede this point to be true, and the fact remains that no possible damage can result to the white man from the passage of the civil-rights bill.

The appeal is made that such an undying antipathy exists between the races as will render this law dangerous to be passed. I believe no such twaddle. Thousands of the most intelligent men of the South were born and raised upon the old plantations. Childhood's earlier days were passed listening to the lullaby song of the negro nurse, and budding manhood found them surrounded by slave association. Was there prejudice then? Was cry against "social equality" raised then? Never, sir; but now that they are free and receiving the enlightenments of education, for the first time the fact is discovered that the negro, who molded our fortunes, built our railroads, erected our palatial mansions, and toiled for our bread, is a curse upon the face of the earth, and not entitled to the protection of society.

Sir, for one, as a southern man, I feel a debt of gratitude to them. I remember that when the tocsin of war called southern men to the

field of battle; when our whole country, from Virginia to Texas, was populated by none other than women and children, and when "insurrection" and "revolt" could have butchered those that were near and dear to us, the poor negro toiled on and toiled well; protected our defenseless homes, and fed our destitute widows and starving children. In that hour of bondage and slavery they proved true to me and mine, and now that it lies in my power to pay the debt, the instincts of honor tell me to do it willingly and cheerfully, "as best becomes a man."

No possible harm can come to the white man by the passage of this law. Get upon the cars to-morrow morning and start South; take your seat in the finest palace-car, and you will find southern women traveling and sitting side by side with colored women as nurses and servants. Is objection raised to this? Not at all. Does any one feel debased by the negro there? Not at all. Why then should the case be changed when that negro buys a first-class ticket and travels alone? Have not southern men associated with them for ages? Has any great conflict arisen heretofore? If "social equality" has been practiced it has been voluntary.

Sir, this talk about "social equality" will not bear the scrutiny of reason and common sense. It is the cry of the old-time office-holder and cod-fish aristocrat, who uses the negro now as he once did the poor white man—to make capital of. Who brought about this state of affairs? When the thirteenth amendment was offered to the South was it accepted? No, sir; the very men who to-day are deluding the people by the specious cry of "social equality" caused the South to reject that proposition. Andrew Johnson and his providential provisional governors dictated the policy of the South. That move failed. Then came the fourteenth amendment, and, last of all, the fifteenth amendment. If, then, any one is responsible for the present state of affairs it is the southren democracy themselves, who would not listen to reason, but rushed blindly on in the wonted paths of prejudice and hate.

This new issue is upon us and must be met. There is no ground for retreat. The past is gone, and the present is upon us. True-hearted patriots cannot swerve from the path, but, guided by the logic of events, must cheerfully accord to our colored fellow-citizens every right that belongs to a "freeman," and every privilege that is guaranteed them by the Constitution of the country. "The world moves;" and a vindication of our course will come as sure as the waters flow or the stars shine.

LEAVE TO PRINT.

Mr. McCORMICK. The gentleman from Missouri [Mr. HAVENS] yields to me that I may ask to have printed in the RECORD some remarks, one speech being upon the subject of the Washington Monument, and the other on artesian wells and irrigation. [See Appendix.]

There being no objection, leave was granted.

NATIONAL FINANCES.

Mr. HAVENS. I yield to the gentleman from Massachusetts, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Massachusetts. Mr. Speaker, I have listened with a great deal of attention to the views which have been presented here by various gentlemen; and finding that my theories on the subject of finance differ from those generally advanced on this floor, I wish to submit the results of my own reflection on this question.

I believe the Government ought not to be in default, as it now is, in its promises. It issued greenbacks with a qualified or understood promise to redeem them, yet now payment is refused. This course was a necessity in war time, but now Government is rich, abundantly able to fulfill its promises according to their tenor, and ought to do it. Government bonds can be sold for gold at about par in the principal money markets of the world, and, consequently, its non-redemption appears to be inexcusable. There is a great fallacy prevalent that specie payments can only be brought about by a contraction of the currency. The people of the West are unwilling to have the circulation diminished, preferring an extension of it; while the merchants in the East are very urgent in their demands for a specie basis, so that our trade with foreign countries may be carried on more equitably. The correct theory is, that specie payments should be resumed at once, and by expansion rather than by contraction.

I submit these ten propositions:

1. Unlimited banking, on a specie basis, for banks of issue, deposit, and loan.

2. I would have these banks deposit at Washington United States bonds, to secure their circulation, bearing not over 5 per cent. interest, the banks to receive from the Government 90 per cent. of the par in national-bank notes.

3. These banks, when located in cities of more than fifty thousand people, should keep reserves of 30 per cent.; such reserves to be one half in gold and greenbacks, and the other half the same or in Government bonds; the banks to pay all demands in either, as shall be required by its creditors, so far as their wishes can be complied with.

4. Nothing should be counted as reserve which is not the actual property of the bank.

5. Banks should have no place of redemption except over their own counter.

6. They should have the right to carry bills to Washington, $10,000 at one time, and get bonds in exchange bearing 3.65 per cent. interest, or higher, if necessary; such bonds to be convertible into bills at the will of the holder, after a week's notice if necessary.

7. I would have the United States extend its issued greenbacks to $400,000,000, with $50,000,000 more as a reserve, and to issue as much fractional currency as the people will take.

Mr. FIELD. If the gentleman from Massachusetts [Mr. WILLIAMS] will allow me, I would like to put a question to him.

Mr. WILLIAMS, of Massachusetts. Yes, I will hear the question, but will not agree to answer it.

Mr. FIELD. I understand the gentleman to take the ground that there should be no limitation with reference to the amount of fractional currency. Is that so?

Mr. WILLIAMS, of Massachusetts. Yes, sir.

Mr. FIELD. Well, then, if the gentleman is in favor of no limitation as to the amount of the fractional currency, why does he insist that there should be such a limitation with reference to the larger notes, called greenbacks?

Mr. WILLIAMS, of Massachusetts. I decline to answer the question. [Laughter.]

8. The Government should redeem greenbacks with gold on demand, or with Government bonds or certificates, at one week's notice, at 3.65 per cent. interest.

9. The Secretary of the Treasury should always keep a reserve of over $30,000,000 of gold in the Treasury. When this reserve becomes reduced to the amount mentioned, he should have authority to sell Government bonds for gold at any price.

10. These bonds should be exchangeable back, when presented in sums of $5,000 or $10,000; bills to be given for them after proper notice. I would have the Government issue two classes of bonds to be exchanged for bills: one class for greenbacks, for which the holder would have the right to demand greenbacks; another class for national-bank notes, for the redemption of which the Government would have its option to use national-bank notes or greenbacks, as its convenience might be suited.

This plan would prevent contraction of the currency, and at the same time would not cause it to expand suddenly—only as it would be needed by the increasing business of the country. It would at once bring gold into circulation, and enable us, in case of necessity, to relieve a stringent money market by importing from other countries. In the recent panic the large importation of gold did not give the relief it should have done, because in adding to our circulation it required some currency to manage it. This plan would also give us the flexible currency so much needed at certain seasons of the year to move our wool, grain, and cotton crops. There is no danger of its giving us too much circulation. No one can form any correct estimate of the amount needed to meet the demands of our large and widely extended population. It should be remembered, also, that we have four millions of producing people who are earning and hoarding money, who only a few years ago had but very little. Then, again, the rapid extension of railroads and settlements, with the great prosperity of the laboring population, calls for a much larger amount than ever before required. Some fear that the Government might be cornered by large demands being made on it for gold suddenly. But it would be difficult to collect a very large amount of greenbacks for this purpose, as every bank would hold a portion of its reserve, and so large an amount would thus be absorbed that it would be almost impossible to bring together sufficient at one time to embarrass the national Treasury, especially with the knowledge that the Government could protect itself by selling its bonds for gold.

Mr. HAVENS. I now yield to the gentleman from New York, [Mr. MELLISH.]

THE MONEY OF THE UNITED STATES.

Mr. MELLISH. Mr. Speaker, the question of the currency is a question in which every person in the country is deeply interested; and it will not be denied that it is worthy of the undivided attention of every one who wishes to see our country progressive, prosperous, and happy. Taking a certain view of the matter, this financial or currency debate reminds one of the sick man, who, having a consultation of five doctors in the next room, felt better, got up, and went out to sawing wood. Meanwhile the doctors, agreeing that he had but a few hours to live, went to his bed to announce the conclusion gently to the moribund patient, and were of course more astonished than flattered. Those who take this view will think that the best thing to be done this year is nothing, with regard to the currency. They say that there has been an inflation, and that must satisfy the inflationists; and we shall before July next be at the end of debate about remedies for diseases already cured. It was a fierce shock, like unto one throb of an earthquake, but behold how soon it is forgotten and the *statu quo* being restored. This prompt movement toward recovery is due to the fact that specie payments are in abeyance. If we had been on what is called the specie basis, the crash would have come sooner, been more profound and wide-spread, and half the country would have been bankrupt.

But there is another view, and perhaps the correct one. Is not our present system calculated to make the rich richer and the poor poorer? Does not a so-called prosperity show itself too much in splendid turnouts, finely-dressed people, &c.? Would it not be an improvement to adopt a system under which taxation would be lessened and prosperity would show itself "in the plentiful meal, the comfortable dwelling,

the decent furniture and dress, the healthy and happy countenances, and the good morals of the industrial class of the people?" It is certainly true that whatever is not attended with these signs is not national prosperity.

As a recent writer has said:

Riches and poverty are very concrete and material things, and to believe that they are brought about by some impalpable agency is not a situation in which intelligent men can rest and be thankful.

I do not propose to long occupy the attention of the House at this time. My principal object is to raise the question how the three sixty-five convertible-bond scheme of the gentleman from Pennsylvania [Mr. KELLEY] would operate as supplemental to the provisions of the bill which not long since I had the honor to introduce in this House. In order to consider the matter, I propose to introduce them in this place.

The bill which I presented is as follows:

A bill to provide the money of the United States, and to regulate the value thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of July, 1874, each and every national banking association may determine for itself the amount of lawful money of the United States that it will keep on hand; but every national bank and banking association shall, on demand, redeem its circulating notes at par at its own banking house, either in coin of the United States or in United States legal-tender notes.

SEC. 2. That the Secretary of the Treasury of the United States is hereby authorized and directed to prepare for circulation, as standard value United States money, certificates of the denomination of one, two, five, ten, twenty, fifty, one hundred, two hundred, five hundred, one thousand, two thousand, five thousand, and ten thousand dollars, to express on their face, in words and conspicuous figures, the several above-named denominations, with vignettes, letters, numbers, signatures, and such engraved decorations as shall tend to prevent forgeries and imitations, and also express on their face that they are respectively, by the Constitution and laws of the United States, the standard and measure of values to the amount expressed on their face, in all transactions within the United States involving the payment of money, and receivable in payment of all debts, public and private, and shall be a legal tender, at their face value therefor, except the funded debt of the United States, which is by its terms payable in gold, and except as hereinafter provided, and shall be received in deposit at par by all national banks and banking associations. Such certificates shall be put in circulation and applied by the Secretary of the Treasury under, in pursuance of, and in the manner in this act provided.

SEC. 3. That all customs duties due and payable to the United States shall be paid and collected in gold coin and paper currency as follows: From and after the 1st day of July, 1874, to and until the 30th day of June, 1875, both inclusive, said customs duties shall be paid and collected, one-fourth in Treasury notes, or other currency of the United States, or circulating notes of national banks, and three-fourths in gold coin of the United States; from and after the 1st day of July, 1875, to and until the 30th day of June, 1876, both inclusive, said duties shall be paid and collected, one-half in Treasury notes, or other currency issued by the United States, or circulating notes of national banks, and one-half in gold coin of the United States; from and after the 1st day of July, 1876, to and until the 30th day of June, 1877, both inclusive, said customs duties shall be paid and collected, three-fourths in Treasury notes, or other currency issued by the United States, or circulating notes of national banks, and one-fourth in gold coin of the United States; from and after the 1st day of July, 1877, the whole amount of customs duties shall be paid and collected in Treasury notes, or other currency issued by the United States, or circulating notes of national banks.

SEC. 4. That on and after the 1st day of July, 1874, all customs duties, proceeds of taxes, and sales of public lands, interest, and dues from all sources received for account of the United States in Treasury notes and circulating bank-notes, by each and every officer of the United States, shall be transmitted in the identical currency received to the Secretary of the Treasury. The Secretary of the Treasury shall issue and promulgate, to all Federal officers authorized to receive such moneys for account of the United States, rules, regulations, and instructions prescribing, directing, and regulating the time, manner, and means of transmitting such sums of money from the places where they are received to the Secretary of the Treasury at Washington, and such rules, regulations, and instructions shall have like obligation and effect as if the same were embodied in this act.

SEC. 5. That the Secretary of the Treasury on receiving for account of the United States, Treasury notes and circulating bank-notes, as provided in the last section, shall cause a memorandum of all such notes to be made and kept in books appropriate for the purpose, and as often as the sum of notes so received shall amount to $1,000,000, he shall cause the same to be destroyed by burning them to ashes, as directed by section 24 of the act to provide a national currency, approved the 3d day of June, 1864. He shall cause a certificate and record of such destruction and burning to be made and entered in the books above mentioned, and a duplicate of so much of said certificate as relates to such portion of the destroyed paper currency as consisted of circulating notes of national banks (or associations) shall be transmited to the several banks (or associations) the circulating notes of which shall have been destroyed, and then the amount of circulating notes permitted by law to be issued by such banks, respectively, shall be reduced to the extent of the circulating notes so destroyed; and when and as often as the circulating notes of any such bank or association shall have been destroyed under the provisions of this act to the amount of $50,000, the Secretary of the Treasury shall adjust the interest account with such bank or association, and release and deliver up an amount of the United States bonds pledged for the redemption of a like amount of the circulating notes of said bank or association.

SEC. 6. That immediately upon the destruction of any sum of Treasury notes and circulating bank-notes, in pursuance of the provisions of this act, the Secretary of the Treasury shall pay into the Treasury of the United States, of and from the United States certificates of standard value authorized and provided under the provisions of this act, an amount equal to the total sum of Treasury notes and circulating national-bank notes so destroyed as aforesaid, and such certificates so paid into the Treasury shall thereupon and hereafter become and be the lawful money of the United States, and as such shall be paid out of the Treasury of the United States for the purpose and in the manner provided by law.

SEC. 7. That the Secretary of the Treasury shall issue the said certificates provided in pursuance of this act so that the aggregate amount of the issues thereof, in circulation and in the Treasury of the United States together, shall not at any time exceed the sum of $800,000,000; it being intended by this section to restrict the total volume of such certificates in actual use to within the maximum limit of the sum last above mentioned.

SEC. 8. That when, in pursuance of the provisions of this act, 80 per cent. of the aggregate amount of the circulating notes of the national banks and banking associations shall have been received by the Secretary of the Treasury, and destroyed, and an equivalent amount of the bonds of the United States shall have been returned to said banks and banking associations, notice shall be given thereof by the Secretary of the Treasury to each of such national banks and banking associations. And thereafter circulating notes of national banks and banking associations shall not be received by the United States in payment of any public dues whatever, and thereafter the interest accruing on the bonds remaining in the possession of the Government as security for the redemption of circulating bank-notes shall not be paid to the banks until the whole amount of the circulating notes of such banks shall have been received and destroyed by the Secretary of the Treasury.

SEC. 9. That when under the provisions of the last section circulating notes of national banks and banking associations shall be no longer receivable by the United States in payment of public dues, the Secretary of the Treasury shall redeem such circulating bank-notes at par, at points and places designated by him, by issuing and delivering in exchange therefor equal amounts of the United States certificates of standard value provided in pursuance of this act to the parties presenting such circulating notes for redemption, and shall destroy the circulating notes thus redeemed in the manner hereinabove provided.

SEC. 10. That this act shall take effect immediately.

The bill introduced by the gentleman from Pennsylvania [Mr. KELLEY] provides as follows:

SECTION 1. That the amount of United States notes in circulation be limited, except as hereinafter provided, to $400,000,000; and that any holder of said notes presenting any sum not less than fifty dollars, or some multiple thereof, to the Treasurer of the United States, or any of the assistant treasurers, shall receive in exchange therefor an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, which the Secretary of the Treasury is hereby authorized to prepare and furnish for that purpose; and that when any person shall demand of the Treasurer of the United States, or any assistant treasurer, redemption of said bonds, it shall be the duty ot said Treasurer or assistant treasurer to pay in United States notes the principal of said bond or bonds with accrued interest, and cancel and forward the bonds thus redeemed to the Treasurer of the United States forthwith, in such manner as the Secretary may prescribe.

SEC. 2. The Secretary of the Treasury shall cause to be prepared United States notes of the several denominations now in use to the amount of $50,000,000, which shall be held as a reserve or redemption fund for the purpose of securing prompt payment of said bonds when demanded, and the United States notes so held in reserve shall be used only when needed for the payment of said bonds on their presentation, and shall be withdrawn and placed again in reserve out of any United States notes not otherwise appropriated, received by the Treasury Department thereafter; and the whole amount of United States notes received by the Treasury Department in exchange for said bonds bearing 3.65 per cent. interest shall be appropriated and applied by the Secretary of the Treasury as rapidly as practicable to the purchase or redemption of any bonds of the United States outstanding at the passage of this act.

SEC. 3. That national banks are hereby authorized to hold said bonds bearing 3.65 per cent. interest instead of the reserve of United States notes now required by law.

While I do not wish at this time to be considered as either an advocate or an enemy of the bill of the gentleman from Pennsylvania, [Mr. KELLEY,] I propose to raise two or three questions in regard to it, not in the way of criticism, but rather for information. And first, if three sixty-five bonds were issued, convertible and reconvertible at the option of holders, would they not have the effect either to inflate or contract the volume of currency, neither of which effects is desirable? If they should prove to be so useful as to be bought from the Government in considerable amounts, would they not enlarge the volume of currency *pro tanto*? If widely and for permanent investment, would not the effect be to retire outstanding bonds at a higher rate of interest, and which would be desirable? Who would make permanent investment in bonds the interest upon which is not payable until the principal is redeemed?

As a partial answer to these questions, I propose to here introduce the views of a distinguished financier of New York, who, under date of the 15th of this month, in response to some inquiries I had addressed to him on the practical working of the three sixty-five plan, wrote as follows:

Agreeably to our understanding, I would respectfully submit for your consideration a few points, which, if embraced in a law of Congress, will not accomplish all we both desire, but, in my judgment, will accomplish the immediate restoration of confidence, the employment of the suffering millions, by infusing new life, activity, and energy into the prostrate industries of our people, and diffuse universal prosperity throughout the length and breadth of the land, namely:

Limit the maximum amount of legal-tender to $400,000,000, and for which substitute the legal-tender as described in your bill. Make it convertible into bonds bearing a low rate of interest, said bonds payable on demand with accrued interest. And the Secretary of the Treasury be required to appropriate all the legal-tender received for bonds in retiring a like value of outstanding Government debt drawing 6 per cent. interest in coin.

Simple as the above may appear, it is believed that it will accomplish all claimed above.

Three objections appear on first consideration of this subject, namely:

1. Will the holder of greenbacks buy Government bonds bearing a low rate of interest when interest at large rules at much higher rates?

2. And if so, will said bonds remain out, or will they, at any time, all rush in for redemption?

3. If they do not rush in for reconversion, will they cause inflation?

Answer 1. Will holders buy bonds bearing a low rate of interest? The institution with which the writer is connected is in the current receipt of some $2,000,000 per year, every dollar of which would be converted into convertible bonds as received daily; and the bonds would be held until other investments were made bearing a higher rate of interest, such as bonds and mortgages, United States stocks, State stocks, &c., when the parties to receive the money would prefer the convertible bond with accrued interest calculated in preference to greenbacks for the interest that would accrue while in their possession.

What would be the interest of our institution would be the interest of all monetary institutions in the country, including banks, to the extent of their surplus.

The same interest would control the action of all individuals in the receipt and management of their finances. Thus the largest part of the circulation afloat would constantly flow into the Treasury for conversion, and flow out again, provided the Secretary was required to use all received in such exchange in retiring the outstanding 6 per cent. bonds.

Answer 2. Will bonds convertible at the option of holders remain out, or will they all rush in for redemption? Experience has demonstrated that they will not rush in except in very small amounts, and then only to allay panics, as under the various acts authorizing temporary loans, passed in the months of February, March, and July, 1862, and June, 1864. Some $200,000,000 were deposited with the Treasury Department, for which certificates were issued virtually redeemable on

demand with accrued interest, and during their existence various causes occurred to disturb the money market which at any time prior to the issue of greenbacks would have produced wide-spread panics and revulsion, but now were prevented by the conversion of a few millions of said certificates. At one time Mr. McCulloch called in $50,000,000 of greenbacks, which caused a stringency in the money market, increasing the rate of interest materially, when the conversion of some $5,000,000 reduced the rate and produced an equilibrium. A number of cases occurred when the conversion of a few millions prevented panics.

Again, the very fact of greenbacks being converted into bonds would be evidence that bonds were valued higher than greenbacks. And would it not be the interest of all to retain such bonds, for the interest that would accrue until required for business purposes, or for more permanent investments?

Would they not become portable savings-banks, and made use of as such by the masses throughout the Union?

And would they not answer for interest exchanges much better than any now in use, as the interest that would accrue while *in transitu* would be a clear gain to the party remitting?

Convertible bonds would be virtually greenbacks on interest, and would answer practically for all the uses that greenbacks are put to, consequently would be worth more than greenbacks. Then will such bonds be exchanged for greenbacks? No; never, until man becomes bereft of his reason, will he exchange a better for a worse investment.

Answer 3. If said bonds would not rush in for conversion would they cause inflation? If convertible bonds drawing interest cause inflation, then all Government bonds drawing interest cause inflation; consequently none should be issued.

Let us bring it home to ourselves, and suppose each of us had a given amount of greenbacks, and also a like amount of convertible bonds, and that we were about making a payment of a similar amount, which would we pay out, the bonds that would draw interest while in our possession or greenbacks that would be worth no more at the end of a year than now? Could we hesitate for a moment? No; we would pay out the greenback and hoard the bond; and hoarding is the opposite to inflation.

It was hoarding greenbacks that caused the late panic. That hoarding caused contraction, for there was only a certain and fixed amount in existence; but the amount of bonds that might and would be issued, if left unlimited, could not be affected by hoarding so as to cause contraction; consequently, under such a system, there could be neither inflation nor contraction, and a uniformity in value would be established never before known.

I see no good reason why the whole national debt may not in this way be purchased and paid off, including that held by foreigners, and convertible bonds substituted in its place and held by our own people, and thus reduce the interest about one half and our taxes in the same proportion.

Convertible bonds, if issued in small denominations, would by the natural law of supply and demand be gradually diffused throughout the length and breadth of the land, infusing new life and activity in all legitimate business.

A member of the Finance Committee, during the time Mr. McCulloch was Secretary of the Treasury, lately informed me that during the time those temporary loans were out—some two hundred millions—he (Mr. McCulloch) was constantly haunted with the fear that they (the certificates) would rush in upon him for redemption, although the books of his Department showed that for years from the first issue none came back except in trivial amounts in times of panic; and to get rid of that phantom that haunted him, commanded them all to come in, when he paid them off to prevent their rushing in!

This reminds me of an incident that occurred to a lady friend of mine. While riding on a smooth road her horse fell as if shot, and lay still, apparently dead. While her company retained their seats in the carriage, she jumped out and sprained her ankle, causing great pain. When inquired of why she jumped out, she replied that the horse lay so still she was sure he had some mischief in his head.

Mr. McCulloch was frightened from the same cause; the certificates lay so still he was sure there was mischief in it.

Had Mr. McCulloch allowed those temporary loans to remain, the existing panic could not have occurred; consequently the present suffering of the million would have been avoided.

Adopt the convertible system, which includes the temporary-loan principle; it seems to me it would act like magic in instantly restoring confidence and infusing new life in all the industrial pursuits now paralyzed and prostrate.

And thus hopefully ends his communication.

And now permit me to say that statesmen, legislators, and financiers seem to have forgotten that the interest of money is really more valuable than the money itself; or they seem not to see that money which draws no interest is of no value.

Hence they err in supposing that in making foreign loans they benefit the people. I suppose they are honest and think so; nevertheless, I am sure that a foreign loan, whether negotiated by syndicate or Secretary, is a misfortune to the people.

Let us analyze the matter of a foreign loan of $100,000,000 secured by bond at 6 per cent. interest, payable at the end of fifty years. First, we do not get the money but a credit abroad, on which we draw to pay for the imported articles, many of which had better be made at home; second, at the end of the fifty years we repay the $100,000,000 in gold; third, during that fifty years we pay in gold the annual simple interest at 6 per cent. in gold, the amount of which is three times the loan, or $300,000,000; fourth, all of this vast sum is raised by taxes levied upon the industry and prosperity of the people; fifth, the foreign creditor, by reinvesting the interest paid him by us from year to year (perhaps in other loans to us) gets in effect compound interest on his loan, which in the term of fifty years amounts to the sum of $1,700,000,000! This loan has made the foreign creditor so much richer. How much has America gained? She has received $100,000,000 and actually paid $400,000,000. This is the END OF A FOREIGN LOAN. Now as to domestic loans: The United States borrows of citizens $100,000,000, and repays to citizens the principal and the interest. Is it too much to say that the sovereign American people are made no richer and no poorer by the transaction? [*Nota bene.*—This is an interrogatory, not an assertion.]

I do not wish to be understood as assuming that we can keep our bonded debt at home while we pay higher interest on our bonds than is paid on the public securities of other countries. But should not a policy be adopted to keep at home as far as possible our bonded debt? One step toward that desired end might be taken at once by substituting for the securities now pledged by banks for the redemption of their circulating notes an annuity bond in the nature of the British consol, bearing an interest of 3.65 per cent. per annum. Let the amount of this issue equal the total of the bank-note and the greenback circulation, and allow a portion of the bonds equal to the total of greenbacks to be convertible at the option of the holder into greenbacks and reconvertible into bonds at like option. But I am not now prepared to advocate this measure; I throw out the idea merely as a suggestion.

This would introduce to the public this form of security. The banks would take them at par to the amount required for their use, and individuals would use them to convert into greenbacks when currency was deficient, and to reconvert when currency was redundant. This would afford flexibility enough to suit a financial India-rubber man. As our countrymen grow rich they will grow conservative, and invest more and more in this form of security, which would be in fact the "American consol."

It is asked, can a sound currency be established by the issue of national money, (tokens or coined paper,) with value determined and volume regulated by its interchangeability at the option of the holder with Government bonds bearing a fixed rate of interest? Can this not be answered "no;" and as at present advised, can such position be successfully controverted? To guard against no end of possible expansion, the volume of the convertible currency and of the convertible bonds should both have a maximum limit, or disaster would be sure to follow. Would there be a limit to expansion except the total sum of our bonded debt bearing a fixed rate of interest, which I suppose now exceeds $2,000,000,000?

And now for a moment to turn to the bill to provide the money of the United States and regulate its value.

It will be observed that the first section of the bill abolishes the bank reserve and sets free $150,000,000, more or less, depending upon the degree in which the law has been observed by the banks. It also provides that all circulating bills shall be redeemed in coin or greenbacks at the counter of the bank by which they are issued, on demand.

The second section provides for the issue, on the authority of the Government, of a circulating medium, to take the place of the present currency (which is composed of two kinds, greenbacks and national-bank notes) to a maximum limit in amount, which shall be receivable in the payment of all debts, public and private, at its face value, with the exception of gold-bearing bonds outstanding.

Section 3 provides that customs duties shall be collected hereafter, a portion in paper currency of the country, so arranged that after July 1, 1877, the whole shall be payable in the paper legal-tenders of the country.

Sections 4 and 5 provide for the retirement and canceling of the currency received as above.

The sixth section provides that the new currency authorized by the second section shall be issued in equal amounts, to take the place of the currency retired.

The seventh section limits the amount, not exceeding $800,000,000 at any one time in circulation.

Sections 8 and 9 provide means of stimulating the return of the currency now in existence, after 80 per cent. of it shall have been retired.

The bill, while abolishing the bank reserve and providing for a uniform currency, also provides for the Government's receiving all of the currency now in circulation at par and retiring it. Thus the "promise to pay" will be kept. It looks forward to the not distant time when the United States will become the greatest producers of commercial values of any nation or people; and having a standard of our own, independent of the standard of the world, and uninfluenced by its fluctuations, we shall compel all other populations to approach to or adopt a similar system of home currency, or remain subject to the disastrous fluctuations that during all past time have attended a business that is done upon a gold and silver basis. When bank-notes and greenbacks shall have been "called," then we shall need to put gold and silver in the legal category of chattels, and have only one standard of value—a currency founded on the national sovereignty, which will circulate on the credit of the nation, and all other circulation will disappear.

The world, in the infancy of finance and trade, set up the silver and gold standard as the best thing known at the time. It has been continued until the present time because the people do not know of any better standard.

It has not occurred to many that there is inconsistency in attempting to make a standard of value out of a substance which is itself a commodity more universally dealt in than any other, not as coin alone, or chiefly, but chiefly as bullion, in which form it is bought and sold for prices by weight and quality, like iron. In all this traffic it is not a standard unto itself. The conundrum not yet once solved is, how to measure the value of the measure of values. I venture to predict that this difficulty will never be cured until something of no intrinsic value shall be adopted, and its value fixed conventionally or arbitrarily by competent authority. This cannot be done now and at once by the whole world; but can be done for each sovereignty for itself at any time, leaving gold and silver as now to be the standard for paying off balances in foreign trade. If we lead the way in setting up a new system of currency which shall be an improvement on the old, so much the better for us.

It may at length be discovered that a standard of values ought to be of no intrinsic value, but conventional and arbitrary, so that it shall be as absolutely free from change and fluctuation as a pine yard-stick or a tape line. If the attribute of unchangeability is needful

for a standard of values, as it seems to be, then gold and silver will not answer. They are constantly changing in value, and are prone to move from one place to another, creating a scarcity in one place and a plethora in another. They ebb and flow like the waves of the sea, or rather like its tides, without their regularity. This ebb and flow results solely from changes of value in different places. They flow to points where there is a great demand and a high price from all points of less demand and smaller price, making sad havoc of prices and values with every oscillation. Our plan would fix the volume of measures of values at $800,000,000 for the United States. It would be unchangeable, except by the action of the sovereign authority. The standard of all values being fixed and stable, the prices of commodities and property would be regulated by the relation between the supply of and demand for each article. If commodities were scarce, the price would be high and induce greater production; if they were abundant, the price would fall and check production. This is a beneficent law of trade, automatic and reliable, and is better than the highest wisdom of human legislation to regulate the value of all the products of human industry. The most ordinary minds can comprehend this. But where both the standard of value and the commodity to be measured in value by it are operated upon and fluctuate by the same law of supply and demand, the problem of current values is quite too complicated for comprehension. Prices are excluded from the field of demonstration, and turned over to the domain of speculation.

I think if this bill should pass, and the system should go into operation, our standard of value would ride into popular favor on the shoulders of the greenbacks, the value of which no American has ever doubted.

And here I ask to be pardoned a little digression, to refer to a reply I made on the 10th instant to the question of the gentleman from Pennsylvania, [Mr. KELLEY,] whether I regarded gold as a commodity. I said "no." I should have said that it was a commodity, but as a commodity it had different characteristics from flour, the article with which it was compared. Gold has an intrinsic value, and is a commodity. Its value, however, is not so much intrinsic as it is conventional. That is to say, while its value is derived in a great degree from the quality of exchangeability—in other words, from its being a commodity in general demand, and which few persons would decline to accept for whatever they have to dispose of—it gets an additional value from legal enactments and general custom. In my speech the matter will be found more fully treated. This explanation seems necessary because of the bringing into comparison two commodities of wide difference in their quality of exchangeability.

It cannot be denied that there are numerous incidents occurring in all parts of the world which have the effect of keeping gold and silver constantly in motion like a troubled sea. A war, or a famine, or a great conflagration, or a new financial policy, occurring on the other side of the world, affects the movement and the value of gold and silver wherever they happen to compose the currency or to be the basis of the currency. They are constantly varying under the influence of these foreign incidents, and therefore are unfit for a domestic standard. There are times and places when $100 gold coin will purchase ten barrels of flour; there are other times and places in the same country, and not far remote from each other, when the $100 gold will purchase fifteen barrels. Perhaps no man can tell, with any degree of certainty, whether the change has not been partly in the gold, and not altogether in the flour. It is not quite clear, with an elastic yardstick and India-rubber cloth, how we are to determine quantity.

It may require some courage of opinion to advocate a currency founded on the national credit instead of a specie basis, especially when the interests of so many moneyed institutions are bound up in the present system, and which naturally find their spokesmen in the great commercial newspapers. "But truth is mighty and will prevail." And I have been surprised at the letters of encouragement and cheer I have received from far "down East," and even as far west as Kansas. As a sample, here is one that came to hand this morning:

INDEPENDENCE, KANSAS, *January* 22, 1874.

Hon. DAVID B. MELLISH, *M. C.*,
Washington, D. C.:

I see in the New York Tribune a short comment on your speech and synopsis of your bill to provide the money of the United States and to regulate the value thereof. From the comment above referred to I infer that your plan and bill are similar to what seem to be gaining the popular ear here at this time. I would be pleased to receive a copy of your bill and speech.

Yours, &c.,

JOHN M. ALTAFFER.

And never so much as since I introduced this great reform measure have I felt the inspiring force of those grand lines:

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor, and to wait.

The seed here planted, I feel assured, will yet bear good fruit for the healing of the nation.

Turn we now for a moment to contemporaneous opinion. I could cite from several speeches in the other wing of the Capitol to sustain my view, that with a judicious volume of the currency, and under proper regulations, it could rest upon the credit of the Government, and be a measure of values superior to any the world has ever had. I will content myself here, however, with quoting the opinion of one who for many years distinguished the office of Secretary of the Treasury. (Sometimes the office distinguishes the man, and sometimes, as in this case, the man distinguishes the office.) I quote from the CONGRESSIONAL RECORD of January 29, from the speech of Hon. GEORGE S. BOUTWELL, delivered January 22:

Mr. MORTON. I should like to ask the Senator whether, in his opinion, the legal-tender notes can be brought to par value in gold by the contraction of a part of them?

Mr. BOUTWELL. I have no doubt of it. The recent history of France furnishes sufficient evidence of that.

Mr. MORTON. Without making any provision for the redemption of the balance?

Mr. BOUTWELL. Yes, sir; undoubtedly.

Mr. MORTON. That a currency which is irredeemable can be maintained at par simply by its contraction?

Mr. BOUTWELL. I have no doubt about it, with the Government of the United States behind it.

Mr. MORTON. That redeemability is not necessary to par value?

Mr. BOUTWELL. Redeemability would be a consequence, of course. When you ask me if they could be brought to par in coin, that implies redemption.

Mr. MORTON. No; I beg the Senator's pardon. Suppose, for the sake of the argument, we contract one hundred and fifty millions of our legal-tender notes and cancel them, will that have the effect to bring the rest of them to par value unless there be first some arrangement made by which the rest of them may be redeemed in coin upon the demand of the holder?

Mr. BOUTWELL. If we should go on redeeming and destroying these notes in monthly installments, other things remaining the same—war, famine, or pestilence would affect the result; the premium on gold would gradually disappear, and persons, without any action on the part of the Government, would accept the notes, and the Government would receive and pay out notes or coin without considering that there was any difference between them, and resumption would be practically taken up without any legislative action whatever. Its maintenance would depend upon the prosperity of the country as shown by its foreign-trade balances.

Mr. MORTON. I ask the Senator, as he has evidently given much more attention to this subject than I have, if any bank could bring its currency to par, when it had suspended specie payments, by the simple contraction of the volume of currency, without making preparations and announcing them for the redemption in coin of the balance of them?

Mr. BOUTWELL. The case of an individual bank is different. We are now considering the wisdom and effect of a policy of contracting the volume of currency for the whole country, and not the effect of contraction by a bank, which could have no perceptible effect upon the whole volume.

Cobbett, in speaking of the currency of England in the midst of suspension of specie payments, remarks that "the low value of paper money has been occasioned by the great abundance of it." And I find in my note-book—I am unable to remember whether the result of my own cogitation or of some one else—it is set down that "the chief quality that has brought gold into use as money is its scarcity. If zinc were as scarce as gold, it would make money of nearly equal goodness with gold. To make anything good money, it must have the quality of being a tender in the payment of debts, and its volume of issue must be judiciously limited."

Calhoun asks, substantially, "Shall we deny to the Government the use of its own credit? And does not the issue of currency properly come within the power expressly granted to Congress to borrow money? which means neither more nor less than to raise supplies on the public credit. Interest is not essential to borrowing; and it would be ridiculous to suppose that the framers of the Constitution intended to authorize the raising of supplies with interest, and to prohibit it without."

And how much gold is used even in specie-paying countries? The celebrated financial writer, Bonamy Price, in Fraser's Magazine for October, 1873, in reply to the question how much cash is brought to the bank's counter, says:

Only three parts in one hundred, and this includes currency as well as gold. Of specie—that is coin—the bank only touches one-half per cent. as compared with all its receipts.

Nothing is truer than that the people will never approve changes by legislation and of administration measures that affect the business of the country, unless it is demonstrable, from existing ills, that the changes proposed will be beneficial. The prosperity of a country may be regarded as a matter of fact, and not as a matter of law. If a community is prosperous and solvent under a system of laws, it may not be unsafe to assume that the fact is evidence that the system is sound and desirable. There would be fatuity in proposing to change the system now in operation, which it must be admitted has worked some good results, unless somebody were wise enough to point out another system which would with certainty and without doubt or disaster achieve better results.

But it is believed that the change proposed by the bill under consideration will generally be conceded to be an improvement. But no matter what change is proposed, it is essential that its operation should be prudent and gradual. So far as any shock to the business of the country is concerned, it is confidently believed that this change can be made without the slightest shock, and, as it were, imperceptibly, except so far as its beneficent influences may be felt.

If we take the national-bank notes and the greenbacks in payment for taxes and custom dues, dollar for dollar, allowing them the same value at the custom-house as the gold dollar, and do not put them out again, shall we not substantially keep the promise of the Government? Will not the Government have paid the one dollar promised on their face? Then we start anew and honestly. We issue a standard measure of value which is just as good, and will actually be worth more, in business transactions than the greenback has ever been.

One must not nowadays expect exemption from the criticism of newspapers. I do not complain of it. But I must express a little

surprise that such a staid and respectable paper as the Evening Post should deal in epithets in referring to a humble Congressman because he happens to hold what it regards as heretical opinions on the subject of finance. I quote, without comment, its courteous allusion to myself in an introduction to a part of an article it copies from a communication that appeared in the New York Times:

A SPECIMEN BRICK—THE OPINION OF A DOCTOR OF FINANCE.—Mr. DAVID B. MELLISH, who holds a seat in Congress from this city, has written a note in reply to numerous interrogators as to the terms of a bill recently introduced by him in the House of Representatives. We reprint the last paragraph of this note to show the wonderful results which a year's study of financial questions has on the mind of an ordinary member of Congress:

"A year ago I did not believe there could be such a thing as a sound currency that was not redeemable in gold. Further study has convinced me that I was in error. But it would take too much space to give the reasons that have led me to this conclusion. It will be seen that the bill, while abolishing the bank reserve, and providing for a uniform currency, also provides for the Government receiving all of the currency now in circulation at par and retiring it. Thus the 'promise to pay' will be kept. It looks forward to the not distant time when the United States will become the greatest producer of commercial values of any nation or people; and having a standard of their own, independent of the standard of the world, and uninfluenced by its fluctuations, we shall compel all other populations to approach to or adopt a similar system of home currency, or remain subject to the disastrous fluctuations that during all past time have attended a business that is done upon a gold and silver basis. We have had our paper age, founded (theoretically) upon gold; we are to have our golden age, founded on a national paper standard."

In the New York Sun of the 13th instant I find the following, which appears editorially:

THE REMEDY FOR OUR FINANCIAL EVILS.—Mr. DAVID B. MELLISH, member of Congress from this city, has begun the study of finance. He has learned some things, and, we trust, will learn more. But his usefulness as a financier will not begin until he has also unlearned what he has up to this time taught himself. This circumstance, however, need not discourage Mr. MELLISH. He is no worse off than the great majority of his colleagues in Congress, and he is better off than most of them, inasmuch as we think he has some capacity of financial development. Not that he has displayed any sign of it thus far, but we have an appreciation of his merits in general and desire to encourage him.

Like all beginners in finance, Mr. MELLISH merely wishes to test the value of the knowledge he has acquired, during the brief period of his studies, by overturning our existing systems of banking and finance, and burning the whole "to ashes." Such is the language of the bill he has introduced into Congress for a reform in the currency. This is a natural and legitimate method of proceeding, because it gives a man a clear field for his experiments. And if Mr. MELLISH's plans are to be tried at all we see no objection to his proposition to reduce "to ashes" everything that now stands in his way.

Our real difficulty, our real danger, in regard to the currency, is not at all what Mr. MELLISH supposes. It is that our standard of value is a variable and fluctuating thing, so that no man knows or can know at the beginning of any one year what it will be absolutely in regard to quantity or relatively in regard to gold at the end of that year. This uncertainty converts all transactions of bargain and sale into mere gambling bets upon the future value of property, and thus unsettles and demoralizes all legitimate trade, baffles prudence, torments honesty, and renders the reward of labor unequal, uncertain, inconstant, and insufficient. These evils are increased by the speculations which such a condition engenders, and which make the trade and industry of the country the playthings of greedy and unprincipled operators, who are thus enabled to create vicissitudes in order to profit by them. It is an unsettled and irredeemable currency that is our bane, and is the parent of "corners" not only in stocks but also in leading articles of human consumption, as well as of gold-gambling and every other pernicious form of traffic.

The thing we absolutely need is not a new kind of paper money, but a fixed standard of value. With such a standard the industry, the trade, the enterprise of a country, would rest upon a measurably stable foundation. Without it every public and private interest is at sea. There is no certainty and no approach to certainty anywhere. We might almost say in the abstract that we should hardly care what this standard was, whether paper or coin. The essential point is that it be a fixed standard. The necessity is not that it be perfect, for that is something out of the question, but that it be as near perfection as human nature admits. A fixed volume of paper money would answer a very valuable purpose provided it could be really fixed. But here is the difficulty. The history of finance has demonstrated such limitation to be impossible. If men are allowed to make money simply by stamping pieces of paper, then they will go on making it until they end in ruin.

The alternative is a measure of value that cannot be suddenly changed, either through whim or fancied necessity. The precious metals form such a standard, and the whole commercial and financial world yields this function to them, and to them alone. Everything else is secondary. Irredeemable paper-money schemes of whatever description are empty, floating bubbles in comparison. They are, one and all, not worth a moment's consideration from the legislator or financier who is honestly endeavoring to grasp the situation and correct the evils which now beset the American trading world.

So much of the financial question, then, is clear and settled. We ought to have an unchangeable standard of value. This is the one bright, luminous point that projects itself out of the mass of murky vapors which surround the whole subject of finance. Everybody can see it. Everybody can take hold of it. We need a fixed measure of value just as much as we need a fixed standard of weights or measures, just as much as we need a pound-weight, a yard-stick, or a bushel measure. This is so plain that we think even a Congressman might take it in.

Now, why cannot Mr. MELLISH aid in giving the country a fixed standard of value? If he knows how to make it out of paper money let him give us the secret. He will be the wisest man that ever lived in the tide of time if he can do this. But in truth all the projects and devices to accomplish this end by changing the source of issue—and this seems to be Mr. MELLISH's specific—will prove to be in the end only baseless phantasms and empty dreams. Visions rise upon the youthful and inquiring student of finance like the phosphorescent mists of a bog, and they always lead the inquirer into the inevitable mire. There has been no possible phase of the irredeemable paper-money question that has not been considered by scores upon scores of these innocents; and still the same verdant crowds are traveling along the same path on the same errand. But nobody has ever yet discovered any equivalent substitute for coin as a standard of value. In the last analysis, and in the ultimate settlement of balances, nothing fully serves the purpose but something which is a positive representative of value the world over. This is absolutely, irresistibly needful to us; and it is just what we have not got. To the disgrace of this nation of forty millions proud, intelligent, enterprising people be it said.

Mr. MELLISH proposes to destroy all the bank circulation. It is evident he has not consulted his colleagues in Congress or studied their views. Does he not know that the House is a body of bank presidents, bank directors, and bank debtors? Does he suppose they will consent to relinquish their privileges? But there is really no valid reason now—though there was during the war—why the banks should cease to be banks of issue, and there are controlling reasons why they should remain so. The difficulty is not that banks issue paper money, but that they loan out money which they should keep in their vaults, and thereby become helpless before a financial storm. Banks of issue, under conservative management, may be and should be the sheet-anchor and bulwark of a commercial and trading community; and experience has devised no good substitute for such banks. It is the greedy and rapacious, and gambling banks that do the mischief; and the way to improve the system is to load them down with restrictions, till they can no longer torment the public with their illegitimate and damaging courses. But the right methods of doing this do not include the taking away of their privilege of issuing paper money. Banks of issue in this country, above all others, are like wells in a desert; but they should be banks of redemption also. That they are not is the great fraud of our system. The recent panic showed that they not only could not redeem their issues in money, but they could not even redeem them in Government notes. This showed them to be shamefully mismanaged, and proves that our banking system needs new and more rigid restrictions thrown around it.

Mr. MELLISH seems to think he will have done something important if he succeeds in giving the profits of issuing paper money to the Government, as if this was a matter of real consequence in considering the way out of our present insolvency and disgrace. We cannot stop to argue the question; but it is capable of demonstration that ease in financial operations can be secured, and the necessities of the trading public answered, only through the agency of banks of issue. It is mere tomfoolery in this stage of our history to talk about destroying them. Instead of having fewer banks of issue we want more. But we must insist on their being banks of redemption as well.

What the country should have is a specie standard with banking absolutely free under certain unvarying rules. But there is no tendency in the public mind toward resumption of coin payments. What, then, can we have? So far as we can see, nothing is practicable but to make the 5 per cent. gold bonds of the United States the standard of value for all bank and Treasury issues, and compel banks and Treasury alike to redeem their issues in this security on demand, and then open the door to free banking. The banks may, under such an arrangement, continue to hold and use greenbacks as they do now. But actual, valid redemption on this basis is practicable. Why not? It makes the whole debt of the United States the basis of our money issues. Is not this broad enough? We refuse to redeem our paper money in coin, because we say there is not enough of it. But that there is debt enough, heaven and earth are both witnesses.

But will this plan lead to contraction? Why should it? If the country requires or can carry its present volume of circulating medium under any circumstances, it can do it under this scheme. That there may be no limit to bank issues all over the country, throw wide open the doors to free banking. Let everybody bank who wants to and can furnish the necessary guarantees. If there is a real want, a legitimate demand for money, anywhere over the face of the whole country, the omnipresent banker will be there to supply it. And this will be a thousand times more convenient for the public than to hunt up sub-treasurers, who, when found, cannot take the securities which the merchant who wants money alone has to offer for it; but the banker can take them, and in taking them supply that elasticity to the circulation of which we hear so much, and which is really so desirable.

This proposition is our contribution to the discussion of this question. We believe in a metallic standard, and desire to see it restored. Let us have it by all means if it be possible. But if not, then give us the standard of a United States gold bond drawing 5 per cent. semi-annual interest as the next best thing. We do not want a bond bearing a low rate of interest, and least of all do we want to see the detestable and fallacious project of three sixty-five exchangeable bonds put in motion. For this means inflation only, and not redemption. But give us for a basis of experiment a gold 5 per cent. bond, and force the Treasury and the banks to redeem their issues in that. This would be a beginning which would look like business.

I do not know who wrote the above editorial, but from the internal evidence I presume it was from the pen of Hon. Charles A. Dana, Assistant Secretary of War under Stanton.

I sent to the editor the following explanation:

To the Editor of the Sun:

I had hoped my plan would have met the approbation of the able head of the diurnal luminary that "shines for all." But notwithstanding the potent and piquant criticism, in your editorial of the 13th instant, of the bill I had the honor to introduce into the House of Representatives, "to provide the money of the United States and regulate its value," I nevertheless think and believe that if the Sun will turn over certain points in what it calls its mind it will find it has fallen into certain fallacies.

In the first place, it seems to have taken exception to the idea of burning retired currency to ashes. I do not deem it necessary to apologize for using the language of existing statutes on that subject. That was the language used by Congress in directing the Secretary of the Treasury to dispose of all retired currency.

I agree with you that our standard is variable and fluctuating, and it will be so as long as it is pretended to be based on a specie basis, which is itself variable and fluctuating. With a national standard beyond the reach of foreign influences, it would be possible to realize a standard which should neither be variable nor fluctuating in volume or value. But so long as we hold the same standard of all other nations, the standard will be operated upon by the vicissitudes of all other nations and the policy of all other nations.

You say that we need hardly care what the standard was, whether paper or coin, the essential point being that it be a fixed standard. That very idea was what set me upon seeking a new one, and one that could be influenced only by the sovereign act of the people of the United States. You say a fixed volume of paper money would answer a very good purpose, provided it could be fixed. Why not? Cannot the people of the United States trust themselves or their Representatives? Fix the volume, and see who dares unfix it when it becomes the standard of value for the people. You say "If men are allowed to make money simply by stamping pieces of paper, then they will go on making it until they end in ruin." Men are not allowed to do that by any system that is proposed. The Government is allowed, and all other parties are disallowed.

You say, "We need a fixed measure of value just as much as we need a fixed standard of weights or measures; just as much as we need a pound-weight, a yard-stick, or a bushel measure. This is so plain that we think even a Congressman might take it in." This is so plain that at least one Congressman is able to take it in. But that same Congressman is sure that from the beginning of the Government until now we have supposed we had a standard of gold and silver; and yet the human mind can hardly contemplate more vacillations more terrible fluctuations, more bankruptcies, than we have experienced under the boasted *régime* of the specie standard. Inasmuch as our experience shows that in that quarter we find no fixed standard, let us seek for one that is within the control of the Government of the United States, and it only.

Very respectfully,

DAVID B. MELLISH.

Thereupon, in the Sun of January 22, its editor responded as follows:

SHALL WE HAVE A FIXED STANDARD OF VALUE?

Mr. DAVID B. MELLISH, M. C., reviews our conclusions and restates his own in a communication which does not seem to us to advance the discussion. His fundamental error is in supposing the world is going to stop and reduce things "to ashes" in order that reformers may try their experiments. All we can hope to do in our reforms is to modify and mend. If we ever reach perfection it will be through very easy stages.

Our present money system is the fruit of a national necessity, and in its leading characteristics it is likely to stand as it is for a good while to come. We think it a waste of time to debate the question whether something theoretically better could not be devised. We have got greenbacks, and people like them. We have got national-bank notes, and people like them. They are so well satisfied that they hoarded both during the recent panic, and contentedly let the storm howl. The men who had either did not conceive it to be their watch on deck. It was not they who were in danger. Now, who can suppose the people are going to quarrel with a system which seems to them to work so well, or that they will suddenly overturn it?

All that can be done, and all that need to be done, is to improve the existing situation. All the talk about winding up the banks and substituting greenbacks for their notes is idle babble. It ought not to be done if it could, and it could not be done if it ought. All trading communities, at least those which are the most thrifty, are full of banks of issue. They are as necessary as steamboats and railroads and telegraphs for the prompt and easy transaction of business. We cannot waste time, therefore, on Mr. MELLISH or anybody else who begins by proposing to get rid of them. But we do want them to be made paying as well as issuing institutions; and we want to see the system extended on this basis. We want them to be made to pay. We want them to be put under a system which shall force them to redeem their notes in something besides irredeemable promises. And to get at this in the easiest manner we ask to have the greenback, in which their issues are redeemable, itself made redeemable in something which has a positive, intrinsic value, such, for example, as gold or silver; or if that be impracticable, then in a gold-bearing bond of the United States as nearly of equivalent value as possible.

This is the simple plan which we propose. It can be put in motion noiselessly, and need necessarily create no commotion or contraction whatever. Accompanying it with the system of free banking, it might even increase the volume of the circulating medium during an active demand for money. If the country needs such an increase it certainly would be furnished.

This plan avoids the difficulties and dangers of coin redemption in that nobody would, merely as a matter of speculation, run the banks or the Treasury for bonds, which are themselves only objects of sale. Keep the bank-note circulation secure as it is now, force a central redemption, and give the country full swing. Let everybody then issue bank-notes who wants to do so, and can give the requisite security that they will be redeemed on presentation. To insure the perfect operation of this system, it is only necessary that we should erect a real standard of value as the basis of payment. Our proposition is to take for this standard the 5 per cent. gold bond of the United States. We offer this as a compromise between specie redemption and no redemption at all, which is our present condition, and which is fraught with excessive peril. There is no safety, no bulwark against indefinite inflation of the currency but to put an end to the practice of regarding the irredeemable demand note of the Treasury as money, and to bring everybody, the Treasury included, to the touchstone of redemption in something which carries a valid and positive meaning and value on its face.

We can have this and disturb no existing arrangements. We do not need to "burn to ashes" greenbacks, bank-notes, or anything else. We only ask for the application of the honest rule that everybody shall be held to fulfill his promises; that when banks and bankers agree to pay, they shall pay; that when the Treasury says it will pay, it shall pay. It is a disgrace that the country has not done this long ago. And day by day this condition of suspension works wider damage. As a non-paying nation we are losing the prestige we gained by the heroic efforts, military and financial, made during the war. New York is losing all chance of becoming a financial center of the world by our persistence in the use of irredeemable promises to pay as our standard money. London is gaining a permanent advantage over us for this reason, and is more and more becoming the settling-house and depository of all nations, because it faithfully adheres to the specie standard of value. In other words, it fulfills its promises to pay.

It is nothing but this that gives London its prestige and its position as the settling-house of the world. It is nothing but this that makes capital seek London, and fills that market to plethora with it. The one thing that makes all the difference between us is that London maintains her financial integrity and we do not. She pays and New York does not. This is the most short-sighted policy, to say nothing of higher considerations, of which an enterprising and commercial nation was ever guilty. Should we not take some steps toward extricating ourselves from so disgraceful a position?

And now comes the Whitehall (New York) Chronicle, *et id genus omne*, a molder of opinion for the rural districts, and thus gives dignified utterance to its opinions:

FINANCE RUN MAD.—Mr. DAVID B. MELLISH is a member of Congress from New York City; likewise a republican; also a representative of one of the respectable silk-stocking districts of the city. But too much study on the financial questions of the hour, combined with the responsibility on him of being a republican Representative from New York City, has made him mad. MELLISH has seen enough of the evils of a currency resting on a specie basis. He denies the postulate that gold should regulate the value of paper. He claims that instead of redeeming paper with gold, gold should be redeemed with paper. He feels outraged that the paper currency of the free American people should be measured by the base metallic gold and silver standards of Europe. On the contrary, the American legal-tender should be the standard of value of the British sovereign, the French louis d'or, and the Spanish milled dollar. Hurrah for MELLISH! Throw silver and gold to the wind and hoard paper rags.

On the other hand, the New York Herald, by many regarded as a first-rate indicator of public opinion, the New York Mercantile Journal, and other papers, approve a uniform currency, and favor the provision therefor in the bill.

I have not the time to review these reviews or criticise those criticisms, and must hasten on, only saying, *en passant*, employing the appropriate language of William Cobbett, in his essay on Paper against Gold, that "this is always the way; it is the constant practice of those who, while they are, from whatever motive, impelled to oppose a writer, want either the materials or the ability to show that he is wrong; and, gentlemen, you may lay it down as a maxim, that when any publication is answered by abuse, and especially personal abuse, the author of such publication is right, or, at least, that his abusers want the ability to show that he is wrong. Facts and reasonings, if erroneous, always admit of refutation; but, if correct, no one can refute them; and, if erroneous, to refute may still require some ability, whereas to abuse the person from whom they have proceeded is within the power of every one, a gift not denied to any creature capable of uttering articulate sounds or of making marks upon paper. The great cause, however, of abuse in such cases is the weight of the truths against which such abuse is opposed; for it is here as in common verbal disputes, he who has the truth clearly on his side is always seen to be in good temper, while his opponent scarcely ever fails to discover impatience and anger, and, in but too many cases, to give way to personal invective and false accusation."

It is safe to say that from the era of commercial credits until now the system of specie basis for commercial credits has been more or less, and generally more, a system of false pretense. It is reasonably to be suspected that the acute minds who have studied this business of operating in money—the brokers, the speculators in funds, *et al.*—all knew it was so; and the people generally, by a little study, may now know it.

This system here proposed, when it was in full operation, would set free all the gold in the country to be used for purposes for which gold is sought for by mankind. Now, under the system of specie payments, an amount of gold and silver equaling something like one-fourth the amount of gold must be kept idle in the vaults without any use. It would add to the wealth of the country the total amount of gold and silver which is set free. If under the system of specie payments the whole amount of gold and silver that is held for the purpose of redemption is lost for the time being to mankind—it produces no interest; it is of no value so long as it lies there in the vault as a pledge—this system will set it free, and give so much added value to the gold, whatever it may be. The addition produced in the value of gold is a question to be left to the test of experiment.

It is plain that by this bill the total amount of the greenbacks the Government has promised to pay, and about the non-payment of which Mr. SCHURZ and others speak with such touching eloquence, will be redeemed to the entire satisfaction of the holders of every bill, and that in a space of time as short as is prudent to apply to a change so considerable. If these obligations of the Government are redeemed to the satisfaction of every holder thereof, who will there be that will have a right to say that there is any shade of dishonor upon the financial record of the United States? And that they will be thus paid is as certain as this law is enacted and goes into effect. The holders of them will pay them out in place of gold, and they will never see them again. They will pay them out at the same value of gold coin of the United States, and they will never again be seen. It is the neatest possible method of paying off indebtedness of the United States.

There is just one point in the speech of the Senator from Missouri [Mr. SCHURZ] the other day to which I desire to call attention. He attributes many of the evils in trade, commerce, and enterprise to the fact that the currency was irredeemable. It is not surprising that the gentleman should have fallen into that error. It is the error of all men who lean upon the past exclusively for opinions. I should agree with him that the late condition of banking and suspension and partial bankruptcy was attributable in good measure, or at least had been extended, enlarged, and accelerated by the condition of the currency. But the feature of the currency in fault was not that it was irredeemable, but it was on account of its volume, its largely excessive volume as compared with the past. The gentleman states, in his very excellent and exhaustive speech, that in 1860 the amount of currency (meaning by "the currency" the circulating medium of all kinds) was $14.50 *per capita* of the people; whereas in 1873 he shows that it was $19 *per capita*, notwithstanding our great increase of population, and it was undoubtedly a great deal more. He did not stop to mention, as he probably would if he had desired to fortify that view of the case, that by the increased facility of exchange through express and by telegraph and other more perfect means of communication, the efficiency of the currency for the purposes that are legitimate as compared with 1860 was larger by 25 per cent., so that potentially our currency now, as compared with the currency of 1860, is something like $25 *per capita* as compared with the $14 and $15 *per capita* then in circulation.

Now, behold! Let us recall to mind the effect upon prices, upon speculation, upon enterprises that are unsound, upon enterprises that are premature, produced by this increase of currency from $15 *per capita* to $25 *per capita* during the last eleven years, and by it be admonished that if we want to continue the mischief and magnify the disaster, we must go on increasing the volume of the currency. We claim that it is clear as possible that it is the volume, and not the irredeemability, that has been the occasion of the phenomena. It has not been sufficiently noticed that the mischiefs of price and the panic grew in intensity out of the fact that, as soon as confidence was destroyed, the volume of the currency was rapidly reduced by hoarding. The panic and the mischiefs, as all bankers claim, were made by a perfect suspension on the part of the banks by refusing to redeem. The lock-up system of the currency arrested the disaster while it was in full flood. This is claimed on the part of the banks and all financiers. Now, let us see whether it was irredeemability that did the mischief, or whether it was not rather the excessive largeness of the currency that did the mischief, and that it was the rapid diminution of the volume in actual use that arrested it.

The bill provides that so far as customs duties are concerned the certificate is equivalent in value to gold. So far as other public dues are concerned, it is equivalent in value to bank-notes and greenbacks. What, then, would be the motive for refusing it? If a man with this currency, (which, it will be observed, takes the place of the present circulation by a prudent and gradual process,) desiring to buy a hundred barrels of flour, goes into Broad street, and some man, bitten by extraordinary devotion to the specie basis, or some politician, or some advocate of some other system, should refuse to sell his flour for this

currency or should ask a higher price, the owner of the currency would walk across to the other side of the street, and have the flour rolled out promptly, right under the nose of the gentleman who had refused it.

The currency of the country must be such as fairly represents the business wants and the productive capacity of the country. We know now that a volume of currency measured by seven or eight hundred millions, is not too much for the future by the experience of the last ten or twelve years. Fix it at that, and then let it not be changed until the necessity for it, by reason of increase of population and business or for other causes, shall have been demonstrated; I do not mean demonstrated by clamoring newspapers or by public opinion, but demonstrated as scientific facts are—by absolute proof. Now the volume of our currency represents and the prices of all commodities are adjusted with reference to that standard. If it be the only standard, let it be reduced one-fourth in volume, and, by a process more or less rapid, the prices of all commodities, including labor, will be reduced. Let it be increased 25 per cent., and, by a pretty rapid process, the prices of all commodities that are measured by money in the country will increase 25 per cent. This is a certain law of supply and demand that is as reliable as the philosophic law that water seeks a lower level. No legislation can prevent the operation of that law, though it may possibly modify the methods of its action.

The volume of the currency and its uniformity of value are the great things to be secured. The volume of the present currency is large, and perhaps it would have been wise to have had a less amount issued; but it was established under the exigencies of the war, and prices of all commodities were established and adjusted thereto; and it would have been a cruel piece of financial legislation to have subjected it to a rapid or excessive diminution of volume, inasmuch as it would have produced a shrinkage of values that would have ruined thousands of citizens to the advantage of one one-hundredth of other citizens; in other words, brought about extensive bankruptcy. After having suffered the evils that result from the adjustment of all prices of all commodities to the enlarged volume of currency, and inasmuch as the volume of trade, and the volume of commodities, and the amount of production of intrinsic values, and the population of the country have grown immensely the last ten years, the volume is now such as is not unreasonably large, and such as ought not to be reduced; but future growth of population, and of production, and of commercial enterprises will be such, that the relation between the volume of currency and their volume will exert a constant tendency in favor of better financial conditions.

This is the feature much to be desired. If we expect and hope to retain our present hold upon the markets of the world, and extend our exportations of the products of our own industry to other countries, we should favor the policy which would reduce rather than increase the volume of currency as compared with the volume of our business, because it would have a general tendency to make our productions cheaper in cost, and therefore we could sell them cheaper to other countries.

We are forty million people, as has been said; and I can say that there are no forty millions on the face of the globe that produce so much wealth as we—that is to say, that have so large a margin of production over consumption as we have. These forty million people have the finest domain the sun shines upon, and the broadest; have more of the crude elements of wealth than any other hundred and forty million people; have more intelligence, more inventive genius, more energy; and the advantages of education, with the strength and efficiency that are created thereby, are more generally diffused than in any other country; add to this a disposition to better their condition by industry and frugality exceeding that of any other forty million people. On this continent there are in operation more completely all the laws of civilization that tend to enlarge the capacity and increase the prosperity of the people than anywhere else exist. It will be our own fault, it will be our crime, if, by unwise legislation, we put bars in the way of our excelsior movement, and put off for even a quarter of a century the time when the United States of America shall draw tribute from all other nations and peoples. Let me not be misunderstood. While I do not advocate a specie basis for a circulating medium or measure of value in the ordinary acceptation of the term, it should not be of less value than dollar for dollar as compared with the currency of the world. Under judicious rules and regulations there is every reason for assured conviction that the dollar of standard value money of the United States will be at least of equivalent purchasing value with a dollar in gold. It is clear that such a condition of the currency is indispensable in the long run for the best interests of the nation. It will be observed that any change proposed by this bill will be brought about very gradually and prudently. No change that contemplates a wide and sudden variance in our monetary system should for a moment be considered. Such a change might produce a shock to the business enterprises and industry of the country as would endanger a partial and perhaps a long-continued paralysis.

One of the most certain and injurious consequences of having the specie basis for the currency of the nation consists in the fact that in the exigencies of war, when the life of the nation is in peril, the specie basis system always fails. Readers of history cannot name an exception of a continued war of any considerable magnitude that did not compel the nation engaged in it to cut loose from specie basis and resort to government credit. No system or organization can claim to be sound that is not equal to the greatest exigency to which it may probably be exposed. The nation that leans upon a gold and silver basis for its currency, unless it is contemptible and unimportant on account of its weakness, will find the time when, depending upon a specie basis for its currency, it will lean upon a broken reed; and just when the nation most needs the specie currency is the time when it cannot have it. It is far better to have a sovereignty educate its people and itself to have a standard for a currency that hostile circumstances and foreign conditions, and even war and invasion, cannot touch; that shall be as reliable as its own sovereignty, and never fall except with that sovereignty; that fosters an interest in the national integrity and perpetuity and that will be bound up in all their private interests and the occurrences of every-day life.

What we want is a uniform currency, with a dollar in paper equivalent to a dollar in gold.

Mr. HAVENS asked and obtained leave to have printed in the RECORD remarks on national finances. [See Appendix.]

And then, on motion of Mr. FIELD, (at four o'clock and thirty-five minutes p. m.,) the House adjourned.

IN SENATE.

MONDAY, *February* 2, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented the petition of Henry Carey Baird and other citizens of Philadelphia, Pennsylvania, praying for the redemption or conversion of the legal-tender notes, by issuing therefor, at the option of the holder, bonds payable on demand in legal-tender notes and bearing interest at some fixed rate, and suggesting 3.65 per cent. per annum; which was referred to the Committee on Finance.

He also presented a petition of citizens of Porter Township, Huntingdon County, Pennsylvania, praying for the repeal of section 2 of the act of June 6, 1872, which makes a reduction of 10 per cent. on certain import duties; which was referred to the Committee on Finance.

He also presented the petition of William Williams, of Pittsburgh, Pennsylvania, praying that a pension be allowed him; which was referred to the Committee on Pensions.

Mr. HAMILTON, of Maryland, presented the petition of Sterling, Ahrens & Co., Morton, Stewart & Co., and other merchants of Baltimore, Maryland, praying that mutual insurance societies may be placed on the same footing in all respects with individuals entitled to shares of the Geneva award for losses occasioned by depredations of rebel cruisers; which was referred to the Committee on the Judiciary.

Mr. HAMLIN presented the petition and accompanying papers of Mrs. Sarah Graffum Glover, praying to be allowed a pension; which were referred to the Committee on Pensions.

Mr. MITCHELL presented the petition of Caroline M. Purviance, of Allegheny County, Pennsylvania, and Francis Wyeth, of Dauphin County, Pennsylvania, praying compensation for the use of, and destruction by, United States troops, of their property in Saint Joseph, Missouri; which was referred to the Committee on Claims.

Mr. RAMSEY presented three petitions of citizens of Minnesota, praying the establishment of post-routes from Marshall, Minnesota, to Kampeska, Dell Rapids, and Oakwood, Dakota Territory; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. NORWOOD. At the suggestion of the Senator from Vermont, [Mr. EDMUNDS,] who moved to reconsider the vote on the bill which passed a few days ago, removing the political disabilities of Thomas Hardeman, jr., I now ask leave to have his petition, praying for the removal of his political disabilities, filed.

The PRESIDENT *pro tempore*. The petition will be received and laid upon the table.

Mr. FRELINGHUYSEN presented the petition of Susan Ten Eyck Williamson, widow of the late Captain Charles L. Williamson, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition and accompanying papers of Belle E. Hammond, of Closter, Bergen County, New Jersey, praying remuneration for funeral expenses attending the death of her father, Rev. E. S. Hammond, who died on the 24th of May, 1873, at San Bernardino, California, while in the service of the United States as agent for the Indians of the Colorado River agency in the Territory of Arizona; which was referred to the Committee on Claims.

Mr. SARGENT presented a resolution of the Legislature of California, representing that the value of wheat exported from San Francisco during the last fiscal year was $10,453,414; that the value of jute bags and jute cloth imported in San Francisco to carry away the wheat was $1,449,575, upon which importation there was collected as customs duties $579,806, and praying the repeal of the duty on jute bags; which was referred to the Committee on Finance.

He also presented the petition of the State Grange of the Patrons of Husbandry of California, praying for the repeal of the duty on jute sacks, or manufactured burlaps; which was referred to the Committee on Finance.

Mr. SARGENT. I also present a petition to Congress from citizens of Del Norte County, California, representing that the commerce of the coast of California suffers greatly year by year for the want of a harbor of refuge between San Francisco and Puget Sound; and they give some facts as to the commerce and the needs of commerce in that respect. I move that this petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ANTHONY. I offer a petition, very numerously signed by many respectable citizens of the District of Columbia, representing that the charter of the gas company requires only the laying of mains and supply-pipes, and makes no provision for the illuminating power and purity of the gas; that the gas supplied is notoriously inferior in illuminating power and of impure quality, emitting ammonia, sulphureted hydrogen, and other sulphur compounds deleterious to health. The memorialists pray that the charter of the company may be so amended that provision shall be made both for the illuminating power and the purity of the gas, and to that end that a superintendent of gas shall be appointed, and that it shall be his duty to act under the supervision of an honorary commission of referees, of whom two shall be persons of eminent scientific attainment, and one shall be a representative of the gas company; that they shall daily test the purity and the illuminating power of the gas, and make report thereon. I believe a similar subject has been referred to the Committee on Public Buildings and Grounds, inasmuch as a large portion of the gas supplied by this company is furnished to Government offices. I therefore move that this memorial be referred to that committee.

The motion was agreed to.

Mr. SPENCER presented the petition of Charles H. Moseley, of Little Rock, Arkansas, praying for the pay of a second lieutenant from September 9, 1864, to April 12, 1865; which was referred to the Committee on Military Affairs.

Mr. BAYARD presented the petition of Hanson Harmon, of Wilmington, Delaware, asking for the allowance of office-rent due to him for the use of an office occupied by the clerk of the United States courts for the district of Delaware; which was referred to the Committee on Finance.

Mr. BOUTWELL presented the memorial of George C. Richardson & Co. and others, merchants and business men of Boston, in reference to the distribution of the proceeds of fines, penalties, and forfeitures, under the customs-revenue laws; which was referred to the Committee on Finance.

Mr. LOGAN presented a petition of citizens of Illinois, in behalf of Abram Hoevener, late of the Second Regiment Mississippi Volunteers, colored, praying to be allowed the difference in pay between a sergeant and a second lieutenant; which was referred to the Committee on Military Affairs.

Mr. RAMSEY presented a joint resolution of the Legislature of Minnesota, in favor of the extension of the time of payment of preemption claims; which was referred to the Committee on Public Lands.

He also presented a petition of the council of the sub-Granges of Douglas County, Minnesota, praying Congress to extend the grant of land, which expired by limitation, for another reasonable term, to the Saint Cloud and Saint Vincent Branch of the Saint Paul and Pacific Railroad for the completion of their road through that county; which was referred to the Committee on Public Lands.

Mr. HAMILTON, of Maryland, presented the memorial of the representatives of Colonel James Monroe, late President of the United States, praying compensation for services rendered by him during the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers of Enos J. Pennypacker be taken from the files, and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. BOUTWELL, it was

Ordered, That the petition and papers of Tuckerman & Forbes be taken from the files, and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa, reported it with amendments.

He also, from the same committee, to whom was referred the petition of Anna Hancock, late Anna Bolinger, praying to be allowed a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1226) granting a pension to Francis Bernard, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1229) granting a pension to Elizabeth R. McCracken, widow of Robert McCracken, acting assistant surgeon United States Army, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. STEWART. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 1168) to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872, to report it without amendment, and recommend its passage. There are two letters accompanying the bill, one from the Commissioner of the General Land Office and one from the Secretary of the Interior, explaining it. I move that they be printed.

The motion was agreed to.

Mr. CONKLING. The Committee on the Judiciary, to whom was referred the bill (S. No. 127) for the relief of J. M. Stone, William M. Compton, and W. C. McAlexander, sureties on the bond of B. B. Emory, deceased, late collector of internal revenue of the third district of Mississippi, have directed me to report the same back adversely, and to ask that the committee be discharged from its further consideration, and to say that, if the case has merits at all, it belongs, at all events in the first instance, to another tribunal.

The PRESIDENT *pro tempore*. The committee will be discharged and the bill indefinitely postponed if there be no objection.

Mr. CONKLING. I am further directed by the same committee, to whom was referred the bill (S. No. 15) establishing the compensation of Senators, Representatives, and Delegates in Congress, and for other purposes, to report it back adversely; that subject having been already disposed of.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed if there be no objection.

COURTS IN IOWA.

Mr. WRIGHT. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 223) changing the times for holding certain district courts of the United States for the State of Iowa, have had the same under consideration, and instructed me to report it back with an amendment changing the time of holding courts at Council Bluffs from the third Tuesday in March and September to the fourth Monday. As this is a local bill, which it is important should be passed at once, I trust there will be no objection to its present consideration.

By unanimous consent the bill was considered as in Committee of the Whole.

It provides that, instead of the times now fixed by law, the terms of the district courts of the United States for the district of Iowa, to be held in the city of Keokuk and the city of Council Bluffs, shall commence at Keokuk on the third Tuesday of January and the third Tuesday of June, and at Council Bluffs on the third Tuesday of March and the third Tuesday of September, in each year.

The amendment reported by the Committee on the Judiciary was to strike out the words "third Tuesday," in the eighth line, and insert the words "fourth Monday."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

Mr. WRIGHT. The same committee, to whom was referred the bill (S. No. 8) changing the time for holding certain district courts of the United States for the State of Iowa, being on the same subject as the House bill just passed, have instructed me to report it back and move its indefinite postponement.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 405) relating to placer and mining lands in the State of California; which was read twice by its title, referred to the Committee on Mines and Mining, and ordered to be printed.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright and be registered under that name; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 407) for the relief of Enos J. Pennypacker; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 408) to provide for the refunding of internal-revenue taxes improperly assessed and collected; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 409) to revise, consolidate, and amend the statutes in relation to estimates, appropriations, and public accounts; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 410) to change the times and places for holding the circuit and district courts of the United States for the district of Minnesota; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 411) for the relief the Holy Cross Mission, in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 412) granting a pension to George H. Mellan; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 413) for the relief of Alice Aide; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 414) granting a pension to Alice Mullally, mother of John Mullally, of Company C, Second Wisconsin Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 415) granting a pension to Bartholomew Diggins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 416) for the relief of Belle E. Hammond, of Closter, Bergen County, New Jersey; which was read twice by its title, and, with accompanying papers, referred to the Committee on Claims.

MAIL SERVICE TO THE SANDWICH ISLANDS.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be directed to inquire into the present condition of the mail service between the United States and the Sandwich Islands, and report to the Senate whether such service is now performed by the contractors therefor, and whether any legislation is necessary for the continuance of such service hereafter.

ABOLITION OF INTERNAL-REVENUE OFFICES.

Mr. WRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of abolishing "the office of the Commissioner of Internal Revenue," as provided by the act of January 13, 1866, and all acts amendatory thereof, as well as all the offices connected therewith, or such of said offices as, in their opinion, may be dispensed with; and devolving the duties thereof upon other Bureaus or clerks under the Department of the Treasury.

NAVY-YARDS AND NAVAL HOSPITALS.

Mr. STEVENSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of reducing the number of navy-yards and of naval hospitals, and report by bill.

MAIL CONTRACTS.

Mr. SCOTT. I offer the following resolution, and ask for its present consideration:

Resolved, That the Postmaster-General be requested to communicate to the Senate a statement showing how many of the contractors for the transportation of the mails on public routes having contracts on the 30th of June last, had contracts for more than five of such routes allotted to them; how many of those in such cases were given out to sub-contractors, the prices at which they were allotted to the contractors; and also, so far as known to the Department or ascertainable from the accounts, the prices at which sub-contractors were paid; also whether there is reason to believe that a class of professional bidders has grown up who seek to obtain control of numerous routes by underbidding *bona fide* contractors, and then sub-letting to them at a profit; and whether legislation is needed to enable the Department to secure the services of *bona fide* contractors at the lowest price by refusal, under proper regulations, to allot contracts to such professional bidders.

Mr. HAMLIN. I think that resolution will impose a great deal of labor upon the Post-Office Department if the Department shall attempt to comply with it. Let it lie over one day.

Mr. SCOTT. I have no objection, if the Senator wishes to consider it.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over.

REPORTING OF THE DEBATES.

Mr. MORRILL, of Maine. I offer the following resolution:

Resolved, That the Committee on Printing be directed to contract, on behalf of the Senate, with a suitable person to report, for publication in the official record provided for the purpose, the debates and proceedings of the Senate during the sessions of the Forty-third Congress, on the terms allowed by the act entitled "An act making appropriations to pay for reporting the debates and proceedings of Congress," approved January 28, 1874.

I intended to ask the present consideration of that resolution, but as the chairman of the Committee on Printing is not present, I ask that it lie over for the present.

The PRESIDENT *pro tempore*. The resolution will lie over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1400) for the relief of William H. Vesey;

A bill (H. R. No. 1401) granting a pension to Penelope T. Heald;

A joint resolution (H. R. No. 43) authorizing a special court of inquiry concerning General O. O. Howard; and

A joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew, of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean.

The message also announced that the House had disagreed to the amendments of the Senate to the concurrent resolution of the House directing the Congressional Printer to furnish to each Senator, Member of the House of Representatives, and Delegate twenty-four copies of the CONGRESSIONAL RECORD, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN F. BUTLER of Massachusetts, Mr. SAMUEL J. RANDALL of Pennsylvania, and Mr. WILLIAM G. DONNAN of Iowa, conferees on the part of the House.

MARCUS OTTERBOURG.

Mr. SCHURZ. I desire to call up the motion to reconsider the vote of the Senate on the bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico—the motion made by the Senator from Vermont, [Mr. EDMUNDS,] with whose permission I call it up now.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to proceed to the consideration of the bill indicated by him for the purpose of disposing of the motion to reconsider.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the motion to reconsider the vote passing this bill.

Mr. SCHURZ. The bill provides for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico, who asks for compensation for the time during which he served as minister. A statement was made by the Senator from New York, [Mr. CONKLING,] after the bill had passed, that Mr. Otterbourg had been nominated as secretary of legation in 1867, and that the nomination was then rejected. The fact, as stated by the Senator from New York, is correct, but, as will appear, it does not affect the merits of this case. Mr. Otterbourg was appointed minister to Mexico during the recess of the Senate, a fact which was not mentioned in the debate when we had the bill up last. The Senate took a recess on the 20th of April, 1867, to meet again on the 1st of July, 1867. On the 21st of June, during the recess of the Senate, the following telegram was sent by the State Department to General J. B. Stedman, collector of customs at New Orleans:

> Please forward two copies of the following, one by way of Matamoras, and the other by way of Vera Cruz, to Marcus Otterbourg, United States consul, city of Mexico:
> You have been appointed United States minister to the republic of Mexico; you will act without a commission until you receive one, but a commission will be sent to you in the course of a week.
>
> F. W. SEWARD,
> *Acting Secretary.*

Mr. SHERMAN. Was that after or before the rejection?

Mr. SCHURZ. Before. It was during the recess of the Senate. Then after the Senate had met, it seems the State Department reconsidered its action in this case, and the name of General McClernand was sent in for the office of minister to Mexico, and the name of Mr. Otterbourg for secretary of legation; and there is on the records of the State Department a dispatch, dated August 15, 1867, in which Mr. Seward informs Mr. Otterbourg that the President has thought it expedient to nominate Mr. McClernand minister to Mexico, and Mr. Otterbourg secretary, but both having been rejected by the Senate, Mr. Otterbourg is informed that his functions as minister are to end, and that he is to turn over the legation to Mr. Plumb. It further appears that Mr. Otterbourg continued to send dispatches to the State Department until September 20, and that this dispatch, in which he acknowledges the receipt of the dispatch of August 15, is dated October 1. So it appears that Mr. Otterbourg claims compensation during the time he acted as minister, appointed by the Government during the recess of the Senate.

Mr. CONKLING. May I inquire when the vacancy occurred in the mission to Mexico, which this gentleman claims to have filled?

Mr. SCHURZ. As I understand it occurred before the appointment was made; if I remember correctly, Mr. Corwin resigning.

Mr. CONKLING. At what date?

Mr. SCHURZ. I do not remember exactly the date.

Mr. SHERMAN. I think it was some time before.

Mr. MORTON. Did he not die before?

Mr. SCHURZ. I do not remember that. What I have been reading are copies of dispatches, as I took them from the records of the State Department.

Mr. SHERMAN. I was inclined to vote for this bill, but did not vote because I wanted to examine the facts. What I wish to know is, whether Mr. Otterbourg, at the time and during the time for which he claims this compensation, knew that his name had been submitted to the Senate and had been rejected. That is the point.

Mr. SCHURZ. As I just stated, he was appointed during the recess of the Senate. After the Senate had met, the State Department reconsidered its action in this case, and sent in the name of General McClernand for minister and of Mr. Otterbourg for secretary of legation; but both were rejected. Then, on the 15th of August, Mr. Seward informed Mr. Otterbourg that——

Mr. SHERMAN. He was rejected for secretary and not for minister.

Mr. SCHURZ. He was informed that the President had deemed it expedient to nominate Mr. McClernand; but during all that time Mr. Otterbourg acted as minister.

Mr. SHERMAN. He was rejected, then, for secretary and not for minister.

Mr. SCHURZ. Exactly.

Mr. CONKLING. If I could find the report, which some Senator has taken from the table, I should like to say one word.

Mr. SCHURZ. Here it is, [handing the report to Mr. CONKLING.]

Mr. CONKLING. It will be observed, first, that the Senate acted favorably upon this bill on the strength of a report read from the desk, which report, we were told, was made twice by the Committee on Foreign Relations. The report stated, as the ground on which the Senate acted, that "on June 21, 1867, Mr. Otterbourg was nominated by the President minister plenipotentiary and envoy extraordinary of the United States to the republic of Mexico. The Senate adjourned on July 21, 1867, without having confirmed the nomination." Stopping there, we find now that the fact is precisely otherwise. On the day here mentioned Mr. Otterbourg was nominated for secretary of legation to Mexico.

Mr. SCHURZ. The Senator will allow me to say that I think he is mistaken there. He, Mr. Otterbourg, was nominated for secretary o' legation on the 20th day of July, the day before the Senate adjourned.f

Mr. CONKLING. I think I can satisfy the Senator in that regard. He was nominated on the 19th of July. This report says that the Senate adjourned on the 21st of July, 1867, without having confirmed the nomination of Mr. Otterbourg. My statement is that, having been nominated the day before this date, and nominated for secretary of legation, he was rejected by the Senate; and here I have the record which, although it is in executive session, I have the right for this purpose to refer to, as I speak of it merely in reference to his nomination and rejection—two facts to which I believe the injunction of secrecy does not apply. Therefore I say that this report is entirely without a leg to stand upon.

We are now asked to refuse to reconsider the bill upon another state of facts, given us by the Senator from Missouri; and I want for one moment to take the facts as he states them and see whether, assuming exactly what the Senator says, there is any way in which by law this money can be paid.

This happened in 1867. On the 3d of March, 1867, the tenure of office act was enacted; and the facts, as I understand them in this recital by the Senator, bring this case precisely within the inhibition of this statute. Here was an office in which vacancy had occurred either by the death or resignation of Mr. Corwin, which had continued for a long time. It had been a vacancy existing in the presence of the Senate; and it appears now that the then President of the United States having nominated Mr. McClernand and I think somebody else, and having failed to obtain the consent and receive the advice of the Senate to their appointment, after the Senate had adjourned proceeded to do that which the law says cannot be done, applying both to the claimant here and to the President. If, then, this claim is to be put upon that ground, I inquire by what process it is that we are to assume, first, that the President of the United States did not know the law or that he violated the law; that Mr. Otterbourg did not know the law or that he violated the law; and now that we are bound to violate the law by paying a claimant for holding an office which the statute expressly makes it impossible for him to hold?

Mr. SCHURZ. May I interrupt the Senator from New York right there?

Mr. CONKLING. Certainly.

Mr. SCHURZ. I think he is mistaken on one point. Mr. Otterbourg was not appointed after he had been rejected by the Senate by any means; but he was appointed during the recess of the Senate, between the 30th of April and the first Tuesday of July. Mr. Otterbourg's name had not been in the Senate at all at that time, but he was appointed to fill a vacancy which had occurred through the resignation, as I understand, of Mr. Corwin, during the recess of the Senate. That is as I understand the case.

Mr. CONKLING. I was aware that I did not state my point very clearly, and I am confirmed now by the fact that the honorable Senator from Missouri seems not to have apprehended it at all. Perhaps if I read a section of the tenure of office act it will assist me in bringing to the notice of the Senate the thing which I am trying to make plain:

And be it further enacted, That the President shall have power to fill all vacancies which may happen during the recess of the Senate, by reason of death or resignation, by granting commissions, which shall expire at the end of their next session thereafter.

So that, stopping there for a moment, Mr. Corwin having died or resigned, the President had the power during that recess to issue a commission which would live as long as the next session of the Senate should live. That is not this case, because that vacation passed by. Now, observe the next provision of the statute:

And if no appointment, by and with the advice and consent of the Senate, shall be made to such office so vacant—

That is this case—

or temporarily filled as aforesaid—

That is, by assigning an agent to fill it where there is a removal on charges—

during such next session of the Senate, such office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until the same shall be filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

Can any man draw a section now to meet this case more exactly than that section meets it? Here was the instance of an office which had become vacant, the Senator says, in the recess of the Senate. I have not stopped to inquire how that is. Grant it; in the recess of the Senate; then what was the prerogative of the President? To proceed to issue a commission, which commission should live as long as the next session of the Senate, and die absolutely on an adjournment day. That he did not do. There is no pretense that he did it. What did he do? Exercising another branch of his faculty in respect to it, he sent here a nomination, and it is said a second nomination at the succeeding session of the Senate, both of which nominations were rejected. Then the statute takes hold of the case; and what does it say? It names this particular case, and directs that that office, which has thus been slighted by the President, which he has failed to fill as alone he might fill it by law, shall remain, in the language of the law, 'in abeyance;" nobody shall receive its salary. What shall become of its duties? They shall devolve upon that officer who, under the other laws of the United States, becomes the *locum tenens* in such a case. Who was that? It was in one case the secretary of legation; absent the secretary of legation, it was the consul; and it came to this claimant, he being consul, and the law fixing his fees; and now the simple proposition, as I understand it, is, that in the very teeth of this statute we shall proceed to give this claimant this money which has once been voted by the Senate upon a statement of facts confessed now to be utterly without foundation.

Mr. President, I do not wish to detain the Senate about this case. I need not say that it does not concern me any more than it does any other Senator. I do not know this claimant. I knew nothing about the case until it was presented; and I rise to make this objection with a full consciousness of the very unenviable part that any member of this body plays who rises to object to money being paid out of the Treasury, and particularly in an instance where somebody is eager to receive it. I heard some Senator remark the other day "This was a very small matter; it was only three or four thousand dollars." I believe that is all it is—three or four thousand dollars in gold. It is a small matter.

Mr. SCHURZ. The Senator from Massachusetts estimates it at about $800.

Mr. CONKLING. Now it has been cut down to $800, but if it will assist the argument I will divide that by two, and I will make it $400. The principle at stake here does not depend upon the amount. If this man has a claim of $4,000 or $40,000, and it is due him, he ought to be paid. If he makes a claim of four shillings or four pence which is not owing by the Government he ought not to be paid. Who are we, that we measure by dollars and cents our duty in a case of this sort? We are merely trustees. We are not voting our own money; we are administering the trust funds of the nation; and, as I understand the duties applicable to trustees administering trust funds, they are not to say, "Why, this is a small matter; if it was my own money I might feel disposed to give it away; this is so little a thing we can be generous." They are bound at all times to be just, and to walk by that rule laid down by the Constitution and the laws. Here is one set of statutes forbidding double salaries. Here is another statute which, if it devolved the duties of this office upon this man as consul, provided in so many words that he should do it for his salary as consul, and that the salary proposed in this bill should not be received by him or by anybody else. That is the whole case.

Mr. SCHURZ. Mr. President, I need not say that as to the duty we have to fulfill in this case I agree perfectly with the Senator from New York; we ought not to pay a dollar unless it is due; but where a man has a just claim, we ought to pay it. As to the Senator's statement of facts, I do not know whether I clearly understood him. As I understand the case, this gentleman was appointed during the recess of the Senate, a thing which the President had a perfect right to do. According to the tenure of office act his commission was to expire on the day of the adjournment of the Senate at its next session; that is to say, in this case, on the 21st of July. That the President had a right to appoint him during the recess of the Senate nobody questions.

Mr. EDMUNDS. If the Senator will allow me, that depends upon how the vacancy occurred. If the President, between the 20th and 21st of April, when we last adjourned, and the 3d of July, when we again met, accepted the resignation of——who was it?

Mr. SCHURZ. I think it was Mr. Corwin.

Mr. EDMUNDS. The Senator is again laboring under a mistake, or somebody is, because the nomination of this gentleman was in the place of Lewis D. Campbell, resigned.

Mr. SCHURZ. Yes; that is so.

Mr. EDMUNDS. Now, then, I ask my friend, if Campbell had resigned before the Senate took its recess on the 20th of April, whether under the tenure of office act the President would have had a right to fill it?

Mr. SCHURZ. As I am informed, he had resigned very shortly before this appointment was made; but I cannot give the dates, I will admit that. But now taking this state of the case, the commission expired on the 21st of July, the day on which the Senate adjourned, and nobody will question that if the appointment was right, this gentleman is entitled to the salary which he claims; he was rightfully appointed and he rightfully held that office.

It is very well known to the Senate that in the case of diplomatic officers there is always a lapping over in the discharge of diplomatic

duties and the drawing of salaries, as between the officer who goes out and the one who comes in. We may, for instance, confirm a nominee, say for the mission to Spain, on a certain day. At the same time there is a minister of the United States at Madrid. He will not surrender the legation to the new incumbent until that incumbent arrives there, and he will draw the salary of that office in the mean time. That has always been so, and cannot be otherwise, and this case is similar.

If anything can be said against the Administration, it is that Mr. Seward did not inform Mr. Otterbourg of the action of the Senate in this case as soon as he ought to have done; but that was not Mr. Otterbourg's fault. It was a time of great emergency in Mexico. The Administration thought it was absolutely necessary to have somebody there to take care of the diplomatic interests of the United States. Mr. Otterbourg did assume the duties of that office, and I do not know that anybody would have thought well of him if upon the first rumor of the action of the Senate concerning him, without having received official information, he had run away and left that office to take care of itself.

Mr. CONKLING. What action of the Senate does the Senator refer to?

Mr. SCHURZ. The Senate having adjourned without confirming him as minister to Mexico.

Mr. CONKLING. He never was nominated as minister to Mexico.

Mr. SCHURZ. He was appointed during the recess of the Senate, and for a time he held the office under a commission given him by the Government of the United States.

Mr. CONKLING. The Senator has twice repeated that there might have been some fault on the part of the Secretary of State in not informing this claimant of what the Senate had done. I do not understand what the Senator means by that. The fact, as I understand it, is that this man never was nominated as minister to the Senate at all. He was nominated as secretary of legation and rejected the next day. What facts, therefore, could the Secretary of State communicate to him?

Mr. SCHURZ, I have already stated the facts in the case. This gentleman was appointed by the President on the 21st of June, and was officially informed of his appointment by the Secretary of State. Then on the 15th of August Mr. Seward informed him by dispatch that the President had deemed it expedient to nominate General McClernand minister to Mexico and himself secretary of legation, but both being rejected, he, Mr. Otterbourg, should surrender his office to Mr. Plumb. When Mr. Otterbourg got that dispatch he acted accordingly; so that literally he held this office and discharged its duties under the commission given to him by the President and until he was informed that he had no longer the right to hold it; and it is for that period that he claims compensation, and I think he is justly and equitably entitled to it.

Mr. EDMUNDS. I should like to make a suggestion to my friend from Missouri, of course in an entirely friendly spirit, for his consideration; and that is whether he has any objection to this bill being recommitted to the Committee on Foreign Relations, to get at the exact facts, and have a report from them to us.

I see by the Blue Book that all this time the officer whom the law designates as entitled to exercise this function in the absence of a lawful minister, the secretary of legation, was there on the spot and being paid his salary—Mr. Plumb. Now, if Mr. Plumb was there all this time and doing these duties, it would furnish a very serious reason for stopping on that point. I do not know that he was. The difficulty is, if the Senator will pardon me, that we are not perfectly advised of what the truth really is. We do not know when Campbell resigned; we do not know when he left his station; we do not know how long Plumb staid there, and all that. Now, has the Senator any objection to have an investigation of this by the committee to get at the detailed history of all these facts? Will my friend tell me?

Mr. SCHURZ. The committee has investigated the case three times, and here are the facts. What the Senator says about Mr. Plumb being present as the secretary of legation does not militate against this case at all.

Mr. EDMUNDS. Does my friend object to the bill being recommitted to the committee?

Mr. SCHURZ. I have no particular objection.

Mr. EDMUNDS. Then, if the Senator has no objection, I hope we may vote on that motion and not waste any more time, but send the bill back to get a detailed report; for certainly this bill, as my friend admits, does not state the case as he himself now understands it to be.

Mr. SCHURZ. This report states the case perfectly. It only omits one point, and that is that he was nominated by the President during the recess of the Senate.

Mr. EDMUNDS. That is the most unfortunate omission; that concerns the whole case. Here we had the Senate in session almost all the time during the summer. The Senate went away from here on the 21st of April, came back on the 3d of July, and then continued until the 21st of July, and again came back in November; and now I find by the Blue Book that down to the 30th of September Mr. Plumb was the secretary of legation at Mexico, and was paid for it. Then I find that the President of the United States undertook to recall Mr. Plumb by sending in the nomination of this gentleman as secretary of legation in place of Plumb, recalled; and he sent in the other gentleman in the place of Campbell, resigned. Now, if Campbell resigned, then the duties fell upon Plumb, recalled, and the President of the United States neither by the Constitution nor by the tenure of office bill—both of which were in force then and now—had any right to recall Plumb except under certain circumstances that are specified in the statute; and the Senate having investigated that subject declared that Plumb should not be recalled, and rejected this man Otterbourg who it was proposed should be put in his place. How did that leave it? That left on the 21st of July, when we again adjourned, Mr. Edwin L. Plumb the lawful secretary of legation of the United States at that place, charged with the performance of its duties, and the President had no more constitutional power then to turn him out and put this man in to perform any duty than I had myself. There is the difficulty.

But, as I said, I do not want to go over this case in a half-hour speech in detail, to show how this matter stands, so far as we now have the papers—and we have not yet got the important fact of when Campbell resigned and came back—and I only ask in the name of fairness and a perfect understanding of this subject that it may go back to the committee, that we may get all these dates, in order that we may do justice to this gentleman, whatever it may be.

Mr. SCHURZ. Now, in one respect the Senator misapprehends the facts very glaringly. Mr. Otterbourg was not put in place of Mr. Plumb by the President on the 21st of June at all. He was not then nominated for secretary of the legation. He was appointed as minister to Mexico, and the presence of a secretary of legation at a place does not prevent the nomination of a minister. So that the nomination made by the President of Mr. Otterbourg as minister to Mexico did not conflict with Mr. Plumb's presence there a bit.

Mr. EDMUNDS. That is perfectly true, and I have said nothing to the contrary; but I say when the Senate of the United States declined to have Mr. Otterbourg as minister to Mexico, or as secretary, because the President keeping his name a secret from us as ever having been appointed minister at all, his commission would expire as minister on the 21st of July, supposing that he had been lawfully appointed in the first place, which even my friend does not know to this day, because he does not know when Mr. Campbell resigned. There we are, then.

Then we come to the 21st of July; this man ceasing to be minister—ceasing to be minister because the Constitution declared that his office should cease on that day, for the Senate had not confirmed the nomination made in the recess. Then he was out of office; and there was Plumb, whom the President had undertaken to recall, who the Senate declared should not be recalled, the secretary of legation. Who then, I should be glad to know, was entitled to the papers and to perform the functions of the office? Not Mr. Otterbourg, whom the representatives of the States had rejected under the Constitution, but Mr. Plumb, who they declared should not be recalled, and who was the chief officer of the legation there. So that if anybody, on this state of the case, is entitled to extra compensation from the 21st of July, it is Mr. Plumb, and not Mr. Otterbourg.

But, as I said, I do not want to begin with this case in its historic order and go all over it again, as if it were to be tried out now, because I understand my friend has no substantial objection to its being recommitted and our getting a historical detail of the case.

Mr. SCHURZ. I do not care for the case at all, except that justice be done.

Mr. EDMUNDS. That is all I care for.

Mr. SCHURZ. But I maintain also that all the facts necessary for a decision of the case are before the Senate now with the exception of the date of the resignation of Mr. Campbell, and I think that must be in this report also.

Mr. EDMUNDS. Very well; if my friend objects to the case going back to the committee, I shall ask the permission of the Senate to go through with it in order, because I do not know how his objection may strike other Senators. If he is unwilling to have the subject recommitted, when he confesses himself that he does not know one fact about it which is of the utmost importance, we had better look into it a little ourselves.

As the Senator from New York has stated, the law declares that the President had no right to make a vacancy in the office of minister to Mexico, between the 20th of April and the 3d of July, except in the way pointed out by law. The law provided that if there was a resignation or a death the President might fill the vacancy. There was not a resignation, because we have here the nomination of the President himself recalling Mr. Plumb, who was the secretary who had not resigned. We have in the nomination of the President a statement that Mr. Campbell had resigned, it is true; but we begin then on the date when this name was sent in, with the fact that there was not a vacancy in the office of secretary of legation at this place, and we begin also with the fact that the Senator confesses that he does not know at what time Mr. Campbell resigned and came home.

If Mr. Campbell resigned and came home before the 20th of April, or sent in his resignation and did not come home, but waited for his successor, the President had no right to appoint this man at all, because the law says so. He should have sent the appointment to the Senate while it was in session, in order that their judgment might be taken upon it. But we find that when the back of the Senate was turned away from Washington in these hurrying times, President Johnson was busy with his appointments. He was making up a fresh

campaign to run himself upon, I suppose, as President; and everybody who had been in office before was to be turned out who did not "Johnsonize," as it was called.

The PRESIDENT *pro tempore*. The Senator from Vermont will suspend. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the resolution offered by the Senator from Indiana, [Mr. MORTON,] upon which the Senator from Indiana has the floor.

Mr. EDMUNDS. I hope my friend will yield for the present.

Mr. MORTON. I waive my right for the present.

Mr. EDMUNDS. I want this matter disposed of.

As I was saying, the Senator from Missouri states himself, and his report too, I believe, that he does not know this important fact upon which the right of the President to make this appointment at all turned; and that is, whether on the 21st of June Mr. Campbell had just resigned, or whether he had resigned before that time when the Senate being in session could have filled the vacancy. He does not know that. Now, is it not important as a precedent, is it not important to justice that the Senate should be informed as to what the truth was, so as to know whether the President of the United States was violating his functions, the consequence of which is to be that we are to pay money out of the Treasury to make it good? Is it not important to know it in order to know whether the President in doing this action and this man in receiving it were acting in good faith?

My friend thinks from this report, which he has read from, that it appears that Mr. Campbell did not resign until after the 20th of April, 1867, and this is the clause upon which he founds that; he is stated to have written a letter from New Orleans in April, 1867, "to the Mexican secretary for foreign affairs requesting humane treatment of Maximilian in case of his capture." Why, Mr. President, it is according to my recollection—but it is vague, and that is why I wish to have the bill returned to this committee to find out the truth—that Mr. Campbell having been upon the coast of Mexico, as this report states, resigned on that coast to proceed homeward, sent his resignation from Mexico, to which place he had attempted to go, and reached the coast as this report says. If so, he resigned long before the 20th of April, 1867; and I have not the slightest doubt that it will turn out as a fact (and that is why I wish my friend to reinvestigate this case, because his interest and mine are exactly alike) that Mr. Campbell did resign that office in the winter of 1867, in my opinion before the 4th of March, and then came back to New Orleans, where he remained awhile and wrote this letter, and the President left this mission to be vacant with the secretary of legation there, a very competent man, Plumb, until the 20th of June, when this commission was issued.

Mr. SCHURZ. If the Senator from Vermont will permit me, I will make a suggetion to him. The only question of fact at issue between us is the date of the resignation of Mr. Campbell. I maintain that, according to this report, or rather according to the letter of Mr. Seward contained in this report, Mr. Campbell must have resigned after April, 1867; for in the month of April he, as minister to Mexico, addressed to the Mexican government a letter "requesting humane treatment for Maximilian in case of his capture." It is absolutely impossible that he could have addressed that letter except in the quality of minister of the United States to the Mexican government. But, if the Senator from Vermont is willing to let this matter go over without referring it back to the committee, this being the only question of fact in issue between us, that can be very easily obtained, and I shall be able to answer his question to-morrow.

Mr. EDMUNDS. If it could have been very easily ascertained, it is of considerable importance to inquire why the committee did not ascertain it and report it. We ought to have had that fact as the very foundation of this inquiry.

But, Mr. President, this is not the only issue of fact, if my friend will pardon me, if he calls it an issue. I am not at issue with anybody. I am only endeavoring to protect the interests of the United States, so far as I can consistently with justice to this gentleman; and in order to do both it is necessary to know all the facts. Another matter of fact that I should be glad to be informed about—perhaps it appears in this report somewhere, but I do not see it—is what became of Mr. Edwin L. Plumb, who was recalled by the President of the United States, as he calls it, on the 19th of July.

Mr. SCHURZ. I can inform the Senator.

Mr. EDMUNDS. I am speaking now of the report, but I should be glad if the Senator can inform me. I should like to know it.

Mr. SCHURZ. It appears from a dispatch addressed by Mr. Seward to Mr. Otterbourg on the 15th of August that he informs him of the rejection of General McClernand and Mr. Otterbourg as minister and secretary of legation respectively, and requested him to turn over the legation to Mr. Plumb, who had continued to be secretary of legation.

Mr. EDMUNDS. Then I learn from my friend's statement that after this action of the Senate the legation was directed to be turned over to Mr. Plumb. Now let us see if it was necessary that any order should be sent to turn the legation over to Mr. Plumb. As I have shown, and as my friend from New York has shown still more clearly, the law had provided, and the Constitution had provided, in the first place, that this man's functions as minister, for which he now claims pay, terminated by the Constitution of his country on the 21st of July, 1867, and the commission by which he had exercised the authority before, even if it were lawful, told him, if he was fit to be a representative of any country, that that commission would only run until the next meeting of the Senate, which would carry it through to the end of the session. Therefore he knew that his functions must necessarily cease at the expiration of the session of the Senate, unless he was confirmed. He had no right to assume in advance that he would be confirmed. He had been thrust in there by the President of the United States as a favorite of his when the Senate had refused to appoint him, because the President had not brought him in to us before he had been thrust in there over Mr. Plumb, with whom the legation had been left in charge, and who was a perfectly competent person to discharge the office. Whether this appointment by the President was rightful or wrongful, we do not know. He was put in in the absence of the Senate, when there was a vacancy—in my opinion when the Senate had adjourned; and he knew by the commission that he held that he had no right to stay beyond the end of the next meeting of the Senate, unless he should be confirmed. Then what do we find? Why, that the President of the United States conceals his friend's name from the Senate in that capacity entirely, and sends him in as secretary of legation to take the place of the man whose functions he had assumed, in my opinion contrary to law, if the fact turns out to be as I think it will. And then, forsooth, he must be paid until he waits and finds out that Mr. Plumb has got a right to take possession of the legation, where he is all the time, and where he had a lawful right to be all the time, and where the Senate had said he should stay all the time, out of the Treasury of the United States. That is drawing it a little too fine.

What do we find next, if we are to go through this thing? We find from this report that this man, probably believing that if he came to the Senate in the usual way for redress he would have a hard road to travel, stands upon the law; and that is where I am perfectly willing he should stand, and whatever he is lawfully entitled to he ought to have. He stands upon the law, and instead of turning his face toward us he turns it to that tribunal in the lower part of the Capitol, that is authorized to do justice to all citizens who have contracts and claims against the United States; and we find that the Court of Claims allowed him $85.80 for exercising diplomatic functions from the 19th of August to the 9th of September, 1867. Why did not the Court of Claims allow him for all he was entitled to? They did allow him for all they thought he was entitled to, because the Senator will find, I think, (although I do not state it positively,) that this gentleman's petition against the United States in the Court of Claims covered every ground of claim that he had, and that he demanded all the compensation which he thought himself entitled to from the 19th of June until the 9th of September, and the Court of Claims allowed him only so much. Am I right about that?

Mr. SCHURZ. Yes, sir; but does the Senator know upon what grounds?

Mr. EDMUNDS. No; but I say the committee ought to have told us.

Mr. SCHURZ. It is stated in the report.

Mr. EDMUNDS. Let us see; the report says:

> The First Comptroller, however, deducted all allowance to him as consul in charge of legation and as minister, but admitted and certified the salary of consul. The case was taken to the Court of Claims, where judgment was rendered for $85.80 for exercising diplomatic functions from the 19th of August to the 9th of September, 1867, in addition to a further sum due for his services as consul. The court refused to allow salary as minister on the technical objection that Mr. Otterbourg took his oath of office before the consul-general of Switzerland, whose authority for that purpose does not appear. There was, however, no one else before whom he could have taken the oath, unless he had returned to Washington for that purpose; and, furthermore, the Department of State regarded him as minister and promised him compensation as such.

I will venture to hazard a guess—and it is only a guess—that if my friend will look at the report of the Court of Claims and will look into the papers, he will find that the judgment of the Court of Claims was upon a somewhat broader ground than that this gentleman failed to take the oath of office before the right person, because my knowledge of that court is so great, and my respect for it so great, that I cannot imagine the Court of Claims to have decided that this gentleman had either a legal or moral claim for services as minister of the United States under the circumstances as they now appear to be, which are, that Mr. Campbell had resigned his office before the Senate went away, and that this man's name was never sent to us for confirmation at all.

Mr. MORTON. Mr. President——

MAIL-BID DEPOSITS.

Mr. SARGENT. The Senator from Indiana kindly yields to me for a few moments, and I will ask the attention of the Senate to a matter that needs prompt action, and will ask that the bill which I hold in my hand be now considered.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent of the Senate to introduce a bill, informally laying aside the pending order.

Mr. EDMUNDS. Let the bill be read for information.

Mr. SARGENT. I will state the reason for the bill.

Leave was granted to introduce a bill (S. No. 417) relating to certain deposits in the Post-Office Department; and it was read as follows:

> *Be it enacted, &c.*, That whenever any person who has made a bid, or hereafter may make a bid, for carrying the mails of the United States, shall so request in writing, it shall be the duty of the Postmaster-General to collect the check or draft

that may have been deposited with such bid, and deposit the proceeds with the Treasurer of the United States, to be repaid by the Treasurer of the United States to such bidder upon the certificate of the Postmaster-General that such payment should be made.

Mr. SARGENT. The difficulty which this bill is intended to meet is just this: by the law which we passed in 1873, now for the first time coming into operation, it was required that every person bidding for mail service should deposit a certified check or draft upon some national bank for all above the amount of $5,000 of the previous service. The result is, that from one to three or four hundred thousand dollars in the shape of certified checks on national banks are now deposited in the hands of the Postmaster-General. The bidders, knowing that these national banks too frequently fail, are anxious for the safety of this money. By the law and the ruling of the Department these certified checks are to remain in the hands of the Postmaster-General until next July, so that there is an opportunity during six months for the failure of these banks, and this amount to be lost to these persons who have made the deposit, and which by the theory of the law is to be returned to them by the Postmaster-General.

This bill proposes that the Postmaster-General, upon the request in writing of any one of these persons so bidding, shall collect this money and pay it into the Treasury of the United States. The bidders are willing to trust the Treasury of the United States. They think the money will be properly safe there. They do not ask that they be released from making such deposits, but they do ask that the money shall be safe, because if the money is lost there will be no reclamation on the United States, or perhaps a mere equitable consideration that as the United States had forced then to accept the credit of these national banks it should make good the loss which might thereby occur; but there is no strict legal right or claim upon the Government of the United States. This bill will simply change this paper from being a mere certified check of a national bank into a deposit in the Treasury of the United States at the request of the parties who deposit the check, to be held there as now provided by law, to be paid out when the Postmaster-General shall certify to the Treasurer of the United States that the amount ought to be paid to these parties. I trust there will be no objection to the passage of the bill.

Mr. STEVENSON. Allow me to ask the Senator whether the bill has been referred to any committee?

Mr. SARGENT. It has not. But I will state that since last Friday there has been deposited with the Postmaster-General the large amount that I speak of, under the law of 1873. Unless some relief is granted, these parties are compelled to trust to the credit of the national banks for this amount of money, who may take occasion to fail on this account, or may fail from other causes. They ought to have relief; and it is in order that they may have relief as soon as possible that I propose this bill.

Mr. STEVENSON. I will suggest to the Senator that the only difficulty I have about it is, that I think it ought to go to a committee, so that we may know how much it will increase the expenditure for additional clerks in the Treasury Department.

Mr. MORTON. I am satisfied that this bill will lead to discussion.

Mr. SHERMAN. I desire that this bill may be referred to the Committee on Finance. I am familiar with the subject; but there are two amendments of an important character that ought to be made to the bill. I do not care to state them now.

Mr. SARGENT. As my friend from Indiana desires to proceed with his remarks I will allow the bill to be referred; but I hope we shall hear from it at an early day.

The PRESIDENT *pro tempore*. The bill will be considered as read twice and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that it had appointed Mr. R. MILTON SPEER a conferee on the disagreeing votes of the two Houses on the concurrent resolution of the House of Representatives directing the Congressional Printer to furnish to each Senator, Member of the House of Representatives, and Delegate, twenty-four copies of the CONGRESSIONAL RECORD, in place of Mr. S. J. RANDALL, excused.

POSTAL TELEGRAPH.

Mr. RAMSEY. At the instance of the Committee on Post-Offices and Post-Roads, I ask for an order for the printing of the arguments and evidence taken before that committee on the subject of the postal telegraph.

Mr. MORRILL, of Vermont. Ought not that motion to be referred to the Committee on Printing?

The PRESIDENT *pro tempore*. Under the rules the Chair thinks it is excepted, being a motion to print by order of a standing committee of the Senate.

The motion was agreed to.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 26th of January, as follows:

Resolved, That the credentials of Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to inquire into the conduct of said Pinchback in connection with said election.

[Mr. MORTON addressed the Senate, concluding the speech begun by him on Friday last. His speech in full will be found in the Appendix.]

Mr. FRELINGHUYSEN. Mr. President, I rise principally to dissent from the proposition stated by the Senator from Wisconsin, [Mr. CARPENTER,] that the President of the United States, in sending troops to Louisiana, acted without authority of law, and, as a necessary conclusion, contrary to law. The disorderly violence which had existed in Louisiana had become a reproach to the nation and an outrage to humanity. Public attention had been called to the lawless violence which there existed, and apprehensions prevailed that they would be repeated; and the order-loving people of the country rejoiced when they found that the firm hand of the President had taken charge of matters in that State. The President averted the pending evil; saved bloodshed; preserved peace; and if he acted contrary to law our Government is a much less perfect system than it has been considered.

Mr. President, the object of all government is order, peace, tranquillity. The province and the purpose of all executive power is by the enforcement of law to suppress violence. Our Government is no exception, for we have stamped it upon the very door-posts of our nation that this is a government of order. The preamble to the Constitution says that—

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, &c., do ordain and establish this Constitution.

The end that the President accomplished was the very object for which our Government was instituted. We did not only place it in the preamble, but we gave it a prominent place in the body of the Constitution itself. We provided in the fourth section of the fourth article that—

The United States shall guarantee to every State in this Union a republican form of government.

That clause has been read many times in this debate without having attention directed to its true significance. It is a guarantee to every State of a government. It is a guarantee against anarchy, a guarantee against violence, a guarantee against one government neutralizing another, a guarantee of the unity of government, for a government to be a government must be a unit. That the government shall be "republican in form" is an incident, an attribute, a quality of the thing guaranteed, which is government, and, as a consequence, order, peace, tranquillity. The primary object of the guarantee is government, and the secondary object security against monarchy, despotism, or aristocracy.

This guarantee, you observe, is made, not by Congress, but by the United States. Its enforcement may under certain circumstances fall to the province of the judicial branch of the Government. It may become the duty of Congress to enforce it, as in the reconstruction of the rebel States, which legislation was indispensable to give the form and machinery of government; but generally it is the province of the President, by taking care that the laws be faithfully executed, to see to it that the States are not subjected to the curse of anarchy. The Executive is the arm of the Government on whom the duty is by various statutes imposed to see that government and order are preserved. To give effect to this guarantee of government, we find that the Constitution in the same paragraph, carrying out the same idea, provides that the United States shall protect each State from invasion. Generally an invasion of any State would be treated only as an infringement of the rights of the Federal Government; but so careful is the Constitution of the peace of the individual States that it provides against one State invading another; and then further provides, that when the governor of a State, when the Legislature cannot be convened, calls for protection against domestic violence, the United States shall respond and protect such State.

Domestic violence is less than anarchy; because it supposes the existence of a governor and a Legislature capable of making the demand for protection. This the President is to do; he is the arm of the United States for that purpose; and in the four acts which have been passed administering and carrying out the provision of the Constitution he is recognized as the branch of the Government that shall render protection against domestic violence. The President is by the Constitution required to protect a State against domestic violence when called upon by the State; and the State of Louisiana did call on President Grant for that protection in the very words of the Constitution.

Mr. CARPENTER. Will my friend allow me to interrupt him a moment?

Mr. FRELINGHUYSEN. I will be glad to hear the Senator. I was wishing to be very brief.

Mr. CARPENTER. I simply wish to understand the Senator and not to reply to him. I want to know if he claims that under the Constitution itself the President can act at all without legislation on the part of Congress?

Mr. FRELINGHUYSEN. I do. The President being required by the Constitution, in its language, "to take care that the laws be faithfully executed," and being required to swear that he will faithfully execute his office, if he knows that the laws are being violated and that an insurrection exists, if called upon by the governor or the Legislature of a State, in the language of the Constitution, to protect the State from domestic violence, he is bound, if he has the requisite force, in the absence of any statute, to protect that State. The Constitution administers itself without the aid of Congress. He is as much

bound to do so as to perform the injunction to "take care that the laws be faithfully executed." There is no statute re-enacting that injunction, I believe. When the Constitution says the United States shall protect against domestic violence, it means the President; if it meant Congress, then Congress must perform the duty, for the powers of government are not capable of being delegated from one branch of government to another, and Congress has *never* undertaken to perform this duty.

The first act that was passed in reference to this subject was on the 2d of May, 1792, authorizing the President to call out the militia to enforce the laws. There was no question that the President could have used as his *posse* any force under his control; but there was grave question whether he could call upon the militia; and this act was passed, I think, for the purpose of giving him the power to call on the militia.

The next act was passed in 1794. In 1794 was the whisky insurrection, and an act was then passed authorizing the President to call upon the governors of the States to furnish eighty thousand militiamen, the quotas of the several States being apportioned among them. New Jersey's quota was about four thousand men. The word "insurrection" was at this time introduced into our statutes. And on the 28th of February, 1795, an act was passed authorizing the President to call upon the militia of one State to go into another State for the purpose of suppressing insurrection.

That act having passed, the idea seemed to have grown up that it was questionable whether the President could use any other force than the militia, there being no express act authorizing him to use the Army; and consequently we have in 1807 an act authorizing the President, wherever he could use the militia, to use the Army of the United States.

These acts do not and cannot limit the power of the Constitution to protect against domestic violence. "Domestic violence" is insurrection. I will read the summary of a number of cases which are cited in Paschal. It is in these words:

If there be an armed conflict it is a case of domestic violence; one of the parties must be in insurrection against the lawful government.

If in Louisiana there is domestic violence, two parties contending, one against the other, one party or the other is in insurrection against the government; it is an open, armed, organized violence against the government, and is insurrection; and at all events the term "domestic violence," the constitutional term, includes insurrection.

To insist that the President acted without law when called upon by the governor of Louisiana, in the very language of the Constitution, to protect that State from "domestic violence," because the statute uses the term "insurrection" instead of the term "domestic violence," is, I think, not only technical but illogical.

But we are told that the President should not have enforced Durell's decree. We had better wait, sir, until we have the record, the evidence, and the judgment of Judge Durell, before we put him on trial. We may find him a man of more ability, and perhaps of more character, than some here have given him credit for. He was not without a show of jurisdiction over the case in question. By the act of 31st of May, 1870, the enforcement act, it is provided that where a person is deprived of an election to an office, excepting the offices therein mentioned, by the exclusion of votes on account of race or color, he may bring a suit to recover possession of such office; and the district and circuit courts of the United States have jurisdiction. It was under that act, doubtless, that Judge Durell assumed jurisdiction. I confess I much doubt whether the proper mode of proceeding under this statute was by a bill. The proper mode of proceeding probably was by a *quo warranto;* but the judge perhaps thought that what he had a right to correct when done he had a right to prevent by injunction from being done.

Mr. CARPENTER. Will my friend allow me to call his attention to one fact?

Mr. FRELINGHUYSEN. Certainly.

Mr. CARPENTER. That particular act to which the Senator has referred excepts members of the Legislature from the offices over which the Federal courts have any jurisdiction whatever. Now, the Antoine bill, on which Judge Durell issued his injunction and *mandamus*, was filed for the express purpose of organizing the Legislature.

Mr. FRELINGHUYSEN. The act expressly relates to the office of governor, and these proceedings did involve the enjoyment of that office, and thus Judge Durell obtained jurisdiction.

Then it is said again that the proceeding in his court was a mere ancillary bill to perpetuate testimony, and that it is not competent on such a bill to make a final decree for relief. All that may or may not be true. My point is that it is not the province of the President of the United States to review or to reverse the decrees of the Federal courts. The Senator from Wisconsin and I might debate for some time over the legal propriety of these proceedings, one claiming and the other denying that Durell had jurisdiction; but whether Durell was right or wrong, the province of the President is not to review, but to enforce the decrees of the Federal courts.

Again, it is said that the President should not have recognized the Kellogg government. Well, the President was constrained to recognize one government if he *meant* to have order; and only one, because the very essence of order is the unity of government. And I do not think he erred much in the selection that he made when the Senator from Wisconsin frankly tells us that he believes that Kellogg had a majority of the lawful votes of that State.

Mr. CARPENTER. The Senator certainly does not wish to misrepresent me. I never said any such thing.

Mr. FRELINGHUYSEN. I certainly gathered that from the Senator's remarks.

Mr. CARPENTER. I do not know what the Senator gathered, but I never said any such thing.

Mr. FRELINGHUYSEN. Of course if the Senator says that I have misunderstood him, I do not insist upon it. I paid close attention to his speech, and with no intention, I assure him, to misrepresent, gathered that impression from his speech.

Mr. CARPENTER. What I did say, if my friend will allow me a moment, is that I believed, if that election had been fairly conducted, Kellogg would have been elected; but that of the votes actually cast McEnery had thousands majority.

Mr. FRELINGHUYSEN. Well, passing that, I do not see that the Senate of the United States can arraign President Grant for recognizing the Kellogg government, because he frankly told us what he would do. He sent us his message, stating in effect that he was under the necessity of recognizing one of the governments of Louisiana, and that he would recognize the Kellogg government if we took no action on the subject. We took no action, and by our silence acquiesced in recognition of the Kellogg government by the President.

Mr. EDMUNDS. If my friend will pardon me, I do not think he states that quite as strongly in favor of the President as he should. I think the President had, before Congress met, been obliged to recognize one government or the other; and upon the evidence then before him it appeared to him to be his duty to recognize the Kellogg government. He reported that circumstance to us, and said unless we chose to change his recognition he should continue, of course, to hold on to it.

Mr. FRELINGHUYSEN. It certainly does not become us to arraign the President for the recognition.

A few words on another branch of this subject and I have done.

I must dissent from the proposal that the United States shall force upon Louisiana a new election, to be conducted under Federal authority. The Kellogg Legislature is unquestionably *de facto* the Legislature of Louisiana. The State courts have repeatedly recognized it. There is a necessity that an assemblage which is exercising sovereign power should *de facto* be recognized, otherwise all the laws enacted would be nullified, and all rights that have vested under that government would be disturbed. The exigencies of municipal government require that the assemblage exercising legislative power should be treated as *de facto* the Legislature of the State. But no such necessity rests upon us. No exigency for the purposes of municipal government calls on us to recognize that Legislature. I do not think that we are under any constraint to recognize the *de facto* Legislature or the Senators they have elected. The Legislature that elects a Senator should be such not only *de facto*, but should be so *de jure*. An assemblage might usurp, hold, and exercise sovereign power for only six weeks, and elect two Senators to misrepresent that State for six years. Inasmuch as there is no constraint on us, as there is upon the citizens and courts of the State, and even upon the President of the United States, to recognize a *de facto* Legislature, I think we may claim that Senators be elected by Legislatures which we are satisfied exist *de jure*. No inconvenience would result from this rule, because, by reason of the frequency with which elections take place in all the States, a State would not be deprived of representation in the Senate for any long period.

Neither can I agree with my friend from Indiana that the recognition of the Kellogg government by the President imposes an obligation on us to recognize that Legislature. I understand it to be our province, and not that of the President, to determine which is the true Legislature. The President recognizes a Legislature *de facto* for the exigencies of the occasion, in order to maintain peace; but we, and not the President, finally determine which is the true Legislature. That was decided in the case of Luther *vs.* Borden, in 7 Howard. The court in that case says:

It rests with Congress to decide what government is the established one in a State; for as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in a State before it can determine whether it is republican or not.

Therefore, as I do not believe that either the McEnery or the Kellogg Legislature is *de jure* the Legislature of Louisiana, I would not recognize the Senator elected by either of them; but I would wait until next November, when there is a new house of assembly and one-third of the senate to be elected, and we can then determine whether it be such a Legislature as we can properly recognize.

As to the right of Congress to order a new election, there is certainly grave question. I do not suppose that any one would claim that Congress had the right in every case to sit as does a court when on *certiorari* it reviews the elections of surveyors of the highways. We are not in every case to determine whether the assemblage assuming to be the law-making power is the true Legislature of a State. This power can only be claimed in a glaring case. Can we ever order a new election?

The Constitution says we are to do two things. First, we are to see that the State has a republican form of government. Louisiana has that. Secondly, we are to see that order is preserved; and this we

are to do by protecting the State from invasion and by protecting the State from domestic violence. Having secured these things to the State, we have done our full constitutional duty and all that the public good requires.

What more can the State require? If the government is republican in form, and if the United States exercises such supervision as to enable the people freely to give expression to their sentiments, all the conditions for free government exist. To do more than that is to say that whether the State wills it or not it shall submit to Federal authority. That, I think, is taking away and not guaranteeing republican government. Suppose a treaty existed between Great Britain and this country by which they guaranteed to us a republican form of government. Should Great Britain say, and say truly, that this Congress had been elected by frauds, and that it must disperse, and a new election be held under their supervision? That would, I think, be breaking the guarantee. All that the treaty would require would be that they should preserve our republican form of government and preserve the public peace and order that we might truly have self-government. The frequency with which our elections recur has many evil consequences, but there is one advantage. It is this: if any error or mistake is made by the people it is only a temporary evil; the ensuing election gives the people the right to re-establish their government. Let us preserve order in Louisiana, and suffer the people next November to correct for themselves their past errors.

Mr. STEWART. Mr. President——

Mr. EDMUNDS. Will the Senator give way for the bankrupt bill?

Mr. SARGENT. I desire to ask the Senate to take up the naval appropriation bill.

Mr. STEWART. I only want to make a few remarks, and I shall get through soon.

Mr. EDMUNDS. I shall move to take up the bankrupt bill as soon as the Senator is through.

Mr. SARGENT. I give notice that I shall move to take up the naval appropriation bill.

Mr. STEWART. I do not pretend to understand this question in its details. I have listened quite attentively to the arguments which have been made, and read the report last winter when it was submitted. But there appear to be certain leading admitted facts which raise some very serious considerations.

It is admitted, in the first place, that the returns as they were—the only returns that were made—show that McEnery and his party had between 9,000 and 10,000 majority.

Mr. WEST. No, sir; only 6,600.

Mr. STEWART. The Senator from Louisiana corrects me by saying 6,600. Very well; the number is quite immaterial. If it were but 10 majority, it would raise the same difficult questions that are presented in this record. It is stated by the committee, and sustained by sufficient proof to satisfy their judgment, that if there had been a fair election the result would have been reversed; but that Warmoth and his party so manipulated the election that it was unfair. Two boards of canvassers, or pretended boards of canvassers—it makes no difference, for the purpose of what I have to say, which was legal or whether either was legal—claimed the right to canvass and proclaim the vote. The Warmoth board, who were acting in his interest, it appears, declared one result, after various stages of proceedings and difficulties. The Kellogg board, which I so designate for the sake of convenience, declared a different result, and proclaimed that Kellogg and his party were elected by some 18,000 majority. They arrived at this result by no count, by no canvass, but by an estimate. They said that if they had had a fair election they thought this would have been the result; but I do not find that anybody claims that it was the result. I have heard such kind of talk after elections generally; I have heard it said that if certain things had not occurred a different result would have followed, but I never heard before that the result had occurred. Those different events having transpired, I never heard those results claimed in that form before.

I am inclined to take the statement of the committee, that there were sufficient frauds to vitiate the election, and I am willing to take the statement that if there had been a fair election the Kellogg party would have succeeded by 18,000 majority. I am willing to take the case in just that way; but still it does not get me out of any of my difficulties. That state of the case gets me further in all the time.

It seems that while the two parties were thus struggling to proclaim their candidates and install them in office, the United States district judge issued an injunction against the Warmoth party pretty generally. I listened to the reading of that paper, and a command to the marshal to place the Kellogg government in power and put it in the state-house, Legislature and all. This order was executed by the marshal by the aid of the military, and the Kellogg government was thus established.

The President, with what facts were before him—and I presume he had sufficient facts on which to act in this preliminary way—recognized the Kellogg government. But the case had not been investigated. He recognized it only for the time being, as his subsequent conduct shows most conclusively. He did not pretend that there was anything conclusive in his recognition. He reported the matter to Congress for their investigation and action, and said he would not change his policy unless Congress took some action. It was his duty to keep order. I do not complain of the President at all, and I do not think there is any necessity of investigating this case in order to raise any issue about the conduct of the President. The question is, what ought we to do? The President sent a message to Congress, and Congress failed to act. The committee made a report. The majority reported that there was so much fraud by the Warmoth party in the election, that they did not think the election was valid; and the majority of the committee reported also that they thought a man ought not to be elected by any estimates—that men must have votes and a canvass to be elected under a republican form of government; and they recommended the passage of a bill for a new election, that the people might be heard on the matter. That bill failed. The President has gone on as he said he would, as we knew he would, and kept order in that State as best he could; and I have not a word of fault to find with the President. But that does not dispose of the question before us.

The Legislature that was put into the state-house by the marshal, has elected a man to be United States Senator, and sent him here; and we have got to decide the question of whether he comes from the legitimate government of the State of Louisiana; whether he comes from a Legislature authorized to act; and that is the proposition presented to us. We cannot talk about *de facto* governments now; we cannot talk about the question of preserving order. We must have a legitimate constitutional Legislature to deal with, if we are going to determine whether this man claiming to be a Senator shall be admitted. We have not got the mere question of keeping order until the matter can finally be determined before us; but we have got the real question before us—whether that was a Legislature.

We are told that the existing government in Louisiana is republican in form. I deny the proposition *in toto*. I say no government placed in power by mere estimates, although those estimates may be correct, is republican in form. The form of republican government requires that the people shall express themselves in a legal manner by votes. I am not willing that republican government shall rest upon vague estimates. I am not willing in any form to sanction such a proposition as that a party by reason of the use of a Federal judge or by means of the exercise of any other power in a State can set up a Legislature on estimates which nobody can test, and call it a republi can form of government.

I believe this is the exact case intended by that provision of the Constitution that requires the United States to guarantee to each State a republican form of government. It is almost the exact illustration that was used in the debates of the Convention. They said, suppose an oligarchy of conspirators should set up a government without the assent of the people, and call it a republican government on estimates, presuming that it would have been elected if the people had had their voice, and it should assume control; that would be a case for the United States to interfere. Now, here you have a government set up on estimates; and if these men in Louisiana get in power by any means you please, whether by their own force or by Federal force, and are allowed to set up a government on estimates alone, it is very easy for this example to be followed in other States, and in other States the defeated party will be making estimates and assuming control in subversion of all republican government and all republican forms, for the essence of a republican government is the voice of the people expressed in a legal manner through the ballot-box.

When the question comes before us it seems to me that we must pass squarely upon it. What may be necessary to be done, whether to order a new election, or whether to wait until an election shall take place, and refuse to admit the Senator because they have not a republican form of government there within the meaning of the Constitution—what may be best and wisest, is for Congress to determine. I do not profess to express any opinion on that point now; but we cannot admit a Senator from that so-called government, because it is not republican, was not placed in power according to the rules and principles fundamental to republican government.

ORDER OF BUSINESS.

Mr. EDMUNDS. Mr. President, I move to suspend the present and all prior orders and proceed to the consideration of House bill No. 792, on the subject of bankruptcy.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the motion of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. SARGENT. I proposed asking that the Senate, instead of taking up the bill named by the Senator from Vermont, proceed to the consideration of the regular naval appropriation bill. That bill was received from the House of Representatives some time since, has been considered by the Committee on Appropriations, has been reported back by the committee, and is upon our files printed with the amendments. We have received this bill, and are likely to receive other annual appropriation bills, of which there are a great many, as the Senate remembers, regularly from the House.

There are many advantages in passing upon these bills early in the session. There are a great many disadvantages in allowing them to go over, as has been too much the habit, until the last few days of the session. It is within the experience of Senators, it is within my own, that sometimes appropriation bills have passed at so very late an hour in the session that there has been no time to send the disagreeing votes between the two Houses to a committee of conference, and one or the other House has been compelled to take the amendments of the other House and pass them in a lump, without exami-

nation and without consideration. A system of legislation like that, or a system of postponing the regular appropriation bills to produce results like that, is necessarily vicious. The Treasury suffers. There is improper legislation put upon the bills. There is no opportunity for the two Houses to scrutinize the expenditures which are made, and the result is extravagance, the depletion of the Treasury.

Now, the only way in which that can be avoided is not to postpone these appropriation bills week after week for other business, but to take them up as soon as possible after each one of them comes from the House, is examined by our committee and reported back, and pass upon it. Having this in view, and believing that it is a usage of the Senate that these bills should have some species of precedence—if not by actual rule as it is in the other House, at any rate by usage—I have asked and shall ask that the Senate proceed to the consideration of this bill.

I do not undervalue the importance of the legislation which the Senator from Vermont proposes, but that bill has been reported from the Committee on the Judiciary for some time, and I believe this is the first effort that has been made to take it up. I certainly have not lost any time in calling the attention of the Senate to the naval apppropriation bill after it was reported back from the committee.

Mr. EDMUNDS. When was it reported?

Mr. SARGENT. On last Friday.

Mr. EDMUNDS. The last day of our session.

Mr. SARGENT. Yes, sir; it was reported, and is before the Senate for action, and I think Senators are prepared to consider the bill. If I am mistaken in this, if I am mistaken in the fact that by the usage of the Senate there is some species of precedence given to appropriation bills, I shall have to withdraw some of the remarks which I have made. On the other hand, if I am correct in that, I desire, as having charge of this bill from my committee, to insist to a reasonable degree that that preference be accorded to it.

Mr. EDMUNDS. I should unite with my friend in insisting that in all reasonable degree appropriation bills should be properly considered; but I submit to him and to the Senate, when this money is not to be spent until after the 1st of July, and when, according to present appearances, we shall not have any money then to spend, he ought to give us more than one day to consider an appropriation bill which involves the expenditure of a great many millions of dollars, before we enter upon its consideration. If, therefore, nothing else were before the Senate but the bill of my friend, and the bankrupt bill were disposed of, I should appeal to him with some considerable hope of success, he being in charge of it, to let the bill lie long enough on our tables that we might ourselves thoroughly understand it, and see if we could not in some way either assist the committee in keeping down the appropriations to the present rate, or help them still further by reducing them in some way conducive to the public good.

Mr. CONKLING. When was it reported?

Mr. EDMUNDS. Only on Friday last. This is the first day, in fact, that the bill could be taken up by the rules of the Senate since it has been reported. It ought not to be urged, where there is no special emergency, with this haste. My friend says, and with great truth, that appropriation bills sometimes get bad things in them for want of scrutiny and examination. They ought to have that scrutiny, and they ought to have the scrutiny of the whole Senate, and not merely of a committee of the Senate.

It is for this very reason that I have not pressed, in season and out of season, the bankrupt bill. It has been reported for a long time; amendments have again been considered and reported, and still others, the Committee on the Judiciary working upon the bill at all seasons, in order to get it, so far as they could, to meet the views of the Senate and to be just to the country. Now, then, after all this time of delay, and delay on purpose that it might have scrutiny and criticism from the country and from Senators, we ask to have it taken up; and my friend from California, with a bill with the ink not yet dry upon it, and which also needs scrutiny, undertakes to say that this bill should be set aside and that one taken up. I submit to him whether that is quite reasonable. I shall stand by him on every proper occasion to give appropriation bills their due precedence after they have lain upon our tables long enough to be fairly understood by Senators themselves.

Mr. MORTON. The Senate has been engaged for some time in the discussion of a financial resolution. I think it important in many respects that a vote should be taken on that resolution and the pending amendment offered by the Senator from Michigan now in the chair, [Mr. FERRY.] The country is awaiting our action upon that resolution; and I hope before we plunge into other business that is likely to take a good many days, we shall make some arrangement about a vote on that resolution.

Mr. EDMUNDS. It will not take long to dispose of the bankrupt bill.

Mr. SHERMAN. I desire to say that I feel like the Senator from Indiana in regard to the financial resolution. I desire to press it to a vote at as early a day as possible, and I would much prefer if the Senate would now proceed to consider and act upon it. I think the debate is nearly exhausted, although it is a subject necessarily likely to occupy a long time. But at the same time I feel bound to vote for the proposition of the Senator from Vermont. This bankrupt bill was sent to us early in the session. It seems to have received a great deal of consideration. There is a great necessity for its passage in order to meet many cases that have occurred. When the resolution in relation to the finances was first introduced, I offered to give way to the Senator from Vermont, in order to enable him to take up the bankrupt bill; but he was not then prepared to go on with it.

Although I desire a vote on the resolution reported by the Committee on Finance, I do not feel now disposed to antagonize it against a bill the pressing nature of which is conceded by all; but I give notice that after the bankrupt bill is disposed of, I shall insist on having a vote on the financial resolution. The naval appropriation bill ought to be fully considered, but I think a month's delay on these appropriation bills will do no great harm. In the course of a month we can form a better estimate as to the necessities of the next fiscal year. The nature and amount of our receipts, the character of our expenditures, can all be better estimated then; and before I approach any of these appropriation bills, I give notice to the Senator from California and to the Committee on Appropriations that I think they ought to submit to us a full, detailed statement of our probable expenditures for the next fiscal year, and not bring up a single bill or bring up these bills by installments. Let them so master the appropriation bills that they can tell us how much money they will actually need for the next fiscal year, and then I shall be prepared to go into them with careful detail, and I hope we shall be able to reduce them, so that we shall not be compelled to levy more taxes; but at present I do not think we ought to take them up as against either the bankrupt bill or the financial question.

Mr. LOGAN. I merely rise to suggest that we fix upon a day to take the vote on the finance resolutions. If we could agree upon a day on which to take a vote on those resolutions, it would be a notice to all Senators, and they could so arrange matters as to be present. I presume nearly every one desires to vote on those resolutions one way or the other; and I think it would be a very proper thing for us to do now, to agree on a time when we can arrive at a vote. As far as the bankrupt bill is concerned, I feel great interest in it myself; but I am not disposed to press it so as to prevent action on the finance resolutions. I am very desirous that we should act on both, and I think we might agree upon some time for taking the vote.

Mr. SHERMAN. If my friend will allow me, I should like very much to bring about an agreement as to when the vote shall be taken; but I should like to reserve a day or two for debate, because I know there are several Senators who desire to speak upon the finance question who have not yet had an opportunity to do so.

Mr. LOGAN. I do not desire to prevent them, as far as that is concerned, because I never have interfered with any person in debating a proposition, and do not wish to do so; but, at the same time, if we could agree upon a time when we should take it up again, and then continue it until we get final action, it would not interfere with Senators who may desire to debate it.

Mr. SHERMAN. I suggest that we agree to take it up after the bankrupt bill is disposed of. I do not know how long it will take.

Mr. EDMUNDS. It ought not to take more than two days, in fact not more than one, unless Senators are disposed to make long speeches upon it.

Mr. SHERMAN. Very well. Then let it be understood that after the bankrupt bill is disposed of we will go on with the financial resolutions.

Mr. LOGAN. If there is no objection, let that be the understanding of the Senate.

Mr. MORRILL, of Maine. So far as I am concerned, I do not quite agree to that. I want to be heard upon that proposition.

Mr. FERRY, of Michigan. I hope the suggestion made by the Senator from Illinois will be acceded to by the Senate. As the chairman of the Committee on Finance has stated, the question of finance has been before the Senate some time and most Senators have expressed themselves upon it. However, there are two or three still who wish to speak on the question. I have in my eye now one Senator who is prepared to address the Senate upon it, and who I think took the floor for that purpose. I share the anxiety expressed by the Senator from Illinois that we should come to a vote upon it. I am also clear in the view that we should set some time when the vote shall be taken on that question, so that Senators may take notice that at that time the vote will be taken. It is a question that involves the interests of the whole country, and certainly I, representing here views on one side and the chairman of the committee on the other, feel that both sides should be thus notified, so that a clear and full vote may be had upon the question.

Mr. MORRILL, of Maine. Mr. President, one or two observations have fallen that lead me to make a single remark. The Senator from Vermont suggests that the money appropriated in the naval bill will not be wanted until the 1st of July next. That is undoubtedly so; but is that a reason for postponing action upon the appropriation bills as they are presented?

Mr. EDMUNDS. No; not after a fair time has been given to consider them.

Mr. MORRILL, of Maine. I was going to make a single remark about the idea that Senators are going to study this appropriation bill until it is brought to their attention. The idea that any Senator in this body will ever read an appropriation bill, or know anything about it until it is brought here and he is forced to consider it, my honorable friend knows is a little thin.

Mr. EDMUNDS. O, no; I do not agree with you.

Mr. MORRILL, of Maine. This bill has been in this body from the House of Representatives now quite three weeks. If anybody had a desire to study and learn and ascertain precisely what it contained, he has had an ample opportunity to do so. It comes now from the Committee on Appropriations not very unlike its condition as it came from the House of Representatives, where it was thoroughly discussed. The idea of postponing it so that Senators may read it and be informed in regard to it, and that any Senator here really intends to devote himself to it, even my honorable friend, who, I have no doubt, when the bill comes up, will give it the most assiduous attention—I have seen too much of the mode of considering these bills to believe that that will be done, even if it remains here a month. Nobody will consider it until it is brought to his attention here.

But, Mr. President, the idea of postponing appropriation bills to the end of the session, or near the end of the session, I think is essentially vicious, and the rule, which I understand to have obtained generally in this body by usage if not by courtesy, is that when an appropriation bill is presented it has the right to be heard. I know there are exceptions to that.

Mr. EDMUNDS. A good many.

Mr. MORRILL, of Maine. I am sorry there are so many. I am sorry that when a bill of this kind is presented there is not generally a disposition to give it a hearing, and that the argument submitted by my honorable friend that we do not want the money until the next fiscal year obtains so much as it does. It throws these appropriation bills into the last days of the session, when it is utterly impossible to examine them.

Mr. EDMUNDS. The Senator misunderstands me. I did not intend to say, and I am sure I did not say, that the fact that the money was not wanted until the 1st of July was a reason for not considering the bill within a reasonable time after it was reported; but it was a reason for not putting it in opposition to this bill, which does affect every man in the country in his business operations every day, and which is needed now. That was the point.

Mr. MORRILL, of Maine. I was about to say that this appropriation bill would probably pass through the Senate in half a day, and then it would leave the committee an opportunity to examine the next bill. This is one of thirteen appropriation bills which are to be examined by the Senate. They cannot, as my honorable friend from Ohio suggests, be postponed for a month, and we then take our chances to put them through. If they are not taken up by the Senate when they come along and given precedence, at the end of the next two months you will have a jam which you cannot break; you will have ten or a dozen or thirteen of these bills, and we shall be thrown into the last of the session to examine these bills, when it will be impossible to give them the consideration they ought to receive.

Now it is proposed to take up the bankrupt bill, which will consume I do not know how many days, and then my honorable friend from Ohio gives notice that he desires to press the financial question for consideration, and by the time that is over something else will be pressed against this appropriation bill. What I desire is that there shall be a sense in the Senate that when an appropriation bill is prepared and offered it shall be entitled to that precedence which, I think, the usage of the Senate has usually given it, and, unless there is a very clear case of necessity in legislation, it ought not to be interfered with. The idea that we are to examine these bills and present them and be responsible for their consideration in the Senate, and yet that they are to be postponed from time to time, or that we are to come into a constant collision to get the floor, it seems to me is not exactly the fair thing to those who have charge of these bills. I hope my honorable friend from Vermont will allow us to go on with this appropriation bill and finish it, and then we can take up his bill, which will take a week, I suppose.

Mr. EDMUNDS. I must be excused, and the bill will not take a week, because I want to get into condition to put the United States into bankruptcy after we pass the naval appropriation bill, and it must be done before that time.

But seriously, Mr. President, I do not wish to take any more of your time upon this topic. Here is the motion I make which brings up for decision a bill that affects every commercial interest of the country, that has been waiting a month or two in order to be perfected. It has been perfected. It has lain upon your tables long enough for every Senator, if he chooses, to understand what it proposes to do fully. Now we ask you to dispose of it. In opposition to it is offered a bill—only just reported, only just now entitled for the first time to be taken up—to dispose of money to be paid out six months hence. If the Senate wish to treat the interests of the commercial classes of the country in that way, of course they can do it; it is not within my power to prevent it.

Mr. SARGENT. I wish simply to remark that I shall yield to allow the bankrupt bill to be considered. If the Finance Committee themselves are ready to yield for the bankrupt bill to be considered, I will be as polite as they are; but I shall consider after that that the Committee on Appropriations are entitled to have the naval bill considered. I will waive it now, emulating the courtesy of the Committee on Finance. If they themselves do not value their measure or think it necessary to bring it to a vote, or yield it to this measure, I will be as courteous; but I give notice to the Senate that I shall insist on the early consideration of the naval appropriation bill, and that it shall come up next in order.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the pending and all prior orders be postponed, and that the Senate proceed to the consideration of the bankrupt bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 429) creating an additional land district in the Territory of New Mexico, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 798) to establish certain post-routes; and it was thereupon signed by the President *pro tempore*.

THE BANKRUPTCY ACT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

The Committee on the Judiciary reported the bill with an amendment, to strike out all of the bill after the enacting clause, in the following words:

That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; and the act entitled "An act in amendment of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867," approved July 27, 1868; and the act entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867," approved June 30, 1870; and the act entitled "An act in amendment of the act entitled 'An act establishing a uniform system of bankruptcy in the United States,' approved March 2, 1867," approved July 14, 1870; and the act entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867," approved February 13, 1873, and all other laws and parts of laws amendatory of said first-named act, or the amendments thereto, be, and the same are hereby, repealed.

SEC. 2. That all suits and proceedings now pending in the courts of the United States wherein an adjudication for bankruptcy has been made shall be proceeded with and governed by the provisions of existing laws, which are hereby continued in force only for the purpose of closing up suits and proceedings now pending: *Provided*, That from and after the passage of this act, the fees, commissions, and charges of the officers and agents of the courts in bankruptcy cases shall be reduced to one-half of the fees, commissions, and charges heretofore allowed.

And to insert in lieu thereof the following:

That the court may, in its discretion, on sufficient cause shown, and upon notice and hearing, direct the receiver or assignee to take possession of the property, and carry on the business of the debtor, or any part thereof, when, in its judgment, the interest of the estate as well as of the creditors will be promoted thereby, but not for a period exceeding nine months from the time the debtor shall have been declared a bankrupt.

SEC. 2. That unless otherwise ordered by the court, the assignee shall sell the property of the bankrupt, whether real or personal, at public auction, in such parts or parcels and at such times and places as shall be best calculated to produce the greatest amount with the least expense. And the court, on the application of any party in interest, shall have complete supervisory power over such sales, so that the property sold shall realize the largest sum. And the court may, in its discretion, order any real estate of the bankrupt, or any part thereof, to be sold for one-fourth cash in hand at the time of sale, and the residue in three equal installments, bearing interest at the rate 7 per cent. per annum, and payable at intervals of not more than six months between any two payments, and secured by proper mortgage or lien upon the property so sold. And it shall be the duty of every assignee to keep a regular account of all moneys received or expended by him as such assignee, to which account every creditor shall, at reasonable times, have free access. If any assignee shall fail or neglect to well and faithfully discharge his duties in the sale or disposition of property as above contemplated, it shall be the duty of the court to remove such assignee, and he shall forfeit all fees and emoluments to which he might be entitled in connection with such sale. And if any assignee shall, in any manner, in violation of his duty aforesaid, unfairly or wrongfully sell or dispose of, or in any manner fraudulently or corruptly combine, conspire, or agree, with any person or persons, with intent to unfairly or wrongfully sell or dispose of the property committed to his charge, he shall, upon proof thereof, be removed, and forfeit all fees or other compensation for any and all services in connection with such bankrupt's estate, and, upon conviction thereof before any court of competent jurisdiction, shall be liable to a fine of not more than $1,000, or imprisonment in the penitentiary for a term of not exceeding two years, or both fine and imprisonment, at the discretion of the court. And any person so combining, conspiring, or agreeing with such assignee for the purpose aforesaid, shall, upon conviction, be liable to a like punishment.

And on any settlement of the accounts of any assignee, he shall be required to account for all interest, benefit, or advantage received, or in any manner agreed to be received, directly or indirectly, from the use or deposit of any of the funds coming to his hands as such assignee. And he shall be required, upon such settlement, to make and file in court an affidavit declaring, according to the truth, whether he has or has not, as the case may be, received, or is or is not, as the case may be, to receive, directly or indirectly, any interest, benefit, or advantage from the use or deposit of such funds; and such assignee may be examined orally upon the same subject, and if he shall willfully swear falsely, either in such affidavit or examination, he shall be deemed to be guilty of perjury, and, on conviction thereof, be punished by imprisonment in the penitentiary not less than one and not more than three years.

SEC. 3. That the following words shall be added to section 26 of said act:

That in all causes and trials arising or ordered under this act, the alleged bankrupt, and any party thereto, shall be a competent witness.

SEC. 4. That in cases of compulsory or involuntary bankruptcy, the provisions of said act, and any amendment thereof, or of any supplement thereto, requiring the payment of any proportion of the debts of the bankrupt, or the assent of any portion of his creditors, as a condition of his discharge from his debts, shall not apply; but he may, if otherwise entitled thereto, be discharged by the court in the same manner and with the same effect as if he had paid such per cent. of his debts, or as if the required proportion of his creditors had assented thereto.

And in cases of voluntary bankruptcy, no discharge shall be granted to a debtor whose assets shall not be equal to 33 per cent. of the claims proved against his estate, upon which he shall be liable as principal debtor, without the assent of his creditors, in number and value as prescribed by existing law; and the provision in

section 33 of said act of March 2, 1867, requiring 50 per cent. of such assets, is hereby repealed.

SEC. 5. That in cases of involuntary or compulsory bankruptcy, the period of four months mentioned in section 35 of the act to which this is an amendment is hereby changed to two months; but this provision shall not take effect until two months after the passage of this act. And in the cases aforesaid, the period of six months mentioned in said section 35 is hereby changed to three months; but this provision shall not take effect until three months after the passage of this act.

SEC. 6. That section 35 of said act be, and the same is hereby, amended as follows:

First. After the word "and," in line 11, insert the word "knowing."

Secondly. After the word "attachment," in the same line, insert the words "sequestration, seizure."

Thirdly. After the word "and," in line 20, insert the word "knowing."

SEC. 7. That section 39 of said act of March 2, 1867, be amended so as to read as follows:

SEC. 39. That any person residing, and owing debts, as aforesaid, who, after the passage of this act, shall depart from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors; or, being absent, shall, with such intent, remain absent; or shall conceal himself to avoid the service of legal process in any action for the recovery of a debt or demand provable under this act; or shall conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process; or shall make any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors; or who has been arrested and held in custody under or by virtue of mesne process or execution, issued out of any court of any State, District, or Territory within which such debter resides or has property, founded upon a demand in its nature provable against a bankrupt's estate under this act, and for a sum exceeding $100, and such process is remaining in force and not discharged by payment, or in any other manner provided by the law of such State, District, or Territory, applicable thereto, for a period of twenty days; or has been actually imprisoned for more than twenty days in a civil action founded on contract for the sum of $100 or upward; or who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, shall make any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate, rights, or credits, or confess judgment, or give any warrant to confess judgment, or procure his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act; or who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or who has stopped or suspended and not resumed payment of his commercial paper within a period of forty days, shall be deemed to have committed an act of bankruptcy, and, subject to the conditions hereinafter prescribed, shall be adjudged a bankrupt on the petition of one or more of his creditors, who shall constitute one-fourth thereof, at least, in number, and the aggregate of whose debts provable under this act amounts to at least one-third of the debts so provable: *Provided*, That such petition is brought within six months after such act of bankruptcy shall have been committed. And the provisions of this section shall apply to all cases of compulsory or involuntary bankruptcy commenced since the ——, 1873, as well as to those commenced hereafter. And in all cases commenced since said ——, 1873, and prior to the passage of this act, as well as those commenced hereafter, the court shall, if such allegation as to the number or amount of petitioning creditors be denied by the debtor by a statement in writing to that effect, require him to file in court forthwith a full list of his creditors, with their places of residence and the sums due them, respectively, and shall ascertain, upon reasonable notice to the creditors, whether one-fourth in number and one-third in amount thereof, as aforesaid, have petitioned that the debtor be adjudged a bankrupt.

But if such debtor shall, on the filing of the petition, admit in writing that the requisite number and amount of creditors have petitioned, the court shall so adjudge, which judgment shall be final, and the matter proceed without further steps on that subject. And if it shall appear that such number and amount have not so petitioned, the court shall grant reasonable time, not exceeding, in cases heretofore commenced, twenty days, and, in cases hereafter commenced, ten days, within which other creditors may join in such petition. And if, at the expiration of such time so limited, the number and amount shall comply with the requirements of this section, the matter of bankruptcy may proceed; but if, at the expiration of such limited time, such number and amount shall not answer the requirements of this section, the proceedings shall be dismissed, and, in cases hereafter commenced, with costs. And if such person shall be adjudged a bankrupt, the assignee may recover back the money or property so paid, conveyed, sold, assigned, or transferred contrary to this act: *Provided*, That the person receiving such payment or conveyance had reasonable cause to believe that the debtor was insolvent, and knew that a fraud on this act was intended; and such person, if a creditor, shall not, in cases of actual fraud on his part, be allowed to prove for more than moiety of his debt; and this limitation on the proof of debts shall apply to cases of voluntary as well as involuntary bankruptcy. And the petition of creditors under this section may be sufficiently verified by the oaths of the first five signers thereof, if so many there be.

And if any of said first five signers shall not reside in the district in which such petition is to be filed, the same may be signed and verified by the oath or oaths of the attorney or attorneys, agent or agents, of such signers. And in computing the number of creditors as aforesaid, who shall join in such petition, creditors whose respective debts do not exceed $250 shall not be reckoned. But if there be no creditors whose debts exceed said sum of $250, or if the requisite number of creditors, holding debts exceeding $250, fail to sign the petition, the creditors having debts of a less amount shall be reckoned for the purposes aforesaid.

SEC. 8. That section 40 of said act be amended by adding at the end thereof the following words: "And if, on the return-day of the order to show cause as aforesaid, the court shall be satisfied that the requirement of section 39 of said act as to the number and amount of petitioning creditors has been complied with, or if, within the time provided for in section 39 of this act, creditors sufficient in number and amount shall sign such petition so as to make a total of one-fourth in number of the creditors and one-third in the amount of the provable debts against the bankrupt, as provided in said section, the court shall so adjudge, which judgment shall be final; otherwise it shall dismiss the proceedings, and, in cases hereafter commenced, with costs."

SEC. 9. That section 41 of said act be amended as follows:

After the word "bankruptcy," in line 8, strike out all of said section, and insert the words:

"And unless, upon such hearing or trial, it shall appear to the satisfaction of said court, or of the jury, as the case may be, that the facts set forth in said petition are true, or if it shall appear that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens was the sole ground of the proceeding, the proceeding shall be dismissed, and the respondent shall recover costs; and all proceedings in bankruptcy may be discontinued on reasonable notice and hearing, with the approval of the court, and upon the assent, in writing, of such debtor, and not less than one-half of his creditors in number and amount; or, in case all the creditors and such debtor assent thereto, such discontinuance shall be ordered and entered; and all parties shall be remitted, in either case, to the same rights and duties existing at the date of the filing of the petition for bankruptcy, except so far as such estate shall have been already administered and disposed of. And the court shall have power to make all needful orders and decrees to carry the foregoing provision into effect."

COMPOSITION WITH CREDITORS.

SEC. 10. That the following provisions be added to section 43 of said act: "That in all cases of bankruptcy now pending, or to be hereafter pending, by or against any person, whether an adjudication in bankruptcy shall have been had or not, the creditors of such alleged bankrupt may, at a meeting called under the direction of the court, and upon not less than ten days' notice to each known creditor of the time, place, and purpose of such meeting, such notice to be personal or otherwise, as the court may direct, resolve that a composition proposed by the debtor shall be accepted in satisfaction of the debts due to them from the debtor. And such resolution shall, to be operative, have been passed by a majority in number and three-fourths in value of the creditors of the debtor assembled at such meeting either in person or by proxy, and shall be confirmed by the signatures thereto of the debtor and —— in number and —— in value of all the creditors of the debtor. And in calculating a majority for the purposes of a composition under this section, creditors whose debts amount to sums not exceeding fifty dollars shall be reckoned in the majority in value, but not in the majority in number; and the value of the debts of secured creditors above the amount of such security, to be determined by the court, shall, as nearly as circumstances admit, be estimated in the same way. And creditors whose debts are fully secured shall not be entitled to vote upon or to sign such resolution without first relinquishing such security for the benefit of the estate.

The debtor, unless prevented by sickness or other cause satisfactory to such meeting, shall be present at the same, and shall answer any inquiries made of him; and he, or, if he is so prevented from being at such meeting, some one in his behalf, shall produce to the meeting a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom such debts respectively are due.

Such resolution, together with the statement of the debtor as to his assets and debts, shall be presented to the court; and the court shall, upon notice to all the creditors of the debtor of not less than five days, and upon hearing, inquire whether such resolution has been passed in the manner directed by this section; and if satisfied that it has been so passed, it shall, subject to the provisions hereinafter contained, and upon being satisfied that the same is for the best interest of all concerned, cause such resolution to be recorded and statement of assets and debts to be filed; and until such record and filing shall have taken place, such resolution shall be of no validity. And any creditor of the debtor may inspect such record and statement at all reasonable times.

The creditors may, by resolution passed in the manner and under the circumstances aforesaid, add to, or vary the provisions of, any composition previously accepted by them, without prejudice to any persons taking interests under such provisions who do not assent to such addition or variation. Any such additional resolution shall be presented to the court in the same manner and proceeded with in the same way and with the same consequences as the resolution by which the composition was accepted in the first instance. The provisions of a composition accepted by such resolution in pursuance of this section shall be binding on all the creditors whose names and addresses and the amounts of the debts due to whom are shown in the statement of the debtor produced at the meeting at which the resolution shall have been passed, but shall not affect or prejudice the rights of any other creditors.

Where a debt arises on a bill of exchange or promissory note, if the debtor shall be ignorant of the holder of any such bill of exchange or promissory note, he shall be required to state the amount of such bill or note, the date on which it falls due, the name of the acceptor and of the person to whom it is payable, and any other particulars within his knowledge respecting the same; and the insertion of such particulars shall be deemed a sufficient description by the debtor in respect to such debt.

Any mistake made inadvertently by a debtor in the statement of his debts may be corrected upon reasonable notice, and with the consent of a general meeting of his creditors.

Every such composition shall, subject to priorities declared in said act, provide for a *pro rata* payment or satisfaction, in money, to the creditors of such debtor, in proportion to the amount of their unsecured debts, or their debts in respect to which any such security shall have been duly surrendered and given up.

The provisions of any composition made in pursuance of this section may be enforced by the court, on motion made in a summary manner by any person interested, and on reasonable notice; and any disobedience of the order of the court made on such motion shall be deemed to be a contempt of court. Rules and regulations of court may be made in relation to proceedings of composition herein provided for in the same manner and to the same extent as now provided by law in relation to proceedings in bankruptcy.

If it shall at any time appear to the court on notice, satisfactory evidence, and hearing, that a composition under this section cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the court may refuse to accept and confirm such composition, or may set the same aside; and, in either case, the debtor shall be proceeded with as a bankrupt in conformity with the provisions of law, and proceedings may be had accordingly; and the time during which such composition shall have been in force shall not, in such case, be computed in calculating periods of time prescribed by said act.

SEC. 11. That from and after the passage of this act the fees, commissions, charges, and allowances, excepting actual and necessary disbursements, of, and to be made by, the officers, agents, marshals, messengers, assignees, and registers in cases of bankruptcy, shall be reduced to one-half of the fees, commissions, charges, and allowances heretofore provided for or made in like cases: *Provided*, That this section shall be and remain in force until the justices of the Supreme Court of the United States shall make and promulgate new rules and regulations in respect to the matters aforesaid, under the powers conferred upon them by sections 10 and 47 of said act, and no longer. And said justices shall have power under said sections, by general regulations, to simplify and consolidate the duties, so far as in their judgment will conduce to the benefit of creditors, of the register, assignee, marshal, and clerk, to the end that prolixity, delay, and unnecessary expense may be avoided.

And no register or clerk of court, or any partner or clerk of such register or clerk of court, or any person having any interest with either in any fees or emoluments in bankruptcy, or with whom such register or clerk of court shall have any interest in respect to any matter in bankruptcy, shall be of counsel, solicitor, or attorney, either in or out of court, in any suit or matter pending in bankruptcy in either the circuit or district court of his district, or in an appeal therefrom. Nor shall they, or either of them, be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of said courts of bankruptcy; nor be interested, directly or indirectly, in the fees or emoluments arising from either of said trusts. And the last clause but one in section 4 of said act is hereby repealed.

SEC. 12. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. If the Senator will suspend, the Chair will clear his table.

Mr. EDMUNDS. I was merely going to say that I rise to move that the Senate adjourn, but I will defer the motion till the Chair has cleared his table.

HOUSE BILLS REFERRED.

The bill (H. R. No. 429) creating an additional land district in the

Territory of New Mexico was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 1400) for the relief of William H. Vesey was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 1401) granting a pension to Penelope T. Heald was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. R. No. 45) tendering the thanks of Congress to Captain Benjamin Gleadell, officers, and crew, of the steamship Atlantic, of the White Star line, for saving the brigantine Scotland in mid-ocean, was read twice by its title, and referred to the Committee on Foreign Relations.

NAVAL APPROPRIATION BILL.

Mr. STOCKTON submitted an amendment intended to be proposed by him to the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOWARD COURT OF INQUIRY.

The joint resolution (H. R. No. 43) authorizing a special court of inquiry concerning General O. O. Howard was read twice by its title.

Mr. LOGAN. If the Senate will agree to take up that resolution now it will save the trouble of a reference.

Several SENATORS. Let it be referred.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent for the consideration of this joint resolution. The joint resolution will be read at length.

The joint resolution was read, as follows:

Be it resolved, &c., That the President of the United States be requested and authorized to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be, when so convened, to fully investigate all the charges against Brigadier-General O. O. Howard, contained in the communication of the Secretary of War to the Speaker of the House of Representatives of date December 5, 1873, and to report their opinion as well upon moral as upon technical and legal responsibility for such offenses, if any, as may be discovered: *Provided*, That the accused may be allowed the same right of challenge as is allowed by law in trials by court-martial.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the joint resolution? The Chair hears no objection; and the joint resolution is before the Senate as in Committee of the Whole.

Mr. LOGAN. I have two amendments to offer. I was notified today by the Secretary of War of a mistake that occurs in the resolution in the date. In referring to the communication made by the Secretary of War, the resolution recites that it was on the 5th day of December, 1873. The communication was dated the 4th December, 1873. I move to amend by striking out "5th" and inserting "4th." I move also to insert, immediately following, "and the 5th day of January, 1874;" so as to embrace the two communications.

Mr. SHERMAN. What communications are those?

Mr. LOGAN. Communications sending the charges to the House of Representatives.

Mr. SHERMAN. What was the second communication, of January 5th?

Mr. LOGAN. It was of similar character. That date does not appear in the House resolution.

The amendments were agreed to.

Mr. WEST. I do not know whether I shall be prepared to vote for this resolution or not. It will depend somewhat on the replies that may be made by the chairman of the Committee on Military Affairs to what I shall ask him.

When this matter was called to the attention of the Senate the other day, it occurred to me that here was a departure from the ordinary rule governing the organization of military courts of inquiry. On examination of that view, I ascertain that such is the fact; that under the law as it now exists the President of the United States is authorized to convene a court of inquiry in this precise case; and the present joint resolution extends his power only so far as to make an increased number of that court from three to five. Consequently the Senate has presented to it the occasion for this legislation. For some reason or other it would seem—and there I ask the chairman of the committee what is that reason—that there was a necessity or desirability for increasing the number of the court in this case from three to five members. I submit that if that proposition for an increase is intended to benefit the party in question, it should not be made. If the proposition for that increase is intended to persecute him, again it should not be made. If the chairman of the Committee on Military Affairs can satisfy me and at the same time satisfy the Senate that it is to further the ends of justice, that in the present case a special court of inquiry should be created of five members, then perhaps we shall be ready to vote for it; but until he does, until it can be demonstrated that a court of five is any better than a court of three—that it is necessary in this particular instance to depart from the usage of the Army for all time, or ever since 1795 I believe, I shall withhold my vote on the question.

Mr. LOGAN. The Senator calls on me to explain what the benefits of this may be, or whether it is a persecution or otherwise. I can only say that I know nothing in the world about the reasons why the number should be increased. The joint resolution came from the House, and my attention was called to it by the Senator from Maine. I have never had any communication with General Howard on the subject, or from the Secretary of War, save the one that I have mentioned in reference to the dates. The reasons for this increase have not been made apparent to me, except so far as they are obvious on the face of the proceeding.

The law in reference to courts of inquiry provides that courts of inquiry shall be ordered by the President of the United States, and shall consist of one or more members, not exceeding three. I presume the reason for the number fixed in this resolution is that a court constituted of one or two or three members would not be so satisfactory to General Howard or to other parties perhaps as a court of this number. I suppose that is the reason. I understand that General Howard asks for this court; I have been so informed, but I do not know the fact; and I understand also that it is proposed with the consent of the War Office, and yet I do not know that fact. I only know that if there is an investigation to be made, it is a proper thing to allow it to be made in this way, and it is not improper that it should be made by five officers instead of one, two, or three. That is all there is in it, so far as I know anything about it.

If it is proper to make a court of three officers it is just as proper to make it of five, and with the number of five there would probably be more likelihood, with the power of challenging, of having a fair investigation. That is the only reason for it. I know none other. I am willing, if the general desires an investigation, that he should have it, and that is the reason I am in favor of the resolution. I see no objection to it. It does not change the offense or the punishment, if any should be necessary. If there is any guilt, it cannot affect that. It is only increasing the number of the court. It does not change the manner of trial, the manner of investigation, or anything of that character. It allows him to challenge any person he may desire to do, the same as in a court-martial.

Mr. WEST. He has that right now.

Mr. MORRILL, of Maine. Mr. President, I hardly think there is anything so unusual in this proposition as to raise a suspicion either one way or the other of favoritism toward the general, or the converse. Undoubtedly, the President has the right to convene a court of inquiry, but the President did not see fit to do that thing. The President did not exercise that authority in the premises; but, on the contrary, the Secretary of War referred the whole question to Congress. The House of Representatives propose, therefore, to convene a court of inquiry of a larger number of persons simply than the President of the United States would be authorized to do if he had undertaken to exercise that authority. Now, I hardly think, if my honorable friend from Louisiana will allow me to say so, that the fact that the House of Representatives, to whom this subject was referred, have fixed the number at five instead of three, should raise an implication one way or the other; and I think it can fairly be inferred that they might have supposed that the number of five on a subject of this kind, which has attracted so much attention in the country, might be more satisfactory, leaving it to the President of course to detail the court. I therefore dismiss that matter with no further remark than that I hardly think any reference unfavorable to General Howard, or favorable to him, could arise; because it is, after all, in the power of the President, as it was before, to appoint the members of the court; and this does not change it at all except to add to the number.

There is power of challenge here, and so it is under the law as it stands. Therefore it will be seen that the action of the House has changed no right whatever. There is nothing in it in the world except the addition of two members to the court. I hope the Senate will think that is no objection, and that this resolution will be concurred in, and this officer, distinguished in the war, harassed a good deal by the investigations that have already been made in another quarter, may have this tribunal instituted in such a way as that it shall satisfy the public that a fair investigation has been had both for him and for the country.

Mr. SUMNER. I should like to ask my friend whether he understands that this is desired by General Howard.

Mr. MORRILL, of Maine. I understand that General Howard is perfectly willing that such an inquiry should be made.

Mr. SUMNER. Then I would ask my friend whether upon the whole it is not advisable that we should have the light of a committee on this measure that shall consider it and report whether this resolution is in proper form. It is evidently an innovation. That seems clear. Here is to be a court of five where usually is a court of three.

Mr. MORRILL, of Maine. No; that does not follow. It is a court of one or three, as the President may determine.

Mr. SUMNER. One or three; now five; but why five? I do not mean to object to that; but I wish to know the reason, and I should like to have the report of a committee that would explain to the Senate the precise condition of this case. We are now acting in the dark.

Mr. MORRILL, of Maine. The Senator is aware, I suppose, that this resolution comes from the House of Representatives.

Mr. SUMNER. So I understand; but the House sometimes acts prematurely.

Mr. MORRILL, of Maine. I will give a reason that occurs to me why they might have fixed five, instead of leaving it to the President to fix the number, because, leaving it with the President, he may fix one. Now, I submit to my friend from Massachusetts that he would hardly desire that the matter should be left to the President so that this whole inquiry might go to one officer, and where the court might be constituted of one, two, or three. I cannot imagine any reason

except that the House, on the whole, felt that it was a matter of sufficient importance to fix this number.

Mr. SHERMAN. I have no objection to the resolution. Indeed I think, after the official statement of the Secretary of War, something like this ought to be passed. But I call the attention of the chairman of the Military Committee to the singular phraseology of this resolution; and it strikes me as rather ungrammatical at least; and it is so confused that it is utterly impossible for anybody to understand precisely what it means. I will read it. After reciting the communications made by the Secretary of War it provides for a court of five to examine, &c., "and to report their opinion as well upon moral as upon technical and legal responsibility for such offenses"—to report "their opinion for such offenses" is the reading of it. It seems to me some such language as this, "and to report their opinion upon his legal responsibility for the offenses charged in said communications, upon moral as well as upon technical grounds," would be better.

Mr. CONKLING. Will the Senator read the preceding words?

Mr. SHERMAN. I will read the whole of it, and the Senator will see that there is no grammatical connection:

That the President of the United States be requested and authorized to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be, when so convened, to fully investigate all the charges against Brigadier-General O. O. Howard, contained in the communication of the Secretary of War to the Speaker of the House of Representatives, of date December 4, 1873, and January 5, 1874—

That is complete in itself—

and to report their opinion as well upon the moral as upon the technical and legal responsibility for such offenses, if any, as may be discovered.

Not "his offenses;" nor is there a grammatical connection.

Mr. MORRILL, of Maine. I think that is a little sharp.

Mr. SUMNER. Does not that suggestion make it advisable that it should be referred to a committee?

Mr. CONKLING. When I heard the Senator from Ohio make his statement I ventured to shake my head, and, having done that, I will venture further to state my reason for shaking it. If there is criticism here at all, which I think would be rather hypercritical, I submit it would be that the word "offenses" has been used in the place of the word "charges," or some other word. Let me read, and see if there is any doubt what it means:

To fully investigate the charges against Brigadier-General O. O. Howard—

These are the charges to be investigated, and he is the man against whom they exist—

contained in the communications of the Secretary of War to the Speaker of the House of Representatives of date, &c., and to report their opinion as well upon the moral as upon the technical and legal responsibility for such offenses, if any.

How there can be any possible doubt that it refers to the offenses which shall be found, if any, in investigating these charges, and how there can be any doubt that the charges to be investigated are charges against General O. O. Howard, and the charges contained in these communications from the Secretary of War, does not occur to me. It is very likely that it might have been written in a more graceful and flowing way, but when you come to the legal effect of it, it seems to me there can be no doubt in regard to it.

Mr. President, as I have occupied the attention of the Senate for a single moment, I will say one other word. It is the privilege, if it be a privilege, of the military profession alone that the honor and integrity of that profession is committed to its own members. In our organism, I believe there is no other instance in which men of a given profession are to be tried by judges and jurors necessarily of that profession. Whether this be wise or otherwise it gives rise to a peculiarity, to say the least, in the administration of justice. In addition to the general singularity of such a case, in this instance there is another. The Secretary of War, who is merely a member of the official staff of the President, insomuch that the Supreme Court has held that the act of a cabinet minister is the act of the President himself—the Secretary of War has sent to Congress a communication which contains the charges upon which this officer is to be tried or of which inquiry is to be made. Therefore should Congress commit to the President alone the discretion of selecting one officer if he chooses to make this inquiry, in addition to committing to him a discretion disagreeable under the circumstances, it would be to commit to him a discretion which, if exercised by the selection of one officer, or even of two officers, or three officers, would leave General Howard and other persons cause perhaps to complain or to suspect in a certain event the impartiality at least with which the selection had been made. Therefore it seems to me very natural that the House had said, "Inasmuch as this is an officer to be committed to the charge of his brother officers in respect of alleged offenses to which attention has been called by the executive department, it is well that five men at least shall take part in this inquiry, because the concurrence of five minds, especially under such circumstances, will be more satisfactory and convincing than would be the judgment of one man, and by parity of reasoning more satisfactory and convincing than would be the judgment even of three men." Looking, then, to the inherent delicacy of the subject, and looking to the special fact that these charges have emanated with the executive department, to which department must be committed the selection of the court to inquire into his conduct, it seems to me very obvious, very natural, very reasonable, very politic, very just, that the court should be comprised of five rather than of one man or even of three men.

Now, learning, as I do, that General Howard has no objection to this inquiry, which I think is to his credit, I cannot suppose that this proceeding will fail to address itself to the sensibility of every member of the Senate. Here is an officer, certainly distinguished in service, distinguished in the sufferings which his service inflicted upon him, a man maimed in body, and who until this inquiry shall be made must be regarded as maimed in reputation. If he is willing or desirous that his conduct shall be inquired into, and by a court so rigorous as must be a court to whom apply especial obligations and considerations of honor, in that respect, it seems to me, there should be no doubt. Then when you come to the particular resolution, as my friend from Maine has said, it is the ordinary resolution, and only that, except that two additional members of the court are provided for, and I cannot doubt that to General Howard and to his friends and to the whole public the judgment of this court, being composed of five, will have more weight than it would have if it were composed of one or even of three; and, therefore, in that respect I am quite content to vote for the resolution.

Mr. MORTON. I desire to call the attention of the Senate to one very marked peculiarity about this resolution, and that is that this commission is to inquire, as well upon moral as upon technical and legal responsibility, "for such offenses, if any, as may be discovered." It is a question in my mind whether it is important for an act of Congress to provide for an inquiry of that character. An investigation which may go to the legal responsibility of men, whether they have violated their duties in such a way as to make them responsible and violated the law, may be proper; but when you pass that and get into the moral question, that, it occurs to me, is more proper for the church or the society to which a man belongs.

Mr. CONKLING. Allow me to make a suggestion to the Senator.

Mr. MORTON. Certainly.

Mr. CONKLING. If the Senator read the communication of the Secretary of War, or saw it noticed, it doubtless struck him that some of the allegations related to the acts of persons other than General Howard, connected with him—subordinate to him; those for whose acts, at least in a legal sense, he might be responsible. Of course it is of the very essence, not only of the feeling but of the right of General Howard, to have the public know whether he is to blame—to blame in that sense—not which would charge his sureties, if he had given an official bond, but in that sense also which touches his integrity, which blights his name or tarnishes his character as a man; and to the end that this court of inquiry may solve that question—and I observe that it is not a court-martial, but a court of inquiry, to investigate and ascertain—this court is authorized to pronounce not only upon the cold formalities of this case, upon the question of legal liability, but also upon the question of the integrity, the honor, and the intention of the man in question.

Mr. THURMAN. Mr. President, in regard to the suggestion made by the Senator from Indiana I have to observe, that there never has been a time in the history of this Government, when we had a regular Army, that conduct unbecoming a gentleman and a soldier was not good cause not merely for a court of inquiry, but for a court-martial and dismissal from the service; and I suppose that immoral conduct is unbecoming a gentleman and a soldier. In fact, we have had one very striking instance of it, and that without any court-martial at all, but under authority which was then conferred upon the President. General Jackson, then President of the United States, struck from the roll of the Navy a lieutenant because he did not pay his board bill to a widow with whom he boarded in this city; and it was a very good example and had a very salutary effect.

Mr. President, I shall vote for this resolution, whether the court is to consist of three or five, or of whatsoever number it shall consist; but I cannot refrain from the expression of some surprise that this subject has come before Congress in this form at all. General Howard is an officer of the Army of the United States, subject to the Rules and Articles of War, subject to trial by court-martial, and therefore subject to be investigated by a court of inquiry. The President of the United States has had all the time the amplest authority to organize a court of inquiry to investigate his conduct, or to order his trial before a court-martial; and why Congress should be applied to to spur up the President to organize a court of inquiry in this particular case is a little past my comprehension.

Mr. CONKLING. Will the Senator allow me?

Mr. THURMAN. Let me get through.

Mr. CONKLING. I simply want to state a fact to the Senator.

Mr. THURMAN. Very well.

Mr. CONKLING. I ask him whether he understands that the statute of limitations has run in this case, so that, without some enabling act, the action cannot be taken?

Mr. THURMAN. If the statute of limitations has run against the offense, then I do not think we are making a retroactive law to destroy the effect of that statute. If the power of the President to order a court of inquiry by reason of the lapse of time has expired, but the prosecution of the offenses themselves is not barred, there is good reason for coming to Congress; but I do not understand that to be the fact. If it be so, let it go for what it is worth. But this is the record: the two letters of the Secretary of War to the House of Representatives, accompanied by numerous documents as exhibits, among others, a very lengthy report from the Adjutant-General of the United States. Now, sir, if there is the least foundation in the

world for these accusations against General Howard, these accusations that are considered so solemn that they are made the subject of communication to the Congress of the United States, I must express my astonishment that the Executive has not ordered a court of inquiry long ago to investigate these matters. Why, sir, let me give the Senate a brief idea of one of the accusations here. I read from the letter of the Secretary of War to the Speaker of the House of Representatives, of the date of 4th of December last, in which he says:

The responsibility and accountability attaching to the late Commissioner, so far as now developed, amounts to upward of $278,573.66—

More than a quarter of a million of dollars—

and may be stated under the following headings:

1. Claimed by colored claimants, who allege that they have not been paid their pay and bounty, although the records of the Treasury Department show settlement of the claims, and vouchers have been filed by the late Bureau as evidence of payment, $33,888.39.

And I may remark on that item that it is stated further on that those claims of colored soldiers for pay and bounty are to a great extent, if not in their entirety, a valid claim, and that the vouchers filed purporting to be their receipts for their pay and bounty are shown to be forgeries. But that is not all:

2. Defalcation of St. Clair Mandeville, $8,503.29.
3. Defalcation of O. C. French, reduced to $3,814.54.
4. Defalcation of B. P. Runkle, $673.24.
5. Acknowledged, by George W. Balloch, to have been paid to B. P. Runkle "to reimburse the latter for mistakes made by his agents in paying bounties to the wrong parties," $1,331.03.
6. Due by the late Bureau—

He speaks of the "late Bureau," because the affairs of that Bureau were turned over, it will be remembered, about a year or so ago, to the War Department; therefore it is a "late Bureau;" it is the Bureau of which General Howard was the head—

6. Due by the late Bureau in consequence of illegal double payments and certain accrued interest, several thousand dollars.
7. Irregular fund, (called retained bounty fund,) under the act of March 2, 1867, (Statutes, 14, page 145,) not accounted for, upward of $121,000.
8. Misapplication of public funds, and filing vouchers with the accounts covering a certain month, when payments were made in a prior month:

Misapplication	$36,314 77
Vouchers covering time subsequent to the actual date of payment and therefore erroneous	73,048 40
Total	109,363 17

That is not all. If we return to the remarks on the report made by the Adjutant-General of the Army to the Secretary of War, dated August 4, 1873, we find this statement:

1. The statement that, up to the date of the report, one hundred and seventy-four colored soldiers claim sums due them for pay and bounty, amounting to $33,888.39 in the aggregate, vouchers for the payment of which have already been filed in the Treasury Department, is sustained by satisfactory evidence. Although payments in some of the cases may have been erroneously made, there are good reasons for believing that many of the vouchers filed are fraudulent. Some have already been proved to be so by a judicial investigation, the whole are tainted, and the Treasury Department will doubtless suspend all of them. Unless those concerned in these transactions can satisfactorily demonstrate their innocence of intent to defraud the United States Government and the claimants, they should be proceeded against for violation of the provisions of section 16 of the act of August 6, 1846, and of section 1 of the act of March 2, 1863.

Again, here is another most singular thing:

Although the act of March 3, 1865, which established the Bureau of Refugees, Freedmen, and Abandoned Lands, required the Commissioner provided for therein to give a bond in the sum of $50,000, conditioned for the faithful discharge of his duties, one was not given by General Howard, the appointee.

But, again, by his own authority, as it is here found stated to be, in violation of law, General Howard appointed George W. Balloch, as follows:

On 20th June, 1865, General Howard, Commissioner, &c., in Special Orders No. 14, required George W. Balloch aforesaid, a volunteer commissary of subsistence retained in the Freedmen's Bureau, in addition to his duties in the Subsistence Department, to "temporarily perform the duties of chief disbursing officer of this Bureau."

And George W. Balloch and his affairs came to grief; and now on that subject this report says:

Prior to the 12th of October, 1871, when General Howard relieved Balloch of the duty, this large fund—

The fund which he has mentioned, and which had been appropriated partly by Congress and partly realized by proceeds of abandoned lands and other abandoned property—

was held and disbursed by Balloch, who rendered accounts therefor to the Treasury. My greatest surprise in connection with this subject is that the Treasury officers should have accepted the accounts from Balloch, who was not known to the law at all. As well might a paymaster's clerk presume to render accounts for disbursements by a paymaster of the Army. While I do not doubt that Balloch may be held to account for any misconduct in connection with this matter, I am quite certain General Howard can and should be held as responsible by the United States for any portion of this fund not properly accounted for by Agent Balloch as for that disbursed by himself after he relieved Balloch.

These are only specimens of the charges against General Howard. I express no opinion upon them; I know nothing about the facts; and I am one of the last men to make charges in support of which I have no evidence. But I do say that if they are what *prima facie* they appear to be by this report of the Secretary of War and the report of the Adjutant-General, then I am lost in astonishment to know why it is that this man has not been investigated by a court of inquiry, or tried by a court-martial, long before this.

The only thing that occurs to my mind as a possible excuse for coming to Congress with this subject at all is to be found in a very singular doubt of the Attorney-General, for these matters were referred to him for legal opinion, and in that opinion he uses this language:

A more difficult question arises under section 3 of the joint resolution of March 29, 1867, whereby "all money held or disbursed under the provisions of this resolution shall be held and disbursed under the same rules and regulations governing other disbursing officers of the Army."

That is, all money held or disbursed by General Howard or his subordinates by the express provisions of this law were to be held and disbursed under the same rules and regulations governing other disbursing officers of the Army.

Then the Attorney-General proceeds:

The language of this is a little obscure, when reference is made to the act establishing the Freedmen's Bureau, and this obscurity probably arises from the fact, of which I am informed, that all the principal officers of the Bureau were military officers assigned to this special duty. I do not think that this provision can be considered as subjecting to trial by court-martial a person not otherwise subject to such jurisdiction. To have that effect an act ought to be clear and unambiguous, and it would only be by a most forced and violent construction that "rules and regulations governing other disbursing officers of the Army" can be interpreted to include liability to trial by martial law in respect of civilians.

That is, Mr. Attorney-General all at once has become extremely anxious for the liberty of the citizen, and doubts exceedingly whether a major-general of the Army of the United States, charged with holding and disbursing vast sums of money under the rules and regulations of the Army, as expressly declared by statute, can be tried by a military court-martial! Well, sir, there was a time when people were tried by military commissions and military courts-martial who were not in the Army of the United States, and in States where the civil courts were in the full and undisturbed exercise of their functions. There was some doubt, to say the least, about the regularity of this. There was no doubt at all in the mind of the judges of the Supreme Court when the question came before them. But that there should be a doubt whether a major-general of the Army of the United States, holding and disbursing millions of money under the rules and regulations of the Army, expressly so declared by statute, was liable to be investigated by a court of inquiry or tried by a court-martial, is a thing, I must say, that passes my legal comprehension.

But, sir, I suppose it was that doubt which brought this case before Congress, and I do not therefore blame the President or the Secretary of War for sending it to Congress. If the law officer of the Government will give such opinions as that I do not blame the President, who is no lawyer, or his Secretary of War, who is no lawyer, for sending the matter to Congress.

Mr. President, I shall vote for this resolution. It is time this investigation was made, and it is proper that it should be made, in my judgment, by a court of inquiry.

Mr. LOGAN. I do not see what the opinion of the Attorney-General has to do with this resolution. However, I think there may well have been a doubt in the mind of the Attorney-General as to whether General Howard was subject to a court-martial in this case or not. The fact that many persons may have been tried by military commissions during the war has nothing to do with the point in this case. A question arose as to whether General Howard, in his military capacity, was liable before a court-martial for the conduct of a subordinate officer who did not belong to the Army. There is the statement of the case. I have my doubts on that subject. I do not claim to be so brilliant a jurist as my friend from Ohio, but if I were the judge-advocate of a court-martial to-day, I would hold the same opinion that the Attorney-General did in reference to the responsibility of an officer for a subordinate officer before a court-martial, and that was the question arising why he was not subjected to a court-martial at that time.

Another question arises here. It is intimated, and truly, that if a court of inquiry should be organized now, still General Howard would not be subject to a court-martial. Why? Because the statute of limitations having run, although an inquiry may be made, yet he could not be placed before a court-martial. But that fact cuts no figure in this case. Although the time may have expired when a court-martial might take jurisdiction of an offense perpetrated by a military officer, yet Congress has the power to act if a military court cannot. Hence this court of inquiry is for the purpose of ascertaining the facts in reference to the charges that are made against General Howard, and then action can be taken, if not by a court-martial, by the Congress of the United States. There is a jurisdiction somewhere that will take cognizance of the case if the evidence is sufficient to show that General Howard is criminally guilty.

A criticism has been made in reference to the use of the word "moral" in the latter part of this resolution, and I will answer that now. The reason is because an officer of the Army is held as strictly to moral conduct as he is to legal conduct. Any dishonorable practices, whether they would make him criminally liable or not, would cashier an officer before a court-martial. Hence the words are used, "not only legally guilty, but morally guilty;" so that if there is a great moral guilt, he is as much liable, so far as the rules of the Army are concerned, as if he were legally and technically guilty. These are the reasons, I presume, why the resolution was worded in the manner in which it is.

When the resolution was called up here I said that I knew nothing about it, and it was true. I only understood that General Howard

desired an investigation, and that the Secretary of War desired an investigation, and I was willing that they should have it. For that reason I did not take any pains to ascertain the reasons about it; nor do I know them now. But when the Senator asks why has this matter been brought here, I will say that it was referred to the House of Representatives, and the Committee on Military Affairs in the House of Representatives, as I have been informed since this discussion commenced, spent some three weeks investigating the case, and this resolution is the result of their investigations. This resolution came from the Committee on Military Affairs of the House, asking that a court of inquiry be authorized, to consist of five officers, so that no objection should be made, so that neither General Howard nor the Secretary of War should say that one man was selected to investigate who would not do it fairly, and that General Howard should have the right of challenge, so that no one could say it was not a fair court of inquiry to investigate these charges. These are the reasons, as I am informed by one of the Committee on Military Affairs of the House since this question has been before the Senate. I have received more information about it since the discussion than I knew before, except the fact that I have read the charges that were made by the Secretary of War. Those I did not desire to go into, as the Senator from Ohio has. I did not desire to read them, because I do not think they cut any figure in the case whatever. However much we might think General Howard guilty or innocent, this is a mere question whether an inquiry should be made to ascertain the facts. For that reason I did not refer to the charges, but left them entirely out of the case, so that the Senate should merely give the authority to the President or to the Secretary of War to order this court, that the inquiry might be made by them entirely unbiased, without any of the evidence or facts except such as they might have laid before them after they are organized.

A court of inquiry is nothing more than an examination preliminary to a court-martial. It is like an examination of a grand jury into a question that may be presented to a court. It is a mere examination to ascertain the facts in the premises, that those facts may be laid before a court-martial, that they may try the person accused who is at the time belonging to the Army of the United States. If the charges are sustained, and are such as a court-martial would convict for, then, if the time has expired when a court-martial could act, there is a tribunal that can act; and that is the reason for this resolution, I presume, without having any more knowledge of the facts than I now have.

I have read this resolution carefully, and I do not think it is subject to the criticism made by the Senator from Ohio. It might probably be made to read a little better, but it certainly is plain and comprehensive, and refers to General Howard as having been charged with certain offenses, and directs a court of inquiry to inquire in respect to the charges made by the Secretary of War on the 4th of December, 1873, and the 5th of January, 1874.

Mr. THURMAN. Will the Senator, as it is a short resolution, have the kindness to read it, or send it to the desk to be read?

Mr. LOGAN. I will read it:

That the President of the United States be requested and authorized to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be, when so convened, to fully investigate all the charges against Brigadier-General O. O. Howard, contained in the communications of the Secretary of War to the Speaker of the House of Representatives of date December 4, 1873, and January 5, 1874, and to report their opinion as well upon the moral as upon the technical and legal responsibility for such offenses, if any, as may be discovered: *Provided*, That the accused may be allowed the same right of challenge as is allowed by law in trials by court-martial.

Mr. THURMAN. I do not see that that is obscure.

Mr. LOGAN. I was just saying, in answer to the criticism of the Senator from Ohio, [Mr. SHERMAN,] that I do not see it in the light he does. I do not think the resolution is obscure. I think it is perfectly easy to understand, and its reference to General Howard is sufficient to know what the court are to inquire into, in regard to the charges of the Secretary of War. I do not see any necessity for any amendment in that particular, and therefore I am in favor of the passage of the resolution, merely to give the opportunity, as I have stated, for this investigation, without expressing any opinion whatever on the facts. I know nothing about them, as to his guilt or innocence. I hope, however, because of my knowledge of the man and service with him in the field, that he will have this court, and that he may show that he is not guilty of these charges. Still, I say I have no opinion whatever on the case, but I hope the opportunity may be afforded to the Secretary of War to present the charges, and to General Howard to refute them, if they can be refuted.

Mr. HOWE. I was a little startled to hear the Senator from Ohio [Mr. THURMAN] hold up the Attorney-General here as having expressed the opinion that a brigadier-general or a major-general of the Army could not be tried by court-martial.

Mr. THURMAN. I did not state that.

Mr. HOWE. I understood the Senator to read an extract from a letter written by the Attorney-General to the Secretary of War, and to argue from that that the Attorney-General was of the opinion that a major-general of the Army could not be tried by court-martial, and to contrast that statement with what he referred to as the former practice under the Government.

Mr. THURMAN. What I said was that he had a doubt whether a major-general—I ought to say perhaps a brigadier-general—of the Army could be tried by a court-martial for misconduct in relation to the holding and disbursement of funds held and disbursed by him under the Rules and Regulations of War.

Mr. HOWE. I did not understand those qualifications; but I understand them now perfectly well, and I think I am authorized to say to the Senator from Ohio that the Attorney-General did not decide any such thing. I understand the Attorney-General to hold distinctly, in the very letter from which the Senator read, that not only a major-general may be tried by court-martial, but that every officer of the Army subordinate to him may also be tried in that way; but the difficulty that occurred to the Attorney-General was, that not all the officers, not all the subordinates, of the Commissioner of the Freedmen's Bureau were officers of the Army. Some of the minor officers were civilians, and the difficulty he found in this clause of the resolution was that it was general; that it required that all disbursements made by officers, whether civil or military, should be accounted for in the way pointed out in the resolution. His difficulty was whether that resolution would authorize the trial of civilians employed in the Freedmen's Bureau; not at all as to whether it would authorize the trial of any one of the officers of the Army by a military court.

Mr. MORTON. Will my friend allow me to ask him a question?

Mr. HOWE. Certainly.

Mr. MORTON. It has been stated here that the statute of limitations has run, so that there can be no court-martial. If that is true——

Mr. HOWE. I was going to refer to that very point. The Senator from Ohio, doubtless for good reasons, has read from the communication addressed by the Secretary of War to the Speaker of the House some of the charges made against the late Commissioner of the Freedmen's Bureau, and they are very grave unquestionably; and he expressed a good deal of surprise that this man, who was an officer in the Army, has not already been ordered before a court and put upon his trial. Now, upon that point—my attention is called to it now for the first time, that is, to the documents bearing upon it—the Secretary of War, it seems, addressed this letter to the Speaker of the House on the 4th of December last. The report made by the Adjutant-General was dated some time in August, and the Secretary himself assigns the reasons which have prevented this officer from being ordered before a court, and does it in these words:

Though it is true that he—

Referring to General Howard—

could now be brought before a military court on some specific charges, yet, for the reason that they would be more or less dependent on transactions which are barred, the trial would hardly be productive of public benefit; and also for the reason that the honorable House of Representatives has already ordered and had an investigation by a committee upon the affairs of the Bureau of Refugees, Freedmen, and Abandoned Lands, I have deemed it best not to give the case to a military tribunal, but to submit it and the entire subject to the House of Representatives.

I have stated that these facts were laid before him only in August last, upon the report of the Adjutant-General of the Army, and this communication was addressed to the Speaker of the House on the 4th of December, and I think the session opened on the first, within three days after the session convened.

Mr. MORTON. Will the Senator now allow me my question? From the statement of the Secretary of War it seems that the transactions are so barred that a trial by court-martial would amount to nothing. The question I ask is this: Suppose a court of inquiry should find him guilty, what can come of it? Can anything be done about it? We cannot pass a law now, without the violation of a fundamental principle, authorizing him to be tried by a court-martial, because it would be *ex post facto* in its character. What can come of it? Suppose the court of inquiry find him guilty, what does it amount to?

Mr. HOWE. Of course I cannot answer that. I do not know how much of the case is barred by the statute of limitations. I do not know how much the inquiry would be restricted if placed before a military court at the present time. I read what the Secretary says, with the controlling reasons upon his mind, and which prevented him from ordering the officer before a court at once. Those reasons are good or bad. We need not doubt as to why he has done as he did.

Mr. LOGAN. If the Senator will allow me, I can answer the question of the Senator from Indiana, I think. A court of inquiry can only furnish the testimony, the facts; they do not inflict punishment. They find the testimony and the facts in the premises preliminary to a court-martial; but if the statute of limitations should bar the trial of General Howard by a court-martial, and the facts elicited by a court of inquiry should be of such a character as would dismiss him from the Army before a court-martial, as I said awhile ago, there is then a tribunal that can act, and that is the Congress of the United States Upon the facts as found by the court of inquiry, if they were sufficient, the Congress of the United States by a resolution could dismiss him from the Army in disgrace.

Mr. MORTON. That brings me to the very point, if the Senator from Illinois will excuse me. Any action of Congress providing for a trial by court-martial or for dismissing an officer for an offense that is barred is in its nature *ex post facto*. Now the Constitution does not forbid Congress from passing an *ex post facto* law, as it does a State; but still there never has been but one in the history of the Government.

Mr. LOGAN. This action of Congress would be in the event that a court-martial could not act. Congress certainly can act. It does not

make any difference how long the offense has been committed by an officer of the Army, if committed when in the Army, when it is discovered—there is no question about it in the world.

Mr. MORRILL, of Maine, obtained the floor.

Mr. THURMAN. I hope the Senator from Maine will allow me to correct an error that I committed. This report I saw for the first time since this resolution was taken up, and in looking further along in the opinion of the Attorney-General I find that its meaning is properly apprehended by the Senator from Wisconsin. Reading only the passages that I saw, it seemed to me it had no other meaning than that which I gave to it; but further along in the opinion I see that he does express himself as the Senator from Wisconsin has stated, and therefore it is but justice to him that I should say so.

Mr. MORRILL, of Maine. I want to say a word in reply to a remark that fell from the Senator from Ohio. I was very glad to hear the Senator say that he would vote for this inquiry, and only regretted that he should enter so much at large upon the character of the charges preferred by the Secretary of War, and particularly as to the delay in the appointment of this commission or court of inquiry. I know my friend does not desire to prejudice the case of this distinguished officer by any remarks here, and yet he must know, if he has glanced simply at these charges, how easily capable, under the circumstances, they are of explanation, without involving the moral character of this distinguished officer at all. Not a single charge there lies at his door by any necessary implication of law or logic. He may have discharged his high trust, as I believe it will turn out to be, with entire rectitude—that rectitude which belongs to his character and his reputation through life up to this time—and be entirely free from any of the defalcations which appear in these charges.

Under these circumstances I regret exceedingly that my honorable friend should have thought in necessary to accompany his declaration that he would vote for this court of inquiry with an array of charges calculated to prejudice the case in the minds of this court. And I felt a little surprised that my honorable friend should think it necessary under these circumstances to arraign other parties, seeming to intimate that others besides General Howard should go before a court-martial—the President, the Secretary of War, and I do not know but the Attorney-General. What possible connection does my honorable friend suppose any of those men have had with this Bureau? Does he not know that this Bureau, and all these facts, antedate the advent of these parties into power? Certainly they did. Why then should they be arraigned? Why is it necessary to do so? Does it throw any light on this subject? Does it help to relieve this question? No. Possibly it may have some relation to something else than this; it may have some political status in some court we do not know of, that may be organized between this and 1876, here or hereabouts, or something of that sort; but so far as this particular measure is concerned it has not the slightest connection with it in the world, as I think my honorable friend will admit. All that is outside of this case; and the whole comment I do not say is designed—I know it is not—but calculated to prejudice this case.

"Why is it here, why was it not examined before, why was it not sent to Congress?" the Senator inquires. For the obvious reason, in the first place, that Congress had taken jurisdiction of the question a year ago.

Mr. THURMAN. I did not ask why it was not sent to Congress.

Mr. MORRILL, of Maine. Well, why had not the President examined it before? This matter came to the observation of the President or the Secretary of War at a very recent period; but before that time charges had been made in another branch of this Government at the other end of this Capitol, and by a committee of that body examined, and no fault found against this man whatever, either of a moral or legal character. Of course, as Congress had taken jurisdiction of the subject, it was the most proper thing in the world that the President should say, "Turn it over to Congress; as Congress has begun it, let Congress finish it."

Now, why should not this inquiry be made? My friend by my side [Mr. MORTON] says it will result in nothing. I say it will result in much. This man is under a cloud. Here is a distinguished officer of the United States, in whose reputation and character we all have a just pride; a man who entitled himself to honor, who entitled himself to the good wishes of his countrymen; conspicuous in war, maimed, and will go down to his grave maimed, in a very worthy service; a man whose reputation up to this time has been as spotless as that of any man living. He is under a cloud. It is said that this investigation will result in no legal proceedings thereafter. Suppose that were so; is it not an object to relieve this man from this cloud which hangs over him? Have we no duty in this case to him and to the Department? Has not my honorable friend made this investigation absolutely necessary by his voice in denunciation here this afternoon? Has he not called the attention of the country to this very case in a way and in a manner to give it emphasis, which will go from one end of the country to the other?

It may be said that it has been examined in the House of Representatives; but there are plenty of men who say that is only whitewashing. Now it is attempted to take it out of the political jurisdiction and transfer it to the military, to a commission instituted by the President, and instituted under circumstances where there shall be no politics in it, unless people choose to thrust them in. I think, therefore, it is eminently fit, and there are considerations enough of a moral character, to send this matter to such a commission, and with it send good deliverance to this man, so be it that the facts in this case justify it; and I am sure we shall all so pray for such a deliverance.

Mr. ANTHONY. I move that the Senate do now adjourn.

Mr. MORRILL, of Maine. O no; let us pass this resolution. There will be no division upon it.

Mr. ANTHONY. If we can pass the resolution I will not press the motion.

The PRESIDENT *pro tempore*. Does the Senator withdraw the motion?

Mr. ANTHONY. Yes, sir.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The resolution was read the third time and passed.

PATENT OFFICE REPORT.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Commissioner of Patents, transmitting his annual report for the year 1873; which was ordered to lie on the table and be printed.

CONGRESSIONAL RECORD.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the concurrent resolution of the House of Representatives directing the Congressional Printer to furnish to each Senator, Member of the House of Representatives, and Delegate, twenty-four copies of the CONGRESSIONAL RECORD.

On motion of Mr. ANTHONY, it was

Resolved, That the Senate insist upon its amendments to the said resolution, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ANTHONY, Mr. HOWE, and Mr. SAULSBURY the conferees on the part of the Senate.

Mr. CONKLING. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The bankrupt bill being the unfinished business before the Senate, the Senator from New York moves that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 2, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at two minutes after twelve o'clock.

JOHN T. BERRY.

Mr. HALE, of Maine, introduced a bill (H. R. No. 1591) for the relief of John T. Berry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CRIMINAL OFFENSES.

Mr. FRYE introduced a bill (H. R. No. 1592) limiting the time for prosecutions, trials, and convictions in certain criminal offenses; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MANSLAUGHTER.

Mr. FRYE also introduced a bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUNISHMENT OF EXTORTION.

Mr. FRYE also introduced a bill (H. R. No. 1594) for the punishment of extortion by officers or persons acting under the authority of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HORACE GLOVER.

Mr. HENDEE introduced a bill (H. R. No. 1595) to reimburse Horace Glover for property unlawfully seized and sold by the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALASKA FUR TRADE.

Mr. DAWES introduced a bill (H. R. No. 1596) to enable the Secretary of the Treasury to gather authentic information as to the condition and importance of the fur trade in the Territory of Alaska; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOLDIERS' MONUMENT AT SPRINGFIELD.

Mr. DAWES also introduced a bill (H. R. No. 1597) to authorize the use of condemned ordnance in the erection of a soldiers' monument at Springfield, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS' MONUMENT AT BOSTON.

Mr. PIERCE introduced a bill (H. R. No. 1598) to give one condemned mortar and five cannon-balls to Post No. 68 of the Grand Army of the Republic, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL A. KNOX.

Mr. G. F. HOAR introduced a bill (H. R. No. 1599) for the relief of Samuel A. Knox; which was read a first and second time, referred, with the accompanying papers, to the Committee on Patents, and ordered to be printed.

BARK HATTIE EATON.

Mr. GOOCH introduced a bill (H. R. No. 1600) directing the Secretary of the Treasury to issue an American register to the English-built bark Hattie Eaton; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MINING RESOURCES.

Mr. EAMES introduced a bill (H. R. No. 1601) to repeal the fifth section of an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GRACE B. PECK.

Mr. KELLOGG introduced a bill (H. R. No. 1602) for the relief of Grace B. Peck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORN-SHELLER PATENT.

Mr. LAMPORT introduced a bill (H. R. No. 1603) for the renewal of a patent granted to the late Thomas D. Burrall, of Geneva, New York, for corn-sheller; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARGARET HURDLE.

Mr. CROOKE introduced a bill (H. R. No. 1604) for the relief of Margaret Hurdle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WARD'S IMPROVED BULLET-MACHINE.

Mr. MACDOUGALL introduced a bill (H. R. No. 1605) for an extension of patent known as Ward's improved bullet-machine; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

STEPHEN WEATHERLOW.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1606) granting an increase of pension to Stephen Weatherlow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAILABLE MATTER OF THIRD CLASS.

Mr. PLATT, of New York, introduced a bill (H. R. No. 1607) to regulate the rate of postage on mailable matter of the third class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MILITIA ORGANIZATION.

Mr. HAMILTON. I present a preamble and resolution of the Legislature of the State of New Jersey for arming the militia, and ask that it be read.

The Clerk read as follows:

Whereas the Constitution of the United States charges Congress with the duty of providing for organizing, arming, and disciplining the militia of the several States, and Congress did, in pursuance thereof, on the 23d day of April, 1808, pass a law making a permanent annual appropriation of $200,000 to provide arms as aforesaid, to be apportioned among the several States; and whereas the population of the United States has increased since that period from eight millions to over forty millions, and the cost of labor and material in the manufacture of ordnance stores has advanced so that the quota of this State has become reduced to a number entirely inadequate to meet the wants of the organized militia companies, thereby imposing an onerous charge upon the treasury of this State to meet the necessary requirements; and whereas the governor of this State, in his annual message to the Legislature, has called attention to the necessity of providing additional means for arming the militia with the improved breech-loading arms, and to a bill now pending before Congress, for making the permanent annual appropriation $1,000,000, for the purpose of providing arms and ordnance stores for the whole body of the militia of the United States: Therefore,

Be it resolved, (the house of assembly concurring,) That the Senators in Congress from this State be instructed, and the Representatives requested, to urge and vote for the passage of the bill now before Congress entitled "A bill making provisions for arming and equipping the whole body of the militia of the United States, and for other purposes."

The preamble and resolution were referred to the Committee on the Militia, and ordered to be printed.

MINORITY REPRESENTATION IN UTAH.

Mr. HAZELTON, of New Jersey, introduced a bill (H. R. No. 1608) to secure minority representation in the Territory of Utah; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CONVENTION BETWEEN THE UNITED STATES AND CHINA.

Mr. PHELPS introduced a bill (H. R. No. 1609) supplementary to an act to carry into effect the convention between the United States and China, concluded on the 8th day of November, 1858, at Shanghai, approved March 3, 1859, and to give the Court of Claims jurisdiction in certain cases; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOSEPH D. MOYER.

Mr. KILLINGER introduced a bill (H. R. No. 1610) for the relief of Joseph D. Moyer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCY ANN CUMMINGS.

Mr. O'NEILL introduced a bill (H. R. No. 1611) granting a pension to Lucy Ann Cummings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR TOTAL DISABILITY.

Mr. HARMER introduced a bill (H. R. No. 1612) to continue pensions to widows and children of invalid pensioners pensioned for total disability without reference to cause of death; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES MARINE HOSPITAL AT ALLEGHENY CITY.

Mr. MCJUNKIN introduced a bill (H. R. No. 1613) to reimburse Allegheny City, Pennsylvania, for expenses of grading, paving, setting curbstones, and constructing sewers for, in, and around the United States marine hospital located in said city; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BARBARA ELLEN WALTERS.

Mr. MCJUNKIN also introduced a bill (H. R. No. 1614) granting a pension to Barbara Ellen Walters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY HAY.

Mr. MCJUNKIN also introduced a bill (H. R. No. 1615) granting a pension to Mary Hay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. PARR.

Mr. MCJUNKIN also introduced a bill (H. R. No. 1616) granting a pension to John G. Parr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. NEWMAN.

Mr. STORM introduced a bill (H. R. No. 1617) for the relief of John B. Newman, for the use by the Government of his patent for mounting heavy guns; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXPLOSIVE AND DANGEROUS MATERIALS.

Mr. NEGLEY introduced a bill (H. R. No. 1618) relating to the transportation of explosive and dangerous materials; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GUNBOATS KINEO AND CHOCURA.

Mr. O'BRIEN introduced a bill (H. R. No. 1619) to provide for paying to the officers and crews of the gunboats Kineo and Chocura the proceeds of certain bales of cotton saved by them in the Gulf of Mexico in the late war; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN L. T. JONES.

Mr. LOWNDES introduced a bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damage sustained by the destruction of his dwelling-house during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CIVIL ENGINEERS OF THE NAVY.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 1621) fixing the pay of civil engineers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. CHARLES H. WILLIAMSON.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 1622) for the relief of Mrs. Charles H. Williamson, of Portsmouth, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHICKAHOMINY AND HAMPTON RIVERS.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 1623) authorizing and directing a survey of the Chickahominy and Hampton Rivers in the State of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

QUANTICO CREEK.

Mr. SENER introduced a bill (H. R. No. 1624) making an appropriation for the improvement of Quantico Creek, in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

R. B. HACKNEY.

Mr. HUNTON introduced a bill (H. R. No. 1625) for the relief of R. B. Hackney, of the State of Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM BUSHBY.

Mr. HUNTON also introduced a bill (H. R. No. 1626) for the relief of William Bushby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL F. DULANY.

Mr. HUNTON also introduced a bill (H. R. No. 1627) for the relief of Daniel F. Dulany; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONTRAVILLE PATTON.

Mr. VANCE introduced a bill (H. R. No. 1628) for the relief of Montraville Patton, of Buncombe County, North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SEAMEN'S FRIENDS' SOCIETY.

Mr. WADDELL introduced a bill (H. R. No. 1629) for the relief of the Seamen's Frien 's' Society, of Wilmington, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE F. MOORE.

Mr. ROBBINS introduced a bill (H. R. No. 1630) for the relief of Jesse F. Moore; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MAIL CONTRACTORS.

Mr. WALLACE introduced a bill (H. R. No. 1631) for the relief of mail contractors for services rendered in certain States prior to May 31, 1861; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COTTON TAX.

Mr. BLOUNT introduced a bill (H. R. No. 1632) to extend the time for collecting the cotton tax and reviving such claims as are now barred; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS M. TRAMMELL.

Mr. HARRIS, of Georgia, introduced a bill (H. R. No. 1633) granting a pension to Francis M. Trammell, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

JOHN A. RICHARDSON.

Mr. BELL introduced a bill (H. R. No. 1634) for the relief of John A. Richardson, executor of Benjamin C. Jones, of Fayette County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN S. FAIN.

Mr. BELL also introduced a bill (H. R. No. 1635) to restore the name of John S. Fain to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNSTAMPED DOCUMENTS, ETC.

Mr. WHITELEY introduced a bill (H. R. No. 1636) to provide for the stamping of unstamped instruments, documents, or papers in the States lately in rebellion; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON BAGGING AND ROPE.

Mr. WHITELEY also introduced a joint resolution (H. R. No. 46) to extend the time within which claims may be presented to refund the tax on bagging and rope; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGES ACROSS THE ALABAMA AND MOBILE RIVERS.

Mr. WHITE introduced a bill (H. R. No. 1637) declaring certain bridges across the Alabama and Mobile Rivers lawful structures and post-routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INTERNAL-REVENUE LAW.

Mr. BROMBERG introduced a bill (H. R. No. 1638) to amend paragraph 6 of section 110 of the internal-revenue law of March 3, 1865, amended July 13, 1866; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOUTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

Mr. LYNCH introduced a bill (H. R. No. 1639) to provide for the holding of an additional term of the United States district court for the southern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RETIRED OFFICERS OF THE ARMY.

Mr. MOREY introduced a bill (H. R. No. 1640) relative to retired officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARLAN J. PHELPS.

Mr. SYPHER introduced a bill (H. R. No. 1641) for the relief of Harlan J. Phelps; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JACOB P. CLARK.

Mr. SMITH, of Ohio, introduced a bill (H. R. No. 1642) for the relief of Jacob P. Clark, late register of the United States land office at Olympia, Washington Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

METROPOLITAN POLICE OF THE DISTRICT.

Mr. MONROE, at the request of a citizen of the District of Columbia, introduced a bill (H. R. No. 1643) to further amend the act to create the Metropolitan-police board, approved August 6, 1861; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HANNAH E. CURRIE.

Mr. BUNDY introduced a bill (H. R. No. 1644) granting a pension to Hannah E. Currie, mother of Samuel E. Currie, late of the Thirty-third Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. REYNOLDS.

Mr. BUNDY also introduced a bill (H. R. No. 1645) granting a pension to John W. Reynolds, late assistant provost-marshal of Hocking County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARINE-HOSPITAL GROUNDS, CLEVELAND.

Mr. PARSONS introduced a joint resolution (H. R. No. 47) for leasing the marine-hospital grounds at Cleveland, Ohio, to the city of Cleveland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MERCY PAIGE.

Mr. LAMISON introduced a bill (H. R. No. 1646) for the relief of Mercy Paige, heir of Samuel Nay, a captain in the war of the Revolution; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

WILLIAM B. HALE.

Mr. BANNING introduced a bill (H. R. No. 1647) to authorize the Commissioner of Patents to receive and entertain the application of William B. Hale for letters-patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CASSANDRA THORN.

Mr. BERRY introduced a bill (H. R. No. 1648) granting a pension to Cassandra Thorn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. M. MURPHY.

Mr. NEAL introduced a bill (H. R. No. 1649) for the relief of M. M. Murphy, of Brown County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. BARNES.

Mr. DANFORD introduced a bill (H. R. No. 1650) removing disability from James W. Barnes, late a private in Company I, Twentieth Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN S. MANNING.

Mr. SPRAGUE introduced a bill (H. R. No. 1651) for the relief of Lieutenant John S. Manning, late of Company A, One hundred and sixteenth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM D. L. STANLEY.

Mr. SPRAGUE also introduced a bill (H. R. No. 1652) for the removal of the charge of desertion from Private William D. L. Stanley, Company I, Ninety-second Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY A. MILES.

Mr. READ introduced a bill (H. R. No. 1653) for the benefit of Henry A. Miles, of Nelson County, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREE-MASONS, ETC., OF WOODSONVILLE, KENTUCKY.

Mr. READ also introduced a bill (H. R. No. 1654) for the benefit of the Christian church and Masonic Lodge of Free-Masons at Woodsonville, Hart County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. MIDDLETON AND THOMAS CHESHER.

Mr. READ also introduced a bill (H. R. No. 1655) for the benefit of James A. Middleton and Thomas Chesher, of Larue County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM F. PEAKE AND OTHERS.

Mr. ARTHUR introduced a bill (H. R. No. 1656) to pay back to William F. Peake, W. J. Parker, and M. Alexander, of the county of Trimble, in the State of Kentucky, $500 each, for so much money expended by them for substitutes in the Army under the draft of September, 1864, from which they were at the time legally exempt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATRICK MURPHY.

Mr. ARTHUR also introduced a bill (H. R. No. 1657) for the relief of Patrick Murphy, a Union scout in the service of the United States in the State of Kentucky from June, 1862, to April, 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS RED RIVER.

Mr. ADAMS introduced a bill (H. R. No. 1658) authorizing the construction of a bridge across Red River at or near Colbert's Ferry; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN SMITH.

Mr. DURHAM introduced a bill (H. R. No. 1659) granting a pension to John Smith, of Wayne County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. TYLER.

Mr. MILLIKEN introduced a bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. M. ALEXANDER.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 1661) for the relief of J. M. Alexander, of the State of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PHILLIPS.

Mr. NUNN introduced a bill (H. R. No. 1662) for the relief of William Phillips, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FLEMING JORDAN.

Mr. NUNN also introduced a bill (H. R. No. 1663) for the relief of Fleming Jordan, of Maysville, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. HINTON.

Mr. NUNN also introduced a bill (H. R. No. 1664) for the relief of James M. Hinton, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THIRTEENTH TENNESSEE CAVALRY.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 1665) to remove the charge of desertion against certain privates of the Thirteenth Tennessee Volunteer Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES H. BEAL.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 1666) granting a pension to James H. Beal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUNDING THE INTERNAL-REVENUE TAXES.

Mr. BRIGHT introduced a bill (H. R. No. 1667) refunding internal-revenue taxes improperly assessed and collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOLDIERS OF THE INDIAN WAR, ETC.

Mr. BRIGHT also introduced a bill (H. R. No. 1668) to place the soldiers of the Indian war of 1836 and the soldiers of the Mexican war on the pension-roll; which was read a first and second time.

Mr. BRIGHT. I move that it be referred to the Committee on Revolutionary Pensions and War of 1812.

The SPEAKER. It does not belong to that committee, but to the Committee on Invalid Pensions, to which the same subject has been referred.

Mr. BRIGHT. I should prefer to have it go to the Committee on Revolutionary Pensions and War of 1812.

The SPEAKER. The Committee on Revolutionary Pensions and War of 1812 confine themselves to those two wars.

Mr. BRIGHT. Very well; let it go to the Committee on Invalid Pensions.

The bill was referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION TO LOYAL CITIZENS.

Mr. BRIGHT also introduced a bill (H. R. No. 1669) to amend certain acts giving compensation to loyal citizens in the insurrectionary States.

Mr. BRIGHT. I move that be referred to the Committee on Claims.

The SPEAKER. This bill, it seems to the Chair, ought to be referred to the Committee on War Claims.

Mr. BRIGHT. Either the Committee on Claims or the Committee on War Claims has jurisdiction over it.

Mr. LAWRENCE. It seems to refer to claims growing out of the war, and ought to go to the Committee on War Claims.

The bill was referred to the Committee on War Claims, and ordered to be printed.

GEORGE H. PURDY.

Mr. HUNTER introduced a bill (H. R. No. 1670) granting a pension to George H. Purdy, late major of the Fourth Regiment Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURVEY OF WOLF LAKE, INDIANA.

Mr. PACKARD introduced a bill (H. R. No. 1671) to provide for the survey of Wolf Lake and its opening into Lake Michigan, in the State of Indiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POSTAGE ON PERIODICALS, ETC.

Mr. TYNER introduced a bill (H. R. No. 1672) to fix the rate of postage on newspapers, periodicals, and miscellaneous mail matter, and to provide for the prepayment of the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ISAAC STEVENS.

Mr. HOLMAN introduced a bill (H. R. No. 1673) granting a pension to Isaac Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAQUELINE ROBERTS.

Mr. HOLMAN also introduced a bill (H. R. No. 1674) granting a pension to Jaqueline Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLONEL DANIEL M'CLURE.

Mr. HOLMAN also introduced a bill (H. R. No. 1675) for the relief of Daniel McClure, assistant paymaster-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

QUARTERMASTER'S DEPARTMENT.

Mr. COBURN introduced a bill (H. R. No. 1676) to authorize the payment to the Quartermaster's Department of the postal earnings of certain railroad companies indebted to the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF SUNDRY CIVIL BILL.

Mr. COBURN also introduced a bill (H. R. No. 1677) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST QUARTERMASTER SERGEANTS.

Mr. COBURN also introduced a bill (H. R. No. 1678) to provide for post quartermaster sergeants; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY ACADEMY BAND.

Mr. COBURN also introduced a bill (H. R. No. 1679) to provide for the Military Academy band and to fix the pay of its members; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALE OF ARSENALS.

Mr. COBURN also introduced a bill (H. R. No. 1680) to provide for the sale of certain arsenals; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARSENAL OF CONSTRUCTION, ETC.

Mr. COBURN also introduced a bill (H. R. No. 1681) to provide for an arsenal of construction, a powder depot, experimental grounds, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUREAU OF ARCHITECTURE.

Mr. HAWLEY, of Connecticut, (by request,) introduced a bill (H. R. No. 1682) to provide for a bureau of architecture; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BRANCH MINT, CHICAGO.

Mr. BARRERE introduced a bill (H. R. No. 1683) to establish a branch mint of the United States at Chicago, in the State of Illinois; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CORNELIUS FITZGERALD.

Mr. McNULTA introduced a bill (H. R. No. 1684) granting a pension to Cornelius Fitzgerald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDUCTION OF ARMY STAFF.

Mr. HURLBUT introduced a bill (H. R. No. 1685) to reduce the staff of the Army to a peace basis, and to reduce the rank and pay of certain classes of officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. CLEMENTS introduced a bill (H. R. No. 1686) to equalize the bounties of soldiers of the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AID TO RAILROADS.

Mr. BURCHARD introduced a bill (H. R. No. 1687) to prohibit territorial Legislatures from authorizing towns, counties, cities, or other municipal corporations therein, to bind themselves or their inhabitants to aid in the construction of railroads; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

CYPHERT P. GILBERT.

Mr. BURCHARD also introduced a bill (H. R. No. 1688) granting a pension to Cyphert P. Gilbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXATION OF BUFFALO HIDES.

Mr. FORT introduced a bill (H. R. No. 1689) to tax buffalo hides; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EQUALIZATION OF PENSIONS.

Mr. FORT also introduced a bill (H. R. No. 1690) to equalize the pensions of soldiers and seamen who have lost an arm or leg, and to increase the same; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS RIDGWAY.

Mr. HYDE introduced a bill (H. R. No. 1691) for the relief of Thomas Ridgway; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AID TO SCHOOLS IN MISSOURI.

Mr. FORT presented a memorial of the Legislature of the State of Missouri, asking an appropriation of public lands for the support of schools in certain fractional townships in said State; which was referred to the Committee on Education and Labor, and ordered to be printed.

PUBLIC BUILDINGS AT KANSAS CITY.

Mr. STANARD presented concurrent resolutions of the Missouri Legislature, requesting an appropriation by Congress for the erection of a custom-house and post-office building at Kansas City, Missouri, and the establishment of a United States district court at the same place; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also presented concurrent resolutions of the Missouri Legislature, requesting an appropriation by Congress for the erection at Kansas City, Missouri, of a custom-house and post-office building; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ZEBINA F. RAWSON.

Mr. GLOVER introduced a bill (H. R. No. 1692) for the relief of Zebina F. Rawson, of Shelby County, Missouri, formerly a soldier in Company G, Fourth Artillery Regulars, and late a soldier of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, granting him a pension of sixteen dollars per month during his life-time; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL LANDS IN MISSOURI.

Mr. GLOVER also presented a concurrent resolution of the General Assembly of the State of Missouri in relation to school lands in all fractional townships numbered 67, in ranges 8 to 42 west of the fifth principal meridian; which was referred to the Committee on Education and Labor, and ordered to be printed.

INDIAN PEACE COMMISSIONERS.

Mr. HAVENS introduced a bill (H. R. No. 1693) to authorize the employment of Army officers to constitute a board of peace commissioners for the Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CAROLINE COLLIER.

Mr. HATCHER introduced a bill (H. R. No. 1694) for the relief of Caroline Collier, widow of the late Samuel C. Collier, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARMSTRONG O'HARA.

Mr. HATCHER also introduced a bill (H. R. No. 1695) granting a pension to Armstrong O'Hara, late a private in Company F, Forty-seventh Missouri Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESTERN RIVERS.

Mr. STONE introduced a bill (H. R. No. 1696) appropriating $150,000 for the removal of sunken wrecks and snags which obstruct the channel-ways of the Mississippi, Missouri, and Arkansas Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REFUNDING OF MONEY.

Mr. SNYDER introduced a bill (H. R. No. 1697) authorizing the refunding of purchase money for certain swamp and overflowed lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHIPPEWA INDIANS.

Mr. HUBBELL introduced a bill (H. R. No. 1698) for the relief of L'Anse and Vieux de Sert bands of the Chippewa Indians in the State of Michigan; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADA L. HARRISON.

Mr. BURROWS introduced a bill (H. R. No. 1699) granting a pension to Ada L. Harrison, a minor child of Samuel Harrison, late a private in Company I, Eighty-ninth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS IN MICHIGAN.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 1700) to amend an act entitled "An act for the restoration to market of certain lands in Michigan," approved June 10, 1872; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES W. LONG.

Mr. BRADLEY introduced a bill (H. R. No. 1701) for the relief of James W. Long, late a captain in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAGINAW RIVER.

Mr. BRADLEY also introduced a bill (H. R. No. 1702) for the improvement of the Saginaw River, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JANE D. BRENT.

Mr. FIELD introduced a bill (H. R. No. 1703) granting a pension to Jane D. Brent, of Detroit, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB GUTHEART.

Mr. FIELD also introduced a bill (H. R. No. 1704) to authorize the payment of a bounty to Jacob Gutheart, of Detroit, Michigan, late a private in the Ninth Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH SAWYER.

Mr. FIELD also introduced a bill (H. R. No. 1705) for the relief of Joseph Sawyer, of Detroit, Michigan, late acting master in the Navy of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OPENING OF A STREET.

Mr. FIELD also introduced a bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WESLEY WOOD.

Mr. FIELD also introduced a bill (H. R. No. 1707) to relieve Wesley Wood, late a private in Company E, Ninth Michigan Infantry Volunteers, from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BERNARD B. SMITH.

Mr. FIELD also introduced a bill (H. R. No. 1708) for the relief of Bernard B. Smith, late a private in Company A, First Regiment United States Cavalry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THE CONGRESSIONAL RECORD.

Mr. HUBBELL introduced a bill (H. R. No. 1709) to regulate the debates on Saturday, and to prevent the publishing in the CONGRESSIONAL RECORD of already published treatises, and of newspaper articles or editorials; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MATAGORDA BAR, TEXAS.

Mr. HANCOCK introduced a bill (H. R. No. 1710) making appropriations for removing obstructions and deepening the channel on the bar at Matagorda, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

W. R. AND J. A. STRUNK.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 1711) granting a pension to W. R. Strunk and Jasper A. Strunk, minor children of Daniel Strunk, a deceased soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BOX.

Mr. LOUGHRIDGE also introduced a bill (H. R No. 1712) for the relief of John Box; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BIGSBY E. DODSON.

Mr. PRATT introduced a bill (H. R. No. 1713) for the relief of Bigsby E. Dodson, of Hardin County, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LONGEVITY ALLOWANCE TO ARMY OFFICERS.

Mr. RUSK introduced a bill (H. R. No. 1714) to equalize the credits of officers in the regular Army in computing longevity allowance of pay; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARIEL K. BAILEY.

Mr. BARBER introduced a bill (H. R. No. 1715) granting a pension to Ariel K. Bailey, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

GRAIN-BAGS.

Mr. CLAYTON introduced a bill (H. R. No. 1716) to admit free of duty jute and grain bags which have been used and returned to the United States, and to reduce duty on burlaps and manufactured grain-sacks; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PLACER MINING LANDS.

Mr. PAGE introduced a bill (H. R. No. 1717,) relating to placer mining lands in the State of California; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. HOUGHTON introduced a bill (H. R. No. 1718) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GRAIN-BAGS.

Mr. LUTTRELL presented a concurrent resolution of the Legislature of the State of California, asking Congress to provide for the admission free of duty of jute grain-sacks and burlaps; which was referred to the Committee on Ways and Means, and ordered to be printed.

EZRA H. FOSTER.

Mr. DUNNELL introduced a bill (H. R. No. 1719) granting a pension to Ezra H. Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS OF THE REVOLUTION.

Mr. DUNNELL also introduced a bill (H. R. No. 1720) supplementary to an act granting relief to certain officers and soldiers of the Revolution; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

INTERNATIONAL LAND AND IMMIGRATION COMPANY.

Mr. DUNNELL also introduced a bill (H. R. No. 1721) to incorporate the International Land and Immigration Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARTHA WOLD.

Mr. STRAIT introduced a bill (H. R. No. 1722) granting a pension to Martha Wold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI PETTYJOHN.

Mr. STRAIT also introduced a bill (H. R. No. 1723)for the relief of Eli Pettyjohn, of Minnesota; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OSAGE LANDS IN KANSAS.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 1724) to authorize legal proceedings in the courts of the United States to determine the status of the title of the Osage ceded lands in Kansas; which was read a first and second time, and, with a joint memorial of the Legislature of the State of Kansas relating to the same, referred to the Committee on the Judiciary, and ordered to be printed.

BLACK BOB INDIAN LANDS IN KANSAS.

Mr. COBB, of Kansas, also introduced a bill (H. R. No. 1725) for the sale of the Black Bob Indian lands in the State of Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NATHAN STARK, JAMES B. AND RICHARD KITCHEN.

Mr. LOWE introduced a bill (H. R. No. 1726) for the relief of Nathan Stark, James B. and Richard Kitchen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. R. BENJAMIN.

Mr. CROUNSE introduced a bill (H. R. No. 1727) for the relief of J. R. Benjamin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

KILLING OF BUFFALO.

Mr. McCORMICK introduced a bill (H. R. No. 1728) restricting the killing of the bison, or buffalo, on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES H. FRANK.

Mr. CHIPMAN introduced a bill (H. R. No. 1729) for the relief of Charles H. Frank; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLICATION OF LAWS IN THE DISTRICT.

Mr. CHIPMAN also introduced a bill (H. R. No. 1730) relative to the publication of the laws in the District of Columbia; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CHERRIE M. LEVY.

Mr. CHIPMAN also introduced a bill (H. R. No. 1731) for the relief of Cherrie M. Levy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The States and Territories having now been called through, the Chair will recognize gentlemen who were not in when their States were called, and who wish to introduce bills or joint resolutions. He will, however, again remind members that the House meets at twelve o'clock.

ELIZABETH WHITE.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 1732) granting a pension to Elizabeth White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUSTOMS LAWS.

Mr. MELLISH introduced a bill (H. R. No. 1733) to amend customs laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WOMEN CITIZENS OF TERRITORIES.

Mr. MELLISH also introduced a bill (H. R. No. 1734) to relieve the women citizens of the Territories from political disabilities; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MELLISH. I ask for the reading of this bill. It is very short.

The SPEAKER. It will be read, if there be no objection.

Several MEMBERS objected.

EDWARD BRADY.

Mr. MYERS introduced a bill (H. R. No. 1735) for the relief of Edward Brady, of Philadelphia; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENT OF THE BANKRUPT LAW.

Mr. MYERS also introduced a bill (H. R. No. 1736) to amend the

bankrupt law, enforcing a settlement of claims against a debtor whenever an agreement for such settlement shall be signed by the debtor and three-fourths in value and number of the creditors; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TERRITORIAL COURTS.

Mr. POLAND introduced a bill (H. R. No. 1737) concerning the practice in territorial courts and appeals therefrom; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GRAIN AND FRUIT CULTURE.

Mr. HOSKINS introduced a bill (H. R. No. 1738) to encourage improvement in grain, fruit, and vegetables, and discoveries that may benefit the public; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

COURT OF ALIEN CLAIMS.

Mr. LAWRENCE introduced a bill (H. R. No. 1739) to establish a court of alien claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONNECTICUT HISTORICAL SOCIETY.

Mr. HAWLEY, of Connecticut, introduced a joint resolution (H. R. No. 48) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN JONES.

Mr. KILLINGER introduced a bill (H. R. No. 1740) granting a pension to Ann Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE, NEW HAVEN HARBOR, CONNECTICUT.

Mr. KELLOGG introduced a bill (H. R. No. 1741) appropriating $50,000 for continuing the work on the light-house on Southwest Ledge, New Haven Harbor, Connecticut; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PAYMENTS BY UNITED STATES OFFICERS.

Mr. JEWETT introduced a bill (H. R. No. 1742) providing for the restraining of certain officers of the United States from paying money involved in suits, &c.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACKSON, TENNESSEE RIVER AND BIRMINGHAM RAILROAD.

Mr. SLOSS introduced a bill (H. R. No. 1743) granting the right of way to the Jackson, Tennessee River and Birmingham Railroad Company through the public domain, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

QUIETING ALABAMA LAND TITLES.

Mr. SLOSS also introduced a bill (H. R. No. 1744) to quiet title of certain lands in the State of Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES MARKLEIN.

Mr. CREAMER introduced a bill (H. R. No. 1745) for the relief of Charles Marklein, late sutler of the One hundred and seventy-eighth New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAVINGS-BANKS.

Mr. SCUDDER, of New York, introduced a bill (H. R. No. 1746) for the relief of savings-banks and institutions; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

STEVEDORES' MARITIME LIEN.

Mr. SCUDDER, of New York, also introduced a bill (H. R. No. 1747) to create a maritime lien for stevedores' services on sea-going vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN KELLEY.

Mr. CURTIS introduced a bill, (H. R. No. 1748) granting a pension to John Kelley; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ISAAC MILLER.

Mr. CURTIS also introduced a bill (H. R. No. 1749) granting a pension to Isaac Miller; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ELIZABETH PORTER.

Mr. CURTIS also introduced a bill (H. R. No. 1750) granting a pension to Elizabeth Porter; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

SETH BARNEY.

Mr. RUSK introduced a bill (H. R. No. 1751) granting a pension to Seth Barney, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PRIVATE LAND CLAIMS, NEW MEXICO.

Mr. ELKINS introduced a joint resolution (H. R. No. 49) explanatory of the second section of an act of Congress approved March 3, 1859, entitled "An act to confirm certain private land claims in the Territory of New Mexico;" which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

EDUCATIONAL INTERESTS.

Mr. POLAND, by unanimous consent, presented the following resolution; which was read, and referred to the Committee on Education and Labor.

The Clerk read as follows:

Resolved, in the opinion of the Vermont State Teachers' Association, That the proceeds of the sales of the public lands belonging to the United States should be devoted to the promotion of educational interests; and we request the Senators and Representatives from this State in Congress assembled to use their influence to secure this result.

JACOB SPAULDING,
C. S. HALSEY,
R. G. WILLIAMS,
Committee.

TRANSFER OF JUDGMENTS AND DECREES.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 1752) authorizing the transfer of judgments and decrees from one United States court to another; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTRODUCTION OF BILLS.

The SPEAKER. Gentlemen of the House will observe that a large margin has been granted in reference to the submission of bills on Monday. The Chair has extended it beyond what the rules suggest, and has endeavored to prevent the offering of bills during the week, several times having requested members of the House to confine themselves to Monday. Hereafter he will require any gentleman desiring to refer a bill during the week to state the exigency why the bill cannot remain to the following Monday. That is fair. The Chair will rigidly insist on that rule.

DISTRICT OF COLUMBIA.

Mr. WILSON, of Indiana. Mr. Speaker, before sending to the Clerk's desk the papers I now hold in my hand, I ask the consent of the House to make a statement. These papers have reference to the affairs of the District of Columbia.

I have here four memorials touching the affairs of the District of Columbia, which have been handed to me with the request that I would submit them to the House with a resolution asking for a joint select committee touching the investigation of the affairs of this District. One of these memorials is by Columbus Alexander and others, residents of the District, and property-holders here, as I am informed; another is by W. W. Corcoran, G. W. Riggs, and others, with reference to the same subject; another is by Columbus Alexander, for himself and his associates; and the other is a memorial which was presented by the governor of this District to the Senate a few days ago, with reference to which perhaps we are familiar, and which has been made an exhibit to the last memorial to which I have referred. Before sending these papers to the Clerk's desk, and submitting a motion to suspend the rules and pass the resolution which will accompany them, I desire to say a word in regard to my attempt to get the floor on last Monday with reference to this same subject, in relation to which some erroneous impressions have existed and publications made reflecting on the Speaker of this House.

Two of these memorials were placed in my hands, on last Monday, with the request that on that day I should present them to the House. I did endeavor to present them to the House. I sought for a considerable time to get the floor, in common with a great many other gentlemen, and in common with them I was disappointed in procuring it. Finally, just before the West Virginia election cases came up, when there was some matter pending before the House, I forget what, I went to the Speaker and told him what I had been requested to do, and that I desired to get the floor, for the purpose of submitting a resolution to the House. The Speaker then informed me that there was a great pressure for the floor; that a number of gentlemen had been seeking it; but that after the matter which was then pending was disposed of he would try to recognize me; and, also, in the same connection he stated to me that he desired very much to recognize my friend from Minnesota, who sits on my left, [Mr. DUNNELL,] and that he would endeavor to give us the floor.

Immediately after that, or soon after I had returned to my seat, I received information that the gentleman from New York, [Mr. SMITH,] the chairman of the Committee on Elections, was insisting upon it that the Speaker should recognize him for the purpose of bringing up the West Virginia election cases, which had been under discussion for several days. I then came to the conclusion that the Speaker would not feel himself warranted in withholding a motion from the House to take up those cases, and I abandoned the idea of getting the floor for the present. I did, however, seek the floor, but the Speaker

recognized the gentleman from New York, [Mr. SMITH,] and the House took up the West Virginia election cases and proceeded with them.

I went back to the Speaker after the House had taken up these cases and had another conversation with him upon the subject. He told me then that if, after the House had passed from the consideration of the election cases that afternoon, I desired and was willing to take the risk of submitting the matter to a thin House he would give me the floor that afternoon; but if I did not choose to have it then I would have the first recognition to-day for the purpose of bringing the matter to the consideration of the House.

All this occurred between the Speaker and myself on last Monday, before there had been any sort of comment upon the subject. I desire to state to the House, as I stated but a moment ago, that the Speaker informed me that if I would submit the question to a thin House after the House had passed from the consideration of the West Virginia election cases he would give me the floor for that purpose. I did not think it prudent under the circumstances to take it then, and preferred to wait till this morning. I stated to the Speaker that I would wait till this morning; and with that arrangement I now have the floor.

I make this statement in justice to the Speaker and in justice to myself. And I want to say one word further in justice to myself with reference to this matter being in my hands at all. It is not a matter of my seeking. It came to my hands unexpectedly, and I had no expectation that I should be selected for the purpose of bringing it to the attention of the House. But it having been offered to me, and there having been so much said in the public press in reference to the affairs of the District of Columbia, especially in that part of the country which I in part represent, I did not feel that I could refuse; indeed I felt it to be my duty when a matter of this kind was brought to my notice with the request that I should submit it to the House, to do so. Not that I desire to have anything to do with an investigation of this kind. I have had enough to do with these investigations to know that the duties are thankless in their character and that they involve an immense amount of very hard labor.

But I said to these gentlemen when these memorials came into my hands that so far as their mere local affairs were concerned, and their mere matters of local taxation, it was not a subject that affected the interests of my constituents, or of the tax-payers of the country at large; but that there was a subject connected with it with reference to which my constituents and the people of the whole country had an interest, and that was this: That it was understood that this Congress was to be called upon to appropriate about four and a half million dollars, in consequence of the improvements that had been made in the District of Columbia; and therefore that, if I submitted a resolution to this House, I should incorporate in that resolution the provision that this joint select committee, if appointed, should take into consideration that question, and inform the Congress of the United States and the country whether or not there was any just ground upon which Congress could be called upon to vote this enormous sum of money, or any other sum of money, out of the Treasury of the United States, and with that understanding, and with that statement to these gentlemen, I took their memorial and resolution. I now send them to the Clerk's desk with the accompanying resolution, and I move that the rules be suspended and the resolution passed.

The SPEAKER. In connection with what the gentleman from Indiana has just said, the Chair desires to make one general observation, and that is that gentlemen seeking the floor for a suspension of the rules on Monday greatly facilitate their ends by notifying the Speaker of the object they have in view. There is, every Monday, a much larger number seeking the floor than can be accommodated in a single day, and the Chair must necessarily exercise discretion in assigning the floor, having regard primarily to the relative public importance of the questions presented by different members. The Chair thinks that in his five years' service no member from either side of the House, having a question of public importance to submit, has ever failed to get the floor when the Chair was advised of the object. Had the Chair known what motion the gentleman from Indiana intended to submit on Monday last, it would have been his duty as well as his pleasure to recognize him.

The rules provide that the member first addressing the Chair shall be recognized; but where fifteen or twenty address him at the same moment, some other mode of assigning the floor must, of necessity, be resorted to; and there is none so fair as to award precedence according to the relative importance of the motions; and this decision can be made only by the Speaker knowing what subject a member seeking the floor proposes to submit to the House. To show how well this rule works the Chair begs to repeat that he has never heard a complaint that any matter of importance failed to reach the attention of the House.

The resolution of the gentleman from Indiana will now be read.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives of America in Congress assembled, That a joint select committee be appointed, consisting of three Senators, to be appointed by the President of the Senate, and five members of the House, to be appointed by the Speaker of the House, whose duty it shall be to inquire into the matters specified in the petition of W. W. Corcoran and others; whether unlawful contracts have been made for improvements in the District of Columbia; whether unlawful assessments and taxes have been levied; the actual cost of such improvements; the amount agreed to be paid therefor; whether correct measurements have been made; the existing indebtedness thereof, and what, if any, portion of such indebtedness was created on account of Government property, and may be properly paid out of the Treasury of the United States; that said committee shall have power to employ a clerk and stenographer, to administer oaths, and send for persons and papers, and shall report to the Senate and House of Representatives.

Mr. G. F. HOAR. I would inquire whether it is in conformity with custom to specify the number of members of the Senate who should be appointed on a committee like this?

The SPEAKER. The Chair will state, in the first place, that this should be a concurrent resolution, and not a joint resolution, and the Chair will so regard it. The usage has been both ways; but propriety dictates that the House should allow the Senate to name what number they choose to constitute their share of the joint committee.

Mr. GARFIELD. I desire to call the attention of the Chair to the question whether the authorization for the employment of a stenographer of a joint committee like this applies to the stenographers of the House; would they be required to do the work?

The Committee on Appropriations were informed this morning that the stenographers of the committees of the House are much overburdened with work, and the question of their compensation is under consideration. I would like to know from the mover of this resolution, or from the Speaker, whether this resolution would throw this additional work upon the stenographers of the House.

The SPEAKER. Heretofore the custom has been that where a joint committee is authorized to employ a stenographer, they employ an independent stenographer, and that would be the construction, the Chair thinks, of this resolution.

Mr. KASSON. I wish to ask the gentleman who moves this resolution to allow one clause to be added to it, and it is this: "and to inquire what amendment of the organic act is necessary to further protect the people and the disbursement of the moneys of the District." I do it for this reason. The school-teachers in this District have not been paid since September; no part of the taxes raised have been appropriated in that direction at all. I am informed that the school fund is mixed up in the treasury with the general fund, and I therefore suggest that as the committee are going into this whole subject they inquire what amendment of the organic act is necessary to further protect the rights of the people or to control the disbursement of moneys.

Mr. BUTLER, of Massachusetts. I would call the attention of the gentleman from Iowa to the fact that there is before the Judiciary Committee a resolution on this subject, and they are going into an inquiry as to the laws regulating the District of Columbia, and as to the relations that the District of Columbia bears to the General Government.

Mr. KASSON. That may be true, but the attention of this particular committee is to be to specific evils, and I think they ought to be permitted to inquire into this matter as well as the others named in the resolution, as they would be more likely to do it thoroughly than would the Committee on the Judiciary.

Mr. WILSON, of Indiana. I have no personal objection to the amendment. As originally drawn it meets the case made by the several memorials.

Mr. KASSON. Let them have authority to report such amendment as may be necessary to the organic act.

Mr. WILSON, of Indiana. I have no objection whatever to that.

Mr. COX. Some of the Metropolitan police have been to see me to-day, and they have not been paid since June last. Their fund is somewhat mixed up with the general fund; at least I am informed so.

Congress, by a law passed on the 3d of March last, appropriated some $207,000 to pay the Metropolitan police, provided the sum of $100,000 or more was raised by a tax levied in this city. The police have been paid the amount appropriated by Congress, but no amount has been derived from a tax levied by the city. Yet by that law the appropriation by Congress was made on the condition that this tax should be levied by the city. These policemen have not been paid, as I have said, since June or May last. I would like to have this subject also investigated by the proposed joint select commitcee among the rest of their investigations.

I shall offer, when the resolution of the gentleman from Indiana [Mr. WILSON] shall have been adopted, a resolution referring to this action by Congress, and ask that my resolution may be referred to that committee for investigation likewise. I think the same course might be properly taken in respect to the school-teachers and the school fund of the District. I suggest that all these matters may be referred to the joint committee when raised.

Mr. WILSON, of Indiana. I have brought to the attention of the House these matters to which my attention has been called. These abuses to which the gentleman refers, if there have been any such, I have never heard of.

Mr. COX. I do not speak of my own knowledge; I only speak from information given to me.

Mr. POLAND. Much that my friend from Indiana [Mr. WILSON] said in his remarks before offering this resolution was in its nature personal, having more reference to himself and the Speaker and to newspapers than to his resolution.

Mr. MAYNARD. If the gentleman from Vermont [Mr. POLAND] will elevate his voice a little we can hear him better.

Mr. POLAND. If other persons will lower theirs it would answer the same purpose, perhaps.

I desire to say a word or two in the line of the remarks of the gentleman from Indiana, [Mr. WILSON.]

On last Monday I offered a resolution directing the Committee on the Judiciary of this House to inquire into the legal relations between the General Government and the government of the District of Columbia, and to see whether anything could be ascertained by which a basis could be found for dividing public expenditure here between the General Government and the government of the District of Columbia. My friend from Indiana alluded to what had been said in the newspapers in relation to his attempt on last Monday to offer the resolution which he now offers. In that very connection I desire to say a word in reference to what I have seen in the newspapers coupling his offer, which it seems was not successful, with mine, which was.

It is very true that the resolution that I offered, and which was adopted by more than two-thirds of this House, was not drawn by me. It was offered at the desire and request of various people of this District, and I do not suppose that that desire to have the General Government bear as large a proportion of the expenditure here as they will is confined to any one class of people in this District. However much they may disagree in other respects, I think that they are all abundantly willing that the General Government shall do their full share toward the public expenditure here.

It has been said, and said in connection with the resolution which my friend now offers, and which he desired to offer last Monday—it has been said by some gentleman who I suppose is now within the sound of my voice, that the very purpose and object of the resolution which I offered was to cover up a great variety of frauds and corruption in this District, and that he understood that I had the report already drawn that was to be presented to Congress upon that subject.

Mr. Speaker, I do not suppose that any report would be presented upon the subject until it should be considered by the Committee on the Judiciary. Precisely what report the Committee on the Judiciary would see fit to make after they had made inquiry into the subject was more than I knew then, and is more than I know now.

The resolution that I offered was upon its face, as I thought, entirely innocent. If any information could be derived by an inquiry by the Committee on the Judiciary that would be beneficial to the people of this District, and would show that the General Government ought to do more than they had done toward the public expenditure here, the people of this District were entitled to the benefit of it. If, on the other hand, the inquiry by the Committee on the Judiciary, and the report by them, will show that the General Government had done more than their share, then the General Government was entitled to the benefit of that showing. I am not aware that any member of the Committee on the Judiciary desires, certainly I have no desire, to have it so appear, that the General Government should do more than they have done, unless there is something to be disclosed by the inquiry into this matter that shall make it right for it to do so.

In relation to this particular resolution offered by my friend from Indiana [Mr. WILSON] it seems to me that instead of this cumbrous machinery of a joint committee of the two Houses it would he altogether better to have the subject referred to the Committee on the District of Columbia. I know no reason why an affair that applies so exclusively to the District of Columbia as this does should not be referred to the Committee on the District of Columbia. Certainly the gentleman who will have the conduct of the investigation, the charge of it, my friend from New York, [Mr. HALE,] who is chairman of the Committee on the District of Columbia, is quite as competent to conduct an investigation thoroughly and fairly as any man on this floor. It seems to me altogether more appropriate that this subject should be referred to that committee than to have this machinery of a joint committee of the two Houses. I suppose it is not in order to move an amendment to a motion to suspend the rules.

The SPEAKER. The motion to suspend the rules is not amendable.

Mr. POLAND. I suggest to my friend from Indiana whether the course which I have indicated is not the most advisable?

Mr. HALE, of New York. I ask permission to say a word on this resolution. I have had no opportunity to consult my colleagues on the District Committee, with the single exception of the Delegate from the District, [Mr. CHIPMAN,] who is a member of the committee under the standing rule of the House, and who has expressed to me his own ideas on this subject. The resolution, as introduced, covers certain matters which are undoubtedly strictly within the ordinary province of the standing Committee on the District of Columbia in this House, and the corresponding standing committee on the part of the Senate. The resolution contains also a reference to other matters, which I think are not within the scope of the jurisdiction of that committee, except by special order of the House.

The Delegate from the District has indicated to me his entire unwillingness to be put, or to have the Committee on the District put, in any position which by any fair construction can give rise to the imputation of a disposition to suppress any investigation of the affairs of the District. Certainly, so far as I am concerned, nothing is further from me than any disposition of that kind. So far, therefore, as regards the investigation into frauds in contracts——

Mr. HAWLEY, of Connecticut. I rise to a point of order. It is impossible for us in this part of the House to hear the gentleman, unless we leave our seats for the purpose.

The SPEAKER. The House is at present unusually quiet; the difficulty of hearing is not owing to any disorder now prevailing. The gentleman from Connecticut [Mr. HAWLEY] must address his suggestion to the gentleman who is speaking.

Mr. HAWLEY, of Connecticut. I desire to get the gentleman back to his own seat and to have him speak a little louder.

Mr. HALE, of New York. The first point the gentleman can carry; the second I fear he cannot.

The SPEAKER. It is not within the power of the Chair to dictate the tone of voice in which gentlemen shall address the House.

Mr. HALE, of New York. So far, therefore, as concerns these matters outside the ordinary and legitimate province of the committee, I for one very much prefer that they should go to a select committee, instead of the standing Committee on the District. Whether this select committee shall be a joint committee or one made up from this House, I am entirely indifferent.

The subject of the extent of the indebtedness of the District and the liability of the United States for any part of that indebtedness is so intimately connected with the other subjects of inquiry named in the resolution, that I can see no good reason for separating these matters. I therefore say with entire frankness, so far as I am concerned—and I apprehend that in this I speak the general sentiment of the committee of which I have the honor to be chairman—that they certainly are entirely willing that these matters of investigation should be intrusted by the House to a select committee instead of the standing committee for the District.

Other suggestions have been made by different gentlemen upon the floor, among others the gentleman from Iowa, [Mr. KASSON,] and my colleague from New York, [Mr. COX,] which strike me as not properly and directly connected with the subject of inquiry on which the resolution of the gentleman from Indiana is based. Hence, it seems to me, they may properly be omitted from this resolution, and that if any inquiry is to be made, it may be had in the ordinary course—through the standing committees of the House.

Mr. ELDREDGE. Mr. Speaker, in connection with the suggestion of the gentleman from Vermont, [Mr. POLAND,] that this matter should be referred to the District Committee, I have but a word to say. Several of the present members of that committee were on the same committee in the last Congress; and some, perhaps most of the subjects referred to in this resolution, or its specifications at least, were before the District Committee of the last Congress, and were by them, in my judgment, fully, carefully, and candidly considered, and a conclusion was reached by several of the members of the present committee upon those very questions. Whether that conclusion was right or wrong it is not for me now to say; but so far as I am concerned I very much prefer that some other committee than the standing Committee for the District of Columbia should make what further investigation this House and the Senate may determine ought to be made. We spent a very long time in the investigation of several of the questions now brought before the House, and, so far as I am concerned, I reached a conclusion which still commends itself to my judgment. I think, therefore, that I am not a proper person to investigate again those questions; and I hope that if an investigation is to be had, it will be done by a select committee.

I do not believe that any committee that can be appointed in this House or in the Senate will ever satisfy the persons who are complaining. If a committee of angels of the first magnitude were appointed I have no idea these persons would ever be satisfied with their report, or that the difference existing between those who ask investigation and those who are to be investigated will ever be reconciled. That is an impossibility. I do not myself wish to go through with a three months' examination again. I helped to make one fair, candid, and just examination of the affairs of this District, and I came to conclusions which I think will not be changed unless an examination by gentlemen in whom I have confidence should develop facts which were never presented in the examination made during the last Congress. I hope, therefore, that this matter will be referred to a select committee.

Mr. LEACH. I wish to ask the gentleman when that former investigation was concluded, and what was the result of it.

Mr. ELDREDGE. It is not necessary for me to state the result. I suppose that the report as made by the committee is accessible to every member of the House; and perhaps every gentleman here who has interested himself at all about the matter knows precisely what that report was. So, at all events, my friend can find much more satisfactorily to himself in the report what the conclusions were which were reached than by any statement I can make at the present moment.

Mr. MAYNARD. I wish the gentleman from Wisconsin, before he takes his seat, would state how long a time the committee were engaged in making the investigation.

Mr. ELDREDGE. The investigation lasted during a period, I think, of nearly three months; not all the time, but often during every day in the week, and with a patience, a perseverance, and a thoroughness I never saw equaled in any investigation of which I have any knowledge; and I have had pretty large experience in that way. Counsel, two or three for the complainants, were allowed and heard at great length for the memorialists; and counsel on behalf of the District authorities were also. The investigation was not only lengthy, but thorough, patient, persevering, and exhaustive. Every fact which could bear at all upon the subject, I believe, was elicited. I do not believe anything was left out.

Mr. SPEER. But two years have elapsed since that investigation was made.

Mr. ELDREDGE. Yes, sir. And I do not wish it to be understood here or elsewhere that I am opposed to investigation. I am in favor of it. I have said this morning to those interested one way or the other that I desire it shall be made; that I should vote for it; and I desire it shall be made by gentlemen in whom this House and the country have confidence; that it shall be as thorough and as complete as it can possibly be made.

Mr. PLATT, of Virginia. I desire to address an inquiry to the gentleman from Indiana [Mr. WILSON] who offered the resolution. I would like to ask him, as a lawyer, whether there is anything in this subject-matter, in reference to which he desires investigation, that is not proper matter for the properly organized courts of this District to investigate?

Mr. LOUGHRIDGE. I call for the regular order of business.

Mr. PLATT, of Virginia. I hope the gentleman will not interrupt me while asking this question.

The SPEAKER. The gentleman from Iowa makes objection to further debate.

Mr. PLATT, of Virginia. I hope the gentleman will not insist upon his objection when debate has been allowed to run on so long. I do not wish to occupy time unnecessarily, but only for a minute or two.

The SPEAKER. The gentleman has the right to object, and if he insists upon his objection the Chair must enforce it.

Mr. NIBLACK. I trust the gentleman from Iowa will withdraw his objection and allow me to make a suggestion to my colleague before the vote is taken.

The SPEAKER. The House is well aware that a motion to suspend the rules is not debatable, and the debate so far has proceeded by general consent.

Mr. PLATT, of Virginia. I hope the gentleman from Iowa will not insist on stopping the debate after he has allowed it to go on to the present time.

Mr. NIBLACK. I also wish to make a suggestion, and it is this——

Mr. LOUGHRIDGE. If it be the wish of the House that the debate should proceed I withdraw my objection.

The SPEAKER. The gentleman from Iowa having withdrawn his objection, the gentleman from Virginia is entitled to the floor.

Mr. PLATT, of Virginia. I do not want more than a minute or two, and I am glad the gentleman has withdrawn his objection. It seems to me, Mr. Speaker, these memorialists, who I understand are among the largest property-holders in this District and who have so far refused to pay the taxes assessed by the District government, are attempting to evade the expense it might cost them to go into a court of justice to have these matters properly investigated. They have already compelled the House to spend three months of time and a large amount of money.

Mr. SPEER. I object to any discussion of the merits of the resolution.

Mr. SENER. O, no; let him go on.

Mr. SPEER. I object to a discussion of the merits of the resolution, or the making of an attack upon these memorialists.

Mr. PLATT, of Virginia. I am not making an attack upon the memorialists.

Mr. MAYNARD. I will call the attention of the gentleman from Indiana to a verbal correction in his resolution. It speaks of the memorials of W. W. Corcoran and others. I find two memorials in which his name does not appear, and in the other it is not at the head of the list. I suggest, therefore, that he should say in the resolution, the memorial of John B. Clagett and others.

Mr. PLATT, of Virginia. If objection is made to my going on, then I shall object to any further debate.

Mr. CHIPMAN. I hope the House will give me one minute.

Mr. WILSON, of Indiana. I wish to say one word.

Mr. CHIPMAN. I do not mean to say anything on the merits of the resolution.

Mr. WILSON, of Indiana. My friend from Vermont has made reference to the sending of this to the Committee on the District of Columbia. Other gentlemen have spoken on the same subject. I desire simply to say that in presenting this resolution asking for a joint select committee of the two Houses I had no purpose to cast reflections upon the Committee on the District of Columbia.

Mr. PLATT, of Virginia. I insist on my objection to any debate whatever. If gentlemen insist on their objection to my going on, I demand the regular order, and object to anybody else proceeding.

Mr. SPEER. You were making an attack on these memorialists.

Mr. PLATT, of Virginia. No, sir; I was not making an attack upon these memorialists.

Mr. WILSON, of Indiana. I simply offered the resolution in that form because the memorialists asked for a resolution of that kind.

Mr. NIBLACK. I suggest to my colleague that he let the memorial and resolution go to a select committee.

Mr. PLATT, of Virginia. I object to any debate whatever.

Mr. CHIPMAN. I ask the gentleman from Virginia [Mr. PLATT] to yield to me for just one minute.

Mr. HALE, of New York. I think it is only right that, when the Delegate from the District asks to be heard on a matter of this kind, the House should allow him a hearing.

Mr. PLATT, of Virginia. If I am taken off the floor, I must object to the privilege being given to other gentlemen which is denied to me.

Mr. CHIPMAN. I ask the Chair whether I have been recognized?

The SPEAKER. The gentleman from Virginia [Mr. PLATT] insisting upon his objection, it is not within the province of the Chair to recognize the gentleman from the District of Columbia.

Mr. PLATT, of Virginia. I withdraw my objection so far as it relates to that gentleman.

Mr. CHIPMAN. Mr. Speaker, there never has been a minute since the new District government was organized that it has not been under fire. The indications are that it is under fire now. I only desire to say on behalf of the officers of the District, and I do it authoritatively, that they have never objected to any investigation that Congress has seen fit to order with regard to the affairs of the District; they never will object to any such investigation and they do not now.

In reply to the observation of the gentleman from Iowa [Mr. KASSON] in regard to the school fund of this District, I wish to inform the House that, while the gentleman was speaking, a memorandum was sent to me by one of the audience, a trustee of the public schools, stating that the question had been recently investigated by the board of school trustees, and that it was found that instead of money having been diverted, as is stated by the public press, the money is deficient, that there are not funds enough in the treasury to pay the school-teachers; and some day I intend to tell the House its duties in regard to the schools. I only wish at present, on behalf of myself and the officers of the District, to say that there is no desire on my part or theirs to shield them from any investigation on this floor. And I wish, also, to repeat that there has not been money enough in the treasury to pay the school-teachers.

Mr. COX. How in regard to the Metropolitan-police fund?

Mr. CHIPMAN. I am informed that the same is true in regard to that as in regard to the other fund. As to this investigation, I say, go on, if you choose to occupy your time in that way. It is suggested by a gentleman on my left that this deficiency has arisen from some neglect on the part of the tax-payers to pay the taxes. That is true. The tax is deficient, both in that respect and in respect to the levy. The levy is not large enough, nor have all the taxes been paid. There is no objection on the part of any officers of the local government to any investigation which Congress may see fit to order.

The SPEAKER. The gentleman from Indiana [Mr. WILSON] will state what he intends to do in reference to the amendment proposed by the gentleman from Iowa, [Mr. KASSON.]

Mr. WILSON, of Indiana. I have no objection to accepting that amendment.

The SPEAKER. The proposed amendment by the gentleman from Iowa [Mr. KASSON] will be read.

The Clerk read as follows:

And inquire and report what amendments of the organic act, if any, are necessary to further protect the rights of citizens, or regulate the disbursements and collection of moneys.

The SPEAKER. The gentleman from Indiana has the right to modify his own resolution, and what has been read will be considered as part of it.

Mr. NEGLEY. Has the gentleman from Indiana a right to accept an amendment if objected to?

The SPEAKER. Of course. Before the resolution is voted on it is absolutely within his own control. But the Chair would rule—and that may be a new ruling—that after the seconding the gentleman would not have the right to modify his resolution, because the analogy of the previous question would cut him off.

Mr. RICE. Before this resolution is submitted to a vote, I would suggest to the gentleman from Indiana to make an amendment to it. It is only a few days since that this House by its order authorized the Committee on the District of Columbia to appoint an accountant, who was sent for from a distant State. He has come to the District of Columbia, and has been busily engaged for the past month or six weeks in going over all the accounts of the different governments in this District since 1802; and the proposition was that he should bring them down to the present day for action in this House.

Now, sir, if on every day we are to have the complaint of some dissatisfied citizen of the District of Columbia, who refuses to go before the lawful authority of the District, and hopes to reach his aim by coming into this House—if that is to be the order of things I hope that with that resolution will be coupled the order to withdraw the question of that action from the Committee on the District of Columbia, and place it under the charge of this select committee. It is by no means fitting that the action of the House should be so divided, and I hope that that will be coupled with this resolution.

Mr. NEGLEY. I have risen on several occasions to ask the gentleman from Indiana to state to the House the reason he has for presenting this memorial.

The SPEAKER. That would be in the nature of debate, to which objection is made.

The question was on seconding the motion of Mr. WILSON, of Indiana, to suspend the rules and pass his resolution as modified.

Tellers were ordered; and Mr. WILSON of Indiana, and Mr. NEGLEY, were appointed.

The House divided; and the tellers reported—ayes 129, noes not counted.

So the motion to suspend the rules was seconded.

The rules were then suspended (two-thirds voting in favor thereof) and the resolution was adopted.

LEAVE OF ABSENCE.

The SPEAKER. The gentleman from Pennsylvania, [Mr. RANDALL,] who has asked for three days' leave of absence, desires to be excused from service upon the committee of conference on the resolution in regard to furnishing the CONGRESSIONAL RECORD to Senators and Members. The Chair will name Mr. SPEER, of Pennsylvania, to act upon that committee in the place of his colleague.

MISSISSIPPI RIVER.

Mr. STONE. I ask leave to submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the report of Charles W. Howell, captain of engineers, United States Army, made to Brigadier-General A. A. Humphreys, Chief of Engineers United States Army, for the year ending June 30, 1873, of the work being done at the mouth of the Mississippi River, recites, among other things, that his project for the year ending June 30, 1874, is to continue the work as heretofore, exercising what may appear proper discretion in regard to time of dredging, and the continuing of the surveys for the benefit of commerce; that the work now being done is not susceptible of permanent completion, and will require annual appropriations for its maintenance; that the failure to make appropriations would result in ruin or serious crippling of all the interests fostered by past appropriations; and whereas the work is embarrassed and even destroyed by causes beyond the control of the engineer in charge of the work by a powerful monopoly known as the "Tow-Boat Association," domiciled in New Orleans, controlling its commerce, opposed to improvements of the channels across the bars at the mouth of the Mississippi River, and having it in its power at any time to render valueless any improvements attempted; and whereas the said Tow-Boat Association did compel C. W. Howell, captain of engineers, United States Army, during the month of March, 1873, to abandon work in the Southwest Pass of the Mississippi River, after deepening the channel to eighteen feet, by running one of the deepest draught ships in port on the side of the channel, grounding and abandoning her, thus completely blocking it; and whereas when the bars are improved, small tug-boats cannot successfully compete with the Tow-Boat Association; that this association derives a large income from tugging at grounded vessels, a considerable income from lightering vessels that may be run too hard aground to be towed off, and when business is brisk a large percentage by having ships bid for the first tow in or out, together with other minor sources of revenue; and whereas when the bars are improved, towing is thrown open to competition, with consequent reduction of rates, the Tow-Boat Association, deprived of the revenue derived from tugging at grounded vessels, lightering vessels, and the percentage obtained for the first tow in or out; and whereas C. W. Howell, captain of engineers, United States Army, is powerless to fight successfully this Tow-Boat Association, owing to the fact that there is no law to which he can turn for help, notwithstanding he has means at his command abundantly able to overcome all natural obstacles to the formation and maintenance of a good channel at the mouth of the Mississippi River; and whereas this Congress owes it to the people it represents to put an end to malicious destruction to works of river and harbor improvement, which involve the ruin of a great commerce: Therefore,

Be it resolved, That the Committee on Commerce be, and is hereby, instructed to report a bill to facilitate the execution of and to protect public works of river and harbor improvements, to the end that private individuals and corporations may not destroy such works without incurring suitable penalties; as also an appropriation of not less than $150,000 to continue the work of improving the bars at the mouth of the Mississippi River, during the fiscal year ending June 30, 1875.

Mr. NEGLEY. I would ask the gentlemen from Missouri whether he offers this as a report from any committee, or whether it has been before any committee?

Mr. STONE. It has not been before any committee.

Mr. NEGLEY. Then I would ask the gentleman to have it referred to the Committee on Commerce, which is now considering this very question.

Mr. CONGER. I wish to ask the gentleman to leave out the last clause of the resolution, which instructs the committee to report an appropriation.

Mr. STONE. I prefer to ask action on the resolution at once.

Mr. NEGLEY. I trust the House will not agree to such a monstrous proposition.

The question was taken upon seconding the motion for the suspension of the rules; and, on a division, there were 57 in the affirmative.

Mr. STONE. I consent to the modification, and will strike out the last clause of the resolution, relating to an appropriation.

Mr. O'NEILL. I hope the resolution will be referred. I wish to state to the gentleman that there are statements contained in that preamble and resolution which some of my constituents want an opportunity to disprove.

Mr. HOLMAN. I object to debate.

The SPEAKER. In what respect does the gentleman modify his resolution?

Mr. STONE. By striking out the last clause of it, relating to an appropriation.

Mr. HOLMAN. That is the usual appropriation, at any rate.

Mr. O'NEILL. I hope the House will not pass this resolution even as modified.

Mr. HOLMAN. I object to debate.

Mr. SHELDON. I hope the House will listen to a suggestion.

The SPEAKER. The gentleman from Indiana objects to debate.

Mr. HOLMAN. I do not object to hearing the suggestion of the gentleman from Louisiana.

Mr. SHELDON. As I understand the preamble to the resolution, it alleges facts, and if we pass it it will be assuming that they are facts. I have no objection to the resolution, if the gentleman will insert after the word "whereas" the words "it is alleged."

Mr. O'NEILL. The statement in relation to the tow-boat company is most emphatically denied.

Mr. STONE. I will modify the preamble to the resolution by inserting after the word "whereas," where it occurs, the words "it is alleged."

Mr. NEGLEY. I hope the resolution will be referred to the Committee on Commerce, and I shall object to any amendments of the resolution.

Mr. O'NEILL. I hope the whole thing will be voted down.

Tellers were ordered on seconding the motion to suspend the rules, and Mr. STONE and Mr. O'NEILL were appointed.

The House divided; and the tellers reported—ayes 144, noes not counted; so there was a second.

The question was then taken upon suspending the rules and passing the preamble and resolution; and, two-thirds having voted in favor thereof, the preamble and resolution were agreed to.

JUDGE BUSTEED.

Mr. WHITE, by unanimous consent, presented articles of impeachment against Richard Busteed, judge of the district court of the United States for the district of Alabama, and moved that the same be referred to the Committee on the Judiciary, and printed.

The motion was agreed to.

ADDITIONAL LAND DISTRICT IN NEW MEXICO.

Mr. DUNNELL. I move that the rules be suspended, and that the bill which I send to the Clerk's desk, as a report from the Committee on the Public Lands, be considered at the present time.

The Clerk read the bill (H. R. No. 429) creating an additional land district in the Territory of New Mexico. It provides that all that portion of the Territory of New Mexico lying south of the principal base line of said Territory shall constitute a separate land district, to be called the La Messilla land district, the office of which shall be located at such place in said district as the President of the United States may direct, which may be changed from time to time as the public interest may require. Section 2 provides that the President shall appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and they shall have the same powers, perform the same duties, and receive the same emoluments as are or may be prescribed by law in relation to land offices of the United States in other Territories.

Mr. DUNNELL. I ask unanimous consent to make a single statement in explanation of this bill. There is but one land office in the Territory of New Mexico, while there are four land offices in Arizona. It is two hundred and fifty miles from the point where settlements are now being made in the Territory to the land office at Santa Fé. I have reported this bill at the request of the Delegate from New Mexico. The Committee on the Public Lands have considered this bill, and are unanimously of opinion that its passage is a public necessity, for it now costs a settler $100 or more to make the proper entry at Santa Fé of his land.

The motion of Mr. DUNNELL was seconded.

The rules were then suspended, (two-thirds voting in favor thereof,) and the bill was passed.

INTERSTATE COMMERCE BY RAILROAD.

Mr. McCRARY. I am instructed by the Committee on Railways and Canals to report a resolution, and to move that the rules be suspended that it may be received and adopted.

The resolution was read, as follows:

Resolved, That it shall be in order on the 25th day of the present month, at half-past one o'clock, p. m., to report from the Committee on Railways and Canals the bill (H. R. No. 1385) to regulate commerce by railroad among the several States, for consideration as the special order in the House on that day and from day to day thereafter, commencing at the same hour, until disposed of, to the exclusion of all other business except regular appropriation bills.

Mr. WILLARD, of Vermont. I rise to a parliamentary inquiry. If this resolution should be adopted, would it be in order to raise any point of order on the bill that would send it to the Committee of the Whole?

The SPEAKER. If the House now orders that this bill shall be considered on a day named "in the House," no point of order could be made against it to send it to the Committee of the Whole. The way the resolution of the gentleman from Iowa [Mr. McCRARY] is framed, it will, if adopted, bring the House absolutely to the consideration of the bill on that day and at that hour.

Mr. PARKER, of Missouri. Does it cut off the morning hour?

The SPEAKER. The Chair supposes, from the phraseology of the resolution, that the gentleman intends that there shall be a morning hour on each day.

Mr. McCRARY. That is my intention.

Mr. PARKER, of Missouri. Will the gentleman say in his resolution "after the morning hour?"

The SPEAKER. If the gentleman should do that he would not get the floor on his bill unless there was a morning hour. Sometimes by business coming over from the day previous there is no morning hour, to the regret of many gentlemen.

The motion to suspend the rules was seconded.

The rules were then suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

PASSAGE-WAYS OF THE CAPITOL.

Mr. KILLINGER. I am instructed by the Committee on Public

Buildings and Grounds to report the following resolution for consideration at this time:

Resolved, That the Speaker of the House of Representatives be requested to cause the various halls and passage-ways of the House end of the Capitol building to be cleared of all obstructions and stalls for the sale of merchandise: *Provided*, That the telegraph stands shall be provided for in the old Hall of the House of Representatives, in such locations therein as the Speaker may direct.

The SPEAKER. That requires unanimous consent.

Mr. RAINEY. I object.

Mr. KILLINGER. I move that the rules be so suspended that the resolution may be adopted.

Tellers were ordered upon seconding the motion to suspend the rules; and Mr. KILLINGER and Mr. RAINEY were appointed.

The House divided; and the tellers reported that there were—ayes 40, noes not counted.

So the motion was not seconded.

PAYMENT OF MAIL-AGENTS, ETC.

Mr. YOUNG, of Georgia. I move that the rules be suspended in order that I may introduce and have passed at this time a bill to authorize the settlement of certain accounts in the Post-Office Department.

The bill, which was read, directs the Secretary of the Treasury to pay to mail-agents and route-agents the sum of money that may be justly due them by the Government of the United States for services rendered by them under legal contracts of the Government prior to June 1, 1861, existing law to the contrary notwithstanding.

Mr. HOLMAN. Is this a report of any committee?

Mr. YOUNG, of Georgia. It comes from no committee. I desire one minute to state to the House that there are certain sums of money in the Treasury of the United States due to certain mail-agents and post-route agents. They were due to them at the breaking out of the war in 1861; to many of them they had been due for twelve months previous. By a law of Congress all of these persons who served in the rebel army were deprived of the payment of the amounts due them. But since these people belong to a class whose disabilities have been removed by Congress long since, it seems to me that they should be paid. The officers of the Treasury recommend their payment, and are desirous that they should be paid.

Mr. DAWES. How much will it take from the Treasury?

Mr. YOUNG, of Georgia. I do not know how much; $100,000 or $150,000; the money is there.

Mr. DAWES. Is there any settlement of the accounts?

Mr. YOUNG, of Georgia. Their accounts have all been made out and audited.

Mr. SPEER. Did the gentleman say that the officers of the Treasury desire their payment?

Mr. YOUNG, of Georgia. Some of them do. The last Congress passed a law of this kind in relation to census-takers.

Mr. BUTLER, of Massachusetts. I suggest to the gentleman to change his resolution, so that it shall read 14th of April, instead of June 1, 1861.

Mr. YOUNG, of Georgia. I am willing to do that.

Mr. BUTLER, of Massachusetts. I do not see why we should confiscate the property of these men more than the property of anybody else.

Mr. YOUNG, of Georgia. I am very much obliged to the gentleman for that.

Mr. HALE, of New York. Does the resolution come from any committee?

Mr. YOUNG, of Georgia. It does not.

The SPEAKER. The bill as modified will be read.

The Clerk read the bill as modified. It directs the Secretary of the Treasury to pay to mail-agents and route-agents the sums of money that may be justly due them by the Government of the United States for services rendered by them under legal contracts of the Government previous to April 14, 1861, existing law to the contrary notwithstanding.

Mr. DAWES. I suggested to the gentleman that the bill ought to be confined to audited claims. The bill as it now stands proposes to pay these persons "sums of money that may be justly due them by the Government of the United States, existing law to the contrary notwithstanding." That language will open the claim of every individual who may think that the existing law has not allowed him a just amount. It will open liquidated claims wherever any claimant may think the proper amount has not been allowed. If they are liquidated and stand on the accounts of the Post-Office Department, I agree that they are just like the claims of any other individuals.

Mr. BUTLER, of Massachusetts. I suggest to the gentleman from Georgia to say "existing laws as to loyalty or disloyalty."

Mr. YOUNG, of Georgia. I have no objection to that. That is what I meant.

Mr. DAWES. I suggest to the gentleman from Georgia that he have the bill referred to the Committee on the Post-Office and Post-Roads, with leave to report at any time. Nobody will object to that; and then the bill can come here in proper form.

Mr. YOUNG, of Georgia. I would like to include in the bill mail-contractors as well as mail-agents.

The SPEAKER. The gentleman has the right to modify his bill.

Mr. YOUNG, of Georgia. Then I make that modification.

Mr. KASSON. I wish to call attention to one point. At the time referred to I was connected with the Post-Office Department; and I wish to say to the gentleman from Georgia and to the House that some of the cases of these mail-agents, &c., were of such a character that I am unwilling to vote for a general law that will pay them all without discrimination. In some instances there was on the part of those agents an eagerness to rob the United States of its property, and to dispose of it without any respect at all for the authority to which they were subject and which they were bound to obey. Independently of their association with the cause of the South (which is a matter we all understand and which is now past) there was on the part of some of these men conduct in the management of the public property which showed an eagerness to violate their obligations. I speak of this as entirely independent of their subsequent association with the rebellion.

It is for that reason, and not for any political reason, that I am unwilling to support a sweeping act of this kind, which will condone offenses connected very much with the individual character or honesty of many of these agents. I hope therefore that the bill will be referred.

Mr. YOUNG, of Georgia. Mr. Speaker, Congress has long since removed all the disabilities of the class to which these people belong; and as I have already said, a bill precisely similar to this in form was passed by both Houses of the last Congress, to pay all the census-takers in the South for their services in 1860. I ask the passage of this bill now, because I have waited long enough for a report from a committee, and because the question is one of repudiation or the contrary. I want to know who are in favor of repudiating the debts of the Government to these people, all of whom are poor.

Mr. MAYNARD. My impression is that there is law enough to pay these debts, if the money were at hand for the purpose. But the money has been covered into the Treasury by an act passed some time ago. All that is necessary is that we make an appropriation adequate to cover such accounts as may be allowed by the Sixth Auditor.

Mr. YOUNG, of Georgia. I ask a vote on my motion to suspend the rules and pass the bill.

The SPEAKER. The Chair directs that the vote on seconding the motion to suspend the rules be taken by tellers, and appoints the gentleman from Virginia, Mr. SENER, and the gentleman from Georgia, Mr. YOUNG.

The House divided; and the tellers reported—ayes 72, noes 75.

So the motion to suspend the rules was not seconded.

INVESTIGATION OF DISTRICT AFFAIRS.

The SPEAKER announced the appointment of the following-named members as the select committee for the investigation of District affairs, in pursuance of the resolution of Mr. WILSON, of Indiana: Mr. WILSON of Indiana, Mr. HALE of New York, Mr. HUBBELL of Michigan, Mr. CLYMER of Pennsylvania, and Mr. JEWETT of Ohio.

CENTENNIAL MEDALS.

Mr. HOOPER. The Committee on Coinage, Weights, and Measures have instructed me to report a bill (H. R. No. 1753) to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence. I move that the rules be suspended to pass the bill.

The bill was read. It provides that medals, with appropriate devices, emblems, and inscriptions, be prepared at the Mint of the United States at Philadelphia, to commemorate the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence, and that such medals, in any suitable metal or alloy, may, on and after the anniversary they are designed to commemorate, be furnished to applicants therefor, subject to the provisions of the fifty-second section of the coinage act of 1873.

Mr. HOOPER. I trust there will be no objection to this bill. It is one that will involve no expense to the Government.

Mr. DAWES. I ask that the section of the law referred to in the bill be read.

Mr. HOOPER. I send it to the Clerk.

The Clerk read as follows:

SEC. 52. That dies of a national character may be executed by the engraver, and national and other medals struck by the coiner of the mint at Philadelphia, under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe: *Provided*, That such work shall not interfere with the regular coinage operations, and that no private medal dies shall be prepared at said mint, or the machinery or apparatus thereof be used for that purpose.

Mr. DAWES. I wish to inquire of my colleague whether he contemplates the prizes which are to be awarded in the shape of medals are to be so made?

Mr. HOOPER. I will state, in reply to my colleague, that by the regulations of the Mint, when these medals are applied for, the parties are charged the whole cost and 10 per cent. additional.

Mr. DAWES. If so, then if the exposition desires to have these prize medals manufactured at our Mint, they can be manufactured there by paying for them?

Mr. HOOPER. By paying for them with an addition of 10 per cent. to the cost.

Mr. GARFIELD. Does the law require payment by private parties, or is it a mere matter of custom that they are required to pay for them?

Mr. HOOPER. It is subject to the regulation which I will read:

Under such regulation as the superintendent, with the approval of the Director of the Mint, may prescribe.

Mr. DAWES. Suppose, in a burst of patriotism, they should think it best on the whole we should furnish the medals free?

Mr. HOOPER. I think we may trust them to that extent.

Mr. GARFIELD. Then I hope the gentleman will add a clause in that regard to his bill.

Mr. KASSON. I hope the gentleman from Massachusetts will add to the end of the bill these words:

Upon receiving the cost thereof.

Mr. GARFIELD. On the payment of not less than the cost thereof.

The SPEAKER. The proposition must be presented as a whole.

Mr. HOOPER. I accept the amendment as a modification of my proposition.

The SPEAKER. The Clerk will read the bill as modified.

The Clerk read as follows:

And such medals, in any suitable metal or alloy, may, on and after the anniversary which they are designed to commemorate, be furnished to applicants therefor, subject to the provisions of the fifty-second section of the coinage act of 1873, on the payment of a sum not less than the cost thereof.

The SPEAKER. The first question is on seconding the motion for a suspension of the rules.

The motion was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

METROPOLITAN POLICE.

Mr. COX. I move to put the following on its passage.

The Clerk read as follows:

Whereas Congress by a law passed March 3, 1873, appropriated for salaries and other necessary expenses of the Metropolitan police for the District of Columbia $207,530, and provided a further sum amounting to $103,765 shall be paid to defray the expenses of said Metropolitan police force by the cities of Washington and Georgetown and the county of Washington beyond the limits of said cities in the District of Columbia; and whereas the proper authorities of the District of Columbia were by said law authorized and required to levy a special tax, not exceeding ½ of one per cent. to be specially deposited once in each week as such collections were made, and appropriated and expended for said purpose only, for the service of the fiscal year ending June 30, 1874, and provided further in said law that an annual report of the board of Metropolitan-police commissioners shall be made to the Attorney-General of the United States, who shall also be charged with the disbursement of said appropriations; and whereas it is alleged that the Metropolitan police of the District have not been paid that proportion of their salaries due from the District since the last of May, 1873: Therefore,

Resolved, That the select joint committee this day appointed to investigate District matters be directed to investigate the matters connected with these appropriations and report to this House whether the conditions of said law of March 3, 1873, have been complied with, whether the said local tax has been levied and paid, and whether the Attorney-General or any other officer has ordered or caused to be paid the full salaries of said police, and if not, what reason exists for such non-payment.

Mr. COX. I move to suspend the rules and put that resolution on its passage.

The motion was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution passed.

NATIONAL FREEDMEN'S SAVINGS-BANK.

Mr. BROMBERG, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Banking and Currency:

Resolved, That the Committee on Banking and Currency be, and is hereby, instructed to inquire into the management and condition of the National Freedmen's Savings and Trust Company; and whether said company has violated its charter, and to report, by bill or otherwise, such measures as shall best protect the interests of the class for whom said bank was chartered.

AMOS FARLING.

Mr. BURROWS. Before making a motion to suspend the rules I will, by unanimous consent, make a brief statement.

By an act of Congress in 1873, the Secretary of the Interior was authorized to place on the pension-roll the name of Amos Farling. He was designated in the act as a member of Company H, and the Secretary refuses to pay him, owing to a mistake in the name of his company, it being Company C instead of Company H. He has been kept out of his pension owing to that mistake, and my object now is to present a bill making the proper correction. He is in indigent circumstances, and this relief ought to be afforded.

Mr. SPEER. When was the act passed?

Mr. BURROWS. February 5, 1873.

I ask unanimous consent to introduce a bill to amend an act entitled "An act granting a pension to Amos Farling," approved February 5, 1873.

The bill was read. It amends the act entitled "An act granting a pension to Amos Farling," approved February 5, 1873, so as to read as follows:

That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Amos Farling, late private of Company C, Twenty-seventh Regiment United States Infantry.

The SPEAKER. This bill corrects an error merely. Is there objection to this bill being passed?

Mr. McLEAN. I object.

Mr. BURROWS. Then I move that the rules be suspended and the bill passed.

The motion to suspend the rules was seconded, the rules were suspended, (two-thirds voting in favor thereof,) and the bill (H. R. No. 1754) was passed.

JOSEPH C. BRECKENRIDGE.

Mr. BECK, by unanimous consent, introduced a joint resolution (H. R. No. 50) for the relief of Joseph C. Breckenridge, for services in the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SPECIAL REPORT OF THE BUREAU OF STATISTICS.

Mr. FIELD, by unanimous consent, submitted the following resolution:

Be it resolved by the House of Representatives, (the Senate concurring,) That there be printed of the special report of Edward Young, Chief of the Bureau of Statistics, on the customs-tariff legislation of the United States, with the appendixes, including the tariff acts approved, respectively, May 1, 1872, and June 6, 1872, and a tabular arrangement of the rates of duty paid under said acts and other statutes now in force, five thousand copies; three thousand for the House, one thousand for the Senate, and one thousand bound for the use of, and distribution by, the Treasury Department.

The SPEAKER. The resolution, under the law, goes to the Committee on Printing; and it is so referred.

WASHINGTON BOARD OF HEALTH.

Mr. STORM, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and referred to the Committee on the District of Columbia:

Whereas it is reported, and has come to the knowledge of members of this House that the board of health of Washington, in the discharge of their duty, have frequently found it necessary to remove and destroy private property from infected houses to prevent the spread of contagious diseases; and whereas, after having estimated the value of such goods and given receipts for the same, no funds have been appropriated by the authorities to enable the board to pay for the same, thereby working great injury and injustice to the afflicted: Therefore,

Resolved, That the Committee on the District of Columbia be instructed to investigate the matter, and report to the House whether any action is proper, and, if so, what action is necessary, to enable the board of health to meet its obligations in the premises.

GRANTS TO AGRICULTURAL AND OTHER COLLEGES.

Mr. MONROE. I am unanimously instructed by the Committee on Education and Labor to report the following resolution, and to move that the rules be suspended, and the resolution passed.

The Clerk read as follows:

Resolved, That a select committee of seven members of this House be appointed by the Speaker, whose duty it shall be to inquire into the condition and management of the agricultural and other colleges which have received grants from the United States under the act of July 2, 1862, and the acts in addition thereto; also, to inquire in regard to the investment and security of the funds of these institutions, and whether their management is in accordance with the Constitution and laws of the United States and the conditions of the aforesaid grants.

Mr. BURCHARD. I should like to know why the Committee on Education and Labor cannot perform that duty? Why is it necessary to have a select committee.

Mr. MONROE. Mr. Speaker, as this was a special work, somewhat outside of the ordinary routine work of the Committee on Education and Labor, and as the committee had received many requests for the consideration of this subject, they preferred to recommend to the House that there should be a select committee appointed for the purpose; especially as the committee preferred to avoid all appearance of desiring to assume jurisdiction for themselves in matters of this kind. They preferred to have the House pass upon this matter, and that a committee should be appointed specially for the purpose.

Mr. BURCHARD. If the Committee on Education and Labor cannot perform that duty—although I do not see why they cannot—the Committee on Agriculture certainly can.

I move to amend the gentleman's motion so as to devolve this duty——

The SPEAKER. That cannot be done under a motion to suspend the rules.

Mr. HAWLEY, of Illinois. I hope the gentleman from Ohio will accept the amendment. That committee is not a very hard-worked committee, and can discharge the duty as well as any special committee.

Mr. MONROE. I prefer to test the sense of the House on the resolution as reported.

The question being taken on seconding the motion to suspend the rules, there were—ayes 32, noes not counted.

So the House refused to second the motion.

FINANCE AND CURRENCY.

Mr. HARRIS, of Virginia. I move that the rules be suspended, and the following resolution agreed to.

The Clerk read as follows:

Whereas the country in its agricultural, industrial, and commercial interests is greatly embarrassed and depressed on account of its financial condition; and whereas this has occurred under the financial system of the Government of the United States, thereby rendering it the imperative duty of Congress to correct and remedy the evils thus occurring: Therefore,

Resolved, That this House will, on and after Monday, the 9th instant, after the expiration of the morning hour of each day, to the exclusion of all other business except reports from the Committees on Ways and Means and Appropriations, proceed to the consideration of questions of finance, with a view of correcting existing evils and giving relief to the country.

The question was put upon seconding the motion to suspend the rules; and on a division there were—ayes 41, noes 50, no quorum voting.

The SPEAKER appointed Mr. HARRIS, of Massachusetts, and Mr. HARRIS, of Virginia, to act as tellers.

Mr. WILLARD, of Vermont. I rise to a question of order. I desire to ask, if this resolution should be adopted what question would be before the House on the day indicated?

The SPEAKER. The Chair is unable to answer that question.

Mr. G. F. HOAR. I desire to inquire if the adoption of this resolution would exclude reports from the Committee on Elections.

The SPEAKER. The Chair thinks it would, unless they could be considered financial measures.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. I desire to know whether, if this resolution were adopted, it would exclude all reports from any other committees?

Mr. HARRIS, of Virginia. I ask that my resolution be referred to the Committee of the Whole on the state of the Union, where the bills on this question are pending.

There was no objection; and it was so ordered.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 798) to establish certain post-routes; when the Speaker signed the same.

TRANSMISSION OF PRINTED MATTER.

Mr. STOWELL. I am instructed by the Committe on the Post-Office and Post-Roads to move to suspend the rules for the adoption of the following resolution:

Resolved, That the Committee on the Post-Office and Post-Roads be authorized to report House bill No. 825, providing for the free distribution of printed matter, &c., on Thursday, February 12, and that it be made the special order for that day at half-past one o'clock, and from day to day thereafter until disposed of.

Mr. HALE, of Maine. Will not the gentleman make the same exception which has been made by other gentlemen in favor of regular appropriation bills?

Mr. STOWELL. Certainly; I will do that. I will add to the resolution the words, "excepting the regular appropriation bills."

Mr. O'BRIEN. Does this bill provide for the free distribution of newspapers in the county in which they are published?

Mr. STOWELL. It does.

Mr. KILLINGER. And for the free circulation of exchanges?

Mr. STOWELL. Yes, sir.

Tellers were ordered upon seconding Mr. STOWELL'S motion to suspend the rules; and Mr. STOWELL and Mr. KASSON were appointed.

The House divided; and the tellers reported—ayes 111, noes 36.

So the motion was seconded.

Mr. WILLARD, of Vermont. I ask the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

Mr. O'BRIEN. Would it be in order to call for the reading of the bill to which the resolution refers?

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill to provide for the distribution of public documents printed by authority of Congress, and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published.

The question was taken; and there were—yeas 164, nays 66, not voting 58; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Atkins, Averill, Barber, Barrere, Beck, Begole, Bell, Blount, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Amos Clark, jr., Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crossland, Crounse, Crutchfield, Curtis, Danford, Alexander M. Davis, Donnan, Duell, Dunnell, Durham, Eames, Eldredge, Elliott, Farwell, Field, Fort, Freeman, Garfield, Glover, Gooch, Gunckel, Hagans, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, George F. Hoar, Houghton, Hubbell, Hunton, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Killinger, Knapp, Lamport, Lofland, Lowe, Lowndes, Magee, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McLean, Milliken, Mills, Monroe, Moore, Morey, Myers, Negley, Niblack, Nunn, O'Brien, Orr, Hosea W. Parker, Isaac C. Parker, Perry, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Rainey, Ransier, Rapier, Rawls, Read, Rice, Robbins, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Sener, Shanks, Sheats, Sheldon, Sloss, Small, Southard, Speer, Stanard, Standeford, St. John, Stowell, Strawbridge, Sypher, Thomas, Thornburgh, Townsend, Vance, Waldron, Wallace, Jasper D. Ward, Whitehead, Whiteley, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Wolfe, Wood, and John D. Young—164.

NAYS—Messrs. Archer, Berry, Bland, Bromberg, Buffinton, Benjamin F. Butler, John B. Clark, jr., Freeman Clarke, Clayton, Cox, Crittenden, Crocker, Crooke, Dawes, Eden, Foster, Frye, Eugene Hale, Benjamin W. Harris, E. Rockwood Hoar, Holman, Hoskins, Jewett, Kasson, Lamison, Lansing, Lawrence, Lawson, Lynch, MacDougall, McNulta, Mellish, Merriam, Neal, O'Neill, Orth, Packard, Parsons, Pelham, Pendleton, Phelps, Pierce, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, Sessions, Sherwood, Smart, A. Herr Smith, John Q. Smith, Sprague, Stone, Storm, Strait, Tyner, Waddell, Marcus L. Ward, Wells, Wilber, Charles W. Willard, William Williams, James Wilson, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—66.

NOT VOTING—Messrs. Banning, Barnum, Barry, Bass, Biery, Bowen, Cason, Cessna, Darrall, John J. Davis, DeWitt, Dobbins, Giddings, Havens, Hersey, Hooper, Howe, Hunter, Kendall, Lamar, Leach, Lewis, Loughridge, Luttrell, McKee, Mitchell, Morrison, Nesmith, Niles, Packer, Page, Phillips, Potter, Pratt, Randall, Ray, Richmond, John G. Schumaker, Scofield, Isaac W. Scudder, Lazarus D. Shoemaker, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Starkweather, Stephens, Swann, Taylor, Todd, Tremain, Walls, Wheeler, White, Whitehouse, Ephraim K. Wilson, and Woodford—58.

So (two-thirds voting in favor thereof) the rules were suspended and the resolution adopted.

The roll-call having been commenced was suspended in consequence of the confusion in the Hall.

Mr. BUTLER, of Massachusetts. I wish to make an inquiry of the Chair. If this bill should pass, would it not give the franking privilege to the publishers of newspapers, while members of Congress would not enjoy that right?

The SPEAKER. The House is supposed to be engaged in a call of the roll, and the Chair cannot properly answer any question. The call has been suspended to enable order to be restored so that the Clerk may hear the responses of members.

During the call of the roll the following announcements were made:

Mr. WHITEHEAD. I desire to state that my colleague, General BOWEN, is detained from the House by sickness.

Mr. SPEER. My colleague, Mr. RANDALL, is unavoidably detained to-day in Philadelphia.

AGRICULTURAL REPORT.

Mr. FORT, by unanimous consent, submitted the following resolution; which was read, considered, and, under the law, referred to the Committee on Printing:

Resolved, That the Public Printer be, and he is hereby, instructed to publish a sufficient number of the last report of the Commissioner of Agriculture to furnish each Senator, and each Member of the House, and each Delegate in this Congress, one thousand volumes for distribution among their constituents.

ABOLITION OF THE COMMITTEE ON FREEDMEN'S AFFAIRS.

Mr. RAINEY. I have been instructed unanimously by the Committee on Freedmen's Affairs to report the following resolution and ask that it be referred to the Committee on the Rules:

Resolved, That the Committee on Freedmen's Affairs be abolished, and the bills now before it be referred to such committees as in the opinion of the Speaker properly have cognizance of the subjects to which they relate.

No objection was made; and the resolution was received and referred accordingly.

INDIAN RESERVATION.

Mr. AVERILL, from the Committee on Indian Affairs, reported back a letter from the Secretary of the Interior, transmitting to the House the draught of a bill to provide for the establishment of a reservation for the Indians on the Colville agency, in the Territory of Washington, and for the Cœur d'Alene Indians of the Territory of Idaho; which was recommitted, and ordered to be printed.

REDUCTION OF POSTAGE.

Mr. WADDELL, by unanimous consent, presented the memorial of William Coventry H. Waddell, on the reduction of international and domestic postage; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ORGANIZATION OF THE STATE DEPARTMENT.

Mr. ORTH, by unanimous consent, introduced a bill (H. R. No. 1755) to provide for the more complete organization of the State Department; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MAIL CONTRACTORS.

Mr. SENER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Appropriations be directed to inquire into the expediency of including in the appropriations for the year ending June 30, 1873, a sum or sums sufficient to cover the amounts properly certified by the Auditor of the Post-Office Department to be due and unpaid to contractors in the late insurrectionary States on account of contracts for carrying the mails in said States prior to the 14th of April, in the year 1861, and coupling with said appropriations a proviso removing all tests of loyalty as a condition of payment.

AGRICULTURAL COLLEGES.

Mr. MONROE. At the request of quite a number of gentlemen, I offer again the resolution of inquiry in regard to agricultural colleges, modified as suggested by gentlemen on this floor so as to instruct the Committee on Education and Labor, instead of a select committee, to make this inquiry.

The resolution, as modified, was read, as follows:

Resolved, That the Committee on Education and Labor is hereby instructed to inquire into the condition and management of the agricultural and other colleges which have received grants from the United States under the act of July 2, 1862, and the acts in addition thereto; also, to inquire in regard to the investment and security of the funds of those institutions, and whether their management is in accordance with the Constitution and laws of the United States, and the conditions of the aforesaid grants.

No objection being made, the resolution, as modified, was adopted.

GRANT OF LAND TO CHEYENNE.

Mr. CROUNSE. I am instructed by the Committee on the Territories to report for consideration at this time, a bill (H. R. No. 1756) to amend the act entitled "An act to withdraw from settlement and sale a certain section of land in Wyoming Territory," approved May 23, 1872.

The bill, which was read, provides that the first section of the act referred to in the above title be amended to read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 30, in township 14 north, of range 66 west, of the public lands in Laramie County, Wyoming Territory, be, and the same is hereby, withdrawn from settlement and sale under existing laws, and reserved for the use of the city of Cheyenne, in said county, for the purpose of enabling the proper authorities of said city to construct and maintain on said land a reservoir of water for the supply of said city.

Mr. CROUNSE. The Committee on the Territories unanimously recommend the passage of this bill. I think there can be no objection to it.

Mr. DUNNELL. I think this bill should be considered by the Committee on the Public Lands.

Mr. CROUNSE. A former Congress passed a bill donating a section of land to the city of Cheyenne, for the purpose of erecting a water reservoir thereon. By some mistake the section was located six miles west of the location intended. This bill is to correct that mistake. It has been considered by the Committee on the Territories, and they are unanimously of opinion that it should be passed. I think there can be no objection to it.

Mr. DUNNELL. I ask that it may be referred to the Committee on the Public Lands.

Mr. CROUNSE. I move that the rules be suspended, and the bill passed.

The motion was seconded on a division—ayes 83, noes not counted.

The rules were then suspended, (two-thirds voting in the affirmative,) and the bill was passed.

CIVIL-SERVICE EXAMINATIONS.

Mr. BUTLER, of Massachusetts. I move to suspend the rules to pass a joint resolution in relation to civil-service examinations. After it is read I hope I may be allowed a moment to explain it.

The joint resolution was read. It provides that in all cases under the civil-service examinations for positions under the Government, when a disabled United States soldier, his wife, or the widow of a deceased soldier dying of wounds or diseases contracted in the line of duty as such soldier, or his orphan child, shall pass such examination at the standard fixed by the said rules, such person shall have precedence for appointment to any existing vacancy, anything in the rules of the civil service to the contrary notwithstanding.

Mr. BUTLER, of Massachusetts. I desire to say one word. There is an existing provision of law similar to this resolution; but in the case of a disabled soldier who had passed the examination I called the attention of the Secretary of the Treasury to it, and he decided that the civil-service rules repealed that enactment of Congress. I do not think he is right; but I think the passage of this joint resolution will set him right.

Mr. HOLMAN. Of course there will be no objection to this measure.

Mr. KELLOGG. I do not wish to antagonize the resolution; but had it not better be referred to the Committee on Reform in the Civil Service, and considered by them before it is put on its passage?

Mr. BUTLER, of Massachusetts. I think we had better pass the resolution now.

Mr. KELLOGG. Our committee will have a meeting this week.

Mr. HOLMAN. The resolution is entirely right.

Mr. LAWRENCE. Certainly. Let it be passed now. We do not need to refer it.

The question being taken on seconding the motion to suspend the rules, it was seconded.

The question recurring on the motion to suspend the rules and pass the joint resolution, (H. R. No. 51,) it was agreed to unanimously.

TARIFF FOR REVENUE.

Mr. NIBLACK. I move to suspend the rules and adopt the following resolution:

Resolved, as the sense of this House, That any scheme for the improvement of the finances of the country will be unsatisfactory and incomplete which does not embrace a revision of the tariff in the interest of revenue and for the emancipation of commerce from all unnecessary restrictions; and that the Committee on Ways and Means be instructed to proceed with such a revision of the tariff.

Mr. KELLOGG. Is not the gentleman from Indiana [Mr. NIBLACK] aware that under the 10 per cent. reduction made by the last Congress importations have fallen off very much?

Mr. NIBLACK. I cannot now go into a discussion of the merits of this question. I simply ask the adoption of this resolution as a business proposition.

The SPEAKER. The Chair directs that the vote on seconding the motion to suspend the rules be taken by tellers, and appoints the gentleman from Indiana, Mr. NIBLACK, and the gentleman from Massachusetts, Mr. DAWES.

The House divided; and the tellers reported—ayes 53, noes 92.

So the motion to suspend the rules was not seconded.

DISTRICT COURTS IN IOWA.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 223) changing the times for holding certain district courts of the United States for the State of Iowa.

Mr. McCRARY. I ask unanimous consent that these amendments be taken up and concurred in at once. They relate simply to changing the times of holding district courts in my own State. There is no contest about the matter.

There being no objection, the following amendments of the Senate were considered and concurred in:

In lines 6 and 7 of the bill strike out the words "third Tuesday," wherever they occur, and insert "fourth Monday."

Mr. McCRARY moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNMENT PAYMENTS FOR RAILROAD TRANSPORTATION.

Mr. COBB, of Kansas. I move to suspend the rules, so that it shall be in order to offer in Committee of the Whole the following as an amendment to the Army appropriation bill:

Provided, That the Secretary of War, in the expenditure of any money appropriated by this bill, where the Pacific Railroads or any of their branches—in any case where the Government retains the amount charged for its business on account of advances made to such railroads or either of them—come into competition with any other line of transportation, in deciding which line of transportation is the lowest bidder, shall consider all the money to be paid to the said Pacific Railroads or their branches as so much saved to the Treasury, and govern the transportation of men and supplies accordingly.

Let me say a word in reference to this matter. As to two roads in the State of Kansas, I wish to say that since 1873 it would have saved $40,000 to the Government if men and supplies had been carried over the Kansas Pacific Railroad, instead of the Atchison, Topeka and Santa Fé road. The case is the same with other lines of transportation competing with the Pacific roads in Minnesota and Nebraska.

Mr. ELDREDGE. Would it not be in order to have that amendment translated? I do not think anybody can understand it in its present form.

Mr. SPEER. Is this proposition in the interest of the railroads or of the Government?

Mr. COBB, of Kansas. It is in the interest of the Government. I have no interest in any railroad. But it must be obvious that if the supplies of the Government sent from Fort Leavenworth to the posts of New Mexico could be transported over the Kansas Pacific Railroad, instead of the Atchison, Topeka and Santa Fé road, it would be a saving of so much to the Government, as the Kansas Pacific road owes the Government over $1,000,000.

Mr. SPEER. The question was put in good faith for the information of myself and others.

Mr. COX. I ask that the proposition be again read.

The proposition was again reported.

Mr. ELDREDGE. I insist that nobody knows what that means.

Mr. G. F. HOAR. Would it not be in order as an amendment to the appropriation bill without a suspension of the rules?

The SPEAKER. The gentleman from Massachusetts asks whether this would not be in order without a suspension of the rules.

Mr. G. F. HOAR. Yes, sir; it being a limitation on the appropriation reported in that particular bill.

The SPEAKER. The Chair would answer that question by putting another. Is not the power already in the Secretary of War?

Mr. COBB, of Kansas. May I be permitted to make an explanation?

Mr. ELDREDGE. Yes; I hope the gentleman will make an explanation, so somebody will understand his proposition.

Mr. COBB, of Kansas. Yes, and I think I can, to the satisfaction and even the understanding of the gentleman from Wisconsin, and if I can, I shall evidently accomplish considerable. [Laughter.]

Mr. Speaker, I have no interest in any railroad in making this motion, and have no interest in anything which concerns the matter, except the interest of the Government. I state that to the gentleman from Pennsylvania, [Mr. SPEER,] who asked the question in good faith, as he says. From correspondence with the Secretary of War I learn this fact: During the past year the country has paid out to the Atchison, Topeka and Santa Fé Railroad, for the transportation of men and supplies from Fort Leavenworth to the posts of the Army in the Southwest, principally in New Mexico, the sum of $4,984.71 for men, and $34,189 for supplies, when the same work might have been done by the Kansas Pacific Railroad equally as well. This is from the 1st day of January, 1873, down to October 1, 1873. The Kansas Pacific Railroad is indebted to the United States upward of $1,000,000, and not one dollar would have been necessary to have been taken from the Treasury had this road been employed. I bring forward this case only for illustration, and for its facts, which are within my knowledge.

Now I ask to have the privilege of moving that amendment, not only as applicable to the Kansas Pacific road, but as applicable to all the Pacific roads and their branches to which the Government has made these advances and which the Government receives back in no respect except in the transportation of men and supplies for the Army and Navy and the mail. And if I can have the privilege of moving the amendment, Mr. Speaker, I am perfectly satisfied it will be a saving to the Government, and in the interest of no corporation—a saving to the extent, I believe, of $100,000 for the next fiscal year. I only ask it in that interest and none other.

Mr. ELDREDGE. If the gentleman can save that much I withdraw my objection to the offering of his proposition to the Army appropriation bill.

The SPEAKER. The question recurs on seconding the motion for a suspension of the rules.

The motion was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the proposition was declared to be in order to the Army appropriation bill.

CHEAP TRANSPORTATION.

Mr. BLOUNT, by unanimous consent, presented resolutions adopted

by the Cheap Transportation Association in convention at Washington City, January 14, 1874; which were referred to the Committee on Railways and Canals, and ordered to be printed.

COMMERCIAL CONVENTION.

Mr. BLOUNT also, by unanimous consent, presented the memorial of the commercial convention held at Atlanta, Georgia, May 20, 1873, to the Congress of the United States; which was referred to the Committee on Railways and Canals, and ordered to be printed.

PATENT RIGHTS.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 1757) to prevent extortion in the use of patent rights and to amend the law in relation thereto; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INDIAN RESERVATION, IDAHO TERRITORY.

Mr. HARRIS, of Massachusetts, by unanimous consent, reported from the Committee on Indian Affairs a bill (H. R. No. 1758) authorizing the purchase of six hundred and forty acres of land for an Indian reservation in the Territory of Idaho; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

MILITARY BOUNTY LAND DISTRICTS.

Mr. COMINGO obtained the floor.

Mr. MILLS. I ask unanimous consent to introduce a resolution:

The Clerk read as follows:

Resolved, That the Committee on Ways and Means be instructed to report a bill to the House revising the tariff and reducing the rates on iron and steel.

The SPEAKER. That proposition would divide the House, and the gentleman from Missouri is entitled to the floor.

Mr. COMINGO. I ask the Clerk to read my resolution, in reference to which I move a suspension of the rules.

The Clerk read as follows:

Resolved, That the Secretary of the Department of the Interior be required to furnish this House with the names of soldiers and others to whom patents were issued for land lying in the military-bounty land districts in the States of Missouri and Arkansas for service in the war of 1812, the number of the warrant, the description of the land granted to each, with the date of the patent, place of residence of each soldier, company and regiment in which they severally served, and to whom the patent was delivered, and the date when each patent was delivered.

Mr. MAYNARD. That will be a voluminous and costly affair, and I hope some reason will be assigned for it.

And then, on motion of Mr. GARFIELD, (at ten minutes past four o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as follows:

By Mr. ALBERT: The petition of Alexander Brown, Sons, and others, of Baltimore, protesting against any discrimination against mutual insurance companies in the distribution of the Geneva award, to the Committee on the Judiciary.

By Mr. BANNING: Several petitions of citizens of Cincinnati, for the repeal of the second section of the act of June 6, 1872, which reduces the duties upon certain manufactured articles 10 per cent., to the Committee on Ways and Means.

By Mr. BARBER: A paper relating to the establishment of a post-route from Lone Rock to Dodgeville, in the State of Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. BASS: The petition of 121 lawyers of Buffalo, New York, for the division of the northern judicial district of New York, to the Committee on the Judiciary.

By Mr. BECK: Papers relating to the claim of George W. Hull, Jacob Hull, and others, heirs and devisees of John Campbell, deceased, to the Louisville and Portland Canal property, to the Committee on Commerce.

By Mr. BELL: The petition of John A Richardson, executor of B. O. Jones, of Georgia, for relief, to the Committee on War Claims.

Also, the petition of John S. Fain, to be restored to the pension-rolls of the United States, to the Committee on Invalid Pensions.

By Mr. BLAINE: The petition of Edward Hubbard, for payment for carrying the United States mails, to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: The petition of James W. Long, to be placed on the retired list of the Army in the class of officers whose disabilities are the result of wounds received in action, to the Committee on Military Affairs.

By Mr. BUNDY: Papers in the case of the application of J. W. Reynolds, for a pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Tennessee: The petition of Pleasant M. Williams, of Tennessee, for relief, to the Committee on War Claims.

By Mr. CHIPMAN: The memorial of the board of trustees of the Girls' Reform School of the District of Columbia, for an appropriation by Congress to erect for the school suitable buildings, to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: Resolutions of the Legislative Assembly of the State of California, in favor of the repeal of the import duty on burlaps and grain-bags, to the Committee on Ways and Means.

Also, the memorial of the State Grange of the Patrons of Husbandry of the State of California, of similar import, to the Committee on Ways and Means.

By Mr. COTTON: The petition of W. S. Kellogg and others, of Iowa, soldiers in the late war, for a modification of the homestead law, to the Committee on Military Affairs.

By Mr. CROUNSE: The petition of O. P. Mason, to be reimbursed for services as provost-marshal in the Department of Kansas, to the Committee on Claims.

By Mr. DUELL: The petition of John Greenway and others, of Syracuse, New York, for the repeal of the second section of the act of June 6, 1872, and remonstrating against a restoration of the duties on tea and coffee, to the Committee on Ways and Means.

By Mr. FARWELL: The petition of Dickinson, Leach & Co., of Chicago, for remission of taxes, &c., on property destroyed by fire, to the Committee on Claims.

Also, the petition of Thomas Lynch, of Chicago, for remission of taxes, &c., on property destroyed by fire, to the Committee on Claims.

By Mr. GARFIELD: The petition of Henry G. Bulkley, for extension of patent for kiln-drying lumber, grain, meal, and other substances, to the Committee on Patents.

Also, the petition of citizens of Trumbull County, Ohio, for an appropriation of $80,000 for the improvement of Ashtabula Harbor, to the Committee on Commerce.

Also, the petition of citizens of Conneaut, Ohio, for the imposition of a duty of 10 per cent. on imported hops, to the Committee on Ways and Means.

By Mr. HARRIS, of Massachusetts: The petition of Ansal Thayer, of Braintree, Massachusetts, who has lost four sons in the military service of the United States, for relief, to the Committee on Invalid Pensions.

Also, the petition of the Boston and Hingham Steamboat Company, for an appropriation to remove obstructions from the harbor of Hingham, Massachusetts, to the Committee on Commerce.

Also, the petition of the Hingham Cordage Company and others, of similar import, to the Committee on Commerce.

Also, the petition of Perez Simmons and others, of Hanover, Massachusetts, of similar import, to the Committee on Commerce.

By Mr. HATCHER: The petition of citizens of Madison County, Missouri, for the passage of a bill for the relief of the widow and children of the late Samuel C. Collier, to the Committee on War Claims.

By Mr. HAWLEY, of Connecticut: Papers relating to the claim of Anthony Larson, to the Committee on Claims.

By Mr. HAZELTON, of Wisconsin: The petition of hop-growers of Sauk County, Wisconsin, for increased duty on imported hops, to the Committee on Ways and Means.

By Mr. HUNTER: The petition of Dwight F. Hayes, of Indiana, for the reference of his claim against the United States to the Court of Claims, to the Committee on the Judiciary.

By Mr. HUNTON: The petition of W. L. B. Wheeler, to be reimbursed for property taken for the United States Army during the late war, to the Committee on War Claims.

By Mr. HYDE: The petition of John M. Moore, of Grundy County, Missouri, for relief, to the Committee on Military Affairs.

By Mr. KELLEY: Resolutions of the Radical Club, of Philadelphia, in favor of the issue of centenary United States notes to pay for the erection of the centennial exposition building at Philadelphia, limited in amount to the estimated cost of the building, and to be permanently retired from the receipts of the exposition, to the Committee on Banking and Currency.

Also, the petition of Caleb Clothier and others, of Philadelphia, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. KELLOGG: The petition of Isador Lewkowitz, for compensation for property taken by the United States, to the Committee on War Claims.

By Mr. KILLINGER: Several petitions of citizens of Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduced the duties on certain manufactured articles 10 per cent., to the Committee on Ways and Means.

By Mr. LOWNDES: The petition of Rev. David Bush and others, of Frederick County, Maryland, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. LUTTRELL: The petition of the State Grange of the Patrons of Husbandry of the State of California, for the admission of grain-sacks and burlaps free of duty, to the Committee on Ways and Means.

By Mr. McDILL, of Wisconsin: Several petitions of citizens of Wisconsin, for increased duties on imported hops, to the Committee on Ways and Means.

By Mr. McFADDEN: The petition of citizens of Washington Territory, for an appropriation to remove obstructions from the Skaget River, to the Committee on Commerce.

By Mr. MONROE: Papers relating to the claim of Lieutenant Paris L. Reed, for pay and allowances, to the Committee on War Claims.

By Mr. MYERS: The petition of Edward Brady, for a patent for improvement in safety-valves for steam-boilers, to the Committee on Patents.

By Mr. O'BRIEN: Papers relating to the claim of the officers and

crews of the gunboats Kineo and Chocura, for salvage on certain cotton, to the Committee on Naval Affairs.

By Mr. O'NEILL: The petition of citizens of Philadelphia, for the redemption of United States notes with bonds payable on demand in legal-tender notes and bearing interest at some low fixed rate, to the Committee on Banking and Currency.

By Mr. PHILLIPS: The petition of James B. and Richard Kitchen, for payment for property taken by United States forces from the steamer Shreveport, at Glasgow, Missouri, October 2, 1864, to the Committee on War Claims.

Also, the petition of Nathan Stark, for payment of value of property taken from the steamer Shreveport by the United States forces, to the Committee on War Claims.

By Mr. PIERCE: The remonstrance of Alpheus Hardy & Co. and others, of Boston, importers and jobbers, against removing green fruits from the free list and imposing a duty thereon, to the Committee on Ways and Means.

Also, the petition of citizens of Massachusetts, for the repeal of the statute providing for the distribution of the proceeds of fines and forfeitures to informers and others, and for a modification of the law for the seizure of books, papers, and invoices, to the Committee on Ways and Means.

By Mr. PLATT, of Virginia: The petition of Malvina C. Murden, of Portsmouth, Virginia, for relief for losses sustained by destruction of her store and its contents by the burning of the Norfolk navy-yard, to the Committee on War Claims.

By Mr. POLAND: Resolutions of the Vermont Teachers' Association, in favor of devoting the proceeds of sales of public lands to the interest of education, to the Committee on Education and Labor.

By Mr. PRATT: A paper relating to the establishment of a post-route from Nashua to Ionia, in the State of Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. RICHMOND: The petition of Albert Ross, retired master United States Navy, for restoration to the active list, to the Committee on Naval Affairs.

By Mr. ROSS: The petition of citizens of Pennsylvania, for the repeal of the second section of the act of June 6, 1872, to the Committee on Ways and Means.

By Mr. RUSK: The petition of citizens of Wisconsin, for additional duty on hops, to the Committee on Ways and Means.

By Mr. SCOFIELD: The petition of the First National Bank of Brookville, Pennsylvania for permission to retain its called-in bonds, to the Committee on Banking and Currency.

By Mr. SENER: A paper relating to the establishment of certain post-routes in Virginia, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Rosalie P. Sampson, to be reimbursed for property destroyed during the late war, to the Committee on War Claims.

Also, the petition of the trustees of Saint George's Episcopal church, in Accomack County, Virginia, for an appropriation to repair the injuries done said church by United States forces, to the Committee on War Claims.

Also, the petition of citizens of Northumberland County, Virginia, for the improvement of Little Wicomico River, to the Committee on Commerce.

By Mr. SMITH, of Ohio: The petition of W. H. McKinney, asking the aid of Congress to establish a semi-tropical nursery on or near the twenty-eighth parallel of latitude in South Florida, to the Committee on Agriculture.

By Mr. SPEER: The petition of John M. Beecher and others, of Woodvale, Cambria County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduced the duty on certain articles 10 per cent., to the Committee on Ways and Means.

By Mr. STANDEFORD: The petition of J. B. Fishback, administrator of the estate of William N. Fishback, for relief, to the Committee on War Claims.

By Mr. SWANN: The petition of Fannie R. Griffith, for the settlement of the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. THOMAS: The petition of Sally Ann Carraway, for relief, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of Captain James W. Adkinson, of Tennessee, to be reimbursed for recruiting expenses, to the Committee on Military Affairs.

By Mr. TYNER: Resolutions of the Tipton County Council of the Patrons of Husbandry, for increase of the circulating medium to $1,500,000,000, by redeeming a similar amount of United States bonds, to the Committee on Banking and Currency.

By Mr. VANCE: Papers relating to the claim of J. T. Sorrells, for carrying the mails in 1866, to the Committee on Claims.

By Mr. WHITTHORNE: A paper relating to the establishment of a post-route in Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of Michigan. The petition of settlers on lands in Muskegon County, Michigan, for relief, to the Committee on the Public Lands.

Also, the petition of druggists in Michigan, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. WILSON, of Indiana: The petition of Columbus Alexander and others, citizens of the District of Columbia, for the appointment of a joint select committee of the two Houses of Congress, to examine into the manner in which the affairs of the government of the District of Columbia have been managed, to the Joint Select Committee on District of Columbia Investigation.

Also, the memorial of W. W. Corcoran and others, of similar import, to the Joint Select Committee on District of Columbia Investigation.

Also, the memorial of Alexander R. Shepherd, governor of the District of Columbia, in relation to charges against the government of the District of Columbia, to the Joint Select Committee on District of Columbia Investigation.

Also, the memorial of Columbus Alexander, in relation to the memorial of Governor Shepherd, to the Joint Select Committee on District of Columbia Investigation.

By Mr. WOOD: The petition of merchants of New York, for an appropriation to remove the reefs in the East River, to the Committee on Commerce.

Also, the petition of Phelps, Dodge & Co. and others, for the conversion of the present *ad valorem* duty on tin plates into a corresponding and equivalent specific duty, to the Committee on Ways and Means.

By Mr. WOODFORD: The petition of Evarts, Southmayd & Choate and 46 other firms of attorneys and counselors, for the passage of a bill to provide stenographers for the district courts of the United States for the southern and eastern districts of New York, to the Committee on the Judiciary.

Also, the petition of H. Dollner, for relief of loss of brig T. D. Wagner by rebel privateer Olustee, to the Committee on the Judiciary.

IN SENATE.

TUESDAY, *February* 3, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. BOGY presented the petition of John P. McElray, a discharged soldier, late of Company D, Forty-ninth Regiment Enrolled Missouri Militia, praying to be allowed an invalid pension; which was referred to the Committee on Pensions.

He also presented the petition of Fleming Crump and William Williamson, two survivors of what was called the Yellowstone expedition in 1824, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Peter Reitz and William S. Babcock, asking compensation for heroic acts in saving Government property; which was referred to the Committee on Claims.

Mr. WRIGHT presented the petition and papers of Mrs. Flavillia Knight, of Louisa County, Iowa, late widow of F. F. Dayton, who was a private in Company F, Eleventh Regiment Indiana Infantry Volunteers, asking for additional pension for herself and minor children; which were referred to the Committee on Pensions.

Mr. PRATT presented the petition of Margaretta Becker, widow of Leopold Becker, late captain of Company D, Twenty-ninth Regiment Illinois Volunteers, praying to be allowed arrears for pension; which was referred to the Committee on Pensions.

Mr. RAMSEY presented the petition of F. B. Haggard, of Fairpoint, Minnesota, praying to be allowed a pension on account of the services of his son and son-in-law; which was referred to the Committee on Pensions.

He also presented a memorial of the municipal authorities of Du Luth, Minnesota, asking for an appropriation of $20,000 for the erection of a court-house, post-office, &c., at that place; which was referred to the Committee on Public Buildings and Grounds.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of the passage of an act granting a pension to H. A. Huntress from the 14th day of March, 1864, to the 27th day of March, 1871; which was referred to the Committee on Pensions.

Mr. FLANAGAN. I present the petition of a committee representing some 11,000 colored citizens of the city of Atlanta and State of Georgia. I ask that it be read; it is very short.

The PRESIDENT *pro tempore*. The paper will be read if there be no objection.

The Chief Clerk read as follows:

ATLANTA, GEORGIA, *January* 26, 1874.

Whereas Hon. A. H. STEPHENS, in his speech before Congress January 5, 1874, said that colored people of the State of Georgia did not desire the passage of the civil-rights bill; and whereas the Georgia Legislature has also adopted resolutions informing the Congress of the United States that the colored people of Georgia do not desire the passage of said civil-rights bill; and whereas the allegations of Mr. STEPHENS and the Georgia Legislature are without foundation in fact: Therefore,

Resolved, That we, a portion of the colored citizens of Georgia, do most solemnly deny both the speech of A. H. STEPHENS and said resolutions of the Georgia Legislature, so far as they relate to the colored citizens of this State being adverse to the passage of said civil-rights bill.

Resolved, That some arrangement be made by this meeting to deny the fact of the said assertions of Mr. STEPHENS and the Georgia Legislature.

Resolved, That we, the citizens of the city of Atlanta, Georgia, immediately formin the Congress of the United States that we desire a speedy passage of the civil-rights bill, and that we claim it as a right they owe us, as members of the republican party, and more particularly as citizens of the United States.

Resolved, That we most heartily congratulate and thank Mr. ELLIOTT for his able and pointed speech, January 6, 1874, in the House of Representatives of the United States, in behalf of the passage of the civil-rights bill, and in vindicating the ability and patriotism of the colored citizens of the country.

J. B. FULLER,
Chairman.
J. O. WIMBISH,
W. D. MOORE,
Secretaries.

Therefore, we, a committee appointed at a mass-meeting of the colored citizens of the city of Atlanta, Georgia, held on the 26th day of January, 1874, with power to forward the above expression of 11,000 of the colored citizens of this city, do make this petition:

To the honorable Senate and House of Representatives:

We, the undersigned committee, do hereby respectfully petition your honorable bodies to speedily pass the civil-rights bill, now under consideration in Congress, as the earnest request of the above-stated citizens, with the further request that your honorable bodies will, in view of the unjust manner in which we are now treated by the Legislature and judicial tribunals in this State, enact such laws as, in your wisdom, are necessary to secure each citizen in the United States, without regard to race, color, or previous condition of servitude, equal civil and political rights, privileges, and immunities before the law.

And we your petitioners will ever pray.

H. E. BAULDIN,
ROMULUS MOORE,
C. WIMBISH,
C. H. MORGAN,
JAS. A. TATE,
Committee.

Mr. FLANAGAN. I ask that the petition be referred to the Committee on the Judiciary.

Mr. ANTHONY. I did not listen attentively to the reading of that petition, but I thought it referred to proceedings in the other House. If so, I do not know whether we ought to entertain it.

Mr. FLANAGAN. No, sir; it merely speaks of a speech delivered by an honorable member of that House.

Mr. ANTHONY. I did not listen to it very attentively, but I thought it referred to speeches and proceedings in the other House.

The PRESIDENT *pro tempore*. It refers to a speech of one member of the House, and proceedings of the Legislature of the State of Georgia, and upon them bases a petition that Congress will pass the civil-rights bill.

Mr. FLANAGAN. That is all.

Mr. NORWOOD. I did not understand the Senator from Texas to state from whom this petition comes.

Mr. FLANAGAN. It comes from a committee.

Mr. NORWOOD. Of what?

Mr. FLANAGAN. The names of the committee have been read; I do not recollect them. The letter to me inclosing the petition is from a gentleman there who has once represented the State in the Legislature, by the name of Romulus Moore, a good old Roman, judging by his name. [Laughter.] I take occasion now, having the floor, although I did not intend to have made a remark, to say that this petition meets my approbation to the very fullest extent; and whenever that question comes up for action I shall be found, as I have heretofore uniformly been found, advocating that policy; and will then take occasion to submit some remarks to the Senate upon the subject.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the Judiciary.

, Mr. SCOTT presented the memorial of manufacturers, wholesale dealers, and retailers of hats, of the city of Philadelphia, Pennsylvania; the memorial of manufacturers, wholesale dealers, and retailers of hats, of the city of Allentown, Pennsylvania; the memorial of journeymen hatters, of Philadelphia, Pennsylvania; and a letter of manufacturers, jobbers, and retailers of hats, of Philadelphia, Pennsylvania, remonstrating against the extension of the Wells patent for forming hat-bodies; which were referred to the Committee on Patents.

Mr. LOGAN presented resolutions of the State Encampment of the Grand Army of the Republic of the State of Illinois, asking an equalization of bounties to soldiers and sailors of the late war; which were referred to the Committee on Military Affairs.

Mr. WEST presented the petition of Mrs. Zepherin Lambert, of Washington Parish, Louisiana, praying to be reimbursed for nineteen bales of cotton taken from her by the Government of the United States, as appears by the certificate of the proper officer, on the 29th of April, 1833; which was referred to the Committee on Claims.

He also presented the petition of Charles Clinton, formerly assistant treasurer of the United States at New Orleans, for reimbursement of the sum of $5,850 stolen from his office; which was referred to the Committee on Claims.

Mr. CONKLING. I have a petition which seems to represent all of the marine insurance companies represented in New York, and many importers and citizens of high respectability of the State of New York, touching the Hydrographic Office in the Navy Department of the United States. The petition sets forth that the work of this office is of great value to commerce; that it is one of the modes chiefly relied on to ascertain the location of shoals and dangerous places at sea; that other nations have a like establishment, and that they distribute to the nations in general information thus gained, and the memorialists suggest that it behooves the United States to do its part in contributing to the safety of the world. The petition prays that the work may be nourished and strengthened by adequate appropriations. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. SHERMAN. I present a petition praying for the passage of the civil-rights bill. This petition is printed and the signatures to the petition are printed, but it is accompanied by a letter from a gentleman who purports to be secretary of a committee in favor of the object of the petition, requesting me to present it. I therefore feel bound to present it, although it is not written. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. INGALLS. I present concurrent resolutions of the Legislature of the State of Kansas, asking for the passage of the bill in reference to the title to what are known as the Osage ceded lands; and I ask their reference to the Committee on Public Lands.

Mr. EDMUNDS. That Osage land question was before two committees; and this paper either ought to be sent to the Committee on the Judiciary, or that committee ought to have recalled from it two bills that I believe we have on the same subject. I do not know how the matter has got mixed up.

Mr. INGALLS. I know nothing about that. The memorial or concurrent resolution of the Legislature that I have submitted was forwarded to me by mail, with the request that it might be introduced and referred. If the bills previously introduced are before the Judiciary Committee, I would suggest the reference of this to the same committee.

Mr. EDMUNDS. I am sure one is before the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The papers will be referred to the Committee on the Judiciary.

Mr. CONOVER presented a resolution of the Legislature of the State of Florida, asking for the establishment of certain mail-routes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of the State of Florida, asking for an appropriation to deepen the ship-channel in Apalachicola Bay; which was referred to the Committee on Commerce.

Mr. THURMAN. I hold in my hand a copy of the preamble and resolutions of the common council of the city of Cincinnati, Ohio, in reference to the new public building for that city. This is not in the form of a memorial to Congress, but I believe it has been the practice to lay such papers before the Senate and have them referred. I move that this paper be received and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. STOCKTON presented the petition of William Kilburn, praying for the passage of a law authorizing his restoration to the Navy as an ensign, at the foot of that class of which he was a member at the time of his resignation; which was referred to the Committee on Naval Affairs.

Mr. FERRY, of Connecticut, presented two memorials of the wholesale hat dealers of South Norwalk and Brookfield, Connecticut, remonstrating against the further extension of the patent granted to Henry A. Wells, April 25, 1846, for improvements in machinery for making hat-bodies; which were referred to the Committee on Patents.

Mr. CAMERON presented a memorial of colored citizens of Georgia, remonstrating against the declaration that the colored people of Georgia do not desire the passage of the civil-rights bill, together with a petition for its speedy passage; which was referred to the Committee on the Judiciary.

He also presented a petition of the directors of the Brookville National Bank, of Pennsylvania, praying for the passage of an act to except bonds held as a basis of banking from being called by the Treasury Department; which was referred to the Committee on Finance.

He also presented the memorial of workingmen of Duncannon, Pennsylvania, remonstrating against a restoration of the tax on tea and coffee, and also against the reduction of the tariff duties of 10 per cent. made by the last Congress on certain productions of the United States; which was referred to the Committee on Finance.

Mr. SCHURZ. I present a remonstrance against the further extension of Henry A. Wells's patent of April 25, 1846, reissued in 1860, 1862, and 1865, and extended by the Commissioner of Patents, and by an act of Congress approved March 4, 1867, extended for a further term of seven years, the letters-patent to said Wells being for improvements in machinery for making hat-bodies. This remonstrance is signed by the manufacturers, wholesale dealers, and retailers, of the city of Saint Louis, Missouri. I move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. MORTON. I present a memorial of the same character, signed by hatters of the city of Indianapolis, Indiana, remonstrating against the extension of Wells's patent for forming hat-bodies. I move its reference to the Committee on Patents.

The motion was agreed to.

Mr. CONKLING. I beg to present the memorial of hatters of Syracuse, New York, remonstrating against the extension of letters-patent in the case of Henry A. Wells, and assigning some very strong reasons why the extension ought not to be granted. I move that this remonstrance be referred to the Committee on Patents.

The motion was agreed to.

Mr. SHERMAN presented a memorial of citizens of Cincinnati, Ohio, representing the interests of the wholesale hat business of that

place, remonstrating against the extension of the Wells patent for improvements in machinery for making hat-bodies; which was referred to the Committee on Patents.

Mr. WEST. I beg to present the remonstrance of certain hat manufacturers of New Orleans, Louisiana, against the extension of Henry A. Wells's patent for improvements in machinery for making hat-bodies. I move its reference to the Committee on Patents.

The motion was agreed to.

Mr. BOGY. I have in my hand several remonstrances from hatters and hat manufacturers and dealers in my State, residing in Kansas City and other places, against the extension of the same patent. I move that these memorials be referred to the Committee on Patents.

The motion was agreed to.

Mr. PRATT. I hold in my hand several remonstrances of the same character from hat manufacturers of different cities in the State of Indiana, against any further extension of the patent originally granted to Henry A. Wells, April 25, 1846, and already once extended by act of Congress. They say that this is a monopoly of twenty-eight years' standing, and costs every man who wears a hat twenty-five cents in addition to what he would otherwise have to pay. I move the reference of these remonstrances to the Committee on Patents.

The motion was agreed to.

Mr. CHANDLER. I have several remonstrances of the same kind from hatters of Michigan, in which they state that this monopoly yields $2,500,000 a year to the owner of this patent, which has already been in existence for twenty-eight years. I move the reference of these remonstrances to the Committee on Patents.

The motion was agreed to.

Mr. CONKLING. I have a petition from wholesale hatters of New York, which says all that the memorials just presented by my friend from Michigan say, and objects entirely to the second extension of these letters-patent. I move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. McCREERY presented a memorial of manufacturers, dealers, and retailers of hats of the city of Louisville, Kentucky, remonstrating against the extension of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1223) for the relief of L. S. Campbell, reported it without amendment.

Mr. JOHNSTON, from the Committee on Revolutionary Claims, to whom was referred the memorial of Susan Dayton Anderson, administratrix of the estate of Lieutenant Joseph Wheaton, deceased, asking compensation for his services as an officer of the Revolution, submitted a report, accompanied by a bill (S. No. 418) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the petition of Sebastian Reichert, praying that the Commissioner of the General Land Office be directed to state accounts with him in relation to certain lands in Saint Clair County, Illinois, and that he be refunded the amount of purchase money, submitted a report, accompanied by a bill (S. No. 419) for the relief of Sebastian Reichert.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 192) for the relief of Siloma Deck, reported it without amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 270) making provisions for arming and equipping the whole body of the militia of the United States, and for other purposes, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 138) making provisions for arming and equipping the whole body of the militia of the United States, and for other purposes, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 358) to amend "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 184) relating to certain brevet appointments, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 320) to increase the Pay Department of the Army, reported it without amendment.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of William McCarrick, late of Company B, Twenty-sixth Regiment New York Volunteers, praying payment of arrears of bounty, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 420) to amend an act entitled "An act for the restoration of certain lands to homestead entry and to market in the State of Michigan," approved June 10, 1872; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 421) to amend section 6 of the act of March 3, 1865, amended July 13, 1866, imposing a tax of 10 per cent. on the circulation of State-bank notes; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 422) to establish a certain post-road; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 423) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 424) to establish a Bureau of Health; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 425) for the restoration to market of certain lands in the Territory of Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 426) for the relief of John L. Buck, of Pine Bluff, Arkansas, for property used and destroyed by United States troops during the war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 427) to extend the provisions and limitations of the act entitled "An act to limit the liability of ship-owners, and for other purposes," approved March 3, 1851; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOWE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 428) for the relief of Benjamin W. Reynolds; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 429) for the relief of the heirs of Jonathan Haines, deceased; which was read twice by its title.

Mr. LOGAN. I introduce this bill by request, without any knowledge of the case whatever, and move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 430) to provide for the redemption and reissue of United States notes, and national-bank notes, and for free banking; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 431) for the relief of Horatio Jenkins, jr., J. L. Regna, S. B. Hubbard, and others; which was read twice by its title, and referred to the Committee on the Judiciary.

TELEGRAPH OPERATOR.

Mr. MORRILL, of Vermont. I offer the following resolution:

Ordered, That the Presiding Officer of the Senate be authorized to appoint the operator for the Senate wing of the Capitol provided for in the act "in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government."

This resolution was handed to me to be introduced. It has not been considered by a committee, but it seems proper in order to carry out the existing law and enable us to take advantage of the telegraph that has already been established. I therefore ask for its present adoption.

The resolution was considered by unanimous consent and agreed to.

IMPROVEMENTS AT MOUTH OF MISSISSIPPI RIVER.

Mr. WEST. I move that the Senate now take up the bill (S. No. 87) to facilitate the execution of, and to protect, certain public works of improvement at the mouth of the Mississippi River.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

Mr. THURMAN. I wish the Senator would not ask us to take up that bill this morning. I have glanced over it very hurriedly as it comes back from the committee, and my impression is that it is not what it ought to be, and not what the Senate will make it if it is debated. I should like a little time to look at it. I am as much in favor of the object of the bill, the protection of the public works and of navigation at the mouth of the Mississippi, as the Senator himself or anybody can be; but I should like to have the bill somewhat more perfect than I think it is, with due deference to the Committee on Commerce, even as now reported. I will not object to the Senator

calling it up to-morrow morning in the morning hour, but I wish he would let it lie on the table for to-day.

Mr. WEST. I scarcely can decline to yield to the request of the Senator from Ohio, but I beg to ask him that by to-morrow morning, if the bill does not suit him, he will have something prepared that will meet his views, so that we can have some remedy suggested in place of merely objections. With that view I will let it go over till to-morrow.

The PRESIDENT *pro tempore*. The motion is withdrawn.

MAIL-BID DEPOSITS.

Mr. SHERMAN. I ask leave to make a report at this time. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 417) relating to certain deposits in the Post-Office Department, to report it back with an amendment in the nature of a substitute. This bill was introduced yesterday by the Senator from California, [Mr. SARGENT,] and he desired its immediate consideration. I should, therefore, like to have it acted upon now.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Finance was to strike out all of the bill after the enacting clause, and to insert in lieu thereof the following:

That whenever any person who has made, or who may hereafter make, a bid for carrying the mails of the United States shall so request in writing, it shall be the duty of the Postmaster-General to transfer and deposit the check or draft that may have been received with such bid with the Treasurer of the United States, who shall collect the same and hold the proceeds to be repaid by the Treasurer to such bidder upon the certificate of the Postmaster-General that such bidder is lawfully entitled thereto.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I suggest that the word "to" should be inserted after the word "transfer," so as to read, "transfer to and deposit with," &c.

Mr. SHERMAN. I think that ought to be done.

The PRESIDENT *pro tempore*. That amendment will be made, if there be no objection.

Mr. SARGENT. I simply wish to state that the substitute meets my views. The original bill I wrote at my desk, and on consultation with some Senators; but I am perfectly satisfied with the substitute, and think it will answer the purpose.

Mr. EDMUNDS. Let the bill be read again.

The Chief Clerk read the bill as amended.

Mr. RAMSEY. I should like to inquire of the Senator from California whether that provision is sufficient to enable a party to get the money out of the Treasury after it is covered in, without some legislation here again?

Mr. SARGENT. O, yes.

Mr. RAMSEY. Do you think that language is sufficient?

Mr. SARGENT. I think so.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. THURMAN. Before the question is put on the passage of this bill I wish to be informed whether I am right in my apprehension of the law as it now stands. The law now requires a bidder to make a certain deposit of a bank-draft.

Mr. SARGENT. A certified check, to remain, perhaps, for six months in the possession of the Postmaster-General.

Mr. THURMAN. The law, then, requires that specific thing, does it—a certified bank-check?

Mr. SARGENT. Yes, sir; by section 253 of the postal code, which I have before me. I will hand it to the Senator.

Mr. THURMAN. "A certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank." The reason given for changing this is that these national banks are not solvent, or that there is some danger of their solvency; that there is some danger that this solvent national bank, for it must be one, will not be solvent six months hence. That is not a very great compliment to the national-bank system, that a man bidding for a contract cannot find a national bank that he will trust for six months. It strikes me as a very singular proposition to make to the country or to send out to the country, that when a man has a choice among the two thousand national banks of the country whose checks he will take, what bank he will get to certify a check for him upon his deposit of money with it, in the whole two thousand banks he cannot find one that he will trust for six months.

Mr. MORRILL, of Vermont. May I remind the Senator from Ohio that in California there are no national banks, and therefore they have to make a selection of them rather blindly?

Mr. THURMAN. I beg the Senator's pardon; there are national banks in the State of California, and they pay gold, too.

Mr. MORRILL, of Vermont. They are gold banks.

Mr. THURMAN. They are national banks, and they pay gold; and I suppose one of their checks would be perfectly good.

But, sir, I believe I can vote for this bill for another reason. After this intimation, which I do not quite believe, that the national banks are such shaky institutions, although I am not particularly friendly to them, after looking at this statute I very much doubt whether, in morals at least, the United States would not bear the loss in case the banks should fail.

Mr. SCOTT. Will the Senator permit me to make another suggestion? It may not be a question entirely relating to the solvency of national banks, but it may be a question whether it is not preferable, as a matter of public policy, that the Treasury of the United States should have the benefit of this deposit rather than the national banks.

Mr. THURMAN. If we are going to borrow money to carry on the Government—and some people seem to think that will be necessary; if we are so hard run that we shall have to go shinning around for currency to carry on the Government—I do not know but that this little bill might be of some advantage.

Mr. SHERMAN. My colleague finds a kind of mare's nest in this little bill. Now, all that this bill does is to allow any citizen of the United States who chooses to make a bid to carry the mail-bags of the United States to deposit his money in the Treasury of the United States rather than in a national bank. There may be some people in the United States who believe that everybody is going to fail within six months, or within two months, or within ten days. There may be some people so foolish that they do not like to risk a national bank or anything else—scarcely the Treasury of the United States. They complain that they have to deposit their money with a national bank for six months and take the risk. This bill relieves them from that and allows the money to be deposited in the Treasury of the United States, where it remains safely to their credit. That is all there is in the bill. I do not consider it a matter of very large moment; but I do not think that there is any imputation in this bill that the national banks are not perfectly safe. My colleague, I know, deposits his money in national banks with confidence, and I suppose most of the people of the United States do so. This bill is merely to favor that class of bidders who are remote and who have no opportunity to deposit their money in banks, or on the whole would prefer, as the deposit has to be made in some shape, that it be placed in the Treasury of the United States.

Mr. THURMAN. I beg to remind my colleague that it is not I who found the mare's nest, but it is those who promote this bill who found it; who asserted that among two thousand national banks they could not discover one whose certified check they were willing to hold for six months, and therefore they want the Government to hold the money.

I have no objections to that, as I said, both for the reason that I doubt extremely whether the Government of the United States would not be liable under the provisions of the statute if the bank should fail, since it requires that a certified check shall be deposited instead of anything else, and for the reason suggested by the Senator from Pennsylvania. I have not said that the national banks are in this shaky condition; but the statement that they were, or might be, or were supposed to be, and that that created a necessity for legislation by Congress, struck me as a very singular thing to promulgate to this country.

Mr. SARGENT. The difference between the present legislation and the former is, that formerly bonds were allowed to be given by persons who made bids. It was thought that this encouraged straw bids. Therefore the Government required instead of bonds a deposit. The parties are willing to make the deposit; but it is the duty of the Government to make them as safe as possible in doing so. It must be admitted by every one that however strong as a system the national banks are, there may be individual banks that possibly might be selected by this or that bidder which might be weak; at any rate we can make it safer for them, and they feel some alarm, in view of the large amounts of money they are required to deposit, at its remaining in the hands of banks whose affairs they have no opportunity of investigating, and therefore they ask this relief.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1753) to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence;

A bill (H. R. No. 1754) to amend the act entitled "An act granting a pension to Amos Farling," approved February 5, 1873;

A bill (H. R. No. 1756) to amend the act entitled "An act to withdraw from settlement and sale a certain section of land in Wyoming Territory," approved May 23, 1872; and

A joint resolution (H. R. No. 51) in relation to civil-service examinations.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 223) changing the times for holding certain district courts of the United States for the State of Iowa.

MARCUS OTTERBOURG.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first bill on the Calendar.

The CHIEF CLERK. The first bill on the Calendar is the bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote on the passage of this bill.

Mr. SUMNER. I observe that the Senator from Missouri [Mr. SCHURZ] is out of his seat.

The PRESIDENT *pro tempore*. If the Senator from Massachusetts objects, the bill will be laid aside.

Mr. SUMNER. I suggest that it be passed over until the Senator from Missouri comes in.

The PRESIDENT *pro tempore*. The bill will be passed over.

EDWARD JARVIS.

The next bill on the Calendar was the bill (S. No. 302) for the relief of Dr. Edward Jarvis.

Mr. SHERMAN. Objection was made to that bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. SUMNER. Why not act on the case of Dr. Jarvis now? The Senate voted the other day in favor of the bill.

Mr. SHERMAN. I have no objection if the vote can be had; but there were objections to this bill which struck me as forcible.

Mr. SUMNER. If the Senate is proceeding on that ground I have nothing to say.

Mr. SHERMAN. I certainly cannot vote for the bill, and therefore I think I had better object.

The PRESIDENT *pro tempore*. The Senator from Ohio objects, and the bill will be passed over.

WILLIAM H. VESEY.

The next bill on the Calendar was the bill (S. No. 69) for the relief of William H. Vesey; which is a direction to the Secretary of the Treasury to pay to William H. Vesey, former consul of the United States at Havre, in France, $1,320.57, being the amount of his loss in consequence of the failure, on March 27, 1857, of the house of Greene & Co., American bankers, with whom he had deposited moneys belonging to the United States to the amount of $1,467.30, upon the assignment by him to the United States of his claims against that firm for the moneys so deposited.

Mr. CONKLING. Let us hear the report in that case.

The Chief Clerk read the following report, submitted by Mr. PRATT on the 14th of January, from the Committee on Claims:

The Committee on Claims, to whom was referred the memorial of William H. Vesey, praying to be relieved of a certain loss sustained while consul at Havre, France, submit the following report:

Mr. Vesey presents the following state of facts as the basis for the relief asked:

On the 27th of March, 1857, he was consul of the United States at Havre, and had been for several years previously. During all this time he had been in the habit of depositing moneys received by him in his official capacity with the banking-house of Greene & Co., American bankers at Paris, with a branch at Havre, for safe-keeping. On that day there remained on deposit in the hands of said firm the sum of $1,467.30, at the time they failed and became insolvent. On settlement of their affairs Mr. Vesey has received 10 per cent. of his deposit, or $146.73, leaving a loss of $1,320.57. Notwithstanding the failure, Mr. Vesey paid the amount of his deposit into the Treasury of the United States.

He asks Congress to refund him the sum of $1,320.57, and says he has executed an assignment to the United States of all his right, title, interest, and claim to the moneys still due from Greene & Co.

The present minister to France recommends the relief of Mr. Vesey.

The Secretary of the Treasury makes no recommendation, but admits that Mr. Vesey has paid the amount of the loss into the Treasury.

The chief clerk in the State Department pays a high compliment to Mr. Vesey as a faithful officer, and says that full confidence may be placed in his statements.

The Secretary of State expresses his confidence in Mr. Vesey's account of his loss, and says this gentleman was for many years in the employ of the Government under his Department in several consulates, and enjoyed a high reputation for integrity, capacity, and the faithful discharge of all the duties of his position.

That the money was lost by the failure of the bankers; that it was funds belonging to the United States, though standing to the credit of Mr. Vesey; that it has been made good to the United States, are facts which the committee assume as established. The evidence is not before us showing the standing and reputed solvency of Greene & Co. at the time of failure, though from the report made to this body on May 23, 1860, by the Committee on Foreign Relations, it would seem there was satisfactory evidence before them that up to the date of their suspending payment the credit of Greene & Co. was good, and their branch house at Havre regarded a safe place for the deposit of moneys, better, much, than the keeping of them by Mr. Vesey either at the consulate or at his residence. Such is the testimony of Mr. Mason, at that time minister from this country to France.

We think the evidence shows that the consul was not guilty of want of caution in making his deposits with this banking-house, if he chose to commit public funds to the hands of others at all for safe-keeping.

The deposit, however, was at his risk. He was bound to account for all the consular fees collected, and he confessed his liability at law by promptly accounting for the money.

Shall he or the Government be the loser? The committee are of opinion that Mr. Vesey should be relieved, and accordingly report a bill herewith, and recommend its passage.

Mr. HOWE. I understand that report comes from the Committee on Claims. Is that the fact?

The PRESIDENT *pro tempore*. It is.

Mr. HOWE. I rise to inquire of the committee what the evidence was that the consul, Vesey, had ever paid into the Treasury that whole sum which was in the hands of the bankers at the time of the failure?

Mr. PRATT. In answer to the inquiry of the Senator from Wisconsin I would state, that this case was before the Committee on Claims of the Forty-second Congress, and a bill similar to the present one—indeed identical with it, I believe—was reported from that committee. The original evidence in the case was not all before the committee at the time of passing upon this case. We relied very much upon the evidence which was collected by the Committee on Foreign Relations. The Senator from Massachusetts, [Mr. SUMNER,] from that committee, according to the paper which I hold in my hand, made a report in favor of this claim on the 23d of May, 1860; and in that report is set out the original evidence; and some of that evidence is of a very forcible character. I find among the exhibits attached to that report the certificate of Greene & Co., the bankers themselves—

That the account on our books of W. H. Vesey, esq., American consul at Havre, showed a balance in his favor of 7,628.20 francs on the 27th of March, 1857, which sum was then due to him.

The testimony of Mr. Mason, who was at that time our minister to France, is very strong in relation to the merits of this claim. I will read one or two passages from his letter, dated Paris, January 19, 1857:

I certify that since I have been in Paris I employed Messrs. Greene & Co. as my bankers until they suspended business in the month of March last. That up to the date of their suspension the house had my entire confidence, and the very large number of depositors with them shows that the confidence was general.

I further certify that Mr. W. H. Vesey, the consul of the United States at Havre, has often conversed with me on the subject of his safe-keeping of the public money in his hands in the interval between its receipt and disbursement or remittance. In the absence of instructions from the Government, and as the provision made by law for the safe-keeping of the public money—made by the independent treasury act—does not extend to foreign countries, Mr. Vesey's depositing such moneys with bankers appeared to me to be judicious, and far more secure than to endeavor to keep them in his own custody in a sea-port town like Havre, where both at his consulate and lodgings they would have been greatly exposed.

His banking with the branch house of Messrs. Greene & Co., at Havre, met my entire approval, and I more than once expressed to him the opinion that, without some other means of security being furnished by the Government, that course seemed to me best for the public interests.

It seems that, under instruction from the Treasury Department, Mr. Vesey was in the habit, at the end of every quarter, of sending the moneys which had accumulated in his consular office to the house of Baring Brothers & Co., bankers in London. This was money which had accumulated in the interval between making these quarterly returns.

There is abundant evidence on file going to show that American residents in Paris, American merchants there, and travelers, were in the habit of depositing their moneys with this branch house of Greene & Co., at Havre, a house which was of some forty years' standing, and in general good repute.

Mr. HOWE. The Senator will understand that I make no point against the fidelity of this consul. I am inquiring about an independent fact, a very distinct fact. The question I put was what the evidence was before the committee that the consul had in fact paid over the whole of this money to the Treasury. I will ask now another question, as the evidence on that point does not seem to be available. It is this: Was the office of consul at Havre at that time a salaried office, or was it paid by fees?

Mr. PRATT. I am not able to answer the question of the Senator whether he was salaried or whether he was paid by fees.

Mr. HOWE. I am told by the Senator from Maine [Mr. HAMLIN] that it was a salaried office. Was there any evidence before the committee, I would inquire then, showing that it was the usage of the consul to remit all the fees received by him to London, or to deduct from the fees received by him his compensation, whatever it was?

Mr. PRATT. I do not think there was any evidence on that question.

Mr. HOWE. The Senator will allow me to suggest on that point, if these were moneys received in the discharge of his official duties, and as fees payable to the consul, and he was authorized to reserve from these collections the amount of his compensation, would it not follow that these were moneys belonging to himself and to the Government; that only the excess of money over and above his compensation in fact belonged to the Government; that the balance was his?

Mr. PRATT. Probably that would be the inference, that after retaining his salary or compensation from his fees he remitted the balance. I do not remember that there was any evidence upon that question before the committee. I have before me, as I stated before, the report made by the Committee on Foreign Relations in 1860, and that committee wind up as follows:

Under these circumstances, and upon the evidence quoted, the committee are of opinion that the memorialist has exercised a reasonable degree of vigilance and care in providing for the safety of the public moneys which came into his hands, and that the loss which has been sustained is attributable to no neglect upon his part, but to an accident to which the most prudent persons are liable.

I ought to say in this connection that all the evidence goes to show that Mr. Vesey has been in the consular service of the Government for a great many years, and has been a very faithful and efficient officer. I read now a single extract from a letter of Mr. Cass, who was at that time Secretary of State, dated May 14, 1859, upon the occasion of his accepting the resignation of Mr. Vesey:

In accepting your resignation I am directed by the President to assure you that the satisfactory manner in which you have discharged the official duties during the last sixteen years of the consulates at Lisbon, Antwerp, and Havre has justly merited and received the commendation of the Government of the United States.

I believe he is still in the consular service.

Mr. SUMNER. At Nice.

Mr. PRATT. Yes, sir.

Mr. CONKLING. Will my friend allow me to make an inquiry? I believe that this claim is now seventeen years old. I should like to inquire, first, how it comes that it was never favorably reported from the Committee on Claims before; and, in the same connection, I would ask whether it has been adversely reported by that committee.

Mr. PRATT. I do not know anything about the history of the

claim between the year 1860 and the year 1871 or 1872, when it first appeared before the Committee on Claims. I do not think it was ever referred to that committee before the Forty-second Congress.

Mr. SUMNER. Always before to the Committee on Foreign Relations.

Mr. PRATT. Before that it was referred to the Committee on Foreign Relations, and the Senator from Massachusetts can probably give the Senate more information on this claim than I am able to do; but during the ten years between 1860 and 1870 I do not think the claim was ever before Congress; at least I have no knowledge of it myself.

Mr. SCOTT. The Senator from Indiana has stated very fully the merits of this case, which turns upon the two questions which have been raised here, the character of the funds and the good faith of the consul; and I will suggest to him, having charge of the bill, that a bill for the relief of this Mr. Vesey has passed the House of Representatives, and has been messaged over to us and referred to the Committee on Commerce. I have in my hand that bill, which is House bill No. 1400, and it would be better, to save further trouble and circumlocution, to move to proceed to the consideration of that bill and substitute it for the Senate bill, so that it may be finally disposed of.

Mr. PRATT. Very well; I accept that suggestion.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the House bill on this same subject.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1400) for the relief of William H. Vesey. It directs the Secretary of the Treasury to pay to William H. Vesey, former consul of the United States at Havre, in France, the sum of $1,320.57, being the amount of his loss in consequence of the failure, on March 27, 1857, of the house of Greene & Co., American bankers, with whom he had deposited moneys belonging to the United States to the amount of $1,467.30, upon the assignment by him to the United States of his claim against the firm for the moneys so deposited.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. CONKLING. Upon the passage of this bill I shall ask for the yeas and nays, as I should like to record myself against it; other Senators perhaps would like to do the same thing; and I will state in a moment my reasons for voting against it. This claim is seventeen years old, a fact which in itself does not answer it. We are unable to plead the statute of limitations, and therefore, although if this were a claim against anybody except the Government it would be completely answered in law, it is still here for us. The circumstance of the lapse of time, however, is an element I think to be considered in respect of the doubts which seem to me to hang about this transaction. If this was a salaried officer, authorized to withhold from moneys in his hands so much as would make good his salary, then there is nothing to show that these funds were not his and the Government's jointly in equity; nor is there anything to show they were not, upon an accounting, wholly his moneys.

Mr. HOWE. If the Senator will allow me, it was suggested to me when I put that question a short time ago that the office was then a salaried office. It has since been suggested that it was an office compensated by fees.

Mr. CONKLING. That would make it still worse.

Mr. HOWE. That would make it still worse, unquestionably; because the fees would undoubtedly belong to the consul out of which he might be required to account for a certain portion to the United States. I do not know how the law was.

Mr. CONKLING. I assume, from the suggestion made, the hypothesis most favorable to the claimant. If he was an officer compensated wholly by fees, then the suggestion I make is much stronger than it would be in the other case. In that event I think I may say that nothing has been read to us to show that these were not, at least in part, the moneys of the consul. I think there is nothing to show that they were not wholly the moneys of the consul. Therefore I feel at liberty to conclude, upon this state of the case, that if this demand was good and unquestioned in 1857 and 1858 and 1859, while the authorities were in power who had commissioned this man and knew him and had personal knowledge of the facts, and if it has been good ever since, it is rather extraordinary that we should see an effort made now, simultaneously it seems in both Houses, to carry this bill. I do not feel warranted in making any suggestion which would partake of the nature of an imputation upon this man—far from it. I do not know him; but I think I do know that which justifies me in refusing at this time to vote this money from the Treasury upon a demand which, upon the case stated, is doubtful, and which for seventeen years has gone unrecognized.

Mr. SUMNER. Mr. President, the delay of seventeen years is easily explained. I have no personal familiarity with the condition of this case, not having even read the papers; but I remember it of old, years ago, as the report shows in 1860, and the Senator from New York remembers well the organization of the Senate at that time. I had the honor of being a member of the Committee on Foreign Relations, and the chairman at that time referred this case to me for examination. I drew up a report, which was unanimously accepted by the committee at a moment when a report from me would not have been accepted by that committee unless it was on the firmest foundations. I have not looked at the facts since then; but I remember perfectly well the confidence of my conclusions. I did not doubt that the money was justly due, and so reported to the Senate. There was no opportunity of acting upon it at that time; and we all remember the terrible shadow of war that came over the country and necessarily interrupted the ordinary course of business. This claimant was a patriot, devoted to the cause of the Union, and while we were in peril he forbore his claim, and he forbore it for some time after, while the work of reorganization was going on. It was only when other persons were presenting claims, and when, happily, peace seemed to be assured, that his case found its place once more in this Chamber.

Now, I am not able to go into any precise statement of the facts; I did not expect the claim to come up to-day; nor, indeed, have I had any acquaintance with it of late years. I acted upon it originally officially in my character as a Senator and as a member of the committee which made the report.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, upon which the Senator from New York demands the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. I hope the vote will not be taken this morning. The morning hour has in fact expired. I want to see what was the state of the law when this happened.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of unfinished business, which is House bill No. 792.

REPORTING OF THE DEBATES.

Mr. MORRILL, of Maine. I should like to appeal to the Senator from Vermont, who has that bill in charge, [Mr. EDMUNDS,] to allow me to take from the table a resolution which was laid over yesterday on the suggestion that the Senator from Rhode Island was not in his seat, to authorize the Committee on Printing to make a contract for the reporting of the debates, which will take but a moment. If it occupies any time I will withdraw the request.

Mr. EDMUNDS. I will yield, subject to a call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the pending order be laid aside informally, and that the Senate proceed to the consideration of the resolution indicated by him. The Chair hears no objection, and the resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Printing be directed to contract, on behalf of the Senate, with a suitable person to report, for publication in the official record provided for the purpose, the debates and proceedings of the Senate during the sessions of the Forty-third Congress, on the terms allowed by the act entitled "An act making appropriations to pay for reporting the debates and proceedings of Congress," approved January 28, 1874.

Mr. ANTHONY. Mr. President, I do not know but that the word "authorized" would be better than "directed."

Mr. MORRILL, of Maine. Say "authorized and directed."

Mr. ANTHONY. Very well.

The PRESIDENT *pro tempore*. The question is on the resolution as modified.

Mr. SAULSBURY. I wish to inquire of the Senator from Maine whether that resolution requires the committee to contract, or whether it simply gives it authority to do so.

Mr. MORRILL, of Maine. It has been so amended as to "authorize and direct" the committee. It is in conformity with an act which we passed a few days ago.

Mr. SAULSBURY. In that form it seems to me to be somewhat objectionable. We might possibly have propositions that would be more advantageous to the Government than to continue the publication of the debates in the RECORD. It may be that some proposition might be presented to the Committee on Printing that would be more advantageous, by which the work could be done at less expense than the printing in the RECORD costs. If the resolution is simply to confer authority on the committee, I have no objection.

Mr. MORRILL, of Maine. I have no objection that it should go without the word "directed."

Mr. ANTHONY. But as I understand the resolution it has nothing to do with the publication of the debates; it only refers to the reporting. However they may be published, they must be reported.

Mr. SAULSBURY. I did not so understand it. If it relates to the reporting alone, I make no objection.

Mr. ANTHONY. The same reports would answer for any other publication.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 52) explanatory of resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year;" in which the concurrence of the Senate was requested.

EXPLANATION—TRANSPORTATION COMMITTEE.

Mr. WINDOM. I ask the consent of the Senate to make a very

brief explanation, at the instance of two or three members of the Committee on Transportation.

The PRESIDENT *pro tempore*. Is there objection to the making of a personal explanation by the Senator from Minnesota?

Mr. WINDOM. I do not desire to make a personal explanation, but a brief explanation of a matter that has appeared in the public prints.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. WINDOM. Mr. President, the New York Tribune of yesterday contained an article purporting to be an abstract of a report from the Committee on Transportation. I desire to say that no such report as that referred to in the Tribune, nor any report whatever, has yet been made by said committee. A paper was prepared by myself containing a brief of the decisions of the courts on the power of Congress to regulate commerce among the States. This paper, being in print, was handed to two or three members of the committee the day the Senator from Indiana made his speech on that subject. It was a private document, or intended to be so, and was prepared solely for the use and convenience of members of the committee. No one but myself is in any way responsible for the opinions therein expressed. How it was obtained for publication I do not know, but I can hardly believe it was by proper means.

NATIONAL-BANK CIRCULATION.

Mr. SHERMAN. I am directed by the Committee on Finance to report a bill intended to execute section 6 of the act of 1870, providing for a more equal distribution of bank circulation, and I ask that it be printed; and I give notice to the Senate that to-morrow, or as soon as the bill is printed, as I believe it has received the assent of every member of the Committee on Finance, and the approval of the Secretary of the Treasury and the Comptroller of the Currency, I shall ask for speedy action upon it. I may ask the attention of the Senate to it to-morrow, and I believe there will be no objection. It simply removes certain obstructions in the existing law which prevent the Comptroller of the Currency from carrying into execution that section which provides for a redistribution of the $25,000,000 national-bank circulation among the Western and Southern States.

The bill (S. No. 432) to amend an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, was read and passed to a second reading.

THE BANKRUPTCY ACT.

The PRESIDENT *pro tempore*. The bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, is before the Senate as in Committee of the Whole; and the question is on the amendment of the Committee on the Judiciary as a substitute for the bill.

Mr. JOHNSTON. Before the Senator from Vermont proceeds with his remarks, I desire to submit some amendments to the bankrupt bill, which I ask to have read and printed.

The Chief Clerk read the amendments, as follows:

In the third clause of section 11, act of March 2, 1867, strike out the words "and choose one or more assignees of his estate."

Strike out the whole thirteenth section of the act of March 2, 1867, and insert as follows:

The judge of each district court of the United States shall appoint a general assignee for each place at which a regular term of the court is held, and shall assign to each general assignee certain counties most convenient to the point of holding the court, and shall divide his district as equally as may be among the assignees. Before entering upon their duties, the said assignees shall take an oath of office, and shall execute before the judge, in vacation or term, as the case may be, bonds, with good security, in a penalty to be fixed by the judge, conditioned for the faithful performance of their duties. The said bonds shall be made payable to the United States, and be filed by the clerk of the court, and recorded in the order-book; and suit thereon may be prosecuted at the relation and for the benefit of any party injured. Within sixty days after the appointment and qualification of such general assignee, all assignees in his division of the district shall make to him full and detailed reports of their proceedings in each pending case and of the condition of the estate in their hands, and shall deliver to said general assignee all money, property, and choses in action, and convey all real estate in his hands as assignee. And upon failure of any of the said assignees to do this, the said general assignee shall proceed, by motion before the judge, after giving at least thirty days' notice, to require the said assignee to make such report and deliver and convey said estate, real and personal, to the general assignee.

In section 14, strike out the words, "that as soon as said assignee is appointed and qualified."

In section 18, strike out the words, "at a meeting called by order of the court, in its discretion, for the purpose, or which may be called upon the application of a majority of the creditors in number and value, the creditors may, with consent of the court, remove any assignee by such a vote as is hereinbefore provided for the choice of assignees."

Also, the words, "or at its discretion, by an election by the creditors in the manner hereinbefore provided at a regular meeting, or at a meeting called for the purpose, with such notice thereof in writing to all known creditors, and by such persons as the court shall direct."

Also the words, "no person who has received any preference contrary to the provisions of this act shall vote for or be eligible as assignee; but no title to property, real or personal, sold, transferred, or conveyed by an assignee, shall be affected or impaired by reason of his ineligibility."

At the end of section 28, act March 2, 1867, add:

The register, or any person in interest, within thirty days after the filing of said reports, may except thereto in writing, and the said report and exceptions shall be laid before the judge, in term or vacation, and be adjudicated by him.

In section 2, committee's amendments, line 5, after the word "expense," insert "and all notices of sales made by an assignee shall be published in a newspaper having the largest circulation in the county or city in which the sale is to be made."

Mr. EDMUNDS. Now, Mr. President, I hope we shall be permitted to go on with this bill.

Mr. THURMAN. I submit an amendment that I intend to offer to the bill, which I ask may be laid on the table for the present, and be printed.

The PRESIDENT *pro tempore*. The amendment will be received informally at this time, and be ordered to be printed.

Mr. EDMUNDS. I do not rise, Mr. President, for the purpose of making a general speech about this bill; but I rise merely for the business purpose of explaining to the Senate the amendments which the Judiciary Committee have reported for its consideration. I only need to premise what I have to say in these explanations by saying, what every Senator perfectly understands, that it is in the first place difficult to draw the line between the interests of debtors and of creditors, and at the same time so to draw it that the interests of the community shall at the same time be subserved. This bill and a great many other bills that we pass have three sides to them, as you may say; or they have three aspects in respect to which they are important to the interests of the several portions of the community. This one, of course, is important to creditors, who want the most stringent laws for the collection of debts. They wish to get every dollar that is their due, and in the quickest possible way. That is, of course, human nature. That is their right, if you stop there. The interest of the debtor, on the other hand, is so to carry on his business, without any special regard to the payment of his debts at the day, that in time he can enrich himself and have money left after his debts are paid. The creditor therefore, on the one side, wishes to press on; the debtor, on the other side, wishes to stave off—that is, when any occasion occurs where a bankrupt law, or an attachment law, or an insolvent law is to operate at all. When society goes normally and debtors do not overtrade and get too largely in debt, and are able in the ordinary and regular course to meet their engagements, of course there is no collision between these classes.

Mr. MORTON. I should be glad for one to have the Senator from Vermont, who has charge of this bill, make a general statement of the amendments offered, of the general reform proposed, especially on those leading points, which he understands very well, that have been the subject of so much complaint in the country. If the Senator would precede the consideration of the amendments by a general statement of that kind, I think it would be satisfactory to the Senate.

Mr. EDMUNDS. If my friend from Indiana had done me the honor to hear the very opening phrase which I addressed to the Chair, he would have seen that that is precisely what I propose to do.

Mr. MORTON. I did not hear that.

Mr. EDMUNDS. I was only stating, as preliminary to that, and inviting the attention of the Senate to it as I explain the amendments, that it is necessary in order to have a bankrupt law at all, as it is necessary in order to have a judicial law at all, or to have a constitution at all in our country or any other, that views which taken alone are hostile to each other must in some degree give way all around, and we must meet somewhere on a common point, without insisting on every side of the Senate as to this bill or any other that our own particular view in every particular should be carried out, because no legislative body could agree to anything if it was to legislate in that way.

In order to invite the calm consideration of the Senate to this question, I was pointing out what I thought to be the philosophy of this legislation, and the necessity which I have just now stated, that we should approach it on all sides with that clear necessity in view which permeates all proper legislation about complicated subjects, that no man should feel that he has a right to insist that his particular notion as to methods and ways, or as to degrees of stringency upon one side or leniency on the other, should be carried out in spite of the opinions of everybody else, and if they cannot be, that he will not go for this bill or some other. As I intimated, the Constitution of our own country could not have been formed on any such principle. We must, therefore, approach the consideration of these amendments and of this subject with the feeling in view which I have attempted to describe as the proper one for a legislator.

Many objections were made to the present bankrupt law, and the Committee on the Judiciary, after a most careful consideration, have attempted in going over the whole bill to make provision for every case that they thought needed provision in respect to the real merits of the bill. There were a great many suggestions about minor verbal amendments, as to which we thought the law might be well enough or could be got along with well enough as it now stands, which we omitted to insert. But where it respects the merits of the rights of debtors and of creditors and of the community, we have endeavored to provide such a system as will relieve the law in the judgment of almost the entire committee, I believe, of the just objections that have been made to it. No doubt these amendments will not relieve it from criticism; they will not relieve it from complaint. That is impossible in any legislation.

And so, Mr. President, the first provision that we have made which is of substance is found in the first section of the italic print, and that provides that the court, in its discretion, in a case of bankruptcy, may authorize the receiver (who is the officer that in case of dispute as to the bankruptcy may hold the property until there is an adjudication and an election of an assignee) and the assignee, under the order

of the court, to continue the business of the debtor for a period not exceeding nine months.

Difficulties, particularly in the manufacturing States, have arisen, and serious losses of property have occurred under the existing laws, in which it has been held—I do not know how rightly, but often held—that there was no power in the assignee or in the court to provide for carrying on the business of the debtor for even a limited time in order to wind up the estate more profitably. In the case of a great cotton mill, if you please, the stopping of the machinery for a month would be of much more injury to the value of the estate, as I am told by people acquainted with that species of enterprise, than running the mill at a considerable loss every day, on account of the machinery getting out of order, and rusting, and getting out of balance, &c. You may take the same as to a merchant's stock in the case of a small merchant or jobber in a city. If a jobbing merchant in the city of New York happens to fail just at the time when the fall trade is coming in from the country, it would be of the utmost importance to his creditors that for a limited time, if there was a dispute as to his going into bankruptcy, the receiver, or if he had gone into bankruptcy voluntarily or otherwise, the assignee, should be enabled to carry on his trade, keep his stock reasonably full, so as to meet his usual set of customers, and run through the trade for that time in such a way as to make a saving to the interest of everybody. So the committee in that respect have given authority to the court to provide for this thing for a period not exceeding nine months.

Then we have provided by the second section further regulations in respect to the duty of assignees. Under the existing law, which is somewhat scant in its provisions as to the duties of assignees in disposing of the property and winding up the estate, it is said that abuses have arisen in collusive sales and other contrivances between favored creditors or friends of the debtor or friends of the assignee, according to the nature of the case, by which estates have been sold at much less than the sum they ought to have realized. We have provided in the second section of our amending bill how the assignee shall sell the property, upon what notice, that he shall sell it in parcels or in whole according to the nature of the case and the best interest of all concerned, under the direction of the court; and we have provided (which is new in the scheme of the bankrupt act as it now stands) that he may sell real estate on a credit of eighteen months, payable in three equal installments, secured upon the property; so that if an estate consisting of real estate is to be wound up in bankruptcy in a time of stringency, when sales would be dull and when money would be tight, the assignee is authorized, under the direction of the court, to make sales of real estate upon a credit of eighteen months on proper security, in such a way as to have equal installments payable once in six months. But we do not provide that the whole price of the real estate shall thus wait, because the security might not be good, but that a quarter shall be paid for in cash on the spot, and the other three quarters in three intervals of six months each.

Then we have provided in the same section, by a further amendment, for the methods of settling the assignee's accounts, and requiring him to account for all interest and benefit that he may have received from the property or the money lodged in his hands, which the old law, it was supposed, did not sufficiently provide for.

In the third section of our amendments we have provided merely for the competency of all the parties as witnesses in suits by or against the assignee or the bankrupt respecting disputes concerning the estate. The rules of law upon that subject in the different States are different, and it was open to some question whether the existing statutes of the United States making parties witnesses in all cases would necessarily cover all these bankrupt questions, and this, therefore, is a mere formal enunciation of what probably the law is now.

The fourth section provides for a discharge of the compulsory bankrupt, otherwise entitled thereto, without regard to the amount of his debts or the consent of his creditors; and it provides, by a further amendment, which we have reported, that a voluntary bankrupt may be discharged upon the payment of 33 per cent. of his debts, instead of 50 per cent. as is provided in the existing law. Of course, in both these cases, allowing a bankrupt who is driven into bankruptcy by his creditors to be discharged, whatever the sum may be, he is still subject to the most stringent provisions of the existing law, that he must in no respect have been guilty of any fraud or wrong toward his creditors, and that his case presents the real instance of an honest debtor striving, with diligence and good faith, to pay all his creditors and to so dispose of and manage his estate as that he shall do them all justice in every respect. Any debtor who fails to come up to this standard of absolute honesty and good faith, both before and after his bankruptcy, and whose skirts are not therefore perfectly clean, and who does not stand as the mere victim of honest misfortune, is still obliged to submit to a vote of his creditors and to the payment of the 50 per cent. as before.

The fifth section provides for reducing the time necessary to elapse before a bankruptcy in compulsory cases, and for validating preferences. This is an important change also, and remedies in a large degree the injuries that are said to have arisen to the business of the country on account of the harshness of the bankrupt act in the upsetting of preferences and payments that debtors may innocently have made, as is supposed, within the period before which they should finally be forced into bankruptcy. The law now provides that these preferences are set aside, and payments, &c., are set aside, if the bankruptcy occurs within four months of the time of such payment in one instance, and within six months in another. We have reduced these times to two months and three months, respectively, so that the bankrupt may go on, if he does it without actual fraud, and is merely paying in the course of business and with fair faith toward the whole body of his creditors; that his affairs and theirs shall not be overhauled retroactively from the date of bankruptcy for a period exceeding in one instance two and in the other three months. We have diminished the time by one-half, which is a very great relief, it is supposed, to the business operations of the country.

Then, by the sixth section we propose to amend the thirty-fifth section of the bankruptcy act, which speaks of this period of time, and of preferences, and of frauds, &c., so as to require that the creditor who takes a preference, or to whom an improper payment, it is claimed, has been made after the man goes into bankruptcy and within this period of time, instead of having "reasonable cause to believe," as the law originally stood, shall "know" that he is doing something in receiving his payment or making his purchase that the law does not permit, and that he is committing a fraud upon the act. There is a dispute, it is true, or a question, perhaps, among lawyers, as to the extent of the real effect of this change of this particular clause in the bill. It might be held—and some courts of equity have perhaps held in some cases—that "having reasonable cause to believe" is equivalent to "knowing," and that a case of knowledge would be proved by showing a set of circumstances in which the creditor had a reasonable and sufficient cause to believe—certainly if I say sufficient cause to believe—that the fact really existed. However that may be, I am not now speaking for the committee in saying that we think it does not change the law, because I believe the body of the committee do think that it changes the law and improves the condition of the creditor above what it was when the words "reasonable cause to believe," instead of "knowing," were used; that it mitigates in favor of the creditor the severity of the existing law in that particular.

Then, the next amendment which we have suggested is to insert the words "sequestration" and "seizure," which are mere verbal amendments, evidently omitted in the original draught of the old section, and to make it conform to this.

Then, by the seventh section we have redrawn the thirty-ninth section, or the compulsory, bankruptcy section of the act of 1867 entirely; not that we have made any essential differences in the larger part of it; but we have redrawn it in order to bring it into more perfect and complete shape, so that it will read altogether as one section upon the subject of compulsory bankruptcy when it is adopted. I will point out to the Senate the changes that we have made in the thirty-ninth section of the law of 1867, and all that I do not mention that is seen in italics is the law just as it stands, word for word. On the seventh page, for instance, of this amended bill that I hold in my hand, we have extended the period during which a person must be imprisoned, or have his property under arrest, &c., from fourteen days to twenty, as a cause for bankruptcy, and we have changed the fourteen days in respect of which a debtor must have suspended payment on his commercial paper—a certain kind of paper of the merchant, banker, broker, &c.—to forty; so that the law is to be changed, according to our recommendation, in favor of the debtor in this respect, by not authorizing compulsory bankruptcy against him because his paper is suspended until the expiration of forty days, instead of fourteen, as the law now stands; to give him time, if he can, to make a peaceable arrangement with his creditors; to give him time, if he may, by sales of his property, himself be able to meet his debt without being compelled to go through the formula of winding up his whole affairs, and being turned into the street with nothing to do.

Then we have provided, which is also a new provision in this compulsory bankruptcy, that he is not then to be forced into bankruptcy without his own consent, unless upon the petition of his creditors, who shall constitute a fourth of them in number, and the aggregate of whose debts is a third of his debts in amount. This, of course, is a very considerable change in respect to the relief of debtors who, it is said, are now forced into bankruptcy by some one creditor or threatened with bankruptcy in order to induce the debtor to give that particular creditor a preference over the others, and to make payment to him which he thinks cannot be made to the others likewise. And we propose to require that, in order to compel the debtor to have his estate wound up and his business entirely stopped, there shall be a sufficient number of the whole body of his creditors to induce the reasonable belief that it is not an act of oppression, but is an act of prudent and just foresight upon the part of the creditors, finding that he is hopelessly insolvent, to have his estate disposed of for the mutual benefit of all the creditors; and so we have fixed this number at one-fourth in number and one-third in amount; and we have provided in the additional amendments that we have reported a special and easy method of having this one-fourth and one-third ascertained; so that the criticisms that were made upon the bill as first reported, whatever force they may have then had in that respect, are now disposed of, because under the additional amendments there is no difficulty at all. If one-fourth of the creditors of the debtor desire him to be a bankrupt, and one-third in amount also, there is no difficulty in attaining such concert of action, and providing means for ascertaining how

much the debts are, so as to enable them to take the proceeding if they desire.

Then we have provided, what is new also, in this thirty-ninth section, to be found on the ninth page, that the person who receives any payment or conveyance referred to in the former section that I have spoken of already, must have reasonable cause to believe that the debtor was insolvent and know that fraud on his part was intended, and that such person, if a creditor, shall not, in cases of actual fraud on his part, be allowed to prove for more than a moiety of his debt. As the law now stands, if a creditor is guilty of any fraud in taking preferences from his debtor, even although he be not guilty of a moral fraud, but what is called fraud in law—if he by accident or design gains an unjust advantage over the other creditors, or attempts to do so, in getting payment when all cannot be paid, he is not entitled to prove his debt at all, and is obliged to give up the security he has taken. In the case of such a creditor, who may sometimes be, and often is, entirely innocent of any real intention to defraud the other body of creditors—innocent of any real collusion with the debtor, but who commits after all an act of fraud, we do not make the penalty against his doing that so heavy as it was before. We entitle him to prove for one-half of his debt and leave him to forfeit the other half, because in order to make this provision in securing the whole body of creditors against the grasping avarice of a few, it is necessary that a creditor who does take preferences, in order to gain a preference, or who does take a collusive sale or payment, or whatever it may be, shall have held up before his eyes the fear of some punishment or loss which is to be the consequence of this misconduct of his. I believe all the existing bankrupt laws with which I am acquainted provide in such cases that he shall not be allowed to prove at all, but shall take it out of the debtor according to his own ability afterward, and as they can arrange; as they have gone into a collusion, to leave them there; but we thought it more just, on the whole, to reduce this penalty against the misdoing creditor to the forfeiture, so far as division of assets in that estate is concerned, of one-half of the claim he had, instead of the whole.

Then we have provided in the eighth section of this bill to amend section 40 of the act of 1867, by making a provision for ascertaining whether one-fourth of the creditors in number and one-third in amount have petitioned. I have explained that sufficiently already. That is a part merely of the machinery for carrying out the provisions of the act.

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. EDMUNDS. Yes, sir.

Mr. MORTON. My attention was called away from his remarks for a few moments. I wish to know whether the amendment makes a single failure of negotiable paper after forty days an act of bankruptcy in itself?

Mr. EDMUNDS. Yes, sir; it leaves the old law to stand exactly as it did in that respect, confined to the classes of individuals named, bankers, merchants, traders, brokers, manufacturers, and miners. It leaves the old law to stand, just as almost all, and I do not know but all, bankrupt laws have always stood, that the suspension of commercial paper for forty days of any of this selected class of individuals who are engaged in business which requires them to issue commercial paper all the time, must be taken as an act of bankruptcy, because a suspension for so great a length of time it is generally supposed, and usually turns out to be true, with that class of people, is really a failure of the man. If he cannot within that time make some arrangement with his creditors, or raise money, it would seem to be better that he should be wound up; so that we have not changed the principle of the law on that point, but have extended the time very greatly.

Then we have proposed to amend section 41 of the bankrupt act, which provides methods of proceeding in bankruptcy. We propose to amend section 41 by redrawing the last clause of it in such a way as to put the burden of proof upon the party who asserts the affirmative, so that when the question as to whether a man is bankrupt or not comes to trial before the court it is necessary that the creditor should prove that he had committed an act of bankruptcy, instead of being necessary, as the law now stands, that the debtor should prove that he had not. It is merely changing the rule of evidence in favor of the debtor.

We have also provided, which is new and important, and which does not exist in the present law, that all proceedings in bankruptcy may be discontinued on reasonable notice and hearing, with the approval of the court, with the assent in writing of the debtor and one-half of the creditors in number and amount; so that if at any time in the progress of bankruptcy proceedings the majority of the creditors in number and amount and the debtor shall agree that it is better to take the case out of court and settle it in their own way, or that the debtor should be able still to go on, or whatever it might be, the proceedings may be discontinued.

Mr. MORTON. And in that case there must be a majority of the creditors both in number and amount.

Mr. EDMUNDS. Yes; and I believe that by the experience of all commercial codes and bankruptcies it has been found to be essential to the protection of the interests of creditors that where the majority of creditors are to act, both the number and amount must be represented. Otherwise there is a liability of combinations, as there always naturally would be, of course, in such cases, of men who had very small debts and were large in number to do something with the estate which would injure others; or, on the other hand, if you leave it to amount alone, there is always a liability of a combination or other course of action by those having large sums and being only few in number against the interest of the many, whose little debts to them are just as precious as the large ones are to the large creditors. So I think it will be agreed on all hands that it is necessary in cases of this kind that there should be intermingled, interlocked, so to speak, a certain proportion in number of creditors and a certain proportion in amount of debts in order to guard against the combinations and hostilities that would arise if you took either alone.

Then we have reported an entirely new provision, which does not exist in our present law, but which has existed in the English laws, under one form or another, for a good many years, but under substantially the form that we have adopted since 1869. It has now been five years in practice in the bankruptcy courts of Great Britain, and, so far as I am able to learn, has gone on with very eminent success, because I find that the number of cases that are disposed of under it bear a very considerable proportion to the whole number of cases brought into bankruptcy, and that the amount of satisfaction that the creditors get by what is called this composition is very handsome in comparison with going through with the whole proceedings in bankruptcy to the end; and that is the provision which we have now inserted for the first time in our bankrupt act, it not having existed in the law of 1800 or 1841—a provision for a composition.

The substance of this provision is, that in any case of bankruptcy, after a petition is filed, whether before or after adjudication, there may be a meeting of the creditors of the debtor, called upon a certain notice, which is provided for; and at that meeting of the creditors the debtor may propose to the creditors a composition; that is, he may propose to them an instrument, or a deed, or a resolution, or a paper, whatever you may call it—there is no need of any special formality about it, except to clearly state what he proposes to do—that he will pay them so much a month, or so much a year, or in whatever way, so far as paying them in cash is concerned, (because compositions always provide for that alone,) which they think, upon looking at his assets and liabilities, he may be able to do. Then, if a majority at that meeting in number and three-fourths in value agree to this proposition of the debtor, after they have had an opportunity of having him before them to make his statement of assets and liabilities, to answer any questions that shall be proposed to him, so that every creditor who attends personally or who attends by his attorney may have full information as to the condition of the debtor, what his estate consists of, what it amounts to, what its liabilities are, how rapidly they mature, and everything which would enter into the mind of a creditor as a just cause for considering whether he would give his debtor time or not; what had become of his property, if you please; how he had met with his losses; whether his misfortunes were those of unavoidable accident, like the losing of a vessel at sea, or whether they had arisen from extravagance in his private affairs, or whether they had arisen by his going into bubbling speculations, if I may use such a term; in other words, the creditors are apprised, by having the man before them and being entitled to inquire of him about all his affairs, how his losses occurred and how his property stands, and being thus enabled to judge whether they are willing to trust him to wind up his own estate and to pay them a certain sum on the dollar, they then vote; and if three-fourths in value of the creditors assembled at the meeting, and a majority in number, vote in favor of this provision for a composition, then it is to be confirmed, because some of the creditors may not have attended the meeting; and we only require a certain proportion of those who do attend in the first instance. Then this instrument is to be signed by a certain number of the creditors in value and a certain number in amount, in order to be binding upon them. That number we have left blank for the consideration of the Senate, whether they will make it still three-fourths in value and a majority in number, or whether they will reverse that and make it three-fourths in number and a majority in value.

Mr. MORTON. That is, for a composition?

Mr. EDMUNDS. That is for a composition. That is the second step in the composition. In the first step, the meeting of creditors, where explanation is to be made and where the information is to be laid before them, which for the first time they may possess, only a majority in number and three-fourths in value of those who attend are necessary to open the proceeding and to say that they are satisfied to go on; and the object, then, of having a second step, that the same or some other proportion of creditors in number and amount shall show their assent by signature, is that the creditors are at this meeting for the first time supposed to be fully informed as to what the real state of the case is, and therefore we give them time to consider before they sign the instrument which shall be binding.

Supposing it to be had then, and the number agree to it which the Senate may think fit to put in, three-fourths in value and a majority in number, if you please, or whatever it may be, then this instrument is to be presented to the court. As this is dealing with private rights, and not in view of immediate liquidation, as in bankruptcy, it may go on for ten years, if you please, if the requisite number agree to it, and is therefore compelling a minority who do not, it may be, agree to it at all, it is still necessary that it shall be presented to the judge, and that he shall be satisfied that all these steps have been complied with

in the first place, and in the second place that it is a fair and honest composition to make. In other words, the majority, even in this instance, are not authorized to overrule the minority and prevent a man from collecting his debt in the ordinary way, against his will, and compel him to wait for his pay longer than the regular winding up by a bankruptcy proceeding. The court must be satisfied, in short, that every man who stands out against such a proposition as this and against the will of the great bulk of the creditors and the debtor, must stand out for some selfish and captious reason. In other words, to reverse the statement, the court must be satisfied that this composition proposed is a just and honest one, and is for the real benefit of the whole body of creditors alike and of the debtor, and of course it provides that this composition shall be equal; that nobody shall get an advantage over another.

Then it also provides, just as the English law does, that the court, on application at any time, if it shall find that any injustice has been inadvertently done, or that the thing cannot be carried out through unforeseen obstacles—because the composition, when once made, leaves the debtor to go on, of course, and manage his own affairs and pay according to the terms of the deed—if it is found at any time before the composition is finally accomplished, and upon hearing and notice to everybody that it cannot be honestly and fairly carried out, through unforeseen obstacles, or any fraud that has been discovered about it, or anything of that kind, the court may set it aside and the debtor wound up in bankruptcy, or the proceedings may be discontinued, or whatever shall be thought right.

That is the substance of the composition section. Then we have provided, as the House of Representatives did, for the time being, for a reduction of one-half of the charges, disbursements, and fees in bankruptcy, except expenses. Actual moneys paid out for services, of course, we have left not to be divided in half, but to be reimbursed to the man who has to pay them. But we have added a provision which we believe to be of great value, and which we hope will relieve the law of the objections that are now made to it in respect to cumbrousness of proceedings and excessiveness of fees, by providing that this reduction of just one-half, which is, of course, perfectly arbitrary and has not any philosophy in it, "shall be and remain in force until the justices of the Supreme Court of the United States shall make and promulgate new rules and regulations in respect to the matters aforesaid;" that is, in respect to the duties and fees of the officers in bankruptcy, and under the powers that they already have under the present bankruptcy law. And then we have provided that these justices shall have power under the same provisions to simplify and consolidate the duties of all these officers, the registers, the assignees, the marshals, and clerks, in order that prolixity, delay, and unnecessary expense may be avoided. We thought that could be much better done by the judges of the Supreme Court, as they go upon the circuits and know the practical operation of these things, than it could be done by legislation; and when they will revise this matter and simplify and consolidate these duties and cause the fee bills to be reduced as far as is necessary, there will be no just grounds of complaint in the administration of this law any more than in other judicial proceedings.

Mr. HAMLIN. Will the Senator allow me a remark?

Mr. EDMUNDS. Certainly.

Mr. HAMLIN. I have not the bill before me, but where it speaks of the power of the court to regulate the duties of the various officers, if I understand him aright, he means to include also the fees in certain cases.

Mr. EDMUNDS. It includes both.

Mr. HAMLIN. As the Senator read it, he used only the word "duties;" he did not use the word "fees;" but I will inquire if the language is satisfactory to himself, so that it will include both? "Duties" are one thing and "fees" another.

Mr. EDMUNDS. We took the House bill and changed one single word as to expenses. The House bill provided that these officers should have only half the expenses they actually paid out. We thought that was a little too hard upon them. Aside from necessary and actual disbursements, we just took the House bill, and then we added this proviso:

Provided, That this section shall be and remain in force until the justices of the Supreme Court of the United States shall make and promulgate new rules and regulations in respect to the matters aforesaid, under the powers conferred upon them by sections 10 and 47 of said act, and no longer.

Mr. HAMLIN. That is sufficient.

Mr. EDMUNDS. Now, sections 10 and 47 of the act give the Supreme Court complete power over the subject of forms of proceedings, over the subject of fees, and regulations of the duties of these officers.

Mr. President, the real difficulty under the law as it now stands upon this point, and I may perhaps as well state it here as anywhere, in respect to what are said to be enormous fees, (and in many instances I have no doubt they are, because they certainly are under State laws, as I have found by observation and experience,) is, not in the law, not in the regulation, but in the fact that suitors, if you call them such, in bankruptcy proceedings do not defend their rights. If a man goes into a State court in my State, and recovers a judgment or suffers one against him upon a litigation, the law prescribes how much the sheriff shall have, how much the clerk shall have, how much shall be paid to the jury, how much shall be paid for fees and all the steps that are necessary in judicial proceedings. Now what happens—and it happens in every State of the Union, it happens in every civilized country under every possible system of jurisprudence? It happens that unless the suitors who are interested, through honest attorneys, will defend themselves against extortion, the sheriff will double his charge, the clerk will treble his, and so on and so on. What is necessary, therefore?

Mr. MORRILL, of Vermont. May I ask my colleague whether there is anything in the proposed amendment to prevent constructive mileage on the part of marshals and registers?

Mr. EDMUNDS. No, sir; there is no provision in that regard, because the provision is already in the existing law. Actual travel only is allowed by law, and no marshal gets anything but actual travel, unless he be doing precisely the thing that I am describing, that the sheriffs of the State do and marshals of the United States do in proceedings in court; that is, tax a bill that he has no right to have paid to him, and it goes through because nobody opposes it or attends to it.

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. EDMUNDS. Yes, sir.

Mr. MORTON. In regard to mercantile paper going over forty days, I ask him to state how such failure may affect the indorsers who do not belong to the classes enumerated; whether it is an act of bankruptcy on the part of the indorser?

Mr. EDMUNDS. No, sir; it is not. That has been held over and over again.

Mr. MORTON. Under the provisions of your bill?

Mr. EDMUNDS. It does not affect the indorsers. Nobody is put into bankruptcy but the class of persons enumerated, the merchant, trader, broker, &c., and it has been decided, so that the construction is settled under the existing law, that the bankruptcy of the principal does not make a bankrupt of the man who indorses him, although he, if it were his own paper, would be bankrupt by letting it lie forty days.

While I am on the subject of costs, because I believe I have gone through with the chief explanation of the amendments that we propose, I may say that we addressed a letter to the justices of the Supreme Court on the subject of the sections which give them the power to make regulations and to regulate fees and costs and so on, and their reply states in substance what I have just stated, and what is true everywhere, that the complaints that have arisen under this law, in the respects of which I am now speaking, are due in ninety-nine cases in a hundred not to the law, not to the regulation, but to the administration of it, precisely as similar abuses exist everywhere in jurisprudence, State, national, or that of any other country, unless people who are interested in the fund or in their rights in court come forward and take care of them. The reply of the justices of the Supreme Court is as follows:

SIR: Your favor of the 2d instant was duly received and submitted to the justices of the Supreme Court, who, after considering it, have directed me to make the following reply:

Immediately upon the passage of the bankrupt law, a committee of three of the justices was appointed to make report to the court of the necessary action required by section 10 of that law.

This committee made their report, and with such qualifications as the justices as a body thought necessary, it was established and published as the rules and general orders in bankruptcy before the time fixed for the commencement of proceedings under the act. This committee was continued as a standing committee, and all suggestions of modifications in the rules were referred to them. Very little change was made until the December term, 1871, when the whole subject underwent a full review by the committee and by the court, the result of which was considerable modifications of these rules, and especially rule 30, on the subject of fees and compensation of officers. A copy of these rules will be handed you with this communication, and your attention is called to this rule, and especially to the clauses marked. The subject of the fee-bill received careful and protracted consideration, and the justices are of opinion that not much, if any, reduction can safely be made in fees fixed by their rules.

I am directed to call your attention to that provision of section 10 which confers upon us the power of regulating fees payable and costs allowed, *except such as are established by this act or by law*. The fees of the clerk of the district court are generally such as would come under some provision of the fee-bill established by the act of Congress of 26th of February, 1853, and were no doubt those referred to with some of the marshal's as fees "established by law."

Looking to section 47 of the bankrupt act you will perceive a fee-bill established by that act, which is, by the terms of section 10, excepted from our control. This fee-bill, as we are advised, is the source of the greatest complaint, especially the charge for a day's service, which is by the statute limited to five dollars, but the allowance is required to be made by the district court. We have not felt ourselves at liberty to interfere with that or any other of the fees fixed by this forty-seventh section.

In making a rule by which every fee-bill should be taxed by a standing auditor appointed by the court, subject to be determined by the court, and in requiring, of the assignee, regular and frequent reports of his proceedings and of the funds in his hands, and in providing for a summary mode of recovering back fees illegally exacted or received, we believed we had exhausted our power on the subject.

The enforcement of these rules, and of all the provisions of the act, must rest with the district courts. And as the register and assignees are the parties of whom complaint is generally made, and as they are the active parties in the administration of the law, it is quite certain that no system will secure absolute observance of all these rules which does not provide for more attention on the part of the scattered creditors or more vigilant supervision by the district court. Rules are as useless here as in other places when they are not enforced by some controlling power.

We have only to add that no special complaints are now pending before us, and no additional measures are in contemplation.

Very respectfully,

NATHAN CLIFFORD.

Hon. GEORGE F. EDMUNDS,
Chairman of the Judiciary Committee of the Senate.

Now, sir, what we do in Vermont when a sheriff taxes a bill in a suit against a person that the statute does not provide for—or what we used to do when I was at the bar there—was to bring the sheriff before the

proper officer and tax his bill down to the truth, and then no man was obliged to pay more costs than the law provided for. And then we have a statute—and we have so provided in this case, although there is a provision probably that covers it in the old law—punishing any officer of a court who taxes an illegal bill knowingly; he is obliged to refund ten for one.

I say, therefore, Mr. President, (and I lay some stress upon this because there has been a great deal of complaint, and gentlemen have been apparently disgusted with the law upon this point,) that we ought not to repeal a law which is beneficial of itself from the fact that the officers who administer it do precisely what the officers who administer your judicial system and every other judicial system do. Unless they are brought by the hand of the party who has an interest in it to face the law and obey it, they will certainly go in excess of it and will get more money than they are entitled to have; but when they are, there is no difficulty in reducing the fees.

Mr. HAMLIN. Mr. President, with the consent of the Senator from Vermont, before he concludes, I wish to call the attention of the Senate to the provisions of the eleventh section, I believe, of the bankruptcy act. It is a section which provides for notice to the creditor, and it does not seem to give the judge any discretion. That notice must be either by mail or personally. Now this case, I am advised by the judge of the court in my own State, has existed there. A newspaper publisher either voluntarily went into or was forced into bankruptcy. He had a large list of subscribers who had paid in advance for their paper, and having paid in advance and he having gone into bankruptcy, they were creditors of the estate; I think the judge states there were between nine and ten thousand of them; and there had therefore to be actual notice, personally or through the mails, and it was found that the cost of issuing those notices exceeded the amount of the assets, which was very small. The suggestion made is that there should be some provision in these small cases clothing the court with a discretionary power to give public notice through the papers to be rid of this expense of notifying so many. The Senator from Vermont may recollect that I called his attention to this subject and had an interview with him upon it, and I now ask him if he has considered it, and if so what is his conclusion.

Mr. EDMUNDS. Since the time my friend called my attention to that subject I have not had time to consult with more than one or two gentlemen of the committee, but on looking at the law I find it contains the apparent defect of which he speaks, and I have prepared an amendment which will provide, in substance, that in cases of that character, where the expense of personal service would be extravagant and onerous to the estate, the small creditors, not exceeding fifty dollars, for instance, may be notified by publication in a newspaper, if the judge should think fit, instead of by personal notice.

Mr. HAMLIN. That would meet the case.

Mr. EDMUNDS. At the proper time I shall offer that amendment, although, as I say, I have not had the sanction of the committee, for I have not had time to consult with them on the subject. Now, I hope we shall take up the amendatory bill by sections and consider it.

Mr. SHERMAN. I should like to ask my friend from Vermont whether there is any difficulty in limiting the proceedings in bankruptcy to cases where the amount exceeds, say two, or three, or four, or five thousand dollars. Is there any constitutional difficulty in prohibiting proceedings in bankruptcy in all the multiplied cases where the amount of liabilities is less than, say, two or three thousand dollars? The reason I ask the question is because some complaints have been made to me, and my attention has been called to the fact that proceedings in bankruptcy have been used in the nature of a threat against small dealers, who, from the very nature of their business, the extent of their business, the smallness of their assets, the smallness of their liabilities, ought to be freed from proceedings in a United States district court a hundred miles away, the mere cost of which, the terrors of which, would be greater to them probably than the charge of a petty offense. Could not some provision be inserted in the thirty-ninth section of the law, on the seventh page of this bill, limiting proceedings to cases where the amount of liability exceeds two or three thousand dollars?

Mr. EDMUNDS. I can only speak for myself on that subject, because the committee did not consider it directly upon that point, but merely in the general way of leaving the $250, or whatever it is now, as it stood in the old law, as there had been no special complaint on that point that was brought to our notice in the dozens, I might say hundreds, of letters and petitions on the subject we had received. Speaking for myself, I would say that there was no constitutional objection to making the limit $1,000, as well as to making it $100 or $200.

Mr. SHERMAN. The objection is based upon the word "uniform."

Mr. EDMUNDS. It would be just as uniform with the limit of $1,000 in my opinion, but I only speak for myself, as it would be at $250. The only objection to a provision of that kind, in respect to traders, would be this, and in the section of country which I represent particularly it would be a serious objection: Under the State laws as they are in my own State, I am sorry to say, preferences can be given to creditors in every variety of way almost; they can be obtained by creditors in spite of the honest intention of the debtor to divide his property equally among his creditors, by an attachment the very moment a debtor fails. The day after his note becomes due, be it small or great, the creditor has the common-law right to sue him then, and to get his right, not on obtaining judgment, but then by attachment, as we call it, of his property; and it is so in a great many States. Now, the difficulty, if you put the limit up to any considerable amount, would be that there would be opened again a temptation which has been found injurious to creditors, injurious to debtors, injurious to society I believe everywhere, of having the debtor made the master himself in effect, in one case, of the disposition of his own effects, to his uncles, and his aunts, and his cousins, and his favorites, with all sorts of collusion which cannot be got at in small cases, by the slow process of a creditor's bill in equity, which would use up any estate worse than all the bankruptcy proceedings ever heard of, and never get to an end. There would be no way of meeting that class of people who should not choose to be honest. Then when you turn around to those who are honest and who fall within the class that my friend is speaking of, they are exposed in a great many of the States to be instantly broken up because they are small and are unable to pay a small sum to some creditor, who just seizes all they have on a small debt, obtains a judgment in a very few days, as he can in most of the States, where the debtor is honest, because the debtor cannot put in a false defense; he must confess, "I owe this money and I cannot pay it," and his property is sold in fourteen days, and the consequent ruin to him on the whole is vastly greater than it would be if he should be able to say to this harsh and avaricious creditor, "You cannot sue me and take my property, Mr. A, because I cannot pay this note to-day, or did not pay it a month ago; you will get no advantage by it, because doing that will only oblige me to divide among all my creditors, when you will get only a very small portion of your money; but if you will suffer me, knowing I am honest, to go on, as my other creditors are willing to suffer me, and do not sue me at law and break up my business, you will get all in a year." I submit, therefore, to my friend from Ohio whether it is not better to bear the inconveniences that he suggests, in view of the countervailing considerations which I have stated.

Mr. SHERMAN. The inquiry I made was in regard to the involuntary bankruptcy section. I can imagine a case where a debtor, believing himself oppressed by his creditors, might seek the relief of the bankrupt law to prevent undue advantage in favor of particular creditors, or to prevent a hard creditor from getting an advantage in the settlement of his estate, where probably it would be right enough for him to appeal to the bankrupt law to protect the rest of his creditors; but it seems to me when parties force a man into involuntary bankruptcy for the specific causes recited at length in section 39, they ought also to allege that the amount of his liability is such as would give jurisdiction to a high court. My suggestion, therefore, would be to relieve the small traders of the country. There are in all the States, and especially in the Western States, a great many people whose entire business is bounded by one or two thousand dollars.

Mr. EDMUNDS. But my friend will see, if he will pardon me, that the consideration that he is now naming, about involuntary bankruptcy, is entirely ameliorated by the provision that the power of the one creditor to force a man into bankruptcy, if he is a small man, instead of suing him at law, is entirely taken away, and there must be the concurrence of opinion of a quarter of the creditors, having one-third of the amount of the debts of the man, before they can force him to be wound up; so that it is not in the power any longer of a harsh and avaricious creditor, by threatening the debtor, to compel him to pay him in some way when he cannot pay all. The debtor is placed in a position of independence of him. It is only when there is a considerable body of the creditors who are of the opinion that the case is so hopeless that the estate ought to be wound up, instead of being an instance of a temporary misfortune which ought to be waited upon, that the creditors themselves can move at all. That, I think, will answer entirely the difficulty suggested by my friend, that the small traders in Ohio, if our amendments are adopted, are at the mercy of any one large creditor.

Mr. SHERMAN. There is no doubt that the amendment proposed now is a great improvement of the old section 39, and it seems to have been very carefully considered. Still I come back to the point; there have been cases to which my attention has been called, in regard to this very bill, where the threat of the bankrupt law has been used to a very great extent. The old provision of the law, which authorized a small trader to be forced into bankruptcy because he happened to have his paper run by in bank, or among the people for fourteen days, was absolutely oppressive. By the common custom in the country, people are not expected to be so prompt in paying debts as in other places. They are not commercial communities. If a farmer pays once a year promptly, and squares up with everybody, he is considered a very excellent paymaster. It is better perhaps to cultivate a habit in this country of prompt payment; but the habit is not common in the rural districts throughout the country. I think, taking all the Northwestern States, it is the common habit among farmers to settle but once a year. That is as often as they expect to be called upon to settle up with their merchants, and the merchant is embarrassed sometimes by the delay of the payment of his debtors in such a way that he cannot pay up promptly. Sometimes the farmers will refuse to sell their produce until they can get a little higher price. The price is not so high as they think it ought to be, and they ask time, and take time, and there is no way to compel them to pay. Hence small traders throughout the country are often embarrassed and absolutely unable to comply with their obligations.

Now this bill, as reported, does not give them as much relief as I had hoped would be given them. It only extends the time from fourteen to forty days. If one of these small traders allows his paper to remain unpaid for forty days, and is not able to pay it, or compound with his creditor, or make an arrangement with him, his hands are tied up in some measure by having committed an act of bankruptcy. After having neglected to pay his paper so long, he cannot propose an arrangement, lest the creditor refuse to make it with him, lest he may be charged with violating the law against preferences of creditors. It seems to me that the old bankrupt law, and this one to a less extent, will be made the medium of oppression in that way. It strikes me that it could be ameliorated in several particulars. Forty days is entirely too short a time, in my judgment, for the State in which I live for the mere non-payment of a debt.

Then it seems to me the compulsory clauses ought to be confined to those who may be regarded under the English law as traders, men engaged in commerce; not mere dealers in small traffic all over the country. I think it would take away a great deal of the terror and oppression of the bankrupt law if it was confined to merchants or traders in the English sense.

Mr. THURMAN. The English include fifty people that we do not, even tavern-keepers.

Mr. SHERMAN. I know that.

Mr. EDMUNDS. Let me suggest to my friend from Ohio whether it would not be more convenient, and whether we should not get on faster, to take up the propositions we have made, one by one, and have the discussion on them as they arise.

Mr. SHERMAN. I have not the slightest objection. I merely suggested these matters to call out inquiry as to whether they had been examined in committee.

Mr. STEWART. Mr. President, I desire to make one suggestion to the Senator from Ohio. My experience is quite the reverse of his in the matter of which he has spoken. I have found the attachment laws of the States more oppressive to small creditors than the bankrupt law, because there the principle was, "first come, first served," and creditors were more likely to oppress debtors by reason of the attachment laws where I have lived than under the bankrupt law. Of course, you can have no law under which a creditor who is disposed to oppress a small debtor may not do him harm. This bankrupt law is certainly better than the State attachment laws; it takes away much of the inducement to oppression by creditors. My experience has been that it has worked satisfactorily. If you exempt one or two thousand dollars, you have this same door opened to fraud, to buying a small stock of goods and having them in the name of a cousin or a brother, and when they get to the place where they are to be disposed of, you have the same difficulty in having them attached on a small claim. The bankrupt law certainly has improved the condition of the country in the way of honest dealing. I think if you undertake to dispense with the bankrupt law you will find that there will be other laws in operation which will be much more oppressive.

Mr. INGALLS. Will the Senator from Vermont inform me to what section of the original law the first and second sections of the amendment of the committee apply? I have the statute before me; but the sections of the amendment are silent on that point.

Mr. EDMUNDS. The first section does not apply to any section of the existing law.

Mr. INGALLS. Where does it come in?

Mr. EDMUNDS. It does not come into the original law, but it comes into this bill for the first time as an amendatory bill, which we make section 1 of this amendatory bill. It is an independent and fresh provision. The second section is also an entirely new section, which is not to be attached to any particular section of the existing law, but is a continuation of the legislation on the subject.

Mr. INGALLS. Under what head of the statute does it come?

Mr. EDMUNDS. In the original statute it would come under the head of "the power of the court over receivers, and of proceedings pending the first part of bankruptcy"—that is, the carrying on of the business. It would come where the duties of the assignee are provided for, where the duties of the receiver are provided for, and the powers of the court over them. There we provide that the court shall have this power to have the business carried on for nine months. It is not as an amendment to the phraseology of the old law in that respect, but is an independent proposition.

Mr. INGALLS. I noticed that the other sections provided for amendments to specific sections of the present law.

Mr. EDMUNDS. Yes; but as these were entirely new schemes we insert them bodily as fresh legislation. In the other cases we have provided for making section 3 of the law read so and so, because the phraseology of those other sections was changed, and we have in some instances had them entirely redrawn, so that the whole matter would read consecutively in the amendatory law.

Mr. THURMAN. Mr. President, I wish to say to my colleague that if he desires to take the sense of the Senate on the amendments that he suggests, he can do so at the proper time by moving after the word "provable," on the first line of page 8, some such words as these, "and whose debts shall amount to at least $500," which would make the aggregate of all the debts amount to $1,500. He can in some such form as that try that question. It is very probable, however, that upon reflection and close examination of this amendment, he will find that debtors are protected against any black-mailing operations if this bill shall become a law. Indeed, in the multitude of letters received by the Judiciary Committee and by the members thereof, reviewing the bill reported by us, and which we reported on the 5th day of January and suffered to lie in order that we might have the benefit of all the criticisms of the bar, and of the bench, and of the merchants and business men of the community, I think the only criticism that this provision in the bill has undergone is that it is too unfavorable to bankrupt proceedings at all, that it tends to defeat anything like bankrupt proceedings, and that we might as well repeal the law. In that the critics were in error; but that, I think the members of the committee will bear me out in saying, has been the tenor of the only criticism that this section of the bill has received.

Mr. EDMUNDS. And that was based upon not understanding what it provided for.

Mr. THURMAN. Yes, that was based upon not properly understanding it. But it was not for the purpose of going into any particular detail that I arose. What I wish to say in general terms is this: Between the present bankrupt law and no law on the subject at all, I should be in favor of no law. I would vote for the House bill to repeal the whole law rather than see the present law stand, and that was my opinion before I began a critical investigation of the law and of the decisions and practices under it, and that impression was immensely strengthened by that examination. But between no law at all and a proper bankrupt law, one that is contemplated by the Federal Constitution for reasons that were satisfactory to the framers of that instrument, and that have commended themselves to the opinion of enlightened judges and enlightened business men ever since the Constitution was adopted, although a bankrupt law has not all the time prevailed—between such a law as that, a proper bankrupt law, and no law at all, I am in favor of a bankrupt law. And being perfectly well satisfied in my own mind that a majority of the Senate would prefer a reasonable and efficient bankrupt law to the bill sent us from the House of Representatives, I have, in common with the other members of the Judiciary Committee, labored hard and labored long to present such a bill to the Senate; and I believe that we have succeeded in maturing a bill which will recommend itself to the favorable consideration of all who will carefully study it.

I think it will be well, in the consideration of this bill, for us to take up the proposed amendments of the committee and consider them, instead of testing the strength of the question of repeal in the first instance. I think we had better see into what shape we can put this substitute before the question shall be put on striking out all of the House bill after the enacting clause, and I therefore concur with the wish expressed by the chairman of the committee that we shall take it up now and proceed with it section by section.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) If there be no objection, the substitute reported by the committee will be so taken up. Is it the desire of Senators that the section shall be reported again?

Mr. EDMUNDS. Yes, sir.

Mr. SHERMAN. I think we had better have one at a time.

Mr. EDMUNDS. They have been read all through, but I have some amendments to move to the amendments proposed by the committee, and if it is more satisfactory to any gentleman we can have them read all through again.

Mr. SHERMAN. It is a very important matter, and most of us have not had time to read the whole scheme carefully; and I think we had better read the sections *seriatim*, as they do in the House.

The PRESIDING OFFICER. The first section will be reported.

The CHIEF CLERK. The first section of the amendment reported by the Committee on the Judiciary is as follows:

That the court may, in its discretion, on sufficient cause shown, and upon notice and hearing, direct the receiver or assignee to take possession of the property, and carry on the business of the debtor, or any part thereof, when, in its judgment, the interest of the estate as well as of the creditors will be promoted thereby, but not for a period exceeding nine months from the time the debtor shall have been declared a bankrupt.

The PRESIDING OFFICER. The question is on the section just read.

The section was agreed to.

The PRESIDING OFFICER. The next section will be read.

Mr. INGALLS. Would it not be better to place the section just acted on in the original law? It appears to me that it would properly come under section 17 of the statute.

Mr. EDMUNDS. I would recite to my friend that this bill, if it passes at all, will be a bill entirely amendatory of, and supplementary to, the act of 1867, and referring to that act when we change the title, as the Senator will see at the end of the print; and here we merely make a general provision additional to those already existing by law, that the court shall have a particular power.

Mr. INGALLS. It was not the intention of the committee, then, to report an entire bill on the subject?

Mr. EDMUNDS. No, sir.

The PRESIDING OFFICER. The next section will be reported.

Mr. SHERMAN. As it is a mere matter of taste, I shall not make a point of it; but if the Senator from Vermont will read his title, which defines very properly the object of this bill, and then read this section as section 1, it seems to me rather abrupt—"That the court may," &c.

Mr. EDMUNDS. I will gratify my friend about that when we get

through. When the question comes on striking out the whole House bill and inserting this, we can put in as first words, "That the act entitled an act," &c., "is hereby amended as follows."

Mr. SHERMAN. I merely speak of it as a matter of taste, as this section, it seems to me, is rather abrupt in its beginning.

Mr. EDMUNDS. I am obliged to my friend for the suggestion. When we come to that, we shall have that done.

The second section was read, as follows:

SEC. 2. That unless otherwise ordered by the court, the assignee shall sell the property of the bankrupt, whether real or personal, at public auction, in such parts or parcels and at such times and places as shall be best calculated to produce the greatest amount with the least expense. And the court, on the application of any party in interest, shall have complete supervisory power over such sales, so that the property sold shall realize the largest sum. And the court may, in its discretion, order any real estate of the bankrupt, or any part thereof, to be sold for one-fourth cash in hand at the time of sale, and the residue in three equal installments, bearing interest at the rate of 7 per cent. per annum, and payable at intervals of not more than six months between any two payments, and secured by proper mortgage or lien upon the property so sold. And it shall be the duty of every assignee to keep a regular account of all moneys received or expended by him as such assignee, to which account every creditor shall, at reasonable times, have free access. If any assignee shall fail or neglect to well and faithfully discharge his duties in the sale or disposition of property as above contemplated, it shall be the duty of the court to remove such assignee, and he shall forfeit all fees and emoluments to which he might be entitled in connection with such sale. And if any assignee shall, in any manner, in violation of his duty aforesaid, unfairly or wrongfully sell or dispose of, or in any manner fraudulently or corruptly combine, conspire, or agree, with any person or persons, with intent to unfairly or wrongfully sell or dispose of the property committed to his charge, he shall, upon proof thereof, be removed, and forfeit all fees or other compensation for any and all services in connection with such bankrupt's estate, and, upon conviction thereof before any court of competent jurisdiction, shall be liable to a fine of not more than $1,000, or imprisonment in the penitentiary for a term of not exceeding two years, or both fine and imprisonment, at the discretion of the court. And any person so combining, conspiring, or agreeing with such assignee for the purpose aforesaid, shall, upon conviction, be liable to a like punishment.

And on any settlement of the accounts of any assignee, he shall be required to account for all interest, benefit, or advantage received, or in any manner agreed to be received, directly or indirectly, from the use or deposit of any of the funds coming to his hands as such assignee. And he shall be required, upon such settlement, to make and file in court an affidavit declaring, according to the truth, whether he has or has not, as the case may be, received, or is or is not, as the case may be, to receive, directly or indirectly, any interest, benefit, or advantage from the use or deposit of such funds; and such assignee may be examined orally upon the same subject, and if he shall willfully swear falsely, either in such affidavit or examination, he shall be deemed to be guilty of perjury, and, on conviction thereof, be punished by imprisonment in the penitentiary not less than one and not more than three years.

Mr. PRATT. I propose to amend this section in the eighth line by inserting after the word "sum" the words, "and may order an appraisement to be made of the property of the bankrupt in whole or in part, by a reputable and disinterested freeholder of the neighborhood where the debtor lives, to be selected by the assignee, and require that upon the sale such property shall bring at least two-thirds of the appraised value of the same."

Mr. THURMAN. Does the Senator mean personal as well as real property?

Mr. PRATT. I do; and I will state why. I have known some very great abuses under the operation of the old law. A case came under my knowledge where notes to the amount of $2,000 were secured by a mortgage on real estate, unquestionably good security, but they were sold at a sacrifice of about 75 per cent. The whole notes commanded only $500 on the sale. This amendment of mine does not make it obligatory on the court to order an appraisement. It simply confers on the court the discretion to order that the property of the debtor in whole or in part may be appraised. There is nothing obligatory about it. It is simply a matter of discretion to prevent a sacrifice.

Mr. EDMUNDS. I hope the Senate will not agree to this amendment. I can see the force of what my friend says, that a case might arise where there would be a great sacrifice; but in the case that he has made, a sacrifice of that character must have been a collusive one, where the court would set aside sale and all on having the proof come to its notice. But my friend must not forget that the object of this bankrupt law is to provide for the disposition of the property of the debtor for the payment of his debts, and that money must be realized. If the Senator will look at all the relieving provisions that we have inserted in the old law in respect of giving discretion to the court, continuing business, regulating the conduct of assignees, and all that sort of thing, and the provision which has been already inserted in respect to selling on time, selling on notice, and selling by parcels, he will see that every provision has been made for the benefit of the debtor and of the estate which I think can be made in consistency with the general object of the provision itself, which is to secure the winding up of the estate, the converting of it into money, and the dividing of it among the creditors.

This will be equivalent to requiring the court to order an appraisement, because if you put it in even in the form of discretion, the first thing would have to be, in case of any desire on the part of anybody to hang back, "I must go to the expense of having a fresh person appointed to make an appraisal of this;" and then, after all the notices and the expenses of the sale have been gone through, if the bidding does not come up to two-thirds of the appraisal the court will declare that it is no sale. Meanwhile the property may be depreciating all the time, the security may become bad; and then you are obliged to resort again to the rest of the estate for the expense of going through the entire fresh proceeding of selling it over again, first having a reappraisement.

I submit to my friend in all seriousness that when he looks on both sides of this difficult question he ought to agree with me in saying that, as we have provided for enforcing good faith on the part of the assignee and giving time on sales of real estate and resisting all plots and combinations and collusions to have the estate go too low, it will be reasonably satisfactory; whereas if you burden it with this also, I am afraid it is going too far in the other direction. I hope my friend will not press the amendment.

Mr. PRATT. Mr. President, we are trying to get rid of some of the objectionable features of the old law. I do not know whether the experience of the Senator from Vermont agrees with my own; but in the section of country where I live, the result of the settlement of bankrupt estates has been that the assignee, the register, the marshal, the clerk, and the attorneys have absorbed the whole, and the creditors have got nothing. I think I have been served with a dozen or fifteen notices by the marshal that this debtor or that debtor had applied to be bankrupt; and I do not think I ever received a solitary farthing in the shape of a dividend from any of them.

Now, my amendment is looking to the creditor; it is proposing to produce some result from these sales. So far as my experience extends, the property of the bankrupt, as a general rule, has never sold for one-half of its actual value.

I do not propose this as an absolute rule; but I propose to vest this discretion in the judge: that, whenever circumstances seem to warrant it, he may order, not the entire property of the debtor to be appraised, but such property as he sees proper to be subjected to an appraisement, and require that upon sale it shall bring a certain proportion of its appraised value. If it is thought that two-thirds is too large, let it be so amended as to substitute one-half, so that, upon sale, it shall bring one-half of its appraised value. But I want the property to bring something. I am looking to the creditor side of the question.

Mr. WRIGHT. The amendment of the Senator from Indiana follows a sentence which gives to the court a complete surpervisory power over all sales by the assignee, and for the purpose stated, that the property sold shall realize the largest sum. By this provision power is given to the court to protect the interest of the bankrupt, as also the interests of all persons interested in the estate. We are by these provisions making general rules in connection with these estates and the winding up of these affairs. My experience is, that when we attempt to legislate because of some case of supposed individual hardship, and to throw that into a general law, the chances are that we are legislating in the wrong direction. Now, when this entire power has been given to the court to thus regulate and supervise the matter, it seems to me that that ought to be sufficient for the Senator from Indiana.

Then, again, so far as this amendment is concerned, I think there are two very serious objections to its language. In the first place, why give the assignee the power to select this "disinterested and reputable freeholder?" Why shall he have the power to select the person to make this appraisement? Then why shall it be confined to one person? By the laws of most States, where property is appraised three persons at least are selected to make such appraisement; and why shall the entire power to make such appraisement be lodged in the hands of one person, and he selected by the assignee?

I suggest that the property of the bankrupt is sufficiently protected already by the provision of the section which is sought to be amended by the Senator from Indiana; and that he, because of some case of individual hardship, now seeks to ingraft upon this law a provision that I think will work harshly and improperly as a general rule. So far as his reference is concerned to the manner in which estates have been wound up, and his statement that his experience is that but little if any money has been realized, giving his own experience in illustration of it, I perhaps might suggest to him that his case is probably not unlike that of most lawyers who are unfortunate in having bad clients.

This point was very carefully considered by the committee, and after the most careful consideration it was deemed best that this amendment should be omitted, and that we should leave the power, as it is now, with the judge, giving him an entire supervisory control of the whole matter.

Mr. THURMAN. I wish to say very briefly a word on this amendment, and that for the reason that I have a very high opinion of appraisement laws, not merely for the sake of the debtor, but also for the protection of the creditor. I recollect very well a remark made by one of the most distinguished chief justices who ever presided in Ohio, and who was for twenty-one years a member of the supreme court of that State, that of all the provisions in the statute-book he knew of none more beneficial to creditors than that which required an appraisement of real estate before it should be sold on execution, preventing fraud in the sale of real estate by collusion between the debtor, who generally has the sympathy of his neighbors and the officer making the sale. And therefore I was inclined to an amendment, so far as real estate was concerned, something like that suggested by the Senator from Indiana; but on reflection it seems to me that, with the provisions which are already proposed in this bill, that amendment may be dispensed with.

There is this difference between sales upon execution under judgments of courts, whether Federal or State, and proceedings in bankruptcy: Where the sale is upon an execution, the laws of most of the Western States require an appraisement, but it is foreseen that often

the property will not sell for two-thirds of that appraisement, and hence in most of the statutes it is further provided that if the property has been offered twice and will not bring two-thirds of the appraisement, the court may set aside that appraisement and order a new appraisement, and so on from time to time until the property shall be appraised so low that it will bring two-thirds of the appraisement, or until times have improved, more greenbacks have been issued, and there is more money in the country, and people are ready to invest at two-thirds of the appraisement. Now it is within the experience of every lawyer of large practice in a State where these appraisement laws prevail that very often a piece of real estate remains unsold for as many as four or five years; but it is not the interest or purpose of a bankrupt law to have the estate in administration for any such period as that. A bankrupt law well administered ought to bring the administration of the estate to a very speedy conclusion. I am therefore distrustful of any provision the tendency of which is to aggravate an evil already too great, the prolonging the administration of bankrupt estates until almost every small creditor is in the category of my friend from Indiana—forgets that he has any claim there at all; never goes near the bankrupt court to find whether there is any dividend in his affair; and the whole thing is finally swept into a pool that some more diligent creditor gets.

I doubt, therefore, the propriety of that; but in respect to personal estate, I do not think there are many States in which personal estate is required to be valued by an officer selling it on execution. We did have such a statute for awhile in Ohio, but we got rid of it very soon, for it was found not to work well; and here I do not think it would work well; certainly it would be very much in conflict with other provisions of this law which have operated beneficially. For instance, there are times when you must sell perishable articles, and you must sell them instantly; and to sell them is the best thing you can do with them. There are cases in which it is advisable to sell at private sale; and accordingly one of the general orders made by the Supreme Court, and which that court is authorized by the bankrupt law to make, provides that in certain cases the court may order personal property to be sold at private sale.

What I have just said suggests another answer to this amendment proposed by the Senator from Indiana. The Supreme Court is vested by this law with power to make general orders for the government of all inferior courts exercising bankruptcy powers and all officers who act in the execution of those powers; and in the exercise of that authority conferred upon the Supreme Court they have made some very salutary rules in respect to the sale of both real and personal estate, and can make just as many more as they see fit, in their discretion and with their experience, to make.

I think, in view of these facts and of the extremely stringent and highly penal law which the very section now under consideration is and which we have reported for the punishment of frauds by assignees, there is no necessity to delay bankrupt proceedings by requiring appraisements of property. If you do, and the property does not sell—if it is personal, it may perish; if it is real, you must have a further provision for setting aside that appraisement if the property will not sell for two-thirds of it, and you may have years upon years of delay, while the administration is being eaten up with costs and the creditors kept out of their dues.

Mr. MORTON. It seems to me that there is necessity for some such amendment as that offered by my colleague. One of the great complaints made against the old bankrupt law is that property has been continually sacrificed under it; that property has been sold at assignee's sale for a fourth of what it was worth, so that the bankrupt's estate has paid scarcely anything of his debts. I had a conversation the other day with one of the largest wholesale merchants in the city of Cincinnati, whom my friend behind me [Mr. SHERMAN] very well knows, and he told me that his house in Cincinnati had been interested in forty-four cases of bankruptcy, and had never yet received a dividend from any one of them. If an assignee is fraudulent, disposed to be guilty of fraud, to collude with friends, he can so manage a sale as to have property sacrificed—bought in by his friends or parties in interest with him at a very small part of what it is actually worth.

Mr. THURMAN. If the courts do their duty, he cannot do it long.

Mr. MORTON. The court may have no means of getting at it. The fact that the court may supervise that sale and set it aside is some protection in a very gross case; but there must be somebody to bring it before the court, and who must be able to make the court understand that there has been a sacrifice, while the assignee on the other hand, or the man who has bought the property, is interested in maintaining the sale, and that of itself makes another controversy. In nearly all the States the courts have power to set aside a sale made by a sheriff or made by an administrator or an executor. I think that is a general power given to the State courts to set aside sales where the inadequacy of price is such as to give rise to the presumption of fraud. That is not a new power; but that has not been found sufficient to protect the debtor, and it has been found necessary in nearly all the States to establish appraisement laws. I agree with the Senator from Ohio that appraisement laws are highly beneficial, and it is my observation where I have practiced law that where property was fairly appraised, intelligently appraised, and the sale properly advertised, it would generally bring at least two-thirds of its appraised value. It is an exception where it does not. There is not much difficulty in selling property at two-thirds of its fairly appraised value; and it seems to me that there is more danger to be apprehended from omitting an amendment like that offered by my colleague than there is on the other hand from its insertion.

But I would suggest one thing to him, and that is that this amendment does not properly provide for the appraisement. I think there should be more than one appraiser, and I do not think it should be left entirely to the assignee to select the appraisers. I think the debtor himself should have the choice of at least one of these appraisers, because the charge is in different States, and we know that in some States it has been very prominent, that the assignee was the fraudulent party who had sacrificed men's estates and himself grown rich while the debtors were ruined and the creditors got nothing. If the selection of the sole appraiser is left entirely to the assignee, he can find some convenient instrument perhaps in every neighborhood to make that appraisement of such character that the property will still be sacrificed.

Mr. EDMUNDS. I do not wish to prolong discussion upon minor points, but this, perhaps, in a certain sense may be more than a minor point. My friend from Indiana [Mr. MORTON] says that he has conversed with somebody in Cincinnati who has been concerned in forty-four bankrupt cases, and has got no dividend in any. Did my friend's friend tell him whether the debtors had been discharged or not?

Mr. MORTON. That was a general statement.

Mr. EDMUNDS. He did not tell him whether the debtor in any of these cases had been discharged. He could not have got his discharge unless he had the assent of a majority of his creditors in number and amount. Now, I have heard of forty-four bankrupts and a great many more, both in England and here, and in France, and in Belgium, and in Holland, and wherever there are civilized countries and civilized proceedings for regulating the rights of debtors and creditors, who did not happen to have any assets when they began. You can find all over the Southern States, where very likely the Cincinnati man traded, a people who had been ruined by the war, and who had taken advantage of this bankrupt law to be able to start upon their feet again as freemen, as the slaves did from another kind of slavery. So it appears to me it does not prove much to say, unless we know something of the particular circumstances, that in forty-four cases a particular merchant in Cincinnati got no dividend, and particularly when you do not know but that he himself assented to the discharge of the debtor in every one of those forty-four instances. That does not prove anything at all.

Now, let us come to the spirit of this amendment itself. Why, Mr. President, the object of a bankrupt law, as I stated before, is not the seizure of a man's property by one creditor, as is done under the appraisal laws of the State of Indiana, and of Ohio, perhaps, to satisfy a debt by hard grasping of the law to the exclusion of every other creditor; but it is almost perfectly analogous to the disposition of the property of a deceased person. May I ask my friend if the laws of Indiana provide that the property of deceased persons shall not be sold to settle their estates except on an appraisal?

Mr. THURMAN. The law requires an appraisal in Ohio of all real estate.

Mr. EDMUNDS. I am asking my friend from Indiana.

Mr. PRATT. It does, so far as real estate is concerned.

Mr. EDMUNDS. Very well. Then my friends find in the analogous laws of their own States that there is no occasion for appraising personal property. Now, when you come to real estate, as I said before, the object of a bankrupt bill, be it good or bad, if you are to have one at all, the best kind possible is that according to the wishes of the creditors, when a man must have his property divided among his creditors, the property is to be disposed of at the earliest moment. They all have notice of the fact that the property is to be disposed of; and when we provide, as the amendment of the committee provides, that the judge may order it to be sold in parcels, ever so small, if you have a set of creditors who are desirous of protecting their interests, all they have to do to prevent property from being sold for 25 per cent. of its value is to attend and bid. They can protect their interests in that way against any possible collusion on the part of the assignee and any person to whom he may sell it, for the reason that they can bid the property up to what they think is the price at which they would take it and divide it up among themselves.

But then there is another answer; and I must beg pardon again for taking so much time with this point, although it is really of more importance, I think, than it seems at first view. The court by the provision already reported, as you will see by reading it, has complete power over these sales, so that the property shall be sold for the largest sum now. If, in any instance, the court thinks a sale ought to be put off, he directs the assignee to adjourn the sale, because the bids do not come in, or because there is not sufficient bidding, or for any reason. If there is a temporary panic or embarrassment in the neighborhood where the real estate lies or the other property lies, any part of it, so far as this power of the court goes, the power of the court is supreme to say, "Pause in making this sale until the favorable moment shall occur, until the right season of the year, the right combination of circumstances."

Now here you propose really to narrow this wholesome and general discretion which operates in every State alike and operates over all State laws alike, by saying that in particular cases in any State it shall in effect be his duty to order an appraisal of all the property, and if the property does not sell at two-thirds of the sum ap-

praised the whole proceeding shall stop, because there is nothing to be done in bankruptcy properly considered but dispose of the assets, and pay over the dividends and wind up the estate. How long is it to stop? How long is it to lie, when perhaps both the debtor and the creditors themselves, all hands, are desirous that all shall get together and have the property disposed of in small parcels in such a way that if it does not bring but a quarter of its apparent price everybody may get his proportionate share and the debtor will be discharged? You cannot administer a bankrupt law in that way; and yet, as I was just saying, the provision we have introduced as a sweeping and generalized one of entire power over these sales would, in my opinion, enable the court, if there should be occasion for it, not to do one particular thing to which he is cramped by such an amendment as this, but to do anything of that nature acccrding to the circumstances of the case. My friend is sufficiently well acquainted with the administration of law and with the making of law to know that if you are to confer a power on a tribunal that is to be supervisory over an executive act, it is much safer for all parties concerned to give him the power which the general language does, and leave him to the methods by which that power is to be put in motion. So that if I wanted an appraisal provision in a case where the judges should think it to be indispensable, I would not limit the general language of this amendment, which has been drawn, I may say, by my friend from Iowa, [Mr. WRIGHT,] who lives in an appraisal State himself, but would leave it to the judge in the particular case to say, "I will have what is called an upset price, and the sale shall be postponed, if the bidding does not come up to that, until some time when it can." It is not necessary to have an appraisement provision specifically.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana, [Mr. PRATT.]

The amendment was rejected.

Mr. SHERMAN. I could not agree with my friend from Indiana that his amendment was exactly right, and yet I do think the court ought to have it in his power to order an appraisement of real estate in order to assist him in determining the question. The great trouble in the settlement of bankrupt estates is that the creditors themselves, in the general hopelessness of the case, do not look to the conduct of the assignee. The court is the only protection. The court, indeed, is the only protection the creditors can have in the ordinary course of settling bankrupt estates. It seems to me that unless the judge of the court has the power, under the general authority conferred on him to supervise the sale, to order an appraisement so that he may get the benefit of the opinion of disinterested and intelligent freeholders of the county where the land lies, there is no practical supervision of the matter. While I do not want to interfere with the bill and with the amendments that have been carefully considered by the committee, it occurs to me that some such proposition as this ought to be inserted, to guard the estate and to guard the property and the interests of all concerned: "That the court may at any time order an appraisement to be made of the real estate of the bankrupt, in whole or in part, to be made by three reputable freeholders of the county in which it is situated."

A proposition like this could not create much delay or much expense. In Ohio our law requires all real estate to be appraised, and it must be sold for two-thirds of the appraisement. I would not require that in a bankrupt estate. But suppose it should appear that, in a remote county, land about which the judge could not possibly know anything, was sold for one-tenth of its appraised value. That of itself would be apparent evidence of fraud, or want of care, or want of notice, or of neglect of some kind. It does seem to me that some such amendment as this ought to be adopted; and I offer it to come in at the beginning of section 2, and then all that is now in the section may properly come in after the words I propose to insert.

Mr. THURMAN. I wish to ask my colleague if he heard the remark made by the chairman of the committee, which is strictly correct, as to the effect of this provision in this section, lines 5, 6, 7, and 8:

> And the court, on the application of any party in interest, shall have complete supervisory power over such sales, so that the property sold shall realize the largest sum.

That is a grant of authority in the largest and most unlimited terms possible; and there can be no question that the court making an order in respect to the sale of any property, real or personal, under that clause, may in the order name an upset price.

Mr. SHERMAN. If that can be done under that clause, very well, though I have read it very carefully, and do not see that it covers that; but if it does, my answer is that the creditors are not watching the proceedings in the settlement of bankrupts' estates. These sales are made from time to time, often in remote parts of the country. In my own State, how is it possible for a resident in one county to know what is the value of land in a remote county? The court cannot know it. It is not in the nature of things that he shall know it. But it seems to me there ought to be with the files of the case information showing the fair value of all the real estate. You cannot take it as to personal property, because that is in some respects evanescent, and it is very difficult to appraise it; but as to real estate to be sold, it seems to me there ought always to be an inventory made by some disinterested party.

My colleague thinks that, under this general clause giving the court supervisory power over the sale, the judge can fix the minimum price without having the benefit of an appraisal; but it seems to me that he infers an amount of wisdom in the court that does not appertain to judges who have no knowledge of the facts.

Mr. THURMAN. I have not the slightest doubt in the world that the judge may name an upset price under that provision; and he will inform himself by testimony of what would be a fair upset price and the best under all the circumstances to adopt. A remark made by my colleague, as to an appraisement, has struck me all the time in regard to the bankrupt law, that it would have been a wise thing if the law had provided, as our State law does in regard to a decedent's estate, that an inventory with an appraisement of the entire estate should be filed. We do require under the bankrupt act an inventory of the bankrupt's property, but we do not require, as in Ohio, in respect to a decedent's estate, that an appraisement of the entire property, real and personal, shall be made. That is the first step in the settlement of a decedent's estate in Ohio. It is for the administrator to make an inventory of the estate, and then have the entire estate, real and personal, appraised; and then that appraisement, with the inventory, is returned to the probate court. If an appraisement of all the bankrupt's estate could be made and filed in the court in the very first instance, I do not know but that it would be a very beneficial thing; but I would not clog this sales section with a provision of that kind.

Mr. SHERMAN. I can only state that my amendment is drawn so as to require just what my colleague describes, but leaving it discretionary with the court. I propose to commence this section by giving authority to the judge to order an appraisement of real estate, and then follow as a matter of course the provisions about the sale of the property, which are not at all clogged by the previous clause, because there is no provision by which the property must be sold at two-thirds of the appraisement. That perhaps might too long delay the settlement of the bankrupt estate; but that appraisement always on file would instruct the judge, and instruct the parties in interest, that their rights were being sacrificed by a sale which was unduly under the appraisement.

Mr. FRELINGHUYSEN. The debtor himself in giving his account of assets gives a sworn statement of the value of all his property, and the judge has that to inform his mind in reference to it.

Mr. SHERMAN. That is only in cases of voluntary bankruptcy.

Mr. FRELINGHUYSEN. No; in all cases. There is a provision here that the bankrupt may be called and sworn in involuntary bankruptcy as well as in voluntary proceedings.

Mr. SHERMAN. Is he bound in all cases to give an inventory and valuation of the property? He is bound to give an inventory, but not an estimate, of the valuation of the property, as I understand.

Mr. FRELINGHUYSEN. He is bound to give an inventory, and he is subject to examination.

Mr. BOREMAN. It seems to me that this amendment is impracticable and will effect no good. The court certainly has the power proposed to be conferred under this bill as it stands, ample power to ascertain the value of any property, and whether it is being sold for less than its value or not. Courts exercise that control over all sales that take place under their orders and decrees. This is not made obligatory. If this was an amendment requiring an appraisement in all cases, then it seems to me it would amount to something; but under this amendment an appraisement will not take place unless some exception is made to the proceeding, unless there is some charge of unfairness, something done to induce the sale of the property for less than its value. Whenever interest enough is manifested in the sale by the creditors or the debtor to watch it closely, see that the property is not being sacrificed, then they can, under this bill as it stands, in my judgment, have the judgment of the court upon it. They can take affidavits, bring witnesses into court, or anything of that sort, in order to ascertain the value of the property; or the court might appoint persons to look at it, no doubt, and make an appraisement. I think the general power here covers the case; so that unless it is made universal, to apply to every case, the amendment will amount to nothing, as it seems to me. It is merely permissive that the court may do so, but it is not obliged to do so.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The amendment was rejected.

The PRESIDING OFFICER. The question is on the section.

Mr. PRATT. I offer another amendment, to come in at the same place, after the word "sum," in the eighth line of the section:

> May order an appraisement to be made of the real estate of the debtor, and require that such property shall upon sale bring at least one-half of the appraised value, said appraisement to be made by two disinterested freeholders, one to be selected by the debtor and the other by the assignee, with power on their part, in case of disagreement, to select a third party, whose decision shall be final.

Mr. THURMAN. Suppose the very cause of bankruptcy is that the debtor has run off to parts unknown?

Mr. PRATT. Then I suppose any agent on his part would do.

Mr. THURMAN. Suppose he has left no agent?

Mr. PRATT. Mr. President, I wish in this connection, before the sense of the Senate is taken on this amendment, to reply to one or two suggestions made by the Senator from Ohio, [Mr. THURMAN.] He suggests that in these appraisals the danger is that the property will be appraised so high that it will not command two-thirds or one-half the appraised value. He obviously has reference to a state of things which we both understand in the western country, where the

debtor is anxious to postpone the day of payment as long as possible, and selects on his part some friend who puts an extravagant value upon the property. The debtor there has a motive of course for having his property appraised at the highest possible value, so as to prevent a sale. But that principle has no application here, because the debtor's property in this case is gone anyhow. There is nothing from the proceeds that is to return to him. Hence he has no motive to procure an extravagant appraisement of his property. On the other hand, it does, as I said before, secure the creditors some protection against absolute loss. The observations that I have heard here this afternoon in respect to these assignees' sales are well deserved; they are true; they are founded in fact; and I wish to throw an additional guard by this amendment around the debtor's property, so that it shall not be absolutely sacrificed.

Why, Mr. President, we had a report laid on our desks last week, made by the Attorney-General in answer to a call made upon him as to the amount of the costs and expenses of those who were connected with the administration of the bankrupt law, and, if my memory serves me aright, the costs of the officers, of the assignees and registers, and marshals, and clerks amounted to somewhere in the neighborhood of five or six million dollars during the brief period that this bankrupt law has been in force. In other words, that much of the estates of debtors had been absolutely absorbed by these officers, instead of going into the hands of the creditors. They had been "gobbled up," as the saying is, by these officers, constituted by the bankrupt law. I want to prevent, if I can, by this amendment, such a state of things in the future.

Mr. THURMAN. I do not propose to go over this ground again, but just to call the attention of the Senator to the actual state of the law, and to show him, if I can, that he could get at this matter very much better by amending some other part of this law.

When proceedings in bankruptcy are commenced, and they have arrived at that stage when the property of the bankrupt is to be seized, the law requires that a warrant shall be issued to the marshal, which directs him to take possession of the property of the bankrupt, and also to make publication and serve notice upon the creditors, the same as in a case of voluntary bankruptcy. Under this warrant it is his duty to take possession of the property of the bankrupt, and to prepare, within three days from the time of taking such possession, a complete inventory of all the property, and to return it as soon as completed. That the marshal is required to do. But the law does not stop at that. When the debtor is adjudicated to be a bankrupt the law requires as follows:

> The order of adjudication of bankruptcy shall require the bankrupt forthwith, or within such number of days not exceeding five after the date of the orders or notice thereof, as shall by the order be prescribed, to make and deliver, or transmit by mail, post-paid, to the messenger, a schedule of the creditors and an inventory of his estate in the form and verified in the manner required of a petitioning debtor by section 11.

There, then, are two inventories of the estate, one made by the marshal, and the other made by the debtor under his oath, and both filed in court; and that is before any sale whatsoever can take place. Now, if any estimate of values was to be made, one would say that the simplest thing that could be done would be to require that one or other of these persons returning one or the other of these inventories should affix the value of the property in his estimation, as well as the items of the property, and then you would have something like an administrator's inventory, as it now is made out in the States which require an inventory, with a sworn valuation of the property. Then it would be within the discretion of the court to say whether or not the property should be sold for the sum specified in that inventory as its value, or for some proportion of that sum. But to clog this particular section in reference to sales by such a provision as is suggested by the Senator from Indiana, I submit once more, is to do what there is no necessity for, because as the section now stands the court can name an upset price, either as to personal or real estate, and what would tend inevitably to produce great delay in the administration of the estate.

Mr. CROZIER. It seems to me that the section, as reported by the committee, substantially covers the ground that the amendment proposed by the Senator from Indiana does. It provides—

> And the court, on the application of any party in interest—

That would include any creditor, or the debtor himself—

> shall have complete supervisory power over such sales, so that the property sold shall realize the largest sum.

If, under such a provision, a sale were ordered and held, and nobody complained of it, neither the creditor nor the debtor, it seems to me the sale ought to be permitted to stand. If either of them does complain of it, or if both complain, all they have to do is to present the facts connected with the sale to the court, and if the court is of opinion that it has been so held as not to realize the largest sum, the court has ample power, as every one will admit, to set aside that sale and direct another sale to be made; and so it may go on time after time until the property has been sold so as to realize the largest sum.

If it is supposed that the sale took place under such circumstances; that there were very few bidders there from want of notice or other cause; that the property was not bid up to its real value; that it was struck off at less than its real value, the sworn testimony of three or four or five, or any number of freeholders or others residing in the neighborhood being produced to the court, it seems to me any judge who is fit to sit on the bench would regard it and set aside the sale, which I have no doubt he has power to do under the section as it stands.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana, [Mr. PRATT.]

The amendment was rejected.

The PRESIDING OFFICER. The question is on the section.

Mr. PRATT. I wish to inquire of the chairman of the Committee on the Judiciary whether an amendment is not necessary in line 15 of this same section to this effect: "and upon sale made pursuant to such order there shall be no right of redemption." The sale contemplated here is a judicial sale, because at the commencement of that paragraph the section says, "And the court may in its discretion order any real estate, or any portion thereof, to be sold for one-fourth cash in hand," &c. Under the laws in some of the States that property upon being sold would be subject to the redemption law, so that it might be redeemed at any time by the debtor within the period of one year. I suggest whether an amendment of this kind would not be necessary.

Mr. EDMUNDS. I submit to my friend that it is not, because this sale is under the paramount authority of the law of the United States, which regulates its own terms; and the State law of redemption has nothing to do with the question.

The second section was agreed to.

The PRESIDING OFFICER. The next section will be read.

The Chief Clerk read as follows:

> SEC. 3. That the following words shall be added to section 26 of said act: That in all causes and trials arising or ordered under this act, the alleged bankrupt, and any party thereto, shall be a competent witness.

The section was agreed to.

The next section was read, as follows:

> SEC. 4. That in cases of compulsory or involuntary bankruptcy, the provisions of said act, and any amendment thereof, or of any supplement thereto, requiring the payment of any proportion of the debts of the bankrupt, or the assent of any portion of his creditors, as a condition of his discharge from his debts, shall not apply; but he may, if otherwise entitled thereto, be discharged by the court in the same manner and with the same effect as if he had paid such per cent. of his debts, or as if the required proportion of his creditors had assented thereto.
>
> And in cases of voluntary bankruptcy, no discharge shall be granted to a debtor whose assets shall not be equal to 33 per cent. of the claims proved against his estate, upon which he shall be liable as principal debtor, without the assent of his creditors, in number and value as prescribed by existing law; and the provision in section 33 of said act of March 2, 1867, requiring 50 per cent. of such assets, is hereby repealed.

The PRESIDING OFFICER. The question is on the section just read.

Mr. CONKLING. I was in the act of calling the attention of the Senator from Vermont privately to a consideration which would be lost lest I interpose now, as the Chair is about to put the question. It seems to me that these clauses taken together involve unnecessary repetition and prolixity. The section will stand, first, "in cases of compulsory or involuntary bankruptcy, the provisions of said act, and any amendment thereof, or of any supplement thereto, requiring," and so on, "shall not apply," and then it proceeds under the last amendment offered, which is, in addition, to make provision that they shall apply, except that the percentage is reduced.

Mr. FRELINGHUYSEN. The last clause is as to voluntary bankruptcy.

Mr. CONKLING. I understand that, and my suggestion is only one of form and brevity and convenience. I suggest to the Senator from Vermont that the same thing would be attained if he would let this lie over for the moment, by redrawing the section so as to put these two ideas together, and abbreviate it very much. If, however, the Senator from Vermont has considered it, there may be some reason for its being as it is, and I do not insist on my suggestion; but it struck me, as I read the amendment as originally proposed, and then the added amendment, that having been drawn at different times, they did not coincide as well as they might be made to for the purpose of brevity and simplicity.

Mr. EDMUNDS. The difficulty that I had in drawing this last clause according to the vote of the committee was that I did not wish to disturb the amendment that we had first reported to the Senate, and which disposed of that branch of the question as to compulsory bankruptcy by itself; and then, when I came to provide for the case of voluntary bankruptcy, I confess that I had not sufficient wit to provide out of my own consciousness—as I believe the expression of my friend sometimes is—any better way of stating it as to the voluntary bankrupt, so as to keep clear the distinction between the two classes, than to restate the language of the original bill. After the word "bankruptcy," in line 1, I restate the provisions of the original bill, using 33 per cent. instead of 50, until you get down to the assent of his creditors in number and value, and then repeal the provision of the thirty-third section of the act of 1867 requiring 50 per cent. in that particular case. I did not see any better way of stating it so that it would be perfectly intelligible than the one I used. If my friend, when the bill comes into the Senate, will be kind enough to frame a section which he thinks will embody the two ideas more compactly, I shall certainly be very much obliged to him.

Mr. CONKLING. I presume, after the statement of the Senator, it is well to leave this as it is, although if he had not said that he had considered it and tried to draw the section with more brevity, I would

suggest to him that the fewest words which would amend the existing law so as to substitute 33 per cent. for 50 per cent., and make the other change, would work the whole purpose; but I withdraw my suggestion because the Senator says he has considered it and thinks this is the better way.

The PRESIDING OFFICER. If no other amendment be offered, the question will be on agreeing to the section.

The section was agreed to.

The Chief Clerk read the next section, as follows:

SEC. 5. That in cases of involuntary or compulsory bankruptcy, the period of four months mentioned in section 35 of the act to which this is an amendment is hereby changed to two months; but this provision shall not take effect until two months after the passage of this act. And in the cases aforesaid, the period of six months mentioned in said section 35 is hereby changed to three months; but this provision shall not take effect until three months after the passage of this act.

Mr. LOGAN. I ask the Senator from Vermont why it is provided that that section shall not take effect until two months from the passage of the act? Why not let it take effect from the passage of this act?

Mr. EDMUNDS. The reason of that is so that this shall not be retroactive and validate what would otherwise be fraudulent conveyances in the gap of two months, when we reduce the period of time; and it is exactly the same principle as that which was adopted when the bankrupt bill itself was passed. While it took effect as to its passage, no proceeding was to be taken under it until a certain length of time, and yet the provisions against fraudulent conveyances, &c., retroacted from the time when proceedings might be taken to the 2d of March, when the bill took effect. Now the law provides, if there be a fraudulent conveyance, that is to say, fraudulent preference of one creditor against all the rest by a bankrupt, and bankruptcy occurs within four months thereafter, that preference shall be void, and the creditor shall give up to the estate the property he got. If we now fix that time at two months, and have it take effect instantly, then all that kind of preferences that occurred not less than two months and not more than four months ago will go scot-free.

The section was agreed to.

The Chief Clerk read the next section, as follows:

SEC. 6. That section 35 of said act be, and the same is hereby, amended as follows:
First. After the word "and," in line 11, insert the word "knowing."
Secondly. After the word "attachment," in the same line, insert the words "sequestration, seizure."
Thirdly. After the word "and," in line 20, insert the word "knowing."

The section was agreed to.

The next section was read, as follows:

SEC. 7. That section 39 of said act of March 2, 1867, be amended so as to read as follows:

SEC. 39. That any person residing, and owing debts, as aforesaid, who, after the passage of this act, shall depart from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors; or, being absent, shall, with such intent, remain absent; or shall conceal himself to avoid the service of legal process in any action for the recovery of a debt or demand provable under this act; or shall conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process; or shall make any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors; or who has been arrested and held in custody under or by virtue of mesne process or execution, issued out of any court of any State, District, or Territory within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate under this act, and for a sum exceeding $100, and such process is remaining in force and not discharged by payment, or in any other manner provided by the law of such State, District, or Territory, applicable thereto, for a period of twenty days; or has been actually imprisoned for more than twenty days in a civil action founded on contract for the sum of $100 or upward; or who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, shall make any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate, rights, or credits, or confess judgment, or give any warrant to confess judgment, or procure his property to be taken on legal process, with intent to give a preference to one or more of his creditors or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act; or who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or who has stopped or suspended and not resumed payment of his commercial paper within a period of forty days, shall be deemed to have committed an act of bankruptcy, and, subject to the conditions hereinafter prescribed, shall be adjudged a bankrupt on the petition of one or more of his creditors, who shall constitute one-fourth thereof, at least, in number, and the aggregate of whose debts provable under this act amounts to at least one-third of the debts so provable: *Provided*, That such petition is brought within six months after such act of bankruptcy shall have been committed. And the provisions of this section shall apply to all cases of compulsory or involuntary bankruptcy commenced since the ——, 1873, as well as to those commenced hereafter. And in all cases commenced since said ——, 1873, and prior to the passage of this act, as well as those commenced hereafter, the court shall, if such allegation as to the number or amount of petitioning creditors be denied by the debtor by a statement in writing to that effect, require him to file in court forthwith a full list of his creditors, with their places of residence and the sums due them, respectively, and shall ascertain, upon reasonable notice to the creditors, whether one-fourth in number and one-third in amount thereof, as aforesaid, have petitioned that the debtor be adjudged a bankrupt.

But if such debtor shall, on the filing of the petition, admit in writing that the requisite number and amount of creditors have petitioned, the court shall so adjudge, which judgment shall be final, and the matter proceed without further steps on that subject. And if it shall appear that such number and amount have not so petitioned, the court shall grant reasonable time, not exceeding, in cases heretofore commenced, twenty days, and, in cases hereafter commenced, ten days, within which other creditors may join in such petition. And if, at the expiration of such time so limited, the number and amount shall comply with the requirements of this section, the matter of bankruptcy may proceed; but if, at the expiration of such limited time, such number and amount shall not answer the requirements of this section, the proceedings shall be dismissed, and, in cases hereafter commenced, with costs. And if such person shall be adjudged a bankrupt, the assignee may recover back the money or property so paid, conveyed, sold, assigned, or transferred contrary to this act: *Provided*, That the person receiving such payment or conveyance had reasonable cause to believe that the debtor was insolvent, and knew that a fraud on this act was intended; and such person, if a creditor, shall not, in cases of actual fraud on his part, be allowed to prove for more than moiety of his debt; and this limitation on the proof of debts shall apply to cases of voluntary as well as involuntary bankruptcy. And the petition of creditors under this section may be sufficiently verified by the oaths of the first five signers thereof, if so many there be.

And if any of said first five signers shall not reside in the district in which such petition is to be filed, the same may be signed and verified by the oath or oaths of the attorney or attorneys, agent or agents, of such signers. And in computing the number of creditors as aforesaid, who shall join in such petition, creditors whose respective debts do not exceed $250 shall not be reckoned. But if there be no creditors whose debts exceed said sum of $250, or if the requisite number of creditors holding debts exceeding $250 fail to sign the petition, the creditors having debts of a less amount shall be reckoned for the purposes aforesaid.

Mr. SHERMAN. I desire to call the attention of the Senate to the phraseology in the fortieth line of this section. After enumerating a great number of persons who may be forced into bankruptcy under this section, it provides—

Or who has stopped or suspended, and not resumed payment of his commercial paper within a period of forty days, shall be deemed to have committed an act of bankruptcy.

I wish to know, in the first place, whether it is sufficiently clear from this phraseology that this clause is confined to bankers, brokers, merchants, traders, manufacturers, and miners?

Mr. EDMUNDS. There is not the slightest doubt of it, because, with the exception that, where the word "fourteen" occurs in the old law the word "forty" is used, the provision to which my friend is speaking is the precise language of the old law, in respect to which there never was any doubt or dispute. This suspension of commercial paper applies only to the banker, the broker, the merchant, the trader, the manufacturer, and the miner, and to nobody else.

Mr. SHERMAN. That is the very point to which I wished to call the attention of my friend. In the first place, if you read this language, it is a mere question of punctuation. If, at the end of the words "fraudulently stopped payment," instead of a comma there was a semicolon, there would be no doubt, I think, that the language would be broad enough to cover a lawyer or any other person. This language is copied from an amendment to the bankrupt act. This language of the bankrupt act, which is now before me, is different.

Mr. EDMUNDS. The Senator is mistaken. It is copied from the original act, but putting in the two additional classes of people that are mentioned in the act of 1870 or 1871.

Mr. SHERMAN. At all events it is a simple question of punctuation. Now, there were difficulties under one of the amendments of the bankrupt act upon this very point as to whether or not this last clause refers to bankers, brokers, merchants, and traders. I have it not before me, and I am not familiar enough with the particular law, but perhaps the Senator can refer to it. The Senator will see that this clause in lines 38 and 39 is complete and perfect in itself, ending with the words "stopped payment." After enumerating a great number of persons who shall do so and so, or who shall have done so and so, it reads in this way:

Or who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment.

That is complete and perfect in itself, and it is confined to a particular class of persons; but then it goes on:

Or who has stopped or suspended and not resumed payment of his commercial paper within a period of forty days.

There is nothing there which precludes the idea that that particular clause in relation to the non-payment for forty days of commercial paper may not apply to all other persons. As a matter of course, this may be hypercritical; but I think it ought to be placed beyond all question. It ought to be confined to those persons who are engaged in commercial pursuits. There is nothing here to indicate the construction which my friend puts upon it except the mode of punctuation, and except the inference that may be drawn from the words "commercial paper." I think that ought to be made clear.

Mr. BOREMAN. It might be done by striking out the word "who."

Mr. SHERMAN. No; that word is necessary there.

But I wish to call attention to another thing. I think there ought to be in this clause some provision such as I mentioned awhile ago limiting the operation of the clause to cases where the aggregate debts exceed two or three thousand dollars. As a matter of course, where a person has committed an act of fraud, such as is recited in the previous clauses of this section, I do not care whether it is in regard to five dollars, or five hundred dollars, or five thousand dollars; I would not limit by amount any remedy that may be pressed against him; but where it is the simple non-payment of a debt, a simple act of misfortune which may happen not only to the class of persons named but to others, I would not allow the enginery of involuntary bankruptcy to be put in force against a person who is simply guilty of a misfortune. Any of these persons, a banker, broker, merchant, trader, manufacturer, or miner, may be temporarily embarrassed so that he cannot pay his paper for forty days, or for three months, or even for six months; and it seems to me he ought not to be forced into involuntary bankruptcy unless he has committed some act which is wrong in a moral sense, and all the other acts previously named are acts which imply some moral turpitude or involve some immorality, or some attempt to deceive, to defraud, or to cheat. But here you are dealing with a class of people who are simply unfortunate. I have no objection to a bankrupt law that will compel a man when he is unable to pay his debts, even from misfortune, to come in and make a fair dis-

tribution of his assets among his creditors. But this is a matter simply in our discretion. This clause applies only to persons who have been guilty of no wrong, no fraud, no misconduct; who are simply unable to pay their commercial paper at the end of forty days.

Sir, I think these proceedings ought not to be started against a man unless the amount involved is sufficient to justify it. I would be willing to fix it at $5,000. Indeed, I would not care if this whole clause were repealed, and where the amount involved is not $5,000, where a man is struggling along in debt to the amount of $5,000, even if he has got but $2,500, and he is trying to pay his debts, and the creditors cannot urge against him any fraudulent act, any attempt to cheat or mislead, or to give preferences, or to delay or hinder, it seems to me it would be better to leave the settlement of his property and of his affairs to the ordinary laws of the State. It is true that he ought to have the power, in order to protect himself against the oppression of a creditor, to step forward and apply for the benefits of the voluntary bankrupt clause.

Mr. EDMUNDS. Then he has got to pay 33 per cent. at least.

Mr. SHERMAN. Very well. We all know in our daily life of persons who are struggling along in this way, small dealers who, even if they are insolvent and have not got means enough to pay, everybody believes to be honest; no man alleges against them any fraudulent act, any act of misconduct, any act of favoritism. Now, if a creditor does really seek to oppress them and to get the advantage in the disposition of their estates, I see no objection to allowing them to come forward and claim the benefit of the bankrupt law for the advantage of all their creditors; but why should the Congress of the United States step in and give to one-fourth of the creditors—as it is now under the law much better than it was under the old system—the power to prevent such a man from struggling along and getting out of his difficulties, if possible?

I hope my friend from Vermont will not think that I am pressing a matter that does not occur, because it does occur in every State, in every community. I desire to see this bankrupt law confined in its involuntary feature to traders of a sufficient character to have the name of merchants and also to people whose debts amount to $5,000 or upward. I would not call into play the enginery of the bankrupt law against a man who was struggling along with a small indebtedness, with a disposition to go on and pay his debts, against whom no allegation is made of dishonesty, or fraud, or peculation, or any of the causes recited in the previous part of this section. Therefore I will move an amendment. Perhaps my colleague suggests the best place to insert it, but it strikes me the better place would be between lines 39 and 40, on page 7, to insert "being indebted in the sum of over $3,000." I would prefer to say $5,000, but I will say "indebted in the sum of over $3,000;" so that the creditors who are seeking to force such a man to be an involuntary bankrupt must be able to say, "This man owes $3,000." I do not see any objection to that.

Then I think forty days is rather too short a period, especially when you are dealing with men who are entirely innocent of fraud. I have no objection to forcing a man into bankruptcy when he is doing anything wrong; but we are now in this clause dealing with people who are not doing anything wrong, unless misfortune is a wrong. It seems to me that the non-payment of commercial paper for a short period of time, for forty days, by a broker, banker, merchant, trader, or manufacturer, who may be struggling along, against whom there are no charges of fraud, should not be a ground of forcing him into involuntary bankruptcy by one-fourth of his creditors. It strikes me it would be better for the Government of the United States to give even six months in such a case, until the debtor shall have committed some act of wrong, and then I should have no objection to allowing the law to be enforced against him. But the first amendment, which would relieve a great many people of moderate means from the fear of the bankrupt law, I think ought to be adopted.

Having made these remarks I submit the amendment to the Senate. I know how difficult it is to propose amendments to a bill of this kind, that has been carefully considered by an able committee, and I desire rather to appeal to them to make this provision, if they can see their way clear to do so.

Mr. EDMUNDS. I appreciate entirely the sincerity of my friend from Ohio, and I see the force of all that he says, looked at from the point of view that he has taken; but I think he has fallen into what I styled without having any right to style it so, when I opened this subject this morning, the error of our being able by any possibility to provide security for any one class, be it debtor or creditor, but that we had to look at three things at the same moment of time in order to make the law right. We must look at the creditor's interest, his just interest and his just right; we must look at the debtor's interest, his just interest and his just duty; we must look at the interest of the community, which it is true in the State and in the nation is exactly the same, and that is that justice should be tempered with humanity, but that equality and honesty should be made to prevail as far as law can make it go.

Now, then, looking at it from the broad point of view that I ask my friend's attention to, what would be the effect if we were to provide that this clause of compulsory bankruptcy of traders, &c., should only apply to people who owed debts of $5,000 or upward? The effect is that we leave out of the provisions of a compulsory bankrupt law, so far as creditors are concerned, all those below, which would be a very large percentage of all the traders, and bankers, and miners, and brokers, and merchants in the country, perhaps a fourth. That would be a large proportion, but I do not think it would be much less than that. Now, what would be the effect? The rights of that body of people, so far as the rights of creditors are concerned among themselves, that is, the right that all the creditors have who have aided the estate of the bankrupt by selling him property and dealing with him, to have when he fails, just as when he dies, a fair division of what there is left, is put entirely at naught. You remand those gentlemen to State laws. You cannot prevent them from oppressing the debtor. You cannot keep their hands off him by providing in this law that they shall not force him into bankruptcy; but you turn them over to the still more savage rule of the law of each of the States, (and of course I do not use the word "savage" in any sense of reflecting upon the legislation of the States,) because they have no right to make a law which impairs the obligation of the contract, and that is, the duty of the debtor to pay at the day fixed. The Constitution declares that they shall not be so. Very well, then. By the laws of each State, every man whom you leave out from this compulsory clause is the victim of the will of any one creditor, not the creature of the will of one-fourth of his creditors, at least as this bankrupt law provides; but you turn him over, looking at it now only in the point of view of interest of the creditor class, to the rapacity and the self-interest which, in the case of rapacity, leads the creditor to say, "I will grasp under the State law all that this man has got, if the State law allows that by process of law; I will sue him to-day, and if he is honest he cannot defend himself, and I will get judgment next week, or next month, whatever the time is; then my judgment becomes a preferred lien; in the Eastern States, where the laws of attachment prevail, I will sue him to-day, and get a preference over all his other creditors, and will take the whole of his estate for my benefit, although I have only contributed a tenth of what there is left, and I will cheat all the other creditors, in a moral sense, out of every cent that they have contributed."

What becomes of the poor debtor in the mean time? History repeats itself century after century. The poor debtor in the meanwhile in old times went to jail in England, went to jail in the States of the United States; and in later and better times he finds himself eaten up by innumerable suits; those who sue first get something; those who sue last get nothing and foot the bills of costs, and the debtor goes out into the world again with a millstone around his neck, every dollar of his property swept from him; nobody is paid, and the moment he undertakes to begin again, they repeat the same process, because he is not discharged by any bankrupt law. There he is, a waif, an outcast, and a wanderer. That is the effect of it so far as the creditor is concerned.

But how is it so far as the debtor is concerned? He sees this series of impending ills over him, that he is at every one man's mercy instead of being protected for a certain period of time, forty days by this law; he sees himself at the mercy, during those forty days, of every one of his creditors. The honest creditor is compelled to sue him and break him down, although he would wish to have him go on; because he is obliged to say to himself, as the truth would be, "If I do not sue this man and get a judgment against him, and take his property, somebody else will; the whole body of creditors may not be so tender-hearted as I am; I have no security that B to-morrow will not take this property if I do not take it to-day." Therefore, as it is called, the race of diligence—what I should call the race of injustice and inequality—is set on foot by every one of his creditors; and instead of the debtor being broken up by bankruptcy at the end of forty days, he is broken up by all the laws which compel in the States the payment of debts when they are dishonored for a day, or the day after they are due.

Now, what is a man put in that position tempted to do? He is tempted to do what we have seen in all the States, too much. He is tempted to say, "Here is my brother, of whom I have borrowed money, let me pay him in full; here is my friend, who has been kind to me in my youth, let me pay him in full, disregarding what I may have borrowed from my bank or my neighbor of yesterday." In other words, if you put me outside of the bankrupt law, I am left by the law exposed to oppression on one side, and tempted to fraud and unfairness on the other. That is the effect, when you look at this on all sides, upon the man who, you say, because he does not owe $5,000, shall not stand under the condemnation of this thirty-ninth section.

I submit, in all seriousness, to my honorable friend—and the committee have studied it a good deal—that it is one of the beneficent features of this section that the distance of time and the simple *quantum* of amount provided in this section (short in the case of time, although longer than it was before) are for the benefit, the real benefit, not only of the oppressed debtor, but of every creditor who desires that the debtor, if able, shall go on, and if he cannot, that there shall be a fair division of his estate.

Then the law goes on to provide as you see, Mr. President, that if when the time of hearing comes after these forty days the debtor shows he has paid up the dishonored paper, that he has made arrangements to go on, the proceeding is dropped; nobody is harmed. But if you were to extend the period of forty days to a greater length of time than that, then you would have come into the position that it would be possible in many of the States—I might almost say in most of them, unless the honest debtor interposed a dishonest defense, putting in an objectionable plea, or a defense where he knew he had none—there would be time given to the creditors to obtain prefer-

ences by what are called the grab-laws; by the race of diligence, as it is sometimes called. The whole spirit which prevails in commercial transactions, the whole spirit that in every State, I think I am safe in saying, in actions of debt, prevails in the distribution of assets—that of equality—is entirely destroyed, and you have made a victim not only of the debtor, but you have made a victim of the body of his honest creditors. Therefore we have extended this time to forty days, to give the debtor as much time as possible, and still to keep it so short as to prevent creditors from getting judgments and liens that would hold against him before the body of the creditors could proceed.

I submit, then, to my friend that, looking at it upon all sides, and with the study that the committee have given it, we felt ourselves, I think unanimously, compelled to take the ground that the chief security to all parties, and so for the interest of the State in the promotion of the interest of all parties, was to limit this time to forty days, and to make no limit except the small one which existed originally, if any, to the amount of the debt. It was tried, I may tell my friend, in the act of 1800. There, I think, it was $1,000 or so, and it was found that that species of limitation was harmful rather than useful.

Mr. OGLESBY. Mr. President, I do not know that I ought to say anything on this subject. If I were to consult alone the amount of knowledge I have upon it I certainly would not. The subject of a bankrupt law has been one of discussion in this country for many years, and there is to-day, I think I may truthfully say, no well-defined universal public sentiment upon it. It was provided for in the Constitution; and as we are in the habit of saying that almost everything that can be found in that sacred instrument is wise, we also say it is wise to provide for a general bankrupt law.

I have to meet this subject here by voting for a bankrupt bill or voting against it. If I were left free to consult my own views upon it, I would not vote for the unconditional repeal of the present bankrupt law. I would be glad to see a system of general bankruptcy, or a law of a general nature covering that subject, passed and remain upon the statute-books of the nation long enough for all the people of the country to become accustomed to it. I say I am not free, because my understanding is, and it is the understanding of my honorable colleague also, that the Legislature of our State passed joint resolutions instructing us to vote for its repeal. He informs me this morning that he has received nothing from the Legislature in a formal manner, as I am sure I have not, of such action there. We have both seen in the public press of the country that such proceedings were taken by the Illinois Legislature. It is fair to presume, perhaps, that such a resolution has passed that body instructing their Senators to vote for the repeal of the bankrupt law. If I could venture to express a preference upon that subject, it would be that such instructions had not passed our Legislature; but as I am uncommitted upon the subject, and have no special feeling about it, when I shall become satisfied that such a joint resolution has passed our Legislature I will respect it and obey it.

Now, then, we are trying to amend the bankrupt law so as to make it acceptable to the people of the country. I would have been glad if after the diligent and long-continued and laborious efforts of the Committee on the Judiciary upon this subject they could have presented a bill here in the shape of a general act that would have met almost universal favor West as well as East. That, perhaps, is impossible; it is certainly difficult to do that. As long as we shall have a credit system in the United States—and I reckon that will be always—my humble opinion is that we should have a national bankrupt law.

To go into the question of the insolvent laws of the various States is too complex; they are difficult to be understood, and they are annoying as applied to the creditor, and injurious to the debtors or the persons who desire to purchase upon credit. To throw us back to the old State system of relying alone upon these insolvent laws I can very clearly see would be quite as injurious to the debtor class, or those desiring to purchase upon credit, almost as the bankrupt law in its present shape. We of the West have great products to sell; we do not have many manufactured articles to sell. We have the products of the soil to sell, and our lot thus far in the Republic has been to purchase almost exclusively, certainly very largely, manufactured articles from the Eastern States and from Europe. We give in exchange for them the produce of the West. We are not always in a condition to pay cash, because we cannot always speedily realize from our productions. In one sense, then, as long as the credit system prevails we shall be debtors, so long as we shall purchase merchandise and manufactured articles from the old countries and from the Eastern States. These are plain facts. There is no use in ignoring them, for they will endure just as long as the credit system endures, and I think that will endure for many years to come, perhaps for centuries.

Now, in order to test the sense of the Senate, if I may venture to go so far, I propose the following amendment, which brings us directly to that question. On page 7, in lines 39, 40, and 41, I move to amend by striking out the words:

> Or who has stopped or suspended and not resumed payment of his commercial paper within a period of forty days.

May we not venture at this session of Congress to pass a bankrupt law which shall reach over every State in the Union, and obtain the consent of all just people everywhere to a bankrupt law upon our statute-books which shall satisfy them that the purposes and objects of such a law are not to favor the creditors to the detriment and injury of the debtor class, but that the object of the legislation is to put upon the statute-books a bankrupt law that is just upon its face and that brings every debtor to account to his creditor where he is guilty or shall be guilty of any fraud in the multiplied and various shapes in which fraud may appear in commercial transactions? Where a man is an absconding debtor, where he flies from justice, where he endeavors to secrete his assets, where he perpetrates or exhibits a disposition to perpetrate any outrage or injustice upon his creditor, the sense of the country would sustain a bankrupt law that would reach him and throw him into bankruptcy. Such a law would meet with universal favor; it would be a national bankrupt law; it would be upon the statute-books of the country, and would gradually accustom the people of the whole nation to the workings and to the justice of a national bankrupt law. We have had two or three, and they have been repealed. If this shall be repealed at this session of Congress, before we can take any steps in that direction again we must begin with a brand-new bankrupt law.

Is it not better, then, to let the present bankrupt law remain upon the statute-books, with proper modifications, and gradually year after year accustom the people of the whole nation to the fact that we have a bankrupt law that is uniform in its action? I think it is better for the whole country that it should remain upon the statute-books and gradually accustom our people to it, so that they will in time learn that a bankrupt law after all is better for the debtor and better for the creditor than our various, complicated, and conflicting State insolvent acts. But I want to get rid of this one clause.

I have listened with great interest and great benefit to the chairman of the Judiciary Committee, and it is impossible to listen to him without being benefited and instructed upon this subject. I know that this is a technical and delicate part of the subject, but if you can strike out the clause to which I have called attention, which will throw into bankruptcy every trader, every banker, every merchant, who has failed to pay on his paper for a period of fourteen or forty days—if you can exempt that class from the general bankrupt law you will have done much. Just strike out that one clause, two or three lines, and then let us stand upon the general law with these amendments, and we shall have a bankrupt act that will reach around the country, one to which our people will be accustomed, and in time I believe it will meet with universal favor; and once you get a bankrupt law established, once the people become accustomed to it, it may then be amended in the interest of the collection of just debts by more stringent measures than we can venture upon at this time.

If I have made myself understood, I desire to take the sense of the Senate at some time or other, possibly now, as to whether it is willing to strike out those lines which cover that class of cases upon which a man may be thrown into involuntary bankruptcy.

Mr. EDMUNDS. May I ask my friend a question? It is, where does he propose to leave these honest debtors who for the period of forty days, being commercial men, have failed to meet their paper? Under what law does he intend to leave them if he strikes out this clause?

Mr. OGLESBY. Unquestionably, if you strike out that portion of this law, you will leave them and leave the creditors to the collection of their debts under the present State insolvent laws; that is clear.

Mr. EDMUNDS. My friend does not mean merely the present State insolvent laws; he means the present State laws in regard to the collection of debts.

Mr. OGLESBY. I mean that.

Mr. EDMUNDS. Including attachments, levies, and preferential deeds?

Mr. OGLESBY. I mean the whole subject; I take it in its broadest sense. As long as we have the credit system, there will be necessity for some legislation on the subject. We are here now interjecting a law between the creditor and the debtor. We are trying to travel along that narrow path that regulates justice between voluntary creditors and voluntary debtors. We are trying to make a settlement of their debts between them, debts that they have contracted by themselves, contracted alone, knowing the resources of the debtor and the time and the ability of the creditor to enforce payment. Although we know that debts were contracted in this way, we are trying to interject between the debtor and the creditor a system for the settlement of their difficulties, or for the collection of the debts. It is an extremely delicate point anyhow; but where a debtor is guilty of fraud, where he is guilty of manifest injustice, where he seeks to delay the collection of a just debt by any perfidy, rascality, villainy, injustice, fraud, or corruption, the public sense of the country would say it is right to overtake that man and bring him to justice; but where a man has purchased from a creditor and has the purchase in his possession, they are trading one with the other, and it is a different thing when we come in to say between those men that if one cannot pay in fourteen days, or cannot pay in forty days, three-fourths of his creditors in amount, or one-fourth in number, may throw him into compulsory bankruptcy. There is some delicacy about that question; it is an intricate and troublesome question. If we could get a bankrupt law and leave that material, I will call it, aspect of it out, I believe we would then inaugurate a system in regard to national bankruptcy that would give us a start, and place it upon a basis where it would endure for centuries.

I did not intend to say half as much as I have said. I offer the amendment for what it is worth.

Mr. EDMUNDS. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment of the Senator from Illinois will be read.

The CHIEF CLERK. On page 7, lines 39, 40, and 41, it is proposed to strike out after the word "payment" the following words:

Or who has stopped or suspended and not resumed payment of his commercial paper within a period of forty days.

Mr. EDMUNDS. Mr. President, this proposition of my friend from Illinois opens a very wide subject, and yet a subject that is not so very wide after all, looking at it in another aspect. It is, as my friend at my elbow [Mr. THURMAN] has suggested, in its narrowness, striking the word "Hamlet," wherever it occurs, out of the play of Hamlet. The earliest bankrupt laws of the civilized world, beginning even with the Roman laws, before you could say it was civilization as we really understand it, and finding a broader and a wider growth in France and in the Low Countries, all a highly commercial people, applied this very provision that the Senator from Illinois proposes to strike out, the failure to pay commercial paper as a test of bankruptcy.

Mr. THURMAN. Will my friend give way for a moment?

Mr. EDMUNDS. Yes, sir.

Mr. THURMAN. As my friend from Vermont is going so far back into antiquity, I think he had better take another day, and with his leave I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Before putting the question the Chair will, with the assent of the Senate, lay before the Senate a bill from the House of Representatives for reference.

Mr. SHERMAN. I indicated awhile ago a purpose to offer an amendment to the bill, which I desire to offer, so that it may be received and considered as pending. It is an amendment to part of the bill which the Senator from Illinois proposes to strike out, and therefore is properly in order now.

The PRESIDING OFFICER. The amendment will be received and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. THURMAN. I ask that the following order be made:

Ordered, That the papers relative to the claim of Dr. William Trevitt, former United States consul at Valparaiso, Chili, for salary and clerk hire, be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

There was, I believe, an adverse report, but a new petition has been presented and referred to the Committee on Commerce, and these papers are necessary to the understanding of the case, so that it does not come within the rule.

The order was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location; in which the concurrence of the Senate was requested.

ENROLLED BILL.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 223) changing the times for holding certain district courts of the United States for the State of Iowa.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location—to the Committee on Finance.

The bill (H. R. No. 1756) to amend the act entitled "An act to withdraw from settlement and sale a certain section of land in Wyoming Territory," approved May 23, 1872—to the Committee on Public Lands.

The joint resolution (H. R. No. 51) in relation to civil-service examinations—to the Committee on Civil Service and Retrenchment.

The joint resolution (H. R. No. 52) explanatory of resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year"—to the Committee on Post-Offices and Post-Roads.

AMOS FARLING.

The bill (H. R. No. 1754) to amend the act entitled "An act granting a pension to Amos Farling," approved February 5, 1873, was read twice by its title.

Mr. CHANDLER. I ask unanimous consent to put that bill on its passage. The bill granting a pension passed a year ago; and this simply changes the description from "Company H" to "Company C," the company in which the man served.

Mr. EDMUNDS. I should like to have the chairman of the Committee on Pensions state how the fact is.

Mr. PRATT. The bill has not been referred to the Committee on Pensions at this session; but the Senator from Michigan tells me that a bill for the relief of this person was passed, giving him a pension, at the last session of Congress, but the description of the company to which he belonged is wrong in the law. I have not examined the act. I have his statement for it that the only change that is made is in substituting one letter for another in the description of the company. If that is so of course the bill is right.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to amend the act granting a pension to Amos Farling so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amos Farling, late private Company C, Twenty-seventh Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PRATT. I desire to enter a motion to reconsider the vote just taken.

The PRESIDING OFFICER. The motion will be entered.

CENTENNIAL MEDALS.

The bill (H. R. No. 1753) to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence was read twice by its title.

Mr. SUMNER. I think that may be acted on at once. Let it be read for information.

The Chief Clerk read the bill, which provides that medals, with appropriate devices, emblems, and inscriptions, be prepared at the mint of the United States at Philadelphia, to commemorate the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence; and that such medals, in any suitable metal or alloy, may, on and after the anniversary which they are designed to commemorate, be furnished to applicants therefor, subject to the provisions of section 52 of the coinage act of 1873, upon the payment of a sum not less than the cost thereof.

Mr. SUMNER. I do not think there can be any objection to that joint resolution, or any need of its reference.

Mr. CONKLING. I have no objection to the resolution—far from it; and yet I suggest to the Senator from Massachusetts that if it were to lie over until to-morrow, at all events, it might be convenient, and convenient in connection with another matter, which, although not obviously belonging to this, is so cognate to it that I think there are two or three Senators who would like to see this before the Senate acts upon it.

The PRESIDENT *pro tempore*. The resolution will lie over.

DISTRICT GOVERNMENT INVESTIGATION.

Mr. THURMAN. If there is no objection to its consideration to-day, the bankrupt bill being laid aside informally, I would move to take up the concurrent resolution of the House of Representatives in reference to the investigation of the affairs of this District.

Several SENATORS. It will lead to debate.

Mr. THURMAN. If it will lead to debate I do not want to call it up now.

The PRESIDING OFFICER. That resolution has not been received from the House of Representatives.

Mr. THURMAN. Then I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 3, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CONTRACTS FOR STATIONERY, ETC.

Mr. STOWELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported a joint resolution (H. R. No. 52) explanatory of a resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year;" which was read a first and second time.

Mr. STOWELL. I am instructed by the Committee on the Post-Office and Post-Roads to ask that the joint resolution be put on its passage.

The joint resolution was read. It provides that the resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year," shall not be held or construed to apply to or include mail-bags, mail locks or keys, postal cards, postage-stamps, newspaper wrappers, or stamped envelopes.

The question was on ordering the joint resolution to be engrossed and read a third time.

Mr. HOLMAN. I trust the gentleman from Virginia, [Mr. STOWELL,] who is familiar with this subject, will explain in detail the effect of this proposition, and especially as regards contracts for postage-stamps, &c.

Mr. STOWELL. In reply to the gentleman from Indiana, I will state that the existing law limits the Postmaster-General and the heads of all the other Departments, in making contracts for stationery and other supplies, to one year; and the Attorney-General has given a decision that the words "other supplies" include mail-locks, mail bags and keys, and postage-stamps and stamped envelopes. The Postmaster-General says that it hampers him in making contracts to have the time limited to one year, in regard to mail locks and keys and mail-bags; that he has to furnish some two hundred thousand mail-locks to supply the service, and that it takes a year to distribute these locks among the various route-agents. An examination of the practice, ever since the mail system has been in operation, shows that but seven changes have really been made; the locks provided lasting about ten years. This decision of the Attorney-General was made on the 5th January of this year. The custom of the Post-Office Department has been to make the contracts for four years, and the changes have been made only about once in seven or eight years. If this ruling of the Attorney-General is adhered to he will have to make new contracts annually, and he desires to continue the same practice.

The same explanation applies to the other matters. It increases the cost. In the first place the cost of advertising each year is almost equal to the total cost of the locks. It increases the price of the locks, because these locks have to be patented; each patent is owned by the United States, and the man will not sell his patent and make his locks as reasonable for one year as he will under a four years' contract. The same reasoning as regards the cost of locks applies to the stamps. I am informed that the machinery for printing these stamps costs $200,000, and a man will not make a contract for one year as cheaply as he will for four years.

The Postmaster-General also desires to furnish locks for registered mail packages and for the street-boxes. I believe that he has been using the rejected locks used on mail-bags for street-boxes; but they have been found inadequate for the purpose, and he desires to make contracts for new locks, special locks for that service, and also special locks for the registered mail packages. The total additional cost of these locks above the present cost will be only some five or six thousand dollars, and the expense alone of advertising them will be some three or four thousand dollars; so that the additional expense would be very small, some two or three thousand dollars perhaps. That would be the first cost, and then the additional saving in making contracts for four years would much more than counterbalance that.

Mr. HOLMAN. Does this joint resolution come from the Committee on the Post-Office and Post-Roads?

Mr. STOWELL. It comes from that committee with their unanimous approval. I will state also to the gentleman that the Committee with the chairman of the committee of the Senate, went to the Postmaster-General last week officially and gave this subject full examination; and then went to F street where these locks and mail-bags are on exhibition, and investigated the whole subject, and became thoroughly convinced that the Postmaster-General should have authority to make contracts for more than one year.

Mr. KELLOGG. I would ask the gentleman if this will not save a large amount of money?

Mr. STOWELL. It will. As I have already stated to the House, the saving of the expense of advertising alone each year will almost cover the additional expense for the first year. I call for a vote.

The joint resolution was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. STOWELL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF A BILL.

Mr. DONNAN. I rise to make a privileged report. I am directed by the Committee on Printing to report the following resolution, with the recommendation that it be adopted:

Resolved, That there be printed for the use of the House three thousand extra copies of House bill No. 1572.

Mr. STORM. What is that bill?

Mr. DONNAN. It is the bill reported by the Committee on Banking and Currency. The cost of printing will be trifling, not exceeding a penny each copy.

The resolution was agreed to.

CITIZENS' NATIONAL BANK, HAGERSTOWN, MARYLAND.

The SPEAKER. The morning hour begins at twenty-five minutes past twelve o'clock, and the House resumes the consideration of the bill which comes over from the morning hour of Thursday last, the bill (H. R. No. 1573) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location. The gentleman from New Jersey [Mr. PHELPS] is entitled to the floor.

Mr. PHELPS. Mr. Speaker, the ending of the morning hour on Thursday last fortunately prevented me from giving utterance to some impatient words, which would have done injustice to the gentleman from New York, [Mr. MERRIAM,] and which I myself would have subsequently recalled with the greatest regret.

The House may remember that on last Thursday morning, on the call of the Committee on Banking and Currency, of which I am a humble member, under the instructions of that committee I reported to this House, with the recommendation that it do pass, a private bill authorizing a national bank, now located at Hagerstown, Maryland, to change its location. The chairman of the committee, with that kindness for which he is distinguished, thought that it afforded a suitable occasion to initiate a young member into the practice of the House. He thought, and I thought, that there could be no trouble in obtaining a formal consent of the House, which had been frequently given before, and never before been refused.

But, Mr. Speaker, my chairman forgot—I did not know—that there lurked in this bill an element of the greatest danger. It was not, sir, a proposition to remove the Bank of Hagerstown to the city of New York, or to the city of Brooklyn, or to the city of Indianapolis—it was to remove the Bank of Hagerstown to the city of Washington, in the District of Columbia. There, Mr. Speaker, was the great danger; this the source of our woes. There is a magic, which I found out in the proceedings of yesterday and which I ought to have known before, in that name. It is the wand of an enchanter, it is the "open sesame," at which a score of these desks fly open and a score of manuscripts rustle to the light.

Sir, when my distinguished friend from New York, my colleague on the committee, approached me and asked me to yield him some of my time, I recognized that eager look common to the face of approaching oratory, and gave him my sympathy. Unsuspicious, I did more—I gave him of my time. And I did right; for it is a cruel thing, when one has conceived a speech, to hinder him in the delivery of it. [Laughter.] Sir, when the gentleman from New York modestly but eagerly preferred his request, I not only gave sympathy and time, I gave him encouragement. I encouraged him as was Mrs. Dombey encouraged when an event was approaching of the gravest interest to the future of her house. Said her sister, as you will all remember, "Mrs. Dombey, you must make an effort." The gentleman from New York took my counsel, and made an effort. There, Mr. Speaker, was my terrible mistake, and no man knew it better than I did; no man felt it more deeply than I did, when I saw that neat manuscript unrolled on his table; when I heard a magnificent impeachment of this District rolling from gallery to gallery, in the assured triumphant tones as of one who should say, "Go to; I have got you now!" I thought of my poor little bill—it is not my bill, but belongs to another young member, here, like myself, for the first time—lying there so dead that I could have wept over it. Alas! the gentleman from New York proceeded to bury it. He took from beneath it all the dirt that had been cut, he piled above it all the dirt that had been filled, in this great city; at the sides he posted the bending figures of widows and orphans weeping over the ruins of assessment; and at the top the familiar figure of the governor of the District, boldly flaunting a petition for four millions into the very face of Congress. And then, to survey the hideous monument he had erected over my bill, he stepped to the peaceful valleys and green hills of his own section, and in a strain of touching and unpremeditated eloquence, that will please the republican voters of Lewis County—who voted right last time, and will vote right again—he declared his unfaltering preference for his own sweet home. And then, lest I might recover from his blow in time to make some sign, or lest some friend should be audacious enough in my defense to disturb the dying echoes, he moved, in my time, to lay my bill on the table.

Fortunate ending of the morning hour! Had I spoken then, I should have done my friend injustice. For, mark you, how simple, how natural, how complete is the explanation.

My friend had himself made a mistake; he had selected the wrong speech; he had mistaken my bill. The bill that I offered was one to authorize a bank to move to the District of Columbia, and to change its name. The gentleman from New York thought that the bill introduced was a bill to authorize the governor to move from the District, and to change his name. [Laughter.] When I learned this fact and received this explanation I was entirely satisfied, nay more, I was delighted; for it occurred to me that possibly, in addition to the odium of the District of Columbia, in the excitement of the moment, he might have crushed me with the military career of General Howard, or even more, with his own vindication anent the salary bill. [Laughter.]

I will occupy but a few minutes more to say why, in my opinion, this House as a court ought to find for the plaintiff, and for the reasons that were so well urged by the defendant. In the first place, if I remember aright, the objection urged was that the gentleman from New York would prefer that banks should establish themselves in the interior. Now in that desire, in that preference, I and the whole of this House concur. We would be delighted to establish banks in the remote rural districts—that the wilderness might rejoice, or the village become a city. But there is this trouble; we cannot do it. We have not yet reached that point in governmental science which will enable us to direct capital to go and stay where we think it needed. In that attempt we would fail. If the honorable gentleman could devise some legislation that could accomplish that purpose, that could force capital to go into the wilderness and into the villages and es-

tablish its banks there, no man would co-operate with him more earnestly than I. And I would insist that every little village in my own New Jersey should have its own bank, with ample circulation and redundant capital.

But, as I said before, we cannot do it. Under the general law, as it now is, banking capital can go where it pleases, and we do not pretend to dictate where it shall go or where it shall stay. But assume for the moment that we could do that; that the honorable gentleman could devise some kind of law by which we could say to capital "Go here and establish your bank," or "Go there and establish your bank, because it is needed;" even then, I submit, on the merits of this case, there is no reason why we should say to this bank "Stay in Hagerstown."

Sir, what is Hagerstown? It is a town of six thousand inhabitants. Is it without banking facilities? As I am informed by my friend from Maryland, it has five banks for its six thousand citizens—three banks of deposit and issue and two savings-banks. So if this bank is allowed to change its location Hagerstown will still have four banks to satisfy its moderate wants. More than that; compare the matter in a larger sphere; make the contrast between the State of Maryland and the District of Columbia. The State of Maryland, if I remember aright, has, under our national-banking law, by right, $9,000,000 of circulation. It has, by favor, in excess of that amount, $1,800,000 of circulation. Take the District of Columbia; under the law it has a right to $1,200,000 of circulation. But all of that circulation is not yet taken up. On these facts I submit to my friend from New York that even if we could make banks go and stay just exactly where we want, this is not a case where we should exercise our absolute will against the request of the petitioners.

Sir, if we refuse to allow this bank to change its *situs*, we cannot force it to remain in Hagerstown; it can wind up its business there and then appear here. And what would this House, under the lead of the gentleman from New York, accomplish but churlishly to refuse a consent which is sought mainly to facilitate the transfer, except to say to these banking people of Hagerstown, "You shall not benefit by any reputation for ability and honesty acquired in your career in Hagerstown; you shall not have the advantage of it in the District of Columbia." In other words we say to them, "You shall not take with you to the District of Columbia the well-earned reputation for thrift and industry which you have acquired in your own city, although we cannot prevent you from carrying your capital there."

So much for the first objection, which was, if I remember aright, that we should prefer to keep the banks in the country districts, and away from our cities.

The second objection was that the District of Columbia did not tax personal property. Sir, I shall not waste my time in considering whether it is a good system of taxation that puts the whole burden on real estate. That distinguished publicist, Mr. David A. Wells, has held that it is on the whole the most efficient mode of taxation. The gentleman from New York says it is the most inefficient. Under these circumstances, if it is a contest between authorities and names, (I admit that I have not looked into the merits of the question,) I am not going off-hand to admit that I am right with the gentleman or wrong with Mr. Wells. What I do claim is, that the question of taxation by the District of Columbia is not in any way pertinent to the decision of this case. If I had not perfect confidence in the honesty and sincerity of the gentleman from New York I should think he wanted to give to the members of this House the impression that if this bank of Hagerstown was removed to this District it would escape all taxation. But this would be a wrong impression. You, Mr. Speaker, and those of the House who are familiar with the banking law, know that the Bank of Hagerstown will be taxed just as much in the District of Columbia as it is taxed in Maryland, so far as the Government of the United States is concerned. I mean to say that wherever a national bank may be placed the national law covers it, the national tax-assessor and the national tax-gatherer visit it, and collect the tax of 1 per cent. on circulation, the half of 1 per cent. on deposits, the half of 1 per cent. on capital. So that the Bank of Hagerstown, if its location be changed to this District, will not escape any taxation that benefits the United States. As it just occurs to me, the United States by this transfer not only does not lose any taxation, it gains; for, as the House will remember, the bank, according to the bill, is to make this change of location only upon the condition that it shall increase its capital from $50,000 to $200,000. So that when the Bank of Hagerstown comes to this District (if it is allowed to come) it will still pay not only the same taxes to the national Government but it will pay more taxes, because it will pay upon a capital of $200,000 instead of a capital of $50,000. Besides this, the tax will in all probability be still further increased in another form. A bank having a capital of $200,000 will naturally allure larger deposits on which national tax will accrue than a bank having a capital of but $50,000. Therefore, so far as the argument as to taxation goes, it amounts to nothing; indeed, it shows that this bank, if it shall come to the District of Columbia, will afford a better field, a wider area, for taxation, and will consequently pay more money to the national Treasury than it does in Hagerstown.

The only view in which the question of taxation would, in my opinion, arise would be as a question between the District of Columbia and the State of Maryland. If it were any of our business to look out for these conflicting interests, the State of Maryland might say, "We object to this transfer because it takes from our State capital of $50,000, which we have the right to tax, and transfers it to the District of Columbia, where the State of Maryland will have no right to tax it." If this point had been urged by the gentleman from New York—if he had spoken, not for the republican voters of Lewis County, New York, but for Hagerstown, in the State of Maryland, and had said that by this measure we were inflicting a loss upon "my Maryland," then I would recognize the force. But how does this matter stand? Instead of there being any complaint from the State of Maryland, who would have proper ground for complaint, it is the State of Maryland that comes here and asks us to pass this measure. The bill is introduced by a member from Maryland, and it is the earnest desire of that State that the measure should succeed.

I beg pardon of the House for occupying so much time. I yield to the gentleman from New York, [Mr. MERRIAM.]

Mr. MERRIAM. Mr. Speaker, I am delighted that my friend from New Jersey [Mr. PHELPS] has had an opportunity to display his ingenuity and his eloquence; but I shall not attempt to follow him into those fields which carry us away from the merits of this bill. He has alluded to the governor of this District. In doing so he has gone beyond anything that I said in my speech the other day. I am aware that it is the impression of many men in this House that whoever alludes unfavorably in the least to this District, or rather to those who have the management of the District, subjects himself to attack by the local press; which I do not believe, because I believe the press of the District is honorable and free and untrammeled. It has been said also that whoever opposes the demands of this District subjects himself to social ostracism, which means, I suppose, that he is to be deprived of the *bonbons* which destroy the tone of the stomach and invite dyspepsia; that he is to be deprived of the manufactured wines, which burn up the blood of those who indulge in them, and make us prematurely old.

Mr. Speaker, the point really at issue here, and the one which we are to consider, is whether we shall remove a bank to this District, where there will be no local taxation upon it, thereby giving to the stockholders a bonus equal to $5,000 a year over national banks located elsewhere, or whether, if the bank is to be removed, we ought not put up this great privilege at auction and to award it to the highest bidder, giving the proceeds to the District, thereby lessening its demands upon Congress for appropriations.

Why, Mr. Speaker, the property belonging to the Government which is located in this city is valued at $75,000,000. At the rate of taxation on real estate here, which is 2 per cent., we should pay the District annually about $1,500,000. Instead of paying only this amount, we are called upon for $3,000,000 or $4,000,000. Upon the valuation of real estate in this District, amounting to between $90,000,000 and $100,000,000, the District receives, at 2 per cent., an amount equal to about $1,900,000. Now my point is (and it is one that we are to consider) that if the personal property in this District were taxed, and taxed at the same rate as real estate, 2 per cent., it would yield an income of between three and four hundred thousand dollars annually, which would lessen to that extent the amount we are called upon to pay for the support of this District out of taxation levied upon the people of the country. I submit that we here in Congress have no right to allow our constituents to be taxed for such a purpose, when the wealthy people of this District are not taxed one dime on their personal property. Why, Mr. Speaker, any one of the Astors or the Vanderbilts, of New York, might come here and put his safe containing all his income-paying property by the side of some humble dwelling which some citizen here has been for years toiling to pay for, and he would not be taxed one dollar to support the government of the District, while that man in his humble homestead might be turned out of doors.

I submit there is no justice whatever in this; that if we are to remove the bank here we shall first insist its stock shall be taxed the same as like property is taxed elsewhere.

Mr. HUBBELL. I should like to ask the gentleman a question, if he will allow me.

Mr. MERRIAM. Certainly.

Mr. HUBBELL. If the State of Michigan does not assess taxes on personal property, would the gentleman for that reason deprive it of the benefits of the national-banking act?

Mr. MERRIAM. I believe there is no place on this continent where bank capital does not pay State or municipal taxes except this District; hence the honorable gentleman's question has no force.

Mr. PHELPS. I now call for the previous question. If the previous question is seconded I shall take none of my time myself, and I believe I am under the rules entitled to an hour; but I would like fifteen or twenty minutes, because I have promised that time to other gentlemen, among whom is the gentleman from Maryland, [Mr. LOWNDES.]

The House divided; and there were—ayes 94, noes 45.

So the demand for the previous question was seconded.

Mr. HOLMAN. I move that the bill be laid upon the table.

The SPEAKER. Pending the demand for the previous question, it having been seconded, the gentleman from Indiana moves to lay the bill upon the table.

The House divided; and there were—ayes 53, noes 97.

So the House refused to lay the bill on the table.

The main question was ordered to be put.

The SPEAKER. The gentleman from New Jersey is entitled to the floor for one hour.

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. PHELPS. Certainly.

Mr. BUCKNER. I understand the object of this bill is to remove a national bank from Hagerstown, Maryland, to Washington, in this District, and at the same time to increase its circulation of $50,000 to $200,000.

Mr. PHELPS. Not to increase its circulation, but to increase its capital.

Mr. BUCKNER. To increase its capital. I stand corrected. I ask the gentleman this question. Is not the necessary effect of increasing the capital $150,000 a local contraction of the currency to an extent of the difference between 90 per cent. and the cost of the bonds?

Mr. PHELPS. I think not; I do not see it.

Mr. BUCKNER. I should like very much to say something on that question if I get the chance.

Mr. PHELPS. I now yield for five minutes to the gentleman from Maryland, [Mr. LOWNDES.]

Mr. BUCKNER. Will the gentleman allow me to state my objections to this bill?

The SPEAKER. The gentleman from New Jersey has yielded to the gentleman from Maryland.

Mr. LOWNDES. Mr. Speaker, the stockholders of this bank went out of the State of Maryland into the State of New York and bought circulation, and brought that circulation into the State of Maryland, and started a bank in Hagerstown. They have been in business for several years, and now, finding they are losing money daily, they ask at our hands this privilege of removing their bank from Hagerstown to Washington City, in this District. It is their capital and their circulation, and they ought to have the privilege of removing the same from place to place, just as the merchant moves his stock of goods. I see no objection to it at all. Besides it is a mere local matter. Hagerstown is in my district, and the people there do not care about the removal of this bank, because the banking capital there is entirely sufficient for the demands of the people.

I yield the remaining portion of my time to the gentleman from Pennsylvania, [Mr. TODD.]

Mr. TODD. Mr. Speaker, my apology, if any is needed, for desiring to discuss this measure briefly arises out of the fact that some of my constituents are connected with this bank, and I naturally feel anxious their wishes should be complied with.

Latterly it has become quite fashionable for certain parties, both in season and out of season, to stigmatize the officials of Washington City with the crime and guilt of fraud and dishonesty, and to hold them up as objects worthy of public scorn and execration, and this, too, in the absence of all proof in support of their charges, and in defiance of refutation furnished by repeated investigations. The reiteration of these stale charges, under circumstances which preclude the accused from making defense, and in connection with matters with which they have nothing to do, seems to me a violation of that spirit of candor and fair play which ought always to characterize the conduct and utterance of honorable men. I have no personal acquaintance with any of the officials of Washington City nor any interest in any of their measures. It is not my province or duty to defend them from attack or to vindicate the wisdom and policy of their measures; but, sir, I cannot help thinking that men who have had the courage and sagacity, in the face of malignant opposition and persistent obloquy, to initiate and perfect a grand system of public improvements which has transformed this city from a marsh and mudhole to a magnificent and beautiful metropolis, will not suffer much detriment or much agony of spirit from the gentle criticism or playful wit of the gentleman from New York, [Mr. MERRIAM,] who the other day traveled clear out of the record to read his premeditated tirade against them. Time, which eventually makes all things even, will vindicate the character of these men and their measures, and rank them, as I believe they deserve to be, among the public benefactors of this District, as men who have had the wisdom and courage to rise above the dead level of the past and the sagacity to forecast the benefits and advantages which would result from keeping up with the modern spirit of progress and improvement.

If I understood the gentleman from New York, [Mr. MERRIAM,] he objected to this bill on the ground that banks and personal property were not taxed for municipal purposes in this District, and that his constituents were taxed for its benefit. I have failed to see the relevancy of this objection, or to understand how his constituents are interested in the payment of local taxes by this bank in the borough of Hagerstown. For it is manifest that the only effect of the transfer of this institution from Hagerstown to this city would be to relieve it from local taxes there. On this account the people of Hagerstown may object with some show of reason to the trsnsfer; but how the gentleman from New York and his constituents, living in a distant State, would be injured I fail to comprehend. For all purposes of Federal taxation, the bank will pay the same amount of taxes here as it now pays in Hagerstown. The law assessing Federal taxes on national banks is uniform in its operation in all localities, and levies the same percentage of tax on the banks in this District as it does elsewhere. Therefore the location of a national bank does not alter its responsibility or its liabilities to the General Government.

This measure proposes no new thing. It is sanctioned by uniform precedent, and when the House is informed that it is approved by the Secretary of the Treasury, by the Comptroller of the Currency, and by the Representative in this body from the Hagerstown district, it is difficult to discover the reason that should induce a stranger to object to it. Hagerstown is but a small place, having a population not exceeding five thousand. It is provided with abundant capital, exclusive of this bank, to meet all its legitimate wants. There this institution cannot find useful and profitable employment for its capital; here it can; and it will fill up the gap occasioned by the insolvency of the First National Bank. The location of the bank here would add just so much capital to the District; it would increase the credit facilities of the citizens of Washington City. It would cheapen the price of money, and would afford facilities for the outgrowth and development of that new spirit of enterprise which has so happily superseded and conquered the old torpid and ruinous policy which has hitherto characterized this city, and which by its decrepitude and parsimony deadened the spirit of improvement, and made this city, the metropolis of the country, a by-word and a scorn.

I think this measure should be judged of by its own merits and not be tangled up with considerations and conditions with which it has no connection and no interest, and over which it can have no control. If the gentleman from New York desires to strike at this District or its officials, let him do so manfully and courageously, and not over the shoulders of innocent parties. I know that, so far as this bank is concerned, all who are interested in it desire the transfer; and if the people at Hagerstown, if the parties who are interested in questions of taxation, are willing that the transfer should be made, it is exceedingly strange that parties not interested in any of those questions should raise an objection to it. I trust the House will pass the bill by an overwhelming vote.

Mr. PHELPS. I now yield three minutes to the gentleman who represents the District of Columbia, [Mr. CHIPMAN.]

Mr. CHIPMAN. I rise to correct a misapprehension on the part of the gentleman from New York, [Mr. MERRIAM.] When he addressed the House on this subject he conveyed the impression to the House that all classes of personal property are exempt from taxation in this District. I find myself in an embarrassing situation, by reason of the representations which are made on this subject. On one day the District is arraigned for excessive taxation, and on the next some one arraigns us because we do not tax enough. Now, I take this position, that the question of taxation is a question of policy as to the best means of raising revenues for the purposes for which the tax is levied. We have exempted, then, a certain class of personal property. That is to say, if the gentleman from New York, coming here to represent his constituents, chooses to bring his bonds and his ready money with him, he can put them safely away without any fear of the tax-collector. But if he chooses to use his means here to shave notes, or in banking, or in dealing in any kind of merchandise, the tax-gatherer waits upon him immediately. That is the form in which our personal taxation takes shape. It is not upon the bonds which people hold in their safes, but upon the active capital of the District. And the reason is a specific one with us; it may not hold true in regard to other cities.

We are not a commercial people here; whether we shall ever be is a question yet to be solved. We are a people engaged in a peculiar line of occupation, with which you are all familiar. Our people generally are not rich. They have no considerable personal property. But it is the interest of this District to induce those who have large means to come here and live, and expend their money in our midst, not in traffic among us, not in merchandise, if you please, but in a liberal method of life. We think we will get more benefit from that class of people who reside here but a portion of the year, by adopting this liberal policy toward them, and thus encouraging on their part a generous expenditure of money in our midst, than we will by levying a heavy personal tax. But we are taxing our real estate up to the limit you have fixed by act of Congress, and we have so increased our indirect tax on personal property, by enlarging cost of licenses and in other ways, that we hear complaints everywhere of burdensome taxation. Either the gentleman from New York is greatly mistaken, or these complaints are groundless.

Again, another motive we had in exempting certain personal property is this: That we never derived any considerable revenue from this kind of taxation; the cost and difficulties of collection led us to believe that it was wise to exempt it. We found, after taking out that exempt from execution, there was little left to tax. Gentlemen must remember that our wealthy residents, with few exceptions, are residents here temporarily, and, as I have said, we do not think it wise to keep this class away. The result of this policy is seen by the stately mansions springing up everywhere in our city, adding largely to the assessable property of the District. But we do tax personal property largely.

Let me call your attention to the facts in relation to the personal taxes in this District. If you examine the tax act of August 23, 1871, you will find over fifty different classes of personal property that are taxed—taxes on merchandise, licenses, banking, life and fire insurance companies, and almost every other kind of business and occupation of life. The taxes have been so largely increased under this government that the people have insisted that the tax-gatherer should not go through their houses and tax their furniture, go into

the office of the lawyer and tax his books, go into the office of the physician and tax the instruments of his profession.

Mr. DURHAM. I desire to ask the gentleman one question. Suppose this bank be removed to the District of Columbia, is there any law here under which it can be taxed?

Mr. CHIPMAN. It can be at the rate of fifty cents on every thousand dollars of capital. That is quite as much as the tax in some of the States on bank capital.

Mr. FIELD. O, no.

Mr. CHIPMAN. Well, sir, that is a question not for you to determine at all; it is a matter for us to determine. If we think that we derive greater benefit from the business which banks carry on in our midst, and place only a small tax upon them, Congress ought not to criticise our action.

Mr. ELDREDGE. Is there anything in the organic law of the District to prevent the local Legislature from taxing the property of banks or any other personal property?

Mr. CHIPMAN. There is no law prohibiting it at all; we simply abstain from a certain class of taxation to which I have already alluded.

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. CHIPMAN. I have but three minutes, and I prefer to make my statement to the House; after which I will gladly answer the gentleman.

Now, sir, there may be a legitimate argument derived from the suggestions of the gentleman from New York [Mr. MERRIAM] that we come to Congress asking for a greater amount for local and District purposes than we would if we taxed personal property. The gentleman from New York states in his speech this proposition: He says that he hopes Congress will vote no dollar more to improve the city until all the property of the city shares alike the burden of its government. Sir, I accept that proposition, and I call attention to the fact that the Government owns $100,000,000 worth of property in this city, which is not taxed one dollar. When Congress recognizes its duty to pay some just and fair proportion of municipal expenses here, based, if you please, on the value of the property of Government, it will then be time to talk about coercing our citizens into payment of greater taxes. The gentleman says that the last Congress was very liberal to the District of Columbia. So it was, and we are very grateful for it. We are very grateful to the Forty-second Congress because it invited examination into the affairs of the District of Columbia, and showed a disposition to join with us in making this a capital worthy the nation; but I accept the proposition of the gentleman from New York, although I am afraid he will fly from it when the question comes to a vote. We are willing to pay any tax upon our property Congress may impose, if Congress do the reciprocal thing and impose a like tax on the Government property, which all admit is equally benefited by improvements with our own. When this adjustment is made we will never ask a dollar from you for any charity or special object in the District of Columbia. Sir, if you will levy the tax according to all the property here, we shall be quite content; and we shall hope then to be rid of the criticism constantly made of our action, whatever it may be. We hope that you will settle a policy in regard to the District which shall be permanent, wise, judicious, and in keeping with the spirit of the age. Sir, we have shown a disposition to build up your city; we are beautifying it; and instead of allowing it to remain an unsightly, unattractive place, a disgrace to the nation, we are making it a city which will compare with any capital of any nation in the world.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. HOLMAN. On that question I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 89, not voting 51; as follows:

YEAS—Messrs. Albert, Albright, Archer, Averill, Bass, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Amos Clark, jr., Clayton, Clinton L. Cobb, Coburn, Conger, Cook, Crocker, Crooke, Crounse, Crutchfield, Curtis, Alexander M. Davis, Dawes, Dobbins, Donnan, Duell, Eames, Eldredge, Elliott, Farwell, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Hubbell, Hunton, Hynes, Kelley, Kellogg, Kendall, Lamport, Lansing, Lawson, Leach, Lewis, Lofland, Lowe, Lowndes, Lynch, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, Mellish, Monroe, Moore, Morey, Myers, Negley, O'Brien, O'Neill, Orr, Orth, Packard, Page, Parsons, Pelham, Perry, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Rawls, Rice, Richmond, Robbins, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheldon, Sherwood, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Sprague, Standeford, St. John, Storm, Stowell, Sypher, Taylor, Thornburgh, Todd, Townsend, Waddell, Waldron, Marcus L. Ward, Wheeler, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, Wood, Woodford, and Woodworth—148.

NAYS—Messrs. Adams, Atkins, Barber, Barnum, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bundy, Benjamin F. Butler, Caldwell, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Corwin, Creamer, Crittenden, Crossland, Danford, Dunnell, Durham, Eden, Field, Fort, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, Hereford, Herndon, Holman, Hunter, Hurlbut, Jewett, Killinger, Knapp, Lamison, Lawrence, Magee, Marshall, McCrary, McLean, McNulta, Merriam, Milliken, Mills, Neal, Nesmith, Niblack, Hosea W. Parker, Potter, Ray, Read, Ellis H. Roberts, William R. Roberts, James W. Robinson, Rusk, Milton Sayler, Sessions, Sheats, John Q. Smith, Southard, Speer, Stone, Strait, Strawbridge, Vance, Jasper D. Ward, White, Whitehead, Whitthorne, George Willard, Willie, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—89.

NOT VOTING—Messrs. Arthur, Ashe, Banning, Barrere, Barry, Cason, Cessna, Freeman Clarke, Comingo, Cotton, Cox, Darrall, John J. Davis, DeWitt, Eugene Hale, Hersey, Howe, Hyde, Kasson, Lamar, Loughridge, Luttrell, Martin, McKee, Mitchell, Morrison, Niles, Nunn, Packer, Isaac C. Parker, Pendleton, Pike, Purman, Randall, James C. Robinson, Ross, John G. Schumaker, Lazarus D. Shoemaker, George L. Smith, Stanard, Starkweather, Stephens, Swann, Thomas, Tremain, Tyner, Wallace, Walls, Wells, Whitehouse, and Ephraim K. Wilson—51.

So the bill was passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY-LOAN CERTIFICATES.

Mr. MAYNARD, from the Committee on Banking and Currency, reported back, with a recommendation that the same do pass, a bill (H. R. No. 975) to amend an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870; and moved that the same be referred to the Committee of the Whole.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I now move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of resuming the consideration of the special order, being the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. KELLOGG in the chair,) and proceeded to the consideration of the special order, a bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] has twenty-five minutes of his hour remaining, of which he yields fifteen minutes to the gentleman from Kentucky, [Mr. BECK.] By order of the House all general debate upon this bill is limited to one hour after the time of the gentleman from Pennsylvania shall have expired.

Mr. BECK. When the committee was last in session I had the floor trying to show that by the exercise of proper economy, by the cutting down of items of expenditure in the Army appropriation bill and in the other bills to be reported by the Committee on Appropriations, as that committee seems disposed to do, we would be able, not only to avoid the necessity of increased taxation, but the necessity of borrowing more money. I was trying to show that the revenues of the Government were sufficient for all its proper and necessary wants. At the time the hammer fell I had read the act entitled "An act to strengthen the public credit," approved March 18, 1869. I was contending that that act was at the bottom of much of the financial trouble that has come upon the country; that the law itself had been violated, and, being a measure wholly in the interest of bondholders, that it ought to be repealed; that the purchase of bonds under it ought to be stopped; and that if these things were done owing to the amount of interest, $30,000,000 annually, that we now are relieved from, as compared with the amount we had to pay four or five years ago, instead of $319,000,000, as estimated by the Department; being necessary to maintain this Government, $250,000,000 would be amply sufficient for that purpose—indeed, would be extravagant.

I was proceeding to show that the act of 1869 was flagrantly unjust, because it was a fraud, and all the proceedings under it have been frauds, not only directly calculated but intended to depreciate the currency of the country, and to pay the bondholders money that they were not entitled to; that by reason of that act and the proceedings under it the bondholders to-day have received $40,000,000 in gold which belong to the people of the country, all of which has been wrongfully wrung from the sweat of the laboring poor. I propose now to make that statement good. Of course in ten or fifteen minutes I can only suggest facts, which members can examine in detail for themselves; I cannot argue anything.

There is not a man on this floor who does not know that these five-twenty bonds, which are now being paid in gold, were payable in the legal-tender notes of the country. Every legal-tender note in the pockets of each gentleman here bears the indorsement that it is a legal tender at its face value, and shall be receivable "for all debts, public and private, except duties on imports and interest on the public debt." In the year 1867 the Finance Committee of the Senate of the United States settled that question in a unanimous report, which I hope gentlemen will read. It is Report No. 4, Fortieth Congress, second session, and was made December 17, 1867. In that report the Finance Committee of the Senate made that fact conclusive. I will only read a few extracts now. They say:

> The act under which the five-twenty bonds were issued also provides for the issue of United States notes, and declares that these notes "shall be lawful money and a legal tender in payment of all debts public or private." These notes were issued to an amount of $400,000,000 before the bonds were negotiated. It is claimed that this provision negatives the implication drawn from the payment of previous loans in coin, especially as when previous loans were made and paid no other kind of money existed, or could have been contemplated. * * *
>
> And it is contended that, conceding that the agents of the Government construed

the law as binding the United States to pay the principal of this debt in coin, yet that this construction was not so generally acquiesced in and adopted by both parties to the contract as to create a moral obligation which the United States is bound to execute to preserve its faith. Is it true that this construction was so generally admitted as to make it a part of the contract? Congress uniformly refused to declare this construction as to the five-twenty bonds, but did do so as to the ten-forty bonds. And it is a further and very significant fact that every State in the Union, with, perhaps, the exception of Massachusetts, put a different construction on this act. Every State had a public debt. It stood in precisely the same position as the national debt. Its bonds had uniformly been paid, principal and interest, in coin, and yet under the law they held that their public faith was complied with when they paid either principal or interest in legal-tender notes, and this construction was acquiesced in by their creditors. So with corporations and private citizens who had contracted debts which by law and custom had been previously paid in coin, they considered themselves, and were, released by payment in legal-tenders. Now, by a well-established principle of the law of contracts, when it is sought to vary the meaning of the words of a contract by a contemporaneous construction, it must be shown that both parties acquiesced in it, and understood and acted upon it in precisely the same sense; otherwise the words of the contract must govern. When a general rule is laid down, and an exception is made, it implies that there are no other exceptions.

Duties on imported goods and interest on the public debt are excepted from the legal-tender clause. This implies the principal of the debt is not excepted. The construction drawn from the payment of previous loans in gold is answered by the fact that the act under which this loan was issued expressly declares that a note shall be lawful money as well as gold, and shall be receivable in payment of a public debt. The argument that a construction was put upon the law by the agents of the United States is answered by the fact that this was not a mutual construction recognized by both parties as a part of the contract, but was rather an opinion based upon a supposition of a state of facts which, when the five years expired, did not actually exist.

It is clear that if the bonds are "payable" when due in legal-tenders, they are "redeemable" after five years from date in the same kind of money. The word "payable" imports a duty or obligation which must be performed at the time stipulated. The word "redeemable" implies a discretionary power which may be or may not be exercised. But the same kind of money in the same mode tendered will redeem a note or pay a note.

I refer also, in this connection, to the speech of a man who had a great deal of authority in this House in his time, and whose words may now be listened to with attention; I mean Mr. Stevens, of Pennsylvania. When the proposition was made to pay these bonds in gold, he rose in his place and said to this House, (I quote from the Congressional Globe:)

Mr. STEVENS, of Pennsylvania. What was that law? What bonds of a certain amount should bear 5 per cent. interest in gold? Now, up to the time they fall due we must pay them faithfully. After they fall due they are payable in money, just as the gentleman understands "money;" just as I understand it; just as we all understood it when we passed the law authorizing that loan; just as it was a dozen times explained upon the floor by the chairman of the Committee on Ways and Means when called upon by gentlemen to explain what it meant, and just as the whole House agreed that it meant.

[Here the hammer fell.]

Mr. O'NEILL obtained the floor.

Mr. STEVENS, of Pennsylvania. I should like to have one or two minutes more.

Mr. O'NEILL. I will yield to my colleague one or two minutes.

Mr. STEVENS, of Pennsylvania. I want to say that if this loan was to be paid according to the intimation of the gentleman from Illinois, [Mr. ROSS;] if I knew that any party in this country would go for paying in coin that which is payable in money, thus enhancing it one-half; if I knew there was such a platform and such a determination this day on the part of any party, I would vote for the other side—Frank Blair and all. I would vote for no such swindle upon the taxpayers of the country; I should vote for no such speculation in favor of the large bondholders, the millionaires, who take advantage of our folly in granting them coin payment of interest. And I declare—well, it is hard to say it—but if even Frank Blair stood upon the platform of paying the bonds according to the contract, and the republican candidates stood upon the platform of paying bloated speculators twice the amount we agreed to pay them, then I would vote for Frank Blair—even if a worse man than Seymour headed the ticket. That is all I want to say.

Nobody disputed that until the act of 1869 was brought forward, and even that act made this provision. After declaring that the intention was to pay both bonds and notes in gold, it provided:

But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time the bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin.

It is not pretended that the notes of the United States have from that day to this ever been convertible into coin. It is not pretended that those five-twenty bonds are due to or demandable by the holders. The United States may pay them after five years, but they are not payable for twenty years. The holder cannot demand payment. They are not due until payment can be demanded. In the face of this declaration put in the law itself that they shall not be redeemed or paid before maturity, unless at the time United States notes are convertible into coin, why is it that the Secretary of the Treasury has gone on, and why is it that Congress has sanctioned his going on, in paying to these bondholders $440,000,000 of legal-tender notes in exchange for $400,000,000 of bonded indebtedness?

A very distinguished gentleman—a gentleman recognized on the other side as good authority—has made a speech on this subject lately—where, I do not care to state; it is against the rule to read Senate proceedings here—from which I will take the liberty to read. He said:

We have paid $400,000,000 of the public debt, and we boast of it—of debt not due for years. We have paid to redeem that debt a premium of $40,000,000. In other words, we have paid $440,000,000 to redeem four hundred millions of debt not yet due, and we have not redeemed a single debt that was due in March, 1869; but, on the contrary, we have increased the kind of debts then due more in proportion than the increase of our population. And, sir, while our promise did advance the credit of our bonds and of our notes alike, and while the execution of that promise as to our bonds has advanced our bonds to above par in gold, yet we have done nothing whatever to redeem the second clause of that pledge; but, on the other hand, all we have done has been done with the intention and with the effect of depreciating the value of our notes.

Mark the language—"with the intention and with the effect of depreciating the value of our notes;" and it is true.

The same distinguished gentleman says further:

Fifty-six millions of the money that we have applied to the payment of debt not yet due would have brought all the remaining greenbacks up to par in gold, would have made our bank-notes convertible into the standard of gold, and we would have had, almost without knowing it, specie payment—a solid, safe, and secure basis. The forty millions of greenbacks we paid as premium for our bonds would have accomplished this result. Thousands of men who have been ruined by the false ideas that sprang from this fever-heated, depreciated paper money would be now useful, able, and successful business men, instead of being ruined by bankruptcy. * * * * * * * * *

But this promise to pay in coin extended to the bondholder. We promised to pay the bondholder gold for his bond and the people gold for their greenbacks. We have fulfilled our promise to the bondholder. We have paid him in gold. We have bought the gold. We have paid him at a premium of 10 per cent. on our currency. Not a single effort, not a single measure, has succeeded in either House of Congress that looks to the redemption of the promise to the people who hold these greenbacks, and which measure their daily toil in their productive avocations.

The same gentleman also states that the notes of France and other countries have been kept good because they were received for customs dues; and ours have been depreciated as they are to-day because we have refused to receive them for customs dues and have made this discrimination for the purpose of keeping them depreciated. Let me read the language:

In France, with a large currency, that currency may be used to pay the same as gold for any form of debt of or to the government, even the form of duties.

Mr. FERRY, of Michigan. I should like to ask a question just here.

Mr. SHERMAN. I would rather not be interrupted now.

Mr. FERRY, of Michigan. It is on the point the Senator was just discussing.

Mr. SHERMAN. Very well.

Mr. FERRY, of Michigan. I ask whether, in the Senator's judgment, the value of the currency in France depends so much on the convertibility of the notes into bonds, or in their being made lawful money for all purposes, which our greenbacks are not?

Mr. SHERMAN. I have no doubt that it would greatly advance our greenbacks if they were allowed to be received at the custom-houses for duties.

Mr. FERRY, of Michigan. Is that not the case in France?

Mr. SHERMAN. Yes.

The point to which I desire to call attention is, that $40,000,000 have been wrongfully taken from the tax-payers and handed over to the holders of our bonds in direct violation even of the provisions of that odious law. I maintain that no more of the public debt should be paid in that way; that whatever payments may be made ought to be made in compliance with existing law.

But gentlemen say "We are changing the character of our bonds and getting a lower rate of interest." How are you doing that? It is costing 2 per cent. to do it, and every bond issued under the act of 1870 contained a clause providing that the bond should be payable, principal and interest, in coin—a provision which the five-twenties did not contain. It was also necessary to put into those bonds of 1870 a further provision, that they should be exempt from Federal taxation as well as from State and municipal taxation, which was not the case with the five-twenties. But for those two provisions inserted in those bonds the Government could not have sold one of them. Therefore it cannot be said that our bonds can be exchanged for others bearing a lower rate of interest at par as an avoidance of the other clause in the law of 1869.

No, gentlemen; the trouble is this, that Congress has been systematically depreciating the paper of the Government for the express purpose of enriching the men who hold our bonds—men who bought them for greenbacks when greenbacks were most depreciated, never expecting to receive payment in anything else, and who under the present system are not only exempt from taxation, but are enabled to sell their gold interest at from 10 to 20 per cent. premium. The supporters of the Administration have pursued this policy for the further purpose of increasing to the extent of the premium on gold the already monstrous tariff imposed upon the country, by which our commerce has been driven from the seas and the cost of everything that the consumer and the producer of agricultural products need has been doubled. This policy has been pursued for the further purpose of making the Government a gold gambler in the markets of the world, and for the pupose of controlling the prices of gold and stocks on Wall street for political purposes. Whenever the Government abandons this policy, and takes its own paper for its own debts, that moment it will come to par with gold. The moment you do that, every bondholder and their advocates here will of course cry out "Bad faith!" because they will not get the premium that they now get upon their interest. Every protected monopolist will clamor against such a policy, because you diminish his protection to the extent that you destroy the premium on gold. Government officials will clamor, because you destroy their power over the commercial relations of the country. But the people of the country are demanding this of us, and they will force it upon Congress whether you like it or not.

Because Congress (for all the responsibility rests here) has kept up unjust and unequal taxation, grinding the poor to the earth and enriching those who are already rich enough, because Congress has pursued this course, we are in our present difficulties about banking and currency. Until that policy be changed you may plaster the evil as you please, but you will never relieve the cause of our difficulties. This Government pays to the bondholder, as a national banker, 6 per cent. in gold upon his bonds, and at the same time lends him 90 per cent. of his bonds in current money, taxing him only 1 per cent. for it, while he lends it out to the people at 10, 12, or 15 per cent. Thus we give a monopoly of banking, a monopoly by tariff taxation, and a monopoly of our gold to great combinations of wealth. Such a

policy must break down any party that maintains it. The poverty of the people and the extortions of the Government are just now hastening the issue.

All history shows that whenever a government earnestly and honestly uses its own credit for the benefit of its people it can maintain any financial system. Sir, the State of Kentucky demonstrated that fact many years ago. I set forth the facts on the floor of this House some years ago, and as I cannot state it better now, I will read what I said then:

Kentucky many years taught the world a lesson, under the most adverse circumstances, of the value of public credit when honestly and faithfully used for the public welfare. The United States Bank, which, with all its powers, was a pigmy compared to the hydra-headed monster we now have to contend with, had after the close of the war of 1812-'15, broken down the State banks in Kentucky and Ohio. These States attempted to tax the United States branch banks within their limits.

The State laws were annulled by the Federal courts. The tax imposed and collected amounted to $100,000, was taken from the State treasury of Ohio, and suits innumerable were commenced by the bank against the people of Kentucky, on whose property mortgages almost sufficient to absorb it were held by the bank. Meanwhile the United States Bank currency was withdrawn from the State and the gold was taken from the branches and hauled in wagons to the mother bank at Philadelphia. Ruin stared the people in the face almost to the same extent that it will again if you put your scheme of specie payment into operation. The Kentucky Legislature about 1820, as a last effort to save the people, chartered a bank of the Commonwealth of Kentucky, with a capital of $3,000,000, for a limited term of years, and interposed replevin liens to prevent immediate sales under execution. It had not a dollar in gold to bank upon; it had nothing but the credit of the State, and that, too, at a time when the credit of the State was down to its lowest ebb. The courts were hostile to the relief laws; the leading men of the State opposed the bank; Mr. Clay was attorney for the Bank of the United States, and everything seemed against its success. The State could not emit bills of credit, could not coin money, make its notes a legal tender, lay impost duties, nor exercise any of the powers by which the United States can maintain its credit; yet in spite of all these obstacles it made its bank a grand success, in spite of the opposition of the United States and its great bank, in defiance of the determined opposition of its own leading jurists and statesman.

Hon. F. P. Blair, then a young and comparatively unknown man, and a few others, since become eminent for their ability and wisdom, stood by it and sustained it. Mr. Crittenden, though opposed to it, when elected its president by the Legislature accepted the position. Honest and competent men managed its branches. The people borrowed its notes and paid their taxes and their debts to each other with them. Men from other States, fearing it was that or nothing, took them for debts and purchased the wheat, corn, hogs, tobacco, and whisky from the people. Commerce revived; property rose in value; prosperity took the place of ruinous depression; new energy inspired the masses; light came out of darkness. The corpse of the public credit had been touched as by the wand of the magician, and it sprang upon its feet. The people stood by the bank and the credit of the State single-handed and alone, without a dollar of gold, and not only saved them, but made them great and prosperous. The notes of the bank, at first at a discount of 50 per cent., were at par in less than three years; and when it wound up, after some twelve years, it not only redeemed all its paper in gold but left a large surplus fund, which was appropriated to and formed the basis of the school-fund of the State.

From that time on Kentucky grew more and more prosperous. To-day she owes nothing, and her credit is second to none of her sister States.

Pennsylvania did the same thing in 1841; so did Indiana; North Carolina did it before the revolutionary war; each with similar results. Beyond all question the United States can make its paper as good as gold whenever an honest effort is made to do so. Whenever class legislation is abandoned and the people receive the measure of justice now reserved for the bondholder, and the great moneyed monopolies of the country——

[Here the hammer fell.]

Mr. HEREFORD. Mr. Chairman, the gentleman from New York [Mr. WHEELER] in charge of this bill has told this House he very much favors the reduction of the expenditures of the Government, and courts the criticism of the various appropriations in this bill. I desire to call his attention on page 7, commencing with the one hundred and thirty-fifth line and ending with the one hundred and forty-first line, to a provision in reference to which I desire to submit some remarks. It is as follows:

For engineer depot at Willet's Point, New York, namely, remodeling portions of bridge equipage and for the current expenses of the depot, purchase of engineering material for use in instruction of engineer battalion, and purchase and repair of instruments for general service of the Corps of Engineers, $9,000.

I propose to refer briefly to the testimony of the General of the Army in reference to that appropriation, and if the members of this House are honestly in favor of a reduction, of the expenditures of this Government I do not think they can begin better than at this very appropriation for an engineer depot at Willet's Point, New York.

Now, what does the General of our Army tell this House in the testimony taken before the Committee on Military Affairs in regard to this very engineer depot at Willet's Point? I beg the attention of the gentlemen on the other side of the House. I tell them they have the power in their own hands to diminish the appropriations to this extent, and to the same extent to diminish the burdens imposed upon the people. If they will listen to the testimony of the General of the Army, General Sherman, upon this very subject, on page 19 of the printed testimony, they will see that this appropriation at least ought to be struck out. On page 19 of the testimony General Sherman says, after going over the whole Army, regiment after regiment:

That completes the entire regular organization of the regiments of the Army of the United States as it now stands. In this same official report which I hold in my hand I find an engineer battalion, composed of five companies of engineers, numbering 329, four of which are at Willet's Point, New York Harbor, and one at West Point, New York.

Willet's Point is the very point for which this $9,000 appropriation is asked. What does General Sherman say with regard to these soldiers? What does he say with regard to these 329 men? I invite the attention of gentlemen to it. He says:

Over these I have no command or control whatever, and ought not to speak of them with any degree of freedom. If you think proper to cut them off it is not my business to try to prevent it. These troops are soldiers when it is to their interest to be soldiers, and they are not soldiers when it is their interest not to be.

Yet this committee, having charge of this bill which appropriates at one dash $29,000,000 for the support of the Army for one year, seeks to continue in employment these 329 men, whom General Sherman says he has no control over, who are soldiers when it suits them to be soldiers and who are not soldiers when it suits them not to be; who, in other words, are "invincible in peace and invisible in war." [Laughter.]

General Sherman tells you in this same testimony, and General Townsend tells you the same thing, that upon an average our soldiers cost us $1,000 each. Here is an appropriation for 329 men. General Sherman says they are soldiers when it suits them to be soldiers, and not soldiers when it does not suit them to be. At the average rate of $1,000 a man we have here an appropriation of $350,000 for 350 men. It is more money than is appropriated for the whole of the Military Academy at West Point. I ask you on the other side of the House, if you are honestly in favor of reducing our expenditures, why not cut off this $350,000?

General Sherman says further, when asked what their business is:

They are for learning the special art of pontooning and laying bridges. In time of actual war engineer troops are very useful, and I have no doubt that these are very fine companies, but they are not subject to military command, and do not perform their share of frontier service. If General Hancock, who commands in New York, were suddenly called upon to defend the harbor, or to assist officers of the internal revenue, he could not call upon these engineer troops to assist him without first getting the consent of the President of the United States or the Secretary of War.

Then I ask you gentlemen, members of this House, who are to vote upon this bill, if you will not decrease this appropriation certainly that amount? General Sherman tells you if you want to reduce, this is the place. He tells you he has no control over them; and who has, and for what purposes are they there?

Again, we see here on page 2 of this bill, from line 17 to line 24, an appropriation of $11,450,000. In seven lines we appropriate over $11,000,000; more than $1,000,000 to a line. Yet the Committee on Appropriations has not had the time, for I know they desire to do their duty, to tell us, in these seven lines, what they are asking nearly $12,000,000 for. Why, what does the report of the Secretary of War show us? Bear in mind that you are appropriating, in round numbers, by this bill $29,000,000 for the Army. You have 26,500 men in the Army. The average pay of the soldier is $13.50 per month, which makes the pay for all the soldiers, in round numbers, $358,000. The amount of their subsistence, as appropriated by this bill, is $2,452,000, the amount for the purchase of their horses is $350,000; making in the aggregate, for the pay of all your soldiers—their monthly pay, their subsistence, the purchase of their horses, all told—only a small fraction over $3,000,000 and yet for the Army you ask an appropriation of $29,000,000.

Have we not, then, the right, gentlemen of the Committee on Appropriations, if you are honestly in favor of reduction and of economy, to ask you to tell the House, and to tell the people, if the pay of your soldiers, if the subsistence of all of them, if the purchase of all of their horses, all added together, only make a little over $3,000,000, why do you want $29,000,000 for your Army? Where is it to go? Have we not a right to ask you to give us the items that are to run up the other $26,000,000? Do not come before the House, do not come before the people, and say you are in favor of economy and reform, when you have appropriated $26,000,000 without giving any reasonable account for what purposes you ask it, or for what purposes you desire it.

I wish I had the time, Mr. Chairman, to go on further, and in this connection to show, when we have by two bills this session appropriated $20,000,000 to the Navy, what General Sherman says on that subject. In this very testimony he tells us that those appropriations for the Navy are immensely too large; that we have no necessity for these forts and arsenals all along the lines of the sea-coast. He says there is no danger of any war-vessel coming into any of our harbors and committing depredations on our shipping. He says there is no vessel in the fleet of the English Channel that could enter more than one of the harbors of the United States, and that is Newport, Rhode Island. He says there is no danger of an invasion from a foreign enemy; from any country—England, France, or Spain. He says, on account of the invention of railroads and telegraphs, that time has passed away. He says that in a few hours you can bring fifteen or twenty thousand soldiers to any point that might be threatened, and thereby defend our country and its flag without these useless appropriations of $20,000,000 for your Navy.

Mr. WHEELER. I yield fifteen minutes to my colleague from New York, [Mr. COX.]

Mr. COX. The other day when my colleague [Mr. WHEELER] was addressing the House on this question he yielded to me, and I addressed to him what I thought a pertinent inquiry, "Why he thought our soldiers cost more per soldier than the English soldiers?" I thought the gentleman could give us an intelligent answer. If our soldiers cost more for their clothing or their food, we might not only learn some lessons of economy with respect to the Army bill but we might be taught an economic lesson as to our imports from abroad and on which we are peculiarly taxed. There was a tax-tariff meaning to my inquiry. I am sure no one will complain for my seeking

information to relieve the people. The cost of a soldier here is as three to one, compared with England. Whereas in England a soldier is supported for £100 sterling per annum, or $500, it takes £300 sterling or $1,500 in this country. I do not mean the exact cost of the soldier himself. But take the whole army of England, 130,000, and compare it with our Army, 30,000, and that is the result. It has been ascertained that about $1,000 or a trifle less for each soldier is the cost in this country. Now, why is it that there is such a discrepancy in the expense between England and this country?

I hold in my hand an article from an English paper, the Pall Mall Gazette of December 27, in which the following statement is made:

Our own military establishment, as the reader is aware, comprises a regular army of over 130,000 men, a militia force, the staff of which alone and the stores and buildings occasion a charge all the year round, the men being called out for only a short period, and, lastly, a volunteer force receiving a grant in aid. If we omit the charge on account of the abolition of purchase, the cost of this entire establishment last year was somewhat over £14,500,000. So that for an expenditure about two-thirds of our own the United States obtained an army not nearly one-fourth of ours in number of men, and without an irregular force of any kind to supplement it. * * * To put the matter in a somewhat different light, the entire expenditure of this country last year for military purposes amounted to somewhat more than £100 for each man enrolled; the American expenditure amounted to somewhat more than £300 for each.

This is a matter of economy. It does not concern so much the number of men, perhaps, or their increase or reduction. I am willing to admit that it is doubtful if the reduction of the number of men only is the way to reduce the expense. The 30,000 may all be needed for forts, posts, and stations, although this is doubtful. It is possible, just possible, that a one-sixth reduction of the line would lessen the available strength of the Army, without any proportionate economic gain. But of this hereafter. I am afraid that the actual reduction possible to be considered and made has not been properly considered.

Mr. HAWLEY, of Connecticut. I desire to ask the gentleman one question. Will the gentleman from New York vote to reduce the wages of the American soldier to the wages of the English soldier?

Mr. COX. I propose to reduce the number of soldiers in the Army. I do not belong to the war establishment. I have been for years waiting for the millennium. Ever since I could read I have hoped for the beautiful revelation of the "Prince of Peace." But within the last twenty-five years, and especially since 1855, collisions and wars have not been in the habit of ceasing. A member like the honored soldier from Connecticut arises in the House. He can talk with emphasis. Has he not been a soldier? Has he not been a killer of men, legally? I am one of the quiet, unobtrusive heroes of private life, who votes to cut down your peaceful Army, to make taxes less, and who, so gentle is his regard for the virtues that are not of war, would be willing even that his own wife's relations should do the fighting of the battles of his beloved country. [Laughter.]

But, sir, I tell the soldier of Connecticut that I do not propose to cut down the wages of anybody. I will show him soon where I will cut.

We have three grand divisions of our Army. We have some ten departments, with some 29,000 men or more, nearly 30,000. Some four or five hundred of these are non-combatants. How are these troops distributed? In the Department of the East and Lakes we have 1,826 soldiers; in the Department of the South we have 2,192; in the Gulf States we have 1,021, that is to say, in Louisiana, Arkansas, and Mississippi. Now, I would like to know what those 1,000 soldiers are doing there? We have in Texas (where troops are most needed) 5,109 soldiers. So that there are 12,618 troops outside of the Indian borders, leaving seventeen or eighteen thousand men (17,382) to be distributed along the frontier whose duties I will attend to shortly.

But, first, what are these soldiers doing in the East, on the Lakes, and in the South? What do we want with a thousand men in the Gulf Department? Why, sir, they do not amount to a respectable police force considering the area and population. Do you want them there to prompt or prod citizens to the elections? Do you use them to coerce the people? Is not the civil war ended? Have we not voted amnesty in this House? Why, they are inefficient simply for police. Three hundred men in Mississippi! It is a sham and shame.

As to Louisiana. Louisiana! I would vote for an amendment to this bill that not a dollar shall be given to the Army, or, rather, not a soldier used, not a sword drawn or bayonet fixed, for carrying out the godless tyranny and detestable usurpation in Louisiana. At the proper time I shall offer such a provision in the shape of an additional section to the bill. Sir, the condition of Louisiana is a blazing outrage. The Senate knows it; the House knows it; the President himself knows it; the grangers know it; the very mouth of the Mississippi proclaims it. I will not vote to use our Army for any such illegitimate purpose. We will have a square vote on that. Gentlemen on the other side will find that this Louisiana corruption of court and ballot is very much like "the body of death." It will cling to their party. We have heard of the death of the Siamese twins. I cannot say whether it was Chang or Eng who died first. No matter; when one died the other died very shortly afterward. [Laughter.] Sir, Louisiana is your corpse; it is tied by a ligature to your party. You cannot revivify your party bound by such a *vinculum*. You will have an opportunity to vote on the Louisiana case before the Army bill is passed; and in your votes you will read what Chang saw in Eng's death.

Do we want an army for purposes of foreign war? Is there any danger of war upon the Canadian border? If there was, one hundred thousand men from my own State would leap to defend and hold that border. Do you fear war with Spain? One hundred thousand men could be raised in any State South—rebels, ay rebels—ready to rally to the old ensign to defend the country in that direction.

But, sir, there is no imminent danger of a collision with Spain or any other foreign power. Our diplomacy is so complaisant! It has smiles so ready that it can smile down any formidable attack upon us. It is all *suaviter*, and not any *fortiter*. It is true that our Navy is weak; but see the proud emblem of our diplomacy! It stands out of the waves off the North Carolina coast, the noble mizzen-mast of the Virginius. It is the emblem of our national diplomacy, strength, and honor. [Laughter.] Mars hath no wrinkled front that our courteous Secretary of State cannot wreath in sweetest smiles. Our diplomacy is our shield and buckler. We have no such allies against foreign aggression and insult.

Is there any other danger of foreign war? We will see.

Wars are of uncertain occurrence. During the last twenty years we have seen Italy made one by the war between Italy and Austria; and the war of the Crimea between France, Russia, and England; and the Franco-German war. No such wars are recorded by Hume to show the populousness and belligerency of the ancient nations. We have had our own great civil war; we have had our great Modoc war, [laughter;] and all these wars indicate that wars may come on the "occasion sudden." When they do come fifteen thousand men are just as good a skeleton or nucleus for an army as thirty thousand, and not half so expensive.

Unless gentlemen can show some pressing emergency for 30,000 men, there is no reason why the proposition hereafter to be made by the gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs, may not be adopted, and our rank and file be cut down, and even the salaries of the colonels and generals cut down also.

As to the Indians: In 1860 we had them not on reservations, therefore their warlike alliances were easier. Our border was not so great, nor were our Indians so small in number, or so costly as now. Now it costs eight or nine millions for them, aside from the Army expenses. Besides we can call on the well-skilled border-men to fight them, and thus save money and men.

But, Mr. Chairman, these questions seem to have aroused some gentlemen from the West to speak against the State of New York. My honored friend from Oregon [Mr. NESMITH] spoke wittily, if not wisely. He said:

Why, sir, if this policy is to be pursued, and our country is not to be permitted to extend because of the appropriation of money required to be made by Congress for the protection of our frontiers, why not extend it to the civilized portion of the country as well as to our western frontiers, whence you derive all of your metallic currency to-day? Why not extend it to New York? More money is asked in the way of appropriation for the defense of the city of New York to-day than for the defense of the entire frontier. I would ask the gentleman from New York, why not move that city up above the Highlands of the Hudson; stretch across the river the old chain they had in the days of the Revolution, and abandon the place which to-day requires such large appropriations for its defense?

My friend complains that gentlemen wanted to confine the boundaries of civilization and to confine them to New York. He made that charge against my colleague who reported this bill, [Mr. WHEELER,] who is himself a frontiersman of the State; and yet the gentleman from Oregon, for some fancied embarrassment to his section, proposed to shut up the harbor of New York, to abandon the place, because it might require some appropriations for its defense. I think it was one of the Stuarts who proposed to move London. The city authorities begged his royal highness to let the Thames flow on. It flows to-day. New York City will live, though every Modoc is in glory!

The gentleman from Oregon [Mr. NESMITH] should have examined the facts in relation to New York. New York City holds Oregon as a suburb, and yet the city costs the country little or nothing—$40,000 was appropriated last year for Fort Hamilton; $30,000 for Fort Tompkins; $29,000 for the Hudson Battery; making $99,000; and for torpedoes, to be used generally in all our harbors, only $300,000. Therefore there have been no considerable sums expended for New York—nothing like what it costs for Indian and Army contracts, to say nothing of Quaker and other luxuries. The defense of New York City costs nothing compared with the large and expensive Indian frontier. Therefore there is no meaning in the attack made by my pious friend from Oregon.

The gentleman must remember that the city of New York is the gate-way of the country. When he would shut up that harbor, remove it up the river, and place a chain across the Hudson, he forgets what New York is. There is not a mean fiber in its polity. It is generous to all the world, and especially to Oregon and Indians. New York City, with its population of 942,292, its 64,044 dwellings, and its three and a half billions of values, its tonnage of sailing-vessels and steamships, amounting to 1,046,118,021 tons, is not to be chained up the Hudson without a hearing! New York City pays 67 per cent. of all the customs dues collected in this country. Please cipher that! Total receipts of the United States from customs, not including fines, penalties, and forfeitures, gold, $188,089,522.70. In the port of New York alone, of this sum, is collected $126,824,899.92. Besides, she pays $12,405,768.75 of internal-revenue tax. Is that nothing to boast of? It is enough to buy up Oregon, Indians and all.

She is in all matters equal to her position, as the grand metropolis. Shut her in with chains, as she is now by bad commercial restrictions

and worse officials—pshaw! She will break forth in charities and in goodness. May I ask once and forever, to settle the slanders upon the great city by giving a few of the statistics of our proud metropolis?

The prisons, hospitals, asylums, almshouses, nurseries, &c., numbering twenty-seven institutions, received 153,271 subjects in 1873. The department for the out-door poor gave relief to 22,782 persons. The amount of money expended in sustaining the operations of the commissioners of public charities and corrections during the year was $1,206,358.85. And you want this chained in? The organized local charitable societies and institutions receive and disburse annually $2,500,000. The total expense of the commissioners of emigration during the year was $592,437.03. Yet you would send these benefactions inland, where there would be no beneficiaries?

The receipts of the daily press in New York are said to be $9,000,000 annually. Do they not reach us here? For the theaters, operas, and other public amusements, the people of New York spend $7,000,000 a year. The system of public instruction costs $3,000,000 a year. To sustain the churches of all denominations $3,000,000 are required.

The money expended in the 8,403 liquor-shops is estimated at not less than $38,000,000. [Laughter.] Perhaps the gentleman objects to that.

The gentleman from Oregon [Mr. NESMITH] intimated that there was not water enough out in Oregon to baptize the Indian converts made by the good missionaries there. Well, New York City can furnish him with water enough; for we consume each day 104,000,000 gallons, three times as much per month as in London; enough to float any of these great steamships over any New York bar referred to by my friend [Mr. HEREFORD] a moment ago.

Therefore, in any element of greatness, goodness, charity, or wealth! New York City is the indispensable and superb epitome of the country, What a small amount we spend in her defense I shall hereafter have occasion to show.

Now, in regard to the Indian business, I was about to show that we could safely trust it with fewer soldiers than we now have, say 20,000. Major Powell last year went through sixty-six tribes unharmed and took their census. I am informed that in distant Washington Territory one can go anywhere among the tribes safely. I know that some of the "bucks" of the Sioux, Arapahoes, and other tribes sometimes go on the war-path. There may be some 3,000 troublesome Indians in all.

[Here the hammer fell.]

Mr. WHEELER. I want to do my colleague [Mr. COX] the courtesy to reply to a question which, with all his experience in this body, he must have known to be entirely irrelevant. He knows very well that the Committee on Appropriations have no power whatever to change the pay of a soldier. All our appropriations are made in accordance with existing laws. And the gentleman knows as well as I do that the difference between the cost of American soldiers and the cost of English soldiers grows out of the two items of pay and transportation. The English soldier receives only about one-half of the pay of the American soldier.

Mr. COX. Yes; our soldier costs nearly three times what the English soldier receives. I know, too, we must change existing law in order to decrease appropriations. I understand that perfectly. Who undertakes to do that?

Mr. WHEELER. I now yield to the gentleman from Ohio [Mr. GUNCKEL] for twenty-five minutes.

Mr. COX. I wish to say one word in response to the gentleman.

The CHAIRMAN. The gentleman's time has expired.

Mr. COX. Then I will quit. [Laughter.]

The committee rose informally, and Mr. MAYNARD took the chair as Speaker *pro tempore* in order to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, a joint resolution of the House, of the following title:

A joint resolution (H. R. No. 43) authorizing a special court of inquiry concerning General O. O. Howard.

The message further announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 417) relating to certain deposits in the Post-Office Department.

The message also announced that the Senate insisted upon its amendments disagreed to by the House to the resolution of the House of Representatives, directing the Congressional Printer to furnish each Senator and each Member and Delegate in the House of Representatives twenty-four copies of the CONGRESSIONAL RECORD, and had agreed to the conference requested by the House upon the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. ANTHONY, Mr. HOWE, and Mr. SAULSBURY.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. GUNCKEL. When I first took my seat in this House I was informed by one of my seniors that new members, like good children at a well-regulated family table, were expected to be seen, not heard. I have remembered and obeyed the injunction, and for two months have not presumed on even a five-minutes' speech. And I am reluctant to take the floor now. But the Speaker was pleased to place me on the Committee on Military Affairs; not because I had military knowledge or experience, for I had neither, but, I presume, on the principle upon which jurymen are selected—because I had not formed or expressed an opinion upon any subject which by any possibility could come before the committee. One of the first duties placed upon this committee by the House was "to inquire into the expediency of reducing the regular Army," with power to send for persons and papers. The committee has been steadily at this work for three weeks past, during which time they have examined the Secretary of War, the General and Lieutenant-General of the Army, the department commanders, inspector-generals, the Adjutant-General, Quartermaster-General, Chief of Ordnance, and many other officers in high rank, together with the Secretary of the Interior, Commissioner of Indian Affairs, and several of the commissioners, inspectors, and agents of the Indian Bureau. Two hundred pages of this testimony have been printed and laid upon the tables of members, and probably as much more is in the hands of the printer.

It is fair to say that I entered upon this investigation with an earnest conviction that, in view of the falling off of the revenues and a probable deficit of $40,000,000, it was the imperative duty of Congress to initiate and rigorously carry out a radical system of economy in each and every department of the Government. I did not believe it right to borrow money or increase the taxes, but I believed the Government should follow the example of thousands of its best citizens who had, during the past winter, solved for themselves the same problem. When they found their incomes falling off they at once made a corresponding reduction in their expenses, and so prudently and sensibly managed to live within their incomes, or, in homely phrase, "to cut their coats according to their cloth."

We have been favored with many eloquent speeches on "retrenchment and reform." We have resolved over and over that we would economize, but we don't do it. We seem to be for economy theoretically, but not practically; for economy somewhere else, but not here; for economy some other time, but not now. The head of each Department thinks retrenchment well enough in general, but not possible in his particular case. We must not touch the Army or the Navy, or refuse the usual appropriations for the State, Treasury, and Interior Departments, and yet we are expected to reduce the appropriations in the sum of $40,000,000. Where and how? "Stop all buildings," says the honorable gentleman from Pennsylvania, [Mr. ALBRIGHT.] But where shall we begin? With the Boston post-office? I fear even our worthy leader would not want retrenchment to come so near home. With the New York post-office and custom-house? The Representative of the Empire City, [Mr. COX,] who talks so eloquently of republican extravagance and democratic economy, has just argued that theirs is an exceptional case. Washington City is another exceptional case, and liberal appropriations are expected. Indeed, I notice they are all exceptional cases. Even Pennsylvania herself will hardly want retrenchment and reform to stand in the way of an appropriation of four or five millions for the Centennial Exhibition. And my good friends from the first and second districts of Ohio, who have steadily voted with me in the straight line of economy, suddenly deserted when a bill seemed to touch the Cincinnati post-office. It is all well enough so long as it is your ox that is gored, but beware if it be mine!

The emergency demands of us that we lay aside for the time being all personal and local considerations, and inaugurate a rigid system of practical economy, which shall apply, not to this or that place only, but everywhere, and which shall begin, not at a more convenient season, but here and now. This Army bill (thanks to the Committee on Appropriations) is in the right direction, and ought to receive the support of this House, as it certainly will of the country.

The original estimates were $34,881,618.10. This bill appropriates $28,448,916.60, being $6,432,701.50 less than the original estimates, and $2,605,001.71 less than was appropriated for the same purposes last year.

But the gentleman from Pennsylvania [Mr. ALBRIGHT] says:

This appropriation bill strikes a blow in the dark. It withholds the bread and clothing and pay for the present force of enlisted men, but it does not determine upon whom or what branch of the Army its decimating and blighting touch shall fall.

My distinguished friend is for once very much mistaken. It strikes a blow at nobody. It does not touch a single officer or man in the Army. It does not withhold bread, or clothing, or pay from a single man in the present force. It simply proposes to stop enlistments until there shall be a reduction of 5,000 from the present force of the Army; that is, instead of recruiting 12,000 next year, only 7,000 shall be recruited, and in anticipation of having a less number to feed and clothe, reduces the appropriation for said purposes. The Secretary of War was consulted as to these reductions, and in how far he agreed to them may be seen by the following extracts from his testimony before the Military Committee, (see pages 61 and 62:)

Mr. GUNCKEL. House bill No. 1009, reported from the Committee on Appropriations, seems to make an appropriation of about $6,430,000 less than your estimates. I want to know whether these reductions are with or without your concurrence.

Secretary BELKNAP. My original estimate for the Army proper, including ordnance and ordnance stores, and for the engineer depot at Willet's Point, and for medical and hospital supplies, was $33,093,716.60. On examination afterward I reduced that to $32,768,716.60. Afterward, in connection with one of the members of the House Committee on Appropriations, I agreed to a further reduction to $29,126,716.60. That reduction was mainly in ordnance and ordnance stores, and infantry, cavalry, and artillery equipments.

The CHAIRMAN. Was any of it made in view of the reduction of the Army?

Secretary BELKNAP. That last reduction was agreed to by me, on consultation with the member of the House Committee on Appropriations, as a sufficient amount, provided a reduction of the Army was insisted upon; in other words, that last appropriation of $29,126,716.60, has reference to a reduction of the Army and the cessation of recruiting. * * * * * *

Mr. GUNCKEL. What I want to know is, whether you agreed as to what extent the Army should be reduced.

Secretary BELKNAP. No, sir. It was simply that the recruiting service would be stopped gradually, and that the places of the men who gradually fall out of the Army should not be filled. I did not advise or agree to this beyond stating that if the Army was to be reduced, this amount would be sufficient.

It would seem from this that the actual reduction in the appropriation because of the proposed reduction in the Army is comparatively a small portion of the whole. And for a manifest reason. The Army now numbers 31,040. Its reduction by expiration of service and ordinary casualties will be gradual, so that for a good portion of the year there would be no appreciable reduction in pay, subsistence, clothing, &c. But next year it will show a saving of $5,000,000. Adjutant-General Townsend says that the calculation as to what each soldier costs, making it about $1,000 per year, was made five years ago. He has made none since. When he shall do so, it will be found that the amount is nearer $1,200, and if so the cost per year of 5,000 men and the actual saving made by this bill would be $6,000,000. But, "What's a few millions?" says the distinguished democratic Representative from Oregon, [Mr. NESMITH.] Well, it would be a good deal if it came out of our own pockets, and we ought to be just as particular about spending it as if it were actually our own. By the way, I have been astonished to find my democratic friends so generally opposing this bill and any reduction in the Army and in favor of giving the Secretary of War all the money he wants. I thought the democratic party, from Thomas Jefferson down, had a wholesome dread of a standing army. I thought they objected (and not without reason) to the expense of maintaining so large a military force in the South. I thought they complained of the extravagance of the Administration and were trying to bring us back to the simplicity and economy of the early days of the Republic. Were all their beautiful professions in the last campaign mere "sounding brass and a tinkling cymbal?"

It is an ungracious task to criticise one's own party or friends. But criticism is always wholesome; and if the opposition will not, we must. The honorable gentleman from Connecticut [Mr. HAWLEY] compared the Army to a manufacturer. I am glad to have the Army brought, and by a military man himself, to a comparison with ordinary, every-day business transactions. Said General Sherman, "Army officers are not expected to know anything of economy; if economy be necessary, Congress must order it." And the Secretary of War told us that each "department commander wants as much (money) for his own department as he can get." And, said one of the most distinguished of the major-generals of the Army, the other day, "I believe that if the whole war establishment were reorganized on sound business principles, and conducted with the good common sense and practical economy shown in every-day life, the total expenses could be cut down one-third, and so make a saving of, say, $10,000,000 annually." Following up the illustration given, what would a shrewd Hartford manufacturer do if he found his revenues decreasing and retrenchment necessary? Among other means, he would carefully scrutinize his own expenditures, item by item, compare them with similar expenses of his neighbors, and endeavor so to discover where and how he could reduce his own. Let us apply the same principle to the Army.

I have in my hands the book of estimates of the English army establishment for 1873, and I beg the attention of the House to a comparison of some of the principal items of expenditure. For convenience, I take the amounts as reduced to dollars and cents in an article I found in the Cincinnati Commercial. I have compared the figures and believe them to be correct:

EXPENSES OF ENGLISH AND AMERICAN ARMIES COMPARED.

The total cost of the military establishment of Great Britain for the current year 1873-'74, including pensions, militia establishment, and all, aggregates £14,416,400, or a little over $70,000,000. And what does Great Britain get in return for this expenditure? She gets an effective regular army, numbering 128,968 men, besides the militia force, volunteer corps, and army reserve, which aggregate over 300,000 men additional. The British army contains no less than one hundred and nine regiments of infantry, (we have twenty-five,) twenty-one regiments of cavalry, (we have ten,) besides several of artillery and engineers. This army is distributed throughout the United Kingdom and the colonies. England, as is well known, is one of the most expensive of civilized nations. Let us compare a few of the leading items of expenditure in the military establishment of both countries. The following table shows the expenditure for 1864 in the United States and Great Britain:

Object.	United States.	Great Britain.
Military schools	$338,351	$669,500
Ordnance and arms	3,299,530	5,350,000
Subsistence department	2,852,416	3,015,985
Quartermaster's department	15,635,000	10,602,080
Pay of army	12,300,000	25,352,660
Public works	4,600,454	3,890,250
War department	818,930	1,002,600

The comparison, I am pained to say, is not favorable to the United States. It seems that an English soldier costs the government about $540 per year, and ours more than twice that much. As will be seen by the printed testimony, General Sheridan and Adjutant-General Townsend explain the difference by saying that our soldiers are better paid, better fed, and better clothed than the English. Assuming the facts stated to be correct, it accounts for a part of the difference, but hardly for the whole. Clothing is cheaper, but food must be dearer in England than in the United States, and yet it took nearly as much for us to feed our 30,000 men as for Great Britain to feed her 129,000. In other words, it takes more than four times as much to feed an American as an English soldier. Again, in the matter of army transportation, Great Britain, with all her colonies, paid only $1,300,000 for transportation, while the United States paid $4,500,000, being more than three times as much for our Army of 30,000, as for the English army of 129,000. And our Military Academy costs $330,000 per annum, while the six English academies, namely, Woodward Military Academy, Sandhurst Military College, Sandhurst Staff College, Royal Military Asylum and School, Royal Hibernian School, and Military Medical School, cost only $669,500 per annum, an average of a little over $100,000 each, so that, in proportion to the size of our Army, we pay about twice as much for military education as Great Britain.

In what I have said or may say on this subject, I distinctly disclaim any intention of reflecting in the slightest degree on the Secretary of War or General of the Army. I hold them both in the highest esteem. If a mere civilian may venture an opinion, I think the Army establishment unnecessarily expensive; but for that neither is justly responsible; it is the usual—and it would seem the inevitable—result of a great war. The General of the Army has nothing to do with the expenditure of money; and the Secretary of War has, during his term of office, largely reduced the expenses of his Department, and shown a commendable determination to continue the work of retrenchment and reform.

But to return. Shall the Army be reduced? Army officers say no. But as the Constitution has left this question, not to the officers of the Army, but to Congress, it would seem both our right and duty to examine the reasons given for the opinion so expressed.

The enlisted men of the Army, according to the report of the Adjutant-General under date of January 26, 1873, numbers 31,021. The act of July 15, 1870, (see Statutes at Large, volume 16, page 317,) provides—

That the President be, and he is hereby, authorized and directed, on or before the 1st day of July, 1871, to reduce the number of enlisted men in the Army to 30,000; and thereafter there shall be no more than 30,000 enlisted men in the Army at any one time, unless otherwise authorized by law.

This language is clear, imperative. By what authority, then, has the Army been increased to 31,021? The Adjutant-General says it was caused by the return of deserters under the President's proclamation. But I beg to ask whether the President, by a proclamation, can change a law of Congress, and so increase the Army at will? But whether with or without authority, the fact remains that the Army numbers 31,021. But we are told, and authoritatively, that the "fighting force" is only 21,040. Where are the other 10,000? Some 500 are in the civil service; but why there, unless because they are not really needed in the military service? Congress directed that all the Army bands but one should be discontinued; but the inspector-generals testified before the Military Committee that each regiment had a band, made by a detail of twenty men for that purpose. This would make in forty regiments a detail of 800 men, and just so many withdrawn from the "fighting force" of the Army—presumably because they were not needed.

But these are the very questions upon which we took testimony, and I beg the attention of the House to the same.

Mr. ALBRIGHT. Will the gentleman allow me to interrupt him a moment?

Mr. GUNCKEL. Certainly.

Mr. ALBRIGHT. Under the act of July 28, 1866, is there not authority to employ one thousand Indian scouts? And are they not embraced in this thirty-one thousand?

Mr. GUNCKEL. They are not so included. I have examined that point. There are thirty-one thousand in addition to the Indian scouts.

Mr. HURLBUT. Will the gentleman answer one question?

Mr. GUNCKEL. If I can I will.

Mr. HURLBUT. I would ask whether, in the English estimate which the gentleman has quoted, in regard to the cost of the individual English soldier, the cost of the sea-coast defenses of the country is included?

Mr. GUNCKEL. They are not included in either estimate.

Mr. HURLBUT. They are included in our estimates.

Mr. GUNCKEL. They are not in either estimate, as I understand. The gentleman will find by any figuring he can make (I have figured it out very many times in very many ways) that the cost of an English soldier is only about one-half the cost of an American soldier. Our soldiers may be better fed, better clothed, and better paid, and whether that accounts for the fact I will leave the House to determine.

Mr. MACDOUGALL. I would remind the gentleman that a suit of clothes costs twice as much in Ohio as in England, and probably there is a corresponding difference in the cost of everything necessary to support a soldier, as well as a corresponding difference in pay.

Mr. GUNCKEL. I have admitted that clothing is dearer in this country than in England. I have admitted that this accounts in part for the increased cost of maintaining our soldiers. I have ad-

mitted also that the pay of our soldiers is greater; and whether these circumstances sufficiently explain the fact that it costs twice as much to maintain a soldier in this country as it does in England I leave the House to determine.

The distinguished officers who appeared before the committee agreed that the Army was at present needed for three special purposes:

1. To protect the public property at the several fortifications on the lakes and sea-coast.

2. To keep peace in the South.

3. To protect the white settlers in the Territories, and hold the Indians in proper subjugation.

Let us examine these in the light of the testimony:

1. To protect the public property at the several fortifications on the lakes and sea-coast.

The Secretary of War, when before the Military Committee, is asked by—

The CHAIRMAN. What is the military necessity of keeping troops stationed along the line of the lakes?

Secretary BELKNAP. There is no immediate military necessity for it at the present moment. The First Infantry is stationed on the northern lakes, stretched out, a few troops at one point and a few troops at another, like Fort Wayne, for instance, near Detroit. If that regiment were withdrawn, and a few men left there to take care of the public property, no great damage would ensue, of course, at present.

And General Sherman, page 10, says:

I come now to the Second Artillery. It occupies the sea-coast forts from Charleston north as far as and including Fort McHenry, at Baltimore, with detachments in the interior at Raleigh and some other points in North Carolina, being shifted about there subject to the requisitions of the marshal of the district. These forts are, in my judgment, with the exception of Forts Monroe and McHenry, useless. Take, for instance, Fort Macon and Fort Johnson on the coast of North Carolina. They are perfectly useless, for there is no channel at these points that war-vessels could make use of.

And again, on page 4:

On our sea-board, my judgment has always been that we occupy too many little insignificant posts called forts or batteries, which might as well be washed into the sea, and the quicker the better. There are a great many arsenals, over which I have no control, which in my mind are worse than useless.

Mr. ALBRIGHT. Did not General McDowell testify before the committee that he had reduced the posts in the South to fourteen, thereby saving to the Government $200,000 during the last year, and that at this time it would not be safe for the best interests of the country to withdraw our troops altogether from that department? Is not that the testimony of General McDowell, who is in command of that department?

Mr. GUNCKEL. I did not hear the testimony of General McDowell, and it has not yet been printed. If he has made such a reduction as the gentleman mentions he has done well; and if he makes a further reduction by withdrawing the rest of the military force from there he will do better.

Mr. YOUNG, of Georgia. I would remind the gentleman that General McDowell further stated that there was nothing in the present condition of the South causing a need for troops there; that there is as much reason to expect Massachusetts to secede as any Southern State.

Mr. GUNCKEL. As I stated before, I did not hear the testimony of General McDowell; no doubt the honorable gentleman from Georgia quotes it correctly.

Inspector-General Absalom Baird, of the United States Army, testifies thus:

Question. I see that in the Department of the East there are 1,826 soldiers. In view of the works to be occupied there and of the frontier to be guarded, and in view of the absence of hostile forces in the neighborhood, do you think that 1,826 soldiers are necessary?

Answer. No, sir. If there were trouble in Florida or Texas to-morrow, the soldiers could be withdrawn from the Department of the East and sent there. I believe the engineers would rather not have soldiers in the fortifications.

Q. Aside from the engineer force that is required to keep forts in repair and to protect them from damage by intruders, can the military force now in those forts be dispensed with?

A. Yes; I think so.

Q. I see that in the Department of the Lakes there are 2,470 soldiers. State whether there is any military necessity to have those soldiers there.

A. There is only one post on the lakes that I know of which it is necessary at the present time to keep for military reasons. That is the post at Sault Saint Marie. It is necessary in order to protect the canal, which would be liable to be depredated upon by vicious people. That is the only post in the Department of the Lakes where I suppose troops to be necessary, except with a view of keeping a police force on the Canadian frontier. That is a question of civil politics, and not one for military consideration.

2. To keep peace in the South.

For this purpose there are now in the Department of the South 2,192 men, and in the Department of the Gulf 3,223 men; total, 5,415. Are they needed? I might ask the Southern Representatives around me; but let us see what the officers of the Army themselves say:

Secretary Belknap, page 57, is asked by—

The CHAIRMAN. What, if any, is the military necessity of keeping troops in the South—in any part of the States recently in rebellion?

Secretary BELKNAP. Troops have been gradually withdrawn from the South, and I am very much in favor of withdrawing the remaining portion as rapidly as possible. In my judgment there is no great necessity for keeping the troops stationed there much longer. It is possible that in some localities their retention may be necessary for awhile in the opinion of some gentlemen who reside in that part of the country, and who occasionally remonstrate against their removal; but my candid opinion is that it is quite time to withdraw the troops from there, and they can be made use of elsewhere.

And General Sherman, page 17, says:

The Eighteenth Infantry is in South Carolina. I have been very anxious to get that regiment out, but every time we attempt to move it influence of some kind or other is brought to bear to prevent its being moved. They say the regiment is necessary there. Its headquarters are at Columbia, South Carolina, with some companies at Yorkville and Newberry, South Carolina, and Atlanta, Georgia.

Mr. GUNCKEL. What is the necessity of keeping that regiment there?

General SHERMAN. I guess that politics has something to do with it. They say that the regiment is needed there. The marshals of the districts and the members of Congress from the State say so.

Mr. GUNCKEL. What has the regiment had to do there?

General SHERMAN. Nothing at all, except that it is said that its presence there assures peace.

And Inspector-General Baird is asked by the chairman the following:

Question. I see that by the last report of the Adjutant-General there were 3,223 soldiers in the Department of the Gulf, and 2,192 in the Department of the South. Is there any military necessity at present for the presence of troops in that region?

Answer. There is no military necessity for it that I am aware of.

In the light of this testimony can there be much doubt but that, from the Departments of the East, the Lakes, the South, and the Gulf, where there are now nearly 10,000 men, 5,000 might, without detriment to the service, be withdrawn during the coming year? For it must be remembered that the decrease from 31,000 to 26,000 will be by casualties and expiration of service merely, and so gradual and comparatively slow. And is there any doubt, from the opinion given by the Secretary of War and the General of the Army, that the first troops withdrawn will be from the South, and that the whole reduction can and will be made without withdrawing a single man from the Indian country?

3. To protect the white people in the Territories, and hold the Indians in proper subjection.

I learn that ten regiments of cavalry and fourteen regiments of infantry—say 11,000 men—are now so employed. The officers of the Army say this force is necessary. They may be right; it is not for me to say otherwise. But there are two sides to the question. The honorable gentleman from Pennsylvania [Mr. ALBRIGHT] has given the one side, and I propose, in common fairness, to give the other, leaving the House to decide between them.

Felix R. Brunot, chairman of the board of Indian commissioners, and known to the country as a man of high character and undoubted probity, and who during the five years past has visted the Indians in Montana, Colorado, the Indian Territory, Idaho, Washington, Oregon, California, and along the Pacific Railroad, says, (see page 148:)

Without any experience in regard to the Indians of Arizona and Texas, I must say that I do not know of any tribe of Indians that is not at present friendly to the United States. Some of the wilder tribes, as the Sioux, and probably the Kiowas, Comanches, and Cheyennes, and Arapahoes, have individuals who are unfriendly to the whites; but as to tribes, I believe they are all friendly to the white people.

And again, on page 149:

Question. State whether you think any military posts that are in the neighborhood of Indian tribes can be dispensed with.

Answer. I have no doubt that there are some that can be dispensed with.

Q. What posts are those?

A. There are two posts in California, at Indian reservations, from which we had reports two years ago, showing that the presence of military there was a serious detriment both to the Indians and the whites. One or them is at Round Valley reservation, and is called Fort Gaston. The other is in Hoopa Valley.

And General G. W. Ingalls, who has been acting as a special Indian commissioner, for the purpose of examining into the condition of Indians in Idaho, Utah, Nevada, and Southeastern California, when before the committee, (see page 142,) answers thus:

Mr. GUNCKEL. If I understand you, then, in your opinion, in all that territory the presence of United States troops is not necessary to protect the Indians from the whites, or the whites from the Indians?

Answer. That is my candid opinion. I conversed, while in Nevada, with several members of the Nevada Legislature, with merchants, with men of property, rancheros, and stock-raisers, and I base my opinion on these conversations in stating that there is not any necessity for military; and they confirmed me in the opinion, which I had already formed, that the influence of troops among the Indians was demoralizing, and that there were more frequent troubles arising between the Indians and the settlers when the troops were in their midst than there are at present. There are but very few troops around the large body of those Indians.

Major J. W. Powell, who was sent by the Smithsonian Institution to study the Indian languages and prepare grammars and dictionaries of them, and lived among the Indians for six years, visiting one hundred and twenty different tribes, was called before the committee. I submit portions of his testimony, page 133:

The CHAIRMAN. State the disposition of those Indians toward the whites—whether mischievous, hostile, or friendly.

Major POWELL. All of those Indians are at present friendly, and all of those, excepting the Indians in Colorado, are anxious to become farmers, and are begging for land and cattle, and are accumulating cattle.

The CHAIRMAN. What is their capacity for mischief? Are the settlers able to take care of themselves?

Major POWELL. They are, except as to those Indians in Colorado. With the others there is no trouble at all. The presence of the troops among them is bad. In the first place the troops are a standing menace to the Indians. Then the Indians have a vast horror of troops, not so much on account of their being fighting-men as on account of their introducing diseases among them. * * * * * *

Mr. YOUNG. How many of these Indians are in a state of hostility to the Government?

Major POWELL. None of them whatever.

And again, on page 136:

Mr. HUNTON. Do I understand you to say that, in your opinion, the marshals of those several districts, with power to call on a *posse comitatus*, would keep the peace and administer justice better between the whites and Indians than the Army does?

Major POWELL. I think so.

Mr. HUNTON. At comparatively less cost?

Major POWELL. Yes.
Mr. HUNTON. You cannot form an estimate of the difference of the cost?
Major POWELL. I cannot; I should say, in a very general way, that it would not cost one-tenth as much.

I will add but one more, although others testified to the same effect. J. D. Bevier, United States Indian inspector, who has recently been among the Indians of Colorado and Wyoming, is asked, (see page 201:)

So far as you can judge from your own stand-point, as a civilian and inspector, can you express any opinion as to the necessity for a military force near these tribes?
Answer. There is no use for any military near them, and the presence of military will do harm. The Indians feel restless, uneasy, and disturbed by the presence of soldiers. They have a dread of them. They have confidence in their agents, and look to them for advice and direction. They feel secure and comfortable and satisfied in the absence of military.

But it is charged that these are interested witnesses. Possibly they are, but to no greater extent than Army officers. It might be prudent to take both with some allowance. But are the settlers and frontiersmen wholly disinterested? I will let a regular Army officer, Inspector-General N. H. Davis, answer:

Question. Do you think that many of those posts are established by personal or political influence, aside from the judgment of military men?
Answer. I think such influences are exerted and have their effect.
Q. And for local profit?
A. And for local reasons oftentimes. I would mention Fort Benton, where I was last year; that post is unfit for anybody to live in. * * * There is no necessity for this post, in my opinion, and I think the removal of the post has been recommended by General Sheridan. The town of Benton is a small village, whose population varies from perhaps a few scores in summer to a few hundred in winter. There are a few merchants and traders in furs and traders with the Indians; but there are many adventurers and venders of bad whisky; they are, as reported, a whisky-drinking and rather lawless kind of people. They want the troops there because it gives them a sort of protection against Indians, who come in there and get drunk sometimes, as stated; and it gives them a certain traffic from the soldiers, who spend their money there more or less. One man there, as I was informed, said he would be willing to subscribe fifty dollars to keep the troops there, and that he could afford to do so from his little earnings. The citizens, I understood, petitioned to keep the troops there. I believe the object is for the purpose of putting a few dollars in their own pockets. I do not think the troops are necessary in the interest of the General Government.

In answer to the violent assault upon the peace policy of the Government, I beg to read an extract from the report (just published) of the board of Indian commissioners:

The temper and disposition of the wild tribes has been steadily improving, and there is no reason to doubt that a continuance of just and humane treatment will soon bring them under perfect control and submissive to all reasonable requirements of the Government. Several of these tribes have been earnestly soliciting for the promised schools and other appliances of civilization which they so lately abhorred, and they cannot understand why they should be so long delayed, and others who have never before consented are now asking for a reservation and agency.
The partially civilized tribes have made good progress during the year, and the reports in our office show that wherever the Christian churches have had their missionaries at work their labors have been amply rewarded.

The high Christian character of Felix R. Brunot and his worthy associates will be a sufficient guarantee that the statements here made are strictly and absolutely true; and the good work thus being done will commend still more strongly to the Christian people of this country and the world the peace policy of the Government, not only for the just and successful solution of the Indian problem, but also for the amicable settlement of all international disputes.

The distinguished gentleman from Connecticut [Mr. HAWLEY] objects to this bill because it begins at the foot, and not the head, of the Army; that Congress ought to reduce the number of officers rather than the number of privates. It matters little where we begin, so we do really begin somewhere; and because we begin at the foot, there is no reason why we should end there, or until we have reached the head also. If we reduce the Army 5,000, Army officers themselves think we should reduce the number of officers.

The Secretary of War says, page 61:

With the present organization of the Army, in companies and regiments, the present number of officers is necessary for the management of the Army. In my judgment, if the Army is to be reduced, there should be a reduction of privates as well as officers, and of officers as well as privates; that is, if it is to be an actual reduction of the Army. I think that if you cut off 5,000 men, the officers for 5,000 should also be cut off.
Mr. GUNCKEL. Would it be practicable to leave the number of men as it is and consolidate regiments, and in that way reduce the number of officers?
Secretary BELKNAP. O, yes; it could be done in that way. There could be a consolidation.
The CHAIRMAN. Can the number of men be managed by a less number of officers, if regiments are consolidated?
Secretary BELKNAP. Yes, sir.

And General Sherman says:

If reduction is forced upon the Army by the financial condition of the country, (of which Congress must be the sole judge,) I unhesitatingly say that you had better cut off at the head than at the foot; that the most valuable part of our military establishment is in the inverse order of its general arrangement. I look upon two calvary regiments, or even infantry regiments, as worth more than the whole general staff, myself included. I would rather see Congress abolish me and my office, and turn me loose to get my own living, and tear out the first thirty-eight pages of the Army Register, than to see it disband two such regiments.

And speaking of the law preventing promotions in certain Departments of the Army, the General says:

The Ordnance Department now seeks to obtain the same repeal as to itself. In my judgment there is not a bit of necessity for such favoritism. They have got plenty of ordnance officers for every probable contingency that can arise in the next year.
Mr. HAWLEY, of Illinois. The President, in his message, speaks of it.
General SHERMAN. Yes; because he is very much pressed by mothers and aunts who want to get their sons and nephews into some soft place. The Ordnance Department is the softest place in the Army, and they all want to get into it, especially young men with influential congressional friends. I may as well use plain language. There are sixty-one ordnance officers now, and how they find employment for them all I don't know.

Inspector-General Baird, in his testimony, says:

But if Congress should find it necessary to make a reduction, I think the best way to begin would be by declaring that the vacancies which now exist (among the officers) should not be filled.

There are now in the Army 2,378 officers, being about one to each twelve men. With the proposed reduction you would have one officer to each ten men, while in the English army there is only one officer to twenty men.

The Paymaster-General reports that there was last year paid to officers $4,086,551.91; to enlisted men $4,080,124.53; being $6,427.38 more paid to officers than enlisted men. But this does not include the amounts paid officers for quarters, fuel, forage, increased allowances, &c. The difference will be partially shown in the subjoined tables; the first column showing the mere pay, included in above amount, and the other the additional allowances added thereto:

Table of pay allowed by law.

Grade.	Yearly pay.	With allowances added to regular pay.*
General	$13,500 00	$19,278 00
Lieutenant-General	11,000 00	15,803 00
Major-general	7,500 00	9,472 00
Brigadier-general	5,500 00	6,105 00
Colonel	3,500 00	4,652 00
Lieutenant-colonel	3,000 00	3,996 00
Major	2,500 00	3,623 00
Captain, mounted	2,000 00	2,536 00
Captain, not mounted	1,800 00	.....
Regimental adjutant	1,800 00	.....
Regimental quartermaster	1,800 00	.....
First lieutenant, mounted	1,600 00	2,054 00
First lieutenant, not mounted	1,500 00	.....
Second lieutenant, mounted	1,500 00	.....
Second lieutenant, not mounted	1,400 00	.....
Chaplain	1,500 00	.....

*As given by General LOGAN in his speech February 17, 1871.

Inspector-General Baird suggested that the best way to begin would be to declare that the vacancies which now exist should not be filled. Why not?

The subjoined lists, furnished by the Adjutant-General, show the present number of vacancies and the vacancies created during the last year:

Rank.	In service.	Vacancies.
GENERAL OFFICERS AND GENERAL STAFF CORPS.		
General officers	18	.....
Colonels	27	3
Lieutenant-colonels	32	10
Majors	174	25
Captains	206	74
First lieutenants	37	5
Second lieutenants	12	8
Total	506	125
LINE.		
Colonels	40	.....
Lieutenant-colonels	40	.....
Majors	70	.....
Captains	430	.....
First lieutenants	556	.....
Second lieutenants	405	44
Post chaplains	30	.....
Regimental chaplains	3	1
Total	1,574	45
Retired officers	298	2
Grand total	2,378	172

Casualties for year ending January 1, 1874.

Recapitulation.	Staff officers.	Line officers.	Retired officers.	Total.
Resigned	11	36	1	48
Died	9	29	8	46
Dismissed	.....	6	.....	6
Cashiered	.....	5	1	6
Dropped	.....	1	.....	1
Total	20	77	10	107

Present vacancies	172
Casualties last year	107
Total	279

But some of these vacancies may have been filled by nominations sent to Senate but not confirmed, say 250.

Assuming that the casualties will be about the same for the coming as the last year, and we would have 250 vacancies. These running from colonel to second lieutenant would average at least $2,000 per year, which would be a saving of $500,000 annually, and that without cutting off one single officer now in the service. Why not do it, and by an amendment to this very bill? But it would be "ungracious and ungenerous," cries the gentleman from Pennsylvania, [Mr. ALBRIGHT.] "Generous" with our own money? O, no; but with other people's money. I do not comprehend that sort of generosity, and prefer to be just to my constituents rather than generous to anybody in that sort of way.

One other abuse, it seems to me, ought to be corrected, and possibly in this bill. I refer to the enormous amounts paid for quarters, &c., at the headquarters of the several military divisions and departments of the Army. I subjoin the special report of the acting Quartermaster-General to the Military Committee on the subject:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 12, 1874.

SIR: In compliance with your request, I have the honor to submit the following statement of the annual expenditures of the Quartermaster's Department, for rent of buildings occupied as quarters by officers of the Army, and rent of buildings hired for purposes of storage, offices, stabling, &c., at the headquarters of the several military divisions and departments of the Army. Also, a similar statement of the rents paid in this city:

Location of headquarters.	Divisions.	Departments.	Officers' quarters.	Offices, &c.	Total.
New York City	Atlantic.	1st district.	$32,948 00	$35,700 00	$68,648 00
Boston, Massachusetts	....do ...	2d district.	7,128 00	1,200 00	8,328 00
Philadelphia, Pennsylvania	....do ...	3d district.	14,256 00	4,999 92	19,255 92
Detroit, Michigan	....do ...	4th district.	8,424 00	1,769 88	10,193 88
Buffalo, New York	....do ...	5th district.	3,888 00	648 00	4,536 00
Total Division of the Atlantic.	.....	.....	66,644 00	44,317 80	110,961 80
San Francisco, California	Pacific ..	California .	39,280 00	39,876 00	69,156 00
Portland, Oregon	....do ...	Columbia .	10,800 00	10,176 00	20,976 00
Prescott, Arizona	....do ...	Arizona*..	.....	.....	.....
Total Division of the Pacific.	.....	.....	40,080 00	50,052 00	90,132 00
Chicago, Illinois	Missouri.	.....	14,040 00	13,800 00	27,840 00
Saint Louis, Missouri	....do ...	.....	4,104 00	10,800 00	14,904 00
Leavenworth, Kansas	... do ...	Missouri ..	3,456 00	1,680 00	5,136 00
Omaha, Nebraska	....do ...	Platte.....	11,232 00	4,455 96	15,687 96
Saint Paul, Minnesota	....do ...	Dakota....	14,256 00	5,947 92	20,203 92
San Antonio, Texas	....do ...	Texas.....	10,584 00	14,070 00	24,654 00
Santa Fé, New Mexico	....do ...	Dist. New Mexico*.	.....	.....	.....
Total Division of the Missouri.	.....	.....	57,672 00	50,753 88	108,425 88
Louisville, Kentucky	South ...	South	12,744 00	8,079 96	20,823 96
New Orleans, Louisiana	....do ...	Gulf	13,176 00	9,720 00	22,896 00
Total Division of the South.	.....	.....	25,920 00	17,799 96	43,719 96

*Public buildings occupied; nothing paid for rents.

The annual amount paid for rents at Washington for officers' quarters is $62,616, and for other buildings $48,160.08, making a total of $110,776.08.

RECAPITULATION.

Total amount Division of the Atlantic	$110,961 80
Total amount Division of the Pacific	90,132 00
Total amount Division of the Missouri	108,425 88
Total amount Division of the South	43,719 96
Total amount depot at Washington	110,776 08
Grand total	464,015 72

In reference to the expenditure by the Quartermaster's Department on account of the Signal Corps of the Army, it is estimated at $123,325 per annum.

Very respectfully, your obedient servant,

J. D. BINGHAM,
Acting Quartermaster-General, Brevet Brigadier-General, U. S. A.

Hon. JOHN COBURN,
Chairman Committee on Military Affairs House of Representatives.

Note that $62,616 are paid for officers' quarters in the city of Washington. On further inquiry, I find that eight brigadier-generals and sixteen colonels have quarters, each of which costs the Government $2,160 annually. In many cases the officer owns the house in which he lives, and yet gets, through an agent who signs the voucher, $2,160 per year in addition to his pay, fuel, forage, and other allowances. So also in this city are twenty-nine majors, for each of whose quarters is paid $1,727 annually; and seventeen captains, for each of whose quarters is paid $1,296 annually; and thirty-one lieutenants, for each of whose quarters is paid $864 annually. Why not cut down the appropriation for this purpose and so stop the abuse?

But whether we remedy all these evils in this bill or not, I hope it will pass, and that we shall thus at least begin the good work of retrenchment and reform and so meet the reasonable expectations of the people.

Mr. WHEELER. Mr. Chairman, this debate has taken a very wide range. We have had discussed here the customs laws, the laws affecting internal revenue, banking and currency, legal-tender, and nearly all the general laws to be found upon the statute-book. I propose for a few moments to call the attention of the committee to the Army appropriation bill, and to ask the committee to consider the theory of this and all other appropriation bills. It is not the province of an appropriation bill to change existing laws. The rules of the House forbid that any provision changing existing law should be ingrafted upon an appropriation bill. Yet this debate has been full of admonitions and advice to the Committee on Appropriations which looked to, and could only be effected by, a change of law. We have been told on every hand how we might economize, how we might save public expenditures; but all these admonitions have involved a change of existing statutes; and in nearly all the cases the gentlemen making the suggestions have known this as well as the Committee on Appropriations.

This bill was met here upon its very introduction by an attack from a gentleman from Connecticut, [Mr. HAWLEY,] a member of the Committee on Military Affairs, as "ill-advised" and "ill-considered." The gentleman from Connecticut, like all gentlemen who have addressed the committee, is in favor of economy. All the speeches here have been prefaced by that general declaration, "We are in favor of economy." But the gentleman from Connecticut says that he wants this economy in accordance with some well-considered scheme, and he regards this proposition to reduce the Army as "ill-considered."

Now, Mr. Chairman, the propriety of that mode of characterizing the deliberations of a standing committee of this House is a matter of personal taste and personal habit. Ten gentlemen at least of the Committee on Appropriations are gentlemen of mediocre character and legislative qualifications. I know that one member of that committee has devoted a month of patient, hard labor to the preparation of this bill, studying every item of it more closely than he ever studied any item in his own personal finances; and after the bill was thus prepared it was submitted to the entire committee, and item by item it received the careful consideration, scrutiny, and approval of that committee. Yet after this consideration it comes in here to be characterized by the gentleman from Connecticut as "ill-considered!"

Now, Mr. Chairman, in this matter of economy, I desire that gentlemen shall be consistent. I desire that they shall show their faith by their works. On the 21st of January last the gentleman from Connecticut who assailed this bill as an ill-considered scheme made some remarks upon the centennial bill, in the course of which he used this language:

> I beg you to listen. I ask you to say whether you can expend three or four million dollars anywhere else as well as in this. You are ready to put your forty to sixty millions a year to build up an Army and Navy, to provide the enginery of war for the mangling of our fellow-beings. But remember we are closing the nineteenth century. The time is coming when the millions of the treasure of the people will be thought more valuable for certain purposes of peace, industry, and progress, than for murdering our fellow-men. A new era has come upon the world.

Now, Mr. Chairman, when is that time coming? [Laughter.] When a proposition comes in here from the Committee on Appropriations which would enable Congress to save the three or four million dollars which the gentleman from Connecticut wants for his centennial, (if Congress in its judgment should see fit to make that expenditure,) the bill is scouted by the gentleman as "ill-considered." He not only is not in favor of a reduction of the enlisted force of the Army, but is crying out here for more Army officials, more promotions, and consequently more expense. He comes in here and demands that there shall be an increase of the medical force of the Army. He is not satisfied with a medical department now of two hundred and twenty-two men for an Army of thirty thousand, but brings in the resolutions of certain medical men, indorses them, and demands that there shall be a larger medical force for the Army and promotions in the Medical Corps. Everybody knows that increased rank carries increased compensation. The gentleman will not consent that when at a military post it becomes necessary to employ a physician of the neighborhood for a temporary purpose, the Government shall resort to that mode of employing by contract service. No; there must be a regular medical officer; he must be employed by the year, and he must be promoted so that he can get the highest scale of compensation allowed by the statute.

But the gentleman does not stop here. He is not content with a force of sixty-five paymasters in the Army, with a clerk allowed by law to each; but he clamors for more paymasters.

Mr. ALBRIGHT. Does the gentleman say that there are sixty-five paymasters in the Army?

Mr. WHEELER. I refer the gentleman to the last Register of the Army, which gives that as the number.

Mr. ALBRIGHT. There are only forty-four.

Mr. WHEELER. Then your Army Register is wrong. The Army Register shows that there are sixty-five paymasters in the Army; and the gentleman from Pennsylvania [Mr. ALBRIGHT] will agree with me that by a statute they are each allowed a clerk.

Mr. ALBRIGHT. Of those who appear in the Army Register some have died and some have resigned. The Paymaster-General informs me that the number is forty-four.

Mr. WHEELER. But the gentleman is not satisfied with an increase of officers in the Medical Department of the Army and in the Paymaster's Department; but he comes to the Ordnance Department which furnishes the enginery of war, a Department through which there went in the past fiscal year in one way or another $6,000,000,

more than one-fifth of the entire expense of your Army. In this Department which manufactures the enginery of war, of which the gentleman in one voice complains, and which in another he applauds—in this Department he says there should be increased promotion. This is consistent economy. The gentleman is in favor of economy, but is opposed to its enforcement. He is like the men in Maine who are in favor of the Maine law but are opposed to its enforcement.

Now when the gentleman from Connecticut made his suggestion as to the manner in which we might economize, I said to him that he well knew that it was not within the province of the Committee on Appropriations to make the changes suggested by him; and in response he said, "The Committee on Appropriations now begs for mercy." Mr. Chairman, it is a vital matter now with the Committee on Appropriations to ascertain whether we are to receive that mercy from the gentleman, or whether we must forever rest under his martial frown. [Laughter.]

Mr. Chairman, is there no hope for economy? Is there no hope for the country? Is there no balm in this Gilead? Is there no physician here? O, yes; we are not utterly without hope. Here is the remedy prescribed by the gentleman from Connecticut, given in the Fourth of July style, which seems to animate all his efforts since he became connected with the centennial commission. [Laughter.] Here is the panacea. Let us not despair:

I beg you, if you insist upon reduction, to direct your Military Committee to bring in a bill, beginning with the generals of your Army and going down, so that we may have the machine reduced from a cannon down to a pistol; and not take a musket and take out the mainspring, hammer, and ramrod, and then ask us to use it. Let us at least keep it a pistol, so that we can have something to fight with.

Yes, the Committee on Military Affairs, of whom, as Artemus Ward says, the gentleman from Connecticut "is which." [Laughter.] There was a certain character of old who said in the Good Book, "No doubt ye are the people and wisdom shall die with you."

Mr. HAWLEY, of Connecticut. I will ask liberty of the gentleman to withdraw the suggestion that the bill be referred to the Committee on Military Affairs, that it may go to the Committee on Commerce or the Committee on Contingent Expenses, or something of that sort, if that will suit the gentleman any better.

Mr. WHEELER. The gentleman is not begging for mercy, I trust.

Mr. HAWLEY, of Connecticut. You will have full notice if I do.

Mr. WHEELER. I want to come now for a moment to the merits of the bill. The gentleman from Connecticut suggests here that we should not have the machine reduced from a cannon down to a pistol, and not take a musket and take out the mainspring, hammer, and ramrod, and then be asked to use it.

This bill appropriates money enough, Mr. Chairman, to recruit 5,200 men. The theory of the Committee on Appropriations is that these men shall go to recruit the frontier regiments. If that will not suffice, then I will tell you where there are plenty of missing ramrods. Go, sir, to the houses of prominent officials in Washington, and take out from there the enlisted men of the Army who are serving as private servants. Put the Army uniform on them, and send them to their regiments, where they belong.

A MEMBER. That is what should be done.

Mr. WHEELER. There is where the missing ramrods are; and there are plenty of them about this capital. These 5,200 men, and the men who are employed here as servants in this capital in the houses of your officials and about the Departments, will give us all the men that are needed for any service now demanded of the regular Army.

The gentleman from Connecticut quoted General Sheridan. He said:

General Sheridan further testifies, in regard to the demands made upon him for troops, that since he came here to this city, in obedience to the summons of the Military Committee, he has received a request from the Interior Department to protect a certain location out in that country, but he has not troops with which to do it.

What are the 1,100 men in the State of Nebraska doing to-day? What the 700 in Utah? What the 1,900 in Dakota? What the 3,300 in Washington and Montana?

Why are we asked at every session of Congress, why have we been asked in these very estimates, for the $2,000,000 for barracks and quarters? Keep your Army on the move, and let the men perform the service which they contracted to perform, and you will not have to furnish them with barracks and quarters, and the Department will not have to clamor here for more men to take care of the frontiers. The force at Salt Lake City is entirely useless; there is no call for a solitary soldier in Utah to-day. With the construction of the Union Pacific and the Central Pacific Railroads, everybody knows that the Territory of Utah could be filled with troops at once, if any provocation were given by the Mormons. What are the thousand and more men doing to-day in New York? What are the thousands of men doing upon the sea-board, except idling in the fortifications? Take these men and put them at their legitimate duties. This drawing-room service for officers, and this lounging about in the fortifications of soldiers, demoralizes both.

We have been told frequently in this debate that the General of the Army opposes this reduction. Sir, I am not at all surprised at that declaration. The General of the Army is naturally sensitive in relation to his command and his position, and has a just pride in it. Accustomed to the command of hundreds of thousands of men, an Army of twenty-five thousand men looks to him like a mere handful. Sir, I yield in admiration to no man in this land for the brilliant soldier whose great deeds have made American arms forever illustrious throughout the world. In all matters relating to the management of the Army I would defer my judgment to his, and I would ask Congress to defer their judgment to his; but with the frankness that characterizes that gallant soldier, I say that in matters relating to the situation and requirements of the country the General of the Army is no better qualified to judge than the Congress of the United States. With the Congress of the United States is the responsibility, and the people will not assent that a proposition involving the expenditure of millions of dollars shall be deferred to the judgment of any one man, however exalted his position. I say this, so far as applicable, to every other military official. It is not human nature that they should wish to divest themselves of power and influence. There are plenty of centurions now as of old, who like to say:

For I also am a man set under authority, having under me soldiers, and I say unto one, Go, and he goeth, and to another, Come, and he cometh, and to my servant, Do this, and he doeth it.

I ask the committee to answer me one question. Why do we require a larger standing Army now than in 1865 and 1866, in that troublesome period that followed the close of the war? In July, 1865, we had only fifteen thousand men in the Army. In July, 1866, we had only twenty thousand men. Was not our frontier line as long then as it is now? Is there any emergency pressing on us which calls for more troops than were required in 1865 and 1866?

Mr. WARD, of Illinois. Will the gentleman tell us if he knows how many enlisted men are employed about the houses of officials in Washington, and the names of officials so employing them, and the number employed by each official?

Mr. WHEELER. The sources of information are as open to the gentleman as they are to me or to any other member of the House. My remark was a general one, and I decline to individualize.

I wish again to recall the attention of the committee to the fact to which I alluded in opening this debate, that last year, for the entire summer, fifteen hundred soldiers, accompanied by three hundred civilians, escorted a small surveying party over a portion of the Northern Pacific Railroad, from the Missouri to the Yellowstone River. The Government sent eighteen hundred men as an escort to that small surveying party. They went seven hundred miles beyond any white settlements. What settlement was disturbed in their scheme? We all know that that demand at least will not exist for the coming summer, that that work will not be prosecuted, and it is very doubtful if this Congress would permit such an escort.

We sent off last year five hundred soldiers on different exploring expeditions throughout our Territories. There is now no emergency requiring them, and I repeat now, in closing this general debate, as I said at the outset, that the Committee on Appropriations are satisfied that this scheme of reducing the Army is entirely and safely practicable. It is not summary in its operation; it is not proposed to take 5,000 men out of the Army to-day, but the Army will deplete itself by expiration of service, death, and desertion, to a standard of 25,000 men by the close of the next fiscal year. Where is the hazard in doing it? We shall be here, I fear, until July next, and there will be but four months of the next fiscal year before Congress meets again. War or other serious emergency would convene Congress here in extra session.

The gentleman from Indiana [Mr. NIBLACK] in debate the other day said that this reduction was sure to be followed by a deficiency bill. This cannot be. If you do not enlist men you will not have to pay, transport, subsist, and feed them.

I now ask that the bill be read by paragraphs for amendment.

The CHAIRMAN. All general debate on this bill has been closed by order of the House. The bill will now be read by paragraphs for amendment.

The Clerk proceeded to read the bill by paragraphs, and read as follows:

For expenses of recruiting and transportation of recruits, $105,000.

Mr. WHEELER. I wish to say to the committee that the item just read involves the question of a reduction of the Army; whether the number of enlistments shall be limited to 5,200 men or 10,400.

Mr. HANCOCK. I move to amend the paragraph just read by striking out "$105,000" and inserting "$175,000."

This provision involves the very question that has been discussed by a number of the gentlemen who have occupied the attention of the committee, and especially by my colleague on the Committee on Appropriations, the gentleman from New York [Mr. WHEELER] who has just taken his seat. The amount which I propose to insert in this paragraph is the amount estimated for by the Secretary of War, and which he says is necessary in order to keep the Army up to its present standard. It involves, of course, the question of the propriety of so doing.

In behalf of that propriety we have heard the concurrent testimony of the Secretary of War, of the General, and of the Lieutenant-General of the Army, in opposition to the views of the gentleman from New York who has just taken his seat, and especially with reference to the necessity of this continued increase, so far as the protection of the frontier is to be affected by it. The Secretary of War, who made a tour along the frontier of Texas last summer in company with the Lieutenant-General, informs us that there is not adequate protection afforded there. While the gentleman from New York may feel that probably he could make a fairer distribution of the force now in the Army, we from that portion of the country have not been able to do so.

We must presume that we now have as much force as we are likely to obtain under the disposition of the Army by those who now have control of it. By the testimony of those three distinguished generals who are the highest in rank, and who have the most immediate control of the administration of the Army, we are told that they are not able to keep an adequate force on the Texan frontier. So inadequate is that protection that I do not believe I speak with any exaggeration at all when I assert that a greater amount than $70,000 worth of property has been destroyed within the last six months, if not within less than that time, in the district which I have the honor to represent. It has been destroyed by the incursions of Indians and Mexicans, solely because of the lack of protection afforded by the Government to that people.

This is attested by the reports of all the generals who have been in command of that frontier from 1866 to the present time, that thousands upon thousands of head of stock are driven from there into Mexico, and are driven to the Indian reservations in large numbers and sold to Indian contractors, and one of the sufferers, who interposed to prevent this being done, was subjected to litigation and damages to the amount of $40,000.

For one I cannot regard with favor this line of policy, which seeks retrenchment and economy at the expense of the lives and property of the people. Not only is property stolen there, but women and children are carried off, and men are butchered and left to bleach on the plains of this section of the country, which the gentleman now seeks by his economy to rob of the little protection they have had, instead of giving them the greater amount to which they are certainly entitled.

Sir, I trust that the testimony of the generals who, by their brilliant deeds, have commanded the admiration of all military men in all countries may be deemed to be entitled to at least as much consideration as should be given to the arguments of one who shows himself to be at least a good general over such a measure of finance as will probably tend to bring about a political reaction in the interests of those who are in no way exposed to these dangers.

[Here the hammer fell.]

Mr. WHEELER. In reply to my friend from Texas, and my colleague on the Committee on Appropriations, [Mr. HANCOCK,] I desire simply to say this, that during the several years of our late "unpleasantness" the State of Texas contrived to furnish several thousand most excellent troops for the confederate army, and at the same time to take care of its own Indians.

Mr. HANCOCK. And Texas will undertake to do it to-day for half the money now expended there, if permitted to do so.

Mr. WHEELER. I am not addressing myself to that point. I say that with four thousand United States troops within her own borders, with one thousand more on her immediate frontiers, with her citizens all at home, and nothing to look after in that direction, Texas ought to be able to get along as well as she did during the war.

Mr. HANCOCK. I move to amend by striking out the last word, in order to show how very unjust the remarks of the gentleman from New York are. I indulged in no such flings as those he has made, and am a little astonished that they should come from that quarter.

Mr. WHEELER. I simply state the fact.

Mr. HANCOCK. We may have had differences about that. I do not know that there is much difference between the gentleman and myself. I have no disposition to bring up any such differences; but I wish to test the justice of his remarks. Texas has twice, during the administration of the government of that State which has just closed, sought to put her own troops in the field for the purpose of protecting her citizens against this wholesale system of robbery and butchery; but the gentleman or his party have absolutely refused to permit that State to arm a single soldier to go upon the frontier and defend our citizens. Is that because there was the "little unpleasantness" which the gentleman is pleased to refer to, and does he and those who associate with him treasure up, on that account, a sort of malice, that is gratified to see women dragged into bondage forty-fold worse than death and men murdered by these savages? If that is the feeling of the gentleman from New York, or any other gentleman here, he is welcome to it.

Mr. WHEELER. Does the gentleman from Texas [Mr. HANCOCK] know of anything that prevents the State of Texas from arming its own militia and protecting its own citizens? Is it not the province of the Government of the United States to elect whether it will take the militia of Texas for its own work or whether it will keep its regular Army there?

Mr. HANCOCK. The troops raised there by the State were ordered to disband by a special Executive order. The gentleman from New York ought to know that fact.

I withdraw my amendment.

Mr. COBURN. I renew the amendment. There are quite a number of posts occupied in the State of Texas; but from the remarks of the gentleman from that State it would seem that there are not troops enough there to take care of the settlers. I do not know whether that gentleman is fully informed as to the facts, but there are at least three posts on the frontier of Texas—Camp Stockton, Fort Davis, and Fort Quitman—that afford no protection whatever to the settlers. Those posts were established under the treaty of Guadalupe-Hidalgo, to keep the Indians of our country from making inroads into Mexico. But we have paid Mexico $10,000,000 and are relieved from the obligations of that treaty. Yet those forts are still kept up, and are occupied by troops. If there is any military necessity for protecting the people of Texas, it would be very easy to withdraw troops for the purpose from those three forts.

Besides that, we have a great number of men in the forts on the Atlantic coast. These are artillerymen; but they are drilled as infantrymen, and can do duty as such. They can be, if necessary, sent to Texas. There is no difficulty in finding plenty of soldiers to meet any emergency that may occur there. The General of the Army can gather up two thousand soldiers in less than two weeks and ship them down to Texas. Hence we need not be alarmed by any war-cry from that State.

Mr. HANCOCK. Why do you not send the troops there?

Mr. COBURN. That is not for us to say; that is not the business of Congress. It is the business of somebody else. It is a matter of military administration. So far as concerns any war in Texas or any danger to the people there, I say it is perfectly practicable for us to diminish the Army and still have force enough to meet any demands in that section.

Occasionally we read a dispatch from that country and from other parts of the Indian country, giving accounts of the perpetration of outrages. Let me say, that this is a first-rate time to get dispatches from the Indian country. I expect that before these appropriation bills get through the House and the Senate we shall have accounts of quite a number of outrages upon the border. There are men who are somewhat interested in having large appropriations, in order that they may get contracts, and it is a good point to have Congress kept upon the alarm about the time that an appropriation bill is being passed.

At the same time I will say that there are outrages upon the frontier which require the constant watching care of our Army; and the Army is, in that way, doing good duty; it ought not to be withdrawn from the frontier. It would be an outrage upon the settlers to do so. But I say that there are scattered through the country soldiers enough to meet all demands of this kind. There are two hundred men now in the harbor of New York, consituting what is called a "permanent party," who, according to the testimony of General McDowell, are the picked men of the recruits. They are at present engaged in no earthly occupation except drill and dress parade; they are on no kind of duty whatever. Thus you can find at one point or another here and there plenty of men to take care of the helpless people on the borders of Texas. A gentleman near me asks how many troops there are in Texas. The report of the Adjutant-General shows, I believe, about five thousand men there.

Mr. ALBRIGHT. Thirty-nine hundred.

Mr. NIBLACK. Mr. Chairman, in the debate a few days ago I took occasion to express some incredulity in regard to the sufficiency of the amount which this bill proposes to appropriate for the support of the Army for the ensuing fiscal year. I still adhere to the opinion I then expressed. I certainly have heard nothing since to change my opinion in that respect. The General of the Army tells us that, as the Army is now constituted, it cannot possibly be supported upon less than the amount of the revised estimates, which is something in excess of $32,000,000.

Now I have listened very carefully to what the gentleman from New York, [Mr. WHEELER,] in charge of this bill, has said at the opening and the close of this debate, and I find the only item upon which, as a practical measure, he proposes to save any money at all is in the reduction for recruiting for the next year. Sir, I have failed to learn from him how we can save the amount proposed to be saved, which is about $4,500,000, I believe.

He says that is a matter we can control by appropriation. Then, if I understand the policy of the gentleman from New York, it is clearly to stop recruiting, to diminish the Army as far as private soldiers are concerned, but to leave the Army, as far as officers are concerned, just as it is; or, in other words, it proposes to leave a large army of officers with a very small army of private soldiers. I submit to you, Mr. Chairman, and to this House, whether that is, in any respect, either economy in the public expenditures or any part of good public policy, or, indeed, anything which the country had a right to expect in view of all that has been said by gentlemen in reference to the reduction of the Army.

Mr. WHEELER. My friend is too old a member and too well skilled as a parliamentarian for me to remind him it is not the province of the Committee on Appropriations to interfere with the organization of the Army. I hope the Military Committee will follow up this step taken by the Committee on Appropriations.

Mr. NIBLACK. I am fully aware of that, and it is one object I had in speaking the other day when I called the attention of the House to the fact that while the Committee on Appropriations was going along endeavoring to show economy in this proposed reduction of the Army, we would find in the end the whole thing would result in saving no money to the Treasury at all. I am on the floor to-day to reiterate that statement, and to call to mind the extraordinary statement of the gentleman from New York [Mr. WHEELER] last week, that he only proposed by this reduction to stop recruiting for the next year, but to leave everything else intact—just as it is. Now that is not a reduction of the Army, properly speaking, but leaves the Army in legal contemplation at the figures at which it now stands. It would suspend recruiting only to leave a large corps of officers, really

the most expensive portion of the Army, to be provided for by annual appropriations just as now.

Sir, if that is the only thing we can make a reduction upon I insist it is a reduction not worthy of any considerable attention on the part of Congress. It distorts the Army and impairs its efficiency without saving much money. I do not clamor for a reduction of the Army, perhaps, so much as others, because I do not pretend to know, as an expert, whether we can properly reduce the Army or not. I only know the general impression is that we can make such a reduction. I only insist that, if we attempt a reduction, it shall be systematic and thorough. My colleague from Indiana, [Mr. COBURN,] chairman of the Committee on Military Affairs, says that it can be reduced. If so, let that committee report back a bill for its reduction. What I protest against is, we proclaim to the world we save $4,500,000 by merely withholding appropriations, when the only practical effect is to stop recruiting for a time and thus reduce the force of private soldiers in the Army, while at the same time it leaves the whole corps of officers to stand precisely as it is. I wish to have it distinctly understood that I am not a party to this pretended and partial reduction willingly, but only coerced into it from a disposition to vote for a small appropriation in preference to a larger one.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WHEELER. Does my friend call it a trifle to save $4,500,000?

Mr. NIBLACK. O, no; but the gentleman's plan of only suspending recruiting for a time will not save one-quarter of that amount of money. Why shall we pretend that it will?

[Here the hammer fell.]

Mr. ALBRIGHT. I move to amend the amendment of the gentleman from Texas [Mr. HANCOCK] by making the appropriation $121,000, and I do so, Mr. Chairman, for the reason that $121,000 was the appropriation made last year for this very purpose. It seems to me we cannot, in the present condition of the country, appropriate a less sum. That will make a difference of $16,000 only.

Now, the gentleman from New York [Mr. WHEELER] says there is no necessity for troops along the sea-coast. Let me point him to the fact that there are but very few troops along the coast at this time. Commencing with Maine, there are in that State but 34. There are but 74 in the State of Connecticut, guarding a fort there. There are 119 in the State of Massachusetts; and so along until you come to New York, where you will find 706 soldiers, which number includes 350 of the Engineer Corps. It is believed by the men who have examined this matter that there is no body of men performing any more important service to the country to-day than the Engineer Corps. They are to-day in the State of New York, being instructed in pontooning and experimenting with torpedoes.

Mr. WILLARD, of Vermont. What does the General of the Army say in his testimony about these very engineer troops in the State of New York to which the gentleman refers?

Mr. ALBRIGHT. General Sherman said this: that if there must be a reduction, he thought that was a better place to commence than with the rank and file. He said, if you reduce the Army, commence with me; not at the foot, but at the head. That is what he said. But he said he considered these men were doing a very important service.

There are three companies employed taking care of Willet's Point and being instructed in the matters I have referred to; and there is one company employed at West Point engaged in instructing the students in engineering. Now, of course, in a discussion of this kind remarks must be desultory. But I may state here that when you go down to Texas you find, instead of five or six thousand troops, that there are 3,906.

Mr. COBURN. According to the report of the Adjutant-General the number is 5,109.

Mr. ALBRIGHT. I have the figures as I received them from the gentleman from New York, [Mr. WHEELER.]

Mr. COBURN. The number I have given is that which I find in the report of the Adjutant-General just published.

Mr. ALBRIGHT. I suppose a portion of those troops had not joined their commands when the gentleman from New York [Mr. WHEELER] got his figures. According to the figures before me there are 1,827 cavalry, 44 artillery, 2,001 infantry; making altogether 3,906 as I said.

Mr. WHEELER. That discrepancy may arise from taking different returns.

Mr. ALBRIGHT. Last Saturday General Sherman was examined before the Military Committee. His testimony on that occasion is not yet printed. In answer to General Young, a member of the committee, he said that the force in Texas was insufficient to give protection to the settlers there and to take care of the frontier.

It must be remembered that we are taking care of a border land in Texas where there are daily incursions from the Mexicans and half-civilized Indians, and who commit depredations on our farming community there. Now by this testimony ought we to be influenced and guided in this matter? If we cannot take the opinion and judgment of men whom we have selected to investigate this subject, whom are we to believe? The General of the Army, the Secretary of War, General Sheridan, and men who are in command of the different departments, all say that it would be unsafe to withdraw troops.

When you come to talk about the troops in the South, it appears that after all there are but very few there. There are 273 in Baltimore in charge of the fort there. There are in South Carolina but 630.

Mr. WILLARD, of Vermont. What are they used for in South Carolina?

Mr. ALBRIGHT. I think they have been used to protect the poor colored men in their rights. Many of the colored people are not educated, and they need the moral influence and support of a military force, though but small. There are four hundred and twenty-four in Georgia. I do not know what the immediate necessity for troops is there now; but General McDowell says their presence is necessary, and that he has reduced the force there as rapidly as he can. General Sheridan and General Sherman say they ought to have the troops that are in the South in the frontier country. General Sheridan says that since he came to Washington to testify before the Military Committee the Interior Department had made an application to him for the protection of certain localities in his command, but that he could not spare troops with which to do it.

[Here the hammer fell.]

Mr. DUNNELL. I listened, Mr. Chairman, with a great deal of pleasure, to the opening remarks of the gentleman from New York, [Mr. WHEELER,] when this Army appropriation bill was first brought before the House. I had never listened with more pleasure to him, or any other speaker, than up to the time when, I think unfortunately for himself, he let fall the remark that those adventurous men of this country out on the frontier ought to be withdrawn and brought inside of the line of what he called civilization. The remark generally was open to the construction that our frontier, on the whole, had received altogether too much attention from the Government; that what we need just now is to let it alone very largely.

I am of the opinion that too frequently in this House, during this session of Congress, disparaging remarks have been made in relation to the frontier, as though it were indeed a costly portion of the country, as though it ought to be well-nigh let alone, as though it were costing us altogether too much to take care of it. Mr. Chairman, I insist that, after all, it is the most fruitful portion of the country. I wish to quote here from the speech that was made by the honorable gentleman from New York, [Mr. WHEELER,] when he advocated the land grant to the Northern Pacific Railroad. The gentleman then spoke as follows, as reported in the Congressional Globe:

> Mr. Speaker, there lie between Lake Superior and Puget Sound and the mouth of the Columbia River half a million square miles of territory, alternating in prairie and pine forests, and teeming with coal, iron, gold, silver, and copper, the sure elements of national wealth, and waiting the countless thousands who are to find homes there and develop every condition of social growth and prosperity. It is now the home of the Indian, the buffalo, the elk, and the antelope; it is now wholly inaccessible, unproductive, and dead property to the United States. To develop it is a work of such magnitude as completely to defy any combination of private capital.

This great country, comprising Dakota, Washington, and Montana Territories, was spoken of by gentlemen the other day. Already from the single Territory of Montana we have received one hundred and fifty millions of gold within the last ten years. It has cost the Government not five millions to take care of that Territory, and yet it has given us $150,000,000 in gold. That is half the whole specie circulation of the country. Then we have in Washington Territory three hundred thousand square miles of coal land. The gentleman from New York, who made the speech from which I have quoted, spoke correctly; but when he tells these adventurous men to come back from the frontier he mistakes the genius of the American citizen. "Westward the course of empire holds its way," and it is too late to say that the adventurous men of the East shall not find their way into the Territories of the country. These surveying parties are the prospectors to find out where lies the wealth of the country, and if it takes one hundred soldiers or five hundred to guard a surveying party, they are doing more service to the country than any other same number of men in the service and are the most productive men in the whole country. Sir, I believe with the gentleman from Indiana, [Mr. NIBLACK,] that this bill has in it but little of reduction and real economy, if, after all, it only reduces the amount of money that shall be used for the recruiting service.

[Here the hammer fell.]

Mr. ALBRIGHT. I withdraw my amendment.

Mr. HAWLEY, of Connecticut. I renew the amendment. Mr. Chairman, I am led to suppose, from the extraordinary thunderbolt that has been launched at me within the last half hour, that I have made a mistake in suggesting that a proposition for systematic reduction of the Army might better be referred with instructions to the Committee on Military Affairs. I suppose I must crave mercy, for it is evident that the Committee on Appropriations considers itself abundantly capable of taking care of any eleven general branches of the public service, one to each member; and, therefore, instead of suggesting that the Committee on Military Affairs might take this question into consideration and consider it systematically and fairly, I should have concluded to leave the whole question of the Army to the fostering care of its beloved friend, the gentleman from New York, [Mr. WHEELER,] who thinks he can do it better than can the eleven men who constitute the Committee on Military Affairs. Sir, I made a mistake there. I ought to have admitted that each one of this Committee on Appropriations, who take charge of the Army and of everything else, is better qualified for a given task than the whole of the eleven men selected by the Speaker to look after it.

There are several points which I wish to touch, but I can hardly refer to them in five minutes. While the gentleman from New York [Mr. WHEELER] was sneering at the statement that Texas was suffer-

ing from Indian outrages, and suggesting that she was able to take a heavy share in the late war and at the same time take care of her own frontier, I was reading here at my desk the sworn testimony of General Sherman, which shows that there is upon the frontier of Texas a district of country two hundred miles long and one hundred miles wide, once inhabited to a very considerable extent, and by a thrifty population, but now almost wholly desolate, and showing in the ashes of dwellings and the ruined fences the evidences of the raids of hostile Indians. This country he and Mr. MOREY rode over within the last three years.

I did venture to think that if anything is to be done in the way of a reduction of the Army the matter should be left to the consideration of the persons selected by the Chair to consider military affairs, and who can do it with presumably a little better knowledge of the subject, and after getting the opinion of leading military men and devoting their entire time to it. For my own part I disdain pretensions to understand the military art and organization, although I studied them for five years; and I suppose we all ought to yield to the gentleman from New York rather than take any advice from such persons as Grant and Sherman and Sheridan, and others of the class whom he described as pleased with their brief authority and loath to decrease it. We had better leave it to the gentleman from New York than to the great soldiers who, having relieved the country from what some consider the burden of their maintenance, nevertheless came forward to save the country in its day of trouble.

It has been charged upon me that I ask for promotion in the Ordnance Corps. I ask for graduated systematic promotion throughout the Army. Well, you have stopped promotion in that corps. If you do not want an Ordnance Corps, I have nothing to say about it. It has charge of $13,000,000 of real estate and buildings, and of $52,000,000 of other property. If you choose to leave that business to be attended to by a blacksmith and a carpenter, or by some one whom the distinguished warrior from New York may select, so be it. I know something about this Ordnance Corps. I have here a list showing what duty each man is discharging for one-half or perhaps one-quarter of what he would get in civil life for performing similar duties.

If you are going to keep up the Army at all, let a man who has served perhaps twenty-five years as a first or second lieutenant, when a vacancy occurs in a first lieutenantcy or a captaincy, be promoted to it, but do not establish a grade which you will not allow to be filled. If you wish but forty-five officers, or even but fifteen, in this corps, for example, and are unwilling that the Chief shall hold the rank of general, let him be a colonel, a lieutenant-colonel, or whatever you choose; but let all below him have the constant hope of increased rank, honor, and pay, as they pass their twenty, thirty, or forty years of faithful service. As it now is in some branches of the service, when an officer vacates his place, whether high or low in rank, you forbid the next below to come a step higher, and thus take away an incentive to honorable ambition.

If you want a small army, make it fifteen thousand or make it ten thousand; but whatever you make it, give it regular gradation and permanency. Give the young man who consecrates himself to his country's service and tries to be a soldier and a gentleman a chance to step up in time and in due order. Let there be gradation and promotion, and compliment, and honor, and certainty of continuance in the service. Establish a policy for times of peace and adhere to it, so that whatever Army you have, large or small, it may possess due proportion and harmony of parts, and honorable ambition fairly rewarded, and command the respect of the people.

[Here the hammer fell.]

Mr. HALE, of Maine. It is very evident, Mr. Chairman, that the way of the economizer is hard. I think I can safely and honestly say for the Committee on Appropriations that it has believed that it was at work in the direction that the majority of the House wished it to work—in the direction of saving money, and in the direction of public sentiment. How much encouragement it has received from time to time in different stages of its labor has been shown here.

I do not allude to this by way of finding fault, because it is but natural. I have myself been in the same situation of gentlemen who are upon other committees, jealous of any committee that has supervision of matters appertaining to other and different committees; that is natural. But I call the attention of the Committee of the Whole to this danger, that that feeling may be carried so far as to utterly and entirely cripple the Committee on Appropriations in its honest efforts to cut down expenses.

Now, what is indeed the duty of the Committee on Appropriations? It must look over all the ground; it must ascertain the revenues of the Government; it must ascertain the expenses in each Department. And wherever it finds that $1,000 or $100,000,000 can be saved in any Government Department, it is its duty to so report to the House, and to fight its bill through if it can. And every reduction of that kind must be inside of the letter of the law. So soon as the Committee on Appropriations seeks to change any existing law, it is subject not only to the objections which may be urged by the different Departments, but to points of order which may be made under the rules of the House. It is, therefore, driven to seek what money can be saved within the law.

Does any gentleman find fault with the Committee on Appropriations when, in accordance with that principle, it reports a bill here and argues to the House that money can be saved? Yet fault has been found with this bill under charge of my friend from New York, [Mr. WHEELER;] and the men who have been in the Army, and have Army sympathies, find fault as soon as any. It is said that the Committee on Appropriations has not commenced aright; that the officers ought to be first struck at. And General Sherman's testimony has been quoted. Why, sir, if the Committee on Appropriations had undertaken to change the pay, or rank, or status of a single officer in the Army, from the General-in-Chief down to the second lieutenant, it would have been hurled out of this House in an instant upon a point of order; and I have no doubt the gentleman from Connecticut [Mr. HAWLEY] would have been as early to make that point as anybody. We could not move in that direction. We could move, however, in the direction of limiting the number of enlistments for the year to come, and thereby lay the basis, if it were needed, for a reorganization of the Army afterward, which God forbid that the Committee on Appropriations should ever undertake. That belongs to the Committee on Military Affairs.

In answer to the point raised by the gentleman from Connecticut, [Mr. HAWLEY,] why the Committee on Appropriations did not wait for the Committee on Military Affairs to report, I will ask him when and where a single appropriation bill would be reported to reduce our expenditures one dollar if the members of the Committee on Appropriations sat in their chairs in their committee-room and waited for the several committees of this House, on Naval Affairs, on Military Affairs, on Indian Affairs, on Public Buildings and Grounds, &c., to recommend a reduction? Sir, this talk of economy and retrenchment would be nothing but the wildest vaporing if the Committee on Appropriations waited for any such thing. Not that I would say that those gentlemen would not some time report some measure that would look to retrenchment. But the session would be gone, the days and nights would speed away, and at last every appropriation bill would be passed making appropriations to the same extent as the year before.

Therefore in this case the Committee on Appropriations has sought to limit its action to the law. It did the same thing in the naval appropriation bill in relation to the Marine Corps. There was not an officer of that corps, from the brigadier-general commanding down to the lieutenant, that we could touch. But we did limit enlistments, cutting off five hundred men. And the House sustained the Committee on Appropriations in that direction. I want gentlemen to feel that the Committee on Appropriations do not seek to antagonize other committees, but is honestly at work in the performance of the duties devolved upon it by the House.

[Here the hammer fell.]

Mr. HAWLEY, of Connecticut. I withdraw my amendment to the amendment.

Mr. CROUNSE. I renew the amendment to the amendment.

Mr. Chairman, so far as this bill contemplates a reduction of the Army it will have my opposition. There are considerations of a general nature, perhaps, which might lead us to oppose this bill, lying in the fact that this Government should keep an army sufficient to protect itself and to maintain its dignity.

I wish, however, to speak more particularly from my stand-point. With the present number of the Army I find there are allotted to my State but 1,032 soldiers. That, I know, is wholly inadequate to meet the demands of the citizens of that State. And I might speak in behalf of the Territories beyond the State I represent, which have no vote on this floor.

But I speak understandingly, I speak intelligently I think, when I say that this number is wholly inadequate to the demands of the people of Nebraska. And when I speak for the people of Nebraska I do not speak for that long-haired set of bullies whom some gentlemen may consider as the representatives of the frontiersmen. I speak for a class of men who have been induced to emigrate to that western country in search of free homes, an honest yeomanry, men who called for the construction of the Pacific Railroad, and who are seeking to develop the resources of that far-off country.

Sir, it was an ill-advised remark of the gentleman having charge of this bill when he suggested that necessity might demand that we retract the borders of civilization. Sir, it would be a sad and humiliating confession for this Government to declare its inability to protect any of the citizens within its borders. I demand for the people of my section that protection to which their energy and honesty entitle them. I am not speaking in the interest of contractors. I repudiate the intimation which fell from the lips of some gentleman, that the West is clamorous for the increase of the Army as contributing, perhaps, to the benefit of contractors. I speak not for that class of men. I say that the man who has not read of the troubles existing upon the borders of my own State has given but little attention to the history of this country. I could produce here letters from the governor of my State, received within the last day or two, in which he asks for military protection to the settlers. I might refer to the columns of the daily newspapers, by which it could be shown that almost every morning we are startled with news of raids by the Sioux and other Indians upon the peaceful settlers of that State. Such things retard the settlement, not only of our State, but of the entire West. It is important that the Government should adopt such a policy as shall give to settlers that feeling of security which will encourage emigration.

Mr. SHANKS. I ask the gentleman whether there is any foundation for these rumors of outrages by Indians in Nebraska? If so, where and when?

Mr. CROUNSE. I can give the gentleman the authority of the governor of my State, a gentleman who needs no eulogy at my hands.

Mr. SHANKS. We want facts, not eulogies.

Mr. CROUNSE. What evidence does the gentleman want?

Mr. SHANKS. I want the evidence that somebody has been murdered, that somebody has been hurt, that somebody has been wronged, by an Indian within the State of Nebraska since the last appropriation bill was passed.

Mr. CROUNSE. If the gentleman wants a scalp, I have not provided myself with one to show him. [Laughter.]

Mr. SHANKS. No, sir; the gentleman has no scalp; and he has not seen one within that time.

Mr. CROUNSE. If the gentleman will visit my State, or will visit the frontier, he will find the country almost whitened at different places with the bones of peaceful citizens.

Mr. SHANKS. This general talk amounts to nothing. I want facts.

Mr. CROUNSE. The gentleman would not probably be convinced if an angel from heaven came here to bear testimony. But if the gentleman could put himself in the position of my people, he would occupy a different attitude upon this question.

In conclusion, Mr. Chairman, I say that I must protest against any measure which looks to a reduction of the military force needed for the protection of our frontier.

Mr. POTTER. Mr. Chairman, the clause under discussion touches only the question of the appropriation to be made for the enlistment of men for the Army. I am in favor of the smallest appropriation that has been suggested for that purpose. It may be that the reduction of the Army should begin at the other end—with officers and not with privates. It may very well be that we should have some well-considered plan submitted to us for reducing all branches of the Army. But when the question is as to enlisting new men, I think it safe for any gentleman who desires a reduction of the Army to go for the smallest sum proposed for that purpose.

I know that gentlemen on the frontier tell us that there are not now enough troops there for the protection of our citizens in those parts. If they are justified in those assertions, let troops be withdrawn from such points as the gentleman in charge of this bill has indicated—points throughout the country where they are not needed. It has been stated on the floor to-day that there are a thousand troops in the State of New York. Surely they are not needed to preserve order there. Let these troops, then, go to the frontier. We are informed, also, that there are now in this District a large number of troops serving in citizens' dress. I have heard it stated by a distinguished member of the administration party (I am not at liberty to give his name, but if I am in error the gentleman in charge of this bill will be able to correct me) that there are in the city of Washington alone over a thousand enlisted men hanging around passages and stairways and in domestic service. Let those men also be sent to the frontier.

But, Mr. Chairman, however illy distributed the Army may be, there are two controlling facts which lead me to favor its reduction.

One is that during the last year fifteen hundred, or was it two thousand, men were, as my colleague [Mr. WHEELER] has stated, found at liberty to march with a surveying party of the Northern Pacific Railroad, that great scheme whose failure has done more to injure the credit of this country than perhaps almost any other enterprise ever set on foot in these States; a scheme which, exploited as it had been among the religious classes, in its failure dragged down to ruin hundreds of people of slender means throughout the country.

The other great fact controlling my judgment on this subject is that, with the present size of the Army, men were found not only to guard this railroad property, but to enforce the mandates of a judge issuing process upon his own motion, to overawe and drag down the regular government of the State of Louisiana and overthrow the will of its people, which I believe to have been not only the greatest outrage, but the greatest political crime of the time. Let troops be taken away from the South and put upon the border, where they will be useful. But so long as they are liable to be used to dragoon a sovereign State by the fiat of the President and to override the will of its people, I am against any increase of the Army. I would rather see the Army of the United States without an enlisted man than see any one who comes into the President's chair left at liberty to repeat such an outrage as was perpetrated upon that most unfortunate State.

Mr. CROUNSE, by unanimous consent, withdrew his amendment to the amendment.

Mr. SHANKS. I renew it. Now, Mr. Chairman, I have sat here quietly for a number of days and listened to the debate upon the proposition to keep up the full strength of the Army. The principal reason offered for so doing has been, as I expected, the Indian question. Except in the Sioux country and in Arizona there has been no difficulty with the Indians since the last appropriation bill was passed. I sat quietly because I could afford to sit quietly when I had a cause upon which I could rely. Now we have just heard that the plains of Nebraska are whitened with the bones of something—God only knows what, [laughter;] I do not know, sir, whether the bones of buffalo or what other bones they could have been. That Nebraska has been whitened with the bones of human beings murdered by Indians in the last year I protest is not true. There is no foundation in fact for any such statement. It is not proper to make any such allegation upon this floor; it does not belong to the deliberation of a body like this, legislating for the good of the country, and settling troublesome and vexed questions; it is no portion of the legislation of the country to report any such thing.

Not long ago, Mr. Chairman, there was, to be sure, a controversy between the Sioux Indians and the Pawnees, and whatever part of the country may have been whitened with the bones of the Pawnees I do not know; but that any of the white people of Nebraska were murdered and their bones whiten the plains of that State is not true. It is true from the position of the people of Nebraska and other parts of the western country, in reference to the Indian tribes, that when one Indian tribe sacrifices another Indian tribe it is information which ought to be satisfaction to them, and especially to those who have no respect for any Indian whatever. Now I hope the gentleman from Nebraska will explain these whitened bones upon the plains of Nebraska. Whose whitened bones are they? [Laughter.]

Mr. CROUNSE. Let me ask the gentleman if a conflict between two tribes of Indians results in the death and extinction of one of them, if such occurrence takes place within the limits of a civilized State, whether it is not due to the Government and the people to put a stop to any such conflict, and to give to the settlers that security to which they are entitled? Does he not know that where such raiding is going on between Indian tribes white men cannot live in peace?

Mr. SHANKS. If it is a difficulty between Indians, between one Indian tribe and another Indian tribe, and not between Indians and white people; if the result is to be the wiping out of one Indian tribe by another, it should be stated in that way. But the gentleman speaks of his constituents being murdered; he speaks of statements in newspapers; he speaks of the alarm having been sounded over Nebraska. In answer to the gentleman, I have only this to say: The Government called upon the Sioux Nation very properly and said to them, "You have a treaty made with you by General Sherman"—the same General Sherman so often quoted here to-day—"by which you have the right to ramble all over Western Nebraska, but inasmuch as you violated the provisions of that treaty, by which it was agreed the Sioux should keep peace with all other Indians as well as with the white people, we will curtail your privileges." Accordingly the Government has curtailed them of the privilege of rambling all over that part of Nebraska. The Government did it because they had violated the terms of the treaty between themselves and the United States.

Now, I again ask the gentleman to point out a single instance of where human beings have been murdered; a single instance where any white man or woman's bones have whitened upon the plains of Nebraska since the passage of the last appropriation bill; of a single instance of any Nebraska man or woman who has been killed there by the Sioux or any other Indians. I do not want any newspaper statement. If the gentleman tells me he knows John Smith, or John Jones, or anybody else was murdered by Indians in Nebraska, I will take his statement, but I do not want any vague newspaper rumors.

Mr. CROUNSE. I did not bring any witnesses here, because I did not think it was necessary.

Mr. SHANKS. You have none.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, I know this is a military bill, but the relation between the military and civil ought to be peaceable at least. It ought to have the solidity of civil life and the courtesy of military life; I hope we may have them both. We are now arriving at that clause in the bill upon which very much of the proposed reduction of the Army turns. If this item be adopted as reported by the committee, and if an amendment, which will be proposed in a few moments, which simply says no money in this bill shall be used to recruit soldiers for the Army above twenty-five thousand men, shall be made, it closes that chapter against what the gentleman from Indiana fears on the score of a deficiency for the next year, and at least $1,000,000 will turn on the determination of the clause now under consideration.

Mr. NIBLACK. Will the gentleman allow me——

Mr. GARFIELD. The gentleman from Indiana will excuse me; I have only a few words to say and will finish immediately.

The whole question, then, comes down plainly to this: Can we, in our present situation, fairly make this reduction of the Army? It has been sufficiently explained why we have not struck at the staff and Army roster of commissioned men, and I am glad to know that the Committee on Military Affairs are working on that problem with the hope that they may bring in a further reduction before the term ends. But can this be done? Can we do the proposed work of reduction now before the House? Let us come to that.

One gentleman says we cannot spare the troops from the frontier. Another gentleman from the Northwest says we cannot spare them there. I will try to tell the gentlemen where I think we can spare the troops. There are two places where they can be spared. At the present moment there are six thousand of our Army posted east of the Mississippi River. I think that almost the whole of that number can be spared and sent to the frontier. And if we will give you five thousand out of our Army now east of the Mississippi River, and put them on the frontier, I ask will that answer my friend from Texas? Will that answer my friend from Nebraska? I think it ought.

Now, will anybody tell me why there should be, as there are this

day, 1,224 troops of the United States, enlisted men, in the harbor of New York and the forts around it? Can anybody tell me why fifteen companies of our Army are in and about New York City and its environs? Can anybody tell me why there are needed four companies in Fort Adams, Rhode Island? Yet they are posted there to-day. Can anybody tell me why two companies are needed in a fort in your own district, Mr. Chairman, or at least in your own State? I cannot tell the reason why. Take then, I say, that 1,500 or 2,000 men out of New England and New York—even admitting that the South wants all that are there now—take that number and put them on the frontier.

Now I call attention to another matter in connection with the stationing of the Army. There are this day 1,000 men to guard the Canada line—twelve companies to guard the Canada line. On whose side? On ours. And there is not a red-coated soldier from the mouth of the Saint Lawrence to Pembina anywhere guarding the British subjects against us on our frontier and theirs. Do you know any reason why we want an army to meet our British friends and guard our frontier against them? If they do not need it against us why do we need it against them? I think perhaps we ought to have one company at the Sault to take care of the Indian traders, and the class of people that come there, so as to keep the peace. But I know of no reason for a single soldier anywhere on the line between here and the Dominion of Canada except at that single point.

[Here the hammer fell.]

Mr. GARFIELD. Just one word more. I think this can be done without crippling the Army one iota; and I hope the House will enable us to put on this restriction, that the number shall not go above 25,000.

Mr. BUTLER, of Massachusetts. I move that the committee do now rise.

Mr. WHEELER. I hope the gentleman from Massachusetts will allow a vote on the pending amendment; and after this paragraph is disposed of I will then move myself that the committee rise.

Mr. BUTLER, of Massachusetts. I withdraw my motion.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Texas, [Mr. HANCOCK,] which the Clerk will again report.

The Clerk read as follows:

Strike out the word "five" in the tenth line, and insert the words "seventy-five," so that it will read:

For expenses of recruiting and transportation of recruits, $175,000.

The committee divided; and there were—ayes 11, noes not counted.

So the amendment was not agreed to.

Mr. WHEELER. I offer the following amendment:

Add to line 10 these words:

And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men.

The amendment was agreed to.

The Clerk read the following paragraph:

For contingent expenses of the Adjutant-General's Department at the headquarters of military divisions and departments, $3,000.

Mr. WHEELER. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. KELLOGG reported that the Committee of the Whole had had under consideration the special order, being the bill (H. R. No. 1009) making appropriations for the support of the Army for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

HENRY S. WELLES.

Mr. CONGER, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 1759) for the relief of Henry S. Welles; which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

ARKANSAS CONTESTED ELECTION.

Mr. THOMAS. I rise to a privileged question. I am instructed by the Committee on Elections to report the following resolution.

The Clerk read as follows:

Resolved, That Asa Hodges is entitled *prima facie* to a seat in the Forty-third Congress as a Representative from the first congressional district of the State of Arkansas, without prejudice to the right of L. C. Ganse, claiming to have been elected thereto, to contest his right to the same upon the merits.

Mr. THOMAS. I desire to say a few words in presenting this resolution. I was instructed by the committee, unanimously, to report the resolution, or perhaps I should rather say that no member of the committee dissented to the resolution. Certain credentials were referred to us, and the committee were of the opinion that those credentials emanated from the proper authority in the State of Arkansas, and disclosed the fact that Mr. Hodges is *prima facie* entitled to his seat in this House. With this statement I ask the previous question upon the resolution.

Mr. COX. I understand that the gentleman from Mississippi, [Mr. LAMAR,] who is a member of the Committee on Elections, desires to be heard upon this question, and I hope the resolution will not be urged at this late hour.

Mr. HAZELTON, of Wisconsin. I would inquire if the gentleman from Mississippi has expressed a desire to be heard on this question?

Mr. THOMAS. I understood that the gentleman from Mississippi [Mr. LAMAR] did not dissent from the resolution. He was present in the committee when it was adopted.

Mr. COX. I think it ought not to be pressed to-night, and I will move to adjourn.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 223) changing the times for holding certain district courts of the United for the State of Iowa.

LIFE-SAVING STATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury in relation to the act of March 3, 1873, to provide for the establishment of life-saving stations on the coast of Maine, New Hampshire, Massachusetts, Virginia, and North Carolina; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. COX. I move that the House do now adjourn.

The question was put; and on a division there were—ayes 64, noes 58.

So the motion was agreed to; and (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as follows:

By Mr. ADAMS: The petition of B. F. Colbert, for a charter to construct and operate a toll-bridge across Red River, on the line between the Chickasaw country and Grayson County, Texas, to the Committee on Indian Affairs.

By Mr. ARCHER: The petition of Fannie R. Griffith, for payment of French spoliation claims, to the Committee on Foreign Affairs.

By Mr. AVERILL: Resolutions of the Legislature of Minnesota, in favor of extension of time for payment on pre-emption claims, to the Committee on the Public Lands.

Also, the petition of citizens of Minneapolis, Minnesota, for an appropriation to preserve the Falls of Saint Anthony, to the Committee on Commerce.

By Mr. BLAINE: The petitions of citizens of Atlanta, Georgia, for the passage of the supplementary civil-rights bill, to the Committee on the Judiciary.

Also, the petition of A. Guet, of Baltimore, Maryland, for arrears of pay and bounty, to the Committee on Military Affairs.

Also, the petition of certain citizens of Arkansas, protesting against the present system of carrying newspapers without prepayment of postage, to the Committee on the Post-Office and Post-Roads.

Also, the petition of certain citizens of Iowa, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of certain citizens of Mississippi, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, the petition of certain citizens of Minnesota, of similar import, to the Committee on the Post-Office and Post-Roads.

Also, petitions of certain citizens of Ohio, Pennsylvania, Nebraska, Missouri, Texas, and Virginia, of similar import, to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER, of Tennessee: Papers relating to the claim of Furney Jones, of Claiborne County, Tennessee, to the Committee on War Claims.

Also, the petition of Mary S. Greenlee, for a pension, to the Committee on Invalid Pensions.

By Mr. DONNAN: The petition of Alexander S. Howard, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of Beck & Wirth, of Chicago, to have refunded certain taxes paid on tobacco, cigars, and snuff, to the Committee on Claims.

By Mr. FIELD: The petition of S. R. Kingsley and others, of Romulus, Michigan, for the prepayment of postage on all printed matter passing through the mails, to the Committee on the Post-Office and Post-Roads.

By Mr. LOFLAND: The petition of Philip Henry, for a pension, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: Resolutions of the Legislature of California, in favor of an appropriation for a breakwater at Crescent City, California, to the Committee on Commerce.

Also, resolutions of the Legislature of California, in favor of the establishment of a post-route from Middletown, via Glenbrook, to Uncle Sam, in California, to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Legislature of California, for an appropriation for the improvement of the harbor or San Francisco, to the Committee on Commerce.

By Mr. LYNCH: The petition of the Sabbath-school of Brookhaven, Mississippi, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. McCRARY: The petition of Rear-Admiral Thomas Turner, for relief, to the Committee on Naval Affairs.

By Mr. NEGLEY: The petition of Francis S. Johns and others, workingmen of Pittsburgh, Pennsylvania, for the repeal of the second

section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. O'NEILL: The petition of Mortimer H. Brown, for relief, to the Committee on Claims.

Also, the petition of John McKinley, for a pension, to the Committee on Invalid Pensions.

By Mr. READ: The petition of William F. Denton, for additional bounty, to the Committee on Military Affairs.

By Mr. SAYLER, of Indiana: The petition of H. C. Elliott, to the Committee on Invalid Pensions.

By Mr. STARKWEATHER: The petition of A. E. Hodges, for compensation for cotton and other property taken during the war, to the Committee on War Claims.

By Mr. STRAWBRIDGE: The petition of Samuel Mills and others, workmen of the Co-operative Iron Company of Danville, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties, to the Committee on Ways and Means.

By Mr. SWANN: The petition of Maria B. Wolfe, for compensation for the use of property in New Orleans by the Government during the late war, to the Committee on War Claims.

By Mr. WILLARD, of Michigan: The memorial of Henry O'Neill, jr., asking indemnification for false arrest and imprisonment under the pretext that he was a deserter from the Fifth Michigan Cavalry, to the Committee on Military Affairs.

By Mr. ——: Papers relating to the claim of Thomas A. Elliott, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *February* 4, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the enrolled bill (H. R. No. 223) changing the times for holding certain district courts of the United States for the State of Iowa, which had previously received the signature of the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

Mr. FENTON presented the memorial of hat manufacturers and dealers of the city of Rochester, New York, remonstrating against the extension of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

Mr. FENTON. I also present the petitions of a large number of prominent citizens of the city of New York, including bankers and merchants in the shipping and produce and other branches of trade, in regard to the currency question. It will be remembered, Mr. President, that I called the attention of the Senate a few days ago to the memorial of several hundred of the leading bankers and merchants of New York in relation to the financial condition of the country, and especially in regard to the disordered condition of our currency. The petitions which I now present, signed by equally well-known citizens, are to the same end, and they conclude with a prayer, in which they "beg leave to represent most earnestly that a resumption of specie payments at the earliest practicable time is imperatively required by the true interests of the nation, and they most respectfully deprecate the issue of any more currency, as such proceeding would postpone indefinitely a return to a sound financial condition."

I move that these several petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. SUMNER presented the petition of the Syracuse Temperance Union, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the petition of George W. Lake, a citizen of the United States, and a resident of Massachusetts, praying damages in the sum of $35,000 for certain wrongs inflicted upon him while in Japan, through Willie P. Mangum, United States consul, and Charles E. DeLong, envoy extraordinary and minister plenipotentiary; which was referred to the Committee on Foreign Relations.

He also presented the memorial of a large number of citizens of Massachusetts, protesting against any extension of the patents on sewing-machines, especially that known as the Wilson patent, or any other patents, the extension of which has been asked for or may be asked for; which was referred to the Committee on Patents.

He also presented four several petitions from the heirs and representatives of persons, praying indemnification for spoliations committed by the French prior to the year 1801; which were ordered to lie on the table.

Mr. FRELINGHUYSEN. I present the memorial of 2,000 persons residing in Essex County, New Jersey, remonstrating against the further extension of the Wells patent for forming hat-bodies, and a like memorial from 70 persons residing in Plainfield, New Jersey. These memorialists set forth that they remonstrate against this extension because they cannot earn equal wages with the hat-bodies prepared by the machines under that patent that they can when prepared by other machines; that they are dependent on their daily toil for the support of their families, and do not feel bound to contribute to this patentee; that the hat business in the country gives them employment but eight months in the year, and if this patent is not further extended the price of hats will be so reduced that there will be a large export trade which will give them employment through the whole year. These 2,000 persons are practical hatters in and around the city in which I have the honor to reside. I move the reference of the memorials to the Committee on Patents.

The motion was agreed to.

Mr. FENTON presented the petition of Mary B. Hook, widow of the late Colonel James H. Hook, United States Army, praying to be allowed a pension for services rendered by him to the Government; which was referred to the Committee on Pensions.

Mr. WRIGHT presented two memorials of manufacturers, wholesale dealers, and retailers of hats, of Iowa, remonstrating against the extension of the Wells patent for forming hat-bodies; which were referred to the Committee on Patents.

Mr. THURMAN presented five memorials from citizens of Columbus, Dayton, Mansfield, Steubenville, and Toledo, Ohio, remonstrating against the extension of the Wells patent for improvements in machinery for making hat-bodies; which were referred to the Committee on Patents.

Mr. JOHNSTON presented the petition of J. B. Craghill and others, praying indemnification for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

Mr. MITCHELL presented a petition of numerous citizens of Oregon, praying an appropriation of $50,000 for the improvement of the military wagon-road from Scottsburgh to Camp Stewart, in that State; which was referred to the Committee on Military Affairs.

Mr. MITCHELL. I also present a petition, signed by General Jeff. C. Davis, United States Army, and other persons residing in Oregon, the prayer of which is as follows:

> Your petitioners would respectfully represent that they are acquainted with George Resinger, who has served the Government for twenty-six years as a soldier with a good record; he has resided in Oregon since September, 1860; and though he has no family, nor wife, nor kindred to bring him under the general laws of Congress entitling him to a pension, and as he desires to spend the remainder of his life in the State of his adoption, where he has many warm friends, and where kind hands have already assisted him in his need, and preferring a small pension to the privilege of the Soldiers' Home, to which he is entitled, he asks your honorable body to pass an act granting him the relief in form of a pension that he would be entitled to receive under the general act if he had a family.

I move the reference of this petition to the Committee on Pensions.

The motion was agreed to.

Mr. RAMSEY presented a petition of citizens of New York, praying that prepayment of postage be required on all mail matter, and for the better regulation of the salaries of postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BOREMAN presented a memorial of citizens of Wheeling, West Virginia, remonstrating against the extension of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

Mr. MERRIMON presented the petition and papers of Lieutenant John Shelton, North Carolina Volunteers, praying to be allowed the full pay and allowance of a first lieutenant of infantry for a certain term of service; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

Mr. HAMILTON, of Maryland. I am requested to ask the Senate that the papers in certain cases, on the list which I send to the desk, be taken from the files and referred to the Committee on Claims. They are the cases of citizens of this District which were not acted upon by the committee at the last session of Congress. They are claims growing out of the erection of Fort Stevens, in the vicinity of the farms of these persons.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. HAMILTON, of Maryland. I am advised that there has not been.

The PRESIDENT *pro tempore*. The order will be read.

The Chief Clerk read as follows:

Ordered, That the papers in relation to the following claims on the files of the Senate be referred to the Committee on Claims:

William B. Beal, Sarah Matthews, James Pilling, R. McChesney, B. D. Carpenter, J. H. McChesney, James Selden, Samuel Anderson, A. C. P. Shoemaker, Henrietta Norton, Thomas Talbott, D. N. Colclazer, Jacob Pass, Charles J. Stuart, Enos Ray, Oliver Dufour, Abram Hyman, Henry Batton, Thomas Fitnam, James Mulloy, Jacob Colclazer, Sarah A. Graves, F. G. Rohr, D. L. Howe.

Mr. DAVIS. I suggest, in connection with that order, that if there has been an adverse report in any of these cases, copies of the papers be retained.

The PRESIDENT *pro tempore*. That order has already been entered generally for the session. The Chair understands that in these cases there has been no adverse report.

Mr. HAMILTON, of Maryland. So I am advised.

The PRESIDENT *pro tempore*. The order will be entered.

On motion of Mr. SCOTT, it was

Ordered, That the claimants in the case of losses sustained by citizens of Wrightsville, Pennsylvania, by the burning of the Columbia bridge, have leave to withdraw their papers from the files.

AMOS FARLING.

Mr. PRATT. Last evening I entered a motion to reconsider the vote on the passage of the bill (H. R. No. 1754) to amend the act entitled "An act granting a pension to Amos Farling," approved February 5, 1873, on the suggestion of the Senator from Vermont. I have examined the bill since, and find that it simply corrects an act passed on the 5th of February, 1873, granting a pension to Amos Farling. The act of that date gave a pension to "Amos Farling, late a private in Company H, Twenty-seventh Regiment United States Infantry." The present act amends that, or rather corrects the name of the company; and that is the only change that is made in the act. It changes the name of the company from "Company H" to "Company C." I therefore withdraw the motion which I entered last evening.

The PRESIDENT *pro tempore*. The Senator from Indiana asks the unanimous consent of the Senate to withdraw the motion to reconsider the vote on the passage of the bill referred to by him. The Chair hears no objection.

REPORTS OF COMMITTEES.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Susan A. Shelby, praying compensation for cotton seized at Port Gibson, Mississippi, in 1864, submitted a report, accompanied by a bill (S. No. 433) for the relief of Mrs. Susan A. Shelby.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. SCOTT, from the Committee on Claims, to whom was referred the petition of Joseph R. Curtis, praying compensation for extra work in the erection of the branch mint at San Francisco, submitted an adverse report, which was agreed to and ordered to be printed.

He also, from the same committee, to whom was referred the petition of John P. Thomas, administrator of the estate of Robert S. Thomas, deceased, of Kansas City, Missouri, praying compensation for property destroyed by United States soldiers while rented and occupied by the United States military forces in 1863, submitted an adverse report, which was agreed to and ordered to be printed.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 176) to encourage the establishment of public marine schools, reported it with an amendment.

Mr. STOCKTON, from the Committee on Naval Affairs, to whom was referred the petition of William Kilburn, praying for the passage of a law authorizing his restoration to the Navy as an ensign, at the foot of that class of which he was a member at the time of his resignation, reported a bill (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States, as an ensign; which was read, and passed to a second reading.

BILLS INTRODUCED.

Mr. FENTON. I am requested by a highly respectable citizen of my State to ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 434) referring to the Court of Claims for adjudication and determination the claim of the parties therein named for the past and future use of Norton's postmarking and post-canceling hand-stamp, and of Robertson's improved hand-stamp; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 435) to amend an act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes, passed March 3, 1873; which was read twice by its title, referred, with accompanying papers, to the Committee on Indian Affairs, and ordered to be printed.

Mr. MERRIMON, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 436) for the relief of Lieutenant John Shelton; which was read twice by its title, and referred to the Committee on Military Affairs.

GAS INVESTIGATION.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds, in making the inquiry ordered by the Senate on the 29th of January, shall have power to send for persons and papers; and the expenses attending such investigation shall be paid out of the "miscellaneous" item of the contingent fund of the Senate.

All I have to say is, that I do not anticipate that there will be any expense about this save the cost of a reporter for three or four days.

Mr. MORTON. What is the investigation?

Mr. MORRILL, of Vermont. An investigation in regard to the gas company in this city.

The resolution was considered by unanimous consent, and agreed to.

PAY OF LOUISIANA CLAIMANTS.

Mr. WEST submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay to John Ray and William L. McMillen, each, full compensation as Senators for the unexpired term for which they were elected, as shown by their respective credentials, until the 4th of March, 1873.

WILLIAM H. VESEY.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar will be taken up. The Secretary will report the first bill on the Calendar.

The CHIEF CLERK. The first bill on the Calendar is the bill (H. R. No. 1400) for the relief of William H. Vesey.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, upon which the yeas and nays have been ordered.

Mr. PRATT. Mr. President, before the vote is taken I desire to reply very briefly to one or two points of objection which were made by the Senator from New York [Mr. CONKLING] and by the Senator from Wisconsin [Mr. HOWE] yesterday. The question was asked what evidence there was that this money had been paid by Mr. Vesey into the Treasury of the United States. The answer to that will be found in the report which was submitted by the committee. In the report it is said:

The Secretary of the Treasury makes no recommendation, but admits that Mr. Vesey has paid the amount of the loss into the Treasury.

That is a fact found by the committee upon correspondence with the Treasury Department, that the amount of money stated in the report was paid by Mr. Vesey from his own funds into the Treasury of the United States.

Mr. HOWE. What Secretary admits that?

Mr. PRATT. There was a correspondence with the Treasury Department at the time this claim was before the Committee on Claims—that is my recollection—and the Secretary of the Treasury admitted the payment of this sum. I find that fact explicitly stated in the report, and I have a general recollection on the subject that this claim was referred to the Secretary of the Treasury and that he made that response.

The next point that was made by way of objection was what evidence the committee had as to the amount of loss; or, in other words, that Mr. Vesey had received a dividend of only 10 per cent. upon the amount deposited with this house. That fact was ascertained by the affidavit of Thomas Taylor, who swears upon the 23d of March, 1859, as follows:

CONSULATE OF THE UNITED STATES OF AMERICA,
Paris, March 23, 1859.

I, Thomas Taylor, of Havre, in the empire of France, do hereby solemnly declare and make oath that I have been many years employed as cashier and principal clerk in the American consulate at that port; that to my positive knowledge Mr. W. H. Vesey, United States consul at Havre aforesaid, was in the habit of depositing in the hands of Messrs. Greene & Co., respectable American bankers at Paris, for safe-keeping, fees received at that office on account of the United States; that on or about the 27th day of March, 1857, Messrs. Greene & Co. suspended their payments, and the amount in their hands so paid to them, belonging to the United States, amounted on this day to, say, 7,628.20 francs, agreeably to the above declaration, which amount Mr. Vesey paid to the United States from out of his private funds; that since the date of such payment to the United States by Mr. Vesey he has received a dividend from Greene & Co. of 10 per cent. thereon; and that for the balance of, say, 6,865.40 francs, equal to, say, $1,318.15, Mr. Vesey has no security whatever, or for any part thereof.

THOMAS TAYLOR.

I believe that replies to all the points that were made.

Mr. HOWE. Mr. President, if this was the money of the United States, and kept there, and lost because it was kept there, I think the United States ought to pay; but I think the Senator from Indiana is mistaken in supposing that it was the money of the United States. This was a salaried office, but it had fees; and the law of 1856 made this provision about the fees:

That all fees collected at any of the legations, or by the consuls-general, consuls, and commercial agents mentioned in schedules B and C—

And this consulate at Havre was one of those—

and by vice consuls and vice commercial agents, appointed to perform their duties, or by any other person in their behalf, shall be accounted for to the Treasury.

Now, I understand from that language that the consuls put the fees collected into their own pockets, or did what they pleased with them; but they returned an account to the Treasury of all the fees collected; and if they collected more than the amount of their salary they paid over that balance to the Treasury. That is what I understand from that language. The consul at Havre was then allowed a salary of $6,000 a year. I have just sent for the report of the Fifth Auditor, in the hope that I may ascertain from that whether he collected more or less than $6,000. That report has not come in. I think the Senator from Indiana had better let this bill lie over and look at that point himself. He certainly does not want this money paid unless it is due, and I want it paid if it is due. We can make the matter certain by taking the proper time.

Mr. PRATT. I have no desire to press this bill to a vote now if the Senator from Wisconsin wishes to obtain further information; and if it is his desire I will consent that the bill shall go over this morning.

Mr. HOWE. I supposed the Senator himself would be as anxious for the information as I am.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. PRATT. I wish to say, however, that I am satisfied myself that this was money of the United States belonging to the Treasury Department. The report of the committee ascertains that fact distinctly. The language I have already quoted, and I will read it again:

The Secretary of the Treasury makes no recommendation, but admits that Mr. Vesey has paid the amount of the loss into the Treasury.

Nothing could be more explicit than that; and certainly this would never have found its way into the report unless the committee had found this fact to be true.

Mr. SUMNER. Two different committees have found that.

Mr. PRATT. Certainly; this has been twice reported from the Committee on Claims, and once from the Committee on Foreign Relations.

Mr. HOWE. But the Senator has heard the language of the law. Now, does he understand that differently from what I do?

Mr. PRATT. I was not paying attention to the quotations from the law.

Mr. HOWE. The law required him to keep an account and to return that account, to account to the Treasury for all the fees he collected, but not to pay them over to the Treasury; and, as I said, my understanding of that language is that it required him simply to pay over to the Treasury whatever he collected above his salary. That interpretation may be right or it may be wrong; but we can make it absolutely certain by taking the proper time.

Mr. PRATT. With the understanding that this case will not lose its place on the Calendar, I consent to the postponement.

The PRESIDENT *pro tempore*. The bill will lie over.

NATIONAL-BANK CIRCULATION.

Mr. SHERMAN. I wish to call the attention of the Senate to a bill reported yesterday from the Committee on Finance, to which I believe there will be no objection, and which, for manifest reasons appearing on the face of the bill, ought to pass now. I therefore move to take it up.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to proceed to the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

The motion was agreed to; and the bill was read the second time and considered as in Committee of the Whole.

The first section repeals so much of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," as provides that no circulation shall be withdrawn, under the provisions of section 6 of that act, until after the fifty-four millions granted in section 1 of that act shall have been taken up; and makes it the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section 6 of that act; and to enable him to do so, he is required, from time to time, as needed for the execution of that section, to make requisitions upon each of the national banks described in the section, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by that act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation; and, upon the return of the circulation required, or the deposit of lawful money, as therein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit is to be surrendered to it.

The second section of the bill provides that upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section 49 of the national-currency act, approved June 3, 1864, bonds held to secure the redemption of the circulation of the association or associations which shall so fail to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required, to assort and return to the Treasury for redemption the notes of such associations as they shall come into their hands until the amount required shall be redeemed.

The third section hereafter makes it lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870; but the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations under the provisions of the present act is not to exceed $25,000,000, and such circulation is from time to time to be withdrawn and redeemed only as it shall be necessary to supply banks in those States having less than their apportionment.

Mr. SHERMAN. I will make a brief statement in regard to this bill, and then, if there is really any objection to it in the Senate, I would rather it should go over, because I wish the Senate to understand it thoroughly.

The sixth section of the act of July 12, 1870, provides for the transfer of banking circulation to the amount of $25,000,000 from certain States that have an excess, to the West and South, where certain States have not their proportion. The Comptroller of the Currency in his annual report has set out certain objections to the practical execution of that section, which disable him, as he thinks, from carrying it into execution. He was therefore called upon by the Committee on Finance to write out precisely what conditions would enable him to carry into execution that provision of the act of July, 1870. The bill which is now before the Senate has received his sanction and the sanction of the Secretary of the Treasury. It makes no new provision of law; it does not change in any way the mode of distribution, but removes some practical impediments in the way of the execution of the law.

The first section of the bill repeals certain clauses of section 6 of the act of 1870, which gave rise to the difficulty. The whole bill has been very carefully drawn, with a view to enable the Comptroller of the Currency at once to organize banks and banking associations in States that have less than their proportion, and *pari passu*, by requisitions and by installments, to withdraw from certain States circulation in excess of their proportion. The States that will be affected are named on the ninth page of the report of the Comptroller of the Currency, and the banks that will be affected are described in section 6 of the act of 1870. All of them are banks having a circulation of over $300,000, and most of them having a circulation of over $1,000,000. The purpose of this bill is not to change the existing law in any respect, but merely to carry into execution that law, leaving the question of the amount of currency undisturbed in the slightest degree.

Senators must be aware that the unequal distribution of banking circulation has been the constant theme of complaint, and that complaint is a well-grounded one. I do not wish now to repeat it, but it ought to be met and it ought to be removed. It stands in the way of almost every measure on this subject that has been proposed; and I desire to say that this bill receives the hearty assent, so far as I know, of all the Representatives of the States that are affected by it. It affects chiefly the State of Massachusetts; it affects some four banks in the city of New York, thirty-seven in the city of Boston, twenty-one in the State of Massachusetts, seventeen in the city of Providence, and fifteen in the State of Connecticut. I can say that it has the approval of the former Secretary of the Treasury, of the present Secretary of the Treasury, and of the Representatives of these States, so far as I have had an opportunity to consult them; and I think it is just and fair and right, and ought to be passed promptly.

Mr. CONKLING. Will the Senator be kind enough to state the difficulty in carrying out the present law?

Mr. SHERMAN. Yes, sir. There is a proviso at the end of section 6, which creates the chief trouble:

Provided, That no circulation shall be withdrawn under the provisions of this section until after the $54,000,000 granted in the first section shall have been taken up.

Under that proviso the Comptroller holds that he has no power to commence the removal of this $25,000,000 from the East to the West until the $54,000,000 is taken up. In one sense it has been taken, engaged by certain banks, but they have not yet been able to receive their circulation; some of them have not been able to file bonds, and consequently it may be years before all the $54,000,000 is taken up in a literal sense; and according to his construction he holds that he has no power to call for the $25,000,000 from eastern banks and organize banks in the West until the $54,000,000 of circulation is issued. That probably never will be the case. The full amount is hardly ever reached. That is the great difficulty.

Mr. CONKLING. May I inquire of the Senator, does the Comptroller hold that where a bank has made application for circulation, and has not filed its bonds to entitle itself to it, that circulation, so to speak, is embargoed, so that it cannot be distributed to others?

Mr. SHERMAN. The Senator does not understand me. When a bank has been organized, but has not yet filed its bonds and has not actually received its circulation, until all the $54,000,000 provided for by the act is issued the Comptroller holds that he has no power to call in this amount.

Mr. CONKLING. Suppose a bank continues for a year or two years—organizes, but does not file its bonds; during all that time does the amount of circulation that would go to it remain embargoed or stopped, so that it cannot be given to any other bank?

Mr. SHERMAN. Undoubtedly, that is clearly the law; and he holds further, that while this embargo—to use the word of my friend from New York—as to a single bank organized under the section continues, he cannot take any step whatever towards executing section 6, which provides for the transfer of $25,000,000 in addition. My friend now understands it.

Mr. CONKLING. Yes, sir.

Mr. SHERMAN. The first section therefore repeals that proviso. That proviso was put on, I believe, in the House of Representatives, probably without much reflection as to its meaning; but it has been a great impediment to the execution of the law. The Comptroller devotes some pages to this subject in his annual report, as Senators will see if they read it, and he points out other difficulties in the way, and those difficulties are met by the provisions of this bill. When this bill is passed, the Comptroller of the Currency will have it in his power, immediately on the passage of the bill, to authorize banks to organize in the Western and Southern States according to the apportionment made under the previous law. That apportionment has already been made, and is set out in the report of the Comptroller. Then he is required to make requisition from time to time, as may be

necessary, upon the banks in the Eastern States where the excess exists, and issue that circulation, or rather an equal amount of circulation, to these new banks in the Western States. To avoid all trouble in the practical working of this matter we have adopted his words, so that there can be no question as to the practicability of carrying this plan into execution. This does not in any way affect the question whether we shall have more currency or less currency, or as to any further changes in the banking law; but it is to meet an immediate and imperative demand.

Mr. HOWE. I am not going to offer any objection to the passage of this bill; but as I have been one of those who have complained on this floor as often as, or oftener than, anybody else of the unequal distribution of bank circulation made under existing laws, I want to say one or two things in my own exculpation.

In the first place, I never did complain because Rhode Island had a large banking circulation, or because Massachusetts had a large banking circulation, and I never have seen the day yet when I was anxious to clutch from Rhode Island or Massachusetts any privilege which either of those States now enjoys. I have never comprehended any practical difficulty in the way of making a law so that Wisconsin and Georgia could have as large a banking circulation as capital was willing to afford. I have always thought God's universe was big enough for Rhode Island and Massachusetts and Georgia and Wisconsin all to live in. My friend from Vermont [Mr. EDMUNDS] doubts that. You understand he is constitutionally a little skeptical; but because he doubts, that does not remove from under my feet my own faith. I shall still stand on that.

Mr. President, I have thought it was a burning disgrace to our legislation when year after year capital has come to your Treasury Department and asked for the privilege of establishing a bank in this town, in that town, or the other, and to have a circulation furnished, and been told from time to time that the circulation is not to be had; it is limited, and the limit is reached. And the answer has also been made that if we add to the circulation we inflate the currency. I myself believe that is a good answer, but that is not necessary. A short time since I was permitted by the Senate to lay on your table a bill which authorized the creation of new banks, authorized allowing them a circulation, not by snatching away from any existing banks any portion of their circulation, but just by retiring an amount of greenbacks equal to the amount of new bank circulation issued by the Treasury. That preserves the volume of the circulation just as it is; that takes from no existing bank any privilege it now enjoys; that does not arbitrarily snatch capital from one quarter of the country and send it to another. The only practical effects that that proposition would have, that I can see, would be these two: first, it would stop the clamor from those portions of the country which say they have not such facilities as they ought to enjoy under the law; and, second, it would reduce gradually the redeeming medium, those legal-tender notes which are now the medium for redeeming all bank circulation, so that perhaps banking privileges would be less valuable in proportion as this medium was reduced. I am inclined to think existing banks come to that conclusion, and are of the opinion, on the whole, that they had rather give up the privilege of circulating notes than to give up any part of the obligation of the Government to redeem the notes that they put into circulation.

The Senator from Ohio says that the States from which this circulation is to be withdrawn are perfectly content with this bill, and the banks which are to be affected by it are perfectly content. My conclusion is, therefore, that, whether they have a large circulation or a small one, they are comparatively indifferent about it. But upon one thing they are resolved, and that is, that whatever they circulate the Government shall redeem.

Mr. BUCKINGHAM. I wish to inquire of the Senator from Ohio, the chairman of the Committee on Finance, whether, if an act should be passed authorizing free banking, as is contemplated, this bill would be of any value?

Mr. SHERMAN. If any such act should be passed in the future, as a matter of course it would supersede the operation of this bill. But the Senator will see that we are now endeavoring to carry into execution an existing law, and as a matter of course any future law that may be passed on the subject would repeal or modify this to the extent that they were in conflict.

Mr. BUCKINGHAM. I think there is a reasonable probability of passing an act which will give free banking with certain proper restrictions; and, if so, I see no particular necessity for the passage of this bill for a redistribution of the banking capital. I have no faith, and never have had, that this body or any other body of men could adopt a sound basis for the distribution of bank capital. I do not believe it can be done by legislation; but I believe under a system of free banking bank capital would be distributed and located wherever it could be made profitable, wherever it would be for the advantage both of the capitalist and of those who wanted to employ the capital. That is the course which I should like to see pursued.

Mr. MORTON. I have no objection to the passage of this bill itself; but this bill is in the nature of a mere tub thrown to the whale. If it is intended to answer the demand which has been made from the West and South for an equalization of the national-bank circulation, if that is the purpose of it, I for one am not satisfied with it. It is in itself a delusion. Under the provisions of this bill these $25,000,000 cannot be distributed under two or three years, certainly not under two years, as I think can be very easily shown.

In 1870, when the act was passed providing for taking $25,000,000 from States in excess and giving it to States in deficiency, the amount then was inadequate to supply that deficiency. I remember undertaking to show myself on this floor that it was inadequate. The report of the Comptroller of the Currency shows that when the whole fifty-four millions of increase provided for by the act of 1870 were distributed, it would, according to the elements provided by the census of 1870, still take forty millions to make the equalization. Now the condition of things has greatly changed in four years. If it would take forty millions in 1870 to make the equalization, it will take something more than that to do it now. Twenty-five millions provided for at that time did not meet the want. It would come short of meeting it now, of course.

I agree with my friend from Wisconsin, [Mr. HOWE.] I have never complained for one moment, and do not now, of what Rhode Island got or Massachusetts got; but what I have complained of, in representing the wishes of the people of my State, as I understand, is that while they do not begrudge to those States what they got, they simply ask that justice should be done to the States in deficiency. Those States have been growing rapidly in four years, and if it required forty millions to make the equalization in 1870, it would require between fifty and sixty millions of dollars, or perhaps even more than that, to make it now. But if this bill should pass, and it should then be held to supply the demand and to make the equalization required, it would not be satisfactory. It is in this point of view that I wish the Senate to consider it.

I could show from the terms of the bill further to the Senator himself that it would take two or three years for this circulation to be distributed, for this reason: It requires that the bills of these identical banks shall first be called into the Treasury and be canceled before a like amount can be issued to the new banks.

Mr. SHERMAN. That is a mistake. The Comptroller of the Currency tells me, and it is a matter of public notoriety, that in all human probability it would take three or four years to execute the law as it is, because it has taken three or four years for the banks to be organized under the law. There was no considerable demand from new banks; $5,000,000 would cover every application now pending; but these banks will be organized immediately, and the requisition follows immediately afterwards. In the third section the Senator will find—

> That from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law, to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870.

Then the first section provides for the mode and manner in which, as needed from time to time, requisitions shall be made on banks in the States that have an excess.

Mr. MORTON. I think I am not mistaken. The act of 1870 expressly provides—and that provision is not repealed—that the notes shall not be issued to the new banks in the West and South until a corresponding amount of notes is called in, and the Comptroller says in his report that that cannot be done for a long time.

Mr. SHERMAN. The Senator has not read the bill.

Mr. MORTON. The Comptroller of the Currency, in his last annual report, says:

> The notes of these banks are so scattered through the whole country that it will be impracticable for them to return their circulation without an expense not contemplated by the act; and it will therefore be for the interest of the banks to provide the Comptroller of the Currency with the requisite amount of legal-tender notes with which to redeem their circulation as it comes into the Treasury. To this extent the act may be executed; but the notes to be redeemed will not come to the Treasury for redemption to any considerable amount, and therefore but a small proportion of the twenty-five millions will be placed at the disposal of the Comptroller for redistribution to the banks of the South and West.

I observe a very peculiar provision in the second section of this new bill:

> And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national-bank depositories of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation or to deposit lawful money as required, to assort and return to the Treasury for redemption the notes of such associations.

In what case are they to assort and return? Only where the bank fails herself to take up her notes or to pay into the Treasury a corresponding amount of greenbacks. The Treasurer is compelled to convert the bonds of the bank into money and redeem the notes there as provided for in another section, and then there is another provision for the assortment.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of House bill No. 792, on the subject of bankruptcy.

Mr. SHERMAN. I hope the Senate will pardon me a moment on this banking bill. The Senator from Indiana——

Mr. EDMUNDS. We cannot go on with this financial discussion.

Mr. SHERMAN. Let me have one or two minutes to correct a misapprehension.

Mr. EDMUNDS. If the Senator from Indiana is willing, as he was cut off, I shall not object.

Mr. MORTON. I have no objection.

Mr. SHERMAN. Now, here is a bill that has been carefully prepared at the Department to carry into execution a law in pursuance of the very recommendation made by the Comptroller of the Currency.

The Senator, who had not read the bill, because I handed it to him about fifteen minutes ago——

Mr. MORTON. I read it this morning in the papers very carefully.

Mr. SHERMAN. He asked me for it. He comes here and criticises it; and he says this bill itself provides that these new banks cannot be organized until the circulation is withdrawn from the old banks. I read to him the language of the third section of the bill, which is mandatory, and which is the last order of Congress, declaring that from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law to organizations organized, or to be organized, in those States and Territories having less than their proportion of circulation under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870.

There is a mandatory provision, taking effect immediately and first of all; and other provisions of this bill provide the manner and mode in which the money shall be withdrawn from the banks of the Eastern States; and among other modes it directs in aid of the provision in this bill, that it shall be assorted by the Treasurer, assistant treasurers, &c. This will carry into execution that which my friend from Indiana has proclaimed every day to be necessary, for this subject of finance has not been before the Senate at any time within the last three years that that Senator has not, with great eagerness and earnestness, turned to the Senate, and especially to the representatives of the New England States, and talked to them about the unequal distribution of the bank circulation.

Now I wish to call his attention to the fact that here, when a bill is conceded by the representatives of those States, when they themselves come forward and say they will aid us in passing a bill to surrender $25,000,000 of their circulation in order to answer this local demand, the only objection made to it comes from my friend from Indiana, who for so long has asked for the passage of such a bill. That is all I desire to say now.

Mr. EDMUNDS. I call for the regular order.

Mr. HOWE. Allow me to ask the Senator from Ohio a question.

Mr. SHERMAN. I had only five minutes, and I do not want to trespass on my friend from Vermont.

Mr. EDMUNDS. The Senator only asked for two, but he may go to five; he has three left.

Mr. HOWE. How much money will be returned? How many greenbacks will be returned to the Treasury within thirty days under this bill?

Mr. SHERMAN. No greenbacks; but the circulating notes of eastern banks.

Mr. HOWE. But they cannot get hold of those.

Mr. SHERMAN. The law expressly provides that it shall be done as rapidly as possible. He shall "proceed forthwith to carry into execution the" law.

Mr. HOWE. How many within thirty days? Twenty-five millions of greenbacks must be put into the Treasury.

Mr. SHERMAN. Not at all. As new banks are organized under the provisions of this act the Comptroller, having the list of the banks affected by this provision before him, makes a requisition from time to time—requires them to surrender their circulating notes in exact proportion as he goes on to organize new banks.

Mr. HOWE. Will the Senator read that language?

Mr. SHERMAN. It is at the bottom of the first page. I will read the clause:

> And it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith to carry into execution the provisions of section 6 of said act; and, to enable him to do so, he is hereby authorized and required, from time to time, as needed for the execution of the said section, to make requisitions upon each of the national banks described in said section, organized in States having an excess of circulation—

in accordance with the apportionment previously made.

Mr. HOWE. I think that is right.

Mr. EDMUNDS. I call for the regular order.

Mr. LOGAN. I wish to ask a question in reference to this banking bill. As this circulation is withdrawn from eastern banks and redistributed to the western and southern banks, is it to be distributed to banks hereafter to be organized, or to banks that may be already organized?

Mr. SHERMAN. It applies to banks existing or that may be organized. I will read again the third section:

> That from and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes in the manner and proportion now provided by law to associations organized or to be organized in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of 1870.

Mr. LOGAN. We have to pay 2½ per cent. for our circulation in the West.

Mr. EDMUNDS. I call for the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a concurrent resolution for the appointment of a joint committee of the two Houses to inquire into the affairs of the government of the District of Columbia, in which the concurrence of the Senate was requested.

The message also announced that the House had passed a bill (H. R. No. 485) to authorize the Secretary of the Treasury to issue an American register to the schooner Carrie, of Eastport, Maine; in which the concurrence of the Senate was requested.

The message further announced that the House had passed the bill (S. No. 216) to change the name of the pleasure-yacht Fearless.

THE BANKRUPTCY ACT.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order, which is the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto; the pending question being on the amendment of the Senator from Ohio [Mr. SHERMAN] to the clause of the seventh section of the amendment of the Committee on the Judiciary proposed to be stricken out by the Senator from Illinois, [Mr. OGLESBY.]

Mr. EDMUNDS. Let that amendment be read, so that we may know what is pending.

The CHIEF CLERK. It was proposed by the Senator from Illinois to strike out in lines 39, 40, and 41, of section 7, the following words:

> Or who has stopped or suspended and not resumed payment of his commercial paper within a period of forty days.

It is proposed now to amend the clause moved to be stricken out, by striking out the word "who," at the end of line 39, and inserting, "being indebted in the sum of $3,000 and over;" and by striking out "forty," in the forty-first line, and inserting "ninety," so as to make the clause read:

> Or being indebted in the sum of $3,000 and over, has stopped or suspended and not resumed payment of his commercial paper within a period of ninety days.

Mr. EDMUNDS. I am reluctant to make points of order about this bill, but it is impossible to get on intelligently by having amendments in the third degree pending. The amendment reported by the committee is pending in the first place. Then the amendment of my friend from Illinois, [Mr. OGLESBY,] to strike out a portion of that, is pending in the second place. Now it is proposed to amend the amendment in another respect before taking the vote on the motion to strike out. A motion to strike out is not amendable in any way, and this is a motion to strike out a part of the pending amendment. Therefore I submit to the Chair, and I submit to the good sense of Senators, that it is much better to take the question on the motion of my friend from Illinois first. Then, if that clause is stricken out, these words can be inserted if the Senate think fit, or if it is not, they can be proposed.

Mr. SHERMAN. I have no objection to that course being taken.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The point of order is well taken, in the opinion of the Chair.

Mr. EDMUNDS. I do not make it for the purpose of making any embarrassment, but to relieve embarrassment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. OGLESBY] to the seventh section of the amendment of the Committee on the Judiciary.

Mr. LOGAN. Let it be reported.

The CHIEF CLERK. The amendment is to strike out the following words, in lines 39, 40, and 41, of section 7 of the committee's amendment:

> Or who has stopped or suspended and not resumed the payment of his commercial paper within a period of forty days.

Mr. EDMUNDS. Now, if the Senate is willing to listen, (and if it is not, of course it is not advisable that I at least should say anything, for I cannot make myself heard over the Chamber unless there is reasonable order,) I should like to explain in five minutes why the amendment of my friend from Illinois ought not to be adopted, and I think my friend from Illinois will himself see, if he did not yesterday see, the impropriety of this amendment.

In the first place, this clause as it stands applies only to the class of people whom we call traders or business men; that is, people engaged in commercial enterprises, who, great or small—and how small they shall be is a question that we take up afterward—have come to an absolute stoppage of their business; they cannot meet their commercial paper; and the courts have decided under the existing law—because this is just as the law stood, except that we have extended the time from fourteen to forty days—that the mere fact that a man does not pay a particular piece of paper at maturity does not constitute bankruptcy; but, in the first place, it must be a paper that he honestly owes, and to which he has no defense, and the fact that he has stopped payment even on such a piece of paper is not of itself an act of bankruptcy if he stops payment on that paper, supposing honestly that he had arrangements to have it renewed or postponed. In other words, the construction of the courts on the clause as it now stands has been highly in favor of the honest debtor who had omitted to meet his paper on a given occasion. Then the courts have also decided that it must in substance be a general suspension of the debtor to meet his engagements, because, of course, if he suspend on only one piece of paper, and continues to pay the others, when he admits himself that he owes that, he is then making a fraudulent preference among his creditors, and may be put into bankruptcy on the other branch of the statute.

Then, as the law at present is, without now speaking of this length of time at all, but confining what I say to the exact point, the ques-

tion is, whether a man engaged in business enterprises is to be allowed to let his business stop, except his selling his goods and taking in the money, perhaps to run away with before the forty days are out; whether he is to be allowed to stop paying, stop meeting his obligations, but still continue to receive assets from his debtors and act in the disposal of his property, if he does it in the ordinary course of business, for forty days. If you strike that all out and say that no such debtor shall be operated upon by the bankrupt law at all, how do you leave the debtor and creditor during that period of time, or, if this be stricken out, during all periods of time? You enable the man whose paper is overdue—it may be thousands or hundreds of dollars, no matter what—to set his creditors at defiance, and to say, "It is true I owe you; it is true I have not paid you; it is true I am continuing to sell out my stock of goods;" or "to dispose of my ore," if he is a miner; or "to go on with my banking business in the way of bills receivable," if he is a banker, and so on; "but as to paying anything I cannot do it." That is the attitude in which striking out this clause would leave this bill.

Can it be that any Senator wishes to put the trading community of this country into such an attitude as that? It would not work for a single moment, and no bankrupt system has ever existed in which there was not in substance exactly such a provision as this for the trader and the commercial man bringing himself under an inquiry, on the petition of his creditors, as to whether he had committed an act of bankruptcy if he did not continue to meet his obligations and go on with his business. You make it entirely one-sided. You say to the debtor, "You cannot be put into bankruptcy because you do not pay; you can go on and receive your money, dispose of your stock of goods, and run away at the end if you can, or whatever may happen, but your creditors cannot touch you in bankruptcy, where they all share equally, no matter how long you continue this course of business."

Of course a system of bankruptcy that lacked a provision such as this bill contains, and as every other bankrupt law has contained, would be perfectly suicidal. In this country, where the laws for the collection of debts are pretty severe generally, instead of assisting the debtor to raise funds to meet his engagements, it would drive every creditor to say, "It is now a question who soonest shall, by the sheriff and under the State law, seize the property of the debtor, or who soonest, by threats or otherwise, can get out of him some preference which may be so skillfully devised that you cannot break it up or prove it under the other provisions of the bankrupt law." That would be unjust. It would be impolitic, I submit to my honorable friend from Illinois, impolitic in the highest sense of that highest definition of policy, the administration of justice, tempered with gentleness and humanity at the same time. It would put the debtor in a far worse condition than he is with this limited protection that the law gives him, because now, fixing the period either at forty days, or at fourteen, as it is under the old law, or at seven as it is under the English law, the debtor during that time is preserved from the assaults of his creditors, either under the bankrupt act or under any State law, because the creditors know that if under the State law they do attach his property or undertake to get satisfaction to themselves at the expense of the other creditors, it will all be set aside at the end of the fourteen or forty days. That being the case, it does not appear to me that it is necessary to occupy much of the time of the Senate in asking them to decline to adopt the proposition of my friend from Illinois.

Mr. LOGAN. Mr. President, I am in favor of the amendment of my colleague for two or three reasons. In the first place I differ widely with my friend from Vermont, in reference to the question whether we should have a bankrupt law at all or not. But laying that aside, my views in reference to this amendment are not based upon the facts or the reasons that would actuate me to vote for a repeal of the law, but upon what I believe to be an unjust provision of the law.

I must confess that in regard to the present bankrupt law in body and the amendments now proposed to it, I was somewhat amused yesterday to see my friend from Ohio, [Mr. THURMAN,] an old-fashioned democrat, and my friend from Vermont, [Mr. EDMUNDS,] an old-fashioned whig, side by side in the advocacy of a bankruptcy law, especially so strict a one as this is.

But that is not the point which I rose to suggest. As I understand the provision now before us, it refers to a banker, broker, merchant, trader, manufacturer, or miner, who has fraudulently stopped payment, who has stopped payment through fraud or deceit or some intent on his part to defraud his creditors out of their just dues. The second portion of this particular part of the bill provides for those who have stopped or suspended payment for the term of forty days; and it is in reference to the latter portion of this section that my colleague proposes his amendment. I object to that provision in this bill for the reason, first, that the fact that a manufacturer, merchant, trader, or any business man has stopped payment for the term of fourteen days, as originally in the law, or the term of forty days, is no evidence whatever that there is an intention on the part of that debtor not to pay his creditor when he may be capable of doing so.

One of the great principles upon which a bankrupt law should be founded should be to protect honest debtors and honest creditors against fraud and deception or circumvention. It is not a fraud against a creditor that a man suspends payment for ten days, or twenty days, or forty days. It is a misfortune on his part, perhaps, that he cannot meet his paper; but because he does suspend for that time, you give the power into the hands of one creditor, if there are but four, to file his application and put the debtor into bankruptcy.

Mr. EDMUNDS. Provided he owns a third of the debts.

Mr. LOGAN. Provided he owns a third of the debts, as a matter of course; that is necessarily included.

I could state many cases of hardship under this provision. It may be said that one exception to a general rule would not be sufficient; that the rule should apply generally, and exceptions would not prove that injustice would be done; but I could state many cases showing that injustice would be the general rule, as far as the West is concerned, and not the exception. I presume there is not a large manufacturer in the Northwest to-day who has been able to pay his commercial paper for the last forty days, and I presume there is not one in the Northwest to-day who will be ablefor the next forty days to pay his outstanding indebtedness that would be recognized under this bankrupt law as commercial paper. Hence this provision, which was one of the great grievances, so far as the debtor class of the country is concerned, under the old law, is improved but very little by the committee's amendment. It is only an extension of time from fourteen days up to forty days; and according to the manner in which business is done generally in the country, it is not that relief, under the provisions of this law, that the country demands, or that the debtor class of the country should have, and that the creditor class should have the benefit of.

Bankrupt laws are not intended for the purpose of protecting scoundrels on the debtor side or Shylocks on the creditor side, but every provision in this bill and in the law that this is an amendment to, in reference to involuntary bankruptcy, is for the benefit of the Shylock and not for the benefit of the honest creditor and the honest debtor. You may take bankrupt laws generally as they have been used and administered in the United States, and they have been laws that have protected more scoundrels than they have benefited honest men. Usually they have been laws, so far as voluntary bankruptcy is concerned, to allow dishonest men to be relieved of their debts. Now let me see if I am just in this statement. In all my experience I cannot call to mind one single man that ever voluntarily went into bankruptcy and afterward, if he became wealthy, paid a dollar of his debt that he was relieved from under an adjudication of bankruptcy.

Mr. THURMAN. I can give you the names of a dozen.

Mr. FERRY, of Connecticut. So can I.

Mr. LOGAN. Perhaps Senators can give me some names; but so far as my experience goes I have no knowledge of such persons; but I have knowledge of men to-day, in my own State, who have been adjudged bankrupts on their own application, who are bankers and wealthy men, and who have never paid a dollar of the debts that they were relieved from by reason of being adjudged bankrupts.

Mr. EDMUNDS. May I ask my friend a question?

Mr. LOGAN. Certainly.

Mr. EDMUNDS. Will he tell the Senate whether the men that he speaks of, who have been made voluntary bankrupts, and are wealthy men to-day, got off without the assent of one-half of their creditors in number and amount, and whether their discharge was resisted?

Mr. LOGAN. In several instances they were discharged wholly as bankrupts. I do not desire to mention the names of men here.

Mr. EDMUNDS. Does my friend mean without the assent of a majority of the creditors in number and amount?

Mr. LOGAN. They were discharged under the law, by complying with the rules and provisions of the voluntary bankrupt law.

Mr. EDMUNDS. Yes, Mr. President; but the voluntary bankrupt law does not let off a man, unless, in the first place, he satisfies the court that he has been honest; and in the second place——

Mr. LOGAN. I understand that just as well as the Senator does.

Mr. EDMUNDS. I wish my friend to state how it happened that the creditors regarded him as a dishonest man, if more than half of them in number and amount chose to vote in favor of his being discharged?

Mr. LOGAN. I did not state that his creditors regarded him as a dishonest man. I made no such statement. I stated that men who had been relieved under the bankrupt law were to-day able to pay their debts, and I did not know one of them that had ever done so.

Mr. EDMUNDS. That is another thing.

Mr. LOGAN. That was my statement. I did not say that the creditors at the time thought those debtors were dishonest, but their actions have proved that they relieved themselves under the bankrupt law for the purpose of getting rid of their debts, and they have not paid their creditors to this day. That is what I stated, and I repeat it to be a fact, and I could give a number of instances of that kind. Of course it was done under the bankrupt law, and they satisfied the court, by their oaths and by their exhibits, that they had surrendered all their property to be distributed among their creditors, but at the same time they had covered up their property, and had not made a fair and honest exhibit; but after the time expired under which the judgment could have been rescinded, and they brought into court again, they once more went into business, and have shown themselves in the condition I state.

I only mention this to show that in instances, and I believe generally, these bankrupt laws have been in favor of a class of men who were desirous of obtaining a release from their debts without being actuated by any great desire to relieve their creditors by a full payment.

Then, let us apply it to the second class, the involuntary bankrupt, the man who is forced into bankruptcy, the man who, perhaps, is an honest man and desires to pay his debts, but by reason of misfortune is not in a condition at the time to pay his debts. After the lapse of forty days from the time when he should have paid his note, he may be forced into bankruptcy and destroyed.

There is one objection applicable to this particular provision of the law to which I desire to call the attention of the Senator from Vermont, although I know that we differ so widely in our views on this subject that I cannot expect to convince him. Generally, before he brings a bill into the Senate, he is perfectly satisfied with it, of course from mature reflection; and no man in the Senate is more persistent in standing by his judgment and opinions than the Senator from Vermont, and properly so. But let me call his attention to one point.

I have never known a small trader or merchant throughout the country put into bankruptcy under this law, where he was known as a small trader and had a small amount of property, who ever paid his creditors. Why? Not because he was dishonest, but because the fees absorbed all the amount of his property, and the creditor lost his debt, and the debtor had not paid one cent except to the officers. That has been the rule in cases of involuntary bankruptcy as applicable to small traders and small merchants throughout my section of country. How it is in other places I do not know; but I know it is true as applicable to small traders in that part of the country where I reside. I do not believe an instance can be named in that portion of the country where the property of a small trader who has been forced into bankruptcy against his will has ever paid a pittance of the debts that he owed.

Hence I say that the theory of just and honest dealing between man and man is not found in bankruptcy laws, in my judgment; and for that reason I am to-day, as I have ever been, opposed to the principle of bankrupt laws. I am opposed to the principle of relieving a man from his debts; and I am opposed to the theory of allowing a creditor to become a Shylock and crush a man out of existence. Hence I am opposed to a bankrupt law as applicable to either debtor or creditor. I do not suppose a majority of the Senate will agree with me, but that is my notion on the subject.

But taking it for granted that the Senate intends to pass an amendatory bankrupt law, instead of repealing the law as it now exists, then I ask whether it is just to the small traders, merchants, bankers, brokers, manufacturers, and miners of this country, to allow them to be crushed in this manner by any one of the creditors who may be a fourth in number or one-third in valuation so far as the estimate of debts is concerned. The result will be to wipe out the small traders in the country wherever they are brought into bankruptcy.

I think the suggestion of the Senator from Ohio [Mr. SHERMAN] yesterday was a sound and good one, that no man should be forced into involuntary bankruptcy unless the claims against him amounted to two or three thousand dollars, or some amount that would be worthy of the claim to make a man a bankrupt. It is a partial disgrace to him, at least he so feels, it when he is forced into bankruptcy, as well as a destruction of his credit and a destruction of his property.

Now, sir, I am in favor, in the first place, of the amendment offered by my colleague to strike out this clause entirely, because I do not believe in it as a principle. If that is not done, I shall be in favor of a modification of it in accordance with the views suggested by the Senator from Ohio, [Mr. SHERMAN.] But so far as the limit of forty days is concerned, I should certainly be in favor of striking that out. I would favor making it six months, if there must be any such limit, but reducing it down to the smallest time that I think would be just, it should be ninety days. That would have a semblance of justice in it. Our merchants, manufacturers, and other business men generally, have their notes made payable in thirty, sixty, or ninety days, or four months. It is a very common thing in my country to have paper made payable in four months. But instead of complying with either one of the times for which credit exists in a great portion of this country, thirty, sixty, or ninety days, the time fixed disagrees with all the various times on which credit is based or known in our country, or commercial paper extended. If it be extended from fourteen to forty days, it exceeds the first term of thirty days, but it is not a fair division between the three terms upon which credit is generally based, thirty, sixty, and ninety days. If it was a fair division between those times, it would be fairer than to put it at forty days, which is not a division at all. Hence I do not agree with that limitation of forty days. It is certainly too short. It is certainly a very short time to fix within which men may be put into bankruptcy all over the country.

This bill, with this short time in it, is no relief whatever to the great number of debtors throughout the country, who are manufacturers, brokers, bankers, and miners, and those who come within the purview and meaning of a bankrupt law. There is not a man to-day in the whole northwestern country who is a large debtor who has not run beyond the forty days, or who can pay within the next forty days. Hence I say this provision affords no relief. You might as well have left the law as it stood, with the fourteen days' limitation in it, because if a man is so crippled in his operations that he cannot make a loan in fourteen days he will not be likely to make it in forty days. You should give him sufficient time, where he has plenty of property, so that he can pay up when money becomes more abundant, or, at least, is released so that men can get hold of it. I know of a large manufacturing establishment in the city where I live that has over $1,000,000 invested, and I was told by the superintendent when I was at home a few weeks ago that their indebtedness was small, but on all their capital they could not raise a sufficient amount of money to meet their commercial paper to keep out of bankruptcy unless there was some relief given. That is only one instance so far as the large manufacturers are concerned in our portion of the country.

This much I have deemed it proper to say, merely to present the suggestions that have struck me in objecting to this particular portion of the bill.

Mr. THURMAN. The Senator who has just taken his seat has indulged himself in so wide a range of remarks that we have almost lost sight of the immediate question that is before the Senate. I do not complain of this course, nor criticise it in the least; for first or last the questions that he has mooted will have to be discussed. But I wish to come to the very question which is before the Senate, and which arises on the amendment offered by the Senator from Illinois on my right [Mr. OGLESBY] to strike out of the bill that provision which declares that if a banker, merchant, trader, miner, or manufacturer shall stop or suspend payment upon his commercial paper and not resume payment for forty days, he shall be deemed a bankrupt. I have risen to speak to that.

In the first place, that the amendment of the committee is more liberal than the original law in that respect is obvious from the fact that it gives the debtor forty days instead of fourteen in which to resume payment of his paper, and I need not say to any business man that forty days in which to turn around and secure such accommodations or make such arrrangements as may enable him to resume, would be far more valuable than the brief space of fourteen days.

In the second place, I have to observe that the law as it now stands is more favorable to the debtor than the English law, for, according to the English law, if a man stop payment his creditors may instantly procure a summons from the bankruptcy court, which is always in session, commanding him to appear and show cause why it is that he has stopped payment, even upon a particular piece of paper, and if he fail to appear in answer to that summons, or if he appear and acknowledge the debt to be due, or if he deny the debt and will not give bond that he will pay such sum as shall be found due by him upon the adjudication of that claim, then the law provides that on the eighth day thereafter he shall be deemed a bankrupt. So that practically according to the English law the time allowed for a man to resume payment of his debts who has stopped is eight or at most nine or ten days. The French law is even more stringent. The French law declares that the trader who stops payment is in a state of bankruptcy, and this state is held to exist virtually and with all its consequences, even before the adjudication which declares it officially. Without going into an inquiry what are the laws in other commercial countries, it may safely be said that if a bankrupt law is to be founded at all upon the principle that a trader who is unable to pay should have his estate administered in a bankrupt court, then the bill as proposed by the committee is the most liberal bill that is known to any commercial country on the globe.

That brings us, then, to the real foundation of this provision in the bill, and the foundation of the objection made to it by the Senator from Illinois on my right, [Mr. OGLESBY.] I understand the theory of that Senator's amendment to be that no one should be declared a bankrupt except in a case of fraud; and therefore he moves to strike out of the bill this clause which provides for a case where there is no fraud on the part of the debtor, either actual or constructive. Now, if the only foundation for a bankrupt proceeding is fraud, if there is no other reason for the existence of a bankrupt law than the existence of fraud, then the amendment of my friend from Illinois is perfectly right; but if that is not the only foundation of a bankrupt law, if that is only one of its foundations and not the most important of its foundations, then his amendment ought not to be adopted.

And now what is the fact? Why, sir, the fact is that bankrupt laws mainly rest upon this idea: that where a merchant, banker, trader, miner, or manufacturer, as it is in our law, or where a man of any of fifty occupations nearly, as it is in the English law, is unable to pay his debts, no matter whether by his fault or without his fault, no matter whether fraudulently or honestly, where he has failed in his business so that he cannot pay his debts, and so that he is therefore liable to have his property seized by process of law and administered under some form of law in some court or other, public policy dictates that it is best to administer his estate in that court which administers it for the equal benefit of all his creditors. That is the foundation of the bankrupt law. It is because if you leave his estate subject to all the processes of the courts of common law or of equity, if you leave it subject to be seized by this creditor or that creditor, or for preferences to be made by the debtor himself in favor of this creditor or that creditor, you put it in his power, or you put it in the power of an active and vigilant creditor, to defeat that equal and just distribution of the bankrupt estate which it is the policy of the law to provide and which equity requires. That, therefore, is the real foundation of a bankrupt law.

It is true there are cases of fraud which are declared to be acts of bankruptcy; but the great and solid foundation of all bankrupt laws is that the man who has carried on business has failed in his business, be it honestly or dishonestly, and that the law therefore can seize his property, and that public policy and justice to all his cred-

itors require that his estate should be taken into that forum which can administer it and distribute it equally among all his creditors, so that no injustice shall be done to any. And that being the case, there is no foundation (unless my friend means to strike down all bankrupt laws at all) for moving to strike this provision out of the bill because it does not allege a case of fraud. It alleges that case which of all other cases is the main foundation of all bankrupt laws wherever they exist.

But, sir, again to show that this is so, and eminently so, in our legislation, I beg the attention of the Senator, and of all Senators, to what I am now going to say. So true is it that the bankrupt law rests upon the inability doctrine, that the debtor who is unable to pay shall have his estate administered for the benefit of all his creditors in a court competent to administer it, that we have put into our bankrupt law what is not found in any other bankrupt law with which I am acquainted—the doctrine of voluntary bankruptcy. But no man can become a voluntary bankrupt and have the benefit of that law who has been a dishonest and fraudulent man. The law expressly requires that the voluntary bankrupt shall have clean hands—not be tainted with fraud at all.

Mr. LOGAN. Will the Senator allow me there to ask him a question? Did he ever know an act in the world which provided that a man should not, by reason of fraud, be allowed to do anything?

Mr. THURMAN. If my friend will hear me through, he will find that his question is not very relevant.

Mr. LOGAN. The Senator said that the law provided that a man could not become a voluntary bankrupt through fraud; but can he not call to his mind a case of bankruptcy where the person's conduct has shown afterward that his bankruptcy was obtained through fraud—by false swearing?

Mr. THURMAN. I will answer the question presently. What I was showing is, that one entire half of our law, in the first place, is founded, not upon the doctrine that the debtor has committed fraud but expressly upon the ground that he has not committed fraud That is the voluntary part of the law. And the sole foundation there for the debtor coming into court is that he is an honest man, unable to pay his debts. Thus we recognize in that branch of the law inability to pay debts. Inability of an honest man to pay his debts is a sufficient reason for administering his estate in the court of bankruptcy for the equal benefit of all his creditors. But how is it with the case of the involuntary bankrupt? Here again we recognize the very same principle; for although a man may be put into involuntary bankruptcy on the express ground of fraud, although that is a sufficient cause for putting him into bankruptcy, yet he cannot get a discharge unless he has been an honest man. Fraud defeats his discharge; it does not defeat the administration of his estate, but it prevents him from obtaining that privilege which the honest man may obtain—a discharge from his debts. Then, both in the voluntary and in the involuntary part of the bankrupt law we recognize distinctly the principle on which the law rests, that it is inability to pay the debts which constitutes the cause of bankruptcy.

This being the case, there is no foundation in principle for the amendment offered by my friend from Illinois on the right, [Mr. OGLESBY.] The law does not stand on the ground of fraud alone.

But the Senator from Illinois behind me [Mr. LOGAN] is opposed to a bankrupt law at all. He thinks that a bankrupt law is oppressive to the debtor and an aid to the Shylock creditor. If that Senator had carefully studied all the provisions of the bill as reported by the Judiciary Committee, I think he would scarcely have said that this law, as we have reported it, is oppressive to the debtor. Nor do I think that he would have ventured the other criticism, that it favors the unscrupulous and pound of flesh creditor. Why, sir, what is it? I am compelled now to refer to some other provisions than that immediately under consideration. As the law now exists, any one or more of the creditors whose claims amount to $250 may put a debtor into bankruptcy. That is an excessively severe provision.

Mr. LOGAN. Will the Senator allow me a word right there? He declares that I said this law was favorable to a Shylock creditor. I will give him one fact that caused me to make that remark. I did make it, and have nothing to retract from it. Would he believe that a man was acting—I do not know that the word "Shylock" would apply, but—oppressively if he demanded of a debtor that unless he gave him a note payable at a certain length of time with 2 per cent. interest a month, he would put him into bankruptcy? Would the Senator consider that oppressive?

Mr. THURMAN. I would.

Mr. LOGAN. I can name a dozen instances of that kind that have taken place under my own knowledge. That is the reason why I said it was a benefit to the Shylock creditor.

Mr. THURMAN. To be sure, that would be a case of oppression. Undoubtedly the Senator can name such cases; but it is precisely because he can name such cases, it is just because, as the law now stands, one Shylock can do that thing, and a thousand Christians cannot prevent him, that we have said, by our bill, that it shall require one-fourth of the creditors in number and one-third in value, and then I do not think the Shylocks will have much chance to extort 2 per cent. a month. This bill by this very amendment has stricken down that very power of levying black-mail, or extorting from the needs of a debtor, of which the Senator complains. That is precisely what our amendment utterly destroys.

But that is not all, Mr. President. We not only require one-fourth in number of the creditors and one-third in value to agree—and here I would remark, in passing, that where creditors one-fourth in number and holding one-third of the debts due agree that a man ought to be put into bankruptcy, the presumption is that nine-tenths of his creditors, if consulted, would agree to the same thing, and that it is for the benefit of the creditor, as well as of the debtor, that his estate should be administered in a court of bankruptcy and for the equal benefit of all the creditors—but then, having hedged this proceeding about by requiring that one-fourth in number and one-third in value must concur to put a man in bankruptcy, what next? What next do we do to relieve him from the extortions of Shylocks? What next do we do to relieve an honest man who has simply been unfortunate? Why, sir, we provide that if a majority in number and value of his creditors shall agree to a composition with that man, and the court upon examination of it, after full notice to all the creditors, and hearing what they have to say, shall consider that that composition is a just composition, and for the benefit of the creditors, the court may enforce it as a bankrupt proceeding, and then all further proceedings under this act cease, except to enforce that very agreement. What more beneficent provision could exist for the honest debtor, or what more beneficent provision for the honest creditor could exist than that provision which we have thus made for the ease and the benefit of them both?

But, sir, that is not all. We have gone still further, and provided that if a majority in number and value of the creditors presented to the court that it is to the interest of the creditors that the proceedings in bankruptcy should be discontinued, and no further steps be taken under them, and if the court upon hearing their petition, after due notice to all the parties, shall come to the same conclusion at which they have arrived, the court may dismiss the proceedings, and nothing further is done in that suit.

Why, sir, the only criticism among the hundreds and hundreds that have been sent to the committee and its members in regard to these provisions is that we have made the law too lenient to the debtor, and deprived the creditor, the single creditor, the Shylock creditor if you please, of that advantage which he has under the present law, and which the critics think he ought, to some extent, to retain. So, sir, whatever may be said of this bill, this much I can say of it, that it is the most liberal and the least oppressive bill upon honest debtors of any bankrupt law that has existence on this globe. To be at all effective, it is the most beneficent and the most lenient.

But the Senator from Illinois behind me [Mr. LOGAN] saw fit to remark, quite playfully I suppose, that he was astonished yesterday to see an old-fashioned democrat and an old-fashioned federalist, or a new-fashioned radical—I forget which it was——

Mr. LOGAN. Either one will do.

Mr. THURMAN. Sitting side by side here advocating a bankrupt bill. Mr. President, I am not entirely astonished to see an old-fashioned democrat and my radical friend who sits by my side [Mr. EDMUNDS] standing up in this Senate advocating the reconstruction laws or a Ku-Klux law, for such things do happen sometimes, strange as they may seem.

Mr. LOGAN. I was only calling the Senator's attention to the fact that he had got into a strange crowd.

Mr. THURMAN. This is the first time that I ever heard it was against old-fashioned democracy to support the Constitution of the United States, which declares—

> The Congress shall have power to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

I thought that it was the very peculiarity, the idiosyncrasy, so to speak, the fanaticism some people have called it, of the democratic party that they stuck to this old, worn-out, and now I am afraid obsolete parchment called the Constitution of the United States.

Mr. LOGAN. Will the Senator allow me right there to ask him a question?

Mr. THURMAN. Certainly.

Mr. LOGAN. Of course he understands that there is no political question in this matter, and I made my remark playfully; but, inasmuch as he appeals to the Constitution, I should like to make a suggestion to him. I ask him whether or not our party at that time, the democracy, did not universally repudiate the bankrupt law and insist that the voluntary clause of it was unconstitutional; and is it not true that they never acquiesced in it until the courts decided it to be constitutional? Is not that the fact?

Mr. THURMAN. Most unquestionably the democratic party, as a general rule, though they were divided upon it, opposed the bankrupt law of 1841. There was no exact party division about it, and I do not think my friend will find that many political platforms made by State conventions or the like take any particular notice of it. Everybody knew why that law was passed. Everybody knew that that law was to relieve the men who, in the great commercial convulsion of 1837 and the years that followed that, had become broken down and insolvent, and that the great provision of that law of 1841, which was to have effect, and which was almost the only provision in it that did have effect, was the provision for voluntary bankruptcy. Why, sir, I do not believe that for a hundred cases of voluntary bankruptcy under the act of 1841 there was one case of involuntary bankruptcy. I believe I should be nearer the truth to say that in a thousand bankrupt cases under the act of 1841, nine hundred and ninety-nine of

them were cases of voluntary bankruptcy, and but one a case of involuntary bankruptcy. And, sir, it was a great question whether a uniform system of bankruptcy included a case of voluntary bankruptcy within the contemplation of the Constitution of the United States. No such thing had ever existed in the United States nor in England; no such thing was known to England when our Constitution was formed; and it was argued that the term "bankruptcy" had a definite meaning when the Constitution was formed, and that it meant the administration of an insolvent trader's estate—for "trader" was the word then used and the only word—the compulsory proceeding to administer that estate; and there were men who insisted that that was the meaning of it within our own Constitution. That point was answered; but on the great question whether there could be such a thing as voluntary bankruptcy there was the greatest division of opinion among the lawyers of the country, without regard to party; and here I may say in passing that it was only the speech made by Mr. Webster in the Senate Chamber in support of that feature of the law, made before he went into the Cabinet, which carried that feature of the bill, and which afterward received the sanction of the courts.

But now, sir, in regard to the position of the democratic party on the subject of involuntary bankruptcy, I could cite my friend to a very long and able speech, delivered by the man who was then recognized as the leader of the democratic party in this Chamber, the Senator from Missouri, Colonel Benton, insisting that a bankrupt law, just such as we now have, was the thing most needed in this country to protect the people from the frauds of banks and the depreciation of bank currency. It was a favorite hobby of his—a bankrupt law that should operate on corporations. And now let me tell my friend that there is not a moneyed business corporation in all this land, not a railroad company, not a banking company, national or otherwise, having an act of incorporation, that is not subject to the provisions of the bankrupt law.

Mr. LOGAN. Will the Senator allow me to ask him a question right there? Does he claim that a national bank is subject to be put in bankruptcy?

Mr. THURMAN. Certainly.

Mr. LOGAN. The judge of the United States court in our State has decided that it is not. That is the difference between him and the judge of the United States court.

Mr. THURMAN. I cannot help it. If it is Judge Drummond, I have a very high opinion——

Mr. LOGAN. No, sir; Judge Blodgett, whose decision has been very highly complimented.

Mr. THURMAN. That may be so, but I cannot help it; I must read the law for myself, and I know lawyers quite as distinguished as the judge the Senator mentions who agree with me that this language is so broad and so comprehensive that it includes every national bank in the country. And, sir, with great respect for the decision of that judge, as I heard Mr. Webster once say when arguing a case in the Supreme Court, and no less a case than that which grew out of the burning of the Caroline—the McLeod case—that he always had great respect for the opinion of every court until it was reversed, I may say that I have great respect for the opinion of the judge whose opinion is cited by my friend, and shall have until it is reversed; but I cannot give up my own judgment of words as plain as these: "The provisions of this act shall apply to all moneyed, business, or commercial corporations." "All moneyed," that is one class; "business" is another; "or commercial corporations;" "and joint-stock companies." If a bank is not a moneyed corporation, I do not know what it is; if it is not a business corporation, I do not know what it is.

Mr. LOGAN. The Senator will allow me to interrupt him, because we want to be correct about this point, as it may be an important matter, though it comes up incidentally. It is a question on which the opinions of the courts of this country will be invoked certainly. I differ with the Senator, though perhaps my opinion may not be very good on such a question. The bank law provides its own mode of winding up the national banks. It, in itself, provides the manner in which those banks shall go into liquidation or be wound up by a receiver; and inasmuch as it provides its own mode and manner of their being wound up and going into the hands of a receiver, it takes them out of the purview and meaning of the statute of bankruptcy, and the courts have so held; and that, in my judgment, is the law.

Mr. THURMAN. I was going to notice that, although this debate on that subject is perhaps occupying the time of the Senate unnecessarily.

Mr. LOGAN. I merely referred to it because the Senator called it out incidentally. Inasmuch as I do not agree on that point of law, I thought we might as well have the reasons stated here.

Mr. THURMAN. I do not object to that, but I ask my friend to put this into his thinking cap when he considers this subject again: that the provision in the bank law providing for winding up a national bank under the supervision of the Comptroller of the Currency cannot be held to take it out of the clause of a bankrupt law that had no existence for three years afterward. Your bankrupt law is the last legislative expression on the subject. The bankrupt law was passed three years after the national-banking law; and this law, passed three years after the bank law was enacted, declares in plain words that every moneyed and every business corporation of this land shall be subject to its provisions. Sir, there is nothing in the country that will perhaps be found more efficient in making the corporations of this country—railroads, banks, and business corporations of all kinds—perform their duties and discharge them well than the existence of a bankrupt law, that, while it is not oppressive, shall yet be efficient.

But, sir, I have occupied too much of the time of the Senate, because of the range that this debate has taken. However, these are matters that would have to be spoken some time or other, and perhaps no excuse is necessary. My answer to the amendment offered by the Senator from Illinois [Mr. OGLESBY] is that which I have given; his amendment ignores the fundamental idea upon which bankrupt laws everywhere are found to rest.

Mr. CROZIER. I suppose that the amendment of the Senator from Illinois was prompted by a disposition to make the provisions of the bankrupt law less oppressive on debtors; but I think I can show him that the effect of the amendment, if adopted, striking out this clause, will be precisely the reverse.

The law as it now stands on this particular subject is this:

> Or who, being a banker, merchant, or trader, has fraudulently stopped or suspended, and not resumed payment of his commercial paper within a period of fourteen days.

It will be observed that the word "fraudulently" is included in the law as it now stands; and that is omitted in the clause which the Senator from Illinois moves to strike out; but every lawyer who has observed the execution of this law, and knows what the decisions of the courts have been under it, knows that that clause, although it includes the word "fraudulently," has by construction been made to include just such cases as are provided for in this amendment. Without going beyond the Chamber, if Senators will take Brightly's Digest and notice references to the decisions under this particular clause, they will see that the courts have held, as I have stated, that cases where a man has failed to pay his commercial paper from inability to do so alone, with no element of fraud whatever in the case, are within the meaning of the law as it stands. So, then, if this provision be stricken out, and the rest of the committee's amendment adopted, the law will stand under the construction of the courts as it is to-day held to be, that where a man for any reason, no matter whether fraudulently or not, in fact fails to pay his commercial paper for fourteen days, he will be adjudged to have committed an act of bankruptcy.

Mr. CONKLING. Will the Senator allow me to interrupt him for a moment?

Mr. CROZIER. Certainly.

Mr. CONKLING. I agree entirely with what the Senator says if I assume his theory, his understanding of this section. I call his attention, however, to the fact that the nature of this particular amendment is such that it will blot out entirely section 39 of the existing law, and bodily substitute for that section this provision, and nothing else. Therefore, should the amendment offered by the Senator from Illinois prevail, I submit to the Senator from Kansas, in place of having the effect which he ascribes to it, the result would be to put this section as it is, with these words omitted, in the place of that section which he reads from the printed volume. If I am right so far, what would be the legal effect of that? It would be to withdraw and subtract from those whose acts might consign them to bankruptcy the man who, without fraud, had simply been unable for forty days to pay his commercial paper; and thus, if I am right, it seems to me that my honorable friend from Illinois would accomplish exactly what he means to accomplish, to wit, he would substitute for the existing thirty-ninth section, which includes this fourteen-day provision, a sec ion which would include nothing, be it for fourteen days or forty days, subjecting an honestly delinquent debtor to the operation of the act.

Mr. CROZIER. I agree with the Senator from New York that there would be no time provided then, by law, at all, under which a man might be adjudged a bankrupt for failing to pay his commercial paper.

Mr. CONKLING. And there would be no provision, unless his act was fraudulent, that he might be adjudged for failing to pay his commercial paper during any time whatever, however long.

Mr. CROZIER. The provision would stand then, if the amendment of the Senator from Illinois should prevail, without any time fixed in the law. He proposes to strike out the words, "or who has suspended and not resumed payment of his commercial paper within a period of forty days." That forty days, of course, relates to the preceding portion of the amendment also.

Mr. CONKLING. My friend will pardon me once again. I do not wish to interrupt him, but only to call his attention to the form of this section, which, it seems to me, he entirely overlooks, in the effect he ascribes to the amendment offered by the Senator from Illinois. Here is a proposition to substitute bodily a section for another section, and of course to blot out the existing section, of which this is to take the place. Now, if, in making your substituted section, you omit, as the Senator from Illinois now proposes to do, all men whatever, merely because they are delinquent in respect to their matured commercial paper, be it for fourteen days or forty, the effect manifestly is to withdraw from the causes of compulsory bankruptcy such an act as is described. That is the object of the Senator from Illinois. Now, my friend from Kansas treats it as if the effect of it was merely to strike out the forty days, and let it go back to the fourteen days, and leave it there. On the contrary, I submit to him that the effect would be just what the mover of the amendment means, namely, to strike out from among the classes of persons whose acts subject them to proceedings of compulsory bankruptcy, those men who have commit-

ted no fault except that for fourteen days or forty days, or any other length of time, their commercial paper, after maturity, has gone unpaid.

Mr. LOGAN. That class is entirely withdrawn from the effect of the law.

Mr. CONKLING. That is all there is of it, if this amendment prevails.

Mr. CROZIER. I do not think the Senator from New York understands the point I make on this section.

Mr. CONKLING. Perhaps not.

Mr. CROZIER. The law as it stands now, and which I read, includes the word "fraudulently"—"and who being a banker, merchant, or trader, has fraudulently stopped or suspended payment," &c., for fourteen days. I stated that the courts had construed that clause so as to include men who had stopped from inability to pay.

Mr. CONKLING. So I understand the Senator. Now we propose to strike out the whole of that section and put in nothing except what shall remain in this section. If the Senator from Illinois succeeds in striking out of this section everything on that subject, then I ask the Senator from Kansas do we not have a section of a statute which will entirely omit the class of persons to whom he is referring?

Mr. CROZIER. I submit to the Senator from New York that the language of the amendment is precisely the language of the original act, and if the language of that act was construed so as to include men who failed to pay on account of inability, the construction that will be given to this clause in the amendment if left here would be the same. The law now applies to a man who "has fraudulently stopped payment." Suppose it stopped there, what would be the construction the courts would give to it? I insist they would give it the same construction they gave to the original act. "Fraudulently stopped payment" would include men who stopped payment from inability, who stopped for a day, if the Senator chooses, if this clause is stricken out of the amendment. The courts construe that to mean any stoppage of payment that a man can conceive of for fourteen days, and if the same language is left in this act, why will not the courts so construe it again as to include men who fail to pay from inability?

It seems to me that, taking the two clauses together, this one that I have read and the one that is proposed to be stricken out, they would amount to this: that if for any reason other than a fraudulent reason the debtor fails to pay, the time is extended to forty days; he must be a delinquent before he can be adjudged a bankrupt. If you strike this out, then, under the construction given to the original act, with precisely this language, he may be put into bankruptcy the next day after he has failed to pay for the very best reasons and no fraud intended. It seems to me that would be the construction of the language if left as the Senator from Illinois proposes to leave it.

Mr. EDMUNDS. Mr. President, if my friend from Kansas will pardon me, I will explain to him that in reading from Brightly he has not read the law as it now stands.

Mr. CROZIER. Is it not printed right?

Mr. EDMUNDS. It is printed right, but he has read from the print of the original law, which has since been amended. The law as it now stands and has stood for three or four years is that the men who, being bankers, &c., without going over the whole list of their names, stop payment of their commercial paper without fraud are the subjects of bankruptcy; that is, that is taken to be *prima facie* evidence of a case of insolvency; but that stoppage of paper of the honest people who do not stop fraudulently must continue, by the law as it now stands, for fourteen days, or, as we propose to make it, forty days. That is taken as evidence that the man, although he is honest, is unable to go on with his business and meet his engagements; and then it proceeds, as the whole law does, upon the idea that if he is in that condition that he cannot go on with his ordinary business and meet his engagements after a period of forty days of trying to pick up and get righted again, then it is a case where the creditors have a right to say, as without the bankrupt law they would have a right to say at the instant, only each one seizing for himself, "You must turn your property over to pay your debt." Without this law giving the forty days to the bankrupt who is innocent and who has not stopped fraudulently, as the law now stands, (for my friend was reading from the first original passage of the act,) the law says to the creditors, "You cannot take his property either by State law or national law for a period of forty days, so as to do you any good, because if you take it by the State law, at the end of the forty days prescribed the other creditors can move, or the debtor can move himself at any time, and you cannot get a dishonest and unjust advantage by seizing it all for yourself, to the exclusion of everybody else and breaking up the debtor," which would be just as bad as if it were done under the bankrupt law, and a great deal worse from the fact that in that case he does not get a discharge but has the balance of his debts hanging around his neck all the time. That is that view of it.

So this law as it now stands, and as we propose it—we only change the time; we do not change the substance—declares that where a man has gone on in commercial business and has failed to meet his engagements he shall have a grace, not according to the old law merchant of three days on sight-bills, but a grace of forty days; and we say in effect to his creditors, "You shall not press him under State law; you shall not threaten and get out of him a preference to yourselves by any contrivance; but you shall all wait for forty days in order to let this poor debtor, who is honest, see if he cannot retrieve himself in such a way as to go on." Then when the forty days go by, if he cannot do it in that time—and, of course, I admit that is an arbitrary limit; you might say thirty-nine, you might say forty-one; you have got to fix some reasonable time—we say, "You, having failed after forty days to be able to carry on your business any longer, the law takes hold of it and does what but for this law every creditor might have done under the State laws at the very instant and destroyed you at once;" and then instead of there being the race of diligence, as it is sometimes called, but as I call it the race of avarice and dishonesty, every creditor grasping in order that he may get all and the next man get nothing if there is not enough for all, they shall all come in and have an equal division of the estate. That is all. We only say to the debtor that we will carry out, as best we may, the obligation which justice imposes upon him to pay his debts, which without a bankrupt law, or with it, is an obligation that I hope will never be denied, because it involves morality, it involves honesty, it involves every virtue which is to make a state prosperous and happy. We cannot contrive by legislation to relieve debtors from the payment of their debts with entire absoluteness and freedom, and say there shall be no law for the payment of debts at all, except you declare that there shall be no credit; that nobody shall buy anything unless he buys for cash; that there shall be no debts, and nobody shall ever owe anybody. But if you say there is to be a credit, then in some form or other you must say that the debtor shall pay according to his stipulation. The State laws do say everywhere, and the United States laws outside of the bankruptcy provision say everywhere, that the debtor shall meet his engagement; and if he fails for an hour the motion of the law is put in force against him by his creditor, who demands only, as Shylock did, as my friend from Illinois says, according to the letter of the law, that the debtor shall pay according to his engagement by the giving up of his property under the proper processes to dissolve the obligation. The bankrupt law simply steps in upon that state of things and says that when a trader, a merchant, who trades in all States and in all countries, comes honestly into this unfortunate condition that he cannot meet his engagements for this length of time, instead of there being this confusion of remedies and this collision of creditors, each endeavoring to grasp full payment for himself, when justice only requires that he should take a fair dividend from the estate as if the man had died, so that all may be treated alike, then instead of making this grasping seizure by numerous suits, one in one State and another in another, wherever a man can grasp the debtor's property, all the creditors shall submit to one common tribunal, and the debtor shall perform his obligation as far as he may by appropriating the property which but for this law the creditors might have seized long before and destroyed him and left him with the balance about his neck—they may take this property, dispose of it according to law for their equal advantage and benefit; and then, if the debtor has been honest, the law proceeds to declare that he shall be freed.

What system of legislation, consistent with morals and with justice and mercy at the same time, can you devise better than that? It provides for giving up everything to the creditors; but it provides that the selfishness of one creditor shall not be gratified at the expense of the rest, and it provides as to the debtor for this period that under the provisions of State laws the selfishness of the creditor shall not be brought to bear to ruin the debtor in the mean time, and to prevent his exercising for his own benefit and that of his creditors the diligence that he may in forty days to reinstate himself and go on with his business. Is not that just? Can you better state it, Mr. President, than that—that on one side it represses the avarice and the greed of the creditor; on the other side it stimulates the debtor to honesty and diligence to endeavor in that time to retrieve himself and go on; and even after a proceeding has commenced, at the end of forty days, if when the hearing comes on he can show that the paper that has been suspended and not paid is disputed paper, or can show that it lay over that time through any misapprehension as to an agreement for an extension, then he is not a bankrupt, but goes on again? If he can show, it being a case where he ought to have paid it, that he has been able in forty days to raise the money and to pay it, then he is not a bankrupt, and he is dismissed to his own affairs. What can be more fair and just than that?

So, I repeat, without prolonging this discussion, that it seems to me to strike out this provision is to give a severe blow to the honest debtor class of the community.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois.

Mr. OGLESBY. Mr. President, I have no disposition to say anything further on the pending amendment, and if no other Senator wishes to be heard upon it, I will call for the yeas and nays upon it. Before the vote is taken, however, allow me to say a few words in conclusion.

My legislative experience, I find, has not been of sufficient duration to preserve my judgment and my feeling from the seductive effects of the eloquence, logic, and clearness of the honorable Senator from Vermont, the chairman of the Committee on the Judiciary. I feel that he is quite earnest, and that he is quite sure that he is right in the amendment that he has proposed to the existing bankrupt law, and that he is honestly struggling to meet the demands of the country for a national bankrupt law.

The purpose I originally had in view in speaking on this subject

yesterday was to assist in that direction as best I might the efforts of the Judiciary Committee to fix upon the statute-books of the nation a proper bankrupt law. But, sir, to my mind, if we may refer to the legislative proceedings of the other branch of the national Congress, it is evident that the national bankrupt law is in peril, and is about to be absolutely swept out of existence. The occasion of the pending amendments of the Judiciary Committee is the fact that a bill is now before us from the House of Representatives for the total repeal of the law. As I said yesterday, and repeat to-day, personally I prefer that we should have a bankrupt law. While I respect and shall obey the instructions of the Legislature of the State of Illinois when they shall come here, I ventured to say yesterday, and I repeat now, that if I had a personal preference upon the subject it would have been that they had passed no such instructions. I hope the day will come when the people of the United States will accustom themselves to believe that a general bankrupt law is a wise, national, and just policy. Now that I feel that it is in peril, and is about to be swept away, I thought I could do no more judicious thing than to propose an amendment here, that would strike from the pending amendment as well as from the existing law that odious feature in it which has so much stirred up and moved the people of a very large portion of the country.

It is not a wise course, I apprehend, for a legislator to lay down a general course of action, or to attempt to pass laws upon mere individual instances of hardship represented to him by a constituent here or a constituent there. I find that that would not be a safe line of public conduct to pursue. The appeals that have been made personally to me have been against this feature of the existing law. Again and again I have been piteously appealed to to aid in striking it from the bankrupt law. If I had no other and higher motive, or if I could be controlled by no other and different motive than that, I would promptly vote for the repeal of the whole law; but it is not wise perhaps to frame a man's course of public conduct according to the circumstances or the sufferings of individuals; and looking at in that higher and broader sense, as it comes down to us from the framers of the Constitution, I can see the wisdom that provided that we should establish uniform laws upon the subject of bankruptcies throughout the United States. I could very well believe that it would be a wise thing to have a uniform system, penetrating every State of the Union, and to that extent superseding and abolishing our State insolvent laws; but when I find a feature in the statute that is regarded as a hard one; when I find multitudes of business men—upright, honest, splendid men—struck at because they stand under intimidation and threat, on the right and the left, that they will be utterly destroyed because they cannot meet their outstanding obligations for a specified number of days; when I find that feeling prevailing extensively in the West, and somewhat in the East, too, it seems to me that it is good and wise legislation to amend the law so as to get rid of that one feature. Let the remainder of these provisions stand upon the statute-book until the people of the United States, year after year, shall become acquainted with them, and finally agree with as much unanimity to the existence and provisions of a general bankrupt law as they have agreed to a revenue law for the collection of taxes or for the collection of duties upon imports.

Now, we must go slowly. Will the Judiciary Committee, or will the friends of this measure, that extends the number of days to forty, peril the passage of the law by standing for this one provision? Would it not be wiser to let it go, and thus meet that cry against it largely in the West, largely in the South, and somewhat also in the East?

I do not wish to be understood as standing here, even under the instructions of my own State impending over my head, as an opponent or an enemy of a wise, judicious, and just bankrupt law; such a one as the honorable Senator from Ohio [Mr. THURMAN] defined yesterday and asserted he would favor, and ending his remarks by saying that this was such a one, and, so far as he was concerned, he would favor this one. I, too, desire to be understood here and at home as favoring a just, wise, and constitutional, but liberal, bankrupt law, to which our people shall in time become accustomed; and then, as we shall become more highly educated and understand what credit means, and the complicated and delicate relations existing between the debtor and creditor, and find out what shall be the medium of equity as well as the medium of justice between them, to frame a bankrupt law that will meet the universal consent, and that will stand year after year in all time as a just and wise law.

But now the existing act is threatened with repeal. There is no unanimity of sentiment in the country in favor of it; it is yet in a debatable position; and while it is in this position before us, I think, in the interest of a just law and to meet the necessities of the people of the West, it would be wise to adopt the amendment that I have proposed and to strike out the words in the thirty-ninth, fortieth, and forty-first lines of the seventh section.

One word further, sir, if I may be allowed to depart from the general principle of the amendment that I have suggested, for I am not going into the whole theory and all the reasoning and history of the bankrupt laws or of bankruptcy. I do not wish to tread upon ground with which I am not very familiar. I am not inclined to expose myself to be picked up and captured and carried away into oblivion because I am expatiating upon a subject that I do not very well understand. I mean to go slowly, very slowly, and to be always as nearly right as I can.

Mr. EDMUNDS. Before the Senator departs from the particular point he was on, if I do not interrupt him, I wish to call his attention to a point he has omitted respecting this specific amendment as being still hard upon the debtor if this clause is not stricken out, that we have provided in another place, as he will see, that the debtor, if he does fail for forty days, must yet be in such a condition that one-fourth of his creditors in number and one-third in amount must concur in the opinion that his affairs ought to be wound up before he can be hung up in bankruptcy for this suspended paper of his.

Mr. OGLESBY. I will be frank enough to admit to the honorable Senator that if the amendment I have proposed shall fail, the amendment that his committee proposes here is a great advance upon the law as it was, a very excellent improvement upon the law as it was, and will be so accepted universally. But upon this question of the limitation of fourteen days or forty days, it has been asked this morning, and I think very wisely, who shall venture to fix the number of days in which an honest banker, an honest trader, an honest merchant, an honest manufacturer, or an honest miner, shall be thrown out of a just and honorable employment and cast into disgrace? Sir, the West, from the top of the Alleghany Mountains to the Coast Range on the Pacific, is dotted over with men of small means, men of limited capital, who are struggling for honest competition in trade, who are trying to-day to build themselves up, to build up the wealth of the West, to introduce among our people the arts and manufactures that will bring us more wealth in time than we have ever yet had. While those men are struggling on the mountains and plains of the West to start in this honorable career, I would not throw a straw in their way. I would not, because they fail to meet a just debt or a dozen just debts at the end of forty days, put them in the position of being thrown into bankruptcy even by one-fourth in number of their creditors or by three-fourths in the value of the property. There would still be a risk; there would still be a peril. I would rather for the present time that that feature of the law were stricken out and that we should pursue that class of men who were doing business unjustly, iniquitously, corruptly, who by all the devious channels and devious ways concocted by vice and villainy would shirk the just payment of a just debt. That class of men I would pursue with a bankrupt law or any other law. I shall not be found standing in this Senate advocating to any extrent or for one moment any act of a debtor that would shirk his just responsibility.

Now, we propose to fix this period at forty days. How many days has it been since the 18th of September last? Forty days passed away from that day, and there was not one man in ten able to pay his commercial paper. Forty days more passed away, and we stood in the West, as we stand yet, with bated breath as to whether these men shall go under or not. Still another forty days have gone by, one hundred and twenty days have passed away, and no Senator can feel safe in saying that the honest trader, banker, manufacturer, merchant, or miner of the West can meet his commercial paper to-day. A crisis overtakes the country, and it is in such a crisis, in a panic, when the public heart is thrown off its balance, when men are wild from the results of speculation, or possibly, of overtrading, that you propose to put upon them the clamps of a bankrupt law. Sir, when there is no panic, when we are going along smoothly and easily, forty days might answer; one hundred would answer better; fourteen days, to some extent, have answered; but then there are but few men to be reached by such a law as this. When a crisis comes, and the country is beset with a panic, men are alarmed and terrified, and the ungracious creditor says to the helpless debtor, "If you do not settle my account of one hundred, or five hundred, or three thousand dollars, I will, at the end of fourteen days, or forty days, force you into bankruptcy; I will sacrifice all your bills receivable; I will confiscate all your estate for the benefit of your creditors;" and the man is in such a condition that he is not absolutely capable of carrying on business as a disinterested and fair-minded man should.

If the Senate will strike out this feature, and send this bill to the other House thus amended, with all the other wise provisions that I concede the amended bill contains, and the assent of that House shall be given to the bill, we shall have a national bankrupt law. True, this class of men, consisting of four or five or six different species of business men, who may be compelled to go into bankruptcy, will be stricken from it; they will be removed from the law, and it will stand as a perfect bankrupt law, and there will be no objection to it. I can conceive of no just objection that will be urged to it anywhere. The panic may pass away. It is very pleasant for me to announce here to-day, what is not new at all, that the West is recovering, that money is getting a little easier, that the prospect looks brighter than it did one hundred and twenty days ago, that men are getting more hopeful, that trade is getting back into its accustomed channels, that there is a disposition to ride over this chasm, and we will ride over it triumphantly, beautifully, and grandly, and sail on in the future as we have in past years, I doubt not, nor does any Senator here doubt.

Now, sir, as I suppose no other Senator cares to say anything on this subject, I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. Mr. President, this amendment goes to the very substance of this bill. It proposes to exempt bankers, bro-

kers, merchants, traders, manufacturers, and miners from being put into bankruptcy by reason of their suffering their paper to remain suspended for weeks, months, and years. The non-payment for years of their paper is, under this amendment, to be no evidence of bankruptcy. This is converting the law merely into one against fraud, and our State laws make sufficient provision against that evil.

The amendment destroys to the creditor all the benefit of the law because the debtor, not being considered a bankrupt, can make preferences, can confess judgments, and dispose of his property. Of course in such a law there is no benefit to the creditor.

It destroys, too, the benefit of the law to the debtor. The creditor, the Shylock, as the Senator from Illinois [Mr. LOGAN] considers him, can take judgment and issue execution, sell the property, and leave the debtor with a burden of indebtedness pressing him down like an incubus. If he ever again attempts to engage in business he must do so under a feigned name, as an agent, or by some shape of fraudulent contrivance.

The Senator from Illinois [Mr. OGLESBY] tells us that the honest debtors of the West have for one hundred and twenty days since the panic been struggling to survive and to recover from their embarrassments, and are succeeding. Why, sir, but for the existence of this bankrupt law they would have been ruined, their property would have been seized under execution, and all hope of recovery gone. It is the existence of the bankrupt law that has saved them. The creditor would not sue because any sale under execution would, by this law, be set aside, and the property of the debtor equally distributed. This law has enabled them to recover.

Further, sir, this amendment destroys the advantages of the bankrupt law to the public. The public benefit of the bankrupt law (and this constitutes its greatest value) is that it prevents overtrading. If the merchant knows that if he does not pay his paper he must surrender his business and his property be equally divided among his creditors, he will be very careful not to contract obligations that he cannot meet; but if the debtor knows that his paper (according to this amendment) may lie over for forty days or forty months and he cannot be disturbed, he will go into new speculations, shifting his indebtedness from one creditor to another, in the vain hope that by some happy stroke of fortune he may recover a prosperous condition.

And what reason is given for an amendment so destructive to the purposes of this law? Why, sir, we are told that the West are not a commercial people, and that they have not habits of prompt payment. As to the first reason, I most respectfully submit that the people of the West sell their produce and purchase manufactures, and have as much to profit by a just bankrupt law as the people of the East. As for the other reason, that they are not prompt in meeting their promises to pay, let me suggest to my friend that he is certainly legislating in the wrong direction. If his reason be true, then it is the interest of the West that our legislation should be directed to promote, rather than to weaken, commercial integrity and honor. A bankrupt law must be uniform; and the law must be adjusted for the benefit of those who are prompt, rather than for those who are lax, in payment.

Mr. President, I have heard it said here that no one gets any dividends from bankrupts' estates. The Senator from Indiana [Mr. PRATT] used that argument against the bill. I ask the Senator, as a lawyer long in practice, whether, in his experience, it is not true that in the collection of debts against insolvents, that is against those whose debts are more than their assets, the aggregate amount of costs that he has received has not equaled or approximated the amount that he has collected for his clients? You can get judgment, but cannot collect debts of insolvents. And the great benefit of the bankrupt law is not in affording the machinery for the collection of bad debts, but it is that it prevents the contraction of bad debts by preventing overtrading.

Further, sir, we cannot have a voluntary bankrupt law for the benefit of debtors unless we also make provision for the benefit of creditors. Experience shows that in all countries four-fifths of those who engage in commercial pursuits end their career by failure. The prosperity of this country depends upon the energy of its active men, and it is of the first importance that we should have this emancipation of men who have been unfortunate in business. Those who framed our Constitution saw this. They saw that it was the interest of this country that the citizen should not be pressed down hopelessly with a burden of debt, but that he should be relieved that the country might avail itself of his energy.

Again, sir, no one can approve of preferences among creditors in the distribution of the estates of debtors. The creditors all contributed to its accumulation, and should share equally in its division. Equality is as valuable a principle in jurisprudence as it is in politics. Give us a law that will equally distribute the assets of the debtor among his creditors, whether the dividend be more or less.

This amendment, for the reasons which I have thus briefly stated, would destroy the benefits and advantages sought by the bill.

Mr. MERRIMON. With all respect to the honorable Senator who proposes this amendment, I trust it will not prevail, and I beg leave to state very briefly the grounds of my opposition to it.

All bankrupt laws are founded in public policy. They grow out of the wants and necessities of commerce, and they are intended to promote the public good and the great ends of trade. The voluntary provisions of our bankrupt law are intended to benefit those honest but unfortunate people who are engaged in business, speculations, and adventures, and have honestly failed. The purpose is to take what they have, deliver it to their creditors, and turn them loose, so that they may begin the race of industry and enterprise again.

The involuntary feature is intended not so much to benefit the debtor as it is to benefit commerce, trade, and industry, in their broadest sense. In that view I think this clause, not exactly as it stands now, for reasons that I may advert to presently, ought to be retained with some modifications. The object of this clause is to prevent hazardous, adventurous men from engaging in commercial and industrial pursuits and incurring debts with no reasonable prospect of paying them at their maturity, thus deranging, impairing, and in some measure destroying the convenience of trade.

Why, sir, I think the late panic could be traced to causes that this very clause in the bill is intended to remedy and prevent. A private banker, for example, has debts that ramify the whole country. He lives in some commercial city; he has banking transactions with Maine, California, Alabama, Louisiana, and all the States. His debts have gone out; they go to make up very much of the commercial transactions of the country. Negligently, or by incurring responsibilities that he is not prepared to meet, he has gone on and increased the volume of his business until he finds that it is impossible to meet the paper that he has thrown out into the commercial world. What is the result? His paper matures; it is in every locality; it is in everybody's hands; it is announced that he has suspended; that he cannot pay; the result is a panic, or if it does not amount to thati great derangement of business and very general distress in the business world. This provision, as I understand it, is intended to prevent an evil of this sort; not only to remedy the evil, but to prevent it. This banker, if this provision of the bankrupt law were hanging over him, would see that if he allowed his debts to increase beyond his ability to pay, and he allowed them after they matured to remain past due for forty days, a sufficient percentage of his creditors could come along and put him into bankruptcy and wind him up, and that would be an end of it. He would therefore be cautious not to increase the volume of his business beyond his capacity to pay. He would be the more vigilant, when he had incurred these obligations, to make provision to meet his paper when it came due; and if a trader or such persons as are described in this clause of the bill shall recklessly incur such obligations as he cannot meet, a commercial community does not want him; he is not useful to the business industry of the country, and he ought to be put into bankruptcy, wound up, and turned out of the business classes.

I am aware of the evils that the honorable Senator from Illinois has adverted to, and they grow out of the fact that while in one section of our country we are highly commercial, in another we are mainly agricultural and producing. It seems to me, therefore, that some provision should be incorporated into this bill that would save small dealers in all the classes that are mentioned in the bill from the operation of the clause in question; but I do not think that the whole provision ought to be stricken out, for it would encourage reckless traders and those large and hazardous banking establishments that ramify the whole country with their paper, then fail in business, and make general ruin. Such dangerous men the country ought to be protected against. They are those who bring panics and general distress upon the community.

For these reasons I trust that the motion of the Senator from Illinois [Mr. OGLESBY] will not prevail, and if his amendment shall not prevail, I trust that the one suggested by the honorable Senator from Ohio [Mr. SHERMAN] will be adopted—or some one like it.

Mr. BOREMAN. I merely wish to inquire of the chairman, if this amendment prevails, whether the fraudulent stopping of the payment for a day will not put all this class of persons into bankruptcy?

Mr. EDMUNDS. Certainly. It would leave it upon the pure fraud alone; and the failure to pay alone by an honest debtor would leave him exposed, without the protection of the bankrupt law—if there is any in it, as I think there is—to the attack of the creditor at once; whereas if he was a fraudulent debtor, striking this out, he would not be exposed to the creditor at once under the State laws of helping himself entirely and leaving the rest out in the cold, but would have to go through the process of bankruptcy, making a discrimination, as I understand it, in favor of the fraudulent and against the honest debtor.

Mr. BOREMAN. Is it intended that the fraudulent debtors shall be a separate class from those who are included within what is proposed to be stricken out? It reads, after enumerating—

> Or who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or who has stopped or suspended, and not resumed payment of his commercial paper within a period of forty days.

Mr. EDMUNDS. They are two distinct classes; but it may happen that the fraudulent debtor has stopped for that period of time or not. He can be proceeded against at once. It may happen that the man who has suspended for fourteen or forty days will turn out to be a person who has committed fraud. He may possess both qualities. But if you strike out this provision entirely, then you strike all of the honest people who fail to meet their paper, and leave them without what we consider to be the valuable protection of the bankrupt law, against being crowded by their creditors in the mean time.

Mr. LOGAN. I do not wish to discuss this matter any further, but I dislike to have it left in this position. If I understand the Senator from West Virginia, the impression made upon his mind is that the

striking out of the class mentioned from the operation of the bankrupt law would leave them to a severer test of some other kind that I do not understand, probably under the State law, as the Senator from Vermont says. Now, if I understand the object of this amendment, and I think I do, it is to strike out from the bankrupt law entirely that class, so that they shall not be affected by the bankrupt law in any way whatever. It takes out the class who may be made bankrupts by reason of their having failed to pay for forty days, and leaves in the bankrupt law, then, subject to its provisions, those who have corruptly or fraudulently failed to pay. It leaves the bankrupt law applicable to the fraudulent debtors, and leaves the others out. That is the meaning of it precisely.

Mr. EDMUNDS. That is it exactly, Mr. President. If this clause stands in, and an honest debtor fails to meet his paper at the day, he cannot successfully be proceeded with, either under the State law or the bankrupt law, until the expiration of the forty days, because the creditor proceeding the next day to sue would gain no advantage by it except being obliged to pay his own costs at the end of forty days. If you strike this out, you then say to every honest debtor, "You must take care of yourself against the rapacity of your creditors without any protection at all; that is to say, you can be sued the next day by every one of your creditors separately where there is overdue paper or accounts, or anything that you owe, and your property seized by a dozen different sheriffs in parcels and the whole of your estate eaten up; whereas if you could oblige them to wait for the forty days required by this law, you might be able to restore yourself and put yourself in order; or if you did not and were still unable to go on, there would be a fair distribution of your property among your creditors, and the few grasping and avaricious ones, who would drive you to the wall in a moment if they could, are not to take it all, but it is to be fairly divided among your creditors, and then you can get a discharge." That is the difference.

Mr. LOGAN. The argumentation of the Senator from Vermont I think has no parallel. He argues that if you strike out this provision you leave the debtor to the rapacity of his creditors; they may all sue him if it is stricken out; as much as to say if it is left in they cannot sue him.

Mr. EDMUNDS. Yes, sir.

Mr. LOGAN. Now, do we not know that this will not debar them from prosecuting as many suits as they have a mind to do? Leaving this provision in does not prohibit the creditors from suing him. It only means that if they undertake to put him into bankruptcy, they can do it at the end of forty days. I leave it to my friend from Vermont if that is not true. The idea that this bankrupt bill bars a man from having suit brought against him is certainly something that I had not understood before.

Mr. EDMUNDS. If my friend means to be candid, as I have no doubt he does——

Mr. LOGAN. Certainly, I do.

Mr. EDMUNDS. Then he does not state the proposition fairly at all. It is technically true that the party may be sued at the next moment; but every man who brings a suit brings it for his own interest; creditors act for their selfish interests. Now, with this clause left in, I repeat to my honorable friend, the creditor who within the forty days sues the debtor and undertakes to get a preference for himself, and to get his pay in spite of all the others, is told by this law, "You cannot complete that performance to the fraud of the creditors, because at the end of the forty days the other creditors can apply for a bankruptcy, and your attachment will be set aside; and there is not time enough in the forty days for you to get your judgment, and levy, and get your pay, and therefore your suing your debtor is a perfectly useless proceeding, which only leaves you to pay your own costs." That is what I mean when I say that this clause protects the debtor from being sued by his creditors for forty days. It does, in substance, protect him from being sued by them with any purpose of securing their own interests.

Mr. LOGAN. It indirectly does what the Senator says; but that it bars a suit, or prevents the bringing of a suit, is not a fact.

Mr. EDMUNDS. Certainly; I say not.

Mr. LOGAN. And if these creditors proceed under some of the State laws by attachment, the distribution of property is the same as it is under the bankrupt law; so that the Senator's argument in reference to the protection of a debtor is not good in this respect. The object of this amendment is not to place them in the position that the Senator suggests by any means, but it is for their protection; that a man shall not be made a bankrupt against his consent, when he is an honest man.

Mr. MORRILL, of Maine. Mr. President I am rather indifferent on this whole question of bankruptcy. In fact hitherto I have been inclined to think that a system of bankruptcy was not congenial to our institutions or to our condition as a people. Although the Constitution contemplates it, I doubt extremely whether it is applicable to a country situated as we are, as a matter of principle. It originated in the necessities of a strictly commercial community. I do not think it was ever designed to be, or is in fact, applicable to a country situated as we are—with such an extent of territory, such a diversity of population, and of communities so self-sustaining, and self-supporting, and self-governing as the various American communities associated under our common Constitution are.

For these reasons, in a general way, I have never favored a system of bankruptcy. Being in the Senate when the original law now proposed to be amended was passed, I opposed it, or, rather, I failed to vote for it; I do not think I offered any special opposition to it.

There is only one consideration that under any circumstances would induce me to vote for it now; and that is, that any system or almost any law, good, or even bad, or indifferent, if it be permanent, so that the people know what it is and work up to it and are governed by it, is better than uncertainty, instability; and the latter has characterized the legislation of Congress upon the subject of bankruptcy under the Constitution. As I understand, all the laws which have been passed on that subject hitherto have not come up to the constitutional contemplation of a bankrupt system, such as was known to the framers of the Constitution. Sometimes they have been simply insolvent laws, the purpose of which manifestly was to free the debtor class, and that being done, the law had accomplished its object and was repealed. Such, I think, has been the history of bankrupt legislation in this country. To my mind nothing could be more vicious than that as a principle of legislation, and I am sure it is the experience of the American people that nothing has been more vicious and unjust than this whole class of legislation. Still we have had these laws, and my belief is that we shall have legislation upon the system of bankruptcy, as contemplated in some sense, or at least as authorized by the Constitution; and therefore I have made up my mind on the whole that it is better, as we have the law, to continue it in some modified form. Undoubtedly the present law should undergo very material modifications, but I am not perfectly advised as to that point.

Now one word on the question immediately before the Senate; and that is the provision which declares the non-payment of a debt within a particular time after it is overdue an act of bankruptcy. In any just sense, I ask the Senator from Vermont, who has the charge of this bill, was it ever known in any system of bankruptcy anterior to the date of the Constitution of the United States that such an act as that was an act of bankruptcy. Was the mere fact of non-payment, without any circumstance attending to show any dishonesty or any attempt to evade liability, with an abundance of resources lying back possibly, ever declared, in any system of bankruptcy antedating the Constitution of the United States, an act of bankruptcy, in and of itself?

Mr. EDMUNDS. I answer my honorable friend unhesitatingly in the affirmative, and I declare that the French law of bankruptcy, which I hold in my hand, provided for that exact thing, not after a period of fourteen days or forty days, but after the dishonor not only of commercial paper, but of any debt that the trader, or the manufacturer, or the man of merchandise owes. My friend can see it for himself.

Mr. MORRILL, of Maine. What is the date of that act?

Mr. EDMUNDS. This is the French Commercial Code, which had its origin back as far as the seventeenth century. Here it is all consolidated, and my friend can have it.

Mr. MORRILL, of Maine. How was it in the English system?

Mr. EDMUNDS. I will come to that. I will make a full answer to my friend.

Then when you come to Belgium, or the separation of Belgium from Holland in 1830 (which my friend will remember by the way it took place, on account of the singing of the French Marseillaise at an opera-house one night)—in that commercial country the law was exactly the same, founded on the French Code of Commerce, which provided that if the trader or the merchant or whatever the class of people were who were put into bankruptcy in those days, but including these two certainly, failed to pay at the day, he then fell under the head of the men who were to be proceeded against by proceedings in bankruptcy almost exactly like those we have now in that respect; and then it went on to provide that if, in addition to failing to pay, there were circumstances of negligence or waste on the part of the debtor, it was a misdemeanor, for which he was punished by fine; and then it provided in the third place that if the case was still more aggravated, and he had been guilty of fraudulently concealing or putting his property out of the way in order to avoid his creditors, that was a still higher crime, for which he received a still greater punishment.

So, then, in the code of every continental country that is a commercial country and has a code of bankruptcy, from the first, the failure of the honest man to meet his engagements was the act to which the law looked as entitling his creditors, to prevent frauds between themselves and preferences between themselves and to deal justly to all, to move in common against the estate of that debtor to have it wound up; and they were so hard then against the debtor even that under these circumstances a full payment of all the assets that he had did not discharge him in the end; he must bring an individual release from every creditor; he could not be discharged by the operation of law; it only released his person from imprisonment, much like the present insolvent debtors' law, as we know.

Then when you come to England, it stood in two forms; there were two provisions in the English law from the beginning to this day, using language which perhaps those who have not studied the subject in one branch of it would not at first understand. It speaks of a debtor failing to meet his engagements who begins to keep house. You would suppose it was a very innocent performance, indeed, for a man to begin to keep house; but that means, in the English law, that the man shuts up his shop, just as the First National Bank did here, just as Jay Cooke did in Philadelphia, just as every man whose paper

goes to protest and who cannot go on with his business is obliged to do; he shuts up his doors and stops payment. Then it provided, in addition, where the man did go on, as in some cases he was enabled to do in some way, selling out his goods but not paying his debts, that any creditor might summon him on a seven days' notice, instead of forty or fourteen, before the bankruptcy judge, or the chancellor, or the person, whoever it was, that was deputed to exercise bankruptcy jurisdiction. My friend from Ohio [Mr. THURMAN] suggests that it was a notice to appear forthwith, and technically he is right, but the debtor had a leeway of seven days; and so, to make it short, I put it at seven days. He could be summoned by any creditor, not for mere commercial paper like this, which is more lenient still, but for any debt that the banker or the trader owes, the moment it was overdue, to appear forthwith before the person exercising bankruptcy jurisdiction, and required to pay that debt, with notice that if he did not he could be put into bankruptcy. If after seven days he did not appear, or appearing did not show that he had a good defense, or if it were a matter of dispute, appearing and putting in bail, giving sureties that he would pay in the end, then he was declared a bankrupt and his estate wound up. In fact, so far as that part of it goes, it is exactly what is proposed here. We propose, as you see, in the case of commercial paper, instead of a non-payment for seven days as it was in England, in effect—for although the creditor could summon him to pay forthwith, he could not proceed until the end of seven days—that forty days' non-payment shall be required. This law has been construed (and we all understand it alike on that point) that a debtor who owes a piece of paper which goes to protest, and proceedings in bankruptcy are taken against him upon it, may come before the judge who is to determine—and he has a right to a jury trial upon it if he likes—and submit this question, where he has an honest defense which he means to make to that paper. If it is a disputable piece of paper the judge does not undertake to try whether his defense is a good one or not; but if he has a defense, good or bad, that he honestly intends to make to it in good faith, then he is not a bankrupt and the proceeding is dismissed. In the mean time, in case it be an honest piece of paper, if he has paid it up before he is brought to trial before the judge or jury, then the proceeding falls. So my friend will see that, in every point of view, this statute of ours as it now stands, either with the fourteen or the forty days, is much more liberal and humane in protecting the rights of the honest debtor than any bankrupt law that has existed yet has provided.

Mr. MORRILL, of Maine. Allow me to inquire of the Senator whether I am to understand him that the limitation as to time, seven days, is in the British statute?

Mr. EDMUNDS. That is what I say.

Mr. MORRILL, of Maine. Did I not understand the honorable Senator to say that there were some other indications of bankruptcy accompanying that act?

Mr. EDMUNDS. No; the other matters are entirely independent. This stands independently by itself.

Mr. MORRILL, of Maine. I do not wonder that my honorable friend finds it necessary to express himself against the severity and rigor of the principles of the English law.

Mr. EDMUNDS. I have not expressed myself against them. I expressed myself, if my honorable friend will pardon me, against the severity and the rigor of the French, and of the Belgian, and the Holland law in not discharging the debtor after he had surrendered everything that he had for the benefit of his creditors, either on their application or his own—it must be solely on their application by these codes. I suggested that it was severe that he was not then allowed to begin the world anew again and try to aid society and himself by building up a fresh fortune by his industry and his perseverance.

Mr. MORRILL, of Maine. Assuming now all that the honorable Senator has stated in regard to the system in England, France, and Belgium to be exactly as stated, it illustrates the query with which I began, as to the adaptability of such a system as this to a country like ours. It may do in England; it may do in a country of shopkeepers, a country whose business is traffic solely, where commercial integrity may be enforced by law with greater strictness than we can hope to do here.

Mr. EDMUNDS. That is a very extraordinary proposition.

Mr. MORRILL, of Maine. It is not an extraordinary proposition, because all these matters grow out of the condition of things. You cannot make laws for England and America alike. The moral obligation of a contract is the same here as there; but the circumstances of the two nations are so very different that what would be expedient there for the enforcement of the obligation by law would not be at all proper here in the circumstances under which we are situated.

I have not been familiar with systems of bankruptcy in detail, but it is a matter of very great astonishment to me to find that this practice has been ingrafted upon any system in the world, that a man simply from neglect to pay a debt or an obligation within seven days should be held to be a bankrupt without any other incident connected with his history or with his transactions. Anybody can see that under certain circumstances that fact of itself might not be evidence either of a disposition to avoid his creditors or of an inability to meet their demands.

Mr. EDMUNDS. My friend will pardon an interruption, as he means to state me fairly, I am sure.

Mr. MORRILL, of Maine. Certainly.

Mr. EDMUNDS. Let me remind my friend that, in answer to his question, I pointed out to him that under the existing law—and the same is true under the English law—that fact alone is only taken as *prima facie* evidence that a man is unable to pay his debts; and if it turns out that there is any other reason than the fact of inability why he does not meet his paper, when that appears to the court the proceeding does not go on under our law.

Mr. MORRILL, of Maine. Undoubtedly; but still the mischief is done. It is in law adjudged to be an act of bankruptcy, and it justifies proceedings; and the moment proceedings are begun there is an end of credit. The moment that suspicion arose over Jay Cooke & Co., they were bankrupt and their doom was sealed. Now you are providing a remedy for such a contingency as arose in the autumn of last year. Suppose this law had been in force at that time, and this precise provision had been in force, how many firms all over the country, solvent firms, would have been subject to be thrown into bankruptcy, over whose concerns, if they had been examined fairly, no suspicion of an inability to pay would ever suggest itself?

Mr. THURMAN. The present law was in force, a great deal more severe than our bill.

Mr. MORRILL, of Maine. And they went under, and that I understand to have been one of the great complaints.

Mr. EDMUNDS. How many went into bankruptcy?

Mr. MORRILL, of Maine. As many as were forced, or as many as were attempted to be forced into bankruptcy.

Mr. EDMUNDS. That is true.

Mr. MORRILL, of Maine. What I am arguing is that it does not necessarily follow, nor does it seem to me to follow in any just sense at all, that because a man delays to pay he therefore is of course a bankrupt and ought to be held to be a bankrupt, so that his creditors should have a right to force him into bankruptcy.

It may be, Mr. President, that my views are unsound. I am not certain that I have a very decided conviction about this point myself. I may say that I have not; but it strikes me as a very extraordinary proposition indeed that a man should be held to be a bankrupt simply because for a period of time he has neglected, or, if you please, been unable, to meet his liabilities, he himself holding a large estate, abundant enough to pay all his debts, and having been honest, doing no single act that would be called a delinquency otherwise—I think that is extraordinary.

Mr. EDMUNDS. How would the Senator define a bankrupt?

Mr. MORRILL, of Maine. Evading his creditors; taking to his house; conveying his property in view of bankruptcy; these are what I call acts of bankruptcy—acts of delinquency.

Mr. EDMUNDS. That is, anybody who would come under the statute of Elizabeth merely.

Mr. MORRILL, of Maine. Well, I do not know much about Elizabeth or her statutes, [laughter,] especially upon this subject. But what I mean to say is, that this circumstance standing by itself does not necessarily imply any of those acts of delinquency which it seems to me justify proceedings against a man who might notwithstanding be solvent in all respects.

Mr. EDMUNDS. Mr. President, it is something of a mortification to me to feel it to be a duty to get up and reply to my friend from Maine, because I so often follow his opinions that I feel almost out of place when I rise to oppose anything that he has said. But I do beg the Senate to consider this point carefully, because this is a most important question about this business. People from the cities of the East, who are creditors, are constantly writing me that we have let this law down now so far in this very respect and others in favor of the debtor class that we have ruined all the rights of creditors. Now, what are the rights of creditor and debtor? The Senator from Maine does not dispute that when a man promises to pay another, for a proper consideration, a given sum of money, he ought to do it; the law obliges him to do it.

Mr. MORRILL, of Maine. I agree to that.

Mr. LOGAN. "The pound of flesh" must be exacted; is that it?

Mr. EDMUNDS. I say that when a man promises to give a pound of flesh, even, he ought to give it, unless it be the flesh of some slave who is not the master of himself. If I promise my friend from Illinois to give him a pound of my flesh, to be laid out in hard labor for me, I ought to keep my engagement. Of course there may be promises which are void, because they are against humanity and Christianity, and against the liberty of the citizen, and against the public peace. That is all true enough. We are not talking about pounds of flesh of that kind; but we are speaking about a commercial country, where one of the elements of its civilization and progress must be, if there is anything in civilization in this world, that men are to keep their engagements. What idea can you have of a nation, as a prosperous and honorable and intelligent and growing one, which is based upon a state of society whose honor is to be found in breaking rather than keeping engagements? It cannot be said. Every one of us, my friend from Illinois I know as well as I, would cry shame upon such a proposition.

What is the converse of it? It is that every man is bound to perform the commercial promises that he makes upon a sufficient consideration, and in the full possession of his senses. My friend must agree to that. There can be no doubt of it; and that is a rule of morals as well as a rule of law. It is a rule which is inbred in the very life-blood of every nation which can expect to attain to the prog-

ress that our ideas of morality and of the future lead us to believe in. Without it you can be nothing, and with it you may be everything.

Now, this law comes in and says, not that the man shall not perform his engagements, not that he shall perform them instantly, but in the idea of mercy it gives him a certain breathing space to recover himself if he can; but if it turns out that he cannot meet his engagements, what does morality require? It requires that his property, which has been built up out of the funds that he has received, for which he has made these promises, shall be returned to the men whom he owes, in equal proportion. That is the morality of it, unless you are to say that it is lawful for a man to buy property upon credit, and then equally lawful and honest for him to defy his creditors and keep the property and not pay his debts; and nobody can say that.

My friend from Maine says that it is an extraordinary proposition that the inability of a trader to pay his debts is an act of bankruptcy. Well, what is an act of bankruptcy? It is equivalent to saying that it is an extraordinary proposition that the inability of a man to pay his debts is an inability of the man to pay his debts, because that is what "bankruptcy" means. That may be a very extraordinary proposition in Maine—I do not undertake to say—but it is not an extraordinary proposition in the moral or the commercial world.

But let us look a little further, because this is too serious a matter to have mere joking upon. My friend says, strike that out because it is hard upon the debtor. You do to him what? You say to him "Your property must be equally divided among all your creditors, because your conduct has been such, upon examination, as to satisfy the court"—and it is only in that case that he becomes a bankrupt by the non-payment of his paper—"that you are unable to go on with your business; you have not paid; you cannot pay; you cannot raise the money to go on with your business and meet your engagements. What are you going to do? Are you going to keep your store full of goods, and sell them out, and put the money in your pocket and not pay; or what are you going to do? Are you going to lock up your store and do nothing with your goods until the rats and the ravages of time have destroyed all their value? Are you going"—to use a Maine illustration—"to leave your logs to rot in the boom until they become of no good to anybody, and put yourself on the ground, folding up your arms and saying, 'I am an honest man, and you must not touch my property, and must not ask me to pay; let it go to ruin?'" Is that the doctrine? It certainly is not; I know it is not the doctrine of my friend. He is only speaking somewhat like a poet, upon an imaginary topic.

Look a little further. Suppose you strike this out—and I have said this before—do you then say that the man is not a bankrupt because he does not pay? Suppose you take this out of the law, where is he then? He is a man still unable to meet his engagements, is he not? Striking this out of the law does not make him able to pay, does not furnish any money to anybody; the Treasury of the United States is not called upon to fill his pocket, but he is left out of the protection, as he is out of the proceedings, of the law, for what? Suppose he owes me and lives in Maine; I sue him in the circuit court of the United States, entirely independent of the local laws of Maine. They may have a law like Illinois for an equal division among creditors on suit. Suing in the United States court as a non-resident creditor, I am not troubled about that; it is a local law, that does not disturb me in the least, that has no application to my case. I therefore, by the marshal, seize the whole of this man's property for a debt which does not amount to a tenth of it, and eat it up with the expenses of watching and keeping, while I am getting a judgment against him, and leave his neighbors at home to go begging for the money that is due to them when I have got my pay and have eaten the thing up in fees and costs.

Why, Mr. President, I have on my desk, though I will not take the time to read it now, one instance in the city of New York showing the beauty of this process of State law as distinguished from the bankrupt law, where a man was proceeded against under the State law, having a piece of real estate—merely a vacant lot. Three judgments were got against him, the amount of all of which was just about equal to the value of the lot of land that was sold, the first judgment being about one-third or one fourth of that. There were three suits. The consequence was, under the State law to which my friend would turn over the honest debtor, that the sheriff, in making his three levies and charging his three commissions and charging for his three sets of watchmen, and so on, consumed so much, that the net proceeds of the sale just paid the first judgment of a creditor of the property, and the fees eat up all the rest, and the two other judgment creditors got nothing. That is to say, a piece of property which was worth, say $10,000—I have the official statement here from the sheriff's office, which illustrates State law—one single estate of $10,000 was entirely eaten up in paying the judgment of a creditor whose debt amounted to a fourth of it.

Now my friend proposes that this first creditor and the sheriff in the New York case shall take everything, because the man does not meet his engagements at the time, and that the other two creditors shall get nothing; whereas if that very case had been a case where the man was only temporarily embarrassed none of these creditors could have got any advantage by a suit, and they therefore would have had no motive to bring suit, and unless they wished to spend their money for nothing they would not have brought suit, and then the cause, if necessary, would have gone into bankruptcy; and then the Senator would have found, as exorbitant as fees have been in bankruptcy, (as they are in every court unless people defend their rights,) that each creditor would have got his proportion, and would have got at least 50 per cent. on each of the debts.

I submit to my friend, whose candor I entirely acknowledge and whose intelligence I so often lean upon and follow, that it is an act of cruelty to the debtor, to say nothing of the equality that ought to exist among creditors in sharing the estate it is an act of cruelty to take him out from this forty-day provision, and turn him over to the various conditions of the State laws in every part of the Union, and to the various rights of creditors in all parts of the Union, some suing under State laws and some suing under national laws.

Why is it, Mr. President, that the Constitution gives to Congress the right to regulate commerce among the several States? What is the philosophy of that? Is it not that, in respect to commercial affairs and business transactions such as are carried on by traders, and brokers, and merchants, and bankers, there shall be a national unity of industry and of progress and of enterprise, and at the same time there shall be a unity of redress, so that in these respects there shall fall under one broad and equitable law the interests of every part of the community—so that no provision of one State law shall secure to the citizens of that State a preference over others—so that no right of a non-resident shall enable him in a State to secure a preference which the citizens of that State may not be enabled to reach?

Mr. MORRILL, of Maine. Will the Senator allow me to make one suggestion? This law does not apply to national banks, I understand?

Mr. EDMUNDS. I understand it does.

Mr. MORRILL, of Maine. Then, if this principle applied to national banks, what would have been their condition last autumn when they suspended? Do I understand that this law would apply to them?

Mr. EDMUNDS. In my opinion the bankrupt laws of the United States apply to national banks and to State banks, although there is another remedy for winding them up under the bank act itself, which I do not assume is superseded by this later act of bankruptcy, and yet I have no doubt myself that the bankrupt law applies to national banks as falling under the head of bankers. And so, as my friend says, what would have been the result? The result would have been exactly what it was, because the law of the last fall in these respects is exactly as it is proposed now, except that we have extended the fourteen days to forty. And then what did we find? We found that every national bank that was honest, that was good, that had assets sufficient to meet its liabilities, went on; that it was not proceeded against in bankruptcy; that it was not proceeded against under the bank act of 1864. My friend will find it so in every case, speaking largely—I do not mean literally every case, but ninety-five in a hundred—that where the failing debtor or the debtor not being able to meet his engagements at the day, in this breathing-space of forty days, makes an exhibit to his creditors, none having the right to get an advantage over him or over their brother creditors, which, when made, appears to them to be honest and fair, so that there is hope for him, provision will be made by which he can go on without any bankruptcy at all. This very feature, that while the debtor is in suspense no man can commit a fraud against another, or get an advantage over another, either the debtor or his friends, or the creditors as against each other, is one of the most valuable features of the law; and yet, in common experience, you do not see it at all, because it is never brought into court. It is like many laws against crime and wrong in society, which are valuable, not because there are indictments and convictions under them as a rule, but they are valuable as holding out a terror to evil-doers and an inducement to right-doers to uphold and maintain the law. Society could not go on if the only value of penal and police law was in the fact that it had condemnations and punishments. It is only the fact that the law is held up as a standard by which right-minded men endeavor to conform their movements and their actions, and as the terror which is held out to wrong-minded men that they will be punished and defeated if they attempt to overreach it. That is the value of the law. It is the value of this one. There are a thousand cases under this very clause which we are discussing where the debtor is preserved from a bankruptcy and a ruin that would otherwise follow him to a certainty under the operations of seizures on execution and suits for debt, which by this law are entirely obviated, and he goes on without the aid of the law ever having been invoked at all. I beg Senators to reflect upon this, that you destroy not merely the few cases that actually come before the courts under it, but you take away the very sheet-anchor of the safety of the debtor, and of the creditor too as it respects fairness and equal dealing, and leave everybody at sea.

Mr. THURMAN. Mr. President, there was one remark made by the Senator from Maine that I hope, on reflection, he will not repeat, nay, that he will take back, and that was, that it is impossible to maintain in the United States as high a standard of commercial integrity as is required in England.

Mr. MORRILL, of Maine. I did not mean to say that.

Mr. THURMAN. That is what the Senator did say, and I am glad to hear that he did not mean to say it.

Mr. MORRILL, of Maine. I question whether anything that passed from me is susceptible of that interpretation. While, perhaps, I did not express myself accurately, what I did mean to say was, that it was unreasonable to expect, in a country situated as we are, with so

great a variety of interests, that our people could meet their commercial obligations with that strictness and promptness, and submit to that exactitude of law in regard to such matters, which might be enforced in England. I believe I said distinctly that of course the same code of morals applied here as there; that the moral obligation was the same here as there; but that it would be impossible to force a community like ours by the same code of laws that would apply to a trading and commercial community. That was the distinction I intended to draw.

Mr. THURMAN. I felt very confident that my friend did not mean what his language seemed to import, and I am the last man to hold anybody to language inconsiderately used, or such as may fall from him in the heat of an unprepared speech. But I have this to say to my friend from Maine, that this provision to which he takes exception applies only to merchants, traders, bankers, brokers, manufacturers, and miners. Perhaps all those persons, or nearly all of them, were included under the old English word in the first bankrupt law—"trader"—and I think it will be found by looking at the decisions of the courts construing that word that it was held to include nearly or quite all the classes of persons mentioned in the bill now before the Senate. And now I put it to my friend, who is well versed in history, will he go back to the statute of bankruptcy in the reign of Henry VIII, which was very much more stringent than this law which is now before us, and tell me that the people of England, in the reign of Henry VIII, were any more able to keep their commercial engagements than the people of the United States in the year of grace 1874? Why, sir, England in the time of Henry VIII was almost a barbarous country, as the Senator well knows. England in the time of Henry VIII had not the one-hundredth part of the commerce of the United States of America at this time. There was nothing like the wealth there then that we have now, nothing like that great body of merchants and bankers and trading men that come within the provisions of the section that is now under consideration, and who are a thousand times more able to meet their engagements than were the traders of the time of Henry VIII in England. No, sir; it is not true that our people are less able to meet their commercial engagements than the people generally of the kingdom of Great Britain. If so, all our talk, and boasted talk, about the prosperity of this country is nothing but boast, and very empty boast at that. If it be true that the commercial people of the United States are worse able to keep their commercial engagements than the commercial people of Great Britain, all this talk of ours is mere boasting. It is true that in Great Britain there are greater fortunes than there are to be found in the United States; it is true that the aggregate wealth is greater than in the United States; but the average wealth of the commercial and business men of that country is not so much greater, if greater at all, than that of the people engaged in business in the United States that you can erect one standard for them and must erect a very much lower standard for us.

Now, Mr. President, I must beg leave to repeat, and I am very sorry to do it, the ground on which this provision in the act which is sought to be stricken out rests, and I will do it in as few words as possible, apologizing to those Senators who heard me before when I went into the matter somewhat at length; but there is this misfortune about this bill, and it is a misfortune that attends a great many of the laws that we enact and which are of the greatest importance, that if they have no political significance or party interest they attract very little attention from the Senate, and that consequently what is said about them is very little listened to, and half the time the Senate is not half full. I repeat, therefore, what I said before, that the fundamental idea of a bankrupt law is, not that the debtor has been guilty of fraud, but simply that he is unable to pay his debts as they mature in the usual course of business; and if he is a trader, that is, if he is here a merchant, a banker, a broker, a manufacturer, or a miner, or if the party is one of the great corporations that we mentioned, a moneyed, business, or manufacturing corporation, and is unable to pay its debts as they mature in the ordinary course of business, then he or it is insolvent, then his or its property is liable to be seized by any of the various processes known to the law; and then steps in the bankrupt law and says that as this man is unable to meet his engagements, as his property is liable to seizure, as unjust preferences thereby may be created, the Congress of the United States, under the plain power conferred upon it by the Constitution, enacts a law which will take that property and administer it equally for the benefit of all the creditors, share and share alike, proportioned to their respective claims.

Is there any injustice in that? Is there any hardship in that? Is not equality equity all the world over? And when it is simply a question (for that is what it comes to) where that estate shall be administered, whether it shall be subjected to all the preferences and advantages that may be obtained in the common-law courts, or whether it shall be administered as a decedent's estate is administered, for the benefit of all creditors alike, pray where is the hardship to either creditor or debtor in that? Sir, I must confess that I am a little surprised at the assaults made upon this section of our bill when in point of fact it ameliorates the present law so much that the only real question among business men in the country is whether we have not taken out the whole life-blood from it. Among the hundreds of letters that have come to the committee and members of the committee, not one of them says this is too harsh. The only thing that is said by either side is, "You have perhaps taken out the very life-blood from the law and made it of no efficacy whatever."

When we have made this law to require not only one-third of the creditors in number but one-fourth in amount to put a person in bankruptcy; when we have extended this provision from fourteen to forty days; when we have provided that a majority of creditors in number and amount may ask the court, and the court may at their petition dismiss the whole proceeding; when we have provided for a composition, with the assent of a majority of the creditors in number and amount and of the bankrupt debtor, which when approved by the court shall be executed; when we have provided all these things for the ease of the creditor as well as the protection of the debtor, it does seem to me passing strange that we should be held up here as if we had gone back to the barbarous ages of antiquity when the creditor could sell the debtor and his children into slavery for the payment of his debts. No, sir; there is no justice whatsoever in this criticism.

If we intend to take away the very foundation of a bankrupt law, and to say that nothing shall be bankruptcy but fraud, contrary to the provisions of bankrupt laws in every civilized country in the world, Congress can do it; but then it will be a serious question whether the law is worth the paper upon which it is printed.

The PRESIDING OFFICER, (Mr. ANTHONY.) The question is on the amendment of the Senator from Illinois, [Mr. OGLESBY,] upon which the yeas and nays have been ordered.

Mr. COOPER. I am requested by the Senator from Georgia, Mr. NORWOOD, to inform the Senate that he is detained by sickness.

The question being taken by yeas and nays, resulted—yeas 18, nays 34; as follows:

YEAS—Messrs. Bogy, Clayton, Conover, Cragin, Hamilton of Maryland, Hitchcock, Ingalls, Johnston, Logan, Mitchell, Morton, Oglesby, Ramsey, Ransom, Sherman, Spencer, Tipton, and West—18.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Buckingham, Chandler, Conkling, Cooper, Crozier, Edmunds, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hamilton of Texas, Hamlin, Howe, Jones, Kelly, Merrimon, Morrill of Vermont, Pratt, Robertson, Sargent, Schurz, Scott, Stevenson, Stewart, Sumner, Thurman, and Wright—34.

ABSENT—Messrs. Alcorn, Ames, Brownlow, Cameron, Carpenter, Davis, Dennis, Dorsey, Fenton, Gordon, Lewis, McCreery, Morrill of Maine, Norwood, Patterson, Saulsbury, Sprague, Stockton, Wadleigh, and Windom—20.

So the amendment was rejected.

Mr. ALLISON. I desire——

Mr. SHERMAN. I have an amendment pending.

Mr. ALLISON. Very well.

Mr. SHERMAN. As the Senate has determined not to strike out this clause, I move now to insert, amendatory of it, between lines 39 and 40, the words, "being a banker, broker, merchant, trader, manufacturer, or miner." This is only to make the idea a little clearer, and hence I suppose the Senator from Vermont will not object to it.

Mr. EDMUNDS. I have no objection, if the Senator prefers to insert those words. The committee think that to be the law now; but there is no harm, of course, in making it perfectly specific.

The amendment was agreed to.

Mr. SHERMAN. Now I move to add, after the words that have just been inserted, the words "and being indebted over $3,000."

Mr. EDMUNDS. I hope that amendment will not be adopted. It is, in substance, a branch and part of the amendment of the Senator from Illinois that has been rejected. It comes to the same thing. This experiment of limiting the sum to a large one which should be acted upon was tried under the act of 1800, and was one of the causes, so far as you can gather from the debates, that led to its repeal, it making one rule for one class of the community and another for another, growing out of the fact of their humbleness in society or the extensiveness of their speculations. The only limitation that ought to be made, and the only one that is made in the existing law, which we have followed in this respect, is one where the supposed bankruptcy being gone through with will not furnish from the debtor assets enough to pay the cost of the proceeding, and, therefore, you might just as well leave him to be eaten up by the creditors under the State laws as to force him to go through bankruptcy, or allow him to go through himself—the case being too trivial, in fact, for the law to take notice of; and that limitation now is $250.

This proposition of my friend from Ohio is to say that the inability to pay commercial paper by a merchant—I will not name the others, because it takes time; I take that as the chief of the class—the inability to pay commercial paper by a merchant, that is to say, the failure of a merchant, shall not bring him within the scope of the bankrupt law to have an equal distribution of his property among his creditors, instead of an unequal one under State laws by forty suits instead of one, unless he owes $3,000; that all the small traders of the country in my friend's State and in mine shall be left to the pitiless mercy—if I can use a contradictory expression to show how intense I mean it to be—to the pitiless severity, to put it in a straightforward phrase, of their creditors, without anything to break the shock, without a single day to intervene between them and ruin. It leaves that class of men without the protecting benefit of this provision of bankruptcy, under which a man cannot be forced to be a bankrupt without a third in value of his creditors asking for it, and which protects him in substance, as I have stated, but not in technical form, as my friend from Illinois supposed I said, against vexatious and preferential suits during this period of time, or any other period, in fact, as long as he is able to go on, and for forty days while he is not, and

then holds him under the protection of a quarter of his creditors, including his friends, and a third of his debts in amount—I say it is unmerciful to the debtor, if my friend will reflect upon it, and it is unjust to the creditor, in the sense that it deprives him of that equal share in the estate of the debtor who cannot meet his engagements, who under the law would be entitled to force him for his own protection, when otherwise he would wait, be merciful, and would compose—forces him to fly to the lawyer and to the sheriff at once, in order to gain an advantage which, if he does not gain for himself, he feels sure some other creditor will before the time is out.

I can illustrate that to my friend. In my own town there is an institution, with which I have a very small connection, because wealth has not crowned me with her banners, which lends money—a national bank. I happen to know—and I only take that as illustration, and it is so all over the country—that there may be $100,000 of suspended paper in that bank from this panic, paper of small traders, owing from five hundred to fifteen hundred or twenty-five hundred dollars. The bank does not take any steps against those traders; it believes them to be honest; it believes that if they can be let alone they will work out. Under the laws of the State of Vermont, but for this bankrupt act, which holds out to every creditor the fact that he cannot get an advantage that he can hold on to, that bank would feel obliged, as a duty to its stockholders, to sue every one of these men, because, wiping out this law, any other creditor that they owe, any city merchant, or anybody else, would come forward and by the sheriff seize their property, and sell it at a sacrifice in fourteen days, unless they have a defense, and thus ruin the men and deprive all the other creditors of any chance.

I appeal to my friend, whose good sense in these matters I fully appreciate; I appeal to his judgment and conscience, whether these considerations that I have named to him in the interest of the debtor himself, though a small one, and in the interest of the creditors themselves, to uphold the debtor and keep him on his feet instead of letting him go to ruin, do not require us to leave this limit where the law leaves it now, where it is presumptively the limit of the expenses of the procedure. I put it to my friend for his consideration.

Mr. SHERMAN. The Senator from Vermont does not mistake, but it seems to me he does not correctly inform the Senate of, the nature of the thirty-ninth section of the bankrupt law. This is an adversary proceeding. The Senator speaks of this section as being something for the benefit of the debtor, and therefore he says that this amendment of mine will be an injury to the debtor. Why, Mr. President, all the proceedings under this section of the act are adversary proceedings, commenced by the creditors against the debtor. By other provisions of the act the debtor has the right to appeal for the benefit of the bankrupt law, but under the thirty-ninth section he is the defendant; the proceedings are adversary as against him. Every proceeding is commenced by a certain number of the creditors against the debtor to force him unwillingly into bankruptcy.

I hope Senators, especially in considering this amendment, which I regard as important, will consider the nature of the proceedings we are called upon now to inaugurate. This is an adversary proceeding against the debtor. So far as it provides penalties for fraud or wrong, or enables the creditors to seize the property of the debtor when any act is done inconsistent with plain and simple honesty, I have not a word to say; whether the property is great or small, the debts great or little, it ought to be pursued. But the question is whether we ought to authorize proceedings in bankruptcy where the whole amount of indebtedness is but $3,000. Take the case of the State of Ohio. We have only two judicial districts in that State in which all these proceedings must be commenced. We have a population of three million of people, so that one million and a half of the people must be brought before a single court at a remote part of the State in order to have either the benefit or the penalties of this law. You take the case of an ordinary small trader in any town in Ohio outside of Cleveland and Cincinnati, and if his debts are $3,000, and his property is $3,000, if he is forced into bankruptcy under the thirty-ninth section of the act he will not pay one single cent on the dollar.

My friend says that the limit of $250 is about the limit of the costs of a proceeding in bankruptcy; but that has not been the general experience, when you take into consideration the expense of proving accounts, the necessity of going before the register in bankruptcy, and the necessity of having all the various proceedings carried on. I have not the tables to show the average cost of a proceeding in bankruptcy, but it is manifest that if all the small cases of insolvency in the States are to be carried into courts so sparse, only one to a population of a million and a half, the creditors can get nothing, or scarcely anything. But that is not all.

This proceeding in bankruptcy is a harsh proceeding. In a commercial community to be called a bankrupt is not so bad a thing. Merchants and traders, and business men of that kind, sometimes are overwhelmed by misfortunes, and the most honest, and the most conscientious, and the most useful men may sometimes be driven into bankruptcy; and it is no reproach to a man under those circumstances. A man engaged in the hazards of a large trade—buying abroad, transporting at a distance—becoming a bankrupt is not injured in reputation or character; but it is very different when you are dealing with a class of people, small traders, in remote communities. There the failure of a man to pay his debts, mostly to his neighbors around him, mostly domestic debts, is quite a different thing, and in popular opinion to be called a bankrupt in a community of that kind is quite a different term from the ordinary term of a commercial bankrupt when applied to large transactions and men engaged in hazardous business.

Now, in this respect we are passing a remedial law, a law for the collection of debts; because this compulsory proceeding in bankruptcy is only a law for the collection of debts. It is nothing else. It is not a law for the relief of creditors; it is not a law for the relief of debtors; it is a law for the collection of debts. It is a proceeding adversary to the debtor, to enforce and to use the enginery of the law to collect a debt. There is an allegation made that the man has committed some act recited in this law, or that he has neglected to pay his commercial paper, say for forty days; and it is quite a different proceeding, it seems to me, from an ordinary bankruptcy proceeding in a trading community. What is the occasion for it? Are not the laws of the State sufficiently powerful and sufficiently potent and sufficiently well guarded to enable the State courts to administer a little estate where the whole amount of indebtedness is $3,000? I say that when you carry all these small bankruptcies among the small class of traders into the courts of the United States, at a great expense, you first injure the creditors by wasting the assets, and you inflict an unnecessary penalty upon the debtor. Why, sir, in a great number of these cases where small traders and merchants fail in the country towns, they will struggle along and struggle along and struggle on, and finally get their heads above water and get out of debt. What is the use of forcing them by an adversary proceeding to go many miles off, one or two hundred miles away, to have their estates settled by persons who are accustomed to large transactions and large fees? A man who is called before a court of common pleas to confess a judgment, or whose estate may be settled up under the direction of a local tribunal under an assignment for the general benefit of creditors—which is an ordinary transaction in our country—may well be startled at your bankruptcy provisions. When a man becomes involved, almost the first thing he does is to assign his assets to some trustee in the neighborhood for the benefit of all his creditors; that, under the laws of Ohio, is a very common proceeding; and then the local courts administer this fund, distribute it; and it does not cost one-tenth as much as it would under the courts of the United States. No one can know better than my colleague, who for a long time sat upon the bench, that these local courts, which are brought home to the communities, brought home to the people, will take and settle up the business of a debtor, will enforce the collection of debts, and preserve the rights of creditors, with one-tenth the cost that the district court of the United States can or will do it. It is not possible in the nature of things that it should be otherwise. The local tribunals will dispose of all these cases promptly and cheaply.

It is different, however, in regard to merchants whose transactions extend to other States, whose creditors may be in other States. There it is proper enough to give the benefit of the courts of the United States; but in the cases provided for by my amendment the debts would generally be local in the neighborhood, and it would be unreasonable to require the small creditors of a small debtor to prove their claims, and go two hundred miles in order to make their proof, with a view to getting, at some time in the dim future, 1 or 5 or 10 per cent. of a broken, insolvent, bankrupt estate, where the whole amount of indebtedness is $3,000.

I tell the Senator from Vermont that in my judgment this simple provision will make the people of the country, of the Western States at least, more contented and better satisfied with this law. They will then regard this compulsory provision of the law as simply a means of enforcing and collecting the debts of merchants whose transactions extend beyond the limits of the State, and not a mere trader, manufacturer, or miner. Take a small manufacturing establishment, take a cigar manufacturer, or take an ordinary trader, whose whole sales would not amount to $3,000 a year, and whose whole indebtedness is under $3,000. It is *de minimis*—too small a matter to take before a court of the United States. You ought to deny the jurisdiction of that court to cases which are so small.

It seems to me, therefore, that in the interest of creditor and debtor it would be wiser to extend the limitation now contained in the bankrupt law of $250 up to that amount which by common practice is shown to be not more than enough to exhaust all the estate. When a man is in debt only $3,000, certainly we can leave him to the local courts to administer the property. As for particular persons getting priority of lien, there is no trouble about that. If there is any difficulty in that way, the debtor knows it, and he may step forward and apply for proceedings in bankruptcy. He may make an assignment for the general benefit of his creditors, and I presume there is no State in the Union where a general assignment for the benefit of all the creditors does not operate equally and alike to all, and does not cut off any but prior mortgages and liens that have already accrued. That is an ordinary proceeding, I presume, in every State.

It seems to me, then, that this provision inserted in the law would tend to satisfy thousands and tens of thousands of people all over the country, who will feel that this bankrupt law, by transferring their small business and their small affairs to an expensive tribunal at a remote distance, is not doing them justice and right. I hope, therefore, that this amendment will be adopted, and if it is, or whether it is or not, I shall submit a proposition to extend the period of forty days to ninety days.

Mr. STEWART. I think the reasons assigned by the Senator from Ohio, with all due respect, operate very strongly against his amendment. He says that small debtors would be oppressed by this proceeding, because the estate would be exhausted in costs and used up in that way. Suppose that to be true; yet creditors are not near as likely, as practice has shown, to bring these suits. Our courts before the passage of the bankrupt law were full of attachment suits. There was a motive on the part of the greedy creditor then to get all the property, if there was little; and he would go into a State court and grab it, and break up and destroy the debtor entirely. There was that inducement on his part on the one hand; on the other hand there was an inducement for the small debtor to go and buy a stock of goods, and, when he got them to the place of destination, to have them attached the next day on an old debt, in pursuance of a previous arrangement. That was very common. It usually happened in amounts under $3,000, and it occurred almost daily in some States of the Union. A man would get a bill of goods, and when he had got two or three thousand dollars' worth of goods, his cousin, or somebody who had an old claim against him, which it was understood in the beginning should go into his hands, would attach them; or some greedy creditor would attach this small stock. The consequence was to multiply litigation, as any lawyer who has practiced law and observed the operation of the attachment laws of the different States will remember; and it is in these cases of small amounts that the greedy creditor was oppressive, and that the rascally debtor had a chance to have attachments put upon the property by collusion. These transactions figure in cases where the amounts were under $3,000 generally.

Mr. SHERMAN. The Senator misapprehends the amendment. The amendment is confined to cases where there is no allegation of fraud. It does not reach all cases.

Mr. STEWART. It does not make any difference about fraud. I am not mistaken. Suppose there is no allegation of fraud; here is a small debtor who owes $3,000. The creditor gets an idea that he may not be able to pay, and pounces upon his property when the debtor is struggling on, and drags him up under the attachment laws of almost any State of the Union; whereas under the bankrupt law, if he commences proceedings at all, he knows there must be a distribution among all the creditors, and consequently the inducement to commence suit and make a grab-game is taken away. On the other hand, if the debtor's cousin, or his uncle, or other relative, has an old note and attaches the property, he has got to come in and divide with recent creditors, including the person who furnished the goods.

My experience is that this has worked most wholesomely, and this amendment would destroy the whole value of the bankrupt bill, which requires honesty among small dealers in the first place, and next requires forbearance, for it is to the interest of creditors to be forbearing toward small dealers; whereas under the State attachment laws the inducement to grab for all on the part of one is so great that you have frequent attachment, and then the inducement on the part of the debtor to get a stock of goods and have them attached to pay an old debt, and so you have questions of fraud to be canvassed.

This amendment would destroy the efficacy and the moral effect of the bankrupt law, in my opinion. I would not give a cent for it if it did not take away the motive of the creditor to destroy small debtors. That it does, because it does not permit him to go in and destroy a small debtor. It is a protection to small debtors, and it is a protection to honest creditors. They can trust now, when they could not formerly. They can trust a man now, when they could not under the State attachment laws. They have a great deal better chance on both sides. It is the most wholesome provision of the law, in my opinion.

Mr. THURMAN. I shall occupy but a very few minutes in making some suggestions in reference to this amendment. I fully appreciate the motives of my colleague in offering it, and I have felt from the time that he showed it to me that it deserved consideration; but the more I have reflected upon it, the more I have become satisfied that it would not be wise to adopt it.

In the first place, I wish to mention one fact connected with this amendment that would make it extremely embarrassing. It is true that it is limited to the cases of bankers, brokers, merchants, traders, manufacturers, or miners, and requires that in those cases, before either of them shall be put into bankruptcy, their debts shall be over $3,000. The fact, then, is a jurisdictional fact. There must be $3,000 indebtedness, or the court will not have jurisdiction. Whether there are $3,000 of indebtedness or not, is a fact that cannot be ascertained until long after the proceedings have been pending. You cannot require that fact to be verified in the first instance to authorize the filing of a petition. All that the petitioner could do would be to swear that according to the best of his belief the debtor owed $3,000. He might not know the fact; the debtor might owe it, or he might not. All that the petitioner could reasonably be required to swear would be that he believed his debtor owed $3,000; but whether he did owe $3,000 or not is a fact that could not be definitely ascertained until long after the petition had been filed and the proceedings had gone on.

Mr. SHERMAN. I will ask my colleague whether it would be just as easy to know the whole amount of his indebtedness as it would to know the fraction necessary under the section as reported by the committee?

Mr. THURMAN. I was going to come to that, because I anticipated that that question would be asked. The difference between the two cases is this: where a certain proportion of the indebtedness is required to concur in preferring the petition, as we require, if it is found, upon investigation, that that proportion does not exist, we give the parties day, we give them, to use a legal term, imparlance, that they may make up the amount; but in the case of the amendment offered by my colleague there is no such way of mending the matter. If it should turn out at any time—perhaps after long litigation upon the very subject of the bankrupt's debts, after great expenses had been incurred, perhaps nearly all the expenses incurred—that his debts were only exactly $3,000 at the time the petition was filed, then the whole proceeding falls for want of jurisdiction.

It was therefore that I suggested to my colleague yesterday that it would be a much wiser way to get at this matter, to require that the petitioning creditors should represent debts, say of $1,000. Then if they represented $1,000, as they must be one-third, his object would be attained, and the jurisdictional fact would not exist which would be required if the amendment were in his form.

That is the first thing. Then in respect to the difficulty of proving debts where the debts are so small, or the onerous *onus* that is thrown on people going, as my colleague says, two hundred miles to prove debts. There is no such thing as that. The law now allows the debts to be proved before any register in bankruptcy or any commissioner of the circuit court of the United States, and there are very few counties in any State that do not contain either a register in bankruptcy or a commissioner of the circuit court of the United States, where there is such a court in existence. In fact the late Chief Justice appointed registers, I believe, in every congressional district in the whole United States.

Mr. EDMUNDS. One or more.

Mr. THURMAN. He appointed one, and might appoint more; and we know that in every congressional district in the United States there are one or more, and frequently a great many, commissioners of the circuit court of the United States. I think it would be a wise thing, and I think if no one else does I shall propose an amendment to that clause of the bankrupt law, so as to allow an account to be proved before any justice of the peace or notary public. There is no reason in the world why it should not be. It has to be acted upon in the end by the bankrupt court, and the probation of it may just as will be made before a justice of the peace or a notary public as it may before a register in bankruptcy or a United States commissioner, and thus every man may prove it at his own door.

Now, Mr. President, in regard to the substance of this amendment, it must be admitted that in principle there is no difference between an indebtedness of $3,000 and under and a larger indebtedness; that is to say, the same reasons that obtain for a bankrupt law where the indebtedness exceeds $3,000 exist where the indebtedness is less than $3,000. But further than that, as there is no difference in principle, so there is very little practical importance, I am inclined to think, in the amendment suggested by my colleague; for I do not believe that in one case out of a hundred—perhaps I should be safe in saying one case in five hundred—any banker, broker, merchant, trader, manufacturer, or miner has been put into compulsory bankruptcy who did not owe more than $3,000. But, now, what a curious kind of man he would be—banker, broker, merchant, trader, manufacturer, or miner—who should suspend payment and be put into bankruptcy when his indebtedness was not more than $3,000. Practically I think the amendment is not of any very great consequence.

Mr. SHERMAN. If my colleague will strike out the words "trader and manufacturer" I should be willing to compromise with him, but the word "trader" is very extensive.

Mr. THURMAN. It is a very extensive word; and "manufacturer" is extensive, for there are a great many small manufacturers in some little matters; but yet I think it will be found that there are very few cases indeed where the indebtedness has not exceeded the sum of $3,000.

Mr. President, I do not know that it is necessary to say more on this subject. In principle there is no difference between the smaller debts and the larger debts, and practically I think it is not of much importance, but I should not leave this without one further observation. The object of a bankrupt law is twofold: first, it is remedial, affording a remedy by which the estate of an insolvent person may be equitably administered—that is its remedial feature; but it has another feature, and that is, the feature of prevention. The very fact of the existence of such a law prevents undue and fraudulent preferences, and the necessity for their prevention is just as great, not in amount but in degree, where the debts are $3,000 or under, as where they are more than that; and therefore I do not know why this preventive feature of the bankrupt law, which makes it impossible, or at least deters the giving of fraudulent preferences or the obtaining of advantages, should not apply as well where the debt is under $3,000 as where it is over that amount. However, I must say for myself that I would be perfectly willing that the provision of the law which requires that the debt shall amount to $250 should be increased to $1,000. I would have no objection to that so far as I am concerned. I speak, however, for myself alone. That would require really an indebtedness of $3,000. I think, however, it would be better not to increase it so much as that; say not more than $500, which would require a total indebtness of at least $1,500, and that can be achieved in a moment by an amendment striking out "$250" in the proper section of the bankrupt law, and inserting "$500"

Mr. FRELINGHUYSEN. The Senator from Ohio [Mr. SHERMAN] has introduced this amendment in relief of and for the benefit of small traders whose indebtedness is not more than $3,000. In my opinion he is doing that class of traders and merchants a great injury. It is very true, as the Senator says, that this involuntary bankruptcy is adversary, hostile, when it is put into operation towards a trader; but it is also very true that the existence of such a law is a great protection to him. For instance, during the last hundred days, here is a trader who owes $2,000. If the bankrupt law did not protect him, his property would be seized by attachment and execution, and he ruined; but the banks and persons who are willing to give credit to that small trader know that no person can step in ahead of them, and the consequence is that they are willing to give him credit. He can go to a bank and he can borrow $500; the bank is perfectly sure that no execution creditor can come in and take away his property. In that way the law is a great protection to the traders. Therefore I think the amendment is injurious to the very class that the Senator proposes and hopes to benefit.

Mr. STEVENSON. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and thirty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 4, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

FORT MIFFLIN, PENNSYLVANIA.

The SPEAKER laid before the House a letter from the Secretary of War, in relation to the proposed construction of a powder-magazine on the old Lazaretto tract, near Fort Mifflin, Pennsylvania; which was referred to the Committee on Military Affairs, and ordered to be printed.

WINDER'S BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the purchase of the property adjoining Winder's Building; which was referred to the Committee on Appropriations, and ordered to be printed.

DISBURSING OFFICERS OF THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the number of accounts of disbursing officers of the Army which stand unsettled under the act of January 2, 1870; which was referred to the Committee on Military Affairs, and ordered to be printed.

ALLEGHANY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to leasing or selling a portion of the Alleghany reservation in the State of New York; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CLERKS, ETC., IN POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, asking an appropriation to employ eight additional clerks and one additional messenger in his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN TRIBES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House, transmitting the draught of a bill to amend the acts of June 30, 1834, and February 13, 1862, to regulate the intercourse with various Indian tribes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ROUND VALLEY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill to amend an act "to restore the Round Valley Indian reservation in California to the public lands, and for other purposes," approved March 3, 1873; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF WILLIAM M. CHENAULT.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of January 26, 1874, in relation to the claim of the heirs of the late William M. Chenault, of Carthage, Missouri, for property alleged to have been taken by the Government; which was referred to the Committee on Claims, and ordered to be printed.

PAYMASTERS' ACCOUNTS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of January 7, 1874, in relation to what accounts of regular and additional paymasters of the Army for disbursements during the late war are unsettled, what amounts and from whom they are due, and what has been done toward their collection; which was referred to the Committee on Military Affairs, and ordered to be printed.

SETTLERS IN WASHINGTON TERRITORY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of an appropriation to pay for improvements by settlers on lands set apart for Makah Indians, in Washington Territory; which was referred to the Committee on Indian Affairs.

PATENTS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, in relation to certain articles deposited in the Treasury Department for safe-keeping by the Commissioner of Patents, on the 10th of May, 1849; which was referred to the Committee on Patents.

STURGEON BAY AND LAKE MICHIGAN SHIP-CANAL.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, in answer to a resolution of the House of January 27, 1874, transmitting a report showing the progress of work on the harbor of refuge at the mouth of the Sturgeon Bay and Lake Michigan Ship-Canal, at the close of navigation, 1873; which was referred to the Committee on Commerce, and ordered to be printed.

LANDS IN UTAH TERRITORY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill for the restoration to market of certain lands in the Territory of Utah; which was referred to the Committee on the Public Lands.

INDIAN LANDS IN NEBRASKA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of an appropriation for the purchase from the Omaha Indians in Nebraska of such quantity of land as may be required for the Winnebagoes in Wisconsin, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

TRADE WITH INDIAN TRIBES.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill to amend the acts of June 30, 1834, and February 13, 1862, to regulate trade and commerce with various Indian tribes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Commissioner of Patents, transmitting his annual report for the year 1873; which was referred to the Committee on Patents.

ACCOUNTS OF POST-OFFICE DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Assistant Treasurer of the United States, transmitting, in compliance with the act of July 2, 1836, the adjusted quarterly accounts of receipts and expenditures of the Post-Office Department for the fiscal year ending June 30, 1873; which was referred to the Committee on the Post-Office and Post-Roads.

COMMITTEE CLERK.

Mr. BUFFINTON. I ask unanimous consent to report from the Committee on Accounts a resolution which is a substitute for one referred to the committee.

The SPEAKER. The substitute alone will be read.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Treasury Department and the Committee on Expenditures in the Interior Department have leave jointly to employ a clerk during the present session of Congress, or such part thereof as may be necessary, at the usual rate of compensation.

There being no objection, the resolution was considered and adopted.

HON. GEORGE P. MARSH'S PAPER ON IRRIGATION.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, in answer to a resolution of the House of January 27, 1864, in relation to a copy of a paper on irrigation, contributed to the Commissioner of Agriculture at his request, in the year last past, by Hon. George P. Marsh, minister of the United States in Italy.

The SPEAKER. The Chair directs that this communication be read, as it contains what will doubtless be information to a good many gentlemen of the House.

The Clerk read as follows:

WASHINGTON, D. C., *January* 28, 1874.

SIR: I have the honor to acknowledge the receipt of a resolution adopted on the 27th instant by the House of Representatives in the following words, namely:

"*Resolved*, That the Secretary of the Interior be directed to communicate to this House a copy of the paper on irrigation contributed to the Commissioner of Agriculture, at his request, in the year last past, by George P. Marsh, minister of the United States in Italy."

The paper referred to in the resolution was never received by this Department, and I therefore addressed a letter to the Commissioner of Agriculture, desiring such information as he might possess in relation to said paper. A copy of his reply, of this date, is inclosed, from which it appears that said paper is in the possession of the Department of Agriculture.

Inasmuch as I am unable to comply with the resolution, I have the honor to return the same to the House of Representatives.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

DEPARTMENT OF AGRICULTURE,
Washington, January 28, 1874.

SIR: My attention was called this morning to the resolution of Mr. KASSON referred to in your communication, and I wrote a note to him to say that I had such an article from Mr. Marsh, which had been prepared at my instance for the annual report of this Department, and that it would be doing injustice to Mr. Marsh to send it to Congress. It would necessarily exclude it from the report of this Department.

Respectfully,

FREDERICK WATTS,
Commissioner of Agriculture.

Hon. C. DELANO,
Secretary of the Interior.

The SPEAKER. Gentlemen will please observe that the Bureau or Department of Agriculture is not connected with any one of the Cabinet Departments.

Mr. KASSON. In connection with this subject I submit the following resolution:

Resolved, That the Commissioner of Agriculture be directed to communicate to this House a copy of the paper on irrigation contributed to said Commissioner, at his request, in the year last past, by George P. Marsh, minister of the United States in Italy.

I suppose it is quite right for the Commissioner of Agriculture to decline to report any information to the House through the Secretary of the Interior, he having no connection with that Department. At the same time this information, furnished to him at his request by a gentleman of such distinguished competency as Mr. Marsh, contains facts which are important in connection with the subject of irrigation. I think it should be published now for the information of the House, and afterward it can accompany the report of the Commissioner of Agriculture.

Mr. G. F. HOAR. I notice that the resolution undertakes to *direct* the Commissioner of Agriculture to do something. I desire to inquire if there is any authority by law which gives to one branch of Congress the right to *direct* the Commissioner of Agriculture to do anything?

Mr. KASSON. The same right that we have to direct the head of any of the Departments.

Mr. G. F. HOAR. I understand that in the law creating the Department of the Treasury, and possibly one or two other of the Departments, there is a provision that the head of that Department shall obey the direction of either House of Congress. That provision does not exist in relation to some of the Departments, and I inquire if it is contained in the law creating the Department of Agriculture?

The SPEAKER. What the Chair desired to call to the attention of the House was the fact that the Department of Agriculture was treated as an independent Department, just as the Department of War, or the Navy Department. The Commissioner of Agriculture makes his report through none of the other Departments. By some legislation, which the Chair thinks has not been entirely understood, the Commissioner of Agriculture is as independent as the head of any one of the several Executive Departments.

Mr. KASSON. I think it is quite safe to use the word "direct" on the part of the House of Representatives, and I have no idea but the Commissioner will cheerfully comply with it.

Mr. G. F. HOAR. It seems to me that the House should not undertake to assert an authority which it does not possess by law.

Mr. BUTLER, of Massachusetts. Let the Commissioner raise the point, and he will find out whether we have the power.

Mr. G. F. HOAR. I think it is not a dignified attitude for this House to undertake to assert authority before we find out whether we have the right. The question I asked was, whether anybody believed we had that authority. My colleague [Mr. BUTLER] does not say.

Mr. BUTLER, of Massachusetts. I do most thoroughly believe it.

Mr. G. F. HOAR. Does this resolution require unanimous consent?

The SPEAKER. It does.

Mr. G. F. HOAR. Then I object.

Some time subsequently,

Mr. G. F. HOAR said: I find by reference to the law creating the Department of Agriculture that authority is expressly reserved to either House of Congress to direct the Commissioner to furnish information. I therefore withdraw my objection to the resolution.

No further objection being made, the resolution was adopted.

SAGINAW RIVER, MICHIGAN.

Mr. BRADLEY. I ask unanimous consent to submit for adoption the following resolution:

Resolved, That the Secretary of War be, and is hereby, instructed to transmit to this House copies of the report of survey and estimates of cost for the improvement of the Saginaw River, in the State of Michigan, now on file in the said War Department, that the same may be referred to the Committee on Commerce.

Mr. HOLMAN. Does this resolution direct the Secretary of War to furnish this information to be referred to the Committee on Commerce?

The SPEAKER. It directs the Secretary of War to furnish this information "that the same may be referred to the Committee on Commerce."

Mr. HOLMAN. The resolution ought to go to the Committee on Commerce under the practice of the House.

Mr. CONGER. It is a mere resolution calling for information to be reported to the Committee on Commerce.

Mr. BRADLEY. I ask permission to make a statement. There has been a survey made and the reports are now on file. I simply want to get these papers from the War Department before the Committee on Commerce. The resolution calls for that information that it may be referred to the Committee on Commerce, and I think there should be no objection to it.

Mr. HOLMAN. I do not object; although, if it is the practice of the House that such resolutions should be referred, I think it ought to be adhered to.

The resolution was agreed to.

ARKANSAS CONTESTED ELECTION.

Mr. THOMAS. I call up the resolution reported yesterday from the Committee on Elections.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That Asa Hodges is entitled *prima facie* to a seat in the Forty-third Congress as a Representative from the first congressional district of the State of Arkansas, without prejudice to the right of L. C. Ganse, claiming to have been elected thereto, to contest his right to the same upon the merits.

Mr. THOMAS. Mr. Speaker, when I reported yesterday the resolution which has just been read, I stated that I did so under the unanimous instruction of the Committee on Elections, or, at least, that the resolution had been adopted by the committee with no one dissenting. I do not desire to make any speech or to use many words. I want simply to say that the committee did not think proper to accompany the resolution in this case with a report; but I did not understand them to desire that a full and fair statement of the case might not be made, if the House should think it necessary. On yesterday, when I demanded the previous question, the gentleman from New York [Mr. COX] intimated that the gentleman from Mississippi, [Mr. LAMAR,] a member of the committee, desired the case to go over in order that he might be heard. To put myself right and not appear to have been guilty of any discourtesy to the gentleman from Mississippi—and surely I could have intended none—I will now say that I would gladly have the gentleman correct me if I misrepresented him in the statement that no one member of the Committee on Elections dissented from the resolution; and if he desires to have time, and the House desires to hear further statements of the matter, I am willing to proceed and to divide with him the time to which I am entitled. But I do not desire to raise the discussion. On the other hand, personally, I have no desire to have the matter come before the House without a full statement, nor does the committee. I ask the gentleman from Mississippi [Mr. LAMAR] if he desires to be heard.

Mr. LAMAR. Mr. Speaker, I do not desire to oppose this resolution or to be heard on it. And I would not have said a word but for the misapprehension of my friend from New York, [Mr. COX,] yesterday, growing out of the fact that there is another case from Arkansas pending.

When this case was before the committee I gave my views at some length, as I thought it should, from its peculiar features, be investigated and determined alone upon its merits. The committee were of the opinion that the resolution of the House devolved upon them the duty of reporting first upon the *prima facie* right. I reserved for myself the right to dissent from this action of the committee, but stated that I did not expect to do so.

While I am upon the floor I will say, Mr. Speaker, that having examined this case upon the evidence, to which the committee deemed themselves restricted by the resolution referring it to them, I could come to but one conclusion, and that was that the *prima facie* case, the right to be seated, pending the contest, upon the evidence before us, is with the gentleman in whose behalf that report is made. I cannot, therefore, dissent from the report, but shall vote for it.

Mr. THOMAS. Then I do not desire to make any further statement, or to enter upon any discussion of the case. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the resolution reported by the Committee on Elections was agreed to.

Mr. HODGES appeared and qualified by taking the oath prescribed by the law of July 11, 1868.

SOUTHERN TRANSCONTINENTAL RAILROAD COMPANY.

The SPEAKER. The morning hour begins at half-past twelve, and reports are in order from the Committee on the Pacific Railroad.

Mr. HOUGHTON. I am instructed by the Committee on the Pacific Railroad to report back, with amendments, the bill (H. R. No. 1557) to incorporate the Southern Transcontinental Railroad Company, and to grant the right of way through the public lands to the same.

The Clerk having proceeded to read the bill,

Mr. HOUGHTON. I suggest that the further reading of the bill be dispensed with for a reason which I will explain.

Mr. SPEER. I object.

Mr. HOLMAN. I insist on the bill being read.

Mr. HOUGHTON. If the gentleman from Pennsylvania and the

gentleman from Indiana will listen to me for one moment I will explain why I ask that the reading be dispensed with.

Mr. WILLARD, of Vermont. Before any discussion arises on the bill, I make the point of order that it should have its first consideration in Committee of the Whole.

The SPEAKER. It will be for the gentleman to make the point of order after the bill has been fully read. The gentleman from California will state what he desires.

Mr. HOUGHTON. I desired to state, Mr. Speaker, that there are provisions contained in this bill upon which the committee are divided. These questions will arise also under the bill reported by the Committee on Railways and Canals, which is now before the House, and which is made the special order for the 25th day of this month. It is the wish of both committees, as expressed by the chairman of the Committee on Railways and Canals, that that bill should be first considered. There is no objection on the part of our committee to that course being adopted; and I therefore propose that this bill shall be the special order for the 26th of this month, the day following the day set for the consideration of the bill reported by the Committee on Railways and Canals.

Mr. WILLARD, of Vermont. I understand that this bill grants the right of way through the public lands.

The SPEAKER. The Chair was looking through the bill to see whether it was obnoxious to the point of order. The bill does grant the railroad the right of way and a certain amount of public lands on each side thereof; which of course would bring it under the rule that the bill must have its first consideration in Committee of the Whole if the point of order be made.

Mr. WILLARD, of Vermont. I make the point of order.

Mr. HOUGHTON. I suggest that this is not the disposition of public property. It is not the right to use the property in any sense, at least not in the sense which requires such matters to go to the Committee of the Whole.

The SPEAKER. The Chair will direct the reading of the tenth section of the bill, in order that the House may know on what he rules.

The Clerk read as follows:

SEC. 10. That for the purpose of encouraging and aiding the early construction of the Southern Transcontinental Railroad, and thereby promoting the public convenience, the settlement of the vast agricultural, pastoral, and mineral regions penetrated by said road, and developing their immense resources, and for the purpose of securing the more speedy, safe, and convenient transportation of the mails, troops, munitions of war, and public stores over the route of said road, and facilitating the supply of the military posts now established, or hereafter to be established, along said route, the right of way through the public lands be, and the same is hereby, granted to said Southern Transcontinental Railroad Company, its successors and assigns, for the construction of a railroad and telegraph line as set forth in the first section of this act. Said right of way is granted to said company to the extent of one hundred feet on each side of the center line of said railroad, where it may pass through the public lands, together with all necessary grounds for station-buildings, water-stations, switches, side-tracks, turn-tables, workshops, engine-houses, machine-shops, and depots, not exceeding ten acres for each station, at intervals of not less than five miles; and said right of way and grounds shall be exempt from taxation within the Territories of the United States. And there is hereby given to said company the right, power, and authority to take, from the public lands adjacent to the line of said road, earth, stone, timber, and other building material necessary for the construction of the same. The provisions of this act concerning the donation of the right of way to said company for its railroad through the public lands shall apply to all classes of lands at the disposal of the United States Government.

The SPEAKER. The gentleman from California will observe, in addition to a grant of one hundred feet on each side, it gives ten acres to every five miles, and also gives the right to take timber, &c., from the public lands. That is clearly a donation of property within the meaning of the rule recently adopted by the House, and therefore the Chair holds the first discussion of the bill must be had in Committee of the Whole on the state of the Union, to which it goes.

Mr. WILLIAMS, of Michigan. I desire to have sundry amendments referred to the Committee of the Whole on the state of the Union with that bill, to be offered when it comes up for consideration; and I ask unanimous consent that they be ordered to be printed. I offer them on behalf of myself and others of the minority of the Committee on the Pacific Railroad.

It was ordered accordingly.

DEWIGHT DESILVA.

On motion of Mr. LAWRENCE, the Committee on War Claims was discharged from the further consideration of a bill (H. R. No. 1415) for the relief of Dewight Desilva, of Deposit, New York; and the same was referred to the Committee on Claims.

COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE. I am instructed by the Committee on War Claims to report back a bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes, with the recommendation that it do pass. I ask for its consideration by the House at this time.

The bill was read at length.

Mr. SPEER. I rise to a point of order on the bill, that it contains an appropriation, and must have the first consideration in Committee of the Whole on the state of the Union.

Mr. KASSON. I make the same point of order.

The SPEAKER. The gentleman from Pennsylvania and the gentleman from Iowa make the point of order that this bill contains an appropriation, and must have its first consideration in Committee of the Whole on the state of the Union. The Clerk will read again the third section of the bill.

The Clerk read as follows:

SEC. 3. That in lieu of the three agents now provided by law the said commissioners shall be authorized to employ five agents to investigate and report upon claims; and the said agents shall have power to administer oaths and take depositions. And in addition to the clerks now authorized by law, the said commissioners may employ each one clerk, at a salary not exceeding $1,800 per annum.

Mr. LAWRENCE. The bill in my opinion makes no appropriation.

The SPEAKER. It clearly goes to the Committee of the Whole on the state of the Union, and the Chair holds the point of order to be well taken. The bill is accordingly referred to the Committee of the Whole on the state of the Union.

JOHN T. WATSON.

Mr. KELLOGG, from the Committee on War Claims, reported back a bill (H. R. No. 1271) for the relief of John T. Watson, with the recommendation that it do pass, and moved that it be referred to the Committee of the Whole on the state of the Union, and the report ordered to be printed.

The motion was agreed to.

PLEASURE-YACHT FEARLESS.

Mr. CONGER, from the Committee on Commerce, reported back a bill (S. No. 216) to change the name of the pleasure-yacht Fearless, with the recommendation that it do pass.

The bill, which was read, grants authority to the owner of the pleasure-yacht Fearless, of the port of Detroit, in the State of Michigan, to change the name of said yacht to that of Lily, by which name said vessel shall be known and registered.

Mr. SPEER. Will the gentleman from Michigan, who reports back this bill, state what public reason there is for this change of name?

Mr. CONGER. It has been the custom of Congress to change the name of pleasure-yachts, which cannot be used for transporting passengers and merchandise, and which are built mainly to test the different models of ship-building. It has uniformly been allowed in the House, although we have refused to change the names of commercial vessels.

Mr. SPEER. Does the gentleman say that this cannot prejudice the Government in any way?

Mr. CONGER. It cannot. It has been passed by the Senate, and the two Committees of Commerce of the House and the Senate have uniformly, for sufficient reason, recommended the change of names of this class of pleasure-yachts.

Mr. SPEER. Is this a unanimous report from the Committee on Commerce?

Mr. CONGER. It is.

Mr. POTTER. I desire to ask the gentleman from Michigan whether the committee have sufficient information that this yacht is used only for pleasure purposes?

Mr. CONGER. It is used only for this purpose. It is a small steam pleasure-yacht, purchased in New York and taken to the Detroit River by a gentleman there, for his own purposes. It cannot be used for commercial purposes.

Mr. POTTER. This vessel cannot be used for commercial purposes?

Mr. CONGER. No, sir; it cannot, as the papers state.

Mr. POTTER. I am unfavorable to changing the names of vessels where they are used for commercial purposes.

Mr. CONGER. This is a pleasure-yacht, and the gentleman himself secured the passage of a bill changing the name of such a vessel.

Mr. COX. Why is it asked that the name of this vessel shall be changed?

Mr. CONGER. I send to the Clerk's desk the petition of Mr. Brush, and I ask the gentleman from New York to hear it read.

The Clerk read the petition.

Mr. COX. I do not object to granting this privilege in a special case, but I think there ought to be a general law authorizing the Secretary of the Treasury to change the names of vessels.

Mr. CONGER. In answer to that I would say that there should be no general law to change the names of vessels. A steamboat may, under a popular name, draw a large number of passengers. Such a case has occurred, and one hundred and seventy-three lives were lost.

Mr. COX. Why should we not leave it to the discretion of the Secretary of the Treasury?

Mr. CONGER. I think the discretion of Congress is better than that of the Secretary of the Treasury.

Mr. COX. We do not, all of us, think so.

Mr. POTTER. I am a member of the Committee on Commerce, and two of these applications for special legislation have come before that committee. It seems to me that this matter of changing the names of vessels should be left to the discretion of some tribunal, say to the district court of the United States. I do not object to changing the name of this vessel, inasmuch as it is not engaged in trade.

Mr. CONGER. This case belongs to the class to which the gentleman does not object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMER CARRIE.

Mr. CONGER, from the Committee on Commerce, reported back,

with the recommendation that it do pass, the bill (H. R. No. 485) to authorize the Secretary of the Treasury to issue an American register to the steamer Carrie, of Eastport, Maine.

Mr. CONGER. I ask that the Clerk read the petition in this case.

The Clerk read the petition.

Mr. CONGER. The law now authorizes the Secretary of the Treasury to grant registers to foreign vessels wrecked upon our coast, upon which the repairs in our own harbors cost in American material and labor three-fourths of the value of the vessel. The vessel wrecked must be within three miles of our coast. In this case the vessel was wrecked outside of that distance; it is not known exactly where the disaster occurred, but she was brought into an American port in a disabled condition and was sold for salvage—I think for fifty dollars; but I think the purchaser repaired her and sold her for $1,050, enough to bring the vessel within the rule that authorizes the Secretary of the Treasury to grant a register, if she had been wrecked upon our coast. This bill is merely to authorize the Secretary to do what he would have done under the same circumstances if the vessel had been wrecked upon our coast.

Mr. POTTER. The bill authorizes the owner to change the name of the vessel.

Mr. CONGER. Not at all.

Mr. POTTER. Undoubtedly; it authorizes the Secretary of the Treasury to issue a register under any name that may be selected.

Mr. HALE, of Maine. Is there any objection to that? I know about this case personally. It cannot be shown to the Secretary of the Treasury that this vessel was wrecked in our waters, and therefore he sends the papers to Congress. The precedents are all in favor of just such an act as this. It is, of course, our policy not to duplicate the names of vessels. If the owner of the vessel is allowed to select the name he will not select a name which comes in conflict with the name of any other vessel in our waters. I can see no objection to the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECURITY OF LIFE ON STEAMBOATS.

Mr. NEGLEY. I am instructed by the Committee on Commerce to report back, with a recommendation that the same do pass, the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. NEGLEY. The bill is very voluminous. I ask that it be considered now, and until disposed of in the House as in Committee of the Whole, under the five-minute rule.

Mr. RUSK. I object to that.

Mr. HALE, of New York. I ask that the bill be read.

Mr. NEGLEY. It is a long bill, and its reading will take up all of the morning hour.

The SPEAKER. Does the bill contain any provision that makes it amenable to a point of order requiring its first consideration in Committee of the Whole?

Mr. NEGLEY. It is not my wish to antagonize the Committee on Appropriations, or any other committee, with this bill. But it is a very important measure, and should receive the careful consideration of the House. The motion I made was for the purpose of avoiding delay or the loss of the bill by the expiration of the morning hour.

The SPEAKER. The bill is now in the morning hour, and must remain there until some disposition is made of it. Will the gentleman inform the Chair—because he is familiar with the provisions of the bill, and the Chair cannot determine the question without reading over the bill—whether it contains anything making it amenable to a point of order?

Mr. NEGLEY. It does not. There is no appropriation in it of any kind.

Mr. STARKWEATHER. Are there important amendments in the bill which are not contained in the bill as originally printed?

Mr. NEGLEY. There are but two amendments not in the originally printed bill.

The SPEAKER. The Clerk will read the bill in full.

Mr. POTTER. After the bill has been read will objection be in order to its consideration in the House as in Committee of the Whole?

The SPEAKER. Certainly.

Mr. COX. And points of order will be considered as reserved?

The SPEAKER. They are always reserved until the bill is read in the hearing of the House.

The Clerk began the reading of the bill, and after some time,

The SPEAKER said: Without taking up further time of the House in the reading of the bill, the Chair will suggest to the gentleman in charge of the bill [Mr. NEGLEY] that it comes within the scope of the rule adopted by the House, as will be seen by reference to page 75, section 62, of the bill.

Mr. NEGLEY. Then I ask that the bill be referred to the Committee of the Whole, and considered therein under the five-minute rule.

The SPEAKER. The bill must necessarily go to the Committee of the Whole. The gentleman asks that, when reached, it shall be considered under the five-minute rule.

Mr. DAWES. It is a special order.

The SPEAKER. Not as a special order, but when reached on the General Calendar.

Mr. CONGER. All the sections of the old law are reprinted in this bill without modification. Section 62 is but the provision of the old law, creating no new officers.

The SPEAKER. The Clerk will read section 62, after which the Chair will state his ruling. And the Chair begs the attention of the House to the reading, because the House is just now coming back to the old practice of doing business in Committee of the Whole. It is very important that we should proceed understandingly.

The Clerk read of section 62 the following:

SEC. 62. That in addition to the local boards of inspectors now appointed by law, there shall be local boards designated and appointed for the district of Puget Sound, Washington Territory; for the district of Milwaukee, Wisconsin; for the district of Albany, New York; for the district of Apalachicola, Florida; for the district of Evansville, Indiana; and for the district of Huron, Michigan; and also at Marquette, in the district of Superior. And each local inspector of the several districts, respectively, shall be paid annually, under the direction of the Secretary of the Treasury, the following compensation, to wit.

The SPEAKER. Then follows the enumeration of the several districts, which need not be read.

Mr. CONGER. In continuation of what I have said, allow me to say that this section is the law as it now stands.

The SPEAKER. Precisely. The Clerk will now read section 66.

The Clerk read as follows:

SEC. 66. That the salaries of all supervising inspectors, local inspectors, assistant inspectors, supervising inspector-general, and clerks herein provided for, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this act, shall be paid for, under the direction of the Secretary of the Treasury, out of the revenue received into the Treasury from the inspection of steam-vessels and the licensing of the officers of such vessels, as provided for by the terms of this act; and the same is hereby appropriated for the payment of such expenses, or so much thereof as may be required for such purposes.

The SPEAKER. The point made by the gentleman from Michigan [Mr. CONGER] that this section merely re-enacts the salaries already in force, is not well taken, for the reason that if this bill should be considered in the House, and in order, of course an amendment doubling or trebling the salaries would be in order, and therefore the bill would become amenable to the point of order.

In this connection the Chair desires to recur to a ruling made in the House this morning. The Chair ruled that a bill reported from the Committee on War Claims should go to the Committee of the Whole, because in the third section it provides for additional clerks to be paid, and gives them a specific salary. In the first section of the bill it is provided that the time within which petitions for the allowance of claims should be presented to the Committee on Claims should be extended to the 3d of March. Now, the section extending the commission will doubtless involve an additional appropriation. But that of itself would not carry it to the Committee of the Whole, because it does not necessarily require an appropriation. But the provision which gives additional clerks with specific salaries would require an appropriation, and that would carry it to the Committee of the Whole.

But the mere contingent fact that the extension of the time within which claims may be filed may involve an appropriation at some distant day, (although the House morally knows that such an appropriation will be made,) does not, in the opinion of the Chair, justify a ruling which would send the bill to the Committee of the Whole.

Recurring, however, to the bill under consideration, the mere fact that provisions for salaries now in force under the law are repealed in this bill does not save it from the point of order, because if the Chair should rule that a bill containing such provisions might be first considered in the House, it would be within the power of any member to move an amendment to those provisions so as to increase salaries. Hence the bill must necessarily go to the Committee of the Whole.

Mr. CONGER. I see the distinction which the Chair makes; but I wish to say that certain sections of the bill, including the two which have been read, are not altered from the existing law, but are reprinted in this bill that the whole law on this subject may stand together.

The SPEAKER. Precisely. But the gentleman sees, of course, that that fact could not affect the ruling. The bill must go to the Committee of the Whole on the state of the Union. The bill being so referred, the gentleman from Pennsylvania, [Mr. NEGLEY,] who has charge of the bill, asks that when it is reached in Committee of the Whole it may be considered under the five-minute rule.

Mr. POTTER. On the Private Calendar?

The SPEAKER. No, sir; it is on the General Calendar without any special order. It must be reached in order. The gentleman from Pennsylvania asks that when it shall be reached it may be considered under the five-minute rule. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

HOMESTEADS.

Mr. TOWNSEND, from the Committee on the Public Lands, reported a bill (H. R. No. 1760) to secure homesteads to actual settlers; which was read a first and second time.

The Clerk proceeded to read the bill. When several sections had been read,

Mr. WILLARD, of Vermont, said: Mr. Speaker, this bill has been read far enough to show that it is liable to the point of order, and must go to the Committee of the Whole on the state of the Union. One of the early sections provides for granting homesteads, which I understand is disposing of the property of the United States.

Mr. TOWNSEND. So far as that matter goes, I answer the gentleman from Vermont that it is merely a re-enactment of the old law, giving no privilege which is not given by existing law. This bill proposes to amend the existing law in other respects.

The SPEAKER. The Chair understands the point of the gentleman from Vermont to be that the bill enlarges the scope of the provisions under which lands are donated.

Mr. WILLARD, of Vermont. Not only that; but I suppose that a re-enactment of a law authorizing public lands to be given away for any purpose subjects a bill to the rule, in the same way as would a reappropriation of money.

The SPEAKER. The Chair thinks the point of order lies against the bill.

Mr. TOWNSEND. Is it in order to move that the bill be made a special order for this day three weeks, after the morning hour?

The SPEAKER. That would require unanimous consent except on Monday, when a motion to suspend the rules is in order. The bill must go to the Committee of the Whole on the General Calendar. On Monday the gentleman can either ask the House to make the bill a special order in committee, or to take it by a suspension of the rules out of committee for consideration in the House.

Mr. HOLMAN. I ask unanimous consent that an amendment which I desire to offer to this bill when it shall be considered may be printed.

The SPEAKER. If there be no objection it will be so ordered.

There was no objection.

SWAMP LANDS IN HOLT COUNTY, MISSOURI.

Mr. DUNNELL, from the Committee on the Public Lands, reported a bill (H. R. No. 1761) granting certain swamp lands in Holt County, Missouri, to the said Holt County for school purposes; which was read a first and second time.

Mr. WILLARD, of Vermont. There is no need of reading that bill in full. The title is sufficient to show that it is liable to the point of order.

Mr. PARKER, of Missouri. I hope the gentleman will not press that point. I think if the House will hear an explanation as to the nature of the bill, and the necessity for early action upon it, members will be satisfied that there is no necessity for referring it to the Committee of the Whole.

Mr. DUNNELL. I hope the gentleman from Missouri [Mr. PARKER] will be allowed to be heard.

The SPEAKER. The Chair directs that the bill be read in full. That is the right of a committee reporting a bill before the point is ruled upon.

The bill was read. It provides that all the tract of land embraced in what is known as Tarkio Lake, in congressional township numbered 60, of range 39, in the county of Holt, State of Missouri, and which was left unsurveyed at the time the Government of the United States had made a survey of the other lands in said township and county, and which was described on the plat of the survey of said lands as a meandering lake, be granted to said county of Holt for school purposes. The second section directs the Commissioner of the General Land Office to have said lands surveyed, and to cause to be executed to the county of Holt a patent for the same; but nothing in the act contained is to be so construed as to affect the rights of any person who may have in good faith gone upon said lands prior to January 1, 1874, with the intent of pre-empting or homesteading the same; and the county of Holt is required to make a title to any such person to an amount of land not exceeding one hundred and sixty acres upon the payment to the county of $1.25 per acre, provided that all cost of surveying said lands shall be paid by the county of Holt.

The SPEAKER. The gentleman from Missouri, [Mr. PARKER,] the point of order being considered as pending, desires to make a brief explanation. If there be no objection the Chair will hear him.

There was no objection.

Mr. PARKER, of Missouri. Mr. Speaker, it will be remembered by the House that a good many years ago all the swamp lands in the State of Missouri that were designated as such by the surveyors of the Government of the United States were by an act of Congress conveyed to the State of Missouri for school purposes. Subsequent to the passage of that act, the State passed a law donating these lands for a like purpose to the respective counties in which they were situated. At the time of the survey of those swamp lands the piece of land referred to in this bill was left unsurveyed. It was designated as a meandering lake. The fact is that it is a slough or pond situated in the county of Holt, and at this time surrounded by settlements. The people of Holt County desire to get this piece of land in order to drain it—not so much on account of the value of the land but because it generates diseases of all kinds. It is a cess-pool of disease, causing sickness to spread among the inhabitants who live in the vicinity. During the last summer there were twelve deaths from cholera in that neighborhood, supposed by the physicians who investigated the subject to have been caused by stagnant water and decaying vegetation upon this piece of land. The bill received the unanimous approval of the Committee on the Public Lands of this House at the last Congress, but for want of time was not passed; and I do ask the House in behalf of the health of this people to pass it at this time, so it may be ditched and drained before the warm weather sets in. It is supposed to contain twenty-five hundred acres of land. It is not worth a dime to the Government of the United States. It is not worth a dime to anybody until it is drained. It is said by the people there they can drain it by digging a ditch a mile and a half in length. They are willing to incur that expense in order to protect the health of the people in that neighborhood. I hope the House will give early action to this bill and pass it.

Mr. HOLMAN. I desire to ask the gentleman from Missouri two questions: first, what is the extent of this land; and, secondly, how it occurred this tract of land was not surveyed and did not pass to the State of Missouri under the swamp-land act?

Mr. PARKER, of Missouri. It is supposed to contain about twenty-five hundred acres of land, as near as they can get at it. It was not surveyed, because I suppose the Government surveyors were too delicate to go into this stagnant water. It ought to have been surveyed. It did not pass as swamp land to the State of Missouri, because it was not designated as swamp land upon the plat of the surveyors, but as a meandering lake. If it had been designated as swamp land, it would have passed to this county, under the laws of the United States and the State of Missouri, long since. Because it was designated as I have already said, it did not pass under the swamp-land act.

The SPEAKER. Is there objection to having the bill considered now?

Mr. CONGER. I object to it, for the purpose——

The SPEAKER. The gentleman need not give any reason for it if he objects.

Mr. CONGER. I withdraw my objection if I cannot make a remark.

The SPEAKER. The gentleman from New York, [Mr. WHEELER,] who is entitled to the floor on his motion to go into Committee of the Whole on the state of the Union on the Army appropriation bill, insists on it.

Mr. WHEELER. I am willing to yield a moment if there is to be no further debate on this subject.

Mr. WILLARD, of Vermont. Mr. Speaker, I raised the point of order on this bill, but as the discussion which has taken place has covered all the ground which would be covered by the discussion in Committee of the Whole on the state of the Union, I now withdraw it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PARKER, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I move the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the Army appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. KELLOGG in the chair,) and proceeded to the consideration of the special order, a bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The Clerk read as follows:

For pay of the Army, and for allowances to officers of the Army for transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies, and for compensation of witnesses while on court-martial service; for traveling expenses of paymasters' clerks; for payment of postage on letters and packages and cost of telegrams received and sent by officers of the Army on public business, $11,450,000.

Mr. BECK. I move the following amendment, to come in at the end of that paragraph.

The Clerk read as follows:

Provided, That only actual traveling expenses shall be allowed to any person whatever in the service of the United States, and all allowances for mileage or transportation in excess of the amount actually paid are hereby declared illegal, and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowance in violation of this provision.

Mr. BECK. Mr. Chairman, the reason I desire that to be added—and I hope the committee will agree to it—is that, under the arrangement of traveling expenses and mileage, large sums of money are paid, more than is necessary for the service of the agent of the Government. There can be no sort of injustice done to allow only the actual expenses of men traveling under orders of the Government.

Mr. WHEELER. I hope the Committee of the Whole will be brought to order, so we can hear the gentleman from Kentucky.

The CHAIRMAN. The committee is now in order, and the gentleman will proceed.

Mr. BECK. I will remark to the gentleman from New York, [Mr. WHEELER,] who has charge of this bill, it is the same amendment of which I gave notice the other day. The sole object is to get clear of this thing of mileage, which in very many instances far exceeds the actual expenses of the agent of the Government while traveling on Government business. It occurred to me it was only right and proper

to limit allowances of actual traveling expenses, and to provide that the disbursing officers of the United States should not settle in any other way than by paying actual traveling expenses, to be properly certified by the agent of the Government.

Mr. WHEELER. I ask the Clerk to report again the amendment of the gentleman from Kentucky.

The amendment was again read.

Mr. WHEELER. I see no objection at all to that amendment.

Mr. DONNAN. I desire to say a word in relation to it. The Adjutant-General of the Army stated, in his testimony before the committee, that this was at once the most convenient, and, in his opinion, the most advisable way of settling those allowances. The testimony of the Quartermaster-General before the committee, given only yesterday, is to the effect that this does not more than cover the actual expenses of officers traveling on duty. Many officers, you will all bear me witness, have to travel beyond the lines of railway—perhaps during the major portion of the time they are traveling on duty beyond the lines of railway where only stage-routes may be had; and in those cases the actual expenses will amount more nearly to twenty-five cents a mile than ten cents a mile. Therefore both officers advised strongly against this proposed amendment, and for that reason I shall vote against it.

Mr. WHEELER. Will the gentleman from Kentucky [Mr. BECK] allow me to suggest an amendment to his amendment—that in no case shall the allowance hereby made exceed that now provided by law?

Mr. DONNAN. That would be very unjust to officers who travel at an expense above twenty-five cents a mile.

Mr. BECK. I have no objection to the amendment suggested by the gentleman from New York, [Mr. WHEELER,] but it occurred to me——

Mr. WHEELER. Allow me to say that, as I understand the amendment of the gentleman, the officers under it will get the actual expenses of travel; and I do not want, under the operation of that, to exceed the allowance at present provided by law.

Mr. MAYNARD. I would like to make a suggestion on this subject. If this proviso should be adopted in the terms in which it is before the committee, the effect will be, or rather, I should say, the tendency will be, to make officers careless and prodigal of their expenses. The present system of limiting the amount tends to make them careful in their expenses, and prudent, because, if they can bring their expenses within that limit, there is a little margin to their advantage. I will, therefore, suggest to the gentleman from Kentucky, although I had not proposed to take any particular part in the discussion of this bill, that he should fix a maximum, not too high, but that he fix a maximum and let it stand there as the cheapest and most economical way of paying for the expenses of our officers. If what is now paid is exorbitant, bring the rate down; but fix it not too high, and if they can get inside of that margin, well and good.

Mr. BECK. If I may be allowed another word, I would say that I am afraid the committee do not fairly comprehend the scope of the amendment. My intention by this amendment is to apply it to all persons, no matter whether in the Army, the Navy, or anywhere else, so as to pay them actual expenses and make all their other allowances equal. If an officer has to pay twenty-five cents a mile under extraordinary circumstances, why should he not have it; and if he could travel for three cents a mile, why should he be allowed ten? If any other agent of the Government is necessarily compelled to travel in the same way, though it will cost him more, why should he not be entitled to what he has actually paid? Of course his account must be rendered and all the items noted. The fact that one man has paid more is no reason why fifty men should have three times as much as they have actually paid. The object is to give them exactly the amount they expend, no more, no less. I cannot see that there is any wrong about it.

Mr. DONNAN. I would suggest to the gentleman that it hardly comes with a good grace from this House to make that change after we have re-established the mileage for members of Congress.

Mr. BECK. We pay members of Congress their actual traveling expenses, no more, no less. Don't we?

Mr. DONNAN. No, sir; I beg to inform the gentleman that we reversed that.

Mr. BECK. Well, we did wrong when we did.

Mr. DONNAN. How was the gentleman's vote upon that question?

Mr. BECK. I do not know how I voted. The RECORD will show. [Laughter.] It was a wrong thing to do, no matter how I voted. I think I voted against it; perhaps not; but the RECORD will show. That does not make it right. But I ask the gentleman why it is that a man traveling under orders of the Government in any capacity—I do not care whether he is in the Army or the Navy, or the Treasury or in any other Department of the Government—should receive as traveling expenses more than he actually pays out?

I heard this case exposed on the floor of the House, that a gentleman in conection with the Treasury Department—the statement will be found in the Globe, and has never been denied—had business pertaining to the superintendence of public buildings, one located in Baltimore, one in Philadelphia, one in New York, and one in Boston, as I recollect it; that he took but one trip, yet he charged mileage from Washington to Baltimore and back, from Washington to Philadelphia and back, from Washington to New York and back, and from Washington to Boston and back; collected the mileage, and had a free pass in his pocket all the time.

Mr. DONNAN. Will the gentleman from Kentucky inform us who that gentleman was?

Mr. BECK. I refer the gentleman to the Globe for the statement which was made.

Mr. DONNAN. It is my impression that he would be liable to be tried by court-martial for rendering such an account.

Mr. BECK. It is done every day, and I wanted it to be put in the power, and make it the duty, of the accounting officers to stop such accounts.

Mr. DONNAN. Was he an officer in the military service?

Mr. BECK. He was not. I said that he was connected with the Treasury Department.

Mr. DONNAN. One word more, and then I will leave this question. My objection to this amendment is not made without knowledge; but I understand from officers who have served for thirty or forty years in the military service that this is the best and fairest way of establishing pay for the traveling done by an officer on duty. I believe the statements of these gentlemen to be correct, and therefore I shall vote against the amendment.

Mr. WHEELER. I move to strike out the last word simply to say that I understand the proposition of the gentleman from Kentucky [Mr. BECK] to be that officers traveling on this allowance shall not make speculation of it, and that that is all he intends. It provides merely that if it costs an officer ten cents a mile to travel, he shall receive that amount and no more.

Mr. BECK. That is what I propose.

Mr. WHEELER. That is a right proposition, for I find that during the last year we paid $275,000 for the traveling expenses of officers, and I am perfectly willing that officers charged with duties which require them to travel shall have what it costs them to travel, but no more. If it costs them less than ten cents a mile they ought not to charge more.

Mr. PLATT, of Virginia. I wish to ask the gentleman whether he would be opposed to allowing more when it costs the officer more than ten cents a mile?

Mr. WHEELER. I will not go above ten cents a mile.

Mr. PLATT, of Virginia. Then I rise to oppose the amendment. I wish to say that if we adopt this amendment, it may in many instances work great injustice to officers in the Army traveling under orders from one military department to another. For instance, an officer of the Engineer Corps, living in Washington and paying a moderate price for board, is ordered to New York City, and while there his expenses are very much larger than they are at home, and yet under this law he can only charge his actual traveling expenses of going from Washington to the point to which he is ordered, and he could not charge the difference in the cost of living. If he be a married man he cannot possibly do it, if he can only receive in any case ten cents a mile.

There is another aspect of this case that ought to be taken into consideration. I was in the Senate the other day, and one of the most distinguished members of the Senate was making a plea in favor of allowing mileage to members of Congress, and he said, among other things, that it was undoubtedly the intention of the framers of the Constitution to enable members of Congress to bring their wives and families with them to Washington. Sir, officers of the Army have families also, and, while I do not ask the Government to pay the expense of the removal of their families when they are ordered to distant sections, I do think the ten cents a mile allowed them now is as low as it ought to be, and is as small a sum as they ought to receive. Sir, it does not enable them to pay the expense of traveling, when they have even one member of the family, from Maine to Texas, under orders from the Department. I hope the committee will not adopt the amendment of the gentleman from Kentucky until they can properly consider it and have it examined by a committee qualified to examine the subject.

Mr. WHEELER. Does the gentleman from Kentucky [Mr. BECK] accept my amendment, which is in these words?

Provided, That nothing herein contained shall be construed to allow more than ten cents a mile.

Mr. BECK. Yes, sir; I accept that amendment.

Mr. HAWLEY, of Connecticut. I did not hear the amendment read, and I desire to know whether it covers all the public service of the United States as well as the military service? I call attention to the fact that this amendment applies to the entire public service. I do not know, not being familiar with the business of the other branches of the service, whether such a rule would work equitably in every case.

Mr. WHEELER. I withdraw the amendment.

Mr. ARCHER. I renew it. I would say that within the last year the Committee on Accounts, in paying the mileage of witnesses, have adopted the rule to pay five cents a mile instead of ten, and we have heard no complaint from any one that the amount is too small to pay their expenses. I would say further that the Coast Survey have adopted a rule by which they pay their employés only the actual cost of travel, and pay them only on their sworn statement. I am acquainted with many of the employés in that service, and I have never heard any complaint from any of them against that rule. I do not speak of the naval officers in the employ of the Coast Survey, but of the other employés of that branch of the service. The only objec-

tion I see to the proviso of the gentleman fron Kentucky [Mr. BECK] is that it does not include the mileage of members of Congress.

Mr. BECK. It has been decided from the foundation of the Government to this time that a Senator or a Member of Congress is not an officer of the United States, and therefore my amendment cannot apply to them.

Mr. ARCHER. I am only sorry the amendment does not reach them. It is not quite as full as I would like to see it. I think the principle of mileage should be abolished, and, in lieu, actual traveling expenses allowed to members of Congress. I withdraw my amendment.

Mr. GUNCKEL. I wish to call the attention of this committee to the language of this amendment:

Provided, That only actual traveling expenses shall be allowed to any person in the service of the United States.

A member of Congress, if not an officer, is in the service of the United States.

Mr. BECK. No, sir; he is not.

Mr. GUNCKEL. There is a provision of law that officers traveling should be allowed ten cents per mile. There is another provision of law that a member of Congress shall be allowed twenty cents per mile. In the investigation by the Committee on Military Affairs, I started out with the same idea that my friend has, and commenced examining with a view to show that officers received more than their traveling expenses under this arrangement. After we passed a provision giving ourselves twenty cents per mile, I thought it would be very ungracious in me to pursue the investigation further, and I gave it up. If this proposed amendment does not include members of Congress, I will move an amendment that will include them, so that we may all be on a level. It has been said here that in very many cases, traveling by coach and otherwise, officers were put to a greater expense than ten cents per mile. That is true. But there is another provision, that an officer traveling may take the ten cents per mile if his expenses be under that, and if they be greater he may take transportation in kind. And if an officer is traveling by coach, it is the custom for him to take what the expenses actually are. The rule works advantageously for him, but not for the Government.

Mr. DONNAN. Transportation in kind does not cover his expenses.

Mr. ARCHER. I will withdraw my amendment.

Mr. HOLMAN. I move to amend the amendment by inserting after the words "United States" the words "including Senators, and Members and Delegates in the House of Representatives." No man in public employment should desire, under this subterfuge of mileage, to receive increased compensation. We all know that members of Congress receive a larger sum when they receive mileage than their actual traveling expenses. It seems proper that the expenses should be clearly indicated. I therefore trust that my proposition will be adopted. I do not myself desire, and I do not believe that any member of the House desires, to increase his salary by a mere subterfuge. We are all aware that by the mileage as re-established by the Senate amendment to the bill repealing the salary law of last March our compensation is actually increased. The only meritorious thing in the salary act of last March was the reduction of mileage to traveling expenses.

Mr. WHEELER. Without assuming to speak for the Committee on Appropriations, I wish to say that the proposition of the gentleman from Indiana [Mr. HOLMAN] has my personal and hearty assent.

Mr. BECK. I desire to oppose the amendment.

Mr. HALE, of New York. I raise the point of order upon the amendment of the gentleman from Indiana [Mr. HOLMAN] that it is not in order, either as not being germane to the bill or as containing new legislation.

The CHAIRMAN. Does the gentleman raise the point of order that it is contrary to existing law?

Mr. HALE, of New York. I do.

The CHAIRMAN. The point of order is well taken.

Mr. HOLMAN. The amendment had been submitted and discussed before the question was raised.

Mr. PLATT, of Virginia. I do not think that should make a difference. I tried last year to avoid a point of order in that way, but the Chair decided against me.

Mr. WHEELER. I desire to call attention——

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. There is one point of order now pending, and it must be disposed of before another can be entertained.

Mr. WHEELER. I call the attention of the Chair to the fact, which in the confusion he has overlooked, that the amendment of the gentleman from Indiana had been debated before the point of order was raised.

Mr. HALE, of New York. Allow me to call the attention of the Chair to the fact that the amendment now proposed by the gentleman from Indiana [Mr. HOLMAN] was presented by him, and I followed him, as soon as he took his seat, in raising the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] in closing his remarks submitted the amendment he has indicated. No one spoke upon the amendment until the gentleman from New York [Mr. HALE] raised the point of order upon it, and the Chair sustains the point of order.

Mr. HOLMAN. I must respectfully appeal from the decision of the Chair, if I can do so in the Committee of the Whole, for it is certainly not in accordance with my understanding of the facts.

The CHAIRMAN. The amendment had not even been read from the Clerk's desk, and was therefore not in possession of the committee. The gentleman from Indiana [Mr. HOLMAN] said he would submit an amendment. The gentleman from New York [Mr. WHEELER] said that for his part he would not oppose it. The other gentleman from New York [Mr. HALE] raised the point of order that it contained new legislation and was contrary to existing law. Upon that ground the Chair decided that the point of order was well taken.

Mr. POTTER. Mr. Chairman, may the amendment now be read? Since it has been discussed let us hear it.

Mr. ELDREDGE. I rise to a question of order. The amendment has already been ruled out of order, and is not before the committee.

The CHAIRMAN. The point is well taken. The amendment has been ruled out.

Mr. GUNCKEL. I offered the amendment. It was handed to the Clerk. The gentleman from Indiana debated it; and that made discussion on the amendment as offered by me.

The CHAIRMAN. The amendment was not sent to the Clerk's desk till the close of the remarks of the gentleman from Indiana. The question now recurs on the amendment of the gentleman from Kentucky, [Mr. BECK,] which the Clerk will report.

Mr. PLATT, of Virginia. I rise to a point of order. For the purpose of having a decision reached by the committee, I desire to make the same point of order in regard to the amendment offered by the gentleman from Kentucky—that it is not in accordance with existing law.

The CHAIRMAN. The amendment of the gentleman from Kentucky has been debated. The point is not well taken.

Mr. PLATT, of Virginia. I desire to understand the whole scope of that decision. Is it the decision of the Chair that, no matter whether an amendment offered to any bill is in accordance with law or not, if it is considered and debated, no point of order can lie against it?

The CHAIRMAN. The amendment of the gentleman from Kentucky has been read twice at the Clerk's desk and has been debated. No point having been taken upon it in time, the amendment is in order.

Mr. PLATT, of Virginia. I only make a parliamentary inquiry in regard to the scope of that decision. As I understand, its effect is that it is not material whether an amendment offered is in accordance with existing law or not; that if it is read at the Clerk's desk and any word of debate takes place upon it, that fact makes it in order, whether it be in accordance with existing law or not.

The CHAIRMAN. The Chair will make a decision on that point when it shall come up. The question is now on the amendment of the gentleman from Kentucky; which will be read.

The Clerk read as follows:

Provided, That only actual traveling expenses shall be allowed to any person whatever in the service of the United States; and all allowances for mileage or transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision: *Provided*, That nothing herein shall be construed to allow more than ten cents a mile for such transportation.

Mr. PLATT, of Virginia. I make the further point of order that the amendment of the gentleman from New York [Mr. WHEELER] has now been read at the Clerk's desk for the first time.

The CHAIRMAN. The gentleman is mistaken in his point. This amendment has been twice read.

Mr. PLATT, of Virginia. Has the amendment of the gentleman from New York been read before?

The CHAIRMAN. It was offered as an amendment to the amendment of the gentleman from Kentucky, [Mr. BECK,] and was accepted by him.

Mr. BECK. Yes, sir.

The CHAIRMAN. It therefore becomes a part of that amendment. The question is now upon the amendment of the gentleman from Kentucky.

The question being taken on the amendment, there were—ayes 70, noes 23; no quorum voting.

Tellers were ordered; and Mr. DONNAN and Mr. BECK were appointed.

Mr. ALBRIGHT. Are we to understand that this amendment applies to all persons in the public service?

Mr. GARFIELD. In the military service.

The CHAIRMAN. The Committee of the Whole is dividing upon the question. No debate is in order.

The committee divided; and the tellers reported—ayes 84, noes not counted.

So the amendment was agreed to.

Mr. PLATT, of Virginia. I reserve the right to call the yeas and nays on this amendment in the House.

Several MEMBERS. You cannot do that.

Mr. HOLMAN. Before we pass from the pending section of the bill I desire to submit an amendment which, I think, will commend itself to the favorable consideration of the House. It is designed to come in as an independent proposition. I ask the Clerk to read it.

The Clerk read as follows:

That no part of the money appropriated by this act shall be paid to any railroad

company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land, on the condition that such railroad should be a public highway for the use of the Government of the United States, free from toll or other charge for such transportation; nor shall any allowance be made out of any money appropriated by this act for the transportation of officers of the Army over any such road when on duty and under orders as a military officer of the United States.

Mr. HOLMAN. Mr. Chairman, I ask that the fourth section of the act of June 10, 1852, which is incorporated in the thirty-nine railroad land grants, be read.

The Clerk read as follows:

SEC. 4. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof for the purposes aforesaid and no others; and the said railroads shall be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

Mr. HOLMAN. Mr. Chairman, on the 13th of last December I submitted to the House a resolution of inquiry calling upon the Secretary of War for information as to the amount of money paid since the war to railroad companies to whom these grants have been made upon the condition that they should transport without charge troops and property of the United States. The House has received an answer, stating that the information called for could not be furnished by the War Department, but must be obtained from the Treasury Department. The information, therefore, as to the amount of money thus paid is not before the House. But still I have some data from the War Department bearing on this subject. In the official regulations of the Quartermaster's Department I find there are thirty-nine roads constructed by the aid of the Government, and in the main, if not entirely, constructed by the Government. I find as to some of them the quartermasters are directed not to make payment, and as to others there is to be made a reduction of only 33⅓ per cent. from full rates, which latter arrangement applies to such roads as the Illinois Central and the Hannibal and Saint Joseph Railroads, and to many other leading land-grant roads of the West. I am not able to understand the ground upon which the War Department acts in reference to these payments or the justification for them. No person ever misapprehended the purpose of Congress in making these grants of land to these roads, that they should be forever highways for the transportation free of charge of the property and the troops of the United States, and as to the mails that they should be transported upon such terms as Congress should prescribe.

Mr. HALE, of New York. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. HALE, of New York. Does his amendment go beyond the provisions contained in the law binding these companies?

Mr. HOLMAN. It does not. It just goes to the extent of the provision of the law binding these companies and the condition of the grants. And I wish to say to the gentleman from New York that this subject has been up before in this House, when one of the ablest of our committees, the Judiciary Committee of the Thirty-seventh Congress, reported fully to the House on the subject. They reported as to the proper construction of this language, because this section applies to the thirty-nine land-grant roads as the gentleman from New York will remember. That report received the unanimous approbation of the House. It declared the meaning of these terms was that the grants of land were made on condition these companies should transport the troops and property of the United States free of charge. I have never heard the soundness of that report called in question.

I wish to say, further, that during the embarrassments of the war the Illinois Central Railroad, which is owned almost entirely by foreign capitalists, received nearly $5,000,000 for transportation. No company, not even the Pacific Railroads, ever received so munificent an appropriation from the Government as did this Illinois Central Railroad. Yet, as I have already stated, that Illinois Central Railroad received during the war nearly $5,000,000 for the transportation of troops and supplies, although in fact built by the Government with the expressed right of free transportation.

The CHAIRMAN. The gentleman's time has expired.

Mr. RICE. I should like to ask the gentleman from Indiana one question in reference to the Illinois Central Railroad.

Mr. HOLMAN. I will be glad to hear the gentleman's question.

Mr. RICE. I wish to ask him if, during the war, all Government freights had been carried free over the Illinois Central Railroad, whether it would have received any money whatever to pay its expenses?

Mr. HOLMAN. I think it would. The stock rose independently of these heavy appropriations from our Treasury. Its stock was bought up by English capitalists at from thirty-five to thirty-nine cents on the dollar, and rose above par.

Mr. RICE. As I understand, oftentimes on that Illinois Central road, during the war, every one of the cars was taken possession of by the Government for Government use.

Mr. HOLMAN. I am only calling attention to the fact that they have received these vast sums of money from the Treasury. As I understand, they are now receiving two-thirds of the usual cost of transportation.

Mr. HALE, of New York. I understand the gentleman's amendment applies only to the provisions of the law under which land grants were made to these companies, and in that regard I agree with the gentleman from Indiana.

DISTRICT INVESTIGATION.

The committee rose informally.

The SPEAKER. The Chair has received communications from the gentleman from Pennsylvania [Mr. CLYMER] and the gentleman from New York [Mr. HALE] asking to be relieved from serving on the special committee to investigate into the affairs of this District, and as those gentlemen are serving already on two different committees of the House it is their right to decline. The Chair names in their stead Mr. WHEELER, of New York, and Mr. HAMILTON, of New Jersey.

ARMY APPROPRIATION BILL.

The committee resumed its session, (Mr. KELLOGG in the chair.)

Mr. HURLBUT. I should like to hear the amendment of the gentleman from Indiana again read.

The amendment was again read.

Mr. HOLMAN. I wish to say a word, if my friend will allow me, and it is this: This provision only applies to those roads to which grants were made on the condition specified in the law making the grant of land, that they should transport troops and supplies of the Government free of charge.

Mr. HURLBUT. I move, *pro forma*, to strike out the last word.

I wish to correct an impression that might be derived from the statement of my friend from Indiana [Mr. HOLMAN] with regard to the Illinois Central Railroad. It is true that that road rendered very valuable services to the United States during the war. It is true, also, that it received large sums of money for the services rendered; but it is also true that all that service was rendered under a specific contract, settled by the Attorney-General, the President, and the Secretary of War, by which, in consideration that the railroad gave to the Government of the United States a prerogative which otherwise it would not have, that is, the first right to the use of the railroad, to the exclusion of all other business, the Government of the United States agreed to pay them not the entire value of the transportation, but what was agreed by those high officers to be a fair price for the use of the rolling stock and brain power of the road; and upon that basis the accounts of the Illinois Central were settled.

The gentleman from Indiana is in error in supposing that that road ever at any time undertook to avoid its legal responsibilities to the Government or made any pretense that was not thoroughly justified by law, that was not thoroughly carried out by both Houses of Congress in the conference report of 1868.

Mr. HOLMAN. The gentleman will excuse me. My statement was that the Government paid nearly five million dollars to the railroad. Does the gentleman controvert that? I said nothing about the other matter. This House again and again ingrafted upon appropriation bills a requirement to the Attorney-General that the money should be refunded.

Mr. HURLBUT. I do not remember what was the amount. The amendment was put in by my distinguished friend, Mr. Washburne, of Illinois, and was defeated in the Senate. The ruling of the Senate was sustained by a conference committee. The ruling that was made, so far as the House was concerned, was that all that the United States had a right to claim from that road was the use of the road; and the Government settled with the road on that basis, paying them, I think it was, three-fourths of their usual charges.

Mr. G. F. HOAR. If the amendment of the gentleman from Indiana accomplished what he has claimed that it does, it would be eminently just. But it seems to me that he has drawn it, either by design or accidentally, so as to go very much beyond what he suggested was his object. Here are thirty land-grant roads; and the gentleman proposes to impose upon them the duty of conveying in their cars, and at their expense, troops and supplies of the United States gratuitously; when the only provision in the organic acts of those railroads, on which he rests, is that the roads, when constructed, shall be public highways, open to the use of the United States without compensation. In other words, the organic act of the railroad gives the United States the right to go on a road with rolling stock which it provides or pays for, and with servants which it employs and pays. But the gentleman undertakes to compel the roads to go a great deal further than the conditions of the organic act, and to require them to transport their agents and supplies, the roads furnishing the rolling stock, and also the servants whom they employ and pay.

Now, it seems to me that the gentleman from Indiana ought to limit his amendment, so as to provide that no money shall be paid to any railroad for performing any service which the United States is entitled to require without compensation by the provision of its organic act. I think some phrase of that kind ought to be inserted.

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. G. F. HOAR. Certainly.

Mr. HOLMAN. Does the gentleman undertake to say that this means that the Government shall simply have the use of the track?

Mr. G. F. HOAR. There are few members of this House prepared to go as far as I am in asserting the power of this Government to compel these railroad companies which we have endowed to perform the conditions of their act of endowment. But I think it is one of the most unjust things, whenever there arises between a railroad company and the United States a fair judicial question about the reading of previous contracts or about the rights of either party under them, to undertake to settle that by laying the powerful hand of legislation on the road and depriving it of all its rights unless our construction of the law is yielded.

I say very frankly, as regards the question of the gentleman from Indiana, that I am not prepared to answer it; that is, when the United States makes grants to a railroad, endows it in part, and declares that the railroad shall be forever open to the use of the United States as a public highway, whether that implies that the railroad, in giving the Government the use of that public highway, shall furnish carriages and servants, I am not prepared to say. What I am prepared to say is, that it is grossly unjust to declare that, unless that question be judicially determined, we shall force upon the railroad our construction of that question and our decision of it without its being heard anywhere in a judicial proceeding. That is precisely what I object to in dealing with the Pacific Railroad.

Here the committee informally arose, and the Speaker resumed the chair.

DISTRICT OF COLUMBIA INVESTIGATION.

The SPEAKER. The Chair has been compelled to omit sending the resolution of investigation in regard to the affairs of the District to the Senate because of some gentlemen having declined, and others who were sought to serve being unwilling to do so. The gentleman from New York just appointed [Mr. WHEELER] declines to serve, on the ground that he is already on two committees. The rules of the House give him the right under those circumstances to decline. But the Chair must insist that when he cannot otherwise complete a committee ordered by the House, it becomes the duty of a gentleman to serve. The Chair now names the gentleman from New York, Mr. ELLIS H. ROBERTS.

ARMY APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. HOLMAN. I move to strike out the last word.

The CHAIRMAN. There are two amendments already pending.

Mr. ALBRIGHT. I withdraw my amendment to the amendment.

Mr. HOLMAN. I renew the amendment to the amendment; and I wish to call the attention of the House to this subject, for I know of none more interesting or that ought more fully to attract the attention of the House. This amendment applies more to the Illinois Central Railroad Company than to any other; it is one of the greatest railroads in the country. The gentleman from Illinois [Mr. HURLBUT] is mistaken as to any contract ratified by Congress. Congress has over and over again instructed the Secretary of War not to pay money to this company for the transportation of troops and munitions of war, and has required the Attorney-General to sue this company for money which it owes the Government; but there has never been any action by the House, in any shape or form, ratifying any right of this company to charge for the transportation of troops, munitions of war, &c. Here is a corporation which was created by the munificence of Congress, who gave them an unexampled grant of public lands. Sir, men have made large fortunes out of that grant. What was the meaning of the act by which the grant was made? Was it not that the company should transport, free of charge, the soldiers and the munitions of war of the Government? This matter should be referred to the Committee on the Judiciary. The evident intention of Congress was that they should transport troops and munitions of war free of charge over that road, and no gentleman upon this floor ever denied it. That is the fair interpretation of the law.

I know, sir, the power of corporations and how much they influence the action of this body; but if Congress consents to let this corporation escape from its just responsibilities under the grant which organized it, then the people have little to expect at the hands of this Congress.

Sir, I undertake to say that it cost the Government $100,000 to transport the troops from Illinois to Dakota to protect the surveying parties of the Northern Pacific Railroad.

[Here the hammer fell.]

Mr. POTTER obtained the floor.

Mr. G. F. HOAR. Will the gentleman allow me to offer an amendment? I do not propose to address the House upon it.

Mr. POTTER. I have no objection, if it does not come out of my time.

Mr. G. F. HOAR. I move to amend the amendment, by striking out all after the eleventh line and inserting—

No part of the money appropriated by this act shall be paid to any railroad company for the transportation of any property or troops of the United States.

Mr. POTTER. I want first to say that I agree entirely with the gentleman from Massachusetts [Mr. G. F. HOAR] that Congress ought not to lay the strong arm of its power on any persons who have a great judicial question pending between them and the Government of the United States and predetermine it in favor of the Government. I did not, however, understand that the amendment of the gentleman from Indiana [Mr. HOLMAN] had any such scope as that. As I understood his amendment, as read from the Clerk's desk, it simply provides that those corporations which had agreed to carry the troops and munitions of war of the Government without charge should receive no compensation for that service. I am far from asserting that when the act granting lands to any such company declared the railway should be a public highway the company receiving the land grant was thereby required to convey without charge whatever passengers or freights the Government might wish carried, and I do not understand the gentleman from Indiana to claim any such result.

Mr. G. F. HOAR. Will the gentleman allow me to make a suggestion to him? The amendment of the gentleman from Indiana requires as a condition to the organic act that the railroad to the Pacific shall be a public highway.

Mr. POTTER. I trust the gentleman from Indiana will agree with the gentleman from Massachusetts in making the proposed amendment clear of the difficulty the gentleman from Massachusetts suggests. I agree with him that grants conditioned that the companies should hold their roads as public highways may not necessarily require them to carry for nothing anything that the Government may ask them to carry. The effect of such a condition is a serious question. It is one that ought not to be prejudged here. It is a question to be settled in the courts. But if the act granting aid to any company does clearly require the company to perform such service without pay, then it seems proper to say in this act of appropriation that no payment shall be made for services thus required to be rendered without further compensation than the original grant.

I want in this connection to say a single word further. The gentleman from Massachusetts [Mr. G. F. HOAR] objects to our predetermining against even a railway company any grave question affecting its rights that may be raised here. When he made that suggestion he referred to a subject which relates to the essential nature of this Government. According to my notion, and the notions of those holding like views about government, Congress has no power by legislation to destroy vested rights nor to impair the obligation of contracts. I know very well that the effect of the legal-tender decisions was to subvert that doctrine, and to declare that the power of Congress in that case, and perhaps generally, to impair the obligation of contracts, exists in all cases when not especially inhibited in the Constitution. If that was the effect of that decision, then the first thing, in my judgment, that the people of the United States should do should be to insist on so amending the Constitution as to take away from Congress any such power. The people of no State in the Union confers that power upon their Legislature. There is, I believe, no State in the Union that does not limit its Legislature in the exercise of their powers, by providing in effect that they may not destroy nor impair vested rights.

The restrictions thus imposed by the people of the respective States upon their own Legislatures are in addition to the general restriction contained in the Constitution of the United States, that no State should pass any law impairing the obligation of contracts. That no such limitation upon the powers of Congress was inserted in the Federal Constitution was because, as it seems to me every candid student of that subject must admit, the framers of that Constitution never supposed that the Congress, without express grant, and by mere force of its choice of means to exercise the delegated powers, would assume a power so destructive of the rights of persons, and so at variance with the general nature of our governments, as well State as Federal.

Nevertheless the Congress, when it made Treasury notes a legal tender, did assume this extraordinary power, and the judicial department of the Government has sustained it. Whether as a general power or as an exceptional one, existing only during the exigencies of war, may not be clear from the decision. Let us hope the latter only. But since this power has been recognized as existing in Congress, I insist the Constitution shall be so amended as to put the question at rest. If it is a power not to be permitted to the State Legislatures, still less is it a power that should be permitted to the Federal Legislature. A popular government—the government of the majority—is, within proper limits, the best government for our race. But when without such limits; when the will of the majority may determine not only the making and administration of the laws, but may disregard vested rights and the sacred obligation of contracts, such a government, instead of being the best, is likely to become the worst possible.

The gentleman from Massachusetts insists that we ought not summarily to strike down the vested rights of even a railway company. I agree to that; but beyond that I insist, as a general rule, that Congress ought to possess no power to disregard or impair the obligation of contracts at all, whether made between citizens and the Government or between different citizens; and that, if this is not now clear, the Constitution should be so amended as to make it clear at once and forever.

Mr. G. F. HOAR. I ask that the amendment of the gentleman from Indiana [Mr. HOLMAN] be again read; and I ask the gentleman from New York [Mr. POTTER] to listen to its reading.

Mr. POTTER. I understand that the gentleman from Indiana [Mr. HOLMAN] is quite willing that his amendment should be perfected.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Indiana, [Mr. HOLMAN,] and then the amendment proposed by the gentleman from Massachusetts, [Mr. G. F. HOAR.]

The Clerk read the amendment of Mr. HOLMAN, as follows:

That no part of the money appropriated by this act shall be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public lands on the condition that such railroad should be a public highway for the use of the Government of the United States, free from toll or other charge for such transportation; nor shall any allowance be made out of any money appropriated by this act for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States.

The amendment of Mr. G. F. HOAR was to strike out all after the

word "such," before the word "railroad," and to insert in lieu thereof the words "transportation should be made free of charge;" so that the amendment shall read:

That no part of the money appropriated by this act shall be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public lands on the condition that such transportation should be free of charge.

Mr. HOLMAN. I desire to say only this——

The CHAIRMAN. Debate on the amendment is exhausted. Does the gentleman from Indiana [Mr. HOLMAN] accept the amendment to his amendment?

Mr. HOLMAN. I do not accept it.

The CHAIRMAN. Debate on the amendment and on the amendment to the amendment is exhausted.

The question was taken on the amendment to the amendment, and upon a division there were—ayes 55, noes 21; no quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. G. F. HOAR were appointed.

The committee again divided; and the tellers reported that there were—ayes 82, noes 66.

So the amendment to the amendment was agreed to.

The question was upon the amendment as amended.

Mr. WILLARD, of Vermont. I move to strike out the amendment as amended. While I am not prepared, of course, to express an opinion as to whether this original law, which has been quoted here, forbids the payment by the Government of any money for the transportation of Government troops or supplies over these roads, neither am I prepared to acquiesce in what I understand has been hitherto the ruling of the Department—that it does not forbid that payment.

As I understand this amendment as amended on motion of the gentleman from Massachusetts, [Mr. G. F. HOAR,] it leaves the question precisely where it was before, for it provides that nothing shall be paid for transporting Government troops and supplies where by existing law that transportation is to be made free of charge. That is the whole question involved; and, as I understand, it has been decided hitherto by the Department adversely to the right of the Government to have such transportation free of charge.

If I had been able to obtain the floor prior to the vote upon the amendment of the gentleman from Massachusetts, [Mr. G. F. HOAR,] I would have suggested as an amendment to the original proposition of the gentleman from Indiana, [Mr. HOLMAN,] that which, it seems to me, will provide the only way in which we can reach this case; that is, by providing that the question may be judicially determined. And in the first instance, in order to provide that, we should withhold the money, and then make provision of law, as was made by the last Congress in the case of the Union Pacific Railroad, that any railroad from which this money has been withheld might bring its suit in the Court of Claims, and have the question determined there the same as though this proposition had not been adopted. I would have proposed to add to the original proposition of the gentleman from Indiana the following:

But nothing herein contained shall be construed as preventing any such railroad from bringing suit in the Court of Claims for the charges for such transportation, and recovering the same, as though the foregoing proviso had not been adopted.

I understand the gentleman from Illinois [Mr. HURLBUT] has a proposition of amendment which substantially covers this ground. If so, I shall be satisfied with it; if not, then I desire to move to strike out the entire proposition as amended, and to insert the original proposition of the gentleman from Indiana, [Mr. HOLMAN,] with the addition which I have indicated.

Mr. HOLMAN. I think that is an excellent provision; I have no objection to it at all; but the gentleman from Vermont [Mr. WILLARD] must be aware that the action just taken by the House emasculates the amendment I offered. I would withdraw it if I had permission to do so.

Mr. WILLARD, of Vermont. The gentleman misapprehends my amendment.

Mr. HOLMAN. There has been no grant made on the condition recited in the proposition which the gentleman from Massachusetts [Mr. G. F. HOAR] managed to get in.

Mr. WILLARD, of Vermont. The gentleman misapprehends the object of this amendment. I propose to move the original amendment of the gentleman, with mine as an addition.

Mr. HOLMAN. That is entirely satisfactory to me.

Mr. WILLARD, of Vermont. I propose to offer the entire proposition as a substitute for the amendment as it now stands.

Mr. HOLMAN. I wish to say one word on this question. The gentleman from Massachusetts [Mr. G. F. HOAR] knew very well that he was simply defeating my amendment, and the committee, strangely enough, was willing to accept the gentleman's amendment, although it entirely nullified and emasculated my amendment by changing the terms. Every gentleman knows that of the grants of land that have been made for railroad purposes not one has been made on any such condition as is set forth in the amendment as it stands amended by the gentleman. The gentleman from Massachusetts did not misunderstand the sharp practice he is playing here. There never was a grant of lands made on any such condition as set forth in his amendment; nobody ever claimed that there was. My amendment set forth the conditions embodied in the original laws. The gentleman changes the terms; and, as we all know, any officer or department of the Government, before whom this question may come, has only to say "No grant of lands was ever made on any such condition."

Mr. G. F. HOAR. Mr. Chairman, the gentleman from Indiana must concede, I suppose, that the substance of the grants which have been made is what is set forth in my amendment, though not in all cases in those words, because the words vary. If that is not the substance of the original grant, it is unjust to impose upon the railroad companies such a condition. If it is the substance of the original grant, the provision, as amended by me, is perfectly just.

Now, the gentleman from Indiana said, what he had no right to say, that I knew or supposed I was defeating his amendment, or "emasculating" it. I have had no such purpose. I have quite as much right to say to him that there are two methods of legislation. One is the method which deals with all persons under the authority of our legislation with equal and exact justice, so that while legislating we consider that our function is like and equal to the function of the judiciary, dealing with all persons alike, and equally and justly. The other method is that of constantly getting up with unjust, impracticable suggestions that do not commend themselves to the moral sense of the House or to the sense of justice of the men who are to vote upon them, and then going home like a demagogue, and saying to the people who do not understand what has taken place, "Lo, I am the only friend of justice; lo, I am the only friend of the people. See how unjust, how much under the influence of corporations, are your Legislatures and your Congress, and everybody else but me"—thus claiming a special character for virtue and patriotism and economy. I will not point out to the gaze of the House the gentleman who fills that picture of a legislator.

Mr. HOLMAN. Mr. Chairman, I have heard frequently the same kind of eloquence on this floor from gentlemen who were interested in or attorneys for corporations. I have heard years ago the same kind of speeches in the interest of this same corporation, owned by British capitalists. I certainly am able to listen to such remarks with great composure (even if the gentleman had referred to me) when I bear in mind that if any power is exacting in this country it is corporations. They allow no divided service. When they are represented on the floor of this House they expect their representatives to forget their obligations to the people and operate alone for their advantage and aggrandizement.

If the gentleman from Massachusetts thinks proper to stand here as the representative of the Illinois Central Railroad—a corporation built up by our munificence, and drawing from the Government to-day, as it did during the war, vast sums of money in violation of its engagements; a company which during the war drew, in violation of law, near $5,000,000 from our Treasury; if the gentleman thinks proper in the presence of this House to stand here in the interest of that corporation, I can well afford to be very patient under any even insulting remarks in which he may think proper to indulge.

I, sir, have sought to represent public interests alone; and whenever it shall be stated of me that I come here as a representative of corporations, or that I have acted in the interest of a corporation in derogation of the rights of the people, that I have resorted to craft and cunning for the purpose of promoting the fortunes of a corporation, then I shall have occasion to blush, but not till then.

I said that the gentleman had sought to emasculate the proposition which I had submitted in the interests of the country, and in a moment when the fact was not clearly perceived, when the object the gentleman aimed at was not distinctly understood, his proposition was unhappily adopted. It is therefore obvious that some such proposition as that of the gentleman from Vermont is necessary to accomplish the manifest purpose of this House; for, however occasionally gentlemen may lend themselves to the sordid purposes of corporate bodies and may be willing to forget public duty in doing so, I feel confident that such is not and never has been the temper of the body of the Representatives of the people on this floor.

The exhibition is not very creditable when a gentleman so far forgets his manhood and duty to his constituents and the country as to be the representative on this floor of a railroad and the grasping purposes of a corporation which draws year after year large sums of money from the Treasury in violation of law and in defiance of the engagement under which the road received the munificent grant from the Government, ultimately to be and now become an imperial possession of wealth.

Now, sir, the gentleman from Massachusetts [Mr. G. F. HOAR] mistakes entirely. I shall not have occasion to blush while I stand up and denounce the infamous cupidity by which the wealth of this country is absorbed by a remorseless corporation, and I shall resist the aggrandizement of corporations and consolidated capital at the expense of the just rights of the people. But I shall blush when I can even be suspected of standing on this floor to represent the base cupidity of such corporations. When this House time and again incorporated in appropriation bills provisions to compel this Illinois Central Railroad Company to disgorge money wrongfully taken, compelling the Illinois Central Railroad to disgorge, I never heard even then, when the president of the company was here with the lobbyists, such an unblushing attempt as that made by the gentleman to shield them against the just rights of the people.

[Here the hammer fell.]

Mr. G. F. HOAR. Mr. Chairman, I desire simply to reply to the remarks of the gentleman from Indiana, [Mr. HOLMAN.] I do not

know it is necessary for me to say that I had no knowledge, and have no knowledge now, unless the statement of the gentleman who has just taken his seat be considered evidence, what roads have any interest in this question. I certainly was not aware the railroad he has named had. I never knew, and I do not now know, who are the owners, officers, or managers of that road to which he has alluded as interested. The question came up before the House as a question of legislation. The gentleman from Indiana moved an amendment which seemed to me not only totally unjust in itself, but calculated to defeat the object which he professed to desire to accomplish; and I moved an amendment which seemed to me to enact what was exactly just and right in itself, and what would accomplish the purpose he avowed he had in mind.

When I made my suggestion the gentleman from New York [Mr. POTTER] on that side of the House claimed the amendment of the gentleman from Indiana meant exactly the same mine did, and the gentleman from Indiana assented to that claim, resisting my amendment on the ground his meant the same thing. That was said by the gentleman from New York standing by his side, and not denied by him, but assented to by the motion of his head.

Mr. HOLMAN. That statement is not true.

Mr. G. F. HOAR. I do not consent to be interrupted at this moment.

I then asked that the amendment of the gentleman from Indiana be read to the House, and the House saw and the gentleman from New York saw that it did not mean what it professed, the same as mine, but meant something very much more and something utterly and totally unjust in itself, to wit, it required these railroads, when in their organic act there was a simple provision they should be public highways, to furnish to the United States cars and officers and all the expenses of running the roads and transporting munitions and troops and supplies at their own charge. I called the attention of the committee to that in fair debate. It was fully understood. It was a simple proposition which any man can understand, and it is a proposition which any man with the sense of justice in his heart would assent to as being fair; and the committee understanding the point, having heard just as much about it as I had, knowing just as much about it as I did, for I heard of the whole subject for the first time when the gentleman from Indiana made his speech, agreed with me and differed with him as to the meaning of his amendment and the fairness and justice of mine. And it is under these circumstances that the gentleman from Indiana, sober as he is presumed to be when he is sitting in his seat, undertakes to get up here and charge one of his fellows and one of his peers on the floor of this House with being the servant of a railroad, with desiring to deceive and entrap this assemblage of intelligent statesmen to accomplish a certain purpose by artifice, with being in the service of a railroad and not in the service of the people. It is not necessary for me wherever I am known to repel with scorn and indignation insinuations of that kind.

I say again there are two ways of legislating and two ways of winning the favor of the American people. One is to deal with justice everywhere, never to break the faith of this people even with a railroad, never to break the faith of this people if it is pledged anywhere, even to a foreigner—to do justice, and let your legislation come, like the sun and rain, equally and fairly upon the just and the unjust. And that is my way, and that is the opinion which led the majority of this House to vote as it has just voted. The other way is to constantly object to everything that is good, bad, or indifferent; not to inquire, in considering a measure, whether the faith of your country is pledged to it, or whether justice and the great interests with which we are charged demand it, but to seek, by undiscriminating, unreasoning, unjust, and constant objection, to get the reputation abroad, with people who do not understand and who do not read the proceedings of this body, of being the special friend of economy. And I repeat, Mr. Chairman, that having drawn that picture, there is no need for me to write under it the name of the person of whom it is a portrait.

Mr. HURLBUT and Mr. HOLMAN rose.

The CHAIRMAN. There are already two amendments before the committee, and debate on them is exhausted.

Mr. HOLMAN. If the amendment to the amendment is withdrawn I will renew it.

Mr. HURLBUT. I do not propose to take any part in this personal controversy; I do not think it worth while except to the gentlemen who are particularly engaged in it. But this particular railroad to which my friend from Indiana has been devoting so much attention happens to be a rather important one to the State of Illinois. It is not on account of the Illinois Central Railroad that I take up the time of the committee, but from the fact that 7 per cent. of the gross earnings of that railroad make a very considerable portion of the revenues of the State. And therefore it is as a Representative of the people of the State of Illinois, and not of any other organization, that I am here simply to ask of the House that they shall consider carefully and pass judicially upon the point that is sought to be made by the gentleman from Indiana. I have no objection to the broadest possible restrictions being inserted here that are consistent with law and with justice. And I ask the gentleman from Vermont to yield to allow me to offer the amendment which I send to the desk. I would like to have the Clerk read it as a substitute for the whole matter.

The CHAIRMAN. Does the gentleman from Vermont [Mr. WILLARD] withdraw his amendment to the amendment?

Mr. WILLARD, of Vermont. I do not. But I do not object to the amendment of the gentleman from Illinois [Mr. HURLBUT] being read.

The CHAIRMAN. The proposed amendment of the gentleman from Illinois will be read.

The Clerk read as follows:

That no allowance or payment shall be made to any land-grant railway for its service, which under its grant it is required to perform without payment from the United States.

Mr. HURLBUT. Now, sir, that, I think, covers the whole fact, justice, and law of this case. It takes out all that which my friend from Indiana calls emasculation, and sometimes other names not quite so nice as that, and presents the simple, straightforward proposition, if we are not entitled, if the Government is not entitled, by law to demand from the Illinois Central Railroad, for example—as that has been made the objective point of the gentleman's attack—or any other land-grant railroad under the same circumstances, more than the custom of the Government and the decisions of the tribunals have yet required. If that is to be the decision of the House, let it be so; but let us not, as this amendment undertakes to do, prejudge and import into the law a construction which, to say the least of it, is debatable. A very strong argument can be made upon the other side—I admit that—as to the true construction of the fourth section of the act granting land to the Illinois Central Railroad:

That the said railroad and branches shall be a permanent and public highway for the use of the Government of the United States, free from toll or other charges upon the transportation of any property or troops of the United States.

Now, the construction which the company has given to it, the construction which the Government has given to it, the construction which everybody up to this time has given to it, by payments and by decisions in the various Bureaus of the Department, is that the Government has simply the right to the road; that the engine-power, the brain-power, the cars, and personal property, are things to be paid for. And on this basis settlements have been made with the Illinois Central Company. I do not represent that company; but I do represent the State of Illinois, and I desire that its interests shall be protected.

Mr. WILLARD, of Vermont. I withdraw the amendment, and renew it for the purpose of saying a few words.

If we can eliminate the personal matter which has grown up in connection with this discussion, we may perhaps reach what is the real question before the committee. I understand it to be this: that by the law which has been read the Government is entitled to make use of these railroads free of charge or toll. The gentleman from Illinois thinks it is only the use of the roadway. If it is only that, it would amount to this, that when Government desires to transport troops over the Illinois Central Railroad, for instance, if it can borrow the motive-power and the cars of the Lake Shore Company or Michigan Southern Company, it can make up a train, put its own supplies and its own troops on that train, and run them over the road free of charge or toll for transportation.

Now, it is obvious, Mr. Chairman, that no such right or reservation could ever have been contemplated by the persons who drafted that portion of the law. They never could have contemplated that the Government of the United States could take its own trains, its own motive-power, and enter upon any one of those roads and operate the road, whether the corporation consented that it should do it or not. They never could have contemplated that; and when the law said that the Government was entitled to transportation over those roads free of charge, it must have meant something different from that. But whether that be so or not, there must be a way of deciding by judicial determination.

A similar question arose, as many gentlemen here know, with respect to the Union Pacific Railroad, in regard to withholding from that road the entire cost of transportation of troops and supplies over the road instead of one-half, which I think was the proportion withheld previously.

The objection is made that it is a hardship on these corporations, and is not in pursuance of existing law. But that is a question which is disputed. It is claimed that the Government ought to pay for this service, but it would be better to direct the Secretary of the Treasury to withhold this entire amount, and then allow the railroad company to bring suit in the Court of Claims, and the amendment which I offered accomplishes the same thing in respect to this question. It directs that the whole amount of the accounts for this transportation shall be retained by the Government, and then it allows these parties, if they hold that it is a proper construction of the statute, to bring suit in the Court of Claims for the transportation, and if the court sustains them they will get it.

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed the bill (H. R. No. 1754) to amend the act entitled "An act granting a pension to Amos Farling," approved January 5, 1873.

ARMY APPROPRIATION BILL.

The committee then resumed its session.

Mr. BURCHARD. The proposition of my colleague [Mr. HURLBUT] is right enough, but the amendment offered by the gentleman from Indiana [Mr. HOLMAN] applies to a certain class of roads, as he has said, to thirty-nine land-grant roads. It is a definite proposition; it is in accordance with the action of the House in former Congresses providing that there should not be paid from the public Treasury any money for the transportation of troops or property of the United States on these roads. It is said here in argument that this provision simply means that these land-grant railroads shall be public highways, that they shall be free for the United States to put upon them cars and rolling stock for the transportation of troops and property. That is not my understanding of the act. It seems to me that if the act amounts to anything at all, it means that the Government shall not pay for the transportation of troops and property over the road. In declaring the road a public highway, the law merely declared that which is declared in relation to all railroads, that they are public highways. That I believe was the report of the Committee on Railways and Canals to the House, and it is the express decision of the Supreme Court of the United States in a late case. It is said that this does not mean that the rolling stock can be used on a railroad, but the court has decided that the rolling stock on a railroad is a part of the railroad, and is realty as much as the road-bed. I believe that the law, and the meaning of the statutes is, that the Government shall have a right to the transportation of troops and munitions of war over the road free of charge. It may, sir, be an open question, but it is a question that can be decided by the courts, and I shall vote for the amendment of the gentleman from Vermont, [Mr. WILLARD,] and for the original proposition made by the gentlemanfrom Indiana, [Mr. HOLMAN.]

Mr. WHEELER. I withdraw the amendment to the amendment.

Mr. KASSON. I renew the amendment to the amendment; and I do it to say that in one or two respects the amendment, I think, would prove defective, and for the further reason that I desire on this, the first opportunity offered, to express my concurrence with the gentleman from Indiana in his opinion as to the duty of the Congress of the United States, and further to thank him for having brought the attention of the House and the country to the practical construction given to the plain words of the English language in respect to the relations of these railroads to the Government of the United States. No language could possibly be incorporated into a statute which would express more strongly the purpose of this Government to receive a consideration for a valuable grant of public lands than the language put into this act. If any gentleman on this floor can suggest words plainer than these, "a public highway for the use of the Government of the United States, free from toll or other charge," all I can say is that I do not know the words in Webster's Dictionary that would express it more clearly.

I wish also to call the attention of the House to a particular fact of history known to me, and known to many other western men: that in the eagerness manifested by the people of the regions where these railroads were to be built, they failed, when the railroads were built, to insist themselves upon their rights, and allowed an erroneous construction to be put upon this law in the *ex parte* interest of railroad corporations. The question is now raised, when the amount of transportation by the United States does not equal the interest returned to the corporations as the result of the capital represented by the grant of land, when the United States will not, under this provision, get even a percentage of interest upon the value of the property appropriated by the Government to these railroads, I say that now is the time when this House cannot afford to ignore the obligations which these corporations owe to the Government of the United States.

I earnestly hope that the amendment to be made to this bill will be in such explicit form that it will be a reassertion on the part of this House of their belief that this law requires these roads to make this transportation "free of toll or other charge." The justice is with the United States; the law is with the United States, if a man of common sense can construe the meaning of such words as these, "free of toll or other charge."

Under these circumstances, I hope that if an amendment is to be adopted, it will be in the form submitted by the gentleman from Indiana, [Mr. HOLMAN,] with the addition, slightly varied, suggested by the gentleman from Vermont, [Mr. WILLARD.] I have no objection that these parties shall have the right to go before a court of the United States and ascertain whether these words of the English language mean what we believe them to mean. But I think it ought not to be in the Court of Claims, as provided by the amendment of the gentleman from Vermont. Instead of that, I submit to him that he should provide that these railroads may bring a suit in any court of the United States having jurisdiction; then strike out the words "the same as though the foregoing provision had not been adopted," and substitute in lieu the words "if found entitled thereto by virtue of the language of the law making the grant."

I make this suggestion for this reason: the Court of Claims is not a court of high legal character like the courts of the United States. It is to a large extent *ex parte* in its examination. I desire that the suit be brought in the circuit or district court of the United States, with the right of appeal to the Supreme Court of the United States. Let us have this question fairly settled. If these railroads are entitled to this money, then, in the name of justice, let them have it. But in our view of the meaning of these words, "free of toll or other charge," we ought not to let the present practice continue of paying thousands and hundreds of thousands of dollars out of the Treasury of the United States in the very face of that language. And I ask that this House may in some proper manner reassert that we believe exactly what the original act says.

[Here the hammer fell.]

Mr. HOLMAN. I wish to say that I very cordially concur in the views which have been expressed by the gentleman from Iowa [Mr. KASSON] and some other gentlemen here. My only purpose was to bring this subject before the House in a tangible form, in such manner as would declare the views of the House as to the interpretation that should be given to the law. I have no objection whatever to the proposition of the gentleman from Vermont, [Mr. WILLARD,] that these corporations, if they think proper, may go into a Federal court and there obtain a determination of the question whether they are entitled to any compensation from the Government for this transportation.

Perhaps I ought to apologize to the House for bringing this subject forward at all. Only the fact that a vast sum of money has been taken from the Treasury year after year by these corporations, as I think in violation of law, would have induced me to have done so. I ought, perhaps, to be the more modest on this subject when I bear in mind that the interests of these great corporations are generally represented with earnestness on this floor, and that every question affecting them is sure to be met here with great power of resistance.

I see that the gentleman from Massachusetts [Mr. G. F. HOAR] is again in his seat. That gentleman says that I do him very great injustice by suggesting that he purposely offered his amendment to defeat the proposition I had submitted. He might have admitted the fairness of that suggestion, for his amendment does completely change my proposition. My proposition aims at withholding the money from corporations which have been built under certain conditions. He simply changes those conditions to others that never existed.

His somewhat garrulous remarks, pleasant enough in their way during the periods of relaxation of this House, are, I think, at the same time beneath the dignity of a member upon this floor. This subject is not one of pleasantry to the vast mass of people who are borne down by the burden of taxation, and who have some interest in questions like this, especially questions involving the drawing from their hard earnings vast sums of money for the benefit of corporations, in violation of the rights of the people themselves and of law.

But the gentleman should remember another thing: that he was scarcely as modest as one of his colleagues in the last Congress, who, being president of a railroad corporation, was voting in its interests. That gentleman, when detected and pointed out by a gentleman from New York, blushed at the moment. But the gentleman who is so eager on all occasions to defend the rights of these corporations, after being detected in his crafty performance in the interest of a corporation, scarcely blushed. He did retire a moment from the House. Yet his colleague, who had the hardihood to vote upon a question in which he was directly interested as the president of a railroad corporation, was inclined to make a proper apology, while the gentleman from Massachusetts to-day, conscious of the countenance of a railroad corporation, is arrogant and presumptuous.

I say again, these corporations never allow a divided service; and a gentleman who can cringe to the purposes of such a corporation, can cower in their presence and court their favor, need not seek to call any other gentleman on this floor to account.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a single word? He does not mean me, does he?

Mr. HOLMAN. I am alluding to the gentleman's colleague, [Mr. G. F. HOAR.] The gentleman [Mr. BUTLER] is not the only member from Massachusetts, by any means.

Sir, I am not voting on this floor in the interest of corporations. I do not resort to crafty practice for the purpose of voting fortunes to corporations. But the gentleman from Massachusetts may, as long as he lives, disclaim having acted in the interest of this corporation, and yet I think those who know him will have grave doubts as to the fact. Will the gentleman look on this picture, and see whether he cannot determine who it is that is seeking to extract money from the Treasury in the interest of sordid corporations?

[Here the hammer fell.]

The CHAIRMAN. The question is upon the substitute of the gentleman from Vermont.

Mr. WILLARD, of Vermont. I have modified the last paragraph. I ask that the amendment be read again.

The substitute was read as follows:

That no part of the money appropriated by this act shall be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public land, on the condition that such railroad should be a public highway for the use of the Government of the United States, free from toll or other charge for such transportation; nor shall any allowance be made out of any money appropriated by this act for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act.

Mr. HOLMAN. I trust the gentleman from Vermont will modify

his amendment by inserting, instead of "Court of Claims," the words "Federal court having jurisdiction."

Mr. WILLARD, of Vermont. The Court of Claims has jurisdiction. The attorneys of the United States can appear there just as well as in any other court.

Mr. RICE. I desire to make an inquiry of the Chair. Whether this substitute be adopted or rejected—whether any or all of the amendments that have been offered be adopted or rejected—can or will that make any difference in the existing statute law that is to govern this whole subject?

The CHAIRMAN. The Chair does not understand the amendment as changing the statute law.

Mr. WHEELER. After this long debate I desire to say that the Committee on Appropriations believe that the roads in the West which have received land grants, and which have a contract with the Government in relation to the transportation of troops and munitions of war, should be placed by legislation upon precisely the same footing on which we have placed the Union Pacific and the Central Pacific Railroads; and they believe that this proposition of the gentleman from Indiana, as amended by the gentleman from Vermont, works that result. They are therefore in favor of it.

The question being taken on the substitute offered by Mr. WILLARD, of Vermont, it was adopted.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Indiana, [Mr. HOLMAN,] as amended by the adoption of the substitute.

Mr. COBURN. I offer the following, to come in after the amendment of my colleague, [Mr. HOLMAN:]

Nor shall any sums be paid for carrying or transportation of any kind to any railroad company or companies which purchased railway material and rolling stock under the provisions of executive orders of August 8 and October 14, 1865, and which are indebted to the United States therefor at the time said carrying and transportation are furnished, and which refuse or neglect to give to the Quartermaster's Department an order for such amount upon the Post-Office Department.

Mr. Chairman, the rolling stock and other property of several railroad companies in the South were, after the war, purchased from the Government by those companies upon condition that the earnings made by carrying the mails, troops, supplies, and freights at Government rates, should be retained by the United States. These railroad companies have carried considerable amounts of Government freight, and are constantly carrying the mails. There is a large indebtedness outstanding against them, the aggregate amount being over $4,000,000. Some of the companies have made settlement, and some have not. The companies thus indebted refuse to give an order upon the Post-Office Department for this money which is due to the Quartermaster's Department. The understanding originally was that this settlement should be made in the Quartermaster-General's Department; but these companies, for a reason best known to themselves, refuse to give the order.

The effect of the order would be to estop the companies from ever again claiming this money. Some of them, it is understood, do not intend to pay this, are fighting for reductions, and have been sued and judgment obtained; there is constant struggle between some of them and the Government about this matter of carrying mails and freights.

I have in my hand the report of the Quartermaster-General, in which he refers to this difficulty. He says these companies refuse to give the order which would estop a claim of any part of this money by the railroad companies. To carry out the provisions of law in existence for some time and to carry out the well-understood agreement with these companies, I can see no objection to it, and think it ought to pass.

Mr. BROMBERG. Will the gentleman from Indiana specify the roads to which he alludes?

Mr. COBURN. There are quite a number of railroads still indebted to the United States. I believe there are about twenty of them.

Mr. BROMBERG. I will state to the gentleman from Indiana there are two sides to this question, and the House should be careful before it adopts any amendment so sweeping in its nature. Some of the roads in the South had settlements made by special acts. Others exactly of the same nature are still pending, and the roads, instead of availing themselves of the special act, rely upon a general act to be passed on this subject. There is now before the Judiciary Committee a bill covering this very case. It is as follows:

A bill (H. R. No. 122) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes."

Whereas the Secretary of War was directed and authorized by the act of Congress approved March 3, 1871, to compromise certain suits instituted by the United States against certain railroad corporations which purchased material from the Quartermaster's Department, under the provisions of executive orders of August 8 and October 14, 1865; and whereas issues have been raised and are pending in the settlement of the accounts of other railroad corporations which made purchases under said orders, and against which the Government has not been forced to institute suit: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized to compromise, adjust, and settle the same upon such terms as may be equitable and just.

Now, Mr. Chairman, the difference between some of these roads and the Quartermaster-General's Department is this: It is a difference as to the rate of compensation. The roads are not unwilling to pay, but they think the Quartermaster-General is not doing justly by them; that he is acting in an unreasonable manner. They stand ready to pay upon any proper basis.

I would like to ask the gentleman from Indiana whether the Mobile and Ohio Railroad is one of the roads to which he has referred.

Mr. COBURN. It is, I believe.

Mr. BROMBERG. I will tell the gentleman from Indiana the Mobile and Ohio Railroad is ready at any time to make settlement, but the difficulty is, it cannot come to terms with the Quartermaster-General. The general bill now pending before the Judiciary Committee will allow the Secretary of War to make settlement, and whenever you pass that bill you will have no just cause of complaint against any of these southern railroads.

Mr. COBURN. Mr. Chairman, I will read to the House the exact language of the Quartermaster-General on this subject:

The earlier collections, being reimbursements of the Quartermaster's Department for property originally purchased with its appropriations, were applied to its service, reducing the amounts of the annual estimates for appropriations; but since the passage of the law of May 8, 1872, requiring all proceeds of sales of public property to be deposited in the Treasury, to credit of miscellaneous receipts, these collections have taken that course. Fifty railroads originally availed themselves of the privileges of the executive orders. Thirty of them have paid their debts in full with interest. Twenty now remain in debt to the United States on this account.

A full statement of these accounts accompanies this report; to it reference is made for detailed information.

Some of the roads largely indebted to the Government, and which have given bond for the application of their postal earnings to the payment of their debt, refuse or persistently neglect to give the order for the payment of their earnings, which, in the judgment of the Post-Office Department, is necessary before the money can be thus applied. Some of these earnings have thus, under the law, lapsed into the Treasury; other considerable amounts are locked up. They are not turned over to the roads, but not being turned over to this Department it cannot credit the debt account of the railroads with them.

Some provision of law for the collection of this money and settlement of the debt, so far as it will go, is desirable. * * * * * * *

Before the Auditor of the Treasury for the Post-Office Department whose duty it is to make payment for postal service will place the money to the credit of the Quartermaster's Department, or, in other words, pay it over to this Department, he requires each railroad company, by an agent appointed by its board of directors, to give an order in favor of this Department for the amount due. Until such an order has been given the money remains as a part of the appropriations for the Post-Office Department, and is not transferred to the appropriations for the Quartermaster's Department; neither can it be placed to the credit of the railroad companies on the books of this office.

The Auditor holds that he has no authority to pay to the Quartermaster's Department money due for service rendered by these railroad companies without an order from them requesting that it be done, notwithstanding the fact that it was one of the conditions on which the property was sold that the money, when earned, should be placed to their credit, and notwithstanding the further fact that this office has urged that a contract, executed by this Department by order of the President of the United States, should be respected by the other Departments of the Government. In order, therefore, that the Auditor may pay the money to this Department, or rather, more properly, issue his warrant therefor, so that a transfer of the money to the appropriation for this Department can be made and the proper credit be given, some action by Congress or other competent authority seems to be absolutely necessary.

Now, sir, all that is necessary for us to do is to require that these railroad companies shall not be allowed this credit until they do give that order. There can be no earthly objection to it, because the amount is fixed and agreed upon and the money in the Post-Office Department. And I can see no reason why they should refuse to give this order except that they expect to reclaim this money at some time, and thus to defraud the Government of it. It is in effect a repudiation of their contract. They are bound in justice to put that fund in such shape that the Government can take legal possession of it. Until that is done, it lies there subject to such repudiation as they may see fit to make. It ought to be put in such position that the accounts of the Government can be squared. No injustice can be done to any one by so doing.

Mr. BECK. Before the gentleman from Indiana sits down I would like to ask him whether there is not a special report from the Secretary of War embracing all these subjects and asking for action by the Committee on the Judiciary?

Mr. COBURN. I am not aware of it; I have the last annual report of the Secretary of War in my hands from which I have read.

Mr. BECK. There was a short report from the Secretary of War of three or four pages on this subject, which was handed to me during the last three or four days, but I cannot now lay my hands upon it.

Mr. COBURN. My attention has not been called to it. I do not know whether it is on this or another subject, but this is as proper a place as any other to put this matter, in the form in which the man best acquainted with it desires to have it; that is, the officer of the Quartermaster-General's Department who reports on it, and whose recommendations have received the approval of the Quartermaster-General and of the Secretary of War. Whatever future general action may be deemed necessary can be taken on the report from the Judiciary Committee. At this time it is certainly proper that the railroads that refuse to comply with their contracts should be paid nothing and allowed no credits till they do. It may be proper for Congress to act again. But let us not wait till that time transpires. This is the proper time and this the proper place for doing this.

The bill which the gentleman from Alabama quotes is the best evidence of the unwillingness of these companies to comply with their contracts. It only confirms what I have said. They want to compromise, to hold on to their money, and to worry the Government out of its just dues.

The CHAIRMAN. The Clerk will read the amendment to the amendment proposed by the gentleman from Indiana, [Mr. COBURN.]

The Clerk read as follows:

Nor shall any sums be paid for carrying or transportation of any kind to any railroad company or companies which purchased railway material or rolling stock under the provisions of executive orders of August 8 and October 14, 1865, and which are indebted to the United States therefor at the time said carrying and said transportation are furnished, and which refuse or neglect to give to the Quartermaster's Department an order for such amount upon the Post-Office Department.

Mr. BROMBERG. I was not aware that this subject was to be brought up to-day or I would have been prepared; but I ask the Clerk to read the following extract from a report made by the gentleman from Massachusetts, [Mr. BUTLER,] from the Committee on the Judiciary, in the second session of the Forty-second Congress, on this very question, or a similar one.

The Clerk read as follows:

The railroads themselves came before your committee, and, while protesting against legislation designed to affect proceedings in court, expressed a desire for an equitable settlement with the United States of all claims between them and the Government without litigation, asking that the Secretary of War or some competent tribunal may be empowered to compromise and settle the controversies now existing upon the subject of the property now restored to them. The legislation proposed by the Quartermaster's Department seemed very harsh to your committee, if not unjust. If the United States have valid bonds against these railroads, with every power to take possession under them, and those bonds have been given for a valuable consideration, and cannot and ought not to be inquired into, then the Quartermaster's Department have no need of any legislation to enforce the remedy in the most stringent form. If, on the other hand, these bonds are worthless, and the property of the United States has been passed into the hands, improvidently, of insolvent railroads, without any lien upon the franchise, then large amounts due the United States will be sacrificed.

Mr. FRYE. I desire to say but a single word in reference to the amendment offered by the gentleman from Indiana, [Mr. COBURN.] The whole matter is now before the Judiciary Committee, and there have already been two hearings in relation to it. The facts are, that when the war was over the Government of the United States found itself possessed of an immense amount of rolling stock. The roads themselves in the South had none. The United States appraised their railroad stock, sold it to the roads at their own price, and, as a matter of fact, appealed to them to take it.

Now, these roads gave their bonds in payment of this railroad stock, and in the last Congress, or the Congress before, the Congress of the United States authorized a settlement of certain suits that had been commenced by the Quartermaster-General. Those suits have been settled satisfactorily to the Government of the United States. The whole thing is now in abeyance, and I have no doubt that the Judiciary Committee will report a bill to Congress by which a settlement shall be arrived at in full with all of these railroad companies; and I hope that it will not be disturbed, or in any way mixed up with an amendment to the Army appropriation bill.

Mr. POTTER. If the gentleman from Maine will allow me I will add to his statement that the Judiciary Committee will report a bill, if they can, after having heard both parties on this question.

Mr. MAYNARD. Is any other amendment in order?

The CHAIRMAN. It is not; there are already two amendments pending.

Mr. MAYNARD. I should have liked five minutes to show why this amendment should not be adopted; why it will work great injustice. I hope the amendment will not be adopted.

Mr. BECK. I wish to ask the attention of the committee to a report about which the gentleman from Indiana [Mr. COBURN] seems to know nothing.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. BECK. If the gentleman from Indiana [Mr. COBURN] will withdraw it I will renew it.

Mr. COBURN. I withdraw the amendment to the amendment.

Mr. BECK. I renew the amendment. I wish to call the attention of the gentleman from Indiana to this fact: that the Secretary of War sent a communication relative to all those matters about which the gentleman from Maine [Mr. FRYE] has spoken. It is Executive Document No. 70, first session Forty-third Congress; and the Judiciary Committee of the House are now, under the recommendation of the Secretary of War, devising measures to settle all these matters. When this is the case, it does seem to me very wrong for this committee to undertake to take away the jurisdiction of the Judiciary Committee while it is dealing with these questions under the recommendation of the Secretary of War.

Mr. FRYE. And that recommendation was in answer to a communication from the Judiciary Committee; and we have it before us now.

Mr. BECK. That is true; and that is the reason why I rose to ask the question of the gentleman from Indiana. I have the paper here to show that it is the fact.

Mr. MAYNARD. If I am now in order I will say a word in addition to what has already been said by the gentlemen on the right and left of me. A portion of these railroad companies, against whom suit was brought under an act passed by Congress several years ago adjusted the matter with the Government through the War Department, by making deductions from the amount originally promised which were adjudged upon the evidence to be equitable and right, the terms and times of payment being extended; and they executed their bonds, which would fall due from time to time, and which, so far as they have fallen due, I understand have been promptly met. But under the terms of this amendment those companies, until the last bonds they have given shall fall due, will be utterly precluded from having their pay for transportation, or any other compensation they may prefer, and from having any credit or any allowance for the work, in abate of their debt. The bonds are certainly not due. The other roads, whose case is now before the Judiciary Committee, and whose anticipated action you have heard already announced, will undoubtedly be placed in the same category precisely. None of these roads, so far as I am aware, are in default, in any proper significance of the term "default."

I think late circumstances have shown that the decisions made against the roads whose affairs have been examined into, suffice to show that they are entitled to reasonable relief, and that other roads are precisely in the same condition, and I have no doubt that they will be found to be entitled to the same relief. This proposition is unjust to the roads which have adjusted their accounts with the Government, and equally unjust to those which are taking steps to adjust their accounts in the same way. Sir, the amendment is neither necessary nor proper, and I hope the committee will not adopt it.

The question was upon the amendment of Mr. COBURN as amended.

Mr. COBURN. I hope the gentleman from Kentucky will withdraw the amendment to the amendment, so as to allow me to renew it.

Mr. BECK. I withdraw the amendment.

Mr. COBURN. I renew it. I merely desire to say that we have not now the information necessary to legislate upon this point.

Mr. PLATT, of Virginia. I rise to a point of order. I submit that there are two amendments now pending, and that the power of amendment is exhausted.

The CHAIRMAN. There were two amendments pending, but the gentleman from Kentucky [Mr. BECK] has withdrawn his amendment to the amendment.

Mr. COBURN. The House has now an opportunity to vote on this question, and whether it will ever have an opportunity to vote upon it again no man can tell. If the matter is referred to the Committee on the Judiciary, they may report or they may not; they may report adversely; who can say? It strikes me that it is the part of practical legislators, when we have a plain provision before us, simply tending to prevent any payments to be made to any of these railroad companies, that we should act upon it at once rather than wait until legislation can be had coming from the Committee on the Judiciary. It may be that in the mean time, before the Committee on the Judiciary can report, some payments may be made to these companies or some indebtedness of the company may be discharged. If we leave this matter to the Committee on the Judiciary, it may be that they will not report until the end of this Congress. Gentlemen talk as if the Committee on the Judiciary would certainly report in favor of this measure. They infer also that the measure reported by that committee would pass the House and the Senate, and that the President would sign it. Gentlemen talk as if that was a foregone conclusion. The House has a right to act upon this question practically at once. Our doing so would not obviate the necessity of a full and ample report from the Committee on the Judiciary or of the most thorough action by Congress. Let it be done.

Mr. HARRIS, of Virginia. I desire to ask the gentleman if the amendment proposed by him does not make the Quartermaster-General the exclusive judge as to the contracts made with these railroad companies, and if it does not vest him with full power to withhold the amount earned by these companies?

Mr. COBURN. It does not, and it does not change the existing arrangement with the railroads. It compels the companies to comply with their plain contracts, and nothing else. This they refuse to do and struggle to avoid.

Mr. MAYNARD. I call the gentleman's attention to this fact: that his amendment operates against the roads that have adjusted their accounts with the Government as well as against those whose accounts are still unadjusted.

Mr. COBURN. If the railroad companies refuse to make the proper returns through the Postmaster-General to the War Department, they ought to be restrained from receiving their pay. They ought to be held to their contracts. These are the very roads that should be promptly informed that they must comply with their contracts.

Mr. MAYNARD. The gentleman is mistaken as to point of fact. The amendment he has drawn up would go a great way beyond the class of roads to which he referred; and I hope his amendment will not be agreed to.

The question was taken upon the amendment of Mr. COBURN as amended, and it was not agreed to.

The question recurred on Mr. HOLMAN'S amendment as amended, and being put it was agreed to.

The Clerk read the next clause of the bill, as follows:

For subsistence of regular troops, engineers, and Indian scouts, $2,452,416.60.

Mr. MELLISH. I move to amend that clause by striking out the word "four," in line 26, and inserting in lieu thereof the word "eight."

I shall not occupy the time of the House more than two or three minutes. I noticed yesterday that my colleague from the city of New York [Mr. COX] after remarking that he was one of "the quiet, unobtrusive heroes of private life who vote to cut down our peaceful Army"—a statement, by the way, the correctness of which I do not propose to call in question—said, in regard to the Indian business, that "we might safely trust it with fewer soldiers than we now have." "Trust it with fewer soldiers than we now have!" Those are the printed words that appear in the CONGRESSIONAL RECORD. I do not believe

that there is a man too many in the Army; indeed, I do not believe that there are enough soldiers at the frontier. The new settlers in the mining and grazing interests, &c., require more, rather than less, protection. Troops, for instance, as I was told this morning, are needed at Fort Smith for the protection of settlers going to Texas.

Mr. HALE, of New York. I rise to a point of order. I desire to know what question is pending before the House.

The CHAIRMAN. The gentleman from New York [Mr. MELLISH] has moved an amendment.

Mr. HALE, of New York. I have not heard his motion announced from the Chair.

Mr. MELLISH. My motion is to strike out from line 26 of the paragraph last read the word "four," and to insert "eight."

Mr. HALE, of New York. Has it been read from the Clerk's desk?

The CHAIRMAN. The Clerk will announce the amendment proposed by the gentleman from New York, [Mr. MELLISH.]

The Clerk read the amendment, as follows:

In line 26 strike out "$2,452,000" and insert "$2,852,000."

Mr. MELLISH. It is all very well for men who sit quietly in their parlors to say that our pioneers and our miners are too well protected; or, to use the words of the gentleman from New York, [Mr. COX,] to say that we can safely trust them with fewer soldiers. The movement of population and enterprise West is the grandest movement known to civilization. And it is not a representative voice that speaks for the city of New York which cries for the reduction of the force that polices our widely extended frontiers, infested as they are by hostile Indians and lawless characters.

The city of New York is interested in and sympathizes with the growth and prosperity of every part of our wide country, and her interests are bound up with the western march of civilization. She is willing to have and anxious to have protection afforded to our hardy pioneers and miners who go as wealth-producers and benefactors of the race into our western wilds.

I simply desire to correct an impression which might have been made by the remarks of my colleague, [Mr. COX,] that the city of New York regards appropriations to protect our frontiers with a niggardly and parsimonious spirit. The men who take the risks of that rude and dangerous life and brave its hardships should at least have a fair share of protection from that nation whose resources they are increasing more than any other like number of citizens in the country.

[Here the hammer fell.]

Mr. GARFIELD. I rise to oppose the amendment, and call for a vote.

Mr. MELLISH. I withdraw the amendment. I made the motion only *pro forma*.

The Clerk resumed the reading of the bill, and read as follows:

For incidental expenses, to wit: For postage and telegrams or dispatches; extra pay to soldiers employed under the direction of the Quartermaster's Department, in the erection of barracks, quarters, store-houses, and hospitals; in the construction of roads and other constant labor, for periods of not less than ten days, under the acts of March 2, 1819, and August 4, 1854, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or at posts and other places when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office-furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon masters authorized by the act of July 5, 1838; for the apprehension of deserters and the expense incident to their pursuit; and for the following expenditures, required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, to wit: the purchase of traveling forges, blacksmiths' and shoeing tools, horses and mules, shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicine for horses and mules, picket-ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movement and operations of an army not expressly assigned to any other department, $1,300,000.

Mr. WHEELER. I move to amend the paragraph just read by striking out the words "the purchase of traveling forges, blacksmiths' and shoeing tools, horses and mules, shoes and nails, iron and steel for shoeing." I make that motion because these articles have been estimated for in the Ordnance Department, and are contained in the appropriation for that Department.

The amendment was agreed to.

Mr. COX. I desire to move to amend the paragraph just read by adding thereto the following:

Provided, That no money greater in amount than that which is specifically appropriated shall for any purpose be expended in the public service by any officer of the United States.

Mr. WHEELER. I have no objection to that amendment, but I would suggest that it would come in better at the end of this section.

Mr. COX. I thought of that myself, and was about to make the suggestion. I will withdraw my amendment for the present.

The Clerk resumed the reading of the bill, and read as follows:

For purchase of horses for the cavalry and artillery and for the Indian scouts, and for such infantry as may be mounted, $350,000.

Mr. WHEELER. I move to amend the paragraph just read by striking out "$350,000" and inserting "$300,000." I make that motion because, upon examining the reports, I find that there were purchased last year 2,397 mules, and that there is a large balance of funds on hand for the current fiscal year.

The amendment was agreed to.

The Clerk read as follows:

For transportation of the Army, including baggage of the troops when moving, either by land or water; of clothing, camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads and for removing obstructions from roads; harbors, and rivers to the extent which may be required for the actual operations of the troops in the field, $4,000,000.

Mr. PLATT, of Virginia. I move that the committee now rise.

Mr. WHEELER. Let us go on for ten minutes longer.

Mr. PLATT, of Virginia. I would have no objection to that myself, but the gentleman from Alabama [Mr. HAYS] wants the floor for some purpose before we adjourn this afternoon.

Mr. WHEELER. Then I will make the motion myself, that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KELLOGG reported that in pursuance of the order of the House the Committee of the Whole had had under consideration the Union generally, and particularly the special order, being House bill No. 1009, making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

REPORT ON IRRIGATION.

Mr. HAYS. I desire to enter a motion to reconsider the vote by which a resolution was adopted this morning calling upon the Commissioner of Agriculture for a portion of his annual report.

Mr. KASSON. I will move to lay that motion on the table, unless the gentleman desires to make some explanation.

Mr. HAYS. I have here a letter from the Commissioner of Agriculture which I desire to have read. This matter called for is to be embraced in the annual report of the Commissioner of Agriculture. It is not necessary that he should be called upon to furnish it when he intends it to accompany his annual report.

Mr. BECK. I rise to a parliamentary inquiry. What classes of references is it necessary to have in order to prevent such a thing as this happening? I supposed that none of these matters could be brought back on a motion to reconsider.

The SPEAKER. This is not the case of a reference, but of a resolution agreed to by the House. A resolution was this morning adopted, directing the Commissioner of Agriculture to furnish to the House a certain report on irrigation made by the minister of the United States in Italy. The gentleman from Alabama [Mr. HAYS] moves to reconsider the vote by which that resolution was adopted.

Mr. KASSON. I ask that the letter of the Commissioner be read.

Mr. BURCHARD. What is the wish of the Committee on Agriculture in this matter?

Mr. HAYS. It is the wish of the Committee on Agriculture that this document be published in the report of the Commissioner at the proper time.

The SPEAKER. The letter of the Commissioner of Agriculture will be read.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 28, 1874.

SIR: My attention was called this morning to the resolution of Mr. KASSON, referred to in your communication, and I wrote a note to him to say I had such an article from Mr. Marsh, which had been prepared at my instance for the annual report of this Department, and that it would be doing injustice to Mr. Marsh to send it to Congress. It would necessarily exclude it from the report of this Department.

Respectfully,

FREDERICK WATTS,
Commissioner of Agriculture.

Hon. C. DELANO,
Secretary of the Interior.

Mr. BURCHARD. I am inclined to think that this document had better come to this House than go into the Agricultural Report. The people generally are not so much interested in this subject of irrigation as are those on the western plains.

Mr. HAYS. The paper is properly a part of the report of the Commissioner of Agriculture.

Mr. ELDREDGE. I move that the House adjourn.

Mr. PENDLETON. I move that we take a recess till half-past seven o'clock.

Mr. KASSON. Let us finish the matter that is now pending.

The SPEAKER. If the House should take a recess, the session of this evening will be for the consideration of the report on the revision of the laws. The gentleman from Massachusetts [Mr. G. F. HOAR]

who has been presiding at the evening sessions desires to be excused this evening. The Chair requests the gentleman from Rhode Island, Mr. EAMES, to preside this evening.

Mr. ELDREDGE. I do not think that the Committee on Revision of the Laws desire the House to meet to-night.

The SPEAKER. The practice has always been that when an evening session has been ordered, it could be dispensed with by the adoption of a motion to adjourn, instead of a motion for a recess. It is the duty of the Chair to state that an evening session has been ordered; but, of course, it is within the power of the House to hold a session or not, as it may please.

Mr. ELDREDGE. I do not think the committee desire a session this evening.

Mr. LAWRENCE. O, yes; we are ready to go on to-night.

The question being taken on the motion of Mr. ELDREDGE that the House adjourn, it was not agreed to, there being ayes 34, noes not counted.

Mr. ELDREDGE. I move that the House take a recess.

The motion was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. EAMES in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873." The Clerk will resume the reading of the bill.

Mr. POLAND. Mr. Speaker, the committee find it necessary to return to the chapter upon the organization of the Army, title 14, beginning at page 256. My colleague on the committee, the gentleman from Ohio [Mr. LAWRENCE] will offer some further amendments to that portion of the revision.

Mr. LAWRENCE. I desire to offer an amendment to section 1113.

The section was as follows:

SEC. 1113. Post ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line who shall have served faithfully for eight years, including four years in the grade of non-commissioned officer.

Mr. LAWRENCE. I move to amend by adding at the end of this section these words: "and shall be assigned to their stations by him." This section is drawn upon the act approved April 5, 1832, chapter 67, section 2, and paragraph 134 of the Revised Army Regulations of 1863, which now have the force of law. That paragraph contains the provision which I move to add. The entire section as there found is as follows:

Ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line who shall have served faithfully for eight years, including four years in the grade of non-commissioned officer, and shall be assigned to their stations by him.

The amendment was agreed to.

Mr. LAWRENCE. The next section to which I desire to offer an amendment is section 1129.

The section was as follows:

SEC. 1129. Post and regimental chaplains shall make monthly reports to the Adjutant-General of the Army, through the usual military channels, of the moral condition and general history of the regiments or posts to which they may be attached.

Mr. LAWRENCE. I move to amend by inserting after the word "post," at the beginning of the section, the word "hospital." This provision is drawn upon the act of April 9, 1864, chapter 53, section 3, which contains the word I have suggested.

The amendment was agreed to.

Mr. LAWRENCE. I also move an amendment to section 1130.

The section was as follows:

SEC. 1130. It shall be the duty of commanders of regiments and posts to afford to chaplains assigned to the same for duty such facilities as may aid them in the performance of their duties.

Mr. LAWRENCE. I move to amend by inserting after the word "regiments," in line 1, the word "hospitals." This section is also drawn upon the act of April 9, 1864, chapter 53, section 3, which contains the word I have suggested.

The amendment was agreed to.

Mr. LAWRENCE. We have sought advice from the War Department upon a number of these provisions, and that Department suggests that there should be an addition to section 1131 of this revision, But the suggested addition is from a proviso of the act of July 28. 1866, chapter 229, section 10; and it will be found in section 1195 of Durant's revision. I make this statement merely to correct the error into which the War Department has fallen. The proposed addition is already in the revision.

On page 262, section 1131, I move, in line 3, to strike out "one" and insert "two;" add "s" to the word "adjutant;" in line 4 to strike out "three" and insert "four," and in line 5 to strike out "eleven" and insert "twelve;" so it will read:

The Adjutant-General's Department of the Army shall consits of one Adjutant-General, with the rank of brigadier-general; two assistant adjutants-general, with the rank of colonel of cavalry; four assistant adjutants-general, with the rank of lieutenant-colonel of cavalry; and thirteen assistant adjutants-general, with the rank of major of cavalry.

The reason for that is this: similar amendments will occur in a number of places. The act of March 3, 1869, section 6, volume 15 of the Statutes, page 318, made this provision:

NEW APPOINTMENTS IN THE ARMY.

Until otherwise directed by law there shall be no new appointments and no promotions in the Adjutant-General's Department, in the Inspector-General's Department, in the Pay Department, in the Quartermaster's Department, in the Commissary Department, in the Ordnance Department, in the Engineer Department, and in the Medical Department.

The act of June 10, 1872, 17 Statutes at Large, page 382, section 1, changed the act of March 3, 1869, by striking out the provision restricting appointments in the Engineer Department. The commissioners who revised these statutes held this provision made a limitation on the number of officers in these several Departments as they existed by prior laws. The War Department, however, construed these laws not to abolish the original number of offices but only to impose restraint on the power to fill them, so that at any time if Congress should repeal these provisions to which I have referred the offices would exist and they could be filled. It becomes necessary, therefore, in adopting this construction, which is that agreed to by the committee, to strike out the several numbers of these various offices as they were adopted by the commissioners and as they have been adopted in Durant's revision, and to restore the original number, but leaving in force this prohibition upon the filling of the number.

Here is a statement of Mr. Durant, which is correct except only he has overlooked the fact the first act I have cited is already in the revision:

The commissioners seem to have understood this section as limiting the number of commissions in the departments referred to, and they consequently reported the number of offices they ascertained as then existing, and fixed that as the number allowed by law; under which view it was unnecessary to report the above quoted section in the revision.

Concurring in this view that report of the commissioners was adopted. But it appears to be the opinion of the Committee on Revision of the Laws that the section quoted does not abolish the offices, but merely takes away the power to fill them. Under this view, all the figures have been changed in the section of the bill fixing the number of officers in these departments; and hence it will be further necessary to insert the section above quoted, now become necessary, as a part of the bill. It should go in next after section 1218.

The amendment was agreed to.

Mr. LAWRENCE. On page 262, section 1135, I move three amendments on the basis of the statutes to which I have referred. I send them to the Clerk's desk to be read.

The Clerk read as follows:

In line 3, strike out "five" and insert "six;" in line 5, strike out "fourteen" and insert "twelve;" in line 8, strike out "nine" and insert "sixteen," so it will read:

SEC. 1135. The Quartermaster's Department of the Army shall consist of one Quartermaster-General, with the rank of brigadier-general; six assistant quartermaster-generals, with the rank of colonel of cavalry; ten deputy quartermaster-generals, with the rank of lieutenant-colonel of cavalry; twelve quartermasters, with the rank of major of cavalry; thirty assistant quartermasters, with the rank of captain of cavalry; and such number of military store-keepers, not exceeding sixteen, as may be required, with the rank of captain of cavalry.

The amendment was agreed to.

The Clerk read as follows:

SEC. 1136. It shall be the duty of the officers of the Quartermaster's Department, under the direction of the Secretary of War, to purchase and distribute to the Army all military stores and supplies requisite for its use which other corps are not directed by law to provide; to furnish means of transportation for the Army, its military stores and supplies, and to provide for and pay all incidental expenses of the military service which other corps are not directed to provide for and pay.

Mr. LAWRENCE. The War Department called the attention of the committee to section 1135, and in connection with that to section 4 of the act approved June 3, 1862, section 233, page 47, of Mr. Durant's revision. On careful examination the committee came to the conclusion there is no conflict with the act of 1862 referred to, and that the provision in connection with section 223 contains everything requisite; which is as follows:

SEC. 223. The transportation of troops, munitions of war, equipments, military property, and stores, throughout the United States, shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint.

I now come to page 262, section 1138, which is as follows:

SEC. 1138. The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp equipage, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage.

The War Department called the attention of the committee to section 4 of the act approved July 20, 1862, chapter 15, as qualifying section 1138. The committee think it does not qualify it, and that taken in connection with section 223, page 47, of Durant's revision, the provision is correct.

I now move, on page 262, section 1139, in line 1, after the word "quarters" and before the word "shall," to insert the words "and buildings and structures of a permanent nature;" so it will read:

SEC. 1139. Permanent barracks or quarters and buildings and structures of a permanent nature shall not be construcied unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same.

That is found in the act of March 3, 1869, chapter 83, and section 1 of the act of May 4, 1872, chapter 172.

The amendment was agreed to.

Mr. LAWRENCE. By virtue of the statutes to which I have referred I move also the following amendment to the same section:

The Clerk read as follows:

Add to section 1139 the words "except when constructed by troops; and no such structures, the cost of which shall exceed $20,000, shall be erected unless by the special authority of Congress."

The amendment was agreed to.

Mr. LAWRENCE. My next amendment is to section 1142, on page 263.

The section was as follows:

SEC. 1142. The Quartermaster-General, under the direction of the Secretary of War, shall prescribe and enforce a system of accountability for all military supplies to the Army, or to officers, seamen, and marines.

Mr. LAWRENCE. I offer the following amendment:

In line 3 strike out the word "military," and insert the word "quartermasters."

The amendment was agreed to.

Mr. LAWRENCE. The next amendment is in section 1143, on the same page.

The section was as follows:

SEC. 1143. The Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank of brigadier-general; two assistant commissaries-general of subsistence, with the rank of colonel of cavalry; two assistant commissaries-general of subsistence, with the rank of lieutenant-colonel of cavalry; eight commissaries of subsistence, with the rank of major of cavalry; and thirteen commissaries of subsistence, with the rank of captain of cavalry.

Mr. LAWRENCE. I offer the following amendment:

In line 7 strike out "thirteen," and insert "sixteen."

That grows out of the statutes to which I referred as fixing the number of officers.

Mr. ELDREDGE. I do not know if the gentleman from Ohio intends to advocate the amendment he now offers or not. If he does not, I rise to oppose that amendment; and I do so for the purpose of calling the attention, as I hope of the country, to this most absurd and ridiculous farce that is being played here in the way of amending and revising the statutes of the United States. In my judgment there never was so absurd a proceeding as this is. I think we can count six or seven members—perhaps in all twenty, boys and men—who are taking part in this amendment and revision of the statutes of the United States.

I submit to the gentlemen present whether there ever was so absurd a proceeding. And yet the gentleman from Vermont, [Mr. POLAND,] whose opinions I respect, whose friendship I am proud to say I think I have, tells us he does not think the country will be satisfied with the Committee on Revision of the Laws attending to this matter in their committee-room in their private sessions. He thinks the country demands something more. I submit to him, was there ever so ridiculous a proceeding as to suppose or to give out to the country that this committee here are the House of Representatives? Does my friend from Ohio [Mr. LAWRENCE] think that he, and the gentleman from Vermont, and myself, and the few other gentlemen here—the gentleman from Indiana [Mr. HOLMAN] I would not neglect in my suggestion of the attendance to-night—that we compose the House of Representatives, or that we add dignity and character to these proceedings?

Mr. LAWRENCE. Will my friend from Wisconsin allow me to ask him a question?

Mr. ELDREDGE. Certainly. I should be glad to have the gentleman ask me a question. I think that would be the best part of this proceeding.

Mr. LAWRENCE. I wish to ask my friend whether the four gentlemen he has named do not count just as many as any other four gentlemen in the House.

Mr. ELDREDGE. I think they would if some of them had not got their heads battered in that investigation during the salary proceedings. [Laughter.]

Mr. LAWRENCE. They still count.

Mr. ELDREDGE. In my opinion, before that, I should have picked out the gentleman from Ohio as the very first among the distinguished individuals who are present. But seriously and candidly, I submit to the gentlemen who are present, is it not a farce we are playing? Is it not an attempt to cheat the country with the pretense that the House of Representatives is revising the statutes of the United States when you cannot count a baker's dozen who are taking part in the proceedings? Is it not an absurdity? Is it not ridiculous? Do we expect to cheat the people of this country by any such performance as this?

I have been here during most of the meetings that have been had upon the revision of the statutes of the United States, and I submit that it would be much more respectable, there would be much more dignity, much more of character in the committee of distinguished gentlemen who compose the Committee on Revision of the Statutes, if they were to take up this work in their committee-room and, calmly, candidly, and carefully examining these statutes, see whether they conform to the existing laws or not, rather than that they should come here and undertake to palm off on the country the idea that the House of Representatives, with their great salaries of $5,000 a year, are performing this duty themselves.

Mr. Speaker, I intend now, and from this time on, to say to the country, and I intend to say to the gentlemen who are managing this matter, that there shall be a quorum of this House or this proceeding shall not go on. I come here to-night for the very purpose of telling you gentlemen and the country that the revision of the laws shall not be made in the presence merely of six or eight gentlemen; that you shall have a quorum or that the proceedings shall not go on. I say the country shall know what is being done here, and you shall not palm off upon the country the idea that the House of Representatives are revising the laws when there are not over ten or twelve men present in this House. I come here to give you notice to-night that you shall not proceed in that way if my feeble effort can resist your purpose.

Mr. STORM. I think the committee that have this revision in their charge and the gentlemen who have seen fit to come here to-night have not deserved at the hands of the gentleman from Wisconsin [Mr. ELDREDGE] the rebuke he has attempted to administer to them. If the gentleman wishes to lecture those who do not come here, let him seek a proper occasion for doing it. If there be but a few gentlemen who come here and spend evenings in this laborious work of the revision of the laws, they certainly do not deserve censure at the hands of a gentleman who comes here to-night, perhaps for the first time, and attempts to lecture the members of the House who come to perform their duty. I agree with the gentleman if he will seek to enforce the attendance of a quorum of the Honse of Representatives; but I do not think that those members now present have deserved the lecture which the gentleman has seen fit to administer to them. Gentlemen who come here to attend to this business should not be ridiculed and abused in that way. They come here, sir, to make an effort to revise the laws of the country. It is not their fault that there is not a larger attendance than is here to-night. Sir, I think the remarks of the gentleman were, to say the least of them, unkind.

Mr. ELDREDGE. If the amendment is still debatable I wish to say a word or two. I would have preferred to have heard from the gentleman from Vermont [Mr. POLAND] before speaking, but my friend from Pennsylvania [Mr. STORM] hardly expressed himself with his ordinary courtesy. He has delivered to the House a lecture. I believe it is the first time that I have seen him here on such an occasion as this, and I am gratified to see him and congratulate him upon his presence. But, sir, there are six or eight persons here to give attention to the revision of the laws of the United States. I wish to say that I admire the presence of those gentlemen here, and if I were inclined to be particular in my admiration I would give it to my friend from Pennsylvania, because of his recent appearance on such an occasion as this.

Mr. Speaker, it is a burlesque, an absurdity, a farce, a lie, for us to be here pretending to revise the laws of the United States. It is a clerical business which an experienced clerk could perform better than the House. One clerk would be much more competent and could perform this duty better than the House could. The committee of the House, with ten members present, to undertake a revision of the laws of the United States, is not only an absurdity, but a fraud upon the country. That is a fact, sir. The House is not here, and I submit to the gentleman from Pennsylvania, [Mr. STORM,] and in his judgment I have great confidence, if any clerk of any committee would not do this work better than the House could do it in its present condition? Sir, I did not come here to lecture the House. The gentleman says that if I want to lecture the House I should take some other opportunity than this. Sir, if I wanted to lecture the House, of course I would take some other opportunity, because the House is not here now, and the Lord only knows where I should have to go to find them in order to give them a lecture. But I give notice to gentlemen on the other side that if the statutes of the United States are to be revised they should be revised by a quorum of the House, and the country should not be cheated by any such statement that the statutes of the United States are being revised by the House of Representatives, when only the distinguished gentleman from Vermont, [Mr. POLAND,] and the distinguished gentleman from Ohio, [Mr. LAWRENCE,] and my particular friend from Pennsylvania, [Mr. STORM,] are here attending to that revision.

Mr. STORM. I desire to say that I was in favor in the beginning of accepting this revision on the faith of the gentlemen who have it in charge, and I am so in favor of it to-night. But we are now here by order of this House, not of our own accord, not to attempt to palm off on the country a fraud, a cheat, and a lie, as the gentleman from Wisconsin [Mr. ELDREDGE] would have it. We are here to-night in pursuance of an order of the House, and are attempting to obey that order. The gentleman from Wisconsin has said to the members present here to-night that we are attempting to palm off on the country a sham, a fraud, a cheat, and a lie. In the beginning I said, as I say now, that I would have been willing to accept this revision upon the faith of the committee which had it in charge. But we are here to-night from no action of mine, but by order of the majority of the House, to see to this work of revision.

Mr. HOLMAN. I would suggest to the gentleman from Wisconsin that it is a very well-known fact, and one not creditable to ourselves or to the country, that a large portion of the business of Congress, especially of the House of Representatives, and perhaps it is the same with the Senate, is transacted without the presence of a quorum. It certainly was a very proper movement on the part of the gentleman from Vermont [Mr. POLAND] to insist that the passing over of the

pages of this compilation of the statutes should be done in this public manner, so that every gentleman who desires to be familiar with the text of what we hope will be the revised statutes of the United States should have an opportunity to be present and to participate in the action of the House upon this subject.

Now, scarcely a week passes over our heads when there is not important business transacted in this House by much less than a quorum. It is found that the process by which a quorum of the House is called together, especially at night sessions, by means of a call of the House, is attended with so much weariness on the part of those who attempt it that under no ordinary circumstances will that effort be made. I think the gentleman from Vermont would deem it wiser to adjourn at once than to attempt to force the presence of a quorum by means of a call of the House.

Nothing is more common than this very method of doing business which we are now pursuing to-night. Every Representative is properly held responsible for what transpires here. This is not the business of a committee; it is not done in a committee-room, in a place where all the members are not expected to be present. It is done in the Hall of the House, a place devoted to legislation. And for the action so done here every member of the House is held responsible. Unquestionably some errors will be found after all the pains taken. And after the remarkable application of the gentleman from Vermont [Mr. POLAND] and the gentleman from Ohio [Mr. LAWRENCE] and others who are engaged in this revision, it will still be found that mistakes have crept in this comparatively small volume instead of the seventeen large volumes of our statutes which now exist; and if some of those mistakes should happen to be important, it is not for those who attend here to be charged with having in secret, in their committee-room, designed to allow these mistakes to occur. Every member of this House at least will be estopped from raising any such objection to what may transpire here to-night. It is their duty to be present in this Hall. This attempt is made in open session, just as other business is transacted constantly, to complete the compilation of our statutes. Progress has been made in that work. I think the gentleman from Wisconsin and myself have been absent perhaps one night since these night sessions were commenced. I think gentlemen who are present, and who have generally been present, have at least diligently performed their duty.

Mr. POLAND. Mr. Speaker, the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. STORM] have both spoken so sensibly in relation to this matter that it is hardly necessary for me to say a word. Every gentleman who has given any attention to the statutes at large, and the condition they are now in, must be aware of the indispensable necessity of having a revision of them. I do not believe that in any civilized country in the world there ever was such a jumble of statute law as we have in the United States. And I think if my friend from Wisconsin [Mr. ELDREDGE] had given as much study to this subject as I have, he would very much doubt whether a competent clerk could perform this work.

There are a great number of contradictory statutes. It is sometimes a most difficult matter to tell what the law is. In some respects the duty of the committee is judicial; we have to exercise our judgment in determining from the variety of contradictory statutes what is really the law. The gentleman says that we ought to do this in our committee-room. Sir, we do do it in our committee-room. We present no amendment or provision here that has not been carefully studied and considered in the committee-room.

Now, if I understand my friend—and he is perfectly right in saying that we are friends in every good sense of that word—what is it that he is complaining of? Why, sir, that there is not a quorum of the House present. Sir, what are we doing here? If we were making new laws, if we were devising something that we were going to put forth to the country as new legislation, then there would be manifest propriety in saying that there should be a larger number of members present than we now have. We are only essaying to produce and put in form what is the existing law, what in part has been the statute law from the foundation of the Government down to this time.

Now, as my friend from Indiana [Mr. HOLMAN] very well said, if the House had been willing to intrust this work entirely to the committee, if it had passed a resolution instructing us to incorporate our amendments into this revision that they might be passed through the House without examination, it never would have answered for any committee to be thus taken upon trust. As my friend said, and very well said, there will undoubtedly be some omissions, some mistakes, some errors in this work after we have done the very best that we possibly can. If the House should adopt without examination our work as done in the privacy of the committee-room, and if somebody should be harmed by something that might be done there, it never would do for any committee, for any eleven members, to take that responsibility upon themselves. We must bring our work here where everybody can have an opportunity to see what we have done and that there is nothing secret about it.

The gentleman from Wisconsin says we ought to have a quorum. Now I understand very well that even as to members who are lawyers, unless they will sit down and make this a study, as we of the committee are obliged to do, their presence here would be of very little use. I do suppose that if this work ever comes to a completion and is adopted it will have to be done mainly upon the confidence and faith that the House has in the gentlemen who made the revision and in the committee who examined it. In the multitude of duties that devolve upon members of this House, almost every one of them is so burdened with other things that, if he is not specially intrusted with this business as his particular duty, he knows very well that he can be of very little service in attending meetings here and looking over this revision. He knows that we may as well intrust the work to men who have studied the subject and who will take the trouble to come here and attend to it.

We desired to take this work away from the business of the House. We had got possession of the morning hour with this bill. If it had remained in that position we should have occupied every morning hour during the present session, even if it should last until next October. We said to the House "We desire to get on with this work; we do not wish to obstruct the general legislation of the country; we are willing to come here and work evenings, work extra hours, too, for the purpose of getting through with this business."

Now, if my friend from Wisconsin insists, or asks us to insist, that we shall bring a quorum of the House here at every evening session, the proceeding will be so irksome to gentlemen who take no special interest in it, that we shall not have any evening sessions; the House will vote to dispense with them. Thus practically, (and I desire to appeal personally to my friend upon this subject,) if he insists that this work shall not go on unless we have a quorum of the House present, there will be an end of this revision; then next year we shall have added to the seventeen volumes of the Statutes at Large, the eighteenth volume, the next year the nineteenth; and so we shall go on until this jumble grows vaster and vaster.

The only practical mode of accomplishing anything in this work (and I think my friend will agree with me it is one desirable to be done) is just the very method we are pursuing; and I submit to him that our proceeding is not open to any such charge as that it is a fraud upon the country, or that anybody is to be cheated by it, or is to be dissatisfied with it. I think myself that the gentlemen who feel an interest in this matter, as my friend from Wisconsin does, and who will take the trouble to attend these night sessions to look after it, can do all that is to be done better than if we had the noise and confusion that we have in the ordinary full sessions of the House. I desire to submit to my friend's own good sense and good judgment that he is misleading himself upon this subject; that instead of this work not being so well done with the number we have here as if we had the whole House present, it can in this way be more speedily and better done. With the attendance of gentlemen who feel sufficient interest in this matter to come here and give their attention to it, we can really get along with the work faster and can do it better than if we had present ten times as many men who felt no interest in it, who regarded it with no other feeling than that of impatience and disgust. I think I am right in saying to my friend that if he persists in the position that we must not go forward with this work without the presence of a quorum, it will be the end of the matter.

I have considered this subject with a good deal of care. The law providing for this revision I introduced and had passed nearly eight years ago. I have cherished it all this time; and I do not intend it shall die if careful nursing will keep it alive. But I shall despair of success if my friend persists in saying that we shall not go on with this work unless we have a full House. I do not think we shall be able to secure such attendance; and I submit that it is not necessary for the safety of the country or the success of this revision that we should do so.

Mr. ELDREDGE. My friend from Vermont knows the profound reverence I have for his opinions and judgment. He knows with what confidence I have always looked up to him for counsel and advice; and never more than to-night, perhaps, did I appreciate his wisdom. Nothing has ever arisen to shake my confidence in his judgment. But some of his suggestions, it seems to me, are appeals to expediency and the hope of realizing ideas which I regard as Utopian, rather than a consideration of practical results. If I doubted his judgment, the reverential voice with which he always appeals to me would, I think, overcome me, as I believe it always has done. I never was able to resist his appeals, even when I doubted the expediency of his proposals.

But I submit to him, when he says that this House, or this assemblage, these few individuals here to-night, not to exceed a baker's dozen, I believe, of the members of this House, are more competent, would do this work better, than the House of Representatives or a quorum of the House, whether he is not antagonizing the wisdom of the country in its provision for the numbers which make up this House? And then let me suggest to him, after the House had been provided for in its numbers, and when I constantly had voted for the smallest number, in the interest of economy, in the interest of speedy and good legislation, as I thought, whether he was not the individual to come in, and, in order that Vermont—my own native State and his native State—should have the same number of Representatives in the present Congress she had in the last, consent that Ohio, New York, Indiana, and some other States, should have an additional number on their fractions, in order that Vermont should have a full voice in the House of Representatives; and whether he did not do that in the interest of the country and for the purpose of having a proper, and the most proper, body for the purpose of legislation in this country? He told us, with the same gravity, with the same voice, with the same dignity of manner, with the same earnestness and sincerity with which he

speaks to-night, about the few who are here being able to do this business better, of the necessity of having a full House, and especially that Vermont should be fully represented with the same number she had in the last Congress.

Now I submit to him whether it is not a farce to have it go out to the country that the House of Representatives is in session revising the laws, whatever that work may be, when less than the number of the committee, or not to exceed any of the committees of the House, are present here? Why not put it upon the Committee on Revision of the Laws, as I would put it upon them, as I would trust them, as I would hold them responsible? Why not put the whole work upon them, take it upon trust, take it upon their responsibility, hold them responsible that the work is what they profess it should be?

One of the revisers sits by my side. I would rather take his revision in calm consideration of it in his own office, deliberately considering every passage and every sentence, much rather than to take any such pretended revision as is now attempted to be palmed off on the country as a revision by the House of Representatives.

I shall, so far as I am concerned, wash my hands of all responsibility in this revision of the laws. I came here at the first session with some enthusiasm on this subject, with much anxiety that the laws should be revised and codified and presented in a compact form, so not only the legal profession of the country but the people of the country, might have a safe and convenient codification of the laws. But the very first proposition I made in reference to a doubtful construction of a particular paragraph I was met by the gentleman from Vermont [Mr. POLAND,] and the gentleman from Massachusetts, [Mr. E. R. HOAR,] then having the subject in charge, with the statement that the purpose was not to revise the laws but was simply to compile, to put in compact form, in close connection, in a succinct revision, the laws as they now exist. And the gentleman from Vermont told me, instead of sixteen or seventeen volumes as now, their purpose was to put the existing laws into a compact form; but when I suggested to the gentleman the provision I referred to did not express the law, that it was not capable of being understood, I was told the committee intended as one of their purposes no change of the law should be made.

Now I wish to say I have watched with some earnestness and with some anxiety the progress thus far made, and I tell gentlemen there have been radical changes in the law. Yet when I presented a proposition of that kind, I was met at once with the statement no change was to be made. I now know the purpose is to change the law. The gentleman from Kentucky [Mr. BECK] who sits at my left when he is here, brought to the attention of the House a most radical change. There was no explanation of it except there was an *erratum*, number 3 or 4, which did refer to it. Now the intention was apparent to change the law. When you come to the consideration of the laws for the collection of tariff and taxes we know this revision is an entire change of the law, as gentlemen will learn when they come to vote on them.

Suppose the gentleman from Vermont were to rise in his seat and suggest that a change of the law was being made, and with all the ability of which he is capable—and I know he is capable of exercising very great ability in the advocacy of any measure he undertakes—advocate that suggestion, who is to determine whether he is right or not? Why, it is my friend from Ohio, [Mr. LAWRENCE,] the gentleman from Massachusetts, [Mr. E. R. HOAR,] who is not here to-night, and the gentleman from Vermont, [Mr. POLAND.] There is no vote. There is no consideration. The subject is not considered. There is no debate upon it. But in the committee these gentlemen have agreed to assign certain pages to the gentleman from Ohio, certain pages to the gentleman from Vermont—and I do not wish to disparage the ability of either of them—and certain pages to the gentleman from Massachusetts; and they go over the book and tell you they want this change of a word here and that change of a few words there. There is no explanation; there is no reference to former statutes; and the thing passes, and it goes out to the country that the House of Representatives have acted in their associated capacity and wisdom upon that question.

The gentleman from Indiana [Mr. HOLMAN] has suggested that this is an economical way. Everybody knows how economical my friend from Indiana is. I know that he is. If he has sought any rôle in the world ever since I have known him in the House of Representatives, his tendency has been in the direction of economy. If he has not acted in that way he has certainly been inclined and determined to act in that way. I know it is so, for I have heard him say so a hundred thousand times. [Laughter.] I know that is his purpose; and if he has failed he has failed only because of his inability to go in that direction. And that he is not to blame for; for there are measures brought in here in reference to which my friend from Indiana would practice ecomomy that would cheat the very elect, although I do not know but that he is included among that number himself.

I say, Mr. Speaker, that this is a farce. There is no revision of the laws. I would take it upon the character of the distinguished gentlemen who were intrusted with this business in the first place. I would put the responsibility upon them, and take the work on their reputation and character. But, in Heaven's name, do not undertake to tell the people of this country that the House of Representatives and the Congress of the United States are revising the laws when this meager assemblage is here acting upon it. Do not undertake to palm off any such fraud.

I see before me my friend from New York, [Mr. COX,] who knows that we are paid very much for our services. He knows we are paid for every hour of the twenty-four, and ought to be here and work that number of hours if necessary in the revision of these laws. Is not that so?

Mr. COX. Yes, sir.

Mr. ELDREDGE. The gentleman has always advocated that. Why should not the House of Representatives be here? And why should the gentleman from Vermont tell the country that it is impossible to get a quorum of the House of Representatives here when we are paid the enormous salary of $5,000 a year, and mileage added to that, and perquisites, and all that sort of thing? I tell you how the House can be brought together. Tell them you are to cut down their salaries, and they will all be here. [Laughter.] But to tell the country that the House of Representatives is revising the laws, that it is acting upon this immense volume here, to tell them that the associated wisdom of the United States in its representative capacity here is acting upon this matter, I say, as I said before, is not only a fraud and a cheat, but it is a lie. The House is not here.

Mr. LAWRENCE. Mr. Speaker, for nearly eighty-five years Congress has been enacting statutes until we now have seventeen large volumes. During that time there never has been an authorized revision of the statutes. Every lawyer knows that there is a necessity for such a revision, and every member of this House knows that unless we secure this revision by the very means we are adopting there will be no revision act.

Now, I understand my friend from Wisconsin [Mr. ELDREDGE] to say that he is willing to trust the Committee on Revision of the Laws. As one member of that committee, I certainly feel grateful to him for the confidence in the committee which he expresses; but I submit to him and to the House that there are certainly two advantages in the mode which we are adopting over that which he suggests.

In the first place, it is the privilege of every member of the House to be here at these meetings and suggest that there is an error here, or an omission there, or a wrong construction somewhere else, so that every member has an opportunity to be heard and to make any suggestion which he may choose to offer. Since I came here this evening, the gentleman to whom my friend from Wisconsin referred as one of the revisers of these statutes has given me a very valuable suggestion; and he would not have attended a session of the committee, and we would have lost that suggestion at least. The gentleman from Kentucky, [Mr. BECK,] who is not now in his seat, at an earlier session of the House, when we were convened in evening session considering this revision, gave to the House a suggestion which might have been lost but for the evening sessions. So every gentleman has an opportunity to come here. And when we come to the tariff provisions in this bill we will have here my friend from New York [Mr. COX] watching every section and sentence, and our friend from Massachusetts, [Mr. DAWES,] also watching every section and sentence; and we will have the benefit of their knowledge and their watchfulness.

Then there is another reason why this mode has an advantage over that suggested by my friend from Wisconsin, of submitting it to the committee and taking merely what they shall report. Our proceedings here are published. Every member of the House is supplied with this volume—this final revision by Mr. Durant; and the CONGRESSIONAL RECORD will contain every change that is made in it and everything that is said about it. And every member who is not here will have an opportunity to read the RECORD and see every change that is made in this book; and he can sit down at his leisure and compare all that with the original statutes, and ascertain whether the work we have done has been done correctly.

Sir, the gentleman from Wisconsin is mistaken in saying that this is a fraud upon the country, when he knows that every member of the House knows that this work of the Committee on Revision of the Laws cannot become a law until all the amendments and changes have been made in it and it has been voted on by a full House. Sir, when the bill comes to a final vote it will be voted upon by a full House. There will be an opportunity for every member to ascertain the shape in which it is finally put; every member will have an opportunity to express an opinion for or against it, and see whether the work is correct or not. Now, every gentleman here knows that we are called upon to act on many matters in the House which are examined by but very few members, and we are compelled to act on the faith we have in them. No member can possibly understand all the matters that are brought for investigation before all the committees of the House; it is impossible, utterly impossible. I do not undertake to investigate every appropriation brought before the Committee on Appropriations, for it is more than any man could do. Gentlemen gather what information they can in reference to appropriations, and act partly on faith, having no kind of accurate information. We are liable to make some mistakes. My friend from Wisconsin said that this work of the Committee on Revision of the Laws was divided out amongst its members. That is so. Two hundred pages were assigned to me, and I have spent weeks and weeks in examining the portion assigned to me. But if the gentleman means to say that the work of the several members of the committee was not submitted to the whole committee he is mistaken. Every change made or sug-

gested by a member of the committee has been submitted to and acted on by the whole committee. They have frequently changed the reports of the several members to whom certain portions of the work had been assigned when they have made suggestions of change or amendment. The House has the judgment of the Committee on Revision of the Laws. I think, sir, that, all things considered, it is better for us to go on in the way we are going on. If the gentleman from Wisconsin requires a call of the House, so that members shall attend, I shall make no objection to it. But this is a work of so much magnitude and importance and of so great necessity, that it ought to be done.

Mr. SENER. Under the rules of the House is not a quorum presumed to be present until some vote shows that no quorum is present?

The SPEAKER *pro tempore*. That is the rule of the House.

Mr. WILLARD, of Michigan. It is with deference that I hazard any remarks or suggestions on the subject which has just been discussed, from the fact that I know so little in regard to the actual character of the work which has been bestowed upon this revision. I have taken it for granted, sir, from the character of the members who compose the Committee on Revision of the Laws, that the work has been well and faithfully done. I have come here every evening on which this matter has been before the House, and I have endeavored to follow out the suggestions of the committee, and learn what was the real character of the work they had done. But I felt myself at a loss, when suggestions have been made by the committee in regard to the proposed amendments, whether those amendments ought to be made or not. It is a work too great for me to undertake to compare the revision laid before us with the seventeen volumes of the Statutes at Large, which have been accumulating in this Republic for the last seventy-five years. It has seemed to me likely that the committee had some plan of the work they had gone over, which, if furnished to members of the House, might be exceedingly valuable.

If this revision had been accompanied with marginal references, quoting the volume and the statute from which the revision was taken, it seems to me that it would have been of very great utility. And now, if the Committee on Revision of the Laws have these references, it seems to me that it would facilitate this work and enable us to do it much better if we had those references before us. If they could be furnished to us, then I have no doubt members who are particularly interested in some particular part of this work would make it a point to examine those references and compare the revision with the original statutes.

It is very true, as has been said by those of the committee who have spoken this evening, that it is not to be expected that all the members of the House will be equally interested in every part of the statutes. But some of the members will be interested in some one part. I met last evening the chairman of the Committee on Indian Affairs, and he was under the impression that there was a meeting last night for the revision of the statutes, and said that he must hurry up here, because he believed the revision of the laws in relation to the Indian Department would be under consideration, and he wished to be here in order that he might look into the matter and make some suggestions. This being so, I have no doubt that if the members of this House could be furnished with those way-marks, those tracks, those references, to which they might refer, it would be of very great benefit to them, and would facilitate this work.

Mr. COMINGO. I would inquire of the Chair, what is the question before the House?

The SPEAKER *pro tempore*. It is the amendment proposed by the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. COMINGO. Is not all this debate out of order?

The SPEAKER *pro tempore*. No question having been raised as to the pertinency of this debate to the question before the House, the Chair takes it to be entirely in order.

Mr. ELDREDGE. I desire to inquire of the gentleman from Ohio [Mr. LAWRENCE] what his object is in proposing this amendment? The gentleman from Michigan who last spoke [Mr. WILLARD] has suggested what has occurred to me, that if the gentlemen of the Committee on Revision would explain what they mean by their amendments, instead of asking the House to take them upon trust in the wisdom which we all freely accord to them, we would better understand them. There are no marginal notes to this revision. It is said that no legislation is being done; that this is a mere clerical work. If so, then I say that a clerk could do the work.

If this is a work of legislation, then we ought to have a legislative body to do it. No gentleman has yet answered that proposition. It is said by the gentleman from Vermont that this is merely a compilation. And yet he tells us that he is boiling down into one volume the seventeen or eighteen volumes of Statutes at Large. It must certainly be that different language is used to express the same idea, and that we are actually engaged upon new legislation. And why do not gentlemen tell us what their purpose is?

The gentleman from Vermont [Mr. POLAND] appeals to me in such tones that I can hardly resist, for, of course, he knows my weakness. Still my intellect would be better satisfied if he would give a reason for his plaintive and appealing voice. Give me some reason for it.

Mr. LAWRENCE. I will explain the amendment.

Mr. ELDREDGE. I have no doubt the gentleman can explain it.

Mr. POLAND. Let me say, as I have said a great many times since we began this revision, that we do not purpose to alter the law one jot or tittle. Most of the amendments which we have proposed to this revision, as it has been laid before the House, are because the committee ascertained, as they believed, that the law was either not correctly stated, or was not fully stated, in this revision.

Mr. ELDREDGE. Allow me right there to call the attention of the gentleman to one thing. I cannot now refer to the particular section; but in regard to one of the sections of this revision I said to him, "If you take it as it literally reads, it will mean entirely different from what the gentleman has stated the purpose of the committee to be;" and did not the gentleman—or perhaps it was the gentleman from Massachusetts [Mr. E. R. HOAR]—say distinctly that "no matter what the language was, we admit the doubt, but we cannot change the language; we admit the uncertain reading of the law, but we have only to compile, and not to revise?"

Mr. POLAND. The Committee on Revision of the Laws do not intend that there shall be the slightest change of the law contained in this volume of revision. The original act providing for the revision did authorize the commissioners who were appointed under it to make some changes, and they did so; but the Committee on Revision of the Laws of the last Congress came to the conclusion, and I think wisely, that if we brought in a bill of fifteen hundred compact pages which it was understood had to be got through this House, and have every section scrutinized as we would the sections of a new bill, in order to ascertain what legislation it contained, it would be utterly impossible to get it through this House. I think that some of the difficulties and errors in the work grew out of the fact that instead of one man being employed in the matter three were employed. I think I am a little wiser now on this subject than I was eight years ago when the bill was passed providing for three commissioners to revise the statutes. Most of the difficulties we find in this revision, most of the errors that we have to correct in this work, grow out of the fact that the work was done by three men instead of one. That is rather an argument in favor of small bodies. [Laughter.]

Mr. ELDREDGE. It is in opposition to your former argument.

Mr. POLAND. Of course the language of this revision is very much changed from the language of the existing statutes. No one can condense seventeen volumes into one and use precisely the same words that have been used in those seventeen. The language is necessarily changed.

Now, this very amendment that my friend from Ohio [Mr. LAWRENCE] has offered, and which he did explain before the gentleman from Wisconsin came in this evening, is a good illustration of the nature of this work; and I will repeat the explanation, not so much for the sake of this particular amendment as to show somewhat the character of the work in which we are engaged.

In 1866 the Army was reorganized, and it was provided how many officers there should be in each of the staff corps—so many colonels, so many lieutenant-colonels, so many majors, and so on to the end of the chapter. That continues to be the law. But two or three years ago, when we had another partial revision of the Army law, it was provided that in all these staff corps there should be no promotions until authorized by further action of Congress. Since that time there have been of course deaths and resignations, so that in each of these staff corps the actual number of officers is considerably below the number that the law provides for The vacancies cannot be filled—there can be no new appointments and no promotions—because Congress has forbidden them. Mr. Durant, who went over the revision, and who was instructed to strike out everything that the revisers had done in the way of change, and to correct any errors he might find, understood the law to be that by the occurrence of these vacancies the actual legal number of officers was reduced; and therefore he changed the work of the revisers by striking down the numbers to correspond with the number actually in office. The committee are entirely satisfied that the revisers were right; that the law still provides for so many positions in all these staff corps, but that the vacancies cannot be filled until Congress gives authority for the purpose. Congress itself has put a practical construction upon the law in this respect, because in the last Congress we passed an act authorizing vacancies to be filled in the Engineer Corps. But the law remains the same as to all the other staff corps. Now, the amendment offered by my friend from Ohio relates to a change in the numbers of one of these staff corps; and there are three or four places where those numbers have to be changed.

Let me say further to my friend from Wisconsin that though the committee may not in every case deem it necessary to take up time by explaining every amendment offered, yet whenever it may be deemed important they will, upon the suggestion of any gentleman, state the reasons for the amendment and give a reference to the statutes, so that it may be ascertained whether what we offer is correct or not. We shall always be happy to make such explanations.

Mr. ELDREDGE. If it will not interrupt my friend from Vermont [Mr. POLAND] I would like to ask him categorically why he and his associates on the committee (whose character I do not impugn; in whose word I have very great confidence, so that I would take it quite as soon as I would the action of this grand assemblage of the House of Representatives) cannot come here to the House, after, we will say, a month or six weeks or two months, according to the time they may need, and tell the House in just the same voice and with the same good faith that my friend from Vermont addresses

us this evening, that there is no change in the revision they submit; that it embodies, so far as they know, exactly what the law now is. And I want to say to the gentleman from Vermont that if his committee should come here with such a statement, they would have my faith and confidence to the same extent that I give it to him in the statement he has now made.

Now, what is the use—no gentleman has answered this question—what is the use of giving out to the country that the House of Representatives is in session to-night? It is not. Such a pretense is an absurdity. If the people of the country have the right to the assembled wisdom of the House; if members, being paid for their services, ought to be here, the fact at any rate is that they are not here; and why should a few members, night after night, come here and undertake or pretend to represent the House of Representatives of the United States of America? I appeal to the gentleman from Vermont whether it is not a cheat, whether it is not a fraud, whether it is not a wrong perpetrated upon the people whom we represent, that we should come here and undertake or profess to act in the capacity of the House of Representatives, when there is not a baker's dozen of members present.

Mr. POLAND. I will suggest one difficulty about the proposition that we should not hold sessions of the House to consider this revision, but should go through with it in committee, and bring in the result all at once. It is said that the world was made in six days; but it was not made by the Committee on Revision of the Statutes; I do not think they could do it in that time.

Mr. ELDREDGE. I think that is just about as much a humbug as the pretense that it is the House of Representatives now making this revision.

Mr. POLAND. Inasmuch as we desire to bring all our amendments before the House, so that any gentleman taking an interest in them can see from day to day what we are doing, we deem it better that we should keep up with our work and have it acted on as fast as we get it prepared rather than to have it acted on at one time and in a body.

My friend from Wisconsin, who has been a member for some years, knows very well that as we approach the latter part of the session the committees will have their business prepared for the action of the House, and there will be a very great pressure here, so that it would be difficult for us at that stage of the session to secure as much attention as we can get now.

Mr. ELDREDGE. Does any gentleman know of any particular laborious work in which the committees or a majority of the House are engaged to-night, so that they cannot be here to participate with the gentleman from Vermont in the arduous duty he is performing?

Mr. POLAND. I was not speaking of this particular evening, but of the latter part of the session. I think the gentleman knows quite as well as I do what is likely to be the condition of the House at that time.

Mr. ELDREDGE. I know very well what is likely to be the condition of business as we go on in the session; but I say that it ought to be understood that we are doing one thing or the other. Either the House should attend to this work as it does to its ordinary business, or we should take the statement of the gentleman from Vermont, [Mr. POLAND,] the gentleman from Ohio, [Mr. LAWRENCE,] and the gentleman from Massachusetts, [Mr. E. R. HOAR]—a statement upon their professional or, if you please, upon their official honor—we should thus take this matter upon trust rather than undertake to make a revision and pretend that it is a revision by the House of Representatives.

I would rather take it in that form. There is no use to come here. I have lost all my enthusiasm in the effort and attempt to revise and codify the laws. There is no use of it. These gentlemen have made it. They come here and say they want to strike out a figure here, and they turn over ten or fifteen pages and strike out a figure there, without any explanation of it. I have no doubt of the diligence, industry, and hard work of the committee. I find no fault with them; but this is no way to revise the laws of the United States. It does not amount to anything when we get through with it. We do not know whether they are right or wrong. When they undertake to compile sixteen volumes into one and sixteen sections into one we know perfectly well the frailty of human judgment and of our language, and we know the necessity of having, if there is any importance of having a body of three hundred men to legislate, we know the necessity and importance of having them all here, so we may be benefited by their assembled wisdom on this question.

The gentleman did not meet the point I made.

I came here for the purpose of breaking up any such sort of an assemblage as we have here to-night, and I have not lost that purpose; and, until I can hear some good reason for it, I do not propose to withdraw my objection, for this is not the kind of House we ought to have to consider such an important question.

Mr. COMINGO. I rise to a point of order. I make the point all this debate is out of order.

Mr. ELDREDGE. That is the best suggestion made to-night. It is one of great wisdom. He is as near as possible to those who are absent on the subject of discussing this bill.

Mr. COMINGO. I insist this debate is out of order.

Mr. SENER. We have been here one hour and a half, and have done nothing. I therefore move the House adjourn.

Mr. POLAND. I hope the gentleman will withdraw his motion to adjourn.

Mr. SENER. I will, at the gentleman's suggestion, but will renew it if I find we are doing nothing.

The question recurred on Mr. LAWRENCE'S amendment.

The House divided, and there were—ayes 21, noes 2.

Mr. ELDREDGE. The Chair must have counted the pages. [Laughter.]

The SPEAKER *pro tempore*. The ayes have it.

Mr. ELDREDGE. O, no, Mr. Speaker; there is no quorum voting.

The SPEAKER *pro tempore*. Does the gentleman from Wisconsin demand tellers?

Mr. ELDREDGE. Of course I do.

Mr. SENER. I move to adjourn.

Mr. HOLMAN. I hope the gentleman will allow me to say a word.

Mr. SENER. I must insist upon my motion to adjourn unless it is apparent we can do some business to-night.

Mr. HOLMAN. I wish to suggest to the gentleman from Vermont that he will intimate to the House, so it will come to the knowledge of members to-morrow, what line of policy he proposes to take hereafter in the event of a quorum not being present. Then everybody will know what will be the action of the House at the next evening session.

Mr. SENER. I renew the motion to adjourn.

Mr. ELDREDGE. How many votes did the Chair count on the last division?

The SPEAKER *pro tempore*. Twenty-one in the affirmative and two in the negative.

Mr. STORM. That beats the gentleman's baker's dozen. [Laughter.]

Mr. SENER. I withdraw my motion to adjourn at the suggestion of the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. I think my friend from Wisconsin must be aware of the fact, if we are to go on with this revision at all, it must be in these night sessions. He says he is willing to trust the committee—that he is entirely satisfied if the committee will examine this subject, and come into the House and say they have examined it, and their amendments are right. I would like to inquire of him whether when our amendments have been carefully considered, and we bring them in here where everybody who chooses to see them can see them, there is any reason why the same faith should not be given to the committee and its amendments when we do this as if we did it secretly in the committee-room. The gentleman must know no committee could stand such responsibility that they in their committee-room should revise the statutes of the country and have that revision taken on faith. If the gentleman persists in calling for a division to-night, of course we must adjourn.

Mr. ELDREDGE. The gentleman from Vermont knows how weak I am to any appeals made to me by him with that pleading voice of his, but if I were to yield to my sympathies——

Mr. STORM. I call the gentleman to order. There is no question before the House.

Mr. ELDREDGE. I would yield to the request of the gentleman from Vermont if I were to consult my own feelings, but I believe we ought to have more people, more members here, to do this business than we have to night.

Mr. SENER. I renew my motion to adjourn.

Mr. ELDREDGE. I demand the yeas and nays. Only one-fifth of those present are required to demand the yeas and nays.

The House divided, and there were—ayes 6, noes 21.

So the yeas and nays were ordered, more than one-fifth of those present voting in the affirmative.

The question was taken; and there were—yeas 21, nays 9, not voting 259; as follows:

YEAS—Messrs. Coburn, Comingo, Duell, Durham, Eames, Eldredge, Holman, Lamport, Lawrence, Hosea W. Parker, Pendleton, Poland, Henry B. Sayler, Sener, Shanks, St. John, Storm, Stowell, Whiteley, William B. Williams, and Jeremiah M. Wilson—21.

NAYS—Messrs. Ashe, Begole, Bromberg, Brown, Cason, Crossland, Danford, McCrary, and George Willard—9.

NOT VOTING—Messrs. Adams, Albert, Albright, Archer, Arthur, Atkins, Averill, Banning, Barber, Barnum, Barrere, Barry, Bass, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Conger, Cook, Corwin, Cotton, Cox, Creamer, Crittenden, Crocker, Crooke, Crounse, Crutchfield, Curtis, Darrall, Alexander M. Davis, John J. Davis, Dawes, DeWitt, Dobbins, Donnan, Dunnell, Eden, Elliott, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Lawson, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Magee, Marshall, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Rainey, Randall, Ransier, Rapier, Rawls, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standeford, Starkweather, Stephens, Stone, Strait, Strawbridge, Swann, Sypher, Taylor,

Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—259.

So the motion to adjourn was agreed to; and accordingly (at nine o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as follows:

By Mr. AVERILL: The petition of the common council of the city of Du Luth, Minnesota, for an appropriation of $20,000 for the purchase of a site and the erection of a building for Government purposes at Du Luth, to the Committee on Public Buildings and Grounds.

By Mr. BANNING: Papers relating to the claim of John A. Coan, of Cincinnati, Ohio, Government lessee of certain plantations in Louisiana, to the Committee on War Claims.

By Mr. COBURN: The memorial of General William B. Hazen, in regard to creating a soldiers' savings deposit, to the Committee on Military Affairs.

By Mr. CROUNSE: The petition of J. L. Edwards, for relief on account of loss of postal and revenue stamps, to the Committee on Claims.

Also, the petition of Mennonites, that certain public lands may be reserved for them, to the Committee on the Public Lands.

By Mr. DONNAN: A paper relating to the establishment of a post-route in Iowa, to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the application of Francisco V. DeCoster, for the pay and allowances of a captain of cavalry, to the Committee on Military Affairs.

By Mr. DUELL: Several petitions of citizens of Syracuse, New York, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. ELKINS: Sundry executive and miscellaneous documents relating to private land claims in New Mexico, to the Committee on Private Land Claims.

By Mr. FOSTER: The petition of citizens of Barbour and Comanche counties, Kansas, for the establishment of a land office at Sun City, Kansas, to the Committee on the Public Lands.

By Mr. FREEMAN: The petition of citizens of Atlanta, Georgia, for the passage of the supplementary civil-rights bill, to the Committee on the Judiciary.

By Mr. GIDDINGS: The petition of Marcos Radich, a native of Montenegro and a subject of Turkey, to be reimbursed for property taken from him in Texas by the military authorities of the United States, to the Committee on War Claims.

By Mr. GUNCKEL: The remonstrance of physicians of Dayton, Ohio, against a reduction of the annual appropriation for the medical library and museum connected with the Surgeon-General's Office, to the Committee on Appropriations.

Also, the petition of Charles D. Postell, for relief, to the Committee on Appropriations.

Also, the petition of Henry Kirby, for pay and allowances, to the Committee on Military Affairs.

Also, the petition of Joseph R. Wagoner, for pay due his deceased son, to the Committee on Military Affairs.

Also, the petition of Mary D. Ewing, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Daniel Bowen, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Michael Bannon, for a pension, to the Committee on Invalid Pensions.

By Mr. HALE, of Maine: The petition of Asa Bucknam, for an American register to the schooner Carrie, of Eastport, to the Committee on Commerce.

By Mr. HALE, of New York: The petition of Ely Cameron, for the removal of the charge of desertion, to the Committee on Military Affairs.

By Mr. HATHORN: The petition of George H. Fish & Son and others, druggists of Saratoga Springs and Ballston Spa, New York, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. LYNCH: Papers relating to the claim of George J. Mortimer, of Copiah County, Mississippi, to the Committee on War Claims.

By Mr. MILLS: The petition of the Northwestern Annual Conference of Texas of the Methodist Episcopal church, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. RAINEY: The petition of colored citizens of Atlanta, Georgia, for the passage of the supplementary civil-rights bill, to the Committee on the Judiciary.

By Mr. SAYLER, of Indiana: The remonstrance of A. M. Tucker and others, of Indiana, against the extension of Tanner's car-brake patent, to the Committee on Patents.

By Mr. SENER: A paper for the establishment of post-routes from Frederick's Hall, Louisa County, via Mercersville, to Glenora, Spottsylvania County; from Cherrystone to Cobb's Island; and from Dumfries to Bellfair Mills, all in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: Papers relating to the application of Lieutenant John S. Manning, for relief, to the Committee on Military Affairs.

By Mr. WHITE: The petition of the Boards of Trade of Columbus, Mississippi, and Mobile, Alabama, for the improvement of the Tennessee and Tombigbee Rivers, to the Committee on Commerce.

By Mr. WILLIAMS, of Wisconsin: The petition of citizens of Janesville, Wisconsin, for the suppression of the cooly trade, to the Committee on Education and Labor.

By Mr. WOLFE: The petition of citizens of New Philadelphia, Indiana, for the prepayment of postage on all mailable matter at the office where mailed, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

THURSDAY, *February* 5, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. MORTON. If no Senator desires to hear the minutes read, I suggest that the reading be dispensed with.

There being no objection, the reading of the Journal of yesterday's proceedings was dispensed with.

HOUSE BILLS REFERRED.

The bill (H. R. No. 485) to authorize the Secretary of the Treasury to issue an American register to the schooner Carrie, of Eastport, Maine, was read twice by its title, and referred to the Committee on Commerce.

DISTRICT GOVERNMENT INVESTIGATION.

The PRESIDENT *pro tempore* laid before the Senate the message of the House of Representatives announcing that the House had passed the following concurrent resolution:

Resolved, (the Senate concurring,) That a joint select committee be raised, consisting of —— Senators, to be appointed by the President of the Senate, and five members of the House, to be appointed by the Speaker of the House, whose duty it shall be to inquire into the matters specified in the petitions of W. W. Corcoran and others; whether unlawful contracts have been made for public improvements in the District of Columbia; whether unlawful assessments and taxes have been levied; the actual cost of such improvements; the amount agreed to be paid therefor; whether correct measurements have been made; the existing indebtedness on account thereof, and what, if any, portion of such indebtedness was created on account of Government property, and may be properly paid out of the Treasury of the United States; and inquire and report what amendments of the organic acts, if any, are necessary to further protect the rights of citizens or regulate the disbursements and collection of moneys; that said committee shall have power to employ a clerk and stenographer; to administer oaths, and send for persons and papers, and shall report to the Senate and House of Representatives.

And that the Speaker had appointed as members of the joint select committee on the part of the House of Representatives Mr. JEREMIAH M. WILSON, of Indiana; Mr. JAY A. HUBBELL, of Michigan; Mr. HUGH J. JEWETT, of Ohio; Mr. ELLIS H. ROBERTS, of New York; and Mr. ROBERT HAMILTON, of New Jersey.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the resolution at the present time? If so, the first question will be on filling the blank.

Mr. HAMLIN. I had the honor of presenting a paper from the governor of this District in relation to that subject. It was put in my hand; I had no knowledge of it other than was contained in the paper itself. Having presented that paper, I now say under the circumstances that I hope the resolution of the House will receive the unanimous approval of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The first question will be on filling the blank as to the number of Senators to compose the committee.

Mr. HAMLIN. I suggest "three."

The PRESIDENT *pro tempore*. The Senator from Maine moves to fill the blank with the word "three."

The motion was agreed to.

The PRESIDENT *pro tempore*. Will the Senate agree to the resolution?

The resolution was concurred in.

The PRESIDENT *pro tempore* subsequently appointed Messrs. FRELINGHUYSEN, BOUTWELL, and THURMAN the committee on the part of the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior in answer to a resolution of the Senate of January 26, 1874, calling for copies of reports of the Government directors of the Union Pacific Railroad Company; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair has received several memorials, or papers purporting to be memorials, which, with the signatures thereto, are printed. The Chair, under the rules of the Senate,

thinks they cannot be received as petitions, and therefore does not present them.

Mr. BOUTWELL presented the memorial of B. D. Washburn, praying Congress to authorize the Commissioner of Patents to review an application for a patent forfeited for non-payment of final fee; which was referred to the Committee on Patents.

Mr. FERRY, of Michigan, presented the petition of Hon. D. C. Leach, R. Goodrich, and 94 others, praying Congress to provide means by which certain parties named may obtain patents for their lands or be indemnified for moneys expended; which was referred to the Committee on Indian Affairs.

Mr. SARGENT. I hold in my hand a printed memorial or petition, but it is signed in the handwriting of the persons purporting to be petitioners, they being business men and residents of San Francisco, California, hat-makers, protesting against the further extension of the patent of Henry A. Wells for forming hat-bodies, stating that this patent has already been extended for seven years, and that a complete monopoly has been enjoyed for twenty-eight years. I move that this memorial be referred to the Committee on Patents.

The motion was agreed to.

Mr. BOGY presented a resolution of the Legislature of Missouri, in favor of an appropriation for the construction of a custom-house and post-office building at Kansas City, and the establishment of a district court thereat; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also presented a resolution of the Legislature of Missouri, in favor of the enactment of a law granting to the residents on school lands in all the fractional townships numbered 67, in ranges 8 to 43 west of the principal meridian, the benefits of the act of May 20, 1825; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented a resolution of the Legislature of Missouri, asking an appropriation for the erection of a public building at Kansas City, to be used as a custom-house and post-office; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BOGY. I will state that the reason why there are two separate resolutions in regard to public buildings at Kansas City is because the respective resolutions were passed at different legislative sessions.

Mr. HITCHCOCK presented the petition of citizens of Nebraska, praying for an amendment to what is known as the "forest-culture law;" which was referred to the Committee on Public Lands.

Mr. LEWIS. I present the memorial of Joseph Segar, of Virginia, asking compensation as Senator from that State. I desire that the memorial be read for information.

The PRESIDENT *pro tempore*. Is there objection to the reading of the memorial? The Chair hears none.

The Chief Clerk proceeded to read the memorial; and having read for nearly ten minutes,

Mr. THURMAN. Is it proper to put a stop to the reading of that literature?

The PRESIDENT *pro tempore*. The Senator can move that the further reading be suspended. The Chair called upon the Senate for objection, if any was to be made, but heard none.

Mr. THURMAN. I think we have had enough of it. I move its reference to the Committee on Privileges and Elections.

Mr. CONKLING. It is very hard that the right of petition should be treated in that way.

Mr. EDMUNDS. Particularly as it is all he will get. We had better read it through.

Mr. CONKLING. I suggest that this petitioner comes from only just across the river, very near the District of Columbia; and if this petition is not to be read through I am afraid that truth and justice will lie bleeding in the streets.

Mr. THURMAN. I am very much afraid that that venerable humbug, called "the government of the Commonwealth of Virginia," that was set up by three or four hundred sutlers of the Army in Alexandria, will receive more respect than it deserves, and I give it more when I move to refer that thing to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to dispense with the further reading of this memorial, and to refer it to the Committee on Privileges and Elections.

Mr. HAMLIN. Before that motion is put I should like to know who signs this memorial, and where it comes from?

Mr. EDMUNDS. We are entitled to have it read to learn that.

The CHIEF CLERK. The petition is signed "Joseph Segar."

Mr. HAMLIN. I desire to inquire of the Senator from Virginia who presented the memorial if this same gentleman, during a portion of the time for which he claims now to have been elected to the Senate, was not, in fact, a sitting member of the other House.

Mr. LEWIS. I will answer the Senator from Maine by saying that I do not know anything about it. That occurred at the time when I was shut off from the city of Washington, and could not get here, and could not know anything of what was transpiring here.

Mr. ANTHONY. Whatever may be done with this petition, I am sure it ought to be treated with respect. I do not desire that it should be read. This gentleman was elected a member of this body. He was elected to succeed a man who died here, and he was elected by precisely the same authority as his predecessor was who was admitted; and if Mr. Segar had no right to a seat, then the fault is somewhat in the Senate for admitting his predecessor to a seat upon precisely the same authority that Mr. Segar claimed his seat. So, although I have nothing to say at present as to the merits of the claim, I certainly think that this petitioner has a right to come here, and that his petition should be treated with respect by this body to which he was elected.

Mr. THURMAN. There is certainly no disrespect to his petition when I move to refer it to the proper committee. That is not treating it with disrespect. The only thing I am apprehensive of is that it is treating it with too much respect.

Mr. ANTHONY. No. I thought my friend from Ohio treated it with disrespect when he said, "I move to refer that thing to the Committee on Privileges and Elections."

Mr. CONKLING. And refused to hear it read, or have it printed, even.

Mr. ANTHONY. And I think it would be treating it with greater respect if we should refer it to the Committee on the Judiciary, although I will not insist on that.

Mr. THURMAN. The Senator from Rhode Island is a "thing," and I am a "thing," and we are all "things."

Mr. EDMUNDS. "To all men." [Laughter.]

Mr. BOREMAN. This gentleman, I have no doubt, has taken this method of getting his case before the Senate. He is a gentleman of the highest respectability, whom I have known for a quarter of a century. He was one of the few men in Virginia who stood by the Government when it needed friends. He has lost a fortune by his loyalty to the Government. He was elected here by a Legislature which had been recognized, and which continued to be recognized for several years after he was so elected. Governor Pierpoint had been aiding the Government of the United States by putting soldiers into the Army, by leading thousands and thousands—not a mere handful—of loyal men in West Virginia, at a time when their support was recognized and deemed of some importance to the Government. I think his claim is a valid one. It may do now, after all these transactions are passed, to laugh this thing down; it may do to cast odium on a few loyal men in Virginia who stood by the Government at that time. Their services are passed, and it seems that their services are forgotten; at least they are not appreciated.

Now, sir, I think that this gentleman ought to be heard, that his petition might be read here in this presence, inasmuch as he represented a government which was recognized and continued to be recognized; but that government is now denounced by the Senator from Ohio as a humbug. That may be satisfactory to him, but it is not a proper designation of this organization. This government was not made by a few sutlers or camp-followers of the Army. It was the government of the loyal, the true, men of Virginia. The camp-followers of the Army had nothing to do with it. The Army had nothing to do with this organization, except to protect it from the rebel army—as this Capitol was protected from the rebel army—and it would have been taken had it not been for the Army of the United States.

I do not think the petition of this gentleman who represented the loyal element in Virginia should be laughed out of this presence, but it ought to be treated respectfully. Whether his claim shall be regarded as a valid one or not it is not for me now to say. I have expressed my opinion, and I have said that I believed he was entitled to his seat; otherwise the Government here at Washington did a very irregular thing, to say the least of it, in recognizing that government and continuing to recognize it.

I have no objection to the reference of the petition, but I should like very much that it had been read through, to see what the gentleman had to say in vindication of his claim.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the further reading of this petition be dispensed with, and that it be referred to the Committee on Privileges and Elections.

The question being put, it was decided in the negative.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk continued, and concluded the reading of the memorial.

Mr. LEWIS. I move that the memorial be referred to the Committee on the Judiciary.

Mr. EDMUNDS. It does not belong to the Committee on the Judiciary. It belongs of right, according to the regulations of the Senate, to the Committee on Privileges and Elections. That is where it ought to go. The Committee on Privileges and Elections were constituted for the purpose of trying contested cases and determining the rights of people who claim to be Senators, and this is one of them.

Mr. LEWIS. I have no objection. I move that the memorial be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. MORTON presented the petition of George Görtt, of Pittsburgh, Pennsylvania, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the memorial of Oliver Wyatt, president of the Five Cents Savings-Bank of Dover, New Hampshire, relative to the Floyd acceptances, issued by Majors Russell and Waddell; which was referred to the Committee on Claims.

Mr. HOWE presented a petition of citizens of Wisconsin, praying that a pension be granted to Abner P. Phelps, for services rendered

in the war of 1812; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of the State of Kansas, asking that settlers on the Osage ceded lands may be allowed to use the name of the United States in any legal proceedings instituted by them in regard to certain railroad grants; which was referred to the Committee on the Judiciary.

He also presented a memorial of hat dealers and manufacturers of Milwaukee, Wisconsin, and a memorial of hat dealers and manufacturers of Beloit, Wisconsin, remonstrating against the Wells patent for forming hat-bodies; which were referred to the Committee on Patents.

He also presented a memorial of the Legislative Assembly of Montana Territory, in regard to the removal of the Flathead and other Indians; which was referred to the Committee on Indian Affairs.

He also presented a resolution of the Board of Trade of Cincinnati, Ohio, in the form of a memorial in favor of a modification of the bankrupt law; which was ordered to lie on the table.

He also presented the petition of the Farmers' Club of New York, asking for the enactment of a law to prevent the cutting of timber on the public lands; which was referred to the Committee on Public Lands.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting, in obedience to law, a transcript of the land grant to Antonio Chaves, being private land claim reported as No. 79 for the Arroyo de San Lorenzo tract, in Socorro County, New Mexico; which was referred to the Committee on Private Land Claims.

He also presented a letter of the Secretary of the Interior, transmitting, in obedience to law, a transcript of private land claim reported as No. 77, in the name of the town of Ojo Caliente, in Rio Arriba County, New Mexico; which was referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN AND REFERRED.

Mr. LEWIS. I ask to have the following order made:

Ordered, That the legal representatives of William Gibson, deceased, have leave to withdraw the papers in his claim from the files of the Senate.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) Has there been an adverse report?

Mr. LEWIS. I do not think there has been an adverse report; but the withdrawal is not for the purpose of referring the papers again. The representatives desire to have the papers.

The PRESIDING OFFICER. That order will be made if there be no objection.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of M. G. L. Claiborne, of Tennessee, be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers relating to the claim of George Baxter, only child of Robert Baxter, late of Minnesota, deceased, for a pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. BOREMAN, it was

Ordered, That the petition and papers of Frederick A. Holden be taken from the files and referred to the Committee on Claims.

Mr. LOGAN. I ask that the petition and papers in the case of Virginia Hindle be taken from the files and referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. LOGAN. I cannot say. I presume not.

The PRESIDENT *pro tempore*. The Secretary will see that the rule be executed in case there has been an adverse report, by retaining copies.

REPORTS OF COMMITTEES.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the joint resolution (H. R. No. 52) explanatory of resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year," reported it without amendment.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the memorial of D. B. Allen & Co., representing the Atlantic Steamship and the Pacific Mail Steamship Companies, praying compensation for carrying the United States mails during the suspension of the overland mail service in 1864 and 1865, reported a bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails; which was read and passed to a second reading.

Mr. HAMLIN. Accompanying the bill is a printed report which I made to the Senate last year in connection with the same bill, which the committee have readopted. I move that it be printed.

The motion was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Mary C. Haile, widow of Christopher Haile, late captain Company C, Fourteenth United States Infantry, praying for a pension, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Amy A. Hough, praying for a pension, reported a bill (S. No. 449) granting a pension to Mrs. Amy A. Hough; which was read, and passed to a second reading.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Canady O'Brien, late a private of Company K, Fifth Indiana Volunteers, praying for an increase of pension for services rendered in the Mexican war, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the petition of Elizabeth O'Neil, praying for arrears and increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of William Martin, asking to be placed on the pension-rolls, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

MILITARY RESERVATION AT SALT LAKE CITY.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes, to report it back with an amendment, and if there be no objection, I ask that the bill be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It authorizes the Secretary of War to grant to Daniel S. Tuttle, Warren Hussey, George E. Whitney, Edmund Wilkes, and Abel W. White, and to their successors, a tract of land in the United States military reservation of Camp Douglas, near Salt Lake City, not exceeding twenty acres in extent, in such place as they shall select, (subject to the approval of the Secretary of War, and not to be made so as to interfere with the use and occupation of the reservation for military purposes,) to be used as a public cemetery, under such rules and regulations as they shall establish for the protection, care, and management of the cemetery.

The Committee on Military Affairs reported the bill with an amendment, to add the following proviso:

Provided, This cemetery shall be open and free to all, without any other charge than what is necessary for care, protection, and embellishment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-STATION AT NAYATT POINT.

Mr. BOUTWELL. I am instructed by the Committee on Commerce to report a bill to withhold from sale the site of the old light-station at Nayatt Point; and as I presume there will be no objection to it, I ask for its present consideration.

By unanimous consent the bill (S. No. 438) to withhold from sale the site of the old light-station at Nayatt Point, was read twice and considered as in Committee of the Whole.

Mr. MORRILL, of Vermont. I suppose there were some reasons for passing the law ordering this site to be sold; and I ask the Senator from Massachusetts to explain why it is proposed to be suspended now?

Mr. BOUTWELL. In the appropriation bill for the present fiscal year the Secretary of the Treasury was directed to sell this site, there having been an appropriation for a new light at a different point. There are two reasons suggested for withholding this piece of land from sale at the present time. One is that it is in the vicinity of what is rather a fashionable watering-place, and property is said to be increasing rapidly in value. Another is that if sold at public auction it is apprehended by those who have purchased land in the vicinity as a summer resort, that it will be purchased for purposes that will be disagreeable to the neighborhood. Under those circumstances the committee thought it best to withhold it for the present, as no injury could come to the Treasury, and it may even be needed for public purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TELEGRAPH OPERATOR.

The PRESIDENT *pro tempore*. Under the order of February 3, 1874, directing the Chair to appoint an operator in the Senate wing of the Capitol, provided for in the "Act in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government," the Chair has appointed William L. Ives, of Seneca Falls, New York.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 440) to authorize the sale of certain public property; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FERRY, of Michigan, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 441) enabling claimants to lands within the limits of the Territory of New Mexico to institute proceedings to try the validity of their claims; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 442) authorizing the issue of certificates for the value of gold bullion deposited at the mints and assay offices of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 443) to provide for the payment of legal services rendered by Edmund M. Randolph to the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 444) to provide for the appointment of an additional appraiser-general; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 445) to authorize the equitable settlement of the accounts of Enos Lowe, late receiver of public moneys at Council Bluffs, Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CARPENTER, (Mr. EDMUNDS in the chair.) I ask leave to introduce a bill, of which previous notice has been given, and I desire that it may be printed and laid upon the table; and at an early day next week I shall ask the Senate to take it up for the purpose of reference, and to indulge me in a few remarks in regard to the nature of the bill.

By unanimous consent, leave was given to introduce a bill (S. No. 446) to restore the rights of the State of Louisiana; which was read twice by its title, and ordered to lie upon the table and be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 447) concerning practice in civil cases in the territorial courts; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 448) for the relief of John T. Smith; which was read twice by its title, and referred to the Committee on Naval Affairs.

BREAKWATER AT DU LUTH.

Mr. RAMSEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate any information in the possession of the Department relative to the condition of the breakwater at Du Luth, Minnesota; and the opinion or estimates of the Engineer Bureau as to the amount necessary to be appropriated to repair it so as to render secure from damage by storms the elevator, docks, freight-houses, and tracks, &c.

NAVAL APPROPRIATION BILL.

Mr. CRAGIN, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENTS AT MOUTH OF THE MISSISSIPPI RIVER.

Mr. THURMAN. Mr. President, the other day when the Senator from Louisiana [Mr. WEST] called up Senate bill No. 87 to facilitate the execution of, and to protect, certain public works of improvement at the mouth of the Mississippi River, upon my suggestion he withdrew his motion to take up the bill, in order that some amendments, that seemed to me and to others to be necessary, might be prepared. They have been prepared, and as the bill is of some consequence, as I am told, and as it was my opposition which caused it to be laid over the other day, I feel bound to ask the Senate to take it up now. It will occupy but a very short time.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 87) "to facilitate the execution of, and to protect, certain public works of improvement at the mouth of the Mississippi River."

The PRESIDENT *pro tempore*. The bill will be read.

Mr. THURMAN. It is not necessary to read that part of the bill which is stricken out by the committee.

The PRESIDENT *pro tempore*. If there be no objection the amendment reported by the committee only will be read.

The Chief Clerk read the amendment of the Committee on Commerce, which was to strike out all of the original bill after the enacting clause, and to insert in lieu thereof the following:

That from and after the passage of this act the Secretary of War is directed to assume full control over the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States, and he may establish such regulations respecting the use of, or passage through, such channel as he shall deem needful to fully protect the channel and to facilitate the excavation, improvement, and use thereof. Such regulations shall be promulgated by publication thereof for ten days consecutively in two daily papers published in New Orleans, Louisiana, and the same may in like manner be changed from time to time; and any person interfering with, or obstructing, or attempting to obstruct, the said improvements, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500, or imprisonment for not more than six months, or both, in the discretion of the court.

Mr. THURMAN. I move to amend the amendment of the committee by inserting after the words "United States," in the seventh line, these words: "so far as may be necessary to the carrying on and protection of such excavation and improvement, and until the same be completed," so as to limit the control of the Secretary of War to the carrying on and protection of the excavation and improvement.

Mr. MORTON. That is right.

The amendment to the amendment was agreed to.

Mr. BOUTWELL. I desire now to move the amendment of which I gave notice, to insert after the word "improvements," in line 16, the following words:

And any person who shall willfully or negligently strand or sink any boat or craft in said channel, or who shall willfully or negligently obstruct said channel, or cause any impediment, injury, filling up, or shoaling therein.

The amendment to the amendment was agreed to.

Mr. STOCKTON. I think this bill should be placed upon the Calendar and take its ordinary course, and I think these amendments ought to be printed, in order that Senators may have an opportunity of seeing them.

Mr. THURMAN. They are printed.

Mr. STOCKTON. Both amendments?

Mr. THURMAN. No; the one limiting the power of the Secretary is not.

Mr. STOCKTON. The Senator from Ohio explains that some of the amendments have been printed, but not the one limiting the power of the Secretary.

Now, Mr. President, there seems to be a disposition increasing every year for Congress to assume that the courts of this country are powerless, that they are unable to do that work which they were constituted to do, and which they have done for years in this country and England, in the preservation and protection of our public waters. The amendment offered by the Senator from Massachusetts [Mr. BOUTWELL] would be a very proper amendment if it were necessary; but the subject is not only within the jurisdiction of the United States courts, but they are engaged in considering it every day. It is a part of their ordinary jurisdiction which has never been disputed or denied.

The bill as it comes here from the committee gives the jurisdiction of a channel of the Mississippi to the Secretary of War. I do not know that that has ever been done in reference to any large navigable channel of the public waters of this country. I do not know that it is necessary to do it. I see no particular reason for it.

The Senator from Ohio [Mr. THURMAN] has offered an amendment which he seems to think it is unnecessary to print, but which, in my humble opinion, it is most important should be printed and examined before this bill is acted upon. He sees the necessity of limiting the power which is given to the Secretary of War by the act as now reported from the committee. He, as a lawyer, sees the difficulty in removing questions of nuisance or no nuisance from the courts of law and committing their adjudication to a military power.

We may be unadvised as to the truth of the facts, and may act greatly to the injury of those who have a common right with all the citizens of this country to navigate its rivers; and therefore he has proposed, acknowledging the novelty and difficulty of this proposition, this amendment, which, so far as it goes, undoubtedly is an improvement on the bill. He limits the power of the Secretary of War to such time and in such manner as may be necessary for the prosecution of this work; "so far as may be necessary" are the words used.

Now, if it be necessary in the performance of great public improvements for certain portions of that river to be within the control of the Secretary of War temporarily, and if it be true that the courts of the United States, in the exercise of their legitimate jurisdiction, are incapable of protecting that property without the direct interference of the military power; if it be necessary, in other words, that the Secretary of War shall be a great national chancellor to issue injunctions and enforce them himself in reference to the public navigable waters of this country, then it may be necessary to pass this bill. But I humbly submit that without even printing these amendments, without an opportunity afforded to read this bill as it has come from the committee, we should at least know what we are doing when so important a change is proposed to be made. This is a new and dangerous interference with the legitimate exercise of the jurisdiction of the United States courts in that which is one of their most important duties, and which certainly Senators from the West should not doubt that they have always been willing to exercise faithfully and fairly. The power cannot be confided anywhere so safely. There never has been any complaint that I know of that the courts have failed to exercise this jurisdiction whenever it was necessary.

Therefore, without detaining the Senate this morning on this subject, I think it is due to the Senators who have had no opportunity to examine this bill that they should have ample time. I see no reason why this bill should be taken up out of order, and why an effort should be made to pass it now. It is certainly much better that it should be placed on the Calendar, so that every Senator may have full opportunity to examine it.

If this is done in reference to the mouth of the Mississippi River it

will not be long before this precedent will be followed elsewhere, and all the rivers and all the harbors of the United States will be placed under the charge of the Secretary of War under military supervision. Since I have been in this Senate a bill has been introduced and referred to the Committee on Commerce, and certainly one, if not more, bills reported from the Committee on Commerce, the main feature of which was to give the protection and control of all the harbors in the United States to three military commissioners, and such measures have been advocated by Senators on this floor. The passage of such a bill has been petitioned for by citizens from the very ports over which the bills propose to exercise control.

Now, sir, can this be wise? Is there any lawyer in the Senate who does not know that the slightest encroachment upon the navigable waters of a stream is a public nuisance, that it can be abated by injunction, it can be abated by information of the Attorney-General, it can be abated on the complaint of any private individual who may be injured thereby, and that the courts of the United States are engaged daily in adjudicating such questions? No one will deny that.

The bill to which I refer proposed to give the Secretary of War power to issue an order, not only preventing the erection of any encroachment in a navigable stream or harbor, but an order ordering the individual therein commanded to remove any obstruction which might at any time previously have been placed there—a greater power than can be exercised by any other authority in this country, except that which was so wisely and safely committed to the courts of the United States in the exercise of their equity powers. Every lawyer in the Senate knows that such nuisances may be abated by common-law processes; every lawyer knows that they may be prevented by injunction; and yet this is to be put into the hands of three military commissioners without any reason assigned therefor.

Mr. President, a citizen who has acquired rights on a navigable stream by the ownership of the bank, who has acquired rights over that portion of the property which has been conceded to him by State laws as his right, connected with the ownership of the bank above, is liable in these courts for any injury he may do to the public navigation; but that citizen, if he does encroach upon a public stream under State law, under his natural common-law right, may benefit the navigation of the stream. An encroachment is not necessarily a nuisance. He may have a jury of his fellow-citizens willing and able to find that he had done great good to navigation instead of injury, and he is protected in the courts of his country by a jury of his peers, by the law of the land. But under such a bill he is liable to have his whole property taken from him by one order of three military commissioners, who may be actuated—for we may well presume it—either by ignorance, or misapprehension, or bad designs.

Mr. President, the proposition to take this large jurisdiction from the courts of law and confer it upon a military power is utterly unnecessary as well as unconstitutional, and one of the most insidious and dangerous advances that I have seen made since I have been in Congress; and I am therefore surprised that it should be supposed that this bill, without its amendments and safeguards even being submitted to us, can be allowed to pass through this body. I ask no more than time to examine it. I ask no more than to see if this system must be adopted; to see if it be true that the courts in this country have become powerless and useless, and if we must resort to the military power to protect us in our civil rights, and to preserve the great common right of navigation of our own navigable streams. If that be so, I ask at least that before the adoption of such a system we may examine such provisions with as much care as our intelligence and foresight will enable us to apply to them.

Mr. WEST. Mr. President, I scarcely think that it is exactly in accordance with the usual fairness of the Senator from New Jersey to ask for a further delay on the subject of this bill. If he will examine the printed copy that should be upon his desk, he will discover that the bill was introduced on the 8th of December, was reported back on the 22d of January, was recommitted on the 23d of January, was again reported to the Senate on the 30th of January, and notice was given by the Senator from Ohio, a day or two since, that he would call it up yesterday, and the Senator from New Jersey has had ample time to inform himself in regard to it. And although he has professed entire ignorance of the object of this bill to the Senate, yet it must be palpable to the Senate that he is extremely well informed on the subject generally, and it is his misfortune that he has not enabled himself to be as well informed in regard to this branch of it.

He has addressed himself to abuses which exist only in his imagination and have no connection with this bill at all. The Senate understands, and the Senator should understand, that this is a bill to enable the Secretary of War to promote a certain improvement at the mouth of the Mississippi; and to disabuse the Senator's prejudices in regard to it, I will ask him a question and make an illustration to him. There are three mouths, if I may so express it, to the Mississippi River, one of which is in process of excavation by the authority of the United States, and by the instrumentality of the United States. Now, should it be desirable to complete that work, would it not be competent for the Government of the United States to take possession of that mouth and leave the other two for the use of commerce? There is the illustration. The Mississippi has three mouths; the Government is operating upon one; and would it not be competent for the Government of the United States, authorized thereto by an act of Congress, to take possession, or for the Secretary of War by authority of the Government to take possession of that one channel? I ask the Senator that question.

Mr. STOCKTON. I will reply to the Senator when he has concluded.

Mr. WEST. Very well. This is a proposition that the Secretary of War, authorized thereto by this act, shall take possession of that one particular channel. He will take possession of it not to the absolute exclusion of commerce, but will permit at the same time, so far as it does not conflict with the operations of the Government, the transit of vessels for commercial purposes.

Then what is the power of the Secretary of War? Simply to make regulations as to the transit of vessels. Then what are the penalties for the transgression of those regulations? Those regulations are intended to be in good faith to the commercial community, that they may know what the Secretary of War desires them to do for the passage of their vessels; and if they willfully, negligently, or criminally transgress those regulations, then it is for the courts of the United States to hold them responsible for it. The Secretary of War has no further jurisdiction in the matter whatever. It is, it seems to me, one of the most harmless powers that you could confer in the connection of the utility of this very work, and I am sure if the Senator had studied it and had understood it, he would have no objection to it. I should be pleased to yield to his solicitations for further information—for further examination; but among the many obstacles that we have to encounter at the bar at the mouth of the Mississippi, among the very many that go to obstruct commerce, we have at last encountered the most serious one yet, and that is the division of opinion in this Senate as to what it is best to do in the premises. We have discussed this matter *pro* and *con*, and at last we have come to a conclusion that is satisfactory to every Senator who has examined the bill, and we are obstructed by one Senator who says he has not had time. I pray him to consider that this obstruction not only retards commere at the mouth of the Mississippi River, but it throws an embargo upon the entire grain crop of the West, and that is the obstruction we want to remove.

Mr. STOCKTON. The Senator from Louisiana, in his natural desire to have a bill passed which he thinks to the advantage of his State, has seen fit to say that he did not consider it fair for any objection to be made on account of want of time to examine this bill. But the Senator from Louisiana in making out that case stated the time the bill was introduced and various other stages of the bill, but he forgot to call the attention of the Senate to the fact, which I stated to the Senate when I rose, that the bill, under the two amendments from the Senator from Massachusetts and the Senator from Ohio, is a very different bill and very much better guarded than it was when it came to the Senate.

He also omitted to notice that the position that I took was that if this thing must be done from public necessity it should be done with every possible safeguard; and it was only this morning that myself or any other Senator except those of the committee heard the amendments read. And it was admitted by the Senator from Ohio, as I stated, that the amendment which gives the control "so far as shall be necessary" has never been printed.

If after the bill was referred, if after this delay occurred, not by my action, not by any objection from me, such a lawyer as the Senator from Ohio reports that there should be added to this bill, which otherwise if not recommitted by an objection from some other Senator when it was up before would have passed without the amendment—when, I say, such an amendment is proposed to be added as "so far as may be necessary for this purpose," I think it is manifest that the delay that has occurred has been very important to the vital principles which I have attempted to show the Senate were involved in it.

The bill now, as reported from the committee, is better than the bill referred to them, undoubtedly; but that bill is now subject to all the objections I have made. The amendment of the Senator from Ohio is an attempt to exclude a conclusion which is the apparent design of the body of the bill. It confines the power to an exercise "so far only as necessary," and while it is valuable as a safeguard, is more so as exhibiting the hesitation of Senators under any plea of necessity to admit the doctrines of the bill.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, being the bankrupt bill.

Mr. EDMUNDS. I call for the regular order; but I am willing that my friend from Louisiana should have five minutes to finish his bill.

Mr. WEST. The Senator from Vermont having kindly yielded a few moments more of the Senator's time, I will ask that the bill that has been discussed recently be now put on its passage.

The PRESIDENT *pro tempore*. The pending question is on the amendment reported by the Committee on Commerce to Senate bill No. 87, as amended.

Mr. BAYARD. What is the question, Mr. President?

The PRESIDENT *pro tempore*. Will the Senate agree to the amendment recommended by the committee as amended in the Senate?

Mr. BAYARD. Upon the bill to take possession of the mouth of the Mississippi River?

The PRESIDENT *pro tempore*. That is the bill.

Mr. BAYARD. I was not aware that question was before the Senate. Has the regular order been called for?

The PRESIDENT *pro tempore*. The regular order was called for by

the Senator from Vermont, but was waived in favor of the Senator from Louisiana, for five minutes, to dispose of the bill in regard to improvements at the mouth of the Mississippi River.

Mr. BAYARD. I do not think that a bill controlling such a question as I think this bill contains ought to be passed until the Senate shall understand distinctly the road they are walking in. If this bill has any precedent, it is unknown to me. When it was first brought in by the Senator from Louisiana who now urges its passage, it was referred to the Committee on Commerce, and the entire bill was stricken out as he sent it there. It then was reported by the Senator from Alabama, [Mr. SPENCER.] Amendments were proposed to it by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] and his proposed amendments caused a recommittal of the bill. It then comes back with his amendment perhaps—I cannot say his amendment; I do not know; we have not before us what his amendment was—but it comes back very much amended and the power sought to be conferred upon the Secretary of War very considerably curtailed. But, nevertheless, the powers proposed to be conferred even by this amendment are such as I have no knowledge of any precedent for in the history of our legislation.

Mr. President, this continual absorption of jurisdiction by the executive branch of the Government is a thing that I look upon with great disfavor. Every power essential for the due execution of the laws I will at all times most cheerfully vote for, but I shall not vote to enlarge their jurisdiction, especially where the grant is at the cost of one of the most important and one of the weakest branches of our Government, to wit, the judiciary.

The bill is, in my opinion, entirely unnecessary. The grant of power would be superfluous were it not dangerous. I think it is both. If the Congress of the United States, having control of the commerce of the country, and through the commerce of the country of the harbors essential for the conduct of that commerce, has the power to make appropriations for the improvement, the alteration of any given harbor, there can be no doubt that while that improvement is in the course of prosecution the officers in charge have jurisdiction, in the nature of police jurisdiction, proper and necessary to enable them to conduct the work, upon the same principle that commissioners of your cities who undertake to improve a thoroughfare or change the grade of a street, or otherwise amend the plat of a city, have full power, during the period of that improvement, to shut off the street, to prevent its use as a thoroughfare, and control the use of the avenue, *pro tempore*, by the public. No one doubts that fact. We can see it illustrated every day of our lives that certain avenues are for the time being cut off from public use while the improvement or alteration is going on. Precisely so if the Secretary of War or his officer of engineers has charge of any harbor, has charge of any one of the several mouths of the Mississippi River for the purpose of dredging out the channel, for the purpose of facilitating the commerce in that section, he has the power during the period necessary to complete that improvement to take possession of the channel and to make the improvement in accordance with the intent of the appropriation.

To-day in New York there is a very important improvement going on in the attempt to excavate Hell Gate Channel to make it fit for the passage of ships, and enormous sums are being spent, which I hope will end in fruits of benefit to the whole country. Who can doubt that the officer of engineers in charge has a perfect right to do that which he does do—place his obstructions to navigation temporarily where they will finally result in clearing the channel? Who can doubt that to-morrow the Secretary of War, or the officer of engineers who may be detailed for that purpose, taking possession of this portion of the Mississippi River, can station there his steam-dredges, his flat-boats, or any of those other parts of machinery necessary for the purpose of completing this improvement—station them where he pleases, and forbid any interference by passing vessels? No one doubts that fact, because the power to do so is essential to the completion of the improvement; but why proceed to give him, by act of Congress, full control over this particular channel, and allow him to establish regulations by law for its use, and to promulgate those regulations for ten days, consecutively, in two daily papers—in other words, establishing a fixed jurisdiction which shall not be controlled by the rights of citizens, which cannot be taken from them or impaired by the passage of this act of Congress? Then follows a penal enactment for any person obstructing any of the improvements, or attempting to obstruct them.

Already, Mr. President, the courts of the United States have ample jurisdiction. There is full machinery to prevent any interference with the contemplated improvement of that river, and I say it is a serious question for Congress to contemplate the delivery by means of an act of Congress of any channel of any river wholly to the control of the Secretary of War. He has the implied control already when we pass the appropriation and assume the right to expend it in the manner indicated. That is all he wants, and that is all he should have. I object to this constant grant of powers to an executive officer when plenary powers are not only furnished to him in courts of law, but furnished him by implication in the grant of the money for the purpose of carrying out the improvement.

I know very well how one step leads to another; I know very well how one precedent established is made the stepping-stone for a still longer stride. The question of the control of the harbors of this country is a very delicate and a very important one. The lines of States meet closely upon the great rivers. The harbors that lie on either side of those rivers are subject to the mixed jurisdiction of the two States; and if it can be found that we may thus hand over to the Secretary of War exclusive jurisdiction of any harbor under the pretext of improving it, then we may sometimes find the right of control by a State ousted under the same pretext and by the same machinery.

The harbor of the great city of New York is one that might afford a very strong illustration of what I now mean. No man can visit that harbor, so important as it is to the commerce of this country and of a great portion of the world, without being driven to the belief and conviction that the best harbor at that port is on the New Jersey side of the river. I think part of the difficulty which the committee that sat in New York two years ago saw, as causing the trouble which in part we were intended by our investigation to rectify, was the intent by means of the machinery of the collection of customs at the city of New York to overcome the natural advantages which the State of New Jersey and her coast derived at that port; and for that reason there was favoritism employed to counterbalance in favor of the city of New York and persons residing there the advantages which nature had bestowed upon the State of New Jersey and her coast.

I submit to the Senate, and to all Senators who are interested in defining and preserving the lines of State jurisdiction, that it is proper for them to look closely, to look carefully at any precedent which shall seek to give one of the executive officers of the Government, as the Secretary of War, the right to have exclusive control and jurisdiction, and in his case that means, of course, military control and jurisdiction over the harbors of any State in this country. They may find, and, I think, they will find, that there will be the attempt by this means of indirection to oust the local control from its proper exercise. I, for one, stand always jealous of the accretion of executive power in this manner.

Mr. BOGY. Mr. President, I do not attach to the bill as it now stands the importance that has been given to it by the Senator from Delaware and the Senator from New Jersey. I concur with both those distinguished Senators as to the principle advanced by them, that we should not give control of the harbors of the United States to the War Department. This bill, I think, does not do that. The object is to give the War Department the control for the time being of that channel in which the Government, under the direction of the War Department, is now doing a certain work, and nothing more. There are many channels, many outlets of the Mississippi River. The intention of this bill is to give to the Secretary of War control of "the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States," and it is confined to that channel alone.

The great difficulty at the mouth of the Mississippi River, about which so much has been said, throughout the western country particularly, is to be found as much in the mode of doing business there as in the fact that there is a want of depth of water at the mouth of the river. The great trouble there has been, and the great trouble is now, and of this I speak within my own knowledge, that a monopoly has for many years existed in New Orleans, called the Tow-Boat Association, which has been so strong and so powerful that all the efforts of the business men of New Orleans up to this day have not been able to break it down. It is a fact beyond doubt that many of the vessels coming in or going out of the Mississippi River are run aground purposely by this association for the purpose of making money by extricating them from their condition.

The effect of this bill, the scope of it, is to confine this control given to the Secretary of War to that particular channel alone, and no other. It simply means that while this work is being done the Government shall not be interfered with. If it is interfered with, the work cannot be well done. Now if you give the control to the Government you have to give it to a certain department of the Government. The War Department, through the Bureau of Engineers, has control of this work, and where work of this sort is being done in any of the harbors of the United States, in the East or in the West, it is always exclusively, as a matter of necessity, under the control of the War Department. While it is being done, it is proper and right that that Department doing the work should have the power to protect that work while it is being done. I can see no other meaning to this bill. I think it is needed by the city of New Orleans, and I presume the business men of New Orleans, without any exception, would favor this measure. I happened to be in New Orleans last spring, and this subject—not particularly this one subject, but the subject of the improvement of the mouth of the Mississippi River—was one of daily discussion, and the mode of carrying on the work then being done by the Government was of daily discussion.

I would agree with the Senator from New Jersey and the Senator from Delaware, if an attempt was made to control any of the harbors on the sea-board or in the interior, through the War Department or any of the Departments; but that is not the object of this bill, nor do I believe the language of the bill will sustain that construction. It reads:

> That from and after the passage of this act the Secretary of War is directed to assume full control over the particular channel at the mouth of the Mississippi River in course of excavation or improvement—

It must be known to Senators that there are many channels there,

and perhaps one is as good as the other, but they are at work upon one channel. The bill speaks of this particular channel—

in course of excavation or improvement by the Government of the United States, and he may establish such regulations respecting the use of, or passage through, such channel as he shall deem needful, &c.

Mr. THURMAN. If the Senator will allow me, he omits the limitation which has just been put in there by an amendment, which has been adopted, to insert after the words "United States," in the seventh line, these words:

So far as may be necessary to the carrying on and protection of such excavation and improvement, and until the same be completed.

Limiting the power of the Secretary. That is an amendment adopted this morning.

Mr. BOGY. Offered by the Senator from Massachusetts?

Mr. THURMAN. No, sir; the amendment that I offered.

Mr. BOGY. I had not seen that. The amendment of my friend from Ohio only makes that more perfect which was perfect before.

In conclusion, Mr. President, I think the Senator from Delaware and the Senator from New Jersey misapprehend the scope of this bill. I look upon this bill as a necessary measure, without which the commerce of New Orleans will greatly suffer. While this work is being done, it strikes me it is almost a necessity that the War Department should have full control of that channel. I see no objection to it, and I concur with the amendment offered by the Senator from Ohio.

Mr. STOCKTON. Mr. President, when the desultory remarks that I was making were stopped by the expiration of the morning hour I was just about replying to a question asked me by the Senator from Louisiana. I did not reply to him when he asked the question simply because I did not wish to interrupt the remarks which he was then making by too lengthy a reply, and I found it could not be made in one sentence. The Senator from Delaware, however, since the matter has again come up, has really given the answer which I intended to give. The Senator from Louisiana, stating that there were three mouths of the Mississippi River, asked me if I understood that the Secretary of War could not take possession of one.

The answer to his question is this: Under the power given to the Secretary of War to make any improvement designated in the act authorizing such improvement to be made, he has the incidental power to take such possession and to make such stoppage of navigation as may be necessary to do the work that Congress has intrusted to him; but when the Secretary of War, in the exercise of that discretionary power, which he is acting under only as an executive officer, exceeds the limits and bounds of the power given him by the law, the work can be stopped and the navigation can be opened by the courts of the United States upon an appeal to them. The power is limited. It is for a specific purpose. It is given in the bill which authorizes the work to be done. It needs no addition; it needs no amendment. Addition or amendment to the specific power given to him, particularly after this specific clause introduced by the Senator from Ohio, is a power for which there is no precedent whatever. In one word, the order to do the work given by Congress conveys the necessary authority to do that work, and it needs no other power; and that is the reply that I make to my distinguished friend from Missouri, [Mr. BOGY.]

Certainly neither he nor any Senator from the West or South can feel more interest than I do, not only in the preservation of the great public channels of our country, but in their improvement; and I have been found ever since I have been a member of this body an advocate for such proper appropriations as may seem necessary yearly, not only to keep open, but to improve, the navigation of our western and southern streams quite as much as of those of my own immediate neighborhood. But I cannot forget that the right of ferry, the right of fishing, and the right of bathing, are rights that the courts of my own State as well as the courts of the United States have adjudged to be held by as firm a tenure by a citizen who owns the bank along the shore as any man can hold a tenure to his farm. It is just as sacred, and is precisely the same tenure, a tenure subject to the public good and the public navigation, just as a man by the title to his house holds to the middle of the street, but holds it subject to the public right of use.

Now, sir, if my view of this bill, that it is a dangerous innovation, an attempt which will soon be followed by propositions more evidently dangerous, should be true, can any Western Senator, can any Senator from any part of this country, fail to see that it would be unwise for him to act hastily and without proper consideration upon this bill?

It would be wrong for me to detain the Senate by referring to the reports which give the history of this matter in the West. Suffice it that the courts have always been competent to preserve and protect these channels of communication. The Wheeling Bridge case, the bridge case which has been since argued in the Senate by the Senator from Ohio and other Senators from the West in reference to bridging the Mississippi River, all come to us and tell us but one story on this subject, and that story is, that the Constitution of the United States and the body of the system of our laws have made the courts the guardians of this great public right—a right quite as sacred as that which the man who owns the land has to the shore—the right of every individual to navigate freely and without hinderance the waters of this country; and they have committed that right to the courts of this country. When a railroad company, under the pretense of public good, attempts to violate the great right of navigation, where do you go? If the proposition was, in order that there might be ready access from the Pacific coast to the Atlantic, that the great navigable waters of this country should be so obstructed by railway bridges that they should be a serious impediment in the navigation of the Ohio or the Mississippi River, where would you go for help? Did you ever go to the courts of the United States and they failed to help you?

True, lines had been drawn between two great rights of transit, so as to prevent a conflict of law between two authorities to transfer passengers and freight on public lines of communication by common carriers, one by water and one by land; true the conflict of laws on this question has gone through every State court and every United States court; true it has settled down and is settling down, as all such questions do, by our beautiful system of law, which adapts itself to the changes of the community, and to the invention of modern science and new methods of transit, until the courts, by the application of those same principles which they administered long before the invention of steam, have said that both these methods of transit shall be fairly considered, that the steam locomotive shall not impede the navigation of the great rivers, and the navigation of the great rivers shall not be so conducted that passengers shall be obliged to pass around them, and rivers remain permanent insurmountable barriers. I mention this to call attention of the lawyers in the Senate, and those gentlemen who represent States which have such great interest in this subject, to the fact that the first step to give the control of any of the harbors or navigable waters of the United States to a military commission is to destroy one of the most sacred and one of the most valuable practical rights that belong to the citizens of this country.

I have a right to paddle my canoe in any mouth of the Mississippi River without any let or hinderance from the Secretary of War. And when—to refer to the simile of the Senator from Delaware—the necessities of repairing that stream shall require, under an act of Congress, an appropriation from Congress, an agent of the Government, be he an overseer of the highway or engineer of the United States Army, to temporarily obstruct that stream, the power goes with it and needs no addition whatever. This bill must have some other purpose or it is very unskillfully drawn.

Now, Mr. President, look at the river and harbor bills that come here every year. What difference is there, let me ask Senators, between the appropriation of six, eight, and ten millions and its proper distribution in those parts of the Union where it seems most necessary under the War Department and by the engineer appointed for that purpose, and this case? Is there anything in the mouth of the Mississippi River that withdraws it from the law that controls the appropriations elsewhere? Is there any reason why the proper protection of the work in hand—which the engineers of the Army have never failed to exercise—should not be there and then present in this work going on in the Mississippi River? The Senator from Delaware well said this act is a work of superfluity, as well as a dangerous and insidious way to take from the courts a power that is quite as important to the Senators from the South and West as it is to those who come from the Atlantic States and reside in the neighborhood of large and important harbors and commercial ports—valuable, as I said, individually—and a sacred right of the citizen that can be interfered with in no way but by the courts of law. It is valuable to the United States to preserve it in the channel in which it is.

Mr. BOGY. Allow me to ask the Senator what power exists in the courts if a person be guilty of the obstruction of any channel? By this bill he is guilty of a misdemeanor, and must be convicted in court. What power would the court have without the bill?

Mr. STOCKTON. The power given by the amendment to which I presume the Senator alludes, making encroachments misdemeanors, is simply re-enacting what has existed from the earliest history of the common law, and what exists in every State of this Union to-day. Any man, any corporation, any power that obstructs or encroaches on a navigable stream creates a purpresture, and is liable to be indicted, and is daily indicted in our courts of justice now. So far as that clause is concerned, if it has no practical meaning and no practical effect except the one alluded to, it is mere surplusage. But the bill itself purports to give control to the Secretary of War without leaving any appeal to a jury, without submitting the question of nuisance or no nuisance, encroachment or no encroachment, to the peers of the man who may be charged with doing this thing, and in that respect it is the exercise of an arbitrary and unconstitutional power, which never has been justifiable except as a police and temporary regulation, as sanitary laws and the exercise of municipal regulations, which are necessary to the public good and safety, and which receive their sanction only on account of their necessity, and because the people who are locally called to obey them are the people who daily and hourly have within their midst and around them opportunities by their votes and in the other ways of amending them.

Mr. President, I disclaim any intention of the slightest desire in the world to obstruct in any way the improvement of the navigation of the Mississippi River. I disclaim any intention whatever to do anything but forward the improvement of the navigation of all our rivers and harbors. But I do not think it is wise, I do not think it is any more necessary, as I said, there than in the case of any other river or harbor improvement, to carry out every other appropriation which is made, to have a specific law giving specific powers to the

Secretary of War on this subject, and I doubt not that the courts of Louisiana, if this bill is not passed, will see that in the exercise of the proper discretion, the execution of the proper work there, the Secretary of War is not hampered or interfered with by any private interest or by any power whatever. There really can be no collision. The interest of all those who live in the neighborhood would be the other way—to have this work done.

But, sir, my real objection, as I said in opening, is simply and solely that I see in it the most dangerous precedent which has been presented to the Senate for years, and one which is not now proposed for the first time, but has been attempted in this body several times during several years past.

Mr. BOGY. Mr. President, the question I presume is on the amendment offered by the Senator from Ohio, [Mr. THURMAN.]

The PRESIDENT *pro tempore*. The Chair will inform the Senator that that amendment has already been agreed to; and the question now is, will the Senate agree to the amendment reported by the Committee on Commerce as amended?

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BAYARD. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken resulted—yeas 36, nays 9; as follows:

YEAS—Messrs. Allison, Anthony, Bogy, Boreman, Boutwell, Brownlow, Buckingham, Clayton, Conkling, Crozier, Edmunds, Ferry of Connecticut, Flanagan, Hamilton of Texas, Hitchcock, Howe, Ingalls, Kelly, Logan, Merrimon, Mitchell, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Robertson, Schurz, Scott, Sherman, Sprague, Sumner, Tipton, West, Windom, and Wright—36.

NAYS—Messrs. Bayard, Cooper, Fenton, Johnston, McCreery, Ransom, Saulsbury, Stevenson, and Stockton—9.

ABSENT—Messrs. Alcorn, Ames, Cameron, Carpenter, Chandler, Conover, Cragin, Davis, Dennis, Dorsey, Ferry of Michigan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamlin, Jones, Lewis, Morrill of Maine, Norwood, Patterson, Sargent, Spencer, Stewart, Thurman, and Wadleigh—27.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1761) granting certain swamp lands in Holt County, Missouri, to the said Holt County, for school purposes;

A bill (H. R. No. 1762) concerning the practice in territorial courts and appeals therefrom; and

A bill (H. R. No. 1558) to amend the act to encourage the growth of timber on western prairies.

DISTRICT-GOVERNMENT INVESTIGATION.

Mr. FRELINGHUYSEN. I wish to be excused from serving on the joint committee of investigation in relation to the affairs of the District of Columbia, and I make that request of the Senate.

The PRESIDENT *pro tempore*. The Senator from New Jersey having been appointed on the joint select committee authorized by the resolution passed this morning, asks to be excused. Will the Senate excuse him?

Mr. SHERMAN. As some one has got to perform this laborious and very unpleasant duty, I hope the Senator will not press his resignation. As a matter of course, if he insists upon it for a good reason I will not oppose excusing him. I think it is important for the public interests, for the quiet of the community here, and for the general interests of the people of the United States, that this investigation should be as searching, as severe, and as thorough as possible, so as to settle the controverted matters about the District. I hope, therefore, the Senator will perform this duty.

Mr. FRELINGHUYSEN. Mr. President, appreciating fully the kindness of the Senator from Ohio, I suggest, inasmuch as he did not serve on one of these investigating committees at the last session and I did, and as he can perform the duty much better than I can, I should be very happy to vote for him to take my place.

Mr. SHERMAN. I am quite sure that as the wise decision of the Chair selected the Senator from New Jersey as a member of this committee, the Senate ought to stand by that decision and not overrule it. It seems to me that for the performance of this important and laborious duty the committee has been very well constituted and will give great satisfaction. I hope, therefore, the Senator from New Jersey will not be excused, unless he can give some specific reason which disables him from performing the duty.

Mr. CAMERON. I think the Senator from New Jersey ought to be excused. He has been on two or three committees of this kind within the last two sessions, and he is now a member of four standing committees. I know that it would be to the interest of the country to have the Senator upon this committee, and everybody in the Senate would be glad to have him upon it; but we have never refused to excuse a member of this body from serving on any particular committee at his request, and I trust we shall not break through our good old rule now.

Mr. WRIGHT. I certainly should be quite unwilling to interpose any objection to any wish the Senator from New Jersey might express here, or to deny him anything he might want. The Senator from Pennsylvania suggests that we have never declined excusing Senators when they have asked to be excused from this service. I remember that at the last session of the Senate there were three Senators who asked to be excused from the investigation that was entered upon in connection with the Credit Mobilier—the Senator from Maine, [Mr. MORRILL,] the Senator from Kentucky, [Mr. STEVENSON,] and the Senator from New Jersey, [Mr. STOCKTON]—and the Senate declined to excuse any of them. Now, if there be any reason personal to the Senator, any reason that he can suggest here aside from the work that is upon his hands in common with all of us, I shall certainly be inclined to excuse him. But aside from something of that kind, if the reason exists only in the fact that he has work upon his hands as a member of other committees, I see no more reason for excusing my good friend than any other member of this body.

Mr. FRELINGHUYSEN. Mr. President, I am a member of four standing committees of the Senate. I discharged duty on one investigating committee at the last session; a very unpleasant duty. There are many Senators who are not upon four committees, and who did not discharge that duty at the last session; and there is another reason which I think has some weight. I myself am a tax-payer in this District, and I think it would be much better if the committee were formed of those who do not hold that relation to the subject.

Mr. EDMUNDS. Almost everybody, I suppose, is a tax-payer in this District, whether high or low; but the Senator from New Jersey, as we know, has served upon several special committees within two or three of the last past sessions, and faithfully and long, where matters of delicacy and difficulty had occurred, and has discharged his full share of that kind of duty for the present, as I really believe; and therefore I think, as the Senator from New Jersey is perfectly earnest and sincere in saying that he is being overloaded with this special kind of business, it is but fairness to him that he should be allowed to retire from this committee, and have the Chair appoint somebody else. If my friend had not served so well and done so much already, there would be no reason, in my opinion, why another selection should be made, because of course a better one could not be made; but I think, consulting his wishes, he has a right to say that he has done as much in this kind of labor as he ought to be called upon to perform at this time.

The PRESIDENT *pro tempore*. Will the Senate excuse the Senator from New Jersey?

The question being put, Mr. FRELINGHUYSEN was excused.

The PRESIDENT *pro tempore*. In consequence of the vacancy occasioned on the joint select committee on the affairs of this District by the Senate excusing the Senator from New Jersey, [Mr. FRELINGHUYSEN,] the Chair will appoint the Senator from New York, Mr. CONKLING.

Mr. CONKLING subsequently said: Mr. President, a few moments ago the Chair announced my name as among those to constitute the committee of investigation. I know that the Chair did that in kindness, although had he conferred with me about it I should have been compelled to assign reasons to him which would have prevented such an announcement. I am going to ask to be excused. I do not do it because I am already a member of four committees, or of five committees, as I am, nor because I am very much occupied; nor wholly (although I think that reason would be sufficient) because I have been assigned already an attitude touching this matter which looks like some partiality on my part toward those who are to be investigated. I say I think that reason would have weighed with the Chair to decide against selecting me, and would weigh with the Senate in behalf of my request to be excused, because this investigation ought to be not only thorough, ought to be not only prompt and impartial, but it should be conducted by those as to whom no fact is supposed to exist which would impair the value of the report they might make or the judgment they might pronounce. But, in addition to that, for occasion of very recent origin, I am obliged to go away at once, to be gone how long I cannot precisely foresee, and I ask the Senate to excuse me from serving on that committee.

The PRESIDENT *pro tempore*. The Senator from New York asks to be excused from serving on the joint select committee.

The question being put, Mr. CONKLING was excused.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1761) granting certain swamp lands in Holt County, Missouri, to the said Holt County, for school purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 1762) concerning the practice in territorial courts and appeals therefrom, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 1558) to amend the act to encourage the growth of timber on western prairies, was read twice by its title, and referred to the Committee on Public Lands.

THE BANKRUPTCY ACT.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is before the Senate as in Committee of the Whole, being the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1837, and all laws and parts of laws amendatory thereto, the pending question being on the amendment of the Senator from Ohio, [Mr. SHERMAN,]

in section 7 of the amendment of the Committee on the Judiciary, to insert before the fortieth line of that section the words, "being indebted over $3,000."

Mr. EDMUNDS. I believe I stated yesterday that the committee had considered this subject, and looking at all parts of the bill, including the provision which protects the small trader from being forced into bankruptcy without the assent of a quarter of his creditors holding a third of the amount of his debts, and the fact that this amendment leaves him out in the cold, entirely subject to State laws—to attachment laws in some States, to insolvent laws in others, to suits in the circuit courts of the United States by foreign creditors—could not consent to such an amendment as this. It exposes him entirely, with no protection at all except that of going voluntarily into bankruptcy. The policy of this bill is not to force anybody into bankruptcy who can get along; and to leave to these small traders the poor consolation of committing suicide instead of being destroyed by their creditors under the State laws appeared to us entirely unwise.

The protection as the bill now stands as we have reported it, that the small trader has is in the fact, in the first place, that he has his forty days, during which time nobody can sue him successfully so as to get any advantage, and the motive therefore for a private suit is withdrawn. The creditor can have no motive to undertake within that time to sue him, because he cannot get his pay in that time, and the thing would fall if the man was really to be driven out of his business. The policy of the law is to support the small traders as well as the large ones, and to enable them to go through without failure if they can; and therefore it gives a reasonable length of time. And then it provides that they still shall not be deemed bankrupts unless a third in amount and a fourth in number of their creditors shall petition to that effect; and even when they do, before a hearing shall come on if the debtor is able to pay up the paper in respect to which the complaint is made, the proceeding stops. What could be more wholesome or beneficial to both, I put it to my friend from Ohio, than that? What could be more just toward the creditors than that if you stand upon the principle this whole law does, that when a man cannot pay there shall be equality of division among all those who are interested in the estate, as in the case of debt? That is the way the bill leaves it.

Now, why take the small debtor out from the protection of this law, and expose him to the temptation of making fraudulent preferences, of making secret and collusive dispositions of his property, of collecting his assets by himself, and at the same time exposing this debtor thus tempted to the oppression of creditors in other States, who are not bound by his State laws in collecting their commercial debts? They are bound by general laws only, and can sue in courts that are not guided by the State laws at all, because the courts of the United States in respect to commercial transactions are not guided by the law of the State, as we all understand. Now I do submit (and submit very briefly, because I do not wish to extend the time of this discussion,) to my honorable friend from Ohio, that he destroys the equipoise that we have undertaken to make between the creditor on one side and the debtor on the other, and to destroy the value of the law to the whole community in continuing men in trade, in preventing failures and breakings up, and in encouraging industry, and to relieve against the effects of panics which will come. I say to him and to the Senate that in my opinion it will be a sad mistake to take out from the operation of this act, thus beneficial upon both sides, the largest class in fact of the whole traders of the country.

As I said the other day, it was tried in the act of 1800, and was again repeated in the act of 1841 only with a difference as to amount. The act of 1800 made it $1,000, I believe. The act of 1841, my friend from Kansas [Mr. INGALLS] says, made it $2,000; I had forgotten the sum there fixed. I think Senators will find, if they look at the history of the proceedings under those acts, that if their repeal can be attributed to anything except the change of parties, one of the reasons was the imperfect working of those laws, growing out of the fact that they did not operate equally upon the whole body of traders in the community; that they made an arbitrary distinction, putting the man of $5,000 under one protection of one law and leaving the man of $3,000 or $2,000 under no protection at all, because the act of 1800 was entirely compulsory; there was no voluntary part about it; and the act of 1841 left him to the temptations which I have described, and whose only consolation would be in going into voluntary bankruptcy, which would still be provided for by this bill, it is true; that in order to be discharged and begin the world anew he must be able to pay 33 per cent.

I submit to the gentlemen who are proposing these amendments, that the committee have carefully considered all these countervailing considerations. Of course there is force in any one point of view that may be taken about it; but you must look at all; and we have endeavored to so adjust the relation between the debtor and the creditor as to secure the fairest justice, and the fairest humanity, and the best consideration for the State in preserving men from being broken up, and in enabling them to go on, if it is possible that they can, that we could devise. Now, to break a hole in any one part of the system is like taking the keystone out of an arch; you disturb the relations of all the rest. I hope it will not be done.

Mr. SHERMAN. I will not prolong this argument by repeating anything that I said yesterday; but I wish to assure my honorable friend from Vermont that instead of taking out any stone in his arch, this amendment, in my judgment, will strengthen the bill and make it much more popular, and will satisfy those who have been clamoring for a repeal of the present law.

My own opinion was expressed yesterday, and I shall not repeat it, and more reflection has convinced me that I am right in regard to this limitation as to the small traders of the country, and my opinion is very greatly fortified by a statement made to me by a very eminent citizen who has had a great deal of experience in the execution of this law, and who says that this provision is not only a practicable one, but a very wise one, and would be of infinite service in the execution of the law.

All I rose for was to ask the Senate to give me the yeas and nays on this vote. I do not desire to propose any amendment to the bill in other respects. I have looked over the amendments of the committee and I approve of them heartily except as to this particular clause, which is one affecting a great mass of people. I should like to have the yeas and nays on this amendment, and a vote on the other amendment I have indicated in regard to the time, and then I shall be satisfied.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) On the amendment of the Senator from Ohio to the seventh section of the amendment of the Committee on the Judiciary, he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. Mr. President, I am endeavoring to follow the chairman of the committee and what stands before the Senate as the action of the committee, as far as I can, although I am not as well satisfied as my friend from Vermont that the amendments proposed by the committee will do away substantially with the very great inconveniences and great oppressions that attend the bankrupt law. As the yeas and nays are demanded upon this amendment, and as I shall vote for it, I venture to suggest to the Senator having the bill in charge that it is a mistake to resist this amendment. It does not to my comprehension unbalance what he calls the equipoise of the Senate committee's proposition at all. On the contrary, it is an alleviation, and it does withdraw from the remote and expensive administration of the Federal courts small cases, and withdraws them as I think advantageously, despite a consideration which the Senator from Vermont has so very frequently urged upon us that I have felt provoked upon other amendments to reply to it. I refer to that which he so continually suggests as the disadvantages, as the hardships, as the evils of proceedings in the State courts by which creditors sue their debtors. I did not agree to that suggestion the first time he mentioned it; I do not agree to it now, and I do not think it answers this amendment at all. If we are to preserve any part of the bankrupt law, it seems to me that we had better give up a little of that which in our estimation as individuals it might be safe to retain. Here is a thing which does relieve us, and I think does promote the chances of retaining what the Senator from Vermont believes to be much more important than he can possibly believe this provision to be one way or the other. Therefore I shall vote for it, and also because I think it is right in itself.

Mr. EDMUNDS. I cannot let the remarks of my friend from New York go without a single word of reply. I have no doubt, of course, of the belief of my friend that this amendment is right. I am only sorry that the committee should not have felt able to see that it was right before. If it is right, of course we are very desirous of having it adopted; and I need not tell my friend how many days we all spent over this general subject in all its aspects. I need not tell my friend how much time was spent in considering every suggestion that debtor or creditor made in hundreds of letters sent to one and all of us touching the amendments that ought to be made to this bankrupt bill. I need not tell my friend that according to the best of my recollection not a single letter of any complaining man of the hundreds we have had on all parts of the subject has complained of the fact which this amendment of the Senator from Ohio is designed to change.

I have stated, and I believe truly, that no single letter, or petition, or any other thing, from the Law Association, as it is called, in the city of New York, or anybody else, has undertaken to complain of the fact that the minimum sum of $250 now is too low. Complaint of course has been made from all this mass of people of the fact, as they assert it, that the expenses eat up the estates. That of course would apply to small estates as well as great ones, and more to small than to great, and in that sense my friend may say that complaint has been made about this thing. But, Mr. President, what will you find when you turn to the report from the Attorney-General on the subject of the expenses under the bankrupt law as it now stands, not with our amendments? That report is well worthy of the attention of gentlemen who have thought that the expenses under the bankrupt law were so prodigiously excessive and exorbitant. I have no doubt that in some cases they have been. It is everywhere; it is so in the court nearest to us; it is so in the court on the next floor of this Capitol; it is so in the court at the city-hall in this city; it is so in the city of New York, and everywhere else. That is perfectly true; but how is it in bankruptcy? According to the report of the Attorney-General, made to us under a resolution of the Senate of the 24th of February last, I find from the statistics returned to him from the various districts of the United States, which are not complete, it is true, but which of course, as far as they go, would show the average cases that there had been during the whole period of the bankrupt system down

to the 31st of December, 1872, (and since then he is not able to make up a table from the imperfection of the returns when he set out last spring,) 58,618 cases, and the total expenses of these 58,618 cases were $4,821,784.40, which is $80.20 to a case. Now, let any gentleman in this body, who practices law in his own State courts, get up and tell the Senate and the public what, in his opinion, is the average expense of the causes tried in the courts of superior jurisdiction where the whole of a man's property is at stake, as it is in bankruptcy, and where the rights of creditors, as between themselves and against the debtor, are always involved, whether it is done under the form of an action at law, or under the form of a proceeding against an insolvent debtor, or under the form of a creditor's bill. Can any man here say that in his State the law expenses of disposing of the property of a poor debtor, one who goes into a state of failure, have been as low on an average within the period of the last ten years as $80.20 or $180.20?

Take the case that my friend from Ohio [Mr. THURMAN] suggests to me, of the estates of deceased persons wound up by laws almost perfectly similar in every State of the Union, where there is equality among creditors, and where of course the smallest estate, if there is any property at all, not limited to $250, goes through the operation of judicial determination in respect to it, to provide first for the payment of the debts, and then for the distribution of the property to the people entitled to receive it, under the statutes of distribution or under a will, as it may be, and compare them; and I appeal to every lawyer who hears me, to every business man who has been connected with the disposition of estates, to say if he does not think that this statement of these aggregates in bankruptcy will bear a favorable comparison with the operations of the probate courts of the various States.

Now, the fact in a large degree from whence this great complaint has come, has been that a large number of the people who go into bankruptcy here as well as in Great Britain are men who have almost no assets at all, and therefore the estate is eaten up in bankruptcy, and almost every one of those cases, ninety-nine in one hundred of them, are cases of voluntary bankruptcy, which you propose to leave as they stand now.

Are we to be told then, Mr. President, that the substance of this proposition of my friend from Ohio [Mr. SHERMAN] is to protect small traders from having their estates eaten up in bankruptcy, which will do no good to anybody? Why, sir, do not forget that this is under the compulsory clause; and therefore if we are acting for the interest of the small trader in respect to eating up his estate when no dividend is to be paid, we have provided in the bill that if he is eaten up in costs, when his creditors attack him, he shall be deemed, if honest, just as much entitled to a discharge as if he had paid 50 per cent. or 100 per cent.

Mr. PRATT. I should like to ask my friend from Vermont whether the estimate of the expense of administering bankrupts' estates, which he has just read from the pamphlet in his hand, includes attorneys' fees, or simply the fees of the assignee, the register, the marshal, and the clerk.

Mr. EDMUNDS. It includes the fees and expenses of assignee, clerks, marshals, and registers; every one of the officers. Therefore it includes all the money that the assignee has paid out for counsel fees, and which he charges in his account against the estate.

Mr. PRATT. Is it not notorious, however, that the fees of the attorneys absorb the larger portion of the assets of the bankrupt, practically, notwithstanding the law forbids it? Do not such fees practically come out of the assets of the bankrupt?

Mr. EDMUNDS. I do not quite comprehend my friend, or else he does not comprehend me. Here is the official return. It may be, as is said about the Louisiana credentials, all a forgery. I do not know; I have not gone through the Attorney-General's office to see whether the returns are forged or true. I only point out to my friend that the official returns, made under an order of this body passed last February, from the districts of the United States, although they are imperfect, as not coming from all the districts—some had not been got in; but from all that we have, which cover three-fourths or perhaps nine-tenths of all the districts—show this result: that the assignee has been obliged to report not only his own emoluments, but the expenses out of the estate that he has paid properly chargeable as expenses as well as emoluments, all the sums that he has expended; and so it is stated in the table, that it is not only the fee of the assignee, but it is the expense that he has incurred chargeable to the estate. My friend asks me if it is not notorious that in bankrupt estates large sums are absorbed by attorneys. I am very much afraid that that is true; and still, consistently with this, I do not know anything that happens among men, where there is a dispute, where a large sum is not absorbed by an attorney. I know that my honorable friends who are all around me just now, from the West and from the East, and from the Middle States, and from the great commercial capital of our country, do not disturb themselves in settling men's affairs unless they are paid for it; and they are paid for it, as they ought to be, according to the value of their time, which depends upon the eminence which they have attained in the practice and pursuit of their profession. It depends in fact upon the weight they carry in the battle they are to fight, and to win if they can, how much they are entitled to have. Therefore it is exactly with an assignee as it is with a sick man: if he employs an expensive attorney, (and, if it is a matter of any great consequence, if he does not he makes a great mistake, because ordinarily he will not get a good one,) he has to pay him, and it comes out of the estate. If he employs a cheap attorney, he pays him a cheap price, and generally gets beaten and somebody else gets the money. If the sick man employs a cheap doctor, who has not, by talent and study and experience and will through long years, become the master of that most difficult of sciences, he pays a high price. That is the commodity; intellect, will, skill, tact, learning, like every other commodity, commands the value that it possesses. If my honorable friend from New York has those qualities in a larger degree than other men in his State, as I am gratified to say we all know he has, it is right, if he is employed in a bankrupt case, that he should be paid what that which he contributes is worth. Very well, sir; what are you to do then? You have a bankrupt estate like that of Jay Cooke & Co., in Philadelphia, where the interests of millions are at stake, and where some collisions between classes of creditors which involve millions are at stake.

My honorable friend from New York is employed, or my honorable friend from Ohio. Is it any objection to the law or to them that a large sum is paid for their service because a large value is received in the service that they give? Not at all. Therefore, Mr. President, we argue upon insufficient foundations if we say that in bankrupt proceedings large sums are absorbed, as my friend from Indiana puts it, by attorneys. But when you take the whole average, we find that, attorneys and all, according to this official report, throughout the whole United States, and in almost sixty thousand cases—registers, clerks, everything made up into a total—the expenses amount to less than $100 a cause.

I am not defending the present fee-bill. I am not defending the exorbitant charges that in this district or that may have been made. I beg not to be misunderstood about that. We have cut them down, as my friend from Ohio suggests, one-half already, and we have provided that the judges of the Supreme Court should reinvestigate the whole subject under the authority they possess, and rectify any wrong that may exist. And we propose to provide that all these people shall separately make reports under oath to the clerks of the courts, which shall be forwarded to the Attorney-General every year, in order that he, charged with the execution of the duties of the Department of Justice, may see, and that Congress may see, how the administration of this law is going on.

Now, I submit, Mr. President, that this does answer the suggestion made by my friend from New York, that taking this class of people out of the operation of the bankrupt bill leaves them to what he says I have so often repeated, but like other great truths I think it cannot be too often repeated—you turn them over to a state of chaos where their creditors reside in different States and where they have a right to apply to different jurisdictions for redress. You do turn them over to a state of chaos, and instead of holding them up for forty days or for a longer period, as the case may be, under this bill, you leave them at the instant disposition of men who may be their creditors in every State, and to all the temptations against which every day we ought to pray "Lead us not into temptation"—all the sad temptations of favoring one creditor at the expense of another, or of concealing and making away with his estate altogether. There is where you leave him.

Mr. President, while I am on this subject of the comparative expense of turning a man over to the State laws, I wish to call the attention of the Senate particularly to a matter that I believe I referred to yesterday. I have before me one single sheriff's bill in the city of New York in the disposition of an estate on a judgment and execution that he had levied, and it is a specimen of a great many, but I only give you this:

Supreme Court.

RICHARD H. GRIFFIN
vs.
HENRY T. HELMBOLD and HENRIETTA B. HELMBOLD. } In error.

Gross amount of sales—

It may have been a sale under a decree of foreclosure or under a judgment; I do not know from this statement which it was—

Gross amount of sales April 26, 1872, $8,982.89.
Charges——

The sheriff, after he sells, does not include the other costs of the proceeding, but merely the sheriff's costs, which will answer for the marshal under the bankrupt law; and the gross amount of his charges in making these sales of $8,900 is $5,103.50, being just about five-eighths of the whole money received upon the sale of one estate under the benign laws of the State of New York; and they are benign; they are right; they do not tolerate this sort of thing any more than does the bankrupt law tolerate an extortion by a marshal, or a register, or an assignee; but it only illustrates what I told you the other day, that there is no more immunity for the honest citizen against extortion under a State law than there is under a national law; and until courts are brought to their duty, and until clients or persons interested in estates choose to take care of their own interests, you may expect, as it always has been since courts and proceedings began, that the people who administer the law will run into abuses. Even this body, Mr. President, as high and as pure as it is, if you look back over its history, will be found to have gone in excess of what it ought to have gone in respect to the fees and expenses of its Sergeant-at-Arms, and its attendants, and its doorkeepers, and its own allowances for this thing and that thing. Nobody is free from the temptation of

running into excess unless he is at some time brought under restraint; and therefore you cannot expect that this bankrupt bill, which provides for securing people against extortion, can execute itself without instrumentalities to do it, and unless people take care of their own interests, any more than you can expect that any other law or constitution will execute itself.

I say, therefore, in this point of view which has been referred to by my honorable friends from New York and Ohio, that in turning these people over to the State law you do not relieve them from extortion, you do not relieve them from having their property eaten up by expenses; but instead of holding them up secure against offensive and hostile attack for forty days, to begin with, and then saying that they shall not be proceeded against unless a large proportion of their creditors believe it ought to be done, you turn them over to instant attack on the day they fail to meet a dollar of their debts, commercial or otherwise, by every man who chooses to assail them, and put them at the mercy of every man who chooses to extort from them an unjust preference or an unjust payment. There is where you leave them, exposed to every temptation, and when they have been gone through with and ruined and destroyed to the injury of the State as well as of themselves, you leave them with the millstone of the debt still about their necks.

Now, Mr. President, my friend [Mr. CONKLING] may say that I repeat this too often. Perhaps I do to suit his imagination; but as it is a thing that I believe in, and as it is a truth that I wish my friend could believe in, I shall beg leave to state it as often as I think it is applicable to the particular point that is before you for discussion.

Mr. THURMAN. I do not propose to repeat a single word or idea so well stated by the Senator from Vermont; but there are one or two other considerations that seem to me to be worthy of our thoughts and that militate in my mind very strongly against the amendment offered by my colleague. The more I have reflected upon it, the more I am satisfied that that amendment ought not to be adopted.

The first thing to which I wish to call the attention of the Senate is that this amendment proposes a very great discrimination between the different persons or classes of persons who may be put into involuntary bankruptcy. The thirty-ninth section of the bankrupt act, which is now under consideration, and which we propose to amend, applies in some of its provisions to all persons whomsoever. Every man, no matter what may be his occupation, is liable, if he commits some one of the acts specified in this section, to be declared a bankrupt, and every moneyed or business corporation in the United States that commits one of the offenses named in this section is liable to be put into involuntary bankruptcy, and that without any regard whatever to the amount of indebtedness of the individual or the corporation, except that it must be at least $250. That is the only limitation as the law now stands.

Now, what does my colleague's amendment propose? It proposes to single out certain classes of men, to wit, bankers, brokers, merchants, traders, manufacturers, and miners, and say that they shall not be put into bankruptcy unless they respectively owe the sum of $3,000, while every other person, every one who is not a merchant, broker, banker, trader, manufacturer, or miner, may be put into bankruptcy if his debts are $250.

Mr. SHERMAN. I ask my colleague to point out that clause. If he can point out that clause, I will acknowledge that I have made the greatest mistake of my life.

Mr. THURMAN. What clause?

Mr. SHERMAN. The clause of the thirty-ninth section which would authorize anybody who was not a banker, broker, miner, &c., to be put into involuntary bankruptcy upon mere non-payment of money.

Mr. THURMAN. I did not say for the mere non-payment of money. I said if he did one of the acts that are specified in this thirty-ninth section. A lawyer may be put into bankruptcy not under this commercial clause, but if he shall be guilty of one of these acts, as for instance——

Mr. LOGAN. Guilty of fraud, not for failure to pay a debt.

Mr. THURMAN. To be sure, and we know what "fraud" is. It may be merely constructive fraud and not actual fraud, and yet he is liable to be put into bankruptcy. Now, instead of it being a popular provision, as my colleague supposes it would be, to make this exception, it would be considered as an unjust discrimination in favor of these particular classes, merchants, bankers, brokers, traders, manufacturers, and miners; that you will not allow them to be put into bankruptcy unless they owe $3,000, while you allow everybody else to be put into bankruptcy, although they may owe only $250.

Mr. SHERMAN. Now, that comes to the point where my colleague and I ought to agree. If he will point me out any clause in this section that makes a discrimination in favor of the miner, broker, banker, &c., I shall be very glad to concede to him the argument; but I say, under the bill as it is presented to us by the committee, no one can be forced into involuntary bankruptcy for the non-payment of a debt except the miner, broker, banker, and the classes named. A lawyer cannot be forced into involuntary bankruptcy for the mere non-payment of debt. If that were so, I am afraid there would be a great many lawyers who would suffer from this law. There is no provision by which a lawyer can be forced into involuntary bankruptcy except for the commission of some fraud. That is the bill submitted to us. This clause, with my amendment, simply provides that a merchant, trader, or banker, who is presumed to be more prompt in the payment of his debts, if he neglects to pay his commercial paper for forty days, and the amount of it unpaid is over $3,000, he may for that cause alone, although it may be a mere misfortune, be forced into bankruptcy. There is no discrimination against any one or for any one.

Mr. LOGAN. Allow me to suggest that the discrimination the Senator from Ohio [Mr. THURMAN] complains of, is made in the bill against those persons. If they fail to pay for forty days, they may be put into bankruptcy, but no other class.

Mr. THURMAN. It is very possible that, having devoted about six weeks of hard labor to this bill, I have some idea of what is in it; but I cannot answer two Senators speaking nearly at the same time. I understand my colleague to say that nobody can be put into involuntary bankruptcy for the mere non-payment of a debt, except he be a merchant, banker, broker, trader, manufacturer, or miner.

Mr. SHERMAN. Forced into bankruptcy.

Mr. THURMAN. That he cannot be?

Mr. SHERMAN. Yes, sir.

Mr. THURMAN. That under the bill as it is now presented, nobody, for mere non-payment, can be put into involuntary bankruptcy?

Mr. SHERMAN. Except those specified classes.

Mr. THURMAN. I ask my colleague to take his bill in hand and let us see.

Mr. SHERMAN. Except for cause.

Mr. THURMAN. I will show you that the cause is non-payment of a debt:

That section 39 of said act of March 2, 1867, be amended so as to read as follows: That any person—

I suppose that includes everybody—

residing and owing debts as aforesaid, who, after the passage of this act, &c.

Now we will pass down to line 16:

Or who—

That is, any person—

has been arrested and held in custody under or by virtue of mesne process or execution, issued out of any court of any State, District, or Territory within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate under this act—

That is a demand arising in contract—

and for a sum exceeding $100, and such process is remaining in force, and not discharged by payment, or in any other manner provided by the law of such State, District, or Territory, applicable thereto, for a period of twenty days; or has been actually imprisoned for more than twenty days, in a civil action founded on contract for the sum of $100 or upward—

Is not that a case of non-payment?

Mr. SHERMAN. Not at all. On the contrary, I will ask my colleague whether these conditions act upon a person being arrested on mesne process, or being held in actual custody for payment of a debt, except in case of frauds, crimes, or allegations of that kind made under oath.

Mr. THURMAN. My friend is entirely mistaken; it is not so.

Mr. SHERMAN. If my colleague will allow me, the very recital of the acts and the conditions in this clause import an allegation of fraud or a conviction of crime.

Mr. THURMAN. It is not so even in our own State, I will say to my colleague. On the contrary a *capias* there, either *ad respondendum* or *ad satisfaciendum*, can issue for no other cause in the world than that the debtor is a non-resident of Ohio, and you can keep him within the boundaries of the State and keep him in prison. It is not a very hospitable law. I advise, therefore, debtors, non-residents, who get judgment against them in Ohio, to be a little careful how they go into that State; but that is the law. Then, again, there are various other cases in which there is no fraud, and in which there may be a process of execution against the body, as in the case of debts due in a fiduciary relation.

Mr. SHERMAN. I will ask my colleague, does not the law of Ohio require in that case before a non-resident can be arrested that there is an intent to leave the State, an intent to defraud?

Mr. THURMAN. No, sir; it does not require that there shall be any intent to leave the State with any fraudulent purpose.

Mr. SHERMAN. But an intent to leave the State.

Mr. THURMAN. There is no fraudulent purpose whatsoever in it. There are other States whose laws are not so favorable to debtors, where arrest for debt does exist in almost all the plenitude that it had before these statutes were passed for the benefit of debtors and to prevent their unjust arrest. So here are two cases in which, when you come to the very substance of it, the arrest and imprisonment, or the arrest and failure to discharge from imprisonment, are nothing in the world but evidence of inability to pay a debt. That was the law before, that is the law now, and we have not changed it except to extend the time from ten days to twenty days.

The effect, then, of this amendment is to make a discrimination, and a discrimination that, in my judgment, would not tend to make this bill popular. I agree that there is some force in what my colleague says, that it is advisable to make this bill popular in the country. I do not know whether you ever can make a bill for the collection of debts very popular. Perhaps that is a thing that never can take place. It might be that with one class of persons a bill to repeal all acts for the collection of debts would be the most popular bill that could be passed. Any bill that may be passed for the collection of debts, and to prevent unjust and fraudulent preferences, will not

be popular with some people; that is very certain. Still it is desirable that this bill shall give satisfaction to the public, to those who are likely to come under its operation, or who may wish to avail themselves of its provisions. One of the evils in this country has been that we pass bankrupt laws, leave them on the statute-book for a year or two, and then repeal them; and this is an honest opportunity to make a law which shall be permanent—not that it is perfect. No man ever yet drew a statute at one sitting that was perfect, I do not care how short it was. Nothing but experience perfects a law, and some of the laws that have been longest on the statute-books of this country and Great Britain are still imperfect, and would be intolerable but that shape has been given to them, form has been given to them, by judicial interpretation.

Mr. EDMUNDS. There is hardly a law in Great Britain now that has not been changed a hundred times.

Mr. THURMAN. Certainly; and it is not more than six months ago that a question arose on the statute of frauds and perjuries of Charles II, although the ablest British lawyers writing on that subject said nearly fifty years ago that it was impossible to get up another question on that statute.

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. MORTON. If this amendment should be adopted can a trader, banker, or miner still be put in bankruptcy for an act of fraud, without regard to the amount?

Mr. THURMAN. I suppose he can, undoubtedly.

Mr. MORTON. The effect of this amendment, then, simply would be that one of these classes shall not be put into bankruptcy for nonpayment of a debt unless all the debts amount to $3,000.

Mr. THURMAN. For this particular cause.

Mr. MORTON. But if he is put into bankruptcy for fraud, it makes no difference how small the estate may be.

Mr. THURMAN. That is undoubtedly so. I had not lost sight of that; and I was not saying that this provision might not be put in here and might not be a wise provision if there were good and sufficient reasons for it; but I was answering what had been said about putting this amendment in here in order to make the bill popular. I say it is more likely to be considered as making an unjust discrimination. I was answering what I admit to be an argument worthy of consideration, that we ought to make this bill satisfactory—not popular; we cannot do that; but satisfactory to the people; and I think this discrimination will be most likely to make it unsatisfactory and unpopular.

But there is another objection, which I stated yesterday and which I hoped that my colleague would feel the force of, and that is that by his amendment, as he here proposes it, the indebtedness of $3,000 or over $3,000 is made a jurisdictional fact. Now once more I repeat that you may proceed in the administration of a bankrupt's estate, perhaps almost to the close of it, before the fact is ultimately disclosed that he does not owe more than $3,000; and then all this is for nothing, and the whole proceeding must be suspended. That is the inevitable effect of inserting this amendment as it is here inserted. If my colleague had adopted the suggestion I made——

Mr. SHERMAN. If my colleague will allow me, I will say that I did consider that proposition with attention and care, and I submitted it to persons who have been engaged in the actual execution of this law; and they said that this, like any other jurisdictional fact, was one easily proven, and that the very first step that would be taken under the law by any person seeking to force a debtor into bankruptcy would be to call upon the debtor for a statement of his debts, and he could give that immediately, before any costs were created.

Mr. CONKLING. If I may be allowed to interpose for one moment, it is a stronger case practically than that, because this is an adversary proceeding; it is compulsory and hostile to the debtor, and the debtor knows what he owes. How can it be that he would sit by and allow himself to be dragged through months of proceedings and have it discovered by accident, in the end, that he did not owe $3,000, when he was resisting it all the time?

Mr. THURMAN. Let us see how that may be. Proceedings of involuntary bankruptcy are commenced against a man, and he is called upon to state how much he owes. He says, "I owe but $2,000." Is what he says to be conclusive? Certainly not. The petitioner must have the means to controvert that. Therefore the petitioner says, "You, Mr. Bankrupt, owe John Jones $1,200 more, a debt that you do not put down." The bankrupt replies, "I do not owe him anything at all." Here is a controversy. Then that matter is to be litigated between the assignee of the bankrupt; for first you must adjudicate him to be a bankrupt before you settle the question whether he owes $3,000, in order that suit may be brought against him, or John Jones brings a suit against him, although he is in bankruptcy, and not against his assignee; and when that suit is brought to trial, perhaps months and months after that, and it is established that he did owe the man, then there is jurisdiction. If it is established that he did not owe him, then the whole case goes out of court. Now, the whole thing could be avoided by putting in after the word "provable," in the forty-seventh line, on page 8, the words, "and the aggregate of whose debts shall amount to $1,000." That would make exactly the $3,000 provision.

Mr. SHERMAN. I will explain the reason——

Mr. THURMAN. I know the reason my colleague has for not doing that. He says you make it applicable to every one of the cases of bankruptcy. It ought to be if it is put in at all. There is no sound reason in the world why you shall put a man into bankruptcy for one of the causes that are mentioned in the first part of this section clear down to that which we have under consideration where his debts do not exceed $3,000, which will not apply equally well in every single case that you can name. You cannot make any discrimination. What is the reason why you shall not put these merchants, bankers, or traders, into bankruptcy, unless their debts exceeds $3,000? It is nothing but the expense of the proceeding; that is all. There is the same expense in every one of the other cases; so that if this provision ought to be put in one case, it ought to be in all the cases. Then it amounts just to this: that whereas now involuntary bankruptcy cannot exist except where there is an indebtedness of $250, such proceedings shall not exist except there is an indebtedness of $3,000. That is my colleague's proposition. If the Senate thinks that is proper, very well; so be it; but there is no reason in the world to discriminate and say that in one class of cases it may exist where the indebtedness is only $250, and in another class of cases it must be $3,000 or upward.

Mr. MORTON. There may be fraud in one case and not in the other.

Mr. THURMAN. That makes no difference really. That "fraud" is often constructive; but even if it were real—take a case of real fraud—the State laws provide against it. The State laws seize the property of the debtor who has been guilty of fraud. The State laws subject him to arrest and imprisonment if he has been guilty of fraud. There is no reason, therefore, that a bankrupt court should administer his estate in a case of fraud where he owes debts amounting to no more than $250, and that it should not administer his estate if he is a merchant, trader, &c., and has suspended payment of his commercial paper unless he owes $3,000. There is no reason in the world why there should be any such discrimination.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN] to the committee's amendment, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 20, nays 28; as follows:

YEAS—Messrs. Bogy, Carpenter, Conkling, Fenton, Flanagan, Gilbert, Hamilton of Maryland, Hamilton of Texas, Howe, Ingalls, Logan, Merrimon, Mitchell, Morton, Oglesby, Ransom, Sherman, Sprague, Stevenson, and West—20.

NAYS—Messrs. Anthony, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Chandler, Crozier, Edmunds, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamlin, Johnston, Jones, Kelly, Lewis, McCreery, Morrill of Vermont, Pratt, Ramsey, Robertson, Saulsbury, Schurz, Sumner, Thurman, Tipton, and Wright—28.

ABSENT—Messrs. Alcorn, Allison, Ames, Bayard, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Goldthwaite, Gordon, Hitchcock, Morrill of Maine, Norwood, Patterson, Sargent, Scott, Spencer, Stewart, Stockton, Wadleigh, and Windom—24.

So the amendment to the amendment was rejected.

Mr. ROBERTSON. I observe that the Clerk in calling the roll called the name of Mr. AMES. Mr. AMES has accepted the office of governor of Mississippi, and is no longer a member of the Senate, and therefore his name should not be called.

The PRESIDENT *pro tempore*. The Chair can make no such order. The Senate has not been officially informed of any resignation by Mr. AMES.

Mr. ROBERTSON. I call the attention of the Senate to the fact that his name is still called on the roll.

Mr. JOHNSTON. I desire to offer several amendments to the bill, and to save time I will offer them all together, and ask the Clerk to read them as printed, down to the last section.

Mr. EDMUNDS. I ask the Senator from Virginia to withdraw his amendment for the present, and let us go on with other parts of the bill, as it is not specially germane to this particular section we are now upon, and he can present it at another time.

Mr. JOHNSTON. Very well; at the request of the chairman of the committee I withdraw my amendment for the present.

Mr. SHERMAN. I will then offer the amendment that I proposed at the beginning. In line 41 of the seventh section I move to strike out "forty" and insert "ninety" before the word "days." I have no wish to discuss it, because it has been already sufficiently discussed. I am afraid the Senators having charge of this bill are so tenacious about it that it will be very difficult to have any amendment put on it, although I think they ought to concede an extension of the period to ninety days. But I will not discuss the matter.

Mr. EDMUNDS. Mr. President, if I were the Senator from Ohio, and proposed the same amendment, I would not wish to say anything about it; but I do not mean that as a reproach to him by any means, because I know he offers it in good faith.

Mr. SHERMAN. I have said all I want to say on the matter.

Mr. EDMUNDS. Certainly.

Mr. President, this period of time was perhaps the subject of as much consideration in committee, this precise point that the Senator now presents, as any one of the topics which the Senate required us to consider. A great mass of the creditor interest, as you may call it, in the Eastern States, complains to us bitterly that by this extension which we have made in the bill as we have reported it, we have destroyed its vitality and have gone over to the other side. Of course, the debtor interest, if it looked to its mere personal interests at a moment, and did not consider the whole effect of the bill, might say, "We would rather have it ninety days; we would rather have it one hundred and

twenty days, or two hundred days, or six months; we would rather have it postponed until the millennium before putting in bankruptcy a man who cannot go on, and the sale of whose stock is stopped, unless you are to say he may go on and wind up his estate by taking all the money and paying nobody, or we would rather go back again to the conflicts and difficulties under State laws, of which we have been speaking, and said enough perhaps." Such a debtor might say "Why, give me forever; do not put me into bankruptcy, because I have failed and cannot pay my debts, at any time." Mr. President, we thought we were exercising a pretty large degree of the discretion with which you invested us in reporting to you what we thought was right in extending the time for which a man may stop payment (which, as I described yesterday, and which, as has been decided by all the courts is the principal, who is unable to go on with his business) from two weeks to a month and a half.

What happens in the mean time? Unless he makes an unjust and unlawful discrimination among his creditors, if he stops payment upon the first bill that becomes due, the first bill of exchange or the first note, he must stop upon all those that fall due afterward. If he is honest, of course he stops entirely. Now, what does he do in the mean time, in these forty days as it stands? If possible, he tries to collect in his assets. If he is a merchant he tries to sell off his goods to raise money to meet his engagements and so on. If he is not honest he has this whole period of forty days to make things wrong by a thousand ways that I need not describe. We fixed this time of forty days as the longest period that could be allowed to elapse before proceedings should begin without enabling any creditor for himself to assail the debtor and get by process of law against the will of the debtor, and under the State laws by suit, a preference which the debtor could not avoid, and which the estate could not avoid if the man went into bankruptcy.

Now, if my friend from Ohio intends (and I know he does not) to allow a period so long that a creditor who chooses to be harsh because the man cannot meet his payments, may have time to get a lien that the bankrupt law cannot dislodge as it stands, everybody who wants to do that ought to go beyond forty days; but if you wish, when the man has got to the point where he cannot meet his engagements, first to hold him up as long as you can, and then if there must come a failure, to distribute his assets fairly among all his creditors, you ought to vote against extending the period beyond that time, because in many of the States very short process is necessary to bring the debtor to the question of denying his liability to pay a debt or to admit it. The moment, therefore, a summons is taken out against a debtor who stops payment on a bill or note, he has only a very short number of days in my State, in a large class of cases only six days; in the State of New York I believe it is only twenty days—my friend from New York will correct me if I am wrong—and at the end of twenty days, if he does not meet his engagement, if he does not pay the bill, judgment goes against him. Of course, I am speaking now only of those debts that this section speaks of, undisputed debts, and of honest debtors.

Now take the case of the honest debtor who is sued in the State of New York twenty days ago, and a judgment is obtained. That judgment, being docketed and filed in any county where he has real estate, becomes a judgment lien upon his property, and it is a judgment lien that the bankrupt law does not dissolve, for it is only attachment liens that the bankrupt law dissolves. Therefore, at the end of twenty days, if it was a lien against real estate as you have it now, even, there would be the possibility that the creditor could obtain a preference over the other creditors and dispose of the estate. But in ordinary cases, taking the whole country together, it would generally happen that something would intervene so that the creditor would not get his preferred lien or get hold of his debtor's property, if personal estate was to be sold on execution, within the period of forty days. But if you put it beyond forty days, to ninety days, which is three months, or to sixty days, which is two months, or to any period beyond that time—for, as I say, we strained it to the last degree to preserve equality among creditors in fixing forty—you then expose every creditor to the chance, if he does move, as well as the others within the forty days or the ninety at law, of having the whole estate swept out from under his hands so that he will get no compensation at all out of the debtor's estate; it will all be swept off by one creditor and eaten up by the sheriff's bills of which I gave you one illustration, and I have another in the State of New York; and so it would be in any other State.

Now, I do submit to my friend from Ohio, with earnestness it is true, but with respect to his judgment, that he ought to be willing to take this extension from fourteen to forty days as satisfactory and as the best that can be done to preserve the failing debtor from the rapacity of his creditors under the State laws, and to preserve equality among creditors under the bankrupt law, if the man must fail.

Mr. SHERMAN. As my friend does not seem desirous to have the vote taken immediately on this proposition, I wish to say a word, and I say it with all sincerity and with earnestness, and I hope my friend will regard it so. I have endeavored since these amendments have been reported to vote for them and continue in operation the bankrupt bill. I believe that the majority of the people, I repeat, are opposed to the bankrupt bill. I believe that the public sentiment of my State is against the bankrupt bill, and that I should be naturally expected, in representing them, to vote for its absolute repeal. Such is the course of the great body of my colleagues in the other House, and I think that is the general sentiment of the State. But my own opinion has always been that a bankrupt law in some form ought to be continued on the statute-book so as to enable persons dealing in great transactions in different parts of the United States to appeal to its aid and get relief from misfortune, and that creditors might appeal to the aid of a general bankrupt law through the courts of the United States. Therefore, if I could see that the amendments proposed by the Judiciary Committee had so modified the previous faults that had been found with the bankrupt law as it was before administered, I should undoubtedly have voted with them. I have been endeavoring all the time to modify this law so as to come, if possible, within the reach of public opinion in my State. But now let us look at it, and see if this bill is not worse in some respects than the act of which it is amendatory. It extends to many persons the thirty-ninth section who are not embraced in the act to which it is amendatory.

Mr. EDMUNDS. Will the Senator point that out?

Mr. SHERMAN. I will. The corresponding clause in the original bankrupt law of 1867 provides:

> Or who, being a banker, merchant, or trader, has fraudulently stopped or suspended, and not resumed payment of his commercial paper within a period of fourteen days.

Mr. EDMUNDS. My friend does not find in the act of 1867 the words "manufacturer, or miner." They were induced by the act of 1870 or 1871. We have not changed the existing law a particle in this thirty-ninth section—if my friend will pardon me for interrupting him—except in favor of the debtor, by extending seven days of arrest to twenty, seven days of imprisonment to twenty, and extending fourteen days of non-payment of commercial paper to forty, and (which my friend will notice) requiring one-fourth in number and one-third in value of the creditors to force a man into bankruptcy.

Mr. SHERMAN. I am speaking now of the original act of 1867.

Mr. EDMUNDS. I am speaking of the law as it stood when we began with it.

Mr. SHERMAN. The law was amended so as to embrace others, but the law of 1867 is the law under which the great body of proceedings in bankruptcy occur; and that was expressly confined to bankers, merchants, and traders, but now it is extended so as to embrace brokers, manufacturers, and miners. In most of the States there are miners digging coal. There are miners digging gold, but they are generally great corporations. But these coal miners are many of them farmers, the smallest kind of people in this sense. It extends to all mining of coal, so that a man who has coal in the ground opened on his farm, carrying on the business of a miner, is liable to be forced into bankruptcy. So also of manufacturers. It is very difficult to define what is a manufacturer. Is a blacksmith a manufacturer? He makes shoes for horses. Is a carpenter a manufacturer? He builds houses. Are all the mechanics in this country manufacturers? They make things. If Senators will look at the recognized books on the subject, they will find that the word "manufacturer" includes all mechanics in mechanical employments. Although, usually, there is a distinction drawn between a manufacturer and mechanic, yet the word "manufacturer" is a broader word than any other, and includes almost all kinds of mechanical industry where the product of the labor of a mechanic is a distinct article of manufacture, like a horseshoe, in the case of a blacksmith.

The law has gone beyond the original act, including a great number of persons who may be forced into bankruptcy for the mere nonpayment of a debt. Now, I say to you, that so far as the people I represent are concerned, I believe they do not desire the bankrupt law in any case to be enforced against a man who is simply unfortunate. That is the general opinion of the people of my State, and I think my colleague would agree with me if he were present, that if you submit to the people of Ohio, who are just about the average of the people of the United States, the question whether they desire to have an honest debtor, against whom no allegation of fraud is made, forced into involuntary bankruptcy—not where he seeks the benefit of the bankrupt law, but forced into involuntary bankruptcy merely because by fire, by misfortune, by death, by accident, he is unable to pay his debts—the universal response would be no. Bankrupt laws are looked upon by the common people, by the general mass of the community, as laws to prevent men from cheating their creditors, or as laws which are furnished by the law-making power to enable unfortunate men to shelter themselves against misfortune by seeking to be discharged from the liability of debts; and therefore the common idea of a bankrupt law only extends to two classes: first, where a debtor appeals for relief against a misfortune, and appeals to the court to relieve him from the weight of debts that he cannot pay; and, second, where it is applied for by creditors, who seek the aid of the law to prevent their debtors from cheating them out of their debts.

The ordinary administration of the affairs of debtor and creditor can certainly be left to the States; and when you extend your bankrupt law beyond that, you cross the line where public opinion will sustain you. But I was willing to go a little further. I was willing to vote, and am willing now to vote, for this proposition reported by the committee, if the cases are so limited as to be confined to commercial cases growing out of commerce between the States; that is, where the nature of the trade or dealing between the parties is such that it might be called commercial, or commerce between the States, where the rights of the people of different States are affected.

It seems to me, therefore, that I am not asking an unreasonable thing of Senators who desire to maintain a bankrupt law to seek to modify this and ameliorate it, so that it shall not apply to a great number of people who have no intercourse with citizens of different States, but who only carry on a small business at home. I am called upon here to vote for a law which will say that a miner digging coal in the State of Ohio, or a blacksmith, or small manufacturer carrying on a petty business, making his bread by his daily labor, or a small trader selling pea-nuts at a pea-nut stand, or engaged in the small traffic that is carried on in a remote village of two or three hundred inhabitants, selling tapes and little articles in the ordinary small traffic of the country, shall be forced, with their little affairs, into the district courts of the United States remote from them.

Mr. EDMUNDS. May I ask my friend a question? I ask whether in that case it would be anybody but their own neighbors, who found they could not go on, that would force them in? They are not people who deal with New York, with New England, or with New Orleans.

Mr. SHERMAN. I may answer the question before I get through. I suppose in Vermont they have some men that are willing to oppress their neighbors, and we have in Ohio, as they have in all communities; but the best people to settle these controversies between neighbors, according to the theory of the English law, are the people of the neighborhood; and it seems to me that all these controversies that grow out of the ordinary transactions of daily life, where commercial interests are not involved, could be settled better at home. The same argument applies to the extension of this time to forty days. It is not uncommon in the country in which I live for such people as I have spoken of to neglect for forty, or fifty, or sixty days to pay their paper which is past due.

Mr. EDMUNDS. What do the laws of Ohio provide in that case?

Mr. SHERMAN. The creditor may sue, if he chooses, and the laws of Ohio wisely give a man on a fifty-dollar debt six months' time, or stay of execution by confessing judgment; and yet this act of confessing judgment might operate as an act of bankruptcy, although it is provided for by the laws of Ohio. I do not know whether they have in the New England States the ordinary stay-laws, by which a debtor upon giving security can get time on his debt.

Mr. EDMUNDS. No; those have been held unconstitutional with us.

Mr. SHERMAN. They have been uniformly enforced in nearly all the Western States. Public sentiment recognizes them, and defends them, and sustains them. Where a man is sued and cannot pay, if he is willing to give security, and show that he is willing and will be able to pay, and has ability to secure the debt, he has a stay of execution for a reasonable time. Even where the debts are larger the laws are so framed that a judgment cannot be taken except after a certain length of time after suit is brought. Means are given, in other words, to stay execution, sometimes with and sometimes without security.

I do not want to vote to upset the law between debtor and creditor among the people of Ohio unless there is reasonable latitude allowed, and I think that forty days is a less time than should be allowed in an agricultural community, or a mining community, or one such as I represent on this floor, with only one or two large cities in the State. There is no sufficient allowance for the accidents and misfortunes of time. Therefore I desire to amend this provision.

Mr. EDMUNDS. Did not my friend vote for the original law?

Mr. SHERMAN. I do not think I did, but I do not know. My impression is that I did not vote for the bankrupt bill, but I will not be certain. My friend from Rhode Island [Mr. SPRAGUE] says I did not, and I think I did not. The Senator representing Vermont may not understand that the general feeling in the Northwestern States is against a bankrupt law, and therefore in representing our people we would naturally go against it.

Mr. EDMUNDS. I understand it perfectly. As I stated in the opening, you cannot have any law that everybody in every part of the country will be satisfied with.

Mr. SHERMAN. I have said all I desire to say about this amendment. But let me say a word to the Judiciary Committee and the gentlemen who have this bill in charge. There is a divided feeling not only in the country but in the Senate, and a pretty nearly equal division here. My opinion is that the general judgment of the Senate is that there ought to be a bankrupt law as the fixed policy of the Government, but at the same time the power that is behind us is against the continuance of the bankrupt law; and, therefore, I think those in charge of this bill ought to receive our suggestions kindly and yield just as far as they can to that popular feeling which desires liberality, generosity, delay to debtors.

My friend from Vermont made a remark awhile ago that I did not think it necessary to answer then, but I will answer it now—that the only complaint made about these amendments were that they were too lenient. Now, the mass of the people of the country are not going to write to members of the Judiciary Committee, or even to their own representatives, about their particular views in regard to the bankrupt law, but only creditors who look to this as a law for the collection of debts will write to them more freely.

Mr. EDMUNDS. My friend is mistaken about that. Since we reported these amendments some time ago, and the additional ones that merely perfect the machinery, I think we have had as many letters from the debtor class as from creditors, and who commend, without exception according to my recollection, the amendments that we have made. To be sure, they do not discuss the particular points my friend does. Perhaps they did not think of them.

Mr. SHERMAN. The general feeling, however, of the mass of the people, who would not write to the Judiciary Committee or any member of this body, is against the whole law. They wish to strike it out, and would prefer that we should vote for its repeal. I have had a considerable number of letters from intelligent people myself of all classes, who say it is a great deal better to go back to the old condition of things, and let the people of Ohio manage the collection of debts in the State as they did in former times. Still I do not agree with them. My desire is to vote for a moderate law that may be maintained on the statute-book, and I think this law would be stronger and better if you would strike out this whole clause. The Senate having voted down that motion, I have endeavored to modify this section in slight particulars; but I find the Judiciary Committee so hard, so bent upon passing it just as they want it, that they will not give time or consent to anything which compels us to fall back on our original position. I do not wish to prolong the debate.

Mr. EDMUNDS. I merely rise to reply in one word to the last statement of my friend from Ohio, which I think on reflection he will admit is a little unfair toward the Judiciary Committee. He seems to accuse us of attempting to be tyrannical, as if we were trying to bully the Senate into doing something they did not want.

Mr. SHERMAN. I did not say that. I said you were too tenacious, that you were holding on to particular forms of words when we desired modifications. I did not say anything about "bullying" at all.

Mr. EDMUNDS. Ah, Mr. President, is this holding on to particular forms of words? When my friend proposed a change which related to a particular form of words we acquiesced in it in a moment. Although we understood the law to be perfectly correct as it was, and thought his words were entire surplusage, we did not make a question with him. But this is more than form. My friend has not been making a speech here for half an hour on the subject of the forms of words. He is on substance, and he blames, criticises, accuses, the Judiciary Committee of being what he now calls tenacious. Mr. President, why should not a committee be tenacious upon a subject which they have been compelled by the order of the Senate to study, while my friend was at home for the holidays; to study "in season and out of season," in order to get the average sentiment of the country, in order to get the average of justice and of fair play everywhere; and then having come to a unanimous conclusion and reported it here, why should we not be tenacious until some argument shall convince us that we are wrong? I dislike to be arraigned in this way, I may tell my friend, for standing by what after much study we have thought to be right, until we can see that it is wrong.

Mr. MORTON. Mr. President, I think the amendments reported by the committee after great labor are entitled to very high consideration, and I shall be disposed to follow the committee unless in a case where my own judgment distinctly rejects an amendment proposed by them. This is a point where it is proposed that a man may be put in bankruptcy, in the absence of fraud, for the simple nonpayment of a debt for forty days. If there is fraud in the case the creditors need not wait five days; they may proceed immediately. They may proceed at once where there has been no failure to pay a debt, where a man is disposing of his property fraudulently. Bear in mind this is a case where there is simple non-payment without fraud. The old law provided fourteen days. The whole country rose against that with indignation. This bill gives forty days. Now, what is the purpose of extending the time from fourteen to forty days? What is the object of it? It is, as I understand, to give the debtor time to convert his property and pay the debt, to collect his assets and pay the debt. If there is anything in that at all, if that is a good reason for extending the time from fourteen to forty days, it is a good reason for extending it to ninety days. Ordinarily forty days might not be sufficient to enable a man to convert his property, overtaken suddenly by misfortune, some fall in prices, some sudden loss, some disappointment. If he must depend upon the conversion of real estate, forty days is ordinarily too short. Now, give him a reasonable time to make the conversion. I think it ought to be ninety days instead of forty days. He has been guilty of no fraud; he has simply been unfortunate; he has not attempted to cheat his creditors, but some misfortune has overtaken him, it may be through others, it may be through the want of judgment upon his own part; and the object in giving forty days is to enable him to pay the debt that has gone over. I think he ought to have ninety days. Give him a reasonable time to collect his own debts due to him, or to sell his property without sacrificing it; and I ask if ninety days is too short?

Mr. EDMUNDS. Do you ask me?

Mr. MORTON. I want to ask every Senator. What is the object in giving a stay in the collection of debts now in the Western States? Instead of allowing a debtor's property to be sold at once, the law in my State, and almost every other, gives him a stay. What is the purpose of it? To enable him to realize upon his property and to collect his debts. It is usually six months; in some States it is twelve months; but the law intends to give such a stay as will enable the debtor to sell his own property, realize upon it, and pay the debt, and it gives him a reasonable time to do that; I believe in most of the States it is six months. That is thought to be a reasonable time to enable him to turn around and pay his debts, without having his property sacrificed. Now, here is a delay given him for the same purpose, but it is

only proposed to make it forty days. I think the reason of it would extend beyond the forty days. If there is any sense in giving him forty days, there is more sense in giving him ninety days.

And what harm can come of it? Is it anything more than the delay? Yesterday the Senator from Illinois moved to strike out this provision altogether. The argument of the Senator from Vermont was that if there were a time fixed, say forty days, persons would not bring suits in the State courts. Why? Because they would know that at the end of the forty days one-third of the creditors might throw the debtor into bankruptcy, and then they would have to go out of the State courts, and pay their own costs. That knowledge on the part of a man's creditors would keep them from suing him in the State courts for forty days. That same knowledge would keep them from suing him in the State courts for ninety days.

Mr. EDMUNDS. How so?

Mr. MORTON. How so? Because at the end of the ninety days his creditors may put him into bankruptcy.

Mr. EDMUNDS. But meantime the creditor in the State courts has got his judgment, a permanent lien, and it cannot be disturbed.

Mr. LOGAN. And he can do that in forty days.

Mr. EDMUNDS. No; he cannot.

Mr. MORTON. Ordinarily he has only to serve process ten days before the first day of the term in nearly all the States; and if it is on a note or commercial paper, where there is no defense, the creditor gets judgment at the first term. It cannot be put off.

Mr. EDMUNDS. How many terms are there in a county in a year?

Mr. MORTON. I cannot answer that. That certainly does not meet this argument.

Mr. EDMUNDS. My friend can answer as to Indiana.

Mr. MORTON. The argument of my friend yesterday was, that a knowledge upon the part of the creditors that at the end of forty days the debtor can be put into bankruptcy, and they perhaps have to pay their own costs, would prevent them from bringing suit in the State courts during the interval. Now, I say the same knowledge would cause them to wait until the expiration of the ninety days. But the whole reason of the delay, as I understand it, is to give the debtor time to convert his property. Now, we know enough about business to know that if a man is required to pay a debt of any size by the collection of debts, or by the sale of his personal property, and especially by the sale of real property, he must have more than forty days for it. Ninety days is a short time, and the philosophy of stay-laws in my State, in Ohio, and, I undertake to say, in Iowa, and everywhere else, is, that a man should have six months in which to convert his property and prevent its sacrifice; and the same reason would be good in this case.

Mr. EDMUNDS. Does my friend think those stay-laws are constitutional?

Mr. MORTON. They have been held to be constitutional in my State. I believe it was once held that a stay-law passed after a note was given could not affect that debt, because it would be a law impairing the obligation of contracts; but where the law is passed before the debt is created, a stay-law is good, I believe, in every State. I venture to say there is no decision in Vermont by which a stay-law would not be applicable to a debt that was created after the law was passed. It was only where the stay-law is passed subsequent to the creation of the debt that it was held by the Supreme Court of the United States in one case that it was impairing the obligation of a contract.

Mr. WRIGHT. Mr. President, though a member of the committee, I believe thus far I have not troubled the Senate with any words on the several questions that have been started in the debate.

It will be remembered that at the last session I introduced a resolution instructing the Committee on the Judiciary to inquire into the expediency of repealing the bankrupt law entirely, and the Judiciary Committee at that time instructed me to report such a bill. At that time I was inclined to believe, and rather strongly so, that it were better to repeal the law entirely. Subsequent reflection, taken in connection with the condition of the country, has satisfied me that instead of repealing the law entirely we should seek to amend it and perfect it as far as possible. I believe that this is really the sentiment of the people and of the country. I think that this is the sense and sentiment of the Senate also; and what we are endeavoring to do now is to perfect this bill as far as possible.

During my short and humble service upon the Judiciary Committee I think I am justified in saying that no bill has received more faithful consideration than has this bill. It is certain that upon no one subject before us have we received so much information, so many letters, so many petitions giving expression to public sentiment in relation to the several questions arising. And after the most careful consideration, and comparing the views of the several members of the committee, taking into consideration all that we received from the country, through the public prints and otherwise, we reached the sentiment indicated by the bill reported to the Senate. Of course there are many things in these amendments that persons may differ about, and differ about very reasonably and naturally. You may take the question before the Senate now for instance—the question whether this time shall be twenty days, or forty days, or fifty days, or ninety days, and the number of days fixed is, to some extent, and from some matters that I may refer to, perhaps purely arbitrary. The Senator from Indiana may say that ninety days is a reasonable time, whereas one hundred and twenty days would be but a reasonable time in the minds of others, while forty days would be quite reasonable in the estimate of others. The old law was fourteen days. We have enlarged that three times, made it three times as long, and that number of days we agreed upon after receiving all the information that we could, and looking at the question in all of its bearings, and considering the class of persons that would be affected by the number of days here mentioned.

The Senator from Ohio has referred to the classes of persons that are here mentioned, and I humbly submit that he misunderstands or mistakes the classes of persons that are mentioned here under the law as it now stands. The language is, "being a banker, broker, merchant, trader, manufacturer, or miner;" and he suggests, perhaps not as having very great confidence in the suggestion, that a man who was digging coal would be a miner within the meaning of this statute; and so, as I understand him, a man who was making cigars, or the person who employed him, would be a manufacturer within the meaning of this statute. I suppose I need not say to Senators that "manufacturer" and "miner" and "trader" have an accepted and well-understood meaning in the law, and no one would pretend to say that the person he referred to would be a trader or a miner, any more than a man who was ditching would be a miner, within the meaning of the statute. These terms have a well-understood and accepted meaning in the law, and we know that they embrace a class of persons who are engaged in trade. Instead of having simply the old English bankrupt law, which included traders, we have extended it so as to include in this class these persons who are well understood in the trading world. Therefore I wish to have it borne in mind that we apply this forty-day clause only to those persons who are engaged in these kinds of business as bankers, or as manufacturers, or miners, or traders, they having a well-understood and accepted meaning. But that is not all.

It only applies to these persons when they have failed to pay—I will take the language of the law—where they have "stopped or suspended and not resumed payment;" not upon all debts, not upon every debt they may be owing, but upon their commercial paper, and I think that a very important item in this part of the statute. What is the theory of the law and what is the rule of the law when we come to commercial paper? The theory is, especially when you apply it to what we understand as negotiable paper, that when the days of grace shall have passed, the man who does not pay his paper stands dishonored in the commercial world, because the days of grace having passed he has failed to pay his debt. It is commercial paper negotiable paper, and if he fails to pay for three days his paper is dishonored. Now, we say that after having thus dishonored his paper, this miner, manufacturer, or trader, having dishonored his paper, not after three days, but after forty days, may then be thrown into bankruptcy.

Now, let me call attention to one thing that I think is overlooked here. Senators seem to go upon the assumption that just so soon as a man should fail for forty days to pay his commercial paper every creditor of his in the land will at once throw him into bankruptcy; that the creditors are watching eagerly, seeking the opportunity that so soon as he shall fail for forty days, then they propose to throw him into bankruptcy. Instead of leaving it as it was before, fourteen days, and putting it in the power of any one creditor to throw him into bankruptcy, we have made it forty days, retained the element of commercial paper, retained the class of persons that were provided for in the law as it stood up to this time; and we have further provided that there shall be one-fourth in number, and one-third in amount, of such creditors demanding it before he can be thrown into bankruptcy.

I submit, when you remember that if a man has dishonored his paper he stands in the eyes of the commercial world as holding property not his but the property of his creditors, that that property is subject to their call at any time under the State laws. If we extend the time to forty days it is a reasonable time; and especially as we further provide that his creditors, one-fourth in number and one-third in amount, shall unite in requesting that he be thrown into bankruptcy. I think it is a great mistake to suppose that these creditors are standing here eager to get hold of this man and sacrifice his property. You must remember that this bankrupt law, saying nothing now of its preventive features and looking alone to its remedial features, is intended for creditor and debtor alike, and we are endeavoring to make it so that it will be just for both classes, the creditor as well as the debtor, and I think it is a mistake to suppose that these creditors have no interest in the paper of the debtor or that he shall be allowed to go on and transact business. My own judgment is, and I think experience will prove this, that if he shows an honest purpose to carry on his business and meet his debts, there will not be one instance in five hundred hardly where a man is honestly endeavoring to get along that he will be thrown into bankruptcy. But we are providing for cases where he does not manifest that intention, where he has thus dishonored his paper, and where one-fourth in number and one-third in amount of his creditors think and agree he ought to be thrown into bankruptcy, and the circumstances are such as to justify it.

My friend from Indiana referred to the length of time you can stay debts in the Western and some of the other States. That is true enough; but then the creditor has security for his debt; he is amply

secured. Those going upon the bond are required to verify as to the amount of their property, and the creditor is entirely secured.

Mr. EDMUNDS. And gets a preference thereby.

Mr. WRIGHT. Certainly, he gets a preference thereby. He has an ample security on the real estate of the debtor, and also on the real estate of those who may go upon the bond.

I submit, then, notwithstanding my strong inclination was at one time to vote for the entire repeal of this law, and though I am inclined to think that my people are divided on that subject, that, really, as it is contemplated by the Constitution that we should have a uniform system of bankruptcy in this country, when once we have such a law on the statute-book we should be slow to wipe it from the statutes, but should keep it on the statutes, amending it from time to time, as experience may justify and point out to be necessary.

Now we have provided for forty days. It seems to me that, looking to the rights of the creditor and debtor, remembering that it is only upon commercial paper, and remembering also that it requires a certain number of persons and a certain amount of interest to throw the party into bankruptcy, that is a reasonable time.

Let me make one more suggestion and I have done. This section also provides, as was referred to by the Senator from Ohio nearest me, [Mr. THURMAN,] "or has been actually imprisoned for more than twenty days in a civil action founded on contract for the sum of $100 or upward." A man, though he is ever so honest, if he is not such trader as is described in this clause, if he is thus imprisoned for twenty days for a debt, may be thrown into bankruptcy. Now we give the man who owes a debt upon commercial paper double that time; and if you say that there is no dishonesty so far as this is concerned, and no fraud, neither is there in the other case, for a man may be just as honest and yet in prison for debt.

I therefore submit, Mr. President, having said this much with reference to this question, and certainly as little inclined as any member of the committee or of the Senate to adhere to anything that has been recommended by a committee unless it seems to be fair and just—I submit that the period of forty days that has been agreed upon by the committee is about as fair as we shall probably get it.

Mr. BUCKINGHAM. Mr. President, I have some doubt in regard to the propriety or right of Congress in extending the time as is proposed in this bill. The debtor has made an agreement; he has promised to pay for the merchandise which he has bought a certain amount of money and at a definite time, and the time is as much a part of the contract as the amount. The time is as important to the creditor as the amount; and I do not know why we or any other set of men should come in and interfere with that part of the arrangement or the contract so as to impair the value of the debt to the creditor, any more than we could come in and interfere by taking from the amount due. It appears to me, sir, that if I should buy of you a certain amount of merchandise and agree to pay you at a particular time, I then pledge all I have and agree to make all the sacrifices necessary to meet that indebtedness at that time; and if I have failed it is my misfortune or my fault. If, then, Congress can come in and interfere and say that I shall have a longer time, if that longer time is an injury to the creditor, then the Congress violates the contract and diminishes the value of the debt. If time is a part of the contract, and the extension of time impairs the value of the debt to the creditor, then ninety days is a greater injury than forty, and forty is a greater damage than fourteen; and it is a question, and a serious question too, whether it would be right to do this injury to the innocent creditor. He may need the money, as my friend from Vermont suggests, just as much and actually more than the debtor. He may have placed himself under obligations and relied upon the receipts from this debtor to meet them; and if you step in and interpose and prevent him from receiving the amount which is due, you may cause his failure and there will be another bankruptcy. Doubting as I do the propriety of any extension, I certainly shall vote for restricting it to as short a time as possible.

Mr. LOGAN. Mr. President, I am in favor of the amendment of the Senator from Ohio, [Mr. SHERMAN;] but I desire, however, in discussing the proposition, to call the attention of the Senate to some of the remarks which have been made by both of the Senators who have opposed it, the one from Vermont, [Mr. EDMUNDS,] and the other from Ohio, [Mr. THURMAN.] The Senator from Ohio, in common with the Senator from Vermont, seems to think that there is no such thing as letting up in a moral sense, or in a moral point of view, upon a man who happens unfortunately to be in debt. The Senator from Ohio, however, in his remarks to-day found himself about in the condition he did yesterday, when he made his statement that the constitutionality of a bankrupt law had been advocated by Thomas H. Benton, and therefore he argued that it was constitutional. I do not desire to discuss the question of constitutionality, as that has been long settled. He is as wide of the mark in his statement to-day, that this class of persons who have become bankrupt by a failure to pay at a certain time were the same class as those who are alluded to as in prison, absconding, or acting in such a manner as to produce satisfactory evidence that they were conducting themselves fraudulently toward their creditors. He was wrong in both propositions. In the first place, Benton never did advocate the constitutionality of the bankrupt law of 1841; but he made speeches against it in the Senate Chamber. As I said before, he was just as much mistaken in the proposition that a merchant, a trader, a manufacturer, or a miner is not the only class that, under this clause, becomes a bankrupt by reason of failing to pay in forty days. Under this bill, for a failure to pay in forty days no one can be made a bankrupt save a merchant, a banker, a broker, a manufacturer, or a miner. That is the language of the law. Those persons are distinguished from all other classes. They may become bankrupts by reason of a failure to pay, and they are the only persons included in that exception.

Then, while they are included in this provision, it does, as was said by the Senator from Ohio on my left, [Mr. SHERMAN,] include every class of merchants, every class of manufacturers, every class of brokers, and every class of miners and traders as amenable to the provisions of the law. It includes the man who keeps a pea-nut stand, and the old woman who rents a corner of a street for the purpose of doing a small trading business; and therefore a person of that kind is just as much included as a banker, or a broker, or a merchant. The Senator from Ohio [Mr. SHERMAN] has already shown that you add to the original bankrupt law in this clause the words "manufacturer" and "miner." Originally none were considered bankrupts except traders. It is true that in 1870 these names were included by an amendment to the bankrupt law; but by including them you have extended the bankrupt law to persons who never were contemplated heretofore by our bankrupt laws. This is tending, in my judgment, to extend the jurisdiction of the United States courts further than is just and wise; it is an attempt to absorb and take from the State courts and all minor courts the collection of debts in the different States of the Union. It is, in my judgment, extending the jurisdiction of the courts of the United States in a direction that is other than beneficial to the people of this country, and in such a manner as to extend the jurisdiction over the collection of a certain character of debts that ought to belong to the States and to the courts of the different States.

This proposition may not be considered applicable to the particular point which is raised by the amendment now before us, but is applicable to the discussion which has been introduced here by Senators. I would like to ask my friend from Vermont some questions, but I see that he is not now present. He arrayed here the expenses, costs, and charges of the proceedings under the bankrupt law, and said the average was eighty dollars per case, and argued that this was an inexpensive court. There is one feature in that which he failed to exhibit to the Senate, and it is this: that the cost for service by a marshal is just as much to the poor man or woman who owes but $250 as it is to a millionaire who is to be put into bankruptcy; the cost of the return is just the same; the cost of the order of the court is just the same; and so of all the expenses except the tabulation of the property and the sale where there is an immense amount involved, and the records in reference to them. As I stated yesterday, I do not believe a case can be named that has been adjudicated in bankruptcy, where a man's property was of little value, that the creditor ever received ten cents on the dollar.

This being the case, in whose interest is this bill? I do not mean by what I am going to say that the Senators who reported this bill inclined to any such view or had any such intention; but I do insist that the small amount named in this bill for which you can put a man into bankruptcy, and the short time of non-payment which allows it to be done, mean nothing more or less than to make costs for the officers of the courts and to break up the smaller merchants and traders in this country who are unfortunate in not paying their debts when due.

My friend from Vermont has said that he has numerous letters from people complaining that his committee by its amendments has taken all the vitality out of this law. I am not a member of the Judiciary Committee; but I have a letter here and I propose to read it to show exactly the class of gentlemen who are interested in putting small merchants into bankruptcy and in having a short time fixed for nonpayment of their debts that they may be put into bankruptcy. I have a letter from a marshal, whose name I will not give, for fear he might not think it proper to do so. He writes to me saying that an effort is being made among the marshals and registers and other officers of courts of bankruptcy of the United States to have this law not changed, so that they themselves may live and fatten upon the misfortunes of others as they have heretofore. In this letter is inclosed this printed letter which I will read:

> The registers in bankruptcy for the southern and eastern districts of New York are exerting themselves to the utmost to prevent the repeal of the bankrupt law. Our plan of operation is to procure signatures to a remonstrance against repeal and asking that the law may be amended; to prepare and have published in the newspapers, editorially, articles against repeal, and thus create public sentiment in favor of the bankrupt law.

I have noticed articles in the papers of about the date of this letter opposed to the repeal of the bankrupt law, and thereby public sentiment was being created in favor of this monstrosity, for it can be called by no other name, so far as its operations in the Northwest are concerned.

> We do not see that evidence of diligence in registers elsewhere which we are making in the forwarding of remonstrances. The House repealed the act by an overwhelming vote, and they are supposed to represent the popular sentiment of the people; and the Senate is in great danger of concurring with the House of Representatives. If every register, marshal, clerk, and other officer will perform his duty in this particular, there is no danger of the law being repealed.

That is the language of letters which have been sent to every officer of a bankrupt court in this country, signed by Isaac Dayton, I. T. Williams, David S. Fitch, J. C. White, and Norris Winslow; and that is the manner in which public sentiment has been created throughout

this land. Letters, we are told, have been written here by different people throughout the United States. I presume they have been. And while I am speaking on this point I must say that it reminds me of the manner in which public sentiment is manufactured around this Chamber on other questions. Since my term in Congress began I have never known the poor farmer, the poor mechanic, the small merchant, the small trader, or the laboring man to hang around Congress in order to influence Congress to do any act; but I have known the rich merchant, the rich banker, the office-seeker, the broker, the men engaged in large corporations which overshadow this whole country and beclond it—I have known such men by the hundred to hang around the halls of Congress to create public sentiment, and have newspapers in their employ for the purpose of creating that sentiment, just as the proposition is made by these bankrupt officers to create a public sentiment to overshadow the Senate in reference to this proposition.

Sir, while I say these things not applicable to this particular amendment, I think it proper to take the occasion to say them, as I am on the floor, and I may as well do it while the present amendment is pending. I had intended to rise to appeal to the Judiciary Committee to allow the amendment to be adopted. But it seems they stand with the tenacity of life, and hang on to this bankrupt law in every provision and in every feature, as it has come from them, as their common child. Two Senators on that committee, one from Ohio [Mr. THURMAN] and the other from Vermont, [Mr. EDMUNDS,] stand side by side and crush down all opposition, all amendments, by the weight or length of their arguments, or the force of their positions. For what? Not because there are not objections to this bill, but because they seem to believe that they are acting in the interest of the majority of the country, in which they are mistaken; and they appeal constantly to us on behalf of the debtors. Why, sir, let me ask those gentlemen how many of the debtors of the country have applied to the committee for the insertion of this provision in the bankrupt law making them bankrupts if they fail to meet their paper in forty days by no fault of their own? I will venture the assertion that there has not been a small trader, or manufacturer, or miner of the class you intend to destroy that has written to you or said one word to you in reference to the retention of this provision of the bankrupt law, but your letters have principally come from the large, overgrown creditors, who assert the proposition that no man who owes a debt has a right to any leniency whatever. I was astounded at the remarks of my aged, venerable, and kind-hearted friend from Connecticut, [Mr. BUCKINGHAM,] when he said the day the debt was due the creditor had a right to demand it—and so he has—and that the debtor had no right to leniency; that the money belonged to the creditor, and he must have it on the very day, and there was no power to prevent it. Certainly he must have it under the law; the law gives him the right to it; but the mercy which God has implanted in the heart of every honest man dictates that there should be leniency enough to say to the poor creature, if he is an honest man and has property enough, when money is realized from it, to pay his debt, he should have a little time to turn over and convert his property so as to pay the debt, without oppressing and crushing him to the earth, especially in panic when no man can obtain money.

Mr. BUCKINGHAM. Will the Senator allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. BUCKINGHAM. If there is to be any extension by the creditor to the debtor, should it not be a matter of contract between them, rather than a matter of arbitrary law by a legislative body?

Mr. LOGAN. Very well; I will agree to that proposition; but you are making it a matter of arbitrary law. In your bankrupt law you say if a man does not pay in forty days he shall be a bankrupt. I say I am opposed to that. I would rather leave it to arbitration between the parties, and depend upon the mercy and the good conscience of the man, than the iron and rigid rules of a law to be administered in a merciless manner.

As I said, I am in favor of extending this term to ninety days; and, further, whether this amendment is adopted or not, I shall propose another amendment more lenient even than this. The proposition has been affirmed and sustained, or attempted to be sustained, by Senators on this floor, that there was a moral obligation about a debt, and therefore legislators must carry it out by the iron rule of the law, no matter whom it destroyed or impoverished. I say that that rule does not hold good, and is not a just rule, no more between individuals than it is between States or corporations or between governments. There is such a thing as leniency between man and man and between nations and peoples; and such things ought to exist. Now, what does this provision apply to? I assert here, and I shall be able I believe by argument to maintain the proposition, that this provision in this bankrupt law is contrary to the theory upon which bankrupt laws should exist; and what is that theory?

The Senator from Vermont, who is not in his seat, asserted here yesterday that a bankrupt was a man who could not pay his debts. Everything that he says is taken for gospel in this Chamber. I presume everybody believed it. It is not the fact, however. A bankrupt is not a man who is not able at the moment to pay his debt. That does not make him a bankrupt. What is a bankrupt? It is a man in a state of insolvency. What does insolvency mean? It means the condition of a man without assets sufficient to pay or meet his liabilities. Whenever a man has assets sufficient to meet his liabilities he is not an insolvent, and if not an insolvent, he cannot be a bankrupt, except by arbitrary rule you make him a bankrupt or insolvent. "Bankruptcy" does not mean that a man is insolvent because he does not pay his debts. The word "bankrupt" means an insolvent, and an insolvent is a man whose means, whose assets, whose property, is not equal to his liabilities; and hence he is declared an insolvent.

Mr. THURMAN. Where does the Senator get any such definition of insolvency as that?

Mr. LOGAN. I get it from the word. It is the meaning of the word. I get what I say about the word "bankrupt" from the meaning of the word. I have not noticed it for some time; but when I was a boy and went to school I understood that to be the meaning of it. I will refer to the dictionary which my friend from Ohio [Mr. SHERMAN] has just handed me.

> Bankrupt, *n.* 1. A trader who fails or breaks, so as to be unable to pay; one who is subjected to the law of bankruptcy.
>
> Again:
>
> Broken, in allusion to the custom practiced in the Middle Ages of breaking the benches or tables of those money-changers who had become insolvent. * *
> To make deficient in pecuniary resources; to break. * * * *
> Failure or inability to pay debts—insolvency.

Insolvency made so by law may be one in any condition that you prescribe. And in the construction of the word "insolvent" to mean one who fails to pay was, under insolvent laws, making men insolvent in violation of the true meaning of the word. Of course that is so under your law—it is an insolvency so made by an iron rule prescribed. Does the Senator say that a man is insolvent who has means ample enough to pay his debts? Would you not call a man a solvent man who has sufficient means to pay his debts?

Mr. THURMAN. If the Senator wants it right now, I will give him the answer in the very words.

Mr. LOGAN. Very well.

Mr. THURMAN. You will find that the same definition of insolvency under the State insolvent laws precisely as has been given.

Mr. LOGAN. If the Senator alludes to the word as applicable to this bankrupt law, or insolvent laws making so, I agree with him, because you make a man insolvent by law by making him a bankrupt. But I am speaking of the meaning, the understanding of the term. Of course you can make a man bankrupt, you can make him insolvent by declaration of law, if he has $1,000,000 more than will pay his debts; and that is the very thing you are attempting to do by this provision of your act. According to this provision of the bankrupt law, that my colleague attempted to have stricken out yesterday, you say, not that if he fails in his property, but if he fails to pay within forty days, he shall be declared a bankrupt. What does that mean? He shall be declared insolvent; therefore an insolvent debtor. Now, let me put a case. Suppose, as I said yesterday, we have a manufacturer established in Chicago, or elsewhere, who has one million of property; he owes $100,000 of commercial paper; it is past due fourteen or forty days. Under this law you make that man insolvent; make him bankrupt; and yet he has $900,000 more of assets than he has of debts. But you declare him a bankrupt and sacrifice his property. I say it is contrary to the theory of justice, it is contrary to the rule of right between man and man; but you do put it in the power of man to declare a man a bankrupt and declare him insolvent because he cannot meet that paper in forty days, although he may be worth ten times the amount owing by him.

But, say some Senators to whom I have listened, and always with great pleasure, "It is in the Constitution; the Constitution of the United States provides for a bankrupt law. Therefore we must make a bankrupt law." Is that a good reason? The Constitution of the United States provides that we shall have power to make uniform laws on the subject of naturalization and a uniform rule for bankruptcies throughout the United States. "Bankruptices" is the language. What then are "bankruptcies?" Does it apply to men who have a million of dollars more than their debts? Not at all. It applies to insolvent persons who have not means of paying their debts. Sir, in my judgment it ought to be in the province of the States to collect debts as between the citizens of the State, and it should be of the United States and the States concurrently, as between citizens of the different States.

Mr. SHERMAN. If my friend will allow me I should like to give a definition of the word "bankrupt" the Senator did not call attention to. I wish to call his attention to Worcester's definition:

> BANKRUPT. This word, as first used in English statutes, carried with it the sense of *an offender*, which in some measure it still retains in English law, and has always been restricted in England to merchants and traders, or to those who buy and sell for gain. In the United States the term was applied technically by act of Congress, August 19, 1841, to other persons besides merchants and traders; but the repeal of that act in 1843, together with several judicial opinions adverse to this extension of its signification, has tended to affix to the word at present very nearly the same technical definition in the United States which it has in English law; though by popular usage it is nearly synonymous with the word *insolvent*, being applied to all classes of persons who cannot or do not pay their debts, and not implying generally any imputation of fraud.—*Burrill.*

Mr. LOGAN. That is the idea I tried to convey.

Mr. SHERMAN. "Insolvent" and "bankrupt" are used as synonyms.

Mr. LOGAN. Certainly. Hence I maintain that the idea which was incorporated, or intended to be, by the framers of this Govern-

ment in our Constitution was that bankruptcy should apply to an insolvent, and not to any other man. In my judgment that is the true rule. The bankrupt clause in the Constitution is not to avoid the relative jurisdictions of the United States and the States—to provide a universal mode of collecting debts. It is not intended, nor was it contemplated, by the Constitution that the Government of the United States should provide a universal mode of collecting debts. No such thing was dreamed or thought of at that time. It is a stretch of power; it is a stretch of authority; it is going step by step in the direction of consolidating all the power of the people of this country within the General Government.

O, but my friend says it costs too much in the State court. It is a question for the people as to the cost; it is a question for the citizens; it is a question for the States. The Senator read a list of costs here from the sheriff of New York to prove that the bankrupt law is right. If New York does wrong, that is no reason why the Congress of the United States should do wrong. That does not apply to my State. In my State we have laws for the collection of debts; we have laws in reference to costs; and while you want a man to go through bankruptcy for $250 under your law, a justice of the peace in Illinois has jurisdiction to a larger amount than that, and for five dollars costs I can have a judgment for $250; and yet you would put a man through bankruptcy so that his creditors will not get a cent, nor will the debtor pay a cent; but the costs of the court will absorb the whole fortune of the individual.

Under the State insolvent laws the property is generally divided to satisfy debts, but the debtor is not discharged from any unpaid debts. But you step in and say that this is a beneficent measure, because you do discharge the insolvent of the payment of his debts. Yes, sir; you discharge him from the payment of the debts that his property will not pay, and from the debts that it may pay, if he is a small trader, because you discharge him in such a manner that he pays nobody, pays no debts, but his whole property is absorbed and he is destroyed. And do you tell me that where a man is put into bankruptcy, when the idea is that he has fraudulently refused to pay his debts, his character is not injured so far as the commercial world is concerned, so far as a trader is concerned, so for as his relations are with the trading community? It is an absurdity. We all know differently.

I say to Senators now, and I say to this Judiciary Committee now, that if they are determined to put their bill in a position that the country will have to take the old bankrupt law or have no law at all, they are conducting this bill (I do not say improperly) but in their advocacy of it, in the strictness with which they stick to their propositions, they will either have the law repealed entirely, or it will fall between the two Houses, and then you will have to suffer on under the old law.

There is another point to which I desire to call the attention of the Senate, and that is the theory of bankruptcy—carrying it out in reference to the discharge of an insolvent debtor. The very fact that you discharge the debtor in your bill carries with it, first, the proposition that the debtor is an insolvent man. If he has property to pay his debts, you would make him pay all his debts, would you not? But you propose to discharge him without paying all his debts. Therefore you carry in the very body of your bill the idea with it that he is an insolvent man; that you would discharge him from his liabilities. If the theory of your bill is that a man is insolvent before you put him into bankruptcy, then your act that puts him into bankruptcy when he is not insolvent is not according to the principle with which you started out for the framing of this law. Sir, a bankrupt law should never apply to any but insolvent men; a bankrupt law should never apply to men who are able to pay their debts and willing to pay their debts.

Mr. EDMUNDS. What do you call an insolvent?

Mr. LOGAN. I call you or me insolvent if we have not means enough to pay our debts, and perhaps we may not either of us have. [Laughter.] But, sir, if we have plenty of means to pay our debts, we are not insolvent, are we?

Mr. EDMUNDS. That depends.

Mr. LOGAN. That depends on what?

Mr. EDMUNDS. On whether we will do it.

Mr. LOGAN. Therefore, if a man does not pay his debts, he is insolvent. If a man is insolvent because he does not pay when due, I should take it there would be more insolvent Senators in this country than ever were heard of before, if that is the case. [Laughter.]

Mr. EDMUNDS. Do you mean political insolvency?

Mr. LOGAN. No; I mean pecuniary insolvency. Of course the Senator from Vermont always pays a debt the day that it is due; no doubt of it; but I must say for myself that very frequently I do not. Therefore I am insolvent; is that your theory?

Mr. EDMUNDS. Well, I think so. [Laughter.]

Mr. LOGAN. Exactly. I beg leave to differ with you. [Laughter.] I say that I am not insolvent. I have plenty of property to pay my debts—four times as much; but, according to your theory, I am an insolvent man if I allow a note to go past due.

Mr. EDMUNDS. It leaves you in this predicament.

Mr. LOGAN. I know what predicament it leaves me in; I understand it perfectly; and the Senator understands it perfectly well. I expect we are all more or less in that predicament frequently.

Mr. EDMUNDS. My friend does not understand the predicament to which I alluded.

Mr. LOGAN. Perhaps not. The Senator alludes to so many different predicaments that it is very hard always to understand what he does mean. He is a man of so much meaning that it requires very great intellect to keep up with his meaning.

Mr. EDMUNDS. That is why we have this speech, then.

Mr. LOGAN. I presume it is.

The PRESIDENT *pro tempore*. The Senator from Vermont will address the Chair.

Mr. LOGAN. I am not in a condition, I must confess, to go into the razor business, Mr. President, which I should have to do in contending with my friend from Vermont. [Laughter.] But I must say that the idea that a Senator is insolvent because he does not pay his board bill the very day the month expires is a new feature in this idea of insolvency to me. I never understood it that way before; but I must yield, of course, to my friend from Vermont, who says he has given days and weeks of labor to this magnificent bill that he has produced, and I presume he has shed tears over it; doubtless he has, in his sympathy with debtors in this country that were to be crushed, and absorbed, and mutilated, and destroyed by it. I presume he has, because he is a very sympathetic gentleman.

I was saying that a law should never be used for the destruction of men's property who were able to pay their debts; it never should be used as an instrument of oppression; and whenever it is used to put a man in bankruptcy when he has plenty of means and property to pay his debts, it then does become an instrument of oppression by its use. It is a weapon, wielded in the hand of a court, destructive in its character, and not only abusive but oppressive to the individuals that come within the purview and meaning of this particular section. I would not, if it was left to me, vote at any time for a proposition of that kind. I do not believe it is just; and further than that I will say that the bankrupt law has been used, and if this bill passes, having the same principle in it that the old law had, it will be used, oppressively, because the other was. If the other in the hands of merciless men has been used in an oppressive manner, there is no reason why this bill, partaking of the same principle precisely, should not be used in the same oppressive manner.

Mr. EDMUNDS. It requires the concurrence of a large number of creditors, if my friend will pardon me for interrupting him.

Mr. LOGAN. It requires the concurrence of one-fourth of the creditors; that is to say, if you have but one creditor, and you owe him $250, and you do not pay on the day the debt is due, that one man can put you into bankruptcy; but if you owe divers and sundry creditors, it requires one-fourth of them to put you into bankruptcy. That is all the difference. If you owe four creditors, one out of the four may put you into bankruptcy. That is this bill, is it not? You laugh, [to Mr. EDMUNDS.]

Mr. EDMUNDS. No; I do not.

Mr. LOGAN. Is not that the bill?

Mr. EDMUNDS. It is not.

Mr. LOGAN. Does it not say that one-fourth of the creditors may?

Mr. EDMUNDS. Yes.

Mr. LOGAN. Very well; then, if there are four creditors, cannot one put a man into bankruptcy?

Mr. EDMUNDS. If that is all the number, and that fourth has one-third of the claims.

Mr. LOGAN. If four of us are creditors, and if I have one-third of the indebtedness, I may put you into bankruptcy. That is exactly the bill. If there is but one creditor, he can put you into bankruptcy, no matter how much or how little you owe so that it is above $250. So the rigor of the law can be applied just as well where any one of this character chooses to take advantage of it as it could before.

Now, sir, for these reasons that I have given—and I have detained the Senate much longer than I intended—inasmuch as the amendment of my colleague did not prevail, which would have stricken out this provision entirely and relieved this class from being subject to the bankrupt law, I am in favor of the next best thing we can get, and that is as long a time as possible being given to the debtor in order to turn his property into money or means by which he can liquidate his debts.

Now, in reference to time, my friend from Connecticut said that forty days was plenty of time, that it was a long time for a man to wait for his debt. What time is forty days in a crisis like this, where the money of the country is locked up in iron safes, held by the iron hand of the overpowering wealthy men of the land, and the debtors of the land without the power to obtain the money, because the money is not obtainable? They may be crushed and ground to death by the creditor. I say it is a time when leniency should be shown. You cannot show that within forty days past or forty days preceding, any man with large liabilities could have obtained the money to pay his debts, especially in our country; and who can say that in forty days, or sixty, or ninety days, or one hundred and twenty days to come, the result will not be the same? I do not know how it is in Vermont. I presume it is very different. I presume there a man in forty days can sell all he has; but in our country he cannot do it.

Mr. EDMUNDS. He has so much, I presume.

Mr. LOGAN. It is not because he has so much, but it is because we have so little money. In your State, and in other States where

largely the creditor class reside, and where largely the money of the country exists, it can be obtained more readily, I would think, according to the argument of the Senator; but it is not so in our country; that seems to be unnoticed here in this Senate. We are a small country in the Northwest. Of course it will be a long time before we shall be a large country. The time will come, however, when that country will be heard; and the time will come some day in this Chamber when their wants and necessities will be more readily considered than now.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. LOGAN. Yes, sir; half a dozen if you desire.

Mr. EDMUNDS. I ask it in all seriousness. My friend speaks about the capacity for the conversion of property because there is no money to pay for it; that we can pay off in Vermont quicker than they can in Illinois.

Mr. LOGAN. I say according to your argument.

Mr. EDMUNDS. I ask the Senator if he has noticed the census tables or any other means of information showing the comparative wealth, by individuals, of citizens of the State of Illinois and of the State of Vermont?

Mr. LOGAN. On a certain other question that will arise in a day or two I will give the Senator to know whether I have examined that point or not.

Mr. EDMUNDS. But not now.

Mr. LOGAN. No, sir; it has nothing to do with this question. At the time when that subject will come up properly, you will find whether I have made an examination of the relative wealth of this country or not.

Mr. EDMUNDS. Does it compare with the present statement of the Senator very well?

Mr. LOGAN. I am taking your statement. You say you have no trouble in your State in doing it. I say we have trouble in our region of country.

Mr. EDMUNDS. What does the Senator say we have no trouble in doing?

Mr. LOGAN. I said that perhaps you had no trouble to convert your property in forty days.

Mr. EDMUNDS. You said that I said so.

Mr. LOGAN. I do not know that I said you said so; but to save the Senator any trouble I will say that he did say so, not in so many words, but substantially so, because he argued that forty days was ample time within which to do it, and therefore he did say so substantially.

Mr. EDMUNDS. Very well; go ahead.

Mr. LOGAN. If the forty days is sufficient time, then your reasoning would be that you could do it. If it is not sufficient time, then your bill is wrong. Sir, I say it is not sufficient time. If a man has to convert his real estate in our country—I do not know how it is elsewhere—he generally sells for one-third cash and the balance on time. He has to do it. That is the manner in which business is done in our country. Business is done there on thirty, sixty, and ninety days, and four months' time, and sometimes as long as six or nine months, or a year.

Mr. MORTON. I suggest to the Senator that he cannot always find a customer for real estate in ninety days.

Mr. LOGAN. No, sir; but in addition to that, that is the manner in which business among traders and merchants is generally done there. I have sold and bought some real estate in my time in my country; and it is generally done on time as I have said. It runs generally for one, two, and three years. That is the usual time; and it is the credit that gives the man the value for his property. But if you force him to realize from his property in forty days it would be a sacrifice, and such a one as no man would wish to see of the property of his neighbor or his friend.

These are facts that I am stating; and whether they bear upon this point or not in the opinion of other Senators, I think that they do so far as my section of the country is concerned; and while gentlemen are legislating for the whole country, I appeal to them not to legislate as though we had but a very small area of country. I appeal to them to look a little further across this continent than they seem to look. I ask that legislation in this Chamber shall be a little more liberal toward all classes of the people of this country than it is likely to be or than it has been heretofore. I warn my friends—and when I say "my friends" I mean my friends—that the shackles of this class of iron-clad legislation, that applies to but a portion of the country and affects injuriously the balance, will have to be stricken off sooner or later. If it is not done here, the time will come when the people will do it in their might and in their force. It will not do for men to stand up here and say that legislation that applies to their individual homes or their individual States is all the kind of legislation that the people of this whole country should have. It is not right; it is not just; it is not proper; it is not fair.

For these reasons, Mr. President, stated much more at length than I intended when I rose, I am in favor of the proposition of the Senator from Ohio; and not only of that, but a proposition that will make this measure more lenient than even this will.

Mr. THURMAN. Mr. President, I have listened with great attention to the Senator who has just taken his seat, and I think I understand a good deal that he said; and yet, perhaps, I do not understand his position. I infer from what he said that he is opposed to any bankrupt law at all. Am I right in that?

Mr. LOGAN. I have been arguing against this clause that puts honest men in bankruptcy for not paying within forty days. If you ask me whether I am in favor of a bankrupt law at all or not, I will answer.

Mr. THURMAN. That is what I do ask.

Mr. LOGAN. I am not. But inasmuch as the Senate have voted all amendments down and shown an inclination to pass a bankrupt law, I want the best one I can get for my constituents.

Mr. THURMAN. The Senator is opposed to any bankrupt bill at all; therefore he is for the House bill pure and simple.

Mr. LOGAN. I am just in the position you were a few years ago. I am opposed to any bankrupt law at all.

Mr. THURMAN. I do not know why the Senator should make that remark. I do not know anything that justifies his making that remark.

Mr. LOGAN. Then I withdraw it.

Mr. THURMAN. And I say further to the Senator I do not know anything in this bill that justifies the personal character of his remarks.

Mr. LOGAN. If I said anything personal I certainly did not mean it.

Mr. THURMAN. The Senator seems to be arraigning the committee as if we were here at the beck and call of the hard-hearted creditors of the country to devise means by which they may oppress and crush their debtors—that is the tendency of the Senator's remarks—when the truth is that every provision that we have made in this bill by way of alteration of the present law is for the ease of the debtor. So far from being here subject to the will and obeying the dictation of the creditor class of the community, we have framed a law more lenient toward debtors than any bankrupt law that exists on the face of the globe; and yet we are held up here as if we were a set of hard-hearted men who have no sympathy with misfortune whatever, simply trying to extort from the debtor the pound of flesh, and the blood, too. There is no justice in any such remark or in any such idea.

Pray what does the Senator mean when he says that "the Senator from Ohio thinks that there is no such thing as letting up if a man is unable to pay his debts?" What remark have I made that justifies any such observation as that? Here is a great measure; not a party measure at all, but a measure in which the people of this country are deeply interested; a measure provided for by the Federal Constitution; a measure which we have authority under the Federal Constitution to pass, and which ought to be discussed certainly without anything of heat or passion, much less of personal reflection or imputation of motives.

Mr. LOGAN. I can only say that if I made any improper personal allusion, I certainly did not intend anything personal to the Senator.

Mr. THURMAN. That is quite sufficient.

Now, sir, I have something more to say. I shall not occupy much of the time of the Senate this evening, nor is it necessary. The Senator says I am entirely mistaken about the position of Colonel Benton on the subject of a bankrupt law. Well, it is of very little importance; but to vindicate the truth of history I will show the Senator how that matter stood, for I happen to recollect a little about that. Benton did oppose the act of 1841. Why did he oppose it? He has left on record the reason why he opposed it. He opposed it because, as I said yesterday, the whole essence and substance and practical effect of the act of 1841 was to discharge men from the payment of their debts on their own application. As I said yesterday, out of a thousand cases of bankruptcy under that act, nine hundred and ninety-nine perhaps were cases of voluntary bankruptcy, and that was the feature of the bill which Benton denounced, and which he said was a violation of all the just ideas of a bankrupt law, and of the Constitution itself.

Mr. LOGAN. If the Senator will allow me, I said nothing more than that the Senator was mistaken in his statement yesterday that the bankrupt bill of 1841 was sustained by Mr. Benton in a very elaborate speech.

Mr. THURMAN. I did not say that the act of 1841 was sustained by Benton at all.

Mr. LOGAN. I so understood.

Mr. THURMAN. Not the least bit of it. I heard him with my own ears make one of the—I was going to say—most ferocious speeches against it that I ever heard against any bill. What I said was this, that Benton did maintain that Congress ought to pass a bankrupt law that should apply to corporations and traders, and he maintained that in an elaborate speech in the Senate. He maintained that we should pass just precisely such a law, so far as corporations are concerned, as we now have on the statute-book, and as will remain on the statute-book if our bill should pass.

Mr. LOGAN. I said nothing more than that the Senator was mistaken in saying that Mr. Benton sustained the bankrupt law of 1841. I so understood him.

Mr. THURMAN. That was a mistake.

Mr. LOGAN. Very well; then my remark does not apply. I said, understanding the Senator in that way, that he was mistaken, because Benton made a strong speech against it, which he did.

Mr. THURMAN. Then it all comes from the Senator misunderstanding my remark. Here is the objection that Benton had to it. He puts it down in his own Thirty Years' View:

> That Congress abandoned the fundamental principle of all bankrupt systems—
>
> That is in the act of 1841—
>
> that of a proceeding of creditors for their own benefit—

That, Benton said, was the fundamental principle of all bankrupt laws, a proceeding of creditors for their own benefit; and that, he said, Congress had abandoned. And then he said further—

and made it practically an insolvent law, at the will of the debtor, for the abolition of his debt at his own pleasure.

That is the thing to which Benton objected. He said the voluntary part of the act of 1841 made it a mere insolvent law for the discharge of the debtor from his debts at his own pleasure, and was unconstitutional, and in violation of the fundamental principle of every bankrupt law.

But now the Senator from Illinois, and my colleague, too, have got a definition of insolvency that I think must be rather amusing to the lawyers of the Senate whose attention has been given to the law more than to politics. They say that insolvency means that situation or condition of a man when his property is not sufficient to ultimately pay his debts, and that therefore every man whose assets may, by wise administration and in the course of time, be sufficient to pay his debts, is not, in contemplation of law, an insolvent. They will seek in vain for any such definition of insolvency in any book of the law that ever was written. What is insolvency? Let us see what the courts say insolvency is in contemplation of law; and mark it, they say it not only in reference to bankrupt laws, but in reference to the insolvent laws of the States, and to the statutes of the States which prohibit transfers by insolvents, or in contemplation of insolvency by debtors with intent to prefer creditors.

I first read from a decision of the supreme court of the State of Ohio in the year 1843, in the case of Mitchell *vs.* Gazzam, 12 Ohio Reports, page 336, in which the court say:

Counsel have labored to define the meaning of the term "insolvency." In the mercantile sense it means a person unable to pay his debts according to the ordinary usages of trade. But in the broad sense used by the statute it means a person whose affairs have become so deranged that he is unable to pay his debts as they fall due.

That is insolvency.

And if, from such a deranged state of his affairs, and the sense of inability to meet his moneyed engagements, he should transfer his property to a trustee to pay his debts, we should regard such assignment as made in contemplation of insolvency, and within the meaning of the statute.

That is the meaning of the statute. And so the first English act of bankruptcy, the statute of 34 and 35 Henry VIII, in describing who are bankrupts, says they "are those not minding to pay or restore any their creditors their duties but at their own will and pleasure."

But, sir, we have plenty of other decisions. I read now from Bump's Law and Practice of Bankruptcy:

The term "insolvency" is not always used in the same sense. It is sometimes used to denote the insufficiency of the entire property and assets of an individual to pay his debts.

That is the sense in which the Senator uses it, but it is never used in a court in that sense.

Mr. LOGAN. If the Senator will allow me, I stated in the same connection that under insolvent laws and a bankrupt law that made an insolvent by the law, of course the court gave it that construction. Where you declare a man to be insolvent for certain acts, the court can decide nothing else, and hence he is insolvent; but I spoke of the word "insolvent" itself, as to the meaning of the word outside of that.

Mr. THURMAN. The word "insolvent" has a legal signification, and that is the only signification given to it in the courts. Bump says:

The term "insolvency" is not always used in the same sense. It is sometimes used to denote the insufficiency of the entire property and assets of an individual to pay his debts. This is its general and its popular meaning—

Not its legal meaning, but its general and popular meaning—

but it is also used, in a more restricted sense, to express the inability of a party to pay his debts as they become due in the ordinary course of business.

Mr. LOGAN. That is where it is restricted by law.

Mr. THURMAN. No, sir; that is in every statute of insolvency.

It is in this latter sense that the term is used when traders and merchants are said to be insolvent.

Every definition, either under the State laws or under this bankrupt law, defines insolvency in precisely the same way. It is the inability of a merchant, banker, broker, or the like, one of these commercial people, to pay his debts as they fall due in the ordinary course of business; his failure, when they fell due, to meet his engagements. And hence, under the laws of the States which prevent assignments of the assets by a debtor in contemplation of insolvency with a view to prefer any creditor, it has ever been held that although he might have property amply sufficient to pay all his debts ultimately, yet if he had not property sufficient to pay his debts as they fell due in the ordinary course of business, his assignment was made in contemplation of insolvency and came within the provisions of the statute.

Now, in respect to this bankrupt law, I think it will trouble my friend to find the word "insolvent" in it. He says it is the result of statute and of this horrible law, this monstrous law, as he claims it to be. I think it would trouble him to find the word "insolvent" in the whole bankrupt law or in any amendment that we propose, except where it says that the creditor shall have reason to believe the debtor is insolvent, in certain cases where attempts are made to obtain preferences.

Mr. MORTON. And there the word "insolvent" is used in its popular sense.

Mr. THURMAN. No, sir; the word "insolvent" is not used there in the statute in its popular sense; it is used in its legal sense. Where the creditor knowing that the debtor is not able to pay his debts, as they fall due in the ordinary course of business, attempts to obtain a preference, the bankrupt law deprives him of the benefit of that preference, and administers the estate for the benefit of all the creditors alike.

Mr. MORTON. May I ask the Senator a question?

Mr. THURMAN. Certainly.

Mr. MORTON. I ask the Senator his reason, or the reason of the committee, for extending the time from fourteen to forty days?

Mr. THURMAN. I can tell the Senator what I understand to be the reason of it. It is because the law is entirely too severe when it puts a man into bankruptcy because he is compelled, however honest he may be, to suspend payment of his commercial paper and cannot resume in fourteen days.

Mr. MORTON. I ask the Senator if the reason is not that a period of fourteen days is not regarded as long enough to enable the man to collect his debts or convert his property? Now, does the Senator think a period of forty days is long enough for that?

Mr. THURMAN. You must fix some limit and you must make a law that will work practically so as not to disturb the business of the country. You give a man forty days. He then has that time to turn around to procure discounts of thirty days' paper, and if he cannot arrange with his creditors in forty days, or procure discounts that will enable him to meet his engagements and prevent one-fourth of his creditors in number and one-third in value from insisting that he shall go into bankruptcy, the chances are, a hundred to one, that if you gave him six months he would be in just exactly as bad a condition; for, mark it, after the forty days expire, still you cannot put him into bankruptcy unless one-fourth of the creditors in number and one-third in amount shall say that he ought to be put into bankruptcy; and when that number do say that, the presumption is fair until the contrary is shown to be the case, that that is the sentiment or would be the sentiment of the great body of his creditors if they were consulted. But in order to guard against a mistake of that kind, if that is not the opinion of the majority of his creditors in number and value, we have provided that they may come into court and represent that it is to their interest that the proceedings should be dismissed, and the court may, if they find that would be for the interest of the creditors, dismiss them.

Mr. STEWART. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Of course that is not a debatable question; but I wish to say that I shall hope to ask the Senate to-morrow to stay here and finish this bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nevada.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 5, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

SURVEY OF GALENA RIVER.

The SPEAKER laid before the House a letter from the Secretary of War, in answer to a resolution of the House of January 22, 1874, transmitting maps of the survey of the Galena River; which was referred to the Committee on Commerce.

MILITARY POST, KEY WEST, FLORIDA.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the purchase of a piece of land adjoining the military post at Key West, Florida; which was referred to the Committee on Military Affairs.

AGREEMENT WITH INDIANS IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an agreement with Jicarilla Apaches and certain Ute Indians in the Territory of New Mexico; which was referred to the Committee on Indian Affairs.

AGREEMENT WITH INDIANS IN IDAHO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an agreement concluded November 7, 1873, with the Bannock and other Indians in Southern Idaho; which was referred to the Committee on Indian Affairs.

MISSISSIPPI AND GULF SHIP-CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of March 14, 1871,

in relation to a ship-canal to connect the Mississippi River with the Gulf of Mexico; which was referred to the Committee on Railways and Canals, and ordered to be printed.

COLONEL DENNIS J. KIRBY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the case of Colonel Dennis J. Kirby; which was referred to the Committee on Military Affairs.

INDUSTRIAL HOME SCHOOL, DISTRICT OF COLUMBIA.

Mr. MONROE, by unanimous consent, from the Committee on Education and Labor, reported back the memorial of —— Gangewer and others, for aid to the Industrial Home School of the District of Columbia; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

STRAWBERRY PLAINS HIGH SCHOOL.

Mr. MONROE also, by unanimous consent, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1444) for the relief of Strawberry Plains High School, East Tennessee; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

REPORT OF JOHN W. WOODWORTH.

Mr. FORT, by unanimous consent, submitted the following resolution; which was read, and, under the law, referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Government Printer be instructed to print five thousand copies of the report of John W. Woodworth, supervising surgeon of the marine hospital service of the United States for the year 1873, for the use of the Senate and House of Representatives.

TERRITORIAL COURTS.

Mr. POLAND. I ask unanimous consent to report from the Judiciary Committee a bill concerning the practice in territorial courts and appeals therefrom. I desire that it shall be considered now.

Mr. WHEELER. I object, and call for the regular order.

Mr. POLAND. I think it will give rise to no debate.

Mr. WHEELER. If it gives rise to no debate I will not object.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read.

The preamble states that by the organic acts establishing several of the Territories of the United States it is provided that certain courts thereof shall have common-law and chancery jurisdiction; and doubts have been entertained whether said jurisdictions must be exercised separately, or whether they may be exercised together in the same proceeding, and whether the codes and rules of practice adopted in said Territories which have authorized a mingling of said jurisdictions in the same proceeding, or a uniform course of proceeding in all cases legal and equitable, are repugnant to the said organic acts respectively.

The first section of the bill provides that it shall not be necessary in any of the courts of the several Territories of the United States to exercise separately the common-law and chancery jurisdictions vested in said courts; and that the several codes and rules of practice adopted in said Territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceedings in all cases whether legal or equitable, be confirmed; and that all proceeding heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, be, and the same are hereby, validated and confirmed; provided that no party has been or shall be deprived of the right of trial by jury in cases cognizable at common law.

The second section provides that the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of said territorial courts in cases of trial by jury shall be exercised by writ of error, and in all other cases by appeal, according to such rules and regulations, as to form and modes of proceeding, as the Supreme Court have prescribed or may hereafter prescribe; provided that on appeals, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the Supreme Court, together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said Supreme Court, heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal; and further provided that the appellate court may make any order in any case heretofore appealed which may be necessary to save the rights of the parties.

No objection being made, the bill (H. R. No. 1762) was received, read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON IRRIGATION.

Mr. WHEELER. I now call for the regular order.

The SPEAKER. The regular order being called for, the House will now resume the consideration of the motion of the gentleman from Alabama, [Mr. HAYS,] coming over from yesterday, to reconsider the vote by which the House on yesterday adopted a resolution, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the Commissioner of Agriculture be directed to communicate to this House a copy of the paper on irrigation contributed to said Commissioner at his request, in the year last past, by George P. Marsh, minister of the United States in Italy.

The question was upon the motion to reconsider.

Mr. KASSON. On yesterday I withdrew my motion to lay this motion to reconsider on the table, in order to enable the gentleman who made it to show reason why this action of the House should be reconsidered. He seemed to rely upon a letter which was sent by the Commissioner of Agriculture to the Secretary of the Interior and communicated by the Secretary to this House, which was read at the time this resolution was offered and adopted. Therefore he gives no new reason, for that letter contained no information not before in the possession of the House. He refers to a clause in that communication which said that it would operate an injustice to Mr. Marsh to transmit the report to the House at this time, and especially exclude it from the report of the Commissioner.

To that point I wish to say one word before I renew my motion. I have to remark that there is no correctness in the statement that this will necessarily exclude the paper from the annual report of the Commissioner. I cannot understand why the Commissioner seeks to thwart the wish of the House to obtain a copy of this document. He will have the same right after this paper shall have been communicated to this House to publish it in his report as if it had never seen the light. This report is not yet ordered to be published, and has not been for two years. I hope that provision may be made for its publication. How long before it will see the light I do not know. But this article is wanted for the information of the public at once. I think there is no force in the objection which the Commissioner raises. It will be optional with him to publish this document or not in his report as he may choose.

As regards the statement that the communication of this document to Congress may work injustice to Mr. Marsh, I wish to refer to a letter from that gentleman, addressed to myself, in which he expresses the opinion that this communication should see the light, and see it early. It is not necessary that I should read the whole letter; but I will give a brief extract, showing the relation of Mr. Marsh's paper to the legislation of Congress upon this subject. In this letter, which is dated Rome, January 1, 1874, Mr. Marsh says:

I had observed in many newspaper articles on this topic a great ignorance in regard to the relation of irrigation not merely to agriculture but to legislative and social conditions, and I was glad of an opportunity of pointing out the danger of rash and hasty action on the subject, and of suggesting legal and material precautions against evils and abuses which will inevitably attend the introduction of irrigation among us unless guarded against by proper legislation and preparatory action beforehand.

I accordingly prepared a paper pointing out the evils and abuses which I have observed, suggesting preventives and compensations, and expressing the opinion that this method may in suitable localities be very largely and beneficially employed among us.

The Commissioner in acknowledging the receipt of the paper stated that Congress had made no provision for printing the report at all, &c.

So much touching the allegation that the communication of this paper to Congress would operate to the injustice of Mr. Marsh, which seemed to imply that I was making the proposition in hostility to the gentleman who contributed it.

This is all I wish to say on the subject. Unless the gentleman from Alabama [Mr. HAYS] wishes to make some further explanation, I shall renew my motion to lay on the table the motion to reconsider, in order that the House may obtain this paper as early as possible.

Mr. McCORMICK. I would like to inquire what is the probability as to the early printing of this paper, if it be not called for by this House?

Mr. KASSON. As I understand, we can get it promptly in no other method than by the House calling for it and ordering it to be printed.

Mr. McCORMICK. I believe this report of Mr. Marsh to be a paper of the greatest possible importance to our Western Territories, where we have so much dry land and where the question of irrigation is exciting so much attention. It is important for the people of those sections to obtain this information at the earliest possible moment.

Mr. KASSON. The gentleman is undoubtedly correct as to the value of this paper, for no one is more competent than Mr. Marsh to speak on this subject. He has made the question a special study, as every one must know who has read his work on Man and Nature.

Mr. HAYS. As I understand, the intention of the Commissioner of Agriculture is to include this paper in his annual report. The question as to the printing of that report has been referred to the Committee on Printing, who I understand propose to act upon it in a short time. The insertion of this paper in the report of the Commissioner will give the whole country the benefit of the information it contains. I see no necessity for taking this document from the hands of the Commissioner at this time, and thus interfering very materially with his annual report. I therefore hope that the motion of the gentleman from Iowa [Mr. KASSON] will not prevail.

Mr. KASSON. I have already answered the suggestion just made by the gentleman from Alabama. The communication of this paper to Congress, and its publication by us, will not prevent the Commissioner from including it in his report if he wishes to do so. We need the document as early as possible for distribution to those regions of country where this question of irrigation is being agitated, so that they may have the benefit of the very important information contained in the paper. I hope it will be published in both forms—in the form of a congressional document, and also in the Commissioner's annual report.

Mr. HAYS. The Commissioner of Agriculture, in his letter which was read yesterday at the Clerk's desk, states emphatically that the sending of this paper to this House will very materially interfere with his report.

Mr. SPEER. Does not the Commissioner make his report for the benefit of the country, not for his own benefit?

Mr. HAYS. That is my understanding.

Mr. SPEER. Then, if this paper contains valuable information, the sooner the country gets it the better.

Mr. KASSON. As to the statement of the Commissioner that the communication of this paper to the House will necessarily exclude it from the annual report of the Commissioner, I only repeat that the matter will be entirely under his own control. He can if he chooses include the document in his report after we have sent it out as a congressional document.

Mr. HAYS. What reason is there for printing this paper in advance of the Commissioner's annual report, of which it is properly a part?

Mr. KASSON. I answer the gentleman that this information is needed for the benefit of those regions where the work of irrigation is going on. There is not a Delegate from any of the Territories who will not say that this information is required as early as possible.

Mr. McCORMICK. I have received a number of letters and memorials on this subject of irrigation. There was lately held at Denver, Colorado Territory, a convention, embracing delegates from various parts of the country, to take action on the question. We shall ask legislation on the subject at this session, and every document which may present information on the subject should be within our reach at the earliest possible moment. Therefore, I ask the House to let us have this document at once; we ought not to be required to await the printing of the Commissioner's annual report.

Mr. KASSON. I renew my motion to lay on the table the motion to reconsider.

The question being taken on the motion, there were—ayes 31, noes not counted.

Mr. KASSON called for tellers.

Tellers were ordered; and Mr. KASSON and Mr. HAYS were appointed.

The House again divided; and the tellers reported—ayes 41, noes not counted.

Mr. KASSON. I do not ask for any further vote.

So the House refused to lay the motion to reconsider on the table.

The motion to reconsider was agreed to.

The SPEAKER. The resolution is before the House.

Mr. HAYS. I move to lay the resolution on the table.

The motion was agreed to.

MORNING HOUR.

The SPEAKER. The morning hour now begins at twenty-seven minutes past twelve o'clock, and reports are in order from the Committee on the Public Lands.

COLORADO CANAL IRRIGATION AND LAND COMPANY.

Mr. TOWNSEND, from the Committee on the Public Lands, reported back adversely a bill (H. R. No. 1500) to incorporate the Colorado Canal Irrigation and Land Company, and for other purposes; and the same was laid on the table.

GROWTH OF TIMBER ON THE WESTERN PRAIRIES.

Mr. DUNNELL, from the same committee, reported back a bill (H. R. No. 1558) to amend an act entitled "An act to encourage the growth of timber on western prairies," with the recommendation that it do pass.

The Clerk read the bill, as follows:

That the act entitled "An act to encourage the growth of timber on western prairies," approved March 3, 1873, be, and the same is hereby, amended so as to read as follows:

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy, growing condition for eight years, forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands of the United States, or twenty acres on any legal subdivision of eighty acres, or ten acres on any legal subdivision of forty acres, or one-fourth part of any fractional subdivision of land less than forty acres, shall be entitled to a patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses: *Provided*, That not more than one-quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act, unless fractional subdivisions of less than forty acres are entered which, in the aggregate, shall not exceed one quarter-section.

SEC. 2. That the person applying for the benefitof this act shall, upon application to the register of the land district in which he or she is about to make such entry, make affidavit before the register, or the rece iver, or some officer authorized to administer oaths in the district where the landis situated, who is required by law to use an official seal, that said entry is made for the cultivation of timber, and upon filing said affidavit with said register and said receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter-section under the provisions of this act shall be required to break ten acres of the land covered thereby the first year, ten acres the second year, and twenty acres the third year after date of entry, and to plant ten acres of timber the second year, ten acres the third year, and twenty acres the fourth year after date of entry. A party making an entry of eighty acres shall break and plant at the times hereinbefore prescribed, one-half of the quantity required of a party who enters a quarter-section, and a party entering forty acres shall break and plant, at the times hereinbefore prescribed, one-quarter of the quantity required of a party who enters a quarter-section, or a proportionate quantity for any smaller fractional subdivision: *Provided, however*, That no final certificate shall be given or patent issued for the land so entered until the expiration of eight years from the date of such entry; and if at the expiration of such time, or at any time within three years thereafter, the person making such entry, or, if he or she be dead, his or her heirs or legal representatives, shall prove, by two credible witnesses, that he, or she, or they have planted, and, for not less than eight years have cultivated and protected, such quantity and character of timber as aforesaid, they shall receive a patent for such quarter-section or legal subdivision of eighty or forty acres of land, or for any fractional quantity of less than forty acres, as herein provided.

SEC. 3. That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, it shall be proved, after due notice to the party making such entry and claiming to cultivate such timber, to the satisfaction of the register and the receiver of the land office, subject to appeal to the Commissioner of the General Land Office, that such person has abandoned the land, or failed to do the breaking and planting required by this act, or any part thereof, as hereinbefore prescribed, or failed to cultivate, protect, and keep in good condition such timber, then, and in that event, the entry shall be canceled, and said land shall revert to the United States and become subject to disposal as other public lands, unless again entered under the provisions of this act within the period of four years after such cancellation.

SEC. 4. That each and every person who, under the provisions of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, or any amendment thereto, having a homestead on said public domain, who at any time after the end of the third year of his or her residence thereon shall, in addition to the settlement or improvements now required by law, have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good thrifty condition, for each and every sixteen acres of said homestead, shall, upon due proof of such fact by two credible witnesses, receive his or her patent for said homestead.

SEC. 5. That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of certificate therefor.

SEC. 6. That the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and the receivers of the several land offices shall each be entitled to receive two dollars at the time of entry, and the same sum when the claim is finally established and the final certificate issued.

SEC. 7. That the fifth section of the act entitled "An act in addition to an act to punish crimes against the United States, and for other purposes," approved March 3, 1867, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. That parties who have already made entries under the act approved March 3, 1873, of which this is amendatory, shall be permitted to complete the same upon full compliance with the provisions of this act.

Mr. HOLMAN. I trust the gentleman from Minnesota will explain in what respect that differs from the act passed last March.

Mr. WILLARD, of Vermont. I reserve the point of order that the bill makes a grant of public lands.

Mr. DUNNELL. If the point of order is to be made I will ask the bill go to the Committee of the Whole on the state of the Union, and be made a special order for Thursday two weeks from to-day.

Mr. HOLMAN. I trust the point of order will not be made.

Mr. DUNNELL. It will not take long to dispose of it.

Mr. HOLMAN. Let us have an explanation of it. It seems to be an important public measure.

Mr. WILLARD, of Vermont. I make the point of order.

The SPEAKER. The gentleman from Vermont raises the point of order. The bill makes a grant of public property and must have its first consideration in Committee of the Whole. The Chair sustains the point of order. The gentleman from Minnesota asks the bill be made a special order in Committee of the Whole on the state of the Union, for this day two weeks. Is there objection?

Mr. BUTLER, of Massachusetts. I object, if it is proposed to make it a special order to the exclusion of all other special orders.

Mr. DUNNELL. I suppose there will be no objection if it be made a special order, but not to the exclusion of all other special orders.

Mr. MAYNARD. I do not object if it does not antagonize special orders already made. I would suggest to the gentleman to postpone the matter some time further, say to this day three weeks.

Mr. DUNNELL. It is an amendment to the law of last winter, and it is important it should be passed at an early day so it may have action in the Senate in order that the settlers upon the public domain, early in the coming spring, may know how to take their course.

Mr. MAYNARD. I give notice that on this day week I will endeavor to go into committee on the business of the Banking and Currency Committee.

Mr. DUNNELL. The amendments are few and simple, and the House might consider them at the present time.

Mr. G. F. HOAR. As it requires unanimous consent to give this special order precedence over other special orders in the Committee of the Whole on the state of the Union, I suggest, if the gentleman will consent to allow the same facility for amendment in the House as in committee, we may consider this bill at this time without the point of order being raised.

Mr. WILLARD, of Vermont. I have no objection to consider it in the House as in Committee of the Whole. Is the bill in print?

Mr. DUNNELL. It is in print.

Mr. WILLARD, of Vermont. In its present form?

Mr. DUNNELL. Yes, sir.

Mr. WILLARD, of Vermont. Then I withdraw my objection.

The SPEAKER. The bill is before the House, and the question is on its engrossment and third reading.

Mr. HOLMAN. I hope the gentleman from Minnesota will explain the difference between this bill and the law passed last March.

Mr. DUNNELL. Mr. Speaker, I will state the amendments made to the existing law by the pending bill. Under the present law it is made necessary that the entire forty acres to be cultivated with trees, in order to secure the one hundred and sixty acres, shall be planted the first year, the same year the entry is made; that the land be broken the first year, and the same year the forty acres be planted with trees. It will be seen at once by those gentlemen of the House who come from the prairie States and Territories that that provision renders the law wholly impracticable.

This bill proposes the following amendment: that ten acres of land shall be plowed the first year, ten acres the second, and twenty acres the third; that ten acres shall be planted the second year, ten the third, and twenty acres the fourth year. So that the same land must be cultivated as under the old law, yet it gives three years in which to do it. In the first year ten acres of the land are to be broken, in the second year ten acres are to be broken and ten acres to be planted; in the third year twenty acres to be broken and ten acres to be planted; and in the fourth year twenty acres are to be planted—the twenty acres plowed in the third year. That is the important amendment in this bill.

Mr. WILLARD, of Vermont. How does it differ, in that respect, from the old law?

Mr. DUNNELL. The same amount is required—forty acres—but only one year was allowed in which to do the plowing and planting. But it was considered that one year was needed, in which the sod should rot, before the planting should commence.

I may say that there is a report accompanying this bill, and that there are in the hands of the committee many petitions, containing thousands of names, asking for it. I may say, also, that this bill has attracted a great deal of attention, and is asked for in all those sections of the country which are intended to be benefited by it.

The old law also provided that the fees should be the same as under the homestead and pre-emption laws. This bill provides that the entire fees shall be fourteen dollars—a fee of ten dollars, and two dollars as a fee when the entry is made, and two dollars when the final proof is offered. This is a reduction in the amount asked from the settler—a reduction of about ten dollars in the aggregate. The old fees were from eighteen to twenty-six dollars, and here a uniform fee of fourteen dollars is required.

Under the old law the persons entering were compelled in every instance to go to the land office and make the entry in person. This, in many sections of the country, involves considerable expense, and is thought to be unnecessary. This bill provides that the person making the entry may do so before an officer of the county wherein the land lies, who has an official seal—the clerk of the court.

Another provision to which I will call attention is that, while the old law required ten years of cultivation, the present law requires but eight. There is also a provision in this bill that a party now on any portion of the public lands under the homestead law may, after the expiration of three years, if he shall have under cultivation ten acres of trees on one hundred and sixty acres, then prove up and receive his patent at the end of three years; while under the present homestead law he would be compelled to remain on the land five years. If he shall plant ten acres of trees, and have those trees in a healthy, growing condition, he will have the advantage of two years over the old law.

I do not recollect that there are any other amendments. The gentleman from Texas [Mr. HERNDON] was with myself on the sub-committee, which gave this bill a very thorough and careful examination. I see that he has the bill in his hands, and if he desires to make any statement which I have omitted, I will be glad to have him do so, and yield to him for that purpose.

Mr. HERNDON. I recollect no additional amendments of any importance to the existing law other than those which have been stated by the gentleman who has just addressed the House. This bill is a modification to some extent of the act passed on the 3d of March last. It lessens the length of time by two years. That bill required ten years of cultivation; this requires eight. This bill also assimilates the law to that allowing persons to obtain homesteads. The committee have given the subject a very thorough investigation, and have carefully guarded every point that they thought might be open to abuse in any way by persons seeking the advantage of the act.

It is believed to be the policy of the Government to encourage economy of the timber already growing upon the public domain, and to encourage the further growth of timber. As was stated, the act of March 3, 1873, was not intended or expected to be complete in itself, but simply to be the beginning of a policy inaugurated by the Government. This act is an extension, to some extent, of that act, and a modification of it, so as to carry out that policy more extensively than the first act; in other words, to encourage the growth of timber upon the public domain, and with this view, to grant a portion of the public domain as compensation for its encouragement.

I do not know that I can state anything further than has been stated in regard to it by the gentleman from Minnesota, except that the committee, having carefully considered the bill, are unanimous in recommending its passage.

Mr. DUNNELL. I yield now to the gentleman from Nebraska [Mr. CROUNSE.]

Mr. WILLARD, of Vermont. I understand that the bill is being considered in the House as in Committee of the Whole, under the five-minute rule. I yielded my point of order on that understanding.

Mr. HERNDON. Before I give up the floor I desire to yield to the gentleman from Arizona [Mr. MCCORMICK] for a question.

Mr. MCCORMICK. Does the bill require that ten acres a year shall be planted; and if so, does the gentleman consider that that is not too much?

Mr. HERNDON. In answer to the gentleman's question I will state that from the petitions presented to the committee and from the information they have received it was not considered that ten acres of trees were too much to require to be planted annually upon one hundred and sixty acres. Those who are seeking to derive benefit from this law did not want to plant in less quantities than ten acres annually. They seem to be satisfied with it; and as the object of the act is to encourage the growth of timber, the committee thought that ten acres were not too much, provided that those seeking this advantage did not ask for any less number of acres.

Mr. DUNNELL. I now yield to the gentleman from Nebraska, [Mr. CROUNSE.]

Mr. CROUNSE. For the purpose of testing the sense of the House, I move to strike out so much of the first section of this bill as restricts each person who undertakes to avail himself of the benefit of this act to one quarter-section of land, that is, I move to strike out the proviso, which reads as follows:

Provided, That not more than one-fourth of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act, unless fractional subdivisions of less than forty acres are entered, which, in the aggregate, shall not exceed one quarter-section.

As I understand the object of this bill, it is to promote the growth of timber upon the western prairies. That being its object, it has my earnest support and sympathy. Already we have acts sufficient to grant to each person who desires a home a sufficient quantity of public land for the purpose; more particularly that act which allows a party desiring a homestead to secure a portion of the public domain under certain regulations and restrictions. That, of course, is a very beneficent act, and one which has commended itself to the country.

But, as I understand the purpose of this bill, it is to encourage the growth of timber, and meet one of the most serious wants of the western people. It is not for the immediate benefit of the party who plants the timber, because he can avail himself of the opportunity to secure the land in another direction which he may secure under this act. The purpose of this bill, as will be seen, is to obtain the largest amount of timber upon the prairies, not for the benefit of the individual locater or the person who takes up the land, but for the benefit of those who live round about him, and to induce immigration to that portion of the country. If it is understood that in the northwest quarter of Nebraska, for instance, there are immense forests, immigration would immediately rush in that direction. But as it is, settlers confine themselves to settlements along the streams, where there are here and there a few straggling trees, and they also set out trees, not only for their own benefit, but for the benefit of those who may seek to secure or purchase the timber from them.

Now, if this restriction be taken from the bill, then men of enterprise and capital would go into this matter upon a broad scheme. They would take up perchance thousands of acres of land for the purpose, and the more the better, and proceed systematically with the work. Men who have capital, by means of which they could purchase trees—not the man who has not the means to locate a homestead under the present law, but men who have the capital—would plant the trees and furnish the timber to those who cannot now procure it in any other way. If the object is, as I suppose it to be, to secure the growth of timber, it seems to me that this restriction should be taken from the bill.

Mr. DUNNELL. One word in answer to the gentleman from Nebraska, [Mr. CROUNSE.] We do not propose this bill in the interest of men who want to plant thousands of acres of timber, but in the interest of individual settlers and of poor men. We do not want any one man to have the right to enter large quantities of the public lands under this law. I trust the amendment of the gentleman from Nebraska will not be adopted. This bill has been thoroughly examined again and again by the Committee on the Public Lands, and we have conferred with the Commissioner of the General Land Office upon the subject.

Mr. SPEER. I hope the House will not adopt the amendment, because, if I understand this bill, it is to secure not alone the cultivation of timber in our Western Territories, but also the settlement of those Territories.

Mr. CROUNSE. That has already been done under the homestead act.

Mr. SPEER. This would open up the whole Western Territories to speculators.

Mr. CROUNSE. Who would speculate for the benefit of the people.

Mr. SPEER. Who would speculate in the land after planting it with trees. It seems to me to be a perversion of the original true purpose

of the act, and would defeat the object of the last Congress in passing the bill which it did, and the object of this present bill. I trust, therefore, the amendment will not be adopted. I will ask the gentleman from Minnesota, [Mr. DUNNELL,] in charge of this bill, whether it does not give the number of acres planted in timber trees in addition to the one hundred and sixty acres allowed under the homestead act?

Mr. DUNNELL. No; the settler enters one hundred and sixty acres, and of that number he must plant forty acres.

Mr. CROUNSE. Let me inquire whether the fact that a man plants timber on a quarter-section only settles that quarter-section any more than if he had set out timber on a hundred quarter-sections?

Mr. SPEER. If you limit each settler to one hundred and sixty acres, then upon a section of land you would have four settlers.

Mr. CROUNSE. They are not settlers merely because they set out timber.

Mr. SPEER. As I understand it, the bill requires that they shall be heads of families.

Mr. CROUNSE. But they are not required to live upon the land.

Mr. DUNNELL. The object of the restriction is to guard the public lands against speculation.

Mr. SPEER. If I understand it, the only persons entitled to the benefit of this bill are heads of families.

Mr. CROUNSE. But they are not required to live upon the land.

Mr. SPEER. It is evidently intended that they shall be personally resident upon it.

Mr. SMITH, of Ohio. I would inquire this of the gentleman from Minnesota, [Mr. DUNNELL:] Under the general homestead act a person can take up a quarter-section of land and settle upon it. Is it proposed that he shall occupy another quarter-section of land anywhere in the neighborhood, provided he plants the timber on that land? If so, that would give him a half-section of land.

Mr. DUNNELL. Yes, sir.

Mr. TOWNSEND. The importance of the passage of this bill must be seen at once by gentlemen from the Western States and Territories when they remember the fact that every year thousands of acres of timber land are being laid bare and millions of trees are being sawed up, so that Mr. Emerson, who has written a book upon the Timber Trees of America, tells us that at the present rate of destruction the timber lands of the country will, in fifteen or twenty years, be entirely denuded. Hence we are exceedingly anxious that every encouragement should be given to the planting and growth of timber trees to supply the waste that is continually going on. I hope, therefore, that this bill will pass without any opposition.

Let me add that in most of the European countries there are governmental bureaus of forest trees, having charge of the cultivation and preservation of the trees of those countries. I think the day is not far distant when we shall be under the necessity of instituting a bureau of somewhat similar character.

Mr. BURCHARD. I have received letters from gentlemen in the Territories who make one criticism upon this bill, and ask for an additional provision. In the prairie country the timber is, of course, liable at times to be burned. Hence they ask the insertion of a provision that in case of casualty by fire or other accident, or in case of a dry season causing the trees to die out, the requirement with reference to protecting and cultivating a specified quantity of timber each year shall not operate. I have prepared an amendment to cover this point.

As I understand, the provisions of the bill require that the party applying for its benefit must keep a certain quantity of timber growing and protected each year. The gentleman will see that such a requirement must operate at times as a great hardship. If a settler after years of cultivation should fail for one single season to comply with the requirement, owing to unavoidable casualty, he ought not to forfeit the advantages of the act.

Mr. WILSON, of Iowa. The gentleman will allow me to suggest that trees planted under the requirements of this act could be protected from fire by plowing around the tract. There is no reason at all why a man planting timber on the prairies should not be able properly to protect it. The requirement of the bill is not onerous. The amendment suggested by the gentleman would render the act entirely nugatory, and I hope it will not be adopted.

Mr. BURCHARD. Perhaps in some cases it may be possible for the settler to provide protection against fire, but I do not think it possible in all cases. Besides, he cannot provide against the occurrence of dry seasons. There are seasons occasionally when it is impossible to keep growing timber, especially planted trees, alive. I understand that this bill, according to the interpretation given to it by the committee, will require that ten acres shall be planted each year, and that the timber shall be protected so as to be kept alive.

The amendment I propose to submit is in this language:

Provided, That if by unavoidable casualty the person applying for the benefit of this act shall, after having broken the required quantity of land and planted the acres of timber required for the second year, be prevented during a subsequent year from complying with the conditions therein required for such year, he shall, nevertheless, upon proof of such fact satisfactory to the Commissioner at the expiration of said eight years, be entitled to final certificate and patent as provided herein.

Mr. SPEER. I have not had time to examine this bill very carefully, hence I wish to ask the gentleman from Minnesota [Mr. DUNNELL] whether the right of the settler can begin to run until he makes his claim of boundary and files it with the register of the district?

Mr. DUNNELL. Certainly not.

Mr. BURCHARD. I regret that I have not here the communications to which I have referred. I think the adoption of some such amendment as I suggest is very necessary to prevent the requirements of the bill operating as a hardship. When a settler goes on year after year planting the required number of acres, he should at the end of eight years receive his certificate, if he has the requisite number in cultivation, though casualty during a particular year may have caused a temporary failure to comply with the requirements of the act. This bill proposes to require that there shall be planted and cultivated a certain number of acres each year. The amendment I propose is to the effect that if the settler, after going on two years in good faith planting the number of acres required, should be prevented by casualty during one of the subsequent years from planting or cultivating the required number of acres, the Commissioner, upon proof of that fact at the end of eight years, may give him a final certificate of patent at that time, provided he has the whole quantity growing that the act requires.

Mr. DUNNELL. That question was canvassed by the committee, canvassed in the presence of the Commissioner, and canvassed by gentlemen pointing to individual cases of hardship; but if we open that door many men might set fire to their timber or be careless in its protection; and we thought it would be better to pass the bill without any such provision, and the House ought not to adopt any such amendment.

Mr. POTTER. I agree with the gentleman from Minnesota the bill is in the interest of the growth of timber upon prairie lands and not to provide settlers with homesteads. There are other laws for that purpose. If the amendment of the gentleman from Illinois should prevail, the result would be that nearly every settler would be subject to such casualties, and trees which should be of eight years' growth will turn out to be only of two years' growth.

Mr. McCORMICK. Let me ask the gentleman from Minnesota whether we cannot make an arrangement like this: that for every year which is lost by fire or other casualty the settler be allowed an additional year. In case of fire or of a dry season the settler should have an additional number of years equal to the years which have been lost.

Mr. DUNNELL. I think that would be a dangerous provision, and the result would be we would have a great many fires every year.

Mr. HERNDON. The committee deemed that point was sufficiently covered by section 3. That section provides, in the event of a person taking the benefit of this bill who fails from any cause whatever to carry out the provisions of the law within a period of eight years, the entry shall be canceled, but the land does not revert immediately to the United States, but is held open subject to entry again by the same party within a period of two years.

Mr. SPEER. Where is that provision?

Mr. HERNDON. It is section 3, which I ask the Clerk to read.

The Clerk read as follows:

SEC. 3. That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, it shall be proved, after due notice to the party making such entry and claiming to cultivate such timber, to the satisfaction of the register and the receiver of the land office, subject to appeal to the Commissioner of the General Land Office, that such person has abandoned the land, or failed to do the breaking and planting required by this act, or any part thereof, as hereinbefore prescribed, or failed to cultivate, protect, and keep in good condition such timber, then, and in that event, the entry shall be canceled, and said land shall revert to the United States, and become subject to disposal as other public lands, unless again entered under the provisions of this act within the period of four years after such cancellation.

Mr. DUNNELL. I hope we shall now have the previous question.

Mr. HERNDON. I wish to state further that covers the amendment offered by the gentleman from Illinois, [Mr. BURCHARD,] because the same person who entered this land will have a period of four years after the grant is canceled to re-enter it if he should meet with any such calamity or accident as has been stated.

Mr. LOWE. I offer the following amendment to section 3. In that section, in line 14, strike out "four" and insert "one."

Now, I observe in this section a failure to comply with the provision of the act subjects the party to a cancellation of the entry, all of which seems to be entirely correct; but the thirteenth and fourteenth lines of this section provide the land substantially shall be withheld from the market under any other law of the United States, unless it shall be entered under this act within a period of four years. I suppose the object of this to be that the lands which once have been appropriated to the cultivation of timber shall not be appropriated to any other purpose unless within that period of four years it shall be re-entered under the provisions of this act. While there may be some propriety in thus holding the land open for a reasonable period for re-entry under the provisions of this act, I see no reason why the time should be so extended.

Mr. DUNNELL. If he will make it "two" instead of "one," I will consent to his amendment.

Mr. LOWE. Very well; I will modify my amendment so as to make it two years.

Mr. DUNNELL. Now I call for the previous question.

Mr. COBB, of Kansas. I should like to ask the gentleman a question before the previous question is called. The bill provides that a party attempting to procure lands under its provisions shall plant so many trees one year, so many the second year, so many the third year, and so many the fourth year. I wish to ask him whether he will not allow an amendment to be offered in the sixteenth line by which the settler may plant the whole forty acres the second year if he chooses to do so.

Mr. DUNNELL. Nothing in the bill relates to that at all. The matter of planting is simply permissive.

Mr. COBB, of Kansas. I will ask the gentleman from Minnesota if it is not very probable that the officers of the land office, when requested for a decision on this matter, will decide that it is mandatory instead of being permissive.

Mr. DUNNELL. I think not. I call for the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The Clerk will report the first amendment of those pending.

The Clerk read as follows:

Strike out the proviso in line 22 to line 27, section 1, as follows:
Provided, That not more than one quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act unless fractional subdivisions of less than forty acres are entered which, in the aggregate, shall not exceed one quarter-section.

The amendment was not agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Add at the end of section 2 the following proviso:
Provided further, That if by unavoidable casualty the person applying for the benefit of this act shall, after having broken the required quantity of land, and planted the acres of timber required for the second year, be prevented during a subsequent year from complying with the conditions that are required for each year, he shall, nevertheless, upon proof of such fact, satisfactory to the Commissioner, at the expiration of said eight years, be entitled to a final certificate and patent as provided herein.

The amendment was not agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In section 3, line 14, strike out "four" and insert "two;" so it will read:
The entry shall be canceled and said land shall revert to the United States and become subject to disposal as other public lands, unless again entered under the provisions of this act within the period of two years after such cancellation.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD SAVAGE.

Mr. DUNNELL. I am instructed by the Committee on the Public Lands to report back, with the recommendation that it do pass, the bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands, or any legal subdivision of the same. I move that the bill be referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

RAILROAD IN LOUISIANA.

Mr. MOREY. I am instructed by the Committee on the Public Lands to report back, with the recommendation that it do pass, the bill (H. R. No. 1559) extending the time for the completion of a railroad in the State of Louisiana, from the Texas State line to a point on the Mississippi River opposite Vicksburgh, Mississippi. I suppose under the rule that this bill must have its first consideration in Committee of the Whole.

The SPEAKER. This extends the land grant, and will be subject to the same rule as the original grant. The bill must therefore have its first consideration in Committee of the Whole.

SCHOOL LANDS IN MISSOURI.

Mr. ORR, from the Committee on the Public Lands, reported, with the recommendation that it do pass, a bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri.

Mr. SMITH, of Ohio. Should not that bill go to the Committee of the Whole?

Mr. ORR. I think that perhaps it will be found that the point of order does not lie against this bill. It only enlarges the jurisdiction in which the lands may be taken. It authorizes the same quantity of lands to be taken as are authorized by the present law, but provides that they may be taken in the State of Missouri, anywhere, instead of being confined to a certain district.

Mr. STORM. I make the point of order on the bill.

Mr. ORR. It does not change the law in the least.

The SPEAKER. In reference to bills of this kind, there is this difficulty, that if considered in the House they would be open to amendments of a germane character, which would at once send them to the Committee of the Whole. On this ground the Chair must send this bill to the Committee of the Whole on the state of the Union.

FORT KEARNEY MILITARY RESERVATION.

Mr. ORR, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1406) to confirm the title to certain lands on the Fort Kearney military reservation, in Fremont County, Iowa.

The bill was read. In its preamble it recites certain entries made at the Council Bluffs land district in the State of Iowa, on lands which had been reserved for military purposes for the use of Fort Kearney, by order of the President, dated 9th of April, 1846, and therefore illegal. The preamble further recites that the Secretary of War, by letter under date of the 11th of March, 1870, advised the Secretary of the Interior "that the United States military reservation at Fort Kearney, on the Missouri River, is no longer required for military purposes;" and that the register and the receiver at Council Bluffs, Iowa, have reported, under date of May 23, 1870, to the General Land Office, that, due notice having been given to all persons having any interest in the same to appear before them on the 18th day of May, 1870, and show cause why the above-named entries should not be confirmed by act of Congress, no adverse claimants appeared before them. The bill, therefore, provides that the said described entries and selections be, and the same are hereby, confirmed; and that patents be authorized to issue for the same as in other cases provided for by law, and the title to the right of way, depot-grounds, and river frontage acquired by the Burlington and Missouri River Railroad Company, and the Kansas City, Saint Joseph and Council Bluffs Railroad Company, under the laws of the State of Iowa, by purchase from the above-named parties, or by condemnation or release, is hereby confirmed.

Mr. WILLARD, of Vermont. I believe that bill is subject to the point of order.

Mr. ORR. I desire to state briefly the objects of this bill; and then the point of order, perhaps, may not be insisted on.

The SPEAKER. The point of order will be considered as reserved.

Mr. ORR. The lands embraced in the description in this bill were a military reservation, the old Fort Kearney reservation, or a part of it. The military buildings themselves were never located upon these lands. The fort was removed some two hundred miles west of the Missouri River, and the reservation was years ago abandoned. After the abandonment of these lands, they were deemed Government lands. And the land officers at Council Bluffs, supposing it to be Government land, went on and sold it as they did other Government land, and it was sold to the parties named in the preamble of this bill. It was afterwards found that two railroads had located their tracks and were in operation across this land, and that by the laws of condemnation in the State of Iowa they had secured their right of way; from some they had purchased it, and with others who were not residents the necessary process of condemnation had been gone through with, and the whole thing was regarded as settled.

It has now been ascertained that the Government of the United States has never by any law relinquished its title to this land. There is, therefore, a cloud upon the title of the settlers who have bought this land from the Government. This bill simply releases the technical claim which the Government has to this land, and makes the title good to the settlers, and through them to the railroads who have obtained their right of way by condemnation or purchase.

Mr. SPEER. Is this the bill that passed the last Congress?

Mr. ORR. This bill has never been passed by Congress. The parties in interest are settlers, who obtained their title from the accredited agents of the Government; and this cloud now hangs over their title because the Government has never abandoned its technical title.

Mr. WILLARD, of Vermont. I understand the gentleman from Iowa [Mr. ORR] to say that this bill is only to confirm the title to certain lands where the persons now hold title under the Government.

Mr. ORR. Yes, sir.

Mr. WILLARD, of Vermont. What is the defect in the present title?

Mr. ORR. This land was a military reservation, and it has been since held that it was not liable to entry, although the Government officers allowed it to be entered and purchased.

Mr. WILLARD, of Vermont. Does this bill release any title to lands held now by persons who have not patents from the Government?

Mr. ORR. It does not.

Mr. WILLARD, of Vermont. I think that this is a question which should be considered more than we have time to consider it in the morning hour. I therefore insist upon my point of order.

The SPEAKER. The bill will go to the Committee of the Whole on the state of the Union upon the General Calendar.

MINTS, ASSAY OFFICES, ETC.

Mr. HOOPER, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported a bill (H. R. No. 1765) to amend an act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873; which was read a first and second time, recommitted to the committee, and ordered to be printed.

Mr. GARFIELD. Not to be brought back on a motion to reconsider.

The SPEAKER. That will be the understanding.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I move that the House now resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the Army appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. KELLOGG in the chair,) and proceeded to the consideration of the special order, a bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. When this bill was last under consideration by the committee the paragraph relating to Army transportation had been read. That paragraph is now open for amendment.

Mr. ALBRIGHT. I move to strike out the last word, for the purpose of saying that I do not believe the Committee on Appropriations intend by this bill to do any harm to the Army, nor to place it in a disparaging position. But if the premises assumed by the chairman of the Committee on Appropriations [Mr. GARFIELD] and the gentleman who has this bill in charge [Mr. WHEELER] are correct, then there will not be sufficient means appropriated for the transportation of the Army. The gentlemen of the Appropriation Committee propose to take the troops from New York, the Eastern States, and the South, and transfer them to the Indian country. Now it is a fact, as I have heard from the Quartermaster-General, that there will be a deficiency for the current year in this matter of Army transportation; that there was not money enough appropriated by the Forty-second Congress to pay for the transportation of the troops for the fiscal year ending June 30, 1874. Now, if you propose to transfer the troops from the East and South to the Indian Territory and the border, you will not be able to do it with the means that are proposed to be appropriated. And if you do not transfer them, there will be fewer troops in the Indian country than now. A less number of troops will have to be moved the more frequently upon railroads, or in the regions of the Gulf upon transports, to protect the settlers and border, and this will greatly increase the transportation account.

Sir, I do not believe that this country has yet come to this parsimonious position where they mean to prevent the transportation of troops if there be a necessity for it. Last year the appropriation for that purpose was $4,500,000. It is proposed by this bill to limit it to $4,000,000. Now, if you carry out the theory of the gentlemen on the Committee on Appropriations, you must take five thousand troops from the sea-coast and in the South, and transfer them to the Indian country. By an amendment which I understand is to be accepted, it will be provided that no money shall be expended that has not been expressly appropriated. Do gentlemen mean to tie up the hands of the military officers on the frontiers and the borders, when the necessity shall arise, from moving the troops, and force those officers to say that they cannot do it, because the appropriation made for that purpose is exhausted, and that by law they are prohibited from spending any money not directly appropriated? Do gentlemen believe that that is what the country desires?

I do not believe the gentleman from New York desires it; I do not believe the distinguished gentleman from Ohio would desire a thing of that kind. Yet that is to be the effect of this section, if it be passed as proposed in this bill.

Now, I wish to correct the statement of the gentleman from Ohio, that there are fifteen companies of soldiers in and about the environs of New York City. I believe there are but nine. I have carefully looked over the Adjutant-General's report since the remarks of the gentleman were made; and I find that in New York City and in the harbor of New York there have not been more than five hundred troops that were enlisted and assigned to regiments; there are not in the whole State of New York fifteen hundred troops enlisted and assigned to companies. I embrace in this statement the men who are in the Engineer Corps.

Mr. O'NEILL. If my colleague will allow me to interrupt him, I wish he would state where those fifteen hundred men are stationed in the State of New York, and the necessity for their being stationed within the boundaries of that State.

Mr. ALBRIGHT. I will do so; I have the figures here. Of the Fifth Artillery there are at Plattsburgh 46 men; at Madison barracks 45 men. Of the First Infantry there are at Fort Porter 37 men, Company A, and 55 Company C; at Madison barracks 40 men, Company B. Of the Third Artillery there are at Niagara 44 men, Company B; at Madison barracks 34 men, Company D; at Ontario 42 men, Company F. The total is 323 men outside of the city of New York. Of the Engineer battalion there are at Willet's Point 253 men; at West Point 76 men, together with a detachment of 214 enlisted men. Now, these troops are all in charge of Government property. If you take them away, you abandon the property of the Government. As to New York Harbor, the aggregate of men there is 394 at the forts—they are artillerists; and there are 52 in the New York City mounted service. The recruits that are subject to assignment I do not include.

[Here the hammer fell.]

Mr. WHEELER. I trust, Mr. Chairman, that we are not to fight this question over and over day after day. The committee by a most decided vote have determined upon this reduction of the Army. They have decided that no matter where the troops may be stationed——

Mr. ALBRIGHT. If the gentleman will allow me——

Mr. WHEELER. The gentleman from Pennsylvania [Mr. ALBRIGHT] will please not interrupt me. I did not interrupt him; and certainly he has occupied more time upon this bill than I have.

Now, sir, the gentleman from Pennsylvania is at fault in two particulars.

In the first place he assumes, as do all gentlemen who speak on that side of the question, that of necessity we must have Indian troubles; that we are bound to have Indian wars, requiring additional troops to be sent to the frontier. Now, there is no ground whatever for assuming that such a necessity is to arise. If we accept the statement of those connected with the Indian Bureau, there is no probability to-day of any trouble with the Indians on the frontier.

The gentleman again is at fault in assuming that the expenses of transportation of the Army for the coming fiscal year will be as much as they were for the last fiscal year. The committee are satisfied that the expense for this purpose need not exceed the amount provided in the bill. I invite attention for a moment to a report which I have here, and which has never yet found its way into print. It is the report of Colonel D. L. Stanley, of the Twenty-second Infantry, in command of the Yellowstone expedition:

SIR: I have the honor to make the following brief report of the marches and service of the troops under my command upon the expedition to the Yellowstone River during the past summer:

The expedition was organized by virtue of Special Orders No. 73, Department of Dakota, dated Saint Paul, Minnesota, April 13, 1873, and was designed for the protection of engineering surveyors of the Northern Pacific Railroad. * * *

1. The transportation, including every wheeled vehicle, amounted to two hundred and seventy-five wagons and ambulances. 2. The civilian employés numbered three hundred and fifty-three men. The number of horses and mules to be foraged were twenty-three hundred and twenty-one.

I say that the Quartermaster's Department is not to be put to any such expense as this for the next fiscal year.

As a final answer to the gentleman from Pennsylvania, I desire to say that this sum was fixed upon consultation with the Secretary of War, who said that if the military force should be reduced as proposed, the amount fixed in the bill for transportation would be ample.

Mr. ALBRIGHT. I withdraw my formal amendment.

Mr. O'NEILL. Mr. Chairman, I renew the amendment. I will state my object in interrupting my colleague [Mr. ALBRIGHT] a few moments ago. It has been alleged by him several times that it is not expedient at present to reduce the rank and file of the Army. I wished to ascertain how many troops were in the State of New York and how many in other States, so as to show to the House the absence of any necessity in time of peace for having troops stationed in great numbers in any port upon the sea-board. We have in Pennsylvania three or four military stations. On the river Delaware are Fort Delaware and Fort Mifflin; and in the interior of the State the Carlisle barracks. None of the rank and file are stationed at any of these posts. I understood, I believe, from the gentleman who has charge of this bill, that at the Carlisle barracks, where the Government has very extensive property, there is but one man—a non-commissioned officer, or perhaps a retired Army officer—in charge of that property. I know there is not more than a soldier or two either at Fort Delaware or at Fort Mifflin; and at the ordnance arsenal at Frankford, Pennsylvania, there are only a few ordnance men under command of several officers of ordnance.

In justification of my desire to see the rank and file of the Army decreased, I wish to say that, in my opinion, every available man, if necessary, can be taken from the East to the West for service there, there being no use for men at most stations East, excepting to take care of the Government property. As I understand, the three or four military stations in Pennsylvania require scarcely a man; and why we should have a large force—some three or four hundred men—in the harbor of New York I cannot understand. They certainly can have but little military duty to do. I grant that it is necessary to keep up the engineer force, because the Engineer Department of the Army is going on with important work. I grant, also, that at West Point there should be a sufficient number of engineers, and perhaps a small military force, for the purpose of practically instructing the cadets. But for any fort upon the sea-board, or any arsenal within the reach of the sea-board, there is no occasion for more than a few men to act as watchmen. We have an illustration in the immense barracks which have existed at Carlisle for so many years, where, as I have said before, there is only one——

The CHAIRMAN. The gentleman's time has expired.

Mr. ALBRIGHT. I wish to reply to the gentleman.

Mr. WHEELER. I make the point of order; the gentleman has already spoken on this subject.

The CHAIRMAN. The point of order is well taken.

Mr. O'NEILL. I withdraw my amendment.

The Clerk read as follows:

For hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, $1,500,000.

Mr. ALBRIGHT. I move to strike out the last word.

Mr. GARFIELD. I insist that debate shall be confined to the pending amendment.

Mr. ALBRIGHT. I have a letter on this very subject. In answer to my distinguished friend from Pennsylvania I was going to say, supposing the committee were in earnest, that all the troops in New York and in New England and in the South are to be taken and sent out upon the western frontiers, then the means should be provided for their transportation, and if no such object was in contemplation when the estimates were made it is necessary now to increase the appropriation for this purpose.

Mr. WHEELER. I make the point of order, which I should have made long ago in this debate; this is a special order, and debate on it must be confined to the pending paragraph.

Mr. ALBRIGHT. I desire to have read a letter from the Quartermaster-General on this very subject of officers' quarters.

The CHAIRMAN. The point of order is well taken.

Mr. ALBRIGHT. Let the letter be read.

Mr. WHEELER. What is the pending question?

The CHAIRMAN. It is on the amendment of the gentleman from Pennsylvania to strike out the word "dollars."

Mr. ALBRIGHT. I ask the Clerk to read the letter from the Quartermaster-General.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 4, 1874.

DEAR SIR: I notice in the CONGRESSIONAL RECORD of to-day that Mr. GUNCKEL, in his remarks of yesterday on the Army appropriation bill, made the statement that the brigadier-generals and colonels on duty in this city have quarters costing the Government for each $2,160 annually. This is an error, as these officers are allowed five rooms each, at a rate not exceeding $18 per room per month, making a total of $1,060 per annum. He also stated that the sum of $1,727 is paid for the rent of quarters for majors; whereas an officer of this rank is allowed but four rooms, at $18 each per month, or a total of $864 per annum. An officer with the rank of captain is allowed three rooms, at $18 each per month, making the sum of $648 per annum, instead of $1,296, as stated by Mr. GUNCKEL. The two rooms allowed to a lieutenant, at the rate of $18 per month each, cost the sum of $432 instead of $864, as stated.

I have deemed this matter of sufficient importance to bring it to the notice of one, like yourself, interested in Army matters, and to correct an impression which may work to the prejudice of the Army, as you will observe that the amounts alleged to be paid are about double those actually paid.

Most respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General U. S. A.

Hon. CHARLES ALBRIGHT,
House of Representatives.

Mr. ALBRIGHT. If the committee made their appropriations on the estimates contained in the speech of the gentleman from Ohio, [Mr. GUNCKEL,] then they have acted on a wrong basis, as is proved by the letter just read from the Quartermaster-General.

Mr. WHEELER. The gentleman's conclusion is incorrect, because the appropriations in this bill were made a month before the delivery of the speech of the gentleman from Ohio, [Mr. GUNCKEL.]

Mr. GUNCKEL. I send up to have read at the Clerk's desk a special report made by the Quartermaster-General to the Committee on Military Affairs. I have not the accompanying letter, but this was sent as a special report in reply to inquiries from the chairman of the Committee on Military Affairs, [Mr. COBURN.] It gives the name of each officer and the amount paid to each. I did not intend to give these names, preferring to withhold them, but as it becomes necessary to vindicate what I said yesterday, or at least to show on what I founded my statement, I ask to have read the whole report, the names as well as the amounts paid for quarters in this city, showing the sum total to be $122,000, as I stated.

The Clerk read as follows:

A statement of the amount paid by the Quartermaster's Department for rent of quarters for officers of the Army in Washington, District of Columbia, during the years 1872 and 1873.

Name of officer to whom quarters were furnished.	Received per month.	Total.
General W. T. Sherman	$250 00	$6,000 00
Brigadier-General M. C. Meigs	90 00	2,160 00
Brigadier-General Joseph Holt	90 00	2,160 00
Brigadier-General A. A. Humphreys	90 00	2,160 00
Brigadier-General G. R. Paul	90 00	2,160 00
Brigadier-General A. B. Eaton	90 00	2,160 00
Brigadier-General O. O. Howard	90 00	2,160 00
Brigadier-General E. D. Townsend	90 00	2,160 00
Brigadier-General J. K. Barnes	90 00	2,160 00
Colonel J. C. Audenreid, (September, 1872, to December, 1873)	90 00	1,395 00
Colonel J. A. Hardie, (October 14, 1872, to December, 1873)	90 00	1,311 00
Colonel Benjamin Alvord	90 00	2,160 00
Colonel A. E. Shiras	90 00	2,160 00
Colonel A. J. Myer	90 00	2,160 00
Colonel F. T. Dent, (January, 1872, to January, 1873)	90 00	1,170 00
Major F. T. Dent, (February to May 15, 1873)	72 00	252 00
Colonel W. McK. Dunn, (January to June, 1872; November 7, 1872, to December 7, 1873)	90 00	1,692 00
Colonel J. C. McCoy	90 00	2,160 00
Colonel E. Schriver	90 00	2,160 00
Colonel C. H. Crane	90 00	2,160 00
Colonel Horace Porter, (January to December, 1872)	90 00	1,080 00
Colonel Robert Allen, (January, 1872, to March, 1873)	90 00	1,350 00
Colonel Henry J. Hunt, (January to May, 1872)	90 00	360 00
Colonel R. B. Marcy, (January to April, 1872; June, 1872, to December, 1873)	90 00	2,070 00
Colonel J. E. Tourtellotte	90 00	2,160 00
Colonel Bacon, (May, 1872, to December, 1873)	90 00	1,800 00
Colonel H. B. Glitz, (April 13 to April 30, 1872)	90 00	54 00
Lieutenant-Colonel J. G. Foster, (May 14, 1872, to December, 1873)	72 00	1,408 80
Lieutenant-Colonel Wood, (January 4 to April, 1872)	72 00	280 80
Lieutenant-Colonel A. Montgomery, (November to December, 1873)	72 00	144 00
Lieutenant-Colonel J. H. Baxter	72 00	1,728 00
Major S. V. Benét	72 00	1,728 00
Major George Bell	72 00	1,728 00
Major W. B. Rochester, (January to August, 1872)	72 00	576 00
Major B. DuBarry, (January, 1872, to October, 1873)	72 00	1,584 00
Major O. E. Babcock, (January, 1872, to February, 1873)	72 00	1,008 00
Colonel O. E. Babcock, (March to December, 1873)	90 00	900 00

A statement of the amount paid by the Quartermaster's Department, for rent of quarters for officers of the Army in Washington, &c.—Continued.

Name of officer to whom quarters were furnished.	Received per month.	Total.
Major Henry Goodfellow	$72 00	$1,728 00
Major J. D. Bingham	72 00	1,728 00
Major Basil Norris	72 00	1,728 00
Major J. A. Winthrop, (January to August, 1872; November, 1872, to December, 1873)	72 00	1,584 00
Major T. M. Vincent	72 00	1,728 00
Major T. L. Casey	72 00	1,728 00
Major O. A. Mack	72 00	1,728 00
Major E. G. Beckwith	72 00	1,728 00
Major J. P. Martin	72 00	1,728 00
Major J. H. Eaton	60 00	1,440 00
Major W. D. Whipple, (January, 1872, to February, 1873)	72 00	1,008 00
Colonel W. D. Whipple, (March to December, 1873)	90 00	900 00
Major R. Saxton, (January 1 to May 15, 1872)	72 00	324 00
Major M. I. Ludington	72 00	1,728 00
Major J. G. Parke	72 00	1,728 00
Major F. H. Larned	72 00	1,728 00
Major Alexander, (January to April, 1872)	72 00	288 00
Major F. J. Dodge, (January to April, 1872)	72 00	288 00
Major J. Taylor, (March to July, 1872)	72 00	360 00
Major A. J. Dallas, (August 8 to 28, 1872)	72 00	50 40
Major F. U. Farquhar, (June 21 to July 31, 1872)	72 00	96 00
Colonel O. M. Poe, (May, 1873, to December, 1873)	90 00	720 00
Major T. F. Barr, (August to October, 1872)	72 00	216 00
Major T. H. Stanton, (August to November, 1872)	72 00	288 00
Major L. H. Pelouze, (December 2 to 31, 1873)	72 00	69 60
Major Clark, (September 11, 1872, to December, 1873)	72 00	1,128 00
Major William Myers, (June, 1872, to December, 1873)	72 00	1,368 00
Captain William Myers, (January to May, 1872)	54 00	270 00
Captain S. C. Lyford, (July, 1872, to December, 1873)	72 00	1,296 00
Captain Mallery, (January, 1872, to December, 1873)	54 00	1,296 00
Captain G. A. Otis	54 00	1,296 00
Captain J. J. Woodward	54 00	1,296 00
Captain J. S. Billings	54 00	1,296 00
Captain C. McClure, (January, 1872, to November, 1873)	54 00	1,188 00
Captain T. McMillin	54 00	1,296 00
Captain Thomas, (January to May, 1872)	54 00	270 00
Captain J. G. C. Lee, (November 15, 1872, to April 5, 1873)	54 00	253 80
Captain W. J. Twining, (June 19 to July 31, 1872)	54 00	75 60
Captain Wilson, (October 22 to November 30, 1872)	54 00	70 20
Captain A. J. McGonnigle, (July to December, 1873)	54 00	324 00
Captain C. J. Dickey, (February 5, 1872, to March, 1873)	54 00	477 00
Captain J. W. Barriger, (November 12 to December 31, 1873)	54 00	88 20
Captain J. N. Craig, (February, 1872, to June, 1873)	54 00	918 00
Captain Brown, (March 15 to April 1, 1872; October 19, 1872, to August, 1873)	54 00	592 20
Captain E. D. Baker, (December 23 to 31, 1873)	54 00	14 40
Lieutenant H. H. C. Dunwoody, (August 22, 1872, to December, 1873)	36 00	586 80
Lieutenant R. D. Potts, (August to December, 1872)	36 00	180 00
Lieutenant Dyer, (October 14 to December 31, 1873)	36 00	92 40
Lieutenant J. A. Sladen	36 00	864 00
Lieutenant Bradley	36 00	864 00
Lieutenant H. W. Howgate	36 00	864 00
Lieutenant Wilkinson	36 00	864 00
Lieutenant Craig	36 00	864 00
Lieutenant A. W. Greely	36 00	864 00
Lieutenant Adams, (January, 1872)	36 00	36 00
Lieutenant Smith, (February to April, 1872; June, 1872, to June, 1873)	36 00	576 00
Lieutenant H. Jackson	36 00	864 00
Lieutenant D. A. Lyle, (January 22 to June, 1872)	36 00	190 80
Lieutenant Lockwood, (January 23 to June, 1872)	36 00	189 60
Lieutenant Gibson, (March 22, 1872, to December, 1873)	36 00	507 60
Lieutenant R. P. Strong, (May, 1872)	36 00	36 00
Lieutenant Bellas, (October 15 to December, 1873)	36 00	91 20
Lieutenant J. H. Weeden, (May 14 to August, 1872)	36 00	128 40
Lieutenant Thomas Turtle, (April 8 to November 15, 1873)	36 00	261 60
Lieutenant Green, (June 12 to July, 1872)	36 00	58 80
Lieutenant Weir, (December 10 to 31, 1873)	36 00	25 20
Lieutenant Smith, (December 6 to 31, 1873)	36 00	30 00
Lieutenant Russell, (December 26 to 31, 1873)	36 00	6 00
Lieutenant S. E. Tillman, (December 24 to 31, 1873)	36 00	8 40
Lieutenant R. L. Hoxie, (December 19 to 31, 1873)	36 00	14 40
Lieutenant C. W. Larned, (December 24 to 31, 1873)	36 00	8 40
Lieutenant W. H. Clapp, (January 25 to 31, 1872; February 15 to 21, 1872)	36 00	25 20
Lieutenant Wheeler, (January 20 to June, 1872; October to December, 1872)	36 00	301 20
Lieutenant J. F. Gregory, (June 16 to July, 1872)	36 00	54 00
Lieutenant T. C. Davenport, (December 24, 1872, to February 13, 1873)	36 00	60 00
Lieutenant C. F. Palfrey, (June 21 to July, 1872)	36 00	48 00
Acting Assistant Surgeon Stanton, (January, 1872, to December, 1873)	36 00	864 00
Acting Assistant Surgeon Craig	36 00	864 00
Acting Assistant Surgeon Schafhirt	36 00	864 00
Acting Assistant Surgeon Redcliffe	36 00	864 00
Acting Assistant Surgeon Lamb	35 00	840 00
Acting Assistant Surgeon Barnes	36 00	864 00
Acting Assistant Surgeon Holston	35 00	840 00
Acting Assistant Surgeon Rosse	36 00	864 00
Acting Assistant Surgeon Schaeffer, { 22 months at / 2 months at	35 00 / 36 00	842 00
Acting Assistant Surgeon Fletcher	36 00	864 00
Acting Assistant Surgeon Yarrow, (June 19 to 30, 1872)	36 00	14 40
Acting Assistant Surgeon Mew, (February 12 to December, 1873)	36 00	382 80
Acting Assistant Surgeon Tilden, (January 10 to August 10, 1872)	36 00	253 20
Acting Assistant Surgeon Hoffman, (January 22 to May, 1872)	36 00	154 80
Total		122,412 20

Mr. GUNCKEL. I may have mistaken the total amount paid for each officer per annum. In one column the amount is given per month, and in another the total amount; and, as I supposed, per annum, as that was what was asked for. It is probable I have mistaken the total amount for the amount per annum.

Mr. ALBRIGHT. The gentleman's mistake is, he gives it for two years.

Mr. GUNCKEL. Let the whole report be published, and it will show the truth. I shall be glad to find myself mistaken, and the amount so paid less than I supposed.

Mr. BECK. I move to strike out "$500,000."

Mr. Chairman, the Committee on Appropriations have undertaken very properly to itemize this bill, but they have not gone far enough. The aggregate of the appropriations as reported is $28,449,916.60. In the item now before the House, $1,500,000 is appropriated for hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stores; for the construction of temporary huts and stables, and for repairing public buildings at established posts.

What I want to inquire particularly is, why it is that those items are not kept separate, and the amount to be expended for each specified? Why is it that all those things are grouped together in one appropriation of $1,500,000? And as they are so grouped together, cannot the War Department draw from the Treasury that whole amount and apply whatever portion it pleases to any one of them? Cannot it apply nine-tenths of the whole for officers' quarters, and the remaining tenth to the other items; or such of them as the Department chooses to spend it upon?

As we are itemizing this bill and making specific appropriations for specific purposes, if we intend to retain any control over expenditures, I insist that it shall be said, so much for officers' quarters, so much for cantonments, so much for repairs of public buildings, &c., so that the War Department could not legally spend for officers' quarters what was intended for other purposes; instead of lumping together $1,500,000 as is now done, any part of which can be spent for any one of the things so grouped.

On page 82 of the testimony taken before the Military Committee during this session I find the following recapitulation of the annual amounts paid for rents for officers' quarters and offices:

RECAPITULATION.

Total amount Division of the Atlantic	$110,961 80
Total amount Division of the Pacific	90,132 00
Total amount Division of the Missouri	108,425 88
Total amount Division of the South	43,719 96
Total amount depot at Washington	110,776 08
Grand total	464,015 72

This is certified by General Bingham, the acting Quartermaster-General. I find also that General Bingham states in his testimony that a lieutenant is allowed two rooms and a captain three rooms; a major or lieutenant-colonel, four rooms; a colonel or brigadier-general, five; a major-general or lieutenant-general, six; and then, on being asked the question, if an officer owns the house does he get the rent for the rooms the same as if it was the property of some one else, General Bingham replied, "I think he does." This is all extremely indefinite.

If we are going to allow that system of things, and pay men in that sort of way for three, four, five, or six rooms, in houses whether owned by themselves or not, ought there not to be a separate item for it; and ought not this Congress so to make appropriations that we can see by an examination of the books of the Department how much is spent in that way? I think it ought.

[Here the hammer fell.]

Mr. BECK. Is my time out?

The CHAIRMAN. It is.

Mr. BECK. I am sorry that it is. I wanted to say only a word or two more; and I shall seek another opportunity of doing so.

Mr. WHEELER. I desire to say to the gentleman from Kentucky that under existing laws these appropriations are kept separate; that there are forty-three different appropriations for the War Department, and that all these appropriations are now under separate heads. The accounts are kept in that way, although they are not so individualized as I would desire or as the Committee on Appropriations would desire. We have drawn this bill under existing laws. I desire to say to the gentleman from Kentucky [Mr. BECK] that the Committee on Appropriations has now a bill before the House for having these expenditures placed more in separate items both in the estimates and in the appropriation bill. If the gentleman will look at the present mode of keeping accounts at the War Department, he will see there are now already forty-three different accounts in the Treasury Department for war expenses. We have made the arrangement as distinct as we can under existing laws.

Mr. HOLMAN. I wish to ask the gentleman from New York [Mr. WHEELER] a question. He will remember that, two or three years ago, a bill was before the House making a very heavy appropriation for permanent barracks at Leavenworth, Kansas. It was defeated. Now, under this appropriation of a million and a half of dollars, is there any obstacle to the expenditure of that money for the erection of those permanent barracks?

Mr. WHEELER. I suppose this must rest altogether in the discretion of the Secretary of War.

Mr. HOLMAN. The objection taken by the gentleman from Kentucky [Mr. BECK] is a very pertinent one. For after a proposition to build up these fortifications has been defeated by a very decided vote of the House, the Secretary of War, in virtue of the power given by this loose mode of itemizing the appropriations, could act independently of the expressed will of the House.

Mr. WHEELER. I desire to call the attention of my friend from Indiana [Mr. HOLMAN] to the fact that there is a standing law that no more than $20,000 can be spent on any one erection. Inside of that the Secretary has entire discretion.

Mr. HOLMAN. That would furnish a pretty safe restriction.

Mr. BECK. I desire to ask the gentleman from New York a question. This bill appropriates a million and a half of dollars for these combined items. If it becomes law in that form, is there anything to prevent the Army authorities from applying $1,000,000 of that for officers' quarters alone if they desire it?

Mr. WHEELER. Upon officers' quarters generally?

Mr. BECK. Yes, sir.

Mr. WHEELER. I say that, within the limit of the law, not more than $20,000 shall be expended on any single erection; within that limit the Secretary has entire discretion.

Mr. BECK. And I ask the gentleman further, ought it so to be? Ought not Congress to appropriate specifically?

Mr. WHEELER. In reply to the question of the gentleman from Kentucky, [Mr. BECK,] I will only say, "Sufficient unto the day is the evil thereof." It is not in the province of the Committee on Appropriations to correct this. If the law is wrong it should be changed; but the Committee on Appropriations have not the power to change it.

Mr. BECK. Is it not the duty of the Committee on Appropriations, when they undertake to itemize the bill, so to itemize it as to control the expenditures, and to confine the Secretary of War to the amount that Congress sees fit to vote for the particular object? If not, why not just give him the whole of the twenty-nine millions in one item, and let the Secretary do what he pleases with it. We should either retain control, or not pretend to do it.

Mr. WHEELER. The committee prepares the Army appropriation bill in accordance with the directions of existing law. If the gentleman from Kentucky desires to know under what particular head the money is expended, he can ascertain it at any time by going to the Treasury Department, where, under the act of 1870, an account is kept under each separate head of appropriation.

Mr. BECK. Allow me a word or two more, and I will not trouble the committee much longer.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BECK. As I offered the amendment, I will withdraw it and offer another, appropriating $325,000. I do not want to be captious. While I know that the Committee on Appropriations cannot alter the law, and while I know the difficulties under which they labor in framing their bills because of existing laws, still I want to know if we cannot, in some way or other, reduce the enormous staff of the Army. There is where the great cost of the Army is to be found. A reduction merely of the rank and file, while we continue to make appropriations for all the supernumerary officers, will do but little good; our action here will still result in taking immense sums out of the Treasury unnecessarily, as is very clearly indicated by the amount taken for officers' quarters.

I know but very little of military affairs. But I remember some years ago General BUTLER made several speeches which I now hold in my hand, in which he went on to show the enormous number of useless staff and general officers that we have, and also went on to show that in the city of Washington we keep up six or seven military establishments, with great corps of unnecessary officers. The gentleman from Illinois, General LOGAN, then chairman of the Committee on Military Affairs, showed to the House by official tables that we had at that time 663 staff officers; that we had in the Army 2½ commissioned officers to every 10 men. He proceeded to show that there were in a staff corps 8 officers with the rank of brigadier-general, while in Russia, with an army of 800,000 men, their staff corps was only 300 officers in all; that in Prussia, with an army of 400,000 men, the staff corps was 100 officers, and so with all the large armies of the world. Yet we, with a small army of 25,000 or 30,000 men, were keeping up a staff of 633 officers, many of them with the rank of brigadier-general. Now I want to know if there is no way of withholding appropriations so as to cut down that portion of the expense of the Army, which exceeds all the other arms of the service in needless expenditures.

Mr. GARFIELD. The gentleman from Kentucky [Mr. BECK] has hit upon a point on which I agree with him. Perhaps he will remember that while I was chairman of the Committee on Military Affairs, some years ago, an examination was had of the general organization of the Army.

Mr. BECK. In this very debate to which I allude the discussion was carried on between the gentleman from Massachusetts [Mr. BUTLER] and the gentleman from Ohio, [Mr. GARFIELD,] in which I think they differed very widely.

Mr. GARFIELD. The Committee on Military Affairs made a report, accompanied by a bill, which was pressed upon the consideration of the House, but not favorably acted upon. It was proposed, as the result of the examination we had made, to consolidate several of the staff corps.

It was there shown that the several staff corps had become enormously overgrown; that when the war ended we had a staff capable of handling a million of men; and that although the Army was brought down to its peace proportions, the old war organization of the staff still remains.

The bill which I had the honor to report from the Committee on Military Affairs proposed that the Commissary Department, the Quartermaster's Department, and the Pay Department should be consolidated into a department to be called the Department of Supply; and that one set of officers, with one set of accounts, and one set of managers, should not only feed but clothe the Army. I have never seen any reason to believe that this is not entirely feasible.

Mr. HAWLEY, of Connecticut. And to pay the Army.

Mr. GARFIELD. Yes; and pay the Army. We believe that all three could be done by one staff. And we saw no reason why the Inspector-General and the Adjutant-General's corps should not be united into one as before the war. We knew of no reason why six brigadier-generals and one major-general should be at the head of our staff in the days of peace, when before the war there was no officer on the staff, save one, higher than colonel.

As chairman of a committee that had a right to report legislation on that subject, I did all in my power to secure legislation. But we were assaulted on all sides by those who were unwilling to disturb the *personnel* of the Army, and were unable to obtain the passage of such a law. Now if, after a complete and full examination, the House has refused to legislate in that direction, of course the gentleman from Kentucky [Mr. BECK] is too well acquainted with the business of legislation to suppose that the Committee on Appropriations can do any such thing. I believe it ought to be done. I believe we shall never be right until we have just as few levers to the great machine of the Army as possible. The Secretary of War should be the political officer between the President and the Army; he should be the political head of the Army. The General of the Army should be its military head. Now he is not; he is substantially without a command. The Army is, in fact, commanded by the Secretary and the staff corps; and this is mainly because of the predominance of the staff over the line. In this respect I believe the present organization and order of things in the Army is all wrong and ought to be changed.

I submit to our friends, however, that it is impossible for us to change it here. I shall myself hail the day when these changes can be made, for I know that they are in the interest, not only of economy, but of the efficiency of the Army. Our Army now is like a half-developed frog, if I may use that comparison without offense to anybody. It is comparatively all head and no tail. The staff corps and the line are overgrown. I have been and am an earnest friend of the Army. I want to see it put on a basis where it will be most effective for keeping alive the knowledge of war, and strong enough to meet all the ordinary emergencies. No nation on earth has better material for an army than we have. Let us put it in a shape where we can be as proud of its organization and efficiency as we now are of the gallant men whose names adorn the register. Let us frame an organization by which service in the line shall be the shortest road to honor and promotion. I believe the most thoughtful men in the Army will agree with the view I here express.

Mr. NIBLACK rose.

Mr. GARFIELD. One word more. The only legislation in this direction we were able to effect was this: In 1869 in a conference upon the appropriation bill, with the present Speaker of the House as one member, myself as another, in company, I think, with my friend from Indiana [Mr. NIBLACK] as another, we did succeed in forcing upon that bill a proposition that the staff corps of the Army should not be open to further promotion until they were reduced to something near a peace basis.

That legislation, put upon an appropriation bill on the last night of a session, is almost the only restraining provision that has kept the staff and line of the Army from retaining the overgrown size that they had five years ago. At every Congress since that provision was adopted we have been pushed to the uttermost to reopen the staff corps for promotions. One or two of those corps have been opened; and to-day we are asked to reopen them all. I hope the Committee on Military Affairs will see to it that whenever the staff corps are opened it shall be upon a new basis.

[Here the hammer fell.]

Mr. WHEELER. Mr. Chairman, there have been two speeches on a proposition entirely irrelevant to the one under consideration by the committee. If other gentlemen are to speak, I hope they will speak on the subject of barracks and quarters.

The CHAIRMAN. The debate is exhausted. The amendment, as the Chair understands, is withdrawn. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For purchase and manufacture of clothing, camp and garrison equipage, and for preserving and repacking stock of clothing, camp and garrison equipage, and materials on hand at the Schuylkill arsenal and other depots, $1,500,000.

Mr. WHEELER. I move to amend so as to make the amount of this appropriation $1,450,000 instead of $1,500,000; and also to add the following proviso:

Provided, That none of the money hereby appropriated shall be used in the purchase of hats, uniform caps, forage caps, uniform coats, uniform jackets, flannel sack-coats, and unlined coats, which articles the Quartermaster's Department shall issue from the supply now on hand known as the old pattern; and none of the articles above enumerated shall be purchased until those now on hand shall be exhausted.

Perhaps I ought to explain this amendment. The adoption of the new uniform in 1872 left on hand in the Quartermaster's Department a very large quantity of clothing, which is just as good and just as serviceable to-day as it was when it was purchased. Articles of the kind enumerated in the proviso just read are now on hand in the Quartermaster's Department to the value of $650,000. But according to the language of the law they are termed "old-style clothing." Now, sir, in view of the change that has recently "come over the spirit of our dream," the people themselves are not standing so much on "style" as they were. They are wearing, on week-days particularly, their "old style" of clothing. The Army is now furnished with entire suits of the new pattern of uniform, which will answer for Sundays and holidays; and it is believed that on week-days the troops can wear the "old style" of uniform. It is believed that under the circumstances now surrounding us, the "Satantas," "Big Trees," and "Shacknasty Jims" of the plains will pardon our troops if they should appear on week-days without "coats piped with sky-blue; skirts on each side of opening behind, faced with sky-blue; with hats with cords and tassels of mohair, ornamented with braid and yellow metal trimmings, as per pattern—with red pompons, white pompons, crimson pompons, red pompons with white tops, with balls and sockets of yellow metal to match." [Laughter.] And, sir, while the private soldiers are wearing this homely attire on week-days, if the officers should happen to forget that "the chapeau should be worn with front peak turned slightly to left, so as to show gilt ornaments upon right side, per general order No. blank," it is hoped the Republic may receive no detriment. [Laughter.] And, sir, as this process of christianizing Indians is going on so fast and so thoroughly, I know they will appreciate a little simplicity in the dress of our soldiers. [Laughter.]

Mr. HAWLEY, of Connecticut. Mr. Chairman, we are all aware of the course which was taken with reference to this matter within a very few years. Somehow, and under somebody's authority, a change was introduced in the style of the uniform for the Army. Whether that change was introduced precisely at the right time or not I cannot say. Whether the old style of uniform might have been continued in use until a little more of the old clothing had been used up I cannot say. The change was thought wise by those who had the matter in charge. I do not now propose to go into the question of its wisdom or unwisdom. The fact of the change remains. There were left on hand many articles of the old style, a very large stock of some things remaining from the war supplies. The Quartermaster's Department continued to issue a portion of these—some are unsuitable, and some exhausted. The old trousers can be used, and the Department is continuing to issue them. The old overcoats can also be used, and are used. But if we carry out entirely the idea of the gentleman's amendment I fear we may have an Army uniformed somewhat like the army that you may find in the gentleman's own beautiful town of Sing Sing, [laughter;] and I think he would himself rather object to that.

Mr. WHEELER. The gentleman is mistaken as to my locality; I live near the Canada border.

Mr. HAWLEY, of Connecticut. Well, the gentleman has an interest in Sing Sing as a citizen of New York.

Now, a part of this old clothing on hand can be used; but not all of it. For this reason, the Department has been selling off a part of it; and in some places the market has been so crowded with this sort of clothing that the price has been reduced to a ridiculously low figure. From this surplus the sutlers were able to supply themselves at twenty-five cents a garment; and this clothing they would bring to the military posts and turn over to the soldier at, say, fifty cents. The soldier, supplying himself in this way from the sutler, would refuse to draw the clothing furnished by the quartermaster, but would draw, instead, the full value of the clothing in cash. I think—I will not say positively, but I think—that if the gentleman from New York will consult with the Quartermaster-General he will somewhat modify his amendment.

Mr. WHEELER. I move a formal amendment to the amendment, in order to tell the gentleman from Connecticut [Mr. HAWLEY] that I have done precisely that thing, and this proviso was prepared in the office of the acting Quartermaster-General—General Bingham.

Mr. HAWLEY, of Connecticut. Then it is all right.

Mr. WHEELER. I have a list in which he has enumerated the articles I have named in this amendment, which he said are as good as they ever were, and should be issued. This proviso is offered at his own suggestion and by his own advice.

Mr. HAWLEY, of Connecticut. What is the necessity, then, to direct him to issue them?

Mr. WHEELER. He wants the order.

Mr. HAWLEY, of Connecticut. That is all right; I am glad to hear of it.

Mr. WHEELER. I will say to the gentleman from Connecticut there is to-day $650,000 worth just as good as it ever was.

The country ought to understand there is to-day about $7,000,000 worth of Army clothing on hand. There are entire suits there, and the gentleman from Connecticut, with that republican simplicity which belongs to all New Englanders, knows an old Army uniform, sound and good, will do to wear on the plains as well now as at any time.

The amendment to the amendment was withdrawn.

Mr. WHEELER's amendment was agreed to.

The Clerk read as follows:

For preservation of clothing and equipage from moth and mildew, heretofore adopted and now in use, $50,000.

Mr. WHEELER. I move to strike out the words "heretofore adopted and now." That process, Mr. Chairman, is not applied simply to the preservation of old clothing, although a large amount has been used in that direction, but is also applied to the preservation of new clothing, and to the preservation of tents. The process has been thoroughly tested by a board composed of General Hardie, General Ingalls, and General Lee, of the Quartermaster-General's Department. It seems to be a most efficient process.

Mr. COX. I move to strike out of the bill "$50,000," and insert "$25,000," in line 120.

It is curious that so much money should be expended for preserving from moths the cassimeres, kerseys, cottons, tents, and clothing on hand.

This House was hardly prepared for the statement of the gentleman from New York, [Mr. WHEELER,] that there were $7,000,000 worth of uniforms now on hand.

Mr. WHEELER. Not of uniforms, but of clothing, blankets, tents, &c., growing out of the stock accumulated during the war.

Mr. COX. I know, sir, that every day these articles are wasting. Hence these appropriations. The money is to be preservative of the clothes and tents.

I have a report before me from Quartermaster-General Meigs—perhaps the best officer in our service. It shows that we are spending hundreds of thousands to fight moths. They are worse than domestic or foreign enemies.

Before I come to that, may I refer to the report of Quartermaster Bingham, of December 30, 1872? This report shows that then we had $23,435,821.27 in woolen clothing and tents—mostly the former. This did not then include some forty-two thousand blankets, worth $128,000. Nor did this include coats, jackets, trousers, flannel sacks, blankets, goods made up and not made up. These items run into the millions, and the moths run into them. [Laughter.]

Here are $8,000,000 worth of coats, jackets, and trousers. Nearly eight hundred thousand of these articles of apparel for an army of thirty thousand. Our appropriation is a dollar and sixty-six and two-thirds cents per soldier—not per moth. Omitting the woolen blankets and "mounted great-coats," (for the cavalry, I suppose,) and the "sky-blue kerseys," there is a splendid objective point for the army of moths, which no great general of that corps should omit to attack, if feeling well. Did the moths fail? If they did, what need of this appropriation?

In this list we have at least one million and a quarter yards of flannel not made up. We have millions of dollars of this peculiar woolen property not yet made up into uniforms. It is subject to the attack of the moth. A large part of this is still on hand, either in uniform or otherwise. The gentleman confesses to seven millions.

Now, according to the report of the Quartermaster-General just referred to, there were $350,000 appropriated in a couple of years last past for a peculiar kind of process, which is said to prevent moths getting into this cloth and clothing. The Quartermaster-General in this report asks this Congress this year for $100,000. I copy his statement:

The expenditures on account of the moth and mildew proof process of George A. Cowles & Co. during the fiscal year have been $350,000. This includes $200,000 appropriated for the current fiscal year, but made available for expenditure during the last fiscal year. To prepare such articles of woolen and cotton fabrics on hand as have not yet been submitted to the process, an additional sum of $100,000 has been asked in the estimate for the coming fiscal year.

Mr. WHEELER. And we give them half of it.

Mr. COX. Why do you reduce? You give them $50,000. I know that. I still propose to reduce it. I do not understand whether we can by law sell out all this cloth and clothing at once. I hope so.

Mr. WHEELER rose.

Mr. COX. The gentleman knows I have only five minutes, and he must not interrupt me.

Mr. WHEELER. I will not trench on the time of the gentleman.

Mr. COX. You can get the floor at any time.

I would prefer, rather than be fighting moths at such an immense expense, to give these uniforms away. Observe those eminent colored patriots in the gallery. They sit with us so regularly. [Great laughter.] They toil not, [laughter,] neither do they spin. They are the lilies of the valley! Yet Solomon in all his glory would not be arrayed like them if they were clothed with these "sky-blue" uniforms! [Renewed laughter.] They sit yonder, uniformly, day after day; and why not in uniform? Let them appear in the gallery properly arrayed in the colors of the Republic—heavenly blue! [Laughter.]

Why, Mr. Chairman, any man who does business, instead of paying at the rate of three or four hundred thousand dollars in two or three years to prevent moths from getting into clothing, would sell the whole concern out. Moths are the evidence of laziness and negligence. But I am growing personal. It takes more to keep out the moths than the clothing and cloths are worth according to our systems of finance. It is very curious that I find so much "motheaten clothing" sold. At the depots of Jeffersonville and Philadelphia alone, according to the Quartermaster's report, there was sold as follows:

Year.	Jeffersonville.	Philadelphia.	Total.
1869	$149,478 17	$791,995 28	$941,473 45
1870	91,525 23	191,040 48	282,565 71
1871	61,021 20	164,968 13	225,989 33
Total	302,024 60	1,148,003 89	1,450,028 49

If motheaten clothes bring so much, what is the rest, the unmotheaten, worth? Who buys the motheaten clothes and cloth? Who judges of the extent of the damage of the innocent and hungry moth? Where are the expert contractors and tailors? I pass this by, to insist on the practical question, why do we keep such a lot of clothing on hand to feed moths? This is not a political conundrum. Why, if there is so much clothing on hand, does the Quartermaster say that the appropriation for clothing for the past fiscal year was $900,000? Why were the expenditures on account of clothing and equipage during the same period $858,412.07?

O, it is said that there are new styles. *Oh, oui Monsieur le Président!* New styles! New uniforms are ordered for the Army. Well, why should not the fresh fashions be made of new goods, under fresh contracts, from time to time? Why not foil the moth of his prey?

Now, sir, what, or rather who, are these moths? It is a matter of much concern to our families. Our women ought to know. Science ought to tell us. Scripture—ah! I see my friend from Massachusetts [Mr. DAWES] is impatient. He is about to rise. I am afraid he will make a scriptural illustration. He is thinking of that place where "moth and rust do not corrupt, [laughter,] and——

Several VOICES. "Where thieves break through and steal."

Mr. COX. I did not know the House was so accomplished in the Scriptures. [Laughter.]

I think the gentleman from Massachusetts was about to apply it to the democratic side of the House. I have anticipated him by a more appropriate application. The whole House, including the lilies of the gallery, know just where this quotation fits.

What is the moth, Mr. Chairman? I have looked him up, [laughter,] and [holding up an illustration in Chambers's Encyclopædia, volume 6] there he is. [Great laughter.] There are several kinds.

The moth is a burglar, a nocturnal rascal. There are many families of them. It is worth while, since it costs us nearly half a million to watch this enemy, to know his power. Do not think it insignificant, because it is of the butterfly species. It bristles with antennæ. From base to apex these antennæ are pectinated, especially in the males, [laughter;] and they are formidable either in the larva or chrysalis state. I speak not of their beauty of color; I prefer to refer to the number of their eggs. If there is one moth I prefer to another it is the hawk-moth; but the Lackey is the one I have here pictorially illustrated, [holding up the volume.] The lackey-moth is represented in politics: first by this belt of eggs; second, as the caterpillar, third as the pupa in the cocoon, and then the full-fledged insect for which we pay so much in this Army bill. [Laughter.]

Now, after this analysis of this insect, I would like to know from the distinguished gentleman from New York, my colleague, [Mr. WHEELER,] whether the moth, to protect our Army clothing from which he would give this $50,000, is the *Phalæna* moth of Linnæus or the *Lepidopter* of other scientists. [Laughter.] Let there be no shirking that question. [Renewed laughter.]

Mr. WHEELER. The gentleman must allow me some time to refresh my entomological knowledge. [Laughter.]

Mr. COX. I knew that I could not get a satisfactory reply. When I first read the item in this bill appropriating $50,000 for protection against moths in the Army, and when I read that $350,000 had already been expended for that purpose, I wondered, in my simplicity, why so much money should be spent for such a purpose, when we might so easily economize by selling out our old and unfashionable Army clothes. Casting about, in my simple way, I remembered that the only preventive of moths was snuff. Then, as an economist, I looked up the price of snuff, and the tariff on snuff. I found the tariff was fifty cents per pound. Every sneeze was about a cent, to protect American manufacturers from foreign sneezes. Hence, I was about to tell how much it would cost us, tariff and all, to prevent these destructive moths, by using this article of snuff, when, lo! I found an adjutant in my friend from Kentucky, [Mr. BECK.]

This pamphlet is the result of our inquiries: "Preservation of clothing and equipage of the Army and Navy by the process of Cowles & Co., for the prevention of destruction by moth," &c. This is just out—1873. There is no tobacco, no pepper, no camphor, no leather-chips, which our mothers used. In plain words, they use some sort of solution. I guess it smells badly—perhaps petroleum; but whatever it is it costs money, and has the *imprimatur* of our best officers. This pamphlet has a tolerably fair representation of the results of the microscopic Tinean caterpillar, which breaks its egg and goes into a cocoon made out of the stuff it feeds on, at the rate of, say, $50,000 a year. But how does this plan we pay so much for save our Government? Messrs. Cowles & Co. say that they soak every thread and fiber.

They leave the goods in the solution for hours; then knead the goods in the fluid. Then they dry them on a machine which makes, I think, nine hundred revolutions per minute. This makes the saturation perfect. [Laughter.]

Mr. WHEELER. I desire to ask my colleague a question. Has he studied the history of the party moth? It has fed on his party, and no chemical process has yet been invented, I believe, to stay its ravages. [Laughter.]

Mr. COX. I omitted, as the House will see, out of deference to the majority and their feelings, to draw any partisan or political lesson out of these moths and their predatory habits. [Laughter.] I have materials, however, for a speech of an hour and a quarter on that point. If the gentleman will allow me, I will say it is mostly in connection with the Administration. [Laughter.]

And, sir, since I am challenged to it by my friend—not provoked, for he never provokes any one, except to admire him and love him the more one knows him—I will endeavor to read in the life and character of the moth some of those attributes which are making the people regard the Administration so carefully.

The real moth that we have to deal with, in a political way, is a combination of the lackey-moth, which generally haunts the White House and hovers about the purlieus of power, and the hawk-moth, which is sometimes in the Army, or educated there. All these moths you will find have a political and destructive significance. If you note how they are hatched; how they hide in cocoons; how they creep into dark places through crannies; how they go into closets where goods are stored; how they lie all summer quietly—— [Laughter, the members gathering about the speaker.]

Mr. FIELD. I rise to a question of order. Let the House be brought to order. [Laughter.]

Mr. COX. I hope my friend of the elegant toilet will come down this way. [Laughter.]

[Here the hammer fell.]

Several MEMBERS. "Go on!" "Go on!"

Mr. WHEELER. I hope my colleague will have unanimous consent to proceed.

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. WHEELER. Certainly. I yield all my time to him.

Mr. COX. I thank the gentleman and the House very kindly. It is not often that we have a scientific question which requires such analytic research like this before us. It is not often the Committee of the Whole is engaged in the mysterious analogies of nature and politics. It is not often, as a friend near me remarks, that I take the floor on questions of this kind. [Laughter.]

But it seems to me that something ought to be said to justify these moth appropriations—and said a little more seriously. May I quote from Harris's Treatise on Insects, to illustrate the physical and political relations of the moth? ["Go on!"]

The clothes-moth, in its natural state—

Like the politician—

never leaves its cocoon until it emerges therefrom as a winged moth. Wherever it is seen as a naked worm, it is because it has been disturbed and knocked out of its case—

For example, by an election or otherwise. I am told those scientists, the grangers, are going after the naked worm—

and in these instances the moth—

And just so also the politician—

does not feed, but in a few days dies.

How sad the thought, but how true the analogy! [Laughter.]

And then the eggs, according to certain French authors——

Mr. FIELD. Mr. Chairman, I insist upon my point of order.

Mr. WHEELER. I hope the gentleman from Michigan [Mr. FIELD] will not do that. This is the only matter in connection with the Army which has not yet been discussed. [Laughter.]

Mr. PLATT, of Virginia. I would like to get the fullest information about the habits of the creatures that the gentleman from New York is discussing; and I wish him to mention, when these moths die, whether other moths take their places.

Mr. COX. That depends upon whether they have a navy-yard in their district. [Great laughter.]

Now, Mr. Chairman, I will not detain the House very much longer; it is so good-natured. I would read a few more scientific extracts, with a view to a political lesson:

The eggs [according to Latreille and Duponchel, from whose works the following remarks are chiefly extracted] are hatched in fifteen days, and the little whitish caterpillars or moth-worms proceeding therefrom immediately begin to gnaw the substances within their reach.

Just as a man from a district like that of my friend would reach out quietly with his antennæ after the little patronage here and there floating about a navy-yard. It is perfectly natural. I think I did it myself when I was in accord with the Administration in 1856. One or two postmasters, I think, sufficed as the "substances" I began upon. Since then—and how long it seems—our side have not even had the opportunity of acting the moth upon the national patronage.

Again I read:

The little whitish caterpillars or moth-worms proceeding therefrom immediately begin to gnaw the substances within their reach and cover themselves with the fragments, shaping them into little hollow rolls and lining them with silk. Some pass the summer within their rolls—

That is, I suppose, go down to Long Branch, ride in free palace Pullman cars—

some carrying their cocoons about on their backs and others fastened to the substance they are eating; and they enlarge them from time to time by adding portions of the two upon extremities and by gores set in the sides, which they slit for this purpose. Concealed within their movable cases or in their lint cupboard burrows, they carry on the work of destruction through the summer—

That is when Congress is not in session—

and in the autumn—

That is just before elections, [laughter]—

they leave off eating, make fast their habitations, and remain at rest and seemingly torpid through the winter.

That is until committees of investigation get to work. [Laughter.]

Early in the spring they change to chrysalids within their cases, and in about twenty days afterward they are transformed to winged moths, and come forth and fly about in the evening—

These are the defaulters who go off without being called to account by the Administration—

till they have paired and are ready to lay their eggs.

Mr. FIELD. I insist upon my point of order. [Roars of laughter.]

Mr. COX. I will submit just one question. If I had the shorthand faculty of my friend from New York [Mr. MELLISH] I would put it into good shape. [Laughter.] I think it should be something like this: whether the moths which we are called upon to appropriate against—and whose incursions upon our Army clothes are so wasteful—are the moths of the more numerous branch of the *Lepidoptera*, or do they belong to the *Phalæna* family of Linnæus? [Laughter.]

Mr. WHEELER. To that question I answer in the affirmative. [Laughter.]

Mr. COX. And have they a robust thorax, and if we apply snuff to them, instead of the expensive petroleum solution, will they not sneeze out the predatory thorax, so that we can thereby save $50,000 a year? [Laughter.]

But, sir, to be serious for a moment, and in conclusion. No man has suffered more than myself from the extraordinary essays on Saturday and other days, in Senate and House, at home and abroad, in pamphlet and press, upon the currency question. I believed I had mastered some of its abstruseness. I was sure at one time that inflation would carry. I saw the light of victory in the eye of my friend from Pennsylvania, [Mr. KELLEY.] Then I recalled the vicissitudes of politics. I read, reread, dreamed of bonds, notes, gold and silver, exchanges and convertibilities, until I was in despair. But to-day, sir, it is all clear. The solution of the financial problem is the moth. It is the *Lepidopter*. I feel it. Whether produced by the war or by bad administration, the causes are at once solved by considering the habits and results of the moth. Therefore, sir, I propound this interrogatory, as the final relief of our financial debates and worries; any gentleman of the ability of my friend from Pennsylvania [Mr. KELLEY] or my colleague [Mr. MELLISH] can answer:

Suppose that, in the event of the success of the bill of the honorable gentleman from Pennsylvania, [Mr. KELLEY,] there was at once established an interconvertibility between the three sixty-fives which he proposes and the national-bank and greenback currency, [great laughter,] and in the processes of contraction the five-twenties would fall to par and the greenback retire for the national-bank notes, in consequence of the extraordinary resumption of our irredeemable debt last September by the Treasury, at five dollars apiece in silver quarters; and the imports should at once fall off several millions, while thus reciprocally affecting the export of pea-nuts from North Carolina, the hog-trade of Indiana, the hoop-pole trade of Ohio, and, indirectly, the clam trade of Cape Cod; and to such an appreciable extent that the German bankers, being in correspondence with the bulls of New York, should, by a sudden panic, create a demand for the Saginaw copper dollar-notes of Ishpeming, Michigan, quoted the other day by the gentleman from Pennsylvania, and thence would ensue a rush of bears who had possessed themselves of their own currency and invested it in the three sixty-fives; and the currency would then swell, and then shrink, and thus produce an elasticity that would move the crops, and induce such speculation that in one of the swells we should burst and in one of its shrinks we should collapse, would it so affect the Ashantee war and the expenses of Great Britain as to demoralize the Saginaw Mining Company, destroy the destructive influences of the *Lepidopter* moth, and thus stop an appropriation for the centennial of American Independence? [Great laughter.]

All these things should be considered. We expect that when a man like my colleague [Mr. WHEELER] addresses an intelligent House like this he should know all about these things. He is eminent, and exposed to the reproaches of politics. He should be able especially to tell us where all these uniforms and clothes are, and why it takes so much money to take care of them. He should run for governor of New York on the moth issue.

Mr. WHEELER. Here they are, [holding out a pamphlet.] The gentleman can take this home with him, and have his measure taken for one. [Laughter.]

Mr. COX. If my friend will only print it in the RECORD, it will satisfy the people. Say what and laugh as we will, it is the truth, that there is clothing enough on hand now to save one-third of all the reserve that has been illegally issued from the Treasury; and we

appropriate hundreds of thousands to save it from moths! God help the Government from moths!

Mr. WHEELER. I can take my friend in ten minutes to a shop where he can get the best suit in the lot. [Laughter.]

Mr. FIELD. Mr. Chairman, I insist upon my point of order. [Great laughter.]

Mr. COX. Well; I will sit down. [Laughter.]

The question was upon the amendment moved by Mr. WHEELER, to strike out the words "heretofore adopted and now in use."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For Army contingencies, namely, such as are not provided for by other estimates, embracing all branches of the military service, $100,000.

Mr. WHEELER. I move to amend the paragraph just read by adding thereto the following:

Provided, That none of the money hereby appropriated shall be expended, directly or indirectly, for any use not strictly necessary for, and directly connected with, the military service of the Government.

That amendment, I think, explains itself, and will meet with no objection.

Mr. BECK. I desire to say a word. I do not rise particularly to oppose this amendment, but I want to know why $100,000 should be given for general contingencies. The Army has very remarkable ways of obtaining contingencies; so, indeed, have all the Departments or the Government. I hold in my hand a specimen. Two years ago, after making many efforts to get information as to what was done with the proceeds of property sold by the War Department on the 18th of March, 1872, the Secretary of War sent to this House a communication, which will be found in Executive Document No. 200, of the second session of the Forty-second Congress. In that document is a report from the Quartermaster-General's Department, about which so much has been said within the last few minutes. When called upon to tell how much property of the Government he had sold, the Quartermaster-General made this return:

The approximate amount received from sales during each fiscal year, from June 30, 1865, to the present time, is as follows:

For the fiscal year ending June 30, 1866	$28,442,457 01
For the fiscal year ending June 30, 1867	3,442,913 28
For the fiscal year ending June 30, 1868	5,538,822 47
For the fiscal year ending June 30, 1869	1,071,213 96
For the fiscal year ending June 30, 1870	1,039,264 96
For the fiscal year ending June 30, 1871	1,078,065 65
To March 11, 1872	2,346,679 31
Total	42,959,416 62

In addition to this, there were transferred to this Department from other Departments, under the acts of Congress of March 3, 1809, and August 31, 1852, the following amounts:

From the Subsistence Department, October 14, 1865	$25,000,000 00
From the Subsistence Department, October 31, 1865	15,000,000 00
From the appropriation for 100-day volunteers, October 31, 1865	10,000,000 00
By transfer appropriation warrant, 1867	15,000,000 00
	65,000,000 00

Making the total amount received by this Department since June 30, 1865, in excess of its appropriations, $107,959,416.62. All of this has been used in payment of indebtedness of the Department, except, as before stated, the sum of $2,277,807.64.

All of this had been used in payment of the indebtedness of the Department except $2,277,000 as above stated. Now, when a Department can sell property and expend the proceeds to the extent of $105,000,000 in excess of appropriations, to pay what that Department calls its own indebtedness, I do not see much use for a contingency. This is the statement of the Quartermaster-General, that in excess of the appropriations which we have made he has spent in that time over $100,000,000.

Mr. WHEELER. Does my friend from Kentucky [Mr. BECK] know that the law has been changed since that time, and that now the money is required to be paid directly into the Treasury?

Mr. BECK. I see that there is a section in this bill—section 3—which will accomplish that purpose; and I hope it will be adopted.

Mr. WHEELER. That is as to old balances, most of which accrued before the act of 1870.

Mr. BECK. But can the gentleman tell me how it is that one Bureau alone of the War Department—the Quartermaster's—can manage to spend, in order to meet any contingency, $105,000,000 in excess of all appropriations; $5,000,000 more than it cost for all the expenses of the Government during the first twenty-one years of its existence? And yet complaint is made by my friend from New York [Mr. COX] that they are not selling off fast enough.

Mr. WHEELER. The general debate on this bill is closed; otherwise I could give the gentleman the information he asks. [Laughter.] I will only say that the committee are of opinion that these contingencies ought to be hedged up; and this proviso is introduced for that very purpose.

Mr. BECK. I think it a very good one.

The question being taken on the amendment of Mr. WHEELER, it was agreed to.

The Clerk read as follows:

For the Army Medical Museum and medical and other necessary works for the library of the Surgeon-General's Office, $3,000.

Mr. WHEELER. I move to amend the clause just read by striking out "3," and inserting "10," so as to make the appropriation $10,000, which is the amount of the original estimate. The Surgeon-General informs me that so small an appropriation as that proposed is insufficient.

The amendment was agreed to.

The Clerk read as follows:

For the ordnance service, required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tolls, fuel, and lights; of stationery and office furniture; of tools and instruments for use; of public animals, forage, and vehicles; incidental expenses of the ordnance service, including those attending practical trials and tests of ordnance, small-arms, and other ordnance supplies, $200,000.

Mr. WHEELER. I move to amend the clause just read by making the appropriation $125,000 instead of $200,000, and by adding the following proviso:

Provided, That none of the money hereby appropriated shall be expended, directly or indirectly, for any use not strictly necessary for, and directly connected with, the military service of the Government; and this restriction shall apply to the use of public animals, forage, and vehicles: *And provided further*, That none of the money hereby appropriated shall be expended for the construction or repair of buildings.

The amendment was agreed to.

The Clerk read as follows:

For manufacture of metallic ammunition for small-arms, $100,000.

Mr. WHEELER. I move to amend by striking out "100" and inserting "75," so as to make the amount of the appropriation $75.000. This motion is based upon returns made by the Ordnance Department since the preparation of the bill, which have satisfied the committee that, with the ammunition already on hand, an appropriation of $75,000 will be sufficient.

The amendment was agreed to.

The Clerk read as follows:

For saddlers' tools, smiths' tools and materials, tool-bags, cavalry-forges, with their tools and materials for the cavalry service, $30,000.

Mr. WHEELER. I move to amend by striking out "30" and inserting "20," so as to make the amount of this appropriation $20,000. The articles named in this paragraph were formerly furnished by the Quartermaster's Department; but under a recent general order they are furnished by the Ordnance Department, to which, as appears by the last report of the Quartermaster-General, his Department turned over a large quantity of these articles.

The amendment was agreed to.

The Clerk read as follows:

For infantry, cavalry, and artillery equipments, consisting of valises, haversacks, canteens, and great-coat straps, and for re-covering cavalry-saddles with leather, and for manufacture of saddle-bags, and repairing horse-equipments for cavalry troops, $125,000.

Mr. WHEELER. For the reasons stated by me in relation to the preceding paragraph, I move to amend this by striking out the words "and 25," so as to make the amount of the appropriation $100,000.

The amendment was agreed to.

The Clerk read as follows:

For manufacture of depressing carriages, $20,000.

Mr. STONE. I move to amend by striking out the clause just read. I make this motion in order to elicit from the gentleman having charge of this bill a statement as to the utility of appropriating $20,000 for the manufacture of depressing carriages. I do not believe that there is any necessity for such an appropriation. I hope the gentleman from New York [Mr. WHEELER] will give us some information.

Mr. WHEELER. I do not myself think that there is much necessity for this appropriation. I am willing the item should be struck out.

Mr. COBURN. Mr. Chairman, I hope that this paragraph will not be stricken out. These depressing carriages are gun-carriages of peculiar construction, designed for some parts of the more important of our sea-coast defenses. The guns at such points are liable, when in exposed positions, to be injured or destroyed if mounted upon ordinary carriages. By means of these depressing carriages the guns can have a free range while discharging, and after the discharge can be lowered at once to be in a safe position. By this means the effectiveness of the guns is largely increased. If a gun is fired from an inclosed space behind a covered work from a casemate, its range, of course, must be restricted; but by means of these depressing carriages the guns obtain a clear range all around, while when not actually being fired they can be protected from the fire of the enemy. This device is pronounced by competent engineer officers to be a most ingenious and useful improvement. If we are to rely upon the testimony of scientific men I can hardly conceive of a more important adjunct to our defensive works. We have expended very much greater sums on experiments with heavy guns; we are now engaged in such experiments; costly, it is true, but no doubt to result in knowledge of vast importance. I hope this will not be stricken out. It has the approval of scientific men of the highest character after thorough investigation, and we ought not to withhold a little sum of this kind for these works of defense upon the sea-board.

Mr. WHEELER. Mr. Chairman, while I do not question the efficiency of this process, I wish to say it is not the policy of the Committee on Appropriations to furnish money for much heavy armament for the next fiscal year; and this sum is so small it cannot effect any practical purpose. I trust, therefore, the amendment of the gentleman on my left to strike out will prevail.

Mr. STONE. If the gentleman will turn to page 70 of the Book of Estimates he will find this is an item which has been estimated for. It is for the manufacture of depressing carriages. Having been engaged in the manufacture of gun-carriages some time ago, I undertake to say the $20,000 which is appropriated in this bill will not pay for one-fourth of these gun-carriages, as suggested by my friend from Indiana, [Mr. COBURN.] This item is but an entering-wedge, and before we get through with it we will find we will be called upon to spend millions of dollars for the manufacture of these depressing carriages for heavy guns. I do not think either the House or the country will agree there is any necessity demanding such an expenditure of the public money at this time.

Mr. YOUNG, of Georgia. Under the newly invented system the gun-carriage, after the piece has been fired, recoils, and the piece is then under cover and the men are under cover, and when run out into action again the men are still under cover.

These depressing carriages for guns are not entirely new. The old guns are only remodeled, and the cost of the alteration is comparatively small. From the testimony before the Committee on Military Affairs the expense amounts to but little.

Mr. POTTER. How many of these carriages will this appropriation supply?

Mr. YOUNG, of Georgia. I do not know; but I suppose it will supply all the heavy batteries of the sea-coast.

Mr. W. R. ROBERTS. O, no; it will not supply those even in New York Harbor.

Mr. STONE. The estimates say this is for the manufacture of depressing carriages; and this appropriation is for the manufacture, of depressing carriages. There is not the least mention of any alteration of the present gun-carriages.

Mr. YOUNG, of Georgia. It was so explained to us before the Military Committee, and I hope this appropriation will not be stricken out. I think this is one of the most important inventions of the Ordnance Department.

The committee divided; and there were—ayes 81, noes 30; no quorum voting.

The CHAIRMAN appointed Mr. STONE, and Mr. YOUNG of Georgia, as tellers.

The committee again divided; and the tellers reported—ayes 89, noes 30.

So the amendment was agreed to.

The committee informally rose.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced to the House that that body had passed a concurrent resolution of the House, to raise a joint select committee, consisting of — Senators and five members of the House, to inquire into the contracts made for improvements in the District of Columbia, with an amendment in which he was requested to ask the concurrence of the House.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. R. No. 87) to facilitate the execution of, and to protect, certain public works of improvement at the mouth of the Mississippi River;

An act (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes; and

An act (S. No. 438) to withhold from sale the site of the old light-station at Nayatt Point.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For manufacture at national armories of the new model breech-loading musket and carbine, adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, $100,000.

Mr. DAWES. Mr. Chairman, this money, $100,000, to be expended at national armories, would be expended in my district. I think it is the only appropriation which can possibly be made by Congress which will be expended in my district. I move to strike out the last word, to get some information in reference to it. The estimate is $500,000, and the committee have cut it down to $100,000. I am not going to stand here and antagonize with the Committee on Appropriations in any effort they are going to make at reduction simply because it comes in my own district.

What I desire is to ascertain from the committee certain facts in regard to the manufacture of arms at the Springfield armory. Last year there was appropriated $100,000. But there was an unexpended balance by which, with the $100,000 appropriated, work was continued at the armory. I am desirous of knowing whether this appropriation of $100,000 can be supplemented at all by any unexpended balance, so that the work can go on in the Springfield armory to the extent of keeping the workmen there. Beyond that I have no desire to interfere with this appropriation.

The work at the Springfield armory is a peculiar one, and unlike any other work carried on in the United States. The manufacture of the Springfield musket is the manufacture of an arm celebrated now throughout not only this country but the world. It is made up of sixty different parts. I have here a photograph of all the parts. They are manufactured according to an invention made at the Springfield armory, which has revolutionized not only all the work of manufacturing arms, but the work of making watches, sewing-machines, and all other machines of that character through the whole country. This is the method of making interchangeable parts. These parts as they appear upon this photograph are made precisely alike in thousands and hundreds of thousands of muskets; so that any musket that falls to pieces or is broken upon the battle-field, or suffers any damage anywhere else, can be repaired upon the battle-field or anywhere else if you can find another broken musket. Or you can order by letter to the Springfield armory a part or any number of those parts to fit in the repair of any musket, and they can be sent anywhere that the mail will reach. This is the invention of a man, now a poor old man, dependent upon charity for his support in the last years of his life. It was introduced at the Springfield armory, and not only revolutionized the work there, but was introduced into the manufacture of watches and every other kind of machinery that was susceptible of being made in interchangeable parts.

I speak of this for the sole purpose of calling attention to the fact that of the men thus employed each man devotes his whole life to the making of one part of a musket; and there are as many sets of men employed in that armory as there are parts of a musket, being, as I have said, sixty. They devote their whole life from boyhood to that work. They are, in the nature of the case, unfit for any other kind of work. If, therefore, there is not a sufficient appropriation here, with the unexpended balances, to keep those men at work upon the muskets, they will be turned adrift, unfitted for any other kind of work; they will be scattered all over the country; and the Government will be unable to gather them back into the works there at the time when it must have muskets manufactured. All I desire is, that this appropriation may be large enough, with the unexpended balances, to keep these men at work in the Springfield armory.

Before the war there was an annual appropriation of $250,000 for expenditures at the two armories of Harper's Ferry and Springfield.

[Here the hammer fell.]

Mr. DAWES. I hope the committee will allow me a few minutes more. The armory at Harper's Ferry is now discontinued. The armory at Rock Island has not yet got to making guns. The only manufacture of the Springfield musket in the country is at the Springfield armory.

Now, I have no desire to ask any extra appropriation for this armory; nor have I any desire to antagonize the committee in cutting down the estimates from $500,000 to $100,000, provided there is enough to keep these men at work. It would be not only a misfortune to the men to be thus turned adrift, but it would be a misfortune and a loss to the Government if they lost these men. They will be gathered up into Colt's Springfield factory, and into the Remington-rifle factory, and the result will be that, when they have got away from the Government, they will use the very inventions that originated in the Springfield armory in the private factories, and the Government will not be able afterward to command them. In behalf therefore of the Government, as well as of these men, I ask the committee to put this appropriation at such a point as, with the unexpended balances, will keep the men employed. That is all I ask in reference to the Springfield armory.

Mr. WHEELER. The Committee on Appropriations have fully appreciated the necessity of keeping at all times at the Springfield armory a band of skilled artisans, and have been governed solely by that necessity in fixing this amount at $100,000. The Secretary of War asked in his estimates for $500,000. The committee thought there was no call for that expenditure for the manufacture of arms. There is now on hand $150,000 of material at the Springfield armory. There is money sufficient to pay all the men now employed there for the balance of this fiscal year. And for the next fiscal year there will be not only this appropriation of $100,000, but the standing appropriation of $200,000 for arming and equipping the militia. Under these circumstances the committee believe that these appropriations will keep as many skilled men employed at the Springfield armory as the necessities of the country require.

Mr. BUTLER, of Massachusetts. I move to amend in line 177, after "1872," by inserting as follows:

And for arming the militia of all the States in accordance with existing law, and for altering the present muzzle-loaders, $400,000.

I may perhaps ask for an extension of time beyond the five minutes allowed me under the rule, in order that I may properly present this matter, which, in my judgment, is of very vital importance. I have hitherto forborne taking part in this debate, because I have been willing to allow the Committee on Appropriations to manage its own bills. As has been stated by the gentleman in charge of this bill, [Mr. WHEELER,] since 1808 there has been a permanent appropriation of $200,000 for arming and equipping the militia. That amount, $200,000, was appropriated when we had only eight million people. It was for all kinds of arms and equipments—for muskets, cartridge-boxes, sabers, belts, cannon, gun-carriages, and for every kind of ordnance stores distributed among the militia; therefore a very small portion of it goes into the manufacture of arms.

Two years ago, under a resolution of this House, the Ordnance Department appointed the ablest commission of officers that ever sat, and that commission sat for six months, going through a thorough

examination of every possible musket, and every system of small-arms. They decided, after all their examination, that the Springfield musket, as improved at that armory, was the best possible breech-loading arm. Now, there have not been made more than five thousand of those arms.

Mr. ALBRIGHT. Not so many as that.

Mr. BUTLER, of Massachusetts. My friend says not so many as that have been made. That being now the standard arm of the United States, there are none to be had. Independent of the excellence of the arm, following the experience of the Prussian war, it has been found that a caliber of .45 of an inch is the best size of bullet for use. They have therefore reduced the bore of the gun to that size. It is to be fitted with metallic ammunition, and no ammunition that is now made will fit that gun except that which is being made at the Government manufactory.

That being so, we are in this condition: that unless we have these arms made we have no standard arms, and the militia will be, as they are being now, armed with all sorts of arms, of all sorts of caliber. My own State of Massachusetts has purchased six thousand arms of different caliber. New York has purchased, I think, twenty thousand of a still different caliber. Other States have purchased a large number of arms of various calibers. The consequence is that all these arms will be useless whenever they are brought together, and our troops will be precisely as were the troops on the battle-field of Bull Run, where two regiments could not fire a shot because there was different ammunition of different caliber served out to each.

Now, it is to avoid all that that we should begin this manufacture. It is very poor economy not to do it. The Springfield armory is capable of turning out five hundred guns a day. This present sum of $100,000, with all the balance of appropriations that may be left, will not enable them to turn out more than one hundred and fifteen guns a day, because, as this report shows, a gun costs sixteen dollars, and gentlemen can see how few can be made with that appropriation. Consequently it is a great want of economy to cut down this appropriation, for this reason: it costs just as much to light the armory, to warm it, to superintend it, and to furnish the power for it, with a small appropriation as with a large one, while all the other expenses are going on, when they are doing substantially nothing.

As the gentleman from New York [Mr. WHEELER] says, there is a large quantity of old material which might as well be worked up. That being so, the question is, shall we dispense with this body of skilled workmen and carry on our armory, when the cost of superintending, and lighting, and heating will make the gun cost twenty-five dollars; whereas if run on full time and full-handed a gun will cost only about sixteen dollars? It is a simple question of economy.

The Secretary of War asks for $500,000; that will give about 35,000 arms.

[Here the hammer fell.]

I ask that my time may be extended a few minutes. [Cries of "Go on!" "Go on!"]

I send to the Clerk's desk and ask him to read that which I have marked, from the annual report of the Ordnance Department.

The Clerk read as follows:

In this connection, as bearing most vitally upon the effectiveness of the armed force of the nation in time of war, the wants of the whole body of the militia is again presented for legislative action. The annual appropriation of $200,000 for arming and equipping the militia, fixed by the act of April 23, 1808, is entirely inadequate at the present time, with a population increased from eight to more than forty millions. As a consequence, some of the richer States of the Union have had to make appropriations of money to provide the arms, &c., necessary to supply such deficiency; although the intention of Congress, as expressed in the law of 1808, was that the money so appropriated should supply the "whole body of the militia." If $200,000 was not deemed too much in 1808, when arms, &c., were cheap as compared with the improved and costly mechanism now admitted to be a necessity, surely an increase of the appropriation to $1,000,000 is the least that is required to fully meet the wants of the "whole body of the militia," and carry out the expressed wishes of Congress.

Mr. BUTLER, of Massachusetts. Now, I desire to add a word or two more from the testimony of the General-in-Chief of the Army, General Sherman. He says, "You ought to have on hand two hundred thousand of the best possible muskets at all times." Again he says, in answer to the gentleman from Connecticut, [Mr. HAWLEY:] "The Springfield armory is very fine, and should always be kept in full operation on account of the Government." He also expresses a desire that all the smaller armories should be discontinued.

I want to add one word further: We have about one hundred and fifty or two hundred thousand muzzle-loading arms that have gone wholly out of use. It is not a very costly matter to alter those arms; and when they are altered they are very good arms. Therefore I put in my amendment a provision that such portion of this appropriation as the Ordnance Department may think advisable may be used for altering the muzzle-loaders, and for supplying the wants of the States.

I wish to call attention to another fact. During the war, when States called for arms, we issued arms to them frequently in advance of their quota; so that a great many of the States cannot now get any arms, for the reason that they have already overdrawn their percentage. Hence they are obliged to buy such arms as they require. Now, they cannot buy them except from private manufacturers, and the guns purchased in this way will, of course, vary in caliber, so that they cannot be used when the troops are brought together.

Mr. MERRIAM. Is the gentleman aware that there is an armory in the United States competent to turn out thirteen hundred complete breech-loading arms every twenty-four hours, from the raw material of steel and wood, and that the London Times has said that the capacity of this establishment is greater than any in Great Britain?

Mr. BUTLER, of Massachusetts. I am perfectly aware of the existence of the establishment of Remington & Sons, to which, I presume, the gentleman alludes.

Mr. MERRIAM. Yes, sir.

Mr. BUTLER, of Massachusetts. I know, also, the capacity of that establishment; but I know, too, that they have a very large contract to supply arms abroad—enough to keep them running during the next fiscal year. They are making very good guns indeed, but the difficulty is, our Army, under the law of Congress, has adopted a standard of .05 of an inch less caliber than the Remington gun; and the ammunition for one style of gun will not suit the other any more than my hat would fit the head of my friend from New York.

Mr. MERRIAM. The ammunition is now made to fit.

Mr. BUTLER, of Massachusetts. I understand about the making of the ammunition; but if ammunition is made as big as my thumb it will not fit a muzzle that is only as big as my little finger. That is the difficulty. If we are going to discard that standard, be it so; if we are not going to discard that standard—and I think no one here will say that we ought not to sustain it—then we ought to keep this Springfield armory at work; and we cannot keep it at work unless we make a larger appropriation than is here proposed.

Besides, as I was about to say when interrupted, the States should be able to buy these arms from the Springfield armory; and then the body of our militia will all be armed alike. Many of the States will be obliged to do this—among them Massachusetts and New York and some of the Southern States. Some of the States in the far West have overdrawn their quota for the purpose of fighting the Indians; and they cannot get any more arms to enable their militia to co-operate with our Army unless the Government manufactures the arms; and they must be manufactured at the Springfield armory. Another difficulty is, that when our military force on the frontier is brought into connection with the militia, they cannot operate together, because they have two different kinds of ammunition.

Thanking the committee for giving me an opportunity to explain my views, I will, in conclusion, merely express the hope that this appropriation will be raised to $400,000, which is $100,000 less than the amount recommended by the Secretary of War.

Mr. WHEELER. Mr. Chairman, as to so much of the argument of the gentleman from Massachusetts [Mr. BUTLER] as relates to the necessity of keeping a band of skilled artisans at Springfield, I fully agree with him. But as I said to my friend from Massachusetts [Mr. DAWES] who sits nearest to me, we are giving the Springfield armory just what it has heretofore received and is getting for the current fiscal year—$300,000—which is ample.

Mr. BUTLER, of Massachusetts. How $300,000?

Mr. WHEELER. Two hundred thousand dollars which is a permanent appropriation for the manufacture of arms for the States, and the $100,000 which this bill gives.

Mr. BUTLER, of Massachusetts. Pardon me; the $200,000 goes not only for small-arms, but for arms of every description.

Mr. WHEELER. I know that a very small portion of that appropriation has been deducted in times past for articles other than small-arms.

Mr. BUTLER, of Massachusetts. That appropriation covers all the cannon that we made for the use of the States.

Mr. WHEELER. The gentleman from Massachusetts would be right in the position he takes if this were the proper time for manufacturing a new arm for the entire country. But as to the policy of doing that, I take issue with him. It is true the Secretary of War recommended an appropriation of $500,000; and he made that recommendation with the view to the manufacture of a new arm; but he based his recommendation, not on the ground that this arm should be manufactured for distribution to the States, but that the country ought to have a reserve fund of arms. Now, taking into account the new arms already manufactured, and the money already appropriated for that purpose, the Army will at the end of the current fiscal year be provided with the new arm. So far as the regular Army is concerned, it will be so provided from appropriations already made.

Now, in addition to this, should we undertake the manufacture of this new arm for the militia? I say not: first, because the country is not now in a condition to afford the expenditure; and, secondly, because the appropriation asked for would not begin to accomplish the object. As the gentleman from Massachusetts said, a large number of States have already overdrawn their quota of arms. For instance, the State of California has overdrawn its quota to the amount of $186,000. The gentleman from Massachusetts asks for uniformity of arms throughout the country. Is it to be presumed that in the present condition of the country the State of California is in a position to buy the new arm according to its proportion if the Government should engage in the manufacture of it? So with the State of Kansas, which has overdrawn its quota in the sum of $47,000; the State of Missouri, which has overdrawn to the amount of $674,000; the State of New York, to the amount of $22,000; the State of Ohio, to the amount of $122,000, and so on. Will these States, in the present condition of the country, come forward and pay for these arms? I think not; and consequently we cannot have any uniformity of new arms, particularly as the money will not supply enough of them.

But my answer to the gentleman from Massachusetts is this: Our armories are already groaning with the weight of accumulated arms. I will show you, on the authority of the Ordnance Bureau, what we have on hand. We have 1,058 Springfield carbines on hand to-day. We have 2,866 Sharps carbines on hand to-day. We have 988 Spencer carbines on hand. We have 6,930 of the Springfield muskets. We have 9,802 of the Remington muskets on hand. We have cartridges for the Springfield, Sharps, and Remington muskets and carbines, 5,141,350. We have cartridges on hand for Spencer carbines, 3,127,187. We have several hundred thousand new arms, muzzle-loaders, with necessary ammunition. We have quite enough of arms of new models and caliber, with all the ammunition attached, to meet any emergency of the country for the coming fiscal year. And I submit to my friend from Massachusetts [Mr. DAWES] this is not a time to embark in any new enterprise of this kind, when, as he knows, the model and caliber of these arms are changing from day to day and from year to year. If you make this appropriation, I say to the gentleman from Massachusetts the result will be, these arms when manufactured will be stored, and the next year we will be asked by the Ordnance Department for an appropriation of twenty, thirty, forty, or fifty thousand dollars for cleaning, preserving, and overhauling, which item meets us in the Army appropriation bill every year. I think my friend from Massachusetts will agree with me this is a time when we should let alone for a little while the manufacture of these small-arms.

Mr. PLATT, of Virginia. Mr. Chairman, I hope the committee will accede heartily to the request made by the gentleman from Massachusetts, [Mr. DAWES,] who has addressed the committee in regard to the proposed amendment. I have been more pleased than with anything which has occurred in this debate to hear the eloquent voice of the gentleman from Massachusetts [Mr. DAWES] raised upon this floor in behalf of the suffering mechanics in any section of this country, and I am none the less pleased because his conversion has only occurred when the appropriation to keep laboring men at work in this country has only reference to his own district. I hope the effect of his taking ground in behalf of making the necessary appropriations to keep skilled mechanics and laboring men to work in his own district will induce him to grant liberal appropriations hereafter to keep employed skilled artisans and laborers where they are now in the service of the Government in the interests of other sections of the country. I hope his interest in this class of men will not stop at the Springfield armory, but will continue, so that his generous heart will overflow from his own district to some other section of the country, where some appropriation is asked for to keep skilled labor at work. I shall heartily join hands with the gentleman from Massachusetts to have the largest sum necessary to keep his suffering laborers at work in the Springfield armory in his district, and I hope the gentleman will not forget it when I come to ask again, as I may have occasion to do, for some appropriation to keep the suffering laborers and skilled artisans at work in some other section of the country. I trust he will give his vote for such appropriation when it comes up for consideration. I heartly agree with the gentleman in his recommendation, and I will vote with him with pleasure; and I hope a large majority of the committee will vote in the same way.

Mr. DAWES. The amendment I proposed was a formal amendment. I ask no other rule for the Springfield armory than I propose to apply to every other public work. I have not asked to increase this appropriation for the Springfield armory. I shall endeavor to meet this question precisely as I will meet every other question. I will cut it down to the lowest possible point of public necessity. The line of my conduct here in reference to public expenditures is to be run between absolute necessity and every other expenditure whatever, and for that reason I omitted to ask to have this raised. I asked to have the committee state to this House whether they proposed to disband the Springfield armory and turn a class of skilled artisans who are educated in no other kind of employment loose, and then hereafter hunt over this country with a search-warrant to find them when our necessity comes. It is not because it is in my district, Mr. Chairman. No; I did not here undertake to increase any appropriation recommended by the Committee on Appropriations to be expended. When I do I will be open to the friendly criticism of my friend from Virginia, [Mr. PLATT,] but not till then. I knew quite well it would not do for me to ask this appropriation should be raised. I saw it notified all over the country when it came to the Springfield armory it would be cut down, and I would be taught by an application of my own medicine to myself how comfortable it was.

Sir, I welcome it. My constituents will welcome it. I am willing to go before them and say that the course I have taken in trying to run the line between necessity and everything else has cost them the $400,000 cut down here in this appropriation bill if need be, and to have my constituents pass upon that line of conduct of mine. If, sir, this Committee on Appropriations are disposed to turn those men loose, they will take the responsibility and not myself. If the Committee on Appropriations say that by means of this $100,000 and the $200,000 of permanent appropriation the work will be continued as before, that is all I ask.

Mr. HOLMAN. I wish to ask the gentleman from Massachusetts a question. The gentleman talks about cutting down appropriations. Was not the appropriation for the present fiscal year just $100,000? The appropriation proposed now by the committee is the same appropriation as was made last year. There is no reduction at all about it.

Mr. DAWES. I am not complaining of the Appropriations Committee.

Mr. HOLMAN. The gentleman said that the appropriation had been cut down $400,000.

Mr. DAWES. I spoke of the appropriations being cut down from the estimates.

Mr. MERRIAM. I move to strike out the paragraph.

The reduction of the Army, which my colleague [Mr. WHEELER] has been able to introduce so successfully into this bill, has met the applause of the entire country. But it seems to me, Mr. Chairman, there is an apparent inconsistency in reducing the Army five thousand men, and at the same time increasing the arms of the country by an expenditure of $100,000, especially when my colleague has just told us that we have enough breech-loading arms on hand to supply at least thirty thousand soldiers—the full number in the employment of the Government to-day. I wish to call the attention of the committee to this fact, that we have on hand to-day, besides the breech-loaders, more than one million of Springfield muzzle-loading arms stowed away in the arsenals of the country, useless, and becoming less valuable every day, and for which we are called upon for an annual appropriation to clean and scour off the rust.

Mr. Chairman, it is impossible for us to chain the inventive genius of our countrymen. An arm manufactured to-day will be obsolete and of little use five years hence. Yet now, when we have more than arms enough on hand to supply our Army, when we have more on hand than we know what to do with, we are called upon to increase them, and for what purpose? Simply to give employment to the constituents of the honorable gentleman from Massachusetts, [Mr. DAWES,] who has pleaded so feelingly for this appropriation "as the only one he shall ask for his district."

Mr. Chairman, in this country our private armories are worthy of our consideration. It is the glory of our country that we do not require standing armies. Sir, the great army of this Republic is scattered all over our land as it was in 1861, in workshops, on farms, in city and town; it stands ready if occasion requires, to respond to the call of country. Fortunately for our civilization the spirit of our people is neither savage nor warlike; it is only patriotic, and ready if need be. During the last war the Government armories were unable to supply one-tenth the immediate demands: private armories came to our relief and supplied the necessities of our Government. Millions of dollars were then put into buildings and machinery by private enterprise to supply the arms required by the citizen soldier. To-day these armories have no Government patronage whatever; they would be entirely shut up but for the foreign demand for arms. And I submit that it should be the policy of this Government to encourage its private armories as well as its public armories. The public armories, as the honorable gentleman from Massachusetts [Mr. BUTLER] has said, can only turn out five hundred arms a day, but one private armory in the district I have the honor to represent, the Remington armory at Ilion, New York, can turn out thirteen hundred completed breech-loading arms every twenty-four hours—as good an arm as is made in the world. Now, if the Government should ever require a very large supply of modern arms, is it not of as much importance to have that armory as prepared to respond to the necessity of the Government as it is to sustain the armory at Springfield, Massachusetts? Is there not the same necessity for there being skilled artisans at these private armories as for keeping them together in the public armory? How was it when the war broke out? They came from their workshops from all over the country, and were able in a few days to place the best arm in the hands of the soldier for that emergency.

Mr. Chairman, the private armories of this country do not come to these halls to-day asking you to appropriate money to enable them to manufacture arms for the Government now, but they do ask that when arms are not needed you shall not appropriate large sums of money to fill up arsenals, shutting out thereby all encouragement to keep themselves in readiness to supply arms in the future by an appropriation, as proposed in this paragraph. Then, too, in the present condition of the Treasury, I submit, as there is no occasion whatever for this expenditure of $100,000, that it is our duty to strike it from this bill.

Mr. GARFIELD. Mr. Chairman, I think it will be useful to the Committee of the Whole to know what has been the history of this appropriation during the past few years. Last year we gave $150,000 for the manufacture of arms at the national arsenal in addition to the $200,000 appropriated by the acts of 1808 and 1816 for arming the national militia; in other words, during the last fiscal year there were $350,000 at the disposal of the Government for the manufacture of arms. The only reason why the Secretary of War has asked us for $500,000 this year is that given in his annual report, which I hold in my hand: that the Government, having settled upon what they regarded to be the best breech-loading arm, think it wise that we shall appropriate enough to get a supply sufficient to meet any contingency. He says:

> It is now a question of grave importance whether new arms of the accepted system shall not be made at once in sufficient quantities for a reserve supply in case of war, and to this end an appropriation of $500,000 has been asked for the next fiscal year for the manufacture, together with the materials now on hand, of about thirty-five thousand arms.

But for the possible contingency of war the Secretary of War would doubtless have asked for only $150,000, as was given last year. The Committee on Appropriations having listened to the suggestions of the gentleman from Massachusetts, and acknowledging their worth, and force, and value under this condition of things, and also recognizing the necessity of not turning out of our arsenals a skilled force, that cannot be picked up any day as you can pick up ordinary laborers, we did simply this: we reduced the appropriations made last year by the amount of 14 per cent. only. We propose simply to give an appropriation amounting to 14 per cent. less than was appropriated last year.

The Secretary of War says that he has already enough to arm the Army we now have, and 14 per cent. decrease in the appropriation is only about what we propose of reduction in all the expenditures of the Government. And if we are trying to make a general reduction of from 10 to 14 per cent. in all our expenditures, I should be ashamed if we were not willing to make at least that much reduction in the expense of manufacturing small-arms.

But I cannot by any means agree to the suggestion of the gentleman from New York, [Mr. MERRIAM,] that we shall strike out this appropriation altogether, and depend upon private armories for the manufacture of our guns. I believe we have now succeeded in producing the best small-arm in the world. I think, with the gentleman from Massachusetts, [Mr. BUTLER,] that it is probably the best small-arm in the world. But I wish to suggest to that gentleman, and to all who are thinking upon that subject, that this small-arm is of very recent construction; we have adopted it only within the last few months. Let us give it a preliminary trial with our regular Army. If after two or three years of test and actual experiment it still comes up to what the gentleman from Massachusetts and I both believe it will prove to be, then there will be ample time to put it into the hands of the national militia. I do not believe that it would be wise to make this large increase of appropriation in order to secure a supply of this new arm before we have fully and thoroughly tested it in actual practice.

By cutting down this appropriation $50,000 we will not turn out a single skilled artisan; we do not lose our grasp and control of the business of manufacturing our own arms, as we would by adopting the proposition of the gentleman from New York, [Mr. MERRIAM.] We do not overstock our armories, as we would do under the proposition of the gentleman from Massachusetts, [Mr. BUTLER.] I hope, therefore, that the Committee of the Whole will stand by the recommendation of the Committee on Appropriations.

Mr. MERRIAM. The gentleman says he thinks that we to-day have the best arm in the world. Does he believe it will be the best five years from now?

Mr. GARFIELD. I do not know; and therefore I want to wait.

Mr. MERRIAM. If we have arms enough now to supply our twenty-five or thirty thousand soldiers, why expend a large amount to manufacture more?

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I had no intention of disturbing the industry either of the district of my colleague [Mr. DAWES] or the district of the gentleman from New York, [Mr. MERRIAM.] I rejoice to know that in the case of my colleague the armory there is working full, besides making sewing-machines. [Laughter.]

Mr. DAWES. I want to say——

Mr. BUTLER, of Massachusetts. Do not take my time.

Mr. DAWES. I will not take your time. I wish to say that I do not suppose my colleague had any such intention. It would be of great advantage to my district to have the amendment of my colleague adopted.

Mr. BUTLER, of Massachusetts. I do not care whether it is an advantage to his district or not. I have no interest whatever in that district. [Laughter.] I am attempting to advance the interests of the United States, and if I can get this committee to understand a fact which the Committee on Appropriations do not understand, I shall have no difficulty.

The chairman of the Committee on Appropriations [Mr. GARFIELD] tells us two things: first, that there was appropriated last year $150,000 to make arms; and that our present system of arms has been adopted only a few months. Why, sir, he knew, or ought to have known, that there was this limitation put on that appropriation, and the appropriation has not yet been expended, only a part in making experiments. The appropriation last year was as follows:

For manufacture of arms at the national armory, $150,000: *Provided*, That no part of this appropriation shall be expended until a breech-loading system for muskets and carbines shall have been adopted for the military service upon the recommendation of the board to be appointed by the Secretary of War, which board shall consist of not less than five officers, as follows: One general officer, one ordnance officer, and three officers of the line, one to be taken from the cavalry, one from the infantry, and one from the artillery: *And provided further*, That the system, when so adopted, shall be the only one to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service; and no royalty shall be paid by the Government of the United States for the use of said patent to any of its officers or employés, or for any patent in which said officers or employés may be directly or indirectly interested.

Now there have been no new arms of that pattern made. And when gentlemen get up here and say there are seven hundred thousand Springfield muskets on hand, in my judgment they either betray their ignorance of the subject, or else they desire to deceive the House.

Mr. WHEELER. Will the gentleman hear a letter read——

Mr. BUTLER, of Massachusetts. Pardon me; I know where the gentleman got those letters; I took them myself to the committee.

Mr. WHEELER. The gentleman never saw this letter.

Mr. BUTLER, of Massachusetts. The paper was handed to the committee, and the gentleman told me the committee never had a meeting afterward.

Mr. WHEELER. This letter was handed to me by the Ordnance Department, and it never has been out of my possession.

Mr. BUTLER, of Massachusetts. All right; I knew where the shaft came from that was shot at me; I furnished it.

Mr. WHEELER. Not at all.

Mr. BUTLER, of Massachusetts. Let me again state the difficulty. There are seven hundred thousand muzzle-loaders, which take paper ammunition; and they are now of no more use than one of last year's robins' nests. [Laughter.] Look at your statistics, and you will find that thirty-three out of every hundred men wounded in the war were wounded in the right arm. Why? Because they stood behind the parapets and had to throw up their arms to ram home the cartridges. To meet this difficulty all the nations of the earth are adopting a system of breech-loading guns, so that a man under a parapet can load his piece without exposing himself. Especially is it necessary in Indian warfare that your men acting as sharp-shooters should not be obliged to throw up their right arms to be shot at. It was in pursuance of this system of breech-loading arms that we passed the law of last year. Now, when we come to put that law into effect, and an insufficient appropriation is proposed, we are told that it will not cut off the armory. I know it will not, because the armory has been cut off already. It has been reduced as low as it possibly can be if it is to be kept up at all.

The gentleman from New York talks about the war reserve. Why, sir, $500,000 will only pay for thirty-five thousand muskets, hardly enough for your regular Army.

Mr. WHEELER. If that is so, how far will $400,000 go toward arming the whole militia of the country?

Mr. BUTLER, of Massachusetts. I agree it will not go a great ways; but it will go further than nothing at all. How far will no appropriation at all go? [Laughter.]

The States now cannot get good guns from the national armory, because we have not got them. There are not five thousand on hand. And yet we are told that this appropriation recommended by the Secretary of War is designed for the making of a "war reserve."

Mr. GARFIELD. That is the language of the Secretary of War—not mine.

Mr. BUTLER, of Massachusetts. Pardon me; the Secretary of War spoke merely of making a beginning. You must begin somewhere. Now, sir, I am not legislating here, and by the blessing of God I never will legislate as though this country were in bankruptcy, as though we could not do anything but pinch here and starve there. We are not in that condition, thank God; if we were, the last thing I would do would be to turn out of employment the poor workmen engaged by the Government. [Applause in the galleries.] I would not put them in such a position that they would have nothing to do but to come into our galleries and hear our stupid debates. [Laughter.] I would not do that; and I hope this House will not. I want to legislate as a statesman. I will never undertake to build up a reputation as a statesman by starving some poor woman or by turning some poor man out of employment. I do not want any reputation which such a course might give me with my constituents.

[Here the hammer fell.]

Mr. WHEELER. I will say only a few words in reply to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. If you reply to my argument, then we shall be even.

Mr. WHEELER. I do not understand that we have any account to settle.

Mr. BUTLER, of Massachusetts. Not at all.

Mr. WHEELER. We are the best friends in the world.

Mr. BUTLER, of Massachusetts. O, yes; but I wish you were a still better friend. [Laughter.]

Mr. WHEELER. As to so much of the gentleman's argument as relates to turning poor workmen out of employment, I will only say that we do not interfere at all with the force in any of the armories. In this respect we leave them precisely as they are.

I wish to repel one statement of my friend from Massachusetts, which I know he would not have made except in the heat of debate. In the first place, he came before the Committee on Appropriations and left with us certain papers for the consideration of the committee. He will agree with me that I had the full right to use those papers in debate.

Mr. BUTLER, of Massachusetts. Undoubtedly.

Mr. WHEELER. They were left for public, not private, use.

Mr. BUTLER, of Massachusetts. Undoubtedly.

Mr. WHEELER. But I disclaim hurling the gentleman's own shaft at him. I ask the Clerk to read an extract from a letter which I now send to the desk.

The Clerk read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 9, 1874.

SIR: In reply to your verbal inquiry of to-day, I have the honor to inform you that the number of arsenals is twenty-one, and the number of men employed thereat,

exclusive of the enlisted force, is 1,678. The new breech-loading arms and ammunition on hand in the arsenals are as follows, namely:

Springfield carbines, 1,058; Sharps carbines, 2,866; Spencer carbines, 988; Springfield muskets, 6,930; Remington muskets, 9,802.

Cartridges for Springfield, Sharps, and Remington muskets and carbines, 5,141,350; cartridges for Spencer carbines, 3,127,187.

We have several hundred thousand new arms, muzzle-loaders, with necessary ammunition.

* * * * * * *

By order of Chief of Ordnance:

Respectfully, your obedient servant.

S. V. BENÉT.
Major of Ordnance.

Hon. WILLIAM A. WHEELER,
House of Representatives, Washington, D. C.

Mr. WHEELER. We have this immense stock of arms on hand after supplying the Army, on the basis of thirty thousand men, with the new arm. There I leave the subject.

Mr. O'NEILL. I wish to submit an amendment; and my object in doing so——

The CHAIRMAN. Debate is exhausted, and no further amendment is in order. The question is upon the amendment of the gentleman from New York, [Mr. MERRIAM.]

The amendment was read as follows:

Strike out lines 174 to 178, as follows:

For manufacture at national armories of the new model breech-loading musket and carbine, adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, $100,000.

Mr. HALE, of New York. I rise to a question of order. Should not the motion of the gentleman from Massachusetts, which is designed to perfect the paragraph, be put before the motion to strike out?

The CHAIRMAN. The point is well taken. The Chair did not understand that the whole paragraph was proposed to be struck out by the amendment of the gentleman from New York, for the reason that he had not sent it to the desk.

Mr. O'NEILL. I rise to offer an amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. WHEELER. I rise to a point of order. All motions to amend take precedence of a motion to strike out. I hope my friend from Pennsylvania [Mr. O'NEILL] may be allowed to perfect the section.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. O'NEILL] if he has an amendment to offer perfecting the section.

Mr. O'NEILL. With a desire of perfecting the section, or rather the amendment of the gentleman from Massachusetts, [Mr. BUTLER,] and with a view of sustaining the entire consistency of the Committee of the Whole as well as that of the Committee on Appropriations, I feel very much inclined, if I find the gentleman's amendment should prevail, to suggest that there also be made up sufficient clothing to supply the militia of the States, and have it stored away for future use in the arsenals of the Government. Now, if you are going to have an increase this year, as the gentleman desires, of appropriation for the manufacture of arms for the militia of the States, it will be equally consistent should we prepare uniforms to be called for by the governors of the States if wanted, so that our militia should be uniformed alike if ever called into the service of the Government. We have an institution in Philadelphia—excuse me for referring to a locality, for I, like every other gentleman in the committee, desire to legislate for the country and not merely for a locality—we have there a Government establishment, the great clothing arsenal, in which the clothing for the Army has been made up for many years, and I am sorry to say at this day—and in that regard I agree with the gentleman from Massachusetts in his idea that we should rather keep on with work—the men and women engaged in cutting out and making up that clothing have been discharged on account of the exhaustion of current appropriations in these very disastrous times. I think with equal consistency we can ask for $1,500,000 to make up this clothing; and I shall feel it my duty, if the gentleman's amendment carries, to offer such an amendment. For there is no reason on earth why, if we increase the appropriation for the manufacture of arms to supply the militia, we should not increase the appropriation for supplying them with clothing; and, Mr. Chairman, if that is to be done at all there is no better time to do it than now, so as to give work to the thousands of poor women who have been discharged in mid-winter, some of them and their families to suffer from want.

This institution has been established in Philadelphia since the war of 1812 with Great Britain; and during the late war of the rebellion there were some six or eight thousand women employed there, and hundreds of men, in making uniforms. Now, disregarding the question of locality, and looking to the interests of the whole country, but anxious to see plenty of work for the skilled men and women of Philadelphia who know how to do it, I ask, if the gentleman from Massachusetts succeeds, that a full force may be employed at the Schuylkill arsenal, so that plenty of clothing may be ready upon call from the governors of States, should emergencies demand the use of it. If we want guns we want clothing.

I ask the Clerk to read my amendment.

The Clerk read as follows:

And for making clothing at the Schuylkill arsenal for the militia of the different States, and to be charged against the respective States when drawn, $1,500,000.

Mr. BUTLER, of Massachusetts. Mr. Chairman, as I am asked to answer that, I will; but prior to that I desire to have it understood, for I do not think the House yet understands it, that the arms to which the letter of the Secretary refers are muzzle-loading arms altogether. Does my friend agree with me?

Mr. WHEELER. Except about eighteen thousand guns.

Mr. BUTLER, of Massachusetts. I do not expect to arm all the militia out of $400,000. It took us from 1808 to 1850, with $200,000 appropriated every year, to begin to arm our militia up to the late war of the rebellion. All that has been swept away; and I am now asking simply there shall be arms so the border States can get them of good quality to repel Indian invasions.

Mr. COBURN rose.

The CHAIRMAN. Debate is exhausted.

Mr. COBURN. If the gentlemen will withdraw his amendment I will renew it.

Mr. O'NEILL. I withdraw it.

Mr. COBURN. I renew the amendment.

Mr. Chairman, if I supposed we would be soon involved in war I would be in favor of much larger appropriations for small-arms than we have now proposed. I have no doubt we would require very large appropriations for the manufacture of these new and improved arms; but if we have no war, if we have a continued term of peace, as we likely will have, we will be sorry we have made these large appropriations. I am not in favor of taking extreme ground either way. I would not make a parsimonious allowance for the manufacture of the improved small-arms, and I would not make as large a one as that proposed by the gentleman from Massachusetts.

I believe he proposes to manufacture too large a supply of these guns. In the first place there has been no branch of manufacture in which there have been greater improvements in the last few years than in that of small-arms. In no single article made by the hand of man has there been greater progress. And human ingenuity is not yet exhausted in this branch of labor and production. We are to have greatly improved arms upon the present pattern.

I believe that the musket of the future is not this breech-loading Springfield arm. I believe it will be a magazine gun, in which the load, or rather loads, are put into the stock, and perhaps from ten to thirty cartridges at one time. I have seen one that carried a hundred. These guns are being introduced in other nations besides our own. And to manufacture an immense number of arms which, like the muzzle-loading Springfield gun, must be thrown away in a few years, would be extreme folly. Therefore I say it is bad policy to manufacture a great supply.

Why, sir, when the late war broke out, only twelve or thirteen years ago, what was the kind of guns our men had in their hands? The old flint-lock altered to a smooth-bore percussion gun, others in addition being rifled for an immense cartridge of .69. Before the war was over we had what was then considered the best small-arm in the world, and was in fact without a rival in any army—these muzzle-loading Springfield rifles. Since the war was over we have progressed more than we did during the war; we have now the finest breech-loaders; and I see no reason why we should not progress just as much in the future.

Now, I hold it to be good policy not to manufacture so many more arms, but to increase the capacity for manufacturing arms. I would have plenty of machinery on hand, ready, in case of emergency, to turn out large numbers of arms on short notice. We are now pursuing that policy. We are erecting an immense arsenal. We have already, it is said, built, in a large measure, the most complete arsenal and armory in the world, at Rock Island. Let us go on in that direction, and perfect our armory at Rock Island, so that we may be able there to turn out as large a number or a larger number than we can at Springfield. That is the true policy. If we have any extra money to spend in this line, let us spend it on the best machinery to make arms, and not on arms themselves. Such machinery can easily be adjusted to the improvements in arms, and thus, on an emergency, they can be multiplied in great numbers upon the most approved pattern.

[Here the hammer fell.]

Mr. O'NEILL. I withdraw my amendment.

Mr. HAWLEY, of Connecticut. I renew it, for the purpose of saying a word or two.

I wish to correct the misapprehension which some gentlemen here seem to labor under as to the mechanical possibilities of the case. Some say, why not leave the work to private armories? They tell us we have armories that can turn out a thousand arms a day. Now mark this. The people of the Remington armory could not make Springfield breech-loaders of the new pattern, to save their lives, under six months; because, in the first place, they would have to go to work and make the requisite machinery. But if you made a contract with the Remington armory to manufacture and keep on hand ready for use the requisite machines, then at a few days' notice it could begin to turn out rifles at any required rate—five hundred or a thousand a day. But as it is, if you should wish to arm your troops in case of an emergency with this, which we suppose to be the best arm yet made, you could not do it. It is only at the Springfield armory that you have the requisite machinery; you have very few on hand, and the armory could not well supply you faster than say five hundred a day.

The true policy is to arm the country with the best arm that can be made. Yet I understand that you have not on hand ten thousand of

the only arm we should rely upon. You have a large quantity of Springfield muzzle-loaders. Better sell these to such countries as are willing to take them, and make arms with which you can compete with the best made anywhere. Unless you do this, if you go to war with any other power you will be at as great a disadvantage with your muzzle-loaders against their breech-loaders as you would have been forty years ago with the old flint-lock smooth-bore against Springfield muzzle-loading rifles. The Springfield muzzle-loading rifle was an excellent weapon in its day, but the day is past. Wars will be conducted with breech-loaders hereafter; and every military authority will, of course, bear me out in this.

It would be feasible to contract with private armories, such as Remington's and Colt's, and a few others, to have proper machinery ready to set at work at a week's notice in case of threatened war, and, in conjunction with the Springfield armory, turn out several thousand rifles a day. But for the present it would seem wisest to let the Springfield armory go on, (if this is really a good weapon which the board has adopted,) and supply your Army, and put up a large reserve, selling off the old patterns as fast as the new ones were ready to take their places. If it is worth while to prepare at all, let us dispense with the antiquated muzzle-loaders. For the world will fight with breech-loaders, and none other, hereafter. I withdraw the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts, [Mr. BUTLER,] which the Clerk will read.

The Clerk read as follows:

Strike out, in line 178, "$100,000," and insert in lieu thereof the words "and for arming the militia of all the States, in accordance with existing law, and for alteration of the present muzzle-loaders, $400,000."

The committee divided; and there were—ayes 28, noes 120.

So the amendment was not agreed to.

Mr. DAWES. I have an amendment which I desire to offer, and which I think the committee will consent to.

Mr. NIBLACK. I trust the gentleman will permit the committee now to rise.

Mr. DAWES. After this. I move to amend by adding the following:

Provided, That no part of this sum shall be expended at said armories in the perfection of patentable inventions in the manufacture of arms by officers of the Army otherwise compensated for their services to the United States.

A single word in explanation. It has been the custom of officers of the Army, who have a patentable idea which they think of great value, to go to the Springfield armory and avail themselves of the facilities there, at the expense of the Government, in perfecting a patent, and then the Government is obliged to pay them for the use of that patent, while civilians have to perfect their own patents at their own expense. It does not seem right, when the Army officer is paid for his services a regular salary, that he should have facilities furnished him at the expense of the Government, and get detailed to the Springfield armory, or other armory, to perfect a patent which he intends afterward to avail himself of when used by the Government of the United States.

Mr. WHEELER. I see no objection to that amendment, and hope it will be adopted.

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York [Mr. COX] yesterday moved an amendment which, at the suggestion of his colleague, [Mr. WHEELER,] he deferred offering until at the end of this section. That amendment will now be read.

The Clerk read as follows:

Provided, That no money greater in amount than that which is specifically appropriated shall for any purpose be expended in the public service by any officer of the United States.

Mr. BUTLER, of Massachusetts. I make the point of order upon this amendment that it is new legislation.

The CHAIRMAN. The point of order is well taken.

The next question was upon the motion of Mr. MERRIAM to strike out the paragraph as amended; and the question being taken, the motion was not agreed to.

Mr. BANNING. I move to amend the section by adding the following:

Provided, That no money herein appropriated shall be used or expended for recruiting service when the Army has a numerical force of twenty thousand, nor to increase the Army to exceed that number of troops; nor shall any money herein appropriated be used to pay the salary of any newly appointed officer, until the number of officers is reduced to a less number than is required by law to command twenty thousand troops properly organized.

Mr. WHEELER. I raise the point of order, that the amendment proposed is not germane to the pending paragraph, and it also involves new legislation.

The CHAIRMAN. The point of order is well taken.

Mr. HERNDON. I move to amend by adding the following:

Provided, That the President of the United States be authorized to receive into the service of the United States one regiment of Texas mounted volunteers, to be raised and organized by the State of Texas for the defense and protection of the frontier thereof; to continue in service from the time the whole regiment may be mustered into service for the term of eighteen months, unless sooner discharged by the President. Said regiment shall be composed of one colonel, one lieutenant-colonel, one major, one adjutant with the rank of first lieutenant, one quartermaster and commissary with similar rank, one surgeon and two assistant surgeons, one sergeant-major, one quartermaster and commissary sergeant, and ten companies, each of which shall be composed of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, one farrier, and seventy-four privates. Each of said officers below the rank of major, non-commissioned officers, musicians, farriers, and privates shall furnish and keep himself supplied with a good, serviceable horse and horse equipments, for the use and risk of which, in addition to the pay and allowances herein provided, he shall receive forty cents a day while in service with his horse; and if any non-commissioned officer, musician, farrier, or private shall, from carelessness or neglect, injure or render his horse unfit for service, and shall fail to supply a serviceable horse within the period of ten days from the loss, such soldier shall from such time until he shall furnish himself with a horse be entitled only to the pay of a private of infantry: *And provided further*, That the officers, non-commissioned officers, musicians, farriers, and privates of said regiment shall, when mustered into the service of the United States, be subject to the Rules and Articles of War. They shall be armed at the expense of the United States, as the President shall direct. They shall be allowed the same pay, rations, and allowances in kind, including clothing, and be subject to the same rules and regulations as are provided for the regiments of cavalry now in the service; but no field officer shall receive forage for a greater number of horses than he may from time to time actually have in service. No pay or allowances shall be due until said regiment shall be received into the service, but each officer and man shall then be entitled to one day's pay and allowance for every twenty miles he may have been required to travel from his residence to the place of muster. And the sum of $500,000 is hereby appropriated for the subsistence and pay of said regiment when mustered into service.

Mr. WHEELER. I raise the point of order that this amendment also involves new legislation,

The CHAIRMAN. The point of order is well taken.

Mr. COBB, of Kansas. I move to amend by adding the following:

Provided, That the Secretary of War, in the expenditure of any money appropriated by this bill, where the Pacific Railroads or any of their branches, in any case where the Government retains the amount charged for its business on account of advances made to such railroads or either of them, come into competition with any other line of transportation, in deciding which line of transportation is the lowest bidder, shall consider all the money to be paid to the said Pacific Railroads or their branches as so much saved to the Treasury, and govern the transportation of men and supplies accordingly.

Mr. WHEELER. I know that the gentleman obtained a suspension of the rules so that this amendment might be in order to this bill. But I ask him to withhold it until the end of the bill is reached.

Mr. COBB, of Kansas. I will withdraw it with the understanding that it can then be offered.

Mr. WHEELER. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KELLOGG reported that, in pursuance of the order of the House, the Committee of the Whole had had under consideration the Union generally, and particularly the special order, being House bill No. 1009, making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

DIPLOMATIC SYSTEM OF THE UNITED STATES.

Mr. ORTH, by unanimous consent, introduced a bill (H. R. No. 1766) to amend an act entitled "An act to regulate the diplomatic and consular system of the United States," approved August 18, 1856, and for other purposes; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. BECK. Not to be brought back on a motion to reconsider.

The SPEAKER. That will be the understanding.

CLAIMS AGAINST CHILI.

Mr. SMITH, of Virginia. I ask unanimous consent to submit the following resolution for consideration at this time:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to this House copies of all papers on file in the Department of State in reference to claims of citizens of the United States against the republic of Chili.

Mr. WILLARD, of Vermont. Has not that information been already communicated in some published document?

Mr. SMITH, of Virginia. It has not.

No objection was made, and the resolution was adopted.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 216) to change the name of the pleasure-yacht Fearless; and

An act (H. R. No. 1754) to amend the act entitled "An act granting a pension to Amos Farling," approved February 5, 1873.

Mr. BECK. I move that the House now take a recess until half-past seven o'clock.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until half-past seven p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873." The pending question is on an amendment to section 1143, which was pending at the adjournment last evening.

The amendment was read as follows:

Amend by striking out "13" and inserting "16," so that the section will read thus:

SEC. 1143. The Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank of brigadier-general; two assistant commissary-generals of subsistence, with the rank of colonel of cavalry; two assistant commissary-generals of subsistence, with the rank of lieutenant-colonel of cavalry; eight commissaries of subsistence, with the rank of major of cavalry; and sixteen commissaries of subsistence, with the rank of captain of cavalry.

The amendment was agreed to.

Mr. LAWRENCE. The next section to which I wish to offer an amendment is section 1149.

The section was as follows:

SEC. 1149. Each ration shall consist of one pound and a quarter of beef or three-quarters of a pound of pork, eighteen ounces of bread or flour, and at the rate of ten pounds of coffee, fifteen pounds of sugar, two quarts of salt, four quarts of vinegar, four ounces of pepper, four pounds of soap, and one pound and a half of candles to every hundred rations.

Mr. LAWRENCE. I move to amend this section by inserting what is found in the eighth section of the act of April 4, 1818, Statutes at Large, volume 3, page 427, as follows:

The President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the Army and economy may require.

The Army ration is fixed in Durant's revision, sections 1149 and 1150, and in the commissioners' revision, page 594, section 52, and by reference to volume 12 of the Statutes at Large, page 744. The Navy ration is fixed by sections 1580 and 1581 of Durant's revision.

The amendment was agreed to.

Mr. LAWRENCE. I wish to move an amendment to section 1160.

The section was as follows:

SEC. 1160. The enlisted men of the Engineer battalion shall perform the duties of sappers, miners, and pontoniers, and shall aid in giving practical instruction in those branches at the Military Academy. They may be detailed by the Chief of Engineers to oversee and aid laborers upon fortifications and other works in charge of the Engineer Corps, and, as fort-keepers, to protect and repair finished fortifications.

Mr. LAWRENCE. I move to amend, by inserting after the word "shall," in the first line of the section, the words, "be instructed in and." This provision is taken from the act approved May 15, 1846, chapter 21, section 4, of the Statutes at Large.

The amendment was agreed to.

Mr. LAWRENCE. We have received from the War Department the following memorandum as to a supposed omission:

There is entirely omitted the provisions of the act of May 15, 1846, chapter 21, section 4, and the act of August 6, 1861, chapter 58, section 2, as follows:

"That the battalion of Engineers shall be subject to the Rules and Articles of War; shall be recruited in the same manner and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to the other troops constituting the present military peace establishment."

The committee are of opinion that this provision is properly omitted, because it is covered by general provisions. The section subjects certain branches of the Army to the Rules and Articles of war; but as the Rules and Articles of War are applicable to the whole Army, we deem it unnecessary in this revision to include that section.

Mr. Speaker, I wish to offer an amendment to section 1162.

The section was as follows:

SEC. 1162. The Ordnance Department of the Army shall consist of one Chief of Ordnance, with the rank of brigadier-general, two colonels, two lieutenant-colonels, nine majors, fifteen captains, thirteen first lieutenants, eight second lieutenants, and eleven ordnance store-keepers. The ordnance store-keeper at Springfield armory shall have the rank of major of cavalry. All other ordnance store-keepers shall have the rank of captain of cavalry.

Mr. LAWRENCE. I move to amend this section by striking out "two," before the word "colonels," and inserting "three;" by striking out "two," before "lieutenant-colonels," and inserting "four;" by striking out "nine," before "majors," and inserting "ten;" by striking out "fifteen," before "captains," and inserting "twenty;" by striking out "thirteen," before "first lieutenants," and inserting "sixteen;" by striking out "eight," before "second lieutenants," and inserting "ten;" by striking out "eleven," before "ordnance store-keepers," and inserting "thirteen."

The amendment was agreed to.

Mr. LAWRENCE. I move in section 1166, line 3, to strike out the word "artificers," and insert "privates of the first class." This is the word used in the statutes, but the War Department advised us to insert "enlisted men." The section as amended will read as follows:

SEC. 1166. The Chief of Ordnance, subject to the approval of the Secretary of War, shall organize and detail to regiments, corps, or garrisons, such numbers of privates of the first class, furnished with proper tools, carriages, and apparatus, as may be necessary, and shall make regulations for their government.

The amendment was agreed to.

Mr. LAWRENCE. I move on page 266, section 1164, after the word "arsenals," in line 3, to strike out these words:

The ordnance store-keeper and paymester at the national armory at Springfield shall have the rank of major of cavalry, and all other store-keepers shall have the rank of captain of cavalry.

So it will read:

SEC. 1164. Any number, not exceeding six, of the ordnance store-keepers may be authorized to act as paymasters at armories and arsenals.

The reason for this is that it is a duplicate of section 1162.

The amendment was agreed to.

The Clerk read section 1163, as follows:

SEC. 1163. No officer of the Army shall be commissioned as an ordnance officer until he shall have been examined and approved by a board of not less than three ordnance officers senior to him in rank. If an officer of the Army fail on such examination he shall be suspended from appointment for one year, when he may be re-examined before a like board. In case of failure on such re-examination he shall not be commissioned as an ordnance officer.

Mr. LAWRENCE. I will state in reference to section 1163 the War Department called the attention of the committee to section 4 of an act approved March 3, 1863, chapter 81, which provides that "no officer of other regiments or corps of the Army shall be transferred and commissioned as an ordnance officer until," &c.

The SPEAKER *pro tempore*. Debate is not in order when there is no propositon pending before the House.

Mr. LAWRENCE. I move on page 267, section 1170, in line 3, to strike out "artificers and laborers," and insert "and enlisted men;" so that it will read:

SEC. 1170. The Chief of Ordnance shall half yearly, or oftener if so directed, make a report to the Secretary of War of all the officers and enlisted men in his department of the service, and of all ordnance and ordnance stores under his control.

The amendment was agreed to.

Mr. LAWRENCE. I move on page 267, section 1171, the following amendments:

Strike out "three" in line 4, and insert "four;" in line 5 strike out "fifty-five" and insert "sixty;" in line 6 strike out "ninety-four" and insert "one hundred and fifty;" and in line 9 strike out "four" and insert "five;" so that it will read:

SEC. 1171. The Medical Department of the Army shall consist of one Surgeon-General, with the rank of brigadier-general; one assistant surgeon-general, with the rank of colonel of cavalry; one chief medical purveyor and four assistant medical purveyors, with the rank of lieutenant-colonel of cavalry; sixty surgeons, with the rank of major of cavalry; one hundred and fifty assistant surgeons, with the rank of lieutenant of cavalry for the first three years of service, and the rank of captain of cavalry after three years of service; and five medical store-keepers, with the rank of captain of cavalry.

The amendment was agreed to.

Mr. LAWRENCE. I move at the end of the section to add these words, taken from the act of July 25, 1866, chapter 99, section 17:

All the original vacancies in the grade of assistant surgeon shall be filled by selection by examination from among the persons who have served as staff and regimental surgeons or assistant surgeons of volunteers in the Army of the United States during the late war.

The amendment was agreed to.

Mr. LAWRENCE. I move on page 267, section 1173, lines 2 and 3, to strike out the words "have the rank," and insert "be eligible for promotion to the grade;" so it will read:

SEC. 1173. Assistant surgeons who have served three years as surgeons or assistant surgeons in the volunteer forces shall be eligible for promotion to the grade of captain.

That is founded on section 5 of the act of March 7, 1867, chapter 145, fourteenth volume of the Statutes at Large.

The amendment was agreed to.

Mr. LAWRENCE. I move on page 267 to strike out section 1176, which is as follows:

SEC. 1176. Medical purveyors shall be charged, under the direction of the Surgeon-General, with the purchase of the medical supplies, books, instruments, hospital stores, and furniture, and of other articles required for the sick and wounded of the Army.

That is drawn from the act of April 16, 1862, 12 Statutes at Large, page 379, section 5, which has expired.

The amendment was agreed to.

Mr. LAWRENCE. I move on pages 267 and 268 to strike out section 1179, which is as follows:

SEC. 1179. The Surgeon-General shall, under the direction of the Secretary of War, be charged with the care and management of the Army Medical Museum, and with the care of the records of the Surgeon-General's office deposited in said building.

That rests on an appropriation, as will be seen by reference to volume 1 of the commissioners' revision, page 601, section 805.

Mr. WILLIAMS, of Michigan. Why is that struck out? It is the question raised the other evening. The gentleman now making these amendments claimed this was a revision, and it was not intended to repeal any law. While I do not take issue with him, I do not see why this provision should not be retained.

Mr. LAWRENCE. It is not in the statutes now.

Mr. WILLIAMS, of Michigan. I understand it is.

Mr. LAWRENCE. Those words are not in the statutes. This section 1139 is a mere supplementary provision which was inserted by the commissioners under the authority conferred upon them. Durant adopted it, supposing it was found in some existing statute, but it is not.

Mr. POLAND. The statute which is referred to is, I think, a mere appropriation of a certain sum of money, $100,000, to purchase Ford's Theater in this city for the Medical Museum. There is nothing in the statute which provides that it should be under the guardianship of the Secretary of War.

Mr. LAWRENCE. That provision, as reported by the commissioners, was properly inserted under the authority which they had.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment comes in on page 267, after section 1178. The sections which I propose to add are taken from the seventeenth volume of the Statutes.

I move to amend, by adding the following sections, to be inserted after section 1178:

SEC. —. Every soldier of the Union Army who was ruptured in the service is entitled to receive a single or double truss, of such style as may be designated by the Surgeon-General as best suited for his disability.

SEC. —. Application for such truss shall be made by the ruptured soldier to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when he is found to have a rupture or hernia, to prepare or forward to the Surgeon-General an application for such truss, without charge to such soldier.

SEC. —. The Surgeon-General is authorized and directed to purchase the trusses required for such soldiers at wholesale prices, and the cost of the same shall be paid on a requisition of the Surgeon-General, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. BUTLER, of Tennessee. I move that there be a call of the House. It is very evident that there is no quorum present.

Mr. POLAND. I hope my friend from Tennessee will not insist upon that motion.

The SPEAKER *pro tempore*. The motion is not in order.

Mr. BUTLER, of Tennessee. Will the Chair inform me why the motion is not in order?

The SPEAKER *pro tempore*. The motion is only in order when a quorum is not present; and the absence of a quorum can only be ascertained by a count of the House on some question.

Mr. BUTLER, of Tennessee. I am not particular about it. But after the flourish we had last night, I see that the gentleman from Wisconsin [Mr. ELDREDGE] is not in his seat, and for his benefit I think we ought to have a call of the House. I will withdraw the motion, however.

The SPEAKER *pro tempore*. The motion is not in order.

Mr. BUTLER, of Tennessee. So I get it in the RECORD, that is all I want. [Laughter.]

Mr. LAWRENCE. My next amendment is on page 267, section 1176. I move to strike out that section and to insert what I send to the desk.

Mr. POLAND. I wish to offer a word of explanation as to the sections which have been adopted in regard to trusses. The commissioners left out those sections with the idea that the provision of law they contained was a temporary one and had already fulfilled its mission. But the committee thought that there might be cases where parties were entitled to trusses and had not yet been supplied, and that the provision therefore should not have been dropped out of the statutes.

The SPEAKER *pro tempore*. The Chair does not understand that the remarks of the gentleman from Vermont [Mr. POLAND] are in order with regard to an amendment which has already been adopted by the House, unless the gentleman from Ohio or the gentleman from Vermont moves to reconsider that vote.

The Chair will also state that the section referred to in the amendment sent to the desk by the gentleman from Ohio has already been struck out. The gentleman's motion, therefore, will be merely to insert.

Mr. LAWRENCE. I move to insert the following after section 1175:

The chief medical purveyor shall have, under the direction of the Surgeon-General, supervision of the purchase and distribution of the hospital and medical supplies.

I will merely state that that amendment is founded on the act of March 3, 1873, United States Statutes at Large, volume 17, page 546.

The amendment was agreed to.

Mr. LAWRENCE. My next amendment is in section 1183, page 268.

The section was as follows:

SEC. 1183. The Pay Department of the Army shall consist of one Paymaster-General, with the rank of colonel; three assistant paymaster-generals, with the rank of colonel of cavalry; and forty-seven paymasters, with the rank of major of cavalry.

Mr. LAWRENCE. The rank of colonel for the Paymaster is indicated by the act of 4th June, 1872, Statutes at Large, volume 17, page 219. I offer the following amendment:

In line 2, strike out "three," and insert "two; in line 3 after the word "cavalry," insert "two deputy paymaster-generals, with the rank of lieutenant-colonel of cavalry;" in line 3, strike out "forty-seven," and insert "sixty."

The motion was agreed to.

Mr. LAWRENCE. The next amendment is in section 1193, page 269.

The section was as follows:

SEC. 1193. All disbursing officers of the Paymaster's Department shall renew their bonds, or furnish additional security, at least once in four years, and as much oftener as the President may direct.

Mr. LAWRENCE. I offer the following amendment:

In line 1, strike out the word "paymasters," and insert the word "pay;" so it will read, "all disbursing officers of the Pay Department," &c.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment will come in after section 1224, page 272.

The section was as follows:

SEC. 1224. Officers of the Army on the active list shall not be separated from their regiments or corps for employment on civil works of internal improvement, nor be allowed to engage in the service of incorporated companies.

Mr. LAWRENCE. I offer the following amendment:

At the end of section 1224 add the following:

Nor be employed as acting paymaster or disbursing agent of the Indian Department, if such extra employment require that he be separated from his regiment or his company, or otherwise interfere with the performance of his military duties proper.

In explanation of this amendment I will state that the twenty-fifth section of the act of July 5, 1838, fifth Statutes, page 259, is section 1185, page 268, of Mr. Durant's revision; and the thirty-first section of the same act is in part in section 1224, page 292, Mr. Durant's revision. But there should be added at the end of section 1224 the words which I have sent to the Clerk's desk, because they are found in the said section of the act.

The amendment was agreed to.

Mr. LAWRENCE. I move to insert in line 1 of section 1208, after the words "Corps of Engineers," the words, "or of the Ordnance Department," so that it will read:

When any lieutenant of the Corps of Engineers or of the Ordnance Department has served fourteen years' continuous service as lieutenant, he shall be promoted to the rank of captain on passing the examination provided by the preceding section, but such promotion shall not authorize an appointment to fill any vacancy when such appointment would increase the whole number of officers in the corps beyond the number fixed by law; nor shall any officer be promoted before officers of the same grade who rank him in his corps.

The amendment was agreed to.

Mr. LAWRENCE. I move to amend further by inserting, as a new section, after section 1223, the following:

SEC. —. Any officer of the Army who accepts or holds any appointment in the diplomatic or consular service of the Government shall be considered as having resigned his place in the Army, and it shall be filled as a vacancy.

The amendment was agreed to.

Mr. LAWRENCE. I move to insert after section 1225 the following:

The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of any small-arms or pieces of field artillery belonging to the Government, and which can be spared for that purpose, such number of the same as may seem to be required for military instruction and practice by the students of any college or university under the provisions of this section; and the Secretary of War shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required.

That is founded upon a provision in the sixteenth volume of the Statutes at Large, page 373, in connection with section 26, on page 336, of volume 14 of the Statutes at Large.

The amendment was agreed to.

Mr. LAWRENCE. Section 1229 reads as follows:

The President is authorized to drop from the rolls of the Army for desertion any officer who is absent from duty three months without leave; and no officer so dropped shall be eligible for reappointment.

I move to add the following:

And no officer in the military or naval service shall, in time of peace, be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect or in commutation thereof.

That is part of section 2 of the act of March 30, 1868, chapter 176 of the Statutes at Large.

The amendment was agreed to.

Mr. LAWRENCE. I move to amend section 1227 by striking out the word "and" after the word "month," and inserting in lieu thereof a period or full stop; also to add after the word "commutation," at the end of the section, the words "shall be allowed to each;" so that the section will read:

SEC. 1277. Hospital-matrons in post or regimental hospitals shall receive ten dollars a month. Female nurses in general hospitals shall receive forty cents a day; and one ration in kind or by commutation shall be allowed to each.

That is taken from the joint resolution of July 4, 1864, thirteenth volume of the Statutes at Large.

The amendment was agreed to.

Mr. LAWRENCE. Section 1314 of this revison reads as follows:

The superintendent and commandant of cadets may be selected and all other officers on duty at the Academy may be detailed from any arm of the service.

I move to amend by adding to the section the following:

But the academic staff as such shall not be entitled to any command in the Army separate from the Academy.

That is taken from the second volume of the Statutes at Large, section 2, page 720.

The amendment was agreed to.

Mr. LAWRENCE. Section 1397, on page 306, has been amended to read as follows:

That there shall be in the Navy, for the public armed vessels of the United States in actual service, not to exceed —— chaplains, who shall be appointed by the President, by and with the advice and consent of the Senate.

I move to fill the blank by the words "twenty-four."

Mr. MACDOUGALL. Will the gentleman state his authority for that?

Mr. LAWRENCE. By reference to page 691 of the volume of the commissioners' revision it will be seen that the commissioners reported the number of chaplains that might properly be appointed in the Navy at twenty-four. Mr. Durant, in his revision, struck out that number, and put in a provision declaring that the President might appoint chaplains, leaving the number unlimited. The question as to the number which the law authorized was somewhat discussed here on a previous evening, and the statutes were referred to. I will say for the information of the gentleman who makes this inquiry that the number was fixed by a statute which provided that there should be no greater number than the number in office on the 1st day of January, 1842. The following certificate from the Secretary of the Navy will show that at that date there were twenty-four chaplains in the service:

NAVY DEPARTMENT,
Washington, January 31, 1874.

I certify that under the clause of the act of Congress approved 4th August, 1842,

"that, till otherwise ordered by Congress, the officers of the Navy shall not be increased beyond the number in the respective grades that were in the service on the 1st day of January, 1842," that at the latter date there were twenty-four chaplains on the list, and no change in the number of that grade has been authorized by Congress since the aforesaid act.

GEORGE M. ROBESON,
Secretary of the Navy.

The amendment was agreed to.

Mr. LAWRENCE. I move to amend section 1296 by inserting after the word "prescribe" the words "the uniform of the Army, and;" so that it will read:

The President may prescribe the uniform of the Army, and the quantity and kind of clothing which shall be issued annually to the troops of the United States.

Mr. Speaker, this amendment was in part explained in the debate in this House on the evening of the 22d of January last. The original article 100 of the Articles of War, as embraced in the act of April 10, 1806, (Statutes at Large, volume 2, page 371,) contained a provision that "the President of the United States shall have power to prescribe the uniform of the Army." That provision has never been repealed in express terms; but the commissioners on the revision of the laws supposed that it had been repealed by implication in a subsequent statute, the act of July 28, 1866, section 37, to be found in Statutes at Large, volume 14, pages 337 and 338. The provision was also omitted in Durant's revision. I understand that some members of the Committee on Military Affairs, or the Committee on the Judiciary, advised the commissioners that, according to their construction, the provision had been repealed by the act of 1866. But I am authorized to state by one of the commissioners, Judge James, who, perhaps, did more work than any other one, that on further examination he is satisfied that article 100 of the Articles of War, giving the power to the President to prescribe the uniform of the Army, is still in force, and that the amendment we now propose should be made.

There are two reasons which operated upon my mind in recommending to the Committee on Revision of the Laws that the provision should now be incorporated in this revision. In the first place, when the provision was originally inserted among the Articles of War, it may be supposed that Congress adopted it because an army operating sometimes at once place and sometimes at another—sometimes in a warm climate and sometimes in a cold one—would find it necessary to have their uniform correspond to the climate, and that a change would very frequently be necessary. When, therefore, Congress afterward adopted by law the uniform which had been prescribed by the President, it may be supposed that Congress intended the uniform so adopted to continue until the President for some cause might deem it necessary to change it. The same reason which operated upon Congress in originally passing the law authorizing the President to change the uniform has continued ever since; and inasmuch as Congress has not taken away this authority by any express repeal, inasmuch as repeals by implication are not favored, and inasmuch as the necessity which originally operated on Congress may be presumed still to continue, I was of opinion, and the Committee on Revision of the Laws concluded, that the provision had not been repealed.

I submit a letter which I have received on this subject from the Secretary of War:

WAR DEPARTMENT,
Washington, D. C., January 31, 1874.

SIR: In reply to your inquiry of this day I have the honor to inform you that article 100, of the Articles of War, approved April 10, 1806, (2 Statutes, page 371,) provides as follows:

"The President of the United States shall have power to prescribe the uniform of the Army."

The act approved April 24, 1816, (3 Statutes, chapter 69, page 297,) enlarges the powers of the President in regard to the clothing of the Army.

These acts are still in force; and after a careful search of the Statutes at Large I can find no subsequent legislation which alters or restricts the authority of the President in this regard.

Very respectfully,

WM. W. BELKNAP,
Secretary of War.

Hon. WILLIAM LAWRENCE, M. C., *House of Representatives.*

I may state that substantially the same reasons operated in making the change as to rations.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment I propose to submit is to add after section 1671 the following new sections:

SEC. —. The breech-loading system for muskets and carbines adopted by the Secretary of War, and known as the Springfield breech-loading system, is the only system to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service.

SEC. —. No royalty shall be paid by the United States to any one of its officers or employés for the use of any patent for the system, or any part thereof, mentioned in the preceding section, nor for any such patent in which said officers or employés may be directly or indirectly interested.

I can state briefly the reason for the insertion of these sections.

Mr. POLAND. That matter was very fully explained this afternoon in the debate on the Army appropriation bill.

Mr. LAWRENCE. This amendment is founded on the act approved June 6, 1872, Statutes at Large, volume 17, page 261. The Secretary of War, in his annual report, makes the following reference to this subject:

A board of experienced officers, of which General A. H. Terry was president, was convened in September, 1872, for the selection of a breech-loading system for the muskets and carbines of the military service. After an exhaustive trial of all the systems presented, the board selected the Springfield breech-loading system as the one, of all those brought before it, which is best calculated to meet the demands of our military service.

The report of the board was approved, and the Springfield system of breech-loader will henceforth be used for the muskets and carbines of the Army. At the same time the caliber of all small-arms for the service—rifles, carbines, and revolvers—has been fixed at .45 of an inch. It is now a question of grave importance whether new arms of the accepted system shall not be made at once in sufficient quantities for a reserve supply in case of war, and to this end an appropriation of $500,000 has been asked for the next fiscal year for the manufacture, together with the materials now on hand, of about thirty-five thousand arms.

Mr. E. R. HOAR. I wish to move an amendment to a part of this revision which has already been passed over; I refer to section 204, on page 41.

The section was as follows:

SEC. 204. The subordinate officers, clerks, and employés of the Department of State, and their respective salaries, shall be as follows:

One chief clerk, at a salary of $2,500 a year; Chief of the Diplomatic Bureau, at a salary of $2,400 a year; Chief of the Consular Bureau, at a salary of $2,400 a year; Chief of the Bureau of Accounts, at a salary of $2,400 a year; Chief of the Bureau of Indexes and Archives, at a salary of $2,400 a year; six clerks of class four, of whom one may be appointed disbursing clerk; nine clerks of class three, three clerks of class two, eight clerks of class one, one messenger, one assistant messenger, four watchmen, nine laborers.

Mr. E. R. HOAR. I move to amend by striking out in line 6 the word "Chief" and inserting "Chiefs," by adding the letter "s" after the word "Bureau," and by inserting the word "each;" so that the clause will read "two Chiefs of the Diplomatic Bureaus, each," &c.; also by making a similar change in the next clause, so that it will read "two Chiefs of the Consular Bureau, each," &c.

The amendment was agreed to.

Mr. E. R. HOAR. I wish to move an amendment to the fifth clause of section 1572, which is as follows:

Fifth. "Diplomatic officer" shall be deemed to include embassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, and secretaries of legation, and none others.

I move to amend this clause by inserting, after the words "chargés d'affaires" the word "agents."

I also move to amend section 1673 by inserting after the word "resident," in the first paragraph, the word "agents;" by inserting after "Honduras," in line 11, the words "San Salvador;" and by inserting the following new clause between lines 20 and 21:

Agent and consul-general at Alexandria, $3,500.

It is necessary to explain to the House these amendments are in consequence of raising the consulate at Alexandria to the diplomatic position of an agent.

The amendments were agreed to.

Mr. E. R. HOAR. I move on page 366, in schedule B, section 1688, to strike out lines 16, 17, 18, which are as follows:

I. AGENT AND CONSUL-GENERAL.

Turkish dominions:
Alexandria, $3,500.

And in line 19 to strike out "II" and insert "I."

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 367, section 1688, between lines 30 and 31, to insert "Mexico, $1,000."

The amendments were agreed to.

Mr. E. R. HOAR. I move on the same page, between lines 33 and 34, to insert—

Italy:
Rome $1,500.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, line 39, to strike out "III" and insert "II."

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 368, section 1688, to strike out lines 74 and 75, which are as follows:

Saint Lambert and Longueil, $1,500.

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 369, section 1688, to strike out line 132, which is as follows: "Pesth."

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 371, section 1688, to strike out in line 192 "IV," and insert "III."

The amendment was agreed to.

Mr. E. R. HOAR. I move to strike out lines 195 and 196, on page 371, which are as follows:

Hayti:
Port-au-Prince, $2,000.

The amendment was agreed to.

Mr. BROMBERG. I should like to call the gentleman's attention to line 128, on page 369, where there is printed, "Barmen, $1,500." Is not that an error? Is not Barmen a misprint for Bremen?

Mr. E. R. HOAR. I am not aware that it is an error.

Mr. BROMBERG. Bremen is before that.

Mr. E. R. HOAR. That is at a different rate. I was not aware—I will state to the House as a matter of geographical ignorance—of any such place as Barmen, but I have been over in the State Department this list of consulates, and they there have suggested no alteration. If there is no such place it is certainly an innocent error. I will, however, give attention to the matter, and if it be a mistake will see it is hereafter corrected.

I move on page 372, section 1688, to strike out lines 212 and 213, which are as follows:

Danish dominions:
Saint Croix, $750.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page to strike out in line 227 "Mexico, $1,000," and insert in its place "Tampico, $1,000."

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 373, section 1688, to strike out lines 262 and 263, which are as follows:

LIBERIA.

Monrovia, $1,000.

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 374, line 278, to strike out the letter "s;" so that it will read "Navigator Island."

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 382 to strike out section 1733, which is as follows:

SEC. 1733. The President is authorized, on the recommendation of the Secretary of the Treasury, to cause examinations to be made into the accounts of the consular officers of the United States, and into all matters connected with the business of their offices, and he may appoint such agents as may be necessary for that purpose. Every agent so appointed shall, for the purpose of making such examinations, have authority to administer oaths and take testimony, and shall have access to all books and papers of all consular officers. Every such agent shall receive an annual salary of $5,000 in addition to his actual necessary expenses, the same to be paid out of the sum appropriated for consular salaries; but no greater sum than $10,000 shall be expended as compensation of such agents in any one year. The President shall communicate to Congress, at the commencement of every regular session, the names of the agents so appointed, and the amount paid to each, together with the reports of such agents.

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 385, in section 1743, to strike out all of line 3 after the word "legation;" and in line 4 the letter "C." The words stricken out are: "or for any officers mentioned in schedules B and C;" so it will read:

SEC. 1743. No compensation provided for any officer mentioned in section 1673, or for any assistant secretary of legation or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 394 to strike out section 1784, as follows:

SEC. 1784. No officer, clerk, or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion. Every person who violates this section shall be dismissed from the service of the United States.

The amendment was agreed to.

Mr. E. R. HOAR. That completes all of the amendments the committee have to propose up to page 396, title 20, and all that part of the statutes at present under my charge.

I have been asked by several members to state the reason why section 1784 was reported to be stricken out, and the reason is it has been already passed in another place, and is merely an accidental repetition of the same thing. The members will find it in section 1546; which is as follows:

SEC. 1546. No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

Mr. CALDWELL. I desire to call the attention of the gentleman to the difference which exists between section 1784 and section 1546. The words are: "No officer, clerk, or employé" in section 1784, while in section 1546 the words are, "No officer or employé," leaving out in the latter section the word "clerk."

Mr. E. R. HOAR. I noticed that, and am of the opinion that a clerk is an employé of the Government. There was no intention to alter the meaning.

Mr. CALDWELL. I merely desired to call attention to the matter.

Mr. E. R. HOAR. I may say that I am happy to inform my friend from Alabama [Mr. BROMBERG] that the place "Barmen," about which he inquired, has been found. It is somewhere in Prussia. I have not yet looked up what is the number of inhabitants, or endeavored to settle any of the other existing questions that may attach to it.

I have not anything further to submit to-night.

Mr. POLAND. The member of the committee who has charge of that portion of the work immediately following that we have now gone over has not yet been able to report to the committee. I ask unanimous consent to pass over the intervening titles and to take up a little further on, which is entirely disconnected with those which so far we have had under consideration.

The SPEAKER *pro tempore*. That would be in order without asking unanimous consent.

Mr. POLAND. The amendments I have to offer relate to title 62—"National Banks." The first is on page 1324, in section 5247.

Section 5246 combines the various laws in relation to the amount of circulation which national banks may have under the original acts of 1863 and 1864, namely, three hundred millions, and the subsequent fifty-four millions, making the whole amount three hundred and fifty-four millions. Section 5247 contains the provision for the withdrawal of twenty-five millions from existing banks in the Eastern States; and the revisers neglected to insert a proviso which I now offer as an amendment.

Section 5247 was as follows:

SEC. 5247. In order to secure a more equitable distribution of the national banking currency, there may be issued circulating notes to banking associations organized in States and Territories having less than their proportion, and the amount of circulation herein authorized shall, under the direction of the Secretary of the Treasury, as it may be required for this purpose, be withdrawn, as herein provided, from banking associations organized in States having more than their proportion, but the amount so withdrawn shall not exceed $25,000,000.

Mr. POLAND. I offer the following amendment:

Add to section 5247 these words:
Provided, That no circulation shall be withdrawn under the provisions of this section until after the fifty-four millions granted in the first section of the act of July 12, 1870, shall have been taken up.

That is the precise language of the proviso in the act of 1870.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 5249.

The section was as follows:

SEC. 5249. Any association located in any State having more than its proportion of circulation may be removed to any State having less than its proportion of circulation, under such rules and regulations as the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall prescribe.

Mr. POLAND. It will be observed that this section is the revision of another portion of that same act, providing that banks may be removed from one State to another, under such rules as the Comptroller of the Currency may prescribe. But the proviso in reference to that is not contained here. I therefore move to amend by adding to the section these words:

Provided, That the amount of the issues of said banks shall not be deducted from the issue of fifty-four millions mentioned in section 5246.

That is extracted from the act of 1870.

The amendment was agreed to.

Mr. POLAND. The next amendment is to section 5254, on page 1326.

The section was as follows:

SEC. 5254. Every association organized under the preceding section shall at all times keep on hand not less than 25 per cent. of its outstanding circulation, in gold or silver coin of the United States; and shall receive at par in the payment of debts the gold notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this title: *Provided*, That, in applying the same to associations organized for issuing gold notes, the terms "lawful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States.

Mr. POLAND. That section is a revision of a portion of that statute which authorized the establishment of gold banks to issue only notes payable in gold. That act provided that the issues of these banks might be in addition to the amount of circulation that was provided generally for national banks. This proviso has been left out. I therefore offer the following amendment:

Add to section 5254 the following:
And the circulation of such associations shall not be within the limitation of circulation mentioned in this title.

The amendment was agreed to.

Mr. POLAND. The next amendment is on page 1333, section 5282.

The section was as follows:

SEC. 5282. In lieu of all other taxes payable to the United States, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of $\frac{1}{2}$ of one per cent. each half-year upon the average amount of its notes in circulation, and a duty of $\frac{1}{4}$ of one per cent. each half-year upon the average amount of its deposits, and a duty of $\frac{1}{4}$ of one per cent. each half-year on the average amount of its deposits, and a duty of $\frac{1}{4}$ of one per cent. on the average amount of its capital stock beyond the amount invested in United States bonds.

Mr. POLAND. I offer the following amendment:

In line 1 strike out the word "other," and insert "existing;" and in lines 1 and 2 strike out the words "payable to the United States."

I will state that this is the provision in relation to the taxation of national banks. I agree entirely that the language which the commissioners used in preparing the revision is altogether better language and more appropriate than that which was used in the original statute. But there has been a very considerable amount of litigation over this subject of the taxation of the national banks. Several cases have been determined by the Supreme Court of the United States, and these words, as they stand in the statutes, have received a judicial construction. The committee, therefore, were of opinion that it was better to leave that language, which had been through the courts and received a judicial construction as to its meaning, than to undertake to improve it. We felt that we might do harm, and we certainly could do no good by making any change. We propose, therefore, to place in this section the precise language of the original act.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 5310, page 1340.

The section was as follows:

SEC. 5310. All transfers of the notes, bonds, bills of exchange, or other evidences of debt owing to any national-banking association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, made with a view to prevent the application of its assets in the manner prescribed by this chapter, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void.

Mr. POLAND. I move to amend the section by adding these words:

And no attachment, injunction, or execution shall be issued against such association or its property before final judgment in any suit, action, or proceeding, in any State, city, or county municipal courts.

The amendment was agreed to.

Mr. POLAND. In speaking of the provisos in reference to the withdrawal of the circulation from existing national banks in the East, I used the expression that the commissioners had neglected to report that proviso. I understand now that their reason for not inserting it was that they were informed at the Treasury Department by some officer connected with the Bureau——

Mr. LAWRENCE. By Mr. Knox, Comptroller of the Currency.

Mr. POLAND. That all those provisions had already been fulfilled; that it was a temporary statute; that all its requirements had been met; and that there was therefore no occasion for the insertion of this proviso. I did not mean by using the word "neglect" to cast the slightest imputation on either the diligence or the accuracy of the commissioners.

I believe, Mr. Speaker, that this is as far as any of the committee are prepared to go to-night; and I move that the House adjourn.

Mr. SHANKS. I ask the gentleman to withdraw that motion.

Mr. POLAND. I will withdraw it, if the gentleman has any suggestion to offer.

Mr. SHANKS. Section 2108 of this revision is as follows:

SEC. 2108. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per cent. of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement and whether made in person, or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount of controversy; and one-half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid.

I desire to move to amend the fifth clause by striking out the words "which shall be distinctly stated," and inserting in lieu the words, "and shall be invalid unless so limited," so that it shall read:

Fifth. It shall have a fixed limited time to run, and shall be invalid unless so limited.

Mr. POLAND. I should prefer that the gentleman would allow his amendment to be referred to the Committee on Revision for examination by them.

Mr. SHANKS. I have already submitted it to that committee, and the gentleman from Ohio [Mr. LAWRENCE] said to me just a moment ago that I had better introduce now such amendments as I desired to have made. I notice that the provisions of the statutes are very much transposed in this revision.

Mr. POLAND. We certainly desire to include in this revision everything that is now in the law.

Mr. LAWRENCE. The gentleman from Indiana [Mr. SHANKS] had a great deal to do with getting up certain bills in relation to Indians, which were passed into laws, and which will be found in the Statutes at Large, volume 16, pages 570 and 571, and volume 17, pages 136 and 137. I understand from Mr. Durant that the essential provisions of those statutes will be found in his revision, sections 2108 to 2111, both inclusive. I merely give these references now, so that they may go with the amendment of the gentleman from Indiana, and be considered by the committee.

Mr. SHANKS. I am willing that the amendment I have offered may be considered by the Committee on Revision.

Mr. BUTLER, of Tennessee. I move that the House now adjourn, and on that motion I call for the yeas and nays.

The yeas and nays were ordered; there being 22 in the affirmative, noes not counted.

Mr. O'NEILL. I move that when the House adjourn to-night it be to meet at half-past seven o'clock to-morrow night.

The SPEAKER *pro tempore*. That motion is not in order. The question is upon the motion to adjourn, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 36, nays 26, not voting 227; as follows:

YEAS—Messrs. Albright, Ashe, Averill, Barber, Begole, Bradley, Buffinton, Stephen A. Cobb, Coburn, Cox, Durham, Harrison, Gerry W. Hazelton, E. Rockwood Hoar, George F. Hoar, Holman, Lawrence, Lowndes, Marshall, Milliken, Moore, Myers, O'Neill, Poland, Rice, Richmond, Henry B. Sayler, Shanks, Stanard, Todd, Tyner, Whitehead, Whitehouse, Charles W. Willard, George Willard, and William B. Williams—36.

NAYS—Messrs. Atkins, Beck, Bowen, Bromberg, Brown, Roderick R. Butler, Caldwell, Cannon, Cason, Crossland, Crutchfield, Giddings, Hubbell, Hynes, Lofland, Magee, MacDougall, McLean, Mellish, Robbins, Sener, William A. Smith, Storm, Stowell, Strawbridge, and William Williams—26.

NOT VOTING—Messrs. Adams, Albert, Archer, Arthur, Banning, Barnum, Barrere, Barry, Bass, Bell, Berry, Biery, Bland, Blount, Bright, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crittenden, Crocker, Crooke, Crounse, Curtis, Danford, Darrall, Alexander M. Davis, John J. Davis, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Eldredge, Elliott, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lawson, Leach, Lewis, Loughridge, Lowe, Luttrell, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Merriam, Mills, Mitchell, Monroe, Morey, Morrison, Neal, Negley, Neesmith, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Purman, Rainey, Randall, Ransier, Rapier, Rawls, Ray, Read, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheets, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Sprague, Standeford, Starkweather, Stephens, St. John, Stone, Strait, Swann, Sypher, Taylor, Thomas, Thornburgh, Townsend, Tremain, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Whitthorne, Wilber, Charles G. Williams, John M. S. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—227.

During the call of the roll the following announcements were made:

Mr. WHITEHEAD. I desire to state that my colleague, Mr. ALEXANDER M. DAVIS, is absent on account of indisposition.

Mr. STORM. The gentleman from Wisconsin, Mr. ELDREDGE, seems to be unnecessarily absent to-night. If he were here, as he ought to be, I do not know how he would vote. [Laughter.]

Mr. ROBBINS. My colleague, Mr. VANCE, is detained from the session of the House to-night by important business.

Mr. MYERS. My colleague, Judge KELLEY, is not well enough to attend the session of the House this evening. He was obliged to leave the Hall this morning before the close of the morning session. If he were here I think he would vote "ay."

Mr. DURHAM. My colleague, Mr. JOHN D. YOUNG, is unable to attend to-night on account of sickness.

The result of the vote was announced as above recorded.

The House (at nine o'clock and twenty-five minutes p. m.) accordingly adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as follows:

By Mr. ALBERT: The petition of A. C. Rhodes, of Baltimore, Maryland, for arrears of pay due him as an officer in the late war, to the Committee on Military Affairs.

By Mr. BUTLER, of Tennessee: The petition of Nelson McLaughlin, late captain, Eighth Tennessee Cavalry, for relief, to the Committee on Claims.

By Mr. CHIPMAN: The memorial of the Sisterhood of Saint John, of the District of Columbia, for an appropriation of $200 per month for the support and maintenance of free beds for public patients in the hospital of said sisterhood, to the Committee on Appropriations.

By Mr. DONNAN: A paper relating to the establishment of a post-route from Turkey River post-office to Elkport, in Clayton County, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. DUELL: The petition of citizens of Syracuse, New York, for the repeal of the second section of the act of June 6, 1872, to the Committee on Ways and Means.

By Mr. HALE, of Maine: The petition of Sarah G. Glover, of Camden, Maine, for a pension for services in the war of 1812 of her former husband, Jacob Graffam, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Permelia Allen, of Camden, Maine, widow of Jonathan Allen, for a pension for services of her husband in the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HANCOCK: The petition of the Texas Conference of the Methodist Episcopal Church South, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. HAWLEY, of Illinois: The petition of citizens of Illinois, that the bridge across the Mississippi River at Clinton may be declared open to all railroads desiring to use the same, to the Committee on Railroads and Canals.

By Mr. KELLOGG: The petition of certain citizens of New Haven, Connecticut, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. LANSING: Resolutions of the Board of Trade of Oswego, New York, in favor of the appropriation of $300,000 for continuing the construction of the pier in the harbor of Oswego, to the Committee on Commerce.

By Mr. LOFLAND: The petition of citizens of Wyoming, Delaware, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. LYNCH: The petition of Armstead Burwell and Priscilla W. Burwell, for compensation for occupation of their property in Vicksburgh, Mississippi, by the United States, to the Committee on War Claims.

By Mr. NEGLEY: Several petitions of citizens of Pittsburgh, Pennsylvania, for extension of time for payment of taxes on whiskies, to the Committee on Ways and Means.

Also, several petitions from Presbyterian churches in Pittsburgh and Allegheny City, Pennsylvania, numbering 900 members, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. O'BRIEN: The memorial of Captain Jonas P. Levy, praying for a final settlement of his Mexican claim, audited August 23, 1854, to the Committee on Foreign Affairs.

By Mr. O'NEILL: The petition of Martha J. Coston, widow of Benjamin F. Coston, for compensation for the use by the Government of certain inventions of her late husband, to the Committee on Claims.

By Mr. SCHUMAKER, of New York: Resolutions of the common council of the city of Brooklyn, New York, in favor of an appropriation for the purchase of land and the construction of a building for Government purposes in the city of Brooklyn, to the Committee on Public Buildings and Grounds.

By Mr. STARKWEATHER: The petition of George Smith and others, soldiers in the late war, for modifications of the homestead and bounty laws, to the Committee on Military Affairs.

By Mr. WHITEHEAD: The remonstrance of citizens of Massachusetts, against any increase of tax on tobacco, to the Committee on Ways and Means.

By Mr. YOUNG, of Kentucky: The petition of citizens of Owingsville, Bath County, Kentucky, for a division of the State into two judicial districts, and for the location of the Federal court for the proposed new district at Owingsville, to the Committee on the Judiciary.

IN SENATE.

FRIDAY, *February* 6, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SCHURZ, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. FENTON. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. MORTON. I hope that motion will not be made now.

Mr. WEST. The Senate is not full.

The PRESIDENT *pro tempore*. The Senator from New York moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. MORTON. I hope the Senator will withdraw that motion for the present.

Mr. SARGENT. Is the motion debatable? I wish to be heard in opposition to the motion, if it is debatable.

The PRESIDENT *pro tempore*. It is.

Mr. FENTON. I withdraw the motion for the present, at the suggestion that the Senate is not full.

The PRESIDENT *pro tempore*. The motion is withdrawn. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. ROBERTSON presented a petition of citizens of Columbia, South Carolina, in regard to the requirements and working of the internal-revenue law as applicable to druggists under schedule C; which was referred to the Committee on Finance.

Mr. MORRILL, of Maine. I present the petition of Joshua L. Chamberlain, president, and the members of the faculty of Bowdoin College, Brunswick, Maine, in view of the happy issue of our late arbitrations with Great Britain, now so promptly and faithfully fulfilled, and of the recent address of the British House of Commons to the Queen, praying her to "instruct her principal secretary of state for foreign affairs to enter into communication with foreign powers with a view to the further improvement of international law, and the establishment of a general and permanent system of international arbitration," earnestly praying the President of the United States, and the honorable Senate and House of Representatives in Congress assembled, to use all suitable endeavors for the attainment of these great and beneficent objects; and as a preliminary measure in the interest of general security and the reduction of national armaments, to seek an express stipulation between nations that they will not resort to war until peaceful arbitration has been tried. I move the reference of this petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MORRILL, of Maine. I present the petition of J. D. Jones, president of the Atlantic Mutual Insurance Company of New York, and sundry other presidents of insurance companies, praying that the Hydrographic Office connected with the Navy Department may be continued with such support and resources as the Secretary of the Navy in his report asked for, and as will, in his opinion, enable the labors of the office to be sufficiently continued. I move its reference to the Committee on Naval Affairs.

Mr. SARGENT. I would suggest to the Senator that as that petition respects an item in the naval appropriation bill, it should be referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. Very well; let it go there then.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Appropriations.

Mr. CONOVER presented a memorial of the Legislature of Florida, asking for extension of time for settlers under the homestead act to make their final proof; which was referred to the Committee on Public Lands.

He also presented a resolution of the Legislature of Florida, in favor of an appropriation to build a custom-house at Cedar Keys, Florida, and a marine hospital at Sea Horse Key, in Levy County, Florida; which was referred to the Committee on Public Buildings and Grounds.

Mr. WEST presented the petition of W. L. Parvin, late captain California Volunteers, praying for reimbursement of expenditures in raising troops; which was referred to the Committee on Military Affairs.

Mr. SARGENT. I present a resolution of the Legislature of California, reciting that certain parties named in it bought and paid, under the United States land laws, for certain lands in Solano County, California; that subsequently the lands which these parties had paid for were confirmed to certain Mexican claimants; that the Government does not maintain them in the possession of their lands, and that it retains the money which they paid for them; stating that these parties are entitled to relief by the highest equities, and asking that legislation by Congress may right them in this matter. I move that the resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SARGENT presented a resolution of the Legislature of California, remonstrating against the granting of any subsidies to the San Joaquin and King's River Canal and Irrigation Company, or other water company, for the purpose of enabling them to perfect their systems of canals and ditches; which was referred to the Committee on Public Lands.

Mr. BOGY presented the petition of Black Beaver, a Delaware Indian, praying payment for services as guide to United States troops during the late rebellion; which was referred to the Committee on Military Affairs.

He also presented the petition of Colonel John D. Foster, Twenty-second Regiment Missouri Volunteers, praying compensation for military services rendered during the late rebellion; which was referred to the Committee on Claims.

Mr. MERRIMON. I present the petition of more than 300 citizens of the city of Wilmington, North Carolina, and also of the Chamber of Commerce of that city, praying an appropriation by Congress of the sum of $250,000 to complete certain works begun at the mouth of the Cape Fear River. The prayer is to have an appropriation made so that these works may be completed, and thereby be a benefit, not only to that city, but to the whole commercial interest of that section of the Union. I move that the petition be printed, as it is one of importance, and referred to the Committee on Commerce.

The motion was agreed to.

Mr. MERRIMON. I also present a like petition from more than 200 colored citizens of the city of Wilmington, North Carolina, with the same prayer. I move that this petition also be printed, and referred to the Committee on Commerce.

The motion was agreed to.

Mr. STEWART presented the petition of Mrs. M. J. Coston, praying compensation for the use by the Government of the inventions of her husband, the late Benjamin Franklin Coston, particularly that known as the cannon percussion-primer; which was referred to the Committee on Naval Affairs.

Mr. FENTON presented the petition of Anson Atwood, praying for an extension of a patent for railroad-car wheels; which was referred to the Committee on Patents.

He also presented the petition of John McHarg, late collector of internal revenue for the fifth collection district of New York, praying the return of certain moneys to him alleged to have been stolen by his first deputy; which was referred to the Committee on Finance.

Mr. COOPER presented the petition of Mrs. Sue Partee, a citizen of Tennessee, praying compensation for property destroyed during the late war; which was referred to the Committee on Claims.

Mr. SCHURZ presented the memorial of the Franklin Savings Institution of Saint Louis, Missouri, relative to the Floyd acceptances issued by Majors, Russell and Waddell; which was referred to the Committee on Claims.

Mr. SCOTT. At the request of the Senator from New York, [Mr.

CONKLING,] who is not in his seat, I present the petition of Mrs. P. W. Burwell and Armistead Burwell, her husband, praying for relief for property used and taken by the Government of the United States at Vicksburgh, Mississippi, during the late war. I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. CAMERON presented the petition of Jonas P. Levy, praying indemnity for certain wrongs inflicted on him by the government of Mexico; which was referred to the Committee on Foreign Relations.

Mr. CLAYTON presented additional papers in relation to the case of Field & Dalley, (the heirs of Samuel F. Dalley,) of Arkansas, late sureties on the official bond of John G. Halliburton, late United States marshal; which were referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FENTON, it was

Ordered, That the petition and papers of John McHarg be taken from the files and referred to the Committee on Finance.

On motion of Mr. RANSOM, it was

Ordered, That the petitioners in the case of the steamer John McLean have leave to withdraw their petition and papers from the files.

REPORTS OF COMMITTEES.

Mr. PRATT. I am instructed by the Committee on Pensions to report adversely upon the petition of John Coonan, late second lieutenant of Company A, Eighteenth Regiment New York Cavalry, praying for an increase of pension. There is a report in the case, which I ask may be printed.

I will state in this connection that this petition seems to have been presented to the Forty-first Congress. According to the file-marks it was presented on March 11, 1870, and referred to the Committee on Pensions. It appears that it was then considered by the committee, and a report made by the Senator from Wisconsin who is not now in his seat, recommending an increase from the pension which he was then drawing of eight to fifteen dollars per month. In accordance with that report a bill was introduced and passed on the 17th May, 1870, increasing his pension from eight to fifteen dollars per month; and still Mr. Coonan is not happy. He has refiled, without a single change, the original petition which asked for the increase from eight to fifteen dollars per month. The committee, under the circumstances, have instructed me to ask to be discharged from the further consideration of the case.

The PRESIDENT *pro tempore*. The committee will be discharged, and the report printed, if there be no objection.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 221) to fund the sum due the Prairie band of Pottawatomie Indians, under the provisions of the treaty of February 27, 1867, and to transfer and fund any sum which may be found due from the Citizens' band of Pottawatomies to the Prairie band, according to an agreement entered into between said bands July 18, 1873, and to use both principal and interest for the civilization of said Indians, reported it without amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was recommitted the bill (S. No. 272) for the relief of Bishop & Co., bankers, of Honolulu, Hawaiian Islands, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. ROBERTSON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 304) relative to the Metropolitan police of the District of Columbia, reported it with amendments.

He also, from the same committee, to whom was referred the petition of James Bremner, praying for the repeal of the act exempting church property from taxation in the District of Columbia, reported adversely thereon, and the committee was discharged from its further consideration.

He also, from the same committee, to whom was referred the petition of citizens of the District of Columbia, praying for the repeal of the laws exempting church property from taxation in the District of Columbia and in the Territories, asked to be discharged from its further consideration, and that it be referred to the Committee on Territories; which was agreed to.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1756) to amend the act entitled "An act to withdraw from settlement and sale a certain section of land in Wyoming Territory," approved May 23, 1872, reported it without amendment.

Mr. SARGENT, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 405) relating to placer-mining lands in the State of California, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 177) relating to the public lands in the State of California, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (S. No. 318) to provide for the appraisement of merchandise in certain cases, reported it with an amendment.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (S. No. 322) granting a pension to Mrs. Alme D. Brooks, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. SCOTT (by request of Mr. CONKLING, necessarily called away) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 450) for the relief of Armistead Burwell; which was read twice by its title, and referred to the Committee on Claims.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 451) for the relief of Colonel Daniel McClure, assistant paymaster-general; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 452) for the relief of John McHarg, late collector of internal revenue for the fifth collection district of the State of New York; which was read twice by its title, and referred to the Committee on Finance.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 453) declaring lands heretofore granted to certain railroad companies subject to taxation; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 454) to authorize the Attorney-General to adjust the claim of the Government upon the purchasers of property at Harper's Ferry; which was read twice by its title, and referred to the Committee on the Judiciary.

REPORT OF SUPERVISING SURGEON OF MARINE HOSPITALS.

Mr. SARGENT submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred extra copies of the report of the supervising surgeon of the marine-hospital service of the United States be printed for the use of the Treasury Department.

FEES OF WITNESSES.

Mr. MORRILL, of Maine. I offer the following resolution:

Resolved, That the rule for paying witnesses summoned to appear before the Senate, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of four dollars; for each mile he shall travel by the shortest route of usual travel in coming to, or going from the place of examination, the sum of five cents each way; but nothing shall be paid for travel when the witness has been summoned at the place of trial.

I will say one word on the resolution. The rule is not uniform between the two branches, as obviously it should be. Now we pay twice as much for travel as the House of Representatives. They pay four dollars a day for attendance, which I think is proper; but I think ten cents a mile for travel each way is evidently too much. This is to make our practice in conformity with that of the House. That is precisely the effect of the resolution.

The resolution was considered by unanimous consent, and agreed to.

Mr. MORRILL, of Maine, subsequently said: I move to reconsider, with a view to make an amendment to it, the resolution adopted this morning in reference to the fees of witnesses.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The resolution is again before the Senate.

Mr. MORRILL, of Maine. I will not offer the amendment now.

The PRESIDENT *pro tempore*. The resolution will lie over.

REPORT ON IRRIGATION.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Commissioner of Agriculture be directed to communicate to the Senate a copy of the report on irrigation heretofore contributed to said Commissioner, at his request, by George P. Marsh, minister of the United States in Italy.

I will say that this article contributed by Mr. Marsh is considered to be very valuable by gentlemen residing in the West and on the plains, and it is thought very important that it should be published before the annual report of the Commissioner of Agriculture. It is a document of about fifteen pages only. Therefore it is that I have presented the resolution.

The resolution was considered by unanimous consent, and agreed to.

LANDS IN BITTER ROOT VALLEY.

Mr. STEWART. I appeal to the Senate to take up a bill for the extension of the time for some settlers to pay for their land in Montana Territory. The time will expire on the 5th of March. I move to take up for consideration the bill (H. R. No. 1168) to amend an act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The first section extends the time of sale and payment of pre-empted lands in the Bitter Root Valley, in the Territory of Montana, for the period of two years from the expiration of the time allotted in the act of June 5, 1872. The second section extends the benefit of the homestead act to all the settlers on these lands who may desire to take advantage of the same.

Mr. EDMUNDS. That is a new law.

Mr. STEWART. I will state exactly what it is. The act of June 5, 1872, provided for the removal of the Flathead Indians, and gave twenty-one months from the time of the passage of the act for the entry of and payment for these lands on the part of the settlers. The

Commissioner states that the settlers were delayed by the operations of the Department in getting the surveys made. They have not had sufficient time to complete their entries and make payment. The time is nearly out. Besides, they are poor. It has been the policy of the Government in all time to relieve settlers on the public lands from the payment of the price of the land where they were not in condition to pay. Two years from now would not be an unreasonable time. It is but a short time since the land was surveyed, and therefore they have not had an opportunity to make their entries. The maps are hardly filed yet. They have not had the time that was contemplated by the act.

The second section of the bill extending the homestead law to the reservation is explained by communications from the Secretary of the Interior and the Commissioner of the General Land Office. At the time of the passage of the act which provided for the removal of the Flatheads there was a section inserted that those who desired to stay and pre-empt might do so. There were, I think, between fifty and sixty families. Those who desired to stay and pre-empt were allowed to do so. The reason why the homestead provision was left out of that law was on the theory that, when they went, the money received would be expended in removing the Indians, so that it would cost the Government nothing. It appears that nearly all the Indians, some fifty-one or fifty-two families, have elected to stay upon the land; none have been removed, and none will be removed; consequently the money will not be required for their removal.

There is no reason for making a discrimination against these settlers and placing them in a more unfavorable situation than other settlers. They are far off on the remote frontier, and have a hard time enough any way, if they take the land after residing on it for five years under the homestead law. There is no reason why the homestead law should not apply to that land as well as to any other of the public lands. In fact, it has become the policy now to conform to the homestead law in all respects. The Commissioner has even recommended the repeal of the pre-emption laws altogether. This is entirely confined to actual settlers, and there is no reason why it should not apply to these settlers as well as to all others, and the second section is entirely proper and is approved by the Secretary of the Interior and the Commissioner of the General Land Office.

Mr. BOUTWELL. I was not present in the Committee on Public Lands when this bill was considered; but it seems to me that the second section is open to the objection that it furnishes a way in which the same party might have the benefit of the homestead law in two forms and obtain two tracts under the homestead act; that is, a person occupying under the pre-emption laws may also have a homestead.

Mr. STEWART. No; there is a provision against that in all the laws. He has to swear——

Mr. BOUTWELL. But does not this constitute new legislation?

Mr. STEWART. It extends the homestead law to this tract. A man has to make the same affidavit as under that law. It will operate in this case just the same as in others.

Mr. INGALLS. I should like to hear the report of the Commissioner read if one accompanies the bill.

Mr. STEWART. Let the documents which I send to the desk be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 31, 1874.

SIR: I have the honor to acknowledge the receipt of House bill No. 1168, entitled "An act to amend an act entitled 'An act to provide for the removal of the Flathead and other Indians from Bitter Root Valley, in the Territory of Montana,' approved June 5, 1872," together with a request for my opinion on the same.

I have consulted with the honorable Commissioner of Indian Affairs relative to the provisions of section 2, and base my opinion of the propriety of that section upon his statement that he should offer no objections to it.

I see no objections to any of the provisions of the bill.

Very respectfully, your obedient servant,

WILLIS DRUMMOND,
Commissioner.

Hon. W. M. STEWART,
Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 4, 1873.

SIR: Referring to your letter of the 30th October last, asking further instructions concerning sales of lands in Bitter Root Valley, Montana Territory, under act of June 5, 1872, I now transmit a copy of a report, dated the 2d instant, from the Commissioner of Indian Affairs, to whom your communication was referred, from which you will perceive that the Indian Office is in receipt of a letter from Agent Shanahan, reporting that the schedule of selections of land made under said act for members of the Flathead tribe of Indians electing to remain in the Bitter Root Valley, which was forwarded by the Commissioner of Indian Affairs, through the Department, on the 20th October last, will cover all cases of Indians entitled.

Such being the case, the Department concurs in the opinion expressed by the Commissioner of Indian Affairs, that there is no necessity for further delay on the part of the General Land Office in notifying the proper local land officers to proceed to sell the unselected lands in the Bitter Root Valley to settlers; and you are therefore requested to take action accordingly.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

[Indorsement.]

Letter from the honorable Secretary of the Interior, stating that the Indian claims are all satisfied, and directing that the lands be now opened to entry by our white settlers.

DECEMBER 4, 1873.

NOTE.—From the above it will be seen that, allowing for time for instructions to reach the local land office, but two months remained to the settlers, the delay having virtually annulled the former act of Congress giving them twenty-one months.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT GOVERNMENT INVESTIGATION.

The PRESIDENT *pro tempore* appointed Mr. MORRILL, of Maine, to fill the vacancy on the joint select committee to investigate the affairs of the District of Columbia, occasioned by the Senate having excused Mr. CONKLING from service on the committee.

BOUNTIES OF VOLUNTEERS.

Mr. BUCKINGHAM. I ask the Senate to take up now Senate bill No. 14, in relation to bounties.

There being no objection, the Senate, as in Committeee of the Whole, proceeded to consider the bill.

It provides that every volunteer, non-commissioned officer, musician, artificer, or private, who volunteered under the proclamation of the President of the 3d of May, 1861, and of the orders of the War Department issued in pursuance thereof, and was actually mustered into the military service of the United States before August 6, 1861, in any regiment, company, or battery, and was accepted by the War Department under such proclamation and orders, shall be paid the full bounty of $100 promised to each and every volunteer by said proclamation and orders, if the same has not already been paid.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I should like to have the bill explained.

Mr. BUCKINGHAM. I will state that this is a bill similar to one which was introduced at the last Congress and passed the Senate, but did not pass the House of Representatives, probably for want of time. The bill then was a bill having special reference to the Fifth Regiment of Connecticut Volunteers; but it was suggested that there might be other volunteers who were similarly situated, and this bill covers all who are similarly situated.

The facts are substantially these: On the 3d day of May, 1861, the President issued a proclamation calling for 42,000 volunteers; the next day the Secretary of War issued his orders for the organization of those volunteers, and offered a bounty for all who volunteered for three years of $100. It appears that instead of there being 42,000 men who volunteered under that proclamation, there were over 80,000, and when the Pay Department, or the officers connected with the Treasury, attempted to meet the obligations of the Government by paying the bounties, they were perplexed to know to whom the payment was due. A law was passed in June, 1872, authorizing, or intended to authorize, the payment of all these volunteers; but the law passed in 1872 provided that the bounty should be paid to all who enlisted into the service of the United States on or before the 22d day of July, 1861, and all who were mustered into the service of the United States on or before the 6th day of August, 1861. The 6th day of August was a date arbitrarily fixed, but the 22d of July was fixed, because on that day the President issued another proclamation calling for more troops, and it was supposed that all who had enlisted or volunteered before that time came under the proclamation of the 3d of May; but as a matter of fact, the law stated that those who enlisted into the service of the United States prior to the 22d day of July, and who were mustered into the service of the United States before the 6th of August, 1861, should be entitled to the bounty. The officers of the Department determined that enlisting into the service of the United States before the 22d day of July required a mustering in; and therefore the construction was that, if men volunteered and enlisted into the service of the United States before the 22d of July and were mustered into the United States service before the 6th of August, they should be entitled to the bounty; whereas a few men of the Fifth Connecticut Regiment, mainly held in rendezvous, nearly all of whom had enlisted into the service of the State before the 20th of June, were, on the 22d of July, one day after the time fixed by the law, mustered into the service—that day being the day after the battle of Bull Run. But by the construction which the accounting officers placed upon the act which was intended forr relief relief they were deprived of the bounty.

Now, this bill provides that those who actually enlisted into the service and were mustered into the service under this proclamation, no matter where they reside, shall be entitled to the bounty which was promised by the President and the War Department.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MAIL CONTRACTS.

Mr. SCOTT. I offered a few days ago a resolution calling for information from the Post-Office Department. I ask for its consideration. It went over on the request of the Senator from Maine, [Mr. HAMLIN.]

The resolution was taken from the table, considered, and agreed to, as follows:

Resolved, That the Postmaster-General be requested to communicate to the Senate a statement showing how many of the contractors for the transportation of the mails on public routes having contracts on the 30th of June last had contracts for more than five of such routes allotted to them; how many of those in such cases were given out to sub-contractors, the prices at which they were allotted to the contractors; and also, so far as known to the Department or ascertainable from the accounts, the prices at which sub-contractors were paid; also, whether there is reason to believe that a class of professional bidders has grown up, who seek to obtain control of numerous routes by underbidding *bona fide* contractors, and then sub-letting to them at a profit; and whether legislation is needed to enable the Department to secure the services of *bona fide* contractors at the lowest price by refusal, under proper regulations, to allot contracts to such professional bidders.

WILLIAM H. VESEY.

The PRESIDENT *pro tempore*. If there be no further morning business the Calendar will be taken up. The first bill on the Calendar is the bill (H. R. No. 1400) for the relief of William H. Vesey. The question is on the passage of this bill, upon which the yeas and nays have been ordered.

Mr. PRATT. I see that the senior Senator from Wisconsin [Mr. HOWE] is not in his seat this morning. It was he that made the principal opposition to this bill. I have conversed with an officer of the Treasury Department since this matter was up before, and he made the following explanation, and promised to communicate with me so that I could lay the communication of the Treasury Department before the Senate, but I have not received the letter as yet. His statement is to this effect: Mr. Vesey was a salaried officer; his compensation was $6,000 a year; the consular fees received at that port were considerably in excess of his salary. He made quarterly returns of all collections made for the United States to the house of Baring Brothers & Co., in London, where he was directed by the Treasury Department to deposit all moneys belonging to the United States in his hands. The failure of the house of Greene & Co., in Havre, with which house he had deposited the moneys of the United States, occurred early in March, 1857. He made a return at the expiration of that quarter, upon the 31st of March, and deposited with the house of Baring Brothers & Co. all of the moneys which had come into his hands belonging to the United States during that quarter, keeping nothing back. It is true that he was allowed by the Treasury Department to collect his salary out of the current receipts of the office for consular fees. He did so, and was in the habit of remitting to the house of Barings, in London, the amounts above what was due to him upon his salary, at the expiration of each quarter. Now I believe that the Senate is in possession of all the facts in the case. Under the instructions of the Treasury Department, of course he was allowed to retain from time to time the extent of his salary from the moneys which came into his possession, making at the expiration of each quarter a return of the balance of the public moneys which was in his hands. Now the question is whether this loss shall fall upon him or shall fall upon the Government, or shall be divided between the two.

I do not wish to be considered as the champion of this bill, but I have sought to put the Senate in complete possession of all the facts in the case for their intelligent action.

Mr. SAULSBURY. Will the Senator permit me to ask him a question?

Mr. PRATT. Certainly.

Mr. SAULSBURY. Does the Senator know whether Mr. Vesey kept a general account of his own moneys together with the moneys of the Government, or whether this was a special deposit of the moneys belonging to the Government with the house of Greene & Co.?

Mr. PRATT. The deposit was made in his own name in this banking house of Greene & Co. He had no instructions from the Government to make any deposits in that house; but, on the contrary, he was required to deposit at the expiration of each quarter whatever money was in his hands in the house of Baring Brothers & Co. in London. This was deposited both for his own convenience and for the safety of the Government. The house of Greene & Co. was an old house, of some forty years' standing, in universally good credit. He took the opinion of the minister from this country to France at that time, Mr. Mason, I believe, as to the propriety of making his deposits there. American merchants in Paris, American travelers upon the continent, were in the habit of making their deposits with this house.

I believe I have submitted now all the facts necessary to be stated for the purpose of enabling the Senate to pass upon this bill.

Mr. ALLISON. If I understand the statement of the Senator from Indiana, it is that the Government ordered this consul to deposit his funds with Baring Brothers, and, instead of doing as he was directed, he deposited with a house of his own selection in Havre.

Mr. PRATT. No; the Senator misunderstands me.

Mr. ALLISON. Well, a part of these funds he transmitted to Baring Brothers, the excess over his salary.

Mr. PRATT. At the expiration of each quarter.

Mr. ALLISON. That is true. It seems to me that if he lost money by depositing in a local bank, he ought to bear the loss, and not the Government.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 25, nays 15; as follows:

YEAS—Messrs. Buckingham, Clayton, Cooper, Davis, Fenton, Flanagan, Hitchcock, Kelly, Merrimon, Mitchell, Morrill of Maine, Pratt, Ramsey, Ransom, Robertson, Sergent, Saulsbury, Schurz, Scott, Sherman, Spencer, Sprague, Sumner, West, and Wright—25.

NAYS—Messrs. Allison, Bogy, Cameron, Carpenter, Crozier, Ferry of Michigan, Gilbert, Hamilton of Texas, Howe, Ingalls, Johnston, Logan, McCreery, Morrill of Vermont, and Oglesby—15.

ABSENT—Messrs. Alcorn, Ames, Anthony, Bayard, Boreman, Boutwell, Brownlow, Chandler, Conkling, Conover, Cragin, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Maryland, Hamlin, Jones, Lewis, Morton, Norwood, Patterson, Stevenson, Stewart, Stockton, Thurman, Tipton, Wadleigh, and Windom—32.

So the bill was passed.

HIRAM PRATHER.

The next bill on the Calendar was the bill (S. No. 68) for the relief of Hiram Prather, late lieutenant-colonel of the Sixth Regiment Indiana Volunteer Infantry; which was considered as in Committee of the Whole.

It requires the accounting officers of the Treasury to ascertain the amount of pay and allowances due Hiram Prather, late lieutenant-colonel of the Sixth Regiment of Indiana Volunteer Infantry for services from the 2d of August, 1861, to the 20th of September, 1861, in the reorganization of the regiment for the term of three years, in the same manner as if he had been actually mustered at the time as such lieutenant-colonel; and also to ascertain the amount of his reasonable and usual expenses incurred in such reorganization; and the Secretary of the Treasury is directed to pay him the sums of money so ascertained to be due him, if the accounting officers shall find that neither Prather nor the State of Indiana has ever been paid or allowed for those services and expenses.

Mr. EDMUNDS. Is there a report accompanying the bill?

Mr. PRATT. Yes, sir; there is a printed report.

Mr. EDMUNDS. Let it be read.

The Chief Clerk read the following report, submitted by Mr. PRATT, from the Committee on Claims, on the 14th of January:

The Committee on Claims, to whom was referred the memorial of Hiram Prather, of North Vernon, Indiana, late lieutenant-colonel of the Sixth Regiment Indiana Volunteer Infantry, submit the following report:

The evidence shows that the Sixth Regiment Indiana Volunteer Infantry was organized in April, 1861, for three months' service under the call of the President of the United States, dated April 15, 1861; that said Hiram Prather was duly commissioned by the governor of the State of Indiana lieutenant-colonel of said regiment, and served in that capacity in the field until the 2d day of August, in that year, when the term of service of the regiment expired. They further find that permission had in the mean time been obtained by Governor MORTON from the President and Secretary of War to reorganize all of the three months' regiments, (including the Sixth,) for a term of three years, with the understanding that those of the original field-officers who would engage in recruiting and reorganizing their regiments should continue to hold their former rank under their original commissions.

They find that the said Sixth Regiment was recruited and reorganized under the direction and principally through the efforts of the former colonel and Lieutenant-Colonel Prather, and was mustered into the service on the 20th September, 1861, except one company, which was mustered in a few days later; that Lieutenant-Colonel Prather was re-mustered on his original commission September 20, 1861, for a term of three years; that he served as such lieutenant-colonel in the field until the 19th day of May, 1862, when his resignation was accepted and he was honorably discharged; that his services in recruiting and reorganizing the regiment for the three years' service were faithfully rendered, employing all his time from the 2d day of August, 1861, to the 20th day of September following, for which he has received no compensation whatever. They find that it was the understanding of the governor and Colonel Prather that the United States would allow and pay the latter the regular compensation of his rank for the time employed and services rendered in recruiting and reorganizing said regiment.

The committee thereupon report herewith the accompanying bill for the relief of Lieutenant-Colonel Prather.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS FOR MINING CLAIMS.

The next bill on the Calendar was the bill (S. No. 16) supplemental to the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was considered as in Committee of the Whole.

It provides that where applications for patents for mining claims have been filed in the proper district land office, and legal notice thereof given, without the appearance of an adverse claimant, and in which cases no further proceedings have been had for the purpose of perfecting title, such applicants shall make final proof and payment on the claims within six months from the date of its passage; and in cases of like applications for patents hereafter filed the applicants shall, in the absence of an adverse claim during the notice, make final proof and payment within six months from the date of filing such application, in default of which the proceedings for patent so had by such applicants shall be considered void and without effect. All affidavits required to be made under this act, the act to which it is supplemental, or the act to which that is amendatory, may be verified before any officer authorized to administer oaths, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking them, shall have the same force and effect as if taken before the register and the receiver of the district land office.

The Committee on Mines and Mining reported the bill with amendments.

The first amendment was in section 1, line 8, to strike out the words "six months" and insert "one year;" and also in line 12 to strike out the words "six months" and insert "one year."

The amendment was agreed to.

The next amendment of the committee was to insert at the end of section 2 the following proviso:

Provided, That when such affidavits or proofs are taken at any place other than within the land district, it shall be by the clerk of any court of record.

Mr. SARGENT. I am further instructed by the committee, at the suggestion of the Commissioner of the General Land Office, to move to insert after the word "record," in the committee's amendment, the words "in the United States."

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

The next amendment of the committee was to strike out the third section, as follows:

SEC. 3. That all acts and parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

Mr. SCOTT. As I listened to the reading of the first section of the bill, it struck me that its language seemed to apply to cases pending in the Land Office at the present time. I will ask the Senator reporting the bill whether the language of the section will have an effect upon cases pending, and if so, what that effect will be?

Mr. SARGENT. I will state the exigency which this bill is intended to remedy. By the general mining law, passed a few years ago, it is provided that parties may apply to purchase of the United States the claims which they hold under the mining regulations, and may make proofs, &c., in order that any persons having adverse claims may come in and exhibit those adverse claims and have them determined. It is required that there shall be sixty days' publication, and that after the expiration of that sixty days' publication no further adverse claims shall be presented. That is the law as it now stands. It is found in practice that after the sixty days expire the parties do not then go on and pay the Government for the land, as they ought to do. They simply rest on that; there can be no adverse claim after that; they have possession of the land, but do not ripen it into a title. Now it is proposed that they shall come forward, at any rate within one year after it has been determined in their favor either by trial or by the absence of any adverse claim, and pay the money, in order that the Government may receive the money for this land. Of course it applies to cases pending, because the difficulty arises in those cases. Probably three-fourths of those who apply for patents, after they have got by any point of danger, then rest upon their cases and do not pay the money. As it is a fair bargain between them and the Government, when they apply for the patent, that they shall have the land if entitled to it, and on behalf of the Government that they shall pay the money, this bill simply provides that they shall pay the money, and gives them one year, a reasonable time, in which to do it. I will state that the bill has the entire concurrence of the Commissioner of the General Land Office, whose letter I hold in my hand.

Mr. SCOTT. I should like to hear the first section of the bill read again.

The Chief Clerk read the first section.

Mr. WRIGHT. I wish to inquire of the Senator from California whether this bill has been submitted to the Commissioner of the General Land Office, and whether it has his approval in all respects.

Mr. SARGENT. It has his approval in all respects, as appears by his letter, which I hold in my hand. In this letter he suggests an amendment, which has been adopted by the committee and incorporated in the bill.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny;

A bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the register, rolls, and records of the Army, to John Laube de Laubenfels; and

A bill (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1754) to amend the act entitled "An act granting a pension to Amos Farling," approved February 5, 1873; and

A bill (S. No. 216) to change the name of the pleasure-yacht Fearless.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny;

A bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the registers, rolls, and records of the Army, to John Laube de Laubenfels; and

A bill (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general.

THE BANKRUPTCY ACT.

The PRESIDENT *pro tempore.* The morning hour having expired, the Senate resumes the consideration of the unfinished business, being House bill No. 792.

Mr. LOGAN. I see that the Senator from Tennessee [Mr. BROWNLOW] is not in his seat, and the next bill on the Calendar is one in which he felt a great deal of interest. It passed the House of Representatives and Senate before, but failed to receive the approval of the President. It has now been amended to meet his suggestion.

Mr. EDMUNDS. What is it about?

Mr. LOGAN. An appropriation for damages sustained by the East Tennessee University.

Mr. EDMUNDS. It will lead to debate.

Mr. LOGAN. If it leads to debate, of course I shall not ask to have it taken up; but I presume it will not be debated now, inasmuch as it has passed the Senate before after debate.

Mr. EDMUNDS. The Senate is not composed now as it was when the bill passed before, and as it opens the question of war claims, I have no doubt that it will lead to some discussion.

Mr. LOGAN. Then I shall not urge the request.

Mr. EDMUNDS. It will remain on the Calendar in its proper place.

Mr. LOGAN. Very well.

The PRESIDENT *pro tempore.* The bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, is before the Senate as in Committee of the Whole, the pending question being on the amendment of the Senator from Ohio [Mr. SHERMAN] to the seventh section of the amendment of the Committee on the Judiciary to strike out "forty," before "days," in line 41, and insert "ninety."

Mr. EDMUNDS. I do not intend to go over this ground again, although I have not said much upon this precise topic; but I rise merely to remind the Senate of a fact which perhaps has not been stated before, that this clause, standing originally at fourteen days, which is twice the length of time allowed by the English bankrupt law, and the Scotch and the French and other commercial laws, we, I believe, unanimously agreed in the first instance in committee to put it at thirty days instead of forty, on the idea that thirty days was as long a time as with safety to the interests of both debtor and creditor the debtor's affairs—he being a merchant, banker, trader, &c.—could remain in suspense. We supposed that he would be able to find out in that time what he could do, and that the creditors would be able to find out in that time how he stood, so that all parties could see what was best to be done. But on reconsidering the matter again, in order to go the utmost limit that we could in favor of the debtor and of justice to the whole body of creditors, we stretched it up to forty days, and we went into a calculation respecting the stay-laws of some of the States which have the quickest laws for the collection of debts; like the State of New York, for instance, where you can get a judgment on a note of hand, against a man who is so honest that he will not swear to a false defense, in twenty days. On twenty days' notice you can get a judgment. Then you have to advertise for the sale of the property; I think it is thirty days more or something of that kind before a perfect lien can be got. So we run the line for the State of New York, for instance, just as close as it is possible to run it and protect the debtor and the body of his creditors from the unjust lien that one creditor would get by bringing an action at law against him and getting his judgment in spite of the debtor and of the other creditors within this time.

Now, the answer may be suggested that the debtor can go into bankruptcy himself if he finds that a creditor is doing this. That is true; but suppose it happens to be a favorite creditor, suppose it happens to be one that he wishes may get his debt to the exclusion of all the rest. The law does not oblige the debtor to defend. It is not a fraud that he does not put in a defense. The Supreme Court have so decided. Then the preference is got just the same. But suppose otherwise; suppose the debtor does wish to make an equal distribution of his property among his creditors: if he is to be assailed by each one in succession within these forty days, or within ninety, as is proposed, then he goes voluntarily into bankruptcy. Where does that leave him? Unless, then, he is able to pay 33 per cent. in cash dividends to his creditors, he cannot get a discharge; and he is left then, after he has been gone through with in that way, just as he is under these suits by the State laws, entirely penniless, his business all broken up, and with no means to begin the world again; because he cannot get credit as long as there are other creditors who would pounce upon anything that he borrowed or hired the very moment he started any fresh business, and break him up again.

Then, Mr. President, with the conservative element introduced for the first time in any bankrupt law of requiring this large union of creditors, one-fourth in number and one-third in amount, to force a man into bankruptcy, I suggest to the good judgment of the Senator who offers this amendment whether he is in favor of continuing this law as a whole or not; that, if you are to have a law, you cannot extend this period without the most serious evil consequences.

Mr. FRELINGHUYSEN. Mr. President, there is one view of this amendment which I have not heard taken, and I think an important one. This provision in the law does not apply to contracts, or to book-accounts, or to sealed bills, or to bonds, or to due bills, or to promissory notes that are payable to the payee only. So it does not reach at all the class of contracts as to which it has been objected to; it only applies to commercial paper. It seems to me that all this

argument about pea-nut women and hucksters and farmers being troubled by this provision has nothing in it. This provision, which it is now sought to strike out, only applies to those who elect to have it apply to them. If they choose to make their contracts in the form of commercial paper, negotiable, payable to order, then it applies to them; but if they do not choose to make their contracts in that way, retaining this provision in the law does not, by any possibility, do them any injury.

There is a peculiar class of law which applies to commercial paper. In the hands of a *bona fide* holder, before maturity, no defense can be made to it. If it is not paid on the day, it is considered dishonored. Now, we must have one uniform rule of bankruptcy all over the United States; and for one part of the country to say that commercial paper must lie over ninety days before proceedings can be taken would be disturbing the whole commercial law of the world. If any trader does not want to be subject to this law, let him avoid making negotiable paper, and the law does not reach him at all.

I really think that it would be a great injury to the merchants of Chicago to have the law adopted as is insisted by their representatives here it should be. The Senator from Indiana [Mr. MORTON] asked, Why not make the time ninety days if you make it forty days? I confess I cannot give any answer to that question. The error is in making it forty days. The seven days in England, and the fourteen days in this country, under the existing law, were to provide against accident. A man might be away from home; a snow-storm might come on; or he might by some accident lose his funds and be unable to supply them. Therefore the fourteen days were given; and the error in this bill is in making it forty days instead of fourteen.

Mr. BOREMAN. Mr. President, the remarks of the Senator from New Jersey seem to me to be very appropriate, and to have in them a great deal of force. The idea had not been suggested before. It strikes me that the alarm manifested by our friends here in regard to this bill is without foundation. At all events I confess my inability to appreciate it.

This bill, as has been repeatedly remarked, is much more lenient than is the existing law; and if there is so much danger in this bill, it seems to me that under the former one we should have had the demonstrations of damage and injury to the debtor class that are now apprehended; and yet we look around us and find none of these. Scarcely an instance, so far as I know, has occurred where a small dealer, coming within the province of this law, has been proceeded against at all. It is no small matter to the plaintiff in a proceeding of this sort to commence to put a debtor into bankruptcy. He incurs expense himself; he has to employ his attorney; and unless he is certain of securing a considerable portion of the debts due him, he has to pay all the expenses out of his own pocket. For that reason creditors are not so anxious to commence such proceedings.

But, sir, I think this bill is in the interest of the debtor class. By enacting this law and having it to supersede the State laws in regard to the collection of debts, small dealers are protected; and I venture to say that where one has been injured by proceedings in bankruptcy hundreds, and possibly thousands, have been broken up by proceedings under the State laws; and in some of the States the bankrupt law is a matter of simple, naked justice to the creditor class. In my own State, for instance, we have no local law by which the estate of a debtor can be distributed among his creditors so long as he is alive; and the only recourse left to the debtor, when proceedings are taken which are likely to give precedence to a creditor, is to resort to proceedings in bankruptcy.

Then there is another view which is in the interest of the debtor class; that is, that when you break a man up, as is frequently the case under the State laws, he gets no relief; he is not discharged from his debts. After you take everything that he has, and exhaust him, that is the end; but when once his estate is gone under proceedings in bankruptcy, he is relieved by the law; he is released from his indebtedness, and can proceed to reinstate himself again, to renew his fortune, and become a useful citizen.

The clause now under consideration only applies to commercial paper, as has been remarked. Therefore it does not affect the great mass of the dealers, particularly in the rural districts. There is a large portion of them that do not make commercial paper at all. Unless they want to buy their goods upon a long credit, or to go into transactions which are larger than their ready means will justify, they do not indulge in the luxury of commercial paper at all. This provision, then, is confined to that class of men who are expected to be prompt, who expect themselves to be prompt in their transactions; and if it occurs that one of them shall be unfortunate, a breathing spell is usually extended unless some more rapacious creditor is making an effort through the State laws to secure priority of lien by judgment and execution; and when one of those debtors who avail themselves of commercial paper fails for forty days, I apprehend he is usually gone, and generally his affairs ought to be wound up. The most of them, as I remarked, are prompt dealers, and they keep their debts paid up. If they have a note coming due which is regarded as commercial paper, and are the right sort of business men, they attend to that; they see to it; and it is only from some misfortune that they are left without the means of paying it. I think it will be found, as I remarked in the beginning, that the alarm of our friends at the passage of this bill is without foundation. It is much better in every regard for the debtor class. The time is extended. It requires one-fourth in number and one-third in amount of the creditors to put a man into bankruptcy at all, whereas heretofore it required creditors only to the amount of $250. It is much better than the original law; and it seems to me that the gentlemen who are opposing this bill are opposed to any bankrupt law at all. They should support this bill, they should accept it, being so much better than the present law, or they must take the position of opponents of any bankrupt law at all. In my judgment, those who think they are operating in the interest of the debtor class should accept this bill and take it as beneficial to them.

We cannot get along in this country without a bankrupt law. It has been tried frequently from the foundation of the Government. Whenever a panic has come upon the country, resort has always been had to a bankrupt law. The history of this country, as well as the history of every commercial community, shows that it is a necessity. This bill, I think, is well guarded in every respect. It is in the interest of the debtor class, while the creditor class are not injured by it. I think, taking it all in all, that it is better to support the report of the committee. All the other provisions are kind and good, and much more lenient to the debtor than the present law; and I think this one is peculiarly so. Therefore I shall vote against the amendment to extend this time, believing that it would be to the prejudice of the debtor class if this extension should be granted.

Mr. SCOTT. Mr. President, I have refrained thus far from participating in the discussions on this bill, not because I did not feel a very deep interest in it, but because it has been very fully discussed by those having charge of it and those presenting amendments, and for the additional reason that I have not been in good enough physical health for the last few days to give close attention to the business of the Senate. But the amendment pending, in the view taken of it by some Senators, is supposed very injuriously to affect the debtor class—I mean the amendment offered by the Senator from Ohio presupposes that the bill as reported by the Judiciary Committee is injurious to the debtor class—and as I feel satisfied that my constituents are as largely interested in this question as those of any Senator on this floor, I rise to say a very few words upon the pending proposition.

I may say, Mr. President, that I have been somewhat surprised at the tone of the discussion upon some of the amendments, assuming that there was any disposition in this legislation to be harsh upon the debtor class. The whole history of the bankrupt legislation in the United States exhibits continuous progress in favor of the debtor class. Indeed, I might go further than that and say that it is a total departure from the original idea of a bankrupt law. The original English bankrupt law simply enabled creditors to secure distribution of the estates, and to imprison the persons of fraudulent debtors of one or two classes. It did not contemplate relief to the debtor at all. It did not contemplate relief to the large class of debtors outside of traders and merchants. When the provision of our own Constitution became the subject of judicial action the attempt was made to restrain it within the narrow limits of the intention of the English bankrupt law; but the spirit of our institutions prevailed over that attempt, and every bankrupt law that has been placed upon the statutes, instead of aiming simply to secure the distribution of the estates of fraudulent debtors or to punish fraudulent debtors, has undertaken to extend relief to unfortunate debtors. And now, in view of what has occurred within the last few months, Congress is again appealed to for the purpose of modifying the bankrupt law in favor of that class; and I think that the amendments now proposed all go in that direction; and it is because the amendment proposed by the Senator from Ohio [Mr. SHERMAN] has the effect of extending that proposed relief to debtors, as he supposes, much further than the amendment of the committee, that I rise now to speak of it.

What is the relief that is proposed? It is this: that the term of fourteen days which debtors now have before they can be put into bankruptcy shall be extended to forty days. What class of debtors is that? It is not all classes, not the small traders of the country, not the small merchants of the country, to any great extent, although the term "merchant" may embrace many of them, but it is those that were originally contemplated by the bankrupt law, merchants and traders, with the addition of those classes whose occupations assimilate their money and business engagements very much to the merchant and trader, bankers, brokers, manufacturers, and miners, classes that deal in commercial paper.

The point that I make about the pending amendment is, that it only applies to the case of those persons who have suspended payment for a period of forty days. That means where they have failed to meet their commercial engagements. Now, I think I do not overstate it—certainly, if I do, there are commercial men enough on this floor to correct me—when I say that a protest of the paper of any one of the classes herein enumerated is of itself almost equivalent to bankruptcy. The man in these enumerated classes who fails to meet his paper on the day it is due is discredited in every commercial circle in which he has business. That being the case the fourteen days were not intended, as the Senator from Indiana [Mr. MORTON] argued, to enable him to dispose of his property to meet his creditors; the forty days are not now intended to enable him to do so; nor would the ninety days, if adopted, be intended for that purpose, or enable him to do so, but it does enable him to renew his paper, to gain time with his creditors, and to avoid this bankruptcy, if his assets are such as to satisfy his creditors that there is good reason for giving him time.

I am satisfied that the forty days will avoid the hardships that have arisen from such cases as have been instanced by the Senator from New Jersey [Mr. FRELINGHUYSEN] of absence from home, of accidents, or some occurrence which prevents a man from knowing exactly the extent to which he has been unfortunate in his business relations, and making the necessary arrangements to meet it. For that reason, although perhaps, in the view that might be taken of it by many, ninety days might be an advantage to the debtor class, I think upon sound principles of public policy as relating to the classes to which alone this provision applies, forty days give the opportunity to do all that can be expected to be done in the matter of securing time from creditors and avoiding the proceedings in bankruptcy.

Mr. President, we ought not to look upon this question of a national bankrupt law in any other than a serious business light. It is a very great advantage to the classes of debtors intended to be benefited by it. Much has been said of State insolvent laws, and of the proceedings under them. I do not agree to some of the criticisms that have been passed upon the inadequacy of those insolvent laws, much less to some of those which characterize them as harsh and unfeeling; but let them be as beneficial as they may, it is to be remembered that their operation is only local, and in the extended ramifications of business in our country a discharge under an insolvent law in one of the States has only a territorial operation. The State of Massachusetts undertook to give a State insolvent law an extraterritorial operation by incorporating in it the provision that, if the contract made elsewhere required payment in the State of Massachusetts, it should operate outside of the State—upon the debtor who lived in Louisiana or Mississippi, for instance; but that attempt failed, and the Supreme Court of the United States held that the discharge of a debtor under a State insolvent law has no extraterritorial operation. Here, then, is this whole class of creditors who are to be benefited by a discharge forever from the obligation. Under the State law, let it be as humane as it may, unless the debt was contracted after the passage of the law which authorized a final discharge, the State law cannot finally discharge them, for it is held to be in violation of that clause of the Constitution forbidding a State law to impair the obligation of a contract.

This, therefore, is really in all its aspects a most beneficial and humane law to the debtor; and I am not disposed to stand upon mere differences of opinion as to whether forty days, or fifty days, or sixty days, is the time within which a debtor may be enabled to make this arrangement with his creditors. Looking at it in the light in which I do, that the protest of the paper of any one of these classes is virtual bankruptcy, and that forty days will enable him to arrange with his creditors for time to renew his paper and satisfy them of the extent of his assets, and to get upon his feet again if he can ever get on them, I shall feel constrained to vote against the amendment offered by the Senator from Ohio.

Mr. CROZIER. It seems to me there is still another view of this subject that has not been taken by any Senator engaged in the discussion, which I will endeavor briefly to present. The amendment provides that it shall require one-fourth of the creditors in number, and one-third in amount of debts held by them, to put an individual into bankruptcy, and that the paper upon which he is put into bankruptcy must have been due for forty days. The objection made to the forty days seems to be that in forty days the party cannot arrange for the payment of his debts to prevent the operation of the bankrupt law, but that ninety days will give him a further opportunity. Senators will see that in order to put a man into bankruptcy, say forty days from the 1st of October, or any other given day, it will be necessary that on the 1st of October one-third of all his liabilities in the form of commercial paper shall have been due. One-third of them on that particular day must have been due before the debtor can be put into bankruptcy within forty days thereafter. It would be a very bad business policy, it seems to me, that could justify such an arrangement as that, to wit, that a man would so conduct his business that one-third of his business paper would fall due at about the same time. That has not been my experience. The experience of most business men is to make their paper fall due at different times, a small proportion at a time, and not the whole of it or one-third of it within a few days, so as to put into operation this act.

Mr. MORTON. I ask the Senator whether it is necessary that the paper of other creditors should be overdue to enable them to join with the one whose paper has gone overdue?

Mr. CROZIER. It seems to me it would be a very harsh proceeding to put a man into bankruptcy when his paper was not due.

Mr. MORTON. I ask my friend if that is not the provision of the law? If one man's note goes over for forty days, may not the other creditors, whose paper is not overdue, join with him in putting the debtor into bankruptcy?

Mr. CROZIER. Under the law as it now stands, that would be the case; but if the law is so amended as to require one-third in amount of the creditors to join, it seems to me if their paper is not due they are not in a position to join. They have no right to complain until their debts are due.

Mr. LOGAN. It only requires one-third of his creditors and not a third of the paper due.

Mr. MORTON. It need not be due.

Mr. CROZIER. Under the law as it stands now, any one may put the law in force, no matter what the amount of debt is, provided it is $250. Of course, then the proceeding is started, and the rest can join in whether the paper is due or not; but I think the proper construction of this amendment would be that those who take the initial step must be men with matured paper in their hands. If that be the correct view of the law, it seems to me that forty days would be long enough to enable a man to provide for such paper as ought to fall due within that time.

Mr. LOGAN. I do not desire to discuss this question, but I merely rise to suggest to my friend from Kansas that he is certainly mistaken in the proposition that he states. I do not think he will find that any court will give the provisions of this law that construction. It does not provide that one-third of the indebtedness shall be due, but it only provides that forty days after commercial paper is due and one-fourth of the number of creditors, holding one-third of the value of the debts, agree to it, the party may be put into bankruptcy. It makes no difference whether the other portion of the creditors have matured paper or not. It may be done by a third of the creditors on a portion of the paper suspended for forty days. The Senator is certainly mistaken in his proposition.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The question is on the amendment offered by the Senator from Ohio [Mr. SHERMAN] to the seventh section of the committee's amendment, on which the yeas and nays have been ordered.

Mr. INGALLS. On this question I am paired with the Senator from Connecticut Mr. FERRY, who is detained by illness. If he were present he would vote "yea," and I should vote "nay."

Mr. CLAYTON. I am requested by my colleague, [Mr. DORSEY,] to state that he is detained from the Senate by sickness.

The question being taken by yeas and nays resulted—yeas 15, nays 29; as follows:

YEAS—Messrs. Bogy, Clayton, Gilbert, Gordon, Hamilton of Texas, Hitchcock, Johnston, Logan, Mitchell, Morton, Oglesby, Ransom, Sherman, Spencer, and West—15.

NAYS—Messrs. Allison, Anthony, Boreman, Buckingham, Chandler, Cooper, Crozier, Davis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Kelly, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Pratt, Robertson, Sargent, Saulsbury, Scott, Stevenson, Stewart, Sumner, Thurman, and Wright—29.

ABSENT—Messrs. Alcorn, Ames, Bayard, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Dennis, Dorsey, Ferry of Connecticut, Goldthwaite, Hamilton of Maryland, Howe, Ingalls, Jones Lewis, Norwood, Patterson, Ramsey, Schurz, Sprague, Stockton, Tipton, Wadleigh, and Windom—28.

So the amendment to the amendment was rejected.

Mr. ALLISON. I move to amend this section by striking out, in line 45 and wherever the expression occurs in the section, the words "one-fourth," and inserting "one-third" and striking out "one-third" wherever it occurs and inserting "one-half," so as to require one-third of the creditors in number and holding one-half in amount of the debts to join in the petition. I suppose there will be no objection to that amendment. [Laughter.]

Mr. President, it seems to me that it would be quite as easy to secure one-half of the creditors as one-third of them. The same notice can as well be sent by any creditor who desires to put a debtor into bankruptcy to one-half of the creditors as to one-third. If a debtor is required to appear before a court in order to show cause why he is not to become a bankrupt, it seems to me that at least one-half of his creditors should require a man so to appear, simply for the reason that he does not pay his commercial paper. I can see no rule that would apply to one-third that would not equally apply to one-half. In other words, the committee have proposed here an arbitrary rule. They must, of course, fix it at some point. Now, a majority of creditors, as I understand this bill, can compromise the debts, can arrange with the debtor; and it seems to me that a majority of them should be required to concur before a simple failure to pay commercial paper should be adjudged an act of bankruptcy.

I have no further argument or suggestion to make with reference to the amendment.

Mr. EDMUNDS. I submit to my honorable friend from Iowa that he is not quite just when he says that upon principle this number may just as well be one-half or two-thirds or the whole, and for this reason: if you wipe it all out, and have no bankrupt law at all, it is a principle of natural justice, as well as of law, that the debtor is at the instant mercy of every creditor separately, and he is bound to pay them according to his engagements, and he is bound to have his property, and in some countries still, I am sorry to say, his body, arrested and disposed of in the one case, and imprisoned in the other, in satisfaction of his debts.

Now, beginning with that philosophical statement of a fact to which all men agree in every civilized country, and upon which society itself is based, as you may almost say, where do you find yourself? You find yourself, then, in a bankrupt bill, proceeding to act upon the man who does not do that thing and keep his obligations, and you provide that in such a case, which I believe every philosopher, every writer, and every legislative principle of every country provides for, if he is to be broken up and his property distributed among his creditors, it ought to be done equally. Then you take that step. Here the question is, on the other side, that of mercy and misfortune; whether in the case of an honest man there ought not to be some limitation for a short period of time before his estate shall be entirely wound up, consistent also with securing to the body of the creditors, while he is in this uncertain condition, against any preference or fraud or wrong upon the part of the other creditors? So far I am sure

my friend will agree with me, because I am stating the universal consent of mankind.

Now we come to what this limitation shall be. As I stated a little while ago, for the first time, I believe, in the history of legislative jurisprudence, if I can so speak, or rather of judicial legislation, to speak more properly, the Judiciary Committee of this body has introduced this merciful clause, saying that under the laws of the United States, while we resist fraudulent operations of other creditors acting for themselves, we will still protect the innocent debtor from the action of this law until a third in amount and a fourth in number of his creditors join. Why that sum and that number? That is the question that my friend has asked, and I trust, if he has followed me so far, I shall be able to satisfy him in a moment. This is a limitation upon the exercise of what would otherwise be an absolute right on the part of every creditor whose debt amounted to $250, or, as in the English law, £50. Now we say we will try the experiment of limiting this absolute right which a man has even to the administration of this law; we will put it in a condition where the malice of one creditor or two shall not drive the debtor into bankruptcy; we will put it into a condition where the inability of a particular creditor to get the preference that he may wish for will not enable him to threaten the debtor and say, "Now, I will put you into bankruptcy if you do not pay me."

But there must be a limit to this exercise of absolute right, and a limit to the limitation of it. If you are to say that no debtor shall be compelled to pay his debts under the provisions of this bankrupt law unless all the creditors want him to pay, then it would be easy for him to find a favorite creditor, a friend of his, who would say, "I never will have this man's estate distributed. I will never have him pay. I am not in favor of his keeping his engagements, and I will bear his not keeping his to me, and hold all the rest of you at bay, and will turn you over to the State laws to get what you can; and as you cannot get him into bankruptcy, he can make a preference to me under the State law which will secure me entirely, and you will get nothing." Therefore it is impossible to say that the concurrence of all shall be required. What then? You should go just far enough to satisfy the just judgment of a court that the proceeding against the debtor is not one which is based on malice or hard feeling or extortion, but is based upon the reasonable judgment of a fair number of those who are called upon to be interested in his estate.

We thought on a careful consideration that we had fixed on the true number. To be sure, you might vary the number by a small fraction either way, and say that it does not make any substantial difference; but, as I have stated before, out of consideration to the feeling in the country for the debtor class, we have already carried these provisions to the extreme verge, and in some instances beyond the point where the committee, if they were left to their own judgment alone, would have carried them; and thus it has been that we have felt obliged to defend, as well as we could, the Senate against going any further. We have gone as far as we thought either safety to the debtor or safety to the creditor would allow.

Now let me remind my friend from Iowa, turning to another clause in this bill, which the committee also have put in for the first time, that when a case has got into bankruptcy, and has proceeded far enough to have a correct inventory of the debtor's assets and a valuation of them, and a correct statement of the proof of his debts, so that it may be known judicially exactly how he stands, and every creditor has had a right to have an inquiry made into what has become of his property, then if a majority in number and amount of the creditors and the debtor himself agree, the court has the power to dismiss the proceeding. That is another protection to the debtor.

Now, I do submit to my friend in all candor if, going as far as we have in this direction, and without any precedent in the commercial code of any other country, he ought not to be satisfied instead of forcing it to an unreasonable extent.

Mr. ALLISON. Mr. President, only a word in reply. As I understand the chairman of the committee, this is really an arbitrary amount, and in this particular case a debtor is thrown into bankruptcy simply for a failure to pay his commercial paper. He may have three times the amount of assets necessary to pay that paper, but if he does not pay or raise all his commercial paper within forty days, then he is to be adjudged absolutely a bankrupt; but it is provided that the court shall not declare him a bankrupt unless one-fourth in number of his creditors, and they holding one-third in amount of his indebtedness, shall petition the court for that purpose. It seems to me that this power might very easily and properly be extended to a majority of the creditors, so that a majority of the creditors may say, "Now this debtor cannot pay his debts, yet he has an abundance of assets with which to pay them within a reasonable time; we will not throw him into bankruptcy." But, as this provision stands, it is in the power of one or two or three persons to throw a debtor into bankruptcy although he may have an abundance of means to pay his debts.

By analogy to the other propositions contained in the committee's amendments, it seems to me but fair that this whole question should be placed in the hands of a majority of the creditors. It is just as easy for a majority of them to throw him into bankruptcy as for a majority to make composition with him afterward; and I must confess that I can see no rule except an arbitrary one that fixes this at one-third rather than one-half.

Mr. THURMAN. Mr. President, this is a practical question. It is a question about which there is nothing of principle that I know of, one way or the other, because in principle one-half of a man's creditors or two-thirds of a man's creditors have no more right to deal with him than one, or one-fourth, or the whole. There is no matter of principle about it. It is a practical question. Then let us look at it in that light.

Here we propose to pass a bankrupt law. If we intend to pass it, we intend to pass one that will be effective; one that will not be a dead-letter on the statute-book; one that can be executed, and not one that never can have execution. Very well, then; we are now at the threshold of a bankrupt proceeding. A man has suspended payment of his commercial paper and remained in a state of suspension for forty days—a long time for a man of one of the classes mentioned here to be in a state of suspension. At the end of those forty days creditors of his, one-fourth in number and holding one-third of his indebtedness, say "This man had better be put into bankruptcy;" what is the presumption? The presumption certainly is that if so large a proportion in amount and value shall say "This is a case in which the interests of the creditors require that this man shall be put into bankruptcy," that would be the opinion of the whole body of his creditors if there were time to consult them; for it must be for the interest of all the creditors to put him into bankruptcy or this fourth would never agree to put him into bankruptcy. They can gain no advantage by putting him into bankruptcy; they can only come in, precisely like every other creditor, for a dividend of the assets; they can have no possible interest to put him into bankruptcy unless it is equally to the interest of all the rest of the creditors to institute the proceedings. Very well, then, we propose to let them commence, one-fourth in number and one-third in amount; but if it should turn out that this presumption is not true; if it should turn out that a majority of the creditors in number and value think otherwise, what then have we provided? We have provided that upon their representing that fact to the court, and the creditors having due notice, and the court hearing what may be said upon it, if the court shall be of the same opinion as a majority of the creditors, that it is not wise to put that man into bankruptcy, the whole proceeding may be dismissed, unless the debtor choose to say that it shall go on.

What more could be asked? Why require in the first instance that you shall obtain one-half in number of the creditors, when you have provided that if a majority of the creditors in number and amount see fit to have that proceeding discontinued they may have it discontinued, with the consent of the debtor and the approval of the court? I cannot conceive that there is any necessity for it whatsoever. It cannot be for the benefit of the creditors that you should require one-half, for, as I have already said, if a man is put into bankruptcy by a single creditor, that creditor gets no preference by putting his debtor into bankruptcy; it must be because it is the interest, not only of him, but of all the rest of the creditors, that he should go into bankruptcy, if there is any interest in putting him in at all. And therefore it is not for the interest of all the creditors that you should require one-half.

Is it for the interest of the debtor that you should require one-half in the first instance in order to file a petition in bankruptcy? Certainly it is not for his interest, for that is carefully guarded by the other provision, that if he can get a majority in number and amount of his creditors to concur with him in asking the court to dismiss that proceeding, and the court is satisfied that it is for the interest of all the creditors to dismiss it, it can be dismissed. There is a further provision for a composition between the debtor and his creditors.

I do think, therefore, that it is impossible to conceive that there can be any oppression of a debtor by retaining this provision in the bill precisely as it stands. There certainly can be none when, if the debtor can get a majority of his creditors in number and value to ask the court to dismiss the proceeding, it can be dismissed.

But, sir, when we look at it in a practical point of view, I am apprehensive that even the provision as we have it will be found a little difficult of execution, and that is the opinion of many who have criticised and reviewed this provision in the bill. Take the case of a great banking firm—take the case of Jay Cooke & Co. I do not know how many creditors Jay Cooke & Co. had, but I think I have seen them stated at many tens of thousands. Perhaps the Senator from Pennsylvania can give us some idea of the number.

Mr. SCOTT. The list of creditors filled four or five columns of the New York Herald. I never counted the number.

Mr. THURMAN. I think I heard somebody say they amounted to 80,000. To require one-fourth in number, if they are 80,000, would be 20,000 people; if 40,000, 10,000 people; if 20,000, 5,000 people—is really making it very difficult to commence bankrupt proceedings in such a case at all. But take the case of other bankers; take the case of some private bankers who suspended in New York City during the late panic, and who had creditors all over this Union, especially western and southern bankers and bankers in the interior, who made their deposits with these New York bankers, keeping a deposit account with them, and also had their own depositors in the city of New York; and just consider for one moment how difficult it will be with the provision as it is to comply with it and get one-fourth in number and one-third in amount. This, of all the provisions in this bill, has been subjected to the severest criticism and the strongest condemnation, not by registers in bankruptcy alone, but by business men, who have no interest in the world to oppress their debtors, but, on

the contrary, whose interest it is that the most that can be made out of the assets of the debtor shall be made both for his benefit and their own. They say, and with no little show of reason, that this provision, even as it now stands, renders the bill ineffectual, takes the life-blood out of the whole thing. I do not think, Mr. President, we should aggravate it by requiring a still greater number to assent to the filing of the petition, especially, as I repeat, when we have left the debtor the power, by procuring a majority in number and amount of his creditors, to ask the court to dismiss the whole proceeding.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to the seventh section of the amendment of the committee.

The amendment to the amendment was rejected.

Mr. INGALLS. I move to amend the section by striking out in line 47 the words "at least one-third of the debts so provable," and inserting the words "at least $1,000;" so that the clause shall read:

And the aggregate of whose debts provable under this act amounts to at least $1,000.

Mr. EDMUNDS. That makes it worse for the debtor than it now is, a good deal.

Mr. INGALLS. The object of my amendment is to renew the provisions of this section not applicable to debtors whose debts do not exceed the sum of $3,000. My purpose is to have that question again brought before the Senate.

Mr. THURMAN. Why does the Senator ask to strike out this provision, "at least one-third of the debts so provable?" He will make it much worse for the debtor, because now it may require that the amount there may be $50,000, $100,000, or $500,000. I suppose what the Senator is at is to add after "provable" the words, "and whose debts shall amount to $1,000."

Mr. INGALLS. My purpose is to have the provisions of this section applicable only to the estates of debtors whose obligations exceed $3,000.

Mr. THURMAN. Then the object will be attained by adding after the word "provable" the words, "and whose debts shall amount to $1,000."

Mr. INGALLS. Well, I will make the motion in that form.

Mr. FRELINGHUYSEN. The Senator does not approve of that, I trust.

Mr. THURMAN. I do not; but I do not want the provision as to one-third in amount stricken out.

The PRESIDING OFFICER. The Senator from Kansas modifies his amendment, and proposes to insert the words moved by him after the word "provable."

Mr. EDMUNDS. I merely wish to say that this is in substance precisely the question that was debated yesterday at great length upon both sides, and settled by a very decisive majority of the Senate against the amendment. I hope it will be voted down now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas to the amendment.

The amendment to the amendment was rejected.

Mr. LOGAN. I have a little amendment that I do not think will provoke any discussion whatever, and one that it seems to me ought to be agreed to by the Judiciary Committee, if it is presumable that they will agree to anything. I move to insert after the word "bankruptcy," in line 42 of the section, the following:

Provided, That the court shall hear the parties and make such examinations as shall, in its opinion, be just in the premises; and if it shall appear to the satisfaction of the court that the party sought to be adjudged a bankrupt has assets in his possession or debts due sufficient to establish his solvency, and the party shall so elect, he shall not be adjudged a bankrupt, but the court may order a stay of proceedings for a period of six months, and a record shall be made of the debts proved or admitted, and if it shall appear at the expiration of the time that any of such debts remain unpaid or unsatisfied with creditors, then the debtor may be declared bankrupt.

I do not desire to say anything. The amendment speaks for itself. I think it is very just and proper.

Mr. EDMUNDS. I merely wish to say, not to take up time, that this goes much further than I believe the laws of my friend's own State and all the State stay-laws, because there where they execute a stay-law they require security to be given for the payment of the debt at the end. My friend's amendment does not even do that; but anybody can see that it would not apply to the bankrupt law at all.

Mr. LOGAN. I did not intend to say anything, but there seems to be such a great aversion here on the part of some gentlemen to State laws that there has to be something said about State laws always in connection with this bankrupt law. Certainly, there is no relation between them. The Senator, however, is mistaken in regard to the laws of Illinois; he may be better posted in regard to the laws of Vermont. I could state what our laws are in reference to stay of proceedings, but it is entirely unnecessary. We have there a right of redemption on the sale of real estate extending to twelve months; but of course rights under the State law are not applicable to this bankrupt law in any way. This proposition merely is that where an attempt is made to put a party in bankruptcy, if the evidence shows that he has plenty of assets to pay his debts, then the proceeding shall be suspended and time given him to pay the debts; and if he fails to make payment of all his debts within this time, then he shall be adjudged a bankrupt. That is all there is to it, giving opportunity to the party to pay his debts; and if not, then he becomes a bankrupt by judgment of the court.

Mr. EDMUNDS. One word. My friend from Illinois is so persuasive that I am afraid to let his speech go unanswered. He now puts the man into bankruptcy so that the bankrupt court has jurisdiction of him; that excludes all remedies in the State courts at once and *per se*, because the acts provide that after the petition is filed in bankruptcy no suit can be brought against him. That being the state of the case, then he proposes that the court shall hang it up for six months, leaving the property in the possession of the debtor, without any security, to do what he pleases with it, without anybody being able to touch him under State law, or any other law; he can go to England with it, or where he likes.

Mr. LOGAN. The Senator from Vermont is so remarkable in his mode and manner of argumentation that he necessarily calls a word from me again. The whole tone of his argument for the last two or three days—and we have certainly listened to him with great pleasure every time he has repeated the speech—has been in opposition to the State laws, and has been an attempt on his part to take the debtor from their crushing and overpowering oppression and put him under the beneficent influence of the national bankrupt law. That has been the argument of the Senator ever since this bill came up. Now he says this amendment would take debtors out of the operation of the State laws and tie them up for six months, the very thing he has been pressing this bill on the Senate for. The very reason he has pressed it so strongly is, that it will take debtors out from the operation of State laws that he considers so injurious to the debtor class. This does it; it prevents a multiplicity of suits under State laws, and suspends action after the jurisdiction of the United States courts is once established over the person and his property. It then suspends further action so that he may pay his debts, if he is an honest man and intends to do so—having sufficient estate to do it, having sufficient property to do it—and if he has not he is adjudged a bankrupt. If he has a sufficiency of property to pay his debts, then the time is extended to give him an opportunity to pay them; and if not, then he becomes a bankrupt, and the court has jurisdiction of his property and person.

Mr. THURMAN. What becomes of the property that he has disposed of within these six months?

Mr. LOGAN. If the gentleman wants another speech I can answer. I ask for the yeas and nays on this proposition.

The yeas and nays were ordered.

Mr. CARPENTER. Being upon the floor this moment, I desire to say a very few words upon this bankrupt bill, which I can say at this point as well as any other.

I came here at this session thoroughly resolved to vote for the total repeal of the bankrupt law. On examination of the subject and considering the arguments that have been made *pro* and *con*, I am convinced that the repeal of the bankrupt law at present would be most injurious to the debtor class; that they are to-day protected by the existence of the bankrupt law from what would otherwise be a general rush on the part of creditors, each one to secure his preference and his "pound of flesh." I shall, therefore, vote for continuing the bankrupt law with the modifications that may be made at the present session. I shall vote for the amendments that have been recommended by the committee, and I shall vote for such amendments as are offered in the Senate as modified, and ameliorate still further the provisions of the law; but thus amended, or amended as far as it can be in the Senate, I am of opinion that it is better for the country, for the debtor class, that the bankrupt law should be preserved. I shall therefore vote against its repeal, and for the modifications that are proposed.

Mr. EDMUNDS. You will not vote for this one, I hope?

Mr. CARPENTER. O, no.

Mr. INGALLS. On this question I am paired with the Senator from Connecticut not now in his seat, [Mr. FERRY.] If he were present he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 9, nays 30; as follows:

YEAS—Messrs. Allison, Bogy, Hamilton of Texas, Hitchcock, Logan, Mitchell, Oglesby, Ramsey, and Spencer—9.

NAYS—Messrs. Anthony, Bayard, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Cooper, Crozier, Davis, Edmunds, Flanagan, Frelinghuysen, Hamlin, Jones, Kelly, McCreery, Merrimon, Morrill of Vermont, Pratt, Robertson, Sargent, Saulsbury, Schurz, Scott, Stevenson, Stewart, Sumner, Thurman, and Wright—30.

ABSENT—Messrs. Alcorn, Ames, Brownlow, Cameron, Clayton, Conkling, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Howe, Ingalls, Johnston, Lewis, Morrill of Maine, Morton, Norwood, Patterson, Ransom, Sherman, Sprague, Stockton, Tipton, Wadleigh, West, and Windom—33.

So the amendment to the amendment was rejected.

Mr. PRATT. I am friendly to the amendments reported by the Committee on the Judiciary, and shall give them my cordial support, and I rise now to offer an amendment in aid of these amendments and not in hostility to them. It is to correct an ambiguity, at least what would be regarded as an ambiguity in some parts of the country, I am afraid, without the amendment which I propose. It is in line 41, on page 7, to insert after the words "commercial paper" the words "governed by the law merchant." Now, in order to explain the propriety of the insertion of these words, I beg leave to say that in some of the Western States there are two kinds of paper: the one, such as bills of exchange, and in my own State notes which are made payable at bank, are governed by the law merchant, an expression which of course is familiar to the lawyers of this body, paper that for non-payment must be protested and notice given to the drawer of the bill and to the

indorser, or in the case of a promissory note to the payee and the indorsers of the note. We have another class of paper, and much the most common in our section of the country, where the note is not made payable at a bank, but is made payable to A B, or order, and is indorsed and goes into circulation. As to that kind of paper, the law provides, and the courts have uniformly held, that the maker of the note may set up any set-off, counter-claim, or defense whatever against not only the payee of the note, but against every assignee; whereas under the law merchant, if the paper is transferred before maturity, of course none of the equities of the original parties can be set up against the assignee. I am afraid that as this bill stands at present, the expression "commercial paper" would be regarded as ambiguous. It might be held to include both classes of paper such as I have described in my own State and in other Western States. I propose, therefore, to set this question entirely at rest by describing what is meant by "commercial paper" as that paper which is governed by the law merchant. That is the extent of my amendment, and I hope it will be acceptable to the committee.

Mr. EDMUNDS. Let the amendment be reported so that we may see exactly how it is stated.

The Chief Clerk read the amendment to the amendment, which was to insert in line 41 of section 7, after the word "paper," the words "governed by the law merchant."

Mr. THURMAN. I am aware that it is the law in Indiana that, except the paper of the class mentioned by the Senator, commercial paper made payable at a bank, or bills of exchange, a *bona fide* purchaser of a note, the indorsee of a note for value, before maturity, stands in no better condition than the maker of the note, and that any defense that could be made by the maker of the note if it had remained in the hands of the payee may be made, although it has been transferred before maturity and for a valuable consideration; but that, I think, is a law that is peculiar to Indiana and a few other States. It is not the general law merchant.

Mr. MORTON. How does the Senator state it?

Mr. THURMAN. As I understand the law in Indiana, it is this: If I give my promissory note payable to A B, or order, sixty days hence—not payable at any bank, but an ordinary promissory note—and the payee sells that note, and indorses it, before maturity, for a valuable consideration, to a person having no knowledge of any defense whatsoever, I may make against that indorsee every defense that I could make if the note had remained in the hands of the payee.

Mr. MORTON. I do not think my colleague intended to state that as being the law.

Mr. PRATT. You may make that defense, although the note be assigned after it falls due.

Mr. THURMAN. So you can everywhere; but you can make that defense in Indiana, although the note was indorsed before due; may you not?

Mr. PRATT. Certainly.

Mr. THURMAN. That is just what I said.

Mr. MORTON. I suggest to my colleague whether this is not the law: If the note is indorsed after it is due the assignee must take notice of all defenses that existed; and if it is indorsed before it is due, defense may be made against the note in the hands of the assignee by a set-off or counter-claim, if the assignee had notice of it before the assignment?

Mr. THURMAN. That is the commercial law everywhere.

Mr. PRATT. I do not understand that distinction to exist in the State of Indiana in the case of the notes I have described. I understand the law in Indiana to be, in the case put by the Senator, that if a note is not payable at a bank, but is payable to A B, or order, the maker of the note may set up any defense which he has against the payee, against any assignee, without reference to the time when the note is assigned, whether assigned before or after it falls due.

Mr. FRELINGHUYSEN. In other words, it has to be made payable at a bank to make it negotiable paper.

Mr. PRATT. Yes, sir; if it is payable at a bank, it is put on the footing of bills of exchange.

Mr. WRIGHT. I desire to ask the Senator from Indiana whether, in his opinion, that is not peculiar to the State of Indiana, so far as commercial paper is concerned?

Mr. PRATT. The law was borrowed from the State of Kentucky, and I presume it is the law of Kentucky at this time.

Mr. WRIGHT. The inquiry I make is, whether it is not peculiar to some States?

Mr. PRATT. Undoubtedly to some of the Western States.

Mr. WRIGHT. And therefore is not commercial law. His amendment is to insert "according to the law merchant." I think if he wants to reach the end he proposes, he should say it shall be "commercial paper according to the statutes of particular States." Then he will reach his point.

Mr. PRATT. What objection is there to the insertion of these words? They make this expression, "commercial paper," explicit, so that there will be no misunderstanding.

Mr. THURMAN. The objection to it, in the first place, is that they do no good. "Governed by the law merchant." What is the law merchant? The law merchant is not a body of statute law; the law merchant is a portion of the common law; and to say that they are governed by the law merchant would except from the operation of this section that kind of paper of which the Senator from Indiana speaks, and which in Kentucky and Indiana is governed by their own peculiar law; for that paper, according to the law merchant, is precisely like paper payable at a bank or like a bill of exchange, and the *bona fide* indorsee before maturity of that paper takes it free from any equities between the original parties. So that putting in here the words "governed by the law merchant" would make the bankrupt law in Indiana except from its operation notes that were given, not payable at a bank. But if it would have that effect there and in Kentucky, it would not have that effect in the rest of the United States, and then what kind of a "uniform" law of bankruptcy would it be?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana to the seventh section of the amendment of the committee.

The amendment to the amendment was rejected.

Mr. MERRIMON. I wish to offer an amendment. In line 41 of this section, after the words "commercial paper," I move to add the words "in the course of such business."

I offer this amendment because a merchant, broker, trader, or manufacturer very often gives paper that is negotiable in its character, but is not in the line of his business, and because in many of the States there is a species of paper which is not negotiable, or commercial paper according to the law merchant, but is made so by the statutes of particular States. Take my own State, for instance: a single bond is negotiable, and negotiable whether it is made payable to order or not. It may be indorsed, and in that way it becomes commercial paper. If, therefore, a banker in the State of North Carolina should buy a tract of land and give his single bond for $1,000, that would be negotiable paper, and according to the provisions of the amendment to the bankrupt law as here reported, that creditor would be entitled to be counted in the percentage of creditors necessary to put such a banker into bankruptcy.

It may be said that the courts will construe this clause to embrace only paper executed in the course of the business of the banker or merchant, and some courts have so construed it, but other courts and highly respectable courts have construed it otherwise. Therefore I think this provision ought to be inserted in order that there may be no difficulty about it. Hundreds and thousands of persons engaged in the business of banking, &c., have a species of paper that is not in the regular course of their business, and a species of paper that they are not very careful to pay at its maturity. I think it would be unwise to allow a provision in the bankrupt act which would include this paper in making up the percentage of indebtedness necessary to put a party into bankruptcy under this act.

Mr. BOREMAN. I ask the Senator if his amendment would not put it upon the parties to prove that fact in beginning the proceedings? Would it not throw the burden of proof upon the person instituting the proceedings to show that it was in the particular business in which the debtor was engaged?

Mr. MERRIMON. I do not think there is any difficulty about that; for the person seeking to put any party into bankruptcy must aver in his petition that so much of his commercial paper is overdue, and that it has remained overdue for more than forty days. That is a material averment in his petition; and no difficulty therefore will arise upon the ground suggested by the Senator from West Virginia.

Mr. BOREMAN. The Senator does not seem to get my meaning. "Commercial paper" shows for itself; but the point is that it will have to be proved that it was issued in the particular business in which the party was engaged. That would be a matter of proof.

Mr. MERRIMON. That is a material averment anyhow in the petition. It only makes it necessary to aver in the petition that it was commercial paper, and the additional averment that it was commercial paper in the course of his business.

Mr. BOREMAN. The exhibition of the paper would show that it was commercial paper; but the other would not be a fact to be proven at sight, and might lead to a great deal of litigation. It would be a very difficult matter very frequently to show.

Mr. EDMUNDS. It is somewhat difficult on matters of mere judicial regulation and interpretation to be always sure that an amendment which is put in without special study is correct, although I have no doubt the amendment of my friend from North Carolina is well intentioned, and not like some of these other amendments merely intended to try the general strength of the bill. But, as I understand his amendment, it is merely stating what the courts have already settled the construction of this clause in the statute to be. We use in this section the language of the old law, the construction of which has been settled, "not resumed payment of his commercial paper."

The courts have decided that "his commercial paper" is that which must have been incurred by the debtor in his character of banker, merchant, trader, miner, &c. Now, my friend proposes to add "in the course of his business." Whether that would be in that place descriptive of the paper, or descriptive of the resumption of payment, is open to considerable question. It would be quite doubtful which of the two meanings would be attached to this new phrase, whether the resumption of paper must be made in the course of his business, or whether it attaches to the paper as descriptive of the nature of the business in respect of which it was issued or set afloat. Therefore I suggest to my friend, unless he knows the interpretation has been otherwise in his own State or somewhere, that as the interpretation appears, according to the latest notes we have of all the decisions, to have been uniform on that subject and in the direction my

friend desires, it would be safer, to avoid a mistake in the judicial interpretation of this clause, to leave it with the law settled as it is.

Mr. MERRIMON. I beg to correct my honorable friend. If he will look on a little further in the notes he has before him he will find that it has been frequently decided the other way. It has been decided both ways, and by highly respectable judges. Let me state my own objection again; perhaps I can do it in a little plainer terms. A banker purchases from me a tract of land for which he gives me his single bond for $1,000, and the notes are due twelve months from date, and he allows the notes to lie over after they come due more than forty days. As this act stands, and as the words are construed by highly respectable authority, that debt might be counted in the percentage of indebtedness that is necessary to enable creditors to put that banker into bankruptcy. Now, sir, I do not believe it is the purpose of the Senate to make any such provision; and inasmuch as the insertion of these words will put the construction beyond any sort of controversy, it seems to me there can be no objection to the amendment, and especially when these words certainly carry out the construction which the honorable Senator from Vermont says the courts have already adopted, and which some of them have adopted, while others have ruled otherwise. It cannot derange the decisions on this subject heretofore. It only makes plain what was doubtful before.

Mr. EDMUNDS. I will suggest to my friend an amendment to his, although it is not in order, and with that modification I think I shall have no objection to it, and that is to make it read "not resumed payment of his commercial paper, made or passed in the course of his business." That is, if a man being a merchant takes any paper from his customers, and then indorses it to the man of whom he has bought, of course he is liable as his indorser——

Mr. MERRIMON. I will accept that modification.

Mr. EDMUNDS. But as my friend has it, he refers to "the course of such business" when there is no preceding word of business in that section, which might leave it open to some question as to precisely what was meant. But with the modification to make it read "commercial paper made or passed in the course of his business," I, for one, should have no objection to it, although I am not speaking for the committee.

Mr. MERRIMON. He might be a banker and a farmer too. I suggest that it be made to read "such business." Then the word "such" would refer to his business as merchant, trader, or manufacturer, &c.

Mr. EDMUNDS. "His business as such." I have no objection to that.

Mr. MERRIMON. Very well; I am not particular about the phraseology; I only want the idea incorporated.

Mr. EDMUNDS. "Commercial paper made or passed in the course of his business as such." That would leave it open to no question, and leave the law exactly as it is now.

Mr. MERRIMON. I accept that modification.

Mr. WRIGHT. I desire to suggest to the Senator from Vermont what occurs to me as a possible objection to that language, in connection with the language of the section as it stands. I ask the Clerk to be good enough to report the amendment as it now stands.

The CHIEF CLERK. The amendment, as modified, is to insert after the word "paper," in line 41, the words "made or passed in the course of his business as such."

Mr. WRIGHT. And then the clause goes on, "within the period of forty days." Now, it occurs to me that that will relate to the "forty days" that follow, and not to the "business as such;" so that it will refer to commercial paper made or passed in the course of his business as such within the period of forty days.

Mr. EDMUNDS. That would depend upon the punctuation.

Mr. THURMAN. It might be put in parentheses.

Mr. EDMUNDS. Put it in parentheses, with a comma after it, and there can be no objection to it at all.

Mr. THURMAN. Let a comma be placed after "paper," and then let the amendment be put in parentheses, with a comma after it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina to the committee's amendment.

Mr. CROZIER. I desire to call the attention of the chairman to another consideration, in my mind, that may arise on this proposed amendment. As the amendment now stands, it is impossible to put a banker, for example, into bankruptcy unless he has failed to resume the payment of his commercial paper. Now, it is a fact that most savings-banks make no commercial paper at all, except occasionally a draft on a New York correspondent. Moneys deposited with them are evidenced by a bank-book or a ticket; something that is not in itself negotiable. They pay what is deposited with them upon a check drawn by the party who makes the deposit. Now, then, under this provision, if it shall be adopted, what is to be done with bankers who issue no commercial paper and are not able to pay their liabilities for the reason that they cannot collect their assets?

Mr. EDMUNDS. That is a difficulty, if it be one, that has existed in the law all the time. Neither the report of the committee nor the amendment of the Senator from North Carolina touches that question. I should think, if anything, it would be rather improved by this last suggestion of the Senator from North Carolina referring to paper issued in the course of their business as such. If in the course of its business a savings-bank gives a draft on New York, or an order, or a check, and it is payable to order or bearer, to pay its depositors, then that would be in the strictest sense commercial paper by the law merchant; but, of course, if there be a savings-bank or any other bank that sits down with money in its pocket and refuses to pay its depositors, then that refusal does not bring the bank under the head of having suspended commercial paper; that is true.

Mr. CROZIER. But in the case I put, the bank by reason of being unable to collect its debts, without any element of fraud at all, is unable to pay its depositors.

Mr. EDMUNDS. That is what I say. I am not now speaking of fraud; I am only saying that in any case of a bank that has assets receivable, and is supposed, as to its depositors, to have assets on hand ready to pay theoretically, but has not any money in its vaults, and its only obligation is to pay its depositors, like any other bank that has got out money, that does not fall within the description of a refusal to pay commercial paper; that is plain enough. It never has been so supposed; and the only recourse that could be had in that case would be the fact that some legal proceeding would be taken, if it were a national savings-bank, under the act of 1864, which would wind it up in what is an effectual bankruptcy, and perhaps more strictly effectual than this, because its assets are always convertible into money at once at some price, differing from general business; or, if the State law were to apply to it, then a suit brought by a creditor against the bank, to compel the payment of a debt which it owed to one of its depositors, or going for a certain length of time, would enable the creditors, if a third of them in amount and a quarter in number desired it, to put it into bankruptcy, which would fall under the other head.

Mr. CROZIER. The object of my question was to ascertain whether, in the view of the committee in this language, a bank situated in the manner I have stated would be embraced within the provisions of the bankrupt act as proposed to be amended.

Mr. EDMUNDS. I have no doubt it would come in, but it would come in where the creditor would be obliged to commence an action at law and attach the property. It would not come under the head of "commercial paper."

Mr. FRELINGHUYSEN. I desire to ask the chairman of the committee a question. I understand him to accept this amendment.

Mr. EDMUNDS. I do not accept it. I said, not speaking for the committee, that it was satisfactory to me. I have no right to accept it, of course.

Mr. FRELINGHUYSEN. Well, I still desire to ask my friend a question. Does it not always have to be ascertained, in the preliminary proceeding in bankruptcy, although the paper is made by a manufacturer or by a broker, whether he made it in his capacity as manufacturer or broker, or whether it was in some side business or some private arrangement, and that burden is thrown upon the petitioner to show. It seems to me it is a great objection to the amendment.

Mr. THURMAN. That is undoubtedly the right interpretation of the law; but, as is stated by the Senator from North Carolina, there have been decisions directly conflicting on that very question, and I have them here before me.

Mr. EDMUNDS. I do not myself understand that the decision to which my friend from North Carolina refers is in conflict with the provisions that I read. I agree that the law is exactly as my friend from New Jersey says, and I so stated it; but then my friend from North Carolina rose and said that if I would look further on I would find that some of the courts had decided otherwise. If they had, then I certainly said I had no objection to making it so clear that they could not help deciding in the way my friend from New Jersey states that the law is. But I do not think these last words in the book to which my friend alludes, although they start with a *contra*, according to the opinion of Mr. Bump, are in conflict with the preceding decisions to which I referred, because what the clause really means, after all, as you can see, is that the character of the paper is that which it receives in going through the hands of the banker or merchant as such. Now what does it say? "His commercial paper, as applied to one proceeded against in bankruptcy, merely means paper which he is bound to pay without reference to its origin." The "origin" there means without reference to where it comes from, because the case spoken of is an indorsement; for it goes on: "If a banker, &c., has indorsed a note, the indorsement is his." If he received that note and indorsed it over to somebody else, his indorsement was in his character of banker. The origin of that note may have been between private persons, not subject to this clause at all. The report does not show that that was it; but I assume that it was. So that, as between the original parties to the note, it may have been given to the banker by a man who had bought of him a lot of land, if you please; the banker puts it into his assets in his banking business, and in his character of banker he negotiates it at a bank, where he undertook to raise money to speculate in stocks. Then the statement of the decision goes on to say, "If a banker, &c., has indorsed a note, the indorsement is his; and if he has received due notice of dishonor he is liable to pay the note, and if he has thereafter failed to pay it, the failure is his; and this although some one else who was bound to save him harmless has failed to do so, and thus has broken two promises, while the indorser has broken but one. The one is sufficient to establish his failure to meet his obligations."

It may be that if we had the whole case it would support the idea of my friend from North Carolina; but as I understand this syllabus of the writer of this book he is entirely mistaken in putting the word "contra" against it, as being against the general current of decision.

Mr. MERRIMON. I think in passing a statute we ought to be as careful as we can to get the phraseology so as to leave as little difficulty about construing it as possible. That there has been difficulty in construing this clause, as it stands now, there can be no sort of doubt, because there are conflicting decisions. The matter occurred to me the more readily because I have experienced difficulty in my own practice of the very kind that I now point out. I have urged before the court that bonds given for land by a banker or by a trader were not "commercial paper" given by the party in the course of his business, and therefore not embraced by the terms of the statute. The language I now propose to insert only sets that question at rest, and I therefore can see no objection to it. It only makes certain what was before doubtful.

Mr. WRIGHT. I wish to suggest to the chairman of the committee whether, in order to make this amendment so that there shall be no chance of misapprehension or misinterpretation, it would not be better to transpose the language so as to read "or who has stopped or suspended and not resumed payment within a period of forty days of his commercial paper made or passed," and then have the amendment as proposed by the Senator from North Carolina follow.

Mr. EDMUNDS. That would be much better, to relieve it of all doubt.

Mr. THURMAN. Entirely better.

Mr. WRIGHT. I suggest to the Senator from North Carolina that the amendment be made as I have just stated.

Mr. THURMAN. That would be right.

Mr. EDMUNDS. I see no just objection to that.

Mr. MERRIMON. Very well.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment to the amendment will be reported as modified.

The CHIEF CLERK. The amendment to the amendment is to make the clause read:

Or who has stopped or suspended and not resumed payment within a period of forty days of his commercial paper made or passed in the course of his business as such.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The seventh section is still open to amendment. If there be no further amendment, the question is on agreeing to the section.

The section was agreed to.

Mr. EDMUNDS. I call the attention of the Senate to the fact that there is an important blank in this section, to be filled by and by, that Senators may be reflecting upon it as to how far this section shall be retroactive. The committee proposed to leave this blank, because we desired the Senate, as a business question, to determine how it should be filled, and we wish to leave it open with the section agreed to as it is until we have gone through all the amendments and the bill is perfected, and then the Senate can determine on filling the blank.

The PRESIDING OFFICER. The Secretary will report the next section.

The Chief Clerk read section 8, as follows:

SEC. 8. That section 40 of said act be amended by adding at the end thereof the following words: "And if, on the return-day of the order to show cause as aforesaid, the court shall be satisfied that the requirement of section 39 of said act as to the number and amount of petitioning creditors has been complied with, or if, within the time provided for in section 39 of this act, creditors sufficient in number and amount shall sign such petition so as to make a total of one-fourth in number of the creditors and one-third in the amount of the provable debts against the bankrupt, as provided in said section, the court shall so adjudge, which judgment shall be final; otherwise it shall dismiss the proceedings, and, in cases hereafter commenced, with costs."

The section was agreed to.

The ninth section was read, as follows:

SEC. 9. That section 41 of said act be amended as follows:

After the word "bankruptcy," in line 8, strike out all of said section, and insert the words:

And unless, upon such hearing or trial, it shall appear to the satisfaction of said court, or of the jury, as the case may be, that the facts set forth in said petition are true, or if it shall appear that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens was the sole ground of the proceeding, the proceeding shall be dismissed, and the respondent shall recover costs; and all proceedings in bankruptcy may be discontinued on reasonable notice and hearing, with the approval of the court, and upon the assent, in writing, of such debtor, and not less than one-half of his creditors in number and amount; or, in case all the creditors and such debtor assent thereto, such discontinuance shall be ordered and entered; and all parties shall be remitted, in either case, to the same rights and duties existing at the date of the filing of the petition for bankruptcy, except so far as such estate shall have been already administered and disposed of. And the court shall have power to make all needful orders and decrees to carry the foregoing provision into effect.

Mr. INGALLS. I desire to offer an amendment to this section that I trust will meet with the approbation of the committee, by adding after the word "bankruptcy," in line 8 of section 41 of the law, and before the amendment proposed by the committee, the words:

Or, at the election of the debtor, the court shall award a *venire facias* to the marshal of the district, returnable within ten days before him, for the trial of the facts set forth in the petition, at which time the trial shall be had, unless adjourned for cause.

The chairman of the committee will observe that when the trial is had before the court it is a summary proceeding; but if the trial is to be by jury, if demanded by the debtor, the jury cannot, as the law now stands, be summoned until the next term of the court after the demand is made. What is the practical operation of that? In the State that I represent, and I presume in most of the Western States, there are generally but two terms of the United States district court a year; and if a petition should be filed immediately after the adjournment of one term of court, if the debtor demands a trial by jury, it cannot be had until the succeeding term, and several months may elapse, within which the debtor will remain at the mercy of his creditors, and his property will have been seized by a provisional order of seizure, his business stopped, and his credit dead, and all the mischief possible will have been inflicted upon him. I trust that the amendment will meet with the approbation of the chairman of the committee, as making the provisions of the section symmetrical and harmonious with themselves.

Mr. EDMUNDS. Where does the Senator intend those words to come in?

Mr. INGALLS. After the word "bankruptcy," and before the amendment suggested by the committee.

Mr. EDMUNDS. If the Senator will word his amendment "that the court may, in its discretion," say that, so as to make it at the motion of either party, I shall have no objection.

Mr. INGALLS. But as the section now stands it is at the election of the debtor to demand a trial by jury on the facts set forth by the petition, and if the demand is granted, then the trial cannot be had until the term succeeding the time of the demand, whereas if no jury is demanded the hearing is summarily by the court.

Mr. EDMUNDS. The argument of my friend is a little specious that it is now at the election of the debtor. It is true that if the debtor demand a jury trial on the question of whether he has committed an act of bankruptcy, as the law now stands, he has a right to a trial by jury. Then it is adjourned into court for the purpose of having that trial. It may be, both to him and to the creditor, a great injury that this space of time should elapse while this dispute is going on and while his property is in the hands of the marshal awaiting a determination. That is one of the things which sometimes produce great expense. Now, my friend is right in saying that there ought to be a provision, and one has been suggested to me which I expect before this bill is through with to offer, though I have not had time to consult the committee about it, that the court may, on application of either party, where a jury trial is awarded, award a *venire* for a jury and bring a jury in to try the question at a special term, which might save a vast deal of expense in the delay occasioned while the marshal is holding the property. But, according to any of the analogies of judicial proceedings that I know of, you ought not to allow one party to have a jury trial at his election and have the time also at his election. If he demands the right to be tried by jury, which he may under the present law, then it ought to be, I suggest to my friend, in the discretion of the court to determine whether the jury trial, for the interests of both sides, should be had then or had at the term.

Mr. INGALLS. Let me ask the Senator if the allegations are of fraud, or of a suspension of payment of commercial paper, and the debtor desires to traverse such an allegation, and upon that demands a trial by a jury rather than by the courts, would he not be entitled and ought he not to be entitled to receive an immediate trial by a jury, if he so desires, instead of being compelled to wait until the next term of the court after he makes his demand, allowing a period perhaps of several months to intervene, during which his property would be in the custody of the law, his business at an end, and his credit destroyed?

Mr. EDMUNDS. So I say; but I say, as in all cases where the rights of parties are at stake, the question of when a trial is to be had must be determined by the discretion of the judge. It might be that the creditor would not be ready with his proofs, without his fault, and therefore the judge ought to have it in his discretion, as he does in every case of a suit in court, to determine whether it shall be put off for a week or for a term, as it might be in term. It might be, on the other side, that the debtor was not ready and not blamable for not being ready. So it appears to me that the true provision to make on the topic the Senator is speaking of is, that when the debtor demands a jury trial, the judge, upon the application of either party, if in his judgment it shall be just, may award a *venire* for a trial to try it on the spot.

Mr. INGALLS. The amendment that I have proposed, I think, meets the objection that is urged by the Senator from Vermont.

Mr. THURMAN. Will the Senator allow me to make a suggestion?

Mr. INGALLS. One moment, if you please. I say I obviate the objection, because in the latter part of my amendment it is provided that the trial shall proceed unless adjourned for cause. Consequently if the creditor is not ready to proceed with his proof or the debtor not ready to proceed with his, then upon the proper affidavits or showing being made, the court, in its discretion, may adjourn the hearing until the parties are ready with their proof.

Mr. EDMUNDS. That is perfectly true; but that is not my point. My point is that the amendment proposed by the Senator from Kansas gives to the debtor, after he has been put into bankruptcy——

Mr. INGALLS. Not after he has been put in.

Mr. EDMUNDS. After the petition has been filed. That is what I call getting in, so that it begins to trouble him; I am not speaking of the adjudication.

Mr. INGALLS. He wants to get out.

Mr. EDMUNDS. But after he is drawn into the bankrupt court, if

that expression suits my friend better, it gives him an election to have a jury trial, subject to a postponement at once; but be the case ever so pressing, on the other side; be his fraud ever so gross and palpable, he may be so malicious and ugly as to say, "I would rather have my property eaten up; I will make all you creditors wait until the end of the next term before you can have this properly proceeded with." Now I say it is in accordance with all just proceedings that the right of one party, when a jury trial is demanded, ought to be exactly the right of the other one in respect to time; and hence we ought to say that the court, on the demand of a jury trial, may award a *venire* for a jury at once in its discretion, or sooner, on the motion of either party.

Mr. INGALLS. It seems to me that the Senator forgets that these proceedings are hostile to the debtor, and that he is an unwilling party. I cannot understand the force of the Senator's argument that when an application is made by the creditors themselves, who ought to be prepared with their proof to make their allegations good, when they come into court to obtain the advantages of the law so far as they are concerned, they should still have the option to press the debtor further by postponing his trial until a subsequent term of court.

Mr. THURMAN. Let me ask the Senator a question. The objection to his amendment is that it is positive and mandatory, that the court shall issue a *venire facias* for a jury to appear within ten days. The application may be upon the very last day of the term of the court. How is it to be complied with? There may be very good reasons why it cannot be, because the parties cannot be ready, or the court has other business. So you ought not to make it absolutely mandatory that a *venire facias* shall go out for a jury within ten days. Change the word "shall" in the amendment to the word "may;" say the court may award a *venire facias* for a jury, and I do not then see any objection to it; but do not take away all discretion from the court. Just change the word "shall" to "may."

Mr. WRIGHT. It occurs to me that this amendment is certainly objectionable, for a reason that I can point out. As the law stands in connection with the proposed amendment of the committee, this party, if in term time, would be entitled to a jury trial if he asked it; but the object of the proposed amendment is to provide for a jury trial between the regular terms of the court. It provides, "or at the election of the debtor the court shall award a *venire facias* to the marshal of the district, returnable within ten days." Now, suppose that a regular term of the court shall be within fifteen or twenty days after such an application is made, and the court shall see that no prejudice would be worked to any party by letting the matter remain until the regular term, what reason is there to give the party at his own election a right to demand a jury trial within ten days, with all the expense of a new *venire*, with all the expense of the attendance of jurors, when, perhaps, before you close the trial that is provided for in this amendment the regular term will come on with the regular jurors and then you save expense? It seems to me that is sufficient answer.

The suggestion made by the chairman of the committee that you shall leave it to the option of the court to determine whether there shall be a trial between terms, is all that can reasonably be asked. But if you say that the debtor shall at his election have a right to demand a jury trial, it seems to me that frequently you would pile up costs on the parties quite unnecessarily, and the court would have no discretion to say, "This matter shall wait until the regular term."

I think if the Senator from Kansas will adopt the suggestion that has been made by the chairman and the Senator from Ohio he will meet everything that he asks. I know he may answer that the creditors may come in and ask that the party be put into bankruptcy, and that they ought to be prepared at all times to prove their case. The same thing might be said of a person who sues a debtor in an ordinary action, "You have sued him, and you must be prepared at all times to prove your case." Not so. He is entitled to the same rule for continuance and preparation that the debtor is.

Mr. INGALLS. If the Senator from Iowa will allow me, I should like to call his attention to the fact that every other provision of the section to which this amendment is proposed is mandatory and not permissive. It provides that—

> On such return day or adjourned day, if the notice has been duly served or published, or shall be waived by the appearance and consent of the debtor, the court shall proceed summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time on good cause shown, and shall—

The discretion is only about the adjournment of the hearing to suit the necessities of proof—

> and shall, if the debtor on the same day so demand in writing, order a trial by jury at the first term of the court at which a jury shall be in attendance, to ascertain the fact of such alleged bankruptcy.

That is to say, unless a jury is demanded the proceedings shall be summarily disposed of by the court. If a jury is demanded, then the debtor, if the term of court is at a considerable distance from the time the demand is made, is compelled to await the arrival of that time, subject to all the detriment that he has been exposed to by the initiation of the proceedings, before he can have a determination of the cause. If he is a dishonest debtor and desires to postpone proceedings, this will be satisfactory to him as it now stands; but if he is an honest debtor, conscious that the allegations made against him, upon hearing, will be disproved, then I submit he certainly ought to have a right to an immediate hearing by a jury, if he so desires. I can see no reason why that right is not one that he would be entitled to under the constitutional provision, for an immediate trial by jury is within the terms of that portion of the Bill of Rights.

Mr. EDMUNDS. I only wish to take two minutes, or less, to reply. I should have, perhaps, a little more faith in the amendment of my friend from Kansas if we did not all perfectly well understand that he is opposed to the whole thing——

Mr. INGALLS. I trust the Senator does not intend to do me injustice in that matter. I am certainly not opposed to the whole thing.

Mr. EDMUNDS. I beg the Senator's pardon.

Mr. INGALLS. I am opposed to what I conceive to be invidious and odious discriminations in the law; but I am the friend of a bankrupt law constituted as I believe it should be, in the benefit of both parties and the whole commercial community.

Mr. EDMUNDS. Exactly; but I had not had any reason to understand that my friend was in favor of this bankrupt law or any part of it that the committee have reported, for he has certainly steadily voted against us, I believe, every time. I do not do him injustice in that.

Mr. INGALLS. I have steadily voted against the committee in connection with the amendments they have suggested upon the clause in regard to commercial paper, in which the gentlemen have claimed to be exclusive friends of the debtor class of this country; and I may say here, in passing and as an end of the matter, that I conceive that they are in a wrong position in claiming that they are solely the friends of the debtor class. In my judgment, if that provision is friendly to the debtor class, it is in very suspicious company, to say the least, and, to use a very expressive phrase, I think it has "wool in its teeth."

Mr. EDMUNDS. I do not understand the phrase of "wool in the teeth," and therefore I cannot reply to that part of my friend's speech. Certainly, if I have done him injustice in supposing that he intended to vote against this bill and to kill it if he could, and to pass the House bill, I should be glad to make the apology; but I do not hear anything from his lips that leads me to suppose that I have misunderstood his position.

Now I come to the point at issue. While I do not complain of my friend at all, it is a part of perfectly fair parliamentary tactics to make a bill so bad, if you can, that its own friends have to abandon it and let it drop. Therefore if my friend wishes to have the original bill pass as it came from the House, an absolute repeal of the law, he is doing perfectly right, according to his own sense of what is fair, and what is parliamentarily fair, to get in some provision which will look so unseemly when it is done, or will work in some way such an injustice when it is done, that everybody will say, "This is wrong." Now, he undertakes to say, in answer to my friend from Iowa, that the existing law gives the debtor the same right to have a summary trial. His point is, you will observe, that the court, on his election, the moment the proceedings are brought up, shall award a jury trial, and shall proceed to hear and determine the case at the end of ten days. That is not the course of practice in any other cause, either in Kansas or anywhere else. Any plaintiff may bring a suit, complaining of the non-performance of promises or of any wrong, and when the cause is entered in court it is at the discretion of the judge, and not at the will of the plaintiff, or defendant either, when, according to the course of justice, their rights shall be brought to a determination before a jury. There is where the bite comes in. It does not happen to be in the existing law. My friend reads properly when he reads that "the court shall proceed summarily to hear the allegations of the petitioner and debtor." If he had stopped there he would have had a precedent for his claim that the court shall have a jury and shall try the cause, if the debtor desires it, within ten days.

Mr. INGALLS. "Summarily" means without jury.

Mr. EDMUNDS. But it happens to say afterward, and in the very next consecutive words, "summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time on good cause shown."

Now, if the honorable Senator is perfectly sincere as desiring to make this bill perfect and just, if it is to pass, although he means to vote against it in the end, then it would be proper for him to say in this amendment, if it is desirable at all, which is very questionable, as my friend from Iowa has shown, that the court may on the appplication of the debtor summon a jury in this way, and may adjourn the proceeding before the jury on good cause shown, just as it is in every court in the world that professes to proceed upon the principles of justice.

But my friend does not leave it there, and after this discussion it is evident that he does not intend to leave it there. He intends to put it in the power of the person who is brought up before the judge to compel a summary hearing by jury, no matter how clear the probability may be that he is in the wrong and is dishonest; no matter how many affidavits may be filed on the part of the whole body of his creditors, showing that with a reasonable delay they can produce the proofs which will convict him of having concealed and covered up his property. It is equivalent to saying that if a man were indicted for murder in a court, if you please, he should have a trial in the first ten days of the court, hit or miss, whether the prosecution or the people get their witnesses there within that time or not.

Mr. INGALLS. Will the Senator do me the favor to read the last line or two of my proposed amendment?

Mr. EDMUNDS. Yes, sir; I will read the whole of it:

Or at the election of the debtor the court shall award a *venire facias* to the marshal of the district, returnable within ten days before him for the trial of the facts set forth in the petition, at which time the trial shall be had unless adjourned for cause.

Mr. INGALLS. Does not that remove the objection the Senator urges? Does not the discretion still remain in the court to adjourn the hearing for cause, if that cause is shown by either party?

Mr. EDMUNDS. No; it does not; unless the section is entirely imperfect, because the adjournment here is after you have once brought up your jury and have opened your cause; here this right to adjourn is after you have got your jury in. How does it comport with the transaction of judicial proceedings, when you have selected the twelve men who are to try your cause, to turn them loose over the country from week to week, from month to month, to be operated on by the dishonesty of creditors or by the dishonesty of the bankrupt, as the case may be, in order that a corrupt verdict may be obtained? The theory, I submit to my friend, of a jury trial is that when you have impaneled a jury, if you are ever going to try the cause by that jury, you are to keep on with it day by day until the matter can be disposed of. I submit to my friend with some confidence that he will agree with me, therefore, that it is injurious to the interest of all parties that you are to summon a jury and then determine after you have got your jury whether the case shall be postponed. If the language "shall be adjourned for cause on application of the debtor" were changed to "unless for cause the judge shall think he ought to postpone the time of trial before the jury is summoned," or something equivalent, then it comes to the suggestion of my friend from Iowa that it ought to be left to the discretion of the court whether he will award a jury or not. He may say, "I will not award one to-day, Mr. Debtor, because it appears to me plain that the evidence is not ready which affidavits show may be produced; but I will let these proceedings stand over for ten days and then I will award a jury, to be summoned in the proper time and all parties shall be ready for trial." But my friend from Kansas puts his adjournment for cause after the jury is impaneled and sworn, and leaves the thing to haggle along at enormous expense in keeping the jury together constantly for a month, perhaps for two months. It may be that the debtor is an Englishman, living in London, and you are obliged to go across the ocean to get your testimony to show that he has committed a fraud on his American creditors. And where do you find yourself? Eaten up with the expense of a jury, exposed to corruption on both sides, or else you have to discharge that jury, which this amendment does not provide for, and begin again.

I submit to my friend that the committee would have no serious objection to his amendment if he would leave it to the discretion of the court on the application of the debtor to award this jury. Then the court can adjourn the time of awarding it until the parties shall be ready.

The PRESIDING OFFICER, (Mr. ANTHONY.) The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the ninth section of the amendment of the committee.

The amendment to the amendment was rejected.

Mr. SCOTT. I offer the following amendment, to come in after the ninth section as a new section:

That section 11 of said act be amended by inserting the words "and valuation" after the word "inventory," in the twenty-first line; and that section 42 of said act be amended by inserting the words "and valuation" after the word "inventory," in the fifteenth line.

Mr. EDMUNDS. I have not consulted with the committee, but I had supposed that in the course of proceedings in bankruptcy, when these two inventories which are spoken of are made, the valuation of the assets is always put in. Certainly, for one, I have no objection to its being inserted in the law to make it clear.

Mr. SCOTT. The purpose is simply this: The eleventh section relates to voluntary proceedings; the forty-second to involuntary. In both an inventory is required, but at present no valuation is required in either; and the purpose of the amendment which I offer is simply to require a valuation to be made by the debtor in both cases.

Mr. EDMUNDS. That is perfectly proper.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania to the amendment.

The amendment to the amendment was agreed to.

Mr. INGALLS. Did I understand the Senator from Vermont to say that the amendment I offered would be agreeable to him if the word "shall" were changed to "may?" I am exceedingly anxious to have that provision in some way incorporated in the section, because it was offered in good faith for the purpose of obviating what I conceive to be a very serious objection to the law as it stands now; and being desirous of obtaining the best terms possible, if it is not acceptable to the committee in the form that I offered, I should prefer to have it in the modified form suggested by the committee.

Mr. EDMUNDS. I have no objection to having it in this way. Let it come in after the word "words," on line 4 of this section, page 10 of the print:

At the election of the debtor the court may, in its discretion, award a *venire facias* to the marshal of the district, returnable in ten days before him, for the trial of the facts set forth in the petition, at which time the trial shall be had, unless adjourned for cause.

That gives the court discretion to postpone the application. The committee had no objection to it in that form. We certainly do not desire to be captious with any gentleman who offers an amendment which is worth having.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Now let us agree to the section.

The PRESIDING OFFICER. If there be no further amendment offered to the ninth section, the question is on the section.

The section was agreed to.

The PRESIDING OFFICER. The next section will be read.

Mr. EDMUNDS. The tenth is the composition section, which has once been read to the Senate, and to which I have heard no criticism made at all. It is not, perhaps, necessary that the Secretary should read it again, unless some gentleman should desire it. I have heard no suggestion of objection or change as to any part of the composition scheme.

Mr. INGALLS. What is the intention of the committee in regard to the blanks left in line 17 of that section?

Mr. EDMUNDS. To submit them to the Senate, as we left the other blanks. We propose to leave the Senate, as a business question, to determine what should be the fraction inserted. We propose to go through with the text of the amendments, so to speak, get them all perfected, and then to recall the attention of the Senate, in Committee of the Whole or otherwise, to the filling of the blanks.

The PRESIDING OFFICER. This section, having been read, will not be read again unless called for by some Senator. The question is on the tenth section.

The section was agreed to.

The PRESIDING OFFICER. The Secretary will read the next section.

The Chief Clerk read as follows:

SEC. 11. That from and after the passage of this act the fees, commissions, charges, and allowances, excepting actual and necessary disbursements, of, and to be made by, the officers, agents, marshals, messengers, assignees, and registers in cases of bankruptcy, shall be reduced to one-half of the fees, commissions, charges, and allowances heretofore provided for or made in like cases: *Provided*, That this section shall be and remain in force until the justices of the Supreme Court of the United States shall make and promulgate new rules and regulations in respect to the matters aforesaid, under the powers conferred upon them by sections 10 and 47 of said act, and no longer. And said justices shall have power under said sections, by general regulations, to simplify and consolidate the duties, so far as in their judgment will conduce to the benefit of creditors, of the register, assignee, marshal, and clerk, to the end that prolixity, delay, and unnecessary expense may be avoided.

And no register or clerk of court, or any partner or clerk of such register or clerk of court, or any person having any interest with either in any fees or emoluments in bankruptcy, or with whom such register or clerk of court shall have any interest in respect to any matter in bankruptcy, shall be of counsel, solicitor, or attorney, either in or out of court, in any suit or matter pending in bankruptcy in either the circuit or district court of his district, or in an appeal therefrom. Nor shall they, or either of them, be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of said courts of bankruptcy; nor be interested, directly or indirectly, in the fees or emoluments arising from either of said trusts.

And the last clause but one in section 4 of said act is hereby repealed.

Mr. EDMUNDS. Before that is voted upon I wish to change the phraseology in one place. In line 14 I move to strike out the words "consolidate the duties," and insert them after the word "creditors," in line 16, so that it will read:

Simplify and, so far as in their judgment will conduce to the benefit of creditors, to consolidate the duties of the register, assignee, marshal, and clerk, &c.

The PRESIDING OFFICER. That amendment will be considered as agreed to if there be no objection.

Mr. EDMUNDS. Then after the word "clerk," in line 16, I wish to add, "and to reduce fees, costs, and charges," so as to repeat the obligation imposed upon the court, in their general regulations, when they come to consolidating these duties, also to provide for reducing the fees, costs, and charges in that connection.

The PRESIDING OFFICER. That amendment will be regarded as agreed to if there be no objection.

Mr. EDMUNDS. Then in order to carry out the provisions of this section, as has been suggested by some of the judges themselves, it is desirable to add at the end of line 18, after the word "avoided," the words:

And the words "except such as are established by this act or by law," in section 10 of the said act, are hereby repealed.

Section 10 of the original bankrupt act fixes a certain schedule of fees for some of the officers, which, in some of the districts where there are a great many cases, are evidently too high, and they can be properly reduced. Then, when the words "established by law" are referred to, the court has found itself tied up by the act of 1853 as to the fees of clerks, and in some instances of marshals under the old fee-bill. The object of this amendment, which does not come strictly from the committee, because I have not had an opportunity to consult with them about it, is to enable the Supreme Court judges to revise this whole question of fees and charges, without any limitation for the present except their judgment and the first part of this section.

The PRESIDING OFFICER. These amendments will be considered as agreed to if there be no objection.

Mr. WRIGHT. I wish to suggest to my friend, the chairman, one query that occurs to me in connection with the section now before us. I do not know but that the amendments which he has offered and

which have been agreed upon may obviate the difficulty in my mind. I was not able to understand them very well as he offered them.

This section provides that the fees of these several officers shall be reduced one-half absolutely. That is the provision of the first part of the section. Then it provides that this section shall be and remain in force until the justices of the Supreme Court shall make certain "rules and regulations in respect to matters aforesaid under the powers conferred upon them by section 10 of the original act, and no longer." Now, the inquiry I suggest is this: Suppose they shall make these rules, and in making them they shall not touch upon this subject of fees, then the result would be that we should be remitted to the fees as they stand by the present law, as I understand the language of the section. I do not think that that was the intention of the committee.

Mr. EDMUNDS. I do not think it will bear that construction; but it can be obviated in a moment in line 8 by striking out the words "this section," and putting in the words "preceding provision," so that the preceding provision shall remain in force until the new rules shall be promulgated by the court in reference to "the matters aforesaid," which are fees, expenses, &c.

Mr. WRIGHT. The doubt in my mind is, whether they are bound to rearrange such system of fees under this language, being a power "to make and promulgate new rules and regulations."

Mr. EDMUNDS. You think it ought to be mandatory?

Mr. WRIGHT. I think it ought to be mandatory, and it ought to be mandatory upon them to make such rules and regulations touching fees.

Mr. EDMUNDS. "Touching the matters aforesaid" certainly includes fees, because that is the chief subject of the first paragraph.

Mr. FRELINGHUYSEN. But they might make rules touching them without establishing a fee-list. That is the idea, I suppose.

Mr. WRIGHT. That is the idea.

Mr. EDMUNDS. I will take any amendment of my friend, then.

Mr. WRIGHT. I was not prepared with any amendment; I only called the attention of my friend to the point. The section can be passed for the present, and when the bill comes into the Senate we can amend it.

Mr. EDMUNDS. I can fix it in a moment. I move to amend the section further by striking out in line 8 the words "this section," and inserting "preceding provisions," and then by inserting after the word "longer," in line 12, the words "which duties they shall perform as soon as may be." That imposes upon them the positive duty of rearranging the subject of fees.

Mr. WRIGHT. I do not know but that that may meet the case. I make no objection to the amendment at present, but reserve the right, when I come to examine the section more carefully, to suggest any further amendment that may be necessary.

Mr. EDMUNDS. Certainly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the section.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the section as amended.

The section as amended was agreed to.

The twelfth section was read, as follows:

SEC. 12. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The section was agreed to.

ADJOURNMENT TO MONDAY.

Mr. CARPENTER. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER. The Senator from Wisconsin asks the consent of the Senate to make a motion at this time that when the Senate adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. SARGENT. I object. I wish to remind the Senate that not one of the appropriation bills has passed yet.

The PRESIDING OFFICER. If the Senator objects, the motion can be entertained only by postponing the present bill.

Mr. SARGENT. I wish to remark simply that there are thirteen appropriation bills to be passed upon by the Senate. These bills will require the attention of the Senate on an average four days each—some of them a great deal more than that; but certainly that is not a high average. That will take fifty-two actual days of session, or over two months. We have not touched one of them yet. I have been endeavoring to procure the attention of the Senate to the naval appropriation bill, up to this time without success, though I hope to have some success in the first part of next week. It seems to me that to-morrow the Senate might meet and give a day to the consideration of this bill.

The PRESIDING OFFICER. The motion being objected to, it is not debatable now.

Mr. SARGENT. I will not make objection to its consideration, but I hope the Senate will not agree to the motion, and I state these reasons why the motion should not be agreed to.

The PRESIDING OFFICER. It is moved that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

DISTRICT GOVERNMENT INVESTIGATION.

Mr. MORRILL, of Maine. Mr. President, on coming into the Senate a moment ago I learned that my name had been associated with the committee appointed to investigate the affairs of this District, and I rise to ask the Senate to excuse me from that duty. As one reason why I should not be expected to perform further duty of that kind, I will say that during the Forty-second Congress I was constantly upon such a committee. I was engaged upon this class of committees during that entire Congress, and at the last session of Congress upon one which I think the Senate will agree with me was sufficiently onerous, and delicate, and embarrassing, to excuse me from any additional duty in that direction

But, Mr. President, a better reason, and one which I think the Senate will agree with me ought to be conclusive, is this: I am now on three committees, all of which are important, but one of them is so exacting that it is out of the question for me, if the Senate hold me to the performance of my duty upon it, to give attention to any other committee, and the acceptance of this would necessarily involve the resignation of that duty. I therefore ask the Senate to excuse me from service on this committee.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The Senator from Maine asks to be excused from service on the committee to which he has alluded. Will the Senate excuse him?

The question being put, Mr. MORRILL, of Maine, was excused.

Mr. SHERMAN. I will inquire of the Chair if it is in order to move to reconsider the vote by which the Senate agreed to the House resolution for the organization of a committee of investigation of the affairs of this District. It seems to me, with the difficulties we have before us about it, that the House committee of investigation already ordered is sufficient. Is it too late to enter a motion to reconsider the action of the Senate concurring in that resolution?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) It is not too late. Does the Senator desire to enter the motion, or does he wish to have it acted upon now?

Mr. SHERMAN. Can I enter it to-morrow?

The PRESIDING OFFICER. To-day is the last day on which such a motion can be entered.

Mr. SHERMAN. Then I will enter it now for the purpose of facilitating business. In entering the motion I desire simply to say that, considering the difficulties that exist in organizing this committee, I believe it would be wiser and more in accordance with the Constitution to have this committee of investigation to stand and act as a House committee. A committee of five can pursue the investigation with just as much thoroughness as a committee of eight; and I see no reason in the world why the Senate should join in a committee of investigation of this kind. But for the purpose of reserving my opinion on the question, because I do not want to act without the general desire of the Senate, I will simply enter the motion to reconsider and let it stand over until Monday. If we should reconsider our action, as a matter of course that would allow the committee of investigation to stand as it is appointed by the House of Representatives.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COOPER, it was

Ordered, That Willis N. Arnold have leave to withdraw his papers from the files of the Senate.

On motion of Mr. COOPER, it was

Ordered, That Mary E. Lewis have leave to withdraw her papers from the files of the Senate.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers of Minerva Tilley be taken from the files and referred to the Committee on Claims.

Mr. SPENCER. I ask that the following order be made:

Ordered, That the papers in the case of Mrs. Alme D. Brooks be withdrawn from the files of the Senate.

The PRESIDING OFFICER. Has there been an adverse report?

Mr. SPENCER. There has been an adverse report, but she desires to withdraw the papers, as they contain the record of her husband. She has given up the case.

Mr. SCOTT. Then copies should be retained.

The PRESIDING OFFICER. The order will be made and copies of the papers will be retained.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 4th instant approved and signed the act (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government.

THE BANKRUPTCY ACT.

The PRESIDING OFFICER. The bill (H. R. No 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, is before the Senate as in Committee of the Whole, the question being on substituting the amendment reported by the Committee on the Judiciary, which has been gone through with section by section, for the House bill.

Mr. EDMUNDS. Now I wish to insert a section after section 1 of the amendment, as section 2, so that the numbering will have to be changed by the Clerk:

That section 2 of said act be, and the same is hereby, amended, by striking out in line 10 the words "the same," and inserting the word "any."

The point of that has already been suggested in the debate, and that is the doubt whether the circuit court of the United States in any other district than the one where the bankruptcy proceeding is pending can have jurisdiction of a suit by or against the assignee with an adversary person touching the bankrupt's property. Some courts have held they can, and others that they cannot. I think the plain language of the present law imports by the use of the word "same," which does not necessarily mean the district where the bankruptcy is being carried on, that it is necessary to the interest of the estate that the circuit court of the United States should have this jurisdiction in any circuit where it is necessary to bring suit. The object of this amendment is to make that clear.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Then I have another amendment, which comes in after the old section 2, and in the middle of that same section, after the word "punishment," in line 39, and before the words "or any settlement," coming in as a separate paragraph in the section already agreed to:

That the assignee shall report under oath to the court, at least as often as once in three months, the condition of the estate in his charge, the state of his accounts in detail, and at all other times when the court, on motion or otherwise, shall think fit.

There does not appear to be now any provision requiring an assignee at certain stated times to report to the court what he is about, and how much money he has collected. I am sure there will be no objection to this provision. It is a very important one, I think, suggested by my friend from North Carolina.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Then I offer, as what will be finally section 3 in the proper arrangement of numbers, a provision suggested by a difficulty proposed by the Senator from Maine, [Mr. HAMLIN,] as to the enormous expense under the existing phraseology of the law of sending personal notice where there is a vast number of very small creditors whose interests are not enough to make them of the least consequence. He mentioned a case in the State of Maine where a newspaper establishment failed and went into bankruptcy, and it had several thousand subscribers. The law does not authorize the judge in such a case to make a publication to those people alone, but he must send notice to them; and it was found that about one-fourth of the estate, which was a small one, would be eaten up in sending those notices to the various persons, with the legal fees. Therefore I propose, with the assent of such gentlemen of the committee as I have been able to consult, the following amendment, which, with your permission, I will read:

That section 11 of said act be amended by adding after the word "specifies," in line 35—

Which relates to a publication he may make specified in the warrant—

the words: "But whenever the creditors of a bankrupt are so numerous as to make any notice now required by law, to be sent to them, by mail or otherwise, a great and disproportionate expense to the estate, the court may in lieu thereof, in its discretion, order such notice to be given by publication in a newspaper or newspapers, to all such creditors whose claims as reported do not exceed the sums, respectively, of fifty dollars."

I presume no gentleman will object to that.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. There is one other amendment, which will be section 4 when the bill is readjusted:

That the first clause of section 20 be amended by adding at the end thereof the following:

Or in cases of compulsory bankruptcy, after the act of bankruptcy upon or in respect to which the adjudication shall be made, or with a view to making such set-off.

This is an amendment of substance, to which I ask the attention of all Senators, as it has not been brought before to their notice. As the law now stands any debtor of a bankrupt may set off against the claim which the bankrupt may have against him when the estate comes to be settled any debt that he has against the bankrupt. That is right. The law also provides that he may set off any debt or claim that he has at the time the petition is filed. Now, in cases of compulsory bankruptcy the petition is filed by the creditors. While a man is trying to get righted before the petition is filed, during this space of forty days of which we have been speaking, some sharp debtor of the bankrupt, who owes him a very large sum of money, runs around and buys up the claims of other creditors against the debtor at a great discount, and then when the debtor is forced into bankruptcy at last, perhaps by this very same man or his assistants, he brings in to pay his debt of $50,000 that he owes the bankrupt this offset of the claims he has bought for that purpose, upon which he may not have given more than twenty-five cents on the dollar, really cheating the other creditors out of the equality which they were entitled to.

It was thought upon consideration by such gentlemen of the committee as I was able to consult about it that the true limitation in this case of compulsory bankruptcy would be that he should not buy up debts to make offsets against the bankrupt's assets, in other words offsets against the other creditors, after the act of bankruptcy had been committed upon which the man was put in, when he did it not in the course of trade as buying a promissory note that came to his bank, but when he did it for the purpose of making an offset in favor of himself of the debt that he owed, which of course would entirely overturn the equality of division which should exist among creditors; because it might happen, and often has where these abuses have been called to my attention, that some sharp debtor of the bankrupt who owed him a large sum of money, as soon as the man was discredited and still before the petition was filed by the petitioning creditors, would buy up a lot of claims at an enormous discount, and thus in effect show that the estate had no assets at all if he happened to be the chief debtor.

The object, therefore, is to induce fair play and justice between the respective creditors, after the man has got in the condition where the bankrupt law may take hold of him; in other words, it is to prevent fraud.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I have one more amendment, which I am sure everybody will agree to; and I will explain it in a single word. It is a final provision, so that when hereafter, if this bill should become a law, we are to again consider the effect and working of bankrupt laws we shall have some specific data to go upon. I have therefore framed a section which provides that the marshal, the assignee, and the register, shall, every year, report to the clerk of the court all the cases that have gone through their hands, in a tabular form, with a statement of how much the assets were, how much has been realized, what has been disposed of, what their fees have been in gross, and under particular classifications how much their expenses have been; in other words, all information which is necessary to a just consideration of the effect of the law. And then I have provided that the clerk shall himself make a similar statement of his operations, and send them all to the office of the Department of Justice. This course has been pursued in Great Britain, and with very great advantage in respect to the administration of the law.

Mr. PRATT. I should like to inquire of the chairman of the committee whether, in any of the amendments reported by the committee, any provision is made for the reduction of the fees and charges of the officers and agents of the courts in bankruptcy cases.

Mr. EDMUNDS. Yes; the last section in the print but one provides for a temporary reduction, as the House did, reducing fees one-half, and then that the Supreme Court shall readjust the scale of fees.

Mr. PRATT. That is all right. That escaped my observation.

The Chief Clerk read the amendment to the amendment; which was to insert after section eleven the following:

That it shall be the duty of the marshal of each district, in the month of July of each year, to report to the clerk of the district court of such district, in a tabular form to be prescribed by the justices of the Supreme Court of the United States, as well as such other or further information as may be required by such justices, first, the number of cases in bankruptcy in which the warrant prescribed in section 11 of said act has come to his hands during the year ending June 30 preceding; second, how many such warrants were returned, with the fees, costs, expenses, and emoluments thereof, respectively and separately; third, the total amount of all other fees, costs, expenses, and emoluments, respectively and separately, earned or received by him during such year from or in respect of any matter in bankruptcy; fourth, a summarized statement of such fees, costs, and emoluments, exclusive of actual disbursements in bankruptcy, received or earned for such year; fifth, a summarized statement of all actual disbursement in such cases for such year.

And in like manner every register shall in the same month and for the same year make a report to such clerk of, first, the number of voluntary cases in bankruptcy coming before him during said year; second, the amount of assets and liabilities, as nearly as may be, of the bankrupt; third, the amount and rate per cent. of all dividends declared; fourth, the disposition of all such cases; fifth, the number of compulsory cases in bankruptcy coming before him in the same way; sixth, the amount of assets and liabilities, as nearly as may be, of such bankrupts; seventh, the disposition of all such cases; eighth, the amount and rate per cent. of all dividends declared in such cases; ninth, the total amount of fees, charges, costs, and emoluments of every sort, received or earned by such registers during said year in each class of cases above stated.

In like manner every assignee shall, during said month, make like return to such clerk of, first, the number of voluntary and compulsory cases respectively and separately, in his charge during said year; second, the amount of assets and liabilities therein respectively and separately; third, the total receipts and disbursements therein respectively and separately; fourth, the amount of dividends paid or declared and the rates per cent. thereof in each case respectively and separately; fifth, the total amount of all his fees, charges, and emoluments of every kind therein earned or received; sixth, the total amount of expenses incurred by him for legal proceedings and counsel fees; seventh, the disposition of the cases respectively; eighth, a summarized statement of both classes as aforesaid.

And, in like manner, the clerk of said court, in the month of August in each year, shall make up a statement for such year ending June 30, first, of all cases in bankruptcy pending at the beginning of said year; second, of all such cases disposed of; third, of all dividends declared therein; fourth, the number of reports made from each assignee therein; fifth, the disposition of all such cases; sixth, the number of assignees' accounts filed and settled; seventh, whether any marshal, register, or assignee, has failed to make and file with such clerk the reports by this act required; and if any have failed to make such reports, their respective names and residences; and such clerk shall report in respect of all cases begun during said year, and he shall make a classified statement in tabular form of all his fees, charges, costs, and emoluments, respectively, earned or accrued during said year, giving each head under which the same accrued, and also the sum of all moneys paid into and disbursed out of court in bankruptcy, and the balances on hand or on deposit.

And all the statements and reports herein required shall be under oath and signed by the persons respectively making the same; and said clerks shall, in said month of August, transmit every such statement and report so filed with him, together with his own statement and report aforesaid, to the Attorney-General of the United States.

Any person who shall violate the provisions of this section shall, on motion made under the direction of the Attorney-General, be, by the district court, dismissed from his office, and shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine of not more than $500, or by imprisonment not exceeding one year.

The amendment to the amendment was agreed to.

Mr. THURMAN. I now move to amend the amendment of the committee by inserting as an additional section:

SEC. —. That the office of register in bankruptcy is hereby abolished, and the several district courts shall make such orders and take such steps as may be necessary to adjudicate and dispose of all suits, matters, or proceedings in bankruptcy now pending before such registers. The several district courts shall have power, where it may appear to be necessary or advisable, to appoint special master-commissioners to perform any of the duties heretofore performed by registers; and this power may also be exercised by a judge of said courts at chambers. No fees or compensation shall be paid to any such commissioner except such as shall be allowed by the court upon consideration of his bill; and no such fees or compensation shall in any case exceed the amount heretofore allowed for like services.

Mr. President, this is a very important amendment, and I hope Senators will give it their attention. It proposes to abolish that machinery known as registers in bankruptcy; which is a kind of court that decides now in nearly all bankrupt cases the great majority of questions that arise. It is a court that, in the opinion of some of the most eminent judges of the country, may well be abolished; and if it were abolished, the duties which are now discharged by these registers, or the greater part of them, would be discharged by the district judges themselves, who ought to discharge them. It is believed that in at least three-fourths, perhaps four-fifths, of the districts in the United States the judges have ample time and time to spare to discharge all the duties which would devolve upon them if these registers were abolished. But if there should be some necessity in a particular case for some such agency as a master-commissioner, to take proofs, or to audit claims or accounts, or the like, as we know there will be, for the ease of the parties who may live at a distance from the place where the court sits, or because of the nature of the account to be taken, or because the duty is simply ministerial, in all such cases the amendment would leave to the court the power which a court of equity now exercises, to appoint a special master-commissioner. Then the provision that his bill for services must be rendered to the court and taxed and audited by the court, and not paid until it has received the express approbation of the court, it seems to me would be a great protection against exorbitant charges or wasting of the estate.

I know that it will be said that the dispersion of these registers throughout the country, one in each congressional district, as I believe there is now, is a certain convenience to those who have business to transact in bankrupt cases, and that to some extent is true; but when we consider how cumbrous that machinery is, how it tends to prevent the adjudication by that tribunal which ought to adjudicate the questions in bankruptcy—the district court—and when we consider the complaints that are made, with more or less reason, of exorbitant charges and wasting of estates, especially by the per diem charges of registers, it seems to me, and in that I have the support, as I stated, of some of the most eminent judges that we have, the best way is to abolish them out and out. I think that will do more to reduce the cost of bankrupt proceedings than perhaps any other amendment of the bankrupt law that we could make, while I do not think it would destroy the efficiency of the law in the least.

The great recommendation of it, in my mind, is that it makes the court decide in every case whether there is any necessity for a master-commissioner or register, and deciding upon that particular case the court will not appoint a master-commissioner unless it is necessary to appoint one, and if the appointment shall be made, then all his costs and charges must be under the direct supervision of the court.

Mr. EDMUNDS. This amendment opens a wider field, which perhaps does not always exactly belong to bankruptcy, because it may be said, possibly, by those who do not know the entire candor of my friend's mind as I do, that as these registers have been put in all over the country rather under republican auspices, it is a good way to get rid of a few staunch and staid and respectable republicans in the various districts who now hold office.

Mr. THURMAN. Are you trying to rally the republicans in the Senate?

Mr. EDMUNDS. No, sir; I am not trying to rally the republicans. I am trying to show that this question is not necessarily, in all its aspects, connected with the bankrupt bill; and therefore, as my friend, perhaps, like all the rest of us, may have some prejudices of which he is not himself entirely aware, it is just possible to imagine that his usually well-balanced mind is getting a little off the track on this question.

Mr. THURMAN. I never thought of it in that light.

Mr. EDMUNDS. I have said that my friend had, I presumed, never thought of it; but I merely put it that I supposed, like all the rest of us, he might have a prejudice of which he was unconscious. If that is putting it too strong, like the rest of the bankrupt law, I will let down a little; but I think not.

Mr. THURMAN. To vindicate the truth of history I will say that these registers were appointed by the late Chief Justice at a time when it is possible the late Chief Justice would have taken a nomination from the democratic convention for the Presidency, and I should not be a bit surprised, although I do not know the politics of a single register in the whole United States, if the democrats had a pretty fair share of those fellows. [Laughter.]

Mr. EDMUNDS. That may be. There is very little of that sort of thing going that the democrats do not have a pretty fair share of. [Laughter.] But if these registers were appointed by somebody who then would have accepted a nomination from a democratic convention for the Presidency, I might say to my friend that anybody will accept a democratic nomination for the Presidency if he is sure he can be elected. I do not know but that I would myself. [Laughter.] But I should not administer the Government exactly upon what are now known as democratic principles, I must tell my friend. The difficulty about these democratic candidates is the difficulty that lies at home with the people about electing those who are nominated.

But let us pass that by and come to the real question, the business question, as far as it has to do with this bill, although I am too tired to say much about that. I will say, in the first place, that on this identical question the committee had the fullest consideration and consultation, and my friend's proposition, I think, received as kind treatment there as its merits deserved, and was rejected.

You will see, Mr. President, that we have provided now, and, I think, with the acceptance of all sides who intend to vote for the bill at all or for any bankrupt bill, for having these registers, as well as the clerks and marshals and assignees, overhauled. We have provided that their fees shall be brought down, wherever it is just to do so, to the lowest limit. If any man is getting more than he ought, he is now to be restrained. He is restrained by one-half already. In the mean time, as the law now stands, reducing it one-half, it is only just to the great body of the registers of the country to say that the judges of the Supreme Court have told us, in the letter which has been read to you and printed, that they do not think we can wisely reduce these fees to any great extent. We can only provide, in special localities and places where there are extortion and exorbitance arising out of the great number of cases or the bad character of the men, for having them looked after and provided against; but you cannot, under a bankrupt law any more than under any other law, get honest work done without paying for it a fair and reasonable compensation.

Does my honorable friend suppose that a special commissioner, as he calls him I believe, is going to attend to the management of details in the administration of the bankrupt's estate without being paid for it? Does he find that the exceptional and special officers of the judicial courts of the United States get less pay for performing special services when called upon than they do as regular officers of the court? I think not; it is quite the reverse.

Therefore I say, not to enlarge upon this, because I have not the strength to do so, we have already provided in this very bill for disposing of one-half of the fees of the registers, leaving the same duties upon them. We have provided that the Supreme Court may consolidate their duties with those of other officers, when they shall come to consider, in the light of the proprieties of the thing itself and without any reference to what effect it may have upon the country one way or another, except the good effect of the administration of law, that they may rectify this by lumping these duties together or readjusting the subject as they like. Is that asking too much? Until this shall be done, and for the coming year, let me suggest to my friend this topic for consideration: These registers are now perfectly familiar with all the duties which belong to the administration of bankrupts' estates; they know the construction of the statutes; they know the course of business; and in a complicated system, as this bankrupt law is, and as all commercial codes are, an expert is of the greatest value to all parties, creditors, debtors, the public, everybody. It is of value to justice that these men, skilled in the performance of this duty, otherwise qualified, honest and upright according to the judgment of the courts who continue to hold them, should be retained in these positions. Even if we are to make a change, it is better to let the judges of the Supreme Court, who have supervised this matter all the time, do what we have provided for; and then if we find at the end of next year that there are still abuses that exist which could be corrected by dismissing the registers and leaving the courts to pick up their assistants from time to time, according as their favoritism or as the action of the parties might require, we can do it; but there is no necessity, with the provisions we have made now, to take this hurried step and dismiss all the registers in the country and turn over every bankrupt case to entirely fresh men who may not have had the least practice or experience on the subject.

Mr. FRELINGHUYSEN. I only desire to add one other reason against this amendment. It would increase the expense of the bankrupt practice very much. Every person who had occasion to have any business in bankruptcy transacted would have to employ counsel, whereas now persons can go before the registers and attend to a great many of the items of business themselves. Then there would be the inconvenience of going from one part of a State to another to the court instead of having a number of registers in the State. There is also the argument that these registers have been seven years in practice, and it is now proposed to turn over all these matters either to commissioners or to the courts. It seems to me very objectionable.

Mr. CAMERON. Mr. President, we have now reached a very important part of this law, and I think we had better have a little more time to consider it. No harm can arise from letting it lie over for a few days; and I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were reopened, and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 6, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. DUNNELL. I notice that the Journal states that the amendment offered by the gentleman from Kansas [Mr. LOWE] to the bill (H. R. No. 1558) to amend an act entitled "An act to encourage the growth of timber on western prairies," was disagreed to, and that the amendment offered by the gentleman from Nebraska [Mr. CROUNSE] was agreed to. The fact is directly the reverse, and so appears in the report published in the RECORD. The amendment offered by the gentleman from Kansas was agreed to, and that offered by the gentleman from Nebraska was disagreed to, as also the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

The SPEAKER. The Journal will be corrected.

STEAMBOAT KITTY STRANG.

Mr. POTTER. As I expect to be absent from the House next week, I ask unanimous consent to introduce a bill for reference.

There being no objection,

Mr. POTTER introduced a bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at ten minutes past twelve o'clock. This being Friday, committees will be called for reports of a private nature. The Committee on Military Affairs are still entitled to the floor.

EPHRAIM P. SHOWALTER.

Mr. COBURN, from the Committee on Military Affairs, reported back, with a recommendation that it pass, the bill (H. R. No. 1768) for the relief of Ephraim P. Showalter; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

DANIEL M'CLURE.

Mr. COBURN also, from the Committee on Military Affairs, reported a bill (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general; which was read a first and second time.

The bill provides that the claim of Daniel McClure, assistant paymaster-general, for credits on differences in his accounts as paymaster, under his official bond, dated March 2, 1859, be referred to the Court of Claims, with jurisdiction to hear and determine the claims; and if the court shall be satisfied from the evidence that any of the moneys charged to McClure were not in fact received by him, or that other just and equitable grounds exist for credits claimed by him, it shall make a decree setting forth the amount for which McClure shall be entitled to receive credit, upon which the proper accounting officers of the Treasury shall allow him the amount so decreed as a credit in the settlement of his accounts. The bill further provides that the testimony of McClure shall be received in his own behalf by the court; and until the determination of the cause the final adjustment of his accounts is suspended; and an appeal is to be allowed to either party, as in other cases.

Mr. COBURN. This is a case in which the assistant paymaster-general has a controversy with the Government in relation to the settlement of his accounts. It involves quite a large amount.

Mr. RUSK. Mr. Speaker, does not this bill contain an appropriation?

The SPEAKER. The Chair has not carefully examined the bill; but he thinks not.

Mr. COBURN. I was about to state the effect of the bill; and I think it will be seen that it is not liable to a point of order. A large amount, perhaps $30,000 or $40,000, is in controversy between the assistant paymaster-general and the Government. This officer asks only that the matter may be referred to the Court of Claims. The only difference presented by this bill from an ordinary reference to that court is the provision that Colonel McClure shall have the right to testify in his own behalf before the Court of Claims—a privilege not ordinarily allowed. It strikes me that the bill is not properly to be classed with those making grants of money or property. It merely provides for a submission of this question to the Court of Claims.

Mr. HOLMAN. I wish to ask my colleague [Mr. COBURN] whether it has appeared before the committee that this discrepancy in the accounts of Colonel McClure occurred during his first term as paymaster, early in the war?

Mr. COBURN. It occurred during the war, in 1862. It is on account of the lapse of time that this bill, to give the Court of Claims jurisdiction, now becomes necessary. Colonel McClure did not have notice of this matter till the time allowed by law for bringing the question before the court had expired.

Mr. HOLMAN. I understand that the accounts of this officer for subsequent terms of office have all been satisfactorily adjusted.

The SPEAKER. The Chair does not know that the point of order has been raised except conversationally; but lest this case should be taken as a precedent, he deems it proper to say that a bill referring a claim against the Government to the Court of Claims would legitimately go to the Committee of the Whole. But in this case the Chair does not understand the point to be pressed. Does the gentleman from Wisconsin [Mr. RUSK] insist on the point that the bill must go to the Committee of the Whole?

Mr. RUSK. I do, if it contains an appropriation.

The SPEAKER. It does not in itself contain an appropriation; but the Chair would regard it as a wrong precedent that a bill referring a claim against the Government to the Court of Claims should be passed by the House without receiving its first consideration in Committee of the Whole.

Mr. RUSK. I ask that it shall go to the Committee of the Whole.

Mr. NIBLACK. I hope the gentleman from Wisconsin will not insist on the point of order. This is a matter which has the concurrence of the Paymaster-General of the Army, and it is important that the accounts should be adjusted as quickly as possible. It is a case about which there is no suspicion of wrong at all.

Mr. HOLMAN. I understand the fact to be that this gentleman is still in the service, and the subsequent accounts have all been satisfactorily settled, and that this discrepancy occurred early in the war, when mistakes were frequently made.

Mr. RUSK. What is the objection to this bill going to the Committee of the Whole?

Mr. NIBLACK. The only objection is that it will cause unnecessary delay. The difficulty in this case arises out of a discrepancy which can only be settled by the testimony to be submitted; and the object of this bill, as I understand it, is to provide a tribunal before which the testimony can be submitted for a decision upon the question.

Mr. RUSK. I withdraw my objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF ARMY CLOTHING.

Mr. GUNCKEL, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

LUCIUS A. ROUNTREE.

Mr. NESMITH, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 363) for the relief of Lucius A. Rountree.

The bill was read.

Mr. RUSK. This bill contains an appropriation. I raise the point of order that it must have its first consideration in Committee of the Whole.

The SPEAKER. The point of order is good, and the bill goes to the Committee of the Whole on the Private Calendar.

JAMES LONG.

Mr. NESMITH also, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 368) for the relief of James Long.

The bill was referred to the Committee of the Whole on the Private Calendar.

GEORGE H. HERRING.

Mr. HAWLEY, of Connecticut, from the Committee on Military Affairs, reported back the petition of George H. Herring, late a private Company B, Fifty-ninth Illinois Volunteers, for relief from disabilities on a charge of desertion, and for an honorable discharge; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

CHARLESTON CITADEL.

Mr. HUNTON, from the Committee on Military Affairs, reported back the joint resolution of the Legislature of South Carolina, requesting the use of the citadel in Charleston for South Carolina militia; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

WILLIAM E. CHILDS.

Mr. HUNTON also, from the Committee on Military Affairs, reported a bill (H. R. No. 1779) for the relief of William E. Childs; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

J. W. ULRICH.

Mr. HUNTON also, from the Committee on Military Affairs, reported back the petition of J. W. Ulrich, late a private in Company A, Seventh Wisconsin Infantry, for removal of the charge of desertion, and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table; which was agreed to.

CHANGE OF NAME.

Mr. HUNTON also, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the register, rolls, and records of the Army, to John Laube de Laubenfels.

The bill was read, as follows:

Whereas John Laube de Laubenfels, being of foreign birth, and holding a title of nobility, desiring to become a citizen of the United States, renounced his title of nobility; and whereas the said John Laube de Laubenfels, being informed that it was also necessary for him to renounce his name, assumed the name of John Rziha, under which name the said John Laube de Laubenfels entered the Army of the United States, and now holds in said Army the rank and commission of a captain in the Fourth Regiment of Infantry, under the name of John Rziha; and whereas the said John Laube de Laubenfels is desirous of resuming his own name: Therefore,

Be it enacted, &c., That the Secretary of War be authorized and directed to change, on the register, rolls, and records of the Army, the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, to John Laube de Laubenfels; and that upon such change being made, the said John Laube de Laubenfels shall hold the relative rank in said regiment and Army which he has heretofore held under the name of John Rziha, and shall be entitled to the same pay and emoluments, and to succeed to all the rights which he would have had under the name and designation of John Rziha: *Provided*, That the said change of name shall in no manner affect the liabilities and responsibilities, as an officer of the Army of the United States, of said John Laube de Laubenfels; but that under the name and designation of John Laube de Laubenfels, he shall be subject to all the liabilities, duties, and responsibilities that he would have been subject or liable to under the name and designation of John Rziha.

The question was on ordering the bill to be engrossed and read a third time.

Mr. POTTER. Is there a report?

Mr. HUNTON. There is.

Mr. POTTER. I should like to hear it read.

The report was read. The committee state in the report that it seems that when this officer joined the Army of the United States he was led to believe that, being a foreigner, it was necessary, not only to renounce allegiance to and titles of foreign governments, but to change the name he had borne in connection with them. He therefore took the name of his wife's family, John Rziha; but now, very naturally, desires to assume his proper name; and the Adjutant-General informs the committee that there is no objection to passing the bill authorizing him to assume his proper name. The committee, therefore, recommended the passage of the bill.

Mr. CONGER. I wish the committee would inform us whether this captain, under the name in which he served in the Army, did anything discreditable to that name.

Mr. HUNTON. Nothing of the kind that I know of.

Mr. POTTER. Is there any letter from the War Department in relation to this matter?

Mr. HUNTON. There is.

Mr. POTTER. Let it be read.

The letter of the Adjutant-General stating that there was no objection to the passage of the bill was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENOCH BURNETT.

Mr. HUNTON, from the Committee on Military Affairs, also reported back the petition of Enoch Burnett, of Ducktown, Tennessee, for arrears of pensions; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to.

CAPTAIN A. B. DYER.

Mr. YOUNG, of Georgia, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer.

The bill directs the proper accounting officers of the Treasury to allow to Captain A. B. Dyer, now brigadier-general and Chief of Ordnance, in settling his accounts, the sum of $9,853.42, and such outstanding checks as may hereafter be paid by the Treasury Department and charged to his account, the whole not to exceed the sum of $11,709.29, that being the amount deposited to his credit in the United States depository at Norfolk, Virginia, in April, 1861, as certified by the Assistant Secretary of the Treasury, and transferred by the depositary to the rebel authorities at Richmond.

Mr. WILLARD, of Vermont. I make the point of order that this bill should first be considered in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

RELIEF OF CERTAIN ILLINOIS VOLUNTEERS.

Mr. HAWLEY, of Illinois, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (H. R. No. 345) to relieve certain officers therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny.

The bill, which was read, provides that Joseph Briggs, sergeant; Silas B. Harrington and Peter Redmond, corporals; and Peter Hanley, Alexander Valley, Michael Murphy, Owen Cahill, William McNech, George Wilson, Samuel O'Neal, Henry F. Errett, and John Dunne, privates, and all late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, shall be relieved from the proceedings, findings, and sentence of a court-martial approved by Brigadier-General K. Garrard, January 19, 1865, and wherein they were severally convicted of mutiny; and the said proceedings, findings, and sentence are hereby set aside and revoked, and the said persons restored in all respects to the same rights and privileges to which they would have been entitled if said proceedings, findings, and sentence had not been had or rendered.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. HAWLEY, of Illinois. This bill has the unanimous recommendation of the Committee on Military Affairs. It appears by a copy of the records in the War Department that these men were all tried for mutiny and found guilty, and they were sentenced to serve various periods, three months to one year, in a military prison to be designated by the general commanding the department, and to forfeit their pay and allowances. The only pretense for this charge against these men was the simple fact that on a certain occasion they refused to go upon duty when ordered.

It appears by the records of the War Department that at the time they refused to go upon duty the time of service of the whole company had expired. It also appears that one company of the regiment, and only one company, was mustered in one or two months after the other nine companies had been mustered in. It was claimed by the officers of the regiment that the company to which these soldiers belonged should remain in the service until the tenth company had served their full three years. These men believed, and honestly believed, as a great many officers believed, that after they had served their full three years they were entitled to be mustered out of the service, without any regard whatever to the question as to when the other company of the regiment might have been mustered into the service. That is the only point in this case.

Although these men were charged with mutiny, although they were found guilty of that crime, they never in fact resisted their officers; they never in fact resisted any military authority over them. But when they believed their time had expired they simply claimed the right to be mustered out, and on one occasion when ordered to go upon duty they refused to do so. It appears beyond all question that they were faithful soldiers, had served their full three years, had been engaged in ten or twelve of the principal battles of the late war. They are indorsed fully by their officers as good soldiers.

The Committee on Military Affairs unanimously recommend the passage of a bill for their relief. They believe that these men having all suffered an imprisonment of several months, have suffered punishment enough for so slight an offense as simply refusing upon one occasion to go upon duty, and that not in the presence of the enemy or when they were required to fight. That is all there is in this case.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN N. NEWMAN.

Mr. THORNBURGH, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the Secretary of War to place the name of John N. Newman on the rolls as first lieutenant of Company B, Ninth Tennessee Cavalry Volunteers, from August 15, 1863, to February 2, 1864, and that the proper accounting and pay officers of the Government shall allow and pay to said Newman the pay and emoluments of a first lieutenant of cavalry during the said time, deducting any sum or sums he may have received on account of military service during the said period.

Mr. WILLARD, of Vermont. I raise the point of order upon that bill that it should first be considered in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same was ordered to be printed.

JONATHAN L. MANN.

Mr. THORNBURGH, from the Committee on Military Affairs, also reported a bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

RICE M. BROWN.

Mr. THORNBURGH, from the Committee on Military Affairs, also reported a bill (H. R. No. 1771) for the relief of Rice M. Brown, a soldier in the Mexican war; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

WILLIAM N. WILLIAMS.

Mr. THORNBURGH, from the Committee on Military Affairs, also reported a bill (H. R. No. 1772) for the relief of William N. Williams, late a second lieutenant of Indiana Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

GEORGE H. HICKMAN.

Mr. ALBRIGHT, from the Committee on Military Affairs, reported adversely upon the memorial of George H. Hickman, formerly adjutant of the Eighty-ninth Pennsylvania Volunteers, for relief; and the same was laid upon the table.

SAMUEL E. RANKIN.

Mr. ALBRIGHT, from the Committee on Military Affairs, also reported a bill (H. R. No. 1773) for the relief of Samnel E. Rankin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

MATTHIAS WHITEHEAD.

Mr. ALBRIGHT, from the Committee on Military Affairs, also reported a bill (H. R. No. 1774) for the relief of Matthias Whitehead; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

FOSTER A. HIXON.

Mr. ALBRIGHT, from the Committee on Military Affairs, also reported a bill (H. R. No. 1775) for the relief of Foster A. Hixon, late paymaster in the Army; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, directs the proper accounting officers of the Treasury to allow in the settlement of the accounts of Major Foster A. Hixon, late paymaster in the United States Army, a credit of $10,000 for the amount stolen from him at Charleston, South Carolina, on the 1st of March, 1867, no part of said allowance to be used to settle any other account of said paymaster, and the allowance to be in lieu of all existing allowances to him under existing laws.

Mr. HOLMAN. Should not that bill go to the Committee of the Whole on the Private Calendar?

Mr. BUTLER, of Massachusetts. I call for the reading of the report.

The report was read at length.

Mr. ALBRIGHT. Let the bill be referred to the Committee of the Whole House, as the point of order is insisted on.

The bill was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

BENJAMIN S. WELLER, SR.

Mr. ALBRIGHT also, from the Committee on Military Affairs, reported back the petition of Benjamin S. Weller, sr., of Davidson County, Tennessee; and the same was referred to the Committee on War Claims.

JOHN MALICOTE.

Mr. ALBRIGHT also, from the same committee, reported back the petition of John Malicote, of Company A, Twelfth Regiment Tennessee Cavalry Volunteers; and the same was referred to the Committee on Invalid Pensions.

GEORGE YOUNT.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back a bill (H. R. No. 1776) for the relief of George Yount, late second lieutenant Company I, Third Missouri Cavalry-Infantry; which was read a first and second time.

The bill, which was read, authorizes and directs the Paymaster-General of the Army to pay to George Yount, late second lieutenant of Company I, Third Missouri Cavalry-Infantry, out of any money appropriated, or which may be hereafter appropriated, for the pay of the Army, a sum equal to the pay and emoluments of a second lieutenant of the Army from the 1st of September, 1863, to the 2d of March, 1864, deducting whatever pay he may have received for that period.

Mr. CONGER. I make the point of order.

The SPEAKER. The point of order is well taken.

The bill was referred to the Committee of the Whole House on the Private Calendar.

JAMES C. LIVINGSTON.

Mr. DONNAN, from the Committee on Military Affairs, reported back a bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry, with the recommendation that it do pass.

The bill, which was read, provides that James C. Livingston, late a private in Company E, Third Iowa Regiment of Volunteer Infantry, shall be entitled to an honorable discharge from the service of the United States, to date July 22, 1865, the date of the final muster of his regiment, and shall be entitled to his back pay and bounty, and shall be restored to all homestead and other rights as fully and completely as though he had been honorably mustered out of said service with his regiment; provided that the claim for bounty and back pay of the said James C. Livingston shall be adjusted and paid without reference to the limitations contained in any law heretofore enacted for the filing of such claims in the Treasury Department.

Mr. CONGER. I make the point of order on that bill.

The SPEAKER. The point of order is well taken.

The bill was referred to the Committee of the Whole House on the Private Calendar.

Mr. DONNAN also, from the same committee, reported back adversely a bill (H. R. No. 910) for the relief of H. A. Kelly, late a first lieutenant of the Eighth Tennessee Cavalry.

The bill, which was read, provides that the Secretary of War be, and is hereby, required to pay to Henry A. Kelly, late first lieutenant and regimental quartermaster Eighth Tennessee Cavalry, his pay as such lieutenant from the 2d day of February, 1864, to the 14th day of May, 1864.

The bill was laid on the table.

ALEXANDER BURTCH.

Mr. DONNAN also, from the same committee, reported back a bill (H. R. No. 1313) for the relief of Alexander Burtch, with the recommendation that it do pass.

The bill, which was read, provides that the Adjutant-General of the Army is hereby authorized and directed to change the record of desertion against Alexander Burtch, late veteran soldier of Company H, First Indiana Heavy Artillery, formerly Twenty-first Indiana Infantry Volunteers, and substitute therefor, "Absent from September 25, 1865." And the said Alexander Burtch shall be allowed and paid the amount remaining due and accrued up to the time of his absence aforesaid, but shall not be entitled to any bounty subsequently granted by the United States.

Mr. DONNAN. As the bill provides for the surrender of bounty, the members of this House, perhaps, will consent to pass it without further words.

Mr. RUSK. I make the point of order on the bill.

The SPEAKER. The point of order is well taken.

The bill was referred to the Committee of the Whole House on the Private Calendar.

MATTHEW WOODRUFF.

Mr. DONNAN also, from the same committee, reported back a bill (H. R. No. 1777) for the relief of Matthew Woodruff, late a first sergeant Company G, Twenty-first Regiment Missouri Volunteer Infantry; which was read a first and second time.

The bill, which was read, provides that the proper officers of the War Department be, and are hereby, authorized and directed to change the record of desertion marked against Matthew Woodruff, late first sergeant Twenty-first Regiment Missouri Volunteer Infantry, and to issue to him an honorable discharge from the military service of the United States of the same date as the muster-out of that regiment, and that he shall be entitled to all his rights as to pay and bounty, drawing pay for the time of his absence from his command as though he had been honorably mustered out of the service with his regiment; that any claims for such pay and bounty shall be adjusted without reference to any limitations heretofore enacted for the filing of such claim in the Treasury Department.

Mr. HOLMAN. I make the point of order on that bill.

The SPEAKER. The point of order is well taken, and the bill will go to the committee.

The bill was referred to the Committee of the Whole House, and ordered to be printed.

SIMEON J. THOMPSON.

Mr. DONNAN, from the Committee on Military Affairs, reported back adversely a bill (H. R. No. 133) for the relief of Simeon J. Thompson, late an acting second lieutenant Company B, Seventy-ninth Regiment of Indiana Volunteers.

Mr. WILSON, of Indiana. I ask that this bill be referred to the Committee of the Whole on the Private Calendar.

Mr. DONNAN. The committee make no objection to that reference. When the bill shall be considered in Committee of the Whole they will state their reasons for reporting it adversely.

The SPEAKER. The bill will be referred to the Committee of the Whole on the Private Calendar.

MAJOR FRANK Y. COMMAGERE.

Mr. DONNAN, from the Committee on Military Affairs, also reported back adversely the petition of Major Frank Y. Commagere, late major of cavalry; which was laid on the table.

RAILROAD IN VIRGINIA.

Mr. COBURN, from the Committee on Military Affairs, reported a bill (H. R. No. 1778) granting the right of way for a railroad from the wharf of the Baltimore Steam-Packet Company, at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek Bridge, in the same county; which was read a first and second time.

The bill was read. It provides that the right of way for a narrow-

gauge railway, with the privilege of constructing, repairing, and using the railway, from the northern abutment of Mill Creek Bridge, in Elizabeth City County, Virginia, to the wharf at Old Point Comfort, Virginia, at which the boats of the Baltimore Steam-Packet Company now land, and to any other wharf or wharves at Old Point Comfort, at which vessels may hereafter receive and deposit freight, be granted to the Hampton and Fort Monroe Railroad Company of Virginia. But the company is not to occupy along the line of its track a space of greater width than six feet; the construction of the road is not to conflict with the interests of the Government; the privilege granted is to be subject to any tax assessed thereon by the Congress of the United States of America, or the State of Virginia, or to any future legislation of Congress, or to any order of the President of the United States revoking or curtailing the privilege herein granted, or limiting in any respect whatever the terms of this grant, or changing the route of the railroad. It is provided further that the road shall be constructed within two years from the passage of this act.

Mr. COBURN. I move that this bill be referred to the Committee of the Whole.

Mr. PLATT, of Virginia. If the chairman of the Committee on Military Affairs [Mr. COBURN] will permit me, I can explain the bill in a moment, so that I think there will be no objection to it on the part of any member.

Mr. COBURN. I have no objection to the consideration of the bill now.

Mr. HOLMAN. I wish to reserve the point of order on the bill.

The SPEAKER. The point of order being reserved, the gentleman from Virginia will, unless there is objection, make an explanation of the bill.

Mr. PLATT, of Virginia. A company of gentlemen residing in the county of Elizabeth City, Virginia, have associated themselves together for the purpose of constructing a narrow-gauge railroad from the village of Hampton, in that county, to the wharf of the Baltimore Steam-Packet Company at Fortress Monroe. In constructing this road it is necessary to pass along a line of territory belonging to the United States Government. These gentlemen ask from Congress permission to lay their track along this public highway. The Secretary of War, not having himself power to grant this permission, has referred the matter to Congress. The Secretary of War and the Engineer Department, as well as the commanding military officers at Fortress Monroe, approve of this bill and desire its passage. They would themselves have given the necessary permission if they had the power to do so under the law.

The bill contains no appropriation of any kind; it makes no land grant. My friend from Massachusetts [Mr. BUTLER] is thoroughly conversant with every foot of the land in question, and with all the circumstances connected with the case. There can be no possible objection to the measure.

Mr. BUTLER, of Massachusetts. I desire to ask a single question. Does this bill secure to the Government the right to take possession of or to remove this railroad, if that should be necessary, in case of war?

Mr. PLATT, of Virginia. It provides that the President of the United States may order the removal of the road at any time, and that it shall be subject to any future legislation by Congress.

Mr. BUTLER of Massachusetts. My reason for asking this question is on account of some difficulty we had at Fortress Monroe during the late war. Congress had given to somebody a right to erect a hotel there; and that hotel was occupied. But when the Merrimac came down it was necessary to tear down that hotel. The owner then came in and claimed $20,000 damages against the United States on account of the tearing down of that hotel. Now, if it should become necessary, in case of war, for the Government to tear up this railroad, I do not want the company to bring in a bill for damages against the Government.

Mr. COBURN. The power of the President to take possession of the road is expressly reserved.

Mr. BUTLER, of Massachusetts. Without any claim for damages?

Mr. COBURN. That provision is not in the bill; it ought to be inserted. I am inclined to think the bill should go to the Committee of the Whole.

Mr. POTTER. How wide is this public highway on which it is proposed to construct this railroad?

Mr. PLATT, of Virginia. About sixty feet; and it is proposed that the company shall occupy a space not greater than six feet for the purpose of laying a narrow-gauge railroad.

Mr. POTTER. For what distance is it proposed to carry this railroad along this public highway?

Mr. PLATT, of Virginia. A little more than a mile.

Mr. POTTER. Why cannot the company carry its road alongside this highway, instead of on it?

Mr. PLATT, of Virginia. It is impossible to extend the railroad to Fortress Monroe without going over this strip of land belonging to the United States. The military authorities approve the bill, and it is carefully guarded.

Mr. HOLMAN. I think that this bill can be best considered in Committee of the Whole.

Mr. PLATT, of Virginia. I do not see why it should be referred to the Committee of the Whole. It does not contain any appropriation of money or grant of public property.

Mr. RUSK. I raise the point whether this is not a public bill, and consequently out of order upon the call for private bills.

Mr. PLATT, of Virginia. This company is already organized; they are ready to go to work. The men whom it is designed to employ in this work are ready and anxious to go to work; they are now suffering from want of this labor. To pass this bill will save them possibly from destitution. I hope there will be no objection to passing this bill, so these men may go to work at once.

Mr. RUSK. I make the point of order that this is a public bill.

The SPEAKER. The gentleman from Wisconsin raises the point of order this is a public bill. That would have been a good point if it had been raised in time.

Mr. PLATT, of Virginia. I do not understand why gentlemen should make objection to the passage of this bill. I do not see what reasonable objection can be made against it. Gentlemen certainly have not stated any. It will give work to three hundred men whose families depend upon their labor for support. If the bill be not passed now, it will only prevent these men from getting this work for a month or six weeks longer. I hope, therefore, Mr. Speaker, no captious objection will be made. There is no reason for any objection, and no gentleman can state any.

Mr. HOLMAN. I make the point of order against the bill that it must go to the Committee of the Whole House on the Private Calendar.

Mr. PLATT, of Virginia. There is no real necessity for this bill going to the Committee of the Whole on the Private Calendar.

Mr. HOLMAN. If the gentleman from Virginia thinks it should not go to the Committee of the Whole House on the Private Calendar I will withdraw my objection. I understood from the chairman of the committee, as I thought, it should go there.

The SPEAKER. The point made by the gentleman from Wisconsin would have been a good point if made in season.

Mr. COBURN. I will suggest an amendment to the bill, to add the following proviso:

Provided, That no claim for damages against the United States shall arise from said change or removal.

Mr. PLATT, of Virginia. I do not see any objection to that amendment.

The amendment was agreed to.

Mr. WILLARD, of Vermont. I suggest, instead of granting the right of way, we only grant permission to lay a narrow-gauge track across the lands of the United States.

Mr. COBURN. It is about the same thing, to give permission to lay a track and to grant the right of way across the lands of the United States.

Mr. WILLARD, of Vermont. I move to strike out the words "right of way," and insert in lieu thereof these words, "permission be granted to lay a track;" so it will read: "permission be granted to lay a track for a narrow-gauge railway," &c.

The amendment was agreed to.

Mr. HOLMAN. I supposed the bill was simply a grant of the right of way over the public lands.

Mr. PLATT, of Virginia. That is all it is. The track will pass over property of the United States. There is a bridge which connects this peninsula upon which works of the United States, Fortress Monroe, and ordnance shops are situated. They are connected with the rest of the country by the bridge across the river between Hampton and Fortress Monroe. It is a public highway, but when it crosses that bridge and gets upon this peninsula, it runs from that point to the wharves of the Baltimore Steam-Packet Company, across land which belongs to the United States, jurisdiction over which has been ceded to the United States by the State of Virginia. These gentlemen simply ask the privilege of laying their track across these lands.

Mr. POTTER. I move to insert "the same being the property of the United States."

Mr. PLATT, of Virginia. That of course refers to the land and not to the railroad.

Mr. POTTER. Certainly.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of a bill (H. R. No. 1462) to repeal the fourteenth section of an act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871," approved July 15, 1870; and the same was referred to the Committee on Indian Affairs, not to be brought back by a motion to reconsider.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. BABCOCK, one of his secretaries;

who further announced that the President had approved and signed an act (H. R. No. 798) establishing certain post-routes.

STRAWBERRY PLAINS HIGH SCHOOL.

The SPEAKER. The gentleman from Ohio [Mr. MONROE] yesterday reported back from the Committee on Education and Labor a bill (H. R. No. 1444) for the relief of Strawberry Plains High School, East Tennessee, for the purpose of having it referred to the Committee on War Claims. It was inadvertently laid upon the table. He now asks the bill be taken from the table and referred as originally intended.

There was no objection, and the bill was taken from the table and referred to the Committee on War Claims.

COOLY TRADE.

Mr. WILSON, of Indiana, by unanimous consent, reported back from the Committee on the Judiciary the memorial of laboring men of Elmira, New York, for protection from evils resulting from the cooly trade; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Education and Labor, not to be brought back by a motion to reconsider.

The motion was agreed to.

CREDITORS OF SIOUX INDIANS.

Mr. LAWSON, by unanimous consent, reported back from the Committee on Indian Affairs the bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the upper and lower bands of Sioux Indians; and moved that the same be printed and recommitted to the same committee.

The motion was agreed to.

PRINTING OF A BILL.

Mr. McCRARY. I desire to ask unanimous consent to have reprinted the bill (H. R. No. 1385) reported from the Committee on Railways and Canals.

There was no objection, and the order was made.

CHANGE OF REFERENCE.

Mr. HAWLEY, of Illinois, by unanimous consent, from the Committee on Claims, reported back the following bills and petitions, and the same were referred to the Committee on War Claims:

A joint resolution authorizing the settlement of the claim of W. B. Bayless;

A bill (H. R. No. 812) for the relief of those suffering from the destruction of the salt-works near Winchester, Kentucky, pursuant to the orders of Major-General Carlos Buell;

A bill (H. R. No. 845) for the relief of Edward Lopez Mulrennan, of Key West, Florida;

The petition of Lieutenant R. M. Denning;

The petition of Mrs. Mary E. Seay;

The petition of Calvin Post;

A bill (H. R. No. 938) for the relief of John M. Fleming, of Lexington, in the State of Missouri;

The petition of Jacob S. Lowery and George A. Gray;

A bill (H. R. No. 1262) allowing compensation to Saint Philip's Episcopal church, Atlanta, Georgia, for property destroyed for uses of the Army;

A bill (H. R. No. 1274) for the benefit of the Christian church in Danville, Kentucky;

The petition of Frederick W. Posthoff, for compensation for damages by reason of goods detained at Lexington, Missouri, on the steamer Lexington;

A bill (H. R. No. 1566) for the relief of James Byers, George W. Briggs, and John Nolen; and

A bill (H. R. No. 1634) for the relief of John A. Richardson, executor of Benjamin O. Jones, of Fayette County, Georgia.

Mr. HAWLEY, of Illinois, also, by unanimous consent, reported back from the Committee on Claims the following papers; and the same were referred to the Committee on Invalid Pensions:

The petition of Mrs. Caroline McGhee; and

The petition of Ruth A. Maxener.

PRIVATE LAND CLAIM, NEW MEXICO.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, the transcript of private land claim reported as number 77, in the name of the town of Ojo Caliente, in Rio Arriba County, New Mexico; which was referred to the Committee on Private Land Claims, and ordered to be printed.

DUTIES ON MERCHANDISE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury in answer to a resolution of the House of December 17, 1873, transmitting a statement of the amount of duties collected and paid on all the goods, wares, and merchandise specified and provided for in the act of June 6, 1872; which was referred to the Committee on Ways and Means, and ordered to be printed.

LAND GRANT TO ANTONIO CHAVES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, the transcript of the land grant to Antonio Chaves, being private land claim reported as No. 79; which was referred to the Committee on Private Land Claims.

EIGHT-HOUR LAW.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury in reference to the operation of the eight-hour law.

B. F. FARRELL.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 16th ultimo, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 6, 1874.

The SPEAKER. The Clerk will also report the letter of the Secretary of State.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, D. C., February 6, 1874.

To the President:

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 16th ultimo, requesting the President, if not incompatible with the public service, to furnish that body with copies of the papers in the case of B. F. Farrell, late United States consul at Cadiz, Spain, &c., has the honor to transmit herewith a copy of the papers mentioned in the subjoined list.

Respectfully submitted.

HAMILTON FISH.

The message and accompanying papers were referred to the Committee on Foreign Affairs, and ordered to be printed.

BRONZE STATUE OF GEORGE CLINTON.

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a copy of a communication, dated the 22d ultimo, received from the governor of the State of New York, in which it is announced that, in accordance with the invitation of Congress as expressed in the act approved July 2, 1864, that State now presents for acceptance a bronze statue of George Clinton, deceased, one of its distinguished citizens.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 6, 1874.

The message was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I now move that the House resolve itself into Committee of the Whole for the purpose of considering the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. KASSON in the chair.

The CHAIRMAN. The Committee of the Whole, by order of the House, will now take up and proceed to consider the Private Calendar. The Clerk will report the first bill upon the Private Calendar.

JOHN A. FISHER.

The first bill upon the Private Calendar was a bill (H. R. No. 1402) granting a pension to John A. Fisher.

The bill directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of John A. Fisher, late first lieutenant in Company D, Twenty-third Regiment Missouri Volunteers, and pay him such pension as that allowed to the class of pensioners with which his present disability would class him, from and after the passage of this act.

Mr. HOLMAN. I ask that the report accompanying this bill be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of John A. Fisher, having considered the same, submit the following report:

John A. Fisher, the petitioner, entered the service as first lieutenant of Company D, Twenty-third Regiment Missouri Volunteers, in July, 1861, and was taken prisoner at the battle of Pittsburgh Landing the 12th of October, 1862. He was subsequently exchanged and rejoined his regiment, from which he was discharged the 12th day of January, 1863, on account of disability contracted in the service. He did service, after discharge, as inspector of arms *pro tempore*, as lieutenant of an independent volunteer company against Morgan's raid, under the provost-marshal of Kentucky, in collecting Government property and capturing deserters, and in this service he was again taken prisoner and escaped; and last, in 1865, as a member of the United States special police force. The evidence also shows that while he was making a seizure under orders of the lieutenant of the force he was shot through the right eye, which made him almost blind; the other being defective before. His pension as a discharged soldier of the Twenty-third Regiment Missouri Volunteers being inadequate for his support in his present condition, he prays for an increase; and your committee, finding this a most extraordinary case, he being a soldier of the Mexican war, and his long term of service in the late war, and the fact that he was seizing Government property when wounded, are of the opinion that he is entitled to a pension, and therefore recommend the passage of the accompanying bill.

Mr. RUSK. I move that this bill be laid aside, to be reported to the House with a recommendation that it do pass.

The motion was agreed to.

JOHN BAKER.

The next business on the Private Calendar was a bill (H. R. No. 1403) granting a pension to John Baker.

The bill directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of John Baker, late a private in Company H, First Regiment of Cavalry in the regular Army, and pay him a pension at the rate of eight dollars a month.

Mr. HOLMAN. I think that the reports in all these cases should be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of John Baker for a pension, submit the following report:

That the petitioner enlisted as a private in Company H, First Regiment of Cavalry, regular Army, for five years, having served out a prior enlistment in the service of the United States; that he was discharged from the service on a surgeon's certificate of disability at Camp Harney, State of Oregon, on the 9th day of May, 1871; that on the 23d day of April, 1871, he was relieved from guard duty, and obtained permission from the officer commanding said company to go outside the lines to a place known as Rattlesnake Creek, and within call of the garrison, for the purpose of hunting duck; that he took with him a shot-gun, and, while in the act of firing at game, the gun prematurely exploded, and so shattered his left arm as to necessitate its amputation below the elbow, which is the disability for which he was discharged; that it was a common practice in camp there for soldiers, by permission of their commanding officers, to go out hunting, the game killed being thrown into the common mess; that the petitioner has applied for a pension, and that his application has been rejected, upon the ground that he was not acting within the line of his duty when the accident happened; that the petitioner is now at the Soldiers' Home, in the District of Columbia, wholly destitute, and incapable of earning a support.

It appears by the certificates of the captain and the first and second lieutenants of the company in which he was serving at the time of the accident that he is an intelligent, honest, and temperate man, and a faithful and excellent soldier.

Wherefore the committee report the accompanying bill, and recommend its passage.

Mr. STORM. This is the most extraordinary bill, I believe, that I have had the pleasure of hearing reported from the Committee on Invalid Pensions since I have been a member of Congress. If the House should pass a bill of this character it will open the doors to thousands of just such claims, which have been rejected by the Pension Bureau on the ground that injuries of this kind were not received while in the line of duty. There are thousands of cases just as meritorious as this is that will come here if we once establish the precedent. I hope the Committee of the Whole will not indorse the action of the Committee on Pensions who have reported this bill. I am certain that the committee could not have seriously reflected upon what they were doing when they reported this bill with a recommendation that it do pass.

Mr. SMALL. The gentleman from Pennsylvania [Mr. STORM] suggests that this bill could not have been well considered by the committee that reports it. Allow me to say that it was before that committee for a long time, and that we took great pains to investigate the case. It is true that this case does not come within the precise letter of the law; if it did it would not have been before our committee. I suppose the very purpose for which the Committee on Invalid Pensions is constituted is to consider just such cases as these.

According to the evidence before the committee it is a common practice for soldiers to have leave of the commanding officer of the post, when they are not required to be on duty, to go outside of the lines, but within call of the garrison, for the purpose of hunting, as this man did. As the gentleman says, if you reject this bill you will reject a thousand other cases that do not come exactly within the letter of the law. The evidence is clear and distinct that this man was one of the very best soldiers in the service. The fact that he went outside of the lines for the purpose of hunting does not change the merits of the case at all, in the view of your committee. The committee were unanimous in the opinion that a pension should be granted in this case; that if we limit ourselves to the limit of the law you might as well discharge your committee.

Mr. HOLMAN. Does the Committee on Invalid Pensions consider that this case comes within the spirit of the law?

Mr. SMALL. We certainly do.

Mr. HOLMAN. The soldier was not, in any proper sense, in the line of his duty.

Mr. SMALL. The report states fully what were the facts. The gentleman asks if this comes within the spirit of the law. The committee were unanimously of the opinion that it did.

Mr. SMITH, of Ohio. Does the gentleman say that if this bill passes a thousand similar bills will pass?

Mr. SMALL. No, Mr. Chairman; I say that if this bill is rejected because the case does not come within the letter of the law, then you must reject all similar cases that come before the committee.

Mr. SMITH, of Ohio. I understood the gentleman to say that the rejection of this bill would reject a thousand cases of a similar nature.

Mr. SMALL. No, sir. I said that there are a thousand similar cases that do not come within the letter of the law.

The question being taken on laying the bill aside, to be reported to the House with a recommendation that it pass, there were—ayes 39, noes 27; no quorum voting.

Tellers were ordered; and Mr. STORM and Mr. SMALL were appointed.

The House divided; and the tellers reported—ayes 90, noes not counted.

So the bill was laid aside, to be reported to the House with a recommendation that it pass.

THOMAS R. HARDWICK.

The next bill on the Private Calendar was the bill (H. R. No. 510) granting a pension to Thomas R. Hardwick.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas R. Hardwick, late a sergeant in Company E, Eighth Regiment Heavy Artillery New York Volunteers, from and after the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill No. 510, entitled "A bill granting a pension to Thomas R. Hardwick," submitted the following report:

The proof shows that said Hardwick enlisted as first sergeant in Company D, Fourteenth New York Volunteers, on the 16th day of April, 1861, for two years, and was mustered in May 6, 1861; that on the 16th day of January, 1864, he re-enlisted as sergeant in Company E, Eighth Regiment New York Heavy Artillery, for three years or during the war, and was honorably discharged May 30, 1865; that on the 29th day of December, 1864, he was appointed color-sergeant; that he was a faithful soldier, and did his duty to the satisfaction of his officers; and Dr. Anson Owen, his physician, testifies that he has known Hardwick for the last sixteen years; that he was a sound, healthy man before he went into the service of the United States, and that during said service he became an invalid; and that since the close of the war he has been affected with disease to such an extent as to render him unable to labor. And Dr. J. A. Barringer testifies that he knows said Hardwick personally, having treated him the past six months for chronic inflammation of the urinary passages and an enlargement of the prostate glands; that he is permanently disabled thereby and incapacitated to such an extent as to entirely unfit him for his usual business. Wherefore the committee report back said bill and recommend its passage.

The bill was laid aside, to be reported to the House with a recommendation that it pass.

WILLIAM F. KERR.

The next bill on the Private Calendar was the bill (H. R. No. 1404) for the relief of William F. Kerr.

The bill was read. It directs the Secretary of the Treasury to pay to William F. Kerr, of Indiana, a private soldier in Company D, Third Regiment of Indiana Volunteer Cavalry, $131.50, out of any money in the Treasury not otherwise appropriated, in full for one horse and equipments owned by him, and abandoned by him by order of the officer in command at Dinwiddie Court-House, Virginia, on the 25th day of June, 1864, on a forced march, by which the said horse and equipments were totally lost to the soldier.

The report was read, as follows:

The Committee on War Claims, to whom was referred the petition of William F. Kerr, for relief, would respectfully report:

That it appears from the evidence in the case that on the 25th day of June, 1864, Mr. Kerr then being a private soldier in Company D, Third Regiment of Indiana Volunteer Cavalry, and mounted on his own horse, the said horse and equipments were abandoned by said soldier at Dinwiddie Court-House, Virginia, by order of the commanding officer, the reason of the abandonment being that the United States troops, of which said Company D was a part, was on a forced march, the said horse became exhausted and gave out on account of insufficient forage and fatigue, and had to be abandoned, and was entirely lost to the said soldier.

The Third Auditor, in a letter dated January 30, 1871, says: "There is no doubt as to the equity of his claim, but as the act under which this class of claims are adjusted specifies the kind of loss for which payment is provided, and as this is not one of the losses specified, there was no alternative; it had to be disallowed." This claim was before the Third Auditor for allowance.

Your committee is of the opinion that the horse of a soldier lost under the circumstances above set forth should be paid for by the Government as coming within the spirit of the law giving compensation when the loss was sustained in battle, and therefore think the soldier is entitled to the relief he asks. The horse and equipments are shown to have been worth $131.50, and the committee therefore recommend the passage of the accompanying bill for the payment of that sum to the soldier.

Mr. HOLMAN. I move that this bill be laid aside, to be reported favorably to the House.

Mr. WILLARD, of Vermont. I have no objection to the adoption of that motion; but I wish to call the attention of the House, and particularly of the Committee on War Claims, to the principle involved in this case. The law as it now stands is, as stated by the Third Auditor, that property of this kind can only be paid for where it has been actually lost in battle. Hence, all claims of this kind for property not actually lost in battle have been rejected by the Third Auditor. The Third Auditor has once or twice recommended to Congress the passage of a general act to enlarge the scope of the present law so as to embrace this class of cases. In my judgment the Committee on War Claims should report such a measure at the present session. I have myself called their attention to the matter. I have no objection to this bill, because it appears to be manifestly just.

Mr. HOLMAN. The gentleman from Vermont would find it very difficult to frame a general act which would cover all claims of this class. The number of these claims rejected by the Third Auditor under the strict interpretation of the law is not very large; and I think it would be quite difficult to frame a general provision which would cover them.

Under the act of 1849, as amended in 1864, the rule is that where a horse has been killed in battle, or lost in transportation, or lost by the failure of the Government to furnish forage, the soldier is entitled to be reimbursed for the loss. The committee think that in this case the loss was really occasioned by reason of insufficient forage; such seems to be the weight of the testimony, although the claim was rejected by the Third Auditor upon the ground that the horse was not actually lost in battle. If there were many of these claims, I would myself favor the adoption of a general law on the subject; but, under the circumstances, I do not think it should be attempted.

The bill was laid aside, to be reported to the House with a recommendation that it pass.

VICTOR MYLIUS.

The next bill on the Private Calendar was a bill (H. R. No. 1405) for the relief of Victor Mylius, of Macoupin County, Illinois.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Victor Mylius, late sergeant in the Sixty-eighth Regiment New York Volunteers, out of any moneys in the Treasury not otherwise appropriated, the amount of pay and allowances of a second lieutenant of infantry from the 17th day of April to the 16th day of May, 1863, and the pay and allowances of a first lieutenant of infantry thereafter to the 6th day of June, 1865, less the amount received by him as a sergeant in said regiment for the period above named.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 348) for the relief of Victor Mylius, late first sergeant in Company —, Sixty-eighth Regiment New York Volunteers, report:

That a bill similar to the above-named was considered by the Committee on Claims of the House of Representatives of the Fortieth Congress, agreed to, and the same passed the House, failing, however, to secure action in the Senate in that Congress; that a report prepared and made by the said committee covers all the facts in the case, and fully meets the approval of the Committee on War Claims, which adopt the same, and it is hereto appended:

"That memorialist was a foot-soldier in the Sixty-eighth New York, Colonel Salm-Salm's regiment, from its organization, and was wounded and captured as sergeant commanding his company at the battle of Gettysburgh, on the 1st of July, 1863. Thenceforward he was held and imprisoned by the enemy nine months at Richmond, and one month at Danville, Virginia; three months at Macon, and two months at Savannah, Georgia; two months at Columbia, South Carolina, and one month at Charlotte, North Carolina; one year and eight months in all, when he was exchanged, and rejoined his regiment, from Annapolis, Maryland, on the 16th of May, 1865, and was honorably mustered out of service on the 6th of June, 1865.

"That on the 10th of November, 1863, the said Victor Mylius was appointed and commissioned by the governor of the State of New York as second lieutenant in said regiment, with rank from the 17th of April, 1863, and also as first lieutenant, with rank from the 16th of May, 1863, upon which commissions the said Victor Mylius was never mustered, by reason of his capture and imprisonment, and consequent absence from his regiment. At the period of his release, and upon rejoining the regiment, the vacancies for which he was commissioned were filled by other appointments, in consequence of which he was mustered out as a sergeant.

"The committee have reason to believe that the memorialist was a most efficient soldier, that his promotion was for meritorious conduct evinced on the battle-fields of Chancellorsville and Gettysburgh, and that the accident of his capture, in this instance, ought not to deprive him of the rank and pay which were intended to be conferred by the governor of his State.

"The committee therefore recommend that the Secretary of War and the proper accounting officers of the Treasury Department recognize and pay the service of Victor Mylius as second lieutenant from the 17th of April to the 16th of May, 1863, and as first lieutenant thereafter to the 6th of June, 1865, when he was mustered out of the service, deducting the pay received by him during the same time in any other military capacity."

Concurring fully with the foregoing, your committee report the accompanying as a substitute for House Bill No. 348, with the recommendation that the same do pass.

Mr. POLAND. I desire to ask the gentleman having charge of this bill what occasion there is for its passage—whether we have not a general law covering precisely this class of cases?

Mr. HOLMAN. There is a general law on the subject. The gentleman from Vermont should remember, however, that it is found practically impossible to have that law carried into effect; and since its passage the practice has been to report individual bills of this kind. I agree with the gentleman that there is a law covering the case, but it is practically inoperative.

Mr. HARRIS, of Virginia. In further answer to the gentleman from Vermont [Mr. POLAND] I will take the liberty of saying that bills of this sort were passed by this House at the last session, for the reason assigned by my colleague on the committee, the gentleman from Indiana, [Mr. HOLMAN,] that the law is inoperative and is not executed by the proper officers. Hence it has been deemed necessary to pass special bills.

Mr. POLAND. From the statement of this case in the report it would seem to be meritorious and just; but it is one that is precisely within the general law applicable to cases of this class. It strikes me it is entirely improper to be passing separate individual bills for cases already provided for by the general law; and although it may be true somebody in the War Department gives construction to that law which makes it entirely inoperative, it seems to me the proper course would be for Congress, in some way or other, to contrive something that will make that law effective and compel the Department to carry out the law; that they shall not be allowed to ignore the general law which Congress has passed on this subject and intended to apply to all this class of cases. But so long as we allow that construction to prevail and the will of Congress to be overborne by that Department, we are, in my judgment, stultifying ourselves.

Mr. HOLMAN. I agree in what has been said by the gentleman from Vermont; but, as he well knows, from the time of the passage of the general law up to this moment, although the law has remained upon the statute-book, the only mode for redress in these cases has been what is proposed in the bill now pending. I believe the gentleman from Vermont himself framed the bill which became the general law, and in reference to which the War Department gives a construction rendering it practically inoperative, and he will confer a great service on the country and save a good deal of the time spent upon this special legislation if he will frame some measure to compel the War Department to carry out the purpose which Congress had in view when it passed the general law.

Mr. POLAND. My friend from Indiana is mistaken in supposing I was the author of that bill, or that I knew anything about it at the time of its passage.

Mr. HOLMAN. I thought the gentleman reported the bill to the House.

Mr. POLAND. The bill is now a statute upon the statute-book. It was reported to this House from the Military Committee, and passed both Houses of Congress, and was approved by the President. I am aware the War Department gave a construction to it which renders it inoperative—making it nullify itself. The chairman of the Military Committee in the last Congress, whom I see before me, reported a bill for the purpose of correcting this misconstruction—for it is nothing but a misconstruction of the law by the War Department—and instead of Congress allowing such a construction as this and taking it upon ourselves to pass individual bills, it is the duty of Congress to make the general law effective and compel the War Department to enforce it.

Mr. HOLMAN. The reason why I stated it as my recollection the gentleman from Vermont had prepared the bill was this: I know he had called the attention of the House to the necessity of that act—that is, for the necessity of a general law which should govern in all this class of cases; that these private cases should not be considered separately and separate bills passed for them, but that Congress should require the War Department to carry the spirit of that law into effect. From that circumstance I got the impression he had reported the bill.

Mr. POLAND. In the last Congress the chairman of the Committee on Military Affairs reported a bill for the purpose of correcting this misconstruction of the law by the War Department; and very likely that committee will bring it before the House again. I am unwilling, for one, Mr. Chairman, when we have passed a general law providing for this class of cases, clearly making it the duty of the War Department, to allow that Congress shall permit any one of the Departments of the Government to render that law inoperative, compelling us to spend our time in providing for these individual cases. That is the ground of my opposition.

Mr. HARRIS, of Virginia. One word, Mr. Chairman, before we pass from this subject. The gentleman from New York [Mr. SCUDDER] is absent, and while the gentleman from Vermont admits there is merit in this bill, I hope the House will not make an exception in this case when the gentleman from New York is not here to defend his position. I hope it will take the course heretofore given to all similar cases.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

WILLIAM STODDARD.

The next bill on the Private Calendar was a bill (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster of the United States Volunteers.

The bill, which was read, provides that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Stoddard, late assistant quartermaster United States Volunteers, out of any money in the Treasury not otherwise appropriated, the sum of $360; that sum being the amount of private funds belonging to the said Stoddard which was seized by military authority and afterward covered into the Treasury.

Mr. KELLOGG. The report is a long one; and with the consent of the committee I will make a brief statement and have a letter read from the Secretary of War. Mr. Stoddard, during the years 1862 and 1863, was an assistant quartermaster of the United States Volunteers, on duty at Alexandria, Virginia. Suspicion was aroused in December, 1863, and, on order of the Secretary of War, the papers, accounts, and moneys in his hands were seized. He had an account of some $12,000,000, and though he tried to get an early settlement that settlement was not completed until August, 1869. Among his effects, in a package marked "private," were $360 of his own private funds. When he applied for the return of that money he was informed that in December, 1868, under a law, this money had been covered into the Treasury, and for that reason, and for that only, it could not be paid to him.

The Clerk read as follows:

WAR DEPARTMENT,
Washington City, February 28, 1871.

SIR: I have the honor to return the letter originally addressed to you by this Department on the 5th of January, 1870, relative to a sum of $360, the private funds of Captain William Stoddard, assistant quartermaster, and alleged to have been taken from his possession when the public funds in his charge were seized by this Department during the late war; and, in reply to your application for a certificate that the amount named was the private property of Captain Stoddard, to state that, upon investigation into the subject, there appears such reasonable evidence in support of the allegation that the amount named was private property as would induce this Department, were the money still in its possession, to restore, without hesitation, the sum of $360 to the claimant.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

JOHN BULL, Esq.,
Attorney at Law, Washington.

Mr. KELLOGG. This provides for the payment of the sum taken, without interest.

The bill was laid aside, to be reported to the House with a recommendation that it do pass.

WILLIAM SWANZEY.

The next bill on the Calendar was the bill (H. R. No. 141) granting a pension to William Swanzey.

Mr. BURCHARD. I request that that bill be passed over. It will be observed, by examining the report made by the committee, that this is a meritorious case; the matter is pending before the Com-

missioner, and, from what is stated by the committee, I am satisfied that it is a case which does not require a special bill for relief from Congress, for the report of the committee shows that the Commissioner would be amply justified in granting a pension on the proofs before him.

The CHAIRMAN. If there be no objection the bill will be laid aside informally.

There was no objection.

MONUMENT TO CHEVALIER DE TERNAY.

The next bill on the Calendar was the bill (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay.

The bill was read. It appropriates the sum of $800, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to defray the expense of repairing and protecting from decay the monument erected at Newport, Rhode Island, to the memory of the Chevalier de Ternay, the commander of the French naval forces in aid of the American Revolution, in the year 1780; the money hereby appropriated to be expended under the direction of the Secretary of the Navy.

Mr. EAMES. This bill makes an appropriation for the preservation of a monument erected at Newport, Rhode Island, to the memory of Chevalier de Ternay.

In the summer of 1780 six ships of the line, two frigates, and several other armed vessels of the French navy, under the command of Chevalier de Ternay, with transports containing six or seven thousand French troops, under the command of Count Rochambeau, entered the harbor of Newport, in aid of the Colonies in their struggle for independence. There perhaps was never a darker period in that struggle than that of the winter at Valley Forge. The courage even of Washington began to falter. In a letter addressed to Congress about that time he expressed the opinion that unless some favorable change should speedily take place the American Army would be compelled to disband and give up the unequal contest. But the clouds broke, and hope and courage in the Army and throughout the Colonies revived when, in 1778, France, by treaties of alliance and of amity and commerce, guaranteed to the United States their liberty, sovereignty, and independence. These treaties have justly been considered as the turning point in the struggle of the Colonies for national life.

It was under these treaties that Chevalier de Ternay and Count Rochambeau, in command of the naval and military forces to which I have referred, entered the harbor of Newport, and from that time co-operated with the American Army till the surrender of Cornwallis at Yorktown, in the fall of 1781, to the allied forces of Rochambeau and Washington; thus virtually terminating the contest, and securing the recognition of the nationality of the United States. De Ternay continued in the command of this naval force until his death, which occurred suddenly at Newport, Rhode Island, in the winter of 1780. He was buried in the grounds of a Protestant Episcopal church of that city, a portion of which was set apart and consecrated according to the rites of the Roman Catholic Church for his burial; and after the peace of Paris a monument was erected by the King of France to his memory, on which was inscribed a record of his rank, services, and virtues.

On a recent visit to Newport the French minister at Washington found this monument crumbling and the inscription partially effaced. He caused the one to be repaired and the other to be restored. It was an act worthy of a Frenchman, in memory of a distinguished French admiral. But it was an act that, in my judgment, ought to have been performed by the Government, in whose struggle for liberty De Ternay had rendered his last naval service, and on whose soil his mortal remains found their last resting place. France, sir, in aid of the Colonies in their struggle for independence, expended upward of fourteen hundred thousand francs, and laid upon the altar of liberty the sacrifice, not only of this treasure, but also the lives of many of her brave soldiers and sailors, and stood nobly and faithfully by her guarantee until the close of the contest. And it seems to me that this recognition is demanded on the part of the Government of the United States in grateful remembrance of the aid of France, and as a means of keeping fresh in the memory of the American people her invaluable services, as well as of assuring the French people that, although the lapse of nearly a century may obliterate the inscription on the monument, erected by the French King in memory of this distinguished naval officer, yet it can never obliterate or efface from the hearts of the American people a grateful recollection of the generous support and sympathy of France in our struggle for national life.

This bill, Mr. Chairman, passed the Senate by a unanimous vote, and comes before this committee in consequence of a point of order having been raised. And after this brief explanation of the purpose for which the appropriation is to be made, I hope that it may be reported favorably to the House for concurrence with the Senate. I may also state that the bill has, informally, the approval of the Committee on Naval Affairs of this House. I move that the bill be laid aside, to be reported favorably to the House.

Mr. MYERS. I desire, on behalf of the Committee on Naval Affairs, to state that this bill was before the committee, and has its unanimous approval.

The bill was laid aside, to be reported favorably to the House.

JACOB PARMENTER.

The next bill on the Private Calendar was the bill (H. R. No. 1562) for the relief of Jacob Parmenter, reimbursing him for defending a suit brought against him for an official act.

The bill authorizes and directs the Secretary of the Treasury to pay to Jacob Parmenter, of Plattsburgh, New York, out of any money in the Treasury not otherwise appropriated, the sum of $1,237.19, in full for costs and expenses incurred by him as collector of customs for the district of Champlain, New York, in a suit brought against him for an official act.

Mr. WHEELER. This bill comes from the Committee on Appropriations. I ask that the accompanying report, with the letter of the Secretary of the Treasury, be read.

The CHAIRMAN. The Clerk informs the Chair that no such papers accompany the bill.

Mr. WHEELER. They ought to be with the bill. I can explain the case in a few words. It is a bill to indemnify the claimant for costs and expenses incurred in defending a prosecution against him for an official act. The Secretary of the Treasury states in his letter that the costs were incurred in consequence of the negligence of the attorney for the people. I move that the bill be laid aside, to be reported to the House favorably.

The motion was agreed to.

RICHARD H. DUTTON.

The next bill upon the Private Calendar was a bill (H. R. No. 1574) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont.

The bill directs the Auditor for the Post-Office Department to credit Richard H. Dutton, postmaster at Cavendish, in the State of Vermont, in his account as such postmaster, with the sum of $128.68, being the amount of postage-stamps stolen from the safe of said post-office by burglars on the night of the 21st day of October, 1873, without fault or negligence on the part of said postmaster.

The report accompanying the bill was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 21) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont, present the following report:

It appears from the evidence in this case that the claimant, Richard H. Dutton, was postmaster at Cavendish, Vermont, and that while he was such postmaster, and on the night of the 21st of October, 1873, the said post-office was entered by burglars, the large iron safe therein, containing the postage-stamps belonging to the post-office, was blown open with powder, and postage-stamps belonging to the said office, amounting to the value of $128, were stolen therefrom without any fault or negligence on the part of said postmaster.

The facts above presented are fully sustained by affidavits on the part of said postmaster and several leading citizens of said town, and by a letter from the Third Assistant Postmaster-General.

Your committee recommend the passage of the accompanying substitute for said bill, directing the Auditor of the Treasury for the Post-Office Department to credit said postmaster with said sum of $128 on his account with said Department.

Mr. HAWLEY, of Illinois. I move that the bill be laid aside, to be reported to the House with the recommendation that the same do pass.

The motion was agreed to.

RICHARD H. SWIFT.

The next bill on the Private Calendar was a bill (H. R. No. 1575) for the relief of Richard H. Swift.

The bill directs the Secretary of the Treasury to pay to Richard H. Swift, out of any moneys in the Treasury not otherwise appropriated, the sum of $4,080.24, in full payment and satisfaction of all claim to moiety as informer in case of the United States against Jonathan M. Dair and certain property of the said Dair, and wherein judgment of condemnation was rendered in favor of the United States.

Mr. HAWLEY, of Illinois. That bill comes from the Committee on Claims, and is accompanied by a report, which may be read.

The Clerk began the reading of the report, but before concluding,

Mr. HAWLEY, of Illinois, said: This report is a very long one, and will take some time for its reading. I can state that the case was carefully examined by the Committee on Claims, and the bill is unanimously reported from that committee.

Mr. WILLARD, of Vermont. I desire to ask if the decision of the court that this claimant was not entitled to this moiety by reason of his being an assessor was in accordance with the law?

Mr. HAWLEY, of Illinois. That is the question involved.

Mr. WILLARD, of Vermont. And it is the question which I ask the gentleman from Illinois.

Mr. HAWLEY, of Illinois. This report further on shows that it is the uniform practice of the Treasury Department to allow and pay these moieties to such officers. The question was referred by the Treasury Department to the office of the Attorney-General when Hon. E. R. HOAR was in that office. He prepared and presented to the Secretary of the Treasury an elaborate opinion upon that point. One question presented to him was, whether assessors and their deputies were entitled, as informers, to moieties. He answered without hesitation that they had that right equally with other persons. He refers also to what is stated in the letter of the Secretary of the Treasury, that it is the uniform practice of the Treasury Department, where these cases are compromised, as the Treasury Department has the power to compromise them, to allow and pay these moieties to these officers. It appears from the letter of the Secretary of the Treasury that it has been the uniform decision of the courts of the United States,

with, perhaps, two exceptions, that such was the law. In this case it happened that the court held against the practice of the Treasury Department and the opinion of the Attorney-General.

Mr. WILLARD, of Vermont. Did the assessor take an appeal to the Secretary of the Treasury?

Mr. HAWLEY, of Illinois. He did, but the Secretary held that he had no power to act in the case. Had it been compromised in any way before final judgment, then it would have been within the power of the Secretary of the Treasury to have paid this moiety, and he states that he would have done it.

Mr. WILLARD, of Vermont. I understand from the reading of the report, so far as it has gone, that the amount here claimed was retained and placed in the care of the clerk of the court.

Mr. HAWLEY, of Illinois. It was retained, and the court held that the party claiming was the first informer, and would have been entitled to the moiety but for the fact that he was an assessor.

Mr. WILLARD, of Vermont. I did not understand that the report went that length.

Mr. HAWLEY, of Illinois. The conclusions of law which I have stated are all embodied in the latter part of the report. If any gentleman desires that it be read I will not object.

Mr. POTTER. I think the report had better be read.

Mr. WILSON, of Indiana. I know all the facts in this case; it is right.

Mr. HAWLEY, of Illinois. If any gentleman desires it, I hope the report will be read.

Mr. POTTER. I would rather hear the gentleman from Indiana [Mr. WILSON] than to hear the report, as far as I am concerned.

Mr. WILSON, of Indiana. I do not desire to have it read.

Mr. WILLARD, of Vermont. I understand that all there is in the case now presented here is, that had it been compromised instead of going through the courts, this assessor would have been entitled to his moiety; but inasmuch as it was settled in the court, the court disallowed his claim. It is put upon the ground that he was the original informer, and is undoubtedly entitled to the moiety. I can see no objection to the bill.

Mr. HAWLEY, of Illinois. I ask the whole report be printed in the RECORD as if it had been read.

The CHAIRMAN. That will be done if there be no objection.

No objection was made.

The report is as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 129) for the relief of Richard H. Swift, present the following report:

That from a careful consideration of this case, it appears that from the month of October, 1865, until the month of August, 1870, the claimant, Richard H. Swift, was assessor of internal revenue for the fourth district of the State of Indiana. He claims in his petition that while exercising the duties of said office, and in the month of December, 1867, he was the first informant and gave the first information whereby certain proceedings were instituted and commenced for the seizure of the distillery, and a large lot of distilled spirits, owned by one Jonathan M. Dair, of said district, and there situate; and that such proceedings were had in the district court of the United States for said State, in pursuance of such seizure, that judgment was rendered in said cause in favor of the United States, and against said property seized, and against said Dair; that said property was seized and said judgment rendered, because the said Dair had been fraudulently manufacturing and removing from said distillery distilled spirits without paying the tax due thereon to the United States; and that the amount collected on said judgment of forfeiture, and paid into the Treasury of the United States, amounted to the sum of $38,854.64, upon which said Swift claimed, and now claims, that he was and is entitled to a moiety under the law, amounting to the sum of $4,080.64 as the first and only informer, and that the court only failed to allow and award him that sum as such moiety solely for the reason that he was, at the time of giving such information, and at the time of such seizure, assessor of internal revenue for said district, and, as such, was not entitled to such share.

It appears from the official certificate of the clerk of said court that the sum of $32,960.33 was paid into the Treasury of the United States under the decree of forfeiture rendered by said court on the 23d day of July, 1868, and that the sum of $4,080.24 was, by the order of said court, retained in the hands of said clerk to abide the claims of sundry informers; that the claims pending for the moiety were three being the claims of said Swift, Philip Lautenschlager, and A. L. Russell.

It also appears, from the official certificate of said clerk, that on the final hearing the court decided against all three of said claimants, and directed and ordered said sum of $4,080.24 to be paid into the Treasury of the United States, which said last-mentioned sum was paid into the Treasury of the United States in March, 1869, making a total paid into the Treasury of the United States, in pursuance of said seizure and judgment, of $37,040.57.

It appears from affidavits filed in this case that the judge who tried said cause and rendered said judgment, and the then United States district attorney for said district, are now both deceased.

It appears from the sworn statement of Jonathan W. Gordon that he was the attorney for said Swift in said cause in presenting to said court the claim of said Swift for said moiety, and that he was present when said judge rendered his decision thereon, and knows that said judge found and held that said Swift was the first and sole informer in said cause, and not the said two other claimants, or either of them; and that said judge announced his opinion and decision adverse to the claim of said Swift for said sum of $4,080.74 solely and only for the reason that, at the time such information was given and proceedings had, said Swift was an officer under the Government of the United States, and as such was not entitled to any share as informer.

Robert C. Bell states, under oath, that at the time said proceedings were had he was deputy United States attorney for said district, and fully corroborates the statement of said Gordon. He states that said Swift was very active in aiding the prosecution of said cause; that said judge held that neither of the other parties claiming was the first informer in said case; "and that the court also decided against said Swift; and that he was not entitled to said moiety on the sole ground that he was such assessor, and therefore an officer, and not entitled to receive said moiety, although the first informer in the case."

Said Bell further states "that this affiant knows of his own knowledge that said Swift was very vigilant, active, and efficient in investigating and unearthing the frauds perpetrated at the distillery of said Dair, and in procuring and furnishing to the district attorney's office the necessary proofs and evidence to insure and effect a forfeiture of said property, and at all times kept affiant, who had charge of the suit for forfeiture, fully advised of the progress made in such investigations so made, by letter and otherwise."

The Commissioner of Internal Revenue, in a letter addressed to the Secretary of the Treasury, under date of April 15, 1871, states it as his opinion that said Commissioner could not advise the payment out of the Treasury of said sum claimed by said Swift, for the reason that said matter having been passed upon by a court, and the decision of the court having been adverse to the claim of said Swift, there was no authority for such payment.

The Secretary of the Treasury, in a letter dated December 31, 1872, and addressed to the chairman of the Committee on Claims, in reference to said claim of said Swift, says:

"The letter, of which a copy is inclosed, addressed to me by the Commissioner of Internal Revenue on April 15, 1871, states the knowledge of the Department on the subject. It will be seen that the United States court, which has exclusive jurisdiction of the question of informers, (see 14 Statutes at Large, page 145,) rejected Mr. Swift's claim as well as that of other applicants. He claims that this decision against him was solely on the ground that he was an internal-revenue officer. The transcript from the record of the court does not show this, but I find in the papers accompanying the letter of the committee certain evidence going to show that such was the case. On the question whether this evidence is or is not satisfactory I do not propose to express an opinion. If, however, the committee are satisfied that Mr. Swift's claim was disallowed simply because he was an internal-revenue officer, it may be proper to observe that I am informed, and believe, that in nearly all the judicial districts of the United States internal-revenue officers have been awarded informers' shares without objection, and that this Department has taken the same course, following an elaborate opinion of the Attorney-General."

Your committee would also state that the facts set forth in the claimant's petition are sworn to by the petitioner. The facts are not controverted by any one so far as your committee are advised, and the only question involved is simply whether or not the claimant because he was an assessor of internal revenue was by that fact debarred from becoming an informer under the law.

The act of 1866, to which the Secretary of the Treasury refers in his letter above cited, contains the following provision: "And where not otherwise provided for, such share as the Secretary of the Treasury shall, by general regulations, provide, not exceeding one moiety, nor more than $5,000 in any one case, shall be to the use of the person, to be ascertained by the court which shall have imposed or decreed any such fine, penalty, or forfeiture, who shall first inform of the cause, matter, or thing whereby such fine, penalty, or forfeiture shall have been incurred; and when any sum is paid without suit, or before judgment, in lieu of fine, penalty, or forfeiture, and a share of the same is claimed by any person as informer, the Secretary of the Treasury, under general regulations to be by him prescribed, shall determine whether any claimant is entitled to such share as above limited, and to whom the same shall be paid, and shall make payment accordingly."

The same law also contains the following provision: "The Commissioner of Internal Revenue shall be, and is hereby, authorized and empowered to compromise, under such regulations as the Secretary of the Treasury shall prescribe, any case arising under the internal-revenue laws, whether pending in court or otherwise."

From the law above quoted, and from the letter of the Secretary of the Treasury above referred to, it is clear that if the suit against Dair had been compromised before final judgment, the Secretary of the Treasury would have had power, and would have exercised it, to pay to said Swift the moiety due him as informer. He did not pay it because, in his opinion, the court having rendered final judgment in the case, he had no power over the question.

The opinion of the Attorney-General, referred to in the letter of the Secretary of the Treasury, is very able and elaborate, and was rendered May 13, 1870, and covers the whole question.

The Secretary of the Treasury propounded to him certain questions for his reply and decision. The third was as follows: "Are collectors and assessors of internal revenue, their deputies, and assistants, or either of them, debarred from sharing as informers; and, if so, under what circumstances?"

In reply, the Attorney-General reviews all the legislation upon the subject, as well as the decisions of the courts, and comes to the conclusion, without question, that such officers, as well as other persons, may be informers under the law, and that such right has been uniformly recognized by all the courts, with perhaps two or three exceptions.

Upon a careful examination of the law and the decisions of the courts, together with the uniform practice of the Treasury Department, and upon full and careful examination of the opinion of the Attorney-General, your committee are of opinion that the law is clearly with the claimant; and that the court, having held that he was the first informer, and having fixed and set apart the amount due the informer, should have awarded and paid the same to the claimant. The amount having been paid into the Treasury of the United States, there is now no way in which the claimant can be paid but by the passage of an act for his relief.

Your committee therefore recommend the passage of the accompanying substitute for said bill, allowing and paying to said claimant the sum of $4,080.24.

The bill was laid aside, to be reported to the House with the recommendation that the same do pass.

REUEL B. FULLER.

The next business upon the Private Calendar was a bill (H. R. No. 1576) for the relief of Reves B. Fuller, of Wilton, Maine.

The bill directs the Postmaster-General, in the settlement of the accounts of Reves B. Fuller, postmaster at Wilton, Franklin County, in the State of Maine, to credit the said Reves B. Fuller with the sum of $169, that being the amount of postage-stamps and postal funds stolen from the post-office of Wilton, without fault or negligence on the part of said Reves B. Fuller.

Mr. HAWLEY, of Illinois. The first name of the person for whose relief this bill is reported should be "Reuel," instead of, as printed, "Reves."

The CHAIRMAN. The Clerk will make the correction.

The bill was laid aside, to be reported to the House with the recommendation that the same do pass.

SUSAN L. GALLOWAY.

The next bill on the Private Calendar was the bill (H. R. No. 1577) for the relief of Susan L. Galloway.

The bill was read. It directs the proper accounting officer of the Treasury to cause to be paid to Susan L. Galloway, widow of Captain James L. Galloway, late of Company E, First Florida Cavalry, out of any money now appropriated, or that may hereafter be appropriated, for the support of the Army, the full pay and emoluments of a captain of cavalry from April 26, 1864, to August 31, 1865.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 386) for the relief

of Susan L. Galloway, have had the same under consideration, and respectfully make the following report:

It appears from the papers on file in the case that Susan L. Galloway is the widow of James L. Galloway, who was commissioned as captain of Company E, First Regiment Florida Cavalry, by Major-General Banks, on the 29th day of March, A. D. 1864.

Previous to the date of said commission, and some time in November, 1863, James L. Galloway had been authorized by Brigadier-General Asboth to recruit for the First Regiment of Florida Cavalry, with the assurance that he should be commissioned and mustered as captain therein.

While engaged in recruiting for this regiment, on the 9th day of February, A. D. 1864, Captain Galloway was captured, with several recruits, and held a prisoner of war until the 25th day of February, A. D. 1865.

At this time he was released on parol and reported to his regiment. Being a paroled prisoner of war, he was not assigned to duty or mustered until after his exchange, and not till the 1st day of September, A. D. 1865. He received no compensation prior to the date of his said muster.

It further appears from the papers on file that Captain Galloway was a native of Florida; that he enjoyed the especial confidence of General Asboth and other officers both of the Army and Navy; that he was denominated and treated as a captain of cavalry prior to his capture; and it also further appears that the said Company E was duly mustered on the 26th day of April, 1864, and as appears from the records of the War Department had at that time a sufficient number of men enrolled to entitle them to the muster-in of a captain.

Your committee therefore recommend the passage of the bill giving to the petitioner the pay and emoluments of a captain of cavalry from April 26, 1864, to August 31, 1865.

Mr. DUNNELL. This bill has the unanimous indorsement of the Committee on Claims. I move that it be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

MARTIN KALBFLEISCH'S SONS.

The next bill on the Private Calendar was the bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Martin Kalbfleisch's Sons the sum of $5,241.28, out of any money in the Treasury not otherwise appropriated, in full payment for acids furnished the United States assay office, in the city of New York, in the years 1869 and 1870.

The report was read, as follows:

The Committee on Claims, to whom were referred the petition and papers of Martin Kalbfleisch's Sons, praying to be allowed the sum of $5,241.28 for acids furnished the assay office, in the city of New York, in the year 1869, beg leave to report:

That for more than forty years last past the claimants, a reputable and well-known business firm, have been manufacturers of and dealers in chemicals in said city; and for many years, and ever since the establishment of the assay office in said city, the claimants had supplied nearly or quite all the acids used by said assay office, amounting in value to hundreds of thousands of dollars.

That prior to June, 1869, they had for many years dealt with and furnished acids on the order of one George F. Dunning, who was then, and for a long time had been, the superintendent of said office; and that on or about the 25th day of June, 1869, the claimants received an official communication from said superintendent, as follows:

UNITED STATES ASSAY OFFICE,
New York, June 25, 1869.

GENTLEMEN: For the purpose of guarding against any interference in our supply of acids, I deem it prudent to give you an order for at least $5,000 worth of nitric acid, to be delivered from time to time, as we may require.

Please send me receipted bills, as follows:

June 30, say	$2,000
July 10, say	1,400
July 20, say	1,600
	5,000

Very respectfully,

GEO. F. DUNNING,
Superintendent.

Messrs. MARTIN KALBFLEISCH'S SONS,
55 Fulton Street, New York.

That a day or two subsequently Mr. Dunning called in person at the business office of the claimants, and requested receipted bills, in pursuance of the said order, directing that they be made for the following amounts and dates; which were accordingly so made, and delivered to him, viz:

Bill, date June 29, 1869, for	$1,776
Bill, date July 12, 1869, for	1,776
Bill, date July 26, 1869, for	1,440
Total	4,992

Mr. Dunning promising that claimants should be paid as the acids should be delivered.

It had long been the practice, in dealings between the said assay office and the claimants, for the former to request and receive from the claimants, when so requested, receipted bills for goods to be subsequently delivered; the claimants supposing that the office desired such bills in advance, in order to expedite the adjustment and allowance of their bills and the disbursement of money thereon.

That, in fact, no acids were delivered to the assay office on the said 25th day of June under said order; but subsequently and up to December, 1869, the claimants delivered acids to said office from time to time as directed by its superintendent, and in accordance with his said order of June 25, for which acids, so delivered, the petitioners received payment in full to said December 1, on warrants drawn in the usual manner.

That during the month of December, 1869, the claimants furnished and delivered to said assay office, from time to time, acids to the value of $1,875, for which they have not been paid.

That late in the same December it transpired that George F. Dunning, superintendent of said assay office, had defaulted, and that there were many irregularities discovered in his accounts with the Government; whereupon he was immediately removed from said office and subsequently indicted; and that upon the examination of his said accounts it appeared that by means of false certificates, drawn and indorsed upon said receipted bills, he had received from the United States Treasury the full amount of said $4,992 embraced in his order for acids of June 25 preceding, which (with a balance of $13.24, overpaid claimants on former settlement) appeared on the books of his office as a payment made to claimants, showing a sum paid them of $5,005.24 beyond all credits for acids delivered. For this amount Hon. Charles J. Folger, assistant treasurer of the United States at New York, (into whose hands the accounts of the defaulting superintendent were placed,) made claim upon the claimants. The claimants at once informed Mr. Folger that they had not received any payment whatever on account of said sum; and that the assay office was at this time indebted to them in the sum of $1,875 for acids delivered under Dunning's orders. Mr. Folger declined to accept any statement contrary to the facts as shown by the books in his possession, and threatened suit against the claimants for recovery of the amount thus shown to be due from them; whereupon the claimants, desirous of avoiding any controversy which might injure their long-established relations and interrupt their dealings with the assay office, and being advised that they would waive no legal rights thereby, under protest, entered into an agreement with Mr. Folger for the temporary adjustment of the matter, which was duly accepted by him, as per the following letter:

OFFICE OF THE BUSHWICK CHEMICAL WORKS,
55 Fulton Street, corner Cliff Street, New York, December 29, 1869.

DEAR SIR: We are advised that in the matter of $5,005.74 involved in the indebtedness of G. F. Dunning, late superintendent of your office, we are not and cannot be held accountable to the United States. Wishing, however, to give every possible assurance of our willingness to respond even to a doubtful obligation rather than suffer under any imputations injurious to our commercial honor, and with the understanding that our account is not to be sent to the district attorney, we have decided to offer you the following proposition for a present settlement of the proposed claim.

First. We will hand you our receipted bills for the acid already delivered to the assay office, amounting to the sum of $1,875.03.

Secondly. We will also give you our written obligation to deliver to the assay office at such times and in such quantities, acids at market rates, as may be required by the melter and refiner, and to the amount of $——, making, in all, $5,005.34.

In making this settlement, however, we desire it to be distinctly understood that we do not admit the legality of the claim of the United States, nor to surrender or prejudice our rights in the premises.

Yours, very truly,

MARTIN KALBFLEISCH'S SONS.

Hon. C. J. FOLGER,
Treasurer United States Assay Office, New York.

And at the same time the claimants inclosed a communication as follows:

OFFICE OF THE BUSHWICK CHEMICAL WORKS,
55 Fulton Street, corner of Cliff Street, New York, December 29, 1869.

We hereby agree to deliver to the United States assay office, at such times and in such quantities as may be required by the melter and refiner of said office, nitric and sulphuric acids, at market prices, to the value of $3,130.21, for the purposes and under the conditions set forth in our letter of this date to you.

Yours truly,

MARTIN KALBFLEISCH'S SONS.

Hon. C. J. FOLGER,
Treasurer United States Assay Office.

That this temporary settlement was with the mutual understanding between Mr. Folger and the claimants that they waived no right to payment for the acids, to the amount of $1,875, then delivered, and for the $3,130.24 in acids to be subsequently delivered; that, pursuant to said agreement, claimants furnished and delivered to said assay office acids which, with those previously furnished, amount in value, at market rates, to the sum of $5,241.28, as per statement marked A, hereto attached, for which the committee find no payment in whole or in part has ever been made to the claimants, nor to any person by them or either of them authorized to receive the same; that the receipted bills aforesaid, for the several sums of $1,776, $1,776, and $1,440, respectively, are, except as to dates and amounts, in substantially the same and in the usual form, and on which Treasury warrants No. 160, No. 179, and No. 190 were respectively drawn.

That the bill for $1,776, dated June 29, 1869, is as follows:

NEW YORK, *June 29, 1869.*

The United States assay office, New York, bought of Martin Kalbfleisch's Sons, office 55 Fulton street, New York:

100 carboys, $3		$300 00
Nitric acid, 40, 12,300 pounds, 12		1,476 00
		1,776 00
June 14	20 carboys,	2,475 pounds.
June 18	30 carboys,	3,096 pounds.
June 22	20 carboys,	2,455 pounds.
June 25	30 carboys,	3,674 pounds.
	100 carboys,	12,300 pounds.

Received payment.

MARTIN KALBFLEISCH'S SONS.

On which is countersigned, (as on the other bills:)

G. F. D., Superintendent.

And attached to which is a warrant drawn by the superintendent, as follows:

Warrant No. 160. ORDINARY EXPENSES. $1,776

To the Treasurer of the United States Assay Office:

Pay to M. Kalbfleisch's Sons, or order, $1,776, being for ordinary expenses according to the bill rendered by the party above named, and for so doing this shall be your warrant.

Dated at the United States assay office, New York, June 29, 1869.

GEO. F. DUNNING, *Superintendent.*

And at the foot of said warrant (as on the two other warrants drawn) appears a receipt, as follows:

Received June 29, 1869, of the treasurer of the assay office, the above amount, in full satisfaction for the bill aforesaid.

PATRICK BAGAR.

That the claimants submitted their case in 1871 to the Treasury Department for allowance and payment, which the Comptroller declined, for reasons not appearing in his letter before the committee, but obviously for the reason that receipted bills were furnished as above set forth. The Committee on Claims, at the last session of the Forty-second Congress, held correspondence with the Secretary of the Treasury, the Comptroller of the Treasury, and with the melter and refiner of the assay office in New York, on the subject of this claim, and letters and statements from all of said officers appear in the files of the case, whereby it is shown that the facts as above set forth are not controverted, but admitted, and that the Government has no other or different evidence of payment beyond the *prima facie* proof furnished by said receipts.

From all the evidence in the case, regarding especially the high character and integrity established for the claimants, and the reliability of their sworn statements, your committee are satisfied that no payment was made to the claimants at the time of the transaction, or has since been made to them, or to any person authorized to receive the same. It stands admitted by the assay office that since Dunning's administration no change in the status of the claim has taken place, except under the stipulation with Mr. Folger, the assistant treasurer.

The proofs, then, show—

1st. That the superintendent of the assay office ordered the goods in an official communication in writing, addressed to the claimants, and therein requested that receipted bills be given, the acids to be delivered from time to time as thereafter directed.

2d. That this official order was given (in the words of the superintendent) "to guard against any interference in the supply of acids" at the assay office.

3d. That such was the usual and customary course of dealings between the claimants and that office, namely, for the office to request, and for the claimants to furnish when requested, receipted bills for goods actually ordered to be subsequently delivered as called for.

4th. That in the present instance the acids of the kinds and quantities so ordered were set apart and held for delivery to said office, as thereafter directed.

The force of a receipt is, to be sure, *prima facie* evidence of payment; but the presumption established by it is, in the opinion of your committee, satisfactorily overcome by the proofs in the case. It is not claimed by any one that there was any bad faith on part of claimants, nor collusion with the defaulting superintendent, nor that they were guilty of any illegal or prohibited act. It is plain that claimants placed reliance upon the integrity of a Government official sworn to an honest and faithful performance of official duty. Nor was the practice of requesting receipted bills in advance of payment peculiar to the assay office. Your committee are confident that like practices then existed and now prevail in different Departments of the Government, and notably among these is that in the settlement of pensions and bounty and back-pay cases duplicate receipts are invariably given in advance of payment, and in many instances left "in blank" for the disbursing officers to fill up on final allowance.

In the present case the large quantities of acids consumed would require only a brief time to exhaust the amount contained in the bills referred to, and there was no such unusual circumstance connected with this transaction as to prompt any apprehension or suspicion of improper motives in Superintendent Dunning by any wrongful use of the bills rendered.

But it appears that, however unwarranted the claimants were in delivering said bills, their act alone and of itself did not and could not furnish to the defaulting superintendent the means of drawing from the Treasury the amount in question.

By the regulations of the New York assay office then in force, and prescribed by the treasury Department, "a requisition for all supplies by the proper officer was first required to be made, stating the article and price, and, if approved, an order therefor was to be issued, and the articles so delivered were required to be compared with such order, as to quantity, quality, and price, and the bills in duplicate were required to be examined and certified to be correct, and, when so certified, a warrant issued for their payment." "This warrant (with the bills) to be placed in the treasurer's hands, and, when payment is demanded, the duplicate bills are to be receipted by the party to whom the payment is due, or by some one authorized in writing to receive the same, and a receipt taken at the foot of the warrant."

Under these regulations above quoted it was the practice of the melter and refiner of said office to certify to the correctness of bills for acids and other supplies; but, in the present case, the treasurer paid over to the superintendent the amount of the bills named, regardless of the absence of such required certificate. Had the regulations been observed in respect to said bills, no money should have gone to the superintendent in the absence of the melter and refiner's counter-certificate of their correctness, namely, as to "quantity, quality, and price." Nor were duplicate bills ever furnished, as required by said regulations.

It will be seen, moreover, that the money was not obtained by Superintendent Dunning on these receipted bills, but on the certificate by him drawn, addressed to the treasurer of the assay office directing payment to be made, for which "this (meaning the certificate) shall be your (meaning the treasurer's) warrant."

So the furnishing the receipted bills could have worked no possible disadvantage or injury to the Government, where, as the case plainly shows, the money was not drawn on them, but drawn on an entirely different document, namely, a warrant improperly given by the agent of the Government.

But this irregularity is not so formidable to the Government as one that appears by the receipts to the warrants themselves in respect to final payment, copies of which warrants and receipts having been furnished by the Comptroller at the request of said former committee.

These warrants are each and all made payable to "M. Kalbfleisch's Sons or order," and that they have not been so paid not only appears by claimants' own positive testimony, corroborated by the affidavit of the late Superintendent Dunning, and the admissions of the assay office, ("except as evidenced by their receipts,") but the fact appears by an examination of the warrants themselves, payable only to M. Kalbfleisch's Sons or order, but signed by one "Patrick Bagar," not by claimants' authority, or order, or in their behalf, as attorney, agent, or otherwise. Nor is there any showing by the assay office (which has been called upon for all facts and papers bearing on the case) that such Patrick Bagar had, or professed to have, any authority whatever to take the money and receipt therefor for the claimants. The regulations above referred to required that such authority, if existing, should be in writing.

There is no doubt in the mind of your committee that the late Superintendent George F. Dunning embezzled this money obtained on false certificates of his own, and paid to him from the treasury of the assay office thereon. He was removed from said office, was indicted, and, as the committee is informed, has since been convicted. He has given an affidavit in the case, admitting all essential facts with reference to this claim, and states positively that the claimants were paid nothing on the bills in question up to the time of his removal.

To conclude, your committee find that acids were furnished the assay office in New York by the petitioners, in the year 1869, to the amount of $5,241.28, for which they have not been paid, and they report the accompanying bill for their relief, and recommend its passage.

The bill was laid aside, to be reported to the House with a recommendation that it pass.

JOSEPH J. PETRI.

The next bill on the Private Calendar was the bill (H. R. No. 4579) for the relief of Joseph J. Petri.

The bill was read. It appropriates, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to be paid to Joseph J. Petri, of the State of Illinois, in recognition of his heroic and successful efforts in rescuing from starvation and impending death a train of emigrants snowed-in between the Sierra Nevada and Trinity Mountains in the months of November and December, 1849, and in payment of the expenses and losses incurred by him in the same.

Mr. DUNNELL. I ask the especial attention of the House to the report in this case.

The report was read, as follows:

Your committee, to whom was referred the bill (H. R. 678) for the relief of Joseph J. Petri, with the accompanying papers, have had the same under consideration, and respectfully report:

The following facts are set forth in the petition of the claimant, and sworn to by him:

March 4, 1849, leaving his family in Palestine, he started for California, being among the very first to go overland after the breaking out of the gold fever. Saint Joseph, Missouri, was the place of rendezvous. On the 2d of May a party of two hundred and forty persons, among whom were fourteen families, set out, with seventy-one wagons, for the journey over the plains. This party was made up from Indiana, Illinois, Iowa, and Missouri. At Fort Kearney officers were elected to conduct them over the plains, Mr. Petri being third in command. They left Fort Kearney May 11, and arrived at Fort Laramie July 13. Here the party halted a few days for rest and repairs, where one of the men, Karl Troube, died of the cholera. At Green River, about twenty-five miles east of Salt Lake, it was determined to take what was known as the Lawson route, which was the farthest north of any route known. It was described in the guide-book as being five hundred miles shorter than any other, but it proved to be one thousand miles longer. The progress from this time was very slow, and some of the more active men became dissatisfied, and about thirty of them, under the lead of Mr. Petri, separated from the main party, and pushed through on the same route, arriving at Davis's ranch, in the Sacramento Valley, about the 12th of September. The main party, after enduring great hardships and abandoning all their property, arrived on the 4th of November, in an exhausted condition. The men who accompanied Mr. Petri had gone immediately to mining, on their arrival, in the Feather River diggings. Many of them were very successful, Mr. Petri himself having secured about $15,000 in gold before the main party arrived. All were making preparations for winter as best they could with their scanty stock of provisions, when news was received that a large party of emigrants were snow-bound on the waters of Deer Creek, between the Sierra Nevada and Trinity Mountains. The news was brought by Captain Peopels, of the United States Army, who had been sent from Pueblo with a squad of men to aid the emigrants. His men all perished in the snow, except Lieutenant Foster, without reaching the emigrants, and Captain Peopels was so far exhausted that he died soon after bringing the news into the Sacramento Valley.

Governor Burnett, of California, immediately issued a proclamation calling for volunteers, and promising remuneration to any person who should carry relief to the emigrants. Twenty-four men volunteered, but only fourteen assembled at the place of rendezvous at the time agreed upon for their departure, November 27. Three of these were *vaqueras*, or cowherds, who in this case, were Indians with a slight admixture of Spanish blood. The entire provision for the party was nine mules, nine head of cattle, two sacks of barley, two hundred pounds of flour, and a sack of coffee.

Thomas Ford, of Missouri, was chosen to command the expedition. All except four of the cattle and five of the mules were purchased by Mr. Petri, and more food would have been taken, but it could not be obtained. On the second day seven of the men refused to go farther. On the third day Captain Ford and all the other white men gave up in despair, leaving Mr. Petri and the three Indians, who all resolved to take relief to the sufferers or perish in the attempt. The distance was about one hundred and twenty miles. The plan adopted was to slaughter a beef at intervals and hang it on a tree for food on the return. For nine days they made good progress, when they came to snow so deep that it was necessary for the men to go forward and tramp it down before the mules could make their way through it. Five days were spent in this manner. On ascending Trinity Mountain they found less snow and made greater progress. From the top of Trinity Mountain, Mr. Petri believed, from his recollection of the route, that the emigrants were not more than ten or twelve miles distant. Here he slaughtered the last of the cattle, and had a beef and a half and all the flour and coffee packed on the mules, and for several days the party passed on through the deepening snow, and a little before sundown on the 21st of December they found a camp of seventy starving emigrants; among these were twelve women and twenty-one children. The women were calm and easily controlled, but the men were half crazed and presented a wild and haggard appearance. Mr. Petri soon found that their food was entirely exhausted, having eaten all their horses and cattle, except such as had wandered off and were buried in the snow. These they continued to eat as long as they could find them by the tracks of the wolves and other wild beasts, but they had seemingly all left that part of the country on account of the snow. Mr. Petri found one large, fleshy man tied to a tree in the midst of the camp. Upon inquiring the cause, the other men reluctantly admitted that they had taken advantage of and tied him, because he was the most fleshy, as their next chance for food if no relief came. Upon being released he cried like a child. He was a lawyer by the name of James White, and was from Indianapolis, Indiana. Mr. Petri says that the Indians were miracles of patient endurance and obedience, never failing to come to his assistance when called. He says they resolutely refused food that the children might have it, when he knew they were almost famishing; and ever after, on meeting him, would express their love for him by saying "Massa Jo, brave man."

Mr. Petri had all the flour baked on the first night after finding them, and put in sacks to feed the children on their return. Three of the strongest men made an attempt to take the bread for themselves, but a blast from his whistle brought the Indians promptly to his relief, and the men were brought under control and tied. They were released next day, under promise that they would submit to his directions, and were obedient to the end of the journey. From the blankets in camp sacks were made large enough to hold two or three children each, and then thrown across the mules. In that way they were conveyed, and, by the older persons walking, the whole party were rescued from what came so near being a living sepulcher. After they took up their line of march one woman was found in a wagon near the route, which made seventy-one persons rescued by the one white man and three Indians. They arrived in Sacramento Valley January 9, 1850, where the whole party was received with the wildest demonstrations of rejoicing by the emigrants who had made the journey safely.

After arriving in the valley and purchasing more food at enormous prices, for the famished emigrants, Mr. Petri found his money exhausted, and after the excitement had subsided he was taken sick, from which he but slowly recovered. On being restored to health he commenced blacksmithing. He remained in California nearly three years, but never again met with success equal to that of the first six weeks, nearly all of which he had so generously expended in his heroic efforts to save the lives of his fellow-men. On the 2d of August, 1852, he started home, via the Isthmus of Panama, and joined his family on the 16th of September.

Mr. Petri has had eight children and two grandchildren, but they have all passed away, and his faithful wife died also February 19, 1872, and he is now all alone.

The foregoing statement is sustained by the affidavit of J. O. Harness and seven other citizens of Illinois; also by the affidavit of James T. Stark; also by the affidavit of Thomas Bennet, of the same State. The Legislature of California in 1851 passed a memorial to Congress asking remuneration for the claimant.

The Legislature of Illinois, in 1871, passed the following resolution:

"*Resolved by the house of representatives, (the senate concurring herein,)* That our Senators in Congress be instructed, and our Representatives requested, to use all necessary and honorable efforts to secure an early and favorable consideration by Congress of the memorial of the said Joseph J. Petri for the services rendered and expenses incurred by him as aforesaid, whereby men, women, and children were rescued from a horrible death and from privation and suffering of the most revolting character."

The bill calls for an appropriation of thirty thousand dollars ($30,000) to compensate the petitioner "for his personal efforts and money expended by him in rescuing from starvation and impending death a train of emigrants who were snowed-in between the Sierra Nevada and Trinity Mountains, in the months of November and December, 1849."

Your committee recommend that the sum of five thousand dollars ($5,000) be appropriated and paid to Joseph J. Petri, in recognition of his sublime heroism in the rescue of seventy souls from a certain and terrible death in the Sierra Nevada Mountains in November and December, 1849, and report the accompanying bill as a substitute.

Mr. DUNNELL. Mr. Chairman, the report states perhaps as fully as I shall be able to do the facts in this case. The committee were unanimous in recommending the passage of the bill. In view of the fact that this man was induced to undertake this great enterprise under a proclamation of the acting governor of the then Territory of California, and as he so successfully accomplished the object for which he started out, it seemed to the committee that Congress could do no better act than appropriate $5,000 (the amount asked was $30,000) as a recognition of one of the most clearly proved instances of moral heroism of which we have any account. Mr. Petri underwent great sufferings and privations, and rescued seventy souls from impending peril—yes, from death itself.

It seems to me that the Government owes something to a man who thus steps forward under such circumstances and rescues so many fellow-beings from peril and from death. If one man were announced to us as having carried a fort in which there were seventy enemies of the country, or if one man were heralded to the world as having slaughtered seventy men in battle, we would vote him a medal; we would grant him a reward; we would give him promotion. But here is a case in which a man rescued from death seventy-one of his fellow-creatures. While there may be no particular law for this case, I think Congress can afford to vote this old man, who has made this country his home and has become an adopted citizen, a recognition of a display of heroism on his part such as has rarely been recorded in the history of the world.

Mr. POTTER. Mr. Chairman, it is always a thankless task to resist the granting by Congress to any one who has performed a meritorious or humane action anything that his friends may ask Congress to give to him. Within the last five minutes I have been more importuned by gentlemen, in whom I have every confidence, and whom I hold in high respect, not to oppose this bill than I have been in respect of any private bill that has come to my notice within the last session or two; and if I do oppose it it is only because I am constrained to regard it as beyond the proper province of congressional legislation, and as establishing a dangerous precedent.

I begin, sir, by frankly admitting, to any degree that the gentleman who reports this bill may desire, not only the meritorious character, but the extraordinary heroism of the man for whose relief for services rendered twenty-five years ago this bill is reported; but I say further that there has not been money enough in the Treasury during the last ten years to pay a fitting reward for all the acts of heroism by citizens of the United States voluntarily performed since the year 1849. We have not had, and we cannot have, millions enough in our Treasury to pay an adequate reward in money for such services.

But the difficulty beyond this is that we have not any right, as I think, to make payment for services like these at all. It would be contrary to the whole principle upon which government is established and for which it ought to be continued. The business of government is not to give bounties but to maintain justice. The money that we propose to distribute is not our money but the money of the people. What is given in this way is taken from the whole people. I desire to know, then, upon what principle of law gentlemen can put their hands into the pockets of the people and take therefrom money to reward men for "acts of heroism." The Constitution wisely left it for gentlemen to put their hands into their own pockets when they would return money rewards for such high action.

This claimant was not in the service of the Government, neither in the Army nor the Navy. He went out upon the call of the governor of California, and ought to have received from that governor remuneration for his services. How happens it that great and rich State of the Pacific coast has not rewarded this man, who was employed by its executive officer for this extraordinary service? How happens it for twenty-five years after the rescue of these lives upon the call of the governor of California he is here knocking at our doors for compensation for his heroism? To that I wait for a reply.

But, Mr. Chairman, whatever the answer to that, the question recurs whether we should begin to pay bounties to anybody for exhibitions of heroism. If we pay in the case of this man Petri, the precedent will reach to the case of every one who rescues lives from burning houses in Boston, in New York, or in any other part of these States. It will reach to every man who may go into the surf upon the New Jersey and North Carolina coasts to rescue women and children from wrecked vessels, who stops runaway horses, warns against falling stones or timber, or saves in any way the lives of citizens. If Congress once begins the business of paying such bounties there will be no end of it so long as there is heroism and people to perform heroic acts left in the country, and I trust those at least will last forever.

Surely it cannot be just to do this thing. There is no provision of law to authorize it. There was no authority on the part of the governor of California, so far as this Government is concerned, to employ this man for the United States to do this act of heroism, and it does not appear he was employed for the United States. It was a very gallant and heroic act I gladly grant, but nevertheless it was an act for which the Government is not liable—that is not pretended—but a private service, which we are asked to reward by a gratuity on the part of the people. My notion of government is that its duty is first to maintain justice. On the one hand, men should not be left knocking for years and years at the doors of Congress with just claims. And on the other hand, men should not be supported in coming to Congress to make private claims for services unauthorized by law and which we are not bound to pay for, no matter how heroic and gallant they may be, or how strongly the service may appeal to our sympathies. This is a case which no man if appealed to personally should refuse to join in providing for by private subscription. But according to my judgment, it calls for a gratuity by Congress which should not be granted by this House, solely because the money to be granted is the money of the people, not intrusted to Congress for such purposes.

Mr. MARSHALL. Mr. Chairman, I have a very few words to say in regard to this matter, which, in my judgment, is as meritorious a claim as was ever presented to the American Congress; and I take issue with my friend from New York [Mr. POTTER] when he takes the position that we have no right and it is unprecedented to pay a claim of this kind.

He asks why Mr. Petri has not been compensated by the State of California? It must be remembered that in 1849 California was a Territory of the United States, and had not then been admitted into the Union as a State.

Governor Burnett, I believe, was territorial governor at that time. The attractive golden discoveries had recently been made, and our people were rushing from all parts of the country through the intervening wilderness between the settled portions of the Mississippi Valley to the golden regions recently discovered upon the shores of the Pacific. The sufferings, the hardships, and the privations of the pioneers then emigrating to California were almost unparalleled. It must be remembered that an unexplored wilderness of two thousand miles in breadth intervened; dreary deserts, almost impassable mountains, the dangers of a savage foe, and almost every species of danger and hardship, were to be overcome.

The case before us is one of an extraordinary character. Nothing short of an act of the most extraordinary generosity, involving the sublimest heroism, could have rescued the perishing emigrants. That this was furnished by Petri is well established by the most unquestionable evidence. This case comes from no obscure corner. Petri is well known and is indorsed by some of the most prominent citizens of Illinois, including the well-known ex-Governor Palmer, ex-Auditor Jesse K. Dubois, one of the best men and best-known men in the whole West; General Lippincott, an ex-member of this House and the present auditor of the State of Illinois, who was in California at the time of this heroic act, and who, during last session, gave me much valuable information in regard thereto. He assured me that it was a matter of common notoriety that Petri had rendered this extraordinary service. This man Petri, whose fault, if any he had, was that he had a heart so generous and expansive that it reached out and embraced the whole human race in its generous impulses, would not permit him to rest in his bed while seventy human beings were perishing in the gorges of the mountains. And now we are told that this Congress has no power to remunerate him for doing what it was the duty of the Government to do—rescue these citizens within its own territory from impending destruction.

If now, or at any time, it was made clear to the American Congress that one hundred or any number of citizens were in the gorges of the mountains in deadly peril, or upon the ocean waves shipwrecked and perishing, and we had the means to rescue them by making an appropriation to send them assistance and relief, I would like to know whether, in such case, the gentleman from New York [Mr. POTTER] would place his herculean form and great influence in the pathway of this generous and imperative act and duty on our part, and insist that we had no right or power to make such an appropriation; that it would be improper on our part to intervene to save the lives of these citizens? I am sure that he would shrink back with horror from the performance of a task so ungracious and so indefensible. And yet when this noble-hearted and brave citizen stepped in with his whole fortune, and at the risk of his life, and did that which it was the duty of the Government to do if it had had the necessary information and power to do it, the honorable gentleman urges, with all his ability and great influence here, that Congress has no power to vote him this paltry and very imperfect compensation. In my judgment, instead of ingratitude and opposition here for this heroic and generous act, he is entitled not merely to compensation, but in any heroic age he would have had monuments and statues voted to perpetuate his memory.

The heroism of the greatest and most distinguished men in our armies does not equal that of this humble German-American citizen. I happen to know him personally, although he is not a resident of my district. He does not even now speak distinctly and accurately the English language, but he has a warm American heart in his bosom, and is an honor to our country and our race. Why has he not been paid?

Mr. G. F. HOAR. Will the gentleman allow me to inquire what has been done or supposed to be done for the Indians who accompanied Petri?

Mr. MARSHALL. What became of the Indians accompanying him I do not know. If the gentleman from Massachusetts will only espouse their cause and bring forward a claim for them, I will very gladly support it. Petri does not know, and I do not know, what became of those Indians. They furnished but their services, while Petri gave his whole fortune and also risked his life in the enterprise. When he came back to his camp from rescuing these citizens he was taken seriously ill, and in the condition things were in then in California, it is not surprising that on his recovery he found that these men had all dis-

persed to all parts of the country. After this he did not succeed well in mining, and went back to his business of blacksmithing. He remained in California for three or four years, and, not prospering, returned to Illinois. The Legislature of Illinois has unanimously memorialized Congress on the subject; and now, Mr. Chairman, this man, this German-American citizen, in his old age and penury, comes before Congress, and the Committee on Claims unanimously report a bill that is but an imperfect, a very imperfect, compensation to him for his personal sacrifices and the money he expended at the time.

Now, if one hundred American citizens were to-day among the gorges of the mountains perishing who would withhold money to rescue them to save their lives? The gentleman from New York [Mr. POTTER] will not, I hope, deny that it would be our duty under such circumstances to provide the money. And yet when an American citizen performs this duty, at the risk of his own life, and expends his whole fortune in the work, his humble claim is met by the powerful opposition of my friend from New York. I must confess, Mr. Chairman, that I am amazed at this. It would be disgraceful, in my judgment, to the American Congress if they refused to make this small compensation for services so extraordinary and so meritorious.

I believe I should not detain the committee by attempting to say anything further on this subject. I was not aware until an hour ago that the bill had been reported and would be brought before the House this day. The evidence, as it appears in the report which has been submitted, is not entirely as complete as the evidence that is before the committee, nor as complete as it would be if this man were in a position to prosecute his claim in a regular and formal manner before Congress.

I am asked by a friend near me if I have any personal knowledge of the character of the evidence. I know some of these witnesses to be gentlemen of reputation. I know Petri myself, and he has the certificate of ex-Governor Palmer, of our State, of the ex-auditor of our State, Jesse K. Dubois, of the present auditor, Mr. Lippincott, and of other gentlemen of as high character and standing as any in our State or in the country, that he is a man of integrity and irreproachable reputation. I have not a particle of doubt of the justice of the claim. If this bill is not passed I know of no claim that ought to receive the sanction of this House.

Here the committee informally rose, and Mr. MAYNARD took the chair, as Speaker *pro tempore*, to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 14) in relation to bounties;

A bill (S. No. 68) for the relief of Hiram Prather, late lieutenant-colonel Sixth Regiment Indiana Volunteer Infantry; and

A bill (S. No. 16) supplemental to the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

The message also informed the House that the Senate had passed, without amendment, the bill (H. R. No. 1400) for the relief of William H. Vesey.

The message also informed the House that the President of the Senate *pro tempore* had appointed Mr. MORRILL, of Maine, on the part of the Senate, a member of the joint select committee to inquire into the affairs of the government of the District of Columbia, in place of Mr. FRELINGHUYSEN, excused.

JOSEPH J. PETRI.

The Committee of the Whole on the Private Calendar resumed its session.

Mr. WILLARD, of Vermont. I think, Mr. Chairman, that this case should be separated from some of the incidents that have been mentioned in connection with it. For instance, the fact that this man is a German-American citizen does not put his claim on any higher ground than if he could not be so described. The fact also that this Petri is an old man does not necessarily make his claim a proper claim against the Treasury of the United States. The fact that he is a poor man does not necessarily give the Congress of the United States the right or the power to relieve his necessities. The fact that he is the only one left of his family, that his wife and children are dead, does not give him any right that he would not have if his family were all alive. But, Mr. Chairman, in the view in which the case is presented here by the committee in the report, these facts are put aside entirely, because we are asked to give this person out of the Treasury of the United States $5,000 in recognition of an act of heroism. That is the language of the report.

Now, sir, the facts in this case, as I have gathered them from the report, so far as they are pertinent to the inquiry, it seems to me, are these: A party of overland emigrants in 1849, at the time when persons were seeking their fortunes in the mining regions in California, were snow-bound, and intelligence came to this Petri and others that they were in distress, and that an expedition should be organized to go to their relief. The State of California, through the governor, issued a proclamation, which is recited in the report, calling for volunteers, and promising remuneration to any person who should carry relief to the emigrants; so that, so far as this report establishes any liability on the part of any government to recognize this as an act of heroism, or to remunerate these persons for any expense that they may have incurred or any hardships that they may have endured, it is the State of California which has put itself in that attitude.

Mr. DUNNELL. I would like to ask the gentleman a question.

Mr. WILLARD, of Vermont. I would rather be allowed to proceed without interruption.

The proclamation was made by Governor Burnett, of California; I do not know whether California was then in the Union or not. But he promised the reward. What I was going to observe was this: this is simply and in no respect different from any act of heroism; that is all there is of it. If any gentleman of this House should have word brought to him, while at home in his State, that some persons were snow-bound and in distress, and he should start out for their relief at some peril and expense, I know of no reason why that person should come here and ask either a recognition of his act as an act of heroism, or a reward in the nature of compensation for that act.

Sir, that makes acts of heroism cheap. If every person is to come to the Congress of the United States, who performs a noble act, every time he goes out at the call of humanity to the rescue of a fellow-citizen who is in suffering and distress, if he is to come here and estimate his heroism by the yard, or by dollars and cents, and ask compensation for it from the Treasury of the United States, it would make heroism, instead of a noble act, as characterized by this committee, simply a mean and miserly matter of dollars and cents.

We have never thought proper at any time to measure these acts of heroism in this way, even if we had the power. During this session we passed a joint resolution encouraging the heroic act of some seamen in saving the lives of persons who had been shipwrecked. But it never occurred to the mover of that proposition, I think—it certainly never occurred to the House—that we should compensate those persons by giving them a pecuniary reward out of the Treasury of the United States.

Even suppose that we had the inclination to do this; suppose this was an act which appealed to us, and we had the inclination to do what is now asked, what right have we to do it? What right have we to take the money that belongs to the people of the United States, that is in the Treasury of the United States in trust for certain specific purposes—what right have we to take that money and vote it away as a testimonial for acts of individual heroism that are occurring every day?

In the early settlement of that country the pioneers were every day giving the highest evidence of heroism; they were every day going to the relief of their fellows at the peril of life and at great expense. But that is no reason why we should take money from the Treasury of the United States and vote it to them as a recognition of that service. There is no provision in the Constitution, there is no authority of law, there is no warrant in the principles of our government, for voting money out of the Treasury of the United States for any such purpose as this.

Now I recognize that this gentleman is as much entitled to recognition of this sort for this heroic act as any one whose case can properly be brought before us. It was undoubtedly a grand and noble work of heroism on his part. But if we recognize this as a proper claim to be considered and compensated by us, there are hundreds of thousands of similar claims that will be continually appealing to our sympathies. There are other persons who engaged in this same expedition.

Mr. BECK. Will the gentleman yield for a question?

Mr. WILLARD, of Vermont. For a question.

Mr. BECK. I want to ask the gentleman from Vermont [Mr. WILLARD] if he does not think it as constitutional and meritorious to vote $5,000 to a man who saved the lives of seventy people when nobody else would, as it was to give a pension to a duck-hunter, as we did this morning.

Mr. WILLARD, of Vermont. I did not vote for a pension to a duck-hunter; I am not responsible for that act of legislation. I do not know how the gentleman from Kentucky [Mr. BECK] voted upon it. I think myself that this is as meritorious an act as was the act of the person who had a pension given him for losing his arm by an accident while shooting ducks. If we go on the scale of merit I have no doubt that this case is as meritorious as that. But that person was in the service of the United States. I do not understand that this person was in the service of the United States in any sense whatever. He was not doing this in the cause of the United States. The United States were under no obligation to protect these overland emigrants from the peril of weather, and to rescue them in case they were snow-bound.

Mr. CLEMENTS. This man was there acting under the call of the provisional governor of California, who was an officer of the United States.

Mr. WILLARD, of Vermont. A sufficient answer to that is to say that the governor of California had no authority to offer this reward, so far as the United States was concerned. As I say, the United States were in no sense bound to relieve these persons from the distress they were in. The United States were not bound to send persons to their aid or to rescue them from this peril. The United States were in no respect under any obligation to bear this expense. If we recognize any claim in this case we do so simply on the broad principle (and I desire the committee to understand it) that the Treasury of the United States is at the service of every man within the limits of the United States who shall do what Congress may conclude to be

an "act of heroism," and that every such person may come here asking to be compensated for his time and expenses, and, beyond that, to have a gratuity voted to him because of his having done an "act of heroism."

Mr. MAYNARD. Have we not again and again rewarded foreigners who upon the high seas have rescued our citizens from shipwreck?

Mr. WILLARD, of Vermont. We occasionally vote them testimonials. As I said at the outset of my remarks, we the other day recognized the gallant conduct of some seamen in rescuing shipwrecked sailors from death by drowning. But we did not recognize that conduct by any vote of money out of the Treasury of the United States. We thanked them publicly for their gallant conduct. That is a recognition that we are able to give. I do not mean to say that I favor such a recognition because it is cheaper.

Mr. EDEN. I wish to ask the gentleman whether the persons whose services were recognized the other day had expended any money in that service?

Mr. WILLARD, of Vermont. I do not know that they had; but in answer to that question it is enough to say that the committee do not report anything as compensation in this case. They saw at once that there was no warrant in the Constitution or the law for reporting a compensation. The recommendation of the committee in their report is, that "$5,000 be appropriated and paid to Joseph J. Petri in recognition of his sublime heroism." The committee do not base their action upon the fact that this man has expended $5,000, or $10,000, or $30,000.

But, Mr. Chairman, let me say a word upon another point. We have presented here, in behalf of the passage of this bill, a joint resolution of the Legislature of Illinois, requesting the Representatives from that State and instructing the Senators to support this proposition. Now, sir, I do not know much in regard to the provisions of the constitution of that State; but I presume it is just as broad as the Constitution of the United States in respect to the appropriation of money for such services as these. I suppose the Legislature of Illinois has as much power as has Congress to appropriate money in recognition of the "sublime heroism" of one of its own citizens. And it seems to me (if I may be allowed to say it) that the Legislature of Illinois, if the question had been presented to it of appropriating $5,000 for such a purpose, would have stopped and considered whether it had the authority under the constitution of that State to vote money for any such purpose. But undoubtedly there is no prohibition in the constitution of Illinois against asking Congress to appropriate money, though there was certainly a prohibition either in the constitution or in the disposition of the Legislature against its appropriating the money by its own act.

Mr. DUNNELL. I wish to call the attention of the gentleman from Vermont to the wording of the bill:

> In recognition of his heroic and successful efforts in rescuing from starvation and impending death a train of emigrants snowed in between the Sierra Nevada and Trinity Mountains, in the months of November and December, 1849, and in payment of the expenses and losses incurred by him in the same.

Mr. WILLARD, of Vermont. I had not read the bill.

Mr. DUNNELL. O; the gentleman had not read the bill!

Mr. SMITH, of Ohio. I understand the gentleman from Vermont [Mr. WILLARD] to say that the United States Government was not bound to send aid to these men. Now, if there had been a military commander out there, and it had been within his power to rescue these men at any cost to the Government of the United States, would it not have been his duty to do so?

Mr. WILLARD, of Vermont. In answer to that question——

Mr. MACDOUGALL. I would inquire, Mr. Chairman, under what rule the gentleman from Vermont [Mr. WILLARD] is speaking? Is it under the five-minute rule?

The CHAIRMAN. The Chair is obliged to inform the gentleman from New York [Mr. MACDOUGALL] that the gentleman from Vermont is speaking under the hour rule, not the five-minute rule; and he will take the liberty of stating in this connection that several gentlemen desire to speak briefly upon the question, and will be afforded an opportunity by the Chair as soon as practicable.

Mr. WILLARD, of Vermont. In answer to the inquiry of the gentleman from Ohio [Mr. SMITH] I will say, that if a company of soldiers had been stationed near where these persons were snow-bound, the call of humanity would have been just as great upon them as it was upon Mr. Petri to go to their relief, and undoubtedly if they had done so the expenses that might have been thereby incurred would have come out of the general appropriations for the Army. Our military officers are not so strictly tied down in the use of the forces under their command that they cannot employ them when the occasion may demand in the service of humanity.

I have no doubt that this is as strong a case for relief as can be presented. I have no doubt that this man was actuated by as high motives, and performed as grand a work, as any hero ever did either in war or in peaceful life. I have no doubt if that we have warrant in the Constitution for recognizing such acts of heroism we have as much right, and our sympathies would urge us as strongly, to make such recognition in this case as in any other. But I do deny, Mr. Chairman, that the money in the Treasury of the United States is put there in trust for any such purpose.

Mr. STARKWEATHER. Mr. Chairman, I rise to support the bill now under consideration, and I do not see that its passage is forbidden by any constitutional difficulty such as has been suggested by the gentleman from New York, [Mr. POTTER.] It is true we have no express provision in the Constitution providing for cases of this kind. It is also true that what Congress has often done, or sometimes done, by unanimous vote, has no express provision for it in the Constitution. A few years ago we sent across the ocean a vessel laden with provisions to a starving people, and the Congress of the United States voted it unanimously. We have repeated that at one time and another in our history. Where can the gentleman draw any distinction between sending bread across the ocean and paying for services like this where seventy men were saved from death?

Then, Mr. Chairman, it seems to me we have in the action of the territorial government the closest resemblance, at least an indorsement, of this in advance. Here are these people isolated from the rest of the world. They are far away from the home Government, which does not know they are in this perilous condition. The only executive officer there, the officer appointed to represent the Government in that great territory stretching along the coast for thousands of miles, that executive officer standing in the place of this Government as its representative, and the only one who could represent it, offers this aid, and suggests to any one who will relieve these starving people that they shall have compensation. Now, will the Congress of the United States, after this officer, seeing impending danger and death to those American citizens, called for this relief—will we say we will not open our Treasury and pay back to this man the money which he paid out at the suggestion of this executive officer of the Government, and for services which resulted in an act which everybody here admits to be one of remarkable heroism? It is a case unparalleled in our history. If we go back to the foundation of the Government we will not find another case in all its aspects presenting a more remarkable case of sublime heroism.

More than that, Mr. Chairman, it seems to me we have recognized this very principle where we have provided, as we have done repeatedly, in cases of men who have relieved our sailors upon the high seas from impending shipwreck and death. We have not only voted medals, but we have voted, on reports of committees since I have been in this House, rewards for men who have relieved our sailors upon the high seas. We have not only voted rewards to our own men, but we have voted rewards to foreigners for saving our sailors from danger and shipwreck.

This same principle, Mr. Chairman, has been recognized in various ways. If we have the right to vote a medal of $100 in value, as we did in a case recently of the captain of the vessel who saved the lives of our sailors upon the Atlantic, we have the right to vote to the man who spent his own money in rescuing from impending death American citizens $5,000 for the service.

Mr. Chairman, until the time comes when Congress can provide against all of these dangers we must be satisfied when the Government, through its executive officers, makes an offer such as was made in this case, and when the services have been performed and the money expended, the Congress of the United States will not do so mean a thing as to refuse compensation for that service.

Mr. NEGLEY. Let me remind the gentleman from Connecticut that we purchased food during the war for the enemies of the country and to save their starving women and children.

Mr. STARKWEATHER. Yes, sir; we did that, and to-morrow, if off our own coast, upon an island within our reach—if the people there were starving to death, the voice of humanity would compel us to relieve from starvation those foreigners, though it might cost us hundreds of dollars. That would not be so clear a case as this. It is not so clear, because here we have the indorsement, in addition, of this executive officer of the Government, the governor of California.

What would Congress have done at the time? Suppose we had heard by telegraph or in any other way there were seventy American citizens who were likely to perish snowed-up in the gorges of the Rocky Mountains; would we not have sent by the most speedy means of communication to any man or men in that vicinity to relieve them from their perilous position and we would pay all the expenses? Of course we would have done that, and there would not have been a vote against it. This man having done this great service at this great sacrifice to himself, shall we stand here and say it belittles him to ask for this compensation now, because he did it at the time without expectation of reward? The offer was made to him by an officer of the United States; and will gentlemen say there can be nothing like heroism when compensation is asked for a man who has already expended money to save American citizens from destruction? It seems to me there ought not to be a vote in the House against recognizing the claim of this man Petri; for I never knew since I have been in Congress a more meritorious case. It is impossible to conceive of one more meritorious. We have the authority; we have the duty imposed upon us; we have the right to recognize the service of a man like this. We have precedents for doing so, and the bill is just and proper, and ought to be passed.

Mr. HOLMAN. Mr. Chairman, the views expressed by the gentleman from Vermont, [Mr. WILLARD,] and the gentleman from New York, [Mr. POTTER,] are those which certainly commend themselves as general propositions to the judgment of the House. It is true as a general proposition that Congress is authorized to appropriate money for the purposes of Government only, but there are considerations which seem to be overlooked in this discussion.

This act of humanity on the part of this now venerable petitioner was performed, not within the limits of a State, but, on the contrary, within a district of country which was specially, and then exclusively, within the supervision and under the control of Congress. The case is certainly very different from that of a proposition to recognize by Congress an act of humanity or of heroism within the limits of a State, involving the expenditure of money. Here the lives of many persons, citizens of the United States, were at stake in one of our Territories dependent entirely on the Federal Government, and an act of heroism was performed resulting in pecuniary loss to the person who performed it, by which seventy persons, men, women, and children, were saved from starvation in the pathless gorge of the mountains. It is not necessary for me to say that there are abundant precedents for the action of Congress in such a case as this. We are feeding the destitute, every year almost, by appropriations from the public Treasury in sections of the country which are no more under the exclusive jurisdiction of Congress than a Territory.

Mr. BECK. In this District.

Mr. HOLMAN. We have made such appropriations, as is suggested by the gentleman from Kentucky, time and again in this District, on the ground that this District is exclusively under the legislation of Congress. We perpetuate the memories of those who have rendered valuable service to the country either in peace or in war, by appropriations from the public Treasury. And yet the gentleman from New York and the gentleman from Vermont will not contend there is any express constitutional authority for this. Only to-day, sir, without a single dissenting vote—and I call the attention of the gentleman from Vermont [Mr. WILLARD] to that—we appropriated money out of our Treasury to commemorate the heroic deeds of a gallant Frenchman who fell in the service of our Republic almost a century ago. Is there any express provision of the Constitution, or any law enacted in pursuance with that Constitution, by which such an appropriation of money could be made? But yesterday we appropriated money from the Treasury that the likeness in marble of two illustrious civilians might adorn the Capitol. Sir, we are every session of Congress doing what is proposed to be done by this bill which makes an appropriation, not simply on the ground of a gallant service to the country—for it was such; the saving of seventy American citizens from death by starvation was a noble service to the country—but because it has been shown that by this act of heroism large expenses were incurred which contributed to bring on this once heroi cadventurer, now an old man feeble and alone, want and poverty; so that there are two grounds on which this appropriation can rest—the humane heroism which saved the lives of American citizens, and the expenses incurred in the act. At the imminent peril of his own life this petitioner, with toil and suffering, performed this humane act.

Again, sir, there is in all this legislation a higher law, if I may be permitted the expression, that underlies the fabric of Government, and pervades and gives vitality to its Constitution and laws—a law not easily defined. I speak of the law of our common human nature, that pervades and animates our whole system of legislation. I should not be willing to appropriate money from the Treasury, the hard earnings of the people, in a case like this unless it commended itself strongly and clearly to our consciences as an act demanding the recognition of Government, that commended itself to the conscience of our common humanity as an act of exalted merit that should be recognized and commemorated by the nation. Why erect a monument over the grave of the gallant Frenchman in Rhode Island? Why make appropriations from the public Treasury to erect statues to citizens who have rendered themselves illustrious in our history by noble achievements in civil life, in the Army or the Navy? It is, sir, that these examples shall contribute to elevate and ennoble the nation. We cannot afford to ignore and consign to oblivion the noble, humane act, the unselfish heroism, of this private citizen. The commemoration of such deeds animates and elevates our human nature. It is for this that a government with gratitude remembers and perpetuates noble deeds "as its best treasures," that the example of them may animate the spirit of the nation.

Mr. HAWLEY, of Illinois. I had not expected, Mr. Chairman, to speak on this subject, and would not have done so had it not been for the remarkable speech made by the gentleman from Vermont, [Mr. WILLARD.] The gentleman from Vermont tells the committee that while, in his judgment, this was as meritorious a deed as can be presented to Congress, he is, nevertheless, against making this appropriation.

Now, Mr. Chairman, under what circumstances have we appropriated money for the relief of our fellow-citizens? The instances are so numerous that I will not attempt to recite but a very small proportion of them. Every member of this House who has seen the regular appropriation bills go through year after year knows that we appropriate thousands and hundreds of thousands of dollars every year to build light-houses upon the coast and pay money out of the Treasury to construct life-boats and to pay men to man those boats, in order to save human life; we pay away, year after year, thousands and hundreds of thousands of dollars for the simple and sole purpose of saving human life.

Now, the gentleman from Vermont [Mr. WILLARD] says that in this case, although this man with the aid of some Indians and one or two settlers, saved seventy human lives, we did not agree to pay him; we did not stipulate in the bond to pay him for his valuable services. According to the gentleman we ought to have entered into a contract with this man, when we heard that these men were in danger, and he ought not to have gone a step to save their lives until we had done so. It appears that it was reported to the committee that officers and soldiers of the United States Army started out to save these men; and when they had traveled two or three days through the snow they started back. Yet this man and those who accompanied him pressed their way through the snow-drifts when they were almost freezing, each hour and each moment, until they reached these men and delivered every one of them.

Now what further was the fact? Here was a governor of a Territory calling for persons to go to the relief of these emigrants. And who were these emigrants? Were they foreigners; were they aliens? They were citizens of the United States; some of them, perhaps, from the State of the gentleman from Vermont. They were not Californians; they were not citizens of that State or Territory; they were citizens of the American States and Territories, going west, to find homes in California. Under these circumstances the governor of that Territory, the only man in that Territory who could represent the United States, said to the people of the Territory, "I call upon you now, as a matter of humanity, to face the difficulties that lie in the way, and go and save these seventy-one human beings who are in deadly peril." And of all the men in that State this was the only man who would do it.

The gentleman from Vermont [Mr. WILLARD] says that he would not reward a man for his heroism. It is stated in the report, as in the evidence, and not denied by living man, that he not only went on this meritorious errand and periled his life, but that he spent $16,000 in money also. Yet the gentleman from Vermont would say that because there was no contract made with him by the Government of the United States, he, of all the men throughout the length and breadth of this land, shall be uncompensated and unrewarded, and his act receive no recognition by the Government of the United States. This is the position taken by the gentleman from Vermont. I have no doubt that this House will by a large vote sustain this bill, and I should be glad to see them do it by a unanimous vote.

Mr. E. R. HOAR. I desire to ask the gentleman to inform me if the committee are prepared to state whether this man was paid any of the money which he expended for the relief of this party.

Mr. HAWLEY, of Illinois. The committee have no information upon that subject. The gentleman from Minnesota [Mr. DUNNELL] can answer that question better than I can.

Mr. DUNNELL. He was never paid a dollar.

Mr. HAWLEY, of Illinois. If he was ever paid, it must have been by the State of California; and certainly that State did not pay him, because it is here now memorializing Congress to compensate this man.

Mr. SHANKS. What did the three Indians get for their services in saving the lives of these seventy-one white men?

Mr. HAWLEY, of Illinois. I understand from the gentleman from Minnesota [Mr. DUNNELL] and from gentlemen from my State that the Indians were compensated by this man himself.

Mr. SHANKS. Were these Indians paid for their services in saving the lives of white men?

Mr. HAWLEY, of Illinois. I am told that they were. I ask that this bill be laid aside, to be reported favorably to the House.

Mr. POTTER. I desire to say a word or two upon this subject.

Mr. HAWLEY, of Illinois. How long a time does the gentleman wish?

Mr. POTTER. Not more than five or ten minutes.

Mr. HAWLEY, of Illinois. I will not object.

Mr. POTTER. I agree that this is a meritorious claim, if any claim for mere gratuity or charity can be meritorious when addressed to this Congress. It is exactly because it commends itself to the hearts and feelings and sympathies of us all that I resist it. For the duty of Congress is not to give away the people's money because a claim commends itself to our sympathies, unless it be also one of those cases that Congress has the right to pay. To pay for a claim because it appeals to our sympathy is the beginning of a class of legislation that has nearly everywhere in the United States been found to be dangerous, and in many of the States has been put an end to by the provision of the fundamental law of those States.

My learned friend from Indiana [Mr. HOLMAN] likens this case to the case of a monument to the memory of soldiers. But monuments are erected to the memory of men who were in regular public service—the Army or the Navy. Monuments, like medals, are in the nature of testimonials; they are not like this bill, payments of money for voluntary patriotic action. So in regard to the services of those who rescue our sailors in foreign lands, or rescue persons that are shipwrecked. Those services are rendered by those employed for that purpose, or reward for them may come within the necessary regulations of foreign commerce. The necessities of navigation have given rise to rules recognized by all nations, applying to conduct on the high seas, which have no application to a case like this.

But this is the case of a person called out by the governor as a simple volunteer, who the governor said would be remunerated; by whom does not appear, but not at any rate by the United States. My friend from Indiana [Mr. HOLMAN] also says that this is a case for the higher law. Sir, I agree there may be such cases. But what is a case for the higher law? It is one that justifies something entirely outside of

the Constitution, or that excuses, it may be, a violation of the Constitution; it cannot be a case arising under the Constitution. The gentleman is right in saying this case appeals to our liberality; but I never heard that a trustee could rightfully take the funds intrusted to his charge and pay them for other than the purposes of the trust, no matter how meritorious, or how much such payment addressed itself to the hearts of men, and then say that he was justified in appropriating the trust-money to a purpose for which he had no authority to appropriate anything except his own money. Such a doctrine would destroy all right and remove all accountability. And I repeat that if Congress can rightfully pay this claimant for his gallant services performed twenty-five years ago, it can pay for every gallant action performed in all this broad land in the mean time.

I believe I am not regarded, Mr. Chairman, where I live, as less liberal than most men. And in proper cases I am probably as free to give my own money as most gentlemen are to give theirs. But, I repeat, this is a case which, however much it addresses itself to our sympathies, has no warrant in law, and I believe that to establish as a precedent for the future action of this Government such a bill as this would be one of the most dangerous acts which have been passed since I have been in public life.

Who are the gentlemen who have asked the House to pass this bill? The gentleman from Illinois, [Mr. HAWLEY]—a State whose constitution, I understand, contains a provision prohibiting entirely this class of legislation; whose Legislature is forbidden by the wise fundamental law of that State from making this appropriation, but which yet recommends this reward of its citizens to the national Legislature, to this Federal Government, which is not a government of original powers at all, but one of delegated powers only, among which charity with other people's money is not to be found.

Beyond that we have an indorsement of the bill from the gentleman from Iowa—that State from which you, Mr. Chairman, (Mr. KASSON in the chair,) are a Representative. That State, also, by its constitution prohibits its Legislature from passing any act of this kind. And only lately the whole country has been agitated because the State of Pennsylvania found itself so far debauched by special and particular legislation of the class of bounty and privilege to which this bill belongs as to render necessary a change of its fundamental law prohibiting, I believe and hope, absolutely and forever, gratuities and bounties of every description.

Mr. Chairman, there are two kinds of legislation: one conducted by rule, one exercised through general laws, which is calculated to maintain justice, even-handed justice, without partiality and without favor, and which I declare to be the true end and purpose of government; the other dependent on discretion, conducted by special legislation, which may sometimes reward heroism, but which, in the experience of this country everywhere, has generally degenerated into corruption and abuse. We stand upon the threshold of the latter system of legislation. Choose ye, Representatives of the people, between these two systems. For myself, however liberally I might be disposed to bestow my own money in rewarding heroism, I declare that if the Congress of the United States should now begin to tread in this path of special legislation, this path must, in the end, lead to its control by the lobbies and the monopolists, and to the prevalence, in the end, of legislative demoralization and corruption. Therefore it is at the outset I raise my voice against taking even the first step, in no matter how seductive a case, in that dangerous road.

Mr. HAWLEY, of Illinois. I yield to the gentleman from Minnesota [Mr. DUNNELL] for five minutes.

Mr. DUNNELL. Mr. Chairman, I wish to call the attention of the gentleman from New York [Mr. POTTER] to this language, which I think he will recognize:

> Now this man, a volunteer scout, pierced the line of the enemy at a critical juncture in the history of the war, and destroyed communication by telegraph and by rail, which led to the saving of a large quantity of rolling stock important to us, and thus rendered very material aid to the preservation of the important point at Knoxville; and the officer of all others most competent to instruct us on that point tells us that the services rendered were valuable. The claimant therefore appeals for this compensation, not to our generosity but to our justice.

Mr. POTTER. I recognize those as my words.

Mr. DUNNELL. This is the language of the gentleman from New York, [Mr. POTTER,] used not long ago, in behalf of the payment of a large sum of money to a scout, simply because he had saved a small quantity of rolling stock; yet to-day the gentleman refuses to vote a dollar to a man who saved not mere material wealth, but mind, soul—the lives of men, women, and children. The gentleman's attitude is inconsistent. It does discredit to his memory and his judgment.

Mr. HAWLEY, of Illinois. I yield to the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. POTTER. I hope the gentleman from Illinois will allow me to say a single word. The case to which the gentleman from Minnesota [Mr. DUNNELL] has referred was one in which the scout was employed by a general in charge of the Army—an officer having authority under the law to employ him.

Mr. DUNNELL. He was a volunteer scout, and it was because he was a volunteer that he was employed.

Mr. POTTER. But he was employed by an officer having authority to employ him for that specific service. Therefore he was entitled to his *quantum meruit*. Had this scout rendered his service without authority of anybody to employ him, the cases might be alike. If the gentleman from Minnesota had read all I said on that occasion he would have seen the difference in the cases.

Mr. E. R. HOAR. While I agree with my friend from Vermont [Mr. WILLARD] that it will not do as a principle to vote the money of the United States as rewards for heroism not performed in the service of the country, I cannot see why the expenses of this man, exceeding largely in amount the sum which the bill proposes to allow to him, are not a legitimate subject of appropriation by Congress; and I wish to adduce an illustration for the benefit of my friend from New York, [Mr. POTTER,] or any other gentleman who may have doubts on this subject.

We make an appropriation year by year to relieve and to bring home American seamen. We do this as a part of our authority to regulate the commerce of the United States. Now, I cannot see why relief afforded to suffering emigrants is not as much within the competency of congressional action as relief afforded to men upon the high seas or in foreign lands. I am not regarding this as a reward of heroism, but as compensation for expenses incurred in saving the lives of men who were within one of the Territories of the United States and under no other jurisdiction than that of our Government.

The fact that this was a volunteer service does not affect the question, as we have settled time and again. A little distance further down on this Calendar there is a bill to which my attention has been attracted, because it is in my charge—a bill presenting this case: In the absence of the regular diplomatic or consular representative, a citizen of the United States in a foreign country acted in that capacity and advanced money for the United States, receiving subsequently the approval of the Government for his conduct. He brought suit in the Court of Claims to recover the money he had advanced, and a bill to pay that claim has been unanimously reported to this House by the appropriate committee.

Mr. FORT. This bill is opposed by the distinguished gentleman from New York [Mr. POTTER] and the distinguished gentleman from Vermont [Mr. WILLARD] on the ground that there is no warrant of law for this appropriation, and that there is no obligation on the part of the Government to pay this money. Those points have been answered, and well answered, by the gentleman from Massachusetts, [Mr. E. R. HOAR,] as well as by others. But the gentleman from New York has asked (and the question may have seemed to have some force) why the State of Illinois, which memorializes Congress to pay this claim, does not pay it itself. It is simply upon this point that I wish to make a reply. The State of Illinois was under no obligation to pay this man. It is true he is one of her citizens; but he was not upon her soil when the services were rendered; he was within the jurisdiction of the General Government, upon territory which was the property of the United States. And I can tell the gentleman further, as it appears by the testimony, that the persons rescued by this hero were not citizens of Illinois alone. Some of them were citizens of Missouri, some were citizens of Indiana, and of other States. For all I know there may perchance have been some precious soul from the State of New York or the State of Vermont to share in the benefit of this man's noble action.

Now, Mr. Chairman, it occurs to me it is not for Illinois to say she is bound to pay this man just because he happened to be a citizen of that State, and because a few of the citizens of Illinois may have been with that party of seventy who were perishing in the icy chains of the Rocky Mountains. But they were citizens of the United States, and it occurs to me it is just as proper to pay this debt as it would be to pay the claim of any man in the State of Vermont who might risk his life in rescuing some individual from peril upon the high seas. The State of Illinois has only done by her Legislature what she had a right to do, and that was to memorialize Congress to pay this claim due to one of her citizens.

Mr. HAWLEY, of Illinois. I move this bill be laid aside, to be reported back to the House with the recommendation that it do pass.

Mr. WILLARD, of Vermont. I wish to say a word——

Several MEMBERS. Let us vote.

Mr. WILLARD, of Vermont. I wish to say a word, if I am permitted to do so.

The CHAIRMAN. The gentleman from Vermont insists on his right to be heard.

Mr. WILLARD, of Vermont. I do not propose to occupy the time of the House to any extent, and even if I did I would demand my rights. I have the floor, and have a right to be heard.

The CHAIRMAN. The Chair recognized the chairman of the Committee on Claims, [Mr. HAWLEY, of Illinois,] as he was in duty bound to do, to make the motion to report the bill to the House, with the recommendation that it do pass.

Mr. WILLARD, of Vermont. I understood the chairman to move the bill be reported to the House with the recommendation that it do pass. After he made that motion I supposed he had yielded the floor, and immediately rose to submit a few remarks.

The CHAIRMAN. The motion had not been put, and the gentleman from Illinois still held the floor.

Mr. WILLARD, of Vermont. If I waited until the motion was put, I should have lost my right to be heard.

Mr. HAWLEY, of Illinois. I do not object to the gentleman's being heard.

The CHAIRMAN. Does the gentleman from Illinois [Mr. HAWLEY]

yield the floor to the gentleman from Vermont any portion of his time?

Mr. HAWLEY, of Illinois. If I have possession of the floor I will yield to the gentleman from Vermont.

Mr. WILLARD, of Vermont. I rise to a point of order, and wish to have the Chair decide it. If a member moves a bill be reported to the House, and stops speaking after he has submitted that motion, can he still hold the floor, although another member seeks it?

The CHAIRMAN. That motion had already been made by the gentleman from Minnesota, and was still pending before the committee. The Chair supposed the gentleman from Illinois was holding the floor with a view to move that the committee rise, which is not debatable. The Chair rules that the gentleman from Illinois is entitled to the floor until his time has expired.

Mr. WILLARD, of Vermont. The motion of the gentleman from Illinois was, not that the committee rise, but that this bill be laid aside, to be reported to the House with the recommendation that it do pass, which is a debatable motion.

The CHAIRMAN. The Chair will not debate unnecessarily the point of order; but the gentleman from Illinois had the right to make his motion, and to continue upon the floor for an hour to engage in debate if he chose to do so. Now does the gentleman from Illinois yield any portion of his time to the gentleman from Vermont?

Mr. HAWLEY, of Illinois. Certainly, if he desires it. How much time does the gentleman want?

Mr. WILLARD, of Vermont. Only two or three minutes. I propose simply to say this, and I say it mainly on account of the remarks of the gentleman from Massachusetts, [Mr. E. R. HOAR.] The report of the committee was before me—the bill was not before me. The report of the committee was, in so many words, that $5,000 be appropriated as a "recognition of the sublime heroism" of this act. I said then, as I believed, the Legislature of Illinois had the same power to make a pecuniary recognition of an act of sublime heroism as this Congress. I understand now they have changed the position in which they present this case. They say there is a contract, or something in the nature of a contract, between the Government of the United States and this man Petri, growing out of a proclamation of the governor of California, offering remuneration. Now, if gentlemen of this House look upon that as a contract, or an agreement which this House ought to carry out by voting an appropriation of $5,000 as remuneration for this act of sublime heroism, then the bill ought to be voted on in that view precisely, so as not to be brought into a precedent hereafter, and its phraseology ought to be changed so as to make that perfectly apparent. But I still adhere to the position I originally took, which has not been controverted by the gentleman from Massachusetts, that Congress has no warrant for voting money in recognition of acts of sublime heroism.

Mr. BURCHARD. I hope I will be permitted to submit the amendment which I send up to the Clerk's desk to be read.

Mr. SHANKS. I want the bill to stand just as it is. I ask this House and Congress to recognize the fact exactly that for an act of heroism this money is paid. I want it to appear that one white man and three Indians saved the lives of seventy Americans; and I want the heroism as three to one to stand in favor of that hated race of Indian people.

A MEMBER. Bring on your Indians. [Laughter.]

Mr. HOLMAN. I rise to a question of order. There is too much confusion in the Hall.

The CHAIRMAN. The committee will please come to order.

Mr. BURCHARD. I desire to say that I am in favor of the passage of the bill. I have no objection to vote for the bill as it now stands. But there are gentlemen that object to it who if it were amended by striking out the words "in recognition of," and inserting "in payment of expenses and losses incurred," would accept the bill and vote for it. I wish to have that amendment made.

Mr. SPEER. I rise to a point of order. I want to know by what rule or right the gentleman from Illinois [Mr. HAWLEY] holds the floor for an hour in Committee of the Whole and undertakes to farm that out.

The CHAIRMAN. There is no limit in the rule as to the time the gentleman may occupy.

Mr. SPEER. Is there an hour rule in Committee of the Whole?

The CHAIRMAN. The gentleman has the right to hold the floor for an hour, and that hour has not expired.

Mr. SPEER. I submit to the Chair that the gentleman from Illinois [Mr. HAWLEY] having made the motion that the bill be laid aside, to be reported favorably to the House, he would be taken from the floor by a gentleman offering an amendment.

The CHAIRMAN. The gentleman from Pennsylvania has not observed that a gentleman making that motion has a perfect right to continue the debate. And the gentleman from Illinois has not yet been upon the floor an hour.

Mr. NEGLEY. I move that the committee rise.

Mr. HAWLEY, of Illinois. I move that the bill be laid aside, to be reported favorably.

The CHAIRMAN. That is the motion now pending before the committee. Does the gentleman making it yield the floor?

Mr. BURCHARD. I rise to a question of order. I desire to inquire of the Chair, is the bill amendable?

The CHAIRMAN. It unquestionably is, as soon as the gentleman from Illinois [Mr. HAWLEY] holding the floor yields it.

Mr. POTTER. I rise to a question of order. I submit that the moment the gentleman from Illinois [Mr. HAWLEY] moves that the bill be laid aside to be reported, he yields the floor.

The CHAIRMAN. He does, unquestionably, if he takes his seat, which he has not done. [Laughter.]

Mr. HOLMAN. I rise to a question of order. I insist that the gentleman from Illinois, if he does not desire to speak further, shall yield the floor.

The CHAIRMAN. Does the gentleman from Illinois [Mr. HAWLEY] desire to speak further, or does he now yield the floor?

Mr. HAWLEY, of Illinois. Can I not, without yielding the floor, get a division on the question whether the bill shall be laid aside, or not, to be reported?

The CHAIRMAN. As soon as the gentleman has finished his remarks then any other gentleman has the right to offer an amendment; and pending that the gentleman from Pennsylvania [Mr. NEGLEY] proposes that the committee shall rise and make a report.

Mr. G. F. HOAR. I desire, as a point of order, to call the attention of the Chair to a fact which I think has escaped him. The gentleman from Illinois [Mr. HAWLEY] said he declined to yield, and he said, "Now I hope there will be a vote on the motion." I submit that that is so yielding the floor that his colleague [Mr. BURCHARD] had a right to be recognized to offer an amendment.

The CHAIRMAN. The Chair observed that the gentleman from Illinois, [Mr. HAWLEY,] instead of taking his seat, continued to look at the Chair; and until the point was settled whether the gentleman yielded the floor or not, the Chair did not put that motion, and has not yet.

Mr. SPEER. I desire to make an inquiry of the Chair. Can a gentleman hold the floor by simply standing up and looking at the Chair? [Laughter.] Must he not address the Chair if he wants to be recognized for his hour?

The CHAIRMAN. A gentleman holding the floor can do so as long as he is ready to proceed with his remarks. The Chair will now recognize the gentleman from Maine, [Mr. BLAINE.]

Mr. BLAINE, (the Speaker.) I do not rise to make any remarks on the pending bill. But I wish to state what may possibly aid the Committee of the Whole on the Private Calendar in its future deliberations, which will be much more frequent than they have been heretofore. The Private Calendar consists of numerous bills. The House of Representatives has been in the habit of going into Committee of the Whole on the state of the Union on a single bill as a special order. When the consideration of that bill is concluded, the gentleman having charge of it moves that the committee rise and report the bill. That motion cannot be put so long as a single member of the committee desires to offer an amendment. When the amendments have been disposed of, the committee rises, and the bill is submitted to the House.

Now it would be very inconvenient, if not impracticable, as the committee will see, with a long Calendar of bills, that the committee should rise and report each bill separately. And, therefore, the habit has grown up that when the committee takes action on any bill, that bill is laid aside to be reported when the committee rises. The motion to lay aside a bill in that way is not debatable; and whenever a gentleman makes the motion, a vote is at once had on it, unless some other gentleman desires to offer an amendment. But the gentleman making the motion as much yields the floor as a gentleman having an appropriation bill in charge does in moving that the committee rise and report the bill. And the bill cannot be laid aside as long as any gentleman desires to offer an amendment, any more than the Committee of the Whole can rise to report an appropriation bill, so long as any gentleman desires to make an amendment to it. When, therefore, a gentleman moves that a bill be laid aside, he by that motion relinquishes the floor; and then any other member of the Committee of the Whole has a right to move an amendment.

Mr. HAWLEY, of Illinois. I would like to ask the gentleman from Maine [Mr. BLAINE] one question.

Mr. BLAINE. Certainly.

Mr. HAWLEY, of Illinois. Suppose that a motion is made that the committee rise for the purpose of reporting a bill to the House.

Mr. BLAINE. That is just the same motion precisely. The motion to lay the bill aside to be reported to the House is only for the purpose of avoiding the necessity of the Committee of the Whole rising with each bill, and then going back into committee again.

Mr. HAWLEY, of Illinois. Then there is no way in which a member who has charge of a bill can get it back into the House so long as there is any one who desires to offer an amendment to it?

Mr. BLAINE. That is the very spirit and purpose of the Committee of the Whole; that so long as any member of the committee desires to offer an amendment it cannot be reported to the House. That is what the Committee of the Whole is for, to get rid of the previous question, of the motion to lay on the table, to cut off every possible summary disposition of a bill, and leave it in the widest possible sense open to amendment, so long as any member desires to move an amendment to it. And everything that comes short of that destroys the purpose of the Committee of the Whole.

Mr. MAYNARD. Are there more than two undebatable motions in

Committee of the Whole? The one being the motion that the committee rise and the other a motion to strike out the enacting clause.

Mr. BLAINE. Those are the only two motions in Committee of the Whole that are not debatable. I am obliged to the gentleman from Tennessee [Mr. MAYNARD] for calling my attention to that point. The only two undebatable motions in Committee of the Whole are the motion that the committee rise and the motion to strike out the enacting clause of a bill under consideration. That motion is made when the purpose is to bring the committee to a summary vote on any bill; and if the motion be carried, the committee must immediately rise and report their action to the House, for such action as the House may choose to take.

Mr. SPEER. Can any gentleman in Committee of the Whole obtain and hold the floor for an hour and farm it out to others?

Mr. BLAINE. The hour-rule is precisely the same in Committee of the Whole as in the House. As to farming out, that has grown up entirely from custom, and not from any rule. But the hour rule prevails in Committee of the Whole the same as in the House.

Mr. HAWLEY, of Illinois. If such be the ruling of the Chair, then I desire to be heard a moment upon my motion to lay aside this bill to be reported to the House. The Chairman having ruled in my favor, I suppose will not now rule so as to take me from the floor.

The CHAIRMAN. The only reason for continuing to recognize the gentleman as entitled to the floor was, that after making the motion to lay the bill aside he stood as if about to address the Chair further in support of that motion. If the gentleman now desires to proceed with his remarks in support of the motion, the Chair will be obliged to recognize him.

Mr. BECK. I rise to a question of order.

The CHAIRMAN. The Chair will hear it.

Mr. BECK. It is that gentlemen should be required to take their own seats, and to address the Chair and submit motions from their own seats, in order that they may be heard by other members.

The CHAIRMAN. The point of order is well taken. The committee will please come to order. [After a brief pause:] The gentleman from Illinois will proceed.

Mr. HAWLEY, of Illinois. I believe a large majority of this committee is in favor of this bill. I should be glad to secure for it the unanimous support of the House. I had supposed that under the rule I could yield the floor for the purpose of testing the sense of the Committee of the Whole on my motion that the bill be laid aside to be reported favorably to the House; and if that motion was voted down, then, of course, the bill would pass from my charge, and some gentleman in opposition to it would be recognized. If the committee sustained me in that motion, I supposed, of course, that the bill would be reported to the House.

The CHAIRMAN. The gentleman from Illinois [Mr. HAWLEY] will observe that that motion is debatable until voted upon.

Mr. HAWLEY, of Illinois. I appeal to the committee not to amend this bill. I think it is now exactly what it ought to be—a recognition of the heroic act of this man. When this man has exhibited so much heroism, so much courage, so much humanity, so much nobleness, the House should not strike out that part of the bill which recognizes that act.

Mr. G. F. HOAR. Would the gentleman from Illinois object to a simple transposition of the sentences in this bill, so that it would "appropriate $5,000 to Joseph J. Petri in payment of the expense and losses incurred by him in his heroic and successful efforts in rescuing from starvation and impending death a train of emigrants," &c.?

Mr. HAWLEY, of Illinois. I would not object to that.

Mr. BURCHARD. That is just the amendment which I proposed, and no other.

Mr. TYNER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TYNER. If I am not mistaken the gentleman from Illinois, the chairman of the Committee on Claims, [Mr. HAWLEY,] has submitted a motion to lay this bill aside to be reported to the House. Having done so, can he debate that motion himself after having submitted it?

The CHAIRMAN. Unquestionably it is a debatable question.

Mr. BURCHARD. I desire to say——

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois, [Mr. BURCHARD.]

Mr. HAWLEY, of Illinois. I have not surrendered the floor, but if my colleague [Mr. BURCHARD] wishes to occupy it I will yield to him.

Mr. POTTER. I rise to a privileged motion.

Mr. BURCHARD. I believe I have the floor.

The CHAIRMAN. The gentleman from New York [Mr. POTTER] will state his privileged motion.

Mr. POTTER. It is to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from New York [Mr. POTTER] cannot, in order to make that motion, take the gentleman from Illinois off the floor.

Mr. BURCHARD. I send to the Clerk's desk an amendment which I wish to offer, and which I understand is acceptable to my colleague, [Mr. HAWLEY.]

The Clerk read as follows:

Amend by striking out in line 6 the words "recognition of," and inserting the words "payment of expenses and losses incurred by him in;" also by striking out, at the end of the bill, the words, "and in payment of the expenses and losses incurred by him in the same."

Mr. BURCHARD. I ask that the bill as it stands, with the amendment, be read.

The Clerk read as follows:

Be it enacted, &c., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to be paid to Joseph J. Petri, of the State of Illinois, in payment of expenses and losses incurred by him in his heroic and successful efforts in rescuing from starvation and impending death a train of emigrants snowed-in between the Sierra Nevada and Trinity Mountains, in the months of November and December, 1849.

Mr. NEGLEY. I hope that amendment will not be agreed to.

Mr. STARKWEATHER. I trust the bill will not be changed in that way.

Mr. SHANKS. I am opposed to that amendment. There is nothing in this case but heroism; and we do not want to strike that out of the bill.

Mr. BURCHARD. I have proposed my amendment for the purpose merely of obviating objections which have been made by other gentlemen to the bill. So far as my own vote is concerned, I do not care whether the amendment be adopted or not.

The question being taken on the amendment of Mr. BURCHARD, it was not agreed to.

Mr. HAWLEY, of Illinois. I now renew my motion that the bill be laid aside to be reported favorably to the House.

Mr. POTTER. I move to strike out the enacting clause of the bill.

The motion of Mr. POTTER was not agreed to.

The question recurring on the motion of Mr. HAWLEY, of Illinois, it was agreed to.

So the bill was laid aside, to be reported to the House with a recommendation that it pass.

Mr. HAWLEY, of Illinois. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that the Committee of the Whole on the Private Calendar, having had the same under consideration, had directed him to report sundry bills with a favorable recommendation.

ADJOURNMENT UNTIL MONDAY.

Mr. HOLMAN. I rise for the purpose of moving that when the House adjourns to-day it be to meet on Monday next; but before submitting that motion I will ask unanimous consent that to-morrow be set apart for debate only.

Mr. RUSK. I object. I am in favor of economy, and I want to stop this printing of speeches.

Mr. HOLMAN. I move that when the House adjourns to-day it be to meet on Monday next.

The question being taken, there were—ayes 93, noes 55.

Mr. DAWES. I call for the yeas and nays. Let us finish the Private Calendar.

Mr. ELDREDGE. How can the gentleman finish the Private Calendar by calling the yeas and nays? [Laughter.]

The question being taken on ordering the yeas and nays, there were—ayes 26.

The SPEAKER. The Chair will order tellers, and appoints the gentleman from Massachusetts, Mr. DAWES, and the gentleman from Indiana, Mr. HOLMAN.

The House divided; and the tellers reported—ayes 35, noes 145.

So (less than one-fifth voting in the affirmative) the yeas and nays were not ordered.

So the motion of Mr. HOLMAN, that when the House adjourns to-day it be to meet on Monday next, was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1168) to amend an act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872; and

An act (H. R. No. 1400) for the relief William H. Vesey.

ORDER OF BUSINESS.

The House proceeded to the consideration of bills reported from the Committee of the Whole on the Private Calendar.

JOHN A. FISHER.

The first bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1402) granting a pension to John A. Fisher.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN BAKER.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1403) granting a pension to John Baker.

The question being taken on ordering the bill to be engrossed for a third reading, there were—ayes 27, noes 45; no quorum voting.

Tellers were ordered, and Mr. SMALL and Mr. HOLMAN were appointed.

Mr. HALE, of New York. I move that the House now adjourn.

The motion was not agreed to.

The House divided; and the tellers reported—ayes 100, noes 46.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. NEGLEY. I ask unanimous consent to take from the Speaker's table two Senate bills, that they may be referred to the appropriate committees.

Mr. MAYNARD. I feel obliged to object to anything except the disposition of bills upon the Private Calendar.

The SPEAKER. That is the regular order.

Mr. MAYNARD. I must object to any other business until the Private Calendar is disposed of.

Mr. POTTER. I move that the House adjourn.

Mr. HOLMAN. I again ask unanimous consent that a session be held to-morrow for debate only.

Mr. RUSK. I object.

Mr. HOLMAN. I understood that the gentleman had withdrawn his objection.

The question being taken on the motion of Mr. POTTER that the House adjourn, it was not agreed to.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House with the recommendation that they do pass, no objection being made, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time and passed:

A bill (H. R. No. 510) granting a pension to Thomas R. Hardwick;

A bill (H. R. No. 1404) for the relief of William F. Kerr;

A bill (H. R. No. 1405) for the relief of Victor Mylius;

A bill (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States Volunteers;

An act (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay;

A bill (H. R. No. 1562) for the relief of Jacob Parmenter, reimbursing him for defending a suit brought against him for an official act; and

A bill (H. R. No. 1574) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont.

RICHARD H. SWIFT.

The SPEAKER. A bill (H. R. No. 1575) for the relief of Richard H. Swift is reported from the Committee of the Whole House with the recommendation that it do pass, and the question is on its engrossment and third reading.

Mr. ELDREDGE. I demand a division of the House on that bill.

The House divided; and there were—ayes 89, noes 9.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House with the recommendation that they do pass, no objection being made, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time and passed:

A bill (H. R. No. 1576) for the relief of Reuel B. Fuller, of Wilton, Maine;

A bill (H. R. No. 1577) for the relief of Susan L. Galloway; and

A bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons.

JOSEPH J. PETRI.

The next bill reported from the Committee of the Whole House on the Private Calendar, with the recommendation that it do pass, was a bill (H. R. No. 1579) for the relief of Joseph J. Petri.

Mr. DONNAN. I move that the bill be laid on the table.

The motion was disagreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. POTTER. I demand a division on the passage of the bill.

The House divided; and there were—ayes 93, noes 8.

Mr. POTTER. I do not call for the yeas and nays on the passage of the bill, because the rising vote demonstrates the fact that I could not accomplish anything if I did.

So the bill was passed.

Mr. MAYNARD. I move to reconsider the vote by which the several bills have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SESSION FOR DEBATE.

Mr. HOLMAN. Some gentlemen desire to be heard to-morrow in debate, and I will again ask unanimous consent that to-morrow's session be for debate only, no business whatever to be transacted.

Mr. RUSK. I withdraw my objection upon the solicitation of a great number of gentlemen who desire to speak to-morrow.

The SPEAKER. There being no further objection, there will be a session for debate only to-morrow.

CONTESTED ELECTION, SECOND DISTRICT, ARKANSAS.

Mr. SPEER. I rise to move that the House adjourn.

Mr. THOMAS. I desire to submit a report from the Committee on Elections.

Mr. SPEER. I do not withdraw the motion to adjourn for that purpose.

Mr. THOMAS. I wish simply to submit the report to have it printed.

Mr. SPEER. I do not yield for that purpose, because I understand there is a minority report which is not yet prepared.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. POTTER for five days; to Mr. ORTH indefinitely on account of the serious illness of a member of his family; and to Mr. ELLIOTT and to Mr. CAIN for a fortnight each.

Mr. SPEER. I insist on my motion to adjourn.

The SPEAKER. The House will meet to-morrow as in Committee of the Whole, Mr. FORT, of Illinois, in the chair as Speaker *pro tempore*, for debate only, no business whatever to be transacted.

The House divided on Mr. SPEER's motion; and there were—ayes 68, noes 27.

So the motion was agreed to; and accordingly (at five minutes to five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as follows:

By Mr. ARCHER: The petition of the heirs of William C. Brashears, deceased, for payment of the sum due him as a lieutenant in the Texan navy, to the Committee on Naval Affairs.

By Mr. ASHE: The petition of the Monroe Station Sunday School, of Union County, North Carolina, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. BUTLER, of Tennessee: The petition of Margaret E. Cogburn, for a pension, to the Committee on Invalid Pensions.

By Mr. DOBBINS: The petition of David Klein, for compensation for use by the Government of his invention for moving armies and army supplies over navigable streams, to the Committee on Claims.

By Mr. DUNNELL: The petition of Anna W. Osborne, for a pension, to the Committee on Invalid Pensions.

By Mr. GUNCKEL: The petition of James W. Chapman, for a pension, to the Committee on Invalid Pensions.

Also, the petition of John P. McKenna, for a pension, to the Committee on Invalid Pensions.

By Mr. HAWLEY, of Connecticut: The petition of the president and faculty of Amherst College, for the return to the Japanese government of the balance of the Japenese indemnity fund, to be applied to the purposes of education among the people of Japan, to the Committee on Education and Labor.

By Mr. KELLOGG: The petition of George Fink, for relief, to the Committee on War Claims.

By Mr. LAMAR: Papers relating to the claim of the heirs of Colonel David Hopkins, deceased, to the Committee on War Claims.

By Mr. LUTTRELL: The petition of John Bidwell and others, of California, for the establishment of a post-route from Chico to Big Meadows, in California, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Samuel Ambrose and others, citizens and business men of Crescent City, California, for an appropriation for the construction of a breakwater at Crescent City, to the Committee on Commerce.

By Mr. McJUNKIN: The petition of citizens of Sharpsburgh, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. O'BRIEN: Papers relating to the claims of Edmund Wolf and others, for damages sustained by the burning of their property at Wrightsville, York County, Pennsylvania, June 30, 1863, by order of Major-General Couch, commanding United States forces, to the Committee on War Claims.

By Mr. O'NEILL: The petition of Martha J. Coston, for compensation for the use by the Government of inventions of her deceased husband, Benjamin F. Coston, to the Committee on Naval Affairs.

Also, papers relating to the claim of William Wheeler Hubbell, to the Committee on Naval Affairs.

By Mr. PARSONS: The petition of Lydia Benjamin, for a pension, to the Committee on Invalid Pensions.

By Mr. SAWYER: The petition of William L. Williams & Co. and others, of Oshkosh, Wisconsin, for the repeal of the stamp-tax on medicines, to the Committee on Ways and Means.

By Mr. SCHUMAKER, of New York: The petition of citizens of

Brooklyn, New York, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. SPEER: The petition of Francis B. Stewart, postmaster at Altoona, Pennsylvania, for relief for loss by robbery of postage-stamps, to the Committee on Claims.

By Mr. SPRAGUE: The petition of Bryan Tyson, for amendments to the law granting pensions to soldiers of the war of 1812 and their widows, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. STARKWEATHER: The petition of Elizabeth Copeland, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Nancy Parkhurst, for a pension, to the Committee on Invalid Pensions.

By Mr. THORNBURGH: The petition of Millie Staples, for a pension, to the Committee on Invalid Pensions.

Also, the petition of R. N. Hood, late first lieutenant and adjutant of Second Tennessee Cavalry, for arrears of pay, to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 7, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

On motion of Mr. WILLIE the reading of the Journal of yesterday was, by unanimous consent, dispensed with.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. FORT in the chair.) The House meets to-day as in Committee of the Whole for debate only, no business whatever to be transacted. The gentleman from Missouri [Mr. CLARK] has the floor.

Mr. CLARK, of Missouri. I yield to my colleague from Missouri, [Mr. CRITTENDEN.]

THE WEALTH AND WANTS OF THE WEST.

Mr. CRITTENDEN. At this day, Mr. Speaker, when the cry for bread is heard from two great sections of this Union, coming with equal urgency from the followers of each of the political parties, it is time that we, as the legislators for the whole country, had become awakened to that appeal. That cry is heard in piteous moan from the oppressed South, that ruined and broken vase around which the scent of the rose will forever cling, that land so beautifully described by one of her own gifted poets as—

The clime of the heart, the shrine of the sun;

and it is also heard from the valleys and hill-tops of the vigorous West, whose unbroken strength will sooner or later break the cords with which she has been bound so long, and will by the inherent strength of her yet undeveloped power assert her own inalienable rights, and vindicate the wrongs of her associate in woe. Fealty to party is never strong when the wrongs of party entail suffering upon its followers, and in consequence of those wrongs inflicted by the dominant party upon the West and South are heard the murmurings of that "coming power" that will in its accelerated wave reach those slumbering and reveling in authority, and will scatter with furious hand those blind leaders of parties into—

The wide womb of uncertain night.

It is well enough for those of us in office to take a survey of the wants of the people, and to consider well how those wants can be supplied; to consider the evils surrounding them, by unjust legislation, by unholy combinations, and to consider how such legislation, how such combinations, can be repealed, can be overthrown. One thing is certain, that our statute-books are yet full of bad laws, the outgrowth of the war; the vicious legislation of an excited period, when under the rich drapery of declared loyalty, the East, with wonderful ability, secured the passage of such laws as "clothed her in purple and fine linen," at the severe expense of the West. The West, composed of such States as Wisconsin, Iowa, Illinois, and Missouri—equally true to the Union of our fathers—sought not her own sectional interest during those terrible years, by unfair legislation, but went forth, like the disinherited knight, for the redemption of its hopes. And now, like the same glorious conqueror, it returns from the "feast of the swords, the shoutings of battle," to restore equal and exact justice to all. In the clamor of civil commotion those oppressive laws were enacted, and now, in the calm of almost a decade of years after peace has come, we demand the repeal of those laws.

We do not complain in the West that the labor of the husbandman is not repaid by excessive quantities of the cereals, by a superabundance of all kinds of agricultural productions. The people of the West grow poor because they have too much to eat. I propose to have them enriched by taking away a part of their excess.

This proposition may seem paradoxical to the thoughtless, however, but it is full of painful truth. This proposition applies not only to Missouri and those great producing States surrounding her, like stars in the coronet, but it applies with equal force to the great central basin of our continent, known as the Mississippi Valley.

Having asserted that our excesses in production were a burden to our farming classes, and failed to render such remuneration to that class as satisfies their demands, let us inquire into the characteristics of our part of that valley, and learn if it produces more than it consumes, and then ascertain if possible the best and simplest method by which to obviate the difficulties and lessen the growing evil.

The region known as the Mississippi Valley embraces in whole or in part twenty-four of the largest States and Territories of the American Republic, covering an area of more than a million square miles, and constituting the grandest industrial empire on the face of the globe.

Missouri forms one of the most important of the component parts of that rich valley. And before we enter into the general discussion of the other points let me, Mr. Speaker, speak somewhat of the superiorities of that wonderful State.

Until Texas and California overshadowed all the other States with their immense areas Missouri was the largest State in the Union. Prior to the war she occupied a prominent position in public estimation. The national halls of legislation were made attractive by the greatness and purity of Mr. Benton, the untarnished social and political life of Dr. Linn, the unexcelled logical powers of Henry M. Geyer, and that unsurpassed debater, James S. Green.

Saint Louis was then entering upon that wonderful career of commercial greatness which was predicted by Mr. Banks, of Massachusetts, when, with that acumen for which he is so noted, hearing the tread of coming millions, he said, upon the banks of the Mississippi River, upon the spot where he then stood, would grow the largest city upon our continent. The fiction of that day is rapidly becoming the truth of to-day. Her history in after years will be but that of past years—thrift, enterprise, and solidity. Nearly one-fourth of the population of Missouri is in her commercial metropolis. This city within the lives of some of her lingering citizens—her Shepperds, her Ranneys, and her Primms, men of cultivated brain and hearts—has grown from a little trading village into the fourth city in population, and third in manufactures in America. It is the natural center of trade of a vast and fruitful region, embracing an area of territory, larger than England, Ireland, Wales, Scotland, France, and Germany combined. With its twenty concentrated railroads, and more than twenty thousand miles of railway connections, with its fifteen thousand miles of navigable waters, offering tribute to this grand emporium, with its merchant princes and its firm banks, with its perfected school advantages and its hallowed church privileges, with its well-regulated police system, and its courts without stain, with its cultivated citizens, and, at last, with its great newspapers gladdening, with the dawn of day and the gathering of evening, the hearts of multiplied thousands, this city is, and will be, not only the pride of the Mississippi Valley, but must necessarily be the entrepôt between the Atlantic and Pacific sea-boards. As a Missourian, as an American citizen, with profound earnestness I say *esto perpetua* to Saint Louis.

Notwithstanding the terrible disasters of our civil war, that swept to and fro across our State like a tempest of fire, scorching and blasting whatever it touched, Missouri has rebounded from the ashes of her devastation, and in the face of all the obstructing evils and hinderances is rapidly advancing to the fulfillment of her destiny. What is that destiny to be? Let her geographical position, her embodied wealth, and material resources, her present capabilities and future possibilities, answer this question. It is bounded or penetrated by two of the largest rivers in America, and is watered by many other lesser streams that meander through every section and county of the State. It has nearly forty million acres of arable land, much of it as rich as the valley of the Nile. One-fourth of her surface is underlaid by coal-beds as exhaustless in quantity as it is excellent in quality. Four million acres cover beds of iron sufficient in quantity to supply the increasing wants of the world for ages to come, while her rich mines of zinc and lead ore are already offering up their treasures in great abundance to the skillful hand of the industrious toiler. There are, upon the borders and within the limits of that State, one thousand miles of navigable waters and three thousand miles of railway, thereby offering ample facilities to its wonderful tonnage. The present population of the State now exceeds two millions of brave, energetic people, whose crowning glory is the State of their adoption. The products of her farms for the year 1873 amounted to $160,000,000; her real and personal estate was valued at $550,000,000 for the same year; her manufactured products amounted to $250,000,000; her live-stock was valued at $100,000,000; and the product of her mines, yet scarcely opened, was valued at $10,000,000. Send us your hardy miners from the East and the North, with your millions of surplus money, to work and open up our mines in Missouri, and we will send you in return the unburied stores of our natural wealth. The crop of cereals in Missouri for the year 1873 exceeded 100,000,000 bushels. Of fibrous productions, Missouri exhibits 800,000 pounds of cotton, 160,000 pounds of flax, and 2,800 tons of hemp. Had her labor system been larger and more thoroughly organized, the fibrous production, especially that of hemp, would have been ten times its present exhibit. The growth of these articles is given merely to show that we have in that great State soil and climate adapted to every species of farm productions. We have in that State, Mr. Speaker, millions of acres for millions of hands, ready with but little labor for the eager touch of the coming husbandman, to which we invite all, Jew and Gentile, bond and free.

Having addressed myself for a short while to the virtues and excel-

lences of my own State, I will now enter upon the broader field of my subject, which I hope will be more congenial to the views of my colleagues from the West. Before doing this I will say that I am not here to plead for the interests of the West and the South over those of the North and the East; I am possessed of views too broad, too national for that. I ask that all parts may be treated alike, giving to each "according to its bond and situation; nothing more, nothing less."

Passing beyond Missouri, let us glance for a moment at some of the leading features of that vast industrial empire termed "the West." It has an annual export of 7,500,000 tons of grain, besides its annual consumption of more than twice that quantity. Add to this 3,000,000 tons of meat, wool, cotton, hemp, tobacco, metals, and other western products, and you will have an annual export of more than 10,000,000 tons, a quantity almost beyond the conception of ordinary minds—sufficient to require the tonnage of 20,000 ships of 500 tons capacity. View it in another light, more striking than considering the exports in bulk. Each freight-car upon our railways is permitted to transport ten tons. At those rates it will require fifty cars to carry the burden of one ship, and to remove the tonnage of the 20,000 ships required to move the 10,000,000 tons of exportation will require 1,000,000 cars. Where are all of the cars to be gotten? I have already stated that it will require 1,000,000 cars to remove this excess from the West. Now suppose each car to be 20 feet long; 1,000,000 will occupy 20,000,000 feet, a distance 400 miles greater than it is from San Francisco to the city of New York.

My old classmate and friend, the brilliant young member from Kentucky, [Mr. BROWN,] has just handed me, Mr. Speaker, the following resolutions of the Chamber of Commerce of New York, that entirely corroborate what I have already said:

That the cereal products of the interior States north of the Ohio River, embracing the present States of Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska, were, in the year 1840, 166,304,201 bushels; in 1850, 311,581,066 bushels; in 1860, 577,255,715 bushels; and in 1870, 812,055,564 bushels.

Estimating these cereals at 60 pounds avoirdupois per bushel for wheat, 56 for Indian corn, and 32 for oats, with the customary rates for the minor grains, (rye, buckwheat, and barley,) the total weight of the 812,058,364 bushels was 42,302,282,904 pounds, or, in round numbers, 21,000,000 tons of 2,000 pounds, slightly exceeding 40 bushels to a ton. If 11,000,000 tons were reserved (which is an extravagant allowance) to feed the population and animals of the interior States, there would remain for other purposes 10,000,000 tons, nearly all of which, with adequate channels, furnishing cheap and rapid transportation, would be exported to other States or sent down to the sea-board for export to foreign countries to feed their constantly increasing population and animals. The 10,000,000 tons, if ground into flour or meal, and placed in barrels holding 5 bushels, would require 80,000,000 barrels, and would fill 40,000 Erie Canal boats, each carrying 250 tons, or 1,000,000 railway freight-cars, each carrying 10 tons. In addition to this, a considerable portion of the 11,000,000 tons, reserved to feed the population and animals of the interior, would reappear, diminished in weight, but much increased in relative value, in beef, pork, dairy products, and other animal food, greatly needed on both sides of the Atlantic, and serving to swell the rich centrifugal streams of our inland commerce.

What is to become of this immense excess, this dead capital upon the hands of the people of the West? It is a serious question with them.

Sir, the West and its exports may be fitly represented by the Siamese twins. If the one prospers and is healthy, so does the other. If the one suffers, so does the other. The same shaft of death that strikes one down so shocks the physical system of the other that it soon obeys the same final summons. United they stand, divided they fall. That excess is not needed for home consumption, for that is supplied by the fifteen million tons not considered as exports.

What cheap and available facilities, I ask, are possessed by the West for the removal to the markets of the world of her vast export productions? I say comparatively none. That is the main cause, in my estimation, of the settled gloom overhanging like a pall of death the agricultural interests of the West. As one of the humble Representatives of that great people, I appeal to my brother members in Congress to assist us, by kind legislation, in removing that cause; give us but a fractional part of what you have given to railroads, to those grandest of all evils; to that "sum of all villainies," tariff monopolies, and we will be satisfied.

> Dispel the cloud; the light of heaven restore;
> Give us to see, and Ajax asks no more.

Our railways are unable to transport our surplus to the markets of the East, and if they could it would be at such a heavy cost to our farmers that it would be economy to give them the lion's share to remove the other part to some point of consumption. Only one million tons of the exportable products can, by all the facilities within our command, be shipped to desirable markets; and that at the absorption of one-half of that million for transportation, the other nine million tons remaining upon our hands, dead and unprofitable capital, stagnating our markets and bankrupting the producers.

Although the railways have been the source of many of our woes, yet they have some virtues that should not be overlooked. "Render unto Cæsar the things that are Cæsar's" are words embodying the very essence of the golden rule. The railroads, being unable to remove the whole, remove only a part, and at such prices as oppress the producers. If those same railroads would remove that one million tons free, the loss upon the nine million tons, which they have not the capacity to remove, would greatly counterbalance the gain upon that million tons in market.

Their incapacity should not produce rash legislation upon our part. I do not exonerate railroad companies from great censure. At a proper time I shall deal with their evils. In this argument I desire to point out a way superior to all railways for cheap transportation, "and not subject to be changed at the caprice or greed of a few managers of existing lines of railroads."

Railways are not at this day, nor will they ever be, able, at our ratio of increase in population and production, to solve the problem of cheap transportation. They are but one of the factors in the great problem, important in its place, yet totally incapable alone of answering to the wants of the people.

I will here state, Mr. Speaker, that the "enormous increase in population and in the productions of agriculture, mining, and manufacture," in the States of the West and Northwest has so far surpassed the increase of the means of transportation that the present stagnation will overhang for years to come unless some means be devised to accelerate the advancement of the means of transportation. In proof of this I refer you to the following data, compiled from the censuses of 1850, 1860, and 1870 by an engineer of great accomplishments, I mean Eugene S. Hardy, of Georgia:

NORTHWESTERN STATES, OR THOSE OF THE FIRST GROUP.

First. Aggregate area or superficies of the States of Nebraska, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Illinois and Dakota Territory is 621,505 square miles, or 397,663,200 acres of land.

Second. Land in farms. The aggregate number of acres of land in farms went up in the following progression:

	Acres.
1850	27,511,685
1860	64,008,313
1860	89,364,059

Or an increase of 224 per cent. over 1850.

Third. Lands improved. Of these were improved—

	Acres.
1850	9,853,186
1860	27,944,826
1870	48,730,278

Or 394 per cent. over 1850, or only one-eighth part of the whole area of the States, leaving untouched 348,932,922 acres.

Fourth. Population. The population has progressed as follows:

1850	2,037,196
1860	4,651,694
1870	7,451,155

Or 265 per cent. over 1850.

Fifth. Farming implements:

1850	$13,217,504
1860	38,794,311
1870	97,388,719

Or 636 per cent. over 1850.

Sixth. Cereals, vegetables, pulse, and hay and hemp.

Wheat, rye, Indian corn, oats, barley, sweet and Irish potatoes, pease, and beans:

	Bushels.
1850	149,907,560
1860	365,600,095
1870	595,034,536

Or 297 per cent. over 1850.

Hay and hemp:

	Tons.
1850	1,101,641
1860	4,126,858
1870	7,799,012

Or 599 per cent. over 1850.

Seventh. The aggregate value of the slaughtered animals, home manufactures, garden and orchard products:

1850	$14,422,182
1860	40,947,624
1870	140,711,733

Or 875 per cent. over 1850, and 243 per cent. over 1860.

Eighth. Butter and cheese.

Butter:

	Pounds.
1850	26,166,931
1860	70,718,263
1870	116,818,474

Cheese:

1850	1,091,320
1860	4,362,824
1870	5,023,963

Ninth. Live-stock:

1850	$52,716,357
1860	174,612,744
1870	412,961,149

Or 683 per cent. over 1850, and 136 per cent. over 1860.

Tenth. Aggregate cash value of farms:

1850	$204,706,911
1860	934,331,792
1870	2,226,992,978

Making an increase in value of 988 per cent. over 1850, and 138 per cent. over 1860.

Eleventh. Capital invested in manufactures:

1850	$19,562,395
1860	74,401,314
1870	257,589,308

Increase of 1,165 per cent. over 1850, and of 246 per cent. over 1860.

Twelfth. Aggregate value of products of manufactures:

1850	$53,761,841
1860	149,522,297
1870	576,286,364

Or an increase of 972 per cent. over 1850, and 272 per cent. over 1860.

Thirteenth. Real estate and personal property, aggregate value of:

1850	$352,283,946
1860	1,986,837,977
1870	5,513,634,642

Or 1,465 per cent. over 1850, and 177 per cent. over 1860.

With such an exhibit of the rapid growth of wealth in said States, it is very natural to hear the cries for transportation, for more facilities of transportation, for cheap transportation, and the like. In fact, the prosperity of a country depends upon it, and this is so true, that every government in Europe has a special administration of public works and civil engineers, whose duties are specially to see if the means for transportation are adequate to the productions and necessities of the country.

In the actual case the inquiry is, have the means of transportation been made adequate in the last two decades for the fast-growing productions of the States above named. It must be borne in mind that these same States have to depend upon two kinds of transportation: the inner or home transportation, and the outer or that of the surplus productions to markets. The ninth census, or that of 1870, is entirely unavailable for information in that direction. It ignores completely the most vital and important question of transportation—railways, canals, or all other land or water means of communication—upon which are dependent the lives of the agriculture, industry, and commerce of the country, and the value of which represents by itself a good portion of the national wealth. Witness the railways, which, according to the eighth census, represented in 1860 a capital of $1,166,422,729; and in 1870, according to the American Railroad Journal, their value of cost was estimated at $2,212,412,719.

From this source I find that the progression of railways in the same States has been thus:

Fourteenth. Railroads:	*Miles.*
1850	150.00
1860	5,287.71
1870	12,368.80

Or an increase of 133 per cent. upon 1860; an increase not in proportion and hardly in keeping with that of the various productions and sources of wealth in the last decade.

It must be borne in mind that, if these railways and other channels are sufficient for home transportation and accommodation, they are useless to carry to market the immense excess or surplus which must find its way to the Gulf of Mexico and to the Atlantic sea-board for home consumption, as well as for export to Europe, the West Indies, and South America.

As to the first direction, the great Mississippi River offers unlimited facilities of transportation, available at all seasons of the year; and as to the quantities, the only limits being the demands of its markets. The other routes are limited, circuitous, and very costly to pass the produce over to the south Atlantic or cotton States, which are the best markets for western producers.

From this table you will perceive at once that the present railway means of transportation are not commensurate to the demands of our people. Nothing but our inland seas, of which the Mississippi River is the greatest and most valuable, and the great ocean, can take our surplus products to the markets of the world.

There is a disposition among some of the members of Congress to engage the Government in the "construction of a double-track freight railway from New York to Council Bluffs, with branches to Saint Louis and Chicago." This gigantic scheme will cost, according to the estimates of the gentleman from Illinois, [Mr. HURLBUT,] the sum of $175,000,000. It is safe to say that if the estimates place the cost at that enormous sum of money as the least that will build it, it will take double that sum to construct such a road in the hands of the Government. It is a dangerous project, not at all free from constitutional objections, and with great tendencies to centralization of all delegated and undelegated powers in Congress. I think it should be avoided. So says Grand Master Adams, in a speech delivered in Saint Louis before the National Grange, on the 4th of February. Here is what he says:

Where lies the difficulty? For even in our own ranks there is a battle of opinion. Some advocate new routes East, subsidized by Government, either rail or canal. Others would have new roads made by private enterprise, and trust to competition. The first of these would require many years before they could afford the relief which we want now, and besides would surely develop into other Credit Mobiliers. The second would only add one more link to the chain which now binds us hand and foot.

The West does not ask the construction of such a railroad. If built, it would not accommodate its wants—only add to the burdens of taxation now resting so heavily upon it. I may be asked, what does she want?

I answer, a just and economical expenditure of such a sum of money as will be necessary to open the Mississippi River from its highest navigable point to the Gulf of Mexico, so that the waters of that majestic stream may flow "unvexed to the sea."

I again answer, a just and economical expenditure of that sum of money that will be required to make the Ohio River navigable at all seasons of the year from Pittsburgh to Cairo; and I ask for such a sum of money as will be necessary when judiciously expended to render navigable theMissouri River from its highest navigable point to its mouth.

And I again say, Mr. Speaker, a just and economical expenditure of such a sum of money as will be necessary to open the mouths of the Mississippi River permanently and fully, so that all vessels may pass in and out from the city of New Orleans without the assistance of that greatest of all commercial curses, the Tow-Boat Association.

I again say, Mr. Speaker, in consideration of the fact that the West and South have for so many long years filled the coffers of the Government by the coined sweat of their own hardy sons, that it proceed at once to open those national highways which cannot and will not cost over $15,000,000, and soon that insignificant sum will be returned to the Government with a usury greater than that ever "nominated in a bond," by a happy and prosperous people.

Solomon, that wisest of all legislators, said, "He that withholdeth corn, the people shall curse him, but blessing shall be upon the head of him that selleth it." Shall the West and South be favored with this loan? They ask it not as a gift, as the increase of their industry will return every dollar of it into the Treasury of the Government, "before the shoes shall have grown old" upon the feet of the engineer under whom the work is done.

Why, sir, New York, Massachusetts, and Michigan have obtained from the Government for their river and harbor improvements as much money as twenty-four States and Territories ask to be expended in the improvement of the three great rivers of the West. Look at the area of that magnificent section of our country, with its teeming millions, its diversified interests, its present value, and its future hopes, and tell me whether their request is an unnatural one; whether, in the great national compact of joint and equal partnership of all the States in the glories and profits of the whole under one federal head, our *communis mater*, the West and South should not have this comparatively small sum, sought for purposes so immense. In that partnership they have only been contributors to the general fund, not beneficiaries upon it, while other sections have been constantly aggrandized by it.

It is not demanded for the purpose of building cottages by the sea; for the purpose of purchasing elegant carriages for the use of perfumed officials, ornamented by liveried servants and armorial devices; not for the purposes of fitting out fleets at great cost to bear some young scion of the American aristocracy to foreign courts; nor do we ask it to erect splendid palaces upon the boulevards of Washington City for senatorial residences. But we do ask it, Mr. Speaker, with a united voice from those sections of our common country, for and in behalf of our toiling millions whose heads have been made bald, whose shoulders have been peeled, by the burning sun as they planted, cultivated, and gathered in their unprofitable crops.

Permit me, Mr. Speaker, to direct your attention to the stubborn facts presented by the following tables, as published by a newspaper in New Orleans:

STATEMENT OF GRAIN RAISED IN CERTAIN STATES TRIBUTARY TO THE MISSISSIPPI RIVER IN 1873.

	Bushels.
Minnesota	44,310,000
Iowa	152,438,000
Missouri	122,214,000
Kansas	29,645,000
Illinois	248,668,000
Indiana	249,688,000
Tennessee	54,247,000
Kentucky	79,745,000
Arkansas	17,211,000
Mississippi	20,427,000
Texas	27,252,000
Louisiana	8,530,000
Nebraska	10,710,000
Nevada	734,000
Fourteen States—total	1,066,819,000

STATEMENT OF GRAIN RAISED IN TERRITORIES TRIBUTARY TO THE MISSISSIPPI RIVER IN 1873.

	Bushels.
Dakota	526,000
Idaho	318,000
New Mexico	1,338,000
Montana	517,000
Arizona	142,000
Total of bushels	2,841,000
Add for fourteen States above	1,066,819,000
Grand total	1,069,660,000

It will be observed that these figures represent only bushels of grain. No account is taken of other productions of this wonderful valley. These yet remain to be added to the computation:

Hay, tons	25,000,000
Potatoes, bushels	40,000,000
Tobacco, hogsheads	300,000
Cotton, bales	2,403,000
Animal food—surplus beef, cattle, and hogs, head	5,135,600

And still we have made no computation of the crops of hemp, sugar, rice, or of fruits and vegetables, nor yet of mining products, such as lead, iron, copper, coal, and salt, all of which, with innumerable other articles, are to be added to the grand totals given above, and altogether constituting a basis of commerce and exchange almost incomprehensible.

It aggregates in grain alone 1,069,660,000 bushels. Say that nine-tenths of this quantity are consumed at home and in our own markets in the United States, that is 962,694,000 bushels, leaving 106,966,000 bushels of surplus grain for foreign exportation. I omit Ohio and Wisconsin from the list of States, as from their positions they more naturally seek the eastern outlets.

It is evidently the case that those States and Territories given in the above list do not consume the 962,694,000 bushels of grain. Giving those States and Territories a population of 15,000,000, and placing the *per capita* consumption of that grain at fifty bushels, there are consumed only 750,000,000 bushels, leaving a balance of 212,694,000 bushels for home exportation.

The average distance of those States and Territories from the ruling market of our country, New York, is about 1,500 miles, with a cost of fifteen mills per ton per mile for railroad transportations if that were possible. The value of wheat is absorbed in going 3,300 miles; and corn, in a distance of 1,650 miles. In view of this statement, how much profit would remain to farmers after handling and transporting the 212,694,000 bushels of grain to New York? Not the home value of one-third of that quantity of bushels. It had all better be burned for fuel and save the timber of the country. "No wonder," says another, "that the West is awakened to the consciousness that it has reached the limit of profitable production. No wonder that the cry has gone up from the West for a way to the sea which shall be unfailing and adequate to its wants."

I think I have demonstrated the fact that the 212,000,000 bushels of surplus grain realized comparatively nothing to its producers. Now let us see what gain will be realized from the 106,966,000 bushels of

grain set aside for foreign markets, provided the Mississippi River is so opened that it will have a clear exit to the ocean.

In ascertaining what the 106,966,000 bushels of grain bring in return to the producers, we must consider how much cheaper the river outlet is than those of railways, lakes, and canals. It is also important to know in arriving at a correct comparison between the southern and eastern outlets that the southern outlet is open to navigation winter and summer, which is not the case with the eastern outlet if the lakes and canals are used. Hence, upon the one route the charges for transportation are about the same the year round, when upon the others they vary with the seasons. The lake and canal routes are generally locked in the embrace of northern winters at the time our western crops are ready for the markets. Nature has placed in one great valley a stream of water unsurpassed in volume and capacity, and ready at all seasons to bear away our wealth upon its placid bosom to that beautiful city at its exit, which sits like a glorious empress amidst her bowers of flowers and magnolias, "at once the patron of agriculture, the home of commerce."

Here are the facts demonstrated by figures from the same source—so plainly that a wayfaring man, though a fool, shall not err therein:

COST OF GRAIN TRANSPORTATION FROM CHICAGO TO LIVERPOOL, VIA NEW YORK.

Summer route, lake and canal.

	Cents.
Cost of corn	35
To New York	25
New York charges	4
Ocean freights	18
Total	82

Winter route, by rail.

	Cents.
Cost of corn	35
To New York	39
New York charges	4
Ocean charges	18
Total	96

COST OF GRAIN TRANSPORTATION FROM SAINT LOUIS TO LIVERPOOL, VIA NEW ORLEANS.

	Cents.
Cost of corn in Saint Louis	35
River freight	10
New Orleans charges	2
Ocean charges, 12*d.*, or	24
	71

Hon. Henry T. Blow, of Missouri, at the Saint Louis convention of Congressmen to consider the wants of the West, submitted the following table, showing the cost of transportation of grain by the various routes in use:

	Mills.
By rail, per ton per mile	13
By canal, per ton per mile	7
By lake, per ton per mile	5½
By river, per ton per mile	3½
By ocean, per ton per mile	1¼

"Thus," adds Mr. Blow, "does it appear that the cost of river transportation is more than 100 per cent. cheaper than canal transportation, and within a fraction of 500 per cent. cheaper than railway transportation. Does not this important fact," he further adds, "suggest a solution of the great question now under discussion?"

But what is the West to gain by adopting the New Orleans route to the sea? How and how much will it benefit the farmer? We have already seen that the exportable grain surplus is 106,966,000 bushels. The averege difference the year round, between the two routes on grain delivered at Liverpool is 18 cents per bushel. In summer the difference is 11 cents and in winter 25 cents in favor of New Orleans, making an average of 18 cents the year round. To avoid all possible overestimates, we will say the difference is 14 cents the year round, and see what a stupendous result is obtained. Let every farmer and every land-owner in the West read the figures and make the calculation for himself. It would save to the producers every year, as already stated, $14,995,000 on the yield of their lands; it would add every year to the value of each one hundred acres of corn, at seventy bushels to the acre, $980. That is, instead of 20 cents they now get for their corn, they would receive 34 cents per bushel.

But this is not all. With such results agricultural production would take a new start, and all the lands of the West must instantly appreciate from 25 to 50 per cent., according to their proximity to river routes of transportation.

According to the report submitted to the Windom committee by the Merchants' Exchange of Saint Louis, there were shipped to the eastern sea-boards during the year 1873, "wheat and flour to the amount of 140,000,000 bushels," at an excess of freight of 20 cents per bushel; making on those articles alone a loss of $28,000,000, equally to be sustained between the consumer and producer, as stated by the Saint Louis Republican. Are not these losses, coming annually, too great to be borne with patience by the farming interest of the West? They are greater, sir, than the cost of running this whole Government for any one year of the administrations of Washington, John Adams, or Jefferson; and if longer submitted to will place every farm in the West under a mortgage or in the hands of the capitalists of the country. Here, sir, is a severely practical illustration of what is meant by the expression "the rich are becoming richer and the poor poorer."

Whenever the wealth of this country is consolidated in the hands of its capitalists, at the expense of the great masses of the people, then our country, our boasted land of liberty, will be but another instance of the many "gathered into the golden urn of history"—where liberty, country, and hopes were lost by such an accumulating vice, by such a greed after gain.

But cheap transportation, though good in itself and much desired, is not the grand specific, the do-all and cure-all for the ills under which the West is suffering. It is a great desideratum of our people; still it does not reach and destroy the root of the disease. The West and South, according to my views, suffer under four great evils, four great monopolies, borne nowhere upon this earth by a free and enlightened people save in our own land—I mean a discounted currency, blocked rivers, national banks, and the tariff. The four combined legalized robberies strike deep at the prosperity of this country, especially at that part of the country engaged chiefly in agricultural pursuits. Any one of these evils is sufficient to bring sorrow to a country; the four acting in conjunction are enough to make any country cry out, in the language of the blighted, accursed Cain, "My punishment is greater than I can bear." The people may wonder what is the matter with the country; why is it that it is all labor and no profit; why is it that our taxes are so great; why that our comforts are so few. I say to them that "the end is not yet," and will not be until these four great beasts are slain.

The West has suffered greatly from the want of diversified industry. We produce everything and make nothing, that is, compared to our natural capacities. We have plenty of idle hands, a great excess of food, and an abundance of the crude, raw material. A pure labor monopoly is a financial failure, a moral curse to the body-politic. The most prosperous community is that where diversified pursuits give profitable employment to all; where there are few drones in the human hive, and every hand, as far as possible, feeds its own mouth.

Look at that handsome gallery surrounding us, Mr. Speaker. It is daily crowded with the same idle hands and curious faces, more ready to applaud the loud cry of the demagogue for "beauty and booty" than to seek an honest living by the sweat of the brow. Let the idle creatures go forth to work, as idleness is the parent of vice; and from their appearance I am inclined to the belief that their bodies need a greater purification than their minds do of political knowledge.

With this diversified occupation in the West we will be better prepared to meet financial panics. It will produce an independence in our great section equal to its own magnificence.

New England teaches us a wholesome lesson in this respect. While manufactures constitute her great leading interests, she has many other diversified, profitable industries. She gathers treasures from the ocean; her Yankee sons "take the wings of the morning" and gather in the "dew-drops" of heaven; they fly to the uttermost parts of the earth for an idea; they will almost descend into hell with their enterprising spirit to learn with what patent of arms the apostate angel, with spirits damned

> Raised impious war in heaven, and battled proud
> With vain attempt.

And they make their cold and barren hills to "bloom and blossom as the rose," to yield a returning crop to their skillful touch. Nowhere does the whole population devote itself to a single pursuit. If one of her villages is given to the cultivation or production of one vegetable, one article of industry, the adjoining village will engage in different productions. "Go to the ant, thou sluggard; consider her ways, and be wise." The West with all of its natural graces, its bold and generous men, its yet unbound enterprises, requires just such a division of labor as will enable it to transform its raw materials into shapes suited to the wants of modern civilization. With such a policy we would keep a large portion of our money at home, and create a large home demand for our farm products. "If the mountain will not go to Mahomet, Mahomet must come to the mountain."

I may be asked how these industries are to be diversified. By inviting capital into our midst. Nature has done her part; let man do his. If we cannot transport our inexhaustible stores of food to the hungry millions of the East and of Europe, let those hungry millions, that know how to work in skilled and unskilled labor, come with their families to consume our meat and bread, our corn and our fruits, and work in our mines, workshops, and factories. Is there wisdom or economy in sending a thousand bushels of wheat to purchase a machine in Boston when half the cost will be expended in double transportation, and the same machine could be made just as well in Saint Louis, Boonville, Jefferson City, Sedalia, or Warrensburgh?

I think the demand of the grangers in Missouri for home manufactures a wise one. Every implement used by our farmers should be manufactured in our own State. Why not? We have the timber, the iron, the water, and the territory. The West, in order to secure financial independence and permanent prosperity, must have her own manufacturing establishments. We must no longer perpetuate the blind folly of sending twenty cents' worth of iron ore to Pittsburgh to be returned to us in a stove worth twenty dollars.

Saint Louis, I rejoice in saying, has set a noble example in the encouragement of mechanical industries, and is rapidly growing great, rich, and powerful from this cause. Her beautiful name is the household word of all we meet in the East. She sits a glorious queen upon the banks of the great Mississippi, with the gentle Ceres as her handmaiden and the dusky Vulcan as her messenger. The same spirit of home work and home independence should be extended to every town, every village, throughout the West.

But where is the money to set all these furnaces, foundries, steam-hammers, spindles, and looms at work? Seventy millions of it is just where it ought not to be, locked up in the banks of New England, without the sanction of the law and in express violation of the rights of the West. The West lacks that much in the distribution of the national-bank capital. The East in this, as in all other things under

the control of the Government, by having all the departments under their special control, has obtained as much more in excess of their rights as they are deficient in the area of territory and in the bulk of population. The West, with her gathering population of eager humanity, with her increasing industries, with her present greatness and her promising future, asks and demands as a right the readjustment of the national finances, by which she may have sufficient money to develop her hidden wealth, to move her products "from her sight and to manufacture her raw material" into the necessities of a cultivated people.

In order that the partiality of the distribution of the money may be more fully seen, I will enter into the subject with a little more particularity. The six New England States have received, in round numbers, $70,000,000 more than their population and wealth entitle them to. The four Middle States have an excess of $9,000,000. The nine Western States have not received their quota by $21,000,000. The South shows a deficiency of $51,000,000; and the Pacific States fall below their just proportion in the sum of $8,000,000. Again, I will show the inequality in a more distinctive and personal form. In the New England States the *per capita* distribution amounts to $32—running up to $62 in Rhode Island, and $41 in Massachusetts. "Doth the wild ass bray when he hath grass; or loweth the ox over his fodder?" In the Middle States the *per capita* is $13; in the Western States $8 per head; and in the Southern States $2 per head. How do my republican friends from the West upon the other side of this Hall like this picture, drawn from their own statistics, under their own management? Their constituents are answering the question in their councils and in their resolutions; and I warn them to give ear unto the sound.

This state of things fully explains the severe equanimity and pious resignation with which our New England brethren bear the evils of the present financial revulsion in the West. We of the West are a part and parcel of this national household, although in your estimation *minima pars* we may be, and if by this unjust system of legislation we are still dragged at your wheels, the time will soon come when you will feel the day of our reckoning. We will wear with pride the emblems of our national unity, bear with you, the same streaming banner upon every future field of battle, and worship with you under the same "vine and fig-tree;" share with you with knightly courtesy, if you will come among us, our homes and our hospitalities. Yet I say to you now that the time is fast approaching when we will know the mastery in population, when we will fill these Halls with a western and southern majority, when we will assume a commercial and manufacturing independence worthy of our situation, and having so long felt the grinding of your iron into our very souls, we will then teach you that lesson of charity by example never expressed toward us by you in actions.

The East is to-day clamoring for resumption of specie payment, when the West is clamoring for the currency of the country. Immediate resumption means to them many millions of profits; means to us in the West many millions of losses. Our State, county, city, and corporation bonds crowd their bank-vaults, and to compel their payment with all accruing interests in gold and silver would as inevitably prostrate the West under the heel of those national tax-gatherers, the marshals of the Federal courts, as the South has been under the vicious touch and misrule of carpet-bag governments.

It took England twenty-seven years to resume specie payment after her war with the first Napoleon. Her commerce, her population, her internal affairs were not more disarranged than ours after the late rebellion. After the fall of Napoleon her people were one people, united from one end of her territory to the other. Not so with ours. Our battle-fields covered almost all the Southern and many of the Western States. The scars of "shot and shell" are still fresh with us; yet the cry is heard from those States which never stood upon the "perilous edge of battle," which never had the tread of a soldier in their midst, only those preparing to leave for other fields, which never trembled under the rumbling wheels of thundering cannon, "Give us gold and silver; away with the base currency we once gave you."

Why, sir, "one might consider them to be the lineal descendants and heirs at law of those Jews who garnished the sepulchers of the prophets and crucified the Fulfiller of their predictions." During the war and the following years this Government has been managed by one-tenth of the people and less than one-fifth part of the territory. During that time Congress has but confirmed the edicts of New England committee-men.

When this partiality and injustice is practiced toward the South we can understand it, though we reprobate the spirit that prompts it. But the patriotism of the West is without a blemish, and she should not be compelled to undergo the gentle penance of reconstruction. Illinois stood upon the same battle-fields with Massachusetts, and the brave soldiers of Indiana returned from the scenes of blood with as many trophies of victory as did those of Maine. The strong arms and brave hearts of the people of the West have subdued a vast wilderness and conquered from Nature an area of territory larger than the original thirteen States. The gentleman from Texas, [Mr. MILLS,] and the one from California, [Mr. LUTTRELL,] "bronzed by the livery of the burning sun," will bear witness to the fact that "the energy of the hardy sons of the West molded their Territories into magnificent States."

Our soldiers have always been first in the fight and last to retire. Their sabers flashed in the morning sun like a wall of fire upon every battle-field, from that of Manassas' bloody day to the last one that crowned "Sherman's march to the sea." The hour of victory to them was the hour of mercy. Would to God that that same mercy had possessed the legislators in this Hall!

But it is no suspicion of our loyalty that leads to this national injustice. You may impute great crimes to the South, yet she is now of us and with us, covered all over with as honorable scars as were ever worn by any of the "old guard," and it is your duty to receive her as the brave victor always does the vanquished. "Her sins may have been many and deep, and of the color of scarlet, yet they will become as white as wool" in comparison with those that have been committed against her in the hour of her helplessness and distress. It is simply the lust of power and the greed of gold that have made us so long the hewers of wood and the drawers of water to the Eastern States. I freely admit that you of the East have the money and the brains, and that unity, begotten of a common interest, to seek the hour when you should contend with safety against the divided counsels of the whole Mississippi Valley, and it is not strange that you have hitherto maintained political ascendency.

Sir, that hour is rapidly passing away. "Saul is amongst the prophets," and sooner than you anticipate he will occupy the throne of the kingdom. The center of population of this country is now within a hundred miles of Saint Louis, and stranger things have happened in the world's history than the removal of these huge piles of marble and granite, these mighty domes and cloud-capped palaces, from the East to the West.

But we need not wait for the center of population to reach the Mississippi before we can secure our rights. The West, as well as the East, is now a unit. If the selfish and greedy politician will hold his ear awake, he will hear a new and strange song that comes to us on every western breeze. It is not the angry shout of an embattled host, but a loud chorus of a great multitude of honest, hard-working people, who are again catching the spirit of freedom, and are asserting the independence of individual political action, as superior to the behests of party and the tyranny of caucus. It is the song of the grangers, and the mighty refrain gathers volume and power from every hamlet and house in the great West. How it sweeps along with the wild winds of the prairies, catching new voices from every field and forest, gliding along the streams, echoing from bank to bank, and leaping from hill-top to hill-top, ever swelling the grand anthem of industrial freedom and liberty, over all that vast empire. Its voice will be heard by all and felt by many. This is the power that stands at the doors of this Capitol and asks, not in the tone of menace, but entreaty, for simple justice. Is it proper to refuse the prayer? I say no, no, no.

As mattersnow stand, the people of the West have scarcely money enough to pay their taxes. They should have more. When we consider the immense area of territory opened since the war, our greatly increased population, and that four million negroes have become users of money—even though it be but ten dollars per head—I am constrained to say that more money should be put in circulation. It is better, in my estimation, to have a contented and happy people all over the country than a few happy capitalists and bondholders in the East. Money enough to meet the exigencies of the people will produce that happiness; while, upon the other hand, to contract is but to tighten the screw already agonizing the people and grinding them to the earth. Contraction will degrade American labor to the low condition of European dependence and serfdom.

From such elements of ignorance and degradation spring the bitter fruits of social communism and radical agrarianism. This great problem of labor and capital cannot be settled by the sneer of the rich man or the club of the policeman. Work is abundant and profitable when money is plentiful. Work and wages, otherwise stated labor and profitable results, bring contentment and a law-abiding people. Panics and financial distresses produce idleness, with her lawless train of robberies, riots, and revolutions. The American laborer is generally intelligent and patient, with but few wild Utopian notions, and no sympathy with the baneful doctrines of communism; but if he is treated with persistent injustice and reckless disregard, and the fruits of his toil are turned to ashes by unwise legislation, he can become the most dangerous of all citizens.

This dangerous element of communism in our system can only be eliminated by just and liberal legislation that shall elevate and not degrade the workingman.

One theory more respecting the interests of the West—in fact, intimately blended with the prosperity of the whole country—and I will retire from this floor. We are willing to bear our part of the burdens of Government, but we are not willing to give the fruit of our farms and the toil of our hands to enrich others under the disguise of protecting American manufactures against foreign "pauper labor."

If we must have a tariff for revenue exclusively, let it be; and let it strike at the costly luxuries of the rich instead of the cheaper comforts of the poor. Let capital do its full share in sustaining the Government which protects it as no poor man's home is, and give the toiling man free access to the best and cheapest markets of the world. Our manufactures can be profitably carried on without further protection than that incidental to the handling and transporting the foreign-competing goods.

The great majority of the masses or people of all governments are

poor—men and women of small means—and that government exhibits the greatest amount of wisdom that keeps its laboring classes prosperous by constant work; that makes straight their paths; that makes light their burdens; and that says to them, through judicious legislation, in the language of divine inspiration, "Come unto me all ye that labor and are heavy laden, and I will give you rest."

Our people, Mr. Speaker, need such a "rest." Those long, terrible years of carnage brought no more sorrow to their hearts than these passing years of taxation are now doing. The political party that gives that rest, that freedom to the people so much desired, will be the one to govern this country. I think the republican party has failed in the attempt.

CHEAP TRANSPORTATION.

Mr. CLARK, of Missouri. Mr. Speaker, in the remarks I have to submit I hope I will not be considered as an enemy to the great railroad system of our country. It is a monument to the enterprise and intellectual advancement of our people, for which every American must feel a manly pride. Countries remote from civilization have been placed in communication with the outside world; and many blessings have been conferred upon the people of the West by this pioneer of civilization; and in the future it must be one of the most important agencies in developing and building up the interior commerce of our country.

But the defects in their management are so oppressive as to need some strong regulating power. Their original purpose of benefit to the people is very often defeated, and so warped as to become a grasping, soulless, money-making machine, in the hands of crafty and avaricious men. Some of these men have made fabulous fortunes in the last few years, and the belief, whether true or not, is firmly fixed in the minds of the people that they have been made the victims of daring and unscrupulous swindlers; and hence there is a fierce feeling of antagonism growing up in all agricultural districts, demanding that the national Legislature step between them and these extortionists, and compel them by law to carry the produce of the farm at less exorbitant rates.

Now, I am aware that this is a very grave question, surrounded by so many difficulties of expediency and perhaps constitutionality, that it is feared no conclusion will be arrived at acceptable to all parts of the country, and not be an improper assumption over the carriers of our interior commerce. In my judgment there is a way to acccommodate all the embarrassments of the subject, meeting all the requirements of cheap transportation, and at the same time not rudely trenching upon the legal or equitable rights of railroads to the Atlantic seaboard.

It is an old truism that "competition is the life of trade;" and it is in its application that we seek the solution of all difficulties surrounding this subject. Give to the country competing lines in sufficient number and capacity to carry easily and economically all the produce of the country, and we shall no longer hear of exorbitant freights.

It is a fact in regard to transportation, as in the every-day business of life, let a number of competitors enter the field to do the same thing, their ambition and interest to succeed bring them down to the lowest possible standard. The reason why all freights advance on eastern through lines, when the winter comes on, is for the want of that competition that is furnished during the summer months by lake and canal navigation. This hardship the farmers pass through every season; and that it is a great one only reflect that the farmer cannot get his entire crop ready for shipment before the winter sets in. The corn crop is of this character, the increased winter freights amounting to complete prohibition. If he moves it at all it must lie over until navigation again opens or be entirely lost, which is very often the case. For this reason alone millions of bushels of corn are left to rot or be wastefully consumed.

There can be but one reason for this sad condition of affairs. The daily quotations of the price of corn in the eastern market show that a handsome profit could be realized to the farmer on this product if he only had some cheap way of getting to market. This high and unnecessary charge for transportation being one of the difficulties that stand in the way of the farmer's prosperity, is it not a duty we owe to this important class of citizens to devise if possible a new route of transportation, that will not be subject to the great fluctuations of the present system, and that will insure such competition all the year round that the farmer may plant his crop with the certainty that when matured he will find an easy, safe, and economical route to the place of consumption, whether that be in our own or foreign countries?

We assume, therefore, that it is a patriotic necessity for the national Government to exercise its power to protect the most important of all pursuits from demoralization and decay; not by a protective tariff, as has been done in respect to our eastern manufactures, but simply to see that this interest, the people engaged in this pursuit, are not robbed and plundered of their hard earnings by legalized monopolies that, like vampires, are sucking the very life-blood out of the West.

It is presumed that no intelligent member of this House will controvert the fact that the agricultural interests are terribly imposed upon, crushed down with burdens such as are felt by no other class in this country; and such being the case, we cannot longer put off some wise and prudent legislation on this question. Let us inquire, then, how this can be brought about for the greatest good to our whole country.

It has been suggested that we build double-track railways from the producing region to the sea-board. We have nothing to urge as a special reason against this plan, except the cost, and hope it may be, at some future day, carried into effect. We are, however, impressed with the belief, assuming that such a railroad would cost $75,000 per mile, that private capital could not be found to invest in an enterprise with the prospect of a very low interest on the money invested. If built by the Government, the running expenses being much higher than with roads run by private corporations, the interest on the construction bonds could not be met by the earnings of the road. This would make a large addition to our national debt, which all parties wish to avoid.

If we can find a cheaper plan for a route to the sea, you must bear in mind that this transportation is needed from the Mississippi Valley, and that the country east of the State of Ohio has all the railroads that are necessary to carry all the freights than can possibly accumulate. We want transportation to carry off the immense productions of this valley, and think that Congress should give its sanction to that enterprise which will cost the Government the least money, and confer the greatest and most lasting benefits on the country.

Another proposition is to widen and deepen the canals that run eastward from the lakes through the State of New York to the sea. This is a good suggestion, and would meet with hearty approbation but for the reason that it utterly fails on account of its latitude to come into active competition with the railroads for a number of months in each year, which periods mark the rise in all eastward railroad freights. Another difficulty in the way of this enterprise is that it does not reach the center of the great producing region, and any enterprise that will not do that will fail to bring the relief we desire.

In this connection you must remember that the producing region is ever on the march westward, and in a few years will be west of the Mississippi River, in that grand undeveloped country that borders on the Missouri River and its tributaries.

The question is, then, can we find any other route to the sea that will not be met with the difficulties we have alluded to in regard to other proposed routes. If we believe the evidence of the most talented and cultivated civil engineers that belong to our country, we have a natural channel almost ready for the work we are in so much need of, and one, too, that can be made the most wonderful highway for interior commerce yet known to the world. Anticipating the wants of this rich country, which at no distant day will be the granary for Europe as well as our own country, a beneficent Providence has traced through it the longest natural channel, a ready-made canal, and better adapted to the wants and necessities of this people than any artificial work can be. This canal, starting from the very door of the great producing region, only requires of man the exercise of a moderate degree of ingenuity and enterprise to make it all that is necessary to meet the wants of the present and unborn generations. It is not a sluggish canal, with its locks and dams, but a continual flow, for thousands of miles, ready to bear upon its waters all the way down to the sea, without artificial power of any kind, the annual crops of this vast region. It is a natural current from the very place of production to the sea; and nature, as if this grand inland artery of commerce was not enough, makes the currents of the sea take up the vessel thus emptied into the ocean, and carry it up the Atlantic coast to all the great commercial cities of our country.

This current that is said to flow about four miles per hour will of its own force, land a vessel from the Saint Louis wharf in the city of New York in forty days. Does it not seem like folly to attempt the building of an artificial canal or work that can possibly compete with this free, natural channel in cheapness of construction, or adaptability to the very wants we are legislating to satisfy? Is not its cheapness and naturalness the very combination we desire? Will it not be the very competition we are hunting for: to bring these monopolies to a sense of justice and the proper relations that should exist between them and the producer? If we want a sharp and severe competitive race for western produce, between railroad, river, and lake transportation, can we devise any plan that will bring about this delightful consummation, and that carries with it so many decided merits?

I do not deny, sir, that other routes have many claims that recommend them to the judgment, but when we consider that all these different plans will some day be necessary to our commerce, and the full development of our country, we should seek first that means of relief that is least costly to the Government. To enlarge our canals, or to build double-track railroads, every man knows, without calculation, will cost the country millions more than it will to prepare these natural channels for all kind of navigation.

It is estimated that a double-track railway from the Mississippi River to the Atlantic coast will cost at least $75,000 per mile, the distance being from one thousand to twelve hundred miles. The cost of the road will therefore be $75,000,000. Now, take it for granted, which in my judgment will never be the case, that these routes will carry freights as cheap as the Mississippi River, see the difference in the cost of construction, the repairing and running expenses. It would cost the Government nothing for running expenses on the Mississippi River, as it would be a highway free to all, and never could, in the nature of things, be a monopoly. The Government would only have the expense of repair on this water-route, and that, with the

difference in cost of construction and the climatic influences that are against it, will complete the conviction in all unprejudiced minds that this route is superior to all others.

We are so prone to look at all questions with a sectional or selfish eye. If we cannot see that an immediate benefit results to our constituency, we think it is economy on the part of the Government to abstain from all appropriations. The members from New York City would very likely sit still and let us vote any amount of money for the harbor defenses of that city, but would be on the alert to defend the United States Treasury against appropriations to go in any other direction. It is very natural for men to do this way, but we must get rid of our small contracted notions when we stand in the presence of a grand national idea. Such a one we maintain the cheap-transportation question to be.

All the people of our great country are either producers or consumers, and any measure that will cheapen the freight on a bushel of grain from the West to the East will increase the price for the producer and decrease it for the consumer. The heavy freight that is now charged on a bushel of corn or wheat is added to the price the consumer pays to the miller. The miller, the producer, nor the consumer, gets any benefit from this heavy duty that is levied upon everything the farmer takes to market, but goes into the pockets of men who organize themselves into corporate bodies, which, in law and fact, have no souls, and cannot feel for the poverty of the producer and the famine of the consumer, so long as their coffers are filled with the unholy treasure thus wrung from the poor.

Your millers in New York and New Jersey go to Illinois for the corn which they grind into meal for their patrons, and pay for it from fifteen to eighteen cents per bushel. Gentlemen who are members of this Congress will tell you that the same corn costs them at the mill from sixty to seventy cents. This is a tremendous difference, and we may well inquire what is the cause of it, and where it goes to? It is the freight on a bushel of corn from Illinois to New York; and goes to the railroads, paid alike by the producer and consumer.

Many unthinking people are in the habit of talking about this question as though the eastern people were not interested in it, and the West was to receive all the benefits from it. This is a very great mistake, as the price the eastern mechanic and laborer pays for his food is, in part at least, the cost of carrying it to market. This is a very small matter to the rich, but to the laboring poor in eastern manufactories it possibly bears with greater hardship than on the western farmer. High-priced transportation, like high taxes, becomes an unbearable burden to the people, and blights the prosperity of all countries.

Prosperity begets prosperity. You make the great producing region prosperous, and what is the result? They pay the debts they owe to the manufacturer, and buy more largely of his goods. The market for nearly all the manufactured goods of the East is in the West and South. What a piece of folly it would be, then, for the East to legislate in such a way as to retard the prosperity of those who purchase their manufactures. The great laboring population of the country—the producers and consumers—are alike interested in any measure that will insure the easy, sure, and cheap transportation of the food of the great Mississippi Valley to the door of the consumer in the East. This is why it is a national question, permeating every State in this broad Union; the New England States realizing the benefit as much as the States of the great valley. It is a national work in the largest sense of that term, and in its lasting and far-reaching benefits will be a national blessing.

What are the difficulties, then, in the way to prevent the Government from conferring this great boon upon the people?

It is not on account of a doubt of the constitutional power of Congress to regulate the commerce of the country; that is conceded on all hands. Neither is it on account of the cost of the undertaking, because Congress has repeatedly loaned to public enterprises much greater sums than will accomplish this. Neither is it on account of the possible extravagance of freight charges that may be made more than on other contemplated ways to the sea; because it is demonstrated by well-attested facts even now, before the work of deepening a channel is begun, to be almost as cheap as any other route to the sea or to the Atlantic sea-board. Neither is it the cost of construction; for no well-informed man will deny but that it will require three times as much to build competent transportation by any other route. Neither is it on account of its latitude and climate; for it is the only water-route that is free from winter obstructions, and statistics show that full as much grain becomes spoiled in the shipment to and from Chicago East as from New Orleans.

Is it not passing strange that Congress does not act in this matter, when the knowledge is with every man of a manifest lack of economical transportation; when it is well known that not more than one-twentieth of the great West is now in cultivation, and that almost every season corn is raised in such surplus quantities as to be burned for fuel or left in the field to rot, and at the same time the population of our great sea-board cities and those of the manufacturing States are suffering because the produce of the West cannot reach them by an economical route? It will cheapen food and lift a burden from every laboring man's shoulders. The interchange of products will give new life to trade, and revivify the decaying industries of the country, making all classes, in every section, the richer and happier. What excuse, then, can you make to your constituents for not giving your influence to a measure that will be so vast in its ever-increasing benefits.

Heretofore you have given away unnumbered millions of acres of the public land to build railroads, over which the farmer has no freedom, and is compelled to submit to extortions as though the Government had never given a cent to build them. You have drawn on the public Treasury with a prodigal hand for coast and harbor purposes, where all the foreign commerce is insignificant in comparison with the internal commerce of the Mississippi Valley, not yet more than thirty years old.

The best engineers have with singular unanimity reported the feasibility of the enterprise; thinking men all over the country have united in this belief that it will confer more lasting benefits to the entire Union of States than any enterprise ever before presented to Congress.

We hope our great commercial sea-board cities will not allow a foolishly short-sighted fear of losing trade to prevent them from giving their influence to this great work. Every dollar that is made for the farmer will result to their benefit. With it he pays old debts and makes new purchases. It will fill up the vacant lands of the West with a thriving business population, and this prosperity as certain as fate will make the great commercial centers more opulent and powerful. It is the sure way of spreading the commercial supremacy of great business centers, and whether the produce of the West leaves the Mississippi Valley by way of the lakes, or by the through-line railroads, or by the Mississippi River to the sea, and thence by the Gulf Stream to New York, that city will still hold in her grasp the scepter of commercial empire on the American continent, and from her Wall street will radiate the financial power that will surely control the commerce of this country in all time to come. The water-route by this river to the sea will be only another convenience to her commerce, and add new territory to her dominion.

In order that we may perfectly understand and realize the great necessities of the West and Northwest we must consider the magnitude of the productions of this country. Their amount has been collected from a great many sources by intelligent western gentlemen, and although not as accurate as they could wish, it seems so near the truth as to be available. The statement is contained in the memorial of the Saint Louis Merchants' Exchange, with appendix thereto, the most exhaustive paper yet prepared on this question.

Without wearying the patience of the House with statistics in detail, I will only repeat some aggregate amounts ascertained by the intelligent gentlemen who made this valuable report. Thus the movement of grain eastward, the estimated surplus, and the remainder for shipment to the southward, or for superfluous consumption, in the report alluded to, are thus stated:

Grain.	Eastward.	Surplus.	South or unsold.
	Bushels.	*Bushels.*	*Bushels.*
Wheat	96, 500, 000	116, 000, 000	19, 500, 000
Corn	106, 000, 000	190, 000, 000	84, 000, 000
Other grain	36, 000, 000	40, 000, 000	4, 000, 000
Total	238, 500, 090	346, 000, 000	107, 500, 000

Or, 6,190,000 tons moved eastward; 9,300,000 tons estimated surplus; and 3,200,000 tons shipped to the South or unsold.

This estimate is only for the grain crop, which every one knows, is only a portion of the freight that passes over our roads to the East.

In the same report the estimate for weight of animals moved eastward is 1,500,000 tons; of meat packed at different points in the Mississippi Valley 550,000 tons; 60,000,000 pounds of wool; 170,000,000 pounds of tobacco; 60,000 tons of spirits; 10,000 tons of flax; 42,000 tons of flaxseed; 10,000 tons of hemp; a surplus of 22,000 tons of butter, and cotton that was shipped northward and eastward 130,600 tons, and many other products consisting of vegetables, fruits, iron ore and pig-iron which make up an aggregate that startles the unthinking mind by its magnitude.

It is impossible to arrive at any certain estimate of the corn production of the Mississippi Valley, and the fact that tons of it remain unsold at even fifteen cents per bushel is conclusive that we cannot tell the great loss that annually falls on this section from lack of transportation for this article alone. It is well understood that it cannot be shipped at present rates unless it is reduced to a more compact and valuable form by feeding it to cattle or hogs, or distilling it into alcohol. The last would be remunerative were it not for the internal-revenue or export tax that is levied on this production.

Thus you see the magnitude of production is almost beyond computation, and exceeds that of any other country. The aggregate cereal crop of all the nations of Europe in 1868 was reported to the international statistical congress at the Hague to be sixteen bushels to the head, while the cereal product in the UnitedStates in 1870 at a low estimate will reach thirty-five bushels.

Now, in order that you may look at this question fairly, and do the whole country justice, after contemplating the immense production of the agricultural region West at the present time, you must, if you would legislate wisely, also consider that agriculture is only in its infancy, and must in the nature of things go on, opening and tilling new lands

until it reaches an amount almost beyond calculation. What will it be in twenty years from this day if no blight fall upon the industries of the country, and how much transportation will it require to carry it to market? I see it stated in a preamble to resolutions offered before the Chamber of Commerce of New York that if the ten millions of surplus grain in the West were ground into flour or meal and placed in barrels holding five bushels each, it would require eighty million barrels, and would fill forty thousand Erie Canal boats, each carrying two hundred and fifty tons; or one million railway freight-cars each carrying ten tons, which would make an average of about twenty-eight hundred cars per day.

It is a necessity that is recognized by the entire country that the great natural water-routes should be utilized and made subservient to the high commercial destiny that awaits this people.

The beginning of this great work must be a canal from the Mississippi River into the ocean, or the deepening the channel of the river where it empties into the Gulf. I am no practical engineer, and leave that question with those who are capable of handling it. They tell us the canal is feasible, and a distinguished civil engineer of my own State, Captain James B. Eads, who is ranked among the most learned and accomplished of his profession both in this country and Europe, gives it as his opinion that the proposed plan of deepening the mouth of the river is the cheapest and most feasible. As a parallel case he refers to the achievement of Sir Charles A. Hartley in securing a permanent depth of twenty feet in the Sulina mouth of the Danube. It was accomplished by building a solid stone wall a mile and a quarter long, which confined a large volume of the water to this one channel. To adopt the language of the Saint Louis Dispatch:

> The practical result which followed the deepening of the Sulina from nine feet in 1857 to twenty feet in 1872 was very great. In 1853, 2,490 vessels, measuring 339,457 tons, left the port, and in 1869, 2,831 vessels, measuring 676,960 tons. The increase of vessels is slight, but the tonnage is doubled. The reduction in the number of wrecks had been from an average of 39 in 10,000 leaving the river from 1855 to 1866 to an average of 8 in 10,000 in 1861 to 1869, and of 2 in 10,000 since 1870. The charges on vessels have been also reduced from two to three francs per quarter for lightering grain across the bar in 1857 to a total charge of two francs per registered ton. These are great results, and as the Danube is an alluvium-bearing river like the Mississippi, it is fair to suppose that a similar treatment will produce similar results.

But I did not intend to argue in favor of the adoption of either plan, as the knowledge I possess is very imperfect. A permanent depth of water at the mouth sufficient to pass the largest ocean vessels is what we need to make the Mississippi, and its great tributary, the Missouri, available for commerce.

The Missouri River runs through the center of the State of Missouri, and washes the borders of the great agricultual States of Kansas, Nebraska, Iowa, and vast Territories, having steamboat navigation for twenty-five hundred miles, running all the way through a country of unparalleled fertility, growing to perfection all the grains, grasses, and fruits of this latitude, and holding in its hidden cavities iron, coal, lead, salt, zinc, copper, saltpeter, marble, and cement. I have not time to enumerate the wonderful resources of this favored region; but I wish to impress it upon this Congress that this river is the natural channel for all the commerce, agricultural and mineral, that will grow out of its abundant richness, and should therefore receive its early attention in appropriations commensurate with the great interests involved. It is larger than the Mississippi, and all I have said in regard to the necessities of river improvements as the cheapest route for commerce applies in a pre-eminent degree to this the greatest river of the continent.

Mr. Speaker, this question of the cheap transportation of the products of the West to the Atlantic sea-board and foreign countries is second in importance to no other now before the American Congress. It is no petty sectional interest, in which the welfare of a few hundred thousand people are involved, but millions of the sons of toil, who have for these many years submitted patiently and unmurmuringly to the extortions of monopolists; who have paid the tariff revenues by which eastern manufacturers have amassed fortunes, and for which they have received in return no corresponding benefit; who have been imposed upon by the financial system of the Government, until crushed to the very earth they demand that the Government shall cease giving its protection to measures alone which rob and oppress them and build up a small interest and favored class in the country. We have had enough of class and sectional legislation, and it is unworthy this great nation that Congress does not push to the front some great national idea, the good influences of which will ramify every section of this country. Such we claim for this enterprise, the advantages of which will not only be to those who live in the valleys washed by the Mississippi, Missouri, and Ohio Rivers, but every city and town, however remote or obscure, will reap its portion of the harvest.

The time has arrived when you must do something to help this people. They are deeply dissatisfied with the burdens imposed upon them, and very justly consider themselves badly treated by the Government. They complain that Congress has never recognized the fact that the productions of a country are its real wealth; that it has rather acted on the principle that the great producing class was in no need of the protecting hand of the Government, but must be made to support all other industries; that all the articles they purchase are saddled with a tariff duty; that the banking system established by Government is such that the agricultural regions get only a portion of the money to which the law entitles them, while the manufacturing States get largely over their share; that while you make a protective tariff to foster and take care of the manufactories of the Eastern States, it has never been thought necessary to give the farmer protection. He pays his portion of the tax to carry on the industries of the Eastern States and gets no corresponding favors in return.

Mr. FIELD. Will the gentleman yield to me for a question?

Mr. CLARK, of Missouri. I will hear the gentleman's question.

Mr. FIELD. I do not wish to antagonize the views of the gentleman in regard to internal improvements. When the question of internal improvements is brought before the House for action I will support them. But I understood the gentleman to say that the West is taxed for the benefit of the East; and I would like to have some explanation in what way this is done. I understand the gentleman to say that the great agricultural States——

Mr. CLARK, of Missouri. I do not yield further. The gentleman asks me a question to which it would take me all day to reply. The gentleman will find, however, that as I proceed with my remarks I will give substantially an answer to his question, or at least to the question which I suppose he intended to ask me, in regard to the tax the western people are paying for the benefit of the East, and getting no adequate return therefor. I will say now that, on the goods consumed in the West, there is a protective tariff paid, and the farmer has to pay that tariff, as well as the price of the goods. That is how the West pays a tax for the benefit of the East.

Mr. FIELD. If the gentleman will allow me, I would suggest that if the western people did their own manufacturing they would avoid all this difficulty.

Mr. CLARK, of Missouri. Yes, sir; and if the East raised all their own agricultural produce they would not be dependent on the West. But I decline to be interrupted any further. I did not intend to debate the tariff question at all in this argument.

But, Mr. Speaker, it is much worse than that; he is made to pay a tax on the produce of his own labor. The planter cannot sell his crop of tobacco to his neighbor, but is forced to hunt up a licensed dealer and have that tax deducted from the price of his crop. The production of hemp was once the largest and most remunerative of all the crops in my district, but by removing the tariff on articles that come into competition with it they can no longer raise it at a profit. When they attempt to reduce the bulk and increase the value of their corn so that it will bear shipment, a tax is levied on the alcohol.

The farmer of the West feels that if this system of taxation is to go on, and his own labor or the result of it does not advance in the same ratio, that it cannot end otherwise than in total bankruptcy. They are a thrifty, temperate, and industrious people, but oppressed on the one hand by unjust legislation and on the other by railroad monopolies, they feel almost without hope. Go and talk to these farmers who have followed the plow from boyhood, and they will tell you that they struggle and economize as they have never done before; and yet they have nothing left at the end of each year; or, worse, that a mortgage is slowly but remorselessly eating away the homestead itself. This is the real history of the thousands who are tilling western farms.

But, brave and honest men as they are, they do not intend to be ground into dust in the service of monopolies, railroad or otherwise, without a struggle. They see their danger, and are rising to meet it. There is not a fireside in the humblest cabin around which they are not discussing this question, firing each other's hearts for a death struggle with parties or administrations who will not hear their cry for justice and relief. Republicans and democrats, forgetting the hostility of years, and gallant soldiers who lately struggled in deadly combat, are falling into line and swearing fealty to a new flag, whose motto is "Forward," until their fertile fields are rescued from the blighting and withering curse of class legislation.

I know it is the habit of some eastern politicians to make light of this uprising, calling it communism. It is simply an exercise of the instinct for self-preservation, a war of self-defense; and unless it is met fairly and honestly, they will hurl the last man from power who stands between them and their rights.

It is well to remember that they are no contemptible foes for any power to face. They are intelligent and patriotic citizens; they furnished the soldiers for both armies in the late war, and form the voting population of at least twenty-five great States. Therefore I say beware; they mean to be foes unless it is shown to them that they are to have an equal share of the benefits as well as the burdens of taxation.

Let me appeal to you to do them justice, add immeasurably to the wealth of the country, bring together in the intimate business relations of life all sections of the Union, forever blotting out the traces of the late conflict, and lighting up all the country with a blaze of prosperity.

THE CONDITION OF THE COUNTRY AND THE REMEDY THEREFOR DISCUSSED.

Mr. VANCE. Mr. Speaker, the great question just now with the people is, what relief will Congress give us? It is like the cry of the swimmer whose strength is spent, or that of the distressed Israelite under his task-master. The people have intrusted us, their chosen representatives, with high and sacred duties. Their eyes are even now turned upon us, and their hopes are elevated. It is in the power of the American Congress to give relief to a distressed country, and it should be its exalted work to acomplish that end.

TAXATION.

Let us now, Mr. Speaker, look at some of the causes of this distress. And first I mention the burdens of taxation. Almost every article used by the laboring man is taxed either indirectly by a tariff, or directly, by the internal revenue. The tariff lays a tax on iron, steel, cotton cloth, woolen cloth, spool thread, copperas, indigo, madder, medicines, shirts, vests, pants, coats, socks, shoes, caps, and hats; not even allowing the blessed Word of God to escape, there being a tax of 35 per cent. on the Bible, together with a thousand and one things too tedious to mention. The humblest negro in the land pays a tax on his mattock, his hoe, and his bull-tongue plow, while upon every article of his shabby apparel, from top to toe, the iron fingers of the tariff hold their merciless grip. It is all in vain for the poverty-stricken mother of the country to sing to her child—

Hush, ye little pet ye,
Do not fret ye,
The Black Douglass shall not get ye—

for the black vise of the tariff has them all in its jaws. The truth is, sir, that we are taxed from the cradle to the grave. If spirits should be needed, for medical purposes at the birth, none can be obtained without the inevitable stamp being affixed. I heard of a law-abiding Dutchman in Lincoln County, North Carolina, who had a son born unto him. On the morning of the happy event he was hastening down street, when a man called to him, "Hallo! what are you in such a hurry about?" Our hero answered, "Don't sthop me; I am hurrying to get de stamps to put on de baby before de revenues man comes." Neither, Mr. Speaker, can the last earthly scene escape the tax. The very screws upon the coffin, the handles thereof, the tacks, the white lining, the black cover, the varnish, all, all have a place in the endless catalogue; while, to cap the climax, the spade which smooths the turf above the dead contributes its part to the immense revenues of the land, reminding us that even in death we are not forgotten—by the tax-collector.

INTERNAL REVENUE.

Now, sir, in addition to the indirect taxes we have the direct taxes on spirits, wines, manufactured tobacco, leaf tobacco, snuff, cigars, &c., and this brings me to consider the internal-revenue laws with their burdens. I, then, invoke the attention of gentlemen to the inequalities of these laws, bearing as they do unjustly upon certain sections of our country. The Constitution says that "all duties, imposts, and excises shall be uniform throughout the United States." This suggests the principle that taxes may not be laid upon one section which another is free from. I will ask the Clerk to read from the act of June 6, 1872, page 50, Revenue Laws.

The Clerk read as follows:

Dealers in leaf tobacco, except retail dealers in leaf tobacco, as hereinafter defined, shall each pay $25. Retail dealers in leaf tobacco shall each pay $500, and, if their annual sales exceed $1,000, shall each pay, in addition thereto, fifty cents for every dollar in excess of $1,000 of their sales. Every person shall be regarded as a retail dealer in leaf tobacco whose business it is to sell leaf tobacco in quantities less than an original hogshead, case, or bale; or who shall sell it directly to consumers, or to persons other than dealers in leaf tobacco who have paid a special tax as such.

Mr. VANCE. Now here is a tax bearing directly upon the product of the farmer in the tobacco-growing regions, while in other sections the product of the farmer is not taxed. This is a violation of the spirit, if not the letter, of the Constitution. Why not tax corn, wheat, hay, fruit, &c., in the non-tobacco growing sections? Ah! you say, these things constitute the farmer's bread; they must not be taxed. I answer, so does tobacco in the sections where it is grown; it is emphatically his bread, for from its proceeds he buys his bread. The proud boast of our country is equal laws. Here is an opportunity to have that boast carried out, by repealing the taxes on leaf tobacco. You ask why it is that the farmer suffers by the tax. Here is the reason: The law absolutely cuts off the sale of tobacco at retail, by its shameful provisions; and the producer—not being able to sell to the consumer—must, of necessity, sell to the wholesale dealer in tobacco, or to the manufacturer, and that fact controls the price. If the farmer could sell to the consumer by retail, it would enable him to get twenty and twenty-five cents for tobacco that only brings him five cents at the factory. This act, therefore, discriminates to the favor of the manufacturer, the monopolist, and against the small farmer. Gentlemen will see that it is unjust. Let me give a case: A gentleman worked a number of hands on his farm; he sold them tobacco in the leaf at twenty cents; after the 1st of July, 1872, he carried the residue of his tobacco to the factory, and got ten cents per pound; he then purchased manufactured tobacco for his laborers, and they had to pay from sixty to eighty cents per pound therefor. Both parties were injured. Another important view of this matter is, that the laboring man is almost of necessity compelled to have tobacco. Right or wrong, he has contracted the habit of its use, and cannot well dispense with it. With him it is not a luxury, but a necessity.

OPPRESSIVE FEATURES OF THE LAWS.

I invite the attention of the House to the arbitrary and oppressive features of these laws. Of course I cannot in one brief address point them all out; but will ask gentlemen to examine the rigid and tyrannical character of the penalties. Take, for instance, the penalty for removing tobacco before it is stamped, which is a fine of not less than $1,000 nor more than $5,000, with imprisonment not less than six months nor more than two years. Another: the failure to destroy a stamp upon a tobacco-box after it has been emptied involves an absolute penalty of a fine of $100, and twenty days' imprisonment. Another: distilled spirits left on the premises where made, after the tax has been paid, works a forfeiture thereof. Another still: before a man can begin the business of distilling he must give notice in writing, and a failure to do so works a penalty of $1,000, and on conviction a fine of not less than $100 nor more than $2,000. (Section 6, act July 20, 1868, page 56.)

These laws even require a "sign" to be put up on the side or end of the factory, the letters to be three inches long; and a failure to do so works a fine of not less than $100 nor more than $500. (Page 87, section 64.) This is not the first time, Mr. Speaker, in the history of the world that a "sign" was required.

All the above fines and penalties, and many others, are positive and unbending. I ask gentlemen, in all candor, if these penalties ought not to be left to the discretion of the court, so that judgment could be entered according to strict justice.

Let me mention now how men have suffered from these outrageous laws. Not long since there was a man in the jail of one of the western counties of North Carolina for selling a neighbor one quart of spirits in a case of sickness. Another, in Yancey County, had a sick wife. Under advice he made, or had made, a few gallons of whisky for her; and it nearly proved his ruin. Still another, as I was credibly informed, traveled one hundred miles on foot to attend the Federal court for selling one and a half pounds of tobacco in the leaf. Once more, and I had this statement from the son of a man who went to Greenville, South Carolina, and bought several barrels of spirits: He was coming on home with his wagon, without concealment, as the liquors were regularly stamped by the collector in South Carolina, when a revenue man, with his assistant, commanded him to halt, seized the team and contents, carried all to Asheville, and the owner never recovered his liquors nor secured redress for the outrage. Why, Mr. Speaker, some of these revenue men, when there is liquor about, can outsmell a certain nameless bird; but I will say it is neither the eagle nor the crow. There is a man in jail now in one of the counties of my district, sentenced to six months' imprisonment, for staying one night at a distillery at the request of the owner, and letting a neighbor have one quart of spirits, notwithstanding the man brought word from the owner to let him have it. There are eight or ten persons now in one of the jails for the most trifling offenses. The judge has ruled (and correctly) that if the district attorney prays judgment he is bound to fine $1,000 and imprison six months, simply for selling one quart of whisky without license.

Is not this a bloody law indeed? Great caution ought to be exercised before a man is indicted, and no single act in violation of the law for selling, or distilling, (for a useful purpose,) ought to be indictable; but those only should be indicted who make a practice of distilling and selling to make money in violation of law. The law should further provide that all assessments should be void except the officer goes in person to the individual to be taxed and takes his statement on oath. Assessments are often made through information derived from third parties, and thus the man's property is condemned without notice.

Now, I desire gentlemen to note this important statement: There is collected, in gross, (according to the report of the honorable Commissioner of Internal Revenue,) in the seventh district of North Carolina, the sum of $32,955.17. I have it from what I consider reliable authority that the last term of the Federal court for that district, held at Asheville, cost about $22,000. Add now, if you please, the salaries of officers, and how much clear revenue do you get in that district? The report of the honorable Attorney-General of the United States shows the expenses of the two districts in North Carolina to be as follows:

Eastern	$73,834 45
Western	64,948 35
Making	138,782 80

Divide this expense between seven districts, and it shows to each $19,826.11. Now a considerable portion of the $22,000 referred to cannot be in the estimate, for pay of witnesses, jurors, &c. The case is decidedly clear that very little, if any, profit comes to the United States Government from the district mentioned. I need not say that this unfortunate state of things grows out of the oppressive nature of the laws, and particularly the manner in which and for which arrests are made by authority of the United States commissioners.

Do not gentlemen see that wisdom dictates a repeal of these obnoxious laws, as they do not make the people any better, and they are rather expensive? The truth of the whole matter, Mr. Speaker, is that the people are treated exactly as if they were a known set of rascals. I am hostile to any such legislation, and if I had my view carried out it would be to abolish the whole system, and commit the collection of the internal revenue (if absolutely necessary to be collected) to the States under the laws of Congress, so that only one set of officers would have to deal with the people; the taxes when collected to be paid over to the United States Treasury by the treasurers of the States. I would allow the people to render an account of their taxes to the proper authorities, on oath, setting forth what they are liable for under the law. I believe in showing the people that we have confidence in their honesty, and thus encourage and strengthen them in the path of integrity.

UNITED STATES BONDS.

I stated awhile since that everything was taxed; there is, however, an exception. I allude to United States bonds. Look, Mr. Speaker, at the picture: even the salt in the hoe-cake of the poorest man in the land is taxed, and yet the pampered bondholder owns his millions, and pays no tax thereon. Is it right? But, says one, would you tax the bonds now, when the agreement was not to do so? No; I would stand by the contract, and that is what has not been done when it was agreed to pay bonds in gold which were to be paid in currency. Look again, if you please, at another painful distinction. The bondholder is to be paid in gold, is he, while the one-legged and one-armed soldiers, maimed for life, are to have their miserable pittance in greenbacks? The bondholder, I take it, bought the bond not entirely from patriotism, but because it was a safe and paying investment. The soldier bared his breast to the battle, and gave his blood freely, because he loved his flag and his country. As between the two, my warm side is for the one-armed and one-legged men.

WHAT IS COLLECTED BY THESE TAXES?

The report of the Secretary of the Treasury shows that for the fiscal year ending June 30, 1873, there was collected off the people the enormous sum of $188,089,522.70 by the tariff, and $113,729,314.14 by the internal revenue. Now, what is the reason given for this taxation? It is that the current expenses of the Government have to be met, which were last year the sum of $290,345,245.33, including $104,750,688.44 interest on the public debt; and also that a portion of the principal of the national debt must be paid, and there was paid, as the report shows, the sum of $43,392,959.34.

Then arises the question, and with that we ought to grapple, what steps shall we take to relieve the pressure and reduce the taxes?

THE REMEDY.

Well, in the first place, I suggest that Congress proceed to enact laws which will cheapen the cost of collecting duties on importations and the internal taxes. Every useless port of entry ought to either be abolished or the salary of its officers made in proportion to its receipts.

In the second place, the expenditures of the Government should be reduced in every proper way. This work is resting to a great extent upon the committees who have charge of these grave and important matters. They have full access to papers and documents, as well as confidential communications with the heads of Departments. They ought to be able to probe these expenditures to the very core, and to them the country is looking for wise and proper recommendations. Now, it is rather difficult for a member not on the committee, and not in the secrets of the Administration, to understand why some of these items are so much, but he can reason and calculate, and if we take the ordinary expenditures under Buchanan's administration for 1860, we find the sum to be $60,010,112.58, including everything except the interest and principal paid on the public debt, with a population of 30,000,000. This, you will observe, is about $2 *per capita*. Now, take the year 1873, and we find that the honorable Secretary of the Treasury reports the sum of $180,488,636.90 for the same items, (exclusive of principal and interest on the public debt,) with a population of 40,000,000, making the sum of $4.52 *per capita*. We further find in the report for 1873, the following items:

Civil expenses	$19,348,521 01
Foreign intercourse	1,571,362 85
Miscellaneous, civil, including public buildings, light-houses, collecting revenues, &c.	52,408,226 20

These items are included in the gross amount as before given, and I mention them now to show how large they are. I ask, in all sincerity, cannot these enormous expenses be reduced?

Thirdly, I favor an increase in the currency as essential to relief, and that certainly should come as speedily as possible. There is not money enough in the country, and particularly in the South. The people cannot prosper for want of capital. Take the State of North Carolina, for instance. The report of the Comptroller of the Currency shows that North Carolina is entitled, according to population, to $4,918,022, and by apportionment on wealth to $1,539,900. The actual circulation is $1,819,300 or $1.70 *per capita*, against $5.26 in 1862. The deficiency to North Carolina is $4,638,622. It is impossible for a country to grow with $3,399,298 less money in circulation than was there twelve years ago. How shall we increase the currency and get it among the people in the States where it is needed? By retiring the national debt, as far as possible, with currency, and thus relieve the people of that much debt, principal and interest. But gentlemen say that the money will drift to the great centers of trade and to the manufacturing districts. So it will; but whenever there is more money in the sections named than is needed the rates of interest will go down and capital will seek other sections, and banks will be established where rates of interest are better. This is what we need in North Carolina, and must have.

Another means of relief is the reduction of the Army and Navy to the lowest point consistent with safety; and I trust the Committee on Military Affairs will give careful attention to that important matter. No real friend of his country, Mr. Speaker, would like to see our country exposed for want of defensive preparations; and yet, a standing army, in the European sense, is not a favorite policy in America. The use we have for soldiers now is to take care of our forts, arsenals, &c., and to protect our frontiers; this and nothing more at present. The safety, at last, of our country is in the virtue and integrity as well as valor of our citizen soldiery.

Allusion has already been made to the glorious record of the volunteer force on both sides of the late war. No true man can call it up without feeling his bosom swell with emotion. The confederate army was almost born in a day, and yet, without a navy, it maintained a four years' fight against the grandest and best equipped army in the world, volunteers on both sides. And to-day, Mr. Speaker, in a just quarrel, (and I trust our Government will never have an unjust one,) at the first sound of the drum the veterans in blue and in gray would spring from the peaceful walks of life and join the younger men of the hour in the dense and stern array. I avouch for my own mountain region that gorge, and plain, and hill-top would so swell with men, and shout would be answered with shout—

> Till every tuft of broom gives life
> To plaided warrior armed for strife.

But, sir, the anxious desire of all good men is for the peace of the world. The dreadful burdens of the nations are brought about by wars. Elihu Burritt, the learned blacksmith, has published some statistics on this subject, and we will do well to ponder them.

The war debt of the world, on the 1st day September, 1870, (the day of Sedan,) was:

Great Britain	$3,840,000,000
Continental Europe	10,394,064,000
America	3,673,536,000
Asia	502,636,000
Africa	190,344,000
Australasia	171,571,000
Making in round figures	20,000,000,000

The estimated interest upon this vast sum is $1,300,000,000, and the cost of keeping up standing armies $1,300,000,000, making in all the sum of $2,600,000,000 annually wrung from the hard earnings of the children of toil. While this is true, we have the appalling and astounding statement that only about $26,000,000 are annually contributed to propagate the gospel of our Lord in the world.

These are some of the burdens pressing upon forty million people; and not these alone, for the burdens of war have borne hard upon the thirteen hundred millions of earth's teeming children of all colors and all nationalities, from the far-off regions of the north pole, incased in eternal ice, to where the tropics glow and the Southern Cross blazes in beauty forever. Surely, in view of this humiliating record, the cry of all lovers of peace and good will should go up to the Creator of men to hasten the termination of all national strife, for "He maketh wars to cease unto the end of the earth; He breaketh the bow and cutteth the spear in sunder; He burneth the chariot in the fire."

Let us hope, Mr. Speaker, that, under wise and wholesome laws, bearing alike upon the rich and upon the poor, our whole country may become a vast and happy home for the people, where the music of ten thousand spindles shall only be excelled by the busy hum of the cheerful and contented multitude.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, requested the House of Representatives to return to the Senate the concurrent resolution for the appointment of a joint select committee to inquire into the affairs of the government of the District of Columbia.

CLAIMS FOR QUARTERMASTER'S SUPPLIES.

Mr. THORNBURGH. Mr. Speaker, I desire to submit a few remarks on the third and fourth sections of the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The House, in Committee of the Whole, have proceeded with the bill to the second section, which, together with the third and fourth sections, transfers the fund set aside to meet the claims pending in the Departments of the Quartermaster-General and the Commissary-General of Subsistence for the claims there pending—transfers all those claims to the claims commission established by the act of March 3, 1873. This change, it is claimed by the gentleman from New York, [Mr. WHEELER,] who has charge of the bill, will be advantageous to both the claimants and the Government: the claimants, because it will enable them to be sooner paid; to the Government, because the claims will then be submitted to the examination of gentlemen whose years of experience peculiarly qualify them for their work.

If I were convinced by this argument I would cheerfully support this measure; but, on the contrary, with such an examination of the questions involved as I have been able to give them, I am satisfied that while the Government will gain no material advantage by the proposed transfer, this change will work a direct and positive injury to claimants, in the repudiation of a large number of claims now pending in the Quartermaster-General's Office, and a still further delay in the payment of other claims which have already been shamefully delayed, causing in many instances great hardship to a class of loyal citizens of the country; and I find, sir, that I am not alone in the opinion just expressed. I submit the following evidence of the Secretary of War and the Quartermaster-General, taken before the Committee on Military Affairs upon this subject. I will first ask the Clerk to read the evidence of Quartermaster-General Meigs.

The Clerk read as follows:

The CHAIRMAN. Can you, without reduction of the Army, reduce your force of civil and military employés, the detailed men and others?

General MEIGS. I do not think that we have now more than is necessary for the prompt transaction of business, the settlement of accounts, and the answering of the innumerable questions that come to the Department. A considerable amount of force in my office is employed in the settlement of claims; and they would be dispensed with if House bill 1009 should become law. A large reduction of hired men has just been ordered, because the balances of appropriations are not sufficient to do the work now doing.

The CHAIRMAN. If that bill should pass, a number of your clerks might be discharged?

General MEIGS. Yes; I should be able to discharge all of them that are entirely employed in that business. I do not know precisely the number; I think it is some twelve or fifteen.

The CHAIRMAN. In point of fact, would that save the Government from the employment of a like number of clerks under another head?

General MEIGS. Somebody else must employ the clerks to do the work, or leave it undone.

Mr. THORNBURGH. I see it stated that about thirty clerks can be discharged from your office if these claims be transferred to the southern claims commission. Has there been that number of clerks employed in your office on that class of work?

General MEIGS. I think not, in my office; but if you take the whole number of persons who are employed on that work, throughout the country, in the Quartermaster's Department, I presume there are fifteen.

[NOTE.—General Meigs, after examining this report in his office, stated, in a letter to the chairman, the number of clerks and agents then employed at six in his office and nine elsewhere.]

Mr. THORNBURGH. I see it stated also that less than one thousand claims were decided by your office during last year. Does it require a force of thirty men to decide less than one thousand claims per annum?

General MEIGS. These claims are presented to my office generally prepared by claim agents, and supported by the oaths of the claimants themselves and of such other persons as they can get for witnesses. We find that those oaths or affidavits are apt to be very loosely made. Men seem to be ready (ignorantly, I think) to swear to the truth of what other people tell them, and a good deal of the testimony is hearsay, and a good deal of it is on judgment. A man will send in a claim for wood cut on his farm, and will claim at the rate of two hundred or three hundred cords to the acre. I find it necessary to send somebody to inspect the ground and to make an examination of the witnesses; and it frequently happens that where the witnesses are examined personally by an agent of the Quartermaster's Department they contradict themselves, and say that they gave their testimony on the faith of their neighbor who makes the claim, because they believed him to be an honest man. We find, where a hundred cords of wood per acre are claimed, by examination of the stumps, twenty, or thirty, or fifty cords to be an outside production of the land. That is only one instance of thousands. It takes a good many agents to make these examinations. The officers to whom I refer the claims for examination are the chief quartermasters in the various departments. In the neighborhood of Washington and West Virginia the claims are sent to the chief quartermaster here, who has two agents. The officer who makes the examination of claims in Tennessee and Kentucky is Colonel Ekin, who is chief quartermaster of the Department of the South, and who has several (six exactly) agents, whom he sends to Tennessee and Kentucky to make these local examinations. When I say that we will probably be able to discharge fifteen persons, I mean those persons employed by the various officers throughout the country as well as the persons employed in my office.

Mr. THORNBURGH. Are you of the opinion that if the claims should remain in your office for settlement you will be able to have them decided more rapidly than heretofore, owing to the fact that much of the work has been already done?

General MEIGS. These claims are all in a state of preparation. Many of them are now before these officers that I speak of, and I am receiving reports from them constantly. That much work is done towards a settlement of the claims. When they come to my office they are inspected. It occupies a large part of my time to examine the abstracts and to read the original testimony, when I find it necessary to do so. I then make up my mind as to whether the claim is just, whether the claimant was loyal, and how much ought to be allowed on the claim; and I indorse my opinion on the back of it and send it to the Third Auditor, recommending what I believe to be the legal and just allowance. That is my share of the work. There are a vast number of claims in that condition. They only want abstracting in many instances, or they are in the hands of the officers, ready to be returned. I think that to transfer them to any other tribunal, to new persons, who have no knowledge of the claims, may make some delay in their settlement. But I have been myself always of opinion that the best way to settle these claims is to appoint a moving commission, to go into the country, take testimony as to facts, and make an examination on the spot; and then to have some statute of limitation. There is no statute of limitation now, and probably, under the circumstances, it would not be just to have one. A claim is not the less just that the United States has failed to pay it when due, or that the owner has not been advised how to collect what is justly due to him for goods taken for public use. No lapse of time can wipe out justice. But, at the same time, if there were published in the various neighborhoods of the country advertisements that a certain commission, on a certain day, or for a certain number of days or weeks, at certain designated places, would receive claims and file them, and receive testimony and examine witnesses, then it would not be unjust to pass a statute of limitation, declaring that no claims presented after a certain length of time should be considered. * * * *

Mr. THORNBURGH. Do you require proof of loyalty to go back of the time when the supplies were furnished?

General MEIGS. I hold that if a man has taken the oath of loyalty before his property has been taken, and has behaved as a loyal man from that out, he is entitled to be considered loyal. As to what he had done before he took the oath, I do not think that that has legally any influence on his condition after he took the oath.

Mr. THORNBURGH. I ask the Clerk also to read some of the testimony given by Secretary Belknap before the Committee on Military Affairs.

The Clerk read as follows:

Mr. THORNBURGH. Suppose that the Quartermaster's Department and the Commissary-General of Subsistence's Department were relieved of the settlement of the claims filed by persons who furnished stores for the Army during the late rebellion, would that materially lessen the expense of those Departments?

Secretary BELKNAP. It might lessen to a very small amount the expenses of the Departments, but I think it would involve an expenditure of a very large amount of money, by the payment by the Government of fraudulent claims.

Mr. THORNBURGH. Is there anything connected with settlement of those claims which makes the staff departments peculiarly fitted to pass upon questions arising under them?

Secretary BELKNAP. Yes, sir; there are a great many of those claims in the Departments, and they impose a burdensome duty on these Departments; but at the same time I am satisfied that their officers are peculiarly fitted to examine them, and I think that the result of that examination is the saving of a large amount of money to the Government.

Mr. THORNBURGH. There are nearly twenty thousand claims now pending before the claims commissioners. The first year, before they had fully organized their sessions and established their rules ready for work, they reported only one hundred and eighty claims decided. The second year shows a total of twenty-two hundred and nine claims; the third year twenty-four hundred and sixty-five cases. Now, at this rate, taking the last two years, which I think is fair, as a basis of calculation, it will require about six years longer to decide the just claims now pending before them.

Now add to those the twelve thousand claims that this bill proposes to transfer to the commissioners, open the door for more claims to be filed, which justice demands—and I may here say that a bill is already reported from the Committee on War Claims for that purpose—and the next generation may see these claims settled; but certainly we can never see them settled in this generation.

Again, I assert that a large number of just claims now being paid by the Quartermaster-General cannot and will not be paid, but will be decided adversely should this transfer be made. The acts of Congress authorizing the claims commissioners to decide claims, and authorizing the Quartermaster-General and Commissary-General to decide claims, are worded in different language. The act of July 4, 1864, in relation to the Quartermaster-General and Commissary-General provides that "they are to settle the claims of loyal citizens in States not in rebellion." The act of March 3, 1871, in relation to the claims commissioners uses this language: "It shall be their duty to receive, examine, and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause of the Government during the war."

It is held by the claims commissioners that if a man committed an act that can be held to be disloyal, and afterward came forward and took the oath to support the Government, and kept that oath, and after he so took it remained loyal, and while so remaining loyal furnished supplies to the Government, even by contract with the Quartermaster-General or the Commissary-General, he cannot recover, because he did not remain loyal during the entire war, and therefore his claim cannot be considered.

Under the different proclamations of the President during the war many persons who had aided the rebellion by furnishing it supplies, and by other acts that are regarded as disloyal, came forward and took the oath of allegiance, with the promise upon the part of the Government that if they remained loyal they and their property should be protected. Many, very many, of these men never were at heart disloyal, but in the bottom of their hearts they ever uttered silent prayers for the safety of the Union. Surrounded by the enemy—perhaps too old or too timid to leave their families and risk their lives to escape to our lines—they remained at home, and so far submitted to the powers that were over them as to secure some safety to themselves, their families, and their property. Such men, when they had an opportunity, willingly came forward and took the oath, and have kept it. These men then furnished supplies to your Army. You contracted with them, and in many cases you gave them vouchers. In other cases, where no vouchers were given, the proper officers of the Government took up on their returns the property they received from them, and the records now on file in the Third Auditor's Office show that the debt is due them and unpaid. Every such claim now pending will be repudiated by the passage of this bill.

The act providing for the appointment of the claims commissioners gives them jurisdiction only of the claims of "citizens who remained loyal during the war." They hold that the class of persons just referred to are not loyal. In several cases which they have decided I know that the most rigid rule on this question has been applied. The act of July 4, 1864, giving jurisdiction to the Quartermaster-General and the Commissary Department, is differently worded. The claims commissioners construe the act giving them jurisdiction to mean that the claimants must have done willingly no act in aid of the rebellion. I repeat, that by this proposed transfer, without enlarging the jurisdiction of these commissioners, you strike down, wipe out, repudiate, every claim of the class just mentioned. To transfer these claims from a court that now has jurisdiction of them to a court that has not jurisdiction and is bound to decide them adversely is a wrong and an outrage which, I believe, this House will not be willing to perpetrate, and which I know the whole country would censure.

Mr. Speaker, I believe the commissioners of claims are able, honest men, endeavoring faithfully to discharge their duty. I know and regret that fraudulent claims are presented and fabulous prices are sometimes charged. But, sir, I also know that beside many thousand honest claims presented and unpaid, many thonsand are unpresented and barred by the act of March 3, 1873; and the Government now puts in the plea of a dishonest creditor, and says, "Because you waited on me so long for the money I owe you, I will not pay you at all."

Again, while I have admitted that often the prices charged for supplies is too much, I do say, and know what I say to be true, that if the commissioners had been engaged in buying supplies in my section of the country in 1863, 1864, and 1865, when the country had been impoverished by the enemy and then by our armies; the men away in the service or in prison; no transportation, except by wagons, from Lexington, Kentucky—nearly two hundred miles—over mountain roads, cut up by moving armies; at a time, too, when raids endangered every effort that was made to get supplies by these means; I say, if they had bought supplies at the actual market prices and their real value and sold at the prices they now allow, they would not have

done business, even on a small scale, very long, until they could not have availed themselves of the benefits of voluntary bankruptcy.

It is now ten years since these debts were contracted; and in those ten years many of those creditors of this Government, impoverished by the war—their sons, who were their prop and support, lost in battle or in prison for their devotion to the Government—sadly needing the little money we owe them, pinched by poverty, have passed away, their last hours imbittered by feeling that the Government they so devotedly loved, and for which they suffered and endured so much, was unjust to its people and heedless of their rights.

We have two classes of creditors: One who furnished money to carry on the war, because, safe in the rear, they made money out of that war. These men received beautifully engraved bonds, with coupons attached, in which we acknowledged the debt, and promised not only to pay the principal but the interest. And so anxious to keep this obligation are we, that we often pay it—and pay it in gold—before it is due. The other class of creditors furnished supplies for your Army. Their homes were made battle-fields, their farms desolated, and their property destroyed. Your armies took their meager supplies, though their children cried for bread. This is no overdrawn picture. Has this class of the country's creditors no friends here? Let but a word be said touching the interests of that other class of the country's creditors, the bondholders, and a dozen champions spring to their feet to hurl the thunderbolts of their eloquence at the man who dares to be so rash. Does the country belong to the bondholders, while other creditors, not preferred in the mortgage they hold, have no rights which we are bound to respect?

Six years passed away, when for the first time Congress provided for the appointment of commissioners to examine the claims of these people. Two years' time only you then gave them, and then you passed the act of March 3, 1873, barring the presentation of such claims.

Permit me to mention in this connection facts which have existed in my own State. Upon the advent of the Federal Army in 1863—that Army being two hundred miles from the base of supplies, with no means of reaching them except by wagons over almost impassable mountain roads—the commanding general found the people ready to furnish supplies, ready to divide with the Army so long as they had anything to spare. There was appointed a commission of eminent gentlemen before whom claimants appeared, undergoing the trouble and expense of presenting proof of their claims. Those papers still lie there; they have never been acted upon, because the commission had no authority to pay the claims.

Again, in 1868 the Legislature of my State, thinking it best to apply through the State authorities to the national Government to meet claims that were due its citizens, passed a law appointing commissioners. The people went on and made proof of their claims. Useless expense was incurred. Our friends, the democratic party, got possession of the State, and the proofs of these claims sleep in the pigeon-holes of our capitol; and when Congress passed a law March 3, 1871, my people had no confidence that a tribunal had been constituted which would adjudicate their claims and pay them. By the time you had given them the first notice by the payment of some of these claims by the claims commissioners an act was passed which barred the presentation of all others.

Again, Mr. Speaker, this bill, in my judgment, works a direct and positive injury to thousands of the most needy and deserving of this country's creditors. They do not demand principal and interest in gold. They ask only the payment of the principal, due ten long years ago, in greenbacks. Nor will they be able, in their rural simplicity, to understand the argument of the learned gentleman from New York when he insists that this transfer will allow claims to be sooner paid; they will be unable to see that one tribunal can settle these claims and pay them more rapidly than can three now engaged in this work. Shall we bring reproach and shame upon this Government by such legislation as will longer impede and delay the payment of these claims, by transfers adding increased expense, making perhaps necessary additional proof, and the employment of claim agents, which will leave but a poor pittance of the amount which the commissioners of claims will allow? Claims for supplies furnished are often supported by vouchers. The claimants need no other proof; no petition, as is required by the commissioners. They need no attorney to look after them. They do not have to incur from seven to forty dollars fees to special commissioners to take evidence. If you transfer this class of claims to another tribunal for examination, with such jurisdiction as the act of March 3, 1871, gives the commissioners, and with the rules they have established, you render it wholly impracticable to attempt a collection of small claims.

The gentleman from New York [Mr. WHEELER] in his opening speech upon this subject said—I quote from his speech as reported in the RECORD—

> Seventh. This provision, if adopted, will, after the 1st day of November next, bar all further claims of this nature connected with the war; and the next annual report of the commissioners of claims will enable us to know how many of these claims are outstanding, and whether the Treasury will be equal to their payment.

Does he mean when we get them all before one tribunal—those already filed and those that may be filed within the next few months—if, after the passage of this act, they then call for a larger sum than we may find it convenient to meet, that he will favor repudiating all of them? I hope not. What principle of justice or honesty would there be in refusing to pay my constituents the small debts the Government justly owes them while you are taxing them to raise money to meet the bonds and interest of the gentlemen's constituents? No, sir. If we must repudiate any part of the debt, which I see no reason to fear, believing the Treasury will be equal to the payment of all its indebtedness, would it not be more just, cause less hardship and suffering, to repudiate any other class of our indebtedness rather than this? We can easily pay it all; and though I should regret the necessity for additional taxation, yet, sir, if, after an honest effort to so reduce the expenses of the Government that the present revenues will meet running expenses, and the public debts as they shall fall due, we should fail, and it became necessary to lay a tax on some articles now paying none, I, for one, shall prefer that remedy to a further and longer hinderance and delay of the payment of honest claimants who have for so many years waited for justice at your hands.

I yield the floor to the gentleman from Maryland, [Mr. LOWNDES.]

THE ARMY APPROPRIATION BILL.

Mr. LOWNDES. I have prepared some remarks upon the Army appropriation bill which I ask leave to have printed in the CONGRESSIONAL RECORD. (See Appendix.)

There was no objection, and it was ordered accordingly.

FINANCE.

Mr. THORNBURGH. I now yield the remaining portion of my time to the gentleman from Pennsylvania, [Mr. KELLEY.]

THE PUBLIC CREDIT DEMANDS THE ISSUE OF CONVERTIBLE BONDS.

Mr. KELLEY. Mr. Speaker, there are many important questions before Congress and the country at this time, but, in my judgment, the paramount question is that of the currency; and this conviction will probably excuse me for obtruding myself upon the House as frequently as I have done on days fixed for debate only. Having submitted for consideration a proposition which it is believed will, if it be adopted, have the effect of animating the industries of the country and restoring the revenues of the Government, I feel bound to meet, as well as I may, all objections to the measure.

Gentlemen speak on the subject of cheap transportation, and no gentleman on this floor feels the importance of cheap transportation more than I do. My constituents, Mr. Speaker, are a laboring and a manufacturing people. They want cheap food and cheap raw materials, together with the means of exporting their productions to those parts of the country in which they are consumed at the lowest possible rate. But they are unable to see any hope that they can have cheap transportation while our leading railroad companies are compelled to pay from 12 to 24 per cent. per annum for current loans, and to sell their bonds bearing 7 or 8 per cent. interest in gold at a large discount on their par value, as has been the case since we contracted the currency in the interest of the creditor class and the creditmongers of the world. Nor, sir, are they able to see how the Government shall aid in opening water transportation, while they themselves live in enforced idleness, and are unable to contribute to the revenues of the country by consuming taxable and dutiable goods as freely as they did when fully employed at good wages. In their own condition they recognize that of hundreds of thousands of other heads of families, and ascribe—and, in my judgment, rightly—the reduction of your revenues to the fact that, in contracting the volume of the currency to an amount inadequate to the legitimate business of the country, you have deprived the laborer of the ability to contribute to those revenues.

I have been asked upon this floor how it is that, if my bill has merit in it, all the metropolitan papers are against it; and especially those of the city of New York. I must admit that the great dailies have shown no friendship for it; that they have not laid it before their readers; that they have, as a general rule, withheld from their readers the fact that it provides that the Government should avail itself of its credit at home by issuing temporary loans at a lower rate of paper interest, not for the purpose of obtaining current revenue to meet daily expenditures, but for the purpose of redeeming 6 per cent. gold-bearing bonds.

Well, sir, while admitting that those papers are now hostile to it, my purpose in rising is to call the attention of the House to the fact that they have not all ever been so. While the New York Tribune was under the control of its distinguished founder it championed the measure. It was the argument of Horace Greeley that first forced me to entertain the proposition, and which compelled me in duty to the country to study the subject. And I may say that whatever influence I am exerting on this subject on the floor or in the country is due to the New York Tribune in its better days. In verification of this, I take that paper of November 9, 1871, and shall beg leave to read the entire article to the House. If members observe the article closely they will find that there is but one, and that an unessential point, of difference between the conclusions of Mr. Greeley at that day and the bill I have submitted. He proposed to pay the interest on three sixty-fives in gold. I propose, in order to increase the value of our greenbacks, to bring them nearer to par, and to diminish the artificial demand we have created for gold, and therefore, to put it nearer our greenbacks, to pay the interest in paper. Without further delay I proceed to read the article referred to in the New York Tribune of November 9, 1871. Surely no man will profess to doubt that this article is from the pen of Horace Greeley. It bears his ear-marks so

clearly that its paternity could not be better established had the famous initials "H. G." been appended to it:

HOW TO REDUCE THE INTEREST ON THE NATIONAL DEBT.

Mr. BOUTWELL'S plan of funding the national debt has had a pretty fair trial. True, the times have been adverse; but we have generally found them so when we needed to borrow money.

I shall emphasize the truth of the last proposition when I reach the end of the article.

The sum and substance of the Secretary's success is the funding of $200,000,000 at 5 per cent. on the payment of a bonus of 1½ per cent. to the "syndicate" of foreign bankers who have agreed to take the loan. We would not disparage this achievement, for we regard it as decidedly better than nothing. Add to the interest ($3,000,000) $1,000,000 more for the aggregate cost of printing the new bonds, advertising, explaining, and commending the loan, and the entire cost of funding the $200,000,000 at 5 per cent. for ten years is $4,000,000. It seems to us that this does not justify a hope that our $1,500,000 of instantly or presently redeemable sixes can be promptly funded even at 5 per cent.

Having given to the Secretary's efforts a hearty support throughout, we urge that a radically different plan may next have as fair a trial. Before we send another bond abroad to be hawked from banking house to banking house throughout Europe, we ask the Government to try—just earnestly try—to fund the bulk of our debt at home. We could not have sold our bonds during the dark hours of our civil war to Europe at any price, no matter how ruinous, if we had not first shown our faith in them by taking hundreds of millions of them ourselves. So now, having seen how reluctantly they take our reissues at 5 per cent., with a discount, let us show them that we stand ready to take a larger amount at a lower rate of interest at par. Here is the gist of our proposition.

Let Congress make our greenbacks fundable, at the pleasure of the holder, in bonds of $100, $1,000, and $10,000, drawing interest at the rate of one cent per day on each $100, (or 3.65 per annum,) and exchangeable into greenbacks at the pleasure of the holder. Now authorize the Treasury to purchase and extinguish our outstanding bonds so fast as it is supplied with the means of so doing by receipts for customs or otherwise, and to issue new greenbacks whenever larger amounts shall be required, every one being fundable in sums of $100, $1,000, or $10,000, as aforesaid, at the pleasure of the holder, in bonds drawing an annual interest of 3.65 in coin per annum, and these bonds exchangeable into greenbacks whenever a holder shall desire it.

The benefits of this system would be these:

1. Our greenbacks, which are now virtual falsehoods, would be truths. The Government would pay them on demand in bonds as aforesaid, which is in substantial accordance with the plan on which the greenbacks were first authorized.

2. Every person having greenbacks for which he had no present need would present them at some sub-treasury and exchange them at par for these bonds. Suppose he has $10,000 which he expects to use a month hence, he can make them earn him $30 meantime, without incurring the smallest danger of loss by bank failure or otherwise, and with a positive certainty that the money would be ready for him whenever he chose to take it.

3. A merchant leaves New York with $1,000,000 which he purposes to invest in wheat at the West or in cotton at the South. He calls at our sub-treasury, exchanges his greenbacks for these bonds, and takes or sends these to Chicago, Saint Paul, New Orleans, or Galvestion, to be exchanged for use when needed. After looking about for a month, he buys half the produce he originally intended, converts half his bonds into greenbacks, receives $50 per day, or $1,500 in all, as interest, and makes his payments. After traveling and looking for another month, he invests the remainder of his capital, receives $3,000 as interest thereon for the two months he has held the last half million of bonds, and lays his course homeward. His bonds may have lain nearly all the time he owned them in the vaults of some bank; but they were earning money, not for that bank but for him.

4. Our greenbacks, no longer false, but convertible at pleasure into bonds bearing a moderate gold interest and exchangeable as aforesaid, could not fail to appreciate steadily until they nearly reached the level of gold. Indeed, they would, unless issued too profusely, be really better than gold. Drawing a higher rate of interest than British consols, and convertible at pleasure, as these are not, they would in time obtain currency even in the Old World.

5. The trouble so inveterately borrowed by thousands with respect to "over-issues," "redundant currency," &c., would (or at least should) be hereby dispelled. If there were at any time an excess of currency it would tend to precipitate itself into the bonds aforesaid. If there should ever be a scarcity of currency, bonds would be exchanged at the Treasury for greenbacks till the want was fully supplied. Black Fridays and the locking up of greenbacks would soon be numbered with lost arts and hobgoblin terrors.

6. Though the demand for these bonds might for months be moderate, their convenience and manifest utility would soon diffuse their popularity and stimulate an ever-widening demand for them. They would be a favorite investment with guardians and trustees who should expect to be required to pay over the funds held by them at an early day, whether fixed or uncertain. They would say, "Though I might invest or deposit these funds where they would command a higher interest, I choose to place them where I know they will be safe and at hand when called for."

7. Ultimately, we believe they would become so popular that hundreds of millions of them would be absorbed at or very near the par of specie, and that with the proceeds an equal amount of our outstanding sixes might be redeemed and canceled, without advertising for loans or paying bankers to shin for us throughout Europe. The interest thus saved to our country would be an important item.

Such are the rude outlines of a plan which we did not originate, but which we heartily indorse. Why not give it a trial? We should dearly like to inform Europe that, since she seems not to want any more of our bonds at 5 per cent., we have concluded to take the balance ourselves at 3⅗.

I would like any of the New York papers of to-day to publish this article and answer its propositions *seriatim*, as Benjamin Franklin answered the six propositions of the board of trade of 1764, in a paper to which I invited your attention a week ago to-day.

Sir, I said I would emphasize the statement that we have generally found the times adverse when we need to borrow money. Let me do it. We recently had the proposition submitted by the Committee on Ways and Means to exchange a sixteen-year gold 5 per cent. loan, which was to mature on the 1st of January, 1874, for twenty-year 5 per cent. bonds; and we, in order to promote the exchange, gave the parties holding the old bonds the benefit of one month's interest. When the measure was under consideration I appealed to the House to pay the bonds, and save the payment of $20,000,000 of gold interest in quarterly payments, upon which the interest compounded would be nearly $20,000,000 more. I made the appeal in order to save us from these payments, and from a continuing debt of $20,000,000 of gold at the end of the twenty years, and all these payments. I was not heard. It was said these bonds will all be exchanged; the Treasury cannot afford to pay them; and our credit is so good that the holders of these bonds will agree to exchange them for the new series of five-twenty bonds. The very announcement, sir, that we were too poor to pay a loan of £4,000,000 sterling at maturity, sent down our credit so that, according to the Tribune of yesterday, we have already redeemed, paid in gold, $5,458,000 of them. And there are nearly $6,000,000 of them still outstanding, that may come in for redemption. Under the heading "The Treasury and the Syndicate," in discussing figures not involved in the point before us, the Tribune of yesterday says:

The difference arises from operations on the $20,000,000 loan of 1858, which became payable January 1, 1874. Of this loan as it enters into the debt statement of the 1st instant, $995,000 were registered bonds, still drawing interest; $7,828,000 had been converted into 5 per cent. bonds of the funded loan; $5,458,000 had been redeemed in gold; and $5,719,000 were entered as bonds on which interest had ceased, but which had not been presented for payment.

Now, sir, we again find ourselves in the humiliating position of having to implore the credit and money mongers of Europe to carry us through a crisis. Is it a natural or an artificial necessity? Sir, there sits upon this floor to-day one president of a corporation that would lend the Government $2,000,000 on the first day that it was ready to issue three sixty-five per cent. convertible bonds. I am the center of a large correspondence on this subject, and I state on abundant information that there are from $250,000,000 to $500,000,000 of credit ready for the Government whenever it will receive it from our own people on temporary loan at 3.65 per cent. in paper.

Now, it may be asked why would they lend at that rate when you have just shown that others refuse to lend even the Government at 5 per cent. gold? Sir, these institutions and the merchants and other holders of the funds referred to do not want to make twenty years' investment. They do not want to speculate in funded debts. They want to keep their balances safe, where they know they can get them when they call for them. They have been scorched and blistered by putting them in banks or with bankers; they want to put them with the Government. And I say it will be difficult for members of this Congress to answer their constituents, when they shall, as they will, ask them to show—I reiterate it, when they ask them to show how they find it more patriotic and more economical to employ syndicates to buy credit at 5 per cent. in gold, than to accept the funds of the American people freely offered them at 3.65 per cent. in greenbacks.

MANUFACTURE OF PATENTED ARTICLES.

Mr. SAYLER, of Indiana. Mr. Speaker, I desire to call the attention of this House to a field of legislation which I believe has never yet been occupied. I believe it is of such commanding importance, to be fraught with so much that affects the welfare of the entire people, that it ought to be occupied at once. On the 20th of January last I introduced a bill having in view the regulation of a large class of interests that it appeared to me ought to be regulated by act of Congress. The number of the bill is 1392, and I suppose members will find it upon their files.

Before calling attention to the provisions of the bill, I wish to preface by remarking that the only absolute monopoly in this country is the manufacture of articles protected by letters-patent. There is no other interest in this country that is so absolutely and perfectly a monopoly as this. A man who has a patent-right, or a company or association which has a patent-right, upon an important subject, are made lords of all they survey in this country; and there is no possible way of restraining their desire to wrench from the labor of the country the largest possible percentage.

The first section of my bill provides that where a machine or other article is manufactured or compounded by virtue of a single patent, it may be manufactured, used, or sold by any person, whether in his individual or associated capacity, by payment of a royalty to the owner of the patent-right of 10 per cent. upon the market value of the article manufactured; and that he shall protect the owner of the patent-right by filing in the Patent Office a bond in the sum of $10,000, conditioned upon the accounting every six months for this royalty and the payment thereof. He is also to give notice through the Patent Office of his name, place of residence, and place of business.

The second section provides that wherever any article or machine has in its construction or composition an improvement protected by letters-patent, or where it is constructed or compounded under and by virtue of a combination or consolidation of two or more patents, then any person, in his individual or associated capacity, may go into the United States district court in the district where the owners of those patents or the majority of them may reside, and by proceedings such as are now provided in civil causes therein have the royalty determined by the court; and that this first proceeding shall be at the cost of the applicant, he protecting the owners of the patent by a bond, as I have before indicated. And it being not altogether impossible that the first adjustment of the royalty would be inadequate or unjust, the bill further provides that in the event it is desirable, the owners of the patent, on thirty days' notice, may have a readjustment of the royalty, and that that readjustment shall be at their own cost, and final. The same provision applies to copyrights.

I ask the attention of the House now for a brief time to some statistics going to illustrate the justice, the propriety, and, in my judgment, the absolute necessity of legislation of this character. The

statistics that I have gathered are mainly from the returns of the last census. In 1870 there were $2,118,208,789 of capital engaged in all classes of manufacture, whether protected by patents or otherwise. By the expenditure of a little over $775,000,000 for labor, and nearly $2,500,000,000 for material, there was produced an aggregate product of $4,232,000,000. The net product, deducting from this aggregate the wages paid and the cost of the material furnished, was 40 per cent. upon the capital employed. This is not the absolute net profit, but it approximates to it; and I have used it as the basis throughout.

Take tanned leather. In this branch of industry, $42,720,505 of capital brought in as net product 35 per cent.—less than the average; so that it would require a fraction over thirty-four months to make up the entire amount paid for wages, materials, and capital.

Woolen goods produced 32 per cent. upon a like basis. Pig-iron produced upon a like basis 20 per cent. and a fraction. Cotton goods upon the same basis produced 18 per cent. and a fraction. These goods are as nearly free from the influence of patent rights as any that I could find aggregating any considerable capital.

I ask attention now for a little while to some of the industries specially protected by patent rights.

First, patent medicine and compounds employed $6,667,684 of capital; and upon the same basis netted 118 per cent. I am not complaining of that so very much in view of the questionable character of many of the products so eagerly bought throughout the country.

In India rubber and elastic goods the capital employed was $7,486,600; the wages paid amounted to $2,559,877; the materials cost $7,434,742. The product was $14,566,370; and the percentage was 59 per cent. upon the capital employed. Suppose we were to apply the provisions of his bill to this one class of goods; suppose that we had had legislation of this character three years ago in the State of Indiana, (and I presume the case is the same throughout the country,) there would have been a vast amount of most vexatious and expensive litigation saved to a very creditable profession in this country. A large number of dentists in the State of Indiana—more than two hundred, I believe—were compelled to pay to the owners of the hard-rubber patent from $150 to $300 apiece to compromise suits brought against them for infringement. If the provisions of this bill had been in force the dentists in one county, or two or three or four counties, could have banded together, formed an association, given their bond, issued their notices, and then used this material in their business, paying to the owners of the patents 10 per cent. upon the value of the materials used—in no event to be less than twenty-five cents upon a single article. Under such a provision the owners of the patents themselves would have reaped a rich harvest, the dental profession would have been greatly benefited, the entire community would have received the benefit, and all interested would have been at peace, instead of being dragged from the uttermost corners of the State to the capital of the Commonwealth at great expense to answer to the demand for blood from the owners of these patents.

I turn next to house-organs and materials. The capital employed in the manufacture of these was $1,775,850, producing a net product of 61 per cent. You who have paid $161 for a house-organ have on that basis given to the owners of the patent a net profit of $61 on the organ. Shall music be so dear when the human breast wants it so much?

I next refer to sewing-machines. The capital invested in sewing-machines, as shown by the census, was a little over $8,750,000; the wages paid, a fraction over $5,000,000; the cost of the materials, a fraction over $3,000,000; and the net product was 67 per cent. of the capital. It takes but a fraction over seventeen months for the sewing-machine capital of this country to pay for all the labor it employs, all the materials it uses, and all the capital that is engaged in the business. Every two years you might burn down or utterly destroy every sewing-machine establishment in this country, and they would yet have in their pockets all that they had paid for wages and materials—all their capital, and in the neighborhood of 20 per cent. beside. In 1871, 610,000 sewing-machines were manufactured by twenty-five companies in this country. Averaging these sewing-machines at sixty dollars apiece, (and surely this is a low average,) we have an aggregate product of $36,600,000; leaving them upon this basis $14,683,833 actual profit. The profit upon a sixty-dollar machine, as shown by the census of 1870, is twenty-four dollars—a very handsome investment. The entire number of sewing-machines sold in the United States up to the present time reaches in the neighborhood of three million five hundred thousand; and the aggregate profit on this basis upon the sewing-machines throughout the land amounts to $84,250,000; and the great proportion of it comes from the toilers by the midnight lamp; the greater portion of it comes from those who are compelled to "stitch, stitch, stitch," for a meager subsistence, while the patent-holders are insisting that $24 out of every $60 that they invest in sewing-machines shall go to them as profit.

Agricultural implements: The capital employed in the manufacture of these in 1870, as shown by the census, was $34,834,600. They paid a little over $12,600,000 for wages; they paid nearly $21,500,000 for materials; and their net profits on the basis indicated, was 52 per cent. on all the agricultural implements and machinery in the country. The man who pays $150 for his reaper pays $52 as a royalty to-day to the holders of patent-rights. The patent-rights are to be found upon the farm, upon every agricultural implement and machine, unless it may possibly be the old split pitchfork and the old-style rake. It is 52 per cent. on every dollar invested in the manufacture of agricultural implements and machinery clear profit. The aggregate amount in 1870 of this class of property in the United States was a fraction over $333,000,000. The actual profit upon that was nearly $120,000,000.

Taking the two items of sewing-machines and agricultural implements, and the aggregate profit on all that have been sold, from their introduction up to the present time on sewing-machines, and up to 1870 on agricultural implements, is over $200,000,000 of actual profit—clean cut—thick cut, it is true, but clean cut.

Here are now five branches of industry peculiarly protected by patent-rights. The aggregate capital invested in these five branches was a fraction over fifty-nine and a half millions of dollars. That capital produced $37,823,820 of net profits; $59,000,000 produce $37,000,000 net profit. The same amount of capital, or nearly so, invested in manufacturing pig-iron ($53,000,000) produced eleven and two-thirds millions of dollars, less than one-third of the net profit of these five patent-right articles. The same amount of capital invested in cotton goods produced about $10,000,000—almost or nearly one-fourth as much as was produced by patent-right articles.

Look at it further. Fifty-nine million dollars constituted one thirty-fifth of the entire capital invested in manufactures in 1870. This one thirty-fifth of the manufacturing capital of the country produced one twenty-second of the net aggregate profits. In any way you may look at it you will find there is a duplication every two years. You may burn up and utterly destroy every agricultural-implement manufacturing establishment in the country, and they will yet make 4 per cent. on the invested amount. How many farmers of the country would be glad if they could do near so well? Thirty-five millions of capital invested in agricultural implements doubles itself every two years, and leaves a net profit besides. So it goes on, and on, and on, until, when the ordinary life of a patent-right shall have expired, more than $400,000,000 has been made, or nearly made, by the original $35,000,000. To illustrate it: here is a farmer, a young man, who has forty acres of land; he works that forty acres of land year in and year out, and in two years he makes the adjoining forty acres; at the end of the fourth year another forty acres; at the end of six years another forty acres; so that at the end of seventeen years, the ordinary life of a patent, the original forty acres, working nothing else, would have made for him two hundred and eighty acres. Almost any farmer in this broad land would be glad of such an opportunity to provide for his old age and children.

I have no animosity against these patent-rights. I look upon the protection of inventive genius and enterprising capital as one of the greatest influences in developing the material resources of the country. I have no interest whatever in breaking them down. I prefer to encourage, I prefer to strengthen them, but in encouraging and strengthening I do not wish to warm in my bosom the serpent which will turn on me and sting me to death; that will paralyze the hand which has supplied it with the means of life.

Objections are urged to this kind of legislation upon different grounds; but before passing to those objections I desire to appeal to any man here whether if the commercial community of this country could make 10 per cent. net upon its sales it would not be amply satisfied; whether in every other department of labor a net profit of 10 per cent. is not considered a handsome return. Here we have it beyond the 50, beyond the 60, beyond the 100; and all because we have pursued a policy in the country which has given them the absolute control of all the resources of the country.

It is said that such legislation ought not to be considered, because the inventive genius of the country ought to be encouraged. This bill does encourage the inventive genius. It puts into the hands of the inventor his own invention. It gives him the opportunity to interest capital all over the country. It develops his invention wherever it is brought to the attention of the public. As it is now, the inventor of a useful machine or a useful commodity is crushed by vexatious litigation and by untoward influences that are brought to bear by the capital of the country. I appeal to the members of this House, whether nine-tenths of those who have come here now and heretofore for the extension of patents have not said invariably that they have been subjected to such vexations and expensive litigation and such untoward influences from capital that they have been unable themselves to make anything out of their inventions; they have had to buffet and battle, and finally had their hopes crushed out of them, while the capital that has secured the patent has made warm its nest.

It is said further that we ought not to contemplate such legislation, because the right of property is as absolute in a patent-right as in money and ought not to be interfered with. I concede that the right of property in a patent is an actual right that ought to be protected. But it does not follow that we cannot regulate its protection. It was said to me not long since by a prominent gentleman engaged in manufacturing patented articles: "Why, sir, is not my patent-right just as much property to me for the length of time the laws of Congress have granted me the right as $50,000 in money is to you?" My answer was this: "Undoubtedly; but, my dear sir, while I may do as I please with my $50,000 in investing it in manufacturing or commercial pursuits, or in farming, yet when I come to loan it out for other people to use, the laws of every State and of Congress say to me, 'You shall not go beyond a certain per cent. of interest.' They put the bit in my mouth in regard to the use of my $50,000; and so, my dear sir, I

would put the bit in your mouth on your capital. You may do as you please with it as long as you use it yourself, but when you charge the community an exorbitant and extortionate price for the use of it I will put a check on you if possible." And if it is not put on in this way there will be a power, sooner or later, that will come to these Halls and will strike out from our statutes every vestige of patent-right law and let inventors do as best they may.

Mr. PARKER, of New Hampshire. Is it not a constitutional right which these men have to protection?

Mr. SAYLER, of Indiana. I am going to call the attention of the House to that. It is the next objection to which I was intending to allude.

Mr. PARKER, of New Hampshire. I would ask the gentleman, also, is not that right exclusive?

Mr. SAYLER, of Indiana. I will answer that question as best I can. The objection is brought up that this is a constitutional right that cannot be interfered with in the way proposed by this bill. The provision of the Constitution on this subject in article 1, section 8, is as follows:

> The Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

This is the constitutional provision. I will dispose of it in a summary way, which is at least satisfactory to my own mind. This is the aggregate power of Congress on this subject. It is the extent to which it can go. The different grades are not marked out in the Constitution, but the limit is given. I take it that no man upon this floor will undertake to deny that it is not competent for Congress to repeal all law on the subject of patent-rights; and in that case I ask what remedy would the owners of patent-rights have for an infringement or the use of their patents?

Mr. BRIGHT. I desire to ask the gentleman a question. When the Constitution grants a right or a privilege, is it not imperative on Congress to execute it by law, or to provide the means for its execution?

Mr. SAYLER, of Indiana. If the power in Congress is made mandatory the position of my friend is correct. But this is a permissive power. Congress shall have the power to do a certain thing; and if it has the power to do a certain thing it may utterly refuse to exercise that power. We have provisions of the Constitution which have never been executed by legislation.

Mr. CLEMENTS. I desire to ask the gentleman one question, for information merely. While Congress may fail to exercise its power in the premises, and neglects to do anything, can it go to the length of passing a law which would be unconstitutional? If it does anything, must it not comply with the provisions of the Constitution?

Mr. SAYLER, of Indiana. I understand the question of the gentleman from Illinois. It is a question which has been propounded to me time and again, and I shall be glad to give my views on it. The point is, if Congress exercises its powers, it must exercise them to the full limit.

Mr. CLEMENTS. Not to the full limit; but in the manner specified.

Mr. SAYLER, of Indiana. I have this to say in answer to the gentleman's question, that if Congress has the power in the first place to grant an exclusive right of manufacture for a given time on the one hand, and the constitutional power on the other hand to absolutely wipe out all legislation upon the subject, that these two extreme points are not the only points at which the act of Congress may rest. The greater includes the less. If we can absolutely destroy this property we may preserve a part of it. If we can absolutely take away from these men all rights, we may compromise with them and leave them some rights.

Mr. WHITEHEAD. I desire to ask the gentleman a question in regard to the wording of his bill. If Congress proposes to carry out the provision of the Constitution which has been read, must it not do so in the way the Constitution provides? The gentleman's bill provides that anybody may use this patent by paying 10 per cent. Does not the Constitution give the parties the right of assigning to some persons and not to others?

Mr. SAYLER, of Indiana. The word "exclusive" means that. But it means more. It may be exclusive within limits; it may be exclusive within certain prescribed limitations. And within the 10 per cent. provided here, and within the royalty that is determined by the court, the power to manufacture is exclusive. I have simply to say upon this power of the Constitution, that I shall regret the day when a majority in Congress shall say that we have provided a Constitution and laws under which we shall create in our midst a class, a moneyed aristocracy that may feed upon the vitals of the country until it is satiated, without shame and without restraint; and still that we cannot raise our hands against the foul bird that is preying upon us. Shall it be said that this, the creature of our own hands, may turn on us, and, by construction, eat up our substance? Is that the sort of construction that would prevail in any court in the land? Or, rather, would there not be such a construction as was intended by the framers of the Constitution, and by the clear intendment of the law, taken in connection with the development of the art and science of government at the time the construction is made? Shall we put upon ourselves a strait-jacket, and say that this exclusive privilege shall be construed either that we shall give to these companies or corporations a further power, a power that nobody else in this country can exercise, or else that we shall refuse it at all? Sir, if the advocates of the owners of these patents throw down that gauntlet, I will take it up and go to the country and say, "Since you will not go upon fair and reasonable grounds, you shall go without relief, without any kind of protection; if you insist upon destroying our substance, we will, in self-defense, turn on you and destroy you."

Mr. PARKER, of New Hampshire. Would you not thereby violate the Constitution?

Mr. SAYLER, of Indiana. Not by any means. This is a permissive power, and the repeal of the patent-right law would be no violation of the Constitution whatever. I have never yet heard any man, professional, practicing lawyer or statesman, take the ground that Congress could not repeal an act that it had passed; probably the rights created by that act would be reserved.

Mr. WHITEHOUSE. Would it be wise, provided Congress had the right, to exercise the right to repeal the patent laws?

Mr. SAYLER, of Indiana. I do not think it would be.

Mr. WHITEHOUSE. I think that nothing has tended so much to develop the agricultural resources of this country as the genius that has been displayed in the invention and manufacture of agricultural tools. The people who use them are at perfect liberty to avail themselves of the skill of the inventor or not, as they choose. If they choose, they can go back to the old primitive articles of manufacture.

Mr. SAYLER, of Indiana. That is very much like saying to poor Jack, "Why don't you eat your supper?" At the same time he had no supper to eat. These primitive modes of agriculture have passed away. The necessities of the times have made these improved agricultural machines absolutely necessary. Had the gentleman listened to me awhile ago he would have heard that I had no animosity to inventive genius; that I thought it ought to be encouraged, and developed, and protected. But when it turns upon its protector, and says to its creator, "Give me your blood and substance to the last," then I will meet it and say, "You are my creature; down! If you will not confine yourself within reasonable limits, then we will bring our power to bear upon you to its fullest extent."

Mr. WHITEHEAD. Has not the Constitution provided for a remedy by saying that this right may be protected for a limited time, so that you may give it a limited right, for one year for instance, and then throw it open to the public? And by using the word "exclusive" does not the Constitution intend to give the inventor the absolute control for so long a time as Congress in its wisdom may see proper to limit that control?

Mr. SAYLER, of Indiana. I do not think so. We may limit it to one year, it is true. Suppose we were to submit this question to the patent owners, "Will you take your patent-right for a year or 10 per cent. royalty for seventeen years?" what would be the answer?

Mr. WHITEHEAD. I do not say that would not be the best way. But I ask, is not Congress restricted under the Constitution to giving an exclusive proprietorship to the inventor, and the controlling him by limiting the time for which he is to have that exclusive proprietorship?

Mr. SAYLER, of Indiana. I understand the gentleman, but I prefer my mode to his on constitutional grounds. But there is another element in this matter that is worthy of all consideration, worthy of all acceptation. There is no one thing to-day which is bringing the Government of the United States more into contempt and reproach among its own citizens than the swindling that is carried on in the sale of territory of patent-rights. Most villainous has been its practice throughout the country. As a rule, you find that no good patent-right is on the market peddling itself out in that way. A good patent-right is too good a property to be used in that way. An invention which is of value, and will pay from 50 to 100 per cent. upon the capital used, will not be put out in that way. But the worthless patents are carried through the country by designing men, and sold; they go through the country with a great sheet of parchment, handsomely embellished with a picture of the Patent Office, beautifully executed, written in an elegant hand, with the great seal of the Patent Office attached. And they say, "Look here; the United States has had this matter before scientific men, and they say it is worth a great deal." And simple people, and often those who are not simple, are got into such a situation that they cannot restrain themselves, and they will buy. I know one town in my own State where these designing men took $33,500 for one of these worthless patents. All these designing men who have patents that are not worth a last year's robin's nest go out under the cloak of the authority of the Government with a patent-right, and swindle the people out of their substance.

Mr. SPEER. I would like to put a question to the gentleman. I am ready to join with him in denouncing the swindling patent-right men who travel over the country; but as a practical question, what remedy does the gentleman propose?

Mr. SAYLER, of Indiana. I propose to apply a remedy by this bill, (H. R. No. 1392.) By this measure I would take away from everybody the opportunity of making such immense profits out of patent-rights; I would say to them that there shall be no more than 10 per cent. royalty in any patent. Thus I would take away the inducement to these extortionate profits; I would remove the exciting cause of this cupidity.

Mr. SPEER. Would not the gentleman have to go a step further and legislate brains into the people to prevent them from being swindled?

Mr. SAYLER, of Indiana. I do not propose to do that. I propose to take away from these designing men the means of making exorbitant profits out of that which derives its value from the official authority of the Government. If then the people have not brains enough to protect themselves they will have to suffer. As suggested by my colleague, [Mr. SHANKS,] the essential element of value in a patent comes from the fact that it has been examined by the scientific departments of the Government, and has the sanction of the United States, giving an exclusive right to the patentee. In a vast majority of cases that is the only element of value, and it is utterly fictitious. I would take it away.

Why, sir, throughout the West, traveling along the highways, you will see here and there upon the gate-posts a notice posted up: "Patent-right men not allowed on these premises." Why is this? These men have the authority of the Government of the United States; they have the parchment of this Government attested by its seal; why can they not be allowed upon the premises of the people the same as any other honest man? Because there has gathered about this subject so much contempt, and the Government itself is brought into such odium. Let us wipe out these oppressive monopolies. Let us make fair terms with inventive genius and enterprising capital. Let us pay whatever is right and proper in consideration of inventive genius and the intrepidity and enterprise of capital. Let us say, "For all the energy that you display you shall have a sufficient reward in the way of absolute monopoly to yield you 10 per cent." If 10 per cent. is not enough, make it 15; if 10 per cent. is too much, make it 5. But let us put an end to this oppressive system of patent-rights, which runs riot throughout the land, trampling every green thing into the dust.

Mr. Speaker, I entreat for this subject the consideration to which it is entitled. Yearly hundreds of millions of extortionate profits are gathered into the coffers of the few. Give me the Goodyear patent, give me almost any patent that is now in general use, and I shall ask no more than 5 or 10 per cent. royalty. Why, sir, a royalty of 10 per cent. upon these various articles in common use would give to the owners of the patent-rights a princely income; it would make them an order of purple and fine linen sufficiently conspicuous to answer all the purposes of a republic like ours.

I ask, then, that when this subject shall come before the House, there may be such action upon it as will satisfy the country that this Congress is not only willing but ready to grapple with the greatest monopoly of the age in the interest of the oppressed people.

Mr. WHITEHEAD. I would like the gentleman to make one explanation. Does not his bill provide that any manufacturer, by paying 10 per cent., may use a patent; and would not this give to the capitalist an advantage over the man of small means?

Mr. SAYLER, of Indiana. The patentee gets his royalty from the rich man who manufactures.

Mr. WHITEHEAD. Does not that rich man get all the profit?

Mr. SAYLER, of Indiana. No, sir; I think it will be found that if he makes more than 10 per cent. above the royalty upon the patent, competition will restrain him, as is the case in other departments of manufacture.

Mr. SHANKS. I wish to ask my colleague whether it is a fact that the Post-Office Department pays a royalty of two dollars on each of the letter-boxes which we see upon lamp-posts in the different cities where the system of delivery by carriers is in operation? I understand that upon each of those boxes two dollars royalty is paid to some one holding a patent. So that whenever we extend the letter-carrier system we impose upon the United States an additional liability to pay two dollars royalty upon all the letter-boxes that may be found necessary in the extension of the system.

Mr. SAYLER, of Indiana. I understand that to be a fact, though I am not authoritatively informed upon the point from any official source.

THE FRANKING PRIVILEGE.

Mr. CROSSLAND. Mr Speaker, I have sought the floor to-day to offer a few words of earnest protest against restoring the franking privilege. In my first canvass for Congress, one of my competitors, better informed on the subject than I was, brought the question into the canvass, spoke of the abuses that were perpetrated under it, the immense expense it entailed on the people, and announced his intention, if elected, to vote to abolish it. When I entered the Forty-second Congress I determined to investigate the subject, and, referring to the report of the Postmaster-General for 1867-'68, I read as follows:

> I am compelled again to call attention to the gross frauds perpetrated upon the Department by violation of the franking privilege in almost all parts of the country. The *fac simile* franks of different members of Congress are freely used to circulate obscene books and papers, lottery circulars, business cards, &c., and to cover all kinds of business and domestic correspondence of persons not authorized by law to frank mailable matter. Unless something is done speedily by Congress to check this serious mischief the annual appropriation to cover the transmission of free matter will have to be increased from $700,000 to at least $1,000,000.

In the report for 1868-'69 he says:

> I have had occasion frequently during the past year to call the attention of members of Congress to the use of their names in sending mailable matter free under a *fac simile* frank; and the use of it by claim agents and business men in cities in sending books, periodicals, letters, and business circulars defrauds the Department out of immense sums of money. It is estimated that the loss to the Department by this species of abuse of the franking privilege has amounted to from one million to one million and a half of dollars during the past year.

In the report for 1870-'71 he again urges the repeal:

> My anxiety to make the Department self-sustaining arises from a strong desire to reduce, equalize, and make uniform the rates of postage. During the year 1870 the amount derived from letter postage was $16,771,928.70, and the amount from newspapers and pamphlets was only $934,332.99; and yet the weight and bulk of newspaper mails are, at least nine out of ten times, greater than those of letter mails. This shows that while newspapers are charged much less than the cost of their transmission, letters are charged much more, and that the postage on letters should in fairness be reduced as soon as the finances of the Department will permit. If letter postage could be reduced from three to two cents I am sure that the increased correspondence thereby stimulated would in a few years compensate for any temporary loss of revenue, and that many mistakes and vexatious delays would be avoided by the uniform rate for all distances which would thus be established. I despair, however, of securing any further reduction of letter postage as long as the franking privilege shall be permitted to impose upon the Department an irremediable deficiency.
>
> It is not intended to intimate that there should be an increase of postage on newspapers. On the contrary, it is the duty of Government, as part of its work of beneficence, to aid in the education and elevation of the people by carrying newspapers as cheaply as possible; and hence I am of opinion that the present rates are not too low. Nor do I object to the free transportation of newspapers in the counties of their publication, as now authorized by law.

In the report for 1871-'72, he states:

> Again, I renew my recommendation for the repeal of the franking privilege. Its existence is utterly incompatible with an economical and vigorous administration of postal affairs. Flagrant frauds have been practiced during the past year, and will continue to be practiced under its cover so long as the privilege is protected by law. I refer to my arguments on this subject in former reports, with unshaken confidence in their soundness.

In the report of 1872-'73 he again urges it, and states the enormous amount it costs the people:

> In my three previous reports I have urgently recommended the immediate and unconditional repeal of the franking privilege. The experience of the past year has strengthened my conviction that its abolition is absolutely necessary to an efficient, economical, and vigorous administration of our postal system.
>
> By reference to a special report made to Congress on the 12th of January, 1871, it will appear that the actual cost of free matter, if charged with the regular rates of postage, was then $2,543,327.72 annually. During the late presidential canvass the quantity of such matter was largely increased, and I think it safe to say that the free matter carried during the past year, if taxed at ordinary rates, would have yielded a revenue of $3,500,000, a sum larger than the entire deficiency of the year.

The estimate of the Postmaster-General had been freely questioned and his recommendations disregarded, for the reason that his estimate of the expenses was denied. By reference to Senate documents for 1870-'71 the plan adopted by him to procure the information will be found. In 1869 he sent to each postmaster in the United States the order following:

> FREE MAIL MATTER.
>
> POST-OFFICE DEPARTMENT,
> OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL,
> *Washington, D. C., December* 17, 1869.
>
> *To Postmasters:*
>
> The Postmaster- General has this day made the following order:
>
> *Ordered*, That each postmaster in the United States be instructed to take an accurate monthly account of all franked or free matter deposited at their respective offices for mailing for the period of six months, commencing January 1 and ending June 30, 1870; and to make special reports thereof to the Third Assistant Postmaster-General at the close of each month, embracing the following particulars, namely:
>
> 1. The number of franked or free letters, and the amount of postage that would be chargeable thereon at the established rate of postage.
> 2. The weight of franked or free matter other than letters, and the amount that would be chargeable thereon at the current rates of postage.
>
> Postmasters will carefully conform to the foregoing instructions, using the inclosed form, which must be promptly forwarded to this office at the close of each month.
>
> Should this circular fail to be received at any post-office in time to commence taking an account of free matter on the 1st of January, 1870, let the return for that month include such portion of the month as may remain when the circular is received.
>
> By order of the Postmaster-General:
>
> W. H. H. TERRELL,
> *Third Assistant Postmaster-General.*

And after receiving the returns he proceeded to make the calculation and estimate, which show as follows:

> From the above returns and estimates the following grand result is shown: Total number of franked letters for six months, 10,894,497—postage, $933,070; printed matter, &c., 2,655,196 pounds—postage, $338,593,85. Total postage for six months, $1,271,663.86; total for one year, $2,543,327.72.

Now, Mr. Speaker, could there have been a better plan adopted to obtain perfectly correct and reliable evidence on the subject? No man can suggest a better one, nor can any man offer any fact to dispute the correctness and accuracy of the estimate. After examining these reports, estimates, and evidences, showing the abuses and frauds committed and the vast cost of this privilege, I came to the conclusion that it ought to be abolished, and some cheaper and less expensive means devised whereby we could send our books, documents, seeds, &c., to our constituents. A bill was pending for the abolition of the privilege, and when it was brought before the House at the second session I voted for it. The Senate failed to concur during that session. At the last session the subject was referred to the Judiciary Committee of this House, connected with questions of other privileges and salaries of members of Congress, and the committee having before them the estimate of the Postmaster-General showing this enormous expense, and having evidence showing the inequalities and abuses of other perquisites and privileges of members of Congress, determined that it would be better to abolish all these expensive privileges. The mileage was unequal, made the salaries of some members almost double that received by others, and was unjust and unnecessary; the stationery allowance was far beyond what was neces-

sary to supply such articles as were used; and the committee in their report strongly urged the discontinuance of these privileges and in lieu of them to increase the salaries of members of Congress. Before the salary bill was brought before the House a bill passed abolishing the franking privilege, and I did not vote for the salary bill, because the law repealing the franking privilege contained a provision forbidding any allowance to members of Congress to pay postage, and I did not think it would look honest or candid to abolish the franking privilege in the name of economy and immediately raise salaries. Nor did I vote for the salary bill until it was made part of the legislative, judicial, and executive appropriation bill, and not even then until after the amendment of the gentleman from Indiana, [Mr. WILSON,] providing for suits to recover from the Credit Mobilier Company millions of dollars justly due to the Government and the people had been adopted. And I never did vote for the salary bill until the question was presented by the report of the committee of conference, when I had but one vote on the whole bill, and was obliged to vote yes or no on the bill, the whole bill good and bad, and voted ay because the little addition to the expenses of the Government by increase of salaries sunk into such insignificance when contrasted with the immense sum saved by other provisions of the bill. And here I will say that much of the abuse that has been hurled at those who voted for that bill came from the friends of this Credit Mobilier, because the bill took their hands out of the Treasury and directed the recovery from them of the immense sums they had stolen from the people.

But, Mr. Speaker, I knew at that time that it was best for the tax-payers to increase the salaries and abolish these perquisites; because, as I have said, a large sum of money would be annually saved to them by it. And when the friends of economy, as they called themselves, offered bills to reduce salaries and revive these perquisites, I opposed them all, because, as I said in a speech on the 12th of January, it was apparent that it was the purpose of these same friends of economy to revive all these unnecessary and expensive privileges. And when the bill returned from the Senate, these gentlemen voted to revive the mileage and stationery, newspaper allowance, &c., and now we are called on to revive this most odious and expensive franking privilege. Now, sir, I propose to expose this barefaced effort to deceive the people.

As I have shown, sir, the Postmaster-General proves that this franking privilege imposes on the tax-payers of this country an annual expense of $2,543,327; and he says that for the year 1872 it amounted to $3,500,000; the millions upon millions of documents sent through the mails during the presidential canvass of that year increasing the annual amount over $1,000,000. Now, sir, if it amounts to $2,543,327 every year, and three and a half millions every fourth year, it will average every year the sum of $2,782,492. Add for stationery for members of Congress, $47,000; add to pay mileage of members of Congress, $203,800; and we see that the three perquisites cost $3,036,292 every year.

The expense incurred by increasing the salaries of members of Congress is only $940,000 a year; increase of salaries of other officers, $57,500; which makes $997,500. The franking privilege, stationery, and mileage allowances cost per annum, $3,036,292. Subtract amount of increase of salaries, $997,500, and we have the sum of $2,038,792 saved to the Government and the people every year by the laws passed last session of Congress which abolished these costly perquisites and increased the salaries. Now, further to verify and establish the facts, I refer to the report of the Postmaster-General, made to Congress at the beginning of the third session of the Forty-second Congress, one year ago last December. He tells us that the total expenditure of the Post-Office Department for a year was $30,863,167; that the deficiency, to be raised by taxing the people, for that year would be $3,310,602. In the report made at the beginning of this Congress, on the first Monday of last December, he says that the total expenditure for the year was $33,929,912, but that the deficiency was only $4,636,363.

The franking privilege did not expire until the 1st day of last July, yet we see that in less than six months this deficiency is reduced $1,674,239, or at the rate of $2,348,578 a year, which proves conclusively that the savings to the people are greater than the amount claimed by the Postmaster-General. To promote economy, as gentlemen called it, they reduced salaries of members of Congress and saved $940,000 a year; they revive these perquisites and increase expenses $3,036,292. They go home to the people, abuse "salary-grabbers;" boast of the part they played in repealing the salary act, and of the economy they enforced. What estimate do you put on the common sense of the people when you offer them this system of economy? You have, every one of you, (I mean the salary-shriekers,) voted to restore the iniquitous mileage allowance and the unjust stationery allowance. Now vote for this and then ever utter the word "economy" again. Do not attempt to avoid the effect of the figures by arguing that you are only reviving the franking privilege in a modified form. You do not revive it as to letters written by members. It is not the letters that make the costs, but the thousands of tons of books, documents, and pamphlets sent out every year, that created the expense, and it was this book-franking that caused all the frauds the Postmaster-General complains of. Publishing houses, book agents, claim agents, and others used "franks," either with or without the consent of the members, to send their business circulars, documents, and books through the mail without cost.

As stated in the report I read, the Postmaster-General desires to reduce postage on letters and newspapers; but it never can be done if you revive this franking privilege and run up the deficiency, to be raised by taxation, to more than $6,000,000 a year, as it was before the privilege was abolished. A provision has been incorporated in this bill, very ingeniously, to repeal so much of the postal law as requires the payment of postage on newspapers in the county where published and on newspaper exchanges. I am in favor of that. No revenue of any consequence is derived from it. It is troublesome to newspaper publishers and the people, and amounts to nothing in revenues or expenses. The passage of such a law was never asked for by the Department, and it ought to be repealed. I will vote to repeal it; but I will not vote for this bill and revive the enormous expenses it involves to get this provision passed. It seems to me it was put in to popularize this otherwise bad measure. Let us separate them, and enact the good and leave out the bad part.

Gentlemen, you have said by your votes (I mean these extremely virtuous and economical salary-shriekers) that you have received since the 4th day of last March $208 per month more than you were entitled to, and you have reduced your salary and mine to that extent. You have received, then, of this excess the sum of $2,184. Now use this excess in paying your postage on the books, documents, seeds, &c., furnished you for your constituents; let this, to the people, burdensome privilege alone, and prevent the revival of the outrageous frauds practiced under it. If you are unwilling to do this, take a manly, candid view of the facts, look the figures and the truth square in the face. Abolish mileage, buy and pay for your stationery, pay your postage, and fix your salaries at a sum sufficient to meet these expenses, and the people will understand you. These perquisites are as much a part of your salaries as the $5,000 you draw from the Treasury; and it is not a very ingenious complication you present to the people when you, under the pretense of reducing salaries from $7,500 a year to $5,000, give yourselves $5,000 a year salary and privileges worth to you fully $2,500 a year, and which cost the people more than $5,000 for each of you.

Mr. Speaker, in this matter of salaries and perquisites I have sought to act in good faith; and I ask, gentlemen, if you are the real, earnest friends of economy that you pretend you are, can you dispute the figures I have arrayed? I invite you to do it; yea, I defy you to do it. If you cannot, and mean to act fairly, candidly, and in good faith by the interest of the people, come and stand with me and help me to defeat this great iniquity. Remember, gentlemen, that the self-abnegation you imposed by reducing the salaries will not avail you if you reimburse yourself by re-establishing these costly privileges.

FINANCE.

Mr. BECK. I am obliged to my colleague [Mr. CROSSLAND] for his courtesy in yielding to me for a few minutes. I see that my friend from Pennsylvania [Mr. KELLEY] is still in the House. I had not intended to say anything except that, when the gentleman from Pennsylvania had the floor, it occurred to me that he was practicing the maxim of the very distinguished gentleman who was so long Senator from Missouri, Mr. Benton, who was in the habit of saying that the finest figure of speech in the English language is "ding-dong." The gentleman from Pennsylvania has been ding-donging us for the last four Saturdays on his currency bill, until I do not know what relief we will get from him unless we refuse to hold Saturday meetings altogether. [Laughter.] I do not want to do that if I can possibly help it. I would only say to the gentleman that unless he can spare other members a little and let us alone for one Saturday with his theories about currency, we will, in self-protection, have to vote against having the Saturday meetings any more.

Being up, I want to say this also: that while it is very important to be considering the currency question, I think the country ought to understand that there is away beyond that, and underlying that, a question far more important, which, perhaps, the gentleman and those who feel as he does do not want the country or the House to look into. I sometimes think that he is endeavoring by getting up a great excitement over the question of banking and currency to keep the question of tariff taxation from being examined into. I am inclined to think that the gentleman will find, when he goes to the bottom of it, the country will learn after awhile that it is the outrageous system of tariff taxation that is bringing about all our financial and commercial troubles, and that we had better be turning our attention to the obtaining of revenue by the remodeling of our system of customs duties. When that is done our currency will take care of itself, if we will only get clear of the banking monopoly which uses it to oppress the tax-payers of the country.

I rose principally for the purpose of calling attention to one portion of the tariff question. There is a highly respectable set of gentlemen here, or were lately, known as the representatives of the Silk Association of America, whose books are no doubt on all your tables, who are seeking in every way to increase the tariff on silk manufactures, which is now 60 per cent. in gold, equal on an average to 75 per cent. in the currency of the country. They are making complaint as though they were about to be ruined, because a few mixed ribbons that have some cotton or some wool in them have been allowed to come into the country at a tax on the consumer of 50 per cent. gold. They are here clamoring for Congress to increase the duties on them also to the 60 per cent. rule, in order, as they claim, to make the tax uniform, and protect them in their industries.

Several of these gentlemen, I will not say where, have been discussing this question in my presence. And when I was insisting upon putting the tariff upon all these articles down to 50 per cent. instead of allowing mixed ribbons to be advanced to 60, as being a sufficient protection and bonus to them, the cry was at once raised by them, "You will drive us out of business if you do that; we cannot live at that figure." The question was then asked, "What is the amount of your production of silk?" The answer was, "About $30,000,000 a year." What is the amount of silk imported? The books show that it is about $30,000,000; therefore the consumption of silk is about $60,000,000, $30,000,000 of it imported. Counting all the imports at 60 per cent., we get a revenue of about $18,000,000 out of a consumption of $60,000,000. Reduce the tariff to 50 per cent. and drive all these gentlemen out of the business if you please; the consumption of silk in this country will not be less, but by the natural operation of the increase of the people, and in consequence of the reduction of duty, the consumption would doubtless reach $70,000,000. Fifty per cent. upon $70,000,000 would produce $35,000,000 of revenue if all these manufacturers should quit the business.

They state that all their machinery, all their material, all their property, at the highest estimate they put upon it, will reach only $15,000,000. They employ, say, two thousand men, beside women and children. It is obvious from their own statements, and will be apparent to every gentleman who looks at it, that if you reduce the duties on silk from 60 per cent. to 50 per cent., and, if you please, drive all these men out of the manufacture entirely, you would instantly get $35,000,000 of revenue instead of $18,000,000. In that way, in one year, you could get an excess of revenue which would enable you to pay them their $15,000,000, every dollar that they have invested in the business, and you would have $2,000,000, or enough to furnish $1,000 apiece to each man they employ, with which he could buy a farm in the West, and stock it. We would get $35,000,000 a year from the silk consumption alone, from which we are now getting only $18,000,000. And yet these men are clamoring for a still further increase of protection to their productions, which would result in diminishing our revenues. That is only one case; there are hundreds of others of the same sort, illustrating equally well the working of the present high protective, anti-revenue tariff taxation.

Mr. HAWLEY, of Connecticut. I desire to ask the gentleman, for information, whether these manufacturers really ask for this increase of duties on silk goods, or simply ask for such a construction of the tariff as will prevent an evasion under existing laws?

Mr. BECK. They ask to have all goods in which silk predominates made uniform at 60 per cent.; call it what you please. I will state it fairly. A large portion of ribbons, made mostly of silk mixed with wool or cotton, come in at 50 per cent. duty. They want the duty made 60 per cent. on that as well as on the other goods. You can call it evasion, or increase, or what you please. They want an increase of 10 per cent. upon the present rate.

Mr. HAWLEY, of Connecticut. The reason for asking was this, as I understood the silk manufacturers: a duty of 60 per cent. being levied, a style of evasion had grown up by slipping in a little of other fiber, and in consequence calling it something else than silk goods. That affected our revenue and defrauded the manufacturer. Therefore they want to head off these foreign fraudulent manufacturers by saying that a thread of cotton or wool should not prevent the goods from being called what they really are, silk goods.

Mr. BECK. If there is any fraud perpetrated, it is perpetrated by the Secretary of the Treasury and his regulations, is it not?

Mr. HAWLEY, of Connecticut. He was obliged to construe the law so. I understand he is willing to have this change made.

Mr. BECK. The importers commit no fraud when they comply with the law as the Secretary construes it. I suppose he is willing, and the gentleman from Connecticut [Mr. HAWLEY] and all those from the eastern sea-board are willing, to keep up this taxation under the plea of protecting home industry to the exclusion really of nearly all revenue. The same feeling that led them to take the tariff from tea and coffee, every cent of which goes into the Treasury, and the same feeling that would make them willing to take off all the internal taxes because every dollar goes into the Treasury, would make them want to pile up the duties on everything which they want to make and sell to the western agricultural regions, and the regions south of the Potomac, at the premium which the prohibitory tax adds to its real value. It is because that system has been kept up, and the Government has been managed in the interests of great monopolists and protected interests, so that every dollar which gets into the Treasury costs the people more than three dollars to get it there, that we now are in trouble in regard to our currency.

I want to read one or two sketches well drawn by gentlemen on this floor. And as I, as well as my friend from Pennsylvania, [Mr. KELLEY,] believe in the principle of "ding-dong," it is well enough to let the people see these sketches as often as possible.

My friend from Illinois, [Mr. MARSHALL,] in a very able speech which he made in this House on this subject, went on to show how this thing works. He said:

> So it is with the people of the West. They have been tapped by the protective system. A ceaseless stream flows ever from their veins, unconsciously to many of them. They are paying taxes every day of their lives on every tool they use, on everything they eat, drink, or wear.
>
> The farmer starting to his work has a shoe put on his horse with nails taxed 67 per cent., driven by a hammer taxed 54 per cent.; cuts a stick with a knife taxed 50 per cent.; hitches his horse to a plow taxed 50 per cent., with chains taxed 67 per cent. He returns to his home at night and lays his wearied limbs on a sheet taxed 58 per cent.; and covers himself with a blanket that has paid 250 per cent. He rises in the morning, puts on his humble flannel shirt taxed 80 per cent.; his coat taxed 50 per cent.; shoes taxed 35 per cent., and hat taxed 70 per cent.; opens family worship by a chapter from his Bible taxed 25 per cent.; and kneels to his God on a humble carpet taxed 150 per cent.; he sits down to his humble meal from a plate taxed 40 per cent.; with knife and fork 35 per cent.; drinks his cup of coffee taxed 47 per cent., or tea 78 per cent.; with sugar 70 per cent.; seasons his food with salt taxed 100 per cent.; pepper 297 per cent., or spice 379 per cent. He looks around upon his wife and children all taxed in the same way; takes a chew of tobacco taxed 100 per cent., or lights a cigar taxed 120 per cent., and then thanks his stars that he lives in the freest and best Government under heaven. If on the Fourth of July he wants to have the star-spangled banner on real bunting he must pay the American Bunting Company of Massachusetts 100 per cent. for this glorious privilege. No wonder, sir, that the western farmer is struggling with poverty, and conscious of a wrong somewhere, although he knows not whence the blow comes that is chaining him to a life of endless toil, and reducing his wife and children to beggary.

Mr. TOWNSEND. From whose speech has the gentleman been reading?

Mr. BECK. From a speech of Hon. SAMUEL S. MARSHALL, of Illinois; it would do the gentleman from Pennsylvania good to read it all.

Mr. Brooks, of New York, made a speech equally good upon the same subject, and I will make a short quotation from it also, as I want the men of the West to see these speeches, and reflect on the facts set forth in them.

Mr. TOWNSEND. I would like to say a word in regard to the remarks of Mr. MARSHALL.

Mr. BECK. I will give you plenty of time hereafter; let me read an extract from Mr. Brooks's speech first.

Mr. KELLEY. I hope the gentleman will allow me a minute.

Mr. BECK. O, you shall have all day if you want it. [Laughter.]

Mr. KELLEY. I have found out the cat that is in the gentleman's well.

Mr. BECK. My friend from New York (Mr. Brooks) exhibited in the speech to which I refer the taxes which a man pays upon a suit of clothes. Let me read his language:

> TAX ON MAN WHEN IN HIS CLOTHES.
>
> *Hat.*—Silk plush, 60 per cent.; ribbon, 60 per cent.; alpaca lining for brim, 50 cents a pound and 35 per cent.; leather, inside, 35 per cent.; muslin lining, 7½ cents a square yard; glue, 20 per cent.
>
> *Coat.*—Cloth, 55 cents a pound and 35 per cent. *ad valorem;* silk lining, 60 per cent.; alpaca used therein, 50 cents a pound and 35 per cent. *ad valorem;* buttons, if worsted, 20 cents a pound and 35 per cent. *ad valorem;* worsted braids, 50 cents a pound and 35 per cent. *ad valorem;* velvet for collar, 60 per cent.; red worsted padding, 50 cents a pound and 35 per cent. *ad valorem;* hemp padding, 40 per cent.
>
> *Pants.*—Cassimere, 50 cents a pound and 35 per cent. *ad valorem;* cotton used therein, 5 cents a square yard; hemp-cloth for facing, 40 per cent.; metal buttons, 30 per cent.
>
> *Vest.*—Silk or satin, 60 per cent.; linen lining, 35 per cent.; silk buttons, 60 per cent.
>
> *Braces.*—35 per cent.
>
> *Undershirt.*—If silk, 60 per cent.; if worsted, 50 cents a pound and 35 per cent. *ad valorem;* if cotton, 35 per cent.
>
> *Drawers.*—The same.
>
> *Shirt.*—Cotton, 5 cents a square yard; linen for the front, 35 per cent.
>
> *Buttons,* 35 per cent.
>
> *Boots.*—Raw-hides, 10 per cent.; tanned leather, calfskin, 30 per cent.; if patent leather, 35 per cent.; soles, 35 per cent.
>
> *Neck-handkerchief.*—If silk, 60 per cent.
>
> *Pocket-handkerchief.*—If silk, 60 per cent.; if linen, 35 per cent.; if cotton, 35 per cent.
>
> *Gloves.*—Kid gloves, 50 per cent.
>
> *Pocket-knife,* 35 per cent.
>
> *Watch,* 25 per cent.
>
> *Silk watch-chain,* 60 per cent.

Now, since I am reading extracts, let me read from the remarks of another gentleman quite as well known, Hon. Michael C. Kerr, of Indiana.

Mr. KELLEY. Why does not the gentleman go back to the original and read from Sidney Smith, from whom all this is taken?

Mr. BECK. I would rather read from the language of the gentleman from Pennsylvania, to whom I will come after awhile.

Mr. KELLEY. It was Sidney Smith who originally drew the picture of a man pursued by taxes from the cradle to the grave.

Mr. BECK. My friend from New York, [Mr. COX,] who I see is about to rise, no doubt would like to go back to Sidney Smith, and I will not interfere with him.

In the debate of which the speech of Mr. Kerr is a part, gentlemen had referred to the luxury of a "free breakfast-table." Mr. Kerr went on to show that this talk of a "free breakfast-table" was a pointed absurdity. Let me read what he said:

> Under our present tariff, and, indeed, so long as Government is supported by taxation, the promise or boast of a "free breakfast-table" is simply an able-bodied absurdity, no matter how free you make tea, coffee, and sugar. Let us see. Your table is held together by taxed nails and hinges, and covered with a taxed cloth. Your breakfast is prepared by a cook, or a good wife, who is clad from the soles of her feet to the top of her head in taxed clothing. It is prepared in a stove made of taxed iron, over a fire made of taxed coal, kindled with a taxed match, and adjusted with taxed shovel and tongs. Your bread is leavened with taxed soda, saleratus, or yeast powders. Your victuals are served to you on taxed dishes, and eaten from taxed plates, or drunk out of taxed cups, saucers, or tumblers, with the aid of taxed knives, forks, and spoons. Your food is seasoned with taxed salt, pepper, vinegar, oil, or other condiments. Your meal may consist in part of taxed fruits, such as prunes, figs, raisins, or nuts. Your bread, potatoes, and other substantials of daily diet are produced by the farmer by the aid of taxed implements of every kind, and brought to your house over railroads or on wagons made of taxed iron and steel. Your good wife is even compelled to seek culinary wisdom from a cook-book printed on taxed paper, with taxed ink and taxed type.

Mr. TOWNSEND. Will the gentleman allow me one word?

Mr. BECK. Certainly.

Mr. TOWNSEND. I merely want to make this remark——

Mr. BECK. I hope the gentleman will not undertake to make a speech; I thought he wished to put a question.

Mr. TOWNSEND. Not a question; I merely wished to remark that the gentleman from Kentucky——

Mr. BECK. I do not yield for a speech in my time. If the gentleman wants to ask me a question, I will answer.

Mr. TOWNSEND. Very well; I will ask a question. Does not the gentleman know that all the gentlemen who made these three speeches with regard to taxed articles have borrowed the whole of their ideas from that old Englishman, Sidney Smith, who in 1820 went over precisely the same argument in order to depreciate American institutions?

Mr. BECK. Mr. Speaker, every wise man who has looked at this subject before Sidney Smith's time, and during his time, and since, has used these arguments; and I only repeat them, and lay them before the country now, because the gentleman from Pennsylvania and men like him succeeded during years of war in increasing the tariff, which in 1860 was enabling us to do the carrying trade of the world, the average tariff being then 20 per cent., up to 60 per cent., thus enriching Pennsylvania and New England at the expense of the agricultural regions; and then, when the war was over, they raised the cry for reconstruction, not because of the disloyalty of the people of the South, but because they did not intend Representatives should come here from the South to unite with the men of the West and overthrow the iniquitous tariff they had imposed upon the country. It was in order to perpetuate it, as they had been able to do, that they disfranchised eleven States and 9,000,000 people, and sent their carpet-baggers here to do their bidding, and vote to keep up the iniquities they have so far succeeded in doing. Whenever the men of the country understand this matter, and the Southern States are free to vote as they please, this tariff will go down once more to the minimum standard. Then will the ideas of Sidney Smith, reiterated, if you please, by the three gentlemen from whose speeches I have read and by thousands of others all over the country—then will these ideas again be acted upon and become principles in our legislation, and the men all over the country, except a few protected monopolists, supported by the other great systems of consolidated wealth which have been controlling this Government in their own interests to the injury of all else, will return to those true principles and ideas which are repeated because they are true; and when they do, the maxim will be that we shall have tariff for revenue, and not tariff to exclude revenue, so as to enrich a few favored interests. When that is done, you will have no trouble about your finances or your currency. The Government will then take its own paper for its customs dues, which it now repudiates, in order to add 12 to 20 per cent. upon the tariff in favor of its bondholders and monopolists, while it compels me and every other man to take it.

Mr. Speaker, the gentleman from Pennsylvania and his friends are now seeking to turn attention to the currency to the exclusion of all else, in order to plaster over a sore which is only evidence of the diseased condition of the blood of the patient; and the more they plaster it the worse it will get, unless they eradicate the diseased condition which caused it. Give the people of the country a proper system of finance, give them relief from taxation, which destroys instead of producing revenue. Let us so legislate as to diminish the burdens of the people, and all will be well. I do not say my friend from Pennsylvania would try to divert us from that subject, but the course of that gentleman, and those like him, seems very much like it; and I know from his antecedents it would suit his purpose if he could so divert us; but I see he is so impatient that I must give way to him.

Mr. KELLEY. Will the gentleman allow me to say a word?

Mr. BECK. Yes, sir. I said I would yield to you any time or all the time; and that it was only a question for you as to which you would prefer.

Mr. KELLEY. All I ask is that you shall not consume all the time you have, but will yield me a little of it, and not exclude me from the chance to reply.

Mr. BECK. How much?

Mr. KELLEY. I make the request, because you began your remarks with a special allusion to me.

Mr. BECK. Of course.

Mr. KELLEY. I wish to say first, Mr. Speaker, that I do not think it is right for the gentleman to come into this House and ding-dong into our ears the old free-trade speech by which he supported Horace Greeley in Kentucky in the last presidential contest. [Laughter.] I think he might bring us something fresh. This was bad enough, but it was still worse to go to Sidney Smith, the English tory, for arguments, and present them here as they have been, rehashed by men who have not even taken the trouble to examine and see whether Mr. Smith's arguments illustrated American laws or only those of England. For instance, in the first speech from which the gentleman read, it is said we had a duty of 200 per cent. on pepper to protect our pampered manufacturers. I wish he would tell me where black pepper is manufactured in the United States, and who manufactures it. [Laughter.] Representing the workingmen of the country, I strove against the gentleman from Kentucky to get the inordinate duty on pepper repealed, as I did the duty on tea and coffee.

I have, by the gentleman's cry of ding-dong, discovered, as I said during his remarks, the color and size of the cat in his well. [Laughter.] He made a speech one day this week on currency, and went so far beyond my views that I went over and congratulated him on his conversion to the true faith. Thus committed, he cannot reply to my remarks on the currency question; he cannot answer the article from his great leader, Horace Greeley, which I read a few moments ago.

Mr. BECK. And I was amazed at your reading it.

Mr. KELLEY. Therefore he attempts a diversion by talks on the tariff. O, if we were not under parliamentary restraint how I would like to characterize the want of clearness and the incoherence with which he talks. [Laughter.] I am engaged in a struggle for cheap money; that is, for money at a low rate of interest; for a currency based on the national credit, which will take the industries of the country out of the hands of credit-mongers and the banking monopoly, and give them, as they had before we contracted the currency, money at 6 per cent. and put the business of the country on the cash system. Why do I want it, sir? The gentleman has been on this floor with me for many years, but he has never heard me advocate a protective duty that was not for the purpose of contervailing two evils which assailed the very foundations of our industries. The one was the low wages paid to the oppressed workmen of Great Britain and the continent; the other was the higher rate of interest paid for credit or money in this country than is paid abroad. And when I listened to his glowing words the other day I hailed him as a co-worker, as one whose influence on this floor might enable me some day, without injustice to the working classes of the country, to concede a reduction of the tariff. This can be done if you will give us cheap money; if you will allow the American people to have sufficient currency with which to conduct the business of the country; if you will not say, as you do, that you must do business with no more of the symbol of value, of the medium of exchange, than you employed in 1860. Suppose, sir, Congress were to limit by law the number of locomotives and of cars to the number employed in 1860 or 1864, I apprehend that such a law would put locomotives and cars at a premium and increase the rates of freight. The supply would be inadequate to the demand. And yet engines and trains of cars are but the medium of exchange by which commodities are transferred from place to place, as currency is the medium of exchange by which the same commodities are transferred from person to person. And there is not a school-boy in Pennsylvania ten years old that would not tell the gentleman that the way to remove the necessity for high duties is to give the producing classes cheaper money and an adequate amount of it; and who would not see that on Wednesday or Thursday, whichever it was, he walked in one direction, and that fearing that he may have done right, for once, he is to-day retracing his steps to make a record which will cover his retreat and protect him from the charge of having been overpersuaded by Old Pig-iron.

Mr. BECK. Has the gentleman from Pennsylvania finished?

Mr. KELLEY. Entirely; unless you arouse me again. [Laughter.]

Mr. BECK. I have no more to say. I wanted merely to address a few remarks to my friend [Mr. KELLEY] to try to start him at the right end, or at least to keep him from obstructing us in our efforts to do so. I do not see that he ought to complain of my referring to my friends Mr. Brooks, Mr. Kerr, and Mr. MARSHALL, or even to Sydney Smith.

Mr. KELLEY. I do not complain of your referring to Sydney Smith; but I complain that you do not go to the fountain-head and give us the pure liquor.

Mr. BECK. Why did the gentleman read from Horace Greeley if it was not because he regarded him as good authority? Why did he read a chapter from Benjamin Franklin, one hundred and ten years old, last Saturday, and hold that up as an example of sound views, if we cannot also go back to the example of some of those wise old men? I thought I was but walking in the gentleman's own footsteps.

I will say, before I sit down, that I have listened with much pleasure to the gentleman from Indiana [Mr. SAYLER] attacking to-day another of those monster monopolies. I hope the bill he has introduced, or something like it, will deal with these great patent monopolies. They are in the same line with, if not so extensive in their ramifications as, the tariff monopolies.

I was in the city of Paris last summer, and other gentlemen with me made the same test. We found that we could buy there sewing-machines made in Connecticut and in New York at thirty dollars or thirty-five dollars, which you could not buy at the manufactory for less than seventy dollars. What does that mean? It means that these things are not worth over twenty dollars or twenty-five dollars, because the manufacturers can transport them to Europe and sell them for thirty-five dollars. And yet by virtue of this patent monopoly they sell them here at seventy dollars, and no man or woman can get them for less. And so it is with all these other things. I repeat that I was very glad to hear the gentleman from Indiana attacking that monopoly to-day, and I hope he will continue to assail it till it and the protective tariff fall together.

LEAVE TO PRINT.

Mr. CLARK, of New Jersey, asked, and by unanimous consent obtained, leave to have printed in the CONGRESSIONAL RECORD, as part of the debates, some remarks on banking and currency. [See Appendix.]

Mr. RANSIER obtained the floor, and yielded ten minutes to Mr. HAWLEY, of Connecticut.

REVENUE PROTECTION.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I begin with a remark that may not be strictly connected with what I shall say afterward. But when I hear our distinguished friend from Kentucky speak with no little sarcasm and bitterness of carpet-baggers, I confess it amuses me. I, also, like the gentleman from Kentucky, have Scotch blood, and that considered to be of a good stock, in my veins. But when my good friend from the Highlands—I hope it was from there; it is from the Highlands that I trace part of my ancestry—when my good friend from the Highlands of Scotland begins to reproach the Yankee who happens to hold office in the South, or the Southerner who happens to hold office in the North, with being a carpet-bagger, I am legitimately amused. How many of us were born in the States we have the honor to represent? This is the country of carpet-baggers. I see that I am honored with the attention of my distinguished friend from New York, [Mr. COX,] who would, no doubt, be ready in his smiling way to amuse us for an hour on this subject. I do not believe there is any Knownothingism about him.

Mr. COX. I believe in the right of coming and going.

Mr. HAWLEY, of Connecticut. I had no reference to that gentleman when I spoke of the carpet-bag question. I was thinking more particularly of Plymouth Rock, the blarney stone of New England, when I referred to him, and of the history that he might make of that kind of carpet-bagging.

What I wanted to say was, that the gentleman from Kentucky, [Mr. BECK,] and others who talk as he does about the tariff question, are a great deal mistaken about New England. I think I can give him a little information on that subject. They seem to think that they would inflict a fatal blow on the interests of New England if they should—I will not say return to, but if they should—adopt what is called the free-trade or revenue tariff. Sir, they never were more mistaken in their lives. The weight of the injury would not fall upon New England. You have been levying duties in this country for generations. You drove New England from the seas where she was making her money by navigation, and you compelled her to build up in her valleys and on her rocky hills her system of manufactures. All over that sterile country you will find, nestled in nooks here and there, manufacturing establishments that have grown up through the industry and thrift and ingenuity of the fathers or the grandfathers of the men who are now working in them. They know how to make the articles they manufacture cheaper than anybody else. They live economically in their little homes, without extra expense or taxation, and they have their business established.

Now, if you want to return to a revenue tariff, and take the duties off the raw articles which they use in their manufactures, very good; that will help them so much the more. But you say that you want to take the duty off the manufactured articles also. Very well; do you think that will kill them? No, sir; but it will kill all competition in the newer sections of the country, which have an interest in building up manufactures.

Sir, I would like the gentleman from Kentucky [Mr. BECK] to take a ride with me through New England; to go up into the far interior, to see the coal lugged up there by main force from Pennsylvania, and the iron from Pennsylvania or Europe, and the cotton from the fair fields of Alabama and Georgia. All these heavy articles are laboriously carried up into these interior villages, and there manufactured into goods that go all over the world.

You say you do not want these manufactories in the West and the South. Sir, it strikes me that the very thing you do want in the Southern States is to build up cotton manufactories. If you want to give us in New England the best bounty you can imagine to protect us against your competition, then take off many of these duties. The time has come in the history of this country when protection is more needed in the West, and the South, and the Southwest, than it is by New England.

I do not deny that if you should make what some call a free-trade tariff you would injure some branches of manufacture that have been established there under what was supposed to be a settled policy of the country; you would cripple them very much. But a Yankee always alights on his feet. And if there is anything to be made in this country, I do not care what it is, from a watch up to a locomotive, he will make it as cheap as anybody in the country can make it. So, unless you adopt such a course of legislation as to entirely destroy all manufactures, the New Englander will be even with the foremost man in the race.

Do not think you can fatally hurt us. I know you do not mean it in any malicious spirit; but do not think that we are dependent upon your bounty. I point you to the brain of New England, that has invented every bright and good thing almost that you know of. I point you to my little State of Connecticut, that takes out 50 per cent. more patents in proportion to its population than any other State; more than that inventive State of Massachusetts, or the State of Rhode Island. Do you think that by any change in your tariff laws you can kill us? Sir, we are not beggars at your hands or at anybody's hands.

Mr. G. F. HOAR. The invention of Whitney.

Mr. HAWLEY, of Connecticut. Yes; there was Whitney the New Englander, who by his invention of the cotton-gin doubled, tripled, quadrupled, quintupled, and twenty-folded the value of every acre of land in the South adapted to the cultivation of cotton. Before his invention you picked the seeds out of the cotton, with laborious industry, with your fingers, until he put a machine there which picked your cotton clean of its seeds and gave it to you like snow-flakes in its purity. I could not begin in two hours to give you a history of the ingenuity of the Yankee. Do not think that you can kill us by any change in your tariff laws. I would be delighted to talk over with the gentleman from Kentucky [Mr. BECK] what is called the revenue tariff system. I am not an extreme protectionist. There are men in my State who make keen-edged tools who care nothing about your tariff.

Mr. COX. They want it reduced on iron and steel.

Mr. HAWLEY, of Connecticut. I do not want to quarrel with my Pennsylvania friends on the iron and steel question. We cannot afford to have a dispute with different sections of the country about that matter.

I have constituents who send edged tools to be sold in almost all quarters of the globe. Even in the colonies of England these American articles, coming in competition with those of the best English makers, take the lead.

Not long ago I stopped at a town in Massachusetts, not far from Boston, where a man was putting up a heavy consignment of tacks for Melbourne, Australia. He told me that he could make them cheaper and handsomer, and put them up in better shape, than the English manufacturers.

My Pennsylvania friends and my friends from the West, who are interested in the production of iron and coal as well as a thousand new industries which are about to be introduced, are not the men to go back upon us in New England.

I want to say one word about these free-trade notions that we occasionally hear expressed here. The gentleman from Kentucky [Mr. BECK] complained a little, as I understood, that the duties had been removed from tea, coffee, sugar, and articles of that sort; and he has been complaining somewhat about the duty on silks. Now, I believe in taxing the luxuries and vices of the people; I believe in taxing all the costlier manufactures which are used by the rich. I believe in this upon general principles, wholly outside of the question of protection. But the gentleman from Kentucky and his friends think it better to collect the revenues of the Government upon tea, coffee, and sugar. They are everlastingly pointing to the British tariff under which a hundred millions of revenue are collected solely from a few articles—tea, coffee, and sugar, as well as wines, ales, &c. They think this an equitable mode of taxation; but they never made a greater mistake in their lives. John Smith, coachman, with half a dozen children, uses almost as much tea, coffee, and sugar as Mr. Jones, the millionaire, who employs him. Hence, under the free-trade tariff the coachman would pay just as much to the support of the Government as would the millionaire. Thus a free-trade tariff is a sort of poll-tax or *per capita* tax—the most odious of all taxes imaginable.

But the men who voted for the removal of the duties on tea, coffee, and sugar were, as I remember, not all republicans. If the democratic party insists on reimposing those duties, let them bring a bill for that purpose, and make a high fight upon principle for it; let them at the same time take off the duties on broadcloths, silks, champagnes, and a wide range of costly goods purchased only by the rich. Let them thus levy a poll-tax upon the poor man, so that the man who earns two dollars a day and lives on it will pay just as much revenue, in the form of duty on tea, coffee, and sugar, as the man who owns his millions.

Mr. SPEER. The gentleman will allow me to state that the bill repealing the duty on tea and coffee, was introduced by a democratic member of this House, the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. HAWLEY, of Connecticut. I think it very likely. I hold that this system of taxation which is called a revenue tariff——

Mr. COX rose.

Mr. HAWLEY, of Connecticut. Wait a moment.

Mr. COX. You are not doing justice to the democratic side of the House.

Mr. HAWLEY, of Connecticut. Do not be afraid; I will not hurt you; you can take care of yourself and me too. [Laughter.]

Apart from the question of protection or free trade, the revenue tariff of Great Britain is the most unjust tariff levied by any government of which I have any knowledge.

[Here the hammer fell.]

Mr. RANSIER resumed the floor.

Mr. COX. I hope the gentleman will yield to me for a few moments.

Mr. RANSIER. I have no objection to yielding five minutes.

Mr. COX. I do not want to dispute anything that has been said by my free-trade friend from Connecticut, [Mr. HAWLEY,] who has come as near as he could to the true doctrine while seeking still to preserve his relations with the Pennsylvania republican protectionists. Just a moment ago my friend said that he did not want to break with his Pennsylvania friends. Why, sir, I supposed he was the most independent man in this House. I supposed that in standing up for a principle he would break a lance with anybody, whether interested in steel, or coal, or anything else. Sir, I know from representations made to me by men who deal in the article that if you cut down the tariff on steel you will add to the revenue. So with other articles, including articles of luxury, such as laces. You can stop smuggling

and add to the revenue some $15,000,000 or $20,000,000 by such a reduction of duty. But you have not the courage to do it. You cower before the republican protectionists of Pennsylvania; and you have at the same time an alliance with the democratic protectionists of that State.

The gentleman will excuse me for taking care of the democratic side of the House.

Mr. SPEER. To what sort of alliance does the gentleman refer?

Mr. COX. Armed and unarmed, generally unarmed; offensive and defensive, but a little more offensive than defensive. [Laughter.]

Mr. RANSIER. I am willing to yield to the gentleman from New York.

Mr. COX. Thank you. I want to say one word to my colored friend. I say men of his position in this House, and in the country, who are looking to the wool and the clothing of the colored people, who are looking after the shovel and the hoe, the knives, the cutlery, and the agricultural implements all through the West and all through the South, should join New England now in order to have cheap caloric to run the engines and thus to have cheap cutlery, cheap agricultural implements. He will find by that system, if he remains in Congress long, we will increase the revenue by decreasing the tariff, as in England, where they have added £5,000,000 sterling to the revenue while reducing the expenses. And Mr. Gladstone brags of it.

Mr. HAWLEY, of Connecticut. Let me ask the gentleman from New York whether paupers have not been increasing there in the same ratio?

Mr. G. F. HOAR. Does not England get her revenue largely from Kentucky, by tax on Kentucky whisky and tobacco?

Mr. RANSIER. I must notice, before I go to the subject of civil rights which I have risen to discuss, a remark of my facetious friend from New York, [Mr. COX,] when he appealed to me as one of those desiring to give woolen and cotton goods, &c., to the colored people. I sympathize with him in that regard, but I object to any discrimination on account of color in that or any other matter. [Laughter.]

Mr. COX. I tell the gentleman I too am against discrimination in the color of the goods to be supplied to the colored people. [Laughter.]

CIVIL RIGHTS.

Mr. RANSIER. Mr. Speaker, but for some remarks made by the gentleman from Georgia, [Mr. HARRIS,] the gentleman from North Carolina, [Mr. ROBBINS,] and the gentleman from New York, our learned and genial friend, [Mr. COX,] during the protracted debate on civil rights, made before and subsequent to the recommittal of the bill on the subject to the Judiciary Committee, which in my judgment call for a specific reply, I would not again ask the attention and indulgence of the House for myself.

Statements have been made by one or all of these gentlemen, and others who oppose such a bill, as many of us think ought to pass, that ought not to go to the country uncontradicted, and a condition of affairs pictured by them as likely to follow its enactment into law which if true or likely to occur ought to go far toward the defeat of such a measure. If, on the other hand, these statements are shown to be untrue and to rest upon no foundation in point of fact, and that the enactment of such a law by Congress will be of benefit to all classes of our people and promotive of the ends of justice, of concord, and harmonious relationships, as we think we can show, then we cannot pass this measure a day too soon.

Mr. Speaker, this measure has been presented to us in masterly efforts in its constitutional aspects, and we are asked to consider it now in the light of practical statesmanship. We are asked to consider what would be the effect of its operation as to our school system and upon the relationships between the races. To these inquiries I propose to address myself as briefly as possible, and to this end I ask the indulgence of the House.

Before proceeding I desire to express my regret that anything should have occurred calculated to create ill-feeling between members of this House during this debate, and which the press of the country has characterized as contravening the legitimate limits of parliamentary courtesy.

It were far better if grave questions such as are involved in the consideration of a measure like this could be discussed in a spirit of fairness, and without passion or indulgence in such allusions as are calculated to give offense to members personally. Each of the friends of the measure, however, can say truthfully, "Thou canst not say, I did it: never shake thy gory locks at me."

Mr. Speaker, the honorable gentleman from Georgia, [Mr. HARRIS,] in his speech on the bill, said:

> I am satisfied, Mr. Speaker, that a very large majority of the republican members of this House do not understand the true condition of affairs in the South. For if they did, and are sincere in their avowals of solicitude for the welfare of the country, and especially for the prosperity and advancement of the colored race, I am very sure that they would indicate it in some better way than the adoption of legislative enactments which in my judgment, when tried, will not only prove unacceptable to the masses of colored people at the South, but alike destructive of the harmony and great interests of both races.

Now, sir, I am sure that a very large majority of the republican members of this House do know the true condition of affairs in the South, hence the desire on their part for the passage of such a measure. As to the remark that such enactments, "when tried, will not only prove unacceptable to the masses of colored people at the South, but alike destructive of the harmony and great interests of both races," he evidently misunderstands the situation himself. He is not the only member who has said during this debate that the colored people, the masses of them, are not asking for the passage of such a bill. The gentleman from Texas suggested the same thing.

THE COLORED PEOPLE A UNIT FOR CIVIL RIGHTS.

Mr. Speaker, there are organizations in nearly every State in the Union the object of which, in part at least, is to endeavor to secure for the colored people of the country their equal rights. They have been asking this of the country, through individuals with delegated authority to act, through State and county organizations, and through national conventions assembled for the purpose. In this connection I quote from the journal of the proceedings of the convention of colored men held at Columbia, South Carolina, October 18, 1871; which convention was composed of regularly elected delegates from nearly every Southern State:

To the People of the United States of America:

FELLOW-CITIZENS: The colored people of the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and the District of Columbia, have delegated to us, their representatives, assembled in convention, authority to give expression to their purposes, desires, and feelings, in view of the relation they sustain to the Government and people of the United States, under the course of events that has arisen since, and as a consequence of, the war of rebellion.

We owe to Almighty God and the spirit of liberty and humanity that animates the great body of the people of this country the personal liberty and the rights of citizenship that we enjoy, and shall, under the promptings of duty, labor for the permanence and perfection of the institutions that have served as the great instrument of consummating this act of justice.

In seeking more perfect recognition as members of the great political family to which the interests of humanity have been peculiarly committed, we desire to recognize our obligations and responsibilities as members of this great family, and to assure the American people that we stand among them imbued with a national spirit, with confidence in and devotion to the principles of representative popular government, and with ideas of policy that embrace every individual and interest of our common country.

We ask of you that you will give to the Government the fullest measure of moral support, to enable it to complete that which is so auspiciously begun, and that minor differences of sentiment and policy may be hushed while the nation is gathering up its strength to purge the land of the foulest crimes by the sword of justice. When the nation was threatened with division, political differences yielded to the necessity of maintaining its territorial integrity. Now, that it is again threatened from the vortex of passion and crime affiliated, let the same devotion to right and justice induce equal efforts to preserve its moral integrity.

While there remains anything to be accomplished, in order to secure for ourselves the full enjoyment of civil and political rights, we shall have class interests calling for the united efforts of persons of color. The moment these ends are secured, the motives for separate action will cease, and, in common with all other citizens, we can take our places wherever the interest of the Government, industry, or humanity may appoint, recognizing only one standard of duty, interest, or policy for all citizens.

We do not ask the Government or people of the United States to treat us with peculiar favor, but that, in the policy of the laws, our interest may be grouped with those that receive the consideration of our legislative bodies, and that, in the administration of the laws, no invidious distinctions be made to our prejudice.

We affirm that the colored people of the States represented by us have no desire to strike out a line of policy for their action involving interests not common to the whole people.

While we have, as a body, contributed our labor in the past to enhance the wealth and promote the welfare of the community, we have, as a class, been deprived of one of the chief benefits to be derived from industry, namely, the acquisition of education and experience, the return that civilization makes for the labor of the individual. Our want, in this respect, not only extends to general education and experience, such as fits the man to adorn the society of his fellows, but that special education and experience required to enable us to enter successfully the departments of a diversified industry.

The growth of this nation has shown that its institutions are capable of blending into a harmonious brotherhood all nationalities and all interests and industries. In all other instances than that of the accession of our race to citizenship, the accretion of the elements of its population has been gradual, giving time to complete the process of assimilation. In our case we are well aware that there was much to alarm the apprehensions of those careful statesmen who hesitated to speculate as to the strength of our institutions much beyond what was demonstrated by the precedents in parallel cases in Europe and in our own country. The instantaneous embodiment of four million citizens who had for years looked upon the Government as not only denying them citizenship, but as preventing them from acquiring that capacity under any other national existence, was, it must be admitted, a startling political fact.

But we are happy to point to the proof of the wisdom of those who regarded that course the safest that was indicated by the demands of justice. We are proud to be able to point to the history of our people since their admission to citizenship as proof that they understand what is due from the citizen to the Government owing him protection. Although they have suffered much at the hands of those who would deprive them of their rights, they have appreciated the difficulties and embarrassments that necessarily surrounded the attempts of the Government to vindicate their rights, and have waited uncomplainingly until relief could be afforded; although many times they could have found instantaneous relief by imitating their oppressors and taking the law into their own hands.

A convention subsequently held at New Orleans, Louisiana, which was composed of delegates from all parts of the country, issued a similar address as did the one recently held in this city. I have similar papers from meetings held all over this country to the same import. I will call attention to the following, which has been adopted by the Legislature of my own State; and be it known that in that Legislature there are about thirty-five democrats. The News and Courier newspaper, published in the city of Charleston, where I live, one of the leading democratic organs of the South, commenting upon the adoption of these resolutions, says that the democratic members, with a single exception, in both houses, voted for them. The following are the resolutions:

SUMNER AND CIVIL RIGHTS.

The following preamble and resolutions were adopted almost unanimously, only one vote being in the negative:

Whereas the recent introdution of the civil-rights bill in the Senate of the United States, by Hon. CHARLES SUMNER, Senator from Massachusetts, shows that he is

determined to crown a series of inestimable services to the cause of freedom and equal rights in America by removing the last vestige of the late barbarism, and placing the capstone of equal civil rights on the dome of the reconstructed Union; and whereas the State of South Carolina, ever mindful of the rights of all her citizens, and watchful for their privileges, has placed on her statute-book a bill to protect them in their civil rights within her domain; but is aware of its inadequacy to protect them when outside her limits; and whereas both by a common line of policy and by the solemn pledges of the Philadelphia convention, by the noble words of the last inaugural, and by the sentiments of our dominant party, the national and State republicans, and the honored Chief Magistrate, have placed themselves on record as favoring the passage of such a bill; and whereas a large party of the loyal citizens of this State and of the nation, irrespective of their intelligence, wealth, or position, whether they are private citizens or public officials, are discriminated against, in public travel and in places of general entertainment, to the degradation of their manhood and the violation of their rights as human beings: Therefore be it

Resolved, That we instruct our Senators and request our Representatives in Congress assembled to sustain, by their influence and by their votes, the bill introduced by Senator SUMNER to attain the equality of civil rights before the law.

Resolved, That we sympathize with the movement on the part of the large class of citizens whose rights are thus willfully and persistently outraged to unite in a convention on the 8th of December, 1873, to memorialize Congress on this subject; and in view of the near approach of the meeting aforesaid, we, representing the people of the State of South Carolina, authorize those of our Representatives who may be identified with the class whose rights are thus daily violated to attend the said convention and represent our State.

Resolved, That copies of these resolutions be engrossed and forwarded to Hon. CHARLES SUMNER, his excellency the President of the United States, and to our Representatives in Congress, and to the president of the equal rights convention.

I call the attention also to the following, a copy of which has just been presented in another body:

ATLANTA, GEORGIA, *January 26*, 1874.

Whereas Hon. A. H. STEPHENS, in his speech before Congress January 5, 1874, said that colored people of the State of Georgia did not desire the passage of the civil-rights bill; and whereas the Georgia Legislature has also adopted resolutions informing the Congress of the United States that the colored people of Georgia do not desire the passage of said civil-rights bill; and whereas the allegations of Mr. STEPHENS and the Georgia Legislature are without foundation in fact: Therefore,

Resolved, That we, a portion of the colored citizens of Georgia, do most solemnly deny both the speech of A. H. STEPHENS and said resolutions of the Georgia Legislature, so far as they relate to the colored citizens of this State being adverse to the passage of said civil-rights bill.

Resolved, That some arrangement be made by this meeting to deny the fact of the said assertions of Mr. STEPHENS and the Georgia Legislature.

Resolved, That we, the citizens of the city of Atlanta, Georgia, immediately inform the Congress of the United States that we desire a speedy passage of the civil-rights bill, and that we claim it as a right they owe us as members of the republican party, and more particularly as citizens of the United States.

Resolved, That we most heartily congratulate and thank Mr. ELLIOTT for his able and pointed speech, January 6, 1874, in the House of Representatives of the United States, in behalf of the passage of the civil-rights bill, and in vindicating the ability and patriotism of the colored citizens of the country.

J. B. FULLER,
Chairman.
J. O. WIMBISH,
W. D. MOORE,
Secretaries.

Therefore, we, a committee appointed at a mass-meeting of the colored citizens of the city of Atlanta, Georgia, held on the 26th day of January, 1874, with power to forward the above expression of 11,000 of the colored citizens of this city, do make this petition:

To the honorable Senate and House of Representatives:

We, the undersigned committee, do hereby respectfully petition your honorable bodies to speedily pass the civil-rights bill, now under consideration in Congress, as the earnest request of the above-stated citizens, with the further request that your honorable bodies will, in view of the unjust manner in which we are now treated by the Legislature and judicial tribunals in this State, enact such laws as, in your wisdom, are necessary to secure each citizen in the United States, without regard to race, color, or previous condition of servitude, equal civil and political rights, privileges, and immunities before the law.

And we your petitioners will ever pray.

H. E. BAULDIN,
ROMULUS MOORE,
C. WIMBISH,
C. H. MORGAN,
JAS. A. TATE,
Committee.

I affirm, Mr. Speaker, that, so far from the masses of the colored people not desiring civil rights, no man could, having made known his object, obtain without intimidation or coercion in some form the signatures or assent of one hundred colored men in any State of the Union against the passage of a full and complete civil-rights bill by Congress, or to indicate a disapproval of it "when tried."

The gentleman from Georgia [Mr. HARRIS] suggests that such a measure "will not only prove unacceptable to the masses of the colored people at the South, but alike destructive of the harmony and great interests of both races." Just here he thinks, and very properly so, is a wide field for practical statesmanship.

Mr. Speaker, not only since the rebellion, passing through some terrible scenes during and since reconstruction, (if indeed that work is completed,) and during the terrible four years when the country groaned amid the throes of rebellion, but during the entire two hundred and fifty years, whether as slave or freeman, has the black man in our country exhibited a patience under long suffering, a forbearance under most provoking circumstances, and a forgiving and friendly disposition, that make him at once a good and peaceable citizen and perhaps a study.

He is taunted for his conduct during the war by the honorable gentleman from North Carolina, [Mr. ROBBINS,] because he did not lay in ashes the home of his master and murder the women and children while he (the master) was engaged in that which the gentleman seems to glorify. He says:

Look at one more fact. Nearly three years before the war ended the four million negroes of the South knew that its result involved the question of their liberty. Yet while the continent shook with the earthquake of war, and nobody was at home but old men and boys to keep them in order, those negroes seized no weapon and struck no blow. I do not mention it as a reproach to them. It merits rather the thanks of southern men. I mention it only to show that the negro is not like the white man. What race of white men would have remained quiet under the same circumstances? When the proclamation of emancipation was issued the peculiar patrons of the negro in the North expected him to rise and throw off the yoke and butcher our wives and children; and in the abundance of their philanthropy and humanity they hoped so, too.

Mr. Speaker, I have nothing to say in reply to those remarks as to the conduct of the colored people during the rebellion. Upon this and some other points he has been answered by my colleague, [Mr. CAIN,] except that if (and I say this in the kindliest spirit) those with whom the gentleman acts politically had shown during the years of the agitation of the question of slavery in this country, especially in the past fifteen years or so, that patience, Christian spirit, and I might add good sense, exhibited by the negro during the rebellion, the country would not have been called upon to mourn the loss of three hundred thousand of her sons, cut off by the casualties of war, and to groan today under a debt of over $2,000,000,000.

Nor is this all. The gentleman from North Carolina uses language that is calculated to keep alive whatever of sectional feeling there may be existing between the people of the North and the people of the South, which it is the business of the statesmanship of to-day to allay and to bury in the oblivion of the past, if possible, in the interest of both sections and of all classes and colors. This language I shall not repeat; it is found in the concluding sentence of the extract of his speech just quoted.

Mr. Speaker, when I plead for the passage of a full and complete civil-rights bill that shall seek to prevent and punish discriminations against the citizen, I know that I speak for five million people, and ask for that which is a necessity to them; and when I say that these five million people desire to live on terms of amity with their white fellow-citizens, I know that I correctly represent them. The negro desires to forget the wrongs of the past, and has imposed no disabilities upon those who held him as a slave, when and where he has been in a position to do so; and he rejoices to-day, both from motives of patriotism and self-interest, that the bitter feeling against him in the South, especially on the part of those who were his owners, which found expression in acts of violence and butchery, is fast dying out; that a better state of feeling exists, which must increase as he becomes educated, and, therefore, better acquainted with his duties and responsibilities as a citizen, and as the other unlearns some of the teachings of the past.

THE NEGRO DESIRES HARMONIOUS RELATIONSHIP WITH ALL OTHER RACES.

Mr. Speaker, if I believed with the gentleman from Georgia [Mr. HARRIS] that such a measure as the bill we are now discussing would be "destructive of the harmony and great interest of both races," I, for one, would not insist upon its passage. I insist upon it, sir, not only because it is right in the abstract, but also because I feel that it will remove from the field of politics that which goes far to array one class against the other, in the South especially, I mean those class and caste distinctions, and would go far to disarm the mere political demagogue who is ever on the alert to use the colored vote, indifferent as to the ultimate results, so long as their selfish purposes can be best served thereby. It will increase his opportunities for learning and make him a more intelligent and independent voter, and make him feel a deeper interest in those questions affecting his material welfare and that of the community in which he lives. He will then have no animosities to feed or nourish, or at least no occasion for any, and as he advances in the scale of intelligence and usefulness, and acquires wealth through the unobstructed avenues to the school-house and to the industrial marts, and finds his undisputed way to the witness-box, the jury-box, and the ballot-box, which is his right, then the prejudices against him will melt as does the snow under a burning sun. Then, and not until then, will a more harmonious relationship be brought about between him and his more favored brother, the Caucasian, to whose interest it is, especially in the South, that this desirable result should be brought about. Sir, permit me to say we want peace and good-fellowship in the South and throughout the country; we want race lines and sectional feelings blotted out and buried forever. We want new life and vigor infused into the arteries of our industries in the South; we want assistance in the direction of developing our vast and hidden material resources, and to rebuild our waste places, and to this end I ask, in the name of the black man and in the name of the white man of the South alike, the generous aid and encouragement of the powerful North, the great and liberal East, and the sturdy and growing West.

VINDICATION OF THE COLORED MAN AS A SOLDIER DURING THE WAR OF THE REBELLION.

Mr. Speaker, the honorable gentleman from North Carolina [Mr. ROBBINS] said in his speech the other day, in which he compared the colored man to somebody's "merry-andrew," referring to the dissimilarity of the races, that "this is a question which has puzzled the brains of scientists for centuries," and that—

If we were in a lyceum discussing ethnology, I would enlarge upon and fortify it. Here I merely throw out the hint, to be laughed at by fools, but to be pondered by those who realize the mystery and (as Carlyle says) "the deep tragedy of human life."

Now, Mr. Speaker, I doubt not that if that gentleman undertook to discuss that subject, "which has puzzled the brains of scientists for centuries," in a lyceum, he would find as many fools, judged by his standard, among his audience as he must have noticed here when he made this modest exhibition of his prodigious attainments in the direction indicated.

I desire to call attention to another remark he made in the speech referred to. The honorable gentleman said:

Despite all that we have heard on that subject, the negro is no fighter. To prove that he is, we are pointed to the records of the recent war between the States. Yes; infuriated with whisky, he was brought to the scratch a few times, only to be sacrificed without result.

He said also:

Even here on this floor (and I mean no disrespect to any fellow-member by this remark) he does nothing, he says nothing, except as he is prompted by his managers; even here he obeys the bidding of his new white masters, who move him like a puppet on the chess-board.

As to this remark, Mr. Speaker, I beg to refer the honorable gentleman to the fifth chapter of the Acts of the Apostles, and to call his attention to the terrible fate of the persons therein spoken of, (Ananias and Sapphira.) The gentleman is indeed fortunate in having escaped a similar fate while uttering the words just quoted from his speech.

As to the other remark, that the negro is no fighter, in proof of which he says that only fifteen hundred of them were killed in action during the rebellion, I have a word to say.

I cannot, Mr. Speaker, within anything like the time allowed, read over or quote the opinions of those who have made this very question raised by the gentleman a matter of study at any considerable length. I quote the following, however, from a book entitled Military Services of General David Hunter, United States Army, during the War of the Rebellion, pages 18 and 19, which, while it is complimentary to the colored soldier, also shows the animus underlying such statements as those made by this impartial "scientist" and others like him:

EXECUTIVE MANSION, *Washington, April* 1, 1863.

MY DEAR SIR: I am glad to see the accounts of your colored force at Jacksonville, Florida. I see the enemy are driving at them fiercely, as is to be expected. It is important to the enemy that such force shall not take shape, and grow, and thrive in the South; and in precisely the same proportion it is important to us that it shall; hence the utmost caution and vigilance is necessary on our part. The enemy will make extra efforts to destroy them, and we should do the same to preserve and increase them.

Yours, truly,

A. LINCOLN.

Major-General HUNTER.

I also quote from the same book, pages 26 and 27, being in part reply by General Hunter (who first employed colored men in the South as soldiers during the rebellion) to resolutions of the United States Senate inquiring as to the authority for so employing these people.

The general says:

The experiment of arming the blacks, so far as I have made it, has been a complete and marvelous success. They are sober, docile, attentive, and enthusiastic, displaying great natural capacities in acquiring the duties of the soldier. They are now eager beyond all things to take the field and be led into action, and it is the unanimous opinion of the officers who have had charge of them that, in the peculiarities of this climate and country, they will prove incalculable auxiliaries, fully equal to the similar regiments so long and successfully used by the British.

Nor was the conviction that the colored men could be employed to advantage as soldiers during the rebellion confined to the officers of the Union Army. The confederate government passed an act, approved March 30, 1865, authorizing the employment of negroes as soldiers. A copy of this act is printed in the report of the Secretary of War, first session Thirty-ninth Congress, pages 139 and 140. It reads as follows:

An act to increase the military forces of the Confederate States, &c.

That if under the previous sections of this act the president shall not be able to raise a sufficient number of troops to prosecute the war successfully and maintain the sovereignty of the States and the independence of the Confederate States, then he is hereby authorized to call on each State, whenever he thinks it expedient, for her quota of three hundred thousand troops in addition to those subject to military service under existing laws, or so many thereof as the president may deem necessary for the puposes therein mentioned, to be raised from such of the population, irrespective of color, in each State, as the proper authorities thereof may determine.

This law was never put in force, the rebellion having collapsed before colored men were mustered in that service *vi et armis*.

This action is the one remarkable instance where the southern people were perhaps a unit in favor of the doctrine of no discrimination on account of race, color, or previous condition of servitude.

A study of the opinions expressed by one hundred and fifteen surgeons engaged in the examination of both black and white recruits and substitutes goes to substantiate an idea which is common among ethnological authorities, namely, that no race is equally adapted to all circumstances of life; that mankind obey the same general laws that govern the distribution of floræ and faunæ upon the earth; and that the isotherms between which are limited the health and development of the negro do not comprehend less space upon its surface than those within which the others are confined.

It may be confidently affirmed that the statistics of the Medical Bureau, which refer principally to physico-geographical influences and to the effects of the intermixture of blood upon the negro, when taken in connection with those parts of the Surgeon-General's forthcoming report in which he is regarded as amenable to the vicissitudes of war, will form a more complete and reliable physical history of this race than exists at this time.

It would not be in accordance with the plan of this report to enter upon a discussion of the comparative aptitude for military service exhibited by the two types of mankind of which I have been speaking without the accompanying tables as evidence of the data upon which my opinions were based.

It appears, however, that of the surgeons of boards of enrollment five have given their opinion that the negro recruits and substitutes examined by them were physically a better class of men than the whites; nineteen that they were equal; two that they were inferior. A favorable opinion as to their fitness for the Army is expressed by seventeen; a doubtful one, because of insufficient data on which to ground the decision, by forty-three; an unfavorable opinion by nine; and by twenty a statement of not having come to any conclusion upon this subject. The question of the prevalence of disease among the negro inhabitants of different sections of the country is one upon which, at present, no specific opinion can be expressed. As in the case of the white race it may be shown hereafter that their maladies conform to those general principles which have been heretofore established. The discussion of the physical characteristics of the negro, as involving the propriety of his use in war, only belongs to this department. It is difficult and, in the present state of science, most uncertain to erect upon any general characteristics of organization anything but the most general rules concerning the effect of that structure upon the moral and intellectual nature. It may be said, however, that there are not more instances of disqualifying causes of this nature among the negroes in proportion to the numbers examined than are to be found in the records of exemption among the white race.

Again, Mr. Speaker, the total number of white troops, regulars and volunteers, in service during the rebellion in the Union Army is put down at 2,041,154. Of this number 42,724 are reported killed in action, 1½ per cent.

The total number of colored troops in service during the rebellion was 180,000. Of that number 1,514 are put down as killed in action; to which number are added 896 reported missing by competent authority, who were evidently killed, making 2,410 or about 1½ per cent., showing on the whole a difference of about ⅛ of one per cent. When it is considered that the colored soldier participated in no battle, because he was not admitted into the service, until some of our heaviest battles were fought, is it not fair to strike off this difference of ⅛ of one per cent.? This done, would it not be fair to say that the white and the colored troops in the Union Army during the rebellion, in the direction indicated by the gentleman from North Carolina, stand upon about the same footing?

But, Mr. Speaker, enough of this. All of us might read the following lines, which are found in the works of CHARLES SUMNER, volume 2, page 34, to advantage. It appears that they were written by Edmund Waller:

Earth praises conquerors for shedding blood:
Heaven, those that love their foes and do 'em good.
It is terrestrial honor to be crowned
For strewing men, like rushes, on the ground:
True glory 'tis to rise above them all,
Without the advantage taken by their fall.
He that in fight diminishes mankind
Does no addition to his stature find;
But he that does a noble nature show,
Obliging others, still does higher grow:
For virtue practiced such an habit gives
That among men he like an angel lives;
Humbly he doth and without envy dwell,
Loved and admired by those he does excel.

Mr. Speaker, that which seems to be most objectionable to many gentlemen, some of whom are in favor of the bill in other respects, is the provision prohibiting discriminations in the public schools on account of color or race. It is feared, and so said by some gentlemen who favor the bill, that to incorporate this feature in the bill, and to attempt to enforce it, will destroy the school systems in the South especially, and operate as a check upon the education of the children of both races.

Mr. Speaker, it does not seem to me that these fears are well founded. About the same line of argument was urged by many good people as to the abolition of slavery and clothing the colored man with the elective franchise, and at every step in the grand march toward freedom. Yet, sir, in nearly every instance these objections and apprehensions vanished, and were in a great part lost sight of upon trial. Then, too, sir, the principle upon which you concede, if you please, the right of the colored man to the privileges of the car, the inn, the theater, the witness and the jury box, apply in this case as well.

Sir, the learned gentleman from New York, [Mr. COX,] whose speeches are always to be read with interest and profit, well said in a speech delivered here recently:

Is it not irrefragable that if the right to the inn, railroad, theater, and cemetery be conceded to the black (as provided in the civil-rights bill) to the same extent as to the white to enjoy them, (though the enjoyment of the grave-yard is perhaps a melancholy hilarity,) that the same right should be extended to them as to the schools? The colored members are correct in their reasoning, assuming these premises. Indeed, all the *amis des noirs* who have spoken, if right at all, are right in demanding equality alike in school and inn, in cemetery and car. When you debar them from the school you as much keep up the bar sinister as by keeping them from the play-house. Would it not be a craven logic, unworthy of the struggling blacks and their admirers, to insist on the one and not the other?

NON-PROSCRIPTIVE SCHOOLS PROMOTIVE OF HARMONY.

Sir, as to the practical working of non-proscriptive schools, or, in other words, schools where black and white are taught in the North and East as well as in the South, it does not appear that either race is injured, or that the cause of general education suffers. At Yale, Harvard, Wilberforce, Cornell, Oberlin, the testimony is that both races get along well together. Nor is the South without such schools. In Madison, Kentucky, there is the Berea College, a notice of which I read from The American Missionary, for November 1873, pages 243 and 244. It reads as follows:

Less than thirteen years ago sixty-five armed men drew themselves up in line before Professor Rogers's house, close to the spot where now stands this new building, and notified the professors and trustees that they must leave the State within ten days. Less than six years ago half the whites left the school because black men were admitted to its privileges; but the white students came back in time, and some of those who participated in mobs are not ashamed now to be recognized as friends. * * * * * * * * * *

Here are gathered from twelve to fifteen hundred people from the mountains and from the Blue Grass country, literate and illiterate, rich and poor, white and colored, farmers, mechanics, and professional men; a very mingled crowd, but a very attentive and orderly audience.

It is an interesting sight, that large number under the green roof, listening eagerly through the morning and evening. But the fact that southern-born whites and blacks, in nearly equal proportion and in large numbers, have, for the past six years, recited together and in perfect harmony, makes this institution typical of what may be accomplished throughout the nation, and makes it of more than local importance. It requires no argument to show how much the colored people will be benefited by such an education. There is nothing like just such a school as this to teach mutual respect and forbearance, to dignify labor, to enforce a regard for the person and property of all classes, and to take away some of the arrogant supercilliousness of caste and race.

I also call attention to the following from the New York Independent, January 22, 1874, headed "Civil Rights and Yale College:"

Where the principles of impartiality have been brought to bear, whether in reference to schools, cars, churches, or hotels, there has always been first a huge outcry from the whole herd of white tyrants; then, upon the first trial, an ostentatious repugnance on the one hand, and a visible sensitiveness on the other, but finally both repugnance and sensitiveness forgotten in general acquiescence and oblivion. If Mr. HARRIS has forgotten it, will he please listen to a chapter in the history of Yale College?

In the year 1831 there was an effort put forth to secure a college for colored youth. At that time even the crumbs which fell from the mental boards of the various colleges were denied these people. It was proposed to locate this college in the city of New Haven. But when this plan became known a violent opposition at once arose. The officers of the city called a public meeting. The city-hall was densely packed, and the whole afternoon was given to the consideration of the matter. The following is the public record of the result:

"At a city meeting, duly warned and held in the city-hall, in the city of New Haven, on Saturday, September 10, 1831, to take into consideration a project for the establishment in this city of a college for the education of colored youth, the following preamble and resolutions were by said meeting adpted, namely:

"Whereas, in the opinion of this meeting, Yale College, the institutions for the education of females, and the other schools already existing in this city, are important to the community and the general interest of science, and as such have been deservedly patronized by the public; and the establishment of a college in the same place, to educate the colored population, is incompatible with the prosperity, if not the existence, of the present institutions of learning, and will be destructive of the best interests of the city: Therefore

"*Resolved, by the mayor, aldermen, common council, and freemen of the city of New Haven in city meeting assembled*, That we will resist the establishment of the proposed college in this place by every lawful means.

"DENNIS KIMBERLY, *Mayor.*

"ELISHA MONSON, *Clerk.*"

It is needless to add that the danger was averted by this prompt and imposing array of force, and Yale College was saved to New Haven, and Connecticut, and the country. In 1831 the delicate nerves of Yale College could not endure the shock of seeing black boys educated a mile away; now she takes them to her own arms and bids them call her *alma mater*, and to our notion she looks quite as fair and buxom as ever. We are not a bit surprised to hear Mr. HARRIS, of Virginia, talk in the same wild strain as did Mayor Kimberly in 1831; for we knew him to be forty-three years behind the times.

Again, the following from Old and New for February, 1874, a respectable monthly published in Boston, Massachusetts, and written by C. G. Fairchild, a writer not unknown to fame, will be read with interest by all thoughtful persons. It is headed "Non-proscriptive Schools in the South." The writer says:

The question of non-proscriptive schools at the South takes us at once to the fountain-head of a formative influence, to that which in itself begets force, which is noiseless and imperceptible, but which is as pervasive as sunlight, and as powerful to build up that against which tempests may waste their energies in vain. "Whatever you would have appear in a nation's life, that you must put into its schools," was long since a Prussian motto. Powerful as Prussia has proved this influence to be in fostering a love of country, it is far more powerful in the more subtile work of strengthening or allaying social prejudices. Are non-proscriptive schools, therefore, desirable; and can they be secured?

Few can understand, without careful and extended personal observation, how essentially different was the construction of society in the South from that in the North. It recognized two distinct classes—the laboring class and the cultured class; classes as distinct as the roots and the fruitage of a tree. The one class needed only the shelter of the hut, as the horse has his stable; for the other, no mansion within the reach of their means could be too spacious or elegant. Theoretically all labor was to be performed by slaves; while the fruits of labor were to raise to the highest culture and perfection the ruling class. Such a society had no place for an industrious, self-respecting middle class. Slave labor placed its own badge of servile degradation upon all labor. The white man whose hands were roughened in the strife for his daily bread was despised even by the negro slave. No southern conception was more natural than that northern society was composed of "mud-sills." Universal labor meant nothing else to them.

How, then, shall this exploded idea of civilization be overcome? In times past the negro race has been the exponent of labor at the South; and it is, for many years to come, to be closely associated with it. If, therefore, this race is to be separated from all others in the public schools, and even the youngest children are made to feel that the race is set apart for its special mission and destiny in society, how can we hope to make labor respectable? The old badge of servile degradation will attach to it not only for the black man but for the white man. To place blacks and whites in the same school is not to say that the races are equal or unequal. It is to animate all the individuals with a common purpose, with reference to which color or nationality has nothing to do. If color or nationality has anything to do with social affinities, non-proscriptive schools will not affect their natural and healthy influence. But color and nationality have nothing to do with labor. That is a matter of capacity and necessity. This fact a truly common-school system will impress constantly and effectively upon society, and thus relieve labor from a most unnatural and damning stigma put upon it by slavery.

The class distinctions perpetuated and taught by class schools infuse a detrimental influence into politics. Black men, no less than white men, should differ on public questions. But such difference cannot show itself in political action to any great extent as long as there is perpetuated a distinction so fundamental between the white man and the black as that the children of the latter cannot go to school with those of the former. In such a case class interests will predominate over those interests which are more general and less personal.

The same writer, in noticing an institution at Marysville, Tennessee, where black and white children and youths are taught, says:

If all the facts bearing upon this point could be collated, not only the enemies but the friends of non-proscriptive schools would be astonished.

Let the doors of the public-school house be thrown open to us alike, sir, if you mean to give these people equal rights at all, or to protect them in the exercise of the rights and privileges attaching to all freemen and citizens of our country.

THE COLORED VOTE.

It is true, sir, that these people, the colored people of our country, compose a very small minority of the American people, yet they contribute largely toward its industrial interests and at times play an important part in political affairs. For instance, President Grant's popular majority in the last presidential election was 762,991. The total colored vote is put down at 900,000. Now, allowing 10,000 of this vote to have been cast for Mr. Greeley, and 50,000 of these voters as not voting at all, which I am satisfied is in excess of the number of this class not voting, making 60,000, then deduct the 60,000 from the 900,000, and the result will show a colored vote polled of 840,000 for General Grant; yet the popular majority of General Grant as taken from the Tribune Almanac for 1873 was not more than 762,991, as already stated.

To the curious in such matters, and to those who seriously consider our institutions in this respect, this might be considered as not unworthy of a passing notice.

FINANCES.

Mr. WILBER. Mr. Speaker, having been largely engaged in business for many years past I have had some experience in the commercial interests of this country. The financial panic last fall has caused the members of this House to flood upon us many theories. I sometimes think that it is an utter impossibility to form any idea what will be done upon this question.

With this state of things existing, the West and the South are generally favoring more national banks, and many are for inflation. I have heard some wild schemes, very much wilder than I ever expected, and the inventors seem in earnest to carry them through. I fear too much legislation upon this subject.

Some inflationists say, "Give us twice as much currency." Others say, "Give us the $400,000,000 of legal-tenders, and no more." To do that would inflate to the amount of $17,000,000. I doubt the propriety of that, and think we have plenty of currency now.

I would not be in favor of issuing the $17,000,000 except upon one condition, and that to be discretionary with the Secretary of the Treasury, as money can now be had at a low rate of interest—in case of a panic like that of last fall, and then the issue should only be temporary. I would only desire to have it in an emergency, to keep the wheels of industry in motion. I would so organize the finances as not to throw thousands of the laboring classes out of employment, and bring upon them destitution and starvation. I would prevent the breaking up of the best business firms of the country; and after the panic was over I would have the Secretary of the Treasury gradually retire the $17,000,000 from circulation, and not allow another dollar increase of paper under any other circumstances. For we should commence and take one step toward specie payment. The people have had the promise of it, and the republican party has pledged it in their conventions. The honor of this great and powerful country demands it. The question is, how are we going to do it?

Some say issue bonds, buy gold, and resume. No, sir; I would not issue another gold bond. Would we not owe the same amount of gold for the bonds we issued and sold; what better off would we be? This country does not possess the gold to buy the bonds, and they would have to find sale in a foreign market, where they now own too many of our bonds already. Would not the Government, being flush with money received from the sale of those bonds, invest it in different schemes that might be dispensed with, while the debt, both principal and interest, would have to be paid in gold to foreign nations where it was borrowed, and keep draining this country of the coin so much needed? Would not this be premature resumption? I would not issue another gold bond; not one. On the contrary, put a higher protective tariff on articles that could be manufactured in this country. Encourage the building up of manufactories to enrich the nation, and have the property so built help pay the taxes; and this would make more demand for labor, to be supported here instead of in Europe. We do not want to bring the price of labor here down on a par with labor in Europe. In this way we would soon have the balance of trade with foreign nations in our favor; and with the large

product of our mines, together with the balance of trade in our favor, the coin of our country would rapidly increase.

This is my idea of inflation; to accumulate coin to add to the money we now have; to inflate with coin instead of paper, to keep pace with the growth of the nation, and in a short time we can resume specie payment with the same ease that the sun rises in the morning and moves on and upward until noonday. To the East, West, North, or South, that need national banks, give all they wish. In this liberal Government it was intended to give every man an equal chance and not favor any kind of monopolies. And in establishing new national banks under the same national banking laws that now exist for national banks, when currency is issued to those new banks have the Secretary of the Treasury retire the same amount of legal-tender notes as are issued to the new banks.

In fact, there are so many different ideas presented there is danger of doing too much. The country is now prosperous; we have passed over the panic of last fall; and I believe we cannot at this time make any better banking law than we now have. We have tried it. The people had more confidence in national-bank bills last fall than in banks or business firms. They chose rather to hoard them up than loan to banks or business firms with interest. Furthermore, I will guarantee that not a member here can tell what bank a single bill is on which he has in his pocket.

All this goes to show that the people ask no change. It is right as it is. We never look to see what bank issued the bill, whether it is North, South, East, or West; it makes no difference if we see that it is a greenback. You do not have to carry a bank-note detector in your pocket now.

One great question is to give us proper protection, so as to keep the balance of trade in our favor, and then the corn of our country will accumulate with the growth of this nation. If we continue on with this protection, with our well tried national-bank system under the laws as they now exist, giving the people new national banks where they are needed, not trying to do too much, under this management, without making new and dangerous experiments, with the rich growth of manufacturing interests, and with economical legislation, the rich products of our mines, and the large developments of our agricultural pursuits, and the great inducements for emigration to this country—I assure you if this policy is pursued and carried out it will cause us to grow richer in gold and more powerful than any other country in the whole world.

Mr. SPEER. I move the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty-six minutes p. m.) the House adjourned.

IN SENATE.

MONDAY, *February* 9, 1874.

Prayer by Rev. H. V. VOORHEES, D. D., of New York.

On motion of Mr. MORTON, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

SENATOR FROM CALIFORNIA.

Mr. SARGENT presented the credentials of Hon. JOHN S. HAGER, chosen by the Legislature of California Senator from that State to fill the vacancy occasioned by the resignation of Hon. Eugene Casserly.

The credentials were read; and the oaths prescribed by law having been administered to Mr. HAGER, he took his seat in the Senate.

DISTRICT GOVERNMENT INVESTIGATION.

Mr. SHERMAN. On the last day of the session of the Senate I entered a motion to reconsider the action of the Senate on the resolution for a joint committee relative to an investigation of the affairs of the District of Columbia. While I still think the Senate ought not to participate in the investigation of matters which may come before it in another capacity, involving the conduct of officers who are subject to impeachment, yet under the circumstances of this case I prefer to withdraw my motion rather than create delay, so that the committee may organize and proceed to discharge its business.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent to withdraw the motion made by him on Friday to reconsider the vote by which the Senate passed the concurrent resolution in regard to an investigation of the affairs of this District. Is there objection? The Chair hears none, and the motion to reconsider is withdrawn.

PETITIONS AND MEMORIALS.

Mr. RAMSEY. I present a petition of a number of citizens of the State of Minnesota and Territory of Dakota, asking an appropriation for the improvement of the Red River of the North. To show the value and importance of that river, which is so remote, in the estimation of many Senators here, I will say that the petitioners state that fifteen million pounds of freight were shipped from Moorhead down said river by steamboats and barges during the boating season of the year 1872, and that the amount so shipped had increased to thirty million pounds during the boating season of 1873. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. SCOTT. I present the memorial of the American Iron and Steel Association, adopted at its recent meeting in Philadelphia. It embraces a number of subjects, and so I have made an abstract as brief as I can. The memorialists pray for the repeal of section 2 of the act of June 6, 1872, which made a reduction of 10 per cent. upon duties; protest against the proposed amendment to the tariff laws excluding the cost of packages and shipping charges from the invoice value of foreign goods upon which duties are to be assessed, and allowing appraisers to take the cost of goods at the point of shipment as the basis of valuation; state themselves to be in favor of an amendment to the bankrupt law giving three-fourths of the creditors of an insolvent the right to control the settlement of his affairs; in favor of the omission of the tariff law from the schedule of the revised and codified laws of the United States until said tariff law is reformed by the repeal hereinbefore prayed for, by the conversion of *ad valorem* into specific duties, and the enlargement of the free list; or if the delay required for such reformation cannot be granted, praying that so much of the revised code as relates to duties may be examined by competent experts, and published for the information of the country before its final adoption; in favor of the creation of a department of industry, having for its head a cabinet officer, to be called the secretary of industry, and embracing bureaus of agriculture, manufactures, and commerce; in favor of the limitation of the legal-tenders to $400,000,000; in favor of the repeal of the limitation upon currency, and the freedom of the banking circulation under national banking laws, subject to certain regulations; in favor of the consolidation of the national debt in a loan at a low rate of interest, which shall be the sole basis of banking, redeemable only by purchase in open market by Government; and praying for adherence to that general policy of protection to home industry which has made the nation powerful and its people prosperous.

The only subject in this memorial upon which action has been taken, I believe, is the bankrupt law. I therefore move that the memorial be referred to the Committee on Finance, within whose cognizance the other topics properly come.

The motion was agreed to.

Mr. FERRY, of Michigan, presented the petition of Rev. G. P. Tindall and ten other ministers of the gospel, residents of the State of Michigan, praying that the unappropriated portion of the Chinese indemnity fund be appropriated for the education of the Chinese in the Pacific States; which was referred to the Committee on Education and Labor.

Mr. WRIGHT. I present a joint resolution of the General Assembly of the State of Iowa; which I ask may be read, printed, and referred to the Committee on Public Lands.

The Chief Clerk read as follows:

A joint resolution memorializing the Congress of the United States to appropriate money to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa, within the so-called Des Moines River grant, on account of failure of title, &c.

Whereas there is now pending before Congress a bill having for its object the appropriation of the sum of $404,228 from the national Treasury to indemnify the holders of pre-emption certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant, on account of the failure of the title of said holders to said lands; and whereas said holders purchased said lands in good faith and for a valuable consideration from the General Government, and in good faith made permanent improvement thereon; and whereas the said holders of said certificates and occupiers of said lands have, without any fault of their own, been deprived, by the decision of Federal judiciary, of the titles to said lands, and have thereby suffered actual loss to the extent of the sum above specified in the aggregate, as appears by the report of the commissioners appointed by the President for the purpose of ascertaining such loss; and whereas we believe such report just and true, and that said holders of said certificates are justly and truly entitled to be indemnified: Therefore,

Be it resolved by the General Assembly of the State of Iowa, (*first*,) That our Senators in Congress be instructed, and our Representatives requested, to earnestly support the bill recently introduced into the House of Representatives of the United States by the Hon. JACKSON ORR, entitled "A bill to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant, on account of failure of title, and to procure a relinquishment of the paramount title of the United States."

Resolved, (*second*,) That the secretary of state be, and is hereby, directed to furnish each of our Senators and Representatives in Congress a copy of these resolutions.

JOSEPH DYSART,
President of the Senate.
JOHN H. GEAR,
Speaker of the House.

Approved February 3, 1874.

C. C. CARPENTER.

I hereby certify that this joint resolution originated in the senate.

J. A. T. HULL, *Secretary.*

The resolution was referred to the Committee on Public Lands, and ordered to be printed.

Mr. FLANAGAN. I present a memorial of business men of the city of Tyler, Texas, approving the principle of the bankrupt law of the 2d of March, 1867, that the estate of an insolvent should, by law uniform throughout the United States, be divided equally among the creditors of the insolvent; and believing that a uniform rule should exist throughout the whole country for the prevention of frauds upon, and preferences among, creditors in cases of insolvency, and that a like uniform rule should prevail by which an honest insolvent may obtain a discharge from his debts, while agreeing that, in a number of its provisions, the law ought to be amended, respectfully remon-

strate against the proposed repeal of the bankrupt law, and praying Congress to take action for the amendment of the same.

I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MERRIMON. I present the petition of ship-masters and foreign vice-consuls at the port of Wilmington, North Carolina, suggesting the importance of certain improvements at the mouth of the river Cape Fear.

I may state that the city of Wilmington is one of the most prosperous and enterprising cities on our Atlantic sea-board. It is a great entrepôt for naval stores, and it is an extensive cotton and produce market, and has an extensive foreign and coastwise trade. It is not surprising, therefore, that the people there feel a great inte rest in the improvement of the mouth of the Cape Fear River. And because it is so important, I move that this petition be referred to the Committee on Commerce, and printed.

The motion was agreed to.

Mr. CLAYTON. I present the petition of William J. Patton, late collector of internal revenue for the first district of Arkansas, praying to be relieved from liability on account of embezzlements of certain deputy collectors. This petition is also accompanied by a certified copy of a petition signed by the governor of the State and several other State officers, in relation to the same subject. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. COOPER presented the petition of Mrs. Elizabeth Biggers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented a petition of a committee selected at a public meeting of the non-Mormon voters of Salt Lake City, held on the 19th of January, 1874, setting forth the grievances of the non-Mormons of Utah, and requesting such legislation by Congress as is needed for the full protection of all classes of people residing in that Territory; which was referred to the Committee on the Judiciary.

Mr. ALLISON presented the following joint resolution of the Legislature of Iowa; which was read, referred to the Committee on Commerce, and ordered to be printed, namely:

Joint resolution in relation to the railroad bridge across the Mississippi River, at Clinton, Iowa.

Whereas all the railroad bridges across the Mississippi River are by law open to the use of all railroads desirous of using the same, except the railroad bridge at Clinton, Iowa, which is used exclusively by the Chicago and Northwestern Railroad; and whereas there are two lines of railroad on the east side of the Mississippi River desirous of crossing said bridge at Clinton and connecting with other railroads in this State, thereby increasing the facilities for transportation eastward of the farm products of this State to the greater advantage of the people thereof: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our honorable Senators in Congress be instructed, and our Representatives be requested, to use their utmost endeavors to obtain the early passage of an act providing for the opening of said railroad bridge at Clinton to the use of all railroads desirous of crossing the same, on payment of a just and reasonable compensation for such use.

Resolved, That the foregoing resolution be certified by the presiding officers of this General Assembly and copies thereof be forthwith forwarded to said Senators and Representatives in Congress.

JOSEPH DYSART,
President of the Senate.
JOHN H. GEAR,
Speaker of the House.

Approved February 3, 1874.

I hereby certify that this joint resolution originated in the senate.

J. A. T. HULL, *Secretary.*

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JOHNSTON, it was

Ordered, That Frederick Vincent, administrator of James Le Caze, surviving partner of Le Caze & Mallet, have leave to withdraw his petition and papers from the files.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of William D. Dorris, praying compensation for services rendered in the Army during the late war, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. WINDOM, it was

Ordered, That the petition and papers of Nicholas White be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers of William J. Patton be taken from the files and referred to the Committee on Finance.

COMMITTEE SERVICE.

Mr. McCREERY. I ask to be excused from service on the Committee on Territories, and that my place be assigned to the Senator from California, [Mr. HAGER.]

The PRESIDENT *pro tempore*. The Senator from Kentucky asks the Senate to excuse him from service upon the Committee on Territories. Is there objection? The Chair hears none, and he is excused. How shall the vacancy be filled?

Several SENATORS. By the Chair.

The PRESIDENT *pro tempore*. The Senator from Kentucky nominates the Senator from California to fill the vacancy.

Mr. McCREERY. Let it be filled by the Chair.

The PRESIDENT *pro tempore*. The question is on the nomination made by the Senator from Kentucky.

The nomination was agreed to; and Mr. HAGER was appointed.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK, from the Committee on Railroads, to whom was referred the bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph, reported it with an amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of Charles B. Signor, of Earlville, Illinois, praying for a pension on account of the causeless shooting away of his right arm by a soldier, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 172) granting a pension to Michael McGrayel, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the petition of Rufus Mead, United States consul at San Juan del Sur, praying compensation for services rendered in the absence of C. N. Riotte, minister near the government of Nicaragua, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 455) for the relief of William M. Kimball; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 456) for the sale of the Black Bob Indian lands, in the State of Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 457) to abrogate and declare void a certain portion of the treaty with the Sioux Indians, concluded April 29, 1868; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 458) to authorize the Secretary of the Treasury to make compensation for certain services therein mentioned; which was read twice by its title, and referred to the Committee on Finance.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 459) for the relief of William J. Patton; which was read twice by its title, and referred to the Committee on Finance.

Mr. THURMAN. I ask leave to introduce a bill to amend section 3 of an act making appropriations for the year ending June 30, 1872, in relation to the holding of circuit courts by judges other than the judge appointed or specially assigned to that circuit. I wish to say that this bill is not of my own framing, and I introduce it at the request of one of the district attorneys of the United States, an eminent lawyer; and that I do not hold myself at all responsible for anything it contains, and I will advocate it or oppose it, as I find it deserves to be advocated or opposed.

By unanimous consent leave was granted to introduce a bill (S. No. 460) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 461) to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 462) to further amend an amendatory act, approved March 2, 1867, amending an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 463) supplementary to "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 464) to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and the acts amendatory thereof; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

STATUE OF GEORGE CLINTON.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

EXECUTIVE MANSION,
Washington, February 6, 1874.

To the Senate and House of Representatives:

I transmit herewith a copy of a communication, dated the 22d ultimo, received from the governor of the State of New York, in which it is announced that, in

accordance with the invitation of Congress, as expressed in the act approved July 2, 1864, that State now presents for acceptance a bronze statue of George Clinton, deceased, one of its distinguished citizens.

U. S. GRANT.

The message was ordered to lie on the table and be printed.

EAST TENNESSEE UNIVERSITY.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first case on the Calendar.

The first bill on the Calendar was the bill (S. No. 110) for the relief of the East Tennessee University; which was considered as in Committee of the Whole. It directs the Treasurer of the United States to pay to the president of the East Tennessee University the sum of $18,500, in full compensation for aid given by and on behalf of the university to the Army of the United States in the late war of the rebellion; but before this sum shall be paid, a release in full of all claims against the Government by the East Tennessee University is to be executed in due form by the proper officers thereof, and deposited with the Treasurer, along with the receipt for the money hereby appropriated.

Mr. EDMUNDS. Is there any report accompanying the bill? I should like to hear the bill explained if there is no report. There should be a report.

Mr. COOPER. There is no report, I believe, with the present bill. Reports have been presented with the bill at prior sessions, and I will submit those reports if the Senator from Vermont desires it. There is no written report, I understand, with the present bill. The bill was passed at two prior sessions of the Senate unanimously, and I have the reports that were then made.

Mr. EDMUNDS. I should like to have one of them read, to explain what the circumstances are.

The PRESIDENT *pro tempore*. The report will be read.

Mr. LOGAN. There is no report accompanying the bill, because I presumed that the Senate understood the bill. It is one that has been before them at previous sessions. It passed both Houses of Congress at the last session, but was not signed by the President on account of the language in the body of the bill speaking of a claim for damages. The bill was sent back to Congress with a suggestion, I suppose by the Attorney-General, that it should be put in a certain form of language and it would then comply with the theory of the Administration in reference to allowing the claim. The bill was again referred to the Military Committee at this session for examination, and I think it was reported by the Senator from New Hampshire, [Mr. WADLEIGH.] On the examination of the bill in the committee the committee came to the conclusion that the damage done was in the nature of a tort, and that the Government was liable, and therefore reported the bill; and it stands on the report made in the House of Representatives. There is no written report of our committee with this bill. It is a claim for the destruction of property after the taking possession of the university buildings, and also for the occupancy of the buildings by the troops. The Government owes for the occupancy in the nature of rent, as the buildings belonged to persons who were not inimical to the Government. We proceeded upon the ground that the claim was in the nature of rent so far as the occupation of the property was concerned and in the nature of a tort so far as the destruction of the property was concerned. Instruments and things of that kind belonging to the university were destroyed. In that view, we reported the bill, and think it is proper to be passed.

Mr. FERRY, of Michigan. I ask the Senator if this is the same bill substantially that passed the House twice and the Senate once?

Mr. LOGAN. It is the same bill, merely changing the phraseology. It is for the same purpose as the bill that passed the House, and would have been signed by the President if the phraseology had been different. The phraseology has now been changed to conform to the view of the President.

Mr. FERRY, of Michigan. That was my understanding; but I wanted to be confirmed by the chairman of the Military Committee.

The PRESIDENT *pro tempore*. Does the Senator from Vermont still desire to have the report read?

Mr. EDMUNDS. Yes, sir.

The Chief Clerk read the following report, made by Mr. WILSON to the Senate on the 17th of January, 1872:

The Committee on Military Affairs, to whom was referred the bill for the relief of the East Tennessee University, have had the same under consideration, and submit the following report:

It appears that the seven university buildings, and the grounds adjacent thereto, came into the occupation of the United States military authorities in good condition, in September, 1863, and were occupied by them for military purposes until June 13, 1865; that, during this occupation, one of the buildings was totally demolished, and the others were so materially damaged as to render them wholly unfit for use; that the library, scientific apparatus, mineralogical and geological cabinets were destroyed; that the fences, trees, shrubbery, &c., were nearly all removed and burned, and that the grounds were mutilated and greatly injured by earthworks, a fort and rifle-pits being thereupon.

The East Tennessee University is believed to be particularly deserving of the favorable consideration of Congress. It is the only educational institution of known loyalty, in management and influence, in any of the seceding States during the war. It is situated at Knoxville, in the center of East Tennessee, and is surrounded by a population known for their loyalty and sacrifices to the cause of the Union.

The committee recommend the payment to the university of the sum of $18,500.

The CHIEF CLERK. There is another report, made previously, at the Forty-first Congress, third session.

Mr. COOPER. That is the same in substance as the other.

Mr. EDMUNDS. Is the report which has just been read the first or second?

The CHIEF CLERK. The one just read is the last one.

Mr. EDMUNDS. I should like to hear the first one.

The Chief Clerk read the following report, submitted by Mr. Abbott to the Senate on the 17th of January, 1871:

The Committee on Military Affairs, to whom was referred the bill for the relief of the East Tennessee University, have had the same under consideration, and submit the following report:

It appears that the seven university buildings, and the grounds adjacent thereto, came into the occupation of the United States military authorities in good condition in September, 1863, and were occupied by them for military purposes until June 13, 1865; that, during this occupation, one of the buildings was totally demolished, and the others were so materially damaged as to render them wholly unfit for use; that the library, scientific apparatus, mineralogical, and geological cabinets were destroyed; that the fences, trees, shrubbery, &c., were nearly all removed and burned; and that the grounds were mutilated and greatly injured by earthworks, a fort and rifle pits being thereupon.

The East Tennessee University is believed to be particularly deserving of the favorable consideration of Congress. It is the only educational institution of known loyalty, in management and influence, in any of the seceding States during the war. It is situated at Knoxville, in the center of East Tennessee, and is surrounded by a population known for their loyalty and sacrifices to the cause of the Union.

In every respect is this case considered entitled to early and generous consideration. The action of the House of Representatives in passing a bill for the relief of the Sisters of our Lady of Mercy, of Charleston, South Carolina, and that of this committee in their favorable report on the same, indicates a disposition to favorably act upon these cases of public nature which are meritorious.

The committee recommend the payment to the university of the sum of $18,500, and report back the bill with amendment to that effect.

Repairs of six buildings	$15,000
New building in lieu of one destroyed	3,500
	18,500

Mr. WRIGHT. I want to suggest to the Senator from Tennessee, and to the Senate also, that a number of cases involving questions very similar to the one involved in this report, and of a class to which this belongs, I think I am justified in saying are before the Committee on Claims. They have them now under consideration. It has been the intention of that committee, I think I am justified in saying—though the chairman is here, and he can correct me if I am wrong—to hold a meeting at some time so as to take up the entire question, and to devote such time to it that we can go over the whole subject. I suggest that, in view of this fact, it would be well that this bill should be passed over until we have had opportunity to examine the whole question and make a report upon it. The report as it stands now, notwithstanding the bill passed the Senate and may have passed the House at the last session, does not seem to discuss some questions that are before the Committee on Claims at this time. I suggest to the chairman of the Committee on Military Affairs also, that while, of course, there is no disposition to do anything that would seem to take this out of their hands, for myself, as an individual, I should prefer that this bill go over—and I think that is the feeling of others also—until we have examined and reported upon the question and got the whole matter before the Senate, so that we may understand what we are doing before we pass upon this bill.

Mr. COOPER. Of course I have no disposition to press the passage of the bill now if it is objected to seriously upon any question involved in it; but I submit to the honorable Senator from Iowa that the Committee on Claims at the last session did report upon the very questions which he now suggests, which were embodied in a lengthy printed report by the then chairman of that committee, discussing the whole ground in answer to the veto message of the President in the Best case. I suppose those are the questions which the Senator from Iowa now desires to have re-examined. I think if he will examine the present case he will find that it does not fall within the objection urged against the Best case, because the Best case was a destruction by reason of a military necessity. There was no such necessity in the case of the East Tennessee University. It falls within the class of cases of the Kentucky University, a bill for the relief of which was passed several sessions ago and approved by the President. I do not see any reason for postponing the bill. We are very anxious that it should be acted upon and passed. It has now been pending for many years before Congress. It has passed both Houses of Congress at different times. It has passed the Senate twice, and passed the House of Representatives once.

Mr. SCOTT. I was not in when the report was read in this case, and am not apprised of the exact nature of the case or of the question that is involved in it; but the Senator from Iowa is certainly correct in saying that there are now pending before the Committee on Claims a number of cases which will bring before the Senate the whole question involved, in many cases presenting various aspects of the liability of the Government for property taken, as well as property destroyed, in the late insurrectionary States. While I do not know the exact nature of the question raised by this report from the Military Committee, I think I can say to my friend from Tennessee that any case involving this question in any of its phases will not be at all likely to be disposed of in the morning hour. It will give rise to a discussion that I am satisfied will put over any case in the morning hour.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee consent that the bill be laid aside?

Mr. COOPER. I would rather not.

Mr. LOGAN. I do not consent to it.

Mr. WADLEIGH. As the member of the Committee on Military

Affairs who reported this bill, I have been watching for some legal objection to its passage, but have heard none. As I understand it, the bill provides for payment to this university by the Government for the use of the real estate of the university which was taken and held by the Government in the course of the war. This property, for the use of which payment is asked, was not destroyed in the course of warlike operations; it was not used in the course of warlike operations. Its destruction and its use were not matters of military necessity, but matters of convenience. The Government of the United States took possession of this property of the university for the use of its Army in that quarter. It was used by the Government; and for the use of that property by the Government in that way, and for the particular use of it which resulted in the destruction of a certain part of it, the university asks the Government to pay.

I am not aware that there can be any objection to the payment of this claim. We all know that the section of country in which this university is located was loyal to the Government; that this university itself was loyal to the Government; and the Government, not in the course of military operations, not as a matter of military necessity, but as a matter of convenience, took possession of this real estate; it had the use of it; and it appeared to the committee that the sum named in the bill was a fair price for the use that was made of that real estate and the property of the university.

Mr. RAMSEY. What is the sum?

Mr. WADLEIGH. Eighteen thousand five hundred dollars.

Mr. FRELINGHUYSEN. I should like to ask one question: whether, immediately before it was taken possession of by the United States, it was within our lines or within the lines of the enemy?

Mr. COOPER. What is the question?

Mr. FRELINGHUYSEN. I ask whether immediately before it was taken possession of by the United States this institution was within our lines or within the lines of the enemy?

Mr. COOPER. It was within the confederate lines up to the capture of Knoxville by General Burnside. That was shortly before it was taken. At the time it was taken possession of it was within our lines.

Mr. MORTON. It seems to me this case is very broadly distinguished from the Best case in Kentucky. This property was not taken in the conflict or crash of battle; it was not destroyed or used in that way; but was deliberately appropriated to the use of the Government in the way of barracks. It bears no resemblance to the Best case, and I can see no objection to the payment of the claim.

Mr. LOGAN. The point here, as suggested by the Senator from Indiana and the Senator from New Hampshire, is very different from the question raised in the Best case. There compensation was objected to because the property of Best was destroyed in actual battle.

Mr. MORTON. That was the point.

Mr. LOGAN. There is a broad distinction between such a case as that and this. This property was used by the troops, not by taking possession of it from the enemy, but possession was taken from loyal persons occupying it, and then it was used by the troops who occupied it. Hence the Military Committee agreed that for this use and occupation the Government of the United States was liable, on the principle that they had used and occupied the property for the purposes of the Government, and had not used or occupied or destroyed it in the course of war in battle, or where it was an obstruction to military operations. We agreed, therefore, that the parties were entitled to their charge for the use and occupation of this property, and also for the damages which accrued from the use and occupation to the material that was in the possession of the parties within the houses that were used, such as their scientific apparatus and things of that kind. Looking at it in that aspect, for the destruction of a portion of the property in the nature of a tort we decided that the Government was liable.

Now, I desire to call the attention of the Senate for one moment to the fact that the Committee on Claims, of which my friend from Iowa is a member, reported a bill precisely of this character for the Lexington University, in Kentucky. I believe it was reported by the chairman of the committee favorably, and it passed this Senate, allowing $25,000 for precisely such a claim as this. That precedent takes the case entirely out of the purview and meaning that has been given to "destruction of property in war" by the discussion heretofore had in the Senate on the report of the Committee on Claims.

I agree with the Committee on Claims that where property is destroyed during war, in the course of hostile operations or in battle, of necessity, then the Government is not liable; but where they take, use, and occupy property for the purposes of the Government when it is in the possession of loyal persons and belonging to them, not in the course of actual military operations, then the Government is liable for the use and occupation of the property. I believe that is clear, good law, and will be so held; and that is the ground precisely on which this claim is based, following the precedent reported by my friend the chairman of the Committee on Claims. I hope that the Kentucky claim will not be made an exception to the rule, and this institution, the only one in my judgment that can claim to have been strictly loyal to the Government of the United States within the lines of the confederate army at any time, made to suffer. I should hate very much that the Senate should allow the claim of the Kentucky University, and refuse this claim for the Knoxville University, when they are based on precisely the same legal status.

Mr. SCOTT. Since I was on the floor before I have read the report in this case; and lest what I said at that time, suggesting the probability of a discussion carrying the bill through the morning hour might be considered as hostile to the bill, I now desire to say that, from the report heretofore made in the case, which I have read, I cannot distinguish between this case and the case just referred to by the chairman of the Committee on Military Affairs—that in which compensation was given to the Kentucky University at Lexington. It is true the circumstances were not altogether the same, but the principle involved is the same. In the case of the Kentucky University, it had been occupied for quarters by the troops, a chemical laboratory used for a kitchen, and so carelessly used that the building while occupied by the United States troops was destroyed by fire. A large medical museum that was in the building was destroyed also by that fire, or by the effort to remove it. And the committee reported—I think I made the report myself in that case—compensation for the value of the building destroyed and such part of the medical museum as was destroyed, amounting in all to $25,000.

It does not bring up the question which has heretofore been mooted in the Senate, and which is now, as my friend from Iowa intimates, rather in abeyance in the Committee on Claims, as to the extent the Government ought to pay loyal owners in territory that was, at least for a part of the time, insurrectionary. I made the report in that case, and I have always voted with those who deemed it the duty of the Government to pay unmistakably loyal men for their property, taken in the disloyal States; and supposing that the Military Committee have made full investigation into this case, and that the amount which they report is a just amount, I shall feel justified in pursuing the course I have heretofore pursued, and following that committee and voting for this bill.

Mr. WRIGHT. I wish to add but a word to what I said before. I would not have my friend from Tennessee, or any person, suppose that in what I said I was hostile to this bill. I think this is one of a class of cases, however, where it is incumbent upon us to move very slowly, and to be sure we are right before we go ahead. It has been suggested that a report was made at the last session, and a bill passed very similar to this. It must be remembered that one-third of the members of this body have changed since then. It must be remembered also that while that report came from the Committee on Claims, the organization of that committee has changed also, and that that bill was vetoed, as I understand. It occurred to me that in view of the question that was involved in this case and its importance—not the mere sum that is involved, but its importance as a precedent, inasmuch as it looks to the drawing of money out of the Treasury for the purposes contemplated in this bill, and will be followed beyond all question by a number of other bills that are now before committees of this body—it was perhaps just and right to ourselves that we should hold the bill for the present until we get reports on the various questions involved.

I am very sure that I would not be understood at all as indicating that the Committee on Military Affairs should be withheld in their action by the action of the Committee on Claims; but I merely submit the fact that the matter is now before us, and that the whole question be held in abeyance, as has been suggested. We shall have a report upon it in a very short time, and I think we shall perhaps be better able to dispose of the entire question than if we undertook to decide the bill now; and yet if this bill is pressed, in view of the action of the Senate heretofore, I am not prepared to say that I shall oppose it. I only suggest, as a matter of caution, in view of the amount that is involved by the precedent being established, we should go slowly, and not pass this bill until we have had an opportunity to investigate the whole question.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I thought it was moved by the Senator from Iowa that this bill should be passed over for the present.

The PRESIDENT *pro tempore*. The Chair did not understand him to make a motion. He made a suggestion to that effect.

Mr. WRIGHT. I did not make a motion, but I suggested to the Senator from Tennessee and others that that would be the better course.

Mr. EDMUNDS. If the question is to be considered now, I should like to hear the message of the President on that bill read, and to make some other inquiries of the gentleman who reported it. Of course it is a very important matter indeed, and justice ought to be done to this institution, but we ought to know the precise circumstances, which this report, as it seems to me, does not show, under which this property was taken. If it was taken under one set of circumstances, then we clearly ought to pay for the use of it. If it was taken under another set of circumstances, then as clearly we are not liable, unless you make it a gratuity merely, choosing to give away the money of the Treasury to this institution; but that is an entirely different question. As a matter of justice and right, the institution under one set of circumstances would not have any claim on the Government, and under another it would have.

Now, the report merely states that we took possession. How? Why? What was the urgency at the moment? Whether it was to protect the town from the assaults of the enemy, or what it was, what the stress was of the circumstances which would throw it one side of the line or the other, we are not informed. The committee can, no doubt, get at the precise facts, and then upon the precise facts we

voting shall know that while we are doing justice to this institution we shall not be establishing a precedent upon which we shall be called upon to go much further than we intended.

My only present objection is that the report does not show the details of the circumstances and the occasion on which this possession was taken. It only says we took possession. I am not blaming the committee of the Senate about it. They took the House report in the pressure of their affairs, as it was very natural they should.

Mr. LOGAN. I do not see how we could detail the circumstances. It was not taken possession of in battle. It was taken possession of by the commanding officer to be occupied by the troops, the same as any house would be taken possession of. That is very clearly shown. It was for the use of the troops there, the same as commissary stores or quartermaster stores. It was taken possession of and occupied by the troops. That is very clearly set forth.

Mr. EDMUNDS. It is true the report states that it was taken possession of and occupied by the troops. So was Richmond, so was Libby, and so were a variety of places that hard fighting enabled us to get into. It was hard fighting indeed, because we had the same race and the same valor on both sides; but that would not prove that it would be a good ground of claim. If this university was in contest between two armies, as the Bishop's palace was at Monterey, I take it there would scarcely be a claim on either side to have it paid for. The difficulty I have with this report is not, as my friend might imagine, from what he has last said, with any view to criticise the action of the committee, but that we are not informed of the precise circumstances under which this property was occupied by the troops. These reports were made most of them from the House of Representatives, as we are told; but I do submit to him that they fail to show the circumstances of the case. They say that some property was destroyed; that buildings were taken possession of and occupied; but I wish to know where the enemy's troops were then; I wish to know where the military lines were then; I wish to know what had been going on during that week, and what did go on during the next, and so on. If this city was within our lines and we occupied it with a large army, and found occasion with a view to military operations further on to occupy this university in the ordinary course, as we did a fair-ground in Indiana, and another somewhere further south I believe, that would make one case. But if when these armies were struggling for Knoxville, one being in one day and the other another in the contest of arms, it might have been that this university got injured, as it was stated to have been injured in the discussion last year, damaged by the troops of the United States in the course of war, where there would be no just ground of claim. It might be also under similar circumstances that it was merely occupied as by rental, as I think my friend said, or something of that kind.

What I wish to have on record is a statement in writing from the committee, so that there shall be no dispute hereafter as to precisely these various circumstances which throw this case to the one side or the other of the line. Having that, then I am sure, as we pretty much all agree now about the principle of the thing, we should not have any more difficulty, probably, in determining the case. That was the suggestion I made, but it was not in any spirit of complaining of the committee, but in the spirit of desiring to learn more of the special circumstances that surrounded this transaction than are stated in the report.

I should like to have the message of the President of the United States read on this subject and last year's bill, so as to see the difference between the two propositions.

Mr. LOGAN. I do not desire to discuss the matter further. I have said all I care to say about the bill. It has been thoroughly examined and reported on, twice passed the House, once passed the House and Senate, once been thoroughly discussed, and I do not desire to rediscuss it. I am only sorry that it did not come either from the Judiciary Committee or the Committee on Claims, so that it could be thoroughly investigated.

The PRESIDENT *pro tempore*. The veto message of the President of the United States will be read, at the request of the Senator from Vermont.

The Chief Clerk read as follows:

EXECUTIVE MANSION,
Washington, January 29, 1873.

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which $18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding $25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury cannot be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted; and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy, and the most favorable consideration of their claims by the Government, I would heartily favor a donation of the amount appropriated by this bill for their relief.

U. S. GRANT.

Mr. EDMUNDS. Now I should like to hear the bill read which was vetoed.

The Chief Clerk read as follows:

An act for the relief of the East Tennessee University.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and directed to pay to the trustees of the East Tennessee University the sum of $18,500, in full compensation for all claims which could be made by said university for all damages caused to its buildings at Knoxville, Tennessee: *Provided*, That before said sum shall be paid a release in full of all claims against the Government for all damages that might or could be claimed by said East Tennessee University on account of said buildings shall be executed in due form by the proper officers of said university, and deposited with the Treasurer, along with the receipt for the money hereby appropriated.

Mr. EDMUNDS. I merely wish to apologize to my good-natured friend from Illinois, who regrets extremely that this bill did not come from the Committee on the Judiciary or the Committee on Claims, so that it would have been investigated. I am sorry that the honorable chairman of the Committee on Military Affairs is so belligerent still so long after the war that he is disposed to receive the slightest inquiry upon a subject that he reports, and the slightest observation upon a report which he himself, to be sure, did not make, as it is printed, as an offense to him or his committee. Certainly no such offense was intended; and I hope my friend will not feel in precisely the spirit that he seemed to do when he made that remark. I am sure that every committee is perfectly willing to receive the fair and just inquiry which has been made about this bill without complaining of it. I am sure that no committee that I know of has done more for the benefit of the people than the Committee on Military Affairs; and if its chairman can lower his war colors a little, so as to submit, as all other committees have to do, to a little inquiry and to a little discussion, without feeling particularly angry about it, possibly we shall get on better.

Now, Mr. President, having apologized for having said so much as I have, I only wish to remark that it is a curious circumstance, after all, that we are to change this law, not because the facts have changed, not because the case of the University of East Tennessee is any different this year than it was last, but we are expected to overcome an executive veto by changing the phraseology of the story that we tell about the same facts. That is the thing that puzzles me upon the passage of this bill. If, as I said, we were permitted to get at the facts about it, so that I could know that it fell within what has been stated, as a rental occupation, I should vote for it with pleasure, assuming that the Committee on Military Affairs has provided the proper and just sum, as I do; but not knowing what the precise state of affairs was, and not venturing to make any further inquiry of the chairman, certainly I shall feel obliged, if we are forced to vote now, to withhold my vote from it.

Mr. LOGAN. I hope the time will be extended for five minutes. Senators, I suppose, have accomplished what they desire, as the morning hour is about to expire.

Mr. EDMUNDS. I will give my friend full opportunity to go on with this bill as long as he likes.

Mr. LOGAN. Very well. I certainly feel very sorely criticised by my friend from Vermont for having made remarks which he thinks were out of place. I submit to his superior experience in the mode and manner of conducting matters in this Senate to my own, and hence I feel, of course, that I should not have said what I did, inasmuch as he says that I ought not. I only said that I was sorry the bill did not go to the Committee on the Judiciary or the Committee on Claims, and I am. I do not take that back, because those committees are composed of experienced and able lawyers, and we should have had a report from them, probably, that would have been intelligible to the Senate. But I am surprised that my friend from Vermont should feel so annoyed at all times if any person says a word to him. He is the most pleasant gentleman in the Senate. He never says anything to anybody that is cutting, or sharp, or incisive. He is the kindest, most good-natured, modest, sensitive man in the Senate Chamber. He deals in such gentle phrase that you would think honeyed words were dropping from his lips at all times; and when he is so generous and so kind to his colleagues, it is very strange that they cannot be equally kind and generous toward him. Hence, feeling that I did say something on the moment that was unpleasant to him, I withdraw it as a matter of course, and hope the Senate will act on the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. CHANDLER. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays 11; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Brownlow, Buckingham, Clayton, Cooper, Crozier, Davis, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Hitchcock, Howe, Johnston, Kelly, Lewis, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Patterson, Pratt, Ramsey, Robertson, Saulsbury, Schurz, Scott, Spencer, Stockton, Sumner, Thurman, Tipton, Wadleigh, and Windom—40.

NAYS—Messrs. Allison, Chandler, Edmunds, Frelinghuysen, Gilbert, Ingalls, Morrill of Vermont, Sargent, Sherman, Stewart, and Wright—11.

ABSENT—Messrs. Alcorn, Ames, Anthony, Boutwell, Cameron, Carpenter, Conkling, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Hager, Hamilton of Maryland, Jones, Morrill of Maine, Oglesby, Ransom, Sprague, Stevenson, and West—22.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1778) granting permission for a railway from the wharf of the Baltimore Steam-Packet Company at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek Bridge, in the same county;

A bill (H. R. No. 1402) granting a pension to John A. Fisher;

A bill (H. R. No. 1403) granting a pension to John Baker;

A bill (H. R. No. 510) granting a pension to Thomas R. Hardwick;

A bill (H. R. No. 1404) for the relief of William F. Kerr;

A bill (H. R. No. 1405) for the relief of Victor Mylius, of Macoupin County, Illinois;

A bill (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States Volunteers;

A bill (H. R. No. 1562) for the relief of Jacob Parmenter, reimbursing him for defending a suit brought against him for an official act;

A bill (H. R. No. 1574) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont;

A bill (H. R. No. 1575) for the relief of Richard H. Swift;

A bill (H. R. No. 1576) for the relief of Reuel B. Fuller, of Wilton, Maine;

A bill (H. R. No. 1577) for the relief of Susan L. Galloway;

A bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons; and

A bill (H. R. No. 1579) for the relief of Joseph J. Petri.

The message also announced that the House had passed the bill (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1168) to amend an act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872; and

A bill (H. R. No. 1400) for the relief of William H. Vesey.

THE BANKRUPTCY ACT.

The PRESIDENT *pro tempore.* The morning hour having expired, the Senate resumes the consideration of the unfinished business of Friday last, being House bill No. 792.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, the pending question being on the motion of Mr. THURMAN to amend the amendment of the Committee on the Judiciary by inserting as an additional section:

SEC. —. That the office of register in bankruptcy is hereby abolished, and the several district courts shall make such orders and take such steps as may be necessary to adjudicate and dispose of all suits, matters, or proceedings in bankruptcy now pending before such registers. The several district courts shall have power, where it may appear to be necessary or advisable, to appoint special master-commissioners to perform any of the duties heretofore performed by registers; and this power may also be exercised by a judge of said courts at chambers. No fees or compensation shall be paid to any such commissioner except such as shall be allowed by the court upon consideration of his bill; and no such fees or compensation shall in any case exceed the amount heretofore allowed for like services.

Mr. THURMAN. Mr. President, when this amendment was offered on Friday last I called the attention of Senators to the nature and importance of it. I do not desire to repeat what I said in that connection when I offered it, but will reserve anything further that I may have to say on the subject until after the views of Senators who are opposed to the amendment may have been presented.

It is known to the Senate that one of the pieces of machinery, so to speak, of the present bankrupt law is what is called a register in bankruptcy, and that by a provision of the law the Chief Justice of the Supreme Court of the United States was authorized to appoint as many registers in bankruptcy as in his judgment it was necessary or advisable to appoint; and that in the exercise of that power he appointed a register in each congressional district of the United States. There may have been here and there a congressional district in which no register was appointed, but I am not aware of a single one in which a register was not appointed by the late Chief Justice.

The law further provides that the district court may dismiss these registers when there is no use for them, but that power has not been exercised, I believe, in any instance; at least no such instance has come to my knowledge; and one reason why it has not been exercised, and one reason why it will not be exercised, I take to be this, without disrespect to those district judges: that this office of register relieves the district judges from work, which, were there no such office, they themselves would have to perform, and which they ought to perform in at least three-fourths of the districts in the United States, having ample time to perform that duty.

There is but one opinion in respect to the cost of these bankrupt proceedings, and that is that no feature of this bankrupt law increases the cost as much as the existence of the register in bankruptcy; for they are a kind of court holding sessions and entitled to a per diem for each day they sit in any bankrupt case; and as that day's sitting may be, in point of fact, but a very brief space of time occupied with that case, and they may adjourn it from time to time, and time to time, it is alleged that that court is resorted to and that their per diem is thus piled up in a case in the most unreasonable and unjustifiable manner.

Mr. MORTON. What do you propose?

Mr. THURMAN. As I said before, in three-fourths of the district courts of the United States the judge himself can perform the duties that are now performed by the registers; but if, for the ease of the parties, on account of their distance from the place where the court sits or the judge lives, or on account of the complicated nature of the case, if for any such reason as that, any one of the reasons that would influence a chancellor to appoint a master-commissioner to audit accounts or take testimony, or investigate a case or make a report, such appointment is advisable, the bankrupt court may do precisely what a chancellor does in an equity case; he may appoint a special master-commissioner for that particular case; and then my amendment provides, and it would be so without any such provision, that special master-commissioner's costs and allowances must be audited and taxed by the court itself. There being no statutory fees for master-commissioners, each master-commissioner must make report to the court, and my amendment expressly provides that he shall do so, and that he shall receive no compensation except such as upon an audit by the court shall be allowed to him by order of the court. I believe that if that were done it would lessen the expenses very greatly indeed in these cases; at least that is the opinion, as I said the other day, of some of the most eminent and highest Federal judges that there are in this country, as well as of some eminent district judges who are willing to work hard.

I know that this amendment proposes a very great change in the law; and that it will be said in opposition to it that the existence of a register in bankruptcy in every congressional district is very much for the ease and convenience of parties; but if there is anything at all in this great clamor of estates being wasted by exorbitant charges, by collusion between officers in the administration of the estates; if those charges have any validity whatever—and we have heard them repeated again and again by Senators, sometimes from their own knowledge and at other times upon information that they deemed reliable—if those charges, I say, are well founded, then I know of no better way to get at the evil than to abolish these *quasi* intermediate courts called registers in bankruptcy, and compel the judges of the district courts to perform these duties where they can, and, where they cannot, authorize them to appoint a special master-commissioner, having reference to his fitness and his integrity, to discharge the duty, and auditing his accounts and allowing only what is proper.

Mr. FRELINGHUYSEN. Mr. President, the argument which is urged in favor of this amendment, and the only one, is that it will diminish the expense in matters of bankruptcy. I think it is very clear that it will increase the expense. Every litigant who would go into the district court must appear there by feed counsel, while in a great many matters and motions which he wishes to bring to the attention of registers he can appear in person. Therefore it would be a very decided increase in the expense of administering this law if we required all the proceedings to be had before the court; and then in addition would be the expense of being obliged to go from one end of the State to the other where the district court was located, instead of having a register and his office in every congressional district in the United States.

As to the argument that the objection to the present bankrupt law is the exorbitant charges, we have already met that difficulty by reducing the fees of the registers one-half. The idea of appointing a commission where the court could not attend to the case has this objection: these registers were appointed seven years ago; they have seven years' experience; and to take the administration of this law from them and give it to those who are mere novices would certainly not be advisable. I think that this amendment, if adopted, would derange the whole bankrupt business of the country.

I assume that there is nothing in the suggestion which was made by my friend, the chairman of this committee, the Senator from Vermont, that these registers are sought to be got rid of because their political sentiments are not agreeable to all parties. I take it for granted that there is nothing in that suggestion.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Ohio to the amendment of the Committee on the Judiciary.

Mr. WRIGHT. I just wish to add one word. It seems to me that in addition to what the Senator from New Jersey has said by way of objection to this amendment, there is another one. We give to the judge the power to appoint these special commissioners. Instead of having an officer who is well acquainted with all his duties under the law, as has been suggested, we pick up new men from time to time, and we not only have a new man for each case but for each question as it may arise. The consequence will be that the time of the court will be taken up day after day with applications for the appointment of these special commissioners; and instead of having one person to discharge the duties, and better enabled to discharge them also, for a reasonable compensation, we have men appointed to discharge a special duty; and my experience is that as you appoint these men and increase them, you necessarily increase expenses; and my opinion is

that when you have got these special commissioners under the proposed arrangement, instead of reducing the expenses of the administration of the bankrupt law, you will increase them largely.

Not only is that so, Mr. President, but the registers as now appointed have been appointed because of their known fitness, or supposed fitness, at least, for the positions they occupy. When questions are raised before the district court with reference to the appointment of special commissioners, it is impossible that the district judge shall be able to investigate the character of those commissioners as they are presented; it is impossible for him to tell whether they may not have some connection with the questions that are raised, or be so interested in the questions as that they would be the last persons who should be appointed for the position. Of course the judge makes these appointments necessarily hurriedly. He has to examine them hurriedly in court. He cannot investigate the character of the man proposed, and he cannot tell what connection he may have with the questions that are involved in the particular case; and the consequence will be, I think, that you will find that case after case will arise where there will be charges of fraud or improper conduct against these commissioners, and that they were interested in the questions which they were deciding. I think it were better in the administration of justice with reference to this law, as well as in the administraton of all laws, that you have officers who are permanent, who have been appointed because of their general fitness, than that you leave the law so as that there shall be a number of officers appointed from time to time.

One more word. Under one amendment as it stands now in a section that was adopted when we adjourned on Friday, it is competent for the judge to consolidate these offices and devolve the duties that pertain now to the several officers all upon one, or at least to consolidate them so as to avoid expense and prevent delay. I think that power is all that is necessary under this law at present.

Mr. THURMAN. Mr. President, let us see for one moment which mode would most likely secure the services of a most competent and faithful man, that proposed in my amendment, or the existing law.

How were these registers in bankruptcy appointed, and when were they appointed? They were appointed in the city of Washington, by the Chief Justice of the United States, for the whole territory of the United States. About, in round numbers, three hundred of them were appointed. How many of these registers were personally known to the Chief Justice who appointed them? I do not suppose one in fifty was personally know to him. He could have had, therefore, no personal knowledge of their fitness. He had to appoint them upon recommendations, in most instances got up by persons aspiring to hold the office and reap its emoluments, *ex parte* recommendations in regard to their fitness, of which the Chief Justice making the appointments had very little opportunity to judge, and scarcely any to scrutinize. Indeed, I have reason to know that the Chief Justice did not pass upon many of these appointments, except simply to say in the end, "Let the man be appointed;" but gave to a subordinate, a clerk, or a friend, the bushels of recommendations that were poured in upon him, let him abstract them and give his opinion, which in most instances the Chief Justice approved. He could not do otherwise. I am told that the recommendations that poured in upon him amounted to thousands and thousands for this office.

Now, as to the fitness of the persons appointed, as to their knowledge of the law. Mark it, as these registers were appointed before there was a single case in bankruptcy, appointed immediately upon the passage of the bill, they were not then persons who were skilled in the bankrupt law. Not one of them, perhaps, before his appointment, had ever read the bankrupt law; and many of them had no more idea of what a bankrupt law was than they had of the provisions of the Koran, so that there was no peculiar fitness of these men which caused their appointment. The Chief Justice did the best he could. He did as well as any man could do in making his appointments; but in the very nature of things it must be that he must have appointed many unfit men for that position.

But how is it when a court appoints a master-commissioner in a case? Every lawyer knows that nothing is done, generally speaking, with more discretion and more judgment, and that the parties look to with more interest, than the appointment of a master-commissioner in equity; and it would be precisely the same in bankruptcy. The parties would see that a good and proper man was appointed, and the court would see; for it is a court in the locality, knowing the bar of the State or district in which it is held, familiar with the reputation of lawyers, and with the reputation and ability of many of the citizens. You would have, therefore, an appointing power at home, acquainted with the facts necessary to the making of a good appointment.

But, sir, I have only to say once more, in regard to the cost of this proceeding, that I prepared this amendment at the suggestion of two of the highest judges in this country, one of whom said to me in emphatic language, "You never will materially reduce the expenses in bankruptcy until you abolish the registers." He may be wrong. The judges to whom I have alluded may be wrong. That is their opinion, and they are better qualified to judge of the effect of the proposed amendment than I am. I am inclined to think they are right. Instead of a case going *ex necessitate*, or as a matter of course, to a register in bankruptcy, I want the judge to decide upon the questions in that case, unless it is of such a character that it ought to be referred to a master-commissioner. As to what was said by the Senator from New Jersey, that that would increase the expenses, by compelling parties to employ counsel, because the proceedings were in court, I do not think that is so. In regard to all those matters, which are mere matters of course, which require no argument at all, the parties can just as well appear before a judge as they can appear before a register, if they see fit to do so; and in respect to those questions which are law questions, which have to be argued, they must employ counsel, whether the case is heard by a register or whether it is heard by the judge.

Mr. MORTON. Mr. President, I very much doubt the propriety of this amendment upon examination. It is no doubt true that when the registers in bankruptcy were first appointed many of them were not well qualified, and were quite ignorant of proceedings of that character; but the presumption is that the experience they have had has reasonably well qualified them; and the lawyers who may be picked up about the court to be appointed as special commissioners, unless they have had large practice in bankruptcy, which is not to be presumed, would be less qualified than these registers, who have been engaged in the business now for some years. So the Senator's proposition really amounts to turning out a body of experienced officers, who have had large experience, and trusting the business to special commissioners, appointed from time to time, the most of whom perhaps have had little to do with the bankrupt law, and do not know much about it; because a lawyer in full practice cannot take an appointment of that kind, and will not do it.

But, Mr. President, I wish to call the attention of the Senator from Ohio to the concluding provision of his amendment:

> No fees or compensation shall be paid to any such commissioner except such as shall be allowed by the court upon consideration of his bill; and no such fees or compensation shall in any case exceed the amount heretofore allowed for like services.

That will certainly defeat that provision of the bill cutting down the fees one-half, because it allows the special commissioner to have compensation, in the discretion of the court, not to exceed that which has heretofore been allowed; so that the court may, in its discretion, give to these special commissioners the full compensation heretofore allowed under the old fee-bill, and the presumption is that the court will give the full compensation heretofore allowed. It seems to me that this cuts off the benefit anticipated from cutting down the fees one-half.

Mr. THURMAN. The Senator will allow me to interrupt him. I am perfectly willing to put in there "shall not in any case exceed the amount heretofore allowed for like service or contemplated by this act," so as to restrict it to the fees contemplated by this act.

Mr. MORTON. Further, Mr. President, it seems to me that the adoption of this amendment will destroy the harmony of the system. There should be a complete record of the proceedings in every bankrupt's case, a complete record that will show all that has been done by the court or by any of the officers; and that record must be kept by some one person, or it will not be complete. There may be under this amendment half a dozen different special commissioners appointed in the same case to supervise and take charge of different parts of the same business. Each one makes up his own record, and you have half a dozen different records in the same case. You have no complete, harmonious record of the case. That, it seems to me, is a very serious objection indeed.

But, Mr. President, this amendment contemplates that the judge himself shall act as the register or the clerk in some cases. Judges are very much averse to performing clerical labor. We all know that. A man who has been on the bench any length of time becomes exceedingly averse to performing the duties of clerk, and my observation is, as a general thing, that they would make very poor clerks. The judges will not act as clerks; they will appoint special commissioners; they will appoint some one to perform that duty in every case; and those who are acquainted with the practice of the law know that where a special officer is appointed to do a particular thing his compensation always amounts to as much as that of the regular officer, and generally amounts to more, because it is a special thing; and if these duties are to be assigned to special commissioners appointed for the particular purpose, I agree with the Senator from New Jersey that it is likely to cost more than it does under the present system.

Mr. EDMUNDS. The Senator from Ohio is a little mistaken in what he states about the method of the appointment of these registers as they were originally appointed. All these registers were appointed by the district courts of the United States on the spot. We had not the power to confer on the Chief Justice the right to appoint a register.

Mr. MORTON. They were appointed on the nomination of the Chief Justice.

Mr. EDMUNDS. The Chief Justice was called upon to nominate, and the judge of the district court had a right to accept or reject that nomination as he thought the interests of justice and fair play required. I do not deny that there is here and there a register who ought to be put out of office, and there is here and there a Senator who ought to be put out of office, and who is put out by the judgment of the very body in which he sits, but that is no proof that it is a good thing to abolish all Senators by any means. Judges are sometimes impeached and removed for misconduct, but that is no reason for making an onslaught upon all judges. These gentlemen—not so

many as my friend supposes—were in the first place selected by the late Chief Justice of the United States, a man certainly eminent. They were selected by him upon information from each district where they were to be appointed, not the information of petitions alone of the various members of the bar, &c., but he required as essential to his nomination, according to my recollection, the certificate of some one or more of the delegation from that State on their written responsibility as to the character and fitness of the person proposed. I know that was the test applied in my own State, and I know that we have had registers who, as a whole, have been above reproach. I have never heard anything against any of them, with one single exception in one single case.

And then, as my friend from Indiana suggests, in the next place, the names of these men having thus been selected by the Chief Justice on the petitions of the people and on the written and responsible recommendations of some Senator or Member of Congress in the particular district, were sent to the district judge. He knew the men in his locality; he had just as good power to judge of the fitness of a register as he has of this special commissioner, precisely. He did judge. If after all that sifting the register was satisfactory to him, he was appointed; if not, he was rejected. Then suppose he is appointed; what is the next step in the power of the courts over this register? He becomes an officer of the court, a sworn standing officer of the court, whose business it is to attend to this special class of cases; and, as my friend very well remarks, in continuity to attend to a case as a whole, not he attending to a half of it and another lawyer to another half; but he keeps a complete record of every step in the course of his duties, which covers all that he has to do, or all that this special man would have to do with the estate; he makes his report; he is amenable to the court as its officer; he can be punished for contempt or fined if he does any misdeed in any respect; he can be removed at the pleasure of the district judge; I mean by that, when cause is shown which is satisfactory to the district judge. Of course the district judge would not have any pleasure in removing a faithful officer. So I say that in effect, whenever the district judge is satisfied that a register is not doing his duty faithfully, that he is charging exorbitant fees, or that he is suspected of corruption, all the district judge has to do, by his single fiat, is to turn him out of office. I say, therefore, that the judge has as great power over the operations of the register as he can have over any special commissioner or person appointed by him.

Then I mentioned on Friday last a consideration that I think ought not to be lost sight of, if this law is to continue. These registers have become skillful in the business, the honest and intelligent ones of them, which, I believe, embraces more than nine-tenths. They have become skillful in understanding this law. It does not require that every creditor should go to a lawyer to present his case to the register for proof, or that every assignee should go to a lawyer and pay a large fee to get his opinion as to the propriety of disposing of property in a particular way. The register has become skilled in all this, and he is bound to give his advice. He is bound to have the hearings of these questions at a fee-bill rate which would not be one-tenth of what a special lawyer would charge who was called upon to give the same advice or the same directions.

If there is value in experience, if there is value in the honest pursuit of this duty which registers have been carrying on ever since 1867, a period of nearly seven years, then there is value in keeping them as a body; and with this particular power that now exists of disposing of the bad ones, if there be any, and the provision that we have made in the bill for readjusting what they are to charge for the duties they perform, and of consolidating as far as possible into their hands or into the hands of the clerk or the assignee, as the case may be, any duties which now appear to be performed in duplicate, I am sure the Senator from Ohio ought to ask nothing more. Certainly it was the opinion of the committee, after a most careful consideration of it, that it would be very injurious to dispense with these men.

Mr. THURMAN. I must confess that I am a little surprised at some of the objections made to this amendment. The Senator from Indiana—and in that he is sustained by the Senator from Vermont—thinks that it would destroy the perfection, or continuity I believe they called it, of the record in a case. That is a little surprising to me, for I thought the proceedings of a master-commissioner were as much part of the record in any case in which he was appointed as the proceedings of a register in bankruptcy can be part of the record.

Mr. EDMUNDS. The Senator is perfectly correct in stating that, but he does not state the point. The point was that if there is any value in having a special man, ordinarily there would be more than one special man for a case. If you are only to have one special commissioner for a case, like one register for a case, then you have merely a change of names, except that you change the register at the whim of the judge. The point was that there might be several, and naturally would be, in order to limit what is said to be the expense of traveling so far; one commissioner in one county, if you please, to hear the claimant's proofs, &c., another in another, and so on. If that be so, the Senator can plainly enough see that you would have a very extraordinary set of records when consolidated at last into one.

Mr. THURMAN. My friend sees that he might have just exactly the same objection to the present system, if a case should arise in which it would be necessary to have different master-commissioners at the same time in a case, that is, a case in which it would be necessary to have different registers at the same time, because of the difference in the locality in which they are to act; and he would have just as much trouble with his record in one case as in the other. But that is an extreme case which shows nothing. It would not happen, I imagine, one time in a hundred, nor one time in five hundred, that there would be any necessity whatever for more than one master-commissioner, just as now it does not happen one time in five hundred that it is necessary for any but one register to act.

The other objection, which strikes me with surprise, is that both the Senators, in fact all the Senators that have spoken in opposition to this amendment, seem to consider it as excluding from the performance of any duty under the bankrupt act, from any employment under it, all the present registers; and we are told how much experience they have, and how valuable that experience is to them in the exercise of their functions. That is very true. It is true many of them have gained experience—those who have had any business. I think most of them have had none at all; but those who have had any business have gained experience, and that experience is valuable. But where is the difficulty? What is there to prevent the district court, if this amendment should become a law, from appointing any one of them special master-commissioner, if the court is satisfied that he is a perfectly upright and proper man to be appointed, and thus availing itself of the experience of this man?

Mr. EDMUNDS. What is the advantage, then, of this proposition?

Mr. THURMAN. The advantage of it is that when you have removed these people out of the way, a case does not go, as a matter of course, before a register in bankruptcy; but only goes there when the court, seeing that it cannot discharge the duties itself, sees fit to send it to a commissioner. As the practice now is, every case goes, as a matter of course, before a register. It is to do away with that matter-of-course proceeding, and to require only those cases to go before a subordinate that the court shall think ought to go before such subordinate, that this amendment is offered. In cases of that kind the court can send them before a special master if unable to attend to the business itself; but as the matter now stands, every case *ex necessitate* goes before a register in bankruptcy. There is an additional cost, and there is this expense of which there is so much complaint. But, sir, if this amendment should prevail, and there is any register known to a court to be a proper man, to be an experienced man, an upright man, he is the very man in all probability that the court will appoint special master-commissioner in that case. I assume that that will certainly be so.

However, I have said more than I expected to say upon it. I have submitted the amendment upon the recommendations to which I have already referred, and the Senate can decide upon it.

Mr. SUMNER. I have listened to what the Senator from Ohio has said, and I must say (I hope he will pardon me) that I cannot feel its force. Indeed, if he had not given in this Chamber ample assurance that he was friendly to a bankrupt law, I should suspect him of intending, by this amendment, to deal it a fatal blow. I believe, if adopted, it would be so thoroughly injurious that it might properly be entitled "An amendment to impair the efficiency of the bankrupt law, and to augment the expense of its administration." It would impair the efficiency of the law, because it would remove from all the activities under it those agents and officers who now have seven years of experience by which they have become disciplined to the work. Why throw them aside?

Something is said with regard to the conduct of individuals; but they may be displaced without overturning the system. By the intervention of the district court a new register may be secured. Why, then, the more radical measure now moved by the Senator? The remedy he seeks may be obtained legitimately through the court as now constituted. Why, then, abandon the experience accumulated during this considerable period of time?

There is an economy in administration, as there is in wealth; and we should show very little sense of that economy if we now set aside the opportunities which have matured to our hands. Experience in life is much; it is what we all covet; nor is it of little importance on this occasion. It is through the administration of this great law that it becomes manifest to the country, and that the citizen and the man of business everywhere learns to understand its character. Let it then be administered by those whose experience enables them to apply it justly and faithfully. Do not intrust it to novices.

But the Senator says that these considerable duties may be performed by the district judges. Are not the district judges already severely tasked? Have not some of them now more than they can do? I speak for one, knowing something of the court in Boston; and I feel that I should err much if I consented to place upon the judge, who administers that court with so much ability, any additional burden. I would rather relieve him than add anything new. But should he act under this amendment, obviously, he would do so, as the Senator himself suggests, by a master or a commissioner, which would be a source of increased expense; for every such incidental or occasional officer would be employed at larger expense than the regular officer known as the register.

It seems to me, therefore, our conclusion is easy. Let us keep the administration that we now enjoy, knowing that it is expert, besides being under the watchful supervision of an intelligent court. These registers are like regulars, who know their business. The Senator, as I understand, would substitute a militia, who often render most essen-

tial service, but we know full well not always able to make good the place of regulars. I am now for the regulars. I am for keeping the existing registers without any change except that which may be made by the judges in individual cases.

Mr. SAULSBURY. Mr. President, I shall vote for the amendment of the Senator from Ohio, because it seems to go in the direction of the saving of expense under the bankrupt law. There have been in this country very grave objections to the existing bankrupt law. When the original bill came from the House before the holidays, I had made up my mind to vote for that bill to repeal the whole law, because I knew there were very just objections to the existing bankrupt law.

One of those objections was to that provision which gave to any creditor the right, after the expiration of fourteen days from the failure to pay his commercial paper, to force a debtor into bankruptcy. Of that provision of the old bankrupt law the country was complaining everywhere, especially since the panic, when creditors became exacting and every man was taking his neighbor by the throat and saying, "Pay me that thou owest." Then the people saw the odious provisions of the bankrupt law which enable one man to force another into bankruptcy simply because he has made default in payment of his paper for a very limited time—fourteen days.

Another grievous complaint that has existed against this law from its inception is the great expense to which parties are put who go into bankruptcy. It is known that in a large number of cases both of voluntary and involuntary bankruptcy the creditor gets nothing; these "regulars," in the language of the Senator from Massachusetts, get the whole. The registers, marshals, and clerks absorb the whole estate where the estate is small, and curtail very materially the estate, even if it is large; so that in a great many cases the creditor gets nothing and the bankrupt's estate is exhausted by the "regulars," as the Senator from Massachusetts styles them, and the creditors are the losers.

This amendment of the Senator from Ohio looks in the direction of economy in the expenses of bankruptcy proceedings in court. The argument on the other side would seem to proceed on the idea that the masters that may be appointed will perform all the duties now performed by the registers. That is not the obvious intention of the amendment. The meaning of the amendment is that where the court finds itself unable to perform these duties, then it may appoint a master-commissioner; but many of the duties that are now performed by the register in bankruptcy would be performed by the judge of the district court under this amendment. Why, sir, what are the duties now performed by a register in bankruptcy? A review of those duties will make it obvious that the judge of the district court could, without any inconvenience to himself, perform a number of the duties now required to be performed by the registers. I read from section 4 of the act of 1867:

That every register in bankruptcy, so appointed and qualified, shall have power, and it shall be his duty, to make adjudication of bankruptcy.

That duty could be performed by the district judge without the intervention of a register in bankruptcy. For that the register receives a fee, which would be saved to the estate of the bankrupt under this amendment.

To receive the surrender of any bankrupt.

Could not that be done by the district judge as well as by a register in bankruptcy? And yet a register in bankruptcy is now paid a fee for the performance of that service, simply receiving the surrender of any bankrupt.

To administer oaths in all proceedings before him; to hold and preside at meetings of creditors.

The district judge could do that just as well as a register in bankruptcy. But without stopping to comment upon it, I will read on:

To take proof of debts; to make all computations of dividends, and all orders of distribution, and to furnish the assignee with a certified copy of such orders, and of the schedules of creditors and assets filed in each case; to audit and pass accounts of assignees; to grant protection; to pass the last examination of any bankrupt in cases whenever the assignee or any creditor do not oppose, and to sit in chambers and dispatch there such part of the administrative business of the court, and such uncontested matters as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct; and he shall also make short memoranda of his proceedings in each case in which he shall act, in a docket to be kept by him for that purpose, and he shall forthwith, as the proceedings are taken, forward to the clerk of the district court a certified copy of said memoranda, which shall be entered by said clerk in the proper minute-book to be kept in his office, and any register of the court may act for any other register thereof.

More than one-half of the duties that are here specified to be performed by the registers of bankruptcy, the district judge would perform under this amendment without the intervention of a register or commissioner or master; and in that aspect of it there would be a great saving of expense. If this cumbrous, expensive machinery is to be kept in the bill, for one I am utterly indifferent as to its passage. While I believe the amendments reported by the Committee on the Judiciary so modify the provisions of the existing law as to take away many of its harsh features, and, therefore, if other provisions are added to them, would be such an improvement as would justify a continuance of the bankrupt law, yet, notwithstanding those amendments, if others are not added, if the cumbrous and expensive machinery, which is to exhaust the estate of the bankrupt, is to be continued, we had better abolish the whole system of bankruptcy; and for one I shall be perfectly indifferent about the passage of this bill unless something is done to curtail the expenses which are now incurred by placing a man in bankruptcy. In what way are his creditors benefited by throwing him into bankruptcy? He must have a large estate or they will never get a cent. Why, sir, I have never been a creditor of a very large bankrupt, but I have had several notices of claims against bankrupts; and knowing the expenses which were incident to the whole system, I have never yet proved a claim against a bankrupt, but was content to lose my claim rather than go to any expense or trouble in connection with it; and such, I believe, is the experience of one-half of creditors of men who have gone into bankruptcy.

Mr. EDMUNDS. May I suggest to my friend from Delaware, with his permission, that the committee and the Senate have now determined that these expenses shall be diminished for the time being one-half; and have required the judges of the Supreme Court, which is not a political body, as my friend knows, to readjust this whole question, not only of fees but of the performance of duties, so as to avoid any duplication—to consolidate everything. That, I am sure my friend will admit, is in the interest of economy and reform.

Mr. SAULSBURY. Certainly it is; I do not deny that. I have no doubt that under the amendments reported by the Judiciary Committee the expenses will be considerably lessened; but I still believe that they will be larger under those amendments than is necessary; for I believe that in many districts, probably in a majority of the districts, a large proportion of the duties now required to be performed by the register should be performed by the judge without the intervention of a register, or master, or anybody else.

Why, sir, take a judicial district in the rural sections of this country. There may be in Boston, there may be in New York, there may be in Philadelphia, and in the other large cities, a pressure of business upon the district courts; but in nine-tenths of the districts of this country the district judge has ample time to attend to every case of bankruptcy that comes before him, and to perform the duties which are now performed by the registers in bankruptcy. I do not think it would be heaping burdens upon the district judges. I do not desire to see the judicial position overburdened in the performance of duties; but I believe that the judges themselves would be perfectly willing, in the interest of economy and for the benefit of the parties concerned, to perform these duties in nine-tenths of the districts in this country. In such districts as are crowded with business, in the large cities, the provision which authorizes them to appoint a master or commissioner intervenes and comes to their assistance; but in the rural sections of the country, where there are no large cities, where there is not such a pressure of business, I repeat that the duties now performed by the registers could be performed exclusively by the district judges. I shall vote, therefore, for the amendment proposed by the Senator from Ohio.

Mr. PRATT. Before the vote is taken on this amendment, I wish to submit a few remarks in opposition to it.

This amendment might do very well in small States, such States as Delaware and Rhode Island, where the creditors and parties interested could reach the seat of government where the district court sits in a few hours' travel; but it would not suit States situated like my own, where there is but one district court, and where it would require parties and witnesses to travel to the seat of government one hundred and fifty miles. Under the existing law there are thirteen congressional districts in Indiana, and of course so many registers. These registers are clothed with judicial powers as well as with administrative powers. They discharge a large portion of the business in the settlement of the bankrupt's estate. They are convenient local forums, to which the bankrupt and the creditors can resort without long distances of travel.

The Senator from Delaware who has just addressed the Senate has enumerated the powers of registers in bankruptcy under the existing law. Let me call attention again to some of those powers as they are laid down in the fourth section of the act of 1867. In the first place, a register has the power, and it is made his duty, "to make adjudication of bankruptcy." It is likewise made his duty to receive the surrender of the bankrupt's estate. He is authorized "to administer oaths in all proceedings before him." He is likewise clothed with power "to hold and preside at meetings of creditors." In most of the cases in the western country it is to be presumed that the creditors of a bankrupt would live in his immediate vicinity. Meetings of creditors are necessary for divers purposes; in the first place, for the selection of an assignee; then for the purpose of making a composition with the debtor. Now, if they are compelled to travel to the seat of government a distance of one hundred and fifty miles for the purpose of attending those meetings, it is imposing a very great hardship upon a great many men; because there would be cases in which the creditors are very numerous, and in order to attend these meetings, under the amendment proposed by the Senator from Ohio, they must go to the seat of government, to the seat of Federal jurisdiction.

Furthermore, the registers are clothed with power "to take proof of debts"—of all claims against the bankrupt. These creditors are to resort to the register's court, under the existing law, for the purpose of proving their debts; but if the amendment of my friend from Ohio is adopted, instead of resorting to the register a few miles distant from the domicile of the bankrupt, all these creditors must resort to the seat of government for the purpose of establishing their debts.

Then the register is authorized "to make all computations of dividends and all orders of distribution," all distribution of assets of the bankrupt, "and to furnish the assignee with a certified copy of such

orders." He is authorized also "to audit and pass accounts of assignees" and "to pass the last examination of any bankrupt in cases whenever the assignee or a creditor does not oppose;" and furthermore—here is a general power—he is authorized "to sit in chambers and dispatch there such part of the administrative business of the court, and such uncontested matters as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct."

Now, Mr. President, the amendment of the Senator from Ohio proposes to transfer all these powers to the district judge and require him to perform what now thirteen registers in bankruptcy in the State of Indiana perform. I submit that it will load him down, that it will be impossible for him to wade through such an accumulation of duties. Then, looking to the convenience of the bankrupt himself, looking to the convenience of the creditors, and looking to the immense saving of expense, it seems to me that this amendment ought not to prevail.

The PRESIDING OFFICER, (Mr. ANTHONY.) The question is on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment of the Committee on the Judiciary.

The amendment to the amendment was rejected—ayes 10, noes not counted.

Mr. EDMUNDS. Now, I wish my friend from Ohio would offer the amendment which he has shown to the committee, and which will overturn a considerable part of the argument that he has been making, and which we are satisfied with.

Mr. THURMAN. I now offer the following amendment as an additional section:

SEC. —. That in addition to the officers now authorized to take proof of debts against the estate of a bankrupt, notaries public are hereby authorized to take such proof in the manner and under the regulations provided by law, such proof to be certified by the notary and attested by his signature and official seal.

One word of explanation. As the law now stands, proof of debt can only be made in the district in which the suit is pending before a register in bankruptcy. The consequence is that a person may have to travel a great distance in order to find a register. There is one congressional district in Ohio, for instance, that contains about ten counties, and a person might have to travel seventy or eighty miles in that district in order to make proof of his claim. There is another district nearly one hundred miles long, and the same inconvenience might result there. In the case of non-resident creditors, the statute is that the proof may be made before a register in bankruptcy or any United States commissioner, a commissioner appointed by the circuit court of the United States. That is also inconvenient, because you must find either a register or a commissioner. I know of no reason why proof may not be made before a notary public under the regulations and subject to the restrictions that are provided in the act; and I therefore offer the amendment.

Mr. EDMUNDS. I have examined the amendment, and I think some other gentlemen of the committee have, and I believe we have no objection to it. I think myself it will improve the law in saving the necessity of creditors traveling a great distance sometimes to make merely this preliminary *prima facie* proof of their claims to be sent to the register. I hope, therefore, the amendment will be adopted.

The amendment to the amendment was agreed to.

Mr. MERRIMON. I offer the following amendment: that section 2 of the said act be amended by adding next after the words "adverse interest," in line 12, the words "or owing any debt to such bankrupt."

I offer this amendment for the reason that a very serious question has arisen in the operation of this law as to whether circuit courts have jurisdiction to collect debts due to the bankrupt when suit shall be brought by the assignee. Many of the judges have held that the circuit courts have not jurisdiction, while other judges, under the old laws as well as the present one, including the late Chief Justice, have held that the circuit courts have jurisdiction. My purpose in offering this amendment is to set that question at rest. I remember a case in my own practice where my associates and myself brought some four hundred suits in the name of the assignee in bankruptcy, and a motion was made to dismiss the suits for want of jurisdiction. His honor the Chief Justice was sitting with the district judge in my State, and at first they were inclined to put us out of court in every case, but after a long and elaborate discussion the court sustained the jurisdiction. But while the court in that case sustained the jurisdiction, and while it was sustained by Judge Story and Judge McLean, other highly respectable judges have decided that the circuit courts have not such jurisdiction, and I believe the current of authority is that way. The matter ought to be set at rest one way or the other. I think the circuit courts ought to have jurisdiction, because it is a very great convenience for them to have it.

Mr. EDMUNDS. If my friend had noticed the amendment adopted on Friday last from the committee he would have seen that we had considered that matter somewhat.

Mr. MERRIMON. I was not aware of that.

Mr. EDMUNDS. And we have in line 10 of section 2 stricken out the words "the same," and inserted "any." That clause is as follows:

The powers and jurisdiction hereby granted may be exercised either by said court, or by any justice thereof, in term-time or vacation. Said circuit courts shall also have concurrent jurisdiction with the district courts of the same district of all suits, at law or in equity, which may or shall be brought by the assignee in bankruptcy against any person claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt transferable to, or vested in, such assignee.

Now, in our motion, intending to meet our friend's result, we struck out the words "the same" and inserted "any," so that it now reads that the "circuit courts of the United States shall also have concurrent jurisdiction with the district courts of any district of all suits at law or in equity," &c.

Mr. MERRIMON. In those cases where the courts have held that concurrent jurisdiction does not exist, it has been upon the ground that the words do not embrace debts that are to be collected by the assignee. It does not turn on whether it is in the same district, but it turns on whether this class of debts is embraced.

Mr. EDMUNDS. I think this point is covered by an amendment which the committee has offered, and I do not think much doubt can arise upon it; but the amendment of the Senator from North Carolina is in the same direction, and I shall have no objection to it, because it covers really the same point proposed by the committee.

Mr. MERRIMON. There is doubt about it; and it might give rise to considerable litigation if we did not make the point clear.

Mr. EDMUNDS. I have no objection to the words being added, for one.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MERRIMON. I have another amendment to offer, and I beg to have the attention of the chairman of the Judiciary Committee. After the words "collection of all the assets of the bankrupt," in the fourteenth line of the first section of the bankrupt act, I move to insert "where the legal, as contradistinguished from equitable, debt or demand exceeds, exclusive of costs, the sum of $500;" so that the law will read in this way:

And the jurisdiction hereby conferred shall extend to all cases and controversies arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy; to the collection of all the assets of the bankrupt where the legal, as contradistingnished from equitable, debt or demand exceeds, exclusive of costs, the sum of $500.

I offer the amendment.

Mr. EDMUNDS. Let it be reported from the desk.

The CHIEF CLERK. It is proposed, after the words "to the collection of all the assets of the bankrupt," in the fourteenth line of the first section of the bankrupt act, to insert the words "where the legal, as contradistinguished from equitable, debt or demand exceeds, exclusive of costs, the sum of $500."

Mr. MERRIMON. I will state why I offer that amendment. When an assignee proceeds to collect the debts that are due the estate of the bankrupt, as the law now stands, he may and generally does bring all his suits in the Federal courts; and in many of the States—I know it is so in my own State—he brings a party for a trifling debt of sixty or seventy or one hundred dollars, two or three hundred miles to court. The result is that the costs in collecting a debt of fifty or one hundred or two hundred dollars are sometimes equal to the debt itself. The costs are made up, not only of the court costs, but of the mileage costs for the marshal. These small debts, inasmuch as they are not matters of such grave moment, might be collected very conveniently through the State courts. Very often they are sold under the order of the court in order to avoid delay and expense in collection. If the assignee were left to pursue his remedy in the State courts to collect debts of this character, it would save a vast deal of loss of time and expense to persons who might be sued in that behalf, and would also save the district and circuit courts of the United States a great deal of trouble. As the law now stands, the district and circuit courts of the United States have jurisdiction of a debt of five dollars.

Mr. EDMUNDS. The Senator does not mean to say that they have exclusive jurisdiction?

Mr. MERRIMON. No, sir; they have not; but my objection is this—and I have had considerable observation in the practice under this law—that the assignees always bring their suits in the Federal courts for the reason that, in the first place, the costs are larger; they are always nearly in the interests of the officers of those courts, and they are in the interest of their counsel; and the taxed fees allowed counsel are generally more than they are in the State courts. The taxed fee in the Federal circuit courts is usually twenty dollars. The taxed fee in the State courts is very often four or five dollars, and seldom exceeding ten dollars. This would cut down a vast amount of costs and rid the Federal courts of a vast deal of litigation that they ought not to be troubled with.

Mr. EDMUNDS. That would be different in different States. In the State of Vermont, in matters over $100, the expenses of collecting a debt are greater in the State courts than they are in the Federal courts.

Mr. MERRIMON. That is not my observation.

Mr. EDMUNDS. You have not observed it in my State, I suppose. The difference is according to the different fee-bills and modes of practice in the different States. The law now stands, and I think it is right as it is, giving the assignee in the first instance the discretion whether the interest of the estate requires him to appeal to Federal judicial interference to collect the debts, or whether he is safe in appealing to the local court of the particular county where the debtor may reside. I think that discretion is a wise one. If it were left absolutely with the assignee, there might be force in an amendment which should provide that the assignee in that respect should be sub-

ject to the direction of the court as to where he should institute his proceedings, where any special difference would be made in order to collect the debt, so as to save as much to the estate as possible. But as the law now stands, the assignee, as I understand it, is subject, under the rules and orders of the Supreme Court in respect to his conduct in the collection of debts, to the direction of the court whose officer he is; and it is therefore now within the competence of the district judge, or the circuit judge, on appeal from him, to direct that the assignee shall collect a certain class of assets—small ones—in the State or county courts, or justices' courts of the particular State or county where he may happen to be, and in respect to some assets to collect them in the Federal courts, dependent on what the state of feeling might be. There might be cases where a set of debtors, the friends of the assignee, if you please, living in the neighborhood, and where, under State proceedings, the jury would have to be drawn from the immediate neighborhood, because by almost all the State laws the jury must be drawn from the very county, would be able to prevent the collection of a certain class of small debts. The jury would disagree, or there would be some hole out of which these debtors could escape; and in such cases it ought to be within the scope of the Federal court to protect the interest of the estate and of the creditors by having these people understand that they would be brought before a jury that was not exactly of their own immediate neighborhood, but who were impartial citizens, of the same State to be sure, but out of reach of the local influence that might prevail.

So the true law, as I think, is the one which, as I understand, now exists, and that it is a matter of discretion with the bankrupt court to determine how this shall be; and if I am under any mistake about that now, as I think I am not, the new provision that we have inserted for a readjudication by the judges of the Supreme Court of the rules which we authorize them to make governing the conduct of assignees by name, and regulating their duties by name, would make it perfectly clear that that power would exist.

Therefore, Mr. President, I hope that this amendment of my friend from North Carolina will not be adopted, for the reason that it makes an absolute rule which prohibits the jurisdiction of the Federal courts in any case unless the debt is $500. As the law now stands, it is within the jurisdiction of the court to direct the assignee whether in a given case the suit shall be brought in the State or in the Federal courts; and wherever it appeared to the judge, or to a committee of creditors who should appear before the judge and make a suggestion of that kind, that the interests of the estate would be best subserved by having a suit or suits brought in the State courts, then he would so order. But if we adopt this amendment, we positively exclude from the jurisdiction of the courts of the United States, under the laws of Congress enforcing its own laws, the right to try any case under $500 at all. I submit to my friend that that is carrying it too far.

Mr. MERRIMON. I beg to say one word in reply to the Senator from Vermont. The very excellent judge in the district where I live made a rule, which I think was not authorized by the law, and which I believe he thought himself was not authorized by the law, that no suit should be brought by an assignee in the district court for a less sum than sixty dollars. But I apprehend that if an assignee had brought a suit in the district court for five dollars, the judge would have no right to put him out of court, because, by the law, he had a right to bring his suit there for that sum.

Mr. EDMUNDS. May I ask my friend a question right there, if I do not interrupt him?

Mr. MERRIMON. Yes, sir.

Mr. EDMUNDS. If the judge should find that an assignee had violated one of his rules, is it not in the power of the judge at any time when he thinks an assignee misconducts himself to remove him and appoint another? In that case if an assignee should have disobeyed the suggestion of the judge, I ask whether the judge could not have put him out, and put in a man who would obey his orders?

Mr. MERRIMON. My answer is that in that case the judge would exercise an arbitrary and unlawful power if he did it upon that ground, which I trust no United States judge ever will do, for the reason that the law says the court shall have jurisdiction.

Mr. EDMUNDS. That may be; but the law equally says to the judge that he may remove the assignee for cause at any time; and this law that we now propose, if my friend will give attention to the last two or three sections of it, specially provides that the Supreme Court shall make rules which shall guide the conduct and the duties to be performed by these assignees, so that certainly under that, if not under the present law, provision could be made.

Mr. MERRIMON. He cannot remove the assignee for any cause. He has the physical power to do so, but he has not the lawful power to do it. He has the discretion, but it must be a sound legal discretion and not an arbitrary one; and I say that if a judge should undertake to remove an assignee simply on the ground that he had done what the law authorized, he ought to be impeached for it. It would be an arbitrary exercise of authority, that the law and his oath of office forbid. The assignee, as the law now stands, has a right to bring a suit for five dollars in the Federal court, and the judge without the exercise of an arbitrary power has no right to put him out of court. But, as I said, the very excellent judge in my own district made a rule that assignees must bring their suits to recover small debts under sixty dollars before the State magistrates in his district. In my State I have known persons sued and brought four hundred miles to answer for the collection of a debt of $100, and the mileage of the marshal and the court costs were in some cases actually greater than the debt itself. It seems to me that simply to state this fact, and to suggest that hundreds and thousands of cases in almost every State in the Union may arise very much like this, is to suggest the reason why this amendment ought to be made.

The Senator from Vermont objects to it, that perhaps the State courts or the people of a particular locality in a State may be unfriendly to the assignee and the collection of debts. It seems to me that that objection has very little weight in it. The juries that attend the Federal courts are the very people who compose the people of the State, and the judges of the several States, beginning with the judge of the lowest order and going up to the highest, are as much bound by this bankrupt law and every law of the United States, including the Constitution, as are the Federal judges. They take an oath, and their obligation is to execute these laws in the very same manner; so that the objection which he raises is unfounded.

This appears in a stronger light when we consider the general jurisdiction of the circuit courts of the United States for the purpose of collecting debts. Suppose a citizen of New York has a debt against a citizen of North Carolina. It is for $400—say it is for $499. That citizen of New York cannot go into the courts of the United States to collect such debt. He is bound in that case to seek his remedy through the State courts. If it is right and proper and necessary that the assignee in bankruptcy should go exclusively into Federal courts to collect his debts, surely it is no more than right that a citizen who has a debt of $499 should be allowed to go into the Federal courts; but in that case, under the general jurisdiction of the circuit courts of the United States, unless the debt amounts to $500 exclusive of costs, the citizen in a distant State cannot bring his suit in the Federal courts.

If the amendment I have offered prevails, it seems to me it will cut off a vast deal of what amounts, by reason of the large extent of territory embraced by these districts and long distances to and from courts, to absolute oppression; and I speak with the more confidence because I have seen it, not in a few cases but in hundreds. I have known hundreds of cases brought in the Federal courts to recover debts of less than $500, where the costs that accumulated in collecting these plain matters of debt were equal in many instances to the whole debt, and very often to 50 or 75 per cent. of it. I cannot see any evil that will result from it. The State courts, from the highest to the lowest, as I have said, are as much bound by the laws of the United States as the courts of the United States; and if we are to lose confidence in the State courts, if we are to lose confidence in the juries sitting in the State courts, for the same reason we must lose confidence in the juries sitting in the Federal courts; and if the party litigant shall lose in the one court, he will as certainly lose in the other.

Mr. EDMUNDS. One word, Mr. President. I promise not to prolong this matter. The Senator from North Carolina, I think, is a little unjust in his comparison between this law and that limiting the right of citizens of the various States to sue in the circuit courts. That, to be sure, is a mere regulation of Congress, as this is; but that is the private right of one single citizen that may arise to him in one place or another, and he must submit to the inconvenience of State prejudice to that extent. But here we have a case where all the debtors in a particular locality are to be called upon at once by the assignee to pay their debts into this bankrupt's estate, and to pay them in for the benefit of creditors. Now, the time has been—and I am sure my friend will not consider that I am opening unpleasant topics, because I do not intend to do that—in some of the States of this Union where if an assignee in bankruptcy should sue a great number of persons at the same time, (and I am not sure but it is just as much so in one section of the country as another, and I beg my friend not to suppose that I am opening anything political, if he were to bring suits of that kind against all the debtors at once who would not pay, there would be such a local feeling created in the immediate vicinity of those debtors, which they would create themselves, that you could not get a verdict in one case in twenty, although the cases would be absolutely unanswerable in point of law.

Of course that depends upon feeling; and to show my friend that I am not alluding to states of feeling that have existed in the South at some time or other, as I understand, I will mention that I have known that case to exist once in my own State, where a New York insurance company had insured the property of hundreds of farmers in the State of Vermont upon premiums that were to be paid yearly—not all paid in advance—and then the insurance company failed, and it was necessary to collect the assets of that insurance company in order to pay its creditors, and these people were clearly liable upon their notes. There was no mistake about it. They said that there was misrepresentation, and all that kind of talk which we are accustomed to in such cases; as when a man gives a little too much for a horse, he always says there was a warrantee or something. But any fair-minded man would say, and every fair-minded man did say, so far as the law went, that there was no defense to these insurance notes at all. What was the result? The result was that these notes were so small, that the assignee or receiver of the foreign insurance company was obliged to sue in the county courts of the State, sometimes in the justices' courts, depending on the sum, whether it was below $100 or above. Although there were not very great numbers

of them in one county, though it covered the whole side of our little State, it was found impossible to get a verdict upon these insurance notes in one case in ten, for the jury would be so affected by this prejudice that had run through the minds of the farmers that they had incurred a liability, and that they were not likely to be safe upon it after all in having their premiums repaid to them in case of loss in the form of the sum promised by the policies, that it was impossible to get a verdict from a jury even in as well-regulated and old a community as ours, where we think (perhaps we are wrong) that people stand up for justice as much as anywhere.

How would it be in any case of excitement where there were large claims in favor of the bankrupt in any particular locality in a State—for I am not referring to any particular State by any means; and it would be as likely to happen in my own as any other—where some great insurance company fails? Unless there is the power in the assignee or in the court to let the people know that they are to be brought before a Federal tribunal, where the jury is summoned from all parts of the community—and not from one locality, so that generally you would get ten out of twelve of the jury from people who were scattered about, and who did not feel this special influence—there would be influences brought to bear in the neighborhood that would prejudice jurors, in spite of their intention to do right, in such a way as that they would always find their way clear to disagree and not give a verdict.

I know that my friend from North Carolina is in favor of the general principles of the amendments we have made to the bankrupt bill, if I correctly understand him, and I know therefore that this amendment is offered in aid of what he thinks the right action of the bill, and not to destroy it; but I do submit to him that, under the provisions we have made for regulating this subject of what the assignee may do, it would be better to wait until that is done before we take another step.

Mr. MERRIMON. I believe, Mr. President, that the constituency, as a whole, which I represent, are indifferent as to whether we have a bankrupt law or not; but, in my judgment, the country ought to have one, and, therefore, I desire to see the present bankrupt law so amended and modified that it will be acceptable to the American people. The great difficulty about making it acceptable is this: that several localities of our country are highly commercial, and there such a law is almost absolutely necessary; but the greater portion of our country is an agricultural, a producing, country, and they are the people who care very little about it. I believe, however, without reference to the particular wants of any locality, that the country needs and ought to have a permanent bankrupt law. I said to my friend [Mr. EDMUNDS] privately the other day, "It is very important that we should put the bankrupt law into such shape as that it will be acceptable to the whole people, else we shall stand a very good chance of having it repealed by and by, if not now, which, I think, would result in great detriment to the commercial interests of the country." It is, therefore, that I am anxious, by amendments like these, to put it in such a shape as that it will operate as lightly on the agricultural portions of the country as possible. If that is not done you may be sure that many localities in the South and West will come here at a future Congress and demand the repeal of the bankrupt law.

Now, sir, a word as to the objections which my friend from Vermont raises to the proposed amendment. He says the juries will be prejudiced, and that very often when an assignee brings his suit in a State court, and appeals to a jury, the jury, without reference to the right, will find against the claim. It seems to me that the same people sitting as jurors in a Federal court will find in the same way there if such a prejudice prevails as he supposes. But I have not found in the course of my experience that juries are generally so corrupt in any locality as to plainly violate their oaths. You may find a jury now and then that will do it in a particular case; but I have never been anywhere yet, where, in case after case, and repeatedly, and on purpose, juries would violate the plain obligations that rested upon them under an oath, as well as also the solemn instructions of a learned judge. I do not think that he will find any locality in the South, and I trust, ordinarily, he would not find any in Vermont or elsewhere, where a jury under instructions from a judge, would deliberately and plainly violate their oath; and especially am I sustained in this view when I remember that every judge of the State courts, every juror in the State courts, every juror sitting in a State court as much as if he were sitting in a Federal court, is bound by the Constitution and laws of the Union. They are bound by their oaths to support and execute these laws; and the same obligation that rests upon them in the Federal courts rests upon them in the State courts.

Then there is another great protection which my friend has not seen fit to advert to. A judge is presiding in a court; an assignee has brought a suit in that court; the issues are presented to the jury; the judge charges them as to the law and their duties, and they in the face of the facts, in the face of the charge of the judge, find against the assignee. The remedy is very plain in any court, State or Federal. A just, intelligent judge would at once say to the jury, "This verdict shall not stand; I not only set aside the verdict, but I reprimand the jury for violating their oaths;" and the next jury that comes will be very reluctant to find a similar verdict in a plain case.

I say, therefore, that the objection that my excellent friend has urged—and that is the only one I believe he has urged—does not arise. I do maintain that the debts less than $500 can be collected as easily, as readily, in the State courts as in the Federal courts; and they can be collected there for, I venture to say, one-third of the cost; and, what is more, they can be collected in a way that will put the people who live at distant points from where the Federal court sits to not a tithe of the trouble they are put to when they are sued, and are brought, under process served by the marshal, three or four hundred miles to attend a circuit or a district court of the United States.

I speak warmly and strongly about this matter, because I have seen the flagrant evils to which I refer. My constituents have felt it. One of the leading objections in my State against the bankrupt law has grown out of the fact that hundreds of people have been called three or four hundred miles to attend a court where they have been sued for a debt of $100; and the costs incurred, and which they eventually have to pay, breaking them up, amounted to more than the debt itself.

Mr. EDMUNDS. My friend has misunderstood me. I have adverted to another objection beside the one he has named of the prejudice of jurors. I wish to correct his misapprehension as to Vermont juries also while I am up. I did not say that a Vermont jury or any other jury would willfully violate their oaths. I say that Vermont juries, as well as juries in other States, are sometimes so prejudiced without knowing that it is prejudice, because a real prejudice is one that the party is not conscious of, and when it becomes to be a prejudice that the man is conscious of, it gets to be something else, and a little worse, I think.

Mr. MERRIMON. I ask my friend whether in his experience he has not found that prejudices of this sort often control the action of jurors in Federal courts as well as State courts.

Mr. EDMUNDS. No doubt they do. Prejudice is an article that runs through human nature everywhere. But what I say is, that if you declare in a certain class of cases that the Federal courts shall not have any jurisdiction, no matter how strong the prejudice may be in a county where a great many of the debts of a particular trader or a particular corporation are to be collected, no matter how strong it may be, however innocent and honest it may be, if you say that the Federal court shall not in any case have jurisdiction there, then you lose your debt; but if you say to the Federal court, "You shall direct the assignee what to do in such cases, whether to sue in the State court, or to sue in the Federal court, according to the necessity of the case when it arises," you say what is right, and what I understand the law to be now, and the law to have been heretofore.

My friend does not quite agree with me in that, although the judge of his district does, as I understand him. He did make an order that a certain class of suits should be brought in the State courts. That order, of course, was subject to be modified or stayed whenever a state of public excitement or prejudice in any part of the State should arise to make it necessary. That is perfectly true. But when you are to provide, as I said before, that in no case shall suits up to $500 be brought in the Federal courts, you then put it in the power of a body of debtors of the estate, where there may be a case of extreme prejudice and a great class of cases of the same kind, like those of the insurance company I was mentioning in my own State where a prejudice runs through a whole community, to defeat the collection of the assets. It is not because the juror is dishonest; it is because some pretext or show of a defense, which is not a real and sound one in point of law, gets into the mind of the juror, and without intending to violate his oath at all he finds a verdict accordingly. So he would in a Federal court.

Mr. PRATT. I should like to inquire of the Senator from Vermont why the assignee could not, in the case that he puts, ask a change of venue? If he supposes that public sentiment is hostile to the enforcement of the claim, is there anything in the existing laws of the States that would prevent a change of venue?

Mr. EDMUNDS. There is nothing in the existing laws of the States, perhaps, that would prevent a change of venue, provided they allow a change of venue in civil cases, and the statutes provide for such a thing; but it is very rare indeed that in the case of a contract there can be a change of venue. I do not happen to remember the statute of any State which provides for that; and certainly the statutes of most of the New England States at least do not provide for a change of venue in any case, except possibly murder, and not in all the States about that. But my point is, not that it is not right that these suits should be brought in the State courts as a general thing, if you please, but that it is not right to say by law that the judge who regulates the estate shall have no discretion upon the subject to exercise when necessary. We leave the law by the bill as reported from the committee in such a way that the judge can exercise the discretion of requiring an assignee to sue in a State court in all cases, but the amendment of my friend from North Carolina declares that he shall have no such discretion, but that the assignees shall sue in the State courts under all circumstances and against all prejudices, if the claim does not exceed $500.

The choice, therefore, is between leaving this to the control of the court having the bankrupt in charge to require, as is done in my friend's district as I understand, as a general rule, that all suits not exceeding $100 shall be brought in the State courts. That is in the control of the judge. If he finds in a given case that that rule is not going to work, the same power that made the rule can undo it for that special case, and suspend it and direct him to sue somewhere else.

So, as I say, the point is between turning over all these cases up to $500 absolutely to the State courts, with no redress, or saying that

the Federal courts shall have a jurisdiction to determine where the suit shall be brought.

Mr. WRIGHT. Allow me to make a suggestion to the Senator from Vermont. As I understand it, the State courts would not be compelled to exercise this jurisdiction; that is to say, it would be at their option. Now suppose a State court, this provision being made, should refuse to exercise the jurisdiction, then there would be no power to enforce the collection of a debt at all.

Mr. MERRIMON. I beg to say just one word in reply to my friend from Iowa. It has been held by the courts, and I believe uniformly, that where there is no statute to the contrary, every State court has jurisdiction of any matter in litigation arising under a Federal law; and I believe it has not occurred in the history of our governments, either State or Federal, that any State has refused to allow its courts to take jurisdiction of any matter arising under a Federal statute or Federal law that it was competent for the court to have jurisdiction of.

Mr. EDMUNDS. How is it with the courts themselves?

Mr. MERRIMON. I have never known an instance in my State. I suppose that a judge would not undertake to do it unless the Legislature should pass a statute to that effect; but I have no idea that any State ever would venture to do that. It would be such a destruction of the comity between the Federal Government and the States as the people of no State, I trust, would tolerate or think of seriously.

Mr. WRIGHT. Nevertheless I suggest to the Senator from North Carolina that it remains true that they would not be bound to exercise their jurisdiction, and if they refused to exercise it there would be no power to compel them.

Mr. MERRIMON. Then we could change the law.

Mr. WRIGHT. But we do not make a provision that will place us in a position where we shall have to change the law, and all these estates be hung up in the mean time.

Mr. FRELINGHUYSEN. This amendment is not susceptible of being amended, or I would suggest to the Senator from North Carolina to add the words "unless the district court order to the contrary."

Mr. MERRIMON. I have no objection to that.

Mr. EDMUNDS. If that will answer the Senator's purpose I shall not object.

Mr. MERRIMON. That will answer my purpose, and I accept the modification.

The PRESIDING OFFICER. The amendment will be reported as modified.

The CHIEF CLERK. The amendment as modified is, that section 1 of said act be amended by inserting after the words, "collection of the assets of the bankrupt," in the tenth line, the following words:

When the legal, as contradistinguished from equitable, debt or demand exceeds, exclusive of costs, the sum of $500, unless the court having charge of the estate order to the contrary.

Mr. PRATT. I understand that the Senator from Vermont concedes the point that has been made by the Senator from North Carolina, that, as the law stands at present, the assignee may proceed against any of the debtors of the bankrupt, in the district court or in the circuit court of the United States, no matter what may be the amount of the debts, though the debts sued do not exceed five dollars. If that be the condition of the law I have no hesitation in saying that it ought to be changed, and I shall vote most cheerfully for the amendment of the Senator from North Carolina.

Mr. EDMUNDS. He has modified it in such a way as to make it acceptable to us too.

Mr. PRATT. I should have preferred an amendment that would have put the assignee, in bringing suits upon debts due to the bankrupt, on the same footing precisely that the bankrupt occupied before he was proceeded against in bankruptcy, so that the assignee would have the same power that the bankrupt had before he became a bankrupt in suing the debts that were owing to him. Thus if the debt exceeds $500, and in its origination the parties belonged to different States, the Federal courts would have jurisdiction; but if it were under that sum, the debt must be sued in the State courts, and the Federal courts would have no jurisdiction.

Now contemplate for a moment the unmitigated hardships of the law as it is. A debtor here is compelled to answer a claim due to the bankrupt, which yesterday he could have been sued upon only in his own domestic forum, before a justice of the peace, or before his county court, where he could have summoned his witnesses and made his defense without any great expense; but, lo and behold, to-day the creditor becomes a bankrupt, and his assignee brings suit upon the same debt precisely in the Federal court, three or four hundred miles distant from the place where the debt originated, and where the defense is to be proved. I submit that is a great hardship to the debtor; it is a great hardship to the bankrupt's estate also; because if the claim be a litigated one the assignee must have his witnesses at the Federal court as well as the debtor; and thus both sides must transport their witnesses hundreds of miles for the purpose of trying the issue whether this debt should be paid or not, whether any valid defense exists against it. I should have preferred greatly, as I said, that the amendment offered by the Senator from North Carolina had been something like this:

That the assignee in bringing suits for the collection of debts due the bankrupt shall be required to sue in the same courts the bankrupt would in case bankruptcy had not occurred.

Put the assignee upon the same footing in enforcing the debts due the bankrupt that the bankrupt would occupy in case he had been proceeded against. There is justice. The moment you depart from that rule you impose a very great hardship upon the debtor, without any fault of his whatever. If it is a plain, ordinary debt against which he has no defense, the costs are doubled or trebled; and if it be a case where he thinks he has a valid defense against the estate, he had better pay the debt at once than attempt to make his defense, because he must transport his witnesses, be they few or many, hundreds of miles in some of the States in order to make his defense good.

Therefore, sir, while I shall support the amendment in its present form, I would greatly have preferred to put the assignee in all cases of litigation upon the same footing precisely that the bankrupt occupied before he was proceeded against.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MERRIMON. I beg to trouble the Senate with another amendment. At the end of section 1 of the bankrupt act, I propose to add the following words, making a new section:

The courts of record of the several States having superior jurisdiction and jury trials, shall have like jurisdiction of all matters of bankruptcy arising under the laws of the United States, and shall have power in all respects to administer such laws. And all orders, judgments, and decrees of such State courts made and passed in that behalf shall be deemed and held to be of the same force and effect, to all intents and purposes, as if the same had been made in the courts of the United States having jurisdiction of such matters: *Provided, nevertheless*, Any party to any matter or suit in bankruptcy in any such State court shall have the same right of appeal, or other method, to remove such matter or suit to the highest court of review in such State, as may be allowed by the laws thereof.

My object in offering this amendment, and I will detain the Senate but a moment, is to popularize this law as much as possible and to allow the people in their own immediate neighborhoods to administer it as nearly as may be, and not only to popularize it in that point of view, but to cut down the costs incident to the administration of the law. Any one who has had any experience in the practice of the Federal courts must know that the costs incurred in those courts necessarily are from 50 to 100 per cent. greater than the like costs in the State courts in like matters. My amendment is offered with that view.

Mr. FRELINGHUYSEN. It seems to me that that amendment will not answer, for this reason: The Constitution requires that we shall have a uniform system of bankruptcy. The law regulates the claims and credits that exist between the individuals of different States without regard to State lines at all, that being the very object of a bankrupt law. Now, to subject the interpretation and construction of this act to the State courts, with no review, no possibility of review by the Federal courts, would seem to me like passing a law which in its very nature belongs to the Federal Government, and then delegating our power and committing all its provisions to the various interpretations of thirty-seven different States.

Mr. MORTON. I would inquire of the author of the amendment if he intends by that to confer upon the State courts any power that they do not possess under the State laws?

Mr. MERRIMON. My object, I will state in reply to the Senator from Indiana, is simply to give the State courts authority to administer this law, and to exercise all powers necessary to administer it.

Mr. SCOTT. Will the Senator pardon me for putting a question in the same line? Does he suppose that, by incorporating this section in the bill, the State courts in North Carolina will be empowered to take jurisdiction of the estate of a bankrupt who had creditors in Pennsylvania, New Jersey, and New York, and authorize the officers of the State courts to go into those States and serve notices upon those creditors?

Mr. MERRIMON. They might possibly do it. More than that, sir, I would state, in reply to the Senator from Pennsylvania, [Mr. SCOTT,] that the district courts of the United States cannot go out of their districts to administer the bankrupt law. If an assignee in North Carolina desires to sue a party in New York, he has got to go to the district court in New York to collect the debt, and he must proceed in all respects through the district court of the United States when he asks relief in any matter pending before the court where he resides, and have any adjudication that he desires made there. So that the objection the Senator suggests by his question cannot arise.

Mr. MORTON. I desire to put this question to the Senator: whether in his opinion it is competent for Congress to confer any part of the judicial power of this nation on a State court?

Mr. MERRIMON. I think there is no doubt about it. I know that there are numerous acts of Congress that do confer such power. That difficulty occurred to my mind, and I looked at the authorities hastily this morning to see if there was any adjudication to the contrary. So far from finding any adjudication denying such power in Congress I found authority, which, to say the very least, is very high authority, sustaining by indirection the power which I propose to confer upon the State courts.

Mr. MORTON. Will the Senator permit me to read the judicial clause of the Constitution?

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation, &c.

Mr. MERRIMON. That is very true. The Congress would not have power to convert a State court into a Federal court, but that is not the proposition at all. The proposition is simply to authorize the State courts to administer a Federal law in this case as they do in five hundred other cases. Why, sir, the statutes of the United States expressly provide that the justices of the peace and all the judges of the several States shall exercise judicial functions in having parties arrested under the Federal laws, and brought into the Federal courts to be tried, for offenses against the laws of the United States. Sitting as a judge I have done it myself many times; and, indeed, I did it when the Federal authority found it, through their commissioners, impossible to do it. I refer now to cases of violations of the internal-revenue law. I have often issued a bench-warrant, had the party arrested and brought before me, and bound him over to the Federal court. I have done it in many instances, not only in the case of the internal-revenue law, but in other cases as well; and an act of Congress has conferred by general statute such powers upon the State courts.

But I have here an authority bearing on this subject showing that Judge Story, who I believe is pretty high authority in this country, believed that such power might be conferred upon the State courts. I read now from the case of Mitchell *vs.* The Great Works Milling and Manufacturing Company, which is reported in 2 Story's Circuit Court Reports, page 648. In commenting on the act of 1841, after quoting a section of the act, Judge Story uses these words:

It is clear that Congress has no right to require that the State courts shall entertain suits for such objects and purposes. The States in providing their own judicial tribunals have a right to limit, control, and restrict their judicial functions and jurisdiction, according to their own mere pleasure. They may refuse to allow suits to be brought there "arising under the laws of the United States" for many just reasons: first, that Congress are bound to provide such tribunals for themselves; secondly, that State courts are not subject to the legislation of Congress as to their jurisdiction; thirdly, that it may most materially interfere with the convenience of their own courts and the rights of their own citizens, and be attended with great expense to the State, as well as great delays in the administration of justice, to allow their courts to be crowded with suits arising under the laws of the United States; and fourthly, as in the present case, that it would involve the State courts in almost endless examinations and discussions of the principles and bearings of the bankrupt law, confessedly a system novel in our jurisprudence, intricate in its details, and involving questions exceedingly complicated and difficult in its practical operation. (Story's Circuit Court Reports, volume 2, page 656.)

I cite this not as authority to sustain the position which I take, but as indicating the opinion of that great and learned judge, and who was particularly great and reliable in expounding the Constitution of his country. It is manifest from what I have read, and not only from this case but other cases, that he thought such powers as I propose by this amendment may be conferred upon State courts.

It will be seen that this amendment does not propose to compel the State courts to administer this law; it only provides that the State courts may do it, and I believe that in the Southern and Western States, where the Federal courts sit at long distances from many of the people to whom Federal jurisprudence must be administered, the States rather than subject their citizens to the oppression, and annoyance, and distress of going such long distances at great expense would permit their courts to administer the law, rather than to allow it to be confined entirely to the Federal courts.

Then there is another consideration that prompted me in offering this amendment. In the Southern States, except in those portions of them that are highly commercial—and I may say the same of the Western States—four-fifths of the matters in bankruptcy involve estates of trifling magnitude; and because this is so, and because the costs in administering this law through the Federal courts are so great, the creditors in these small estates never realize anything from it; and hence a great deal of the odium that the law has come into. The State courts could take jurisdiction of these small cases in the agricultural portions of our country, and administer the law promptly and cheaply; the creditors would get a great deal more, and parties interested would suffer a great deal less, and the whole law would be administered at a great deal less cost.

I thought at one time whether it would not be wise to incorporate a provision that a certain number of creditors might make application to remove any bankruptcy case or proceeding from a State court, where it had been brought, into the Federal court. It is perfectly competent to do that; but as the law is to be administered in the State courts, if this amendment shall prevail, by a sort of comity between the State courts and the Federal courts, the State jurisdiction and the Federal jurisdiction, I thought it would be unwise and illiberal to say to the State courts, "After you have been courteous enough to take jurisdiction of this matter and administer the Federal law for us—after you have begun it, we lose confidence in you and take it from your jurisdiction;" and therefore I did not prepare any such provision. I think it unwise to do it.

Perhaps it may be said that we are afraid of the State courts. Sir, I trust the day will never come when the people of the United States shall be afraid of the integrity of each other; when the Federal Government shall be afraid of the State governments. The Federal Government is nothing without the State governments; the State governments are nothing without the Federal Government. Each supports the other; each is made for the other; and each within its sphere is a part of the other. When you distrust the people acting in their capacity as people composing the States, at the same moment and in the same way and in the same measure you distrust the people as making up a component part of the people of the Union. We have got to repose trust in the people acting in their State capacity just as the people have to repose trust in each other acting in their Federal capacity. I am willing, for one, to trust the State courts in the administration of this law with the same confidence that I would trust the Federal courts. I believe they will do it as faithfully and as honestly as the Federal courts; I am sure it will be so done in my State; and because it can be done so much more cheaply and conveniently, because it can relieve the people of much evil that amounts to downright oppression, I believe that the amendment ought to prevail.

Mr. EDMUNDS. Mr. President, this is an amendment of very great importance, one that I am sorry the Senate is not full to hear, because if it prevail, in my opinion there will be nothing left worth saving in the bankrupt law. In other words, it would in and of itself destroy the law as effectually as if you were to pass the House bill and say "repeal."

The first question that is presented is, whether this provision of my friend is constitutional. We are both of us sticklers for the Constitution of the United States, as every good citizen ought to be. Now, as has been suggested, where are you to find the uniformity which the Constitution of the United States requires, if you are to say that bankrupt proceedings are to be carried on in State courts as well as Federal courts, because, as my friend agrees, you can carry on no Federal proceeding in a State court except in accordance with State law and State permission. My friend does not contend, if I rightly understand him—and if I do not I hope he will correct me—that it is within the competence of Congress to require of a State court the performance of any such duty as this or any other duty that the Federal law is to put in force.

Mr. MERRIMON. I concur in that.

Mr. EDMUNDS. We all agree to that. Therefore you are to leave it to the pleasure of the courts of thirty-seven States whether they will exercise bankruptcy jurisdiction or not; and if they are to exercise it, whether they will exercise it according to Federal principles, or according to a uniform rule, or according to their own. But, more than that, a State court has no liberty to depart from the institutions of its own State, and its own constitution and the law under which it is created declare what it may do; and when it undertakes to do anything else, then it violates the law and the constitution of its own State. Therefore, if this amendment were to be adopted you could provide one rule and one provision for their acting in one State, and another in another; and you must, unless it should happen that every one of the thirty-seven States should think exactly alike about the law and its administration, because this bankrupt law must not only be uniform in respect to the principles on which you proceed, but it is to be a uniform rule. There is to be one guide that begins at the beginning and goes to the end; and it was intended by the Constitution makers that there should be, if I correctly understand that instrument. Very well; now if you are to say, in this bill, that we submit it to the pleasure of thirty-seven States taken separately and each for itself to provide a system of bankruptcy, and to provide the machinery upon which this bankruptcy system upon its principles is to go on, then you send it to thirty-seven different tribunals which might or might not be uniform, as the case might be.

In the next place, the Constitution does not confer upon the States the power to establish any uniform system of bankruptcy. It does not leave to the State law any right to act upon the subject of bankruptcy at all. It says that the Congress of all the States—not some of the States, but the Congress of the United States—shall prescribe a system of bankruptcy.

Now if it needs State legislation and State law to carry this system of my friend into effect, where do you get the authority in the Federal Constitution for allowing the State will or the State wishes to affect the question at all? A State may make an insolvent law (it may call it a bankrupt law if it likes) for its own citizens, and for cases occurring after the passage of the law, and may discharge the debtor; but it cannot by that discharge affect the debtor's relations to any creditor who is not a citizen of the State in which the discharge takes place, unless he chooses voluntarily to come in. Where are your rights then, pray?

In the next place I disagree with my friend entirely as to the power of Congress in any case to confer upon the State courts any judicial powers or functions whatever. It violates in the first place the very principle of separation and independence which the Constitution and the makers of the Constitution intended should exist between the States, which were to be absolutely independent in respect to the matters that were left to them, and we to be absolutely independent in respect to the matters which were left to Congress. It did not intend to provide for any mixed remedies or mixed legislation; it intended to provide for two separate and distinct organizations, and each, within the sphere that was left to itself, exclusively was to be "the master of the situation," if I may use such an expression.

Now, where do you find yourself? You find yourself without any State law to carry these provisions into effect, even if there could be one, as plainly there cannot be as it seems to me. You find yourself turning this bankrupt law over to the courts of all the States, denying the very theory on which this uniformity was re-

quired; and that is that there should be but one law in commercial matters for the nation. You infract that theory to begin with, and then, coming to the Constitution itself, you are undertaking, by the intervention of Federal authority, to confer powers and to require duties to be performed by courts over whom you have no jurisdiction either to compel the performance of the power or to punish for the neglect of it.

My friend thinks the case from which he has read, in 2 Story's Reports, touches this question.

Mr. MERRIMON. I said by implication.

Mr. EDMUNDS. I think, with all deference to my learned friend, that by implication it is exactly the other way. Mr. Justice Story says, with his usual elegant clearness:

It is clear that Congress has no right to require that the State courts shall entertain suits for such objects and purposes.

That is, even a suit by an assignee; Congress has no right to require that a State court shall allow an assignee to bring an action. Now, go on a little further and see what he says on the subject:

The courts which are to administer such a system (bankruptcy) must possess not only jurisdiction at law, but in equity; not only a right to proceed in a formal way, but to act summarily; not only to hold regular terms, but to be always open; not only to be bound to act, but to be governed by uniform rules and principles of interpretation and action, at least as far as, from the diversity of human judgments, such uniformity of rules, principles, and proceedings can be looked for in practice. But what can be expected from a hundred State courts, organized upon no uniform system, governed by no uniform jurisprudence, and in their jurisdiction and modes of proceeding admitting of almost endless diversities of practice and action? So far from any system of bankruptcy being capable of any uniformity of action throughout the United States under such circumstances, it would be in no two States, perhaps in no two tribunals of the same State, the same. And if every decision in a State tribunal was to be subject to the appellate jurisdiction of the Supreme Court of the United States, instead of the proceedings in bankruptcy being completed, as the act of 1841, chapter 9, section 10, manifestly contemplates, within two years from their commencement, a half century might elapse before such a consummation.

That is what Mr. Justice Story says. Now look to the question of whether you can confer by any act of legislation of Congress, in any case, jurisdiction in a State court; because if you can in one case you can in another; certainly if you can in this case, where Congress is exclusively vested in terms with the right to provide a uniform system of bankruptcy throughout the United States which shall be uniform everywhere, there is no other in the Constitution where you cannot. Now hear what the Supreme Court of the United States said in the case of Prigg *vs.* The Commonwealth of Pennsylvania, under the act for rendering fugitives from labor—the fugitive-slave law, as it is called—and I only read from the syllabus, so as not to take up the time of the Senate with this proposition, which involves to my mind perfectly fatal consequences:

The clause relating to fugitive slaves is found in the national Constitution, and not in that of any State.

So it is with the provision in regard to a uniform system of bankruptcy.

It might well be deemed an unconstitutional exercise of the power of interpretation to insist that the States are bound to provide means to carry into effect the duties of the national Government, whenever delegated or intrusted to them by the Constitution. On the contrary, the natural, if not the necessary, conclusion is, that the national Government, in the absence of all positive provisions to the contrary, is bound, through its own proper departments—legislative, executive, or judicial, as the case may require—to carry into effect all the rights and duties imposed upon it by the Constitution.

Mr. MERRIMON. That is good law.

Mr. EDMUNDS. Now, I submit to my friend how that can be good law, and his amendment be a good amendment.

Mr. THURMAN. Mr. President, I think if the Senator from North Carolina will reflect a little more upon his amendment, he will see that it is wholly inadmissible. There are certain fundamental principles upon which we must all agree. One is that a State court has no jurisdiction but such as is conferred upon it by the State constitution and laws. Nothing can be clearer than that. It is perfectly clear, therefore, that the Federal Government cannot confer upon a State court a jurisdiction not conferred upon it by the State constitution and laws.

Mr. STEVENSON. May I ask the Senator from Ohio whether the State courts do not exercise a jurisdiction under a statute of the United States in regard to a uniform system of naturalization, and whether the State court does not execute that law from beginning to end?

Mr. THURMAN. The State courts, I repeat, Mr. President, can have no jurisdiction except such as is conferred by the State constitution and laws, and Congress can confer upon a State court no jurisdiction beyond what is conferred upon it by the State constitution and laws; and if a State court does exercise a jurisdiction apparently under an act of Congress, it is because the State constitution has made it capable of receiving that jurisdiction. If the State constitution has not made it capable of receiving that jurisdiction, it cannot exercise it. Nothing can be clearer than that. What would be the right of the people of a State to establish their own constitution, to establish their own judicial system, if Congress had the power to enlarge that jurisdiction of their courts to suit the views of a majority in Congress? That seems to me to be quite too plain for argument.

The question, then, is, does this amendment of the Senator from North Carolina attempt to confer on the State courts a jurisdiction that is not conferred upon them by their State constitutions? Manifestly it does. Nay, it goes further than that; it attempts to confer upon a State court a jurisdiction that the people of the State cannot by their constitution confer upon it; in other words, it attempts to confer upon a State court a jurisdiction in bankruptcy, in execution of a bankrupt law of the United States, a power that the people of the State cannot by their constitution confer upon a State court at all. To show that I am not mistaken about this, let us see what the amendment is. It is to come in at the end of section 1, and it is to read as follows:

The courts of record of the several States having superior jurisdiction and jury trials shall have like jurisdiction of all matters of bankruptcy arising under the laws of the United States, and shall have power in all respects to administer such laws, and all orders, judgments, and decrees of such State courts made and passed in that behalf shall be deemed and held to be of the same force and effect to all intents and purposes as if the same had been made in the courts of the United States having jurisdiction of such matters.

That is to say, it gives precisely the same jurisdiction to a State court that is given to the district court of the United States. Now, mark, this is a very different thing from an assignee bringing a suit in a State court to recover a debt due to the bankrupt. There is no question in the world that that might be done if it were permitted by Congress. Why so? Because Congress would not confer any jurisdiction upon the State court in a case of that kind. The State court already has jurisdiction to entertain suits for the collection of debts; and when you have said by your bankrupt law that all the property, real and personal, of the bankrupt and all his rights of action, legal and equitable, shall vest in the assignee who may sue for and recover the same; when you have thus vested him with the title, either to the property or to the chose in action, he may recover in any court having jurisdiction in such cases, if there is nothing in the law of the United States to prevent his suing in that court; and hence it would be perfectly admissible for us to permit an assignee in bankruptcy to go into a State court to collect debts wherever that State court had the jurisdiction to entertain a suit for the collection of debts of the amount and nature that were involved in the suit.

That is one thing; but to confer upon a State court bankruptcy powers, to enable it to make all the orders and decrees in bankruptcy that we authorized the district court of the United States to do, is to attempt to confer upon it a jurisdiction not conferred by the State constitution, and which the State constitution could not confer if the people had so willed it. For that reason it seems to me very clear indeed that this amendment ought not to be adopted.

But if there were no constitutional difficulty in the way, the practical difficulties would be insuperable. How are you to administer a bankrupt law in all the superior courts of the States in that way? Take the case of the court of common pleas in the State of Ohio, that holds two or three terms a year, and whose vacations are greater than its terms; can you administer a bankrupt law in a court like that? And if you are to administer it in a court like that, I want to know another thing: which court is it that is to have the jurisdiction? A man goes into bankruptcy. To go into bankruptcy, he must take certain steps. His first step is to file a petition in the district court of the United States. If he is put into involuntary bankruptcy, his creditors file the petition. Now, how is that to get out of the Federal court into the State court; and, if so, into what State court is it to get? We have in Ohio eighty-eight courts of common pleas. Then we have nine district courts, then we have a supreme court, and then we have eighty-eight probate courts, which are courts of record too. Now, into which one of these courts, amounting to nearly two hundred in number, is the bankrupt case to go, and how is it to get there? Who is to choose the court which is to administer this law? And if you could get it into one of them, what are you to do with the long vacation, sometimes amounting to six months at a time, in these State courts, when your whole proceeding of bankruptcy would be blocked up?

I think my friend must see that his amendment, as it is drawn up, is entirely inadmissible. If he wishes merely to provide that nothing in this act contained shall prevent an assignee from suing for a debt in a State court, if that is what he means, there is no constitutional objection to that that I see, because the State courts are competent to entertain suits for the collection of debts, and the property being vested in the bankrupt, and the right of action being vested in him, he may sue in the State court, just as he could recover a tract of land by ejectment in a State court. That is one thing; but the Senator's amendment goes away beyond that, and provides that these State courts shall have the same jurisdiction as the district courts, and that their proceedings shall to all intents and purposes have the same effect as if they were proceedings of the district court. That I humbly submit is entirely inadmissible under the Constitution, and if admissible, it would be destructive of the law.

Mr. MERRIMON. It seems to me that the strongest objection to my proposition is that it has not yet been thoroughly debated.

As to the argument of my very learned friend who has just taken his seat, I deny the premise with which he starts out, and if that is not true, then his argument must fail. I do not agree with him in saying that it is impossible that Congress has power to confer upon a State court any jurisdiction at all; and without going into a discussion of any particular provision of the Constitution I cite the uniform legislation of the country from the earliest period of the Government down to the present time in support of the view that I present, without much preparation, and I cite this clause, under the head of "Arrests" in Brightly's Digest, page 90:

For any crime or offense against the United States the offender may, by any justice or judge of the United States, or by any justice of the peace or other magistrate of any of the United States, where he may be found, agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offense.

That act was passed in 1789, and has remained upon our statute-book ever since; and if opportunity would allow I could find authority—judicial decisions—sustaining that provision of this statute as entirely valid.

Mr. THURMAN. What provision is that?

Mr. MERRIMON. The act of 1789, authorizing the judges and justices of the peace of the several States to hold parties to bail to answer in the United States courts for offenses against the laws of the United States.

Then, again, Congress has conferred upon the State courts authority in matters of naturalization; Congress has conferred upon the State courts power to regulate the imprisonment of United States criminals in the State jails; and if time were allowed me in this running debate to hunt up the authorities and bring them to the attention of the Senate, I could find a variety of decisions sustaining the position that I take.

But, sir, to go back to the argument made against the amendment which I propose by the Senator from Vermont, [Mr. EDMUNDS.] He says that it destroys that uniformity of the bankrupt law which is required by the Constitution of the United States. I do not agree with him in that view. This amendment does not propose to allow the States to pass a bankrupt law or to abate it one jot or one tittle. It simply confers upon the State courts authority to administer the Federal law, as made by Congress; and there is the distinction. If this amendment should be adopted, the State courts would have no power to interfere with the provisions of the bankrupt law in any respect whatever. They are bound, if they shall undertake to administer it, to administer it as it is prescribed in the statute-book of the United States. I say, therefore, that the objection of the Senator from Vermont, upon the ground that the amendment destroys the uniformity of the bankrupt law required by the Constitution, is unfounded. All that this amendment proposes is to allow—not to compel, for we have no power to compel—the State courts to administer this law just as the statute I read awhile ago allows a State judge to arrest any one offending against the laws of the United States, just as the act of Congress allows the State courts to naturalize a party, just as the statute allows the authorities of the several States to make regulations for detaining prisoners of the United States in State jails. If the State authorities in one case could administer the law, I ask my honorable friends why Congress cannot authorize the State courts to administer this law as well as any other law?

I repeat that my purpose is not to abate one jot or one tittle of the law, but simply to give the State courts the power to administer this law so much more cheaply and expeditiously and conveniently to the people than can possibly be done through the Federal courts.

But, sir, while my honorable friend from Vermont was going on with his speech, and stating this distinction he insists upon between the State courts and the Federal courts, and denying the power of Congress to confer any jurisdiction upon the State courts, I desired to call his attention to a provision of the Constitution, which is very material here, it seems to me, and which goes to show that this bankrupt law in all its provisions is just as much binding upon the State courts, and they are as much bound to administer it where it comes under their jurisdiction, as if it were a statute passed by the State itself. Article 6 of the Constitution, in the second clause, provides in these words:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

And here now is the material part:

And the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Here is another provision of the Constitution that is material for my purpose, and which shows that the power that I contend for does exist:

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

So that the State courts, by reason of the relation which exists between the Federal courts and the several States, are absolutely bound in many respects, in many incidental ways, to administer this law; and if they can administer it to any extent, if they can administer it in part, why can they not administer it in whole? Therefore it is clear, it seems to me, that Congress has the power to confer this authority.

Then, objection is made as to the expediency of it. It is said the State courts are not adapted to it.

Mr. THURMAN. Before the Senator leaves the other point, will he answer me a question?

Mr. MERRIMON. I will if I can.

Mr. THURMAN. There must be a uniform law of bankruptcy. If the State courts are to administer it, how will it be uniform when, according to the constitution and laws of some of the States, parties can be witnesses in their own behalf, and according to the constitution or laws of other States they cannot be? Will that be a uniform system of bankruptcy which allows the bankrupt to be a witness, or the creditor to be a witness, or the assignee to be a witness in one State, and right across the State line, in another State, the law does not permit such a thing?

Mr. MERRIMON. I am glad to be able to give the Senator what I conceive to be an answer, and a perfect one, to his question. If the State court undertakes to administer the Federal law, it must administer it as it is, and therefore when a witness shall be offered in a similar case to that which the Senator puts, in a State court, where he would not be a competent witness under the State law in some litigation and yet he would be under the Federal law, the judge administering the Federal law, and being bound by it, must admit the witness.

But it is said that we will have law administered in thirty-seven different ways and it will be administered under thirty-seven different administrations. I deny that, with all respect. If the State courts undertake to administer this law, they must exercise the powers conferred by the law as they are provided in the act, and they must adjust their proceedings accordingly as the act directs. How easily that can be done every lawyer knows who has any experience in a court of equity. The judge makes his orders, and shapes his decrees to suit the case and the convenience of the matter pending before him.

But it is said there would be thirty-seven different classes of decisions, and therefore the amendment is inexpedient. Why, sir, it may be that in one State one construction will be put upon one clause of the statute, and in another State another construction will be put upon it; but if that is an objection to the State courts, it is likewise an objection to the district courts of the United States. I suppose that there are at least one hundred district courts in the United States, and the judges of those courts do not hold uniformly in reference to many of the clauses of the bankrupt law. The judge in my district holds one way; the judge in my honorable friend's district holds another way, touching many matters that come before them respectively, and where their jurisdiction is the last, there is no appeal from such ruling; so that there are conflicting decisions about the bankrupt law, just as there have been conflicting decisions about many statutes of the United States on other subjects. Constructions have been placed by judges in many localities different from constructions made by judges in other localities; so that, it seems to me, that objection amounts to nothing.

Then, sir, I repeat what I said a moment ago—and I regret I am not able to cite many authorities that the hurry of this debate has not allowed me to refer to—that if this amendment shall prevail, it will cut out a feature of the present bankrupt law that operates oppressively, especially upon those sections of the country that are agricultural in their character, where the country is sparsely populated, and where the class of suits taken into a bankrupt court embrace, comparatively, a trifling amount of property.

Mr. WRIGHT. Mr. President, the question involved in this amendment is of such importance that I trust I shall be pardoned for adding one word to what has been said in opposition to it. It proposes certainly a very radical change in the law. It proposes a practice and a method that have never been known to any bankrupt law in this nation. I am not aware that in all the discussions that have been had upon this subject under any law that we have ever had, or under the law of 1867, this proposition has ever been made at any time. It is, therefore, a most anomalous provision, to begin with. It proposes a most radical change in the administration of the bankrupt law, and we are called upon now, when we have almost perfected the amendments which have been reported from the committee and the bill is about to be reported to the Senate, upon the amendment of the Senator from North Carolina, to introduce a change that is the most radical that can be imagined or proposed.

I understand my friend to place his amendment, in the first place, largely upon the ground that it will tend to popularize the law, that it will tend to cheapen its administration. I suggest to my friend, if he wants to be radical in that respect, so far as cheapening its administration is concerned, it might be as well for him to strike out all fees, all emoluments under it; and if he wants to popularize it, he can strip it of very many of its provisions and make it so popular that the people will be constantly clamoring for it in every portion of the country. He might popularize it, aside from any constitutional difficulty, by putting it in the power of a justice of the peace to administer this law; but he does not propose anything of that kind.

Now, I humbly submit, Mr. President, that while it is all well enough in the passage of this bill that we should have reference to the popular will, we must remember that we are making a uniform system, giving a uniform system to all the States, and passing a Federal statute; and that we must have reference to our constitutional duties, and we must have reference to the character of the law we are about to pass, and the persons upon whom it is to operate.

But my friend from North Carolina will allow me to suggest in this connection one thing. It is to me most extraordinary that my friend should offer such an amendment as this. It seems to me he should be the last person to advocate this proposition. With all that has been said of State rights and the danger of concentration of power, and that the States must be protected in their constitutional rights, and that we must do nothing to interfere with those rights, my friend now pro-

poses to impose upon all the courts of the nation the duty to carry out a Federal law, and, as I humbly submit, trenching upon their powers and rights and going into the State tribunals and asking and demanding that they shall administer a Federal statute.

Mr. MERRIMON. My friend, unintentionally, does not state my position correctly. I do not command them to do it. I simply permit them to do it.

Mr. WRIGHT. The Senator says he simply permits them to do it, and he thus gives the power to the States to administer this Federal statute; and the courts of every State in the Union, according to what was said by him awhile ago, from the comity that obtains, would feel bound to do it according to his argument.

But I desire to suggest two or three things, aside from the constitutional difficulty, that it seems to me are in the way of his amendment. He says that these State courts may administer this bankrupt law. The intention is not that an assignee may bring suit to recover a debt, but that the bankrupt proceedings may be instituted originally before the State tribunals, and that all and every step under that law may be administered by State tribunals. Now, allow me to suggest to the Senator this difficulty: Suppose the State tribunals in the administration of this law shall be guilty of some fraud, some violation of duty, shall depart from what they are required to do under the Constitution and this law as we pass it; tell me where there is the power in the Federal Government to punish them for such violation of duty? Do you say that if the Federal Government has no power to punish, the State may do it? Where is the power? Under what statute have the State authorities power to punish a State tribunal for the violation of a Federal statute? They may violate their duty ever so much and be subject ever so much to impeachment, and yet there is no tribunal on earth that can punish them. However much they may be faithless, there is no power to punish them for a departure from duty.

But the amendment of the Senator further provides:

Provided nevertheless, Any party to any matter or suit in bankruptcy in any such State court shall have the same right of appeal, or other method, to remove such matter or suit to the highest court of review in such State as may be allowed by the laws thereof.

What "laws thereof?" By the "laws thereof" touching this matter, I suppose; but suppose they pass no law touching this matter, then where is the right to have it reviewed in the higher courts in the State? But not only that; we are providing for a uniform system of bankruptcy, and we give the power now for review in the highest courts of each State, but there is no power on earth to have the decisions of the highest State courts reviewed in the highest court of the Federal Government, and what becomes of your uniformity then?

It has been suggested that these State courts have administered the naturalization laws. So they have; but there is a very great difference between that provision and what is proposed by the Senator. The Constitution provides that Congress shall have power "to establish a uniform rule of naturalization." It provides that Congress shall have power "to establish uniform laws on the subject of bankruptcies throughout the United States." So far as the administration of the naturalization laws is concerned there is no judicial power exercised within the meaning of the Constitution. That power might be conferred upon a commissioner. There is no jury trial; there is no step or proceeding that at all approximates or assimilates to a trial by jury or a trial in court, and that power, therefore, might be conferred upon a commissioner just as well as on a judge, and the judge acts as a judge and not as a court.

But let me submit another difficulty. The law provides that so far as the administration of this bankrupt law is concerned, as I now remember, that the district courts shall be continuously open for the hearing of causes and the closing up of estates. Now, extend the same provision to the State courts, and where will you be? We know practically that it is utterly impossible for these State courts to be continuously open, for they are from time to time upon their circuit attending to business. So far as the district judge is concerned, however, the law provides that his court shall be continuously open for the purpose of closing up these estates.

Now, Mr. President, I have nothing further to say upon this subject. The constitutional objection has been pointed out. It seems to me that this amendment is a step as strong as any that can be possibly taken in the direction of invading and infringing upon the powers and rights of the States and the courts of the States in the administration of justice. This law, it seems to me, should be administered by one tribunal, and that tribunal a tribunal of the Federal Government. If you now provide that it shall be in the power of the creditors of a bankrupt to take him into all the numberless State tribunals of this nation, it ceases to be uniform, and you will have "confusion worse confounded" from the very time you make this provision.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I hope not. I appeal to my friend to withdraw that motion until we finish this bill. I think we can do it in an hour or two, and have the matter disposed of.

Mr. CAMERON. I should be glad to have the bill finished to-night; but I desire to go home because of illness in my family, and before doing so I desire an executive session.

The PRESIDENT *pro tempore*. The motion is not debatable. If the Senator from Pennsylvania does not withdraw it, the Chair will submit the question to the Senate.

Mr. EDMUNDS. I call for the yeas and nays on the motion.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 24; as follows:

YEAS—Messrs. Bayard, Bogy, Boutwell, Cameron, Conover, Cooper, Crozier Ferry of Michigan, Gordon, Hager, Hamilton of Texas, Johnston, Kelly, McCreery-Mitchell, Morton, Patterson, Pratt, Robertson, Saulsbury, Scott, Spencer, Steven, son, Stewart, and Stockton—25.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Buckingham, Carpenter, Cragin, Edmunds, Frelinghuysen, Gilbert, Hamlin, Hitchcock, Ingalls, Logan, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Sherman, Sprague, Sumner, Thurman, Tipton, and Wright—24.

ABSENT—Messrs. Ames, Brownlow, Chandler, Clayton, Conkling, Davis, Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Goldthwaite, Hamilton of Maryland, Howe, Jones, Lewis, Norwood, Ramsey, Ransom, Sargent, Schurz, Wadleigh, West, and Windom—24.

So the motion was agreed to.

Mr. FERRY, of Michigan. While the doors are being closed, I ask to have an order made for the withdrawal of certain papers.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. The Senator from Vermont objects.

EXECUTIVE SESSION.

The Senate thereupon proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 9, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at three minutes after twelve o'clock.

ENFORCEMENT OF INTERNAL-REVENUE ACT.

Mr. HALE, of Maine, introduced a bill (H. R. No. 1780) for the more effectual enforcement of the provisions of section 29 of the internal-revenue act of March 2, 1867, in the District of Columbia; which was read a first and second time; referred to the Committee on the District of Columbia, and ordered to be printed.

REDUCTION OF POSTAGE.

Mr. DAWES introduced a bill (H. R. No. 1781) to reduce the rates of postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

THREE PER CENT. LOAN CERTIFICATES.

Mr. PENDLETON introduced a bill (H. R. No. 1782) to repeal the sixth section of an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NATIONAL CURRENCY.

Mr. EAMES introduced a bill (H. R. No. 1783) to amend the several acts providing a national currency, and for other purposes; which was read a first and second time.

Mr. EAMES. I move that this bill be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair does not think that that motion is in order.

The bill was referred to the Committee on Banking and Currency, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. DUELL introduced a bill (H. R. No. 1784) to amend the act fixing the rate of duties upon certain articles imported from foreign countries; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. ST. JOHN introduced a joint resolution (H. R. No. 54) granting condemned cannon and shot for a monument at Washington headquarters, Newburgh, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALARIES OF POSTMASTERS.

Mr. PLATT, of New York, introduced a bill (H. R. No. 1785) to

regulate the salaries of postmasters in the cities of New York, Philadelphia, Pennsylvania, Boston, Massachusetts, Chicago, Illinois, Saint Louis, Missouri, Brooklyn, New York, Baltimore, Maryland, San Francisco, California, and Cincinnati, Ohio; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HOURS OF SERVICE IN DEPARTMENTS.

Mr. WOODFORD introduced a bill (H. R. No. 1786) to regulate the hours of service in the various Government Departments and Bureaus at Washington, District of Columbia, and to reduce the number of clerks employed therein; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

EDWARD JARDINE.

Mr. WOODFORD also introduced a bill (H. R. No. 1787) granting a pension to Edward Jardine, late colonel and brevet brigadier-general United States Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANSON ATWOOD.

Mr. SMART introduced a bill (H. R. No. 1788) for the relief of Anson Atwood, for the extension of his railroad-car-wheel patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CANCELING HAND-STAMPS.

Mr. SMART also introduced a bill (H. R. No. 1789) referring to the Court of Claims for adjudication and determination the claims of the parties therein named for the past and future use of Norton's post-marking and canceling hand-stamps and the Robertson improved hand-stamp; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DAVID OGDEN ET AL.

Mr. SCUDDER, of New York, introduced a bill (H. R. No. 1790) for the relief of David Ogden, Andrew Foster, and other ship-owners; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUSTUS L. YAEGER.

Mr. KILLINGER introduced a bill (H. R. No. 1791) granting a pension to Augustus L. Yaeger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS REHR.

Mr. KILLINGER also introduced a bill (H. R. No. 1792) for the relief of Lewis Rehr; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIGHT-HOUSE BOARD.

Mr. NEGLEY introduced a bill (H. R. No. 1793) to extend the jurisdiction of the Light-House Board; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY C. HIRST.

Mr. ALBRIGHT introduced a bill (H. R. No. 1794) for the relief of Henry C. Hirst, late a private in Company I, Third Regiment Artillery, One hundred and fifty-second Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NORTHUMBERLAND COUNTY MONUMENT ASSOCIATION.

Mr. PACKER introduced a bill (H. R. No. 1795) donating four condemned cannon and twenty cannon-balls to the Northumberland County Monument Association, of Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DUTY ON FRUIT.

Mr. KELLEY introduced a bill (H. R. No. 1796) construing section 14 of the act of June 30, 1864; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC PRINTING.

Mr. STORM introduced a joint resolution (H. R. No. 56) relative to the public printing; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MARY YONKIN.

Mr. STORM introduced a bill (H. R. No. 1797) granting a pension to Mary Yonkin, widow of Nicholas Yonkin, deceased; which was read a first and second time, referred to the Committee on Revolutionary Pensions and the War of 1812, and ordered to be printed.

THOMAS K. CARROLL.

Mr. WILSON, of Maryland, introduced a bill (H. R. No. 1798) to reimburse Thomas K. Carroll, late United States assessor for the first district of Maryland, for his expenses incurred by the employment of additional clerical force, necessary to the proper discharge of the duties of his office; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANGELICA HAMMOND.

Mr. O'BRIEN introduced a bill (H. R. No. 1799) granting a pension to Angelica Hammond, widow of William Z. Hammond, of Company E, First Maryland Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 1800) concerning and authorizing the Washington, Cincinnati and Saint Louis Railroad Company to extend and construct their railroad into the District of Columbia, and through the States of West Virginia, Ohio, Indiana, Illinois, and to Saint Louis, in the State of Missouri, and a branch road from any point they may elect on the main line of their road in the State of Indiana, to the city of Chicago, in the State of Illinois; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

OVERSEERS OF THE POOR.

Mr. HUNTON introduced a bill (H. R. No. 1801) for the relief of the overseers of the poor of Fairfax County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN E. CURD.

Mr. WHITEHEAD introduced a bill (H. R. No. 1802) for the relief of John E. Curd; which was read a first and second time.

Mr. WHITEHEAD. I ask that this bill, with accompanying papers, be referred to the Committee on Appropriations.

The SPEAKER. In the opinion of the Chair it should go to the Committee on Claims.

Mr. WHITEHEAD. It has already been audited and allowed.

The SPEAKER. Being a claim it belongs to the Committee on Claims.

Mr. WHITEHEAD. Very well; let it be referred to the Committee on Claims.

The bill was accordingly referred to the Committee on Claims, and ordered to be printed.

INTERNAL REVENUE.

Mr. VANCE introduced a bill (H. R. No. 1803) to amend the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOUTHERN TRANSCONTINENTAL RAILROAD.

Mr. VANCE also introduced a bill (H. R. No. 1804) to incorporate branches of the contemplated Southern Transcontinental Railroad Company, under the name and style of the North Carolina, South Carolina and Georgia Extension Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

TAX ON SPIRITS AND TOBACCO.

Mr. SMITH, of North Carolina, introduced a bill (H. R. No. 1805) to repeal the internal-revenue tax on spirits and tobacco, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES B. ROBERTS.

Mr. WALLACE introduced a bill (H. R. No. 1806) for the relief of Charles B. Roberts; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CIVIL-RIGHTS BILL.

Mr. WALLACE also presented a joint resolution of the Legislature of the State of South Carolina, asking the passage of the civil-rights bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

ATLANTIC AND GREAT WESTERN CANAL.

Mr. BELL introduced a bill (H. R. No. 1807) granting aid to the Atlantic and Great Western Canal Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MAIL TRANSPORTATION IN GEORGIA.

Mr. FREEMAN introduced a bill (H. R. No. 1808) providing for the payment of the State of Georgia for carrying the United States mail in 1861; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CONSULATE AT TUXPAN, MEXICO.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 1809) to make the port of Tuxpan, Mexico, a consulate of the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DESTRUCTION OF ALABAMA UNIVERSITY.

Mr. HAYS introduced a bill (H. R. No. 1810) to compensate the State of Alabama for the destruction of its university building, libraries, &c., at Tuscaloosa, by the Federal forces in 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SPECIMENS OF FOREST TREES.

Mr. HAYS also introduced a bill (H. R. No. 1811) to provide for the collection of specimens of forest trees and for the exhibition of the same at the centennial; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JOHN D. RYAN.

Mr. HAYS also introduced a bill (H. R. No. 1812) to compensate John D. Ryan for the printing of blanks for the Government of the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL IMPROVEMENTS.

Mr. WHITE introduced a bill (H. R. No. 1813) to provide for opening up and improvement of the navigation of certain water-routes therein named, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

EPISCOPAL CHURCH, SELMA, ALABAMA.

Mr. BROMBERG introduced a bill (H. R. No. 1814) for the relief of Saint Paul's Episcopal church, at Selma, Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. W. PORTIS AND JOSIAH JONES.

Mr. BROMBERG also introduced a bill (H. R. No. 1815) for the relief of J. W. Portis and Josiah Jones, of Alabama; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN HOLROYD.

Mr. SLOSS introduced a bill (H. R. No. 1816) for the payment of John Holroyd for the use of his patent and inventions by the Government; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

H. C. AND R. D. MARTIN.

Mr. SLOSS also introduced a bill (H. R. No. 1817) for the relief of Henry C. Martin and Robert D. Martin, surviving partners of James Martin & Sons, of Florence, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTERNAL IMPROVEMENTS.

Mr. RAPIER introduced a bill (H. R. No. 1818) for the improvement of the Pea and Choctawhatchee Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRANSFER OF TAX STAMPS.

Mr. FOSTER introduced a bill (H. R. No. 1819) authorizing the transfer of special-tax stamps in certain cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SAMUEL HENDERSON.

Mr. MONROE introduced a bill (H. R. No. 1820) granting a pension to Samuel Henderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENERAL A. C. VORIS.

Mr. MONROE also introduced a bill (H. R. No. 1821) granting a pension to General A. C. Voris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY A. DOYLE.

Mr. DANFORD introduced a bill (H. R. No. 1822) granting a pension to Mrs. Mary A. Doyle, widow of David H. Doyle, late a private of Company C, Thirty-second Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BASIL HARPER.

Mr. DANFORD also introduced a bill (H. R. No. 1823) granting a pension to Basil Harper, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

FREDERICK YOUNGBLUE.

Mr. DANFORD also introduced a bill (H. R. No. 1824) granting a pension to Frederick Youngblue, late a private in Company I, Twentieth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION TO AUTHORS.

Mr. BANNING introduced a bill (H. R. No. 1825) extending to authors in certain cases the rights, privileges, and protection given inventors by the laws of the United States; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

A. I. GUTHRIE.

Mr. STANDEFORD introduced a bill (H. R. No. 1826) for the benefit of A. I. Guthrie, of the city of Louisville, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. D. SALMONS.

Mr. MILLIKEN introduced a bill (H. R. No. 1827) to reimburse R. D. Salmons, of Kentucky, for cotton taken by Army officers of the United States in the State of Tennessee, in the year 1863, and the proceeds of sales paid into the Treasury of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SETTLEMENT OF ARMY AND NAVY ACCOUNTS.

Mr. COBURN introduced a bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RULES AND ARTICLES OF WAR.

Mr. COBURN also introduced a bill (H. R. No. 1829) to amend an act entitled "An act for establishing rules and articles for the government of the Army of the United States," approved April 10, 1806; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ENLISTMENT OF MUSICIANS.

Mr. COBURN also introduced a bill (H. R. No. 1830) to provide for the enlistment of musicians in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MEDICAL MUSEUM.

Mr. COBURN also introduced a bill (H. R. No. 1831) to provide for the printing at the Government Printing Office of one thousand copies of the descriptive anatomical catalogue of the Army Medical Museum; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH HACKLEMAN.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 1832) granting a pension to Elizabeth Hackleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY S. ZUMRO.

Mr. SAYLER, of Indiana, introduced a bill (H. R. No. 1833) for the relief of Henry S. Zumro, of Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ENNOLDS LOYD.

Mr. CASON introduced a bill (H. R. No. 1834) granting a pension to Ennolds Loyd, of Crawfordsville, State of Indiana; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. LOWE.

Mr. HOLMAN introduced a bill (H. R. No. 1835) granting a pension to Mary A. Lowe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS I. ACRA.

Mr. HOLMAN also introduced a bill (H. R. No. 1836) granting a pension to Thomas I. Acra; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMETT LONGSTON.

Mr. HOLMAN also introduced a bill (H. R. No. 1837) granting a pension to Emmett Longston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE MARTIN.

Mr. HOLMAN also introduced a bill (H. R. No. 1838) granting a pension to Jane Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET M'LEASTER.

Mr, HOLMAN also introduced a bill (H. R, No. 1839) granting a pension to Harriet McLeaster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUTENANT C. TINKER.

Mr. HOLMAN also introduced a bill (H. R. No. 1840) for the relief of Lieutenant C. Tinker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPEAL OF THE BANKRUPT LAW.

Mr. FORT presented a joint resolution of the senate and house of representatives of the State of Illinois, instructing her Senators and requesting her Representatives in Congress to vote for the unconditional repeal of the act of Congress known as the general bankrupt law; which was referred to the Committee on the Judiciary, and ordered to be printed.

B. DEPENBROCK.

Mr. MARTIN introduced a bill (H. R. No. 1841) for the relief of B. Depenbrock, a second lieutenant of Company H, Second Regiment

Indiana Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB GROSCH.

Mr. MARTIN also introduced a bill (H. R. No. 1842) granting a pension to Jacob Grosch, late private Company B, Eighth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LUCINDA JONES.

Mr. MARTIN also introduced a bill (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late member of Company G, Twenty-second Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HEBERER.

Mr. CLEMENTS introduced a bill (H. R. No. 1844) for the relief of John Heberer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES C. HAIGHT.

Mr. HYDE introduced a bill (H. R. No. 1845) granting a pension to Charles C. Haight; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON SALE OF TOBACCO.

Mr. BLAND introduced a bill (H. R. No. 1846) to repeal all license tax, or other tax, on the sale of tobacco by the producer thereof, and to abolish the penalties therefor; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY E. STEWART.

Mr. BLAND also introduced a bill (H. R. No. 1847) granting a pension to Mary E. Stewart, of Dent County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONFIRMATION OF LAND ENTRIES.

Mr. WELLS introduced a bill (H. R. No. 1848) to confirm certain entries of lands therein named, in the State of Missouri; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HEIRS OF BRIGADIER-GENERAL WILLIAM THOMPSON.

Mr. WELLS also introduced a bill (H. R. No. 1849) for the relief of the heirs at law of Brigadier-General William Thompson, deceased; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL GROVE.

Mr. BUCKNER introduced a bill (H. R. No. 1850) for the relief of Samuel Grove, postmaster at Mexico, Missouri; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FORT SAINT PHILIP CANAL.

Mr. STONE introduced a bill (H. R. No. 1851) to provide for the construction of the Fort Saint Philip Canal, in the State of Louisiana, and its maintenance as a national public highway; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

FREE CIRCULATION OF WEEKLY NEWSPAPERS.

Mr. CRITTENDEN introduced a bill (H. R. No. 1852) for the free circulation of weekly newspapers through the mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ABRAM HEISEY.

Mr. CRITTENDEN also introduced a bill (H. R. No. 1853) for the relief of Abram Heisey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARMY APPROPRIATION ACT AMENDMENT.

Mr. HYNES introduced a bill (H. R. No. 1854) to amend an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1872," approved March 3, 1871; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. PATTON.

Mr. HYNES also introduced a bill (H. R. No. 1855) for the relief of William J. Patton, of Little Rock, Arkansas, late collector of internal revenue for the district of Arkansas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LUCIUS C. FRENCH.

Mr. WALDRON introduced a bill (H. R. No. 1856) granting a pension to Lucius C. French; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. VON WALDEMAR.

Mr. FIELD introduced a bill (H. R. No. 1857) for the relief of Charles A. Von Waldemar, late captain Fifth Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER D. RANKE.

Mr. BEGOLE introduced a bill (H. R. No. 1858) for the relief of Peter D. Ranke, late captain Company C, Fourteenth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SHIP-CANAL ACROSS FLORIDA.

Mr. WILLIE presented joint resolutions of the Legislature of Texas, instructing and requesting the congressional delegation of said State to urge upon Congress the survey and construction of a ship-canal across the territory of Florida; which was referred to the Committee on Railways and Canals, and ordered to be printed.

TAKING OF DEPOSITIONS.

Mr. WILLIE also introduced a bill (H. R. No. 1859) authorizing commissioners of the United States circuit courts to take depositions under commission; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FORT SILL RESERVATION.

Mr. GIDDINGS introduced a bill (H. R. No. 1860) transferring the jurisdiction of Fort Sill reservation and certain tribes of Indians to the War Department; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. E. INGALLS.

Mr. McCRARY introduced a bill (H. R. No. 1861) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOB STOUT.

Mr. PRATT introduced a bill (H. R. No. 1862) granting arrears of pension to Colonel Job Stout, of Hardin County, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS ON DES MOINES RIVER GRANT.

Mr. PRATT also presented a joint resolution of the General Assembly of Iowa, asking Congress to indemnify the holders of pre-emption and homestead certificates upon land in the so-called Des Moines River grant, on account of failure of title; which was referred to the Committee on the Public Lands, and ordered to be printed.

CLINTON BRIDGE ACROSS THE MISSISSIPPI.

Mr. PRATT also presented a joint resolution of the General Assembly of Iowa, in relation to a bridge across the Mississippi, at Clinton, Iowa.

Mr. COTTON. I ask that the memorial be read.

The memorial was read, as follows:

Joint resolution in relation to the railroad bridge across the Mississippi River, at Clinton, Iowa.

Whereas all the railroad bridges across the Mississippi River are by law open to the use of all railroads desirous of using the same, except the railroad bridge at Clinton, Iowa, which is used exclusively by the Chicago and Northwestern Railroad; and whereas there are two lines of railroads on the east side of the Mississippi River desirous of crossing said bridge at Clinton and connecting with other railroads in this State, thereby increasing the facilities for transportation eastward of the farm products of this State, to the greater advantage of the people thereof: Therefore,

Be it enacted by the General Assembly of the State of Iowa, That our honorable Senators in Congress be instructed and our Representatives be requested to use their utmost endeavors to obtain the early passage of an act providing for the opening of said railroad bridge at Clinton to the use of all railroads desirous of crossing the same, on payment of a just and reasonable compensation for such use.

Resolved, That the foregoing resolution be certified by the presiding officers of this General Assembly, and copies thereof be forthwith forwarded to said Senators and Representatives in Congress.

JOSEPH DYSART,
President of the Senate.
JOHN H. GEAR,
Speaker of the House.

Approved February 3, 1874.

I hereby certify that this joint resolution originated in the senate,
J. A. T. HULL, *Secretary.*

Mr. HURLBUT. I move that this memorial be referred to the Committee on Railways and Canals, that committee having before it a petition on this subject.

Mr. SAWYER. I move to amend so that it be referred to the Committee on Commerce, there being a bill upon the subject now before that committee.

The motion of Mr. SAWYER was agreed to; and the joint resolution was accordingly referred to the Committee on Commerce, and ordered to be printed.

PUBLIC DOCUMENTS.

Mr. KASSON introduced a bill (H. R. No. 1863) providing for the sale and distribution of public documents, and authorizing the free delivery of newspapers through the mails in the county of publication; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

A. S. HOWARD.

Mr. DONNAN introduced a bill (H. R. No. 1864) granting arrears of pension to A. S. Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL-BANK CURRENCY.

Mr. SAWYER introduced a bill (H. R. No. 1865) to facilitate assorting and redeeming national bank-note currency, and to authorize the issue of circulating notes to the amount of 92 per cent., in lieu of the 90 per cent. now authorized by law; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DENNIS M'CARTHY.

Mr. SAWYER also introduced a bill (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT LA CROSSE, WISCONSIN.

Mr. RUSK introduced a bill (H. R. No. 1867) to authorize the construction of a building suitable for a court-house and for the use of the officers of the United States at La Crosse, Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE BURCHARD.

Mr. ELDREDGE introduced a bill (H. R. No. 1868) for the relief of George Burchard, of Greenbush, Wisconsin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS WEEKS.

Mr. ELDREDGE also introduced a bill (H. R. No. 1869) for the relief of Thomas Weeks, of Plymouth, Wisconsin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. P. JACKSON, ETC.

Mr. HOUGHTON introduced a bill (H. R. No. 1870) for the relief of A. P. Jackson and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHRISTOPHER GREEN AND HUGH C. TRAINOR.

Mr. PAGE introduced a bill (H. R. No. 1871) for the relief of Christopher Green and Hugh C. Trainor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. T. C. WATSON.

Mr. LUTTRELL introduced a bill (H. R. No. 1872) granting a pension to Mrs. T. C. Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAIL COMMUNICATION IN CALIFORNIA.

Mr. LUTTRELL also introduced concurrent resolutions of the Legislature of the State of California, for the establishment of a daily mail between Shasta, via Fort Jones, and Yreka; which were referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BIDS FOR MAIL TRANSPORTATION.

Mr. LUTTRELL also introduced a bill (H. R. No. 1873) to require the correction of errors in certified checks or drafts deposited with bids for the transportation of mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A. P. JACKSON AND OTHERS.

Mr. LUTTRELL also introduced a bill (H. R. No. 1874) for the relief of A. P. Jackson and others; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

He also introduced a concurrent resolution of the Legislature of the State of California, for the relief of A. P. Jackson and others; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THERON W. HANKS.

Mr. DUNNELL introduced a bill (H. R. No. 1875) granting a pension to Theron W. Hanks, private Third Minnesota Battery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREAT SALT LAKE AND COLORADO RAILWAY.

Mr. DUNNELL also introduced a bill (H. R. No. 1876) to incorporate the Great Salt Lake and Colorado Railway Company, and to grant to said company a right of way through the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRE-EMPTION CLAIMS.

Mr. DUNNELL also introduced a joint resolution of the Legislature of Minnesota, asking for extension of time for payment of pre-emption claims; which was referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF MINNESOTA RIVER.

Mr. STRAIT introduced a bill (H. R. No. 1877) to provide for the improvement of the navigation of the Minnesota River, in the State of Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELIZABETH BREWER.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 1878) for the relief of Elizabeth Brewer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ECONOMY OF UNITED STATES ARMY.

Mr. HEREFORD introduced a bill (H. R. No. 1879) to better promote the economy and efficiency of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSFER OF WEST VIRGINIA FRANCHISE.

Mr. HEREFORD also presented joint resolution of the Legislature of West Virginia, providing for the transfer of certain franchises of the State of West Virginia to the United States; which was referred to the Committee on Railways and Canals, and ordered to be printed.

JORDAN & M'PIKE.

Mr. KENDALL introduced a bill (H. R. No. 1880) for the relief of Jordan & McPike; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. L. EDWARDS.

Mr. CROUNSE introduced a bill (H. R. No. 1881) for the relief of J. L. Edwards; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SANTA FÉ AND TUCSON TELEGRAPH LINE.

Mr. ELKINS introduced a bill (H. R. No. 1882) authorizing the Secretary of War to construct a telegraph line from Santa Fé, New Mexico, to Tucson, Arizona Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. ELKINS also introduced a bill (H. R. No. 1883) to confirm certain private land claims in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

VALIDITY OF LAND CLAIMS.

Mr. ELKINS also introduced a bill (H. R. No. 1884) to enable claimants of lands within the limits of the Territory of New Mexico to institute proceedings to try the validity of their claims; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

FORT BUTLER MILITARY RESERVATION.

Mr. ELKINS also introduced a joint resolution (H. R. No. 55) authorizing the Secretary of War to withdraw and discharge all title and claim to the unoccupied military reservation known as Fort Butler, situate on the Canadian River, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAHSATCH AND JORDAN VALLEY RAILROAD COMPANY.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 1885) granting to the Wahsatch and Jordan Valley Railroad Company the right of way through the public lands for the construction of a railroad and telegraph; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

IMPROVEMENT OF THE UPPER MISSOURI AND RED RIVERS.

Mr. ARMSTRONG introduced a bill (H. R. No. 1886) to provide for the improvement of the channels of the Upper Missouri and Red Rivers, in the Territory of Dakota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PROMOTION OF EDUCATION IN THE TERRITORIES.

Mr. ARMSTRONG also introduced a bill (H. R. No. 1887) to promote education in the several Territories; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

FLATHEAD INDIANS.

Mr. MAGINNIS introduced a bill (H. R. No. 1888) to provide for the fulfillment of the contract between the United States and the Flathead Indians; which was read a first and second time, and, with accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN introduced a bill (H. R. No. 1889) to amend an act entitled "An act to aid in maintaining the fire department in the District of Columbia;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN also introduced a bill (H. R. No. 1890) relating to assessments in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ALEXANDRIA CANAL.

Mr. CHIPMAN also introduced a bill (H. R. No. 1891) relating to the Alexandria Canal, approved July 27, 1868; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

The SPEAKER. The Chair will now receive references from gentlemen who were not in when their States were called; and they will present only matters for reference.

CHANGE OF NAME OF NATIONAL BANK.

Mr. PHELPS introduced a bill (H. R. No. 1892) authorizing the Passaic County National Bank, of Paterson, New Jersey, to change its name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JACOB BURKET.

Mr. CESSNA introduced a bill (H. R. No. 1893) granting a pension to Jacob Burket, of Bedford County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL-REVENUE LAW.

Mr. MONROE introduced a bill (H. R. No. 1894) to amend section 161 of the act entitled "An act to provide internal revenue, to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. MARIA D. C. BACHE.

Mr. MYERS introduced a bill (H. R. No. 1895) granting a pension to Mrs. Maria D. C. Bache, widow of General Hartman Bache, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY E. WILKINSON.

Mr. MYERS also introduced a bill (H. R. No. 1896) for the relief of Henry E. Wilkinson, late first lieutenant Company I, Ninety-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN PLATTS.

Mr. SMALL introduced a bill (H. R. No. 1897) granting a pension to John Platts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIRECT-TAX COMMISSIONERS.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 1898) to authorize the Secretary of the Treasury to approve certain bills incurred by the late direct-tax commissioners; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WIDOW OF CAPTAIN DAVID RITCHIE.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 1899) authorizing the Commissioner of Pensions to place upon the pension-rolls the name of the widow of Captain David Ritchie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF A BILL.

Mr. NEGLEY introduced a bill (H. R. No. 1900) to amend House bill No. 1249; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

F. B. STEWART.

Mr. SPEER introduced a bill (H. R. No. 1901) for the relief of F. B. Stewart, postmaster at Altoona, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY W. SCHUMAN.

Mr. MAGEE introduced a bill (H. R. No. 1902) for the relief of Henry W. Schuman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROWLAND GRAHAM.

Mr. MAGEE also introduced a bill (H. R. No. 1903) granting a pension to Rowland Graham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJOR JOHN A. MORRISON.

Mr. DURHAM introduced a bill (H. R. No. 1904) for the benefit of Major John A. Morrison, of Russell County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL STICKNEY.

Mr. HERSEY introduced a bill (H. R. No. 1905) for the relief of Daniel Stickney, postmaster at Presque Isle, Maine; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REFERENCES TO COMMITTEE OF THE WHOLE.

The SPEAKER. The Chair desires the attention of the House for a moment on a point of order. The gentleman from Rhode Island [Mr. EAMES] this morning offered a bill for reference to the Committee of the Whole on the state of the Union; and the Chair declined to make that reference, holding that it was not in order to refer the bill to the Committee of the Whole on the state of the Union on that call. The gentleman thought his right to refer the bill to the Committee of the Whole on the state of the Union rested on rule 43, which is as follows:

When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee.

That has no reference to the Monday morning call. That rule, the forty-third, was made to relieve the difficulty that grew out of the forty-second rule, which reads as follows:

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

When you came to the question of commitment, the question arose what should be the order, whether one committee should have priority over another; and the forty-third rule was made in order to determine which should have priority. When a matter is before the House for debate, and a motion comes up to commit it or refer it, then the precedence is given to the Committee of the Whole. But on the Monday morning call the rule states that the Speaker shall first call the States and Territories for bills on leave, and all bills so introduced during the first hour after the Journal is read shall be referred without debate to their appropriate committees. Now, if the Chair during the Monday morning hour should allow gentlemen to refer bills to the Committee of the Whole on the state of the Union, the Calendar would be entirely overloaded. There would be no getting through the Calendar. Nothing can by right go to the Committee of the Whole on the state of the Union until it is reported back from one of the committees of the House. That has been the uniform ruling of the Chair, though possibly, without attention being called thereto, bills may have been so referred.

CLAIMS AGAINST CHILI.

Mr. E. R. HOAR. I am instructed by the Committee on Foreign Affairs to move to suspend the rules, so that I may offer, and the House adopt, a resolution the object of which I will briefly state.

The SPEAKER. The resolution will be first read.

The resolution was read, as follows:

Resolved, That the Secretary of State be requested to suspend action upon the resolution of this House passed on Thursday, the 5th day of February, 1874, which requested copies of all papers on file in the Department of State in reference to claims of citizens of the United Statesa gainst the republic of Chili, until further action of this House in relation thereto.

Mr. E. R. HOAR. On Thursday last, just as the House was adjourning, in the midst of great confusion, a member offered a resolution—

That the Secretary of State be, and is hereby, requested to transmit to this House copies of all papers on file in the Department of State in reference to claims of citizens of the United States against the republic of Chili.

No objection was made—probably the resolution was not heard by half a dozen members—and it was adopted.

On the next evening, too late to move a reconsideration, the Committee on Foreign Affairs received from the Secretary of State a letter in which he stated that the papers called for ran back to the commencement of the existence of the republic of Chili in 1824; that to comply with this request of the House would make it necessary to copy thousands and thousands of pages; that some of the papers are of a confidential nature; that some of them refer to matters now pending before the Senate, upon a convention between the United States and Chili now before the Senate for their action; and that in his judgment the House would not have adopted the resolution if they had understood its nature.

As the gentleman who offered the resolution is not now in his seat, all the Committee on Foreign Affairs desires is, that action upon that resolution be suspended until further order of the House. If the gentleman who offered it shall bring in anything further upon the subject, or will explain to the Committee on Foreign Affairs what it is that he desires to get, there will of course be no objection to giving him any information that he desires that will not require such enormous expense and this interference with the operations of the State Department.

I move that the rules be suspended and this resolution adopted.

The motion was seconded; and (two-thirds voting in favor thereof) the rules were suspended and the resolution adopted.

MESSAGE FROM THE SENATE.

A message from the Senate was communicated to the House by Mr. SYMPSON, one of their clerks, informing the House that the Senate withdrew their request for the return of the concurrent resolution for the appointment of a joint select committee to inquire into the affairs of the District of Columbia.

ADJOURNMENT SINE DIE.

Mr. DAWES. I offer the following privileged resolution:

Resolved, (*the Senate concurring.*) That when the two Houses adjourn on Friday, the 15th day of May next, the President of the Senate and the Speaker of the

House of Representatives shall declare this session of their respective Houses adjourned *sine die*.

The question was taken; and upon a division there were—ayes 128, noes 32.

Before the result of the vote was announced,

Mr. BECK said: I call for the yeas and nays. This is an effort to fix the day of adjournment, and then hold back important bills until near the close of the session and press them through.

Mr. MAYNARD. Would it not be in order to put this resolution in a little different shape, so as to show its actual nature; that is to give to the Senate the power of determining whether we should adjourn at that time or not as they may see proper?

The question was taken upon ordering the yeas and nays; and there were 43 in the affirmative.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. COTTON. Is this a motion to suspend the rules?

The SPEAKER. It is not.

Mr. COTTON. I then move that the resolution be referred to the Committee on Ways and Means.

The SPEAKER. That motion is in order, the gentleman from Massachusetts not calling the previous question upon his resolution.

Mr. G. F. HOAR. Is it in order to amend the resolution?

Mr. DAWES. I simply offered it in order to take the sense of the House, and see who were desirous of contributing to the dispatch of business. If any members are not, then, of course, they will vote against the resolution.

Mr. BECK. That is not a true presentation of the case. Those who vote for this resolution do it for the purpose of holding back revenue and other bills, and then crowding them through near the close of the session, on the plea that there is not time to consider and discuss them.

Mr. DAWES. The gentleman from Kentucky is quite in the habit of announcing to the House the motives of other gentlemen.

Mr. BECK. The gentleman from Massachusetts [Mr. DAWES] announced that those who voted against the proposition were opposed to the transaction of business.

Mr. DAWES. Wait one moment. I do not know that any other gentleman than myself knew that this resolution was to be offered, and therefore no man's motive entered into it but mine.

Mr. BECK. Then why did the gentleman say that those who voted against it were voting to delay business?

Mr. DAWES. I have not communicated my motive to the gentleman from Kentucky, and therefore it is gratuitous on his part to announce to the House what my motive was. I prefer to announce it myself. It was simply to follow the custom of past sessions, in suggesting to the House an early day of adjournment in order to facilitate the dispatch of business. If there is any measure likely to come before this House upon which the gentleman desires my record, I am ready at any time to consider it as long as the gentleman from Kentucky may desire and to make that record. But I suggest to my friend that unless we endeavor to dispatch our business, the middle of July or the middle of August will be the time at which we shall adjourn.

I do not suppose, Mr. Speaker, that we shall adjourn exactly upon the 15th of May; but it may contribute, in this House or the other, to dispatch in business if we signify to the other branch that we will try and be ready, by attending to the business of the House, to adjourn by the middle of May, if they will co-operate with us. I thought this was an innocent proposition until I heard from my friend from Kentucky that it originated in improper motives. I may be mistaken as to my motive, but I had not supposed it was anything improper.

Mr. BECK. The gentleman from Massachusetts announced that all members who would vote against this resolution were doing it because they did not want to attend to business promptly.

Mr. DAWES. I have made no such announcement.

Mr. BECK. The record will show that the gentleman did so announce five minutes ago.

Mr. DAWES. If the record contains any such statement as coming from me, it is because I did not know what I was saying. I have not been in the habit of undertaking to state what other men's motives are. They have the same right to their independent action here that I have to mine. I do not impugn any man's motive for voting against the resolution; nor do I permit any gentleman to impugn mine for offering it.

I have stated frankly and fairly what induced me to offer the resolution. If a majority of the House do not desire to do anything toward bringing the session to an early close, they will dispose of this resolution accordingly. I simply state that in my opinion it will contribute something to hastening a close of this session if we intimate that we will try to bring this session to a close somewhere about the middle of May.

Mr. BECK. One word. The gentleman from Massachusetts could have brought this proposition up when it could be debated. He brought it here and demanded its passage without allowing any member to say a word. Therefore I objected.

Mr. DAWES. Not three minutes ago the Speaker announced that I had omitted to call the previous question on this resolution.

Mr. BECK. Then bring it up for debate.

Mr. DAWES. It is as much open to debate as any measure ever offered at that desk. My colleague here [Mr. BUTLER] proposed to offer an amendment. The gentleman from Iowa [Mr. COTTON] proposes to refer it to the Committee on Ways and Means. I have thrown no obstacle in the way of considering this resolution in the broadest manner, and as fully as any measure ever brought before the House.

I am surprised that my friend from Kentucky should have taken alarm at so innocent a proposition as a suggestion that we ought to try to adjourn by the middle of May. More than that, I am quite surprised, after the gentleman's long association with me here, that he has taken the liberty to say that I have offered this proposition from any other motive than that which is patent on the face of the paper.

Mr. BECK. I know, Mr. Speaker, it is almost a crime to say anything against the gentleman from Massachusetts, [Mr. DAWES;] but I want to say that I object to pushing this matter through without debate, because we have been here two months and eight days, and only one of the regular appropriation bills out of eleven or twelve has passed this House. No measure in relation to the currency, no measure in relation to the tariff, has been considered in the House. We are now asked to adjourn on the 15th of May, only about three months hence, though we have thus far spent over two months in doing nothing. I believe that the effect of this resolution if adopted will be to crowd all the legislation of this Congress into the last ten days of the session under a suspension of the rules, when, as we know by experience heretofore, matters have to be passed without consideration except such as they receive from three members of the House and three members of the Senate, constituting what is known as a conference committee, who do not even print what they present, and whose propositions no member of the House can vote upon intelligently. In this way a vast amount of vicious legislation will be crowded in, if this resolution be adopted.

Whether that is the purpose of the gentleman from Massachusetts or not, the effect will be to do that. To that I am opposed. I want the appropriation bills passed, and I will vote to sit here every night and every day, Saturdays included, stopping all debate except on business, and press to the utmost to get through as early as we possibly can. But until we have done more than we have done now I object to fixing a day for adjournment, when everything will be held back and nothing done intelligently.

Mr. DAWES. It is because I feel as the gentleman from Kentucky feels about the session I introduce the resolution. It is because I feel as if we had not made quite progress enough that I wanted to fix, two or three months ahead, a day as an inducement for us to do more work here—to dispatch business. I am of opinion, from experience I have had, a postponement in fixing a day tends directly to the mischief to which the gentleman from Kentucky alludes. So long as we have no day fixed beforehand we work along as we have done for two, going on three, months without having passed but one appropriation bill.

When we see the end in two or three months ahead, and a day has been fixed, then we shall be likely to push our appropriation bills and other necessary bills along. I tried here on Friday to induce the House to work on Saturday, but I failed. I thought I would offer this resolution to-day, and let it go to the other body, to have some time fixed, far enough ahead, so that we could work up to it, to see if that might not have some such effect.

If any gentleman thinks I desire to circumscribe, or circumvent, or prevent, any legislation here, he mistakes the purpose of the resolution. The purpose of the resolution is to secure just that end, and if you put it two or three months ahead we will then work up with our appropriation bills.

Mr. KELLEY. Mr. Speaker, without dealing with the motives of anybody, I desire to suggest the effect of the adoption of such a resolution as that proposed by the gentleman from Massachusetts can be evil, and evil only. I believe that deliberation is an essential element in judicious legislation; and I for one am prepared to protest against the frequent use of the previous question upon important legislation.

The overwhelming majority which the party to which I am attached has had in this House for years has made it resort quite too frequently to the previous question upon the passage of a law, gagging those who would resist its passage or modify its provisions. But I think the country would regard gentlemen who are paid by the year and not by the day as performing their duty more faithfully if they gave a month or two in a long session to a free discussion of the more important bills of the session. I hope, therefore, this motion will be voted down.

I remember during the last Congress, or the one which preceded it, we began the discussion of a tariff bill——

Mr. COTTON. I supposed I had the floor all this time, and was merely yielding to gentlemen.

The SPEAKER. There is too much confusion in the House. The pending resolution is debatable within very narrow limits.

Mr. COTTON. I supposed I had the floor.

Mr. KELLEY. I believe I have the floor. Shall I proceed?

The SPEAKER. The gentleman from Pennsylvania will proceed.

Mr. KELLEY. I was remarking we had before us a tariff bill containing very many provisions, but soon after its discussion began it was resolved all debate should close on a certain day. And what was the result? The House passed a small part in the Committee of the

Whole, and the greater part of the provisions of that bill were passed without a word of debate. What was the further result? Why, sir, the same article appeared in the bill on the free list and at a duty of 10 per cent. and at a duty of 20 per cent. And that was not an exceptional article. The wildest measures suggested to the imagination of any gentleman were proposed, and because Congress had fallen into a mood——

Mr. COTTON. Mr. Speaker, I rise to a parliamentary question. Am I entitled to the floor?

The SPEAKER. The Chair indulged the gentleman to make his motion, but as he did not proceed to debate the matter the floor was assigned to others. The Chair will recognize the gentleman, but the Chair cannot allow this question to run into any prolonged debate.

Mr. KELLEY. When the bill found its way to the committee of conference it was impossible to say what the determinations of this House had been, so many articles were put in under conflicting duties.

Mr. HALE, of Maine. I rise to a question of order. Is it in order, when a gentleman has presented a resolution and has not called the previous question or moved it under a suspension of the rules, to enter a motion that the rules be suspended and the resolution passed? I make that suggestion, because the House seems ready for the question.

The SPEAKER. The pending question is upon the motion of the gentleman from Iowa, [Mr. COTTON,] that the resolution be referred to the Committee on Ways and Means.

Mr. HALE, of Maine. Pending that I move to suspend the rules and pass the resolution. I desire to inquire of the Chair whether that is not like any other motion to suspend the rules in taking precedence of all pending questions.

The SPEAKER. Of course. Every other motion is subordinated to a motion to suspend the rules.

Mr. COTTON. I desire the previous question on the motion to refer.

The SPEAKER. That brings the House to a vote; and if the previous question is not seconded the House will be brought to a vote on the resolution itself.

Mr. E. H. ROBERTS. I rise to a point of order. Has not the order been made that the yeas and nays should be taken on the resolution?

The SPEAKER. Certainly.

Mr. E. H. ROBERTS. Is it in order, then, to entertain a motion to refer the resolution?

The SPEAKER. It is. The yeas and nays may be ordered on a motion not to take effect for six weeks. After the yeas and nays have been ordered, that does not cut off any subsequent motion, unless the first name on the roll be called. The gentleman from Iowa [Mr. COTTON] moves that the resolution be referred to the Committee on Ways and Means, and on that demands the previous question. The Chair will state the effect of the motion. If the previous question be seconded, the effect is to bring the House directly to a vote upon that motion; if it is negatived, the House is brought to a vote upon the main motion, on agreeing to the resolution, on which the yeas and nays have been ordered.

Mr. KELLEY. I desire to make a parliamentary inquiry. Would it be in order to move to lay the whole subject on the table?

The SPEAKER. Certainly.

Mr. HALE, of Maine. I rise to a question of order. I made the motion to suspend the rules and pass the resolution, pending the motion of the gentleman from Iowa to send it to the Committee on Ways and Means.

The SPEAKER. The Chair does not know that the gentleman from Maine made that motion.

Mr. HALE, of Maine. Certainly I made that motion.

The SPEAKER. It is necessary that the gentleman should have the floor before he can make a motion. The gentleman did not have the floor.

Mr. HALE, of Maine. Can I make the motion now?

The SPEAKER. That is another thing.

Mr. HALE, of Maine. I make that motion.

The SPEAKER. The Chair will state the several pending questions. The gentleman from Massachusetts [Mr. DAWES] introduced the resolution for passage, and on that the yeas and nays were ordered. The gentleman from Iowa [Mr. COTTON] moves the previous question on his motion to refer the resolution to the Committee on Ways and Means; pending which the gentleman from Pennsylvania [Mr. KELLEY] moves that the resolution be laid on the table; pending which the gentleman from Maine [Mr. HALE] moves that the rules be suspended and the resolution passed. Is there a seconder on that motion?

Mr. COX. On which motion?

The SPEAKER. On the motion for suspending the rules and passing the resolution.

Mr. COX. Does not the motion to lay the resolution on the table take precedence of the motion to suspend the rules?

The SPEAKER. It does not. The motion is to suspend all rules.

The question being taken on seconding the motion to suspend the rules and pass the resolution, there were—ayes 67, noes 65; no quorum voting.

Tellers were ordered under the rule; and Mr. BUTLER of Massachusetts, and Mr. HALE of Maine, were appointed.

The House again divided; and the tellers reported—ayes 89, noes 100.

So the motion was not seconded.

The SPEAKER. The question recurs on the motion of the gentleman from Pennsylvania, [Mr. KELLEY,] that the resolution do lie upon the table.

Mr. DAWES. On that question I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 40.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. G. F. HOAR. I move to suspend the rules, and refer the resolution to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. That is right.

Mr. COX. I raise the point of order that that motion cannot be made.

The SPEAKER. Why?

Mr. COX. Does not a motion to lay on the table, lay on the table everything that adheres to it?

The SPEAKER. A motion to lay on the table is a motion under the rules. The motion of the gentleman from Massachusetts [Mr. G. F. HOAR] is a motion to suspend the rules, and, among others, the very rule which enables the gentleman from Pennsylvania to move to lay the resolution on the table.

Mr. COX. Then that comes in subsequently.

The SPEAKER. Precisely; but it suspends it all the same.

Mr. STORM. I rise to a question of order. Is it in order to move to suspend the rules while the House is voting?

The SPEAKER. The yeas and nays have been ordered; they have been ordered on two questions. But that does not affect in the slightest the right to move a suspension of the rules.

The question being taken on seconding the motion to suspend the rules, and refer the resolution to the Committee on Ways and Means, there were—ayes 97, noes 54.

So the motion to suspend the rules was seconded.

Mr. KELLEY and Mr. SPEER called for the yeas and nays on the question of suspending the rules.

Mr. DAWES. Take a division first.

The SPEAKER. If there be no objection, the Chair will order tellers on this question.

No objection being made, tellers were ordered; and Mr. DAWES and Mr. KELLEY were appointed.

The House divided; and the tellers reported that there were—ayes 108, noes 60.

So (two-thirds not voting in favor thereof) the rules were not suspended.

The question recurred upon the motion of Mr. KELLEY, that the resolution be laid upon the table; on which the yeas and nays had been ordered.

The question was taken; and there were—yeas 113, nays 128, not voting 48; as follows:

YEAS—Messrs. Adams, Albright, Ashe, Atkins, Barber, Bass, Beck, Biery, Bradley, Bright, Bromberg, Buckner, Buffinton, Benjamin F. Butler, Caldwell, Cannon, Cessna, John B. Clark, jr., Clements, Stephen A. Cobb, Coburn, Comingo, Corwin, Cox, Crounse, Alexander M. Davis, Donnan, Dunnell, Eldredge, Farwell, Field, Fort, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hatcher, Havens, Hodges, Holman, Hooper, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kendall, Lamar, Lawrence, Leach, Loughridge, Lowe, Lynch, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McNulta, Mellish, Mitchell, Nesmith, O'Neill, Orr, Packard, Isaac C. Parker, Parsons, James H. Platt, jr., Pratt, Ransier, Robbins, Sawyer, Henry B. Sayler, Milton Sayler, Sener, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, George L. Smith, John Q. Smith, William A. Smith, Snyder, Stanard, Stone, Thomas, Todd, Tyner, Vance, Waddell, Wallace, Walls, Marcus L. Ward, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, and Woodworth—113.

NAYS—Messrs. Albert, Arthur, Banning, Barnum, Barrere, Begole, Bell, Berry, Bland, Blount, Bowen, Brown, Burchard, Burleigh, Burrows, Amos Clark, jr., Freeman Clarke, Clayton, Clymer, Conger, Cotton, Crittenden, Crossland, Crutchfield, Curtis, Danford, Darrall, Dawes, DeWitt, Duell, Durham, Eames, Eden, Foster, Freeman, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hoskins, Houghton, Hunton, Hyde, Killinger, Knapp, Lamison, Lansing, Lawson, Lofland, Lowndes, Luttrell, Magee, MacDougall, McJunkin, McLean, Merriam, Milliken, Mills, Monroe, Myers, Neal, Negley, Niblack, Nunn, O'Brien, Packer, Page, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Randall, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Small, Smart, A. Herr Smith, H. Boardman Smith, Southard, Speer, Sprague, Standeford, Starkweather, St. John, Storm, Stowell, Strait, Swann, Thornburgh, Townsend, Tremain, Waldron, Jasper D. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—128.

NOT VOTING—Messrs. Archer, Averill, Barry, Bundy, Roderick R. Butler, Cain, Cason, Clinton L. Cobb, Cook, Creamer, Crocker, Crooke, John J. Davis, Dobbins, Elliott, Frye, Eugene Hale, John W. Hazelton, Howe, Jewett, Kellogg, Lamport, Lewis, McKee, Moore, Morey, Morrison, Niles, Orth, Pelham, Phillips, Potter, Purman, Rainey, Rawls, Read, Isaac W. Scudder, Sheats, Sheldon, Sloss, J. Ambler Smith, Stephens, Strawbridge, Sypher, Taylor, Wells, Wood, and Woodford—48.

So the motion to lay on the table was not agreed to.

The question recurred upon the motion of Mr. COTTON to refer the resolution to the Committee on Ways and Means.

Mr. COTTON. Upon that motion I call the previous question.

The previous question was seconded, and the main question was ordered; and under the operation thereof the motion was agreed to upon a division—ayes 117, noes 26.

Mr. COTTON moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBURN moved that the rules be suspended and the following resolution adopted:

Resolved, That it is the sense of this House that Congress should not adjourn until some measures have been enacted providing for reform in the present system of the currency; also on the subject of transportation, and for a more economical administration of the Government.

Mr. DAWES. I hope that resolution will be adopted; but suggest to the gentleman to add to it "at as early a day as practicable."

Mr. FORT. Let it remain as it is; it is just right now.

The question was upon seconding the motion to suspend the rules.

Tellers were ordered; and Mr. COBURN and Mr. STORM were appointed.

The House divided; and the tellers reported that there were—ayes 86, noes not counted.

So the motion was seconded.

The rules were then suspended, two-thirds voting in the affirmative, and the resolution was adopted.

ELECTION CONTEST—ARKANSAS.

Mr. THOMAS, from the Committee on Elections, submitted a report in writing, accompanied by the following resolution:

Resolved, That W. W. Wilshire is entitled *prima facie* to a seat in the Forty-third Congress as Representative from the third congressional district of the State of Arkansas, without prejudice to the right of Thomas M. Gunter, claiming to have been elected thereto, to contest his right to said seat upon the merits.

Mr. LAMAR, on behalf of the minority members of the Committee on Elections, submitted a report in writing, accompanied by the following resolution:

Resolved, That the contested-election case from the third district of Arkansas be recommitted to the Committee on Elections with instructions to report upon the merits of the case who is entitled to represent said district in this House.

Mr. THOMAS. I move that the report of the committee, together with the views of the minority, be laid upon the table and printed; and I give notice that at an early day I will call up the report for action in this House.

The motion was agreed to.

BUFFALO RIVER, NEW YORK.

Mr. BASS. I move that the rules be suspended in order that I may introduce, and the House pass, a bill to dredge and protect the navigable channel at the mouth of the Buffalo River against the sand-bar formed by the gale of December 18, 1873.

The bill, which was read, appropriates $20,000 to be expended by the Secretary of War for dredging and protecting the navigable channel at the mouth of the Buffalo River, and for removing the sand-bar formed by the great gale of December last at that point, the sum appropriated to be available upon the passage of this act.

The SPEAKER. The gentleman from New York [Mr. BASS] asks consent to make a brief explanation. If there be no objection he will proceed.

Mr. HOLMAN. I will not object to the gentleman making a statement. But I trust that inasmuch as this bill is out of the usual course of legislation, some little time for consideration may be allowed.

Mr. CONGER. This appropriation is proposed to be made now as an advance in part of the appropriation which would be made in the river and harbor appropriation bill for the harbor of Buffalo; it is to be deducted from the amount of the appropriation that would be reported hereafter. This appropriation is now needed for immediate use, to meet what appears to be a very urgent necessity.

Mr. BASS. Mr. Speaker, in the month of December last one of the most extraordinary gales to which we were ever subjected occurred at the port of Buffalo, the result of which was that a sand-bar was drifted across what had been the navigable channel entering the port—a channel through which, as gentlemen of the House are aware, a large amount of commerce passes annually. Unless immediate steps be taken to remove this obstruction, the commerce of the West, which approaches that harbor early in the spring, immediately upon the opening of navigation, before the regular appropriation bill will have passed this House, will be greatly obstructed; the vessels will be required to anchor outside the harbor and the cargoes be delivered by lighters. This would impose upon the grain now in store in Chicago, Milwaukee, and other ports upon the western lakes, an expense which would amount to a very heavy tax upon the transportation of that production to the sea-board and abroad.

We do not desire that this appropriation shall be anything more than an anticipation of a part of the regular appropriation, to be taken into account by the committee having in charge the regular river and harbor bill.

I hold in my hand a communication from the major of engineers of the United States Army having in charge the work at Buffalo, stating in substance the facts I have recited, and saying that unless immediate relief can be had—unless the sand which has thus been carried to that point by an extraordinary and almost unprecedented gale can be removed—very great disaster may be expected and very great hardships to the commerce of the western lakes.

Permit me to say that the amount of commerce ordinarily passing through the channel thus obstructed amounts on the average annually to more than the entire foreign exportation of our cereals. More than seventy-three million bushels of grain—rye, oats, wheat, barley, and corn—passed through this channel last year. We ask that this appropriation may be made in anticipation of the regular appropriation which would be reported hereafter by the committee having this subject in charge. We think that the unprecedented circumstances justify this prompt action.

Mr. GARFIELD. Will the gentleman allow me a question?

Mr. BASS. Certainly.

Mr. GARFIELD. It is understood that if this appropriation is now made in advance, the amount thus appropriated will be taken out of the regular amount that would go for the improvement of that harbor?

Mr. BASS. Certainly; this appropriation will be taken into consideration by the committee in reporting the regular river and harbor bill.

Mr. GARFIELD. If it is understood that we are merely anticipating what would be done in the regular bill and what is really a part of it, I certainly shall not object; for the measure seems to me a wise one.

Mr. BASS. That is so understood.

Mr. GARFIELD. I trust the House will remember that it is so understood, and will bear it in mind when the river and harbor bill comes up.

Mr. NEGLEY. It is so understood by the Committee on Commerce.

Mr. GARFIELD. If so, I do not object.

Mr. HOLMAN. I wish to call the attention of the gentleman from Ohio, [Mr. GARFIELD,] chairman of the Committee on Appropriations, to this subject. We have, in several instances, made appropriations of this kind to meet pressing emergencies, once in the case of the Des Moines Rapids Canal, and also in two other instances; but our action was taken in those cases upon the recommendation of the Secretary of War. The defect in this application to the House is, that there is no recommendation from the Secretary of War or from the Engineer Corps. There is simply a letter addressed to the authorities of Buffalo by the local engineer having charge of this work, pointing out the advantages which might accrue from an immediate appropriation. I should not object at all if proper reports were made by the Engineer Corps. If the Chief of Engineers had brought the subject to the attention of the Secretary of War, and the Secretary of War had recommended Congress to make an appropriation, it would then, I think, be highly proper to make it. But I submit to the chairman of the Committee on Appropriations that the charge that Congress is appropriating money not asked for by the Departments has been very pertinently made since this Congress convened. Here is an appropriation not asked for by the War Department, not suggested by the Chief of the Engineer Corps. I have said to the gentleman from New York [Mr. BASS] that of course we all understand the importance of the harbor of Buffalo, and that if this appropriation were recommended for the present fiscal year by the proper and responsible officers of the Government, I would then acquiesce in the proposition promptly. The objection is, that this case comes to us recommended simply in the form of a letter from the local engineer to the authorities at Buffalo.

Mr. BASS. May I have this communication read?

Mr. GARFIELD. I supposed the appropriation was recommended by the Department?

Mr. HOLMAN. No, sir.

Mr. GARFIELD. Then there is point in what the gentleman from Indiana [Mr. HOLMAN] has said.

Mr. HOLMAN. I should not object if the appropriation were recommended by the War Department.

Mr. BASS. I would like to have read the communication from the major of engineers having this work in charge.

Mr. GARFIELD. Why not let the bill go to the Committee on Commerce, with leave to report at any time?

Mr. HOLMAN. I should not object to that.

Mr. BASS. If it be required that this bill shall be referred to the committee, and that we shall then await its report before passing the measure and sending it to the other branch of Congress, navigation will have opened before the bill can become a law, and the entire extent of the disaster now apprehended will have occurred.

The lake flows down by the middle of April, within two months from this time, and hence, unless immediate steps can be taken for the dredging absolutely necessary to be done, it will amount to a tax of from five to ten cents a bushel upon western grain, which comes down from the West through the port of Buffalo seeking shipment at the sea-board. The tax will be almost destructive. If it be necessary this delay should occur, the damage will have taken place, and there will be no relief to be obtained from appropriation after navigation opens. I ask the Clerk to read.

The Clerk read as follows:

UNITED STATES ENGINEER'S OFFICE,
Buffalo, New York, January 29, 1874.

SIR: I beg to call your attention, * * * to the exigency which has arisen at the mouth of Buffalo River, due to the unprecedented and sudden deposit of sand at the head of the light-house pier. This deposit, which has been slowly accumulating for years, was suddenly and most unexpectedly reinforced to an alarming degree by the late extraordinary gale of December, 1873, which transferred to that point in one day a large mass of sand, which had been banked up against the sea-wall for many years. The result is a large bar, which, very fortunately for the commerce of Buffalo, has not yet infringed upon the river channel, having been kept back by the scouring of repeated currents, due to high water recurring at intervals in Buffalo River, the effect of the open winter, and liberal rain-fall. Nevertheless the danger is imminent, that when the ice in the lake shall break up in the spring and begin to scour along the shore of Lake Erie into the Niagara River, the small bergs, commonly known as "clampers," will scrape this bar, or a larger part of it.

right across the mouth of the river at the light-house pier-head. Should this occur to any great extent, immediate relief by dredging must be afforded, or else the incoming western fleet in the spring will have to come to behind the outer breakwater, and lighter before entering the river. Should they come in such a body, all at once, as they did a few years ago, the anchorage would not accommodate them, and the state of affairs, bad enough at any rate, would be positively disastrous, and inflict a blow upon the reputation of Buffalo as a commercial point from which it might not recover for years.

But the worst of the whole matter is that the present appropriation by the General Government is nearly exhausted, and what little balance remains on hand is tied up by outstanding liabilities. Moreover, no further sum appropriated by Congress can become available until July 1, 1874, unless so especially enacted, and by that date all the mischief would have been done. * * * *

I have the honor to be, very respectfully, your obedient servant.

F. HARWOOD,

Major of Engineers, U. S. A., in charge of Buffalo Harbor Improvement.

Hon. L. P. DAYTON, *Mayor of Buffalo.*

Mr. BUTLER, of Massachusetts. The gentleman from New York yields to me a moment. I desire simply to make a statement why this does not come from the War Department. The estimates of the War Department are made up at the end of the fiscal year. This new danger came last December, and, of course, could not come in the report the War Department made to us at the first of the session. As this is only to meet a present exigency, I hope there may be no delay.

Mr. E. H. ROBERTS. I should like to ask my colleague one question—whether this letter is not from the United States engineer in charge of the work?

Mr. BASS. The communication read is an official communication from the major of United States engineers, stationed at Buffalo under order of the War Department, having special supervision and charge of the work there.

Mr. WOODFORD. Will the gentleman yield to me for a moment?

Mr. BASS. I do.

Mr. PARSONS. Wait a single moment until I make a suggestion.

Mr. WOODFORD. I will give way to the gentleman from Ohio in a moment.

This is a matter, Mr. Speaker, not local, but in which every part of this country has an equal interest. It touches the West, with its grain, and New York and Brooklyn, with their commerce, just as much as it touches the city of Buffalo, with its forwarding interests. If you would keep freights on your railroads down to just and reasonable rates, you must afford all possible facilities to your canal and water communications. These furnish the only sure competition against the railways. At Buffalo and Oswego the enormous fleets of the West concenter going to New York. Over the Erie Canal and its branches the grain of the West must be moved in the spring. This bar at the mouth of Buffalo Harbor should be swept away, and the money to do this be provided now or it will be too late to do the work when the spring opens. In the name of the great Northwest, for the sake of the farmer, the forwarder, and the merchants of my own home by the sea we ask to-day that the House be wise, and just, and prompt in its action.

There is sure precedent for this appropriation and its instant passage. When there have been sudden calls for men or money in the interest of war, to preserve national honor and redress national insult, money has always been voted promptly and justly. When lately a vessel was seized by a foreign cruiser upon the Gulf, the Secretary of the Navy did but his duty in placing our fleet in readiness without waiting for an appropriation, and this House at once responded to the call, approved the patriotic action, and voted the necessary money.

Sudden calamity has befallen the harbor of Buffalo. The injury is not local; it affects alike the producer and the consumer. Close but one of our avenues of transportation, and that but for a time, and the hurt will be felt alike by those who labor on the far prairies of the West and those who toil in factories and warehouses on the Atlantic coast. We but ask, in the interest of the great industries of peace, that prompt and wise liberality which you have so often given for the expenditures of war. You have voted millions for the soldier and the sailor. Promptly vote these few thousands for the farmer, the forwarder, the merchant, and the workingman. We want this harbor of Buffalo put at once in a condition where it will be able to do its share of the forwarding business in the spring. For the Northwest and for New York alike we ask the House at once to consent to the passage of this bill.

Mr. PARSONS. I entirely agree with my friend from New York, and I do not think there is a single gentleman on the Committee on Commerce who does not entirely agree with him also. I know my friend from Indiana [Mr. HOLMAN] does. I ask in order to expedite this matter the gentleman from New York will allow by unanimous consent this matter to be referred to the Committee on Commerce, which committee meets to-morrow morning, with permission to report back to-morrow to the House. There will be no objection to that I think, and in that way the whole matter may be arranged.

Mr. BASS. I should like to say I have exhibited the map to the various members of the Committee on Commerce to whom I could gain access, it being a case of great emergency, and so far as I know they all recognize the importance of making this appropriation. I submit, therefore, with this state of facts uncontroverted, many of them being within my own personal knowledge, and proper inquiries having been made at the War Department, it seems to me the time of the House need not be absorbed, a majority of the Committee on Commerce having assented to the proposition already, and I ask the House to pass this bill under a suspension of the rules. I ask for an immediate vote. I know it is not in the interest of Buffalo alone, but in the interest of the farmers of the West, and the producers, whose corn and wheat are to an unprecedented extent stored in the warehouses of Chicago, Milwaukee, and other ports upon the shores of the lakes; and I ask in their interest that this House to-day, doing what is demanded by this unprecedented condition of affairs, shall simply anticipate an appropriation which Congress has always made for this harbor. I ask that the House shall pass this bill, and give to these men in the West, as well as to the men in the East, the right to pass this commerce through Buffalo without imposing on it a tax of five or ten cents a bushel, which you will impose if you deny this relief upon this occasion. I ask, Mr. Speaker, that the House, I trust under this state of facts without a dissenting voice, will pass this bill for this petty little bagatelle for the relief of commerce, which, if not passed, will levy upon probably ten million bushels of grain which will reach that port, within three weeks of the opening of navigation, a tax of five or ten cents a bushel, that will amount to fifty times the appropriation we now ask you simply to anticipate.

Mr. GARFIELD. If the gentleman will allow me, I will make one suggestion. I desire to inquire if the gentleman from New York has ascertained whether there is not a contingency fund out of which the War Department can make the repair without passing a special deficiency bill now. The value of the suggestion of my colleague from Ohio [Mr. PARSONS] would be this: If the bill should be referred to the Committee on Commerce, they can ascertain to-morrow whether there is now a fund that the Chief of Engineers has a right to employ for this purpose, and when that is ascertained, as it can be to-morrow, then, if this deficiency appropriation is necessary, the Committee on Commerce, with leave to report at any time, which we ought to give them if we refer the bill to them, can bring it before the House in due course and in proper order. The letter read from the desk is a slip cut from a newspaper; and I call the attention of the House to the fact that it is not the most regular way to pass a deficiency bill, on a slip cut from a newspaper.

Mr. BASS. I yield to the gentleman from Michigan, [Mr. CONGER,] a member of the Committee on Commerce.

Mr. SPEER. I object to further debate.

Mr. BASS. The gentleman from Michigan [Mr. CONGER] is acquainted with the locality; and, from his long service in this House and on the Committee on Commerce, is familiar with this question. I ask that he be permitted, being entirely impartial with reference to any local interest, to make a statement of facts within his own knowledge.

Mr. SPEER. It will only delay the matter a day to send it to the Committee on Commerce. I object to further debate.

The question was on seconding the motion to suspend the rules; and being taken, there were—ayes 121, noes 26.

So the motion was seconded.

The rules were then suspended (two-thirds voting therefor) and the bill (H. R. No. 1905) was passed.

ENROLLMENT OF STATUTES.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Enrolled Bills be directed to inquire into the expediency of repealing the law that requires the statutes of the United States to be enrolled on parchment, and to devise some method by which the text of the laws may be better preserved from interpolations and changes, and that the Committee have leave to report by bill or otherwise.

REPORT OF COLONEL WILLIAM E. MERRILL.

Mr. NEGLEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Speaker of the House of Representatives, for the use of Congress, the report of Colonel William E. Merrill on the improvement of the navigation of the Ohio River.

INTERSTATE COMMERCE.

Mr. SMITH, of Ohio. I move that the rules be suspended and that the following preamble and resolution be adopted.

The Clerk read as follows:

Whereas the Constitution of the United States provides in express terms that Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; and whereas this provision of the Constitution imposes upon Congress powers and duties of such high moment to the common commercial interests of the people of these States, as the citizens of one nation, as to have been a leading cause for the formation of the Union itself: Therefore,

Be it resolved by the House of Representatives, That, in the judgment of this House, it is within the constitutional power of Congress by law so to regulate commerce among these States as to protect that portion of our internal commerce which is among the several States from all unjust or oppressive tolls, taxations, obstructions, or other burdens, whether imposed by railroad companies or by combinations thereof, or by other common carriers, when engaged as the instruments of such portion of the commerce of the people; that the present condition and magnitude of the commerce among the States are such as to demand the prompt and wise exercise of the power and duty declared in this resolution.

The question being taken on seconding the motion to suspend the rules, it was declared by the Chair, on the vote by sound, that the ayes had it.

Mr. COX. I ask for further count.

The SPEAKER. Further count being demanded, the Chair appoints as tellers the gentleman from Ohio, Mr. SMITH, and the gentleman from New York, Mr. COX.

The House divided; and the tellers reported—ayes 95, noes 51.

So the motion was seconded.

Mr. COX. Would it be in order to move to amend the resolution?

The SPEAKER. It would not, under a motion to suspend the rules.

Mr. SMITH, of Ohio. I ask for the yeas and nays on the motion to suspend the rules and pass the resolution.

The yeas and nays were ordered.

ORDER OF BUSINESS.

The SPEAKER. Pending the call of the roll, the Chair will entertain the requests of some gentlemen for unanimous consent to introduce bills for reference.

HENRY B. HAVENS.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 1907) granting a pension to Henry B. Havens, private of Company K, Twelfth Regiment Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN GOODRICH.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 1908) for the relief of Reuben Goodrich; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RAILROADS IN THE TERRITORIES.

Mr. McCORMICK, by unanimous consent, introduced a bill (H. R. No. 1909) granting the right of way to railroad companies in the Territories of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SOLDIERS' MONUMENT AT CHALMETTE, LOUISIANA.

Mr. SHELDON, by unanimous consent, introduced a bill (H. R. No. 1910) donating six cannon to be used in the erection of a monument in the national cemetery of Chalmette, Louisiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TEST OATH FOR CREDITORS.

Mr. BROMBERG, by unanimous consent, introduced a bill (H. R. No. 1911) repealing the joint resolution approved March 2, 1867, prohibiting payments by any officer of the Government, to any person not known to have been opposed to the rebellion and in favor of its suppression; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MORRILL S. BEAN.

Mr. PIKE, by unanimous consent, introduced a bill (H. R. No. 1912) granting a pension to Morrill S. Bean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTESTED-ELECTION CASE.

Mr. PLATT, of Virginia, by unanimous consent, presented papers in the contested-election case of C. Y. Thomas against A. M. Davis, from the fifth congressional district of Virginia; which were referred to the Committee on Elections.

CUBAN INDEPENDENCE.

Mr. COX, by unanimous consent, presented the memorial of 4,162 citizens of New York City, praying for belligerent rights to Cuba, and in aid of those who are struggling for independence and the abolition of slavery in that island; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

UTAH AFFAIRS.

Mr. FORT, by unanimous consent, presented the memorial of citizens of Utah, memorializing Congress for legislation to protect the people of that Territory in their rights; which was referred to the Committee on the Territories, and ordered to be printed.

PATENT FOR MAKING HAT-BODIES.

Mr. WARD, of New Jersey, by unanimous consent, presented the remonstrance of 2,300 hatters, citizens of the sixth district of New Jersey, against the renewal of the patent for making hat-bodies issued to Henry A. Wells January 26, 1846; which was referred to the Committee on Patents, and ordered to be printed.

CHARLES B. SMITH.

Mr. WILBER, by unanimous consent, introduced a bill (H. R. No. 1913) for the relief of Charles B. Smith, deceased, late first lieutenant Fifth Iowa Cavalry, United States Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUGUSTUS SPRAGUE.

Mr. FIELD, by unanimous consent, introduced a bill (H. R. No. 1914) for the relief of Augustus Sprague, late a private Company B, Second Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETITIONS, ETC., IN CONGRESSIONAL RECORD.

The SPEAKER. The Chair desires to give notice that since the adoption of the recent rule in regard to the Official Reporters of debates making a notice of petitions presented, slips giving notice to the reporters of the presentation of such petitions are unnecessary. The reporters have made arrangements to have them all recorded, and all that is needed is that the gentleman presenting a petition shall put his name on the back together with the committee to which he desires it referred.

Mr. MYERS. But if members desire to furnish the reporters with that matter, there is no objection, I presume?

The SPEAKER. Certainly; there is no objection.

Mr. MYERS. It may be more satisfactory to themselves and to their constituents.

IMPROVEMENT OF FRENCH BROAD RIVER.

Mr. THORNBURGH, by unanimous consent, presented the petition of 300 citizens of Jefferson County, Tennessee, asking for certain improvements in the French Broad River; which was referred to the Committee on Commerce, and ordered to be printed.

EXPENSES OF PUBLIC WORKS.

Mr. CONGER. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to furnish to this House a statement of all moneys expended by the Government upon each of the public works for the construction of light-houses and the improvement of rivers, and harbors, and canals, from 1779 to 1873, inclusive, and so added to the partial statement of public expenditures heretofore furnished to the Senate in such form that the entire statement may appear together arranged in proper form.

Mr. G. F. HOAR. That ought to go to the Committee on Commerce; it will make an enormous document.

Mr. CONGER. The work is almost completed in the report to the Senate. There are certain additional things that the Committee on Commerce would desire to have for their information.

Mr. G. F. HOAR. Does this resolution come from the Committee on Commerce?

Mr. CONGER. It comes from me, in behalf of the committee. It is not the action of the committee.

No objection being made, the resolution was considered and agreed to.

APPROPRIATIONS UNDER INDIAN CONTRACTS.

Mr. SYPHER, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That before any money shall be appropriated or payments made, on account of contracts made with the Government for Indian supplies for the fiscal years ending June 30, 1873 and 1874, the Committee on Appropriations shall first make a thorough examination into all the circumstances connected with the letting of said contracts, and whether the awards were made to the lowest bidders and in all other respects conformed to the statutes governing the same, and that the committee shall have power to send for persons and papers, administer oaths, and examine witnesses.

AMENDMENT OF THE HOMESTEAD LAW.

Mr. TOWNSEND. I desire to have a special order made for the consideration of the bill (H. R. No. 1760) reported as a substitute for the bill (H. R. No. 1388) amendatory of the homestead law, by the Committee on the Public Lands, and now in Committee of the Whole on the state of the Union. I ask that it be made a special order for Wednesday a week from next Wednesday, being the 18th instant, from the hour of half-past one o'clock, to the exclusion of all other orders on that day.

Mr. GARFIELD. I ask the gentleman to exclude the appropriation bills.

Mr. TOWNSEND. This bill will not occupy long, I am sure.

Mr. GARFIELD. We will endeavor to keep out of the gentleman's way if we can, but we want to reserve the right to occupy that day if necessary; and if the gentleman will make that exception I will make no objection to his proposition.

The SPEAKER. Does the gentleman agree to that exception?

Mr. TOWNSEND. Yes, sir.

The SPEAKER. Then, if there be no objection, the bill will be made the special order in the Committee of the Whole on the state of the Union for Wednesday, February 18, to the exclusion of all other orders, excepting reports from the Committee on Appropriations.

No objection was made.

ABSENCE OF UNITED STATES CONSULS.

Mr. O'BRIEN. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of State is hereby directed to inform the House of the names, if any, of the consuls of the United States who may have been absent from their posts since January 1, 1873; how often and by what authority they have been absent; and whether during such absence they are entitled to or received pay.

Mr. LOWNDES. I object.

Mr. O'BRIEN. I ask, then, that the resolution be referred to the Committee on Foreign Affairs.

There was no objection, and the reference was made.

APPROPRIATIONS UNDER INDIAN CONTRACTS.

Mr. HALE, of Maine. There was a resolution passed just now, on the motion of the gentleman from Louisiana, [Mr. SYPHER,] which I desire to move to reconsider in order that a correction may be made. His resolution reads thus:

Resolved, That before any moneys shall be appropriated or payment made on account of contracts made by the Government for Indian supplies for the fiscal years ending June 30, 1873 and 1874, &c., the Committee on Appropriations shall first make a thorough examination into all the circumstances connected with the letting of said contracts, &c.

Now the resolution, as it reads in that form, does not apply to the next year for which the Committee on Appropriations is to appropriate, but it provides that nobody shall be paid under any contract now existing until such investigation has been made, and it would therefore entirely stop the wheels of the Government so far as that Department is concerned. If the gentleman will amend the resolution by making it refer to the years 1874 and 1875, as he probably intended to do, why then there will be less objection.

Mr. SYPHER. I am willing to include the year 1875 with the years 1873 and 1874, but my purpose is to have an investigation made of all contracts now existing, before payment shall be made for services yet to be rendered.

Mr. G. F. HOAR. I would ask the gentleman, has a single branch of Congress the power to order that the Government shall stop payments under contracts already made?

Mr. SYPHER. I do not construe the resolution as stopping any payment.

Mr. HALE, of Maine. It would clearly stop everything during the present fiscal year.

Mr. SYPHER. The payments are made quarterly, and I imagine that before the end of the next quarter the Committee on Appropriations will have performed this duty.

Mr. HALE, of Maine. I will enter the motion to reconsider, and will call it up when the gentleman shall have had time to consider the matter more fully, unless, indeed, he will agree to refer it to the Committee on Indian Affairs or to the Committee on Appropriations. I would say, however, that the Committee on Appropriations do not want any more labor devolved upon them.

Mr. SYPHER. I am very much astonished, Mr. Speaker, to hear the gentleman from Maine make such an admission before the House, that the Committee on Appropriations are not willing to incur any labor that may be necessary to protect the Government in all its interests. I think, sir, we ought to put upon them all the labor necessary for that purpose belonging to their duties, and let them do this work, and do it promptly.

Mr. W. R. ROBERTS. Is this discussion in order?

The SPEAKER. It is not.

Mr. W. R. ROBERTS. Then I object.

Mr. HALE, of Maine. I enter the motion to reconsider the vote by which the resolution was adopted, and will call it up at some future time.

INTERSTATE COMMERCE.

The SPEAKER. The question now recurs upon the motion of the gentleman from Ohio [Mr. SMITH] to suspend the rules and pass the resolution, which the Clerk will again report.

The Clerk read as follows:

Whereas the Constitution of the United States provides in express terms that Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; and whereas this provision of the Constitution imposes upon Congress powers and duties of such high moment to the common commercial interests of the people of these States, as the citizens of one nation, as to have been a leading cause for the formation of the Union itself: Therefore,

Be it resolved by the House of Representatives, That, in the judgment of this House, it is within the constitutional power of Congress by law so to regulate commerce among these States as to protect that portion of our internal commerce which is among the several States from all unjust or oppressive tolls, taxations, obstructions, or other burdens, whether imposed by railroad companies or by combinations thereof, or by other common carriers, when engaged as the instruments of such portion of the commerce of the people; that the present condition and magnitude of the commerce among these States are such as to demand the prompt and wise exercise of the power and duty declared in the preceding resolution.

Mr. BUCKNER. Is it in order to move to refer that resolution to a committee?

The SPEAKER. It is not, as the House has seconded the motion for a suspension of the rules, and the House must vote on it.

Mr. SPEER. Cannot the preamble be separated from the resolution?

The SPEAKER. Not under a suspension of the rules.

Mr. SPEER. It declares an historical fact for which I am not prepared to vote.

Mr. BUCKNER. I move that the House do now adjourn.

The House divided; and there were—ayes 58, noes 73.

Before the result of the vote was announced,

Mr. HARRIS, of Virginia, called for the yeas and nays.

The question was taken on ordering the yeas and nays; and on a division there were—ayes 34, noes 128.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was again taken; and there were—yeas 61, nays 165, not voting 63; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Berry, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Comingo, Crittenden, Alexander M. Davis, DeWitt, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Hersey, E. Rockwood Hoar, Hubbell, Lowndes, Neal, Niblack, O'Brien, Pendleton, Phelps, Pierce, Randall, Ransier, William R. Roberts, James C. Robinson, Sheats, Sheldon, Smart, William A. Smith, Snyder, Southard, Standeford, Storm, Waddell, Wells, Whitehead, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, and Pierce M. B. Young—61.

NAYS—Messrs. Albert, Albright, Averill, Banning, Barber, Barrere, Begole, Biery, Bland, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crutchfield, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Howe, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kendall, Killinger, Knapp, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Luttrell, Lynch, Magee, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Myers, Nunn, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Perry, Phillips, Pike, James H. Platt, jr., Poland, Pratt, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Speer, Sprague, Stanard, Starkweather, St. John, Strait, Strawbridge, Thomas, Todd, Townsend, Tremain, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—165.

NOT VOTING—Messrs. Archer, Barry, Bass, Blount, Benjamin F. Butler, Roderick R. Butler, Cain, Clinton L. Cobb, Cook, Cox, Creamer, Crocker, Crooke, Crossland, Crounse, Curtis, Darrall, John J. Davis, Elliott, John T. Harris, John W. Hazelton, Hodges, Jewett, Kellogg, Lamar, Lamison, Lansing, Leach, MacDougall, McJunkin, McKee, Mitchell, Moore, Morey, Morrison, Negley, Nesmith, Niles, Orth, Pelham, Thomas C. Platt, Potter, Purman, Rainey, Rawls, Read, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Shanks, Sloss, Stephens, Stowell, Swann, Sypher, Taylor, Thornburgh, Whitehouse, Whiteley, Wood, and Woodford—63.

So the motion to adjourn was not agreed to.

During the call of the roll the following announcements were made:

Mr. BLOUNT. My colleague, Mr. COOK, is too unwell to attend the session of the House to-day.

Mr. STARKWEATHER. My colleague, Mr. KELLOGG, is absent on account of sickness in his family. If here he would vote "no" on this question.

The question again recurred upon the motion of Mr. SMITH, of Ohio, to suspend the rules and adopt the resolution submitted by him, upon which the yeas and nays had been ordered.

Mr. MAYNARD. Would it be in order to call for a separate vote on these propositions?

The SPEAKER. It would not, as the motion is to suspend the rules, including the one which gives a member the right to call for separate votes on independent substantive propositions.

Mr. BIERY. Is it in order to move to refer this resolution?

The SPEAKER. It is not. Nothing is now in order but to vote on the motion to suspend the rules.

The question was taken; and there were—yeas 171, nays 64, not voting 54; as follows:

YEAS—Messrs. Albright, Atkins, Averill, Banning, Barber, Barrere, Begole, Biery, Bland, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, George F. Hoar, Holman, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kendall, Killinger, Knapp, Lamport, Lawrence, Lawson, Leach, Lewis, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McLean, McNulta, Mellish, Merriam, Monroe, Morey, Nunn, Orr, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Ransier, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stone, Stowell, Strait, Strawbridge, Sypher, Thomas, Thornburgh, Tremain, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, and Woodworth—171.

NAYS—Messrs. Adams, Albert, Arthur, Ashe, Barnum, Beck, Bell, Blount, Bowen, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Comingo, Cox, Crittenden, Crossland, Alexander M. Davis, DeWitt, Durham, Eden, Eldredge, Glover, Hamilton, Hancock, Henry R. Harris, Hereford, Herndon, E. Rockwood Hoar, Hooper, Hunton, Lamar, Lofland, Magee, Milliken, Mills, Neal, Niblack, O'Brien, Perry, Phelps, Pierce, Randall, William R. Roberts, James C. Robinson, John G. Schumaker, Henry J. Scudder, Sloss, Smart, William A. Smith, Southard, Standeford, Todd, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—64.

NOT VOTING—Messrs. Archer, Barry, Bass, Berry, Bright, Roderick R. Butler, Cain, Freeman Clarke, Clymer, Clinton L. Cobb, Cook, Creamer, Crocker, Crooke, John J. Davis, Elliott, Giddings, John T. Harris, John W. Hazelton, Hersey, Hodges, Jewett, Kelley, Kellogg, Lamison, Lansing, Marshall, Maynard, McKee, Mitchell, Moore, Morrison, Myers, Negley, Nesmith, Niles, O'Neill, Orth, Pelham, Potter, Purman, Rainey, Rawls, Read, Milton Sayler, Isaac W. Scudder, Speer, Stephens, Storm, Swann, Taylor, Townsend, Waldron, and Wood—54.

So (two-thirds voting in the affirmative) the rules were suspended and the resolution adopted.

During the call of the roll,

Mr. G. F. HOAR said: I desire to state that Mr. CROCKER, my colleague, is absent on account of a destructive fire affecting his property.

MESSAGE FROM THE SENATE.

A message from the Senate was communicated to the House by Mr. SYMPSON, one of their clerks, informing the House that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 110) for the relief of the East Tennessee University.

GREENBACK CURRENCY.

Mr. RANDALL. I move to suspend the rules and adopt the following resolution:

Resolved, That if any increase of currency should be directed by Congress, the same ought to be of United States notes, commonly called greenbacks.

Mr. HOLMAN. I call for the yeas and nays on that resolution.

The SPEAKER. The Chair thought the resolution of the gentleman from Pennsylvania [Mr. RANDALL] was on the same subject as the one just now voted upon. The rights of the gentleman will be preserved; but the Chair will first recognize the gentleman from Iowa, [Mr. KASSON,] who wishes to bring before the House business of the Committee on Appropriations.

Mr. RANDALL. I believe the motion to suspend the rules is a privileged one to-day.

The SPEAKER. Certainly.

Mr. RANDALL. That is the reason I claim preference for this resolution over other business.

The SPEAKER. Does the gentleman object to the Chair entertaining the proposition of the gentleman from Iowa?

Mr. RANDALL. I will not object if it causes no delay.

LEGISLATION IN APPROPRIATION BILLS.

Mr. KASSON. I offer the following resolution:

Resolved, That it shall be in order for the Committee on Appropriations to report with the appropriation bills for consideration such amendments to existing laws related to such appropriations as shall tend in their judgment to retrenchment and economy in public expenditures.

Several members objected.

The SPEAKER. As this resolution appears to give rise to objection the Chair will first entertain the resolution of the gentleman from Pennsylvania, [Mr. RANDALL.]

GREENBACK CURRENCY.

The resolution of Mr. RANDALL was read, as follows:

Resolved, That if any increase of currency should be directed by Congress, the same ought to be of United States notes, commonly called greenbacks.

The SPEAKER. The question is on seconding the motion to suspend the rules to adopt the resolution just read.

Mr. PLATT, of Virginia. I move that the House adjourn.

The question being taken on the motion to adjourn, there were ayes 104, noes not counted.

Mr. RANDALL. I call for the yeas and nays. This is practically a test vote on my resolution.

The question being taken on ordering the yeas and nays, there were ayes 22, noes not counted.

Mr. RANDALL. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. RANDALL and Mr. COX were appointed.

The House divided; and the tellers reported ayes 43, noes not counted.

So the yeas and nays were ordered.

Mr. G. F. HOAR. I hope the motion to adjourn may be withdrawn. Let us come to a direct vote on the resolution.

Mr. RANDALL and Mr. SPEER. That is right.

The question was taken; and there were—yeas 92, nays 117, not voting 80; as follows:

YEAS—Messrs. Albert, Arthur, Averill, Barrere, Bell, Bromberg, Buffinton, Burchard, Cannon, Amos Clark, jr., Clements, Stephen A. Cobb, Dobbins, Donnan, Durham, Eames, Foster, Frye, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hendee, Herndon, George F. Hoar, Houghton, Howe, Hubbell, Hurlbut, Kasson, Lamar, Lawrence, Lofland, Lowe, Lowndes, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, Merriam, Mitchell, Monroe, Moore, Negley, Orr, Packard, Packer, Page, Pendleton, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Ransier, Rice, Ellis H. Roberts, Henry B. Sayler, Isaac W. Scudder, Sessions, Lazarus D. Shoemaker, Small, Smart, John Q. Smith, William A. Smith, Stowell, Strait, Strawbridge, Taylor, Thomas, Thornburgh, Townsend, Waldron, Marcus L. Ward, Wells, White, Whitehouse, Wilber, Charles W. Willard, George Willard, Charles G. Williams, Willie, and Ephraim K. Wilson—92.

NAYS—Messrs. Ashe, Atkins, Banning, Barnum, Beck, Begole, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burrows, Benjamin F. Butler, Caldwell, Cason, Cessna, John B. Clark, jr., Comingo, Conger, Cotton, Cox, Crittenden, Crossland, Crutchfield, Curtis, Danford, Alexander M. Davis, Duell, Dunnell, Eldredge, Field, Fort, Garfield, Giddings, Glover, Hancock, Henry R. Harris, Hatcher, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hereford, E. Rockwood Hoar, Hodges, Holman, Hunton, Hyde, Hynes, Kelley, Lawson, Leach, Lewis, Loughridge, Magee, Marshall, McLean, McNulta, Mellish, Milliken, Mills, Myers, Neal, Niblack, Nunn, O'Brien, Hosea W. Parker, Isaac C. Parker, Parsons, Perry, James H. Platt, jr., Randall, Rapier, Ray, Robbins, William R. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Milton Sayler, Scofield, Sener, Shanks, Sheats, Sherwood, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Southard, Speer, Sprague, Stanard, Starkweather, Stone, Storm, Todd, Tyner, Vance, Wallace, Jasper D. Ward, Whitehead, Whitthorne, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, John D. Young, and Pierce M. B. Young—117.

NOT VOTING—Messrs. Adams, Albright, Archer, Barber, Barry, Bass, Burleigh, Roderick R. Butler, Cain, Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Coburn, Cook, Corwin, Creamer, Crocker, Crooke, Crounse, Darrall, John J. Davis, Dawes, DeWitt, Eden, Elliott, Farwell, Freeman, Harmer, John T. Harris, John W. Hazelton, Hersey, Hooper, Hoskins, Hunter, Jewett, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Luttrell, Martin, MacDougall, McKee, Morey, Morrison, Nesmith, Niles, O'Neill, Orth, Pelham, Phelps, Phillips, Potter, Purman, Rainey, Rawls, Read, Richmond, James C. Robinson, John G. Schumaker, Henry J. Scudder, Sheldon, Sloss, J. Ambler Smith, Standeford, Stephens, St. John, Swann, Sypher, Tremain, Waddell, Walls, Wheeler, Whiteley, Wood, and Woodworth—80.

So the motion to adjourn was not agreed to.

During the roll-call,

Mr. COX said: I am requested by my colleague, Mr. WOOD, to say that he is unavoidably detained in New York by business.

The result of the vote was announced as above stated.

The SPEAKER. The question recurs on seconding the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and adopt the resolution. The Chair directs this question to be taken by tellers, and appoints the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from New York, Mr. E. H. ROBERTS.

The House divided; and the tellers reported—ayes 69, noes 95.

So the motion to suspend the rules was not seconded.

HENRY H. SIBLEY.

Mr. HAYS, by unanimous consent, introduced a bill (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia; which was read a first and second time.

Mr. HAYS. I ask that this bill may be at once put on its passage. I move to suspend the rules for that purpose.

The bill, which was read, provides for the removal of all political or legal disabilities imposed by the Constitution or laws of the United States, or any amendment to the same, upon Henry H. Sibley, by reason of his participation in the rebellion.

Mr. MAYNARD. Is there a petition in this case?

Mr. HAYS. There is a petition accompanying the bill. Let it be read.

The Clerk read as follows:

I respectfully ask the removal of my political disabilities, imposed upon me by reason of my participation in the late rebellion.

Respectfully,

HENRY H. SIBLEY.

There being no objection, the bill was passed, two-thirds voting in favor thereof.

The SPEAKER. The Chair will hear from gentlemen who have bills to introduce for reference.

T. A. MELLON.

Mr. HYNES introduced a bill (H. R. No. 1916) for the relief of T. A. Mellon, of Mississippi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUFFRAGE.

Mr. LAWSON introduced a bill (H. R. No. 1917) to amend the act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,'" approved February 28, 1871, and the acts amendatory thereof or supplementary thereto, and the act of which said act is amendatory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEBATES ON PRIVATE BILLS.

Mr. RUSK, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That hereafter, when the House goes into Committee of the Whole on the Private Calendar, they shall be under the five-minute rule until otherwise ordered.

COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE, by unanimous consent, from the Committee on War Claims, submitted a report on bill H. R. No. 1565, relating to the commissioners of claims and for other purposes; which was ordered to be printed and recommitted.

Mr. LAWRENCE. I ask that, by unanimous consent, that bill be printed, as it is entirely out of print.

There was no objection, and it was ordered accordingly

HORTENSIA H. COOK.

Mr. LAWRENCE, by unanimous consent, from the same committee, reported back a bill (H. R. No. 1375) for the relief of Hortensia H. Cook, and the same was referred to the Committee on Claims.

ENROLLED BILL.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay.

INDIAN RESERVATIONS.

Mr. AVERILL, by unanimous consent, from the Committee on Indian Affairs, reported back a letter from the Secretary of the Interior, transmitting an estimate of appropriations to pay for improvements by settlers on land set apart for Makah Indians, in Washington Territory; a report touching the Colville reservation, in Washington Territory; and the draught of a bill transmitted by the Secretary of the Interior to amend the act restoring part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes, approved March 3, 1873; and the same were ordered to be recommitted and printed.

ALEXANDER H. DAVIS.

Mr. DUELL, by unanimous consent, introduced a bill (H. R. No. 1918) for the relief of Alexander H. Davis; which was read a first and second tine, referred to the Committee on Claims, and ordered to be printed.

CLINTON BRIDGE, IOWA.

Mr. COTTON, by unanimous consent, introduced a bill (H. R. No. 1919) to amend the act entitled "An act declaring the Clinton bridge across the Mississippi River, at Clinton, in the State of Iowa, a post-route," approved February 22, 1867; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed

DESTRUCTION OF BRENHAM, TEXAS.

Mr. GIDDINGS, by unanimous consent, introduced a joint resolution (H. R. No. 57) directing the Secretary of War to cause an investigation of charges of the destruction of the town of Brenham, Texas, by soldiers of the United States, in September 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

And then, on motion of Mr. ELDREDGE, (at five minutes to five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as follows:

By Mr. ARMSTRONG: Several petitions of citizens of Northern Dakota, for the organization of the Territory of Pembina, to the Committee on the Territories.

Also, the petition of citizens of Dakota, for the location of a United States land office at Bismarck, Dakota, to the Committee on the Public Lands.

Also, the petition of citizens of Dakota, for the establishment of a port of entry at Fargo, in Dakota, to the Committee on Commerce.

Also, the petition of citizens of Dakota, for the location of the capital of the proposed new Territory of Pembina at Jamestown, to the Committee on the Territories.

Also, the petition of citizens of Dakota, for the establishment of a post-route from Richland, via Highland, to Sioux Falls, Dakota, to the Committee on the Post-Office and Post-Roads.

By Mr. BECK: The petition of James Saffell, of Kentucky, for compensation for horses and other property lost while engaged in the mail service of the United States, to the Committee on War Claims.

By Mr. BOWEN: The petition of druggists of Wytheville, Virginia, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. BROMBERG: A paper relating to the claim of Saint Paul's church, at Selma, Alabama, for the destruction of its church edifice by Federal troops April 2, 1865, to the Committee on War Claims.

By Mr. BUFFINTON: The petition of J. and W. R. Wing, of New Bedford, Massachusetts, agents and managing owners of the late American whaling bark Xantho, of New Bedford, for relief, to the Committee on Foreign Affairs.

By Mr. BURCHARD: The petition of merchants, importers, dealers, and workers of tin plates for specified duties on tin plates, to the Committee on Ways and Means.

By Mr. BUTLER, of Massachusetts: The petition of the First National Bank, of Brookville, Pennsylvania, asking to retain certain "called-in" bonds, to the Committee on Banking and Currency.

By Mr. CANNON, of Illinois: The petition of Enos B. Conover, for a pension, to the Committee on Invalid Pensions.

Also, the petition of William Ricketts, of Charleston, Illinois, for legislation in relation to the swamp-land grant to Illinois, to the Committee on the Public Lands.

By Mr. CASON: The petition of citizens of Indiana, for a post-route from Wallace to Wellsborough, in Thornton County, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. CESSNA: The petition of Jacob Burket, of Bedford County, Pennsylvania, for a pension, to the Committee on Invalid Pensions.

Also, the petition of George Chorpenning, for the adjustment and settlement of his contract accounts with the Post-Office Department, to the Committee on the Judiciary.

Also, several petitions of citizens of Pennsylvania, for the repeal of taxes on friction and lucifer matches, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of William Shaffrey, for relief, to the Committee on War Claims.

Also, the memorial of Alexander R. Shepherd and 4,000 others, residents of the District of Columbia and of Alexandria County, Virginia, for a reduction of tolls over the Aqueduct Bridge, to the Committee on the District of Columbia.

Also, the petition of officers of the Army, Navy, and Marine Corps, and officers, clerks, and other employés of the civil Departments, in relation to assignment of pay, to the Committee on the Revision of the Laws.

Also, the petition of Elizabeth Gillock, for relief, to the Committee on War Claims.

By Mr. CLARKE, of New York: The remonstrance of hat manufacturers of Rochester, New York, against the extension of the Wells patent, to the Committee on Patents.

By Mr. CLAYTON: The petition of Frederick Lux, of San Francisco, California, for an increase of duty on cheap French wines, to the Committee on Ways and Means.

By Mr. COBB, of Kansas: The petition of Elizabeth Brewer, for a pension, to the Committee on Invalid Pensions.

By Mr. COX: The petition of Theodore E. Tomlinson, of New York City, for the issue of Government bonds of the denomination of twenty dollars, to the Committee on Ways and Means.

Also, the memorial of P. W. Engs & Sons, and others, of New York City, in relation to allowances for leakage and breakage in the importation of wines and liquors, to the Committee on Ways and Means.

By Mr. DANFORD: Papers relating to the claim of Frederick Youngblue, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to the claim of David H. Doyles, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to the Claim of Basil Hahn, for a pension, to the Committee on Invalid Pensions.

By Mr. DAWES: The petition of Jesse Tyson, president of the Baltimore Chrome Works, for an increase in the duty on chromate and bichromate of potassa, to the Committee on Ways and Means.

By Mr. EAMES: The petition of national banks in Providence, Rhode Island, for the repeal of the sixth section of an act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes, approved July 12, 1870, to the Committee on Banking and Currency.

By Mr. FIELD: The memorial of the Detroit Academy of Medicine, in relation to promotions in the Medical Corps of the Army, to the Committee on Military Affairs.

Also, papers relating to the claim of Augustus Sprague, to the Committee on Claims.

By Mr. FORT: The memorial of C. D. Chatford and others, of Livingston County, Illinois, asking that the present banking system may be abolished, and legal-tender money issued in sufficient amount to do the business of the country, to the Committee on Banking and Currency.

By Mr. HAGANS: Papers relating to the claim of the trustees of the Methodist Episcopal church, at Martinsburgh, West Virginia, to the Committee on War Claims.

By Mr. HALE, of Maine: The petition of Thomas Denbo, for a pension, to the Committee on Invalid Pensions.

By Mr. HALE, of New York: The petition of Aurelia Supprise, of Rouse's Point, New York, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. HARMER: The petition of invalid pensioners, for an amendment of existing pension laws, which shall provide that the pensions of those rated totally disabled shall at death revert to their widows, to be paid during widowhood, whether death resulted from the disability for which they were pensioned or from other causes, to the Committee on Invalid Pensions.

Also, the petition of John Fraser and others, for compensation for services in examining the plans and specifications for the jail in Washington, District of Columbia, to the Committee on Claims.

By Mr. HAWLEY, of Connecticut: Several petitions of citizens of Connecticut, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HENDEE: The petition of Myron Owen and others, soldiers of Stowe, Vermont, for a modification of the homestead and bounty laws, to the Committee on Military Affairs.

By Mr. HOOPER: The remonstrance of John L. Martin and 500 others, of Marblehead and Lynn, Massachusetts, against consolidating the custom-house of that district with the custom-house of the district of Salem and Beverly, to the Committee on Ways and Means.

By Mr. HYDE: The petition of Charles C. Haight, for a pension, to the Committee on Invalid Pensions.

By Mr. KASSON: The petition of William E. Franklin, for pay and allowances due him as a member of the Eighth Illinois Regiment, to the Committee on Military Affairs.

By Mr. KELLEY: The memorial of the American Iron and Steel Association, representing the great development of their industries attributable to the tariff policy of the Government, and commending the general policy of protection to home industry, to the Committee on Ways and Means.

By Mr. LAMISON: The petition of citizens of Mercer and Auglaize Counties, Ohio, for the establishment of a post-route from Mendon, Mercer County, to Saint Mary's, AuglaizeCounty, in Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. LAMPORT: The petition of E. C. Curtiss, Belva A. Lockwood, and Hattie J. French, for permission to make certain excavations on Goat Island, California, to the Committee on the Public Lands.

By Mr. LOUGHRIDGE: The petition of William R. and Jasper A. Strunk, for pensions, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: Resolutions of the Legislature of California, instructing the delegation in Congress from California to oppose subsidies to the San Joaquin and King's River Canal and Irrigation Company, to the Committee on the Public Lands.

Also, the petition of Francis Avery, of San Francisco, California, president of the Pacific Borax Company, in relation to the admission free of duty of crude borax and boracic acid, to the Committee on Ways and Means.

Also, the petition of the Los Angelos Chamber of Commerce, for additional appropriations for the breakwater at Wilmington, California, to the Committee on Commerce.

By Mr. MARSHALL: A paper relating to the establishment of a post-route from McLeansborough, via Braden and Ruel Hill, to Akin, Illinois, to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN: The petition of citizens of Bond County, Illinois, that the name of William B. Reeves, private in Twenty-sixth Illinois Regiment, be placed on the pension-rolls, to the Committee on Invalid Pensions.

By Mr. McCRARY: The petition of James Strain, for a pension, to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A paper relating to the establishment of post-routes from Glasgow to Scottsville, and from Glasgow to Old Rocky Hill, in Kentucky, to the Committee on the Post-Office and Post-Roads.

Also, a paper relating to the establishment of a post-route from Springfield, Tennessee, to Franklin and to Adairville, in Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. MITCHELL: The petition of H. Bosworth & Sons, and others, druggists, of Milwaukee, Wisconsin, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

Also, the remonstrance of hat manufacturers of Milwaukee, Wisconsin, against the extension of the Wells patent, to the Committee on Patents.

By Mr. NEGLEY: The petition of J. W. Schoonmaker, Addison Lysle, and B. L. Wood, jr., of Pittsburgh, Pennsylvania, acting as committee for the coal exchange, for the passage of the Ohio and Mississippi Rivers light-house bill, to the Committee on Commerce.

By Mr. NESMITH: The petition of Mary Gillicon, of Oregon, for a pension, to the Committee on Invalid Pensions.

By Mr. PAGE: Papers relating to the claim of Green & Trainor, to the Committee on Claims.

By Mr. PARKER, of Missouri: Several petitions of citizens of Missouri, for the prepayment of postage on all printed matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Andrew Wills and others, discharged soldiers of Platte County, Missouri, for modifications of the homestead and bounty laws, to the Committee on Military Affairs.

By Mr. PIKE: The petition of the Grand Lodge of Good Templars of the State of New Hampshire, signed by its officers, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. PLATT, of Virginia: The petition of R. F. Graves, jr., of Smithfield, Virginia, for relief, to the Committee on War Claims.

By Mr. POLAND: The petition of Elias S. Prouty and 41 others, soldiers in the late war from Vermont, for an unconditional land bounty to soldiers, and also an equalization of other bounties, to the Committee on Military Affairs.

By Mr. RAPIER: The petition of the mayor and aldermen of Geneva, Alabama, for an appropriation to improve the Pea and Choctawhatchee Rivers, to the Committee on Commerce.

Also, a paper relating to the establishment of a post-route in Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBBINS: The petition of citizens of Watauga County, North Carolina, for the establishment of a post-route from Stoney Fork, North Carolina, to Trade post-office, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER, of Indiana: Papers relating to the claim of Henry S. Zumro, to the Committee on Claims.

By Mr. SHELDON: The petition of George F. Brott, for relief, to the Committee on Claims.

By Mr. SHOEMAKER, of Pennsylvania: The petition of Andrew Lee and others, of Luzerne County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. SMALL: The petition of Frederick Steinle, of Washington, District of Columbia, for compensation for damages by change of grade of streets, to the Committee on Claims.

By Mr. SMART: The petition of Anson Atwood, for extension of patent for railroad-car-wheels, to the Committee on Patents.

By Mr. SMITH, of New York: The petition of James E. Fuller, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. SPEER: The petition of Daniel F. Banks, for a pension, to the Committee on Invalid Pensions.

By Mr. STANDEFORD: The petition of druggists of Kentucky, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. STARKWEATHER: The petition of Francis Priest, for relief, to the Committee on War Claims.

By Mr. STOWELL: Several petitions of citizens of Virginia, for the payment of the claim of the Southern Methodist publishing house, at Nashville, Tennessee, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of members of the First Tennessee Mounted Infantry, for bounty, to the Committee on Military Affairs.

By Mr. TREMAIN: The remonstrance of hat manufacturers of Albany, New York, against the extension of the Wells patent, to the Committee on Patents.

By Mr. WELLS: The memorial of the Third National Bank, of Saint Louis, Missouri, relative to the Floyd acceptances issued by Majors, Russell & Waddell, to the Committee on Claims.

By Mr. WHEELER: The petition of H. Kreismann, consul of the United States at Berlin, Prussia, to be credited in the settlement of his accounts with the sum of $397.72 stolen from the public consular funds on the 13th day of February, 1873, by one Frederick William Shimmrick, employed as porter of the consulate, without any fault or negligence on the part of the petitioner, to the Committee on Claims.

Also, resolutions of the Board of Trade of Oswego, New York, asking an appropriation of $300,000 to complete the new pier now in process of construction at Oswego, to the Committee on Commerce.

Also, the petition of Richard T. Hartshorne, and John F. H. King, proprietors of the American Lloyd's Registry of American and Foreign Shipping, protesting against the passage of the bill (H. R. No. 1395) as an invasion of their copyright, to the Committee on Commerce.

By Mr. WHITEHEAD: Resolutions of the Lynchburgh Medical Association, in support of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. YOUNG, of Georgia: The petition of Mary G. Harris, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *February* 10, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States Volunteers—to the Committee on Military Affairs.

The bill (H. R. No. 510) granting a pension to Thomas R. Hardwick—to the Committee on Pensions.

The bill (H. R. No. 1403) granting a pension to John Baker—to the Committee on Pensions.

The bill (H. R. No. 1404) for the relief of William F. Kerr—to the Committee on Military Affairs.

The bill (H. R. No. 1405) for the relief of Victor Mylius, of Macoupin County, Illinois—to the Committee on Military Affairs.

The bill (H. R. No. 1402) granting a pension to John A. Fisher—to the Committee on Pensions.

The bill (H. R. No. 1562) for the relief of Jacob Parmenter, reimbursing him for defending a suit brought against him for an official act—to the Committee on the Judiciary.

The bill (H. R. No. 1574) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1575) for the relief of Richard H. Swift—to the Committee on Claims.

The bill (H. R. No. 1576) for the relief of Reuel B. Fuller, of Wilton, Maine—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1577) for the relief of Susan L. Galloway—to the Committee on Military Affairs.

The bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's Sons—to the Committee on Claims.

The bill (H. R. No. 1579) for the relief of Joseph J. Petri—to the Committee on Claims.

The bill (H. R. No. 1778) granting permission for a railway from the wharf of the Baltimore Steam-Packet Company, at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek Bridge, in the same county—to the Committee on Railroads.

PETITIONS AND MEMORIALS.

Mr. WRIGHT. I present the petition of Robert Gower, and many other citizens of the State of Iowa, praying for the passage of a law authorizing the Treasurer of the United States to issue $300,000,000 in legal-tender Treasury notes, or so much thereof as may be needed, and offer them in exchange for any outstanding matured or unmatured bonds at their cash value; said Treasury notes to be convertible into bonds bearing interest at a rate not exceeding 4 per cent. per annum, on demand of the holder, and these bonds made payable, with interest thereupon, in legal-tender Treasury notes on call of the holder; $100,000,000 of that to be of the denomination of $50, $100,000,000 of the denomination of $100, and the remainder of the denomination of $500, confidently believing, as they do, that this measure will offer relief to our present financial difficulty, and greatly facilitate the liquidation of our national debt. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. FLANAGAN presented a petition of citizens of Texas, asking an additional appropriation for the improvement of the Cypress Bayou and Lake Caddo leading from Northern Texas into Red River; which was referred to the Committee on Commerce.

Mr. BOGY. I present a concurrent resolution passed, by the Legislature of Missouri, remonstrating against the unfair and illegal discrimination in rates charged by the Union Pacific Railroad. I move that the resolution be referred to the Committee on the Judiciary, and be printed. I prefer that it should be referred to that committee because a bill introduced by the Senator from Kansas on this subject has been referred to that committee.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. BOGY. I also present at the same time, as a part of the same subject, a memorial from the Kansas Pacific Railroad Company, and a letter addressed to myself on this subject; and move that they be referred to the Committee on the Judiciary, and printed. They are important as a matter of information.

I will state that this subject has been before Congress for more than two years. The Union Pacific Railroad Company is charged

with imposing unfair and illegal charges, contrary to the acts of Congress by which a large subsidy was given to the road; and although this important subject has been presented to Congress for more than two years, there has been no action whatever taken on the matter. The thing has just died out for want of action on the part of the committee to whom the subject was referred. It is a matter of very great importance to my section of the country, as well as to the State of Kansas; and I hope that the Committee on the Judiciary will take this subject up and give the acts of Congress a construction. The Union Pacific Railroad claim that they have a right to charge the rates they are now charging. The Kansas Pacific Railroad deny that they have any such right. I have examined the subject with some care, and to my mind it is very plain; but, nevertheless, is a legal question, arising alone on the construction of the acts giving to these railroads the subsidies which they have received, and I can only express the hope that the Committee on the Judiciary will at an early day take this subject up and make a thorough report, so as to settle this controversy, which has existed for more than two years in the western country. I move that these papers be referred to the Committee on the Judiciary, and printed.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. RAMSEY presented resolutions adopted at a regular meeting of the Ramsey County Medical Society, held at Saint Paul, Minnesota, January 26, 1874, in favor of the passage of the bill to increase the efficiency of the Medical Department of the United States Army; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SUMNER presented a memorial of citizens of Boston, Massachusetts, asking to be indemnified for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

Mr. SUMNER. I also present a brief petition from the students of the Storer Normal School at Harper's Ferry, in which they humbly pray that such laws shall be enacted as will secure to them and their race all the rights and privileges of American citizens. I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. SUMNER. I also present the petition of a large number of merchants of New Bedford, Massachusetts, in which they set forth the evils of an irredeemable currency, and beg leave to represent most earnestly that a resumption of specie payments at the earliest practicable time is imperatively required by the true interests of the nation, and they deprecate the issue of any more legal-tender notes. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. SUMNER. I also present a petition of citizens of Shutesbury, Massachusetts, in which they set forth that they were soldiers in the late war of the rebellion; and they ask, in justice and in equity, that the bounty to which they are entitled may be made equal to that of others. In short, they ask for a special committee to investigate the workings of existing laws as to this question, and that said committee be empowered to report such amendments by bill as may be found just and practicable. I move the reference of this petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. McCREERY presented additional papers in the case of Ben Alsop, in support of his claim for a pension for services as a soldier in the war of 1812, as a substitute for his father, Bob Alsop, of King George County, Virginia; which were referred to the Committee on Pensions.

Mr. WEST. I present the memorial of the New Orleans Chamber of Commerce, asking that an adequate appropriation be made for the purpose of reopening the New Orleans mint, and for such legislation as will empower the Government of the United States, at its discretion, to order the coinage of any bullion, &c., at the New Orleans mint. I move that the memorial lie on the table.

The motion was agreed to.

Mr. CRAGIN presented a memorial of certain surgeons of the United States Navy, asking the passage of a law to restore certain officers of the Medical Corps of the Army to their proper rank in the service; which was referred to the Committee on Naval Affairs.

Mr. GORDON presented a memorial of manufacturers of hats in Georgia, remonstrating against the extension of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

Mr. MERRIMON presented five petitions of citizens of North Carolina, praying for the establishment of a post-route from Statesville to Yadkinville, in that State; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALCORN presented the memorial of William Cameron, a citizen of Mississippi, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

Mr. ALCORN. I also present the memorial of Sallie A. E. Baley, administratrix, and S. P. Baley, acting administrator, &c., of Richard Griffith, deceased, of Mississippi, and move its reference, with the accompanying papers, to the Committee on Claims.

I desire to call the attention of the committee specially to this case as one of very great hardship, in this: Richard Griffith was the marshal of the Government of the United States for the district of Mississippi at the time the war began; that he went forward in the discharge of his duties and expended a large amount of money on behalf of the Government; that he died during the war and before his accounts were settled; that the Government now owes his estate a large claim for services rendered by him and for money expended by him; and for one reason and another he has been up to this time, and his estate has been, refused all remuneration on the part of the Government. He has left a widow, and orphan children to educate who are penniless, the Government owing them a large amount of money; and I do trust that the committee will report upon the facts as set forth in the memorial.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Claims.

Mr. ANTHONY presented the petition of Captain E. Carrington Bowers, of the Navy, praying to be promoted to the rank of commodore on the retired list; which was referred to the Committee on Naval Affairs.

NATIONAL-BANK CIRCULATION.

Mr. ANTHONY. I present the memorial of Seth Padelford, president of the National Bank of North America, in Providence, and of numerous other presidents and cashiers of national banks, remonstrating against the bill to withdraw from the national banks that were first organized under the act twenty-five millions of circulating notes, for the purpose of distributing the same in those parts of the country which did not organize their proportion of the national banks. The memorialists represent that besides its injustice, the disturbing influence of this measure would work an injury, not only to the sections immediately affected, but to the general industry of the country, far greater than any benefit that could be expected to the sections proposed to be benefited thereby.

As several Senators have referred to the disproportionate amount of national-bank currency in the State of Rhode Island, I ask the indulgence of the Senate for a few minutes while I make some statements in regard to the reasons why that amount was assigned to this State and why it ought not to be taken away.

There is a theory that banking capital should be distributed by the square mile; that not trade, mechanical and manufacturing production, and the other conditions that require the employment of money as the medium of exchange, but territory, should govern the distribution of incorporated capital. Texas is as large as two hundred and fifty Rhode Islands, therefore Texas should have two hundred and fifty times as much banking capital as Rhode Island. Hardly less absurd, and even more prevalent, is the theory that banking capital should be distributed according to population, *per capita;* that a community of a hundred thousand farmers requires the same amount of bank facilities as a community of a hundred thousand traders, merchants, and manufacturers. That the circulation of banks, wherever situated, will flow to the money centers, to the creditor points, is as plain as that water will seek the lower level; and as water, if confined to a higher level, will break away through all obstructions, and follow the descending channel, so will money, equally, and by a law of not less force than the law of gravitation, flow to the points where it is wanted to perform its proper function—to pay debts. Everybody knows this; and yet there are those who argue, or whose argument reduced to its analysis is, that money can be made plentiful in a debtor section by establishing banks there, and that by legal means and artificial restraints it can be kept in circulation within geographical limits.

The State which I have the honor in part to represent has been the subject of especial animadversion, because we have found it necessary to employ a larger banking capital than some States that greatly exceed us in territory and in population, and which, according to the theory that I have referred to, should have a correspondingly greater amount of banking capital. The Senator from Missouri who sits on the opposite side of the Chamber dwelt with great emphasis upon the fact that the small State of Rhode Island had so much more banking capital than the great State of Missouri. If we go into some other comparisons between the two States we should find a similar disparity; and following the comparisons still further, we should find that in some other respects, even taking into consideration the difference in territory and in population, Missouri surpasses Rhode Island as much as Rhode Island surpasses Missouri in banking capital.

Previous to the national-bank law, and up to the time when, persuasion having failed, the Federal Government compelled the State banks to come under the national system or to give up their circulation, each State had all the banking facilities that it needed and that it could command. What was then the proportion of Rhode Island to Missouri? Did it correspond to the territorial dimensions of the two States? Did it correspond to the population of the two States? Missouri is fifty times as large as Rhode Island and has eight times the population, and yet she had but little more than half the bank capital. Missouri had forty-two banks with an aggregate capital of $11,249,990, and Rhode Island had ninety banks with an aggregate capital of $21,794,937. Although the smallest of the States in territory, and the smallest but five in population, there were but five States in the Union that surpassed Rhode Island in incorporated banking capital, and one of the five surpassed it by only a few hundred thousand dollars. The banking capital of the great State of Pennsylvania exceeded that of Rhode Island by less than $5,000,000, and that of the great State of Ohio was not a third as large. And New York, the great commercial State of the Union, whose territory is forty times as great as ours and whose population is twenty times as great, had but five times our banking capi-

tal. Rhode Island had more banking capital than Illinois, Indiana, Ohio, and all the Northwestern States together.

This was the normal condition. We had this disproportionate banking capital—disproportionate to our territory and to our population—because we wanted it; and the other States had so little because they did not want it. We had it because, under inhospitable skies and upon an ungrateful soil, compelled to manufacturing and mechanical and commercial pursuits, we found it for our advantage to invest so much in banking; they, with a virgin soil that hardly needed the labor of cultivation, with vast natural resources that begged for development, found it more profitable to invest their own savings and to borrow of ours for employments that would yield a better return. It may be said that in some States the legislation, in some even the fundamental law, disfavored banking. That is only another way of stating the proposition that I have already laid down. If the laws discouraged banking, the people made them; the restraint was their own work, and could be removed at their own pleasure. The banking capital of every State conformed to the internal conditions of the community, and free from any external control or restraint.

When the national-bank system was inaugurated, it was proper that it should conform to the established and natural condition of things, to the relations into which they had settled down of themselves, uninfluenced by outside considerations. Whatever capital and experience had found proper under the existing system should have been permitted to pass under the new one. No violent changes should have been made, no disturbance of capital, taking it from the centers that had proved their need of it by investing in it, and carrying it to points which had manifested their indifference to it by failing to invest in it.

It was deemed essential to the public interest, to the credit of the Government, to its financial security, that the capital incorporated under State laws should be brought into the national system. Pressing invitations were made and liberal inducements were held out. The banks, cautious, contented with their present condition, fearful of change, did not respond with the promptness that the necessities of the Government demanded. More stringent measures were adopted; the banks were threatened with a taxation that would destroy their circulation, without which they would cease to be profitable, or could be made so only by imposing such rates of interest as would oppress their customers and embarrass the trade which they were intended to foster.

The late Mr. Collamer, with the quaint humor in which he sometimes conveyed the lessons of wisdom, illustrated, in a speech in this Chamber, the process of converting the State banks into national banks. It had been said, on the other side, that the banks were not to be driven into the national system by the bill that was under consideration, and that afterward became a law; they were to be enticed into it. "Yes," he said, "enticed into it, as one of my neighbors said that he had enticed a vicious bull out of his pasture. 'How could you entice it out?' was the question. 'O, with a pitchfork,' he answered."

I am not speaking against the national-bank system. The system which gives us a currency of uniform value all over the country, and of absolute safety; a currency that holds its credit even after the bank that issued it has failed, and which at the same time is a muniment to the national credit, is undoubtedly one of the most successful and beneficial financial measures that the wit of man has devised, and will always remain the praise of the statesman who planned it. In the security which it gives, in the freedom from all doubt or question of the medium of exchange, we are apt to forget its value, as we do the value of good health, good air, good water, which we fully appreciate only when we miss them.

But the banks were slow to go into the system. With the characteristic timidity of wealth they hesitated to leave a satisfactory system for an untried one, however promising. In Rhode Island, especially, we were content with our banking system. It was the growth of our own needs. The capital belonged to our own people, and gave life to our own business; it was regulated by our own laws, which, in some important respects, were peculiar. We did not like to pass that large accumulation under laws that we did not make and could not alter. We did not like to put without our control so great an amount of our property and facilities so essential for our business. But we did it; we yielded to the *enticement*; with few exceptions our banks became national institutions. And now we are told that a large part of the advantages which aided to overcome our reluctance, and without which we would not have accepted the change, must be surrendered to those who steadily refused to go into the national system till its success was assured, who refused to intrust their property to the legislation of the national Government at a time when the Government was in its greatest need. These banks now ask to share the benefits of a plan in which they declined to share the risk.

Mr. President, this is not fair; it is not keeping good faith with those who changed their investments, voluntarily or by compulsion, on the pledge which the Government made in asking it, and which the Government repeated in compelling it.

I well understand that the true remedy for the inequalities, real or alleged, of our system, the remedy for evils greater than this, is the return to that measure of value which the world recognizes; and then we can have a paper currency of the same value, because convertible into the same form, and self-regulating and elastic to the demands of trade. But while we retain our peculiar currency, we should maintain the faith on which it was issued to those who rendered their capital for it.

I move the reference of this memorial to the Committee on Finance.

The PRESIDENT *pro tempore*. It will be so referred.

Mr. SCOTT. Mr. President, I do not intend to enter into a discussion of the question started by the Senator from Rhode Island as to whether currency, like water, will seek its level, but the presentation of these petitions and the remarks that the Senator from Rhode Island has made prompt me to call attention to what I think is a result of this inequality of distribution that certainly demands attention, and demands remedy, let the question of circulation finding its level be determined as it may when we come to legislate upon that question. What I call attention to is this: Immediately after the establishment of the national banking system, very great complaint was made that the stockholders in those banks received 5 or 6 per cent. interest upon the bonds which were the basis of their circulation, and were exempt from State taxation, although permitted to make their money by the discount of paper in the States. As a consequence of this complaint, Congress passed a law permitting the State Legislatures to tax the stock in national banks to the same extent that the States taxed other property of the same description. What was the result? Taxes were imposed which, according to the reports of the Comptroller of the Currency, amounted in many instances to 2 per cent. of State tax on the bonds of the United States. In the report of 1871 or 1872, I do not now exactly remember which, the whole tax, both national and State, is reported to be 4½ per cent. The result is, as any one will see, that by this law of Congress and the subsequent legislation of the States the States were permitted to do indirectly what it had been before decided that the Constitution of the United States prohibited them from doing; that was, in effect, taxing the bonds and securities of the United States. It is true that the tax was not laid on the bonds *per se*, but it was laid on the capital stock, which was in effect the bonds, for in the early bank-tax cases, the New York cases, it was decided that the State could not lay a tax upon the bank stock, which was, in effect, the bonds of the United States.

Now, then, the inequality to which I call attention is this: I do not exactly remember the excess which Rhode Island has of this national-bank circulation, but the whole excess of the New England States is about $80,000,000, of which Rhode Island has a very considerable proportion. The effect of all this is that about 2 per cent. of the interest paid by the United States upon the bonds which are the basis of that banking capital goes into the State treasuries as so much State tax; in other words, the United States is paying into the treasuries of those States which have this excess of national-bank circulation that much of the interest upon their bonds, and the States which did not get their share of it suffer that much disadvantage. This is an inequality which, whatever may be said about the theory of the distribution of money *per capita*, or per population, or by wealth, needs a remedy, and I have no doubt will secure it without doing very much injury to any portion of the country.

Mr. MORRILL, of Vermont. Before the Senator from Pennsylvania sits down I should like to put a question to him in relation to this mode of taxation. I cannot agree to the statement that the States lost anything in taxation by virtue of the establishment of these banks. The amount of capital that would be required to put into the national banks of course is now taxed in those States, and if the holders take it out and put it into these banks it does not change the result. Of course any State that establishes a bank must have the capital. If it has not been invested in a bank, it is already taxed by the State, and it does not change the result by being put into a national bank.

Mr. SCOTT. My friend from Vermont, in the earnestness of his opposition, has forgotten the question which he said he wished to ask me before I took my seat.

Mr. MORRILL, of Vermont. I ask the question if that is not so?

Mr. SCOTT. The difference is this: In the case of the capital held by a citizen of Vermont, or any one of the New England States, when it is taxed, he pays the tax himself out of his own earnings; and in this case by an indirect process the Government of the United States pays that 2 per cent. in the form of interest, which gets finally in the form of taxation into the State treasury.

Mr. MORRILL, of Maine. This matter touches New England, and as I in part represent a State which is in that locality, I desire to say one word upon this question of inequality. So far as allusion is made to the question of inequality existing between the banking circulation or the banking capital of New England and the rest of the Union, as a matter of complaint, I simply desire to say that there is no occasion for any complaint whatever. It may be that it is the good fortune of New England to have that banking capital. New England, as has already been stated, did not think so in the beginning; but it has it. It has it by legitimate means; it has it by legal means; it has it by no option of its own; but under circumstances which have been related by the Senator from Rhode Island, when it was for the interest of the nation that it should have it and when no other part of the country would take it.

I say, then, Mr. President, it does not become anybody from any quarter to make this charge against New England as a matter of complaint. What New England has was open to all the rest of the country to have had if they chose to take it. It may be that it

was their misfortune that they could not take it. My honorable friend on my left [Mr. CLAYTON] suggests that the South were in no condition to take it. That is very true. But whose fault was that? Not ours. Whose misfortune was that? Not ours. All I stand here now to say is, not on the question of distribution, but as resisting this idea of complaint, as if somebody had a right to complain, that New England had done something that was disreputable, or if not disreputable, that was a little sharp in regard to the distribution of this bank currency. It was not so by any means; but, as my honorable friend from Rhode Island has said, they were enticed into this business by rather a sharp practice, as they thought at the time, on the part of the General Government, which forced them to yield their local system, which was satisfactory to them, and to go into the national system.

I only rose to say this much to vindicate New England against any complaint from any quarter or any charge against her for the fact that she has this capital; and I do not intend to touch at all upon the other question, what it is proper to do under the circumstances by way of equalizing the distribution of currency.

Mr. LOGAN. I desire, by way of suggestion, to state this proposition, not that there is any complaint—I have never heard any in the Western States—against New England because New England had capital, or because they took the national banking currency at the time they did; but I have heard a great deal of complaint because we have not been permitted to do the same thing. That is all. We want it so extended that we may.

Mr. ANTHONY. You were permitted to do it when we did.

Mr. LOGAN. We should like to be permitted to do it now. I speak from my own experience and knowledge in my State when I say, that when a State has to pay 2½ per cent. in order to get circulation for her banks that are in existence there is cause of complaint; and we have been compelled to do that in the Northwest. We have had to pay even higher than that. I can mention one of the large banks of the city of Chicago that had to pay 2½ per cent. for circulation because of the rule that we are not entitled under the law to circulation except under a certain amount. If that is not a hardship, I should like to know what is; and if that is not a cause of complaint, I should like to know what is.

Mr. ANTHONY. Now, Mr. President, I would merely call the attention of the Senator to one thing. What bank circulation did Illinois have before the national banking system was established, when it could have all it wanted, when there was no restraint, when it made its own banking laws and supplied its own banking capital? How much banking capital did it have then? A million and a half.

Mr. HAMLIN and Mr. LOGAN rose.

The PRESIDENT *pro tempore*. The Senator from Maine.

Mr. LOGAN. Allow me a word.

Mr. HAMLIN. I got up to stop this debate.

Mr. LOGAN. I have no objection to its being stopped, but I would rather it should not be stopped just at this point, because I desire to answer my friend from Rhode Island, who speaks of the banking capital that Illinois had fourteen years ago. He says it had a million and a half of dollars then. I only call the attention of my friend from Rhode Island to the statistics of the State of Illinois for the last fourteen years—to the increase in population and wealth. We may have been poor at that time, but we are not so now. Give us the opportunity, and we will show you whether we have capital in that country or not.

Mr. FERRY, of Michigan. Will the Senator from Illinois allow me to call his attention to one fact, which is a notable compensation that is lost sight of in this discussion?

Mr. HAMLIN. Am I not entitled to the floor?

The PRESIDENT *pro tempore*. The Senator from Maine is entitled to the floor, having yielded to the Senator from Illinois.

Mr. HAMLIN. Well, I will yield to the Senator from Michigan.

Mr. FERRY, of Michigan. I had the floor and yielded to the Senator from Rhode Island, in order that he might reply to the Senator from Illinois.

The PRESIDENT *pro tempore*. The Senator from Michigan is correct.

Mr. FERRY, of Michigan. I was satisfied, however, that the good nature of the Senator from Maine would always yield to me.

I call the attention of the Senator from Illinois, who is chairman of the Committee on Military Affairs, and did valiant service in the field, to this fact, which may have been lost sight of, that while it was the misfortune of the West not to possess the capital which the East held, yet that did not retard its efforts in doing its large share in the suppression of the rebellion. In that great struggle, where capital was needed to be invested in bonds to supply means to support the Army, it was indispensable to have men to fill the ranks. The West did not lag behind New England, but stood in the front in supplying more than her quota of rank and file, so that what she had she generously proffered to the Government.

While the Senators representing New England may, in speaking, affirm their excess of capital, I do not complain of their availing themselves of the benefits assured by that surplus of capital; but at the same time I wish them to be as considerate and remember that though the East may have furnished more money, the West furnished a greater proportion and more than its quota of men. I may speak, in illustration, of my own State when I say that she furnished 12 per cent. of her population in that exigency of the nation. Now, I ask Senators representing the New England States if their States did better or as well, and whether sacrifice of life will not offset capital invested. The West is filling up its thinned ranks, and now, gathering means, asks in justice for more circulation, and for no more than the quota of New England.

Mr. HAMLIN. Mr. President, I rise for the purpose of inviting the attention of the Senate to the condition in which we are now placed. This whole debate, I believe, from its inception by my excellent friend from Rhode Island to this minute, is out of order.

Mr. ANTHONY. No, sir; I beg pardon; my remarks were entirely in order.

Mr. HAMLIN. And I am now speaking out of order myself, except by unanimous consent of the Senate.

Mr. ANTHONY. The Senator is aware that I was not speaking out of order, because I spoke on a motion to refer a memorial to a committee, which is a debatable motion.

Mr. HAMLIN. I do not think I have a single word or letter to change in the expression which I used, that this debate is out of order; that upon the reference of a petition you only state the facts in it, and it goes to a committee without debate. All the currency question and all the questions of establishing banks, I humbly submit again, are not in order; but I do not know that we shall any of us live to see the time when it will be in order to speak in order, for it seems that the only method of proceeding in this Senate is to be out of order. I hope that these questions will pass away for the present, and that we shall proceed with the business of the Senate. That was my object in rising, and I ask now for the regular order of the Senate.

Mr. STEWART. I believe this debate is on a motion to refer a memorial.

The PRESIDENT *pro tempore*. The memorial has been referred some time. [Laughter.]

Mr. STEWART. Then I should like to say a word out of order now.

The PRESIDENT *pro tempore*. The Chair will state his understanding, that this debate proceeds, as it has ever since the present occupant has been in the Senate Chamber, whenever any Senator chose to have such a debate proceed, by unanimous consent. The Chair, therefore, raised no point of order. The Senator from Maine, however, now raises the point of order, and the Chair rules that further debate is out of order.

Mr. CAMERON. Is it in order now to make a report from a committee?

The PRESIDENT *pro tempore*. If there be no further petitions or memorials, reports are now in order.

REPORTS OF COMMITTEES.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the memorial of George S. Hollister, late a captain of the Seventh Regiment United States Infantry, asking for the establishment of a court of inquiry with a view to his restoration to the Army, with the rank and grade held by him prior to the passage of the act of July 15, 1870, reported adversely thereon, and the committee were discharged from its further consideration.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 1394) in relation to the centennial exhibition, reported it without amendment.

Mr. HAMLIN. The Committee on Foreign Relations has had referred to it a bill (S. No. 175) relating to leaves of absence granted to diplomatic and consular officers of the United States. It was designed to extend the leave of absence which might be granted for a given year, and was not taken advantage of, into a subsequent year. The matter has been referred to the Secretary of State, and in his reply is this laguage:

> The enactment of the proposed bill would, I am convinced, seriously affect the public service by giving a seeming legislative sanction to a claim of right to a certain annual absence from the post of duty of each diplomatic and consular officer of the Government; it would embarrass the exercise of the discretion of the President; and it would add very largely to the appropriations required for the diplomatic and consular service.

Under that view, I am instructed by the Committee on Foreign Relations to report the bill back with a recommendation that it be indefinitely postponed.

The bill was postponed indefinitely.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (H. R. No. 476) to establish bonded warehouses for the storing and cleansing of rice intended for exportation, reported it with an amendment.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the memorial of Joseph Council, of Mobile, Alabama, praying compensation for raising, repairing, and delivering the steamer Saint Patrick, at the navy-yard, Pensacola, Florida, submitted a report, accompanied by a bill (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of C. B. Dean, of Springvale, Iowa, praying for a pension from May, 1864, to 1872, submitted an adverse report thereon;

which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 409) to revise, consolidate, and amend the statutes in relation to estimates, appropriations, and public accounts, reported it with amendments.

REPORT ON IRRIGATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Commissioner of Agriculture, in answer to a resolution of the Senate of the 6th instant, transmitting a paper prepared by Hon. G. P. Marsh, on the subject of irrigation; which was ordered to lie on the table, and be printed.

Mr. ALLISON offered the following resolution; which was referred to the Committee on Printing:

Resolved, That ten thousand extra copies of the report of Hon. George P. Marsh to the Commissioner of Agriculture, on the subject of irrigation, be printed for the use of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SCOTT, it was

Ordered, That the papers in the case of John Montgomery be taken from the files and referred to the Committee on Claims.

On motion of Mr. SCOTT, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition and papers of Captain Samuel B. Lauffer, and that he be authorized to withdraw his papers from the files of the Senate.

On motion of Mr. FENTON, it was

Ordered, That the petition and papers in the case of Michael Nash be taken from the files, and referred to the Committee on Claims.

On motion of Mr. FERRY, of Michigan, it was

Ordered, That Timothy Baker have leave to withdraw his petition and papers from the files.

BILLS INTRODUCED.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 466) to remove the disabilities of Raphael Semmes, of Alabama; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 467) to provide for the opening of a military and post road from the mouth of Walnut River, in Kansas, to the mouth of the Main Cache River, in Texas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. JONES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 469) granting aid to the Atlantic and Great Western Canal; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

ARMY OFFICER IN SOUTH CAROLINA.

Mr. BAYARD. I offer the following resolution, and ask for its present consideration:

Resolved, That the President be requested to communicate to the Senate the information called for by the following resolution, which passed the Senate on the 1st day of March, 1873:

"*Resolved*, That the President be, and hereby is, requested to inform the Senate, if not inconsistent with the public interest, whether any commissioned officer of the United States Army, while on duty in the State of South Carolina, has received, or attempted to procure, payment of any money or other valuable consideration from the Legislature of said State, or endeavored to procure legislation to that effect, as a compensation or reward to him for services performed in the line of his duty as an officer of the Army or otherwise; and whether any such officer, while so stationed and on duty, has been admitted to practice at the bar of said State, and has actually practiced thereat for his personal emolument, while receiving pay as an officer of the Army; and whether such officer is now on duty in said State, and, if detached from his regiment, for any and what service or purpose."

Mr. WRIGHT. I suggest to the Senator from Delaware that, as I understand the first part of his resolution, it proposes to require this information absolutely.

Mr. BAYARD. A resolution of inquiry was adopted in March last, and I presume it has been an omission on the part of the Executive to furnish the information requested in it; and this resolution simply calls now for the information which the Senate asked for then.

Mr. WRIGHT. The suggestion that I have to make is that the resolution as originally passed requested the information, "if not inconsistent with the public interest." I understand the resolution, as now framed, to call for it absolutely.

Mr. BAYARD. The resolution now is for a response to the resolution of March last. The resolution of March last was for information if it was compatible with the public interest, and that condition, of course, would apply at the present time to the present resolution.

Mr. WRIGHT. I should like to have the first part of the resolution reported again.

The Chief Clerk read as follows:

Resolved, That the President be requested to communicate to the Senate the information called for by the following resolution, which passed the Senate on the 1st day of March, 1873.

Mr. WRIGHT. That will do. I understand that the resolution, as now read, calls absolutely for this information.

Mr. BAYARD. It calls upon the President to inform the Senate why the information asked for then was not given; his reasons therefor, if there be any reasons why it is not compatible with the public interest; and what they are would be very difficult to imagine. But if there are reasons why this information should not be given to the public the President can say so, and the present resolution simply asks that he may inform the Senate and give this information if it be not incompatible with the public interest. The resolution, as now worded, simply calls for an answer to the resolution, and the resolution of March last was expressed *sub conditione* that it should not be inconsistent with the public interest.

Mr. WRIGHT. I do not understand the resolution so; but if the Senator insists upon it I do not know that I shall object.

Mr. HOWE. Let the resolution be read again.

The Chief Clerk again read the resolution.

Mr. WRIGHT. I am satisfied that my first impression was right in reference to that resolution, and I ask that it may lie over and be printed.

The PRESIDENT *pro tempore*. The Senator from Iowa objects to the further consideration of the resolution to-day.

MANUFACTURE OF SILVER COIN.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to state what time will be required after the resumption of specie payments for the mints to manufacture the amount of subsidiary silver coins which will be requisite to replace the fractional currency.

DR. EDWARD JARVIS.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first bill on the Calendar.

The first bill on the Calendar was the bill (S. No. 302) for the relief of Dr. Edward Jarvis, the consideration of which was resumed by the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1906) to dredge and protect the navigable channel at the mouth of the Buffalo River against the sand-bar formed by the gale of December, 1873;

A bill (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

A bill (H. R. No. 1920) to amend the fifteenth section of an act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;" and

A bill (H. R. No. 1921) to further amend the postal code.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay; and it was thereupon signed by the President of the Senate *pro tempore*.

SETTLERS ON FORT RANDALL RESERVATION.

The next bill on the Calendar was the bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation; which was considered as in Committee of the Whole.

The first section authorizes the Secretary of War to transfer to the custody of the Department of the Interior such portions of the military reservation of Fort Randall, in Dakota, as were actually occupied by settlers prior to the promulgation of the order of the President of June 14, 1860, setting apart the reservation for military purposes; and, further, such portions of the reservation as were released from military occupation and control between the years 1867 and 1870, and were during that time settled upon in good faith and in the belief that the lands were open to settlement.

The second section authorizes the Secretary of the Interior to confirm, in accordance with existing laws, the titles of such settlers upon the military reservation of Fort Randall as may be reported by the Secretary of War for that purpose, and to cause patents to be issued for such lands as the settlers may be entitled to under existing laws and the provisions of the act.

The third section authorizes the Secretary of the Treasury to pay to each of the aforesaid settlers the respective amounts that were appraised as the value of their respective improvements, by a military board of survey convened for that purpose, at Fort Randall, under instructions from the War Department dated March 3, 1871.

An amendment was reported by the Committee on Military Affairs, to add to the third section of the bill the following proviso:

Provided, That in case any improvements, or portion thereof, shall have been restored or delivered to any settler, after the appraisement of the same by the said military board of survey, such settler shall not be entitled to payment under this act for the improvements, or portion thereof, so restored or delivered to him.

Mr. FRELINGHUYSEN. I should like to hear the report read, if there is one in that case.

The Chief Clerk read the following report, submitted by Mr. KELLY on the 15th of January, 1874:

The Committee on Military Affairs, to whom was referred the bill (S. 149) for the,

relief of certain settlers on the Fort Randall military reservation, having had the same under consideration, report as follows:

Prior to the year 1860 certain persons settled upon public lands which were in that year included within the Fort Randall military reservation, and made improvements upon their respective claims. These lands were taken up in good faith, and under the impression that titles could legally be secured to them under the land laws of the United States. Upon the reservation being made, the settlers were removed by the military authorities from their land claims, and had to abandon such improvements as they had made, and which could not readily be taken away. On the 7th day of September, 1867, a portion of the reservation was abandoned by the military authorities, under the belief that it was lawful for the War Department to abandon and transfer to the Interior Department for settlement such military lands as were no longer required for military purposes. Discovering that this could not legally be done, the War Department resumed jurisdiction over this portion of the reservation which it had attempted to relinquish. This was on the 1st day of November, 1870. In the mean time, between the 7th day of September, 1867, and the 1st day of November, 1870, a number of settlers went upon the lands which were supposed to have been abandoned, and made improvements upon their respective claims. After the military authorities resumed possession and jurisdiction over this abandoned portion of the military reservation in 1870 the settlers were removed and their improvements taken. A military board of survey convened at Fort Randall, under instructions from the War Department, dated March 3, 1871, for the purpose of appraising these improvements, proceeded in the discharge of its duty, and made a thorough investigation of all claims for damages resulting from the military occupation of the respective land claims of the settlers. A report of this military board of survey will be found in Ex. Doc. No. 32, House of Representatives, Forty-second Congress, third session. The lands referred to are no longer necessary for military purposes; but, having been selected for a military reservation, it requires an act of Congress to have them transferred to the control of the Department of the Interior. Inasmuch as the persons who settled upon these lands did so in good faith, it is but just that they should be paid for the improvements which they made upon their respective land claims, and of which they were deprived without any fault of their own. The committee have reported an amendment to section 3 of the Senate bill, providing that, in case any settler shall have received back any portion of the property taken from him by the military authorities, after the appraisement thereof by the board of survey, he shall not in such case receive payment for the same.

With this amendment the committee recommend the passage of the bill.

Mr. FRELINGHUYSEN. I understand that this was a military reservation, and that the attention of the people was called to it in 1860; that in 1867 the Secretary of War again assumed control over it; and that during 1860 and 1867 settlers came there and made improvements, which this bill calls upon us to pay for. I confess that I do not see the justice of our paying for improvements which were made by settlers on a military reservation after it was known to be a reservation.

Mr. LOGAN. If the Senator will allow the report to be read again, so that he will understand it more thoroughly, I think he will be satisfied.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is House bill No. 792.

Mr. LOGAN. I have no desire to press this bill now; but I wish to call the attention of the Senator from New Jersey to the fact that if he will read the report carefully, he will find that he is mistaken. These settlers settled on the land at a time when it was not used for a military reservation; and afterwards, when it was taken for a military reservation, the Secretary of War valued their property. Now the bill is to give them the value of their property, and provide that those who want the land may take it by paying for it to the Government, this portion of the reservation being no longer desired. I ask the Senator to examine the bill, and he will see that it is perfectly proper.

Mr. FRELINGHUYSEN. I will examine it.

DISTRICT GOVERNMENT INVESTIGATION.

The PRESIDENT *pro tempore*. Before the Senate proceeds to the consideration of the bankrupt bill, the Chair will state, in regard to the vacancy on the joint select committee on the memorial of W. W. Corcoran and others, created by the Senate excusing the Senator from Maine, Mr. MORRILL, from service, that he appoints the Senator from Iowa, Mr. ALLISON; so that the committee now, under the rules of the Senate, will stand: The Senator from Massachusetts, Mr. BOUTWELL; the Senator from Ohio, Mr. THURMAN; and the Senator from Iowa, Mr. ALLISON.

THE BANKRUPTCY ACT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto; the pending question being on the amendment of Mr. MERRIMON, to insert as section 2 of the amendment reported by the Committee on the Judiciary the following words:

The courts of record of the several States having superior jurisdiction and jury trials shall have like judisdiction of all matters of bankruptcy arising under the laws of the United States, and shall have power in all respects to administer such laws. And all orders, judgments, and decrees of such State courts made and passed in that behalf shall be deemed and held to be of the same force and effect, to all intents and purposes, as if the same had been made in the courts of the United States having jurisdiction of such matters: *Provided nevertheless*, Any party to any matter or suit in bankruptcy in any such State court shall have the same right of appeal, or other method, to remove such matter or suit to the highest court of review in such State as may be allowed by the laws thereof.

The amendment to the amendment was rejected.

Mr. FRELINGHUYSEN. There was an amendment offered by the Senator from North Carolina [Mr. MERRIMON] yesterday in reference to giving jurisdiction to the State courts for sums under $500. In the phraseology there was some error, and I now offer a substitute, which is agreeable to the Senator from North Carolina and to the committee.

Mr. EDMUNDS. By unanimous consent the substitution can be made.

The PRESIDENT *pro tempore*. By unanimous consent the vote by which the amendment was agreed to will be regarded as reconsidered, and the Senator from New Jersey proposes to make the amendment read as will be stated.

The Chief Clerk read the amendment, as follows:

Provided, That the court having charge of the estate of any bankrupt may direct that any of the legal assets or debts of the bankrupt, as contradistinguished from equitable demands, shall, when such debt does not exceed $500, be collected in the courts of the State where such bankrupt resides, having jurisdiction of claims of such character, nature, and amount.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment reported by the Committee on the Judiciary, as amended, as a substitute for the House bill.

Mr. SARGENT. I offer the following amendment as a separate section:

That the fourteenth section of said act be, and the same is hereby, amended by striking out "1864" in lines 27 and 28, after the word "year," and inserting "1872."

Mr. EDMUNDS. I should like that to be explained. Let us know what it is.

Mr. SARGENT. I will explain it. By section 14 of the act of 1867 it is provided that as soon as the assignee is qualified, the register, in case there is no adverse or opposing interest, and if there is, the judge, shall execute an assignment to him of all the debtor's property. The section then proceeds to make certain exceptions, which are not to be subject to distribution, which are not to go to the assignee; and the final clause of exception provides for property which "is exempted from levy and sale upon execution or other process or order of any court by the laws of the State in which the bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount not exceeding that allowed by such State exemption laws in force in the year 1864." This bankrupt law was passed in 1867. By a very wise provision it was provided that the limit of exemption prevailing in 1864 should be applied rather than any amount which might be prevailing at the time of the passage of the act, I suppose under the idea that some States might pass improvident laws on the subject of exemption in view of the bankrupt law. I preserve that feature in the amendment which I propose, carrying back the time of exemption to 1872; and thus this danger will be avoided.

But the object of the amendment is to allow in those States where the exemption laws may have been to a certain extent liberalized down to as late a date as 1872, the debtors to have the benefit of the exemptions then provided. The bankrupt law and the State laws for the collection of debts, the laws which are intended to enable the creditor to collect the amounts due him, always necessarily bear hardly upon debtors. The influential class in all State Legislatures, and in this body, is the creditor class. They are the ones who have a right of attachment, who have a right of suit, a right to secure their demands, and exemptions grow up slowly. The debtor for long years had no exemption whatever. Before that he was liable even to personal restraint for mere debt. Finally a humane policy, to a certain extent in his behalf, began to permeate the laws; it was provided at first that mere wearing apparel might be exempted; subsequently a man's home valued at a moderate amount might be preserved to him or his family, and not be taken for his debts. Now, by the policy of the law in some of the Western States, and in my own State, in behalf of farmers during the last eight or ten years, there have been certain agricultural implements or machines which before that time were subject to execution exempted; and there has been a very useful little machine, called the sewing-machine, which has also been exempted from execution by many of our States.

Now, I propose that the amount of the debtor's property, which was exempted by statute from seizure or sale in 1872, instead of the amount which was exempted in 1864, shall be the amount which will be exempted by the amendments to this bill. It is very little mercy which is extended to the debtor class. It is certainly in the way of humanity, and I can see no just reason why, now that we are amending the law and are endeavoring to make it in some of its features, as is contended by the able chairman of the Judiciary Committee, merciful to the debtor, we do not adopt such modifications of the exemption laws as were made, not in view of this bill or in view of our action, but were made two years ago, and which may be beneficial in these particulars.

It is a very serious question in the minds of many Senators, it is certainly in mine, whether it is not better to repeal the bankrupt law entirely. I have been disposed, however, to assist the committee in modifying it in the particulars in which they have proposed that it be modified, and I therefore have, I believe, on every division voted for the amendments of the committee. I desire that the bill may be so liberalized, if that is the proper word, as to introduce such features that, while it may be effective to secure the rights of creditors, it may bear with the least hardship on debtors. I am disposed, if the bill can be put in form, to vote for amendments, instead of an entire repeal. It seems to me that the proposition that I now present can work no harm; there can be no valid objection to it; and I trust it will have the assent of the committee and be adopted by the Senate.

Mr. EDMUNDS. The Senator from California is mistaken in supposing that the expression "1864," as regulating the exemptions in

the first act of 1867, now exists in the law. By one, and I believe by two, amendments, extending that time, it has been run up from 1864 to 1871 already, so that my friend's amendment in fact only changes it for a year.

The grounds upon which these two amendments—for I am sure there were two—were made were very plain. In 1866 (because it was practically 1866 when the act was passed) some of the States had not been reorganized, and so they would have no exemption at all, because the act referring back to 1864, when several of them had no constitutions to which we could refer anything, and no laws passed under the constitutions, would be left out entirely, and therefore there would be a great inequality and want of uniformity in the bankrupt law, greater, indeed, even than this is as it now stands, which, as my friend knows, is open to very great question on constitutional grounds. But finally, by two amendments, this exemption under State laws in each State, respectively, was brought down to 1871. We were persuaded to vote for that upon the ground that that would fix a uniform exemption throughout the United States, not to change with the varying laws of the States as they might change them, but to take an existing condition of things at that date, as we did first in 1867, and then again in 1869 when all the States had got their new constitutions and their new laws in operation, and then laying down the rule that would operate at that time, which would fix, as was thought by many, a standard which would fall within the Constitution of the United States, requiring uniformity of the system throughout the United States.

My friend, of course, is not ignorant of the fact that when the bankrupt act of 1867 passed, it was the subject of great debate and of great doubt whether it was constitutional then to fix a specific and arbitrary limitation of this kind referable to the laws of the various States as they then existed; and that same thing occurred in 1871 again. But we stood in 1871 exactly on the same principle that we did in 1867; that is to say, we took the pre-existing constitutions and laws of the States that had got rehabilitated, and said "Now we can fix it at this date, which will operate everywhere within the United States, and will cover the case of every State, and will only be subject to the doubt that existed in 1867."

It was suggested that we should make this exemption movable, so to speak, that it should vary with the changes in the State laws; but everybody, I believe, agreed that we could not do that; that that would be plainly against the constitutional provision requiring a uniformity of system and of rule. So it was thought the most we could do would be to fix this inflexible rule on a given day, which, although it applied differently in different States, yet applied uniformly to an existing condition of State law which should be continued. Now to take the step that my friend from California suggests, I think he will readily see, would open a still wider field of doubt that might put us in trouble. I hope he will not insist on the amendment.

Mr. SARGENT. I frankly confess that I was not aware of the amendment bringing the exemption down to 1871. As there is only a difference of one year between that and my proposition, I will not differ with the committee upon that point, and will withdraw the amendment.

Mr. EDMUNDS. I am much obliged to the Senator.

Mr. JOHNSTON. I offer the following amendment. In section 3 of the amendments reported by the Committee on the Judiciary, line 5, after the word "expense," I propose to insert:

And all notices of sales made by an assignee shall be published in a newspaper having the largest circulation in the county or city in which the sale is to be made.

I understood the chairman of the committee to say that he would accept this amendment.

Mr. EDMUNDS. No, Mr. President, I am not authorized to accept the amendment. When the Senator from Virginia spoke to me about it the other day in another case, as I understood, in a different part of the bill—but I do not know that that would make any difference in the principle—I said that as far as I was concerned, on the spur of the moment, I did not see any special objection to it. But on consultation with some of the other gentlemen it appears to us that the best thing for a bankrupt's estate is to leave that question entirely with the judge, who by law is authorized to direct in what papers the notice shall be given, because it would often happen, as has been suggested to me by reflection and by what has been said on the subject, that a newspaper having a smaller circulation would be more likely to give notice to the particular class of persons who were to be affected. For instance, in the case of the sale of a piece of real estate under the amendment now proposed by my friend from Virginia, it might happen that a newspaper having a small general circulation in its county, if you please, would not be so good for the purpose of giving notice of the sale of that piece of real estate as a newspaper having a large circulation in the particular town where the real estate lay, and in which the buyers of it would be expected to be found.

If the judge, in his discretion, should think that the paper having the largest circulation in the county, if he has any earthly way of finding it out, would be the best, then he would so order, unless you go on the assumption that the judge would violate his duty. If, on the other hand, the judge should think it best in a particular case that a newspaper which, no matter how small the general circulation of the paper was, went into the hands of the people affected, should publish the notice, he would so order. For instance, as to a notice to creditors to attend, one class of newspapers might go into the hands of people affected, having a small general circulation, when newspapers of the largest circulation in the State or district, or wherever it might be, would have very little circulation among that class. It is impossible to find out the circulation in these cases—as we know how newspapers are managed—unless you have a distinct provision of that kind, which shall be amply and carefully drawn on that precise point.

Suppose the judge, under this amendment, makes a mistake in his opinion as to what paper has the largest circulation, the result would be that the whole proceeding would be upset; it would be a jurisdictional question; the sale would be invalidated; the purchaser would have to give up perhaps after fifteen or twenty years' time. Therefore I suggest to my friend, although there is great force in his views—and as he stated them to me in the first instance he almost took me captive, as he generally does when he makes a proposition—I think on reflection he will see that on the whole the safety of the estate is better cared for in leaving this question with the judge to determine what paper shall be employed and what shall not; and I am sure you could scarcely imagine that a judge would purposely go wrong in such a case. Of course it might happen in a particular instance that there might be political favoritism, and yet I should be very sorry to suppose that more than 1 per cent. of the judges in the United States would be influenced by any such consideration in giving small advertisements, which might amount to ten or twenty dollars, to a newspaper on account of the fact that that newspaper happened to be democratic and he was a democratic judge, or it happened to be republican and he was a republican judge.

I think, therefore, on reflection, as I believe the gentlemen do with whom I have spoken on the subject, that the best course is to leave this matter, as it is now, in the discretion of the judge.

Mr. JOHNSTON. The object of the amendment was to correct an evil in the practice now. The law provides now that certain sorts of judicial notices shall be published in certain designated newspapers in each State. Under that law, in the State of Virginia, for instance, I think there are but four papers designated for the publication of notices of this sort. To illustrate how badly that practice works, take the district in which I live, in which the town of Abingdon is situated; and the paper in which all notices of sales are printed is published in the city of Lynchburgh, one hundred and eighty-nine miles away; a paper that has no circulation anywhere in the western part of the State. It has no general circulation anywhere, and yet the judge considers himself bound by law to require all these official notices of sales to be published in that paper. The consequence is that it gives no notice whatever to the people. It affords an opportunity for assignees and their rings to have the sales when and where they please, and conducted as they please. The object of the amendment is to prevent that state of things, and to so provide that all sales shall be made at the place best calculated to give public notice of the sale. The judge in this particular case does not do this out of favoritism, but he considers himself bound by law to have the notices published in that paper, and he will still do so unless this amendment or something like it be adopted. I have seen many bankrupt sales where there were but four or five persons present, generally composed of the assignee and the assignee's own ring, nobody knowing anything of it except those the assignee had told privately, the public having no notice whatever of the sale, and the property has gone into the hands of persons at a nominal price and the creditors get nothing. It is to correct that state of things that I desire this amendment adopted.

Mr. THURMAN. Let the amendment be reported.

The CHIEF CLERK. The amendment to the amendment is in section 3, line 5, after the word "expense" to insert, "and all notices of sales made by an assignee shall be published in a newspaper having the largest circulation in the county or city in which the sale is to be made."

Mr. ANTHONY. How is it proposed to ascertain that fact?

Mr. SARGENT. The one designated by the judge as having the largest circulation.

Mr. ANTHONY. How is the judge to ascertain the fact?

Mr. SARGENT. That is matter of discretion. He can designate the paper having the largest circulation.

Mr. THURMAN. We had a law, if I am not mistaken, in Ohio, of this kind; I do not think it was in regard to sheriffs' sales, but in regard to the publication of the auditors' accounts, I think, of receipts and disbursements of the county funds. My impression is that it was in reference to some such thing as that. I also think we had at one time—I may be mistaken about it; the chairman of the Committee on Post-Offices and Post-Roads perhaps can tell—such a provision in the laws of the United States in reference to advertising the list of uncalled-for letters, that it should be published in the paper having the largest circulation; and I remember very well that the practice under that, or such a practice, grew up, whether it was required by law or not, for the publishers of newspapers to submit affidavits as to the circulation of their newspapers to the officer who had the decision to make as to which paper had the largest circulation. I remember that at one time most of the publishers of papers in the city of Cincinnati sent in their affidavits to the postmaster, if I am not mistaken, claiming, each one of them of those who had sent in affidavits, the right to publish the list of uncalled-for letters; and that has been done several times. I do not know, speaking for myself alone, but that the principle of this amendment is right; but, if it should be adopted, it would require some guard to be thrown around it, and

this guard would certainly be necessary, that the decision of the court, if the court was to make the decision as to which paper had the largest circulation, should be final and conclusive; otherwise the difficulty might arise suggested by the Senator from Vermont, that the proceedings might be invalidated by the fact that the publication had not been made in the paper having the largest circulation.

I do not know whether this amendment is of much importance or not. I think it is right in principle, but it must be very carefully prepared in order to accomplish the very end which is aimed at, that is to ascertain what paper has the greatest circulation, and also to guard against the consequences of a mistake in case the advertisement should be made in a paper which, in point of fact, had not the largest circulation. If the amendment could be put in some shape that would guard against these evils I do not know, speaking for myself alone, but that I might vote for it.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from Virginia to the amendment of the Committee on the Judiciary.

The amendment to the amendment was rejected.

Mr. JOHNSTON. In order to get around the difficulty suggested by the Senator from Vermont, the chairman of the committee, I propose to offer the amendment again, with a slight change which I will make in it.

Mr. EDMUNDS. While the Senator is preparing that, I move to fill the blank in the composition section, which was the old section 10, but now must be section 13 or 14, on page 14, line 17. I move to insert in the first blank, which relates to the consent of creditors to a composition which takes the case out of court practically and bars the right of the creditors, according to an agreement which they may make with the bankrupt, and gives him time to compose the affair—to insert in the first blank which relates to the number of the creditors the words "two-thirds," and in the other blank the words "one-half;" so that it will read that this first resolution for a composition "shall be confirmed by the signatures thereto of the debtor, and two-thirds in number and one-half in value of all the creditors of the debtor."

I believe that this is substantially in accordance with the English act of composition, though I think this second resolution or instrument, which I am now referring to, in the English law requires only a half of each; but as we have made the earlier part of the composition a little more favorable to the creditors than the English law did in some respects, I think it right, as this discharges a debt due to a man against his consent by a proposition to give time instead of winding up the estate, that it should take a little greater number of people to consent to it than is provided for in the English law under the other circumstances. I therefore move, without consultation, however, with the committee, to insert the words "two-thirds" in number and "one-half" in value in the composition section.

The amendment to the amendment was agreed to.

Mr. THURMAN. Now I move to fill the blank on page 9, line 53, with the words "1st day of December."

Mr. MORTON. "Eighteen hundred and seventy-three."

Mr. THURMAN. That is already in, as the Senator will find on the next line. This amendment raises an important question to which Senators should give their attention. The sentence in which that blank occurs declares:

> And the provisions of this section shall apply to all cases of compulsory or involuntary bankruptcy commenced since the ——, 1873, as well as to those commenced hereafter. And in all cases commenced since ——, 1873, &c.

Of course the second blank will be filled by the same date as the first; and therefore I only move now in relation to the first. This section, which amends the original section 39 in the bankrupt act, is, as the Senate must have observed, the most important section in this whole bill, and this sentence proposes to make the section retroactive; but how far it shall retroact, the committee have left to the Senate to decide, without any suggestion whatever, by reporting it with a blank. Now, I propose that it shall retroact to the first day of the present session of Congress, which was the 1st day of December; and I do not think it ought to retroact further than that. Retroactive laws can scarcely ever be defended. They are unjust in principle. A retroactive law affects acts, contracts, and doings of individuals in one state of the law by changing the law *ex post facto*—not *ex post facto* in the strict legal sense, for that relates to criminal laws alone, but by retrospective or retroactive legislation, and that can scarcely ever be defended.

In this particular case, however, I think this section, being remedial in its nature, and all persons seeking to put others into bankruptcy having had notice from the very first day of this session that the bankrupt law would either be repealed or essentially modified, it is not doing them injustice to make this section retroact to the first day of the present session. I put it distinctly upon that ground. The President, in his message, recommended the repeal of the involuntary clause. It is true that that message was not received and read on the first day, but it was received and read on the second day of the session, and on the very first day of the session, if I am not mistaken, bill after bill was introduced to repeal the involuntary part of the bankrupt law, and I think it was distinctly understood over the country that the law would either be repealed or most essentially modified. The Senator from Indiana on my left, [Mr. MORTON,] took occasion to offer a resolution, before Congress took its holiday recess, the very object of which, as he declared at the time, was to notify everybody that if men commenced proceedings in bankruptcy, they did it subject to having their proceedings affected by such legislation as Congress might adopt at this session. With all that notice to creditors who have put people into bankruptcy since the 1st day of December, I think there is no injustice in making this section, which affects the remedies, which is a remedial law, apply to their cases; but I do not think it would be just to make it retroact still further back and affect proceedings that have taken place in the several bankrupt courts of the country under the law as the people then understood it to be, and which they then had no solid reason to think would be changed.

There is a difference of opinion among the members of the Judiciary Committee as to the date that should be inserted in this blank. Some think that the section ought to retroact to the beginning of the panic. That is not my opinion. For the reason that I have already stated, I do not think it ought to retroact beyond the first day of the present session of Congress; and therefore I have made the motion to fill the blank with the 1st day of December.

Mr. ANTHONY. Does not the argument of the Senator from Ohio require that the blank shall be filled with the day that we took the recess, for certainly it was not until that time that the country had any positive reason to suppose that the bankrupt law was to be modified?

Mr. THURMAN. My friend is mistaken. He will recollect that the President's message, which we should in the ordinary course of proceeding have received on the first day of the session, but which by mere accident we did not receive until the second—an accident which the President was not to blame for—distinctly advised the repeal of the involuntary part of the bankrupt law. But before that message was received, if I am not mistaken, in each House of Congress bills were introduced for the repeal of that part of the bankrupt law, and before the recess took place the House bill had passed in the other wing of the Capitol.

Mr. MORTON. I will state to the Senator that I introduced a bill which provided that the law should take effect from and after the 1st of December, the first day of the session.

Mr. FRELINGHUYSEN. I desire to ask the Senator from Ohio a question for information merely. I understand that by this bill it is necessary that there should be one-fourth in number and one-third in value of the creditors to commence bankruptcy proceedings. Suppose that proceedings have been instituted under the law as it stood, as it stands now, and sales have been made. I forget whether there is any provision made in reference to these proceedings. I want to call the attention of the Senator to the effect that this retroaction may have upon rights which have become vested before the alteration is made.

I remember there is a provision in the act giving, I think, ten days in order to perfect the number, to get one-fourth of the creditors in number and one-third in value. It is suggested by the Senator from Vermont [Mr. EDMUNDS] that the sale would stand, and if the proceedings were set aside, the proceeds of the sale would go to the debtor.

Mr. MORTON. Is there not a provision to recover back where the money has been paid?

Mr. EDMUNDS. There could have been in that time no money paid to the creditors by way of division. No case has gone so far as to get a dividend yet in this retroactive part, and so far as there was a dividend it would stand, because rights had been acquired, and it would be right. Each creditor would get so much on his debt, which would go in diminution of the debtor's liability; and of course in dropping the proceeding at a particular time and dismissing it, so far as it had gone, supposing a sale had been had by an assignee or receiver in the mean time, it is perfectly clear, on general principles of law, that every right acquired down to the time when the court was acting under the law would be perfectly valid. Therefore, if a person had purchased a stock of goods or real estate pending these proceedings, being valid at this moment, the proper number of creditors having petitioned, that is to say, one who had a proper case, and the debtor having been adjudged a bankrupt, if now we repeal the statute in whole, or say those proceedings shall proceed no further except upon certain conditions which are not complied with, every right that has accrued by purchase or payment in either case or by sale would stand just as it would have stood if the law had gone on. It only says that you shall proceed no further in these past cases or in any future one unless you have the concurrence of a certain proportion of the creditors. If that concurrence is not obtained, then the proceeding is dismissed, but valid up to that time. There is no difficulty, I am sure, on that particular point. Of course if the money of the debtor had been paid out to the creditors on dividend he ought not to have a right to recover it back, because it has paid so much of his debts.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. THURMAN] to the amendment of the Committee on the Judiciary.

The amendment to the amendment was agreed to.

Mr. THURMAN. As a matter of course, the same amendment should be made in line 56. The same date should be inserted in the blank there. That amendment may as well be agreed to by unanimous consent.

The PRESIDING OFFICER. If there be no objection, that amendment will be made.

Mr. SAULSBURY. I offer the following amendment as an additional section to the bill:

SEC—. That in all cases of involuntary bankruptcy now pending, or to be hereafter pending, against any person, whether an adjudication in bankruptcy shall have been had or not, the person adjudged or alleged to be a bankrupt may prefer his petition to the district court in which such proceedings are pending, praying to be allowed to make an assignment of his property, real and personal, to a trustee to be appointed by the court, for the benefit of his creditors. He shall file in connection with his petition a list of the names of his creditors, with the places of their residence, and the amount due to each so far as he can determine the same, verified by oath or affirmation; and notice of such petition shall be given to the creditors of such petitioner by publication in one or more newspapers designated by the court, requiring them to be and appear before the said court at a time named in the said notice, to show cause, if any they have, why the prayer of the petitioner should not be granted. If at the time specified none of said creditors shall appear and show cause, as required, the court shall make an order for the assignment according to the prayer of the petitioner, and therein name the time in which such assignment shall be made, and the manner of its execution, and the person to be assignee. Such assignee shall have all the powers and authority over the property named in the assignment which under existing laws are conferred upon assignees of bankrupts, and shall dispose of the same upon such terms and in such manner as the court shall direct, and shall make return of his proceedings from time to time to the court, as may be required by order of said court. The assignee shall distribute and pay over the proceeds of the assets assigned to him to the creditors according to the legal right to the same under existing law. Upon the execution and delivery of the assignment, as aforesaid, the petitioner shall be discharged by the court, and such discharge shall have the same force and effect as a discharge in bankruptcy under existing law.

Mr. President, I have offered this amendment simply to give to the bankrupt some rights independent of the consent of his creditors. I am aware that under section 43 of the law of 1867, if the creditors consider it their duty to have the estate wound up, a certain proportion—I believe three-fourths—may compel an assignment upon application to the court by them, for the purpose of winding up the assets of the estate of the bankrupt; and under an amendment which has been offered by the Judiciary Committee, a majority of the creditors, by the consent of the bankrupt, may enter into a composition and settle the claims in that way; but the bankrupt himself has no right independent of the action of his creditors.

Now, it seems to me that an amendment such as I have offered will secure to the bankrupt what it is perfectly right and fair that he should have. After he has been thrown into bankruptcy by the petition of a certain number of his creditors, my amendment simply comes in and allows him to make an absolute assignment of his assets, and thereupon become discharged, making an assignment to such assignee as the court may designate; and that assignee has all the power, under the amendment I have offered, over the assets of the bankrupt, that assignees in bankruptcy have under the existing law. My object is simply to enable the party, without the consent of his creditors, by the surrender of his whole estate, to be discharged—to be discharged, without any consent from any person, upon the fair surrender of all his assets and an assignment for the benefit of his creditors. Under the provision that has been reported by the Judiciary Committee he may make a composition with his creditors; but it requires the vote of one-half the creditors to do that. I propose that a debtor, after he has been placed in bankruptcy, may make an assignment under the direction of the court, and thereupon become absolutely discharged. That is the purport of the amendment I have offered.

Mr. EDMUNDS. That interferes with the whole scheme of bankruptcy that has ever been considered in any country, and goes a length in respect to debtors such as would encourage every fraudulent debtor to contrive to get himself forced into bankruptcy, and to cheat his creditors by the act, and to get his discharge in spite of them. The committee has gone quite as far, they all think, as it is safe to go in the direction of aiding the debtor; further, as many of them think, than it is safe to go; but of course we must harmonize opinions on these doubtful points. I do not think I need occupy the time of the Senate in asking them not to overthrow the whole principle of the bill upon this proposition of my friend from Delaware.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware to the committee's amendment.

The amendment to the amendment was rejected.

Mr. SUMNER. I offer the following amendment:

That section 21 of said act be amended by inserting the following words in line 6, immediately after the word "thereby:"

But a creditor proving his debt or claim shall not be held to have waived his right of action or suit against the bankrupt where a discharge has been refused or the proceedings have been determined without a discharge.

The amendment explains itself.

Mr. EDMUNDS. Where do you have it come in?

Mr. SUMNER. Immediately after the word "thereby," in the sixth line of section 21. It qualifies the first proposition of the section.

Mr. EDMUNDS. I should have said that that was the law now, but my friend has shown me a decision of the supreme court of Massachusetts, which seems to hold that a creditor proving his debt is absolutely cut off from suing the debtor after bankruptcy, even if the debtor is not discharged; and of course if any court so holds, this amendment is a proper one.

The amendment to the amendment was agreed to.

The amendment of the Committee on the Judiciary, as amended, was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, which is to strike out the House bill and substitute the sections already agreed to.

Mr. EDMUNDS. I wish to suggest, as was suggested once before, that the first part of the new print or substitute of the committee should be made to read as my friend from Ohio [Mr. SHERMAN] suggested:

That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, is hereby amended and supplemented, as follows.

That is suggested by my friend from Ohio, and I think it very wise. I presume there is no objection to that.

The PRESIDING OFFICER. If there be no objection, that change will be made. The question is on concurring in the amendment made as in Committee of the Whole, as just amended.

Mr. FRELINGHUYSEN. I move to strike out the "1st of December" and insert the "1st of November" as the time when this retroactive provision of the act shall take effect. The objections to retroactive laws, as stated by the Senator from Ohio, are all true; but we are passing this law at a peculiar period, just after a great panic, in which a great many people suffered from the involuntary part of this law; and it seems to me that it would be better to extend the benefit of this modification back as far as the 1st of November. I do not wish to discuss the subject, but to take the sense of the Senate upon it.

Mr. THURMAN. I should like to hear some reason why we should go back to the 1st of November. If we go upon the ground of relieving everybody who got embarrassed in the panic, you would have to go back to the 1st of October, instead of the 1st of November. The panic was at its height as early as the 1st of October; the Senator from Indiana on my left [Mr. MORTON] says the 15th of September. So that fixing the 1st of November would be simply arbitrary; it would rest upon no principle that I can conceive of. But I must insist that retroactive laws are so obnoxious to principle and to sound policy that we ought not to go back any further than we have agreed to do, that is to say, the 1st day of December, when the whole country was notified that this law would be repealed or substantially modified. The people had no such notice on the 1st of November, or any time in November. No man knew, unless he were in the secret councils of the President, that any such recommendation as that contained in the President's message would be made. Nobody knew that it would be so speedily and heartily responded to by either House of Congress. And, therefore, it is unfair, as it seems to me, to put this back one single day beyond the commencement of the present session of Congress. I hope the Senate will stand by what it has done, and not strike out December.

Mr. FRELINGHUYSEN. What the Senator from Ohio states, I think, is correct, that in order to afford all the relief that we can give, this bill should go back to the 15th of September. The provision of the Constitution is that we shall have a uniform bankrupt law. It is true that means geographically uniform, but it is also true that it ought to be uniform in reference to all debtors. Now if a proceeding was commenced on the 20th of November, the parties to it do not get the benefit of this modification. If it was commenced on the 1st day of December, without any difference in the merits of these different creditors, they do get the benefit of this relief that we are affording. But there is also truth in the suggestion made by the Senator from Ohio as to the disadvantage and objection to retroactive laws, and, therefore, as a compromise between those different interests, I suggested the 1st of November.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected—ayes 9, noes not counted.

Mr. JOHNSTON. I offer the following amendment as an additional section:

SEC. —. All notices of sales under this act by any assignee or officer of the court shall be published in a newspaper to be designated by the judge as having in his opinion the largest circulation in the county or city in which the sale is to be made.

This is the substance of the amendment that I offered before, modified so as to meet the objection made by the chairman of the committee.

So far as I know, the objections to the bankrupt law are not against the law itself, but against the administration of it; and nothing has been a more fruitful source of complaint than the mode in which sales have been made by assignees and the officers of the court. The judge of the district in which I live, Judge Rives, is a man of the strictest integrity, and yet he considers it his duty to advertise all judicial sales in the whole district in one single paper. That paper is published at Lynchburgh, and from that point to the extreme western point of the district is two hundred and seventy-five miles. Many of the people there do not know that there is such a paper in existence, and the publication of judicial sales in that paper is nothing but a farce. There are but very few cases in which they reach the eye of anybody interested in a sale.

Everybody must admit that all these sales should be made in a manner best calculated to give the public fair notice of the sale. The only object I have is to effect that purpose. Let the judge designate when a sale is to be made, ascertaining in the best mode he can the paper best calculated to give notice of the sale in whatever county it may take place, and direct that the sale shall be advertised in that

particular paper; and in that way, and in that way only, according to my belief, can we secure fair notice of these public sales.

Mr. EDMUNDS. If the Senator's amendment read as the last part of his observation was heard, there would be very little objection to it. The remarks of the Senator are to the effect that the judge should cause the advertisement to be made in that paper best calculated in his opinion to give proper notice to the people interested in the particular sale. That would be merely stating that under the present law the judge should do his duty. But what the amendment says is that the judge shall not have that discretion which he has now by law, and which, if he is fair and just, he ought to exercise in every case; but it says that he shall be bound by the iron rule of the greatest circulation.

Mr. JOHNSTON. That is not the language now.

Mr. EDMUNDS. The greatest circulation in the vicinity; I believe that is it.

Mr. JOHNSTON. That word is not used. The language is "the paper best calculated to give notice."

Mr. EDMUNDS. Let me hear the amendment read again.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK read as follows:

All notices of sales under this act by any assignee or officer of the court shall be published in a newspaper to be designated by the judge as having in his opinion the largest circulation in the county or city in which the sale is to be made.

Mr. JOHNSTON. I will correct that.

Mr. EDMUNDS. I thought the Senator's speech and his amendment did not go very well together.

Mr. JOHNSTON. I will modify the amendment so as to make it read:

All notices of sales under this act by any assignee or officer of the court shall be published in a newspaper to be designated by the judge as being in his opinion best calculated to give general notice of the sale.

Mr. EDMUNDS. May I ask the Senator from Virginia whether he means that this one designation shall be a standing designation for all sales, or only from time to time?

Mr. JOHNSTON. From time to time.

Mr. EDMUNDS. Speaking for myself alone, I am entirely willing to accommodate any gentlemen's views where it does not essentially change the law, although this is plainly the law now; and if the Senator would make his amendment read, "That all notices of sales under this act, by any assignee or officer of the court, shall be published in that newspaper or newspapers"—because sometimes in vast estates notice ought to be published in several papers—"to be designated by the judge which in his opinion shall be best calculated to give such notice of the sale," I should not make any objection to it.

Mr. JOHNSTON. I agree to that.

Mr. EDMUNDS. Then I do not object to it in the form in which I have suggested the modification. I think it is what the judge ought to do now, and therefore I do not care to discuss the matter with my friend from Virginia.

The PRESIDING OFFICER. The Chair hears no objection to the proposed modification, and the question is on the amendment to the amendment as modified.

The amendment to the amendment as modified was agreed to.

The PRESIDING OFFICER. The question now is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is on the passage of the bill.

Mr. STEVENSON. Mr. President, the discussion to which we have listened in the Senate for the past week upon the amendments to the bankrupt law, proposed by the Judiciary Committee in lieu of the House bill providing for its repeal, has been signalized by marked ability and learning. The zeal with which this report has been maintained and defended by the chairman of the committee, [Mr. EDMUNDS,] and the Senator from Ohio, [Mr. THURMAN,] having special charge of it, abundantly attests the thorough and thoughtful consideration which the entire bankrupt system has received and undergone by the committee in their investigation of this difficult subject. Some of these amendments, it must be frankly acknowledged, are salutary improvements upon the existing law, and to a certain extent may remove some of the salient objections which have justly rendered it so odious and oppressive. Others should have been adopted, which failed to meet the approval of the Senate, that in my judgment would have been wholesome restrictions in the right direction. Unable to concur with the committee in the expediency or necessity of retaining this law, but yet earnestly desiring, if it was to continue, it should be as far as possible stripped of its objectionable features, I have deemed it proper not to embarrass the action of the friends of the measure by proposing any amendments myself, but preferred to allow the bill to be matured before stating my objections to it. That having been now accomplished, I desire to state briefly the reasons which constrain me to vote for the House bill.

I have always doubted the policy of any national bankrupt laws. I have never been their advocate. The experience of England, whence our bankrupt system, as well as that of our own country, unmistakably indicates the extreme difficulty of devising any bankrupt law which shall, in its operation, be attended with useful or beneficent results. An inherent infirmity seems to pervade the system itself. This, I think, is abundantly proved by the difficulty which has invariably attended the practical execution of this species of legislation, both in England and in the United States. Abuses, frauds, and perjury, which no legislative foresight, however wise, and no public polity, however enlightened, have been able to prevent, have invariably marked their operation. In every country where they exist they have been signal failures. Nor do I know that so sad an experience is greatly to be wondered at. Any legislation having for its object the release of debtors without the consent of their creditors, would seem, by any just standard, to be directly opposed to the duty and end for which all governments have ever been founded. Upon every sound maxim of morals, the logical sequence of all such laws must directly tend to impair commercial credit and lower the standard of individual responsibility.

Human nature in its weakness is the same everywhere. No legislative cancelment of contracts, without the consent of creditors, can ever be accomplished without becoming a strong temptation to heedlessness in the creation of debt and a certain correspondence in any self-denying exertion for its prompt liquidation. Establish such a permanent system of bankruptcy and the major part of the debtor class will by degrees learn to place their hope of relief in contrivances to obtain legal discharges from their obligations rather than in any constant personal exertion to provide means for its payment. Of course there are many highly honorable exceptions to every general rule. But all enlightened legislation demands that the representative should look to the greatest good of the greatest number. I am now commenting on the practical operation of a permanent bankrupt system, which several Senators during this debate have advocated as a national blessing. To it I always have been and still am inexorably opposed. I will not say that in great monetary revulsions or at periods of sudden and vast national distress a well-guarded bankrupt law, limited to a brief period, might not be productive of good. No such necessity, as I shall presently show, exists now. The history of English and American jurisprudence alike proves most incontestably that bankrupt laws have in the past proved signal failures, and their practical operation has been attended by great and unmeasured abuses.

The Congress of the United States, Mr. President, have in modern times wandered far, very far, from the theory of bankrupt law as understood and administered for more than three centuries in England. There bankrupt enactments were understood, ordained, and construed as remedial statutes in behalf of creditors, solely against a designated class of absconding or fraudulent traders. It was legislation in behalf of commerce and commercial credit. I confidently assert that the protection of the creditor was the principle upon which the English bankrupt system was inaugurated, and from which it never departed. That was the object and intendment of every English bankrupt statute from the time of the House of the Tudors, in 1442, to the House of Hanover, in 1774. I was therefore amazed to hear in this discussion the statement made that the prevention of fraud had nothing to do with a bankrupt law.

The preamble to the first bankrupt law ever enacted, and which passed in 35 Henry VIII, expressly recites:

Where divers and sundry persons, craftily obtaining into their hands great substance of other men's goods, do suddenly flee to parts unknown, or keep their houses, not minding to pay or restore to any their creditors their duties, but at their own will and pleasure consume debts and the substance obtained by credit of other men, for their own pleasure and delicate living, against all reason, equity, and good conscience: Therefore,

Be it enacted, &c..

Can any doubt exist as to the object of this enactment, as remedial in its nature and intendment?

So, too, was the next bankrupt law in England, 13 Elizabeth, passed in 1570, which likewise recites:

Forasmuch as, notwithstanding the statute made against bankrupts in the thirty-fourth year of our late sovereign lord King Henry VIII, those kind of persons have and do still increase into great and excessive numbers, and are like more to do if some better provision be not made for the repression of them, and for a plain declaration to be made and set forth who is and ought to be taken and deemed for a bankrupt: Therefore,

Be it enacted, &c.,

Can language be plainer, a purpose be clearer, as to the class of individuals who were within the policy of these two first English bankrupt laws? Who can doubt, who will assert that their sole object was not for the protection of creditors?

The next statute was that of James I, in 1604, the title of which is "An act for the creditors against such as shall become bankrupts." That act recites:

For the frauds and deceits, as new diseases, daily increase among such as live by buying and selling, to the hinderance of traffic and mutual commerce and to the general hurt of the realm, by such as willfully and wickedly become bankrupts, &c.

Still more distinct, still more specific, in its declaratory object. Solely for the creditor.

Then followed the act of 21 James I, in 1629, providing for the fraudulent conveyance of any part of their property to the value of £20.

Subsequently came the statutes of 4 and 5 Anne, passed in 1705, which recite:

Whereas many persons have, and do daily, become bankrupt, not so much by reason of losses and unavoidable misfortunes as to the intent to defraud and hinder their creditors of their just debts, &c.

Still remedial.

Then followed the statutes of the Georges down to the act of 4 George III, in 1764, in every one of which the remedy of the creditor against the fraudulent and absconding debtor is openly declared as the object of the enactment.

And as late as 1840, the commissioners appointed by her present majesty, Victoria, to inquire into the subject, in their report to both Houses of Parliament, said:

> We think that the interest of commerce requires that where a trader is unable to meet his engagements in the ordinary course of business, means should be afforded of compelling a division of his effects among his creditors as speedily and cheaply as possible.

Tedious as are these references to English bankrupt statutes, they abundantly sustain my position that they were passed solely in the interest of the creditor, and looked to his protection. If debtors were released, it was an incident in the execution of the statutes, and never as one of its objects.

Such was the state of the English system of bankruptcy when the Constitution of the United States was ratified. The framers of that instrument were well versed in that system of jurisprudence, and evidently understood the remedial character of the English bankrupt laws, and that they applied and were confined to persons who were traders, or who sought their living by buying and selling.

These wise and patriotic men clearly comprehended and thoroughly understood the remedial character and the limitations of the English bankrupt system as it existed in 1789.

With such knowledge the clause conferring on Congress the express power to pass this uniform system of bankrupt laws found a place in that great Federal bond which created our national Government. In the forty-second article of the Federalist Mr. Madison says:

> The power of establishing uniform laws of bankruptcy is so intimately connected with commerce, and will prevent so many frauds—

Mark the term, because a distinguished Senator during this debate insisted that frauds had nothing whatever to do with a bankrupt law—

> will prevent so many frauds, when the parties or their property may lie or be removed into different States, that the expediency of it seems not likely to be drawn in question.

Nothing can be clearer than that Mr. Madison, who has been styled "the Father of the Constitution," looked to the bankrupt system as intimately connected with commerce, and that he by consenting to and advocating such a grant by the States to Congress of this executive power, looked to it as a statutory remedy against fraud and in the interest of creditors. No other logical deduction can be made as to his object; and such, I doubt not, was the intention of his coadjutors in the Convention.

It is a just deduction that the framers of that instrument consented to the ingrafting of this bankrupt clause into the Constitution with the same intent and object which prompted them to give to the Federal courts jurisdiction in certain cases arising in the States. They feared that the States themselves might pass statutes of homestead exemption delaying the collection of debts; they anticipated the contingency in which a man largely indebted in one State might go beyond its jurisdiction into another; and to avoid loss and inconvenience to the creditor, looking solely to, and intending to limit the power to merchants and traders, they ingrafted this power into the instrument of their hands, with the view and sole purpose of empowering Congress to legislate for the protection of the creditor against absconding and fraudulent debtors.

In support of this view we have the contemporaneous exposition of the Constitution. For eleven years after the adoption of that instrument no legislation ever was had and no attempt ever made by Congress to exercise the power of passing a bankrupt law.

Let me here ask the friends of this bill if the power conferred was to authorize Congress to release all unfortunate debtors from their obligations, by bankrupt enactments, why did not Congress at its first session propose some such remedy? Surely the occasion was never more needful for bankrupt statutes than immediately after the revolutionary war. Our fathers had returned with their garments still wet from the baptismal blood of a seven years' war, through which they had passed, with their property gone and their credit extinguished. Why should Congress with the power now claimed have failed to wipe out the debts of so gallant but so impoverished a people? Could legislation have been ever more just to that impoverished but heroic revolutionary host, who, with stout hands and a trust in God against a powerful foe, nobly achieved their and our independence? That occasion would seem to have been the most appropriate time, and the then halls of Congress the theater upon which the promptings of grateful and benevolent hearts would have inaugurated the enactment of the first bankrupt law. Why, if the Constitution conferred the power, were eleven years permitted to elapse without an effort to pass any bankrupt laws?

In 1800 the first bankrupt law was passed by Congress. It passed after long debate and earnest opposition. I have that law before me. It was, in the spirit of the English statutes, entirely remedial, looking wholly to the creditor—having no other purpose and no other object. It designated in precise and specific terms what constituted an act of bankruptcy. The first clause is:

> *Be it enacted*, &c., That from and after the 1st day of June next, if any merchant, or other person residing within the United States, actually using the trade of merchandise, by buying and selling in gross, or by retail or dealing in exchange, or as a banker, broker, factor, underwriter, or marine insurer, shall, with intent unlawfully to delay or defend his or her creditors, depart from the State in which such person usually resides, or remain absent therefrom, or conceal himself or herself therein, or keep his or her house so that he or she cannot be taken, or served with process, or willingly or fraudulently procure him or herself to be arrested, or his or her lands, goods, money, or chattels to be attached, sequestered, or taken in execution, or shall secretly convey his or her goods out of his or her house, or conceal them to prevent their being taken in execution, or make, or cause to be made any fraudulent conveyance of his or her lands or chattels, or make or admit any false or fraudulent security, or evidence of debt, or being arrested for debt, or having surrendered him or herself in discharge of bail, shall remain in prison two months, or more, or escape therefrom, or whose lands or effects being attached by process issuing out of or returnable to any court of common law, shall not, within two months after written notice thereof, enter special bail and dissolve the same, or in districts in which attachments are not dissolved by the entry of special bail, being arrested for debt after his or her lands and effects, or any part thereof, have been attached for a debt or debts amounting to $1,000 or upwards, shall not, upon notice of such attachment, give sufficient security for the payment of what may be recovered in the suit in which he or she shall be arrested at or before the return day of the same, to be approved by the judge of the district, or some judge of the court out of which the process issued upon which he is arrested, or to which the same shall be returnable, every such person shall be deemed and adjudged a bankrupt: *Provided*, That no person shall be liable to a commission of bankruptcy, if the petition be not preferred, in manner hereinafter directed, within six months after the act of bankruptcy committed.

Then come the other clauses, simply providing in the most economical manner for the appointment of three commissioners, limiting the amount for which any creditor would be entitled to file his petition against his debtor, to have him involuntarily declared a bankrupt, to $1,000 in a single bill, or $1,500 if a partnership, or $2,000 if by more than two creditors. Such was the exact state of the bankrupt legislation of the American Congress in the year 1800. That act was limited to the term of five years, "and from thence to the end of the next session of Congress thereafter, and no longer." And although this statute was wholly for creditors, and limited to fraudulent and absconding debtors, based as it will be seen on the English system of bankruptcy, so great was the popular indignation of the American people against the law, that Congress was compelled to repeal it in three years.

The next bankrupt law was passed at the memorable session of Congress which assembled in May, 1841. Among the measures proposed, as a part of the whig measures of the incoming whig administration, by a distinguished but now departed statesman from the State which I have the honor in part to represent, at that extra session of Congress, was a bankrupt law. Some Senators around me in this Chamber remember better than I do the angry collision which at that day the bare introduction of that measure produced. It was not only opposed on constitutional grounds, but upon the ground of demoralization, extravagance, and unwise and unnecessary legislation. The abuses and frauds which would inevitably attend its execution were described in bold and defiant terms. Although not strictly a party measure, its opponents were chiefly democrats. So great and indignant was the popular voice against this statute that its repeal was accomplished by the very Congress which enacted it. Could there be a stronger commentary against its unjust operation?

The distinguished Senator from Ohio [Mr. THURMAN] stated in this debate a few days ago that the great democratic leader of that day, then and always for thirty years the democratic leader in this Chamber, favored an involuntary bankrupt law. Never, sir. My friend from Ohio is mistaken. Mr. Benton, bold and defiant as he always was, was the first Senator to raise his voice for the repeal of the bankrupt act of 1841. He made three speeches against it. Let me read an extract from one. Said he:

> My great objection to this act is, not that it is, but that it is not, a bankrupt system. True, I am no friend to such a system; true, I have uniformly voted against it; true, my opinions about it are not changed.

Mr. Benton at all times opposed any bankrupt system; but on the occasion referred to by the Senator from Ohio, [Mr. THURMAN,] he did say that if the majority were bent on passing a bankrupt law, then he proposed an involuntary one, which should include corporations. He was in principle bitterly opposed to the whole system.

In further support of my position that the American people have never approved any bankrupt laws, I may cite the further reference to an effort made in 1820 or 1821 to pass a bankrupt law somewhat similar to that which had been passed in 1800. In that Congress was a gentleman (Mr. Rufus King) who had sat in the Convention which had framed the Constitution. When the bill was reported limited to merchants and traders, a Senator, I think from Delaware, (Mr. Vandyke,) proposed to amend by extending the operation of that act so as to allow any person confined under legal process in a civil suit to become a voluntary bankrupt. That amendment was opposed by Mr. Rufus King, of New-York, and also by Mr. Otis, of Massachusetts, who both denied the constitutional power of Congress to enact any bankrupt law which had for its object the release of debtors against the creditors' consent.

Mr. King said:

> That a bankrupt law applying peculiarly and solely to persons in trade was the only kind in the contemplation of the Constitution; that therefore the amendment would be exercising a power which, if not left to the States, did not reside in Congress and was unconstitutional.

This is clear, strong language from one of the framers of the Constitution.

From the repeal of the bankrupt law of 1841 no other attempt was made to pass a bankrupt law until the existing enactment of 1866.

Senators well know the circumstances under which that law was passed; it was the efflux of a civil war between the sections which drenched the land in blood and greatly exhausted the resources of our people. Senators have heard complaints of its oppression and the expenses attending its execution. If Senators desire to know what popular judgment on the law is, they have it reflected in the overwhelming vote by which the bill was passed by the House of Representatives totally repealing it. This is but another evidence of the unpopularity of bankrupt laws. That vote is a clear index of what the popular wish on this subject is.

But admit that I am in error, and that the constitutional power of Congress to enact a uniform system of bankrupt laws is not confined to mere remedial statutes for the benefit of the creditors against a certain designated class of these debtors. Still, I insist that no bankrupt law is likely to be passed which will not be extremely mischievous in its results to both creditor and debtor. Before doing so, I beg the Senate to pause and consider well whether the proposed amendments can possibly obviate the frauds and abuses which all parties admit have attended the execution of the present law. Let not appeals to your sympathy and benevolence blind your eyes to the abuses of any system of legislation. As a distinguished statesman once said in this Chamber, in opposing the exercise of this very power by Congress, remember "that benevolence is a private virtue, but justice is a public duty."

What evidence have the Senate that the proposed amendments in this bill will get rid of the fraud and corruption and the demoralization which have so far attended its execution? Touching some of these abuses we are not wholly without information. The experience of the operation of the system in England and this country is before us as a benefit to creditors. I read an extract from a late paper:

The comparatively small number of cases of settlement of insolvent estates under the English bankrupt law, which is perhaps as perfect as human ingenuity and long experience can make it, shows that such a mode of settlement is shunned whenever practicable. In the year 1871, according to the report of the British Comptroller of Bankruptcy, out of 10,242 insolvencies, there were only 1,242 bankruptcies, while there were 2,710 compositions with creditors, and 6,290 cases of liquidation by arrangement. In the bankruptcy cases the liabilities amounted to £3,974,767, and the assets to £554,770, or less than three shillings to the pound sterling. In the liquidations by arrangement the assets were 7*s.* 6*d.* per pound on the average, and in the compositions 6*s.* 3*d.* to the pound.

Let us look now to our own experience.

The Attorney-General of the United States has lately given us a written response to a resolution inquiring into certain details of the operations of the present bankrupt law. It is very imperfect, as he states. The resolution itself was imperfect in not requiring the ascertainment of a very important item of knowledge necessary to correct legislation on this difficult subject; and that is, taking the petitions filed in the whole United States together, what average *pro rata* dividend has been realized by the creditor from the debtor's assets? But the response gives us some information which is exceedingly important and exceedingly interesting, bearing on the costs of the bankrupt proceedings in the courts.

From March 2, 1867, to the 31st of December, 1867, out of 7,345 petitions filed there were only 230 petitions in involuntary bankruptcy. From the 1st of January, 1868, to the 31st of December, 1868, out of 29,539 petitions there were 443 for involuntary bankruptcy. From the 1st of January, 1869, to the 31st of December, 1869, out of 5,921 there were 527 cases of involuntary bankruptcy. Out of 4,301 petitions in 1870 there were but 884 petitions for involuntary bankruptcy filed, and in 1871, which is the period to which the information extends, out of 5,428 petitions filed there were 1,299 petitions for involuntary bankruptcy.

The whole number of petitions filed during the period named was 58,618, but only one twenty-fifth of them involuntary petitions.

I refer to this response to show that the great object for which all bankrupt law has been enacted or contemplated in England and acted upon in this country up to 1841 has been under this act a total failure. And now if we could reach the fact as to what amount of dividends has been paid from this very large number of applications for the benefit of this law, I undertake to say, from the experience I have had, and what I have heard, that the entire amount of assets in all the cases combined has not paid 15 per cent. on the amount of the claims.

But I tell you, sir, who have been benefited. The execution of this law has been prolific in a harvest of fees to the different officers who execute the law. By the response of the Attorney-General, the fees paid to the four classes of officers, including clerks, marshals, assignees, and registers, although he states that from many he has no returns and the statement is exceedingly incorrect, for the period to which I have alluded amounted to $4,821,784.40.

I am persuaded that this law is alike injurious to creditor and to many honest debtors. I believe better settlements could be made without it. Take one instance: a debtor is embarrassed; he has friends who are prompted to aid him by loans or indorsements. They desire to come to his rescue. They might do so and relieve him. But can they safely do so? Under this bankrupt law they would—the moment they hear that he is in failing circumstances—fly from him as if he had the plague. Why? Their natural benevolent feelings to aid him are checked and forbidden by the bankrupt law as it has been executed. An honest preference is avoided; all securities and guarantees set aside, his estate is surrendered and neither creditor nor debtor gets anything. While some of these amendments remove to some degree the injurious portion of the law, they do not reach all.

Mr. EDMUNDS. With the permission of my friend from Kentucky, I wish to suggest that the law as it now stands does not prevent a man who is in embarrassed circumstances from borrowing money on indorsement by sureties, if it is for a present consideration and not in regard to a transaction which has already turned out to be a failure.

Mr. STEVENSON. I said in my opening remarks that the amendments of this law proposed by the committee were to a certain extent a great improvement; but there can be no bankrupt law enacted which will not lead first to frauds on the part of debtors and to invalidating honest prior liens. Gentlemen say they guard against abuses by throwing restrictions around its operations. Where have such restrictions ever been successful? Clearly not. I might read pages of the failure of such efforts in England and such efforts here.

There is scarcely a Senator present who cannot bear testimony to the fraudulent practices and perjuries committed under this law. Human foresight has not been enabled to provide against them during a period of centuries, nor will these proposed amendments. I have heard a great deal about Shylock creditors. There are, no doubt, oppressive creditors everywhere, but what of fraudulent debtors? My limited experience is that there are twenty fraudulent debtors where you find one oppressive creditor; and I undertake to say that even the imperfect information presented to the Senate by the letter of the Attorney-General shows conclusively that they have been as twenty-five to one—twenty-five debtors seeking to wipe out their obligations to one creditor who has sought to put his debtor into bankruptcy.

Repeal this law: voluntary settlements and voluntary assignments will supply the remedy. I am sure, nine times out of ten—and the statement is sustained by the experience of England in the settlement of their bankrupt laws—any honest debtor can more readily make a better settlement with his creditors under State laws than under bankrupt laws, and thereby save the expense of going through this tedious Federal proceeding.

I am for leaving all insolvent settlements to laws and State agencies. They are ample to give relief. When fraudulent and unjust preferences are attempted, let the powers of the chancellors in the State courts be invoked, and you have an inexpensive and certain remedy. Stop the patronage and expense of the Federal courts acting in bankruptcy, leaving it to the States themselves, and, my word for it, you will find the business much more satisfactorily and speedily done and at one-twentieth the cost. Make the effort by repealing this law.

My friend from Ohio, in reply to the Senator from Illinois, said that it was too late to doubt the constitutional power of Congress to pass a bankrupt law. It may be that he is right. I know that he agrees with me in a desire to restrict Federal power, and that he would uphold the rights of the States in the exercise of their reserved rights on all occasions when it was right and proper to do so. His whole life bears testimony to his orthodox teachings and actings on the subject of restricting centralized power to the limits of the Constitution. But still I cannot agree with him that the clause giving to Congress the power to pass a uniform system of bankruptcy laws does necessarily include the right to pass such bankrupt laws as this. I cannot persuade myself that a voluntary discharge of debts without the creditors' assent is within the power of Congress. It is a violation of the obligation of a contract. I admit that the Supreme Court of the United States have held that it is. I say, however, to my friend from Ohio, that the grant to Congress to pass a uniform system of bankrupt laws is not conclusive; that the voluntary feature of this law as to retrospective obligations is not necessarily constitutional. If that were the true construction there is no limit to any power on the part of Congress. For instance, the Constitution gives to Congress the power to regulate commerce, but will the Senator from Ohio say that such a grant empowers Congress to build railroads in the several States against their consent, and control them under a commercial power as insisted upon by the distinguished Senator from Indiana, [Mr. MORTON?] Under a general power to regulate commerce can Congress make the States mere hewers of wood and drawers of water? So, too, Congress has the power to coin money; but I put it to the Senator from Ohio, [Mr. THURMAN,] does that give to Congress the power to make paper money a legal tender for past debts? The Supreme Court, I know, have so decided it, and no Senator bows more willingly than I do to their decision; but my conviction remains unchanged that the ruling was both illogical and unsound.

Mr. EDMUNDS. They decided both ways, did they not?

Mr. STEVENSON. They have decided it both ways, and I regret to say that the last ruling is in my judgment the fallacious one. But that is the way that most courts do. [Laughter.] But the last exemplification of taking back decisions is in Louisiana, to which of course we are all expected to bow. [Laughter.]

Mr. MORRILL, of Maine. They said it was an exceptional case.

Mr. STEVENSON. Well, I never knew a court that desired to take back an opinion, that could not find an exception.

Mr. President, I only designed briefly to state why I should vote for the repeal of the existing bankrupt law. I have done so in a desultory and illogical way, and fear I have exhausted the patience of the Senate.

Let us repeal this law, and try the States for the relief sought.

From 1789 to 1800, when people were groaning under debt, we got along without it. From 1803 to 1867, save a few months in 1841, no bankrupt law was found necessary in despite of the crash of 1837. We have gone on advancing in power and in wealth. Let us leave to the States themselves the duty and the wise policy of attending to their own domestic affairs, by repealing a statute demoralizing in its effect, and immoral in its general tendency and operation.

Mr. THURMAN. Mr. President, I shall trouble the Senate with a very few remarks before the vote is finally taken on the passage of this bill; and they are more for the purpose of explaining my own position than for any other purpose.

I said, when the bill was taken up for consideration, that as between the present law and no law at all on the subject, I should favor no law at all, because in my judgment the present law is so oppressive, so unjust, and so impolitic, that it had better be wiped from the statute-book if no better law can be framed. But I said at the same time that as between a proper bankrupt law, such as is contemplated by the Constitution, and such as meets the approval of the enlightened judgment of those most competent to decide upon such a law, and no law at all, I was in favor of a proper bankrupt law.

But that decides very little; for what is a proper bankrupt law must be determined by a reference to each particular measure that is presented to Congress or to the country for consideration. You cannot lay down general rules that will determine with absolute infallibility what is a proper bankrupt law. It is a matter so practical in its character, that depends so much for its excellence upon its details as well as its general features, that no one can lay down *a priori* certain general rules or principles which will infallibly produce a perfect law. That being the case, when I say that I am in favor of a proper bankrupt law, I commit myself to no law that I have ever seen framed yet.

In reference to this particular law, or this proposition for a law that we now have before us, my position is simply this: When the bill came here from the House of Representatives, repealing the present law, it was my purpose to vote for that bill; and I should have contented myself with voting for that bill, as I had at a previous session of the Senate voted in committee to repeal the same law, had I not become perfectly convinced of that which is now apparent to every member of the Senate, that a large majority of the Senate are opposed to an absolute repeal of the law. Being perfectly convinced that a majority of the Senate are opposed to an absolute repeal of the law, obviously the next best thing to be done was to try to modify the law in such manner as to eliminate from it its most obnoxious features and make it as nearly perfect as our limited time would enable us to do.

Accordingly, I have devoted a great deal of time to this subject, not because of any love for a bankrupt law, not because of any partiality for such legislation, but because I hoped that I might be useful in changing the rigorous features of the present law, and making a law that would be more beneficial to both debtor and creditor and more satisfactory to the country. The fruits of our labors have been laid before the Senate, and have so far secured the approbation of the Senate; so much so, that the amendment to strike out the House bill and insert the bill reported by the Committee on the Judiciary has been adopted without a division.

Now, sir, I do not pretend to say that our bill is a perfect law. As I said on a previous occasion, no perfect law was ever made at a single heat. There is no statute, however short, that has been found to be perfect. Perfection is only reached by experience, and long experience; and it is not only possible, but it is altogether probable, that if the bill we now have under consideration shall become the law of the land, we shall find that it will require further amendment, further modification, further alteration, and possibly it may require to be repealed out and out. All we can say is that it is far better than the present law, and that as a majority of the Senate are opposed to repealing all bankrupt laws, as some bankrupt law is to exist according to the judgment of a majority of this body, this is the best law which we have been able to propose. But no one will claim for it perfection, and I am sure no one of the committee that proposed it feels that he is bound to stick to it through thick and thin, now and forever. I am quite sure that the members of the committee will be as ready as any other members of the Senate or anybody in the country, if experience shall prove that this bill will not answer the purpose they intend, will not prove beneficial to the country, to modify it still further or to repeal it out and out. At least those are my own views about it; and having at a previous session of the Senate voted in favor of repealing the law altogether, and having so declared myself in favor of repeal at this session of the Senate, some explanation seemed to be proper of why I had taken so much pains and performed so much labor to try to perfect this bill which is now under consideration by the Senate.

A few words, Mr. President, in reference to the general subject of bankrupt laws. I agree with the Senator from Kentucky [Mr. STEVENSON] that bankrupt laws in the United States are unpopular, and if I were seeking popularity I should clamor loudly for the repeal of the existing law out and out. My friend makes no clamor; he expresses the opinions of a life-time, frequently expressed before, against the existence of any bankrupt law at all; and in that he most truly represents the sentiments of the Commonwealth whose Senator he is. But, sir, something may be said upon the other side. We have had, it is true, two bankrupt laws that were but short-lived. The first was limited in the act itself to five years, and was repealed at the end of three years. It was an act passed entirely in the interest of the creditor class, and was extremely unpopular not only with the debtor class, but with that large and influential body of men, the lawyers of the country. One reason why bankrupt laws are unpopular is that nine-tenths of the legal profession are opposed to them, because the necessary effect of a bankrupt law is to lessen, to a very great extent, the emoluments derived from what is called the collection business of lawyers; and therefore we find in respect to this very law that almost all the petitions that have come to us for the repeal of the bankrupt law have been petitions printed by what is called the law association—I think that is the name of it—or the legal association; and in the letters sent to the lawyers, containing those petitions, and asking them to get signatures to them, it is put very distinctly upon the ground that the bankrupt law is prejudicial to the interests of the legal profession. And hence it has always been found, in this country at least, that the great body of the lawyers, who do so much to influence public opinion, to mold and to form it, have been opposed to a bankrupt law, and I suppose they ever will be opposed to any such law.

The act of 1841, however, was a very extraordinary change in the idea of a bankrupt law, and naturally encountered great opposition. As I said on a previous day in this debate, the great feature of the act of 1841, that which alone secured its passage, that which alone was demanded really, was the voluntary clause—the provision for voluntary bankruptcy. So far as the legislation of this country was concerned, and so far as British legislation was concerned, that was an entirely new feature in a bankrupt law; and it is not, therefore, to be wondered at that it encountered very great opposition, and that having performed the service the petitioners for it wished it to perform, having freed them from their liability, having procured discharges for them, the men who were ruined in the great commercial revulsion of 1837, having performed that office, and they no longer having an interest in the maintenance of the law, the popular opinion was sufficient to repeal it, even by the very same Congress by which it was enacted. There was nothing very strange in that.

But then in 1867 came the present bankrupt law, a law that couples the two features, the feature of the old English bankrupt law, a proceeding by a creditor against a fraudulent or a defaulting debtor, and also the voluntary part of the act of 1841. That law has remained on the statute-book now seven years, and no very great clamor had been raised against it until the commercial convulsion took place last fall. The panic of last fall directed attention to it; and the enormities perpetrated under it, and the oppressions that might be exercised under it, became so apparent that I think there was a very general outcry either for the repeal of the law or for its amendment. But after looking at all that has been said, so far as it has come under my observation, my impression is that the country has pretty generally settled down into the wish that we should attempt to modify and amend the law, rather than to absolutely repeal it.

It is said that the voluntary clause is unconstitutional. Suppose it were so, that would not militate against the bill that we have reported. The voluntary clause is in the existing law. The bill that we have reported does not deal with that clause, except in one or two particulars to amend and guard the provision of the law on that subject. But it is too late to argue that question, for although I agree that in regard to questions of interpretation of the Constitution we ought to be very reluctant to admit the doctrine of *stare decisis*—the doctrine that it has been so decided, and therefore must forever remain without review; although in regard to the interpretation of a constitution that is a principle which is to be adopted only after very long usage, very long and consistent interpretation of the instrument, so that the rights of the people become fixed according to that interpretation, yet it does seem to me that in view of the universal decision of the courts, State and Federal, sustaining this voluntary clause in the bankrupt act, it is too late for us to say that it is unconstitutional. Let us see how it is. More than one hundred thousand persons were discharged from their indebtedness under the provision for voluntary bankruptcy in the act of 1841. If that act was unconstitutional those discharges were not worth the paper they were written or printed upon. If it was unconstitutional the courts had no jurisdiction whatever to grant any such discharges, and therefore any creditor might sue such a discharged debtor, and if the law was unconstitutional his discharge would be no defense whatsoever against the suit. And yet the fact is that in no court, State or Federal, by no tribunal whatsoever, was that law held to be unconstitutional, but on the contrary those discharges were received in all courts, State and Federal, as complete bars to any action upon the indebtedness of the bankrupt existing prior to his discharge, and which was provable in the bankrupt proceedings, except those matters which by the act were excepted from its operation. Then it having been so decided a third of a century ago, those decisions never having been reversed, having been again and again ratified and affirmed in the Supreme Court of the United States, and Congress having acted upon them again in the passage of the act of 1867, it does seem to me that whatever may be our individual opinions, it is too late now to say that those voluntary provisions of the bankrupt law are not warranted by the Constitution of the United States.

Upon this branch of the subject, while I am on it, I wish to call

the attention of Senators to a fact which sometimes has escaped their notice. Nothing is more common than to hear the Constitution of the United States quoted as if it contained the words "bankrupt law," from which it is inferred that it refers to some particular bankrupt law that existed in England at the time the Constitution was adopted. Why, Mr. President, the words "bankrupt law" are not in the Constitution of the United States at all. So far from there being any particular reference to a particular bankrupt law in existence when the Constitution was formed, the term "bankrupt law" is not to be found in the Constitution. What is the provision of the Constitution? The provision of the Constitution is:

The Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States.

Not that they are bound to adopt any particular bankrupt law, but they shall have power to establish uniform laws on the subject of bankruptcies throughout the United States. Now, what were bankruptcies? Does the Constitution confine us to what was "bankruptcy" under the system of English laws? Not at all. The framers of the Constitution were framing an instrument with reference to the experience of the whole world. They in no sense confined us—except where they used a particular technical term, like *habeas corpus* or the like, which is descriptive of an English writ—they in no instance confined us to the particular laws of the mother country of which we were once colonies. When they spoke, therefore, of "bankruptcies," they spoke not of bankruptcy simply as it existed in England, but bankruptcy as it existed in all commercial countries where the term was known, and that was every commercial country in the world. Bankrupt laws first had their origin in Italy, long before they were known in England, before they were known in France, before they were known in the Netherlands; but they were known in every commercial country at the time our Constitution was formed. When therefore the term was used, "uniform laws on the subject of bankruptcies," it was not used in reference to the particular English law, but in reference to the definition that that term might receive, not simply according to then existing statute law, but according to the nature of the thing and the exigencies that might arise.

Upon this point I might refer the Senate to what was said by the Supreme Court of the United States in the Dartmouth College case. In answer to what is said that such a bankrupt law as is proposed was not within the contemplation of the framers of the Constitution, what I shall read from the opinion of the Chief Justice in the Dartmouth College case is directly applicable. In that case, speaking of the provision in the Constitution that forbids any State to impair the obligation of a contract, and considering whether or not the charter of a university was a contract within the meaning of that term in the Constitution, the Chief Justice said:

It is more than possible that the preservation of rights of this description was not particularly in the view of the framers of the Constitution when the clause under consideration was introduced into that instrument. It is probable that interferences of more frequent recurrence, to which the temptation was stronger, and of which the mischief was more extensive, constituted the great motive for imposing this restriction on the State Legislatures. But, although a particular and a rare case may not in itself be of sufficient magnitude to induce a rule, yet it must be governed by the rule when established, unless some plain and strong reason for excluding it can be given.

Now, I beg attention to these words particularly:

It is not enough to say that this particular case was not in the mind of the Convention when the article was framed, nor of the American people when it was adopted. It is necessary to go farther, and to say that, had this particular case been suggested, the language would have been so varied as to exclude it, or it would have been made a special exception. The case being within the words of the rule, must be within its operation likewise, unless there be something in the litrral construction so obviously absurd, or mischievous, or repugnant to the general spirit of the instrument as to justify those who expound the Constitution in making it an exception. (4 Wheaton's Reports, pp. 644, 645.)

Now, sir, apply that to this bill. The language of the Constitution is that Congress shall have power "to make uniform laws on the subject of bankruptcies throughout the United States." Now, say the Supreme Court, it is not sufficient that such a law as we now have before us may not have been particularly within the mind of the framers of the Constitution, or even of the American people, when they adopted that instrument; if the bill is within the language of the Constitution, and is consistent with the other provisions of the Constitution, is not repugnant to the letter or spirit of the Constitution, and is warranted expressly by its language, then the bill is constitutional, although that particular measure was not in the minds of the framers of the Constitution, or of the American people, when that instrument was adopted. It was upon that argument precisely that the voluntary clause in the bankrupt law was sustained by those who advocated it, that it was the intention of the framers of the Constitution, for the reasons which induced them to put that clause in the Constitution at all, to give Congress power to make uniform laws on the subject of men who failed in business, who were bankrupts, who were bankrupts in the most popular sense of the term, as well as in the technical sense of the term, men who attempted fraudulently to deprive their creditors of their rights, or who were unable to meet their obligations in the due and ordinary course of business, and that the whole subject being thus confided to the jurisdiction of Congress, it was no answer to say that this particular measure for such a class of cases, cases of bankruptcy, cases of individuals unable to meet their obligations in the ordinary course of business, was not in the contemplation of those who framed the Constitution of the United States.

I confess, sir, for myself, I thought then that too much force was given to that language of the Supreme Court, and that Congress did go too far, looking at it simply as a constitutional question, in adopting this voluntary clause in the bankrupt law of 1841. But, sir, I never did deny, because I could not deny, that there was great force in the reasons that were urged in favor of it and in favor of its constitutionality. But, as I said before, after an acquiescence of more than a third of a century, and after the affirmation of the constitutionality of the law by every court, State and Federal that ever has passed upon it, it is too late now to question its constitutionality.

There is another thing to be observed, Mr. President, that should make us a little reluctant to say that we will have no bankrupt law at all. My friend, the Senator from Kentucky, boldly avows his opposition to any bankrupt law whatsoever, and says that no one can be framed that will not do more injury than it will good. If that is the case, then we ought to have none. If no such law can be framed that will not be productive of more injury than good, then we ought not to have any. But we ought not hastily to conclude that no such law can be framed; for to conclude that, is to say that there is in the Constitution a power that should forever remain dormant. I do not think it was the idea of the framers of the Constitution that there should be any dormant powers in it. When they said to the Congress, "You shall have power to establish a uniform rule of naturalization," they meant that such a rule should be established; and when they said, "You shall have power to pass uniform laws on the subject of bankruptcies throughout the United States," they did not mean that that power should be a nullity or that it should be dormant. They thought there were good and sufficient reasons for vesting it in you, and if they vested the power in you, they thought there would be a correlative duty upon you to exercise it—of course to exercise it wisely; and if it should so turn out, contrary to their expectations, that it could not be exercised at all without injury to the public and without doing injustice, then that extreme case, not foreseen by them, not contemplated by them, must prevent any law upon the subject at all. But once more I repeat, we ought not to be hasty in our conclusion that it is impossible to execute an express power of the Constitution without doing more harm than good.

Mr. President, these are all the remarks that I desire to submit, and perhaps some apology is necessary even for submitting them. I think that upon this question the minds of Senators are pretty well made up. The question now immediately before the Senate, I beg leave to remind Senators, is this: Shall the bill pass? The amendment of the committee has been agreed to; the bill has been read the third time, and the question is now, Shall the bill pass? So that the question on which Senators are now to vote is simply, will you have this bill which the committee has reported and which you have perfected by your amendments, or will you have the present law? If you vote "no" on the passage of this bill, you defeat the bill of the House, you defeat your own bill, and you leave the present law to stand as it is.

Mr. MORTON. Those who are in favor of the repeal of the law ought to have voted against the amendment.

Mr. THURMAN. Certainly they ought.

Mr. MORTON. Now it is simply a question between the two bills.

Mr. THURMAN. Now it is simply a question between this bill and the present law. Those who vote "no" on the question which is now submitted to the Senate, vote to retain the present law in all its rigor and with all its enormities upon its head.

Mr. EDMUNDS. Mr. President, I should have been glad, if the time had not been so long occupied in going on with this bill for four or five days, to close the debate with some general statements touching the principles of this bankrupt law, as we propose to make it stand, as affecting the commerce of the whole country, and as affecting the unity and prosperity of the nation. But as we have spent so much time upon the topic, for the sake of passing this bill now, amended and benefited and ameliorated as it is in such a way that I think it ought to be satisfactory to all sides of the controversy that has arisen about it, and in order that we may act with discretion upon the subject, and keep it upon the statute-book, and amend it again if it be necessary, I shall waive the right that, of course, I might have had to enlarge upon this topic, and only ask for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

Mr. ALCORN. I have risen, Mr. President, for the purpose of making a motion, if it is in order; but perhaps I am too late. The motion I desire to make is to reconsider the vote by which the amendment of the Senate Committee on the Judiciary was adopted.

Mr. EDMUNDS. You will have to reconsider first the vote on the third reading; otherwise you are not in order.

Mr. ALCORN. I desire to vote for the House bill, as a number of Senators do, and who were not aware until the honorable Senator from Ohio stated it awhile ago, that we are now in that condition that we have to vote for this bill or the law remains as it is. I have not been present all day.

Mr. EDMUNDS. The Senator can accomplish his object by voting against this bill; and then he can introduce a bill himself for the total repeal, if he likes.

Mr. ALCORN. I move to reconsider the vote by which the Senate agreed to the amendment of the committee in lieu of the House bill.

Mr. EDMUNDS. That will not be in order. The Senator can move to reconsider the third reading, which will present the same question.

Mr. ALCORN. Then I move to reconsider the vote on the third

reading; and then I can move to reconsider the vote by which the amendment was agreed to.

Mr. EDMUNDS. If the motion to reconsider does not prevail, then, of course, the Senator cannot do it; but it tests the question of how many wish a total repeal and how many wish to make this national provision as good as they can to endure. A motion to reconsider the third reading will test the opinion of the Senate.

Mr. ALCORN. Then I move to reconsider the vote by which the Senate ordered the bill to be read the third time and the amendment to be engrossed; and on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on reconsidering the vote by which the amendment was ordered to be engrossed and the bill to be read a third time.

The question being taken by yeas and nays, resulted—yeas 19, nays 40; as follows:

YEAS—Messrs. Alcorn, Bogy, Clayton, Conover, Cooper, Cragin, Goldthwaite, Hager, Hitchcock, Logan, McCreery, Mitchell, Oglesby, Patterson, Robertson, Saulsbury, Sherman, Stevenson, and Wadleigh—19.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Crozier, Davis, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gordon, Hamlin, Ingalls, Johnston, Kelly, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Pratt, Ramsey, Ransom, Sargent, Schurz, Scott, Sprague, Stewart, Stockton, Sumner, Thurman, Tipton, West, and Wright—40.

ABSENT—Messrs. Ames, Brownlow, Conkling, Dennis, Dorsey, Gilbert, Hamilton of Maryland, Hamilton of Texas, Howe, Jones, Lewis, Norwood, Spencer, and Windom—14.

So the motion to reconsider was rejected.

The PRESIDENT *pro tempore*. This bill having been ordered to a third reading and read the third time, the question is, Shall it pass? upon which question the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 43, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Cooper, Crozier, Davis, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamlin, Johnston, Kelly, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Pratt, Ramsey, Ransom, Robertson, Sargent, Schurz, Scott, Sherman, Sprague, Stockton, Sumner, Thurman, Tipton, West, and Wright—43.

NAYS—Messrs. Bogy, Conover, Cragin, Hitchcock, Logan, McCreery, Mitchell, Oglesby, Patterson, Stevenson, and Wadleigh—11.

ABSENT—Messrs. Alcorn, Ames, Brownlow, Clayton, Conkling, Dennis, Dorsey, Gilbert, Hamilton of Maryland, Hamilton of Texas, Howe, Ingalls, Jones, Lewis, Norwood, Saulsbury, Spencer, Stewart, and Windom—19.

So the bill was passed.

The title was amended so as to read:

A bill to amend and supplement an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and for other purposes.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1906) to dredge and protect the navigable channel at the mouth of the Buffalo River against the sand-bar formed by the gale of December, 1873, was read twice by its title, and, on motion of Mr. FENTON, referred to the Committee on Commerce.

The bill (H. R. No. 1915) to remove the political disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 1920) to amend the fifteenth section of an act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1921) to further amend the postal code was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

NATIONAL BANK CIRCULATION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I trust the Senator will withdraw the motion that I may call up a bill.

Mr. CAMERON. I will.

Mr. SHERMAN. I move to take up Senate bill No. 432, that it may be left as the unfinished business.

Several SENATORS. What is it?

Mr. SARGENT. I will not antagonize this motion with the naval appropriation bill, but will press for the consideration of that bill after this bill shall have been disposed of, as I understand it will not take much time.

The PRESIDENT *pro tempore*. Is there objection to taking up the bill indicated by the Senator from Ohio, being the bill (S. No. 432) to amend an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870? The Chair hears none, and that bill is before the Senate.

Mr. CAMERON. Now I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session the doors were reopened, and (at four o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 10, 1874.

The House met at twelve o'clock m. Prayer by Rev. H. V. VOORHEES, D. D., of New York.

The Journal of yesterday was read and approved.

CERTIFICATE OF DEPOSIT.

Mr. KNAPP. I ask unanimous consent to offer the following preamble and resolution.

The Clerk read as follows:

Whereas it is alleged that redemption banks, under the national-banking law, have suspended payment to depositors, and issued a large amount of what are known as certified checks of the association of banks, or clearing-house certificates of deposit issued to said banks, and forced them into public circulation; and whereas a thorough understanding of the condition of the national banks is necessary to enable this House to remedy by legislation the financial evils that prostrate trade and destroy public confidence: Therefore,

Be it resolved by the House of Representatives, That the Secretary of the Treasury be requested, at the earliest practicable period, to report to this House the amount of such certified checks or clearing-house certificates of deposit issued to said banks in circulation, and what banks are responsible for their redemption; and also be requested to report what banks are still doing business who have suspended payment to their depositors, and what banks are still in suspension.

Mr. DAWES. I think that should go to the Committee on Banking and Currency before it is adopted.

The SPEAKER. Is there objection?

Mr. HALE, of New York. I object, unless it be referred.

The preamble and resolution were referred to the Committee on Banking and Currency.

GREEN BAY AND LAKE MICHIGAN SHIP-CANAL.

Mr. BRADLEY. I ask unanimous consent to report back from the Committee on the Public Lands a bill (H. R. No. 447) extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal, in the State of Wisconsin, with the recommendation that it do pass.

The bill, which was read, extends the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal to the 10th day of April, 1876.

Mr. RANDALL. I object, before any debate occurs.

Mr. BRADLEY. I wish to make a brief statement of the case.

Mr. HALE, of New York. I call for the regular order of business.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] reserves objection to the introduction of the bill. The gentleman from Michigan [Mr. BRADLEY] asks unanimous consent to make a brief statement.

Mr. RANDALL. I do not, of course, lose my right to object.

Mr. HOLMAN. It will have to go to the Committee of the Whole, at any rate.

The SPEAKER. The Chair hears no objection to the gentleman from Michigan making a brief statement.

Mr. BRADLEY. In 1866 Congress passed an act granting two hundred thousand acres of land to the State of Wisconsin to aid in the completion of this canal, which is about one mile and three-quarters in length. The estimated cost is something over $600,000, and the State was to furnish the balance of the means to complete the canal. Congress, in making the grant, reserved to the United States the right to use the canal at all times for its own vessels, or any that it might have in its employ; also, declaring it a public highway, and that after sufficient tolls had been collected to reimburse to the State the moneys expended for its completion, no tolls beyond that time should be collected, except such as are necessary to keep the canal in repair.

The Committee on the Public Lands, who have been disposed to guard very carefully any bills looking to a grant of public lands, have made a careful examination of this bill, and have unanimously instructed me to report it to the House and ask its immediate passage. I find, from the official reports, that about one-third of the money has been expended for the completion of this canal, and that the parties having the work in charge are already in New York arranging for a loan upon the franchises of the canal for its completion; but, on account of the expiration of the time for its completion, on the 10th of April next, they cannot effect this loan without an extension of time. So that I am warranted in making the statement that if the time is extended it insures the completion of the canal within the time asked for by the terms of the bill, and without the sale of an acre of the public lands until the canal is completed. The committee were unanimous in their recommendations, and believed that this being a meritorious case the bill ought to pass. And if gentlemen will examine it, or will listen to the reading of the report that I send to the desk, I think there will be no objection.

Mr. HALE, of New York. I rise to a question of order. Should not this bill have its first consideration in Committee of the Whole?

The SPEAKER. Of course; but what the gentleman is asking is unanimous consent.

Mr. HALE, of New York. I object.

Mr. BRADLEY. Then I ask that the bill be referred to the Committee of the Whole.

Mr. MAYNARD. I understand the gentleman to say, as a member

of the Committee on the Public Lands, that he is instructed by that committee to ask unanimous consent for the passage of the bill.

The SPEAKER. So the gentleman stated.

Mr. MAYNARD. I make no objection.

Mr. HOLMAN. I insist that the bill shall go to the Committee of the Whole.

The SPEAKER. That is what the gentleman has asked. If there be no objection the bill will be considered as referred to the Committee of the Whole on the state of the Union and ordered to be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty-two minutes past twelve o'clock, and reports from committees are in order, beginning with the Committee on the Post-Office and Post-Roads.

OATHS OF POST-OFFICE OFFICIALS.

Mr. PACKER, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. No. 1920) to amend section 15 of an act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;" which was read a first and second time.

The bill proposes to amend section 15 of the act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872, so as to read as follows:

SEC. 15. That before entering upon their duties, and before they shall receive any salary, the Postmaster-General, and all persons employed in the postal service, shall respectively take and subscribe, before some magistrate or other competent officer authorized to administer oaths under the laws of the United States or any State or Territory, the following oath:

"I, A B, do solemnly swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post-offices and post-roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the United States which may come into my possession or control; and also further swear (or affirm) that I will support the Constitution of the United States. So help me God."

And this oath or affirmation may be taken before any officer, civil or military, holding a commission under the United States; and such officer is hereby authorized to administer and certify such oath or affirmation.

The question was on ordering the bill to be engrossed and read a third time.

Mr. PACKER. The purpose of the bill which I have submitted to the House is this: In the preparation of the act to consolidate the acts relating to the Post-Office Department, in 1872, the framers of the act omitted to put in the oath to support the Constitution of the United States, required by the sixth article of the Constitution and by the act of 1789. This simply remedies that omission in the act of June 8, 1872.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PACKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRANSMISSION OF LAW MANUSCRIPTS BY MAIL.

Mr. DANFORD. I am instructed by the Committee on the Post-Office and Post-Roads to report back, with the recommendation that it do not pass, the bill (H. R. No. 575) to authorize the transmission of certain law manuscripts through the mails at reduced rates of postage.

I will explain that this bill provides that affidavits, depositions, and other legal written evidence may be transmitted through the mails at the same rate of postage as matter passing between author and publisher. The committee have considered the bill, and are unanimous in reporting it back adversely. They see no reason why such matter should pass through the post-office at less than letter postage. I move that the committee be discharged from the further consideration of the bill, and that it be laid on the table.

The motion was agreed to.

ADVERTISEMENTS FOR MAIL PROPOSALS.

Mr. STOWELL, from the Committee on the Post-Office and Post-Roads, reported back, with the recommendation that it do not pass, the bill (H. R. No. 297) to provide for the publication of advertisements for proposals to carry United States mails in the newspaper published in the congressional district where the routes are located having the largest circulation in the district.

Mr. STOWELL. I will state for the information of the House that the present cost of advertising is about $132,000. The Postmaster-General is authorized now to publish these proposals for bids in the papers of every State, not to exceed five in number in each State. If this bill were passed the expense would be some $330,000—an increase of $497,000, or nearly 150 per cent.; and I think, and the committee were unanimous in thinking, that no benefit would be derived from that increased expenditure; that the information would not reach a much larger number of persons than it reaches on the present plan.

Mr. PLATT, of Virginia. I would ask my colleague if he is not incorrect in the statement he makes, so far as the Southern States are concerned? I understand that in the States lately in rebellion that discretion is not vested in the Postmaster-General, but that he is confined to the newspapers selected by the Clerk of the House.

Mr. STOWELL. The law is explicit in giving the Postmaster-General authority to publish in newspapers in each State, not to exceed five, these proposals for bids. The Postmaster-General, in most of the States, publishes them in less than five newspapers. In a majority of the States the proposals are published in less than five. In the State of Rhode Island, and in most of the Southern States, and in some of the smaller Western States, these proposals are published in but two or three newspapers.

Mr. PLATT, of Virginia. I would like to have the construction of the Committee on the Post-Office and Post-Roads in regard to the law; and I will state that, if my colleague has given it correctly, it differs from the construction of the Postmaster-General himself, who believes that under the present law he has authority only to advertise in the two papers in each of the Southern States designated by the Clerk of the House.

Mr. STOWELL. I think the gentleman will find that the matter is within the discretion of the Postmaster-General, but not obligatory upon him.

Mr. G. F. HOAR. I rise to a parliamentary inquiry. When a committee, during their morning hour, report a bill adversely, what is the pending question before the House?

The SPEAKER. The pending question really is, Shall the bill be engrossed and read a third time? pending which the member who reports the bill usually submits a motion that it lie on the table; and the Chair always submits that motion.

Mr. G. F. HOAR. That motion is not debatable, though.

The SPEAKER. No; but the real question is, Shall the bill be engrossed and read a third time?

The bill was then laid on the table.

Mr. RANDALL. I move to reconsider the several votes by which bills adversely reported have been laid on the table; and to lay the motion to reconsider on the table.

The latter motion was agreed to.

AMENDMENT OF POSTAL CODE.

Mr. STOWELL, from the same committee, reported a bill (H. R. No. 1921) to further amend the postal code; which was read a first and second time.

The bill provides that section 133 of the revised postal code, approved June 8, 1872, be amended by adding thereto the following:

Any person or persons sending matter of the third class may write upon the wrapper thereof, without any additional charge, the name and address of the sender preceded by the word "from;" and also the name and number of the articles inclosed, and may also write in, or on, any book, pamphlet, magazine, periodical, or any other matter of the third class, a form of presentation, and such additional writing shall not subject such package to any other or higher rate of postage than that chargeable in the absence of such writing.

Mr. STOWELL. I am instructed by the Committee on the Post-Office and Post-Roads to recommend the passage of this bill. The construction placed by the Postmaster-General on the law is that no one is authorized to write in any way upon matter of the third class, and that if he does so, it subjects it to letter postage. This is often very inconvenient. Persons are very anxious to send off newspapers or books or documents of various kinds, and to let the person to whom they send them know by whom they are sent. According to the present construction, if you write your name on the outside of the wrapper or on the inside, or simply convey the information that one newspaper or one book is inclosed, it subjects the whole package to letter postage. I have here an instance where a Congressional Globe was sent to a gentleman in one of the Territories and the sender simply wrote on the outside the words "printed matter," and the gentleman to whom the package was sent was obliged to pay $1.72 postage, simply because those words were written on the outside of the wrapper of a Congressional Globe.

The Postmaster-General has very recently given this construction to the law, and it subjects all kinds of matter of the third class to letter postage if any information of any kind is written on the wrapper. This bill remedies that evil, and allows the sender to write on the outside his name and the number of the contents of the package; for instance, "one book" or "one newspaper," or his own name.

Mr. HALE, of New York. I desire to make an inquiry of the gentleman. Do I understand him to say that the Committee on the Post-Office and Post-Roads are of the opinion that the law is in conformity with this decision of the Postmaster-General?

Mr. STOWELL. No, sir; but they desire to remedy this decision of the Postmaster-General. They think his decision rather forced; but under that decision there is no remedy but to pass an explanatory act.

Mr. HALE, of New York. I believe there is no one in this House, who has had any knowledge of these recent decisions of the Postmaster-General and of the laws upon which they are placed, who believes that these decisions are in conformity with existing laws, or who does not believe that the decision of the Postmaster-General, that placing upon the outside of a package of printed matter the information to the Department that it is printed matter would subject the package to letter postage and not postage upon printed matter, is altogether wrong. I do not catch precisely the purport of the first provisions of this bill. I trust they are sufficiently explicit to prevent and supersede any such decisions of the Post-Office Department, which I believe to be in violation of the spirit as well as of the letter of the postal law.

Mr. KASSON. In order that unjust censure may not be passed upon the Postmaster-General, permit me to say that any gentleman who will read section 142 of the postal code will see that it justifies

the Postmaster-General in making that decision. I agree with the Committee on the Post-Office and Post-Roads that this bill is necessary. I do not agree with the gentleman from New York [Mr. HALE] that the decision of the Postmaster-General is not warranted by the letter of the law.

Mr. STOWELL. Will you read that section?

Mr. KASSON. I am asked to read the section to which I refer, and I will do so from my seat.

Section 142 provides—

Any person who shall inclose or conceal any letter, memorandum, or other thing in any mail matter not charged with letter postage—

Here come the words to which I call especial attention—

or make any writing or memorandum thereon, and deposit or cause the same to be deposited for conveyance by mail at a less rate than letter postage, shall for every such offense forfeit and pay five dollars; and such mail matter or inclosure shall not be delivered until the postage is paid thereon at letter rate.

That is the letter of the postal code, and consequently it needs the amendment proposed by the committee.

Mr. HALE, of New York. Does the gentleman from Iowa [Mr. KASSON] think that any writing or memoranda, giving to the Post-Office Department notification of what are the contents of the package, is any more liable to letter postage than it would be to add a gentleman's occupation to the residence placed upon a package addressed to him; as, for instance, when I direct to "John Smith, grocer," or "John Smith, shoemaker?"

Mr. KASSON. I have only to say that there are the words "any writing or memorandum thereon." Those words justify the construction given by the Postmaster-General. I think that the law should be amended as the committee propose.

Mr. TOWNSEND. I desire to state a fact which has come to my knowledge within a week past. I received a written notification from the Postmaster of the House that whenever I had any doubt as to the amount of postage which should be prepaid on any book or package I should write my initials upon it, so that it might be sent by the post-office to me to be corrected. In pursuance of that I paid the postage upon a report of the Comptroller of the Currency; I paid all that was necessary; and in obedience to the suggestion of the Postmaster of the House I put my initials up in the corner—my initials "W. T.," and the initials of my office "M. C." The report went to New York, and the postmaster there held it for postage. He wanted to charge my friend $2.31 for postage upon it, which he refused to pay. It remains there now, for the edification of the clerks of the post-office or to be sold as waste paper.

Mr. STOWELL. The object of the bill is to correct that.

Mr. KELLEY. There is a decision of the court authorizing the putting of initials upon a package.

Mr. PLATT, of New York. I ask the Clerk to read an extract, which I send to him, from the New York Commercial Advertiser of the 6th instant.

The Clerk read as follows:

A gentleman entered the post-office this noon with anger in his eye and a sealed package in his hand. The latter had been prepaid to the amount of forty-five cents, and $2.76 was marked as due. It was a United States Treasury document, and its value had thus reached $3.21. The indignant gentleman refused to receive the volume. Extra postage was charged because the package was not only tightly sealed but had the name of a Congressman upon it. For all the Department knew it might have been washing, jewels, or soap. Postmaster James acknowledged that it might be annoying, but pointed to a wrapper recently received by him whereon was marked "due twelve cents," because there was written in a corner "T. C. PLATT, M. C." Congressmen ought to repeal the odious rule in relation to writing the name of the sender in a wrapper, or cease to affix their signatures to documents. There is a huge heap of rejected packages at the post-office, on which fabulous amounts of postage are claimed that will never be paid.

Mr. STOWELL. In addition to this the bill authorizes any person to write inside of the book sent by mail a form of presentation. The signature of the giver is often of value to the receiver, and this bill simply authorizes a form of presentation, preceded by the word "from," not to convey any information beyond that. These are the principal features of the bill.

Mr. PLATT, of Virginia. I did not understand, from the reading of the bill, that it went any further than to permit persons to write their names on the outside of the envelope. I did not catch the portion that provides that there may be writing inside of the package also.

Mr. STOWELL. Nothing beyond the form of presentation.

Mr. PLATT, of Virginia. I am willing to vote for the first provision, but I do not think it would be prudent or wise to go beyond, so as to permit writing inside of the package. I would like to get an opportunity to vote upon the provisions separately, and if I can have the opportunity to do so, I would move to amend the bill by striking out the latter portion. I feel very deeply, in connection with other members of Congress, the necessity of some provision of law by which we can inform our constituents that we send them matter of this kind. In my case, only a short time ago, I made a purchase of a number of pamphlet copies of speeches made by members here, put the stamps upon them, and sent them to my constituents. But I could not notify them that I had sent them those speeches unless by writing a separate letter to that effect.

I believe the want of such a provision as this bill contains is felt by many members of the House so far as regards the superscription of printed mail matter; but many gentlemen here agree with me, I think, in doubting the propriety of going beyond that, and authorizing writing inside of mail matter that pays printed rates.

Mr. STOWELL. I call the previous question.

Mr. NEGLEY. I desire to say a word.

Mr. STOWELL. The committee have considered this bill fully.

Mr. PLATT, of Virginia. Does the gentleman from Virginia [Mr. STOWELL] allow the amendment I have indicated to be voted upon?

Mr. STOWELL. The committee have not authorized me to divide the question upon this bill.

Mr. G. F. HOAR. I wish the gentleman would allow me to have a vote upon an amendment, to add the following clause:

And no additional charge shall be collected for matter heretofore sent by reason of such writing.

Mr. STOWELL. I have no objection to allowing that amendment to be voted upon. I would accept it if I had the power to do so. I renew the call for the previous question.

The previous question was seconded and the main question ordered.

The question being taken on the amendment of Mr. G. F. HOAR, it was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STOWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

Mr. PACKER. The House has fixed Thursday next at half-past one o'clock for the consideration of the bill (H. R. No. 825) to provide for the distribution of public documents printed by the authority of Congress and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published. The Committee on the Post-Office and Post-Roads have instructed me to ask that the bill be reprinted, for the reason that all the copies already printed are exhausted, and also because the committee have agreed upon a slight amendment to the bill.

The SPEAKER. If there be no objection the bill will be reprinted with the amendment.

There being no objection, it was ordered accordingly.

INDIAN RESERVATION IN MONTANA.

Mr. AVERILL, from the Committee on Indian Affairs, reported a bill (H. R. No. 1922) to establish a reservation for certain Indians in the Territory of Montana; which was read a first and second time.

The bill was read. It provides that the following-described tract of country, in the Territory of Montana, be set apart for the use and occupation of the Gros Ventre, Piegan, Blood, Blackfoot, River Crow, and such other Indians as the President may, from time to time, see fit to locate thereon, namely: Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri River; thence up and along the south bank of said river to a point opposite the mouth of the Maria's River; thence along the main channel of the Maria's River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along the summit of the Rocky Mountains to the northern boundary of Montana; thence along said northern boundary to the place of beginning.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. AVERILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANNUITIES OF SEMINOLE INDIANS.

Mr. AVERILL also, from the Committee on Indian Affairs, reported a bill (H. R. No. 1923) authorizing the payment of annuities into the treasury of the Seminole tribe of Indians; which was read a first and second time.

Mr. AVERILL. The committee have unanimously instructed me to ask the passage of this bill.

The bill was read. It provides that the Commissioner of Indian Affairs, with the sanction of the Secretary of the Interior and the President of the United States, in distributing and paying annuities, interest, or other moneys now due or hereafter to become due to the Seminole tribe of Indians, under the provisions of the eighth article of the treaty between the Creek and Seminole Indians and the United States, concluded August 7, 1856, shall be authorized to expend the same for such objects as will best promote the comfort, civilization, and improvement of the Seminole Indians, or in his discretion, with the sanction of the Secretary of the Interior and the President, shall be authorized to pay such annuities, or any part thereof, into the treasury of the Seminole nation, to be used as the council of the same shall provide, instead of paying the same *per capita*, according to the terms of said treaty; provided that said agreement shall stipulate that the sum of $7,500 shall be annually appropriated out of said

annuity to the school fund of said tribe; and provided further that the consent of the tribe to such expenditures and payment shall be first obtained.

Mr. KASSON. I would like the gentleman to state what is the fund referred to in the bill as arising under the eighth article of the treaty.

Mr. AVERILL. There is a report accompanying the bill; but perhaps I can state the matter in fewer words. In 1856 a treaty was made with the Creek and Seminole Indians by the Government; and in that treaty there was a provision for the investment of $500,000, upon which the interest was 5 per cent., and that was to be an accruing revenue for these Indians, to be paid *per capita*. This bill provides, instead of paying that $25,000 *per capita*, it shall be paid into the Indian national council, to be disposed of at the discretion of the Secretary of the Interior and with the consent of these Indians. The object is this: The national council has already far advanced in the arts of civilization. It has established schools and churches. These Indians have taken to the pursuit of agriculture, and given up the chase almost entirely. Instead of allowing this money to be distributed *per capita*, it is provided it shall be under the control of this council, so that the money may not be improvidently expended. There are many other reasons which I might give, but which I deem unnecessary. It is sufficient to say these Indians themselves in council have expressed themselves favorable to the passage of this bill. They are represented here by chiefs and headmen, and ask that this shall be done. It is recommended by the Commissioner of Indian Affairs, and has the approval of the Secretary of the Interior. The peace commissioners also recommend it, and it is unanimously recommended by the Committee on Indian Affairs, from which I have the honor to report it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. AVERILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOAB SPENCER AND JAMES R. MEAD.

Mr. LOWE, from the Committee on Indian Affairs, reported back a bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians, with the recommendation that it do pass.

The bill, which was read, provides that the Secretary of the Interior be, and he is hereby, authorized and required to pay, or cause to be paid, to Joab Spencer and James R. Mead, late the firm of Spencer & Mead, the sum of $7,509.83, and interest on said sum at the rate of 7 per cent. per annum, from the 6th day of August, 1867, until paid, out of any money now due and owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians, in the State of Kansas, from the proceeds arising from the sale of lands owned by said tribe of Indians in said State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.

Mr. GARFIELD. I make the point of order that the bill must go to the Committee of the Whole House on the Private Calendar.

Mr. LOWE. I wish to say, Mr. Speaker, that this bill does not make appropriations of money from the Treasury of the United States, but merely authorizes the payment by the Secretary of the Interior, out of an Indian fund, of an obligation due by these Indians. I submit whether it is subject to the point of order.

The SPEAKER. It authorizes the payment of money out of some fund within the control of the United States, or else the United States could not order this payment.

Mr. LOWE. Undoubtedly.

The SPEAKER. Then it goes to the Committee of the Whole House on the Private Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar.

NORTH CAROLINA CHEROKEES.

Mr. BUTLER, of Tennessee, from the Committee on Indian Affairs, reported back a bill (H. R. No. 618) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, with amendments.

The bill, which was read, provides that section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, be amended as follows:

SEC. 11. That this section shall apply to and shall authorize suits against the administrator or administrators of any deceased Indian or Indians of said eastern band of Cherokees, and against the sureties on the bonds of such administrator or administrators, and shall apply to all controversies touching the rights and titles of the eastern band of Cherokee Indians of North Carolina, or any individual of said tribe, to any lands heretofore granted to them by the State of North Carolina, or by their late agent, William H. Thomas, or held in trust for them by him, or contracted by him to be conveyed to the said eastern or North Carolina Cherokees, or any individual of said band, or granted to or contracted to be conveyed to them by any other person, and to all causes of action arising from any wrong or injury done to the property or estate of said eastern band of Cherokee Indians, or to that of any individual thereof, or to the person of any individual of said eastern band of Cherokees, and that such suits in law or equity as may be necessary to establish the rights of the said eastern band of the Cherokee Indians of North Carolina, or the right of any individual member of said tribe to any such lands, and which may be necessary to remedy the other wrongs and injuries hereinbefore mentioned, may be had and maintained in the circuit or district court of the United States for the western district of North Carolina; and all the processes, pleas, and proceedings in such suits, and in the suits herctofore authorized by the eleventh section of the act to which this is an amendment, shall be returnable, cognizable, and determinable only in the circuit or district court of the United States for the western district of North Carolina.

The second section provides that the term "eastern band of the Cherokee Indians," as used in said eleventh section of the act to which this is an amendment, is declared to mean the people of the Cherokee tribe of Indians residing within the limits of the State of North Carolina, and by that name and style any right of action which has accrued, or hereafter may accrue, to the said Cherokee people as a tribe, or as individuals, may be prosecuted in the courts of the United States as provided in this act and in the eleventh section of the act to which this is an amendment.

The amendments were read, as follows:

Strike out the words "SEC. 11. That this," and in lieu thereof insert "said."

Add these words:

This act is not intended in any way to enlarge or abridge any rights, or interfere with the existing relations between the eastern band of Cherokees and the Cherokees residing west of the Mississippi River.

The amendments were agreed to.

The bill was, as amended, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEZ PERCÉ INDIAN RESERVATION.

Mr. HARRIS, of Massachusetts, from the Committee on Indian Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 1758) authorizing the purchase of six hundred and forty acres of land for a Nez Percé Indian reservation in the Territory of Idaho.

The bill provides in its first section that the title or interest which was granted by Congress to the American Board of Commissioners for Foreign Missions, by the act organizing the Territory of Oregon, passed August 14, 1848, or by the act organizing the Territory of Washington, passed March 2, 1853, to that certain tract of land, not exceeding six hundred and forty acres, occupied by the missionaries of said society as a mission station among the Indian tribes of Oregon, continuously, from 1836 until 1847, situated on Lapwai Creek and Clearwater River, on the Nez Percé Indian reservation, in the Territory of Idaho, shall be purchased by the United States, from whomsoever may be the owner or owners thereof, at a price not exceeding the cash value of the interest or title of said owner or owners in said land.

The bill provides in its second section that the price to be paid for said title or interest shall be ascertained and determined by agreement of the private owner or owners aforesaid and the Secretary of the Interior, or, in case said agreement is not made, the district court of the first judicial district of the Territory of Idaho shall have power and authority, and is hereby directed, to determine the nature and extent of said interest or title, upon the filing of a petition therein by the owner or owners aforesaid, and notice of sixty days or more served upon the Secretary of the Interior, under such rules as said court may prescribe, and shall proceed, by a jury, to assess the actual cash value of the title or interest of said owner or owners, and enter a judgment therefor in favor of said owner or owners against the United States, and shall decree that upon the payment of said judgment all of said title or interest shall be divested from said owner or owners, and shall be vested in the United States, and said decree shall operate as a complete transfer of said title or interest to the United States; provided that in any estimate or appraisal of the value of said title or interest herein provided for, the value of buildings or structures erected or placed upon said lands by or under the authority of the United States shall be excluded.

The bill provides in its third section that in case said value of said title or interest is determined by the agreement of the Secretary of the Interior and the owner or owners as above provided, the Secretary of the Interior shall draw a warrant in favor of said owner or owners on the Treasury of the United States for the said value, which shall be paid out of any money in the Treasury not otherwise appropriated; provided that said warrant shall not be drawn or paid until good and sufficient deeds, conveying said title to the United States, certified by the Attorney-General of the United States, shall be filed in the office of the Secretary of the Interior. In case said value be determined by the jury and court as aforesaid, the said court shall not enter a judgment except in favor of the person or persons who prove themselves the owner or owners of said title, and the Treasurer of the United States shall pay the person or persons in favor of whom the judgment is rendered the amount of the same, upon the presentation of the properly authenticated copy of the judgment of said court.

The question was on ordering the bill to be engrossed and read a third time.

Mr. HARRIS, of Massachusetts. This bill has had the fullest consideration on the part of the Committee on Indian Affairs, and is unanimously reported. The facts upon which it is based may be briefly stated.

In 1836 two missionaries, whose homes were in the State of New York, left, under the auspices of the American Board of Commissioners for Foreign Missions, and made the overland journey across the continent. One of these missionaries established his home in the Lapwai Valley, among the Nez Percé Indians; the other of them with a tribe one hundred and twenty miles further west, on the Snake River. They remained for a period of eleven years, teaching the Indians the practice of agriculture and the arts of reading and writing; reduced their language to a written tongue, printed in that language school-books and hymn-books to use in their worship, and raised them from being a wild, wandering band to a tribe having homes, schools, and a printing-press, cultivated fields, and flocks, and herds.

In 1847, just eleven years after their settlement, an Indian outbreak took place, and Dr. Whitman, one of the missionaries, with his wife and eleven other persons living at the station, was slaughtered, and about fifty other persons staying at the mission were taken captives by the Indians. Rev. Mr. Spalding, who occupied this land, was also held as a prisoner, saving himself from slaughter by the promise that he would protect the Indians from retaliation for the slaughter of Whitman. For several weeks he remained a captive. He was permitted by the tribe to send a message to Governor Ogden, of the Hudson's Bay Company, who came to his relief in December, 1847. Governor Ogden came to Walla Walla and opened communication with Mr. Spalding and his family. Mr. Spalding finally consented to leave his reservation, and did so on the 1st day of January, 1848, under the protection of fifty warriors of the Nez Percé tribe, they escorting him to Walla Walla and preventing him from being destroyed by the other hostile tribes.

In August, 1848, the Congress of the United States passed a law organizing the territorial government of Oregon. In that law they inserted, in the first section, the following provision:

And provided also, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, and improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong.

It will be perceived by the House that the reservation at that time, August, 1848, was not actually in the possession of the missionaries; that they had been driven out by force and by fear of destruction the winter before; but the buildings they had erected, the fields they had cultivated, the orchards they had planted, were the property of the missionary society. I think it could not well be said that the missionary society was not in legal possession, in August, 1848, of this six hundred and forty acres; but that there might be no doubt left on the subject, the Congress of the United States, on the 2d day of March, 1853, when it carved out of the Territory of Oregon the new Territory of Washington, and established its territorial government, provided as follows in the first section of the act:

Provided further, That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied, as missionary stations, prior to the passage of the act establishing the territorial government of Oregon, with the improvements thereon, be, and the same is hereby, confirmed to the several religious societies to which said missionary stations severally belong.

It would seem, Mr. Speaker, that the title to these six hundred and forty acres on the Lapwai Creek, reduced to cultivation by these missionaries, became the property of the American Board of Commissioners for Foreign Missions by the most solemn possible conveyance. But, sir, the Indian war broke out in 1847, raging until 1859; and in 1859 the United States got possession of the territory, and sent to the Lapwai mission a military officer, who came and took possession. The old missionary, Mr. Spalding, who had lingered in the valley of the Columbia from the day of the slaughter until 1859, presented himself to the United States officer, and asked to be allowed to return to his mission and his tribe, and to continue in the work of civilization. The United States officer denied his right, entered into possession, as he claimed, on behalf of the United States, and has ever since, under the authority, I suppose, of his superior officers, maintained an Indian agency there; and the Government has spent upon that property many thousand dollars, and to-day hold it from the missionaries. Mr. Spalding has, however, returned to the place, and has been allowed to teach these Indians under the employment of the Government of the United States, although all the officers there have refused to recognize any right in him or his society.

Now, Mr. Speaker, the bill simply proposes this: It proposes that if the Secretary of the Interior and the owners of these lands cannot agree as to the just amount which should be paid them for their title, whatever it is, the owner may appeal to the courts in the Territory of Idaho, within which this land is situated, by petition, and after having served it upon the proper officers of the United States, shall be allowed to have his title determined, and its value estimated by a jury of the vicinity.

I call the previous question.

Mr. WILLARD, of Vermont. Will the gentleman allow me to ask him a question? Has the committee made any investigation in respect to what it will cost the United States to extinguish the title?

Mr. HARRIS, of Massachusetts. They have been unable to determine what would be a fair value. If we could have determined that question we should have proposed in this bill to make an offer of that amount; but a difficulty has arisen there.

Mr. WILLARD, of Vermont. Did the committee make any approximate estimate?

Mr. HARRIS, of Massachusetts. No, sir.

Mr. WILLARD, of Vermont. I notice in the bill a provision that this purchase may be made by the Secretary of the Interior on agreement with the owner or owners. I would inquire of the gentleman what security there is that the agreement will be made with the real owners? Would it not be better to leave the whole matter to be settled by the courts?

Mr. HARRIS, of Massachusetts. The bill provides that no agreement between the Secretary of the Interior and the owners of this land shall have effect until the Attorney-General of the United States shall have approved of the settlement and satisfied himself of the nature of their title. I now move the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARRIS, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES L. JOHNSON.

Mr. COMINGO, from the same committee, reported a bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES PRESTON BECK.

Mr. COMINGO, from the same committee, reported a bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., deceased, authorizing payment for Indian depredations; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole on the state of the Union on the Army appropriation bill.

Mr. BUTLER, of Massachusetts. Will the gentleman yield to me for a moment, that I may ask unanimous consent for ten minutes for a personal explanation?

Mr. WHEELER. I yield for that purpose.

No objection was made.

PERSONAL EXPLANATION.

Mr. BUTLER, of Massachusetts. Mr. Speaker, for the second time, I think, in the course of a service of seven years in the House, I have deemed it due to myself to make a short explanation to the House. I should not do so now were my own personal rights alone involved; but as the matter to which I propose to call the attention of the House involves the action of two of the most important committees, as well as that of a high officer of the Government, I have thought it proper to have the facts fully understood. It has been represented that the Committee on the Judiciary has taken action in a grave matter before it with certain improper views and motives; and it has also been represented that the Committee on Ways and Means has been persistently approached, through myself, by the Secretary of the Treasury upon questions affecting more or less the propriety of his administrative action. As to both these topics I think I can establish in a moment that there is no particle of truth in either statement. I send to the Clerk's desk, and ask to have read, the extract I have marked in the New York Herald of Saturday last.

The Clerk read as follows:

The House Committee on Judiciary, it is understood, have agreed to report at the earliest practicable moment, the bill of Representative MOREY, of Louisiana, for the establishment of two United States district courts in the State of Louisiana in lieu of Judge Durell's present court. This bill geographically divides the State at the Mississippi River, and provides that the first district court be held in New Orleans, and the second district court at Monroe and Shreveport. It also abolishes Judge Durell's court and his vulnerable officials, and is looked upon by many as a compromise to prevent any further proceedings in the Durell impeachment, although it is rumored that Messrs. WILSON and ELDREDGE, the sub-committee charged by the Judiciary Committee with the investigation of Durell's affairs, have unanimously agreed upon a report in favor of appropriate articles of impeachment, which will be presented to the House Judiciary Committee on Monday next. Hence, as chairman, General BUTLER is anxious to push the Morey bill to a successful conclusion in the House before action is had on the Durell impeachment articles. Messrs. Norton, Barrett, and Billings are much pleased at the turn which the Durell case has taken, and express great hope for the success of the Morey bill, and Norton believes that he can secure his retention in his present position as assignee in bankruptcy by the judge who will be future incumbent of the Orleans district.

Mr. BUTLER, of Massachusetts. Now there is not in that paragraph one word of truth.

In the first place, the Committee on the Judiciary have never considered the Morey bill. It was referred to us as I learned this morning for the first time. And in the distribution of our business to sub-committees we referred it to my learned colleague, the gentleman from Alabama, [Mr. WHITE,] who has never made any report upon or brought it before the committee for consideration.

In the second place, I am instructed by the chairman of the sub-committee, the gentleman from Indiana [Mr. WILSON] who is not now in his seat, but for whom I have sent, that the sub-committee on the impeachment of Judge Durell have come to no determination whatever in regard to his case; and there has been no consideration of it in the committee for the reason that the evidence has not yet been printed or brought before the committee; and therefore it must have been a concoction of some party who desired to bring the administration of the Government and the action of Congress, through its Committee on the Judiciary, into contempt, especially imputing as the motive of the chairman of that committee inducing him to endeavor to give precedence to the Morey bill in order to stave off the impeachment of Judge Durell. Sir, I never knew till this morning that the Morey bill was before the committee at all, except as I was informed by this newspaper.

Before I proceed further, I desire to send another extract, in regard to the Committee on Ways and Means, to be read, so that the two statements of my supposed delinquencies may be considered together by the House. It is from the New York World of Thursday, February 5, 1874.

The Clerk read as follows:

General BUTLER is hard at work to save his friends in the Revenue Department whose heads are in danger on account of the arrest of Sanborn and others in Brooklyn. He went before the Committee on Ways and Means to-day and made an argument in favor of rescinding the resolution calling on the Secretary of the Treasury for information about the iniquitous contracts under which Sanborn has been receiving 50 per cent. of the taxes he has collected. The general is anxious to shield his friends, and appears practically as the attorney of the Treasury Department. It is understood that the committee is inflexible, and will insist on knowing how much money Sanborn and Kelsey got, and from whom it has been collected. The Secretary of the Treasury sends some one to the committee every day now about this matter, and meanwhile holds back the information, hoping that it may be concealed altogether.

Mr. BUTLER, of Massachusetts. I now desire to say that I never was before the Committee on Ways and Means on that question at all. I never spoke to either one of them, or to them collectively, upon that or kindred subjects. Those of them who are here now know whether what I state is the fact. I have never spoken to a member of the House on the subject, except to one gentleman who sits near me and who is somewhat interested in the matter, as I suppose, through neighborhood feeling, and I spoke to him only in answer to a question; yet a similar statement has been also published in the New York Tribune, and an article was published in that paper which I send to the Clerk's desk to have read.

The Clerk read as follows:

The Ways and Means Committee have had further conversation to-day in regard to the Sanborn contracts, and in spite of General BUTLER'S attempt to have them held back, still insist that they shall be forthcoming. Sanborn himself, in all the matters, has acted within his contract, but many awkward questions will remain to solve between the Department, the Secretary's Office, and the office of the Commissioner of Internal Revenue, since all the money collected under the contracts has been covered into the Treasury direct, and the receipts of internal revenue have not been credited with it. There have been but few prosecutions under these contracts, since they contain a clause giving the Secretary discretion in the matter of instituting all suits. Mr. Sanborn had, in addition to his contracts, an order from Secretary Richardson to all revenue officers to render Sanborn such assistance as he might require, and this resulted in the regular officer doing the work and those holding the contract receiving half collected.

Mr. BUTLER, of Massachusetts. I desire now further to say that I never spoke to the Secretary of the Treasury in regard to Mr. Sanborn having or not having a contract until this morning, when I asked him if he had seen these articles in the papers. So much is there of truthfulness in the New York papers.

I have an extract that I desire to have read from a Boston paper. I did go before the Committee on Ways and Means upon a matter of public interest, and I am certain that what I said to them was or was not appreciated by them, and for the present purpose it is quite immaterial which. I ask the Clerk to read the extract I have marked from the Boston Globe.

The Clerk read as follows:

We tried to say, in a brief editorial paragraph in yesterday's Globe, that General BUTLER'S argument in favor of the seizure of books and papers on suspicion hardly deserved serious consideration, but the types perversely made us say just the contrary.

Mr. BUTLER, of Massachusetts. By accident, you see, that newspaper told the truth, but took it back the next day. [Great laughter.] Now what that argument was, what it was about, as there was nobody in the room but the committee, the editor could not and does not know. He could not know whether it was a good, bad, or indifferent one, or whether it was deserving of consideration or not. And yet you have heard his *ex cathedra* opinion published about that of which he could and did know nothing.

I have felt it to be my duty to myself, I feel it to be my duty to the House, and to the country, and to the proprietors of these newspapers themselves, if these gentlemen who publish them have any sense of honor or propriety, that they should authoritatively know the lies—pardon me, I take that back—the fabricated stories which they pay to have sent over the wires every night and publish to the world as the proceedings here. I assume that they do not know that they are mere fabrications, and therefore they published them. Now, knowing exactly how false these statements are, we shall see whether they really desire to disseminate true or false intelligence about the Congress of the United States.

I have no word of characterization of these studied false reports in the "great metropolitan journals." I am afraid that if I should designate them as I think they should be designated, if I should characterize them in the words with which they deserved to be characterized, I should exceed the bounds of parliamentary propriety, and then we should read essays of accusation upon the blackguardism of the House. But I suppose it is permitted to me to use in this regard the very words which the press have declared to be proper on such occasions, which they, our instructors, have told us is proper language to characterize such statements, which were used by one whom they attempted to make President, and whom they have canonized for his good qualities, when in answer to a statement in the New York Times by Lieutenant-Governor Raymond, he replied, "You lie, you villain; you know you lie." [Great laughter.]

Mr. WHEELER. I now renew my motion to go into Committee of the Whole on the Army bill.

Mr. MOREY. I ask permission to make a brief personal statement. I will not take more than two minutes, I think.

Mr. WHEELER. I will give the gentleman two minutes, or five minutes, but it must go no further.

Mr. MOREY. I was not aware, until I heard this article in the Herald read, that I was considered the especial champion, either by bill or otherwise, of Judge Durell. The bill referred to as the "Morey bill" creating a new judicial district in Louisiana, does not abolish the old one, and does not abolish Judge Durell. It is the same bill, identical in all its provisions, merely changed by including some parishes which have been created since, that was passed without dissent through this House both in the Forty-first and Forty-second Congresses. It is a bill which was reported in the Forty-first Congress by Judge KELLOGG, of Connecticut, and in the Forty-second Congress by Judge WILSON, of Indiana, and was reported unanimously by the Committee on the Judiciary, and passed by the House in both Congresses. That was the same identical bill which is now before the Committee on the Judiciary.

FIRST NATIONAL BANK, OF WASHINGTON.

Mr. BECK, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and adopted:

Whereas the First National Bank, of the city of Washington, recently became insolvent, and is now in the hands of a receiver, in consequence, as it is alleged, of lending to or placing in the control of a single firm the whole of its capital stock, as well as a large portion of the money of its depositors, which, if true, is in palpable violation of the national-banking act; and whereas the circumstances attending the failure of said bank, and the character of the management under which so gross a violation of the law, if said statements are true, could have taken place, demand an investigation, to the end that remedies may be applied to guard against like frauds in the future: Therefore,

Resolved, That the Committee on Banking and Currency be instructed to examine into the condition of said bank at the time of its failure, and into its prior transactions and general management; that they have power to send for persons and papers, to administer oaths, and to report by bill or otherwise.

IMPROVEMENT OF SAGINAW RIVER, MICHIGAN.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, in answer to a resolution of the House of February 4, 1874, transmitting a report of the survey and an estimate of cost for the improvement of the Saginaw River, in the State of Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

WAR CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting reports of the Quartermaster-General and Commissary-General of Subsistence, giving their views upon certain classes of claims growing out of the late war; which was referred to the Committee on War Claims, and ordered to be printed.

TREASURY CONTRACTS FOR RECOVERY OF TAXES, ETC.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of January 27, 1874, transmitting, in compliance with the act of May 8, 1872, contracts made by the Treasury Department under said act.

Mr. DAWES. I move the reference of this communication to the Committee on Ways and Means.

The motion was agreed to.

LAND GRANTS TO RAILROAD COMPANIES.

Mr. KENDALL, by unanimous consent, introduced a bill (H. R. No. 1926) in relation to lands heretofore granted to railroad companies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPORTATION OF CONTAGIOUS DISEASES.

Mr. BROMBERG, by unanimous consent, reported back from the Committee on Commerce the bill (H. R. No. 1584) to prevent the importation of contagious or infectious diseases into the United States, and moved that the same be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was presented to the House by Mr. BABCOCK, one of his secretaries.

ARMY APPROPRIATION BILL.

On motion of Mr. WHEELER, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. KELLOGG in the chair,) and resumed the consideration of the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The Clerk resumed the reading of the bill, and read the following:

SEC. 2. That all balances of appropriations, for whatever account, made for the service of the Department of the Quartermaster-General, which at the passage of this act shall remain undrawn upon the books of the Treasury, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations, shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts pending in his office, and except the balances remaining from such appropriations for the fiscal years ending June 30, 1873, and June 30, 1874, respectively, shall be carried to the surplus fund.

Mr. WHEELER. In order that the subject-matter embraced in sections 2, 3, and 4 may be considered as a whole, I propose, when we come to the fourth section, to move the following amendment:

Provided, That all such claims now pending and undetermined in the Department of the Quartermaster-General and the Department of the Commissary-General of Subsistence shall, on the passage of this act, be transferred to the said commissioners of claims, and such transfer shall be regarded as presentation within the meaning of this act.

I desire to make a correction of a statement which I made in the opening discussion upon this bill—that these claims are now heard solely by the Quartermaster-General and Commissary-General, and that there is no power of review excepting a mathematical review. In that I was mistaken. The Third Auditor of the Treasury tells me that he exercises the right of rejecting these claims or reducing their amount when he thinks improper allowances have been made.

While upon the floor I wish to make one further correction. I stated the other day, in reply to some remarks from the gentleman from Connecticut, [Mr. HAWLEY,] that the acting Quartermaster-General advised and assented to the amendment which I offered in regard to the use of old clothing by the Army. That officer tells me that he did not intend to go to that extent; that while he furnished me with a list of articles which he said might be used, and also gave me a statement of their value, he did not think it was his province to advise that they should be used, and he did not wish to be so understood. I desire that this most excellent and efficient officer should have the full benefit of this explanation. He says he intended to leave to me the responsibility of recommending the use of that old clothing; and I am willing to assume the responsibility.

Mr. WHITTHORNE. Will the gentleman allow me to ask him a question or two?

Mr. WHEELER. Certainly.

Mr. WHITTHORNE. In the first place, I wish to inquire whether the sense of the House upon this subject cannot be obtained by moving to strike out these sections, thus bringing up the whole question. I desire to make that motion, if it be in order, with the view that if the House should refuse to strike out the sections, they may then be amended so as to authorize different rules of evidence and an extension of the period of time in which claims may be filed.

Mr. WHEELER. The motion to strike out can apply only to the pending section. Of course the motion to strike out that section is in order.

Mr. WHITTHORNE. Then I make the motion that the pending section be struck out. In submitting this motion, I wish to say, coming from a section of country largely interested in a number of claims now pending before the Quartermaster-General and the Commissary-General, that in the opinion of these claimants they have a fairer and a better chance of being heard and having their claims acted upon, and I will add, they believe they will be more justly dealt with before those officers than before the board of southern claims commissioners.

Nearly all the olaims pending in the Quartermaster-General's and the Commissary-General's offices have made considerable progress. They have been examined in a very great measure, and they are now almost ready for final action. To take them from these offices and throw them before this court is to postpone and delay action. Then sir, I apprehend when they do go before this board of southern claims commissioners, different rules of evidence, at least a different spirit, will characterize that board from the action of the officer at the head of the Commissary-General's and the Quartermaster-General's offices. I have to say on the part of the people whom I in part represent that they are satisfied with the spirit of fairness and justice now prevailing in these two offices. They are not satisfied with the spirit which prevails in the board of the southern claims commissioners. With that board it seems to be a rule first to believe the claim when presented is not founded in merit. Then, after having passed that, they set a rule of damages as to the value of the property, which does injustice to the people of Kentucky and Tennessee. In this their rule of action seems first to obtain the value of a given amount of property, as it were, where trade was uninterrupted, and without any embarrassment whatever, and, having ascertained that, then they strike a balance, as it were, one-half of that value, and render their judgment accordingly.

Then again, Mr. Chairman, taking what the board of southern claims commissioners has already done or accomplished, we see, if you put this additional amount of toil on them, this additional examination, the grandchildren of these claimants may be petitioners before the Government for payment of what the Government justly owes them. There can be no action on them during the life-time of the present claimants unless you increase the board. This delay is unjust, therefore, to those parties who have suffered incidentally through the war, suffered really by the loss of their property, that loss being the use the Government has made of it. They are entitled to speedy compensation; not to have delayed action. They are entitled to present pay. You have taken, and you have used, their property, and you are not paying interest on that debt. It is unjust and unfair to them. Therefore, sir, it is that I, as one of the Representatives from the State of Tennessee, am opposed to this transfer, and hope the House will strike out that section.

Mr. WHEELER. I did not make the point of order on the gentleman from Tennessee while he was upon the floor, but he has been discussing the fourth section of the bill, and I will answer what he has alleged when we reach that section.

Mr. BECK. Allow me to say a word or two.

Mr. WHEELER. Certainly.

Mr. BECK. Mr. Chairman, I wish to say a word or two at this point. I hope the committee will consent that the second, third, and fourth sections be considered together.

Mr. WHEELER. I have no objection to that at all.

Mr. BECK. They are all parts of one plan. The second section requires the Commissary-General to pay his balances into the Treasury, the third section requires the Quartermaster-General to pay his balances into the Treasury, and the fourth section provides for the court by which these balances, which are used to pay claims, shall be disposed of. Until we have all these subjects before us it is hardly possible to determine properly what action shall be taken in regard to any of them.

I wish to say, in addition, I disagree with what the gentleman from Tennessee [Mr. WHITTHORNE] has said. I believe all the balances in the hands of the Quartermaster-General and the Commissary-General should be paid into the Treasury of the United States, only to be paid out by the decision of a court.

I believe, however, the fourth section ought to be amended by a substitute which I hold in my hand, or something like it, referring all these matters to the Court of Claims. That is a court of the United States, where evidence can be laid before it; where books and papers can be produced; where men can get justice, and no favoritism can be allowed without its being exposed. I object to the present system of requiring claimants to go before the Quartermaster-General or the Commissary-General, because there is no law to govern them but their own will and such regulations as they see fit to make. There are no legal means of examining into evidence which may be controverted if untrue; no means of requiring these officers to show what evidence has been produced in opposition to any claim; and when the question comes to be discussed, I think I can show that there has been more corruption, that there has been more wrong done to claimants appearing before these departments—I make the statement without imputing any wrong to the officers themselves—than by any other system that can be well suggested. I know that corrupt men have gone before them and thrown obstacles in the way of the payment of claims, tying them up so that payment had to be denied; and when the patience, hopes, and resources of claimants were exhausted, these same men have come in and removed the obstacles which they themselves placed in the way of the payment of the claim, after the claimant, in despair, had agreed to pay them one-half or two-thirds of whatever sum of money should be collected.

I want to pass laws to render these things impossible, by requiring all claimants to go before the courts of the country, where equal and impartial justice can be openly administered under rules applicable equally to all. It will be better for the Quartermaster-General, better for the Commissary-General, and better for the country, that these things should go before the law tribunals of the country, and there be decided, where claimants and the people can see what has been done; where the United States can be represented; and where all objections can be answered. When we come to the fourth section, believing that this southern claims commission is not the proper tribunal to accomplish the reforms I desire to see established in this regard, I will endeavor to offer a substitute, referring all these claims to the Court of Claims, and will ask a vote upon it. I want to have it read for the information of the committee.

Mr. WHEELER. I will say to the gentleman from Kentucky [Mr. BECK] that the Committee on Appropriations will be just as well satisfied by these claims going to the Court of Claims as by their going to the commissioners of claims. Their idea as to this is the same as that of the gentleman from Kentucky, that the claims should have a judicial determination.

Mr. BECK. Will the gentleman allow the substitute which I have prepared for the fourth section to be read now?

Mr. WHEELER. I have no objection.

The Clerk read as follows:

SEC. 4. That all claims of citizens, not now pending before the southern claims commission, who remained loyal adherents to the Government of the United States, for stores or supplies taken or furnished during the rebellion, for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military or naval service of the United States, or for property used for military purposes, including any such claims now pending and not finally disposed of in any Department of the Government, shall be presented within one year from the

passage of this act to the United States Court of Claims, which court shall have jurisdiction of the same; and all such claims which shall not be presented within the time herein specified shall be barred, and shall not be entertained without further authority of Congress: *Provided*, That where the claimant is a minor, or *feme-covert*, or person laboring under any other disability at the time of the passing of this act, then every such person shall have one year and no more, from the date of the removal of such disability, in which to present such petition.

Mr. THORNBURGH rose.

The CHAIRMAN. Two amendments are pending, and debate on them is exhausted.

Mr. WHITTHORNE. I withdraw my amendment.

Mr. WHEELER. I think we should understand where we are. We have been considering the third section. Is it the understanding of the committee that the third and fourth sections shall be considered as pending together?

The CHAIRMAN. The Chair had recognized the gentleman from Tennessee, [Mr. THORNBURGH.]

Mr. THORNBURGH. I do not approve of the sections as they stand in the bill, nor yet of the substitute offered by the gentleman from Kentucky, [Mr. BECK.] I believe that neither of those propositions will do justice to those who have claims pending. I believe they will do great injustice to those having claims pending in the departments of the Quartermaster-General and Commissary-General, causing them much delay, and that they will result in the end in the repudiation of a large number of these claims. If they are to be transferred to the Court of Claims, attorneys are to be employed, new evidence is to be taken to conform to the rules there prescribed, and new expenses will be incurred; and many of these claims are for amounts so small that they will not justify the incurring of these expenses on the part of claimants who have been for years and years since the war attempting to get their claims adjudicated by the Departments of the Government.

There is this day a large class of claims pending in the Quartermaster-General's Department, and I have his authority, in the evidence taken before the House Committee on Military Affairs, for saying that decisions will soon be made if no such transfer shall take place. If by this bill you transfer them to the claims commissioners, the result will be that large numbers of the claims of which the Quartermaster-General takes jurisdiction, under the act of March 4, 1871, will be excluded, repudiated, thrown aside, and will not be paid, simply because you have made this transfer.

To make my meaning plainer, I will say that the act of March 3, 1871, gives jurisdiction only of claims of persons remaining loyal through the war; and they hold that any disloyal act committed through the entire war is an act by which their claims are barred, so that they can get no relief. This is not the rule in the Quartermaster-General's Department. If a man came forward and took the oath under any of the proclamations of the President, and remained loyal after taking that oath, and furnished supplies to the Government of the United States after he had taken the oath, he is a loyal man, within the act of July 4, 1864, and his claim is allowed. Now, sir, what is to become of every single claim of this character if this transfer be made? Every one of them, by the rules established by the precedents of adjudications made by the claims commissioners, is thrown aside, and every claimant is left without any remedy for the debt the Government owes him.

Again, Mr. Chairman, this change will result, in my judgment, in causing still further and longer delay in the payment of these claims. Many years have elapsed since these debts were incurred. Claimants have been at the expense of getting up their evidence and employing their agents in attempting to get their claims passed upon by some tribunal. They have not as yet succeeded, and the consequence is this, that there are nearly twenty thousand claims before the southern claims commission, and twelve thousand before the Quartermaster-General's and Commissary-General's Departments; and every committee of this House which has to do with such claims has its committee-room flooded with them. Well, sir, if we transfer these and increase the number of claims to be decided by the claims commissioners, when will they ever be decided?

I hope this bill, in the shape it now is, will not be passed. If we are to have legislation on this subject, let the question come before the Committee on War Claims, let it be discussed, and let justice be done, not only to the Government, but to the men who furnished supplies to our armies when cut off from transportation—supplies which were either taken without pay or were furnished by loyal men in order that our armies might go on and conquer the rebellion.

Mr. WHEELER. I desire to reply for a moment, at this point, to some of the objections made by the gentleman from Tennessee. I have looked over the speech which he made on Saturday last on the subject of war claims, and I see that he has fallen into error as to the work done by the claims commission. He said that during the first year they disposed of only one hundred and eighty claims.

Mr. THORNBURGH. I said that altogether they had disposed of less than five hundred.

Mr. WHEELER. Now I desire to show the comparative speed made in the settlement of these claims before the Departments and the claims commission, and to present a simple statement as to the work done by those tribunals.

Mr. SENER. I would ask the gentleman if he proposes to accept the amendment of the gentleman from Kentucky?

Mr. WHEELER. I have said this, that it is entirely immaterial to me or the Committee on Appropriations whether you send these outstanding claims to the Court of Claims or to the commissioners of southern claims—entirely immaterial. I am not prepared to accept the amendment of the gentleman from Kentucky as it was read, although I might agree to it with some modifications; but as to the tribunal, it is entirely immaterial whether these claims go to the Court of Claims or to the commissioners. We want simply that all these claims shall have a judicial hearing and determination.

Now, the gentleman from Tennessee states that there are a great many cases now ready. I ask the gentleman a simple question in the rule of three. The Quartermaster-General states in his report that last year he disposed of 567 claims. I ask the gentleman how long at that rate it will take him to dispose of the 11,347 claims yet remaining unsettled? Sir, it would take him eleven and a half years at the same rate of speed at which he progressed last year.

Mr. THORNBURGH. I would ask the gentleman if he is not satisfied that the claims already filed before the claims commission will take them at least five years to decide?

Mr. WHEELER. I am not satisfied of that fact. I know, and does not the gentleman from Tennessee know, that hundreds of these cases never progress beyond the mere filing, and it is a mistake to assume that they have all to be thoroughly examined. I believe that the claims commission can, within the next five years, dispose of every claim which shall be brought before them.

Mr. THORNBURGH. Then, sir, if the claims now pending in the Quartermaster's Department are referred to the commission, will they not at the end of the next five years have five thousand cases undisposed of?

Mr. WHEELER. I say that it will take the Quartermaster-General eleven and a half years to dispose of the cases already on file at the rate at which he is progressing.

Mr. THORNBURGH. At the end of five years there will be five thousand claims undisposed of before the commission, if you adopt this amendment.

Mr. BUTLER, of Massachusetts. I rise simply to ask a question of my friend who has charge of the bill, and it is this: whether these claims which are to be so transferred cover claims for the rent of buildings used by the Army?

Mr. WHEELER. They do not.

Mr. BUTLER, of Massachusetts. I have long been of the opinion that that class of claims is one of the most meritorious and most easily ascertained as to its validity of any of the claims made for the use of property during the war. If a man comes and says that his property was taken and is gone, you must depend upon the testimony of living witnesses, or dead ones, as to what the value of the property was when taken. But in the case of the rent of a building belonging to a loyal man the building is always there to show for itself what it is worth and what its probable worth was during the war, and yet we never have provided for that class of claims.

Mr. WHEELER. I would say to the gentleman that under an old act of 1818, the Quartermaster's Department is paying claims for rent. They never took jurisdiction of them under the act of 1864, but they are doing so under the act of 1818, and this bill does not disturb that class of claims. In addition to that, notwithstanding the act of 1864, the Court of Claims takes jurisdiction of claims for rent.

Mr. BUTLER, of Massachusetts. Not in disloyal States; and I am speaking of them. I have a case in my mind of an officer in the Navy of the United States, who was on board our fleet doing his whole duty. He owned a house in the South which he was very glad to have occupied by the troops of the United States, and yet he says he can find no tribunal where he can get a hearing for the rent due him.

Mr. WHEELER. Many claims of that sort are decided by the Quartermaster's Department under the act of 1818.

Mr. BUTLER, of Massachusetts. Pardon me; he has been to the Quartermaster's Department, and they say they cannot pay any claim for rent except where there was a contract for it. There is the trouble. Therefore all these claims are not provided for anywhere. And I would suggest that if we are going to send all these claims in the Quartermaster-General's Department to the southern claims commission, that would be a subject which it would be well enough to consider.

Mr. WHEELER. It has not been the purpose of the Committee on Appropriations to enlarge the jurisdiction of the southern claims commission through an appropriation bill. If it ought to be done it should be done by a bill from the appropriate committee.

Mr. BUTLER, of Massachusetts. I only called the attention of the committee to the subject. I do not suppose it would be proper to move such a provision as an amendment to this bill.

Mr. HEREFORD. I rise for the purpose of making a few remarks in support of the original proposition submitted by the gentleman from Tennessee [Mr. WHITTHORNE] to strike out section 2 of this bill, and to give my reasons for that support. Those reasons cannot properly be given unless sections 2, 3, and 4 are considered together. Section 2 takes away a certain fund now in the control of the Quartermaster-General for the payment of claims, and section 4 transfers that class of claims from the Quartermaster-General's Department to the claims commission. I am opposed to the transfer of the fund, and I am opposed to the transfer of these claims from the tribunal where they now are to any other tribunal whatever.

I think it is very illiberal in a great Government like ours, that has

once said to our creditors, "Go before a certain court, present your claims, and if properly proven and they are just and right we will pay them;" and after they have been before that tribunal for years and years, and have expended money and time in the presentation of their claims, I think it is illiberal for the Government then to say that it will arbitrarily, and contrary to the wish of its creditors, transfer those claims to another and a different court. I think it is nothing but right and proper that the members of this House should at least consult the wishes of the creditors of the Government in this respect. In the first place, the Government fixed the tribunal before which these creditors should go. They were told to go there; they did go; and having done so, I think it but right and proper that this House should now consult the wishes of those creditors.

The State which I have the honor in part to represent, during the war was run all over and devastated in every part by both armies, Federal and confederate—whole towns were destroyed, churches burned, bridges burned, and a vast amount of property taken and destroyed—yet she never has been repaid one dollar for any part or portion of her loss. The loyal citizens who were taxed to carry on the war, who were taxed to support the Government, from whom were taken supplies for the Army—horses, provender, corn, wheat, and other supplies; whose fences were burned by the Army—have been invited to go before the Quartermaster-General and present their claims, and they were told that if proven they should be allowed. Now, after they have been at this expense for long years, this bill proposes to transfer them arbitrarily to another court. It is shown by the report of the commissioners of claims that there are now before that commission undecided, seventeen thousand claims. They have been deciding them only at the rate of seventeen hundred a year. If they go on at that same rate it will take that southern claims commission, to dispose of the claims now before it, more than ten years. And if you add to them the claims now before the Quartermaster-General, you might just as well confiscate those debts due to the loyal men of the border States, and tell them to go out of court altogether.

Many of the claims have already passed the Quartermaster-General. He has given them his sanction and sent them to the Third Auditor. Nearly all of them are in the process of settlement. Hundreds and thousands of them in a short time will be settled; these men will receive their money if they are allowed to remain where they are now. But transfer them to the southern claims commission, and these men will have to employ other attorneys and go to additional expense, and they might as well abandon their claims at once. You might as well confiscate into the Treasury of the United States the thousands of dollars that belong to loyal men for property taken from them during the war. In their name I protest against this transfer, and desire that their claims may remain where they now are.

[Here the hammer fell.]

Mr. HURLBUT. Mr. Chairman, this debate seems to be taking somewhat of a wide range. The proposition now under consideration seems to be involved in three sections, and on them I desire to say a few words, and to call the attention of members to the proposition that is really made by these three sections.

Whether we gave this jurisdiction to the Quartermaster-General and the Commissary-General wisely or not is a question that I do not now care to go into. But I do say, with a knowledge, too, of the character of the tribunal, that you require of these military officers the performance of judicial duties without giving them judicial appliances. You require them to sift evidence, and you give them no means to compel evidence. You require them to pass upon the question whether a man is a creditor of the United States under the law, and you give them no means of compelling testimony for the United States before either the Quartermaster-General or the Commissary-General. The whole thing is wrong all the way through. It is a duty placed upon these officers which does not belong to them, which has no connection with their offices, and which they cannot possibly intelligently and fairly perform.

And I state here, and every gentleman who has had anything to do with these officers will bear me out in this statement, that these claims are not passed upon by either of these officers, but are determined in all material points by the clerks in their offices. That is the danger and difficulty in this transaction. That men who claim to be creditors of the Government should have the right to a speedy and impartial hearing is unquestionably true; but it is also true that the United States should have on their part the full opportunity of being heard, of compelling testimony whenever it may be necessary, and of having judicial determination upon the facts thus presented. That is the reason the proposition to transfer all these claims as they stand from these two branches of our military service to a court——

Mr. E. R. HOAR. Will the gentleman allow me to make a suggestion?

Mr. HURLBUT. Certainly.

Mr. E. R. HOAR. Although I agree with the gentleman in his argument, I think it is based on a mistake of fact. There is a provision in the law for these Departments taking testimony, and, on applying to the Department of Justice, having counsel for the United States. To be sure this provision is never practically called into use; it is a circuitous mode of proceeding, and I agree with the gentleman that it is not a sufficient provision. I merely wished to remind the gentleman that there is such a provision.

Mr. HURLBUT. There is, as my friend states, the possibility under the law of a resort to that roundabout method. But, as a matter of fact, the claimant and the defendant are never brought face to face in equal right. All the elements of a court are wanting.

I do not care particularly to what tribunal these cases may go; but let it be a daylight tribunal where men shall present their claims openly and where public notice shall be taken of them; so that officers, for example, who may happen to have commanded in that region of country shall know the men who claim to be creditors of the United States, sometimes honestly and sometimes fraudulently. I have had some of these cases referred to myself by the officers of the Quartermaster's Department; and I know something of the mode in which business is done there. Besides, there exists a constant temptation—a temptation to which it is not wise to subject any man—arising from the possibility of collusion between fraudulent claimants and the inferior clerks in the office. In this respect especially the present system is dangerous and wrong. No man who has an honest claim against the Government ought to object to the most thorough investigation of that claim in the most public, open, and notorious manner.

[Here the hammer fell.]

Mr. SPEER. Mr. Chairman, I have sought the floor to say a word on this provision of the Army appropriation bill for the reason that a large number of my constituents have unsettled claims against the Government.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. HEREFORD. I withdraw my amendment; the gentleman from Pennsylvania [Mr. SPEER] can renew it.

Mr. SPEER. I have an amendment which I propose to offer—an amendment to the amendment of the gentleman from Kentucky, [Mr. BECK.]

The CHAIRMAN. That amendment is not in order until we reach the fourth section. The Chair would suggest that no amendment be sent up until the section to which it applies is reached, as a contrary practice creates confusion with the clerks.

Mr. SPEER. Perhaps the reading of the bill had better be proceeded with until we come to that part where the amendment will be in order.

Mr. BECK. Yes; let the sections be considered together.

The Clerk read the third and fourth sections of the bill, as follows:

SEC. 3. That all balances of appropriations, for whatever account, made for the service of the Department of the Commissary-General of Subsistence, which at the passage of this act shall remain undrawn upon the books of the Treasury, except such as the Auditor of the Treasury whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts pending in his office, and except the balances remaining from such appropriations for the fiscal years ending June 30, 1872, June 30, 1873, and June 30, 1874, respectively, shall be carried to the surplus fund.

SEC. 4. That all claims of citizens who remained loyal adherents to the cause and Government of the United States during the war for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military service of the United States, including any such claims now pending and undetermined in any Department of the Government, shall be presented before the 1st day of November, 1874, to the commissioners of claims created by act of March 3, 1871, who shall have exclusive jurisdiction to hear and determine the same. And all said claims which shall not be presented to said commissioners on or before said day shall be barred, and shall not be entertained without further authority of Congress: *Provided*, That nothing herein shall be deemed to affect or impair the limitation for the time for the presentation of petitions prescribed by section 2 of the act of March 3, 1873. Such commissioners shall, under the provisions of the act of March 3, 1871, and the acts in amendment thereof, receive, examine, and consider the justice and validity of such claims as shall be brought before them, and shall make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

The CHAIRMAN. For the fourth section the gentleman from Kentucky offers a substitute.

Mr. WHEELER. I do not want to get into any confusion, or let the Committee of the Whole get into confusion; therefore I ask, is it understood that the committee have passed the second and third sections?

Mr. BECK. No, sir.

Mr. SPEER. I understood that the committee were considering the sections together.

Mr. WHEELER. I have no objection to the sections being considered together, but I wish them to be acted upon separately. I understand the pending question to be on an amendment to strike out the second section.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. HEREFORD] insist upon his amendment to strike out the second section?

Mr. HEREFORD. Yes, sir; I desire a vote upon that amendment.

Mr. SENER. Mr. Chairman, it strikes me that the legislation upon this subject, as proposed in the bill, is unjust both to the loyal citizen in a loyal State and to the loyal citizen in what was known as the disloyal States. According to an official paper which I have before me, there have been presented at the Quartermaster-General's Office some thirty-two thousand claims, of which twenty thousand have been passed upon, leaving about twelve thousand to be considered in that Department. Now, the effect of the legislation proposed in this bill will be to apply two different rules—to allow the loyal citizen, who has presented his claim and had it audited and determined, to get his pay, while the loyal citizen who has not had the opportunity

to present his claim must go before a board of claims commissioners where a lawyer is essential to the prosecution of any claim, while before the Quartermaster-General's Department any citizen may go and have his claim properly heard and considered.

I have investigated this matter somewhat; and I am assured that in the examination now given to these claims before the Quartermaster-General and the Commissary-General, the most ample investigation is made; that the officers in the respective districts where the supplies are said to have been taken are notified to make the strictest investigation. In confirmation of this I have on my desk a statement showing that in the Commissary-General's Office three-fourths of the claims that have been presented have been disallowed, and that in that office to-day there are only about twelve hundred cases undetermined.

The Quartermaster-General and the Commissary-General consider that there is a defect in the law of 1864, under which they are acting. They are required merely to report upon these claims to the Third Auditor. If there is sufficient testimony to establish the claims, they report them favorably; but if, on the contrary, there is not sufficient evidence they merely hold the claims in abeyance; they do not allow, or absolutely disallow, them; they hold them in that suspended condition waiting for more testimony. Those officers believe that the law ought to be amended so that the claims which they disallow may be considered as finally rejected after a certain date.

Now, sir, the proposed legislation will be unjust in its operation upon the loyal citizen in the States that were disloyal, for the reason that already the board of southern claims is already burdened with seventeen thousand cases, which it has not had the opportunity to hear and consider. Five thousand cases only have been determined in three years. At the same rate it will take that commission nine years to hear and decide these cases.

There is also a provision now pending before a learned committee of this House charged with that duty to extend the time so other claimants from disloyal States may have an opportunity to come in for a hearing. If these claims are brought in it will, at the same rate of consideration in these other cases, take, in order to determine them, at least twelve or fifteen years. This board of southern claims commissioners is already sufficiently burdened. I say, therefore, it is unjust to crowd them with any other cases. Send them to the Court of Claims, if you will, but do not send them to the southern claims commission, which was not created for this purpose, and which is not now adequate to the discharge of the duty for which it was created.

Mr. GARFIELD. Mr. Chairman, I hope the Committee of the Whole will not lose sight of the real purpose of these sections in the discussion of the details of the plan.

The first question of all for the House to determine is whether they are willing to allow the accumulation of unexpended balances running back indefinitely, as it seems to have been allowed in the War Department according to the developments made in the study of the subject by the Committee on Appropriations. It appears accumulations for not less than six years have been made for settlement of War Department claims; that is, for supplies furnished of various sorts and sizes during the war. We supposed the act of July 8, 1870, turned in all unexpended balances every two years from the date of the appropriation bill, but it has been so construed that if one day before the two years expired a claim is filed which might be paid if the claim were allowed out of any appropriation, that appropriation is considered to have two years more to run. That is an evasion of the law, or at least a different rendering of the law from what Congress intended.

There is another thing which gentlemen will see the justice of. It is unjust to charge to the expenses of the Army—of our current military establishment—expenses year by year of old war expenses for supplies given to the Army during the war, and yet, so long as the present order exists, there will come anywhere between one and five millions of payments out of the Treasury, which apparently increases the expenses of our military establishment, but which are, in fact, payments of old debts for supplies during the war. The Committee on Appropriations desire to dislocate all this class of claims from the present military establishment, so that we may make a clean appropriation for the Army and its current expenses, and make appropriations for paying off old war debts by themselves.

This is a matter of business and a matter of good statesmanship, and I hope gentlemen will not lose sight of these two important points: First, that accumulated balances here turned in by these two sections, to the amount of five and a half millions, shall be covered back into the Treasury, and shall not be allowed thus to accumulate; and, secondly, the Army shall stand on its own legs, and be responsible for its own expenses, and payments of war claims shall stand by themselves, and be treated on their own merits.

Give us separation first of all. Pass the first section and you have cut apart these two incoherent classes of things which ought not to be joined together. Then when you come to the section next to the last, if we have not referred to the proper tribunal, then refer it to the proper tribunal. If the tribunal to which it is referred has not sufficient power and force to do this, give it sufficient power and force. We are not proposing to obstruct the payment of claims at all, but we simply say it is unfair to the Treasury, and especially unfair to the War Department, to allow these accumulations.

I wish to say in addition it is particularly unfitting and improper that clerks in the different Departments shall be considered as judges and triers of claims. Who settles a claim? Here comes a man with a claim for $100,000 for supplies furnished during the war. He goes to the Quartermaster-General's Department. The Quartermaster-General cannot do all the work himself, and he refers him to some Bureau. And it goes down to a clerk in one of these divisions, who is intrusted with the business, and that clerk, sitting at a desk, does in fact become the judge and jury. He makes up the case, he makes the determination, and it is too much for human nature to suppose that the hundreds of clerks in the various Departments are competent, and not only competent, but that they have the requisite characteristics of mind, and of morals as well as mind, to stand all the strain of this class of cases and to have them passed in this irregular way. The cause both of good morals and good statesmanship requires that this change shall be made.

[Here the hammer fell.]

Mr. HEREFORD. I withdraw my amendment, that the gentleman from New York [Mr. POTTER] may renew it.

Mr. POTTER. If I understand aright what the pending amendment is, it is that of the gentleman from West Virginia [Mr. HEREFORD] to strike out the second section. I renew the amendment to strike out the last word of that amendment for the purpose of saying a few words upon the question it presents.

Of course if we strike out this section, which is the question now being considered by the committee, the effect will be to leave the claims involved where they are now, with the Quartermaster-General and the Commissary-General. But if we retain this section, the further question will remain, what tribunal shall be put in the place of the tribunals which now exist for the adjudication of these claims; that is, instead of the Quartermaster-General and the Commissary-General. I may have something to say on that further question when we come to it. But, primarily, I am not in favor of the amendment of the gentleman from West Virginia to strike out the second section of this bill, because I am not in favor of seeing the determination of these claims remain where it now is; and I seek their removal to some other tribunal for this reason, if for nothing else, that the heads of these departments do not themselves want to retain the adjudication of those claims. As I understand, they acknowledge that that is not a fitting place to determine them.

Mr. HEREFORD. They make no such recommendation in the report.

Mr. POTTER. I understood the gentleman from New York, [Mr. WHEELER] who has charge of the bill, to say so.

Mr. WHEELER. I said, on the authority of the Quartermaster-General and the Commissary-General, that they had desired to be rid of these claims, because they obstructed the current business of their offices.

Mr. HEREFORD. All I said was that there is no such recommendation in the report.

Mr. WHEELER. I am aware of that; but such is the feeling they have expressed.

Mr. POTTER. That fact, of itself, has very great force, to my judgment. I think it is due to the officers of the Army to say that in dealing with money matters, from the foundation of this Government, they have been, in a high degree, without reproach. Until the Government introduced into the Army, at the close of the war, some men who had not been regularly educated for it, there was scarcely a case in the Army of defalcation or abuse of moneys by those officers to whom the distribution of funds was intrusted. During the last seventy-five years the trusts of this description which have been administered by officers of the regular Army have been administered with a fidelity worthy of all praise, and often for very insufficient compensation.

When, therefore, the heads of these departments tell us that they do not want to retain this business, that it conflicts with the general duties of their offices, and that they cannot administer the duties satisfactorily to themselves, I think it is high time for us to provide some other tribunal.

But, besides that, I am impressed with the view which has been presented by the gentleman from Ohio, [Mr. GARFIELD.] He has said that the determination of these claims is judicial. And if there be anything valuable in our system of government, it is the separation of the judicial from the executive and the legislative branches of the Government; leaving one department to make the laws, another to determine what the laws are, and another to administer them.

Again, I think the question is not—as has been suggested by the gentleman from West Virginia, [Mr. HEREFORD]—how little of these claims can be allowed, but how justice shall be done. Nor, as suggested by the gentleman from Ohio, [Mr. GARFIELD,] is the question, what is due to this department or that department of the Government; but what is due to the claimants. It is the first business of government to do justice, not to grant favors; and it is our duty as Representatives to provide a tribunal where citizens having claims against the Government can be heard without delay, and where claims shall be promptly determined; where those that are unfounded shall be promptly rejected, and where those that are just shall be as promptly recognized and settled.

Mr. FORT. Mr. Chairman, I understand that the question now before the committee is as to striking out section 2 of the bill, which proposes to cover back into the Treasury some former appropriations that were made. It seems to me that so far as that proposition goes it is clearly

right. I have in my hand a paper from the office of the Quartermaster-General, from which it appears that $199,395.93 still remain of an appropriation made for the year 1870 to the Quartermaster-General's Office; also an item of $122,000 for incidental expenses for the same year; also $14,073 for the purchase of horses for the same year; barracks $50,000; transportation of the Army, $755,000; transportation of officers' baggage, $23,000; clothing, $214,000; appropriation for stores, $34,000. Then there are also balances for the years ending 30th June, 1871, 1872, and 1873, amounting to a vast sum of money, which it occurs to me ought to be covered back into the Treasury; and then let us know what we are called upon to appropriate, and for what purposes our appropriations are to be applied.

Now, sir, if the further proposition be also under consideration, to take from the Quartermaster's Department and the Commissary-General's Department the consideration of these claims, I must say, from what little experience I have had, and that has not been inconsiderable, in settling the accounts of the Army, that the Quartermaster's Department is the best to settle all accounts which occur by reason of the equipping or transportation of the Army. And, further, that the Commissary-General's Office is the department in which ought to be settled all accounts for subsistence of the Army. That is their business; that is the thing to which they have been schooled, and it occurs to me that by reason of having within their possession the proper means of information they are better fitted to settle these accounts than any other department can be. Now, allow me further to say, that if these departments are overworked and have not time properly to hear and determine the question of these claims, it occurs to me that there are a sufficient number of officers of the Army who could be detailed at once and set to work on these claims, and it ought to be done in justice to the loyal people and the other people who are entitled to pay for what they furnished to the Government. Their claims ought to be considered, and considered speedily, and it seems to me it is no excuse to say that the departments are overworked; because there is a sufficient number of officers educated for the purpose who could be detailed and sent all over the country where these claims arise, and investigate them. Sir, they should investigate them, and they should do it soon. It occurs to me as unfair to turn all this vast class of claims over to the Court of Claims, which is already overworked, and has not within itself the right, power, and means to bring to it witnesses through officers as the Army has.

Now, for these reasons it occurs to me that the gentleman from West Virginia [Mr. HEREFORD] is right in what he asks for his constituents, that their claims shall be considered, and considered by the department which contracted the claims, and that is the Army, and should not be turned over to a dilatory court for a consideration of their cases.

The CHAIRMAN. Debate on the amendment to the amendment is exhausted.

Mr. POTTER. I withdraw the amendment.

Mr. HOLMAN. I renew the amendment. All I desire to do, sir, is to call the attention of the House to the views expressed by the Secretary of War with reference to the policy of taking away from the Commissary-General and the Quartermaster-General these claims. I desire that the views expressed by the Secretary of War before the Committee on Military Affairs, and by them reported to the House, be read. The Clerk will please read the passage I have marked.

The Clerk read as follows:

Mr. THORNBURGH. Suppose that the Quartermaster's Department and the Commissary-General of Subsistence's Department were relieved of the settlement of the claims filed by persons who furnished stores for the Army during the late rebellion, would that materially lessen the expense of those departments?

Secretary BELKNAP. It might lessen to a very small amount the expenses of the departments, but I think it would involve an expenditure of a very large amount of money, by the payment by the Government of fraudulent claims.

Mr. THORNBURGH. Is there anything connected with settlement of those claims which makes the staff departments peculiarly fitted to pass upon questions arising under them?

Secretary BELKNAP. Yes, sir; there are a great many of those claims in the departments, and they impose a burdensome duty on these departments; but at the same time I am satisfied that their officers are peculiarly fitted to examine them, and I think that the result of that examination is the saving of a large amount of money to the Government.

Mr. HOLMAN. It seems from this statement of the Secretary of War that in his judgment the interests of the Government require that these claims should be retained in the Quartermaster-General's and Commissary Departments. I would suggest to the gentleman having charge of the bill that the commission to which it is proposed that these claims shall be referred is already a source of very heavy expense to the Government, costing at least over $50,000 a year. I speak of the matter as one of economy, without reference to the question of the early adjustment of these claims.

Mr. WHEELER. On the score of economy, I want to say that the acting Commissary-General says that by the adoption of this amendment of the committee to the bill he will be able to spare thirty clerks in his office, who cost more a year than the entire claims commission.

Mr. HOLMAN. But would not other departments have to have that additional number of clerks?

Mr. WHEELER. No; we propose to take that number away from this department.

Mr. ALBRIGHT. I think the gentleman is mistaken in saying that the Commissary-General said he would be able to spare thirty clerks.

Mr. WHEELER. I am told all around that I am mistaken, and perhaps I am.

Mr. ALBRIGHT. I think the number he said he could spare was fifteen, and not thirty.

Mr. BECK. I supposed, when my amendment was offered to refer these claims to the Court of Claims, that there were no gentlemen, on this side of the House at least, who would object to it. I am sorry to find that I am mistaken. Sir, no man more earnestly desires the honest payment of all claims against the Government than I do, and no man would be further from placing any obstacle in the way of any honest claimant; but all the money that goes into the hands of the Commissary-General and the Quartermaster-General, or indeed into the hands of any official, belongs, of course, to the people of the United States, and is the proceeds of the sale of their property, or of taxation imposed upon them in some form or other. I know of no other way by which officials can obtain money for any purpose. When it gets into their hands as executive officers of the Government, it ought to go into the Treasury of the United States. And when there, it ought to be taken out only by an appropriation made by Congress, or on the judgment of a court. That is the proposition which is submitted by the Committee on Appropriations and by the substitute that I offer, the only difference between the two being as to the court that should dispose of it. The judicial power of the United States was established to determine questions of right, and it is a perversion of the functions of Government to take that power from the courts and transfer it to the executive officers of the Government.

The report of the Quartermaster-General, made eighteen months ago, shows, as I read the other day, that the total amount received since June 30, 1865, by the Quartermaster-General's Department in excess of all appropriations is $107,900,000. All this, except $2,000,000, has been used in payment of the indebtedness of that department. Ought that to be so? Ought the Quartermaster-General or the Commissary-General be allowed to dispose of over $100,000,000 of the proceeds of sale of the property of the people of the United States without any judicial tribunal supervising his action, or without Congress having any authority over him? By no means.

I was amazed when I heard the gentleman from West Virginia [Mr. HEREFORD] speak of my proposition, or that of the Committee on Appropriations, being against the interests of his people, or being against the interest of any honest claimant. Can it be unjust to require a claimant to go before a court and present his proof before judges sworn to do justice without sale, denial, or delay? Why, sir, to-day, in these departments of the Government, after a claim has been proved to be just, all that an outsider has to do, who thinks he can make something by objecting to it, is to go there and say, "This claimant is disloyal." When that is done, the claimant cannot learn either who made the charge or what the facts are which are charged against him. That statement remains there, kept a secret from the claimant or his attorney, and the claim is tied up until perhaps the very man who falsely put that statement there, after he has managed to get a contract from the claimant to pay him half of the claim, removes the objection, and then the claimant gets one-half and the interloper the other.

It is said that many of these claims are rejected. Yes, thousands of them are rejected, and most of them will be rejected if the swarms of lobbyists hanging around this Capitol, who make a living by plundering honest claimants, are not satisfied. They file statements against claimants and objections to claims secretly in the Departments, and under the rules of the Departments the claimants cannot know what those statements are, and cannot have their claims passed until the lobby rings are satisfied.

I want claimants to have the right to go before the courts of the country, where sneaks and thieves cannot intervene without the risk of serving a term in the penitentiary; where the United States will be represented; where the claimants, represented by counsel openly and honestly employed to see that justice is done, can be heard; and where villainy can be openly exposed; and then let the Commissary-General and the Quartermaster-General, as they will have the right and as it will be their duty to do, bring into open court their books, their papers, and their evidence, which will be open alike to the citizen and the Government; then, and then only, truth and justice will prevail, and influence will not supersede the law.

Gentlemen seem to think that we are trying to deprive the Government of the right of having these officers tell what they know. No such thing; they can bring all their books, papers, and vouchers before the court, and if the United States is about to be defrauded by dishonest claimants, they can appear there as witnesses and prevent the perpetration of wrong. But, no; these officers are to be continued as absolute judges in order to favor their friends and reject all claims of men who do not employ their pets. I do not care how honest your Quartermaster-General or other officers may be. The clerks in their departments, many of them picked up on the streets because they are politicians or the friends of politicians, without legal knowledge or qualifications as judges, will enter into the combinations with the rings of lobbyists swarming around the Capitol, and the Quartermaster-General and the Commissary-General and claim

ants are alike deceived and robbed. This is no fancy sketch; every claimant, every honest agent and attorney, knows that it is true. The officers of the Government, the members of Congress, know it; and the sooner it is stopped the better it will be for all honest officials.

What, I ask again, became of this $105,000,000 that was expended by the Quartermaster-General's Department? Who knows how much of it stuck to the hands of the claim agents around this city? An investigation of what became of this $105,000,000 would, I have no doubt, develop the fact that more than one-half of it never reached the men to whom it was due; and even the Quartermaster-General could not control the frauds, however earnestly he may have desired to do so. These claim agents circulate all over the country, from one end to the other. They allege that the reason they have to charge one-half or three-fourths of the value of the claim in order to get it allowed is because they have to buy clerks in the Departments, and officers, and members of Congress. They are everywhere slandering and bringing into disrepute all who are connected either with the payment of these claims or the legislation under which their payment is provided for.

It is because I desire to break up this system and put it out of the power of bad men to defame the men who are intrusted with the management of public affairs that I ask that these claims may go before a court, where all the facts will appear, and where all the evidence will be seen, and where no sneak-thief can stop a claim until he can subsidize the man to whom it is due, and thus obtain the lion's share of it. I suppose there is not a lobby agent around this Capitol now who is not opposed to this proposition and is not working to defeat it with all his might, by every influence he can bring to bear on every member of this House who can be approached by him or his friends.

I introduced last year, and almost passed through the House, and I have referred it again to the Committee on the Judiciary, a bill regulating the payment and employment of agents and attorneys before Congress and the Departments. I want them when they come before Congress, before our committees, or any Department of the Government, to file their contract with the man who employs them, and to appear as counsel, and not be sneaking around pretending to have influence here and there with the men who have to pass upon claims, surrounding a claimant the moment he appears with his claim, and secretly filing all sorts of charges against him until they have robbed and plundered him.

[Here the hammer fell.]

Mr. HEREFORD. I would like to ask the gentleman if these claim agents whom he speaks of, would not go before the Court of Claims?

Mr. BECK. No, sir; or if they do, they will be exposed. Men will then go as lawyers or agents who present claims honorably.

Mr. WHEELER. One word in relation to what has fallen from the gentleman from Kentucky [Mr. BECK] in the matter of these claims. During the progress of this bill I have received anonymous communications which I have thrown into my waste-basket, filled with threats to me, some to the effect that if I had any scheme of legislation, or bill in which I was interested, I must look out for the fate of it when reached if I pressed this portion of the Army bill through the House.

I do not wish to stigmatize these claim agents as all dishonest men. There are honorable exceptions. There are most excellent men in this city who are legitimately employed as claim agents, and who are as honest as any men in the profession. But there are those who are a disgrace to humanity; and that class swarm into these departments as the flies of old swarmed into the houses of the Egyptians. They are robbing these claimants, taking frequently half or two-thirds of all that is recovered from the Government. The best service that the Judiciary Committee of this House can render to the Government is to bring in here a good, strong, stringent act against champerty, and then we shall stop this business. The fact that these claims are a standing temptation to frauds upon the Government is a sufficient reason, if there were no other, why we ought to adopt such legislation as is here proposed. As I have before stated in the debate upon this bill, I have the authority of a high official in the Quartermaster's Department for saying that within the last six months one claim agent has brought in from the little State of Maryland claims of this kind to the amount of $200,000, which he is pressing with all the pertinacity which characterizes that class of men. Gentlemen of the committee, this must stop, or the Treasury of the United States must suspend payment.

There are already lodged in these different departments, and before the southern claims commission, claims against the Government to the amount of over $60,000,000. I ask gentlemen representing the Southern States here, why should there not be uniformity in the disposition of these claims? One claimant residing in a Southern State must now go before the southern claims commission and prove his claim, and when he has done so the claim must come here for revision; the claimant cannot get a dollar except by our sanction; but another claimant goes before the Quartermaster-General, gets a decision in that department, and puts his hand at once upon the money. Why this distinction? Why should not the claimants all stand upon a common footing?

Whatever may be the fate of the fourth section of this bill, wherever the House may decide that these claims should go, I say that, as a matter of public safety and of public morals, we ought to remove the temptation which exists under the present system, and carry this money back into the Treasury, where it belongs. I trust that the motion to strike out the second section will not prevail.

The question being taken on the motion of Mr. HEREFORD to strike out the second section, it was not agreed to, there being—ayes 24, noes not counted.

The CHAIRMAN. The third section has already been read, (no amendment being offered,) and also the fourth section, to which the gentleman from Kentucky [Mr. BECK] has offered an amendment.

Mr. SPEER. If the amendment of the gentleman from Kentucky is now before the committee, I move to amend by adding to it the following:

Provided, That all evidence taken in reference to these claims and now on file with the Quartermaster-General or Commissary-General shall be transferred to the said court, and shall be used there as if taken under the rules of said court.

Mr. BECK. I am willing to accept that amendment.

Mr. SPEER. I wish to say a word upon this proposition. I desire, and I have no doubt this House desires, two things: first, that claimants against the Government shall have an honest, fair, and speedy hearing; secondly, that the interests of the Government shall be properly and duly protected. Now it must strike every man that, from the very magnitude of these claims they should not be intrusted for disposition and determination to any clerk. These clerks are without either personal, official, or judicial responsibility in this matter. Many of them are entirely without proper qualifications for the discharge of such a duty as this. Why should we cast upon men who have been selected for the discharge of no such duties the determination of questions involving millions and millions of dollars?

It is admitted that this should not be done; but it is claimed that the law having been in force for so many years, claimants have simply obeyed the law, have gone before the Quartermaster-General or the Commissary-General and presented their claims at great cost of time, trouble, and money in furnishing proof; and that it is unjust at this late day to change the tribunal. Now this amendment reaches just that objection. I admit the force of the objection. I say that the Government having invited these claimants to go with their evidence before the Quartermaster-General or the Commissary-General, it would hardly be treating them with fairness, when they have gone where we have sent them, to take away now the jurisdiction of that tribunal and require proceedings to be begun anew.

Mr. WHEELER. Does the gentleman, in speaking on this question, recollect the proviso I gave notice I designed to offer as an amendment to the fourth section?

Mr. SPEER. No, sir.

Mr. WHEELER. Let me read it to the gentleman.

Mr. SPEER. I am speaking with reference to the amendment I have offered myself.

Mr. WHEELER. I gave notice that I intended to offer the following as an amendment to the fourth section:

Provided, That all such claims now pending and undetermined in the Department of the Quartermaster-General and the Department of the Commissary-General of Subsistence shall, on the passage of this act, be transferred to the said commissioners of claims; and such transfer shall be regarded as presentation within the meaning of this act.

Mr. SPEER. I have offered an amendment broader in its terms than that of the gentleman.

Now I say that these claimants, having gone where the law directed them to go, it would hardly be treating them fairly, at this late day, to turn them out of court, when, perhaps, it may be no longer possible to obtain new proof.

What does my amendment propose? It provides that the evidence which they have taken and which is now on file shall be transferred with the transfer of the claims, and be used in the court to which the claims are transferred. Is not that fair and right? Why turn these claimants out of court? Why strike dead by a congressional act the evidence which by the law is now living and in force, and which, if the law were not changed, would be perhaps sufficient to secure the allowance of their claims? These claimants are certainly not to be presumed to be thieves or robbers. The presumption is that they have honest claims. They have gone to the tribunals to which the law sent them; and now if we turn them away from that tribunal, we should make proper provision for the protection of their rights.

Mr. G. F. HOAR. Why would not the evidence which is competent before the Quartermaster-General and the Commissary-General be equally competent before the claims commissioners, to whom it is proposed to transfer the duty of deciding upon these claims?

Mr. SPEER. I will answer the inquiry of the gentleman from Massachusetts. Many affidavits and depositions and proofs are on file there now which are competent testimony under the regulations of the Commissary-General's and the Quartermaster-General's Departments. If these claims be removed to another tribunal affidavits could not be retaken. Perhaps the parties who made them are dead, or have removed to distant States and their whereabouts are unknown; and yet in the Court of Claims, and under the rules prevailing in that court, those affidavits and depositions which are on file in the War Department, and which are competent under the regulations of the Quartermaster-General and the Commissary-General, would not be receivable or admissible.

Mr. GARFIELD. Let me suggest to the gentleman from Pennsyl-

vania he would, by his amendment, legalize before the Court of Claims evidence, however illegal it may be, which happens to be on file with the Quartermaster-General or the Commissary-General. I hope he will modify it so it will provide for evidence legally taken. If the amendments are read, the committee will see precisely to what I refer.

Mr. SPEER. I want it to express this: whatever is competent evidence under the regulations of the Quartermaster-General or the Commissary-General shall be competent evidence before the Court of Claims.

The amendments were again read.

Mr. GARFIELD. However illegaly evidence may have been taken which is now on file in either of these Departments, this amendment of the gentleman from Pennsylvania legalizes it before the Court of Claims.

Mr. SPEER. I only propose to include evidence admissible under the regulations of those two departments.

Mr. WHEELER. That improves it very much.

Mr. GARFIELD. I think there is no objection to the gentleman's amendment, if he will modify it to cover the objection I have stated.

Mr. HURLBUT. Does the gentleman allow the evidence to be open to legal exceptions?

Mr. SPEER. That would destroy the purpose of my amendment. You change the tribunal to which these claims are to go, taking them from the Quartermaster-General and Commissary-General and sending them before the Court of Claims, which has different rules. Unless some such amendment as that I have suggested be adopted, we will do great injustice to these claimants. It would be utterly impossible to retake this evidence in many cases. Many of the witnesses are dead, or they have gone from one State to another, and their whereabouts are unknown. It would amount really to a denial of justice to compel claimants to retake all this testimony.

Mr. HEREFORD. The whole of the testimony in the departments is entirely *ex parte*.

Mr. G. F. HOAR. I wish to call the attention of the gentleman from Kentucky to a matter of detail in his amendment.

Mr. SPEER. Read my amendment as it is modified.

The Clerk read as follows:

Provided further, All evidence admissible under the rules and regulations of the departments in reference to these claims, and now on file with the Quartermaster-General or the Commissary-General, shall be transferred to said court, and shall be used there as if taken under the rules of said court.

Mr. SPEER. I hope there will be no objection to that amendment. I understand the gentleman from Kentucky accepts it.

Mr. BECK. I have no objection whatever to accept it.

Mr. G. F. HOAR. The amendment of the gentleman from Kentucky provides, when the person is a minor or a *feme-covert*, or laboring under legal disability, the claim may be presented within one year after the removal of the disability. That is just so far as minors are concerned, but as married women are able to sue in their own names in almost all of the States in the Union, it is hardly fair to the Government to postpone in the case of married women when it may be half a century before the disability is removed. I suggest to the gentleman to strike out the words "*feme-covert*, or under other legal disability," and insert "persons under guardianship."

Mr. BECK. That would be an improvement, and I accept the gentleman's modification. I did not pretend to draw the amendment so as to cover accurately every particular. I am willing to modify it whenever it may be necessary to accomplish the object I have in view.

Mr. BUTLER, of Tennessee. So far as I am concerned, and so far as it concerns the district in Tennessee which I have the honor to represent upon this floor, I would much prefer Congress should pass a resolution declaring they would not pay a dollar of any of these claims. I would rather they would be honest and candid and say they do not propose to pay loyal claimants coming within the provisions of the act of 1864 than to do the same thing indirectly by adopting the amendment of the gentleman from Pennsylvania. There are seventeen thousand claims pending before these claims commissioners.

Mr. SPEER. The gentleman does not surely mean my amendment.

Mr. BUTLER, of Tennessee. Yes, sir.

There are six thousand pending before the Quartermaster-General; making twenty-three thousand claims. This amendment proposes to send those claims to the Court of Claims. Now, if you send all those claims to the Court of Claims, with the twenty thousand more that will be filed under the law extending the time, when will all those claims be heard; when will the end be? It is now ten years since the Government got the horses, the mules, the corn, &c., of the people of the Southern States; and it is not proposed to pay interest on any of the claims. But now at the end of ten years the proposition comes up to send twenty-three thousand claims to the Court of Claims, which sits during six months in a year and adjudicates perhaps five hundred claims. The figures are as I state them; and that is the proposition of this patriotic Congress to pay the southern people for their quartermaster and commissary supplies that were taken ten, eleven, and twelve years ago.

So far as I am concerned, I believe the law as it now stands is the best. If these claims go to the claims commission they will be passed upon as they have passed upon those already adjudicated. In passing upon five thousand claims they rejected three thousand and cut down the two thousand allowed to two-thirds or perhaps one-half of what ought to be granted. The Quartermaster-General, when he passes upon a claim, I am proud to say, does justice to the claimant, and, I believe, also to the Government. If the claim is for a horse, he adjudicates payment for the value of that horse. If for corn or any quartermaster's supplies, he pays what they were worth at the time and at the place where they were taken.

I am opposed to this whole proposition. It is one which denies justice. It puts off the settlement of those claims. Talk of sending them to the Court of Claims, where there are thirty thousand claims already pending! They will never be settled in that way. I hope we will not ask those claimants to go into court now in 1874 to ask payment for supplies taken in 1862, 1863, 1864, and 1865 from the loyal people of the Southern States.

[Here the hammer fell.]

Mr. FRYE. In the course of this debate reflections have occasionally been cast upon the southern claims commission in the way of complaints that they have cut down the claims that are made before them. Now they do cut down claims, and they must cut them down. For instance, the law authorizes the southern claims commission to pay for supplies furnished to the Army of the United States. Well, the Army of the United States took a man's fence, a fence all round his farm or his house, and in order to help the loyal claimant the rule of the court is that they will so consider the law as to make that fence wood. If they did not make the fence wood they could not pay the southern claimant one single dollar under the law. So they call the fence wood and allow two dollars a cord for it.

I have heard, Mr. Chairman, more complaint from claimants when I was a member of the Claims Committee—more complaint against the southern claims commission for this one thing of calling fences wood than for anything else under the sun. But the southern claims commission could not allow a dollar in such a case, except under that construction.

Again, they are compelled to find the loyalty of the claimant. Now humanity is weak everywhere, and it is just as weak South as it is North. The experience of the commission shows that men will take the oath of God upon them and swear to their loyalty again and again, ay, thousands of times, when there was proof lying right by that they were as disloyal as almost any man could well be. Complaints arose on that ground also.

But I submit from my experience of the southern claims commission that it is one of the most careful, the most judicious, the most prompt, of all the commissions and all the courts which have been established by authority of law. I say, sir, that the chairman or the chief of that commission is a gentleman who would do no discredit to the office of Chief Justice of the Supreme Court of the United States. He is a man learned in the law. He is a man full of justice, full of equity. He is a man who would do right if the heavens fell. And his two associates, so far as my experience goes, are worthy of their chief. I submit, sir, that the men who have loyal claims cannot go to a court of law anywhere now constituted where their claims would receive a more prompt hearing and a fairer adjudication than they will before this same court.

Now what does the gentleman from Kentucky [Mr. BECK] propose to do? He proposes to abolish this commission at once, with all its machinery, with all its experience, with all its rules. He proposes to abolish the southern claims commission, and put in its place the Court of Claims.

Mr. BECK. If the gentleman will allow me just one word, I will say that my amendment expressly reserves and avoids interfering with all the claims now pending before the southern claims commission.

Mr. FRYE. Does it not interfere with claims that will hereafter arise?

Mr. BECK. No other claim can be presented before that commission, because all are barred under the law now. No new claim can now be presented.

Mr. FRYE. It provides that subsequent to this all claims of loyal southerners shall go to the Court of Claims.

Mr. BECK. Yes, sir; it transfers them from the Quartermaster and Commissary Departments to the Court of Claims.

Mr. FRYE. The southern claims commission has found it absolutely necessary, in order to preserve the United States against these perjured claimants, that investigations shall be made all over the South, and they have officers on purpose to do the work; but as I understand this amendment, if passed, it would be taking away that security, and would refer claims hereafter arising to the Court of Claims, which could have no such power; they would not have the experience either; and beside that, sir, they have more to do now than they can possibly do. I do not agree with the gentleman from Iowa [Mr. KASSON] who stated, as I read in the RECORD, that the Court of Claims was a court without legal knowledge—an *ex parte* court. I do not find that to be true at all. The chief justice of that court is a fine lawyer, and I know Judge Loring is a fine lawyer; and I know that it is not an *ex parte* court.

Mr. KASSON. As the gentleman has referred to me, he will allow me to say that he has stated what I said a little more broadly than I stated it myself. But I wish even to take back so much as what I did say. I was in error. There have been changes made in the constitution of the court since I was formerly acquainted with it. Its

jurisdiction has been enlarged and its character elevated, and I wish to stand upon the record as not having said anything in its derogation.

Mr. FRYE. I wish to say further, that when I read this appropriation bill these sections, 2, 3, and 4, commended themselves to me from my experience of the claims commission more than any part of this bill of appropriations. It seems to me that it is the true and proper thing for the Congress of the United States to do, and to do it quickly too.

[Here the hammer fell.]

Mr. E. R. HOAR. I move to strike out the last word of the amendment of the gentleman from Kentucky, [Mr. BECK,] which, I understand, is necessary to enable me to say a few words. I wish to concur very largely with what has been said by the gentleman who has just addressed the House, and also in most that was said by the gentleman from Kentucky, [Mr. BECK.] But it seems to me that it is very clear that for this particular class of claims the southern claims commission, as at present organized, is a better tribunal than the Court of Claims. It has certainly this advantage, that you have there one system applicable to all classes of claims of this description. The Court of Claims has not now jurisdiction over cases of claims for supplies furnished to the Army during the war, and why that court should have jurisdiction over cases hereafter presented, if any there can be, from the Southern States or from the Northern States, or the States not in the rebellion, or from Tennessee and one or two counties in West Virginia, and leave the jurisdiction of similar claims from the States in rebellion in another tribunal, I do not see.

I propose to offer as a substitute for the amendment of the gentleman from Kentucky a provision to increase the number of the southern claims commission, with two objects. One is to obviate the objection that the number of claims is so great that it will prevent their disposing of them within a reasonable time, and the second is to obviate the objection that has been raised, that if you send northern claims to the southern claims commission they will be postponed to the cases already pending in that tribunal.

I ask that the amendment which I propose to offer at the proper time may be read.

The Clerk read as follows:

And there shall be appointed by the President, with the advice and consent of the Senate, two additional commissioners of claims, with the powers, duties, and compensation of the commissioners created under the act of March 3, 1871, and who shall devote their time exclusively to the claims transferred to the commission by the provisions of this act. The decision of the two additional commissioners shall be taken and held to be the decision of the commissioners, unless in the case of disagreement by the two, when the decision of the presiding commissioner shall be given, and shall be decisive.

Mr. E. R. HOAR. I suppose that amendment is not in order at this time?

The CHAIRMAN. It is not, while there are two amendments pending.

Mr. E. R. HOAR. I so understood, but I wished it read for information, so that if the amendment of the gentleman from Kentucky should be rejected, this amendment might be added to the bill reported by the committee; and I understand the gentleman who has charge of the bill will be willing to accept the amendment.

But I wish to say in this matter of sending the claims from the department to a tribunal like this of the southern claims commission, with this addition of force, that I have had conversations with those gentlemen, which have made me believe that this is the greatest measure of economy that has been presented to this Congress; that there is more protection to the Treasury of the United States in this fourth section than in anything that we have done so far this session.

I wish to say to this committee that these claims, the meritorious and honest part of them, were for the most part presented early after the organization of the commission, and presented early to the Quartermaster-General and the Commissary-General. The southern claims commission find as they go on that the merits of the claims deteriorate, and the Quartermaster-General and the Commissary-General generally find the same; that the proportion of claims that are found to be just and meritorious and not fraudulent diminish year by year. Last year the commission allowed but between 7 and 8 per cent. of the claims which they passed upon; and the reason was, that what is now the great mass of claims that come before them, although they may include some honest claims which have been deferred or postponed for some reason, are substantially the rakings and scrapings and inventions of claim agents. It is time that these claims should be examined by a tribunal where the United States can be represented by counsel and agents.

Mr. BECK. Is there not trouble in this, that under the law organizing the southern claims commission they are first limited to certain States, and this section extends their jurisdiction over the other States of course?

Mr. E. R. HOAR. It does extend it.

Mr. BECK. Is there not difficulty in their not having power to send for papers in the Departments?

Mr. E. R. HOAR. No, sir; they have that power.

Mr. BECK. I am not familiar with the organization of that commission.

Mr. E. R. HOAR. They have every necessary power. The United States is represented. The commission has power to take testimony, to bring before them all the papers of the Departments, and they are most laboriously and faithfully, and as I believe justly, administering justice to claimants and protecting the interests and the Treasury of the United States. And with the amendment which I propose, the addition of two judges, who are to devote themselves exclusively to the additional cases which are hereby sent to them, they can proceed without any delay to adjudicate on these cases, availing themselves of all the agencies of this commission, and be able to do the work more rapidly and more thoroughly than the work will be done if the claims should remain in the Quartermaster-General's and Commissary-General's Departments.

Mr. BECK. Allow me to state one objection that I have to the proposition of the gentleman from Massachusetts, [Mr. E. R. HOAR,] and only one. It is, that as we have a Court of Claims established as a legal court, and as the southern claims commission has no longer power to take charge of new cases, and there is a very large number of claims now pending before it, does not the gentleman from Massachusetts think it would be better to send all these claims to a regularly established court than to keep the commission running, and to extend it?

Mr. E. R. HOAR. I think the Court of Claims cannot be enlarged judiciously in its operations. I think that the Court of Claims is not so likely to get through its present docket as is the southern claims commission; that it will postpone the speedy decision of these claims to refer them to the Court of Claims. But with the addition of the two commissioners, with the experience the commission has acquired in the consideration of the cases of a similar character heretofore referred to them, the claims commission is the best tribunal to which these claims can be referred.

Mr. WHEELER. I think the gentleman from Massachusetts [Mr. E. R. HOAR] has struck the happy solution of this difficulty. I certainly prefer, and I think my associates on the Committee on Appropriations with whom I have conferred prefer, his proposition to that of the gentleman from Kentucky, [Mr. BECK.] I ask that the Clerk now read, for the information of the committee, this section as it would stand by the adoption of the amendment I have moved and the one proposed by the gentleman from Massachusetts.

The Clerk read as follows:

SEC. 4. That all claims of citizens who remained loyal adherents to the cause and Government of the United States during the war for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military service of the United States, including any such claims now pending and undetermined in any department of the Government, shall be presented, before the 1st day of November, 1874, to the commissioners of claims created by act of March 3, 1871, who shall have exclusive jurisdiction to hear and determine the same: *Provided*, That all such claims now pending and undetermined in the department of the Quartermaster-General and the department of the Commissary-General of Subsistence shall, on the passage of this act, be transferred to the said commissioners of claims, and such transfer shall be regarded as presentation within the meaning of this act. And all such claims which shall not be presented to said commissioners on or before said day shall be barred, and shall not be entertained without further authority of Congress: *Provided*, That nothing herein shall be deemed to affect or impair the limitation for the time for the presentation of petitions prescribed by section 2 of the act of March 3, 1873. Such commissioners shall, under the provisions of the act of March 3, 1871, and the acts in amendment thereof, receive, examine, and consider the justice and validity of such claims as shall be brought before them, and shall make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration. And there shall be appointed by the President, with the advice and consent of the Senate, two additional commissioners of claims, with the powers, duties, and compensation of the commissioners created under the act of March 3, 1871, and who shall devote their time exclusively to the claims transferred to the commission by the provisions of this act; and the decision of the said two additional commissioners thereon shall be taken and held to be the decision of the commission, unless in the case of disagreement of the two, when the decision of the presiding commissioner shall be given and shall be final.

The CHAIRMAN. The Clerk will now read the substitute proposed by the gentleman from Kentucky [Mr. BECK] for section 4 as amended.

The Clerk read as follows:

SEC. 4. That all claims of citizens not now pending before the southern claims commission who remained loyal adherents to the cause of the Government of the United States, for stores or supplies taken or furnished during the rebellion, for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military or naval service of the United States, including any such claims now pending and not finally disposed of in any department of the Government, shall be presented, within one year from the passage of this act, to the United States Court of Claims, which court shall have jurisdiction of the same; and all such claims which shall not be presented within the time herein specified shall be barred and shall not be entertained, without further authority of Congress: *Provided*, That where the claimant is a minor, insane person, or under guardianship at the time of the passage of this act, then every such person shall have one year and no more from the date of the removal of such legal disability in which to present such petition: *Provided further*, That all evidence taken in reference to these claims and now on file with the Quartermaster-General or Commissary-General, and admissible under the rules and regulations of their departments, shall be transferred to the said Court of Claims, and shall be there considered as if taken under the rules of the said court.

The CHAIRMAN. The first question is upon the amendment of the gentleman from Pennsylvania [Mr. SPEER] to the amendment of the gentleman from Kentucky, [Mr. BECK.]

Mr. COTTON. Is it not in order to perfect the text of the section before voting on a substitute?

Mr. PLATT, of Virginia. Is debate exhausted upon the amendment of the gentleman from Kentucky?

The CHAIRMAN. It is.

Mr. PLATT, of Virginia. Is it not in order to move to strike out any portion of that amendment, so that I may say a few words?

The CHAIRMAN. Unless the gentleman from Massachusetts [Mr.

E. R. HOAR] withdraws his amendment, no further amendment is in order.

Mr. E. R. HOAR. I withdraw my amendment, if the gentleman from Virginia will renew it.

Mr. PLATT, of Virginia. I renew the amendment. Representing in this House a southern constituency, I wish to say that in my opinion the amendment offered by the gentleman from Kentucky, if it be adopted, will simply have the effect of practically deferring forever every claim of this class that has not been already paid. We might just as well adopt a proposition to confiscate all these claims as deprive the claimants of any possible chance to obtain a hearing before any tribunal. I certainly hope the amendment will not be adopted.

As one member who has had large experience in business before the southern claims commission, I wish to add my testimony as to the manner in which those commissioners have performed the delicate, difficult, and arduous duties imposed upon them. I do not believe that since the foundation of the Government there has been any tribunal before which cases have been more patiently and more honestly heard and determined than by the gentlemen constituting the southern claims commission. Though I have had occasion at times to complain of some decisions they have made affecting constituents of mine having claims before that commission, I wish to say that in the main, so far as I know, their decisions have been fair and just; and they have exercised a very careful guardianship over the interests of the Government confided to their care. I think we cannot do a better thing than extend their jurisdiction, and increase the number of which the commission now consists. I hope the amendment offered by the gentleman from Kentucky [Mr. BECK] may not prevail, but that the one offered by the gentleman from Massachusetts [Mr. E. R. HOAR] may be adopted.

Mr. WHEELER. Let me call the attention of the Chair and of the committee to the parliamentary status of this question. The motion to amend the fourth section takes precedence, of course, of a motion to strike out. The gentleman from Kentucky [Mr. BECK] has moved to strike out and insert. The first motion to be voted upon, as I understand, is that made by me to add a proviso. The next question will be upon the amendment of the gentleman from Massachusetts, [Mr. E. R. HOAR;] and after that shall have been voted upon, then will come up for action the motion of the gentleman from Kentucky to strike out the section and insert the provision he offers.

Mr. LAWRENCE. I wish to inquire of the Chair whether it is in order to entertain an amendment of this character upon an appropriation bill. This is simply an appropriation bill, and the section under consideration was introduced by special leave of the House. That section having been thus introduced, is it competent on an appropriation bill to introduce other and independent legislation?

Mr. WHEELER. I submit, Mr. Chairman, that after this proposition has been debated half an hour or more, the gentleman's point comes too late.

Mr. LAWRENCE. I happened to be in my committee-room during that time.

Mr. WHEELER. The gentleman ought to remain here. The rules are made upon the assumption that gentlemen remain in the Hall unless they have special leave to withdraw.

The CHAIRMAN. The point of order comes altogether too late. The Chair decides that the amendments to the fourth section designed to perfect it are first to be voted upon. Therefore the question will be taken upon the amendment offered by the gentleman from New York, [Mr. WHEELER.]

Mr. HARRIS, of Virginia. I understand that the amendment of the gentleman from New York is offered as an independent amendment; and no amendment to it is pending. I desire to offer an amendment which is appropriate as an amendment to that amendment.

Mr. WHEELER. There are two amendments pending to the section. Another is not admissible. The amendment offered by myself, and that of the gentleman from Massachusetts, [Mr. E. R. HOAR,] must be out of the way before another amendment can be entertained.

The CHAIRMAN. The Chair did not understand the amendment offered by the gentleman from Massachusetts to be pending.

Mr. PLATT, of Virginia. I renewed the amendment of the gentleman from Massachusetts. I wish to have a distinct understanding with regard to the position of the question. I understood the gentleman from New York, [Mr. WHEELER,] having the bill in charge, to accept the amendment offered by the gentleman from Massachusetts.

Mr. WHEELER. Certainly I do.

Mr. PLATT, of Virginia. Then there was read at the Clerk's desk not only the amendment of the gentleman from Massachusetts but the remainder of the section, and also the amendment offered by the gentleman from New York.

Now I ask, and I believe I have the right to ask, that a vote be taken separately upon the amendment offered by the gentleman from Massachusetts, so that the amendment offered by the gentleman from New York may come up as a separate question.

Mr. WHEELER. That is exactly what I am asking for. The parliamentary question first recurs on the amendment offered by myself, and afterward on the amendment of the gentleman from Massachusetts.

Mr. G. F. HOAR. The amendment of the gentleman from Pennsylvania [Mr. SPEER] is an amendment offered to the substitute of the gentleman from Kentucky, [Mr. BECK,] and is in order when it is reached.

The CHAIRMAN. There are two amendments pending, and when they are disposed of the Chair will recognize the gentleman from Virginia, [Mr. HARRIS.] The first question is on the amendment of the gentleman from New York, [Mr. WHEELER,] which is as follows.

The Clerk read as follows:

On page 10 of the bill, in line 12, after the word "same" insert these words:

Provided, That all such claims now pending and undetermined in the Department of the Quartermaster-General, and the Department of the Commissary-General of Subsistence, shall, on the passage of this act, be transferred to said commissioners of claims, and such transfer shall be regarded as presentation within the meaning of this act.

Mr. HARRIS, of Virginia. Is an amendment to that amendment in order?

The CHAIRMAN. It is not, as there are two amendments already pending.

The question was taken on Mr. WHEELER's amendment, and it was adopted.

Mr. HARRIS, of Virginia. Is my amendment now in order?

The CHAIRMAN. It will be read at the Clerk's desk.

Mr. HARRIS, of Virginia. I offer an amendment to the amendment of the gentleman from New York.

The CHAIRMAN. The question next recurs on the amendment of the gentleman from Massachusetts, [Mr. E. R. HOAR,] and it will be read at the Clerk's desk.

The Clerk read as follows:

Amend by inserting in line 12, after the word "same," these words:

And there shall be appointed by the President, with the advice and consent of the Senate, two additional commissioners of claims, with the powers, duties, and compensation of the commissioners created under the act of March 3, 1871, and who shall devote their time exclusively to the claims transferred to the commission by the provisions of this act; and the decision of such two additional commissioners thereon shall be taken and held to be the decision of the commission, unless in case of disagreement of the two, when the decision of the presiding commissioner shall be given, and shall be decisive.

Mr. GARFIELD. I suggest to the gentleman from Massachusetts his amendment should come in at the end of the amendment of the gentleman from New York which has just been adopted. As the amendment was read, it provides that it shall come in after the word "same" in line 12. The amendment of the gentleman from New York has already been inserted in that place. Let the amendment come in at the close of the amendment of the gentleman from New York.

The CHAIRMAN. The amendment of the gentleman from Massachusetts will come in at the place suggested by the gentleman from Ohio. It must come in there and cannot come in at any other place.

The question was taken on the amendment of Mr. E. R. HOAR, and it was adopted.

Mr. HARRIS, of Virginia. I move to add to the section what I send to the Chair.

The Clerk read as follows:

Provided further, That all claims of citizens of the United States for stores or supplies, purchased by any duly authorized officer or agent of the United States for the use of the Army thereof, as evidenced by receipts in writing given by such duly authorized officer or agent, shall be considered and allowed without proof of the loyalty of such claimant.

Mr. WHEELER. I make the point of order that is new legislation.

The CHAIRMAN. The point of order is well taken, and the amendment cannot be received.

Mr. YOUNG, of Georgia. I offer the following amendment——

Mr. GARFIELD. Before the amendment of the gentleman from Georgia is read, I suggest the gentleman from New York modify the language of his amendment so as not to use the words "Quartermaster-General's Department and Commissary-General's Department."

Mr. YOUNG, of Georgia. I believe I have the floor, and ask that my amendment be read.

The Clerk read as follows:

On page 9, section 4, line 1, after the word "claim," insert "not already in process of examination by the Quartermaster-General's or Commissary-General's Department."

On page 10, line 9, strike out "seventy-four" and insert "seventy-five."

Mr. WHEELER. That is all wrong.

Mr. YOUNG, of Georgia. I only desire those cases in process of examination may remain in the departments, where parties have gone to the expense of coming here with witnesses. Otherwise they will be deprived of the benefit of what they have already done, and will have to go over the same ground again.

Mr. WHEELER. The gentleman has mistaken the purport of the proviso adopted by the committee in reference to claimants just ready for payment, and I wish the gentleman to bear in mind it will be three months before these claims will reach the Auditor's office, where they will be stayed by the provisions of this act.

Mr. BUTLER, of Tennessee. I hope a limitation will be put in this bill.

Mr. WHEELER. We have now until next November, and all claims now filed there are to be regarded as presented. The papers are to be turned over to the commissioners of claims, and this is regarded as a presentation.

Mr. YOUNG, of Georgia. I am willing to support the gentleman's amendment if he will only allow those cases where no evidence at all has been taken to remain where they are for settlement.

Mr. WHEELER. Every petition in every case that will be turned over, under the provisions of this law, to the claims commission will be treated as a presentation of the claim.

Mr. THORNBURGH. The gentleman from Georgia [Mr. YOUNG] has submitted two distinct propositions. I ask whether a separate vote cannot be allowed on the two propositions?

Mr. YOUNG, of Georgia. I am willing to have a separate vote, and should decidedly prefer that course. I ask that the first portion of my amendment be read again.

The Clerk read as follows:

In line 1 of section 4, after the word "claims," insert the following: "not already in process of examination by the Quartermaster's and Commissary's Departments;" so that it will read:

That all claims, not already in process of examination by the Quartermaster's and Commissary's Departments, of citizens who remained loyal adherents to the cause of the Government of the United States, &c.

Mr. THORNBURGH. I desire to offer an amendment.

The CHAIRMAN. No further amendment is in order at present.

The question being taken on the amendment of Mr. YOUNG, of Georgia, it was not agreed to.

Mr. YOUNG, of Georgia. Now, sir, I ask that my other amendment be read.

The Clerk read as follows:

On page 10, line 9, strike out "1874" and insert "1875;" so that it will read:

Shall be presented before the 1st day of November, 1875, to the commissioners of claims created by the act of March 3, 1871, who shall have exclusive jurisdiction to hear and determine the same.

Mr. YOUNG, of Georgia. This gives one more year to those claimants to file their claims before the commission.

The question being put, there were—ayes 70, noes 54; no quorum voting.

Tellers were ordered under the rule; and Mr. YOUNG of Georgia, and Mr. WHEELER, were appointed.

The committee again divided; and the tellers reported—ayes 97, noes not counted.

So the amendment was agreed to.

Mr. SPEER. I offer the following as an amendment to the section as amended by the amendment of the gentleman from New York, [Mr. WHEELER.]

The Clerk read as follows:

Add to the section the following:

And all the evidence taken in reference to the said claims, and now on file in the office of the Quartermaster-General or Commissary-General, shall be transferred with the claims and be considered by the commissioners as if taken under the rules and regulations of said commission.

Mr. SPEER. I desire simply to say a word, that the House may understand the effect of my amendment. The amendment of the gentleman from New York merely transfers to the commissioners the papers and evidence on file with the Quartermaster-General and Commissary-General.

Mr. WHEELER. It does not give them any effect as evidence, I admit.

Mr. SPEER. It simply transfers these papers. My amendment provides that all evidence on file with either the Quartermaster-General or the Commissary-General, and admissible under the law and the rules and regulations prevailing at the time it was filed, shall be transferred to the court composed of these commissioners, and shall be considered by them. Is not that right and fair? If you change the court, you place it beyond the power of many of these parties whose witnesses were living at the time their claims were filed and their evidence furnished to refurnish that evidence. The witnesses are dead, many of them; many of them have gone to parts unknown; it would be simply a denial of justice, on the part of Congress, to worthy claimants to refuse this. I ask that my amendment be again read, that the committee may understand the full effect of it.

The amendment was again read.

Mr. LAWRENCE. I make the point of order that this is new legislation.

Mr. HAWLEY, of Illinois. As the gentleman's amendment now stands it would take all the evidence in the departments and make it admissible.

Mr. SPEER. It merely takes the evidence admissible under the rules and regulations of the departments. If those words are not in the amendment I ask the Clerk to insert them.

Mr. LAWRENCE. I insist on my point of order, that this is new legislation.

The CHAIRMAN. The Chair rules that the amendment is in order. It is germane to a section which was made in order by the House.

Mr. WHEELER. With a proper modification I would be willing to accept it.

Mr. G. F. HOAR. I rise to move an amendment.

The CHAIRMAN. The gentleman will wait a moment until the amendment of the gentleman from Pennsylvania [Mr. SPEER] is perfected.

Mr. SPEER. I ask the Clerk to read my amendment as it now stands.

The Clerk read as follows:

Add the following:

And all evidence taken in reference to said claimants and now on file in the office of the Quartermaster-General or the Commissary-General, and admissible under the rules and regulations of their departments, shall be transferred with the claims and be considered by the commissioners as if taken under the rules and regulations of said commission.

Mr. G. F. HOAR. I move to strike out the words "as if taken" and to substitute for them the words "so far as it would be competent."

It seems to me that there is a fault in the language of the amendment now offered. It may very fairly be considered, consistently with its language, to mean that if a mere affidavit of the parties is competent in the department, and has been taken, it shall be transferred and received by the court as competent, and perhaps as persuasive or conclusive there. Now what I think the committee desires to accomplish, at any rate what I think the committee will consider just, is this, that a man who has already taken evidence before the department, which, under the rules of law administered in this court, is competent and proper, shall not lose the benefit of his diligence in taking that testimony heretofore by the transfer; shall not be compelled to take it over again because he did not take it in accordance with the rules of the department, although it may be still competent evidence in the court.

Now, the exact effect of the amendment, with my amendment, will be this: that the court to which these claims are transferred will be required to apply its own rules of evidence, which are the rules of a court, to the claims, and that the method of dealing with the evidence, if taken according to a method correct in the department where the case then was, cannot be changed with regard to evidence previously taken.

Mr. SPEER. The gentleman from Massachusetts [Mr. G. F. HOAR] evidently mistakes the effect of my amendment. It is not that the evidence now on file shall be sufficient or shall control the determination of the court when brought before the commissioners, but that the evidence on file shall be considered by the commissioners. What weight shall be given to it will be for them to determine under all the circumstances. It will simply prevent its being excluded on technical objections—the objection, for instance, that it had not been taken according to the rules of the commission, or that it had not been taken on proper notice, or before the proper officer, or anything of that kind. They are to consider it and give it what effect it is entitled to, and that they shall not be permitted to exclude it because of some irregularities.

Mr. G. F. HOAR. The difference between the gentleman from Pennsylvania and myself is exactly this: I do not desire that a mere unsupported affidavit of the party shall be considered by the court to which these cases are removed.

Mr. SPEER. Then you are changing the rules of evidence.

Mr. G. F. HOAR. It might be considered in the department now, because there is no limit to their discretion. My amendment allows evidence competent according to the rules administered in courts to be received, although it was not taken according to the methods usual in courts.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SPEER. I will withdraw my amendment, to allow the gentleman from Maine [Mr. HALE] to discuss it.

The CHAIRMAN. The gentleman cannot withdraw his amendment when there is an amendment to the amendment pending.

Mr. G. F. HOAR. I withdraw the amendment to the amendment temporarily.

Mr. HALE, of Maine. I renew it. It seems to me, Mr. Chairman, that the object of the amendment of the gentleman from Pennsylvania is more in the line of what the Committee on Appropriations and this committee are attempting to do than anything to the contrary. It is not proposed in any transfer that he who goes from the Quartermaster's Department or the Commissary Department to the southern claims commission shall go with any impediment, but that he shall have the benefit of all that he has done there. Now, whatever he has done there has been done under certain rules, and so far as he has done it it is operative upon that tribunal, and may result in the payment of his claim. If you transfer him to another tribunal that by another set of rules excludes all of that testimony and will not hear or receive it, you as effectually bar him as though you declared he should not go further. Is not that true?

Now the gentleman from Pennsylvania asks this: There is undoubtedly a large mass of matter before these Bureaus in the War Department good for nothing and already rejected by them; that he does not ask to transfer, but that whatever is there that is good in the making out of his claim so as to entitle him to payment shall go to the southern claims commission for their consideration. It meets there with an infirmity which cannot, of course, be changed, for that commission is proceeding under rules that prevent this evidence from receiving the same comparative weight with the new commission that it did in the Bureau. That is an infirmity which the gentleman from Pennsylvania cannot cure, and which the claimant must stand. But it seems to me clear that when you send him there you should give him as admissible testimony what he has put in before the Bureau; otherwise you exclude him entirely, because he has put in before the Bureau only what they require; he might have had there more testimony had they required more, but sufficient unto him has been the evil or the good thereof; he has rested his case on what they require. His other testimony has gone the way of all earthly things; he cannot produce it, and his case rests on what there was in the Bureau.

I think, therefore, for these reasons the gentleman from Pennsylvania is right; and although I am almost always glad to agree in the points presented by the gentleman from Massachusetts, who seems to be one of the best and the acutest lawyers here, I have made up my mind that he is wrong in this matter.

Mr. G. F. HOAR. I had made up my mind to withdraw my amendment, and I think the gentleman from Maine is right. I now withdraw it, and I ask the House to listen to an amendment which has been proposed by the gentleman from Rhode Island, [Mr. EAMES,] and is in these words:

And all evidence in the form required by said departments in reference to said claims, and now on file, if competent under the rules of said commission, shall be considered in the determination of said claims.

Mr. SPEER. That is simply what my amendment provides for.

Mr. BECK. I rise to make a parliamentary inquiry, and it is this: after this amendment has been perfected, will a vote be taken upon the amendment which I offered as a substitute for it?

The CHAIRMAN. Certainly, unless the gentleman withdraws it.

Mr. BECK. I do not intend to do so.

The question was then taken upon the amendment offered by Mr. SPEER, and it was adopted.

Mr. BECK. I move that the committee do now rise.

Mr. WHEELER. I hope not; I hope we shall dispose of the bill this evening.

Mr. BECK. I will state the reason why I made the motion. I desire before the vote is taken on my substitute that the House and the Committee on Appropriations should have an opportunity of looking at the section as it now stands. So many amendments have been adopted that I do not know how it stands.

Mr. WHEELER. Let us report the amendment to-night and vote on it to-morrow.

Mr. BECK. I do not want a vote taken on my substitute to-night. I think the committee ought to know more about the present condition of the section.

Mr. WHEELER. The amendments adopted have all been in the line of the section reported by the committee.

Mr. SENER. I make the point of order that a motion that the committee rise is not debatable.

The CHAIRMAN. The point of order is well taken if the gentleman from Kentucky insists on his motion.

Mr. BECK. I do, in order to test the sense of the committee.

The question was put on Mr. BECK'S motion; and, on a division, there were—ayes 60, noes not counted.

So the motion was not agreed to.

Mr. THORNBURGH. I offer the following amendment:

Provided, That all claims which have been passed upon by the Quartermaster or Commissary-General, and are still unpaid, or that have been proceeded with so far in their investigation as to be ready for decision, shall not be included in this transfer, but shall be decided and paid by the officers before whom they are now pending, and a sufficient sum shall be retained out of the moneys in this bill covered back into the Treasury to settle said claims.

Mr. WHEELER. I make the point of order that that amendment is new legislation, and is not in order.

The CHAIRMAN. The point of order is sustained, and the amendment is not before the committee.

Mr. LAWRENCE. Is it in order now to move to strike out the section?

The CHAIRMAN. That motion is already pending.

Mr. LAWRENCE. I wish to say a word in reference to that motion. I hope this section will now be stricken out, and I desire to present to the committee some reasons in favor of striking it out.

The CHAIRMAN. What motion did the gentleman make?

Mr. LAWRENCE. To strike out the section.

The CHAIRMAN. That motion is not in order; it is already pending and has been debated.

Mr. LAWRENCE. Well, I can debate it.

Mr. GARFIELD. No; debate is ended on that.

The CHAIRMAN. The Clerk will now report the substitute offered by the gentleman from Kentucky, [Mr. BECK.]

The Clerk read as follows:

That all claims of citizens, not now pending before the southern claims commission, who remained loyal adherents to the cause of the Government of the United States, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military or naval service of the United States, including any such claims now pending and not finally disposed of in any Department of the Government, shall be presented within one year from the passage of this act to the United States Court of Claims, which court shall have jurisdiction of the same; and all such claims which shall not be presented within the time herein specified shall be barred, and shall not be entertained without further authority of Congress: *Provided*, That where the claimant is a minor, or insane person under guardianship at the time of the passage of this act, then every such person shall have one year and no more from the date of the removal of such legal disability in which to present such petition.

The CHAIRMAN. The Clerk will next report the amendment offered to the substitute by the gentleman from Pennsylvania, [Mr. SPEER.]

The Clerk read as follows:

Provided further, That all evidence taken in reference to these claims and now on file with the Quartermaster-General or Commissary-General, and admissible under the rules and regulations of their departments, shall be transferred to the said Court of Claims, and shall be there considered as if taken under the rules of said court.

Mr. LAWRENCE. I move that the committee do now rise, and, if I can be allowed to do so, I will now say a few words.

The CHAIRMAN. The motion is not debatable.

Mr. WHEELER. I hope the committee will not rise,

The question was taken on the motion of Mr. LAWRENCE; and on a division there were—ayes 48, noes not counted.

So the motion was not agreed to.

The question recurred on the amendment to the substitute.

Mr. SPEER. I thought the amendment was accepted.

Mr. BECK. The gentleman from Pennsylvania asked me if I would accept his amendment, which is the same one that has already been adopted to the original section. I told him that I would do so if I had the power. Of course, if I can accept it I will do so.

The CHAIRMAN. The gentleman has a right to accept it, and the amendment of the gentleman from Pennsylvania is a part of the substitute of the gentleman from Kentucky.

Mr. BECK. I call for tellers on agreeing to the substitute.

Tellers were ordered; and Mr. WHEELER and Mr. BECK were appointed.

The committee proceeded to divide; but before any vote was announced,

Mr. BECK said: The amendment is evidently lost, and I withdraw the call for tellers.

So the substitute was not agreed to.

Mr. WHEELER. I move that the committee rise and report the bill to the House, with the amendments.

The CHAIRMAN proceeded to put the motion, and announced that it was agreed to.

Mr. COBB, of Kansas. If I have any rights on this floor I should like to have that fact determined; if I have not I also wish the question determined. The Speaker stated to the House the other day that no committee could rise and report a bill back as long as any gentleman saw fit to offer an amendment to it.

The CHAIRMAN. The gentleman will be recognized if he has an amendment to offer.

Mr. COBB, of Kansas. I have been addressing the Chair because I desired to offer an amendment.

The CHAIRMAN. In the confusion that prevails in the committee the Chair did not hear the gentleman, but is very happy to recognize him now.

Mr. COBB, of Kansas. I move to further amend this bill by adding the following as a new section:

SEC. —. That the Secretary of War, in the expenditure of any money appropriated by this bill, where the Pacific Railroads or any of their branches, in any case where the Government retains the amount charged for its business on account of advances made to such railroads, or either of them, come into competition with any other line of transportation, in deciding which line of transportation is the lowest bidder, shall consider all the money to be paid to said Pacific Railroads, or their branches, as so much saved to the Treasury, and govern the transportation of men and supplies accordingly.

That amendment is offered as an economical measure to be attached to this bill. It is well known that by an act of the last Congress every dollar of the interest paid by the Government of the United States to the Pacific Railroads on the bonds guaranteed by the United States is subject to be worked out by the transportation of the mails, men, and supplies for the Army, and men and supplies for the Navy; that no money is to be paid these roads for this service in any event, but that it is to be withheld to apply on the debts of the roads. Such being the law of the case, this amendment simply provides that the Quartermaster-General, in transporting troops and supplies over competing lines of railroads, shall, when one of these competing lines is a Pacific Railroad, select that Pacific Railroad as the means of transportation and thus work out a debt due the United States which will never be collected in any other way. It is a simple proposition to save so much money to the Treasury.

As an illustration, allow me to state that the Kansas Pacific and the Atchison, Topeka and Santa Fé Railroads are competing lines in my State, running out from Fort Leavenworth and Atchison toward the posts in the Southwest. Last year supplies and men were carried over these roads to Kit Carson, on the Kansas Pacific Railroad, and to Sargent, on the Atchison, Topeka and Santa Fé Railroad, for use in the Southwest. Both of these points are about equidistant from the forts in New Mexico, Arizona, and the Southwest. The Kansas Pacific Railroad is indebted to the United States upward of $1,300,000 on its interest advanced by the United States. I contend that it is a measure of highest economy that the troops and supplies to be transported west and southwest from Leavenworth shall go over the Kansas Pacific Railroad, instead of the Atchison, Topeka and Santa Fé Railroad. I ask the Clerk to read a communication which I send to his desk.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 21, 1874.

SIR: I have the honor to acknowledge receipt of War Department indorsement, referring for report letter of the Hon. STEPHEN A. COBB, dated House of Representatives, January 16, 1874, requesting to be informed whether supplies for the Army transported westward from Fort Leavenworth, Kansas, to New Mexico, and the outposts of the Southwest, during the past season, have been carried over the Atchison, Topeka and Santa Fé Railroad, instead of being conveyed over the line of the Kansas Pacific Railroad, &c.

In reply, I have the honor to state that, under an advertisement published about a year since, calling for proposals for wagon transportation from such shipping points on the Kansas Pacific, Atchison, Topeka and Santa Fé, and Denver and Rio Grande Railroads, as should, for the interests of the service, be selected, the proposals for transportation of supplies from the western terminus of the Atchison, Topeka and Santa Fé Railroad to the various posts in New Mexico, and from convenient points on said road to certain of the posts in the Indian Territory, was found to be the most advantageous for the United States, and contract was, with approval of the

honorable Secretary of War, made accordingly. The shipping points at that time to New Mexico and Colorado were Kit Carson, on Kansas Pacific; Sargent, on Atchison and Santa Fé; and Pueblo, on Denver and Rio Grande Railroad.

Contracts were made, at the same time and with the same person for transportation of such supplies from points on the Kansas Pacific and Denver and Rio Grande Railroads as it might be found could be sent to any posts to better advantage by using those roads; but the bulk of freight was destined to posts in New Mexico, and was carried by the Atchison, Topeka and Santa Fé Railroad.

Laws, regulations, and orders require this department to select, all things considered, the cheapest and best routes of supply, and the measures taken last year relative to transportation of supplies in the Department of the Missouri were adopted in this spirit.

The appropriation for Army transportation is chargeable with the full cost of transportation of supplies by the railroads which are indebted to the United States for bonds issued in aid of their construction. No payments are now made to said railroads, but the cost of the transportation is taken from appropriations of this department and placed in hands of the Secretary of the Treasury to be disposed of by him as the existing laws direct.

It is the effort of this department to use the indebted Pacific roads in all cases where our appropriations will not, in accomplishing the end sought, suffer by such use, and any legislation requiring an unconditional use of such roads will result, it is believed, in increased expenditures to this department and afford ground for complaint by other competing roads.

The Kansas Pacific and the Atchison, Topeka and Santa Fé Railroads are competing routes to New Mexico and Colorado.

The former is a road to aid in the construction of which the United States issued its bonds, and the charter of the road authorizes it to charge the United States the public tariff rates. The latter is what is known as a "land-grant" road, and for transportation over it this department pays—as in the cases of all other roads similarly chartered—but 66⅔ per cent. of its public tariff rates.

Therefore the tariff rates of both roads being equal to certain points, the United States by requiring the Kansas Pacific to be exclusively used would pay more than the transportation would cost by the Atchison, Topeka and Santa Fé Railroad; in other words, the Government would be paying a greater price than necessary in order to enable a road to work out its debt to the prejudice of another line struggling for existence, and which was not so bountifully assisted, in its beginning, by Congress. The letter of Mr. COBB is herewith returned.

I am, sir, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, U. S. A.

To the honorable the SECRETARY OF WAR.

Mr. WHEELER. I would suggest to the gentleman from Kansas [Mr. COBB] that the better place for his amendment is after line 24 of the first section, relating to the transportation of the Army. I do not see that the letter just read affects the question at all. The committee will see at once the impolicy of tying the Quartermaster-General down to transporting on any given line of railway. But as full answer to what has been alleged by the gentleman from Kansas, I ask that the Clerk read a letter from the Quartermaster-General, under date of February 4.

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 4, 1874.

SIR: The following is a copy of telegram sent to you this day, namely:

"All amounts earned by Pacific Railroads are paid over by Quartermaster's Department at present to Secretary of Treasury, to be used in settling the accounts and charges against those roads on United States bonds issued to them and interest thereon. Therefore, if the Army transportation is forced over those roads under higher tariff rates, and over longer routes than it can be done over other roads, the Army transportation appropriation should be increased accordingly. These roads are not always the most direct and shortest railroad lines to the military posts, hence the amendment may compel longer routes by rail and also longer routes of wagon-haul—the most expensive transportation. All these matters are considered in making contracts, and contracts are made as the War Department finds to the best interest of the military service and of the Treasury. Mr. COBB's amendment tends to give certain roads a monopoly of the business. The amendment can do no good, may do much harm, and seems unjust to competing roads.

"M. C. MEIGS,
"*Quartermaster-General.*"

By order Quartermaster-General.
Very respectfully, your obedient servant,

M. L. LUDINGTON
Quartermaster- U. S, A.

Hon. W. A. WHEELER,
House of Representatives.

Mr. COBB, of Kansas. I move to strike out the last word of my amendment, in order to have read another letter from the Quartermaster-General to the Secretary of War, and to state, in addition, that the closing words of the communication just read by the Clerk are the most extraordinary I ever knew to be uttered by an executive officer of the Army of the United States, pleading the cause of a land-grant railroad, forsooth, that he has nothing to do with, and saying that we are striking down a corporation that is struggling for existence! Now, it is a positive fact that one-half of the flowers that bloom on the prairies in my State bloom as the special property of the Atchison, Topeka and Santa Fé Railroad, or of some other railroads that have had these land grants given to them, and have been built up by the munificent gifts of the United States. No railroad in Kansas has wider possessions than the Atchison, Topeka and Santa Fé Railroad. I would remind that officer that it is not any railroad like this which is struggling for existence; but his principal, the people. Let his sympathy be expended for them.

Mr. NEGLEY. Have not these roads built up the flowers of your State?

Mr. COBB, of Kansas. Not a flower. [Laughter.]

The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 30, 1874.

SIR: In reply to the War Department communication of the 29th instant, herewith returned, referring request of the Hon. STEPHEN A. COBB, M. C., as to the amounts of cost of transportation of men and supplies for the Army over the Atchison, Topeka and Santa Fé Railroad, and the Kansas Pacific Railroad, since January 1, 1873, I have the honor to report, that the money accounts of Colonel J. G. Chandler quartermaster, Fort Leavenworth, Kansas, by whom the payments are made to the Atchison, Topeka and Santa Fé Railroad, so far as received here, show the amounts paid it for transportation service rendered since January 1, 1873, as follows:

For troops, (last payment October 30, 1873)	$4,984 71
For freight, (last payment November 19, 1873)	34,189 02

The accounts of the Kansas Pacific Railroad Company are settled through this office at the Treasury, and up to this date the amounts of the accounts received in this office are as follows:

For troops, &c., to September 30, 1873	$22,922 14
For freight to May 31, 1873	15,257 47

By act of Congress of March 3, 1873, no payments are made to the bonded Pacific Railroads, and for that reason those companies are indifferent as to sending forward their evidences of service rendered to the local quartermaster, by whom the accounts are prepared and forwarded to this office. This accounts for the remote period to which only accounts of the Kansas Pacific Railroad have been received here.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General U. S. A.

Hon. SECRETARY OF WAR.

Mr. COBB, of Kansas. I ask now that one more telegram be read. The Government of the United States has advanced to the Kansas Pacific road something like $1,300,000 for interest, not to speak of the $6,303,000 bonds originally loaned. The paper of that road went to protest on the 1st day of January last, I am informed, and the first-mortgage bonds are now liable to foreclosure, and the United States will be deprived of every dollar of that $1,300,000, unless we collect something by way of transportation over that line. This amendment is not in the interest of any railroad, but simply in the interest of the Government. I ask the Clerk to read the paper I send to him.

The Clerk read as follows:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 4, 1874.

Hon. S. A. COBB, *Member Congress, House of Representatives:*

Freight contract over Atchison, Topeka and Santa Fé Railroad commenced May 22, 1873. Troops have been sent over the road, when most convenient and economical, since its opening. The bulk of freight was transported from July to September last, and of troops, during July and August.

M. C. MEIGS,
Quartermaster-General.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas, [Mr. COBB.]

Mr. COX. I have an amendment which I wish to offer.

Mr. RANDALL. As the amendment of the gentleman from Kansas [Mr. COBB] presents a very important question, I suggest that the committee rise, allowing that amendment to be pending.

Mr. WHEELER. I accept that proposition, particularly as there appears to be a desire to offer other amendments. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KELLOGG reported that the Committee of the Whole on the state of the Union, having had under consideration the Army appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill (S. No. 302) for the relief of Dr. Edward Jarvis; in which the concurrence of the House was requested.

The message also announced that the President *pro tempore* of the Senate had appointed Mr. ALLISON a member on the part of the Senate of the joint select committee to inquire into the affairs of the District of Columbia, in place of Mr. MORRILL, of Maine, excused.

CONTRACTS AND EXPENDITURES FOR INDIAN SERVICE.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I have the honor to transmit herewith the report of the Secretary of the Department of the Interior, to whom was referred the resolution of the House of Representatives of January 7, requesting "a statement of the extent and nature of the contracts, purchases, and expenditures for the Indian service made since July 1, 1873, setting forth which, if any, of them were made or entered into without conference with the board of Indian commissioners appointed by the President, and the extent and description of contracts and vouchers objected to by said board, stating to what extent payments have been made thereon against their remonstrance."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 9, 1874.

The message, with accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed.

WAR WITH MODOC INDIANS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I have the honor to transmit herewith reports from the Secretaries of the War Department and Department of the Interior, to whom were referred the resolutions of the House of Representatives of the 7th of January last, requesting "copies of all the correspondence between the different Departments of the Government and the peace commissioners during the war with the Modoc Indians, in Southern Oregon and Northern California, during the years 1872 and 1873; also copies of all the correspondence with, and orders issued to, the military authorities engaged in said war up to the period of the removal of said Modoc Indians from the States of Oregon and California."

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 10, 1874.

The message, with accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed.

TREASURY CONTRACTS FOR RECOVERY OF TAXES, ETC.

Mr. RANDALL. Mr. Speaker, there was received this morning a communication from the Secretary of the Treasury, which I would like to have read and printed. It relates to what are known as "Sanborn contracts."

The SPEAKER. That communication was referred at the close of the morning hour to the Committee on Ways and Means.

Mr. RANDALL. Yes, sir; but it ought to be read.

The SPEAKER. It is not now on the Speaker's table; it was referred to the Committee on Ways and Means.

Mr. RANDALL. The inquiry of the House has not been answered in that communication. I have read the reply of the Secretary of the Treasury; and he states that he will not give the information called for except upon further order of the House. I desire to have the House make such order; and I wish to submit the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish this House with full copies of all contracts made under the authority of the Treasury Department in pursuance of one of the provisions of the legislative, executive, and judicial appropriation bill approved May 8, 1872, and also copies of all schedules and correspondence relating to said contracts.

Mr. McKEE. I move that the House adjourn.

Mr. DAWES. I suggest to the gentleman from Pennsylvania [Mr. RANDALL] that it is more important to ascertain the amount of money that has been paid under these contracts than the mere names of the parties.

Mr. RANDALL. I am obliged to the gentleman for the suggestion; I will accept the amendment.

Mr. BURCHARD. I suggest that this resolution be referred to the Committee on Ways and Means. I object to its consideration at this time, except for reference.

Mr. RANDALL. The Secretary of the Treasury manifestly asks for a further order of the House.

Mr. BURCHARD. The information has already been asked for, as I understand, and it is unnecessary to adopt another resolution. I call for the regular order, which is the motion to adjourn.

The SPEAKER. The gentleman from Illinois [Mr. BURCHARD] objects to the resolution.

Mr. RANDALL. Well, I am a little surprised at that.

Mr. BURCHARD. A resolution of that kind has already been adopted by the House, and it is unnecessary to pass another.

Mr. RANDALL. The Secretary of the Treasury, in his answer, does not give the information which the House has asked for.

The SPEAKER. The regular order is the motion to adjourn.

Mr. RANDALL. Well, I suppose I must consent that the resolution be referred.

The SPEAKER. The Chair hears no objection to the reference of the resolution to the Committee on Ways and Means, and it will be so referred.

MARINE HOSPITAL, CLEVELAND, OHIO.

Mr. PARSONS, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 1927) for leasing the marine hospital and grounds at Cleveland, Ohio, to the city of Cleveland; which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

PUBLIC LANDS.

Mr. TOWNSEND, from the Committee on the Public Lands, reported a bill (H. R. No. 1928) to provide for the more efficient administration of the laws relating to public lands; which was read a first and second time, ordered to be printed with an accompanying letter, and recommitted, not to be brought back on a motion to reconsider.

The question being taken on the motion of Mr. McKEE that the House adjourn, it was agreed to; and (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as follows:

By Mr. ALBERT: The petition of Adams Express Company, by S. M. Shoemaker, president, manager, &c., for the passage of a law authorizing the payment to said company of $1,500 for two packages containing mutilated United States legal-tender notes and postal currency, which were destroyed by burning while being transported by said company from Chicago to Washington, March 21, 1872, to the Committee on Claims.

By Mr. BASS: The petition of shipping merchants and importers of Buffalo, New York, indorsed by resolutions of the Buffalo Board of Trade, for the repeal of the third section of the consular and diplomatic act of February 22, 1873, to the Committee on Foreign Affairs.

By Mr. BURCHARD: The petition of 1,500 citizens of Illinois, for the opening of the railroad bridge at Clinton, Iowa, to all railroads desiring to use the same, to the Committee on Commerce.

By Mr. BUTLER, of Tennessee: The petition of R. R. Robinson, of Tazewell, Tennessee, for indemnification for two hundred and twelve gallons of apple brandy, illegally seized by internal-revenue officers, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of Thomas J. Edelin and others, of Alexandria, Virginia, for the repeal of the law which retroceded Alexandria City and County to the State of Virginia, to the Committee on the District of Columbia.

Also, the petition of watchmen in the Treasury Department, for increase of compensation, to the Committee on Appropriations.

Also, the petition of Patrick Hickey, for a pension, to the Committee on Invalid Pensions.

By Mr. CLARKE, of New York: The petition of ship-masters and others, praying for remuneration for services rendered by Hall Colby, of New York City, in examining and correcting ships' compasses, and rendering other gratuitous and voluntary services, to the Committee on Commerce.

By Mr. COTTON. The petition of J. Geiger and others, of Iowa, for the issue, under certain restrictions, of $300,000,000 legal-tender Treasury notes, to the Committee on Banking and Currency.

By Mr. DUNNELL: The petition of the heirs of Lorenzo D. Smith, for relief, to the Committee on the Public Lands.

By Mr. ELDREDGE: Papers in the case of Thomas Weeks and George Burchard, to the Committee on Claims.

By Mr. HAWLEY, of Illinois: The petition of citizens of Illinois, for the opening of the railroad bridge at Clinton, Iowa, to all railroads desiring to use the same, to the Committee on Railways and Canals.

By Mr. HYDE: A paper relating to the establishment of a post-route from New Cambria to Salisbury, in Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. HYNES: The petition of Charles Farr, late lieutenant-colonel Fifty-fourth United States Colored Volunteers, for relief, to the Committee on Claims.

By Mr. LAWRENCE: The petition of Daniel Brown and James Robinson, for relief, to the Committee on War Claims.

By Mr. MAYNARD: The petition of G. I. Holding, of Tennessee, for relief from the tax on tobacco, to the Committee on Ways and Means.

By Mr. ROBINSON, of Illinois: The petition of Mrs. Percy Claywell, for a pension, to the Committee on Invalid Pensions.

By Mr. SENER: The petition of William Doggett, of Lancaster County, Virginia, for relief, to the Committee on War Claims.

Also, the petition of John M. Lyell and others, of Farnham Church, Richmond County, Virginia, for an appropriation to improve Farnham Creek, to the Committee on Commerce.

By Mr. SHELDON: The petition of H. M. Whittemore, for payment for rent of a house in Indianola, Texas, to the Committee on Claims.

Also, the petition of Edwin E. Saunders, for pay for a steamboat taken by United States troops in 1864, to the Committee on War Claims.

By Mr. SMITH, of Virginia: The petition of citizens of Louisa County, Virginia, for the prepayment of postage on all printed matter, to the Committee on the Post-Office and Post-Roads.

By Mr. STARKWEATHER: The petitions of E. Carrington Bowers, captain United States Navy reserved list, for promotion to the grade of commodore on the reserved list, to the Committee on Naval Affairs.

By Mr. THOMAS: The petition of citizens of Jones County, North Carolina, for indemnification for the destruction of the court-house and jail of Jones County by United States troops in 1863, to the Committee on War Claims.

Also, several petitions from citizens of North Carolina, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. VANCE: The petition of M. D. Paget and others, for a post-route from Rutherfordton, North Carolina, to Spartanburgh, South Carolina, via Poore's Ford, Sandy Springs, Fingerville, Factory, and Boiling Springs, to the Committee on the Post-Office and Post-Roads.

By Mr. WHITTHORNE: The petition of James M. Shields, of Giles County, Tennessee, for compensation for property taken during the late war, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *February* 11, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. MORTON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present a petition of a number of citizens of New York, who ask a pension or other bounty for those who served honorably in the war with Mexico. It is signed by Major-General Hooker, president of the New York Association of Veterans of the Mexican war, and many others, members of the association. The memorial was transmitted to me by Colonel William Lewis Tidball, the worthy corresponding secretary of the association. It sets forth, in clear and

forcible terms, the grounds of their appeal to Congress; and I ask for it the early and considerate attention of the Committee on Pensions, to whom it will properly be referred.

The motion to refer was agreed to.

Mr. CHANDLER presented the petition of John Parish, of Saginaw County, Michigan, praying to be allowed a pension for services rendered in the war of 1812; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Genesee County, Michigan, asking that a pension may be granted to John Parish; which was referred to the Committee on Pensions.

He also presented the petition of John Northwood, late a soldier in the service of the United States in the war of the rebellion, asking that the pension laws be so amended that the loss of an arm above the elbow may be treated in the same manner on the pension list as the loss of a leg above the knee; which was referred to the Committee on Pensions.

Mr. HAMILTON, of Maryland, presented the petition of Samuel Wethered, a resident of the city of Baltimore, Maryland, praying the extension of his patent for carding-machines; which was referred to the Committee on Patents.

Mr. MERRIMON presented the petition of Mary Blanton, of Cleveland, North Carolina, widow of Burrill Blanton, deceased, a soldier of the revolutionary war, asking to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SARGENT. I present a concurrent resolution of the Legislature of California, which, being short, I will read, and ask leave to occupy about two minutes in some remarks upon it:

Resolved by the senate of the State of California, (the general assembly concurring,) That our Senators in the Congress of the United States are hereby instructed, and our Representatives requested, to vote against and oppose the passage of the bill introduced into the House of Representatives by Hon. J. D. WARD, of Illinois, and known as "An act supplemental to and amendatory of the act entitled 'An act to promote the development of the mining resources of the United States,' approved May 10, 1872."

Resolved, That the governor is hereby requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

The reason I desire to call the attention of the Senate particularly to this resolution is to say that by some blunder of the press, or in telegraphing, the bill which was introduced by Mr. WARD and to which I am opposed, believing it to be extremely injudicious, believing that it would be subversive of the mining interest of the mining States and Territories, was credited to me. It was telegraphed to the people of the Pacific coast that I had introduced this bill, and some very excited miners' meetings were held, one at Bullion City, Nevada, in which I was very freely criticised and denounced as being the author of a bill which my long knowledge of mining matters seemed to imply that I ought to have known better than to favor or introduce.

Now, I desire to say, in order to set this matter right so far as I may, that I have not introduced any such bill; that I am not in favor of it; that I am not in favor of a law to compel miners to apply for patents for their claims, except at their own discretion under existing laws; and that the criticisms which have been made upon me in consequence of the erroneous impression that has gone out are unjust to me. The scurrilous abuse, and the cowardly anonymous communications sent to me by persons ashamed of their own names, I do not see fit to characterize as they deserve.

I move that the resolutions be printed, and referred to the Committee on Mines and Mining.

The motion was agreed to.

Mr. HAGER presented a resolution of the Legislature of California, in favor of the passage of an act granting pensions to soldiers of the Mexican war; which was referred to the Committee on Pensions, and ordered to be printed.

He also presented a resolution of the Legislature of California, in favor of the establishment of an Indian reservation in Siskiyou County, in that State; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a resolution of the Legislature of California, in favor of an appropriation for turning the San Diego River; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a memorial of citizens of California, and a memorial of the Chamber of Commerce of San Francisco, California, in favor of an appropriation for the removal of the wreck of the ship Patrician, and the rock known as the "Noonday Rock," near the harbor of San Francisco; which were referred to the Committee on Commerce.

Mr. BOUTWELL presented the memorial of A. S. Macomber, of Hamilton, New York, praying for the extension of letters-patent for straw and stalk cutter; which was referred to the Committee on Patents.

Mr. WINDOM presented the petition of J. Hill and 145 other citizens of Saint Cloud, Minnesota, asking for an appropriation for the improvement of the Mississippi River between Minneapolis and Saint Cloud, in that State; which was referred to the Committee on Commerce.

Mr. LOGAN presented a memorial of citizens of Chicago, Illinois, remonstrating against the extension of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

Mr. THURMAN. I move to take from the table the two petitions presented by me some time since in reference to the government of this District, and also the memorial of the governor of the District, and that they be referred to the joint committee appointed for investigation into the affairs of the District.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the petitions heretofore presented by him, and the memorial of the governor of the District, be taken from the table and referred to the joint select committee. Is there objection? The Chair hears none; and it is so ordered.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALCORN, it was

Ordered, That the petition of J. D. Leflore and J. C. Harris be taken from the files and referred to the Committee on Claims.

On motion of Mr. RANSOM, it was

Ordered, That Bramhall & Co. have leave to withdraw their petition and papers from the files.

OREGON INDIAN DEPREDATIONS.

Mr. MITCHELL. On the 3d of December last I submitted to the Senate a resolution in regard to the ascertainment of losses by citizens of Oregon in consequence of Indian depredations. I give notice now that to-morrow, at the expiration of the morning hour, I shall desire to call up the resolution and submit a few remarks upon it.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (S. No. 185) for the relief of M. S. Hellman, of Canyon City, Oregon, submitted an adverse report; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Mrs. Annie Dorsey Reeves, of New Castle, Delaware, praying remuneration for the occupation of her property by United States officials, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 335) for the relief of the Chickasaw Indians, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. KELLY. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general, have had the same under consideration, and instructed me to report it back with a recommendation that it do pass, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be reported for information, subject to objection.

The Chief Clerk read the bill.

Mr. WRIGHT. I should like to inquire of the Senator from Oregon whether there is a report in this case?

Mr. KELLY. There is not a written report.

Mr. WRIGHT. I should feel unwilling to act upon the bill until I know something about the facts.

The PRESIDENT *pro tempore*. The Senator from Iowa objects to the present consideration of the bill.

Mr. KELLY. I hope the objection will be withdrawn. I will make a statement of it.

Mr. WRIGHT. I say I am unwilling to consent to take it up unless I know something more about the facts than I learn from the reading of the bill.

Mr. KELLY. I propose to state them, if there be no objection.

Mr. WRIGHT. I will say further, that if it is a proposition to refer the claim to the Court of Claims, that is something I do not think we ought to do, unless there be some particular reasons why we should take it out of the ordinary rule.

Mr. KELLY. Very well, sir; let the bill go upon the Calendar.

Mr. BOREMAN, from the Committee on Claims, to whom was referred the petition of Clement Wetle, praying payment of damages for depredations committed by Sioux Indians in 1861, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the memorial of William Mason, of Taunton, Massachusetts, praying compensation for the abrogation of his contract to manufacture one hundred thousand muskets of the Springfield pattern, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the subject.

ARMY OFFICER IN SOUTH CAROLINA.

Mr. BAYARD. I ask for the consideration at this time of the resolution I offered yesterday, asking for information in respect to some matters in South Carolina.

Mr. EDMUNDS. Let the resolution be read for information.

The Chief Clerk read as follows:

Resolved, That the President be requested to communicate to the Senate the information called for by the following resolution, which passed the Senate on the 1st day of March, 1873:

"*Resolved*, That the President be, and hereby is, requested to inform the Senate, if not inconsistent with the public interest, whether any commissioned officer of the United States Army, while on duty in the State of South Carolina, has received, or attempted to procure, payment of any money or other valuable consideration from the Legislature of said State, or endeavored to procure legislation to that effect, as a compensation or reward to him for services performed in the line of his duty as an officer of the Army or otherwise; and whether any such officer, while so stationed and on duty, has been admitted to practice at the bar of said State, and has actually practiced thereat for his personal emolument, while receiving pay as an officer of

the Army; and whether such officer is now on duty in said State, and, if detached from his regiment, for any and what service or purpose."

The Senate proceeded to consider the resolution.

Mr. BAYARD. I desire to state to the Senate, as there seemed to be some misunderstanding, or some want of understanding, in regard to the nature of the resolution, which it seems to me cannot, when understood, fail to command the approval of every member of the body, that it is a resolution calling for information, in order that the Senate may be apprised authoritatively of the true condition of facts of the existence of which I have myself no moral doubt whatever, but prefer that the Senate should have the facts before them certified by the Administration itself.

Last March the knowledge was brought to me by very respectable authority that a great wrong was about to be perpetrated on the people of the State of South Carolina and a great injury upon the military service of the United States. The good name and fair fame of the officers of the United States Army are part and parcel of the glory of this country. The *esprit de corps* of that army is essential for its force, essential to enable it to maintain itself in the respect to which it is entitled at the hands of the entire country; and when any diminution is effected in any way by the action of any one of its officers, it is for the benefit of all that the impropriety should be instantly exposed and promptly corrected. None recognize the truth of this more fully than the officers themselves.

In March, 1873, the original resolution was adopted, asking for this information, "if not inconsistent with the public interest," and that amendment was made on the motion of the senior Senator from New York, [Mr. CONKLING,] and accepted by me, although I could not imagine what public detriment could come from having such information as was called for; but, notwithstanding the resolution was passed in that guarded way, nearly a year has passed, and yet no notice whatever has been taken of it by the President. In the mean time a great part of the wrong has been accomplished, and the people of that unhappy State, well described by a northern writer as "the prostrate State"—a State once among the most honored and influential in the Union, but which to-day is a blemish upon the escutcheon of the country, and the condition of which is a source of sorrow and of shame to every honest American citizen—that State has been deprived of some $35,000 in the way of rewards offered for the conviction of the citizens of that State under what was known as the Ku-Klux act of Congress, which passed in 1871, and the Senate well know its provisions.

An act of the Legislature of South Carolina was passed offering large rewards to all persons, civil as well as military, who should arrest and furnish evidence to be used in the courts of the United States to convict persons for violation of the Ku-Klux act of Congress. Under that it was alleged that an officer of the Seventh Regiment of United States Cavalry, one Major Lewis Merrill, whose name I find in the official register of the Army, had been busy in obtaining the passage of an act by the Legislature of South Carolina to pay these rewards to informers, to procurers of these convictions, and chief among them himself.

On June 14, 1873, in a public newspaper called the Daily Phœnix, published in Columbia, South Carolina, I find a report of a commission appointed by the governor of South Carolina to distribute the reward of $35,000 offered for the arrest and conviction of persons charged before the courts of the United States with the violation of the Ku-Klux act; and I ask the Clerk to read the report which I send to the desk.

The Chief Clerk read as follows:

The following is the report of the commission appointed by the governor to examine claims and make the awards:

COLUMBIA, SOUTH CAROLINA, *May* 29, 1873.

To his Excellency FRANKLIN J. MOSES, Jr., *Governor:*

By your excellency's commission it was referred to the undersigned to examine the papers pertaining to the claims of sundry persons for the payment to them of the rewards offered by proclamation of your predecessor, Governor R. K. Scott, for the apprehension and prosecution of parties who were participants in what was known as the "Ku-Klux conspiracy."

Upon an examination of the papers we found that the parties who had been apprehended and prosecuted, in reference to whom the rewards were claimed, were of three classes, to wit:

1. Parties who had been apprehended and prosecuted to conviction.
2. Parties who had been apprehended as conspirators, but had been used as witnesses for the prosecution of others.
3. Parties who had been apprehended and were under indictment, but not yet convicted; and others as to whose guilt proof was furnished, but who are not yet under indictment.

In the first class, the parties for whom the rewards are claimed numbered one hundred and two; of the second class, the number was forty; and of the third class, the number was in excess of one hundred.

After a very careful examination of all the papers pertaining to the several claims, the committee concluded to recommend to your excellency that out of the appropriation made by the General Assembly and placed at your excellency's disposition for the payment of the rewards, the claims for payment as to parties of the first class should be first paid; that claims for payment as to parties of the second class should be next paid; and that the remainder of the appropriation should be awarded to claims as to parties of the third class.

The committee further report, after a very patient and careful examination of the claims of the several claimants, that they have made the awards as follows:

To Major Lewis Merrill:	
Convictions, 47, $200 each	$9,400
Accomplices, 40, $200 each	8,000
Total	17,400
To Mr. Thomas M. Wilkes:	
Convictions, 35, $200 each	7,000
To Mr. H. H. D. Byron:	
Convictions, 6, $200 each	1,200
Total	25,600

In reference to fourteen of the parties enumerated as convictions, the committee have made no award, the claims not presenting satisfactory proof that the claimants were entitled thereto.

The committee have not as yet been able to consider fully the claims for the rewards in reference to parties of the third class, and must ask your excellency's further indulgence in the making of the awards.

Upon the conclusion of our labors we will report fully to your excellency, and in detail, the results of our investigations, and as to the rules which have governed us in our awards.

We respectfully recommend that the several amounts, as hereinbefore stated, be paid to the claimants, Major Merrill, Mr. Thomas M. Wilkes, and Mr. H. H. D. Byron. We have a record of the parties as to whom these awards are made, which we will furnish to your excellency with our final report.

Very respectfully, &c.,

C. D. MELTON.
JOSEPH DANIEL POPE.
R. B. ELLIOTT.
D. H. CHAMBERLAIN.
JAMES A. DUNBAR.

COLUMBIA, SOUTH CAROLINA, *June* 10, 1873.

SIR: We have the honor to respectfully submit the following supplemental report of our awards as commissioners appointed by your excellency to investigate and pass upon the claims of sundry persons, for the payment to them of rewards offered by proclamation of your predecessor, Governor R. K. Scott, for the apprehension and prosecution of parties who participated in what was known as the "Ku-Klux conspiracy."

We met on the 5th instant, and proceeded to consider class No. 3 of such claims, the only class we had not disposed of at the time of making our previous reports. Upon examination we found that there were one hundred and twenty-two claims presented. The balance of the fund for distribution being much too small to make awards for all the cases that we found meritorious, we were compelled to adopt, as nearly as possible, an equitable *pro rata;* and, in making our awards we acted upon the principle of giving each claimant the full $200 for the number of claims we had adjudged him, taking that number from the head of his list, leaving the remaining claims undetermined. Upon this principle our awards were as follows:

James Canton, six cases	$1,200
Colonel W. H. Brown, eight cases	1,600
Major Lewis Merrill, twenty cases	4,000
Total amount	6,800

Leaving a balance of $100 of the fund undisturbed. This occurs from the fact that the award to the commission was an uneven number, and we could not make an award for half a case.

A copy of the rules adopted by the commission for their government in making the above awards is hereunto attached.

All of which is respectfully submitted.

JOSEPH DANIEL POPE.
ROBERT B. ELLIOTT.
D. H. CHAMBERLAIN.
C. D. MELTON.
JAMES A. DUNBAR.

His Excellency FRANKLIN J. MOSES, Jr., *Governor.*

Mr. BAYARD. Now, Mr. President, the Senate have seen that an officer of the United States Army, while on duty, detailed specially for this purpose, drawing his full pay and emoluments as an Army officer, has received from the treasury of that plundered State $21,400 for procuring convictions under a law of the United States, the operations of which he was expressly detailed there on duty to facilitate. Under the act of Congress the President was empowered to use such portions of the armed forces of the United States as he saw proper to enforce its provisions; and this body of cavalry, under Major Merrill, were sent into South Carolina; and when martial law was proclaimed in that State his individual will and power superseded all civil law and government. I pass over, for the present, the shocking facts contained in the report of this commission, of rewards offered to the participants in crime for the purpose of procuring the conviction of their accomplices. More than a year ago I laid before the Senate full proof of the fact that in the United States court a man, whose hands were red with the blood of a victim whom he himself had shot while fastened to a tree, was brought upon the witness-stand to swear that he had committed the murder, in order to implicate a bystander who was then upon trial as his accomplice. Such things are shocking in the history of a country's criminal justice. How many of the miserable men from South Carolina, who to-day languish in the prisons of the State of New York, are there because of this reward of $35,000 paid for their conviction to those who, to accomplish the result, were compelled to admit that they themselves had been guilty of the crime. And this Major Merrill, an officer of the United States Army, holding honorable rank in that honorable service, through his share in this business is to take from that stripped, beggared, bankrupt people the poor remnant of their means, and in one or two terms of court to receive $21,400 from the treasury of that State. Now, sir, if these facts be true, let us know them, and let the people of the whole country know them.

Mr. HOWE. Will the Senator allow me to make a suggestion?

Mr. BAYARD. Certainly.

Mr. HOWE. I wish to suggest to the Senator that this is not the only enormity of the kind to be found in our history. The Senator may remember that a few years ago the Congress of the United States

distributed a full $100,000 among officers of the Army for just arresting one criminal, not quite so bad a one as these miscreants whose cases we are called upon to consider now.

Mr. BAYARD. I do not know that the honorable Senator is detracting at all from the force of my remarks. It may suit his purpose to seek to divert the attention of the Senate and the country from the facts of this case. I state these facts in order that the majority who control the action of this body shall decide for themselves, and before the American people, whether they approve of the act of an officer stationed upon duty in a State lobbying bills through the State Legislature for the purpose of paying himself as an informer these enormous sums of money, in order to produce convictions in the criminal courts of the United States. In my opinion, nothing can detract more from the justly high estimation in which the officers of the United States are held by the people than the permission of such practices. They would be discreditable anywhere, and to any man; but it is outrageous that an officer of the United States Army, who was receiving from the public Treasury of this country his proper salary and emoluments, should be placed on duty in one of the States to use the time, and the means, and the enormous powers there vested in him as military commander in a time of martial law, given him for public purposes only, to turn all in favor of his personal gains, and for his own private gain, and private gain, as has been shown, of a most discreditable nature.

It may be that I am wrong in this. It may be that my opinion of the Army and of what the proper tone and character of an officer should be is different from that of the Senator from Wisconsin. It may be that he desires such a state of things as I have described should continue. I do not; and I certainly desire, when I have asked for this information in the regular and proper way, that it should be furnished by the official to whom it is directed. The resolution was objected to upon its original introduction by members of the majority, and has been objected to again, and it seems to me for no very good reason, because the information was to be given if not inconsistent with the public welfare. Now, sir, it cannot be inconsistent with the public welfare that money that reaches the pockets of United States officers by law should be known by the public from whom their pay is drawn.

As to the reward for capture offered in the case referred to by the Senator from Wisconsin, I do not care to discuss that now, as it has nothing to do with the adoption of my resolution. It was offered in great heat and haste and excitement; it was offered without warrant of law; it was paid, I believe, under law; but, as I remember, it was a reward offered by the Secretary of War in the midst of great public excitement, in his desire to discover the conspirators, if conspirators there were, in the dreadful assassination of the President of the United States. The cases are not parallel in any way.

The facts in this case are that Congress had passed a law called the enforcement act. The Legislature of the State of South Carolina passed laws, under the lobby influence, as I am credibly informed, of this same official, offering rewards to secure the conviction of these "miscreants," as the Senator from Wisconsin has properly called them, if they be guilty. No one can have greater horror of the crimes charged against them than I, and I am by no means to be led, indirectly or otherwise, into anything like an approval or condonation of their offenses. I would simply ask for a fair trial by fair testimony, and not by testimony procured, as this seems to have been, to be used to bring money—the reward for conviction—into his own pocket by an officer of the United States Army detailed and paid by the Government for the precise duty in question, of aiding the civil authorities in executing this very law, and this work done at a time when he had the whole community under his heel as military commandant during a period of suspension of civil law. And all this money was procured to be paid from the depleted treasury of that State; and the question is, whether such practices are to be approved by the American Congress and the American people.

The resolution I have presented is one calling for information; and I think that information should be given. If, however, having stated now my grounds for asking it, having stated now my reasons for believing the facts alleged to be true, and that they ought to come to us in an officially authenticated form, and also believing that it could not but be to the satisfaction of any right-minded man that such things as this should cease, that if wrongs and irregularities have occurred they should be properly punished and marked with the seal of reprobation, I shall leave the question to be decided by the Senate. I call for the question on the resolution.

Mr. SCOTT. Mr. President——

Mr. HOWE. Will the Senator allow me to say just one word before he proceeds?

Mr. SCOTT. Yes, sir.

Mr. HOWE. I want to say to the Senator from Delaware that I understood him to be criticising the conduct of certain officers of the Army because they had received some money appropriated by a State as a reward for certain services, and I ventured to remind him that there was another case of precisely that kind in our history. The Senator says that these officers did no more than their duty. In the case to which I refer the officers did no more than their duty. It was their duty to arrest Jefferson Davis, and they received $100,000 for doing it. Now the Senator speaks of these officers lobbying a bill through a Legislature. I did not understand anything of that kind to be charged against them before, and I meant to excuse nothing of that kind in the remarks I made.

Mr. SCOTT. Mr. President, I do not rise for the purpose of opposing the passage of this resolution. The suggestion made by the Senator from Iowa, [Mr. WRIGHT,] that the clause contained in the original resolution that if "not inconsistent with the public interest" this information should be given, is perhaps proper, and that clause should be inserted in the present resolution; and I suppose to that the Senator from Delaware will have no objection.

But the name of an officer of the Army of the United States has been introduced in this discussion in such connection that I deem it my duty to rise to say a few words upon the general subject which the reference to that officer introduces, and with regard to that officer himself. He was introduced not simply as an officer of the Seventh United States Cavalry, but his name, Major Lewis Merrill, was given. It was stated that he was guilty of having accepted rewards in a manner which did dishonor to his profession; and further, that for the purpose of procuring those rewards he had been guilty of an offense which certainly no right-minded man would defend, much less commend, here or elsewhere, that of lobbying a bill through a Legislature for the purpose of having himself rewarded.

Mr. President, it was my privilege to meet Major Lewis Merrill during a portion of the time that he was engaged as an officer of the Army in the service alluded to in South Carolina, that of endeavoring to ferret out and to bring to justice the Ku-Klux who infested that State; and I have no doubt that the Senator from Delaware has received information of a character which has led him to entertain feelings toward that officer of the Army that he would not entertain had it been his lot to be a member of the sub-committee which went into the State of South Carolina and investigated those offenses in the region in which Major Merrill was situated.

If there is any one man living to-day to whom the people of Upper South Carolina are more indebted for good order, for the safety of their citizens and their homes, for the preservation of that part of their State from anarchy, than another, it is Major Lewis Merrill, of the United States Army; and I think that if I had many of the reputable citizens of the counties of Spartanburgh, Union, York, and Chester here to-day, whatever may have been their opinions or their feelings in the past on this subject, they would be free to say that his efforts principally prevented them from being carried into anarchy.

I learned, sir, the fact that, notwithstanding Major Lewis Merrill is an accomplished officer of the United States Army; that he is a gentleman of high personal and professional character; that because he went into that State and remained with his family—and let it be understood he intended to do his duty—his life was rendered as uncomfortable as that of any cultivated, sensitive, honorable man could be with his family under such circumstances. With a family refined, intelligent, and cultivated as any that surrounded him, they were all ostracized, all under the ban. No citizen of South Carolina who was at that time giving countenance to this Ku-Klux Klan, or even silent under its terrors, would cross Merrill's threshold, or permit Merrill's family to cross his threshold; and yet, sir, cool, calm, educated, a trained scholar, a man of judicial temperament, a man of great firmness and prudence, he went into that State, incurred social ostracism, refused to be either cajoled or flattered, and he tracked this infamous organization to its lair; he was instrumental in furnishing the evidence which finally brought its members into the courts of justice, in which it was characterized by an eminent citizen of Maryland taken there for the purpose of defending them, in effect, (I do not quote his words,) as one of the most infamous and blood-stained organizations that had ever disgraced civilization. These men and their friends are not admirers of Major Merrill.

A reward offered by the people of South Carolina through their Legislature, indeed! Why, sir, does the Senator forget that in many portions of South Carolina certain classes of the people were assessed by the leading citizens, whose names I gave on this floor upon another occasion, at so much per county, for the purpose of taking there gentlemen eminent in their profession for the defense of these criminals, and that public appeals were made through the press of the State to the people to come up and pay their contributions for that purpose and acquit them if possible of their crimes? Was it wrong in those who thought these men entitled to a fair trial to procure them that fair trial? No, sir; I say they were entitled to that fair trial, and I think they got it; but I am unwilling to have it said on this floor that an officer of the United States Army who thus discharged his duty has dishonored his profession, because he may have received—for I do not know how that is—a reward offered by the people of South Carolina for the purpose of ridding themselves of this organization.

I, sir, have so much confidence in the honor and in the integrity of that officer that I want all this information, every particle of it; but I wish to suggest to the Senator from Delaware that perhaps he will have to go to another quarter to get it. So far as the President can give us information from the War Department with reference to the character and the conduct of this officer, let us have it; let us have his record from the time he entered the Army down to the present hour. I do not fear it. But the information here called for is whether "an officer of the Army of the United States while on duty in the State of South Carolina has received or attempted to procure the payment

of any money or other valuable consideration from the Legislature of said State." How is the President to inform us whether the State of South Carolina has ever paid Mr. Merrill this money or not? That will not be on file in the War Department. That may be ascertained from the public prints of South Carolina, from such a report as this which has been read, or from the official documents of the State of South Carolina. I submit that the Senator in offering this resolution is calling for information which a moment's reflection must have taught him the President cannot give us.

Fourth. And whether any such officer, while so stationed and on duty, has been admitted to practice at the bar of said State—

Can the President give us that information?—

and has actually practiced thereat for his personal emolument while receiving pay as an officer of the Army.

As I have already suggested, whether Major Merrill has received these rewards or not, I do not know. I regret that neither of the Senators from South Carolina is in his seat this morning, so that they might be able to say what the motives were that prompted their Legislature to offer these rewards, if such rewards were offered, and how the acceptance of those rewards in that State is looked upon.

So far as the question of his being admitted to the bar is concerned, I have no knowledge on the subject other than that, I believe, I did see announced in one of the newspapers in South Carolina the fact that he was admitted upon examination as a member of the bar; but that he ever practiced for his own emolument I have no knowledge, and I think it is not the fact. He was engaged in preparing the testimony for the purpose of bringing these trials into court, and when they were in court, I know from the reports which were sent to me of the trials, some of which are incorporated in the reports to this body, he was present, but not as an attorney aiding and assisting the United States district attorney in the prosecution of those trials.

Now, Mr. President, I have deemed it my duty to say this much, because the name of this officer of the Army has been introduced. I have deemed it my duty to say this much because of the reflection indirectly made by the Senator from Delaware upon the tribunals of the United States sitting in South Carolina, at least upon the verdicts which have been rendered in those tribunals, upon the ground that these rewards may have been the means of procuring the verdicts of conviction under which men are now serving their terms of imprisonment in the Albany penitentiary. Whether there may or may not have been a witness sworn upon those trials who did not tell the truth, I cannot say. I suppose there is an average amount of human infirmity even in South Carolina, and we may fairly infer that from the statement which the Senator has made as to its condition. But, sir, that all those trials, and that the sentences to imprisonment in the penitentiary of the men who made the soil of South Carolina red with the blood of innocent victims, and made the night air resound with the exclamations of the tortured, are to be characterized as procured by purchased testimony, is a position against which I must protest. I think the Senator from Delaware hardly intends it so broadly. It is too late to make the assertion, here or elsewhere, that there were not thousands of men in that State who deserved to be convicted, who were members of a murderous organization, and who did introduce a reign of lawlessness and violence through several counties of that State, which made every man, woman, and child feel that, if it went on for a short time longer unrestrained by the strong arm of Federal power, life, property, all, would be at the mercy of the mob. And, sir, when the name of the officer of the Army who has been chiefly instrumental in delivering that community from such consequences is introduced into the Senate in a manner in which it has been this morning, I feel it my duty to rise and make these statements, that they may go out with what the Senator from Delaware has said on this subject. Whether the information sought will be for his vindication or condemnation, or for the vindication or condemnation of South Carolina, I do not undertake in advance to say.

I hope the resolution will pass. I hope that whatever information the President has will be given, and if I am mistaken in anything I have said as to the character of this officer of the Army, if the evidence implicates him in any manner undeserving of the high position which he now holds, I shall be the first to join with the Senator from Delaware in condemning any improper or corrupt practices that may be shown to exist.

Mr. BAYARD. I am very glad to hear that the honorable Senator is determined not to stand in the way of obtaining this information. He has certainly addressed himself to a very congenial audience upon the subject of the outrages and wrongs in South Carolina. We all know that the Senator's time was largely occupied and his feelings intensely excited by the contemplation of the wrongs which he investigated there; and I have not one word to say in deprecation of his giving full vent to his feelings of indignation in regard to all that he has described. Perhaps I might, on a proper occasion, join with him in expressions of horror at any act of cruelty, of oppression, or of wrong. It is not necessary for me to compare myself with him.

This is a simple resolution asking for information which the War Department of the Government is perfectly competent to procure and furnish, which they were asked to give one year ago in a perfectly respectful and usual manner, and it has certainly been strangely withheld from the Senate and the country up to this time, and when the motion is made by me, as it was made yesterday for the purpose of having this omission supplied, it is met by objection on the part of gentlemen who represent the Administration in this Chamber.

Mr. President, I did not expect to hear a lawyer so distinguished as the Senator from Pennsylvania pronouncing objurgation against furnishing means to defray the expenses of counsel, and against the counsel of men charged with a heinous crime. If I know anything in the legal profession that makes it a source of pride to me to belong to it, it is that among its members have ever been found men willing to stem popular prejudice and popular fury in order to vindicate the law in favor of the most debased and unfortunate.

Mr. SCOTT. I trust the Senator from Delaware will bear me witness that instead of objurgating the procuring or furnishing of counsel, I said it was right that they should have a fair trial; and I was but contrasting the fact that assessments were made upon the people of South Carolina to defray the expense of that counsel with the fact that the Legislature had proposed rewards for the conviction of the defendants whom they were defending.

Mr. BAYARD. There undoubtedly was an assault upon large classes of the people of Carolina; thousands of them were declared to be the confederates and upholders of crime and guilt; a charge made upon the white population of that State which ought to have been answered by those who should represent them. There was no occasion for the Senator to make such charges or indulge in such wholesale assault. There was nothing in the resolution I have offered that drew it forth or in any way warranted him. The Senator has seen fit to make it, and to make it upon his own responsibility, and so let it go. I do not propose to stand here and fight over again the question of the propriety of the enactment of the Ku-Klux laws. I did what I considered to be my duty at the time they were introduced into Congress and my action is recorded, and I am willing to let them rest until an honest, a wholesome, a merciful, and a Christian public sentiment shall wipe them from the statute-book, and stamp them as the outrages upon law and civil liberty which I have ever believed and declared them to be.

But, sir, there was great need for those men to be defended. They were wretchedly poor; they were the victims of subornation and of perjury. It was a frightful state of things when a man could be permitted to enter the courts of the United States and stand with security upon the witness-stand avowing that he had with his own hand murdered a man, in order to convict an alleged accomplice, for whose conviction he was to be paid in money, and go himself not only unwhipped of justice, but largely rewarded. All this I have characterized as a stain upon the history of our criminal jurisprudence; and the phrase certainly was not immoderate.

Yes, sir, there was indeed great need for these men to be defended, because they were utterly impoverished. They were to be tried before juries not of their own countrymen; they were to be tried before packed juries; before juries of a different race from their own, highly inflamed by political adventurers against the white people. An indictment was equivalent to a conviction, and it was necessary that every safeguard of personal liberty should be exerted in the strongest manner to test the constitutionality of the acts of Congress, which authorized these men to be tried by tribunals of the Federal courts and not by the State courts of South Carolina.

It was——

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business, which is Senate bill No. 432.

Mr. BAYARD. I should like, without further debate, to have the question taken on the adoption of this resolution.

The PRESIDENT *pro tempore*. The Senator from Delaware asks consent to lay aside informally the pending order, for the purpose of taking a vote on the resolution. Is there objection?

Mr. SCOTT. I do not object to that if the Senator from Delaware will permit me simply to state, in answer to the broad assertion which he has made that these men were the victims of subornation and perjury, the fact that many of the men sentenced were sentenced upon their own confession in court.

Mr. BAYARD. Does the Senator desire me personally to make a statement on the subject?

Mr. SCOTT. I say I do not object, but I wish to make that statement.

Mr. PATTERSON. I object.

The PRESIDENT *pro tempore*. The Senator from South Carolina objects to the further consideration of the resolution, and the Senate resumes the consideration of the unfinished business.

Mr. BAYARD. I move to lay that aside for the present in order to take a vote on this resolution.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to postpone the pending order and proceed to the consideration of the resolution which has been under discussion.

Mr. SHERMAN. This resolution is likely to give rise to debate. I understand that the Senator from South Carolina desires to debate it.

Mr. PATTERSON. Yes, sir; I have just come in, and I should like to have it lie over until to-morrow.

Mr. SHERMAN. It will undoubtedly lead to debate, and I must insist on the regular order.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Delaware.

The motion was not agreed to.

MANUFACTURE OF SILVER COIN.

The PRESIDENT *pro tempore*. Before proceeding with the unfinished business the Chair will lay before the Senate a letter from the Secretary of the Treasury, transmitting information, in obedience to a resolution of the Senate of the 10th instant, as to the time which will be required after the resumption of specie payments for the mints to manufacture the amount of subsidiary silver coins which will be required to replace the fractional paper currency. If there be no objection the communication will be laid on the table and printed.

Mr. STEWART. As that communication is but short, I ask that it be read.

The PRESIDENT *pro tempore*. It will be read if there be no objection.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *February* 10, 1874.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate requesting information as to the "time which will be required after the resumption of specie payments for the mints to manufacture the amount of subsidiary silver coins which will be required to replace the fractional paper currency," and to state that the capacity of the mints for the coinage of subsidiary silver coin, in addition to the gold, trade-dollar, and minor coinage, is equal to about ten millions per annum; and that if we assume the amount of fractional currency which will probably be in circulation to be from forty to fifty million dollars, about four years would be required for the purpose indicated by the resolution of the Senate, should provision be made for the substitution of subsidiary silver coin for fractional currency.

Very respectfully,

WM. A. RICHARDSON,
Secretary of the Treasury.

Hon. M. H. CARPENTER,
President of the Senate pro tempore, Washington, D. C.

Mr. STEWART. My object in calling for that information was this: whenever specie payment is resumed, it will be necessary to have silver coin on hand, and with the view of taking some steps toward having the mints of the United States manufacture this coin in time, I ask that the communication be referred to the Committee on Finance, and printed.

Mr. LOGAN. I suggest to the Senator that he had better refer the communication to the committee with an inquiry as to what time they are going to commence specie payments, so that we can have four years ahead of that.

Mr. STEWART. I can answer that.

Mr. SHERMAN. It is hardly worth while to get into a discussion on this subject.

Mr. STEWART. I can answer the inquiry now. Whenever the farmers of the West come to the conclusion that they will keep a part of their surplus earnings at home, and not allow the gold board to take the entire surplus earnings of the country and all the money to New York to speculate in our depreciated currency.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that this communication be referred to the Committee on Finance, and printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1922) to establish a reservation for certain Indians in the Territory of Montana;

A bill (H. R. No. 1923) authorizing the payment of annuities into the treasury of the Seminole tribe of Indians;

A bill (H. R. No. 618) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1871, and for other purposes," approved July 15, 1870;

A bill (H. R. No. 1578) authorizing the purchase of six hundred and forty acres of land for a Nez Percé Indian reservation in the Territory of Idaho; and

A bill (H. R. No. 200) for the relief of settlers on the Cherokee strip, in Kansas.

The message also announced that the House had concurred in the amendment of the Senate to the joint resolution (H. R. No. 43) authorizing a special court of inquiry concerning General O. O. Howard.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

Mr. SHERMAN. I move to amend the bill on page 3, section 2, line 22, by striking out the words "or to deposit lawful money." Those words are not necessary and are not properly there. I have a letter from the Comptroller of the Currency calling my attention to the subject and saying that those words ought to be stricken out.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Ohio.

Mr. SHERMAN. Perhaps the briefest way to explain it will be to have the letter of the Comptroller of the Currency read. I send it to the desk, and ask that it be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
Washington, February 6, 1874.

SIR: Upon careful reading of Senate bill No. 432, now under consideration, I find that the words, in line 22, page 3, "or to deposit lawful money," should be erased, the intention of the law being that the notes of such associations as shall fail to return their own circulation shall be assorted out until the requisite amount is returned.

I am, very respectfully, yours,

JOHN JAY KNOX,
Comptroller.

Hon. JOHN SHERMAN,
Chairman Finance Committee, United States Senate, Washington, D. C.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. SHERMAN. In order to obviate the criticism the Senator from Indiana [Mr. MORTON] made the other day when this bill was up, although I do not think it changes the sense of the section, I will move to amend section 3, line 1, by inserting after the words "passage of this act" the words "and without waiting for the return of circulating notes of other banks." The Senator from Indiana seemed to think that it would be necessary to have those words in.

The amendment was agreed to.

Mr. MERRIMON. I move to amend the bill in section 3, line 12, by striking out "25" and inserting "75;" so as to read:

Provided, That the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations under the provisions of this act, shall not exceed $75,000,000.

My object in offering this amendment is to bring about that fair and equal distribution of the national currency which was contemplated by the currency act as it originally passed, and as it was afterward amended so that the bank circulation was increased $54,000,000.

As the law stood originally the national banking currency was to be distributed as follows:

That $150,000,000 of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population; and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such State, District, and Territories.

At that time the maximum amount of national currency authorized by the national currency act was $300,000,000. Afterward by the act of July 12, 1870, the maximum amount of bank circulation was increased fifty-four millions, and it was provided in that act that this increase of fifty-four millions should be distributed upon this basis:

And the amount of notes so provided shall be furnished to banking associations, organized, or to be organized, in those States and Territories having less than their proportion under the apportionment contemplated by the provisions of the "Act to amend an act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved March 3, 1865, and the bonds deposited with the Treasurer of the United States, to secure the additional circulating notes herein authorized, shall be of any description of bonds of the United States bearing interest in coin, but a new apportionment of the increased circulation herein provided for shall be made as soon as practicable, based upon the census of 1870: *Provided*, That if applications for the circulation herein authorized shall not be made within one year after the passage of this act, by banking associations organized or to be organized in States having less than their proportion, it shall be lawful for the Comptroller of the Currency to issue such circulation to banking associations applying for the same in other States or Territories having less than their proportion, giving the preference to such as have the greatest deficiency.

That currency was to be distributed over the Union as provided by the sections of the banking law which I have read. This rule of distribution, however, was not observed. On the contrary, its plain letter, as well as its spirit, has been violated, so that the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut have in excess of the proportion due to those States $70,690,046. The States of New York, New Jersey, Pennsylvania, Delaware, and Maryland have an excess of the amount due them of $9,416,503. So that in order to bring about that distribution of currency which was contemplated by the original currency act and the amended act which I have just read from, it would require a redistribution of a greater amount than $75,000,000.

My object in proposing the amendment is to make the distribution what was originally contemplated, and it is necessary that this shall be done in order to promote the convenience, the interest, the wants, and the demands of the Southern and Western States at this time.

Mr. SHERMAN. I wish to invite the candid attention of my friend from North Carolina to the purpose and object of this bill, because I see by his motion now that he has fallen into the idea that this bill is intended to accomplish some very great results. The purpose of this bill is simply to carry into execution an existing law. It was the anxious desire of the Committee on Finance to do this without bringing into consideration on this bill all the difficult questions that we have been discussing for some days. It is very easy for any Senator who insists upon it to offer amendments to compel us on this collateral bill to discuss the currency question, the redemption of the United States notes, and the whole financial policy of the Government.

But, sir, those questions are more properly reserved for another occasion. We have a great variety of bills upon which we shall

undoubtedly have to act for or against an increase of the national currency. We have a general proposition now pending upon which a long debate has been had, and upon which I desire to have a vote as soon as possible. I trust, therefore, Senators will not avail themselves of their right to embarrass this bill, which has the simple, single object I have stated, by drawing into it the question of the increase of the bank circulation, or the increase of the currency, or the general equalization of the currency, or the question of free banking. Now, let me explain this bill.

By the act of 1870 there was provision made for an increase of the national banking circulation by the amount of $54,000,000. That amount has been exhausted. Then there was a provision in the sixth section of that act that after the $54,000,000 had been taken by banks in the South and West, there should be a further transfer from banks in the East to the West to the amount of $25,000,000. The sixth section of the act provided that after the $54,000,000 had been taken, the Comptroller of the Currency should transfer from the banks of New England circulation to the amount of $25,000,000, to be given to banks organized, or to be organized, in the West. The object of this bill is simply to carry into execution that provision of the law.

When the Comptroller was called upon to put in force the sixth section of the act he found two or three difficulties in the way.

In the first place the last provision of the sixth section of that act provided that this removal of circulation from the East to the West should not occur until after the fifty-four millions were taken up, and the question arose what was the meaning of the words "taken up." I think the fair meaning of that was, when subscribed for, pledged, authorized to be issued to banks to be organized in the West and South; but the Comptroller of the Currency held that the words would not have their meaning until after the circulation was all issued by him to the new banks organized in the South and West, so that until every bank that had applied for circulation filed its bonds on which to get circulation and received the last dollar it could not be taken out, and that could not in the ordinary course of things occur by the action of a great number of banks, for there would always be some that would not be issued; that full amount would never be reached. The result was that the sixth section was rendered practically nugatory.

Then the sixth section provided that one year's notice should be given to the banks in excess before this transfer should be made. That was believed to be too long. The provisions of this section were found to be, in other words, inoperative; and the Comptroller of the Currency, therefore, in his annual report at this session, called upon us for some construction or modfication of the sixth section of the act so as to enable him to carry into execution the existing law.

The only object of this bill is to remove the difficulties in the way of the execution of the law and to authorize this transfer. It does not affect the question of the increase of the currency; it does not change in the slightest degree the intention of the law of 1870; but it does enable the Comptroller by a prompt and sprightly process, immediately after the passage of this act, to authorize the organization of banks with circulation to the amount of $25,000,000, in the West and South, in States where they have less than their proportion—no more, no less. Then it provides to go on *pari passu*, that as the amount on the one hand of circulation is increased in the West and South, this excess of circulation shall be withdrawn from the East. It merely carries into execution the sixth section of the act of 1870.

Now what is the difficulty which meets us? The Senator from North Carolina says that $25,000,000 will not create an equal distribution. That is very true; nor will $75,000,000, nor will $100,000,000, nor will $500,000,000, nor will $1,000,000,000 make an equal distribution. The State of Rhode Island has, under the operation of existing laws, circulation to the amount of $61.60 per inhabitant, or an equivalent of banking circulation, if the same ratio was given to all parts of the United States, of $2,100,000,000. Therefore the attempt to equalize up, on the basis of the circulation in Rhode Island or in Massachusetts, would be practically impossible. But the $25,000,000 is enough. The Comptroller of the Currency states in his report, and it is a matter of actual fact which Senators probably can form an opinion upon as well as anybody else, that in all human probability the $25,000,000 provided by this act will not be taken up in one, two, or three years; precisely how fast no one can tell, because it requires capital to organize national banks, and that capital may not be abundant in the regions where the banks are desired. But at all events this bill will give an opportunity to organize banks with a circulation to the extent of $25,000,000 in all the Western and Southern States. Some of the Western States have already nearly reached their proportion, and they would not get much; but the great body of the Southern States would be benefited by this provision.

Now, is it not better to secure this $25,000,000, and thus enable banks to be organized where they are now locally needed, rather than to raise questions which, if once ingrafted on this bill, will prevent its passage, at all events at this session, and complicate it with many other questions with which it has nothing to do? That is the view taken by the Committee on Finance. Therefore we unanimously concluded, although we differ like other Senators here about the question of the increase of paper money, and as to whether that increase if made should be in bank circulation or United States notes, and about all the varied questions which have been discussed, that it is wise now to make provision for an organization of banks to the amount of twenty-five millions and withdrawing that much circulation from the East, in other words, to carry out the law as it now stands.

On examination, this has found, I believe, very little dissent from the persons who represent the Eastern States, so far as they are affected; and only three or four are affected. As the Comptroller shows, it will only affect four States, I think, and it only affects banks which have a circulation of over $300,000, so that this call can be made on these large banks for a portion of their circulation from time to time without making any great drain upon them. They can furnish the circulation, if they can, of their own notes, or, if not, they can deposit lawful money, and their circulation will be reduced to that extent. Those banks will to some extent lose their profit on their circulation; but it will not effect any severe or sudden change or derangement of monetary affairs, while in the mean time it would satisfy the people of the South and West by supplying them reasonably with the means or organizing all the banks they could profitably organize within a year or two.

I desire to state also that it was not intended by this measure in the slightest degree to affect the action of Congress in regard to the great questions which have been discussed in other bills. So far as I am concerned, and no doubt so far as each Senator is concerned, we intend to press an ultimate vote on the whole question of the currency. I am myself in favor of free banking, and I hope this Congress will establish that as the principle of the law. That, as a matter of course, will supersede this bill if it be passed, but in the mean time this relief may go on to the extent of $25,000,000. That $25,000,000 will be amply sufficient to satisfy all the demands now made, all the applications now on file, and all that in human probability will be made for at least a year or two.

When the debate was had on the bill of 1870, some Senators were very much dissatisfied at the limit of fifty-four millions. They claimed that the West and the South would take one hundred and fifty millions, and they were very much dissatisfied that we limited them to fifty-four millions. Well, sir, it took four years, from 1870 to 1874, of the most prosperous period of our history to organize banks enough to absorb a circulation of fifty-four millions; and I have no doubt if this $25,000,000 increase is authorized it will be all that will be necessary, probably, for the present. If, however, we should be able during this session of Congress to agree on some bill to provide for free banking, or some other system, as a matter of course the subsequent law would supersede this law and stop its execution.

This is all the explanation I think it necessary to make. I desire Senators not to embarrass this bill with all the complicated questions that grow out of other measures that are pending before us. We never can—there is the difficulty of this whole question—pass that legislation which we all agree about if Senators will put upon it propositions about which there is an essential and vital disagreement.

Mr. HOWE. Mr. President, I want to say, by way of apology, that I had thought I should vote for this amendment; but the Senator from Ohio knows I cannot do so for the purpose of embarrassing the passage of the bill, because I do take an interest in the passage of this measure. I think it is required by the interests of that people whom I represent in part; but I cannot conceive how the adoption of this amendment should embarrass the passage of this bill. This bill, the Senator tells us, is intended simply to enable the Comptroller of the Currency to carry out an existing law. It is a little more than that, because what the Senator refers to as the existing law is a law which is incomplete and cannot be executed. Therefore it is not to execute the law to some extent. This is to complete the law.

Now, there is but one reason in the world why we should want to carry out that law, and that is that justice demands it. Well, if justice demands this also—if $75,000,000 taken from one section of the country and distributed through another section of the country will not do anything more than justice between the sections, then, instead of this bill being embarrassed, it should be advanced, by agreeing to this amendment. I myself, although I am going to vote for the bill as it stands, hate to do it, for the reason that I stated the other day. This practice of grabbing first from one section of the country to build up another, and then from the other to build up still another, I do not like to engage in. But inasmuch as I think the western portion of the country suffered badly in the last grab, and inasmuch as I can see at present no possibility of getting anything like approximate justice but by starting another grab, I think I must go into it under the lead of my honorable friend from Ohio. And since I have got to prostitute my character in this business of grabbing, I would rather make a little something more. It seems to me that $25,000,000 is too small a grab for us to sacrifice our characters for. Would it not be more respectable to make it $75,000,000 right off? For these considerations I am inclined to vote for the amendment.

Mr. LOGAN. Mr. President, one remark fell from the Senator from Ohio that I think should be noticed. It was in reference to the manner of distribution of the $54,000,000 of circulation on the part of national banks which was to be distributed to the West and South under the act of 1870. His statement was that it had been four years before the $54,000,000 was taken up. It would have been very fair if the Senator had given the reason why it took four years. To make this broad statement to the country that we were four years taking up $54,000,00, and leave it just in that way without explanation, is

not doing justice to the question before the Senate, in my judgment. Why was it four years in being taken up? Because the Comptroller of the Currency decided that each of the States that had not a sufficient amount under the law should have a certain proportion; and when my State took her proportion, he would not allow her to have another dollar until every other State had taken her proportion. Some of the States were not able to take, and have not yet taken, their proportion, and still the other States are deprived of any. That is the reason why it took four years, and that is the reason why I stated to my friend from Rhode Island the other day that we had to pay 2½ per cent. for circulation in the State which I represent in part.

Mr. MORTON. To establish new banks?

Mr. LOGAN. To establish new banks. For instance, South Carolina had not taken her proportion; and inasmuch as she had not, the Comptroller of the Currency would not give one dollar to any other State until she had; and in that way he deprived many of the States of their *pro rata* under the law. It was the act of the Comptroller of the Currency, an arbitrary rule laid down, which deprived the West of having her proportionate share of the money of the country; and under that rule we were deprived of it, and not because we would not take it. Why, sir, my State has applied for nearly every dollar of that currency, and could not get it. She would take it to-day if she was not deprived by the rule established by the Comptroller. Hence I say it is not fair to suggest that we were four years taking this currency, when we have had to pay a premium for nearly all the currency we have taken from broken banks.

Mr. SHERMAN. I hope the Senator from Illinois will do the justice to say that the Comptroller of the Currency in 1865, Mr. FREEMAN CLARKE, made the decision.

Mr. LOGAN. I will do the justice to say that the remark I made does not apply to the present Comptroller, because the distribution was made before he was appointed; but still, it was the rule of the office of the Comptroller of the Currency. I have no reference to the present officer, but I have reference to the rule established by the Comptroller, which did deprive our States of having their just proportionate share of the money. That the Senator well knows to be the fact. Hence, I said it was not fair to the country, who might not probably understand the reasons, or to us, to say that the States had not taken their share of the money allowed by the act of 1870.

Now, in reference to this proposition, I do not want, nor do I desire, to oppose any distribution of an excess of the currency held in one portion of the country, and its division with other portions of the country; but I do desire to call the attention of the Senate to the injustice of this particular act.

First, it is argued, as it was yesterday, that it is unjust to those persons who have organized banking associations and received their circulation from the Treasury of the country, to be deprived of it after they have organized under the law. I agree to that proposition. I say that proposition is correct. It is unfair when an association has organized under the law and received its amount of circulation by virtue of the law, to deprive it of that which it has acquired under the law. But inasmuch as the law has provided the way by which the circulation may be distributed, if we undertake to redistribute the circulation, how should we do it? Not unfairly, but it should be distributed fairly, justly, and equitably between the States according to "population and wealth," which is the language of the law. The law provides that it shall be distributed according to population and wealth. If that is the provision of the law, and we undertake to make the distribution, then let us make it in accordance with the provision of the law.

Now, the Senator says this is merely carrying out the existing law. I say it is providing a law. It is not carrying out the existing law, because the law that exists cannot be carried out; and this is a new mode and manner of carrying out a proposition, not the law—for that cannot be carried out, as has been demonstrated. It is a new proposition, directing that a certain amount of bank currency shall be divided among certain States not having their proportionate share under the law. If that is the meaning of this bill, why not, then, provide that it shall be distributed *pro rata* among the different States according, as the law provides, to population and wealth?

I have been criticised (and I do not object to it) in this Senate Chamber because I said the distribution should be *per capita*, or according to the wealth of the different States and the business capacity of the different portions of the country. It was said that is no way of distributing money; but while the criticism comes in opposition to my argument in reference to this proposition, I find the very gentlemen that make the criticism rise here and oppose a distribution, because their constituents have acquired under the law sixty-one dollars *per capita*. They say that is no argument; that when we ask for a distribution *per capita*, it is nonsense to talk about a distribution in that way; that we have plenty of money; and yet a State with sixty-one dollars *per capita* has not as much wealth in it as one county in my State. That is not too much circulation for them, but it is too much for us when we ask only a proportionate share according to justice in the premises.

Sir, I ask if we distribute this currency among the different States, that it shall be distributed according to population and wealth. And what shall we distribute? Distribute the eighty millions that the New England States and a few of the Middle States have in excess of their proportion under the provisions of the law. Now, let us see for a moment how this is. I find that Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, six States, none so large in population as our Western States, have $70,690,040 of bank circulation in excess of their proportionate share according to the law. Now, if these six States have $70,000,000 in excess of their share of the circulation of this country, is it not just, if we distribute the circulation according to population and wealth, to distribute that $70,000,000 in excess held by these six States? If we distribute the $25,000,000 in excess, provided for in this bill, upon what principle do we distribute it? We distribute it on the principle that a portion of the country has more than its proportionate share of the currency, and that another portion of the country has less than its proportionate share. That is the principle on which we do it. If we distribute on that principle, why not distribute according to the justice of the demand made by the States having a less amount of circulation than they are entitled to, according to population and wealth under the existing law? If it is just to distribute one dollar that they have in excess, it is just to distribute the $70,000,000. But when you take into account some of the Middle States, New York, New Jersey, Pennsylvania, Delaware, and Maryland, I find that they have an excess of $9,416,503. Taking, then, the whole excess of these eleven States, and a small portion in one of the Territories, the District of Columbia, we find the excess to be $80,589,742. While they have an excess of that amount of money according to the rule that was prescribed by the law of distribution of 1870, I ask why that excess should not be equitably distributed among the deficient States, provided the latter States have the capital and are willing to take this circulation? It has been said that these other States have not the requisite capital. How are you to determine whether they have the capital or not, unless you give them the opportunity? If the circulation is not taken up by these States, it is not then taken away from the States that have the excess, because this bill provides that as application is made for the currency the Comptroller shall require these banks to deposit a certain amount of bonds in accordance with this law, and until that is done he will not withdraw circulation from any banks. If the capital does not invest in banks and purchase bonds, nothing will be withdrawn from the banks in the Eastern States; it will interfere with them not at all except when application is made on the proper basis by associations for this circulation in the different States having less than the amount allowed to them by law, or according to an equitable distribution.

I merely make these suggestions in reference to the amendment offered by the Senator from North Carolina; but there are reasons why this bill should be very carefully considered, in my judgment. According to the provisions of this bill, I do not see how this currency can be distributed in any short time. First, there must be a notice to the banks who have an excess. They then place in the Treasury of the United States so much currency to be redeemed. Currency has first to be redeemed. After it has been redeemed, then it is distributed; and the notice is only given to existing banks as the application is made. An application is made for one bank for so much currency; then the Comptroller gives notice to some bank that has an excess that it must deposit a certain amount of its currency in the Treasury. Going through all this machinery, I do not believe this bill can be carried out so as to distribute this currency within any reasonable time. If it could be done, of course it would be a great incentive to support the bill, but I do not believe it can be done.

But then there are other reasons why I call the attention of the Senate to this proposition. I do not suppose delay is intended by the Senator from Ohio, because he says he himself is in favor of free banking; and if I understand free banking, I am sure I am in favor of it. It is to strike the shackles off, to strike down the monopoly that exists to-day in the hands of a few men, and leave every one having the requisite means to establish a bank to do it, forming an association under the law. It is to deprive a certain class of a privilege that they exclusively have, and give it to all; which certainly is just to all. Now, if free banking is the theory of the Committee on Finance, why do they not report a bill just in accordance with that without this provision? Why must this proposition come as an advance-guard?

Mr. SHERMAN. I should like to answer that now, with the Senator's permission.

Mr. LOGAN. Very well.

Mr. SHERMAN. The committee, at the last session, reported a bill for free banking and resumption; and as a matter of course, with my views, (the Senator knows them very well,) I never would vote for free banking and for issuing any more paper money of any kind, in any shape, form, or manner, unless there is some mode of redeeming it. Connecting these two ideas together, I think there will be no kind of difficulty in having free banking any day.

Mr. LOGAN. I am aware of the bill that was reported at the last session; I am perfectly cognizant of that; but I asked this question, and I did not intend to elaborate it, and I did not intend to go off into this, as I may call it, side argument on this proposition. But inasmuch as the Senator suggests that he is in favor of free banking—and I am glad to hear him say so—let me refer to what he says. It is true he reported a bill on that subject, but that bill creates a different system of banking from our present system. Our present system has been recognized as the best in the world; but when we ask that its

privileges and provisions shall be extended to all the people having the requisite capital, it is denied; and you say, "No; we will extend it to you in another form." There is the trouble about it. If this system of banking is the best system that we or any other people have ever had; if it is a good thing to have it as a monopoly, it is good for all the people if they can have it and if they have the money to organize under it; and it is not going to damage the country to make free banking, restricted precisely as the law restricts national banks to-day, allowing the deposit of bonds and the issue of circulation on 90 per cent. of the face-value of the bonds, with the same restrictions, the same observances, and the same safeguards thrown around it as are thrown around the national-bank associations of the present day. That is the proposition that we desire: to extend the privileges now given to the few to other people outside, so that all may engage in this pursuit if they desire to do so.

But, as I was going on to say, I called the attention of the Senate to this bill because, although it is not so intended by the Senator; although it is not so intended by the Committee on Finance, it will be an obstruction to the passage of a bill extending the privileges of the national-bank system to more persons than now have them. Although it is not intended to be an obstruction to any increase of the currency if the country demands it, yet it will practically be an obstruction. It is somewhat singular that the Comptroller is so anxious about this measure that it finds its way into the Senate ahead of the propositions that were discussed here for weeks. Why not act upon them and decide the questions that have been discussed, and fully discussed, and relieve the minds of the people as to what we intend to do; whether we intend to resume specie payments at once, under the communication of the Secretary of the Treasury this morning, stating that it will take him four years to coin enough silver to redeem the fractional currency? I say that this bill, in my judgment, is in the way, and will be in the way, of arriving at a conclusion as to what we shall do on these other propositions.

When we shall ask that more currency shall be issued upon a proper basis, properly regulated, under the banking law, we shall be told, "Why you have got $25,000,000; wait until you take that up." That is the argument that will be used, and it will be used by the very gentlemen who favor this proposition. "You have got $25,000,000; wait until you take that up," with provisions in the law that will prohibit us taking it up; with provisions in the law that clog the way to the taking up of currency by the people in our country who desire to do so, as we have been obstructed in taking the $54,000,000 that were provided for by the law of 1870.

I do not oppose, and shall not oppose, a distribution of the banking currency. I shall be very glad to have it, if we can get nothing more; but I would prefer to let the New England banks have their sixty-one dollars *per capita*, as they have in Rhode Island, if they desire to keep it; and I believe they do not like to let it go, although they think six or seven dollars *per capita* is enough for us out West. I am willing that they should keep it, but increase the currency so as to give us the same opportunity that you have. That is all we ask. I believe that this bill would interfere with that measure, and for that reason I call the attention of Senators to it. I ask them to examine it carefully and see its bearings in reference to the other propositions that are behind this one before we act upon it. I am willing, as far as I am concerned, to be governed by the views of those who agree with me in reference to those measures; but I do desire that a careful examination shall be made of this bill before we agree to it. I know that some representatives from the West disagree with others of us in reference to the necessities of our country, talking about capital returning, and all those things, that I do not answer now, but at the proper time I will try to do so if the subject comes up again. I desire to call their attention to the amount of money that we have and the amount of banking capital under this law, when we can receive no more, and are restricted so that we can receive no more. Ohio has $23,000,000; Massachusetts has $59,000,000.

Mr. ANTHONY. How much did they have before the national banking law? We had $21,000,000.

Mr. LOGAN. Who?

Mr. ANTHONY. Rhode Island.

Mr. LOGAN. Before what?

Mr. ANTHONY. Before the national banking law. We had as much banking capital before as we have now. The General Government forced our banking capital into the national system, and forced yours into it. They forced $21,000,000 of ours and $1,500,000 of yours. It was a lottery. We took a ticket, and you refused. The ticket drew a prize; and now you who refused to buy want to divide the prize with us.

Mr. LOGAN. O, that is it!

Mr. ANTHONY. That is it.

Mr. LOGAN. I am very glad the Senator has made that remark. He says before the war they had $21,000,000. Did they have enough?

Mr. ANTHONY. No; and we should like to have more now.

Mr. LOGAN. Very well. If the Senator's constituents had $21,000,000 before the war, and have $21,000,000 now and still would like to have more, in God's name why do you stand here and obstruct the way of the Northwest and other portions of the country that are as much entitled as you are to obtain the same amount? Why do you stand here day after day and oppose striking off the shackles that bind us, and oppose giving to us the same opportunity that you have had? You say you wish you had more. Rhode Island is a gallant little State; it is a rich State; and it will always be rich over and above others, provided it has the power to put its heel upon the neck of every other State and stand there with its money-changers in order to deal out money to us at high rates of interest. Why, sir, that great State of Rhode Island ought to have twice the amount of currency it has now, and Illinois should have none! Then we could come and borrow from you and pay you high interest!

Mr. ANTHONY. Does the Senator want an answer?

Mr. LOGAN. I will hear the Senator's answer.

Mr. ANTHONY. That was the relation of the States of Illinois and Rhode Island when every State had all the banking capital it required. We did not want to pass our banking system under the national law. The nation appealed to us, and when the youthful valor of the country responded to the call of the Government, the patriotic wealth of the country responded also, and one was as necessary as the other to put down the rebellion. The Senator from Illinois went into the field and rendered gallant service. We did the same so far as our limited means of men would allow, and we gave to the country our wealth. We gave all the men we had and we gave all the money we had. Illinois had more men and had less capital. Each gave all of both that it had. And now the Senator from Illinois claims that, after having refused to pass its wealth, its capital, under the general banking law, we who did it, we who took all the risk and who have adjusted our business to it, must give it up and have it transferred to those States that refused to take it.

The mere surrender of the circulation is a matter of very little consequence in itself. I do not estimate the profit upon the circulation at much over 1 or 1½ per cent. Anyhow, I venture this prediction, that when this bill has passed, as I suppose it will pass, the West and the South will not take advantage of it. I predict that they will find a better use for their capital than putting it into national banks. But we have adjusted our business to this system; we have been compelled to adjust our business to it; and now to compel us to make this change is putting us to a disadvantage and injury far beyond the mere loss of the profit on the circulation. That is of little consequence to us. If you will repeal the general banking law, if you will allow us to go back to our old system, to our own State banks, which in Rhode Island were as good banks as ever existed anywhere, we shall be willing to give up all the advantages of your general banking law. We did not ask it; we were forced into it.

Mr. LOGAN. Mr. President, I gave way to the Senator from Rhode Island——

Mr. ANTHONY. I thought the Senator asked me a question.

Mr. LOGAN. I did ask a question, and I say I gave way to hear you, and I was very glad to hear the Senator's statement. What does it prove? That in Rhode Island they had $21,000,000 before the war, and they used what money they could during the war, and what men.

Mr. ANTHONY. It was nearly $22,000,000.

Mr. LOGAN. That is immaterial. The difference is small. They were great patriots. Nobody objects to that, and nobody doubts it. I made no question of that, and I did not use the word. I had not spoken in reference to what men did during the war, nor do I care to do so, for it has nothing to do with this proposition. I admit everything the Senator said in reference to the patriotism of Rhode Island. No question was made on that point. But the Senator says his State had $22,000,000 of banking capital before the war, and have $21,000,000 now. I believe that is his statement.

Mr. ANTHONY. What does that prove?

Mr. LOGAN. It proves that it took $21,000,000 to do the business of Rhode Island before the war, and that it takes no more to do it now; and it proves that that State is finished; that it is a completed State. The Senator must remember that in our country we grow a little faster than that. The Senator must remember that we have nearly three million people in the State in which I live, and there are quite a number of other States nearly as large, and Ohio is larger; that we have increased in wealth as well as in population; that we are not completed. We are building our houses, extending our farms, extending our business, growing every day, and we need more capital every day, instead of standing still at the one measured sum and the one measured amount. It is not so with the New England States. They are in a condition now to accumulate. We are not. We are using our money to develop our country. Your country is developed and you are now accumulating. There is the difference between the East and West, and the East and South; and it is a great difference, and has a great deal to do with the amount of money required by the different portions of the country.

I was almost tempted—and I do not believe it is right to spoil a good story at any time by not telling it; I was almost tempted—into telling a story, in connection with what I said about Rhode Island being finished, of a gentleman who went over there to sell soap. He was a peddler and he went into Rhode Island, this patriotic and good State, which sends good men, gentlemen, nice men, to the Senate; and I am glad to meet them. The peddler commenced his auction, "Here is your nice soap." They got after him to make him pay license. He took his satchel under his arm and went off about fifty yards and said, "I am out of your darned State now; who wants to buy some toilet soap?" [Laughter.]

For a State in that condition, with a circulation of $21,000,000, to stand up here and oppose the States of the Northwest having a cir-

culation proportionate to their own, I think is a very small business in this or any other Chamber. In the State in which I live, we have a banking circulation of $17,000,000; Rhode Island has $21,000,000. Now I do not say it by way of drawing any invidious distinction, but I do say that I can take the whole capital of Rhode Island and the whole State, and set it down in one county in my State.

Mr. ANTHONY. Can the Senator take the whole internal revenue that we rendered to the Government and put that down in one county of his State?

Mr. LOGAN. Yes, sir; I can put in the county of Cook all the internal revenue from the whole State of Rhode Island.

Mr. ANTHONY. How much was it?

Mr. LOGAN. I do not recollect; but I have examined enough to know, as far as internal revenue is concerned, that one county in my State pays more than the whole State of Rhode Island, and if you will examine the figures you will find it so.

Mr. ANTHONY. Mr. President——

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) Does the Senator from Illinois yield to the Senator from Rhode Island?

Mr. LOGAN. O, yes; I have no objection.

Mr. ANTHONY. I do not desire him to yield unless he chooses to do so.

Mr. LOGAN. Certainly.

Mr. ANTHONY. Mr. President, the congressional district in which I live yielded, in the year in which the largest internal revenue was rendered, more than $4,000,000 of internal revenue; and I think it might be understood that the conditions which enable one of the two districts in the State to render $4,000,000 of internal revenue must imply a large amount of productive business and that requires a large amount of banking capital; and you, by your laws, have made it impossible to carry on banking profitably except under the national banking system. It is not the system that we wanted; it is the system that we were forced into; and we cannot employ our banking capital profitably in any other way, and we cannot carry on our business without it.

Mr. LOGAN. What I have said that has aroused my friend from Rhode Island was not intended to draw any distinction of an invidious character. Nobody doubts the energy, nobody doubts the honesty, nobody doubts the capacity, nobody doubts the power of the people of Rhode Island; but that has nothing to do with the question. I was only trying to show, if I could, the great distinction that had been made by the laws of our own country between his State and mine, that we are entitled in justice to all we ask; but that the laws of the country have, as practically administered, given them facilities which should have been divided with us. I do not ask the Senator from Rhode Island to divide his capital. We have made no such appeal to Rhode Island, or Massachusetts, or any of the New England States; but what we have asked for, or some of us at least, has been that you strike off the shackles from my State that confine us in the narrow limits that are made by the laws of Congress, and that we may have the same opportunity that you have had.

Mr. President, these were the objections I was making, and I intended to follow them up by the statement that if the Senators here who oppose an increase of circulation intend that this bill shall be taken by us in lieu of any measure on that subject, so far as I am individually concerned—and I speak for no one else—I will not, as a representative of Illinois, accept it; I will not agree to it. I will not take it or accept it in any way whatever as having anything to do with the proposition of an increase of the currency; nor will I accept it, so far as I am concerned, in satisfaction of a distribution of the currency. It is not just; I will not say it is not honest; I will not use such a term as that; but I say it is not just to the other States of this Union, if a distribution of the currency is to take place, if it shall not be divided according to the amount of currency there is afloat in the country. If you gentlemen in the East intend to retain your capital, give us an increase of the currency. If you do not intend to retain your capital, but are willing to divide it with us, then divide it according to the rules of equity, and let the eighty millions in excess in your hands be distributed equally among all the States of the Union, according to population and wealth. I am therefore in favor of the amendment offered by the Senator from North Carolina, [Mr. MERRIMON,] but will increase it, if I can, five millions more, to make it comprise the eighty millions of excess of circulation held in New England and some of the Middle States.

These are the reasons that I desire to give in calling the attention of the Senate to this bill, that it may be understood and disposed of upon the principle of an equitable distribution of currency, if that is the proposition that is to come now before the Senate.

Mr. MORTON. Mr. President, this is manifestly a half-way measure. It is not even that. If the currency is to be equalized among the States simply by a redistribution of the present amount, if that is the policy to be adopted, this bill does not go one-third of the way. I wish to be distinctly understood upon that point; if the policy is to redistribute the currency without increasing the amount, this bill does not go one-third of the way; it is not a one-third measure. If it is right that the currency shall be equalized at all, it is right that it should be fully equalized. There is no principle of justice that will make it stop short at one-third.

We are told all the time that we are poor; we cannot take it. I deny the statement. My own State was better able to take $30,000,000 on the 15th of September last, the day of the panic, than she was to take $10,000,000 on the 15th of September, 1865; and that is true of Illinois, and it is true of other States in the West and South. Their capacity and ability to absorb this national banking capital and currency are constantly increasing, have increased greatly in nine years, have vastly increased in the last four years; and a large part of this amount would be taken in my State alone if the opportunity were offered; and yet it is constantly thrown in our face that we are poor, and we cannot do this.

Mr. EDMUNDS. May I ask the Senator a question in that connection?

Mr. MORTON. Yes, sir.

Mr. EDMUNDS. Did the State of Indiana or its citizens take any part of the provision which was made by the existing law, for a certain amount of millions being taken up by the Western States before this change was to go into effect?

Mr. MORTON. You mean the $54,000,000?

Mr. EDMUNDS. Whatever the sum was.

Mr. MORTON. Yes, sir; the State of Indiana took very rapidly all that she was entitled to take of the $54,000,000, and there have been scores of applications for banks since that time. I have now in my committee-room numbers of applications which have been made within the last two or three years for banks that could not get the currency. They have quit making these applications now, because there is no use in making them.

Mr. EDMUNDS. You say, then, if I understand you, that all the provision that had been made by the law which would benefit the State of Indiana to the full extent to which she was entitled to it, she availed herself of?

Mr. MORTON. So far as the fifty-four million was concerned, she got all of that fifty-four million that she was entitled to. Other States that had a greater deficiency than Indiana got more in proportion, as a matter of course.

Mr. EDMUNDS. But she took, if I understand you, all that the law would give her?

Mr. MORTON. Of the fifty-four millions.

Mr. EDMUNDS. Of any other millions that the law authorized her to take?

Mr. MORTON. No, sir; I beg the Senator's pardon; all that could be.

Mr. LOGAN. If the Senator from Indiana will allow me to interrupt him on the point that he is discussing about the ability of his State, by way of suggestion to him, I will give the figures. The total of the personal and real estate of Indiana in 1860 amounted to $528,000,000; and in 1870 it was more than double that, over $1,268,000,000. Her manufactured products in 1860 amounted to forty-two millions. In 1870 they were nearly treble, amounting to one hundred and eight millions; and that was the regular proportion of the different Western States.

Mr. EDMUNDS. The period of the war was the most profitable one, I take it.

Mr. MORTON. I am not speaking about the period of the war; but I say during that decade the growth was just as I have said, the growth was unparalleled; and in the four years of this decade, commencing on the 1st of January, 1870, the growth of Indiana and of all those States has been greater than for any corresponding four years in the history of the Government.

Now, in regard to this twenty-five millions: suppose this redistribution is confined to that, not one dollar will go to Indiana, to Illinois, to Michigan, to Wisconsin, or to Iowa. It is possible that Missouri may get a very small portion of it, but there are other States in the South and West that have a greater deficiency than any of these States, and they would get the twenty-five millions. My own State would not get a cent of it; it is no relief to Indiana; it is no relief to Illinois; it is no relief to Michigan. And I come back to this principle: that if this adjustment is to be made, not by increasing the currency but by redistribution, this bill falls short of being one-third of the amount.

Mr. President, it is not very pleasant for us to come here and have to beg for simple and manifest justice. Here is an inequality that every man in this country understands, and that in my part of the country is bitterly complained of; and yet when we ask that this injustice be removed, we are met with the answer "Why, we offered it to you and you would not take it, and you do not know what is good for you; it is not good for you to have it now." We have been told upon this floor that it is not good for us.

Mr. ANTHONY. Who has said so?

Mr. MORTON. That has been said in substance scores of times on this floor, that it was not what we wanted; and that what we really wanted was specie payments. I will now come to what my friend said yesterday. I have it before me.

Mr. ANTHONY. If it has been said, the Senator can tell who said it.

Mr. MORTON. That has been the substance of what has been said here. I think my friend came near saying it yesterday, as I will show him.

Mr. ANTHONY. Let us hear.

Mr. MORTON. What did my friend say yesterday? He is opposed to the increase of the currency one dollar. He made a speech yesterday objecting to taking one dollar from Rhode Island, and I think he

is right about it. But what is his remedy? His remedy is to return to specie payments; that is all. Now, if we were to take a part of the currency from Rhode Island he says that would derange their business, do them great injury and wrong. I think it would. But would a return to specie payments compensate Rhode Island for that? Certainly not. How then will the return to specie payments compensate us for our lack of currency and our lack of banking capital? The argument is as good one way as the other. If we take away all Rhode Island has got and give her specie payments, would that make her whole? But his argument is that specie payments will make us whole, although we have not half as much as we want. So far as the twenty-five million is concerned, it would supply some States; but my own State gets nothing, Illinois gets nothing, Michigan gets nothing, and Wisconsin, I undertake to say, would not get a dollar of it.

Mr. SHERMAN. Illinois has the largest deficiency of any of the Western States.

Mr. MORTON. No; Missouri has the largest according to my recollection, and I think the deficiency in other States in the South and West is such, that even Missouri would get very little, if any, of it.

But now I want to come to a remark made by my friend from Ohio. He is opposed to increasing the currency now, and is willing to redistribute the twenty-five millions, but says he is willing to give us free banking. Free banking upon what terms? Upon the terms that Rhode Island and Massachusetts have already got this currency? Not at all; not upon equal terms; but he is willing to give us free banking when we get specie payments; upon condition that we adopt his theory, and upon that only. We are to be coerced into the adoption of his theory by refusing us any relief until we do; and then if we adopt his theory, if we agree to convert the greenbacks into a 5 per cent. bond, he is willing to give us free banking, but only on that condition. We say that is a different proposition. We are entitled to be put upon the same level with other States without being hampered by that condition.

Mr. SHERMAN. I would apply it to all the banks.

Mr. MORTON. Of course you would apply it to all the old banks; but we are to remain as we are, and this is to be a cast-iron system until such time as we agree in regard to the Senator's theory as to the resumption of specie payments. Some of us do not believe in his theory; I should be surprised if there was a majority of the Senate that did; but my friend is unwilling that there shall be any increase of the currency, or anything for our relief, for Indiana or for his own State, until we shall agree to his theory, and then he will give us all we want.

Now, I wish to call the attention of my friend from Rhode Island to what he said yesterday. I always listen to him with pleasure; and I agree to nearly everything he said yesterday, and I think there is sound reason in the remonstrance of Governor Padelford and others, from Providence, in regard to taking currency from Rhode Island. I would much rather see Rhode Island left in the enjoyment of what she has. She needs it, or she would not have taken it; and they confess that to take it from her would be to derange her business and to impair her prosperity. I have no doubt of that. Neither Rhode Island, Massachusetts, Connecticut, Vermont, nor New York, is willing to give up one dollar; their Senators may, for certain reasons of public policy that to them seem good, but I mean the people themselves are not willing to do it. Governor Padelford has but expressed the sentiment of the bankers and business men who are to be affected by that thing. I have no doubt of it.

Mr. EDMUNDS. May I tell my friend that with us it is an entirely indifferent question, merely so far as selfish interests go? There are other States in New England that have so much more banking capital that if you took away the whole $25,000,000 it would not withdraw any of the banking capital of Vermont. We stand, I believe, in a state of entire indifference to do justice between Rhode Island and Indiana.

Mr. MORTON. Now, while my friend from Rhode Island remonstrates against taking away any portion of their currency, what surprises me is the absolute unwillingness to recognize the wants of other localities. I cannot understand that. Rhode Island needs what she has; the Senator says so; Governor Padelford says so. We need more than we have, but we are not allowed to have it. We stand here begging for it, almost, and we are told we cannot get it. I am surprised that my friend from Ohio has repeated it so often on this floor that we are too poor to take more. The capacity of Ohio is increasing; it doubles every ten years, almost trebles, and it has vastly increased in the last four years, has greatly increased since Ohio had the chance of taking a dollar of this currency.

Mr. HOWE. Will the Senator allow me to make one suggestion?

Mr. MORTON. Yes, sir.

Mr. HOWE. If the South and West cannot take more than $25,000,000, authorizing the taking of it will not hurt anybody. We shall not take more than we can.

Mr. MORTON. That is apparent. Everybody can understand the force of that. If we cannot take it, it does not do anybody any harm; but we can take it.

Mr. HOWE. Then it will hurt.

Mr. MORTON. Yes; and that is the trouble about it.

My friend from Rhode Island drew a contrast between the banking capital of Rhode Island and the States of the Northwest before the war. I admit that. Bear in mind that the increase of population in this country since January 1, 1860, has not been less than one million four hundred thousand, three-fourths of it in the West. The increase of population during the four years of this decade, if it has gone on in the same ratio of the last decade, has not been less than five millions, and three-fourths of it is in the West, while Rhode Island is comparatively standing still in population, though increasing in wealth. I have no doubt Indiana, Ohio, and Missouri, and all those great States are growing with greater rapidity than ever. Will not my friend recognize that fact? He sayswe would not take this capital when it was first offered. Suppose we could not; if we are able to take it now, shall we not have it? Must the thing stand just where it did at that time? Will not the Senator recognize that we are growing, and will he not concede something to our growing wants and our necessities? That is all we ask in this matter. We are asking simple justice.

My friend from Rhode Island said another thing yesterday. He is sincere in it; but I want to call his attention now to the doctrine that he uttered:

> That the circulation of banks, wherever situated, will flow to the money centers, to the creditor points, is as plain as that water will seek the lower level; and as water, if confined to a higher level, will break away through all obstructions, and follow the descending channel, so will money, equally, and by a law of not less force than the law of gravitation, flow to the points where it is wanted to perform its proper function—to pay debts.

If that doctrine is good, it would not hurt Rhode Island if we took all her currency, all her banking capital, because the money would flow right back there anyhow. That is the argument of my friend; but he would not like to try that experiment. The proposition, I say, is radically wrong. Why? Because money loaned by banks must flow back to the banks, must go to the bank-center every sixty, ninety, or one hundred and twenty days. If the men doing business in pork or grain, or any kind of business, in Indiana, are compelled to go to Rhode Island to borrow their money, they must send that money back to Rhode Island. Whenever the bill is due the money must go back; but if they borrow it from banks in Indianapolis, or in Milwaukee or Saint Louis, the money comes right home to pay the debt, and it is there again to loan to somebody else.

Mr. ANTHONY. They send the grain and pork to Rhode Island, not the money. That pays the debt.

Mr. MORTON. I presume they do not pay for everything they get in the West with pork. That does not affect the argument at all. The advantage of having banks everywhere is that the money borrowed returns right to the neighborhood and is there to be loaned again when it is paid in; and as fast as a neighborhood, a county, or a State is able to take increased banking capital, it is to their interest to do so, and upon the plainest principles of political economy they should have the power of doing it. The question is not whether we were able to take this banking capital in 1865 or in 1866. The question is what are we able to do now, what are our wants and interests now; and whatever we are able to do now, and whatever is our share in the fair distribution of the financial advantages of this great system now we are entitled to have, without regard to the way things stood nine years ago.

Now, to show how this matter stands, I have a little statement here that I take from the census report of 1870. I believe it has been already given in substance by the Senator from Illinois, but I have it here in a compact form. The aggregate population of the six New England States in 1870 was 3,487,924 persons. The aggregate population of six Northwestern States at the same time, Illinois, Indiana, Iowa, Missouri, Ohio, and Michigan, was 10,985,162 persons. The aggregate wealth of the six New England States at that time was $4,039,875,000. The aggregate wealth of these six Northwestern States was $8,347,067,000. At that time, according to the basis of the act of 1865 for the distribution of this currency, the six New England States were entitled to $39,799,000; but they got $108,548,881. The six States which I have enumerated in the Northwest were entitled to $99,361,974, but they have now only $77,444,904; so that there was an actual deficiency in these six States that I have named of twenty-two millions in 1870, and now in 1874, four years afterward, that deficiency has been increased to more than thirty millions; so that these twenty-five millions will not supply the deficiency in these six States alone, to say nothing about all the other States.

I submit, Mr. President, that the demands of the Western States and the Southern States are entitled to some consideration on this floor; and if the Senate will not at present concede that proper consideration, it will come after awhile. If it does not come at our hands, it will come at the hands of somebody else. The people out there understand this thing well. I undertake to say—and although it has been said very prominently in some of the eastern presses that western members of Congress do not study works of political economy and do not understand the financial question at all, and though we have been told that we do not know what is good for us—that the body of the people out there believe they do understand it, and the great mass of them are demanding an increase of currency. You may think they are all mistaken, all wrong about it; but that is their opinion. They believe they understand their interests, and all they ask is that there shall be a fair consideration of them, and I beseech our friends in the East most kindly to give to us that proper consideration.

Lord Bacon once said that the great curse of philosophy was theory, because the fashion was in his time and before that to form the theory first and then make the facts conform to it; and I may say that the

great curse of our finances this day is theory. Theories are attempted to be applied to our country which are inapplicable in its present condition and under its peculiar circumstances. It is an attempt to make an old country out of a new one. We have a new country under process of development, and you cannot make it an old one; it is not to our interest to make it an old one, but it is to be treated as a new country.

I said in the beginning of this debate some weeks ago that the normal condition of the currency was specie payments or paper redeemable in specie when the country itself was in a normal condition. I agree to that now; that should always be kept in view; but I said further, and I say it now, that there are periods in the history of every country when specie payments cannot be maintained, and would be destructive if they were maintained. We could not maintain them during the war. To have done so would have been to destroy the power of our Government. We were compelled to resort to irredeemable paper. We shall get away from it as we get away from the effects and consequences of the war, and we cannot do it otherwise; and if we attempt to do it by a hot-bed process, it will be unnatural and disastrous.

Mr. President, there is no more sense in a scarcity of money than there is in a scarcity of food. As an abundance of food strengthens the body and gives it action and energy, so an abundance of money stimulates business and industry, and promotes the growth and the prosperity of the nation. "O, but," we hear it said, you will increase speculation. Well, sir, I am not very much frightened at that. Speculation is the great stimulus of growth and prosperity after all. Some kinds of speculation are not profitable; speculation in stocks is not; but speculation is the great stimulus of growth and prosperity. The man who bought fifteen years ago an addition to the town of Chicago and laid it off into lots and sold it out was a speculator, but he was at the same time a public benefactor. The man who bought a tract of land in Colorado and laid off a town and settled a colony there, and built houses and shops and manufactories, was a speculator, but he was a public benefactor. Speculation has given you thirty-five thousand miles of railroad in the last nine years. The men who projected those roads and built them did it as a speculation; but they have added vastly to the development and prosperity of our country. Plenty of money—not an excess of it, but plenty of money—makes business active and prosperous, and promotes the growth and development of a nation.

Now, I want to say to my friend from North Carolina, in reference to his amendment, that if there is to be no increase of the currency, if our eastern friends are determined upon it that there shall be no increase, and that all that is to take place is to be a redistribution between the States of the existing volume of bank currency, then his amendment is right, only it falls $5,000,000 short of the amount required for a full equalization of this currency. But I believe that taking $75,000,000 from the Eastern States and giving it to the West and South would disorganize business, would produce panics and disasters, and I agree with the Senator from Rhode Island, that taking a small amount, even, from Rhode Island would have a disastrous effect on her business. I should myself dread the experiment of seeing $25,000,000 taken from one set of States and given to another. Still, if there is to be no increase of currency, and we are to depend upon redistribution entirely, the amendment of the Senator from North Carolina is right. But I think it is for the best interests of the East, the West, and the South that there shall be an additional amount of currency. I believe that at least forty or fifty millions of additional bank currency are demanded by the best interests of the country. I am not for an excessive amount; I am for what I believe to be a reasonable amount.

I think it better all around that there shall be an increase of the currency than to attempt to tear it from one State and give it to another. I would not take a dollar from Rhode Island or Massachusetts if I could help it. As my friend from Rhode Island said yesterday, I do not believe Rhode Island has a dollar more than she wants, or that Connecticut has a dollar more than she wants. I would leave them all they have; but I would ask that we shall have an additional amount to relieve our wants and our needs. While I would concede to them all they have and would do nothing to mar their prosperity or growth, we ask at their hands that they shall allow to us at least equal chances and advantages. If we are so poor, as they state, that we cannot take it, then, as the Senator from Wisconsin [Mr. HOWE] said awhile ago, there is no harm done, there will be no inflation, there will be no increase. But if they are not right about that, if my friend from Ohio is as badly mistaken as I think he is, then we are entitled to more.

I said on a former occasion, some time ago, that increasing the national-bank currency a moderate amount would not cheapen the value of greenbacks, would not increase the premium on gold, would place no obstacle in the way of resumption. Why? Because under the present system the national-bank notes are to be redeemed in greenbacks. It would increase the demand for greenbacks, rather increase their value. The fact that you increase paper money in times of specie payment, which is redeemable in coin, does not decrease the value of coin; it rather increases the demand for coin as a means of redemption; and if we were to add forty, fifty, or sixty millions to the national-bank circulation, we should not cheapen the value of greenbacks in the least; it would in nowise increase the premium on gold. There is no reason why it should.

My friend from Illinois answered a statement of the Senator from Ohio that it took four years to take up the fifty-four millions of additional bank currency allowed by the act of 1870. His answer was exactly right. Indiana took up what she was entitled to right away; Illinois did the same thing; other States did the same; but under the construction of the law, as long as South Carolina failed to take the last $50,000, we could not get any more.

Mr. President, there can be no excuse for taking a dollar of the national-bank circulation of Rhode Island or Massachusetts, except upon the principle that we shall not increase the volume of currency at all. If that is settled on, then we shall have to insist upon having a fair distribution. There ought not to be a dollar taken from the East and given to the West and South, except upon the principle that there ought to be no increase of the currency.

One word to my friends from the South. When the war was over they were without capital; they could not take the national-bank circulation. They are rapidly recuperating; and as fast as any neighborhood or any State recuperates so that it can establish an additional bank it ought to have the privilege of doing it. We are not going to have a radical change in this banking system. Let nobody act on that idea. This system is established. Its roots have struck deep into the business and policy of this country. There will be no radical change. The best thing for us to do is to try to equalize it and make it as just and proper and as perfect as we can. From year to year the States of the South will demand more; they will need more; and from year to year we of the West require more. All that I ask is that the system shall be so adjusted that we can get it as fast as we need it. If we do not need it, and have not the means of taking it, no harm is done; but put it in a position where we can get it if we do want it.

Mr. SARGENT. Mr. President——

Mr. LOGAN. Will the Senator allow me a moment to call the attention of the Senate to some figures in answer to a colloquy between the Senator from Rhode Island and myself?

Mr. SARGENT. Very well.

Mr. LOGAN. Mr. President, I am sometimes mistaken, but I dislike to be when I am——

Mr. MORRILL, of Vermont. I suggest to the Senator from Illinois that the Senator from Rhode Island is not in his seat.

Mr. LOGAN. As my attention is called to the fact that the Senator from Rhode Island is not in his seat, I will wait until he does appear. I wish to show him a statement that I have here.

Mr. SARGENT. Mr. President, I had not supposed that under any circumstances I should be induced to make any remarks upon these financial propositions, and I do not now propose to offer more than a very few suggestions. Fortunately for my own State, during the past ten years, or since these financial problems became of interest, it has had a stable currency; it has had a currency peculiarly its own; and during all that time we have not had, by reason of the abundance or superabundance of money, inflation of values; nor when the business of the country or other causes effected a proportionate decrease in the volume of the currency have we had prices falling, breaking down our business and reducing the value of our property. We have had during all that time no panics of any description and scarcely a notable failure.

I know it was urged some years ago that the attitude of California toward the national currency was unpatriotic. I thought then, and think now, that the charge had no foundation. All the legislation of our State could be summed up in a single paragraph, an amendment to our practice there, which provided that where a party had made a promise in writing, of course for an adequate consideration, to pay a debt in any particular currency, the judgment should follow the promise, and that execution might issue and be enforced in the kind of currency for which the promise was made. Certainly the legislation in itself was equitable in the highest degree as between our citizens; and I have been pleased to know since that time, the Supreme Court of the United States, in passing upon a similar question, decided that such legislation was proper in view of the national legislation. But, sir, whether or not it was entirely patriotic or just toward the national Government, it certainly has been a very great conservator of the interests of our own people. We have been superior to those storms which have beaten in other parts of the country and frequently carried desolation in their track.

Mr. LOGAN. Will the Senator allow me to make a statement to the Senator from Rhode Island, who is now in his seat?

Mr. SARGENT. I will.

Mr. LOGAN. I am very much obliged to the Senator from California. I desire to call the attention of the Senator from Rhode Island to a statement that he and I both made. I asserted that one county in the State of Illinois paid more internal-revenue tax than his whole State. He controverted the proposition, and insisted that his State paid more. Now, I desire to give to the Senator from the official reports a statement of what the two States have paid.

Illinois paid $16,493,169.34 for 1873, and Rhode Island paid $324,552.78. That is the difference. Now let us see as to the districts. The first district of Illinois paid in 1868, $3,998,000; in 1869, $6,000,000; in 1870, $8,000,000; in 1871, $7,000,000; in 1872, $6,000,000; in 1873, $6,798,000. I give only round numbers. That one district paid that many millions each year. Now for Rhode Island. Let us see how much she paid during the same years. I am comparing one district of Illinois with the whole State of Rhode Island. The year one district in Illinois

paid $3,998,000, Rhode Island paid $2,000,000; the year that one district in my State paid $6,000,000, Rhode Island paid $1,000,000; the year that one district in my State paid $8,000,000, Rhode Island paid $1,288,000; the year that one district in my State paid $7,000,000, Rhode Island paid $672,000; the year that one district in my State paid $6,000,000, Rhode Island paid $639,000. Last year, when one district in my State paid $6,798,000, the whole State of Rhode Island paid $324,000.

Mr. ANTHONY. Has the Senator got through? Mr. President, I spoke of "the year in which the largest internal revenue was rendered." I did not suppose that after we took off the tax on manufactures and retained taxes mainly on whisky and tobacco, Rhode Island paid so much as those States where the great distilleries are. I spoke of the year in which the largest internal revenue was rendered. I was not so green as to suppose that when we have but a single distillery in the State of Rhode Island and very little manufacture of tobacco, we pay as much revenue as the great distilleries of Illinois do. Perhaps we do some patriotic service in drinking up the whisky. [Laughter.]

But now let us see what the figures were in the year when the largest internal revenue was rendered, which was the year 1866. The State of Rhode Island, with 217,000 people, rendered in internal revenue $6,121,000 that year, and the State of Illinois, with more than ten times her population, rendered an internal revenue of $15,300,000. The year before the State of Rhode Island rendered an internal revenue of $4,300,000, and the State of Illinois, with more than ten times her population, rendered an internal revenue of $9,523,000. The revenue from Illinois was a little more than twice and a half our internal revenue at the time when the great returns were made from that source, though her population was ten times as much.

Mr. President, I do not state that as any evidence of wealth. I do not state it as an evidence of the patriotism of the two States; but I state it as the evidence of those conditions in the two States that require banking facilities. We cannot have banking facilities under the general banking law without circulation, for we cannot carry on our banks profitably without circulation. The reasons which enabled us to render this great amount of internal revenue are the reasons why we should have banking facilities.

Mr. LOGAN. I asserted that one district in my State paid more taxes than the Senator's whole State, speaking of the present, while they have twenty-one millions and we seventeen millions of bank circulation; I gave the returns from the year 1868 up to the present time. For the six years from 1868 to the present time one district in my State has paid twice the amount of tax, and to-day it pays ten times the amount that the Senator's whole State does.

Mr. ANTHONY. My friend was very careful not to go back to "the years when the great internal revenue was rendered."

Mr. LOGAN. I can go back there and show you that one district in Illinois paid more than your State did.

Mr. ANTHONY. One district paid all you did pay. [Laughter.]

Mr. LOGAN. That does not make any difference. [Laughter.]

Mr. SARGENT. Mr. President, resuming my remarks, California being thus independent of this question, I think I have been enabled to listen to the discussions which have proceeded with something like impartiality, certainly with a desire to learn and be governed in my vote by that which should seem to be the better proposition advanced. If the proposition were to fund the greenback circulation which is now afloat, to redeem the promise of the Government of the United States to pay in money or other equivalent the paper which has now been so many years in the hands of the people, drawing no interest, and that promise unredeemed, and to redistribute that amount to national banks organized in the various States in the proportion to which they might be entitled, I certainly should be in favor of a proposition of that kind, for the reason that, if there is anything (and perhaps there is much) in the claim of Senators from certain States that they have not now, under the existing laws, the power in their States to have the banking capital to which they are entitled, this would give them an opportunity, while at the same time it would not lead to an inflation of the currency, which I believe would be dangerous to the public prosperity.

It is very true that money, and it may be said abundant money, is as necessary to the business of communities as is abundant food to the individual. But there is the same danger of a plethora of money to the body-politic as there is of a plethora of food to the human body. It will produce torpor by day and restlessness by night. It will produce diseases in the system, either of the body-politic or of the individual. There is a necessary proportion between the amount of currency that will float in a community, whether it is of gold and silver or an irredeemable paper currency, or a paper currency that may be redeemed in gold and silver, and the amount of business, the amount of wealth, and the amount of population of the country. There is a necessary proportion between these things; and wherever that proportion is exceeded there comes unwholesome speculation, speculation where money is carelessly invested, where there is not sufficient circumspection in making investments, and the returns are uncertain, and frequently exhausted. I know that the lines between legitimate business and speculation are not clearly defined; but certainly unwholesome and unhealthy speculation is encouraged by too great a volume of currency.

Now, sir, the aim which is sought by gentlemen is by some means to keep within certain communities the proportion which would be convenient for those communities to transact their business. Why, sir, it is just as impossible to do it as it is to keep water upon an inclined plane. If the State of Rhode Island sells more of its products to Iowa than Iowa sells goods in exchange, the balance of trade of course is against Iowa, and the amount must be settled in money. That causes the money to flow to the State of Rhode Island, and it will be there whether the bank that furnishes the currency is organized in Iowa or in Rhode Island. If the importers and manufacturers of New York send more goods to Illinois than Illinois sends back to New York, the currency will necessarily flow to New York, and will remain there, and the West will be drained of it.

I admit that there is much justice in the claim of Senators that if there is a profit in the organization of banks, if there is a profit upon the currency which is circulated, as unquestionably there is, each community should have the opportunity to have its share in the rewards of enterprises of that character; but it would simply benefit the few corporations in each State who might organize these banks, and there, it seems to me, the benefit would stop, and the currency that might issue from these banks would flow eastward or flow wherever the balance of trade would carry it. If any Senator will look in his pocket and find any money there, he will find notes of various denominations of national banks from every State in the Union, brought here by a law of demand or by a balance of trade or by necessities of trade. And what is there to take them back to the banks which issued them? If the currency goes back at all, unless there is a balance of trade to carry it back there, it is because this currency is borrowed and interest is paid upon it in order to return the money to the banks which originally issued it, to be taken away again after a temporary stay, following the ordinary currents of trade.

For these reasons—and I do not wish to enlarge on them—it seems to me that while there may be justice in the claim that more national banks should be organized in States which now have not their proportion, they should be organized, not by an inflation of the currency, which is certainly as large now in proportion to that of other nations as the amount of our capital, the amount of our business, and the amount of our population would justify, but by withdrawing the greenbacks which are afloat, and which cannot by any system we can devise be distributed among the States, and supplying that amount by the currency of the national banks, and let those banks be organized. But it seems to me that gentlemen will find that the theory is a foe to philosophy, as my friend from Indiana quotes from Lord Bacon, that the theory will not work, that the currency will not remain in Indiana or Illinois, or any other State simply because it was issued there, but will follow the inevitable laws of trade.

I am opposed to inflation of the currency; and for these reasons I shall favor this bill, because I believe that, so far, it gives an opportunity to work out the theory which gentlemen advance; and I will favor a proposition of recalling the greenbacks, and funding them, and redeeming the promise of the Government in reference to them, and reissuing that amount to national banks which may be organized in the various States.

Mr. FERRY, of Michigan. Mr. President, it was not my intention to say one word on this bill. It is well known to Senators that on general principles I am against the increase of the national-bank currency; not that I entertain hostility to the national-bank system any further than it works a monopoly, which under existing legislation makes it adverse to the welfare of many sections of the country, and to that extent inimical to the interests of the mass of the people.

In the remarks that I submitted at length on this question of finance, suggestive of a remedy for recurring evils, I based that remedy upon population, fixing the ratio, as I believed, justly throughout the States; and yet equitable as such a distribution upon population would appear, we are met by the statement of some Senators that that is an unfair basis; that instead of population we should base it upon the wealth of the country. Now, sir, we have the evidence before us of irreconcilability between theory and fact. We have the theory of legislation, which seeks to take from the New England States $25,000,000 of circulation and distribute the same to the Western States which have not their due proportion; and after the lapse of years the fact is officially stated that it has been a practical impossibility to enforce that legislation.

The Senator from Rhode Island asks me if I include the Indians in the population, and I say I take the population of the country as the census has given it to us, and based upon the population of the country, so ascertained, I have stated and argued—and I believe it is not controverted—that the distribution is now unequal. I say that the statute of withdrawal and equalization has lain a dead letter, and the Comptroller of the Currency has in his official report declared that it was practically impossible to execute it.

Now the chairman of the Committee on Finance proposes a supplementary bill to enforce that statute; and we find the Senator from Rhode Island, representing his constituency, protesting against its enforcement. Sir, if nothing else could convince me of the fact that the country has not circulation enough, it is this very circumstance and fact which the Senator so ably presented yesterday, accompanying the petition he then presented, that the little State of Rhode Island, with its small area and meager population, might, relatively to other States, be called sparsely settled.

Mr. ANTHONY. "Sparsely settled!" It is the most thickly settled area in the whole nation.

Mr. FERRY, of Michigan. Yes, sir; but the area is so small that I say now, as compared with other States, its population stands as though it were sparsely settled. The Senator may say that the area is small and thickly settled, and yet I will show the Senator that the population has not increased in the ratio that the Western States have increased. The Senator has objected to the enforcement of this law, because, as he says, the citizens of Rhode Island demand the full volume of circulation they now enjoy. If there were nothing else, this fact which the Senator has stated in his remarks, and embodied in the petition he presented, assures the country that Rhode Island has no more circulation than she needs, and yet she has, under the national banking system and distribution, thirty-one dollars to every head of her population, and, United States currency included, her circulation is over sixty-two dollars *per capita*. The average circulation throughout the country of national-bank notes is about nine dollars. We find that Rhode Island has thirty-one dollars as her proportion of this circulation, and I am confining my remarks now to the national-bank circulation, because that is what the bill now pending proposes to equalize, and does not propose to touch the United States, or greenback issue.

We have contended upon theory that we are entitled to an increase of circulation, and when we come to the practical method of withdrawing from New England the surplus of her circulation and distributing it to the West, to give a more equitable distribution, we find New England at the threshold raising her protest against the proposition. It is the requisition of your unenforced statute, and it is now proposed to give vitality to its execution; simply that and nothing more; and the alarm is sounded against compliance with this just statute.

I have risen more especially to raise an objection to the nature of the amendment presented by the Senator from North Carolina. While I am not opposed to an adequate increase of circulation, in whatever form, still I am disinclined to any withdrawal of circulation from New England, believing that she has no more than she is entitled to. But upon the same basis and upon principles of equality, if not generosity, I appeal to the Senator from Rhode Island, and his colleagues from New England, that they meet the West upon like basis, and give us an equal circulation to that which they now hold.

The Senator very aptly, and I may say rather ungenerously, responds that because they held the capital in the midst of the late war when the West utilized all her means in other ways, they availed themselves of the opportunity to invest in bonds, and laid the basis for circulation while the West and South did not. I remind the Senator that under the fifty-four million increase the West attempted to avail herself of it, and received a greater proportion of that than she did of the former issues of national-bank currency, thus proving that when the West had an opportunity to use her means by investing in national banks, she did so beyond the ratio she possibly could under the first issue. Now I say to the Senator that if he will give the West the further opportunity that she had in the distribution of the fifty-four millions she will then place herself just where Rhode Island stands to-day with her thirty-one dollars per head.

May I call the attention of the Senator from Rhode Island to another fact? Population has increased much faster westward according to the last three censuses taken by the Government. The total population in Rhode Island in 1850—and while I speak of Rhode Island, represented by the honorable Senator, and of the State which I have the honor in part to represent, I do it to illustrate the rest—I take Rhode Island to be a fair sample of New England, and I shall take Michigan to be a fair sample of the West. The population of Rhode Island in 1850, I repeat, was 147,000; in 1860, 174,000; in 1870, 217,000. That of the State of Michigan, in 1850, was 397,000; in 1860, 749,000; in 1870, 1,184,000; and notwithstanding we find that the State of Rhode Island has to-day a circulation of $13,000,000 of national currency, while the State of Michigan has but $7,000,000. The circulation of Rhode Island is nearly double that of Michigan, while the population of Michigan is five times that of Rhode Island. Upon the basis of population, therefore, Rhode Island has received and is holding a relative circulation vastly greater than the State of Michigan; and if those two States are fair representatives of the two sections, then I say upon that basis that the West has not the circulation to which it is entitled.

But the Senator says that population is an unjust basis. Let me then call his attention to wealth, if that is considered the fairest basis. The value of the real and personal estate in Rhode Island in 1850, according to the census, was $80,508,000; in 1860, $135,000,000; in 1870, $296,000,000, in round numbers. The real and personal estate of Michigan in 1850 was $59,000,000; in 1860, $257,000,000; in 1870, $719,000,000. So that, whether upon the basis of population or upon the basis of wealth, the West is far below what she is entitled to as compared to the New England States.

Mr. President, I am of choice opposed to an increase of the national bank circulation. Could I have my choice, it would be of an increase of United States notes, or greenbacks. Considered in the light of public policy, or of economy, I believe that to be the best for the country; but I am willing to waive for the time even that choice, rather than the denial of an increase of any form of circulation. I have already proposed to waive all incidental features of the plan I suggested until the question of increase be determined, believing that to be the vital one now before the country. I believe to-day, as stated by the Senator from Indiana, that that question is made the vital question by the people. If increase is denied to-day, the people will not rest until they have what they are justly entitled to.

The Senator from California, representing a State doing business in some measure upon a gold basis, urges that there should be no further increase. We have, then, upon the other extreme the New England States, holding much more than their proportion of circulation, also advocating no more increase; both extremes urging resumption, and thus holding the South and the interior States, as it were, between the upper and nether millstone, crushing their industrial interests through resumption, and thus arresting their resources and retarding development; and for what? To pay tribute still more to the sections that enjoy so largely this monopoly.

I do not intend to prolong remarks at this time. Before taking my seat, however, I desire to call attention to another point made by the chairman of the Committee on Finance. Twice, I think, has it been stated that there are $5,000,000 in the Treasury awaiting distribution, and the Western States do not avail themselves of the opportunity of securing their proportion. I can verify what has been stated by the Senator from Indiana as the experience of his State, that from Michigan there are several applications pending before the Comptroller, and yet that officer decides that Michigan is not entitled to any more until this $25,000,000 is withdrawn from New England. When that is done, she can have a portion of that amount, but until then there are other States with greater claims—other States being similarly situated. The chairman of the Committee on Finance may be reminded that that is the reason why the $5,000,000 is not taken.

Mr. SHERMAN. The Senator certainly misunderstood me if he understood me to say that all the $54,000,000 had not been taken. Indeed I insisted that it had been taken a year ago; but the Comptroller decided otherwise; that is, although it is promised to banks in process of organization, yet, as the currency has not been issued, he holds it has not been taken; but I insist that it was taken when subscribed for under the law. The whole $54,000,000 was taken, I think, some time last summer, perhaps as early as last spring; but it has not been issued, because some of the banks failed to file the requisite bonds upon which circulation could issue. Therefore it is true the whole of the $54,000,000 is not yet issued but is "taken," in the language of the law.

Mr. FERRY, of Michigan. The Senator took the position that even if an increase of the currency was given to the Western States, they would not avail themselves of it, and, in support of that position, as I understood him, he cited the fact, and I think he stated it the second time, that there were still $5,000,000 unissued. If, as he says, it is taken in the language of the law, it seems not in the phraseology of fact. If I misapprehended the Senator, I shall be happy to be corrected.

Mr. SHERMAN. I said it could not be taken so rapidly as Senators supposed; that I thought $25,000,000 would last at least two years; and that is my impression now.

Mr. FERRY, of Michigan. One word more, sir, in connection with the statement made by the Senator from Rhode Island [Mr. ANTHONY] yesterday, and I was sorry to hear him state it. He said that during the war New England, having so much of capital invested in these bonds, it gave her the basis for her circulation, while the West did not avail herself of such provision. Sir, the West was impoverished at that time, but did not neglect her duty notwithstanding. She furnished what she possessed. She furnished her men, if she had not the money. New England had her money, and proffered men. Great credit is due New England for both; but as compared with the West, New England fell far behind the West in the ratio of men. If the West had not the capital, it was its misfortune, and the good fortune of New England that she had abundance. Now that the West has filled up her thinned ranks, and with accumulated means asks that the same Government she helped to defend shall distribute circulation to her upon an equal ratio to that of New England, is it magnanimous, is it just, to refuse?

The Senator from New Hampshire at my back [Mr. WADLEIGH] says that they have given us the men to populate the West; if so, their former representatives stand in their places here now to deny to those men in the West the rights which they gave to them before leaving their parent States at the East. A transfer of home in a common country should not work a denial of rights. Upon principle, as well as magnanimity, I ask them to give to the West the same privileges, the same benefits, the same aid that they demand for their own citizens.

Mr. President, I am not disposed to cultivate any sectional interests here. I am unwilling to divide the people of this great nation upon a question of finance; and yet it is becoming so vital to the prosperity of the people that it will divide the sections and divide the people unless justice is done. It is a question that rises above party into the domain of country. The greater interest must include the less. If the East protest continually by their acts and by their voice against a fair distribution to the West and South, sooner or later a combination of interest will demand it, and if based upon population and right, which I think they have, that demand will be felt and made effectually known.

The Senator from Vermont, [Mr. MORRILL,] in his late speech, alluded to the national banks, and spoke of the amount of capital which lay idle, and gave an illustration which would lead one to con-

clude that there was no great object in investing money in national banks. I may at some time exhibit to him the profits of some of these banks, and show that notwithstanding they have but 75 per cent. of their capital utilized under the banking system, yet they make, in many instances, an average profit of 17 per cent. The annual increase of the national wealth is but 3½ per cent. Now I ask, upon broad principle, whether there is justice in confining the circulation to a section or to a monopoly, and depriving other portions of the country of the benefits of a like system? Either open it to all or break it for all.

Mr. ANTHONY. What do you mean by 17 per cent.?

Mr. FERRY, of Michigan. I mean that a dividend is declared semi-annually of from 10 to 11 per cent., and the surplus besides added to the annual dividend makes 17 per cent., as I can show.

Mr. ANTHONY. Where do they divide that?

Mr. FERRY, of Michigan. That surplus is added to the capital.

Mr. ANTHONY. Where do they divide 10, 12, or 15 per cent.? They do not do it in our State.

Mr. FERRY, of Michigan. They do it elsewhere if they do not in Rhode Island.

Mr. ANTHONY. The average of our dividends I do not think is over 8 per cent. I speak for Rhode Island.

Mr. FERRY, of Michigan. I did not rise to present details, but only a general statement; but as the Senator has questioned the statement, and perhaps does not enjoy the profits in his State that some others do, I will give him a case, say in the city of Chicago, as the Senator from Illinois has compared the large revenue that is paid there with the whole State of Rhode Island. I will not name the bank, but the official report gives its condition thus: The bank was organized January 11, 1865. The present total capital is $1,000,000. It commenced with $500,000. It increased its capital in the year 1872 to $750,000, and in October, 1872, it increased it to $1,000,000. Now let us see what the profits have been. The amount paid as dividends was $1,150,000; amount carried to the surplus fund, $200,000; leaving undivided $50,000; total net profits during that whole time, $1,400,000—$400,000 in excess of the capital of $1,000,000.

Mr. ANTHONY. I suppose any capital in Illinois, judiciously invested, could be made to yield 10 per cent. I suppose you can loan money in Chicago upon undoubted security for 10 and 12 per cent. It is not the national banking system that gives that privilege. In my State the rate of money to-day is not over 7 per cent., and we make no such dividends there. The excessive dividends that are made in the western portions of the country are due to the high rate of money, not to the banking system.

Mr. FERRY, of Michigan. But, sir, we have not the faculty in the West of making ordinary business pay 17 per cent. interest annually. The Senator states that we can get 10 per cent. upon investments. That may be true. That may be done in the State of Rhode Island. I cannot say.

Mr. MORTON. The Senator will allow me to suggest to him that in Rhode Island, with the large banking capital they have there, and the large circulation, they are able to lend their money at 7 per cent.; but in the States in the West where banking capital is small, money is loaned at from 1 to 1½ per cent. a month.

Mr. GORDON. I was going to ask the Senator from Michigan if it was not his opinion that if the State from which he comes had sixty-one dollars *per capita*, money would be at 7 per cent. there also?

Mr. FERRY, of Michigan. That is the ground which I have taken, and it has been commented on in this debate. I have taken the ground that the expansion of the currency—not the inflation, as some Senators have endeavored to characterize it, but an expansion equal to the expansion of business—would in its effect reduce the rate of interest; that in proportion to the adequacy of currency the rate of interest would be reduced; and the very reason why there is such opposition to the proposition to make the currency convertible into three sixty-five bonds is because that would be construed into a national declaration that the rate of interest should rule lower.

Mr. SCOTT. Before the Senator passes from the subject of dividends, permit me to call his attention to the official statement. I understood the Senator to state that 14 per cent. was the amount of dividends made upon the national banking capital and surplus. Now, in the report of the Comptroller for 1873, page 55, he will find a table showing the dividends for 1873, and on the following page he will find one showing the dividends from 1869 to 1873. The average of all the national banks as shown for 1873 is 5.46 per cent.

Mr. MORTON. Semi-annually.

Mr. SCOTT. For six months in 1873, equivalent to about 10 per cent. The highest of any that is shown there is in California, I believe, which is $13.39. Taking the whole of the years from 1869 to 1873, the average was very much below what the Senator has stated them; some of them as low as 5 per cent. and 4 per cent.

Mr. MORTON. That is semi-annually.

Mr. FERRY, of Michigan. I accept the statement of the Senator from Pennsylvania from his stand-point, but I am not to be diverted from the position I have taken. I cite specific banks and give their own statements. While I am on this point, as there seems to be a little sensitiveness upon it, I will give the rest of the figures and let the Senate and the country judge for themselves.

Now, I give the statement of a bank in the city of New York with a capital of $5,000,000, organized July 6, 1865. The amount paid as dividends is $3,700,000; the amount carried to the surplus fund $218,528; making the total net profits, $3,918,000, almost $4,000,000, upon a capital of five millions of money.

Mr. SHERMAN. For how many years?

Mr. FERRY, of Michigan. Since 1865.

Mr. MORRILL, of Vermont. That would be about 10 per cent.

Mr. FERRY, of Michigan. I will give another from the city of New York that was organized in 1865. In that year it declared a semi-annual dividend of 5 per cent.; in 1866 a January dividend of 4 per cent. and a July dividend of 5 per cent.; in 1867 two semi-annual dividends of 5 per cent.; in 1868 the same; in 1869 the same; in 1870 two semi-annual dividends of 6 per cent.; in 1871 the same; in 1872 the same; in 1873 7½ per cent. semi-annually, and the dividend on the 1st of January last was 7½ per cent. I have added up these dividends and they average for the nine years, 11$\frac{5}{10}$ per cent. annually of declared dividends. In addition to that, they have run up a surplus profit to the capital of the bank amounting annually to 10½ per cent. more; making a total of 21$\frac{7}{10}$ per cent. annually of profit under this national banking system. I might give the name of this bank, although I prefer not to. I would not unnecessarily state the benefits of any bank. I wish to give facts to answer expressed doubts.

Mr. ANTHONY. I should like to ask the Senator one question for information. Can he inform us what have been the average dividends of the banks of New York under the existing system, and what were the average dividends of the banks under the State system?

Mr. FERRY, of Michigan. I could not tell the Senator at this moment, not having the data at hand.

Mr. ANTHONY. I think it will be found that the difference is very small indeed. I know it is so in our State.

Mr. FERRY, of Michigan. That may be so. I have not the facts before me to state whether it is so or not. But I am clear in this, that whether the Senator from Rhode Island so regards it or not, the whole country will regard it that any system producing such beneficial results should either be made general or else the monopoly should be ended.

Now let me give the summary statement of this bank of which I have been speaking. Here is a bank with a capital of $1,500,000, and the dividends for each year and the surplus, after paying last January's dividend, amounts to $1,482,352.77—within $17,647.23 of doubling its capital in net profits during the time that it had been organized.

Mr. ANTHONY. How long?

Mr. FERRY, of Michigan. The bank was organized January 1, 1865. Here is an average during nine years of 21.7 per cent. annually. Now I put that fact to the country. I was not disposed to bring it out at this time, but since it has been questioned, I will say that I have several other cases of the same sort in various States, proving the same general fact that I have stated—that under this banking system the profit is in excess of that obtained in the ordinary channels of business.

I have no more complaint to make of this than to say that what is good for the few should be made the right of the many.

If this be the case, I am surprised, and the country will be surprised, to see Senators here so tenacious for the perpetuation of this monopoly and so unwilling to grant the same benefits to other portions of the country. It cannot be denied that upon the broad basis of fair distribution justice is not done the West and the South. Take it under the national distribution, and what have we? We have here, as stated by the Comptroller of the Currency, a *per capita* of $31.15 of the national circulation in the New England States. In the Middle States the *per capita* is $12.80. In the South and Southwestern the *per capita* is $2.98. In the Western States the *per capita* is $7.11. In the United States per head the volume would be $9.18. Compared with the general circulation throughout the whole United States, the circulation of the New England States is 31 to 9; compared with the South, it is 31 to 2.98, and compared to the West, it is 31 to 7.11.

It is not strange therefore that the representatives of the Southern States join with those of the West on this floor on this subject and plead for justice. We simply ask that, and nothing more.

I wish to remind the chairman of the Committee on Finance at this point that when I proposed my remedy, I suggested but an increase of $50,000,000 of national currency, if that was to be the method of relief adopted, with the utilization of the $44,000,000 reserve, by making that a part of the permanent circulation. This reserve is now substantially out in the business channels of the country and is practically a part of the circulation. That being made a part of the permanent circulation, and $50,000,000 more of national currency being added, will make $800,000,000 as the volume of your circulation, and a *per capita* of twenty dollars. Is that too much, when England has twenty-five, and France thirty, as stated on the 1st of January, 1874, and they being upon a coin basis and we upon a currency basis? And yet when we ask simply for that *per capita* of currency circulation, we are denied, upon the plea that it is an attempt at expansion or inflation. I say that inflation is a misnomer. It is unjust to the equitable claim of the West to so denominate it. It is unjust to the Senators here who are demanding rights for their States and bound alike with others in the prosperity of the whole country. If you deny one section its just rights, you impoverish your own. If you will not give us that, then we are placed in the West with no adequate means to develop its resources, and my friend at my back [Mr. WADLEIGH] will be com-

pelled to call back such as his State has sent there, as he says, to populate the West, if you persist in denying them the means to benefit themselves and the nation.

But, Mr. President, if this is to be the test question, I am willing to waive, for the time, my first choice, for I stated in the opening of the debate, on the fourth day of this session, that while I suggested from a business stand-point a plan by which we could have a permanent and successful medium of exchanges, I was willing to yield to any other plan that would prove more remedial. While I am at the outset opposed to the increase of the national currency, believing that the Government should issue the currency itself, and save the eighteen to twenty millions of coin interest annually which we are paying upon our bonds that underlie your national circulation, I would let the Government issue the whole volume of circulation, and save that coin to the people. Yet if I cannot get that, I will take the next best thing, and join in an increase of the currency to the amount of $50,000,000 more. We cannot get along with less. Give us that amount, and we shall then be placed in a measure upon a par with other States. That will be simple justice and nothing more.

Mr. STEWART. The bill under consideration, which proposes to equalize the banking capital, may be very well in some respects. If you take into consideration the fact that the States are allowed to tax the banking capital, and that some States which have the means of organizing banks, without the privilege of doing so, have not their fair share, there may be an injustice in that. It may be a profit to the States to tax them, and if the banking circulation is not equally distributed, and some States have the capacity to take their share but cannot get it, there may be an injustice in that. Therefore this bill may be very well; but I cannot, for my life, understand the arguments that are adduced here by southern and western Senators to the effect that they will have more money if we issue more paper; that it will make money plentier in the West and South. The more you issue, the more you inflate the currency, the less money you will have there. That is very evident to anybody who will give this subject a moment's consideration. The money will go where the surplus profits are. Money will go in any country to that point where the surplus profits accumulate. The people who speculate in this currency live in New York, and they make their millions and hundreds of millions of surplus every year by speculating in your fluctuating currency. The money goes there because the surplus is made there. The gold board produces its millionaires every year by speculating in your fluctuating currency. By means of this currency you give them a chance to make money. Money accumulates in New York, where the speculators are. Through their operations it fluctuates and is rendered uncertain. The farmer cannot keep track of it; the producer cannot keep track of it. They keep track of him. They know exactly when his crop is to be harvested; they know his necessities; they know when he must have his necessaries, and they know how to make money tight or loose just to suit their convenience and to cramp him. These vast accumulations in the cities are made by means of the speculation which your depreciated currency affords the opportunity to carry out.

The farmer buys his products and his materials and gets into debt at the time when money is easy, in the winter, when greenbacks are cheap, and he buys in New York on that basis. He is bound to sell when there is a stringency and greenbacks are scarce. He loses in this transaction every year 5 or 6 per cent. Five per cent. is a pretty good profit. If the farmer of the West were making 5 per cent. net every year, the money would go West whether the national banks were there or not, because he would be accumulating all the time. But he cannot make that. The middle-men who insure themselves against these fluctuations, the persons who put gold up and put it down in order to make money out of this uncertainty, make the money. The farmer gets into debt every year.

Allusion has been made to the enormous amount of profit made by the national banks. A large amount of the profits made by the national banks is due to the fluctuating character of the currency. It enables the men who deal in money, who deal in this fluctuating article, to make large sums, to charge high rates of interest, to take advantage of the necessities of the country. The men who devote themselves to the study of this uncertainty and speculation are going to reap the harvest. Your harvests are now moved from the West to the money centers. Your hundreds and thousands of speculators who deal in money are the only people that have a surplus profit, and wherever they live there will be a plethora of money every year when they desire to have it. After they have reaped their harvest, after they have gathered in the grain of the West, you will have a plethora in New York from their speculations.

If you issue more paper money it will only make more fluctuations; it will only make the harvest in Wall street a little larger next year, and make the margin against the farmer a little larger, and bring him more heavily into debt. Every time you issue more money and make more uncertainty, you make more distress on the part of the producers, and you give the speculators a greater chance.

The only way to relieve the country is to move right back to specie payments; let every man in the country know what the value of his money is; leave no margins to put up gold or to put down gold, to put up greenbacks or to put down greenbacks as compared with gold; leave no speculations of that kind. Let everybody know what a dollar is worth. Then the man who goes West to buy produce will be under no necessity to insure himself against the fluctuations of the currency. He can pay the full value of the wheat then without the fear that a change in the price of gold will break him down before he gets back to New York. The farmer then will know how to measure the difference in price between his wheat in Illinois and the wheat in Liverpool. It will be the transportation and the necessary commissions, without any insurance on account of a fluctuating currency. The wheat will be measured by the same standard—gold—in Illinois as it is in Liverpool, and any man can figure it up. But now it is a mystery; the whole subject of finance is a mystery; and what do we see every day? We see those who devote their attention to it making large fortunes out of this mystery. Let us do as all the people of the world have been doing from the beginning, measure our values by gold, adopt the standard that all can understand, and get rid of this mystery.

Mr. LOGAN. What does the Senator want?

Mr. STEWART. I want the standard gold, and no paper money not redeemable in gold; no paper money the value of which is not ascertained; no paper money that will organize a gold board to speculate in it. Who pays for this gold board? Who pays these immense fortunes? How is it that millions and millions can be rolled up annually there? Did anybody ever calculate who paid for it? It comes out of the producers. How do those men exist? By the latitude which your depreciated currency gives to speculation, and nothing else.

I will vote for this bill on the principle that if any of these Western States have bonds that they can put up, and desire to go into the banking business, the States ought to have it, because it is of local advantage in taxation. The taxation is important to them.

Mr. LOGAN. Will the Senator allow me to ask him a question?

Mr. STEWART. Any question.

Mr. LOGAN. Can he conceive no difference between paying interest at home and paying interest abroad?

Mr. STEWART. At one time you pay in New York and at another in London, and there are three or four thousand miles between the places; that is all.

Mr. LOGAN. I will put my question in this shape: Suppose your State borrows $50,000,000 at 10 per cent. from Connecticut, and it runs for ten years, can the Senator see no difference between borrowing that money from Connecticut and borrowing it at home?

Mr. STEWART. I can see the difference of about three thousand miles between Nevada and Connecticut.

Mr. LOGAN. I suppose anybody will see that by measurement. I may be so dull that probably I cannot put the question; but my point is this: In ten years the interest would amount to $50,000,000. If you pay the $50,000,000 in Connecticut, you take it out of the material wealth of your own State and transfer it to another; whereas if you pay it at home there are $50,000,000 more in your own State. There is the difference.

Mr. STEWART. I can see what the effect will be if there is a machine whereby the people of Connecticut, without producing anything, by speculating in money, can draw out all we can raise in Nevada. It just increases the chances of the people of Connecticut to speculate in money, that is all it does, and the people of Nevada have got to pay for it if it be in Nevada.

Mr. LOGAN. What is the matter with them?

Mr. STEWART. The matter with them is that they are not making any money; somebody else is making the money. Persons who are speculating in your depreciated currency are making the money, and they will continue to do so as long as you have a depreciated currency. The country and the world know that. You would throw out of employment the hundreds of thousands of speculators who are dealing in this one thing, and who are making more money than all your farmers, if you would establish a certain currency that the country can understand.

This is simply a plea for those who desire to speculate. It is a plea in behalf of the speculators and against the producers. The farmer can never take advantage of the money market; he can never take advantage of these speculations; he has got to lose his 5 or 10 per cent. every year, and will continue to do so for all time to come until we get back to a specie basis. Every country has found that a depreciated currency was attended with evils all the time, and it has been the purpose of every country to relieve themselves of it as speedily as possible. Our country is able and strong enough to-day to do the same. Let us do it, and then we shall have some measure of value that the farmer can compute, that the miner can compute, that any man can compute. It will then be no mystery. It will not be, "Now you see it, and now you don't." It will not be Wall street making money tight to-day and loose to-morrow; putting up the price of money, and speculating on the difference between your circulating medium and gold. As it is now, the gold board, and those who trade in your currency, are making more money than all the farmers of the country.

The way to get money in the West is to have a square deal that the people can understand, so that they can sell their products and get the whole amount for them that they are worth, deducting simply the cost of transportation and the legitimate commission, which anybody can calculate if they have not this mystery to go through. Money cannot go to the West unless they are making money; for this fluctuating currency allows the speculators to make all the money, and the money accumulates in their hands. Of course the money accu-

mulates where the surplus earnings are. The surplus earnings now consist in the skill to calculate chances and make corners, in order to oppress the producing classes. The only men who are getting rich in this country are those who have skill enough to manipulate this fluctuating currency, and nobody else can make any money. They make their hundreds of millions per annum, which were formerly made by the farmers themselves. If the farmers would get rich, they have got to become skilled in this fluctuating currency and make corners and manipulate the market; and if they do that, they cannot farm. It is a science, and it has got the smartest men in the world in it, and they are making all the money that is made in America. I hope that there will be no more issues of greenbacks, on the plea that it is going to help the producers.

Mr. MORRILL, of Vermont. I think, Mr. President, that until New England ceases to produce more maple-sugar and more pretty girls than the other States we shall not escape reproach in this Chamber. Here is a bill just presented merely to slightly amend a law passed three or four years ago, in order to enable the Comptroller of the Currency to put it into practical operation, and what do we see? The Senator from Indiana [Mr. MORTON] very properly comes forth here as the leader of the expansionists, and tells us at once that that will not be satisfactory; if that is all we can do, it is not enough. Of course I have been in favor of this bill as a final settlement of the vexed question. I expected to see it pass quietly and without debate. I have become suspicious that there was not entire sincerity among all those urging this bill from the discussion that has taken place.

The Senator from Indiana discards all theories of the past, and not only all theories, but all practice, and he quotes Bacon as authority that the great mischief of the world was that there was too much theory; and there is too much theory now in relation to finance, according to the Senator from Indiana; and yet at the very moment that he quoted that doctrine he comes forth with a new theory himself, a theory that is based upon the idea of issuing paper money without any metallic basis, and as my friend from Missouri [Mr. SCHURZ] says, without any system of redemption also. I do not suppose that the Senator from Indiana can get a patent upon that idea; there will be rivals and competitors for it; but I undertake to say that he will not find it very profitable to undertake to get a patent for it in any other country than this; it will not be accepted elsewhere.

Mr. MORTON. What theory did I advance?

Mr. MORRILL, of Vermont. Well, it may do in Cuba, or Hayti, or some such places; but since the foundation of commerce and civilization the idea of a metallic basis has been established the world over.

Mr. MORTON. The Senator of course does not intend to misrepresent me. What I said about that to-day was that there were periods in the history of every nation when it was impossible to maintain specie payments, and that then irredeemable paper was the only thing. I referred to the period of our war, when an attempt to maintain specie payments would have destroyed the power of the Government. I said that we can only approach specie payments as we get away from the consequences and the burdens of that war. I said distinctly, as I have said on different occasions, that the normal condition of the country, when the country itself was in a normal condition, was paper redeemable in specie. I have always said that. I believe there is no mystery about that.

Mr. MORRILL, of Vermont. Yes, sir; and we are eight years from the close of the war, and further off than we were the day the war closed from specie resumption. We are three or four years past the time of the passage of this act, and the Senator is less satisfied with it to-day than at the time of its passage.

The Senator from Indiana proclaimed the fact that speculation has built thirty-five thousand miles of railroad, and then he proclaims the doctrine that he is for having speculation go on. Has the Senator not read the document of Mr. Bancroft, certainly the ablest historian of our country yet produced, now our minister in Germany, wherein he states that there are fifty-eight of these railroads that to-day have suspended payment and do not pay their coupons or dividends, which are held to the amount of about $80,000,000 in Germany? Is that the kind of speculation the Senator is for? There is no power which can at present revive this sort of speculation.

But, Mr. President, it is obvious that the plain intent and meaning of this act is not desired at the present moment. The purpose of the Senator from Indiana—and I would not do him injustice—is to apply the thumb-screw to New England, and when they shall be tired of the application of that so that they will consent to inflation, then they can have relief from this transfer of so much banking capital from the East to the West.

Mr. MORTON. Will the Senator allow me a remark?

Mr. MORRILL, of Vermont. Certainly.

Mr. MORTON. The Senator says I want to apply the thumb-screw to New England, when I have said upon all occasions that I did not want to take a dollar from New England. I agree to the propriety of the remarks of the Senator from Rhode Island [Mr. ANTHONY] upon that subject. What I asked was, that the West and the South should have their needs and wants supplied; but I have never begrudged New England a dollar. I am as good a friend as she has on this floor. I do not blame her for taking what she took. When the Comptroller here allowed her to take that currency, I did not blame her for taking it.

Mr. MORRILL, of Vermont. Yes; but the Senator says he is in favor of inflation, of a further expansion of the currency, and not getting that, he demands this and more; and he gives us notice—I will not call it a threat, but he serves notice—that this will not be sufficient; that the Western States are growing from day to day in wants and in power, and that the difference will be more next year than this.

Mr. President, I do not desire to prolong the discussion upon this subject. I was entirely willing that this bill should pass if it would silence complaint. I was willing to amend the law so that it could be practically operative at once. We have the testimony of the Comptroller of the Currency that this amount will be sufficient for two years; but in order to accomplish the ends of expansion Senators here are unwilling to wait and let the occasion slip, but they propose to seize upon this as the opportune moment, as it seems to them, to obtain what they so much more desire, and that is expansion.

The Senator from Indiana begs for justice, and says it is rather mortifying—or some similar phrase to that—to come here begging for simple justice. Was there any injustice in the way this banking privilege was obtained by the States that now have it? Were they not importuned to take it? Take, for instance, the bank in Boston that will be most largely affected by this curtailment of the currency, the Merchants' Bank of Boston. I happen to know something about it. It was the leading institution of New England. Secretary Chase was very desirous that that bank should lead off in order to give the national banking system a prestige and that other banks might follow; and they did so. Now, was there anything wrong in their doing that? Was it not at a moment when the country needed it? And yet it is a reproach to us, according to the Senator from Michigan, [Mr. FERRY,] that the people of New England did not furnish as many men as the West, and therefore ought to have their banking privileges curtailed. Did they not furnish as many in proportion to the number of able-bodied men as the West? I know that my State did. It furnished much more than its quota. It seems to be a reproach, then, that some of our men are more aged than western men, and that we have more women than men, a small number more—making our quota of able-bodied men less according to population—and that is brought in here as an argument in relation to this question of finance.

Mr. President, one other statement was made here in regard to the profits of banking. Any banker knows that it is not the system of banking that we have in operation that causes a bank to make great profits. It is the profits on the amount of deposits that are made in the banks which enable them to make large dividends. If a bank is located where there is a large amount of capital, and there is a large amount of deposits, of course they make much larger profits than when it is otherwise.

There is another question that was mooted yesterday, and that was in relation to taxation. I think the Senator from Pennsylvania [Mr. SCOTT] claimed that the Government contributed something to the taxation of these States in this banking system. Now, let us illustrate that point by supposing that here is a State that has $1,000,000 in United States bonds. They are held by private parties. Of course, then, they are not taxed at all, let them be in whatever State they may; but if the capital is in other resources, other means, so that they have to dispose of property in order to obtain means to invest in bonds, it is taxed, and when it is invested in banking it will be taxed still, so that the Government contributes nothing. It is the business of the bank that is subjected to the tax, whether the bank itself pays it in gross, or whether it is taxed upon individual holders of the stock, as it is in some States.

So far as the application of the subject to New England is concerned, as one of the humblest representatives of New England I will say that there is no application of the screw that would make me consent to what I think is detrimental to the interests and the honor of the country, and I do regard the idea of inflating our currency with infinite dread. I do not deny the honesty and integrity of the conviction of others who differ from me, but it is my profound conviction that it is against the interests of our country at this moment to have a further increase of the currency. I believe that the interests of my own people will not be subserved by it, but I would scorn to consult exclusively the interests of the State I have the honor in part to represent. I am here to legislate for the whole of the United States, and I am to look to see what the effect of a measure will be upon the whole country. The basis of the prosperity of our country is the agricultural interest. That, as it happens, is the chief interest of my State, as it is of the State of the Senator from Indiana, and I know that the agricultural people of my State are getting no more for what they have to sell of their surplus products than they got before the currency was so immensely inflated, and yet that they have to pay much more for labor and for everything that they consume. I say that we have reduced the profits of farming to the very minimum rate, and the system of expansion of paper money will increase that reduction; and therefore I dread it.

Mr. HOWE. I want to add one other word to this debate, especially with a view of getting an understanding with my friend from Vermont, [Mr. MORRILL.] He expresses a little doubt as to whether the West and South are serious in asking for this measure. For one, I desire to say, if I have a right to speak for either one of those sections at all——

Mr. EDMUNDS. You have a right to speak for every section of the country.

Mr. HOWE. I do not ask for it. And, assured by my friend from Vermont, who sits right before me, [Mr. EDMUNDS,] that I have a right to speak for every section of the country, I think I can repeat, with a good deal more confidence, that I do not know of any demand which has come from any portion of the West, or any portion of the South, for this particular measure. Those portions of the country have felt that your present banking system did not do them justice, and did not permit justice to be done them. The particular points in which this injustice was done have been specified over and over again. Still the law was formed when it was and as it was. There was a limit fixed to the privilege of banking; there was a provision made for distributing these limited privileges, and I am told that that was disregarded by an officer. But the law did the first wrong, I think, in fixing a limit; the officer did the second wrong. But it was our misfortune, perhaps, not our fault certainly, that we had not as much unused capital at that time as some other portions of the country; and therefore to-day we find that of these facilities, these limited facilities, a much larger proportion is enjoyed by our friends on the Atlantic coast than by those in the West or in the South. For myself, and I think I can speak for every western representative, that never for one moment has been held up as a reproach against the East. We have made no complaint against the East.

Mr. MORTON. Not in the least.

Mr. HOWE. We complain of the law. We ask you to extend equal facilities to other portions of the country. We do not expect the East to follow up their sons with money. I came from the East myself. I emigrated from New England once into the West. New England has never sent a dollar to take care of me since I went from there, and I do not expect New England ever will. When I cannot take care of myself in the West, I will return to the East like other prodigals, not doubting that I shall have a calf killed when I get back. [Laughter.]

But, sir, somehow or other, not because of any demand from the West, the Committee on Finance have felt moved to do something to correct this injustice which has existed in your banking laws. The particular thing they propose to do is, as I expressed it earlier in the day, to grab twenty-five millions from existing banks and to redistribute it simply among new banks in the West and in the South. That comes pretty near being the law now; not exactly the law, because it cannot be enforced, but it is an idea that occurred to certain statesmen some years ago; they undertook to put it into law, but did not quite achieve it, as existing officers think, and this is proposed to make it perfect. Now, if you think it right to do that; if, rather than extend banking facilities, or any accommodation, or any terms whatever, you think it better to hold the limit just where it is, to take from Peter to pay Paul, to snatch from New England to endow the West and the South, why do so; I shall consent to the endowment.

Mr. ANTHONY. You do not quote the proverb right; it is "rob," not "take." [Laughter.]

Mr. HOWE. Well, if you prefer to rob Peter in order to pay Paul, do so. I do not like to engage in the robbery, but I will accept. [Laughter.] But I want to say to my friend from Vermont that I expect you to do this like gentlemen, and to allow us to accept the provisions of this measure as gentlemen. I have no objection to bow in acknowledgment of this late recognition of right. I do not want to courtesy for it, because it is not any more than justice. Every Senator who sits on this floor knows that it does not begin to do justice. Therefore, do not tax us with it; do not charge us for it; do not reproach us with it; it is your proposition, not our demand.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina, [Mr. MERRIMON.]

Mr. SHERMAN. I will detain the Senate but a few moments on this amendment, because I wish to get a vote. I believe there is an almost universal concurrence that something should be done to equalize the circulation of bank paper. The New England States sometimes feel that it is hard for the Western States to call for the transfer of circulation from the banks organized in those States to the West. So far as my own State is concerned, we are entirely passive. The State of Ohio has about its fair proportion, and there is no pressure that I am aware of for any increase of bank circulation there. I look upon it, therefore, dispassionately; but, to my mind, it is perfectly just, perfectly right, and perfectly fair, that the West should seek to have the original law which provided for a fair distribution of this bank circulation carried out according to its intent and purpose. This always seemed to me perfectly fair and just.

Mr. EDMUNDS. May I ask the Senator a question just there?

Mr. SHERMAN. I would rather not be interrupted.

The original banking act provided that the amount of bank-note circulation should not exceed $300,000,000. It provided that one-half of it should be apportioned according to population, and the other half according to wealth, industry, production, &c. That was the original provision of the banking law. In process of time, however, this provision was disregarded, and the result was a large disproportion in favor of some of the States that organized national banks, or converted their existing State banks into national institutions during the war and immediately after the war, because most of this increase occurred after the war was over; and so there is no question of patriotism involved. Up to the close of the war there had been no violation of the principle of distribution; but immediately after the war was over there was a large and rapid influx of the New England banks into this system, and the barrier which had been erected was broken over. Under this course of action the State of Rhode Island received banking circulation to the amount of sixty-one dollars per inhabitant—more than double what it ever had before. My friend says they had no more circulation in 1860 than they have now.

Mr. ANTHONY. The capital was what I spoke about; not the circulation.

Mr. SHERMAN. This bill does not affect the question of capital.

Mr. ANTHONY. But we cannot have bank capital unless we have it under the national system.

Mr. SHERMAN. Let me go on. This bill does not affect the capital of the banks of Rhode Island one particle. It will not diminish the capital of the banks of Rhode Island one cent. They can have now banking capital to the amount of $100,000,000 if they choose. The question is about the distribution of circulating notes. I need not refer to the books to show my honorable friend that Rhode Island never had up to 1862 but a little over $6,000,000 of bank circulation. She had a larger amount of bank capital, but her maximum circulation at any time in her whole history was $6,300,000. I have the documents here, if it is necessary to refer to them. Now, she has $13,800,000.

Mr. HOWE. And then her circulation was not limited by law.

Mr. SHERMAN. No; then she could have as much circulation as she chose. Then Rhode Island never had over $6,300,000, and now she has more than twice that. So with Massachusetts. Massachusetts never had over $29,000,000 of bank circulation before the war; now she has $58,506,686. Massachusetts has doubled her circulation over what she had before when she had the whole power and control over it.

This is the condition of affairs. Certain States that have not got as much as the law allows them, that want to organize banks, say that they have capital, and money to buy bonds and organize banks, and desire to have the benefits of a local circulation; their citizens desire to have the benefit of taxing the capital invested in banks, and all the other incidental benefits. They desire to have local circulation; they desire the organization of banks. It is a great benefit to a locality to have banks. Senators may deny it as much as they please, but it is a great advantage. In the first place, that bank capital contributes to the local taxation, not only of the State, but of the county, and the city, or town; and therefore it is always a great advantage to any community, however flourishing, to have one or more banks for local advantage; and this local advantage the people of the Western States and the Southern States naturally desire. When they come with their money and bonds, and make a formal application to the Comptroller of the Currency for bank circulation, they are met, not with the law, because the law says they are entitled to a certain proportion, but they are met with the fact that the limit of bank circulation has been reached. They say, "But the limit of this circulation has been violated as to other States;" and they show that in their State there are but three or four dollars, or five dollars, per inhabitant, while in Rhode Island there are sixty-one dollars, and in Massachusetts forty-eight dollars. This is a local grievance that has been a subject of constant complaint. It is so great a complaint, that the democratic candidate for President, Mr. Seymour, perambulated the Western States when he was making speeches for himself as a presidential candidate, and made that distribution by the republican party the chief element of his accusations against the republican party in 1868.

Mr. MORTON. Almost the only topic.

Mr. SHERMAN. Yes, sir. Although one of his own constituents in the State of New York gave rise to this trouble, he made that a ground of local complaint, and he said at Cleveland, I remember, that this republican party had rendered all its favors to New England and the East, while it denied to the West equal advantages and privileges; and he brought up this very thing as a grievance. That did not make any impression on our people so far as their voting was concerned. They voted right; they voted for General Grant; but still there has been a lingering feeling that as long as the Western and Southern States desire the organization of new banks they ought to have that privilege until they reach the amount fixed by law.

I have always thought that my friend from Indiana had no great right to complain about this matter, because Indiana has very nearly her proportion of the amount according to any distribution that could be made; but certainly Western States like Illinois and Missouri, and Wisconsin and Iowa, and all the Southern States, have a ground of complaint. So far as Indiana and Ohio are concerned, we are practically on a footing of equality—we have got about our proportion. Ohio has a little more deficiency than Indiana.

I say this ought to be corrected. It is no great injury to Rhode Island or to the banks of Rhode Island and Massachusetts, the withdrawing from them this amount of circulation. Indeed, I have heard their own bank officers say they are perfectly willing to surrender it in order to satisfy this local demand. And why? Under the principles of this bill what injury is done? The Comptroller issues an order calling on a bank with over $300,000—because this bill only operates on banks having a circulation of over $300,000—to return $10,000 of their circulating notes; and if they do not do it, then the bonds that are filed to secure those circulating notes are sold, and with the proceeds of the sale of these particular circulating notes,

are redeemed and canceled; and then there is ground made for issuing circulating notes to banks in the West and South. What harm is done?

My friend from Rhode Island says the profits of circulation are only between 1 and 2 per cent.

Mr. ANTHONY. I suppose that is about the estimate. The Senator from Ohio knows better than I do, however.

Mr. SHERMAN. I think the Senator is about right. The profit of the circulation of bank-notes in New England is not over 1, 2, or 3 per cent.; certainly not over 3 per cent. Now, all that this bank in Rhode Island loses is its profit on a part of its circulation; its capital is not impaired; its profits are not injured. All it loses is the infinitesimal sums of the profits of circulation on those notes withdrawn from New England in order to start local banks in the West and South. It should not be a matter of complaint; and by no possibility can this reduction go forward so as to do injustice to those States or reduce them below their full maximum of circulation.

As I have said, this proposition does not affect any bank with a circulation under $300,000. To say that this is a plain measure, that ought to be adopted promptly and gracefully, I think is not saying too much.

A good deal has been said here about the profits of banks. My friend from Michigan, I think, did an act of injustice by endeavoring to show that by a monopoly the national banks make a great deal of money. Well, sir, the most profitable banks in this country are banks without circulation, strange as it may seem. I have a statement here that was handed to me while the Senator was speaking. I will not give the names of particular banks, but there is one bank in the city of New York with a capital of $300,000 that has now surplus profits of $1,000,000 and not one dollar of circulation. I know the bank. It is a bank that has immense deposits, and that is the explanation of its great profits. It is conducted with great sagacity. The people have confidence in it, and the bank makes money out of their deposits, and would not have circulation.

Mr. FERRY, of Michigan. I would ask the Senator if that is a national bank?

Mr. SHERMAN. It is a national bank.

Mr. FERRY, of Michigan. Then it has the prestige of the national-bank system.

Mr. SHERMAN. It has deposits given to it by people who do not care whether it is a national bank or not. They trust it because they know it is well conducted. There is another bank in the city of New York with a capital of $1,000,000, organized July 17, 1865, that did not take any circulation at all, that has now a surplus of $1,000,000. As a rule, the banks of the largest profits in the city of New York are those with the least circulation; and the banks that are affected by this law, whose circulation would be diminished by the operations of this bill, do not care one fig about it; not one word of remonstrance will come against this law from them. The profits of city banks are not derived from circulation; they are derived from deposits. So as to the profits of national banks; my friend can pick out here and there a case and show that the profits have gone up as high as 17 per cent., but the Comptroller of the Currency shows you by giving all the banks of the United States, taking the average, the profits have been 10 per cent. on capital, or about 9 per cent. on capital and surplus, which is perhaps rather more than the ordinary average of other business. But if by taking out isolated cases you show that these banks derive an undue profit, you might as well take the case of Mr. Stewart, of New York, and show that the retail dry-goods trade is the most profitable trade in the world, because there is a man who, from comparative poverty, has made an immense fortune in the retail trade; and yet the fact is that 98 per cent. of all the men who have engaged in that business have failed. You cannot take isolated cases, but you must take the general average.

The operation of this bill, then, to come back to it, is simply to carry into execution the provision in regard to the $25,000,000 in the act of 1870. My friend from North Carolina, [Mr. MERRIMON,] it seems to me unnecessarily, proposes to increase this to $75,000,000. Suppose you put in a provision for $75,000,000; is it at all probable from any facts before us that any more than $25,000,000 will be called for in a year or two? I do not think it is. I regard the amendment, therefore, as rather threatening to do that which probably will not be done. I can vote for this bill whether the amendment be adopted or not, but it seems to me that, while it will hold a threat over these banks which they need not fear, at the same time it will strike them in terror and may prevent them from discounting as freely as they otherwise would do.

It is a great deal better to provide merely for the present exigency. This is, it is true, as my friend from Indiana says, only a half-way measure. It was not intended for anything else. It is a measure to relieve an exigency, to put in operation an existing law. Now is it not better to treat it as such? When you come to the great question that lies beyond this measure, whether we shall issue more paper money without any scheme whatever for redemption, then you come to a question about which men can honestly differ, about which a great deal that has been said here to-day might be said. I would rather see these banks sunk into Tophet, every one of them, than embark this country into the sea of illimitable paper money. There is a danger there lying back of this. But, sir, this measure, it seems to me, ought to be adopted in the spirit in which it has been introduced, simply as a measure to meet an exigency, to meet a local complaint, to give relief to certain sections of the country that now complain of a want of local circulation; and therefore I shall vote against the amendment which has been proposed by the Senator from North Carolina, although I think even if it were adopted it is not at all probable that any considerable number of banks would be organized in the West and South under it. I will say, in answer to my friend from Wisconsin, that I do it not because I fear it, but simply because I do not think it is well to hold up to the New England States, who will be affected mainly by the operations of the law, a threat to interfere to the large extent of $75,000,000 with their local circulation. That is all.

Now, I want to show precisely to the Senate the States on which this law will operate. It so happens that the whole of this surplus circulation is concentrated in the New England States and in the Middle States to a very small extent comparatively. The excess in the Middle States—New York, New Jersey, Pennsylvania, Delaware, and Maryland—is only $9,000,000, while the excess in the New England States is $70,690,000, and Massachusetts alone has more than half the whole. I know my friend from Massachusetts will agree with me when I state it as the opinion of many of the ablest financiers in Massachusetts, they would prefer to have the whole of the surplus taken at once from them than embark this country in a scheme of irredeemable paper money.

Mr. SUMNER. Unquestionably. There is nothing so bad as that.

Mr. SHERMAN. Now let me go one step further. I have here a table prepared upon this subject of paper money. My friend from Illinois [Mr. LOGAN] and my friend from Michigan [Mr. FERRY] to-day were talking constantly about the people of the United States being entitled to have as much money as those of any other country. Now here is a table taken from the highest official standard of the amount of paper money; I confine myself now to paper money. The amount of paper money in this country is greater far than in any other country in the world. In Great Britain the amount of paper money is only $254,642,000, and of that over £12,000,000 sterling, or $60,000,000, are held as reserve. In France the amount of paper money is $599,504,000, and the amount held in reserve of this identical money is 720,000,000 francs, or nearly $150,000,000; and the legal limit fixed in France for the amount of paper money is 3,200,000,000 francs, and they are now discussing the proposition of reducing this limit lest they may pass the bound when paper might be maintained at par in gold; and yet the whole amount is now only $599,000,000.

Mr. FERRY, of Michigan. Can the Senator state the proportion in France of paper money to coin?

Mr. SHERMAN. Upon that subject I have here an official document from Dr. Linderman, and I will say that no living man can state that; but I will not introduce it now, because it will come in future discussions.

Mr. FERRY, of Michigan. Is not the paper money largely in excess of coin in France?

Mr. SHERMAN. My friend from Illinois [Mr. LOGAN] says not. I am rather inclined to think they are on the same footing. The Senator from Illinois claimed the amount of gold and silver in France to be $700,000,000, and consequently there is more specie in France, according to the claim of the Senator from Illinois, than paper money, though I differ with him.

Mr. LOGAN. I took that from very good authority, and it made the entire currency of France about $1,300,000,000.

Mr. SHERMAN. The amount in Germany, being reduced to dollars, is $392,000,000 of paper money. In any statement that I have before me I have not the amount of their reserve. In the United States we have now outstanding $783,587,462 of paper money, and the whole of it that is held in reserve is $4,000,000 in the Treasury. The only reserve that is now held for United States notes is $4,000,000 out of the whole mass of our paper money in United States notes; and the whole amount held by the banks before the panic had affected them in the least was $92,347,000, and during the panic that whole reserve practically disappeared, except in the Western States. So we have now in this country $783,000,000 of paper money, or an amount nearly equal to that in Great Britain, France, and Germany combined. Austria, another paper-money country, has $172,655,000 of paper; Belgium, $67,640,000.

The idea of issuing more paper money without any plan of redemption, without any promise of redemption, it seems to me is the wildest lunacy—I cannot think of it in any other light—deranging values, disordering everything. Why, sir, I would see these banks sunk out of sight forever rather than embark in such a scheme; and I frankly say to you that I believe that this complaint throughout the West and South of what they call a local and undue advantage now possessed by the New England States, which prevents them from establishing in their own communities convenient facilities for exchange, tends very much to create a feeling of injustice, which begets the spirit that desires more paper money. So far as my own State is concerned, there is, no doubt, a feeling for more money. There is everywhere, and in every portion of the country. But they want good money; they want money that is redeemable in something that has a fixed standard of value; and with that kind of money it does not make much difference how much paper is authorized, if only the issue is restrained by the power of redemption. But, sir, I will not go into any such discussion. I only make these statements in reply to some observations that have been made.

I assure Senators that the whole object of this bill is to supply for the present a local demand for bank paper and for local banks in certain communities to the extent of $25,000,000. If, however, the Senate chooses to make this bill a cover for a new scheme entirely for the redistribution of bank circulation, I cannot see that it will do anybody any great harm, because these new banks can only be established as the capital is furnished and the circulation withdrawn from existing institutions. In my judgment it is better to stand by the law as it is and make only provision for the case we have in hand, the case of carrying into effect the law of 1870, and remove the $25,000,000 now authorized by law.

Mr. EDMUNDS. Mr. President, the question which I wished to ask the honorable Senator from Ohio, the chairman of the Committee on Finance, was to be good enough to point out to the Senate where the law is which he says has been violated, or not obeyed, in the case of the banks of Rhode Island taking so much of the banking facilities of the country as they did at the time.

Mr. SHERMAN. I think it is the act of March 3, 1865. There were two laws passed on the same day. I do not desire to go into a long explanation, but I can do so. There were two laws passed on the same day, one re-establishing the old principle of distribution and the other giving banks in existence a priority. The construction I have always put on these two acts, when taken together, was that the old banks should have a priority in the distribution of the part assigned to the State. It was the construction of those two laws that led to this unequal distribution.

Mr. EDMUNDS. It would be worth while for any Senator who wishes to do justice, if he bases his notion of justice upon what these banks did, in having violated or not conformed to a law through the action of the Treasury Department of the United States, to be a little careful to see the law, and point it out, which it is said they have violated. I have searched the act of 1863, which was the first act which provided that the Secretary of the Treasury should make a certain distribution. The seventeenth section of the act of 1863 provided that $150,000,000 of the $300,000,000 of bank circulation—

> Shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such States, District, and Territories.

That was the act of the 25th of February, 1863. That act was repealed by the act of the 3d of June, 1864, upon the same subject. If I am not right in that, I beg the honorable Senator from Ohio to correct me now.

Mr. SHERMAN. It was repealed, or the new law covered the whole subject.

Mr. EDMUNDS. The new law covered the whole subject, and repealed by implication, if not by an express clause, which I believe is in it, the act of 1863. The new law was passed on the 3d of June, 1864, when the Government was in infinite distress for money, when the money that it wanted was in the pockets of its owners, the people who were entitled to it, chiefly in the Eastern States—and that is no reproach to the West or South; I beg nobody to misunderstand me about it—but the money was in the hands of the people, who or whose fathers had earned it by honest industry; and, according to our scheme of civilization, when we get a universal currency that is based on nothing, we shall change that, probably; I hope so, because to be consistent we should do so. It could not be taken, without his consent, from the citizen, who was the proprietor of it and who had earned it, except by regular taxation, in the regular way. Under this act of 1864 nine-tenths of the present banks in New England were organized, or changed themselves from State to national banks. This act allowed anybody who would come forward, the citizens of this common country of ours, anywhere, to take the bonds of the Government and to give it cash for them to pay the soldiers, for supplies and for services, and to keep up the credit of the Government in that period of, what I call justly, infinite distress of the year 1864, when it seemed as if the bottom of the Republic had fallen out, before the re-election of Mr. Lincoln; when it seemed as if the courage and endurance of our brothers at the South, wrong as they were, would overmaster all the wealth and the power of the North in self-defense, as they were defending themselves, holding territory against invasion, which is quite a different thing from invading, as we all know. Then, I say, the representatives of the nation here declared to the banks of Rhode Island, of Massachusetts, and of every other State, and to the people who had money, "If you will lend us money and take our bonds for it, you may establish banks and give proper security for the redemption of your bills, and issue bills according to the amount you take." The law, therefore, was not violated; it was not ignored by the banks or the citizens of New England, of the East, or the Middle States, or the West, when they came forward to aid the distress of the Government and advance the capital which they had honestly earned and honestly held to meet the necessities of the Government, and took for it the Government bonds according to the contract to which the faith of the nation was pledged.

Mr. SHERMAN. Do you refer to the act of March 3, 1865?

Mr. EDMUNDS. I am really very sorry to be interrupted by my honorable friend. I am afraid he will really disturb the tenor of my discourse. I am not accustomed to being interrupted; and if he will pardon me, I would rather go on, because I might forget what I was wishing to say. [Laughter.]

Then, Mr. President, in the summer of 1864, when the dire crisis of this strife was upon us, and when your Treasury was empty and you were appealing to every citizen who had a dollar in his pocket to lend it to the Government, you came to those who had money—if that was a sin they ought to have been hanged for it perhaps, as some people who were fighting the Government in the southern country it was said ought to have been; but if it was not a sin you came to the people who had money and said to them, "If you will take our bonds and give us your money, you may use the bonds for this very purpose, and to that our faith is pledged in the public act of Congress which we have provided for it." Then the money was advanced; then the State banks changed their organization from State banks to national banks, as they did in my State. We had State banks enough; we were not asking the Government for such facilities. We had such a circulation that whenever we had occasion to buy anything, the dollar of a Vermont State bank would pass for a dollar in gold, because it was redeemable in gold by the State law and in nothing else, for we had not got so far advanced in financial and social notions as to believe that a paper dollar payable in another paper dollar was as good as a dollar note payable in gold. That probably was a delusion of ours, but we thought so. So we had a currency that was perfect and perfectly secure, and that represented a gold basis.

Mr. President, in order to uphold the Union, and to defend its interests, and to keep the Government of the United States from going into bankruptcy and dissolution for want of money to buy its supplies and pay its soldiers, the State banks of Vermont and the capitalists of Vermont, if you call people who have earned a few thousand dollars capitalists, the farmers everywhere who make up the stockholders of our banks, advanced their money, took your bonds, changed their banks, withdrew their own circulation upon the faith of this act.

Now, I shall be glad to know upon what system of ethics it is that any Senator turns around and says to the people of my State, or the people of Massachusetts, or Rhode Island, or of Ohio, or of anywhere, that we were in that violating any law or acting outside of the authority of law. They were accepting, as people who were to lend money to the Government, the proposition that the representatives of the nation here advanced to them to take their money upon those terms. Now you undertake to turn around, in 1865 or 1866, and say, "Whatever may have been the truth about that, having now got your money and you having got our bonds, we choose to say to you that you shall surrender your money and take back our bonds;" not "take back your money that you gave for them," which was a money equal to gold, because it was redeemable in gold; not "take back your State circulation," founded upon the solid fact of a metallic basis in the end, but "you shall take back the bonds which you gave us, and give up the currency which we gave you. We will rescind that part of the contract at our will, but we will not rescind it *in toto* as courts of equity require parties to rescind, and give you back your money and you give up your bonds, and leave us both as we were before; but you shall take back the bonds which you have lent us the money upon and hold them, and we will keep your money; and the other part of the contract, by which it was expected you would get some advantage for lending the money to us, we will repudiate," because there is no other word that defines exactly what that transaction was, "and we will then send this money to some other part of the country for the time being, and when the time comes we will treat them in the same way."

Mr. President, I do not think it right to say that to the people of Rhode Island, or of Vermont, or of Massachusetts; though as to Vermont, she stands entirely indifferent about this, for she is not affected by this bill, as I understand from some figures that have been used in debate. I say it is not quite the thing to hold out to this country that these people who came forward to aid the Government in a patriotic spirit, and who, in conformity to law, instead of in violation of law, accepted the terms upon which the Government proposed to raise money and accepted the privileges which went with it, shall now be deprived of one of the fruits of their contract. If you point out a bank that was organized after the law was changed, of course that bank took the law as it stood then; but I speak of the banks of which I know in my own State, and which, the moment the act of 1864 was passed, said, by a mutual understanding among them all, with scarcely an exception, "We must come forward to the aid of the Government; we will convert our State circulation; we will take our State capital; we will take the earnings of the farmers, who are nine-tenths of our stockholders; we will lend them to the Government, and take its bonds and bank on them, because that is the proposition of the Government, and patriotism requires it." It was not because they thought they could make more, but it was an act of patriotic self-sacrifice; because, as to the banks of every one of the Eastern States, if they had been suffered to continue on State principles their own affairs in their own way, as they had been accustomed to since the foundation of the Government, they would have made more money, justly and honestly, than they have made under this scheme. But that was not the spirit that animated the people of the Eastern States. It was the spirit of patriotism, that they were ready to sacrifice not only their blood but their money. Those who had not the blood to give in the

times of youth and of strength, but who had the accumulated capital of a life-time of labor, they said, "We give you that, and upon the terms you propose."

Now, Mr. President, I do not object to your taking all the capital that you like from the East to the West, because I believe it will turn out in a certain sense to be an advantage to the people, like giving severe medicine that will upset the system for a time; it will open the eyes of some people who do not see, as I think, quite the full bearings of this point. So while I do not object at all, so far as Vermont is concerned, to your taking up every dollar if you like of the bonds that you have of ours and taking up every dollar of our currency, and setting up banks in the West, if you can, I do see that it will have the effect the honorable Senator from Ohio has stated, that it will produce what is sometimes called a stringency, a demand for money; money will be more valuable. There will be less money in the West and less money in the East—if you call this sort of stuff money—than there was before. You will find, therefore, that you have produced a state of things which will bring you nearer to specie payments—if it is not disrespectful to the Senate to allude to specie payments now in the present notions about finance that we have here—it will bring you nearer to specie payments by having a general stir of the pool, if you like; it will break up the eastern banks; let them recall their money, recall their bonds, no matter what the effect is upon the price of bonds in the market; it may put them up, or it may put them down; probably it will put them down a great way, because when these bonds are sent back to the banks, the banks cannot bank upon them, and the banks will then sell their bonds and get for them cash of some kind, and they will set up a State bank or a bank without circulation and attend to their own affairs. But in the mean time, for a year or two, you will find that you have less money capable of being used for the wants of the country in the transfer of commodities and produce from one part of the country to another than you had before; and by and by we shall perhaps get out of this delightful dream that the more money you have that is never payable to anybody or in anything, as it is said this legal-tender of ours was described by an honorable Senator who is not now in his seat, and in which only this national-bank money is redeemable, the better; and the result will be that out of an experiment which will pinch very hard upon the business interests of the country for a year or two while it is going on, we may gain wisdom enough to start again in the right direction.

So then, as I say, Mr. President, in all seriousness, so far as Rhode Island is concerned, though I have no right to speak for her except as a part of our common Union, I believe, so far as the people are concerned in any part of the United States who have earned money, and who are, therefore, entitled to it, instead of promoting the prosperity of the country by this general upturn, you will diminish it, or if you do not, as the Senator from Ohio has very well said, I repeat with him, if it will add anything to the force of his observations, that it would be better that we should destroy every bank in the country than to go into the floating chimera of an irredeemable expansion of what we have.

Mr. CONOVER. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I should like to read one law before that motion is made.

Mr. CONOVER. Very well; I give way.

Mr. SHERMAN. My friend from Vermont seems to leave the impression on the Senate that by the act of June 3, 1864, the limitation of law requiring an apportionment of this currency was repealed; but he forgot to read the act of March 3, 1865, which restored it. At the time of the passage of the act of March 3, 1865, the whole amount of national banks organized in the United States was about $100,000,000. From the act of March 3, 1865, I will read the clause providing for apportionment:

> And that $150,000,000 of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such State, District, and Territory.

Every one of the banks organized in States in excess of their proportion was organized after this act was passed and in defiance of the act.

Mr. CONOVER. I renew my motion.

The PRESIDENT *pro tempore*. Before submitting the question the Chair will lay before the Senate certain House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. No. 618) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1871, and for other purposes," approved July 15, 1870;

A bill (H. R. No. 1922) to establish a reservation for certain Indians in the Territory of Montana;

A bill (H. R. No. 1923) authorizing the payment of annuities into the treasury of the Seminole tribe of Indians;

A bill (H. R. No. 1758) authorizing the purchase of six hundred and forty acres of land for a Nez Percé Indian reservation in the Territory of Idaho; and

A bill (H. R. No. 200) for the relief of settlers on the Cherokee strip in Kansas.

Mr. CONOVER. I withdraw my motion to proceed to the consideration of executive business, and move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and fifty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 11, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

THE MORNING HOUR.

The SPEAKER. The morning hour begins at twelve minutes past twelve o'clock, and reports are in order from the Committee on Indian Affairs.

SETTLERS ON CHEROKEE STRIP, KANSAS.

Mr. LOWE, from the Committee on Indian Affairs, reported back a bill (H. R. No. 200) for the relief of settlers on the Cherokee strip, in Kansas, with the recommendation that it do pass.

The bill, which was read, provides that all persons who, by the provisions of the second section of the act entitled "An act to carry out certain provisions of the Cherokee treaty of 1866, and for the relief of settlers on the Cherokee lands in the State of Kansas," approved May 11, 1872, who have become entitled at any time to enter and purchase any portion of the lands mentioned in said act, but who have failed to make proof of settlement, entry, and payment within the times provided by said act, shall have and be allowed additional time within which to make such proof of settlement, entry, and payment to the 1st day of January, 1875; and no forfeiture of any rights of such persons shall be had or have effect by reason of failure heretofore to make such proof of settlement, entry, and payment within the time provided by said act, anything in the said act to the contrary notwithstanding; and all persons availing themselves of the provisions of this act shall, at the time of entry and payment, pay interest on the purchase-money of their lands at the rate of 5 per cent. per annum from the time at which such payments should have been made by the terms of the aforesaid act to the time that payment shall be made.

Mr. HOLMAN. Ought not this bill to be considered in the Committee of the Whole? It does not actually appropriate property, but does it not amount to the same thing?

Mr. LOWE. This bill makes no appropriation of anything. I think it is not subject to the point of order. It simply extends the time for payment to purchasers of certain lands under the act of 1872. It has been approved unanimously by the Committee on Indian Affairs, and is recommended by the Commissioner of the General-Land Office. There is nothing, I think, objectionable in any respect in the bill. It makes no appropriation, and requires no expenditure of money.

Mr. HOLMAN. It prevents forfeiture, and in that respect is an appropriation of public property.

Mr. LOWE. It merely extends the time for payment under the act of 1872 for one year.

Mr. HOLMAN. Does this apply to actual settlers only?

Mr. LOWE. It does to agricultural settlers.

The SPEAKER. The Chair does not think, except by a strict ruling, this comes within the point of order, and he will not enforce the point of order where it is not clear. The bill will be considered in the House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. Do I understand this bill contemplates entry of these lands by parties after the time prescribed in the original act?

Mr. LOWE. Not at all. It simply enables those who have entered upon the lands within the time fixed by the act of 1872 to make payment within the extended time provided in this bill.

The bill was passed.

Mr. LOWE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION FROM MEXICAN DEPREDATIONS.

Mr. GIDDINGS, from the Committee on Indian Affairs, reported back a bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations, with the recommendation that it do pass.

The bill, which was read, provides that the Secretary of War be, and he is thereby, authorized to construct and operate a line of telegraph, beginning at or near the city of Denison, in Grayson County, Texas; thence by the nearest practicable route to Fort Sill, Indian

Territory; thence to Fort Richardson, Texas; thence along the northern frontier line of settlements to Forts Griffin and Concho; thence to the Pecos River, at or near the mouth of Toyah Creek; thence to Fort Clark, on Las Moras Creek; thence to Fort Duncan, on the Rio Grande; thence down the Rio Grande, via Fort McIntosh and Ringgold's Barracks. to Brownsville, so as to connect the military posts which are now, or may hereafter be, established on said line with the military headquarters of said district; and that the sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated.

Mr. HOLMAN. I make the point of order that bill must go to the Committee of the Whole.

Mr. GIDDINGS. Let the bill be referred, then, to the Committee of the Whole.

The bill was referred to the Committee of the Whole on the state of the Union.

ALABAMA, COOSHATTA, AND MUSCOGEE TRIBES OF INDIANS.

Mr. GIDDINGS also, from the same committee, reported back a bill (H. R. No. 175) for the removal of the Alabama, Cooshatta, and Muscogee tribes of Indians from the States of Texas and Louisiana to the Creek Nation, in the Indian Territory, and to supply them one year, with the recommendation that it do pass.

The SPEAKER. This makes an appropriation, and must have its first consideration in the Committee of the Whole on the state of the Union. The Chair will consider it a public bill.

The bill was referred to the Committee of the Whole on the state of the Union.

CONTRACTS WITH INDIANS.

Mr. SHANKS, from the Committee on Indian Affairs, reported back a bill (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1872, with the recommendation that it do pass.

The bill, which was read, in the first section provides that hereafter it shall not be lawful for any United States officer, or other person under its employ or control, to recognize the binding force or legality, or in any manner sustain or enforce or counsel, or give any aid or assistance to sustain or enforce, any contract or agreement made by any person or persons, or corporation, with any band, tribe, or nation of Indians, or individual Indian or Indians, not a citizen of the United States, entered into prior to the date of the act of Congress entitled "An act regulating the mode of making private contracts with Indians," approved May 21, 1872, for the payment or delivery of any money or other thing of value, in present or prospective, or for the granting or procuring any privilege to him or her, or any other person or persons, or corporation, in consideration of services for, or advancements made to, said Indians relative to their lands, or to any claim growing out of or in reference to annuities, installments, or other moneys, claims, demand, or thing, under laws or treaties with the United States, or official acts of any officer thereof, or in any way connected with or due from the United States, unless such contract or agreement was reduced to writing and duly signed by the parties in interest thereto at the time it was entered into, and fully made known to the parties at the time the contract was signed, and then not until such original written contract shall first have been presented to and examined by the Secretary of the Interior and the Commissioner of Indian Affairs, and these facts by them severally indorsed thereon, and a copy of said contract and of any assignments that may have been made thereon duly entered of record in the office of the Commissioner of Indian Affairs.

The second section provides that in addition thereto there shall also be filed in said Commissioner's office, and retained therein as official papers, and be examined by said Commissioner and Secretary, and that fact indorsed on them, the following statement of facts touching each and all such contracts and agreements so presented; which statements shall be sworn to specially by all and severally the person or persons claiming interest in and seeking the support and enforcement of such contract or agreement, and not by agent or attorney: first, that the writing presented for examination and record as provided for in the first section of this act, and purporting to be the original contract or agreement, is in fact such, and that it was entered into and reduced to writing at the date and for the purposes it purports to have been made and executed; secondly, such sworn statement shall give particularly the names of the real parties in interest in the original contract or agreement, naming them, if not named in the written contract or agreement, and if either of the contracting parties is a band, tribe, or nation of Indians, or a corporation or firm, the name of the person, officer, or agent contracting in their behalf, together with his authority for so doing, shall be specially stated; thirdly, a particular statement of all and singular the services rendered or the thing or things done under such contract or agreement prior to said filing, with those things to be done or rendered, together with a particular statement of any and all moneys paid or advanced by either party under such contract or agreement, giving in all cases the time, place, and real value of services rendered, or thing or things done, or the kind and manner of payment, whether in money, property, or credits, up to the date of the filing of the said sworn statement; fourthly, state specifically whether the original contract or agreement had been submitted to any Secretary of the Interior, Commissioner of Indian Affairs, superintendent of Indian affairs, Indian agent, commissioner. or other person having official control of or connection with Indian affairs, giving the time when, place where, and person by name to whom such submission was made, and whether by said officer indorsed or not, or whether any such officer was cognizant of such contract or agreement having been made, though not submitted to him for approval.

The third section provides that the Secretary or Commissioner of Indian Affairs is thereby empowered to require, in writing, any additional facts or proofs that may be necessary to aid in determining the true character of the contract or agreement, or assignment thereof.

The fourth section provides that no such contract or agreement shall be recognized by any officer or employé of the United States until the Secretary of the Interior shall, after full consideration of any such contract or agreement, together with the proofs and papers in this act required to be filed and such as the Secretary of the Interior or Commissioner of Indian Affairs may require in addition thereto, the Secretary of the Interior shall consider to be just and reasonable, and not tainted with fraud, and not exorbitant in its demands; provided, that the Secretary of the Interior shall in all cases enter, in writing, on such original contract, on the record in the office of the Commissioner of Indian Affairs, wherein such original contract is recorded, an official statement, showing that the contract or agreement and proofs have been filed in accordance with the provisions of this act and considered by him, and in his opinion said contract or agreement, or assignments thereof, are not exorbitant and not fraudulent, and that they are just, the same shall be valid. But if in the opinion of the Secretary of the Interior such contract or agreement, or the assignment thereof, is fraudulent or exorbitant, he shall officially enter his rejection, in writing, upon the record of such contract or agreement, and they shall not be considered of binding force by any officer or employé of the United States.

The fifth section provides that it is thereby made the duty of the Secretary of the Interior to cause an investigation to be made of all existing contracts or agreements, within the purview of this act, now on file in his office, or of the Office of the Commissioner of Indian Affairs, or any other Office or Bureau under his control, and by special notice to the party or parties in interest compel, in the case of each such contract or agreement so found on file, the same strictness of official examination and indorsement, record and sworn statement of fact, as is required by the several provisions of this act; provided, that the investigation of facts touching the character of any contract or agreement contemplated by this act may be made by a commissioner appointed by the President for that purpose, who shall report all such facts to the Secretary of the Interior in writing.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. HOLMAN. I trust my colleague from Indiana, who is familiar with this whole subject, will give the House a statement of the general scope and purpose of the bill. It is a long and complicated measure, and cannot well be understood on a single reading.

Mr. SHANKS. By a provision of the statute of 1847 all executory contracts made with Indians are declared to be null and void. However, in introducing this bill I did not deem it to be necessary to deal with that subject. The committee, in passing upon it, did not see fit to ask the House to legislate upon the validity of contracts. But on the 21st of May, 1872, Congress passed a law providing for the mode and manner of making contracts with Indians from that time forward. This leaves on file in the Departments a large numberof contracts, whether valid or not I do not now state; but that many of them are enormous in their proportions can be ascertained by looking at them. Very large amounts of money have been collected from Indians on these contracts since that time; and since 1847, since the passage of the act for making contracts with the Indians, there has been a large amount of money collected. It is proposed by this bill to subject all that class of contracts to the scrutiny of the official examination of the Secretary of the Interior and the Commissioner of Indian Affairs; and it requires that they shall put an official indorsement on the paper, saying that the contract is not exorbitant and not fraudulent, or that it is exorbitant and is fraudulent. Until that official indorsement is put upon the contract every officer and employé of the Government is forbidden to recognize the legality of those contracts or to make any payment upon them in any way whatever.

Mr. HOLMAN. If I understand the gentleman correctly these provisions apply entirely to the claims against the Indians now on file in the Department.

Mr. SHANKS. Yes, sir; to those entered into prior to the 21st of May, 1872.

Mr. BECK. I desire to ask the gentleman from Indiana one question. Is the law of 1872 interfered with at all by this bill?

Mr. SHANKS. Not at all. Even the title of the bill says that it has to do with contracts or agreements made with Indians prior to May 21, 1872.

I ask that the bill be put upon its passage.

Mr. G. F. HOAR. I observe that the first section of the bill, in the ninth and tenth lines, speaks of Indians "not citizens of the United States." I desire to ask the gentleman from Indiana, who is probably more familiar with the rights of this class of persons than any other gentleman in the House with reference to this bill and all similar legislation, what in his judgment is the condition of the Indians under the fourteenth and fifteenth articles of amendment to the Constitution—what Indians are citizens and what Indians are not?

Mr. SHANKS. I hardly think that that question arises in connection with this bill. But I will state to the gentleman what my opinion in regard to it is.

Mr. G. F. HOAR. Before the gentleman proceeds to answer me he will allow me to add one sentence to my question. The fourteenth article of amendments to the Constitution provides that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

And then the fifteenth article provides that—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race.

Now, I desire to know, with reference to the whole policy of the Committee on Indian Affairs in future, what solution they have given to one of the questions raised by these two amendments. Is an Indian, born in a Territory under the jurisdiction of the United States, a citizen? And if he is, can we, or can anybody, deprive him of the right to vote by reason of race? Certainly the right to make a contract is an important right of citizenship. I am aware that this bill does not distinctly raise the question I have suggested, but I should like to have the gentleman's opinion upon it.

Mr. SHANKS. The question of the gentleman from Massachusetts covers considerable ground, and I will have to take it by items. In the first place, the bill does not interfere with the mode of making contracts at all. So much for that. If the parties concerned were white persons, it would not be detrimental to their rights, even if they were citizens. Now, as to the question of the effect of the amendments to the Constitution on the Indians of this country, the Committee on Indian Affairs has not given its opinion, and I could not speak for any member of that committee except myself. I can speak, however, for myself. In drawing this bill I drew it in such a way as distinctly to avoid the question of the validity of contracts. I drew it only in reference to the character of those contracts, as to their being exorbitant or fraudulent; and I did so because I believed that the Indians of this country, under the fourteenth article of amendments to the Constitution, are citizens of the United States. That is my own opinion; but I drew this bill specially to avoid any conflict with that question. In drawing the bill I desired to deal with the question only of the character of the contracts themselves. Inasmuch as the Government itself now exercises, and has in all time past exercised, that control over the Indians which leaves them in the condition of wards, I drew the bill in the same way as I would have done if it had been a bill for taking care of a ward's estate. I avoided the question suggested by the gentleman from Massachusetts; but personally I believe that they are citizens of the United States. The Committee on Indian Affairs, however, have not acted upon that question, and I cannot speak for them. I ask the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHANKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMINISTRATION OF INDIAN AFFAIRS.

Mr. COMINGO, from the Committee on Indian Affairs, reported back the bill (H. R. No. 669) to secure a more efficient administration of Indian affairs, with an amendment in the nature of a substitute.

The substitute (H. R. No. 1929) was received, and read a first and second time.

The bill was read.

Mr. HAWLEY, of Illinois. This is a very important bill. I have not attended closely to the reading of the whole bill, but it seems to me that it ought to go to the Committee of the Whole on the state of the Union.

The SPEAKER. Does the bill contain an appropriation in any form whatever?

Mr. COMINGO. None whatever.

Mr. SHANKS. There is no appropriation in the bill, and no new office is created by it.

The SPEAKER. Then the question is upon ordering the bill to be engrossed and read a third time.

Mr. COMINGO. Mr. Speaker, I will state that this bill is in substance the same as the bill passed at the last session of Congress by this House, and which failed in the Senate for want of time.

Mr. HAWLEY, of Illinois. What alterations have been made in the bill?

Mr. COMINGO. No material alterations have been made. There has been some little change in the phraseology, but none in effect. As I have already said, this bill is in substance the same which passed the House during the last Congress but failed in the Senate for want of time. The title of the bill, as read at the Clerk's desk, plainly indicates its purpose. It is to secure a more efficient administration of Indian affairs. I could go on to explain each section of the bill if it were necessary, and will do so if it shall become necessary. It simply, however, provides that books, and vouchers, and papers, &c., which have not been regarded as records, shall be so regarded hereafter. It further provides against the signing or delivering of vouchers or other papers in blank. It is punitive in its character, furthermore, and any violation of its provisions may be punished by fine or imprisonment or both—imprisonment of not less than six months nor more than five years, and a fine not exceeding the sum of $1,000. It also extends the time within which prosecution may be had. Under the law as it now stands, I believe, a crime or offense of the character provided against in this bill can only be punished when an indictment is found within two years after the commission of the offense. This bill extends the time within which indictments may be found for such offenses to five years after the offenses were committed. The reason for that is the difficulty that exists in collecting the testimony necessary to determine whether an indictment can or cannot be sustained.

Without going further into the provisions of the bill, I will state that the committee were unanimous in their report; there was not a dissenting voice, so far as I remember, when the committee were called to pass upon it. Its effect will be salutary, and I know of no interest that needs protection more than that which we are endeavoring to protect by the proposed legislation. Unless, therefore, some gentlemen wish to engage in the discussion of the bill, and to examine its provisions more at length, I think a vote should be taken upon it; but before calling the previous question I will yield to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I want to call the attention of the chairman of the committee [Mr. SHANKS] particularly to one item in this bill. I believe the bill is a very good one, as I said last spring, one of the very best that I remember to have seen brought before the House; but in May, 1872, in the Indian appropriation bill, the act of March, 1871, which provided that the board of Indian commissioners should have a right to examine all vouchers before they were paid, was repealed by this proviso:

That the examination of vouchers and accounts by the executive committee of the board of Indian commissioners shall not be a prerequisite of payment.

I am advised, not only by gentlemen connected with the board of Indian commissioners, but I have seen a publication in the press addressed to the President by William Welsh, of Philadelphia, making the charge that since July, 1873, over half a million dollars have been wrongfully paid against the protest of the commissioners; and what I desire to know is whether the gentleman has considered this matter, and whether an amendment ought not to be made to this bill repealing that proviso which prevented these gentlemen from examining vouchers before they were paid, and restoring the provisions of the act of March 3, 1871, which required the board of commissioners to examine the vouchers and see that the claims were just before they were paid. If such an amendment would be proper in this bill, I think, in view of what has occurred, the House ought to insert it.

Mr. SHANKS. I have not charge of the bill before the House now, although I introduced it. The gentleman from Missouri [Mr. COMINGO] has charge of it. The bill now reported is the one agreed to by the committee.

As to the point made by the gentleman from Kentucky, [Mr. BECK,] there is not only no objection on the part of the committee to consider it, but the committee have decided to consider that very question. The question was raised, however, in the committee after this bill had been drawn.

Mr. BECK. Do the committee propose to consider the subject to which I have alluded and again report?

Mr. SHANKS. They do.

Mr. BECK. Then I have no amendment to offer.

Mr. COMINGO. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COMINGO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EPISCOPAL BOARD OF MISSIONS.

Mr. AVERILL, from the Committee on Indian Affairs, reported a bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land in the White Earth Indian reservation, in Minnesota, on which are situated their church and other buildings; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior, with the consent of the Mississippi band of Chippewa Indians, to issue to the Episcopal Board of Missions a patent for eighty acres of land, embracing the church, parsonage, hospital, and such other buildings as may have been, or may prior to the issue of such patent be erected, under direction of said board, on the White Earth Indian reservation, in Minnesota, such land to be selected by the person acting under the authority of said board, and reported by the United States agent for the Chippewa Indians in Minnesota to the Office of Indian Affairs; provided that the estate to be conveyed to said board shall cease and be determined when the land and erections thereon shall no longer be occupied or used by said board for missionary and school purposes.

Mr. AVERILL. In explanation of this bill I ask the Clerk to read what I have marked in a communication sent to this House by the Secretary of the Interior.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 22, 1874.

SIR: I have the honor to be in receipt, by Department reference, of the letter of Bishop Whipple, of Minnesota, of 17th instant, relative to the question whether the Department is authorized by law to convey the lands on the White Earth reservation to the Episcopal Board of Missions, that board having erected, at their own expense, a hospital, church, and parsonage, and still proposing to erect other buildings, as they may be needed, for mission purposes.

In reply I have to state that this transfer cannot be made without special legislation in the case; and I respectfully suggest that, as the consent of the Indians can, without doubt, be readily obtained, Congress be requested to authorize the Department to convey eighty acres of land for this purpose.

A draught of a bill for this purpose is inclosed herewith.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

The honorable SECRETARY OF THE INTERIOR.

ON CAR, P. O., FARIBAULT, *January 17, 1874.*

HONORABLE AND DEAR SIR: You are aware that I have, at very great expense, built a hospital at White Earth reservation for the Indians. A friend has offered to endow the hospital, if the title to it can be made secure in our Board of Missions.

Is there not a law by which you can convey to us the property where our mission buildings stand, say forty or eighty acres, for church, parsonage, hospital, &c., all of which I have built? We propose to add to these buildings as time goes on. Pardon my writing with a pencil. It is very important that I get an answer early, and I shall not be where I can get pen and ink for a day.

With kind regards, yours, respectfully,

H. B. WHIPPLE.

Hon. C. DELANO, *Washington.*

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. AVERILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALOME DECK.

Mr. AVERILL also, from the Committee on Indian Affairs, reported back, with the recommendation that the same do pass, the bill (H. R. No. 980) for the relief of Salome Deck; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

INVESTIGATION OF DISTRICT AFFAIRS.

Mr. WILSON, of Indiana. I ask unanimous consent to have taken from the Speaker's table the concurrent resolution of the House providing for an investigation into the affairs of the District of Columbia, which resolution has come back from the Senate with a single amendment, filling the blank in the resolution with the word "three," as the number of said committee on the part of the Senate.

No objection was made; and the amendment of the Senate was concurred in.

The SPEAKER. The Chair has received a communication from Hon. E. H. ROBERTS, stating that his time is now entirely engrossed on the Committee on Ways and Means, and asking to be excused from service upon the District investigating committee. The Chair hears no objection, and will name in his stead the Representative from the Buffalo district, Hon. LYMAN K. BASS.

GENERAL O. O. HOWARD.

Mr. COBURN. I ask unanimous consent to take from the Speaker's table the joint resolution in relation to the court of inquiry upon General O. O. Howard, which has come back from the Senate with some verbal amendments in relation to dates. It is to amend the resolution so that it will read, "communications of the Secretary of War to the Speaker of the House of Representatives of date December 4, 1873, and the 5th day of January, 1874."

No objection was made; and the amendments of the Senate were concurred in.

Mr. COBURN moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TREASURY CONTRACTS FOR RECOVERY OF TAXES.

Mr. FOSTER. I ask unanimous consent to report back from the Committee on Ways and Means a resolution offered on yesterday by the gentleman from Pennsylvania, [Mr. RANDALL,] with the following substitute therefor:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish this House with full copies of all contracts made under the authority of the Treasury Department, in pursuance of one of the provisions of the legislative, executive, and judicial appropriation bill, approved May 8, 1872; and also copies of all schedules and correspondence and orders of the Department relating to said contracts, and also the amount of money paid under said contracts, and by whom and under what contract paid.

Mr. BUTLER, of Massachusetts. I object.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I move that the rules be suspended, and the House now resolve itself into Committee of the Whole on the Army appropriation bill. And, pending that motion, I move that all debate upon the bill and amendment pending thereto be limited to five minutes.

Mr. HOLMAN. I trust that at least ten minutes will be allowed on the pending amendment.

Mr. WHEELER. Very well; I will say ten minutes.

The motion to limit debate was agreed to.

The motion to suspend the rules and go into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. KELLOGG in the chair,) and resumed the consideration of the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House all debate on this bill and the pending amendment is limited to ten minutes. The Clerk will report the pending amendment, being an additional section moved by the gentleman from Kansas, [Mr. COBB.]

The Clerk read as follows:

SEC. —. That the Secretary of War, in the expenditure of any money appropriated by this bill where the Pacific Railroads, or any of their branches, in any case where the Government retains the amount charged for its business on account of advances made to such railroads or either of them, come into competition with any other line of transportation, in deciding which line of transportation is the lowest bidder, shall consider all the money to be paid to the said Pacific Railroads or their branches as so much saved to the Treasury and govern the transportation of men and supplies accordingly.

Mr. HOLMAN. I desire to say a word in regard to the pending proposition. Before doing so I ask the Clerk to read the third section of the act making a grant of land to the Atchison, Topeka and Santa Fé Railroad Company.

The Clerk read as follows:

SEC. 3. That the said lands hereby granted to said State shall be subject to the disposal of the Legislature thereof for the purpose aforesaid, and no other; and the said railways and branches shall be and remain public highways, for the use of the Government of the United States, free from all toll or other charges upon the transportation of any property or troops of the United States.

Mr. HOLMAN. The House will notice that this section in relation to the Atchison, Topeka and Santa Fé road provides that they shall receive no compensation upon the transportation of property and troops of the United States. I desire to have again read a portion of a communication from the Quartermaster-General, which was read to the House on yesterday. The statement of the Quartermaster-General shows that, in defiance of this law, his department is paying to this road two-thirds of the ordinary rates for transportation. And I desire to call the attention of the gentleman from Kansas, [Mr. COBB,] who offers the proposition, to the single fact that Congress has retained the absolute right to have the property and troops of the Government transported free of charge on the Atchison, Topeka and Santa Fé Railroad. The right is not conditional, but absolute. Yet the fact appears, in the communication read to the House yesterday, that the War Department is paying this road two-thirds of the usual cost of transportation. I ask that the language of the Quartermaster-General be read.

The Clerk read as follows:

The Kansas Pacific and the Atchison, Topeka and Santa Fé Railroads are competing routes to New Mexico and Colorado.

The former is a road to aid in the construction of which the United States issued its bonds, and the charter of the road authorizes it to charge the United States the public tariff rates. The latter is what is known as a "land-grant" road, and for transportation over it this department pays—as in the cases of all other roads similarly chartered—but 66⅔ per cent. of its public tariff rates.

Mr. HOLMAN. The gentleman from Kansas will see that the grant to this road contains an unconditional reservation of the right of the Government to have troops and property transported upon the road free of charge. Hence the effect of the gentleman's proposition will be to give pay for transportation to a road which is absolutely prohibited by the terms of its grant from receiving from the Government one cent for transportation. Some action on this subject is imperatively demanded; for, in direct violation of law, the War Department is paying for this transportation. I trust the point is now very clearly before the House and the country. The Atchison, Topeka and Santa Fé road is certainly not entitled to any payment for transportation for the Government, and any money that may have been paid to it on that account should be refunded to the Treasury.

Mr. COBB, of Kansas. I wish to say that I have no other interest in this matter than a desire to save to the Government about a quarter of a million of dollars upon the transportation over roads with which I am acquainted. The committee can either vote the proposition up or vote it down. I merely deemed it my duty, as a member having acquaintance with the facts, to bring this matter before the committee for its action. Having done this, I feel that I have discharged my duty to the Government and my duty to my State; and I have nothing more to say upon the amendment.

Mr. WHEELER. I think the gentleman from Kansas [Mr. COBB] has simply discharged his duty to his State and his constituency in offering this amendment. But I desire that the committee shall not be misled by the proposition. I do not care to discuss the proposition of the gentleman from Indiana [Mr. HOLMAN] who has just spoken, which I think is not precisely relevant to the present question. But I want the committee to bear in mind that if the amendment be adopted we thereby tie the Quartermaster's Department down to one line of transportation. We impose an iron rule. I say, upon the au-

thority of the Quartermaster-General, as appears by his letter read yesterday—the latest letter he has written on this subject—that the adoption of the amendment would compel him to pay additional wagon transportation, the most expensive item in Army transportation. If the amendment be adopted, then, under all circumstances, no matter what the emergency, everything in the form of Army transportation and supplies must go over this one railroad. It is a fixed, unbending rule. And from the end of this road supplies must be transported in wagons, no matter though the distance be hundreds of miles. I think the Quartermaster-General is entirely right in this matter, and that if we adopt this amendment we must make a very much larger appropriation for transportation than would otherwise be necessary.

Mr. WILLARD, of Vermont. I suggest that the amendment of the gentleman from Kansas should be amended by striking out the last clause, and making the proposition in this form:

That the Secretary of War, in the expenditure of any money appropriated by this bill, where the Pacific Railroads or any of their branches, in any case where the Government retains the amount charged for its business on account of advances made to such railroads, or either of them, come into competition with any other line of transportation, in deciding which line of transportation is the lowest bidder, shall, when equally favorable terms can be secured, give such transportation to such road.

Mr. WHEELER. The Quartermaster-General says he is doing that now.

Mr. HOLMAN. The gentleman from Vermont will observe that one of the roads is bound to furnish transportation to the Government for nothing according to the very terms of the law.

Mr. COBB, of Kansas. And the other company is bound to furnish transportation for two-thirds of its ordinary rates.

The CHAIRMAN. Debate is exhausted.

The question being taken on the amendment of Mr. COBB, of Kansas, there were—ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. BROMBERG. I move to amend by adding, as a new section, the following:

That the two additional commissioners to be appointed under the provisions of this act shall be selected from among the citizens of the States lately in rebellion.

Mr. Chairman——

Mr. WHEELER. Debate is exhausted.

The CHAIRMAN. The time allowed by the House for debate has expired.

Mr. BROMBERG. I thought the debate was only closed on the amendment of the gentleman from New York.

The CHAIRMAN. All debate is closed on the bill by order of the House.

Mr. BROMBERG. I wish to state, in a few words, the reason why the amendment is offered and why it should be adopted.

The CHAIRMAN. Debate is closed by order of the House.

Mr. WHEELER. I ask for the execution of the order of the House.

Mr. BROMBERG. I hope the House will allow me to state why I offered the amendment.

The CHAIRMAN. It is entirely out of order.

The committee divided; and there were—ayes 30, noes not counted.

The Chair ordered tellers, and appointed Mr. BROMBERG and Mr. WHEELER.

The committee again divided; and the tellers reported—ayes 45, noes 84.

So the amendment was disagreed to.

Mr. BROMBERG. I offer the following amendment, to come in as an additional section:

That no money shall hereafter be paid out of any funds belonging to any department of the Government to secret agents or informers in the service of the southern claims commission while executing the provisions of this act.

Mr. WHEELER. I make the point of order on the amendment that it is new legislation, and not in order to this general appropriation bill.

The CHAIRMAN. The point of order is well taken, and the amendment cannot be received.

Mr. COX. I move the following amendment, to come in as an additional section:

SEC. 5. No money shall be paid for any purpose by any officer of the Government, except for the purpose for which it is specifically appropriated, and no money shall be paid without appropriation by Congress; and on conviction for the violation of this law, the officer so convicted shall be thereafter forever ineligible to hold any office of trust or profit under the Government of the United States.

Mr. KASSON. I make the point of order on the amendment that it is new legislation.

The CHAIRMAN. The point of order is well taken.

Mr. COX. I will strike off the last clause of that amendment, and offer it then as a new amendment. I strike off the penalty, and that will leave the amendment as it was accepted the other day by the gentleman from New York.

Mr. WHEELER. The latter clause was not in it then.

Mr. COX. I strike off the latter clause.

Mr. WHEELER. I wish to say to my friend from New York that the act of 1870 is almost literally what is proposed in his amendment.

Mr. COX. It is never executed, and it can do no harm to repeat it.

Mr. WHEELER. I agree with my friend, and I do not make the point of order except on the latter clause.

The committee divided; and there were—ayes 50, noes 40; no quorum voting.

The Chair ordered tellers; and appointed Mr. WHEELER and Mr. COX.

The committee again divided; and the tellers reported—ayes 48, noes 102.

So the amendment was rejected.

Mr. TODD. I move to add to line 123, on page 6 of the bill——

Mr. WHEELER. I make the point of order we cannot go back to that page.

The CHAIRMAN. That section of the bill has been passed, and further amendment to it is not in order.

Mr. WHEELER. If there be no more amendments to be offered I move the committee rise and report the bill and amendments to the House.

Mr. TODD. I will now move the amendment to come in as an additional section, and would like to state the reason for it.

Mr. WHEELER. I object to debate.

The Clerk read as follows:

SEC. 5. No part of the moneys hereby appropriated shall be applied to the payment of the services of persons in civil life for examining and inspecting work done in and about national cemeteries; but the said services shall be performed by quartermasters of the regular Army, to be detailed for that purpose.

Mr. WHEELER. I make the point of order on the amendment that it is new legislation.

The CHAIRMAN. The point of order is well taken.

Mr. TODD. It is merely limiting the appropriations already made, and is in order.

The CHAIRMAN. No debate is in order. The gentleman from Maryland [Mr. O'BRIEN] is entitled to the floor.

Mr. TODD. I rise to a privileged question. I had not yielded the floor when the Chair decided that the amendment submitted by me was not in order. I take an appeal from the ruling of the Chair.

Mr. O'BRIEN. I am willing to withhold my amendment until the gentleman from Pennsylvania can be heard.

The CHAIRMAN. The gentleman from Pennsylvania lost the floor when he offered an amendment not in order. The Chair has recognized the gentleman from Maryland, and when he is through, the Chair will recognize the gentleman from Pennsylvania.

Mr. TODD. I appeal from the decision of the Chair, ruling my amendment out of order. I take the ground that my amendment does not propose new legislation.

The CHAIRMAN. No debate is in order.

Mr. TODD. Let the amendment be reported. I offer it as a distinct section.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland, and as soon as the gentleman from Maryland is through, the Chair will recognize the gentleman from Pennsylvania.

Mr. O'BRIEN. I offer the following as an additional section.

The Clerk read as follows:

SEC. 5. That no portion of the Army of the United States shall be hereafter employed in the enforcement of any act of Congress or proclamation of the President which has any tendency or effect to interfere with the rights of the States of the Union to regulate and control elections of State officers.

Mr. WHEELER. I make the point of order that that is new legislation.

The CHAIRMAN. The point is well taken, and the amendment is not before the committee. The Chair will now recognize the gentleman from Pennsylvania, [Mr. TODD.]

Mr. TODD. I have modified my amendment by striking out the latter portion of it. I offer this to come in as an additional section.

The Clerk read as follows:

SEC. 5. That no part of the moneys hereby appropriated shall be applied to the payment of the services of persons in civil life for examining and inspecting work done in and about national cemeteries.

Mr. WHEELER. Let me make my point of order distinctly on that amendment, that my friend from Pennsylvania [Mr. TODD] may understand it. I say that the section before the committee now is the fourth section of this bill. We have passed over all the other sections. This relates to an appropriation in the former part of the bill and is not germane to the pending section. I put the point of order upon that ground; and also upon the additional ground that the amendment involves new legislation. We can never finish the bill if we go back to paragraphs we have already considered and disposed of.

Mr. SPEER. My colleague does not offer this as an amendment to anything already passed, but as a new section.

Mr. WHEELER. It must be germane to the section under consideration.

The CHAIRMAN. The Chair will decide that the amendment as now modified is but a limitation on the expenditure of the money appropriated in the bill, and is therefore in order as an independent section.

The question being put on Mr. TODD'S amendment, there were—ayes 55, noes 66; no quorum voting.

Tellers were ordered under the rule; and Mr. TODD and Mr. WHEELER were appointed.

Mr. G. F. HOAR. I desire to offer an amendment to the amendment.

The CHAIRMAN. The committee is now dividing, and an amendment to an amendment is not now in order.

Mr. G. F. HOAR. I addressed the Chair before the count began.

The committee again divided; and the tellers reported—ayes 72, noes 78.

So the amendment was not agreed to.

Mr. TODD. I give notice that I will offer this in the House and call the yeas and nays on it.

Mr. GARFIELD. You cannot do that.

Mr. COX. I offer the following amendment as an additional section.

The Clerk read as follows:

That the Army of the United States shall not be used in aid of the pretended State government known as the Kellogg government in Louisiana, or so as to interfere in the elections of that or any other State.

Mr. WHEELER. I think that is obnoxious to the point of order, and I make it.

Mr. COX. I think it will be in order to state precedents.

The CHAIRMAN. No debate is in order. The point of order is made that this is new legislation. The point of order is well taken.

Mr. COX. Will the Chair allow me to take an appeal from the decision of the Chair?

Mr. SYPHER. I hope the Chair will admit that amendment. The Kellogg government have troops enough to thrash out the rebel democracy without the aid of the United States.

Mr. COX. Get thee from behind me, Satan. [Laughter.]

Mr. RANDALL. Yes; and they have rascals enough, too.

Mr. COX. I would like to give two reasons, just to show that my amendment is in order.

The CHAIRMAN. No debate is in order. The gentleman from New York [Mr. COX] takes an appeal from the decision of the Chair. The Clerk will again report the gentleman's amendment.

The amendment was again read.

The CHAIRMAN. To this amendment the point of order was made that it contains new legislation, and the Chair has sustained that point of order. From this decision the gentleman from New York takes an appeal, and the Chair will now submit the question, Shall the decision of the Chair stand as the judgment of the committee?

Mr. G. F. HOAR. I desire to make a parliamentary inquiry. Do not the rules provide that the rules of the House shall be applicable in committee?

The CHAIRMAN. So far as they are applicable, the rules of the House are applicable in committee.

Mr. G. F. HOAR. Is there any rule which prohibits debate on a bill on a question of order of this kind?

The CHAIRMAN. Debate has been closed by order of the House on this bill and all amendments thereto, and the Chair decides that when that is done, it closes debate on all matters incidental to the bill.

Mr. COX. I appeal from that decision.

The CHAIRMAN. One appeal is already pending and must first be decided.

Mr. ELDREDGE. I call for the reporting of the amendment of the gentleman from New York, [Mr. COX.]

The amendment was again read.

Mr. COX. Would it be in order, without debating them, to state two precedents for an amendment of this kind to the Army appropriation bill?

The CHAIRMAN. Debate is not in order. The Chair was about to submit the appeal to the committee.

Mr. KILLINGER. I move to lay the appeal on the table.

The CHAIRMAN. That motion cannot be entertained in the committee. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being put, it was decided in the affirmative. So the decision of the Chair stood as the judgment of the committee.

Mr. HARRISON. I offer the following proviso to the fourth section of the bill.

The Clerk read as follows:

Provided, That none of the claims already reported by said Quartermaster and Commissary General's Departments to the Treasury Department for payment shall be affected by the provisions of this act.

Mr. WHEELER. I wish to say to my friend from Tennessee that that is exactly what is provided in the second and third sections of this bill. The gentleman's proviso would be merely tautological. That class of cases is provided for in the second and third sections, which require that every claim which shall be in the Auditor's Office at the passage of this bill shall be settled under the act of 1864.

Mr. HARRISON. Mr. Chairman——

Mr. COX. Is debate in order?

The CHAIRMAN. Debate is not in order.

The question being put on Mr. HARRISON's amendment, it was not agreed to.

Mr. WHEELER. I move that the committee rise and report the bill with the amendments.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. KELLOGG reported that the Committee of the Whole House on the state of the Union, having had under consideration the state of the Union generally, and particularly the special order, being the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, had directed him to report the same with sundry amendments.

Mr. WHEELER. I demand the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WHEELER. I ask for a separate vote on the amendment proposed by the gentleman from Georgia, [Mr. YOUNG,] extending the time for the presentation of claims, and on that amendment I call for the yeas and nays.

Mr. GARFIELD. I rose for the purpose of asking a separate vote on that amendment.

The Clerk read Mr. YOUNG's amendment, as follows:

On page 10, line 9, strike out "four" and insert "five," so that the section will read:

SEC. 4. That all claims of citizens who remained loyal adherents to the cause and Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military service of the United States, including any such claims now pending and undetermined in any department of the Government, shall be presented before the 1st day of November, 1875, to the commissioners of claims created by act of March 3, 1871, who shall have exclusive jurisdiction to hear and determine the same, &c.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 131, nays 104, not voting 54; as follows:

YEAS—Messrs. Albright, Archer, Atkins, Barnum, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cessna, John B. Clark, jr., Clayton, Clements, Clymer, Clinton L. Cobb, Coburn, Comingo, Cotton, Cox, Creamer, Crossland, Crutchfield, Darrall, Alexander M. Davis, John J. Davis, DeWitt, Dobbins, Durham, Eden, Eldredge, Field, Fort, Frye, Giddings, Glover, Hagans, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Hays, Hereford, Herndon, Hodges, Houghton, Howe, Hunton, Hynes, Kelley, Kendall, Knapp, Lamar, Lamport, Lansing, Leach, Lowndes, Lynch, Magee, Marshall, Alexander S. McDill, MacDougall, McJunkin, McKee, McLean, Milliken, Mills, Mitchell, Moore, Morey, Neal, Niblack, O'Brien, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Pierce, James H. Platt, jr., Potter, Rainey, Randall, Ransier, Rawls, Robbins, William R. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, John G. Schumaker, Henry J. Scudder, Sener, Sheats, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Speer, Stanard, Standeford, St. John, Stone, Swann, Sypher, Thornburgh, Todd, Vance, Waddell, Wallace, Walls, Wells, White, Whitehead, Whitehouse, Whitthorne, John M. S. Williams, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—131.

NAYS—Messrs. Averill, Barrere, Biery, Bromberg, Buffinton, Bundy, Burchard, Burrows, Cannon, Cason, Amos Clark, jr., Stephen A. Cobb, Conger, Corwin, Crounse, Danford, Dawes, Donnan, Duell, Dunnell, Eames, Farwell, Foster, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Hunter, Hurlbut, Hyde, Kasson, Killinger, Lawrence, Lawson, Lofland, Loughridge, Lowe, Martin, McCrary, McNulta, Mellish, Monroe, Orr, Packard, Packer, Parsons, Pendleton, Phillips, Pike, Thomas C. Platt, Poland, Pratt, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Starkweather, Storm, Strait, Strawbridge, Taylor, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, Wolfe, Woodford, and Woodworth—104.

NOT VOTING—Messrs. Adams, Albert, Arthur, Ashe, Banning, Barber, Barry, Bass, Bradley, Burleigh, Cain, Freeman Clarke, Cook, Crittenden, Crocker, Crooke, Curtis, Elliott, Freeman, Hamilton, Hancock, Gerry W. Hazelton, Hersey, Hubbell, Jewett, Kellogg, Lamison, Lewis, Luttrell, Maynard, James W. McDill, Merriam, Morrison, Myers, Negley, Nesmith, Niles, Nunn, O'Neill, Orth, Page, Phelps, Purman, Rapier, Read, Ross, Sheldon, Stephens, Stowell, Thomas, Tremain, Whiteley, Wilber, and Jeremiah M. Wilson—54.

During the roll-call,

Mr. DONNAN said: My colleague, Mr. MCDILL, is confined to his room by sickness.

The result of the vote was then announced as above recorded.

The SPEAKER. Is there a separate vote demanded on any other amendment? If no separate vote be demanded the remaining amendments will be considered as concurred in.

The amendments were concurred in.

Mr. HOLMAN. I ask unanimous consent that the provision in regard to payments for transportation be changed so as to come in immediately after the one hundred and fourth line of the bill where it properly belongs.

Mr. WHEELER. That is its proper place, and that change ought to be made.

No objection was made, and it was so ordered.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. RANDALL. I move that the House proceed to business on the Speaker's table for the purpose of referring the bills thereon.

The motion was agreed to.

CHILDREN OF GENERAL JAMES H. CARLETON.

The first bill on the Speaker's table was the bill (S. No. 59) granting relief to Eva, Etta, Henry, and Guy Carleton, children of General James H. Carleton, deceased; which was taken up, read a first and second time, and referred to the Committee on Military Affairs.

ROBERT BENT AND JACK SMITH.

The next bill on the Speaker's table was the bill (S. No. 204) for the

relief of Robert Bent and Jack Smith; which was taken up, and read a first and second time.

Mr. LOWE. I move that that bill be referred to the Committee on Indian Affairs.

The motion was agreed to.

DEPOSITS IN THE POST-OFFICE DEPARTMENT.

The next bill on the Speaker's table was the bill (S. No. 417) relating to certain deposits in the Post-Office Department; which was taken up, read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

The next bill on the Speaker's table was the bill (S. No. 87) to facilitate the execution of, and to protect, certain public works of improvement at the mouth of the Mississippi River; which was taken up, and read a first and second time.

Mr. SYPHER. That bill is being informally considered by the Committee on Commerce, and I ask that it remain on the table.

Mr. NEGLEY. O, no; I move that it be referred to the Committee on Commerce.

Mr. SYPHER. I object to the reference.

The SPEAKER. The gentleman cannot object, unless a majority of the House object with him.

The question was put on Mr. NEGLEY's motion; and it was agreed to.

CEMETERY AT SALT LAKE CITY.

The next bill upon the Speaker's table was a bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes; which was taken up, read a first and second time, and referred to the Committee on Military Affairs.

NAYATT POINT LIGHT-STATION.

The next bill upon the Speaker's table was a bill (S. No. 438) to withhold from sale the site of the old light-station at Nayatt Point; which was read a first and second time, and referred to the Committee on Commerce.

BOUNTIES.

The next bill upon the Speaker's table was a bill (S. No. 14) in relation to bounties; which was taken up, read a first and second time, and referred to the Committee on Military Affairs.

HIRAM PRATHER.

The next bill upon the Speaker's table was a bill (S. No. 68) for the relief of Hiram Prather, late lieutenant-colonel of the Sixth Regiment Indiana Volunteer Infantry; which was taken up, read a first and second time, and referred to the Committee on Military Affairs.

MINING RESOURCES OF THE UNITED STATES.

The next bill upon the Speaker's table was a bill (S. No. 16) supplemental to the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was taken up, read a first and second time, and referred to the Committee on Mines and Mining.

EAST TENNESSEE UNIVERSITY.

The next business upon the Speaker's table was a bill (S. No. 110) for the relief of the East Tennessee University; which was taken up, read a first and second time, and referred to the Committee on War Claims.

DR. EDWARD JARVIS.

The last bill upon the Speaker's table was a bill (S. No. 302) for the relief of Dr. Edward Jarvis; which was taken up, read a first and second time, and referred to the Committee on Claims.

Mr. RANDALL. I move to reconsider the various votes by which these bills have just been referred; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PLACER-MINING LANDS IN CALIFORNIA.

Mr. LOWE, by unanimous consent, from the Committee on Mines and Mining, reported back the bill (H. R. No. 1717) relating to placer-mining lands in the State of California, with a substitute therefor; which was ordered to be recommitted, not to be brought back on a motion to reconsider, and ordered to be printed.

FORTIFICATION APPROPRIATION BILL.

Mr. STARKWEATHER. I move that the rules be suspended, and the House now resolve itself into Committee of the Whole for the purpose of considering the fortification appropriation bill; and, pending that motion, I move that all general debate on the bill be limited to fifteen minutes.

The motion to limit debate was agreed to; and the motion to go into Committee of the Whole was also agreed to.

The House accordingly resolved itself into the Committee of the Whole (Mr. COX in the chair) and proceeded to the consideration of House bill No. 1037, making appropriations for the construction, preservation, and repair of certain fortifications, and other works of defense.

The CHAIRMAN. By order of the House all general debate upon this bill is limited to fifteen minutes.

Mr. STARKWEATHER. I suppose there will not be a disposition to discuss this bill much. I would like to have the members of this committee direct their attention to the items of the bill.

Mr. HOLMAN. I think the bill had better be read for the information of the committee.

The Clerk then read the bill at length.

Mr. STARKWEATHER. Mr. Chairman, the policy of fortifying the most important harbors of our sea-coast has often been discussed by our most eminent statesmen and scientific men. This discussion has been thorough and exhaustive, and the result, as shown in the reports of committees and boards of engineers, has established the wisdom of this policy. I do not feel that I should be justified in occupying much time in the general discussion. It may, however, be expected, as the duty has been assigned me by the Committee on Appropriations of reporting this bill, that a few general considerations should be submitted. With the permission of the committee, then, I will make a brief statement in regard to the bill under consideration.

The estimates at first submitted by the proper Department for continuing the work on our fortifications and sea-coast defenses for the next fiscal year were $3,601,000. These estimates were made with a view to placing our fortifications in a more complete condition of efficiency, in contemplation of the emergency that was impending a few months since. But when it was suggested by Congress on assembling that the depression in the finances of the country called for a revision of estimates, the War Department and the Chief of Engineers, General Humphreys, with a most commendable spirit seconded the wishes of Congress in the line of economy, and by a thorough revision reduced the estimates to $1,407,500. Since then the Committee on Appropriations, after repeated conferences with General Humphreys, and on a careful examination of every item in the estimates, and with his hearty co-operation, have reduced them to $994,000, the amount proposed to be appropriated in this bill.

The amount heretofore appropriated has often been much larger, and it has been generally most wisely expended. Compared with any year before the war even, when labor was cheap, the appropriation this year is a successful effort in the line of economy. Take a few years by way of comparison.

There was appropriated for fortifications, in—

1836	$1,710,000
1847	1,570,000
1854	1,134,573
1855	1,010,500
1856	1,842,600
1857	1,818,300

During the war large sums were appropriated, some years amounting to several millions.

For the last three years the amount appropriated is as follows:

1871	$1,211,500
1872	1,322,000
1873	1,847,000

This reduction, as the committee will see, is most marked, the sum reported being little more than one-quarter of the original estimates, and still the work contemplated by those first estimates was demanded by the changes that have recently been made in the size and the armor of vessels, and the greatly increased power of cannon that have come in use. But for the present appropriations are made only for a few points where the work is in such a condition as to require immediate attention.

We have an immense line of sea-coast on the Atlantic and Pacific Oceans, with six States bordering on the Gulf of Mexico, any one of which is larger than some of the empires of Europe, with scores of cities and sea-ports that require defense; and looking to what has been done and the present demands, the sum appropriated in this bill would seem to be as limited as the nature of the case admits. It may be suggested, that after such expenditures for so many years, our sea-coast defenses should be in a state of efficiency without further outlay. It is true the sum in the aggregate is large, but it must be considered that this extends over many years, and protects a line of sea-coast of ten thousand miles and harbors of twice as many States as composed the original States of the Union. And then within a few years radical and extraordinary changes have taken place in the navies of the world and in their armament.

Look at England, with the most magnificent navy on the globe. The last year, and for several years, with less than one-tenth of our sea-coast to protect, with few sea-board cities and few harbors, she appropriated $5,000,000 for ten fortifications alone. And this has been her policy for many years, and it is the policy of every enlightened commercial nation in Europe that has a sea-coast to protect.

The existing fortifications of the country, including a few useless remains of the revolutionary works, are due to three distinct periods, namely:

First. Those that grew out of the threatened difficulties with France, nearly a century ago. They were of a temporary character generally.

Secondly. On the approach of the war of 1812 another class of works was erected at many of our principal ports. They were small and weak, and built, for the sake of economy, of cheap materials and workmanship.

Thirdly. The present permanent system of works was entered upon by the Government soon after the war of 1812. The works erected are now projected and planned by a board of engineers, subject to revision by the Chief of Engineers, and finally sanctioned by the Secretary of War. Owing to the changes in the character of the means

and power of attack which at several periods have been developed, the character of the permanent works have also been changed or modified.

From the commencement of the permanent system to about 1830 the works erected were such as were called upon to resist 18 and 24 pounders, the ordnance of that day, and consisted mainly of earthen batteries. From 1830 to about 1864 there was great improvement in the character of our sea-coast batteries. The works of this later period were of a strength to resist the heavy 10-inch smooth-bore and shell guns, and the dimensions of the parts were arranged for armaments of that description.

The introduction of steam, of iron-plating, and rifled guns of large caliber upon armed sea-going vessels, has necessitated a change in the details of construction of our works, and the size and caliber of the armaments to be used. A full study of the problem proposed, with a discussion of experiments made, has led to the adoption of certain principles that now govern in the construction of our works of sea-coast defense, and they are fully embodied in a communication from the Secretary of War, contained in Executive Document No. 271, House of Representatives, Forty-first Congress, second session.

In that communication the general conclusions arrived at were as follows:

The results exhibited by these experiments do not enable the board to recommend any plan of construction for casemates or shields for sea-coast or harbor-defense batteries. The inadequacy of the methods of construction hitherto used is fully proved, but the proper or best substitute for them is not clearly indicated. It has been hitherto assumed, rather than demonstrated, that iron is the true substitute for masonry. A resort to it may be compulsory in some cases, but it will not do to embark upon extensive construction in that material upon assumption, nor to ignore the probability, in this era of change in the instruments of warfare, of wasting the treasures of the nation upon structures which may be as unfit to resist the means of attack of a future year as those works, completed on the highest principles of art then known in 1859, are of resisting the artillery of the present day. One of the very highest authorities—the veteran field-marshal, Sir John Burgoyne, until quite recently at the head of the English royal engineers—remarks, in commenting upon the Gibraltar shields, "how rapidly the increasing power of the new artillery creates the necessity for additional resisting power both on shore and afloat. That which may afford adequate protection one day may be insufficient to resist the powers of the artillery that may be in existence when the shield is produced on completion of the contract." Still more recent experiments in England upon the "Plymouth" shield, upon the "Millwall," the "Chalmers," and other experimental constructions, only add to the force of these words, and show that thus far the destructive power of guns, both by increase of caliber and improvement in projectiles, more than keeps pace with protective invention.

Nor, if we look to the experience of yet other nations, do we find anything more satisfactory. The Russians appear to have gone practically into iron construction more extensively than any other nation, but this board has no ground to believe that the constructions employed are superior to the English designs just alluded to.

Of what has been done or is being done in other European nations we have but meager information. When it is borne in mind that a European war has been a probable contingency at any moment in the last two or three years; that equally with Russia and England, France, Austria, and Italy have, in the shape of great commercial ports and naval depots, objects of vital interest to hold against naval attack, we cannot infer, because we find no published facts to the contrary, that these nations have been inert or have neglected any practicable and well-founded measure of precaution and safety. If, therefore, it shall appear that little has been done or established with them concerning iron construction, it will be a confirmation of the opinion advanced by the board that no satisfactory results have been arrived at upon which it could be based.

We have stated that the results thus far attained "do not enable the board to recommend any plan of construction for casemates or shields for sea-coast or harbor-defense batteries;" yet if the problem is limited to resist such guns as were used in the experiments, or such as were used by the English against the Plymouth and Millwall shields, it is not to be inferred that such a construction, though necessarily costly, is considered unattainable. It is almost beyond the range of possibility that, in a real engagement with a fleet, the shields or casemates of the fort should be so severely tested as were the casemate shield at Fort Monroe and the casemate at Fort Delaware, or the English "Plymouth" and "Millwall" shields; and, indeed it is quite probable that guns protected by those constructions might have done good service. However that may be, none of them can be considered as fulfilling all conditions, or as being the best forms for such structures, to arrive at which we need further experiments and investigation on many points:

1. Improvement in the quality and manufacture of iron plates, and determining what qualities and combinations of metal are best adapted to the purpose. Some foreign plates should be procured for comparison, and test plates from American manufacturers be called for. Incidental to this is the analysis of the irons used in the shields just tried, and perhaps other irons.

2. Experiments upon cast-iron or east-iron concrete, or both, as a material for piers or parts of fronts remote from the embrasures. It is understood that the latter material is being manufactured by Krupp for Prussian fortifications.

3. It is desirable to ascertain by experiment whether a concrete of lead may not be applied to the face of a shield in order to take up the greater part of the living force of the projectile; whether the same material or simple bars of lead may not advantageously be inserted between front plates to the same end.

4. It is important to know the exact state of iron construction in Europe at the present date, not only with regard to experimental results, (of which we are pretty well informed,) but as to its actual application to sea-coast batteries. This kind of information can hardly be obtained without personal investigation by one or more engineer officers.

In the foregoing no reference has been made to the possibility or probability that a much more powerful ordnance than any yet used may be arrayed against shore batteries. We know that some of our own turreted iron-clads—the Kalamazoo, for instance—are designed to carry 20-inch guns. The 50-ton steel rifled gun of Krupp is rated as yet more powerful, its powder charge being, as stated, from 110 to 130 pounds, and its solid steel shot weighing 1,212 pounds. In the experiments and investigations suggested, the problem to make constructions capable of facing such ordnance must be kept in view.

In thus postponing the application of iron construction upon our works of harbor defense, the board feels called upon to point out in what direction progress should be made in providing for the defense of our harbors:

First. By the arranging, whenever the site will permit, of cheaply constructed barbette batteries, without breast-height walls and with wooden platforms for the guns. Such a battery may readily be modified hereafter so as to adapt it to the use of a depressing (or counterpoise) carriage, and should, unless on a very elevated site, be planned with this view.

Secondly. The substitution for the barbette carriage of one which will admit of the depression of the gun below the crest of the parapet for loading. Earth is the cheapest and best of all materials to stop shot. But the common system of barbette mounting, that is, so as to fire over an earthen parapet, which was pretty sure to fail under the old system of things whenever the batteries were low and could be closely approached, is, under the same or even much more favorable circumstances, almost inadmissible for the enormous guns of the present day, in consequence of the unavoidable exposure of the cannonier during the laborious process of loading. The English are understood to have adopted the Moncrieff carriage, a device of great merit. A working model of a carriage on identically the same principles, invented by the late Brevet Brigadier-General De Russy many years ago, is now in possession of the Engineer Bureau. Under this and other forms this subject is being now studied, and in the achieving of a practicable result we see a way opened most clearly to attaining an efficient service of modern sea-coast artillery where the proper sites present themselves.

Thirdly. The development of a system of defense by mortars of large caliber. To prevent the occupation as an anchorage of a roadstead, there is nothing more effectual than the mortar. It is believed, though never yet extensively introduced for that purpose, that it may be made an efficient agent of defense, against iron-clads, of the channels of approach to our cities and ports, and, if so, its emplacement involves none of the embarrassing questions of iron construction. It is well known that there are no projectiles of which sailors have greater dread than those from mortars, and that the invulnerability of side of an armored vessel can be but very imperfectly extended to her deck. On the other hand, the difficulty of hitting by vertical fire an object of as small an area as the deck of a vessel is conceded. But when it is understood that considerable accuracy of mortar fire can be attained against stationary objects, such as vessels in position or arrested temporarily by obstructions, at distances not exceeding the width of most ship-channels, and that the increased effect of successful shot will in some degree compensate for inferior accuracy, as compared with the gun, the mortar will readily be accepted as one of the most efficient means of defense against the modern means of attack.

Fourthly. Defense by torpedoes. Although devices to be classified with what are now called, generically, "torpedoes," have been long known, it cannot be said that their use took any practical shape until the Crimean war, when the Russians, with no very noticeable results, introduced them into the defense of several of their ports on the Baltic. It was a sharp spur of necessity which drove the South, in our civil war, to every imaginable expedient to neutralize the maritime superiority of the United States which so greatly developed their use and showed the importance of the new defensive agent.

The Secretary of the Navy uses in regard to them the following significant language:

"The only vessels lost by the United States Government in both these attacks," (*i. e.*, in the defenses of Mobile Bay, Alabama, and at Fort Fisher, North Carolina,) "and the shore batteries of the confederates were splendily served, were destroyed by electric torpedoes, which, always formidable in harbors and internal waters, have proved more destructive to our naval vessels than all other means combined."

The destruction of two ocean and two river monitors, (the Tecumseh, the Patapsco, the Milwaukee, the Osage,) the iron-clads Cairo and Cincinnati, the tin-clad Rodolph, the sloop of war Housatonic, besides several gun-boats and transports,* are the striking facts which authorize the Secretary's strong expressions, as also the moral effect which their real or supposed existence uniformly had upon our attacking squadrons. We are now thoroughly acquainted with the confederate inventions; but European nations have taken up the matter where they left off. Colonel Jervais (royal engineers) says in a lecture on "coast defense," before the Royal United Service Institution:

"The labors of a committee lately appointed have been crowned with perfect success, and both naval officers and engineers are passing through courses of torpedo instruction." * * * * * * *

And, again:

"We are now in a position to apply this system of defense to any extent that may be required for the protection of our harbors and other points upon our coasts."

We find it stated also in the Army and Navy Gazette:

"Further experiments have been made at Toulon with torpedoes, and it has been decided, in case of war, that that port shall be strongly defended with these submarine monsters. The government, however, thinks that the torpedo subject is one which should be confided to a special corps, and hence a school is to be established at the isle of Aix, where the mysteries of these engines of destruction will be taught."

The Austrian government we know employed torpedoes in 1866 for the defense of Venice, Pola, and other maritime and naval depots in the Adriatic, and has made important advances in their construction and use.

Far less expensive than any other accessory to harbor defense, none can be so promptly improvised, provided an expert body of men is available to apply and manage them; and though but an accessory to shore batteries, which protect them, they are perhaps quite as formidable an opponent to a hostile fleet as even the battery itself. The board suggests that the Engineer Battalion is the most fit agent for experimentally developing the system, and to furnish the *personnel* to apply it to actual defense, and it recommends that this duty be, under the direction of the board, assigned to it, its commanding officer becoming *ex officio* a member whenever this subject is on hand.

Fifthly. Obstructions. The first board of engineers, by which our existing system of sea-coast and harbor defense was originally devised, admitted even at that early day, (1816,) when wooden sailing ships were agents of naval attack, the necessity in certain cases of "obstructions." In a report of the board of 1840, just subsequent to the earliest successful applications of steam to ocean navigation, the following language is used with regard to them:

"If, after having occupied the shores in the narrow places in the best manner with batteries, we are of opinion that the temptation may induce the enemy, notwithstanding, to run the gauntlet, the obstruction of the channel must be resorted to. By this is not meant the permanent obstruction of the passage; such a resort, besides the great expense, might entail the ruin of the channel. The obstruction is meant to be the temporary closing by heavy floating masses."

The temptation to run the gauntlet, which a particularly fair wind and tide might offer to a fleet of sailing vessels, would be very slight, indeed, to that offered by the possession of a motor independent of wind and tide. It was the recent application of steam to vessels of war which thus brought up the subject so prominently before the board of 1840. But in this connection the change from wind to steam as a motor was scarcely more important than that from wood to iron as a material of construction. Though steam would carry with equal speed the unarmored and the armored vessel past shore batteries, the latter, comparatively invulnerable, need pay little heed to missiles which would cripple or destroy a wooden ship. Accordingly we find the necessity of some means of preventing this "running the gauntlet," whether by obstructions or torpedoes, or both, to be now universally admitted.

When, during the civil war, there was apprehension of foreign interference, the greatest solicitude was felt for the security of our great sea-ports under such a contingency. A commission of eminent civil engineers and others was appointed by the governor of the State of New York, in 1862, "to devise and report a plan for obstructing the passage of an enemy's ships of war into the harbor of New York through

* Twenty-four United States vessels in all were destroyed, and nine others badly damaged. In the beginning the use of torpedoes was a novelty little understood, but the rapidity with which its formidable character developed itself is shown by the statement that while during the year 1862 the confederates destroyed but a single United States vessel, they destroyed no less than eleven the last four months of the war.

the Narrows." The plan thus devised would doubtless be an effectual barrier, but it was one which, very costly, would require many months to construct. The tendency of modern warfare is to become sudden, sharp, and brief; and an obstruction, to fulfill its intention, must, like guns and forts, be prepared beforehand for application at the moment of emergency, or it must be susceptible of improvisation from materials everywhere accessible.

The engineer officer in charge of the defenses of Washington in 1863, fully impressed with the importance of devising a channel obstruction which should fulfill the conditions, as well as of having a means of closing the approaches to Washington, by the Potomac, against iron-clads, obtained, through the recommendation of the Secretary of War, an appropriation of $300,000 for "floating obstructions" for the Potomac. Before attempting an application of this fund to actual construction, a new and thorough study of the subject was undertaken. The suggestions of former boards of engineers, and the plans of the New York commission, and many others, (particularly a very meritorious and original one of Mr. W. P. Trowbridge, formerly of the Corps of Engineers,) were consulted; and the subject was finally committed to Lieutenant-Colonel (now Brevet Brigadier-General) B. S. Alexander, of the engineers. The result of his studies, prolonged through nearly two years, was the development of a plan which was recommended by a board of engineers for experimental trial, and a section has accordingly been constructed, under the directions of the Chief of Engineers, to be submitted to trial in the Potomac River. In this plan, which has many peculiar features, a very minimum of timber necessary for flotation is employed, which, as also the iron-work, can be prepared and stored ready for emergency.

Sixthly. Floating batteries or harbor-defense vessels. The issue raised as to the employment of shore batteries or floating batteries has been so ably met in reports of former boards of engineers, that nothing further would need be said if that issue remain unchanged. In that case the proposition that floating batteries, of all defensive arrangements the most costly to prepare, the most expensive to maintain, and, withal, exceedingly perishable, are *not* needed where the waters to be defended can be thoroughly swept by shore batteries, would be as true now as it was twenty-five years ago. But we cannot assert that the issue remains unchanged. All now admit that shore batteries cannot alone certainly prevent the passage of hostile vessels which accept the risks of "running the gauntlet," and all equally admit that a well-devised armored "floating battery," combining the powers of the battery and the "ram," may be a very valuable accessory. A half-dozen light-draught "rams," invulnerable to artillery fire, stationed on the shoals of the east and west banks, would be in themselves exceedingly formidable to the hostile fleet which, to approach New York, must extend itself in single or double file to make its way up from Sandy Hook through the Narrows. They would be equally or more formidable to the same fleet assembled in the lower bay, while making preparations for an attack. The arguments for the relative claims of shore and floating batteries cannot, therefore, be considered the same as they were a few years ago, and it may be necessary to a good defense to have their aid in all our important harbors. What is the best form of such structures and the extent to which they should be employed are subjects which, though old in themselves, have become new, inasmuch as all the conditions are new. It does not seem to be within the sphere of the board to take up the questions involved in all their extent, but they have thought it proper to present the subject in its proper aspects.

Seventhly. It need scarcely be added that shore batteries, however perfectly constructed, are of no avail against their iron-clad antagonists, unless armed with the most powerful artillery. The Corps of Engineers has ever insisted upon the paramount importance of large calibers for its batteries. The 15-inch smooth-bore, the first successful step toward the modern increase of calibers, may be claimed as the result of the zealous labors of the Ordnance Department to meet the demands of the engineers; and the 20-inch gun was but another step taken expressly to provide an almost irresistible weapon for harbor defense. It is stated that the Prussians are employing the 50-ton gun of Krupp (an equivalent to our 20-inch gun) for the defense of the port of Kiel, and the desirableness of guns of such power for the defense of the great ports and harbors is indisputable. It is not the province of the board to indicate what particular kind of gun is to be preferred, but it feels called upon to note the necessity for their provision as the first and most indispensable element of harbor defense.

In presenting its report on the recent experimental firings, the board has thought it necessary to give in the foregoing a review of the means and requirements for coast defense as they now exist or as they may be developed, and to indicate the path in which progress may most rapidly be made.

While recommending a continued study and renewed experiments in iron construction, the board indulges a hope that through the defensive means just enumerated, fully developed, the construction of forts or batteries in a material so excessively expensive, and as yet so unsatisfactory, may be in a great degree avoided.

[Indorsements.]

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., May 7, 1869.

Respectfully submitted to the honorable Secretary of War.

The general conclusions drawn by the board from these experiments appear to me to be sound and prudent, and I think the propositions they have based upon them, as to the course to be pursued respecting our permanent coast defenses, eminently proper and timely.

It is proposed to instruct the board, in accordance with the several propositions made by them:

1. To continue examinations into the question of iron shields, scarps, &c.
2. To present specific projects for such additional barbette batteries for heaviest ordnance as they may find important for the greater security of our most important harbors against armored ships.
3. To present specific projects for mortar batteries, with the same object in view.
4. To present specific projects for the application of torpedoes, with the same object, and in connection therewith to make trials in their use, with the aid of the Engineer Battalion.
5. To prepare projects for floating obstructions and entanglements, in connection with the other means of defense.

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

[Confidential.]

Respectfully referred to the General of the Army for remark.
By order of the Secretary of War.

ED. SCHRIVER,
Inspector-General.

MAY 11, 1869.

HEADQUARTERS OF THE ARMY, *May* 20, 1869.

Respectfully returned to the Secretary of War.

While the size of heavy guns is being daily increased, I do not deem it advisable to depend for protection against them on iron shields that, strong enough to-day, may be useless to-morrow.

For the defense of a channel or harbor against naval attempts our guns should be of the largest caliber, and scattered in earthen barbette batteries, with heavy intervening traverses, so as to avoid concentration of fire on them and to protect the gunners.

These batteries should be protected against land attacks by one or more central works, affording cover for all the necessary material and supplies, having masonry scarps or counterscarps, these scarps being entirely covered from exterior fire by a glacis.

We should make as much use of torpedoes as the rebels did during the late war, and mortars should be freely used for moral as well as real effect, wherever an attack from iron-clads is to be feared.

As there will be some points needing defense, but without room enough for earthen barbette batteries, the board should continue its studies of iron, proposing projects for further experiments whenever it deems them necessary.

The recommendations of the Chief Engineer are approved.

W. T. SHERMAN, *General.*

Approved by the Secretary of War, May 22, 1869.

ED. SCHRIVER,
Inspector-General.

These principles were approved by the Chief of Engineers, the General of the Army, and the Secretary of War, and constitute the basis of the methods upon which our works are being constructed.

A critical examination of these methods will show that the work now being executed, and for which appropriations are now asked, is confined to strengthening the existing batteries of our works, whether these batteries are on top of our casemated works or adjacent and exterior to them, and to extending these batteries, and in some cases adding new batteries. This enlargement is rendered absolutely necessary by the increase in the size and dimensions of the modern ordnance.

The object of sea-coast defenses of the country is to prevent an enemy or his vessels from entering the convenient ports and laying under contribution or destroying property. In some cases they protect harbors or roadsteads where fleets could take refuge in stress of weather. In some cases they protect depots and arsenals of supply and construction. And in some cases they occupy strategic points of great importance in war.

That our sea-ports should be furnished with some kind of defense against the attack of an enemy on board of ship is not questioned by any one thoughtfully investigating the subject.

A discussion recently occurred in this House, growing out of our relations with Spain, as to the defense of New York Harbor. I had no doubt then, and I have none now, that the arrangements made by the Navy Department, in connection with the fortifications, would have made it impossible for the Spanish navy to have entered and remained in New York Harbor, even if the depth of water had been sufficient to float their largest vessels with their armament on them. I think our gallant seamen, commanded by brave and skillful officers, even in the few monitors and wooden vessels we have, would have been more than a match for the Spanish navy. At any rate, our most experienced officers were willing to make the trial.

But in England, our old rival, we have a naval power immensely superior to Spain, not only in vessels and armament, but in men. Examine for a few minutes a few of the vessels and the armanent of the British navy.

Take the Monarch and her class. Her armor, at water-line and above, is 7 inches amidships, and 5 inches on the bow and stern, and below water-line there are 6 inches of armor. Of this class are the Hercules and the Sultan.

The Devastation, and the Thunderer and Fury of her class, have 12 inches of armor amidships, and 8 and 9 inches on bow and stern, respectively.

The Audacious and her five companion-ships (the Iron Duke, the Vanguard, the Invincible, the Swiftsure, and the Triumph) have an armor of 8 inches amidships.

The Glatton has an armor of 12 inches not only amidships, but on bow and stern down to water-line, and 10 inches of armor below water-line.

The Cyclops and her class, (consisting of the Hecate, the Hydra, and the Gorgon,) have 8 inches of armor.

Here are seventeen strong vessels, just completed or being built, with an armor ranging from 6 to 12 inches throughout, backed by the best material, ranging from 12 to 18 inches in thickness.

The heaviest guns of the Monarch, the Devastation, and the Glatton are rifled, weighing from 25 to 35 tons each, and carrying a ball weighing from 600 to 800 ponnds. (See table on page 1406 for details.)

It is objected that these vessels draw so much water that they cannot enter our principal harbors. Do not deceive yourselves. England does not construct these vessels for amusement, but for use, whenever she has occasion, and in their construction our situation in all its relations was taken into the account. They were built with a view to entering our harbors whenever a difficulty should arise between Great Britain and the United States, with a view of laying our sea-board cities under contribution. And in case of war, we have no such armored vessels as England has. We cannot afford, nor is it economical or good policy for a nation like this, to expend such an enormous amount as we should have to do to match her in size and number of armored vessels. Any one of several of the large vessels of the British navy cost between two and three millions, built with cheap labor. In this country a vessel of the class of the Monarch, Devastation, and the Hercules would cost from three to five millions each. The Achilles did cost, for the ship and engines alone, without incidentals, an amount of £458,000.

England counts her armored vessels by scores, and the largest of these can enter Boston, Portland, Newport, New London, and many of them New York Harbor, and a score of harbors on our coast.

Tabulated statement of certain particulars respecting the Monarch, Devastation, Audacious, Glatton, and Cyclops classes of iron-clads of British navy.

Thickness of armor on sides.*			Arm'r below constructed load-line.	Nature of backing.	Armament.		Speed under steam.	Draught of water sea-going.	
Amidships.	Bow.	Stern.			Upper-deck.	Main-deck.		Forw'd.	Aft.
MONARCH CLASS.									
	Inch's	*Inch's*	*Ft. inch.*	*Inches.*				*Ft. inch.*	*Ft. inch.*
Above water-line, 7 inches..	5	5	5 0	12 teak.....	4 12-in. 25-ton 600-pounders, muzzle-loading, rifled, in turrets; 2 7-in. 6½-ton 115-pounders, muzzle-loading, rifled.	1 7-in. 6½-ton muzzle-loading, rifled.	14.937 knots (*a*).....	22 6	26 0
At water-line, 7 inches.....	4¾	5							
Below water-line, 6 inches..	4¾	4							
DEVASTATION CLASS.									
Above water-line, 12 inches.	8½	9	5 0	16 to 18 teak ..	4 12-in. 35-ton 700-pounders, muzzle-loading, rifled, in turrets.	.....	12.5 knots (*b*)	25 9	26 6
At water-line, 12 inches....	8½	9							
Below water-line, 10 inches.	8½	8½							
AUDACIOUS CLASS.									
Above water-line, 6 inches..	3½	3½	5 0	10 teak.....	4 9-in. 12½-ton 250-pounders, muzzle-loading, rifled. 4 64-pounders, muzzle-loading, rifled. (*c*)	6 9-in. 12½ ton muzzle-loading, rifled.	13 to 14 knots. Vanguard realized 14.9.	21 7 to 22 0	22 7 to 23 0
At water-line, 8 inches.....	5	5							
Below water-line, 6 inches..	4	3½							
GLATTON CLASS.									
Above water-line, 12 inches.	12	12	4 0	18 to 20 teak ..	2 12-in. 25-ton 600-pounders, muzzle-loading, rifled, in turret.	.....	9.75 at draught of 19 feet; 9.5 at draught of 20 feet. (*b*)	19 0	19 0
At water-line, 12 inches....	12	12	*5 0					20 0†	20 0†
Below water-line, 10 inches.	10	10	.....						
CYCLOPS CLASS.									
Above water-line, 8 inches..	6¼	6¼	4 0	9 to 11 teak....	4 10-in. 18-ton 400-pounders, muzzle-loading, rifled, in turrets.	.....	10.0 (*b*)	15 6	15 6
At water-line, 8 inches.....	6¼	6¼							
Below water-line, 6 inches..	5	5							

(*a*) The speed given was obtained with weights on board, differing slightly from the present full equipment, but the effect of the weights not on board at the trials upon the speed would be inappreciable.
(*b*) This is the estimated speed, the ship not having been tried.
(*c*) Armament increased since ship was designed.
* The bow and stern thicknesses are taken at about 15 feet from the ends of the ships, (18 feet in case of the Glatton.)
† At fighting draught.

The following table exhibits the depth of water in some of our principal harbors:

Locality.	Depth of mean low water.	Mean rise of tide.	Depth at high water.
	Feet.	*Feet.*	*Feet.*
Penobscot River	80	14	94
Kennebec River	30	8	38
Portland	50	9	59
Portsmouth	40	9	49
Boston	24	10	34
Narragansett Bay	60	4	64
New London	42	2	44
New York	23	6	29
Philadelphia	20	6	26
Chesapeake Bay	60	5	65
Baltimore	24	3	27
Washington	16	3	19
Alexandria	18	3	21
Hampton Roads	60	5	65
Norfolk	22	2	24
Cape Fear River	9	4	13
Charleston	13	5	18
Savannah River	18	7	25
Port Royal entrance	19	9	28
Saint Augustine	7	4	11
Jacksonville	7	5	12
Mouth of Saint John's River			
Key West	26	1	27
Tortugas Island	49	1	50
Pensacola Bay	22.5	1	23
Mobile Bay	21	1	22
Mississippi River	18	1	19
San Francisco	30	4	34
San Diego	22	4	26
Ship Island	21	1	22

Here it will be seen that Portland has 50 feet of water, Portsmouth 40, Boston 24, New London 42, New York 29 at high water, Philadelphia 26, and Baltimore 27.

Now, the Devastation, with full armament, draws only 26 feet, the Audacious 22, the Glatton 20 feet, and six of the Cyclops class only 16 feet each. The highest naval authority in England states that the Devastation carries two 30-ton guns in each turret, and throws 600-pounder shot. She has a mean speed of 12½ knots per hour, and carries 1,600 tons of coal. "*This would enable her to cross the Atlantic, fight an action, and afterward return to her home port without renewing her stock of fuel.*"

The only protection to our largest sea-board cities against this class of vessels with this armament, are the fortifications in which are mounted heavy guns. That these are the best protection all military authority and experience prove. (See Executive Document No. 271, Forty-first Congress, second session. Recommendations of Major-General A. A. Humphreys, approved by General Sherman.)

This is also proved in the attack of the French and English ships on Sebastopol, when the result of 1,244 guns firing 50,000 rounds, was dismounting only 28 guns all in open batteries. And Fort Sumter, which was built entirely of brick-work, only 5 feet thick about the embrasures, and at no part more than 11 feet thick, and in an engagement of two and a half hours with eight monitors and one iron-plated ship, carrying 15-inch and 11-inch ordnance, it appeared that out of about eighty-three shots, at an average range of 1,200 yards, only fifty-eight struck the fort at all, there being only one instance of three shots striking near together.

On the 7th of April, 1863, Admiral Du Pont attacked Fort Sumter with seven monitors, the Keokuk and the New Ironsides. After a gallant attack he withdrew, finding no impression made upon the fort. He says:

The monitors were able to get within easy range of Fort Sumter, at distances varying from five hundred and fifty to eight hundred yards. No ship had been exposed to the severest fire of the enemy over forty minutes, and yet, in that brief period, five of the iron-clads were wholly or partially disabled; disabled, too, in that which was most essential to our success—I mean in their armament, or power of inflicting injury by their guns. The other iron-clads, (two out of seven) though struck many times severely, were still able to use their guns, but I am convinced that in all probability in another thirty minutes they, too, would have been likewise disabled.

Captain Drayton, who commanded the Passaic, says:

At the fourth shot from 11-inch gun I was struck in quick succession in the lower part of the turret by two heavy shot, which bulged in its plates and beams, and forcing together the rails on which the 11-inch carriage worked, rendered it wholly useless for the remainder of the action, several hours being necessary to put it again in working order. Soon after it was discovered there was something the matter with the turret itself, which could not be moved. A little after a very heavy rifle-shot struck the upper edge of the turret, broke all of its eleven plates, and then, glancing upward, took the pilot-house, yet with such force as to make an indentation of two and a half inches, extending nearly the whole length of the shot.

Owing to the delays caused by the various accidents, ending in the entire disabling of one gun, I was only able to fire four times from the 11-inch and nine from the 15-inch gun. There was some loss of time, also, from the necessity of using the sectional rammer, as the fire was all around, and required the ports to be kept closed.

Except a few scars, I could not perceive, either yesterday or this morning, when I had a very good view of its lower face, that the fort was in the least injured.

My experience at Fort McAllister satisfied me that the decks were not strong enough, and this of Fort Sumter that the pilot-house is not capable of withstanding heavy shot for any length of time, and even throws a doubt on the turret itself, or at least its machinery.

Captain Rodgers says of the Weehawken:

Two or three heavy shots struck the side armor near the same place. They have so broken the iron that it only remains in splintered fragments upon the spot; much of it can be picked off by hand, and the wood is exposed. The deck was pierced so as to make a hole, through which water ran into the vessel, but it was not large.

Thirty-six bolts were broken in the turret, and a good many in the pilot-house, but as these are concealed by an iron lining, I have no means of knowing how many.

Captain Worden says of the Montauk:

After testing the weight of the enemy's fire, and observing the obstructions, I am led to believe that Charleston cannot be taken by the naval force now present; and that, had the attack been continued, it could not have failed to result in disaster.

Lieutenant-Commander Cushman says of the Montauk:

Hits on side-armor, four. One of these is severe, detaching the entire after-starboard section of plating about three-eighths of an inch from the backing. The section will require refastening.

Captain Ammen says of the Patapsco:

After the fifth discharge of the rifle the gun was rendered useless. Another question of great importance, as relates to their efficient employment, is the character of the battery. If it is proposed to batter down forts with a 15-inch gun, then it is quite plain that we have to come within distances at which heavy ordnance, if employed in heavy batteries against us, cannot fail in the end to injure, or perhaps, disable us. Owing to the early disabling of the rifle, and the various discomfitures referred to, only five projectiles were fired from each gun.

Commander George W. Rodgers, commanding the Catskill, says:

I was surprised to find, even with this severe fire, that these vessels could be so much injured in so short a time.

The Keokuk sank from the injuries she received.

Admiral Du Pont, in his report dated June 3, 1863, says:

I must take leave to remind the Department that ability to endure is not a sufficient element wherewith to gain victories; that endurance must be accompanied with a corresponding power to inflict injury upon the enemy. And I will improve the present occasion to repeat the expression of a conviction that the weakness of the monitor class of vessels in this latter important particular is fatal to their attempts against fortifications having outlying obstructions, as at the Ogeechee and at Charleston; or against other fortifications upon elevations, as at Fort Darling; or against any modern fortifications before which they must anchor, or be at rest, and receive much more than they can return. The results of the trials in the Ogeechee were most discouraging. Two attacks successively made by the monitor with gun-boats and a mortar-vessel had no effect on a fort of seven guns, protected with piling and torpedoes. This was followed by a bombardment of eight hours, with three monitors, the gun-boats, and three mortar-vessels, and as before with a like result. The injuries to the monitors were extensive, and their offensive powers found to be feeble in dealing with forts, particularly earthworks.

The following is extracted from a joint report made by the commanders of the monitors, April 24, 1863:

After the experience gained under the fire of the enemy, we were unanimously of opinion that a renewal of the attack would be unwise in the extreme, and for the following reason: Our vessels had been very much injured before passing the first of the three lines of defenses which protect Charleston, and perhaps, considering the obstacles to be met with farther up, not the strongest of the three. In receiving these injuries they had not been able to do any to Fort Sumter, at least sufficient to slacken its fire. When, in addition to this, it had been proved that any heavy blow on the turret was very apt to disorder and stop it; that our side armor and decks were penetrable, and the pilot-house, where is the steering-apparatus, and from which is the only lookout, could be made untenable, as two of them to a great extent had been, it is scarcely surprising that we should have arrived at the above conclusions. As it has also been stated that our vessels came out of the action almost unharmed, we will here mention some of the injuries received by them, which will, we think, go to show that such was not the case, and that it would have been out of the question to renew the action on the next day, if at all, when we consider that, although again liable to the same fire as the first, in their after condition they would have been infinitely less able to endure it.

1. *Passaic.*—A large piece of brassing under the turret broken off, owing to which, and its being forced over, the turret could not be moved for some time, and has not worked well since. The gun-carriage of the 11-inch gun disabled until the next afternoon, and the top of the pilot-house forced up so as to expose the inside to shot, and not got into place until late the next day.

2. *Weehawken.*—Side-armor broken through, exposing the wood. The flange supporting the gun-platform of 11-inch gun broken; smoke-stack very much injured, and both this and the turret greatly weakened from the loss of bolts. The latter also for a time stopped.

3. *Patapsco.*—Rifled gun disabled at fifth fire; smoke-stack penetrated in several places through the upper part of armor, out of which were forced forty bolts, rendering the whole structure very insecure until strengthened again; besides this the turret had been stopped for a time.

4. *Nantucket.*—Fifteen-inch gun lost at the third fire, owing to blow on turret jamming the port-stopper, which could not be moved afterward. The turret stopped several times, besides severe injury to smoke-stack and deck. The concussion-box in this short time lost eight bolts, and the turret was made to move with great difficulty.

5. *Nahant.*—Lost seventy-six bolts from the turret and pilot-house; the latter very much injured. The steering-gear deranged and the plates started. The braces that hold down the inner gun-tracks and brace of turret knocked off, and turret rendered immovable and not cleared until five the following afternoon. Even at present, after long repairs, it can only be made to revolve very slowly with thirty pounds of steam.

We beg to add, in further support of our views expressed against a renewal of the attack, that the liability of the guns to become disabled on occasions which require steady use has been shown, as well as that the turret almost invariably refuses to work after receiving heavy blows from shot, not only because the consequent bulging injures the machinery, but from its being pushed from the perpendicular. In addition, the very slow fire possible from the 15-inch gun, and the fact that, to be effective against stone walls, it must be brought so near as to take away from the impenetrable character of the iron-clads, are considerations of great moment to all those who wish to see these vessels in the highest degree effective; nor have we, unfortunately, reason to believe that the batteries or turrets will on any future occasion, when exposed to the fire of heavy guns, show more offensive power or endurance than was the case at Sumter.

The report from which the foregoing extracts have been made was signed by Captains Drayton, John Rodgers, Ammen, G. W. Rodgers, Fairfax, and Downes.

As a still further protection a system of torpedoes has been perfected to protect our harbors, and can be so laid to protect them against vessels as powerful even as the Monarch and Devastation. The plan and arrangement are so simple and have been so thoroughly tested as to leave no doubt of success. These torpedoes may be taken up and removed elsewhere with great facility and with perfect safety, by disconnecting the battery on the land within the fortifications.

So that all these fortifications at our principal harbors for the protection of our commerce and cities on the sea-coast are vitally important, for they make the torpedo system available and perfect.

Mr. Chairman, I have spoken of this more at length because it is of recent origin and of great importance, and the committee have placed in this bill a small appropriation for the purpose of purchasing the cable and other apparatus. We think it a wise economy.

Perhaps, Mr. Chairman, I have occupied more time already than I should. But while the amount recommended by the committee to be appropriated in this bill is small in comparison with other years, and almost insignificant in comparison with amounts appropriated for other objects, still the Committee on Appropriations deemed it wise to give the general considerations that govern them.

The committee in this matter, as in all others, invite earnest scrutiny and investigation, and desire careful consideration, with an earnest purpose to reduce the public expenditures and lessen the taxes and burdens of the people.

MESSAGE FROM THE SENATE.

The committee informally rose, and a message was received from the Senate by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed a bill (H. R. No. 792) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, with sundry amendments, in which the concurrence of the House was requested.

FORTIFICATION BILL.

The committee resumed its session.

Mr. WILLARD, of Vermont. I should like to have the Clerk read the testimony of General Sherman before the Committee on Military Affairs of this House.

The Clerk read as follows:

The CHAIRMAN. On the subject of fortifications, please to state what fortifications or works of defense that are now in process of construction should be completed at an early day. Here is a list for which appropriations were made last year.

General SHERMAN, [going over the list.] Some of these forts, if I had to defend them, I would go outside to do it.

Fort Preble is of little use.

Fort Scammel is not much better.

Fort Warren is an important point, because it covers the entrance to Boston Harbor; but it is substantially finished.

Fort Winthrop is, also, substantially finished, so that you can dispense with heavy appropriations for that.

Fort Independence the same.

Fort on Dutch Island, in Narragansett Bay, is about as much use as if it were in the Florida Channel.

Fort at Willet's Point will be, in connection with Fort Schuyler, a very important work in the event of the Government succeeding in deepening the channel by Hell Gate to the extent of thirty feet. If that is done it will, in my judgment, reverse the foreign commerce of New York, and bring it all through Long Island Sound, past Hell Gate to the East River, allowing such ships as the Great Eastern and the largest ships of the world to come through Long Island Sound. In that event the heavy iron-clad fleets of England could come through the sound, and we would have to have a fort at Willet's Point; but at present, and until that is done, I would not spend a cent on it.

Fort Hamilton—there is no expense needed there.

Fort Tompkins—there is some expense needed there to finish it up.

Battery Hudson—I do not know anything about it.

Fort Delaware, in the Delaware River—there is a tower in the middle of the Delaware River, and I think it is substantially finished.

Fort McHenry—it is not necessary, I think, to spend any more money there.

Fort Foote—of course not any there.

Fort Washington—that would be a waste of money. God only knows what we want a fort there for. No iron-clad ship can get up the Potomac River; we can hardly get vessels drawing thirteen feet of water up the river.

Fort Monroe—that is substantially finished.

Fort Moultrie—let it slide.

Fort Sumter—let it stand as a monument. *The great iron-clad ships of the world cannot now enter southern harbors, and there is no danger there.

Mr. NIBLACK. I move, *pro forma*, to strike out the last word. Inasmuch as I have had some connection with fortification bills as reported from the Committee on Appropriations for several years past, it is proper, Mr. Chairman, I should say a word before proceeding further in our action upon the pending proposition. As it seems to be conceded on all hands some reduction of expenses must be made by the present Congress, fortifications have been frequently suggested as one of the measures upon which a reduction could be properly made. In fact it has been argued in many quarters entitled to consideration we ought this year to dispense with all appropriations for fortifications. I do not agree to this latter proposition. While I do agree we ought to appropriate as little as possible for any purpose where we have any discretion in regard to the amount, still some appropriation of this sort is necessary, not only for a proper defense of the country in case of war, but as a matter of strategic policy by which all other nations are to be impressed that we do not intend to be caught unprepared in case of any great or unforeseen emergency.

I think, at all events, we ought not to entirely abandon work on our fortifications even under the great pressure for reduction in the expenditures of the Government which we are now under. In my judgment we would be almost justified in borrowing a small amount of money if necessary for the purpose of continuing in a modified form this system of fortification.

Now, it must be borne in mind, Mr. Chairman, we have the largest water-front, if you will allow me to use the expression, of any government in the world. We have more harbors, more frontier exposed upon the ocean, than any other government, large or small; and therefore it is absolutely necessary, if we wish to continue our present system of fortification on a scale which will be of any advantage to the

country, we should expend a considerable sum of money annually for that purpose. I know it may be said while we continue at peace there is no necessity for these appropriations, and that it is so much money thrown away; but while that is said with great plausibility in time of peace, we must not forget that in case we are involved in war, in any difficulty with a foreign power, making resort to arms either probable or necessary, we will then find our harbors entirely exposed, without any fortifications or proper defense for such an emergency; and then everybody will say, and say justly, that Congress has been derelict in regard to the defense of the country.

The only object I have in seeking the floor is to say that, anxious as I am to cut off expenses everywhere where it can properly be done, I do feel it to be my duty, with my knowledge on the subject, arising from the opportunities I have had for careful investigation of all the facts, to declare we ought at least to vote the aggregate amount of money reported by the Committee on Appropriations in this bill. I shall cheerfully, therefore, unless some strong reason which I have not heard shall be assigned to the contrary, vote to sustain the action of the committee in reporting this bill.

Mr. STORM. Mr. Chairman, I did think that if there was any one of the appropriation bills that we could dispense with this would be the one; and I am sorry that my economical friend from Indiana [Mr. NIBLACK] has seen fit on this occasion, as well as upon the bill just disposed of, to set himself apparently against a reduction of expenditures and against economy. Now, after what we have heard from the General of the Army, to make appropriations for these old forts, which are of no use even in time of war, and certainly of no use in time of peace, strikes me as very unwise on the part of this House. I think the temper of the country does not justify us in making an appropriation of nearly one million dollars for these old and useless forts.

I do not know how these estimates are made or who makes them. We never have any reasons given for the appropriations, except that they have been estimated at so much. Certainly the Engineer, or whoever else may make these estimates, has a very strange way of reaching his conclusions. In these estimates we never have any odd cents or odd dollars or odd hundreds of dollars. The sums estimated are always $20,000 or $30,000, or $50,000, or some other round sum for each of these works. This fact is, I think, an indication that the making of these estimates is mere guess-work, and that the only object of the appropriations is to maintain in idleness a certain set of officers who feel no responsibility for the reckless estimates they make.

After the evidence of the General of the Army, as read at the Clerk's desk, in regard to the uselessness of these forts, I cannot see how the Committee on Appropriations can recommend that these appropriations be made. Among the appropriations recommended by the committee is one of $20,000 for Fort Moultrie, Charleston Harbor; yet this is a fort of which General Sherman has said he would "let it slide." The bill also proposes an appropriation of $20,000 for Fort Sumter, and appropriations of $20,000, $30,000, and $40,000 for various other forts which the General of the Army says are utterly useless and should be abandoned. I hope the gentleman who has charge of this bill [Mr. STARKWEATHER] will be able to give the House some satisfactory explanation of the reason for proposing these appropriations for forts which are pronounced by the General of the Army to be unnecessary, and if he was called upon to defend them he would prefer to do so from the outside.

Mr. NIBLACK. I withdraw my amendment.

Mr. STARKWEATHER. I renew the amendment. The Committee of the Whole having now reached the first item of the bill, I am very willing to reply to what has been said. It is true that General Sherman speaks of fortifications that need no further appropriations; but I wish to call attention to some points in connection with his testimony.

I think General Sherman must be incorrectly reported in this testimony; I know some part of it must be incorrect; and I will state my reasons for this belief. On the twenty-second page he speaks of Fort Tompkins and Fort Hamilton, forts in New York Harbor, the most important forts for the protection of New York City. Without these fortifications for the defense of that harbor any one of the iron-clads of which I have spoken could in one hour do more damage than all the fortifications of this country have cost for twenty years. The only protection we have for New York Harbor is in these forts, which some gentlemen here are disposed to characterize as worthless, but which General Sherman did not so pronounce. I speak to some gentlemen who are well acquainted with New York Harbor, and I propose to show that General Sherman must be incorrectly reported. On the twenty-second page he is reported as saying:

> Fort Hamilton—there is no expense needed; Fort Tompkins—there is some expense needed to finish it up.

Now turn to the twenty-fourth page, and you will find that General Sherman, speaking again in regard to Fort Hamilton and Fort Tompkins, states:

> These are the two great forts at the Narrows. They are the most important forts in the United States at this moment; and I think you ought to give the Chief Engineer what he asks for.

Thus on the twenty-second page General Sherman is reported as saying that nothing is needed; and on the twenty-fourth page he says distinctly that these are the most important forts in the country, and that we ought to appropriate all the Engineer asks for. General Sherman must be presumed to know what he is talking about. I say that he is evidently misreported.

Mr. GUNCKEL. Let me state to the gentleman that this testimony, after being written out, was submitted to General Sherman and revised by him.

Mr. STARKWEATHER. Then, General Sherman changed his mind entirely between the time when he gave the testimony on page 22 and the time when he gave that on page 24.

Mr. ALBRIGHT. Let me call the gentleman's attention to the next question which was put to General Sherman, and his answer to it:

> Question. Your opinion generally is that the work had better be suspended on these fortifications.
>
> Answer. Yes; if you want to save money at this particular juncture.

Mr. STARKWEATHER. Yes; we can save money by suspending all public works, all improvements, by adjourning Congress, and going home. If the mere saving of money is the object, it can be accomplished in that way. But when gentlemen talk about worthless fortifications I call their attention to what General Sherman himself says, and what the Chief Engineer will tell you, that these are the most important fortifications in the country.

Now, it is said that Fort Preble and the other forts on the Maine coast are worthless. Why, there is not a strategic point in the country more important to us than Portland Harbor, which is defended by these forts. The depth of water there, as nobody disputes, is such that even the largest iron-clads could go into the harbor but for the fortifications.

Now these very fortifications were laid out by the most able engineers of the country, on the advice of the Secretary of War, and I have here in a pamphlet before me a clear and able statement of this matter, showing the great importance of the fortifications.

Now what is Portland Harbor? Portland is a rich city. It is the key to all our commerce in that part of New England; and the Grand Trunk Railroad, with one terminus at Portland and the other in the Canadas. That railroad connects with every railroad running in that part of the country, and Portland has been regarded from the time it had a commerce until this day as the most important strategic point on all our New England coast. The importance of these fortifications has been indorsed by such engineers as General Totten, General Humphreys and all his associates, by our former Secretaries of War, by our present Secretary of War, and by General Sherman himself. Without these fortifications, any of these British iron-clads could go into Portland Harbor, and lay that city under contribution, cutting off her railroad connection without hinderance. We have no Navy that could prevent it. Now we ask for a very moderate appropriation, much less than was estimated for, but such as is required by the changes in heavy ordnance. You have to make a change in the matter of the arrangement of heavy guns in these fortifications. And no man who looks at the Chief Engineer's report and sees what has been done from time to time, can dispute the necessity of these changes in order to protect this strategic point so important to our safety as a nation.

[Here the hammer fell.]

Mr. PLATT, of Virginia. I desire to congratulate my friends from Vermont [Mr. WILLARD] and Pennsylvania [Mr. STORM] on the conversion they have undergone in what I believe to be the right direction; that is, a willingness to take advice when given by gentlemen competent to offer it. If I recollect rightly, when we were discussing in the Committee of the Whole the Army bill, that has just been passed by the House, neither of those gentlemen treated the opinions given by the Commander of the Army as against the reduction of the Army, as being worth much, when it came in conflict with their own opinion; and every time that question came up they voted against the recommendation of that gentleman. But now they bring him up as the highest authority that can be quoted in this House. They agree with the statements he made and the opinions he has expressed as to the advisability of allowing these works to go to destruction and decay. Now, it is the Engineer Department whose opinions they despise; and the opinions of General Sherman are to be taken as decisive. I prefer, sir, to be guided in my vote on this bill by the views of the skilled and scientific experts who have made the science of engineering a specialty.

Now, I want to say one word as to the statement which has been made that iron-clads of any size and carrying large guns cannot enter our southern harbors and rivers. Let me remind gentlemen of what occurred a few years ago with reference to some of these harbors and rivers during our late war. When our own iron-clads attempted to ascend the James River to attack the city of Richmond, nothing could have prevented the capture of that city but the presence of the fortifications erected by the Confederate government. But the time is not so very remote, sir, but that every member of the committee can recollect what was the result of that effort on the part of the Navy of the United States, the vessels that were sent there being stopped by the artillery and ordnance of the Confederate States behind the fortifications at Drury's Bluff, put there to defend the James River and prevent the passage of those vessels.

And there is a parallel to this in the case of the Potomac River; commencing with Fortress Monroe, which commands the entrances to the Elizabeth River, the James River, and the Potomac River. Gentlemen will recollect that during the war of 1812 the ships of the navy of England passed by the very slight fortifications at that time

existing, passed up the Potomac River, and succeeded in bringing vessels with draught and guns sufficiently heavy to take the capital of our country and lay this city of Washington and our public buildings in waste, invading and destroying even the residence of our President and our Capitol.

Mr. STORM. Will the gentleman allow me to ask him a question?

Mr. PLATT, of Virginia. Yes, sir.

Mr. STORM. Is it true, as General Sherman says, that Fortress Monroe is finished and needs no appropriation?

Mr. PLATT, of Virginia. No, sir; General Sherman says that it is substantially finished. I agree with him so far that what has been done has been substantially done, if that is what he means. But I do not believe that General Sherman intends to assert, because he would not make an assertion so fallacious, and easily disproved, that that fortification was so nearly finished that it would be safe to abandon all further work upon it.

I hope that gentlemen will consider very carefully before they decide to refuse to vote any appropriations whatever for keeping these fortifications in condition. It is true that they may not be necessary now, when everything looks peaceful. There seems no chance for a disturbance with any foreign power. But should any difficulty arise, it would be possible, I say here without any fear of contradiction, for the vessels of any maritime power with which we might be brought into conflict to enter our southern harbors and ascend our rivers.

[Here the hammer fell.]

Mr. STARKWEATHER. I withdraw the amendment.

The Clerk read the following paragraph:

For Fort Adams, Newport Harbor, $20,000.

Mr. COBURN. I move to strike out the last word. The committee will see that this appropriation bill does not cover so many great points as the number of paragraphs would seem to imply. For instance, the items for Portland, Portsmouth, Boston, Narragansett Bay, New London, New York, and Philadelphia, cover two whole pages in minor designations of forts and works. The next item is for Baltimore; from there the skip is to Forts Foote and Washington, and then to the mouth of the Potomac; from there to Charleston, South Carolina; then to Savannah, then to Southern Florida, and then to the mouth of the Mississippi River, and thence to San Francisco; so that the points provided for by the bill are not very numerous.

Now, I think that everybody must agree that our great cities and strategic points must be defended and well taken care of. In case of foreign war we must have fortifications, and we must have heavy guns at important and vulnerable places. I will call the attention of the committee to General Sherman's testimany on those points, because it is not just that this opinion should be quoted and misunderstood. He is for but a few works. On page 24 of his testimony the committee will get a comprehensive view of what he intended to say. I quote the question and answer, which no one can misunderstand or criticise:

The CHAIRMAN. Then the other point follows. Is any important point left in such a state as that, in case of war, we could not prepare it in a short time for defense?

General SHERMAN. I think I have a right, as a military man, and also as a citizen of the United States, to say that the whole problem of sea-coast defense has changed within my day. The building of railroads, whereby five, ten, or fifteen thousand men may be picked up and thrown from one point to another with great rapidity, and with absolute certainty, takes away from the country all fear of invasion by any nation on earth. We do not fear now the landing on our coast of the armies of any people. The only object of fortifications on the sea-board is, therefore, to protect some rich cities like New York or Boston, which are very tempting to an enemy like England that might dash in, lay the city under contribution, and get out before we could wake up. We do not fear the disembarkation on our coast at Baltimore, or at Pensacola, or in North Carolina, of any enemy, as we did in 1812. Nothing of that kind can now happen. There is no remote apprehension of it. Therefore I would cease this extraordinary expenditure of money at every little place where a schooner, or a brig, or an ordinary ship can run in; and I would only guard the most important harbors of refuge and those great cities which alone can tempt a foreign enemy to make an attack on our coast.

Now, there is the general principle on which this testimony is based, and wherever we find a great harbor or city that is bare of defense, we should make appropriations for that purpose in a judicious and progressive manner. We need great guns more than works of defense on the coast, and both are very desirable at some points.

Now, I have no great fault to find with the appropriations called for in this bill, since they are in the main for exposed important places. I will call the attention of the committee to what General Humphreys says about the exposed condition of some of our harbors. The question had been previously put to General Sherman, in the first place, as to whether the large iron-clads of foreign countries could get into our ports. His opinion is that they could not; but he does not pretend to be a scientific man in that respect. General Humphreys does not agree with him, and says on page 112:

Question. State whether or not the largest-sized guns can be brought to bear from fleets against our present works of defense; whether in most important points the water is not too shallow to admit the approach of vessels carrying those heaviest and most formidable guns.

Answer. It is not. The cases where these ships cannot approach are exceptions instead of being the rule. They can enter Portland, Portsmouth, (which has a navy-yard,) Boston, Narragansett Bay, (a great strategic place,) New York, and Philadelphia. The very largest ships cannot enter Baltimore; but armed ships can get up there. It has 24 feet of water. But still these smaller vessels carry the heaviest guns. All these places can be reached by armed ships, carrying the heaviest guns. The Devastation is a recently built ship, with the most powerful artillery. It is somewhat approaching the monitor class. I think its draught is 26 feet; but ships can be built with a less draught of water that will carry these big guns.

Q. Would they be seaworthy?

A. Yes. I think these larger ships of Great Britain have 25 feet draught. They can, therefore, pass up the entrance to the James River at Fort Monroe. They cannot go to Charleston; but armed ships can go there, because our own ships have gone there. The secondary armed ships, armed with the heaviest guns, can go to Charleston and Savannah. They can get into the lower bay of Mobile and into Key West. The heaviest ships cannot get to New Orleans; but armed ships carrying the heaviest guns can get there. As to San Francisco, there is no question about the depth there. There is also ample depth at San Diego.

Again, on page 113, he says:

I desire to reply a little more fully than I did this morning to your inquiry whether thickly plated or armored ships with the powerful modern guns draw too much water to enter our principal harbors.

The most powerful ships now built, such as the Devastation class, draw 26½ feet of water at the stern, and about 4 feet less at the bow. They are to carry the 35-ton 12-inch rifled gun. The Monarch class draw about 26 feet at the stern and carry the 25-ton 12-inch rifled gun.

The other classes, carrying from the 25-ton 12-inch rifled gun to the 10-inch and 9-inch rifled gun of a penetrating power equal to our 15-inch smooth-bore gun, draw various depths down to about 16 feet aft.

There are small armored vessels drawing only 7 feet of water, carrying one 9-inch rifle, (which possesses the same penetrating power as our 15-inch smooth-bore at 1,000 yards distance.) The gun can be lowered down to the keel of the vessel in rough weather.

Our own most powerful iron-clads, with 14-inch side-armor, carrying four of our most powerful guns, draw 18 feet of water.

All these classes could therefore enter—

1. The Penobscot River; 2. The Kennebec River; 3. Portland Harbor; 4. Portsmouth (New Hampshire) Harbor; 5. Boston Harbor; 6. Narragansett Bay, (a great strategic position;) 7. New London Harbor; 8. New York Harbor; 9. Philadelphia Harbor, (except those drawing 25 feet and over;) 10. Hampton Roads, (the entrance to James River and the harbor of Norfolk;) 11. The Tortugas, (strategic position;) and 12. San Francisco Harbor.

A large part of such ships could enter the harbors of—

1. Baltimore; 2. Washington; 3. Charleston; 4. The mouth of the Savannah River; 5. The harbor of Key West; 6. Pensacola Harbor; 7. The lower harbor of Mobile; 8. Ship Island Harbor; 9. The harbor of New Orleans; 10. The harbor of San Diego, and 11. The mouth of the Columbia River.

We might dispense, it is true, with some of the appropriations here this year, but the testimony of General Humphreys goes to show the bad policy of dispensing too generally with appropriations as to fortifications. He says in reply to a question put by myself:

In reply to your inquiry as to what reduction could be made in the estimate for fortifications, in view of the actual and anticipated falling off in the amount of revenue collected, I have to state that the estimates for the service of the Engineer Department were submitted in August last, before the disturbance in monetary affairs of the country had occurred or was generally felt. The estimate for fortifications amounted to about $3,400,000.

Under the resolution of the House of Representatives, returning the estimates for revision, those for fortifications were reduced to $1,400,000, and subsequently upon a conference with the member of the Committee on Appropriations having charge of this subject, and afterward with that committee, the estimates were still further reduced to about $1,000,000. This sum provides for a very moderate progress on the defenses of most of the chief harbors of the country.

As to the inquiry whether all expenditure upon these works might not be temporarily suspended, I must advise to the contrary, in view both of the incomplete state of the defenses and the unfinished condition of the works. The half-finished earth-work, exposed for any length of time to the weather, would be materially injured, as would be also the unfinished masonry; and the machinery and other expensive means and appliances used in the construction of the fortifications, commonly termed "plant" by contractors, would be seriously impaired by disuse.

A large amount of machinery, derricks, and other material has been collected, and is on hand at these works, and will be a total loss if the work is abandoned. This certainly would be wasteful policy.

Let me say, in addition, that the estimates of the Chief of Engineers for these fortifications have been cut down from $3,400,000 to something over $900,000, a very large reduction, and one which, I think, fairly meets the emergency.

Some of the points named in the bill may be omitted; such as Forts Foote, Washington, Moultrie, and Sumter. But they are not yet reached.

I withdraw the amendment.

Mr. WILLARD, of Vermont. I renew the amendment. My purpose in calling attention to the testimony of General Sherman was not to assail especially the report of the committee. I am not aware that the testimony already read from General Sherman does seriously assail any appropriation made here, except the appropriations for Fort Foote and Fort Washington on the Potomac River. In respect to these, General Sherman says:

Fort Foote—of course not any there.

Fort Washington—that would be a waste of money. God only knows what we want a fort there for. No iron-clad ship can get up the Potomac River; we can hardly get vessels drawing 13 feet of water up the river.

Now, of course I recognize that it is desirable to have some fortifications on important harbors where there are important and valuable interests that might be assailed by vessels of war coming into those ports; but, as I think most of the members of the committee know, there is no such thing as finishing any one of these forts. After a fort has once been begun it never is completed, so that the Department is asking here every year for more money for the purpose of completing the fort.

Now it is pretty obvious that we cannot defend our coast line or our frontier line by forts so as to prevent a foreign power, if it should happen to make war on us, from landing troops on our shores. But General Sherman testifies that modern warfare has rendered any apprehension of that kind out of the question.

In case we should anticipate a foreign war we have nothing to fear by way of foreign invasion. I suppose there is possibly some apprehension that foreign vessels of war might attempt to attack some of our sea-ports, and so far as there is any reasonable apprehension of that, unquestionably they ought to be reasonably guarded.

But this idea that we are to maintain forty, or fifty, or sixty, or one

hundred forts all along the line of our sea-coasts, which can be of very little earthly use, probably never used against a foreign foe, and if we should ever have a rebellion or secession in this country they would only be of help to that portion of the country that might secede—that, I think, would be a waste of money. It would be simply continuing works that will never be of any service to the country as a means of defense, only furnishing places where, year after year, we can put money out of the Treasury by way of appropriation.

Now, if it can be shown, as it doubtless has been shown in many of these cases, that there is a need for some of these appropriations, there should be no objections to making them. It is a very agreeable thing that the Committee on Appropriations have reduced the estimates for this purpose from over $3,000,000 to less than $1,000,000. It has occurred to me that if we are ever going to come to a peace basis, if we suppose that wars are ever to end, if this glorious era, which the republican party has advertised itself as having inaugurated, when all national differences are to be reconciled and adjusted by arbitration, is to continue, then the time has come when we may at least stop throwing away money upon fortifications which, in the main, are useless.

[Here the hammer fell.]

Mr. GARFIELD. I desire to say a word or two in regard to some of the points which have been made in this debate. I entirely concur with the aspirations of gentlemen about me who desire to reduce the appropriations. But I hope we will not in any of our reductions of appropriations determine just simply to neglect public necessities.

Of course I know that it is possible to lay aside this appropriation bill altogether, and not pass one for a single year. Perhaps we may safely do so for half a dozen years. If no war came we might do it forever. But in the midst of our work of reduction we were compelled to inquire whether it was entirely safe for us to leave out of view the possibility of a war. It seemed to us that it would be unstatesman-like to say that we would do nothing whatever in reference to the possibility of a war along our coasts.

Gentlemen have said two or three things about these appropriations being in round sums, that there are not odd hundreds of dollars, or odd dollars, or odd cents. That is because we are continuing work on all of these fortifications; we are not completing any of them. Therefore we appropriate a round sum. We have, in almost every case, cut down below the sum estimated. Of course the cutting down was in some measure hap-hazard.

We said to the Chief of Engineers that instead of giving him the $3,600,000 he asked for we would give him but $1,000,000, and that he might distribute that $1,000,000 where he could convince us it was most wise and proper to distribute it. And the distribution was made in this wise: We give $125,000 for torpedoes. We believe that the appropriation of money for carrying out the new system of torpedoes recently invented, which is merely the laying in store of material for griddling our harbors across with torpedoes that shall destroy any vessel that may attempt to enter them against our will, is a wise investment, and not a wasteful consumption of money. We give $60,000 more for carrying on the surveys in the Territories under military supervision. That really does not belong to the fortification bill, although it annually comes in this bill. Then we give $75,000 for any contingencies that may arise; where any work may be injured by flood or anything that may happen, by exposure or otherwise. That makes $260,000 of the $994,000 appropriated by this bill.

The remaining sum appropriated, which is not large—only a little over $600,000—is distributed to two classes of forts only; first, those of commercial importance, like the forts in or near great cities; and, secondly, those of recognized strategic importance in case of a foreign war. If there be any forts appropriated for in this bill that do not come within one or the other of these categories, then they should be stricken out. So far as my personal opinion is concerned, I see no particular reason why we should appropriate any sum of money for Fort Washington, on the Potomac. That might be stricken out, and a few others, perhaps. But let us keep in all the rest; let us see that the important commercial and strategical points are fortified.

[Here the hammer fell.]

Mr. WILLARD, of Vermont. I withdraw my amendment.

Mr. GUNCKEL. I renew it, for the purpose of saying that I desire to vote with the committee and with the majority; but I find it a little difficult to follow them in this bill. I want my distinguished friend from Connecticut [Mr. STARKWEATHER] to tell me how I can go home and explain to my people why I voted $20,000 for Fort Washington, when General Sherman, in whom the people have great confidence, says that it would be a waste of money.

Mr. STARKWEATHER. Tell them, in the first place, that General Sherman is not an engineer, and in the next place that the greater portion of these forts he speaks of he never visited in his life.

Mr. GUNCKEL. I cannot tell them that, because I do not know it to be true. Besides, the people of the country have confidence in General Sherman. He is the head of the war establishment, and is naturally presumed to be familiar with the wants of that establishment.

The bill contains other paragraphs in reference to which a similar remark may be made. Here is an appropriation of $30,000 for Portsmouth Harbor. In reference to this, General Sherman, when asked whether it was necessary, said, "I think not." Now, how can I go home and defend a vote in favor of this appropriation of $30,000, when General Sherman, the head of the war establishment, says he does not think it necessary? So with regard to Boston Harbor, for which the bill proposes an appropriation of $40,000. General Sherman says it is unnecessary. Thus you can find in this bill appropriations amounting in the aggregate to $200,000 or $300,000, which expenditures the General of the Army says are not necessary.

Mr. E. R. HOAR. Is not the gentleman mistaken in saying that the appropriation in this bill for Boston Harbor has been declared by General Sherman to be unnecessary? I do not so understand.

Mr. GUNCKEL. I read from page 23 of the testimony:

The CHAIRMAN. The aggregate amount asked for Boston Harbor is $315,000.

General SHERMAN. If you are flush of money and want to spend it you can do it on forts easily enough; but if you must economize, I should judge that now is a good time to begin on these fortification estimates.

Mr. E. R. HOAR. The Committee on Appropriations have left out everything in regard to Boston Harbor except a single appropriation, which was not among those that General Sherman said were not needed.

Mr. GUNCKEL. I do not know as to that particular case, I do not care as to any particular case; but here in this bill are dozens of fortifications for which General Sherman says it would be a waste of money to continue the appropriations. Now, I would like my distinguished colleague [Mr. GARFIELD] to tell me how I can go home to my people, who are in favor of retrenchment, reform, and economy, and explain to them a vote in favor of appropriations amounting to two or three hundred thousand dollars for purposes for which General Sherman says it is a waste of money to make appropriations?

Mr. STARKWEATHER. Mr. Chairman, the trouble is that gentlemen do not take the bill as it is. Instead of taking up and discussing the separate items as we reach them in order, gentlemen discuss all these points together. If they would confine their remarks to the particular item under consideration, a definite answer could be made.

But in regard to Boston Harbor, I wish to say that while the estimate was over $300,000, we have cut down the appropriation to $40,000. I do not understand General Sherman to say that the sums proposed to be appropriated in this bill (less than one-fifth of the estimates) are not needed. If he does say that, he does not give any reason for it, any more than in the case of Fort Hamilton and Fort Tompkins, in reference to which he is reported as saying on one page that no appropriation is necessary, and on the next page that they are the most important forts in the country, and that the engineers ought to have all they ask.

Now, as I understand, Mr. Chairman, we have reached, in the consideration of the bill, the appropriation for Fort Adams, Newport Harbor. If the other items have been passed I would like to give a reason for this. The water in that harbor is the deepest on our coast. This fortification commands the entrance of that harbor. Now, we do not propose to appropriate any great sum. Some gentleman has said, "These works are never finished." Why, sir, we make no appropriation this year for one-half of our forts. There are forts for which we have not appropriated for several years. But let me refer in detail to the case of this fortification at Newport Harbor. It is a protection to Fall River and Providence. During the last war Newport and New London were the rendezvous of our naval vessels. It is a place most important to be fortified, because it is the very place where, in case of war, all our commerce, amounting to millions of dollars, would go for protection. The Engineer Department recommend for this work a very moderate appropriation. For what purpose? Simply to change some works which require larger guns than we formerly used. If General Sherman's attention had been called to the fact that these inconsiderable appropriations have for their object to substitute, for guns which would not be worth firing off against a British man-of-war, guns that amount to something, and which require different platforms and masonry, he would readily see that the appropriations are necessary.

Now, my friend from Vermont [Mr. WILLARD] is very peaceful. He anticipates the time when we shall not have any more war. In the early part of this discussion I referred to the fact that England has to-day about fifty of the strongest iron-armored ships that were ever built in the world. This does not look much as if we need tear down our fortifications. A British authority has said in reference to those war vessels that the most powerful of them was made with reference to crossing the Atlantic, entering our harbors, and laying our cities under contribution. Now, a peace platform would be a very poor protection against an iron-clad that could send a shot that would penetrate almost the thickest walls; and it would be very peaceful indeed for us to leave our fortifications without a single gun to respond to the attack of such a vessel. Now, if we are to do anything to protect our coast against this class of armored vessels with their heavy guns, we cannot do less than make such appropriations as are proposed in this bill.

I withdraw the amendment.

Mr. BUTLER, of Massachusetts. I renew the amendment. I have heard my distinguished friend from Ohio [Mr. GUNCKEL] quoting to us the testimony of General Sherman; and having read that testimony, I must say that while I have a very high respect for General Sherman as a military officer, I think he makes about the poorest witness I have ever met. [Laughter.] I can quote General Sherman against General Sherman on every page. Let me give a specimen:

The CHAIRMAN. Do you think that it is advisable to go on with the rapid manufacture of small-arms?

General SHERMAN. No, sir; we can buy them from the private establishments faster than we can collect and equip men to use the arms.

Mr. HAWLEY, of Connecticut. You cannot start making a new pattern of gun within six months' time in any of these factories, because they have first to go to work and make the tools, and the tests, and the gauges. But when they get the machinery in order they can turn out arms with great rapidity.

General SHERMAN. You ought to have on hand two hundred thousand of the best possible muskets at all times.

The CHAIRMAN. Would or would it not be necessary to have the machinery for making arms?

General SHERMAN. It would not, because that machinery may be superseded by new inventions. * * * * *

Then we have General HAWLEY again asking this question:

Mr. HAWLEY, of Connecticut. An arms-manufacturing establishment in my own town is now finishing a contract for the amount of $1,100,000, and is making machinery for the new Prussian rifle, because they can make better machinery here than in Prussia.

General SHERMAN. The Springfield armory is very fine, and should always be kept in full operation for account of the Government.

Now, I did not dare read this when I was urging more appropriation for the Springfield armory. I did not know on which side he was. [Laughter.] I might have read a part, but some other gentleman might have risen and read the other part. [Renewed laughter.] As I have stated, while I have the highest respect for his military abilities, yet when he talks about forts—never happening to be where there were any during his operations; he always had an open field and trusted to legs rather than to intrenchments [laughter]—I do not think his opinion should supersede that of trained engineer officers.

Mr. COBURN. Was he not at Vicksburgh and Atlanta?

Mr. BUTLER, of Massachusetts. Yes, sir; there were earthworks there. What he would have done if they were of stone I do not know.

I am glad to hear my friend from Ohio, [Mr. GARFIELD,] chairman of the Committee on Appropriations, say we ought to act as though there was possibility of war. That is what I wanted him to say the other day when we had up the appropriation for small-arms. Why did he not say that then?

Mr. GARFIELD. We gave you $100,000 for the Springfield armory.

Mr. BUTLER, of Massachusetts. But you did not give as General Sherman wanted you to, for then you would have appropriated sufficient to keep the Springfield armory in full operation. Have you done that? By no manner of means. On the contrary, I wish to say I have been at the Ordnance Bureau, and have been informed that on the 1st of July next they will have to discharge two hundred and fifty skilled workmen on your appropriation.

My opinion is worth little or much, as it may be; it would be a great deal better to put this appropriation into large, heavy guns, able to penetrate iron-clads, and trust for fortifications to what our soldiers can throw up in a few hours by the shovel. There is no work I have ever seen equal to an earthwork. There is hardly a fort you have got with reference to which I would not feel like saying with Farragut, when they put him into an iron-clad and the iron bolts began to rattle, "Let me get out on deck where I shall be safe." [Laughter.]

Mr. COBURN. Let me read from General Sherman on that point.

Mr. BUTLER, of Massachusetts. I would if I had time.

Mr. COBURN. It confirms what you say.

Mr. BUTLER, of Massachusetts. Which part are you going to read? [Laughter.]

Mr. COBURN. Let me read:

The CHAIRMAN. Would it not be better to expend money on heavy guns rather than on forts?

General SHERMAN. It would be far better for us to buy the best guns and carriages and store them at points convenient for transportation. The money would be far better spent in that way than in building forts which cannot be moved.

Mr. STARKWEATHER. We had proof of that when our iron-clads and monitors, with the heaviest guns, were compelled to withdraw disabled from their attack upon the brick work at Fort Sumter after two hours' contest.

Mr. BUTLER, of Massachusetts. Let me answer that. It was not until we had battered down Fort Sumter from a brick fortification into an earthwork, throwing the bricks down into a natural slope, thus making it impregnable—until we had thrown down that brick fortification when it was occupied by United States soldiers after two days' firing by raw recruits; I say it was not until after we had battered it down thoroughly and made an earthwork—and that was all it was—that it withstood all our fleet. You can throw up sea-sand in ten hours, with a good corps of engineers and workmen, and make a fortification which would last just as long. The trouble with Fort Sumter was it was built on ripraps in the water, where an earthwork would be impossible.

The Clerk read as follows:

For fort on Willet's Point, East River, New York, $30,000.

Mr. HOLMAN. I wish to inquire of the gentleman having charge of this bill whether this work at Willet's Point is an established fort or a work now being constructed?

Mr. STARKWEATHER. This is an important point. Everybody knows that that was the point most relied on when the Spanish vessels were expected to get to New York.

Mr. GARFIELD. The work has been going on for some time.

Mr. HOLMAN. I move to reduce the appropriation to $5,000; and I desire to have read the views of General Sherman on this work.

The Clerk read as follows:

Fort at Willet's Point will be, in connection with Fort Schuyler, a very important work in the event of the Government succeeding in deepening the channel by Hell Gate to the extent of thirty feet. If that is done it will, in my judgment, reverse the foreign commerce of New York, and bring it all through Long Island Sound past Hell Gate to the East River, allowing such ships as the Great Eastern and the largest ships of the world to come through Long Island Sound. In that event the heavy iron-clad fleets of England could come through the sound, and we would have to have a fort at Willet's Point; but at present, and until that is done, I would not spend a cent on it.

Mr. HOLMAN. I desire to call the attention of the committee to the statement made by General Sherman. He makes a very clear statement of the position of the fort at Willet's Point in connection with Fort Schuyler, and informs us that in the presence of the improvements of Hell Gate there is no necessity for spending a dollar on the fort at Willet's Point. I understand this to be an established fort, and suppose that some small sum may be necessary to be appropriated for the purpose of keeping the armaments of the fort in proper condition. I inquire of the gentleman having charge of the bill if that is necessary, and if so what sum is so required?

Mr. STARKWEATHER. If there is any one thing in the whole bill that the engineers before us thought was most important it was this very item. There cannot be anything more important. The argument of the gentleman from Indiana, so far as General Sherman's opinion is concerned, is predicated on an incorrect basis.

Mr. HOLMAN. I only desired to inquire of the gentleman from Connecticut whether an appropriation was necssary to keep up the armament of the fort, and if so what sum was necessary for the purpose.

Mr. STARKWEATHER. General Sherman goes on the hypothesis that none of these iron-clads can enter New York Harbor now. But three-fourths of them can; and the Engineer Department regard this as a matter of most vital importance.

Mr. HOLMAN. No doubt; where money is to be expended it is always a matter of vital importance. But what I want to know is whether it is necessary to appropriate a sum of money merely to look after the armaments; and if the gentleman is able to answer that inquiry I will be obliged by his doing so.

Mr. KELLOGG. I desire to say that this small amount is appropriated simply for the purpose of defending the entrance to New York Harbor through Long Island Sound. There has been a large amount of money expended for removing the rocks at Hell Gate; and when that work is complete that will be the channel for the commerce of the city of New York.

Mr. HOLMAN. We have here the report of the General of the Army. Here is a gentleman who is, above all others, interested in the work of national defense, and he tells us that in the present condition of this work he would not spend a dollar; and yet Congress is called upon to spend $30,000 in the very teeth of this report of the head of the Army.

Mr. WOODFORD. These forts guard the entrance to New York by way of Long Island Sound.

Mr. HOLMAN. Everybody knows that.

Mr. WOODFORD. From the tenor of the gentleman's remarks I had feared lest there might be members who dreamed that these forts lay among the prairies of Central Indiana, and not at the entrance to the great commercial metropolis of the nation. The channel of Hell Gate, as was stated by the gentleman from Connecticut [Mr. STARKWEATHER] is being deepened and will very shortly be in a condition to admit the largest vessels. You spend thousands of dollars at points that are immaterial to the commerce of the country; and a paltry $50,000 to keep in repair and place in effective condition the works that guard this entrance to the harbor of New York, gentlemen, under the pretended plea of economy, attempt to resist. I trust to the discretion of this House to pay such heed to the commerce of New York as will give us the little money that is necessary to continue the work upon these fortifications during the current year.

Mr. HOLMAN. I withdraw the amendment.

Mr. POTTER. I renew it for the purpose of saying that the approach to New York from the East through Long Island Sound carries the most water of any approach to New York till you get to very near the city; in fact, until you get within the city limits. The Great Eastern, when she came up a few years ago, in seeking to reach New York, was unable to go in by the ordinary entrance at Sandy Hook, but came by the Long Island Sound, getting within the present city limits as far as the foot of One hundred and fiftieth street, I think. The largest vessels can come in now past these works to which the gentleman from Indiana [Mr. HOLMAN] referred, and can reach a point within the present city limits without being compelled to wait until the excavations to which he refers at Hell Gate can be finished.

Beyond that I can say that vessels drawing over twenty feet of water can pass Hell Gate in the present condition of the works, and of course when the works are completed, which will widen the channel, the heaviest vessels are expected to pass it. But the condition of the water at present is such that vessels of a most dangerous character could now actually come within the city limits but for these forts; and if any place ought to be defended one would suppose that a place of the magnitude of the city of New York ought to be. I repeat that vessels of a very destructive class can, in the present condition of the water at Hell Gate, come within the city limits of New York, and can only be kept out, in case of hostilities, by the fort at Willet's

Point on the one side and Fort Schuyler on the other, where the sound narrows up to the East River. In short, no other fortification in the whole bill is more important to complete, nor indeed so important as this very fort at Willet's Point, to an appropriation for which the gentleman from Indiana objects.

Mr. ALBRIGHT. I renew the amendment. I think gentlemen forget, in this discussion, that within a few years a great change has been effected in the ordnance desirable for our fortifications. The old heavy ordnance has already become obsolete; hence there is great necessity for new armaments for our forts. With the view of throwing some light on this subject, I desire to read a question submitted to General Humphreys on this subject, and his answer:

Question. What number of heavy guns, if any, do we need for the present works?
Answer. The number of additional positions and platforms which will be ready for heavy guns on the 30th June next, but for which, so far as I am informed, there are no guns, will be approximately as follows: About 266 for 15-inch and 13-inch smooth-bore or equivalent rifle guns; about 400 for 10-inch guns, and about 50 for mortars of the heaviest kind.

Respecting the necessity of providing more 10-inch guns, I have to remark that the plans for modifying the existing works and batteries, and for new works and batteries prepared since 1866, make no provision for heavy guns of less caliber than the 15-inch smooth-bore or equivalent rifle gun. Existing positions for smaller guns, which are not modified for the large guns, remain.

Now this is but a very small appropriation to meet the new demands that have arisen for the defense of the country. Gentlemen know that I was not much in sympathy with the idea of reducing the Army and opening our borders to the Indians. Hence I am not much in sympathy now with the striking down the appropriations for our coast defense. Some time ago there was a discussion as to whether our large cities were not open to the attacks of the naval armaments of foreign countries. On that subject General Humphreys, who is an engineer and a scientific man, says that nearly all our sea-coast towns are open to attack from the war ships of the enemy, and after referring to the Devastation and Monarch class of vessels, he says there are other classes of vessels which can enter a number of our ports; and he gives a list of the ports so exposed.

Now, every one of these places for which appropriations are asked, being in a condition which these vessels can enter, it seems to me that it would be manifestly unjust to withhold appropriations to put those places in some condition of defense, with the new armaments that are necessary for the present time.

[Here the hammer fell.]

The question recurred upon Mr. HOLMAN'S motion to strike out "30" and insert "5," so as to reduce the appropriation for the fort at Willet's Point, East River, New York, to $5,000.

Mr. HOLMAN. I wish to say a word in reference to that amendment. The gentleman from Connecticut who has charge of the bill has not seen proper to inform the House or the country what is the necessity for this appropriation. I feel compelled to assume that some smaller sum is necessary; but if the gentleman from Connecticut and the gentlemen from New York expect the country to approve of appropriations of money which are made in defiance of the matured judgment of the General of the Army, when he recommends that not a cent shall be appropriated, I think they labor under a very great mistake. The country expects no money to be spent unnecessarily. New York City is entitled to the same consideration as any other portion of the United States, and no more. The position of General Sherman is that works of this character, as was shown during the war in the case of the forts at the mouth of the Mississippi River, and the forts at Vicksburgh which the confederates held for the purpose of commanding the navigation of the Mississippi River, practically amount to nothing, and that temporary works thrown up on the spur of the moment are more effective. Sir, it was also shown during the late war that that famous fort in the harbor of Charleston, Fort Sumter, a fortification constructed with brick, and stone, and marble, became valuable only when it was reduced to a mere earthwork. Now, sir, the General of the Army recommends that not one cent shall be appropriated for this fort at Willet's Point or for Fort Schuyler, and yet gentlemen with no experience in the Army or in matters of national defense, insist that this money shall be appropriated. Talk about economy, or the possibility of it, when, in the face of the officer who is responsible in these matters, gentlemen in this House insist that an appropriation like this be made!

Mr. STARKWEATHER. I wish to say to the gentleman from Indiana that the sum reported in this bill is less that half what was reported many years before the war. The appropriations are cut down to a smaller figure than before the war.

Mr. HOLMAN. Why, certainly; but General Sherman says that for these works not one cent should be appropriated. Who is to be the adviser of the Government?

Mr. STARKWEATHER. The engineer who examined the works.

[Here the hammer fell.]

Mr. HAWLEY, of Connecticut. I hardly thought it necessary to say anything on this point; but it seems that the gentleman from Indiana really intends to press his amendment. I want to correct a misapprehension under which some gentlemen seem to labor, and that is, that the old-fashioned forts of brick and stone are worthless. That is a very great mistake; they can repulse the most powerful fleet.

There seems to be a mistake in the minds of gentlemen here about the work that Fort Sumter did. When Fort Sumter was first attacked by Du Pont's fleet—and I was in the subsequent siege operations, and I witnessed a large portion of them myself—it had not then been battered into the condition of an earthwork, to which reference has been made. It was then in its original condition, with perpendicular walls of stone and brick, and it did repulse the iron-clad fleet. These old-fashioned brick and stone works can do that again.

This is the trouble about them; if these heavy iron-clads can lie up against these brick or stone forts in spite of the torpedoes, they can in no long time knock the walls to pieces. Or if you can make regular approaches on land, planting your heavy modern siege-guns, you can in a little time knock these forts into the condition of Fort Sumter, resembling earthworks. In that condition they are also very powerful to resist an attack; for wherever you strike the slope with a heavy shot, the earth flies up into the air, and comes down, and settles into position at an angle of forty-five degrees, and it is as good as it was before. Our people, with their heavy guns on land at a mile's distance, so battered and breached Fort Pulaski in thirty-one hours' firing that it was compelled to surrender. But Fort Pulaski, when properly armed, was capable of keeping off for a long time almost any attack that could be brought to bear against it by ships of war.

Now, in regard to this appropriation for Willet's Point, I have no question that the engineers are right. We must take the word of somebody, and there is no word better for us to take than that of this board of competent and patriotic officers. They are the ablest men in the profession, and they are capable of giving you the best advice you can have. You must have the entrances to New York Harbor both well defended. As for this appropriation of $30,000, not one cent of it is for guns. The gentleman from Indiana [Mr. HOLMAN] seems to think that it might be appropriated for that purpose, and he spoke of $5,000 being sufficient. Why, sir, $5,000 would not buy one of these 20 or 15 inch guns. This appropriation is necessary to carry on the work which has been begun here. It is only one-half done. It is like a man with one leg in his trousers; and the question is whether he shall go and clothe himself or back out entirely. [Laughter.]

Mr. HOLMAN. I would like to inquire of the gentleman from Connecticut [Mr. HAWLEY] what this $30,000 is for?

Mr. HAWLEY, of Connecticut. It is for building the fort.

Mr. HOLMAN. It has already been stated that this work has been constructed.

Mr. HAWLEY, of Connecticut. Not at all; it is in progress of construction.

[Here the hammer fell.]

Mr. HOLMAN. I move to amend by striking out the last word. Gentlemen seem to think that we are entirely justified in putting our judgment and the judgment of engineers against the judgment of the head of the Army. Fort Schuyler is designed for the same purpose as this new fort at Willet's Point. We are told that not a dollar should be appropriated on this work. No gentleman will say that an officer of the capacity of General Sherman would lie to Congress on this subject, or that any person who feels the solicitude that distinguished officer and citizen must feel in national defenses, would give wrong information. No man of his capacity would wrong the Government in the matter of expenditure of public money upon subjects coming within the purview of his official duties.

General Sherman has told us that this appropriation should not be made; yet gentlemen claim that it should be made. It seems to me that it is but a barren result of our professions for economy, if we make appropriations of this kind. Here is a work not needed heretofore, a work only in process of construction, a work in connection with Fort Schuyler in the immediate vicinity. And yet in a time of profound peace this sum of money is to be appropriated for this unnecessary work.

Mr. HALE, of Maine. Will the gentleman permit me to ask a question?

Mr. HOLMAN. Certainly.

Mr. HALE, of Maine. Does not the gentleman recognize the fact that this is clearly a case of divided authority? The General of the Army gives one opinion in respect to this matter and certain other matters in this fortification bill, and in that respect he is at odds with the Engineer Department. Is it not a question between the two? Giving General Sherman all the credit due for his illustrious service, and giving the Engineer Bureau all the credit due to that Bureau, is it not a question about which men may be divided as to the weight of authority?

Mr. HOLMAN. I can see that. The gentlemen who have charge of the work are in favor of the appropriation, and the General of the Army resists it. And we are asked to throw the weight of our judgment in behalf of the expenditure of this money.

Mr. HALE, of Maine. It is not a question between General Sherman and local influences, but a question between General Sherman and the recommendation of the corps of the Army which has immediate charge of this matter; a corps which has no more to do with local influences than the gentleman himself.

Mr. HOLMAN. Does not the gentleman know that a single officer has charge of that work, and that upon his report alone the recommendation for this appropriation comes to us from the Engineer Corps?

It is the act of a single gentleman connected with the Army who has charge of that work; it is not the act of any board. These estimates are based upon the single recommendation of the engineer in charge; yet gentlemen here undertake to put his judgment against that of the General of the Army. In this hour of economy we are told that the presumption must be in behalf of a subordinate who

recommends large appropriations rather than in behalf of his chief commanding officer who speaks in the interest of economy.

Mr. HALE, of Maine. I do not think the gentleman from Indiana [Mr. HOLMAN] would claim that the Engineer Bureau in the Army is a body of men that would be influenced by local pressure, or ever have been.

Mr. HOLMAN. I do not know that such is the case, and it is not material to the subject. The proposition here is to put the judgment of a single local engineer at Willet's Point and Fort Schuyler against that of the General of the Army.

Mr. HALE, of Maine. It is the recommendation of the whole Engineer Bureau.

Mr. HOLMAN. Does not the gentleman from Maine know that the reports which come to us from the Engineer Corps are founded entirely upon the judgment of the local engineers?

Mr. STARKWEATHER. I want to say that General Humphreys and two or three of his best engineers have repeatedly examined this point personally, and they regard it as the most important defensive work around New York.

Mr. HALE, of Maine. They all agree in that opinion.

Mr. STARKWEATHER. And General Sherman himself concedes its importance.

Mr. WHITEHOUSE. Mr. Chairman, I am quite familiar with the approaches to New York Harbor by way of Long Island Sound; and as the gentleman from Indiana [Mr. HOLMAN] has stated that this fort has not been required until quite recently, I will say, for his information, that by way of Long Island Sound the largest men-of-war can come within such distance of New York City as to bring their guns within range of its rapidly extending population. In my opinion, no point around New York Harbor requires more attention than the entrance from Long Island Sound.

Mr. MELLISH. Mr. Chairman, every one who knows anything about this matter knows that this is one of the most important and necessary appropriations that can be made. It is designed for one of the most important of the approaches to New York, one which is destined, probably, to be the most important when the channel at Hell Gate shall have been deepened. The engineers, the men who know most about this matter, recommended an appropriation of $75,000; and that sum ought to be voted by this House. The Committee on Appropriations, however, have cut down the amount to $30,000; and now gentlemen here wish to reduce the appropriation to even lower figures, giving no more for this important defensive point than is proposed to be appropriated to places of comparatively no consequence. I cannot understand this attack on the city of New York. A blow against New York is a blow whose shock reaches the whole country. I do not see any reason why the House should accede to this demand.

There is no economy in cutting down this appropriation in the manner proposed. Here is a fort which is in process of completion, and the gentleman from Indiana [Mr. HOLMAN] would stop the work upon it. It is a most important defensive work for the greatest commercial city of our country. In the present condition of the approaches to that city, formidable war vessels could come there and make their attack. This fort is indispensable to protect that passage. The statement made by my colleague [Mr. POTTER] on this subject is entirely correct. The work on this fort ought to be continued. The appropriation for it should be increased rather than diminished. The engineers, in recommending an appropriation of $75,000, knew what they were about. General Sherman, whose authority is appealed to, cannot be assumed to understand from cursory observation these naval approaches so well as these engineers, whose special business it is to report upon the condition and needs of this defense.

Mr. W. R. ROBERTS. Mr. Chairman, I regret to see that my friend from Indiana, [Mr. HOLMAN,] for whom I have a great deal of respect, and whose economical principles are exercised upon all occasions upon this floor when the interests of his own immediate locality are not involved, should oppose these necessary appropriations for the defense of New York Harbor. As was remarked here the other day, the gentleman from Indiana is a very excellent "watch-dog of the Treasury," except when any of the family passes by, and at such times he forgets to bark. I wish he would exercise his musical voice—I will not say his bark—more consistently and impartially. I have too high a respect for the gentleman's integrity to question for a moment his motives. I admit that they are entirely honest; but I think he is often mistaken. In the present case he is laboring under a mistake which influences so many other gentlemen from his section when they come to legislate for matters connected with the great commercial interests of New York City. Of course he knows the value of that city to the country at large. He knows how vitally important it is that every part of the city of New York and its surroundings should be protected against the attacks of foreign foes; and he knows what a mere bagatelle the sum of $30,000 would be when applied to the work of protecting the city of New York in case of war.

The gentleman quotes the General of the Army to justify his opposition to this bill; but let me refer to the language of that officer:

> Fort Schuyler and the fort at Willet's Point would be important in the event of a channel being opened through Long Island Sound and through Hell Gate.

Now, there is already a channel through Long Island Sound. A few years ago the Great Eastern could find only one channel to approach the city of New York, and that was through Long Island Sound, the very place for which this appropriation is asked. And as to Hell Gate, we have for the last four or five years appropriated large sums of money to remove the obstructions at that point, so as to allow foreign commerce to approach the city of New York by a shorter route, thus saving a day's sailing even to steamers.

Mr. KELLOGG. Let me suggest to my friend from New York that it also saves a very dangerous coast outside.

Mr. W. R. ROBERTS. Certainly; and I thank the gentleman for the suggestion. The very fact that this fortification may be needed in the event of such a contingency, which we should not only anticipate as possible, but which we may expect to happen at an early day, is enough for this House to take action at once in putting this fortification, declared to be so indispensable, in the most perfect condition of defense. Whatever ill-considered remarks may have been made by the General of the Army on other questions, they have nothing to do with this appropriation. We have here the strongest testimony from General Sherman that he considers this fortification indispensably necessary for the proper defense of the harbor of New York in the contingency of a conflict with any foreign power. I hope the House, therefore, will not act in any unwise and unpatriotic manner, but will consider, in whatever action may be taken, the city of New York, as it is, as the great heart of this great nation.

[Here the hammer fell.]

Mr. ARCHER. The amendment is withdrawn, and I will renew it for the purpose of saying a few words.

Now, Mr. Chairman, whatever may be the recommendation of General Sherman, or whatever may be the recommendation of the Corps of Engineers, we have a duty to perform here which overrides the recommendation of either, or both. I assert here as an incontrovertible fact, that the city of New York is in an indefensible condition against the iron-clads of foreign nations. I say no scientific man connected either with the Army or Navy of the United States will pretend to say the city of New York can be defended against these iron-clads, except in two ways. One way I should be ashamed to see the nation adopt, that is, by sinking vessels in the harbor to prevent the passage of iron-clads. The other is by depending upon torpedoes; and depending upon that, sir, is depending upon a most doubtful and uncertain defense. The torpedo system in this country is yet, I may say, in its infancy, and while it is in its infancy the defense against torpedoes has as fully advanced as the torpedo system itself.

The English people, the French, and the Spanish, are now providing defenses against torpedoes, by throwing out net-works and by various other means. And if, sir, we adhere to the reduction of the Navy, which was one means of defense, and which reduction has been made by this House, and we go still further, as proposed by this bill and by the proposition of the gentleman from Indiana, [Mr. HOLMAN,] reducing this appropriation, then the great metropolis of this country, which affects every part of the body-politic, will lie at the mercy of any power which may choose to attack us.

Sir, we are here to act, as I say, independently of the recommendation of the General of the Army, independently of the Corps of Engineers, and according to our own lights—lights which we derive from information of scientific men all over the world, to see that our country is properly defended against all comers.

Mr. STARKWEATHER. I hope we will now have a vote.

Mr. O'BRIEN. I think it is time for the committee to rise, as we are to have a night session for business.

The CHAIRMAN. The *pro forma* amendments will be considered as withdrawn.

Mr. STARKWEATHER. I hope we will not rise now, but go on with the bill.

Mr. W. R. ROBERTS. I hope the committee will not rise, but settle this question to-night.

The committee divided on the amendment; and there were—ayes 30, noes 40; no quorum voting.

Tellers were ordered; and Mr. STARKWEATHER and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 86, noes 90.

So the amendment was not agreed to.

Mr. SENER. I move that the committee rise.

Mr. STARKWEATHER. Let us go on until we have got beyond these items which have been under discussion.

Mr. SENER. Very well; I withdraw the motion.

The Clerk proceeded with the reading of the bill.

Mr. COBURN. I move that the committee rise, and I insist on my motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration a bill (H. R. No. 1037) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense, and had come to no conclusion thereon.

JOINT RESOLUTION.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 43) authorizing a special court of inquiry concerning General O. O. Howard.

And then, on motion of Mr. GARFIELD, (at half-past four p. m.,) the House took a recess until half-past seven p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

The Clerk will report the amendment which was pending when the House adjourned on last Thursday evening.

The Clerk read as follows:

On page 460, in line 29, after the word "run," strike out these words, "which shall be distinctly stated," and insert in lieu thereof "and shall be invalid unless so limited;" so it will read:

Fifth. It shall have a fixed limited time to run, and shall be invalid unless so limited.

Mr. POLAND. This amendment was offered by the gentleman from Indiana, [Mr. SHANKS,] a member of the Committee on Indian Affairs. It was referred to the Committee on Revision of the Laws, and has not yet been examined by them. And I will say, Mr. Speaker, that the committee will probably have some further amendments to propose in this chapter. But the gentleman from Ohio [Mr. LAWRENCE] who has had that chapter in charge has not been able to bring the amendments before the committee as yet. Therefore I propose to pass over this chapter this evening and take up another title, which has been under the charge of the gentleman from Wisconsin, [Mr. BARBER.]

The SPEAKER *pro tempore*. If there be no objection the pending amendment will be passed over in accordance with the desire of the gentleman from Vermont, [Mr. POLAND.]

There was no objection.

Mr. BARBER. I ask the attention of the House to title 32, "public lands," beginning on page 487. The first amendment I have to propose is to section 2213, on page 488.

The section was as follows:

SEC. 2213. The surveyor-generals of Louisiana, Florida, Minnesota, Kansas, Nebraska, and Iowa, and of Dakota Territory, shall each receive a salary at the rate of $2,000 a year.

Mr. BARBER. I offer the following amendment:

After the word "Nebraska" strike out the comma,

Nebraska and Iowa are one district.

The amendment was agreed to.

Mr. BARBER. The next amendment is to section 2231, on page 490.

The section was as follows:

SEC. 2231. There shall be allowed for the offices of the several surveyor-generals, for clerk-hire therein, the following amounts for each year, namely: For the offices of surveyor-general of Louisiana and Florida, $2,500 each; for the offices of surveyor-general of Minnesota, Kansas, Nebraska and Iowa, and of Dakota Territory, $6,300 each; for the offices of surveyor-general of Oregon, Nevada, New Mexico, Washington, Colorado, Idaho, Montana, Utah, and Wyoming, $4,000 each; for the office of surveyor-general of California, $11,000; and for that of Arizona, $3,000.

Mr. BARBER. I offer the following amendment:

Strike out all after the word "therein," in line 2, to the end of the section, and insert "such sums as may be appropriated for the purpose by Congress from year to year."

This is an ever-varying sum according to the business in the offices.

Mr. ELDREDGE. I would like my colleague to explain what the object of that amendment is.

Mr. BARBER. The section provides that there shall be allowed for the offices of the several surveyors-general, for clerk-hire therein, certain amounts named. That depends entirely on the appropriations and the amount of clerical work. And the amount of appropriations depends on the amount of work in the several districts.

Mr. ELDREDGE. I would like to know if the earnings of the clerks are to depend upon the amount appropriated by Congress, or if they are to have salaries at a fixed amount.

Mr. BARBER. There are no fixed salaries. Congress makes an appropriation for the particular office of so many thousand dollars for clerk-hire, varying the amount according to the necessities of the office for the year.

Mr. ELDREDGE. Then unless Congress appropriates enough to pay the employés they are not paid at all?

Mr. BARBER. Of course not.

The amendment was agreed to.

Mr. E. R. HOAR. There are two amendments the committee have agreed to which, coming up in this chapter of the land laws, it is thought should be inserted at an earlier point. The first is to add to section 451, on page 105, these words:

The chief clerk of the General Land Office shall perform the duties of the Commissioner of the General Land Office in case of a vacancy in said office, or of the absence or sickness of the Commissioner.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is to section 462, on page 107.

The section was as follows:

SEC. 462. It shall be the duty of the recorder of the General Land Office, in pursuance of instructions from the Commissioner, to certify and affix the seal of the office to all patents for public lands, and to attend to the correct engrossing, recording, and transmission of such patents. He shall prepare alphabetical indexes of the names of patentees and of persons entitled to patents; and he shall prepare such copies and exemplifications of matters on file or recorded in the General Land Office as the Commissioner may from time to time direct.

Mr. E. R. HOAR. I offer the following amendment:

Add to the section these words:

Whenever the office of recorder shall become vacant, or in case of his sickness or absence, the duties of his office shall be performed *ad interim* by the principal clerk of private land claims.

I will state that the revisers had supposed that the existing provisions of law were sufficiently covered by a general section, which provides for a principal clerk in Departments and Bureaus. But on examination it was found that the Land Office was not called either a department or a bureau in any statute, and it was thought better, therefore, that this provision should be inserted.

The amendment was agreed to.

Mr. BARBER. I desire to offer an amendment to section 2232, page 491.

The section was as follows:

SEC. 2232. There shall be allowed for office-rent, fuel, books, stationery, and other incidental expenses of the several offices of surveyors-general the following amounts each year, namely: For the surveyor-general's office of Louisiana, Idaho, Wyoming, and Arizona, $2,500 each; for the surveyor-general's office of Dakota, Kansas, Colorado, New Mexico, Oregon, Washington, Nebraska and Iowa, and Montana, $2,000 each; for the surveyor-general's office of Florida, $1,500; for that of Minnesota, $2,200; for that of California, $7,000; for that of Nevada, $3,700; and for that of Utah, $1,800.

Mr. BARBER. I offer the following amendment:

Strike out the whole of the section after the word "general," in the third line, and insert "such sums as may be appropriated for the purpose by Congress from year to year.

The amendment was agreed to.

Mr. BARBER. My next amendment is to section 2239, page 492, and is as follows:

Strike out the words "except for the Monroe land district in Louisiana," at the end of the section; so it will read:

SEC. 2239. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land office and a receiver of public moneys for each land district established by law.

I am asked why this amendment is proposed. An act was passed authorizing the President to re-establish, or giving him discretionary power to re-establish, the Monroe land district in Louisiana, with the same boundaries that it formerly had. But there was no provision made in that act authorizing the President to appoint the officers. On inquiry at the Land Office I ascertained that the district had been re-established and officers appointed for it. Therefore I move to amend by striking out the words making the exception.

The amendment was agreed to.

The Clerk read section 3700, as follows:

SEC. 3700. The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper Department or officer of the Government to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law.

Mr. BARBER. I have an amendment which I propose to offer to section 2241, page 492. There is some doubt as to whether the amendment should come in at that place or immediately after section 3700; but as there is a defect there I offer it at this point and move it as an amendment to section 3700:

The President may, from time to time, if in his opinion the interests of the United States demand it, regulate and increase the sums for which bonds are required or may hereafter be required by law in the case of all officers from whom a bond may be demanded.

The SPEAKER *pro tempore*. The question is upon the amendment.

Mr. BARBER. Mr. Speaker, I have the amendment now drawn up in better phraseology by the chairman of the committee, and I will offer it instead of the amendment which has been read. I move to add to section 3700 the following:

The President is authorized, if in his opinion the interests of the United States require the same, to regulate and increase the sums for which bonds are or may be required by law, of all district attorneys, collectors of customs, naval officers, and surveyors of customs, navy agents, receivers and registers of public lands, paymasters in the Army, the Commissary-General, and all other officers employed in the disbursement of public moneys under the direction of the War or Navy Department.

Mr. POLAND. There is a general provision of law, a statute of considerable age, in the very words of this amendment which is offered to the chapter in relation to the public lands, because among those to whom it specifically applies are the registers and receivers of land offices; but if we put in an amendment merely making it apply to them, why, we should have to put the same thing in in a considerable number of other places. Therefore the committee decided to put it in another connection where it may be appropriate to all. The amend-

ment which I have prepared, and which the gentleman has now offered, is a copy of the original statute.

The amendment was agreed to.

Mr. BARBER. I move to amend section 2266, page 524, by inserting after the word "provisions," in line 4, the words "for a tract of land," and also by adding at the end of the section the words "for another tract;" so that it will read:

SEC. 2266. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section 2264; nor where a party has filed his declaration of intention to claim the benefits of such provisions for a tract of land, shall he file, at any future time, a second declaration for another tract.

That makes it conform literally to the statute and precludes any doubt as to its construction.

The amendment was agreed to.

Mr. BARBER. I move to amend on page 533 by inserting after section 2307 the following as a new section:

SEC. —. All public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this section.

The amendment was agreed to.

Mr. BARBER. On page 538, section 2328, I move to strike out in line 17 the word "on," and to insert in lieu thereof the word "by;" so that it will read:

SEC. 2328. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the 10th day of May, 1872, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year. On all claims located prior to the 10th day of May, 1872, ten dollars' worth of labor shall be performed or improvements made by the 10th day of June, 1874, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements, may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

The amendment was agreed to.

Mr. BARBER. I have an amendment to offer to section 2349.

The section referred to was as follows:

SEC. 2349. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the 10th day of May, 1872. And any *bona fide* entries of such lands within the States named, since the 10th day of May, 1872, may be patented without reference to any of the foregoing provisions of this chapter.

Mr. BARBER. I move to add to the section the following:

Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same right of pre-emption as other public lands.

The amendment was agreed to.

Mr. BARBER. I move to strike out sections 2350 and 2351.

The sections referred to were as follows:

SEC. 2350. The mineral lands in what were formerly known as the Lake Superior district in Michigan and the Chippewa district in Wisconsin shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as the other public lands; but the right given by acts of Congress, approved respectively March 1 and 3, 1847, to certain lessees, occupants, and permittees to enter to the extent of their leases and permits, and no less, shall not be impaired by this section; but such lessees, occupants, and permittees are authorized to enter the land covered by their several leases, occupancy, and permits, as provided in the above-named acts, at the minimum price fixed by the following section.

SEC. 2351. The holder of a lease or permit covering more than one full section of such mineral lands shall be entitled, on the surrender and annulment of such lease or permit at the proper land office, to purchase, if he elects to do so, one full section, and no more, of the land covered by such lease or permit, at a minimum price of $2.50 per acre.

The motion to strike out was agreed to.

Mr. BARBER. On page 546, section 2356, line 9, strike out the word "two," and insert in lieu thereof the word "three;" so that it will read:

SEC. 2356. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section 2354 shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

The amendment was agreed to.

Mr. BARBER. On page 546, section 2357, I move to insert, in line 1, after the word "upon," the word "coal;" and in the same section I move to strike out the word "hereafter," in the second line, and to insert "after the 3d day of March, 1873;" so that the section will read:

SEC. 2357. In case of conflicting claims upon coal lands where the improvements shall be after the 3d day of March, 1873, commenced, priority of possession, and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the 3d day of March, 1873, division of the land claimed may be made by legal subdivisions, to include, as near as may be, the valuable improvements of the respective parties.

The amendment was agreed to.

Mr. BARBER. I move to amend the same section by adding at the end thereof the following:

The Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

The amendment was agreed to.

Mr. BARBER. On page 557, section 2401, I move to strike out, in line 19, the words "east and west," and to insert in lieu thereof the words "west and east."

The amendment was agreed to.

Mr. BARBER. I move to amend section 2403, so that it will read as follows:

SEC. 2403. In every case of the division of a quarter-section the lines for the division thereof shall run north and south, and the corners and contents of half-sections which may thereafter be sold shall be ascertained in the manner and on the principles directed and prescribed by the section preceding, and fractional sections containing one hundred and sixty acres or upwards shall in like manner, as nearly as practicable, be subdivided into half quarter-sections under such rules and regulations as may be prescribed by the Secretary of the Interior. And in every case of a division of a half quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter-sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

That provides for the division of the quarter-sections and fractional sections, while the section printed in this bill provides for the division of eighty-acre tracts.

The amendment was agreed to.

Mr. BARBER. I move to strike out section 2410, on page 5509, which is as follows:

SEC. 2410. There shall be allowed, for surveying the public lands in the several States and Territories, the following rates, respectively, to wit:

For surveying the public lands in Louisiana, at rates not exceeding ten dollars per linear mile for township, and eight dollars for section lines.

For surveying the public lands in Florida, at rates not exceeding ten dollars per linear mile for standard, seven dollars for township, and six dollars for section lines.

For surveying the public lands in Minnesota, at rates not exceeding fourteen dollars per linear mile for standard lines, twenty dollars for township, and ten dollars for section lines.

For surveying the public lands in Dakota Territory, at rates not exceeding ten dollars per linear mile for standard lines, seven dollars for township, and six dollars for section lines.

For surveying the public lands in Montana Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines.

For surveying the public lands in Nebraska, at rates not exceeding twelve dollars per linear mile for standard lines, nine dollars for township, and six dollars for section lines.

For surveying the public lands in Kansas, at rates not exceeding ten dollars per linear mile for standard lines, seven dollars for township, and six dollars for section lines.

For surveying the public lands in Colorado Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines.

For surveying the public lands in Idaho Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines.

For surveying the public lands in New Mexico Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines.

For surveying the public lands in Arizona Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines.

For surveying the public lands in California, at rates not exceeding fifteen dollars per linear mile for standard lines, fourteen dollars for township, and twelve dollars for section lines.

For surveying the public lands in Oregon, at rates not exceeding fifteen dollars per linear mile for standard lines, fourteen dollars for township, and twelve dollars for section lines.

For surveying the public lands in Oregon, situated west of the Cascade Mountains, densely covered with forests of thick undergrowth, at rates not exceeding sixteen dollars per linear mile for township and section lines.

For surveying the public lands in Washington Territory, at a rate not exceeding fifteen dollars per linear mile for standard lines, fourteen dollars for township, and twelve dollars for section lines.

For surveying the public lands in Utah Territory, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines.

For surveying the public lands in Nevada, at rates not exceeding fifteen dollars per linear mile for standard lines, twelve dollars for township, and ten dollars for section lines.

For surveying the public lands in Wyoming Territory, at rates not exceeding fifteen dollars per linear mile for standard, twelve dollars for township, and ten dollars for section lines.

The amendment was agreed to.

Mr. BARBER. I move to amend section 2414 by striking out the words "are extended," and insert in lieu thereof the words "shall extend;" so that the section will read:

SEC. 2414. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be

done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands.

The amendment was agreed to.

Mr. BARBER. On page 573, section 2466, in line 1, I move to strike out the word "the" before "surveyors," and in line 2 to insert, after the word "shall," the words "perform the duties prescribed in the preceding section, and;" so that the section will read:

SEC. 2466. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of any person claiming lands, which may be reserved in the manner herein provided.

The amendment was agreed to.

Mr. BARBER. On page 578, section 2483, I move to insert after the word "streams," in line 3, the words "not navigable," so that the section will read:

SEC. 2483. All navigable rivers within the territory occupied by the public lands shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

The amendment was agreed to.

Mr. BARBER. The chapters of the laws in relation to swamp lands were not inserted by the commission of revision or by the committee that revised that work. I have prepared sections that, I believe, contain all the laws relating to the grant of swamp lands; and I offer it, and move that it be added at the end of the chapter on public lands.

Mr. POLAND. I ought to state perhaps, in reference to this subject, that the commissioners, as I learned from some conversation with them, purposely left out all that is contained in the statutes in relation to swamp lands, because they decided that they did not come within that definition of the statutes that they were directed by the original act to revise; that is, that they were not of such a general and public character that it was necessary that they should be revised and placed in the new revision of the national statutes. But the committee in the examination of the laws came to a different conclusion. They believe that there is a considerable quantity of these swamp lands in a large number of States, and there are provisions of law some of which are common to all the States, and others peculiar to single States; and the committee came to the conclusion that it was important and proper that those laws should be embodied in the national statutes and in this chapter on public lands. They have therefore assumed the duties of revisers, and have revised the laws in relation to swamp lands.

The SPEAKER *pro tempore*. Does the gentleman desire to have these sections read at length?

Mr. DURHAM. I move that the reading be dispensed with.

The motion was agreed to.

Mr. BARBER. I will say that these sections have been reviewed at the Land Office carefully and thoroughly.

Mr. LAWRENCE. And have the approval of the Land Office?

Mr. BARBER. And have the approval of the Land Office.

Mr. LAWRENCE. There is no new legislation in this matter?

Mr. BARBER. Not a particle.

The amendment was agreed to.

Mr. BARBER. I am now through with that portion of the bill upon which I am prepared to report. The chapter upon bounty lands is not yet perfected and ready to be offered. There are a large number of amendments to be made to it.

Mr. POLAND. I ask the Clerk to turn to page 1283, the chapter on bankruptcy, and in paragraph 8, section 5089, line 46, I move to strike out the word "or," after the word "intended," and to insert in lieu thereof the word "and," so that the section will read:

Eighth. Who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or who has stopped or suspended and not resumed payment of his commercial paper, within a period of fourteen days, shall be deemed to have committed an act of bankruptcy, and to have become liable to be adjudged a bankrupt. And if such person shall be adjudged a bankrupt, the assignee may recover back the money or other property so paid, conveyed, sold, assigned, or transferred contrary to this title, provided the person receiving such payment or conveyance had reasonable cause to believe that a fraud on this title was intended, and that the debtor was insolvent, and such creditor shall not be allowed to prove his debt in bankruptcy.

The amendment was agreed to.

Mr. WHITTHORNE. I understood the gentleman from Wisconsin [Mr. BARBER] to state that he had to pause in his work, because he was not ready to report further. The gentleman from Vermont [Mr. POLAND] now turns the attention of the House to the chapter on bankruptcy. I would ask him whether it is the intention of the committee to ingraft into this new code the legislation of the present session?

Mr. POLAND. Not at all.

Mr. WHITTHORNE. It is not?

Mr. POLAND. If the gentleman will read the title of our bill he will see that it is a bill to revise and consolidate the laws in force on the 1st of December, 1873.

Mr. WHITTHORNE. In view of the legislation likely to be had on the subject of the bankrupt law, I suggest to the gentleman and to the House if it would not be better to incorporate the legislation of this session into the code?

Mr. POLAND. It would be utterly impossible.

Mr. WHITTHORNE. Utterly impossible?

Mr. POLAND. We intend, as we have declared over and over again, that this shall be a revision of the laws that were in force when this Congress came together; and it is utterly impossible that the current and daily legislation should be included in the work.

Mr. WHITTHORNE. I think that question ought to be considered in a fuller House than we have to-night——

Mr. POLAND. It has been considered over and over again.

Mr. WHITTHORNE. I therefore move that the House adjourn.

Mr. POLAND. I trust my friend will not do that, but let us go on with our work.

Mr. O'NEILL. There are a large number of earnest men here to-night, who, I think, desire to go on and complete this work; who, I believe, have devoted their time to it, and have come here under a sense of duty to attend to the business of the people. I trust the gentleman will withdraw his motion.

Mr. POLAND. I trust my friend will withdraw his motion. If he knew the labor and embarrassment that the committee have had he would not press it.

The motion to adjourn was not agreed to.

Mr. POLAND. Section 5144 is a section that relates to the manner of proving debts against bankrupt estates.

The section referred to was as follows:

SEC. 5144. Proof of debts may be taken in any district before any register or any commissioner of the circuit court authorized to administer oaths, but proofs taken by a commissioner shall be subject to revision by the register and by the court. If the creditor is in a foreign country, the proof of his debt may be taken before any minister, consul, or vice-consul of the United States.

Mr. POLAND. The committee are of opinion that the section as here given does not state with precise accuracy the present law in relation to proving debts, and they have therefore drawn a section which they move to substitute for this one.

The substitute was as follows:

Creditors residing within the judicial district where the proceedings in bankruptcy are pending shall prove their debts before one of the registers of the court, or before a commissioner of the circuit court within the said district. Creditors residing without the district, and within the United States, may prove their debts before a register in bankruptcy or a commissioner of the circuit court in the judicial district where such creditor, or either one of such joint creditors resides; but proof taken before a commissioner shall be subject to revision by the register and by the court.

The substitute was adopted.

Mr. POLAND. Section 5198 should be amended by striking out the word "presumptive," and inserting "*prima facie*."

The section referred to was as follows:

SEC. 5198. The fact that such a payment, pledge, sale, assignment, transfer, conveyance, or other disposition of a debtor's property as is described in the two preceding sections, is not made in the usual and ordinary course of business of the debtor, shall be presumptive evidence of fraud.

Mr. POLAND. The term used in the statute is "*prima facie*," and the committee think that in this connection the word "presumptive" has not the same legal significance as the term "*prima facie*."

The amendment was agreed to.

Mr. POLAND. I have an amendment to move to section 5338.

The section referred to was as follows:

SEC. 5338. Whenever there is a treaty or convention for extradition between the Government of the United States and any foreign government, any justice of the Supreme Court, circuit judge, district judge, circuit-court commissioner, or judge of a court of record of general jurisdiction of any State, may, upon complaint made under oath, charging any person found within the limits of any State, District, or Territory, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged, that he may be brought before such justice, judge, or commissioner, to the end that the evidence of criminality may be heard and considered. If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he shall certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of the treaty or convention; and he shall issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

Mr. POLAND. I move to strike out in the first part of the section the words "circuit-court," before the word "commissioner," and to insert after the word "commissioner" the words "authorized so to do by any of the courts of the United States." The revisers had provided that proceedings in extradition might be had before these various judges that are named, both Federal and State, and also before any circuit-court commissioner. But the extradition acts provide that such proceedings may be had before either of these judges, or before "a commissioner authorized so to do by any of the courts of the United States." And in some extradition cases that have been determined, it has been held that a commissioner could not act unless he had a special authority so to do; that an ordinary court commissioner had not proper jurisdiction to hold proceedings in extradition cases. This amendment restores the precise language of our laws upon the subject of extradition.

The amendment was agreed to.

Mr. E. R. HOAR. The next part which comes under my charge is

the portion entitled "foreign relations." The first amendment which I shall offer is in section 4132.

The section referred to was as follows:

SEC. 4132. After any such proclamation has been made, the several courts of the United States, and of each State, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized, and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison or otherwise secure such alien, until the order which may be so made shall be performed.

Mr. E. R. HOAR. I move to amend by striking out the words "and of each State," near the beginning of the section. I ought to make a statement to the House upon that amendment, because the section as reported by the revisers is exactly the law as it now stands on the statute-book.

This section is the original alien act of 1798, and at the time it was passed Congress apparently had not considered the power of the United States to confer jurisdiction upon State courts. Since that statute was passed the Supreme Court of the United States has held again and again that there is no constitutional power in Congress to confer any such authority upon a State court. The committee were therefore of opinion that as this portion of the act of 1798 does not conform to the Constitution, it could not be considered as a valid part of the existing law, and that the words indicated should be stricken out. It would be impossible for Congress to confer a criminal jurisdiction upon a State court, by which they could punish a violation of a law of Congress and give process to a United States marshal to execute their sentence, which this statute as enacted provides.

Mr. HOLMAN. I believe that question has never been determined judicially in reference to this particular act.

Mr. E. R. HOAR. The question was decided, and that doctrine held, in the celebrated case of Prigg *vs.* State of Pennsylvania.

Mr. HOLMAN. Yes, sir; but it was not raised upon this particular statute.

Mr. E. R. HOAR. No, sir.

Mr. HOLMAN. It seems to me, therefore, that unless the particular act—not merely the principle but the particular act itself—has been judicially held to be invalid, the safest course would be to incorporate it into this compilation; otherwise the question might spring up as to whether the act is operative, and there might be a difference of opinion on that point.

Mr. E. R. HOAR. In reply to the suggestion of the gentleman from Indiana, [Mr. HOLMAN,] which I think is entitled to great consideration, I will state that the committee were unanimously of opinion that no such authority had been exercised for seventy years; that the statute was in this sense obsolete; that no similar power had been executed under the authority of the United States; that by the common consent and understanding of the people of the country, as well as by the judicial decision of the principle expressly governing the case, there is no longer existing any law conferring upon the State courts such an authority, and that to include the statute in a revision of the laws might possibly mislead some State court. I suppose that neither the gentleman from Indiana nor any other gentleman in this House would rise here and say that it could for a moment be supposed at the present time by any lawyer in the country that Congress can confer upon a State court the power to try an offense created only by a law of the United States, declare sentence for such an offense, and have the sentence executed by the United States marshal. The obvious constitutional objection to such a proceeding is that the judicial power, the power to try and punish offenses, must be exercised by the judicial power of the United States; that the judges of the United States must be appointed by the President, and confirmed by the Senate; and that the delegation of that power to any State tribunal cannot constitutionally take place.

Mr. HOLMAN. I did not presume that there was any diversity of opinion upon the question of the constitutionality of this enactment. I take it for granted that for at least the last twenty years nothing has been better settled than that this statute is inoperative. But the point of my suggestion was, that if the committee should omit a provision like this on the ground of absence of constitutional authority in Congress, it might raise the suggestion that some other provision, whose constitutionality was not equally clear, might have been omitted on the same ground. If the act in question had been passed upon by the Federal courts, especially by the Supreme Court of the United States, I cannot see that any trouble could possibly arise; but where merely the principle in question has been decided upon, without any adjudication upon the specific act, the case might be different. Of course I do not object to the action of the committee in this case; I simply desired to call attention to the point.

Mr. E. R. HOAR. We have not taken such action as this in any case, and certainly would not do it without calling the attention of the House to the matter, and putting our action upon the record; and if in this case there were any difference of opinion upon the question, I should agree with my friend from Indiana that the language ought to stand. As there is no difference of opinion, we have the judgment of the House upon the direct question presented that the act is not a part of the existing law, and was inserted by inadvertence, in disregard of the Constitution.

Mr. POLAND. Mr. Speaker, I entirely agree with the gentleman from Indiana, that the committee, upon any view of their own as to the constitutionality or unconstitutionality of a law, ought not either to put it in or leave it out. But the real question as to whether this is a constitutional law or not was very long ago decided by the Supreme Court of the United States; and, more than that, the decision has been so fully acquiesced in for a great number of years, the whole sentiment of the legal profession throughout the country has become so entirely clear and settled upon this subject that the committee were of opinion that to leave this provision standing to reappear in the laws, to re-enact it as the law, might be productive of some harm; that if it should thus be again brought forward, and apparently re-enacted, laymen throughout the country might suppose it to be in force, and consequently some difficulty might arise. Therefore, we not only thought ourselves justified in treating it as not law, but, as a matter of prudence and discretion, we deemed it altogether best to leave it out.

The SPEAKER *pro tempore*. No objection being made the amendment is agreed to.

Mr. E. R. HOAR. The next section to which we desire to offer an amendment is section 4144.

The section was as follows:

SEC. 4144. If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient *prima facie* case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States, or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty, and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consul-general, consuls, or vice-consuls.

Mr. E. R. HOAR. I move to amend by striking out at the end of the section the words "consul-general, consuls, or vice-consuls," and inserting in lieu thereof the words "consular officers making the application."

The amendment was agreed to.

Mr. E. R. HOAR. I have an amendment to offer to section 4192.

The section was as follows:

SEC. 4192. The provisions of this title, relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases, shall extend to any country of like character with which the United States may hereafter enter into treaty relations.

Mr. E. R. HOAR. I move to amend by inserting after the words "criminal cases," the words "in the counties therein named."

The amendment was agreed to.

Mr. O'NEILL, (after a pause, during which Mr. POLAND and Mr. E. R. HOAR were conferring.) Mr. Speaker, is there no further business for us to consider this evening? I do not want this proceeding to cease. It is so pleasant and agreeable to be here and to listen to the discussion of these questions by these eminent gentlemen, that I dislike to see the proceedings interrupted or arrested. [Laughter.]

Mr. POLAND. I believe, Mr. Speaker, we are not prepared to entertain the gentleman from Pennsylvania [Mr. O'NEILL] any longer to-night.

Mr. O'NEILL. Well, I am truly sorry for that. I think, Mr. Speaker, that the gentlemen who absent themselves from these evening sessions, which are devoted to the revision of the laws, lose much more than they are aware of. I must confess my great regret that at one or two of the first night sessions devoted to this business I was unable to be present; but for the last few nights I have attended regularly, and I hope to be able to continue to do so until the whole revision shall be completed. I speak with great sincerity on this subject, and I hope that those who may look into the RECORD to-morrow will notice that the attention of members has been called to the fact that by failing to attend these evening sessions they are missing a great deal, and that, if they will come here and listen, they will learn, perhaps, more than at ordinary sessions of the House. I say this in justice to the gentlemen of the committee who are engaged in this labor of revising the laws.

Mr. POLAND. I move that the House adjourn.

The motion was agreed to; and (at eight o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred, as follows:

By Mr. ARCHER: The petition of Slark, Stauffer & Co., for relief, to the Committee on War Claims.

By Mr. CLAYTON: Resolutions of the Legislature of California,

opposing a grant by Congress of any subsidies to the San Joaquin and King's River Canal and Irrigation Company, to the Committee on the Public Lands.

Also, resolutions of the Legislature of California, in favor of an appropriation to turn San Diego River into its old channel, making it again discharge into False Bay, to the Committee on Commerce.

Also, resolutions of the Legislature of California, opposing the passage of a bill pending in Congress supplemental to an act to promote the development of the mining resources of the United States, approved May 10, 1872, to the Committee on the Public Lands.

Also, resolutions of the Legislature of California, in favor of the re-establishment of a daily mail-route from Redding to Yreka, to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Legislature of California, in favor of granting pensions to the soldiers of the Mexican war, to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of California, relative to the establishment of an Indian reservation in Siskiyou County, to the Committee on Indian Affairs.

Also, resolutions of the Legislature of California, asking for a commission to adjust, settle, and fix the losses which certain claimants of lands in Solano County have sustained by action of the Government, to the Committee on Claims.

By Mr. CHIPMAN: The petition of Joseph H. Brooks and others of the District of Columbia, praying for a charter for the Grand United Order of the Sons and Daughters of Liberty, to the Committee on the District of Columbia.

By Mr. CROUNSE: The petition of Dwight J. McCann, of Nebraska, for relief, to the Committee on Indian Affairs.

By Mr. EAMES: Papers relating to application of Andrew Dillman for extension of letters-patent, to the Committee on Patents.

By Mr. FIELD: Papers relating to the claim of Charles A. Von Waldemar, late captain Fifth Missouri Cavalry, to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of Clara Morris, for compensation for property taken during the war, to the Committee on War Claims.

By Mr. HEREFORD: The petition of the heirs and legal representatives of Daniel Bedinger, for relief, to the Committee on War Claims.

By Mr. HOUGHTON: Resolutions of the Legislature of California, opposing the passage of a bill pending in Congress supplemental to an act to promote the development of the mining resources of the United States, approved May 10, 1872, to the Committee on the Public Lands.

Also, resolutions of the Legislature of California, asking an appropriation to turn San Diego River into its old channel, to the Committee on Commerce.

Also, resolution of the Legislature of California, in favor of granting pensions to the soldiers of the Mexican war, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HUBBELL: The petition of citizens of Antrim County, Michigan, for the prepayment of postage on all mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: Concurrent resolution of the Legislature of California, instructing the Senators and Representatives in Congress from California to oppose the passage of a bill introduced into the House of Representatives by Hon. J. D. WARD, supplemental to and amendatory of an act to promote the development of the mining resources of the United States, approved May 10, 1872, to the Committee on Mines and Mining.

By Mr. NILES: The petition of citizens of Mississippi, for the payment of the claim of the Southern Methodist publishing house, at Nashville, Tennessee, to the Committee on War Claims.

By Mr. PHILLIPS: The petition of citizens of Kansas, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. RANDALL: The petition of Mrs. Catharine Strubing, asking relief for services rendered by her father and husband during the revolutionary war, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. RANSIER: Papers relating to the claim of James L. Barnwell, late of Beaufort, South Carolina, for proceeds of sale of real estate, less taxes, costs, and legal charges, to the Committee on Claims.

By Mr. TREMAIN: The petition of citizens of New York, veterans of the Mexican war, in relation to pensions and other bounties, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. WARD, of Illinois: The petition of William H. Reid, William Barnes, and others, for compensation for the use and detention of their steamer, Belle Peoria, from September 30, 1865, to April 15, 1866, and for expenses incurred in efforts to procure the return of the boat, to the Committee on Claims.

By Mr. WHITE: The petition of citizens of Alabama, for the establishment of a post-route from Houston to Larissa, in the State of Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. WHITEHEAD: The remonstrance of manufacturers of and dealers in tobacco, residing in Boston, Massachusetts, against any increase of tax on manufactured tobacco, to the Committee on Ways and Means.

IN SENATE.

THURSDAY, *February* 12, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM KANSAS.

Mr. INGALLS presented the credentials of Hon. JAMES M. HARVEY, chosen by the Legislature of Kansas Senator from that State to fill the vacancy occasioned by the resignation of Alexander Caldwell.

The credentials were read; and the oaths prescribed by law having been administered to Mr. HARVEY, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. FENTON presented a memorial of several hat manufacturers of Buffalo, New York, remonstrating against the extension of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

Mr. SHERMAN presented a petition of late soldiers in the war of the rebellion, citizens of Ohio, praying an equalization of bounty and bounty lands; which was referred to the Committee on Military Affairs.

Mr. PATTERSON. I present resolutions of the Legislature of the State of South Carolina, praying for the passage of the civil-rights bill now before Congress; and I desire to state in regard to these resolutions that on a call of the yeas and nays on their passage, they were voted for by every member of the Legislature except one, the democrats voting with the republicans for their passage. We have in South Carolina a civil-rights bill, and the people are entirely satisfied with it. I move that the resolutions be referred to the Committee on the Judiciary and printed.

The motion was agreed to.

Mr. SCHURZ presented a petition of soldiers of the late war, citizens of Missouri, praying for a grant of one hundred and sixty acres of land and for an equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. NORWOOD presented a resolution of the Legislature of Georgia in favor of granting pensions to surviving soldiers and the heirs of soldiers of the Mexican war; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. CONOVER presented the memorial of Charles G. Barkley, asking for relief as surety on the bond of Dudley Walker, formerly a purser in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. PRATT presented the petition of Jefferson A. French, of Rising Sun, Indiana, praying to be allowed a naval pension; which was referred to the Committee on Pensions.

He also presented the petition of John R. Polke, of Wabash County, Indiana, praying for a special act giving him the pay and allowances of a major of infantry from the 22d day of May, 1864, to the 26th day of November, 1864; which was referred to the Committee on Military Affairs.

Mr. SCOTT. I present the petition of members of the class of 1869 of the United States Naval Academy, praying that an act be passed allowing them to take rank and precedence as determined by the date of their graduation. This is a printed petition, and the names are printed, and I make it a rule not to present such petitions; but this comes with a manuscript letter of one of the signers to it, which I attach to the petition as his petition. I move its reference to the Committee on Naval Affairs.

The motion was agreed to.

Mr. FERRY, of Michigan. On the 27th of January an order was entered for the withdrawal of certain papers in the case of Wolf & Spink. By request, I now move that they be referred to the Committee on Claims.

The motion was agreed to.

Mr. FRELINGHUYSEN presented the petition of John B. McIntosh, administrator of John McIntosh, praying compensation for services rendered by said John McIntosh as lieutenant-colonel in the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. GORDON. I present a memorial from a committee appointed by a resolution of the city council of the city of Brunswick, Georgia, giving certain facts tending to show the importance of the establishment of a navy-yard by the Government at that port. I simply want to call special attention to the fact that there is no naval depot south of Norfolk, and that recent events and the prospect of a war on our immediate Southern Atlantic coast invest this subject with new interest. I move that the memorial be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. SPRAGUE presented a petition, signed by E. C. Curtiss, Belva A. Lockwood, and Hattie J. French, asking permission to make an excavation of twenty feet or more in depth on Goat Island, in San Francisco Bay, for the purpose of making some mineralogical and geological investigations, and to remove therefrom some minerals supposed to be there deposited, of which they possess a description; which was referred to the Committee on Public Lands.

Mr. JOHNSTON presented the petition of John E. Kirwan, of Matthews County, Virginia, praying compensation for property de-

stroyed by the United States gun-boat Crusader, on the 25th of June, 1863; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of Phebe Riker, mother of Henry S. Riker, late private in Company K, Ninety-fifth Regiment New York Volunteers, praying for arrears of pension, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 207) for the relief of C. E. Rogers, reported it without amendment.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 215) to exempt George M. Richard, of Pittston, in the State of Pennsylvania, from the payment of $881.29 for postage-stamps stolen from his office while postmaster, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of James R. Young, late postmaster at Lisbon, New Hampshire, praying to be reimbursed for loss sustained in the year 1869 by reason of his office having been broken open and robbed of postage-stamps to the amount of $309.84, submitted a report, accompanied by a bill (S. No. 470) for the relief of James R. Young.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1576) for the relief of Reuel B. Fuller, of Wilton, Maine, reported it without amendment.

Mr. HAMLIN. In these two cases there are reports from the House committee accompanying the bills, which are adopted by the Post-Office Committee of the Senate; and therefore we submit no written report.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Fleming Crump and William Williamson, praying for pensions for service in the Yellowstone expedition, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Elizabeth Reidenbach, of Missouri, widow of Frederick Reidenbach, late of Company E, Second Regiment Illinois Artillery, praying to be granted a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Susan Ten Eyck Williamson, of New Jersey, widow of the late Captain Charles L. Williamson, praying for increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of R. S. McKay, of Kentucky, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Abraham Lansing, of Massachusetts, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of John O'Connor, Lewis Jacobs, Charles Alexander, and others, of Brooklyn, New York, praying the amendment of the act of March 2, 1867, so that their naval pensions may commence from the date of their discharge from the service, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Almira H. Thompson, of New York, praying payment of bounty due for services rendered by her son, and that she be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of William Dailey, late of Company B, Third Missouri State Militia, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. OGLESBY. I am also directed by the same committee, to whom was referred the petition of Jemima Maxwell, widow of John Maxwell, late of Company D, Fifth Missouri State Militia, praying to be allowed a pension, to report a bill for her relief, accompanied by a report which I desire to have printed, and I ask that the bill be placed upon its passage.

The bill (S. No. 477) granting a pension to Jemima Maxwell, was read and passed to a second reading, and the report was ordered to be printed.

Mr. SHERMAN. I would rather the bill would go on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to its present consideration, and the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 471) providing for the survey and disposal of the timber lands of the United States; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 472) to quiet land titles in West Florida, State of Florida; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 473) for the relief of the heirs of Brigadier-General William Thompson; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 474) for the relief of mail contractors for services rendered in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Louisiana, Arkansas, and Texas, prior to May 31, 1861; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 475) to amend the act of Congress, approved February 23, 1865, entitled "An act to amend an act entitled 'An act to incorporate the Columbia Institution for the Instruction of the Deaf and Dumb and the Blind,' approved February 16, 1857;" which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 476) for the relief of John R. Polke; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

Mr. GOLDTHWAITE. I ask that an order be made that the petition and papers in the case of James A. Torbert be taken from the files and referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. GOLDTHWAITE. Not that I know of.

The PRESIDENT *pro tempore*. If there has been an adverse report copies will be retained; otherwise the order will be made.

Mr. HOWE. I move that an order be made that Captain Samuel Birdsall, jr., have leave to withdraw his papers from the files of the Senate. I understand there has been an adverse report.

The PRESIDENT *pro tempore*. The order will be entered, the Secretary retaining copies of the papers.

On motion of Mr. FERRY, of Connecticut, it was

Ordered, That the petition and papers of Andrew Dillman be taken from the files and referred to the Committee on Patents.

INDIAN DEPREDATIONS IN OREGON.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first bill on the Calendar.

Mr. BAYARD. I ask the Senate to resume the consideration of the resolution offered by me the day before yesterday, and not acted upon yesterday by reason of the expiration of the morning hour.

Mr. MITCHELL. I should like to make an appeal to the Senator from Delaware. Yesterday I gave notice that after the expiration of the morning hour to-day I desired to submit some observations on a resolution that I offered early in the session, and it has been suggested to me by the chairman of the Committee on Finance that perhaps I had better proceed now.

Mr. BAYARD. I remember that the Senator from Oregon expressed a desire to address the Senate this morning, and I therefore withdraw my motion for the purpose of enabling him to do so.

The PRESIDENT *pro tempore*. The Senator from Delaware withdraws his motion.

Mr. MITCHELL. I now call for the reading of the resolution on the table, submitted by me on the 3d of December.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate, That the Committee on Indian Affairs be, and are hereby, instructed to inquire into the expediency of reporting a bill for an act, as follows:

"A bill to provide for ascertaining losses sustained by citizens of Oregon by reason of Indian depredations.

"Whereas it is the duty of the Government to protect its citizens on the frontier, engaged in peaceful and honorable avocations, in the enjoyment of life and property against the depredations of hostile Indians, and whenever, for any reason, this protection is not given, it follows as a necessary consequence that it is a duty of equal magnitude resting on the Government to make good, so far as possible, the ascertained losses resulting from such failure; and whereas during several years past numerous depredations have been committed in the State of Oregon by wandering bands of Indians, principally Modocs and Snakes, who have in times of peace invaded the settlements and usual and known lines of travel, murdered the inhabitants, destroyed and carried away the property of citizens of said State, broken up their families, and caused those not massacred to flee from their homes for safety: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to appoint three persons to act as commis-

sioners, to inquire into the extent and character of said depredations, by what tribe or bands or portion of tribe or bands of Indians committed, when committed, the number and names of persons murdered, and the number and names of survivors of the families of such persons, the character and value of the property destroyed or carried away, from what portion of said State and to whom the same belonged, and the damages sustained by citizens of said State by reason of such depredations.

"SEC. 2. That it shall be the duty of said commissioners, or a majority of them, as soon as practicable, to proceed to the frontiers of said State, and take testimony under oath of such witnesses as may appear before them of all such depredations, when, where, by what band, bands, or portion of band, and upon and against whom committed, and as to the value of property destroyed, and when, and the damage sustained by each citizen by reason of such depredations, and shall make up and transmit to the Secretary of the Interior, as soon as practicable, their report, showing the result of such investigations, to which shall be appended all the testimony taken by them: *Provided*, Such commissioners, before proceeding to hear such testimony, shall give notice of the time and place of their meeting by publication thereof for ten days previous in at least two newspapers of said State: *Provided further*, That said commissioners shall, before entering upon such investigation, each take an oath to faithfully perform the duties of his office.

"SEC. 3. That said commissioners shall be entitled to and shall receive, as compensation for their services, the sum of ten dollars per day each and their traveling and other necessary expenses"—

Mr. MITCHELL. Mr. President, I am not a member of the Committee on Indian Affairs. I desire, however, at this time, with the indulgence of the Senate, to submit some observations for the consideration of that committee.

On the 14th day of April last a scene was enacted near the boundary line that separates Oregon and California which startled the people of this Republic and caused many hearts to weep. It was the atrocity by which that good and noble man and valiant soldier, General E. R. S. Canby, and his associate, Rev. Dr. Thomas, were ruthlessly assassinated by the treacherous Modocs, while engaged in a peace conference under a flag of truce.

Such an act of barbaric savagery may well call forth public indignation and the universal condemnation of mankind. Subsequent events demonstrated that it did not require the commission of any similar act to induce a general sentiment calling for a war of extermination, if need be, against those who were guilty of this act of barbarism. And yet this high-handed outrage against humanity, this bloody assault, operating as it did against the laws of life and of civilization as well, is but one of a series of acts of treachery and assassination upon the part of certain bands and tribes of Indians in Oregon that have, from the earliest settlement of its territory until now, stained our frontiers with the life-blood of our citizens, kept our pioneers in constant alarm, and, to a great extent, held in abeyance the settlement of our country.

The only difference in the character of these acts is this: in the case just alluded to the victims were men whose reputation was a national treasure; by their death the whole country was startled; and as the people mourned their tragic fate they vowed vengeance swift and terrible upon the perpetrators of this great crime, while in the many other cases the victims were the obscure and unprotected, but no less noble men and women whose proud vocation it is to brave the dangers of frontier life and to build up with patient, tireless hands and patriotic hearts the empire of civilization amid the forests and on the plains of the distant West.

And although where Canby fell, a martyr as I believe, to a mistaken policy at the time, and one which his own better judgment repudiated, and the scene enacted there will ever be accorded a mention and place in history as an enduring evidence of the natural perfidy of disposition so peculiar to Indian character, this is but one of many scores of unprovoked and diabolical assassinations of our citizens that to-day from our distant State appeal in garments of blood to a just Government for restitution.

I take it that the relation which has existed between the United States and the various Indian tribes for the past quarter of a century should imply a guarantee upon the part of the Government to protect the citizen at his home, engaged in peaceful pursuits or passing over the common lines of travel, against Indian depredations. This, I take it, is true in a purely legal sense, and it unquestionably is true in an equitable and moral sense. Failure to provide this protection necessarily results in imposing upon the Government an obligation to make pecuniary restitution, so far as possible, for damages resulting from such failure.

To those whose lot is cast amid the peaceful scenes of eastern life, where civilization reigns in all its beauty and beneficence, free from those trials and conflicts, and those bitter experiences, that invariably attend the life of a pioneer, it is somewhat difficult, I doubt not, to apprehend and to appreciate the justice of the complaints of those who have taken their lives in their hands, pushed through the wilderness, and established the blessings of civilization on the remotest borders of our continent. Complaints, Mr. President, that in these later days are too frequently met by a strange and unjust sentimentality from the Government which seems to beseech a sympathy in all cases for the Indian, and at the same time to impute a wrong to the white man.

After a residence of many years in the far West, during which time I have been a careful observer of the dealings of the Government with the Indian tribes, I am constrained to believe that all this outcry to the effect that the Indians have been the victims of persecution, either on the part of the Government or its citizens, and that Indian depredations are to be attributed to this cause, is, as a rule, founded on a gross misconception of the real facts in the case, aided, perhaps it may be, by a willful perversion of those facts in not a few instances. The millions of dollars annually expended, and the efforts put forth individually and by the Government in promoting the welfare of these people, by elevating them from their unfortunate condition by nature—that of barbarians—to such a state of civilization as their race may be susceptible of attaining, is a sufficient answer to all this senseless clamor. The highest demands of justice in this enlightened age have been fully met, as a rule, upon the part of the Government and its citizens in dealing and in treating with the Indian race.

And in what I here say I shall not vary a hair's breadth from that elevated and enlightened spirit of the age, so humane in its elements, and which declares that equal and exact justice to all human kind is the rule by which the action of both government and individuals should be regulated. But it is by virtue of, and in the name of, this very element of our political, and, I might say, personal faith, that I would demand a hearing to-day from the Government in behalf of the white settlers upon our frontiers, who have suffered at the hands of Indian marauders. I would not assail any policy of the Government, whether it be called the peace policy, the Quaker policy, or the pow-wow policy, provided always that in the administration of that policy the life, liberty, and property of the white settler are protected from violence, and at the same time exact justice done to the Indian. But, sir, if in the administration of any policy the sacred rights of those are to be held in jeopardy who volunteer to prepare in the wilderness places for the seats of civilization and highways for the car of progress, who widen the field of commercial and scientific advancement and of national development, and to a very great extent, in the State of Oregon, I assert that these rights have been invaded, then I condemn such a policy.

And am I wrong in declaring there is great danger that our Indian commissions and peace advocates, selected as they are with reference to their religious associations and belief, almost universally, without ever having lived upon a frontier and with little or no knowledge of the Indian character—I repeat, is there not great danger that men thus chosen, however good and honest they may be, will be prone so to sympathize and side with the Indian race to such an extent as to be unable to do justice to the white race? Is there not danger that men thus chosen will be so desirous of elevating the Indian as to forget for the time being the rights of the white man?

How often in these later years do we hear the assertion that all the outrages perpetrated by savages on our western borders are superinduced by the wrongs of the white man. Why, sir, so zealous have become these reformers in the elevation of the red man that it is scarcely possible to obtain a single expression in any speech or report made by them that by any possible construction can be tortured into an expression of belief that an Indian can do wrong, while all these bristle with sentiments which charge upon the unprotected settler the whole responsibility of all the murders and the bloody Indian wars from which we have suffered. The old maxim, that the king can do no wrong, has been of late years applied almost literally to the Indian. Indeed, so true is this that even such glaring, unprovoked, and heartless murders of defenseless citizens as were perpetrated by the Modocs in Oregon prior to the commencement of the Modoc war are held to result from the acts, as they say, of wicked white men. Such sentiments are a reproach to the men who utter them. They are libels upon the white race, and a gross injustice to our settlers. I find the following report in the Evening Star, of this city, of a few evenings since, of a conference meeting of the board of Indian commissioners and representatives of missionary societies, held recently at the Arlington Hotel, in this city, which will illustrate quite clearly what I mean:

A conference meeting of the board of Indian commissioners and representatives of missionary societies was held yesterday afternoon at the Arlington Hotel, and a resolution that the agents nominated by societies shall receive sufficient salaries, to be regulated by location, was referred to a committee. Mr. Janney opposed the proposed transfer of the Indian Bureau to the War Department. Mr. Dorsey moved that a committee be appointed to draw a memorial to Congress asking that no such transfer be made. After some debate, a resolution offered by Mr. Reed was adopted, indorsing the Indian policy of the Government, and expressing unabated confidence in its ultimate success, of which the happy unity that has thus far existed between the Interior Department, the board of Indian commissioners, and the various missionary organizations is a most grateful indication. Mr. Meacham, one of the members of the Modoc peace commission, and who was shot at the time General Canby was killed, took strong grounds against the change. He claimed that the wrongdoings of the Modocs were caused by wicked white men, and notwithstanding he had suffered from the Indians he would always be their friend. A resolution was adopted that the agricultural industry of the Indians should be fostered by purchasing from them such of their products as the Government may require. The conference then affirmed the resolution regarding the sacredness of the rights of the Indians in the Indian Territory, and the meeting adjourned.

From this report it would seem that the first great question discussed and agreed upon by these missionaries was the question of the salary grab. As the first great step in the work of christianizing the Indians they resolved that the agents nominated by the different religious societies should receive sufficient salaries. This was the vital preliminary in the work of reformation, though just how much, in their judgment, would be sufficient does not appear; neither was it stated whether salaries were to be retroactive or simply prospective. They next resolved, as a body, to oppose any transfer of control of the Indian management from the Interior to the War Department. As a matter of course, the fact that such a transfer would operate as a sudden repeal of all of these salaries, back pay and future as well, had nothing at all to do with bringing about this resolve. They then proceeded to declare in proper form what a happy unity exists between the Inte-

rior Department, the board of Indian commissioners, and the various missionary organizations from which these agents who are to have sufficient salaries are selected."

This is all very proper and commendable, as it tends to secure a more faithful disbursement than otherwise might be the case of the many millions of dollars of annual Indian appropriations. If there were a lack of this unity, to such an extent as to lead to any serious disagreement in regard to the expenditure of these appropriations, possibly it might result in a failure to disburse all the moneys appropriated; and hence the poor Indian might suffer. This feature, therefore, of perfect unity that seems to exist, I admit, is encouraging. Whether it is exactly true that such a feeling of unity does actually exist between the board of commissioners and the Interior Department I am not quite certain, but if it does it presents the idea of harmony just as a complete circle or ring of friends, whose ideas, desires, and ambitions being the same, presents to the mind the idea of unity and harmony. Peace Commissioner Meacham then entertained the conference in a speech, in which he is reported to have said:

The wrong-doings of the Modocs were caused by wicked white men, and notwithstanding he had suffered from the Indians he would always be their friend.

I do not object, Mr. President, to that spirit of charity and Christian forgiveness that enables men when one cheek is smitten to meekly turn the other to receive the blow; for I believe this is the doctrine of the Saviour of men; and therefore I do not complain when Mr. Meacham, rising as he did from the blood-smeared rocks of the lava beds, stripped of every vestment and almost of life itself, and with his gaping wounds breathing forth the terrible history of the perfidy and wrong of the Modoc fiends, turns the other cheek also, and declares one of the most infamous assassinations recorded on history's darkest page, and from which he barely escaped alive, to have been in one sense excusable, if not entirely justifiable, and in saying that notwithstanding all he had suffered he would always be the friend of the Indian—I say I have no fault to find with the spirit that enables Mr. Meacham to do this. But when he or any other man makes the assertion that any white man, either good or bad, ever did any act or thing which would in the slightest degree palliate, much less justify, the unprovoked murder by the Modocs of some twenty of Oregon's best and most peaceful citizens in the most cowardly and brutal manner, ending with the assassination of the peace commissioners, then I protest in the name of the truth of history, read and known by all men, against the injustice of this assertion. And when a peace conference composed of peace commissioners will give audience and sanction to such sentiments, then I confess to a feeling of distrust as to their qualifications for the high office they hold, and I regard with serious apprehension as to its final results a policy shaped and controlled by such sentiments.

The whites responsible for the attrocities of the Modocs! Why so? What did the whites do? What right of the Modocs had been violated by them? None whatever. Had their property been taken from them? Not at all. Had they been deprived of their liberties? By no manner of means, for they had by solemn compact agreed to go on the Klamath reservation, and in pursuance of such compact had at one time actually gone. Had their wives or children, or neighbors or friends, been molested in any manner? Such a thing is not contended. Then why say that white men are responsible for the cowardly murders perpetrated by the Modocs?

But in this connection I desire to attract attention to two reports of the peace commissioners, one made last April at the Fifth Avenue Hotel in New York City, and the other a few days since at the Arlington Hotel in this city. From these reports I shall be able to show either that the commissioners are guilty of a willful perversion of facts or that they are grossly ignorant of the subject in regard to which they attempted to treat. In charity I must attribute their unpardonable mistakes to the latter cause; but yet, when I reflect that they had access to all the records of facts, of treaties and the like, in the office of the Commissioner of Indian Affairs, I feel almost constrained to believe that I myself grossly err in assuming this charitable view. I refer now specially to their treatment of the Modoc question. In the former report, to which I have referred, they use this language:

By this treaty (referring to the treaty of 1864) the Klamath Indians and Modocs ceded to the United States from fifteen to twenty thousand square miles of territory for the comparatively small sum of $17,000, which was appropriated to these Indians by the last Congress.

Nothing, Mr. President, could be more remote from the truth than this statement, made, as it would seem, to justify the Modocs, and to convey the impression to the people that they had been misused and swindled by the Government.

What are the facts? The truth is that the Government had, at the date of this report, paid these Indians $138,211, and still owed them $170,789, making an aggregate of $309,000, instead of $17,000, as stated by the commissioners, which our Government agreed to pay, and is paying as rapidly as it matures under the treaty, for the title which these Klamath and Modoc Indians had, or claimed to have, to these lands ceded by them to the United States by that treaty.

But this is not all. By this same treaty, in addition to this large sum of money, they were given a reservation containing seven hundred and sixty-eight thousand acres of land, over four hundred and twenty-five acres to each Indian, man, woman, and child, of all the tribes, and more than six hundred thousand acres of land more than the same number of white people could hold under any homestead, donation, or pre-emption law of the United States. But as I shall recur to the provisions of this treaty again, I desire now to examine further the report of April, 1873, of the peace commissioners.

They further proceed to say in that report, as a justification of the course pursued by the Indians:

The head chief and that portion of the Modocs who joined in the treaty went upon the reservation according to the agreement, but a majority of the Modocs claimed that they never joined in the treaty, and never sold their country; and so, refusing to go upon the reservation, they remained upon the lands "coveted" by the whites.

What are the facts respecting this Modoc matter and the troubles generally? Simply these. On the 14th day of October, 1864, a treaty was concluded at Klamath Lake, Oregon, between the United States, through their commissioners, J. W. P. Huntington and William Logan, and the Klamath and Modoc tribes of Indians, acting through their chiefs and principal men. By the terms of that treaty the Klamaths and Modocs ceded to the United States all their right, title, interest, and claim in and to all lands outside the limits of Klamath reservation, which reservation was reserved and set aside for their sole use and occupation. Having simply the right of possession to the lands included in this reservation, by virtue of the provisions of the treaty, they obtained the right of property and the absolute fee, as the right of possession simply belongs to the aborigines, and the right of property to the discoverer, and consequently to the Government. And by the terms of this treaty these two tribes of Indians agreed to go and reside there, and not depart therefrom except by permission of the agent or superintendent. There was also a stipulation in this treaty that the Indians should demean themselves properly in all respects, and always thereafter maintain peaceable relations with the whites and with all people, and that they would submit to and obey all laws and regulations which the United States might make and prescribe for their government and conduct.

It must also be borne in mind that Captain Jack, the notorious leader of the Modocs in the lava beds, signed this treaty in person. And again it must be remembered that at the time this treaty was made the Modocs had only four headmen who were the representatives of all their people. Without a single exception these leaders signed this atrety, namely, Schonchin, Stak-it-ut, Keint Poos, (or Captain Jack,) and Chuck-e-i-ox.

July 2, 1866, this treaty, in an amended form, was ratified by the Senate; and the amendments, on the 10th day of December, 1869, were assented to and signed by both tribes, including Captain Jack and the other chiefs; and about that time the whole of the Klamaths and Captain Jack and his tribe of Modocs—including all of the latter—in pursuance of the treaty stipulations, voluntarily entered upon the Klamath reservation.

It will be observed that in the report to which I have alluded the commissioners say "that a portion of the Indians who did not join in the treaty refused to go upon the reservation, and remained on lands coveted by the whites." While in another part of their report they say "that they left the reservation because they were mistreated by the Klamaths."

If they never went upon the reservation, and if they remained on lands coveted by the whites outside the reservation, how then, I would inquire, could they ever leave it? Two statements could not well be made more inconsistent; but in this instance, to add to the surprise that either should be made, is the fact that they are both false. Jack and all the Modocs did go upon the reservation; they remained there some two months, at the expiration of which time, without any real cause, and without the consent of the superintendent or agent, and in direct violation of the terms of the treaty. they left it; that is, Captain Jack and his band of desperate men left Klamath reservation and went to the vicinity of Lost River in the midst of white settlers, and peremptorily and sulkily refused to return, although repeated efforts were made to induce them to do so. Promises and threats proved equally unavailing; and the more frequently they were repeated the more insolent and defiant became Jack and his Modoc band.

When the Indians ceded their lands to the Government on Lost River and Tule Lake, and left there in December, 1869, these lands were thrown open to settlement and were soon occupied by white settlers, as it was their perfect right to do; and it was the duty of the Government to protect these settlers in their rights of life, liberty, and property.

The commissioners, in a tone not entirely free from derision, sneeringly say that "the Indians remained upon lands coveted by the whites." Had not these same lands been thrown open to settlement by virtue of a solemn treaty with these same Indians? Had not the Modocs surrendered and conveyed to the Government and to the whites all their interest in these same lands for a large and valuable consideration? Had not the Indian title of possession been extinguished in due form of law? And was not the United States Government as much bound to protect these settlers from the insolence and depredations of this rebellious and trespassing band of Indians as it is to protect the homes and families of the board of Indian commissioners against the depredations of any foreign power with whom we have treated? Why, then, say that those lands were "coveted" by the whites?

The term used by the board is not used by accident; it is purposely employed; it is a term that conveys in its ordinary acceptation the

idea of a great wrong, an inordinate desire, avariciousness; and this is the sense in which the term is used in the report.

"Thou shalt not covet" is the *last* but not the *least* of the Ten Commandments. "Thou shalt not covet thy neighbor's house, * * nor his man servant, nor his maid servant, nor his ox, nor his ass, nor anything that is thy neighbor's."

Is it true that the men who penetrate the depths of the forest with their wives and their little children, and there, upon lands purchased from the Indians by solemn treaty and paid for by the Government first and by themselves afterward, strive to build up a home for themselves and families, shall be characterized in their actions by terms imputing to them a violation of the tenth commandment?

But a reference to the more recent report of the board of peace commissioners, that of January 30, of the present year, discloses a tenacity of adherence upon the part of the board in its disposition to misrepresent, and to glorify the Indian at the expense of the white man, which in a different cause might be worthy of admiration. The report contains this language:

> Early in the year the deplorable events of the Modoc rebellion produced serious apprehensions in the public mind in regard to the designs of other Indian tribes in Oregon, and a distrust of the peace policy, which were not shared by those conversant with the subject. The peaceable conduct of the Indians and the fact which came to be understood that the peace policy was in no way responsible for the Modoc war, but on the contrary would have prevented it, soon dissipated both the apprehensions and distrust.

How, in the face of the bald facts of history, this board can assert that the peace policy "would have prevented the Modoc war" is, to one conversant with these facts, somewhat difficult to perceive. Not content with the assertion that the peace policy was in no way responsible for the Modoc war, of the truth of which there are grave doubts, they make the remarkable declaration, on the contrary, that this policy would have prevented it.

Why, is it not a fact that this peace policy was adopted by the Government in its dealings with these Indians, and adhered to against the solemn protests of the people of Oregon, and of her Representatives in Congress, until its commissioners were stricken down by the arm of treachery, and the commission instantly dissolved by the brutal assassination of a majority of its members and the maiming for life of the remainder?

The peace policy prevent a war, when its advocates and agents are cruelly slaughtered while attempting to enforce its edicts beneath the shadow of a flag of truce! It can scarcely be contended that the persistence with which the peace policy was urged in this instance, in face of all absence of any hope of success, did not contribute to the Canby and Thomas massacre. On March 4, 1873, the administration was telegraphed, by the peace commission itself, in these words:

> The Modocs emphatically reject all offers and propositions. This undoubtedly means treachery. The commission is a failure.

And then it is gravely asserted, in the same paragraph of the report, that the fact that the peace policy was not the cause of the war, but, on the contrary, would have prevented it, coming to be understood by the public, soon dissipated all apprehensions and distrust as to the designs of other Indian tribes in Oregon. What is the fact in reference to this matter? Simply this: While the Government was tampering with these Modocs through the instrumentality of the peace commission there was, and it cannot be denied, a serious dread in the public mind of a general outbreak by the Snakes, Klamaths, and other tribes. These fears were not without alarming reasons for support, for their war-dances and councils gave abundant evidence that they were not groundless.

But what prevented this general outbreak and dispelled these fears? Was it either the success of the peace policy, or a knowledge in the public mind that such a policy would have stopped the Modoc troubles? Not by any means, sir; but, on the contrary, it was the fact that on the assassination of General Canby and Dr. Thomas the nation became aroused with indignation, and was alarmed at the fruits of this Quaker policy. The military power of the Government was invoked to solve a problem for which the words of peace and the arts of civil diplomacy could find no solution. General Jeff. C. Davis with his army struck a blow that overwhelmed the conspirators and sent a word of warning into the ears of every tribe on the North Pacific coast, a blow and a warning that did more to secure peace to the country than all the peace commissioners ever have done or ever can do. The peace commissioners who have done the most for Oregon the past few years are Generals Crook and Davis.

The commissioners further say that—

> They do not find any serious offense had been proven against the band of Modocs until the commencement of the untoward strife.

In the face of the statements contained in almost every report of civil and military authority ever made, to the effect that these Indians were violating their treaty obligations and trespassing upon the rights of the settlers, this would seem to be a most singular assertion.

It is perhaps true that, in the opinion of this very peaceably inclined board, the levying of black-mail upon citizens powerless to protect themselves and compelled to submit to piratical exactions plundering them of their stock, provisions, and stores, insulting their wives and daughters in the absence of their husbands and fathers, and threatening their lives, are not "serious offenses." Such conduct upon the part of white men would be, in the estimation of most people, little less than flagrant crimes. If they are not serious offenses when committed by Indians, then there are prerogatives and immunities indeed under our laws attaching to the Indian which do not attach to the white race; and in such case the latter is peculiarly unfortunate in being white.

The people are heavily taxed to meet the expenses necessarily incurred in making and enforcing our laws, to the end that every man within the territorial jurisdiction of those laws may be protected in the most sacred of all rights—life, liberty, and property. All governments have this end in view; but especially was our Government ordained and established by the people, not only for the purpose of forming a more perfect union, but "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity." Its highest office and proudest privilege consists in guaranteeing to every man, of every race and condition, full and complete protection to all his natural rights of life, liberty, and property. Whenever it fails for any cause to defend its humblest citizen against the encroachments of the wrong-doer, even though he may reside on the borders of the continent and on the outskirts of civilization, and though such wrong-doer be an Indian, the first object of government is defeated; it becomes a useless piece of machinery; so that our boasted rights and privileges as American citizens may be said to be worse than delusions and existing only in imagination.

I would have the Indian treated in a humane and proper manner: I would throw around him in his weakness and ignorance and superstition not only the forms, but all the substantial protection of the laws, elevating him, so far as in my power, from his primary condition of barbarism to the higher plane of civilization and Christian life. But I am not willing that special privileges shall be accorded him, such as plundering and murdering our citizens, despoiling their possessions, and laying waste their homes. I would hold him to a strict accountability before the law for each violation of its mandates; and when he committed murder I would call it murder, under the law, and instead of sending him to a distant reservation, to be kept by the Government, I would have him tried by the judiciary and the laws of the State, and if found guilty I would have him treated just as the law would treat a white man under like circumstances—hanged by the neck between the earth and the sky until he is dead.

But I desire to trace more fully the history of the Modoc troubles, for the purpose of showing just where the responsibility rests.

After repeated efforts on the part of Mr. Meacham, who was then superintendent of Indian affairs in Oregon, to induce the Modocs to return to their agency, all of which proved abortive, he had some verbal understanding with them to the effect that they might remain where they were until he could make an effort to induce the Government to give them a new reservation in that vicinity. In January, 1872, Mr. Meacham requested General Canby, then in command of the Department of the Columbia, to furnish troops to enable him to remove them forcibly to the Klamath reservation. This General Canby declined to do, giving as a reason this verbal promise of the superintendent that they might remain on Lost River until he (Meacham) could succeed in securing them a reservation there.

As an evidence of the manner in which Superintendent Meacham regarded the conduct of the Modocs at that time, I quote the following extract from a letter written by him to General Canby, February 8, 1872, in response to the general's refusal to furnish troops to remove the Modocs back to Klamath reservation. He says:

> They have not kept their part of the agreement, and hence have forfeited any claim they might have had to forbearance.

A petition (a copy of which I hold in my hand) signed by forty-five settlers residing in the vicinity of Lost River and Tule Lake, and addressed to Superintendent Meacham, about 25th January, 1872, will convey some idea of the reign of terror then existing in that region, and the jeopardy to which the lives and property of those settlers were then subjected. I will read it:

> Hon. A. B. MEACHAM,
> *Superintendent Indian Affairs:*
> General CANBY,
> *Commanding Department Columbia:*
>
> We, the undersigned, citizens of Lost and Link River, Klamath and Tule Lake country, after suffering years of annoyance from the presence of the Modoc Indians, who, through the delay of the Indian and Military Departments, have not been removed to the reservation, as required by the treaty stipulations of 1864, entered into by the authorized agents of the Government and the chiefs of the Modoc Indians, by which all their lands were ceded to the United States except those embraced in the reservation, as stipulated in said treaty. But notwithstanding all the conditions of said treaty have been faithfully performed on the part of the Government, it is a well-known fact that a factious band of the Modocs, of about three hundred, who were parties to that treaty, have, through the influence of citizens of an adjoining State, who have been engaged in an illicit traffic with them, have been instigated to set the authority of the Government at defiance, and to utterly refuse compliance with their treaty stipulations by going on the reservation; and since there is no longer any conflict between the Indian and Military Departments, such as prevent Sub-agent Applegate from bringing those Indians on the reservation, we, therefore, make this earnest appeal to you for relief—knowing that you have the cavalry force we petitioned to be sent to Fort Klamath two years ago for this specific purpose at your command. We ask you to use it for the purpose it was procured for, that the departments, both civil and military, have not been kept ignorant of the fact that we have been repeatedly on the verge of a desolating Indian war with this band of outlaws, who, by your delay to enforce the treaty, have been led to despise, rather than respect, the authority of the Government.
>
> Their long-continued success in defying its authorities has emboldened them in their defiant and hostile bearing, until further forbearance on our part would cease to be a virtue; that, in many instances, our families have become alarmed at their

threats to kill and burn, until we were compelled to remove them for safety across the Cascade Mountains, thereby suffering great loss of time and property; that the agents at Klamath and commissary at Yainax, during this long delay growing out of this unfortunate conflict of departments, have done all they could to prevent a war and bring about an amicable adjustment of our troubles we have no reason to doubt; but we ask now, since no such conflict exists, shall a petty Indian chief, with twenty desperadoes, and a squalid band of three hundred miserable savages, any longer set at defiance the strong arm of the Government, driving our citizens from their homes, threatening their lives, and destroying our property?

Their removal to the reservation in the winter season may be easily accomplished by any one acquainted with them and their country, and will not require more force than could be furnished from Fort Klamath to do it. We recommended Commissary I. D. Applegate, of Yainax, to the consideration of the department as a suitable man to take charge of any force or expedition looking to their removal. His long connection with the Indian Department, and thorough knowledge of them and their country, and all the facts connected with this whole Modoc question, and as a stock-raiser equally interested with us in their removal, point him out to us as the right man in the right place in charge of this much-needed expedition for the removal of this band of Modocs to their reservation, for which your petitioners will ever pray.

I. N. SHOOK.	THOMAS COLLAR.	A. C. MODIE.
SAMUEL COLVER.	J. M. RUMBO.	O. H. SWINGLE.
JAMES H. CALAHAN.	D. DAVIS.	C. A. MILLER.
DAVID P. SHOOK.	W. DINGMAN.	J. C. TURNIDGE.
J. J. BRATTON.	JOHN CLEAN.	C. B. VANRESSER.
PAUL BRATTON.	W. H. MILLER.	J. H. SPRINGER.
H. DUNCAN.	WILLIS HALL.	J. V. RUBRU.
C. RILGONE.	E. HALL.	H. BAILMANK.
JOSEPH LANGELL.	A. HALL.	JOHN GOTBROOD.
SIMPSON WILSON.	J. T. ARONT.	W. HICKS.
THOMAS WILSON.	JOSEPH SEEDS.	O. A. STEARNS.
FRANK HIFLING.	JOHN E. NAYLOR.	O. L. STEARNS.
JAMES VINSON.	GEORGE NURSE.	JOHN FULKERSON.
G. S. MILLER.	EDWARD OVERTON.	ISAAC HARRIS.
EDWIN CROOK.	WILLIAM ROBERTS.	GEORGE THOMAS.

I also read an extract from another petition, signed by 65 citizens of Lost River, Klamath and Tule Lake country, addressed to Governor Grover about the same time, and in which they pray that protection may be awarded them. They use this language:

Our reasons for this request are these: We have been harassed and bothered for the last four years by this renegade band of lawless Modoc Indians. They are extremely saucy and menacing in their repeated threats against settlers and their stock; they set up a claim to our homes; they frequently draw guns and pistols on inoffensive citizens; they recently fired at the house of citizen Ball; they watch the men leave their houses, and then go to the house and insult the female inmates of our sacred homes; they boast defiance to the authorities, &c.

These petitions were sent by Hon. A. B. Meacham, then superintendent of Indian affairs, to General Canby, accompanied by a letter in these words:

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oregon, January 25, 1872.

SIR: Inclosed please find a petition from citizens of Jackson County, Oregon, for removal of Modoc Indians. I would respectfully ask that the said Indians be removed to Yainax Station, on Klamath reservation, by the military force now at Fort Klamath. I would also suggest that sufficient force be sent on this mission to insure success, say fifty men. I have ordered arrangements to subsist the Modocs at the place above named, and have instructed I. D. Applegate, commissary at Yainax, to confer with commander at post, and accompany said expedition if agreeable to your department. Now, if it is not consistent with your views on the subject to comply with the above request, I would respectfully ask that a military force of the number designated be placed, subject to requisition of Commissary Applegate, for the purpose above stated. Winter is the only time to successfully operate against these Indians.

I regret very much the necessity of this action, but the peace and welfare of white settlers and Indians demand that it be done promptly.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Superintendent Indian Affairs in Oregon.

General E. R. S. CANBY,
Commanding Department of Columbia, Portland, Oregon.

Notwithstanding these repeated and earnest appeals no troops were furnished, and so the treaty-breaking and blood-thirsty Modocs were left to terrorize over the unprotected settlers.

About the 1st of April, 1872, Hon. T. B. Odeneal superseded Mr. Meacham as superintendent of Indian affairs for the Oregon superintendency.

As an attempt has been made in certain quarters to throw the responsibility of the Modoc war upon the management of Mr. Odeneal, as a matter of simple justice to an able, honest, and efficient officer, I desire to show by official records that any such insinuation is as untrue in fact as it is unjust in character. Shortly after Mr. Odeneal took possession of the office, April 11, 1872, Major Elmer Otis, of the First Cavalry, commanding the district of the lakes, addressed him a letter, in which this language appears:

SALEM, OREGON, *April* 11, 1872.

SIR: * * * * * * * *

I would recommend that the permission for Captain Jack's band of Modocs to remain where they now are, until the question of a new reservation be decided, in the vicinity of Tule Lake, given by Mr. Meacham, be withdrawn, and that they be directed to go on the Klamath reservation as per treaty of October, 1864; that this order be given some time in the latter part of September, so that in case they refuse the military authorities could put them upon the reservation the following winter—the best time for "corraling" them, should they prove refractory; that at least two of their leaders, Captain Jack and Black Jim, be removed from them and sent to Siletz, or any other place you might suggest. * * * *

The reasons why I make this recommendation with reference to the Modocs is, that where they are now they are very insolent, insulting to families, and the settlers are generally of the opinion that they are dangerous to both life and property. I do not believe they will live where they now are in peace with the whites any length of time, without the presence of a military force sufficiently large to make them behave themselves. There is now a force of fifty men and three officers in their immediate country.

I would propose, and strongly recommend, that We-ah-was's band, Oche-hoes's band, the band at McDermit, and the band on the Truckee reservation, or Pyramid Lake reservation, (official name of the reservation not known by me,) be brought on a reservation on the head-waters of the Malheur, or Stein's Mountain country.

I make the above recommendations, after commanding the military districts of Nevada, Owyhee, and district of the lakes, successively, since December of 1867.

Very respectfully, your obedient servant,

ELMER OTIS,
Major First Cavalry, Commanding District of the Lakes.

T. B. ODENEAL,
Superintendent Indian Affairs.

And in his report to General Canby, bearing date April 15, 1872, Major Otis said:

They (the Modocs) signed a treaty in October, 1864, to go on the Klamath reservation. They came on the reservation in the fall of 1869. A portion of them, with the old chief, still remain, but Captain Jack, who signed the treaty in 1864, became dissatisfied soon after coming on the reservation, and in February, 1870, formed a band, numbering now probably sixty warriors, and left the reservation, going to Lost River and Tule Lake. Last fall Superintendent Meacham promised to allow them to remain where they are until he could see if a small reservation could not be set aside for them on the north end of Tule Lake. These Indians are still in this country, and are insolent and insulting in many instances to the white settlers, and the latter generally deem this band of Modocs unsafe to both life and property. If a military force was present they could probably be removed peaceably to Camp Yainax, on Klamath reservation, and by removing the Pi-Utes now there, would leave them homes and farms for their cultivation. I am of the opinion that if left where they now are, it will probably lead to serious outbreak in time.

On the 12th of April, 1872, Hon. F. A. Walker, then Commissioner of Indian Affairs, addressed Superintendent Odeneal a letter instructing him in positive terms to have the Modocs removed, if practicable, to their reservation. That letter reads:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 12, 1872.

SIR: I inclose herewith copies of papers received by this Department by reference from the honorable Secretary of War, in reference to the hostile attitude of, and apprehended trouble with, the Modoc tribe of Indians.

You are instructed to have the Modoc Indians removed, if practicable, to the reservation set apart for them under the treaty concluded with said Indians October 14, 1864, and, if removed, to see that they are properly protected from the Klamath Indians.

If they cannot be removed or be kept on their reservation, you will report your views as to the practicability of locating them at some other point, and if favorable to such location, you will give a description by natural boundaries, if no other can be given, of the reservation that should be set aside for them.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

T. B. ODENEAL, Esq.,
Superintendent Indian Affairs, Salem, Oregon.

The execution of this order was referred by Superintendent Odeneal to L. S. Dyar, United States Indian agent at Klamath agency, and Ivon D. Applegate, commissary in charge of Camp Yainax, on Klamath reservation, who on 14th of May, 1872, met the chiefs and head-men of the Modocs, those on, as well as those off, of the reservation, at a military camp on Lost River, and there used every argument to induce Jack and his band to return peaceably to their reservation. Every guarantee of protection to all the rights and privileges enjoyed by the Klamaths were proffered them, but without avail. They sullenly and peremptorily refused to return or to be bound by their treaty stipulations. Messrs. Dyar and Applegate, in their report to Superintendent Odeneal, use this language:

The Modocs, as parties to the treaty of 1864, ceded to the United States the very country over which they are now roving. Their right being thus extinguished, the country was thrown open to settlement; much of it has been located as State land, and nearly every foot fit for cultivation has been taken up by settlers, whose thousands of horses, cattle, and sheep, are ranging over it. The country where these Modocs are is a pastoral region, not an agricultural country, and to undertake to maintain them on a small reservation there would probably cost more than to furnish them and the Klamaths on Klamath reservation, which is so well fitted by its various resources, as a home for them.

On the 17th of June, 1872, Superintendent Odeneal reported to Commissioner Walker, in these words:

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Salem, Oregon, June 17, 1872.

SIR: In answer to your letter of the 12th of April last, inclosing copies of papers from the honorable Secretary of War, in reference to the hostile attitude of, and apprehended trouble with, the Modoc Indians, I have the honor to report that, in pursuance of your instructions therein contained, I at once directed Agent Dyar, of Klamath agency, and Ivon D. Applegate, commissary in charge of Camp Yainax, to meet the chiefs and head-men of said tribe of Indians, and endeavor to persuade them to go upon the Klamath reservation, authorizing the assurance to be given that they should be fully protected.

A council was held with said Indians on the 14th ultimo, and the result thereof is contained in the report of Mr. Applegate, (approved by Mr. Dyar,) a copy of which is herewith inclosed. I referred the matter to the gentleman named, for the reason that Mr. Applegate has for many years been intimately acquainted with these Indians, speaks their language, and possesses their confidence to an extent equal to any one else. (See indorsement of Mr. Applegate by the settlers in that country, in the petition herewith published.)

The leaders of these Indians are desperadoes—brave, daring, and reckless—and their superior sagacity enables them to exercise full and complete control over the rest of the tribe. They have for so long a time been permitted to do as they please that they imagine they are too powerful to be controlled by the Government, and that they can, with impunity, defy its authority. This, in my opinion, is the whole secret of their insubordination. They must, in some way, be convinced of their error in this respect, by such firm, decided action as will leave no doubt in their minds in regard to the fact that we intend that they must be obedient to law and faithful to their treaty obligations. This need not, and with proper management will not, I think, require the use of force. When they shall have been thus convinced, we can, with reasonable hope of success, commence the work of civilizing and transforming them from their present savage state into peaceable, self-controlling, and self-supporting men and women.

Unless the leaders shall in some way be restrained from pursuing the reckless, defiant course they have heretofore been permitted to pursue, all theories in regard to their advancement in civilization must fail. As well might we expect our own youth to practice Christian virtues under the tutorship of the "bandits of the Osage," or the "road agents" of Montana, as to think of instilling any good into the minds of the Modocs while under the exclusive control of their present leaders.

I think the most effectual way to bring about a peaceful solution of the troubles is to take the head-men into custody and hold them at some point remote from their tribe until they shall agree to behave themselves. We deprive white men of their liberty as a reformatory measure, and it could not be less humane to pursue the same course toward these chiefs.

Not long since I had a conversation with Major Elmer Otis, who was in command of the troops in the district including these Indians, in which he expressed the opinion that all trouble with them could be settled by arresting the leaders, and compelling the others to go upon Klamath reservation; but it was his opinion that positive orders should not be given to this effect until about the last of September, so that in case of refusal the military could compel obedience. His opinion, as well as that of Messrs. Applegate and Dyar, and all others from whom I have obtained any information, is that Camp Yainax, on Klamath reservation, is the best place in that whole country for the Modocs; that they will be as well contented and as easily kept there as at any other place that could be selected, and I agree with them; and therefore respectfully report against the propriety of locating them elsewhere.

Very respectfully, you obedient servant,

T. B. ODENEAL,
Superintendent Indian Affairs, Oregon.

Hon. F. A. WALKER,
Commissioner, &c., Washington, D. C.

It will be observed from this communication that while Superintendent Odeneal recommended, in the strongest terms, the removal of the Modocs to the Klamath reservation, he at the same time expressed an opinion that in effecting this removal it "need not, and with proper management would not, require the use of force."

In reply to this, Commissioner Walker wrote to Mr. Odeneal, July 6, 1872, in these words:

Your recommendations, so far as the Modoc Indians are concerned, are approved, and you are directed to remove them to Klamath reservation, peaceably if you can, but forcibly if you must, at the time suggested in your report.

In pursuance of this peremptory order Superintendent Odeneal proceeded immediately to Klamath agency, where, learning that Captain Jack and his band were then camped on Lost River, he dispatched Messenger James Brown and Commissary I. D. Applegate to the camp of the rebel Indians with this message:

Say to them that I wish to meet the head-men at Link River, on the 27th instant, and to talk with them. Impress upon them the importance of meeting me. Tell them that I entertain none but the most friendly feelings for them, and that the object of the interview sought is to advance their interests and promote their welfare; that I have made ample provisions for their comfortable subsistence at Camp Yainax, on Klamath reservation, and desire to have them go there and receive their proportion of the annuities; that if they will go with you to the reservation within a reasonable time—as soon as they can get ready—they shall be fairly and justly dealt with, and fully protected in all their rights against any injustice which other tribes might be disposed to do them. If they agree to go with you, say to them that they need not meet me as requested, and that I will see them at Yainax. In the event they decline to go to the reservation, you will say they must meet me at Link River, as I desire to, and must, come to a positive understanding with them.

To this last appeal the Modocs turned an insolent and deaf ear, and peremptorily refused to go. Captain Jack made a speech, in which he said:

Say to the superintendent that we do not wish to see him or to talk with him. We do not want any white man to tell us what to do. I am tired of being talked to, and am done with talking.

Here, then, was the ultimatum. Jack and his rebel Modoc band, after baffling and trifling with the Government and its agents for over eight years, during all which time the olive branch of peace was held out to them, a home provided them in pursuance of their own treaty stipulations, protection guaranteed them in all their rights of person and property, assistance supplied them in the form of annuities, at last, with all the self-importance of a foreign state, defied the whole civil and military power of the Republic, and signalized their intention to wage a most fiendish and indiscriminate warfare by murdering in their homes some eighteen or twenty peaceable settlers, and destroying and carrying off their property, and that of other citizens and settlers.

Notwithstanding the repeated efforts made to induce them to return to their reservation, and their persistent refusal so to do, when the military were directed to proceed against them still another effort was made to effect conciliation. Superintendent Odeneal, at one o'clock on the morning of the 29th of November, 1872, gave to Captain Jackson, who, with thirty men, was directed by Major Green, First Cavalry, commanding the post, to proceed to the Modoc camp, these instructions:

When you arrive at the camp of the Modocs request an interview with the head-men, and say to them that you did not come to fight or to harm them, but to have them go peacefully to Camp Yainax, on Klamath reservation, where ample provision has been made for their comfortable subsistence, and where by their treaty they agreed to live. Talk kindly but firmly with them, and whatever else you may do I desire to urge that if there is any fighting let the Indians be the aggressors; fire not a gun, except in self-defense, after they have first fired upon you.

On the arrival there of Captain Jackson and his men he repeated to the leaders of the band Mr. Odeneal's instructions, and resorted to every argument at his command to induce them to obey, and thus avoid a collision, but, all such efforts proving unavailing, Captain Jackson demanded that they lay down their arms. Then Scar-Faced Charley, one of the leaders of the desperadoes, with a terrible oath and Indian yell, declared that he would shoot one officer, and at once fired at Lieutenant Boutelle, he meanwhile having repaired to his tent, painted his face, and returned clad in war costume. Thus commenced the famous Modoc war, that has cost our Government so much money and so many valuable lives.

As I have said already, an indiscriminate slaughter then began, not of the soldiers, but of the peaceable settlers of Southern Oregon, re-enacting another one of those massacres of defenseless citizens of our State that have so often, and at no lengthy intervals, since 1834 to the present time, drenched our territory with the blood of our pioneers.

The peace commissioners assert in their report of April, 1873, in referring to the special board of peace commissioners appointed to treat with the Modocs, that—

Meanwhile the local authorities indicted the Indians for murder, the effort to stop the *profitable* war was violently opposed, and every possible obstacle was thrown in the way of the special commissioners.

The very reverse of this is true; for had not the peace commissioners been appointed, the war would have soon ended by the defeat of the Modocs. The only effect of the appointment of this commission was to give the Indians time in which to intrench themselves in the strongholds of the lava beds. It was winter; the commissioners supplied them with food; they accepted it until spring came, when they could supply themselves, and then they smote the very hand that fed them, and, with the mockery of a flag of truce, waged wicked and indiscriminate war.

This report further asserts that the commissioners first appointed seem to have been intimidated by the pressure of opponents of the peace policy, and so Messrs. Stelle and Applegate resigned. This refers to Hon. Jesse Applegate; and I now beg to quote from a letter of that gentleman to Superintendent Meacham, February 1, 1872, so as to show what he thought of these Modocs at that time. He said:

That they are not obedient, quiet, and orderly, is proven by their absence from the reservation assigned them, and having broken away from it in defiance of the agent and the military, and all those conciliatory means used to induce them to return. They misunderstood your forbearance and humanity, and thought your policy dictated by weakness and fear; and the audacity with which they commit aggressions and levy black-mail upon the settlers encourages and confirms that belief. From advices from that quarter, their arrogance and impudence have been greater than ever before, and the patience of settlers is well-nigh exhausted. The Modocs help themselves to whatever they want when, by intimidation, they fail to obtain permission. This state of things discourages new settlers, and keeps those in the country in a feverish state of uneasiness and alarm, and instead of their increased numbers driving the Indians into a better behavior, the Indian number, in the meanwhile, is recruited by the bad and discontented flying to them from the neighboring reservations, and being concentrated in a body, they actually hold the settlements on Lost and Link Rivers at their mercy. Perfectly aware of this fact, they use it to their own advantage. These Indians sold their country which they now forcibly occupy, and years ago received their part of the payment.

Mr. Applegate, speaking further in this same letter, says:

If the commissioners who now control Indian affairs have no regard for the lives of white men, women, and children, there are other reasons for the removal of these Indians to their reservation, which may be in accordance with their tender sympathy for the welfare of the Indians themselves. While a body of independent and defiant Indians makes a city of refuge within a day's travel of two reservations it will scarcely be possible to introduce or enforce the discipline so necessary and proper a preliminary to the pious and innocent life the Indians are to live under their auspices. Moral suasion may not be a sufficient restraint upon the vicious red man any more than upon the vicious white man. Some kind of physical punishment must be the penalty of crime. Such impious characters, until they learn to be "meek under chastening," will fly to the "city of refuge" rather than quietly submit to be hanged, whipped, or otherwise punished for their crimes. Hence those most in need of the lessons of the moral teacher will be out of his reach.

Poets and moralists argue that the "untutored savage" is also a "wild man;" and that like other wild animals they chafe and fret under any kind of restraint, preferring the liberty and license of the "city of refuge" to even the mild restraints of a pious life on the reservation. The consequence will be that the "city of refuge" will overflow with inhabitants and the reservations be left desolate. The people of the "city of refuge," like those of other cities, must be fed and clothed. The white settlers in its vicinity having by their stock and farming operations diminished the spontaneous productions of the land will have to pay tribute to the city. The collectors of the tax may be rude, rough men, (red though they be,) who are not likely to observe those formalities which reconcile tame people to be robbed in the name of law.

The truth is, Mr. President, the career of the Modocs, the Snakes, the Pi-Utes, and some other tribes of Indians in Oregon, is one of blood. The evidence of this are the bleaching bones of hundreds of emigrants and settlers that to-day whiten our territory with their decaying dust. The assertion, so often made, that the Indian wars of Oregon have been the result of the unjust oppressions of the whites is false in fact and libelous in intention and character. For years Congress labored with commendable zeal to enact such legislation as would induce the settlement of Oregon by the whites, and thus wrest it from the grasp of the British Crown; but from the first of these settlements almost to the present hour they have suffered severely for that protection properly due them from the Government.

The Indian massacres of American citizens in Oregon commenced in 1834, on the Umpqua, where a party of about thirty were slaughtered by the most infamous treachery. It was known as Smith's party, and but two out of the whole number escaped alive, while some fifty more were scattered among the Indians, many of them captured and carried into captivity.

In 1847 Dr. Marcus Whitman, a Christian man and a true philanthropist, and whose life labors had been given to the elevation of these same Indians, together with his wife and eleven of his companions, was massacred by the Cayuses and Walla Wallas without the slightest shadow of provocation. Painted Shirt, one of the chiefs of the Cayuses, who engaged in this massacre, immediately afterward took a wife from the female captives, a young and beautiful girl of fourteen. In order to gain her quiet submission to his wishes he threatened to take the life of her mother and younger sister. Thus in the power of savages, in a new and wild country, remote from civilization, cut off from all hope of restoration, she yielded herself to one whose hands were yet red with the blood of an elder brother.

In 1852 some of these same Modoc fiends and their ancestors stood as bloody sentinels of destruction along the line of the emigrant

road. A company of soldiers sent out to protect the settlers found and buried some forty bodies at one time. These soldiers were accompanied by volunteers, under Ben Wright, who met in open warfare a portion of the Indian murderers and slew them in battle; and this is all there is of the Ben Wright massacre, of which we have heard so much. The war in Southern Oregon in 1853 was commenced by the Indians by the brutal and unprovoked murders of our white settlers.

The Rogue River and Yakima wars, in 1855–'56, were instituted in a similar manner. Again in 1858–'59 all Eastern Oregon was terrorized by marauding Indians, principally the Snakes, resulting in the most sanguinary slaughter and fiendish murders of emigrants.

From 1865 to 1870, for three hundred miles along the emigrant and other roads, and also through the settlements in the eastern portion of Oregon, the Snakes held high carnival over the lives and property of our citizens.

In order that some faint comprehension may be had of the trials of early settlers in Oregon, I desire to invite attention to the report of a committee appointed by the Legislature of that then Territory, in February, 1858, showing the murders committed prior to that date in time of peace, by Indians supposed to be friendly. And I refer to this report as a fair illustration of what has taken place every year since then, ending with the recent slaughter of the Modocs within the last year:

Your committee, to whom were referred the governor's message, and resolution (No. ——) relative to the protection of immigrants in 1854, with instructions to report, as far as practicable, the number, date, places, and names of persons killed by Oregon Indians and their allies in times of peace, and those killed in times of war by Indians supposed to be friendly, submit the following report:

The deadly hostility of the Indians inhabiting the extreme northern and southern portions of our Territory may be traced back to a very early period.

As far back as 1834, a party of about thirty persons, under the control of Captain Smith, were massacred near the mouth of the Umpqua River.

In June, 1835, George Gay, Daniel Miller, Edward Burnes, Dr. Bailey, Mr. Sanders, John Turner, John Woodworth, and an Irishman, called Tom, were attacked by Rogue River Indians near where Mr. Birdseye now lives, in Rogue River Valley, and Mr. Miller, Mr. Burns, Mr. Sanders, and Tom were killed. The other four were badly wounded, but made their escape.

In August, 1838, as a party of citizens of Oregon were driving the first cattle from California to this Territory, they were attacked near the same spot where the party was attacked in 1835 by the same Indians, and Mr. Gay, who was of the party of 1835, was again wounded.

In the fall of 1846, a sick immigrant was killed on the Southern Oregon emigrant road near Lost River, by Modoc Indians.

On the 29th November, 1847, Dr. Whitman, a Protestant missionary, his wife, two orphan children, a Frenchman, and about eleven emigrants, were massacred at and near the mission in Walla Walla Valley, by Cayuse Indians. This was the commencement of the Cayuse war.

In August, 1850, Mr. Spink and Mr. Cushing, of Maine, killed by Klamath Indians on Klamath River.

In January, 1851, James Sloan, Messrs. Janalshan, Bender, and Blackburn, of Ohio, killed by the Indians next above alluded to.

In the spring of 1851 two men were killed on Grave Creek, and one or two more on Rogue River by Rogue River Indians, for which they were chastised by Major Kearney, United States Army. It was in some of Major Kearney's engagements with these Indians that Captain Stewart, United States Army, was killed.

In 1851 an exploring party of eight or ten men were attacked near the mouth of Coquille River, in Southern Oregon, and six of their number killed: Cornelius Doherty, of Texas; Jeremiah Ryan, of Maryland; John Holland, of New Hampshire; John P. Pepper and Pat Murphy, of New York.

In May, 1851, William Mosier and Mr. Beaver, of Maine, killed by Rogue River and Shasta Indians, near Yreka, California.

In May, 1851, Mr. Dilley was killed near Camp Stewart, on Rogue River Valley, by Rogue River Indians.

In October, 1851, Mr. Moffitt was killed by the same Indians near the same place.

In June, 1852, Calvin Woodman was killed in Scott's Valley, California, by Rogue River Indians.

In June, 1852, James L. Freavor, John Brando, "Cayuse" Jackson, and "Adobi" John, a Mexican, were killed by Pitt River Indians, in the valley of that name, while viewing a wagon-road from Sacramento Valley to the southern boundary line in Oregon.

In July, 1852, Mr. Warner, a member of Colonel Freanor's exploring party, killed with the balance of the party as before specified.

In August, 1852, Felix Martin and Mr. Wood killed by Modoc Indians on the Southern Oregon emigrant road.

In August, 1852, Mr. Coats, John Ornsby, James Long, and thirty-three immigrants were murdered by the Modoc Indians on the Southern Oregon emigrant road.

In December, 1852, William Grendage, Peter Hunter, James Bacon and brother Mr. Bruner, William Allen, and Mr. Palmer were massacred by Rogue River Indians on Rogue River, near the mouth of Galuse Creek.

In the summer of 1853 "California" Jack was killed on Smith's River by Klamath Indians, eight miles from Crescent City; and about the same time, at the same place, and by the same Indians, Mr. Bell and partner were killed.

In 1853, August 4, Edward Edwards was killed by Rogue River Indians in his own house on Stewart's Creek.

August 5, 1853, Thomas Wills was mortally wounded by Rogue River Indians within three hundred yards of the town of Jacksonville.

August 6, 1853, Richard Nolan was killed by Rogue River Indians, on Jackson Creek, one mile from the town of Jacksonville.

August 17, 1853, John Gibbs, William Hudgins, and three others, whose names are not known, were killed in Rogue River Valley by Rogue River Indians.

October 6, 1853, James C. Kyle was killed by Rogue River Indians two miles from Fort Lane and about six from Jacksonville. The actual murderer of Mr. Kyle and those who murdered Edwards and Wills were subsequently arrested, and were tried for their offenses before the Hon. O. B. McFadden, in the spring of 1854, and were convicted and hung. These three Indians, with those chastised by Major Kearney in 1851, are the only ones ever punished for crime by either the civil or military authorities in Southern Oregon.

In January, 1854, Hiram Hulen, John Clark, John Oldfield, and Wesley Mayden were killed, between Jacksonville and Yreka, by Rogue River, Shasta, and Modoc Indians.

April 15, 1854, Edward Phillips was killed on Applegate Creek, near Fort Lane, by Rogue River Indians.

June 15, 1854, Daniel Gage was killed while crossing the Siskiyou Mountains, between Jacksonville and Yreka.

June 24, 1854, Captain McAmy was killed at De Witt's Ferry, on Klamath River, by Shasta and Rogue River Indians.

In the summer of 1854 Thomas O'Neil was killed by Klamath Indians on Klamath River; and in the fall of the same year A. French was killed by Klamath Indians near Crescent City.

August 20, 1854, Alexander Ward, his wife, and seven children; Mrs. White and child, Samuel Mulligan, Dr. Adams and brother, William Babcock, John Frederick and Rudolph Schultz, Mr. Ames, and a Frenchman, name unknown, were massacred by Snake Indians, on the Northern Oregon emigrant road, near Fort Boise.

In September, 1854, Mr. Stewart was killed by Indians on the middle route to Oregon via the plains.

May 8, 1855, Mr. Hill was killed on Indian Creek by Rogue River Indians.

June 1, 1855, Jerome Dyer and Daniel McKerr were killed by Rogue River Indians on the road between Jacksonville and Illinois Valley.

June 2, 1855, Mr. Philpot was killed in Deer Creek Valley by the same Indians next above mentioned.

July 27, 1855, Mr. Peters was killed on Humbug Creek by Klamath, Shasta, and Rogue River Indians.

July 28, 1855, William Hennessey, Edward Parrish, Thomas Grey, Peter Hignight, John Pollock, four Frenchmen, and two Mexicans, names unknown, were killed by the Indians, next before referred to, at Buckeye Bar, on Klamath River.

September 2, 1855, Mr. Keene was killed by Modoc Indians on the Southern Oregon emigrant road, near Rogue River Valley.

In September, 1855, Mrs. Clark and a young man were killed in Yam Hill County, by Coast Indians.

In September, 1855, Elisha Plummer and four others, names unknown, were killed at Grande Ronde, east of the Blue Mountains, by Cayuse and Walla Walla Indians.

In September, 1855, Indian Agent A. J. Bolen, —— Matteese, and two others, names unknown, were killed by the Yakima Indians, east of the Cascade Mountains.

On September 24, 1855, Fields and Cunningham were killed by Rogue River Indians, on the Siskiyou Mountains, between Jacksonville and Yreka.

On September 25, 1855, Samuel Warren, killed by the same Indians next above referred to.

October 9, 1855, Mrs. J. B. Wagoner, Mary Wagoner. Mr. and Mrs. Jones, Mr. and Mrs. Haines and two children, George W. Harris, David W. Harris, F. A. Reed, William Guin, James W. Cartwright, Mr. Powell, Bunch, Fox, Hamilton, and White, were killed by Umpqua and Rogue River Indians near Evan's Ferry, on Rogue River. This is known as the "Wagoner massacre."

October 10, 1855, Messrs. Hudson and Wilson, killed by Rogue River and Klamath Indians on the road between Crescent City and Indian Creek.

October 16, 1855, Holland Bailey was killed by Umpqua and Cow Creek Indians, in Cow Creek Valley.

November 6, 1855, Charles Scott and Theodore Snow, killed on the road between Yreka and Scott's Bar by messengers from the Rogue River to the Klamath Indians.

February 25, 1856, Captain Ben Wright, Captain John Pollard, H. Braun, E. W. Howe, Mr. Wagoner, Barney Castle, George McClusky, Mr. Lard, W. R. Tullus, James Scroc and two sons, Mr. Smith, Mr. Warner, John Geisell and three children, S. Heidrick, Pat McCollough, and four others, whose names are unknown, were killed by Indians in charge of agent, Captain Ben Wright, near the mouth of Rogue River.

March 21, 1856, Whiting and Bell were killed by Rogue River Indians near Port Orford.

March 26, 1856, George Griswold, Norman Palmer, Mr. and Mrs. Brown, Mr. Watkins, James St. Clair, and eleven others, names unknown, were killed by Cascade Indians. This is known as the "Cascade massacre."

June, 1856, Charles Green and Thomas Stewart killed on McKinney's Creek, near Fort Jones, by Shasta Indians.

January or February, 1857, Harry Lockhart, Z. Rogers, Adam Boles, D. Bryant, and John, a German, killed in Pitt River Valley by Pitt River Indians.

It will be seen by the foregoing list that prior to 1851 upward of fifty citizens were murdered by Oregon Indians. Since 1851 upward of one hundred and fifty citizens have been murdered by the Indians of Southern Oregon and their immediate allies; and about fifty by the Indians of Northern Oregon and their allies since 1851. Many more names could be obtained from papers and living witnesses, but your committee have not time to investigate any further.

RECAPITULATION.

Killed in 1834, 30; in 1835, 4; in 1846, 1; in 1847, 16; in 1850, 8; in 1851, 12; in 1852, 50; in 1853, 11; in 1854, 29; in 1855, 51; in 1856, 45; in 1857, 5; total, 262.

Your committee report the resolution back without amendment, and recommend that it be adopted.

All of which is respectfully submitted.

NATHANIEL FORD,
Chairman Military Affairs.

FEBRUARY 3, 1858.

(Indorsed:) The report of the Committee on Military Affairs.
Adopted by the council February 3, 1858.

Joint resolution relative to the payment of the volunteers called into service for the protection of the emigrants in 1854.

Resolved by the Legislative Assembly of the Territory of Oregon, That the secretary of the Territory be, and he is hereby, requested to transmit copies of his excellency the governor's communication of the 18th of December last, and the accompanying documents, and copies of this resolution, to His Excellency James Buchanan, President of the United States, and to Hon. John B. Floyd, Secretary of War; also to send copies of the same to Hon. Joseph Lane, Delegate in Congress from Oregon, and that he be requested to present the same to Congress, and urge an appropriation to pay the Oregon volunteers who were called into service for the protection of the emigrants in 1854, and all just and necessary expenses.

Adopted in the council February 3, 1858.

H. D. O'BRYANT,
President of the Council.

Adopted in the House February 3, 1858.

IRA F. M. BUTLER,
Speaker of the House of Representatives.

February 18, 1863, General Alvord, in a report, says among other things:

I am also informed that General Wright has been authorized to establish a military post in the Klamath Lake country.

Again, February 26, 1863, in reply to a letter from department headquarters, asking his opinion, he says:

I am convinced that the step is a necessary one so as to protect the emigrant road and the frontier settlements. The Klamath and Modoc Indians, about twelve hundred souls, inhabit this country. The proposed new post would be upon the emigrant road from the Missouri, via South Pass and Humboldt River and Goose Lake, to Southern Oregon. Many emigrants at different dates have been murdered on that road.

And February 20, 1863, Major C. S. Drew, First Cavalry, Oregon Volunteers, writing from Camp Baker, Oregon, in reply to General Alvord, gives reasons why a military post should be established in the Klamath Basin, and reports in detail acts of Indian hostility committed

near there since 1846, and states positively that one hundred and fifty-one white persons had been murdered, and about three hundred others, more or less, seriously wounded.

The term "Snake" applies to several bands or tribes of Indians, and includes the Bannocks, Winnas, Shoshones, Klamaths, and Modocs. They number in all about five thousand, some fifteen hundred of whom probably live in Idaho.

Mr. Huntington, superintendent of Indian affairs in Oregon, in his report to the Commissioner of Indian Affairs, June 1, 1863, in referring to these bands, says:

> Their intercourse with the whites has been limited and hostile. The recent discoveries of gold brought crowds of miners to the rich soils of the Snake, Boise, and Malheur Rivers. Their labors have been constantly interrupted by the attacks of these Indians, and by depredations upon their property.

March 20, 1866, General Steele, in his report to the Military Division of the Pacific, says:

> Snakes and renegade Indians of Southeastern Oregon and Idaho have commenced depredations, with signs of continued hostilities to the whites.

And again, April 6, 1866, he says:

> There are five roads diverging from Goose Lake Valley, which lead into other valleys, that are inhabited or frequented by hostile Indians.

November 11, 1866, Lindsay Applegate, United States Indian subagent to Captain Sprague, commanding Fort Klamath, wrote that the Snakes had made a raid into the Modoc country near Goose Lake.

September 30, 1866, Captain Sprague reports in camp, near his post at Fort Klamath, a large number of Snakes gathered from Summer and Silver Lakes, and says:

> These Indians have certainly broken the treaty made with Mr. Huntington and now ratified, and Pau-ne-na, their chief, is now in open hostility.

General Crook, in his report of March 4, 1869, referring to the Indians who surrendered to him at Camp Harney, says:

> Among these Indians are many very crafty men, who may become troublesome again.

And again, in his report of May 8, 1869, General Crook, than whom no man has a better knowledge of Oregon Indians or of the proper method of dealing with them, says:

> There are large numbers of discontented and hostile Indians among the Eastern Oregon tribes.

I have thus referred with some degree of particularity, Mr. President, to these matters of history, for the purpose of giving some idea of the trials and sufferings through which our people have passed, and although the half has not been told, comment is unnecessary. It is a history of suffering and of pain, not upon the part of the Indians but of the whites, that carries within its crimson pages its own sad commentary. No power on earth can call to life the murdered Canby and Thomas. No legislative enactment can bring again to the family fireside the murdered husbands of Mrs. Body, Mrs. Brotherton, and others, slain on their own premises by Modoc savages. No legislation can now be had perhaps with propriety to restore to the cheated judiciary of Oregon the right which, in my judgment, legitimately and justly belonged to it, of arresting, arraigning, trying, convicting, and executing these men, who in cold blood and all unprovoked murdered some twenty of our citizens during the past eighteen months, and robbed their wives and children of their substance. No civil enactment or military order can now be had that can, by relation, go back and give us protection against wrongs already committed. Therefore we seek that just compensation to our injured citizens which rightfully accrues to them by reason of a failure upon the part of the Government to give proper and necessary protection; a compensation which at best is indeed but a sorry recompense for sufferings endured and losses sustained. Can it be claimed with any degree of propriety that our Government would be less diligent in giving protection to the lives, liberties, and property of its own citizens than of those of a foreign country? Most certainly not.

In this connection I desire to attract the attention of the Senate to a part of the eleventh article of the treaty of February 2, 1848, between the United States and Mexico, known as the treaty of Guadalupe-Hidalgo. I will read it:

> Considering that a great part of the territories which by the present treaty are to be comprehended for the future within the limits of the United States is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that, when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted—all in the same way and with equal diligence and energy as if such incursion were meditated or committed within its own territory against its own citizens.

I do not believe, Mr. President, that our Government ever intended by this article to concede greater protection to the citizens of the United Mexican States against Indian depredations, or to pledge its faith in any stronger terms to those citizens to make satisfaction for and on account of such depredations, than it is willing to do or has done in reference to our own citizens. Upon the contrary, I cannot construe this solemn act of our Government to convey any other meaning or intention upon its part than simply this:

First. That all Indians, including all savage as well as all peaceable tribes within the territorial jurisdiction of the United States, are, in the language of this treaty, "under the exclusive control of the Government of the United States;"

Secondly. That, this being so, it is the duty of the Government to "forcibly restrain" all incursions by any of these tribes or bands made against our own citizens, and that, in the language of this treaty, "when they cannot be prevented," then they shall be punished and satisfaction made; and

Thirdly. That by virtue of this treaty the Government of the United States covenants with the republic of Mexico that it will give to her citizens the same protection against Indian incursions and make the same satisfaction as it does in reference to our own citizens, as the treaty declares, "all in the same way and with equal diligence and energy as if such incursion were meditated or committed within its own territory against its own citizens."

But precedents are neither wanting nor few in reference to this subject, and what this Government has done before as an act of simple justice to its citizens it will not, I take it, hesitate to do again under a similar state of facts. It is but a few years, as the venerable Senator from Minnesota [Mr. RAMSEY] will bear witness, since by a special enactment similar to that now claimed by the pending resolution claims to the extent of about $1,000,000 were ascertained and finally paid by the General Government to citizens of the State of Minnesota on account of losses sustained by reason of Indian depredations. I would inquire of the Senator from Minnesota if this is not the fact.

Mr. RAMSEY. I do not now remember the amount; but it was a considerable sum.

Mr. MITCHELL. The duty of the Government to protect the citizens of the State of Minnesota at their homes and on their farms against the depredations of savages in their enjoyment of life and property was in that instance very fully and rightfully recognized. Because the Government had failed to give this protection it felt bound, by duty, precedent, and equity, to ascertain in a proper manner the losses sustained, and then to make reasonable and just compensation, which was done.

Mr. President, may not the citizens of the State of Oregon ask as much? Or must their appeals for justice, by reason of the great distance from which they come, be lost on the desert air of the intervening wastes and never reach the ear of the Republic?

As one of her representatives upon this floor, and I may say the entire delegation from Oregon are, as I believe, agreed in reference to this matter, I have felt it my duty to detain the Senate at this time with these remarks, not only in vindication of our people with reference to their treatment of the Indian, but also with reference to the justice of their claims against the Government on account of the Indian. I desire to say that the people of Oregon are not opposed to any policy that has for its purpose the elevation of the Indian, or which will have a tendency to civilize and christianize that race. Upon the contrary, such a policy in reference to *any* race is in full harmony with the advanced civilization and Christian spirit of the age in which we live, and must commend itself to the favorable consideration of the better judgment and enlightened conscience of every intelligent, patriotic man. To this, therefore, they do not object; but when in the administration of this policy its agents and missionaries become so enthusiastic and fanatical as to be wholly unable to comprehend the fact that the Indian, yet enshrouded as he is amid the gloom of superstition and barbarism, is in the very nature of things prone to engage in acts of barbarism unless restrained by physical as well as moral power; when they deem it necessary to the success of a pet policy that the blame of every Indian depredation must be attributed to wrongful acts of the whites, and when, furthermore, without ever having resided in an Indian country, and therefore necessarily to a very great extent uninformed as to the real character, habits, and peculiarities of the Indian race, they persist in setting up their judgment in opposition to that of men who for over a quarter of a century have resided in the Indian country, and whose means of knowledge are necessarily of a superior nature, they do object to such an administration of a policy that might under a different *régime* be crowned with abundant success.

Give us honest, capable Indian agents, men whose qualifications are not to be determined by the fact that they are members of this church or that church. Let them be selected from the people, with reference to their knowledge of Indian affairs, and their experience in such matters—men who will do justice both to the Indian and the white man—and we will have a greater degree of prosperity both of the Indians and the whites.

I beg pardon for having detained the Senate so long, and now move a reference of the pending resolution to the Committee on Indian Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1872;

A bill (H. R. No. 1929) to secure a more efficient administration of Indian affairs;

A bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land in the White Earth Indian reservation, in Minnesota, on which are situated their church and other buildings;

A bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 912) to provide for the inspection of the disbursements of appropriations made by officers of the Army; and

A bill (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon.

The message also announced that the House had passed the bill (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 43) authorizing a special court of inquiry concerning General O. O. Howard; and it was thereupon signed by the President *pro tempore*.

REMOVAL OF POLITICAL DISABILITIES.

Mr. GORDON. I move that the motion to reconsider the bill (S. No. 133) to relieve Thomas Hardeman, jr., of Georgia, and William L. Cabell, of Texas, of their political disabilities, entered by the Senator from Vermont, [Mr. EDMUNDS,] be referred to the Committee on the Judiciary, with an accompanying paper, which I now ask leave to present.

Mr. EDMUNDS. There is no objection to that being referred to the committee.

The PRESIDENT *pro tempore*. The Chair would suggest that the only way to accomplish the purpose would be to agree to the motion to reconsider and then refer the bill. The motion to reconsider cannot be referred to a committee.

Mr. EDMUNDS. Then let the bill be reconsidered for the time being.

The PRESIDENT *pro tempore*. The Chair will submit the question on reconsidering the vote on the passage of the bill; and that being agreed to, then the bill can be referred.

Mr. CONKLING. I suggest that some reason should be given for the reconsideration, in order that we may vote intelligently upon it.

Mr. EDMUNDS. The only point was that the question about relieving one or both of these gentlemen was referred to the Judiciary Committee, and without any report of the committee the bill was put on its passage one day in some way, and I entered a motion to reconsider, in order that we could inquire into the propriety of it. Since then, Senators having the matter in charge have furnished some documents which they desire should go back to the Committee on the Judiciary with the bill for consideration.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The Senator from Georgia now moves to recommit the bill to the Committee on the Judiciary.

The motion was agreed to.

SENATOR FROM MISSISSIPPI.

Mr. ALCORN presented the credentials of Hon. H. R. PEASE, chosen by the Legislature of Mississippi Senator from that State to fill the vacancy occasioned by the resignation of Hon. Adelbert Ames.

The credentials were read; and the oaths prescribed by law having been administered to Mr. PEASE, he took his seat in the Senate.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 668) relative to private contracts or agreements made with the Indians prior to May 21, 1872—to the Committee on Indian Affairs.

The bill (H. R. No. 1929) to secure a more efficient administration of Indian affairs—to the Committee on Indian Affairs.

The bill (H. R. No. 1930) to secure to the Episcopal Board of Missions the land in the White Earth Indian reservation, in Minnesota, on which are situated their church and other buildings—to the Committee on Indian Affairs.

The bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes—to the Committee on Appropriations.

The bill (H. R. No. 912) to provide for the inspection of the disbursements of appropriations made by officers of the Army—to the Committee on Military Affairs.

The bill (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon—to the Committee on Military Affairs.

RHODE ISLAND BATTERY GUN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun, which was, in line 7, after the word "light," to strike out the word "infantry," and insert in lieu thereof the word "artillery."

Mr. ANTHONY. That is merely a verbal correction, and I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870; the pending question being on the amendment of Mr. MERRIMON, to amend the bill in section 3, line 12, by striking out "25" and inserting "75;" so as to read:

Provided, That the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations under the provisions of this act, shall not exceed $75,000,000.

Mr. BUCKINGHAM. I understand that the amendment now before the Senate is the one proposed by the Senator from North Carolina [Mr. MERRIMON] allowing a withdrawal of circulation from the States having a larger amount than their proportion up to the sum of $75,000,000. I will not go extensively into the questions of finance, for I am sure they have been fully debated by this body since the subject has been under consideration; but I will endeavor to confine myself as closely as possible to the merits, if it has merits, of the pending amendment.

I fully agree with some suggestions which have been made by the honorable Senator from Wisconsin [Mr. HOWE] and also by the honorable Senator from Indiana [Mr. MORTON] that there is an apparent, and perhaps a real, injustice done some of the Western and Southern States, because they do not have their proper proportion, as it is called, of bank-note circulation. I do not know that I should agree to the term "injustice;" but let us call it "injustice" for the present. I submit that if these States are now suffering unjustly, it is not just to relieve that injustice by inflicting injustice upon another section of the country. It is not necessary. Relief can be secured in some other way.

The injustice arises from an attempt to make a distribution of currency by law, when it can be equitably distributed only by the demands of internal commerce. The fault is not in New England, not in States that have a circulation larger than what is called their proportion, but in the law which defines the apportionment.

What we need is freedom, deliverance from unnecessary restriction imposed by statute law. This can be secured by free banking. Free banking, under wise and just laws, will give to the West and South all the banking facilities which they will require or can profitably use. This bill proposes no such remedy; but, on the contrary, demands a new distribution of bank capital and bank-note circulation to-day, to be repeated to-morrow for the same reason which demands it to-day.

The honorable Senator from Michigan now in the chair, [Mr. FERRY,] expressed a wish that as New England had availed herself of benefits derived from a surplus of capital, she would be considerate and remember that the West had furnished more than her quota of men to suppress the rebellion. I would not pluck a laurel from the brow of any western man or from any State; but I am not willing to allow that New England was dilatory or deficient in furnishing men to sustain the Government. Every one knows that "Connecticut is a good State to emigrate from," and that the Western States have made heavy drafts upon our young arms-bearing men, and left us with an undue proportion of women and of men too old for military service; and yet I would say that Connecticut sent the first regiments to the front which were armed, equipped, uniformed, and furnished with a baggage-train complete for field service. Besides, Connecticut furnished during the rebellion 12½ per cent. of able-bodied men more than the quota assigned her by the War Department; and there was but one brief period when the State was deficient in her quota.

These are not reasons why the West, proud of her strength, should do an act of injustice to New England. These facts also show that the argument upon which the Senator from Michigan asks consideration is not properly based. There are reasons why New England should regard the interests of the West, but they were not named in this part of the speech of the honorable Senator.

But Connecticut not only furnished more than her quota of men, but her banks, organized under State laws, at the first news of the attack on Sumter, on the first day tendered to the Executive nearly $1,000,000 to be used at his discretion to maintain national authority. And soon after this, at the mere suggestion of the Executive, the State banks took $2,000,000 of State bonds at par, every dollar of which was expended in arming and equipping her volunteers, when they could have taken national bonds at ninety cents on the dollar.

It was after this that they were induced by the "pitchfork argument" to abandon State protection and all the rights and privileges that they had enjoyed under State laws, and organize under the national banking law. In doing this they had confidence that if they should thus render such aid as the Government required they would be protected in the enjoyment of such benefits as the law then offered. The great and distinguishing benefit proffered was the benefit which might arise from circulation. And now, because some sections of the country have not equal benefits, you propose to take from banks in the East the very privileges which you offered as an inducement for them to furnish the Government with the sinews of war.

If some sections of the country are suffering unjustly, you propose to remedy the evil by inflicting like injury upon another section. This is to be done by a redistribution of your currency. But let me

assure you that this is injustice and will be no remedy; because you cannot make an equitable distribution, unless you can make a correct estimate of the business of the country, and of its local business in every part.

But suppose you could do exact justice by such a distribution to-day, it would not be equitable to-morrow. There will be a clamor for a new distribution, and that will be renewed at every change in the current of business which sweeps rapidly over every section of the country. There will be continually an interference with that adjustment and with that crystallization of capital and labor which stimulates the greatest variety of business pursuits, and by which the products of our industry reach their maximum value. An interference with this adjustment will not only be injurious to local interests, but to national prosperity.

Should we not then try some other remedy for the evils under which the West and South are suffering? Rather than violate plighted faith or clearly implied obligations, will it not be more satisfactory to every section of the country to open the present banking law so as to allow every association of men to organize a bank at such place and with such capital as they shall elect, restrained only by requiring positive redemption.

But if you must take from the East in order to conciliate the West, or in order to do justice to that section of the country, do not strike too heavy a blow at first. If we must bleed, open a vein, and not an artery; take not the $75,000,000, as proposed by the amendment offered by the honorable Senator from North Carolina, but be content with the $25,000,000 proposed by the bill.

Mr. SCOTT. Mr. President, I do not rise for the purpose of making any extended remarks, either upon this bill or upon the general subject of finance; but I do desire to say a few words upon the amendment now pending, that my position may not be misunderstood as a member of the Committee on Finance, either with regard to this bill or upon the general subject, on which, perhaps, I may have somewhat more to say when it shall again be before us.

The bill, as reported from the Committee on Finance, is intended simply to make effective the provisions of the act of 1870 for the redistribution of what was then determined to be a proper amount to be withdrawn from the States which had an excess of national-bank circulation, and to be given to those in which there was a deficiency. It will be remembered that when the Comptroller of the Currency approached the period when he was expected to carry the act of 1870 into effect, he incorporated into his annual report the opinion that it was impracticable, and for that reason recommended the repeal of the sixth section of the act of 1870. If that recommendation had been acted upon by the Finance Committee before the panic of 1873, then I have no doubt the States for whose benefit the sixth section was intended would have resisted its repeal and demanded that which they now hesitate to receive. We come now, however, in the light of the experience which this financial revulsion has given us, to consider the question of justice and expediency in carrying out the provisions of that law, and the Finance Committee is endeavoring simply to remove what seems to be a technical obstacle in the mind of the Comptroller to giving it practical effect. That is done by declaring—for this is the effect of the bill—that the words "taken up," in the act of 1870, do not mean that the bank circulation down to the last dollar authorized to be redistributed shall actually be issued, but that, because there are applications pending which will take up the whole of it, he shall now proceed to carry the law into effect. That bill I will vote for.

But the Senator from North Carolina has offered an amendment which proposes to increase the amount of currency to be distributed by the Comptroller from twenty-five millions to seventy-five millions; and the plain English of that proposition is an increase of national-bank circulation by the amount of $50,000,000. That I will not vote for; not because I am not favorable to giving banking facilities to all parts of the country. I desire that they shall have them. I vote for this bill, not because I am a believer in the theory of fixing a *per capita* circulation, not because I believe that money taken by a bank and put in circulation in a neighborhood will remain there without regard to its business, for I think our western friends have almost themselves answered that allegation when they make a complaint on this floor that they have too little money in the West, and that they cannot keep even the little that they have from flowing to the East. I vote for it because these localities, which would establish national banks, are entitled to their banking facilities; but I shall vote against the pending amendment because, with my present views, I am opposed altogether to increasing the national-bank circulation.

I may have some figures hereafter to present on that question; but I do not wish to take up time unnecessarily on a subject which is not legitimately before us. I think it is time that some of the delusions connected with the national-bank system should be swept away, and that it should be presented to the people exactly in the form in which it practically operates. The idea that the stockholders are receiving as clear profit 5 and 6 per cent. annually on their bonds, when the State and national governments get as taxes annually 4½ per cent. out of the 5 or 6, should be swept away at once; and I think when we come to consider that subject it can be demonstrated that every dollar of national-bank currency could be withdrawn and the whole volume of that and of the legal-tender currency now issued could be based upon United States bonds bearing 2 per cent. interest, with less expense to the Government in the shape of interest than is now paid on the $354,000,000 of national-bank circulation.

I desire to see not only the national-bank currency withdrawn; I desire not only to see the Government relieved from the business of banking which it is proposed it shall embark in by some propositions; but I desire also to see abolished distinctions existing in appearance between national-bank circulation founded upon the faith of the Government and legal-tender notes founded upon the same faith. I wish to see every dollar that is in circulation, with the impress of the Government upon it, declare upon its face that it is a dollar founded on the faith of the Government, issued through the banks, redeemable primarily in gold or bonds by the banks, who can regulate that business, and, upon their default, ultimately by the Government. Of the details for accomplishing this I do not propose now to speak. But, sir, while I am making this declaration, I do not wish it to be understood that I shall advocate an unlimited issue of irredeemable paper money. While I agree that the people ought to be furnished by the Government with currency enough to meet the current needs of business, I also, if I have learned anything in my reading of history, have learned that an irredeemable paper currency, unlimited in quantity by proper provisions for redemption, is the parent of wild and reckless speculation, of defalcations, of demoralization, and ultimate losses to all classes in the business affairs of any country in which such a currency is permitted to circulate.

Because then, Mr. President, I am unwilling at the present time to increase the volume of national-bank circulation, not because I am not willing to give banking facilities to the regions of country which are now deprived of them, I shall vote against the amendment offered by the Senator from North Carolina, and shall await the time when we shall have some practical measure before us reported by the Finance Committee, intended, in the language of the resolution which they have reported, to enable us to redeem our faith plighted by the act of 1869, and to furnish a currency uniform and permanent in its value, and so adjusted as to meet the recurring wants of business. Reserving what I shall have to say until that time, I have risen more for the purpose of giving my reason for voting against this amendment, that I may not be misunderstood, than for the purpose of entering into any general discussion upon the financial question.

I do not think that the distribution of the twenty-five million to the West and to the South will effect the purpose which some of its advocates several years ago contended it would. I do not believe that you can fix any *per capita* circulation which will furnish the necessary currency to do the business of any one country by citing and examining the *per capita* circulation which is given in another. The amount of business, its nature, the amount of money which is needed in supplying the daily wants of men, the question of whether they are engaged in agricultural pursuits, mining pursuits, manufacturing pursuits, all requiring different amounts of circulation; the habits of the people, their use or distrust of banking facilities, all have to be considered in determining the amount of *per capita* circulation that is necessary. Looking at the tables which are incorporated in the reports of the Comptroller of the Currency, we find that when bank circulation was unlimited, when the State banks were permitted to issue bank-notes *ad libitum* almost, the *per capita* circulation in the States which now have very little, had very little then, and that the States which have a large *per capita* circulation now had the largest *per capita* circulation then. This is true of Rhode Island, true of Connecticut, true of Massachusetts. Why, sir, in looking at the figures for the State represented by the present occupant of the chair, (Mr. FERRY, of Michigan,) I remember that in the tables given as to the circulation in 1862 they had not twenty cents *per capita*, and now they have many times that, even under the faulty distribution of national-bank circulation. The same was true in reference to the State of Illinois. With $619,000 circulation, I think, in the year 1862, they had not more, perhaps, than thirty-six cents *per capita*, whereas now, if I recollect aright, they have over seven dollars *per capita*.

The *per capita* circulation, as among the States which have large earnings laid by—capital in its true sense—and those States which are young, whose populations have yet in a large measure their money to make, their farms to pay for, their debts to wipe out, these proportions of *per capita* circulation have kept pace with the development of the States from 1862, when these tables were published, down to the present time.

I vote for this bill not because I believe in this theory of fixing a *per capita* circulation, or that you can fasten and keep money in Illinois by putting a bank there, but for the purpose of doing that justice which was intended by the law in giving the various sections of the country their banking facilities and carrying out that law enacted to remedy what was clamored against as an injustice at that time. When it assumes any new features, which may interfere with the general adjustment to which I look forward, or prevent the preparatory steps for that uniformity in our circulation which I think desirable, I will not feel bound to support it.

Mr. ALLISON. Mr. President, I desire to say a word or two on the amendment offered by the honorable Senator from North Carolina. I do not object to the spirit of his amendment, but I think the form of it may be objectionable. I am well satisfied that if we desire to do so we can withdraw every dollar of circulation from every national bank in the country. It is no act of bad faith, as indicated by the

Senator from Vermont yesterday, to withdraw the circulation from these banks. In every law that we have passed on this subject we have reserved the right to alter, amend, or repeal it. I think there is a want of equity, however, in taking seventy-five millions of the circulation from one section of the country and placing it in another section. If we withdraw bank circulation from existing banks, it seems to me that we ought to do so from all the existing banks, especially for any amount of withdrawal over and above the twenty-five millions involved in this bill as reported, this latter sum being fixed as the probable excess of circulation taken up by the eastern banks.

The objection to-day in every portion of this country to the national banking law is to the monopoly feature of it; that a certain set of gentlemen in every State, having organized under the banking law, have a monopoly of the national-bank circulation. If we wish to equalize this circulation, and if it is a benefit to any bank to have it, we have a perfect right to withdraw from any one of these banks, and from all of them, 5, 10, or 15 per cent., and give it to new banks that may desire to organize under the banking act.

But I concede that there are some equities in favor of the New England banks, even against the bill proposed by the Committee on Finance. They were virtually forced into our national banking system by the laws that we made here. Under the original act, in 1863, provision was made for a distribution of the circulation among the States, one-half on the basis of population and one-half on the basis of wealth, industry, and existing bank capital.

In 1864 that mode of distribution of circulation was entirely removed, and was removed with a view to induce the State banks all over the country to embrace this national system; and soon after the passage of that amendatory act of 1864 we taxed the State banks out of existence; we said to them, "You must go into this national system or lose circulation entirely." We taxed State banks by the act of March 3, 1865, 10 per cent. upon their circulation. For what purpose?

Mr. SHERMAN. Will my friend allow me to suggest that on that same day, March 3, 1865, we restored the old law of distribution?

Mr. ALLISON. I remember that very well. It is true the old provision for a distribution according to population and wealth was restored by the act passed on the same day; but we invited the then existing State banks to organize under our national system by saying to them, "If you do not do so, if you do not invest your capital in United States bonds, we will tax you 10 per cent. on your State circulation." Therefore we forced by our laws every State bank out of existence or into the national system; and now we say to the capital of the country that seeks investment in banking, "You shall not invest in national banks, because the limit of circulation is $354,000,000." That is, we make an arbitrary limit. Who is there that can say that $354,000,000 is just the amount of national-bank circulation that we ought to have, no more and no less?

When the bill of 1870, which provided for an additional issue of $54,000,000 to take up the 3 per cent. certificates and for a redistribution of $25,000,000 of existing circulation, was reported from the Banking and Currency Committee in the House, it provided for $95,000,000 additional circulation; and being under discussion in the House, some one inquired why the limit of $95,000,000 was fixed. No very satisfactory answer could be given. But a facetious member then in the House from Kentucky undertook to give a satisfactory answer by stating that it was ninety-five million miles to the sun, and the committee proposed a dollar a mile. [Laughter.] I submit no better reason can be given for limiting the present circulation to $354,000,000, and no more, than was given by the member then from Kentucky for the bill providing for $95,000,000. Twenty millions more added to the bank circulation of the country and to the banking capital of the country would make no appreciable change in existing values one way or the other.

The chairman of the Committee on Finance tells us that if this bill, authorizing the taking away from the old States and placing in the new States this twenty-five millions of circulation, is passed it will be two years before the twenty-five millions will be taken up or wanted in the new States now without their quota. I believe he is substantially correct in that statement. I do not believe that this bank circulation would be taken up rapidly. No bank can organize under the existing banking law without substantially putting up $1.30 in money for each ninety cents of circulation it receives. Every national bank that is organized must buy United States bonds at their present advanced price, and it receives only 90 per cent. in circulation of the face of the bonds; and in addition to that it must keep as a reserve, in its vaults or elsewhere, 15 per cent. of that circulation, and must in addition pay heavy local taxes, municipal, county, and State, as well as the taxes now imposed by our revenue laws.

Now we are called upon to take away from the Eastern States only this $75,000,000 of circulation. I submit that it is hardly fair to the banks which have been organized under the inducement of our laws to do that. I do not favor any inflation of the currency, but I believe it would be better to authorize still further bank circulation to the extent of the twenty-five millions now proposed to be redistributed, or even more, than to disturb bank capital and circulation in the older States. We have reached a period in the session, I think, when it is fair and proper that we should discuss every question connected with the national banks. I believe we should at the earliest moment provide for all the changes we propose to make at this session in our laws respecting the currency, so that all classes and sections of our country may know what the policy of Congress is to be, in order that they may arrange their affairs in harmony with that policy.

If it should take two years to redistribute this $25,000,000 it would also take two years to issue $25,000,000 of new bank circulation. Such moderate increase of bank paper, properly distributed, the distribution requiring two years, can in no sense be called inflation. Why, we have increased the volume of greenbacks more than this sum in three months. But if that increase is impossible, then I am for the spirit of the amendment proposed by the Senator from North Carolina, which, as I understand it, is that the existing national banks, whether they be East or West, whether the particular section where they are has its full quota or not, shall return to the Comptroller of the Currency a percentage of their present bank circulation, and that that percentage shall be given to any new bank in any portion of the country that seeks to organize itself, giving preference to the West and South, where there is now a deficiency. It seems to me that we ought to remove, if we can, this restrictive clause in this matter of the circulation of the national banks. If we cannot do it by enlarging the circulation, let us do it by diffusing it. Mr. President, I hope that the amendment of the Senator from North Carolina will be so modified as to take the additional $50,000,000, if so much be required, from all the existing national banks, and not from that portion of the country only which now has an excess of circulation, amounting, as stated, in the aggregate to twenty-five millions.

Mr. MERRIMON. Mr. President, in offering the amendment to the pending bill to strike out "twenty-five millions," and insert "seventy-five millions" instead thereof, I was not moved by any hostility toward the Eastern States. If they have wealth and industry and enterprise, I rejoice at the fact; and when they prosper I believe the whole country prospers in some measure. But, while I rejoice at their prosperity and their advantages, especially in monetary matters, I desire to see such advantages extended to the whole country, and especially to that section of it which I have the honor in part to represent. So that I beg the Senate to understand that nothing is further from my purpose than to do any act necessarily hostile to the Eastern States.

Now, I propose to examine very briefly the circumstances underlying the amendment which I offered and see whether there is in it in any sense injustice. If I could be convinced of any such wrong, I am very sure I should be the first to recede from the position which I occupy. The amendment is predicated upon the notion that the country by statutory limitations is to have a volume of bank circulation equal to three hundred and fifty-four millions, and no more. Other gentlemen and myself have had occasion to say during the discussion in the Senate in reference to the finances of the country that we believe there is not sufficient currency in the country to effectuate the exchanges according to the due and ordinary course of business. Those gentlemen who are opposed to what they style "inflation" say that the volume is sufficient, and they tell the Senate and they tell the country in plain and peremptory terms that the volume of currency is quite sufficient and it shall not be increased, but that, on the contrary, they propose to contract it and to hurry the country into specie payments. While I am in favor of returning to specie payments, and as strongly so as any Senator present, I take into consideration the circumstances and condition of the country; and my judgment is that we cannot promptly return to such payments, that it requires time to do it, and I am as well satisfied that in the mean time the country ought to have relief by some measure of expansion. But, as I said, this amendment is offered in view of the limited bank circulation authorized by the statute, and only in that view.

If banking were free, or if Congress would allow the volume of currency to be increased to such sum as, in my judgment, would subserve the interests of the country, I should be willing to yield the point that I contend for now, but under no other circumstances whatsoever; and even then I believe that this concentration of monetary capital in the Eastern States, for reasons that I may advert to on some future occasion, tends to the general injury of the whole country.

Now let us see how much injustice there is in the proposition embodied in my amendment. By the law as it now stands the volume of bank circulation is limited to $354,000,000. By the law as it has stood from 1865 down to this moment, that bank circulation thus limited was to be distributed over the Union according to population and wealth. The statute so provided in express and peremptory terms. Yet what do we see? We see that instead of the distribution provided by the statute, commanded by the statute, the Eastern States, mainly the New England States, have in excess of the distribution allowed to them by law over $80,000,000 of the $354,000,000 composing the whole volume.

What is the result of that tremendous excess? The result is that the monetary capital of the country, and all the influences and advantages growing out of it, are concentrated in that section of the Union, comparatively a small section, while the vast West, while the slowly reviving South, are deprived of those monetary conveniences, of that volume of circulation, of those advantages that grow out of a sufficient money circulation, and all this because it is thus concentrated in the East. It seems to me that the

naked statement of the facts is sufficient to show that it is not just. Surely no one can seriously contend that it is right, just, proper, and wise that this excess of $80,000,000 should be concentrated in that little locality at the expense or those vast sections of the country which are not supplied because of such concentration.

Now, why do they say that it is unjust? Some gentleman suggests that New England rendered valuable service during the late civil war, and that they were active in putting this new banking, which was forced upon them, into practical operation. Well, sir, they are entitled to due credit for that. But let us see what were the terms upon which they did so, and what they got for what they did. In the first place, the law prescribed in terms that if they took this excess they took it with the express understanding that when the necessities and convenience of other sections of the country demanded it they should return it to be redistributed. That was the contract that they made understandingly with the Government at the time they took this excess in violation of law.

Mr. EDMUNDS. Will the Senator please point out to us where the violation of law is?

Mr. MERRIMON. I will do it with a great deal of pleasure. The honorable Senator from Ohio [Mr. SHERMAN] yesterday evening, in responding to a similar question propounded to him by my honorable friend from Vermont, answered it.

Mr. EDMUNDS. The honorable Senator from Ohio, I am sorry to say, only quoted one half the statute. There happened to be two statutes of the 3d of March, 1865, instead of one, and the honorable Senator from Ohio quoted one and accidentally omitted the other, which provides for quite a different thing.

Mr. SHERMAN. The Senator makes a great mistake.

Mr. EDMUNDS. I do not mean to say that my friend intended to do it.

Mr. SHERMAN. I stated distinctly that there were two laws, and that the difficulty arose out of different constructions of those laws. I do not like to have my motives aspersed.

Mr. EDMUNDS. I do not asperse the Senator's motives; far from it; I do not know that he has any motive. I only appeal to the RECORD and read what the Senator said:

> Mr. SHERMAN. My friend from Vermont seems to leave the impression on the Senate that by the act of June 3, 1864, the limitation of law requiring an apportionment of this currency was repealed; but he forgot to read the act of March 3, 1865, which restored it.

That, I hope, was not an imputation on my motives; and certainly I do not impugn my friend's motives.

> At the time of the passage of the act of March 3, 1865, the whole amount of national banks organized in the United States was about $100,000,000. From the act of March 3, 1865, I will read the clause providing for apportionment:
>
> "And that $150,000,000 of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such State, District, and Territory."
>
> Every one of the banks organized in States in excess of their proportion was organized after this act was passed and in defiance of the act.

Now let me read further to the Senator from Ohio and to the Senate another act reported, I believe, by himself from the Committee on Finance.

Mr. SHERMAN. I beg pardon. The act was reported by the committee; not that particular clause, which was moved by the Senator from Rhode Island [Mr. ANTHONY] as an amendment.

Mr. EDMUNDS. The act was reported. I certainly agree with the Senator from Ohio in his main sentiment, and have no disposition to misrepresent him. I beg him to understand that.

Mr. SHERMAN. I wish the Senator would state the facts in this matter. That is all I ask.

Mr. EDMUNDS. Certainly. I do not desire to misstate any facts. It was exactly for the purpose of preventing a misstatement of facts that I rose. I concur entirely therefore with the Senator from Ohio in the propriety of my going on.

Section 7 of the act of March 3, 1865, being entitled "An act to amend 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864," is as follows:

> *And be it further enacted*, That any existing bank organized under the laws of any State, having a paid-up capital of not less than $75,000, which shall apply before the 1st day of July next for authority to become a national bank under the act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and shall comply with all the requirements of said act, shall, if such bank be found by the Comptroller of the Currency to be in good standing and credit, receive such authority in preference to new associations applying for the same: *Provided*, That it shall be lawful for any bank or banking association organized under State laws, and having branches, the capital being joint and assigned to and used by the mother bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother bank and each branch to be regulated by the amount of capital assigned to and used by each.

I think that does not quite accord with the act which the Senator from Ohio read yesterday, and upon which he asserted, without referring to this statute which I have now read, that "every one of the banks organized in States in excess of their proportion was organized after this act was passed, and in defiance of the act."

Mr. SHERMAN. Mr. President——

Mr. EDMUNDS. I cannot yield at this moment. My friend must excuse me.

Mr. SHERMAN. I rise to a question of order.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Ohio will state his question of order.

Mr. SHERMAN. I have a right to insist that the Senator shall not misstate my position; and I say that when he says I did not refer to the act he has just read he misstates my position, because in response to the inquiry put to me directly I referred to the two acts in so many words. I do not desire to have my position misstated, especially as the Senator is so captious about inquiring as to my motives; and, if he will allow me, I will read what I said, to show that I am correct.

Mr. EDMUNDS. I only allow what the Chair regards as a point of order.

Mr. SHERMAN. I submit this to show to the Senate that the Senator misstates a point of fact. I will now read——

The PRESIDING OFFICER. The Senator from Vermont makes the point that the Chair must rule on the point of order. The Senator from Ohio will state his point of order.

Mr. SHERMAN. I state that I have the right to correct a misstatement of my position by the Senator from Vermont.

The PRESIDING OFFICER. The Chair understands that to depend on the courtesy of the Senate.

Mr. EDMUNDS. "The courtesy of the Senate!" We are standing on our rules now.

Mr. SHERMAN. I will waive it for the present.

The PRESIDING OFFICER. The Chair overrules the point of order, and recognizes the Senator from Vermont.

Mr. EDMUNDS. Now, Mr. President, I yield with the greatest pleasure to my friend from Ohio to make his statement, for I certainly do not design to do him injustice.

Mr. SHERMAN. I stand on my rights, and will make the correction after awhile.

Mr. EDMUNDS. That is perfectly correct. We both have our rights now. [Laughter.] I shall have the pleasure of reading (which is almost the best reading I know of) the statement of the honorable Senator from Ohio, even three or four times, because I wish the Senator to drink it in to the very bottom. I repeat, Mr. President, with all deference to the honorable Senator from Ohio, who seems to have got himself, I will not say into a passion, because that is not a senatorial thing—no Senator can be in a passion—but to have got himself into one of those states that frequently befall men who are mixed up on finance, feeling a little restive about having a part of his own speech read to him. Well, Mr. President, I confess I have a profound sympathy with that. If anybody were to read any of my speeches on finance in my presence, I am sure that I should feel restive enough to leave at once. I admit that. All that I have done to the honorable Senator so far is to read what he said himself. Now, the honorable Senator intimates that that is not fair and that it misstates his position. It is true, as I would have stated if the honorable Senator had given me leave to proceed, and had not—I will not say under pretense of a point of order, because that would not be just to him—but under the cover of a point of order, undertaken to say something that he did state a day or two ago in another part or his remarks, in reply to another question, put by somebody else, that there were two acts of 1865. So there were. The honorable Senator said that; but he did not then say, if he will pardon me for calling his attention to the fact, to the best of my recollection, though I have not read his remarks on that point, that these two acts taken together made the issue of this money to the State banks transformed into national banks a perfectly lawful and regular one, and that the Secretary of the Treasury was not liable to impeachment in this body or anywhere else because in obedience to this provision of the act of March 3, 1865, he gave to the State banks that chose to turn over into national ones the amount of currency to which, by the law, they were entitled. It is perfectly useless to disguise this matter, if anybody desires to disguise it. The truth is that the provisions of the act of March 3, 1865, in one statute and those in the other must be read together, as every lawyer knows. The Senator from Ohio knows it. Reading them together you find that while there is to be this distribution according to population and according to business, as existed in the original act, I believe, and which was repealed by the act of 1864——

I must beg pardon of my friend from North Carolina for one minute more; I see he is uneasy.

Mr. MERRIMON. I am waiting for you to make your correction.

Mr. EDMUNDS. Yes, sir.

Taking the two together, you then have the special provision that any State bank, of which there were hundreds over the country—thousands for aught I know—might change itself into a national bank independently of this limitation of population and business, and so on, and give up its own notes and take national notes for them. The Senator from Iowa [Mr. ALLISON] has stated that this morning as well as it could be stated. Therefore I say—and that is all that I rose to say, and regretting that I have taken so much of the time of my friend from North Carolina, and apologizing to my friend from Ohio if I have unintentionally done him injustice, for I did not intend to do so—I say there is no good ground for asserting that this issue of circulation to the State banks that have transformed themselves into national banks was contrary to or in defiance of law.

Mr. SHERMAN. I hope my friend from North Carolina will allow me to say a word in reply.

Mr. MERRIMON. With pleasure.

Mr. SHERMAN. The only reason that I showed any feeling about the matter was because I thought the sharp, incisive tone of the honorable Senator from Vermont was not exactly the thing here. In the first place, he rather impugned my motives I thought. When I corrected him in that, he said, "I did not do that; I did not know you had any motive." That was a sharp way of saying that I had no motive. I do not suppose the Senator means anything unkind, but it rasps a little to have these sharp, pungent remarks made. We all admit that he is very ingenious and quite incisive in his mode and manner; and sometimes we feel sensitive about it.

Now, I wish simply to say that I think I did the Senator exact justice, and I answered him with the most explicit bearing on this very point. It is true that under the act of 1863 the first national banking act, there was a limitation and a mode of distributing the national-bank circulation. The amount was limited to $300,000,000, of which $150,000,000 were to be divided according to population, and the other $150,000,000 according to wealth, production, &c. This clause was not in the law of 1865, and why? Because up to 1864 the amount of banks organized under the banking act had been very small indeed; I think only about $150,000,000. Only $60,000,000 of circulation had been issued up to November, 1864. I have the document before me showing it. Very little progress had been made in the organization of national banks, and this limitation was omitted. It was found after the passage of the act of 1864 that banks were rapidly organizing under it, especially the old banks, and then Congress after debate, in the act of March 3, 1865, which I read to the honorable Senator, restored *in hæc verba* the provision about distribution. But at the same session an amendment was offered by my friend from Rhode Island [Mr. ANTHONY] which gave the existing State banks a preference over new banks. The construction of those two sections, when read together, in my judgment shows that it was the intention of Congress to restore the old limitation, the old rate of distribution; but that in the applications for the banking circulation under the act there was to be a preference given to the old banks rather than to new ones; and this apportionment would have given all the old banks in all the States I believe, perhaps with the exception of Rhode Island and Massachusetts, their share of bank circulation.

In order to show that when the Senator inquired of me about this matter I gave him the exact facts, I will read the inquiry he put to me:

Mr. EDMUNDS. Mr. President, the question which I wished to ask the honorable Senator from Ohio, the chairman of the Committee on Finance, was to be good enough to point out to the Senate where the law is which he says has been violated, or not obeyed, in the case of the banks of Rhode Island taking so much of the banking facilities of the country as they did at the time.

Now, here is my answer:

Mr. SHERMAN. I think it is the act of March 3, 1865. There were two laws passed on the same day. I do not desire to go into a long explanation, but I can do so. There were two laws passed on the same day, one re-establishing the old principle of distribution and the other giving banks in existence a priority. The construction I have always put on these two acts, when taken together, was that the old banks should have a priority in the distribution of the part assigned to the State. It was the construction of those two laws that led to this unequal distribution.

And I have the laws before me. Now I ask the honorable Senator if that was not a frank answer to a frank question; whether he thought that in reading only one of the laws, I accidentally omitted reading the other?

Mr. EDMUNDS. If the Senator really wishes me to answer now, I certainly answer with entire frankness that neither then nor now do I intend to impute to the Senator any desire to conceal anything, because I know he has not any such desire. As to anything that I said that was "incisive," as he calls it, whatever that is, I wish to take it all back; but the Senator did say, and that was what my friend from North Carolina grounded his declaration upon to which I arose, that this proceeding under the act of March 3, 1865, had resulted in an illegal appropriation by these banks of money which did not belong to them, which would follow of course from an illegal act of the Secretary of the Treasury in letting them take it. I never heard it questioned at the time that, taking the two laws together, the action was legal. I do not say this in order to show that my friend's bill is not right, because certainly Congress has always reserved the power to readjust the currency whenever it pleases. I was only trying to defend the Secretary of the Treasury, and the banks which got more than it seems now to be thought they ought to have got, from the charge of having acted illegally or having violated the law.

Mr. SHERMAN. Now let me go a step further. After I had made this statement to the honorable Senator—there is only one page between them—he then proceeded to argue upon the omission of the apportionment clause from the act of 1864. He said that by the act of 1864 the previous apportionment was repealed, and there was no restoration of it; but he did not himself refer at all to the act of 1865. Then, at the conclusion of his remarks, when he had made no reference to either act of 1865, I reminded him that the rule of apportionment was restored by an act of March 3, 1865, having previously informed him that there were two acts passed on the same day upon which the difficulty about construction arose.

I will here state, for the information of my friend from North Carolina, who probably has not looked into the matter in detail so much, that up to March 3, 1865, there had been no violation of the rule of apportionment. Nearly all this rush of existing banks occurred after the war was over. There was no patriotism in the North or anywhere else in that regard until, I think, April or May, 1865, when the war closed. Up to that time no State had reached its just share of circulation under the apportionment. But the then Comptroller of the Currency, taking these two laws together, held that the one repealed the other. I believe subsequent Comptrollers have always taken a different view, have always acted upon the idea that they would give no bank a priority unless there was a balance due in the State not taken, and then the priority should apply to the bank.

I thank my friend from North Carolina for allowing me to make this explanation.

Mr. MORTON. With the permission of the Senator from North Carolina, I desire to call the attention of the Senate to the fact that the provision in the act of 1865, relied upon by my friend from Vermont, does not cover this case at all, except to a very limited extent. That was in the nature of a special provision providing that banks with branches, which several States had, might come into the national banking system.

Mr. EDMUNDS. What section is my friend referring to?

Mr. MORTON. Section 7 of the act of 1865. That simply referred to States having banks with branches. We had a bank of that kind in Indiana; they had one in Ohio; and perhaps several other States had them; but it did not extend to the general banking system of the States.

Mr. EDMUNDS. You have not read the first part of the section.

Mr. MORTON. No; but that was only giving a preference; that was not making it absolute. The only absolute part is included in the proviso:

Provided, That it shall be lawful for any bank or banking association organized under State laws, and having branches, the capital being joint and assigned to and used by the mother-bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother-bank and each branch to be regulated by the amount of capital assigned to and used by each.

I remember the circumstances of the passage of that provision. It was intended more particularly, I think, to apply to two States, Ohio and Indiana; but it did not authorize or give any additional rights to joint-stock banks, independent banks, or free banks, as they were called, in the different States, but was intended to apply to banks with branches. I do not know how many States had banks of that kind, but I think only four or five.

Mr. EDMUNDS. If I can appeal to the indulgence of the Senator from North Carolina for one moment more, I wish to do it.

Mr. MERRIMON. Certainly.

Mr. EDMUNDS. The Senator from Indiana says that the only strength in the seventh section of the finance act of 1865, if it might be so called, the internal-revenue act, is in its proviso; that the chief part of the section has no application to the subject, and it is only the proviso that has any force at all. Now I wish to read again that part which is not the proviso, but which is the enacting part of the statute itself, for it would be rather a singular section which contained nothing in it but the proviso to what had gone before. Now hear what it declares, and I appeal to my friend from Indiana to hear it:

That any existing bank organized under the laws of any State, having a paid-up capital of not less than $75,000, which shall apply before the 1st day of July next for authority to become a national bank under the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and shall comply with all the requirements of said act—

That is the act of 1864, which had no limitation of this kind in it—

shall, if such bank be found by the Comptroller of the Currency to be in good standing and credit, receive such authority in preference to new associations applying for the same.

That is not limited to any State lines; it is not limited to any question of branches; but it is limited to the fact that here is a corporation anywhere in the United States with a capital of $75,000, in good standing, which is invited to turn itself into a national bank by taking up its State circulation, buying United States bonds, and receiving United States notes. That is what it says in explicit terms. It is not open to interpretation; it speaks for itself. Then the act goes on to provide for the case where one bank might have several branches, and it might be doubtful under the chief part of the section whether those branches would also be entitled to this privilege and pre-emption, so to speak, that is given to the regular State banks. Then it went on to provide that those banks having branches also might come in under precisely the same terms, each one of those branches as well as the parent bank. So that I think an argument cannot be founded upon any part of this section 7 to show that banks that turned from State banks into national ones, as hundreds did, if the Senator will look at the reports at that time, were receiving money or circulation contrary to law.

Mr. MORTON. One word more, if my friend from North Carolina [Mr. MERRIMON] will indulge me. My friend from Vermont was very much amused when he got up to reply to me, and I think he was under the impression that I had misapprehended the effect of the first part of that section. I have no doubt he was sincere in that impression. I will simply read the concluding part of what he read, to show his mistake:

Shall, if such bank be found by the Comptroller of the Currency to be in good

standing and credit, receive such authority in preference to new associations applying for the same.

In other words, the old bank shall have the preference to the currency over the new association, in a case where otherwise the new association would have a right to the currency. That is the whole of it. There is nothing positive about it; but in a case where the new association under the law would have a right to the currency, an old bank coming in shall have the preference. It does not give the old bank the positive right to have the currency anyhow; but that right is given positively in the proviso to State banks having branches. They positively had the right under that act to come in and organize as national banks. The Senator from Ohio [Mr. SHERMAN] suggests, what is very obvious, that if in a particular place the new bank has no right to circulation in a particular State that has no right to it, where the limit has been exhausted, there the old bank has no right to it; but where there are two associaticus applying, one of which is entitled, the old bank shall have it in preference to the new. That was a rightful provision. The only positive provision in favor of the old banks was in favor of banks having branches, of which I think there were but four or five in the United States.

Mr. MERRIMON. Mr. President, I do not know that I have lost anything by stirring up this friendly little controversy between my friends. They have thrown some light on the point that I was endeavoring to make clear, and which was material for my purpose. I will now state, in view of the debate which has just transpired, that I think my honorable friend from Vermont is in error in his construction of the act which he says repealed the act that provided for the redistribution that I contend for. I maintain that no fair construction of the statute that he has brought to the attention of the Senate, in any sense repeals the provision of law under which I insist the redistribution of the currency capital was to be made.

But I will not stop to debate the legal view of it. I simply call the attention of the Senate to the fact that the present Secretary of the Treasury, in a work which he has prepared with great care—and a very useful book it is—holds the very same view contended for by the Senator from Ohio, [Mr. SHERMAN,] and myself, and other gentlemen, and the the Comptroller of Currency, whose very business it is to understand these statutes, to construe them according to his own judgment, and if he has doubt, to avail himself of the opinions of legal counsel, entertains the like view, and gives the same construction to the act; so that I say the position which I assumed a moment ago, that these banks in the Eastern States which received more than their proportionate apportionment, did so with their eyes open, and with a distinct understanding that at the time they should be required to return the excess they would do it.

Why, Mr. President, does any one suppose that Congress ever would have passed a currency act which would have allowed the concentration of $80,000,000 of currency capital in the New England States alone, in excess of what would be the fair and just proportion for other sections of the Union? The very statement of the proposition shows that it is absurd, that it never was so contemplated by Congress, and that such a construction ought not to be placed upon these States. Therefore, I say there is no "robbery," as contended by the Senator from Wisconsin [Mr. HOWE] and others. He objected to the amendment, although I believe he said he would vote for it, upon the ground that it was "robbing" the East. It is no robbery at all. There was a solemn compact entered into between those banks who received this excess and the Government, that they would return it when the Government should require it for the benefit of other sections of the country, as plainly appears by the terms of the statute.

But then it is said, in opposition to the amendment, that if it is adopted it will disturb the monetary convenience of the people of the Eastern States, and thus disturb, to some extent, the monetary convenience of the whole country. I do not concur in that view. The honorable Senator from Ohio, [Mr. SHERMAN,] who is familiar with this subject, having had the matter of currency under consideration for many years, has told us that in all probability $25,000,000 of this capital will not be redistributed within the next two years. If that is so, this redistribution will take place very gradually. I apprehend that it will be redistributed very gradually; that the West will desire it and require it very slowly; that the South will desire it and require it still more slowly. If that is so, if $25,000,000 only will be required within two years, it may be four or six or eight years before the whole $75,000,000 are required; and the change from one section to another will be so gradual that the monetary and business interests of the country will not feel it.

My friend from Pennsylvania [Mr. SCOTT] has suggested that this is an increase of the circulation equal to $50,000,000. Why, sir, there is no proposition to increase the circulation a dollar by virtue of this amendment. It is to redistribute $80,000,000 of currency already in circulation by the banks in the Eastern States, to have it circulated by other banks located in the West and South. It is not proposed by this amendment to increase the circulation a dollar, and, on the other hand, it is not proposed to decrease it a dollar. We are compelled to keep within the present statutory limit; so that that objection amounts to nothing.

But then it is said that it is inexpedient, that it will not only derange the business interests of the country, but that the South and West do not need it; that if they need to effectuate exchanges, if there is anything to sell in the one section or the other, the money from the East will go there to make those exchanges, and therefore there is no occasion for such redistribution. I do not so believe. If more banks were established in the South and West, the result would be that the capital would be localized; business, enterprise, industry, agriculture, all sorts of industries and enterprises would be stimulated in their immediate locality; the money would be loaned out in the neighborhood of the bank, and every thirty, sixty, or ninety days it would have to be returned in order that it might be loaned out again. It would localize the industrial interests of the country, and it amounts to a local protection when it shall be redistributed.

But, sir, if it be true that the money will certainly return to the Eastern States after it is distributed in the West and South to make exchanges there, why, I ask, in the name of common sense, do these gentlemen in the East protest against it? If it will go there anyhow, if what they have contended for all through this discussion is true, that when the money is disbursed in the South and West, and goes into circulation there, it will flow back into the East because the South and West owe the East, why does the East object to locating the banks wherever they are wanted? Sir, their argument proves too much. Their sensitiveness about redistribution shows the truth, by indirection, of what myself and other gentlemen contend for—that it is necessary for the industry of the country, and the best interests of the whole country, that this redistribution should take place.

Let me add a word to what I have already said about the necessity for this measure; and I think I can make it about as forcible by a reference to my own State as in any other way. In the State of North Carolina the exchanges to be effected and the necessities for money are greater than they were before the late war. I do not state the fact too strongly when I say that the annual productions of North Carolina last year and the year before were equal in the gross to $70,000,000. The single item of cotton was equal to thirteen and a half millions; naval stores were between eight and ten millions; the tobacco crop was equal to three and a half millions; the wheat crop was worth two and a half millions; the oat crop, one million and a half; the rye crop, half a million. The production of these articles that I have mentioned in North Carolina was equal to $30,000,000. Then our interchanges have become greatly increased since the war. We have, in some measure, a new population; we have a new system of labor and one that requires greatly more exchanges. While our State is, comparatively, sparsely populated, and not so commercial in its character, exchanges are not effected as rapidly there as they are in New England, where the population is dense, and where they are highly commercial, and it takes more money in that section to make the exchanges.

Now let us see what condition those people are in. Anterior to the war North Carolina had a bank circulation of $5,218,598. Now our bank circulation is $1,819,300. In 1850 the *per capita* circulation was $5.26; now, with our increased wants in that respect, it is $1.70. Then three hundred thousand of our population were slaves; now that population are freemen, with the wants of freemen. We have a changed system of industry. I venture to say that the exchanges necessary to be made there this day are 33 per cent. greater than they were in 1850; and yet we have but the bank circulation I have mentioned, as appears by the report of the Comptroller that I have just found. Every Southern State is in a like condition; and yet there is a concentrated currency capital of over $80,000,000 in excess of the distribution allowed by law in half a dozen Eastern States, while the whole South is suffering in the manner and by and for the causes I have stated.

What is the result? The result is that industry languishes; that the farmer, the artisan, every one who is compelled to borrow money there, pays from 1 to 1½ and 2 per cent. a month for money. Is it not manifest that agriculture cannot prosper, that industry of all sorts cannot prosper, while the laborer pays that rate of interest? We are told that in the Eastern States interest is cheap; that they can get money there upon reasonable terms. So they can, if they have the proper sort of securities; but, sir, the very reason that money is so cheap there is, that it is concentrated there and seeks investment rapidly at the expense of the South and the West, where it is exceedingly scarce, and therefore the rate of interest very high. The ground of complaint is that they cannot get rid of this evil; the only money, the only volume of it allowed by law, is concentrated in the Eastern States, and there is no means of diverting it South and West unless the proposed amendment or one like it shall prevail.

I say, therefore, Mr. President, there is no objection to this amendment.

In the first place it is just, because those who receive this excess in the Eastern States agreed by the law with the Government at the time they received it to return it for redistribution when called upon. And let me mention this fact further, that I did not mention a moment ago and that I ought to have mentioned, they have received the benefit of that circulation for eight years, and have reaped the benefits by the way of profits upon that amount during that whole time, so that they have received ample compensation; and in view of the benefits that they have derived there is no practical injustice in requiring them to return this circulation to the Government, in order that it may be sent to the other sections of the country.

In the next place, the amendment is absolutely required. Any one must see at once that the concentration of $80,000,000 of currency capital in those States, when vast and most important sections of the

country are unsupplied with it, cannot but affect the industries of the country, and all the business interests of the whole country, most unfavorably. If I had time I might go on to show that this concentration of capital there has stimulated, and in a large measure given rise to, the speculations that have resulted in the monetary evils and panics that we have experienced for the last four or five months, and repeatedly within the last seven or eight years.

Then, sir, there is a special reason why this redistribution should be made in the South. The Southern States are just emerging slowly, and very slowly indeed, from the effects of a devastating war. That country is impoverished, and they need to be helped by the Government, instead of being deprived in this way of advantages such as I have insisted they ought to have.

But I said the other day in some remarks which I had occasion to submit, that I thought the volume of currency circulation, even if we had a gold basis, is not sufficiently great. Having heard all that has been said on this subject, my views have not changed. I believe that the circulation of the country ought to be increased one hundred millions, and that if we had gold to-day and a convertible paper circulation, in order to make the necessary exchanges easily and promote the best interests of the country, the volume of the currency ought to be increased by one hundred millions. I believe that the temper of the Senate, whatever may be the views of individual gentlemen, is in that direction; and in order to test the sentiment of the Senate upon that point, I ask leave now to withdraw the amendment that I have offered and to submit a substitute for this bill. I will read the substitute which I propose to offer before I send it to the desk; but before I read it I will repeat what I said the other day, that I am opposed to the present national banking system, and offer the present proposed substitute to meet the present wants of the country, and as the measure most likely to bring prompt relief. This is the substitute I propose:

That $46,000,000 in notes for circulation shall be issued to national-banking associations now organized and which may hereafter be organized, in addition to such circulation, and under the same rules, regulations, and limitations as now authorized and prescribed by law.

I offer that as a substitute for the pending bill. It will be seen that in addition to the amount of bank circulation now allowed by law, which is three hundred and fifty-four millions, this proposed substitute will increase the volume of bank circulation to over four hundred millions. The operation of the substitute will be to have this increased banking capital distributed as the law now provides, according to population and wealth, having regard to and taking into calculation the present distribution of the currency capital of the country.

The PRESIDENT *pro tempore*. The question is on the amendment now offered by the Senator from North Carolina, to strike out the whole bill and insert the substitute which he has read.

Mr. EDMUNDS. Mr. President, I do not rise to carry on this debate, but only to correct an error into which the honorable Senator from Ohio fell when he last spoke, in saying that in what I observed yesterday upon these statutes I did not refer to the act of 1865, of which he specially spoke. It will be found on the seventeenth page of to-day's RECORD that I did say, in replying to him when he had asked me if I had referred to the act of the 3d of March, 1865, thus:

Now, I shall be glad to know upon what system of ethics it is that any Senator turns around and says to the people of my State, or the people of Massachusetts, or Rhode Island, or of Ohio, or of anywhere, that we were in that violating any law or acting outside of the authority of law. They were accepting, as people who were to lend money to the Government, the proposition that the representatives of the nation here advanced to them to take their money upon those terms.

That is, the terms of the act of 1864.

Now you undertake to turn around, in 1865 or 1866—

As I did not remember the precise date of the act—

and say, "Whatever may have been the truth about that, having now got your money and you having got our bonds, we choose to say to you that you shall surrender your money and take back our bonds."

So I think it will be manifest that I did not, either by accident or design, omit referring to the act of March 3, 1865, to which the honorable Senator says I did not refer, as he understood it. That is all I wish to say in order that we may be correct.

Mr. SHERMAN. But a word in reply; and I now have to say that my friend from Vermont put the cart before the horse in his inquiry last night, because this violation of the distribution did not occur until after the act of March 3, 1865, and consequently the people of Vermont and Rhode Island and Massachusetts did not organize banks in excess of their proportion until after the provisions of the act of March 3 had gone into operation, unless, indeed, in his construction of the other act of March 3, 1865, he is correct; but I believe that construction has been abandoned by both the gentlemen who have held the office of Comptroller since that construction was given.

Mr. EDMUNDS. Why, Mr. President, who were the people who abandoned my construction of the internal-revenue act of March 3, 1865, which contained this authority to State banks? There was a distinguished citizen from Indiana, now a resident, I am sorry to say, of a foreign country, the Hon. Mr. McCulloch, who was Secretary of the Treasury following Mr. Fessenden. Mr. McCulloch was the Comptroller of the Currency when the act was passed, and became Secretary of the Treasury. It was under his administration as Secretary of the Treasury after the 3d of March, 1865, and after the passage of this act, that these things that the honorable Senator complains of were done. Mr. Hulburd was the successor of Mr. McCulloch, I believe, as Comptroller of the Currency. Now, I should be glad to know if it was understood at that time, during the years 1865 and 1866, that the Secretary of the Treasury and the Comptroller of the Currency, reporting to Congress, with the eye of the Committee on Finance upon them, and the eye of the House of Representatives upon them, were guilty of an act violating the statutes of the United States, in giving banking facilities to corporations that had no right to them? How did it happen that we did not hear of it then? Had not the House of Representatives got sufficiently intelligent to know whether an officer deserved impeachment, and that this was plainly violating a law? Had not the Committees on Finance of the two Houses sufficiently investigated the question to know whether or not this enormous outrage, as it is now called, of giving money to banks and to new associations in the Eastern States, which belonged elsewhere, was being perpetrated? The thing was not done under a bushel or in a corner. It was done in the face of the whole business community of all the States. It was published in the newspapers from day to day, and from week to week, everywhere, that such and such banks had changed from State to national, or such and such new associations had been formed. And it is a late invention—I use the word "invention" in no invidious sense, but in that true old sense of a finding out, and so I hope I shall offend nobody—it is a late invention which has discovered that the Secretary of the Treasury and the Comptroller of the Currency, under the eye of Congress, and reporting the facts to Congress year by year, were violating the laws of the United States in disposing of this currency as it was applied for.

The real fact of history, which may illustrate the meaning of these acts a little, is that there was not sufficient demand to take it up then, and that it was a drug in the Treasury and embarrassing the operations of the Government by the fact that the State banks would not turn over faster, and that new associations did not come forward faster; and if I am not wrong in my recollection, it was down even to the year 1868 before this sum was exhausted by the final applications of banks in the South. If I am wrong in that, the honorable Senator, who is familiar with these things, can correct me; but I take the hazard of saying that this fund was not exhausted until into or after the year 1868.

The honorable Senator says that I got the cart before the horse. By no means, Mr. President. We do not drive in that way in the East. What I said yesterday was in undertaking to defend the acts of the banks in receiving this money from the Treasury under the authority of the law of 1864 and down to March, 1865, when, as I undertook to point out and as it was agreed, there was no limitation, but anybody who applied and furnished the proper credentials of capital, ability, and honesty, was entitled to receive in the order that he applied the currency that he asked for. That was what I was defending; and then I went on to say that any construction of the two acts of 1865 which should hold that conduct of that character and in that time was unlawful, was, seeing that it was a violation of the public faith, to say to them, "You have done what you ought not to have done; you must give up everything that you have taken." That is what I was saying yesterday. So that, if my friend will pardon me, I must be excused from having the cart before the horse on that subject.

Thus when you come to that which took place after 1865, I repeat as a matter of history that millions remained in the Treasury until long after the time when under the seventh section of the internal-revenue act of March 3, 1865, the old State banks turning over had taken their proportions out of the general fund, just as the act said they might, the applications came from other States for funds, and there were funds enough to last them until 1868 or 1869; and the reports of the Comptroller of the Currency, I am sure, will bear me out in the statement. If that be so, now when before the eyes of Congress and of the people, and in view of the reports of the Secretary of the Treasury and the Comptroller of the Currency of facts which showed that they were acting upon my present construction of the law, these acts passed without question from anybody, it is a little too late to say that they or the people who received the circulation have been acting in violation of law.

I do not say this, Mr. President, in opposition to the Senator's bill. I only say that if it is to pass—and I do not know but that I shall vote for it myself—it should pass upon the true and honest ground that the supreme authority of the nation thinks it right now to change the existing relations of the currency to the national banks. That they have the power to do that I do not question.

Mr. ANTHONY. I do not intend to prolong this discussion by any remarks of mine, but I wish to refer to a single statement made by the Senator from Ohio so late last evening that I did not wish to take any more time then in replying to him. He stated the undoubted fact that under the State-bank system the circulation of Rhode Island was $6,000,000, and that now it is $13,000,000, and he argued that we had a much larger circulation under the national system than under our own State system, when we had all we wanted.

It is to be considered, Mr. President, that at the time when we had a circulation of $6,000,000, the entire bank circulation of the country was $238,000,000, and there was a gold circulation of I do not know how much, I suppose from $150,000,000 to $250,000,000; and now we

have a bank circulation in Rhode Island of $13,000,000 when the total paper circulation of the country is not less than $782,000,000, and may rise to $800,000,000. When the State banks were forced into this national system the amount of currency issued was so great that it fell to 40 per cent. of its face at one time. There was one time when a greenback was worth only 40 per cent. of what it represented. Of course we required a great deal more currency to transact business on such a basis as that than we did when we really had a gold currency, for all before was practically a gold currency.

Mr. EDMUNDS. With the permission of the Senator from Rhode Island, I will state that I have now the report of the Comptroller of the Currency showing the state of things on the 30th of December, 1869, even later than I spoke of, at which time there were only $317,992,516 of national bank circulation issued.

Mr. SHERMAN. Some of that must have been in place of what was withdrawn.

Mr. EDMUNDS. That depends on when the additional $54,000,000 was authorized to be issued.

Mr. SHERMAN. The $54,000,000 additional to the $300,000,000 was authorized in 1870.

Mr. EDMUNDS. It says "circulation issued." When you go back to the next preceding year, 1868, they were three hundred and nine millions; if you go back to 1867 you will find that it was less than three hundred millions.

Mr. ALLISON. I will say to the Senator from Vermont that the whole original $300,000,000 was taken up early in 1867.

Mr. ANTHONY. Mr. President, our circulation under the State system was thirty-six dollars *per capita*, and under the present system it is sixty-one dollars *per capita*. We have increased about 45 per cent. The total increase of the New England States has been about 50 per cent. The total increase of the Southwestern States has been nearly 300 per cent., and the increase of the State of Illinois has been more than 20 per cent. So that our increased circulation under the present system is in no greater proportion to the whole circulation of the country than it was before; and this proves that if we required the circulation which we then had to transact our business, we require the circulation which we now have; that in each case it is a normal condition of circulation.

The argument that bank capital is to be distributed *per capita* I think is little more sensible than that it should be distributed per acre. We might as well distribute coal *per capita* in a torrid climate as we would in a frigid climate. We cannot tell by any rule, by any formula, how much circulation is required in any State or in any particular portion of the country; but we can tell by this result: whenever banking is free, then the amount of circulation which a community can keep out and redeem is the amount which it requires; and that amount in Rhode Island is no more under the present system in proportion to the whole circulation of the country than it was under the old system.

Mr. SHERMAN. I have now a report of the Comptroller of the Currency before me, which I hope will settle one or two facts. It is the report dated October, 1865, a few months after the passage of the act of 3d March, 1865. It was the report sent in for the session of 1865–'66.

Mr. EDMUNDS. FREEMAN CLARKE'S report?

Mr. SHERMAN. FREEMAN CLARKE'S report. In this report the Comptroller says:

> By the seventh section of the "act amending the act to provide internal revenue to support the Government," approved March 3, 1865, the privilege of conversion on the part of State banks was extended, so as to give a preference to those which should apply prior to the 1st day of July, 1865, over new associations applying for the privileges of the national-currency act.
>
> The result has been that nearly all of the State banks have voluntarily changed into national associations, and it is a gratifying fact that this transformation has been accomplished without deranging the business of these institutions, or affecting essentially the volume of bank-note circulation.

Up to the beginning of the previous year the whole amount of circulation authorized was $65,000,000, but in a single year by the operation of this section the full amount of banking capital was reached under the act. He says:

> The national banks already organized embody a capital sufficient to entitle them to receive $309,672,992 of circulation on the deposit of the requisite securities in Government bonds. It is not anticipated, however, that more than three hundred millions will be called for by banks now organized, as many of them, located in large cities of the Northern States, will not ask for the amount of circulation to which their capital entitles them. Bonds have been deposited to entitle the banks now organized to $244,754,125 of circulation only.

Immediately after the passage of this act there was a rush into the national banking system, and at the next session of Congress the whole amount was practically exhausted, although I believe there were banks organized until the following year. The Senator from Iowa says there were banks organized up to the beginning of 1867.

Mr. ALLISON. Two hundred and ninety-two million dollars is stated in the annual report of 1866, and the balance was taken up early in 1867.

Mr. SHERMAN. The Senator from Vermont asks why complaint was not made about this at the time. Complaint was made about it at the next session of Congress. The Senator asks, why was it not proposed to impeach Mr. CLARKE? It was not an impeachable offense. It was manifest that these two acts did give a color of authority to allow a preference to State banks; but neither the Senate of the United States nor any court would impeach a man as a criminal for mistaking a construction of law. Though I think it was a great mistake, certainly it was not an impeachable offense. Men will differ in construing these acts. No doubt Mr. FREEMAN CLARKE did honestly decide, though he decided wrongly, in regard to the construction of these acts. But the mischief was done, and it has always been a source of complaint, and from that day to this has been a standing sore; and I did hope that by the passage of this bill we should forever get rid of it.

I heard one Senator from New England say that he would be willing to give up the whole bank circulation of his State rather than hold on to it by a misconstruction, or an error, or to the damage of other sections. That is the general feeling.

And now again, in closing this matter up, I beg a vote, and I appeal to Senators not to thrust upon this bill the great and difficult question that is now presented by the amendment of the Senator from North Carolina. If the Senate should adopt that amendment and thus kill this bill, which is intended to regulate an inequality in the distribution of bank circulation—if they should thrust that amendment on the bill in order to kill off this bill, because that will be the effect of it—then it opens the broad field, the question of whether we shall embark in the wide sea of paper money, whether we shall take national-bank paper or greenback money; and what limit shall be fixed upon it, opening all the whole range of subjects that we have been discussing so long.

I say that in the Senate of the United States we ought to approach this question deliberately and fairly. If this question of inflation or expansion, or the increase of bank currency, or the increase of greenbacks, is to be met, let us meet it, as it comes up in due order, deliberately, and let each man take his responsibility; because the question thus presented of inflating the currency and increasing our circulation is the great question of our day, which must determine the fate and fortunes of many, as well as the condition of our country, its prosperity, its happiness, and its glory.

Mr. EDMUNDS. If I do not interrupt the Senator I should like to ask him one question in regard to the remark he made. He spoke of killing this bill by bringing in this amendment. I hope he does not understand that those gentlemen who may think that this bill is a wrong to eastern banks are in favor of this proposition now offered as an amendment.

Mr. SHERMAN. Certainly not. I desire to say now that if this proposition is adopted it will be adopted against the wishes of a majority at least of the Senators who represent the States that are affected by its operation. It is not, therefore, an indisposition on the part of Senators representing those States to correct this inequality, but the presentation of this great question of the inflation of paper currency, increase of our paper currency, will have the effect to defeat this honest effort to satisfy a local demand.

Mr. President, Senators need not fear for a moment that when this bill is passed the other question will not be presented to them. It cannot be avoided; and I, for one, not only desire to bring it, but will bring it to the attention of the Senate at every opportune moment. Indeed, it was understood, so far as the Senator from Maine, who has charge of the appropriation bills, is concerned, that as soon as the naval appropriation bill is disposed of we will take up and decide once and for all whether we will increase the paper money of this country; whether it shall be in the form of greenbacks or bank-notes, and whether there shall be some plan for the redemption of the notes now outstanding. All these are great questions, and I appeal to Senators not to thrust them as an amendment to kill off this bill, which is an honest effort to remove a local difficulty and a local complaint. That is not the way in which we should conduct our business, to attempt to override a measure that all seem to be in favor of, by thrusting in a question of the greatest magnitude upon which men have honest differences of opinion.

I say for one, with my strong convictions against the impolicy now of issuing more paper money or adopting the proposition of the Senator from North Carolina, I would rather see the national banks of this country all go out of existence or be piled into the little State of Rhode Island. The question of the distribution of bank circulation is a matter of infinite importance compared with the importance of the question of the increase of paper money.

I hope Senators, therefore, will give us a fair vote on this bill, and not seek to avoid it by thrusting in this greater question. Let us have the question raised by the bill determined, and then we will meet them at Philippi.

Mr. WRIGHT. Mr. President, I understand the pending question is on the proposition of the Senator from North Carolina as a substitute for the entire bill.

The PRESIDENT *pro tempore*. It is.

Mr. WRIGHT. It will be in order, I suppose, to move to perfect the bill before the vote is taken on the substitute.

The PRESIDENT *pro tempore*. It will be.

Mr. WRIGHT. I move to amend the bill as reported from the committee, in the line that was proposed to be amended by the Senator from North Carolina, in the first place, by striking out "25" and inserting "75," by striking out $25,000,000 as the sum to be redistributed and inserting $50,000,000. And upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WRIGHT. Having offered this amendment, Mr. President, I wish to say a word on the substitute moved by the Senator from

North Carolina, and to state the reasons that influence me in voting for my amendment and against his substitute.

In the first place, I shall vote against the substitute for the reason that as it stands now it seems to me to be in a very imperfect shape. It is known that I have declared here that if there is to be an increase of circulation, my preference is for an increase of what are commonly known as greenbacks. If, however, this increase is to be an increase of bank circulation, then I am in favor of free banking. If there is to be an increase of circulation in any definite or limited sum, then I want that increase so distributed as that the destitute portions of the country shall have the benefit of such increase, and not have it, as is proposed by the substitute, that the banks now in existence and banks hereafter to be formed can alike take it up. I understand the substitute as it now stands to authorize an increase of forty-six millions of circulation to be taken up by the banks now organized or that may hereafter be organized; and it will occur, as it seems to me, if there be injustice or inequality in the present distribution of the currency, that that injustice or inequality will probably be kept up. I therefore am opposed to the substitute for the reason that it seems to me it does not reach the end that we in the West and South desire.

Now, I have proposed fifty instead of seventy-five millions, and I will give you my reason for it. It seems to be claimed here by our friends from the East, and also to be conceded to some extent by those from the West and South, that it is hardly just or fair to the banks in the older States that have their capital invested to take from them what it is conceded is their excess at present. While I am not prepared to concede that that is unjust to the extent insisted on by them, I think there is a fair degree of strength in the argument as suggested by them that it should not be taken from them. But when we come to this question, as in all questions, it seems to me we must remember that we have an entire country here, and we must seek to do justice to all portions of the country alike.

The legislation that we are now seeking to correct was based upon the idea that it was just and proper to distribute the circulation having reference to the wealth, the industry, and the population of the country. That was either right or wrong. If it was right at the time, and if nothing has occurred since to change it, then it seems to me to be but fair and right that we should have reference to the increase of wealth, the increase of industries, and the increase of population in the West and South; and that while we shall seek not to do injustice to the older portions of the country—the East—by taking from them all of their excess of circulation, as they claim that that would be unjust, nevertheless we should, in such increase, have some reference to our changed condition in the South and West. It has occurred to me that $50,000,000 would be fair to the East, and perhaps reasonably fair to us; and when I come to consider this question, as I seek to do upon all others, my object is, as far as possible, to do exact justice to all portions of the country alike. It seems to me that if we seek to distribute $50,000,000 more there can be no fair ground of complaint on the part of the East, especially as they say here themselves that while they think, in view of their investments, we ought not to distribute it, yet they prefer infinitely to do that rather than to increase the currency; and it is said here that they would rather do anything than to have the currency increased. Now I submit, as a compromise proposition, that we provide for a redistribution of $50,000,000 of the bank currency.

I understand that the bill, as it has been amended since it was reported by the Committee on Finance, provides that we shall not wait until the circulation of the banks having an excess shall be brought in, but the Comptroller of the Currency is directed to proceed at once to issue this circulation to the destitute portions of the country where application has been made and to call in the circulation afterward. In my opinion it will not take the two years that have been spoken of here to get this circulation by the West and South. I know that there are more than half a dozen organizations in my own State who are ready to take this circulation if they can get it; and in my judgment it will not be three months until applications will be made from my State, and they will get circulation if they can have it in that time. I therefore submit now that instead of undertaking in this bill to increase the circulation, and especially in the direction indicated by the Senator from North Carolina in his amendment, we provide for the redistribution of the fifty millions, and therefore get that secured to the West and to the South.

I object to the substitute for another reason. I have said that if we have an increase of circulation of national-bank paper I believe in free banks. I do not believe in this policy of having close corporations without reference to this banking circulation. It is a complaint all over this land now, as we know full well, that these banks have been organized, and that the men having the capital hold on to that circulation, and that other men having capital ready to invest in these banks are not given the opportunity, and they say if it is right and proper that we should have this bank circulation, then have it free, and let any and all persons that have capital and propose to engage in this enterprise come in and have the benefit. If you say that you will limit it to four hundred millions, then the same complaint will continue precisely as it continues now with reference to bank circulation and the limitation of the amount of such circulation.

I say, therefore, that I think a fair compromise may be made here by providing that there shall be a redistribution of fifty millions. If it can be taken in the South and in the West, I am sure that our friends in the East ought not to object to it. I think they will not object to a fair proposition upon this subject. I therefore propose, as already indicated, that we shall amend the present bill by striking out $25,000,000 and inserting $50,000,000. That is a fair compromise, as it seems to me, between what is claimed by us in the West and South as what we are entitled to in full, some seventy-five or eighty millions, and at the same time I think will not do such injustice to the East as they claim it will. Whether it be injustice I do not now undertake to determine, but certainly it will not work such injustice as that they can justly complain.

Mr. LOGAN. Mr. President, I rose a moment ago merely to reply to the appeal made by the Senator from Ohio to Senators having different views upon this proposition, those who desire not to relinquish a portion of the currency they now have and those in the West who desire to have a portion of this currency.

The proposition introduced by the Senator from North Carolina brings the question squarely before the Senate, and it is as fair a proposition as can be proposed. The argument made by the Senator from Ohio, the chairman of the Committee on Finance, is that we should wait until the proper time and then discuss the question, because he says that some persons want greenbacks and others national-bank currency. Why, sir, the Senator knows that the very argument that he makes is for the purpose of causing this difference of opinion, or at least it tends in that direction; because I believe from his statement—and I certainly have a right to say it—that he is opposed under any and all circumstances to an increase of the circulation either of United States notes or national-bank notes under any circumstances, except according to a proposition of free banking based on a redemption that he proposed in the bill which he introduced during the last Congress. Of course, then, his argument is against this proposition, and it is because this proposition is just the opposite of his theory on this subject of currency.

Those of us who believe that there ought to be a moderate increase of currency (for this is but a moderate increase) can well favor this proposition to equalize the national-bank currency and the United States currency. Four hundred million dollars of United States currency exists to-day as the means of redeeming the national-bank currency. Hence, there is no reason why the national-bank currency, to be redeemed by the United States currency, should not be equalized in amount to the latter.

If we are to have an increase of the currency at all, is not the fairest way of doing it to equalize these two different classes of currency? So far, then, as this proposition is concerned, it is, as I said, a fair one. It is proper in this very place, because, as has been argued by Senators, no person desires to disturb the relations of the banks to the Government or to their stockholders, if it can be avoided; and it is only in an extreme case, where the West and South are denied everything, that they would ask these banks to distribute a portion of their circulation. Now, if you will give $46,000,000 increase of circulation, equalize the two classes of currency, one of which redeems the other, then I for one say I will vote to repeal *in toto* this law of distribution, and let the States keep the currency they now have.

It is a fair proposition, it is an honest proposition, and it is one that brings us squarely to the test. I make the same appeal to those men who believe there ought to be a moderate increase of currency to vote for this proposition that the Senator from Ohio makes to those who are opposed to it to vote it down. He wants it voted down so that this bill may be a wedge put in between the increase of the currency and specie payments; for this bill is nothing more nor less than a mere entering wedge to prevent the increase of currency in this country. That is the meaning of it; because the Senator himself says that he is opposed to an increase on the basis on which the national banks now stand; and therefore I believe the proposition to be correct as I stated it, that this bill for redistribution is to prevent the increase of any more circulation in this country; and if we get that, it is all that is to be had, and it must be accepted. Hence I appeal to-day to the friends of an increase to stand together, and let this vote be the test. If the Senate is opposed to any further increase of currency in this country, we had just as well say so on this proposition as to be discussing it for weeks and then saying so on some other proposition. Hence I appeal to the friends of an increase to make it the test here to-day, or whenever the vote is taken, for it is equalizing, as I said, the two kinds of currency. It is as fair a test as any we can have. Let it be made the test; and if the contractionists on this floor, the gentlemen who desire to contract the currency or those who desire to have no more currency in this country, have a majority, in God's name we acquiesce. That ends the fight; and the voice of the people, through their representatives here, decides the question. But if there is a majority in favor of an increase of forty-six millions of currency in this country, as the representatives of the people, on our part, we have as much right that our voice shall be heeded as you have that yours shall be.

Let no deception be practiced; let it be a square vote and decide this question. That ends it. Then you can report your bills according to the sentiment of the majority of the Senate. But let the Senators that are in favor of a moderate increase not be divided upon the question whether we shall have greenbacks or national currency. Let that not be a point of division. That gives the advantage against us. Let us stand by this proposition for an increase, and after that

is decided discuss the other question among ourselves as to which we will agree upon. There is as much in men's standing together in reference to a proposition that they nearly agree about as there is in anything else. Of course, distraction thrown into the chamber of any legislative body can disperse those that ought to vote for a proposition, and in that way they are always defeated; and if defeat comes in the Senate Chamber now to this proposition, it is merely by the strategy of those men who are opposed to any increase whatever and are determined to retain the status as it is and do as they have argued here should be done—provide some ways or means for contraction of the currency. When men talk about specie payments now they mean contraction, for there is no other mode to arrive at specie payments at present but that.

I say, then, that this amendment of the Senator from North Carolina is a fair one, and I say to my friend from Iowa, with whom I agreed in the first part of the session in the speech he made in reference to the wants of the people, that I supposed we were together on this proposition. I do not say that he said so in terms, but he spoke upon the two propositions that were up before, the one by the Senator from Michigan, [Mr. FERRY,] and the other reported by the Committee on Finance, in reference to a return to specie payments, while the proposition of the Senator from Michigan was for a moderate increase of the currency. Those were the two propositions that were before the Senate and under discussion at the time, and this is but a part of one of the propositions. This is but the same proposition as introduced by the Senator from Michigan, substantially, and the one upon which the discussion arose in the Senate Chamber and upon which we divided here in our opinions. If we are to be defeated by mere quibbles, let it be done now.

I do not desire to prolong this discussion, and do not desire to enter into the merits of the question as to whether we should have an increase or not. That has been fully discussed here on the floor before. I was heard fully on that question and do not desire to discuss it any further. I merely rose, as I said, to appeal to the friends of a moderate increase of the currency to stand by this proposition and let it be made a test, and then the committee can report according to the instructions of the Senate such a bill as conforms to the peculiar notions of the majority. It was only for that purpose, and not to discuss the question at any further length, that I rose.

Mr. FERRY, of Michigan. Mr. President, I can appreciate the appeal that has been made by the Senator from Illinois to the friends of a moderate increase of the currency. I think it is well known to the Senate that in the early part of the session I proposed an increase of the currency in the form of Government issues. I stand so to-day as my first choice, and I base that choice in measure upon economic considerations. The Government is now indirectly providing issues to the nation through the national banks, at a cost to the people of over eighteen millions annually of coin interest. To save that coin interest, I proposed that the nation should issue the whole volume of currency in the form of greenbacks or legal-tenders. Believing then, as I have stated since, that the question of an increase of currency to meet the adequate demands of the country was of greater importance than the mere form, and so stated when I modified my original substitute for the resolution of the Finance Committee into the simple proposition of a moderate increase of the currency, I added that, while I did not waive my first choice and judgment, I did, for the purpose of testing the Senate upon the question whether the country was to be relieved by an increase or not, modify my proposition, as the Senator from Illinois has stated, by putting it simply upon an increase without regard to the character of the currency. It was of far greater importance in affording immediate relief to commercial prostration to imply, by an affirmative vote of the Senate, that the remedy should be by an increase of currency than it was to decide which form of money was to be authorized. The one was primary and most vital and the other secondary and less essential in such a national exigency. The volume fixed, the character of it could subsequently be determined.

Now I regret very much that the Senator from Iowa, [Mr. WRIGHT,] a staunch supporter, who has stood with us in the struggle so far for an increase sufficient to meet the demands of the country and furnish a remedy for the panic and its evils, should have proposed the amendment which is now pending, and thus have tied up more or less Senators upon this primary question. I confess that I feel myself embarrassed now. I have no disposition to take from the States of the East the currency which they have, and that, too, in the face of the protest of the Senator from Rhode Island who, representing his constituents, as well, doubtless, as other constituents of New England States, has declared in a formal manner that they have no more currency than they need. I declared then, as I reiterate now, that that protest and his demand is the strongest argument the country can ask upon the question of an adequate currency. If Rhode Island, the smallest State, has not currency enough, and demands that her thirty-one dollars *per capita* of national-bank currency should be assured to her, for the same reason the West and South should demand an equal amount of currency also. The question thus turns simply upon an increase that will equalize the circulation in other States with that of New England. I say again that I have no hostility to New England, but I may be forced to vote, against my inclination, to reduce her currency, if left alone to the question of the amendment proposed by the Senator from Iowa. Why do I say it? If we are to be shut out from an increase of the currency, then I assume that New England should not claim and retain an excessive proportion of bank currency. She has no right to it upon any principle of justice, and some of her Senators here declare that they are unwilling to act upon a principle of injustice, and yet I do not forget the protest, fortified by the able presentation of the Senator from Rhode Island, that his State has no more currency than she needs.

We are reminded, too, of the question of good faith, and told that when these States, in the midst of our struggle, met the demand of the country in supplying their means, we now, when the struggle is past, and triumph peacefully smiles upon the land, should not take back from them what they secured during the war. Upon that principle I am opposed to taking from New England any portion of her currency; but I do say once more that I regret that my friend from Iowa has, in my judgment, complicated the question by his amendment.

Moreover, I am not to be frightened out of my position on this point by intimidation. If I were to refer to the proceedings when the national issue was first authorized, and when it was proposed in the House of Representatives to allow the national-bank circulation to reach the limit of but three hundred millions, Senators now on this floor attempted then to cry it down by threats of national disaster. It was said then that "if we permit this inflation to go on we shall do our country a greater harm than the confederates can possibly do by defeating any one of our armies." And this was said when we had but three hundred millions of greenbacks and it was proposed to increase the volume of currency three hundred millions more through national currency. To-day we have substantially a repetition of that threat, and we are told that if this increase comes now disaster will result to the country. Why, sir, we have disaster now, curable by an increase of currency, and yet it is denied to intensify that disaster. Tell me not that the panic has ceased. Its blaze may have been extinguished, but it smoulders, ready to break out at any incidental disturbance; yet we are told that the panic has passed by with all its effects. We are pointed to New York. I see in his seat one of the Senators representing that city, who tells us that the vaults of her banks are swelling with greenbacks issued by the Government. It may be true; but at the same time not a dollar can be drawn from them except upon a loan at call, supported by the best collaterals. What benefit is that to the country? What benefit is it to New York merchants who want to borrow at two to four months? Many of them cannot get it to save them from insolvency.

If I were to indulge myself at this moment, reference to the reports of mercantile agencies would show that the failures in the country during the past year were far in excess of those of the year before. That fact, coming from an official source, tells the country to-day of the serious nature of the disturbance in our monetary affairs.

In view of these circumstances I call the attention of Senators to the gravity of the question, whether or not we shall increase and expand, not inflate, the currency in proportion simply to the expansive demands of the business of the nation—precisely that and nothing more. The Senator from Missouri [Mr. SCHURZ] the other day cast epithets on this effort to meet this national expansion. Sir, I regretted to hear them; for I always listen to that Senator with admiration for his rhetorical powers. When, however, he sought terms of ridicule, massed figures into hyperbole of derision to gainsay or overthrow what he failed to do by logic, admiration turned into disappointment. He, with others, persists in denying any increase of the currency, let the disaster be what it will.

Now it is proposed by the chairman of the Committee on Finance to postpone the test on an increase and let the bill pass as he reported it. This would be a waiver of the issue. I propose to stand by the contest shoulder to shoulder with the Senator from Illinios and our friends from the South.

Sir, I am not responsible for the form in which this question is now before the Senate; but inasmuch as it is here now, and the proposition is made to withdraw or postpone it, I cannot consent to it. The chairman of the Committee on Finance is opposed to expansion except based upon resumption, which he has as well stated is a practical impossibility. Having no direct agency in the form of the measure here, I am prepared to confront it as I find it, and am ready to meet it. Unwilling as I am to take away from New England what she needs, for she has wealth and capital, and employs her currency; with equal magnanimity and equal justice she ought to give as liberally with the left hand what is taken with the right. Bound to these States by a common interest, part of a common country, their success and prosperity are our success and our prosperity. In the language of the Senator from Illinois, the issue is right here now and forced upon us, shall we increase or shall we refuse to increase the currency? According to the amendment of the Senator from North Carolina, what he proposes is substantially a volume of $800,000,000. It reaches, as I am reminded, precisely to the volume I suggested upon the fourth day of this session. I asked then that the $44,000,000 reserve should be utilized and made a part of the permanent circulation; and that there should be sufficient increase to make up the whole volume to $800,000,000. I am gratified that the apparent judgment now conforms to what was suggested so early in the session upon the maximum of circulation. The amendment proposed now by the Senator from North Carolina, with the $44,000,000 reserve now nearly issued, will make a total of $800,000,000. I suggest to the Senator from

Iowa that if that proposition does not provide for a proper distribution in his judgment, it is open to amendment. Let him propose to confine it to the West and South, leaving New England with the currency she now has, and give the whole $46,000,000 to the West and South, thus establishing a fairer basis of equality among sister States. Adopt this proposition of the Senator from North Carolina, and I shall be in favor of repealing the law requiring the withdrawal from New England and the redistribution of $25,000,000.

The friends of a moderate increase of the currency should stand now by the amendment of the Senator from North Carolina, whether the amendment of the Senator from Iowa is carried or not. Let us support the amendment proposed by the Senator from North Carolina. Modify it, if you please, in its distribution, but let us settle now the question whether the Senate will give an increase of currency, or declare by denial that the country must struggle on amid prostration and ruin to specie resumption.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1064) to authorize the Secretary of War to lease not exceeding five acres of the tract of land known as the Old Lazaretto tract, for the purpose of erecting thereon a magazine or storehouse for the storage of gunpowder;

A bill (H. R. No. 1932) for the relief of Frank M. Kelly; and

A bill (H. R. No. 1933) to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 3, 1863.

The message also announced that the House had passed the bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota, for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862.

EXECUTIVE SESSION.

Mr. CONOVER. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 12, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

BANKRUPT LAW.

On motion of Mr. BUTLER, of Massachusetts, by unanimous consent, the House took from the Speaker's table the amendments of the Senate to the bill (H. R. No. 792) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1872, and all laws and parts of laws amendatory thereto; and the same were referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF THE OHIO RIVER.

Mr. SAYLER, of Ohio, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be instructed to communicate to this House the report of the board of engineers on the radical improvement of the Ohio River by hydraulic gates and movable dams.

VIOLATION OF THE REVENUE LAWS.

Mr. DAWES. Mr. Speaker, there are some executive documents upon the table which ought to go to the printer. I ask by unanimous consent that they be laid before the House at this time.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury in answer to the resolution of the House of December 2, 1873, in relation to the amount of money paid since the 4th of March, 1869, to any person or persons in the settlement of suits, judgments, or claims by or in behalf of the United States, for the violation of the revenue laws at Boston and New York custom-houses, &c.; which was referred to the Committee on Ways and Means.

Mr. DAWES. I move that it be printed.

Mr. MAYNARD. Is it a matter of course to print that large mass of material?

Mr. BUTLER, of Massachusetts. I object to the printing.

Mr. MAYNARD. I submit it should go to the Committee on Ways and Means, and let that committee decide whether it ought to be printed or not.

Mr. DAWES. Some of the Committee on Ways and Means have already examined it, and they think it is an important document, and ought to be printed.

Mr. MAYNARD. I make no further objection.

The document was ordered to be printed.

IMPROVEMENT OF THE OHIO RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House of February 9, 1874, in relation to the improvement of the navigation of the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

BRIDGES OVER NAVIGABLE WATERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the draught of an act to regulate the construction of bridges over the navigable waters of the United States; which was referred to the Committee on Commerce, and ordered to be printed.

INDIAN COMMISSIONERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Secretary of the Board of Indian Commissioners, in relation to an unexpended balance of appropriation made by the act of May 29, 1872, to pay the expenses of said board; which was referred to the Committee on Appropriations, and ordered to be printed.

W. H. WARD.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the petition of W. H. Ward for compensation for use by the Government of his improved bullet-machine; which was referred to the Committee on Military Affairs, and ordered to be printed.

EMIGRANT VESSELS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, for an appropriation to provide for sending experts to England to supervise the construction of emigrant vessels; which was referred to the Committee on Commerce, and ordered to be printed.

COMMERCE.

Mr. E. H. ROBERTS, by unanimous consent, from the Committee on Ways and Means, reported back a bill (H. R. No. 867) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes;" and the same was referred to the Committee on Commerce.

IMPRISONMENT OF AMERICAN CITIZENS.

Mr. SMART, by unanimous consent, submitted the following resolution:

Resolved, That the Secretary of State be requested, if not incompatible with the interests of the public service, to lay before this House the correspondence between the commander of the United States steamer Richmond—Captain Thomas Patterson—and the governor of Santiago de Cuba in April, 1873, in reference to three American citizens who were on trial before a military court-martial at that place; and to accompany the correspondence with the protest made against said proceeding and the demand made on the said governor for their surrender, and other papers relating to the subject. And also that the Secretary inform this House whether the three American citizens were delivered to Captain Patterson.

Mr. WILLARD, of Vermont. I move it be referred to the Committee on Foreign Affairs.

The motion was agreed to.

MORNING HOUR.

The SPEAKER. The morning hour begins at twenty minutes past twelve o'clock, and reports are in order from the Committee on Military Affairs.

DAVID BRADEN.

Mr. COBURN, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 353) for the relief of David Braden; and the same was referred to the Committee of the Whole House on the Private Calendar.

SALE OF FORT REYNOLDS MILITARY RESERVATION.

Mr. GUNCKEL, from the Committee on Military Affairs, reported back the bill (H. R. No. 1161) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon, with an amendment in the nature of a substitute.

The substitute (H. R. No. 1931) was received, and read a first and second time.

The SPEAKER. If there be no objection, the substitute alone will be read.

The substitute was read as follows:

A bill to authorize the sale of the military reservation of Fort Reynolds in Colorado Territory, and the Government buildings thereon.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and empowered to transfer to the custody and control of the Secretary of the Interior, for disposition for cash, according to the existing laws of the United States, relating to the public lands after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than $1.25 per acre, the United States military reservation of Fort Reynolds in Colorado Territory, containing about twenty-three square miles, as set apart and declared by the President, on June 22, 1868, including all the buildings heretofore erected by the United States, and now being thereon, (the said reservation and buildings being no longer needed for military purposes:) *Provided*, That the Secretary of the Interior shall cause the said land to be offered in tracts of not more than eighty acres each, and sold separately at public outcry to the highest bidder.

Mr. GUNCKEL. Mr. Speaker, I desire to submit a single word of explanation in reference to this bill.

Mr. G. F. HOAR. I desire to inquire of the Chair whether that bill is not liable to the point of order, as authorizing the sale of public property?

Mr. GUNCKEL. There is no appropriation of public money in it. It is a bill for the sale of land, and will bring money into the Treasury instead of paying it out.

Mr. COBURN. It is only a provision for the sale of a reservation. There can be no possible application to it of the rule as to appropriations.

The SPEAKER. The Chair thinks the bill would be liable to the point of order under a literal application of the rule; but as it is to sell the land to the highest bidder at public auction, provided the price is not less than the stipulated price of the public lands, the Chair presumed the bill might without objection be considered in the House.

Mr. GUNCKEL. The Secretary of War states that the property is not needed for military purposes, and at the last session of Congress recommended that it be sold. The Committee on Military Affairs report this bill, which simply directs that this property be turned over to the Secretary of the Interior and sold under the rules and regulations prescribed by law after appraisement, at public bidding, and to the highest bidder.

Mr. G. F. HOAR. I desire to suggest to the Chair that the bill is one which the rule lately adopted was intended expressly to reach. It provides for the disposition of public property. It provides certain conditions as to the size of the tracts in which it shall be offered, and puts it into the power of the proper public officer to superintend the sale. Now, it is perfectly true that what is proposed may be a fair disposition of the property; but it is perfectly true, also, that the order to sell the land at a particular time may be very much against the interests of the public. And the right to discuss that in Committee of the Whole is secured by the rule. I have no objection to this particular bill, but it seems to me very important that the rule should be enforced.

The SPEAKER. The Chair was about to observe that it would not, as a rule, do to say, because the United States was disposing of something for a consideration, that the bill did not fall within the rule. There might be very many cases in which, though a consideration was placed in a bill, it would be amenable to the rule, but in this particular case the Chair did not think that a stringent enforcement of the rule was called for.

Mr. G. F. HOAR. The bill provides not only for the sale of public lands, but of public buildings; and although this bill undoubtedly is a perfectly innocent one, as we may be satisfied from the character of the committee from which it comes, this class of bills may be a very dangerous one; and to secure a consideration for them in Committee of the Whole is the very thing the rule is intended to accomplish.

Mr. COBURN. I ask for the reading of the rule.

The SPEAKER. The point made by the gentleman from Massachusetts [Mr. G. F. HOAR] in its general application is a correct one. The fact that the sale is for a consideration would apply to the case of the bill, for instance, for the encouragement of the growth of trees on the public domain. There was a proposition to give certain parts of the public domain for that consideration, and the Chair ruled that it should go to the Committee of the Whole on the state of the Union. And, on a stringent ruling, this bill would also be so referred. The rule reads thus:

All bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, shall first be considered in Committee of the Whole.

This bill does make an appropriation of property, and not any the less because there is a consideration for it. If it were admitted that the substitution of a consideration could waive the rule, the rule could be waived in many cases. But this is a bill framed in perfect good faith, and about which there can be no doubt. And, therefore, the Chair did not rule to send it to the Committee of the Whole.

Mr. COBURN. The rule applies to bills making appropriations. Now, what can there be in the word "appropriation" that is applicable to the authority to sell land? There can be no signification of the word "appropriation" in the remotest degree whatever that would apply to the sale of land. You might as well call the general laws that apply to the sale of public lands appropriation bills, as say that a bill like this, or any bill giving a Department of the Government the authority to sell land, makes an appropriation.

The SPEAKER. If the gentleman is to argue the rule instead of the bill, the Chair will submit an illustration: If a bill should be brought in from the Committee on the Public Lands providing that in future the public lands might be disposed of at public auction at a price not less than ten cents an acre, would the gentleman from Indiana justify the Chair in having it considered in the House?

Mr. COBURN. I would not.

The SPEAKER. Precisely the same argument applies in this case.

Mr. COBURN. I intend to say I would not justify the Chair. The Chair would have no right to rule that it must be considered in Committee of the Whole, for it would be in no sense an appropriation.

The SPEAKER. The Chair differs widely from the gentleman from Indiana. The gentleman entirely misapprehends the scope of the rule. It would be a gross violation, in the judgment of the Chair, of the letter and spirit of the rule, to allow a bill of that kind to be considered in the House; but this bill is evidently offered in good faith, and the Chair is willing to have it considered in the House. At the same time the Chair does not desire it to be understood that the rule could be construed as the gentleman from Indiana [Mr. COBURN] construes it.

Mr. G. F. HOAR. I am perfectly willing to withdraw the objection, but I desired to save the precedent.

The SPEAKER. The precedent will be saved as long as the present occupant is in the chair.

Mr. LOWE. As I understand it, this bill makes a disposition of a large tract of land. I would like to inquire whether there is any reason why this tract of land should not be disposed of under the pre-emption and homestead laws? I can readily understand that as to that portion of the tract which is occupied by public buildings it should possibly be sold at auction to the highest bidder; but most of the land is outside of the improvements, and why should it not be disposed of under the homestead and pre-emption laws?

Mr. GUNCKEL. I would say that there are thirteen square miles in this tract, with buildings upon a part of it, and the whole tract is supposed to be of special value. The committee, following what has heretofore been the action of Congress, provided that it shall be sold at public auction for not less than two-thirds of the appraised value. We were apprehensive that there might be some arrangement by which some one would get the land for less than what it is worth. The bill is in the line of the precedents of Congress.

Mr. LOWE. Allow me a single additional question, and it is this: Whether upon these thirteen square miles there are any settlers claiming any rights under the homestead or pre-emption laws, or otherwise?

Mr. GUNCKEL. I do not know. I say simply that the Secretary of War recommended last session that this property should be sold, and said nothing of any such complication. He renews the recommendation this session, and I presume there are no complications of the sort.

Mr. DONNAN. Let me say that this property lies in a section where it is undoubtedly worth a great deal more than the ordinary public domain. There is no reason in the world why the Government should not realize the worth of the property.

Then as to the other question of the gentleman from Kansas, I would say that if there are any settlers on this reservation they are there without any right whatever, and there is no reason why any right should be retained for them; they are simply squatters without any shadow of right.

Mr. GUNCKEL. I yield now to the gentleman from Colorado, [Mr. CHAFFEE,] who knows all about this matter, and can explain it to the House.

Mr. CHAFFEE. There are about twenty-three sections of land which have been reserved by the Government for the military reservation in Colorado called Fort Reynolds. Upon this land there have been erected some buildings which, although I have not myself seen them personally, are represented by the Secretary of War to be worth several thousand dollars. It is for that reason that he recommends a sale of the land and buildings. Otherwise I should have recommended, as I did in the case of Fort Collins, their restoration for pre-emption and homestead purposes; but, inasmuch as the Government has buildings and other improvements on the reservation, it is deemed proper by the Secretary of War to authorize its sale to the highest bidder. Hence this bill.

Mr. KASSON. I want to say a word upon this measure, as it touches the disposition of the public lands and the principle upon which we are to act. I think what has been said by the gentleman from Colorado indicates that the bill should, perhaps, make special provision for the sale of the tract immediately about and including the buildings. But I do think that, for the interest of the Territory and of the people of the country generally, much more than of the Treasury of the United States, these lands should be open to actual settlers in preference to all others. A very large tract of land in this military reservation would satisfy the wants of a very considerable colony of actual settlers. But the moment it is open for sale, without limitation, at a price not less than the appraised value, that very moment it is put into the power of capitalists to override the actual settlers in all cases. Owing to the generally great desirability of lands originally selected for military reservations the capitalists of the country would prefer it to any public lands in the neighborhood. These lands are usually the highest-priced lands in a new Territory.

I wish, therefore, very much that the committee would consider that point, and provide that only that part necessary to carry the public buildings shall be subject to this public sale, and allow the rest of the reservation to be disposed of under the homestead laws of the United States. I do not desire at all to interfere with what the committee may think proper; but I should be very glad if they would take this matter into further consideration before pressing this bill to a vote. So much on that point.

The other point to which I wish to call attention is, that in case of sale as proposed by this bill, if I understood it aright—and if I did not understand it correctly, the gentleman in charge of the bill will inform me—there is no provision requiring any length of notice to the public with a view of realizing the full value of the land, and giving notice to all who may wish to purchase. Therefore, if the committee conclude to go on with the bill at the present time, I ask the gentle-

man in charge of the bill [Mr. GUNCKEL] to accept as an amendment a provision to this effect: "After giving not less than three months' public notice of the time and place of sale, in not less than three public newspapers printed and published in said Territory." I suggest that provision in order that there may be no combination on the part of capitalists to get possession of this land at less than its real value.

I should be glad to hear the gentleman from Ohio [Mr. GUNCKEL] upon these two points. I hope the committee will consent to consider the point that subjects the whole of this large tract of land to the operation of speculators instead of to actual settlers, a class of inhabitants I know the Territories want.

Mr. GUNCKEL. I yield for a few minutes to the gentleman from Nebraska, [Mr. CROUNSE.]

Mr. CROUNSE. I think this land occupies a different attitude from other public lands which, from motives of policy, should be thrown open to homesteading and pre-emption. This land has a peculiar value, as I understand it, because of its having been occupied for military purposes. This being a military reservation, and having been such for some time, it has been subjected to improvement to quite an extent. And I am advised these improvements extend over the entire tract of twenty-three sections. Around this military reservation, as around military reservations generally, there are probably settlers, and if this reservation is thrown open to pre-emption and homsteading those settlers would immediately have advantage of the first opportunity to secure to themselves valuable tracts of land—an advantage which is not contemplated by the general pre-emption and homestead laws.

This being an exceptional case, having reference to a particular tract of land, the value of which is particularly enhanced by reason of its use as a military reservation, it seems to me that the Government would realize more by having it sold at public auction, and that such a course would not impair or infringe the general rights of settlers on the public lands.

Mr. TOWNSEND. I would like to ask the gentleman from Ohio [Mr. GUNCKEL] whether or not there is any report accompanying this bill, or any letter from the Secretary of War explaining the necessity for this sale, as proposed by the bill?

Mr. GUNCKEL. I will answer the gentleman by sending to the Clerk's desk to be read a communication from the Secretary of War on this subject.

The Clerk read as follows:

WAR DEPARTMENT, *December* 1, 1873.

The Secretary of War has the honor to invite the attention of the House of Representatives to the draught of an act to authorize the sale of the military reservation at Fort Reynolds, Colorado Territory, and the Government buildings thereon, which was submitted by him to the House on the 25th of February, 1873. No action having been taken at the last session of Congress with reference to this matter, he has the honor to renew his recommendation for the passage of an act to authorize the sale of this reservation.

WM. W. BELKNAP,
Secretary of War.

Mr. GUNCKEL. It will be observed that the first communication was sent in only a few days before the adjournment of Congress, and so late that it could not be acted upon. It now comes back; and I have been directed by the unanimous vote of the Committee on Military Affairs to report this bill. To avoid anything like favoritism or the opportunity of a job, we provided that, as this is a tract of bottom lands and particularly valuable, it should be sold in tracts of not more than eighty acres each, after notice, and to the highest bidder. The amendment suggested by the gentleman from Iowa [Mr. KASSON] looks to a longer notice. We do not object to that, because it is in the proper direction. And with the consent of the Committee on Military Affairs I will permit the amendment to be offered and voted upon.

Mr. KASSON. I will then move to amend the bill by adding after the words "to the highest bidder" the following:

After giving not less than three months' public notice of the time and place of sale, in not less than three public newspapers printed and published in said Territory.

The amendment was agreed to.

Mr. GUNCKEL. One word more. The pre-emption law and the homestead law apply to all the other lands in the United States. Here is a special tract, heretofore held for a special purpose, and of special value. We merely provide that the General Government shall do what any prudent individual would do in a like case, that is to sell it in small tracts and to the highest bidder. It is doing for the Government the best thing under the circumstances. I demand the previous question.

The SPEAKER. The Chair wishes to make a further remark in regard to the point of order, which by unanimous consent was not pressed on this bill so that it might be considered in the House, as the gentleman from Indiana, chairman of the Committee on Military Affairs, [Mr. COBURN,] does not seem to be satisfied with the ruling of the Chair. He takes the position the bill provides for perfect safety to the United States, in that it prescribes the land shall not be sold below $1.25 an acre, and also shall be sold in lots of eighty acres each. Now the moment the bill is attempted to be considered in the House, the House may by germane amendments strike out from the bill those safeguards, and provide for selling the land at ten cents an acre and the whole of it in one lot. So the safeguards by which he claims this should be considered in the House may, by germane amendments, be taken away. Therefore it is not to be considered in the form in which the bill is reported whether it is amenable to the point of order or not, but whether any germane amendment thereto will not put the bill in such a condition that, under the rule, it must go for its first consideration to the Committee of the Whole on the state of the Union.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. GUNCKEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JONATHAN D. HALE.

Mr. DONNAN, from the Committee on Military Affairs, reported back the petition of Jonathan D. Hale, for relief; and the same was referred to the Committee on War Claims.

INSPECTION OF ARMY APPROPRIATIONS.

Mr. DONNAN, from the same committee, also reported back a bill (H. R. No. 912) to provide for inspection of the disbursements of appropriations made by officers of the Army, with the recommendation that it do pass.

The bill, which was read, provides that it shall be the duty of the Secretary of War to cause frequent inquiries to be made as to the economy and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money; also to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits; such inquiries to be made by officers of the inspection department of the Army, or others detailed for that purpose; provided that no officer so detailed shall be in any way connected with the department or corps making the disbursement. The second section provides that the reports of such inspections shall be made out and forwarded to Congress with the annual report of the Secretary of War.

Mr. DONNAN. Mr. Speaker, there is nothing in existing laws to prevent this being ordered by the Secretary of War; but this bill proposes to make it a part of his duties to inquire into the economy and necessity of these disbursements. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRST RHODE ISLAND ARTILLERY.

Mr. DONNAN, from the same committee, also reported back a bill (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun, with the recommendation that it do pass.

The bill, which was read, authorizes the Secretary of War to deliver, if the same can be done without detriment to the Government, to the proper authorities of the State of Rhode Island a certain gun marked "Battery B, First Regiment Rhode Island Light Artillery, Battle of Gettysburgh," for the purpose of being placed among the archives of the State.

Mr. DONNAN. I presume a single objection will take this bill to the Committee of the Whole, but the House will, I hope, consider it now, as it will require but a moment.

I may say this comes to us on the petition of the veteran organization of Battery B, of the First Rhode Island Light Artillery, asking this gun may be placed in the archives of the State as a valued memento of their brave companions who gave their lives in performance of their duties.

The Secretary of War says the original cost of the gun was $1,000; but now it is of no use except as a memento of the war. It is lying at the navy-yard, near Washington, and has in its muzzle a shot lodged there by the enemy at the battle of Gettysburgh.

I now yield to the gentleman from Rhode Island.

Mr. EAMES. I wish to put upon the record the memorial of Battery B, First Rhode Island Artillery.

The Clerk read as follows:

To the honorable Senate and House of Representatives in Congress assembled:

Believing that to perpetuate the memory of the brave men who fell in the cause of our common country will instill into the hearts of our children that ardor, patriotism, and courage displayed by their fathers in the hour of need; and that the State of Rhode Island may have within its archives some valued memento of the bravery, not only of its own sons, but of all those engaged in the terrible battle of Gettysburgh:

We, the undersigned, in behalf of the members of the veteran association of Battery B, First Rhode Island Light Artillery, respectfully petition that you will cause to be delivered to them for preservation a certain piece of ordnance, namely, a gun used by them at the battle of Gettysburgh, and now understood to be on exhibition at Washington, District of Columbia, that your petitioners may be the possessors and the State of Rhode Island the custodian of, to us, a valued memento of the bravery of our companions who gave up their lives in the performance of their duty.

DANIEL C. TAYLOR,
President.
JOHN F. HANSON,
Vice-President.
CALVIN W. RATHBONE,
Secretary.
S. G. TUCKER,
J. E. CHACE,
J. BORDON LEWIS,
Executive Committee.

Mr. DONNAN. I ask unanimous consent to make a verbal correction in the bill. I see that the word "infantry" occurs where the word "artillery" should be used.

The SPEAKER. There being no objection, that amendment will be made.

Mr. EAMES. I also ask to have put upon record the following letter of the Secretary of War on this subject:

WAR DEPARTMENT,
Washington, January 15, 1874.

SIR: Returning, as requested, the petition of members of Battery B, First Rhode Island Light Artillery, I have the honor to inform you that the gun desired by them is on hand at the Washington arsenal, and is marked "Battery B, First Regiment Rhode Island Light Artillery, Battle of Gettysburgh."

This gun has a 12-pounder shot wedged in the muzzle; and the muzzle itself has been battered by a shot, which tends to hold the shot in the muzzle, and it is of no use to the United States except as a memento of the war.

Its original cost to the United States was about $1,000, and it is for Congress to decide whether or not it shall remain in the custody of this Department.

Very respectfully, your obedient servant,

WILLIAM W. BELKNAP,
Secretary of War.

Hon. J. K. KELLY, *United States Senator.*

The bill was ordered to a third reading, read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANK M. KELLY.

Mr. HAWLEY, of Connecticut, from the Committee on Military Affairs, reported a bill (H. R. No. 1932) for the relief of Frank M. Kelly; which was read a first and second time.

The bill was read. It authorizes and directs the Paymaster-General of the United States Army to pay to Frank M. Kelly, a private of Company F, First Regiment United States Cavalry, $30.39, that amount being the value of certain articles of uniform clothing purchased by him to replace a like number of articles consumed in the fire which destroyed one of the buildings at Camp Warner, Oregon, on the 27th of January, 1873.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Connecticut, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVES OF ABSENCE OF ARMY OFFICERS.

Mr. HAWLEY, of Illinois, from the Committee on Military Affairs, reported a bill (H. R. No. 1933) to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 3, 1863; which was read a first and second time.

The bill was read. It provides that all officers on duty at any point west of a line drawn north and south through Omaha City, and north of a line drawn east and west upon the southern boundary of Arizona, shall be allowed sixty days' leave of absence without deduction of pay or allowances, provided that the same is taken but once in two years. The leave of absence may be extended to three months, if taken once only in three years; or four months, if taken once only in four years.

Mr. HAWLEY, of Illinois. Mr. Speaker, this bill is an exact copy of one which passed this House during the last Congress, but failed to be passed by the Senate. As the law now stands, there is no power to grant leave of absence to Army officers for a longer period than thirty days in any one year. It must be obvious that for an officer stationed within the district of country embraced by the terms of this bill, the officer being perhaps remote from railroad communication, thirty days barely suffice to enable him to visit his home or friends in the Eastern States and get back again, leaving him no time for the transaction of business. This bill, while continuing the principle of allowing thirty days' absence in each year, allows the officer to cumulate the time if he so desires, so that he may take every two years a sixty-days' leave; or if he wishes leave of absence only once in three years, he may have ninety days. That is the only effect of the bill. I think it a very proper and just measure; and I hope there will be no objection to its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAZARETTO TRACT, DELAWARE RIVER.

Mr. ALBRIGHT, from the Committee on Military Affairs, reported back, with amendments, the bill (H. R. No. 1054) to authorize the Secretary of War to lease not exceeding five acres of the tract of land known as the Old Lazaretto tract, for the purpose of erecting thereon a magazine or store-house for the storage of gunpowder.

The bill was read. It authorizes the Secretary of War to lease a portion not exceeding five acres of a tract of land situated on the west bank of the Schuylkill River, near its junction with the Delaware River, known as the Old Lazaretto tract, to E. I. du Pont de Nemours & Co., of New Castle County, State of Delaware, for a period of thirty years, for the purpose of erecting on a portion thereof a magazine or store-house for the storage of gunpowder; the lessees to have the right of ingress and egress by the road now constructed, and authority to build, at their own expense, a pier or wharf to the navigable waters of the Schuylkill River. But if at any time the Government requires said lands for military purposes, the lessees agree to cancel the lease on ninety days' notice and give peaceable possession.

Mr. ALBRIGHT. On behalf of the committee, I move the following amendments:

In line 3, after the word "be," insert, "if he shall deem the same advisable."

In line 4, after the word "lease," insert, "at a rental of not less than $150 per annum."

In line 15 strike out the word "military," before "purposes," and insert the word "any."

In lines 15 and 16 strike out "lessees agree," and insert "Secretary of War shall have the right."

In line 16 strike out "90," before "days' notice," and insert "30."

In lines 16 and 17, strike out the words "and give peaceable possession," and insert these words: "and provided further, that the Government shall not be liable for any damages to the said lessees for or on account of the canceling of said lease."

The amendments were agreed to.

Mr. ALBRIGHT. There is a report of the Secretary of War on this subject, which I ask to be read. I ask the Clerk to read the letters in order, as they appear in the report: the letter of E. I. du Pont de Nemours & Co., of 22d January, 1874, on page 3; the letter on page 4; and then the letter of the Secretary of War of January 31, 1874.

Mr. STORM. Is this bill subject to the point of order that it should have its first consideration in Committee of the Whole?

The SPEAKER. It would have been, if the point had been made in time.

Mr. STORM. The bill has just been read.

The SPEAKER. And it has been amended in three particulars.

Mr. STORM. We could not tell what the bill was until we heard the amendments reported by the committee.

The SPEAKER. The time to make the point of order on a bill is when it is read, either by title or in full. If allowed to be discussed or amended, it is before the House for consideration.

Mr. STORM. These amendments came from the committee as part of their report.

The SPEAKER. The amendments reported by the committee are nevertheless voted on by the House.

Mr. STORM. I understand that when a bill is reported with amendments the amendments are treated as if they were part of the bill.

The SPEAKER. Not in this case. The committee reported it with three different amendments, and the amendments have been voted on by the House.

Mr. ALBRIGHT. If no one desires to have the letters read, I ask that the bill be put upon its passage.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATRICK O. HAWES.

Mr. ALBRIGHT, from the Committee on Military Affairs, reported back the bill (H. R. No. 1111) for the relief Patrick O. Hawes, with an amendment in the nature of a substitute.

The substitute (H. R. No. 1934) was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

WILLIAM J. SCOTT.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported a bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spears; which was read a first and second time.

Mr. MAYNARD. I desire to ask the gentleman from New York [Mr. MACDOUGALL] whether the cases of the other members of General Spears's staff have been considered by the Military Committee?

Mr. MACDOUGALL. They have not been before the committee as yet.

Mr. MAYNARD. I take this occasion to state that the entire staff of General Spears were in the same condition as this Scott. I had hoped that a bill might come from the committee which would include all the members of the staff. And when the bill comes to be considered in Committee of the Whole I trust the Military Committee may be able to report an amendment that will include the cases of all these officers.

The bill was referred to the Committee of the Whole on the Private Calendar.

DEWIGHT DESILVA.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 1415) for the relief of Dewight Desilva, of Deposit, New York; and the same was referred to the Committee of the Whole on the Private Calendar.

RESTORATION TO RANK.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R.

No. 1051) for the restoration to their respective positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry D. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy;) and the same was referred to the Committee of the Whole on the Private Calendar.

DAKOTA INDIAN-WAR EXPENSES.

Mr. COBURN, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862.

The bill was read. It authorizes and requires the Secretary of War to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all expenses of the volunteer forces called out to suppress Indian hostilities in the Territory of Dakota in the year 1862, and report to Congress at the next session the names of the persons entitled to relief, together with a statement of the facts and sums upon which such report may be based.

Mr. COBURN. This makes no appropriation. It merely gives the Secretary of War authority to make a report. I ask that the report of the committee be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred House bill No. 296, entitled "A bill to authorize the Secretary of the Treasury to refund to the Territory of Dakota the sum of $28,137.17 for expenses incurred in protecting the frontier settlements during the Indian rebellion of 1862," have had the same under consideration, and make the following report, with the accompanying bill, and recommend its passage:

The committee find that prior to the 30th of August, 1862, and during the summer of that year, the Sioux Indians in Minnesota and Dakota made war upon the whites, perpetrating many outrages, and threatened the entire border in that State and Territory. Thereupon the governor of the Territory issued his proclamation to the citizens of Dakota, ordering all male citizens in the Territory, between the ages of eighteen and fifty years, to at once enroll themselves in companies to be formed for home defense in their respective counties, with such arms as they may have had in their possession. The citizens were directed to assemble and elect their military company officers. They held themselves in readiness to march and engage in active service for the remainder of the year 1862.

The citizens, in pursuance of the proclamation of the governor, organized into five companies, in which were enrolled in all two hundred and sixty-six men, and assembled and elected their officers and prepared hastily-made fortifications for their defense.

In the absence of United States troops, the calling of the militia by the governor, and their enrollment and service, were, in the imminent danger from hostile Indians, the only defense for the people.

The following extract from the governor's message of December 18, 1862, indicates the pressing necessity of prompt and efficient action, without waiting for or obtaining authority or orders from the War Department:

"During the past year our people have suffered from Indian depredations, and the continual fear of being plundered and murdered by the roving bands of lawless savages who have been prowling around our settlements has been a great source of annoyance and alarm to our citizens.

"The murder of Judge Amidon and son, at Sioux Falls, occurring immediately upon the receipt of the first news of the terrible massacre of men, women, and children in Minnesota, very justly alarmed the settlers in that portion of the Territory.

"Knowing their inability to protect themselves against any considerable force of Indians with the small detachment of Dakota cavalry I had stationed there, they have wisely concluded to withdraw to the more thickly settled portions of the Territory, lying upon the Missouri River. After the abandonment of Sioux Falls, the Indians came in and destroyed and burned the town and all the improvements in the surrounding country. Upon the reception of the news of this attack at Sioux Falls, coupled with the news of a great savage war in Minnesota, and the actual presence of hostile bands in the vicinity of our towns, a feeling of general alarm naturally spread throughout the Territory, and many of our citizens removed into Iowa.

"As we had but one military company stationed in the whole country between the Big Sioux River and Fort Randall, and as this company was divided into several detachments, and could render only limited aid to our scattered settlements, I issued a proclamation calling for the organization of the entire militia of the Territory. Finding, however, that the feeling of insecurity was likely to depopulate some of our counties, I dispatched Lieutenant Kellam, a special messenger, to General Blunt, commanding the Department of Kansas, with letters and a requisition for arms, ammunition, and additional troops.

"As no troops could be sent to us immediately, I thought it necessary to call into active service a part of our militia, which would tend to restore confidence and give us protection until United States troops could be stationed in our midst.

"I would recommend that an act be passed authorizing the auditor of the Territory to audit the military accounts of the Territory, and to issue warrants sufficient to defray the expenses connected with subsisting and paying the militia for the time they have been in actual service; and then, when the amount is ascertained, the Legislature memorialize Congress for an appropriation sufficient to refund to the Territory all the expenses incurred by her in maintaining the militia force."

It further appears by a report of Hon. James Tufts, a commissioner appointed January 9, 1863, by the Legislature of Dakota to audit the military accounts of the Territory, of date January 9, 1863, the length of service was fixed at four months as that for which pay should be given. The commissioner also took into account the expenses of the recruiting service; the quartermaster and commissary's department; the expenses for surgeons, hospitals, and incidentals; making a total, for all items mentioned, the sum of $28,137.17.

The auditor of the Territory issued warrants on the treasurer for the sums making the above aggregate.

The action of the governor in calling out the troops, and of the citizens in responding promptly in the emergency, seemed to be all that could be done and the only thing that could be done for the defense of the people of the Territory, since no troops of the General Government could come in time to the rescue, and it seemed madness to wait till the authorities at Washington could be reached and could furnish military aid.

The accounts seem to have been carefully examined by the commissioner, and to have met the approval of the auditor, and are set out in full with the items. The sum seems to be a reasonable and fair one, and we feel justified in recommending its payment.

The committee, in view of their conclusion, report a bill providing that an inspecting officer of the Army be directed to make report upon the claims aforesaid.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAYNARD. Has the morning hour expired?

The SPEAKER. The morning hour has now expired.

Mr. STARKWEATHER. I desire to move that the House resolve itself into Committee of the Whole on the state of the Union on the fortification bill.

Mr. MAYNARD. Before that motion is made I desire to say that some two weeks ago, when the Committee on Banking and Currency was called during the morning hour, I reported a bill from that committee, looking to certain modifications in the present banking law, which was referred to the Committee of the Whole on the state of the Union. I gave notice then that on to-day I would endeavor, if I could get the floor and get the favorable action of a majority of the House, to have that bill considered in Committee of the Whole. I feel obliged, therefore, to call the attention of the House to that question. And if my friend from Connecticut is not prepared to give way, and insists upon the consideration of the appropriation bill, the purpose for which I sought the floor of course fails, and I shall not ask to take precedence of him or of his bill.

Mr. STARKWEATHER. I think we can finish the fortification bill very soon; we are half through with it already.

Mr. MAYNARD. I would inquire of the Speaker whether there is any other special order for to-day?

The SPEAKER. The Clerk will read an extract from the Journal of the House.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be authorized to report House bill No. 825 for the free distribution of printed matter, &c., on Thursday, February 12, and that it be made a special order for that day at half-past one o'clock, and from day to day thereafter until disposed of, the general appropriation bills to have precedence.

Mr. DAWES. I have had some conference with the chairman of the Committee on the Post-Office and Post-Roads, and it is entirely agreeable to him not to call up that special order until Tuesday. If we go into Committee of the Whole the special order will be first, the tax bill, next the $400,000,000 bill of the Committee on Ways and Means, and after that will come the bill alluded to by the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. RANDALL. I think not.

Mr. DAWES. After that.

Mr. RANDALL. No; I think not, for it has not been made a special order.

Mr. DAWES. It comes in after it, if at all.

Mr. RANDALL. O yes, sir.

Mr. DAWES. When the gentleman from Connecticut [Mr. STARKWEATHER] gets through with his bill I propose to move to go into Committee of the Whole on the tax bill, for the purpose of offering some remarks on that bill. That will clear the way for the next currency bill. If the House will indulge me, the moment the gentleman from Connecticut gets through I shall move to go into Committee of the Whole on the special order for the purpose of submitting some remarks.

Mr. PACKER. I desire to say that the Committee on the Post-Office and Post-Roads are entirely willing to accommodate the gentleman from Massachusetts if a postponement of it will not lose our special order.

The SPEAKER. If the special order of the gentleman's committee should not be reached to-day it would come up to-morrow, unless the House should vote to go into Committee of the Whole on the Private Calendar. The Chair will consider it his duty on Fridays, except the third Friday of the month, which is set apart for the business of the District of Columbia, to give precedence to a motion to go into Committee of the Whole on the Private Calendar. If a majority of the House desire to go into that committee they can do so. It will be for a majority of the House to determine. If a majority of the House desire to go into Committee of the Whole on the Private Calendar on Fridays, they will always have the liberty of so doing.

Mr. MYERS. Will not the bill of the Committee on the Post-Office and Post-Roads come up on Tuesday?

The SPEAKER. Yes; *proprio vigore*.

Mr. STARKWEATHER. I hope we shall go into Committee of the Whole, and finish the fortification bill; we can do it in half an hour.

Mr. KELLEY. I desire to say to the chairmen of the Committees on Ways and Means and on Banking and Currency that when their bills—the $400,000,000 bill of the Committee on Ways and Means and the bill of the Committee on Banking and Currency—come up for general debate, I shall propose that all bills referred to the Committee of the Whole on that subject, and I think there are four, shall be regarded as under discussion during the general debate.

Mr. ELDREDGE. I make the point of order that whenever the House is engaged upon questions relating to the order of business there is so much disorder here that gentlemen can hear nothing.

The SPEAKER. Gentlemen will please resume their seats and be in order. Questions relating to the business in Committee of the

Whole are very important, in order that gentlemen may know what will come up.

Mr. MAYNARD. I would say to the House that the bill of the gentleman from Massachusetts, by a special order, takes precedence of the bill to which I have referred, and as he has intimated a desire to speak on it to-day, I shall not press a motion to go into Committee of the Whole on the bill to which I have referred; but on Monday next, if I can obtain the floor, I will endeavor to have the matter settled definitely, so that the House will have no difficulty in understanding the order of discussion, and gentlemen can prepare themselves.

The SPEAKER. After the fortification bill, now under consideration in Committee of the Whole, shall have been disposed of, the next special order is a bill reported from the Committee on Ways and Means to repeal the stamp duty or tax on matches. The next special order to that is a bill to repeal the tax on bank checks and friction matches. The next to that is a bill to fix the amount of legal-tender notes at $400,000,000. These are the only special orders in the Committee of the Whole, and, as the Chair has heretofore explained, they can be postponed or laid aside only by a vote in the House before going into Committee of the Whole.

The bill of the gentleman from Tennessee, [Mr. MAYNARD,] from the Committee on Banking and Currency, is not a special order in Committee of the Whole, but the fourth bill assigned to the General Calendar. The bills intervening may be laid aside by a majority vote in Committee of the Whole, while special orders cannot be laid aside by a vote in Committee of the Whole.

In regard to the point made by the gentleman from Pennsylvania, [Mr. KELLEY,] who desires to have all these bills discussed together, the Chair supposes that, so far as general discussion is involved, its range would be quite wide, and there would be no necessity for making an arrangement of that kind. The limit of debate would not be sufficiently stringent to require any special order by the House. But the several bills of course must be considered separately; they cannot be considered otherwise, although one may be moved as an amendment to another.

Mr. KELLEY. I refer only to general debate. I know the House must fix the order in which the bills are to be considered.

LEAVE OF ABSENCE.

Mr. HUBBELL was granted leave of absence until Thursday next.

FORTIFICATION BILL.

Mr. STARKWEATHER. I now insist upon my motion that the House resolve itself into Committee of the Whole on the fortification bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. COX in the chair,) and resumed the consideration of House bill No. 1037, making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense.

The Clerk read the following paragraphs:

For Fort Foote, Potomac River, Maryland, $20,000.
For Fort Washington, Potomac River, Maryland, $20,000.

Mr. STARKWEATHER. Upon conference with the Committee on Appropriations, as the necessity of these appropriations is not pressing this year, I move to strike out the items in relation to Fort Foote and Fort Washington.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

For Fort Moultrie, Charleston Harbor, South Carolina, $20,000.

Mr. STORM. I move to strike out the paragraph just read, and I propose also at the proper time to move to strike out the succeeding paragraph in relation to Fort Sumter, Charleston Harbor. I am glad that the gentleman from Connecticut [Mr. STARKWEATHER] has had struck out, upon his own motion, the appropriations for Fort Foote and Fort Washington. I ask now, for the same reason that I suppose they were stricken out, that the items in relation to the two forts in Charleston Harbor shall also be stricken out. A great deal has been said here in regard to the testimony of General Sherman in reference to these forts.

Mr. PLATT, of Virginia. I wish to say, on behalf of the members from Virginia and Maryland, that owing to the great confusion existing in the Committee of the Whole this morning, the amendment to strike out the appropriations for Fort Foote and Fort Washington was carried, when a great number of members here knew nothing of what was being done. I desire to go back and have another vote on that amendment.

Mr. STARKWEATHER. We cannot go back.

Mr. STORM. I cannot yield for that purpose.

Mr. PLATT, of Virginia. Then I desire to make a parliamentary inquiry.

Mr. STORM. I cannot yield for that purpose.

Mr. PLATT, of Virginia. Then I will make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PLATT, of Virginia. However, I will postpone it until the close of the remarks of the gentleman from Pennsylvania, [Mr. STORM.]

Mr. STORM. When the Army appropriation bill was under consideration a few days ago my colleague, [Mr. ALBRIGHT,] and the gentleman from Massachusetts, [Mr. BUTLER,] and my friend from Virginia who is now making points of order, [Mr. PLATT,] quoted with some considerable approbation the opinion of the General of the Army against the reduction of the Army. But now, when they come here for appropriations for fortifications, and the boot is on the other leg, they commence to find fault with the testimony of General Sherman in regard to these old forts. They pretend to say that he is contradictory, or is not competent to give an opinion, does not possess an adequate knowledge of the facts concerning which he testifies. It seems to me, however, that the Committee on Military Affairs must have considered his testimony very important, because I notice that they have accorded to him thirty-three printed pages in this book of testimony. That the General of the Army is competent to testify concerning these facts I think no one can doubt.

In regard to this Fort Moultrie, he uses a very emphatic expression, and says, "Let it slide." He also says, in regard to Fort Sumter, that he would let it stand as a monument. That seems to be the only use he can see for it. But the Committee on Appropriations has reported to this House an appropriation of $20,000 for each one of these old forts. Now, if the testimony of the General of the Army is good enough to effect the striking out of the appropriations for Fort Foote and Fort Washington, I trust it will be allowed its full force in regard to these old forts in Charleston Harbor, and that we will, as recommended by the General, "let them slide."

Mr. STARKWEATHER. Mr. Chairman, the motion to strike out the appropriations for Fort Foote and Fort Washington was made by me, on a suggestion of the Committee on Appropriations, that the work on those fortifications was in such a condition that we might allow them to pass this year without an appropriation. This was the only item in the bill about which the committee had any difference of opinion after hearing the Engineer fully. There was a little difference of opinion in regard to these two forts. Therefore, after a conference this morning, the committee decided to instruct me to make the motion to strike out the appropriation for these two forts.

I now come to the matter specially under consideration — Fort Moultrie and Fort Sumter; and I may consider them together. These fortifications have been standing a good many years. As we all know, they were well tested during the war. There was considerable damage done to them; but still they were retained as fortifications, and by no efforts of gun-ships, or monitors, or any other force, could they be taken. But in the course of hundreds of days of cannonading to which they were subjected, damages were done to a certain portion of the brick walls, by scaling of bricks here and there, until one side had been considerably reduced. Besides this, certain platforms, on which guns were mounted, were damaged. All that it is proposed to accomplish by this appropriation for Fort Moultrie and Fort Sumter is, as stated by officers of the Engineer Department, to smooth off the upper surfaces, to complete the stone-work or mound which has been impaired by incessant firing for months, to replace the damaged trenches, and repair the walls of the magazine. This little appropriation has been designed specially for this purpose. It is not to commence any great or new work, or to make any addition to the works already existing; but simply to restore the damaged portions of this valuable fort. This is the only fort between Fortress Monroe and Savannah, Georgia; and all that is asked is an appropriation to restore the trenches, the sand-work, and a portion of the wall which was broken down by hundreds of days of cannonading. The committee are unanimously in favor of making the appropriation, as are also all the engineer officers, two or three of whom were before us, and several others with whom I have conversed, they having made a personal examination of the work. I think that if General Sherman himself had gone there and seen these walls and trenches broken down, he would have said that an appropriation sufficient to restore them was not unreasonable.

If it were proposed to build any new and expensive works, that would be another question. We do propose to let these fortifications "slide," in the language of General Sherman, except so far as to make the necessary repairs of trenches, embankments, and walls. If they be suffered to remain in their present condition they must be restored ultimately, and the expense by and by will be fourfold what it is to-day. I think, therefore, Mr. Chairman, that in this matter we may safely follow the recommendation of the engineers who have examined these works personally, and who report these repairs to be necessary.

Mr. RAINEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. STORM] withdraw his amendment?

Mr. STORM. Yes, sir; with the understanding it shall be renewed.

Mr. RAINEY. I renew the amendment, *pro forma*. Mr. Chairman, I hope that the motion made by the gentleman from Pennsylvania [Mr. STORM] will not prevail. The amount asked to keep Fort Moultrie in repair and in proper condition is certainly very small when compared with the amount asked for some other fortifications in the country. If there were no other reason why this appropriation ought to be made, a sufficient one is this: Fort Moultrie has clustering around it a great many historical associations. Its history is intimately connected with that of this Government in its very incipiency, when the American people were struggling for their nationality; and it stands now as one of the monuments of the bravery of the men of that memorable era. I say, sir, that it should be kept as nearly as possible intact, if it be only that strangers may go there and satisfy their curiosity by looking at it, if it be only that the children of the

present generation may go and look at a fortification in which their fathers fought for the liberties of this country. I say, sir, this fort should be kept not only in repair but in good condition, so as to command the respect of all who may be disposed to examine it, and of the country at large.

I am well aware that General Sherman in his testimony before the Military Committee said, "Let Fort Moultrie slide." I would not like to suggest the reason why General Sherman may have made that statement; but it must be borne in mind that he was speaking in behalf of the Army; he was not speaking particularly in behalf of the engineers; but he wanted the Army to be kept intact, and he knew very well that if the fortifications were allowed to sink into neglect, the Army must, of necessity, be maintained in a strong condition. If the fortifications of this country be allowed to crumble into the dust, we shall have one broad frontier that will need to be defended by the Army, and which will admit no possibility of a reduction of our military force without the greatest detriment to the nation. Now, while it may be necessary to reduce the Army in the interest of economy to meet the present exigency of national affairs and the requirements of the people, I think we should not forget we are a nation and must command respect abroad. When we begin to neglect our fortifications, to neglect our Army, and to neglect our Navy, we will lose that respect of other nations which we should have if we kept ourselves always prepared for any emergency which might arise.

One moment more. I have spoken about historical associations. There are a great many historical associations clustering about Fort Sumter. Only call to mind what was done at Fort Sumter during the past war of the rebellion. Whether in defense of the southern cause or in defense of the Union cause, the associations of that fortification are intimately interwoven with the history of this Republic. I hope, therefore, this appropriation will be made.

And I might add, before taking my seat, that the appropriations in all of these bills for the Southern States have been comparatively very small. The Southern States have been much neglected in reference to appropriations. I do not like to see curtailments made in the appropriation for these fortifications in the Southern States. In my judgment the appropriations should be made equal, no larger for one section than for another, and no smaller. The people of the North and South have been knitted more closely together by the results of the war. They are now united, never again, I trust, to be separated, and one section ought not to be neglected while another is favored by these appropriation bills. Appropriations are needed in the South, too, and I hope they will be made.

[Here the hammer fell.]

Mr. BIERY. Mr. Chairman, I desire to say a few words on the pending amendment.

Mr. GARFIELD. All debate is exhausted on the pending amendment.

Mr. STORM. I withdraw the amendment.

Mr. BIERY. I renew, it for the purpose of making a few remarks.

Now, Mr. Chairman, I desired myself some of these provisions in the bill should be stricken out, but I was laboring under a misapprehension of the facts involved in this question at the time. I made it my business this morning to go to the proper Department for the purpose of correctly understanding all the figures in reference to the necessary fortifications of our harbors in the South. Fort Moultrie is situated in South Carolina, and is one of the landmarks of the late rebellion. It is not only an important point on that account, but is necessary for the proper defense of the harbor of Charleston.

I am aware the General of the Army says "Let it slide," but when we come to actual measurements and figures we find, with all deference to his opinion and his ability, he is not in exact accord with the measurements of the officers of the scientific corps on that point. I find in a number of other instances where the General says no appropriation should be made, the actual measurements by scientific men are directly against his opinion. I think he puts his opinion upon this basis. In his testimony before the Committee on Military Affairs I find the following, on page 24, which I will read:

The CHAIRMAN. With the improvements made in modern artillery can we guard our coasts?

General SHERMAN. Yes, sir; the improvements in modern artillery have been negatived in a great measure by the greater draught of water that ships, carrying large ordnance, have. The channel fleet of England cannot enter a single port of the United States, except, possibly, at Newport, Rhode Island. The vessels which carry these heavy guns cannot approach our coast within range. There is not one such vessel that can come into New York Harbor.

Now, when we turn to the report made by the committee on designs for ships of war in 1872 in the English Parliament we find there are two formidable classes of English ships which can enter almost all of these southern harbors. We find a class of ships, carrying guns of 12-inch caliber and weighing 25 tons, which can pass into most of these southern harbors, because the depth of water is greater than these ships of war need. The Potomac River has a greater depth of water, and so has Charleston Harbor, and so has the Mississippi River; and into all of these waters these formidable English ships of war may come. Yet in reference to all these the General of the Army says no appropriation is needed.

Now, sir, I never felt the blush of shame come more strongly across my cheeks than during the last threatened war with Spain. Although we are forty million people we were thrown almost into a panic when it was rumored that Spain, one of the weakest powers in Europe, was about to invade us with her formidable navy. Our harbors were almost defenseless, as was acknowledged upon this floor, and our Navy was not in a condition to meet the iron-clad navy of Spain, as was also acknowledged upon this floor. Yet now, when appropriations are asked for, they are cut down far below the estimates made by the scientific men employed by the Government for that very purpose. I say let us appropriate the money asked by the men whose duty it is to investigate this subject and determine what is necessary. Let our fortifications be placed in as perfect condition of defense as possible. Let us put our Army and Navy in the best condition. It is true, I know, the General of the Army says we can pick up ten thousand men here and transport them by our unusual railroad facilities from point to point when there is any danger of invasion. But the foes of this country will not fight us in that way. They will send here a powerful fleet which will present itself before one of our large cities, and after having done the greatest damage will run out to sea again before we can transport ten thousand men for the defense of the place.

[Here the hammer fell.]

Mr. O'NEILL. I ask the gentleman from Pennsylvania to withdraw his amendment that I may renew it.

Mr. STORM. I withdraw my amendment.

Mr. O'NEILL. I renew it for the purpose of saying a few words, but intend to vote against it. It seems to me that the action of the Committee on Appropriations in cutting down by this bill the appropriations for various fortifications has been very judicious. Not only has the committee acted wisely in its discriminations, but the Engineer Department of the Army, in its suggestions to the committee, has, in my opinion, done well under the circumstances for the public safety in the interest of economy.

In the locality which I in part represent, and in which I always feel deep concern, as the member from a district should feel in behalf of his especial constituents, we have several fortifications upon the river Delaware and bay. The Engineer Department advised the committee that work might be suspended for a year, or temporarily, on one or two of those fortifications, and that the amount to be appropriated might be expended with better effect on some than on others. And they have pursued the same course in reference to all other points in the country where there are fortifications under construction or repair.

Now, I am sure in saying, as a Representative from the State of Pennsylvania, and as representing one of the Philadelphia districts, which does me the honor to send me here, that my constituents feel more anxiety at this time about commercial matters than about matters of fortification. It is much more important for the city of Philadelphia that certain improvements should go on in the Delaware River and Bay which would give facilities to commerce so vital to them; that we should go on with the construction of light-houses and the removal of shoals and deepening of the channel, so that our commerce may be accommodated.

Therefore I, as one member of the Committee on Appropriations, though extremely regretting that I could not prevail upon the committee to recommend even a reduced appropriation for continuing the work the coming fiscal year on the improvements on Fort Mifflin, yet I must confess that I am more anxious and concerned about the interests of peace to-day than I am about the interests and requirements of war. I want the progress of the country to be shown, and to advance in the direction of peaceful pursuits, and think it is our best policy, all over the country, that we should improve the facilities of business inland, on our rivers and otherwise, if we can, and let this matter of fortifications go by for a year or two, at least in such localities where we are not in danger.

I think, Mr. Chairman, it will be seen that the Engineer Department, in going over the estimates and re-estimating, under the resolution of the House adopted a few weeks ago, have provided sufficiently for the cases where there might be possible danger of attack by a hostile fleet. They have said, in such cases, let us go on with the work; but in localities where there would be no such liability, they have said let us withdraw these particular appropriations and give them for the benefit of other fortifications more necessary to be finished at an early day.

Take, for instance, Fort Mifflin, on the river Delaware. That is so situated that it cannot be reached by a hostile fleet, provided Fort Delaware is well fortified and the battery at Finn's Point, on the New Jersey shore, is completed. In the revolutionary war it took the British fleet three or four weeks to destroy the fort—so that it could not be held—that stood about where Fort Mifflin stands, then called Mud Fort, just as it took weeks to drive an American force of five hundred men from Fort Mercer, on the opposite side of the river, near Red Bank.

Altogether I think the Engineer Department has dealt wisely with the appropriations for forts in that locality, in view of the fact that Congress demanded reduced estimates and an economical expenditure of money.

On the other hand, in the harbor of New York, there are some forts where I think it would be injudicious that the work should be stopped; and others where the cessation can do no harm; and for the same reason, that the appropriations for Fort Delaware and Battery Finn, they being at and below the head of Delaware Bay, and liable to earlier attack in case of war than Fort Mifflin high up the river

Delaware. I am sure I would have been very glad to have seen the work on Fort Mifflin continued. It is near my constituents, and would be a means of securing and saving their property should adversity occur at any time further down the river. I could not succeed in persuading the committee to adopt my views in reference to an appropriation for the fiscal year beginning after the 30th of June next for this fortification; but as reduced appropriations were determined upon, and as no appropriations were to be recommended where the work in the estimation of the Army engineers could be temporarily suspended until we have a fuller Treasury, I will again say that the majority of the committee has acted with conscientious discretion.

Mr. RANSIER. I rise merely to say a word or two, with the permission of the committee, since the amendment proposes to strike out appropriations for important fortifications in my district. I desire to express the hope that the good sense of this House, although I mean no disrespect to the gentleman from Pennsylvania [Mr. STORM] will lead them to vote against that gentleman's amendment. These appropriations are necessary unless the committee is prepared to have the sea-coast left in a comparatively defenseless condition.

These two points, Mr. Chairman, are important, not only as guarding the line of our sea-coast but as regards the harbor into which, and out of which, pass vast amounts of the commerce of the country. I ask the gentlemen of the Committee of the Whole, who are as well informed, if not better informed, than I am as to the importance of putting these forts in proper condition, to seriously consider this matter. The whole country is interested in this question, and I trust that no false economy will permit gentlemen to vote for this amendment. For when gentlemen propose to cut off from important fortifications the appropriations which are necessary to put them in proper condition, I say they are influenced by a false economy. The country does not want any such economy; and in the name of the country, and in the name of the people of the South, who are especially interested in that section, I ask the committee to vote down this amendment.

Mr. STARKWEATHER. Let us have a vote.

The question was taken on Mr. STORM's amendment, and it was not agreed to.

The Clerk read the following clause of the bill:

For Fort Pulaski, Savannah River, Georgia, $20,000.

Mr. STORM. I move to strike out that clause. I suppose that this is about the last fort I can take shelter in, and if I am routed out of this I will give it up. I know, sir, the difficulty of opposing river and harbor bills and fortification bills; it is so easy to log-roll on bills of that kind. When we have a river and harbor bill before us, we find it impossible to make any successful attack on the bill reported by the committee, because every gentleman has some little stream or river in his district which he wants to take care of. So in reference to a fortification bill. New York and Maine are interested in it, and South Carolina; and we shall find after awhile that in all the sea-coast States there are some little forts that must be looked after, and therefore it is a difficult matter to make a successful attack on such appropriations. But I do wish to call the attention of the committee to the fact that there are a number of forts which the General of the Army—against whose judgment some gentlemen who never saw an army or a ship set up their opinions—a man who has the interest of the country at heart, says are utterly useless. He says that some of these forts are on rivers that have not half the requisite depth of water to float any iron-clad; and yet the House, without any consideration, blindly votes the appropriations reported by the committee.

Now I ask gentlemen if this is the proper way to legislate? Here we have an opportunity to cut down the bill at least $100,000, and yet the House goes right on voting blindly in accordance with the suggestions of the committee, and against the recommendation of the man who, above all others, understands the subject and knows what is necessary in regard to these old, useless, worn-out forts.

The member from South Carolina [Mr. RAINEY] says that he wants Fort Sumter to stand as a monument. Well, sir, this is rather a bad time to talk about building monuments. We have commenced one, standing down there on a reservation on the bank of the Potomac, intended to be erected to the memory of the Father of his Country. When that is finished then I will vote with the gentleman from South Carolina to make a monument out of old Fort Sumter.

Now this Fort Pulaski is one of the forts for which General Sherman says he would make no appropriation.

Mr. BIERY. Suppose the Spanish government had sent a war vessel into Charleston Harbor, would the forts now in Charleston Harbor have been able to withstand it?

Mr. STORM. All I have to say about that is, that there is no southern harbor which an iron-clad can enter; and I put that statement against the opinion of my learned colleague from Pennsylvania. He says he is in favor of reduction. Sir, he reminds me of the man in Massachusetts, who was in favor of the Maine liquor law but against its enforcement. In the name of Heaven, why should we appropriate money for six forts which General Sherman says are useless?

Mr. BIERY. Has the gentleman read the testimony of General Sherman on page 112?

Mr. STORM. Yes, I have; I know it is possible for one man to go into one of the Departments and get a letter making one statement, and for another man to go to the same Department and get a letter stating just the opposite.

[Here the hammer fell.]

Mr. PLATT, of Virginia. The gentleman from Pennsylvania has several times quoted General Sherman's remark that there are no southern rivers or harbors which a war vessel of an enemy can enter. I ask him if he indorses that assertion as a member of the House, or believes it?

Mr. STORM. If the question is between the judgment of the General of the Army and that of the gentleman from Virginia, I think I would rather take the opinion of the General of the Army.

Mr. PLATT, of Virginia. That is a good way of begging the question, and the only way in which the gentleman's arguments can be supported. It seems to be his special mission to make an attack upon every appropriation proposed here for the South; but I venture the assertion that if an appropriation was proposed here for a fort standing somewhere in the interior of Pennsylvania, he would be very glad to see it passed. He said that his colleague was like the man in Massachusetts who was in favor of the Maine liquor law but against its enforcement. He reminds me of the gentleman who had a boil and who thought that the best place for that boil to be was on somebody else. [Laughter.] He thinks the best place for retrenchment is in some other man's district, anywhere away from Pennsylvania.

Now, Mr. Chairman, the gentleman makes a great mistake when he thinks that the people of the country desire or demand any such false economy as he would have this Congress adopt. I hold in my hand, and would like to have read, a letter received by me this morning from a citizen of this country, who has no interest in politics except that of a citizen, who never had office or asked for one, who lives in the interior of one of our New England States, and reflects the intelligence of the people who live there. I ask the Clerk to read the passage in his letter which I have marked, and I commend the sentiments of that old man, seventy-four years of age, to the attention of the gentleman from Pennsylvania, [Mr. STORM,] and to other gentlemen who take the same position that he does, in attempting to defeat appropriations for the Army.

The Clerk read as follows:

I take great interest in the proceedings of Congress in reference to the Army. Ever since I was a young man I have watched the proceedings of Congress in relation to the Army. And I have come to the conclusion that there never was an Army of so small a number that rendered their country such important and loyal and faithful service as that of the United States. And there never was one that has been supported so grudgingly by the legislative power. Since I have taken an interest in public affairs, now over fifty years, I have always tried to understand why it was that in every Congress there has been a class of men who, instead of encouraging and trying to make our small Army more efficient, try to dishearten it. I have watched the subsequent careers of many of these men. The Florida war alone will show that this class of men have cost the country more money than would support our present Army for a long time. But in every Congress there has always been a class of men who endeavor to build themselves up by pulling others down, instead of rising by a patriotic and liberal support of their country and its institutions.

[Here the hammer fell.]

Mr. STORM. I have a letter on the same subject which I desire to have read.

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. STARKWEATHER. I ask for a vote.

Mr. STORM. I withdraw the amendment.

Mr. KILLINGER. I renew the amendment, and ask to have read the letter which my colleague sends to the Clerk's desk.

The Clerk read as follows:

HAMPTON, VIRGINIA, *February* 11, 1874.

RESPECTED SIR: I beg leave to call your attention, as chairman of the Appropriations Committee of the House, to what seems to me to be a fit subject of reform, in the present condition of the national Treasury. I see by the papers that the officers of the Army are opposed to any reduction of the present force, as detrimental, dangerous, &c. Now, so far as I can judge, there are some four or five hundred men stationed at Fortress Monroe, in this vicinity, and I certainly cannot see the necessity for it. These men are living in idleness, and with some exceptions they are a perfect nuisance to the neighborhood. They support four or five whisky mills of the lowest sort in the vicinity of the fort, and almost nightly disturb the neighborhood with their drunken brawls.

Mr. STARKWEATHER. I think that letter has nothing to do with the subject under discussion. It is simply a libel on the officers of the Army, and I object to its further reading.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RAWLS. I desire to oppose the motion to strike out the appropriation in regard to Fort Pulaski. I am not an advocate of the building of these forts; and in a time when there is no necessity for expending the public treasure to keep them up I am no advocate of appropriations for them. I do not know the necessity at this time of keeping any of these forts in existence. But if there is any necessity for any of them, I think that Fort Pulaski, at the mouth of the Savannah River, is justly entitled to the small appropriation reported for it in this bill. I hold in my hand the statement of the Secretary of the Treasury showing that during the last fiscal year there were imports and exports from and to the harbor of Savannah of $46,000,000 which passed under the guns of Fort Pulaski. Does the commerce of the country require protection at any point? If so, why not give it where that commerce exists? We exported from Savannah last year over $45,000,000 and imported nearly $1,000,000, an aggregate of about $46,000,000. All that is asked for the protection of this annual

export and importation is $20,000. I trust the report of the Committee on Appropriations will be adopted, and that this item will not be stricken out.

The amendment of Mr. STORM as renewed by Mr. KILLINGER was not agreed to.

The Clerk read as follows:

For Fort Jackson, Mississippi River, Louisiana, $30,000.

Mr. O'BRIEN. I move to amend the paragraph just read by adding thereto the following:

For Fort McHenry, Baltimore Harbor, $20,000.

Mr. Chairman, not being in the secrets of the Committee on Appropriations, I am not able to say by what calculations they have arrived at the appropriations which they set forth in this bill. But I desire to call the attention of the gentleman having charge of this bill [Mr. STARKWEATHER] to what I have no doubt was an omission of the provision which I propose to have incorporated by my amendment. The total amount appropriated for the defense of the Atlantic coast is $600,000. I call attention to the fact, and I do so not in sectional spirit, that a large portion of that whole amount is for the defense of the coast lines of the States usually denominated New England. I think the amount appropriated to the New England States will reach nearly $200,000.

Mr. STARKWEATHER. Allow me to state to the gentleman from Maryland [Mr. O'BRIEN] that General Humphreys came before the Committee on Appropriations, and stated that although in his first estimate he included an appropriation for Fort McHenry, yet the work was in such a condition that an appropriation for it might be withheld without injury. And the general did not ask any appropriation for Fort McHenry in his final estimates, and that item was withdrawn on his suggestion.

Mr. O'BRIEN. As I have already said, it was impossible for me to know why the Committee on Appropriations left out the appropriation for Fort McHenry. I desire further to say, that on yesterday members from the State of New York sitting around me advocated the retention of the appropriations—$124,000—for the defense of New York Harbor, and I have no doubt with perfect propriety, because the interests of the empire city should be protected, no matter at what expense to the Government. That may also be true in regard to the coast lines of New England. And so too the appropriations of $85,000 in behalf of the port of Philadelphia; for the fortifications which are along the line of the Delaware River are appropriate defenses of that port.

But, Mr. Chairman, I had before me merely the report of the Chief of Engineers, which states the fact that Fort McHenry is now being improved in a very important part, and that the appropriation which is called for will be necessary in order that the improvement may be continued and finished in a substantial manner.

There can be no doubt of the fact that, while economy is perfectly proper and should be practiced by all committees and by members in their votes upon these questions, yet as contradictory opinions are held by the General of the Army, the Engineer in Chief, and the distinguished military men who have spoken upon this floor with reference to this bill, it may be that the Engineer in Chief, in recommending the withdrawal of this appropriation from Fort McHenry may have made a very grave error.

I desire to say, Mr. Chairman, that, without Fort McHenry in a condition such as all the forts along our sea-coast should be to defend the ports which they guard against any fleet that may be brought for the purpose of invasion of our shores, Baltimore would be entirely undefended; and the small appropriation which I ask, which is in no proportion whatever to the amount which has been allowed by the committee for other ports inferior in character to Baltimore, is, I think, a proper one and should be sustained.

Now, I call the attention of the distinguished gentleman [Mr. STARKWEATHER] who has charge of this bill to the fact that General Sherman's testimony has been impugned here upon all sides of the House, not with reference to its integrity, but its wisdom. It has been shown that he contradicts himself in his expressions of opinion with regard to these fortifications; and it is perfectly proper to state that the distinguished Engineer in Chief of the Army may have been led into an error in recommending that Fort McHenry should be left in its present unfinished condition in order that the picayune sum of $10,000 or $15,000 or $20,000 may be saved to the Government.

[Here the hammer fell.]

The question being taken on the amendment of Mr. O'BRIEN, it was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For Fort Taylor, Key West, Florida, $20,000.

Mr. WALLS. I move to amend by inserting after the clause just read the following:

For Fort Jefferson or Tortugas, Florida, $20,000.
For Fort Poinsett, Florida, $10,000.

Mr. Chairman, I do not wish to make a speech on this subject. I will simply call the attention of the House to the fact that General Sherman, who seems to be the authority for every proposition that is made here, has recommended that the same amount appropriated for Fort Taylor, Key West, Florida, be appropriated for Fort Jefferson, Florida. The testimony of General Sherman on this subject will be found on page 22 of the published report. I hope my amendment will be adopted.

Mr. STARKWEATHER. I will simply say that the bill in this respect is in the form recommended by the Chief of Engineers and his assistants.

Mr. WALLS. My amendment is in accordance with the recommendation of the General of the Army.

The amendment was not agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. STARKWEATHER. I move that the committee rise and report the bill with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole on the state of the Union, having had under consideration the Union generally, and particularly the bill (H. R. No. 1037) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense, had directed him to report the same with sundry amendments.

Mr. STARKWEATHER. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STARKWEATHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPEAL OF TAXES.

Mr. DAWES. I move that the House resolve itself into the Committee of the Whole on the state of the Union, to proceed to the consideration of the special order.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole, (Mr. WILSON, of Iowa, in the chair,) and proceeded to the consideration of the special order, being the bill (H. R. No. 262) to repeal the stamp duty or tax on matches.

The bill was read. It provides that from and after the 1st day of January, 1874, so much and such parts of the internal-revenue laws as impose a stamp duty or tax on matches be repealed.

Mr. DAWES having obtained the floor,

Mr. WOOD. Before the gentleman from Massachusetts [Mr. DAWES] proceeds, I desire him to state, in order that the House may give him that attention to which his position as chairman of the leading committee of the House entitles him, whether he intends in this discussion to go outside of the immediate question presented by the pending bill.

Mr. DAWES. Mr. Chairman, I was about to say what would be an answer to the inquiry of the gentleman from New York, [Mr. WOOD.] I propose to discuss this bill in connection with the other bill on the Calendar to repeal the stamp tax upon bank-checks; and as these measures involve, in the amount which would thereby be taken from the revenues of the Government, the entire condition of the Treasury, I shall necessarily be obliged to present to the House as well as I may be able the actual condition of the Treasury of the United States to-day. Necessarily, Mr. Chairman, I shall be obliged in the outset to throw myself upon the patience of the House. My colleague [Mr. BUTLER] said the other day that I was in the habit of seizing the House by the ears. I cannot do so to-day; and unless the House is willing to lend me its ear, I shall not be able to get along. I shall indulge in figures not of rhetoric, but figures that are official.

The tax upon matches and upon bank-checks yielded to the Treasury last year $4,100,000, that upon matches $2,500,000, and that upon bank-checks $1,600,000. The Commissioner of Internal Revenue has estimated that if the tax upon bank-checks be repealed it will require a refund to those now holding the stamps unused of another $500,000, and at least a like sum, probably more, to those holding unused stamps upon friction matches. So that the question of this repeal involves the taking from the Treasury of $5,100,000.

If the Treasury is in such a condition as to justify this relief to the manufacturers of matches, and to those who use bank-checks, it is exceedingly desirable that it should be done. Therefore it becomes the duty of the Committee on Ways and Means, who are unanimous in this adverse report, to present to the House the reasons for it, and let the House judge for itself whether that relief can be safely granted. And to that end, Mr. Chairman, I propose to state at once what is the actual condition of the Treasury of the United States at this time, as near as figures can make that statement, depending on the estimates of receipts from this time forward to the end of the fiscal year.

The Secretary of the Treasury states in his annual report he had on hand at the commencement of this fiscal year $131,192,028.50 in cash. There were then out on call against the United States, and liable at any moment to be drawn against this sum, as special deposit, legal-tenders held for redemption of certificates of deposit, $31,720,000; coin deposits for which coin certificates were outstanding on call, $39,460,000. The total available funds belonging to the Government, and such as could meet its current expenses, on the 1st day of last July were therefore

only $60,002,028.50. It consisted of coin $48,047,402.68; currency $11,954,625.82. This is the amount of cash on hand on the 1st day of July last, the commencement of this fiscal year, available to meet the current expenses of the Government.

The receipts from that day to the first day of this month, estimating five days—because this statement was made up for me five days before the commencement of this month—the receipts from July 1, 1873, to February 1, 1874, were $165,677,972.99.

The receipts for the remaining five months of the year must necessarily be estimated, and are estimated at $116,100,000. I will before I sit down, if the patience of the House is not too much exhausted, give the basis of this estimate.

The total available resources of the Government upon which to draw during this fiscal year are, therefore, $281,777,972.99.

There has thus far been expended during this fiscal year as follows:

On account of the sinking fund, $12,936,450.

On account of appropriations from July 1 to February 1—the last five days being estimated still—$177,174,585.59.

Liabilities of the Government on account of unexpended balances of appropriation, including all possible outstanding appropriations of every kind for which the Government is to-day liable, and for which it may be called upon under any circumstances, $138,381,557.37.

Interest on the public debt, $41,286,661.48; accrued interest due and unpaid, $6,987,477.02; making a total of interest on the public debt of $48,274,138.50, which must be paid before the close of the fiscal year. From this, however, may be deducted the amount of accrued interest which will not be called for during the fiscal year. There has been about the same amount coming over from one year to another of accrued interest not called for. The sum I have already read to you of $6,000,000 came over from last year. Therefore $6,000,000 of accrued interest may be carried over to the next year as not likely to be called for. The estimated expenditures on the interest account will therefore be, with this deduction, $42,274,138.50.

The estimated expenditures on account of sundry indefinite and permanent appropriations are $6,825,000.

The sinking-fund account required by law to be provided is $29,191,369.28. Deducting the bonds already purchased for that purpose, $12,936,450, leaves still further to be provided before the end of the year $16,254,919.28.

The total expenditures, therefore, including all the outstanding appropriations for which the Government is to-day liable, are $393,846,650.74, against available resources of $341,780,001.49. So that if the Government shall be called upon during the year for all of the appropriations which Congress has made of its funds in the Treasury not yet satisfied or covered into the Treasury, there would be at the end of the year a deficit in the Treasury of $52,066,649.25.

But, sir, this does not fairly present the condition of the Treasury of the United States. It only presents its actual condition on paper, charging against its resources every possible outstanding appropriation. But of the appropriations which have been made and are still unpaid, and for which it is liable, there are very many to which there is no probability that the Treasury would be obliged to respond. Previous to 1870 the accounts in the Treasury ran along from year to year, charging whatever appropriations were made for any particular purpose upon one side of the account, and giving credit to payments on the other, from year to year, covering very many years. In that year Congress provided for closing the accounts of the United States once at least in two years, and for covering into the Treasury whatever was left unexpended during that time of any appropriation for any particular purpose. The enactment was as follows:

> That all balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not.

Under this provision of law there has been covered into the Treasury the sum of $49,119,887.86. But the Departments have construed this law so that the appropriation shall remain outstanding for two years from the date of the last draft upon it, whatever that may be; so that by this construction they actually retain large amounts.

Now, if gentlemen will turn to their Book of Estimates, which I doubt not every member is familiar with, they will find from page 225 onward a list of all these unexpended appropriations; and they will find in that list appropriations of very large sums, to which every one would say at once, there is no probability that the Treasury will ever be called upon to respond. I have before me now a list of those appropriations unpaid, for specific purposes, where the money cannot be paid for any other than the specific object for which it is appropriated. Happening to open at page 235, I find appropriations of this class made in the year 1871. Take, for instance, the pay of the Army. Every gentleman will see that the Army must have been substantially paid for its services in 1871 before this time. There may be here and there an unpaid claim, but substantially the pay of the Army for the year 1871 is closed. And yet there are standing two and one-half millions of money for which the Treasury stands liable to pay the Army for its services in 1871. Then for pay of two and three years' volunteers for that year there are $12,000,000, and $1,500,000 for bounties for volunteers and their widows and legal heirs during that year. Turning over to the pensions for the same year, there can be no doubt that the pensions for the year 1871 are substantially paid. And yet there is outstanding an appropriation of $9,408,365.23 to pay pensions of 1871. There may be here and there a pension for that year that is not paid, yet every gentleman must see that that item is substantially closed and cannot be considered a draft upon the Treasury. And so with the deficiency in the revenues of the Post-Office Department for the year 1871; there are $2,500,000 in that item. So there are $3,000,000 in the military establishment generally for 1872 outstanding; and the same remark may be made in reference to that.

Now, after a careful revision of all these outstanding appropriations for past years, as well as the Treasury Department and the Committee on Ways and Means are able to estimate how much of these would naturally be still outstanding and must be paid, I have deducted from the outstanding actual liabilities of the Treasury the sum of $72,369,034.39. The items will all be found in the Book of Estimates, beginning on page 225, appendix; and each member can run over that list for himself and see whether this sum of seventy-two millions is a fair and proper estimate of the amount which the Treasury will never be called upon to pay, and which, according to the construction that the Treasury Department puts upon this law or any construction which Congress may put upon it, will go back into the Treasury and be an available fund for the future.

I have before me a statement prepared at the Treasury Department upon which that Department is willing to rely as its statement of the actual condition of the Treasury and its probable liabilities during the year. It is precisely like the one I have already read, with the exception of deducting from the $138,000,000 of actual outstanding appropriations the sum of $72,000,000 not probably required.

The statement is as follows:

July 1, 1873—Cash in the Treasury per Finance Report		$131,192,028.50	
From which deduct sums on deposit, by provisions of law, represented in this amount, as follows:			
Special deposit of legal-tenders held for redemption of certificates of deposit	$31,730,000 00		
Coin deposits for which coin certificates were outstanding	39,460,000 00		
		71,190,000 00	
Total available cash belonging to the Government			$60,002,028 50
Consisting of coin	$48,047,402 68		
Consisting of currency	11,954,625 82		
Receipts from July 1, 1873, to February 1, 1874, (five days estimated)		$165,677,972 99	
Estimated for remaining five months of fiscal year		116,100,000 00	
Total income			281,777,972 99
Total available resources			341,780,001 49
Expended on account of sinking fund		$12,936,450 00	
Expenditures on account of appropriations from July 1 to February 1, (five days estimated)		177,174,585 59	
Liabilities on account of unexpended balances of appropriations February 1, (five days estimated)	$138,381,557 37		
Deduct amount which will not probably be required, (see pages 235,257, Finance Report)	72,369,034 39		
Estimated expenditures from regular appropriations		66,012,522 98	
Interest on the public debt	$41,286,661 48		
Accrued interest due and unpaid	6,987,477 02		
	48,274,138 50		
Deduct amount of accrued interest which will not be called for during the fiscal year	6,000,000 00		
Estimated expenditure on interest account		42,274,138 50	
Estimated expenditure on account of sundry indefinite and permanent appropriations		6,825,000 00	
Sinking-fund account:			
Amount required to be provided	$29,191,369 28		
Bonds already purchased, as above	12,936,450 00		
Leaving amount to be provided		16,254,919 28	
Total expenditures			321,477,616 35
Cash on hand July 1, 1874			20,302,385 14
Total			341,780,001 49

You will see that this leaves a balance in the Treasury of $20,302,385.14.

Mr. BECK. Allow me one word. I want to know if the gentleman has a separate tabular statement of these $138,000,000 that he could lay before the House, so that we can see what composes the amount?

Mr. DAWES. The $138,000,000 is contained in the appendix to the Book of Estimates, beginning, as I said, on page 225. Every appropriation for which the Government can possibly be liable under the law is found in the Book of Estimates, commencing at the two hundred and twenty-fifth page.

Mr. BECK. Have you a condensed statement of it, that Congress could look at?

Mr. DAWES. I have not. I suppose the gentleman wishes to know if I have a tabular statement of the $72,000,000.

Mr. BECK. And the $138,000,000.

Mr. DAWES. The $138,000,000 is already here in the Book of Estimates in a tabular statement.

Mr. BECK. But that is so long.

Mr. DAWES. It is long because there are $138,000,000. I do not think it would be possible to put the items for the different Departments in closer compass than they are in this book.

This statement which I make includes the sinking fund; that is to say, the Government will meet every actual liability and every estimated liability which I have given here, will have provided for the sinking fund, and unless there be some mistake in these estimates, it will have $20,302,385.14 at the close of the year. As I have stated, it had $60,002,028.50 not liable to call at the beginning of the year. Of course it is necessary, in order to restore to the Treasury the cash on hand at the beginning of the year, to provide for $39,699,643.36.

By this statement it will be seen that, exclusive of the sinking-fund account, during the first seven months of the fiscal year the expenditures were $11,496,612.60 in excess of the income; and that during the last five months of the same it is estimated that the income will be $988,338.52 in excess of the expenditures; thus showing the expenses for the entire year to be $10,508,274.08 more than the income of the Government.

But, Mr. Chairman, this statement, like the one already made, does not show exactly the condition of the Treasury. Against this $20,302,385 are to be drawn all the deficiencies which have arisen during the year. There have been as yet no deficiency bills reported by the Committee on Appropriations except the naval deficiency bill, which was a specialty, and which has gone into the account already given. But deficiencies are sometimes quite large, and to the extent they may arise this year they will diminish this $20,000,000. That sum cannot, therefore, as yet be definitely stated. I understand that the deficiencies have not yet even been sent to the Committee on Appropriations.

But there will be a deficiency of $1,000,000 in the Indian Bureau. I have estimated the miscellaneous deficiencies, including the new claims and additional pensions that may be passed during the session, at $2,000,000. It should always be borne in mind that from this $20,000,000 will be drawn every appropriation that is made to take effect this year, whether it be for the payment of claims, or any form of an extra allowance of salary, or of extra compensation in any way, or an extra appropriation like that very properly made the other day for the harbor of Buffalo. I have never been in this House when the deficiency bills have fallen below $3,000,000, I think. They may have done so, but I do not now recollect it; and they have gone up to $13,000,000. I have put these deficiencies, including that of the Indian Bureau, at $3,000,000. There is a more considerable deficiency in the Indian Bureau than in any other.

Then there are the awards of the southern claims commission, $600,000; together with what the awards of the Court of Claims may exceed the standing appropriations for that purpose.

But, sir, I have left out of this estimate the claim made by the District of Columbia for expenditures made in this District, being somewhere from three to five million dollars. Last year we passed this act on the 8th of January, 1873:

And provided further, That the said board of public works be, and they are hereby, prohibited from incurring or contracting further liabilities in behalf of the United States in the improvement of streets, avenues, and reservations, beyond the amount of appropriations previously made by Congress, and from entering into any contracts touching such improvements in behalf of the United States, except in pursuance of appropriations made by Congress.

In the face of this provision we are confronted with a claim that has been incurred by the board of public works in this District, since the passage of that act, of from three to five million dollars. I do not care to discuss the propriety of the claim, or its legality, or how the money has been expended, but I desire to say that no calculations of the Treasury Department after the enactment of that law could have contemplated any expenditure by the board of public works of this District for which the Treasury might be liable. Congress may deem it wise to pay the claim, but there could be no calculation by the Treasury Department as to that liability, when Congress had forbidden the incurring of a dollar of such expenditure. I submit, then, that they are justified in their calculations that their cash on hand is not to be diminished by this sum. If, however, this sum shall be paid, it will add to the deficiency I have put in my statistics $4,000,000; making to be deducted from the $20,000,000 some $7,600,000.

There are a variety of other claims which will suggest themselves to members who are more familiar with the details than myself; and while I am now speaking it has been suggested by my friend from New York [Mr. HALE] near me that one of them is the awards made by the mixed commission. I think there is over $1,000,000 there.

Mr. HALE, of New York. Two million dollars.

Mr. DAWES. Two millions, my friend from New York [Mr. HALE] says, and he knows better than anybody else. Then, if we make any appropriation to take effect this year, it draws upon this cash on hand and adds to this deficiency, making it $9,600,000, which will leave but ten million and some odd thousand dollars on hand in the Treasury at the end of a year, the Treasury starting at the beginning of the year with cash on hand to the amount of $60,000,000.

I think it must be very evident to the minds of all that it is not safe for the Treasury to be left with no more than $10,000,000 on hand to meet whatever demands may be made upon it under any sudden emergency that may arise in the absence of Congress. The monthly expenditures of the Government are often more than twice that sum. Nobody would take upon himself the discharge of the duties of Secretary of the Treasury if he must be exposed to the liabilities to which such a condition of things would daily and hourly subject him. Take a single instance. The 1st day of January last Congress had adjourned for the holidays, after having appropriated $13,307,000 of coin to meet the loan of 1858 coming due on that day, if the holders of it did not choose to refund their bonds.

There was coin in the Treasury		$91,479,109 45
It was subject to call as follows:		
Overdue interest	$6,987,477 02	
Demand notes	79,637 00	
Coin certificates	37,543,300 00	
Old bonds	10,117,645 26	
Interest on same	179,958 35	
Interest due January 1	25,500,000 00	
Appropriation to meet loan of 1858	13,307,000 00	
		93,715,017 63
Making a deficiency in coin on that day, if the calls had been made upon the Treasury to which it was liable, of		2,235,908 18

Mr. GARFIELD. I desire to ask the gentleman from Massachusetts [Mr. DAWES] whether, in his statement of the resources of the Treasury, he has included any part of the $44,000,000 of retired legal-tender notes, improperly called the "reserve fund," a portion of which has already been reissued.

Mr. DAWES. The $44,000,000 reserve, and the use made of it by the Secretary of the Treasury, do not enter into this calculation. I am showing now what has and will become of the $60,000,000 of cash on hand at the beginning of the current fiscal year, $40,000,000 of which was coin. Now, the Secretary of the Treasury, in the administration of its affairs, finding his balance running low, instead of paying out this coin, has paid out this $44,000,000, and kept this coin in the Treasury to answer to so much of the $44,000,000 as had been paid out. And when it ran down so low that he dared not retain coin to answer to every dollar of the $44,000,000 reserve that he paid out, he increased the indebtedness of the Government, as appears in his monthly report, to the amount of about $11,000,000.

Therefore, although I have shown what the balance in the Treasury will probably be at the end of this fiscal year, if you cancel with the coin in the Treasury that portion of the $44,000,000 that has been paid out, yet, in point of fact, the Secretary of the Treasury has retained coin, and in place of it paid currency out of the $44,000,000, with the exception of the $11,000,000 by which he has increased the public debt. During the last month he has been enabled to reduce that increase of debt to about $9,000,000. Therefore the public debt has been increased during the present fiscal year about $9,000,000. It would have been increased to the extent of what has been paid out of the $44,000,000 had it not been for the fact that instead of paying out coin he has retained coin and paid out paper.

Now, the whole value of this statement depends upon two things: upon the reliability of this estimate of receipts for the last five months, and upon the estimates of the expenditures for that time. I need not say more in reference to the expenditures for the balance of the year. The tables of unexpended balances are before the House, and each one can form as accurate a judgment as I have done. It remains for me to give the basis upon which the estimate of receipts for these five months is made.

I have before me a statement of the receipts for each of the last nineteen months from all sources, embracing the whole of the last fiscal year, and the first seven months of the present fiscal year.

The receipts for the first seven months of last year were, from customs, $111,112,384.77, and from internal revenue $67,730,401.67; making a total of $178,842,786.44. During the corresponding seven months of this year the receipts have been, from customs, $93,345,457.76, from internal revenue $57,182,623.09, making a total of $150,527,083.85, showing a falling off in the seven months of this year from the seven months of last year of $28,315,702.59.

Now, the comparison of the receipts for the last five months of the last year with the estimated receipts of the last five months of the present fiscal year is shown by the following: The receipts of the closing five months of last year were $127,611,275.03. It is estimated that the last five months of the current fiscal year will yield $116,100,000, or a falling off of $11,516,275.03. Now upon what basis is that made?

I have here the actual receipts from the internal revenue for the month of January of this year and the month of January of last year; and the showing is that the internal revenue has yielded in the month of January of this year $1,250,000 more than it yielded in the month of January of last year.

I have also the receipts for the first ten days of the present month compared with the corresponding ten days of last year, as follows:

Source.	1873.	1874.
Customs	$4,572,065 09	$4,381,235 89
Internal revenue	2,103,586 59	2,503,214 27
Miscellaneous	736,487 31	40,722 83
	7,412,138 99	6,925,172 99

This table shows an aggregate increase of receipts from customs and internal revenue, although a falling off from other sources of a few hundred dollars:

The internal revenue for the month of January, 1873, was	$8,449,595 04
For the month of January of this year	9,702,255 08
Showing an increase during the month of	1,252,660 04

All the indications which are usually regarded as trustworthy by business men foreshadow such a revival of business as leads the Department to believe that this estimate is a reliable one. The Postmaster-General told me only a day or two ago that during last month he sold eleven million more postage-stamps (official stamps not included) than were ever before sold in the United States in a single month. This increased sale of stamps the Postmaster considered as indicating a revival of business; and he accompanied the statement by the remark that during the depression of the several months preceding, including the months of the panic, there was a very perceptible and marked falling off in such sales.

From these and other indications, taking into view the tables to which I have referred, I think gentlemen will agree with me that we may fairly expect $116,100,000 from all sources during these five months. This, it will be perceived, is $11,516,275.03 less than the receipts of the corresponding months of last year. I have confidence that the deficiency will prove to be less than that sum.

Mr. GARFIELD. I desire to ask the gentleman from Massachusetts [Mr. DAWES] whether his estimate takes into account the fact that, as the panic for a time suspended business to a large extent, so the abatement of the financial stringency would probably show a leaping upward beyond the ordinary standard; and that as it would be wrong to take the lowest figures during a financial panic as a standard, so it might be equally a mistake to take the present figures as indicating the income we may fairly calculate upon. May it not be true also that the apprehension of increased internal taxation upon whisky and other articles of manufacture might induce a great many people engaged in manufacturing business to rush forward their operations as fast as possible in order to anticipate the tax? I desire to know whether, in the opinion of the gentleman, any of these causes have been operating.

Mr. BECK. Before the gentleman from Massachusetts resumes, I would like to ask him whether it is exactly fair to compare the first seven months of the current fiscal year with the first seven months of the last fiscal year, and then hold up the fact of the great difference in customs dues received, when the fact was that the 10 per cent. reduction of duty took effect at the beginning of the second month of the last fiscal year, and consequently imports were held back wherever possible to get the benefit of the reduction, and were then rushed in after the reduction took effect, thus swelling the aggregate at that particular time.

Mr. DAWES. Now, Mr. Chairman, if both my friends had been kind enough to wait a moment they would not have had occasion to trouble themselves with these questions. I was just about to refer to the points suggested by the gentleman from Ohio, [Mr. GARFIELD;] and then, as soon as I could, I was going to touch upon the matter suggested by my friend from Kentucky, [Mr. BECK.] I was going to say that doubtless there are a great many qualifications which should enter into these estimates, so that we cannot take the exact amount indicated as a just and healthy revival of business, and say with confidence that this measure of receipts could be carried through the year. For instance, the anticipation of an increased tax upon whisky—if my friend from Ohio will permit me to go along with my speech just as if he had not put his question—the anticipation of an increased tax on whisky has no doubt enlarged to some extent the returns from the whisky tax; and the revival of business after such a sudden prostration has no doubt made a rebound that carries business enterprise beyond the legitimate level at which it will maintain itself. All these qualifications (I could not have stated them so well if I had not copied the language of my friend from Ohio) must be taken into account by every gentleman who undertakes to examine these tables and make up his own mind whether any reliance can be placed upon this estimate. The estimate has taken into account all these qualifications that have been suggested. Perhaps, however, a proper allowance has not been made. Each gentleman of the House must examine for himself and form his own judgment upon this matter.

The gentleman from Kentucky [Mr. BECK] must remember that the first month of the last fiscal year was under the tariff before reduction, and it is probable that the increased rate that month was about compensated by the holding back of goods to which he alludes for the benefit of the reductions in the subsequent months, and I believe a comparison of the receipts for corresponding months going back several years will show that to be the case.

Now it is fair, and it is due to the administration of the Treasury Department and those responsible for it, to inquire why it is that, beginning this year with $60,000,000 of cash on hand, we shall by this estimate close it with hardly $10,000,000, and with an increase of the public debt, after providing for the sinking fund, while last year we paid more than $43,000,000 of the public debt, including the sinking fund.

On the 1st of May, 1872, we passed a law repealing all duties upon tea and coffee. By this measure we lost during eleven months of the last fiscal year $15,959,778.60 upon tea, and $9,058,685.39 upon coffee, making a total of $25,018,463.99 of revenue. Upon the 6th of June, 1872, we reduced the duty upon a variety of articles, and increased the number of articles upon the free list. By the reduction of duty we lost during the same period $14,346,894.30; and by the placing of additional articles upon the free list we lost more than $5,000,000—in all from those sources more than $19,000,000; making the total reduction of the revenue on these articles $44,367,313.54.

I have before me a list of all articles upon which this reduction was made, and the amount of duty which would have been received during the present year upon these articles. I have also a list of the value of all goods introduced into the country during the fiscal years of 1867, 1868, 1869, 1870, 1871, 1872, and 1873, which, if gentlemen will read, they will see what would have been the income from customs to the Government this fiscal year had we not reduced the tariff on the articles we have mentioned. More than $100,000,000 in value of goods have been introduced this present year over and above any other of these years, so that had those duties remained, and that importation continued, not only should we have had in the Treasury to-day this $44,000,000, but we should have the corresponding duties on all of the one hundred million in value of goods which we relieved entirely from taxation.

A MEMBER. In gold?

Mr. DAWES. Yes, sir; in gold.

I now give the table of these importations:

Statement of the value of foreign merchandise entered into consumption in the United States during the fiscal years ending June 30, 1867, 1868, 1869, 1870, 1871, 1872, *and* 1873.

Fiscal year ending June 30.	Free of duty.		Dutiable.			Total free and dutiable.			Average duty, ad valorem.	
	Value.	Discriminating duty.	Value.	Duty.	Additional and discriminating duty.	Value.	Duty.	Additional and discriminating duty.	Dutiable.	Free and dutiable.
1867	$39,103,605 00	.....	$361,125,552 50	$168,503,749 58	.....	$400,229,157 50	$168,503,749 58	.....	46⅝	42 1/10
1868	29,071,796 00	$21,099 40	329,661,302 30	160,309,941 29	$201,738 09	358,733,098 30	160,309,941 29	$222,837 49	48 5/12	44⅝
1869	41,499,601 78	21,124 60	372,756,641 51	176,114,904 19	421,554 93	414,256,243 29	176,114,904 19	442,679 53	47	42½
1870	46,743,760 69	13,560 80	406,131,904 99	191,221,768 94	278,644 71	452,875,665 68	191,221,768 94	292,205 51	47⅝	42¼
1871	59,162,460 46	43,084 14	459,597,057 86	201,985,574 93	418,014 25	518,759,518 32	201,985,574 93	461,098 39	43 9/10	39
1872	61,177,600 98	28,158 00	512,735,287 38	212,030,727 17	560,220 28	573,912,888 36	212,030,727 17	588,378 28	41¼	37
1873	199,886,874 80	134,978 25	484,746,861 27	184,556,045 02	238,018 47	684,633,736 07	184,556,045 02	372,996 72	38 1/14	26.95

Mr. KELLOGG. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. DAWES. Yes, if the gentleman will not disturb my present line of thought.

Mr. KELLOGG. I will not disturb the gentleman if he will allow me to ask him a single question. My question is this, whether it is not an actual fact that the importation of the goods mentioned in the second section of the law of June 6, 1872, for the first seven months of 1872, was 10 per cent. greater in amount than during the first seven months of 1873?

Mr. DAWES. These statistics I have given, to be published in the CONGRESSIONAL RECORD, will show all dutiable goods; and gentlemen can see the exact fact whatever it may be.

Mr. KELLOGG. I did not wish to interrupt the gentleman, but merely to call the attention of the House to the fact that the report of the Secretary of the Treasury does show that 10 per cent. more goods were imported under that section in the first seven months of 1872 than in the first seven months of 1873.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BECK. I move the gentleman's time be extended.

There was no objection; and it was ordered accordingly.

Mr. DAWES. I am much obliged to the House for its kindness; I know how tiresome this sort of talk is.

By a similar reduction of internal taxes the internal revenue was reduced last year $17,695,456.08. There would be a like loss of internal revenue this year but for the fact that certain changes in the internal-revenue laws have worked so admirably that the loss from this source is less in proportion than that from customs. These reductions of the revenue manifested themselves in part, last year, in the fact that

$43,000,000 only of public debt were extinguished, instead of $99,000,000 extinguished the previous year.

Now, Mr. Chairman, the committee will see, and be able to judge as well as I have done, whether the statistics I have made are of any value or not. Nobody can with mathematical certainty say how much of the seventy-two millions will be drawn from the Treasury before the close of the year. If there be any value in these statements, I ask the attention of the House for a few moments to the question whether it would be possible for us in the discharge of our duties to relieve the Treasury. If the House agrees with me that the Treasury is liable, under unforeseen contingencies which cannot always be provided against, to go to protest unless it can have a margin more to be relied on than these ten million dollars, then every gentleman will also agree with me that we do not discharge our duty unless we, as the law-making power, provide some measure by which that margin shall be increased.

Of course, Mr. Chairman, there are but three ways open to accomplish that result. It must be done by increased taxation, by a loan, or by cutting down the expenditures which shall arise between this and the 1st day of next July. Unless some one of these three measures be resorted to, and resorted to in earnest, we, who have the credit of the United States in our keeping, holding only the Secretary of the Treasury and the Administration to the faithful execution of the laws we make, shall have failed in the discharge of our duties. I need not say to this committee it is our duty to resort to that one of these three measures which in the end will be most productive of good to the country and the Treasury, and reflect the greatest credit on us who have that management committed to our charge.

Shall it be by increased taxation? In the beginning, Mr. Chairman, there never has been an instance in the history of the Government when, in time of peace, taxes have been imposed for the purpose of carrying on its current expenses. If to-day we resort to that measure of taxation, it will be the first instance in the history of the Government when we have imposed taxes upon the industries of our country for the purpose of meeting our current expenses. We are emerging by degrees from a system of taxation imposed under an overwhelming necessity, involving the life of the nation, which the people of this country bore patiently, and manfully, and bravely, because of that necessity. When the danger passed away, the burden began to be irksome to the people, and from time to time we have met their restiveness by relief from these burdens as fast as the necessities of the Government would permit.

I am free to say, and I am willing to take my full share of the responsibility for so doing, that in the last Congress we removed these taxes more rapidly than has been justified by the events which have since transpired. It is due to the late Secretary of the Treasury to say, and I here cheerfully give him the benefit of the statement, that in the last moments of the conference committee, in whose report, about to be made, there were four or five millions more of reduction than finally became a law, he urged them to restore at least four or five millions of that intended reduction, insisting that the contingencies of the future were so great and so uncertain that no man could safely assume the responsibilities of Secretary if we cut down the receipts of the Treasury to the extent that we proposed. And after listening to him, in the very last moments before signing the conference committee's report, there were struck off from that report these very measures now pending—the match tax, the stamps upon checks, schedule C of internal revenue, and several other matters. No one at that time foresaw the panic of last September, and the prostration of business which has succeeded it; but its lessons should not be lost upon us.

I am, for one, opposed to any measure of taxation at this time, if there be any other possible solution of the question before us. I cannot, for myself, make up my mind that the people of this country will take upon their shoulders any new burden, unless they shall be first convinced that by no other means can the honor and faith of the nation be maintained. I do not for a moment distrust their ability or willingness to make any new sacrifice that the preservation of either may demand. I feel that nothing would be such a disappointment to the whole industrial interests of this country as increasing the burden of taxation just as they are lifting themselves up out of a depression unparalleled in this country in its suddenness and in its severity. I think we must make up our minds to abandon the idea of increased taxation, notwithstanding the fact that when we took off the $25,000,000 from tea and coffee it did not reduce the price to the consumer of either article one half-penny. I have the prices-current of the country to bear me out that I am substantially, if not mathematically, accurate in the statement, that the whole of the duty taken off was divided between the producer at the one end and the wholesale dealer at the other. If we put on a tax to-day, it is only putting on so much upon the consumer. I am not, therefore, in favor of the reimposition of this tax, though I was opposed to its repeal at the time.

Again, shall we resort to a loan in time of peace and substantial prosperity, with no sudden demand upon the Treasury of the United States? Have we no other way of meeting our current expenses except by borrowing money? Shall we say to the nations of the earth holding our securities, and invited by a standing law of the land to take our bonds at 5 per cent., that such is the condition of our Treasury that we can only pay the interest upon those bonds and meet our currrent expenses by borrowing? I cannot think of anything more fatal to the credit of this nation, not only abroad but at home, than the public announcement here that we are compelled to carry on the daily current and ordinary expenses of this Government by borrowing from day to day by temporary loans, or by whatever name you choose to call the mode of paying our bills by making more of them.

Mr. MAYNARD. I should like to ask the gentleman from Massachusetts if he recollects when he and I first came into the House, in a situation like that which we now have, of the then President indorsing the recommendation of the then Secretary of the Treasury in regard to providing for a deficiency, and if his attention has been called to that method?

Mr. DAWES. Never but once or twice in the history of this Government have we found ourselves, in time of peace, compelled to borrow money to carry on our current expenses. But within my memory in this House, and within that of my distinguished friend at my left, that condition of things arose; and we were compelled to borrow $20,000,000 in bonds having fifteen years to run in order to meet our current expenses, and also to issue Treasury notes to meet the daily demands upon the Treasury. We have been compelled at the present session, in the straitened condition of our Treasury—the fate of every man and nation that borrows to meet his or its current expenses—to pay this loan when we were least able to do so. On the 1st of January we had to pay the fifteen-year bonds which were put upon the market in 1858 to meet the then current expenses of the Government. Our friends on the other side will bear with me, I think, if I say that it was but one of the evidences of the decay of that party which had administered the Government almost exclusively for fifty years. It was one of the evidences of its loosening its hold upon power and of its becoming *effete*. It was even then dying of dry-rot, borrowing money to meet its current expenses and paying its bills by making more of them. In time of profound peace Mr. Buchanan's administration was unable to meet its current expenses with its current receipts by more than $30,000,000, and it was trusted no longer with power. From that day to this, with the interregnum of Andrew Johnson's administration, this Government has been in our hands; and they upon the other side are watching us from day to day, and now witness the spectacle of our discussing the question whether we shall now, fifteen years after that day, do as they did—fall into the same error, and meet the same fate.

I assume, therefore, that the House will agree with me that there must be some other way out of this dilemma than by either imposing new taxes or borrowing money in the market to meet these expenses.

But this is not all. While we have been reducing our receipts on the one side we have been increasing our expenditures at the other. Listen now to the expenditures of this Government since the present Administration came into power. The first year the expenses of this Government were $322,865,277.80; in 1870 they were $309,653,560.75; in 1871 they were $292,177,188.25; in 1872 they were $277,517,962.67; in 1873 they were $290,345,245.33; the appropriations for the present year sum up $319,652,644.31. In 1870 we reduced our expenditures to $309,000,000 and we paid $101,601,916.88 of the public debt; in 1871 we brought them down from $309,653,560.75 to $292,177,188.25, and we paid $94,327;764.84 of the public debt; in 1872 we brought them down still further to $277,517,962.67, and we paid $99,960,253.54 of the public debt in addition. In 1873 the expenditures ran up to $290,345,245.33, and we paid but $43,667,630.05 of the public debt. This year our appropriations have gone up from $290,000,000, our expenses for the last year, to $319,000,000, without paying one dollar of the public debt.

Mr. GARFIELD. I would ask the gentleman if by accident he has not included in his figures of last year the sinking fund, amounting to $30,000,000, which was not included in the expenditures of last year? I think he will find that he has done so.

Mr. DAWES. I have not done it by accident, but by design. The expenditures for each year, as I have given them, contain the sinking fund, or else I am misled by the Treasury Department itself.

I am inquired of very pertinently by my friend near me, [Mr. BLAINE,] in what items this increase has arisen. The appropriation for public works last year amounted to $14,000,000 in round numbers; it was $20,000,000 this year. That for the naval establishment last year was $18,000,000; this year it is $22,000,000. That for the military establishment was a little over $30,000,000; this year it is $36,000,000; and so with some of the smaller items.

I have shown that we cannot rely upon an increase of taxation, or upon a loan; and I think from what has been said that it is apparent that there are reasons in the very expenditures themselves why we should resort to retrenchment as the only remaining remedy.

Is there any reason in the nature of things in this Government why our expenses should have begun to increase in 1871 and gone up over $20,000,000 in a single year? The war was over eight or nine years ago. It has been the custom, whenever any gentleman has spoken here of increased expenditures, to talk at once about the increase of our territory, and attribute everything to the purchase of Alaska. Well; we did not purchase Alaska last year. It is a good many years since we drew that elephant, and it has brought us in about $200,000 every year net over all expenses. I hope not to hear any more about the purchase of Alaska as a reason why our public expenditures are rising in this ratio.

I am aware how easy it is to talk about economy generally; it costs a man nothing, and is high sounding—delighting the public ear. It is only when you come to particulars that there is trouble. An English statesman once said that the speech that would soonest raise a cheer was that for general economy; and the speech which was most certain to win defeat was one for specific retrenchment. And Bacon, the philosopher, stated it as a general rule, that in generalities there is safety, but in particulars there is danger. But it does no good to talk of general economy, unaccompanied by specific retrenchment.

I know the peril of proceeding further in this line. But I beg members to understand that if I venture further it is not for the purpose of setting myself up as a reformer, or as one who may have any better idea of where reform can best begin than any other member. And I hope no one will take anything I may say about any particular reform except as coming from one who feels that it must commence somewhere, and that it is the duty of each member of the House, and therefore my duty as well as that of every other member, to cast about where best it can be initiated, so that the Government may be brought back to that line of expenditure adopted by this Administration when it came into power, and which has succeeded with unparalleled rapidity in paying off the public debt at the rate of $100,000,000 and in reducing the expenditures somewhere about $10,000,000 each year.

The purchasing power of money to-day is greater than it was five years ago. The extraordinary expenses of the Government to-day are no more than they were in the time of war, when three dollars of our currency were scarcely worth one dollar of the world's standard. The duties incumbent upon the officials who have charge of the administration of public affairs are no more varied, no more conflicting, no more arduous, than they were in the years that have gone by. The country, with the exception of poor Alaska, is no larger than it was then. The machinery of the Government is no more complicated or expensive than it was then.

Does it not, then, become us in candor to inquire seriously whether there may not be fields of reform into which it is our duty to enter earnestly, and see whether we may not put this Government back upon the path of general reduction of expenditures and of the public debt? Take a few points, and see whether there is anything in any of them worth the effort.

Take the permanent appropriations, those which are made in general terms, continuous in effect, and which do not come year by year before the House of Representatives to be scanned and their necessity and magnitude measured. They are appropriations so framed that they come on year by year to be administered, and no report of them is made to us, and no interference or control over them is exercised by us.

Now, how many such permanent appropriations are there of this Government? This last year there were of permanent appropriations $147,361,943.49, over which this Congress has had no control, no supervision, has made no examination of them, nor passed judgment upon the necessity of the expenditure of a single dollar under them. Out of them are paid the entire customs expenditures of this nation, all the expenditures of the loans, of the Printing Bureau, of the Registry Bureau, of negotiating loans, and printing bonds.

There has been placed by law in the hands of the Secretary of the Treasury the power to take out of the Treasury and pay back money to every individual who thinks that the duties exacted of him at the custom-house are too high, and who pays them under protest. Congress has by law clothed the Secretary of the Treasury with the power of the judiciary to pass upon such questions and repay to the claimant one dollar, or one hundred, or one thousand, or one million of dollars, as shall be the judgment of the Secretary, and to draw his warrant upon the Treasury and to pay it over to the party thus feeling aggrieved, thereby depriving the Government of a judicial construction of the law itself. Within the time that we have been assembled here, when it was our duty to pass upon the construction of the revenue laws of the land, hundreds of thousands of dollars—I cannot tell how many—have thus been paid out on the warrant of the Secretary of the Treasury, a power uncontrolled, save by the known integrity of the Secretary himself.

Mr. STARKWEATHER. Is this a new feature, or is it not an old power?

Mr. DAWES. Most certainly it is an old power. I am arraigning no man for originating this power over the Treasury. It has come down to us from other administrations, and we are responsible only for its continuance.

And I might as well now say that I am not here to-day to arraign the republican party, but only to urge it to take hold of the work of reforming and improving old systems and methods which have been inherited, not created, by it. The republican party had its origin in the reform and overthrow of old abuses. It will forget its mission only when it ceases to search them out and abolish them. No other party before it had either the courage or the power to work out reforms within its own organization. It is the glory of the republican party that it probes its own sores and corrects its own errors. It has never waited to be driven from without to a discharge of its duty, but, impelled by the very purpose of its being, it has shrunk from no self-discipline nor hesitated in the application of the most radical reform. It is in this spirit that I speak to-day, arraigning nobody, but seeking, if possible, for better methods of administration than those which the country has out-grown, or experience has proven unwise.

Returning, without further apology for what I may say, to the consideration of permanent appropriations, I am reminded by the gentleman near me of what I ought to have said, that the largest of them all, now amounting to more than $100,000,000, is for the single item of the interest on the public debt. That is a fixed sum; and there can be no discretion in reference to it. It is highly proper that that should be a permanent appropriation, not depending upon a vote of Congress year by year. It is these other appropriations, which, unconscious of their effect, we have permitted to creep into our statute-books alongside of the proper permanent appropriations, that I complain of. I have spoken of one of them. Here is another.

Prior to and up to 1849 the expenses of collecting the whole revenue of the United States were taken out of the gross receipts, and then the balance was paid into the Treasury. You can see at once that Congress would have no kind of supervision over that expenditure. In an act approved February 12, 1850, Congress appropriated for the entire expenses of the customs, in addition to the receipts from storage, cartage, and labor, and including repairs of custom-houses all told, the revenue cutter service, furniture for custom-houses, and occasional sums for new custom-houses, the sum of $2,450,000.

In 1850 California was set up by itself on the principle that had been before prevailing in the country; and they paid over only the net proceeds from that State. But in 1858 California and all the rest were included in a special appropriation which was increased to $3,600,000. This sum was sufficient till the close of the war for the collection of the revenue—for the revenue-cutter service, the purchase of steamers and the building of new ones. In May, 1866, one year after the close of the war, there were appropriated, besides receipts from storage, cartage, and labor, $4,200,000, the proceeds of fines, forfeitures, and penalties, which produced $242,425. In 1867 it amounted to $4,592,000; in 1868, $6,614,369; in 1869, $6,256,000; in 1870, $6,448,000; in 1871, $6,452,000; in 1872, $6,174,000; and in 1873, $8,247,733.

Now, Mr. Chairman, this was not because of the increase of receipts, for when the expenditures were $6,000,000 the receipts were very nearly what they were when the expenditures were $8,247,000. I have the figures showing that in 1873 the receipts were only about $8,000,000 more than in 1866, although it cost us $2,000,000 or $3,000,000 more to make the collection. The precise figures were as follows: In 1866 the receipts from customs were $179,046,000; in 1873 they were only $188,089,522. Was this not because the business was carried on under a permanent appropriation of which we had no supervision, and which we did not review here, a gross sum for the expenses of all the custom-houses and other expenses attending the collection of the revenue?

Now, is there no other place where we can institute any reform? In connection with this matter of collecting the customs, has any gentleman of the House looked at the public documents showing the exact receipts and expenditures at each one of the ports of entry in the United States? Whoever may have done so has found out that at a large number of them the receipts do not pay the expenses; so that if there were no other consideration connected with the question, it would certainly be a matter of economy to close up every one of these ports. But it is known to everybody that it will not do to close a port simply for the reason that the receipts do not equal the expenditures; because closing it and leaving it so would open it to smuggling. Therefore, there must be some intermediate measure of relief. There is no propriety in keeping up the salaries, and official machinery, and custom-houses, where there are not receipts enough to pay the expenses.

I have here a full list of all the ports according to the Finance Report of the Treasury Department, in which will be seen those which do not pay their expenses—ports at which a watchman with a salary of a few hundred dollars a year can prevent smuggling, and will meet all the needs of the Government. The expenses drawn from the Treasury to maintain these twenty-nine ports are $344,685.

The Secretary of the Treasury has relieved himself of all responsibility upon this point by calling our attention to the matter in his report to Congress, and asking us to legislate for the closing of such unnecessary ports of entry as I have described. I have here an extract from his report which doubtless all gentlemen who hear me have read in this connection:

> I invite the attention of Congress to the propriety of reorganizing the customs collection districts on the Atlantic coast, seventy-nine in number.
>
> The establishment of many of these districts dates back to a period when the conditions determining their importance, relative to the commerce of the country, were entirely different from those existing at the present time. In some the expenses of collecting the revenue exceed the amount collected, and the consolidation of such districts with others may be advisable. At the same time, it must be remembered that the effective administration of the revenue system often requires the services of customs officers at points where few or no duties are collected. The judicious disposition of a force for the prevention of smuggling is indispensable to the collection of the revenue from imports, especially where the extent of coast affords opportunities for the clandestine introduction of dutiable merchandise. I would therefore suggest such action as may lead to a reduction of the number of districts, and a consequent reduction of expenses, without affecting the convenience of importers or the safety of the revenue.

The following is the list referred to in detail, and I call the special attention of members to it:

Statement of the amount of revenue received from customs and the average ad valorem duty; the number of persons employed, their aggregate compensation, and the percentage of cost of collecting the revenue, in each customs district in the United States, for the fiscal year ended June 30, 1873.

Districts.	Amount duty received fiscal year 1873.	Average ad valorem duty, (per cent.)	No. persons employed.	Aggregate compensation fiscal year 1873.	Average percentage of cost for collecting the revenue.	Remarks.
MAINE.						
1. Aroostook	$12,851 91	21.82	10	$11,720 00	91.19	
2. Passamaquoddy	84,461 53	27.12	26	29,454 70	34.87	$1,076 00 value of salt for curing fish, free.
3. Machias	194 46	19.10	8	6,868 72	3,532.20	
4. Frenchman's Bay	24 68	23.73	9	6,783 00	27,483.79	645 00 value of salt for curing fish, free.
5. Castine	223 54	78.40	7	8,562 25	3,830.29	856 28 value of salt for curing fish, free.
6. Bangor	15,601 81	44.62	12	13,196 00	84.58	
7. Belfast	8,045 33	24.91	9	7,936 21	98.64	1,124 00 value of salt for curing fish, free.
8. Waldoborough	6,695 26	56.22	9	10,114 17	151.06	107 00 value of salt for curing fish, free.
9. Wiscasset	54 60	15.00	5	4,074 47	7,462.40	749 60 value of salt for curing fish, free.
10. Bath	11,527 15	23.11	9	10,261 28	89.10	2,217 00 value of salt for curing fish, free.
11. Portland and Falmouth	547,861 89	26.79	78	101,867 06	18.27	1,745 48 refunded by railroads; $9,153 value of salt for curing fish, free.
12. Saco	.....	.....	5	1,318 00	.....	
13. Kennebunk	.....	.....	5	1,278 00	.....	
14. York	.....	.....	2	368 39	.....	
Total	687,542 16	.....	194	213,802 25	31.09	
NEW HAMPSHIRE.						
1. Portsmouth	23,720 34	44.89	11	10,312 47	43.47	775 00 value of salt for curing fish, free.
VERMONT.						
1. Vermont	932,155 46	20.90	98	75,345 16	8.08	
MASSACHUSETTS.						
1. Newburyport	58,909 51	37.11	11	6,890 00	11.69	1,286 35 value of salt for curing fish, free.
2. Gloucester	3,164 61	30.94	18	18,911 00	594.41	39,203 00 value of salt for curing fish, free.
3. Salem and Beverly	46,470 29	40.16	18	17,022 43	36.63	3,943 00 value of salt for curing fish, free.
4. Marblehead	513 65	25.13	4	1,657 79	322.74	
5. Boston and Charlestown	20,384,224 60	37.98	714	690,374 40	3.38	16,541 00 value of salt for curing fish, free.
6. Plymouth	22,079 75	14.16	6	3,892 08	17.62	1,540 00 value of salt for curing fish, free.
7. Barnstable	.....	.....	13	8,095 00	.....	6,977 00 value of salt for curing fish, free.
8. New Bedford	43,148 59	23.29	12	10,810 59	25.05	
9. Nantucket	.....	.....	3	1,866 28	.....	
10. Edgartown	7 90	28.51	9	6,650 07	84,178.10	
11. Fall River	208,515 37	31.39	10	8,566 80	4.10	
Total	20,767,034 27	.....	818	774,736 44	3.73	
RHODE ISLAND.						
1. Providence	353,308 07	30.84	25	30,129 88	8.52	
2. Bristol and Warren	216 62	27.16	7	1,805 67	833.56	
3. Newport	2,164 40	20.26	14	7,462 12	34.47	
Total	355,689 09	.....	46	39,397 67	11.07	
CONNECTICUT.						
1. Stonington	1,689 09	24.86	6	1,980 86	117.27	
2. New London	32,807 12	24.74	9	6,790 99	20.69	
3. Middletown	2,364 12	593.63	6	4,055 85	171.13	
4. New Haven	343,308 20	32.46	17	19,138 75	5.57	
5. Fairfield	17,877 01	37.78	5	4,254 25	23.79	
Total	398,045 54	.....	43	36,220 70	9.09	
NEW YORK.						
1. Dunkirk	1,541 87	19.32	4	3,971 26	257.56	
2. Buffalo Creek	467,350 87	21.62	36	44,254 50	9.25	
3. Niagara	633,359 82	23.74	41	44,508 40	7.02	
4. Genesee	87,237 75	22.26	21	20,768 00	24.95	
5. Oswego	897,637 26	16.94	36	82,469 50	9.18	
6. Cape Vincent	57,267 90	20.29	20	19,782 50	34.54	
7. Oswegatchie	287,024 74	18.69	22	24,001 57	8.60	
8. Champlain	333,490 49	17.74	31	28,703 50	8.66	
9. Sag Harbor	.....	.....	9	2,739 14	.....	
10. New York	124,754,693 75	39.56	1,338	1,966,317 75	1.57	
Total	127,519,604 45	.....	1,558	2,237,516 12	1.75	
PENNSYLVANIA.						
1. Philadelphia	7,870,055 62	32.18	347	354,037 88	4.50	
2. Erie	54,994 64	23.16	8	6,874 66	12.50	
Total	7,925,050 26	.....	355	360,912 54	4.55	
NEW JERSEY.						
1. Newark	1,398 23	28.52	3	4,138 21	295.96	
2. Perth Amboy	1,094 16	30.62	15	7,915 43	723.42	
3. Little Egg Harbor	.....	.....	8	4,324 00	.....	
4. Great Egg Harbor	.....	.....	3	1,656 58	.....	
5. Bridgeton	.....	.....	3	849 39	.....	
6. Burlington	302 20	20.00	2	534 00	176.20	
Tota	2,794 59	.....	34	19,417 61	694.82	
DELAWARE.						
1. Delaware	20,562 11	20.09	7	7,305 83	35.50	
MARYLAND.						
Maryland	.....	.....	1	165 00	.....	(Town Creek.)
1. Baltimore	7,218,068 17	36.06	274	408,528 51	5.24	$29,601 paid by owners of bonded ware houses.
2. Annapolis	.....	.....	5	2,246 64	.....	
3. Eastern district	.....	.....	4	4,555 00	.....	
Total	7,218,068 17	.....	284	415,495 16	5.34	
DISTRICT OF COLUMBIA.						
1. Georgetown	6,298 78	51.95	6	7,010 28	111.29	

Statement of the amount of revenue received from customs and average ad valorem duty; number of persons employed, their compensation, &c.—Continued.

Districts.	Amount duty received fiscal year 1873.	Average ad valorem duty, (per cent.)	No. persons employed.	Aggregate compensation fiscal year 1873.	Average percentage of cost for collecting the revenue.	Remarks.
VIRGINIA.						
1. Alexandria	$2,489 37	34.69	5	$5,503 68	210.08	
2. Tappahannock			4	894 06		
3. Yorktown			3	2,643 00		
4. Norfolk and Portsmouth	26,521 67	36 64	29	31,648 50	119.33	
5. Petersburgh	170,205 32	34.34	6	7,939 27	4.65	
6. Pichmond	85,444 41	30.22	10	11,479 80	13.43	
7. Cherrystone			5	3,729 52		
Total	284,660 77		62	63,835 83	22.42	
NORTH CAROLINA.						
1. Albemarle	80 15	35.00	8	5,873 22	7,327.78	
2. Pamlico	1.942 84	50.17	10	7,964 65	415.30	
3. Beaufort			3	2,391 72		Value of free goods, $2,975.
4. Wilmington	107,894 10	35.24	14	17,751 11	16.45	
Total	109,916 09		35	33,980 70	30.91	
SOUTH CAROLINA.						
1. Georgetown			4	2,889 50		
2. Charleston	151,846 81	37.44	41	46,521 07	30.63	
3. Beaufort	32,637 34	27.75	7	3,961 00	12.13	
Total	184,484 15		52	53,371 57	28.93	
GEORGIA.						
1. Savannah	157,927 16	35.07	68	66,725 13	42.25	
2. Brunswick	1,192 46	29.10	10	7,805 00	654.53	
3. Saint Mary's	725 24	94.16	6	3,117 15	429.86	
Total	159,844 86		81	77,647 28	48.57	
FLORIDA.						
1. Fernandina	96 61	61.02	8	6,938 15	7,181.60	
2. Saint John's	530 25	38.84	8	6,341 65	1,384.56	
3. Saint Augustine			10	6,741 03		
4. Key West	214,610 98	44.13	15	16,529 34	7.70	
5. Saint Mark's	568 20	101.43	10	7,540 00	1,327.00	
6. Apalachicola	52 28	63.40	7	2,912 15	5,570.29	
7. Pensacola	39,163 10	35.90	18	20,070 00	51.27	
Total	255,021 42		76	67,072 32	26.30	
ALABAMA.						
1. Mobile	88,857 41	43.13	72	46,941 90	52 82	
MISSISSIPPI.						
1. Pearl River	$90 25	130.80	4	$2,230 73	2,471.72	
2. Natchez			1	500 00		
3. Vicksburgh			2	550 00		
Total	90 25		7	3,280 73	3,635.15	
LOUISIANA.						
1. New Orleans	3,611,964 98	42.46	413	469,747 51	13.00	
2. Teche			10	7,846 67		
Total	3,611,964 98		423	477,594 18	13.22	
TEXAS.						
1. Texas	481,347 13	32.02	45	64,572 00	13.41	
2. Saluria	12,073 56	17.43	14	16,347 62	135.40	
3. Corpus Christi	25,196 30	23.19	17	20,733 07	82.28	
4. Brazos de Santiago	53,662 04	27.46	39	60,565 19	112.86	
5. Paso del Norte	26,620 28	22.66	15	17,807 50	66.89	
Total	598,899 31		130	180,025 38	30.00	
MINNESOTA.						
1. Du Luth	188,293 71	36.85	4	4,223 05	2.24	
2. Minnesota	7,231 68	36.01	11	9,729 71	134.40	
Total	195,525 39		15	13,952 76	7.13	
WISCONSIN.						
1. Milwaukee	152,913 82	35.04	15	16,130 00	10.54	
ILLINOIS.						
1. Chicago	2,087,836 76	42.07	102	92,212 44	4.41	
MICHIGAN.						
1. Michigan			18	9,268 00		
2. Superior	5,690 35	22.05	16	13,089 00	230.00	
3. Huron	73,077 12	26.34	45	43,831 25	59.98	$11,521 50 paid by railway companies.
4. Detroit	290,255 09	29.18	59	55,954 02	19.27	
Total	369,022 56		138	122,142 27	33 90	
OHIO.						
1. Miami	17,269 14	33.54	8	12,680 00	73.42	
2. Sandusky	3,106 90	10.58	10	6,142 00	197.68	
3. Cuyahoga	233,609 98	28.63	23	26,357 51	11.28	
Total	253,986 02		41	45,179 51	17.78	
CALIFORNIA.						
1. San Diego	222 52	21.79	6	4,790 29	2,152.74	
2. San Francisco	8,025,286 37	45.78	200	329,756 00	4.10	
Total	8,025,508 89		206	334,546 29	4.16	

Statement of the amount of revenue received from customs and average ad valorem duty; number of persons employed, their compensation, &c.—Continued.

Districts.	Amount duty received fiscal year 1873.	Average ad valorem duty (per cent.)	No. persons employed.	Aggregate compensation fiscal year 1873.	Average percentage of cost for collecting the revenue.	Remarks.
OREGON.						
1. Southern Oregon			1	$2,500 00		
2. Willamette	$221,054 96	41.35	14	21,545 64	9.74	
3. Oregon	31,805 64	29.38	11	14,169 00	44.54	
Total	252,860 60		26	38,214 64	15.11	
WASHINGTON TERRITORY.						
1. Puget Sound	10,189 07	33.82	19	27,853 50	273.35	
ALASKA.						
1. Alaska	155 06	28.30	8	12,674 10	8,173.67	
MONTANA AND IDAHO.						
1. Montana and Idaho			1	1,000 00		
Grand total, 112 districts	182,498,302 63		4,963	5,905,124 63	3.23	
PORTS OF DELIVERY.						
NEW YORK.						
1. Albany	$126,691 42	20.00	5	$7,175 00	5.66	
PENNSYLVANIA.						
1. Pittsburgh	32,567 93	45.02	4	5,300 00	16.27	
ALABAMA.						
1. Selma	11,818 18	48.12	1	1,370 00	11.59	
TEXAS.						
1. Houston						
KENTUCKY.						
1. Louisville	87,115 10	43.55	11	12,802 39	14.70	
2. Paducah			1	2,030 98		
Total	87,115 10		12	14,833 37	17.02	
TENNESSEE.						
1. Memphis	30,288 72	34.06	3	4,047 10	13.36	
2. Nashville	5,017 22	47.21	2	615 45	12.26	
Total	35,305 94		5	4,662 55	13.20	
MISSOURI.						
1. Kansas City			1	350 00		
2. Saint Joseph						No report.
3. Saint Louis	1,443,122 45	32.87	22	34,500 00		Value of goods free of duty $7,039.
Total	1,443,122 45		23	34,850 00		
WEST VIRGINIA.						
1. Parkersburgh			1	384 28		
2. Wheeling	274 65	38.15	2	1,849 70	647.98	
Total	274,65		3	2,233 98	813.39	
OHIO.						
1. Cincinnati	271,546 03	42.20	15	20,897 00	07.69	
INDIANA.						
1. Evansville	5,040 45	38.13	4	6,748 87	133.89	
2. New Albany	7,562 64	12.10	1	519 38	6.85	
Total	12,603 09		5	7,268 25	55.08	
ILLINOIS.						
1. Alton			2	359 28		Value of goods free of duty $2,171.
2. Cairo	18,167 60	34.85	2	2,631 80	14.43	
3. Galena			2	959 93		Value of goods free of duty $278.
4. Quincy	2,458 87	43.26	1	493 69	20.08	
Total	20,626 47		7	4,444 67	20.54	
IOWA.						
1. Burlington	932 14	51.58	1	388 86	41.71	
2. Dubuque	15,138 99	31.39	1	1,034 62	6.82	
3. Keokuk			1	377 67		$922.80. Report of duties collected received too late for publication in annual report; will appear in 1874.
Total	16,071 13		3	1,801 15	11.20	
NEBRASKA.						
1. Omaha			1	384 75		Value of goods free of duty $5,903.18.
Grand total, 24 ports of delivery	2,057,742 39					
RECAPITULATION.						
112 districts	$182,498,302 63		4,963	$5,905,124 63	3.23	
24 ports of delivery	2,057,742 39		84	105,222 72	5.11	
136	184,556,045 02	38.07	5,047	6,010,347 35	3.25	

Ports where there was no revenue received from customs in 1873.

No.	Ports.	Compensation of employés.
1	Saco, Maine	$1,318 00
2	Kennebec, Maine	1,278 00
3	York, Maine	368 39
4	Barnstable, Massachusetts	8,095 00
5	Nantucket, Massachusetts	1,866 28
6	Sag Harbor, New York	2,739 14
7	Little Egg Harbor, New Jersey	4,324 00
8	Great Egg Harbor, New Jersey	1,656 58
9	Bridgeton, New Jersey	849 39
10	Annapolis, Maryland	2,246 64
11	Eastern district, Maryland	4,555 00
12	Town Creek, Maryland	165 00
13	Tappahannock, Virginia	892 06
14	Yorktown, Virginia	2,643 00
15	Cherrystone, Virginia	3,729 52
16	Beaufort, North Carolina	2,391 72
17	Georgetown, South Carolina	2,889 50
18	Saint Augustine, Florida	$6,741 03
19	Natchez, Mississippi	500 00
20	Vicksburgh, Mississippi	550 00
21	Teche, Louisiana	7,846 67
22	Michigan, Michigan	9,208 00
23	Southern Oregon, Oregon	2,500 00
24	Montana and Idaho	1,000 00
25	Paducah, Kentucky	2,030 98
26	Kansas City, Missouri	350 00
27	Saint Joseph, Missouri, (no report)	
28	Parkersburgh, West Virginia	384 28
29	Alton, Illinois	359 25
30	Galena, Illinois	959 93
31	*Keokuk, Iowa	377 67
32	Omaha, Nebraska	384 75
	Total	75,259 78

* Report of duties received too late for compilation in 1873; will appear in receipts of 1874.

Ports where receipts have not exceeded $500 *for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Machias, Maine	$194 46	$6,868 72
2	Frenchman's Bay, Maine	24 68	6,783 00
3	Castine, Maine	223 54	8,562 25
4	Wiscasset, Maine	54 60	4,074 47
5	Edgartown, Massachusetts	7 90	6,650 07
6	Bristol and Warren, Rhode Island	216 62	1,805 67
7	Burlington, New Jersey	302 20	534 00
8	Albemarle, North Carolina	80 15	5,873 22
9	Fernandina, Florida	96 61	6,938 15
10	Apalachicola, Florida	52 28	2,912 15
11	Pearl River, Mississippi	90 25	2,230 73
12	San Diego, California	222 52	4,790 29
13	Alaska, Alaska	155 06	12,674 10
14	Wheeling, West Virginia	274 65	1,849 70
	Total	1,995 52	72,546 52

Ports where receipts have exceeded $500 *and not over* $5,000 *for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Gloucester, Massachusetts	$3,164 61	$18,911 00
2	Marblehead, Massachusetts	513 65	1,657 79
3	Newport, Rhode Island	2,164 40	7,462 12
4	Stonington, Connecticut	1,689 09	4,980 86
5	Middletown, Connecticut	2,364 12	4,055 85
6	Dunkirk, New York	1,541 87	3,971 26
7	Newark, New Jersey	1,398 23	4,138 21
8	Perth Amboy, New Jersey	1,094 16	7,915 43
9	Alexandria, Virginia	2,489 37	5,503 68
10	Pamlico, North Carolina	1,941 84	7,964 65
11	Brunswick, Georgia	1,192 46	7,805 08
12	Saint Mary's, Georgia	725 24	3,117 15
13	Saint John's Florida	530 25	6,341 65
14	Saint Mark's, Florida	568 20	7,540 00
15	Sandusky, Ohio	3,106 90	6,142 00
16	Quincy, Illinois	2,458 87	493 69
17	Burlington, Iowa	932 14	388 86
	Total	27,875 40	95,389 20

Ports where receipts were over $5,000 *and not over* $10,000 *for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Belfast, Maine	$8,045 33	$7,936 21
2	Waldoborough, Maine	6,695 26	10,114 17
3	Georgetown, District of Columbia	6,298 78	7,010 28
4	Minnesota, Minnesota	7,231 68	9,729 71
5	Superior, Michigan	5,690 35	13,089 00
6	Nashville, Tennessee	5,017 22	615 45
7	Evansville, Indiana	5,040 45	6,748 87
8	New Albany, Indiana	7,562 64	519 38
	Total	51,581 71	55,763 07

Ports where receipts were over $10,000 *and not over* $50,000 *for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Aroostook, Maine	$12,851 91	$11,720 00
2	Bangor, Maine	15,601 81	13,196 00
3	Bath, Maine	11,527 15	10,261 28
4	Portsmouth, New Hampshire	23,720 34	10,312 47
5	Salem and Beverly, Massachusetts	46,470 29	17,022 43
6	Plymouth, Massachusetts	22,079 75	3,892 08
7	New Bedford, Massachusetts	43,148 59	10,810 59
8	New London, Connecticut	32,807 12	6,790 99
9	Fairfield, Connecticut	17,877 01	4,254 25
10	Delaware, Delaware	20,562 11	7,305 83
11	Norfolk and Portsmouth, Virginia	26,521 67	31,648 50
12	Beaufort, South Carolina	32,637 34	3,961 00
13	Pensacola, Florida	39,163 10	20,070 00
14	Saluria, Texas	12,073 56	16,347 62
15	Corpus Christi, Texas	25,196 30	20,733 07
16	Paso del Norte, Texas	26,620 28	17,807 50
17	Miami, Ohio	17,269 14	12,680 00
18	Oregon, Oregon	31,805 64	14,169 00
19	Puget Sound, Washington Territory	10,189 07	27,852 50
20	Pittsburgh, Pennsylvania	32,567 93	5,300 00
21	Selma, Alabama	11,818 18	1,370 00
22	Memphis, Tennessee	30,288 72	4,047 10
23	Cairo, Illinois	18,167 60	2,631 80
24	Dubuque, Iowa	15,138 99	1,034 62
	Total	576,103 60	275,218 63

Ports where receipts were over $50,000 *and not over* $100,000 *for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Passamaquoddy, Maine	$84,461 53	$29,454 70
2	Newburyport, Massachusetts	58,909 51	6,890 00
3	Genesee, New York	87,237 75	20,763 00
4	Cape Vincent, New York	57,267 90	19,782 50
5	Erie, Pennsylvania	54,994 64	6,874 66
6	Richmond, Virginia	85,444 41	11,479 80
7	Mobile, Alabama	88,857 41	46,941 90
8	Brazos de Santiago, Texas	53,662 04	60,565 19
9	Huron, Michigan	73,077 12	43,831 25
10	Louisville, Kentucky	87,115 10	12,802 39
	Total	731,027 41	259,390 39

Ports where receipts were over $100,000 *and not over* $500,000 *for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Fall River, Massachusetts	$208,515 37	$8,566 80
2	Providence, Rhode Island	353,308 07	30,129 88
3	New Haven, Connecticut	343,308 20	19,138 75
4	Buffalo Creek, New York	467,350 87	44,254 50
5	Oswegatchie, New York	237,024 74	24,001 57
6	Champlain, New York	333,490 49	28,703 50
7	Petersburgh, Virginia	170,205 32	7,939 27
8	Wilmington, North Carolina	107,894 10	17,751 11
9	Charleston, South Carolina	151,846 81	46,521 07
10	Savannah, Georgia	157,927 16	66,725 13
11	Key West, Florida	214,610 98	16,529 34
12	Texas, Texas	481,347 13	64,572 00
13	Du Luth, Minnesota	188,293 71	4,223 05
14	Milwaukee, Wisconsin	152,913 82	16,130 00
15	Detroit, Michigan	290,255 09	55,954 02
16	Cuyahoga, Ohio	233,609 98	26,357 51
17	Willamette, Oregon	221,054 96	21,545 64
18	Albany, New York	126,691 42	7,175 00
19	Cincinnati, Ohio	271,546 03	20,897 00
	Total	4,761,194 25	527,115 14

Ports where receipts were over $500,000 *and not over* $1,000,000 *for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Portland and Falmouth, Maine	$547,861 89	$101,867 06
2	Vermont, Vermont	932,155 46	75,345 16
3	Niagara, New York	633,359 82	44,508 40
4	Oswego, New York	897,637 26	82,469 50
	Total	3,011,014 43	304,190 02

Ports where receipts were $1,000,000 *and over for the fiscal year* 1873.

No.	Ports.	Receipts from customs.	Compensation of employés.
1	Boston, Massachusetts	$20,384,224 60	$690,374 40
2	New York, New York	124,754,693 75	1,966,317 75
3	Philadelphia, Pennsylvania	7,870,055 62	354,037 88
4	Baltimore, Maryland	7,218,068 17	408,528 52
5	New Orleans, Louisiana	3,611,964 98	469,747 51
6	Chicago, Illinois	2,087,836 76	92,212 44
7	San Francisco, California	8,025,286 37	329,756 00
8	Saint Louis, Missouri	1,443,122 45	34,500 00
	Total	175,395,252 70	4,345,474 50

RECAPITULATION.

Number of ports.	Receipts from customs.	Compensation of employés.
32 ports where there were no receipts		$75,259 78
14 ports where receipts were not over $500	$1,995 52	72,546 52
17 ports where the receipts were over $500 and not over $5,000	27,875 40	95,389 20
8 ports where the receipts were over $5,000 and not over $10,000	51,581 71	55,763 07
24 ports where the receipts were over $10,000 and not over $50,000	576,103 60	275,218 63
10 ports where the receipts were over $50,000 and not over $100,000	731,027 41	259,390 39
19 ports where the receipts were over $100,000 and not over $500,000	4,761,194 25	527,115 14
4 ports where the receipts were over $500,000 and not over $1,000,000	3,011,014 43	304,190 12
8 ports where the receipts were $1,000,000 and over	175,395,252 70	4,345,474 50
136	184,556,045 02	6,010,347 35

This statement—"the receipts from customs"—is taken from the "home consumption and impost statement" for 1873. (See the "district statement.") The compensation of employés is taken from Finance Report, 1873, page 436.

Not in Finance Report:
No report from surveyor of Pittsburgh for salary.
Baltimore account does not include pay of naval officer and surveyor of the port.
Norfolk account does not include pay of collector.
Mobile account does not include pay of collector.
New Orleans account does not include pay of collector and one deputy collector.

Expenditures, customs service, see page 409, Finance Report, 1873.

Value of merchandise withdrawn from warehouse for the construction and equipment of vessels, under section 10, act of June 6, 1872, for the fiscal year ending June 30, 1873.

Baltimore, Maryland	$1,771 00
Bath, Maine	21,896 00
Boston, Massachusetts	52,362 00
Kennebunk, Maine	12,290 00
Newburyport, Massachusetts	13,954 00
New York, New York	95,396 00
San Francisco, California	9,946 00
Waldoborough, Maine	2,084 00
Total	209,699 00

I cannot leave this branch of the subject without reading a letter received by a distinguished member of this House from a gentleman who was once appointed an appraiser at one of a dozen of these inland ports of entry which we created a few years ago, which this gentleman has kindly consented I might use. I know, however, that about a dozen of these ports were created; and at every one of them, whether a ship ever came within sight of the place or not, we established the whole machinery of a custom-house, and an appraiser with a salary of $3,000. I will now show the fate of one of these poor men by reading the letter to which I have referred:

In 1870 Congress passed a law containing a section making —— and quite a number of cities in the West ports of entry. They had been ports of delivery for years. A previous act had made other places ports of entry, and all of them were about a dozen. In March, 1871, I was appointed appraiser of merchandise at this port. This was a new office at $3,000 a year. When I received that appointment I told ——— ———, who was my Senator, that it was a sinecure. I afterward told the Secretary of the Treasury to the same effect; and a year ago the present month I informed my other Senator that the law should be repealed and the office abolished. Well, an office-holder who expresses such sentiments about his own position is decidedly unpopular in the republican party, [laughter,] and in March last I was removed, for what cause I have never been informed; but I presume the charge was insanity. [Laughter.] There could be no charge of neglect or incompetency, for no officer was ever more faithful and diligent in drawing his salary than I was during those two years, and absolutely there was nothing else to do. [Laughter.]

Now, Mr. Chairman, this is the part I would like to emphasize particularly:

Seriously, while members of Congress are talking about retrenchment and economy, let them abolish these twelve useless offices and save $40,000 per annum, for their blank books and forms (which are not used) amount to a considerable sum. Will you give this subject your attention?

Truly your friend, ——— ———.

Mr. PARKER, of Missouri. When was the letter dated?

Mr. DAWES. The letter is dated September 22, 1873, during this fiscal year.

Mr. BIERY. Why should not this man return what he has already received to the conscience fund? [Laughter.]

Mr. KELLOGG. It is sixteen instead of twelve.

Mr. PARKER, of Missouri. Let me ask the gentleman a question. What is the name of the writer of that letter; and what propriety is there in his keeping this money without having done any service for it?

Mr. DAWES. I promised the friend who gave me the letter I would not give the name. The other question of my friend from Missouri he can answer better than I can. [Laughter.]

Mr. PARKER, of Missouri. I want to know what port is meant by this man in the letter which has been read. I hardly think if he had continued in office he would have written any such letter as that.

Mr. DAWES. I hardly think so. [Laughter.]

Mr. PARKER, of Missouri. If Saint Louis is meant, why, let it fall there?

Mr. DAWES. Very likely, if anybody has been removed at Saint Louis, my friend from Missouri would know it. [Laughter.]

Mr. PARKER, of Missouri. I consider it a little improper to read this letter in the House. If it is a private letter it ought not to be read; and if it be read as a public letter, we certainly ought to have the name of the writer.

Mr. DAWES. The port of entry to which that letter applies is in the list which I have sent to the Clerk's desk to be read. [Laughter.]

Mr. BUTLER, of Massachusetts. I wish to say the collection district of Marblehead is in my district, and that I introduced a bill early in this session to abolish it.

Mr. DAWES. My colleague gives me an opportunity to make a personal explanation in reference to that very matter. One morning not long since my colleague [Mr. BUTLER] brought me a bundle of bills, and told me he had to go out of the House and asked that I would introduce the bills for him. I did so, and among them was one to abolish the collection district of Marblehead, and I have had all of my colleague's constituents from that town down upon me ever since. [Roars of daughter.] I am very much obliged to him for giving me this opportunity to defend myself and give him the credit of originating the bill.

Mr. GOOCH. I wish to say that the people in that collection district, and also in the collection district of Salem, desire both shall be incorporated in the Boston district, which will result in a considerable saving of money to the Treasury.

Mr. DAWES. I told you when I came to particulars that I would get myself into difficulty. [Laughter.]

Mr. Chairman, I called the attention of the committee to the fact of one large item of increase in the appropriation here. Every gentleman knows to what I allude—the public buildings. So large has the aggregate expense become to the Government that the President of the United States, in his annual message, has specially called the attention of Congress to it. He suggested in that, as well as in one other particular, we could well practice economy by stopping the construction of any of those public buildings not begun, where the public necessity would permit it. He called our attention to the same item to which I have called the attention of the House. In the annual report of the Secretary of the Treasury the attention of Congress was called to the fact that very large sums of money would be needed for the completion of buildings begun or authorized. It was also recommended by the late Secretary of the Treasury, Mr. BOUTWELL, that with the exception of putting up hospitals and a building for the Bureau of Engraving and Printing, for which the money now lies in the Treasury Department, no new work should be authorized.

The President says:

I commend to Congress such economy, and point out two sources where, it seems to me, it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced; in the appropriations for river and harbor improvement in those localities where the improvements are of but little benefit to general commerce, and for fortifications.

The Secretary of the Treasury says:

In the annual report of the Secretary of the Treasury for 1872 the attention of Congress was called to the fact that very large sums of money would be needed for the completion of buildings begun or authorized, and it was recommended that, with the exception of pavilion hospitals and a building for the accommodation of the Bureau of Engraving and Printing and the surplus files of the Treasury Department, no new work shall be authorized. Contrary to this recommendation, Congress, while making no appropriation for the building last named, authorized the commencement of seventeen new buildings and the purchase of sites for several others. This legislation, together with the work previously commenced, has imposed an unprecedented and extraordinary amount of labor upon the Supervising Architect's Office, and has rendered it necessary to submit estimates in an aggregate sum much larger than I think should be expended in any one year.

It is highly important to limit the erection of public buildings to such as are imperatively demanded by the necessities of the public service, and where suitable temporary accommodations cannot be provided at a reasonable cost.

The expenditures during the past year were $9,039,698.76, and the balances of appropriations standing to the credit of that office on July 1, 1873, amounted to $14,774,573.

Congress has provided for the erection of twenty new buildings not yet commenced, plans for six of which are now being prepared; sites have been secured for eleven, and negotiations are in progress for the purchase of the remaining nine.

Mr. Mullett, when the revised estimates were called for, had this report submitted to him by the Secretary of the Treasury; and replied as follows:

Should it be decided to commence work on no new building, and to suspend work in all cases where practicable, the estimates for the year ending June 30, 1875, can be reduced from $8,146,449.03 to $2,739,549.28, a reduction of $5,406,899.75; being a reduction of $11,406,899,75 in the present and ensuing fiscal year.

How comes it, sir, that we have thus fallen into this error? Just follow for a few years the history of these appropriations for public buildings. Begin with the New York post-office. We limited it, when we set out, in these words:

Provided, That no part of this sum beyond the sum of $500,000 or any other sum appropriated for this purpose shall be expended until a contract or contracts for the completion of the entire building in conformity with plans to be approved by the Secretary of the Treasury and Postmaster-General, and at all times under their direction, shall be entered into with the lowest responsible bidder or bidders, and for a sum not exceeding $3,000,000, including all sums already expended for that purpose, except that for the site; and the expenditure of any sum of money in violation of this proviso shall be deemed unlawful.

Now, sir, it might be that it were well when our Treasury was full for us to erect a public building for a post-office in New York at a greater expense than $3,000,000; but Congress fixed that as the limit, and they had the right to fix the limit, and were to be the judges of whether the current expenses of this Government, as well as its necessities, justified a further expenditure than that. But, sir——

Mr. TODD. Will the gentleman from Massachusetts give way

that I may move that the committee rise? We take a recess to-day so as to have an evening session.

Mr. DAWES. It would be agreeable to me if the gentleman would permit me to get through with what I want to say; I shall only occupy a few minutes longer.

We have already appropriated money in the face of this proviso, thereby making ourselves responsible for the repeal of it, so that we cannot throw off the responsibility upon any administrative officer of this Government. We have already appropriated $5,994,800; and they ask for $1,656,000 more, making about $7,500,000 at the end of this year.

Mr. HAWLEY, of Connecticut. You changed the plan.

Mr. DAWES. We changed the law. Of course we did. I stated that we changed the law; and you can find the effect of that change in the aggregate of your expenditures, if you desire to search for it.

Mr. MELLISH. You changed the plan of the building.

Mr. DAWES. We changed the plan of the building, and that is not the only building that we changed the plan of. Take the Boston post-office. We put even a stronger limit upon that when we made the first appropriation and after we purchased a site for $500,000, as follows:

And for this purpose there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, &c.: *Provided*, That no part of this sum beyond the sum of $250,000, or any other sum appropriated for this purpose—

Mark this: "or any other sum appropriated for this purpose"—

shall be expended until a contract or contracts for the completion of the entire building in conformity with plans to be approved by the Secretary of the Treasury and the Postmaster-General, and at all times under their direction, shall be entered into with the lowest responsible bidder or bidders, and for a sum not exceeding $1,500,000, including all sums already expended for that purpose, except that for the site; and the expenditure of any sum of money in violation of this proviso shall be deemed unlawful.

Now, sir, we have repealed that provision and have already appropriated $3,268,500. And we appropriated last winter, to purchase one-half of the square upon which this building is erected, after the fire in Boston had cleared the way, another $500,000, and induced the city of Boston to expend $500,000 more and widen the street. We appropriated $500,000 to pay for that half of the block; and when we came to buy it we found it was going to cost us $1,000,000. Now, to get out of this dilemma, in which we pledged our faith to the city of Boston in the act itself that we would buy that square, we have to appropriate $1,000,000. And then it is proposed to enlarge the building to nearly double its present capacity.

Mr. HAZELTON, of Wisconsin. Does the gentleman mean to say that there is any obligation resting upon Congress to pay that additional half million dollars to Boston?

Mr. DAWES. I do not mean to say that we are to pay Boston for the half million she expended, but we induced her to spend it in widening the street by appropriating money for that purpose on the condition that she should so widen it. She has fulfilled her part of the condition at an expense of half a million dollars. This is the condition:

And provided further, That the Secretary of the Treasury shall make no purchase of land under this provision, until the city of Boston shall cause the triangular space between Congress, Pearl, Milk, and Water streets to be opened to the public, and graded and paved at the expense of the city, and shall widen Milk and Water streets, where the buildings have been destroyed by fire, to a width of at least sixty feet.

Mr. HAZELTON, of Wisconsin. I think we ought not to make any such concession.

Mr. PLATT, of Virginia. Will the gentleman permit me to ask him a question?

Mr. DAWES. Yes, sir.

Mr. PLATT, of Virginia. Before the gentleman leaves the Boston and New York post-offices, I wish to ask him whether it is not a fact that every one of these appropriations for expenditures on those two buildings has been made on the recommendation of the Committee on Appropriations of this House, with which the Committee on Public Buildings and Grounds have had nothing whatever to do?

Mr. DAWES. It is very likely that is so. I am not settling the responsibility between two committees of the House. The responsibility rests on the House.

Mr. PLATT, of Virginia. I would further ask if the gentleman was not himself the chairman of the Committee on Appropriations during the whole time?

Mr. DAWES. He was chairman of the Committee on Appropriations when every one of the limitations I have read was put in.

Take next the case of the city of Saint Louis. The people of Saint Louis wanted a new post-office building. They came to Congress and induced us to pass the bill which I have before me appropriating for the erection of a public building in the city of Saint Louis, Missouri, for the use of the custom-house and other civil offices of the Government, $300,000, with a proviso that the city of Saint Louis should provide a site for the building, and a further proviso that the State of Missouri should cede jurisdiction over it. They came and told us that if we would appropriate $300,000 for a public building there they would give the land on which it should be built. It was the most liberal spirit manifested by any city in the country. But when they saw how we had treated Boston and New York, they came back here and said they were entitled to as good a public building as the city of Boston, because it was no larger than Saint Louis, and was not likely to be half as large ten years hence; and we appropriated after that $1,500,000 for Saint Louis.

Then came Cincinnati, right upon the heels of this, and said that she was as important a city as Saint Louis, and obtained an appropriation which I have before me, for a public building in Cincinnati, of $1,500,000. And a delegation from Cincinnati, like the delegation from Boston, are here to convince Congress that, although that building has not been built, and not one stone turned upon another toward erecting it, yet public necessity demands its instant completion.

Then came Chicago, and by the help of the sympathy felt for it in consequence of the fire she obtained an appropriation of $4,000,000.

I have before me all the appropriations for public buildings made in the years 1869, 1870, 1871, 1872, and I will put them in the RECORD. The amounts appropriated during these years run from $5,000,000, $4,000,000, $7,000,000, $4,000,000, to $11,000,000 last year, making a total of these appropriations in these years of over $36,500,000, and for the future prosecution of these buildings alone $7,229,900 are required. [The table appears on page 1457.]

There is a public document lying on your table which shows how much we have appropriated for public works in the several States of the Union within the nine years since the war. It shows what a great people we are. It is a grand and magnificent exhibition of the power of this people, with a debt of $2,700,000,000 upon the nation itself, and twice that sum upon the States and localities, growing out of the war. Emerging from all the burdens incident upon that war, we were able to appropriate in nine years for public works in the several States—from 1865 to 1874—the aggregate sum of $103,294,501.34. That does not include what has been expended in money in these States for roads, canals, and railroads. Nor does it include in the calculation the magnificent domain parceled out for the construction of highways and railways. We have given an empire on the north, a zone through the center of the continent, and principalities all through the Territories of these United States, in addition to these appropriations during the last nine years. We did it for the benefit of public works and the development of the resources of this country. I am not here to belittle or decry or regret these appropriations. I am here to say that when our expenditures for this and other services are rating up beyond our receipts, it is no sacrifice on our part for us to say that we will postpone for the present further expenditures for the erection of these new buildings.

Now, if I may be indulged for a few minutes, I will pass to one or two other subjects.

Four or five years ago attention was called to the fact that there were eight navy-yards on the Atlantic coast, and one upon the Pacific coast, and no system of a wise and broad statesmanship, rising above and beyond the demands of locality, would justify the maintenance of more than two upon the Atlantic coast, and one upon the Pacific. The plan of consolidation could get no hearing in Congress. There was a disposition to sell the navy-yard at Charlestown, but it was to put it with the Kittery yard. There was a disposition to sell the navy-yard at Brooklyn, New York, and bills were introduced for that purpose, but they contained a stipulation that there should be another navy-yard established on the North River. The city of Philadelphia tendered to the United States League Island as a site for a navy-yard in place of the Philadelphia yard, and we accepted the ground; and New London, ambitious, as she had a right to be, tendered an equally eligible site to the Government if it would build a navy-yard there. There was no way to prevent the United States from accepting these gifts, and once launched into building new yards nobody could find any place here to argue that you should consolidate all these yards into one grand one on the Atlantic coast, may be at League Island, may be at Norfolk, with perhaps a naval station in the Gulf; and then another grand one on the Pacific coast. Yet since that time the maintenance of the force in these yards has cost $11,624,495; and now $1,151,740 more is asked this year to keep up the force in them. When in the last Congress we ordered the building of eight sloops of war, incurring the expenditure of $4,000,000 or $5,000,000, with our eight navy-yards on this side and one on the other, we directed that one-half of these sloops should be built in private yards. Now, I submit that here is a fair field for reform.

Next take the arsenals. There are twenty-one of them scattered all over the country; and General Sherman—if I may be allowed to quote him—in his examination before the Committee on Military Affairs, said that we needed but four of them, and that all the rest could be abolished and the expense of maintaining them saved. We have learned by the war of the rebellion, not only to move vast bodies of troops from one side of the Union to the other with but little consumption of time, but we have also learned how to move arms, so that there is no necessity, such as existed when these arsenals were established, to keep deposits of arms in different sections of the country, either for the purpose of attack or defense. Abolish all of these arsenals but four, and you will save annually $86,797 in the expense of keeping them up.

One of the grandest features of our whole administration is the pension list. One of the broadest and most charitable and the noblest of all our appropriations is that of $30,000,000 each year for our pensioners. If there is anything we are called upon to keep a supervising care over it is the administration of that $30,000,000—more than the yearly expenditures of this whole Government up to the year

Statement of the amounts appropriated for the purchase of sites for and construction of public buildings in the years 1869, 1870, 1871, 1872, *and* 1873, *and other information relative thereto.*

Public buildings.		Previously appropriated since 1865.	Amounts appropriated.					Total amount appropriated.	Amount required per estimates 1874–'75.
Location.	Purpose.		1869.	1870.	1871.	1872.	1873.		
Portland, Maine	Custom-house	$290,157	$130,000	$67,000	$42,800	$10,800		$540,757	
Portland, Maine	Court-house	259,898	25,000	45,000	56,800	15,300		401,998	
Castine, Maine	Custom-house			600				600	
Wiscasset, Maine	....do	28,257		4,000				32,257	
Machias, Maine	....do	3,766			20,000	2,000		25,766	
Bangor, Maine	....do	68,167	25,000	5,000				98,167	
Bockland, Maine	....do					25,000	$75,090	100,000	
Boston, Massachusetts	Post-office, &c	500,000	200,000	750,000	1,018,500		800,000	3,268,500	$750,000
Fall River, Massachusetts	Custom-house, &c						200,000	200,000	
Hartford, Connecticut	....do					100,000		100,000	200,000
Ogdensburgh, New York	....do	152,000	50,000	5,700		3,000		210,700	
Albany, New York	....do					100,000	150,000	250,000	
Utica, New York	....do					200,000		200,000	
New York, New York	Post-office, &c		200,000	1,500,000	1,894,800		2,400,000	5,994,800	1,656,000
Trenton, New Jersey	....do				100,000	150,000		250,000	100,000
Jersey City, New Jersey	....do						100,000	100,000	
Philadelphia, Pennsylvania	Appraisers' stores	173,675	62,500	86,000	57,500			379,675	1,000,000
Philadelphia, Pennsylvania	Court-house, &c						1,500,000	1,500,000	
Dover, Delaware	....do						40,000	40,000	
Baltimore, Maryland	Custom-house, &c	20,000				100,000		120,000	
Washington District Columbia	State Department				500,000	1,400,000	1,500,000	3,400,000	
Washington, District Columbia	Treasury extension	1,501,000	202,000					1,703,000	
Parkersburgh, West Virginia	Post-office, &c						150,000	150,000	
Raleigh, North Carolina	....do					100,000	100,000	200,000	
Columbia, South Carolina	....do		100,000			50,000	100,000	250,000	156,800
Charleston, South Carolina	Court-house, &c		46,000	125,000	50,000	100,000	172,000	493,000	251,800
New Orleans, Louisiana	Custom-house	54,000			150,000	300,000	170,000	674,700	300,000
Little Rock, Arkansas	Post-office, &c					100,000		100,000	
Saint Louis, Missouri	Court-house, &c			300,000		500,000	1,000,000	1,800,000	750,000
Atlanta, Georgia	Post-office, &c						110,000	110,000	
Covington, Kentucky	....do						130,000	130,000	
Memphis, Tennessee	....do						25,000	25,000	100,000
Nashville, Tennessee	....do						150,000	150,000	
Knoxville, Tennessee	Custom-house		5,000		20,000	100,000	166,700	291,700	
Cincinnati, Ohio	....do					700,000	750,000	1,450,000	750,000
Evansville, Indiana	Court-house, &c								150,000
Indianapolis, Indiana	....do					100,000	30,000	130,000	40,000
Cairo, Illinois	Custom-house	122,300	55,000	70,000	33,700			281,000	
Springfield, Illinois	Court-house	226,800	50,000	12,000				288,800	
Chicago, Illinois	Custom-house				2,000,000		800,000	2,800,000	750,000
Detroit, Michigan	....do	14,125		1,500				15,625	
Port Huron, Michigan	....do						100,000	100,000	100,000
Madison, Wisconsin	Court-house, &c	167,350	75,000	70,000	34,000			346,350	
Des Moines, Iowa	....do	186,100		40,500	6,800			233,400	
Grand Rapids, Michigan	Post-office, &c								100,000
Saint Paul, Minnesota	Custom-house	92,173	75,000	125,000	94,400	15,900	34,900	437,373	
Omaha, Nebraska	Post-office, &c		25,000	50,000	50,000	100,000	71,000	296,000	45,500
Portland, Oregon	Custom-house, &c		50,000	40,000	100,000		76,500	266,500	29,800
Astoria, Oregon	....do	25,000		15,000	10,000	26,000		76,000	
San Francisco, California	Branch mint		150,000	750,000	500,000			1,400,000	
Chicago, Illinois	Marine hospital		25,000	131,500		105,000		261,500	
Rock Island, Illinois	Arsenal	1,380,000	1,000,000	350,000	1,185,000			3,915,000	
New York, New York	Barge office	124,000		100,000				224,000	
San Francisco, California	Appraisers' stores						480,000	480,000	
Washington, District Columbia	Jail					300,000		300,000	
Total amounts		5,388,768	2,550,500	4,643,800	7,924,300	4,703,000	11,381,100	36,591,468	7,229,900

1846. Yet we have adhered to the old system that came down to us from the beginning, when we first established the pensions for our revolutionary soldiers. Is not some new method, more economical and efficient, within the reach of legislation? No one of us has felt it incumbent upon him to look into and see whether there were not some other methods that would keep the eye of the Republic upon the pensioner as well as upon him who dispenses the pension fund. What has been the consequence? We have gone on until to-day we have sixty-eight pension agents scattered all over this land. At first they received a salary of $2,000 a year, and then we raised it to $4,000 a year; and then we put a little clause into a bill requiring every pension agent, each time a pension was paid, to send a voucher to the pensioner, for which the agent was to receive thirty cents. In that way and from that day the compensation of these pension agents ran up more than twofold. I have here the entire list of pension agents and their compensation, and a list of those who under that little clause in the law receive as compensation, the lowest of them, more than a Cabinet minister—many of them from $15,000 to $18,000 per annum.

Mr. BUTLER, of Massachusetts. Does not that include clerk-hire?

Mr. DAWES. Yes, that includes clerk-hire. And I understand the clerk-hire and office-rent of the agents who receive $18,000 a year are so enormous that they cannot possibly get along with one penny less than they now receive. And their remonstrance to the inquiry recently made into the cost of pension agencies has been very urgent, on the ground that clerk-hire and office-rent reduce their compensation below what they think it ought to be. I observe that the compensation of the pension agent in Massachusetts, since the allowance of thirty cents for each voucher, has run up from a little over $3,000 to $17,176, $18,411, and $18,124.80. And he is among those remonstrants who say that their clerk-hire and office-rent swallow up nearly all their compensation. Yet I have noticed that as soon as it was found out in Massachusetts that the pension agent was getting $18,000 a year, instead of inquiring whether his compensation could be cut down, it was concluded that it was enough for two agents. So another was appointed, who hired an office in the city of Boston within a few rods of the other one, fitted it up, and obligated himself to pay his office-rent and a new set of clerks out of one-half of this compensation. I went up to the Department and saw there that they were making out a new set of books of the pensioners of Massachusetts to give to this new man who was to have one-half of the $18,000. And it was as much as we could do, all of us here, to get that man thirty miles away from the other one, in order to accommodate some of the pensioners in that State. And I venture to say that if this system is not changed, all these other $15,000 or $18,000 salaries will be divided within the next six months, now that they are made public. Here is the list of the principal ones:

Statement showing yearly increase in the expense of the Pension Bureau at the principal pension agencies.

Agency.	1869–'70.	1870–'71.	1871–'72.	1872–'73.
Indianapolis	$4,000 00	$13,094 80	$15,204 60	$16,978 25
Boston	3,277 78	17,176 60	18,411 40	18,124 80
Detroit	4,000 00	12,331 60	13,550 20	13,824 70
Albany	4,000 00	14,907 50	17,710 60	18,129 45
Canandaigua	4,000 00	15,471 70	17,059 90	17,325 10
Columbus	4,000 00	10,366 00	11,586 90	11,935 00
Cincinnati	4,000 00	13,231 70	14,646 90	14,844 40
Philadelphia	8,000 00	28,436 50	30,791 60	31,915 70
Pittsburgh	4,000 00	10,224 00	11,374 10	11,765 40
Trenton	4,000 00	8,567 80	9,378 10	9,492 90
Cleveland	4,000 00	9,618 70	10,571 20	10,816 60
New York	8,000 00	15,899 60	14,482 61	13,684 27
Chicago	4,000 00	10,296 71	11,123 49	11,194 30
Hartford	4,000 00	7,780 38	8,235 70	8,362 70
Washington, D. C	4,000 00	6,834 10	7,900 50	9,576 30
Madison	3,750 00	6,984 40	7,784 13	7,825 00
Fort Wayne	4,000 00	7,273 60	7,847 60	7,866 80
Springfield, Ill	4,000 00	8,028 40	8,875 30	9,107 23
Salem	4,000 00	9,725 30	10,604 20	9,186 80
Louisville	4,000 00	7,121 30	8,134 60	8,554 70
Portland, Me	4,000 00	7,912 60	8,444 80	8,662 60

Mr. RUSK. Does the gentleman prefer to give it all to one man, or is it not best to divide it between the two?

Mr. DAWES. Wait until I get through. Is there no other way of distributing this money—the hard-earned pensions of these crippled soldiers and their widows—than by sixty-eight pension agents, at a cost of $481,981 a year? What do they do? The Pension Office furnishes them quarterly with a pension-roll made out here and sends it to their offices. The agents then send from their office in Boston, or any other town where they live, a voucher by mail to the pensioner, who sends it back to them by mail, and they draw their check upon the sub-treasury and send it by mail to the pensioner, and the pensioner goes to the sub-treasury and draws his pension or takes it to some bank for the money. Now, why cannot all that be done here? Instead of sending the pension-roll to the pension agent in Boston, why not send the voucher from here by mail to the pensioner as well as from the city of Boston, and then send to him from here his draft upon the sub-treasury; or you might give him a money-order upon his postmaster. If the postmasters of the land are capable of conducting savings-banks for the benefit of the people, they are at least capable of delivering vouchers to the pensioners in their several towns. In all the small towns there would thus be a personal knowledge on the part of the pension agent of every pensioner within his district, which cannot be had by any pension agent under the present system. By the employment of additional clerks here, whose aggregate salaries need not exceed $20,000, and imposing upon the postmasters in the several towns the duty of either paying a money-order or handing to the pensioner his check, you would save annually this expenditure of more than $400,000.

Turn to the Post-Office itself. Has any gentleman looked at the gross expenses of the Post-Office for the last twenty years? From 1837 to 1850 the gross expenditures of the Post-Office were less than $4,500,000; from 1850 to 1855 they were only $8,000,000; from 1855 to 1866, after the war, they were only $15,000,000; but in 1873 they were $29,000,000. The estimates for the next year are $33,929,912. Now the whole expenses of the Government in 1846 were, as I have said, but a little more than $26,000,000.

I know that the people of the United States demand every possible mail facility, and that the extension of mail facilities contributes to postal receipts, which, however, have not kept pace with the expenditures. The deficiencies are now twice what they were at the period to which I have referred, and were a million more last year than they ever were before.

But there are reforms in the Post-Office which I submit the people of this country will exact of us. Look at the fact that we are running the Post-Office in opposition to the express companies; that we load our mails with dead weight at half the rates at which we would carry printed matter. You can send dead weight under a certain limit for just half the rate at which you can send a book. Almost the entire bullion of the Pacific coast goes through the mails in this manner, instead of being sent by express, because postage is cheaper than expressage.

A friend of mine went into a postal car the other day when the clerk was opening the mail bag. There rolled out of the bag a great iron bolt of a peculiar construction, which, as appeared from the label upon it, was sent from Springfield, Massachusetts, to some large machine establishment in Ohio, and ten cents postage had been paid on it. It was one of the interchangeable parts of a machine manufactured at Springfield. This particular bolt had been broken; and the owner of the machine in Ohio had written to Springfield for the corresponding part, which was made and sent by mail at ten cents postage, instead of being sent by express at a cost of probably five or six times that amount. I only suggest this as one of the many things in which there is room for improvement.

Now, sir, take the Treasury Department in this city. Some twenty-eight hundred persons are employed there; and yet only about four hundred of these are offices created and defined by express statute. There is no law, excepting appropriation bills, creating any of those offices over and above about four hundred. The force of employés in that Department has grown to its present size during and since the war from a real necessity, growing out of the increased labor imposed on the Department. I do not know that there is any one employed there who ought not to be there. But that large establishment has grown up in this way: Some head of a Bureau comes here and satisfies Congress that he needs an additional number of clerks; then we make an appropriation to pay them; and next year we put on another patch, and so on from year to year. Take for illustration one single Bureau, that of the Second Auditor of the Treasury, a position now held by a faithful man, who was once a member of Congress, who has held the position, I believe, for twelve years. When he went there, there were fifteen men under him; and now there are between three hundred and four hundred. The Bureau has grown into its present shape through appropriations entirely. I remember that he used to come here regularly every year and ask for twenty-five, or thirty, or forty additional clerks; he would satisfy us that he needed them, and we would make the appropriation for them. My friend from Kentucky [Mr. BECK] will remember that at one time when this gentleman was before the Committee on Appropriations this question was put to him: "Has not your long service in the office of Second Auditor suggested to you some change in the mode of doing business there that will contribute to its efficiency and economy?" "O," replied he, "let me take that office and run it as I would a private establishment, and I will take the contract to do it for 50 per cent. of what it costs to-day." Yet he was there at that time asking for more clerks.

The trouble is that from year to year we go on making patches upon a system which needs reorganization. Somebody must take hold of the work of reorganization of the Treasury Department. The Secretaries of the Treasury, from time to time, have been so burdened with their regular duties that they have not felt themselves able to present to us a new system of organization; and we whose business it is to reorganize that Department have waited and waited for reorganization until the system has grown into this huge shape with its present enormous expenditure.

There are other fields that are ripe for the sickle and white for the harvest.

Mr. Chairman, I do not know that I have suggested a single practical remedy. I have indicated places where something ought to be done. That is all I desire, except, if possible, to awaken some degree of earnestness in the pursuit of the only remedy open to us if we desire to maintain our power.

This is not a strange condition of things. It is a natural outgrowth of the system which has come to us through the war. Every thing and every mode of life, private and official, has been lifted to a plane of greater cost and expenditure. Days of simplicity and frugality have passed away.

Why, take this very District of Columbia. The sudden expenditure in this District, during the last three years, of from twelve to fifteen millions by the board of public works, in beautifying this city does not end there. The effect has not stopped with the pleasure it gives us, and those who visit the capital of the nation. It has carried along with it increased expenditure everywhere. It has lifted, not only the District and those who live here, up into another plane of social life, but it has carried official life along with it. It forced upon the last Congress the idea that it was absolutely necessary for them to increase the compensation, not only of officials residing here, but of ourselves on account of the increased expenditures necessary by this state of things. By that single bill there was put upon the last fiscal year $1,900,000, and upon this year about $1,500,000, less what has been paid into the Treasury. We have relieved the Treasury of five-sevenths of that expenditure except in reference to the salaries of the judges of the Supreme Court and the salary of the President. But this extravagant mode of life changes all our ideas and begets plans and schemes on an entirely new scale. Its effect upon all who manage public affairs is as marked as it is upon the private individual. It was the cause of the suggestion of erecting, in this city, public buildings for all those Army officers who have quarters here, and for all Cabinet officers and for all Senators of the United States. It was that which suggested the erection of a magnificent university here, embracing West Point and Annapolis and the Coast Survey, and agricultural colleges, and the Agricultural Department, with an endowment of $20,000,000.

It did not stop with the expenditure of the money upon the city. It carried the whole Government into a corresponding official life that has told upon the aggregate of our expenditures. I trust, sir, we shall not shirk the duty it has imposed upon us. I hope no local influence, no consideration of party affiliation or bias or sensitiveness will deter us from that work of retrenchment which will result in putting a balance into the Treasury so large that no just or reasonable apprehension can exist that the faith of the Government shall be dishonored as the inevitable consequence of an excess of expenditures over receipts.

Mr. GARFIELD. I ask the gentleman from Massachusetts to yield to me for a moment before he closes. I am sure he would not willingly let a great and serious error of fact go uncorrected into his speech, which in many respects is important to the country, and with the general purpose of which, I have no doubt, a large portion of the House thoroughly sympathizes. The chairman of the Committee on Ways and Means speaks with such commanding authority, that it is specially important he should found his conclusions on correct data. His criticisms of the course and tendency of appropriations and expenditures were based mainly on the figures which he gave to the House, and showing the aggregate expenditures during recent years, and closing with a statement of the aggregate appropriations for the current year, which will end on the 30th of June, 1874. He stated correctly that the expenditures of the Government, including interest on the public debt and the premium on coin, had been running for the last few years thus: 1870, $309,000,000—I give it in round figures; 1871, $292,000,000; 1872, $277,500,000, and 1873, $290,000,000. Having concluded that table of statements, which I indorse as correct, he then said that the total appropriations for the current year, the year ending June 30, 1874, amounted to $319,652,644.31. At the moment he made that statement I suggested to him he had made the mistake of including in that amount the estimate for the sinking fund. He answered he had done so, but that the amount annually paid on the sinking fund appeared also in the column of expenditures he had given for previous years. I was satisfied the gentleman was mistaken, and I now call the attention of the committee to the proof.

In the first place I turn to the Financial Report for 1873, pages 14, 15, 16, 17, where is given a tabular statement of the expenditures of the Government for each year from 1791 to and including the year 1873

just closed. These expenditures are classified under the heads of War, Navy, Indians, Pensions, and Miscellaneous. These are added together, and form the aggregate sums set down in the column headed "Net ordinary expenditures." The next column shows the annual payments of premium on bonds purchased, and the next shows the amounts paid as interest on the public debt. By adding the net ordinary expenditures to the premiums and to the interest on the public debt we obtain the sums which the gentleman read to us as the total expenditure for the years 1870 to 1873 inclusive; but not a dollar of sinking fund is in these columns. If further proof be needed, I refer to the first and second pages of the same volume. I read from the first page of the report of the Secretary of the Treasury for December 1, 1873:

The moneys received and covered into the Treasury during the fiscal year ending June 30, 1873, were—

Then follow the items of receipts, amounting in the aggregate to $333,738,204.67.

Then on the top of the second page, I read the following:

The net expenditures by warrants during the same period were, for civil expenses, $19,308,521.01; for foreign intercourse, $1,571,362.85; for Indians, $7,951,704.88; for pensions, $29,359,426.86; for military establishment, including fortifications, river and harbor improvements, and arsenals, $46,323,138.31; for miscellaneous civil, including public buildings, light-houses, and collecting the revenues, $52,408,226.20; for interest on the public debt, $104,750,688.44; for premiums on bonds purchased, $5,105,919.99. Total, *exclusive of the public debt*, $290,345,245.33.

We have, therefore, on that page the declaration of the Secretary of the Treasury, in the text of his report, that the $290,000,000 of expenditures for the last fiscal year did not include payments on the principal of the public debt—did not include the sinking fund.

If the gentleman had added to this sum the $43,392,959.34 which the Secretary says on the fifth page were paid on the principal of the public debt he would have called the total expenditures for the last fiscal year $333,738,204.67, and that sum I am willing to have compared with the $319,000,000 for the current year.

Now, Mr. Chairman, let us see how the gentleman makes up his amount of $319,000,000, as the appropriations for the current year. My friend from Massachusetts [Mr. DAWES] unfortunately followed the example of the gentleman from Kentucky, [Mr. BECK,] who made use of the same figures a few days ago, in an attempt to sustain a charge against the Committee on Appropriations, that they had brought in appropriations and that the House had made appropriations larger than the estimates sent to us. I call the attention of the committee to that point. Here, sir, in the same book which the gentleman from Massachusetts has used, and which also the gentleman from Kentucky used, is a statement of all the moneys appropriated by Congress at its last session; and they amounted to $172,290,700.82. That is the sum total, including all the regular appropriation bills, all relief bills, pension and claim bills, all bills of every sort appropriating money that were passed through the House under the lead of any committees or of any member. Now, in addition to that, the gentleman from Massachusetts, very properly, in order to find the total estimates for the year 1874, turns to the Book of Estimates for last year, which I hold in my hand, and finds that besides the sums appropriated by Congress at its last session there were estimated for under the head of "permanent appropriations," for the year ending June 30, 1864, the sum of $147,361,943.49. This large sum being added to the amount of $172,290,700.82 which Congress appropriated the last session, makes $319,652,144, the sum the gentleman named.

But how are the one hundred and forty-seven millions made up? Turning to page 155 of the Book of Estimates for last year, where the items are given in detail which make up the one hundred and forty-seven millions, I find as estimates for the sinking fund two different sums under two different acts, making together $29,191,369.28; and that twenty-nine millions is a part of the one hundred and forty-seven millions in the permanent appropriations, which, being added to the one hundred and seventy-two millions we did appropriate, make the three hundred and nineteen millions.

Now, Mr. Chairman, I have shown that the sinking fund was not added in the expenditures which the gentleman from Massachusetts exhibited to show the course of our expenditures in recent years. Of course, I am bound to believe that it is an oversight of his, a mistake which I assume now, as I assumed at the time, he would not willingly make, much less would he intentionally make the impression that Congress at its last session authorized twenty-nine millions more expenditure than it really did.

Now, let me call the attention of the committee to another feature of this subject and I have done. We did appropriate $172,200,700 at the last session; but it was not all for the expenditures of the current fiscal year. The amount includes deficiencies not only for the previous year, but for several previous years. The deficiency bills and the various bills passed through the House for expenditures going into years previous to the current year amounted to $11,143,239; so that more than eleven millions of the total sum provided for by the appropriations of last Congress are not for the expenses of this fiscal year, but belong to other fiscal years.

Unfortunately, too, the retroactive increase of salaries belongs to that list. I join with my friend from Massachusetts in deploring that. A very considerable portion of those deficiencies were war claims which belong to the past, and cannot justly be counted as a part of our annual expenses. Now, deducting the eleven millions of deficiencies, Congress at its last session appropriated a sum of money which, added to its permanent appropriations provided by former laws, amounted to about $272,000,000 for the current fiscal year. We have already increased the sum by the $4,000,000 extraordinary expenditures for the naval service. To that, of course, must also be added whatever deficiencies we shall find necessary to complete the remaining work of this year. But we have appropriated from all sources and for all purposes less money for the current fiscal year than the actual expenditures of the last year. I am quite willing to let the work of the Committee on Appropriations for the last Congress stand the comparison with former years.

In conclusion, I will say that when the legislative appropriation bill is introduced, which I hope will be to-morrow, or at farthest on Monday next, and when we come to its discussion, it is my purpose to address the House somewhat at length in regard to our expenditures and appropriations, and to propose some measures of retrenchment which can be tested by votes. I should not have troubled the House at this time, if I had not deemed it important to correct the error into which the chairman of the Committee on Ways and Means has fallen. I am sure he will be glad to have an opportunity to make the corrections I have indicated.

Mr. SENER. I move that the committee rise.

Mr. DAWES. I ask the gentleman to yield to me for a moment.

Mr. SENER. I yield to the gentleman.

Mr. DAWES. I will say to the gentleman from Ohio, [Mr. GARFIELD,] that I am always very glad to be corrected when anything I say needs correction. When I compared the expenditures of last year with the appropriations of this year, the gentleman insisted that the sinking fund was included in the appropriations, but not in the expenditures, of last year. I am satisfied since his statement that I was mistaken and he was correct as far as that item was concerned. I was led into the mistake by the method of book-keeping at the Treasury Department. They have not, for the last four years, separated the sinking fund from the other reduction of the public debt, and they gave me the expenditure for each year and the reduction of the public debt for that year, including the sinking fund, in separate colums, as I gave them to the House. But in the appropriations for this year the sinking fund is included. I, therefore, in comparing expenditures for last year with appropriations for this, should have either added the sinking fund to the expenditures of last year or subtracted it from the appropriations for this year. That sum is $29,000,000, not $43,000,000. When this is done I am happy to say that it nearly wipes out the increase of the appropriations for this year over the expenditures of last year. I am sorry it does not quite do so, for we must add $4,000,000 to the aggregate of appropriations which I gave for the extraordinary deficiency for the Navy for this year. This amount has not been included in any comparison except the one first made by me of receipts with expenditures for this year.

I desire to add that in comparing the expenditures of last year with the appropriations for this, I had no intent to criticise the Committee on Appropriations, for I have said elsewhere, what I now repeat, that the country is more indebted to that committee since the gentleman from Ohio [Mr. GARFIELD] has been its chairman than to any one I have ever known in this House, for systemizing and curtailing expenditures. In what I have done to-day I have been only following his lead, though with unequal step. Indeed, I am indebted to him for valuable statistics I have used to-day. With the correction of this single error I believe I am substantially correct.

I hold in my hand, not the Book of Estimates, but the Treasury Department copy of every appropriation bill passed last year, and I have on the three hundred and sixth page of it a summary of the appropriations for last year, and also for this year. I went to the Department and obtained this book. I asked them to put under these appropriations the permanent appropriations for last year, and this year, and here are their figures, and I gave them exactly as they gave them.

The gentleman from Ohio, who had the estimate book, says that the appropriations for last year were $306,000,000, while this book says that they were $319,000,000. I sent a special messenger to the Department and asked them why there was that difference. They took the appropriation bills and pointed to the appropriations that make up the difference and that never went into the Book of Estimates. One was an item of $1,000,000 for the southern claims commission; and they pointed out a number of other items which never went into the book of the gentleman from Ohio, and that, they stated, was the reason why this book, which contains a printed copy of every appropriation bill, summed up $319,000,000, while his book only summed up $306,000,000.

Mr. SENER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SCOFIELD having taken the chair as Speaker *pro tempore*, Mr. WILSON, of Iowa, reported that the Committee of the Whole on the state of the Union, according to order, had had under consideration the state of the Union generally, and particularly the special order, being the bill (H. R. No. 262) to repeal the stamp duty or tax on matches, and had come to no resolution thereon.

SURVEYS ON THE UPPER MISSISSIPPI RIVER.

Mr. AVERILL. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to

this House the report of surveys recently made upon the Upper Mississippi River, between Minneapolis and Saint Cloud, under direction of General A. A. Humphreys, Chief of Engineers.

Mr. HOLMAN. I object, unless the resolution be referred to the Committee on Commerce.

Mr. POLAND. I move that the House now take a recess until half-past seven o'clock.

The motion was agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. POLAND. Before proceeding with the amendments which we have to present to-night, I desire to say a word in regard to the action of the committee. We have gone through with the chapters relating to Congress, and to all the different Departments, and to the public lands. Then come the laws in relation to taxation and the laws in relation to the collection of imports and internal revenue, perhaps a more difficult subject to be treated than any other in the volume. This work of Mr. Durant's, going over the work of the commissioners, was completed in October, and the Committee on Revision of the Laws met here on the 20th of October. We were fully aware of the importance of having the subject especially examined by the Departments, or by men in the Departments who have had experience in the administration of these laws, and therefore the committee took the pains to furnish to each one of the Departments a copy of the revision, and request that they would have all those parts of it that were especially important to them examined. But, so far as we know, the matter was left entirely untouched by every Department, and it was not until after we had made an arrangement for bringing the subject before the House, and a series of evenings for its consideration had been agreed upon, that the Departments awoke to the importance of having these portions of the work examined by officers of the Departments. Of course we were very glad of their aid, especially glad; but it was so late in the day before they began to make these examinations, and, of course, we desired to afford them time to do it, that those portions of the work are not prepared to be submitted, and we are obliged to pass them. I make this explanation to show that it is not the fault of the committee that the presentation of this bill is somewhat desultory, and that we do not present it precisely in order.

Mr. E. R. HOAR. I desire to amend the section commencing page 1047, under title 48, for the regulation of commerce and navigation. The first amendment is on page 1049, and is merely verbal. In section 4201, line 1, strike out the word "the,' 'at the end of the line, and insert the word "such;" so that the section will read:

SEC. 4201. Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

The amendment was agreed to.

Mr. E. R. HOAR. On page 1056, section 4217, I move to strike out the words "not required by law to be registered, enrolled, or licensed," and insert "except as otherwise provided in this title under title L;" so that the section will read:

SEC. 4217. In order to ascertain the tonnage of any vessel except as otherwise provided in this title under title L, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the vessel be double-decked, take the length thereof from the fore part of the main stem to the after part of the stern-post, above the upper deck, the breadth thereof at the broadest part of the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five; the quotient whereof shall be deemed the true contents or tonnage of such vessel. If such vessel be single-decked, the surveyor, or other person, shall take the length and breadth, as above directed in respect to a double-decked vessel, shall deduct from the length three-fifths of the breadth, and, taking the depth from the under side of the deck-plank to the ceiling in the hold, shall multiply and divide in the same manner, and the quotient shall be deemed the tonnage of such vessel.

The amendment was agreed to.

Mr. E. R. HOAR. On page 1058, section 4225, I move in line 5 to strike out the word "requisites," and insert the word "requirements;" so that the section will read:

SEC. 4225. Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this title, in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of $100, and the certificate of registry shall be thenceforth void.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is on page 1059, section 4229, in line 6, to strike out "but," and insert "provided that," and in line 7 to strike out "must," and insert "shall;" so that the section will read:

SEC. 4229. When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter shall be entitled to all the privileges and benefits of a vessel of the United States: *Provided*, That all the requisites of law, in order to the registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward.

The amendment was agreed to.

Mr. E. R. HOAR. My next amendment is in section 4256.

The section referred to was as follows:

SEC. 4256. The collectors of the customs shall record all such bills of sale, mortgages, hypothecations, or conveyances, and also all certificates for discharging and canceling any such conveyances, in books to be kept for that purpose, in the order of their reception; noting in such books, and also on the bill of sale, mortgage, hypothecation, or conveyance, the time when the same was received; and shall certify on the bill of sale, mortgage, hypothecation, or conveyance, or certificate of discharge or cancellation, the number of the book and page where recorded; and shall receive for so recording such instrument of conveyance or certificate of discharge fifty cents; but no bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance on any vessel shall be recorded, unless the same is duly acknowledged before an officer authorized to take acknowledgment of deeds.

Mr. E. R. HOAR. I move to amend near the close of the section by striking out the word "an" before the word "officer" and inserting in lieu thereof the words "a notary public or other;" so that it will read "duly acknowledged before a notary public or other officer authorized to take acknowledgment of deeds." The reason for that amendment is that in some States a notary public is not an officer authorized to take an acknowledgment of deeds. And the language of the statute that we are copying is "a notary public or other officer authorized to take acknowledgment of deeds."

The amendment was agreed to.

Mr. E. R. HOAR. That completes the amendments I have to offer upon this chapter, so far as I am prepared to report them to-night.

Mr. POLAND. I now yield to the gentleman from Indiana, [Mr. CASON,] my colleague on the committee.

Mr. CASON. I move to transpose section 4411 and section 4412.

The sections referred to were as follows:

SEC. 4411. Any surveyor who shall perform the duties directed to be performed by the preceding section shall be entitled to receive the same commissions and fees as are allowed by law to collectors for performing the same duties.

SEC. 4412. The surveyors appointed for the ports of Cold Spring, on the north side of Long Island, Greenport, and Port Jefferson, all in the State of New York, shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear, and grant registers and other usual papers to vessels employed in the whale-fisheries, under such restrictions and regulations as the Secretary of the Treasury may deem necessary.

Mr. CASON. I move also, besides the transposition, to amend what is printed as section 4411 by changing the phrase "the preceding section" to the phrase "the two preceding sections."

The amendment and the transposition were agreed to.

Mr. CASON. The next amendment is in section 4413, to change the word "transported" to "imported" in the first line; so that it will read:

SEC. 4413. No merchandise shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power; but this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no merchandise, other than that imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States, &c.

Mr. WILLIAMS, of Michigan. Is not the word "transported" the proper word, or is the word "imported" the precise language of the statute?

Mr. CASON. The word "imported" is in the original statute, and is the correct word.

The amendment was agreed to.

Mr. CASON. The next amendment is in section 4414.

The section referred to was as follows:

SEC. 4414. The sea-coast and navigable rivers of the United States shall be divided into three great districts: the first to include all the collection districts on the sea-coast and navigable rivers, between the eastern limits of the United States and the southern limits of Georgia; the second to include all the collection districts on the sea-coast and navigable rivers between the southern limits of Georgia and the river Perdido; and the third to include all the collection districts on the sea-coast and navigable rivers between the river Perdido and the Rio Grande.

Mr. CASON. I move to amend the section by changing the word "second" to the word "third" in the middle of the section, and the word "third" to the word "second" in the last clause of the section.

Perhaps some explanation is necessary of this amendment. In volume 3 of the Statutes at Large, on page 409, is an act providing for two districts; but in making the provision they left a gap between the southern limit of Georgia and the river Perdido. Then there was an amendatory act passed, which will be found in the same volume, stating that the first and second districts should remain as they were fixed by the original statute, but providing a third district to fill up the gap. In that way the gap comes second in order, though third in number.

Mr. POLAND. I think the last two clauses of this section should

be transposed. As they stand now in geographical order these districts are first, third, and second. It would, however, make the section read very awkwardly to leave it so, and therefore I think it advisable to transpose these clauses, and have these districts named in their numerical order, first, second, and third, instead of their geographical order, first, third, and second. If that is not included in the motion of the gentleman from Indiana, [Mr. CASON,] I will move that amendment.

Mr. CASON. I will modify my amendment so as to include that.

The amendment was agreed to.

Mr. CASON. There is another amendment to section 4402. I move to amend, in line 4 of the section, by striking out the words "be liable to a penalty of," and inserting in lieu the word "pay."

Mr. LAWRENCE. What is the expression in the original statute?

Mr. CASON. The word "pay" is used in the original statute.

Mr. LAWRENCE. I think the expression "be liable to a penalty of" is better, and more like legal language.

Mr. CASON, (after a consultation with other members of the Committee on Revision of the Laws.) It is thought better, after a consultation with the members of the committee who are here, to leave this section as it is printed. This morning in our committee-room, after consultation, it was thought better to change the language in two sections. But after further consultation the members of the committee who are present think it better to leave it as printed.

Mr. POLAND. I will state, in reference to this matter, that there are all sorts of forms of expression in the statutes. In this particular statute the language is "shall pay $100;" in other statutes the language is "shall forfeit and pay $100;" in others "shall be liable to a penalty of $100;" and in still others "shall pay a penalty of $100." The revisers have adopted in all cases this uniform expression, "shall be liable to a penalty of," &c. If we change the language of this section, we disturb the uniform and good form of expression which the revisers have adopted for the purpose of making the statutes uniform. Therefore the committee decided to let the words stand in this section as left by the revisers.

Mr. CASON. I withdraw my amendment.

The next amendment is in section 4436.

The section referred to was as follows:

SEC. 4436. All steam tug-boats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of fifty cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, moreover, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

Mr. CASON. I move to amend the last sentence of this section by striking out the word "moreover," after the words "railroad company or corporation."

The amendment was agreed to.

Mr. CASON. The next amendment which I wish to offer is to section 4439.

The section was as follows:

SEC. 4439. Every collector, assistant collector, deputy collector, or surveyor, who knowingly makes any record of enrollment or license of any vessel, and every other officer or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this title, or takes any other or greater fees than are by this title allowed, or receives for any service performed pursuant to this title any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or naval officer a false description of any vessel to be enrolled or licensed in pursuance of this title, shall be liable to a penalty of $500, and be rendered incapable of serving in any office of trust or profit under the United States.

Mr. CASON. I move to amend by striking out after the words "every collector," in the first line, the words "assistant collector, deputy collector, or surveyor."

Mr. CASON. The next amendment I wish to offer is to section 4444.

The section was as follows:

SEC. 4444. Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, according to law, shall be exempted from any forfeiture under this title.

Mr. CASON. I move to amend by inserting after the word "paid" in the third line the words "or secured."

The amendment was agreed to.

Mr. CASON. I wish to move an amendment to section 4446.

The section was read, as follows:

SEC. 4446. All penalties and forfeitures which shall be incurred by virtue of this title may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed.

Mr. CASON. I move to amend by adding to the section the following proviso, which is found in the original act:

Provided always, That if any officer entitled to a part or share of any such penalty or forfeiture shall be necessary as a witness on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case he shall not receive or be entitled to any part or share of the said penalty or forfeiture; and the part or share to which he would otherwise have been entitled shall accrue to the United States.

The amendment was adopted.

Mr. CASON. This brings us to the end of this chapter, and to the commencement of title 50. I have no further amendment to offer.

Mr. POLAND. We have gone over very considerable work to-night, though we have taken very little time. I explained in advance the reason we have been delayed in this intervening work of the tariff and internal revenue. I think we may safely promise that when the evening sessions shall be resumed next week we shall have those sections ready to be presented and proceeded with in order.

Mr. STORM. Mr. Speaker, I understood the gentleman from Vermont [Mr. POLAND] to say, a few nights ago, that the committee had omitted in this revision of the laws any act or portion of an act that they considered as *functus officio*, as having been superseded, so to speak—having no more force as law, because it had been executed. Some three or four weeks ago I had occasion to examine the law with reference to one particular point, that in relation to agricultural colleges, one branch of that subject having been referred to the Committee on Education and Labor. Having occasion to look into the law on the subject, I can find nowhere in this revision any part of the act of 1862 granting public lands to agricultural colleges. There may be an accidental omission, or gentlemen of the committee may have supposed that this act belongs to that class of laws which are regarded as executed, or have fulfilled their functions. But I beg to say to the gentleman from Vermont that the act of 1862 contains conditions with regard to these institutions which it is alleged to-day have never been performed; and the Committee on Education and Labor have that subject now under consideration. So certainly this act would not be included among the class of laws referred to as having been really executed. I desire to know whether an examination has been made to see whether that statute and the amendments to it have been included in this revision, because if they are not it is certainly a great omission. I have looked under the titles "Education," "Agricultural Colleges," "Educational Bureau," and "Public Lands." I cannot find these provisions under any one of those titles. They may be inserted somewhere else in the revision, but I do not think they are.

Mr. POLAND. The particular point to which my friend from Pennsylvania [Mr. STORM] calls attention, in relation to the statutes about agricultural colleges and grants of lands to the States for such colleges, is a subject that has not yet been brought before the committee for examination. The gentleman in whose department of labor that would properly come has not yet reported to the committee; and I have not myself examined to see how the revision may stand in that regard. I am very glad that the gentleman from Pennsylvania has called attention to the point.

The rule that the revisers adopted, and the correct rule as we suppose, is that where a statute is evidently temporary in its purpose and character, and it is entirely clear that the whole object of the statute has been fulfilled, that it has become *functus officio*, it should not be incorporated in the revision. The other night, as will be remembered, we had an instance in which the revisers had omitted the provision of the statute in relation to supplying trusses. They had omitted it supposing that, in view of the lapse of time since the close of the war, everybody entitled to trusses under that law had received them. But the Committee on Revision of the Laws were of a different opinion, and we therefore incorporated it.

I am very glad that my friend from Pennsylvania has called attention to this matter, because if the committee find that any portion of this statute is still in force, and necessary for any purpose that can possibly arise, we shall incorporate it.

Mr. STORM. The gentleman will see that this is a statute which should not be omitted upon the principles of the revision.

Mr. POLAND. I am very glad that the gentleman has called attention to this matter. We are glad to have anybody call our attention to anything that is wrong in this revision, or anything that has been omitted, because our ambition, if we have any upon this subject, is to make the revision correspond exactly with the law as it is—to incorporate the whole law, and nothing more.

Mr. E. R. HOAR. In order to give as much aid as I can to the gentleman from Pennsylvania making this inquiry, I wish to say, in addition to the statement of the chairman of the committee, that in a part of the revision which we have already gone over will be found the laws relating to the Department of Agriculture. On page 118 is a whole chapter on the Department of Agriculture and the duties of the Commissioner of Agriculture. We have already gone over that part at one of the earlier sessions.

Mr. STORM. But not a single section of the act of July 2, 1862, is here.

Mr. E. R. HOAR. The gentleman from Pennsylvania will find on page 528, the first whole section on that page, one provision of a general character affecting the land laws. That is also a chapter the House has gone over and disposed of relating to agricultural-college scrip. I understand those two are all he will find in the revision, for the reason, I understand, the grants of land to various persons and purposes, grants to States with their conditions, grants to the Pacific Railroad, for instance, and various railroad grants with whatever conditions are attached to them, were regarded by the revisers of the laws as private statutes so far as this, that they were passed for a particular purpose and having reference to particular corporations and institutions, and do not for that reason come within the scope of the revision. I do not think he will find in the revision any of the statutes containing these grants to agricultural colleges or railroads with any of the conditions attached to them, supposing they would be referred to always as of the nature of private laws.

Mr. HOLMAN. The fact of the omission of that class of statutes has already been somewhat talked over outside of the gentlemen connected with the Committee on Revision of the Laws, and it has been suggested these statutes are not properly to be regarded as private acts, but are in their nature public statutes. They have been so treated by Congress, or at least by the rules of this House, as public statutes. They are in the nature of public statutes, in which rights are reserved to the Government. They are not simply provisions in behalf of the persons to whom the grants are made. It seems to me if they were simply grants of lands to corporations and nothing more, there is no reason why they should go into the general law, but this class of statutes in reference to agricultural colleges has a provision in which the Government as such is interested. There are reservations in behalf of the Government, and they seem in their nature exceedingly important public statutes. In reference to grants to agricultural colleges the Government has general supervision to see that the conditions of the grant are properly complied with. In relation to railroad grants, the condition concerning the free transportation of Government supplies seems to make them, in a striking degree, of public importance.

Mr. STORM. I wish to say just this. I hope the Committee on Revision of the Laws will see the importance of inserting that statute as well as similar ones, because I cannot admit that acts of Congress imposing perpetual conditions upon large grants of lands, conditions which are the very life of the act, should be considered by the committee as mere private acts and now superseded because the grants have probably vested. Those conditions are the very life of the acts. They have to be referred to, and if we wish to ascertain whether these colleges have complied with the conditions of the grants we must have the acts themselves to refer to. The gentleman from Massachusetts certainly will not say a grant of lands to the Pacific Railroad in which is contained a clause requiring a board of directors to be nominated by the President and confirmed by the Senate was such an act as could be justly characterized as a private act.

I think the act of July 2, 1862, or a similar act making grants of lands and imposing perpetual conditions upon grants, is to be regarded as in the nature of a public statute and not as a private act.

Mr. E. R. HOAR. I agree, Mr. Speaker, with both of the gentlemen, the one from Indiana and the one from Pennsylvania, in the whole spirit of their remarks. I failed to make myself understood. I think I did not give the exact idea I intended, judging from their remarks since. I have no doubt but this class of statutes are public ones in the sense in which a lawyer uses the phrase. In my own State acts of incorporation are made public statutes expressly, the distinction being they need not be pleaded but may be referred to, and are to be taken judicial notice of by courts in their administration. But it is a serious question, as the gentleman from Indiana will perceive, in regard to the magnitude of this book, whether it is expedient to put in all these various conditional grants which are still in force, are still to be interpreted, on which questions, and important questions, may come up, and in which the Government has rights to protect and enforce.

But has it been customary in the revision of the statutes of the States to include statutes of that character in their body of revised statutes? There is an intention to make this a single volume if possible, which will not be of immense size, and will not need to be divided into several volumes, so that it may be in a convenient form for people using it.

It is noticeable that all statutes relating to the District of Columbia, which undoubtedly are public laws passed by the Congress of the United States, on which the rights of all persons inhabiting this District, or owners of property in it, depend, are not put in this revision at all. The statutes affecting the Territories of the United States are not inserted here, except in so far as the general provisions of law may apply; the specific territorial statutes are not here incorporated for that reason.

Now the committee have taken up the plan of revision which those gentlemen who for six years laid out this work and performed it adopted; and we have not undertaken to revise their plan in order to put into this volume, upon the principle suggested by the gentlemen who have spoken, all the laws which might properly be included in it. To do so would be a labor which the Committee on Revision of the Laws could not perform within a session of Congress. We should have to commence anew from the beginning as commissioners—devoting our entire time to it—the revision and compilation of these laws, if that class of statutes was to be included. I only meant, when I said they were in the nature of private acts, that I understood that was the reason or principle on which the commissioners had not undertaken to include them in the revision which we are now considering and adopting. They will not be affected in their character or in their validity as statutes, because they are not passed upon at all by Congress in this work. If it should be the pleasure of the House to say that this work should not be completed until the committee charged with it have gone over and made a revision of all those classes of laws which might be included in this revision, and which are undoubtedly acts in the legal sense, and important acts, and acts still in force, in that case the committee would have to ask be relieved from attendance on the House and all other duties, ... do not believe we should be prepared to report during the current year.

Mr. STORM. Will the gentleman from Massachusetts [Mr. E. R. HOAR] allow me to ask him this question, whether he considers an officer nominated by the President and confirmed by the Senate and charged with the performance of public duties a public officer?

Mr. E. R. HOAR. I should say, Mr. Speaker, that I certainly do in one sense. If he is in relation to a particular corporation I should not suppose that in the sense in which public officers would be included and their duties prescribed in a revision of the general laws it would be expedient to introduce his appointment and the qualifications of his office into the volume. I do not think that that would be done in the revised statutes of any of the States with which I am acquainted.

Mr. HOLMAN. I only desire to say that I believe I fully appreciate the view of this matter suggested by the gentleman from Massachusetts, [Mr. E. R. HOAR.] It is quite manifest that this volume of laws of general application and of universal use should be kept within reasonable compass. The volume should not be extended so as to be unwieldy. Nor is it desirable that it should be enlarged so as to require more than a single volume. I can readily comprehend that if all that class of legislation which has been referred to by the gentleman from Pennsylvania [Mr. STORM] and myself were put in this volume it would swell it beyond any convenient or reasonable magnitude. I therefore see, myself, no other mode of avoiding the difficulty to which the gentleman from Massachusetts has referred than that this class of statutes which in their main features referred to corporations, and to grants made by the Government to corporations, shall be embraced in the volume of statutes which are regarded as of more private relations than these general statutes which are of universal application; although, as the gentleman from Massachusetts states, it is very manifest that these statutes are to be regarded as public statutes. In the State in which I reside we have no special legislation. Our laws are all of a general character, and we have never met with such embarrassment as this. I see very well that what occurred to me at the first blush as a matter which might readily be disposed of would swell the work to an unreasonable extent instead of the statutes being embraced in a single volume; so that I think that the plan of compilation adopted by the committee is perhaps the safe one.

Mr. POLAND. The committee have thought that in some instances the revisers held too strictly to that provision of the act under which they were appointed, that they were only to revise those statutes that were of a public and general nature. We had, perhaps, as good an instance of that last evening as could readily be found. The revisers had left out the provisions of the statutes in relation to swamp lands upon the ground that they were not of such a general and public nature affecting the whole country, although they are public laws in the technical sense, that they ought to be incorporated in this revision of the national statutes. The committee on looking at those statutes were of a different opinion; and therefore we made a revision ourselves of the statutes in relation to swamp lands, which you will remember, Mr. Speaker, occupied a considerable number of sections, I think some ten or twelve in all, that were put in as an amendment last night.

Whenever any gentleman thinks that any statute is of such character that it ought to be included, we are very glad to have it called to the attention of the committee, that we may examine it and see whether in our judgment it ought to be brought in.

Now, if nobody desires to say anything further, I will state that the committee hope by our next meeting, on next Wednesday evening, to be prepared to bring before the House the chapters on duties on imports, involving the entire subject of the tariff and the laws for the collection of duties, a subject in which more gentlemen feel an interest than in any other part of our work; and unless we are delayed in our work beyond what we have any reason to believe, we shall bring forward that subject at our next meeting, and endeavor thereafter to proceed in order through the remainder of the volume. I move now that the House adjourn.

The motion was agreed to; and (at eight o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred, as follows:

By Mr. BUNDY: The petition of Jacob Walter, of Gallia County, Ohio, to have $300 commutation money refunded to him, to the Committee on War Claims.

By Mr. CESSNA: The petition of citizens of Franklin County, Pennsylvania, for the repeal of the stamp tax on bank checks, to the Committee on Ways and Means.

By Mr. COBB, of North Carolina: Papers relating to the claim of Richard Dillon, late captain Veteran Reserve Corps, to the Committee on Claims.

By Mr. CURTIS: The petition of Eldred Township, Warren County, Pennsylvania, for the establishment of a post-route from Sanford Corners to Eagle Post-office, in said county, to the Committee on the Post-Office and Post-Roads.

By Mr. DUNNELL: The petition of citizens of Houston County, Minnesota, asking that H. K. Belding be remunerated for services in carrying the mails, to the Committee on Claims.

By Mr. EAMES: Resolutions of the Board of Trade of Providence, Rhode Island, in relation to the bankrupt law, to the Committee on the Judiciary.

By Mr. ELKINS: The petition of Alexander Duvall, of New Mexico, to be reimbursed for losses sustained by reason of the military action of the commanding officer at Fort Stanton, to the Committee on War Claims.

By Mr. FORT: The petition of Alexander H. Gaston and others, of Illinois, asking for an increase of currency, to the Committee on Banking and Currency.

Also, the petition of Robert S. Hester and others, of Bell Plain, Illinois, for the establishment of a post-route from Minonk to Bell Plain, to the Committee on the Post-Office and Post-Roads.

By Mr. HAZELTON, of Wisconsin: The petition of citizens of Sauk County, Wisconsin, for the improvement of the Mississippi, Fox, and Wisconsin Rivers, to the Committee on Commerce.

By Mr. KASSON: The petition of L. H. Bush and others, of Des Moines, Iowa, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. KELLOGG: The petition of S.V. Benét, for a rehearing before the Commissioner of Patents in the matter of his inventions as though the time of limitation had not expired, to the Committee on Patents.

By Mr. LAMPORT: The petition of Mrs. Kate L. Kershner, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Charles Herbert, of Penn Yan, New York, for a pension, to the Committee on Invalid Pensions.

By Mr. LYNCH: The petition of the Methodist Sunday School of Natchez, Mississippi, for the payment of the claim of the Southern Methodist publishing house, at Nashville, Tennessee, to the Committee on War Claims.

By Mr. NIBLACK: The remonstrance of hat manufacturers and wholesale and retail dealers in Evansville, Indiana, against the extension of the Wells patent, to the Committee on Patents.

By Mr. O'BRIEN: The petition of Thomas V. Brundige, of Baltimore, Maryland, for compensation for damages to his property by the construction of fortifications in 1863, to the Committee on War Claims.

By Mr. PENDLETON: Resolutions of the Board of Trade of Providence, Rhode Island, relative to the bankrupt law, to the Committee on the Judiciary.

By Mr. ROBBINS: The petition of citizens of Alleghany County, North Carolina, and Grayson County, Virginia, for a mail-route from Independence, Virginia, to Gap Civil, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. SAYLER, of Ohio: Papers relating to the claim of Dr. Jacob B. Ong, to the Committee on Claims.

Also, the petition of Samuel Crary, for pay as wagon-master during the late war, to the Committee on War Claims.

By Mr. SCUDDER, of New Jersey: The petition of Tobias Boudinot, for compensation for damages to his property by the United States troops, to the Committee on War Claims.

By Mr. SWANN: The petition of Joseph H. Maddox, of Maryland, for relief, to the Committee on War Claims.

By Mr. SYPHER: The petition of Nolan Stewart Williams, executor, &c., for relief, to the Committee on War Claims.

By Mr. WILLIAMS, of Indiana: The petition of George T. Cochran, late captain Eighth Indiana Battery, for arrears of pay, to the Committee on Military Affairs.

Also, the petition of W. W. McFarland, late first lieutenant Fifth Ohio Cavalry, for arrears of pay, to the Committee on Military Affairs.

By Mr. ——: The petition of Ralph Whitney and others, of Gallia County, Ohio, late members of the Trumbull Guard, to be placed on the same footing as to bounty with other volunteers, to the Committee on Military Affairs.

IN SENATE.

FRIDAY, *February* 13, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. STOCKTON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 1064) to authorize the Secretary of War to lease not exceeding five acres of the tract of land known as the Old Lazaretto tract, for the purpose of erecting thereon a magazine or storehouse for the storage of gunpowder;

A bill (H. R. No. 1932) for the relief of Frank M. Kelly; and

A bill (H. R. No. 1933) to amend the thirty-first section of the act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March 3, 1863.

WILLIAM KILBURN.

Mr. STOCKTON. I ask the unanimous consent of the Senate to take up and pass a little bill that has been reported unanimously from the Committee on Naval Affairs. It is a bill of a few lines; and the whole object of it is to restore to the list of the Navy a gentleman who under great trial, sickness in his family, resigned. He was only an ensign, and the proposition is not to put him in his old place, but to put him at the foot of the list. I think there can be no possible objection to the bill, and it is important to pass it at once in order that it may go to the other House.

There being no objection, the bill (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States as an ensign, was read a second time and considered as in Committee of the Whole. It authorizes the President of the United States to restore William Kilburn to the Navy of the United States as an ensign, at the foot of the class of 1870, of which he was a member at the time of his resignation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF SMITHSONIAN INSTITUTION.

The PRESIDENT *pro tempore* laid before the Senate the letter of Joseph Henry, secretary of the Smithsonian Institution, transmitting, in behalf of the Board of Regents, the annual report of the operations, expenditures, and condition of that institution for the year 1873.

Mr. HAMLIN. I move that that communication lie on the table for the present.

The PRESIDENT *pro tempore*. And be printed?

Mr. HAMLIN. I was going to submit a general resolution on that subject; and if the Senate will allow me, I will do it in this connection. It is the same resolution in relation to the report of this year that the Senate and House passed on the report of last year:

Resolved, (*the House of Representatives concurring*,) That twelve thousand five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed; twenty-five hundred of which shall be for the use of the Senate, five thousand for the use of the House, and five thousand for the use of the institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

I suppose, under the rules, this resolution will go to the Committee on Printing.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair will present a certain resolution passed by the Legislature of Wisconsin, which has been transmitted to the present occupant of the chair, which is very brief, and he will read it:

Resolved by the senate, (*the assembly concurring*,) That our Senators in Congress are instructed, and our Representatives there requested, to procure the passage of a law reducing the pay of all civil and military officers of the General Government to an amount that shall conform to the duties and labors performed.

This resolution will be referred to the Committee on Civil Service and Retrenchment.

The PRESIDENT *pro tempore* presented the memorial of the Legislature of Wisconsin, in favor of an extension of the time in which to construct the Wisconsin Central Railroad; which was referred to the Committee on Public Lands.

Mr. SARGENT. I present to the Senate two volumes containing the signatures of 16,638 persons, residents and citizens of the State of California, in which they ask the Senate to pay attention to the condition of the treaty between the United States and China, and see if by some appropriate legislation, or by a modification of that treaty, the evils which they depict, of an influx of Chinese into this country, may be prevented. The matter is of very great local importance, and perhaps it is to be regretted that it is so local in its character that its importance cannot be fully estimated in other parts of the country.

We have in the State of California, as represented by these petitioners, and I presume that they approximate the truth, some sixty thousand Chinamen. These Chinese do not readily, and perhaps not at all, assimilate with our people. They do not come here to be citizens of the United States; they do not seek to be citizens. With one or two exceptions, out of one hundred thousand, they have never applied to be citizens. By their religion or their superstition their bones, even, are returned to China after their death. They work at very moderate prices. They underbid and undersell all other kinds of labor. They necessarily thereby drive out other laborers, skilled and unskilled. They are exceedingly simple in their requirements for a living, living upon a few handfuls of rice per day. If they have children they do not send them to school. They live in overcrowded habitations upon the streets of our cities, a dozen or twenty of them perhaps in a small room. By this means the health of the cities is imperiled. By this means, also, there are dangers created of conflagrations, which sometimes burst out in the Chinese quarters of our cities and towns, and are very destructive in their effects.

These petitioners, in a most respectful manner, ask the Senate of the United States to consider these matters, and others which they present, and see if some remedy cannot be applied.

I wish to call the attention of Senators to the fact that California and the Pacific States and Territories are simply the gateway which lets in the influx of Chinese population. We have now, as these petitioners say, some sixty thousand of them. They have reached some-

what further East, carrying, not civilization, as other immigrants bring, but pagan customs through the Territories. By and by, on account of the exhaustless supply of this class of immigrants, or coolies, for many of them are imported as coolies, and our laws do not reach the difficulty and prevent the importation of coolies, the other States will find themselves crowded, as our workingmen are crowded, by the presence of Chinese in great numbers. By and by it will become a national question. Perhaps then it may be too late for the remedy which now might be effectual.

Now, sir, I do not remark upon the humanitarian side of this question. I do not desire especially to dwell upon the consideration that it may be convenient for the overcrowded races of China—overcrowded so much that by a natural law almost they resort to infanticide to keep down overpopulation—to pour themselves upon America. It may be that there is something in that consideration; but there is also much in the other consideration that there should be some means of our own national defense.

We have a Christian civilization. A pagan civilization is necessarily inconsistent with it. Take the State of Iowa, and take out sixty thousand of its white men, those who now give sinew to industry, who cause all the wheels of enterprise to revolve, and put in their place, in the place of the men who maintain churches, and schools, and free institutions, the Chinese, who come here for mere temporary purposes, who do not come here to be citizens, who do not come here to be naturalized or to impart any value whatever to the community in which they reside, but simply to avail themselves of such means as such a community may furnish to get what the miners in my State call "a stake," and return back to their own country, and if they die in the meanwhile, to have their bones sent back; and I ask whether a curse would not be inflicted upon Iowa by such a change?

It is true that we need labor to develop the resources of our country; that it is a pressing necessity upon America that these vast and magnificent resources of ours should be developed; but, sir, it would be better that those resources should be developed more slowly and be developed in the direction of our Christian civilization than that we should squander them or throw them away upon an element which cannot assimilate with us, which never makes the attempt, which, as the snow-ball gathers the snow as it rolls, simply robs us of our material wealth to enrich China, and deprives our willing citizen laborers of the means of subsistence.

Mr. President, I did not intend to remark at the length which I have done upon this subject. I know there is opportunity for good men to differ upon it. For myself I have been very slow in arriving at conclusions upon the matter, and I do not know that I yet have arrived at correct conclusions; but I do know that this question presses with great force upon the Pacific States, and that wise statesmanship can relieve it of some of its evils. In order that this matter may be investigated by the Senate, I ask that these volumes be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. They will be so referred.

Mr. SHERMAN presented the petition of C. Platt, B. W. Brown, and other citizens of Delaware, Ohio, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the petition of Susan Vincent, widow of Frederick Vincent, who was administrator of James Le Caze, praying to be repaid a balance of money advanced by the firm of Le Caze & Mallett in aid of the Government during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

He also presented a memorial of wholesale dealers and manufacturers of hats of Cleveland, Ohio, remonstrating against the extension of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

Mr. SCOTT presented the petition of T. J. Chandler and others, citizens of Beaver County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. MORTON presented the petition of Rev. G. W. Crawford, Rev. L. Rice, Samuel Wyatt, and others, citizens of Corunna, Indiana, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented a petition of soldiers of the late war, citizens of Indiana, praying for a grant of one hundred and sixty acres of land and for an equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. LOGAN presented the petition of Catharine Middleton, widow of John D. Middleton, praying to be allowed a pension for services rendered by him in the war of 1812; which was referred to the Committee on Pensions.

Mr. HAGER presented a resolution of the Legislature of California, in favor of an appropriation for the improvement of the San Joaquin River, so as to make it navigable; which was referred to the Committee on Commerce.

Mr. GOLDTHWAITE presented a memorial of the Board of Trade of Mobile, Alabama, in favor of a further appropriation for opening the bars in the bay of Mobile; which was referred to the Committee on Commerce.

Mr. BOREMAN presented additional papers in support of the claim of C. S. Bell; which were referred to the Committee on Military Affairs.

Mr. PRATT presented the petition of J. L. Hutton and a large number of citizens of Indiana, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented the petition of S. T. Champion and other citizens of New Jersey, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. DENNIS. I present resolutions passed at a meeting held at the city of Baltimore, January 29, 1874, requesting the representatives in Congress from Maryland to use all measures requisite to make the proposed centennial celebration of American Independence in all respects useful, honorable, and national. As the Committee on Foreign Relations have already reported on this subject, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. RAMSEY presented a petition of citizens of Minnesota, praying for the establishment of a mail-route from Fergus Falls, via Bass Lake and Monitor Falls, to Perham, on the Northern Pacific Railroad; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAMSEY. I also present resolutions of the State Medical Society of Minnesota, signed by N. B. Hill, M. D., president, and Charles E. Smith, M. D., secretary, in which, among other things, they resolve that the State Medical Society of Minnesota does heartily concur with the American Medical Association in its memorial to Congress in support of a bill to increase the efficiency of the Medical Department of the United States Army. I move the reference of these resolutions to the Committee on Military Affairs.

The motion was agreed to.

Mr. SUMNER presented a memorial of hat dealers, hat manufacturers, and hat jobbing merchants of Boston, Massachusetts, remonstrating against the extenson of the Wells patent for forming hat-bodies; which was referred to the Committee on Patents.

The PRESIDENT *pro tempore* presented resolutions of the Legislature of the State of Kansas, in favor of such legislation by Congress as will protect the homestead rights of settlers in that State against the adverse claims of railroad corporations; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORTON, it was

Ordered, That the petition and papers in the case of Mrs. Martha A. Jones, widow of Oliver P. Jones, of Centreville, Indiana, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. JOHNSTON, it was

Ordered, That Ann Green and Maria Bohner, heirs at law of Colonel Uriah Forrest, have leave to withdraw from the files their memorial and accompanying papers.

Mr. LOGAN. I ask that an order be made for the withdrawal of the papers and resolution of the Legislature of Illinois in favor of the passage of a bill providing for an additional district of the United States court in that State, in order that they may be presented to the Judiciary Committee of the House of Representatives.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. LOGAN. I will not say for certain, but I think not.

The PRESIDENT *pro tempore*. If there has been an adverse report copies will be retained.

Mr. PRATT. I ask that the following order be made:

Ordered, That Almira H. Thompson be allowed to withdraw her papers relating to her claim as hospital nurse during the war for services and expenditures of money.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. PRATT. The petitioner laid before Congress a claim for a pension, and also for her services and expenditures of money as hospital nurse during the war. The committee reported against her claim for a pension on account of the death of her son, not being satisfied of his death; but as to her claim as a hospital nurse, we did not see that the claim was properly before the committee, and besides it was not sufficiently supported by evidence, and as to that we reported without prejudice.

The PRESIDENT *pro tempore*. That order will be entered, copies being retained.

Mr. FERRY, of Connecticut. I ask that the papers in the case of Joshua Haines, on application for the extension of a patent, be taken from the files and referred to the Committee on Patents. There was an adverse report formerly, but the case is before us now and we want these papers.

The PRESIDENT *pro tempore*. That order will be entered.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers of Sarah Ann Holland be taken from the files and referred to the Committee on Claims.

INTERRUPTION OF SPEAKERS.

Mr. HAMLIN. The Committee on Revision of the Rules, to whom was referred an order submitted on the 26th instant, by the Senator from Vermont, [Mr. MORRILL,] in which he seeks to prevent the inter-

ruption of members while speaking, by providing that no member shall be interrupted while speaking, even with his own consent, unless interrupted on a point of order or to correct an erroneous statement of facts or on account of some personal reference, have instructed me to report unfavorably to the proposed amendment to the rules. By the present rules of the Senate no member, when speaking, can be interrupted except by his own consent, unless it be upon a point of order raised. It is therefore within the power of each Senator to protect himself and to preserve the time to himself while addressing the Senate if he chooses. If he pleases to be interrupted he may be; not otherwise. The committee are unanimously of the opinion that the Senate should not seek to restrict a Senator to that degree that he may not allow himself to be interrupted if he shall choose to be so interrupted, while they are at the same time of the opinion that the practice of the Senate has come to be vicious in the continual interruptions that are made and the improper interjections that are put into speeches of Senators who are addressing the Senate.

The PRESIDENT *pro tempore*. The committee will be discharged, if there be no objection, from the further consideration of the subject.

SWAMP LANDS IN HOLT COUNTY, MISSOURI.

Mr. KELLY. I am directed by the Committee on Public Lands to whom was referred the bill (H. R. No. 1761) granting certain swamp lands in Holt County, Missouri, to said Holt County for school purposes, to report it back without amendment and ask for its present consideration. The bill is a very short one; but important to a portion of the State of Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENTS CREATING POST-ROADS.

Mr. MERRIMON. I am instructed by the Committee on the Revision of the Rules to report back the resolution introduced by the Senator from Indiana, [Mr. MORTON,] on the 22d of last month, and recommend the adoption of the amendment to the rules which he proposes; and that it shall come in as a paragraph after the first paragraph of Rule 30. It is to require amendments to post-route bills creating post-roads to be submitted to the Committee on Post-Offices and Post-Roads. The Committee on Rules are unanimous in recommending its adoption. I ask that the proposed amendment to the rules be considered now.

Mr. CONKLING. Let us hear it read.

The Chief Clerk read the resolution, as follows:

Resolved, That the thirtieth rule of the Senate be amended by adding thereto the following:

That no amendment to any bill shall be in order for the creation of a post-road unless such amendment shall have previously been submitted to the consideration of the Committee on Post-Offices and Post-Roads.

Mr. MERRIMON. That is to come in as a new paragraph at the end of the first paragraph of Rule 30.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. CONKLING. It is merely to add the words proposed without changing anything in the existing rule?

Mr. MERRIMON. That is all. It changes nothing in the existing rule at all.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 478) relating to certain claims arising from the seizure and conversion by the Treasury Department of certain cotton claimed by individuals; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 479) to amend "An act to quiet the title to the lands of the settlers on lands claimed by the West Wisconsin Railway Company;" which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HOWE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 480) for the relief of George Burchard, of Greenbush, Wisconsin; which was read twice by its title, and, with an accompanying petition, referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 481) for the relief of Thomas Weeks, of Plymouth, Wisconsin; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 482) to authorize the construction of a bridge across the Willamette River, at Salem, in the State of Oregon; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 483) for the improvement of the military wagon-road between Scottsburgh and Camp Stewart, in the State of Oregon; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BOREMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 484) to compensate C. S. Bell for valuable and extraordinary services rendered during the war for the suppression of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

STATUE OF JEFFERSON.

Mr. SUMNER. I offer the following resolution and ask for its immediate adoption:

Resolved, That the Committee on Public Buildings and Grounds be instructed to consider the expediency of providing for the protection of the statue of Jefferson now in the open air in the grounds of the Executive Mansion, the same being a work of art by an eminent French sculptor.

Mr. President, before the vote is taken I would call attention to the somewhat forlorn condition of that statue, which, take it all in all, is certainly among the very best in the national capital, being the favorite work of the republican French sculptor David d'Angers, known by the town in which he was born, the "black Angers" of Shakespeare. This favorite work has been strangely exposed in the open air, and, not being of a permanent metal, has already suffered. I send to the Chair a letter in reference to it which I have received from Mr. Brown, our own eminent sculptor, who has just placed in our streets the colossal statue of General Scott.

The Chief Clerk read as follows:

WASHINGTON, D. C., *February* 2, 1874.

DEAR SIR: I went this morning, in accordance with your request, to examine the statue of Mr. Jefferson, now standing in the grounds of the President's House, and find it not made of zinc, but of some alloy of copper, but of so base a metal as to render it unfit to withstand the vicissitudes of our climate. I discovered two holes corroded through it, and such other evidences of decay about it as to render it certain that it would require not many years of exposure in the open air to destroy it.

I regard this statue as one of the very best works of art in possession of the Government, and not to provide for its preservation and safety would evince an indifference on the part of the Government to this noble work which I am sure does not exist.

It would seem fitting that this statue should take its place in that venerated Old Hall in the Capitol with the other heroes and patriots whose effigies will from time to time assemble around it.

Submitting these suggestions with great deference and respect, I remain, your obedient servant,

H. K. BROWN.

Hon. CHARLES SUMNER.

Mr. ANTHONY. I believe there is an especial reason why we should take care of that statue, as it was not purchased by the Government, but I think was a gift from a commodore in the Navy.

Mr. SUMNER. It was from Commodore Levy, and it has been curiously neglected. I think there is no artist visiting Washington who does not select that statue as perhaps the best here, certainly one of the best.

The resolution was considered by unanimous consent, and agreed to.

COMMITTEE SERVICE.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the vacancies in the standing and select committees of the Senate, occasioned by the resignation of Senator Ames and the retirement of Senator Crozier, be filled by the Chair.

ARMY OFFICER IN SOUTH CAROLINA.

Mr. BAYARD. I ask for the consideration of the resolution offered by me on the 10th instant. I gave way yesterday to allow the Senator from Oregon [Mr. MITCHELL] to submit some remarks.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate proceed to the consideration of the resolution submitted by him. Is there objection? The Chair hears none, and the resolution is before the Senate and will be read.

Mr. BAYARD. The resolution, I suppose, need not be read again. As the Senate is aware, it calls for information from the executive department of the Government in relation to the conduct of an officer of the United States Army while on duty in the State of South Carolina, in procuring the passage of bills through that Legislature for his own private gain, and seeking other than professional occupation in that State during the period of his service as an Army officer.

I was prevented the other day, by the expiration of the morning hour, from answering the honorable Senator from Pennsylvania [Mr. SCOTT] as to some remarks which he made in respect of the individual who is supposed to be the person engaged in what I consider improper practices and highly prejudicial to the public service. I introduced the original resolution on March 1, 1873—not simply to obtain information—in a cautious manner, making no charges, and waiting until the information should be obtained. It was easily obtainable at that time; there would have been little difficulty in ascertaining precisely what had been done, and by whom it had been done. Reference to the public newspapers in the State of South Carolina would have supplied most of the facts. A single telegraphic message from the War Department could have obtained all the information asked for by this resolution, and when obtained, a single word, nay, even a look, from the Executive would have prevented the perpetration of a great wrong upon the people of South Carolina. But, sir, I was disappointed. Not only has the information been withheld, making this supplementary resolution necessary, but nothing whatever has been done in the interim. Part of the wrong I sought to remedy has been accomplished, and the people of South Carolina and their depleted treasury have been simply robbed of the sum of $35,000.

It struck me as a very illogical proposition stated by the honorable Senator from Pennsylvania, that because this individual had been sent to South Carolina to perform a very unpleasant military duty,

one that required him in point of fact to supersede the civil government of that State and take under his control the security of person and property within its limits, he should have met with social ostracism by certain families in that State, and that as a *sequitur* he should therefore be properly paid some twenty-odd thousand dollars out of the Treasury of that State as a *solatium* for the alleged wounds to his feelings and those of his family; so that—

The jingling of the guinea helps the hurt that honor feels.

It is an odd proposition to be gravely advanced by the Senator.

But one thing let me say in regard to what I have several times heard complained of on this floor. The questions of social intercourse and social relations are not governed and never will be governed by statute law. They are not governed, and never were and never will be governed, by coercion in any shape. Social intercourse is controlled by human sympathies; sympathies of taste, coincidences of education and of culture, sympathies of feeling, sympathies of occupation, sympathies in joy, and, deepest of all, sympathies in sorrow. All these things in their way control the social intercourse of men, and no law of Congress, no fiat of any autocrat, civil or military, can ever change this truth. It seems strange to me to hear these complaints in the Senate of the social ostracism of officers of the Army of the United States, and of citizens from the Northern States going to the South, when even the dull intellect of that inimitable idiot, Dundreary, found out the great rule that "birds of a feather will flock together." Even he discovered that; and yet it seems that Senators have not yet discovered it.

Now, Mr. President, there are many reasons, if Senators will but reflect upon them, why the hospitality of the South is not what it once was. There are many sad reasons for it. The hospitality of that region of our country was one of its glories. It was one of its chief and most delightful virtues. No man ever tasted of it but would wish again to renew it. But many things are needed to make it possible. In the first place, there must be the question of sympathy between the host and his guest; mutual good will is a prime necessity; then there is required some degree of pecuniary means wherewith to exercise it. The hearts of the southern people are as generous and as warm as ever, but their means and opportunities for hospitality and generosity have been sadly curtailed and destroyed by the war that has wasted the region where their homes are, and uprooted their system of domestic service and menial labor. Many, many are the proud, generous, and sensitive men and women of that country whose doors are closed simply from sheer want, barred by poverty; and they are too proud to have that poverty inspected by cold and unfriendly eyes. Let those who would criticise the absence of that free and bountiful hospitality for which in other and happier days they were renowned remember what has caused it in so many cases to disappear.

Why, sir, the other day a gentleman from New England, whose home is now in Carolina, and who feels a deep interest in the people of that State, desired to have a convention of the property-holders, or holders of the remnant of the property that is left after taxation and war in that State, that they might consider how they should relieve themselves from the confiscation that their estates were being subjected to at the hands of their rulers. He sent letters to the various tax-payers in the State, and among others to a gentleman who had been the governor of the State, whose name for obvious reasons I do not mention in public, but who had been a man of great wealth prior to the war, of high character, well known and esteemed everywhere. When that gentleman replied to the invitation to join in this convention he was compelled to reply that, despite the need of his presence, despite his desire to attend, he was absolutely unable to raise ten dollars wherewith to pay the railway fare from his home to the city of Charleston. And this is but one case of a long and distressing catalogue.

Mr. President, it is not simply the question of pecuniary ability, it is the question of sympathy, it is the question of feeling, that will always control the intimacies of men. It is the pecular genius of our Government that men are left free to form their associations, religious, political, and social, and such will ever be the case, and all attempts by force of law to change it will prove fruitless and unavailing.

A word more, sir, in regard to our military men. It is my pleasure and good fortune to number among my friends and personal acquaintances many gentlemen of the United States Army. I have frequently heard from them expressions in regard to the unpleasant nature of the duties they have been called upon to perform since the end of the war in the Southern States. They have been placed in an attitude of coercion and of apparent unfriendliness to the people in order to execute congressional legislation. They have not been allowed to execute those laws according to their own theory of wisdom and propriety, or in accordance with their own sympathy; but they have been placed there as a kind of police, at the beck and call of partisan appointees. They have not been allowed to treat the people of the South as they desired to do, but they have been compelled to perform a vast amount of most objectionable work at the call of a low, base set of wretches, thrown to the surface of society in the throes of revolution and excitement.

What have you seen in Louisiana? The Army of the United States, with a soldier somewhat distinguished at its head, compelled to obey the command of such a class of political scoundrels and adventurers as those into whose hands political power has been placed against law and the popular will in that unhappy State. How can men who are subordinated to such creatures as Pinchback, Kellogg, Packard, and the like, expect that they are to be received as guests and friends by the gentlemen over whom they dominate, and by the people of whose civil rights they are made the instruments of destruction? It is absurd to expect it, and no sensible man does expect it.

Depend upon it, sir, the human heart is the best teacher in regard to this matter. Whenever the southern people or the people of the North shall feel that an Army officer or a civilian, whether the representative of the Government or a private citizen seeking either health or recreation, comes among them as a friend and with the heart of a friend, he will be received as such; but when he comes among them otherwise he will not be received as such, and all the laws you may pass from now until doomsday will never be worth one farthing for the purpose of preventing it.

But, as I said, in regard to this individual case, having no personal knowledge of Major Merrill, having never seen him, and all that I can learn of him in this transaction not making me desirous of making his acquaintance, all I can say is that his course in this matter may in the eyes of the Senator from Pennsylvania be perfectly honorable and proper; but I cannot believe it will be so considered by his brother officers or by the American people whose paid servant he was and still is. It is the first time in the history of our country, to my knowledge, that any officer of the United States Army has pursued for his private gain the trade of lobbying in a State Legislature to obtain pecuniary rewards for the execution of the duties for which he was intrusted with large powers and high discretion, and especially assigned to execute, and paid exorbitantly, ten times the amount of his official salary. And all this for the performance of functions which are justly regarded as ignominious.

The name of informer is odious to the American people. The name of detective is not respected by the American people. If such things are sometimes necessary, they are unhappily necessary; but they are not to be performed for the sake of pecuniary gain by officers of the United States Army, especially when, as we all know, martial law had been proclaimed in that State. Martial law is no law, but simply the will of the commander-in-chief. All other law fades away before his glance; and part of the time that this officer was in Carolina, in a large part of that State he was the military commandant, and his will was the supreme law, for the President of the United States had suspended the writ of *habeas corpus*. What was the power of such a man over that country? What was his influence over the body of ignorant and degraded people collected under the name of a Legislature in that State to plunder those who had no power to control their selection? It was omnipotent. How could they resist his demands? They could not; and therefore, as a matter of course, when his influence was thrown in the scale, his demands took the shape of law, and this large sum of money, $35,000, was taken out of that treasury for the purpose of paying these rewards in the criminal cases. The report of the committee of distribution I caused to be read two or three days ago.

Now, Mr. President, to understand the state of affairs in South Carolina, you cannot take the condition of other States in the more favored section of this Union—in the North, where such things would be impossible. You cannot speak of the will of the people, acting through the Legislature, deliberately rewarding a man for high public service; but you must consider that this is a State in chains, impoverished, and held by the throat by a band of ruffians, who are plundering her at every moment of her life.

An informant who ought to speak with authority on this subject—and when I say "authority," I mean the authority of an intelligent eye-witness, and an eye-witness with none of those prejudices which might be supposed to cloud his vision in respect of the rights of northern men in the Southern States—I speak of Mr. James S. Pike, who was late United States minister at the Hague, and who, having spent some time in South Carolina, has given the result of his inspection of things there to the public in the shape of a book called "The Prostrate State," from which I will read. He says in chapter 12:

The Federal Government could do much, if it would take the necessary pains, towards correcting some of the worst practices of this corrupt travesty of a government. * * * * * * *

The only authority to which these miscreants pay the least deference is the Federal Government; for its power and its countenance are requisite to the success of many of their own operations. It makes large appropriations for new public edifices in the State, as is attested by those which are now going up in Charleston and Columbia. It appoints to office the large body of revenue officers, both internal and external, the numerous postmasters, the Federal judges, attorneys, and special agents, and it keeps bodies of Federal troops in the State, which are everywhere welcome for the money they disburse. Through these and kindred influences the Federal Government holds vast sway over the State. That for some reason it has not exercised its influence to any appreciable extent in the interest of good government is evident. It might do much toward repressing many corrupt practices and raising the moral tone of the State government. It has not done this, and yet it would seem to be its interest to do it. Why should the republican party of the country, composed so largely as it is of its best and most conscientious citizens, be compelled to endure the foul stain inflicted by the robberies and outrages of caitiffs, who deserve the State prison? Some of the leaders of affairs are men who have merely adopted republicanism as a cloak for their villainies. South Carolina to-day rejoices in a republican Representative in Congress, who once made a formal proposition in the State Legislature to reduce all the free blacks to slavery, and it has a republican governor who tore down the American flag from Fort Sumter, and, treading it under foot, hoisted the Confederate ensign in its place. Dancing at negro balls and issuing pay certificates as speaker are said to have been the means whereby he has condoned his offenses. One turns with inexpressible loathing and disgust from such wretched demagogues. They cover republicanism with reproach, and, what is worse, they depress and extinguish the hopes of philanthropic men who wish to see the capacity and better qualities of the black man fairly tested in the bold experiment of his sudden emancipation and enfranchisement.

Why, Mr. President, the Senate and the country will be partially aware of the shocking waste and misrule of the finances of that State, of which this payment of $35,000 is but a small illustration, when I state upon the authority of a public address made by Colonel Richard Lathers, in Charleston, on the 16th of December, delivered before the New England Society of Charleston, that the approved printing bills alone of the last South Carolina Legislature for a single year exceeded the average yearly total taxation of the State before the war for a period of ten years. And all this printing, for the use of a Legislature a majority of whose members cannot read the documents that they cause to be printed. This monstrous fact shows the country the character of legislation through whose action this officer of the United States Army was enabled to obtain an excessive sum of money, to the great loss of a plundered people, and the injury of the reputation of the honorable branch of public service to which he belongs.

Mr. WEST. Will the Senator let me ask him a question there?

Mr. BAYARD. I have no objection.

Mr. WEST. He speaks of individuals who form a portion of that Legislature not being able to read. Will he tell us why they were unable to read? They had not been allowed to learn to read.

Mr. BAYARD. That question may seem to suit the gentleman at this time. There have been periods in his own life when probably he could have given himself the answer he now seeks, because he lived in a country and in a community and under a law in sympathy with those who prevented them from learning. He is one of those who are responsible for the very thing he now stands up in the Senate and asks me to account for, as if it would affect what I have to say. It is not a question in the present connection as to what prevented these men from learning to read or write. It is whether, being unlearned and grossly ignorant, they are fit to be rulers of a people. It is not an inquiry into cause, but a question of inquiry into the fact. The fact is true that the mere printing bills for a Legislature in a single year exceed the entire expense of the government of that State for any year for a period of ten years before the war. The printing bills before the war amounted to $5,000 a year, and in this last year amounted to $331,945, leaving $118,000 still unpaid.

Mr. President, as a reason why this resolution not only should pass, but why it should command the attention of every man in the Senate and in the country, that we may do our best as far as the influence of the Federal Government can go to prevent a repetition of these acts of wrong, I read from this book of Mr. Pike:

> The war, the events of the war, the men of the war, hang like a thick, impenetrable curtain before the eyes of the present generation of northern people, hiding from view a past history, and existing facts, and a present situation, all of which are profoundly essential to a proper understanding of the problem with which the statesmanship of the country has now to deal. There is in the South to-day an enormous mass of inherited worth, virtue, and capacity, and wisdom, and every solid element of citizenship, that has an indefeasible right to demand recognition, and justice, and fraternal consideration. The commonest sentiments of humanity require it. The ties of a common lineage and a common Government demand it.
> * * * * * * *
> Every generous impulse prompts it. The dictates of a wise statesmanship imperiously exact it. Nothing stands in the way of such recognition but a blind, selfish, partisan hostility, that is as undying in its revenges as it is merciless in its judgments.

Mr. President, I believe these words are true, and I consider that it is the duty of every man, democrat or republican, administration or opposition, to join in the attempt to enforce common honesty where we can and upon our own officials, and by the example of our treatment of them to teach those communities whom we can affect and control that it is their duty and their obligation to act in like manner. I ask for the adoption of the resolution.

Mr. SCOTT. Mr. President, the introduction on the day before yesterday of the name of an officer of the United States Army impelled me at once, and without having time for reflection, to answer for a few moments the statements made by the Senator from Delaware. I would have been content to let this resolution pass and this question rest where the discussion that morning placed it, but the statements now made by the Senator from Delaware require some notice.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business.

Mr. MORTON. I hope the Senator from Pennsylvania will be allowed to conclude his remarks by common consent.

Mr. SHERMAN. I give notice that after the Senator from Pennsylvania is through, as he is proceeding now, I will insist upon going on with the regular order.

The PRESIDENT *pro tempore*. The Chair hears no objection to the Senator from Pennsylvania proceeding with his remarks.

Mr. SCOTT. Prior to this discussion, Mr. President, the resolution offered by the Senator from Delaware had not attracted my attention. It was, as I have said, the introduction of the name of this Army officer that induced me to speak upon the resolution. But since then I have looked at the resolution, and remembering that the Senator from Delaware in his remarks characterized the opposition which has been made to it as coming from those who represented the Administration, and remembering that this morning he has complained that there has been a disregard of the request made in his resolution, I ask attention now to the date when it was offered. It was offered on the 1st day of March, 1873, when that Congress had just three days of official life to live. It is true we have convened again; and if this had been a continuing request in a new Congress, the Senator might perhaps complain that his resolution has not yet been answered. It is evident there was not time to answer it during that Congress, for I proceed to show now the extraordinary character of the information that is called for in this resolution. I adverted to it very briefly in my remarks on Wednesday morning.

Of course there are upon the files of the War Department, and in all the Executive Departments, such papers and information as may naturally be called for as affecting the officers in those Departments. If we wished to get information with reference to an officer of the Army, we would go to the War Department for it; of the Navy, we would go to the Navy Department for it. But now what I wish to advert to is the fact that the President is here asked to communicate information affecting an officer of the Army, which, if it be within the knowledge of any official personage, can be within the knowledge only of the officers of the government of South Carolina. If rewards were paid to Major Merrill, nothing in the War Department will show it. The receipts upon file in the office of the treasurer of South Carolina would perhaps show it. If Major Merrill was admitted to the bar in a State court in South Carolina, or in a United States court sitting in South Carolina, the records of the court would show it. If he has practiced law for his private benefit—I put the inquiry to the Senator from Delaware—where would the President find means of informing himself of that fact?

Mr. BAYARD. Does the Senator want an answer?

Mr. SCOTT. I will yield. I put the inquiry, and am willing to hear an answer now.

Mr. BAYARD. Mr. President, I am amazed to hear it doubted that any fact connected with an officer's conduct while stationed on duty at any particular place cannot be learned by the War Department, if they desire to do so; and I am amazed to hear it doubted that any fact connected with that officer's conduct is not within the power of the Secretary of War to inquire into. He could obtain this information and return it to the Senate in the course of three days had he been so disposed. I have known cases where an inquiry was set on foot, where information was sent for and obtained, and I myself had it communicated to me, in regard to the conduct of officers in the United States service in respect of private matters which was supposed to involve some indecorum. Therefore it is perfectly plain to me that there is nothing in this resolution that the War Department could not practically have answered had it been disposed to do so.

Mr. SCOTT. I certainly am satisfied with the answer of the Senator from Delaware, if he is; for I have failed to perceive in it any information as to where the President could ascertain that Major Merrill had received fees from private clients. But I proceed as to this information.

The Senator from Delaware sent to the Chair and had read a statement purporting to be official from the records of South Carolina, showing that if this officer had been guilty of any offense for which he deserves to be condemned by the Rules and Regulations of the Army, any offense unworthy of a soldier or a gentleman, that information in an official form is not only accessible, but has been furnished to the Senator from Delaware.

Mr. BAYARD. It is furnished to the Administration as much as it is to me. I read from a public newspaper, showing that I had good grounds to offer this resolution.

Mr. SCOTT. The Senator from Delaware read from a public newspaper what purported to be an official document, a report made by commissioners to distribute certain rewards to the governor of South Carolina; and there is the gist of this alleged offense, that an officer of the Army has received a reward from the Legislature of South Carolina.

Now, sir, I come to a gratifying feature of this case. The Senator from Delaware was prompted in March last, he says, to make an effort to relieve the people of South Carolina from the great oppression of having this money paid to an officer of the United States Army. The citizens of South Carolina, who see proper to take offense at the conduct of Major Merrill, I have no doubt, have prompted the Senator from Delaware to introduce his resolution and make remarks which reflect upon the character of that officer. How glad I am to find that those citizens of South Carolina are becoming solicitous for the honor of the officers of the United States Army.

I spent some days in official duties in the capital of that State, where I was pointed to the blackened ruins of what were called the Vandal hands of the officers of the Union Army; and I remember (and it is a public fact in the history of the last two years which many others will remember) that the illustrious soldier now at the head of that Army has been held up by the citizens of that State to the public gaze of the United States as the author of, or responsible for, that grievous offense.

And they are solicitous for the honor of the United States Army; so much so that they come here to vindicate the honor of the Army, even at the expense of the honor of their own Legislature! What a wonderful revulsion in the State pride of South Carolina when her chivalric sons can come before the Senate of the United States and seek, by defaming the Legislature of their own State which they have so fondly cherished in times past, to vindicate the sullied honor of the United States Army!

Mr. President, if they had wished to vindicate the honor of the Army, no men knew better than the men of intelligence who gave this information to the Senator from Delaware that, promptly and speedily, this officer could have been cashiered, and his epaulets torn

from his shoulders by a court-martial, and he dismissed in disgrace, if he had been guilty of conduct unworthy of a soldier or a gentleman. The War Department was open to them. They had their official records which showed the payment of this money. Why not prefer their charges, and have this officer brought before a court-martial for the purpose of meeting them, instead of calling through the Senate upon the President for information which their own State records furnish them?

I have no knowledge of this legislation. I know not how it was prompted, or that it was, further than the information received a few moments since from one of the Senators from South Carolina, who, I have no doubt, on this subject will speak, and properly, for his State. That is not my purpose. But on this point I may simply say that I am informed that these rewards were offered by the executive of that State for the apprehension and conviction of Ku Klux criminals, without any intervention of the Legislature in the first instance at all, and that after the apprehension and conviction of a number of these criminals the Legislature did pass a law appropriating money for the payment of them.

Mr. PATTERSON. I beg leave, with the consent of the Senator from Pennsylvania, to say that the rewards were offered by the governor before the law was passed by Congress, and a year before Colonel Merrill came into the State.

Mr. SCOTT. That is a very important statement. The rewards were offered one year before the act for the conviction of these criminals was passed, and before Major Merrill went into the State.

Now, sir, following up the idea that this is out of solicitude for the Army of the United States and to vindicate its honor, let me call attention to the fact that this is not the first time that Major Merrill's name has been introduced in connection with this subject. I have already referred to the state of feeling which existed in the town in which he was located, not, as the Senator from Delaware would seem to intimate, by way of complaint that the citizens of that town saw fit to choose other social companions than Major Merrill out of such motives as he has adverted to; but I refer to it simply to show that Major Merrill was performing an incongenial and a disagreeable duty, that he did perform it faithfully, and that in consequence of his faithful performance of that duty the men who wished that duty not to be performed were pursuing him with relentless rancor. I read from the report of the Committee on the Condition of the Insurrectionary States, page 577, which is the minority report:

Major Merrill's principal misson at Yorkville seemed to be, from his own statement, to get up a list of the whippings administered to the blacks by the Ku-Klux, including a period of time of nearly a year prior to his arrival at Yorkville. He did not seem to take any interest in what the carpet-baggers and negroes were doing in the mean time. In being sent there to keep the peace, he thought he was fully performing his duty by noting the acts and doings of one side only. He says he was acting under instructions from General Terry, and it is presumable that General Terry was acting under orders from the War Department at Washington. No good man will object to their operations against the Ku-Klux.

Always a disclaimer put in; but somehow or other even the Senator from Delaware, in speaking of these same men the other morning, could not help characterizing them as "the miserable men who were now languishing in the penitentiary at Albany."

Mr. BAYARD. The Senator will permit me to say that it was because I believed they were there unjustly, never having had a fair trial. That is why. I do not condemn men unheard.

Mr. SCOTT. If the Senator will permit me, I will show him that at least fifty of them went there without a trial, and upon their own plea of guilty.

Mr. BAYARD. If it would not be at all a breach of our private conversation——

Mr. SCOTT. Certainly; go on.

Mr. BAYARD. Then I will say that I was glad to find, and not at all surprised to find, that the Senator from Pennsylvania had been active in procuring the pardons of many of those men who had been sent to the penitentiary, because he believed, I suppose, that they were there unjustly; indeed I think I might use his own language. He thought they had been there because they were duped. I mentioned at the same time to him that a man from New York whose earnestness and sincerity were never doubted by friend or foe, Gerrit Smith, had gone to the Albany penitentiary, had there instituted a long examination in respect to this class of cases, and had certified to the President and the Department of Justice that in many, if not most of these cases, he believed these men had been unjustly convicted. There stands his report—the report of a man all of whose prejudices were aroused against this class of offenses; and this very man, on examination has made this return; and so I believe, if the honorable Senator from Pennsylvania, who I only wish could have been the judge upon the bench to try these cases, and then if he had heard the testimony, and if he had tried the cases and he had passed sentence upon these parties, I never should have spoken or suggested a word about injustice; for I do not think he is capable of committing it.

Mr. SCOTT. I am thankful to the gentleman, both for his reference to my action in having these pardons granted and for the compliment he has just paid to what he thinks would be my judicial impartiality. But as he has referred, by my consent, to that conversation in which I spoke of my participation in having the pardons of these men granted, I take pleasure in saying that although I sought to do my duty in ferreting out this conspiracy and holding it up to the execration of the civilized world, I do know that among those convicted a majority of them were the mere dupes of the men of brains and influence who made them the instruments of their hellish designs; and I did say to the Senator from Delaware that wherever I found a man in prison who I was satisfied was but the dupe of craftier and abler men, I had gone to the Executive and I had asked his pardon. I did not question the correctness of the convictions, either of the miserable followers or the few active leaders who have been punished; but I do regret to-day that all the men who are in prison yet are not the prominent leaders, the authors, the contrivers of this infamous organization, but its more humble and less guilty instruments.

But, sir, this is an interruption of a quotation, and quite a long interruption; I will continue it:

No good man will object to their operations against the Ku-Klux; but when this whole investigation, whether it was so intended or not, will be used for party purposes against the white people of South Carolina, as responsible for the actions of the Ku-Klux against the negroes, it would seem to be proper that the acts of both sides should be known. This idea never seemed to have entered the impartial mind of Major Merrill, or his superiors——

They do not confine it to Major Merrill; General Terry and the War Department are brought in.

This idea never seemed to have entered the impartial mind of Major Merrill, or his superiors, whether a general commanding a department, or the Government.

They then proceed to quote Major Merrill's testimony. Now, sir, did I not feel that I would be taking up unnecessarily the time of the Senate in this prolonging of the morning hour, I should like to read from the report made by Major Merrill, which resulted in the conviction of these men in South Carolina. A Senator near me says, "Read it." Before proceeding to do that, however, I trust I shall be pardoned for referring to another statement of the Senator from Delaware. In stating that I did not know what motives prompted the Legislature of South Carolina to offer these rewards at the time, I referred to the fact that these men had friends in that State to such an extent as to have contributions levied for the purpose of carrying on their defense; and when the Senator from Delaware replied to that statement of mine, he spoke of my having made a charge of this character against the people of South Carolina for the purpose of showing that they were in sympathy with this organization; that I had made it upon my own responsibility, and that I ought not to have made it. Now, to show that I did not make it on my own responsibility, I quote the appeal with the names that were to it:

[Circular.]

Eminent counsel from the North have been employed to defend the men prosecuted under the Ku-Klux acts of Congress. This has been undertaken in order that ample justice may be done, and to the end that the constitutional questions involved may be considered. This is deemed a public duty. In order to carry out this purpose, it is necessary to raise the sum of $15,000. Your county has been assessed $2,000, which you will please raise and transmit to Columbia to the committee in charge.

WADE HAMPTON,
M. C. BUTLER,
J. B. PALMER,
J. P. THOMAS,
S. L. LEAPHART,
W. B. STANLEY,
JOHN MCKENZIE,
Committee.

Colonel C. JONES, *Rock Hill, South Carolina.*

MY DEAR SIR: Mr. Stanbery, Reverdy Johnson, and Judge Barrett, of New York, have consented to come, and we shall need $15,000. Do raise what you can.

Yours, truly,

WADE HAMPTON.

Following that is an indorsement of this call by the paper printed in the town in which Major Merrill was located, the Yorkville Enquirer. He had reported to General Terry, his superior officer, the state of things existing in that county, and a grand jury sitting at the court in Columbia, South Carolina, after this report made this statement in a presentment to the court. After presenting the condition of things existing in the upper counties of South Carolina, they say:

That for this condition of things, for all these violations of law and order, and the sacred rights of citizens, many of the leading men of those counties were responsible. It was proven that large numbers of the most prominent citizens were members of the order. Many of this class attended meetings of the Grand Klan. At a meeting of the Grand Klan, held in Spartanburgh County, at which there were representatives from the various dens of Spartanburgh, York, Union, and Chester Counties, in this State, besides a number from North Carolina, a resolution was adopted that no raids should be undertaken, or any one whipped or injured by members of the Klan, without orders from the Grand Klan. The penalty for violating this resolution was one hundred lashes on the bare back for the first offense, and for the second, death. This testimony establishes the nature of the discipline enforced in the order, and also the fact that many of the men who were openly and publicly speaking against the Klan, and pretending to deplore the work of this murderous conspiracy, were influential members of the order, and directing its operations even in detail.

* * * * * * *

We would say further, that unless the strong arm of the Government is interposed to punish these crimes committed upon this class of citizens, there is every reason to believe that an organized and determined attempt at retaliation will be made, which can only result in a state of anarchy and bloodshed too horrible to contemplate.

At that term of that court—and here comes in the statement of the number who pleaded guilty to which I referred the Senator a few moments since—I quote:

True bills were found against 785 defendants, there being about 500 defendants in all, and some named in several bills. Of these 5 were convicted on trial, 53 pleaded guilty, and the others could not be tried, and were held over.

Now, whatever may be said about the character of some of the witnesses who were examined on these trials—and I doubt not there were men who might be prompted by mere mercenary motives if they supposed that a reward could be obtained, but, as I am informed by the Senator from South Carolina, that could not have operated on the witnesses at that time, for there was no assurance of any reward given—whatever may have been the character of some of them, the fact that fifty-three of those men pleaded guilty to the indictments that were found against them ought to silence forever the clamor against the character of the court before which these men were tried.

Why, sir, did I wish to pursue this subject, I would take up the report of Major Merrill with reference to the proceedings in the county in which he was stationed—in York—to show that it could not be otherwise than that the man who went there and did his duty would incur the eternal hatred of all that class of society who at that time were sympathizing with these operations—and it is not to be denied that there were very many of them, and I speak it from sad experience; I would it had been otherwise. There was a state of things existing in that society which no man could appreciate unless he was there and felt it. There was an atmosphere about it that cannot be described; and the terror under which men lived in that community was well illustrated by a man who bears the name of a signer of the Declaration of Independence when he said, eminent lawyer as he was, that although he condemned the organization and believed it existed, his own personal safety required him to keep from uttering that condemnation.

Well, sir, with that state of society existing, was it wonderful that the governor of South Carolina should be induced, in the discharge of his duty, to offer rewards for securing these men? Is it wonderful now even that the Senator from Delaware should complain that there was perjury in some of these trials? Why, sir, if there may have been witnesses perjured upon those trials, I think subsequent history will show that a more enormous mountain of perjury never was piled up than was committed by witnesses who were brought before the committee to testify about this organization. Perjury was one of the provided means of defense for its members.

Let me illustrate by just one case. In the very town in which Major Merrill lived and where he discharged his duty, we brought before us a physician; and as the case subsequently obtained notoriety, I will give his name. It was Dr. James R. Bratton. He was a man of education, a leader in society, as all the prominent physicians are in the county towns of South Carolina; a man of intelligence and culture; a man who stood high in the community. We heard Dr. Bratton's name in all quarters as a respectable man. He came before that committee. I examined him, as faithfully as I ever examined a witness in court, for a solid hour, and he stood there denying his knowledge of the Ku-Klux organization, not simply his participation in it as an individual, not simply his knowledge of crimes that were called to his attention by name, but his knowledge of the existence of the organization. When the President exercised the power vested in him of suspending the writ of *habeas corpus*, Dr. Bratton took his flight to Canada. Many Senators may remember seeing the account of what occurred in one of the towns in Canada when the effort was made to capture and bring him back.

Now, sir, on the trial in South Carolina of another man for murdering a man by the name of Jim Williams, witnesses who had no motive to testify against Dr. Bratton—he was not on trial; he was out of the country—testified that he was the leader of a Ku-Klux band which met in the town of Yorkville in the hours of the night; that he himself procured the rope, hung it on his own saddle-bow, and led the gang out to Jim Williams's residence, put that rope around his neck, and hanged him.

But, sir, lest even my statement may need corroboration with the Senator from Delaware, let me read for one moment what a distinguished gentleman said about that case.

I quote from the address of Mr. Stanbery, a gentleman who before that time occupied the position of Attorney-General of the United States, upon the trial of these men in Columbia, South Carolina. Lest my denunciation of this proceeding should be attributed to feeling, let me read his remarks. Mr. Stanbery says:

> How, in God's name, gentlemen, can you make him—

That is, the man who was on trial—

> responsible for the horrid outrage that followed? Why, gentlemen, did not the men that were detailed to go down there and seize the man suppose they were going for his arms? They were absent about an hour, or less than an hour, and when they returned they were silent; the question was, "Have you got the arms?" No response whatever, but some showed guns. In a little while Dr. Bratton—

Mark it, the man I referred to, although he was not on trial—

> in answer to a question put to him by some man where Williams was, said, "He is now in hell." Gentlemen, I do not stand here to justify Dr. Bratton, but to defend this young man; let Dr. Bratton answer for himself, and do not hold this young man guilty on account of his misdeeds. I do not justify that horrid outrage that was committed there that night. It makes my blood run cold to listen to the relation of it; after they had got his guns, to take him out from his family, and without a moment's time to make his peace with God, to launch him into the other world, and upon their return to speak of it in the impious manner which has been detailed! Gentlemen, the right man is not here. You have the proof, but not the offender.

Here is no imaginary case. Here are no witnesses seeking to convict the man on trial for the purpose of procuring a reward; but here is incidental testimony as to the guilt of this leader in society, who had stood up for an hour perjuring himself as to the existence of that organization and his connection with it.

When that kind of perjury could be rampant in South Carolina was it much wonder that the Legislature felt authorized in offering rewards for the conviction of men shielded by the panoply of such a combination and such perjury? I shall leave that subject to the Senators from South Carolina; but I am showing what Major Merrill had to deal with. His residence was right across the street from that of Dr. Bratton; they could see each other every day. It was not the poverty of Dr. Bratton; it was not the pride which looks back upon departed affluence, and is unwilling to bring in the guest to look upon the rags of the present poverty. It was just what the Senator from Delaware has characterized as that feeling which even Lord Dundreary could find out, that birds of a feather flock together; and, sir, the man who was proud of commanding under the United States flag at Yorkville was not the man to whom the birds of the other feather flocked. Following the suggestion, I might add that which feather a man wore was just one of the things which in that latitude "any fellow could find out."

That was the secret of the social ostracism. That was the secret which led this man, Major Merrill, to discharge his duty there; he honored his country's flag; they did not. And it is for that fidelity, is it, that these men are now seeking to vindicate the honor of the United States Army. In the name of justice and patriotism, Mr. President, if the President has this information, let us have it; if he has to send to South Carolina to get it, let him send for it and send it to us. As I said before, I have confidence in the honor and integrity of this officer. That is all I stand here for—to vindicate the honor of the United States Army, and I am glad I have such an able and talented coadjutor as my friend, the Senator from Delaware. We have worked together for a common purpose, to do justice. We have looked at the question out of which this proceeding arises in a different light. I know his goodness of nature; I know the tenderness of his heart; I know that I have seen him as indignant when tales of outrage and wrong were narrated before that committee as any member of the Administration party was, and I know he is honest and sincere in condemnation of these individual wrongs; but somehow or other, whenever the question comes up affecting the aggregate body of these offenders, or so that the Administration can be made in any way responsible for any wrong in the Southern States, the goodness of his heart over individual cases seems to get underneath the strong desire which he has to throw this great wrong into the shade by speaking of others not connected with it, and to put the Administration in the wrong.

Here is a report signed by the Senator in which Major Merrill is arraigned. Here are reports in South Carolina by which they say he is compromised. Why, then, could not his accusers pursue the ordinary course, and have him court-martialed and tried, if he is guilty? Why is it that the Senator from Delaware must come into the Senate and offer a resolution asking for information which could be more appropriately obtained in South Carolina? Is it true that we still differ politically about this question, notwithstanding morally we agree in execrating the horrible crimes that were committed by this Klan, in the suppression of which, as I have heretofore said, Major Merrill bore a more conspicuous part than any other man in the service of the Government?

I did not say, and I wish here to correct the statement of the Senator from Delaware—I would not be put in the position of saying that if Major Merrill had done wrong in South Carolina he should be compensated for doing the wrong; or that, if he had suffered social ostracism, rewards should be paid to him as a *solatium* for his wounded feelings. No, sir; but recalling the instances that have occurred in our own Government where officers of the United States Army have accepted rewards offered by public proclamation for capturing those who were considered enemies to the Government, and remembering as I do that in all my intercourse with the officers of the Army with whom I have come in contact I have never heard the fair fame of Major Merrill questioned, I feel satisfied that when this information comes in, or when a court-martial shall be ordered, he will be found to have sustained his character as a soldier and a gentleman. I shall very much regret and be very much disappointed if it be otherwise; but if it be otherwise, he will find no apologist in me.

Mr. BAYARD. Mr. President, I can echo very heartily the wish of the Senator from Pennsylvania. If this officer shall, upon examination, be found free from blame, be found clean-handed, be found to have been mindful of the high repute of an officer of the United States Army, I can only say, most honestly, I shall be glad of it, and will rise here to say so. I have made no imputation upon him of my personal knowledge. I have stated facts from the public press, and I have waited for information from authentic sources before my final judgment upon his acts should be passed. I have been dealing with a supposititious case with regard to which information was required, and with regard to which I felt it my duty to ask for information and press for it, and press for it I always shall, until it is obtained.

But, Mr. President, it seems to me, the difference between my honorable friend and myself is this: he admits, with simple justice to me, that I have no sympathy with the wrongs which have been perpetrated in the South upon any class within their midst; he agrees that my indignation is as great toward a base, unmanly, or cruel act as his own; and I think that in so doing he has done me simple jus-

tice; but, sir, I wish that I could say for him that his sympathies had responded as quickly to the white inhabitants of the South when wrong was done them. It has been to me the strangest thing that Americans, Senators, men of character, could witness the oppression which they have; could listen to the details of the wrongs before their committees to which they did listen, and yet feel nothing in the way of sympathy for the white people of the South, who were so utterly downtrodden and oppressed.

Why, sir, grant that these secret orders did exist—and in regard to their existence there is very grave reason to doubt; if they did exist it was a thing of the past—were there no wrongs to cause them? Were there no wrongs done in attempting to suppress them? Sir, the pages of those thirteen volumes are filled, and the ears of the Senate could be occupied for three months in listening to the tales of wrong upon a downtrodden and oppressed people that would command, and that do command, in every quarter of the world where political prejudice does not override human feeling, sympathy from every right-minded person. And yet, at the same time, if there has been wrong committed against Major Merrill, I will join in denouncing it. But it seems impossible to get the Senator to find the least fault or to admit the least possibility of blame on the part of these agents of the United States Government or the people with whom they co-operated in the Southern States.

Now, Mr. President, there was a week last spring before Congress adjourned, and several weeks of a special session of the Senate, and nearly three months of the present session for the President to have taken notice of this resolution and the facts it referred to. If he had wanted to do so he could have done so. As I said in opening these remarks, and now I repeat, if there had been a will, there would have been a way, and that $21,400 would not to-day have been in the pockets of Major Merrill, but in the treasury of South Carolina.

The Senator finds fault with certain well-known highly honored citizens of the Southern States for having publicly called for pecuniary aid to defray the expense of defending the men who were indicted under the enforcement act. Whom did they employ? They sought men eminent in the North; and, sir, there is a world of meaning when the southern men have to come to the North to get a voice to be heard in their behalf. It was not that there were not able lawyers in the South; it was not that there were not men of eminence in the South; it was full of them; it is full of them; but they would speak to northern ears, and northern ears that were deaf to the appeal of the southern people for justice; and so they came to the North, and they selected Reverdy Johnson and Henry Stanbery, each of whom had been Attorney-General of the United States, men of the highest grade of professional ability and standing. Is there to be reproach in that? Did they conduct this case in an unprofessional, unworthy, underhand way? Did they seek to defeat justice by the sly tricks of the lower grades of the profession? No, sir; they sought only to see whether the Constitution could not extend its shield over the southern man in the Federal courts of the South as well as in the Federal courts of the North. They went there to urge an honest plea; not to shelter crime, but to insist upon the protection of innocence. They lent their abilities to vindicate that which is your protection, sir, and mine, which is your heritage and mine, and of which the southern people have been deprived by the legislation of Congress for the past eight years. The guarantees of liberty intended to be secured by the Constitution of the United States—this was all that it was sought to intervene between the parties charged and their prosecutors in the Federal courts. They simply wished a test made of the constitutionality of the enforcement acts. Does not the Senator know that when one of that class of cases came before the Supreme Court of the United States the writ was refused only by a tie vote of the court, and that as yet the question remains undecided whether Congress have the right to enter a State and try a man for crimes which are cognizable by the State laws, and which they are fully disposed and amply able to punish?

But, Mr. President, has it come to be a crime, are men to be held up in the Senate of the United States as being guilty of a crime, when they seek the courts of law to vindicate their rights? This enforcement act was passed under the pretense of enforcing law, of preventing lawlessness, and this Chamber resounded with the voice of my friend from Pennsylvania, and his colleagues on the other side, in favor of the enactment of the law to prevent lawlessness. They said the southern men had appealed to lawlessness, to violence, instead of appealing to law; and, lo, when the law is passed and they appeal to the law, the Senator rises in his place in the Senate and, by inference at least, denounces the men who raised the money to enable their poorer countrymen to test the constitutionality of the act; for such is the position to which he comes.

Mr. SCOTT. I trust the Senator from Delaware will not permit himself to say that I have denounced them for raising the money for that purpose, in view of what I stated the day before yesterday, that I rejoiced that they had a fair trial; that they were entitled to it; and that that was introduced by way of contrast simply, not by way of denunciation.

Mr. BAYARD. Then I have misunderstood the object of the Senator in parading for the third or fourth time the names of these gentlemen who signed the public call for subscription. I heard them cruelly, unjustly, shamefully denounced in this very Chamber for having signed that paper. Sir, they simply did what they had a right to do; and when they sought to protect the poor and the helpless against the combined power of the Government, and see that a fair trial according to law was granted to them, they did what was honorable and what every right-minded man must respect them for. It is one of the boasts of our system that the meanest criminal shall not be punished until he has been heard and fairly tried; and that is all those gentlemen asked, and all that they sought for, on behalf of their fellow-citizens.

We are told that there was a plea of guilty by some fifty-three of the men indicted, which had been preceded by five cases of conviction, and that that plea of guilty by fifty-three of these ignorant men—the Senator will admit that they were ignorant——

Mr. SCOTT. Not all of them.

Mr. BAYARD. The most of them could hardly write their names. I produced in the Senate the stenographic report of those trials before Judge Bond in South Carolina, in which when these men were called up and questioned by him at the time, they pleaded guilty. They stated their ages, their occupations, and the amount of literary culture they possessed.

Mr. SCOTT. One of those fifty-three was a justice of the peace in South Carolina.

Mr. BAYARD. And in South Carolina, I believe, the majority of the justices of the peace cannot either read or write.

Mr. SCOTT. More than that, he was a distinguished elder in the Presbyterian Church.

Mr. BAYARD. He must have been a worse man than I supposed, to accumulate all these offenses upon his head. [Laughter.]

But, sir, here were fifty-three pleas of guilty; and from that we are told arises an unanswerable, overwhelming argument that these men knew of their guilt. Why, sir, what is the fact? They were told that they had better confess, and why? To save themselves from more extreme punishment. They had seen five cases tried; they knew what such a trial amounted to; they had seen the kind of juries before whom they must stand; they had witnessed the tone and temper of the judge before whom they were to be arraigned; they had seen the kind of testimony upon which men were to be deprived even of life itself, and incarcerated for long years in a distant prison. No wonder, with these facts before them, that they yielded to the suggestion of Major Merrill and his coadjutors and saved their prosecutors the trouble of trying them; because they were foredoomed. They pleaded in order to escape from more severe punishments; and I have myself read before the Senate from the record of the trial to show the fact.

Mr. PATTERSON. Will the Senator from Delaware allow me to ask him a question?

Mr. BAYARD. Certainly.

Mr. PATTERSON. Does the Senator know who were the presiding judges of that court?

Mr. BAYARD. Judge Bond was the presiding judge.

Mr. PATTERSON. And Judge Bryan also.

Mr. BAYARD. He was not the presiding judge. As to the cases I speak of, I read from the official report of the trial, of the pleas of guilty, of the remarks of the judge, of the character of the testimony produced; and in all that I have spoken by the card. I have the record, and can produce it to the Senate.

Mr. PATTERSON. The court was presided over by Judge Bond and Judge Bryan, both of them southern men, one a native of Maryland, and the other a native of South Carolina.

Mr. BAYARD. When I am asked by a Senator, who I suppose understands the meaning of words used in courts of law, who presides at a trial, I generally mention the name of the presiding judge; and when I mention the name of the circuit judge of the United States, Mr. Bond, I mention the name of the judge who presided at those trials, and who controlled the admission of testimony.

Mr. PATTERSON. I am not a lawyer; but I wish to ask the Senator from Delaware this question: Is it not the fact that when a court is sitting with two judges, as, for instance, Judge Bond and Judge Bryan, they have equal jurisdiction; that one cannot act without the other; that both must act together; that one does not preside over the other when they are sitting in court?

Mr. BAYARD. No, sir. When Judge Bond and Judge Bryan sit together, Judge Bond may advise with Judge Bryan, but Judge Bond conducts the trial of the case. If they choose to give a certificate of difference of opinion, any point so certified may go up; but in all questions controlling the trial of the case the circuit judge decides.

Mr. PATTERSON. I think the Senator is mistaken, and I will refer him to the case of Mr. McMaster. A motion was made to strike Mr. McMaster from the list of attorneys; and the court divided upon it, and the motion could not be carried.

Mr. BAYARD. It matters very little whether this case was tried before two judges or one judge. I was only stating the facts in regard to the character of the tribunal; I am stating the composition of the juries before whom they were tried, and the character of the testimony introduced.

When my honorable friend from Pennsylvania spoke of admitting the possibility of a certain amount of perjury, he did not go further and refer to the horrible spectacle which I had referred to two days ago, that of a judge permitting the principal in a case of murder to come forward, with his reward in his pocket, stand in safety, and condemn another man to prison for an act that he himself admitted he perpetrated with his own red right hand.

Mr. SCOTT. I do not remember the case.

Mr. BAYARD. I read the report of the case and gave the name of the witness.

Mr. SCOTT. I do not recollect such a case now.

Mr. BAYARD. There is no question as to the fact. I once read the report to the Senate, and by reference to some remarks made by me a year or so ago it will appear.

Mr. SCOTT. In South Carolina?

Mr. BAYARD. Yes, sir; in South Carolina, in Judge Bond's court.

Mr. PATTERSON. I should like to ask the Senator a question.

Mr. BAYARD. Certainly.

Mr. PATTERSON. The Senator speaks of a witness who testified on these trials with the reward in his pocket. Does he refer to the rewards that were granted by the Legislature which he is inquiring about?

Mr. BAYARD. The Legislature paid the rewards for those convictions, I suppose, after the convictions were secured.

Mr. PATTERSON. Very well; but I understood the Senator from Delaware to state, a minute ago, to the Senate that the witness testified with the reward in his pocket. I ask the Senator now if he refers to the reward granted by the Legislature? That is the only reward I know of.

Mr. BAYARD. No; I could not mean the reward that had been paid by the Legislature subsequently, as a matter of course. He only had the promise of the money then. This murderer, in regard to whom the Senator now asks these questions, and whom he would acquit because he did not happen to have the money in his pocket at the moment he gave his vile testimony on the stand—this murderer stood up in safety and condemned a man of the State which the Senator represents to go to prison for a murder that he himself admitted he had committed, on a man tied to a tree and helpless. Has the Senator any defense to make of that?

Mr. PATTERSON. No, Mr. President, I have no defense to make for that witness; but I have this to say, that that witness, as far as the testimony goes, never received any reward, and if he was there, and by his testimony that man was sent to prison, it was right. Whether the Government was right in not sending him there is not for me to say; but we got one of them in prison.

Mr. BAYARD. Then he did it for love, and not for money.

Mr. PATTERSON. He got a streak of justice on him, perhaps.

Mr. BAYARD. I do know that according to the paper which I read the day before yesterday, purporting to be authentic, one class of the parties who had received these rewards were—

2. Parties who had been apprehended as conspirators, but had been used as witnesses for the prosecution of others.

Those men formed class 2 to receive their portion of the $35,000. Now, if the Senator from South Carolina thinks it makes a stronger case for his friends who received this money that they received it subsequently and did not have it actually in their pockets at the time they gave their testimony, he is welcome to the benefit of it.

Mr. SHERMAN. I will ask the Senator if he will not be willing to give way? I am informed that this matter cannot be disposed of now, because there are other Senators who wish to discuss it.

Mr. BAYARD. I shall be through what I have to say in a few minutes.

Mr. SHERMAN. Very well. After the Senator is through, I shall ask the Senate to go on with the regular order.

Mr. BAYARD. Mr. President, I have nothing to say in regard to the case of Dr. Bratton, and do not propose to try him at this time. I am not aware of the facts in his case. He may be worthy of all the condemnation that the honorable Senator from Pennsylvania poured upon him. If the facts he stated are true, I will heartily join the Senator in his condemnation. But the question now is, why should Major Merrill be rewarded for his services in a single year, or in six months, to the tune of twenty-one thousand and some hundred dollars, when it seems now, according to the statement of the Senator from Pennsylvania, that he succeeded in convicting only the wrong men; that all the while, right under his nose, across the street from him, resided the man who was the *causa causans* of all this trouble, the chief conspirator, and while Major Merrill was harrying that whole country and arresting other men by hundreds, he let this guilty man live right under his nose and did not arrest him? What a confession of incompetence is this, if nothing else! And yet that is the complaint here made.

Mr. SCOTT. I understood the Senator to put the question why Dr. Bratton was not arrested. Does he wish an answer?

Mr. BAYARD. I am only commenting upon it because the Senator says Bratton lived immediately across the street from Major Merrill's headquarters; Major Merrill had him under view all the time, did not like him, suspected him, was ostracized by him, and yet Bratton lived there and Major Merrill made hundreds of arrests of innocent men, but let Bratton alone.

Mr. SCOTT. I will answer the question. Up to the time that the proclamation was issued suspending the writ of *habeas corpus* there was nothing that would justify Major Merrill in arresting Dr. Bratton, and as soon as it got into the atmosphere that the writ of *habeas corpus* was going to be suspended he fled, so that he could not be arrested.

Mr. BAYARD. The right to arrest him under warrant existed before the suspension of the writ of *habeas corpus*. The statement made by the Senator amounted to about this, as I understood it: to a confession that the whole of this harrying and dragonnade in South Carolina resulted in the conviction of the wrong men, and that the arrests and convictions that took place were of everybody but the real offenders and the parties who were guilty, and should have been punished.

It is true that I was not upon that sub-committee, and did not accompany my friend to South Carolina. I was busy on another committee elsewhere. I did serve in two of the other States, and South Carolina was also embraced within the district to which we were assigned. I passed through the State of South Carolina. I passed through those counties in which martial law had been proclaimed, and where Major Merrill's will was the sole law of the land. I remember well casting my eyes to the right and to the left from the time we entered the borders of those counties until we emerged from them, and it was a scene of desolation. No white man could be seen. He depopulated the country. The people fled from his rule. The plow was left in the furrow; the farms were abandoned. No man was safe. I remember meeting at a railway station two young men who sat down at the table with me, and I asked them in regard to the condition of the country. They told me it was because of the declaration of martial law; that no man, however aged, however respectable, was safe if the basest negro simply pointed his finger at him and asked for his military arrest. It was a reign of terror. It continued so. Men were arrested by hundreds, dragged from their families, incarcerated without writ, discharged sometimes without question and without any explanation, and without any charge being brought against them. Such was the condition of things there so long as there was no writ of *habeas corpus*, with Major Merrill in command, and no court open for their relief. That was martial law in America—the suspension of the writ of *habeas corpus* by the President in a time of profound peace, with the courts all open, where every judge was of his own party, every juror of his own party, every prosecuting officer of his own party, the whole machinery for the arrest, trial, and conviction of men confined to men of his own choice, because by the test oaths, which still prevail in the South, men are disabled from serving on a jury who ever performed the most natural dictates of humanity, the slightest act of friendship, of assistance, toward their own kindred and friends during the entire period of the war.

The Senator may sneer at the affected solicitude of the people of South Carolina for the honor of the Federal Army. It is for him to consider whether it is just to them and whether it is just to himself to do so. But the people of South Carolina did not cause this resolution. I make no especial profession of solicitude for the honor of the American Army. I only say that I have, in every way that a man can obtain it, a right to be so solicitous; it is my right to be solicitous; and if there were no other moving cause than my sympathy and friendship for a distressed and downtrodden people of my own race, a desire to save the poor remnant of their property from further robbery; if there were no other reason than my feeling of respect for the Army of the United States, that is sufficient to justify me, as it has prompted me, in offering this resolution. I hope therefore that it may be adopted, although I am quite willing the discussion should go on if Senators desire it.

Mr. ROBERTSON. The morning hour having expired, this question necessarily goes over; but I wish to give notice to the Senate that I shall submit my views on this resolution before the vote is taken upon it.

Mr. SHERMAN. I now insist on the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1037) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense; and

A bill (H. R. No. 911) to relinquish title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery.

ADJOURNMENT TO MONDAY.

On motion of Mr. STEWART, it was

Ordered, That when the Senate adjourns to-day it adjourns to meet on Monday next.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. To the vacancy on the Committee on Appropriations, occasioned by the resignation of Mr. Ames, the Chair appoints Senator DORSEY. To the vacancy on the Committee on Mines and Mining, occasioned by the retirement of Mr. Crozier, the Chair appoints Senator HARVEY. To the vacancy on the Committee on Enrolled Bills, occassioned by the resignation of Mr. Ames, the Chair appoints Senator PEASE. To the vacancy on the Committee on the Levees of the Mississippi River, occasioned by the retirement of Mr. Crozier, the Chair appoints Senator HARVEY.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1037) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 911) to relinquish title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery, was read twice by its title, and referred to the Committee on Military Affairs.

NATIONAL BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes;" the pending question being on the amendment of Mr. WRIGHT to the third section.

Mr. MERRIMON. Mr President, the substitute which I offered to the pending bill was prepared hastily, and although it accomplishes the purpose I had in view, it is not as definite as I would like. I therefore ask leave to withdraw it and offer what I send to the Clerk's desk as a substitute.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from North Carolina modifies his amendment, and it will be read as modified.

The Chief Clerk read as follows:

That $46,000,000 in notes for circulation, in addition to such circulation now allowed by law, shall be issued to national banking associations now organized and which may be organized hereafter, and such increased circulation shall be distributed among the several States, as provided in section 1 of an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

Mr. SAULSBURY. Mr. President, I should have preferred to submit the remarks which I now propose to make, upon the resolution reported from the Finance Committee, but the discussion upon the pending bill has become so general, has taken such a wide range, that I avail myself of this occasion to express some views which I entertain upon the general subject of our financial condition.

The subject is one of such vital importance to the people of the country, that any expression of opinion which can serve to elucidate it in any one or more of its bearings, or which can in any way direct thought and attention into a correct channel, will not have been uttered in vain.

Financial questions have been at all times questions of great difficulty and intricacy, so much so that in former times but few gentlemen who sat in this Chamber would attempt their discussion. They are none the less difficult now; indeed, they have become more complex by reason of the connection of the Government with the monetary system of the country. The subject, however, is here, and one with which we have to deal; and it is only by an interchange of views that we may hope to arrive at proper and just conclusions.

That there is very great financial embarrassment in many sections of the country is a proposition upon which all are agreed. There is also a very general concurrence of opinion upon the propriety and necessity of taking some action looking to the relief of the business of the country from its present embarrassment. The real difficulty seems to be in agreeing upon the appropriate remedy. Upon this point the views of Senators are widely divergent. Some who have preceded me in this debate think that relief can only be found in an expansion of the volume of the currency, while others are in favor of an early resumption of specie payments, and consequently oppose any inflation of the circulating medium. The Senator from Massachusetts, [Mr. BOUTWELL,] differing with both, opposes alike all contraction and all expansion, and prefers to wait until the policy pursued in the past shall work out, by gradual processes, the salvation of the country, by an assimilation in the values of coin and currency.

In reference to the cause of our financial troubles the views of Senators are as little in accord as upon the question of their remedy. One man attributes the cause to overtrading and speculation. Another supposes it can be found in a loss of that confidence so essential in all human transactions. The Senator from Indiana, [Mr. MORTON,] a few days ago, regarded the recent panic or crisis as the result of a strange loss of confidence, which periodically seems to seize the public mind and unsettles all financial relations and calculations, and the effects of which cannot be stayed until it has run its course and disappears as suddenly and as causelessly as it commenced. Now, sir, I admit there may be some truth in both these views; but is there not some ulterior cause out of which sprang the overtrading and speculation, as well as the loss of confidence, assigned as the causes of our troubles? Is there not some primal cause which engendered and brought them forth, and to which may be attributed the source of our financial difficulties? Such, I am free to say, is my opinion. I believe the primary cause of the present financial embarrassment will be found in the monetary system fastened on the country by the Government, the evils of which have been aggravated by what I may term the financial policy pursued by the Government.

Before proceeding to discuss our present financial system, and to show that it is in part the source of our present difficulties, I desire very briefly to call attention to the monetary system that existed in the country prior to the inauguration of our present system.

At the commencement of the war the Government had no connection with the banking institutions of the country, and no connection with or responsibility for the currency which they issued.

Under the power conferred upon Congress in the Constitution, "to coin money, regulate the value thereof, and of foreign coin," &c., Congress had established mints for the coining of money, and had determined the value of the coins of the country, but had never undertaken to furnish the paper currency used in business transactions. This had been left to the people themselves under authority derived from charters granted by the States. And very early in the history of the country State banks came into existence, and supplied the circulating medium, in connection with the specie coined by the Government, required by the wants of business. The issues of State banks being at all times redeemable in coin, were, as a general rule, at par with specie, large amounts of which were kept constantly in the vaults of the banks for the purpose of redeeming their notes.

The specie thus kept on hand by the banks was paid out in the redemption of their paper issues whenever demanded, so that the paper issued by the banks was convertible into coin at the pleasure of the holder. This may not have been true of the wild-cat banks, as they were called, of the Southwest and Northwest; but, with few exceptions, it was true of the State banks in all the Eastern and Middle States, and also of some of the Southern and Western States. At that time no man had any difficulty in procuring at any bank any amount of gold in exchange for the notes of the bank, and, as a consequence, there was no depreciation in the value of the paper money in circulation. It was at all times convertible into coin at the bank of issue, and very little depreciation could occur so long as the bank was good. Banks sometimes failed from mismanagement or the dishonesty of officials, but not oftener under the State-bank system than under the national banking system.

At the commencement of the war our banks were in a most healthy and prosperous condition, furnishing all the currency demanded by the business of the country, and at the same time having an accumulated surplus which they furnished to the General Government when the Government had no means of its own. Who does not remember with what promptness and cheerfulness the banks in many sections of the country responded to the call for help by the Government in the commencement of the war, furnishing many millions of dollars to sustain it until such time as the Government could provide the means to carry on the war and sustain itself. I have heard the State-bank system decried in this debate, but I believe that under former regulations, which might be made still more perfect, it was a better financial system upon the whole than the present national banking system. At any rate, before the present financial system was brought in, we had a currency at par with specie, and which was less liable to fluctuation than our present currency, which to-day is not worth ninety cents on the dollar.

Under this old system the country was prosperous, the people comparatively free from debt, and while there may not have been such rapid strides in railroad and other improvements, resulting from combination of capital, and not attributable to any monetary system, still the progress in enterprise was neither slow nor uncertain, but kept pace with the wants of the people and the demands of business in every section of the country.

Such was the condition of our monetary affairs when the present financial system was incepted by the issue of greenbacks, and consummated by the establishment of the present national banking system and the destruction of the issue of State banks, by taxing them out of existence. And now, Mr. President, let me ask, is there a civilized country on earth whose financial or monetary system is worse than our own? It has completely banished gold and silver as a medium of exchange from the land, and converted them into articles of merchandise and traffic. For twelve years specie has been excluded from all business transactions among men in the ordinary affairs of life, and all business engagements have been made and conducted with reference to irredeemable, depreciated paper money.

Not only has specie been excluded from circulating as money, but the paper furnished by the Government has no fixed or certain value, but is shifting and fluctuating, and impresses the variableness of its character upon every species of property in the land. The loss arising from this fluctuation in values growing out of the character of the medium of exchange is immense, and baffles all computation. Every article of merchandise, every species of security, in short, everything in which men deal—whether it be that which enters into the consumption of life, or that in which men invest with the hope of profit—all are liable to depreciation because of the uncertainty in the value of the currency with which business is to be conducted.

Who can tell what will be the value of greenbacks or national-bank notes to-morrow, or next week, or next month, or next year; and this uncertainty in their value—I do not mean their intrinsic value, (for they have no intrinsic value,) but their marketable value—must affect the value of everything which men either sell or buy, because they must buy and sell with this variable, fluctuating, uncertain currency, or with reference to payment therein.

The currency of the country consists of greenbacks, national-bank notes, and fractional currency. Of the former there are outstanding over $380,000,000, about $350,000,000 in national-bank notes, and some $40,000,000 in fractional currency—making an aggregate of nearly $770,000,000, for the redemption of which the Government is responsible. Every dollar of this currency, under the promise, express or implied, of the Government, ought to-day to be convertible into coin at the pleasure of the holder; and yet the Government could not redeem one dollar in ten of the circulating medium it has issued and put in circulation, and for the redemption of which its faith has been pledged in the most solemn form.

The failure of the Government to provide the means for the redemp-

tion of the currency has depreciated it in value, and that depreciation is a loss to the amount of nearly one hundred millions of dollars upon the aggregate value of currency in circulation. One of the arguments urged in favor of the present form of currency—that is, currency issued by the Government and for the redemption of which it is responsible—is the security which it offered the holder of its ultimate payment. It may be true that the holder of greenbacks and national-bank notes can rely with certainty upon the ultimate payment of the notes in his possession, because the Government is pledged to their payment; but can he rely upon their payment according to their face value? No. All that he can depend upon is payment according to their value in the market. Suppose the Government to-day was to enter upon the redemption of greenbacks in coin, does any one suppose they would be redeemed at par? Certainly not; but only relatively to their value with gold in the market; and that value, that is, their marketable value, must of necessity depend upon the relative amount of the volume of the currency to the coin in the country with which it is to be redeemed. But in reference to the ultimate payment of the currency in coin by the Government, even relatively to its value in the market with gold, that may depend not so much upon the present disposition of the Government in good faith to redeem its promises as upon its future ability to do so.

And now, sir, while I am fully aware of the vast resources of this Government, of the immense revenues which are constantly pouring into its Treasury, of the cheerfulness with which the people of the country have submitted to the taxation which has been laid upon them, and hope never to see the day when the American people would be willing to see the plighted faith of their Government tarnished by the slightest failure to redeem every pledge made to foreign or domestic creditors, still I am not ignorant of the vast responsibilities of this Government, of its large indebtedness and the constant drain upon its resources, and that its ability to meet its responsibilities depends in no small degree upon the continued willingness of the people to submit to onerous taxation. I am not ignorant of the present urgent wants of the Treasury; of the large deficit which threatens to embarrass it, and which must be met by a rigid curtailment of expenditures or a resort to increased taxation upon the people.

The Senator from Massachusetts [Mr. BOUTWELL] some days ago, in view of the wants of the Treasury, boldly advocated additional taxation, and said that between disgrace and taxation he was prepared to place burdens on the people. Well, sir, the people for years have bent their necks to the galling yoke, and may do so still; but let me say to the Senator that the people may become restive under burdens which it is much more easy to impose than to bear. My own opinion is that the people are already taxed too heavily, and that a curtailment of the ordinary expenditures of the Government had better be tried before increasing the burdens of the people by an increase of taxation.

Sir, I hope there is no necessity for either dishonor or increased taxation. If such a contingency exists a grave responsibility rests upon the party in power. That party found the country free from debt thirteen years ago, and has had control of every department of the Government ever since that time. Then the whole expenditures of the Government, including the support of the Army and Navy, the payment of pensions, and the appropriations for the Indians, did not exceed seventy-five or eighty million dollars. Now, sir, our expenditures since the close of the war, including interest on the public debt, will average over $300,000,000 annually. The Army in time of peace costs thirty or thirty-five millions. The appropriations for the Navy have been for the last four years more than $20,000,000 annually; and the Indian appropriations more than $7,000,000—about double the appropriations for the same purpose under any democratic administration; while a multitude of new offices have been created, wholly unnecessary for the public service, and solely for the purpose of rewarding party favorites. Let the party in power save the country from dishonor by curtailing expenditures, by abolishing unnecessary offices, by reducing the expenses of the Army and Navy, by revising the pension list, and protecting that fund from the frauds practiced upon it, and by a rigid economy in all public expenditures, and increased taxation will be unnecessary. The public faith need not be further tarnished nor the burdens of the people further increased if proper economy is used in the management of public affairs That economy is demanded not only by the apprehended deficit in the revenues, but also by the people of the country, restive under the taxation which has been imposed to support the extravagance which has marked the action of the Government for the last few years beyond anything in its previous history

My purpose, however, Mr. President, is not now to discuss the necessity and duty of an economical administration of public affairs, but to call attention to the fact that the taxing power of the Government, upon which the ultimate redemption of the currency depends, has been, and is now, exercised to the full extent which public sentiment in this country will justify or sustain.

But let us look, Mr. President, more in detail at our monetary or financial system. I have already said that coin is excluded from it. Specie forms no part of the system. The greenbacks are issued and put in circulation directly by the Government, without any intermediate agent. They are direct promises by the United States to pay to bearer the amount of the note which he may hold; and yet these promises remain unredeemed. The Government of the United States has failed to meet its promise to the holders of its paper, and hitherto has wholly neglected and refused, and still does neglect and refuse, to redeem its promise to the public, to the great scandal of the Government and the great injury of its creditors—the holders of its obligations.

Now, sir, the Government cannot be sued for the breach of its promises, but the moral obligation to redeem them is none the less binding; and the legislation of Congress should look to the redemption of these notes, in specie, at the earliest possible period. And just here let me say that the increase of this volume to any amount postpones, *pro tanto*, the day of their redemption.

But there is one other fact connected with the greenbacks which ought not to be overlooked. Each note is declared to be "a legal tender at its face value for all debts public and private, except duties on imports and interest on the public debt." I shall not now attempt to discuss the want of power in Congress to make anything but coin a legal tender. On that subject I have my own opinions; and do not hesitate to say, notwithstanding the decision of the reconstructed Supreme Court on that point, that my opinion remains firm and stable—unchanged and unchangeable—in opposition to any such power in Congress.

Another feature, however, of these greenbacks, to which I wish now to direct attention, is the dishonor which has been placed upon them by the Government itself. They have been issued with the declaration that they are not receivable in payment of duties on imports, nor can they be used in paying the interest on the public debt. They are thus dishonored by the Government, and necessarily thereby depreciated in value. While thus dishonoring its own paper and refusing to receive it in payment of certain public dues, the Government compels the citizens of the country to take these greenbacks at their face value, however depreciated, in all transactions between themselves. Thus we have furnished for the people an irredeemable depreciated currency, while the Government refuses to receive it in payment of duties on imports, and demands payment in gold.

How far the receipt of greenbacks in payment of duties on importations would have added to their value or promoted the interest of the country I shall not now discuss. I may be allowed, however, to say that it would have taken away the reproach justly charged upon the Government of compelling the people to accept a currency which it dishonors and repudiates itself.

I have already said that a part of our currency consisted of national-bank notes. I now desire to call attention for a few moments to the national banking system, organized under the authority of the Government, and forming an important part of the monetary or financial system of the country.

Those banks have been organized by purchasing and depositing with the Government United States bonds to the amount of the capital of the banks, the Government upon such deposit issuing to the banks 90 per cent. of the capital deposited in national-bank notes, and requiring a reserve of 15 per cent. of the amount of the notes delivered by the Government to be kept as a reserve by the banks, so that a bank thus organized has about 75 per cent. of its capital in notes on which to do business. I am not now speaking of the business which it may do on its deposits, for, like State banks, the national banks may discount upon their deposits. On the capital deposited with the Government in United States bonds the Government pays to the bank interest in gold out of the public Treasury, which forms a part of the dividends declared by the banks.

So far as the shareholders in these banks are concerned, this bonus or pension paid to them by the Government may be a very good thing. It increases largely their dividends and makes their investment profitable. In some instances they declare enormous dividends, as high as 15 and 20 per cent. But how is it with the public Treasury? Twenty-four million dollars in gold at least are annually collected from the people in taxes, to be distributed, in the shape of interest on their capital deposited with the Government, among the national banks of the country. Thus the labor, the industry, the people of the country, have been and are now being taxed directly for the benefit of capitalists. There is no disguising the fact. Twenty-four millions of dollars in gold are annually taken from the people by taxation and given directly to the stockholders in these national banks.

It may be said that the interest on the bonds must have been paid if held by other parties. My answer is that the national banks would have been organized if there had been a stipulation that no interest would be paid upon the bonds deposited with the Government. The franchise secured to the banks was a full equivalent for the interest on their capital. Without the interest paid to them by the Government the banks could make not only fair but large profits, equal at least to any other business in which capital is usually employed.

This large amount of interest paid to the national banks annually, amounting already in the aggregate, for the last eight or nine years, to something near $150,000,000 in gold, has proved a heavy drain upon the Treasury, and is nothing more nor less than a gratuity paid by the Government to persons engaged in the business of banking under the national banking system. And now let me inquire, what advantages have the people derived from these banks to compensate them for the taxes they pay to swell their dividends and enrich their shareholders? Have they brought more capital into the communities where located? Certainly not. Every dollar of the capital of any national bank has been taken out of the community and locked up in the Treasury of

the United States, and the banks get in return but 90 per cent. of this capital in notes to take back in its place. Thus the community has lost 10 per cent. of the capital it had by the organization of the bank in its midst. If the capital of these national banks had been loaned out in the communities in which they are located, instead of being placed in the Treasury, it would have been of more advantage to the people than the facilities which these banks afford. Under the old banking system the capital of the banks remained in the communities where they were located and formed a part of the wealth of the State, and at the same time could be used for the relief of the people in time of financial embarrassment. Four hundred million dollars have been taken out of the business and wealth of the country and placed in the Treasury as the basis for the national banks, so that every one can see the establishment of this banking system has added nothing to the means of the public for the transaction of business.

Nor have the facilities afforded the public by these national banks proved an equivalent for the bonus paid out of the public Treasury for the benefit of their shareholders.

Under the old system of banking not only the capital of the banks remained in the communities where they were located, and furnished the means for the relief of the people in time of need, but the banks could in times of stringency issue their notes in excess of their capital for the accommodation of the public. Very frequently their issues were double their capital, thus furnishing the means required by the business and wants of the community. But how is it with the national banks of the country? Restricted in the amount of their issues, they can do nothing in time of stringency for the public relief, except what can be done upon their sum of deposits. These in the rural sections are necessarily small and furnish but little basis for accommodation by the banks. So that it is very apparent that the facilities furnished by the present system are much less than under the State-bank system before their circulation was destroyed by the tax imposed on their issues.

Under the old system, too, the circulation was local, and being redeemable, was returned from the cities and distant points to the bank, and was thus kept generally in the community where the banks were located. The notes, however, of the national banks have no local character. The Government being responsible for their payment, they pass everywhere, and seldom return to the bank which put them in circulation. I am aware that the fact that national-bank notes pass current in every part of the country is an argument pressed in favor of the system, and I am not disposed to deny that in one aspect it is an advantage to have such a currency; but in another view of the case it is a disadvantage. These notes being as current in one place as another, go to the commercial and business centers and are never returned to the bank that puts them in circulation, and the community there is frequently in want of money, while in the large cities and money centers there is a plethora of currency which seeks investment, not in the legitimate channels of business, but in speculative enterprises. If these notes had a local character and a value at home greater than at a distance, they would be returned occasionally, and thus enable the banks to furnish greater facilities for the accommodation of the communities where they are located.

Mr. President, at this point I want to correct a statement that was made a few days ago by the Senator from North Carolina [Mr. MERRIMON] in reference to the relative amount of currency under the old banking system and under the present system in the State which I have the honor in part to represent. The Senator was misled by the report of the Comptroller of the Currency, who stated that in 1862 the bank circulation in the State of Delaware was $678,340, and that in 1873, under the national banking system, it was $1,296,615. If the honorable Senator from North Carolina had noticed the note to the report, he would have seen that the Comptroller there stated that the returns from several of the States, including Delaware, were not correct. At that time we had in the State of Delaware banks organized, with a paid-in capital of over a million and a half of dollars. We had in 1852 as I could show from the revised statutes of the State, which give a list of the State banks then in being in the State, with the amount of their capital, a banking capital paid in of over a million and a half. Subsequently to 1852 when the revised statutes of the State were published, several other State banks were incorporated, so that we really had not far from two millions of bank capital under the old State-bank system in Delaware at the time referred to; and under the law of that State the State banks could issue double the amount of their capital, so that we had nearly four millions of circulation. In 1862 we had a circulation of nearly four millions of the State banks as against a little over a million and a quarter now under the national-bank system. I simply make this correction of the error into which my friend fell in his remarks, so that the matter may be properly understood.

I now return to the discussion that I was on when I paused to make this correction of the remarks of the Senator from North Carolina. What I have described is the monetary system of this country: an irredeemable, depreciated, fluctuating paper currency, worth less to-day by nearly $100,000,000 than it purports to be worth upon its face; a total absence of specie from the circulating medium, and the coin of the country an article of merchandise and speculation. To this monetary system can be traced much of the financial embarrassment of the people of this country. It has engendered the most reckless extravagance on the part of the Government as well as of the people. It has fostered and stimulated the wildest speculations and gambling in picture stocks, and led to a state of demoralization in official and private life without a parallel in the previous history of the country. I am aware that the advocates of this system contend that under it the country has prospered beyond precedent; but let me remind them that whatever prosperity the country enjoys is not attributable to a depreciated, irredeemable paper currency, but has been obtained despite the evils of such a currency; and that with a better financial system—with currency convertible into coin at all times—a much more substantial prosperity would have been obtained.

I doubt whether there is to-day more solid prosperity in the country than there was prior to the war. We are apt to forget the past and be captivated by the present; but if we turn back a few years in our history, we shall find that while we may not have spread so wide our phylacteries, and boasted so loudly of our progress in wealth and of our prosperity and greatness, that we as a people were not laggards in the march of progress, but enjoyed a degree of prosperity that rendered us the peer of the proudest nations of the earth. Hear what Bancroft says in his introduction to his History of the United States, written before the national banking system was in operation, and before the Government undertook to determine the character and fix the amount of the circulating medium of the country. Describing the prosperity of the country at the time his work was written, among other things, he says:

> New States are forming in the wilderness; canals, intersecting our plains and crossing our high-lands, open numerous channels to internal commerce; manufactures prosper along our water-courses; the use of steam on our rivers and railroads annihilates distance by the acceleration of speed. Our wealth and population, already giving us a place in the first rank of nations, are so rapidly cumulative, that the former is increased fourfold, and the latter is doubled in every period of twenty-two or twenty-three years. There is no national debt, the community is opulent, the Government economical, and the public Treasury full.

That was the statement of Mr. Bancroft, at the time he wrote his introduction to the History of the United States.

Sir, we have prospered; but much of the apparent prosperity of the country is deceptive. Our cities have grown rapidly and our manufacturing interests have increased. We have built railroads across the continent; erected costly edifices; and in the splendor of our equipages and the magnificence and luxury of living have rivaled the most opulent and wealthy nations of the Old World. But are we not to-day on the verge of bankruptcy? Look at our debts—our national debt, our State debts, our municipal debts, our corporation debts, our individual debts—and tell me, if you can, their amount. Sir, they baffle computation, and will prove an incubus on the industry of the country for centuries to come. Talk not to me about prosperity, when hundreds of thousands of the people of the country are out of employment; when business is prostrated; when creditors are exacting and debtors unable to pay; when the great agricultural interest of the land is unremunerative and complaining of the oppressions and exactions to which it is subject; when commerce is paralyzed, and your ship-building interest languishes, and from every quarter is heard the cry for relief. Sir, this state of things is in part the result of your monetary system, which has stimulated extravagance and reckless speculation, that have wrecked the greatest fortunes, and brought poverty and distress to the palaces of the great as well as the hovels of the poor.

But, Mr. President, while I believe that much of the financial embarrassment experienced by the country is the result of the monetary system of irredeemable depreciated currency fastened upon the country, and which has engendered and encouraged reckless extravagance and wild speculation and gambling in worthless fancy stocks, still I believe that the evils inherent in the system have been aggravated by the financial policy, if I may use that expression, pursued by the Government.

Passing by the extravagance everywhere observable in the management of public affairs—the multiplication of offices, the grants of subsidies, the maintenance of a large military establishment in time of peace, the fraudulent claims allowed for pensions, the waste of public money in the Indian appropriations and other expenditures which ought to be cut off and the people relieved from the taxation which they impose—let us look first at the action of Congress in the adjustment of the tariff upon foreign goods imported into the country.

Now, sir, to meet our indebtedness and carry on the Government we are compelled to have revenue; but true policy dictates that the burdens of the people and the restrictions upon trade should be as light as possible. Yet, sir, upon what principle are the tariff laws enacted? Are they not adjusted more with reference to the protection of certain manufacturing interests in New England and in other States than to the revenue to be derived under them? Sir, it is the standing reproach of our revenue laws, especially those which impose duties on foreign importations, that they are framed in the interest of particular classes, regardless of the injustice which is done to all other portions of the country. This protective system not only compels the people of the country to pay the large amount of revenue derived from customs, but it exacts from them a much larger tribute for the benefit of the protected classes. I have not taken the trouble to ascertain the amount of domestic goods consumed, as compared with those imported from abroad; but it is certain the former is much greater than the latter. The consumers pay not only the duties on the foreign goods imported to the Government, but also the enhanced price of the domestic goods which protection under our tariff laws enables the manufacturer to exact. This tribute exacted from the people for the

benefit of the protected classes, in addition to the heavy revenue paid in the shape of duties to the Government, is one of the sources of present embarrassment. It is a constant drain upon the resources of the people of the country, and one to which they ought not to be subjected. Congress ought at once to remedy the evil, and adjust our revenue laws so as to raise the necessary means for the Government without regard to the protection of favored classes.

But, sir, not only has the legislation of Congress in the enactment of our tariff laws contributed to the embarrassment of the country, but the financial policy pursued by the executive department has, in my judgment, been most unfortunate, and contributed much to the derangement of our monetary affairs. Within the last five years we have collected, upon an average, little less than $200,000,000 in gold annually in duties on imports. I do not know the precise amount of that sum required to pay the interest on our bonded debt, but it could not have exceeded in the five years $650,000,000. The residue, with the exception of the gold reserve kept in the Treasury, has been sold from time to time, and the proceeds applied partly to the purchase of bonds and the reduction of the public debt. This, in my opinion, was a mistake, not to say a blunder. Had the gold received from duties on importations not required to pay interest on the public debt been applied to the redemption of the greenbacks they would have approximated in value to coin and rendered the resumption of specie payments easy and natural. In fact if this had been done we would, in all probability, have had specie payments before this time. The policy pursued may have had the effect to strengthen our credit abroad, but it has had the effect to weaken it at home. The foreign creditor may have been benefited by the enhancement of the price of the Government bonds which he held; but the greenbacks and national-bank notes, for the redemption of which the Government is responsible, and which ought now to be redeemable in coin, have been kept far below par, when they might by a different policy have been almost or quite equal in value to coin. I have already spoken of the loss to the country by the depreciation of the currency, and will not now dwell on that point; but I may be allowed to say that the slight enhancement of the value of our bonds in the foreign markets by the policy pursued is no compensation for the great loss sustained by the depreciation of our currency at home, and which by a different policy might have been prevented.

Mr. President, I have endeavored to show that the cause of the financial embarrassment of the country is chargeable to our monetary system—from which specie is excluded—consisting of an irredeemable, depreciated paper currency, and to the financial policy pursued by the Government.

I now propose to notice some of the remedies suggested in this debate for the difficulties admitted to exist, and which all seem anxious to relieve.

Several Senators who have preceded me in this debate seem to think that the true remedy can only be found in an increase of the volume of the currency. The late monetary crisis, which locked up for a time much of the circulating medium, seems to have impressed them with the idea that there is a scarcity of currency in the country, and that nothing but an additional amount of greenbacks can restore confidence and bring back a healthy normal condition to the business of the country. I cannot subscribe to this view. The discrepancy between the volume of currency and the coin in the country is already too great. The depreciation in the currency is in no small degree attributable to that fact; and just in the same ratio in which that discrepancy is increased will be the increase in the depreciation of the value of the currency.

The inflation of the paper money of the country will have another effect, namely, to increase the prices of commodities in every market; because the purchasing power of the currency will be lessened by its expansion. Experience has shown that the merchant, the manufacturer, the tradesman, all advance the price of their goods just as the money in which they are paid becomes lessened in value. They can protect themselves, in a measure, against loss by reason of the depreciation of currency. But there is one class of our population that has no means to protect itself in this regard. The agriculturists of the country, especially the farmers who produce cereals, do not fix the prices of their products, but are compelled to sell at prices fixed by others. These prices are fixed at the very lowest figures that will secure the quantity of cereals desired to supply the demand, and are no higher than they would be if paid in gold. In fact, the prices of farm productions for the last few years are not as high as they frequently were when paid for in specie or its equivalent.

With these facts known to exist; with farm products depressed and the farming community everywhere complaining of hard times; and that their business is less remunerative than when we had specie payments, is it not surprising that Senators representing agricultural sections of the country should insist on an inflation of the currency, when its only effect will be to depress still further the farming interest, by inflating the prices of all they buy, without advancing in the least the prices of the grain they sell? My friend, the Senator from Georgia [Mr. GORDON] the other day said he wanted cheap money. I suppose he meant such an abundance of paper money that it could be obtained on easy terms. The process of cheapening money in the sense of making it abundant has often been tried, and always with the same result—depreciating it in value, and rendering its purchasing power less.

Cheapening the currency by its expansion and the increase of its volume may be dissimilar in process, but will not be found to be very dissimilar in results from the old mode of cheapening money by debasing coin. That process has been repeatedly tried, and I beg to call attention to one instance in Spanish history in the time of Henry IV, which illustrates the position that the cheaper and more abundant you make money the less value it has, while everything else is increased and inflated in price. I read from Prescott's Ferdinand and Isabella, volume 1, page 69. In describing many of the evils of the reign of Henry IV, he says:

> But, perhaps, the most crying evil of this period was the shameless adulteration of the coin. Instead of five royal mints, which formerly existed, there were now one hundred and fifty in the hands of authorized individuals, who debased the coin to such a deplorable extent that the most common articles of life were enhanced in value three, four, and even six fold. Those who owed debts eagerly anticipated the season of payment; and, as the creditors refused to accept it in the depreciated currency it became a fruitful source of litigation and tumult, until the whole nation seemed on the verge of bankruptcy.

That was the effect of cheapening money at that time by debasing the coin.

Mr. GORDON. Will my friend from Delaware allow me to make a suggestion to him?

Mr. SAULSBURY. Certainly.

Mr. GORDON. He totally misapprehended me if he supposed I wanted to deteriorate money in order to make it cheap. I think if he will read my remarks carefully, he will see that I maintained that a bill passed by this Congress giving us the character of currency I wanted would make that currency equal to gold, but that I wanted cheap money as England has cheap money—cheap interest.

Mr. SAULSBURY. I certainly understood the honorable Senator in his remarks the other day to insist upon having a greater volume of the currency, upon having an increase of the volume of the circulating medium. He wanted it, as I understood, so very abundant that the interest would necessarily be reduced upon money. I have not designedly misrepresented my friend from Georgia, but I wish to trace out the logical consequences of the position which he assumed in reference to this increase of the volume of the currency. I say to him and to the Senator from Missouri, [Mr. BOGY,] who so eloquently described the condition of the South and West, that if they could procure what they consider so much needed by those sections—a large increase of currency—they would not realize what they desire, a permanent increase of the circulating medium in their midst. If the banking capital of these States was increased, the circulation of those banks would not remain long in these States, but would seek the money centers and remain there, leaving these States minus the capital placed in the Treasury as the security for the redemption of the bank circulation, while these issues would fly to the four winds of heaven. What has become of the $27,000,000 of reserve issued by the Secretary of the Treasury without warrant of law, as I conceive? Did it do the South any good, or the West any good? No. It went directly to the money centers, to New York and other cities, where money is now abundant, while the rural sections are destitute. Such would be the result if you increase the currency $100,000,000; and such will be the result if the pending amendment offered by the Senator from North Carolina shall prevail.

But to return from this digression. Not only is the agricultural community greatly injured by the inflation of prices consequent upon a depreciation in the currency, and therefore interested in a speedy return to specie payments, but the vast multitudes who live on salaries and wages, the toiling millions who eat their bread by the sweat of their brow, all are losers by a depreciated paper currency and consequent high prices of the necessaries of life for which their scanty earnings must be expended. And can we be indifferent to the wants of the masses, the men and women who plod the weary paths of toil, struggling for the bare sustenance of life, and laboring on day after day to support themselves and those dependent upon them? Shall we favor a policy that will increase their burdens by rendering more dear the few comforts they can procure with their limited means?

The expansion of the currency will do this without advancing materially the wages paid them for their labor. They are not indifferent to our action here. The voice of discontent comes up from the multitudes that throng the humbler walks of life. Mingled in the discordant sound are heard not only the unreasonable demands of an agrarian spirit, but the appeals extorted from the virtuous poor by penury and want. Those appeals may not be disregarded, we may not "send the multitude away," but must "give them to eat," not by multiplying the loaves and fishes, not by supplying the wants from the public Treasury or from the hand of charity, but by restoring a sound currency, and thereby cheapening the necessaries of life, now exorbitantly high by reason of the depreciation of the currency. Bring back the circulating medium to a specie basis, and the cost of living will be reduced. Stability will be secured to business, employment furnished to those now idle, and the murmurings of discontent will no longer be heard among the masses. The highest duty of statesmanship is to render the people happy and contented, and that can best be accomplished by securing them regular employment and reducing the cost of living. I know of no better way to accomplish such results than by making the currency equivalent to coin.

Mr. President, there is one other effect sure to follow an increase in the volume of the currency which is self-evident and need not be enforced by argument. It is this: it necessarily postpones the return

to specie payments. If with the present circulation the Government is unable to redeem its promises, will not a further increase of the currency render it still less able? We have now a paper currency of over $750,000,000, while the whole amount of coin in the country is estimated at about $150,000,000. If every dollar of this coin belonged to the Government, it would only be able to redeem one-fifth of the currency for which it is responsible. Is it not evident, therefore, that a further increase of the currency must of necessity defer the time when the resumption of specie payments can be anticipated?

And now, sir, is it not desirable to return to specie payments? Can you hope to have any improvement in the financial affairs of this country while the circulating medium is fluctuating in value, and liable to be still further depreciated by the combinations of capitalists and speculators? Gold coin is the recognized standard throughout the world by which values are determined and measured, and until we get back to this standard, until we place our currency upon a basis where its value will approximate to coin, we must expect not only depreciation and fluctuation in its value but a corresponding fluctuation in the values of every species of property. Stability in values is essential to a healthy condition in business, and without it there can be no security or safety even for the most prudent and careful business man in the country.

I have no sympathy with those who are ready to renounce gold as the true standard of value in this country, and who believe that any other standard which might be ordered by Congress would be as effectual for the determination of values as the precious metals. Such an idea ignores the common judgment of mankind in all parts of the world as the proper substance for the measurement of values, and if attempted to be put into practice would prove as ineffectual and ruinous as it is visionary and delusive in theory.

I turn now, Mr. President, to another remedy suggested in this debate—one that was enforced in a very able argument by the chairman of the Finance Committee at the last session, and which is certainly favored in his exhaustive and able speech delivered during this debate on the resolution reported from the Finance Committee. That remedy is to secure to the holders of greenbacks the right to convert them at their option into interest-bearing bonds. Sir, to this remedy I am opposed. I concur in the views of the chairman of the Finance Committee as to the obligation of the Government to redeem its promises; but, sir, its promise was not to redeem its greenbacks by bonds bearing interest, but to pay them in money—that is, in coin. We have, Mr. President, already an interest-bearing debt sufficiently large, and I can see no propriety in converting a debt bearing no interest into one upon which interest would be to pay. It is no part of the contract between the Government and the holders of its notes, and would be a gratuity by the Government to its creditors which it is ill able to make. Having discussed this proposition at the last session, I now content myself with the simple announcement of my opposition to this plan without discussing it at length.

Mr. President, I do not concur in the view expressed by the Senator from Massachusetts, [Mr. BOUTWELL.] He said in his speech on the resolution referred to, that—

> There is no obligation expressed, and I think none implied, in what is written upon the greenback that it is to be paid at a particular time. It is redeemable at the pleasure of the Government, but not payable at any particular moment.

Now, sir, according to my understanding of a legal obligation, none stronger could possibly exist than is contained on the face of the greenbacks themselves. The United States promises to pay to bearer the amount of the notes, without any reservation as to time; and if a direct promise to pay can raise a legal or moral obligation to pay, then the obligation, legal and moral, is perfect, and cannot be frittered away by argument or impaired by suggestion. The Government cannot be sued; the obligation cannot be enforced; but it is none the less binding, and ought to be admitted even if the Government is unable to fulfill it. Nor can I agree with the Senator that we should simply hold fast whereunto we have attained. In my judgment we should do something more; we should begin at the earliest possible moment to redeem the currency which the Government has issued.

I am fully aware that the Government is not in a condition to redeem at once all or any great part of the currency for which it is responsible; but I am equally aware that it has at present in the Treasury a considerable reserve in gold, and that it annually collects from customs a large amount of coin in excess of the amount required to pay the interest on the public debt. Let this excess be applied from time to time, as it accumulates, to the redemption of the greenbacks, under such regulations as may be necessary to do justice to the holders of the currency—and at no very distant day you will have placed the circulating medium upon a basis that will approximate its value to specie, and that by such a gradual process as not seriously to disturb values which will naturally accommodate themselves to the changed condition of the currency. Let the Government redeem, as soon as it can, every obligation which it owes in the shape of greenbacks. Let it sever its connection with the national banks of the country, and leave to the people under State regulations the management of the banks, and the supply of whatever currency the business of the country may require, and in my opinion you will have a more healthy and sounder financial system than the present. The Government itself will be less embarrassed, and the business of the country less liable to be disturbed by revulsions and panics. To any measure which looks to a return to specie payments at the earliest possible period, to the ultimate redemption and retirement of the greenbacks, and the complete and final divorce of the Government from the banking institutions of the country, I shall give an earnest and most cordial support.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Iowa [Mr. WRIGHT] to strike out "25" and insert "50," before "million," in line 12 of the third section; upon which the yeas and nays have been ordered.

Mr. WRIGHT. Mr. President, I have to suggest to the chairman of the Committee on Finance that, inasmuch as the question involved here is one that we all concede to be exceedingly important, and to be followed by a vote on the amendment of the Senator from North Carolina, and inasmuch as many Senators are absent, it might be as well to take this vote on Monday and have it understood that the vote shall be then taken.

Mr. SHERMAN. I supposed that a night's reflection, without any debate, would have convinced every Senator who desires to secure to the West and South some bank circulation, that we had better take the proposition as offered by the Committee on Finance, or at least take a vote on the amendment of the Senator from Iowa, and let the amount agreed on be taken from the present currency, because it is so obvious to anybody accustomed to the forms of legislation in the Senate, perfectly manifest, what the amendment will be. I can tell the Senator beforehand just as well as afterward that if the proposition of the Senator from North Carolina should be adopted, and you ingraft on this bill a proposition to increase the aggregate of the currency, you will not get a vote on that bill for a long time. It would raise the whole question of inflation, and you would destroy that which I believe is the only opportunity which will be presented, for awhile at least, until we discuss the question more fully, to give to the South and West more bank circulation.

Now, when the Senators from the South and West seem to be willing to agree to a proposition that for the time at least, until we can discuss the matter further, will give relief to their constituents by taking some of the existing bank circulation from the East and organizing banks in the South and West, I should suppose they would be satisfied with that and would not embarrass it by this other proposition.

Mr. GORDON. Will the Senator allow me a word?

Mr. SHERMAN. Certainly.

Mr. GORDON. He will perceive at once the embarrassing position in which his request puts the Senators not only from the South but from the West, who do not believe the present amount of currency sufficient. He places us in the position of either declining what the Finance Committee offer us, or of taking from New England a portion of what she claims she really needs. The position we assume is this: that if the East has no more than it requires, then it is patent to all that the demands of the West and of the South cannot consistently be refused.

Mr. SHERMAN. I will answer that point.

Mr. GORDON. Let me repeat that the Senator will perceive that he places us in the position of refusing what the Finance Committee offer, or else of doing what we deem an injustice to the East in taking from them what they have lawfully obtained, and what they claim is but adequate to their wants.

Mr. SHERMAN. If the question is a question of injustice to the East, I will submit it to the Senators from the New England States to say whether they would not surrender the circulation that will be taken from them under the operation of the bill reported from the Committee on Finance rather than raise the question of the increase of bank circulation; and I would leave it to them without saying a word. I have no doubt of their answer.

Now let me say another thing in reply to the observation of the Senator from Georgia. The Senator seems to think that if this bill passes there is the end of the subject. I have assured the Senate, so far as one man can, representing the proposition reported by the Committee on Finance, that at the very earliest moment, as soon as the naval appropriation bill is passed, I will myself call up the resolution of the Committee on Finance and desire a vote, and will press a vote upon it, if the Senate will stand by me, to the exclusion of everything else, until a vote is had on that resolution. Then the Senate will decide the question whether or not they want more paper money.

Now, the question simply is whether the West and South shall have an opportunity to organize local banks immediately after the passage of this act, rather than to await a long, troublesome, and complicated discussion upon general financial topics, with the almost certain probability that if the proposition of the Senator from North Carolina should pass the Senate, it could not be until after a long and weary debate, and that it would be disagreed to in the House, where the feeling is against the proposition of increasing the bank circulation and rather in favor of increasing the greenback circulation. Thus the result would be very much like that in the case of the dog crossing the stream having secured a good chunk of beef; but he saw a shadow in the river below him, dropped the beef, and grasped at the shadow. That is just the position in which the Senators from the West and South seem to be placing themselves here. They have a bill before them now, which by common consent cures a local grievance. It does not go far enough, they say; but they can secure this much, by common consent—even by the consent of the New England

Senators, for I would leave it to them. They might vote against it, although if they were called upon they would prefer it to what lies beyond. After getting this much, they have the power and the right, if they have a majority, to carry more; but if they have not a majority, they will not get any more.

Mr. GORDON. If the Senator from Ohio understood me to express a willingness to accept the twenty-five millions proposed by this bill in case New England should be willing to surrender it, he misunderstood me. If New England Senators upon this floor will state that she is ready to surrender to the South and West all her surplus, and make an absolutely equal or equitable distribution of the funds according to population and production, then I am prepared to vote for the measure. I do not desire to put New England in that position. For one I desire New England to retain what she claims is now only a sufficiency of circulation; but I desire that the same sufficiency shall be granted to the West and South.

While I am on my feet I desire to ask the Senator from Iowa to withdraw, temporarily at least, his amendment, in order that I may come within the rules and offer an amendment to the amendment proposed by the Senator from North Carolina.

The amendment which I desire to propose gives the same amount of increase proposed by the amendment of the Senator from North Carolina; but it distributes it to those States, and to those States only, which now are deficient in currency, and which have not their proportion.

I strengthen this appeal to the Senator from Iowa by the remark that it would meet precisely the views expressed by that Senator when on the floor last, that the increase, whatever it might be, should be distributed to the States whose quota was now less than was due according to their population and wealth.

Mr. MERRIMON. Will my friend indulge me a moment?

Mr. GORDON. Certainly.

Mr. MERRIMON. My proposed substitute is to accomplish what he desires, as it has been modified.

Mr. GORDON. I did not so understand the Senator's substitute. I will ask that it be read, that I may understand it precisely.

The PRESIDENT *pro tempore*. The proposed substitute will be read.

The Chief Clerk read as follows:

That $46 000,000 in notes for circulation in addition to such circulation now allowed by law, shall be issued to national banking associations now organized, or which may be organized hereafter, and such increased circulation shall be distributed among the several States as provided in section 1 of an act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

Mr. GORDON. That refers to a section in another act.

Mr. MERRIMON. I will read for the Senator's information that very act which increased the circulation $54,000,000, being the act of July 12, 1870:

And the amount of notes so provided shall be furnished to banking associations organized, or to be organized, in those States and Territories having less than their proportion under the apportionment contemplated by the provisions of the "act to amend an act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved March 3, 1865, and the bonds deposited with the Treasurer of the United States, to secure the additional circulating notes herein authorized, shall be of any description of bonds of the United States bearing interest in coin.

Mr. GORDON. The Senator will allow me to interrupt him. I understand precisely the bearing, and I see that it does meet the point that I make. But I submit to the Senator himself that it would be better simply to state in words what the intention of the amendment is, instead of requiring those who wish to understand it to hunt up some other law to ascertain the meaning of this. I will read to the Senator the amendment I propose. Strike out all after "that," and insert:

From and after the passage of this act it shall be lawful for the Comptroller of the Currency to issue circulating notes, in the manner now provided by law, to associations organized, or to be organized, in States and Territories having less than their proportion of circulation under an apportionment made on the basis of population and wealth, as shown by the returns of the census of 1870, to the extent of forty-six millions.

This amendment simply puts it in words, and saves the trouble of referring to another law to find the meaning of this.

Mr. MERRIMON. I have adopted the method I have pursued, because the words in the act referred to have already been construed and are well understood, and we do not run into the danger of causing trouble by using new terms. These words have already been construed and are well understood. The new language must be construed again, though I believe that the amendment suggested by the Senator from Georgia accomplishes the same end.

Mr. GORDON. Will the Senator accept that instead of requiring a vote on it? But it is not worth while to waste words about it; I shall not insist upon it. I wish, though, while I am on my feet, that I may not seem to be inconsistent with myself, to state that I shall vote for the amendment of the Senator from North Carolina if we can get a vote upon it; but I vote for it with the distinct declaration that it neither provides the amount nor the character of circulation which I desire. I vote for it simply because it will give a temporary relief to the sections which are now suffering for the want of sufficient circulating medium. I maintain that it is not a sufficient increase and that it is not the character of currency which the country needs. I maintain, further, that no amount of increase, while the volume remains fixed and inflexible, can give permanent relief to the country. I desire to see a different currency, a really national currency, with the elastic feature which convertible and reconvertible bonds will give to it; yet in order to bring together all those who are agreed that the present volume of the currency is insufficient, I am willing to support that proposition.

I desire to see a currency founded upon an entirely different basis—upon the credit of the Government itself—in order that whatever benefits or profits accrue from loss of bills, interest upon bonds, &c., shall accrue to the people. But I will support, however, as stated, the amendment of the Senator from North Carolina; and I appeal to my friend from Iowa to withdraw his amendment, in order that the friends of increase may come together and vote upon this question intelligently and without embarrassment. If, however, the Senator from Iowa refuses, then I shall be constrained to do what I do not wish to do—vote to deprive New England of a portion of the circulation which she claims is only now sufficient for her industries.

Mr. BUCKINGHAM. Mr. President, it appears to me that the fairest thing which can be done is to refuse to make this amendment, and let the bill stand, by which $25,000,000 will be withdrawn from the New England and Northern States; and if, in connection with that, or after that, we can have a free-banking law—a law by which banks can be established in all sections of the country, and those banks be required to redeem their notes, not in coin, but in legal-tender notes, and then require the Government to redeem those legal-tender notes in 5 per cent. bonds, it appears to me you would have a system of banking which would give facilities to every section of the country in accordance with the demands of their business. On that idea, I should hope that those who are now opposing this bill, as reported by the Committee on Finance, will withdraw their opposition, and allow the bill to pass with the twenty-five million provision.

Mr. CAMERON. I would move an adjournment if I were not aware that I could make no remarks on a motion of that kind. I desire to offer an amendment to the Senate somewhat different from any that has been offered, because I cannot vote for the bill of the Senator from Ohio as it is. I think, in place of bringing relief, it will bring disaster and ruin to a great part of the country. There is no relief in it, to my mind; nor do I like very much any of the amendments that have been offered. I think they are all temporary in their character, all calculated to relieve the pain of the patient for the moment, but to bring greater disease, and probably death, afterward. I think, if we legislate at all on the currency of the country, it ought to be general legislation, that which shall reach every portion of the country—every State, and every Territory, and every county, and every township, in the whole land. You cannot do that by any of this temporary legislation.

I have had a great deal of experience in banking; but I do not pretend to be a doctor that can cure all financial diseases. I have no panacea. I know that this country is governed very much by common sense. I believe that no man who reflects upon the subject will be convinced that taking twenty-five or fifty millions of banking circulation from New England, or New York, or any place else, and planting it in the West, will do any good. Such an idea is an entire delusion. If you could send the capital along with the banks, it would do service wherever it goes, because capital is the enlivening element which produces prosperity in business.

Our country is different from all other countries of the world; and yet we legislate from the books written long ago in European countries which are entirely unlike ours. We have an immense uncultivated region, full of enterprising manhood, full of industry, full of patriotism, and full of everything which brings wealth to a new country except capital. True, we have one sort of capital, which after all is the best capital. Our people have industry, and they have muscle, and they have nerve, and they have endurance enough to be content to go into the wilderness and give their labor to make the country prosperous. But they want some money capital with all this.

Now, all our capital in this country has arisen from this myth of banking. We had no money when our people fought Great Britain, and by the experiment of paper dollars conquered the armies of the world. They made the proudest and the richest nation of the world give way to them. After awhile, when we found ourselves without roads, the people of the townships issued the scrip of the township to make township roads; and after awhile again the States made State roads; and then the General Government allowed us to make canals and roads through the whole country. That was all done with paper money. A few people suffered because of the loss of bank-notes; but a very few compared with the numerous persons who made fortunes from the prosperity created by that fictitious capital.

The national banking system corrects the evils of the old banking system, because it makes the Government responsible for the circulation of the banks. The Government, in the day of her trouble and her trial, asked the banks of the country to give her their money and throw up their old and very prosperous charters for the benefit of the country, and they did so. And the banks saved the country; for unless the banks of the day had issued their notes and taken the Government bonds as security, the Government could not have made the fight with these brave people who are a part of ourselves, and who might have conquered us if they had had the wealth that we had. I do not believe they would, though. [Laughter.]

Mr. President, my proposition will be something like this: to so extend the benefits of the national banking system as to take away

the prejudice now existing against it, and which it incurs by reason of being called a monopoly. Sir, when the banks of the States were persuaded to adopt this national system they were invoked to do so in the name of patriotism. They were asked to forego the great profits they had made under the old State system for the purpose of saving the country. Why, sir, I had a little bank then with a capital of $200,000, under which I kept out in circulation and honestly paid from $800,000 to $1,000,000. Nobody doubted the notes which my bank issued, because they believed I would redeem them. Now that same bank has a circulation of $160,000. You talk about the profit of the national banks and about their being a monopoly! Why, sir, what monopoly was there in giving up the Bank of Middletown for the National Bank of Middletown? I only mention that as a sample of all the banks of the country.

Now, sir, I think we had better adjourn, because I do not believe that any three men here have got a plan upon which any other three will unite. I therefore move that the Senate do now adjourn.

Mr. SHERMAN. I call for the yeas and nays on that motion.

Mr. LOGAN. Before the motion is put, I desire to ask the Senator from Pennsylvania whether the proposition that he intends to offer will be as a substitute for the whole bill?

Mr. CAMERON. Yes, sir.

Mr. LOGAN. Then I wish to ask further, whether the proposition that he intends to offer is to take off the restrictions that are now thrown around the national banks, so as to extend the privileges now given to national banks to all other associations?

Mr. CAMERON. Yes, sir.

Mr. LOGAN. That is satisfactory to me.

Mr. CONOVER. I hope the Senator from Pennsylvania will withdraw his motion to adjourn. I desire to move that the Senate proceed to the consideration of executive business.

Mr. CAMERON. I withdraw it for that purpose.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania withdraws his motion, and the Senator from Florida moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate thereupon proceeded to the consideration of executive business. After fifty-two minutes spent in executive session the doors were re-opened, and (at four o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 13, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ADJOURNMENT OVER.

Mr. YOUNG, of Georgia. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. BUTLER, of Massachusetts. O, no; let us have a Saturday session for debate. I move that the House sit for debate only to-morrow.

The SPEAKER. That requires unanimous consent.

Mr. DAWES. I hope that the House will attend to business to-morrow.

Mr. RANDALL. O, now you know you are going home yourself.

Mr. DAWES. No; I am not.

The SPEAKER. The motion of the gentleman from Massachusetts [Mr. BUTLER] requires unanimous consent. Is there objection?

Mr. RANDALL. Yes; let us first take a vote on the motion of the gentleman from Georgia, [Mr. YOUNG.]

The question was taken on Mr. YOUNG's motion; and on a division there were—ayes 46, noes 51.

Mr. YOUNG, of Georgia. I call for tellers.

Tellers were ordered, and Mr. YOUNG, of Georgia, and Mr. BUTLER, of Massachusetts, were appointed.

The House divided, and the tellers reported—ayes 90, noes 59.

Mr. RUSK. I call for the yeas and nays.

Mr. RANDALL. I desire to move that we have a session to-morrow for debate only, as I understand the motion of the gentleman from Georgia has been agreed to.

The SPEAKER. It has not been agreed to, as the yeas and nays have been called upon it.

Mr. RANDALL. I ask, then, that by unanimous consent we hold a session to-morrow, for debate only.

The SPEAKER. That cannot cut off the right of the gentleman from Wisconsin [Mr. RUSK] to have the yeas and nays on the motion of the gentleman from Georgia, [Mr. YOUNG.] The Chair, however, will submit the question: Is there objection to holding a session for debate to-morrow?

Mr. HURLBUT and Mr. HENDEE objected.

The question was put on ordering the yeas and nays; and twenty-five members voted in the affirmative; not one-fifth of the last vote.

Mr. DUNNELL. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. RUSK and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 35, noes 90.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. RANDALL. I rise to a parliamentary question. If the motion to adjourn over prevails, will it then be in order for me to make a motion that we have a session for debate to-morrow?

The SPEAKER. It will be possible, but only by unanimous consent.

The question was taken on the motion of Mr. YOUNG, of Georgia; and there were—yeas 125, nays 107, not voting 57; as follows:

YEAS—Messrs. Adams, Albert, Archer, Ashe, Atkins, Averill, Banning, Barnum, Bell, Berry, Blount, Bowen, Bromberg, Brown, Buckner, Bundy, Benjamin F. Butler, Caldwell, Cessna, John B. Clark, jr., Clymer, Clinton L. Cobb, Comingo, Corwin, Cox, Crittenden, Crocker, Crossland, Crounse, Darrall, Alexander M. Davis, DeWitt, Eden, Eldredge, Giddings, Glover, Gooch, Eugene Hale, Hamilton, Hancock, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Hereford, Herndon, Hodges, Holman, Houghton, Howe, Hunton, Hynes, Kelley, Kendall, Lamar, Lamison, Lamport, Lawrence, Lofland, Lynch, Magee, Marshall, Martin, Maynard, McJunkin, McKee, Milliken, Mills, Mitchell, Monroe, Moore, Myers, Nesmith, Niblack, Niles, O'Brien, O'Neill, Packer, Page, Hosea W. Parker, Isaac C. Parker, Phelps, Pike, Potter, Randall, Rawls, Robbins, James C. Robinson, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sheats, Sloss, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Southard, Speer, Standeford, St. John, Stone, Storm, Strawbridge, Swann, Taylor, Thornburgh, Vance, Waddell, Waldron, Walls, Wells, White, Whitehouse, Whiteley, Whitthorne, George Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, and Pierce M. B. Young—125.

NAYS—Messrs. Albright, Barrere, Bass, Beck, Bland, Bradley, Bright, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cannon, Cason, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Cotton, Danford, Dawes, Donnan, Duell, Dunnell, Durham, Eames, Field, Foster, Freeman, Frye, Garfield, Gunckel, Hagans, Benjamin W. Harris, Henry R. Harris, Hathorn, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Lawson, Lewis, Loughridge, Luttrell, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Mellish, Nunn, Packard, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Rice, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, Starkweather, Stowell, Strait, Thomas, Todd, Townsend, Tyner, Wallace, Marcus L. Ward, Whitehead, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, Woodford, Woodworth, and John D. Young—107.

NOT VOTING—Messrs. Arthur, Barber, Barry, Begole, Biery, Cain, Freeman Clarke, Cook, Creamer, Crooke, Crutchfield, Curtis, John J. Davis, Dobbins, Elliott, Farwell, Fort, Robert S. Hale, Harmer, Hays, Hooper, Jewett, Killinger, Knapp, Lansing, Leach, Lowe, Lowndes, McLean, Merriam, Morey, Morrison, Neal, Negley, Orr, Orth, Parsons, Pelham, Pendleton, Perry, Poland, Purman, Read, Richmond, William R. Roberts, Ross, Henry J. Scudder, John Q. Smith, William A. Smith, Sprague, Stanard, Stephens, Sypher, Tremain, Jasper D. Ward, Wheeler, and William B. Williams—57.

So the motion was agreed to.

Pending the call of the roll,

Mr. BLOUNT said: I desire to state that Mr. COOK, my colleague, is unable, on account of sickness, to attend the sessions of the House.

CONTRACTS FOR RECOVERING TAXES.

Mr. FOSTER. I am instructed by the Committee on Ways and Means to report back the resolution referred to them, which was offered by the gentleman from Pennsylvania, [Mr. RANDALL,] and to recommend the adoption of the following substitute therefor:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish this House with full copies of all contracts made under the authority of the Treasury Department in pursuance of one of the provisions of the legislative, executive, and judicial appropriation bill, approved May 8, 1872; and also copies of all schedules and correspondence and orders of the Department relative to said contracts; and also the amount of money paid in under said contracts, and by whom and under which contract paid.

Mr. BUTLER, of Massachusetts. When this resolution was reported the other day I objected to it. I only desire to call the attention of the House to the fact that it would bring before the country the names of a great many persons who have simply been accused on *ex parte* testimony. I will withdraw my objection, and I trust to make such discussion of this matter as may be necessary upon a bill which may be introduced upon the subject.

No objection being made the report was received, the substitute adopted, and the resolution, as amended, adopted.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEY OF UPPER MISSISSIPPI.

Mr. AVERILL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to this House the report of survey recently made upon the Upper Mississippi River, between Minneapolis and Saint Cloud, under the direction of General A. A. Humphreys, Chief of Engineers.

AGREEMENTS WITH INDIANS.

Mr. AVERILL, by unanimous consent, reported back from the Committee on Indian Affairs the following communications; which were ordered to be printed, and recommitted:

A communication from the Secretary of War, transmitting an agreement with the Jicarilla Apaches and certain Ute Indians, in the Territory of New Mexico; and

A communication from the Secretary of War, in relation to an agreement concluded November 7, 1873, with the Bannock and other Indians, in South Idaho.

IMMIGRATION.

Mr. CONGER, by unanimous consent, submitted the following reso-

lution; which, under the law, was referred to the Committee on Printing:

Resolved, That three thousand copies of the letter of the Secretary of the Treasury of January 21, 1874, with the accompanying reports, concerning the immigration service and the better protection of immigrants to the United States, be printed for the use of the House.

REFUNDING OF CUSTOMS DUTIES.

Mr. KASSON. I desire to give notice that on Monday next I will report from the Committee on Ways and Means, and ask action thereon on that day, a bill restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department.

ORDER OF BUSINESS.

Mr. RUSK. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins at eighteen minutes before one o'clock. This being Friday, the first business in order during the morning hour will be reports of a private nature from committees.

W. W. HANDLIN.

Mr. FRYE, from the Committee on the Judiciary, reported adversely upon the petition of W. W. Handlin; and the same was laid on the table.

ROSE HILL CEMETERY.

Mr. FRYE, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 911) to relinquish title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery.

The question was upon ordering the bill to be engrossed and read a third time.

The bill, which was read, provides that whatever title the United States may have acquired in and to a portion of the ground held and owned by Rose Hill Cemetery, a corporation so known under the laws of the State of Tennessee, by virtue of a contract and agreement made and entered into May, 1866, by the officers of said cemetery, on behalf of said corporation, and G. W. Marshall, captain and assistant quartermaster-general United States volunteers, on behalf of the United States, shall be released, quit-claimed, and set over to the president and directors of said corporation and their successors in office, to be by them held, as though said agreement and conveyance had not been made.

Mr. HOLMAN. Ought not this bill to be first considered in Committee of the Whole?

Mr. BUTLER, of Massachusetts. Allow me to make a statement. During the war there was a piece of Rose Hill Cemetery purchased by the United States in which to bury their dead. All those dead have now been removed, and that portion of the cemetery abandoned by the United States. This bill is merely to restore that small piece of the cemetery to the original owners. The whole of the land is worth nothing except for a burying-ground.

Mr. FRYE. And the only consideration given by the United States for this property was simply to repair a fence that had been destroyed.

Mr. HOLMAN. I will make no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROADS IN TENNESSEE.

Mr. FRYE, from the same committee, reported a bill (H. R. No. 1937) for the relief of the State of Tennessee; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The preamble of the bill states that the Government of the United States holds three bonds, signed by the governor of the State of Tennessee, dated the 1st day of June, 1866; one for $3,037,993.73, another for $94,142.85, and the other for $21,661.73, all bearing interest at the rate of 7.3 per cent. per annum, and payable to the United States of America, for property and railway material purchased by the Edgefield and Kentucky, and the Memphis, Clarksville and Louisville Railroads, and all of them entitled to credits for certain mail-service, which is not in dispute; and that the State of Tennessee claims an abatement in the amount of said bonds, and alleges as a reason therefor that the property was purchased by receivers in charge of said roads for the use and benefit of the companies then owning them, and at extravagant prices, and said State, after the property was placed in the possession of the companies, executed the bonds aforesaid, to prevent the stopping of said roads, by a seizure and removal of the rolling-stock from said roads by the officers and agents of the United States Government; and that, inasmuch as said companies are utterly insolvent and unable to pay any part of said bonds, the State should only be charged with the actual value of the property at the date of the sale.

The first section of the bill provides that the Secretary of War of the United States, by and with the advice and consent of the Attorney-General of the United States, be, and he is hereby, authorized and directed and required to settle with the State of Tennessee all demands between said State and the United States Government in any of its Departments; and, in doing so, he will only charge said State with the actual value of the property for which said bonds were given at the date of purchase, that value to be ascertained by proof or by the agreement of said officers and the agents of said State; and that any reduction so made shall be applied as a credit on said bonds, without interest.

The second section provides that the act shall take effect when its provisions shall have been accepted by the Legislature of the State of Tennessee, by an act pledging the performance of the award or decision made under it, at the session of the Legislature next after the passage of this act.

Mr. HOLMAN. This bill seems to be in the nature of an appropriation of property.

Mr. WILLARD, of Vermont. I make the point of order on the bill.

Mr. FRYE. I do not know whether the objection will be against this bill or not. It simply authorizes the settlement of certain indebtedness of the State of Tennessee to the United States.

The SPEAKER. The point of order being made, the Chair thinks the bill must go to the Committee of the Whole.

Mr. MAYNARD. Does the Speaker rule that this bill, which merely authorizes the proper officers to settle a debt due the Government, comes within the rule requiring that bills making appropriations shall be sent to the Committee of the Whole? This bill cannot possibly involve an appropriation.

Mr. BUTLER, of Massachusetts It is only to ascertain what money the United States has received.

Mr. MAYNARD. Exactly; to ascertain how much shall be paid to the United States.

The SPEAKER. The point of the bill is this: The United States holds certain bonds of the State of Tennessee for a certain value; the proposition in the bill is to reduce that value and take a less amount. Clearly to that extent the bill makes an appropriation of public property, and under the rules it must receive its first consideration in the Committee of the Whole, not on the Private Calendar, but on the state of the Union.

DEBTS DUE FROM SOUTHERN RAILROADS.

Mr. FRYE, from the Committee on the Judiciary, reported a bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes;" which was read a first and second time.

The bill was read. The preamble states that the Secretary of War was directed and authorized by the act of Congress approved March 3, 1871, to compromise certain suits instituted by the United States against certain railroad corporations which purchased material from the Quartermaster's Department, under the provisions of executive orders of August 8 and October 14, 1865; and that issues have been raised and are pending in the settlement of the accounts of other railroad corporations which made purchases under said orders and against which the Government has not commenced suit. The bill therefore authorizes the Secretary of War, by and with the advice of the Attorney-General of the United States, to compromise, adjust, and settle the same upon such terms as may be equitable and just, and best calculated to promote the interests of the United States.

Mr. FRYE. I presume the same point raised against the last bill will lie against this bill.

Mr. WILLARD, of Vermont. I make the point.

The SPEAKER. The bill will be referred to the Committee of the Whole on the state of the Union.

JOAB BAGLEY.

Mr. WHITE, from the Committee on the Judiciary, reported back the bill (H. R. No. 294) for the relief of Joab Bagley.

The bill was read. It recites in the preamble that it is alleged that, on the 13th day of September, 1858, under and by virtue of an act of Congress approved March 3, 1855, land warrant numbered 95116, for one hundred and twenty acres of land, was issued to one James McAdory, and by him afterward duly sold and assigned to Joab Bagley, a citizen of Jefferson County, in the State of Alabama, who, on the 21st day of September, 1862, located the said land warrant in the purchase of the southwest quarter of the southwest quarter and the south half of the northeast quarter of section 6, township 18, range 2 west, in the Tuscaloosa land district, in the State of Alabama; which said location of said land warrant is alleged to have been made in good faith, but under a law (or pretended law) of the State of Alabama, authorizing the location of land warrants in said State; that it is alleged that the land warrant has been lost or destroyed, and that the same has not been returned to or filed in the office of the Commissioner of the General Land Office, but that notice of the loss thereof has been given to the Commissioner of the General Land Office. The bill therefore provides that upon the payment by Joab Bagley of the minimum price to the proper officer of the Government of the United States for said land, to wit, southwest quarter of the southwest quarter and the south half of the northeast quarter of section 6, township 18, range 2 west, in the Tuscaloosa land district, in the State of Alabama, as by law required, estimating the land warrant at its value, $1.25 per acre, the balance to be paid in cash, the title to the said real estate be confirmed in Bagley, his heirs and assigns; and the Commissioner of the General Land Office is authorized and required to issue letters-patent

conveying the title to Bagley. The second section provides that the act shall not impair, make void, or in any way interfere with any prior valid claim to the real estate in the preceding section described.

Mr. RUSK. I make the point of order that this bill must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair sustains the point. The bill will be so referred.

Mr. WHITE. This bill contains no appropriation. It merely provides that Joab Bagley shall be allowed the privilege of entering certain lands named in the bill; and his application for relief is based upon the facts stated in the preamble, the evidence of which, as adduced before the committee, was sufficient to satisfy them that the bill ought to be reported favorably. In 1862 Joab Bagley entered those lands in the State of Alabama, using a United States land warrant in part, and paying the balance in money.

The SPEAKER. In the opinion of the Chair the point of order lies against the bill. It proposes to divest the United States of certain property for a consideration. As the point of order is insisted upon the Chair must sustain it. The bill goes to the Committee of the Whole on the Private Calendar.

CRAWFORD M. HALL.

Mr. WARD, of Illinois, from the Committee on the Judiciary, reported adversely upon the memorial of Crawford M. Hall, late district attorney of the eastern district of Tennessee; which was laid on the table, and the report ordered to be printed.

JAMES L. COLLINS.

Mr. WARD, of Illinois, also, from the Committee on the Judiciary, reported a bill (H. R. No. 1939) for the relief of James L. Collins; which was read a first and second time.

The bill provides that Hamilton G. Fant, William Craig, John S. Watts, Vincent St. Vrain, and William W. Mills, sureties of James L. Collins, deceased, upon his official bond as late receiver of public moneys and as designated depositary at Santa Fé, New Mexico, their heirs and legal representatives, be released and discharged from all liability on said bond and from the judgment recovered thereon in favor of the United States. The bill also authorizes the Secretary of the Treasury, on final adjustment and settlement of the accounts of James L. Collins, deceased, late receiver and United States designated depositary of public moneys at Santa Fé, New Mexico, to pass to his credit the amount of money stolen from the United States depositary at Santa Fé after the murder of Collins on the night of June 5, 1869, and for which a judgment was recovered in the district court of New Mexico in favor of the United States against the sureties of Collins, or part of them, for $32,561.03, and $6,032.32 interest, and to pay to the legal representatives of Collins, out of any moneys in the Treasury not otherwise appropriated, such sum, not exceeding $1,168.18, as may be shown to have been due and owing him at the time of his murder.

Mr. WARD, of Illinois. I move that the bill be referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The motion was agreed to.

GEORGE P. FISHER.

Mr. WARD, of Illinois, also from the same committee, reported back a bill (H. R. No. 1171) for the relief of George P. Fisher, with the recommendation that it do pass.

The bill, which was read, provides that the sum of $576.25 be, and the same is thereby, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse George P. Fisher for his costs and expenses incurred in defending suits at law brought against him by Joseph H. Bradley, in the year 1868, for acts done by said Fisher while in the discharge of his duty as a justice of the supreme court of the District of Columbia holding the criminal court of said District.

Mr. HOLMAN. Does not that bill, making an appropriation, go, under the ruling of the Chair, to the Committee of the Whole on the Private Calendar?

The SPEAKER. The bill is open to the point of order.

Mr. WARD, of Illinois. I move that the bill be referred to the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

SALARIES.

Mr. WARD, of Illinois, also, from the same committee, reported back a bill (H. R. No. 1354) fixing the salaries of certain officers, and moved that it be referred to the Committee on Reform in the Civil Service.

The motion was agreed to.

SURETIES OF THE LATE JESSE J. SIMKINS.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported back a bill (H. R. No. 1200) for the relief of the sureties of the late Jesse J. Simkins, collector of the port of Norfolk, Virginia, with the recommendation that it do pass.

The bill, which was read, provides that the sureties of Jesse J. Simkins, deceased, late collector and public depositary at the port of Norfolk, Virginia, be, and they are thereby, released and discharged from a judgment rendered in the circuit court of the United States for the eastern district of Virginia, against said sureties and in favor of the United States of America, on the 10th day of January, 1871.

Mr. BUTLER, of Massachusetts. If the House will indulge me for a moment in a statement of this bill, perhaps the point of order will not lie or will not be raised. Simkins was collector at Norfolk, and being collector at Norfolk he put this money, which was in his hands, into the State treasury of Virginia, to escape paying it over to a military officer under a military order, and the money is lying there now in the State treasury of Virginia. The last Congress passed a bill calling for that money and to suspend all suits against Simkins's sureties until the money was paid by the State of Virginia, and then to credit the sureties with the amount. That demand has been made by the Attorney-General, whose report accompanies this bill. The State of Virginia declines to pay it over, although they admit it is in the State treasury. It seemed just to the committee, while the money which the United States claims was put by Simkins, in order to protect it, in the only place which looked like a safe depository, his sureties now, under all the circumstances, should have this relief.

Mr. HOLMAN. It seems to me, from the complicated character of this transaction, it should go to the Committee of the Whole House on the Private Calendar.

Mr. BUTLER, of Massachusetts. If the gentleman insists on his point of order, let it go there.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JONATHAN SEWELL.

Mr. PACKARD, from the Committee on Private Land Claims, reported back adversely the petition of Jonathan Sewell, and the same was laid upon the table and the accompanying report ordered to be printed.

CLAIM OF OFFICERS AND CREW OF THE WACHUSETT.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported back adversely the memorial of Commodore Collins, in favor of distributing to the officers and crew of the United States steamer Wachusett the value of the Florida, captured at Bahia, Brazil, and the same was laid upon the table.

INCREASE OF PAY TO MATES.

Mr. SCOFIELD also, from the same committee, reported back adversely the petition of Thomas W. Bonsall for increase of pay to mates in the Navy, and the same was laid upon the table.

Mr. SCOFIELD moved to reconsider the last two votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES M'DONNELL.

Mr. SCOFIELD also, from the same committee, reported back a bill (H. R. No. 1940) giving the consent of Congress to the acceptance by James McDonnell, a warrant officer in the Navy, of a present from the King of Italy; which was read a first and second time.

The bill, which was read, grants the consent of Congress to James McDonnell, a warrant officer in the Navy of the United States, to accept from the King of Italy a silver medal for assistance rendered on the 25th of June, 1873, in the port of Callao, Peru, to the Italian merchant vessel Delaide.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCOFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERKS OF COMMANDANTS OF NAVY-YARDS.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back the bill (H. R. No. 1521) in relation to clerks of commandants of the navy-yards of the United States, and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

STORM AND FLOOD SIGNALS.

Mr. WHITTHORNE also, from the same committee, reported back the bill (H. R. No. 632) to test a plan of storm and flood signals, &c., and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

FREDERICK F. BAURY.

Mr. SCUDDER, of New York, from the Committee on Naval Affairs, reported a bill (H. R. No. 1941) to provide for the appointment of Frederick F. Baury on the retired list of the Navy; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

ALEXANDER THOMPSON.

Mr. WILLARD, of Vermont, from the Committee on Foreign Affairs, reported back the memorial of Alexander Thompson, late consul in Brazil, and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

COMPENSATION OF CHARGÉS D'AFFAIRES.

Mr. WARD, of New Jersey, from the Committee on Foreign Affairs, reported back the bill (H. R. No. 1385) to establish the compensation of consuls of the United States acting as chargés d'affaires, and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

JAMES REA.

Mr. ALBERT, from the Committee on Foreign Affairs, reported back the memorial of James Rea, late United States consul at Belfast, praying for relief from loss in discharge of his official duties, and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table, and the accompanying report printed.

The motion was agreed to.

ALBERT ROSS.

Mr. SCOFIELD. There is a matter which was before the Naval Committee, and which was omitted to be reported when that committee was called. It is in charge of the gentleman from Maine, [Mr. BURLEIGH.]

Mr. BURLEIGH, from the Committee on Naval Affairs, reported a bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy; which was read a first and second time.

The bill authorizes the President of the United States to nominate, and by and with the advice of the Senate to appoint, Albert Ross to the active list of the Navy, with the rank of lieutenant; the name of said Ross to be placed on the list next below that of Edwin F. Jacobs; provided he shall not receive any extra pay for the time he was on the retired list.

The question was on ordering the bill to be engrossed and read a third time.

Mr. SPEER. I desire to ask the gentleman from Maine [Mr. BURLEIGH] whether this bill reinstates the person named in it in the same rank he would have held if he had not been dismissed. Does it allow him to outrank those who have remained in the Navy?

Mr. BURLEIGH. It does. The disability was occasioned in the line of his duties, over which he had no control, and under a misapprehension of the examining commission.

Mr. SPEER. I misapprehended the bill. I thought he had been dismissed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURLEIGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM HAFFORDS.

Mr. RUSK, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts; and the same was referred to the Committee of the Whole on the Private Calendar.

JEFFERSON W. DAVIS.

Mr. RUSK also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers; and the same was referred to the Committee of the Whole on the Private Calendar.

MRS. MARTHA E. NORTHUP.

Mr. RUSK also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry; and the same was referred to the Committee of the Whole on the Private Calendar.

HELEN M. STANSBURY.

Mr. RUSK also, from the same committee, reported back the bill (H. R. No. 1943) granting a pension to Helen M. Stansbury; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MINOR CHILDREN OF MICHAEL WEISSE.

Mr. MELLISH, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 151) granting a pension to the minor children of Michael Weisse, deceased; and the same was referred to the Committee of the Whole on the Private Calendar.

CHARLOTTE CRANE.

Mr. MELLISH also, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1944) granting a pension to Charlotte Crane, widow of the late Colonel Ichabod B. Crane, First Artillery, regular Army of the United States; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

JULIET E. HALL.

Mr. MARTIN, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

MARY B. DALLAS.

Mr. MARTIN also, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1946) restoring the name of Mary B. Dallas to the pension-rolls; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

NANCY PATTON.

Mr. MARTIN also, from the Committee on Invalid Pensions, reported back the petition of Nancy Patton, for arrears of pension; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

WILLIAM D. BOYD.

Mr. SMALL, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnston County, Kentucky; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES LAFONT.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 816) granting a pension to James Lafont,; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE HOLMES.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 1947) granting a pension to George Holmes; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY S. PRINCE.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1234) granting a pension to Mary S. Prince; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARY P. BLOOD.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 1948) granting a pension to Mary P. Blood; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

TIMOTHY PAIGE.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 216) granting a pension to Timothy Paige; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ANN M. BROCKETT.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 1949) granting a pension to Ann M. Brockett; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS J. M'INTYRE.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1396) granting a pension to Thomas J. McIntyre, of Rowan County, Kentucky; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. EDWARDS.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1445) to reinstate William H. Edwards on the pension-roll; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

BETSIE LEWIS.

Mr. MELLISH, from the same committee, reported a bill (H. R. No. 1950) granting a pension to Betsie Lewis; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC M. GRANT.

Mr. WALLACE, from the same committee, reported a bill (H. R. No. 1951) granting a pension to Isaac M. Grant; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY C. MARLETTE.

Mr. CRITTENDEN, from the same committee, reported a bill (H. R. No. 1952) granting a pension to Nancy C. Marlette; which was read

a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES J. DRUMWRIGHT.

Mr. CRITTENDEN also, from the same committee, made an adverse report upon the application of Charles J. Drumwright for a pension; and it was laid upon the table.

SUSAN W. MARTIN.

Mr. O'BRIEN, from the same committee, made an adverse report upon the petition of Susan W. Martin; which was laid upon the table, and the accompanying report ordered to be printed.

WILLIAM D. MORRISON.

Mr. O'BRIEN also, from the same committee, reported a bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain Company D, Seventh Regiment Maryland Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY B. RYDER.

Mr. YOUNG, of Kentucky, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 783) granting a pension to Henry B. Ryder; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN HENDERSON.

Mr. BURCHARD, from the Committee on Ways and Means, reported a bill (H. R. No. 1954) for the relief of John Henderson, of New Orleans, Louisiana; which was read a first and second time.

Mr. BURCHARD. I presume there will be no objection to that bill; there is a written report accompanying it, and I ask its passage.

The SPEAKER. The Chair thought the gentleman reported it for reference to the Private Calendar.

Mr. HOLMAN. If it is a proper bill for the Private Calendar, it should go there.

The SPEAKER. The bill directs the Secretary of the Treasury to refund and pay the amount of $5,000. It is clearly a matter for the Committee of the Whole on the Private Calendar.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PASSAIC COUNTY NATIONAL BANK.

Mr. DURHAM, from the Committee on Banking and Currency, reported back, with a recommendation that the same do pass, House bill No. 1899, authorizing the Passaic County National Bank to change its name.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the name of the Passaic County National Bank, of Paterson, shall be changed to the Second National Bank, of Paterson, whenever the board of directors of said bank shall accept the new name, by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency; provided, that such acceptance be made within six months after the passage of this act; and that all expenses of such change, including that of printing and engraving, be paid by the said bank; and that all the debts, demands, liabilities, rights, privileges, and powers of the Passaic County National Bank, of Paterson, shall devolve upon and inure to the Second National Bank, of Paterson, whenever such change of name is effected.

Mr. DUNNELL. I raise the point of order that this is not a private bill.

The SPEAKER. The Chair does not think it is a private bill; it requires unanimous consent to have it considered now.

Mr. DURHAM. I hope it may be considered now; it is a matter of importance to this bank.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

WILLARD DAVIS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported back, with a recommendation that the same do pass, the bill (H. R. No. 751) for the relief of Willard Davis; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

ALONZO SNYDER.

Mr. HAWLEY, of Illinois, from the same committee, also reported back, with a recommendation that the same do pass, the bill (H. R. No. 261) for the relief of Alonzo Snyder, of Livingston County, New York; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

NELSON M'LAUGHLIN.

Mr. HAWLEY, of Illinois, from the same committee, also reported back the petition of Nelson McLaughlin, late captain Company M, Eighth Regiment Tennessee Calvary Volunteers; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

The motion was agreed to.

HEIRS OF WILLIAM M. CHENAULT.

Mr. HAWLEY, of Illinois, also reported back from the same committee a letter from the Secretary of War in answer to a resolution of the House of January 26, 1874, in relation to the claim of the heirs of the late William M. Chenault, of Carthage, Missouri, for property alleged to have been taken by the Government; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. KELLOGG. Has not the morning hour expired?

The SPEAKER. The morning hour never expires, except by means of something of a higher privilege.

GEORGE F. BROTT.

Mr. HAWLEY, of Illinois, from the Committee on Claims, also, reported back the memorial of George F. Brott, assignee of Brott, Davis & Shons; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

AUGUSTUS SPRAGUE.

Mr. HAWLEY, of Illinois, from the same committee, also reported back the bill (H. R. No. 1014) for the relief of Augustus Sprague, late a private of Company B, Second Michigan Volunteers; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

HENRY W. SHUMAN.

Mr. HAWLEY, of Illinois, also from the same committee, reported back the bill (H. R. No. 1902) for the relief of Henry W. Shuman; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

SAINT PAUL'S CHURCH, SELMA, ALABAMA.

Mr. HAWLEY, of Illinois, from the same committee, also reported back the bill (H. R. No. 1814) for the relief of Saint Paul's Episcopal church, at Selma, Alabama; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

GEORGE BURCHARD.

Mr. HAWLEY, of Illinois, from the same committee, also reported back the bill (H. R. No. 1868) for the relief of George Burchard, of Greenbush, Wisconsin; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

THOMAS WEEKS.

Mr. HAWLEY, of Illinois, from the same committee, also reported back the bill (H. R. No. 1869) for the relief of Thomas Weeks, of Plymouth, Wisconsin; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

JOHN C. CUNNINGHAM.

Mr. HAWLEY, of Illinois, from the same committee, also reported back the bill (H. R. No. 1542) for the relief of John C. Cunningham, of Fort Gibson, Indian Territory, for supplies furnished certain Indians; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

DAVID KLEIN.

Mr. HAWLEY, of Illinois, from the same committee, also reported back papers in the case of David Klein, for compensation for invention to enable armies to cross rivers; and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on War Claims.

The motion was agreed to.

LEAVE OF ABSENCE.

Leave of absence was, by unanimous consent, granted to Mr. ROSS for three days; to Mr. CLYMER until Wednesday next; to Mr. LANSING for two weeks; and to Mr. TAYLOR for one week from next Monday.

WITHDRAWAL OF PAPERS.

On motion of Mr. SAYLER, of Indiana, by unanimous consent, leave was granted for withdrawing from the files of the House the petition of H. C. Elliott, late lieutenant-colonel of the One hundred and eighteenth Indiana Volunteers, praying for a pension, no adverse report on the case having been made.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. BUTLER, of Massachusetts. Pending that motion, I move that debate in Committee of the Whole upon bills on the Private Calendar be limited to five minutes.

The SPEAKER. The Chair cannot entertain that motion except as to one particular bill.

Mr. BUTLER, of Massachusetts. Well, I ask unanimous consent that when the House resolves itself into Committee of the Whole on the Private Calendar debate on the various bills shall proceed under the five-minute rule.

Mr. HAWLEY, of Illinois. That seems hardly a fair rule to apply to every bill. It would be better to provide that we shall proceed under the five-minute rule after the expiration of ten minutes; in other words, that general debate upon each bill shall be limited to ten minutes.

Mr. BUTLER, of Massachusetts. I agree to that; I ask that general debate upon each bill be limited to ten minutes, and the debate on amendments to five-minute speeches.

The SPEAKER. The gentleman from Massachusetts asks that after ten minutes allowed for general debate on each bill in Committee of the Whole on the Private Calendar, the debate shall proceed under the five-minute rule.

There being no objection, it was ordered accordingly.

The question being taken on the motion of Mr. HAWLEY, of Illinois, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. KASSON in the chair,) and proceeded to the consideration of bills on the Private Calendar.

WILLIAM SWANZEY.

The first bill on the Private Calendar was the bill (H. R. No. 141) granting a pension to William Swanzey.

Mr. BURCHARD. I ask that this bill be laid aside informally. An application for a pension in this case is pending before the Commissioner of Pensions, who, I trust, will act upon it favorably.

The CHAIRMAN. The bill will be laid aside informally, retaining its place on the Calendar.

HEIRS OF ASBURY DICKINS.

The next bill on the Private Calendar was the bill (H. R. No. 1508) for the relief of the heirs of Asbury Dickins.

The bill was read. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the devisees of Asbury Dickins, deceased, the amount of $3,976.19; the same to be in full satisfaction of all claims for services by the said Asbury Dickins as acting Secretary of the Treasury, chief clerk of the Treasury, acting Secretary of State, and chief clerk in the State Department.

Mr. HAWLEY, of Illinois. I ask that the report in this case be read.

Mr. HOLMAN. I suggest that in all these cases the reports be read as a matter of course, without being called for.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 628) for the relief of the heirs of Asbury Dickins, deceased, beg leave to report:

That Asbury Dickins, while he was chief clerk of the Treasury Department, during the years 1829 to 1833, inclusive, and afterward while chief clerk of the State Department, at various times during the years 1833, 1835, and 1836, was several times appointed by the President, under the eighth section of the act of Congress of May 8, 1792, for short periods to act as Secretary of the Treasury and as Secretary of State. During these times he performed the duties of both Secretary and chief clerk, and only received the salary of one, and, with one exception, that was the salary of chief clerk. His duties during these times were very responsible and arduous. It was no part of his duty as chief clerk to act as Secretary; neither was there any incompatibility nor any law forbidding his doing so. In some such cases the officer has received both salaries; in others only one. Mr. Dickins first presented his claims in 1849, and the First Auditor of the Treasury, August 11, 1849, examined and adjusted the account, finding due from the United States to Asbury Dickins $3,976.19, but there was no appropriation out of which it could be paid.

The claim was presented to Congress February 20, 1854, and favorably reported and passed in the Senate February 23, 1854. It was favorably reported in the House, but getting on the Private Calendar it was defeated by a single objection. At the next session (second session Thirty-third Congress) it was referred to the Court of Claims. At the first session Thirty-fourth Congress the report of the Court of Claims showed a judgment for Mr. Dickins and a bill in his favor for the sum of $5,350.71. The opinion of the court, given at some length, shows clearly that the law was in his favor. The bill was carried back and forth between the two Houses, sometimes passed in one, sometimes in the other, till the last session of the Thirty-sixth Congress, when Mr. Dickins died. The state of the country obstructed further action. By Mr. Dickins's will the claim passed to his daughters Maria, Eloise and Amelia Dickins. In the Fortieth Congress it was revived, and has ever since been pending.

Chief Justice Taney, in the case of the United States *vs.* White, (district of Maryland,) and Justice Story, United States *vs.* Morse, (Story's Reports, volume 3, page 87,) gave decisions which justify in full the claim of the heirs of Mr. Dickins. As we have said, the Court of Claims, in Mr. Dickins's life-time, decided in his favor. And twenty-four years ago the Treasury Department stated the account, allowing him nearly $4,000.

With a view to a final adjustment of a claim that the committee regard as being entirely just and legal, they recommend the passage of the accompanying bill, giving the claimants the sum of $3,976.19, as a substitute for H. R. No. 628, herewith reported back.

Mr. HAWLEY, of Illinois, obtained the floor.

Mr. MELLISH. I do not know much about this bill; but——

The CHAIRMAN. The Chair has recognized the gentleman from Illinois, [Mr. HAWLEY.]

Mr. HAWLEY, of Illinois. Does the gentleman from New York [Mr. MELLISH] desire to oppose this bill?

Mr. MELLISH. I wish to state the objections to which it seems to me, judging from the report alone, the bill is liable.

Mr. HAWLEY, of Illinois. Does the gentleman oppose the bill because he does not know much about it?

Mr. MELLISH. What I do know about it is gathered entirely from the report; from reasons there appearing I oppose it.

Mr. HAWLEY, of Illinois. It seems to me a rather singular position for a gentleman to oppose a bill simply because he does not know anything about it.

Mr. MELLISH. I say I do not know anything about it except what appears in the report.

Mr. HAWLEY, of Illinois. I desire to say for the information of the committee that this bill has been carefully considered, not only by a committee of the House at this session, but by various committees during previous Congresses.

The bill now before us was in the hands of a gentleman from New York, not to-day in his seat, and therefore I take charge of the bill in his absence.

I have in my hands a report made by the Committee on Claims of this House in 1860, presented by the gentleman from Tennessee, [Mr. MAYNARD,] then a member of that committee. This report then made fully sustains the report made by the committee to-day.

I will say, for the further information of the committee, that the question was once referred to the Court of Claims. The Court of Claims then awarded a larger amount; that is to say, they awarded two salaries as Secretary of State for a certain period, and as Secretary of the Treasury for a certain other period, at the same time allowing him pay as chief clerk of the State Department. That report was made by the Court of Claims to Congress, and was accompanied by a bill allowing this claimant something over $5,000. Congress did not concur with the Court of Claims, and therefore the claim was not paid. I am not aware, however, that any committee of either House at any time refused to report in favor of the amount now reported by the Committee on Claims; that is to say, to allow for one office, to allow him the pay of Secretary of State while he held the office of Secretary of State, and the salary of Secretary of the Treasury while he held the office of Secretary of the Treasury, giving him the compensation for the time he held the office fixed by law for that office; or, in other words, giving him the difference between the salary of chief clerk and the salary of Secretary of State or of Secretary of the Treasury while he held either of those offices.

Mr. MAYNARD. Will the gentleman allow me to ask him a question, because I happen to know something about this whole case; and it is whether his attention has been called to its legislative history? If his attention has been called to it he can verify my statements. In the Thirty-third Congress a bill was passed in the Senate in favor of Mr. Dickins, which came over to this House and was referred to the Committee on Claims. The Committee on Claims examined it and reported it back to the House with a recommendation in favor of its passage. It then went on the Private Calendar, but before it was acted on the Court of Claims was established, and that, with various others, was sent by order of the House to the Court of Claims, and the decision of the Court of Claims was in favor of Mr. Dickins.

Mr. HAWLEY, of Illinois. That is substantially the fact, as I have examined the case. I will say further the amount allowed by the committee is the exact amount allowed by the Auditor of the Treasury Department when this account was originally audited, but was not paid because there was no money in the Treasury out of which it could be paid, or else it would have been paid years ago.

I move that the bill be reported back to the House, with the recommendation that it do pass.

Mr. MELLISH. I do not wish to say much about this bill. I do not know much about it except what is in the report. It is a claim over forty years old, and it seems to me that is *prima facie* about enough. It is the claim of the heirs of a man who held a lucrative position, I am told, nearly forty years under the Government, and who wants pay for two positions. I am opposed to the principle of any man holding two offices and drawing double salary, and if he chooses to accept two offices I am for insisting he shall receive pay for only one. One office is enough for one man.

Mr. HAWLEY, of Illinois. This is not such a claim. There is no pretense here that Congress is paying a man compensation for two offices at the same time, but only where he held two offices he shall receive compensation of the higher office during the time he held that office, deducting therefrom the amount received by him as chief clerk. The Court of Claims said he was entitled to compensation for the two offices, but in that decision Congress did not concur with the Court

of Claims. Congress then only recommended the payment for one office, and that is all the pending bill proposes to do. We only provide for paying for one office.

Mr. MELLISH. He must have received what he was legally entitled to at the time, and it seems to me the Treasury of the United States is not so full that we can go back forty years and rake up old claims to pay men for holding two offices. I protest against it. Let us save what money we can. It is certainly a foolish way to spend it in raking up these claims forty years old to pay men for holding two offices. I know something about this office-holding and how the thing is done, and how these claims are gotten up. I am opposed to the whole thing. I hope we will keep our money in the Treasury and not throw it away.

Mr. POTTER. Mr. Chairman, I do not intend to oppose this bill. There may be a serious question whether the law should allow any man holding one office and called to occupy another to recover the higher salary. That is, I think, now forbidden by law; but at the time this service was rendered it was not forbidden. This gentleman was called upon by the President of the United States, pursuant to a law then existing, while chief clerk of those Departments, at one time to act as Secretary of State and at another time to act as Secretary of the Treasury. Mr. Dickins performed those duties. He performed them during the space of some months, and made claim for the salary provided by law for the higher office. There was no appropriation out of which this compensation could be paid, although the accounting officers of the Treasury Department decided he was entitled to it. He then came to Congress and presented his claim, which was referred to the Court of Claims. The Court of Claims heard him and his proofs; they also heard the Government and its proofs, if it made any, and the Government solicitor, and finally rendered a decision in Mr. Dickins's favor and reported it to the Thirty-fourth Congress, allowing him, in addition to his salary as chief clerk, the amount of salary for the offices of the higher grade he had filled for the time he discharged the duties thereof.

Mr. HAWLEY, of Illinois. They allowed him for both?

Mr. POTTER. Yes; he was allowed by the court for both. Now the fact that this is an old claim, as suggested by my colleague, [Mr. MELLISH,] is not a reason why it should not be paid. On the contrary, a reason why, if just, it should be paid without more delay. Mr. Chairman, this whole business of determining private claims by Congress is a business which I could wish relegated to a tribunal which would determine the rights of claimants on notice to the Government according to law and justice; not *ex parte*, as we do, and not on such considerations as whether they be orphans or widows or old men, or whether their cases appeal to the sympathies of Congress or not. I cannot conceive any tribunal less fitted to do justice between claimants and the Government than Congress itself. My experience satisfies me—and I think the experience of every gentleman long in this House must accord with it—that Congress should provide a court for the determination of all private claims. A bill in the nature of a private claim is introduced into this House; it is sent to a committee, and is then referred to one member, who gives such attention to it as he deems fitting, subject to such influence and appeals to his sympathy as may be brought to bear on him by the claimant. The consideration given to it is wholly *ex parte*. If the gentleman is satisfied with the claim, he reports it back to the committee; and they usually on slight consideration allow him to report it to the House. Its fate in the House depends much on the skill and power of the gentleman who presents it; so that the House, carried away by sympathy or by some gentleman's eloquence or influence, often agrees to make payments which ought not, on principles of justice, to be made; and as often, perhaps, rejects claims really just, but which have not been as persistently or judiciously pressed, or which do not so warmly appeal to the sympathies of the House.

A citizen employed pursuant to law, and who renders a service to the Government—doing its work, saving its property—ought to be paid by the Government what is due for his service. On the other hand, as I contended last week in connection with a claim then before the House, one who voluntarily renders service, no matter how important, to private citizens, or in saving private property, even at a loss to himself, has no claim, however meritorious his action, on the Government. Government, as I think, should do justice, not grant favors. But, however that may be, here is the case of a man who rendered an authorized service to the Government. He preferred his claim; Congress referred it to its own court, and he had then an open trial. Witnesses were called on both sides; were heard; and counsel was heard, as well for the Government as for the claimant. And judgment was rendered in the claimant's favor twenty-odd years ago. Now, I say that it is a scandal and a disgrace that anybody, with a regular judgment thus fairly obtained against the Government in his favor, having thus established as absolute a right to his money as can be established in law, should be knocking twenty years afterward at the doors of Congress for payment of his dues—that is, for simple justice.

I repeat, Mr. Chairman, that this whole business of determining and paying for private claims upon the Government should be relegated from Congress, where it can never be disposed of as it ought to be, to some public court of justice, having the power to hear witnesses on both sides and to hear counsel on both sides, and then to render a judgment that can be enforced. And it is because this has been performed so far as the law then allowed in this case, and a judgment rendered entitling this man twenty years ago to this money, that I intend to vote in favor of this bill at this late period, as I should have done at any former time when I was in this House had this bill been then presented.

The CHAIRMAN. The time for general debate on this bill, as limited by order of the House, has expired.

The bill was laid aside, to be reported favorably to the House.

ESTATE OF JOHN T. WRIGHT.

The next bill on the Calendar was the bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to George S. Wright, administrator of the estate of John T. Wright, deceased, the sum of $2,758.45, the amount of Treasury settlement numbered 536, dated March 13, 1869, in accordance with the certificates of the Third Auditor and the Second Comptroller.

The report was read, as follows:

The Committee on Claims, to whom was referred the petition of George S. Wright, administrator of the estate of John T. Wright, deceased, asking compensation for transporting United States troops on the Pacific coast in the year 1865, having had the same under consideration, ask leave to report:

That the petition of said Wright, as above recited, was introduced into the House in the Forty-first Congress, on the 1st of April, 1869, and referred to the Committee on Claims, which, through its chairman, reported the same back to the House favorably, for $2,758.45, and with it submitted a report, which your committee, with some slight modification, adopt, and which is as follows, to wit:

On the 19th of June, 1855, John T. Wright contracted with Captain Robert Allen, assistant quartermaster at San Francisco, California, to transport a detachment of troops, one officer in charge of one hundred and thirty-six men, on the steamer America, from Benicia, California, to Steilacoom, Washington, at the rate of sixty-five dollars for each commissioned officer, and fifty dollars for each private and laundress, amounting in the aggregate to the sum of $6,810; in pursuance of which the voyage was undertaken, with one commissioned officer, one hundred and thirty-two privates, and three laundresses on board.

When off Crescent City, three hundred and forty-eight miles on the route, the entire distance being eight hundred and forty-five miles, the steamer was burned to the water's edge, and the voyage interrupted.

It appears from evidence that the troops were fresh recruits from New York City, and, desirous of deserting to the California mines, they became mutinous, and arranged to break up the voyage by setting the ship on fire, which might enable them to escape to the shore and desert the service.

Captain Wright, the master of the vessel, returned immediately to San Francisco, and prepared and offered another vessel to complete the contract, which Captain Allen declined to accept. The contractor went forward, however, and victualed the steamer Goliah, proceeded to Crescent City, and tendered her to complete the contract. The officer in command of the detachment declined to ship on the Goliah, by reason of instructions from Captain Allen that he would furnish transportation. Shortly afterward the steamer Active, doing duty in the United States Coast Survey, came into Crescent City and offered to take the troops on board, which the officer accepted, and all that had not deserted were thus transported to their destination.

In the mean time Captain Allen had chartered a sailing vessel, which did no service, but was paid. The contractor, John T. Wright, claimed the full contract price, and from time to time prosecuted his claim before the accounting officers of the Treasury without success. He declined to accept *pro rata* pay for the actual service performed, and never submitted evidence of that character. He died at last, and the claim rested. After his death, his administrator and the heirs of his estate submitted new and additional evidence, and procured a rehearing. On the 12th of March, 1869, there was awarded to the estate *pro rata* pay for the service of the steamer America, and Treasury settlement No. 536, for $2,758.45, was signed and transmitted by the Third Auditor, and admitted and certified by the Second Comptroller of the Treasury. This action of the proper accounting officers, it would be supposed, was sufficient to establish the claim. But the then Secretary of War, under the advice of the Quartermaster-General, objected to its payment without a special appropriation by Congress, on the grounds that the service was rendered fourteen years ago; that the claim had been rejected and reopened after the lapse of that time; that current appropriations ought not to be diverted to the payment of past service, and particularly the invitation of this precedent to clamorous agents and heirs to untie the dusty files of the Treasury for the old balances buried there.

The letter of the Secretary of War, while it transmits an argument adverse to the claim, is, in fact, but an estimate for an appropriation, proper under existing laws.

The act of March 30, 1868, provides "that the proper head of the proper Department, before signing a warrant for any balance certified to him by a Comptroller, may submit to such Comptroller any facts in his judgment affecting the correctness of such balance; but the decision of the Comptroller thereon shall be final and conclusive."

There would seem, then, to be little need of additional legislation for the settlement of this claim.

The Second Comptroller has reported at length upon it, and his decision by law is "final and conclusive."

No new facts are submitted by the War Department affecting its correctness. The inconsiderable amount could not seriously disturb the current appropriations of the War Department. The bad policy of paying an old claim is offered as the principal objection. This might be an argument for a new statute of limitations, but that subject is not now under consideration; until such a statute is passed, applicable to this class of claims, the Government must depend, as hitherto, upon the integrity and capacity of its accounting officers. The committee have very critically examined the Comptroller's report and various other opinions bearing on the questions involved in the claim. They agree with his conclusions, and are satisfied that he performed his duty in adjudicating this claim conscientiously and correctly; and it is their opinion that the claimant ought to have been paid without delay the amount found due him in Treasury settlement No. 536, dated March 13, 1869.

Concurring, as your committee do, in the views set forth in the foregoing report, they also concur in its conclusions, and accordingly report the accompanying bill, and recommend its passage.

Mr. HOLMAN. I should be very glad to hear the letter of the Secretary of War read, if it be among the papers.

The CHAIRMAN. The Chair is informed by the Clerk that it is not among the papers.

Mr. HOLMAN. The amount, I believe, is $2,750. It would have been very desirable to have had here the views presented by the Secretary of War to the committee; but as the Secretary's letter is not

here I suppose we must take the report adopted by the committee with that letter before them.

The bill was laid aside, to be reported favorably.

C. C. SPAIDS.

The next bill on the Calendar was the bill (H. R. No. 1582) for the relief of C. C. Spaids.

The bill was read. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to C. C. Spaids the sum of $633, it being pay for his services as second lieutenant of Company A, Fourth Illinois Cavalry Regiment.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 721) for the relief of C. C. Spaids, have considered the same, and report as follows:

The claimant was a private in Company A, Fourth Illinois Cavalry; was promoted to first sergeant; and, June 3, 1863, was commissioned, by the governor of the State of Illinois, second lieutenant of same company, but was refused a muster, because it was below the minimum. He served, however, as second lieutenant, performing all the duties, incurring the dangers, and bearing the responsibilities. For a long time he commanded the company, in the field, on the march, and in several engagements; was wounded several times, and finally discharged for disability the 6th day of February, 1864, making his term of service as lieutenant eight months. The case of Alexander W. Henry *vs.* The United States, (Court of Claims, volume 6, page 162,) in its facts, as stated by the court, was identical with this. Your committee concur with the court, in their conclusions of fact and law, and recommend the payment to this claimant of $633, the difference between the pay of first sergeant, which he received, and the pay of second lieutenant, which was refused him for the reasons above set forth; and, to that end, recommend the passage of the bill.

The bill was laid aside, to be reported favorably to the House.

CHARLES J. M'KINNEY.

The next bill on the Calendar was the bill (H. R. No. 1583) for the relief of Charles J. McKinney, of Tennessee.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay Charles J. McKinney, of Hawkins County, Tennessee, $100 for quartermaster stores furnished the United States Army.

The Clerk then read the report, as follows:

The Committee on War Claims, to whom was referred Executive Document 115, third session Forty-second Congress, covering letter from the Secretary of War in relation to the claim of Charles J. McKinney, of Tennessee, having examined the same, report:

That the said Charles J. McKinney furnished $100 worth of leather for use of the third brigade, fourth division, Twenty-third Army Corps, which was duly receipted for by the brigade commander; that the said leather was used during the month of November by said brigade, but it does not appear whether the leather was used by the Quartermaster's or the Ordnance Department, but it is clear from the evidence that the leather was used by one of the two departments.

Wherefore your committee are of opinion that the claimant is entitled to the relief asked for; and for that purpose report the accompanying bill and recommend its passage.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

HEIRS OF SETH LAMB.

The next bill on the Calendar was the bill (H. R. No. 1585) for the relief of the heirs of Seth Lamb.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Theodore L. Lamb, Mary M. Muldan, and Philena Kingsley, the sum of $490, being in full of the claim of Seth Lamb, deceased, for boarding and quartering Captain Mott's Howitzer Corps, Second Regiment New York State Militia, from the 21st of May to the 1st of June, 1861.

The Clerk then read the report, as follows:

The Committee on War Claims, to whom was referred the bill H. R. No. 1585, beg leave to report:

That claimants' father, Seth Lamb, at the time of the breaking out of hostilities between the Confederate States and the United States, was the proprietor of the Saint Charles Hotel, city of Washington, and that from May 21, 1861, to June 1, 1861, he boarded and quartered Captain Mott's Howitzer Corps, Second Regiment New York State Militia, and that said corps were in the service of the United States, and that no other quarters or rations had been provided for them, and that owing to the loss of the voucher the Government did not pay the same. They represent that the charges are very moderate, being only 33½ cents per meal for each officer and soldier. The evidence is conclusive in the case, and proves clearly the liability of the Government. Therefore your committee recommend the passage of the accompanying bill.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

The committee rose informally to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 1761) granting swamp lands in Holt County, Missouri, to said Holt County, for school purposes.

The message further announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States as an ensign.

PRIVATE CALENDAR.

The Committee of the Whole resumed its session, and proceeded with the consideration of the Private Calendar.

INDIAN DEPREDATIONS IN OREGON AND CALIFORNIA.

The next bill on the Calendar was the bill (H. R. No. 1586) to provide for ascertaining losses sustained by citizens of Southern Oregon and Northern California by reason of Indian depredations in 1872 and 1873.

The bill was read.

The first section authorizes and empowers the President of the United States to appoint three persons to act as commissioners to inquire into the extent and character of the depredations committed in Southern Oregon and Northern California, in the years 1872 and 1873, during the period of what is known as the Modoc war; by what tribe or bands of Indians committed, and the number and names of persons murdered, and the number and names of the survivors of the families of such persons; the character and value of the property destroyed or carried away, and to whom the same belonged; and the damage sustained by citizens by reason of such depredations, rendered upon itemized bills.

The second section provides that it shall be the duty of said commissioners, or a majority of them, as soon as practicable, to proceed to the scene of said depredations, and take testimony under oath, of such witnesses as may appear before them, of all such depredations; when, where, and by what tribes or bands, and upon and against whom committed, and as to the value of the property destroyed or taken away, and the damage sustained by each citizen by reason of such depredations; and shall make up and transmit to the Secretary of the Interior, as soon as practicable, their report, showing the result of such investigation, to which shall be appended the testimony taken by them; provided that said commissioners, before proceeding to hear such testimony, shall give notice of the time and place of their meeting by publication thereof, at least ten days previously, in the two newspapers published nearest the scene of said depredations; provided further that said commissioners shall, before entering upon their duties, each take an oath to faithfully perform the duties of his office.

The third section provides that said commissioners shall be entitled to, and shall receive, as compensation for their services, the sum of ten dollars per day each, together with their traveling and other necessary expenses; and each of said commissioners is authorized and empowered to administer oaths, and also to order before them such witnesses as they may deem important.

The CHAIRMAN. There is no report accompanying this bill.

Mr. AVERILL. There should be a report accompanying the bill, but by some inadvertence it has got mislaid. I will only say to the committee that the bill had a full and fair consideration by the Committee on Indian Affairs, and was reported by that committee by a unanimous vote. I will say, further, that while it may be considered an innovation to appoint a commission for the examination of accounts of this character, yet it is no innovation. There are precedents for it, and the nearest one I can think of was in the case of the State which I have the honor in part to represent, the State of Minnesota, and although the magnitude of the damages claimed for ravages in this case is far inferior to what it was in that, the cases are of the same character. The question for the Committee on Indian Affairs first to determine was whether these claims might be meritorious. To determine that fact was a work which was considered would impose too great a task on the committee and would put the claimants to too much trouble to ask them to do it at that time. This was claimed by those who presented the bill and advocated it. The committee concluded that inasmuch as all these damages were consequent upon what is called the Modoc war, and were caused by troops used there to subdue the Indians, and remove them from the reservation, it was right and proper and just, as in the case of Minnesota, that a commission should be formed to investigate the matter.

Mr. MAYNARD. I have been waiting for the gentleman to come to a period, to inquire whether this is a private bill. It seems to me that it is a public bill to establish a tribunal.

Mr. AVERILL. I do not know anything more private than money that might be awarded by the tribunal to private individuals.

The CHAIRMAN. The Chair would remark that that question was determined by the House in referring the bill to this committee.

Mr. MAYNARD. I raise the question because I do not wish a bad precedent to creep in.

Mr. AVERILL. What does the gentleman refer to—the precedent before the committee, or the precedent of this bill?

Mr. SPEER. Can this point be raised here at all?

The CHAIRMAN. It cannot. The order of the House placing the bill on the Calendar brings it before the committee for action.

Mr. MAYNARD. I have not risen for the purpose of antagonizing the bill, but for the purpose, at the first time when the matter has been brought to my attention, of protesting against a bill of this character being treated or regarded as a private bill. It is certainly a public bill establishing a tribunal for the consideration of the claims of all citizens who may come within the provision and purview of it.

Mr. KELLOGG. The gentleman should have made his point in the House, and not here.

Mr. MAYNARD. I should have made it in the House had my attention been called to it.

Mr. AVERILL. That was a matter to be determined at the time the bill was reported and referred.

Mr. MAYNARD. I was about to remark that this is the first time that the matter has come to my attention, or I should have made the objection before the bill was referred to the committee. I am aware of the attitude it occupies here; and I have merely risen to call the

attention of the committee to what appears to me to have been an oversight in giving the bill this direction.

Mr. AVERILL. It is the gentleman's fault if his attention was not called to it.

Mr. HOLMAN. If the gentleman from Minnesota is through I desire a word only.

Mr. AVERILL. How much time does the gentleman want?

Mr. HOLMAN. O, I will wait until the gentleman is through.

Mr. AVERILL. I now yield to the gentleman from Oregon, [Mr. NESMITH,] who lives in the immediate vicinity where these occurrences took place.

Mr. NESMITH. Inasmuch as there is no report accompanying this bill, I desire to submit a letter for the consideration of the committee, written by a gentleman who acted for a short time with the peace commissioners—a letter from Mr. Jesse Applegate, of Oregon; and I desire to say that no more honorable man lives in that State, or perhaps in any other State. He is a frontiersman, who has lived there for a third of a century, and I have been intimate with him in almost all the relations of life. I desire that his letter upon this subject be read to the committee.

The Clerk read as follows:

LINKVILLE, JACKSON COUNTY, OREGON,
November 4, 1873.

DEAR SIR: Being within the lines of the belligerents in the late unpleasantness between the United States of America and a part of the Modoc Indians, and for a short time officially connected with the commission to make peace between these powers, it seems to be a duty I owe to justice and the sufferers in that war to state to you, and through you to all others who wish to know them, the facts upon which the citizens claim indemnity for the losses sustained during the continuance of hostilities.

Though the Indian title was not extinguished until later, the public surveys were extended over the country bordering Lost River and the north or Oregon end of Tule or Rhett Lake by Thomson and Fisher, deputies of Surveyor-General Chapman, in 1859, and the country open for settlement since that date. Superintendent Huntington, joined with two others in a commission, purchased the right of the Modocs to the country and removed them out of it three or four years after. The State of Oregon located a part of its land grants in Lost River Valley; so, you perceive, the country had been for many years before the breaking out of the Modoc war as legitimately open to a white settlement as any other part of the State.

A part of the Modoc tribe, under the lead of Captain Jack, a sub-chief, rebelled against his principal and the United States authorities, left the reservation, refused to return to it, and persistently remained in their old haunts. A wild, lawless people, in rebellion against all legitimate authority, could not long roam at will in a settled country and gain their living in it without committing depredations upon the white inhabitants. Of these depredations frequent complaints were made to the authorities, but with a prudence and forbearance which is without precedent the settlers refrained from avenging their own wrongs. I can myself bear witness, as member of the peace commission, that among the wrongs and grievances complained of by the Indians in excuse of their contumacy they charged none of them to the settlers—always expressing a willingness to live among them.

When at last the Government determined to remove these Indians from the settlements by force, this purpose, as well as the movement of troops necessary to carry it into effect, was carefully concealed from the settlers most exposed to Indian revenge in case of failure.

The massacre of the defenseless settlers on the 29th and 30th of November, 1872, would not have taken place but for this military precaution, which left them unwarned and unprepared to take care of their own safety; nor would there have been that reckless waste and destruction of private property that continued from that date until June, 1873, had there been adequate military protection.

While the peace commission was exerting its futile efforts to procure the submission of the Indians, on one occasion the delegates from the Indian camp came into ours riding upon the horses and wearing the clothes of a despoiled settler who happened to be present; and when General Canby was advised of this fact, the settler was forbidden to take any steps to recover his property or even lay claim to it, lest it would damage the peace negotiations, and the settler was assured that if he would bear his wrongs patiently the Government would fully reimburse him and all others for the losses sustained by the war.

Some of the facts concerning the murders and robberies committed upon the settlers were placed upon the records of the peace commission, and may there be found in authentic form—that is, if the Government retains among its archives such an evidence of its own folly.

Having written more than I intended, I will briefly add that during the whole war fifteen soldiers only were detailed to guard the lives of citizens, and they only for the short period from the commencement until the 17th of January fight. At no time was there any military protection given to property, nor were the troops at any time prior to the investment of Jack's stronghold, in April, so placed as to prevent the Indians raiding over a large portion of the country, covered with the stock of the settlers, with impunity.

In view of these facts I believe if ever a Government owed a debt to its citizens for want of protection, that debt is due from ours to the sufferers from the Modoc war.

If the Government is disposed to do something for these people, ruined by its neglect, in Heaven's name prevent, if you can, swindlers and thieves from using their just claims as a key to unlock the Treasury only for their own benefit.

Let a commission of honest men be sent upon the ground to ascertain the actual losses, and report them to Congress. With the facts properly before it Congress may provide for the payment of all that is due to the sufferers—nothing to middle-men.

To show you I still have some faith in men's honesty, I will name Judge Roseborough, of California, Judge Primm, of Oregon, and General Frank Wheaton, of the Army. I name the judges because the war was carried on in their judicial districts, and the general because he now commands this military district and for long the troops in the field. By holding a session at the nearest point to the scene of hostilities where claimants and witnesses could most easily reach them, these gentlemen could in a few days ascertain for the use of Congress the amount due to settlers, from the correctness of which neither Government nor settlers would appeal.

Sincerly, your friend,

JESSE APPLEGATE.

Hon. J. W. NESMITH, *M. C.*

The CHAIRMAN. The ten minutes allowed for general debate has expired.

Mr. HOLMAN. I desire to move to amend this bill by striking out of the first section the words "appoint three persons to act as commissioners," and inserting in lieu thereof the words "detail an officer of the Army of the United States on the Pacific coast." And I move further to amend the bill to make it correspond to that amendment, changing the word "commissioners," where it occurs, to the word "officers," &c.

As members of this Committee of the Whole will recollect, the attention of the General of the Army was directed a few years ago to investigating the depredations and the expenses incurred by the Government growing out of Indian hostilities in Montana. In that case the most intelligent report, the one that received the most entire sanction of the House, was made. This bill provides for the appointment of three commissioners, who are each to receive ten dollars a day and their mileage and traveling expenses. If appointed from the Atlantic coast, they must proceed to the Pacific coast, and there travel two or three thousand miles for the purpose of taking testimony. I am assured by gentlemen familiar with the subject that it will not require more than two weeks of time to perform this service. The field over which these depredations were committed is comparatively small. There seems to be no reason why we should create this commission, which cannot fail to be a source of great expense to the Government under the provisions of this bill.

Mr. AVERILL. Does the gentleman contemplate two officers of the Army and one civil officer?

Mr. HOLMAN. My amendment proposes that there shall be detailed a single officer of the Army; for it struck me that one officer was sufficient.

Mr. AVERILL. It is placing too much power in one man.

Mr. HOLMAN. Then I will modify my amendment so as to require that three officers of the Army shall be detailed by the President for this purpose. We all know that at this time there are many officers of the Army on the Pacific coast who are comparatively unemployed. This investigation can be carried on by them with little or no expense to the Government. Then why should we authorize a board, as proposed by this bill, which must be very expensive?

Mr. NESMITH. Let me say in reply to what the gentleman from Indiana [Mr. HOLMAN] has said, that there will be no necessity for selecting citizens on this side and sending them to the Pacific coast. We have intelligent citizens there who can perform this service, and it will not take them more than two weeks to examine into this matter.

Mr. HOLMAN. The gentleman from Oregon [Mr. NESMITH] informs the committee that it will not take more than two weeks to perform this duty. I hope he will go a step further and inform us whether, according to his experience, there is not a number of exceedingly competent military officers on the Pacific coast to-day, who can be detailed for this duty.

Mr. NESMITH. If the gentleman will modify his amendment so as to make it two Army officers and one citizen, I will not object.

Mr. HOLMAN. I do not see any reason for that. I have called the attention of the committee to the fact that the report in the Montana case, from the Inspector-General of the Army, was the most intelligent report we have ever had on such a subject. The objection to the other plan is this: if these three commissioners are selected from the Pacific coast there will be a leaning one way; if selected from the Atlantic coast there may be a leaning the other way. The Army officers would be impartial, and it seems to me that these are the very services which Army officers are fitted to perform.

Mr. MAYNARD. Permit me to call the attention of the gentleman from Indiana to an amendment which has suggested itself to my mind. It was to detail three officers of the Army, one from the Inspector-General's office.

Mr. HOLMAN. There may not be any such officer on the Pacific coast. All that I desire is that these officers shall be taken from the Pacific coast, so that this matter may not be attended with too much expense.

Mr. AVERILL. I will not object to the amendment of the gentleman.

Mr. HOLMAN. I take it for granted that in making this detail the President will take into account all the facts which my friend from Tennessee [Mr. MAYNARD] seems to regard of importance.

Mr. WILLARD, of Vermont. The amendment already agreed to renders necessary two or three other amendments.

Mr. HOLMAN. The provision as to pay will, of course, have to be struck out.

Mr. WILLARD, of Vermont. And the word "commissioners" should be struck out wherever it occurs and the word "officers" substituted.

The CHAIRMAN. If the gentleman from Indiana [Mr. HOLMAN] desires to test the principle of the proposed amendment he can do it on this motion, and afterward have the necessary corrections made in the bill.

Mr. WILLARD, of Vermont. I understood that the amendment was agreed to.

The CHAIRMAN. No, sir; the question has not yet been put.

Mr. HOLMAN. I ask for a vote upon my amendment.

The amendment was read, as follows:

Strike out the words "appoint three persons to act as commissioners," and insert in lieu thereof the words, "detail three officers of the Army of the United States serving on the Pacific coast."

Strike out the word "commissioners" wherever it occurs and insert "officers."

Strike out also these words: "that said commissioners shall be entitled to, and shall receive as compensation for their services the sum of ten dollars per day each, together with their traveling and other necessary expenses."

The CHAIRMAN. The question will first be taken on the amendment to the first section.

Mr. SHANKS. I rise to oppose the amendment of the gentleman from Indiana [Mr. HOLMAN] proposing to intrust this matter to the hands of Army officers. I will state my objection to this proposition. There were but fifty-three Indians engaged in that war, if you call it a

war; and I am not entirely satisfied that the Army officers should determine this matter because it might involve a determination of the provocation for what they call a "war." I much prefer that this question should come before men who were not connected with this matter, men whose heads are cool, who have no aspersions to make, who have not been driven back by fifty-three helpless men, who have not quailed before fifty-three men for seven long months. I desire that cool, candid men, with feelings unbiased, shall go there and determine this question, because it may involve very largely the great question of settling the Indian troubles at this time. I undertake to say upon this floor that there was provocation for the action of those Indians. I do not mean to say that there was any justification for the murder of our citizens; there can be no justification for that; but there was much to provoke them to hostility. I want this question determined by men who had no part in managing that matter, who had no part in the excitement which the death of General Canby produced, who had no part in compelling those Indians to submit to a powerful force; men who would not feel themselves called upon to vindicate their standing as Army officers. I want men to go there who have no past records to take care of, who will have nothing to do but to settle the single question as to losses of property which have been suffered by these persons.

Mr. RICE. I wish to ask the gentleman whether he does not believe that the officers of our Army can be trusted?

Mr. SHANKS. Yes, sir; the officers of the Army can be trusted to perform their appropriate duties. In battle I would trust them; but I am not willing to trust them in a matter of this kind, which I wish to have decided by men who have had no connection with the transactions in question—who will go there with unbiased minds and settle the matter without any prejudice or prepossession.

Mr. NESMITH. I move to amend the amendment so as to provide that this commission shall consist of one citizen with two Army officers. Upon this amendment I desire to be heard.

I am sorry that my friend from Indiana [Mr. SHANKS] has raised the question as to the causes which brought on the Modoc war, and the provocation there may have been on either side. Time will not permit me to go fully into the discussion of that question; but in vindication of the Army I wish to say to him and to this House that the Army were not held back. The Army, sir, was not held back for the period of time which the gentleman mentions, six or seven months, by the prowess of those hostile Indians. They were held there by that infamous system which had its beginning here in Washington. It is a system which has been well called the "pow-wow policy." It is born of the sickly sentimentality of the Cooper novel. Under its pestiferous influence commissioners went out to arrest the movements of the troops and prevent their going into the lava beds to fight the Indians. Without undertaking to discuss the question of provocation, (because time will not permit me,) I say that those gallant troops, with arms in their hands, and ready to fight on all occasions, were restrained by orders from Washington. Talk about their quailing in the presence of the Modoc Indians! Sir, the gallant men who fell in defense of the rights of the people murdered upon the frontier, leaving their blood upon that soil, made a record which will vindicate them and the Army against all aspersion.

I desire to say that that war was not brought on by any acts upon the part of our citizens or settlers. I have the reports now before me to show that the contest was brought on by unprovoked attack. Without provocation the Indians began the fight upon the defenseless people among whom they had been living, and who, as is stated in the letter of Mr. Applegate, (than whom a more honorable gentleman does not live in that State, or any other,) had "treated the Indians with the utmost forbearance." Not a drop of Indian or of white blood had been shed there for many years. These Indians were off their reservation; and it was the duty of the Government to force them back. It was the duty of the Government to compel them to remain there. Suppose that a band of murderous Indians should go to the district of the gentleman from Indiana, [Mr. SHANKS.] Suppose they should commence destroying his property and that of his neighbors; and that the Government should refuse to place those Indians back upon their reservation, as they were bound to do for the protection of the imperiled people. Suppose, sir, that when an army was sent there to defend the citizens, the authorities at Washington should interpose, and prevent the army from driving the Indains back to their reservation, and thus hold the army paralyzed and powerless to do anything, would that be a just cause for reflection upon the Army? I say the gallantry of those men who shed their blood in that miserable desert, that most terrible place, known as the lava beds, is sufficient vindication. It is sufficient vindication of the Army and of those volunteers of Northern California and Southern Oregon that they took a large part in these perilous and bloody transactions. Is there any human mode for the vindication of heroism higher than that which yields its life-blood in a just cause?

No man or set of men—not even the peace commissioners—dared to insinuate for one moment that this war was brought on by any reckless or culpable conduct on the part of the white settlers. On the contrary, the settlers had treated the Indians with great forbearance. After the murders had been perpetrated of eighteen people, the court of Jackson County, Oregon, the highest judicial tribunal known to our State, indicted these Modocs for murder, and sent the sheriff to arrest them. The military authorities, under instructions emanating from Washington, ordered them to refuse to surrender the murderers. When Judge Prim issued a writ of *habeas corpus* to bring them before him, the writ was disregarded, the rights of the State were disregarded, and these murderers were marched out of our State in defiance of law, in defiance of right, and in defiance of justice, all red and bloody handed as they were.

Mr. SHANKS. Mr. Chairman, I wish to know from the gentleman from Oregon who marched out of that State red-handed with the blood of five murdered prisoners of war. Let him tell me who murdered five prisoners of war in his State and marched out red-handed and bloody-handed from the murder of defenseless prisoners of war.

Mr. NESMITH. Who murdered your General Canby and Dr. Thomas under a flag of truce? Was it the white settlers?

Mr. SHANKS. That brings me to what I want to say.

Mr. NESMITH. It is not known who murdered the five Indians, but it is known who murdered Canby and Thomas under a flag of truce.

Mr. SPEER rose.

Mr. SHANKS. I have the floor, I believe, and I want to go on.

The CHAIRMAN. The gentleman from Oregon is entitled to the floor and will proceed.

Mr. SHANKS. I thought his time was up; I did not wish to interrupt him, but supposed I had the floor in my own right.

Mr. NESMITH. I wish to say this in reference to the question of the gentleman from Indiana, as to who murdered prisoners of war—that it is not known by whom it was done. I dare say it was done by some exasperated people in that country. I dare say it was done by those who had witnessed these Indian devastations; who had seen their murdered and scalped fathers and brethren lying round their desolated hearths. I dare say it was some of those.

Mr. Chairman, I say now to the gentleman from Indiana, if I had been there, and that hellish fate had been visited upon my family, I would have been one of the men who would have struck for my rights and the rights of my people.

The CHAIRMAN. The gentleman's time has expired.

Mr. SHANKS. Mr. Chairman, I ask the gentleman from Oregon, since he has made the remark he has, whether he would have been one of the men who would have murdered prisoners of war? Let him answer the question which I now put to him. I wait for a reply.

Mr. NESMITH. Retaliation is a law of our nature. Supposing some Indian should raise the ambrosial locks of the gentleman from Indiana, [Mr. SHANKS,] [great laughter,] to ornament a lodge-pole, and his father, brother, or son should seek revenge, who would complain?

Mr. SHANKS. I have the floor. I wish to say to the House, and I wish it to remember, that some years ago there was an officer by the name of Wright——

Mr. G. F. HOAR. Mr. Chairman, there is so much confusion in the House, I hope it will be called to order.

Mr. SHANKS. The committee is now in order, and I will proceed. Mr. Chairman, we have heard of wrongs being done to white settlers which I deplore as much as any other man can; but I wish to call the attention of this House and the country to a provocation as terrible as ever struck the heart of mortal man. Some years ago, I believe in 1847, but I will not be particular as to the date, this Captain Jack, who has become a character of national notoriety, if not of national fame, had a father, who, though he may have been an Indian, was as near perhaps to Jack as the father of the gentleman from Oregon is to him or mine is to me. Wright and his citizens had some difficulty with the Indians. The provocation was charged to be murders committed by the Indians prior to that time, which murders by the Indians were charged upon the whites.

Be that as it may, I will now come to the statement I desire to make. This man Wright—I believe they called him Ben Wright—had charge of some troops there, improvised for the occasion, perhaps. Wright invited Jack's father, who was then chief of the Modocs, to come to his camp, which he did, and brought with him forty of the leading men of his tribe. This man Wright, after inviting Jack's father, the chief of the tribe, and the other Indians, under a flag of truce, there in his own camp laid a plan to poison the men whom he had invited there. He decided to poison the beef which he invited them to his table to eat—poison it with strychnine—that he might kill the men whom he invited to his camp under a flag of truce. But it reached the ears of the Indians that it was not safe to eat Wright's beef, and consequently they did not eat it. And then what did he do? Those gentlemen whom the gentleman from Oregon [Mr. NESMITH] eulogizes so much, what did they do? Why, sir, under that flag of truce, they shot down the chief of the tribe and forty of its members.

Jack himself was there, being then a child, and saw the murder of his father and the sacrifice of his people under that flag of truce. Recognizing the atrocity of the crime that was committed on his father and his tribe, from that hour he was not the friend of the white man. Nor could he be until the hour he went home to answer in the other country for the answer he gave for that crime by the brave arm he uplifted against the murderers of his parents.

Mr. NESMITH. I ask the gentleman to yield to me a moment.

Mr. SHANKS. Just one word more, and then I will. Mr. Meacham,

who was present at the murder of Canby, and was himself wounded, told me himself, with his own lips, that when Captain Jack murdered Canby, from the spot where he stood when he committed that deed, he could view the spot where his father and forty of his people fell, murdered under the flag of truce by the gentlemen extolled by the gentleman from Oregon, [Mr. NESMITH.]

Mr. NESMITH. I desire just three or four minutes more.

Several MEMBERS. Go on.

Mr. NESMITH. Suppose the gentleman from Indiana has recited the facts of history correctly, then I consent to his pedigree of Jack's paternal ancestry. May I not remark in such a connection, that among Indians pedigree is a very uncertain matter? But setting that aside, and allowing the gentleman to give his own version of the Jack genealogical tree, I want to say this: that my friend has been imposed upon with reference to Ben Wright. I knew him well. He was my fellow-soldier. We had marched together in long, weary campaigns in the Cayuse war. We had slept under the same blanket. We had fought the Indians together. We had eaten from the carcasses of the same dead horses. I knew him well. I will say that a more brave and gallant man and soldier never lived. But he had suffered at the hands of these savages. He wanted, nay he sought, retaliation.

Now, so far as this matter is concerned about the flag of truce and the butchery on Lost River, I think I can present to the gentleman some facts which will relieve his mind in regard to the outrages which he supposes were perpetrated on that occasion. For long years those Modoc Indians at Lost River had been constantly butchering the emigrants. Weary men, women, and children were winding their way across that desert of a thousand miles, and on reaching that neighborhood, which they had hailed as an oasis in the desert where they could obtain rest and water and grass for their stock, they had been murdered by hundreds. This had occurred only a few days before this fight. It was not a massacre, but a fair fight. It was a fair fight between Ben Wright and his men and those people at Lost River. The gentleman from Indiana characterizes it as a butchery under a flag of truce. There was no flag of truce. Ben Wright with not over forty or fifty men—and some of them are in this city today——

Mr. LUTTRELL. There were but fifteen all told.

Mr. NESMITH. My friend from California, [Mr. LUTTRELL,] who resides in that neighborhood, tells me that Wright had but fifteen men all told. I was in Oregon at the time. It was about three hundred miles from the scene. Volunteers were sent out. They buried those men, women, and children, who had been murdered in the most barbarous manner, including, perhaps, some of the constituents of the gentleman from Indiana. Ben Wright and his men gathered up their remains and buried them with decency and care. Ben Wright went there as well for that purpose as for the purpose of protecting a little remnant of the emigrants still behind, who, without that protection, would have shared the same sad fate. While he was there Jack's tribe desired to hold a consultation with him, and assembled for that purpose on Lost River. Wright had with him fifteen men, and with that force met the Modoc tribe. It included as many of the warriors as could be assembled on that occasion. Ben Wright had positive information that these persons intended to betray him in that council, that they intended to murder him and his party; and, sir, they were numerous enough to do it. He had that same positive information which Canby, and Meacham, and Dr. Thomas had, that they would be murdered. Ben Wright and his party took time by the forelock. When fight was inevitable they commenced to fight first; and it was a fair fight in which these savages were killed. They had assembled there for the purpose of acting treacherously and murdering Ben Wright and his party, as they had murdered whole trains of emigrants before. Going into the camps of these helpless, travel-worn people, under the guise of friendship, and pretending to extend aid and assistance to them, they butchered them in the most merciless manner. They perpetrated other crimes, too shocking, sir, for me to describe in a decent and civilized assemblage. I happen to know more about this matter than the gentleman from Indiana. I am not a great warrior like him, and did not pour out my water like blood in the last war. [Great laughter.] But I have been on the frontier nearly all my life, and I have witnessed these infernal butcheries. I have buried the remains of men, women, and children who have fallen in these treacherous conflicts, sir.

If the gentleman desires to place the blame with the frontiersmen, I ask, in God's name, what interest have the people on the frontier, poor men with wives and children, and their household gods, in the neighborhood of strange, savage, and warlike tribes of Indians, to incite hostility?

[Here the hammer fell.]

The CHAIRMAN. The time has been more than exhausted. The Chair has allowed the debate to proceed five minutes beyond the time allowed by the rule, waiting for action by the committee. The question before the committee is on the amendment to the amendment; that being disposed of, the Chair will recognize the gentleman from Indiana, [Mr. SHANKS.]

[Cries of "Let him go on now."]

Mr. LUTTRELL. I would like the indulgence of the House for two minutes only on this proposition.

[Cries of "Go on!" "Go on!"]

The CHAIRMAN. The Chair does not wish to enforce the rules rigidly, and he will now first recognize the gentleman from Indiana, and then the gentleman from California.

Mr. SHANKS. I wish to say that I do not antagonize this bill.

Mr. E. R. HOAR. I rise to a point of order. If these gentlemen are merely carrying on a conversation between themselves it may be well enough that they should do it in the prevailing disorder, but if we are to hear what is said we cannot do it with gentlemen standing all around us and making so much noise.

The CHAIRMAN. The point of order is well taken. Gentlemen must resume their seats, and the gentleman from Indiana has the floor, not by order of the Chair, but by the consent of the committee.

Mr. SHANKS. I did not rise for the purpose of antagonizing this bill; I only rose for the purpose of doing that which it sometimes becomes necessary to do, to say a few words for a people who do not seem to have quite as many friends in this country as I think they ought to have. That was my purpose in what I did say; but the gentleman from Oregon says that I am mistaken in my history of this matter. I ask you, sir, what different history he gave of the matter from that which I did? He confessed judgment; and he told this House that he had eaten mule-meat and one thing and another in company with Ben Wright, and offered that as a vindication, I suppose, for that was the strength of his argument, for the murders which Wright committed. He said another thing: he said that Wright had reason to believe that he would be attacked. I ask him what reason he had for so believing, when he was directing the murder of these men who were then at his camp? He was not at the Indians' camp; they were at his camp. What information of an expected attack had he when he was paving the way to poison the men who were to be guests at his table? For God's sake, if it is a fact that he was in danger of being destroyed by this people, why in Heaven's name was he feeding them with beef at his camp? If these Indians, or savages, if you please to call them so, were there to his knowledge for the purpose of murdering him and his men, why did he prepare a feast for them? When you spread a feast for your friends and neighbors, you do not assume in spreading it that you are spreading it for murderers.

Mr. LUTTRELL. The gentleman will allow me a moment. I cannot sit here and listen to such assertions without denying them. Will the gentleman tell me by what authority he states that Ben Wright attempted to poison these Indians? Sir, I deny it *in toto*.

Mr. SHANKS. I am answering one man now; I will answer the other afterward. I am ready to answer as many as come against me. I ask the question again: Do you spread a feast for those who you know are gathered to murder you, or do men spread feasts for those who they know are gathered to murder them? Do they spread such a feast when they have been notified that murderers are in their households? No, sir; it was a deception by Ben Wright. He and his men had determined first to poison these Indians; but they were notified beforehand by some friendly Indians that the meat was poisoned and would not eat it, and then they were shot down by Ben Wright's order.

But there is another feature in this case. There was another provocation. After that time a treaty was made by the United States with the Modoc Indians. They were told that they should have a certain place in which they could rest for the balance of their days. But that treaty was not confirmed, and they were driven from their place, and they were told that they should go out on some island in the Pacific Ocean, and when thus told, some fifty-three of them braved the national Government and fought it.

But I want to say another thing. It is charged here by the gentleman from Oregon that the peace policy was the cause of all these troubles. Sir, the Secretary of the Interior directed the peace commissioners to obey the orders of General Canby. The only order that went from the Secretary of the Interior to them—I saw it the other day—ordered them to pay implicit obedience to General Canby. And General Canby was with them with his own power as military commander. The peace commissioners had positive written instructions from the Secretary of the Interior that they were not in any way to interfere with General Canby or his orders. That letter of the Secretary of the Interior is now being printed for the information of this House, and as soon as it reaches here from the printing office, the statement which has been made will receive condemnation from the letter itself. There was no direction to have the peace officers act above the military, but a positive order from the Secretary of the Interior that they should submit to the military.

Mr. LUTTRELL. Mr. Chairman, in reply to the statement of the gentleman that Ben Wright had attempted to poison these Modocs, I deny it *in toto*. I have resided in California since I was fourteen years of age; I know no other country. I have resided in the vicinity of these lava beds for seventeen or eighteen years. I knew Ben Wright, and have known him well. A braver or more honorable man never breathed the breath of life. I deny that he attempted to poison the Indians. It is a story got up by those who go out, not to teach the Indians or to instruct them but to rob them. It is a story got up by these people, to poison the minds of the people of the Eastern States against the frontiersmen.

I tell you that Ben Wright was innocent. I was in those lava beds last year. I went there with some of Ben Wright's men, with several of his followers who were present and participated in that fight or

massacre, as the gentleman terms it. I was on the ground where occurred this so-called massacre. These men there said to me, in the presence of others, that not a word of this story was true. They are men who are the best citizens of my country, as good men as any in any other part of the world, and they deny this story *in toto*, as a base calumny on the name of a brave man.

I will tell you, sir, what kind of a massacre that was. There was no beef purchased; there was no beef issued to the Indians; there was no arsenic or strychnine or other poison purchased. I defy the gentleman from Indiana [Mr. SHANKS] to produce any proof that such was the case. On the contrary, I am prepared to produce proof that not one word of that story is true. There were twenty-seven emigrants—men, women and children—traveling through that country in Siskiyou County. They were emigrants from Indiana, Illinois, and other Western States. And when in full view of the promised land the Modocs came upon them, and murdered them, men, women, and children, and to-day their bones lie bleaching around the lava beds. Their bodies were mutilated in the most horrible and shocking manner—too indecent and disgusting to allow of description.

There were other trains of emigrants coming along. Ben Wright, a brave and honorable man, gathered fifteen volunteers together, and went out to protect those emigrants. He met the Modocs, and they agreed to hold a council of war—to have a peace-talk. The agreement was that the Modocs should come, fifteen in number, leaving their arms in their camp, and that they would deliver up all the property they had taken from the murdered emigrants, and Ben Wright was to meet them with a like number of men, and without arms. What was the result? Instead of the Modocs coming without arms and with the property, they came well armed, forty-six in number, with weapons of war, ready to massacre Ben Wright and his men. When he asked them why they had come in that way, they commenced stringing their bows and making ready for fight. Then the fight commenced, and for nearly two days they continued to fight, until forty-three Modocs had bitten the dust. That is the sum-total of the Ben Wright massacre; that is all there is of it, the gentleman's statement to the contrary notwithstanding.

Those men, Mr. Burgess, Halleck, and others, reside in my county; they are men who have occupied the highest positions within the gift of the people of my county; they have held the office of sheriff, and other prominent positions of trust and honor, and are upright, honorable men; they stand ready to testify to the correctness of what I have said. Talk of Modoc honesty! Why, sir, they are the most treacherous devils that ever breathed the breath of life, and I tell you the best Modoc I ever saw was one that had been scalped by the Snake Indians.

Mr. SHANKS. Will the gentleman allow me to ask him a couple of questions?

Mr. LUTTRELL. Certainly.

Mr. SHANKS. I wish to ask how many of Captain Wright's men were killed?

Mr. LUTTRELL. One man was wounded.

Mr. SHANKS. That answers my purpose very well. My next question is, if nobody was to be armed at that meeting, how was it that Captain Wright's men were so thoroughly armed that, at the fight, forty-one Indians were killed, and only one of Captain Wright's men was wounded?

Mr. LUTTRELL. I will tell you. When Captain Wright and his men came down over the hill they saw that the Indians were well armed. He said to his men, "Remain here, while I go down to talk with them, and upon the first evidence of treachery that you see fire upon them."

Mr. SHANKS. One word more. At the time General Canby was dealing with Captain Jack, the lines of the American army were closing around Captain Jack and his force.

Mr. LUTTRELL. I beg to differ with the gentleman; such was not the case.

[Here the hammer fell.]

Mr. LUTTRELL. I will detain the committee but a minute longer. ["Go on!"] The gentleman says the American army was closing around the Modocs. I deny that statement. I have no doubt the gentleman believes he is correct, but I know differently. What was it the Modocs did at the time they were having this peace-talk with the brave General Canby, Dr. Thomas, and others? They came with a flag of truce and called out the gallant Lieutenant Sherwood from Colonel Bernard's regiment, and he went out without arms to see what they wanted, and when he was within range they shot him down; and at the same moment another party, led by the gentleman's much-abused friend, Captain Jack, fired on the peace commissioners. And these are the angelic creatures the gentleman wishes to excuse for butchering our frontier settlers. A more treacherous, blood-thirsty set of devils cannot be found this side of the infernal regions than these same Modocs. They have murdered in cold blood hundreds of our frontiersmen, sparing neither age nor sex, and visiting their dead bodies with the most shocking indignities.

Mr. SHANKS. Captain Hoag, who hanged Captain Jack, told me with his own lips that these Modocs were the best set of Indians he had ever seen, and he expressed his deep sorrow that Captain Jack was hanged.

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Oregon [Mr. NESMITH] to the amendment of the gentleman from Indiana, [Mr. SHANKS.] The amendment to the amendment proposes that the commission shall consist of one citizen and two Army officers.

The question being taken on the amendment to the amendment, there were—ayes 80, noes not counted.

So Mr. NESMITH's amendment to the amendment was agreed to.

The question then recurred on the amendment as amended.

The CHAIRMAN. The amendment as it now stands is confined to the first section, and proposes to substitute for the words "appoint three persons to act as commissioners," the words "detail two officers of the Army and appoint one citizen, who shall constitute a board of inquiry," &c.

The amendment, as amended, was adopted.

The CHAIRMAN. If there be no further amendments to the first section, the second section is now before the committee for amendment.

Mr. WILLARD, of Vermont. The functions of this commission, as gentlemen are aware, are pretty broad, and of course contemplate in the end an appropriation of money out of the Treasury of the United States to compensate these persons for the losses which they may be shown to have sustained. In this view of the matter it seems to me desirable that the second section should be modified in one or two particulars. I will indicate these particulars before offering the amendments specifically.

After the word "them" in the fourth line, where the section now provides that the commissioners may "take testimony under oath of such witnesses as may appear before them," I think we should insert the words "voluntarily or upon their request." The section in its present form provides only for the taking of the testimony of such witnesses as may appear before the commissioners. I am aware that at the close of the third section it is provided that this board may order witnesses to appear before them. But I doubt somewhat the propriety of inserting such a provision, inasmuch as these commissioners certainly have no power to enforce such an order, unless when a person may refuse to appear the commissioners may commit or restrain as for a contempt and may impose fine or imprisonment, which in my judgment could not be allowed by such a bill as this. But the board should have authority to request witnesses to appear before them; otherwise the proceeding might be wholly *ex parte*. I do not understand that there is any objection to this amendment.

Mr. NESMITH. I assent to that amendment.

The CHAIRMAN. If there be no objection, the amendment indicated by the gentleman from Vermont will be considered as agreed to.

There was no objection.

Mr. WILLARD, of Vermont. The remainder of this section seems to contemplate that this board shall make a finding, which I think ought not to be permitted. In my judgment, the board should have no power whatever except to take testimony and transmit it to the Secretary of the Interior, to be by him sent to Congress for consideration at some subsequent session. With this view, I move to strike out after the word "shall" in the ninth line the words "make up and;" so that it will read "shall transmit." I also move to strike out in the tenth and eleventh lines the words "their report, showing the result of such investigation, to which shall be appended." With these amendments, the clause will read "shall transmit to the Secretary of the Interior as soon as practicable the testimony taken by them."

Now, we know that this is the course which has been pursued with reference to what is called the "Texas border commission." The commissioners report the testimony, but do not report any finding or judgment. It appears to me that in a matter of this magnitude where the whole case is open, and probably wholly in dispute, this board ought not to be clothed with any power of making a finding which should be held to be conclusive (as some might hold it) upon Congress as a judgment upon the weight of the testimony reported. If we provide that the testimony taken by the board shall be transmitted to the Secretary of the Interior and by him communicated to the next session of Congress for our consideration, we reach, it seems to me, all that ought to be accomplished by this bill. I therefore move the amendment I have suggested.

The CHAIRMAN. If there be no objection, the amendment suggested by the gentleman from Vermont will be considered as adopted.

There was no objection.

Mr. WILLARD, of Vermont. I move also to amend by inserting before the first proviso of the second section these words: "and the Secretary shall communicate said testimony to the next session of Congress for their consideration."

Mr. AVERILL. Say "this session."

Mr. WILLARD, of Vermont. Let it read, "and the Secretary shall communicate said testimony to Congress for their consideration."

The amendment was agreed to.

The CHAIRMAN. The Chair takes the liberty of suggesting that the word "commissioners," in the twelfth and sixteenth lines of this section, should be struck out and the words "the members of said board" substituted. If there be no objection the amendment will be made.

There was no objection; and the amendment was made accordingly.

Mr. G. F. HOAR. I move in the second section, in the fourteenth line, to strike out "ten" and insert "thirty;" so it will read:

Provided, That said commissioners, before proceeding to hear such testimony shall give notice of the time and place of their meeting by publication thereof, at

least thirty days previous, in the two newspapers published nearest the scene of said depredations.

I do not wish to meddle with a matter which is not within my personal experience, but it seems to me that ten days' notice is hardly sufficient in that sparely settled country, and I therefore have moved to increase the time to thirty days.

Mr. NESMITH. I am willing to agree to the gentleman's amendment.

The amendment was agreed to.

Mr. McNULTA. I move to amend so as to make the third section conform to the previous amendments which have been agreed to by the House. I ask the Clerk to read the amendments.

The Clerk read as follows:

Insert the word "citizen" after the word "said" in line 1, section 3; strike out the letter "s" in the word "commissioners;" strike out the word "their" in line 2 and in line 3 and insert "his," and in line 3 strike out the word "each;" so it will read:

That said citizen commissioner shall be entitled to, and shall receive as compensation for his services, the sum of ten dollars per day, together with his traveling and other necessary expenses.

The CHAIRMAN. Perhaps the gentleman from Illinois had better offer a substitute for the section.

Mr. McNULTA. My amendments only make it conform to the previous amendments.

Mr. HOLMAN. My friend from Illinois seems to misapprehend the language of the section. The mileage is to apply to the officers as well as the civilians, but if the amendment be adopted it will apply only to the civilians.

Mr. WILLARD, of Vermont. I think we should strike out the words "and other necessary," so as to provide for paying only for their traveling expenses. As the section now reads these persons are to be paid their traveling and other necessary expenses. It seems to me the words "and other necessary" should be stricken out, and for this reason: a majority of the members of this commission will be detailed from the Army. Of course the expenses of the meeting of the board, their place of meeting, the stationery they may use, and things of that sort will be paid for from the Army appropriation bill, for it is a duty devolved particularly upon the Army. If we leave the section as it is the latitude will be too broad and may cover all imaginable expenses. If we give a compensation of ten dollars a day and traveling expenses to this civilian commissioner it is broad enough. I move the amendment to strike out the words "and other necessary."

The CHAIRMAN. The question will be first taken on the amendment of the gentleman from Illinois.

Mr. McNULTA'S amendments were adopted.

Mr. WILLARD, of Vermont. I now move to strike out the words "and other necessary."

The motion was agreed to.

Mr. WILLARD, of Vermont. The latter clause of the third section reads:

And each of said commissioners is authorized and empowered to administer oaths, and also to order before them such witnesses as they may deem important.

The second section provides that these commissioners may take testimony under oath of such witnesses as may appear before them voluntarily or at their request. It appears to me we have no power, or ought not to give any power to these commissioners to order witnesses before them. At their request witnesses can appear before them. I suggest that it read that "each of said commissioners is authorized and empowered to administer oaths to the witnesses whose testimony may be taken by them."

Mr. NESMITH. That is right, and I am willing to agree to the amendment.

Mr. AVERILL. I hope the amendment will not prevail. The gentleman will see the force of retaining the language as it is when I make a brief statement. When this question was under discussion, the Committee on Indian Affairs particularly considered the question of bringing witnesses before this commission. It was very well understood all witnesses in favor of the claimants would come voluntarily before the commission. There was no question about that; the fear was there would be too many of that class. If no power be conferred upon the commission to order witnesses before it we will not be able to get at all the facts involved. The gentleman from California, who knows all about this country, suggested the commission should be clothed with power to bring witnesses before it. This language was put in the bill for that reason, and I hope it will be allowed to remain.

Mr. WILLARD, of Vermont. Suppose we do order witnesses before them and the witnesses do not come, what are the commissioners to do?

Mr. AVERILL. That is a question for legal determination.

Mr. WILLARD, of Vermont. At the suggestion of the chairman of the Committee on Indian Affairs I will withdraw my amendment.

Mr. McNULTA. The commission should have the power to order witnesses before it, because we all desire to have a fair investigation on both sides.

Mr. BRADLEY. I wish to know whether in the amendments adopted regulating the pay of these commissioners it has been taken into account that two of them are to be appointed from the Army, and will, of course, draw their pay as officers of the Army. Will they still, in addition to their pay as officers of the Army, draw ten dollars a day and traveling expenses?

The CHAIRMAN. It has been amended to limit compensation provided in the bill to the civilian commissioner. The Chair will suggest, however, there is no provision for paying the traveling expenses and mileage of the Army officers.

Mr. AVERILL. They will draw it necessarily from their orders.

Mr. CLYMER. I desire to offer a formal amendment for the purpose of presenting a general view in reference to this bill, which I should wish to be considered by the committee before final action.

The CHAIRMAN. General debate has been closed, and no debate can take place except on amendment.

Mr. CLYMER. Then I move to strike out the last section of the bill.

It appears to me that we are about entering upon a very dangerous policy if this bill is to become a law. If this commission is appointed and the damages ascertained and reported upon, it is preliminary to a request to be made to the Government of the United States to pay damages arising from what is termed the Modoc war. This war, if war it may be termed, was within the territorial limits of two States; and it is not possible, sir, that in accordance with the past action of this Government it should hold itself responsible for any damages arising in that way.

The truth is, Mr. Chairman, that this was nothing more than a great riot. Now, suppose there had been a riot in one of the old States—for instance in one of the mining districts of the State which I have the honor in part to represent—and suppose the Government had sent troops to suppress that riot, and that in its progress damage was done to the people generally, is it possible that this Congress would consider that question of damages and subsequently appropriate an amount to pay them? Now, as this is nothing more than an Indian riot, an Indian insurrection, which the Government was called upon to put down, it strikes me that the cases are parallel. And it strikes me that if one demand would be disregarded and ignored, this should be disregarded and ignored. I cannot say that there is any difference between the cases, and it seems to me that we should hesitate before we lay the foundation upon which future action could be demanded in the way of making reparation for these damages. I may be wrong in this view. It is the one, however, which has occurred to me, and one which I beg leave to suggest to the committee for its consideration.

Mr. AVERILL. Does the gentleman object on account of the precedent this would establish, or does he object to the principle of paying these victims of Indian depredations?

Mr. CLYMER. I object to both—both the precedent and the principle.

Mr. HARRIS, of Massachusetts. I desire to ask the gentleman if he objects to having the facts laid before Congress?

Mr. CLYMER. I have no objection to facts at any time. But if the facts are to be used for demands for damages in the future, which may establish a precedent which would have evil results hereafter, I am decidedly opposed to the presentation even of the facts.

Mr. HARRIS, of Massachusetts. The purpose of the committee has been to bring before Congress the facts relating to these Indian depredations, leaving it for Congress at a future time to say whether the facts justify any payment from the Treasury. And I trust, Mr. Chairman, there is no man in this House who would refuse to pay to these settlers what is rightfully due them from the Treasury of the United States, if the facts we seek to obtain justify it, and that is all this bill proposes.

Mr. CLYMER. I beg leave to ask whether it would be possible that Congress would appoint commissioners to go into the valley in my own State over which the confederates raided and make a report upon the damages there incurred; and would it not be perfectly apparent that if Congress did so the people of Pennsylvania would come here and demand compensation for the damages done?

The question being taken on Mr. CLYMER'S motion to strike out the third section, it was not agreed to.

Mr. TODD. I offer the following amendment to the third section:

In section 3, line 6, strike out the word "order," and insert the words "summon, and to compel the attendance by attachment."

As the bill now stands it authorizes the commission to order witnesses before it, but there is no power to compel their attendance, and their order may be disregarded and treated with contempt. If any power be conferred on the board to investigate they should have the power to compel the attendance of witnesses, and it would seem to me to be more appropriate to change the word "order" to "summon," and to give the power to compel attendance by attachment.

Mr. AVERILL. I hope the amendment will not prevail.

The question being taken on Mr. TODD'S proposed amendment, it was not agreed to.

Mr. G. F. HOAR. I move to strike out the last three words of the section.

It seems to me, Mr. Chairman, that in the discussion of the details of this bill the gentleman who has it in charge has almost entirely omitted to bring to the attention of the committee the very important principle which lies at the foundation of the whole bill; and it is this: This is a bill which contemplates the payment by the United States of losses incurred by our settlers in the Modoc war, because it is claimed that the United States failed to prosecute that war vigorously and efficiently. Now if any person has a claim against the Government of the United States on this account, every person in the like case has a similar claim. Every citizen of Pennsylvania who can establish the fact that the Government was not sufficiently vigorous in preventing the invasion of Pennsylvania, and every loyal citizen

of the Southern States who can show that if the war for the suppression of the rebellion had been prosecuted with due diligence it would have been shortened and terminated before his property was lost, has a like claim.

Now, it is true that this bill does not in words promise to these settlers in Oregon and California any such result. It simply establishes a commission, and requires it to ascertain these losses, and to report them and the circumstances under which they occurred. But it occurs to me that the passage of such a bill, inviting the citizen to submit proof of his losses, is a pledge of the faith of the Government that, if his losses have been incurred by the fault of the United States in not prosecuting the war with sufficient vigor, those losses shall be paid. When you advertise to them to bring in their itemized bill of charges, and to be at the expense of producing proof, through the mechanism of witnesses, no one can convince them that it is not an undertaking on the part of the Government to pay them their losses. And I am astonished that my vigilant friends, the guardians of the Treasury, the chairmen of the two principal committees of the House, have allowed a bill of this kind to pass without some animadversion from them.

Mr. GARFIELD. When did it pass?

Mr. G. F. HOAR. It has not passed yet, but it has received two readings.

[Here the hammer fell.]

Mr. AVERILL. I desire to ask the gentleman a question. When the bill was passed providing for a commission to sit and examine damages and award the amounts due in the case of Minnesota, did he oppose it?

Mr. G. F. HOAR. I do not remember the bill the gentleman alludes to.

Mr. AVERILL. It was passed in the winter of 1862.

Mr. G. F. HOAR. Ah! that was almost before I was born.

Mr. AVERILL. I supposed that the gentleman had been in Congress at that time.

Mr. G. F. HOAR. No, sir; I have only been in Congress four years.

Mr. AVERILL. I state to the committee that that was the precedent upon which the committee acted.

Mr. G. F. HOAR. Now will the gentleman allow me to ask him a question?

Mr. AVERRILL. Certainly.

Mr. G. F. HOAR. Do you as chairman of the committee reporting this bill believe that the United States, under any circumstances that you know of, ought to pay these settlers for their losses in this war?

Mr. AVERILL. Yes, sir; and I will give you my reasons.

Mr. G. F. HOAR. Then the committee will notice that the chairman of the committee reporting this bill reports it because he thinks the United States is bound to pay these expenses, and if we pass it, it will be to that extent a preparation for such payment.

Mr. AVERILL. The gentleman misapprehends the whole subject. The committee have reported this bill because they thought it right to listen to the demands of these claimants, and that a commission should be formed to go out and examine them. These are poor men, who have not money to employ attorneys and scarcely money enough to buy a sheet of paper. All these things were presented to the committee.

Now, this proposition is a simple and a naked one, that a commission be sent there in order that they may not be deprived of their rights; and that the rights of the Government may not be infringed on or injured, it is provided that the commission may order all testimony to be taken and make up their report. The committee did not feel that they ought to withhold the allowing of such a commission to be created, and it provided for the expenses of the commission to go there. And I do not think there is a man in the House who believes that the Government should withhold generous justice—for the payment is generous. I do not think there is any member of the House who believes that the Government should withhold the generous justice due under the circumstances, and it might be considered generous justice as applied to the creation of this commission.

Mr. G. F. HOAR. I withdraw this amendment.

Mr. GARFIELD. I renew the amendment. I should have no objection at all to the appointment of a commission if the appointment and the work it might do would bring any result on which Congress would be justified in giving relief. Suppose a commission should be appointed and its expenses paid, and its report made; what then will we do with its report? These outrages and depredations were committed by one of two classes of persons; either by private robbers and murderers or by public enemies. If they were private murderers, then who in this House proposes to adopt the principle that Congress should pay the damages inflicted upon citizens by private robbers and murderers? If on that basis we pass this bill, then whenever your house is broken into, Mr. Chairman, you may call upon Congress to make you good for your loss; whenever your pocket is picked, bring in your bill to Congress; whenever an assault and battery is committed upon you, and your coat is torn, bring in your bill and call upon the Treasury to patch it.

But it may be said the Modocs were public enemies. I see that the bill speaks of "the Modoc war." If this be the basis of the measure, then the House is asked to pay citizens for the loss they have sustained by the ravages of a public enemy. Let us examine that doctrine.

When Buffalo was burnt to ashes by the enemy in the war of 1812 with Great Britain, the case was laid before Congress; and that was probably the strongest case ever presented. The question was debated by the magnates in both Houses. Buffalo came here saying that it was the duty of the General Government to protect the frontier against the common enemy, and because the Government failed to afford the requisite protection that city was laid in ashes; that therefore the loss should not fall on Buffalo alone, but upon the whole nation. The great statesmen of that period, after a full and able discussion, concluded that the laws of war and the practice of civilized nations did not sustain a demand for payment for ravages by the common enemy. It is one of those casualties which, like lightning and flood, must be borne by those who suffer them. They would not listen to the claim of Buffalo, nor pay her one dollar.

I say, sir, that from the beginning of our Government until now, unless there may have been some unfortunate slip that Congress has committed, like that which the gentleman suggests in 1862, and about which I know nothing, this Government has never recognized such a thing as an obligation to pay individual citizens for losses inflicted upon them by the public enemy.

I have said the bill speaks of the "Modoc war." Why, sir, if this bill passes, then let all the Northern States bring in their enormous bills; let Gettysburgh come here; let the whole of Southern Ohio and Indiana come in here with their Morgan-raid claims for damages done by the rebel force. An agent of one of those States is waiting at your door to ask you to pay out a large sum for claims growing out of the Morgan raid. Thousands of such claims will come trooping in here if you pass this bill, and the sluices of the Treasury must be opened: a vast host of claimants will come up here if you pass this bill, and you can only answer them by opening wide the doors of the Treasury and letting the last dollar be taken from it, and that before the winter is over.

Sir, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman has one motion pending already, to strike out the last clause.

Mr. GARFIELD. It is suggested by one of my colleagues who sits near me that the remark I have made in reference to the Morgan-raid claims may be misunderstood; and I therefore add, that the Ohio agent now here is not asking for the payment for damages done or for property taken by the enemy, but for what was taken by our own Army. I distinguish of course between the case of property taken by out own Army for public uses and the case of property taken from citizens by the public enemy. But a large share of the original Morgan-raid claims was of this latter class, and should this bill pass, Ohio would have a right to demand their payment.

Mr. LOWE. The suggestions of the gentleman from Massachusetts [Mr. G. F. HOAR] and the gentleman from Ohio [Mr. GARFIELD] are certainly very pertinent in this connection. But I beg the indulgence of the Committee of the Whole for a very few minutes, in order that I may state what the Committee on Indian Affairs believe to be the right of public policy and the ground of public right upon which this bill should be placed.

In the first place, it may be unfortunate that this bill refers to "the Modoc war." I undertake to say here to-day that there has been no Modoc war in any national or international sense. By the Constitution of the United States the Congress alone declares war. The Congress of the United States has declared no war and has recognized no war with the Modoc Indians. On the contrary, the United States were at peace with the Modoc Indians in a national and in a legal sense. So the argument does not apply that, inasmuch as these Indians were a common enemy, therefore compensation cannot be made for their depredations.

What do the statutes of the United States provide on this subject? Is there no mode known to the law and under the Constitution by which citizens of the United States shall have a remedy for losses which they sustain and for injuries which they suffer at the hand of the Indians in charge of the Government? We cannot apply to the Modoc Indians the formula of a nationality, for they are not a nation. We cannot pursue them in a court of justice, for there is no process known to the law by which they can be there reached.

But the statutes of the United States have substantially provided a mode of relief. And the provisions of this bill are but a modification of what is provided by the statutes; it is not different in principle. By the act of 1802, the intercourse act with the Indian tribes, it is expressly provided that when any member of an Indian tribe in amity with the United States, in his own country, commits any depredation upon the person or property of a citizen of the United States——

Mr. G. F. HOAR. I wish to ask the gentleman a question.

Mr. LOWE. Very well.

Mr. G. F. HOAR. Were not Captain Jack and his associates condemned by a military commission?

Mr. LOWE. I do not see that that has any application to this case; military commissions have done a great many things. But the gentleman will pardon me; I wish to refer to the statutes of the United States upon this subject. By the act of 1802 it is expressly provided that if any members of any Indian tribe, with which the United States is in amity, shall within the Indian country commit any depredations upon or take any property belonging to the citizens of the United States who may lawfully be in that country, then

reparation therefor shall be made by the United States. The same principle is incorporated in the intercourse act of 1834. The guarantee of the Government of the United States is there given that depredations committed by Indians shall be compensated by the Government of the United States if compensation cannot be obtained from the Indian tribe.

Now, we have upon this border thousands of the citizens of the United States who have been deprived of their liberty or property by the Indians, as others have been deprived of their lives. And unless remedy can be obtained in some way through the Congress of the United States, then there can be no remedy for citizens in that condition. The courts are closed to them, and, except through the remedies which Congress may furnish our own citizens, are defenseless in their property and their rights.

If the humblest citizen of the United States upon foreign soil is at all interfered with in his rights or in his property, the whole power of the Government—the Army and the Navy—is marshaled in his defense. And shall it be said that a citizen of the United States upon our own territory and within our own borders shall be defenseless and unprotected?

[Here the hammer fell.]

The question was upon the amendment of Mr. GARFIELD to strike out the last clause of section 3 of the bill.

Mr. GARFIELD. I withdraw that motion. I move to strike out the enacting clause of the bill.

The CHAIRMAN. That motion is not debatable.

The question was taken; and upon a division there were—ayes 85, noes 64.

Before the result of the vote was announced,

Mr. NESMITH called for tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. AVERILL were appointed.

The committee again divided; and the tellers reported that there were—ayes 79, noes 68.

So the motion to strike out the enacting clause of the bill was agreed to.

The CHAIRMAN. This vote of the committee makes it necessary for the committee now to rise and to report its action to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KASSON reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the Private Calendar, and had stricken out the enacting clause of House bill No. 1586, to provide for ascertaining losses sustained by citizens of Southern Oregon and Northern California, by reason of Indian depredations in 1872 and 1873; also that the committee had directed him to report sundry other bills to the House, with a recommendation that the same be passed.

Mr. GARFIELD. I move that the House concur in the recommendation of the Committee of the Whole as to House bill No. 1586.

The SPEAKER. That is the first question before the House. No motion is necessary.

The question being put, the Speaker declared that the ayes appeared to prevail.

Mr. NESMITH called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 85, not voting 99; as follows:

YEAS—Messrs. Albert, Albright, Archer, Barber, Barrere, Biery, Bland, Bradley, Bromberg, Buffinton, Bundy, Burchard, Burleigh, Cannon, Cessna, Amos Clark, jr., Clements, Clymer, Coburn, Corwin, Cotton, Creamer, Crutchfield, Danford, Dawes, Dobbins, Donnan, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hamilton, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Holman, Howe, Hunter, Hyde, Kelley, Kellogg, Lawrence, Loughridge, Lynch, Martin, Maynard, McCrary, James W. McDill, McJunkin, McKee, Mellish, Monroe, O'Brien, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Pierce, Pike, Poland, Potter, Ransier, Ray, Rice, Ellis H. Roberts, James W. Robinson, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Southard, Starkweather, St. John, Storm, Strawbridge, Taylor, Townsend, Tyner, Wallace, Marcus L. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—105.

NAYS—Messrs. Ashe, Atkins, Averill, Barnum, Beck, Bell, Blount, Bowen, Bright, Brown, Burrows, Roderick R. Butler, Caldwell, John B. Clark, jr., Clayton, Stephen A. Cobb, Comingo, Conger, Crittenden, Crossland, Crounse, Alexander M. Davis, Dunnell, Durham, Eldredge, Frye, Giddings, Glover, Hagans, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Havens, Hendee, Herndon, Hodges, Houghton, Hubbell, Hunton, Hynes, Kasson, Lamar, Lowe, Luttrell, Magee, Marshall, Alexander S. McDill, MacDougall, McLean, McNulta, Milliken, Mills, Moore, Negley, Nesmith, Niblack, Page, Isaac C. Parker, Pelham, Phillips, Rainey, Rapier, Rawls, Richmond, Robbins, Rusk, Sener, Snyder, Speer, Stanard, Stone, Stowell, Strait, Thornburgh, Todd, Vance, Wells, Whitehead, Whitthorne, John M. S. Williams, Willie, and Pierce M. B. Young—85.

NOT VOTING—Messrs. Adams, Arthur, Banning, Barry, Bass, Begole, Berry, Buckner, Benjamin F. Butler, Cain, Cason, Freeman Clarke, Clinton L. Cobb, Cook, Cox, Crocker, Crooke, Curtis, Darrall, John J. Davis, DeWitt, Duell, Eden, Elliott, Farwell, Freeman, Eugene Hale, Robert S. Hale, Harmer, John T. Harris, Hays, Hereford, Hersey, Hooper, Hoskins, Hurlbut, Jewett, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lawson, Leach, Lewis, Lofland, Lowndes, Merriam, Mitchell, Morey, Morrison, Myers, Neal, Niles, Nunn, O'Neill, Orr, Orth, Perry, Phelps, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Randall, Read, William R. Roberts, James C. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Sloss, J. Ambler Smith, William A. Smith, Sprague, Standeford, Stephens, Swann, Sypher, Thomas, Tremain, Waddell, Waldron, Walls, Jasper D. Ward, White, Whitehouse, Whiteley, Ephraim K. Wilson, Wolfe, Wood, and John D. Young—99.

So the enacting clause of the bill was struck out.

Mr. GARFIELD. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The enacting clause having been struck out, the bill is defeated.

BILLS PASSED.

The following bills reported from the Committee of the Whole on the Private Calendar were severally ordered to be engrossed; and being engrossed were read the third time, and passed:

A bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins;

A bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased;

A bill (H. R. No. 1582) for the relief of C. C. Spaids;

A bill (H. R. No. 1583) for the relief of Charles J. McKinney, of Tennessee; and

A bill (H. R. No. 1585) for the relief of the heirs of Seth Lamb.

SESSION FOR DEBATE TO-MORROW.

Mr. RANDALL. I again ask unanimous consent that a session be held to-morrow for debate only. I believe that was the understanding.

Mr. O'BRIEN. I object.

SESSIONS OF DISTRICT INVESTIGATING COMMITTEE.

Mr. WILSON, of Indiana, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the members of the House who are members of the Joint Select Committee on the District of Columbia, be, and are hereby, authorized to meet with said committee during the sessions of the House.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BABCOCK, one of his secretaries, announced that the President had approved and signed joint resolution and bills of the following titles:

Joint resolution (H. R. No. 43) authorizing a special court of inquiry concerning General O. O. Howard;

An act (H. R. No. 1168) to amend an act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872;

An act (H. R. No. 1400) for the relief of William H. Vesey; and

An act (H. R. No. 1754) to amend the act entitled "An act granting a pension to Amos Farling," approved February 5, 1873.

SATURDAY SESSION FOR DEBATE.

Mr. RANDALL. I now repeat the request for unanimous consent for a session to-morrow for debate only, no business whatever to be transacted.

The SPEAKER. The Chair hears no objection, and it will be ordered accordingly.

WALTER D. PLOWDEN.

On motion of Mr. HAZELTON, of Wisconsin, leave was granted for the withdrawal from the files of the House of the papers in the case of Walter D. Plowden, no adverse report having been made.

LEAVE OF ABSENCE.

Mr. PLATT, of Virginia, was, by unanimous consent, granted leave of absence for three days.

H. P. BROWN.

On motion of Mr. PARKER, of Missouri, leave was granted for the withdrawal from the files of the House of the papers in the case of H. P. Brown, for presentation to the Pension Bureau, no adverse report having been made on it.

Mr. SPEER. I move that the House adjourn.

The motion was agreed to.

The SPEAKER. The session to-morrow will be for debate only, no business whatever to be transacted; and Mr. ALBRIGHT will occupy the chair as Speaker *pro tempore*.

And then (at five minutes to five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as follows:

By Mr. ARCHER: The petition of Sarah Yerkes, for a pension, to the Committee on Invalid Pensions.

By Mr. ATKINS: The petitions of John G. Houston, Nancy Lacey, Nathaniel Overman, Elizabeth Hays, Isaac Wood, Preston Ferguson, Miles F. Holmes, James Greenway, Zachariah Lewis, Nathan C. Robbins, Joseph W. Riggs, Noah Williams, Clark M. Harmon, Isaac Read, John J. Gilbert, Houston G. Wood, Nicholas Dodd, John A. Middleton, Josiah Campbell, William Ashcraft, Mary M. Keevers, William Bowman, Jeremiah Keen, Mary M. Hays, George W. Keen, Calvin B. Murphy, Calvin B. Murphy, administrator of B. D. Murphy; Francis L. McClanahan, William Pratt, Charles Austin, Amanda J. Yarbro, L. D. Johnson, William M. Weaver, Benjamin Clemny, Samuel H. Westbrook, Tarner Rogers, Lawrence L. Myrdele, George Morgan, Ira Powers, John H. Rogers, Stephen Powers, Losden B. Boren, George M. Frizzell, John Young, Elizabeth Davis, James H. Curry, B. Austin, Willie Scott, Abram J. Dickson, William Anglim, James H. Thomas, Abigail Medlin, Rasberry and Elias Jones, Joseph A. Robbins, Thomas E. Robison, John W. Christopher, Clor. E. Bourland, Rasberry Jones,

William H. Millam, Simeon P. Watson, Rufus P. Johnson, William A. Ross, administrator of Samuel W. Parker, William A. Ross, and John H. Dickson, for stores furnished to the United States Army during the late war, severally to the Committee on War Claims.

By Mr. BARRERE: The petition of William Hall and others, of Peoria County, Illinois, asking for an increased issue of Treasury notes, to the Committee on Ways and Means.

By Mr. BELL: A paper for the establishment of a post-route from Clayton to Hiwassee, in the State of Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER, of Tennessee: The petition of Ephraim W. Davis, late private Fifty-fifth Pennsylvania Volunteers, for arrears of pension, to the Committee on Military Affairs.

By Mr. CLAYTON: Resolutions of the Legislature of California, asking an appropriation to improve the navigation of the San Joaquin River, to the Committee on Commerce.

Also, the petition of J. Herzog & Co., of San Francisco, California, for a tariff of two and a half or three cents a pound on pulu, a substitute for horse-hair, imported from the Sandwich Islands, to the Committee on Ways and Means.

By Mr. COBB, of North Carolina: The petition of Robert S. Goelet, postmaster at Plymouth, North Carolina, for relief from losses by robbery of post-office, to the Committee on Claims.

By Mr. DAVIS, of Virginia: The petition of citizens of Grayson County, Virginia, and Alleghany County, North Carolina, for the establishment of a mail-route from Independence, Virginia, to Gap Civil, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. FIELD: Papers relating to the claim of Joseph Sawyer, of Detroit, Michigan, to the Committee on War Claims.

Also, the memorial of the National Labor Union in regard to plans for improving the currency, to the Committee on Ways and Means

By Mr. HAGANS: The petition of Sarah Sparks, of Morgantown, West Virginia, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HARRIS, of Massachusetts: The petition of E. S. Tobey, Gardner Brewer, and others, of Boston, for an appropriation for the improvement of the harbor of Hingham, Massachusetts, to the Committee on Commerce.

Also, the petition of Edward E. Terry and others, of Cohasset, Massachusetts, of similar import, to the Committee on Commerce.

By Mr. KELLEY: Several petitions from citizens of Vermont, New York, Pennsylvania, Ohio, and Indiana, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. LAMISON: Resolutions of the Board of Trade of the city of Toledo, Ohio, in regard to the Toledo and Saint Louis Canal project, to the Committee on Commerce.

By Mr. LUTTRELL: Resolutions of the Legislature of California, asking an appropriation for the improvement of the San Joaquin River, to the Committee on Commerce.

By Mr. McCRARY: The petition of Charles Overfelt, for a pension, to the Committee on Invalid Pensions.

By Mr. RAY: The petition of Isaac Harris, late private Company K, Eighth Missouri Infantry, for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Pennsylvania: Remonstrance of the board of managers of the Lancaster County Society for the Prevention of Cruelty to Animals, against changing the provision of the law of March 3, 1873, which forbids confinement of stock while in transportation beyond twenty-eight hours, by extending the time to thirty-seven hours, to the Committee on Agriculture.

By Mr. TODD: The petition of certain citizens of Pennsylvania, for sundry modifications of the pension act of February 14, 1871, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. VANCE: Papers relating to the claim of M. Patton, of Asheville, North Carolina, to the Committee on Claims.

Also, papers relating to the claim of J. T. Sorrells, for carrying the United States mails, to the Committee on Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 14, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

On motion of Mr. HARRIS, of Georgia, the reading of the Journal of yesterday was, by unanimous consent, dispensed with.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. ALBRIGHT in the chair.) The House meets to-day as in Committee of the Whole for debate only, no business whatever to be transacted. The gentleman from Georgia [Mr. BELL] has the floor.

ATLANTIC AND GREAT WESTERN CANAL.

Mr. BELL. Mr. Speaker, the question of increased facilities for more and cheaper transportation is the great question to which the attention of Congress is now called by all classes and interests in every section of the Union. This question overshadows all others in its grandeur and magnitude. The public opinion of the country has exhausted all the forms of expression through which it could be heard in favor of the adoption of some means for its accomplishment. The press, public meetings, boards of trade, chambers of commerce, conventions of governors, of members of Congress, of States, and of the nation, and official reports of congressional committees, have all spoken the same language upon this subject without a single note of discord. They have all recognized its necessity and sought its solution. The mineral, mechanical, agricultural, commercial, and manufacturing interests are all vitally interested in this great question. The representatives of the people cannot, dare not, postpone favorable action upon it.

The rapid increase in the population and productions of the country has created the necessity for cheaper means of putting these productions upon a market that will facilitate the exchange of commodities, enhance the value of labor, and thus reward the toils of industry. Experience has demonstrated the inefficiency of railway transportation to meet the exigencies of the case; hence the public attention has been directed to the feasibility of opening water ways for commercial communication between the great valley of the Mississippi and the Atlantic Ocean. Among the various lines that have interposed their claims to favorable consideration, and pre-eminent among them in the superiority of its advantages, stands the Atlantic and Great Western Canal. Basing its claims upon the superiority of its advantages, it challenges the aid which I invoke from the Government for its construction.

The President, in his annual message to the second session of the Forty-second Congress, indicates his readiness to recommend Government aid to such enterprises as will cheapen transportation and facilitate the exchange of commercial commodities, whenever it is clearly shown that they are of "national interest, and when completed will be of a value commensurate with their cost."

Now, in regard to the Atlantic and Great Western Canal, I undertake to demonstrate the following propositions:

First. That it is feasible.

Secondly. That when completed it will be of a value commensurate with its cost.

Thirdly. That it is a work of national interest.

If these propositions can be established, it follows that it is the duty, as well as the interest, of the Government, to aid its construction. Is the connection of the Mississippi and its affluents with the Atlantic Ocean feasible? Is it practicable? There are two infallible tests of truth, and but two. One is trial, experiment; this test is based upon the evidence of facts. The other infallible test is mathematical demonstration. Tried by both of these tests this enterprise is feasible beyond all doubt.

If the question were left to the speculations of mere theorists, reasonable doubts of its practicability might be safely entertained. But this is not left to the uncertainty of conjecture. The fact is that these highways of trade and transit have been constructed and successfully operated; for centuries increasing the wealth and ministering to the wants of individuals, cities, and nations. They are to-day great arteries through which commerce flows in China, Russia, the Netherlands, Italy, France, Great Britain, and the United States. The genius of Lesseps has but recently astonished the world in mingling, through the Suez Canal the waters of the classic sea that bore Cæsar and his fortunes with those which overwhelmed Pharaoh and his hosts; and thus revolutionized the commerce of the East, if not of the world. Without descending to particulars or referring to details, it may be stated as a historic fact that the feasibility of constructing canals and the utility of canal navigation stand demonstrated upon the evidence of trial and success.

But it may be said that this does not prove the feasibility of a particular canal—of the Atlantic and Great Western Canal. I reply that it unquestionably proves its feasibility, provided it can be shown that there are no physical, no engineering difficulties that render its construction impracticable. This question involves the other test of truth, mathematical demonstration. The proof has been furnished by the actual survey of the route by an able and accomplished engineer, Major McFarland, who reports that "there are no formidable engineering difficulties along the line." It had been supposed that the Sand Mountain presented a formidable difficulty to the construction of this work, yet an actual survey shows it to be perfectly practicable across that supposed barrier.

This engineer, in his report, says that—

> The engineer's survey shows two practicable routes across it, one passing up the valley of Short Creek, the other up the valley of Town Creek, on either of which an abundant supply of water for the service of the canal can be obtained during eight months of the year, while during the remaining four months, by resorting to the use of storage reservoirs, a sufficient supply may be obtained.

The feasibility of this route has been ascertained by precisely the same means that the practicability of all other canal routes has been ascertained, namely, by the actual survey of skilled engineers. It being established that it can be constructed, that there are no engineering difficulties in the way, let us inquire whether, when completed, it will be of a value commensurate with its cost.

The consideration of this proposition involves an examination into

the cost of construction, the revenues it will yield when completed, and the contribution it will make to the material wealth of the country. And here we enter upon no unexplored wilderness of speculation, or wild dream of fancy, but we are guided by the safe and steady light of experience. The engineer estimates the cost of opening this line of water communication from Guntersville, on the Tennessee River, to Brunswick, Georgia, on the Atlantic Coast, suitable for barges carrying one hundred and seventy tons during the low-water season and three hundred tons during the ordinary stages of water, upon a liberal basis, at $34,354, 291, including river improvements.

The entire cost of the Erie Canal up to the 30th of September, 1862, was $38,977,831.16, which, with interest up to that date, amounted to $52,491,915.74; and after deducting expenses $12,518,860.03, there remained a net profit of $59,264,810.62, not only sufficient up to that time to pay the entire cost of construction with interests but leaving a balance or surplus of nearly $7,000,000 for the State of its gross earnings. Since the 30th of September, 1862, the net earnings were about $20,000,000 more. Since the completion of this great work, less than a half century, its income has paid the entire cost of construction and yielded a net profit of $27,000,000.

These facts furnish a safe basis for the calculation of the revenues which the Atlantic and Great Western Canal will yield when completed in the way of tolls. Indeed, all the advantages of cost of construction, distance of route, climatic obstructions, &c., are in favor of this, and against the Erie Canal.

The distinguished engineer, in his report referred to, says of this line, comparing its merits with the lake and canal, the James River and Kanawha, and the Mississippi routes, that—

> It may be said for it, that while it enjoys every advantage possessed by the others, it is superior to them all in this, that it will never be obstructed by ice; will never be rendered impassable by drought; does not descend sufficiently low into the heated regions to have its cargoes injured by heat or moisture; will require no rehandling of cargoes between the points of shipment and discharge; and will cost but little more than the Erie Canal enlarged, while its capacity will be greater, and no doubt it will, like the Erie Canal, pay for the original outlay, interest, expenses of repair and service, with a large balance to its credit, in the course of thirty years.

Taking Saint Louis as the great center of trade in the valley of the Mississippi, and the point from which western products start in search for the Atlantic coast and a foreign market, the advantages of distance in favor of this line are as follows:

	Miles.
From Saint Louis by lakes and Erie Canal to New York	1,950
From New York to Liverpool	3,150
Total distance	5,100
From Saint Louis to New Orleans	1,270
From New Orleans to Liverpool	4,756
Total distance	6,026
From Saint Louis to Savannah by proposed canal	1,508
From Savannah to Liverpool	3,390
Total distance	4,898

The distance in favor of the Atlantic and Great Western Canal against the lake and Erie route is 210 miles, and against the Mississippi, via New Orleans, is 1,136 miles, with a corresponding difference in favor of the Savannah, in the cost of transportation. Superadd the fact that this route is unobstructed by ice, while the Erie is annually obstructed for four or five months; and that no damage results to cargoes from climatic causes, as is the case with the Mississippi route, and the question of advantages between these lines, ceases to be debatable.

It is not my purpose, however, to disparage the claims of any route, but to show the superior advantages of the particular one whose claims to favorable consideration I am now urging. The necessities of the country demand the construction of every line that will develop our domestic commerce and secure an outlet to the ocean for our trade abroad.

If the Erie Canal has shown such results under these comparative disadvantages, what may we not safely expect from the Atlantic and Great Western, with the superior advantages which it possesses. To these may be added the greater necessity now for transportation than when the Erie was constructed. It developed and built up the commerce upon which it has fed. While the subduing of the wilderness and the honest industry of toiling millions have crowded the great valley of the Mississippi with a vast surplus, that wastes and rots while thousands in the East are perishing with famine, whose hunger our bounty could appease if we could but convey it to them. But it is not only in India that bread is needed—the exhausted States of the ruined South likewise want it.

The Committee on Commerce of the House of Representatives, in the second session of the Forty-second Congress, in their able report say that—

> The census of 1870 shows that Georgia, South Carolina, Alabama, and Florida produce 57,215,600 bushels of grain. Their average consumption, according to data furnished by the Bureau of Statistics, is 104,521,470 bushels. This leaves a deficit of 47,305,870 bushels to be supplied by other States. As the larger portion of this grain is needed along the sea-board, in what is known as the cotton belt, we may assume the distance from Saint Louis to Savannah as the average distance this grain is moved. This would make the cost of transportation on each ton $14.40, at 1¼ cents per ton per mile. The cost for the same distance by this canal would be $4.88. This is a saving of $9.52 upon each ton, and an aggregate of $13,647,024.72 upon one article in a single year; the development of a latent value of nearly $14,000,000, to be divided between the producer and the consumer.

To state the case in other words, this canal would save to the producers of the West and the planters of the South in the transportation of corn alone for one year nearly $14,000,000; and this amount alone, for three years, would more than pay the cost of the canal. This single fact, undisputed and undisputable, demonstrates the value as well as the necessity of this great work.

Unquestionably it is. The development of the productive resources of the country, the increase of its wealth, and the expansion of its commerce, foreign and domestic, are all matters of national interest; and if these interests of the country are promoted by the construction of this highway of trade, then it is a work of national interest. Will it affect favorably the productive resources of the country?

Let us examine this question a moment.

The States of South Carolina, Georgia, Alabama, and Florida are adapted to the production of cotton, while large portions of these States are not well adapted to the production of grain. The average yield of corn is less than ten dollars per acre, while the average yield of cotton is about forty dollars. It is of course the interest of the farmers to cultivate cotton, because it yields a greater profit; it pays better than grain. But it is cheaper to raise grain than to purchase it even at a nominal price in the West, because of the expense of transporting it.

The Committee on Commerce, heretofore referred to, say that in those States—

> The scarcity of food and the high prices demanded for it force more than five million acres into grain. This takes away from the production of cotton about one-half of the labor and capital of the South. These acres planted in cotton would add two million five hundred thousand bales to our exports, and increase the value of the exports $200,000,000 annually, which would cause the wealth of the world to flow to us instead of away from us, as it has been doing in times past.

Statistics show the values of imports and exports for the eight months ending August 31, 1871, as follows:

Imports	$408,503,331
Exports	389,242,497
Leaving against us	19,260,834

For the same period in 1872:

Imports	$479,924,793
Exports	391,920,267
Leaving balance against us	88,004,526

This balance, together with the interest on the foreign debt, must be paid in coin. Yet if this channel of trade were opened so that the planters in these four States of South Carolina, Georgia, Alabama, and Florida could obtain their grain supplies from the West cheaper than they can make them on their exhausted lands, they could and would put these five million acres now in grain into cotton, and raise thereon two million five hundred thousand bales, contributing annually to our exports $200,000,000, which alone, in the year 1872, would have turned the tide of foreign trade in our favor to the extent of $112,000,000.

Cotton constitutes our most valuable export. The statistics show a most startling diminution in its production for the last year, which results from the necessity to diversify the crops in the cotton States. A corresponding diminution in our exports and a corresponding increase in the balance of trade against us necessarily ensue. If this state of things continues long, with the competition in the production of cotton, the foreign market will be mainly supplied from the East, and we will make but little, if any, more than will supply our own factories. How can this result be obviated? It can only be done by reducing the cost of transportation, so that these cotton States can obtain their supplies of bread and meat from the crowded granaries of the West at a less cost than it requires to make them. Then the entire labor and capital of the cotton States will be directed to the production of cotton. The coin will be kept in the country, the West will be supplied with a market that will compensate labor, the currents of commerce will be stimulated, and the productive energies of the country vitalized.

The development of the resources of the country, of any element of wealth or power, in any State or section, assumes the importance and rises to the dignity of a national interest. The constantly multiplying wants of society have increased, and are increasing, the demand for two articles especially at a rate not hitherto known. I allude to iron and coal.

There is on the line of this proposed canal a region in which iron and coal are found, unsurpassed, if equaled, in the extent of its quantity or the superiority of their quality. This belt of iron-ore and coal lies at the eastern base of Lookout Mountain, and extends from near Chattanooga to the Coosa River at Gadsden in Alabama, a distance of about eighty miles. The superior quality of both the ore and coal has been shown by practical tests and scientific analysis. Boundless forests and exhaustless water-power are in proximity to these great elements of national wealth, yet they are almost wholly valueless, practically, for the want of transportation.

The development of these interests would not antagonize the coal and iron interests of other sections of the country, because the demand for them is an ever-increasing one. On the contrary, similarity of interests identifies the different sections of the Union, harmonizes conflicting views of constitutional construction and administrative policy, and thus unites the different sections of the Union. It is a great mistake to suppose that because this great country is diversified in climate,

soil, and productions, therefore the interests of the different sections are antagonistic. This very diversity is the bond of unity. What one section has, another has not, and what one section does, another does not, so that the producer, the manufacturer, the merchant, and the common carrier are all mutually and relatively dependent on each other.

The country needs a statesmanship whose grasp comprehends the interests of all, and a patriotism whose ardor, ignoring local prejudices, embraces the entire Union.

I present another fact, showing the national importance of this water-way. It will give an outlet to the Atlantic Ocean, to sixteen thousand five hundred miles of inland navigation, embraced in the term "Mississippi and its tributaries," and will connect with it five thousand miles of similar navigation, penetrating every portion of four States, connecting with the Atlantic, thus distributing at home and pouring into the foreign market by the shortest and the cheapest route the treasures of the most productive region on the globe, drained by twenty-one thousand five hundred miles of inland navigation. The simple statement of these facts startles us with the stupendous magnitude and national grandeur of this enterprise.

With every element of wealth, surrounded with profusion and burdened with excess, we are starving at a banquet and famishing at a fountain.

The national debt amounts to $2,293,170,689.43, upon $1,712,749,200 of which we pay interest in coin. The revenues fail to meet current expenses on a peace basis. Commerce decaying; labor disorganized in the South, and unproductive in the West; starving freedmen imploring the Government to feed them upon rations issued from the War Department; finances deranged; factories running on half time, and thousands of operatives turned out of employment in the North; agrarian mobs and communistic associations clamoring for bread or blood in the cities; railroad magnates monopolizing the profits of industry, and money-changers defiling the temple with a heartless idolatry at the shrine of Mammon—this state of things must be changed; these evils must be corrected. If we would avert from the country the fearful crisis which the deadly conflict between capital and labor, already inaugurated, will precipitate upon us, we must provide channels for the distribution of the productions of the country; the expansion of its commerce; the development of its resources, and the reward of its labor.

How can the means be obtained?

The bill now pending provides them. Its passage, in my judgment, will secure the completion of this work in a short time, and without any liability to the Government except the use of its credit.

The bill provides that upon the completion of each section of ten miles, to be certified by an engineer under the direction of the War Department and approved by the Secretary of War, the Secretary of the Treasury is required to indorse said certificate upon the bonds of the company, not to exceed $80,000 per mile, the bonds to constitute a first mortgage upon the canal and all the property of the company. The bonds may be deposited with the Comptroller of the Currency, who shall thereupon issue to the company currency notes, not to exceed in amount the bonds deposited. As soon as the work is completed the company shall pay into the Treasury annually not less than 6 per cent. of the whole amount of the currency so issued for the redemption of said currency; and as the notes are redeemed the bonds shall be canceled. If the company fail to pay the 6 per cent. annually, within thirty days after it becomes due, the Secretary of the Treasury may take possession of it and apply its earnings to the redemption of the currency.

This scheme will secure the means to open this line. It involves no danger to the Government; no taxes are to be imposed; no money to be borrowed, and no risks incurred.

The notes are not to be issued until ten miles of the work or line are completed, and upon that, and each consecutive ten miles, the certified bonds of the company will constitute a mortgage. The Government will be amply secured. It will pay no interest, and the company will pay no interest. The annual payment of the 6 per cent. will redeem the currency in sixteen years; and if the company fail to pay it within thirty days after it becomes due the Government may take charge of it and apply its income to the redemption of the notes.

These notes would be distributed among the laboring class, men of small means, who greatly need it, and in a section where the circulation does not exceed two dollars *per capita*, and where the people are clamorous for an increase of currency. It would be placed beyond the control of bank and railroad monopolists, and thus open this great national highway of trade, and at the same time supply the people in the South and West, where they most need it, with money.

The necessity for the means of exchanging commercial commodities without absorbing the profits of labor, and a desire for relief from the dominion of extortioners and the monopoly of corporations, have united the honest, toiling masses of the country in the demand for legislative interposition. Nor will they cease until this demand meets with a response from their representatives. If we fail to respond they will fill our places with those who will. Already hundreds of thousands of patriotic men have sundered the ligaments that bind them to party, and united upon this question; and their voice comes up to this Capitol, like the roar of gathering waters, demanding a market unburdened by monopoly and extortion for the products of their labor.

These hardy farmers of the South and the great West demand something more than the repeal of the salary bill. They are for economy; but it is not that sort of economy that keeps up the expenses of thirty custom-houses that yield no revenues to the Government; that sort of economy that expends annually millions of the public money in paving the streets and beautifying the grounds of this magnificent city while their homes are covered with mortgages. They want that sort of economy that equalizes the burdens and benefactions of the Government; that distributes its productions, husbands its resources, and develops its wealth.

FINANCE.

Mr. SMALL. Mr. Speaker, although I am a new member of this House, and make no pretensions to financial wisdom, yet I desire to submit a few remarks upon this subject which for the last five months has occupied almost the undivided attention of the American people.

The condition of the country during that period has been singular, and, indeed, painful. In the midst of plenty, the land loaded with a superabundant harvest, every branch of business prosperous, and the entire population engaged in profitable employment, we are stopped in our career of prosperity with a shock. The pulse of commercial life stands still; the doors of the artisan, the manufacturer, and the banker are alike closed; the vehicles which were transporting our harvests to the needy markets of the world cease to move; and bankruptcy, naked and bony, stalks through the land, sweeping away in a day fortunes which only a life-time had acquired.

Only five months ago, sir, all the great interests of the country were in a condition exceedingly gratifying. Our agricultural products were abundant and commanded fair prices, and they were in great demand abroad. Our manufactures were flourishing; our shipping interest was rapidly reviving; our commerce was highly prosperous; the balance of trade largely in our favor. The currency of the country, reduced to a peace footing, and resting upon the credit of the nation, though not convertible into coin, was sound. It was of equal value all over the country; and it was, in fact, the best we had ever had. Its circulation was free, and the banks were in good standing; our mines had yielded seventy-three millions of the precious metals during the last year; our national and commercial credit was good at home and abroad; taxes were becoming lighter, the public debt was steadily diminishing, and we were at peace with all the nations of the world. No cloud, even so large as a man's hand, was seen above the horizon. Such was the condition of our country last September; yet from that clear sky the bolt came so suddenly that the catastrophe overtook the prudent and the rash alike. Thousands upon thousands who five months ago were pursuing with economy and industry their accustomed avocations found themselves suddenly arrested in their progress, their employment gone, and their bright hopes and prospects blasted, apparently forever.

Manufactures stood still, or ran on short time and at reduced wages; the banks and leading merchants and tradesmen suspended payment; credit, which had its ramifications through our whole social and financial system, always sensitive, first took alarm, and then fell beneath the blow, and business died. Men could no longer meet their engagements, except at ruinous interests; property shrunk greatly in value, thousands failed, and none attempted to move forward.

Such was the condition of things when Congress came together last December. All eyes were then turned toward Washington; expectations centered here. Never had a legislative body so fine an opportunity, and never was an opportunity so entirely thrown away. Two and a half months have passed, and we have accomplished—what?

The financial crisis was the result of a financial scare. It cannot be attributed to the nature of the currency, for the currency has not depreciated in value, notwithstanding the enormous strain upon it during the entire panic. It cannot be attributed to a redundant currency, for it is clear the currency was not redundant. It cannot be attributed to a scarcity of currency, for there has been no drain upon it, and the amount of currency in the country had been found sufficient for the legitimate business of the country. We had then in circulation, $603,000,000, $53,000,000 more than we had in 1869—a ratio of increase duly proportionate to the increase of population and wealth.

You will remember that the other day the gentleman from Pennsylvania, [Mr. KELLEY,] for whom I entertain a respect amounting to admiration, had read to you his prophecy which he ventured to make, he said, in 1867, that the contraction of the currency, as then proposed by the Government, would produce this very panic. We had also in the report of the Secretary of the Treasury, for the same year, a like prediction, that the redundancy of the currency would produce the same result. I desire to ask the attention of the House for a moment to the amount of currency in existence during the time which the gentleman from Pennsylvania supposes has produced this result.

In 1869 we had an actual circulation, on the 30th day of June, of $550,109,245.31; on the same day in 1870 we had $546,492,297.90; on the same day in 1871 we had $554,363,310.69; on the same day in 1872 we had $572,136,912.53; on the same day in 1873 we had $663,236,991.33; so that from 1869 to 1873 we had increased our circulation to the amount of $53,000,000. Mr. Speaker, if that is the contraction which has produced this panic, what would expansion have produced?

The panic cannot be attributed to overtrading, for it is clear there had not been sufficient overtrading to produce such a result. Investments in the main had not been injudicious.

The panic was a scare. Jay Cooke & Co. had with tremendous energy been pushing forward their railroad through the Northwest, in advance of immediate necessity. Their credit was unlimited. Their name was a synonym of honesty and honor. They had built churches, contributed heavily to almost all benevolent enterprises, and they had the entire confidence of the country. Their railroad bonds sold largely everywhere. They had agents in almost every town and school district to sell them. They had become immensely indebted to the moneyed institutions of the country. They had used it—their unlimited credit—everywhere to carry forward their great undertaking.

The usual demand for money which the autumn brings with it came. Accommodations were more difficult. The accumulated load was too heavy, and Jay Cooke & Co. went down with a sudden crash, which shook the confidence of the whole country.

There never was a failure in which so many felt their own private interest so directly affected. We had maintained and extended our credit until all were interested in its preservation and continuance. It had become interwoven into our whole financial and social system, as it ever must be in a commercial state. It extended everywhere, and reached everything. Credit is delicate, and sensitive to every touch; and when this blow was struck every man felt the vibration and became alarmed. Creditors demanded their dues, depositors their money which had been deposited on call, but loaned on time. Confidence was gone, reason had fled, and panic ruled. One after another great houses went down, and there was one uninterrupted progression of disaster, discredit, and dismay.

The remedy was a restoration of confidence.

The condition of the country when Congress assembled in December was like what that of England had been in 1847, but resulting from totally different causes—theirs from unparalleled overtrading and speculation; ours from an unparalleled affright. That was to England an era of commercial ruin, which stamped its lasting impress upon English history, and whose foot-prints are still visible among the English people. Her needy population thronged the streets of her great cities, demanding employment or bread; and so great had become the pressure for money that 50 per cent. was offered for its use for nine days, to avoid bankruptcy. Yet the Bank of England could render no aid. Its charter forbade the issue of notes beyond £14,000,000, unless secured by an equal amount of gold in the vaults of the bank. Yet it had £8,000,000 locked up in its deposit department which its charter forbade the issue department to touch.

The commercial community begged for notes. "Let us have notes," they said. "Charge us whatever interest you please. We do not intend to take them, because we shall not want them. Only tell us we can get them, and that will restore confidence."

Sir Robert Peel and his ministers were compelled to yield, and to authorize the bank directors to enlarge the amount of their discounts, upon approved security, beyond the amount authorized by law. Says Sir Archibald Alison:

> Never was a step taken by government attended with such immediate and beneficial effects as this was. It never required to be acted upon. The knowledge that it had been granted was sufficient to dispel the panic.

When Congress assembled we had $44,000,000 reserve of greenbacks locked up in the Treasury which the law did not authorize to be reissued. Under the pressure of necessity a portion of it, it is true, had been paid out by the Secretary; but the country felt and still feels that it was an unauthorized issue, and there was no confidence that the amount issued would remain in circulation.

The very first duty of Congress after it organized was to have authorized and legalized the issue of that $44,000,000 reserve; not that it was absolutely needed for the currency of the country, but the measure was absolutely required to restore confidence to the country.

The effect would have been magical. It would have convinced the country that money was abundant, and that there was no occasion for locking up and hoarding. The vaults of the banks and the chests of deposits, which had become the graves of the circulation, would then have given up their dead; business would have at once revived, and the $44,000,000 would not have been required, and our desks would not have been loaded, as they now are, with the thousand and one prescriptions for this financial disease, with tables to prove the amount of money we need—an ass's load of which is not worth a dime.

But we have driveled on and accomplished nothing until the patient shows some signs of improvement from its own inherent strength. I said we had accomplished nothing; but after this long incubation we have got from the Committee on Banking and Currency, House bill No. 1577 entitled "A bill to amend the several acts providing a national currency and to establish free banking, and for other purposes," which bill I purpose now briefly to examine.

The first section is as follows:

> That section 31 of the act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved on the 3d day of June, in the year 1864, be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section.

To this I see no objection.

The bank act, section 22, as amended by section 1 of the act of 1870, limits the amount of national-bank notes for circulation to $354,000,000, and also limits the amount of circulating notes of any one bank to $500,000.

This bill proposes (section 2) to repeal both of these limitations, and to allow an unlimited amount of currency, and to authorize banks to have an unlimited amount of capital and circulation.

Was a proposition like this ever before entertained by any legislative body or adopted by any government? What is this proposition? It is to surrender a high prerogative of government, that of regulating and controlling the currency, to the Shylocks, the speculators, and the bankers of the land. Judge Story says:

> The power to coin money is one of the ordinary prerogatives of sovereignty, and is almost universally exercised in order to preserve a proper circulation.

Private banks are organized with the consent of the Government; but the Government retains the right to regulate all of their operations at pleasure.

It is only by virtue of the constitutional power of coining money and regulating the value thereof that Congress has the power to authorize the issuing of Treasury notes and bank bills circulating as money. Mr. Webster says:

> The right of issuing paper intended for circulation in the place of and as the representative of metallic currency is derived merely from the power of coining and regulating the metallic currency. * * * * * It would be a startling proposition that this prerogative of coining money held by the Government was liable to be defeated, counteracted, or impeded by another prerogative, held in other hands, of authorizing a paper circulation.

And yet that is just what this bill proposes to do.

You may say that by this bill the Government alone authorizes the issue of the circulating notes. I beg your pardon, sir. When you have passed this bill you have parted with all control over the matter of issuing circulating bank notes; and when men, under this bill, come to the Treasury with their bonds, you are compelled to issue to them notes in any amount they require. The only limit there can be is the amount of the national debt, which is represented in bonds.

Pass this bill, sir, and you will bind the Government hand and foot; you will strip it of all power over the currency of the country, and you will prostrate it at the feet of the money-mongers of the world. Pass this bill, and you will deprive yourselves of all power ever to resume specie payments, until such time as the money-mongers, in their grace, may permit you to do so; because, with such a volume of currency as this bill will allow, there never can be resumption. Pass this bill, and you will have taken the first step in unsettling values to an extent never before known; your currency will become a mockery, and your credit a by-word. Pass this bill, and you will place yourself exactly in the attitude of England, when, by the bank act of 1844, the Bank of England was allowed to issue £14,000,000 upon approved securities, but was compelled, over and above that sum, to issue notes to all persons who should bring to their bank an equal amount of gold. The balance of trade was largely then in England's favor. Gold flowed continually to her shores, and there being no demand for it abroad to pay foreign debts, it nearly all found its way into the vaults of the bank. Circulating notes were issued for it, producing an enormous inflation of currency, and resulting in the railroad mania, and other wild speculations, such as no country on the globe had ever known.

I ask the Clerk to read some extracts I have marked in Alison's History of Europe.

The Clerk read as follows:

> The first effect of this state of things, as auspicious in the outset as it was perilous in the end, was a vast increase in railway speculation, and the growth of what has been not inaptly called the railway mania. It was during the years 1844, 1845, and 1846 that this system received its full development, and it was then pushed to a degree of extravagance which would not be credited by future times if not attested by a host of contemporary witnesses, and evinced by lasting effects upon the face and fortunes of the country. Compared with the fever which then seized the public mind, and the magnitude of the speculations in consequence set on foot, the famous South Sea bubble, and the corresponding furor of England, in 1824–'25, and in 1836–'37, sink into insignificance. The progressive rise in the chief articles of commerce was such as to render speculation of every kind for a considerable time a source of profit, and to diminish to an extraordinary degree the unfortunate one which terminated in bankruptcy. The result of this, as usual, was that people thought that the prosperity which had now set in would never cease; that the rise of prices, which had proved so profitable to many, would continue forever. It must be confessed that for a considerable time appearances seemed to justify the anticipation. The few fortunate speculators who set on foot some of the favorite lines soon sold their shares at such prices as in a few days enabled them to realize large fortunes. The knowledge of this so increased the public anxiety to share in these profitable investments that these shares rose higher every day, and scarcely any one who bought had not an opportunity of selling in a few days to advantage. Such was the effect of this that in a short time the nation seemed to have lost its senses.
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> As the season passed on and the 30th November, the last day for lodging plans with the board of trade, approached, the pressure and excitement became unparalleled. Lithographers by hundreds were brought over from Belgium and France to aid in making the plans; the engineers and their clerks sat up all night, and several of them in two years made large fortunes. On the evening of the closing day the doors of the board of trade were besieged by a clamorous crowd contending for admission, as at the pit doors of an opera when a popular actress is to perform. Above six hundred plans were thrust in before the doors closed at midnight on the 30th November, 1845. The capital required for their construction was £270,950,000, and above £23,000,000 required to be deposited before the acts could be applied for.
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> It may easily be conceived that so prodigious and universal a ferment in society did not take place without unhinging, in a great degree, the public mind, and bringing forward in the most dangerous way many of the worst qualities of human nature. The same effects on all classes which had been observed in France during the Mississippi bubble reappeared in Great Britain, but on a much greater scale, and pervading more universally all gradations of society. The passion for gain, deemed by all to be within their reach, seized upon all classes. Not a doubt was entertained, save by the thinking few who were derided as alarmists and croakers, of the possi-

bility, nay certainty, of reaching the goal; the only point was, who was to be first in the race? All classes joined in it; country clergymen and curates hastened to invest the savings of their scanty incomes in the golden investments; traders and shop-keepers in towns almost universally expended their all in similar undertakings; servants, both in affluent and humble families, were to be seen on all sides, crowding to the agents' offices in the nearest towns, to throw their little savings into the crucible whence a golden image was expected to start forth. It was painful to behold the extent of the delusion, mournful to contemplate its certain consequences. No class, not even the very highest, was exempt from it. Ladies of rank and fashion hastened from their splendid West End mansions into the city to besiege the doors of the fortunate speculators, whose abodes were deemed a certain entrance to fabled wealth; the palaces of the exclusive were thrown open to vulgar manners and grotesque habits to facilitate an entrance to these magicians' dens.

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It was computed that no less than £16,000,000 was expended in surveys, legislation, or litigation connected with the bills got up during the railway mania before they got through Parliament; of the £300,000,000 in round numbers which the lines were computed to cost, nearly a third has never paid anything in the shape of dividend, and on the remaining two-thirds the net receipts, after deducting the working expenses, would not on an average exceed 3 per cent.

It would be well if the historian had only to record the immediate losses which arose to the parties concerned in them from these gigantic undertakings. But, unfortunately, the evil did not stop here; but, on the contrary, has impressed its mark in a lasting way on the national character and on the estimation in which the legislature is held. From the extravagant speculations and unbounded gains and losses of the years during which the mania lasted may be dated a great change, and one materially for the worse, in the mercantile character of the country.

Mr. SMALL. There was this difference in the case of England. She had the gold in the bank vaults for the notes issued, whereas by this bill we shall receive only our own obligations for the notes. There was this other difference. England's circulation having been based on gold, when the balance of trade turned against her it drew the gold away and contracted the currency, but the damage had already been done.

Such must be the precise consequences of the passage of this bill providing for an entirely unlimited currency. Pass this bill, and you will authorize the establishment of gigantic money corporations, without power to limit their capital or control their circulation; and there will be established at the great money centers combinations under the form of law and agreeably to the provisions of this bill, which can control the entire currency of the country; can make it scarce or plenty at their pleasure; can control the highways of internal commerce; can dictate the terms of our financial policy; control our elections, and fatten on the country's distress; and they will "laugh at your calamity and mock when your fear cometh."

I read an extract from the last report of the Comptroller of the Currency:

During the past few years great corporations have been organized by authority of law, with the advantages of immense subsidies, but almost wholly without restrictions, the law-making power having been led to believe that the corporations authorized would contribute as much to the public good as to their own profit. But it has been found that overgrown corporations are conducted in defiance of the rights of the shareholders, and with little regard to the comfort, wants, and profit of the people, but chiefly for the benefit of the few officers and directors; and the whole country is now aroused to the mistaken legislation which has placed the highways of the nation under the control of a few men, without reserving such salutary restrictions as should compel the common carrier to deliver the products of the land to the m rket for a fair remuneration; and it is the great economical problem of the day how to correct a monstrous evil, which would have been under complete control if the proper restrictions had at first been provided and enforced.

If such is the result under the law as it now stands, providing for a limit to the circulation, what must happen when that limit is entirely taken away? As the Comptroller says, these banking corporations can control your railroads, dry up your canals, cripple your commerce.

I warn the East and South that this provision authorizing unlimited capital and circulation to banks, will prevent the distribution of the banking capital over their sections of the country. It will be absorbed by monster institutions in the great money centers. Prohibit any bank from holding or issuing more than $500,000 of circulating notes, and you have some chance for a share. The smaller you make the capital of the banks, the more evenly will it be distributed.

The provision in section 8 of the bill for a homeopathic resumption of specie payment has the merit of being as harmless as the five-dollar silver resumption. It provides that the Secretary of the Treasury shall, every month after June next, issue notes to the amount of $2,000,000, payable in gold, without interest, in two years. That would furnish sufficient gold for pocket pieces for the old ladies, and would redeem the entire amount of greenbacks in eighteen years eight months and fifteen days from date.

There can be no such thing as resumption upon the atomatic theory, nor by legislative enactment. It is a financial and commercial measure, and must be reached by financial and commercial means. The road to specie payment is still long. It took England twenty-four years to travel it. It must be reached by gradual approaches. But begin your preparation now. The people have faith in gold. There is magic in its name. Such convertibility will impress upon your greenbacks in golden letters unquestioned faith. Early forced resumption means a reduction of your circulation in proportion to your gold supply. With a drain of $100,000,000 annually to pay the interest on our foreign debt, and with the balance of trade generally against us, resumption is simply impossible. First prepare the way; stop the drain; protect domestic industry; increase your productions; diminish your imports; encourage ship-building, and save the $70,000,000 paid annually to foreign ship-owners; improve the means of internal transportation and let the markets of the world be open to your produce; legislate not as if you were in bankruptcy; but develop your resources, and specie payments will come as naturally as do the winds and the tides.

In the mean time let us have no more expansion than the $44,000,000 reserve will give us. That, having largely gone into the pockets of the people, cannot be withdrawn; and let us have no contraction. Let credit be maintained and fostered; let prices be steady; and let all remember, in the language of Mr. Webster that—

Credit is the vital air of modern commerce. It has done more, a thousand times to enrich nations than all the mines of all the world. It has excited labor, stimulated manufactures, pushed commerce over every sea, and brought every nation, every kingdom, and every small tribe among the races of men, to be known to all the rest. It has raised armies, equipped navies, and, triumphing over the gross power of mere numbers, it has established national supremacy on the foundation of intelligence, wealth, and well-directed industry.

What is gold? In and of itself it is the most worthless of all the metals. What is your paper currency? Except in so far as it is used in promoting industry, it is a shadow—a myth. What are your water-powers, your railroads, your untold millions of acres of productive land? Dead and useless matter, until touched by the magic hand of industry, when all springs to life.

Mr. Speaker, write upon all the approaches to your Capitol, in letters broad and plain, that labor—well-directed labor—is the only source of a nation's wealth; and then let the sentiment find a reflex in the laws you enact, and your finances will become sound and healthy. Then we shall again see our people all alive and stirring, pushing on their fortunes and bettering their conditions, and at the same time filling to overflowing the measure of the general prosperity. And then "we shall again see that credit which reaches out its hand to honest enterprise; that certainty of reward which cheers on labor to the utmost stretch of its sinews; that personal and individual independence which enables every man to say that no man is his master."

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. CLEMENTS. Mr. Speaker, I desire to occupy the time of the House for a few minutes in discussing briefly the relation and duties of the General Government to a portion, at least, of the producing interests of the Mississippi Valley.

I do not regard this question as sectional in any sense of the word. We of that valley rejoice and gladly assist in everything that tends to advance the material interests or aid in the development of the resources of any portion of the country.

Our people have no sectional prejudices. There is not a State east of the Alleghanies but has sent of her bravest sons and fairest daughters to make for themselves homes and gather to themselves wealth and comfort and happiness on our flower-strewn prairies or mid the giant growth of our rolling timber lands. There is not a State or Territory in the far West but numbers among the noblest specimens of her manhood those who turn with a longing heart to some spot in this grand valley, where are the homes of their childhood and the graves of their loved ones. No; bound by strong ties of affection and kinship to the East and West alike, the Mississippi Valley could not be sectional in her thoughts if she would; and stimulated as she is by a warm love of our whole country, and an abiding faith in the grandeur of its destiny, she would not be sectional if she could.

Therefore, in coming before this body and presenting her claims to consideration, she does so feeling that she is asking only that which will redound to the benefit of the whole people. She comes into this House in this spirit, and asks of the fathers and elder brothers of the East, and of the younger brothers and sons of the West, believing that she will receive a careful hearing and favorable consideration of her claims. And should it become necessary to refer to some of the legislation of the past in presenting these claims, it will be done in no spirit of fault-finding, but simply in the endeavor to present proper exhibits and contrasts.

From the extent of our territory, the richness of our soil, the untold amount of our mineral resources, the variety of our productions, in short, the unmeasured abundance of all that goes to make up a nation's wealth, and which this people must sooner or later depend upon to maintain its position among nations, ay, upon which it must depend for its life itself, we feel it to be the duty of this Government, as one of the surest and most effective means of guarding the interests of the whole nation, to look well to the necessities of this valley.

The great need, the immediate and pressing need, of the present is such improvement of our water lines of transit as will enable our producers to sell and your consumers to buy at living rates; that our farmers, as they toil early and late, in tempest and sunshine, may feel that there is at least a reasonable prospect that the fruit of the long hours of their labor may not be "as Dead Sea fruit upon their lips."

We desire that the operatives in your factories, in saving a few dollars from their wages, shall be sustained by the knowledge that our produce will be brought to their doors at such prices that they may buy, and eat, and live. We desire such rates of transportation that your skilled laborers in your cities may be able to support themselves and families and yet lay up something for the dark day when there may be no work; so that the nation may not see, as it has seen, the terrible sight, nor hear, as it has heard, the fearful words of thousands of laboring men parading your streets without work, with-

out money, without bread, demanding bread at the hands of the city that their wives and little ones might not perish of starvation. We desire such rates of transportation to the sea-board as will enable us to place a sufficient portion of our surplus produce in European markets, to meet the interest on your national indebtedness held there. For, rest assured, sir, the great and growing Mississippi Valley is able with her surplus produce to pay every cent of your interest abroad as rapidly as it matures, if you will but help her to get her produce to salt water. We know it is within the constitutional power, and believe it to be the duty of the General Government to assist more effectively than it has ever done in this matter.

But how shall western producers reach eastern and foreign consumers? This is one of the great problems of this age. It is one in which all parts of the country are vitally interested; for I cannot conceive, sir, that any gentleman on this floor will care to admit that his views are so limited, his patriotism so prescribed, or his sense of duty so warped by local influences that he feels no interest in these matters.

The Mississippi River and its navigable tributaries furnish direct means of transit for the produce of one-half of the States of this Union. Eleven of these, pre-eminently the grain-producing States of the Union, embrace an area of over one million square miles. There are under actual cultivation in grain in these eleven States at present over forty million acres of land, producing more than 1,000,000,000 bushels of grain annually. Of this amount more than 300,000,000 bushels, over 8,000,000 tons, is surplus. It would require 40,000 railroad trains of 20 cars each, annually, or 125 trains moving out every working-day in the year for the whole year, to transport this surplus grain East. Gentlemen can estimate the amount of rolling-stock necessary to accomplish this work. Add to this the local freights, live-stock, cotton, and all other produce besides grain—for I have been speaking only of grain—and gentlemen can see that railroads alone cannot accomplish the work.

Why, sir, there were received into Chicago alone, during the year 1872, near seven hundred thousand head of cattle and three and a half million head of hogs, nearly all of which were again shipped thence, either on foot or dressed and cured. Fortunately for us and for all, we have, during a portion of the year at least, water transportation by means of the lakes; but unfortunately for all, at the very period when transportation is most needed, winter lays his icy hands upon the lakes, and navigation ceases.

What, then, must the western producer do? The railroads cannot accomplish the required work, although they may reap a golden harvest in what they do accomplish. According to the report of the Commissioner of Agriculture for January, 1874, the average price of corn in Kansas, Nebraska, Iowa, Missouri, Illinois, and Indiana, on the 31st day of December, 1873, was 33 cents per bushel, and at the same time it averaged 90 cents per bushel in the New England States. As shown by the same report, while wheat averaged 90 cents per bushel in Illinois, Wisconsin, Minnesota, Iowa, Kansas, and Nebraska, it averaged $1.75 per bushel in the six New England States; and in the Southern States, on the Atlantic coast, it averaged about the same, reaching, however, $2.25 per bushel in South Carolina.

Such is the result of our present system of transportation; and from such exactions as these the producing and consuming interests are mutually suffering terrible blows; while this question that will not down at your bidding, this question that is asked with bated breath and blanched cheek in thousands of households—this question of bread, stands face to face with this Congress. It may find its solution in the great natural highways of our country. And the equally vexed question of when and how to resume specie payment may here also find its solution. For so long as we must send our gold abroad to meet the interest on our indebtedness it would seem to be futile to talk of specie payment.

For the ten years ending December 31, 1872, we had exported in coin and bullion $526,000,000 more than we imported. We cannot send our gold to Europe to pay the interest on our debts and keep it at home to redeem our greenbacks at the same time. But so soon as we can make our surplus produce pay this interest we can keep our gold at home, and are near the solution of this financial problem.

We can produce that surplus. What we need, and what the interest of the whole nation demands, is that this surplus may be placed in market as cheaply as possible. This can only be done by improving our water-lines so that they can be used without constant danger of snags, and rocks, and sand-bars, and consequent high insurance and loss of property.

Sir, gentlemen who do not travel our western waters have but faint ideas of how prodigal nature has been with her favors and how negligent the nation has been in preserving these advantages. With such advantages as the world never saw, we have been so negligent that in places where there have been, and should be now, good navigable channels, there is but little better than a swamp, full of snags and sand-bars, and wrecks of noble steamers.

Why, sir, the loss of steamboat property, including cargoes, on the Mississippi River and its tributaries, during the year 1873, that might have been prevented if sufficient appropriations had been made to clear the channels and protect the harbors, was over $1,000,000. This does not include losses by fire or explosion of boilers, but simply losses of the character indicated. Nor, sir, does it include the losses of smaller amounts, felt only in a neighborhood.

Let me illustrate. A couple of my constitutents, Messrs. Chapman & Hess, a few months since loaded a barge with staves for New Orleans. She was placed in charge of an efficient pilot, but time and again she struck and stuck on sand-bars, and had to be pulled off by steam-vessels at heavy cost; so that when she arrived in New Orleans, although the cargo sold for enough to have cleared some two or three thousand dollars, the expense of the trip had been so great the gentlemen lacked a few dollars of coming out even.

This is a small sum, it is true, sir, for gentlemen who legislate about millions, and yet it is just such transactions as this, that by their success or failure stimulate or destroy the industries of every neighborhood and village in the land. And when you remember that this is but one case in thousands, of which we never hear, that are constantly happening on our western waters, you may form some idea of the immense sum that is being placed to the debit side of the ledger in the account that the people of the Mississippi Valley have a right to keep and are keeping with this Government.

May I relate another incident? A few months since, in coming down the Ohio River, a gentleman on the steamer informed me that a short time previous he was passing over the Grand Chain, a rocky shallow on the Ohio, near its mouth. He was conversing with the pilot. The night was dark; the shore could not be seen. The boat was moving very slowly—feeling her way. The pilot became restless and uneasy, and ceased talking. Suddenly, however, the barking of a dog was heard far away on the shore. "There," said the pilot, brightening up, and quickly giving the wheel two or three turns, "I'm all right. I've steered by the barking of that dog every night I've passed here for five years." The cackling of geese saved Rome; and the barking of a dog told this pilot just where he was and what direction to head his boat to avoid the rocks. And this dog was the only substitute for beacon-light or buoy that existed to show the faithful pilot how to direct his course to save his valuable cargo and still more valuable lives. A few weeks after this conversation the Probasco, one of our finest steamers, struck on these same rocks, sank, and vessel and cargo were lost. And yet, sir, the Government has spent, and rightly, too, $800,000 to remove the rocks from Hell Gate and East River, New York, while not one cent has ever been spent to remove the rocks or deepen the channel of the Grand Chain, over which float hundreds of millions of commerce annually. And so, while the Government with generous hand, in almost untold quantities, is expending money for lights and buoys and improvements along the Atlantic coast, one faithful watchdog, standing guard over his master's cabin, sends out into the midnight darkness his challenge to the passing steamer all aglow with light and freighted with precious lives. And the pilot, thus notified of his exact locality, steers his floating palace safely past rocks and shoals into deep water below. Hundreds of thousands of dollars for New York Harbor—a settler's dog for the Ohio River. Sir, is this justice? And yet, sir, it is under exactly such disadvantages as these that our western commerce, a commerce in which the whole nation is interested, is laboring to-day.

I am aware, sir, that these western rivers have not been without assistance from the General Government. But I do claim that this assistance has been inadequate and out of all proportion to that of other sections of the country. Not that I would complain that this has been too great, but that ours has been too small.

Let us examine the figures a little while. From the 30th day of June, 1865, to the 30th day of June, 1873, there was expended, in round numbers, for light-houses and kindred purposes on the Atlantic coast $4,000,000; for the improvement of rivers and harbors of the Atlantic coast $11,000,000; making a total of $15,000,000 for sixteen States. For the same time there was expended on the Mississippi River and its tributaries, embracing navigable waters in Mississippi, Louisiana, Texas, Arkansas, Missouri, Kansas, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Ohio, Western Pennsylvania, West Virginia, Tennessee, Alabama, and Kentucky, $5,400,000. And of this amount over $3,000,000 has been expended on the Des Moines Rapids, and Louisville Canal, (and it was greatly needed in both places,) leaving but a little over $2,000,000 in eight years for the navigable waters of eighteen of the largest and most prosperous States of the Union.

Why this discrimination? The dangers and necessities of commerce cannot explain it.

On the Mississippi River and its tributaries for the four years 1868, 1869, 1870, and 1871, the number of steamers lost by wrecking and sinking, not including those lost by fire, collision, or explosion, is 180. The number lost in the same way during the same time on the Atlantic coast, including bays and rivers, was 15. And yet, sir, I find on examination that there are in round numbers 1,000 steamers on our western waters and 1,700 on the Atlantic coast. So that the dangers of navigation will stand about thus: of 1,000 vessels 180 are lost; of 1,700 vessels 15 are lost.

Let it be remembered that I am speaking only of the class of dangers that could be greatly mitigated or entirely removed by legislative action.

Such, Mr. Speaker, is the record—our western waters losing, from wrecking and sinking, on rocks and snags, and kindred impediments and hinderances to navigation that for the most part might have been removed, twelve times as many steamers, out of one thousand, as the Atlantic coast, including rivers, harbors, bays, and ocean, has lost, out of nearly double the number. Could the absolute dangers of navigation be more strikingly presented? And yet, sir, this section

has received five dollars to our one to improve its navigation and protect its commerce.

I am not here, sir, to complain of this money being expended on this side of the mountains. I have no doubt it was all judiciously expended, and was necessary. But, sir, is it strange that when I return to my district and travel along its southern border for a hundred miles down the beautiful Ohio, and another hundred along its western borders, up the Mississippi, and am scarcely ever out of sight of the wrecks of noble steamers—is it strange that I should think of this contrast? And as the captain, pointing to wreck after wreck, informs me that this vessel was loaded with corn, and that with wheat, the one up yonder with live-stock, and the one down yonder with other farm products; and when I remember that these are all gone, lost, swallowed up by the seething waters because my country has not done its full duty, shall I be astonished that the agricultural interests of this grand valley are waning?

These men are not communists. They are not wild visionaries. They are men who feel that something must be done that their labor may not come to naught, and who see in the improvement of these great water-lines hope for themselves and good for the whole nation. They fully understand, as we all do, that this is not the work of a day; but they also know, as every thinking man knows, that it is poor economy to put $500 where $5,000 are absolutely needed.

True economy demands that money enough be appropriated to accomplish something definite and permanent, whenever it is used, else the money is simply wasted. And until something of this kind can be effected, let buoys and lights be arranged, wherever it can be done, to mark the more dangerous wrecks, rocks, and snags.

Why, sir, the Atlantic coast is absolutely picketed with beacon-lights, warning the storm-worn mariner of rocks and shoals and reefs and danger and death; while our western waters, wending their way for thousands and thousands of miles, dangerous with hidden rocks and treacherous quicksands and sunken wrecks, show nowhere in all their length a single light or buoy to warn the pilot of danger. Cannot this be changed? Might not two or three buoys and lights be arranged along the channel over the Grand Chain? Might not the Government afford to buoy the six rocks that lie right in the channel at Cairo, over or around which must pass the four thousand steamers landing there every year? Nothing has yet been expended thus; and yet Cairo yields some $20,000 per year as revenue to the Government.

While upon this point, I desire to say that there seems to exist in Congress a strange want of information in regard to the revenue derived from customs dues on our western waters. On the 29th day of last month, in a colloquy on this floor with the gentleman from Kentucky, [Mr. BECK,] the gentleman from Michigan, [Mr. CONGER,] whose interest in all that tends to promote the material advancement of the country I have no reason to doubt, used these words:

> Not one of the ports of the Mississippi or its tributaries above New Orleans pays into the Treasury one dollar of revenue.

If such has been the information of the Congress of the United States in the past, I beg to undeceive it now. There are over twenty districts for collecting customs on the Mississippi and its tributaries each of which pays a revenue to the Government varying from a few hundred to over a million dollars annually.

Why, sir, the customs receipts of Saint Louis alone for the last fiscal year were more than three times as much as the whole of Michigan collected, with its lakes and rivers and harbors. The Mississippi Valley will gladly take the money its commerce pays into the Treasury of the United States, expend it in improving its navigation, and ask not one cent beside from the Government as an appropriation. Why not do this, if gentlemen believe that our customs districts are a source of expense, and the appropriations we ask mere bounties at the hands of the Government?

Sir, the receipts from customs on the Mississippi and its tributaries paid into the Treasury of the United States for the last fiscal year were over $3,000,000 in excess of what was drawn out, including appropriations. So that these rivers have not, up to this time, been a source of expense to the Government.

I am not unmindful, sir, of the general disposition toward retrenchment. I am not unmindful of the desire and intention, so often expressed on this floor, to reduce all appropriations to the lowest possible figures consistent with prudence; and I recognize in the reports of the Committee on Appropriations, and the steady voting of the majority in this House, a fixed determination to make such reductions.

Sir, I rejoice to see this evidence of the prevalence of this spirit. Nor would I say or do aught to influence the vote of any member against the most rigid economy. But, sir, realizing as I do, and as I believe every gentleman on this floor does, the necessity that a larger proportion of the surplus produce of this country should reach foreign markets; seeing, as I have endeavored to show, that the only possible outlet for a large portion of this produce is by the Mississippi River and its tributaries where the dangers are so great, is it asking too much of this House that, when the river and harbor appropriation bill comes to be reported it shall show the largest appropriations where the figures show the greatest dangers to exist? This is all that we ask. Let the appropriations be apportioned in accordance with the necessities in each case.

It may be this has not been necessary in the past; but certain it is that one of the imperative demands of the present is that we shall do something thorough and effective in improving our water-routes to the sea, and do it promptly. If this is done, the whole nation shall reap the benefit; if it is not done, the blow will not fall upon the Mississippi Valley alone, but its paralyzing effects must be felt and borne by all, and this Congress will be held responsible at the bar of public opinion. The right to act exists, the duty to act exists, and the nation demands action. Will we exercise that right, will we perform that duty, will we meet the demands of the nation?

[Mr. CROSSLAND addressed the House on the subject of finance. His remarks will appear in the Appendix.]

FINANCE AND ECONOMY.

Mr. FORT. Mr. Speaker, no question is receiving so much rugged thought in this nation to-day as the question of finance; and well may it be so, as no other question is so vital to all the material interests of the country, and it thus becomes each individual to investigate and form his judgment.

Why this universal thought and anxiety, Mr. Speaker?

The fact that there is so much concern in the public mind brings back to our memories the recent past with its financial convulsion, and indicates a dread of the future. Until recently the public mind was undisturbed on this question, and was busied with the varied avocations in life, as pursued in this country.

Gradually men became conscious that, by absorption in new enterprises and by actual loss and destruction and other causes, the volume of currency was insufficient, and a stringency was setting in. Thoughtful men were disturbed by the report of a failure here and another there, until the alarm became general, and then, unheralded, and to great extent by surprise, the panic fell upon the entire land. Causeless and senseless this panic may have been; yet it was real, dreadful, and disastrous. Suddenly the currency disappeared; and it was found that the finances of the people were in the hands of stock-jobbers and gamblers who levied their contributions and "called" the "shorts" without mercy.

Wise metallic doctors of finance who had been proclaiming their dogmas could not relieve us, because of the inadequate quantity of specie, and their hard-money theories were ingloriously exploded. There was no help; the currency was cornered.

Every government owes it to its people to provide them with a good, safe, and uniform currency in sufficient quantity, without which no nation can have general or abiding prosperity. If one medium of exchange is not possessed in sufficient quantity and quality another must be sought and adopted.

The several States and the people, at the establishment of this Government, wisely delegated to Congress the power to coin money and regulate its value. The exercise of this power becomes a duty not to be omitted or misused.

The power to coin money is not limited to impressing the national emblem upon the precious metals, but includes also the power to stamp its promise and faith upon paper and make it money, and then regulate its value, and make it a fixed and uniform standard throughout the land. And it follows as of course that a sufficient volume should be so provided, and for Congress to fail in this regard would be, to say the least, and say it mildly, to fail to do its whole duty.

It was never intended by the fathers that the States should coin money, or stamp paper to circulate as money, or to fix its value, and never ought to have been permitted, State rights to the contrary notwithstanding. Much less should the Government ever have permitted banks, corporations, or individuals to stamp and issue money.

In the right to issue a circulating medium, as in some other things, State rights and individual rights should be postponed to the public good.

We might as well permit private individuals to establish courts and peddle cheap justice, or to carry the mails and set up private post-offices.

The currency ought not to be local and uncertain; but, on the contrary, it is vitally essential that it should be national and uniform. This the people have a right to demand, and Congress cannot if it would, and ought not if it could, escape this responsibility.

We are told that the precious metals are to be coined, which becomes not only a national currency, but also the currency of the world. But Mr. Speaker, we all know, without stopping to give amounts and figures, that all our coin and precious metals would make a currency for a very small world.

It does seem incredible that any party or any number of individuals should propose to reduce the money circulation of this country to the amount attainable in the precious metals, when we know it is inadequate. We cannot endure a reduction of the currency to that level. Contraction is monopoly of the most alarming proportions. Some other medium must be sought and used, and there is none better than the national credit; and of this we are provided with an abundant measure.

The last ten or twelve years are replete with lessons in finance it would be wise to carefully study—lessons taught by necessity and demonstrated by financial prosperity.

Before that period the Government had not to any extent stamped paper and issued it as money.

These hard-money philosophers had high places in the dominant party. They had often carried important elections by holding aloft

open-work purses through which glittered the golden eagles, and jingled most eloquently silver dollars to the gaping crowd. They might perhaps have attained equal success by beating Chinese gongs. While professing hard money they flooded the land everywhere by about the softest currency that ever perplexed or cursed any people. They applied their shin-plasters, their blisters, and bleeders, without mercy, and no State suffered more than my own by this policy.

But, Mr. Speaker, the greenback was our deliverance. And had I my way I would stamp upon it, not only in green, but in all of the seven colors, the emblem of the rainbow, in token that our land shall not again be deluged with these petty bank bills.

It is probable that this State and local currency was a necessity—Congress having failed to provide a national currency sufficient for the requirements of the country. Some medium of exchange must be had, and so it would be again if Congress shall fail to provide at all times a remedy. It was thought that the policy of the country was fixed as to these measures.

But we find, as time moves on, the advocates of this same old policy are again on the alert, and striving to proselyte and indoctrinate the people with these same old dogmas. If we propose a slight increase of the greenback currency, they lustily cry "inflation," and stigmatize it as an irredeemable paper currency, which may end in repudiation I presume they mean to intimate. They are unhappy and restive, and want to return to specie payment, and wisely and ponderously proclaim that they want to go back to, and rest upon, the permanent and reliable gold and silver basis currency of the world. They draw out their fine-spun theories in golden threads, and play upon this hard-money "harp of a thousand strings" as seductively as in days of "auld lang-syne."

What do these gentlemen want? it becomes us to inquire. Do they want those greenbacks out of the way under the pretense of a specie basis, in order to make room for this same vile trash before mentioned? When they accomplish this, it may then be truly said that "a stranger takes a kinsman's place." Greenbacks are legitimate relatives of the Government; local paper money a stranger and a bastard currency. Already this strange tribe of the shin-plaster family begins to appear, as shown in some specimens the other day by the gentleman from Pennsylvania in this Hall. These are the kittens that are soon to become wild cats of the future.

Yes, Mr. Speaker, there are thousands of individuals and corporations now ding-donging the country for contraction and resumption of specie payments, who are ready with printing-press and pen in hand to prepare and send afloat this old-time local paper currency which we thought was forever dead.

Mr. Speaker, the genial and able gentleman from Connecticut, [Mr. KELLOGG,] the other day, in his remarks upon this question, stated, in substance, that before the war his State had an excellent banking system. To some of his people it might have so appeared, but he could not get the unanimous testimony of the people of my State, or of the West, to that effect; and certainly not as to the banking system of some of his neighboring States.

The dead carcasses of Rhode Island Central wild-cat bills are still to be found in almost every western home. Our people took this money, as it was the best they could get, and gave their produce for it. The promise to redeem the money was not made good, and somebody in the East has the fruit of our labor for nothing.

A little further on in his remarks—and I mention it in no spirit of unkindness to him—this same gentleman said in substance that the Government had compelled them to dispense with their own very profitable banking system, which they had enjoyed before the war, and to accept instead national banks; and said that Illinois and other Western States ought not to complain, as they did, for not possessing an equal amount of the national banking capital, *per capita*, and said further that Illinois was too poor to take and keep all that was allotted to her.

It seemed to me he might have been a little more magnanimous and forborne to thus twit us with our poverty. His people had loaned us their local paper money at 10 per cent. interest and a large bonus besides, and then finally repudiated their own money they had loaned us; and thus swallowed the interest, the bonus, and the principal also. We in the West are laid under enormous tribute to his people in the adjustment of the revenue. All this we have borne and paid with but little murmur.

Now, Mr. Speaker, I would ask the gentleman how long he thinks it would take us in the West, under his system of banking and protection, to own as much capital as he can truthfully boast of having in his enterprising State?

We really never did prosper until disinthralled from this pernicious system of local currency which, for the most part, had its home, if home it ever had, in certain localities in the East.

In ten years, under greenback influence, the mere increase of population of the State of Illinois exceeds the entire population of the gentleman's State, with two or three more of its neighboring States thrown in.

The necessities of the Government compelled Congress to suppress the old system of banking, and to provide a good currency in sufficient volume for the wants of our busy, ambitious, and enterprising people, and I have given you the results.

There may have been other stimulating causes for this marvelous advance, yet for the most part it was the sound-currency spring, that pervaded all enterprise and employed and paid labor. Actual experience keeps a good, safe school, and we certainly ought to have sufficient capacity to learn by such tuition.

To appease this everlasting clamor for contraction we may have ventured too near the verge. But let us be deceived no more. Combined parties in the last national canvass had virtually declared in favor of contraction. A distinguished gentleman, who had taught political economy, and had said and written much on finance, by some miraculous conversion made a hard-money bid for the Presidency; but the prize was not knocked down by the people at that bid. Contraction was virtually condemned and overwhelmed at the polls, and a gradual-expansion policy ought to have followed this verdict. Without a sufficient volume of national currency money kings, enthroned in Wall street, can manipulate the finances and produce a stringency, and then a panic and wide-spread disaster at pleasure.

When money is limited these remorseless monarchs can corner the currency at will, and there is no power to stay their hands or reverse their decrees. All that has recently happened may be repeated again, unless the wisdom of Congress makes it impossible. These same rings of stock-gamblers would have produced the same disaster before were it not that the volume then exceeded the means under their control.

But we are told, Mr. Speaker, that when money is abundant men will run wild in speculation. This may be true, and an evil. But, sir, in fact, do not contraction and stringency make stupendous speculation possible? Then it is that it takes advantage of necessity. Then it is that capital demands its usury; and then it is that capital scalps the unfortunate and starves the poor; and then it is, as is timely suggested to me by my distinguished friend at my side, that the rich grow richer and the poor grow poorer. Then it is that we are dragged into the merciless courts of bankruptcy, and a heartless creditor administers upon our estate while we yet live. When adequate money circulation ceases, the hand of labor ceases to move, as when the blood of the natural body ceases to circulate and the once provident head of the family is as powerless as if actually dead. Money is as essential to the support of his family as is the blood in his veins. With it he can fight the wolf of hunger from the door and save his little ones. Without it he is as powerless as a lamb led to the slaughter.

The volume of money in circulation should, as near as may be, equal the current exchange of commodities and the current wages of labor. But, say they, what matters it if values do shrink 100 per cent. if a dollar will then have double the purchasing power it now has? Why, sir, if we were all out of debt, national, State, municipal, and individual, it would not make so much difference. But we are not out of debt. The East and their banks, insurance companies and corporations, and wealthy individuals hold our notes and bonds from the West to the amount of millions of dollars, contracted, too, at above the present level of values. Contract as is proposed, and you in fact increase our debt in like proportion. You double the mortgages upon us and diminish our power to pay.

The increase of population and expansion of the country demand a gradual increase of the national currency; and let it be greenbacks, simple and pure, and like what we have. And to prevent a recurrence of panics let at least $200,000,000 of national bonds, bearing so low a rate of interest, payable in currency, that they would not go abroad, be issued, which bonds should be convertible into currency at the option of the holder, as proposed by the distinguished gentleman from Pennsylvania, [Mr. KELLEY,] or some similar measure to this.

But it is said that these bonds would be hoarded. All right; God grant that they may be hoarded. We will then issue more of the same sort, and keep on until their place is supplied. Would it not be as well for us if our own people should take and hoard our 3 per cent. bonds as it now is for foreign bankers and capitalists to hoard our 6 per cent. bonds, payable in gold? I care not how much of our national debt our own people may be induced to hold; the more the better. That would stop in a measure the drain of gold from this country, and would soon so reduce the demand for coin that it would drop to a level with greenbacks. We could then indeed resume specie payment, so much to be desired.

The fact that greenbacks are below gold in value is not at all due to any want of confidence on the part of our people in the good faith and ultimate ability of our Government to redeem them.

The happy gentleman from New York [Mr. COX] told us the other day about the hatfuls of the old continental money that were presented to him, as chairman of the Committee on Ways and Means, for redemption, a great many years ago, when he came to Congress from some other State, which money he in substance said had made two generations happy; one generation was made happy in its issue, use, and profit, and another generation made happy that they did not have to redeem it; and went on to illustrate by showing that we are now made happy in the issue and use of the greenback, and, as I understood him to intimate, that another generation would some day be made happy in its repudiation, not having it to pay.

Yes, sir; if the greenback currency is ever repudiated it will be done by some other generation, and when some other and different councils sit in these Halls. He nor I will see that happy day; we shall have gone to other shores long ere that time arrives.

Some propose an increase of national banks, and others free banking; but good reasons for these measures are not known to myself.

A national-bank note is no better than a greenback, and the only value or currency it attains is founded upon the Government bond that is placed behind it for security and pledge of its redemption. If any increase of currency in this way, why go to the trouble of requiring the organization of a bank? Why not let the Treasurer of the United States receive the bonds as security from private parties, and deliver greenbacks dollar for dollar? This would be cheaper and simpler. And why not do what is still better—issue the greenbacks, take up and cancel the bonds, and save the interest on them to the amount of millions of dollars.

It was a wise measure in Mr. Lincoln's administration to organize these national banks. By that means the country got rid of the local banks, of the gentleman from Connecticut, [Mr. KELLOGG,] as well as other like institutions. I admit the national banks are the best banks we ever had, and we ought never to permit any other; but, sir, I cannot see that more of such as we have are required. Having them we patronize them and use and operate them, and it is all right to do so. As the gentleman from Connecticut [Mr. KELLOGG] showed, my State is not anxious for more, as she has never used up all of the capital that was allotted to her. I know of no one of my people who is personally interested in any national bank, as owner or patron, who would not cheerfully yield it up if the public good requires it. Allow them to do a simple exchange business and they would willingly consent to return their circulation if it was deemed best to do so.

I believe the good of our people requires a gradual increase of the national currency; and, sir, the temper of this Congress since it has been in session, as evinced by its action and vote, has been of immense value to the people of the West. When contraction found that it could not carry this House for further reduction, the currency began to circulate more freely. The business revived, and people felt relieved, and the prices of produce advanced. And when the Administration began to put out, as it did, the reserve of forty-four millions, the spell was indeed broken, and prices advanced; and so by the action of the Administration and the evident temper of this Congress millions have been given to the people of my State alone, and the same proportion of profit has gone to other localities in the West, and I have no doubt that the South, East, and the entire country were in like manner benefited.

Gentlemen on the other side of this House politically have denounced the Secretary of the Treasury for this illegal act, as they called it, and characterized it as usurpation of power and subversive of liberty, and such other clap-trap denunciation. But, sir, I, in the name of the people whom I have the honor to represent, tender their thanks to this Administration for the relief rendered in this emergency.

And this only proves the proposition that more money is the remedy demanded.

Mr. Speaker, while demanding a reasonable increase of the volume of national currency, economy is not to be forgotten. Abundant money without economy is dangerous and evil. The two questions cannot be well separated.

Holding to the strictest practical economy here as elsewhere, national and individual, I will only say that on this limited occasion I would not mention this indispensable rule of good government were it not for the remarkable language that fell the day before yesterday from the lips of the distinguished gentleman from Massachusetts, [Mr. DAWES,] not now in his seat, having just left it, as I am sorry to see. All he said about economy I indorse and heartily approve, and thank him for presenting to the House in such a forcible manner.

When he rose to speak upon the bill before the House for the reduction of taxes, I, being a new member, did not know what was coming. I observed, however, that the distinguished gentleman from New York, [Mr. WOOD,] a colleague on the leading committee of this House, immediately rose also and blandly moved that the gentleman in his remarks should not be confined to the parliamentary rules of debate, in discussing the question before the House, but that he might be allowed to ramble at will, which, of course, was granted. Other members around me, more experienced, hinted at what might be expected.

And the able gentleman went on in a very courteous manner to lecture this Congress for more than two hours, not so much as to what we should do, as what other Congresses, for the past twelve to twenty, fifty, and a hundred years had done, and what they had not done. He complains of useless expenditures, and arrays a long list of established ports of entry which collect no revenue, and many more which do not collect enough to pay the salaries of their respective officers. What Congress established these ports of entry he forgot to tell us; but certain it is they were not established by this Congress. They were not established by the present Administration. On examination, I find many of them were established before I was born, and some of them forty years before that time. Others of them were established under the administrations of Andrew Jackson, Van Buren, Polk, Pierce, and Buchanan; and nearly all of them have existed just as they now do ever since the honorable gentleman has been a member of Congress.

Now I say, and say it in all and full respect to the honorable gentleman who is, by his long-continued service here, the father of this House, that I do not object to being scolded and even abused about anything I do or fail to do; but I did smart and feel restive at being so unmercifully scolded, in such dolorous tones, for and about things with which I never had anything to do whatever. I could not apply the contents of the anonymous letter he caused to be read at the desk. I had heard a similar letter read from the stump in the last campaign. It may have been the same one. A large majority of this Congress are new members, who were never here before. We never have had an opportunity to bring in and propose reforms; and, in fact, have no power here now to do so. All we can do is to vote.

Mr. Speaker, I do not complain of the gentleman's sharp speech. I hope it will do some good; but I wish to protest here that it does not apply to myself, nor does it, I think, apply to half of the members of this House. It may apply to some of the older members of the House; and such as it applies to I hope will heed its wise and wholesome counsels, and whoever the coat fits let him put it on.

Mr. Speaker, let some experienced member of some of the important committees of this House propose action and declare war on the abuses he mentioned, and I will enlist as a private in the crusade.

Mr. Speaker, scolding is all well enough; advice is better; but neither ever won a victory.

Whoever would lead in a fight must take the advance and say, "Come on!" This at least is the better way to command raw recruits. Old and experienced members of either side of this House politically can get the floor to strike a blow whenever they desire. Not so with us. The Speaker's eye can never see any of us when one of them is on his feet.

Why were not bills presented long ago to abolish these useless and expensive ports of entry, and muster their indolent officers out of the service? I will vote for such bills, and so will two hundred more members here.

Of whom does he complain? The Secretary of the Treasury could change no law. The President could repeal no act of Congress establishing these ports. He is not to blame. I do not speak from any authority, but I pledge him that if Congress will pass an act to abolish these ports and cut off these useless expenditures, the President will approve it and execute the law.

Mr. Speaker, it would have been competent for any Congress for the last fifteen years to have abolished the ports of entry mentioned. It would have been especially fitting for the leading committee of this House, whose chairman has a clerk furnished him, to have prepared and brought in a bill for such purpose at any time before the gentleman began his discourse. Had this been done by somebody a few years ago, it would have saved the anonymous gentleman the trouble of writing letters for campaign purposes—to be afterward read in Congress with his worthless name suppressed, as it was done.

Yes, Mr. Speaker, had any distinguished member of Congress, of either party, democrat or republican, during his long and honorable service here, (and some of them have served here almost ever since when the memory of man runneth not to the contrary,) proposed this reform to the service, and procured the passage of an act to close these useless ports, that member, whether democrat or republican, would be entitled to all honor for his distinguished services.

But, Mr. Speaker, what is indeed wonderful, no such member ever took the trouble to draw such a bill and present it. At least, I am told the record does not show the history of any such valuable service as to arise and propose the same. Yes, Mr. Speaker, these enormities, stranger still, have escaped the notice of the author of the civil-service rules for reform. I say to the gentleman, in all kindness and sincerity, that I will enlist under him, or any other gentleman on either side of this House, in a crusade against any of these abuses, but it must be understood that I want a fight, a little blood-letting in some vital place. And I will also say to him, and to the distinguished gentleman from New York, representing the Empire City, on the other side of the House, that when Boston and New York come in with their appropriation bills for those enormous custom-houses and post-offices which he mentioned, let them only sound their bugles and lead off. I will follow; and so will other new members, in my judgment; nor will older members hold back.

Economy is a good deal like charity; the best place in the world to commence it is at home. Let us put ourselves to the test, and see who is in earnest. Don't let us try to blister somebody else if, as others see us, we have a spot that needs one so much ourselves.

Mr. BUTLER, of Massachusetts. Will the gentleman permit me a single word of explanation?

Mr. FORT. Certainly. But, of course, I had no intention to stick a blister on you.

Mr. BUTLER, of Massachusetts. In the year 1870 I introduced into this House a bill to abolish all pension agencies, and to pay the money to the pensioners directly from Washington through the post-office. I advocated that bill on this floor——

Mr. FORT. Look here! You are stealing some of my thunder. I was coming to the pension business. [Laughter.]

Mr. BUTLER, of Massachusetts. And I could not get more than twenty-two votes for it, although it was drawn by a gentleman much more capable of drawing such a bill than myself; and among them was not the vote of my distinguished colleague from Massachusetts, [Mr. DAWES.]

Mr. FORT. I did not presume that I was hurling a shaft at my distinguished friend, [Mr. BUTLER.]

It did seem to me that the gentleman had in his mind's eye the Congresses that sat in these Halls fifty years ago, but most likely within the last twelve or fifteen years; and was really not intending what he said for any one who was here now, except to apprise us of the failings of our predecessors and to admonish us of their errors.

Mr. Speaker, I will only add that I will not consent, as one of the new members, to be charged with the blunders of Congress of the last seventy years, and all the omissions of the members thereof; nor with the stupendous blunders of half a dozen administrations which never even in their day had my support.

Mr. Speaker, the gentleman also paraded another useless expenditure and extravagance before this Congress in the person of fat pension agents. I most heartily agree with him that these over-fed officers ought to be put on half-rations awhile. And here again the wonder is why it came to be so. The able and distinguished gentleman from Massachusetts, [Mr. BUTLER,] ever on the alert, has just told us here that he did, in 1870, propose a reform and a vast reduction of expenditure, besides making it vastly more convenient for the poor, invalid, crippled soldiers, of whose convenience he seems to have been mindful by providing that pensions should be paid through the mails by the postmasters. I am sorry his bill did not pass; had I been here I would certainly have voted for it. Why it did not receive the support of the distinguished gentleman who now sees and reports to us the extravagances of the pension service is not explained.

Mr. Speaker, I am heartily glad the gentleman brought up this matter of the payment of pensions, and I agree that there ought to be a reform—not by way of any complaint against any pension agent or officer, for I know nothing about their question of pay or work. I am for action; and am in favor of transferring all matters pertaining to pensions, and the payment of pensions, to the War Department where it naturally belongs. There are plenty of Army officers now unemployed, as the complaint is, to adjust the claims and settle with every pensioner in the land; and it can be done with dispatch and regularity and cheapness through the post-office, as the gentleman from Massachusetts [Mr. BUTLER] has suggested, and thus we will save these enormous salaries paid to pension agents mentioned by the gentleman.

And again let us go further in the road to economy, and at once transfer all the Indian affairs and Indian agencies to the Army. There are, we are told, plenty of unemployed officers, who are able, capable, and reliable, to attend to all the Indian affairs, and thus save the enormous expense of Indian agents, commissioners, and their attendant and enormous retinue of employés and retainers, and by this we could save millions annually.

The Interior Department as now organized is a monstrous incongruity. I have no complaint to make of this Department or its administration. If there be fault anywhere, it is in Congress. I agree with the gentleman that matters might be amended, but the power to apply the remedy is in Congress, where it has all this time rested unused.

The gentleman mentioned matters connected with the Treasury Department; also which Department, as I understand it, is to some extent under his own supervision, so far at least as this House is concerned. Why not make a move and prune it a little further; why not let the Navy police the seas, as it would seem to be its legitimate employment? Why not turn over the gun-boats now owned by the Treasury Department, and called revenue-cutters, to the Navy, where they belong? And I will guarantee that the Admiral and his subordinate officers will do the service quite as well as it is now done, and here save a million annually, and I have no doubt more than that. And why not also put the light-houses under the charge of the Army or Navy, where they naturally belong, and save more money?

What I have here hastily said, Mr. Speaker, is said in all possible kindness, and with the profoundest respect for the able, genial, and distinguished gentleman from Massachusetts, [Mr. DAWES.] I acknowledge him to be, in many respects, my leader in this House, and of whom I will be a delighted and devoted follower in all movements for reform, and in all that tends to the strictest national economy.

I will now return to the currency portion of my subject.

It is not the past, but it is the present and the future that most concern the Forty-third Congress. We want and must have a good national currency, and we want and must have economy; and let us see who will strike the first blow, and hold out the longest, and remain faithful to the end.

Economy and a good currency should go together, and in fact they are inseparable; then we shall have abundant prosperity. Greenbacks are good enough for all our purposes and wants. They will buy food and raiment and comforts for our families, purchase a homestead and shelter. They will educate our children, pay our taxes and tithes to the church, bury us when dead, and rear a tombstone at our graves; and is not this all we want of money?

FINANCE.

Mr. EDEN. Mr. Speaker, I propose briefly to discuss the present financial condition of the country, and to seek, if possible, a remedy for the aggravated evils and unjust discriminations, through the baleful influence of which our people are impoverished and our industries prostrate. The innumerable theories advanced, each a supposed specific for every financial disorder, if they do not indicate a remedy, certainly prove the malignant character of the disease. The principal line of division separating our financiers is broad and deep. Inflation of the currency by some is insisted upon as the sovereign remedy, while by others contraction, until specie resumption is forced at the hazard of universal bankruptcy, is urged as the certain road to a sound financial condition. Between these two opposing forces, and partaking of the character of each, are the advocates of an elastic currency, which may be defined to be a currency so artfully arranged as to flow out freely and fill all the channels of trade in times of financial disaster, and when the danger is over to return rapidly to its place of repose. I do not seek a remedy in the ranks of either of these opposing forces.

Inflation of the currency, unless some element is infused to maintain its value, will not vitalize the decaying commercial, agricultural, and manufacturing interests of the country. Inflation, in co-operation with the legal-tender principle, will give temporary relief to the debtor class. If, however, the amount in circulation be in excess of the demands of legitimate business, it will not only depreciate in value, but will find employment in schemes of wild speculation similar to those that precipitated the recent financial panic. Contraction, with a view to forcing specie payment, instead of producing that result, will bankrupt the people of the South and West, where they are suffering for an increase of currency, and deplete the revenues of the Government, thereby greatly embarrassing the Treasury, and necessitating increased taxation.

With the enormous private indebtedness resting upon the people, and the small amount of specie in the country, payment in coin is impossible. To require the payment of debts in coin, contracted on the basis of currency depreciated from 10 to 30 per cent., is unjust in theory, and ruinous in its practical operation upon the country. I can understand the reason why the money-dealer desires the immediate resumption of specie payments by means of contraction. Contraction makes money scarce, property low, and interest high. If by means of contraction values shrink 50 per cent., the debtor must sell twice the amount of property to pay his debt, and the creditor can purchase twice the amount of commodities with the money.

The capitalists of the East loaned large amounts of money to our western people at 10 per cent. interest when gold was at a premium of from 10 to 30 per cent. In case of specie resumption, the difference in the value of the currency at the time of the loan and gold coin will be the measure of profit to the lender arising out of resumption.

What is the remedy? A knowledge of the causes that have produced the disasters in finance is necessary, before an intelligent and effective reform can be projected or accomplished. Trade, when not obstructed by legislation, flows in natural channels; and the prices of commodities are regulated by supply, demand, and unrestricted competition. Money, when not diverted by artificial means, through the operation of these laws, goes wherever it is required to perform its office as a medium for exchange of commodities. While our legal-tender paper money does not answer all the purposes of gold, the standard of value among all commercial nations, yet in the business of internal commerce it is governed by the same general laws. Financial distress may be brought on the country by misfortune, as in case of a failure of crops or war.

The panic of 1873 came on in the midst of abundant crops, and when all branches of business seemed to be prosperous. A careful investigation of our national banking system will, I think, fully disclose the cause, not only of the recent panic, but the subsequent paralysis of business.

Legislation in favor of a class is necessarily prejudicial to all other classes. While laws may be, and often are, so framed as to add to the wealth of those receiving Government bounty, the amount thus added to the wealth of the privileged class must be subtracted from the wealth of other classes. The railroad monopolists, by their control over the internal carrying trade of the country, impose grievous burdens on all our producers. The protected manufacturers also levy their contributions on the agricultural class. When the carrier takes two bushels of the farmer's grain for transporting one to market there is no concealment. The hand of the extortioner is plainly to be seen. When the farmer buys an agricultural implement, a barrel of salt, a yard of calico, or almost any other supply necessary to successfully prosecute his pursuits under cover of our iniquitous tariff laws, the protected monopolist slips his hand into the pockets of his victim and filches a portion of his hard earnings. These are monopolies of the second magnitude.

The monopoly in money created and sustained by our national banking system, controlling directly three hundred and fifty millions of our circulating medium through the agency of two thousand banks, is the ruling power in the Government. The first necessity of business prosperity is cheap money. The primary object of money dealers is to increase the price of money. The higher the rate of interest the larger the profits of the bank. Hence, when banks become an organized monopoly the price of money rules high.

If one man, or an association of men, had control of all the pork in the country, or of such a quantity that the residue would not supply the demand for consumption, the persons holding the larger quantity would have what I believe speculators call a "corner" on pork, and could dictate their own price for the article.

This is a fair illustration of our system of national banking. The amount of circulating medium in the form of legal-tenders is fixed by law at $356,000,000. The national banks are authorized to issue within a few millions of the amount of the greenbacks, and about $350,000,000 of the bank circulation have been issued. The bank-notes of all the banks are a legal tender at the counter of each bank, and in most of the fiscal transactions of the Government; so that for all purposes of internal commerce the notes of the banks are money. The national

banks are also required by law to keep in their vaults legal-tender reserves in the sum of about $90,000,000. The banks may loan the amount of their own circulation and a large portion of the money of their depositors. Three-fifths of the amount of the reserves of the country banks may be deposited with associations, approved by the Comptroller of the Currency, in the redemption cities, and one-half of the amount of lawful reserves of the banks of the redemption cities may in like manner be kept on deposit in the city of New York.

These bank-notes, I presume, are rarely if ever presented for redemption. The Government indorsement gives value to all alike. The redemption of the supposed bank-note is simply an exchange of a note indorsed by the Government for another note made by the Government, there being no difference in the value of the two classes of paper. When the bank breaks its note for the first time commands a premium. It will thus be seen that, in addition to the laws of trade, which cause money to gravitate toward the business centers, the operation of our national banking laws furnish artificial channels through which the volume of our currency is forced to the center independently of the demands of trade and beyond the amount that can be legitimately employed. There is no channel left open through which the currency thus forced to the center can be returned to the people. It has been brought under the control of an unhealthy influence. Stock gambling employs it so actively that legitimate trade fails to withdraw it from the more attractive field of feverish speculation.

The banks that issued the notes are not expected to redeem them; hence there is no one moved by interest to return the bills to the banks of their issue. The notes of a bank located on the plains of Nebraska circulated just as freely in the city of New York as those issued within the shadow of Wall street. A paternal Government has become indorser for all; and the solvency or insolvency of the principal in no way affects the value of the note, for the payment of which the labor and capital of the whole American people stands pledged.

The currency driven through these artificial channels to New York, when needed by the producer to move his surplus, under the manipulations of Wall-street brokers, is absorbed in speculations, in watered stocks of railroads, to pay the interest on which additional carrying tolls are imposed on the people; and by its results raising the rates of interest, establishing excessive rates for transportation, depleting the legitimate avenues of trade, and making the stock-gambler the competitor of the people for the use of money. Such a system necessarily entails ruin on the producing and laboring classes. The centralized money power wielded by the national banks is used in the interest of the bulls or bears on change. Holding under their control almost the entire circulating medium of the country, these banks, by lending assistance to the reckless operators in Wall street, have the power to give a market value to bonds and stocks that are not expected to yield revenue to the holder.

If the fortunes of the confederates are to be advanced by depreciating the value of sound securities the power of the monopoly in money can be used with equal facility to bring about the desired result. To show I do no injustice to these institutions I quote from page 28 of the last annual report of the Comptroller of the Currency. He says:

> The present financial crisis may in a great degree be attributed to the intimate relations of the banks of the city of New York with the transactions of the stock board; more than one-fourth, and in many instances nearly one-third, of the bills receivable of the banks since the late civil war have consisted of demand loans to brokers and members of the stock board, which transactions have a tendency to impede and unsettle, instead of facilitating, the legitimate business of the whole country. * * * * * *
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> The close of the war found the membership of the stock board increased to eleven hundred, and composed of men from all parts of the country, many of whom had congregated in Wall street, adopting for their rule of business the apt motto of Horace, "Make money; make it honestly if you can; at all events make money." * * The quotations of the stock board are known to be too frequently fictions of speculation, and yet these fictions control the commerce and business of a great country.

This picture is not drawn by an unfriendly hand, nor by one wanting in opportunity to know whereof he speaks. It is the criticism of the officer of the Government whose business it is to watch these institutions, to report their condition to Congress, andto take charge of and distribute the assets in case of insolvency, or when they violate the laws creating them.

He gives us the official information that these banks, under the control of which we have placed our whole financial system, are in "intimate relations" with the New York stock-board, "whose transactions have a tendency to impede the legitimate business of the whole country," and whose motto is, "Make money; make it honestly if you can; at all events make money."

The power which enables the associated banks in the city of New York to control the prices of stocks and bonds enables them in a great degree to regulate the prices of wheat and corn and all our other surplus products.

I have attempted to show that the national banks have the direct control of the larger portion of our circulating medium. This power enables them indirectly to control the residue. By refusing to discount and calling in their loans the central banks can at any time cause a stringency in the money market; the other banks being, to a great extent, influenced by the New York banks, caused mainly by the flow of currency to that city by operation of our national banking laws. It is estimated that 90 per cent. of the business of the whole country is done through the medium of checks, drafts, and bills of exchange, without the use of currency.

By means of these instrumentalities, which can only be made available through credit, the power of the New York banks is greatly increased. The evils growing out of expansion and contraction by the banks through their power over the bills, checks, and discounts, are the results but to a limited extent of the volume of the currency. It having been shown that under a safe financial administration the credit system, of bills, checks, and discounts, is nine times greater than cash payments, as a necessary result, when the panic destroyed the confidence of the banks in each other, the credit of the financial system, as well as the circulation, being centralized in the national banks, the confessed insolvency of the redemption banks paralyzed all trade. Having control of our circulating medium, the national banks also have control of all other facilities of exchange. Thus the monopoly of money and credit through the agency of the national banking system is made perfect, and the prices of the products of the fields, of the mines, and of the mills, go up or down in obedience to the orders of the centralized moneyed despotism. By reason of this system producers and consumers are in turn robbed.

When farm products are ready for market, the money needed to move the crops is withheld by the banks and prices rule low. When these products reach the hands of speculators, the persons having a corner on currency turn the screw the other way, money becomes abundant, and consumers are compelled to pay exorbitant prices. In this way all the profits of productive industry and labor are swallowed up by the money ring.

Legislation should be directed rather to the diffusion than to the centralization of money. The money power, when compactly organized, is dangerous to the liberties of the people. It not only affects every material interest of every citizen of the Republic, acting upon the distribution of food and clothing, and upon the wages of labor, but also wields a political power that is well-nigh omnipotent.

This power can withhold bread from the hungry, withdraw not only the comforts, but the necessaries of life, from the family circle; impoverish the treasuries of State and Federal Governments, and overthrow individual fortunes by a single blow that no skill can avert. To secure the protection of monopoly in money, the advocates of that system inculcate false theories of finance, calculated to enrich money-dealers and impoverish the people. The man educated behind the counter of a bank, whose life has been devoted to the study of ways and means to increase the dividends of the bank, is looked upon as an able financier. The opinions of a man thus educated are sought after by legislators upon questions of finance, and have greater weight than is accorded to the most intelligent man engaged in the production of commodities, and whose success contributes largely to the wealth of the country.

The interest, and therefore the constant study and education, of the money-dealer is to make money dear; in doing which he subtracts from the value of and degrades labor. The duty of the legislator is to make labor valuable, and thereby elevate the people. The most potent instrumentality to accomplish this result is to make money cheap. Conceding the truth of these statements, which appear to me to be undeniable, are we not false to every correct theory of finance, to the interests of the people, and the perpetuation of liberty, when we surrender by law to the money-lender the control of the financial administration?

There is no more appropriate way to illustrate the conflict constantly existing in all organized societies between capital and labor than by, in the simplest manner, exhibiting the education and the interest of the money-dealer on the one hand, and the necessities of the laborer and the producer on the other. Money, by arbitrary commercial laws, is made the representative of values. The more you diffuse it, the more competition you make for its sale to the people. The more you centralize and consolidate it, the more you subject the necessities of the laborer and producer to its iron decrees. The interest and education of the banker is to make money dear. The necessities of the people, and therefore the highest demands of the country, require that money be made cheap.

Another weighty reason in favor of the total abolition of the national banking system is that the special privileges conferred by the laws of its creation, can only be enjoyed by the holders of a certain species of property—the same property thus selected as the exclusive basis for bank circulation being exempt by pre-existing laws from all the burdens of Federal, State, and municipal taxation. The fortunate holder of United States interest-bearing bonds, upon depositing them with the Treasurer of the United States, becomes the favored borrower from the Government, without interest, of 90 per cent. of the par value of the bonds deposited in national currency, equal in value to legal-tender notes. The banking associations receiving this currency from the United States are authorized "to circulate the same as money, and their notes are to be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States except for duties on imports, and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations, within the United States except interest on the public debt and in redemption of the national currency." Each of the national banking associations is also bound by law to receive the notes of all the others at par.

Let us for a moment look at the inequality of this law in its operations as between the banks and the Government. In the first instance, the Government became a borrower. The bonds placed on deposit with the Treasurer are the evidence of the debt of the Government for the money borrowed.

The loan was made to the Government by the holders of these bonds in currency, which was at a discount of from 20 to 50 per cent. The Government pays interest on the face of these bonds at 6 per cent. in gold. The Government becomes the responsible custodian of the bonds, and pays the interest to the owner just as promptly as though they were in the vaults of the bank. The bonds are worth just as much, and the banker realizes the same amount of interest on them as though no currency had been issued to him on the security of the bonds.

Instead of charging the banker 6 per cent. gold interest on this currency, he receives it and has the use of it without interest. Instead of requiring the banker to pay any indebtedness he may owe the Government in gold, he can pay such indebtedness, except duties on imports, in the same currency the Government gives him the use of without interest. And, finally, in order that the banker may never be called upon to redeem his notes, the Government becomes his indorser, and requires e very other national bank to receive them at par. Even the mere fiction of redemption, provided for by law, goes only to the extent of requiring the redemption to be made in United States notes. The sole compensation for these extraordinary privileges is the trifling tax paid by the banks to the Government on their circulation. The business men of the country pay an average of 1 per cent. a month to the banks for the use of this currency, in addition to being compelled to submit to the monopoly created and fostered by the system. The principal channel through which money thus protected and centralized reaches the farmers of the West is through the agents of eastern capitalists. These agents charge 5 or 6 per cent. commission for negotiating the loan, which is paid by the borrower, in addition to interest at 10 per cent. per annum, paid semi-annually; and the debt is secured by a deed of trust on lands worth threefold the amount of the loan.

Thus the bondholder borrows money from the Government secured by bonds 10 per cent. in excess of the amount of the loan, upon which he pays 1 per cent tax; and the farmer of the West pays from 12 to 15 per cent. for the same money, secured by land equal in value to three times the amount of the loan. If this system does not create a privileged class; if it does not enrich the few and impoverish the many; and if it will not operate to so centralize capital that the people and public liberty will both be prostrated, I humbly concede that the laws of cause and effect are totally beyond the grasp of my mind.

The question may be asked why should the farmers on the rich and productive prairies of the West be compelled to borrow money from eastern capitalists? Can they not, in the valley of the Mississippi, with a soil of capacity to feed the world, make money to meet all their wants? I answer they cannot; and the reason of the failure may be found in the fact that too many other interests are protected at their expense. The manufacturers of iron and steel, salt and lumber, woolen goods and cotton goods, shoes and boots, and almost every instrument used in farming or supplies consumed by the farmer and his family, are protected by our tariff laws, adding greatly to their cost. Almost every article entering into the construction and equipment of railroads is in like manner protected, and the cost of transportation thereby greatly increased. The centralization of money under the national banking law places the circulating medium beyond the reach of productive industry, except in competition with gamblers in stocks, who deal in "mere fictions of value," and who, acting in harmony with the central money power, are enabled to dominate the legitimate business of the whole country.

At the beginning of the recent panic, according to the report of the Comptroller of the Currency, stock-gamblers held in their hands over $60,000,000 of the money of the country banks, drawn there under the operation of the national banking system, and loaned to them by the associated banks. The moneyed monopoly, acting upon the transportation and manufacturing monopolies, draws the whole to a common center, and fixes the seat of their power in the East. Hence the substance of the people of the West is all drawn to the same center, in payment of costs of transportation, bounties to manufacturers, and interest to the money-lenders.

But, sir, it is said that the national banks furnish the best currency we have ever had; that the bill-holder is protected against panics; that the notes circulate in all parts of the country without discount; and that hence the system ought to be perpetuated. I admit that the bill-holder is protected, not by the character of the banks or the security of their administration, but by the guarantee of the Government. I deny, however, that this system of banking is any sort of protection against the evil effects of panics. Under a sound and healthy financial condition, prices of products are regulated by well-known laws. If the circulating medium is liable to constant fluctuations in value, thereby affecting the prices of commodities, in opposition to the natural laws regulating the same, there can be no stability in business transactions. Every man engaged in agricultural, commercial, or manufacturing pursuits carries on his business and incurs liabilities at the risk of bankruptcy; not because of any want of judgment, or through improvidence on his part, but on account of the fluctuations in the value of the circulation. Our bank-notes are totally wanting in the element of stability in value, and hence are an active cause in producing money panics.

In order to keep posted as to the value of this currency the business man watches market reports, as well to see the daily quotations showing the value of these notes as to see the market price of other property. No species of currency in this country, prior to the late war, was ever subject to such sudden, constant, and violent fluctuations. We never had a circulating medium that furnished less security to those engaged in business pursuits than the notes of the national banks. These fluctuations in the value of our circulation are caused by the gambling operations in Wall street, created by the centralizing tendencies of the national banks. The distinction in value between the circulation and gold is the corner stone upon which speculation is built, and it is the interest and constant study of the stock-gamblers to perpetuate that distinction. When Wall street was broke at the commencement of the panic our circulation increased in value in a few days about 9 per cent. The moment the stock board was opened the depreciation of the greenbacks toward the old standard commenced.

If there had been any doubt before as to the policy of abolishing the national banks, the conduct of the associated banks since the beginning of our present financial misfortunes ought to remove that doubt. It will be remembered that the associated banks in the redemption cities are the pets of the Government. The law seems to have been purposely framed to draw all the money of the country into the vaults of these banks, and through them to the New York City banks. In the annual report of the Comptroller of the Currency, made one year ago, he says:

> The reserves of the nineteen hundred national banks located elsewhere than in the city of New York are held, to a great extent, in that city. For most of the time during the past year an amount equal to more than one-fifth of the capital of all these national banks has been held on deposit by the national banks of the city of New York to the credit of their correspondents. In many cases these credits amount to twice the capital of the bank with which they are deposited; in other cases the amount of deposits is three, four, and even five times the capital.

On the 12th of September last the national banks in New York City were indebted to national banks in the sum of $72,257,769.25, and the stock-gamblers of that city were indebted to the national banks of the city in the sum of $60,000,000. At the same time there was due, from the national banks in the other redemption cities, to national banks the sum of $43,649,018. How much of the latter sum was in the hands of stock-brokers I have not learned.

Thus we see that, at the time of the commencement of the panic, the national banks of the sixteen redemption cities held over $115,000,000 belonging to other national banks, and we may safely assume that nearly all of that immense sum was in the hands of persons using it in illegitimate speculations.

When the panic came, what was the course adopted by these favored banks in the redemption cities? Did they, to the extent of their ability, respond to the rightful demands of the other banks? The money which had been placed in the custody of the central banks as a sacred trust under the law, to be held for the protection of the depositors of the country banks, was witheld in violation of the national banking law. The country banks, having deposited their money with the redemption city banks in accordance with the provisions of law, when they drew for their money, in order to meet the demands of their creditors, and for purposes of legitimate business, to move the surplus products of the country, had their drafts dishonored.

The associated banks, under the pretense of relieving the stringency and to aid in moving produce from the interior to the markets, inaugurated a system in violation of law, and unparalleled in the history of finance, which ought not to be tolerated by the people. They put collaterals in the hands of a committee, the character of which collaterals is unknown, and on these collaterals forced into public circulation a large amount of what are known as bank certificates of deposits, and another class known as certified checks, thus poisoning our circulation and tending by its operation to lock up and withdraw from legitimate fields the currency guaranteed by the Government. The pretext was to move the crops and pay depositors. The real use to which these illegal issues were devoted was to float the stocks upon which the banks had made the call loans into public confidence.

An investigation of the supplies of produce in the cities for consumption since the commencement of the panic exhibits the fact that the supplies, as compared with past years, were insignificant. The whole of the assets of many of the banks being used to bull gambling stocks, the mills and grain buyers of the cities had no money to buy with, and in the early period of the fall and winter market the foreign buyers had no competition in the purchase of meat and breadstuffs. The result was that grain shipped abroad for foreign consumption was sold at low rates, and until the imperative demand for bread by the people of the cities threatened public disorder these banks withheld home competition for our products, sent thus abroad for less than their value, whereby the producer was robbed of a large share of legitimate profits.

This practice of certifying uncovered checks is not limited to the clearing-house association. I have seen the statement made, purporting to be on the authority of a report made to the clearing-house association, to the effect that "so extensively has this practice been pursued by several institutions that the amount of such checks which

have passed daily through the clearing-house has reached in some instances to twice and three times, and in one or two instances to four and five times, the amount of their capital stock; and this through long periods of time." The certification of uncovered checks by a national bank is in direct violation of the act of March 3, 1869; and in cases of violation of that act it is made the duty of the Comptroller of the Currency to appoint a receiver and put the bank in liquidation. Who can tell the amount of these illegal issues of the national banks and the clearing-house associations? Have they been redeemed, or are they still outstanding? Did not the banks in all the redemption cities engage in this illegal practice? Without official information can this House tell whether these banks are solvent or insolvent? The Comptroller of the Currency is clothed not only with the power, but the duty is imposed on him, to examine the financial condition of the banks and to make known the result of the examination; and if they have violated the laws it is his duty to put them in liquidation.

It is claimed by the defenders of this system that through its influence the country is being restored to a healthy financial condition. The incorrectness of this assumption is shown by the fact that a large number of the banks have no confidence in each other and are daily refusing to buy or cash drafts made by or against them; exhibiting the fact that those who have immediate control of the system have lost faith in its solvency, and through that want of confidence have destroyed the whole credit system, which, as has been shown, is nine times more disastrous to trade than locking up the circulation. The whole system is a ruin, and like other ruins the fields it occupies are worthless until the obstructions are removed.

What is the remedy proposed by the Committee on Banking and Currency? We are invited to extend and perpetuate the system and enable all holders of interest-bearing bonds to borrow money from the Government without interest; to enlarge and intensify the monopoly in money, which will further increase its price and place the value of labor more completely at the mercy of the money power.

Will this House attempt to erect a permanent financial structure, the corner-stone of which consists of banks that have confessed their insolvency by refusing to pay their depositors, and while their illegal and depreciated checks obstruct the free circulation of money, and thereby entail bankruptcy upon business men and poverty and distress upon labor? This question must be answered to an intelligent and now inquiring constituency, by their Representatives in Congress. Sir, the first step in the direction of a sound financial condition is to repeal the acts under which the national banks were organized. Let the bank circulation be retired and legal-tender Treasury-notes be substituted in their stead, to be used in the redemption or purchase of interest-bearing bonds.

By this course the bank monopoly will be overthrown, and the threatened central moneyed despotism will be averted. The banking interest will no longer be pensioners on the people in the annual sum of $21,000,000 in gold. The people will select their own bankers, instead of trusting those selected by the Federal Government.

It is said that the faith of the Government is pledged that no more than $400,000,000 legal-tenders shall be issued.

Our predecessors had the right to pass a law binding us to the payment of a debt, but they had no power to restrict us in the exercise of any constitutional mode in raising means to pay it. If in order to strengthen the credit of the notes issued by the Government at any given time in the past, Congress had made a pledge that no additional notes should ever be issued by the Government, would that pledge have been binding upon us? Are we not clothed with the same power and discretion to determine what legislation is necessary to meet the exigencies of this day, as were our predecessors to provide for their own time?

These questions admit of but one answer, unless we are ready to surrender all the functions of legislation. Whatever pledge was made by previous legislation upon this subject has already been violated in the interest of the national bank. In substance and in effect, though not in form, the national-bank notes are the notes of the Government, and partly by virtue of positive law, and partly through commercial custom, these notes perform all the offices of money.

The only value of the pledge to any one consists in the supposed appreciation of the legal-tenders toward the gold standard by the limitation of the amount to be issued. This pledge could have been intended for the benefit of no one except the holders of the legal-tenders, who constitute the great body of the people.

Sir, inflation of the currency through the medium of the national-bank notes affects the value of the greenbacks in the precise ratio that they would be affected by the issue of an equal amount of greenbacks. Congress had no scruples in violating the pledge, when the demand was made in the interest of the national banks. Now, when the demand is made in the interest of the people, and no one can claim an adverse interest except the banks, the pledge is set up in their behalf; and it is claimed that they have vested rights involved in the question, just as the railroad monopolies in the States claim that they have vested rights to inflict wrong and extortion upon the people by means of exorbitant freight and passenger charges.

Another beneficial effect to follow the abolition of the national-banking system, will be the release of the legal-tender reserves held by the national banks. On the 12th of September last, the amount so held, was, in round numbers $92,000,000, and I suppose we may assume that amount to be a fair average. Over $50,000,000 of this sum was held in the redemption cities. If the national-banking law was abolished, these reserves would be returned to the country banks, the currency of the country would be diffused, and the stringency now complained of would be entirely removed. The call for more currency would be answered without any considerable increase in the amount of issue, and the supposed danger incident to expansion would be measurably avoided.

The main cause of our financial trouble being disposed of, the question arises what is to be done with the greenbacks? Shall they be permitted to float on without redemption, for an indefinite period, and finally be repudiated? Such is not my idea of political morality. On the other hand, our legislation ought to be so shaped as gradually to bring the legal-tenders up to par with gold. I would not do this by contraction unless at some time in the future the amount in circulation should be found to be in excess of the requirements of business. If we had the power to make greenbacks a legal tender for all purposes, they would approach very nearly the value of gold. If they could be used in payment of customs there would be an increased demand for greenbacks, and but little demand for gold, except by the Government, and the legal-tenders would be greatly appreciated.

Here again, unfortunately, we are met with pledges. The pledge has been given that the customs shall be collected in gold, and applied to the payment of the interest on the public debt. And certain forms of the public debt are specifically made payable in coin. These pledges go beyond the mode of raising money to pay with, and prescribe the kind of money that shall be collected and applied in payment.

The legislation of the country has in other respects discriminated against the greenbacks and in favor of the interest-bearing bonds. The result has been to appreciate the value of the bonded debt so as to make it approach near to par with gold, while the legal-tenders have been, and are, kept greatly below that standard.

The act of March 18, 1869, entitled "An act to strengthen the public credit," was more effective in weakening the credit of the legal-tenders than all other causes combined. The principal of the five-twenty bonds was, according to law and equity, payable in legal-tender notes after five years from the date of their issue, at the option of the Government, but were not absolutely due for twenty years from the date of issue. These bonds had been purchased with legal-tenders, and were a part of the same temporary expedient to meet the exigencies of war. In order that the Government might pay this debt in the same currency used in its creation, the time limited within which the Government had the option to pay it did not extend beyond the period of the probable circulation, as money, of the legal-tender notes. The exercise of the power to redeem the bonds in legal-tenders, at the expiration of the optional period of redemption, would have enabled the Government to maintain an equilibrium in the value of the bonds and greenbacks, and as a necessary result would have added to the value of the circulating medium.

The increased demand for greenbacks for the use of the Government would have added greatly to their value, while a much larger proportion of the taxes might have been paid in currency. The surplus gold in the Treasury could have been used in the redemption or purchase of the legal-tenders, and they in turn could have been reissued and used in the redemption of the five-twenty bonds. This process would have strengthened the public credit most effectually, by restoring soundness to the very foundation upon which rest the credit of Government and the security of the people.

The legal-tenders were declared by act of Congress to be unworthy to be used in the redemption of the five-twenty bonds. The further declaration was made that none of the interest-bearing bonds should be paid before maturity, unless at such time United States notes should be convertible in coin at the option of the holder, or unless bonds of the United States bearing a lower rate of interest could be sold at par in coin. The Government, almost immediately after its passage, commenced the purchase of five-twenty bonds at a large premium, paying therefor in greenbacks. The whole amount thus purchased, beginning in May, 1869, and ending in September, 1873, is $323,253,800. The average premium paid is a little over 12¼ per cent. The whole amount of the premium paid in the purchase of these bonds is, in round numbers, $40,000,000. So that this act to strengthen the public credit has cost the country forty millions in taxes, and cursed it with a depreciated currency; and the gold in the Treasury, which ought to have been used to strengthen the Government paper which was in the hands of the mass of the people, has been used to bull or bear the gambler's stocks in Wall street and to buoy up the value of interest-bearing bonds.

This policy should be reversed at once, and all the legitimate powers of the Government should be used to increase the value of the circulating medium. The plan heretofore has been to increase the price of the interest-bearing bonds, and then to tax the people in order to purchase them at the enhanced price.

To show that the effect of this bill to strengthen the public credit has been simply to widen the margin between the value of legal-tenders and interest-bearing bonds, I refer to the fact that the average cost of bonds purchased in May, 1869, in gold, was a fraction over 82, while in October, 1869, the average cost was a fraction over 99; and the average cost of the purchases since the last date has been very nearly at the last-named sum. While the average premium in legal-tenders on the purchases in May, 1869, was a little under 16,

and on the purchase in September 24, 1873, the premium was a little less than 11.

Thus we see that under this policy the value of the bonds on the gold standard has increased about seventeen cents on the dollar, while the premium on the legal-tender standard has decreased but five cents on the dollar.

Instead of entitling this law "An act to strengthen the credit of the Government," it should have been entitled "An act to strengthen the power of the money monopoly over the people, to increase the burdens of taxation, and to perpetuate high rates of interest, to the ruin of every industrial pursuit."

Sir, as a result of such a policy as I have been attempting to portray, every industrial interest in the country now lies prostrate. The people have been the witnesses of this class legislation, and under an unnatural stimulus given to some classes of business by the protective policy, aided by a depreciated currency, and the inherent, undeveloped capacity of a new country, they were falsely told and made to believe that they were in the midst of unexampled prosperity. The delusion has passed away. The prosperity was all fictitious. The attempt to create wealth by speculation, and without labor, has failed, as it always will fail. The country must be restored to its normal condition. The whole protective policy must be abandoned, and the people be left to choose the pursuits in which they will engage.

The attempt has been made to create the impression that the abolition of the national banks will disturb financial relations and destroy trade. The legal-tenders will flow into immediate circulation as the bank notes are absorbed. The money locked up by the banks will be paid out *pro rata* to their creditors, and the reserves will go into circulation among the people. The abolition of the national banks abolishes stock-gambling and forces the hundred million, now used by them to the detriment of every material interest, into legitimate fields. A sound financial system will immediately take the place of insolvent banks, whose struggles for perpetuation are now obstructing all the avenues of trade.

On motion of Mr. SPEER, the House (at three o'clock and thirty-five minutes p. m.) adjourned.

IN SENATE.

MONDAY, *February* 16, 1874.

Prayer by the Rev. E. D. OWEN, of Washington.

On motion of Mr. MORTON, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

CREDENTIALS.

Mr. JOHNSTON presented the credentials of Hon. Robert E. Withers, chosen by the Legislature of Virginia a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CONOVER presented the petition of James Curtis, of Florida, praying compensation as master and pilot of the schooner James Buchanan; which was referred to the Committee on Commerce.

Mr. ANTHONY presented the memorial of Cyrus Harris, president of the Roger Williams National Bank, of Providence, Rhode Island, and many other presidents and cashiers of national banks of that city, respectfully remonstrating against the bill to take from that State a portion of the national currency; which was ordered to lie on the table.

He also presented the memorial of the Providence Medical Association, of Providence, Rhode Island, approving of the objects of the memorial of the American Medical Association, relative to the Medical Corps of the United States Army, and of the act proposed therein now before Congress; which was referred to the Committee on Military Affairs.

Mr. KELLY. I present some petitions of citizens of Oregon, concerning charges against Hon. J. H. MITCHELL and asking the Senate to investigate the same.

Mr. President, I have been requested by a number of citizens of Oregon to present these petitions, in which they prefer certain charges against my colleague, and ask the Senate to inquire into their truth. In this connection I desire to state that having been well acquainted with Senator MITCHELL for twelve years prior to his election as a member of this body, I knew nothing during all that time derogatory to his character or reputation. With regard to the charges preferred, I wish it to be understood that I do not now express any opinion upon them either one way or another. That is a matter I leave wholly with the committee, as it is a proper subject for their investigation.

And now, having discharged this unpleasant duty, I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HAMILTON, of Texas, presented the petition of Vidal Hernandez, a citizen of Texas, praying compensation for the transportation of certain cotton; which was referred to the Committee on Claims.

Mr. BOGY presented a memorial of merchants of Saint Louis, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

He also presented a memorial of the chief and councilmen of the Shawnee Indians, late of Kansas, in relation to the lands in the Black Bob reservation in Kansas, and asking the repeal of the fourteenth section of the act of July 15, 1870, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871; which was referred to the Committee on the Judiciary, and ordered to be printed.

He also presented a concurrent resolution of the Legislature of the State of Missouri, in favor of the repeal of the law prohibiting planters from selling leaf-tobacco without license; which was referred to the Committee on Finance.

He also presented a memorial of the Kansas Pacific Railroad Company, in relation to charges against the Union Pacific Railroad Company; which was referred to the Committee on Railroads.

He also presented a concurrent resolution of the Legislature of the State of Missouri, in relation to the Kansas Pacific and Union Pacific Railroad Companies; which was referred to the Committee on Railroads, and ordered to be printed.

Mr. FENTON. I present the petition of John Fisk, of Suspension Bridge, New York, who represents that he is the original inventor of the iron-clad ram for harbor defense, as set forth in the memorandum and affidavits which I submit with this petition. He asks that the same rights and benefits be granted to him as to the person who claimed to be the inventor of the Monitor, believing his invention to be superior to that in its operations.

I ought to say that I know Colonel Fisk to be a highly respectable and worthy citizen, residing at Suspension Bridge, New York, to whose statements respect is due. I became acquainted with him during the period of the war, as the gallant leader of the Sixth New York Cavalry. I move that this petition, with the papers, be referred to the Committee on Military Affairs. I suppose that is the proper direction for them to take.

The motion was agreed to.

Mr. FENTON presented the petition of the members and congregation of the Society of Friends of Brooklyn, New York, signed by Henry Dickinson and other officers, and the petition of the Congregational church, of Sayville, Suffolk County, New York, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were ordered to lie on the table.

Mr. BOUTWELL presented the petition of the Second Congregational church, of Medfield, Massachusetts, signed by the pastor, Rev. J. M. R. Eaton, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BUCKINGHAM presented the memorial of Howard Meeks and other citizens of Fairlee, Kent County, Maryland, asking Congress to enact a law making legal-tender notes and United States bonds bearing interest at the rate of 3.65 per cent. interchangeable; which was referred to the Committee on Finance.

Mr. WRIGHT. I present a petition of citizens of Clay County, Iowa, setting forth that at the present time of financial trouble, while business is embarrassed or suspended, and labor unemployed, it will be oppressive to restore the duty on tea and coffee, or to revive or increase internal taxation. They also set forth that, in accordance with the second section of the act of June 6, 1872, a reduction was made of 10 per cent. of duties upon manufactured cottons, woolens, irons, steel, paper, leather, glass, metals, and other staple commodities, and that under this law one-tenth of the duties upon imports of these wares has been handed back to the foreigners who send them to our markets, instead of going into the Treasury of the United States. They represent that they believe the legislation above set forth is wrong in principle, and they ask its repeal. I move that this petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. WRIGHT also presented the following resolution of the General Assembly of the State of Iowa, which was ordered to be printed, and referred to the Committee on Privileges and Elections:

Joint resolution relative to an amendment to the Constitution of the United States in regard to the compensation of members of Congress.

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives be requested, to vote to submit to the several State Legislatures, for their ratification, an amendment to the Constitution of the United States, providing that no Congress shall increase the compensation of its members.

Resolved, That the secretary of state be instructed to furnish a certified copy of these resolutions to each of our Senators and Representatives in Congress.

JNO. H. GEAR,
Speaker of the House of Representatives.

JOSEPH DYSART,
President of the Senate.

I, Josiah T. Young, secretary of state of the State of Iowa, hereby certify that the above is a true copy of a joint resolution which passed both houses of the fifteenth General Assembly, and was approved February 9, 1874.

Witness my hand and the great seal of the State, this 11th of February, 1874.

JOSIAH T. YOUNG,
Secretary of State.

I hereby certify that this joint resolution originated in the senate.

I. A. T. HULL,
Secretary.

Mr. WRIGHT also presented the following resolution, passed by the General Assembly of the State of Iowa; which was referred to the

Committee on Civil Service and Retrenchment, and was ordered to be printed:

Resolved by the senate, (the house concurring,) That the action of Congress in partially repealing what is known as the "salary-grab" law meets our hearty approval; and, further, that we feel honored by the stand taken in this matter by Senators and Representatives of Iowa in Congress, and most earnestly request that they continue in the good work until all of said salary-grab law, so far as can be legally done, shall be repealed.

Approved February 3, 1874.

Mr. WRIGHT also presented the following concurrent resolution of the General Assembly of the State of Iowa; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed:

Concurrent resolution relative to postage on newspapers in the counties where published.

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to favor by their influence and votes the immediate repeal of the law enacted by the Forty-second Congress by which the postage is required to be paid in advance on newspapers sent to subscribers in the county in which said papers are published.

Resolved, That the secretary of state be instructed to furnish as soon as practicable to each of our Senators and Representatives in Congress a copy of this concurrent resolution.

JNO. H. GEAR,
Speaker of the House of Representatives.
JOSEPH DYSART,
President of the Senate.

Approved February 9, 1874.

C. C. CARPENTER.

I hereby certify that this concurrent resolution originated in the senate.

I. A. T. HULL,
Secretary.

Mr. FRELINGHUYSEN. I present the petition of John James Flournoy, a citizen of Georgia, setting forth that a number of colored citizens of the South have applied to the American Colonization Society for transportation to Liberia, and that the society is unable to send them, and also setting forth the advantages to accrue to this country by promoting the trade in the productions of that region, and suggesting that a Government vessel be detailed to convey to Liberia those who have applied and bring back the commercial productions of that country. I move the reference of this petition to the Committee on Commerce.

The motion was agreed to.

Mr. WEST presented a certified copy of an act of the Legislature of Louisiana, ceding jurisdiction and conveying title to all lands required for the proposed Fort Saint Philip Ship-canal to the Government of the United States; which was referred to the Select Committee on Transportation-Routes to the Sea-Board.

Mr. HARVEY presented a resolution of the Legislature of Kansas, in favor of the passage of a substitute for a bill providing for the sale of the Kansas Indian reservation; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. ALLISON presented the following memorial and joint resolution of the Legislature of Iowa; which was referred to the Committee on Commerce, and ordered to be printed:

Memorial and joint resolution in reference to improving Fox and Wisconsin Rivers.

To the Senate and House of Representatives of the United States:

The memorial of the General Assembly of the State of Iowa represents, that the annual report of D C. Houston, of the United States engineers, on the Fox and Wisconsin River improvement, shows that the project of rendering navigable the channels of the Fox and Wisconsin Rivers is entirely feasible, at a moderate expense; and whereas the General Government has already entered upon said work; and as said improvement is of great national importance: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our members of Congress be requested to urge the appropriation of a sufficient sum of money to carry this great enterprise to a successful completion: *Provided,* That the regulation and control of the entire route from the Mississippi River to the lakes may be retained in the General Government, and shall not pass under the control of any private corporation or company, to the end that the transportation of the products of the country may be subjected only to such tolls as may be necessary to maintain said improvement in perfect condition and repair for public use.

Resolved, That the secretary of state is directed to forward a copy of this preamble and joint resolution to the President of the United States Senate and to the Speaker of the House of Representatives, with a request that they may be laid before each House of Congress, and that a copy be sent to each Senator and Member of Congress from this State.

JOHN H. GEAR,
Speaker of the House.
JOSEPH DYSART,
President of the Senate.

Approved February 2, 1874.

C. C. CARPENTER.

This is to certify that this joint resolution originated in the house of representatives.

JAMES M. WEART,
Chief Clerk.

Mr. ALLISON presented the following resolution of the Legislature of Iowa; which was referred to the Committee on Patents, and ordered to be printed:

Preamble and concurrent resolution relative to the reissue of the patents on sewing-machines.

Whereas it is understood that the owners of the patents on the leading sewing-machines in the United States are using every exertion to have the present Congress extend their patents; and whereas we believe that such an extension would not be in accordance with the welfare and wishes of the people: Therefore,

Be it resolved by the house, (the senate concurring,) First, that our Senators in Congress be instructed, and our Representatives requested, to use their influence to prevent the reissue of the patents on sewing-machines; secondly, that the secretary of state be instructed to furnish each of our Senators and Congressmen a copy of this preamble and concurrent resolution.

JOHN H. GEAR,
Speaker of the House.
JOSEPH DYSART,
President of the Senate.

Approved February 2, 1874.

C. C. CARPENTER.

This is to certify that this resolution originated in the house of representatives.

JAMES M. WEART,
Chief Clerk.

Mr. HAMLIN presented the petition of Andrew Jackson Keeler, of Castine, Maine, praying to be allowed a pension on account of his injuries received on board of one of the revenue-cutters of the United States; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented a petition of citizens of Vermont, soldiers of the war of 1812, who served less than sixty days, praying an amendment of the act of February 14, 1871, so as to include all soldiers and widows who have received land-warrants under the acts of 1853 and 1855 in its benefits; which was referred to the Committee on Pensions.

Mr. SCOTT presented the petition of Penn's Grove Monthly Meeting of the Society of Friends of Chester County, Pennsylvania, signed by J. Comly Brosius and Margaret W. Brosius, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BOREMAN presented the petition of Christiana Bailey, widow of David Bailey, late of Company B, Thirteenth West Virginia Volunteer Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MERRIMON presented sundry petitions of citizens of North Carolina, praying the establishment of certain post-roads in that State; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SARGENT. I present the petition of the board of supervisors of Alameda County, California, reciting that in 1873 the Secretary of War was directed to cause a survey to be made of San Antonio estuary, in the harbor of Oakland, and to report a plan of improvement. That survey has been made, and they ask, in consideration of the important national advantages which the improvement of this harbor will bring about, that an appropriation be made by the Government of the United States for the purpose of carrying out this plan. I will state that the harbor of Oakland is opposite San Francisco, in the Bay of San Francisco, and very important results will follow from granting the request of the petition. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. HAGER presented a resolution of the Legislature of California, in favor of the establishment of the boundary line between the county of Del Norte, in that State, and Curry County, Oregon, and the marking of the same with a suitable and proper monument; which was referred to the Committee on Public Lands.

He also presented a concurrent resolution of the Legislature of California, relative to the survey of public lands in California, setting forth that a large amount of public land in California is unsurveyed, and that a large number of persons have settled thereon and are desirous of obtaining title; which was referred to the Committee on Public Lands.

Mr. HAGER. I present also a concurrent resolution of the Legislature of California, in regard to the Santillan land grant, a large grant in the city of San Francisco, which has been passed on heretofore by the board constituted to pass upon land claims in California, and decided there to be a fraud. I understand that the matter is pending in the other House at the present time, and this is a resolution of the Legislature of the State of California on that subject, requesting the Senators here and the Representatives in the other House to oppose that bill. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING presented the petition of citizens of Oneida County, New York, praying for the unconditional repeal of the bankrupt law; which was ordered to lie on the table.

He also presented a memorial of citizens of New York, members of the Society of Friends, signed by direction and on behalf of the representative committee of the Yearly Meeting of New York, held Second month, 10th, 1874, in favor of the appointment of a commission to inquire into the results of the liquor traffic in connection with crime, pauperism, &c.; which was ordered to lie on the table.

He also presented the petition of the Welsh Calvinistic Presbytery, representing twenty-two churches in the counties of Lewis, Oneida, Otsego, Herkimer, and Madison, State of New York, unanimously approved and signed by the officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SUMNER presented the petition of the Congregational church of Townsend, Massachusetts, signed by the pastor, Rev. Henry C. Fay, and other officers and members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented the petition of the pastor and official members of the Hibernia Methodist Episcopal church, of Morris County New Jersey, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CAMERON presented the petition of the Presbyterian church of Kennet Square, Chester County, Pennsylvania, signed by Rev. James Fraser and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. FERRY, of Michigan, presented the petition of the president, James B. Angell, and faculty of the University of Michigan, praying Congress to appropriate the unappropriated portion of the Chinese indemnity fund for the education of the Chinese in the Pacific States; which was referred to the Committee on Education and Labor.

Mr. JOHNSTON presented the memorial and accompanying papers of M. Courtwright, general agent and manager of the Albemarle and Chesapeake Canal Company, setting forth a just and legal claim against the Navy Department of the United States for tolls due the company for the transit of naval vessels and supplies for the use of the navy-yards through that canal from January, 1864, to July, 1866, amounting to $4,158; which was referred to the Committee on Naval Affairs.

Mr. GORDON presented the petition of R. J. Wiles, praying for reclamation of money illegally collected from him by United States officers; which was referred to the Committee on Claims.

He also presented the petition of Elizabeth A. Leebrick, praying compensation for services rendered by her during the late war; which was referred to the Committee on Military Affairs.

Mr. LOGAN. I present three petitions of members of the Legislature of Illinois, signed by nearly every one, both republican and democrat, a portion of which I will read:

We, the people, representing the vast agricultural, manufacturing, and commercial interests of the West and South, believe the volume of currency not sufficient for the business of the country; and we also believe contraction is in the interest of eastern capital, to the detriment of western and southern industry, and means paralyzed business, extortionate interest, and low wages. We therefore earnestly request you to use your best endeavors to provide such increase of the currency as public necessities require.

This is in the nature of a petition signed by the members of the Legislature of Illinois, of all parties. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented the petition of Edward Healey, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of J. Lloyd Rothwell and others, of Clay City, Illinois, in reference to bounty lands; which was referred to the Committee on Public Lands.

He also presented the petition of many citizens of Chicago, praying for an increase of currency; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (S. No. 63) for the relief of Perez Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm name and style of Cowan & Dickinson, of Knoxville, East Tennessee, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. BOREMAN, from the Committee on Claims, to whom was referred the bill (S. No. 48) for the relief of loyal citizens of Loudoun County, Virginia, therein named, reported it without amendment.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 423) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights, reported it with an amendment.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 485) to grant an American register to the Canadian schooner George Warren; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 486) to revive and continue certain grants of land heretofore made to the Territory and State of Minnesota to aid in the construction of the several lines of the Saint Paul and Pacific Railroad Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 487) to amend the judiciary act of 1789; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 488) authorizing the First National Bank of Indianola, Iowa, to change its location and name; which was read twice by its title, and referred to the Committee on Finance.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 489) authorizing the President of the United States to purchase a site for a coaling station, navy depot, and other governmental uses at Fort Point, Port Royal, Beaufort County, South Carolina, and making an appropriation for said purchase; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 490) for the sale of the Black Bob Indian lands in the State of Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 491) to confirm certain private land claims in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 492) authorizing the city and county of San Francisco to use the Presidio reservation as a park and highway; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 493) to establish certain post-routes in the State of Arkansas; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. FERRY, of Connecticut, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 494) amendatory of "An act to revise, consolidate, and amend the statutes relating to patents and copyrights;" which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 495) for the relief of Ann L. Bland; which was read twice by its title, and referred to the Committee on Claims.

PRINTING OF A DOCUMENT.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate one thousand additional copies of Executive Document No. 64.

HAYDEN'S CRETACEOUS FLORA OF THE WEST.

Mr. LOGAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed and bound twenty-five hundred copies, in quarto, uniform with the series, of Professor Hayden's final report on the Cretaceous Flora of the West; one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States geological survey of the Territories.

DANIEL M'CLURE.

Mr. KELLY. I wish the consent of the Senate to take up the bill (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It refers the claims of Daniel McClure, assistant paymaster-general, for credits on differences in his accounts as paymaster, under his official bond dated March 2, 1859, to the Court of Claims, with jurisdiction to hear and determine the claims; and if the court shall be satisfied from the evidence that any of the moneys charged to him were not in fact received by him, or that other just and equitable grounds exist for credits claimed by him, it shall make a decree setting forth the amount to which McClure shall be entitled to receive credit, upon which the proper accounting officers of the Treasury shall allow him the amount so decreed as a credit in the settlement of his said accounts. The testimony of McClure is to be received in his own behalf by the court. Until the determination of the cause, the final adjustment of his accounts is to be suspended. An appeal is to be allowed to either party, as in other cases.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

D. B. ALLEN & CO.

Mr. HAMLIN. I move to take up the bill for the relief of D. B. Allen & Co.

The motion was agreed to; and the bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails, was read the second time, and considered as in Committee of the Whole.

It appropriates $21,543 for the payment of D. B. Allen and Co. for carrying the United States mails between New York and San Francisco, in 1864 and 1865, during the suspension of the overland mail service on the overland route, in full payment for the service.

Mr. HAMLIN. I wish to say that that bill has several times passed this body, but failed to reach action in the House. There is a very brief report, if any Senator wishes to hear it read, which explains the case.

Mr. BOREMAN. I should like to hear some explanation of the bill.

Mr. HAMLIN. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. HAM-

LIN, from the Committee on Post-Offices and Post-Roads, on the 5th instant:

The Committee on Post-Offices and Post-Roads, to whom was referred the memorial of D. B. Allen & Co., representing the Atlantic Steamship and the Pacific Mail Steamship Companies, for compensation for carrying the United States mails during the suspension of the overland mail service, in 1864 and 1865, beg leave to report:

The suspension of the overland mail service, by reason of Indian hostilities on the plains, took place in 1864; that the amount paid for said service annually was $840,000, while $160,000 annually was paid to said steamship companies for carrying printed matter and such letters as might be marked to be specially sent that way.

When the suspension occurred, leaving the entire Pacific slope without mails, the Postmaster-General applied to said steamship companies to carry the entire mails during the interruption of the overland route. The companies cheerfuly complied, and for a period of about four months all mails of the United States for the Pacific were safely and expeditiously transported by them. For this service compensation is claimed.

The matter has been submitted to the Postmaster-General, who reports that there is justly due D. B. Allen & Co. the sum of $21,543, in strict conformity to the spirit of the law.

Your committee believe that said parties are justly entitled to a much larger sum; but that sum having been stated by the Postmaster-General as due, and as the parties mentioned prefer to take that sum rather than to provoke controversy and incur delay, and will accept it in full discharge of the claim, the committee report a bill for said sum. This claim would have been paid at the time the services were rendered if the Department had been in possession of funds with which to pay the same. A bill passed the Senate during the last Congress for the same purpose.

Mr. BOREMAN. I make no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'DONALD.

Mr. CRAGIN. I move that the Senate proceed to the consideration of the bill (S. No. 238) permitting James McDonald, a warrant officer of the Navy, to accept a silver medal from the government of Italy.

Mr. PRATT. I submit that the Senate had better proceed to the consideration of the Calendar in order, so that these cases may all be considered in their regular order—I mean the unobjected cases. That has been the practice heretofore, and I see no reason why we should depart from it.

The PRESIDENT *pro tempore*. If the Senator from Indiana objects the Chair will submit the question to the Senate. The Senator from New Hampshire moves to proceed to the consideration of Senate bill No. 238.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

It proposes to authorize James McDonald, a warrant officer of the Navy of the United States, to accept a silver medal awarded him by the royal minister of the marine in behalf of the government of Italy, for assistance rendered on the 25th day of June, 1873, in the port of Callao, to the Italian merchant-vessel Delaide, on board of which a fire had broken out.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON FORT RANDALL RESERVATION.

The PRESIDENT *pro tempore*. The Secretary will report the bills on the Calendar at the point where the call was last terminated.

The CHIEF CLERK. The first bill on the Calendar at the point where it is now resumed, is the bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate; and the amendment, made as in Committee of the Whole, was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT STEILACOOM MILITARY RESERVATION.

The next bill on the Calendar was the bill (S. No. 254) to donate the military reservation at Fort Steilacoom to the Territory of Washington for the use of the insane asylum; which was considered as in Committee of the Whole.

It proposes to donate section 33 of township numbered 20 north, of range numbered 2 east, of Willamette meridian, embracing a portion of Fort Steilacoom military reservation and the military barracks thereon, in the county of Pierce, Territory of Washington, to that Territory, for the use and purpose of an asylum for the insane of the Territory, and for no other purpose; but this act is not to be construed or have the effect to impair any rights of any person in or to any portion of the lands acquired under any of the land laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. W. ELLIOTT.

The next bill on the Calendar was the bill (S. No. 310) for the relief of W. W. Elliott; which was read a second time and considered as in Committee of the Whole.

It directs the Secretary of the Treasury to pay to W. W. Elliott, of Mulberry Grove, Illinois, from the funds of the Medical and Hospital Department, a sum equal to $100 per month, from April 20, 1862, to May 29, 1863, the period of his services as an acting assistant surgeon, deducting all pay and allowances received by him as an enlisted man during the same period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH MONTANARI.

The next bill on the Calendar was the bill (S. No. 311) for the reliefof Joseph Montanari, and for other purposes; which was read a second time and considered as in Committee of the Whole.

The bill directs the Secretary of State to audit and allow the claim of Joseph Montanari for services as vice-consul of the United States at Port Mahon, together with loss by exchange; and directs the Secretary of the Treasury to pay to Joseph Montanari the amount so audited and allowed. The second section provides that section 21 of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, shall not be construed so as to prevent compensation being allowed and paid out of appropriations for the consular and diplomatic service of the United States to vice-consuls-general, vice-consuls, or vice commercial agents, who are not or may not be citizens of the United States.

The PRESIDENT *pro tempore*. If no amendment be offered the bill will be reported to the Senate.

Mr. CONKLING. I see the Senator who reported this bill [Mr. BUCKINGHAM] rising to speak to it, and I withhold a question for that reason. I should like to hear an explanation.

Mr. BUCKINGHAM. In 1856 Congress enacted a law having reference to the appointment of consuls and vice-consuls. It provides that the vice-consuls shall perform the duties of consuls only in case the consuls are absent or unable to perform those duties. It also provides that there shall be no salary and no pay to a vice-consul, except that which would come from the pay of the consul. It also provides that no money shall be paid to these officers unless they are citizens of the United States. Mr. Montanari is not a citizen of the United States. He performed the duties of consul at Port Mahon, in the absence of the consul; and according to the former construction of the accounting officers he was entitled to his pay. They construed the law as applicable only to consuls, and not to vice-consuls. But recently they have put a new construction on the law, and say they can make no difference; and when the draft was made for payment for the services of Mr. Montanari, it was protested, and he is without the money due him for services which he has rendered, services which would have been rendered by the consul if he had been there. This bill provides for his payment.

The second section of the bill authorizes the officers of the Government to pay vice-consuls if they are not citizens of the United States, and it arises from the fact that it is difficult and often impossible for the Government to appoint vice-consuls who are citizens of the United States in some localities, because there is so little service for them to perform that they will not remain a year or two, or three, in a place, holding the appointment of vice-consul, when they can receive only incidental pay for one, or two, or three weeks' service. It is absolutely necessary in such cases for the Government, if they would have this duty performed, to appoint men who are not citizens; and this bill provides that in such cases payment may be made to them the same as though they were citizens of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CENTENNIAL EXHIBITION.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

Mr. CAMERON. I desire to postpone the pending business and ask the Senate to allow me to call up, on Wednesday morning, the bill from the other House in regard to the centennial exhibition.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to assign Wednesday, after the expiration of the morning hour, for the consideration of the House bill in relation to the centennial exhibition. Is there objection?

Mr. SHERMAN. Until the banking bill is disposed of I shall object; but after that I shall have no objection.

The PRESIDENT *pro tempore*. The Senator from Ohio objects.

Mr. CAMERON. Very well.

POTTAWATOMIE INDIANS.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

The next bill on the Calendar was the bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them.

Mr. DAVIS. I see that the Senator who reported this bill [Mr. INGALLS] is out of his seat. It appropriates a large amount of money, and I should like to look into it.

The PRESIDENT *pro tempore*. The bill will be passed over.

COLUMBIA RAILWAY COMPANY.

The next bill on the Calendar was the bill (S. No. 211) to amend the charter of the Columbia Railway Company of the District of Columbia.

Mr. CAMERON. I should like to understand that better than I do now. I object for the present.

The PRESIDENT *pro tempore*. The bill will be passed over.

ELIZABETH F. THOMPSON.

The next bill on the Calendar was the bill (S. No. 316) granting a pension to Elizabeth F. Thompson; which was read the second time, and considered as in Committee of the Whole.

It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth F. Thompson, mother of Moses Goodwin, late a private in Company I, Ninth Regiment of Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY C. SMITH.

The next bill on the Calendar was the bill (S. No. 317) for the relief of Henry C. Smith, of Indianapolis, Indiana; which was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the Secretary of War to place the name of Henry C. Smith on the rolls as first lieutenant in Company H, Thirty-sixth Regiment Indiana Infantry Volunteers, as of the date of June 18, 1865; and to direct the proper accounting and pay officers to pay to Smith the pay and emoluments of a first lieutenant from that date until the date of his discharge, deducting any sum or sums he may have received during that service.

Mr. CLAYTON. I move to amend the bill in line 5 by striking out "Thirty-sixth" and inserting "Thirtieth," which was the number of the regiment. There is an error in printing.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDERSON J. SMITH.

The next bill on the Calendar was the bill (S. No. 341) for the relief of Anderson J. Smith; which was read a second time, and considered as in Committee of the Whole.

It is a direction to the Paymaster-General of the Army to pay to Anderson J. Smith, late of Company A, One hundred and thirtieth Regiment Illinois Volunteer Infantry, the pay and allowances of a first lieutenant of infantry from May 6, 1864, to the date of his muster out of service, on the 17th day of June, 1865, deducting whatever pay he received for that term as sergeant.

Mr. CONKLING. I ask the Senator who reported this bill to tell us why it is to be.

Mr. KELLY. I ask for the reading of the report accompanying the bill, which will explain the case.

The Chief Clerk read the following report, submitted by Mr. KELLY, from the Committee on Military Affairs, on the 20th of January:

The Committee on Military Affairs, to whom was referred the petition of Anderson J. Smith, having had the same under consideration, report as follows:

Anderson J. Smith, late a sergeant in Company C, Seventy-seventh Regiment of Illinois Volunteers, was captured by the rebel forces at the battle of Mansfield, up Red River, on the 8th day of April, 1864, and was detained as a prisoner from that time until the 17th day of May, 1865, at Camp Ford, in Texas. During this period he appears to have rendered much needful service as a physician and surgeon to United States prisoners at that place.

On the 22d day of July, 1864, he was commissioned by Governor Yates a first lieutenant of Company A, One hundred and thirtieth Regiment Illinois Volunteers, with rank from May 6, 1864; but owing to the fact that he was detained a prisoner of war, never received his commission as such. On the 17th day of June, 1865, he was discharged from the service of the United States at Springfield, Illinois.

Inasmuch as he was unable to perform the duties of first lieutenant by reason of confinement as a prisoner of war, the committee consider that he is entitled to payment as such, and report a bill accordingly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIQUOR TRAFFIC COMMISSION.

The next bill on the Calendar was the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic, which was reported by the Committee on Finance on the 21st of January last, with an amendment.

The amendment was read, being to strike out all of the bill after the enacting clause, and insert the following:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be the holder of any office of profit or trust in the General or a State government. The said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed one year. It shall be their duty to investigate the alcoholic liquor traffic in its economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States.

SEC. 2. That the said commissioners shall serve without salary; shall be authorized to employ a secretary at a reasonable compensation, not to exceed $2,000 per year, which, with the necessary expenses incidental to said investigation, of both the secretary and commissioners, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and the amount necessary is hereby appropriated. It shall be the further duty of said commissioners to report the result of their investigation, and the expenses attending the same, to the President, to be by him transmitted to Congress.

Mr. FERRY, of Connecticut. Let that bill go over. I object to its consideration.

The PRESIDENT *pro tempore*. The Senator from Connecticut objects.

Mr. WRIGHT. I do not wish this bill to go over so as to lose its place on the Calendar, and inasmuch as we have not time, probably, to consider it this morning, to prevent its losing its place I move that the Senate proceed to the consideration of the bill, unless it can be understood that it will be the first bill on the Calendar to be considered to-morrow.

The PRESIDENT *pro tempore*. The understanding of the Chair is that it does not lose its place on the Calendar, and to-morrow the Senate will proceed with the Calendar at the point where they terminate the call to-day. This bill will still be on the Calendar and still in its place.

Mr. WRIGHT. And be the first bill taken up when the Calendar is called again?

The PRESIDENT *pro tempore*. No, it will not, if it is passed over to-day. The Senator from Iowa moves that the Senate now proceed to the consideration of the bill which has just been read.

The motion was not agreed to.

Mr. WRIGHT. I now move that the bill be laid aside and be the first bill on the Calendar to-morrow morning.

Mr. SHERMAN. I hope that will be done, and in the mean time Senators can look at the bill.

The PRESIDENT *pro tempore*. The Senator from Iowa can move to make it the special order, which will put it at the head of the Calendar.

Mr. WRIGHT. Then I make that motion, that it be made the special order for to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill just read be placed at the head of the Calendar.

The motion was agreed to; there being, on a division—ayes 27, noes 13.

The PRESIDENT *pro tempore*. The understanding of the Chair is, under this vote of the Senate, that the consideration of this bill will be resumed whenever the Calendar is resumed.

TITLES OF NAVAL ENGINEERS.

The next bill on the Calendar was the bill (S. No. 269) to change the titles of certain naval officers.

The Chief Clerk read the bill. It proposes to change the title of first assistant engineer to passed assistant engineer, and that the title of second assistant engineer shall be changed to assistant engineer.

Mr. CONKLING. I see that the chairman of the Committee on Naval Affairs is not present, and we ought to have some explanation of that bill, I think. If he is not in the Chamber, it had better lie over.

The PRESIDENT *pro tempore*. Objection being made the bill will lie over.

Mr. ANTHONY. It is a mere change of the title of these officers, and it has the approbation of the Department.

Mr. DAVIS. I should like to ask the Senator whether it increases their pay by changing them from one grade to another?

Mr. ANTHONY. O, no; it makes the title correspond with that of similar officers.

Mr. CONKLING. It is merely nominal in effect?

Mr. ANTHONY. That is all.

Mr. LOGAN. Does it make an assistant engineer out of an engineer?

Mr. ANTHONY. No; let it be read again.

The CHIEF CLERK. The Committee on Naval Affairs report the bill with an amendment, to strike out the words "and that all acts and parts of acts inconsistent therewith be, and are hereby, repealed," and to insert as section 2 the following:

SEC. 2. That from and after the 13th day of June, 1874, the course of instruction at the Naval Academy for cadet engineers shall be four years, instead of two as now provided by law; and this provision shall first apply to the class of cadet engineers entering the Academy in the year 1874, and to all subsequent classes; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.

Mr. ANTHONY. The second section is an important one, and perhaps the chairman of the committee had better be here when it is considered. The first section, to which I referred, is merely nominal, to make the title of engineers correspond in their different grades to the title of similar officers.

Mr. CONKLING. I believe the morning hour has expired.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business, which is the bill in relation to national-bank circulation.

MATTHEW WOODRUFF.

Mr. BOGY. I ask the Senate to take up Senate bill No. 365, for the relief of Matthew Woodruff. It will not take a moment; it is a very meritorious claim.

The PRESIDENT *pro tempore*. The Senator from Missouri asks the unanimous consent of the Senate to proceed to consider the bill indicated by him. Is there objection? The Chair hears none.

Mr. SHERMAN. Let it be taken up, subject to a call for the regular order.

The PRESIDENT *pro tempore*. It will be taken up, subject to a call for the regular order.

The bill (S. No. 365) for the relief of Matthew Woodruff, late first sergeant of Company G, Twenty-first Missouri Volunteers, was read a second time, and considered as in Committee of the Whole.

It directs the Secretary of War to correct the record so as to honorably muster out and discharge Matthew Woodruff, late first sergeant of Company G, Twenty-first Regiment Missouri Volunteers; and that said Woodruff be allowed such back pay, bounty, and allowances as he would have been entitled to receive but for the record of his alleged desertion, deducting therefrom pay for absence of twenty-six days.

Mr. WEST. I beg leave to inquire how that bill got before the Senate? The morning business was closed.

The PRESIDENT *pro tempore*. By the Senator from Missouri asking unanimous consent to proceed with it, and no objection being made when the Chair called for objection.

Mr. CONKLING. I should like to hear the report read.

Mr. BOGY. I will explain the bill in a minute. This man was a soldier in the war, from my State. He served with great fidelity and great courage for some four years, or, perhaps, upward. While in the city of Mobile after the war had terminated for some time, he received a letter from home that his aged father was very sick and likely to die, and he asked permission to return. It was not given to him. He therefore left of his own accord, went home, buried his father, and returned to Mobile, and got there a day or two after his regiment had been mustered out of service. He has all the evidence of his officers of great courage and great fidelity, and was, indeed, one of the bravest and most faithful of our soldiers. There can be no doubt of the facts.

Mr. CONKLING. If the Senator has no objection, I should like to hear the report.

The PRESIDENT *pro tempore*. There is no written report with the papers.

Mr. CONKLING. The Senator from Alabama [Mr. SPENCER] is confident that there is.

Mr. SPENCER. I made a written report in the case. The facts are substantially as stated by the Senator from Missouri.

Mr. SHERMAN. I think we had better resume the consideration of the regular order.

The PRESIDENT *pro tempore*. The Senator from Ohio calls for the regular order.

Mr. SHERMAN. I would not object if there was a written report, so that it could be placed on the record to show exactly the ground on which the bill is based.

Mr. BOGY. I understand there is a written report. If so, let it be read.

The PRESIDENT *pro tempore*. The Clerk finds no report with the papers.

Mr. SHERMAN. The Senator from Missouri can see to it that the bill comes up at the next call of the Calendar.

The PRESIDENT *pro tempore*. The Senator calls for the regular order, which is Senate bill No. 432.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 1940) giving the consent of Congress to the acceptance by James McDonald, a warrant officer in the United States Navy, of a present from the King of Italy;

A bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy;

A bill (H. R. No. 1892) authorizing the Passaic County National Bank, of Paterson, to change its name;

A bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins;

A bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased;

A bill (H. R. No. 1582) for the relief of C. C. Spaids;

A bill (H. R. No. 1583) for the relief of Charles J. McKinney, of Tennessee; and

A bill (H. R. No. 1585) for the relief of the heirs of Seth Lamb.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," the pending question being on the amendment of Mr. WRIGHT to the third section, which was to strike out "$25,000,000" and insert "$50,000,000," so as to make the proviso read:

Provided, That the whole amount of circulation issued to such banking associations, and withdrawn and redeemed from banking associations, under the provisions of this act, shall not exceed $50,000,000.

Mr. PRATT. Mr. President——

Mr. CAMERON. I believe I had the floor when the Senate adjourned on Friday last, and I desire to offer an amendment to the bill before any further discussion takes place.

The PRESIDENT *pro tempore*. The amendment of the Senator at the present time would not be in order, but he can have it read for information, and give notice that he will offer it.

Mr. CAMERON. Very well.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania gives notice of his intention to offer an amendment, and desires it to be read for information.

The Chief Clerk read the proposed amendment, to strike out all of the bill after the enacting clause, and insert in lieu thereof the following:

That so much of the twenty-second section of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of the several acts supplementary thereto and amendatory thereof, and such of the provisions of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, and so much of such parts of any other act or acts of Congress as limit or as may be construed to limit or restrict the entire amount of notes for circulation to be issued under said act of June 3, 1864, and the several supplements thereto, be, and the same are hereby, repealed; and that hereafter all associations organized, or that may be organized, for carrying on the business of banking under the provisions of said act shall be free to establish and organize national banks with circulation at any place within the several States and Territories of the United States upon the terms and conditions, and subject to all the limitations and restrictions, now provided by law, except the limitation upon the entire amount of circulation, which is hereby repealed.

Mr. CAMERON. Mr. President, in offering the substitute for the bill of the Committee on Finance, I am impelled by the highest considerations of public duty. The one point on which my mind is thoroughly convinced is, that there are not enough banking facilities now in this country to transact the stupendous business our enterprising people must and will transact. The irrepressible energy of the American people renders it certain that an immense amount of trade will be carried on. If money is to be had at fair prices it will be done with money. If not, then credit will be employed. This being assumed, and I think the assumption a safe one, it becomes our duty to decide whether the business of the country shall be safely conducted on adequate capital, properly secured, or wildly and dangerously done on overstrained credit. I do not consult antiquated theorists of a hundred years ago to determine whether we have, or have not, enough money for the business necessities of the country. The wisest of them no more comprehended the financial wants of to-day than they foresaw the present greatness of our nation. Being a practical man, I look upon things as I find them, and will insist on a system of finance which has proven beneficial to our people, even if this throws me in opposition to the conjectures of antiquity.

I have not yet heard any business man affirm that we have enough currency; but millions of men who represent the paralyzed industries of the country earnestly believe that we require more than we have now. The many who demand an increase of the circulating medium have long since come to denounce the banking interest, which it seems to be assumed here is opposed to that increase as a monopoly. I regret this, but I am not astonished at it. I remember the national banks gratefully for the good they have done, and I deem it a wise thing, if it be possible, to relieve them from this unjust aspersion. My purpose is to satisfy the demand for more money, and, at the same time, to do so without a shock to capital invested in good faith.

I entertain the opinion that there is too much profit in banking in the large cities and commercial centers for the good of the people at large; and my remedy for this evil is to more equally distribute the advantages of the national banking system throughout the country, and to provide borrowers with a supply of currency essential to their projects at a rate which leaves them some return for their enterprise and industry. This is secured, I think, by providing for such an increase of our present admirable bank-note currency as the interests of labor, of commerce, manufacturing, and of development generally, require, leaving the exact amount of the increase and the new banks to be established to be determined by the relentless law of supply and demand. By such a plan as increased banking facilities, under the safeguards of the national banking law, new banks will come into existence where the growth and development of the country, increased population, and the industrial interests of particular sections demand them. This is not inflation; it is merely supply. So, too, where the urgent necessity for money disappears and banking proves less profitable, the banks will retain their unemployed currency, or lend it at cheaper rates, until a revival of activity in trade again employs it at a profit. And this is not, properly speaking, contraction; it is simply the circulating medium adjusting itself to the wants of the country according to the experience and the business interests of the country. The tillers of the soil, the delvers in the mines, the transporters, merchants, manufacturers, and the traders of the country know better than Congress what they want; and this bill simply proposes to let them arrange it for themselves, in strict conformity with their necessities, and in localities of their own choice.

Let me try now to illustrate what these necessities are. About the 1st of September the crops of the West and South are ready for movement to the sea-board. To move them requires about $200,000,000; and this very large amount is required in money or other means of exchange beyond the wants of the summer. By the law as it now stands the amount of money is fixed. It can be no greater when the crops are harvested than when they are growing. It is well known that we have an abundance of money one part of the year and a famine the balance. Everybody knows this; and the men of Wall street arrange their "campaigns" on the sure recurrence of this financial fact, which repeats itself with inexorable certainty every autumn. This fixed and arbitrary currency is the terror of honest men and the jubilee of the speculators every year. The industrious and enterprising must have relief. The present limited number of banks cannot lend more than they are authorized and empowered to issue; and the greater number of them are too remote from the grain-growing regions

to be useful to the farmers. Their depositors drain them at such times as these for the purposes of speculation and of realizing high rates for their money thus withdrawn. Distress and ruin follow as a matter of course, and are of annual recurrence. Now, my project aims at supplying the very elasticity which seems to be the only thing wanting to prevent this distress and ruin, and to make our system of currency perfect for our internal uses; and it also supplies that healthy competition which makes money available at fair rates of interest by multiplying the number of the national banks and increasing their power to extend relief in times of danger.

I think I may safely trust the Senate with the task of finding objections to this scheme, and shall therefore apply myself to noticing the advantages which I believe it to possess.

The first, and perhaps the greatest, advantage promised is the emancipation of the business of the people from the rigid compression of our restrictive financial system, so admirable in everything but its inflexibility. Enterprising capitalists are permitted to organize banks under the authority and the sanction of national charters, thus attracting capitalt to the aid of the business necessities of the country. It authorizes the necessary increase of the currency in exact ratio as it is required, and it spreads over the whole country the benefits of banking facilities. Thus you at once make the currency elastic, and bring the facilities needed by the producers to their doors, which they are now forced to procure at a great distance; and you localize the national banks, with their advantages, by distributing them over all the land.

On the advantages of this proposed multiplication and diffusion of national banks I need not dwell, I trust. But some pointed benefits result from it, and are worthy of your attention.

In the cities or commercial and financial centers money is less needed than in the agricultural or producing regions. In the former all transactions of importance are conducted by the use of bank-checks. In the rural districts, on the contrary, the laborer, mechanic, and producer must have currency, and the employer can only satisfy them by the payment of bank-notes, checks being useless to meet the small wants of every-day life. To keep these currency notes where they are needed, and to restrain them from flowing to where they are mainly used in speculation, or locked up by parties engaged in raising or depressing the price of produce, should be the aim of all who desire to cure existing evils. To secure this most desirable end the existence of collecting and distributing agents is essentially necessary, and the banks I seek to authorize will be the very agency demanded by the exigencies of industry, and will be located precisely where their important duties are to be performed.

Another benefit secured by the substitute I offer is, that the currency which forms the principal medium of business is made safer by the increase in the number of country banks. The reports of the Comptroller of the Currency will show that the safeguards provided by law for the public are more generally and faithfully observed by the rural than by the city banks. That provision of the national banking law which requires a reserveto be kept in the vaults for the security of note-holders and depositors was more conscientiously obeyed everywhere in the country than in the cities, and in the fourteen great cities, denominated by the Department "cities of redemption," than in New York. The gross amount of reserve required of the country banks under the law to protect their liabilities was, on the 12th of September, 1873, about a week before the panic came, $80,000,665. They actually held on that day $110,110,455, an excess of more than $30,000,000 over the legal requirements. The banks in the fourteen great cities (excluding New York) were required to have in their vaults $67,291,175, and they actually held $68,095,598, being three-tenths of 1 per cent. more than required; while the banks of New York City, which were required by law to have $50,263,741, had only $46,864,341, or nearly $5,000,000 less security than the law demanded.

Thus you will see that the least measure of security exists at the great center of speculation; complete compliance with the law in the other marts of trade, as a whole; but an ample and generous excess in the rural banks. Hence it was that the business public saw at once that the country banks would have had no difficulty in continuing the transaction of their legitimate business, and affording all proper accommodations, and meeting all their liabilities; while the city banks immediately upon the puncture of the speculative bubble, having their means to a great extent beyond their reach, and therefore not available, were obliged to succumb to the storm they had, in many instances, helped to raise. There were but few national banks in the country that could not and did not meet the demands of their depositors; and the few that found it necessary to ask a few days' indulgence from their customers were such as had an undue proportion of their assets intrusted to the keeping of the banks in the financial centers, and so placed beyond their reach until the city banks could extricate themselves from their embarrassments.

Another excellence in the system I seek to extend has been abundantly shown during the last financial troubles. In former times the first thing the holder of a bank-note thought of doing when financial disaster overtook the country was to get rid of his note, to exchange it for anything, in the fear that it would prove to be worthless on his hands. The consequence was that the value of everything sympathized with the distrust of the holder of the bank-note. Now, however, we have seen that the one thing which everybody considers the most secure and reliable property, excepting only United States bonds, is the national-bank note. And it cannot be a dangerous scheme to supply the country generously with a currency far superior to any we have ever enjoyed in the past, and superior even to the timidity and alarm of a financial revulsion. In this connection, and before taking leave of this part of the subject, I desire to record my opinion that our present currency is more convenient than a metallic currency and equally safe for all the uses of our internal needs; is better adapted for making exchanges; is easier and cheaper to transport; and is very much safer for custody than any metallic currency whatever.

I now come to consider a proposition which I fear will present itself to the minds of Senators as a paradox. I hold that increasing the national banks will enable the United States to resume specie payments sooner than by any other process. Every national bank organized, and all hereafter to be organized, must by law keep up a reserve for the security of the public and its immediate customers. This reserve must be mainly in United States notes, now considered, and justly considered, the chief obstruction to the resumption of specie payments. It is certain, therefore, that by the increase of banks these notes will be absorbed in the bank reserves, and become a fixture in the vaults of the banks, disappearing altogether from circulation except for the transactions of the business of the Government, which recognizes no other currency in its dealings with its citizens.

The figures I lately read to describe the comparative condition of the banks when the panic came will show you that this absorption is already greater than many believe, and is greater, I fear, than many financiers estimate. This will go on until the new banks take up a large proportion of the United States notes which the old banks have not already absorbed; and these greenbacks will eventually be held by the banks, in strict conformity with law, as the collateral security for their circulation and deposits. The moment the Treasury escapes the danger of a run upon it for the redemption of the greenbacks in specie the Government can announce its resumption. The question therefore comes up, "Will the absorption of the Treasury notes by the banks, as indicated, protect the Treasury from a demand for their redemption in coin?" I unhesitatingly answer that it will afford a complete protection against such a demand, in my judgment. When the banks find themselves the possessors of the greenback circulation, they hold the precise thing in which their own notes are redeemable by law. The fact that the Treasury has resumed, and is paying specie, will be of no consequence to them; for the same qualities which make paper superior to gold in the hands of others has greater force with institutions forced to incur the risk of keeping large amounts of valuable property in their custody. To this it may be objected that this plan assumes the irredeemable character of the Treasury notes and treats their redemption as immaterial. A little reflection will remove so hasty a conclusion. When the time comes for resumption, the power of the Government will be absolute over the whole subject of the redemption or the cancellation of these notes. Then the promises to pay can be changed for gold gradually, surely, arbitrarily. While the banks may be satisfied with the Treasury notes, the Government may desire to redeem them at its pleasure, and the banks cannot help themselves. The time will come, and more speedily than many imagine, when the Government will desire to pay and cancel her notes, and then require the banks to redeem their circulation in coin. And such a requirement will not injure the national banks; for such is the excellence of our present paper currency that no man thinks of looking at a bill to see what bank issues it. The consequence of this unquestioning confidence is that the notes of our banks are scattered all over the land, and are equally good everywhere in the land. So difficult is it to obtain enough notes on any particular bank to distress it by a demand for specie, that any danger from that source is not to be seriously considered. In fact, we are not left to theorize over this point. When a bank fails now, it can only repossess itself of the bonds owned by it and held by the Treasurer as security for its circulation by a return to the proper officer of its own notes; and procuring these scattered notes is so difficult, that broken-bank bills are advertised for, without success, at a premium as high in some cases as 5 per cent. above par. Thus the protection afforded by our law is ample in every respect, and I urge the safety, the policy, the necessity, of increasing the facilities secured by this admirable system.

In so ardently commending an increase of banking privileges it seems to be proper for me to notice a vulgar prejudice, fostered by demagogues, to the effect that national banks are specially favored by law in exemption from taxation while engaged in a profitable business, and that they also enjoy immunity from taxation while drawing interest on bonds owned by them and deposited with the United States Treasurer as the basis of their business. In the first place, these bonds were issued for money actually loaned to the Government, and they would bear interest whether owned by a bank or any one else. And, secondly, the banks do actually pay back in taxes very nearly all the interest their bonds draw. I have the authority of official data for affirming that the aggregate of taxes paid by the national banks is 4½ per cent. on their capital. They hold $380,440,700 in bonds to secure circulation and nearly $16,000,000 to secure the United States deposits made with them. But the first item is the one I have to deal with. This $380,440,700 is made up of $172,651,450 at 6 per cent, and $207,189,250 at 5 per cent. The annual interest paid to them amounts to $20,718,549.50, and the taxes paid by them is very

nearly $18,000,000 a year. Since the organization of the national banks in 1864, to January 1, 1874, they have paid to the Federal and State governments a sum largely exceeding $100,000,000. In other words, these reviled banks, charged with evading taxation, have paid this immense sum in taxes for the support of Government. It will be observed that the bonds bearing 6 per cent., now owned by the banks, are reduced to $172,651,400. All the residue are 5 per cents; and in the organization of future banks the 5 per cents. are the only bonds available for that purpose, the 6 per cents being now all absorbed. As the taxes are 4½ per cent., it can be readily seen that the profits of the banks for interest on their bonds is not likely to reach any startling figure. So much for that contemptible piece of perversion; and let it pass.

The hurry with which I have been forced to prepare my views for presentation has prevented that extended and elaborate reflection demanded alike by the importance of the subject in hand and those to whom my opinions are submitted. But I cannot forego one more point to which I invite careful attention.

Opening the way for more banking facilities will retire the greenbacks, and their place must be filled by national-bank notes. This means eventually, and in legitimate supply for the constantly increasing business of the country, a circulation of, say, $850,000,000 against about $750,000,000 now in use.

The bonds requisite for security, and as the basis of such a volume of currency, will aggregate $1,000,000,000, mainly at 5 per cent., 4½ per cent. of which will be paid back in taxes by the banks. Here, then, you have more than one-half the bonded debt of the country really carried by the banks as a tribute for the privileges conferred on them, and so virtually removed from the burdens of the people. And this, too, coming to relieve a population which is constantly increasing its numbers and wealth, and consequently its ability to meet the burdens of a great national debt. While the country is growing up to the debt, the debt is provided for by a system of finance worth more than the billion dollars on which it is based, and yet taking the charge of the annual interest accruing on this great sum. And when the last billion of our indebtedness comes to be paid, it will be found to be employed for a purpose which provides for its annual charge effectually, while securing, at the same time, a currency of inestimable value to the country, of primary importance to its steady growth, reposing in the confidence of all, and enabling our country to pursue its legitimate internal affairs with a complete independence of all influences capable of retarding or obstructing the healthy development of any section, and securing the good of all the people.

Mr. PRATT. Mr. President, amid the many clashing theories we have in respect to the financial problem, no man may fear to submit a plan of his own. It was said on Friday by my friend from Pennsylvania, in the course of his remarks, that no three men are to be found who agree with three other men on this question. Therefore it is that while counting myself the least capable member of this body to give advice on so delicate and complicated a question, I venture to express a few views, not so much with the expectation of influencing others as to show the reasons that govern the votes I shall give upon the present and future questions as they shall arise.

So far as I am capable of generalizing the opinions of Senators from what has occurred here in debate, I think this body may be grouped into three classes: first, those who, if not wholly satisfied with our existing currency, are satisfied to drift along without change; next, those who would improve it by taking measures to make it convertible at an early day into gold and silver; and, lastly, those who, seeing no hope of early resumption, and feeling the necessity of more money, would increase the present volume, either by national-bank notes, or greenbacks, or both. All these theories have found their advocates on this floor.

I think I may say of those holding these several opinions that they are all agreed upon one thing—that the best condition of currency would be, if attainable, a mixed circulation of paper money, and gold and silver, the paper being convertible at any time, at the will of the holder, into the precious metals.

I think we are all agreed upon another proposition—that our present paper currency is, in all respects but one, the very best that the country ever had. It lacks, indeed, but a single element of being perfect, and that is found in the fact that it is not convertible at par into gold and silver. Steadily has it approached the gold standard, now receding for a brief while, and then again advancing, once reaching it within 7 per cent., but now standing at 11 per cent. discount. Most heartily do I sympathize with those who would make the paper dollar the peer of the gold dollar. Gladly would we all hail the day when that instability in prices should cease which must always exist while the paper currency varies from the gold standard and rises and falls like quicksilver in the barometer, and from causes so subtle and recondite that no man may predict its quotation on the morrow.

But while we must all agree that the perfect equality between paper and gold would leave us nothing to desire in our financial condition, we cannot shut our eyes to what must befall the country should an attempt be made now to bring around specie payments. Consider, sir, the vast paper fabric we have reared, amounting to $750,000,000. Let the fiat go forth that the United States will begin the redemption of its notes a year hence, or two years, and what would be the effect? This money is distributed among forty-one millions of people, and its purchasing power would increase steadily as the day of redemption approached. The holders could make money by letting it lie idle in their hands. It would, consequently, grow dearer and harder to acquire. Those in debt would be driven to desperate efforts to acquire it, while it would yet be a legal tender and answer the purposes of gold.

In the mean time what would be the course of the banks? Their outstanding notes redeemable in greenbacks or gold are nearly equal to one-half the paper currency. In view of the necessity of redemption, they would draw in their debts and curtail their discounts and loans. What we saw last fall during the panic, when the question was, not how they should redeem their notes, but how they should pay their depositors, would be repeated. They must shorten sail and prepare for the storm.

What, then, would be the combined effect of these causes upon the industries of the country? It needs no prophet to foretell the universal paralysis that must fall upon every form of productive industry. I might go into details to show the *modus operandi*, but every man can see for himself.

Few people in the western country have the capital accumulated to carry on manufacturing enterprises. They depend upon the banks to loan them money, and to discount the paper of the customers to whom they sell. Money must be had to lay in the raw material, to pay the hands and current expenses, or the factory must stop operations. Others who buy up the cattle and hogs, the wheat and corn, of the farmers, must have large amounts of money. But where is this to be had, if the banks, in a spirit of self-preservation, refuse to put afloat their notes, which they will soon be required to redeem at their counters in gold? Of course prices must fall. Those who would in ordinary times, in cities, villages, and the country, make outlays of money in building factories, houses, and barns, and in improving and extending their farms, must postpone all enterprises of the kind until better times. The blow would thus fall first and heaviest upon the mechanics and laboring men. Here, again, we may draw an instructive lesson from what occurred last fall. There are thousands of men this winter out of employment in the cities and villages all over the land from the scarcity of money. Scarcity is hardly the word, for the money is all in the country; but is held back from that general employment in which it benefited the lender and borrower before the panic.

Thus, sir, imperfectly have I sketched what would result in case Congress attempted at this time an early resumption of specie payments. The consequences would be too disastrous to attempt it. Consider for a moment its effect upon the debtor class. If I owe a debt of $1,000 I could discharge it now with $900 in gold, and my creditor would lose nothing by the operation. How would it be a year hence, if at that time specie payments must begin? It would require $1,000 in gold then, besides the interest accrued. At present prices of crops and property a given amount of wheat, or corn, or pork, or horses, or cattle will pay the debt. But a year hence it may require a fourth or third or one-half more of the same property to pay the debt, if specie payments are precipitated. While the creditor would grow rich in the operation, the debtor would be ruined. Constables' and sheriffs' notices of sales would be found posted up at every cross-roads and every tavern and blacksmith shop over the country. Millions of property must change hands at ruinous sacrifices in adjusting the differences between the creditor and debtor. If money were to be had at all, it would be only at frightfully usurious rates, overwhelming the victim at last. We should have abundant use, sir, then, for the bankrupt law we have been so carefully improving.

How would it affect the mercantile class? First, it would depreciate the value of their stocks; next it would arrest their sales; then they in turn must apply the screw to their customers, in order to pay their own debts and save themselves from bankruptcy. Thus every farmer and mechanic and common laborer who has obtained credit at the stores or groceries for supplies for his family, must pay his bills or be sued, and run the risk of having his little property sold under the hammer. What all these classes of debtors need, and must have to arrest ruin, is money; and where, sir, is the money to be obtained to serve such a legion of borrowers?

Mr. President, if the picture I draw be true, or half true, we could put no law or resolution on the statute-book which would cause such universal distress and ruin to the prosperity of the counrry as a forced resumption of specie payments at this time or any other time near at hand.

I have no hesitation, therefore, as to my duty in voting against every scheme looking to resumption at this time. I regard it as visionary and impracticable. For twelve years past we have had no use for gold in the ordinary exchanges of the country, and as a consequence there is very little of it here, not exceeding $150,000,000 in the whole country. The merchant needs it to pay his duties at the custom-house, the importer to pay the difference between what he imports and what he exports, and the Government needs it to pay the interest upon the public debt. If gold be necessary for any other purpose I do not know what it is, unless to pay the representatives of our Government in foreign countries their salaries, and to defray the expenses of those who every year in great numbers visit the Old World. From all I can learn we send abroad to pay interest and the balance of trade against us more gold than we produce from our mines or than comes to us through immigration. How, then, should we inaugurate resumption except by borrowing the gold? And in what market could

we obtain the amount necessary to begin and maintain specie payments?

What said the junior Senator from Massachusetts [Mr. BOUTWELL] in this debate, the other day, on this head? I have his remarks here before me, and as I regard everything that falls from that gentleman's lips as good authority on this question, I beg leave to read a short extract:

> The Senator from Vermont [Mr. MORRILL] and the Senator from New Jersey [Mr. FRELINGHUYSEN] have each introduced a bill, the substantive parts of which, as far I desire to deal with the bills, are the same. The Government is to borrow gold in the markets of the world with which to redeem the outstanding legal-tender notes. There are two facts within our own observation that bear upon this proposition, one of them known to everybody, and the other known to me as an officer of the Government. When the negotiations were going on in London for the sale of the largest amount of United States bonds that had ever been sold there at one time, it was foreseen by the Bank of England that a quantity of coin would accumulate as the proceeds of these bonds to the credit of the Government of the United States. As a matter of fact there was an accumulation of about $21,000,000. The Bank of England, foreseeing that there would be an accumulation of coin to the credit of the United States which might be taken away bodily in specie, gave notice to the officers of the Treasury Department of the United States that the power of that institution would be arrayed against the whole proceeding unless we gave a pledge that the coin should not be removed, and that we would reinvest it in the bonds of the United States as they were offered in the markets of London. We were compelled to do it. It was in the interest of the Government that we should do it, because we did not want the coin, and we did want the bonds. But it shows the feeling that animates that central financial power of Great Britain, and it shows a policy on the part of that institution, and of every kindred institution on the continent of Europe, sustained by all the banking and commercial classes, by which, if it were necessary and this proposition should become a law, the bonds of the United States would be excluded from the stock markets of every financial city. There are in the nine great banks of Europe only $600,000,000 in specie. That specie is held as a reserve with reference to their local business and with reference to the great transactions that take place between the countries of the continent of Europe and Great Britain. I may say, without disparaging the authors of these propositions, that it is useless for Congress to waste time upon legislation looking in that direction.

Looking in the direction of borrowing gold for the purpose of resuming specie payments. That is the honorable Senator's doctrine.

> There is another fact, known to all. We recovered at Geneva an award against Great Britain of $15,500,000. When this claim was maturing the banking and commercial classes of Great Britain induced the government to interpose, and by diplomatic arrangements through the State Department here, operating upon the Treasury Department, secured the transfer of securities and thus avoided the transfer of coin. In the presence of these facts, is it to be assumed for a moment that we can go into the markets of the world and purchase coin with which we can redeem one, two, three, or four hundred million outstanding legal-tender notes?

Now, sir, with that quotation from the honorable Senator, who a short time since was at the head of the Treasury Department, I leave that branch of the question. I dismiss this plan here, which has found so many advocates, as impracticable, wholly impracticable, in my judgment.

As to the next plan, which is content with the present condition, looking neither to resumption nor inflation, all I have to say may be said in the consideration of the third plan, of which the junior Senator from Michigan [Mr. FERRY] and the Senator from Illinois [Mr. LOGAN] have been the conspicuous advocates.

I am free to say that if at this late day it were practicable I should be glad to see one uniform paper currency; and my preference would be the greenbacks. They have the supreme virtue of being Government money. They bind the faith of the nation as strong as do our much vaunted bonds. They repose for ultimate redemption upon the wealth and express pledge of the nation. They are the promises of the nation, indeed, to pay the holders gold; not to-day, not next year, not for many years, perhaps, but at some time, and whenever the good faith of the nation may be kept without destroying the prosperity of those who hold its notes. The people who hold the greenbacks are the debtors who must ultimately pay them. It is not the people, sir, who are clamoring for payment of these notes at this time. Well do they understand that they must pay them in burdensome taxes, and that they will lose more than they gain in the operation. They read upon the back of every United States note its power in discharging public and private debts. They know there is not a tax imposed, except customs duties, which it will not pay. They know that no creditor may refuse to receive it in discharge of the debts they owe. They know there is no species of property measured by money which it will not buy. They know that in all this broad land, from ocean to ocean, from the Saint Lawrence and the Lakes to the Gulf of Mexico, it has equal value, and everywhere buys what they want and pays what they contract for. They know it cannot fail on their hands, or essentially diminish in value, while this nation endures an honest, thrifty people. Being a debt they owe to themselves, they will take good care that it shall not fail.

So good a currency as this, it were desirable, as I said, should be the exclusive currency and take the place of the national-bank notes. But that I agree is an impracticable scheme at this time. These notes possess most of the functions of the greenbacks. In one important respect they do not; they are not a legal tender in payment of private debts. Hitherto, however, they have been regarded as equal, or nearly so, to their elder brother. The bank which issues them promises to redeem them in gold or greenbacks. This it must do upon presentation or go into liquidation.

Now, sir, that the privilege of banking is a most valuable franchise at this time when the limit of issue has been reached has been abundantly shown in this debate, in the proposition to withdraw from the banks in the States having the greatest circulation twenty-five millions, according to the proposition of the Senator from Ohio, and fifty millions, according to the proposition of the Senator from Iowa, for distribution in those States in the South, West, and Southwest, having less than their proper quota. If sturdy fighting for the bone they have and others crave ever deserved success, I am sure the sympathies of disinterested lookers-on will be with those who are in possession in this battle for privileges. But wherefore should united New England and New York resist this transfer if the employment by them of this twenty-five millions circulation going abroad on gainful errands to distant regions, and coming back loaded like the thrify bee, is not a valuable franchise to be retained?

Much has been said in this debate about the injustice of the present distribution of the national-bank circulation. I do not care to enter into that question. Every Senator seems to agree that it is a good thing, one much to be desired, to have the privilege from the Comptroller of the Currency of establishing these national banks in his own State. All this proves, if it proves anything, that the present system, restricted as it is to an issue of $354,000,000, is a monopoly, or has become one by reaching the limit of issue. Now, if there be any one thing more hateful to the American mind than another, or to anything else, it is a chartered privilege. In this case a privilege of making money by banking is restricted to a certain number of associations, and therefore not enjoyable on equal terms by other associations of citizens. It is, therefore, objected that the men who have preoccupied the ground and absorbed all the bank circulation allowed by law have a monopoly of the business. What this monopoly amounts to may be seen by any one who is curious on the subject by reading the last report of the Comptroller of the Currency, to which I will allude before taking my seat.

Some of these banks, under favorable circumstances, have paid enormous dividends. Take them all in all and there are no more desirable stocks. They are close corporations, and it is hard for an outsider to get in.

Well, sir, without going into nice theories about how much money is needed by forty-one million people, industrious and enterprising like the American people, and rapidly growing in wealth and population, I have come to this conclusion: if our present banking system amounts to a monopoly, and our banks are making too large gains upon their capital, let us break up the monopoly; let us remove the bar which limits the circulation to three hundred and fifty-four millions; nay, let us go further, and allow all citizens of the United States to enter into this business upon the same terms and conditions imposed upon existing banks. Let every association of persons willing to buy our 5 per cent. funded bonds deposit them with the United States Treasurer, and receive 90 per cent. of their par value in bank-notes, and go to banking upon an equal footing with the banks already established, having the same privileges, and subject to the same duties and liabilities. Thus, sir, the supply of paper currency will always equal the demand; thus every section of the country having the capital to organize a bank can have one of these pets in its midst; thus money will be abundant, and therefore cheap, and the whole vast machinery of industry will be put in motion.

Nor will the bill-holder be worse off than now, for he will have the same guarantees as at present. He will have for his security the bonds pledged; the whole assets of the banks, the personal liability of the stockholders, and upon all these the guarantee of the United States against loss.

Sir, this plan does not possess the merit of novelty by any means. But it has the merit of being a plain, straight-forward plan which every one can understand and take in at a glance.

The objections are obvious enough, and I shall not be at the trouble of combating them at this time. But we have got to choose between this and the strait-jacket plan if we disturb the currency at all. Now, I can scarce state an argument or fact in this connection which will not be combated by somebody, and that is the real difficulty we have in touching the financial question. What I do, however, set forth as a fact is, that periodically there is a stringency in the money market, a great stringency, when more money is needed than can be had. This state of things has been observed for many years, and even in seasons of great prosperity. It occurs generally when the enormous crops of the country are being purchased and moved to market. It takes a great many millions of money to buy and move these products, and for the time being the money centers are depleted and the money enters into general circulation, and the banks are in no condition to make loans.

Now, sir, without entering into further elaboration, I have come to the conclusion that I cannot better further the views of the people I have the honor in part to represent here than by supporting that specific measure. They want, or think they want, more money. They want an elastic currency. That, perhaps, is not the best form of expression; but they want one which shall be proportioned, or is capable of being proportioned, to their needs from time to time. They want a uniform currency equally valuable in all parts of the country, and as amply secured as that we now have. They want the banks which shall supply this currency located near their own doors, where they can obtain bank accommodations as they need them. I can think of no plan which secures all these ends so effectually as free banking.

That system has been tried in several of the States, and when well guarded, as in the State of New York, has worked well. Indeed it was

owing to this successful experiment that it was adopted by Congress as a national system in 1863. When New York in 1838 first established the system of free banking, the currency was secured in part by the stocks of the different States and in part by bonds and mortgages deposited by the banks with the State controller. The law was, however, ultimately so changed that the circulation was entirely secured by the bonds of the United States and the State of New York; and this was the condition of free banking in the State at the time the rebellion occurred. I do not remember that under that perfected system the bill-holder ever lost a dollar. If I am wrong in this the Senator from New York at my left will correct me.

Mr. FENTON. There was no loss.

Mr. PRATT. Free banking was authorized by the constitution of Indiana adopted in 1851. The very next year an act passed authorizing and regulating the business of general banking. Numerous banks were organized under this law. The vice in the system consisted in allowing the banking associations to deposit as security for the redemption of their circulating notes the stocks of any of the States which paid interest semi-annually at six per cent. upon their public debt, and in allowing to the banks a circulation equal to the par or market value of the stocks. The law was not well guarded in other respects, and soon afterward there occurred a great depreciation in the value of the stocks deposited, and in the forced sales made great losses occurred to the banks, and in some cases to the bill-holders.

Illinois had a similar law, and similar results happened there. Had the system in these States been carefully guarded, as in New York or under the present national banking law, the bill-holder would never have lost a dollar, and it would have become in time the most popular form of banking in the West. In 1857 came the general suspension of specie payments. But for two years before that the free banks were preyed upon by brokers, who assorted their notes and made a regular business of running on them for specie. But this state of things could never have existed if greenbacks had been in existence, and the banks could then as now have exercised the option of redeeming in them or in gold. This greenback intermediary is the solution of the difficulty. By law the paper dollar is made the unit of value equally with gold. And, sir, so long as people are willing to take the venture of organizing banks under the conditions of the existing law, and are willing to incur the risk of finding greenbacks or gold to redeem their notes as fast as they are presented for payment at their counters or at some redemption point, I am willing they shall have the privilege of banking.

I spoke a little while since of the profits made during the last ten years by the banks. Why, sir, they have not only divided 10 per cent. upon their capital, but accumulated a surplus of about one hundred and twenty millions for future division among the stockholders.

On the 1st of September last there were nineteen hundred and fifty-five national banks, having a capital of $488,000,000, and during the period of six months ending on that day their earnings were $33,120,000, while their dividends for six months, mark you, amounted to nearly twenty-five millions. They have made similar dividends from the beginning—greater heretofore than now. They have done this notwithstanding the taxes they have paid upon their circulation, deposits, and capital. These taxes amounted for the year 1872 to within a fraction of seven millions. From 1864 to 1872, inclusive, the taxes paid by the banks amounted to forty-seven millions.

One word more while I am on this subject. These profits have been mainly realized from the customers of the banks; wholly so I believe, except as to the interest they have collected on their deposited bonds. Now, sir, consider how much money belonging to the banks cannot be used. They must maintain their specie and greenback reserves. The Comptroller informs us in his last report that the banks hold an average reserve of more than one hundred millions of legal-tender notes, equivalent to a loan to the Government to that extent without interest. They also hold of United States bonds, purchased at a premium, over forty-two million in excess of circulation issued, which they are required by law to keep on deposit with the Treasurer of the United States, and on which large amount they receive nothing of profit except the interest, 5 or 6 per cent., which the bonds draw. And yet with all these drawbacks they are able to divide 10 per cent. profits among the stockholders, and have been able to accumulate a surplus of one hundred and twenty millions for future division—nearly 25 per cent. of their capital.

And now, sir, after submitting these statements, drawn from a source no one will venture to question, I may fittingly close by asking, why shall not this monopoly cease? Why should we not leave the business of issuing bank-notes to the operation of the law of supply and demand? Why should we, from fear of undue inflation, deny to others a privilege which seems so right? Who shall venture to affirm that the business will not regulate itself, and the banks retire their circulation and redeem their bonds whenever there is an excess of money? Who, in view of the stimulus which abundant money will give to every enterprise, to the development of the country, and the million hands it will furnish employment to with remunerative wages, will hesitate from fear of possible disaster? Secured as the money will be, may we not trust to the sagacity and judgment of capital that there will be no overbanking when the business will not pay? Under all circumstances will we not be secure against unreasonable inflation in the fact that the greenback issue will remain fixed where it is, and the bank currency must be redeemed in greenbacks or gold? Greenbacks cannot depreciate while they are constantly in demand for this redemption, but must rather appreciate as they become relatively scarce and the demand for them increases as the bank currency is multiplied.

I add a word more to allay the fears of those who apprehend undue expansion when all restrictions are removed. The last fifty-four million, authorized three years ago, has not all been taken up yet. But a more striking fact yet remains to be stated. Our present paper circulation of all kinds exceeds by three and a half times the bank issues of all the States before the war, including those States where free banking prevailed. There was no limit in New York, Indiana, or Illinois to the organization of banks or the paper currency they were authorized to put in circulation upon the condition of the deposit of public stocks. And yet, sir, at the time of the greatest inflation I do not think the paper circulation of all the States combined equaled one-half our present volume of paper currency.

Now, sir, while these are my convictions, I shall vote for every proposition increasing the bank circulation as the next best thing to free banking. I shall most heartily vote for the proposition of the Senator from Pennsylvania, [Mr. CAMERON;] doubting, however, at the same time whether Congress is yet prepared to embrace the views I have presented. No one more ardently desires a return to specie payments than I do. But I cannot shut my eyes to two facts: the impossibility of resumption except by a contraction which would bring disaster upon the country, and that other great fact which it is impossible to ignore, that under an irredeemable paper currency, varying from seven hundred to seven hundred and fifty million, the country has attained a prosperity, not fictitious but real, greater by far than at any period of our history. Argue and refine as gentlemen may, here is a stubborn fact which confounds all their theories.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa, [Mr. WRIGHT,] on which the yeas and nays have been ordered.

Mr. FRELINGHUYSEN. Mr. President, I have no sympathy with the partisan spirit of this debate. This rallying of the West and South and of the North and East, this calling upon the friends of contraction and the friends of expansion to stand by their respective policy, is anything but commendable. I believe we are considering one of the most momentous questions ever presented to the American Congress; and while I assume that all feel on this subject the responsibility that I do, I submit we should treat these questions with calm deliberation and without party feeling; that we should consider the interest not of a section, but of the whole country, and have regard, not to the cry of the hour, but to the permanent good of the life-time of the nation.

We now, in a most unusual manner, have submitted to us a proposition revolutionizing the whole finances of the country. It is an entire surprise; and its effects are as far-reaching as its origin is sudden, and it comes from no committee. On Friday the Senator from Michigan [Mr. FERRY] and his equally earnest and able coadjutor from Illinois [Mr. LOGAN] were urging the Senate to come up to the point of increasing our currency forty-six millions, and now the proposition is made, and Senators have already avowed themselves in its favor, of creating a volume of circulation that has no limit to its amount. No limit did I say? I am wrong; every finite thing has a limit, and the limit placed upon this issue of irredeemable paper money is $1,722,000,000, or, rather, 90 per cent. upon that amount as a basis of currency.

Mr. President, I submit the Committee on Finance should have this whole subject again committed to it. They have now heard the views expressed by Senators from different parts of the country; they have had time for consideration, and we have a right to look to them for a matured plan in reference to this entire subject.

If we take one step at this crisis in our national finances in the wrong direction, our course is downward until we recover at a fearful cost.

I suppose it will hardly be disputed that if we increase the paper money of the country, whether in legal-tenders or in currency, we by so doing increase the difference between paper money and gold; that as we multiply our promises to pay our ability to pay with the gold at our command is lessened; and, therefore, I submit that this proposition to increase the currency is a direct violation of the pledge Congress gave on the 18th of March, 1869, that we would make our United States notes convertible into coin. The language of the pledge is this:

> The United States solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Now, sir, if we propose to increase the volume of our currency without limit, excepting the limit of 90 per cent. on seventeen hundred and twenty-two millions of bonds as a basis, we are not "at the earliest practicable period" taking measures to redeem those notes in coin, but we are making provision for doing the very contrary. The pledge, the honor of a single man, binds him with cords of iron. He swears to his hurt and changes not; and what should be the "solemn pledge," in the language of the resolution, of forty millions of people? It should be as irrefragable as a law of nature. Barbarians, it has been said, give a whiff of tobacco and exchange a string of beads, and that gives their promise not only a binding force, but gives it sanctity; and shall this nation trample under its feet its solemn pledge? If morality, sir, does not constrain us to keep the pledge, policy should

induce us to do so; because for the next quarter of a century we must necessarily be in the market as borrowers of money, and we will be obliged to pay in the increased rates of interest the penalty for thus trifling with our plighted faith.

Take this step, and we render our currency still more fluctuating than it now is; we render it unfit to be the standard for the measurement of values in all our contracts and business transactions, and we thus injure and discourage all our business interests. Take this step, and we are rendering our currency permanently provincial; so that the gold currents of the world, with their healthful expansion, will never visit us. Take this step, and we damage our commerce; we consign this Republic to a second or third place among the nations of the world.

No one should doubt that if we adopt this measure the wildest speculation will follow. It must follow. The speculator, with his $30,000 in bonds, organizes a bank; he gets interest on his deposit; has his securities carefully cared for at the risk of the Government, and he has 90 per cent. in circulation furnished him. He will use this currency, not for the benefit of those who are engaged in healthful business, but to bolster up those engaged with him in wild speculation. And further, sir, experience shows that wherever a nation has entered upon a system of irredeemable paper currency the cry is for more; and when the bonds are exhausted we shall be called upon to make stocks and land a basis for banking. This is already foreshadowed by the speech of the Senator from Indiana in his allusion to the free-banking law of New York.

The proposition for unlimited free banking with irredeemable paper money, I submit, is without any parallel. The law of New York has been alluded to. It is true that free banking existed there based upon *stocks* and upon real estate security; but there was this essential, broad, and all-comprehending difference between that system and this: there, when a bill was presented at the counter, it must be paid in gold or the bank must at once go into the hands of a receiver, and be placed in liquidation.

Mr. CONKLING. My friend will allow me to suggest that there was another very great difference. There never was free banking in the State of New York in any sense implied by the Senator from Indiana. There was banking upon the condition inexorable that notes should always be redeemable in gold, as the Senator from New Jersey has said, and that circulation thus redeemable was always secured, and secured in such a way as to graduate, gauge, and limit its volume. There must be a certain proportion of the stocks of the State of New York, which stocks, besides being at a great premium, were fixed and definite, limited in amount. I say limited, because the quantity was only of a certain measure, and there could never be an increase—so the constitution said—except by a vote of the people of New York, permitting an increase of the State debt. Thus the Senator from New Jersey will see that he has a double warrant for his denial that free banking, as now understood, prevailed in the State of New York.

Mr. FRELINGHUYSEN. Yes, Mr. President, if a proposition were made here to have free banking, which required that the notes should on presentation be paid in gold, with a fixed limit as to the amount of notes that should be issued, I do not know that I should oppose it. But under the proposition submitted the bank must redeem, in what? Why, in irredeemable paper, that bears no interest, and which Congress has given but too clear indication it does not intend to pay. And if the banks do not redeem, even in these inconvertible United States notes, what is the consequence? Then the bill-holder waits—waits until the bills scattered among forty millions of people are gathered together, and after enough of them have been accumulated, the bonds are sold, and the bill-holder gets his dividend, be it more or less. The depositor has no security and gets nothing. The speculating bank-owner receives deposits. This is nothing more nor less than a loan without personal liability. The depositor has the liability of the bank, and nothing more. When that refuses to pay he must submit. And we, by this legislation, are providing means by which depositors may be defrauded by the thousand irresponsible banks thus to be created.

Mr. President, I said there was no parallel for this proposition. I was wrong; there is one parallel. In 1789, during the revolution, France found herself in want of money and issued *assignats*, paper promises based upon the property of the clergy and of emigrants that had been seized for sale. For three years that paper stood at 90 per cent. The issue was increased, and this paper fell to 60 per cent. Then, in 1795, it fell to 18 per cent., and then, as Carlyle says in his French Revolution, there was no trade whatever for the time being; "*assignats*, long sinking, now emitted in such quantities, sink with an alacrity without parallel." If you asked a hackman what was his fare, he answered "Six thousand livres," or about $1,500; and Carlyle further says that everybody was engaged in wild speculation; the very farm-houses of the country were turned into pawnbroker shops until that system brought the land to national bankruptcy.

Mr. FERRY, of Michigan. Does the Senator remember the maximum amount of that issue?

Mr. FRELINGHUYSEN. The first amount issued was 1,200,000,000 francs. The maximum amount I do not remember. It was very large.

Mr. FERRY, of Michigan. I will remind the Senator that the maximum amount was 45,000,000,000 francs, about $9,000,000,000 of our money.

Mr. FRELINGHUYSEN. Whether the amount of irredeemable paper be $9,000,000,000 or $1,722,000,000, is of little consequence, as either the one or the other amount would ruin either nation.

Mr. PRATT. Does my friend from New Jersey remember that about one thousand millions of our bonds are used at this time, and more cannot be very conveniently got to be used for the purposes of banking?

Mr. FRELINGHUYSEN. Mr. President, it must be a poor system which within an hour after it is promulgated needs the apology that all the evil it is calculated to produce will not, because of some fortuitous circumstance, be realized. It may be that some of the securities are at present beyond the reach of speculators, but our bonds can as well be procured in Europe as here for the speculating purposes of this measure.

Sir, we should hesitate long before, by following such a precedent as that I have stated, we work disaster to commerce, injury to business, and bankruptcy to the nation. I believe that the adoption of this measure, as it has been promulgated here this morning, will be an injury to the financial and business interests of the country little less serious than was the rebellion. If you want free banking, with similar restrictions to those imposed in New York, you have it already. In the third, fourth, and fifth sections of the act of July 12, 1870, ample provision is made for free banking with the notes redeemable in coin.

I have one more word to say. As it is true that if we take one step in the wrong direction it will be followed by disaster, so it is true that if we take one step in the right direction, be it ever so short a step or ever so tardy in reaching the point, the finances of the country are safe.

I have no hesitation in stating the measures which in my opinion, should be adopted.

In the first place, the expenditures of the Government should be as small as is consistent with the dignity and welfare of the nation—not smaller than that, for we are neither paupers nor bankrupts, unless we choose to make ourselves so. We can make ourselves both. We have a vast amount of indebtedness to pay, which we can only meet by borrowing. We can so impair our credit, that when we go into the money markets we will be obliged to pay a rate of interest that will be most destructive; but we have not yet been guilty of the folly of destroying our credit. Therefore, let our expenditures be as small as is consistent with our national welfare and dignity.

A second thing we should do is to impose more taxes. The people of this country understand that this is their Government. They know that it is their concern. Their own prosperity and credit are inseparably united with the prosperity and credit of this Government, and our people, whenever the necessity exists, wish to be taxed in proportion to their wealth. They are quite as intelligent as we are, quite as much interested in the welfare of the Government, quite as patriotic; and I am willing to take the consequences of advocating and voting for taxation whenever it is required by the interests of the country. If we should increase our whisky tax from seventy to one hundred cents, it would give us annually an additional sum of eighteen millions of money. The Commissioner of Internal Revenue places it at twenty millions, and assures me that he has the system and the men which will enable him to collect such increased tax. If we should increase the tax on tobacco from twenty cents to thirty-two cents, it would give us annually $12,000,000. These items would give us thirty-six millions. We removed the duty on tea and coffee, but the price of those commodities was not reduced. The amount of that tax was divided, two-thirds going to the benefit of the producer, and one-third to the importer, while the people paid the same price for the articles. I should be very reluctant to impose that tax again upon the people; if it were imposed it would give us annually $18,000,000; and if there should be a necessity for it, I know the people well enough to be assured that they would rather pay the tax than see the credit of their Government impaired. Those three items would give us annually $54,000,000.

Mr. President, those are two measures we should adopt—reasonable retrenchment and necessary taxation.

And the third measure is this: We should do just what we have pledged our faith we would do, "make provision"—that is the language of the pledge—to have the United States notes convertible into coin. This we should do by authorizing the Secretary of the Treasury from time to time to accumulate gold. I heard what the Senator from Massachusetts [Mr. BOUTWELL] said on that subject, and I do not agree with him; I believe it entirely feasible to accumulate gold. It is true Great Britain preferred that the $15,500,000, the amount of the Geneva award, should not be paid here in gold, and preferred keeping it; but if we were taking measures to resume specie payments in this country there is enough of statesmanship in that nation, and enough of appreciation of their own interests, to induce them to afford every facility to aid us to accomplish that purpose. They would interpose no obstacle to our effecting a loan of gold. They know that the difference between gold or convertible notes and irredeemable paper has at some time been an almost prohibitory tariff and an obstruction to their importations here. They know that during the war, when gold was 200, manufactories were established all over the country; that it operated as to many of their manufactures as a prohibition; that to a degree gold, being worth more than our currency, still has that effect. And they would be ready to aid us in obtaining a loan that would enable us to commence specie payments.

But, sir, aside from that, the products of our own mines during the past year were $73,000,000. The amount of gold in our land is admitted to be not less than $150,000,000. Let it be thoroughly understood that we are determined to make provision at the earliest practicable period to have our United States notes convertible into gold, and the consequence would be that those notes would appreciate and approach gold in value. And we could resume with a much less accumulation of gold than has generally been supposed. The increase of tax suggested—$54,000,000 on the articles named—would enable us to put $47,000,000 of gold in the Treasury, and I believe we have about $40,000,000 there now, The Secretary of the Treasury should be authorized to issue bonds, with the proceeds of which he could convert the gold from our mines into specie, and he should have a reserve of bonds, so that if the gold failed he could take up the United States notes with the bonds; and thus everybody would see that slowly but with inexorable certainty we were coming to specie payments, and that, too, without any day being fixed.

Fixing a day would invite many obstacles. As soon as the conviction is created that the notes are to be redeemed, they would be well-nigh equivalent with gold. Then, or even after we have adopted a measure looking to resumption, we will be ready to entertain propositions for free banking.

Mr. President, I hope that, whatever may be done by this Congress, it will not convert our national debt into a basis for a wild-cat circulation and for a demoralizing and destructive speculation.

Mr. FLANAGAN. Mr. President, I have been long hesitating as to whether I should participate in this debate. Believing as I do, however, that the question now before us is the question of the session, I go further, and I have no hesitancy in saying at this day, in the first year of the second Grant Administration, that it will be found to be the grand question of that Administration. I propose to say a few words upon it. And permit me to say here, in my opening remarks, that this matter was beautifully portrayed on Friday last when the battle-cry was raised. It was unnecessary to look at handwritings upon the wall, for it was clearly manifested in the patriotic speeches delivered on that occasion by my distinguished friend, the Senator from Michigan, [Mr. FERRY,] and the distinguished Senator from Illinois, [Mr. LOGAN.] They had been skirmishing here for weeks, but those gentlemen thought that the hour had arrived when it was proper to make a charge upon the Senate, and a valiant Murat charge we witnessed from those distinguished Senators. Would that I had the power to meet them and drive them back by measuring the lance as ably as they presented it. I know I have not the ability, except that the right is upon my side, and upon it I rely.

Mr. President, it is clear that there is an unmistakable issue here. What is it based upon? The chairman of the Finance Committee, who has distinguished himself for years on the subject of our finances, has presented his plan to the Senate and through the Senate to the country. I have listened here for weeks to the various amendments that have been proposed from time to time, and I have seen and heard no improvement, in my humble opinion, upon the bill as presented by the Committee on Finance; and, as far as I am concerned, for one I propose to stand as nearly by it as I can. Therefore I am evidently opposed to any inflation of the currency.

This is no party measure. That idea is repudiated here from the action already realized. We realize it in every speech that is made. We see republicans leading, going far in the advance, if you please, crying out "More money! More money!" We find the distinguished Senator from Indiana [Mr. MORTON] on that side of the question. I am always delighted to hear his arguments upon any subject, even if I do not agree with him. He comes down with such power, such vim and physical force, and with such intellect, that I am almost ready to yield; but he is only man, and he too, I think, errs. Then, upon the other side of the Chamber, we hear my friend, the distinguished Senator from the great Old North State, North Carolina, [Mr. MERRIMON,] crying out "More money!" The language of my friend [Mr. MORTON] is very remarkable, however, for a great commoner, as the world accords him as being. "Plenty of money" is his demand. Mr. President, that is a latitudinous word. Plenty! I might illustrate his view in this. In the mean time I would ask, who is it that has ever had plenty of money? Girard never had, and I believe he was the first millionaire in the United States. The Astors, following, never had it; your Vanderbilts never had it. Nay, I could invite your attention to the Senate. Is there a millionaire now hearing me or a member of this Senate who has had plenty? Surely not. I have not known one. My friend said "Give us money plenty." That is a very good idea.

But says my other friend from North Carolina, "Increase the volume; we need money in the South and in the West; the country is improving; it is growing vastly." That is all true, Mr. President, and I am delighted to know that it is a fact. I realize it, and I am gratified that it is so. The nation is prospering, and we have prospered to a very great extent in the South in the absence of banks. Notwithstanding the recent panic, what have we realized in the State that I have the honor in part to represent? We claim now to be the leading State in this mighty Union in the growth of cotton. We raised perhaps near five hundred thousand bales of cotton last year, that is now being carried into market; and the city of Galveston, one port in our mighty State, will ship three hundred thousand bales of cotton. We have had no trouble about money there. We have had one or two little national banks there, but we have had ample means to carry the cotton, to send it to New Orleans, to New York, to Liverpool, and to the world.

My friend from North Carolina says, "We want a greater volume of currency; we are suffering for it much in the South; we want it sent down to our States, so as to enable the planters of cotton to sell their cotton for a higher price." Send them down depreciated currency, and thereby appreciate the price of cotton! I mistake very much his constituency if they would indorse that sentiment; but that was his language.

Another distinguished representative from Georgia [Mr. GORDON] whom I love to hear speak—he is eloquent and I love to go through with him in his arguments from time to time, though not agreeing with him upon all points—says the great State of Georgia to-day is suffering very much. That is true, but she has suffered recently more than to-day, however. "But," said he, "at the end of the second year of the war we were possessed of a million head of cattle, and now we are really reduced to seven hundred thousand. Thereby and therefore it is absolutely necessary that you send us greenbacks down there to replace our cattle!" That is a very happy idea. If you will just come over to Texas we have about ten millions yet. We have as many, and more than we have ever had. We are sending them to New Jersey, we are sending them to Rhode Island, to the great State of New York, and elsewhere and they pay us greenbacks. We ask no greenbacks from the State of Rhode Island in Texas, not a dollar, unless we can compete in a commercial point of view and realize on it, and then we surely risk nothing in the commercial transaction. We will send you hides, we will send you our tallow, our cattle, beef, sugar, and we will continue to send that which we have been sending for many years; and I regret it not, I envy it not, I pride in it, you have grown rich by it. I speak of the cotton bales; we will send you them, and we will invite in return your currency. It is satisfactory to the planters in the South; but depreciate it and it will not be; but we are independent on that score, Mr. President.

I might remark here that it has been manifest on the Senate floor that there are scarcely any two minds agreeing on this great subject. What is it? Are we legislating from the tendency of the able arguments presented here in good faith to redeem the nation's pledges? What were they? Very briefly this: And the United States also absolutely pledges its faith to make provision, at the earliest practicable period, for the payment of the United States notes in coin. There are just twenty-seven words there. Could there be any other words of a less number more conclusive, representing what the facts were upon that occasion? My distinguished friend from Illinois, [Mr. LOGAN,] who smiles upon the subject, if he had been getting up a republican platform could not have been more adroit, he could not have drawn it stronger, for nothing could have been invoked that would be better calculated to catch votes than that solemn pledge; and now I wish to have it borne in mind that at no distant day there will be other platforms gotten up, and when they are, this great subject will not be ignored by them. I tell you to-day, when you look to the language of the Senator from Delaware, [Mr. SAULSBURY]—and likewise, too, I might well call your attention to that of his colleague, [Mr. BAYARD]—you will find that the democracy in due time can build up and present a platform, and they will refer the nation to the arguments and the action of the Senate of the United States; and the little State of Delaware, (a few acres, comparatively speaking, with reference to some other States of the Union,) it may be, will be like a fire-brand thrown into the grand blaze of the mighty West, and they will run over it in the very shortest imaginable period, and they will beat down republicanism and everything that you can invoke, and say to the world, "The republicans have been in power, lo, these many years, and what have they evidenced toward compliance with a redemption of their sacred pledges on the subject of the currency?" Not one word can be said for them. "But," says my distinguished friend near me, [Mr. MORTON,] "keep it in view that some day we must resume specie payments." Well, Moses traveled through the wilderness for about forty years, keeping the land of Canaan in view, and finally he did get it in view, but he never realized it. Does the American nation want to go upon that line any further, to keep it in view, but never get it? That is not the idea. We ought to realize; we ought to go into the land of coin. That is the desire, and I tell you that this nation has got to come up to it or she goes down.

Mr. President, I shall not invoke all the history known to the world as to currency, how long one government or another has been in the absence of specie payments. It is not necessary. It has been done here. My friend from Indiana [Mr. MORTON] instanced Russia, Prussia, Austria, &c., and the argument here is mainly to show the fact clearly and conclusively that all the governments of Europe have done without specie at times; and then they come down to our own land, where we have been more happy and particularly blessed in developing the resources of this various and vast territory in the absence of specie. I envy not any one of these countries, and I take it for granted that all of them—and I believe such is the history—have at the very earliest day that they could, in the language of this promise, resorted to specie to redeem their pledges.

The distinguished Senator from Indiana who sits farthest from me, [Mr. PRATT,] in his remarks a short time since, I think said something about Spain having an irredeemable currency. What are the facts? I took up a newspaper a day or two since, and there I saw it

frankly stated that for the purpose of putting down the rebellion in Spain, which has been raging there for years, they have recently promised their soldiers coin for fighting the battles of the country; and that is what would be required if the battles of this country had to be fought over again. Those ancient pledges would not do again; they would not carry us out in the absence of good faith on the part of the Government, and it certainly would be out of the question to rely upon anything of that kind further.

Do not talk to me about your amendments here for your forty-six or seventy-five millions, going to sea without rudder or compass, and tell me that that would be likely to appreciate the currency of the country. Not a word of it, Mr. President; everybody knows different from that. Gold is what we want; the currency must be based on that; and if we are not able to do it at the instant, let us approximate to it as rapidly as possible; let us show that we are endeavoring to carry out in good faith the pledges of those who have preceded us. Some are here now who solemnly helped to enact this law. I think they will not be recreant to their pledge. They will be very likely to be found in good faith, all anxiety to carry it out.

The next question is this: From all the arguments produced here from the distinguished Senators, with all the invocation of authority upon the subject of finance of the world, not one of them has intimated the manner, in my humble opinion—I wish to do no Senator injustice—not one has told us how we could return to specie payment, as it is termed. Is it impossible? If it is, let us act properly; let us act as practical and sensible men; let us just say that such is the fact, and repeal the law of 1869, repudiate it, and live as we are now living *in this* happy period, in which the whole nation realizes, as my friends say, the absence of a specie basis entirely, looking only to currency; and then all will understand it alike. Let there be no misunderstanding on this subject, but say we never expect to resume. If we do, how is it possible under the present programme? I liked the remarks the other day of my distinguished friend, the senior Senator from Michigan, [Mr. CHANDLER.] Said he, "Yes; give us more money;" but said he, "Give us better money." That is what I want. I want more money. Who is it that does not? But give us better money. Giving us more does not necessarily show that it will be better. It is directly the contrary; it will be worse. There is not a man that is not aware of that fact.

My friend from Indiana [Mr. MORTON] told us that he wanted "plenty of money," but then, subsequently, he qualified it, and qualified it very well, but he is still at sea; he said "I mean a reasonable quantity." How are you to ascertain, even by the second scale that he introduces, what is reasonable? When I was a boy and frequented Philadelphia, I heard it stated that there was a poor woman walking along one morning who came to the banking-house of old Stephen Girard. The old gentleman was sitting at the door. Said she, "Mr. Girard, you are very rich, and I am very poor, not able to buy any subsistence now for the family; I think you ought to give me something." Said he, "Certainly, certainly; come in." She stepped in; she was one in humble life and wore an apron with strings around. She went in. He took her to the specie. Said he, "Help yourself; just take as much as you like." The old woman went to work in good faith, filling her apron, and she kept filling it until at length she undertook to get up, and the apron strings broke and away went the money. Said he, "Leave me, good old lady; you would never be satisfied; you can go now." [Laughter.] Just as well might you say that A, B, or C could find plenty, and that it was reasonably plenty; and all would be satisfactory. We cannot arrive at that point.

Now, the whole matter is this: is it not possible that in the Senate of the United States something can be suggested, some proposition submitted, even in a crude form, that something may grow out of, directly enabling the Government of the United States to resume specie payments? If this was an individual matter in which I was interested—and to some extent we have got to look at this great question in that light—what would you do with it? Would you say, "Keep it in view," or "at a convenient season," and all that kind of thing, "this will all work out right?" In his pleasing remarks—for he never makes one that is not pleasing—the distinguished Senator from Iowa, [Mr. WRIGHT,] whom I always love to hear speak, I think invoked, by way of illustration, something about a physician looking to a sick patient. I accept the idea; and it does seem to me that the patient is very sick to-day, and here is the distinguished physician close by me, [Mr. MORTON,] for, I believe, in this matter he is the leading one; I think he has immediate charge of the patient. There are surrounding physicians, though, that consult freely. They come to him continually here asking after the symptoms and one thing or another; and they go off very well satisfied, because he speaks learnedly, and thus he passes it off. But there is the patient yet; and what is to be done? The family around the stricken bed have become most seriously concerned about this matter, and they appeal to him a little to one side "O, doctor, tell me, is there any hope?" [Laughter.] Well, my friend cannot resist the appeal; says he, "If the patient gets a little better, and grows no worse, he may recover." [Laughter.] So with the poor greenbacks.

But what are we admonished of in this particular? When the patient was first presented and the physicians brought in, the pulse then, I think, was about the tune of 106 or 108; now it is up to 112 or 113; and it is certainly growing worse every day under their skilled treatment. There is no relief, and it is growing worse daily. Now, then, give it about forty pills of calomel or something or other, (and one amendment here proposes forty-six millions,) and it will die off so easy, after awhile, without any trouble upon earth, that you will never know what hurt it. [Laughter.]

It is a time that we must act. It was stated the other day in one of the arguments here by a Senator that the policy of my distinguished friend, who had so ably conducted the Treasury Department, [Mr. BOUTWELL,] was a do-nothing policy. My friend rose to the issue and spoke correctly on that, because he had been busy, and I had in my humble views to a very great extent indorsed his action. Wherever I could not see very clearly I had abiding faith, and arrived at this conclusion: "He understands the question and is all right; I do not exactly;" and therefore I raised no issue. And thus we went on, and went on prosperously. But then it is said that a great panic has come over the country. When that panic came over the country what were the consequences? An appeal was made to the President of the United States and to the Secretary of the Treasury: "We are sliding downward; we are on the maelstrom of convulsion; reach forth your strong arm and give me a position again." A mighty appeal. That appeal was not unheard, and to some extent it was responded to. There is a difference of opinion among different individuals as to how far it was correctly responded to. Panics will occur; it is the history of the world, and the world is re-enacting history for hundreds and thousands of years, and thus it will continue, provided the greenbacks will last that long, unless you put them on a specie basis.

All these facts are before us. My distinguished friend, [Mr. BOUTWELL,] in his able speech, that the nation received with great applause because they respected his intellect and his experience, his pure motives and intentions being known to them to be right, said it would be very hazardous, enjoying the proud position that we do upon the subject of the currency, and illustrating it by an army in a strong citadel, abundantly fortified to resist any assault from an outside enemy, under any circumstances to make a sally, or to march out from one fort to locate in another. It seemed to me at that moment that I differed with him, and I did not differ with him only, but I differed with great precedents that were before him. If I had been in command when Marshal MacMahon was, when the French Emperor was about to become a prisoner at the feet of the German Emperor, with all his goodness of heart and all his magnanimity, as was abundantly proved afterward to the world, yet there was the Emperor Napoleon III in his care and keeping, I would have made one great sally and tried to have cut my way through and to have declared my Emperor free. I would have done the same if I had been in Marshal Bazaine's place on the day he surrendered; and if he had done so and died in the conflict the world would have said that one of the greatest patriots and generals that had ever been permitted to live had departed in a noble act. He failed to do it, and where is he to-day? He is now ignominiously in exile, where the greenbacks at no distant day will go, unless we come up and make a grand sally to comply with the faith of the Government as solemnly pledged. These are the facts. I would have made one grand struggle, and I would have cut out, and I would have cut into the land of gold, or I would have died in the effort.

Again, I ask the Senate whether it is possible that this gordian knot can be cut? They lost sight, it seems to me, of the resumption of specie payments. They do not desire that, because all the ingenuity, all the authorities, every shadow of intellect are invoked and presented here to show you that the nation is perfectly happy in the absence of coin; and that, therefore, it is idle to talk about a resumption, because you may prostrate the nation, and it would take many years after to relieve us from the misstep. If you make that step and you fail, you will only have been shoveling in the right direction—in the direction that you have solemnly promised to go. As an individual, as a legislator, as an American citizen, I maintain that this whole matter is easily solved, and I invoke the attention of the Finance Committee to the subject in making up their bill finally—for there is none here yet; there are no half dozen Senators here agreeing upon any proposition scarcely; they are halting not only upon two opinions, but upon many. Now frame a bill and just let the basis be a resumption of specie payments in good faith. What are you going to base it upon? Just let the Treasury of the United States, properly organized, advertise under the bill that will be framed that the Government will buy every bale of cotton raised in the South for the next twelve months, and they may thus go on if you like. What will it realize? I would suggest that you pay for this cotton in greenbacks. It will not be as my distinguished friend from North Carolina [Mr. MERRIMON] now suggests, bought with depreciated currency, but they will appreciate this proposition, and it will be so accepted and received. I would instance that you say for ordinary cotton 14 cents, good ordinary 16, low middling 18, middling 20, good middling 22; there they are. They are the natural and the leading classes. That is the true classification of cotton. That will bring an average of 18 cents. What will that do? In one point of view it builds up this distressed portion of the country that my friend residing there, as I do, feels so seriously for; not more I hope than I do; and it will give the cotton planter a fine price for his cotton, and in doing so it is not an inflated price, it is just about the average that has been received by the cotton planter since the war. Since the war the sales of the great staple there have averaged 18 cents. We will make this year four million bales of cotton. Put them at $75 a bale, if you like, and there you will have $300,000,000.

My friend from Georgia, [Mr. GORDON,] in his remarks the other day, said that during the war England exported cotton to the United States. That was correct. Why did she do so? Because she was able to sell it in New York for one dollar and one dollar and a half a pound. Well might she export it and make money by the exportation, and the exporter realize a fine speculation thereby. It occurred to me that I would too if I could get a contract; I would agree to deliver in the city of Washington, on the banks of the Potomac, a million pounds of cotton in twelve months. I would obligate myself to grow it within twenty miles of the city, going into Maryland and into Virginia. I would bring the cotton here for a dollar a pound. I would leave the cotton regions and come here and make it at one dollar. The price regulates it. Cotton has been raised ever since I was a boy in the neighborhood here. When I was a boy they used to pick it around the fireside with a little gin, fronting each other, turning the screws and making the clothes, &c. You can make cotton here, but it will not pay as it will in the South. That is the only difference. But put it at a dollar a pound and many would give up hay and tobacco and go to growing cotton. That is the reason why England exported cotton during the war. "Ah, but," say you, "would you have the United States Government turn cotton factor, speculator?" What is it the United States Government does not do? What is it an honest man should not do that is legitimate and proper to discharge his solemn obligations? When you prepare for battle to repel an invasion, or to meet your foe on whatever field, your officers go out and buy the subsistence of war; you buy all the materials that are necessary and recognized as correct by the proper officers; you buy them for the general welfare of the nation. Is it not for the general welfare, in the language of the Constitution, to provide the means to pay this great national debt? Can you do it? I say unmistakably that you can; I submit it beyond a doubt. We have got the cotton; there has been no year for several years past that the South has not produced $300,000,000 worth. You may talk to me about the cotton being moved. What power moves the cotton? Whence comes the capital to do it? England, France, and other countries buy the cotton. They send their coin here, and their bills of exchange. They know no greenbacks. We do not accept them from them on the payment of their duties; and the Government cannot pride itself very much on that either; and if they object to the one, they ought to wipe out the other as being consistent. Then we have the means, I maintain, to buy the cotton. It is a simple proposition. It may be said that the planter will not take the price suggested. Very good; there is the Government standard, and he who will give more for it let him buy it, all equal and uniform. There is nothing objectionable on that score. No man is compelled to sell, but he looks to his own interest. Is it my interest thus to do?

I may be asked again, where is the money to come from, even the greenbacks to purchase the cotton? My answer will be very simple, without having matured that branch of the subject as it should be done. Commence with $5,000,000; we can at any time in the world raise that; then go into the market, go to New Orleans, to Charleston, go to the large markets with your agents, and commence buying. Where will you sell, where is your customer? England, with her ships at your wharves every moment in the day of every year, seeking cargoes of cotton for the spindles of Europe. There is the coin to buy it. All the "rings" that may be invoked in Wall street, all the speculations that may be spoken of directly or otherwise, are as a shadow when you come to establish the price of cotton in the Liverpool board. That is telegraphed to every southern port three times a day every day of the year. There is the price; nothing else has anything to do with it. When you say to them, "Here is the Government agent to buy the cotton," is there anything more serious in that than there was in sending our distinguished Secretary of the Treasury, Mr. Richardson, to England to sell our bonds? We went begging, we went to England to sell our bonds, for what? For coin. We need not do that. So they will be compelled to go to the United States to buy the cotton. They will do so, too. They do not care about any other consideration. They will bring you the gold. The very moment you commence to purchase up the five millions, more or less, confidence will be restored throughout the land. The whole South will respond "Well done." They are determined to pay specie to redeem their solemn pledge. That being the fact, we would simply be in the condition of the Frenchman, as the story goes, who had deposited his money with a merchant. He heard a rumor, as rumors are common, that the merchant was in a failing condition. He ran to the merchant with great anxiety and said, "I want my money." "Well," said the merchant, "wait a bit, and I will give it to you," but the Frenchman persisted in clamoring for his money. At length the merchant got rid of the customer he was waiting upon at the time, took the Frenchman into another room, got the key, and commenced opening his safe to pay the money. "What," says the Frenchman, "have you got him?" The merchant replied, "Certainly; if you demand it, here it is for you." "O," said the Frenchman, "if you got him, me no want him!" [Laughter.]

The people would have no use under the sun for the gold if they just knew that their paper money was convertible into gold. I would rather have a national-bank note to-day than the gold, for almost any purpose, if I knew that it would command the gold. But I want to know that fact, and then I shall be satisfied. I walk in the footsteps of that great encyclopedia, Thomas H. Benton, for he was a learned man. He knew the whole history of the country, in every sense of the word, and yet I never indorsed his theory. I was upon the other side of the question with Clay, Webster, and a host of others who were national-bank men. I believe in a national currency, but I want a good one; I want a solid one; I want it to be such a one as was contemplated when Congress provided that at the earliest practicable moment it should be redeemed, and that there should be no increase of the volume until that sacred promise was performed.

Now, if the United States Government will take hold of the cotton it will benefit the South; it will give them a stable price. The prices that I indicate are reasonable. A stimulus will be given to production; cotton will be grown; and I care not if they reduce the production to three million bales, three millions will bring just as much as four millions. We have all manner of experience on this subject. I could have brought the data to establish these facts very easily, but I did not think it necessary to present more than one or two authorities. The authority that I now appeal to is one that will be instantly recognized as meritorious, and I think it is more directly in point than all the books that have been read by my distinguished friends in the course of this debate. But before presenting my main authority, let me give you a voice from Texas, the State that I in part represent, and I read from a letter published in the Galveston News of the 17th instant:

VICTORIA, *February* 1, 1874.

EDITORS NEWS: There is a good deal of improvement going on in this city. Business is very good just now. The streets have been crowded with wagons, delivering and hauling off goods, during the week. Cotton is coming in freely; they are paying from ten to twelve cents a pound (specie) for it.

Not the depreciated currency that my friend from North Carolina wants. Texas does not want that sort of money. We want the specie, and we have got it there.

They have received and shipped from here, since the 1st of September last, fourteen hundred and fifty-six bales.

Remember, this is a small country town.

The farmers are busy plowing and getting ready to plant. The weather has been delightful the past week. Everybody is planting and setting out fruit trees.

A freedman in the employ of the corporation, while digging on a vacant lot yesterday, dug up forty Spanish dollars. They bore the dates of 1812 to 1819. It caused quite an excitement among the freedmen.

That is the idea. We want to dig the gold there, and we are realizing it; but now, when we plow and hoe our cotton, we realize greenbacks. I do not want to interfere with my friend from Rhode Island, or with any of the Eastern States, and the capital they may have had under the law.

Now I come down to the authority that illustrates more happily and conclusively the action of the Senate than anything I have heard invoked or presented as authority from any portion of the civilized world. It is a document that everybody will recognize as first-rate authority. It is Frank Leslie's Illustrated Newspaper. [Laughter.] I find here a cartoon [exhibiting it to the Senate] illustrating the debate in this body, entitled—

THE GREAT PAPER DELUGE—THE ARTIFICIAL SEA IN THE PLAY OF "MONEY" IN THE NATIONAL THEATER.

SHERMAN (sounding for bottom—gold basis)—I'm sure I almost touch bottom, and if you would only stop those porpoises from agitating this greenback sea, we would certainly get down to hard-pan.

Then comes my friend SCHURZ. I was delighted when he made his speech. I remarked at the time he has approximated pretty nearly the thing. There was no mistake about that. I was delighted to hear him, and so stated. Here you see he comes with his pole, and he says:

I think I touched the solid rock—

He had pretty strong faith, [laughter]—

but these inflationists have roiled the water so much that it is hard to tell.

But now comes the old physician:

MORTON, (to KELLEY.) These fellows think they have touched bottom, but if they had our fish-eyes they would see that their poles are a long way from the hard-pan yet.

You were admonished, Senators, a few moments since by the distinguished Senator from New Jersey, [Mr. FRELINGHUYSEN,] that the people had their eyes upon you. You are responsible to them. They have their eyes on you, and telling them "I will keep that in view" will not answer the purpose. You have got to bring out the greasy wallet, untie it, and say, "Here is the money I owe you." Tom Benton stood up here in the Senate with his purse, with the yellow boys shining through the interstices, and the agitation that he raised spread over the country like fire through a prairie. It brought down Nicholas Biddle, the great Clay, Adams, and a mighty host. Then there was a panic in 1836, such a one as I hope never to see again. Talk about your free banking! Then there was free banking. "Give us any banks but a national bank," was then the cry. The land offices paid a great deal of money into these banks. They speculated upon the people. It is recollected by the people yet. I have not time to elaborate and go into that history. I merely call your attention to it. Those facts are not yet forgotten, and to-day we are upon the same line precisely. The Government's money was deposited in banks all over the Union, and then the cry was, "Give us more money; the South and the West want it." They got it. Mississippi, Alabama, and the other Southern States, and the whole country, were flooded with it. I frequently traveled upon the steamboats at that day.

Railroads were not in existence. When I would go up to the office to pay my bill, going to Philadelphia or elsewhere, some Southerner would always lead, and he would step up and pull out a great roll of money, and he would pay, say, twenty dollars. All I had to do then, in a very humble way, as that order of things was not recognized in Texas, as we had not plenty of money, would be to pull out ten dollars, and go along as quietly as possible, and my ten dollars carried me over the same ground precisely, and upon an equality exactly with the twenty dollars of the man from some other Southern State. The States that realized this great blessing of "plenty of money" had to pay two for one. That was their history.

A conversation once occurred between a gentleman and a citizen of Arkansas during that unfortunate period of our history when nearly all the southern banks repudiated and went by the board. This Arkansas gentleman said he understood the subject of currency very well; he was a good financier. Said he, "Just issue more money, and scale it in the first instance down to seventy-five cents; if you have plenty, that is all that is necessary. When that begins to be a little hard, just issue more, and put it down to fifty cents; and then after you scale it two or three times, just repudiate the whole." [Laughter.] Sir, that is the way you will end here, if you go on in this way. If you yield to this cry, "Give us more money; give us plenty of money," where is the stopping point? You will never reach it; and finally the proposition will come here to repudiate the whole, and there will be the end of it.

I know something about financiering in a small way. Texas has been a State of this proud Union for about thirty years, and I recollect I was one of the members of her first Legislature. We owed about $12,000,000 of debt that had been honestly contracted for the redemption and the liberty of Texas, that mighty territory, from Santa Anna and his minions; and, by the way, I see that Santa is on his way back home to Mexico again. [Laughter.] Well, sir, upon that occasion, when I was a candidate for the Legislature, I had not a great deal of experience. One of my competitors, however, was a very wise man, a wordy man, and, said he, "Fellow-citizens, elect me to the Legislature, and I will go there and financier." He did not know the meaning of the word for all that. Everybody expected to hear something then. Thinks I to myself, "Good God! he has got me now." Said he, "I will take one and make two;" and there he left the subject. [Laughter.] That is what we are doing now. We are getting directly to that point. We are going to take one and make two. Senators do not exactly tell us the process, except "Give us plenty of money; that is all we want; do not talk about gold; it will ruin the country; the country must be saved; it is our bounden duty to do this; the people expect it of us." Can you take one and make two? If you can, and the two, as my friend from Michigan expressed it, will be better than what we have now, then I indorse it.

I want more money, but if it is not to be better than that which we have, I have no use for it under the sun. We have plenty of it. I am fond of it. The citizens of my State take it pretty freely now, although for a considerable period they did not. They had been most awfully burned with paper money in the early days of the confederacy. When that money first came out, patriotism was so rampant that you could not find a Jew in the whole country who would not give a hundred dollars in gold for a hundred-dollar confederate bill. You could not have got that fellow into the army in God Almighty's world in any way, [laughter;] but he wanted to show his patriotism, and he would say, "I love this money; it is good; give me that hundred-dollar bill and here is the gold for it." The moment the conscript law was passed, that fellow was across the Rio Grande into Mexico. [Laughter.] I remember that about that time a man was coming along with a led horse, and I asked him what he would take for it, and he said $100. I pulled out $100 in confederate money, and he said certainly he would take it. In about two years I could have got about $2,000 for that horse, and yet when he was valued at $2,000 I could not have put him in the market and realized ten dollars in gold for him.

It will not do for my friend from North Carolina to talk about sending down this currency to the South to buy the cotton with, and getting an enlarged price for it. The people of the South want money. They have had too much of this inflation. During the happy day of the rebellion, as a great many of them considered it, they would admit that they had plenty, and a little too plenty. Then the people were told, "If you will just deposit up this money we will give you good money, two-thirds of its face value. We will give seventy-five cents to the dollar, two thousand for three thousand." What a grand speculation! That was to be good money, however.

Sir, promises of that sort will not answer. We must be up and doing if we intend to redeem the pledge of the nation. If we would make the people happy let them know that we have endeavored to appreciate rather than depreciate the currency of the country.

I hope that the attention of the Finance Committee will be directed to the cotton bales. If my friends MORTON, SCHURZ, and the chairman of the Finance Committee—the last first—had only had cotton bales attached to their poles when sounding for bottom in the picture that I exhibited to the Senate, the gold would have spouted up and there would have been no trouble about the foundation at all. We have got it; it is ours.

We export millions of dollars' worth of tobacco to England every year; and since I was a boy—I do not recollect now when the bill passed, but for more than half a century—you shipped your hogsheads, boxes, or packages of tobacco, be they what they may, to Liverpool. When it goes into the Queen's warehouse the intrinsic value may be only three-pence, six-pence, eight-pence, or ten-pence, and yet when the manufacturer or consumer withdraws it from the Queen's warehouse it has to pay a revenue of seventy-five cents in gold, thereby realizing millions of dollars annually out of our tobacco crop.

What does the French government do? The French government makes a monopoly of it. They send their agents here; they are in the tobacco markets of the United States, and they make their selection. They buy a fine light tobacco, unlike England and Germany; they buy different grades. The French government buy the fine light tobacco. They sell it to their subjects, thereby realizing an immense revenue by popularizing it; but it is a speculation to support the government. Then may we not buy our cotton, or become the agents for all those who will recognize us as such, and sell the cotton of the Union to the world? They will come in and they will pay you gold for it; and that gold will give confidence, and in the absence of confidence it will replenish your coffers to that extent that you will thereby be enabled to pay gold beyond any doubt.

Mr. President, if I had time I would say more; but I will not detain the Senate longer.

Mr. BUCKINGHAM. Mr. President, the Finance Committee, when they reported this bill, appear to have had a single object in view, and that was to provide some way by which the act of 1870, requiring a redistribution of a portion of the national-bank currency, could be carried out. The members of the Senate are not quite satisfied, as is perfectly evident, with that idea, and the effort has been to ingraft a good many other propositions upon this bill; so many, that it appears to me that this discussion will be of some benefit to the Finance Committee, and if this bill should be referred back to them they would be enabled to present another bill that would be more in harmony with the views of the majority of the Senate. With that view I move that the bill be referred back to the Committee on Finance.

The PRESIDING OFFICER, (Mr. SPENCER in the chair.) The Senator from Connecticut moves to recommit the bill to the Committee on Finance. Is the Senate ready for the question?

Mr. MORTON. Mr. President, I am satisfied that there are a number of Senators here who wish to speak on this bill, but are not prepared to do so now.

The PRESIDING OFFICER. The Chair did not understand the remark of the Senator.

Mr. MORTON. For my part I see no advantage to be attained by referring this bill back to the committee. Already nearly three months of this session have been lost, so far as financial questions are concerned. The committee first brought forward a resolution which was of a doctrinal or sentimental character, which in itself involved no measure, and the Senate was amused and entertained with that for about two months. Then they brought about this twenty-five million bill, confessedly a half-way, not even a third of a way measure. It was originally, in 1870, only a crust, and is now brought forward simply as a little soothing-sirup, for the purpose of tiding this thing over. I do not see what we have to gain by now referring this bill back to the committee. We understand what the sentiments of that committee are. I believe they have all expressed themselves. We understand what the views of the chairman are; they have been repeatedly declared upon this floor. This question will ultimately have to be settled in the Senate. It is now before the Senate. I think it better to keep it here until we come to a vote. If my friend from Connecticut, who I know has true expediency always in view as well as what is right, can show what is to be gained by referring it back, I shall cheerfully yield to him, for one.

Mr. BUCKINGHAM. Mr. President, I do not know that I am correct in my judgment, but my impression is that this discussion has brought out so clearly the views of different Senators as to show that we cannot harmonize on this bill; and my object in moving that it be recommitted to the committee is in the hope that they may present a bill, after this discussion, which will more completely harmonize the views and which will command without any real difficulty a vote of the majority of this body. I will say still further that I think from this discussion they will endeavor to present a bill that will meet the views, as far as possible, of those members of the Senate who feel aggrieved that they have not a full proportion, or what they call a proportion, of the currency; and I think, also, they would present a bill which would come nearer than anything which has yet been presented to meeting the views of those who think there is no other salvation for our financial difficulties than by inflation. I do not know how far they would go in that direction, but it seems to me that they would not present a bill unless they thought it was one that would command the vote of the Senate.

Mr. SCOTT. Mr. President, I have no doubt that all Senators are becoming exceedingly anxious to have something practical before us on this subject of finance. It was my intention at one time to have spoken on the general subject, after the resolution was reported from the Finance Committee; but the drift of the discussion upon that resolution soon satisfied me that it would be better if we could direct our discussion to practical measures when they were presented.

Now, first, what did that resolution propose for the consideration of the Senate? It proposed, in the first place, the question of how and when the United States currency was to be redeemed, and that question

was deemed almost synonymous with the question of how and when specie payments were to be resumed, although I think they are in some respects different. The second question which it presented was what quantity and what character of currency shall be provided for the wants of business. The discussion went on upon those questions for several weeks. Then the Finance Committee reported the bill which is now under consideration, a bill simply to carry into effect the sixth section of the act of 1870 for the distribution of $25,000,000 of national-bank currency. After a discussion of a week on that bill, we now have before us a proposition to increase the currency by $46,000,000, and notice of another proposition for free banking. It is thus evident that whether we discuss these questions upon the resolution that the Senate committee reported, or upon any measure which proposes to treat upon any one branch of the financial question, the whole subject is to be thrown open; and I think it is evident that the Finance Committee might as well get down to the work of meeting all the questions that are to be met in solving the financial problems now presented to the country.

Mr. HOWE. They are all here.

Mr. SCOTT. They are all here, as the Senator from Wisconsin suggests; but the mode in which the Finance Committee proposes to deal with each of them may as well be presented in one bill. Then each Senator can propose his amendments as concerning the particular subject affected by the different sections of that bill. If my colleague thinks free banking is the antidote for all the ills that are complained of, then he can propose that. If we are to have the national-bank notes instead of a mixed currency of national-bank notes and legal-tender notes, an amendment can be offered meeting that; but we shall have this advantage, that the Senate will have at least the opinion of the Finance Committee upon the system which is to be proposed for our finances hereafter. Treating it in this way, we do not really get a view of the system which is proposed.

Suppose you do incorporate on this bill the amendment of the Senator from North Carolina, increasing the national-bank circulation $46,000,000, you have to touch one subject in connection with the currency; you have not touched the main question which was brought forward in the resolution of how and when the United States currency is to be redeemed, whether it is to be redeemed absolutely in coin at once, or whether we are to present the alternative of redeeming it in coin or in interest-bearing bonds of the Government. So that we should really have made but very little progress in disposing of the whole question if we are to act upon the bill now before the Senate; or if we did, it would be by adopting suggestions and amendments which would not have the advantage of having been considered in committee.

Upon the whole, I am inclined to think that we shall save time by committing all these questions, the resolution and this bill together, to the Committee on Finance, so that they may bring before the Senate a bill embodying such views as the majority of them may be able to agree upon.

Mr. SHERMAN. Mr. President, I have no personal desire about whether this subject is recommitted to the Committee on Finance again or not. Indeed, I hardly know exactly how to vote. On the whole, I think I shall vote for the motion to recommit; and I shall be guided by this consideration. The Committee on Finance reported a bill that they believed would receive the general assent of the Senate, a bill to carry into execution an existing law; it affects only a few States by withdrawing from their circulation a portion of that which they have in excess. We ascertained very clearly that the representatives of these States would much prefer the adoption of that expedient to many others that have been proposed; but it was only, as the Senator from Indiana has so often said, a half-way measure; that is, it was a measure to carry into effect the existing law; it did not propose to make any new legislation except in aid of the provisions of the existing law.

When this measure is brought here, although I believe four-fifths of the Senate are in favor of it, although I believe when it comes to a vote there will not be five Senators against the original proposition of the Committee on Finance, although it receives the general assent of every one, yet it is antagonized with all kinds of propositions on a great variety of subjects. The question of equalizing the bank circulation is a very minor one to the questions introduced in this debate. I feel embarrassed now. Suppose the amendment of the Senator from North Carolina is adopted; then the Senate will have decided in favor of increasing paper money. Then, as a matter of course, those who believe in redeeming paper money as well as issuing it would have to propose some mode of redeeming or retiring it. And so, when the proposition of my friend from Pennsylvania [Mr. CAMERON] is brought up, I am in favor of free banking, but I am in favor of free banking in connection with something else; and, therefore, before a vote on his proposition could be reached various propositions would be made to redeem the paper money he proposes to issue, and I have no doubt some of those plans of redemption would meet his judgment. The subject must all go together. If, therefore, the Senate is not satisfied with passing a bill to cure an evil that everybody admits ought to be cured, but is determined to discuss every variety of question and every variety of measure upon any proposition which affects the general subject, it seems to me it is better for the Committee on Finance at once to take the responsibility, and present whatever plan they can present, and let the Senate as a matter of course act upon it according to their judgment. I therefore, on the whole, shall vote for the recommittal rather than continue this discussion for a long time, when the result will probably be unsatisfactory and incomplete.

Mr. LOGAN. Mr. President, I feel as though this would be a very strange proceeding at this time. After a discussion involving several weeks of time in reference to various propositions that are presented to the Senate without a vote on a single one of them, without getting the sense of the Senate on any proposition whatever in reference to the currency, a motion is now made to refer the whole matter back to the Finance Committee. Had this motion not been made by my friend from Connecticut, [Mr. BUCKINGHAM,] who is always actuated by motives that tend to fairness in legislation, I should think that there had been some arrangement about this for the purpose of obviating a vote, for the purpose of depriving the Senate of an opportunity of expressing their opinions in reference to the particular questions that have been before the Senate.

Now, let us look at the history of this matter for one moment. The Finance Committee came into the Senate with various resolutions. First, the chairman of the committee presented a resolution on which he asked the sense of the Senate by way of instruction to that committee, as to whether they should provide ways and means for the redemption of our paper. A minority resolution was offered by the Senator from Michigan, [Mr. FERRY,] declaring in favor of a moderate increase of the currency. Another report was offered by the Senator from Delaware, [Mr. BAYARD,] squarely in favor of returning to specie payments at once. These three propositions were brought in from the Finance Committee and presented to the Senate for the sense of the Senate. They were discussed for many days. Then the Finance Committe introduced this bill for a distribution of twenty-five millions excess of currency in some of the Eastern and Middle States to the other States that have not received their proper proportion under the law. This it is said by the committee is merely carrying into effect an existing law. Hence they want the sense of the Senate, or, in other words, they desire this bill passed. The Finance Committee have now discovered that they cannot pass this bill. If they can, why do they wish it re-referred?

Mr. SHERMAN. My friend will allow me to say that I do not think even the Senator from Illinois would vote against the bill; but I find that we cannot pass this bill without having propositions coming from single Senators, totally disconnected with the bill, upon other points, debated and discussed and voted upon before any vote can be reached upon the passage of the bill.

Mr. LOGAN. Very well. The Senator believes that I would not vote against this bill. It is not necessary now for me to express my opinion as to whether I will or will not; but if not more than five will vote against the bill, as I understood the Senator from Ohio to state a moment ago, why re-refer it? Why not vote down these amendments and pass your bill, if you have the ability and power to do it? Why do you seek to re-refer it? Do you re-refer this bill for the purpose of re-presenting the opinions of the Finance Committee whether they agree with a majority of the Senate or not? It is a strange proceeding. Is this Senate compelled to take the opinions of a committee if they do not agree with them? It seems to me not, It is just as easy now, and more easy, to have the expression of the Senate on these propositions as it is to re-refer them and then reproduce them again for the assent or dissent of the Senate.

What is to be gained? It is very plausibly argued by members of the Finance Committee that, inasmuch as there are various propositions suggested here, the question had better be re-referred. If we re-refer it, what is to be reproduced by the Finance Committee? The majority of the Finance Committee have expressed their views by the proposition they have offered. We desire to test the question before the Senate whether the views of the Finance Committee are to be carried out by the Senate or are disagreed to. My opinion is, that the Senate will not agree to the proposition of the Finance Committee. I may be mistaken about that; but if I am, it is very easy to test it.

Now there is but one legitimate, proper, and fair mode of legislating in this country. We are all upon an equality in this Chamber. Each of us represents his constituents, and tries to do it to the best of his ability. Our constituents expect us to legislate fai ly and honestly. How can we do that except by a fair and honest expression of our opinions here in this Chamber? If at the time we are about to take a vote upon the proposition to decide the question as to whether we will have an increase of the currency or a contraction of the currency—one or the other of these propositions or some third proposition—how will you arrive at the fact, how do you arrive at the opinions of members of the Senate except by a vote? I know no other mode. I do not consent to the proposition that all legislation in this Chamber must be that legislation which conforms to the opinions of any committee. Legislation, to be honest, fair, and proper, should conform to the opinions of the majority of the Congress of the United States, and not to the opinions of a committee unless that committee is in accord with the representatives of the people.

If the majority of this Chamber are in favor of free banking; that is to say, if they are in favor of extending the present banking law to all associations in this country, so as to prohibit in future that monopoly which has grown up by having exhausted the power under the law in the circulation that they are authorized to have—if that is odious, and a majority of this Chamber are in favor of striking off

these restrictions and opening it to all the associations in different States and counties of this country, I ask the Senate to tell me by what other mode you will arrive at that than the one that is proposed here to-day? Does it require a committee to prepare a long bill to provide for extending the banking privileges that now are exercised under the laws of this country to others than those who exercise them? I presume not. Four lines will do it. Merely provide that the restrictions are repealed so far as circulation is concerned, and you have the whole thing. It does seem strange to me that a committee must examine this question and revise the proposition when you have one before you, as fair a one as you can draft in a month's time. If that is the view of the Senate, let us vote upon it; and if the Senate vote down the proposition of the Senator from Pennsylvania, [Mr. CAMERON,] which is merely to extend the banking privileges and banking facilities to other people of this country besides those that now have them under the law, be it so. I myself am in favor of his proposition, and I am just as well prepared to vote for it now as I shall be when it goes through your hands, sir; and I want to vote for it because it is a fair and honest proposition. It gives to the people of this country equality of rights under the laws in reference to banking; it restricts the privileges of no man; it gives the trade of this country a right to move in its own channels; it gives it the power to control, either in large amounts or small amounts, the currency of the country; it leaves that to be either expanded or contracted by the wants and necessities of commerce and trade among the people; it leaves it in that condition that the people of this country require things shall be left, because the judgment of the Republic—and when I say "the Republic" I mean the majority of the people in this country irrespective of political associations or political parties—is against the moneyed power of this country being restricted to a few capitalists; and the time will come, if not now so expressed by the voice of this Senate, that that voice will be heard in thunder tones throughout the land reverberating all over it; for that is the sentiment of this country; it is the sentiment of all free people. It is right and it is just, and it belongs to each and every man to exercise the same right under the law that belongs to any other man.

This is a mere dodge—I call it by its right name—it is a mere dodge to get this thing back in the hands of the committee, and there it may not see the light of day again. I do not mean that they will refuse to report a proposition, but they will not report this proposition; and why? Because the majority of that committee are against it as evinced by the declarations on this floor. This proposition suits me, and I hope it suits a majority of the Senators in this Chamber. If we fail in extending the privileges that are exercised by a few to the many, then let us take the vote on the next proposition. If we, who believe in extending the privileges under the law to the many that are now exercised by the few, are in a minority here to-day, it is very easy to test that question, and if we are, we will as cheerfully yield as men ever did, here or elsewhere. We will not ask that you recommit it to us; we will not try any pranks of legislation, but we will yield to the voice of the Senate, and let that decide the question.

Then, next, if the proposition of the Senator from North Carolina [Mr. MERRIMON] is acceded to, that is a plain proposition. What is it? That $46,000,000 of currency in excess of what is already in circulation shall be issued. How issued? Issued to banks that are now organized, or may be organized in States having less than the amount of currency to which they are entitled under the law. The authority there is given to the Secretary of the Treasury to issue the amount of currency to the banks that may apply for it up to the limit of $46,000,000. There is a plain and simple proposition that all can understand.

If that is voted down, what next? Then the proposition is, shall we distribute $25,000,000 of currency to those States having less than the amount they are entitled to; or if that is not sufficient, then the amendment of the Senator from Iowa, [Mr. WRIGHT,] proposing to substitute $50,000,000 in lieu of the $25,000,000. These propositions are all simple; and these questions belong legitimately to this bill, and cannot be avoided if it is recommitted and re-reported. Why, sir, does this Finance Committee suppose that when this bill goes back to them, and they re-report it, we are abridged in our right to move amendments? Do they presume that we are restricted from moving the same propositions here on this floor that we have now moved? I give you notice that you may refer as often as you choose, but you never will get rid of a vote on these propositions in this Senate Chamber until they are decided. You may mark that down in your books. You cannot avoid it; we intend to have the vote, and you may recommit as long and as often as you please, but you cannot dodge the issue that you have brought here, and that is presented now to the Senate. No such maneuvering as this will avoid the issue on this proposition. It cannot be done in that way. You might just as well face the music one time as another, because you have got to face it some time, and we might just as well have it out now as at any other time.

Your reference to the committee again will do what? It will reproduce the same arguments over and over again that we have had here for months past, and more too. It will bring about the sane discussion; and you cannot avoid it when you bring in your new proposition. Each and every man will desire to express his opinions, and those opinions will be expressed anyhow by those who have already expressed their views. Hence you avoid nothing. You do not avoid the controversy. You do not avoid the discussion; and I pledge you my word you do not avoid the vote.

I have learned in my short life that nerve is a very good thing, properly exercised. Boldness is not always best, but generosity is always good; and I hope this committee and its friends will not be so lacking in generosity toward their fellow-Senators on this floor that they will try to avoid having a vote on these propositions. It is better that they be settled now. It is better that that committee to-day should have the nerve to stand by their proposition here and let us vote on it than it is to make a retreat through and under the cover of an ambush in order to get a new proposition before the Senate. Why, sir, it is an inglorious retreat. It is a retreat with your drums muffled, no sound heard to tell the course you are taking. If I am defeated in a contest, I will acknowledge it. If I am beaten, I will go down with my colors flying; and I will make the drums sound the louder, to let the enemy know that I am still alive. But this is a piece of strategy not new in legislation—often resorted to by men who are stricken with a fit of alarm in reference to the success of their proposition or their measure. The idea that the Finance Committee should ever get alarmed, when it has controlled the Senate!

Mr. SHERMAN. I hope my friend from Illinois will not speak of this motion coming from the Finance Committee. They have offered no such proposition.

Mr. LOGAN. I beg the Senator's pardon; I did not allude to him.

Mr. SHERMAN. I did not make this motion, nor did any member of the Finance Committee. It was offered by a gentleman not a member of the Finance Committee. Indeed I hesitated about how I should vote. I have had no consultation about it. If the Senator thinks we are going to evade any contest on the subject he is very much mistaken.

Mr. LOGAN. No; I did not say a contest, but a vote.

Mr. SHERMAN. I am willing to take the vote to-day.

Mr. LOGAN. We have had the contest; we have discussed it for weeks; and now we want the vote. If I am wrong in saying the Finance Committee did not care anything about this, I beg their pardon for having said so; but strange discoveries are constantly made, and I notice that each one of the Finance Committee who has spoken in reference to it has concluded it will be best to refer this bill. How they could have been convinced so readily by the argument of my friend from Connecticut I do not know; but yet they seem to acquiesce very meekly and mildly, and think it is a very nice thing to have the bill go back, because they are so much more able to prepare a bill than the rest of us, and when they bring it back we can vote intelligently! I say nothing of this kind with a view of reflecting on that committee; for I have the highest respect for them as gentlemen and Senators, and for their ability. But with all their ability, I say to them that they differ with the views of some of us; and while they differ with us, they have no right to smother this thing and prevent a vote. That is what I say, and that is what I mean.

A fair, simple issue is placed before the Senate to be decided; and a vote to recommit the bill to the committee is a vote against the various propositions that have been before the Senate; nothing more, nothing less. When will this committee report? They asked for instructions. They came to the Senate and asked us to instruct them how they should report. Now they very maturely say, "Let it all be referred to us again without a vote as to how we shall be instructed." You ought not to have asked us to instruct you; you ought not to have requested it from the Senate, if it is not that we are to have a vote now. To recommit this bill means to hold it until a plan can be matured by minds differing from one another, which will be late in the session, perhaps, and then to occupy the balance of the session in discussing the question, with the result that no proposition will be passed at all. That would suit my friend from Massachusetts, [Mr. BOUTWELL,] because he is rather between the two; he does not want anything; he wants to "let well enough alone." That is his idea, precisely. I think there are a good many others who feel that they would rather have nothing done, and that this is a good way to do nothing. That is the idea I get from this proposed reference.

If there are friends to any of these propositions, I hope they will stand by them and let us have them settled and decided now; and when I say "now," I do not mean this moment; but I mean let the discussion go on until everybody has said what he desires to say, and then let us vote on the different propositions. If the Committee on Finance desire—and I make this suggestion to them—these propositions as merely instructions to them, they have a right to move amendments here; let them move amendments; let them attempt to change them as they desire in the instructions as to what kind of a bill they shall report; and then we shall get the sense of the committee; and in these various ways we shall get the sense of the Senate on these different propositions.

Mr. MORRILL, of Maine. Mr. President, this is a proposition to recommit; and to recommit, I suppose, means to recommit the original bill to the committee, and all that is pending. I have listened to my honorable friend from Illinois with interest, of course, but with no little surprise. What is this bill that comes from the committee? It is to execute a law found to be defective, which was passed in 1870 for the purpose of meeting the views of certain gentlemen in certain sections of this country, which have been largely reproduced since this question has been reopened. The Committee on Finance, who are the financial organ of this body, say that they had no reason to

apprehend that anybody anywhere, who at any other time desired this proposition, would be in a condition to oppose it now; and precisely upon what principle it is that those who in 1870 insisted upon this proposition should refuse to accept it now is what it is a little bit difficult for me to understand, either in logic or upon any other ground.

Why, Mr. President, here is a simple proposition from the Committee on Finance, involving nothing in the world but a redistribution of the sum of $25,000,000 which is claimed, nay, is demanded by certain States who have not their proportion of the currency; it was demanded in 1870, and that demand has been iterated and reiterated here—I will not say constantly from that time down, but repeatedly, and to-day by my honorable friend from Indiana over the way, [Mr. PRATT,] in language impugning somewhat the communities in the East who are supposed to have an excess of this circulation.

And now my honorable friend from Illinois arraigns the Committee on Finance as cherishing a purpose in some adroit way to circumvent the well-ascertained judgment and sense of this Senate, as he assumes, on the whole question of finance. Well, Mr. President, I have been a very attentive, a quite candid, and a rather disinterested listener to what has taken place on the subject of finance since this bill came in——

Mr. LOGAN. Does the Senator mean to say that I asserted what was the well-ascertained judgment of the Senate?

Mr. MORRILL, of Maine. No; I do not assert it; but the language of my honorable friend, and the air of triumph, and the spirit in which he applied himself to what he called the strategy and strategic movements of the committee to circumvent, leave you inevitably with the inference that there is a well-ascertained judgment and sentiment here which, by some adroit movement of legislation, is about to be circumvented. That is what I mean to say he gave us to understand.

Now, for myself, having carefully considered this whole question so far as it has been presented, no thorough conviction has been produced on my mind at all in any direction; and I should like to see the man that has been able to gather out of all that has been said here anything like a settled judgment upon any one proposition of finance. The sentiments and opinions that have been introduced here and discussed have been as diverse as the propositions, and they are many. Out of all this is there any enlightened judgment of the Senate to-day on the question of finance? And are we to be told that on a single proposition involving no question of finance at all, nothing but providing for the execution of a proposition originating four years ago, it is either legitimate or fit or proper to discuss the whole question of finance, and that upon a moment we who are not skilled in these matters are to make up our judgments without the aid of the organ of the Senate upon this question; that we are to make up our judgment and are to make it up at once on these propositions as they come upon us thick and fast, day after day—propositions so extraordinary in their character as that I think almost any man who has the good of his country at stake would hesitate to vote upon them without a great deal of deliberation and opportunity for consideration? Let us see.

My honorable friend says he is ready, willing, anxious, to vote for the proposition of the Senator from Pennsylvania, [Mr. CAMERON,] and that this effort of the committee, to whom he attributes the effort to get the subject back to the committee, is to smother that proposition. Does my honorable friend know that that is not before the Senate at all, and has not been? And are we ready to discuss and consider such a proposition as that, and to vote upon it this afternoon, or to vote upon it at any other time, without the consideration of the Committee on Finance? Is the Senator from Illinois sure that he comprehends the length and the breadth, the depth and the height, of free banking without limitation and restriction in a country with between seven and eight hundred millions of irredeemable currency? If he is, he is a bolder man than most men who deal with such subjects. I can understand that in a contingency, in a certain condition of affairs, free banking might not be an absolute peril, but free banking under these circumstances is utter ruin, in my judgment.

Mr. President, to a simple proposition, involving none of these questions at all, these other questions have been attached, and now that a disposition has been manifested to tack upon it these collateral questions, questions not in any way involved in it, so that to-day, upon this simple proposition, you have the whole range of finance, upon which the Committee on Finance have not passed at all, it seems to me most eminently fit, most eminently proper, that we should not only have the advantage of the deliberations of this committee, whether they are willing or not, but that we have a right to have them, and we who do not devote ourselves to this particular subject ought to demand it, and let us have the whole subject considered, and the benefit of their judgment upon the whole subject. I shall therefore vote for recommitment, with the expectation that the committee, at an early day, will present the subject to the Senate, after having regard to all the propositions which have been submitted or which have been proposed to be submitted in any contingency.

Now, just one word more, and I am done. I want to bring the Senate back for a moment to the attitude of affairs on the question of this expansion or more currency. I venture no opinion at all upon that subject; I am not going to discuss it in any way whatever; but I remember in 1870, when the proposition, a part of which this bill is to execute, was before the Senate, it was said that there were communities and States that had not their fair proportion of the banking currency of this country. That was true. It was true then; it is true now, undoubtedly, that is, in the sense in which it was spoken; and it was demanded that there should be redistribution of the currency, and also that there should be an enlargement of the circulation. My recollection of it is, that fifty-four millions of bank currency were added with a redistribution of twenty-five millions. The $54,000,000 have been divided to the States who had not their proportion of the circulation. That has been executed. It remains only to execute the $25,000,000 provision; making an increase of $54,000,000, and the redistribution of $25,000,000, making $79,000,000 distributed to the States who were supposed not to have had their fair proportion of the circulation.

What was the character of the proposition? Was it supposed by anybody here then or now that in the year 1874 these communities would come here again and demand more in the way of equalizing the currency among the States? Was there any intimation to that effect? Had anybody any reason to suppose that in 1874 we should be discussing that question again? I do not think so. I do not suppose anybody believed it. Now, sir, the demand is just as exigent as it was then; "more money," in other words more currency, more irredeemable paper; not one step toward specie payments, none contemplated, none expected, apparently none desired; but more irredeemable paper. What is the effect of that? The indefinite postponement, of course, of any demand, or desire, or expectation of a return to specie payments. That is the effect of it, as everybody knows. It illustrates this great fact, which nobody need keep out of mind: the more you have of this irredeemable money the more you will need. Issue $50,000,000 to-day, and you will need $100,000,000 two years hence. There is no end to the demand which follows the issue of irredeemable paper; and the fact that we stand here to-day hesitating to execute the legislation of 1870, unless there can be added to it $50,000,000 of currency, is conclusive evidence in my mind of the pernicious tendency of this sort of legislation.

I shall vote, Mr. President, to recommit this bill.

Mr. WRIGHT. Mr. President, the pending proposition, I understand——

Mr. CAMERON. The discussion of this question is becoming so interesting that I think the country will gain profit by letting it continue a day or two longer. Therefore I move that we now go into executive session.

The PRESIDENT *pro tempore*. The Senator from Iowa has the floor.

Mr. WRIGHT. I yield to the Senator from Pennsylvania for that purpose.

The PRESIDENT *pro tempore*. Before putting the question on that motion, the Chair will ask leave to clear his table.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins;

A bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased; and

A bill (H. R. No. 1583) for the relief of Charles J. McKinney, of Tennessee.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. No. 1582) for the relief of C. C. Spaids; and

A bill (H. R. No. 1585) for the relief of the heirs of Seth Lamb.

The bill (H. R. No. 1942) authorizing the President of the United States to appoint Albert Ross to the active list of the Navy, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. No. 1892) authorizing the Passaic County National Bank of Paterson, to change its name, was read twice by its title and referred to the Committee on Finance.

JAMES M'DONALD.

The bill (H. R. No. 1940) giving the consent of Congress to the acceptance by James McDonald, a warrant officer in the United States Navy, of a present from the King of Italy, was read the first time by its title.

Mr. CRAGIN. A similar bill passed the Senate this morning, and I ask that this bill from the House be acted on now.

There being no objection, the bill was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota, for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862; and

A bill (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun.

TERRITORIAL LAWS.

The PRESIDENT *pro tempore* laid before the Senate two copies of the laws and resolutions passed by the seventh Legislative Assembly of the Territory of Idaho, commencing on the 2d of December, 1872, and ending the 10th of January, 1873, at Boise City; which were referred to the Committee on Territories.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, recommending that an appropriation be made to pay the expenses of two commissioners appointed from civil life on the military prison board, under the second section of the act of March 3, 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORTON, it was

Ordered, That the petition and papers in the case of N. J. Beachley, of Bridgeport, Marion County, Indiana, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. SARGENT, it was

Ordered, That the petitions and papers of citizens of San Francisco, California, praying the lease of the so-called Presidio reservation to that city as a public park, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. SCHURZ, it was

Ordered, That the petition and papers of Benjamin Fish, of Missouri, be taken from the files, and referred to the Committee on Claims.

COMMITTEE SERVICE.

Mr. STOCKTON. I appeal to the Senator from Pennsylvania for a moment. I desire, with his permission, to ask the Senate to relieve me from service upon the Committee on Manufactures. I am on four committees, and I find it too laborious.

The question being put, Mr. STOCKTON was excused.

By unanimous consent the Chair was authorized to fill the vacancy, and the President *pro tempore* appointed Mr. HAGER.

ADJOURNMENT.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. BOREMAN. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and forty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 16, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at three minutes after twelve o'clock.

ABOLITION OF MATCH TAX.

Mr. HENDEE introduced a bill (H. R. No. 1957) repealing the tax on lucifer matches and increasing the tax on distilled spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CODIFICATION OF PENSION LAWS.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 1958) to amend and codify the laws in regard to the payment of pensions, so as to insure efficiency and economy in that branch of the public service; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ABOLITION OF THE OFFICE OF APPRAISER.

Mr. KELLOGG introduced a bill (H. R. No. 1959) abolishing the office of appraiser of imported merchandise appointed under the act of July 14, 1870; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

NEW AND VALUABLE FRUITS AND PLANTS.

Mr. HOSKINS introduced a bill (H. R. No. 1960) to encourage the production of new and valuable fruits and plants; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

EMORY R. SEWARD.

Mr. DUELL introduced a bill (H. R. No. 1961) for the relief of Emory R. Seward; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABOLITION OF SPECIAL TOBACCO TAX.

Mr. DUELL also introduced a bill (H. R. No. 1962) to repeal the special tax imposed on dealers in tobacco and manufacturers of cigars and tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNITED STATES COURTS.

Mr. CROOKE introduced a bill (H. R. No. 1963) for the further administration of justice in the United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS R. CROSBY.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 1964) for the relief of the heirs of Thomas R. Crosby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SIMPSON AND LYDIA SIMPSON.

Mr. ALBRIGHT introduced a bill (H. R. No. 1965) granting a pension to James Simpson and Lydia Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL-BANK NOTES.

Mr. TOWNSEND introduced a bill (H. R. No. 1966) to provide for an increase of national-bank notes, and the withdrawal and cancellation of an equal amount of United States legal-tender notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. McJUNKIN introduced a bill (H. R. No. 1967) granting a pension to soldiers of the war of 1812 who served fifty days, and to their widows; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

MARTHA A. GALLAHER.

Mr. McJUNKIN also introduced a bill (H. R. No. 1968) granting a pension to Martha A. Gallaher, widow of William A. Gallaher, late private Company G, One hundred and thirty-fourth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. SHIRLEY.

Mr. McJUNKIN also introduced a bill (H. R. No. 1969) for the relief of John R. Shirley, of Freeport, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AARON B. HUGHES.

Mr. McJUNKIN also introduced a bill (H. R. No. 1970) granting a pension to Aaron B. Hughes, late musician Company G, One hundred and third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RANK OF NAVAL ACADEMY GRADUATES.

Mr. STORM introduced a bill (H. R. No. 1971) relating to the rank of certain graduates of the United States Naval Academy of the class of 1869; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

R. W. CLARK.

Mr. STORM also introduced a bill (H. R. No. 1972) for the relief of R. W. Clark; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GOVERNMENT USE OF PATENTS.

Mr. MAGEE introduced a bill (H. R. No. 1973) to require heads of Departments to give notice to patentees of Government use of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DAVID L. STANTON.

Mr. ARCHER introduced a bill (H. R. No. 1974) for the relief of the sureties of David L. Stanton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN H. SOTHERON.

Mr. ALBERT introduced a bill (H. R. No. 1975) for the relief of John H. Sotheron, of Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL D. HICKS.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 1976) for the relief of Samuel D. Hicks, of Richmond, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. ROSEANNA HOGAN.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 1977) for the relief of Mrs. Roseanna Hogan, for property taken in 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. H. A. CLAY.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 1978) for the relief of C. H. A. Clay, of Henrico County, Virginia, for property taken in the year 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. WHITELEY presented a joint resolution of the General Assembly of Georgia, urging the Representatives of said State in Congress to make earnest efforts to have pensions allowed the survivors of the Mexican war; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

CONGRESSIONAL ELECTIONS.

Mr. WHITELEY also introduced a bill (H. R. No. 1979) to preserve the ballots cast at, and all papers connected with, elections held for Representatives or Delegates to Congress, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS K. APPLING.

Mr. WHITELEY also introduced a bill (H. R. No. 1980) to compensate Thomas K. Appling, of the State of Georgia, for services rendered the Government of the United States in the collection of confederate cotton and quartermaster and commissary stores; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES BUCHANAN.

Mr. WHITELEY also introduced a bill (H. R. No. 1981) to restore to the pension-rolls the name of James Buchanan, of Blakely, Early County, State of Georgia, late first lieutenant Georgia militia, in the Florida Indian war of 1836; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OOSTANAULA RIVER.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 1982) for the cleaning out and improvement of Oostanaula River, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN RODEN.

Mr. CALDWELL introduced a bill (H. R. No. 1983) granting a pension to John Roden, who served as a private in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PENSIONS.

Mr. LAWRENCE introduced a bill (H. R. No. 1984) to provide a mode of paying pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M. QUEEN.

Mr. BUNDY introduced a bill (H. R. No. 1985) granting a pension to Mary M. Queen, widow of William Queen, private Company E, Twelfth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER M. WARD.

Mr. SPRAGUE introduced a bill (H. R. No. 1986) for the relief of Peter M. Ward, late of Company E, Fourth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DUTY ON STILLS AND SPURS.

Mr. WOODWORTH introduced a bill (H. R. No. 1987) to repeal the import duty on stills and spurs; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JUTE BUTTS.

Mr. WOODWORTH also introduced a bill (H. R. No. 1988) fixing a duty of six dollars a ton on jute butts imported into the United States on and after the 1st day of September, 1874; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY SUBLETT.

Mr. MILLIKEN introduced a bill (H. R. No. 1989) granting a pension to Mary Sublett, of Warren County, Kentucky; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

HEIRS OF JAMES T. PRESCOTT.

Mr. DURHAM introduced a bill (H. R. No. 1990) for the benefit of the widow and infant child of James T. Prescott, late a private in Company K, First Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET J. GRISHAM.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 1991) granting a pension to Mrs. Margaret J. Grisham, widow of Captain George E. Grisham, late of the Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT FOR HORSES.

Mr. THORNBURGH introduced a bill (H. R. No. 1992) to amend the act allowing officers of the Army payment for horses and horse equipments lost in the service of the Government; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ABOLITION OF NAVY-YARDS.

Mr. WHITTHORNE introduced a bill (H. R. No. 1993) to abolish the navy-yards at Kittery, Maine; Charlestown, Massachusetts; New London, Connecticut; and Washington, District of Columbia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

FORKED DEER RIVER.

Mr. NUNN introduced a bill (H. R. No. 1994) appropriating $5,000 for the clearing out of the Forked Deer River, from Dyersburgh to the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES COURTS IN TENNESSEE.

Mr. ATKINS introduced a bill (H. R. No. 1995) to amend an act approved June 18, 1838, entitled "An act to require the judges of the district courts of East and West Tennessee to hold a court at Jackson, in said State;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAX ON RETAIL DEALERS IN TOBACCO.

Mr. ATKINS also introduced a bill (H. R. No. 1996) to repeal the tax on retail dealers in leaf-tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. M. NEELY.

Mr. ATKINS also introduced a bill (H. R. No. 1997) for the relief of S. M. Neely, late first lieutenant Company M, Seventh Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDICIAL DISTRICTS IN INDIANA.

Mr. SHANKS introduced a bill (H. R. No. 1998) to divide the State of Indiana into two judicial districts, and to provide for holding courts of the United States therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIAN SCHOOLS.

Mr. SHANKS also introduced a bill (H. R. No. 1999) to detail one of the Indian inspectors to inspect the schools for Indians and license teachers therefor; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HUGH MANFORD.

Mr. HOLMAN introduced a bill (H. R. No. 2000) to restore the name of Hugh Manford to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARTHOLOMEW COUNTY AGRICULTURAL SOCIETY, INDIANA.

Mr. HOLMAN also introduced a bill (H. R. No. 2001) for the relief of the Bartholomew County Agricultural Society, in the State of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY OF OFFICERS OF THE ARMY.

Mr. CLEMENTS introduced a bill (H. R. No. 2002) for the payment of officers of the Army from the time of entering on the discharge of the duties of their offices; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALT LAKE AND COLORADO RIVER RAILROAD.

Mr. EDEN introduced a bill (H. R. No. 2003) to incorporate the Salt Lake and Colorado River Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

GEORGE HUGGINS.

Mr. McNULTA introduced a bill (H. R. No. 2004) granting a pension to George Huggins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KANSAS PACIFIC AND UNION PACIFIC RAILROADS.

Mr. STONE presented a concurrent resolution of the Legislature of the State of Missouri, in reference to the Kansas Pacific and Union Pacific Railroads; which was referred to the Committee on the Judiciary, and ordered to be printed.

BOHEMIAN-SLAVONIAN BENEVOLENT ASSOCIATION.

Mr. STANARD introduced a bill (H. R. No. 2005) to incorporate the National Grand Lodge of the Bohemian-Slavonian Benevolent Association; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNION PACIFIC AND KANSAS PACIFIC RAILROADS.

Mr. STANARD also presented the following concurrent resolution of the General Assembly of the State of Missouri, in reference to the Union Pacific and Kansas Pacific Railroads; which was read, referred to the Committee on the Judiciary, and ordered to be printed:

Concurrent resolution in reference to the Kansas Pacific and Union Pacific Railroad Companies.

Whereas, by act approved July 1, 1862, commonly known as the "Pacific Railroad act," the Congress of the United States provided for a main line of railroad and telegraph to be built by the Union Pacific Railroad Company, incorporated by said act, from a point on the one hundredth meridian of longitude west from Greenwich, to the west line of Nevada Territory, and to connect through the Pacific Ocean; and said act of Congress also provided for several branches to extend eastwardly from the initial point of said railroad, one to Kansas City, one to Saint Joseph, and one to Sioux City, on the Missouri River, and said Union Pacific Railroad and its branches having received subsidies in lands and bonds from the United States, and the companies having accepted the several acts of Congress incorporating and providing for said road and branches, are subject to the same in all their provisions; and whereas, by the twelfth section of said act of Congress of July 1, 1862, it is provided that "the whole line of said railroad and branches and telegraph shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one connected, continuous line;" and by the fifteenth section of the amendatory act of July 2, 1864, it is provided that "the several companies hereby authorized to construct the aforesaid roads, are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, and in such operation and use to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others;" and whereas, by the ninth section of the said act of July 2, 1864, it is provided that "any company authorized by this act to construct its road and telegraph line from the Missouri River to the initial point aforesaid, (one hundredth meridian,) may construct its road and telegraph line so as to connect with the Union Pacific Railroad at any point westwardly of such initial point in case such company shall deem such westward connection more practicable or desirable;" and by the act amendatory of said acts, approved July 3, 1866, the Kansas Pacific Railway Company, one of said branches, (then known as the Union Pacific Railway Company, eastern division,) was required to connect its road with the Union Pacific Railroad at a point not more than fifty miles west of the meridian of Denver; and by the act of Congress, approved March 3, 1869, the said Kansas Pacific Railway Company was required to connect its road with the Union Pacific Railroad at Cheyenne, in Wyoming Territory, as a branch of the said Union Pacific Railroad, and was authorized to contract with the Denver Pacific Railway Company to construct and put in operation that part of its line between Denver and Cheyenne; and Congress took care to provide in said act that "all provisions of law for the operation of the Union Pacific Railroad, its branches and connections, as a continuous line without discrimination, shall apply the same as if the road from Denver to Cheyenne had been constructed by the said Union Pacific Railway Company, eastern division," (now Kansas Pacific Railway Company,) which connection at Cheyenne having been accomplished in the year 1870, the whole line has been and is now operated by the Kansas Pacific Railway Company as a continuous branch of the Union Pacific Railroad from Cheyenne, in Wyoming, to Kansas City, in Missouri, pursuant to the acts of Congress aforesaid; and whereas the said Kansas Pacific Railway Company having thus constructed and put in operation about seven hundred and forty-five miles of first-class railroad, extending from Kansas City, in Missouri, to a connection with the Union Pacific Railroad, at Cheyenne, in Wyoming, as provided for and required in the acts of Congress, the people of the several States and Territories are entitled, by law, to uniform rates of freight and passage, eastward and westward, over the Union Pacific Railroad and over the Kansas Pacific Railroad, as a branch thereof, without discrimination of any kind in favor of the road or business of either of said companies, or adverse to the road or business of either of them. And any discrimination by the Union Pacific Railroad Company against freight and passenger traffic from the Kansas Pacific Railway, destined to points on the Union Pacific Railroad, west of Cheyenne, or to points beyond the western terminus of said last-named road, as also any discrimination by said Union Pacific Railroad Company against eastward-bound freight and passenger traffic from points west of Cheyenne, and destined to points on the Kansas Pacific Railway, or east of its eastern terminus, is in violation of the laws of the United States, and injurious to the people, who are, by law, entitled to uniform rates of freight and passage over said Union Pacific Railroad and branches; and every such discrimination by the Kansas Pacific Railway Company against freight and passenger traffic to or from the Union Pacific Railroad, is alike in violation of law and injurious to the people; and whereas the people of Missouri are largely interested in commerce and intercourse with the vast and rapidly developing regions traversed by the Union Pacific Railroad and branches, and, together with the people of adjacent States, are entitled to all the benefits of the uniform rates and choice of routes which were intended and provided for in the acts of Congress organizing and subsidizing said railroads: Therefore,

Resolved by the senate, (the house of representatives concurring therein,) That our Senators and Representatives in Congress be requested to urge upon the consideration of their respective Houses such legislation as will secure to the people of the United States those equal advantages and facilities as to rates, time, and transportation on the Union Pacific Railroad, and the several branches thereof, which are reserved and guaranteed to them as a chief part of the consideration to be given by the companies for the grant of lands and bonds so generously given to them by Congress.

Resolved, That the secretary of state be instructed to forward a copy of the foregoing preamble and resolution to each of the Senators and Representatives in Congress for this State.

Approved February 4, 1874.

OFFICE OF SECRETARY OF STATE,
City of Jefferson, Missouri.

I, Eugene F. Weigel, secretary of state of the State of Missouri, do hereby certify that the annexed pages contain a true, complete, and full copy of a concurrent resolution of the General Assembly of the State of Missouri, entitled "Concurrent resolution in reference to the Kansas Pacific and Union Pacific Railroad Companies," approved February 4, 1874, as appears by comparing the same with the original roll of said resolution now on file, as the law directs, in this office.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at office this 6th day of February, A. D. 1874.

[SEAL.] EUGENE F. WEIGEL,
Secretary of State.

TAX ON LEAF-TOBACCO.

Mr. CLARK, of Missouri, presented the following concurrent resolution of the General Assembly of the State of Missouri, praying for the repeal of the revenue law in reference to the sale of leaf-tobacco; which was read, referred to the Committee on Ways and Means, and ordered to be printed:

Concurrent resolution in regard to the revenue law.

Resolved by the house of representatives, (the senate concurring therein,) That our Senators be instructed and our Representatives in Congress be requested to use their influence and utmost exertions to secure the repeal of so much of the revenue law in which planters are prohibited to sell tobacco in the leaf to whom they please.

Resolved, That the secretary of state be, and is hereby, instructed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Approved February 5, 1874.

OFFICE OF SECRETARY OF STATE,
City of Jefferson, Missouri.

I, Eugene F. Weigel, secretary of state of the State of Missouri, do hereby certify that the annexed pages contain a true, complete, and full copy of a concurrent resolution of the General Assembly of the State of Missouri, entitled "Concurrent resolution in regard to the revenue law," approved February 5, 1874, as appears by comparing the same with the original roll of said resolution now on file, as the law directs, in this office.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at office this 6th day of February, A. D. 1874.

[SEAL.] EUGENE F. WEIGEL,
Secretary of State.

AUGUSTUS A. FLEMING.

Mr. HATCHER introduced a bill (H. R. No. 2006) for the relief of Augustus A. Fleming, a citizen of Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LUTHER C. FRENCH.

Mr. WALDRON introduced a bill (H. R. No. 2007) granting a pension to Luther C. French, late assistant surgeon Fourth Regiment Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SENATORS AND REPRESENTATIVES FROM TEXAS.

Mr. HERNDON introduced a bill (H. R. No. 2008) for the relief of two Senators and four Representatives elected to Congress from the State of Texas in 1866; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

TEXAS INTERNAL IMPROVEMENTS.

Mr. GIDDINGS introduced a bill (H. R. No. 2009) to provide for deepening the channel across the bar at the mouth of Cedar Bayou, Galveston Bay, State of Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MILITARY LAND WARRANTS.

Mr. McCRARY introduced a bill (H. R. No. 2010) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. McCRARY also presented a joint resolution of the General Assembly of the State of Iowa, relative to an amendment to the Constitution of the United States in regard to the compensation of members of Congress; which was referred to the Committee on the Judiciary, and ordered to be printed.

M'GREGOR WESTERN RAILROAD.

Mr. DONNAN introduced a bill (H. R. No. 2011) to prevent the patenting of lands to the McGregor Western Railroad Company until said company shall have complied with the terms and conditions of the act of Congress granting said lands by the completion of its road to the initial point therein named; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

Mr. DONNAN also presented a joint resolution of the General Assembly of the State of Iowa, urging a sufficient appropriation for the early completion of the improvement of the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

SEWING-MACHINE PATENTS.

Mr. McDILL, of Iowa, presented a joint resolution of the Legislature of Iowa, protesting against the extension of sewing-machine patents; which was referred to the Committee on Patents, and ordered to be printed.

IMPROVEMENT OF WOLF RIVER, WISCONSIN.

Mr. SAWYER introduced a bill (H. R. No. 2012) giving the assent of Congress for the improvement of the Wolf River across the Menomonee Indian reservation in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PAYMENT OF MILITARY OFFICERS.

Mr. ELDREDGE introduced a bill (H. R. No. 2013) providing for the payment of officers commissioned by the governors of States, and afterward mustered into the service of the United States during the

time between the date of the commission and the mustering into the service of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LUCIEN S. HANKS.

Mr. HAZELTON, of Wisconsin, introduced a bill (H. R. No. 2014) to authorize the accounting officers of the Treasury to adjust and settle the accounts of Lucien S. Hanks within named; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WISCONSIN CENTRAL RAILROAD.

Mr. McDILL, of Wisconsin, presented a memorial of the Legislature of Wisconsin, for extension of time to complete the Wisconsin Central Railroad; which was referred to the Committee on the Public Lands, and ordered to be printed.

RAILROAD IN WISCONSIN.

Mr. McDILL, of Wisconsin, also introduced a bill (H. R. No. 2015) to extend the time for completing a certain railroad in the State of Wisconsin; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LAND TITLES IN WISCONSIN.

Mr. McDILL, of Wisconsin, also introduced a bill (H. R. No. 2016) to amend an act entitled "An act to quiet the title to the lands of the settlers on land claimed by the West Wisconsin Railroad Company;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIANS IN WISCONSIN.

Mr. McDILL, of Wisconsin, also introduced a bill (H. R. No. 2017) to provide for the removal of certain Indians from the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DAVID BARNES.

Mr. CLAYTON introduced a bill (H. R. No. 2018) for the relief of David Barnes; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

STOCKTON AND COPPEROPOLIS RAILROAD.

Mr. PAGE introduced a bill (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAN ANTONIO CREEK.

Mr. PAGE also introduced a bill (H. R. No. 2020) making an appropriation for dredging San Antonio Creek and the improvement of Oakland Harbor, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENTS OF SAN JOAQUIN RIVER.

Mr. PAGE also presented the following preamble and resolution of the Legislature of California; which were referred to the Committee on Commerce, and ordered to be printed.

The Clerk read as follows:

Whereas it has been the custom of the Government of the United States to grant aid to the several States for the purpose of improving the navigable waters of said States; and whereas the San Joaquin River is navigated with great difficulty, and being the only water outlet of ten counties of this State, said counties being taxed on nearly six million acres of land and nearly fifty millions of property, in a section of country larger than many of the States, capable of sustaining six millions of population, that now export millions of produce, and will, in the near future, export tens of millions; and whereas said counties never having asked or received any aid from the Government: Therefore,

Be it resolved, That our Senators in Congress be instructed, and our Representatives requested, to urge on Congress the necessity and justice of making appropriations to improve the navigation of said river.

Resolved, That his excellency the governor be instructed to transmit to each of our Representatives in Congress a copy of the foregoing preamble and resolution.

MORRIS M. ESTEE,
Speaker of Assembly.
R. PACHECO,
President of the Senate.

EDWARD AND JOHN AUZERAIS.

Mr. HOUGHTON introduced a bill (H. R. No. 2021) for the relief of Edward and John Auzerais; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. LAMORY.

Mr. HOUGHTON also introduced a bill (H. R. No. 2022) for the relief of E. Lamory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVEY OF SACRAMENTO AND FEATHER RIVERS.

Mr. LUTTRELL introduced a bill (H. R. No. 2023) authorizing the survey of the Sacramento and Feather Rivers in the State of California and to appropriate money therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOUNDARY LINE BETWEEN OREGON AND CALIFORNIA.

Mr. LUTTRELL also presented a concurrent resolution of the Legislature of California, relating to the boundary line between Oregon and California; which was referred to the Committee on the Judiciary, and ordered to be printed.

SURVEY OF PUBLIC LANDS IN CALIFORNIA.

Mr. LUTTRELL also presented a concurrent resolution of the Legislature of California, relative to the survey of the public lands in said State; which was referred to the Committee on the Public Lands, and ordered to be printed.

SANTILLAN LAND GRANT.

Mr. LUTTRELL also presented a concurrent resolution of the Legislature of California, asking Congress to oppose the passage of the Santillan land grant; which was referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT CLINTON, IOWA.

Mr. DONNAN (by request) introduced a bill (H. R. No. 2024) to amend the eighth section of an act entitled "An act to authorize the construction of bridges across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across the said river, and to establish them as post-roads," approved April 1, 1872; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAINT PAUL AND PACIFIC RAILROAD COMPANY.

Mr. AVERILL introduced a bill (H. R. No. 2025) to revive and continue certain grants of land heretofore made to the Territory and State of Minnesota to aid in the construction of the several lines of the Saint Paul and Pacific Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON OSAGE INDIAN LANDS.

Mr. LOWE introduced a bill (H. R. No. 2026) to extend the time for completing the entries of Osage Indian lands in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MILITARY ROUTE FROM WALNUT TO MAIN CACHE RIVER.

Mr. LOWE also introduced a bill (H. R. No. 2027) to provide for the opening of a military and post route from the mouth of the Walnut River in Kansas to the mouth of the Main Cache River in Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLERS WITHIN RAILROAD LIMITS.

Mr. LOWE also presented joint resolution of the Legislature of Kansas, respecting the rights of homestead settlers on public lands within railroad limits; which was referred to the Committee on the Public Lands, and ordered to be printed.

MAIL CONTRACTORS.

Mr. HEREFORD introduced a bill (H. R. No. 2028) to pay late mail contractors the amount due them for services rendered prior to the late war; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

COLEMAN SIMS.

Mr. DAVIS, of West Virginia, introduced a bill (H. R. No. 2029) granting a pension to Coleman Sims, of Clarksburgh, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROSECUTION OF APPEALS, ETC., BY THE UNITED STATES.

Mr. CROUNSE introduced a bill (H. R. No. 2030) to repeal section 2 of the act entitled "An act supplementary to an act entitled 'An act to allow the United States to prosecute appeals and writs of error without giving security, and for other purposes;'" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LUCIEN B. MAXWELL.

Mr. ELKINS introduced a bill (H. R. No. 2031) for the relief of Lucien B. Maxwell for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AFFAIRS OF UTAH.

Mr. CANNON, of Utah. I present a memorial of the Legislative Assembly of Utah Territory, asking for a commission of investigation to be sent to Utah to inquire into all alleged abuses in affairs there. I ask that the memorial be read.

The memorial was read, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Legislative Assembly of the Territory of Utah, respectfully represent that, whereas a large majority of the people of this Territory are accused of disloyalty, insubordination, and other violations of the Constitution and laws of the United States; and whereas these accusations are absolutely untrue, and are made with malicious intent to procure proscriptive legislation by Congress:

Therefore, being anxious that legislation, if upon thorough investigation any should be deemed necessary, should be such as will conduce to the greatest good of all, we respectfully and earnestly solicit your honorable body to send to Utah a commission of investigation, with instructions to inquire into the alleged abuses in our territorial affairs, and with authority to send for persons and papers needed in the prosecution of their inquiry. And we further respectfully ask your honorable body for the protection of what we deem the best interests of the whole people of the Territory, to suspend all action, so far as special legislation for Utah is concerned, until such time as said commission shall have had opportunity to investigate and report. And for a course so conducive to wise, and consequently beneficial, legislative action, we your memorialists will ever pray.

Signed by Lorenzo Snow, president of the council; Orson Pratt, sr., speaker of the

house of representatives; W. Woodruff, William Jennings, W. H. Hooper, John T. Caine, A. O. Smoot, L. E. Harrington, Joseph A. Young, Jesse N. Smith, Moses Thatcher, Thomas Callister, Arthur Stayner, Jacob Gates, John R. Murdock, Jonathan C. Wright, M. W. Merrill, W. G. Smith, W. R. Smith, Silas S. Smith, Joel Grover, Lorenzo W. Roundy, Edward Partridge, John Nebeker, John Taylor, A. P. Rockwood, Lorin Farr, George Halliday, S. A. Mann, Brigham Young, jr., Joseph F. Smith, William Morrison, George Peacock, W. W. Cluff, John Rowberry, Albert K. Thurber, W. B. Pace, Abram Hatch, Franklin D. Richards, L. John Nuttall, chief clerk of legislative council; Robert S. Campbell, chief clerk of house of representatives.

Mr. CANNON, of Utah. I move that the memorial be referred to the Committee on the Judiciary.

Mr. MERRIAM. I think it ought to go to the Committee on the Territories.

The SPEAKER. The Chair thinks the points presented in the memorial are judicial in their character.

Mr. CANNON, of Utah. I desire that it shall go to the Committee on the Judiciary, and have made that motion.

Mr. MERRIAM. I would like a vote on that. I think it is very important that this should go to the Committee on the Territories; and I move to amend the motion of the gentleman from Utah by substituting the Committee on the Territories.

The question being put on Mr. MERRIAM's amendment, there were—ayes 42, noes not counted.

So the amendment was not agreed to.

The memorial was referred to the Committee on the Judiciary, and ordered to be printed.

DEVELOPMENT OF MINING RESOURCES.

Mr. CHAFFEE introduced a bill (H. R. No. 2032) to amend an act entitled, "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

SAMUEL H. WINSOR.

Mr. STEELE introduced a bill (H. R. No. 2033) to authorize the Secretary of the Interior to settle the claim of Samuel H. Winsor, for services as enrolling clerk of the Legislative Assembly of Wyoming Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WASHINGTON CITY LIMITS.

Mr. CHIPMAN introduced a bill (H. R. No. 2034) to extend the limits of the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. All the States and Territories have now been called through for bills on leave and joint resolutions. The Chair will now entertain motions for reference from gentlemen who were not in their seats when their States were called.

UNAUTHORIZED EXPENDITURES BY UNITED STATES OFFICIALS.

Mr. WILLARD, of Vermont, introduced a bill (H. R. No. 2035) making the unauthorized expenditures of the moneys of the United States by United States officials a misdemeanor, and providing for the punishment thereof; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

PUBLIC BUILDING AT NASHVILLE, TENNESSEE.

Mr. HARRISON introduced a bill (H. R. No. 2036) to amend the act entitled "An act to provide for the erection of a public building at Nashville Tennessee," approved January 4, 1873; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DEAL BROWN AND OTHERS.

Mr. HARRISON also introduced a bill (H. R. No. 2037) for the relief of Deal Brown and others, of Warren County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN E. BAUMAN.

Mr. HARRISON also introduced a bill (H. R. No. 2038) for the relief of John E. Bauman, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DWIGHT J. M'CANN.

Mr. CROUNSE introduced a bill (H. R. No. 2039) for the relief of Dwight J. McCann; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LUCINDA HALL.

Mr. HYDE introduced a bill (H. R. No. 2040) for the relief of Mrs. Lucinda Hall; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

THE MISSION INDIANS OF CALIFORNIA.

Mr. SHANKS introduced a bill (H. R. No. 2041) to provide homes for the Mission Indians in California; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. ALBERT introduced a bill (H. R. No. 2042) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend the railroad into and within the District of Columbia," approved January 22, 1872; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SARAH J. HEALD.

Mr. PHELPS introduced a bill (H. R. No. 2043) for the relief of Sarah J. Heald; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSTAGE BETWEEN CONTIGUOUS CITIES.

Mr. WOODFORD introduced a bill (H. R. No. 2044) to regulate the postage on letters between contiguous cities; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CUSTOMS-REVENUE SERVICE.

Mr. WOODFORD also introduced a bill (H. R. No. 2045) to provide for a commission for a reorganization of the customs-revenue service of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

POST-OFFICE LAWS.

Mr. PACKER introduced a bill (H. R. No. 2046) to amend the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, and eighty-sixth sections of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, fixing and prescribing the method for adjusting the salaries of postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CITIES OF NEW YORK AND BROOKLYN.

Mr. PACKER also introduced a bill (H. R. No. 2047) to facilitate ingress and egress between the cities of New York and Brooklyn, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CLERICAL FORCE IN THE WAR DEPARTMENT.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 2048) to limit and regulate the clerical force of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PACIFIC RAILROAD.

Mr. PHILLIPS introduced a bill (H. R. No. 2049) to enable the Central Branch Union Pacific Railroad Company to submit its claims against the United States, under existing laws, to the decision of the Supreme Court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF KANSAS LANDS.

Mr. PHILLIPS presented a memorial of the Legislature of the State of Kansas, in reference to the sale of Kansas lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

OSAGE LANDS.

Mr. PHILLIPS also presented a memorial of the Legislature of the State of Kansas, in reference to the rights of settlers on the Osage lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

LAKE WINNIPISEOGEE.

Mr. SMALL introduced a bill (H. R. No. 2050) for an examination and survey of Lake Winnipiseogee, in the State of New Hampshire, for the purpose of improving its navigation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SMUTTY NOSE HARBOR.

Mr. SMALL also introduced a bill (H. R. No. 2051) for a survey of the harbor at Smutty Nose Island, near Portsmouth, New Hampshire, and to estimate the expense of repairing the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN COYNE.

Mr. FORT introduced a bill (H. R. No. 2052) granting a pension to John Coyne, private Company I, One hundred and fourth Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTY TO INDIANA REGIMENT.

Mr. CASON introduced a bill (H. R. No. 2053) to authorize and provide for the payment of $100 bounty to the Fifty-fourth Regiment of Indiana one-year men enlisted into the service of the United States in the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TREATIES WITH INDIAN TRIBES.

Mr. McKEE presented the memorial of the Chickasaw, Choctaw, Creek, Seminole, and Cherokee Indians, in relation to the treaty of

1866; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM F. GROW.

Mr. HYNES introduced a bill (H. R. No. 2054) for the relief of William F. Grow, of Arkansas, late second lieutenant Seventh Mississippi Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES D. HAMBLEN.

Mr. NILES introduced a bill (H. R. No. 2055) for the relief of James D. Hamblen, of Camden, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDUCATION IN THE SOUTH.

Mr. HAYS introduced a bill (H. R. No. 2056) to establish a bureau for a uniform system of education in the States lately in rebellion; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

TAX ON DISTILLED SPIRITS.

Mr. PENDLETON introduced a bill (H. R. No. 2057) to increase the tax on distilled spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INDIAN AND MEXICAN DEPREDATIONS IN TEXAS.

Mr. HANCOCK introduced a bill (H. R. No. 2058) to provide for ascertaining losses sustained by citizens of Texas by reason of Mexican and Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE W. SWARTZ.

Mr. SOUTHARD introduced a bill (H. R. No. 2059) for an increase of pension to George W. Swartz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. DOWNEY.

Mr. HUNTON introduced a bill (H. R. No. 2060) for the relief of James M. Downey, of Loudoun County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN C. FITZHUGH.

Mr. HUNTON also introduced a bill (H. R. No. 2061) for the relief of Edwin C. Fitzhugh; which was read a first and second time, referrred to the Committee on War Claims, and ordered to be printed.

DISTRICT JUDGES.

Mr. SAYLER, of Ohio, introduced a bill (H. R. No. 2062) authorizing a circuit judge, or a justice of the Supreme Court performing circuit-court duties, to make an order authorizing any district judge to perform judicial duties in any district within the circuit; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REVENUE-MARINE SERVICE.

Mr. CROSSLAND introduced a bill (H. R. No. 2063) to abolish the revenue-marine service; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CUSTOM-HOUSES.

Mr. CROSSLAND also introduced a bill (H. R. No. 2065) to abolish certain custom-houses, and to discharge useless officers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. LETITIA CARR.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 2066) directing the Committee on Pensions to place upon the pension-rolls the name of Mrs. Letitia Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER LUMPHREY.

Mr. FIELD introduced a bill (H. R. No. 2067) to restore Oliver Lumphrey, late second lieutenant Forty-third United States Infantry, Veteran Reserve Corps, to his former rank in the Army of the United States, and to place him on the retired list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREE CIRCULATION OF NEWSPAPERS.

Mr. COTTON, by unanimous consent, presented a joint resolution of the Legislature of Iowa, asking for free circulation of newspapers to subscribers within the counties of their publication; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAPER CURRENCY.

Mr. SAYLER, of Ohio, presented the following memorial; which was read, referred to the Committee on Banking and Currency, and ordered to be printed:

To the honorable Senate and House of Representatives in Congress assembled:

Your petitioners, bankers, merchants, manufacturers, and other citizens of Cincinnati, Ohio, would respectfully represent that they view with alarm the various bills introduced into Congress to increase the irredeemable paper currency of the country, and pray that Congress may not authorize its increase in any form whatsoever.

Your petitioners believe the present volume of currency to be ample for the legitimate industries of the country, and that its inflation would again stimulate wild speculations, promote gambling in stocks and in gold, retard the restoration of the specie standard, and produce in the end general disaster.

Signed by Taylor & Brother, Rowland & Co., Meader Furniture Company, Walsh, Brooks & Kellogg, B. Storer, Briggs Swift, Theodore Cook, and 140 others.

CINCINNATI, *February* 9, 1874.

CRETACEOUS FLORA OF THE WEST.

Mr. DAWES, by unanimous consent, submitted the following resolution; which was read, and, under the law, referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound twenty-five hundred copies in quarto, uniform with the series, of Professor Hayden's final report on the Cretaceous Flora of the West; one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States geological survey of the interior.

ISIDORE DOIGLE AND ROSA DOIGLE WOODRUFF.

Mr. SHELDON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the southern claims commission be directed to send to the House of Representatives the petition, proofs, and papers relating to the claim of Isidore Doigle and Rosa Doigle Woodruff, of the State of Louisiana.

WESTERN JUDICIAL DISTRICT OF ARKANSAS.

Mr. HYNES. I ask unanimous consent to submit for adoption at this time, the following resolution:

Resolved, That the Committee on Expenditures in the Department of Justice be directed to inquire into the expenses, disbursements, and general management of the western judicial district of Arkansas, since its reorganization in 1871.

I desire to say, with permission of the House, that in view of all that has been published in the press of the country about malfeasance and extravagance in the disbursements of the western district of Arkansas, sometimes charging abuses with particular specifications, I have deemed it my duty, representing, as I do, all this territory within my State embraced in this district, to offer this resolution. I am aware of the extraordinary character of the western district of Arkansas, embracing, as it does, more than one-half the State of Arkansas and all of the Indian Territory with jurisdiction extending from that of a police court to that of a circuit court of the United States; and I hope that these unusual circumstances of territory and jurisdiction will satisfactorily explain the great expense of running it. However that may be, if abuses exist we have a right to demand their correction; if not, the administration of the law in that district should be vindicated. It may be proper for me to add that I am seconded in this matter by the Attorney-General, who invites the action of the committee which my resolution directs.

No objection being made, the resolution was received and adopted.

COMMERCE AMONG THE STATES BY RAILROADS.

Mr. McCRARY, by unanimous consent, presented the memorial of G. G. Hubbard, concerning commerce by railroad among the several States; which was referred to the Committee on Railways and Canals, and ordered to be printed.

DELINQUENT CLERKS OF DISTRICT COURTS.

Mr. SPEER. I ask consent to submit for adoption at this time a preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas by section 3 of the act of 1853, chapter 80, district attorneys, clerks of the district and circuit courts, and marshals are required "upon the 1st days of January and July in each year, commencing with the 1st day of July next, or within thirty days from and after the dates specified," to make a "return in writing, embracing all the fees and emoluments of their respective offices of every name and character;" and whereas the Attorney-General in his last report "calls the attention of Congress to the fact that E. V. C. Blake, clerk of the district court for the middle district of Alabama, James McPherson, clerk of the district court for the southern district of Georgia, and George P. Bowen, clerk of the district court for the southern district of Illinois, have persistently disregarded this law, and the frequent demands upon them by this Department for compliance with it," and further states that these officers are beyond his control, and he has "on several occasions complained to the judges of said courts of these delinquents but without avail:" Therefore,

Resolved, That the Committee on the Judiciary be, and they are hereby, required to investigate the cause of the failure or refusal of E. V. C. Blake, James McPherson, and George P. Bowen, to comply with the law, and the frequent demands of the Department of Justice upon them to make a "return in writing embracing all the fees and emoluments of their respective offices of every name and character," and to report the facts to this House, with what, if any, change in existing law is necessary to protect the interests of the Government, and to secure a faithful performance of their duty by the officers of the United States courts.

Mr. SPEER. In the preamble of this resolution I have adopted the exact language of the Attorney-General, as found in his report of 1873.

Mr. BUTLER, of Massachusetts. I suggest to the gentleman that if this committee is to be authorized to investigate, we should also authorize it to send for persons and papers.

Mr. SPEER. Let that clause be added.

The SPEAKER. If there be no objection the resolution will be so modified, and as modified will be considered as adopted.

There was no objection; and the resolution, as modified, was accordingly adopted.

Mr. SPEER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL CURRENCY—FREE BANKING.

Mr. MAYNARD. I am instructed by the Committee on Banking and Currency to ask the House to make an order that House bill No. 1572, to amend the several acts providing a national currency, and to establish free banking, and for other purposes, be made a special order in Committee of the Whole, to the exclusion of all other orders, after the morning hour on Thursday, the 19th instant, and from day to day until disposed of.

Mr. DAWES. Mr. Speaker, would not that exclude the bill reported from the Committee on Ways and Means?

The SPEAKER. If the House adopts the order, it will exclude all other business while this is pending.

Mr. GARFIELD. I hope the House will not make this order.

Mr. HAWLEY, of Illinois. I hope the order will not be made to the exclusion of private-bill day.

Mr. BECK. I wish to make a parliamentary inquiry. Has not the bill reported from the Committee on Ways and Means—not the tax bill, but the $44,000,000 bill—been made a special order in advance of this; and would this order exclude the consideration of that bill?

The SPEAKER. The bill to which the gentleman from Kentucky refers, *legalizing* the issue of the $44,000,000 called the "reserve," is the next special order in Committee of the Whole to that which the committee already has under consideration. The bill in reference to the tax on matches is the first; and the next is the $44,000,000 bill. But should the motion of the gentleman from Tennessee prevail, it will set both those bills aside during the pendency of this bill from the Committee on Banking and Currency; and after that had been disposed of they would resume their place.

Mr. BECK. For that reason I shall object to this proposition, unless the motion should be made to suspend the rules, which I hope will not prevail.

Mr. KELLEY. I wish to ask a parliamentary question. Inasmuch as the $44,000,000 bill reported by the Committee on Ways and Means, and which is a special order, relates to the currency, would not all the bills relating to that subject come under consideration in general debate when that bill shall be reached; and could not the object of the gentleman from Tennessee be thus arrived at without interfering with the existing special order?

The SPEAKER. The Chair imagines that the limit of general debate on both measures would be about the same.

Mr. KELLEY. Permit me to inquire further whether, in that event, any bill already referred—either this bill, or that I had the honor to present, or that which relates to a postal savings-bank system, or any other bill on the subject of currency—would not be legitimate not only as a subject for discussion, but as a substitute for the pending measure?

The SPEAKER. The Chair thinks that, literally and strictly, one bill on the Calendar cannot be taken up and moved as a substitute for another; but by a change so slight as not to affect the substance of the bill, the rule could be evaded; and, practically, the course which the gentleman from Pennsylvania indicates could be adopted. The House in sending a bill to a committee indicates its desire to have the bill considered by the committee; and a bill which has been so disposed of cannot be recognized as a legitimate amendment; but the gentleman from Pennsylvania does not need to be informed that a very slight change in the phraseology of a bill would evade this parliamentary rule.

Mr. MAYNARD. I desire to say that if this order shall be made, it is my purpose to have general debate upon the bill, so far as the House may think proper—a reasonable debate; we all understand what that means—and then to ask that general debate be closed, and the bill be considered under the five-minute rule.

The SPEAKER. The Chair was in error in one point. He finds, by reference to the Calendar, that the bill to repeal the stamp duty or tax on matches is now the pending special order; and the next is the bill to repeal all stamp taxation on bank-checks and friction matches. Next comes the forty-four million bill.

Mr. DAWES. The two bills in relation to matches are treated as one.

The SPEAKER. They may be treated as one; but they are in fact two bills.

Mr. COX. Will not one objection prevent this proposed order from being made?

The SPEAKER. The Chair supposes that the gentleman from Tennessee [Mr. MAYNARD] intends to test the question by a motion to suspend the rules.

Mr. BECK. Mr. Speaker——

Mr. COX. I believe I have the floor.

Mr. BECK. I rise to a parliamentary inquiry, which takes precedence of debate, which is not in order.

The SPEAKER. The Chair will hear the parliamentary inquiry.

Mr. BECK. If this bill from the Committee on Banking and Currency be made a special order, to the exclusion of all other business, will it not, while it holds its place, deprive the Committee on Ways and Means of all control of bills which are now ahead of it?

The SPEAKER. The scope of the motion of the gentleman from Tennessee will appear by merely reciting it. It is, that on Thursday, the 19th instant, the House, in Committee of the Whole, shall consider, as a special order, the bill reported from the Committee on Banking and Currency, and from day to day until disposed of, to the exclusion of all other orders. This of course would, during its consideration, suspend all other business.

Mr. COX. I do not rise to debate, but to object, because it was understood on all hands debate should go to all bills, and they should come up in the order in which they were assigned in the Committee of the Whole on the state of the Union. If that is not done, I must insist on my objection.

Mr. BECK. I have objected already.

Mr. GARFIELD. I wish to say only one word. According to the prevailing custom, which I think a good one, Fridays and Saturdays are assigned to private bills, and we are substantially cut out of handling appropriation bills on those days.

Mr. MAYNARD. I hope we will have some order in the House.

The SPEAKER called the House to order.

Mr. GARFIELD. Mr. Speaker, I was about saying that according to what I consider a thoroughly good habit which the House has fallen into under the revised rules, Friday of each week is given up by common consent to private bills, except on the day when it is devoted to the Committee on the District of Columbia. Saturday, thus far, has gone to general debate. Monday is a day on which we have thus far been able to do no legislation except under suspension of the rules. The morning hour of the other days of the week is devoted, as it should be, to the regular call of committees. We are now left to nothing but Tuesdays, Wednesdays, and Thursdays, and that after the morning hour, for the work of the Committee on Appropriations. The largest bill of the session, the most difficult of all, we hope to lay before the House before the day is ended. If, now, a special order is made to the exclusion of all other orders, it means that at least for two weeks not one inch of advance shall be made in the appropriation bills. Only three have been acted on, and nine or ten remain which must be acted on. If we hope to have anything like an early adjournment, if we hope to get our bills through here so they will not be crowded into the last week, we must not make any special order which excludes appropriation bills. I hope, therefore, the gentleman from Tennessee, in his motion, will exclude regular appropriation bills. If he does not, I hope the House will refuse to grant the request he makes.

Mr. HAWLEY, of Illinois. I desire to know whether, if this special order is made as it has been requested, it will exclude private-bill days?

The SPEAKER. Not unless the House on Friday should refuse to go into Committee of the Whole House on the Private Calendar. If the House should refuse to go into Committee of the Whole House, it would then be the duty of the Chair, if made, to submit the motion to go into Committee of the Whole House on the state of the Union.

The Chair has given notice, since the recent order changing the rules consigning everything containing appropriation of money or property of the United States to the Committee of the Whole House on the Private Calendar, or to the Committee of the Whole on the state of the Union, as the case may be, that he considers it his duty on Friday to recognize, first, the motion to go into Committee of the Whole House on the Private Calendar.

Mr. HAWLEY, of Illinois. Would that be the rule on Friday of every week?

The SPEAKER. It would be on Friday of every week, because it is for the majority of the House to say whether they will go into the Committee of the Whole House on the Private Calendar to consider private bills or not. If the House refuses to go into Committee of the Whole House on the Private Calendar, then other things can come up.

Mr. GARFIELD. Is that to the exclusion of the District business?

The SPEAKER. That is excepted. The rules provide for the consideration of the District of Columbia business on the third Friday of the month, at two o'clock.

Mr. HYNES. I rise to a parliamentary inquiry, and it is this: whether the operation of this special order, if made, will exclude privileged questions, such as reports from the Committee on Elections in contested-election cases.

The SPEAKER. Those cases belong to the House, while the special order is proposed to be made in the Committee of the Whole on the state of the Union. The special order in committee would not affect those election cases.

Mr. MAYNARD. I of course have no more personal feeling in this than any other man in the House, but as the representative of the committee which has charge of the subject of banking and currency I deem it proper to say that committee has been from day to day urged to have this matter brought before the House for discussion and action. There is an opinion widely entertained in portions of the country that some measure should be adopted by Congress touching the great subject of currency. The committee have brought forward this bill as the result of their deliberations, and have invited

the attention of the House and the country to it. If the House, or any gentleman in the House, can propose anything better, we are entirely willing to accept it.

Mr. BECK. I object to debate; and let us test the sense of the House now.

Mr. MAYNARD. Objection comes with questionable grace from the gentleman from Kentucky, who was permitted by my courtesy to make his suggestion to the House.

Mr. BECK. I rose to a parliamentary inquiry. If the chairman of the Committee on Ways and Means is also allowed to be heard, I do not object to the gentleman from Tennessee being heard.

Mr. MAYNARD. I have not objected to any gentleman speaking; but inasmuch as objection has been made and insisted on, I shall ask the action of the House.

The SPEAKER. The gentleman from Tennessee, chairman of the Committee on Banking and Currency, moves that the rules be so suspended that House bill No. 1572, reported from that committee, be made the special order for Thursday, the 19th instant, in the Committee of the Whole on the state of the Union, and from day to day until disposed of, to the exclusion of all other orders. Is there a second?

The House divided; and there were—ayes 83, noes 75.

So the motion to suspend the rules was seconded.

The SPEAKER. The question recurs, Will the House suspend the rules so as to make House bill No. 1572 a special order for Thursday, in Committee of the Whole, and from day to day until disposed of?

Mr. MAYNARD. I ask for the yeas and nays.

The question being put on ordering the yeas and nays, there were—ayes 39.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 90, not voting 56; as follows:

YEAS—Messrs. Albright, Ashe, Averill, Barber, Berry, Biery, Blount, Bowen, Bradley, Brown, Buckner, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Creamer, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Danford, Alexander M. Davis, John J. Davis, Donnan, Dunnell, Durham, Eldredge, Farwell, Field, Fort, Hagans, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hersey, Hodges, Holman, Hoskins, Houghton, Hunter, Hunton, Hurlbut, Hyde, Hynes, Killinger, Lamport, Leach, Lofland, Lowe, Magee, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Moore, Negley, Niles, Nunn, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, Perry, Phillips, Pratt, Rainey, Rapier, Ray, Richmond, Robbins, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Standeford, Stone, Strait, Sypher, Thomas, Thornburgh, Todd, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Whitehead, Whiteley, Wilber, Charles G. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodworth, and John D. Young—143.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Bass, Beck, Bell, Bland, Bromberg, Buffinton, Burchard, Caldwell, Comingo, Cook, Cox, Crocker, Curtis, Dawes, DeWitt, Duell, Eames, Eden, Foster, Frye, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Joseph R. Hawley, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hooper, Howe, Jewett, Kasson, Kelley, Kellogg, Kendall, Lamar, Lamison, Lawrence, Lawson, Loughridge, Lowndes, Luttrell, Lynch, Marshall, McLean, Mitchell, Niblack, O'Brien, Hosea W. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Rawls, Rice, Ellis H. Roberts, William R. Roberts, James C. Robinson, Scofield, Smart, H. Boardman Smith, John Q. Smith, Southard, Speer, Starkweather, Storm, Townsend, Waddell, Waldron, Wells, Whitthorne, Charles W. Willard, George Willard, John M. S. Williams, Wolfe, and Wood—90.

NOT VOTING—Messrs. Albert, Banning, Barnum, Barrere, Barry, Begole, Bright, Bundy, Burleigh, Cain, Clymer, Darrall, Dobbins, Elliott, Freeman, Glover, Harmer, John W. Hazelton, George F. Hoar, Hubbell, Knapp, Lansing, Lewis, Martin, Morey, Morrison, Myers, Neal, Nesmith, O'Neill, Orth, James H. Platt, jr., Purman, Randall, Ransier, Read, Ross, Henry J. Scudder, Sheats, Small, William A. Smith, Stephens, St. John, Stowell, Strawbridge, Swann, Taylor, Tremain, Marcus L. Ward, Wheeler, White, Whitehouse, Willie, Ephraim K. Wilson, Woodford, and Pierce M. B. Young—56.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

Mr. MAYNARD. I desire to make a parliamentary inquiry. Will it be in order, before the House goes into Committee of the Whole, for a majority of the House to set aside previous orders that have been made such, so that this order may be reached?

The SPEAKER. A majority vote can do so any day when the motion to go into Committee of the Whole is pending.

Mr. MAYNARD. Then I give notice to the House that a majority having been shown by the vote just taken to be manifestly in favor of making this a special order, I will on Thursday next, if I can get the floor to make the motion, endeavor to get that done, so that when the House goes into Committee of the Whole on that day it shall be on this bill.

MILITARY BOUNTY-LAND DISTRICTS.

The SPEAKER. The Chair is reminded by the Clerk that a resolution offered by the gentleman from Missouri under a suspension of the rules comes over. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Department of the Interior be required to furnish this House with the names of soldiers and others to whom patents were issued for land lying in the military bounty-land districts in the States of Missouri and Arkansas for service in the war of 1812, the number of the warrant, the description of the land granted to each, with the date of the patent, place of residence of each soldier, company, and regiment in which they severally served, and to whom the patent was delivered, and the date when each patent was delivered.

Mr. KELLOGG. How does this resolution come before the House?

The SPEAKER. It was moved under a suspension of the rules two weeks ago. By an inadvertence it was not taken up last Monday.

Mr. KELLOGG. The only objection I have to the resolution is that it will take up the time of the clerks of the Departments. I ask that it may be referred to the Committee on the Public Lands.

Mr. COMINGO. I should prefer having the resolution adopted.

The question was on seconding the motion to suspend the rules and adopt the resolution.

Mr. KELLOGG. I ask for a division.

The SPEAKER. The Chair will order tellers; and appoints the gentleman from Connecticut, Mr. KELLOGG, and the gentleman from Missouri, Mr. COMINGO.

The House divided; and the tellers reported—ayes 48, noes not counted.

Mr. COMINGO. I do not ask for further count. I withdraw the demand for a suspension of the rules, and will consent to the resolution being referred to the Committee on the Public Lands.

There was no objection, and the resolution was referred to the Committee on the Public Lands.

CENTENNIAL COMMEMORATION.

Mr. KELLEY. I move that the rules be suspended and the following resolution adopted.

The Clerk read as follows:

Resolved, (the Senate concurring,) That the members of the Senate and the House of Representatives will assemble in the Carpenters' Hall, Philadelphia, in informal joint session, on Monday, the 6th day of September, 1874, in centennial commemoration of the assembling of the delegates chosen and appointed by the several Colonies and Provinces of North America to meet and hold a Congress in Philadelphia, in that hall, on Monday, the 5th day of September, 1774; and that Hon. JAMES G. BLAINE, Speaker of the House of Representatives be invited to preside over the meeting, and Hon. HENRY WILSON, Vice-President of the United States, be requested to deliver an address appropriate to the occasion.

Mr. KELLEY. I desire to say that I submit this resolution from a sense of the inherent propriety of commemorating by some congressional action the centennial anniversary of the assembling of the Delegates chosen and appointed by the Colonies and Provinces of North America in Congress in Carpenters' Hall, in Philadelphia, and also in pursuance of the invitation of the Carpenters' Association of Philadelphia to this Congress to assemble in their hall on the centennial anniversary of that event.

Sir, that hall is memorable for many reasons. When the Delegates from the Colonies and Provinces found themselves in Pennsylvania they found the state-house, a royal building, closed against them. The Carpenters' Society, which had been long incorporated, composed, as it was, chiefly of people devoted to peace, members of the Society of Friends, known as Quakers, put their hall at the service of the Delegates, and the Continental Congress assembled under these peaceful auspices to inaugurate proceedings which were to result in seven long years of war, and the acknowledgment of American Independence.

Gentlemen will observe that the resolution contemplates no possible expenditure of money by the Government, nor does it bind the members of the House or the Senate to attend. It proposes a voluntary celebration of the day by such members of the two Houses as may be patriotically moved to mark that day. Therefore I do not see how any gentleman may object to this voluntary commemoration of the day.

Mr. HALE, of Maine. I desire to ask the gentleman a question.

Mr. KELLEY. I decline to be interrupted for question or suggestion; when I am through I will gladly answer any question the gentleman desires to ask, or yield to him for remarks.

Mr. HALE, of Maine. Does not this proceed by unanimous consent?

The SPEAKER. The gentleman from Pennsylvania is speaking by consent of the House.

Mr. HALE, of Maine. I do not wish to shut the gentleman off, as I knew I could do very readily; but just at this point a pertinent question occurred to me, and instead of shutting him off I desire to ask him that question.

Mr. KELLEY. I have said already that when I have concluded my remarks I will answer any question the gentleman wishes to put to me; but I do think I might be permitted to continue the very brief remarks I am about to submit without interruptions of this character.

Mr. HALE, of Maine. The gentleman knows that he cannot speak without unanimous consent.

Mr. KELLEY. Well; being in the gentleman's power, I yield for his question.

Mr. ELDREDGE. Then I object; but I do not object to the gentleman from Pennsylvania continuing his remarks.

Mr. KELLEY. Mr. Speaker, I was remarking that as this resolution neither binds individual members, nor Congress, nor the Government, to any expenditure, I could not see what legitimate objection could be made to passing it. Such a commemoration will be fitting at the end of each succeeding century in the life of our country; but never, sir, more fitting than now. As the century draws to a close we find that time is healing the wounds of the bloodiest war of history; I say the bloodiest war, and I add the grandest war of history; a war in which armies, large as ever met before, contended over bloodier fields for more successive days than the heroes of any preceding war; a war which, when it drew to a close, returned to civil life in the vigor of young manhood an army of veterans, whose service, measured by the sanguinary conflicts in which they had been engaged, made them

veterans in a high degree beyond the older soldiers of Great Britain and Europe. And, sir, with the close of the century we come to a day that belongs to the common glory of the soldiers of the contending armies; and as an act of patriotism, as an act fraught with healing balm to a wounded country, it will be well for the soldiers of the North and of the South, the people of both sections, to commemorate the day which marked the beginning of their common heritage of glory. And, sir, I know the occasion will be gladly accepted by the soldiers on both sides of this House.

Sir, preceding the assembling in Carpenters' Hall, Philadelphia, which I propose we shall commemorate, one of the Southern States had sent out its declaration of independence in such ringing terms and terse sentences as to have given Mr. Jefferson the draught for his memorable Declaration of Independence. Sir, there is upon this floor a soldier of the rebellion whose lineal ancestor, General Francis Nash, sleeps in the Mennonite grave-yard at Germantown within a few feet of where he fell leading a brigade of troops from south of the Potomac. I would like to hear what he thinks of the propriety of celebrating this day; and therefore I yield to my friend from North Carolina [Mr. WADDELL] for a few minutes.

Mr. WADDELL. Mr. Speaker, I fully appreciate, as a graceful compliment to the State which I have the honor in part to represent upon this floor, this kindly and courteous invitation extended to me by my friend from Pennsylvania [Mr. KELLEY] to say a few words in support of his resolution. He has been pleased to allude to an event in the revolutionary history of my State which has always been cherished as a just source of pride by her people. I hope I may be pardoned for alluding to a still earlier event of which they are equally proud. As early as 1766, and therefore long before the Boston tea-party, her citizens, not masked or under cover of night, but in the broad light of day, successfully resisted the landing of British stamps on American soil, burned the ship which brought them over, and compelled the stamp-master to take an oath in public that he would not attempt to execute the duties of his office.

More than twelve months previous to the 4th day of July, 1776, when the old bell of Independence Hall, in Philadelphia, proclaimed "liberty throughout the land, and to the inhabitants thereof," as my friend from Pennsylvania has already said, the citizens of North Carolina promulgated the first declaration of American Independence, at Charlotte, in Mecklenburgh County. Therefore, without alluding to other events in our revolutionary history, I am justified in saying that North Carolina may rightfully claim an active participation in any celebration of the deeds which led to the establishment of this Republic. Her Representatives on this floor will ever cheerfully and cordially support the resolution of the gentleman from Pennsylvania, having that object in view. I think that is a most happy suggestion of what is almost a positive duty on the part of Congress.

Mr. Speaker, if there is ever to be an occasion in our history when the recollections of our late strife and bloodshed may be swallowed up in the more glorious memories of the struggles in which our forefathers engaged; if there is ever to be a time when the representatives of the American people may meet cordially as friends, and each, speaking for himself and his constituents, may take the other by the hand and say, "Let bygones be bygones; henceforth we will, as our forefathers did, stand united in the determination to establish justice and promote the welfare of our common country;" if any event more than another is calculated to give life to kindly and patriotic feelings among all classes of our citizens in all parts of our country, it seems to me it would be a reunion such as this proposed in the resolution of the gentleman from Pennsylvania, to be held in the Carpenters' Hall in Philadelphia.

In my judgment it is not mere sentimentalism to support this proposition. There is a sentiment in it, but it is that sort of sentiment which preserves the liberties and advances the honor and the glory of a country. I hail with very great pleasure this and every other evidence of a disposition on the part of northern men to keep alive the memories of our earlier history and to cultivate the sentiments which naturally grow out of them.

I again give assurance, no matter what doubt may be entertained by gentlemen here on the question, that in every movement of that sort the southern people will meet you half way. We have never surrendered our share of the glory which attaches to the accomplishment of American independence, to the framing of the Federal Constitution, and to the administration of the affairs of this Government during the larger and nobler period of its existence. They are not only preserved to us upon the pages of history, but they are cherished by us as one of our proudest legacies. No power can take them from us; and we stand ready again, if permitted, to contribute our share to make the future history of our country worthy of its past.

It is unfortunately true that owing to our crippled resources we cannot contribute so much to the coffers of the nation as formerly. But a little sympathy, a little encouragement, a little stretching forth of the fraternal hand will not only give a new energy to our material growth, but will kindle the flame that now but feebly flickers in the southern heart.

I thank the gentleman from Pennsylvania for offering this resolution. Let Congress meet in general convention in that venerable hall on the day designated. Let the orator of the occasion speak with healing in his words, with a power that shall arouse the slumbering spirit of other days, that shall revive a faltering faith and unseal once more that fountain, whose waters, however hidden or obstructed, still perpetually well up in every true American heart. I thank the gentleman from Pennsylvania for giving me an opportunity to express the sentiments of the people of my State on this subject, and to say that I hope his resolution will be adopted.

Mr. KELLEY. I now yield to the gentleman from Maine, [Mr. HALE]—for how long?

Mr. HALE, of Maine. Only a very few minutes. In order that the House may know exactly what is before it, I ask that the resolution be again read.

The Clerk again read the resolution, as follows:

Resolved, (the Senate concurring,) That the members of the Senate and the House of Representatives will assemble in the Carpenters' Hall, Philadelphia, in informal joint session, on Monday, the 6th day of September, 1874, in centennial commemoration of the assembling of the delegates chosen and appointed by the several Colonies and Provinces of North America to meet and hold a Congress in Philadelphia, in that hall, on Monday, the 5th day of September, 1774; and that Hon. JAMES G. BLAINE, Speaker of the House of Representatives, be invited to preside over the meeting, and Hon. HENRY WILSON, Vice-President of the United States, be requested to deliver an address appropriate to the occasion.

Mr. HALE, of Maine. I need not say, what is apparent here undoubtedly to everybody, that this is a wholly unprecedented act; that the Congress of the United States, the Senate and House of Representatives, on a day when in all likelihood it will not be in session, but will have dispersed and the members shall have gone to their homes, shall meet in a body to assist in a celebration. I do not think that word "celebration" is used in its proper sense. Granted that it is a great and memorable historical event that is to be celebrated. But yet nothing of the kind has ever been asked before. It is now asked that this, so great a departure from all previous action of Congress, shall be put through here without even having been referred to a committee.

But, sir, the fundamental objection that I have to this proposition is that it is but one of many preparatory measures upon which we will be called upon from time to time to act by the eloquent gentleman from Pennsylvania on almost every Monday of the session; the end being that Congress shall in some way so commit itself to the great centennial exposition in 1876 (as I believe it is properly and technically called) as to oblige Congress between now and that time to appropriate money to pay the bills for that exposition. This, sir, is the main reason why I object to the resolution. I do not doubt that, if the proposition be adopted, the gentleman from Pennsylvania hereafter, whenever the question of Congress paying the bills may come up, will argue, as he would have a right to do legitimately, that Congress had committed itself, not in terms, to the exposition of 1876, but to the celebration, as a national matter, of the great events which culminated in the declaration of independence on the 4th of July, 1776. Now, sir, if Philadelphia or Pennsylvania wants a celebration in September, 1874, and chooses to get it up, she has my God-speed. If the Speaker of this House and the President of the Senate, the Vice-President of the United States, see fit to go there with all the prestige of the positions they hold, and if the Vice-President chooses to deliver an oration, he has my God-speed. If my fellow-members here choose to attend the celebration in Carpenters' Hall next September, they equally have my God-speed. But when it is proposed that we shall here declare by joint resolution that Congress itself shall assemble there, even informally, as a Congress of the United States, when I know that it is to the end that this same Congress or the next shall be called upon, as I believe, to pay from $5,000,000 to $10,000,000 toward the centennial exposition of 1876, I cannot agree to the proposition.

I have not the vanity to suppose, after what took place two or three weeks ago, that any single word of mine will avail much against this proposition. I can only appeal to gentlemen to look at the subject in a fair, candid view, and ask themselves whether they believe it befitting the dignity of the American Congress to lend itself to what must, as I believe, be claimed as the legitimate result of this action.

Mr. KELLEY. Mr. Speaker, I admit the correctness of some of the suggestions of the gentleman from Maine, [Mr. HALE.] I freely admit that this action is unprecedented, because the occasion in question will be the first centennial anniversary, and no precedent can have been established. I think, sir, that if the gentleman should live a hundred years and should then be a member of this House, potent as he is now, then if we should fail to pass this resolution to-day, he may make the point that the proposition is unprecedented. But, sir, I believe that with the flow of each recurring century the precedent we are now, I hope, to establish, will be followed.

I yield the floor to the gentleman from Texas, [Mr. HERNDON.]

Mr. HERNDON. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. KELLEY] for yielding me a few minutes to express my views on the resolution. It is proper that every section of the country should be heard from on this subject. Representing in part an extreme portion of the Union, one far removed from the birth-place of our nation, I am glad to find my sentiments in accord with this resolution and to be able to give it my hearty support.

I know nothing of the sinister views attributed to the gentleman from Pennsylvania by the gentleman from Maine. The latter gentleman, as I understand, opposes this resolution upon the score of economy. I am glad to find him in favor of a policy of strict economy. No man on this floor would go farther than myself to help in that laudable direction. But, Mr. Speaker, this is not a subject for the

exhibition of economy. This proposition does not require one single dollar to be taken out of the Treasury of the United States. It proposes merely an informal meeting of both Houses of Congress at Philadelphia, on the 5th of September, 1874. If it were proposed by this resolution, or any subsequent resolution, to take money out of the Treasury to defray the expenses of that meeting, I should most certainly vote against it; for I believe that if such a matter were involved it would mar the harmony and beauty of the sentiment contained in the resolution.

Mr. Speaker, one hundred years ago, on the 5th day of next September, the first Congress of States met on this continent in a hall owned by some mechanics in the city of Philadelphia. That Congress was called to meet by a single State; and it was the first bold, defiant confederative act of the colonists for freedom. That day marked an important event in our history; the foundation was there laid for a mighty national fabric, which has been constantly added to, until we find ourselves to-day as their successors in the grandest Capitol of earth. With but a handful of Representatives from the then thirteen Colonies, containing about two million six hundred thousand souls, we have increased to two hundred and ninety-two Representatives, seventy-four Senators, thirty-seven States, ten Territories, forty million people, and about forty billions of wealth. But the rapid increase in other directions—material, intellectual, and moral advancement—is still more marked and satisfactory, and cannot fail when contemplated to cause the heart of every true American to swell with emotions of gratitude.

It is right for nations as well as individuals to have their anniveresaries, memorials, and fixed days to celebrate great events and achievements, in order that they may pause in their career, revive the recollections of the past, view the present, renew old pledges, make new vows, that they may be armed with higher incentives and nobler aims for the true elevation of mankind in the scale of being. The wise men who met in that Congress predicted that it would be the first of a long line of successive Congresses that would meet for generations to come, and establish precedents for all time. And how truly prophetic was that declaration! It is difficult, if not impossible, to estimate the influence and power exercised by the wisdom of the first and succeeding Congresses in molding the destinies of this great nation. The first Congress proved to be the refuge and hope of the colonists in their early struggles, and the sheet-anchor of American liberty, as its successors have proven to be the great central, moving, and regulating power of the General Government. It was the precursor of all that followed. It was the evidence of a common will to resent a common enemy. It prepared the way by successive resolutions which led to and culminated in the immortal Declaration of Independence soon after. Whatever of glory and enduring fame may attach to the Declaration itself must be largely attributed to the boldness, wisdom, and true heroism of the first Congress. And if the 4th day of July should be celebrated as the birthday of our national Independence, why should not the 5th day of September, 1874, be commemorated as the centennial of an event but second in importance to that, and claiming our highest consideration? Sir, I believe it to be a fitting day for commemoration as contemplated by this resolution.

The centennial of the first Congress is special in its nature, and confined to our own people; it marks an event which led to great consequences, and is to be held at a place where the representatives of the nation and the people can meet on hallowed ground, and, forgetting all past differences, renew that fraternal feeling and patriotic devotion to the country and its institutions which must ever form the strongest bond of our Union. The centennial of our Independence is wider in its scope and influence; it deeply concerns every individual of the nation. But it does much more; it affects every nationality of the earth, and I hope all nations may be fitly represented on that occasion. There is no incompatibility between celebrating both days; they perfectly harmonize; the one precedes and prepares the way for the other, just as the first Congress led to the Declaration of Independence. I hope to see the day and place fixed by the wisdom and patriotism of this Congress for the commemoration in all time of the meeting of the first Congress on this continent, where many centennials shall be celebrated by the assembled millions of freemen in recounting the vast changes and improvements that have been wrought in the civilization of our people and the science of our government.

Mr. Speaker, I trust I shall be pardoned for alluding briefly and more specially to the position of Texas in reference to this resolution. She occupies a different attitude in some respects from that of any other State in the Union. The Thirteen Colonies determined to be free, and became so by their united valor and patriotism. The territory of other States has been acquired by the common blood and treasure of the whole country, and new States have been successively formed out of this territory and admitted into the Union. But Texas was acquired by no such method. She, like the Colonies, was tributary to a mother country which sought her oppression and degradation. She resisted that tyranny; declared her independence in 1836; drew the sword in defense of her rights; vanquished the Mexican army at San Jacinto, and carved out for herself a magnificent empire larger than Japan. The battle-flag that waved triumphantly over the bloody field of San Jacinto was recognized as the emblem of her nationality on the high seas and in the harbors and capitals of the nations of the world. She has her own hallowed days to celebrate her battles and victories, her heroism and great achievements, that are distinct in themselves and dear to the hearts of her people. At the end of ten years of success as an independent republic, marching in the race of civilization and national greatness, she yielded to a faith as strong as it was noble and praiseworthy. Believing in a common destiny for the people of the western continent, in one grand republic embracing all people on it, with the freest, wisest, and best institutions of earth, and with an ardent desire to aid in hastening that ultimate destiny, she sacrificed on the altar of self-denial all selfishness, renounced her nationality, and freely and willingly annexed herself to the Union, and from motives of true patriotism became a part of this great Government.

Mr. STARKWEATHER. I would like to ask the gentleman a single question, which is in the line of his argument. Suppose we should decide to meet in Philadelphia on the day suggested, and in the mean time any occasion should arise for which the President should call upon Congress to assemble in special session, would not this action, committing us to a meeting in Philadelphia in joint convention in the way suggested, prevent our meeting here to take measures for the emergency?

Mr. HERNDON. I understand it would not, for this reason: In the first place we can, if necessary, rescind this resolution. In the second place, as Philadelphia is only a few hours' ride from this point, we could meet there, celebrate the day, and return here within twenty-four hours. But if we could not, as suggested by a friend near me, we could obey the law, at all events.

Sir, whatever there may be of prestige, heroism, or glory that clusters around the history and achievements of this Government in other days, and that is shared in by States who were the actors in those scenes, or that may have been inherited by other States afterward admitted, became of right the common property of Texas by choice and adoption. From the day she linked her destiny with that of the Federal Government, with but a single exception, she has cherished but one sentiment, and that has been to make this the grandest and noblest republic of earth. Never did she falter but once, and then under an ordeal too strong for a free people to resist. But even here she illustrated, both in civil life and on the field, that she had lost none of those sterling qualities, such as self-denial, virtue, statesmanship, and military prowess that in other days had acquired for her a fame and a place among all nationalities. These dark days, with the pitiless storms of passion that swayed our people to and fro, with all the sadness and distress that followed, and hung like the pall of death for long, weary years over our land, I rejoice to-day are rapidly yielding to the smiles of peace, and the returning acts of justice accorded our people from other sections of the Union. Whatever our people may have done for political reasons during the late war, whatever of envy or malice these acts may have engendered in the minds of others, and what may be the present estimate placed upon their attachment to the Union because of this, I know not. But, Mr. Speaker, one thing I do know, that whatever may be the estimation in which we are held by others, or whatever our people may have said or done, or lost or suffered, there is one thing of which I can assure the country, that they never lost their virtue, their courage, or their honor.

Every sentiment of my nature is common with that of the South and her dearest interests; every pulsation of my heart beats in unison with that of my people; I shared with them their joys and suffered in common with them in their sorrows, distress, and losses, and believe that I truly represent them when I declare on this floor that no State or people would, to-day, resist an insult to our national flag quicker or draw the sword sooner in defense of the national honor than the people of Texas. They love their own Texas with its history, its memories, the graves of its heroes and their fame—for what it has been, and for its brightening prospects as the future home of millions. But they love the Federal Government also, for with her destiny is the destiny of Texas linked for weal or woe. And I am glad that we are about to fix a national festival, a day for national commemoration, a day that will revive national recollections of sterling virtue and noble patriotism; and at a place where every section of the Union can feel is common and hallowed ground; where all our past strife, discord, and bitterness may be sacrificed and forgotten on the altar of a common and united country; where, I trust, a lofty, more generous, and noble patriotism shall animate our people and add fresh energy to our national growth, unite us in closer bonds of interest and fraternal feeling, and enable our descendants to celebrate the centennial with the same united and unbrokon Republic, with her teeming millions of freemen advanced as far beyond this day in all that tends to elevate man in the scale of being as we feel that we have advanced beyond the condition of our ancestors, whose representatives met in the first Congress of this continent, one hundred years ago.

Mr. KELLEY. I now yield to the gentleman from Virginia, [Mr. WHITEHEAD.]

Mr. CREAMER. I object to any more of this speech-making. I understand that we appropriate Saturdays to such purposes. I move that the resolution be laid on the table.

Mr. KELLEY. I am very sorry the gentleman objects to debate. I move to suspend the rules and put the resolution on its passage.

Mr. G. F. HOAR. I hope the gentleman from Pennsylvania will consent to have this resolution referred to the Centennial Committee, of which he is chairman. As we all know, the Vice-President of the United States is in very feeble health, and it is extremely doubtful

whether he would feel justified in accepting the invitation. Besides, I submit it would be an act of great disrespect to send to the Senate a resolution for a joint convention proposing that the Speaker of the House should preside over it. I hope that the resolution will be referred.

Mr. KELLEY. I can only say to the gentleman that I have consulted some of the best parliamentarians in the House, and they seemed to think that the proper order was adopted in the resolution.

Mr. G. F. HOAR. I should like to ask the gentleman from Pennsylvania to name a skillful parliamentarian who would say it is becoming in us to propose to the Senate a joint convention over which the Speaker was to be the presiding officer?

Mr. KELLEY. I decline to answer the gentleman's question.

The SPEAKER. The question is on suspending the rules and passing the resolution. Is there a second?

Mr. HALE, of Maine. I demand tellers.

Tellers were ordered; and Mr. KELLEY and Mr. CREAMER were appointed.

The House divided; and the tellers reported—ayes 95, noes 56.

So there was a second.

Mr. HALE, of Maine. I demand the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 91, not voting 83; as follows:

YEAS—Messrs. Albright, Archer, Ashe, Bell, Biery, Bright, Buckner, Burrows, Roderick R. Butler, Cessna, Amos Clark, jr., John B. Clark, jr., Clinton L. Cobb, Coburn, Comingo, Conger, Corwin, Cox, Crocker, Crutchfield, Curtis, Alexander M. Davis, John J. Davis, Dunnell, Eames, Eldredge, Field, Fort, Frye, Glover, Hagans, Hamilton, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hereford, Herndon, Hodges, Holman, Houghton, Hynes, Jewett, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Lawson, Leach, Lofland, Lowndes, Magee, Alexander S. McDill, MacDougall, Moore, Negley, O'Brien, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Pendleton, Perry, Phillips, Pike, Rainey, Ransier, Rice, Richmond, Robbins, William R. Roberts, Rusk, Henry B. Sayler, Scofield, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Speer, Sprague, Standeford, Starkweather, Storm, Strait, Strawbridge, Swann, Sypher, Thomas, Todd, Townsend, Vance, Waddell, Wallace, Walls, Jasper D. Ward, Whitehead, Whitthorne, George Willard, Charles G. Williams, Willie, Wood, Woodworth, and John D. Young—115.

NAYS—Messrs. Adams, Arthur, Atkins, Barber, Bass, Beck, Berry, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buffinton, Burchard, Caldwell, Cannon, Cason, Stephen A. Cobb, Cook, Cotton, Creamer, Crittenden, Crooke, Crossland, Danford, Dawes, DeWitt, Donnan, Durham, Eden, Foster, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Henry R. Harris, Hatcher, John B. Hawley, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hoskins, Hunton, Hyde, Lawrence, Loughridge, Lynch, Marshall, McCrary, James W. McDill, McLean, Mellish, Merriam, Milliken, Mills, Monroe, Nunn, Orr, Parsons, Phelps, Pierce, Thomas C. Platt, Potter, Rawls, Ray, Ellis H. Roberts, James C. Robinson, James W. Robinson, Sawyer, Milton Sayler, John G. Schumaker, Soner, Small, Smart, John Q. Smith, Stone, Waldron, Wells, Wheeler, Whiteley, Wilber, Charles W. Willard, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, and Woodford—91.

NOT VOTING—Messrs. Albert, Averill, Banning, Barnum, Barrere, Barry, Begole, Bundy, Burleigh, Benjamin F. Butler, Cain, Freeman Clarke, Clayton, Clements, Clymer, Crounse, Darrall, Dobbins, Duell, Elliott, Farwell, Freeman, Hancock, Harmer, John T. Harris, Hays, John W. Hazelton, Hersey, Hooper, Howe, Hubbell, Hunter, Hurlbut, Kasson, Knapp, Lansing, Lewis, Lowe, Luttrell, Martin, Maynard, McJunkin, McKee, McNulta, Mitchell, Morey, Morrison, Myers, Neal, Nesmith, Niblack, Niles, O'Neill, Orth, James H. Platt, jr., Poland, Pratt, Purman, Randall, Rapier, Read, Ross, Henry J. Scudder, Isaac W. Scudder, Shanks, J. Ambler Smith, William A. Smith, Southard, Stanard, Stephens, St. John, Stowell, Taylor, Thornburgh, Tremain, Tyner, Marcus L. Ward, White, Whitehouse, John M. S. Williams, William Williams, Ephraim K. Wilson, and Pierce M. B. Young—83.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the resolution was not passed.

During the vote,

Mr. STORM stated that his colleague, Mr. RANDALL, who was unavoidably absent, would have voted if present in the affirmative.

Mr. STARKWEATHER made a similar statement in behalf of his colleague, Mr. BARNUM.

The vote was then announced as above recorded.

STEAM NAVIGATION.

Mr. KASSON obtained the floor.

Mr. NEGLEY. I move, in behalf of the Committee on Commerce, that the bill (H. R. No. 1588) to amend the act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871, be made a special order for Tuesday next, in Committee of the Whole on the state of the Union, in subordination to regular appropriation bills.

Mr. McCRARY. Will it be a special order in subordination also to election cases?

The SPEAKER. Those cases are in the House, and it is proposed only to make this a special order in Committee of the Whole.

Mr. O'BRIEN. I object.

Mr. NEGLEY. I move to suspend the rules.

Mr. KASSON. I cannot yield if the yeas and nays are to be called on it.

Mr. NEGLEY. I hope the gentleman from Iowa will permit me to proceed, as this is a matter of interest to the whole country.

Mr. KASSON. If it does not give rise to a demand for the yeas and nays I will not object.

Mr. NEGLEY. It is in reference to passengers on vessels propelled in whole or in part by steam.

The SPEAKER. It is proposed by the gentleman from Pennsylvania to make the bill a special order in Committee of the Whole for Tuesday next.

Mr. DAWES. Does it in any way affect the other special orders?

The SPEAKER. It does not. It will be subordinate to special orders in committee which have already been made.

There was no objection, and the special order was made as indicated.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed without amendment an act (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation;

An act (S. No. 238) permitting James McDonald, a warrant officer of the Navy, to accept a silver medal from the government of Italy;

An act (S. No. 254) to donate the military reservation at Fort Steilacoom, in the Territory of Washington, for the use of the insane asylum;

An act (S. No. 310) for the relief of W. W. Elliott;

An act (S. No. 311) for the relief of Joseph Montanari, and for other purposes;

An act (S. No. 316) granting a pension to Elizabeth F. Thompson;

An act (S. No. 317) for the relief of Henry G. Smith, of Indianapolis, Indiana;

An act (S. No. 341) for the relief of Anderson J. Smith; and

An act (S. No. 439) to provide for the payment of D. B. Allen & Co. for service in carrying the United States mails.

PENSION APPROPRIATION BILL.

Mr. BUTLER, of Massachusetts. I move that the rules be suspended and the following resolution adopted.

The Clerk read as follows:

Resolved, That in the consideration of the pension appropriation bill in Committee of the Whole, it shall be in order to move an amendment providing for the payment of pensions to all classes of disabled soldiers and sailors and other pensioners by checks and drafts through the post-office, in an economical and efficient manner.

Mr. BUTLER, of Massachusetts. I would like a moment to say to the House that the object of this resolution is only to make such an amendment in order when the pension appropriation bill comes up. The Committee on Invalid Pensions have an amendment of that character under consideration. The Judiciary Committee have also one under consideration.

The motion to suspend the rules was seconded, the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

PAYMENT TO C. H. EVANS.

Mr. DAWES. During the last Congress the Secretary of the Treasury detailed a clerk to aid the Committee on Ways and Means in searching for statistics. He spent a great deal of time, night and day, on the work, and the committee recommended to the House a resolution to compensate him for his services for his extra time, which was adopted. I will read it:

That there be paid out of the contingent fund of the House, to C. H. Evans, statistician, the sum of $500, for services rendered to the Committee on Ways and Means for procuring statistics during the present session of Congress.

Mr. Evans, however, did not apply for his money until after the contingent fund was closed. I now again submit the resolution in order that he may have his pay.

Mr. CONGER. Were those the statistics which the gentleman from Massachusetts used in his speech the other day? [Laughter.]

Mr. DAWES. They were not.

Mr. CONGER. I would be opposed to paying anything for getting up that kind of statistics.

Mr. DAWES. I think that this poor clerk should not suffer for any shortcomings of mine. I move that the rules be suspended, and that the following resolution be adopted.

The Clerk read as follows:

Resolved, That there be paid out of the contingent fund of the House, to C. H Evans, statistician, the sum of $500, for services rendered to the Committee on Ways and Means in procuring statistics during the Forty-second Congress.

The SPEAKER. The Chair is under the impression that it is not lawful to pay this out of the contingent fund.

Mr. DAWES. It was suggested by the Clerk that this was the proper method of making the payment.

Mr. SPEER. I desire to make an inquiry of the gentleman from Massachusetts. Were these services in addition to the duties which Mr. Evans performed at the Treasury Department?

Mr. DAWES. Yes, sir; and they were performed out of office hours, at night. Those gentlemen who were members of the Committee on Ways and Means at that time will be ready to testify, I have no doubt, to the amount of services rendered.

Mr. COX. They never took any duties off in consequence of those services. [Laughter.]

Mr. DAWES. It was Mr. Evans who prepared the whole list of dutiable articles in the last Congress.

Mr. COX. Did this getting up of statistics do any good, whether in regard to the duties on tea or coffee, or stamp tax, or anything else?

Mr. DAWES. I submit that this is a simple act of justice. If the House do not see the matter as I do let them say so.

The motion to suspend the rules was seconded, the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

PHILADELPHIA NAVAL ASYLUM.

Mr. O'BRIEN. I ask unanimous consent to offer the following preamble and resolution.

The Clerk read as follows:

Whereas, in pursuance of an act of Congress passed in the year 1811, a commission, consisting of the Secretaries of the Navy, Treasury, and War, was constituted and authorized to provide a permanent naval asylum for destitute and decrepit naval officers, seamen, and marines; and whereas, in pursuance of said authority, a naval asylum was established at Philadelphia; and whereas the said city now entirely surrounds said asylum, and the present site has therefore become entirely unsuitable for such asylum; and whereas the health and comfort of the brave men who imperiled their lives for their country would be highly promoted by a removal of said asylum to Annapolis, where the locality, scenery, and surroundings pre-eminently fit it as a site for such an institution; and whereas the sale of said asylum would be a measure of great economy, as said buildings and grounds are very valuable, and from the funds thereof suitable buildings could be erected at Annapolis and leave a large balance for the Treasury: Therefore,

Resolved, That the Secretary of the Navy be, and is hereby, directed to inform this House of the propriety of a sale of the Naval Asylum in Philadelphia, and the erection of suitable buildings on the grounds adjacent to the Naval Academy at Annapolis belonging to the Government, for the purposes of a naval asylum; and also to communicate any information he may have on the subject.

Mr. KILLINGER. I object to the resolution being adopted; but I would have no objection to its being referred to the Committee on Naval Affairs.

Mr. O'BRIEN. I send to the desk a letter from the Admiral of the Navy, which I ask to have read.

Mr. KILLINGER. I object.

Mr. O'BRIEN. I ask that the resolution, and the letter of the Admiral of the Navy be referred to the Committee on Naval Affairs.

There was no objection, and it was so ordered.

Mr. O'BRIEN. I also ask that the letter of the Admiral of the Navy be printed in the RECORD.

There was no objection, and it was so ordered.

The letter is as follows:

OFFICE OF THE ADMIRAL,
Washington, D. C., February 10, 1874.

DEAR SIR: I received your note of the 9th instant this morning, in relation to the propriety of disposing of the Naval Asylum at Philadelphia.

I can give you little information about this matter beyond expressing my own views.

It has long been evident to officers of the Navy that the Naval Asylum is the most improperly located building under the Government, and I have always been an advocate for its removal to Annapolis.

While I was superintendent of the Naval Academy at Annapolis I purchased for the Government a farm of about one hundred acres, having in view at the time the erection of a hospital for the Academy and a position for the Naval Asylum looking down the bay and overlooking the Severn River. The hospital has been built and is a great addition to the Naval Academy but the asylum seems to remain a fixture at Philadelphia, where it is entirely out of place: first, because of its unhealthy location; second, because the center of the city is no place for old sailors, who love to look upon the water and pass their leisure time in fishing and rowing.

The location near the Naval Academy holds out every inducement to change the asylum to that place, where the lives of the old sailors would pass away to their entire satisfaction. The present location only breeds sickness and discontent.

The ground on which the present asylum is built is now worth a very large sum, and would sell for much more than would erect a building in Annapolis twice its size; and this should be done without delay.

You are aware, I presume, that the asylum is little or no expense to the Government, as it is at present supported from the interest on prize-money belonging to the naval-pension fund. The property, land, and buildings at the present asylum are worth at least $1,250,000. As the Government owns the land at Annapolis, a much more convenient and commodious building could be put up for $600,000, and what is left from the sale could remain as a fund for the use of the asylum.

Medical Director Pinkney, of the Navy, once wrote to me on this subject, and I give a quotation from his letter which covers all the ground. His letter, in the Report of the Secretary of the Navy for 1871, pages 60 and 61, will be found very interesting. I quote:

"At Annapolis there is a choice spot for a naval asylum. The locality, scenery, and surroundings are such as to commend it to the Government as a place pre-eminently suited to be the abode of those old sailors who have spent their best years of life afloat, and who in the evening of their days are entitled to rest within sight of the ocean wave. The capacious grounds will give them both occupation and the exercise essential to health.

"To effect what I suggest, it would be necessary to dispose of the Naval Asylum at Philadelphia. Now, it must be obvious to the least thoughtful among us that the present location is totally unsuited to the object the Government has in view. The idea of providing a home for sailors far removed from water scenery and in the immediate vicinity of a large and populous city is absolutely absurd. I say this in no offensive sense. It is a stubborn fact, that cannot be gainsaid. If any feeling of our nature is stronger than another, it is the love the sailor bears to the ocean; and surely the desire to minister to this feeling, when the sailor is too old and infirm to have his home on the mountain wave, is the least a generous Government could offer him at the close of his life. The city of Philadelphia has advanced so far that it now circumvallates the asylum. The property is immensely valuable. The authorities of the city would gladly become the purchasers, and Congress, if appealed to, would not, I am sure, oppose the measure. Out of the funds of the sale a naval asylum could be built at Annapolis of a character to reflect credit on the Government, and leave a handsome balance in the Treasury.

"Establish such an asylum at Annapolis, and organize such a school of [medical] instruction there, and it would prove one of the grandest fields of enterprise upon which the Government could possibly embark, and that, too, within the clearly defined boundaries of its powers. Who of us can estimate the good that would result? It would secure for the service a class of medical men of whom the Government could be justly proud."

You will find, by looking at the act of February 26, 1811, (volume 2, page 650,) or Laws of the Navy, page 22, that the Naval Asylum was built by order of commissioners appointed to decide upon locations for naval hospitals, and the money for building was obtained from a hospital fund deducted from the pay of officers, seamen, and marines, and consequently without expense to the Government of the United States. And the act of Congress provides that the asylum shall be maintained from money arising from the naval prize-fund.

I have said all that I know about this matter, and hope it is what you require.

I remain, very respectfully, yours,

DAVID D. PORTER, *Admiral.*

Hon. WILLIAM J. O'BRIEN, *M. C.*

HORN ISLAND.

Mr. LAMAR, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas certain parts of an island called Horn Island, lying in the Gulf of Mexico, were, by order of the President, dated August 30, 1847, reserved for military purposes; and whereas said reservation has never been used for any purpose: Therefore,

Be it resolved by the House of Representatives, That the Military Committee be instructed to inquire and report upon the advisability of the sale of said reservation to private citizens.

MINTS, ASSAY OFFICES, AND COINAGE.

Mr. HOOPER. I ask unanimous consent to introduce for present consideration a bill to amend the act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873.

The bill was read, as follows:

That the forty-seventh section of the act entitled "An act revising and amending the laws relative to the mints and assay offices and coinage of the United States," approved February 12, 1873, be, and the same is hereby, so amended that it shall read as follows: "That for the purpose of enabling the mints and assay offices of the United States to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in the said mints and assay offices, when the state of the Treasury will admit thereof, such an amount of public money or bullion as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay offices may be paid the value thereof, less coinage and other mint charges and a reasonable charge for transportation, as soon as practicable after the value has been ascertained; and on payment thereof being made, the bullion so deposited shall become the property of the United States, and may be transferred to any mint or assay office for coinage or conversion into fine bars. And the Secretary of the Treasury is hereby authorized to use, as far as he may deem it proper and expedient, for payment to depositors of gold bullion, coin certificates representing coin in the Treasury and issued under the provisions of section 5 of the act entitled 'An act to provide ways and means for the support of the Government,' approved March 3, 1863. But the Secretary of the Treasury may at any time withdraw the fund, or any portion thereof, and may also, from time to time, transfer to the office of the assistant treasurer at New York, from the bullion fund of any mint or assay office, refined gold bars, bearing the United States stamp of fineness, weight, and intrinsic value, or bars from any melt of foreign coin or bullion of standard equal to or above that of the United States, and may apply the same, at not less than par, to the redemption of coin certificates or in exchange for gold coins, subject to such regulations as he may prescribe."

Mr. WILSON, of Indiana. I must certainly object to that bill being put on its passage now.

Mr. KASSON. Then, objection being made, I resume the floor.

The SPEAKER. Before submitting the motion of the gentleman from Iowa, the Chair will receive bills for reference.

Mr. COX. I desire, if it is in order, to move to adjourn.

The SPEAKER. The Chair will first receive bills for reference.

MEANING OF A STATUTE.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 2068) declaring the true intent and meaning of a statute; which was read a first and second time, and referred to the Committee on the Judiciary.

SURETIES OF JOHN L. ROBINSON.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 2069) for the relief of the sureties of John L. Robinson, late United States marshal for the district of Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THE PUBLIC LANDS.

Mr. TOWNSEND, by unanimous consent, reported back from the Committee on the Public Lands the bill (H. R. No. 1928) to provide for the more efficient administration of the laws relating to the public lands; which was referred to the Committee of the Whole on the state of the Union.

NAVAL STATION AT PORT ROYAL.

Mr. MAYNARD introduced a bill (H. R. No. 2070) authorizing the President of the United States to purchase a site for a coaling station, naval depot, and other governmental uses at Port Royal, Beaufort County, South Carolina, and making an appropriation for that purpose; which was read a first and second time, and referred to the Committee on Naval Affairs.

WEYMOUTH BEAN.

Mr. PIKE introduced a bill (H. R. No. 2071) granting a pension to Weymouth Bean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPHINE D. THOMAS.

Mr. RUSK introduced a bill (H. R. No. 2072) granting a pension to Josephine D. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUNDING OF DUTIES.

Mr. KASSON. I now move that the rules be suspended for the purpose of considering the bill restricting the refunding of customs duties, and prescribing certain regulations of the Treasury Department.

Mr. COX. I made a motion to adjourn.

Mr. KASSON. Surely the gentleman would not cut me off now when I have been yielding for the accommodation of other members?

Mr. COX. I would not do such a thing for the world, and withdraw the motion to adjourn.

Mr. BUTLER, of Massachusetts. Does not this bill go to the Committee of the Whole on the state of the Union?

The SPEAKER. Under the rules it would; but the gentleman proposes to suspend the rules.

Mr. GARFIELD. I suggest that unanimous consent be given to the gentleman from Iowa to explain the bill, reserving the right to object.

The SPEAKER. There is no necessity of reserving the right to object, because the bill cannot be considered in the House except under a suspension of the rules.

The Clerk read the bill. The first section provides that the moneys paid into the hands of any collector, or into the Treasury, from customs duties, in accordance with any decision or ruling previously made by the Secretary of the Treasury, shall not be refunded or repaid except in pursuance of special appropriation therefor made by law or in accordance with a judgment of a court of the United States, giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States. No ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be changed by the same or a succeeding Secretary, unless it be in concurrence with an opinion in favor of such change given by the Attorney-General, or by reason of a judicial decision of a court of the United States affecting the same, from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States. The second section provides that the Secretary of the Treasury, in his annual report to Congress, shall give a detailed statement of the various sums of money refunded under the provisions of this act, or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

Mr. KASSON. With permission of the House I desire not only to state to the House what the bill seeks to accomplish, but also to correct misapprehensions that have gone out, the echoes of which have come back within the past two days, since notice was given of the introduction of this bill. A bill had previously been introduced into the House by the gentleman from New York, [Mr. MERRIAM,] which proposed that under no circumstances should any money once paid into the Treasury be refunded. I observe from the public prints that the impression prevails that this bill of the Committee on Ways and Means is designed to deprive the Secretary of the Treasury, in all cases, of the power to correct any error of the subordinate officers of the Treasury Department, and to deprive the merchant of all the relief which the law now grants to him without waiting, for the action of Congress. That impression is an error.

Under the law as it now stands it is provided that whenever the Secretary of the Treasury is satisfied that duties have been erroneously paid, he shall have authority to issue his warrant upon the Treasurer to refund duties that have been paid in excess of what he may consider right at the time. The result has been that he not only corrects errors that have been committed prior to the construction of the law made by himself officially, but that construction may be changed from time to time by him and by his successor in office indefinitely; and money is being continually paid out of the Treasury, year by year, as the changing opinions of the Secretary of the Treasury may be made manifest.

The object of the Committee on Ways and Means in directing the reporting of this bill and asking the early action of the House upon it, is to prescribe a limitation upon the now unlimited power of the Secretary of the Treasury. The committee did not deem it right to deprive the merchants of all opportunity for relief, when a law is made and construed as to his liability. Accordingly, whenever any debts are now or hereafter paid, that is if this bill should become a law, a merchant dissatisfied with the duties required of him gives the notice required by law, makes the appeal required by law, and obtains a decision upon the law from the Secretary of the Treasury, which will harmonize conflicting decisions of his subordinates, or correct them, and in that case his money may be paid back to him.

To illustrate the necessity for such a law as this, I will refer to cases which may occur. The collector of Boston rules that one rate of duty should be applied to an imported article; the collector of New York rules that another rate of duty should be applied to the same article. The consequence is that the competing merchants of a particular class of merchandise will introduce their goods into the markets of this country and be obliged to sell them at different rates because of the difference of the cost to the two parties, resulting from the conflicting rulings of the subordinates of the Treasury Department. It is indispensable that such conflicts should be avoided, by having some power to harmonize the rulings of the subordinates of the Treasury Department, and putting merchants of the country upon equal terms.

This bill, therefore, provides that the power shall exist in the Secretary of the Treasury to refund money paid into the Treasury before the first ruling of the Treasury Department upon any law. Beyond that, the bill provides that the Secretary of the Treasury shall not change his ruling upon any particular point, or the ruling of his predecessors, or any of them. That ruling may be changed; but, in order to change a ruling once made, it will be necessary that the opinion of a law officer of the Government shall be given in support of the Secretary's opinion, that there should be a change in the construction of the law; or, on the other hand, that there should be a decision of the court, with which the law officer of the Government shall be so satisfied that he will take no appeal from it. In either of these ways the ruling of the Secretary may be changed. But being changed, it will not be within the power of the Secretary, under this bill, to refund any duties once paid in, but he must report the facts to Congress and allow Congress to provide for the liquidation of the claim.

Mr. ELDREDGE. Will the gentleman allow me to ask a question?

Mr. KASSON. Certainly.

Mr. ELDREDGE. I would like the bill to go a little farther than I think it does. The gentleman will know whether it reaches an error or a wrong like one which I will specify. Some time ago it was held by one of the Secretaries of the Interior that the revenue law did not extend over the Indian Territory. At that time Mr. Boudinot was engaged in the manufacture of tobacco in the Indian country. He wrote to the Secretary of the Interior to know whether the revenue laws would be enforced in that Territory, and received an answer that they would not be. A change took place in the Secretary's office. A new Secretary was appointed. And so careful was Mr. Boudinot that he wrote to the present Secretary of the Interior, and received an answer to the same effect. Subsequently to that time, and under the order of the Secretary of the Interior, his property was seized, his business broken up, and, in a property point of view, he was absolutely destroyed.

Now, it seems to me that when decisions have been made in such cases, although the change does not involve the taking or refunding of money from the Treasury, yet when a Secretary has ruled upon an important question like the one to which I have referred, that decision should be final until considered and reviewed by some higher authority than the Secretary himself. He should not be allowed to decide one way to-day and another way to-morrow, so as to ruin the business and destroy the prospects of a man, as the business and prospects of Colonel Boudinot were destroyed by the decision of the Secretary of the Interior.

Mr. KASSON. We do not, Mr. Speaker, in this bill change the system of interior revenue collection. The committee chose only to meet the cases which were most pressing now, and which, so far as the principle is concerned, are in the direction to which the gentleman refers. This bill is designed to give steadiness and permanence to the administration of the Treasury Department, requiring the Secretary under certain circumstances to report to Congress before moneys which have once been paid in shall be paid out of the Treasury; and on the other hand protecting the merchant against the action of a subordinate by securing to him the right which he now has of protest and appeal, of obtaining the ruling of the Secretary and having any errors corrected in the first instance.

Mr. GARFIELD. I wish to ask the gentleman from Iowa [Mr. KASSON] whether this proposition does not substantially require every man who has been subjected to an overcharge to sue the United States, and prevent him from receiving repayment except in pursuance of an appropriation?

Mr. KASSON. I answer that it does not, except where it is proposed to change the former deliberate ruling and decision of the Department. In that case it does require the claimant to come to Congress before he can get the money out of the Treasury. To that extent it takes from any one officer the power to deplete the Treasury.

Mr. GARFIELD. I understand that about twenty-five hundred suits are now pending for the recovery of overpayments of this kind; and if this bill is likely to add to the number of those suits, it seems to me it will lumber up our courts in a manner very objectionable.

Mr. KASSON. Let me say in the first instance, because it will end the whole debate on that point, that this bill does not affect the question of suits in any particular. The same number will probably exist, whether the bill be or be not passed.

Mr. BUTLER, of Massachusetts. I think, Mr. Speaker, that this question had better be pretty thoroughly considered; and I will give the reason. Let me state, in the first place, exactly what a merchant now has to do before he can obtain any refund of duties from the Treasury Department. He must appeal in writing, setting forth the grounds of his appeal, within ten days after the payment is made. He must first pay the amount demanded, and then he has ten days in which to make a written appeal. He must then bring suit within thirty days. Having brought his suit, he may then apply to the Secretary to reverse the ruling of the subordinate; and if the ruling be reversed, the money is paid back to him without interest. Or if he fails to get the Secretary of the Treasury to reverse the decision, or to send the case to the Attorney-General, he may then go on with his suit and obtain his pay at the end of the litigation.

There were over five thousand cases of appeals last year. Of course the Secretary of the Treasury cannot attend to five thousand appeals; he must leave the matter in most cases to a subordinate, who sometimes decides rightly and sometimes wrongly. If a case is important an appeal is taken to the Secretary himself. This is why there is a lack of uniformity in the decisions.

But while the courts hold, in accordance with decisions of the

Supreme Court, that in all cases of taxation if there is any doubt the doubt should be given against the Government, because taxes ought not to be collected from the citizen upon doubtful grounds—while this is the law as administered by the courts, as declared three times by the Supreme Court, and as construed by two Secretaries of the Treasury, one of whom was Chancellor Bibb, of Kentucky, yet the practice with all collectors when they are in doubt is to take the money, because if they do not get the money there is no chance to have an appeal. Thus, upon all doubtful questions the collector decides against the importer, and sends him to the Secretary of the Treasury, or to a court. But no refund can be made without an appeal having been taken and a suit brought.

Mr. KASSON. Do I understand the gentleman to say that the Secretary cannot refund without a suit?

Mr. BUTLER, of Massachusetts. He cannot without an appeal being taken and a suit brought within thirty days.

Mr. KASSON. The gentleman is somewhat in error; but I will not interrupt him.

Mr. BUTLER, of Massachusetts. I hardly think I am in error. Perhaps I do not know what the law is; but I know what the practice is; and I know of thousands of cases in which one man has had his money paid back, while another has failed to obtain a refund simply because he has not brought a suit. Any gentleman familiar with the business of importation will, I think, bear me out in my statement. I think I can hardly be mistaken.

But this bill proposes that in every such case the party claiming a refund of duty shall come to Congress and ask a special appropriation. How soon he may be able to obtain it everybody knows. That is why I think the bill should be very fully considered. Under the present system the money does not go into the Treasury. It remains as a fund under the control of the Secretary, because if it went into the Treasury it could not be taken out without an act of Congress. It remains under the control of the Secretary, who, when a good case is made out, repays it to the merchant.

There has been the most sedulous guard thrown about this refund from year to year for many years. It has been the system from the beginning down till to-day. I suppose there is no doubt there is not a more onerous question than this one arising under the construction of the law. The collector makes such construction as he can, when a new thing comes up, where a new article is brought before him, and that construction he means to make in favor of the Government by taking the higher rate of duty and leaving the merchant to appeal. Under these circumstances, I think the House ought to consider it longer than they can to-night.

Mr. KASSON. I am happy to say as to that, my whole point has been so far to have the rules suspended so as to consider the bill. I am willing to let it go over to the morning hour to-morrow morning, when it can be fully considered.

Mr. BUTLER, of Massachusetts. I do not wish the morning hour taken up with the bill.

Mr. KASSON. I wish to say in response to the gentleman from Massachusetts, if I understood him correctly, he is in error in two or three particulars.

One is as to the length of time. It is not thirty days, as it used to be, but by amendment of the law ninety days, in which suit may be brought.

In reference to the other point, there is absolutely no limitation in section 14 of the act of 1864 on the right of the Secretary to issue his warrant to pay duties which he may decide have been erroneously assessed. The law provides that whenever it shall be shown to the satisfaction of the Secretary of the Treasury in any case of unascertained duties, or where under duties heretofore provided more money has been paid to the collector or person acting as such than the law requires, it shall be the duty of the Secretary of the Treasury to draw his warrant on the Treasurer in favor of the person or persons entitled to such payment, directing the Treasurer to refund the same out of any money in the Treasury not otherwise appropriated. There is absolute control of all our money which comes into the Treasury under customs duties in the will of the chief of the Treasury Department. The question presented by this bill to this House is whether you will leave that power absolutely within the control of the Secretary of the Treasury, with the vast amount of business he has already to attend to, or whether you will say a decision once made by the Secretary of the Treasury, thereafter, if he should change his opinion, he shall before he pays money out await an appropriation by Congress.

Let me allude to one single case which has done much to arouse public interest in connection with this matter. In the act imposing duties on fruits passed recently the Secretary of the Treasury, in the month of September, in a case made and coming to him, ruled they were subject to duty, and Congress meant to subject them to duty. Parties made their protest and appealed in the usual way. They went on paying those duties under protest, &c., until hundreds of thousands of dollars accumulated in the Treasury. In December, more than one year afterward, they brought such a power to bear upon this subject, or such new information before the Treasury Department, as to induce it to change its ruling and to declare these moneys had been wrongfully paid, and now at this very moment, while we are debating this question, there are hundreds of thousands of dollars, without any consideration by Congress, with one opinion of the Secretary for and another opinion of the Secretary of the Treasury against it, liable to be paid out of the Treasury in the manner I have stated. Under these circumstances the committee thought it was their duty to call the attention of Congress to these facts so that some remedy might be provided.

Mr. BECK. I wish to ask the gentleman from Iowa, what is the amount to be paid out of the Treasury by the change in the opinion of the Secretary of the Treasury?

Mr. KASSON. I cannot give the figures—perhaps the gentleman can—but it is a considerable amount.

Mr. BECK. I heard that it was over $2,000,000, but I do not know whether that statement is true or not.

Mr. KASSON. It is said to be about that; that it would involve that amount, but not that amount has been paid out.

Mr. BECK. Yes; it would involve that amount; and that amount is liable to be taken out of the Treasury by this refund.

Mr. BUTLER, of Massachusetts. I desire to say, in regard to what the gentleman from Iowa has said, that I do not see he has convicted me of anything of error; and that is all I care about. I say, without protest and appeal, and suit brought within a given time; and I think he will find the statute makes it thirty days.

Mr. KASSON. That is the old statute.

Mr. BUTLER, of Massachusetts. I will be prepared on call to show exactly; but whether thirty or ninety days, suit must be brought within the given period, and there must be protest and appeal; that no amount can be paid out at the custom-house or the Secretary's office where there has not been protest and appeal. Where the man pays the money he says "I pay it under protest, because I cannot get my goods otherwise, and I must pay. I pay it under protest, therefore, and take an appeal."

I was about to say further that it is stated that large amounts of money are taken out of the Treasury. Not so. Large amounts are taken out of the money that the Secretary decides never has gone and never ought to go into the Treasury.

Mr. KASSON. I must correct the gentleman from Massachusetts right there. Under the act now existing the money must be paid immediately into the Treasury, and cannot be got out except by a warrant of the Secretary. It is not taken from any fund remaining in the hands of the Secretary.

Mr. BUTLER, of Massachusetts. I did not mean to say that.

Mr. DAWES. I wish to ask the gentleman from Iowa whether this is not the law: When a man is obliged to pay a duty which he thinks too large, he pays it under protest, and appeals to the Secretary of the Treasury. If the Secretary of the Treasury decides with him that the amount he paid was too large, the Secretary draws his warrant without any suit and pays it back. The suit is only to be brought when the man has not got such a decision from the Secretary as he is satisfied with. Therefore it is that whenever the Secretary pays out money to the satisfaction of the man who has paid the duty, the United States can never have a decision of the court upon the question whether the construction of the Secretary of the Treasury is right or not, and the money has gone out. That, I think, is the law.

Mr. BUTLER, of Massachusetts. I desire to say just one single word in answer to my colleague. As these cases are never settled within the thirty or ninety days before the Secretary, there must be a suit brought.

Mr. DAWES. I think my friend is mistaken about that. If a man appeals to the Secretary within the thirty or ninety days, the Secretary may be six months in making up his mind. The suit is only to be brought, and my colleague must see that it need only be brought, when the man who has got the grievance does not get satisfaction from the Secretary; then he commences his suit against the collector for taking away from him money which he says the law does not justify him in taking. That is the process. But if he gets the Secretary of the Treasury to decide in his favor, the Secretary instantly is authorized by law to draw his warrant on the Treasury for the sum of money. And who is to sue? There is nobody to sue. The man has got his money, and has got it back by order of the Secretary, and there is no occasion for a suit.

Mr. KASSON. I yield to the gentleman from Pennsylvania, [Mr. KELLEY,] only remarking that the thirty days refer to the appeals from the collector to the Secretary; the ninety days to the commencement of the suit after the decision of the Secretary.

Mr. KELLEY. I desire to say that no bill ever reported by a committee of which I was a member had my sanction more heartily than this. I believe that it will stop one of the grand leaks of the Treasury, and one that is more promotive of fraud than any other.

We had this instance before us: There was testimony given before the committee that when the Secretary determined the law the trade acquiesced in the justice of the decision; but a certain firm of lawyers went to the large importers and invited them to protest and appeal, saying that by and by they would get them their money provided the attorneys should have one-half; so that after a sufficient fund had accumulated they succeeded in inducing the Secretary to reverse his opinion, and the witness said he had received $25,000, and his counsel $25,000, and they still had other cases.

Now, sir, the whole trade were ready to acquiesce in that, and there lingers a suspicion, well founded on evidence, that your enrolled law was tampered with in the State Department, in order to enable that conspiracy of lawyers to secure a reversal of the opinion.

Now, in one case you have five authorized editions of the law, all

taken from the statutes, and all standing in one way; and yet when you come to examine your official scroll you find the change of a comma is costing the Government $2,000,000, in contradiction to all the printed laws sent out for the government of the country.

This bill gives the privilege of appeal. It gives the Secretary of the Treasury the primary construction of the law, and it does but deny him the permission to reverse those decisions and distribute the money of the Treasury by millions of dollars. And I sincerely hope it will be passed.

Mr. COBURN. Before the gentleman concludes, I wish to ask him a question. He says that it enables the Secretary of the Treasury to dispose of $2,000,000 annually.

Mr. KELLEY. A much larger sum than that.

Mr. COBURN. Does the gentleman mean to say that it was disposed of wrongfully?

Mr. KELLEY. I mean to say this, that when your law was construed it stood, as everybody connected with the law believed, to support the decision. But when millions are piled up, a comma is strangely converted into a semicolon, and upon the construction of the Secretary of the Treasury your millions go out.

Mr. COBURN. I did not know but the gentleman was speaking under a partial misapprehension of the facts.

Mr. KELLEY. I have not spoken under any misapprehension of the facts.

Mr. COBURN. As to its being wrongfully distributed?

Mr. KELLEY. In my judgment, and that of the committee, it was wrongfully distributed, but we do not charge the Secretary with any wrong-doing.

Mr. KASSON. I yield to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. Mr. Speaker, when this bill was referred to the Committee on Ways and Means in its original form I interposed my objection to it. I could not vote for nor support any legislation which would have a tendency to impose upon the importing interest of this country any additional burden to that which they are now obliged to bear. While I am willing to go as far as any gentleman in the protection of the revenue which the law requires shall be collected upon the importations of the country, yet when we consider the intricate nature of our revenue laws, the inextricable confusion, the mysterious influences which affect the collection of the revenue under the present administration of the laws—in the port of New York, for instance—I am sure that gentlemen of the House, if they knew as much about it as I do, would conclude that it would be unjust to interpose any difficulties in the way of the collection of the revenue, or of the protection of the property of those upon whom these duties are levied.

Now what is the question presented in this bill? The laws are very difficult to understand and are continually being varied. In the case to which my friend referred, the word "fruit" was changed by the addition of the letter "s," and the revenue was thus deprived of hundreds of thousands of dollars. Now the case is this: the subordinate officers impose what, in their judgment, is the proper duty on the articles imported; the merchants pay under protest and take an appeal to the Secretary of the Treasury, and if, in his judgment, the duty has been improperly or illegally collected, he draws his warrant and refunds the money. Now the fact may be, and I presume that it is, that by some influence beyond our comprehension the Secretary of the Treasury has, at times, been improperly induced to alter his previous decision, or the decision of his predecessor, and thus very large amounts of money have been drawn from the Treasury and put into the pockets, not altogether of the merchants who in the first instance paid the money, but of their attorneys, representatives, and brokers.

Now, the object of this bill is to provide that after the Secretary shall have once made his ruling there shall be no recourse except to the courts or to Congress for a restoration of the money claimed. Sir, I think there is a great deal of good to be accomplished by this. I think that the power of the Secretary of the Treasury is already enormous. It is too much to intrust to any one man in these times and at this day, however able and however upright he may be. I am therefore quite willing that after he has once ruled in a case of this kind there shall be no further action on his part to take money out of the Treasury when it has been paid into it, except by act of Congress or by a judicial decision; and if I understand this bill, that is its object.

Mr. KASSON. I yield now for a moment to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. This bill is reported unanimously by the Committee on Ways and Means after very careful consideration. The principal reason why I was anxious to support it was because it curtailed the powers of the executive officers of the Government over the money in the Treasury of the United States. I am one of those who believe that while executive officers should have all reasonable control over the affairs of their own Departments, and be enabled to furnish every facility to the merchants consistent with the proper security of the revenue, yet when they have once determined what the law is and the merchants have paid their money under that construction, no executive officer ought to put his hand into the Treasury of the United States and draw out money that has been put there by the people without either a judgment of a court or the action of the representatives of the people in Congress assembled. This bill only seeks to carry out that idea.

In the first place, collectors may differ in the construction of the law. The one at New York may decide that a certain amount of duty ought to be paid; the one at Boston may decide differently, and the collectors at Philadelphia and Baltimore may decide still differently. The Secretary should have a right to hear all these questions and determine what is the law and what men shall have their money refunded; but his decision should be final until the courts of the country have determined whether he is right or wrong, and then the money should be refunded according to the judgment of the courts; or else the Secretary, instead of refunding it on his own opinion, should lay the facts before Congress. In my judgment, sir, this bill will save millions of dollars to the tax-payers of the country, and will save the Secretary from very onerous duties; it will put the money of the people where it ought to be, under the control of the judiciary or of their representatives, and not leave it liable to be taken out of the Treasury as the Secretary may change his opinion. That is the whole object of the bill. The Committee on Ways and Means saw many other things and are considering many other things connected with the collection of customs. You have seen by a report laid on your tables the other day that within the last four years the collectors, naval officers, and surveyors at the ports of New York and Boston have received each as their share of penalties $450,000, or very nearly that sum.

Mr. W. R. ROBERTS. Did you say $400,000?

Mr. BECK. Yes; or about that sum. There is a printed report upon our table now which shows that, and also shows that informers have received immense sums, amounting to $720,000, I believe. All sorts of fraud have crept into the collection of the customs revenue. I think the object of this bill should commend itself to everybody, to take out of executive control, when once a decision has been rendered, the question of refunding money, and refer it to a court, or to Congress.

Mr. KASSON. I now yield to the gentleman from Illinois [Mr. BURCHARD] for a few minutes.

Mr. BURCHARD. I desire to say but a word or two to the House upon the pending bill, rather upon a collateral matter than upon the bill itself. I believe the Committee on Ways and Means were unanimously in favor of some legislation upon this subject, and agreed to report this bill.

There have been cases where, under the construction of the law by the Secretary of the Treasury, the merchants have paid duties for years; but protests were made, and the rights of the parties secured to a refunding of the money if they should bring suit within the requisite time. They have laid by their rights for some time, selling their goods to the community at a price that would reimburse them for the higher rate of duty. Then, after months, and perhaps years, have elapsed, they have brought their cases before the Secretary of the Treasury and have obtained a rebate of a portion of the duty they had paid, which was so much clear gain to them. So in the case referred to by the gentleman from Pennsylvania, [Mr. KELLEY,] where the importer acknowledged to him that the rebate was a clear gain to him of $25,000.

Now, in regard to the particular decision referred to by the gentleman from Pennsylvania, [Mr. KELLEY,] I think he is mistaken, and does injustice to the office of the Secretary of State. There was no such mistake as he intimates made in that office. I have sent for the original of the tariff bill that passed the House and came back from the Senate with an amendment containing the particular item referred to. If there was any mistake made it was made by a clerk of the Senate, and not by any of the Departments. It is a very natural mistake. According to my recollection it occurred in this way: we passed a bill repealing the tax on tea and coffee, and sent it to the Senate. The Senate amended it by adding an alphabetical free list, similar to the one that afterward became a law That free list included the heading "fruit," and after that heading the specification "bananas," &c. The Committee on Ways and Means reported the tariff bill which passed. It had a free list, and under the heading "fruit" a descriptive word as "perishable." The whole was stricken out in the House on the motion of the gentleman from Florida, [Mr. WALLS,] I think. Then the Senate substituted their free list containing this provision, "fruit, plants tropical and semi-tropical, for the purpose of propagation or cultivation." And it was adopted by the House as it is here, "fruits, plants, tropical and semi-tropical," &c., whether they understood it or not.

Mr. BUTLER, of Massachusetts. Allow me to ask a question.

Mr. BURCHARD. Certainly.

Mr. BUTLER, of Massachusetts. How can any man ever suppose that any fruits would be imported for propagation? Seeds, plants, &c., may be imported for propagation; but how fruits can be imported for propagation, I cannot understand.

Mr. BURCHARD. I am not attempting to give any construction or sense to the law, or to say what it means or does not mean. I took the floor simply to say that the Secretary of State was not to blame for this error, for it is an error that was in the bill when it passed the House.

Mr. KELLEY. I desire to say that I had not supposed that the Secretary of State was personally to blame in any possible way.

Mr. BURCHARD. Or any clerk in his Department?

Mr. DAWES. I want to say, in reference to this matter, that I do not think this bill need be advocated on any suggestion that there has been any error on the part of the Secretary of State or the Sec-

retary of the Treasury about the duty on fruit. The error does not lie there; it lies somewhere else. Those of us who drew the bill in relation to the tariff, to which reference has been made, know what we intended and how we left it. It is different in the enrolled copy of the bill in the office of the Secretary of State; and as it is there, I do not see how anybody can come to any different construction of it than is given by the Secretary of the Treasury on this matter of fruits. In the enrolled bill, in the free list, are these words: "fruits, plants, tropical and semi-tropical, for the purpose of propagation and cultivation." There is a comma after the word "fruits," and the Secretary of the Treasury is right in saying that under that wording fruits are to be admitted free of duty. And so in regard to the matter of paper in another part of the bill; as it stands in the enrolled bill, I do not see how the Secretary could come to any different conclusion. But it was not so when it left Congress. When the subject of the free list was under consideration my friend from Florida [Mr. WALLS] moved to strike out the whole paragraph under the heading "fruit," and his motion was carried. When the bill went to a committee of conference it was written in in this way: "fruit-plants," then a comma, there being a hyphen between "fruit" and "plants," and then the words "tropical and semi-tropical, for the purpose of propagation," &c.; that was what was put in the report of the committee of conference. I have the Statutes here, printed by Little & Brown, from the enrolled bill in the State Department, and the statute is not printed as the enrolled bill reads. In this book the word is not "fruit" but "fruits." In the enrolled bill it is "fruits," with a comma following, and then come the words "plants, tropical and semi-tropical, for the purpose of propagation." So the Secretary was right in his decision; I do not see how it could be supposed that he was otherwise.

But, independently of the question whether the Secretary is right or not, I object to any Secretary having this power over the Treasury; to first put this construction upon an act as a judicial officer, and then draw his warrant to take out of the Treasury just what in his opinion may be due, leaving no mode open for the United States to bring the question before a court.

I wish it to be understood that I never have intended, in the remarks I have made at another time or now, to cast the slightest reflection upon the action of any Secretary of the Treasury in the administration of this law. This officer has exercised his authority in pursuance of a power which Congress has given him; but no man ought to be invested with the power to draw his warrant upon the Treasury in this manner. Congress, not the Secretary, should determine what amount shall be paid out of the Treasury.

Mr. KASSON. The gentleman from Indiana, [Mr. NIBLACK,] a member of the Committee on Ways and Means, desires to say a few words on this question. I yield to him.

Mr. NIBLACK. Mr. Speaker, it was clearly demonstrated to the committee, I think, that the present mode of administering the customs laws with reference to refunding duties supposed to have been improperly collected is very unsatisfactory; and for this reason I interposed no objection to the reporting of this bill. I have not examined the details of the measure carefully; but believing that something ought to be done to restrict the present power of the Secretary of the Treasury in this respect and to give uniformity and stability to the decisions of his Department, I was entirely willing that this measure should be tried as an experiment. Hence, though not prepared to defend the bill in all its details, which I have not examined, I interposed no objection to the reporting of the bill, and shall not object now to its passage.

Mr. POTTER. I wish to suggest a verbal correction in the bill.

Mr. YOUNG, of Georgia. I move that the House adjourn.

Mr. KASSON. I now yield to the gentleman from New York, [Mr. MERRIAM.]

Mr. MERRIAM. Mr. Speaker, my object in introducing this bill——

Mr. YOUNG, of Georgia. I insist on the motion to adjourn.

The SPEAKER. This discussion is proceeding by unanimous consent.

Mr. KASSON. If objection is made, I will now, in compliance with requests made to me, take a vote of the House on the motion to suspend the rules.

Mr. POTTER. I want to call attention to one verbal correction.

Mr. KASSON. Objection is made to debate.

Mr. POTTER. This will not be objected to, I am sure.

The SPEAKER. The pending motion is that of the gentleman from Georgia, that the House adjourn.

The question being taken on the motion, there were—ayes 38, noes not counted.

So the motion was not agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Iowa, [Mr. KASSON,] to suspend the rules and pass the bill reported by him from the Committee on Ways and Means.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862; and

An act (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun.

CONTINENTAL CONGRESS CENTENNIAL.

Mr. KELLEY, by unanimous consent, presented the following resolution; which was referred to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875:

Resolved, (the Senate concurring,) That the members of the Senate and the House of Representatives of the United States will assemble in the Carpenters' Hall, Philadelphia, in informal joint session, on Monday, the 6th day of September, 1874, in centennial commemoration of the assembling of the delegates chosen and appointed by the several Colonies and Provinces in North America, to meet and hold a Congress in Philadelphia in that hall, on Monday, the 5th day of September, 1774; and that the Hon. JAMES G. BLAINE, Speaker of the House of Representatives, be invited to preside over the meeting, and the Hon. HENRY WILSON, Vice-President of the United States, be requested to deliver an address appropriate to the occasion.

LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes; which was read a first and second time.

Mr. GARFIELD. I move that this bill be printed, together with testimony and tabular statements in reference to it; that it be referred to the Committee of the Whole on the state of the Union, and be made a special order for Wednesday morning next, after the morning hour.

Mr. WOODFORD. Will the effect of that be to give this bill precedence over the consideration of the bill legalizing the issue of the reserve of $44,000,000?

The SPEAKER. The Chair thinks that bill was made a special order subordinate to general appropriation bills. The Calendar, which is incorrectly made up, does not so state; but the Journal shows the fact.

Mr. WOODFORD. I trust, Mr. Speaker, that this House will give its attention, first of all, to the bill which is to settle the status of the reserve.

The SPEAKER. The Chair has the impression (and the Clerk confirms it) that the bill referred to by the gentleman was made a special order subject to the precedence of general appropriation bills.

Mr. GARFIELD. It was.

Mr. WOODFORD. The business interests of the country require that we shall settle, first of all, what is the status of the $44,000,000 reserve. On that hangs every business enterprise in all the land, and it is the duty of this House to meet that question first of all and settle it, and settle it forever.

Mr. GARFIELD. I make my motion that the bill be made the special order in Committee of the Whole on the state of the Union for Wednesday next, after the morning hour, and from day to day until disposed of.

The SPEAKER. Those in favor of making the bill the special order in Committee of the Whole after the morning hour on Wednesday next, from day to day until disposed of, will vote in the affirmative.

Mr. WOOD. Let me suggest, before the vote is taken, that this large bill can scarcely be printed by Wednesday morning next.

Mr. GARFIELD. It is in type now, and the corrections will be made to-night, and the bill will be printed and on our tables to-morrow morning.

Mr. WOOD. Let me ask the gentleman from Ohio whether he proposes to make this bill the special order exclusive of all other special orders, exclusive of the tax bill and the forty-four million reserve bill?

Mr. GARFIELD. I will consult the wishes of the House when the bill comes up as to what disposition shall be made of it.

The SPEAKER. The Chair has sent for the Journal to ascertain precisely the status of the various special orders.

Mr. GARFIELD. I am informed by the gentleman from Massachusetts, [Mr. DAWES,] chairman of the Committee on Ways and Means, that they were so made special orders on the motion of the gentleman himself.

The SPEAKER. Then, if they were made special orders in subordination to regular appropriation bills, this will be considered in advance of them.

Mr. GARFIELD. I will not antagonize the wishes of the House.

The SPEAKER. The Chair will then put the question.

Mr. WOODFORD. If this be made the special order it will then be put ahead of the forty-four million bill?

Mr. GARFIELD. Yes, sir.

Mr. HAWLEY, of Connecticut. But the House can at any time set it aside.

Mr. BUTLER, of Massachusetts. No; you cannot do that.

Mr. GARFIELD. I desire to know exactly what the House wishes to have done in reference to this bill.

The SPEAKER. It can go to the Committee of the Whole on the state of the Union, and take its place on the general Calendar.

Mr. MAYNARD. There are matters of general legislation which should first be attended to.

Mr. BUTLER, of Massachusetts. Let us get through with the other bills first.

Mr. GARFIELD. I believe I have the floor. I ask for a division of the House on the motion that the bill be made a special order for Wednesday next, and from day to day until disposed of.

Mr. BUTLER, of Massachusetts. Is that to be to the exclusion of all other special orders?

Mr. GARFIELD. I leave that to the House.

Mr. BUTLER, of Massachusetts. It is not what you say, but what the rules say.

Mr. GARFIELD's motion was rejected.

Mr. GARFIELD. I move now that the bill be referred to the Committee of the Whole on the state of the Union, to go on the general Calendar, and that the bill and accompanying report be ordered to be printed.

The SPEAKER. The Chair will state what the status of the bill will then be. It is to be preferred to all other bills on the general Calendar, but not to bills which have been made special orders.

Mr. COX. That is the order already made.

The SPEAKER. Appropriation bills, if referred without being made special orders, are to be preferred, and tax bills in time of war, even if not made special orders.

Mr. MAYNARD. It stands on the Calendar subject to the general rule of the House.

The SPEAKER. Precisely; but that is the general rule of the House.

Mr. G. F. HOAR. I reserve all points of order.

The SPEAKER. All points of order will be reserved.

The bill and accompanying report were then ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

And then, on motion of Mr. YOUNG, of Georgia, (at twenty minutes to five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ALBERT: The petition of Chauncey Brooks and others, of Baltimore, Maryland, for compensation for 10,764 pounds of tobacco, stored in Farmville, Virginia, and taken by the United States Army, in April, 1865, to the Committee on War Claims.

By Mr. BUTLER, of Tennessee: The petition of William Bass, for pay as first lieutenant of First Regiment Tennessee Light Artillery, to the Committee on Military Affairs.

By Mr. CESSNA: The petition of citizens of Bedford County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduced the duties on certain commodities 10 per cent., to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of Valorous G. Austin, of Washington, District of Columbia, for relief, to the Committee on War Claims.

By Mr CLAYTON: The remonstrance of C. T. Hopkins, of San Francisco, California, against the passage of certain bills pending before Congress for the distribution of the Geneva award, to the Committee on the Judiciary.

Also, the petition of John B. Miller, for a pension, to the Committee on Invalid Pensions.

Also, the petition of David Barnes, for relief, to the Committee on Private Land Claims.

Also, resolutions of the Legislature of California, asking for a sufficient appropriation to survey all the unsurveyed lands in California, to the Committee on the Public Lands.

Also, resolutions of the Legislature of California, opposing the passage of the Santillan land-grant bill now pending in Congress, to the Committee on the Judiciary.

Also, resolutions of the Legislature of California, relative to establishing the boundary line between Del Norte County, California, and Curry County, in Oregon, to the Committee on the Judiciary.

By Mr. CROCKER: The petition of Mary S. Howe, of Leominster, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. DAVIS, of West Virginia: The petition of J. L. Carr and others, druggists of Harrison County, West Virginia, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

Also, the petition of Robert Sutor, late private in Company I, First Virginia Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Waldo P. Goff and others, for the passage of a bill granting a pension to Coleman Sims, of Clarksburgh, West Virginia, to the Committee on Invalid Pensions.

By Mr. DEWITT: The memorial of Robert Harrison, in behalf of himself and other claimants under the ninth article of the treaty of 22d February, 1819, relative to an alleged delinquency on the part of the United States in carrying into effect the concluding paragraph of said ninth article of the treaty of 1819 between the United States and Spain, to the Committee on Foreign Affairs.

By Mr. DUELL: The petition of Emory R. Seward, for compensation for work done in removing obstructions in the Hudson River, to the Committee on Commerce.

Also, the petition of Thomas Simms, for compensation for four months' service as second lieutenant in the Seventy-sixth Regiment New York Volunteers, to the Committee on Military Affairs.

By Mr. DUNNELL: The petition of M. Giddings and others, of Saint Charles, Minnesota, for the repeal of the second section of the act of June 6, 1872, which reduced certain duties 10 per cent., to the Committee on Ways and Means.

By Mr. DURHAM: Resolutions of the Boyle County Medical Society of the State of Kentucky, in favor of increasing the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. EAMES: The remonstrance of the National Bank of North America, and thirty-one other national banks in Rhode Island, against the withdrawal of any part of their circulation, to the Committee on Banking and Currency.

Also, resolutions of the Medical Association of Providence, Rhode Island, relative to the Medical Corps of the United States Army, to the Committee on Military Affairs.

By Mr. FOSTER: The petition of Jonathan Witter, late private Company H, One hundred and first Ohio Volunteers, for a change in his military record, to the Committee on Military Affairs.

By Mr. HARRISON: The petition of citizens of Nashville, Tennessee, for an appropriation for the improvement of the Upper Cumberland River, to the Committee on Commerce.

Also, the petition of citizens of Nashville, Tennessee, asking that that city be made a port of entry, to the Committee on Ways and Means.

Also, the petition of Dial Brown and others, residents of Tennessee, for compensation for property taken from them for the use of the United States Army, to the Committee on War Claims.

Also, the petition of Asa Faulkner, S. B. Spurlock, and Lewis L. Faulkner, for compensation for property taken by the Government during the late war, to the Committee on War Claims.

By Mr. HATHORN: The petition of Thomas Osborn, for a pension, to the Committee on Invalid Pensions.

By Mr. HYNES: The petition of Elizabeth B. Wofford, for a pension, to the Committee on Invalid Pensions.

By Mr. KELLOGG: A paper for the establishment of a post-route from Watertown to Woodbury, in Litchfield County, Connecticut, to the Committee on the Post-Office and Post-Roads.

By Mr. LAWSON: The memorial of manufacturers of calcined plaster in New York City, Brooklyn, and Newburgh, in New York; in Philadelphia, Pennsylvania; and in Portland and Calais, Maine, for an increase of duty on imported calcined plaster, to the Committee on Ways and Means.

By Mr. MARTIN: The petition of J. W. Holiday, for arrears of pay, to the Committee on Military Affairs.

Also, papers relating to the claim of John Heberer, enrolling officer, forty-second subdivision, twelfth congressional district, Illinois, to the Committee on Military Affairs.

By Mr. MAYNARD: The petition of John James Flournoy, of Georgia, praying action of Congress in behalf of colored citizens who desire to emigrate to Liberia, to the Committee on Education and Labor.

Also, the petition of James A. Warden, of Tennessee, in relation to certain taxes alleged to have been illegally collected, to the Committee on Ways and Means.

By Mr. McDILL, of Iowa: The petition of citizens of Page County, Iowa, for the establishment of a post-route from Clarinda, Iowa, to Hopkins, Missouri, via Page City, College Springs, and Bradyville, to the Committee on the Post-Office and Post-Roads.

By Mr. McFADDEN: The petition of citizens of Washington Territory, for the passage of the Portland, Dalles and Salt Lake Railroad bill, to the Committee on Railways and Canals.

By Mr. McJUNKIN: The petition of John R. Shirley, of Freeport, Pennsylvania, for relief, to the Committee on Claims.

By Mr. McKEE: The petition of citizens of Mississippi, for the establishment of a post-route from Ellisville, via Monroe, to Columbia, Mississippi, to the Committee on the Post-Office and Post-Roads.

By Mr. McLEAN: The petition of citizens of Texas, for an appropriation of $200,000 for the improvement of Sabine Pass, in the State of Texas, to the Committee on Commerce.

By Mr. MELLISH: The petition of the Methodist Episcopal church, of Mount Vernon, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. MILLIKEN: The petition of druggists of Bowling Green, Kentucky, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. PIERCE: The petition of 373 consumers of steel in the United States, for a reduction of the tax on steel of foreign production, and for modifications of the present system of taxation, to the Committee on Ways and Means.

By Mr. POTTER: The petition of the Society of Friends of the State of New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. RAWLS: A paper for the establishment of a post-route from Blackshear to Dickson's Mill, in Pierce County, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: The petition of Levy H. Harris, late private Company C, Third Illinois Cavalry, for a pension, to the Committee on Invalid Pensions.

By Mr. RUSK: The petition of Amanda M. Sherwood, for a pension, to the Committee on Invalid Pensions.

By Mr. SAWYER: The petition of citizens of Wisconsin, for appropriations for the improvement of the Mississippi, Fox, and Wisconsin Rivers, to the Committee on Commerce.

By Mr. SAYLER, of Ohio: The petition of Cornelia M. Arthur, of Cincinnati, for increase of pension, to the Committee on Invalid Pensions.

Also, the petition of bankers, merchants, manufacturers, and other citizens of Cincinnati, Ohio, representing that they view with alarm the various schemes to increase the irredeemable paper currency of the country, and asking Congress not to authorize its increase in any form whatever, to the Committee on Banking and Currency.

By Mr. SOUTHARD: The petition of William Parks, for a pension, to the Committee on Invalid Pensions.

By Mr. STONE: The petition of bankers, merchants, and other citizens of Saint Louis, remonstrating against the issue of any more legal-tender notes, to the Committee on Banking and Currency.

Also, the petition of certain citizens of Saint Louis, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. STORM: The petition of graduates of the United States Naval Academy, of June 4, 1869, for restoration to rank as determined at the time of their graduation, to the Committee on Naval Affairs.

By Mr. WALLS: The memorial of the Legislature of Florida, for an appropriation to improve the Haulover between Musquito Lagoon and Indian River, in Florida, to the Committee on Commerce.

Also, the memorial of the Legislature of Florida, for an appropriation to improve the Ocklawaha River, to the Committee on Commerce.

Also, the memorial of the Legislature of Florida, requesting appropriations for certain harbor and river improvements in the State of Florida, to the Committee on Commerce.

Also, the memorial of the Legislature of Florida, for the establishment of a mail-route from Pilatka to Haw Creek, Florida, to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: A communication from Brigadier-General A. A. Humphreys, Chief of Engineers, relative to estimates for the improvement of Ashtabula Harbor, to the Committee on Commerce.

Also, papers relating to discontinuing the use of the cutter Relief as a revenue-cutter, and using it for a boarding station in Mobile Bay, to the Committee on Commerce.

By Mr. WOOD: The petition of Edmund Woog for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *February* 17, 1874.

Prayer by Rev. E. D. OWEN, of Washington.

On motion of Mr. FENTON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

COAST SURVEY REPORT.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, inclosing the report of the Superintendent of the Coast Survey, of the operations of that service during the year ending November 1, 1873; a motion to print which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. SCHURZ. I beg leave to present the petition of several banks and prominent business men of Saint Louis, respectfully representing that they view with alarm the propositions before Congress for increasing the volume of United States notes; that they believe that any additional issue of paper money by the Government would be most injurious to the interests of the nation; that the country is now suffering, and has been for the past twelve years, great loss and inconvenience arising from an irredeemable currency. The petitioners beg leave to represent most earnestly that the resumption of specie payments at the earliest practicable time is imperatively required by the interests of the nation, and they most respectfully deprecate the issue of any more legal-tender notes, as such a proceeding would be understood as postponing indefinitely a return to a sound financial condition. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. PRATT presented the petition of Mrs. Hester Stoll, widow of Urbin Stoll, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. ANTHONY presented the petition of the Grand Division of the Sons of Temperance of the State of Rhode Island, signed by W. D. Hilton and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BUCKINGHAM presented the petition of the Methodist Episcopal church, of Blairstown, New Jersey, signed by the pastor and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SCOTT presented the petition of D. K. Blaine and other citizens of Beaver County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented the petition of the Yellow Frame Presbyterian church of the Newton Presbytery of the State of New Jersey, signed by Rev. R. B. Foresman, pastor, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CRAGIN. I have received several memorials which I will present to the Senate in relation to the Nautical Almanac: one from the American Philosophical Society, at Philadelphia; another from the Academy of Natural Sciences, at Philadelphia; another from certain citizens of Philadelphia; another from the Franklin Institute; and I may be pardoned if I simply read the preamble and resolution of the Franklin Institute, as they are very brief:

Whereas the Franklin Institute learns with much regret of the intention of the Government, at Washington, to curtail the amount of appropriations for the United States Nautical Almanac; and whereas, in the opinion of this Institute, the Nautical Almanac is one of the most practically useful of those efforts of American science which stand before the world unsurpassed by any other nation; and whereas, in the economy of the management of this great national work, as well as in the accuracy of the details which it furnishes, the Nautical Almanac is an object of pride to our citizens, a necessity for our commerce, and a model to other countries: Therefore,

Be it resolved, That the Franklin Institute respectfully petitions Congress rather to increase than to diminish the appropriation for an object so catholic, so necessary, and so creditable to the country.

As the Committee on Appropriations have reported the naval appropriation bill, I move that these memorials lie on the table.

The motion was agreed to.

Mr. STEVENSON presented the memorial of certain loyal citizens of Kentucky, asking an appropriation to Mrs. Vaughan and Mrs. Jackman of $25,000 each for patriotic services rendered the Government during the late rebellion; which was referred to the Committee on Military Affairs.

Mr. DAVIS presented the petition of Hans W. Phillips, Clark Hanes, and John Beam, of Wheeling, West Virginia, praying compensation for five-eighths of the steamer Planter, alleged to have been captured by the rebels in the port of Mobile, condemned and sold as a prize; which was referred to the Committee on Claims.

Mr. GOLDTHWAITE presented the petition of the Board of Trade of Mobile, praying for an appropriation to complete the opening of the bars in Mobile Bay; which was referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade of Mobile, praying for an appropriation to organize the United States mint at New Orleans; which was referred to the Committee on Finance.

He also presented the petition of George W. Stuart, praying compensation for services rendered to R. H. Rousseau while minister to Honduras; which was referred to the Committee on Claims.

Mr. CONKLING. I present the petition of John B. Perry, praying that a national convention may be called to meet at Philadelphia on the 4th of July, 1876, to make a declaration of peace—"peace on earth, good will to men." I have some doubt about the reference which should be given to this petition, but I move that it go to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING presented the petition of Division No. 263 of the Sons of Temperance of the State of New York, signed by its officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SUMNER presented the petition of the members of the congregation of the Reformed church of Newark, New Jersey, signed by Rev. William J. R. Taylor, pastor, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the petition of citizens of Vineland, Cumberland County, New Jersey, praying that a pension may be granted to Rhoda Hart, widow of Phœbus Hart, and mother of Lewis Hart, who died while in the service of the United States; which was referred to the Committee on Pensions.

Mr. GORDON. I present the petition of S. E. Allen and 44 others, who claim that they were entitled to 20 per cent. additional compensation for services in the Treasury Department under the joint resolution of February 28, 1867. It seems that their petition was not allowed by the Court of Claims. They now represent that the Supreme Court of the United States reversed the decision of the Court of Claims, and they ask to be restored to their position in that court. I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. BUCKINGHAM presented a letter from the acting Secretary of the Interior, addressed to the chairman of the Committee on Indian

Affairs, accompanying a copy of a report of Inspector E. C. Kemble in relation to the condition of the Indians of the Siletz agency, in Oregon; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CUSTOMS-REVENUE SERVICE.

Mr. FENTON. I present a petition in regard to the customs-revenue service, and upon which I should be glad to submit a few remarks. This petition is signed by merchants of New York, generally, and I do not know but all of them importers. I will take the liberty to read a sentence from their petition which presents the case better than any words of mine could do. They say:

Deeply impressed with the importance of reform in the customs-revenue service of the country, including the practices of agents, informers, and officials, and of the reduction of the enormous sums received as salaries and perquisites, we respectfully urge early and favorable action upon the bill of Senator FENTON, "to regulate the service in the collection of customs at the various ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes." We believe this bill, should it become a law, would remedy in a great measure the evils of which we have just reason to complain.

Mr. President, the bill to which these petitioners refer was presented to the Senate a little more than two years ago, and referred to the Committee on Finance. That committee, after consultation with many persons who were familiar with the customs-revenue service of the country, and who were competent to advise, and with officers of the Treasury Department, and especially with the then Secretary of the Treasury, reported the bill, very little changed, to the Senate. I was unanimously instructed by the committee to ask for early action upon it.

The bill thus perfected, as we believe, proposed to equalize, or rather to adjust upon the basis of salaries, the compensation of customs officers, so that those occupying principal positions whose services in any other department of human activity would be considered at least amply compensated at $5,000 or $10,000 a year, should not have the opportunity of making from $75,000 to $100,000 a year, as now. It also proposed to sweep away the whole system of moieties, the evils of which are a grievous burden, indeed one of the greatest afflictions to American trade. I am justified in saying that this moiety business, supplemented by the act of March 2, 1867, authorizing the seizure of books and papers, is the source of numberless extortions and iniquities on the part of the custom-house officers, agents, and informers.

The bill also proposed to simplify the whole customs-revenue machinery, so that the importer upon the one hand, and the Government upon the other, whose interests are identical, should be fairly and faithfully protected.

Mr. President, I endeavored again and again, in vain, to secure the favorable attention of the Senate to the bill thus reported. I was met first by the honorable Senator from Connecticut, the chairman of the Committee on Retrenchment, [Mr. BUCKINGHAM,] with the statement that that committee had in charge the investigation of New York customs-service affairs, and that delay was important, to the end that the light of their observation, when their report was submitted, should be cast upon the subject. Unfortunately, their report lingered until the last days of the session, and the bill was not reached.

At the last session I made further efforts to bring the bill before this body, and I was there met by the chairman of the Committee on Commerce, [Mr. CHANDLER,] speaking for that committee, that they thought it was a subject that properly should go before the Committee on Commerce. Finally, despairing of securing action otherwise, I moved its reference to that committee. But two months passed of that session, and it slumbered, so far as the Senate knew, in the pigeonholes of the committee-room.

Again, at the beginning of this session, on the very first day, I moved the reference of this bill to the Committee on Commerce. Is it too much to ask now, is it too much to expect, that the committee will soon report the bill, or something better if they can? I at least join my voice with these memorialists, in the hope that the grave abuses, of which few can now plead ignorance, may be uprooted and destroyed. They are, to say the least, a reproach upon our Government, and no person or party in authority can longer afford to be indifferent to the demand for reform which now comes to us from so many quarters.

I move the reference of this petition to the Committee on Commerce.

The motion was agreed to.

Mr. BUCKINGHAM subsequently said: In rising to ask leave to introduce a bill, I wish to say a word in reference to a remark made by the Senator from New York [Mr. FENTON] this morning. He referred to a committee of which I was chairman, and which was in existence some two years ago, and stated, in substance, that action was delayed on a bill in which he felt particularly interested on the ground that the committee authorized to investigate certain charges at the custom-house in New York had the matter under consideration and hoped to make some report upon it. He stated, in substance, that that report was delayed so long that no proper action could be taken by the Senate. I do not suppose he really intended that we should infer that he charged us with unnecessary delay.

Mr. FENTON. No, Mr. President; I remarked that unfortunately the report did not reach us until the closing days of that session. I made no reflection on the committee.

Mr. BUCKINGHAM. I beg leave to say that there was no want of diligence on the part of that committee, or any member of that committee; and there was no reason why that report should not have been made before except that there was actually no time. That is all I have to say on that subject.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOREMAN, it was

Ordered, That C. S. Bell have leave to withdraw the papers filed with his memorial heretofore referred to the Committee on Military Affairs.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers of Sarah F. Staples, in behalf of the heirs of the late John Ross, be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the papers in the case of Samuel Johnson, of New Orleans, praying compensation for the use of, and occupancy by the United States of, certain houses and lots in that city from July, 1862, to October, 1865, be taken from the files and referred to the Committee on Claims.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers of the officers of the Seventh Cavalry, praying for compensation for loss of property caused by the burning of their quarters at Fort Buford, Dakota Territory, be taken from the files and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1224) for the relief of William J. Denniston, late an acting lieutenant Seventieth New York Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, reported an amendment by way of substitute for the bill (S. No. 320) to increase the Pay Department of the Army, reported from the committee on the 3d instant.

Mr. PRATT, from the Committee on Claims, to whom was referred the memorial of T. T. Garrard and others, claiming compensation for the destruction of their salt, salt-wells, &c., in Clay County, Kentucky, by United States troops, in 1862, submitted a report, accompanied by a bill (S. No. 496) for the relief of those suffering from the destruction of the salt-works near Manchester, Kentucky, pursuant to the orders of Major-General Carlos Buell.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. SCOTT. The Committee on Claims, to whom was referred the bill (S. No. 171) for the benefit of the legatees of Asbury Dickins, deceased, have instructed me to report the same back with a recommendation that it be indefinitely postponed. This is accompanied with a written report, and as I believe one of the members of the committee desires to submit the views of the minority, and a bill on the same subject has passed the other House, I suppose it may go on the Calendar.

The report was ordered to be printed, and the bill to be placed on the Calendar, with the adverse report of the committee.

Mr. MITCHELL. I desire to submit the views of the minority of the committee on that case, and ask that they be printed with the report of the committee.

The PRESIDENT *pro tempore*. That order will be made.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of a committee of the American Institute of Homeopathy asking an extension of the signal service so as to obtain information for the benefit of the public health, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. SPENCER. I am also instructed by the same committee to ask that the petition of William McCarrick, praying for arrears of bounty, be recommitted to the committee for further consideration, as some new evidence has been presented in the case.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 108) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, in the State of California, reported it without amendment.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 342) for the relief of the officers and crew of the United States ships Wyoming and Ta Kiang, reported it without amendment.

Mr. CRAGIN. The committee make no written report at this session in this case, adopting the report made at the last session of the last Congress.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Silas Hurd, Seth Hurd, and others, of Connecticut, praying to be allowed compensation for damages for certain injuries to their "fishing place" by persons in the employment of the United States, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the petition of George Reisinger, of Oregon, praying for a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 497) to repeal the fourteenth section of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871," approved July 15, 1870; which was read twice by its title.

Mr. BOGY. I desire this bill to be in lieu of the bill introduced by me yesterday. I also move that the memorial which I presented yesterday on the same subject be referred to the Committee on Indian Affairs. I see by the RECORD this morning that it was referred to the Committee on the Judiciary. My intention was to have had it referred to the Committee on Indian Affairs. I move now that the memorial be withdrawn from the Committee on the Judiciary and referred to the Committee on Indian Affairs with this bill.

Mr. CONKLING. Will the Senator from Missouri state to what matter this relates? The formal reference to a section of a law does not give us the substance.

Mr. BOGY. It is in relation to some lands located in what is called the Black Bob reservation in Kansas — the Shawnee reservation. Those lands were surveyed many years ago and patented to the Indians. The condition of the patent was that they could not be alienated. Since then it has become a matter of necessity for these lands to be disposed of and go into the hands of white settlers who are there now.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri.

The motion was agreed to.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 498) to repeal a certain portion of the pension laws, and for other purposes; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 500) for the relief of Dr. John B. Read; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 501) providing for the appointment of two members of the Senate and three of the House of Representatives on the board of examiners to the Naval Asylum; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 502) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 503) for the relief of Susan R. Moore, the relative and legatee of Phœbe Schofield, a pensioner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 504) for the relief of certain homestead and pre-emption settlers on the public lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CARPENTER (Mr. ANTHONY in the chair) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 505) to further protect the polls in the election of President, Vice-President, and members of Congress; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 505) to amend "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes," approved July 29, 1848; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

TIMBER AND HEDGES ON WESTERN PRAIRIES.

Mr. WRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be instructed to consider the expediency of further legislation on the subject of encouraging the planting and cultivation of timber and hedges on the western prairies, and particularly whether it would not be expedient to amend the homestead law so as to deduct from the time required to perfect homestead title a reasonable number of months for each acre of timber and mile of hedge planted and cultivated thereon.

THE BANKING SYSTEM.

Mr. BOGY. I offer the following resolution, which I will read:

Resolved, That the Committee on Finance be, and is hereby, directed to inquire into the expediency of providing that hereafter all banks shall be chartered or organized by the States, each State to decide the question as to the number of banks and capital required for its legitimate wants, and each State to provide such guarantees to depositors as may be deemed proper; all banks to be organized under the provisions of a law requiring the deposit of bonds as now provided for national banks; the Federal Government to have the keeping of such bonds and the issuing of the currency, and to be responsible for the redemption of the circulation.

I am in favor, Mr. President, of a free-banking law. At the same time I can very well understand that a free-banking law may lead to very great financial troubles hereafter. It may cause very wild operations, beyond all question. Nevertheless, between the present restrictive system, confining the amount of circulation which shall be used by this entire nation to a given amount of money, and opening the question wide to an unlimited amount of money—of the two evils, I would prefer the latter; recognizing one as well as the other, however, to be an evil.

Now, sir, without detaining the Senate any length of time, it does seem to me that in leaving the question to the States we are putting back the great question of the creation of banks where it originally belongs, to the States, and not in the Federal Government. There are States that require and want no banking circulation. California has as a basis gold and silver; so has Nevada, so has Oregon.

Mr. MORRILL, of Maine. Will the Senator yield to me for a moment?

Mr. BOGY. Certainly.

Mr. MORRILL, of Maine. Is this a question on the presentation of a petition?

The PRESIDENT *pro tempore*. On the offering of a resolution. The Senator from Missouri has given notice that he desired to offer a resolution, which he has read, upon which he is commenting.

Mr. MORRILL, of Maine. I feel at liberty to raise this question, because my honorable friend, I know, will not suspect me of any desire to take him off the floor on any occasion. But, Mr. President, I think a practice is growing up here, and indeed has grown up recently, of addressing the Senate upon the presentation, or offer to present, of resolutions and petitions, which, it seems to me, is a very great hinderance to business, especially the business of the morning hour; and, therefore, I feel quite at liberty to raise the question at this time as to the regularity of this proceeding. I raise the question of order whether the Senator from Missouri is proceeding in order.

The PRESIDENT *pro tempore*. The morning hour is undoubtedly intended, under the rules, for business, not debate; and the remarks of the Senator from Missouri are out of order if objected to by any Senator. But this sort of debate has grown up within the last year or two, and has proceeded by common consent, so that the Chair does not feel at liberty to call a Senator to order; but on objection made by any Senator, the Chair will rule that all debate is out of order. The Senator from Maine objects, and the Chair will rule that further debate is out of order.

Mr. CONKLING. Merely for the sake of personal, individual information, I inquire of the Chair, under what rule or rules of the Senate debate on presenting a petition is out of order?

The PRESIDENT *pro tempore*. So far as the present occupant of the chair is informed, the rules are almost silent about morning business. There is nothing about the morning hour in the rules that the present occupant of the chair can find. But the practice of the Senate, as he is informed, has been, until very recently, to devote the morning hour to business, and not to debate.

Mr. CONKLING. If the Chair and the Senator from Missouri will indulge me in a remark, I beg to say that I have no doubt the Chair is quite warranted, by a reference to recent times, in his remark that the practice of the Senate has been as stated; but I think the history of the Senate will not vindicate the statement of the Chair. I had occasion recently to turn over a volume of the speeches of Mr. Webster, and I was surprised to see the length of the remarks submitted by Mr. Webster when a member of this body upon presenting petitions, and often petitions not among the gravest which were presented. I think the history of former times will show that that was quite the practice. My recollection of the rule is that it requires that, previous to a petition being read, if it is read, a brief statement shall be made of the substance of the petition; and I know of no other rule bearing upon the question. I am very glad attention has been called to this matter, and I think it is very well to have an understanding about it; and I am inclined to think the Senator from Missouri is quite within the written rules of the Senate.

Mr. MORRILL, of Maine. My object was, more than anything else, to call the attention of the Senate to what I regard as a practice certainly not in harmony with the proper transaction of the business of the Senate; and having done that, as my honorable friend from Missouri is probably prepared to make a statement of his views at this time, I will not raise the question of order, but I give notice, so that nobody need be taken by surprise that hereafter, with a view of bringing the attention of the Senate to this practice, I will raise this question.

Mr. CONKLING. Is this a resolution which the Senator is debating?

Mr. MORRILL, of Maine. Yes, sir.

Mr. CONKLING. Then I beg to take back as much of what I said as grew out of my misapprehension. I supposed the Senator was speaking to a petition. If it is a resolution, undoubtedly the rule prevails that one objection would compel it to lie over; and if it lies over, of course it is not in order to debate it. I supposed the Senator from Missouri was speaking to a petition.

Mr. BOGY. I had really got through my remarks. I move that the resolution be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The resolution has now been sent to the desk, and it will be read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution? The Chair hears none.

Mr. ANTHONY. Upon that point, the resolution having been received by general consent, the question that is now under consideration of the Senate is debatable, I presume.

The PRESIDENT *pro tempore*. Undoubtedly.

Mr. ANTHONY. Then it seems to me that the Senator from Missouri was quite in order. He offered a resolution, and moved its reference; and upon that motion, it seems to me, he had a right to address the Senate.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Missouri to move its reference. He gave notice that he desired to introduce a resolution, which he said he would read. Having read it he proceeded to debate it. He did not offer it; it was not sent to the table; it was not reported to the Senate; and he did not ask for its present consideration at that time.

Mr. ANTHONY. The reason why I made the remark was that I was pronounced out of order, not by the Chair, but by some Senators, the other day, for doing precisely the thing which the Senator from Missouri has done, and which I think he has done in order, if he removed a reference.

Mr. BOGY. The Chair misunderstood. I moved the reference of the resolution to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair did not so understand. If that is so he was mistaken as to the status of the resolution.

Mr. ANTHONY. I did not mean to arraign the decision.

The PRESIDENT *pro tempore*. In addition to that the Chair would remind the Senate that no motion can be made on a resolution until it is sent to the desk and is under consideration by the Senate. Previous to that time a motion to refer would be out of order.

Mr. BOGY. The Chair will indulge me, as I am one of the youngest Senators in the body.

Mr. ANTHONY. I beg to state that it was not my purpose to arraign the decision of the Chair, but to refer to a similar proceeding on my own part some days ago, which several Senators thought was out of order; but I believe the Chair thought I was in order at that time.

The PRESIDENT *pro tempore* subsequently said: The Chair desires to state, in regard to the resolution which was offered by the Senator from Missouri, [Mr. BOGY,] that the Senator finally asked its present consideration, and the Chair was in the act of putting the vote when the Senator from Rhode Island rose, and the Chair awarded him the floor. The Chair will now again submit the question on agreeing to that resolution.

The resolution was agreed to.

LIQUOR-TRAFFIC COMMISSION.

Mr. WRIGHT. I move that the Senate proceed to the consideration of Senate bill No. 161, to provide for the appointment of a commission on the subject of the alcoholic liquor traffic.

Mr. SCHURZ. Allow me to make a suggestion to the Senator from Iowa. The consideration of the bill was objected to yesterday by the Senator from Connecticut, not now in his seat, [Mr. FERRY,] and he thereby indicated that he desired to debate it; and he being not now here, I suggest to the Senator from Iowa to let the bill go over for the present.

Mr. WRIGHT. If it can be understood that the bill shall not lose its place on the Calendar, I shall not object to the suggestion.

The PRESIDENT *pro tempore*. By order of the Senate made yesterday, this bill is placed at the head of the Calendar, and will remain there.

Mr. WRIGHT. Then I shall not object to the postponement, for the reason suggested by the Senator from Missouri.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

TITLES OF NAVAL ENGINEERS.

The CHIEF CLERK. The next bill on the Calendar is the bill (S. No. 269) to change the titles of certain naval officers.

Mr. WEST. I must appeal to the Chair that that is not the next bill on the Calendar. A bill has gone by twice, yesterday and to-day, to make room for this one; and the Senator from Iowa consents that we shall take it up and act upon it.

The PRESIDENT *pro tempore*. The Senator from Louisiana is mistaken as to the matter of fact. Senate bill No. 269 was laid aside yesterday, because the chairman of the committee that reported it was not in his place. It was objected to and laid aside; and each morning the call of the Calendar commences at the point where it left off the day before.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 269) to change the titles of certain naval officers.

The Committee on Naval Affairs reported the bill, with an amendment to strike out the words "and that all acts and parts of acts inconsistent therewith be, and are hereby, repealed," and to insert as section 2 the following:

SEC. 2. That from and after the 13th day of June, 1874, the course of instruction at the Naval Academy for cadet engineers shall be four years, instead of two as now provided by law; and this provision shall first apply to the class of cadet engineers entering the Academy in the year 1874, and to all subsequent classes; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.

Mr. CRAGIN. I will state that this amendment is simply extending the term at the Naval Academy of cadet engineers from two years to four, so as to make it correspond with the change made last year in relation to cadet midshipmen—the law also requiring two yeas'r sea-service; this will make six years, the same as in the case of cadet midshipmen. It is all right, and is recommended by the Department; and I hope it will be adopted.

The amendment was agreed to.

Mr. CRAGIN. There is a verbal correction that should be made in the first line of section 2. The date should be "30th" of June, instead of "13th." That is a typographical error, I presume.

The PRESIDENT *pro tempore*. That amendment will be made, if there be no objection.

Mr. CRAGIN. I am instructed to offer a slight amendment to the first section, to which I am sure there will be no objection. After the word "engineer," in the last line, I move to insert the following proviso:

Provided, That the regulations of the Navy Department in relation to examinations, and amount of sea-service previous to such examinations, be complied with.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. CRAGIN the title of the bill was amended so as to read: "A bill to change the titles of certain naval officers, and for other purposes."

ROBERT N. M'MILLAN.

The next bill on the Calendar was the bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana; which was considered as in Committee of the Whole.

It directs the proper accounting officers of the Treasury to adjust and settle the account of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana, and to allow him the sum of $706.56, being the amount paid for salaries of keepers and assistant keepers of lighthouses for the first quarter of the year 1861.

Mr. WEST. I am not aware whether there is a report in this case, but I can briefly explain to the Senate the circumstances. This Mr. McMillan in 1861 was the United States light-house superintendent for that district, and was compelled by stress of circumstances in disbursing this amount of $706 to take receipts in the name of the Confederate States of America, and he was not credited by the United States on his bonds for that amount. The bill does not require any money from the Treasury, but merely enables him to adjust his accounts.

Mr. CONKLING. How is he entitled to credit? I did not hear the Senator.

Mr. WEST. He was obliged in paying the money to the employés in the Light-House Department to take receipts in the name of the Confederate States of America, as all the officers in the Southern States were compelled to do at that time. He used the United States money.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCIOTHA BRASHEARS.

The next bill on the Calendar was the bill (S. No. 361) granting a pension to Sciotha Brashears, late of the Seventeenth Regiment Kentucky Cavalry; which was read the second time, and considered as in Committee of the Whole.

It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sciotha Brashears, late of the Seventeenth Regiment Kentucky Cavalry, at the rate of eight dollars per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATTHEW WOODRUFF.

The next bill on the Calendar was the bill (S. No. 365) for the relief of Matthew Woodruff, late first sergeant of Company G, Twenty-first Missouri Volunteers; which was considered as in Committee of the Whole.

Mr. CONKLING. Is there a report in that case?

Mr. BOGY. I ask that the report be read.

The Chief Clerk read the following report submitted, by Mr. SPENCER, from the Committee on Military Affairs, on the 23d of January:

The petition shows that the petitioner enlisted June 15, 1861, served honorably and without absence or furlough until about March, 1864, when he was discharged by reason of re-enlistment as a veteran, receiving then the usual furlough with his regiment; that he served faithfully as first sergeant of his company until about the 2d of April, 1866, nearly a year after the surrender of the enemy, when receiving intelligence of his brother's death, and being called home to administer to the comfort of a dependent father and sisters, one of whom was a helpless invalid and dependent upon public charity, he, being unable to obtain a furlough, left his command at Mobile, Alabama, without leave and proceeded home. Returning to his command after an absence of twenty-six days, he met his regiment on the way to Saint Louis, it having been mustered out of service. All the papers having been turned over, the rolls could not be altered, and hence he was reported as a deserter.

It was not his intention to desert, the war being over, but to return to his command, his absence being temporary and brought about by the fortuitous circumstances stated.

Lieutenant-Colonel Best, of his regiment, and other officers, corroborate this statement, and speak in the highest terms of his long, arduous, and exemplary service as a good soldier. Colonel Best, while admitting the petitioner did wrong, urges that the circumstances were extenuating, and recommends proper relief; and the proof shows the petitioner was severely wounded at the battle of Fort Blakely, Alabama, April 9, 1865, from which he now suffers, and that he was brave and gallant, participating in all the battles in which his regiment was engaged.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER POWERS.

The next bill on the Calendar was the bill (S. No. 366) for the relief of Oliver Powers; which was read the second time, and considered as in Committee of the Whole.

The bill declares that Oliver Powers, of Company K, Tenth Tennessee Cavalry, shall be allowed pay as private from the 15th day of February, 1864, to the day of the muster-out and discharge of that company, together with such bounties and allowances as would have been due him by law had his name remained on the rolls of his company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH SPOLIATION CLAIMS.

The next bill on the Calendar was the bill (S. No. 5) to provide for the adjustment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. PRATT. I object.

The PRESIDENT *pro tempore*. It will be laid aside.

EXPORT BOND OF JOHN S. MILLER.

The next bill on the Calendar was the bill (H. R. No. 483) to authorize the cancellation of an export bond for a portion of the distilled spirits of John S. Miller, on board of bonded cars of the United States; which was considered as in Committee of the Whole.

The bill proposes to authorize the Secretary of the Treasury, on the production of proof satisfactory to him of the destruction by fire of fifty barrels of alcohol without fraud, collusion, or negligence on the part of John S. Miller, the owner of the alcohol, while the same was in the custody of the United States, in bonded cars at Sterling, Illinois, *in transitu* for export to Buenos Ayres, in South America, on or about the 18th of August, 1872, to cancel such bonds as may have been given for the exportation of the alcohol so destroyed; but bonding certificates are to be produced showing the bonding, as required by the regulations of the Secretary of the Treasury, of all alcohol or distilled spirits except the fifty barrels destroyed by fire included in these bonds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO V. RICHARDS.

The next bill on the Calendar was the bill (S. No. 100) for the relief of Lieutenant Alonzo V. Richards; which was considered as in Committee of the Whole.

It proposes to direct the Paymaster-General to pay Alonzo V. Richards, late second lieutenant in the Signal Corps, United States Army, the pay and allowances of a second lieutenant of that corps from the 22d of March, 1864, to the 10th of May, 1865, less the pay of a sergeant of the corps, received by him during that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INQUIRY INTO CAUSES OF EPIDEMIC CHOLERA.

The next business on the Calendar was the joint resolution (H. R. No. 29) authorizing the Secretary of War to detail medical officers of the Army to inquire into, and report upon, the causes of epidemic cholera; which was considered as in Committee of the Whole.

The Committee on Military Affairs proposed to amend the joint resolution so as to make it read:

Whereas epidemic cholera prevailed during the year 1873 in various parts of the United States, especially in the valley of the Mississippi, causing deplorable mortality; and whereas it is highly important that whenever such epidemics occur, the facts concerning the spread of the disease and its mode of propagation should be ascertained as fully as possible, with a view to the prevention or limitation of future outbreaks: Therefore,

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to detail one medical officer of the Army, who shall, during the present year, under the direction of the Surgeon-General of the Army, in connection with the supervising surgeon of marine hospitals, acting under the direction of the Secretary of the Treasury, visit the towns at which cholera prevailed during 1873, or such of them as, in the opinion of the Surgeon-General and Secretary of the Treasury, may be necessary, confer with the health authorities and resident physicians of such towns, and collect, so far as possible, all facts of importance with regard to such epidemic, and shall make a detailed report of the information collected on or before the 1st day of January, 1875, to the President, to be submitted to Congress.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the joint resolution read the third time.

Mr. LOGAN. I ask that this joint resolution be changed to a bill.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that this being a House resolution, it is not usual to make the change, because it would interfere with the keeping of the records of the House of Representatives.

Mr. LOGAN. Very well; I ask that the title be changed so as to conform to the body of the resolution.

Mr. STOCKTON. Do I understand this resolution to be reported by the Committee on Military Affairs of the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. STOCKTON. I should like to inquire of that committee whether the Secretary of War needs an act of Congress to authorize him to detail an Army surgeon to go to any town in this country; and that seems to be the whole object of the act.

Mr. LOGAN. Under the law the Secretary of War cannot detail a surgeon to perform any duty except Army duty. This is duty outside of the regular line of a surgeon's Army duty; and for that reason it requires an act of Congress.

Mr. STOCKTON. That was the simple question I wished to ask. If that is the opinion of the committee, I have nothing more to say.

Mr. LOGAN. I do not think there is any doubt about the law in that particular.

The joint resolution was read the third time, and passed.

The PRESIDENT *pro tempore*. The title will be amended as suggested by the Senator from Illinois, by striking out the words "medical officers," and inserting, "a medical officer."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2073) restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department; and

A bill (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War.

NATIONAL-BANK CIRCULATION.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870; and the question is on the motion of the Senator from Connecticut [Mr. BUCKINGHAM] to recommit the bill to the Committee on Finance.

Mr. WRIGHT. Mr. President——

Mr. MERRIMON. I desire to offer an amendment.

The PRESIDENT *pro tempore*. An amendment is not in order at the present time. The motion is to recommit the bill to the committee.

Mr. MERRIMON. But I wish to make an amendment to that motion.

The PRESIDENT *pro tempore*. That would be out of order.

Mr. MERRIMON. I beg to be heard on that point.

The PRESIDENT *pro tempore*. Certainly, the Chair will hear the Senator. If the proposition is to instruct the committee, it is in order.

Mr. MERRIMON. That is it.

The PRESIDENT *pro tempore*. That is in order undoubtedly, but the Chair did not understand the Senator as proposing to do that.

Mr. MERRIMON. I move to amend the motion to recommit by providing—

That the committee be, and they are hereby, instructed to report, as soon as practicable, a bill providing for the increase of the national-bank circulation, so that the whole volume thereof shall not exceed $400,000,000.

Mr. WRIGHT. Mr. President, when on yesterday afternoon I took the floor, it was with no purpose on my part to make a speech on the subject now before the Senate; and if any one supposed from my having the floor at the time of the adjournment that that was my intention, I wish to undeceive him at once. At the time of the adjournment the question before the Senate was on recommitting this bill, on the motion of the Senator from Connecticut, [Mr. BUCKINGHAM.] The Senator from North Carolina [Mr. MERRIMON] now proposes to amend that, by recommitting the bill with instructions.

I think it not unimportant that we recur to the history of this question in the Senate at the present session.

It will be remembered that some weeks since a resolution was offered by the chairman of the Committee on Finance, [Mr. SHERMAN,] and purporting to come from that committee, instructing it to bring in a bill looking, as I term it, to conditional resumption. That was followed by an amendment proposed by the Senator from Delaware, [Mr. BAYARD,] looking to absolute or unconditional resumption. That was moved to be amended by the Senator from Michigan [Mr. FERRY] by a proposition looking to an increase of currency, either in greenbacks or national-bank paper. His proposition was general, looking to an increase in currency. We discussed that question some two or three weeks, the object being to obtain a vote upon one or all of these propositions, that the Committee on Finance might have some instructions, some guide—know somewhat of the course they should take.

I deem it not improper here to say—I do not think that I do more than is my duty, nor yet reveal anything improper in the action of the committee—that I was opposed to this proceeding. My preference was that we should report a bill to the Senate covering as far as possible the general subject, which being before the Senate and discussed, when we reached a vote and disposed of it we should reach a practical result. I remember that I maintained then, as I do now, that after we had had all the discussion upon the general propositions, and the committee were then instructed generally and brought in our bill, we should have the same discussion over again, and that it were better that we reported a bill at once. When it was said to me, "We can probably not agree upon a bill now," I said, "We can agree upon a bill as well as upon this resolution," because we did not agree upon that. However, the proposition was presented to the Senate, amendments were suggested, as I have already stated, and we had the discussion.

Now, I submit to the Senate, what would have been thought of a proposition to recommit that resolution in the midst of that discussion, when the very object of the committee in presenting the resolution was to obtain the sense of the Senate upon the general question? If the resolution had been recommitted, the committee would have been no wiser, would have had no instructions to aid or assist them, any more than when they reported the resolution. That resolution, however, was laid aside, and the bill now before the Senate was brought to our attention. Contrary to the expectation of the committee, it was proposed here, as it is now, to ingraft upon that bill some matters that are outside of its general purport.

The bill, it will be remembered, only provides, as has been said here, for carrying out an existing statute to provide for the redistribution of $25,000,000 of national-bank currency. It was supposed by the committee that we could possibly, by introducing that bill and getting action upon it, accomplish what everybody conceded was but proper, so far as concerned the circulation of the banks provided for by existing statutes. I say, however, that contrary to what was expected amendments have been proposed to that bill which bring up the general subject whether we shall have an increase of currency, whether we shall have an addition to the banking circulation in a limited amount, or whether we shall have an increase in the way of free banking. All of these questions, and more, are before the Senate.

When the subject is in this condition, and before any vote has been taken by the Senate, it is proposed to recommit this bill. It appears to me that if there was any policy in introducing the original resolution for the purpose of obtaining the sense of the Senate, if it was important to the committee that they should have an expression of the sentiment of the Senate on that subject, it is equally important that we should have it now; and to ask that this bill shall be recommitted before we have an expression from the Senate is, it seems to me, to admit that we have had these four, five, or six weeks of debate without accomplishing any practical result. I therefore think, and I submit to the chairman of the Committee on Finance and the friends of either side of this proposition, whether it be conditional or absolute resumption, or for an increase of currency, that it were better that we have an expression of the Senate on the questions involved, and when we have such expression, then I think no one would object that the bill should be recommitted, if it was deemed necessary or advisable for the purpose of perfecting its details. When we have had such an expression, I have no doubt the committee would carry out the sense of the Senate, whatever might be the views of individual members of the committee on the subject that was committed to them. I therefore shall oppose the motion to recommit at this time. I think it but fair in view of what has taken place here; I think it but fair in view of what was asked by the committee; I think it but fair in view of what are known to be the views of members of the committee, that the Senate should give some expression to its views, and act either upon this bill or upon some other bill before the subject is recommitted to the committee. It seems to me that that is logical also. It seems to me that if we recommit this bill at this time, without any expression of sentiment, it will necessarily follow that the committee, not having any instructions from the Senate, being divided upon the subject, will be unable to agree upon a bill, and the question will be left in such a condition that it will be impossible to tell where we shall bring up, impossible to tell whether we shall have any action on this subject at the present session of Congress. I therefore submit to the chairman of the committee, as also to the Senator from Connecticut who moved this reference, that it would be better to have an expression of the Senate before the bill shall be recommitted.

Mr. President, having said thus much upon the question before the Senate, the motion to recommit, I claim indulgence for a very few moments while I refer to another matter. It seems that I am most unfortunate in the motions that I make touching bills that are before the Senate or that I have any connection with, either as having reported them or as a member of the committee. I remember that when the bill to repeal the law touching salaries was before the Senate, I accepted and voted for an amendment offered by the Senator from Maryland, [Mr. HAMILTON,] and at once it was said by almost every one in favor of the bill that it would certainly defeat it. I acted in that case, as I do upon most propositions, from a conviction that it was right and that it would tend to bring about the result that I desired. I shall not refer to the result in that case, nor to how near the bill that was finally passed agreed with the bill that I then accepted. Last week when the question was before the Senate upon the amendment of the Senator from North Carolina, [Mr. MERRIMON,] and when he withdraw his proposition to increase the amount to be redistributed to $75,000,000 and proposed an absolute increase of national-bank currency of $46,000,000, I, deeming it but proper and right for the purpose of perfecting the bill before the Senate, moved to strike out "$25,000,000" and insert "$50,000,000." Instantly my friend from Illinois, [Mr. LOGAN,] my friend from Michigan on my right, [Mr. FERRY,] and my friend over the way, the Senator from Georgia, [Mr. GORDON,] appealed to me to withdraw that amendment for the reason that it would certainly defeat the effort the friends of an increase of the currency had in view, and I was told in rather plain terms that I was hardly true to the position I had occupied in the first part of the session; that I had announced myself in favor of an increase of the currency, and that now by my action I was distracting and dividing those who were in favor of that proposition, and that unless I withdrew my amendment it would certainly end in the defeat of what they wanted. I confess that such was the zeal and earnestness of my friends on either side of me and the appeals that they made to me that I was led to doubt the correctness of my position. I confess that, not looking at my friend on my right [Mr. FERRY] for awhile, I absolutely thought that he felt unkind and that he was not in the best humor in the world. I however looked at him after awhile, and I found that there was nothing in the world the matter with him, that he was only earnest. He had that earnestness which every man must have to be truly eloquent. If it be true, as was said of the great Chalmers, that the secret of his eloquence was earnestness, real, genuine blood earnestness, my friend from Michigan is the most eloquent man on this floor, for he certainly is the most earnest man on this subject I have found yet, unless it be my good friend the Senator from Illinois, [Mr. LOGAN.] I like such earnestness. I am always glad to see it; and I know of no persons on this floor who give better exhibition of it than they do. I know it springs from the conviction that they are right; and having the strong conviction in their own minds that they are right, they can hardly conceive that those who differ with them in the course that should be taken can, by possibility, be right.

And yet, sir, let us see where we were then. I proposed to amend that bill by striking out "twenty-five" and inserting "fifty." I then pointed out the objections there were to the substitute proposed by the Senator from North Carolina. I thought I saw then what the Senator from North Carolina admitted almost the next morning by the introduction of another substitute, withdrawing the one he had proposed, that it had been prepared hastily, was crude in its form, and that upon reflection and examination he would see that it were better to amend it or to substitute something else for it. The next morning he did accordingly introduce a substitute, withdrawing the one he had offered the day before, conforming in many respects to the suggestions I had made; and instantly my friends who felt that it was incumbent upon us to stand by the first proposition and do nothing at all that would seem to antagonize it, favored the proposition in this new form.

That was not all. Notwithstanding the appeal to us to stand by the forty-six millions as first introduced, in the crude form I have already stated, and though that was abandoned the next morning and another substitute offered, instantly they stood by that, and insisted that we should stand by that also; but yesterday, when the Senator from Pennsylvania [Mr. CAMERON] proposed as a substitute for that proposition free banking, we were appealed to at once to stand by that and abandon not only the first substitute offered by the Senator from North Carolina, but the second one also, and it is insisted that every person who does not stand by the proposition of the Senator from Pennsylvania is tending to distract and divide the friends of an increase of the currency.

Mr. President, the question as it is now presented, aside from some amendments that I think would have to be made to it, is precisely in accord with the position that I took the first day that I spoke in the Senate on this subject. I said that I was in favor of increasing the greenback currency; and that is where I stand to-day. I said, however, if we are to have an increase of national banks let those banks be free, so that every person in the land having the requisite capital can engage in banking upon the same terms that any other person can. I say that is what I maintained if we were to have banks at all. I maintain that to-day. But I was opposed, as I then stated, to an increase of national-bank currency, to the amount of forty-six millions, or any other limited amount, and I proceeded to state very briefly the reasons that influenced me against any increase of a limited amount. I can only repeat what I said then, that I am satisfied that the people of this country are opposed in principle to national banks at all. I am satisfied that if we are to have national banks we should have free banking, and that they are opposed to any provision that shall look to the increase of these banks to an amount limited, for they do believe that these institutions are monopolies in their character, and are in the hands of a few, whereas they should be in the hands of all persons who have the capital and desire to engage in banking.

I said, however, that if there was to be an increase of the currency at all, I was in favor of an increase of greenbacks. I stand there to-

day. If I vote for the proposition of the Senator from Pennsylvania, with proper restrictions and amendments, I shall do so under protest, and from a conviction that I shall not be able to get an increase of greenbacks, and that if there is to be an increase of circulation it is only to be derived through the free-banking system; for I say here to-day that, in my judgment, the Government should be divorced from banks. It should take no further step in the direction of organizing banks for the issue of paper. My judgment is that the people demand that this shall be done, and that nothing in the coming years will tend so much to bring reproach upon Congress as the fact that the Government maintains its connection with these banks, and that Congress, from year to year, legislates upon these subjects. Do you ask me why? I will give you one reason. It is known throughout the country—and I do not mention it to the discredit or the disparagement of members of Congress, but I state the fact—that a large number in this body, as also in the House of Representatives, are interested in national banks. It is probably true that they will be interested in national banks in the coming years, whether we provide for an increase to a limited amount, or for free banking; but, sir, I tell you, and I now give this note of warning, that, in my judgment, in the coming years no one thing will be brought up so much as a reproach to the action of Congress as the fact that we organize banks, that members of Congress become members of such banks, and have to legislate upon the subject from year to year. You may say that these men are honest, and will not be influenced in their action by reason of such connection; but the fact remains that they do legislate upon the subject; the people know it; and it is utterly impossible that you can remove from the minds of the people the impression that they will be influenced by their interest in such institutions. Therefore, in my judgment, Congress should take no further step in the direction of the organization of national banks. I think that steps should be taken at as early a day as possible consistent with good faith to these banks, and the interest of those who have capital there invested, to withdraw such circulation and divorce the Government and Congress entirely from all connection with them.

I have said that I was in favor, if there was an increase, of having that increase in greenbacks. I am in favor of such increase. I was in favor of it when I came here. I stand there yet. The people that I have the honor in part to represent, I know, are in favor of such increase, were in December, and are yet. I am in favor of such increase in the way of greenbacks, because the people of this country are better satisfied with that currency than any currency they have ever had.

Mr. President, I have already said more than I intended when I rose. A few more words, and I have done. I have proposed that there shall be a redistribution of $50,000,000, instead of $25,000,000 as provided by the law of 1870, and as provided by the bill reported by the committee. It occurred to me, as I stated at the time I offered the amendment, that it would be a fair and just compromise between the different sections of the country; that our friends in the East would resist any proposition to redistribute the entire excess that they had of banking circulation, and that we in the West and South felt that $25,000,000 was not quite just to us in view of the increase of wealth and population in those portions of the country. I therefore suggested $50,000,000 as a fair compromise. I can see that our friends from the East very reasonably, and perhaps justly, insist upon holding on to this circulation. I have no doubt that we should do the same thing if the balance was in our favor; and I do not expect the Senators from the East to willingly yield this redistribution; but I submit to them whether it is not better, everything considered, that they should give up this without a struggle, or at least not resist it, and thus yield what seems to me but just and fair to the other portions of the country. It occurred to me that if we could thus amend the bill, we might be able to pass it, and get this question from before the Senate. I think it may possibly be done yet. But, whether this amendment shall be adopted or not, I desire to say that I shall vote against the proposition of the Senator from North Carolina for the increase of the bank currency by the amount of $46,000,000, and if required to vote upon the proposition of the Senator from Pennsylvania, I shall vote for free banking with all the safeguards, and all the restrictions, and all the limitations that may be necessary to make it entirely safe for the people.

With reference to such banks, I want to add one thing more. We cannot forget the fact that these banks do sometimes fail, either by reason of the mismanagement of those controlling them, the corruption of officers, or their dishonesty, or their frauds. Then, though it may be true that the bill-holder is protected by reason of the guarantee of the Government, it is nevertheless true that depositors often lose, and lose very largely, because of such dishonesty and such fraud. One, two, or three, failures of that kind throughout the year tend more to bring such banks into reproach, tend more to bring reproach upon the Government, tend more to bring reproach upon Congress, than almost anything that could occur in connection with our finances. The Government guarantees this circulation. The people everywhere feel, whether they are justified in so concluding I do not stop now to inquire, that the Government stands responsible to them, not only for the circulation, but for the deposits. It is not true in fact, and yet they do have a feeling that the Government should be thus responsible, and when they thus lose by reason of the default of the officers of these banks, they charge the default, they charge the fraud, they charge the dishonesty, upon the law and upon the Government. I think the Government should not place itself in a position to be thus charged and to be thus reproached from year to year. If, however, you give them a currency that is guaranteed by the nation, and that they know full well is good under all circumstances, they will be satisfied with it.

It has been said here that I am opposed to specie payments. Nothing could be more untrue. I am in favor of specie payments when trade and commerce shall bring us to that point, but I am opposed to specie payments by any forced law.

Why, Mr. President, look over the history of this nation; see what has taken place in the financial world upon this subject. I undertake to say here to-day, and to put it upon record, that though we have had laws in the States and in the nation providing for the redemption of bank currency, providing for the payment of gold, what has been the fact? When you could receive your gold readily, when business was prosperous, when there was no question at all with reference to the solvency of banks, but they were paying over their counters readily, no man cared anything about gold, no man cared whether he got gold for his bills or not; but let there come the least revulsion; let there come the least thing to disturb trade or commerce, and instantly the banks closed, and you did not get any gold; and there never has been a time in the history of this nation when you wanted gold more than at all other times that you got gold. It never has occurred, and it never will occur. If the laws of trade and the trade of the country do not justify the paying out of gold by the banks and those that have it, you never get the gold, and the time of all others that you want it is the time that you do not get it. I therefore say that if by law you provide for a return to specie payment, you may, by possibility, force it so far as the Government is concerned; but you just as inevitably bring contraction; you just as inevitably stop the wheels of trade, stop all the industries of the country, and bring a crisis upon us, beside which that of the last few months is a mere nothing.

Mr. President, I was surprised yesterday, when talking upon this subject, and with reference to getting gold here to carry out the resolve, to hear the language of the Senator from New Jersey [Mr. FRELINGHUYSEN.] There is contained in his speech a most significant admission. I will read what he said:

> Mr. President, those are two measures we should adopt—reasonable retrenchment and necessary taxation; and the third measure is this: We should do just what we have pledged our faith we would do, "make provision"—that is the language of the pledge—to have the United States notes convertible into coin. This we should do by authorizing the Secretary of the Treasury from time to time to accumulate gold. I heard what the Senator from Massachusetts [Mr. BOUTWELL] said on that subject, and I do not agree with him—I believe it entirely feasible to accumulate gold. It is true Great Britain preferred that the $15,500,000, the amount of the Geneva award, should not be paid here in gold and preferred keeping it; but if we were taking measures to resume specie payments in this country, there is enough of statesmanship in that nation, and enough of appreciation of their own interests, to induce them to afford every facility to aid us to accomplish that purpose. They would interpose no obstacle to our effecting a loan of gold. They know that the difference between gold or convertible notes and irredeemable paper has at some time been an almost prohibitory tariff and an obstruction to their importations here. They know that during the war, when gold was 200, manufactories were established all over the country; that it operated as to many of their manufactures as a prohibition; that to a degree gold, being worth more than our currency, still has that effect. And they would be ready to aid us in obtaining a loan that would enable us to commence specie payments.

And thereby stop the encouragement of manufactories. That is the fair, legitimate result of the proposition stated. In other words, come to a gold basis, do it by forced legislation, do it by accumulating gold in the Treasury of the nation, and you thereby will have the encouragement of England; they will give us their gold to bring about this desired result, that thereby they may encourage their own manufactories and discourage ours. If that is the proposition, then I say, in all candor, that is another reason why I am not in favor of this forced contraction and this forced resumption.

Mr. President, it seems to me if we unite upon the proposition for a redistribution of $50,000,000 of the bank currency, our friends from the East cannot reasonably object to it; and I think it would accomplish a great good in the direction we all desire so far as the South and West are concerned. I agree with the Senator from New Jersey that this is a question that should not be determined upon local considerations nor by mere personal feeling. Sir, there is something higher and nobler and truer in all public action than a mere personal triumph. It is higher and better for all men to stand by what they believe to be right, and to bottom their action upon what they believe to be principle. We may build in this case, as in all others, with granite ever so high, and yet, in the language of the greatest of American orators, Mr. Phillips, though we may thus build, the pulse of the weakest girl could beat it down. I say there is something higher and nobler and truer than a mere personal triumph. It is not a question whether my good friend, the Senater from Illinois, shall have this matter disposed of in the way he deems best, and thereby feel that he has accomplished something that is personal to himself, nor that I should have it result in the same way; but that we shall compare views, look to the best interests of all portions of this grand and growing country, and settle this question upon such principle and such a basis that all shall feel that it is for the best interests of all portions of the nation as far as possible. It is true that no man can expect that his own individual views shall be carried out to the exclusion of all others, nor should we stop or hesitate to

do as nearly right as we can because we are unable to accomplish all that we believe to be right in the direction desired; but comparing views, looking to all portions of the nation, we should settle the question now before the Senate in such a way as that we shall feel it is permanent; and in such a way also as that all portions of the country shall be satisfied.

When we have done that, my good friend from Vermont [Mr. MORRILL]—his coming into his seat now reminds me of it—can proceed in the direction that he seemed to think was necessary, or at least if not necessary, agreeable to his constituents in the production of maple sugar and pretty girls. My good friend suggested the other day that until Vermont shall cease making more maple sugar and producing more pretty girls than any other State, they could not expect to escape reproach in the Senate. If my good friend had not come into his place just at this moment, I perhaps would not have thought of it. If he will pardon me, I make this suggestion to him: I remember that some years since, in one of the States, a gentleman of my own name was a candidate for re-election to the office of governor. He was visited one day by a number of friends, and, while at table, one of them from the good county of Morgan, where my friend remembers the ague was probably born and grew to its full shaking power, suggested to him, "Governor, you are going to get all the votes in our county." The governor replied that he was very glad to hear it; he was very happy to know that his administration was so acceptable to the people that all persons were going to vote for him. Said his friend, "Governor, it does not make any difference about the administration." "Then," replied the governor, "I am very happy to know that whigs and democrats are all going to vote for me." His friend rejoined, "It does not make much difference about the whigs or the democrats; you just keep right on making Wright's Indian vegetable pills, that cure the ague every time, and you will get all our votes." [Laughter.]

My good friend from Vermont cannot do anything better, in my judgment, than proceed right on in the direction he indicates. I am sure there is no feeling so far as we are concerned; I am sure there is no feeling anywhere on this subject; I am sure the desire on the part of all here is to reach a proper and just result. I believe that we can do it if we continue this discussion; and when we shall have taken the sense of the Senate upon the questions now before us, I shall vote for a motion to recommit this bill, unless in my judgment its details are so perfected by the action of the Senate that a recommittal is unnecessary. I am sure, however, when we reach that point, no one will reasonably object, having had an expression of the Senate, to such recommittal, if they believe it is in the line that will tend to the perfection of the bill and get before the Senate what we all desire.

Mr. LOGAN. I was very sorry to hear the Senator from Iowa allude to this matter as a personal triumph, and intimate that I felt as though it would be a personal triumph to have it acted upon in a certain way. This is a very astonishing character of insinuation. What personal triumph could there be in having this matter disposed of either one way or the other, so far as I am concerned? I have not offered a solitary proposition on the subject. Certainly it could be no triumph to me. I am not seeking any personal triumphs on this or any other question. I have discussed it according to my theory; according to my ability, however poor that may be; according to my way of discussing questions. It may not be of the same character, or the same mode and manner, as that of my friend from Iowa.

One word further. The Senator from Iowa intimates that certain gentlemen here have changed their position. I think that remark was entirely uncalled for and unnecessary, especially so far as it applied to myself. In the first speech that I made on this subject in the Senate Chamber some time ago, I insisted on an increase of the currency by $50,000,000; but in the very same remark I added, "looking ultimately to free banking," showing that that was a favorite measure with me. That will be found in the first remarks I made in the Senate on the subject. I did favor the proposition of the Senator from North Carolina, thinking that if we could not get anything else I would take that. I do favor the proposition of the Senator from Pennsylvania, it coming up first, because it is more desirable than the other; but if that fails I shall vote for the other, intending to get the best thing possible for the country in the view that I have of the subject.

I do not wish to discuss this motion to recommit at all. I attempted to do that last night. I only wish to say to my friend from Iowa, that in speaking of changes that have been made on these propositions, and especially because he offered a motion, his remarks were a little stronger perhaps than he intended to make them. I did not criticise the motion that he offered. I said I was sorry it was offered at the time; but so far as the right to offer it is concerned, he certainly had that right.

As to his insinuation with reference to the Senator from Michigan and myself, as much as to say to the Senate, "Here is a young gentleman on my right, and here is a young gentleman on my left, who are proceeding in this discussion in a way that is not very pleasant; perhaps they are urging their views a little too strongly," I have nothing to say except this: I shall never attempt to create prejudice against men because they attempt to discuss measures in their way of discussing them. I shall never attempt to produce that kind of prejudice here in the Senate or elsewhere, because I understand this body to be one in which every member has the same right that any other member has to discuss questions in a proper manner, so that he keeps within the rules. As to whether the Senator from Michigan on the right, and the Senator from Illinois on the left, have participated to some extent in this discussion or not, that is what they have a right to do, the same as any other Senators. If their views are not correct, no one need adopt them. I am sure that this is no question coming from me, nor is it a proposition of the Senator from Michigan; but different propositions pertaining to the issue now before the Senate have come before us for us to discuss and to decide upon. I said yesterday evening that I was ready to vote. I say so now. The proposition is satisfactory to me. I thought I had a right to say that.

I merely wished to say this much to place myself right in reference to these propositions, because the Senator insinuated that changes had been made upon them that I cannot see or understand. I merely desire to say to him that I have changed no position that I have occupied from the beginning, but I shall vote for every measure which tends to do that which I think ought to be done by the Senate.

Mr. WRIGHT. Mr. President, I am very much surprised indeed that my friend from Illinois should have the impression that I had insinuated that he had done anything that was the least improper and that he had not a perfect right to do. This is the first time I have ever risen in my place here to say a word with reference to a matter personal. I think it will be found that when I have anything to say with reference to any Senator here I will not leave it to mere insinuation. So far as my good friend is concerned, of course he had a perfect right to take any course he pleased with reference to this question. I did not intimate that he had pursued other than a straightforward course in reference to this question. I never intimated that he was seeking a personal triumph. Such a thing never entered my mind, and I am truly surprised that he should get such an impression.

I have but one word more to say. He says that I referred to my young friend on my right and my young friend on my left. I beg my good friend not to have the impression that I estimated myself so much older than either of them. It would be a question of very great doubt in my mind as to whether either of them had the advantage of me in that respect. I therefore shall not allow them to claim anything in the way of age.

Mr. BUCKINGHAM. Mr. President, I do not often refer to the Constitution of the United States, for I am not a constitutional lawyer; and yet I read that "Congress shall have power to coin money and regulate the value thereof;" and this leads me to a very different conclusion from that at which the Senator from Iowa has arrived in regard to the power of Congress over money. It does seem to me that it puts the whole power of regulating not only coin, but anything which is to pass current as money, in the control of Congress; and it does appear to me that the establishment of banks by the different States is a violation of the implied power of Congress in that clause to which I have referred; for I do not see how it is possible for Congress to regulate money if it is to be under the control of thirty-seven States, each State differing in the exercise of its power in order to control the currency.

With that view I believe that it was one of the wisest things which Congress has ever done to adopt measures to organize a system of banking under national authority, which blotted out of existence the banks of the States; and with that view I hope that Congress will maintain and exercise this power in such a manner that the currency shall remain as it now is, of equal value in all sections of the country, an object which cannot be obtained under State banks. How this shall be done and how we shall manage in reference to this bill and the different propositions which are before us it is difficult for me to determine. I certainly am in favor of a bill which shall grant equal privileges in banking in all parts of the country, and I would have equal restraints upon banking and banks located in every section of the country. I would have New England and the North restrained in the same manner and having the same liberty that I would give to banks in any other section of the country. I think it is one of the most unwise, unsatisfactory, and I might say unjust, provisions made by law to undertake to parcel out the distribution of currency to different sections, based upon any basis which we can calculate; and therefore I am in favor at the earliest moment possible of removing all those restrictions and giving liberty. But I should like to see a bill which shall contain both the freedom and the restraints, so that we can see at one single view precisely the system which we are to have; and it is in this view that I moved to recommit the present bill to the Committee on Finance; but I do not know that they will bring forward such a bill as I prefer.

I should hesitate about voting for the proposition of the Senator from Pennsylvania [Mr. CAMERON] unless it should contain in it some restriction, some limitation, something which will make it safe for a bank to give a note, a promise to pay, and something which will hold it to its obligations. Free banking, without restraint, is a promise to pay, but a promise which is never fulfilled. The legal-tender notes are promises to pay, but they are promises which have not been redeemed. I agree to the intimation of the Senator from Iowa that it might be very unwise to legislate so as to force the business of the country or the banks of the country into such a position as to compel them to meet all their obligations in specie at any particular time. I do not believe it is now practicable, if possible; but I do not believe there is another measure which is practicable and within the power of the Government. If you will make free banking and require the

banks, as they are required now by law, to redeem in legal-tender notes, that may be very well if you will go a little further, and require the Government of the United States to redeem those legal-tender notes.

Now, the question is, is that possible or is it impossible? I think it is to-day impossible, or, if it could be done to-day, it would be impossible to-morrow; and therefore I am not ready either to say that the Government of the United States shall redeem its pledges in coin to-day or to-morrow; nor am I ready to say that it shall accumulate all the coin which it can place its hands upon and gather it into the public Treasury until it shall have such a proportion as to justify the resumption of specie payments.

But there is another way, which I have suggested before, which I think we can adopt, and if the honorable Senator from Pennsylvania will incorporate it in his bill, I will go for it with all my heart; and that is in connection with that bill to require of the Government to redeem on demand its legal-tender notes, either in coin or in interest-bearing bonds which may be easily converted into coin. Do that, and I am with the honorable Senator in the vote, often and every time.

Mr. SCOTT. Mr. President, I offer this amendment to the instructions proposed to be given to the committee in the amendment offered by the Senator from North Carolina. I offer as an amendment to his amendment:

And providing for the redemption of the whole national-bank currency in specie or the interest-bearing bonds of the United States.

Mr. President, when the Senator from Connecticut made his motion yesterday to refer this bill back to the Committee on Finance, I ventured to express my belief that that was the best thing the Senate could do. Never having been accustomed to accomplish any purpose that I desired by indirect means, and never desiring to dodge any question which it was my duty to meet, I did not suppose for one moment that any Senator would attribute either to any member of the Committee on Finance who favored that reference or to the whole committee anything savoring of artifice for the purpose of getting this measure away from the Senate. I thought the experience of the Senate had been such as to satisfy all that we could get no definite action upon any bill proposing to treat simply one phase of the financial question; and I think I may again with safety appeal to the experience of the Senate to verify that remark. What has been that experience?

I may not be correct in the order of time in which they were introduced; but we had first a resolution from the Committee on Finance, and debate went on *ad libitum* upon that. The resumption of specie payments, the question of reserves, of interest upon deposits, of rates of interest, everything connected with banking and finance was discussed upon it. Then came the bill simply to authorize national banks to deposit legal-tender notes instead of their own circulation, and withdraw bonds to an equivalent amount—a bill introduced by the Senator from Indiana, [Mr. MORTON.] Again came the bill to authorize the establishment of banks of deposit, without circulation. The bill of the Senator from Indiana came up, and again was opened up the whole discussion. We had homilies upon the amount of the circulation of France and of England, upon how notes were issued upon exchequer bills and coin in England. We had everything connected with the subject of finance on the simple proposition coming from the State of Indiana to permit a bank that had more capital than it wanted to get rid of $10,000 of it at a time. So when the bill came up for establishing banks of deposit, without circulation, the whole subject was entered upon again; and then when this bill is considered, simply to enforce the provisions of the existing law, we are out upon the whole sea of speculation and theories of finance again. After all this, when the Senator from Connecticut, without consultation, so far as I am aware, with anybody, certainly without any conference with the Committee on Finance—or if there was a conference, I as a member was left out—made his motion to refer this subject back to the committee, the Senator from Illinois talks about "dodging" and "management" to get the bill out of the Senate.

It was not because I am unwilling to meet any of these questions that I favored the reference. I think I am ready to meet any of them. But I think it is perfectly apparent to the Senate that we would run the risk of an ill-considered measure, if upon this bill, proposing only to accomplish one purpose, we venture to act upon amendments offered in the Senate without having had full time to consider them, and without having had them subjected to the examination of a committee. Certainly the members of the Committee on Finance never claimed that their action should bind the Senate, much less that it should bind the Senator from Illinois, [Mr. LOGAN,] who we all know acts upon every question so independently, so entirely devoid of all idea of dodging or evading any question, that it matters not from what committee a measure comes, his judgment alone will settle for him how he shall act upon it.

When the Senator from Connecticut made the motion to refer, I thought, and I still think—and in this I may differ from my colleagues on the committee—that the best mode of disposing of this question is to refer it back. If we are to have instructions by the votes here, very well; I shall be glad of them; but if we take the instruction upon this question as it is now before us, what does it amount to? It amounts to an instruction to increase the national-bank circulation to an amount not exceeding $400,000,000. Even if the amendment which I offer to it is adopted, it simply provides for the redemption of the national-bank circulation in gold, or in legal-tender notes. But what else are we to do? How are we to dispose of the question which affects these national banks largely, one which has received perhaps as much attention in the country as any other, the question of whether they are to pay or receive interest on their deposits? How about the question of taxation, whether they are to continue paying their taxes to the States? And how about the question of taxation upon the deposits of private banks? Here is a question upon which the Senate has not even power to originate a measure, and which may be necessary if these questions of taxation or interest upon deposits are to be considered at all. How are you to dispose of the question of reserve? How are you to dispose of the question of the rates of interest which they are to be permitted to take? How are you to dispose of the many questions which will inevitably be presented, each Senator bringing forward those which suggest themselves to his mind upon this bill?

I am, as I have already said, not at all unwilling to meet these propositions. Without seeming to be presumptuous, I think I am ready to meet and vote, so far as I have light on the subject at present, upon every one of these questions. I cannot vote at present for the amendment offered by my colleague for free national banking without any limitation and without any provision for redemption. I have no hesitation in saying that I am in favor of free banking. I am in favor of free banking, the Government furnishing legal-tender notes through the banks, and the banks being primarily responsible for their redemption in gold or United States bonds, and the Government ultimately responsible; but I am not in favor of doubling the number of national banks upon their present organization. I would be willing to see every legal-tender note now issued bearing a different impress. I am willing to see them all returned and redeemed either in coin or the bonds of the United States, and others issued in their place, acknowledging the truth upon their face. That truth is that neither this Government nor any other government, nor any bank on the face of the earth, can carry on the business which civilization demands with a paper currency and be ready at all times to redeem the whole amount of that paper currency in gold; and therefore those notes should be reissued acknowledging the truth which everybody has acknowledged, that we will pay them in specie when we can, and when we cannot we will redeem them with our bonds bearing interest.

I think, Mr. President, this discussion has elicited that there is a very general concurrence in three truths. I at least think I have gathered that many from this discussion. One is that everybody is in favor of specie payments at some time; the second is that nobody can tell when we shall be able to resume; and the third is that when we do resume, and a panic comes, we cannot continue to redeem in specie. I do not know I have heard anybody question these.

I must, perhaps, add another, although not so plainly announced as these three, and that is that we cannot legislate so as effectually to prevent panic. Panics are just as inseparable from a credit system as floods are from a country that has rains. Panic will come wherever credit is used, and the extent of the panic depends entirely upon the extent of the debt. When a mechanic fails, his creditors in his neighborhood go to his shop and want their money; if they cannot get the money they want security; and if they cannot get security they are willing to take his commodities; and if they cannot get any of them, he is a bankrupt. The extent to which the credit goes measures the extent of the panic. If a manufacturer or merchant fails, it is a little larger than when the mechanic fails. If a bank fails, it is a little larger than when a manufacturer fails; and if a great banking institution known throughout the country and throughout the world fails, it disturbs confidence in all banks, and you have a panic that will last until men get back to sober reflection and see whether there was any occasion for the panic or not.

That is what we have had; and here, I suppose, upon this one bill to carry out what was recognized to be justice in the law of 1870, to remove an obstacle in carrying that law out, we are to meet all the remedies that are to be prescribed for panics, upon amendments suggested on the spur of the moment in the Senate, instead of having a well-considered measure in the light of all the discussion we have had.

Now, sir, my purpose was, and I am free to avow it, to economize time, to get these questions all into one bill, and then have one discussion and an end to the whole subject, instead of repeating the same discussion over five or six different bills presenting different aspects of the question, and perhaps failing to agree upon any of them.

I may be mistaken in that; I may desire to accomplish results instead of making speeches; but if so I have to blame my practical nature for it. I do desire to see a result; others may prefer the speeches without practical results. I do desire to see the Senate meet all these questions and try whether they can agree upon any system; and I shall vote, notwithstanding the criticisms of my friend from Illinois, to refer this bill back to the Finance Committee, and we will endeavor to work in the light which this discussion has shed upon it. If we can have instructions, so much the better; but if we are to have them, and we are to have any practical measure on this subject before the end of the session, I trust they will come soon, so that we shall be able to go to work and report in time to have action upon the report.

Mr. FERRY, of Michigan. Mr. President, I have but a few words to say upon this question of reference. I withheld saying anything yesterday, nor did I design saying a word at this time until I found

that almost all of the members of the Finance Committee have expressed their views and disclosed the fact that those views differ not at all from what they were when expressed in committee. I think I am not trespassing upon the rules of the Senate when I say this much, inasmuch as the bill before us, which it is now proposed to recommit to the committee, came from that committee following a resolution asking the judgment of the Senate upon the question of finance.

When the motion was made to recommit, it struck my mind as a little disrespectful to the request of the committee. I am well aware there was no such intention in the mover of this motion, and if I had any such thought it would be dismissed this morning since hearing what has been said by the Senator from Connecticut. And yet I find that this bill was reported by the chairman of the committee after a resolution had appeared here at the instance of that committee, reported by the chairman, inviting precisely the question that is now at issue before the Senate, simply the judgment of the Senate upon the question whether its policy shall be to increase or contract the currency. Now, sir, I confine myself strictly to the question at issue in the point of reference, and that involves the whole subject, in my judgment.

The Senator from Pennsylvania who has just taken his seat, [Mr. SCOTT,] referring to this bill that appeared in the Senate, the design of which was simply to enforce a statute now practically a nullity, stated that it was simply that and nothing more; and yet we find it here with amendments attached for which the committee is not now responsible. The bill was spread before the Senate, and I, at least, am not responsible for what the net has drawn. But the Senator cannot shut his eyes to the fact that upon it and with its reference goes the question whether this committee shall report for an increase or a contraction of the currency.

I have listened very carefully to the discussion upon this question, and, so far as disclosed by the members of the Finance Committee, I find that they repeat precisely the position that they took in committee. I have not changed my view. The Senator on my left, [Mr. WRIGHT,] as he has expressed himself this morning, has not changed his view. Therefore I cannot see any profit, any gain by the recommittal of this bill to the committee, for the committee must of necessity report back precisely the judgment of the majority of its members, and it was because of that, the committee finding itself in the dilemma of disagreement, that it invited the judgment of the Senate before proceeding further on this great question. Now, sir, it is proposed, after the lapse of weeks in discussion on this very question, to remand it back to the committee, and before the instructions offered by the Senator from North Carolina were presented, proposed to remand it back simply for the action of the committee without a judgment of the Senate.

Mr. President, if there had been any test vote in the Senate I should have been perfectly willing to accord with this motion to recommit this bill, but until the present moment no vote has been taken, and with the exception of the speeches that have been made by but a minority of the Senate on this question, we are in the dark so far as the judgment of the body is concerned, though I should be very willing to support this motion if we could economize time by it. I cannot see how it is possible to derive any practical benefit from recommitting this bill without the instructions of the Senate. True, it appeared here for a single object, but it now stands with the great question attached, and you cannot dismiss it, and the Senate is confronted with it; and now it is proposed to send it back either to sleep in the committee or to return with substantially the same ideas.

I wish to say in this connection that I have changed my judgment upon one point, and based, too, on this very bill; and to that extent I thank its appearance here that it has corrected my judgment upon a question and will lead me to vote directly opposite to what I intended. When this bill was reported originally it was my intention to vote in favor of it; but when I heard from the lips of the present occupant of the chair [Mr. ANTHONY] the protest of a portion of his State against the withdrawal of twenty-five millions of currency from New England, Rhode Island protesting against the withdrawal of its portion, I, in that respect, changed my judgment, and I have based it upon this admission of Rhode Island that she has not currency enough. If that be so, what right, what practical right, have you to demand that Rhode Island and New England shall surrender what they have enjoyed and what they need? That lays the foundation for the whole question in my mind, and has led me to the very issue presented by the Senator from North Carolina, that if Rhode Island and New England have not currency enough, then the West and South have not enough; and I am ready to vote for the increase of forty-six millions precisely upon the basis and upon the fact disclosed by the action of the Senator from Rhode Island.

That is all the change that has passed through my mind upon this bill and the resolution reported by the committee; and I rose to state it as a member of the Finance Committee, that I might not be misapprehended, and that the Senate might not misapprehend its action, so far as I am concerned. I cannot see how it is possible to gain any more intelligent view than we now possess by sending it back to the committee. True, by the action of a committee you may formulate some plan and perhaps save some moments; but when it comes to the issue of whether this branch of Congress is ready to increase or decrease the currency, your committee is blockaded in itself, and there is no denial of it. If I doubted it, it is admitted by the Senator from Pennsylvania, [Mr. SCOTT,] who has offered an amendment to the instructions based upon specie resumption.

I ask, therefore, what is the use of recommittal if we desire to meet this issue as is stated, and I am frank to say I am ready to meet it, as ready as the Senator from Pennsylvania or the Senator from Illinois; but we cannot shut our eyes, neither will the country release us from the responsibility of deciding now whether we shall adopt a policy of expansion or contraction; and that is the issue that was before the committee and is now before the Senate. Therefore I say that practically the effect of the reference, without any such intention of the movers or supporters, is to waive the question before the Senate, and let it be considered in the committee, by and by reviving the discussion, to occupy more weeks of the Senate. If I were to express my judgment, it would be that now, at the close of the discussion, when the questions are all fresh in the minds of Senators, we should pronounce the judgment of the Senate and inform the country whether we are for expansion or contraction. The country feels that this should be done. We get it in our mails and through all the sources of information; and yet the Senate halts upon a question of such gravity, and is unwilling, after a discussion of three or four weeks, to pronounce its judgment before the country. I am ready. If I speak earnestly on this matter, it is because it covers the very gist of the whole question. I am ready to put my vote on record on this vital issue, and I beg that it may be taken early. I have not interposed delay to any great extent; but I have, so far as I have felt it my duty, expressed in an humble manner my belief and my judgment of the question with that sense of duty. I express now, just before the vote is taken, the hope that we may undeceive ourselves, and my belief that if this bill goes to the committee we stand now as then.

Mr. SHERMAN. Mr. President, this debate has gone so far that it seems to me it would be better to have some satisfactory result from it by a vote of the Senate on some of the leading propositions involved in the debate. When my friend from Connecticut [Mr. BUCKINGHAM] yesterday, without consulting me certainly, or anybody but his own good judgment, proposed to refer this matter to the Committee on Finance, I was rather disposed to acquiesce in it; but a night's reflection has convinced me that on the whole it is better that we should have a vote of the Senate on some of these propositions.

The proposition now submitted by the Senator from Pennsylvania on my right [Mr. SCOTT] presents for the first time in this whole debate a practical, distinct question, which must be settled first of all, as it seems to me. The proposition to settle our financial difficulties by free banking is an old one. I am decidedly in favor of it, and have always been in favor of repealing all the limitations upon banking privileges. But the idea of free banking without redemption, or free banking with the bank-notes redeemable in irredeemable paper money, is the wildest scheme of lunacy. It was twice enacted into history; once in the French revolution and once in our revolutionary war; and a third time, I may add, by the late so-called Confederate States. If you can unite the idea of free banking with some mode of redemption, make our notes practically par in gold, you will have solved the financial question. That is the only solution.

The only question, it has seemed to me from the beginning of this controversy, is as to the character of that redemption. First, as to whether any measures should be taken at all, I should have to differ with my friend from Massachusetts, [Mr. BOUTWELL.] I think the country is bound by honor, by public faith solemnly pledged, and the republican party is trebly bound by obligations of honor, three times repeated, to take some steps toward the redemption of the notes of the United States. Therefore I think we ought to do something, although I would far rather join with him in doing nothing than something which goes in the opposite direction.

It seems to me, then, that the question comes down to this: What plan of redemption can be adopted that will avoid the evils to the country of a sharp contraction of the currency and derangement of business affairs? I do not believe it is possible to maintain coin redemption in the country now. Why? Because ten years of irredeemable paper money have driven out of our country the great body of the gold that was in it; and to-day we have only $135,000,000 of gold in the United States of America, whereas before the war we had $300,000,000. I say, therefore, that any proposition like the proposition of my friend from New Jersey, [Mr. FRELINGHUYSEN,] or that of my friend from Vermont, [Mr. MORRILL,] looking to coin redemption, seems to me impracticable. We cannot draw to this country any large sum of gold without it so disturbing the money relations of other countries as to react upon ourselves and disturb our own. Therefore I dismiss it as a thing actually impossible.

But are we, then, without remedy? Is there no other mode? Why, Mr. President, the mode was suggested by the law of 1862. It is the simplest mode that could possibly be devised. It is the mode that every honest man in the world would resort to. If a man would not yield to it in his private life, he would be called dishonored and disgraced in every community of the world. That is, when his note is presented to him and he cannot pay it, at least he will give his obligation for it bearing interest and the best security practicable. That is now the position of the United States. The United States now stand with $380,000,000 of its notes outstanding which it has promised to pay, which it is pledged to pay in coin, but which it cannot

pay; and now what objection can there be to giving for such a note to anybody who desires it the bond of the United States with interest to be paid promptly and annually? Is not that an obligation of honor? Is not that an obligation of good faith? Would not every good citizen be bound to do that?

But it is objected that this would contract the currency; this would produce great evils in the country and great distress. Let us see. If in connection with that proposition to redeem your currency you have another proposition which would allow anybody who holds your bonds to organize a bank under the same burden of redemption, it removes all difficulty; and the two propositions, taken together, will furnish a system of relief that it seems to me is perfectly feasible and perfectly easy. If your notes should flow into the Treasury, in exchange for bonds, they might be paid out again in the ordinary course of the operations of the Treasury Department; they might be used in the redemption of 6 per cent. bonds of the United States to the amount of $1,200,000,000. If this did not furnish sufficient currency for the business of the country, then the way is open to any man who holds bonds of the United States to file them in the Treasury and to start a bank in any part of the territory of the United States, without limitation or restriction.

The burden of redeeming bank-notes with greenbacks, themselves convertible into bonds, would always make the bank-notes and the greenbacks equal to bonds, which are now equal practically to gold. Sir, I never could answer this simple proposition: "Why should we give to capitalists the right to deposit their bonds and receive bank-notes secured by them, and yet refuse to give to the holder of the note they issue the right to demand the same bonds in case the notes are not paid?" Why should the bond be worth more than the note? Why should the capitalist be able to take his bonds and go and get notes of the United States for them? They are notes of the United States. A national-bank note is just as much a note of the United States as a greenback. The United States agrees to pay it; is bound to pay it; holds the security to pay it; it is really a note of the United States. These notes are issued in the interest of capital. Why should not these capitalists redeem these notes in the very securities that are deposited with the Government for their redemption? There is no difficulty in the way of it. One ought to be convertible into the other, promptly, quickly, surely.

Now, sir, I do not intend to discuss this question; I did not intend even thus far to enter into the argument of the question of redemption, but only to say that whenever free banking is proposed you must unavoidably connect with it some plan of redemption, and then the system is very free and very easy, and I can vote for it with the greatest pleasure. Two simple sections, one the section proposed by the Senator from Pennsylvania, [Mr. CAMERON,] and another a section which would authorize any holder of a greenback to apply to the Government of the United States and receive 5 per cent. bonds at his pleasure, will be enough; and then the whole thing is automatic; no secretary has discretion or power over the subject. Every holder of a note has a right to demand a bond, and every citizen of the United States may engage in banking. The whole system is free.

But, sir, I have said all I desire to say about that point, except as it bears on the order of business. Look at it. We have got three degrees removed from the bill that is now pending before us. The bill now pending before us is a bill simply to carry into execution the law of 1870, which has been recommended to us in the ordinary course, referred to the Committee on Finance, carefully prepared and reported here, with the expectation—it seems to have been a vain one—that it would pass without much objection. Every one saw that it was important to give to the Western States opportunities to organize banks when they had not their fair share of them already, and that the New England States—a few of them that had a great excess—might very well suffer the inconsiderable loss of a portion of their circulation in order to satisfy a just local demand. That seemed to be simply fair. We reported such a bill, and now what have we got?

First we have a proposition to defeat the act we report, because any of these amendments cuts off the head of our poor bill. One proposition of the Senator from North Carolina [Mr. MERRIMON] is to swell the volume of bank paper $46,000,000 without any restraint, but to just lift and swell to that extent the bank paper of the country. That raises the question of inflation, for no plan of redemption is proposed. That, it seems to me, entirely defeats the object of our bill and destroys it; and that comes from the southern section. This $25,000,000 bill was intended to give relief to the South. It was said that while the South were engaged in war they could not engage in the business of banking. Most of the applications that are now in existence for new banks are from the South or far West; and when we provided what we regarded as an easy, gradual, proper means of relief to the South and West, lo and behold, the southern Senators, almost to a man, say they do not want that; they will not take this relief which will satisfy their local demand unless we flood the country with more paper money. That is the position in which we are placed by them.

Mr. HOWE. Will the Senator allow me to ask him a question?

Mr. SHERMAN. I prefer to be allowed to conclude what I have to say without interruption.

When we get over that, why if that amendment should be voted down, then the Senator from Pennsylvania, [Mr. CAMERON,] venerable in years and character, for whose opinion I always have respect, comes here and proposes—what? He says our bill is not sufficient, lay it aside, and then he proposes free banking. Well, what does that mean? That means the right of any capitalist, not to convert his bonds into money, but to hold on to his bonds, or rather to deposit them safely where they will be kept for his benefit, and where he will get his interest promptly, and upon that deposit to issue 90 per cent. of the amount in paper money. When is that paper money to be paid? The Lord knows when! There is no provision for its redemption. It is to be paid in greenbacks; but when are the greenbacks to be paid? No man will say. Every measure looking toward paying greenbacks has been voted down. Although the administration of General Grant commenced its official life with a solemn declaration that the greenbacks should be made as good as gold, yet no proposition has been passed by either House of Congress even looking to it; and now it is proposed, without making any provision for the payment of the greenbacks, to issue more bank paper in an unlimited amount. How much can be issued? There are $1,600,000,000 of bonds, so that between $1,400,000,000 and $1,500,000,000 can be issued in this form of paper money, with no restriction, no limitation.

It seems to me that this proposition of my honorable friend is too wild. If he was just entering upon the heyday of life, with the visions of hope spread out before him, and castles rising in the air buoyant with hope, he might indulge in these glorious visions of an unlimited amount of paper money. But it seems to me that for the Nestor of the Senate to proclaim this wild, illimitable issue of paper money is entirely too hopeful. Why, sir, if you adopt this step you array against the redemption of our promises the whole of the banking interest of the country, now already, I fear, too much arrayed against it. You never would see specie payments in my time or in yours, sir. It would burst up and leave behind ruin and misfortune, as all the irredeemable paper money schemes are very apt to do.

Now, Mr. President, if you will accompany the proposition of my friend from Pennsylvania with something that will hold it to the earth, something that will look to a promise of payment, then it is right enough. The trouble is, he has the balloon filled, but he has no ballast, no crib, no bucket, no basket to hold it to the earth, and the very moment he cuts the ropes it is gone. Now, sir, if he will add to it some provision to redeem the notes that he issues, some provision that will make the greenbacks as good as gold, or as near to it as the condition of our affairs will enable us to do—any scheme whatever, I do not care what it is, that will provide for the redemption of our broken promises—then I can vote with him with the greatest pleasure, as I always wish to do.

Mr. President, it does seem to me that it is better to strip this bill of all things that have been thrown around it, and then in due time, or right off if you please, take up the great question and pass some such bill as has been proposed for free banking and redemption. That probably will settle the financial question. But now we are three degrees removed. What shall we do? Yesterday with great reluctance I said I was disposed to vote to refer this to the Committee on Finance to get out of the drag we were then in; but now it is made worse and worse. My honorable friend from Connecticut has offered a motion to refer. My honorable friend from Illinois [Mr. LOGAN] says that is a dodge. The Senator from Connecticut is not a very good dodger. I am sure I am not accustomed to dodge, and am not disposed to do it now. I want a fair vote on all these propositions after Senators have had a chance to debate them. But that is not all. After the Senator from Connecticut had made this effort, then the Senator from North Carolina [Mr. MERRIMON] comes back and wants to hitch on to this motion instructions that we shall report his particular idea. Then my friend from Pennsylvania, [Mr. SCOTT,] not to be behindhand, wants to hitch on to them another series of instructions. So now the question before the Senate is, what instructions shall be given to the Committee on Finance as to what they shall do when they do report or after this matter is re-referred?

Mr. President, I again appeal to the Senate. Let us drop all these clogs that surround us, and go back to the bill that has been reported and that is now on our table. Let us pass that first as clearly right, clearly just, and then let us take up this great question, and see if we cannot agree on some plan for free banking that will also provide a plan of redemption that can be carried out with proper regard to the public policy and the public faith.

Mr. CAMERON. I desire only to say a word to my friend from Ohio. I believe he has changed years with me. Old men generally are suspicious; young men are hopeful. The Senator from Ohio, I think, is about a quarter of a century younger than I am; and yet he talks about my filling balloons. I have not attempted to make a balloon which I cannot bring to the earth. If I had any difficulty about it I would get drags, and I would compose the drags of old men like him, men who have no faith in their country, no faith in their fellows, and hardly any faith in themselves. I have entire faith in this great country of ours, and I have entire faith in the good people who populate this country.

I have not proposed a measure which never looks to specie payments, as the Senator seems to suppose. On the contrary, I propose a measure which I believe will bring specie payments earlier than any of the propositions produced by the Senator who is the chairman of the Committee on Finance. I believe that this Government in a few years, if you give the people time to work up to their necessities,

will resume specie payments and continue them for long years under a proper banking system.

Why, Mr. President, the country would be ready now to resume specie payments if the greenbacks were out of the way, and I propose to take them out of the way by making them the basis of a banking currency which surely locks them up in the vaults of the banks. I shall have no objection, after this amendment of mine shall have been passed, that you shall make provision that the Government shall redeem its greenbacks in bonds in one, or two, or three years. I am not in favor of attempting to make the Government resume now. She cannot do so. It is impossible for the Government to resume now, and everybody who reflects on the subject must know that.

I have great respect for our Finance Committee. One that I consider among the ablest men on that committee is my colleague, [Mr. SCOTT,] and every one who knows him and knows me knows that there is no man in Pennsylvania for whom I have greater regard, or for whose judgment I have more respect; and yet that committee have had the subject before them for two or three months without arriving at any practical result. I am not willing to believe that if we send this bill back to them they will do much more work than they have done hitherto. I mean that as no disrespect to them; but I say it because I know human nature. Men having fixed ideas in their minds are very unwilling to take advice, or to take suggestions from anybody else. They will go back into their committee-room with their old notions, and they will try to get ideas and suggestions which will strengthen their old notions; and I fear if we send the question back to them, it will come to us again in a chaotic condition after awhile, and we shall have to go to work again and do what we have been doing now; and we shall have to waste as much time hereafter as we have already wasted on this subject.

This currency question is the great one of the day. Whether the proposition that I produce will bring great results or not, it will produce this: it will give confidence to the people in their representatives; it will satisfy them that we have some proposition looking to their benefit; and that is what we need now more than anything else.

Mr. MORTON. Mr. President, the motion to refer these propositions back to the Committee on Finance is a seductive one; but I submit that there can now be no very good reasons for it. As has been just said by the Senator from Pennsylvania, the committee had this whole question before them for nearly three months and all that they have offered here is what my friend behind me [Mr. SHERMAN] calls this "little bill," to take twenty-five millions from New England and give it to the States in the South. He says it is simply to carry out the law of 1870. It is a new bill in every sense. The act of 1870 is a dead letter. The provision was inadequate four years ago; it is grossly inadequate now; and everybody knows it. My friend himself admits it is only a half-way measure. It is not that, even; it is less than a third-way; and now when the committee came forward to give us a bill, why did they not give us an adequate bill? Why come forward with a little piece of patch-work after three months' incubation during this session?

Mr. President, what excuse can there be for this act of spoliation upon New England except upon the principle that the currency shall not be increased at all—for disguise it as you will, it is in the nature of a spoliation? Can you take $25,000,000 from the loans and discounts of three or four States without producing disastrous results? My friend from Massachusetts, not now in his seat [Mr. BOUTWELL] showed us the other day very conclusively how a proposition to take fifteen millions of gold, the amount of the Geneva award, from England, a country plethoric with gold, threatened the financial equilibrium of England, and it was so adjusted by negotiation that the money was paid without a dollar of gold being brought to this country. He made that clear to us. We all understand how locking up ten or fifteen millions of currency in the city of New York will produce a panic in stocks that will affect the whole country; and I undertake to say that the withdrawal of twenty-five millions from the loans and discounts of Massachusetts, Connecticut, Rhode Island, and New York, will affect those States disastrously; and whatever my friends here may say about it, their people will not be content with it, and they will find it out. I have recently conferred with one of the most intelligent and one of the largest business men in Boston, who says, if it is supposed in the Senate that Massachusetts will consent to the withdrawal of $13,000,000 from the loans and discounts of Massachusetts, they are very much mistaken. No such consent will be given by the people.

I said it was in the nature of a spoliation, and so it is. It does not come entirely from the banks that were formed last, after Massachusetts, Connecticut, and Rhode Island had got their share of the currency; but it comes as well from the banks that were first formed, and that got their currency legitimately. They have to contribute to this amount as well as the later banks.

Now, Mr. President, there are two sets of arguments used here, I believe, by my friend from Ohio. He told us the other day very emphatically that this redistribution of $25,000,000 would suffice for two years to come; that it would not be taken; and now we are told that free banking will all at once flood the country with increased paper money. We would not take $25,000,000 in two years if it was offered, and free banking will suddenly flood the country with $1,700,000,000. One argument or the other must be wrong. I submit that both are wrong. There is a common sense, and there is a fair medium in regard to this that ought to be considered, and not go to extremes upon either hand.

Why, Mr. President, it is contended here by the Senator from Rhode Island not now in his seat, it is contended by others, that New England has not a dollar more of circulation than she needs; that her business requires what she has got, and I believe it. Then if you withdraw $25,000,000 from New England, she will confessedly have $25,000,000 circulation less than she needs. If you give $25,000,000 to the South and West they will have that much more, but they will have very much less than they need. What kind of a bill is it that produces such results, that takes $25,000,000 from New England when she needs all she has, and her representatives contend for it on this floor, and gives that amount to the West and South, when it is far less than they need?

Am I not authorized and justified, therefore, in calling it a mere half-way measure, a mere piece of patchwork? As I said before, what excuse can be made for this act of spoliation, except upon the principle that there shall not be any increase of currency under any circumstances?

Mr. President, this is a generation of fault-finders. The "school for scandal" is the only system of common schools that now prevails throughout the States; and there is nothing that is worse slandered and vilified than the currency. According to the arguments made on this floor the very worst thing for this country is the currency. It is a wonder that there are any solvent men in the country, that we have made any progress whatever, when we consider what a villainous currency we have got. Who talks in this way about it? Is it the mass of the people of the United States? Not a bit of it. The great body of our people East and West are satisfied with this currency, and believe it is the best currency we have had; and while they expect to come back to specie payments at some time, and want to do it, they want to do it naturally; they believe that specie payment is the normal condition of the currency, when the country is in a normal condition; they believe that specie payment is the result of a condition of the country, rather than of any artificial process. You cannot make specie payment and retain it, unless the country is in a condition for it; and when the country is in a condition for it, specie payment will come without a resort to these artificial processes.

Now, Mr. President, how does the matter stand? Here is a bill to redistribute $25,000,000 of bank currency. My friend from Ohio has just said that that was intended for the Southern States. He confesses by that remark that the Northwestern States are to be left out in the cold entirely. Of thirty-seven States only eleven have got their full share of the apportionment. Of those eleven some five or six have a very large excess. There are twenty-six States that have less than their apportionment. The ratio of deficiency differs very greatly in those States. These $25,000,000 will be apportioned among those States having the greatest ratio of deficiency. The result is that ten or eleven States would not get one dollar out of this twenty-five millions; the entire Northwest would not be allowed anything under the apportionment. They are left standing out; they are to take the chances of future legislation. They are left standing in the pillory. Take my friend's own great State. There is no authority now to organize a national bank in Ohio. There is no authority to organize a State bank in Ohio. That State is bound hand and foot, growing fast as she is and developing every way. There is no capacity now to organize a State or national bank in Ohio. I do not believe her people are satisfied with that. If they are like the people of Indiana I know they are not satisfied with it. Certain classes of her people are, as they are in every State. The men whose fortunes consist in a fixed money capital are satisfied with it. They would like any legislation that would increase the value of their money. I expect men to act naturally. I expect them to be for what is their interest. A man that has $100,000 in greenbacks, if he can have that money made worth $110,000 by any artificial process in the course of one year, wants it done. The men of fixed capital do not want more money, nor do they want more banks. Why, sir, I never knew a village merchant who wanted another store on the opposite corner. I do not know of any town in my State where the banks want more banks in that town. Men are governed by their interests. I am speaking now for the mass of the people, and what I believe to be their interests, and what I believe to be their desire. Here is a bill of redistribution which makes no provision at all for any State in the Northwest, and leaves twelve States at least that are deficient—and States that are growing, too, more rapidly than any others in this Union—without the means of getting an additional dollar of banking circulation.

I appeal to my friend if that can be defended for one moment. I ask what justification can be offered for such a bill as that? If he undertakes to legislate for redistribution at all it should be full, it should be equitable. Here is a bill giving $25,000,000 to certain States, leaving other States unprovided for. Something may occur in future time by which they will get it, but they have to take the chances of it. Can you satisfy them with that? Will the State of Missouri be satisfied with a future chance? I undertake to say not. I have reason to believe that she will not. She has immediate demands, and they are growing, and as fast as they grow they ought to be answered and provided for in some way. You cannot take enough money from the States in excess and give it to the States in deficiency without producing a panic in the Eastern States. Fifty

millions will not do it, let alone twenty-five millions. Fifty millions taken from New England would result in almost the total prostration of business in New England.

Mr. President, we are told that if we increase the national banking circulation we bring on speculation and we put specie payments further off. I do not believe one word of it. There is no logic in it. If you increase the number of national banks, do they not under the amendment offered by the Senator from Pennsylvania [Mr. CAMERON] have to redeem in greenbacks? Are they not required to have a reserve of 15 per cent. for circulation and 15 per cent. for deposits, and, if the banks are in a large city, of 25 per cent. for each? You increase the demand for greenbacks; you do not increase the number of greenbacks, but you increase the demand for them. So far from increasing the premium on gold, I believe it will rather tend to bring it down. There is a great difference between increasing the national-bank circulation and increasing the volume of greenbacks; but my friend talks as if it was all the same thing. It is not the same thing. There is a radical difference. These banks have limitations. He said they were to be without limitations. They have limitations. What are they? That whenever a note is presented at their counter and a demand for legal-tenders is made, they are bound to give the legal-tenders, or, if not, that note can be protested and in the course of ten days the bank put into liquidation. They are required to redeem at their own counters, and they are required to have redeeming agencies elsewhere in one of the redeeming cities; and, what is more, if they fail to redeem, their bonds may be forfeited. There is a provision in the law that when a bank fails to redeem, the Treasury Department may forfeit the bonds at their par value. Although these bonds command a premium of twenty cents in the market, the Government has a right under the law to forfeit these bonds to the Government at their par value, thus inflicting upon the bank the penalty of the total loss of the premium on its bonds. That is the provision of the law now. The Government has the discretion. It may forfeit the bonds at their par value, or it may order the bonds to be sold. I believe, thus far, it has only ordered bonds to be sold in the market; but power has been reserved to the Government from the beginning of forfeiting the bonds at their par value whenever a bank fails to redeem its notes in greenbacks. As the Senator from Pennsylvania said, so far from being an obstacle in the way of resumption, I believe it will contribute to that result. It makes money plentier, and that is what the people want. I can only say for my State that while we have men who want no more banks and want no more currency, and some of them would like to see contraction of the currency, yet the great body of the people of my State want more currency, and I believe that is the general expression throughout the Northwest. Of course I shall be told they do not know what is good for them. They think they do. They think they know what they want.

What I desire to meet is the statement made here by the Senator from Ohio, that there is no limitation. There is the same limitation upon national banks in the future that there has been in the past, that they are required to redeem in greenbacks. My friend said that we might have the national-bank currency run up to $1,700,000,000. Why, sir, the whole of the greenbacks would be taken up in reserves long before you would get to $1,700,000,000. How can these banks procure the reserves? The difficulty becomes greater with every additional bank that is organized. Banks will not be organized except as they are profitable and as local needs require them. Here and there in Iowa, Illinois, Indiana, Ohio, all around, they want banking facilities. They cannot get them now; they are bound hand and foot; and my friend seems determined that they shall remain in that condition.

Mr. ANTHONY. I desire to ask the Senator from Indiana a question; I did not wish to interrupt him in the course of his remarks. He says the State of Ohio can have no increase of banking capital, national or State. Whose fault is it? Do the people of Indiana or the people of Rhode Island prevent the people of Ohio from having bank capital under State charters if they want it, or do the people of Ohio prevent themselves from having it? And are we to interfere to relieve them from restrictions which they imposed upon themselves, and which they can remove whenever they choose?

Mr. MORTON. The State of Ohio cannot organize a State bank as a bank of issue, for the reason that Congress has passed a law taxing the issues of that bank 10 per cent.

Mr. ANTHONY. The Senator spoke of bank capital, not of circulation.

Mr. MORTON. I was speaking of circulation. My friend understands that. Ohio cannot establish a bank of circulation because that circulation is taxed 10 per cent. by the United States. Therefore she is cut off as effectually as if there was a prohibition. The national-bank circulation is now restricted to $354,000,000. How does my friend stand in regard to that matter? My friend is opposed to having a dollar of circulation taken from Rhode Island. I think he is right about it. He says Rhode Island has got no more than she needs. He is opposed to having an increase of the whole amount of circulation to the amount of one dollar; he has said so. Therefore the position of my friend is that the States that have less than they need, that are growing rapidly, must remain just as they are. His State has got enough. She is satisfied. She can afford to hold still. Other States that have not got enough must be satisfied, must be content with what they have. That is the logic of it.

Mr. ANTHONY. The Senator and I were talking of two very different things. He spoke of bank capital, and bank capital and bank circulation are constantly confounded in this debate. They are two very different things. If my friend holds that because we have more circulation issued by our banks in Rhode Island than they have in Indiana, we have more money in Rhode Island for that reason, we differ so widely that I do not think we should ever come together. When I contend against taking the circulation from the banks of Rhode Island, it is not because I believe it would make money any less plenty in Rhode Island, any more than I believe if you were to take a hogshead of water out of the Potomac you would make a hole in it. I believe it would come right back where it belongs. But I believe it would be an act of injustice to those institutions which were persuaded and compelled into the national banking system under the promise that they should have a certain profit, which is not a very large one. It is an injustice to them to take it from them. I do not believe it would make one particle of difference to the relative circulation of Rhode Island and Indiana if half our banks were taken from our State and carried there.

Mr. HAMLIN. Not a bit.

Mr. MORTON. Let me say to my friend from Maine that it would make a very large bit of difference; and why? The money that is issued by the banks of Rhode Island, and is loaned out, must come back there in payment of bills every few days, every two, or three, or four months. Consequently the money is constantly flowing back. It makes money plenty there. I am astonished to hear that argument made upon this floor, that it is just as well to have all the banks of circulation in one end of the country as to have them distributed all over the country. Men have to borrow money. They go to the banks to get that money; and when their bills become due they take the money back to those banks and pay it there, and there the money is to loan again. If they pay it back in Providence, it is there to be loaned again. If they pay it back in Indianapolis, it is there to be loaned again. It is a remarkable argument that it makes no difference where these banks are located.

Mr. GORDON. Will the Senator from Indiana allow me to interrupt him just there, in order to strengthen his position? I should like the Senator from Rhode Island to answer this question: If it be true that money goes, without reference to the location of banks, where it is needed, I should like the Senator from Rhode Island to tell me why it was that cotton, which was needed by the manufacturers in the East, and needed abroad, this fall, could not be sold for ten cents, when it was worth from fifteen to twenty cents, by the markets of Liverpool? Why was it that money did not go to Georgia then? Why, sir, if I had owned ten thousand bales of cotton in the town in which I live, I could not have sold it, for days and days together, for five cents a pound. Why? Because the money was not there. The banks did not have the money. Adopting the similitude of the Senator from Rhode Island that it would flow like the water of the Potomac to the hole, why did it not flow to that hole then? I ask the Senator from Rhode Island, if he can, to answer that question.

Mr. MORTON. Mr. President, the point made by the Senator from Rhode Island exactly touches the very question in dispute. Why is it important that each locality shall have its own bank if it is able to establish a bank? First, that it may have the advantage of bank credits. We know that bank credits take the place of currency.

Mr. ANTHONY. They can have them without circulation.

Mr. MORTON. In the next place, that they shall have the benefit of the circulation, because, as I said before, when a bank of circulation in Providence loans its money, that money must come back to Providence. Now, suppose we reverse it; suppose we take the circulating banks in Providence and put them down in Indianapolis; the money has to go there instead of going to Providence. Is it necessary that I should enforce a proposition of that kind? My friend says it makes no difference to Providence whether the banks of circulation are situated there, or in Boston, or in Indianapolis.

Mr. ANTHONY. Not a bit.

Mr. MORTON. Not a bit; but when it comes to giving up those banks of circulation, he says it is a great hardship; it is a wrong. Why? "Because they were forced to take it." They were not forced to take it. They have got twice as much as they formerly had. My friend from Ohio [Mr. SHERMAN] answered that argument the other day. He showed what the circulation of Rhode Island was before the war, and that it is more than doubled now. They were not forced to take it. They took it because it was profitable. I do not blame them for that. They want to keep it for the same reason. My friend fights against its being taken from them. He represents his constituents when he does so, and I justify him in doing so; but when he comes here and makes an argument that it does not make any difference after all whether they have those banks there or not, I am not satisfied with it. We are to be satisfied with the argument when we have not got the banks. They are to keep the banks upon the same argument.

Sir, our people cannot be satisfied with that argument. They want something more substantial; and I say to my friends now that if this national banking system cannot be made adjustable to the wants of the whole country it must give way. Much as I detest the old State banking system, and deplore its evils, I have no doubt the people will go back to it if this is to be a cast-iron system and the thing is to remain just as it is.

Let me say to my friends from the South, do not be deluded by the idea contained in the argument of my friend from Ohio. He says, "We will give you the $25,000,000; that will be enough for you; therefore, why are you talking about free banking?" I tell you you will never get the $25,000,000. This Senate can be amused with this sort of thing, as it has been for the last three months, for the next three months, until the session passes by, and nothing is done, and you or I will not live to see the time when $25,000,000 will be taken by violence from the banks of three or four States. I have no idea that that proposition will ever become the law of this country, or if it does, that it will ever be executed. It is a delusion. If you get increased circulation, you must get it in some other way, upon some better principle than that, and that is all we are contending for here.

There has been a certain sort of weakness running through all this debate, and that weakness was that, whenever a demand was made for the extension of equal banking facilities to all parts of the country it was an attack on New England. Who has made the attack on New England? Not I. It has been made by those who proposed to take from her $25,000,000 or $50,000,000 of her currency. Those are the gentlemen who make the attack upon New England. Those of us who want to leave New England what she has got, and simply ask that other parts of the country shall have what they need, are making no attack upon New England or upon the Eastern States.

Mr. HAMLIN. Mr. President, I suggested in an undertone, in response to a remark that fell from the lips of the Senator from Rhode Island, [Mr. ANTHONY,] that I did not think that if a part of this circulation were taken from Rhode Island it would make one mill difference in its circulation, and the Senator from Indiana, in consequence of that undertone remark that I made, addressed himself to me.

Mr. MORTON. Not offensively, I hope.

Mr. HAMLIN. Not at all. It is only in consequence of that that I wish now to say a very few words.

I can only say that he being a gentleman of so vigorous an intellect, and with a mind so comprehensive and so intelligent, I marvel at the course of the Senator from Indiana. It is indeed a day of marvels when we can hear, hour after hour, sentiments uttered in this Chamber such as those we have listened to, that there are to be no evil results from an unlimited issue of irredeemable paper money. That Senator has read to no account the history of irredeemable paper money if he is disposed to again inflict its evils upon us. I believe it would be worse than a pestilence that should stalk at noonday, and your panic of 1873 in the future would pale away into utter insignificance in the results that would follow such a wild and visionary scheme. I can conceive of no sane man arguing soberly such a proposition.

Now, sir, in relation to this currency. I affirm that you may take one-half of the circulation from Rhode Island, you may diminish by one-half the circulation which by law the banks in that State are entitled to to-day, and it will not affect her circulation one mill. What is it that controls the circulation of a bank, and where does that bank circulation go? It goes where the laws of trade and commerce carry it; and when the value of that currency is as good in Louisiana as it is in Rhode Island it will go there; when it is as good in Georgia to purchase cotton it goes there. I know that under the old system of local banks, when you had your weekly or monthly clearing-house banks, or houses appropriated to that purpose, where the banks were virtually compelled to redeem at those stated periods, the circulation had a locality, because the character of the bank beyond its own locality was not known, and there went back through these various clearing-houses the circulation of the local banks; but how is it with the banks to-day? If you go into any bank in Rhode Island, I hazard the opinion now that in all the transactions, in all the discounts and loans, of those banks they do not pay out one dollar of their own bills in a hundred. Indeed I have heard a cashier of one of the banks say that it was marvelous even to find at any time a single bill of their own bank in their transactions.

Mr. MORTON. Will the Senator allow me a word right there?

Mr. HAMLIN. Certainly.

Mr. MORTON. The banks of Providence loan their bills. A corresponding amount of money has to come back in payment of the bills or notes. They may not get their own bills, or only a small part of them, but an equal amount of money must go there every sixty, ninety, or one hundred and twenty days in payment; so that a like amount of money continually runs there, and it must run to every banking center. Therefore, although they send their money out in loans and they may not get the same bills back, they get a like amount of money back in payment of the debt; and that is the advantage of having the banks scattered all over the country, because the money goes back to the money centers all the time.

Mr. HAMLIN. And precisely so in relation to every locality. Whatever are the business transactions in Indiana, whatever may be the paper negotiated there, or whatever may be the purchases made by the merchants, there go the bills, the currency with which to negotiate and pay those transactions; and it is the currency of Rhode Island—I use that State for illustration, because it has been brought into this debate—it is the currency of Rhode Island that is used there, precisely as it would be used there if it were issued from a bank in the very town and neighborhood in which the transaction took place. There is just this and no more in the establishment of banks: They are convenient to the persons who have business to do at them; but when you come to the use of the circulation of the country, I affirm that it makes no difference whether the bank be established at the point where the business is negotiated or at another point under a system like ours—a system where the bill of an Indiana bank is just as good in the State of Maine as it is in the State of Indiana.

It is that uniform value of the currency that sends it through the channels of trade into the remotest corners of the Republic, and there it stays; and it is thus that the currency of the country holds its equilibrium, if I may use that term, or adjusts itself to a perfect system and makes it as good in one place and equal in volume with that of another place. That, sir, is my opinion.

Now they tell us in the West and they tell us in the South that they want more banks. I am disposed, if I can in any way consistent with my duty, to give to them the facilities of banks. I wish to do it; but I will vote here to-day to take $50,000,0000 from the New England banks and give it to other sections of the country before I will vote to increase an irredeemable paper currency one dollar. And yet the Senator says we resist it, and that it is an injustice. I grant that to a certain extent it may be. We entered into this banking system at a period of time when the Republic was rocking to its center, and when capital, always timid, was doubtful whether it would be a success or a failure, and we claim that we are entitled to some merit for the action that we took in that day; and we do say that this circulation is worth something to us—it is worth somewhere from 1½ to 2½ per cent. per annum; and, therefore, it is a hard measure now, after having diverted the capital of our banks into national banks, to ask us to contract our loans and our credits, and to place a portion elsewhere. But rather than meet the hazard and the evil of adding more irredeemable paper money to the currency I would cheerfully and willingly vote to take even a larger sum than this bill proposes from the New England States.

I think the Senator from Ohio [Mr. SHERMAN] this morning struck the precise key-note to the remedy by which we may relieve the country. Why may we not provide by law that additional banks may be given to these localities where they say they want them, where they say they need them, where they say they have the capital to invest in them? Why may we not, without swelling our currency or adding to the irredeemable paper currency, allow them to do that precise thing, and retire an equal number of greenbacks when they do so? If they have the means to purchase the bonds on which to found the banks, they have the means to purchase the greenbacks; and then you do not add anything to the inflation of the currency and you do not injure the local banks or the banks now in existence by taking from them the circulation to which, under the existing law, they are entitled. I confess I cannot see any objection to the suggestion of the Senator from Ohio, and it is the precise course which had suggested itself to my mind as the one which we might most wisely adopt in this emergency; and I would carry along with that also the suggestion, made at an early day, I think, in the discussion upon the resolution submitted by the Committee on Finance, of purchasing a given quantity of gold to aid in the resumption of specie payment.

It seems to me, Mr. President, that we can get out of our difficulties in that way; but if it be true that the only issue to be presented to us here and now is of increasing our currency, irredeemable as it is, then we may just as well meet that question now and here. I would deem it wise to recommit the whole subject, not that I would avoid a vote upon any proposition, however wild, in my judgment, or however abstract. When the Committee on Finance submitted to the Senate its resolution suggestive of instruction from the Senate to that committee, I thought it would have been a still better mode for them to have prepared a bill which should have contained within its provisions their suggestions for all the questions growing out of the present time. They did not do so. We have come to no vote upon that resolution; but I think it wiser now that the whole matter should go to the committee, that they may return to us a bill not like this present one, simply taking the circulation of banks from one section and diverting it to another, but one which shall embrace a compact system, and meet all the issues that necessarily grow out of the present time.

It seems to me that the very course of this debate furnishes us wisdom by which we might and should be directed. What is the precise question before us? It is a bill to divert certain currency from certain banks to others to be established. And what are you talking about? What is the practical question before the Senate? Hardly any connection with that, but one of creating a new volume of irredeemable paper money, with, as I say, no additional safeguards. The Senator from Indiana [Mr. MORTON] tells us that there are the same provisions existing that existed at the time when these banks were created. True; but is it not equally true that we have been from the close of the war looking to a period of time when the good faith of the Government could be kept, and when our currency could be made equivalent in value to the metal; and I ask if, then, there is no difference in the time when that banking system was created and now, that should make a difference in our action between then and now?

Mr. MORTON. Will my friend allow me to ask him a question?

Mr. HAMLIN. Certainly; with pleasure.

Mr. MORTON. I want to ask my friend this question: If the volume of greenbacks is now the same, the number is not increased, how are the difficulties of the Government in the way of redeeming

that given amount of greenbacks increased by adding to the volume of the national-bank paper?

Mr. HAMLIN. I will answer that question by a plain proposition. I have my notes out to-day for a given amount, and I have not got the ability to pay them, and to-morrow I propose to double that amount with no more ability to pay. I ask the Senator from Indiana if he thinks I can assume and meet my liabilities when they are doubled, when I cannot meet them upon half that amount? I ask if the Senator would not expect it would take a little longer period of time? Wealth is produced by labor, and in no other way, and it is the labor of your country that has got to furnish the means with which to pay your indebtedness; and it is a work of time. Now, sir, I say it will take a longer time for the labor of the country to pay the national indebtedness if you increase that indebtedness. That is my answer, and I think it is a practical one.

I have said in this discursive way something more than I meant to have said, and yet there is one other suggestion that I wish to make, now that I am on the floor. I suppose the men who framed this law were wiser than we are, and I do not know that it is respectful to those gentlemen even to comment upon their law. I know the old law tells us that the circulation of the country should be based upon wealth and population. I do not think there was anything of argument in all that language that went into the law. I think it was merely suggestive as an inducement to get the country to enter into that system of banking when it became necessary to save the life of the nation; but now that is made the basis of an argument, that the circulation of your country should be based upon population. I can conceive of nothing within the scope of my imagination more ridiculous. I do not believe they have got as many plows in Wall street as they have upon the prairies of Indiana; and you might tell me that you should undertake to regulate by law that they must have just as many plows, according to population, in Wall street as they have got upon the prairies of Indiana. The argument would address itself candidly to my judgment with just as much force if I were told they needed in that commercial center just the same number of agricultural implements that they needed in an agricultural locality; and the argument is just as sensible to my mind that they need banks as much in an agricultural community, in a sparsely settled country, as they do at commercial centers. You want currency to pay the small balances of trade; you want to pay the differences at the clearing-houses; you want enough to pay the ordinary transactions in daily life; and that is all the currency you need unless you want to set afloat a wild scheme of speculation, or unless you may happen to be somewhat indebted and want an inflated currency to pay debts upon.

We have got partially out of the terrible calamities of the war. It may, perhaps, be said that we have got our head and shoulders out. Is it wise again to immerse the country into paper money and ask us to go over again just so much of the ground as we have trodden already? And will it not be precisely that in result if we go back to that condition of things which existed only a few years ago? It looks so to me; and looking at it in that way, while I have every disposition in the world to concede to every locality, North and South, East and West, every facility that shall be necessary, and to give them all the quota even of banks upon population if they can furnish the means to establish them, yet it does seem to me marvelous that we should see here, when the sun is going down upon the nineteenth century, and with all the lights of the world before us, reasonable, sane men asking for an issue of more irredeemable paper money.

From the manner in which my very esteemed friend from Illinois [Mr. LOGAN] spoke yesterday, I could not doubt that there was in his earnest and honest convictions a belief that there was a majority in the Senate in favor of doing that very thing; and I confess when I witnessed his earnestness, and when I had been appealed to to know what was my position, for the purpose of canvassing the Senate, I did fear that the Senator was right. I hope, however, that it may prove otherwise, and that we may find a mode of giving to those sections which are demanding them more banks, without incurring the perils that must come upon us as certain as the sun shall perform its circuit in the heavens if we again flood this land with more irredeemable paper money.

One thing more. The Senator from Indiana said, in reply to a suggestion from the Senator from Ohio, that his argument was inconsistent, because he said that if you had free banking the country would be flooded with paper money, and if you passed this bill it would last two years, and the $25,000,000 would not be used. I do not see the inconsistency. When you open the door without limitation, let me tell the Senator from Indiana that the States in which the larger and preponderating amount of capital is situated to-day could and would establish four banks where the States that have not now their quota would establish one. Consequently, if you limit and place at distinct points the $25,000,000, it may be true, as the Senator from Ohio said, that you would not use it within a given time, two years, while if you had a system unrestricted, then, although there are more banks in certain localities than there are in others, the greatest amount would be established in those places still, and yet any circulation that they might furnish under the present system would find its own level.

Mr. President, I did not mean to say so much as I have.

Mr. HOWE. Mr. President, I believe the pending motion is to recommit this whole subject to the Committee on Finance. I have usually voted with my friend from Connecticut [Mr. BUCKINGHAM] upon all questions affecting the finances of the country. I very generally agree with him in his ideas of what ought to be done and his methods of doing it; but I am not quite satisfied with the wisdom of this proposition of his. I do not at this moment see the advantage of recommitting this subject to the Committee on Finance. I do not see how they can enter upon the consideration of the subject with any light which has not been before them for years. They have known for months and years the condition of the country. They have had so much to guide them always. It is very true that if the subject goes back to them again and now, they will have whatever aid they can get from a pretty protracted and rather voluminous debate. They will not have the aid of a single expression of opinion on the part of the Senate itself; and, for myself, I should doubt their getting very much light out of the debate. I should be rather more afraid they would be smothered than illuminated by it. Therefore, I am inclined to think the subject had better be kept here a little longer.

I was the more inclined to this opinion when I heard my friend from Maine [Mr. MORRILL] say last evening that in spite of this long-drawn-out debate he had not arrived at a conviction upon any one proposition which had been mooted. That is discouraging. If we have spent all these weeks in debate without conveying a conviction to one so clear-sighted as my honorable friend from Maine, I think we must be very persistent, very diffuse, very laborious, if we expect, by debate, to bring the whole Senate to one conviction upon all the propositions which have been debated here. With that necessity before us, I am persuaded we had better go on; we had better keep the subject here.

Besides, sir, if we send it back to that committee, they will occupy some time in deliberation. They cannot report it back to-morrow or next day, probably not next week. In the mean time the Senate becomes engrossed with other topics, and whatever proposition they bring back to us by and by will come to us with something of the freshness of novelty, although it may have been talked of over and over again in these past days. We shall come back to it again, and this debate would very likely be repeated again. It seems to me, therefore, that time must be lost by a recommittal, and truth in the end be rendered no more secure.

I heard my honorable friend from Michigan [Mr. FERRY] say just now that upon one point he had changed his mind. I do not know but that I shall convict myself of having changed my own upon one point before I sit down. About the only thing I know, or ever supposed I knew, about finance, was this: not that we had too much or too little circulation in the United States; not that too much or too little of it was in this State or in that, in this section or in the other; but the one thing I thought I did know was that there were certain communities in that portion of the country which I best know, communities which have almost come into existence since your national banking law was first enacted, communities which have grown very much in numbers and in business since that time, communities which require banking facilities, have been seeking them year after year, and have been excluded from them by your law. I have wanted to relieve against that one positive local want which I thought I knew was a real one. There being capital, no matter whether in those localities or elsewhere—that is not the concern of the Government, nor mine—there being capital somewhere, which, if you permit it, would offer banking facilities to those communities, I thought your law should offer those facilities. I have wanted to relieve against that deprivation.

Senators around me, particularly and notably the Senator from Ohio, the chairman of the Committee on Finance, recognize that as a real want, recognize that as the creature of your law, and he came before us some weeks since with a proposition to relieve it. His proposition was to withdraw a certain amount of banking circulation from a quarter of the Union where it is supposed to be somewhat in excess, and to distribute that among these communities which complain of this deficiency. Well, I could not vote against that. Whenever it is brought to a vote in the Senate I shall have to vote for it. I did not like it when it was first proposed here. I have not grown fond of it since it first came here. I sympathize with the outcry that is raised on the part of that portion of the country which is to be rifled, which is to be raided upon. I believe with the Senator from Indiana that this measure will not be altogether healing in its effects; that if it heals a wound in one part of the country it will create a wound in another part of the country. Besides that, it is not manly, it is not statesman-like. What is the complaint which you have heard on the part of the South and of the West? Not that Rhode Island had too much bank circulation or bank capital; not that New York had; not that New England had; but that certain communities in the West and in the South were denied their equal rights, their equal privileges under your law; that your law created a privilege and confined it to a portion of the people of the United States. That is not the office of law; that is not the privilege of law. When your law creates a franchise, a privilege, when it has defined the conditions upon which one man, or one community, or one corporation, may circulate paper as money, if it undertakes to restrict that right to a portion of the American people, and to exclude from it another portion of the American people, it is a monopoly which has been denounced by all right law for two hundred years.

My friend from Massachusetts [Mr. BOUTWELL] says—and I cannot pass the occasion—that it was not denounced by the Supreme Court

in the Slaughter-house cases. I have two replies to make; that it does not militate at all against what I said, for two reasons: first, the Supreme Court argued that there was no monopoly before them in that case. If they were wrong on that and did not denounce it, I still insist upon what I said, because then it was not the law that spoke. The law for two hundred years has denounced monopolies.

I said this proposition did not strike me as statesman-like; for when we ask to have this restriction removed from us, what is the reply? Not that it is not a restriction; not that it ought not to be removed; but instead of any proposition from any quarter, unless I accept the proposition which was moved last evening by the Senator from Pennsylvania [Mr. CAMERON] to wipe off this restriction and admit all portions of the country to an equal participation in these privileges, my honorable friend from Ohio proposes to get up a donation party, I take it, (for it resembles that more than anything else,) to call upon New England to visit the distressed portions of the country with such little contributions as she can afford. We are always glad to see our friends from New England when they come forward voluntarily, either on a charitable mission or any other—very glad to see them; but when they come to us in the name of charity, we want them to come smiling—at least not with such outcries, not with such complaints as I have heard day after day on this floor. If we have got to take their book of lamentations with their contributions, I would rather go without their contributions.

I agree with the Senator from Rhode Island, [Mr. ANTHONY,] I agree with the Senator from Maine, [Mr. HAMLIN,] that this is wrong treatment for the banks of New England. But I think I never saw a community so anxious to be outraged as they seem to be. They really insist upon having this wrong perpetrated. If they do, how can I help myself? I said, therefore, that if you brought me to vote on this proposition, I should have to vote for it. I should like to be spared that humiliation. And, Mr. President, I think there is a way of escape open. The Senator from North Carolina [Mr. MERRIMON] has discovered it. He proposes that instead of making a raid on our New England communities in order to recapture a little bank circulation, the bank circulation shall be increased: I think he proposes an increase of forty-six millions of banking circulation. The Senator from Pennsylvania [Mr. CAMERON] goes him better, and proposes an unlimited increase; that is to say, an increase unrestricted by law. Now I want to see that day. Then your law will be right in that respect; it will be relieved from the imputation of having created privileges for a portion of the American people. I think, therefore, I shall be compelled. Compelled? No, sir; not under any spur that I know of except it be that of my own convictions—I shall be privileged to vote for this proposition of the Senator from Pennsylvania; and then your law will be more wholesome than I think it is at present.

I think some danger might grow out of that measure standing by itself. I do not think that will cure every ill under which you are now suffering. I only count upon it to cure two—not enough, but better than none. It will reduce the number of the ills we labor under; it will cure two; it will break up that monopoly now existing, and it will relieve us from this necessity of making a raid on any portion of the country for present relief. But then there will be other evils in our system which will require attention. Notably there will be this one, that you will still have afloat in this community a circulation of from three hundred and fifty to four hundred millions of promissory notes issued by your Government, notes by which—I say again, in spite of what has been said to the contrary—your Government promised to pay certain sums of money. They will be afloat still, still unpaid. The proposition of the Senator from Pennsylvania does not reach that difficulty—does not propose to touch it at all. I do not think the rest of us should lose sight of it.

My honorable friend from Iowa, who sits before me, [Mr. ALLISON,] reminds me in good time that that proposition of the Senator from Pennsylvania will be open to amendment when it gets before the Senate. I am glad to hear that. Not having seen anything amended for a long time, I was naturally oblivious of that little fact. [Laughter.] Yes, it will be open to amendment. Why not amend it? Why not, when you offer this provision to the capital of the country to furnish it with banking facilities everywhere to any extent that it will comply with the conditions of your present banking law, also say to the holders of these different promises, "If you are tired of them, if you would rather have an obligation of the Government paying an interest of 5 per cent., not to be paid on demand, but to be paid at some future time, take it?" Why not say that by way of amendment of the proposition of the Senator from Pennsylvania? What is the objection to that? It cannot contract your circulation, because here is the capital of the whole country to furnish you circulation based upon the credit of the Government of the United States. Why not then say to the holders of these greenbacks, "If you want to exchange them for a 5 per cent. bond, do it?"

My honorable friend from Indiana [Mr. MORTON] may say, as I think I heard him say a short time ago, that this is the best currency in the world, the best currency we ever had, and that we cannot afford to give it up. Mr. President, I cannot agree with my honorable friend on that proposition. It is as good as I want myself, I admit, when I have no other use for money but to pay my bills at the hotels here in Washington, or on the way between this and my home in Wisconsin; as good as I want when I have nothing to do with money but take up my note which my honorable friend may hold. But, Mr. President, after all that is said in justice to this currency, it is not a good currency; for when you go to the clearing-house of the world, then you find that it lacks somewhere from 8 to 20 per cent. of being good; never good at its face there, where the exchanges of the productions of all the world are made. That is not its worst difficulty. The worst thing to be said of it is that it is at one figure one day and at another figure another day. Within the last four months, I think—within the last six months, any way—it has pendulated all the way from 8 to 18 per cent.

Mr. STEWART. About 10 per cent. difference.

Mr. HOWE. The extreme fluctuation being 10 per cent., Mr. President, that is not a wholesome kind of currency. I believe this, and I can prove, I guess, right where I stand, that the power to "coin money" is one of the most delicate and one of the gravest powers with which a government is clothed. To coin money is a pretty solemn enterprise; it is a pretty grave undertaking. The government which undertakes that task owes it to mankind to make the very best article it can. And what are the most essential qualities of such an agent? One is that it should be as little fluctuating in value itself as possible; one is that it should be as portable as possible; one is that it should be as enduring as possible. A more indispensable element than either or than all these, I think, is this: that, so far as 'is possible, it should be a commodity equally desirable to every person on the face of the earth. To be a perfect money it should be a money having these qualities that I speak of, and in them something equally desired by everybody on the face of the earth. No paper can ever have this last quality, no matter who makes it—whether a bank or a government. No coin can realize it fully. A coin upon which all the commercial nations of the earth had agreed in stamping one value would come pretty near this quality. But the Government having fixed the character of the commodity which shall be known as money, having complied with these conditions, made the best article it can, then one other duty rests upon it, in my judgment, to wit: that in time of peace, except moved by some great exigency, that government is criminal which allows anybody to circulate anything else as money unless it be convertible into this money on demand. The government which authorizes my friend, myself, or you, or a bank, to circulate its promises as money upon any other condition than that they shall be converted on demand into that which the law acknowledges to be money, is criminal; and when the Government undertakes to circulate its own promises, not convertible, it too is criminal. I cannot doubt it. There is no escape from it.

I must not be misunderstood. I recognize the full nature of that great exigency which forced our Government upon this experiment of circulating its own notes. I know all about that. I know what their divine mission has been. I know how beneficent the action of this paper has been heretofore. But, sir, that was to meet an emergency, an emergency which has passed; and I always thought, while that was the only exigency I had ever seen which would warrant such an experiment, that the Government meant and that the Government ought to do what on the face of this paper it said it would do—pay it and get it out of the way.

Mr. President, instead of looking with any dread upon the retiring of these greenbacks, therefore, I have only one anxiety about it, that it shall not be done in such a way as to lessen the facility for paying the existing obligations of the country.

Mr. MORTON. Will my friend say how he would do it? Perhaps I did not hear that part of his speech. How would he retire them?

Mr. HOWE. Mr. President, I would authorize your Secretary of the Treasury, just as fast as he issues bank-notes under the proposed law of my friend from Pennsylvania, [Mr. CAMERON,] to convert an interest-bearing bond into greenbacks, and burn up the greenbacks; and there you are with the same amount of circulation that you had before, varying in character; there are a hundred thousand or a million less, as the case may be, of United States notes, but the same quantity of bank-notes in their places.

Mr. BUCKINGHAM. How would you have the banks redeem?

Mr. HOWE. I do wish my friend from Connecticut would not ask me questions; but he does. He wants to know how I would have the banks redeem. I would have them redeem their debts just as my friend redeems his, in legal-tenders.

Mr. BUCKINGHAM. Where would be the legal-tenders then?

Mr. HOWE. Next week $100,000 of them are converted into bonds; the next week $1,000,000; and so on; and by and by I should hope, in God's providence, the last one would disappear. How would the banks redeem their paper then? In what was left with the character of legal tender upon it. I do not know of anything that would be left but coin. I should not expect anything to be left of that character but coin. I should expect the banks to redeem their paper in coin, the coin of the Republic.

Mr. BUCKINGHAM. Will the Senator allow me to ask him a question?

Mr. HOWE. I give way.

Mr. BUCKINGHAM. I should like to have the Senator show how the banks can redeem their notes in coin when the legal-tender notes shall all be retired or converted into bonds; and how the banks can maintain that redemption, if the Government cannot maintain it now? What ability will there be in the banks, or what change will there be in the business relations of this country, to enable the banks to furnish on demand all the coin which may be necessary to meet the balance of trade against us, when the Government cannot do it?

Mr. MORTON. I suggest to my friend from Connecticut that that is a pretty hard conundrum. [Laughter.]

Mr. HOWE. Now that is discouraging. [Laughter.] When I have my honorable friend from Connecticut to put questions, and my honorable friend from Indiana to make affidavits that they cannot be answered, it is a little discouraging.

Mr. President, am I mistaken about this? I say the Government of the United States cannot redeem its promises in coin; and the reason I assign for that is because the Government of the United States is a bankrupt, is a pauper, without resources, without a dollar for that purpose. It can lay taxes. That is the end of its resources. It is liable to be called into a court of bankruptcy, my friend from Ohio [Mr. SHERMAN] suggests to me, because its paper has been unpaid for fourteen days. The Government can lay taxes. That is the end of its resources. It never does and never dares to lay a tax except to meet a current expense. That is one reason why the Government cannot redeem its paper.

There is another reason. It has no business relations with everybody; it has no breath; it has no life. Everybody preys on the Government; everybody goes for the Treasury. When there is a chance to grab something there, the grab is made, if it is nothing more than an additional salary. [Laughter.]

Mr. President, I do not think capitalists could redeem the same amount of paper. I do not think a bank can pay four dollars with one, any more than the Government can. That is not what specie payment means. It means simply that those who furnish the paper will supply to the holders of the paper whatever amount of coin the business of the country demands. That very thing has been done from the time your banks closed in 1861 down to this time. Capital has furnished business with all the coin it needed.

Mr. STEWART. Just as they do in France now.

Mr. HOWE. So here now, you want to pay a bill of exchange in London or in Paris; go into a bank and you will get it. Capital supplies it now. The bank charges you a premium, to be sure. Why? Not because that enables them any better to furnish the bill. They charge you that premium because some uncrucified whelps who were gambling yesterday on Wall street ran the premium up to 12 or 15 per cent. That is the reason why the bank here charges you a premium. Capital does furnish this coin. While you make believe it does not, it furnishes it. If you were to change your countenance and all make believe that it did, I think capital, instead of straining harder to furnish coin, would furnish it much easier. I admit that if a panic should sweep the country; if you were all to be overtaken by lunacy at once; if you had a bank-note circulation of $800,000,000, and everybody who had any of these notes should be suddenly overtaken by the insane idea that he must have a dollar of coin for it, he would not be able to get it. That would not be the fault of the banking system, it would not be the fault of the banks, it would be your fault. Banks always have, with scarcely an exception, met the real obligation existing between them and their customers; that is, furnished so much coin as was required for business. When in addition to that a scared people have raided upon them for what they did not want, the banks have not been able to respond.

Sir, I must pass over this whole matter, simply by repeating my conviction that instead of this greenback currency being the best currency in the world, that which is convertible into nothing, a paper of solid value, representing capital, and convertible into the coin of the Republic, is a paper infinitely to be preferred.

But, Mr. President, we ought to agree to one or the other of these propositions. The world was very old indeed before we resorted to the expedient of a Government paper. I do not think when that expedient was resorted to anybody contemplated that we should ever undertake to keep that in circulation, and to make it convertible on demand into coin. But if it be the judgment of the statesmen who occupy seats on this floor to-day that the Government can fix itself in some way in which it can keep this paper in circulation, and make it convertible, and that bank paper cannot be made so convertible, say that—try it. If you can do it, if it is the right of the Government to circulate the paper, it should circulate the whole of it; it should not share this privilege with any private corporation whatever. There should be no two opinions, in my judgment, on that point.

I do not see what practical difficulty there is, therefore, in our beginning to vote some time or other, if I should ever get through with my remarks, [laughter,] on some of these propositions. I do not see, if you are really willing that other portions of the country should have any banking facilities, why you should not do it in accordance with the plan suggested by the Senator from Pennsylvania, [Mr. CAMERON.] The only possible objection I think that can be urged or has been urged against that, is the danger of inflation. Well, if you provide some such waste-gate as I have suggested, taking up the excess, funding your excess in the bonds of the Government, then you are guarded against inflation. I see no objection to that, unless you are unwilling that the people of the United States should pay 5 per cent. interest for money. I do not think any one is going to take that ground. I do not think that is an unreasonable interest to pay. So then, if no one else does, when the time comes, I think I shall offer an amendment in accordance with the suggestion of my friend from Iowa [Mr. ALLISON] to the proposition of the Senator from Pennsylvania, and I hope the Senate will agree to it; and if the Senate should agree to it, I shall have great pleasure in voting then for that bill which will remove these restrictions on banking.

Mr. ALLISON. I hope my friend from Wisconsin will not interpret me as proposing any amendment. I simply suggested that it would be open to amendment.

Mr. HOWE. He put the possibility of moving an amendment.

Mr. ALLISON. I do not care to father the amendment.

Mr. HOWE. Now I do not want to sit down without saying to the Senator from Ohio [Mr. SHERMAN] one thing. When he was on the floor a short time since, I rose to ask him a question for information, and the Senator objected to being interrupted. Mr. President, I waived my right; but I want to submit to the Senator that it was my parliamentary and my constitutional right to interrupt him for the purpose of asking a question. When one is making a formal speech, it is not quite good taste to indulge in such interruptions; but the Senator from Ohio, I submit, is employed as a teacher. He stands at the head of the Finance Committee. He is *ex officio* the teacher of the Senate. This is the subject with which he is especially familiar. I insist we have a right to ask him, in addition to his speeches which he makes for the general enlightenment of the Senate, that he shall give special lessons to any neophyte, particularly, anxious to be informed on this subject.

Mr. SHERMAN. I will answer my friend any question he may put to me. I do not consider myself able to teach him, but I will try to answer any question.

Mr. HOWE. The privilege I asked was this specific one; it was this specific privilege that was denied. I am not arraigning the Senator; I am not finding fault with him; I am only asserting what I think is the right of a Senator on this floor; particularly when the floor is occupied by one especially charged with the investigation of a particular subject, we have a right to put inquiries to him about it. This might be abused. I know very well the Senator from Ohio will not insist that I have ever abused it, or intended to abuse it. Debate cannot have its full benefits, its full advantages, without this right.

Mr. SHERMAN. Before the Senator takes his seat, I will say that I am ready to answer any question he puts; but, at the same time, I do object, as a matter of daily practice, to this constant interruption of Senators. Indeed, it has grown up of late; and I think we ought not to have any questioning unless when a Senator is through, and then if any Senator desires to make an inquiry let him put it, and it can be properly answered.

Mr. THURMAN. Mr. President, I have not said a word on this great subject, and if the Senate is not impatient to adjourn at this hour, I should like to occupy about fifteen minutes.

Mr. FENTON. Would not the Senator prefer to go on to-morrow?

Mr. THURMAN. No; because I have no set speech to make; and I have risen to say what I have to say in the briefest possible time.

The Finance Committee of the Senate reported a bill to carry into execution a previous law which has not been executed, and the non-execution of which, in my humble judgment, is without sufficient excuse. Forthwith this bill, perfectly simple in its character, providing for nothing but the execution of a law which we ourselves passed but a few years ago, is loaded down with every possible kind of proposition that the ingenuity of man can devise on the subject of finance, banking, and the currency—propositions the most inconsistent, and some of them, to use a very mild term, the most extraordinary.

This satisfies me that you cannot touch any branch of this question in this body without having the whole subject brought into discussion; not simply speeches made upon it, but propositions submitted for legislation, and legislation of the largest and most important character. Although the charters of the national banks do not expire, any of them I believe, before 1884, now ten years in advance of that we are to have a discussion upon the relative merits of national-bank-note currency and greenbacks, and measures to be taken either to enlarge and perpetuate the national-bank system or to dispense with it altogether; and that, too, upon every finance measure that the committee can report.

Mr. President, it has been said that the American people are eminently practical. I begin to believe that the Senate of the United States has not that characteristic. That it is eminently talkative the debates on finance for the last two months have amply shown. I take my full share of the responsibility for talking on other matters. On this, fortunately for me, I have perfectly clean skirts.

Now, sir, in view of the fact that the Senate will not let the committee report any measure, and let it stand on its own merits, and either adopt it or vote it down, but will load it with all sorts of propositions upon the general subject, I am for recommitting this bill to the committee, and let them bring in what they in their wisdom think is the best measure to be submitted to the Senate. They have shown that they think themselves competent to do that thing, and I confess that I have been slightly amused when I have looked at the resolution which they reported, and also at the amendments that have been proposed to it. On the 10th of December last, more than two months ago, the Committee on Finance reported this resolution:

Resolved, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows: "And the United States also pledges its faith to make provision at the earliest practicable period

for the redemption of the United States notes in coin;" and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

Mr. President, it must be borne in mind all the time that this resolution comes from the committee, and it therefore assumes that that committee is capable of doing, what? That it is capable of reporting measures that will redeem the pledge of the United States "to provide at the earliest practicable period for the redemption of the United States notes in coin." The committee asserts its competency to do that. In the next place, it asserts its competency to report measures that will "furnish a currency of uniform value, always redeemable in gold or its equivalent." That is the second thing that it affirms its competency to do. Then in the third place, to report measures for such a currency as will be "so adjusted as to meet the changing wants of trade and commerce," whatever that may mean. Now, if the committee has this competency, which it asserts by offering this resolution, I want it to report its measures; and the only wonder is that it has not reported them long ago. Why did they come to the Senate to ask us to tell them to do that which they assert they are able to do? They had the whole subject before them by the reference of that portion of the President's message relating to finance and the currency to that committee, and from the very constitution of the committee and its functions and duties as prescribed by the Senate. I can see some reason why this tub was thrown to the whale—to produce a lengthened debate in the Senate while the country recovered from the panic in which it was plunged last September, and which continued to some extent even to the meeting of the Congress; but, as a practicable measure, as a practicable initiation of legislation, what in the world was the use of that resolution?

The committee which is charged with the consideration of this subject, and which is supposed, and rightly supposed, no doubt, to have more information upon it than anybody else in the Senate or than the great body of Senators, affirms its competency to do that which it considers to be so desirable for the country, and which so large a portion of the Senate and of the whole country think is so desirable; and yet instead of reporting a measure, we have had two months' debate upon a mere abstraction, and all the political economy that could be found in books or in newspapers has been dealt out to the Senate of the United States.

I do not say this because I assume to scold or to reproach any gentleman, or to condemn the course that has been taken; but I do say that it strikes a practical man as a little extraordinary indeed that, when the committee is competent to do what this resolution professes it to be competent to do, it has not done it long ago; and I am for giving it the opportunity to do it.

Then we had a substitute for this resolution offered by the Senator from Michigan, [Mr. FERRY] who asks us to strike out all after the word "resolved," and instruct the committee as follows:

That the Committee on Finance is directed to report to the Senate at as early a day as practicable such measures as will restore commercial confidence—

What does that mean, I should like to know? What "commercial confidence" is shaken that requires legislation to restore it? I should like to have some explanation of that; I have heard none yet. Then what next?—

and give stability and elasticity to the circulating medium.

That is a little funny.

Mr. HAMLIN. India rubber.

Mr. THURMAN. No; if it was made out of India rubber it would not be stable. It is to be stable; that is, to be fixed; and it is to be elastic; that is, it is not to be fixed. [Laughter.] That is that thing. Then as to the *modus* of making it stable and elastic, that is, fixed and not fixed; that is, "through a moderate increase of the currency." I have heard nothing like that since General Jackson's famous letter about "a judicious tariff," which captured Pennsylvania; for who was there that could oppose a judicious tariff? Now, what is "a moderate increase of the currency?" I should like to know. One gentleman says $46,000,000, another says $80,000,000, and some papers in the country are saying a thousand millions. What is "a moderate increase of the currency?" Is there any use in sending such instructions as this to the committee? What light do they shed upon this subject? What advantage to the committee are they? What directions do they give to them? This assumes that they can do, what? That they can report measures that will restore commercial confidence. Well, the committee have not said that. They assume a great competency by their own resolution, but they have not assumed that. Then they are to report measures that will give "stability and elasticity to the circulating medium." That I think would trouble them; and then that can be done "through a moderate increase of the currency." Well, I want them to investigate and see what they can do. I do not want to tell them to do it, for I have very great doubts whether they can do it—immense doubts whether they can do it. Until they affirm that they are competent to do that, as they have affirmed that they are competent to do that which is prescribed in the original resolution, I will not give them any instructions on the subject.

But now, Mr. President, a few practical words on this question. Is it not plain that we cannot in open session mature any measure *ab initio* on this subject? Are we going to dispense with the Finance Committee? Is it a committee of no use, has it no functions to perform, has it no special competency for its duty, that we shall take everything out of its hands, and whenever it reports anything, any measure, however plain and practical and simple it may be, the Senate must go to work and draft here in the Senate measures that shall regulate all the financial and banking and business of the country? No, sir; there is no use in having a committee if that is to be attempted.

The right way, in my humble judgment, is to send these measures back, without instructions, to that committee where they belong and to whom they were committed by our reference of the President's message last December. Send this bill back to that committee; and let it in its own wisdom report to us such measures as in its belief the interest of the country demands. Then it will be for us to consider them, and to agree with them or disagree with them, to amend and modify them if necessary, or reject them altogether, or adopt them. That is the way to get at practical legislation. If you pursue the course you have been taking, I venture to say that the end of this session will find us without one single practical measure upon this subject on the statute-book. You will never get any practical measure at all until you devolve on this committee, to which the subject belongs, the duty, and the responsibility too, of recommending such practical measures in the form of legislation as in their judgment they think are wise. You go on here with a debate indefinite and interminable, until everybody will get sick with it, country and all. But send it back to the committee; they will have had the benefit of the opinions that have been expressed, the able speeches no doubt that have been made; and let them frame such a measure as they in their judgment think right, and bring that before the Senate for its consideration. I shall therefore vote to refer back the whole subject whenever I can get the opportunity to do it, to that committee, and without any instructions whatsoever.

Mr. ANTHONY. Mr. President, I wish to say a single word. The Senator from Georgia [Mr. GORDON] proposed a question to me, and I endeavored to get the floor to reply, but I was superseded by Senators who are much better able to discuss the question than I am; and I did not care to intrude. If I understood him aright, the Senator from Georgia asked me if there was money enough, if there were no evils that an increased amount of currency would not cure, why it was that there was a few months ago such an enormous discrepancy between the price of the great staple of the South in southern markets and in the northern markets; why it was when cotton could be sold at ten cents a pound in the southern markets, and was worth a great deal more than that in the northern markets, it was not purchased at the South, and why men in the North did not take advantage of that state of affairs, and the men in the South did not take advantage of it? I do not see the pertinence of the question to the matter which is under consideration, because, certainly, it could not have been owing to any difference in the currency. The relations between the cotton markets of the North and the cotton markets of the South are now in their normal condition; and yet, with the exception of the additional issue of part of the forty-four million reserve, which I think is not more than twenty-five millions, there is no more currency afloat now than there was before. It could not have been owing to any deficiency of currency, because if it was owing to that it would not be cured now. But, moreover, the same disturbance of the relations between the cotton markets of Liverpool and the cotton markets of the South existed, as between the cotton markets of the Northern States and the cotton markets of the South. Certainly there was money enough in Liverpool. I suppose the reason was the panic which disturbed, overthrew, and for the time almost annihilated all the laws of trade and of finance. The reason was because no man dared to make any future contracts; because the manufacturers either closed their mills or bought from hand to mouth. No man dared to put out his obligations. Now we see the normal condition of things restored, and, practically, upon the same volume of currency.

I think my friend from Indiana [Mr. MORTON] put a question to me, why it was if we did not think the disproportionate amount of currency which we have in our section of the country was an advantage, we were so unwilling to have it withdrawn. My friend from Indiana did not listen to me in the few remarks I made on this question with anything like the attention that I always do to him or he would have known that I never have objected to withdrawing the currency upon any other grounds than that to do so would be unjust to the banks with which we made a contract. We told them that if they would invest in this system of banking they should have certain advantages. I think it is not fair, I think it is not good faith, to take them away. So far as the State of Rhode Island is concerned, we shall have more money to loan if this circulation is taken from us than we have now, because for every ninety dollars we have put out we have had to buy a hundred-dollar bond which costs $115, and then we have to put 15 per cent. in the reserve. But I say it is unfair to those with whom we made the contract. It is a violation of public faith.

Mr. MORTON. I would say to my friend, as he lives on the coast, that when a wave breaks on the shore and dashes up on the beach, the water runs right back into the ocean. So when the banks of Providence throw out their currency in loans and discounts to any part of the country, it runs right back to the bank center. That is what

always takes place. That is the advantage of having banks everywhere.

Mr. ANTHONY. But you must have the water. How are you going to get the currency unless you have the capital to buy it with? If you apportion ten millions of currency to the State of Indiana, she must have the capital to get the currency with, and the capital of Indiana can be employed much more profitably than in banking.

Mr. MORTON. Allow me to suggest there that that is one of the mistakes that the Senator and others have made in this debate all the time. They say we have not got the water; we have not got the capital. They assume that we are poor.

Mr. ANTHONY. No, sir.

Mr. MORTON. If we are poor, of course we cannot take it. I say we have the capital; but we cannot invest it, because you do not allow us to do so.

Mr. ANTHONY. I beg pardon of my friend. I say the State of Indiana can employ its capital more profitably than in banking, not that it has not capital.

Mr. MORTON. Let us judge.

Mr. ANTHONY. Let not my friend put into my mouth what I did not say.

Mr. MORTON. No.

Mr. ANTHONY. We know Indiana is wealthy; and I say it may employ its wealth more profitably than putting it into bank circulation, which yields about 1½ per cent. profit.

Mr. MORRILL, of Maine. Evidently we shall not conclude this bill to-night, and I want a short executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed a bill (H. R. No. 2074) to amend an act entitled "An act to provide for the establishment of a military prison, and for its government," approved March 3, 1873; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President of the Senate *pro tempore:*

A bill (H. R. No. 1761) granting certain swamp lands in Holt County, Missouri, to said Holt County, for school purposes; and

A bill (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 2073) restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 2074) to amend an act entitled "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873, was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 17, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock, and reports are in order from the Committee on Military Affairs.

WAR DEPARTMENT REQUISITIONS.

Mr. COBURN, from the Committee on Military Affairs, reported back a bill (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War, with the recommendation that it do pass.

The bill, which was read, provides that when, from illness or other cause, the Secretary of War is temporarily absent from the War Department, he may authorize the chief clerk of the Department to sign requisitions upon the Treasury Department, and other papers requiring the signature of said Secretary; the same, when signed by the chief clerk during such temporary absence, to be of the same force and effect as if signed by the Secretary of War himself.

Mr. HOLMAN. I wish to inqure whether this practice has been indulged in by any other Department of the Government? It confers important powers upon this chief clerk.

Mr. COBURN. It has not been indulged in by any other Department, but there is no Assistant Secretary of War. It is a matter of convenience, and is recommended by the Secretary of War himself. It is one which, so far as the committee can see, will work no harm. Of course the Secretary of War will not authorize it except in extreme cases.

Mr. HOLMAN. It is a grave responsibility to impose upon this chief clerk.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF TOBACCO TO THE ARMY.

Mr. COBURN. I am directed by the Committee on Military Affairs to report back, with the recommendation that the committee be discharged from the further consideration of the same, and that it do lie on the table, a bill to authorize the issue of tobacco to enlisted men of the Army.

The SPEAKER. There does not appear to be any record that this bill was ever referred to the committee.

Mr. COBURN. It was referred in connection with a communication of the Secretary of War.

The SPEAKER. This is an illustration of the inexpediency of having bills referred in that way.

Mr. COBURN. Let the record be altered so as to refer to the communication of the Secretary of War.

There was no objection; and the committee was discharged from the further consideration of the memorial of the Secretary of War, asking the passage of a law providing for the issue of tobacco to the enlisted men of the Army.

GENERAL DON CARLOS BUELL.

Mr. COBURN. I am instructed to present a report of the Committee on Military Affairs, in relation to the communication of the Secretary of War, concerning a copy of the proceedings in the matter of the court of inquiry in the case of General Don Carlos Buell. I ask that the report be read.

The report was read. The committee to whom was referred the letter of the Secretary of War in relation to the copy of the proceedings in the matter of the court of inquiry in the case of General Don Carlos Buell, which is to be furnished by him to Congress, state that they have had the same under consideration, and find that a copy has been put on file in the office of the Secretary of War; that there is no fund out of which to pay for the required copy, and no clerk to do the work. They therefore recommend that the sum of $500 be appropriated to employ a copyist to do the work of transcribing the said record, which the report of the Secretary of War shows to contain one hundred thousand words. The committee recommend the passage of the following resolution:

Resolved, That the Committee on Appropriations be instructed to report in the proper bill an appropriation of $500 to enable the Secretary of War to furnish Congress with a copy of the proceedings of the court of inquiry concerning General Don Carlos Buell.

The resolution reported by the Committee on Military Affairs was agreed to.

NAVIGATION OF SNAKE RIVER, IDAHO.

Mr. HAWLEY, of Illinois, from the Committee on Military Affairs, reported back the bill (H. R. No. 442) authorizing the Secretary of War to have a survey and estimate made of the cost of removing obstructions to navigation from Snake River in the Territory of Idaho; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Commerce.

The motion was agreed to.

MILITARY PRISON.

Mr. HAWLEY, of Illinois. I am also instructed by the Committee on Military Affairs to report back the bill (H. R. No. 1035) with an amendment in the nature of a substitute.

The substitute (H. R. No. 2074) to amend the act entitled "An act to provide for the establishment of a military prison, and for its government," approved March 3, 1873, was received and read a first and second time.

The bill proposes so to amend the said act that all acts and things therein required to be done and performed at Rock Island, in the State of Illinois, shall be done and performed at the military reservation at Fort Leavenworth, in the State of Kansas, provided that the Government buildings, now on said military reservation at Fort Leavenworth, shall be modified and used, so far as practicable, for the purposes of said prison.

The question was on ordering the bill to be engrossed and read a third time.

Mr. HAWLEY, of Illinois. At the last session of Congress a law was passed for the purpose of establishing a military prison at Rock Island, in the State of Illinois. That act was approved on the last day of the session, the 3d of March. The first section of that act is in these words:

That there shall be established at Rock Island, in the State of Illinois, a prison for the confinement and reformation of offenders against the rules, regulations, and

laws for the government of the Army of the United States, in which shall be securely confined, and employed at labor, and governed in the manner hereinafter directed, all offenders convicted before any court-martial or military commission in the United States, and sentenced according to law to imprisonment therein.

The act contains twelve sections. It provides, among other things, for the appointment of a board of commissioners, to consist of five members, three of whom shall be officers of the regular Army, and two chosen from civil life. The act makes it the business of these commissioners to establish the prison, to locate the place where it shall be properly located at Rock Island, and also to prescribe the rules for its government.

Under the authority given to the Secretary of War by this act, he appointed three officers of the regular Army for the purpose of locating the prison. This commission visited Rock Island last summer and made to the Secretary of War a report of their doings at some time previous to the present session. The report does not seem to bear any date. This board of Army officers in their report have presented to Congress the regulations which they have deemed proper to adopt for the government of the military prison. They also made a report on the practicability of locating this prison at all on Rock Island military reservation.

It was unquestionably the intention of Congress to locate the prison on the military reservation at Rock Island, although the language is simply "at Rock Island, in the State of Illinois." It was the intention of Congress to locate it on the military reservation, for the reason that the Government owned the grounds. These commissioners upon examining the locality, found and reported to the Secretary of War that there is no suitable place on the island for the location of the prison, without interfering with the purposes for which the island has been set apart. I will read a part of this report, that the House may understand the reasons on which it is based. The commissioners say:

The board visited Rock Island, in the Mississippi River, with a view to the consideration of the question submitted in the letter of instructions. A topographical examination established the fact that there are but two points on the island where a sufficient drainage can be obtained, a want of the very first importance. One of these is at a point near the principal entrance to the armory grounds, lying in full view of the cities of Davenport, Iowa, and Rock Island City, Illinois, and between buildings already erected for the purposes of the armory.

As the safe-keeping of the prisoners would necessitate the inclosing of the prison buildings within a high wall, it is thought that their erection at this point would be a blemish to their surroundings. The other point is more remote, and is a desirable one for the purpose, should it be finally decided to select any part of the island.

The points above referred to are indicated on the map of Rock Island, herewith submitted, by numbered flags; the one first referred to being numbered 1 and the other 2.

As to the probable influence upon the interests of the armory, the board are of opinion that the erection of prison buildings on the island at all would be extremely detrimental, interfering, as it necessarily would, with the carrying out to fulfillment of the elaborate and comprehensive designs which have thus far governed in the work which has been carried forward there.

For instance, the point thought to be the only one at which a prison should, with due regard to good taste, be erected is the one, as will be seen by the map, where the plans for the completion of the armory, as originally adopted, contemplate the establishing of a foundery for heavy ordnance.

In the vicinity of Rock Island City, and on the high and desirable land near Rock River, a site can be purchased at from four to five hundred dollars per acre, and as twenty acres is thought to be all the ground necessary, the slight saving to be effected by the use of land on the island cannot be held of much weight against the attendant probable injury.

Although not called upon to offer any suggestions as to the advisability of selecting any other site than the one indicated in the act of March 3, 1873, the board, in view of the fact that the armory at Rock Island promises to answer for furnishment with material all the western portion of the country, would most respectfully suggest that the arsenal grounds at Fort Leavenworth, Kansas, would be a far more eligible and convenient location for a prison than Rock Island, while the buildings, now of but little practical use to the Government, could be readily converted to prison uses.

Indeed, it is believed that for one-third of the sum which will be necessary to properly construct entirely new buildings those indicated may be made into buildings of a model character and surrounded by the requisite wall.

The cost of supporting the prisoners would be fully as small at Fort Leavenworth as at Rock Island, and it is believed that even should it not be considered proper to appropriate the arsenal grounds and buildings for the purpose, some other portion of the Government reservation at that point should be taken.

The Secretary of War, in transmitting this report to Congress, uses this language:

In regard to the island of Rock Island as a site, attention is particularly invited to the remarks of the board. On Rock Island, owned by the Government, there are but two sites where drainage, absolutely necessary, can be had. Either of these sites would materially interfere with and mar the plan for the armory. The idea of the location of the prison near the armory in order that the labor of its inmates might be utilized is not feasible. The most profitable labor of prisoners would be upon clothing, shoes, wagons, &c.; while the various branches of the armory work would have to be performed systematically by skilled artisans.

The military reservation at Fort Leavenworth, Kansas, possesses every advantage possible over every other locality. The ground is already owned by the Government. It is the grand center of military transportation, from which rail communication radiates to all parts of the United States. It is a military post, and the necessary details for prison-guards, &c., can be made most conveniently at that point. In regard to economy in constructing and maintaining the prison, it certainly possesses superior advantages. In this connection attention is invited to a communication dated February 13, 1873, written before the passage of the act to establish a military prison, by Captain D. W. Flagler, commanding Rock Island arsenal, a copy of which is herewith.

I will now ask the Clerk to read the letter referred to by the Secretary of War.

The Clerk read as follows:

BOARD ON HEAVY-GUN CARRIAGES, ARMY BUILDING,
New York City, February 13, 1873.

GENERAL: I have the honor to submit for your consideration the following remarks relative to the establishment of a military prison at the Rock Island arsenal.

It is presumed that the reasons to be advanced for the establishment of a prison at so unusual a place as an arsenal would be—

First. That the labor of the prisoners might be applied to the work carried on at the arsenal.

Secondly. That the arsenal being situated on an island, the location might furnish safety from escape of prisoners.

Both of these reasons are fallacious, because—

1. The prisoners could not be employed on arsenal work. (*a*) Arsenal work is of such a character that it would be unsafe to intrust it to prisoners, or to any disaffected person. The experience of our last war has shown the danger of intrusting the production of material of war to any but thoroughly loyal and competent persons, devoted to the interests of the United States. It is extremely easy for an employé inclined to do so, to introduce imperfections into such material, and also at times to render such material—particularly ammunition—highly dangerous. (*b*) Even if it were safe to intrust the work to prisoners, they are incompetent. Arsenal work requires skilled workmen. Military prisoners would come to the work without skill; and the ordinary time of their incarceration would be insufficient for the acquirement of the necessary skill and experience, or for officers to ascertain whether they could be intrusted with work.

2. The island does not offer the supposed safety from escape. During the summer the shallow water along the Illinois shore offers little or no obstruction to the escape of a prisoner. During the remainder of the year there is a perfect bridge of ice around the whole island, and no obstruction to escape. A wall around the prison would be required, as in other localities.

Moreover, the arsenal would offer unusual and very great facilities for the escape of prisoners. When in active operations several thousand workmen will be employed in the arsenal. Unless a surveillance so strict as to interfere materially with the operations of the arsenal were employed, these workmen could connive easily and successfully at the escape of prisoners, especially if the prisoners were employed at work with the other employés.

The foregoing is only intended to show the fallacy of any known reasons for introducing a prison into an arsenal. But it is believed that the serious injury which such a course would inflict upon the arsenal would render insignificant in comparison any benefit that could accrue to the prison.

It is well known that Congress is building at Rock Island probably the greatest and finest arsenal in the world. It is a great national institution, upon which the whole country should look with pride; but it is built entirely for use, and is a main feature in our military system of defense, and we cannot consistently do anything that will diminish its safety and capacity for work, or its completeness and perfection. It was with a full understanding of the plans for the arsenal that Congress expended so much legislation and money to exclude every claimant from a foot-hold on the island, and set it aside exclusively for the great establishment that is now being built. The introduction of a prison into the arsenal is completely antagonistic to the plans of the Government for the place.

1. All the great bridges, avenues, and railroad built to the arsenal, are no more than sufficient to transact the business of the arsenal when in full operation, even when used to their best advantage. If these bridges and roads become avenues to a prison they would be obstructed to the full extent required for safety, and could not then transact the business of the arsenal; that is, for arsenal purposes we want them open to their full capacity for work, and for the admission of people on business, and workmen; for prison purposes we want them gated and guarded.

2. The most important element in an arsenal is safety. Nothing should be left undone which can add to its safety from accident, explosion, fire, or any other injury.

The introduction of a prison is deliberately introducing an element of danger. The prisoners must be looked upon as disaffected persons, probable enemies, and some of them—as shown by experience—are insane in their enmity, and the most dangerous of incendiaries.

3. Rock Island arsenal is to be a great national establishment, perfect in every respect. By introducing an antagonistic establishment, the arsenal becomes crippled, imperfect, and the plans of Congress are defeated.

I will cite, in conclusion, the history of the Washington arsenal. A penitentiary was located near it, but entirely outside the arsenal, and separated from it by a high wall. Even its proximity was deemed so dangerous that during the war the prisoners were removed, and the prison torn down and taken away. The objections to a prison even in the vicinity of the Rock Island arsenal are much greater, because of the character of the establishment.

If the matter were fully understood, it does not seem possible that Congress would appropriate money to build a prison *within* the arsenal.

Very respectfully, your obedient servant,

D. W. FLAGLER,
Captain of Ordnance, Brevet Lieutenant-Colonel, U. S. A.,
Commanding Rock Island Arsenal, Illinois.

Mr. HAWLEY, of Illinois. I ask the Clerk now to read the next letter in the report from Major Benét, of the Ordnance Department.

The Clerk read as follows:

ORDNANCE OFFICE, *February* 14, 1873.

The Rock Island arsenal is intended to be a grand manufacturing establishment. When in operation, a portion of its manufactures will consist of dangerous explosives, requiring the utmost care in their manipulation.

Magazines stored with gunpowder and other explosives must necessarily constitute part of the arsenal; and it is submitted that none but reliable persons should be employed upon the island. It is not believed that the prisoners could be made use of to advantage except as laborers on the roads and grounds, and scattered, as they would necessarily be, over an island of one thousand acres, the guards for their supervision and care would have to be much larger than in an ordinary prison where they are confined within high walls.

The competition between convict and ordinary labor when brought in contact always leads to ill-feeling and irritation.

It is the opinion of this Bureau that the interests of the public service will be best subserved by having the prison establishment elsewhere than at the Rock Island arsenal.

By order of the Chief of Ordnance.

S. V. BENÉT,
Major of Ordnance.

Respectfully submitted to the Secretary of War.

A. B. DYER,
General, Chief of Ordnance, U. S. A.

Mr. HAWLEY, of Illinois. I will state further, for the information of the House, that I called upon and had an interview with General Sherman in reference to this same subject, for the purpose of ascertaining his views. He is very decided in the expression of opinion that this military prison ought not to be located upon the island of Rock Island; that its location there would be entirely inconsistent with the purposes for which the island was set apart; that it cannot with any propriety be located upon that island as long as it is set apart for arsenal purposes. He also is clearly of opinion that it should go to Fort Leavenworth.

I am instructed by the unanimous vote of the Committee on Military Affairs to report this bill favorably and recommend its passage. Every member of that committee is of opinion, from the reports received not only from the commission appointed for the purpose of visiting Rock Island, but from Army officers whose opinions are entitled to weight, that Fort Leavenworth is the proper place to locate this military prison, and that the buildings already erected there will answer the purpose; and, as stated by the commission, the work can be done there for one-third of what it will cost anywhere else.

Mr. HOLMAN. I wish to make this inquiry: Whether an appropriation has been made for the erection of a military prison at Rock Island; and if so, whether it is proposed to change those appropriations so that they may be used at Fort Leavenworth?

Mr. HAWLEY, of Illinois. I will state, in reply to the gentleman from Indiana, [Mr. HOLMAN,] that no appropriation whatever has been made; that if he will turn to the bill of the last Congress he will see that no appropriation was made in that bill, and none has been made at any time for this purpose; and, so far as I know, not a dollar has been expended in connection with the establishment of this prison at Rock Island. The only persons who have visited Rock Island by authority are the three officers of the Army appointed by the Secretary of War. The portion of the committee appointed from civil life have not been at Rock Island at all.

Mr. HOLMAN. This bill makes no appropriation?

Mr. HAWLEY, of Illinois. None whatever. The only effect of the passage of this bill is simply to provide that a military prison instead of being located at Rock Island shall be located at Fort Leavenworth.

Mr. GARFIELD. I desire to take this occasion to call the attention of the House for a moment to this bill, with a view to inquire whether we need build a military prison at all. I happen to know something of the origin of the proposition for a military prison. Some two years ago a number of officers were sent to examine the condition of military discipline in the British army in Canada. They found that the systems of military punishment were very different from those in this country, and they reported some reformatory measures, which were laid before the Secretary of War, and by him considerably modified and laid before Congress.

The result of that series of investigations was entirely different from what the original board of officers contemplated. It was not their idea at all that there should be a separate central military prison. But the modifications that their first suggestions received from the various persons through whose hands they went resulted, at last, in a bill passed without much debate to establish a military prison at Rock Island.

I wish to say that the officers who made the first investigation, and who made their report in the interest of humanity for the better government of the Army, and, if possible, to do away with some of the old barbarous methods of punishing soldiers, regard this central prison as a very bad institution, and earnestly request that it may never be built. I have in my desk, and have had for months—indeed I received it last session—a most earnest, and I may say eloquent, letter from one of the ablest officers of the Army, showing why Congress should not build a military prison for the imprisonment of soldiers. The same officer called our attention to the need of an amendment to the Army regulations, which I offered to the Army appropriation bill of last year, and which ended the barbarous practice of burning, branding, tattooing American citizens serving in the Army on their bodies, perhaps on their faces, and as a mark of disgrace and degradation.

Never until last year was it unlawful to thrust a branding-iron against the cheek of an American citizen, if a little court composed of half a dozen lieutenants saw fit to condemn a soldier to that punishment. And he might be thus branded for some trivial offense—an offense unknown to the civil courts, and which would never be punished anywhere else than in the Army. For a mere infraction of military regulations a soldier might thus be disfigured and disgraced for life. By an act passed last year such punishment was forbidden; and as a part of the process of abolishing cruel and disgraceful punishment, the prison commission of which I have spoken was sent to Canada. The result of their report was the law which now stands on our statute-book, and which I pray this House may take this occasion to repeal.

I am in favor of removing the military prison from Rock Island, as proposed by this bill; but I am also in favor of removing it from the face of the earth, of locating it nowhere. Fortunately no money has yet been appropriated for its construction, and I hope none will ever be made.

I now ask for a moment the attention of the House to the operation of the original law. Here is an officer in Oregon with a squad of soldiers, one of whom commits some offense—perhaps deserts—for which he is sentenced to one year's imprisonment. Another soldier in Florida commits an offense, for which he is condemned to be imprisoned; another in Maine, and another in Texas, subject themselves to similar punishment. Now what is to be done? When we shall have expended several hundred thousand dollars to build this prison, either at Fort Leavenworth or at Rock Island, a guard of troops is to be sent to convey these sentenced soldiers from Oregon, Florida, Maine, or Texas, carrying each of them more than a thousand miles, and deliver them at the military prison at Rock Island, or Fort Leavenworth, as the case may be; and then this guard of troops must travel back to their posts of duty. And when the term of imprisonment is served out, the soldier must of course be remanded to his regiment, must be taken back under guard and put upon duty—if a man disgraced by having served a term in the penitentiary can any longer be called a soldier of the Army of the United States.

No system so expensive for punishing soldiers was ever devised; nor could there be anything more degrading to the soldier, or better calculated to unfit him utterly for ever becoming a soldier again, than to transport him thousands of miles from his regiment, make him an inmate of a regular penitentiary for a series of years, and then transport him back again.

Mr. HAWLEY, of Illinois. The gentleman will allow me to ask him whether he thinks it tends to elevate the moral tone of the Army to put a soldier in a State penitentiary?

Mr. GARFIELD. I say that whenever a soldier has committed any offense for which the legal punishment is confinement in the penitentiary, the civil courts will always take action in the case. Then the punishment by imprisonment in the penitentiary is appropriate, though a soldier thus condemned ought not afterwards to be restored to the Army. But for the punishment of mere infractions of military discipline, not amounting to felony, there ought to be no penitentiary. The punishment ought to be administered in the camp, under the control of the officers commanding the delinquent soldier, and should have in view the maintenance of military discipline and the restoration of the offender himself to his rank in the Army when his punishment shall have been completed.

A little over one year ago, happening to be in New York, I visited Governor's Island and some of our troops there. When the soldiers in the prison at that place were called out on dress parade, I stood there and witnessed fifteen men wearing the ball and chain on the leg, and in some cases the chain was so short that the soldier was obliged to stoop with his hand almost to his knee in order to hold the ball while on parade. At the request of the general commanding I had all those ball-and-chain men called to one side, and I ascertained the duration of the punishment to which they were sentenced and the crimes for which they were condemned. They had been sentenced to two, three, and four years' imprisonment, wearing ball and chain on the leg, for infractions of military law. Our military punishments in time of peace are now, in many cases, excessive; and if we establish a central military prison it will become the Army penitentiary for infractions of military duty. I do not believe, as a matter of good discipline for the Army or of economy for the Government, that this central prison ought to be established at all. I will vote to discontinue it at the location already authorized; but I will not vote to build it in any other place. If the gentleman from Illinois will allow me, I will move to strike out all after the enacting clause of the bill, and to insert a provision that "the act authorizing a military prison is hereby repealed."

Mr. HAWLEY, of Illinois. I now yield to the chairman of the committee, the gentleman from Indiana, [Mr. COBURN.]

Mr. COBURN. Mr. Speaker, the gentleman from Ohio [Mr. GARFIELD] has a mistaken view of this whole matter, except as to the fact that he himself did last year introduce a humanitarian amendment to the law in relation to the branding of prisoners, after the passage of this act, if I am not mistaken—a little step which he magnifies now. The object of the law now under consideration is in the interest of humanity, and also in the interest of economy, on the most liberal and enlightened scale. Whatever may have been the origin of the law in the mind of some general of the Army, its true basis was a report of the Secretary of War, made during the last Congress, in which he expressly asked and insisted upon the establishment of a prison for the Army. For what reason? If members of the House will look at that report—No. 70 of Executive Documents of the last Congress—it will be seen, as there stated, that there is an immense number of military prisoners, the average of whose term of confinement runs over four years, and who are scattered throughout a large number of States, imprisoned with malefactors of the foulest character, and maintained at a very great expense.

The report of the Adjutant-General shows that the annual expense is over $75,000 for keeping these unfortunate men in the various State penitentiaries. They are in eleven States.

Let me call the attention of the House to the precise facts. There are in State penitentiaries: thirty-eight in Arkansas, fifteen in New York, five in California, thirty-three in Iowa, three in Kentucky, fifty-four in Kansas, one hundred and twenty in Louisiana, seventeen in Minnesota, thirty-two in Missouri, seven in Mississippi, and twenty-two in Texas; three hundred and forty-six in all, scattered throughout the land in these penitentiaries. Besides these there are three hundred and eighty-four general prisoners kept at thirty-two different military posts.

Now what is to be gained, in a moral point of view, by taking the prisoners who have been guilty only of some military delinquency, of some crime against the laws of the Army, involving perhaps no moral obliquity—what is to be gained by putting them in a State penitentiary, where none but felons, guilty of crimes of the blackest dye, are incarcerated? The very object of this law is to take men from prisons of that character, and the very thing the gentleman declaims against is now the system; that is, soldiers, for merely military offenses, are confined in places where the worst criminals are kept. In order to obviate that very thing in the interest of the Army, in the interest of

the country and of humanity, this prison was provided, and for nothing else. Upon that ground it met favor in the House, and has the indorsement of the country. The gentleman from Ohio [Mr. GARFIELD] says it was not discussed here. I believe he did not participate in the debate. If there is no discussion in the House unless he takes part, perhaps it was not well discussed. But I tell that gentleman, and I tell the House, that every consideration of humanity and decency requires these soldiers, who are not criminals in the ordinary sense of the term, and who have been guilty only of infractions of the military law, should be taken out of these penitentiaries—scattered nurseries of vice throughout the United States; for in the very best of them we find it is the concurrent testimony that even now, with all the improved systems which have been adopted, men, in nine cases out of ten, come out of them worse than they went in.

Let us therefore, Mr. Speaker, have a place where the soldiers of the Army can go and be cared for kindly, under officers of the Army and under Army rules and discipline. As they are now scattered throughout the land they have no protection, no guardian, nobody who has any interest in them whatever. They are indeed orphan children of the Army, scattered far and wide in State prisons, subject to abuse and objects of cruel oppression, without a pitying eye or helping hand. The States take care of their prisoners; the United States do not. Let this system cease, with its barbarities.

In addition to those in State prisons, there is a large number of men, over three hundred and eighty, scattered throughout the various military posts in the country, subject to the caprices of petty tyrants, to abominable humiliations, and to the most outrageous cruelties.

The gentleman has said something about branding. No longer ago than last week I received a letter from a man confined in one of our forts. He writes to me that the practice there is to tie men up by the thumbs until the victims faint, and forcing them to carry weights until the belt that suspends the ball and chain has made the waist raw; and such barbarities are repeated and enforced in these military posts. The blood runs cold at their recital notwithstanding the little bill of the gentleman from Ohio. And outrages are committed upon prisoners which would harrow up the soul of anybody but a wolf. These things are occurring, and they call loudly for redress. Now, we must take care of these men; and in the name of decency and humanity we ask the House to take a step of progress now and stand by this prison.

It was expected to establish it at Rock Island, where the prisoners would be able to aid in the construction or repair, or whatever was to be done, in the arsenal. Army officers have reported against it on account of the expense, of inconvenience, and of a better location. We provide, therefore, that it shall go to Fort Leavenworth, where there is a large reservation, a healthy situation, and a central point. There are large stone buildings there which can be utilized at very little expense to the Government. We are told that at Rock Island it would cost $500,000 to construct this prison, but if taken to Fort Leavenworth but little expenditure would establish such an institution as we could point to as a monument of the good sense and decency and humanity of those who manage the Army and those who guide national affairs. The Secretary of War and military men of the highest humane impulses are all in favor of it. I have heard nowhere, except here and from the mouth of one general officer of the Army, any protest against this prison. Sir, the House will be traveling back toward barbarism instead of going forward on the path of progress if they abolish this great advance step in the direction of humane management of military prisoners.

Mr. POTTER. I hope the gentleman will yield to me for five minutes.

Mr. KELLOGG. Does the gentleman from Indiana propose that all military prisoners scattered throughout the United States shall be sent to this military prison?

Mr. COBURN. I do.

Mr. KELLOGG. Has the gentleman made any estimate of what the cost will be in transporting all military prisoners to this prison?

Mr. COBURN. It will not cost any more than to take them to the penitentiaries where they are now taken and confined; in fact, not nearly so much. The Government now pays for boarding, and employs the officers of State prisons to guard, care for, and superintend the prisoners, besides feeding and clothing them. But if the United States has its own prison it gets the benefit of the convict labor. The Army officers are the prison officers; the guards are soldiers, and the clothing and rations of the Army are furnished; this is a great saving.

Mr. KELLOGG. Does the gentleman propose to have transported to this prison all those who may be guilty of mere trivial military offenses?

Mr. COBURN. Those that are guilty of mere slight offenses will be punished at their posts. It is not expected to have the entire discipline of the Army confined to this prison. Only those convicted of graver military offenses will go there.

Mr. POTTER. I ask the gentleman from Indiana [Mr. COBURN] to yield to me.

Mr. COBURN. I yield to the gentleman from New York [Mr. DEWITT] for a question.

Mr. DEWITT. Will the building of this prison stop the practice of officers of the Army tying up men by the thumbs?

Mr. COBURN. The board of commissioners, all of them humane gentlemen, composed of three gentlemen in civil life and three officers of the Army, noted for their humanity and common sense, have adopted a code of rules, under and by virtue of the law passed last winter, which provides that the most humane treatment of prisoners possible shall be the system adopted in this military prison.

Mr. ALBRIGHT. The law itself makes that provision.

Mr. COBURN. Yes, sir; I say that these commissioners have adopted a code of rules in pursuance of the law itself, which provides that the prisoners shall be treated with a view to reformation and an eye to humanity. They provide that the prison barbarities shall be expressly prohibited and abolished, barbarities which have been continued too long, to the disgrace of the Army and the disgrace of the nation, in the eyes of all men who have a regard to humanity.

Mr. POTTER. I was glad to hear the remarks of the gentleman from Ohio [Mr. GARFIELD] in regard to the establishment of this military prison. From all I can learn it ought never to have been authorized at all; and I agree that the best thing the House can now do is to repeal the law authorizing it. I happened last summer to be in the company of a very distinguished officer of the Army—not, I think, one of those to whom my friend from Ohio alluded, but a gentleman distinguished as well for his high military standing as for his humane private character—and the views he expressed tallied exactly with the views of the officers to whom the gentleman from Ohio alluded.

It seems to me that the offenses of soldiers which, as the gentleman from Ohio put it, are in the nature of offenses against the civil laws, and crimes in themselves, ought to be punished by sending the offenders to the prison of the locality where the crime is committed, wherever that may be, and he himself debarred from returning to the Army. If he commits any high crime for which he should be imprisoned in a penitentiary for a long period, his time of service will be well spent when his term of imprisonment has expired; and a man convicted of a grave crime ought not then to be received back into the Army.

But as regards the other class of offenses—offenses against military rule and military discipline, offenses *malum prohibitum* only—nothing, as it seems to me and as my informant assured me, can be worse for the soldier than to take him, when guilty of mere breach of military rules and regulations, and transfer him as a criminal hundreds or thousands of miles across the country, there to put him into a regular prison. The mere transit across the country for imprisonment would put a stigma on him, and his character be injuriously affected by his being treated as a common criminal.

Mr. COBURN. This will not imprison one more man than is now put in the penitentiary.

Mr. POTTER. Then the provisions for imprisoning soldiers were well enough as they were.

The gentleman from Indiana [Mr. COBURN] says that the Secretary of War recommended this prison at Rock Island a year ago. But, sir, it is the same Secretary of War who recommended that the prison should be established at Rock Island who now wants it removed several hundreds of miles west to Fort Leavenworth. The gentleman from Indiana [Mr. COBURN] says this prison is intended to protect soldiers against barbarity, and that in the bill to establish this prison it is provided that there shall be a code of rules for their humane government. Surely it is not necessary to build a great Federal military prison to get rid of barbarity. Let us rather supply a proper code of rules for the Army everywhere, and not limited to this prison at Fort Leavenworth. The truth is, that whatever abuses there may have been in the treatment of soldiers in the Army, the remedy for such abuses should be applied to the treatment of our soldiers everywhere. But to go to the expense of erecting a great military prison in which to confine—as the chairman of the Military Committee now says—men guilty of crimes for which they would otherwise be confined in local penitentiaries, is to set on foot an enormous expenditure of money, of no possible good to the Army, to the prisoners, or to the country. Therefore I trust the gentleman from Ohio will persist in his amendment repealing the original act authorizing this prison.

Mr. HAWLEY, of Illinois, rose.

Mr. COBURN. Before my colleague on the committee, the gentleman from Illinois, proceeds, I wish to say that the report of the Adjutant-General last year shows that we paid $75,115 per annum for the board of the prisoners that we have now—more than enough to repair all these buildings at Fort Leavenworth, and make a good prison out of them, without a dollar's additional expense.

Mr. HAWLEY, of Illinois. I desire to say to the House that the bill now pending is simply for one purpose, to change the locality of this prison. It was provided, by the law passed last session without any opposition whatever, that this prison should be established, and that certain rules should be adopted for its government.

Now the gentleman from Ohio, [Mr. GARFIELD,] I have no doubt, was present here when this bill was considered last March. I remember very well its introduction by the Military Committee at that time. I was not then a member of the committee. It was reported, as I understood, by the Military Committee, providing that the prison be located at Rock Island, because the Government owned the land there. There was no difficulty then, as I understood it, as to the propriety of having such a prison. I hear this morning, for the first time, anybody claiming, here or elsewhere, that a military prison ought not to be established for the use of the Army.

Although I have had nothing to do with this previous legislation, yet with the gentleman from Indiana, the chairman of the Commit-

tee on Military Affairs, [Mr. COBURN,] and other gentlemen who have been members of that committee, I can see good reasons why the law of the last session should not be repealed. In the first place, I believe that men who are convicted for offenses of a military character only, ought not to be imprisoned with those who are sent to the penitentiary charged with murder, robbery, and other heinous crimes known to the law. I hold that these men in the Army should not be imprisoned with the scoundrels who have been convicted and sent to State penitentiaries. I believe, further, that there is nothing that to-day tends to deplete our Army by desertion so much as the confinement of soldiers in State penitentiaries, where they are degraded both as men and as soldiers.

It is claimed that this system will be much more expensive than the system of confining soldiers in State penitentiaries. I deny that it will be so much more expensive. It is proposed to locate this prison at Fort Leavenworth, because, as is said by these officers, it is cheaper to locate the prison there, where it will be nearer the central point of the military operations of the Army. The gentleman from Ohio [Mr. GARFIELD] will not deny that that is a more central point of the operations of the Army. These buildings now erected at Fort Leavenworth, as this report shows, can be used for this purpose at a cost of one-third what the buildings can be constructed for anywhere else.

In answer to the objection made on account of the cost of transportation, I will say this: we send prisoners from all parts of the country to the penitentiary at Albany. We send from this District to Albany every man convicted of crime and sentenced to the penitentiary. We propose to locate this military prison at a central point, where it can be easily reached; where the building can be cheaply erected and cheaply managed, and where the Army shall have for itself a place to confine Army prisoners and offenders. I ask the gentleman from Ohio why he should not apply the same argument to the Insane Asylum over there on the hill. There is located an asylum for the insane of the Army. Why not put them in the State asylums? Why construct a magnificent building here in which shall be confined the men of the Army who have been so unfortunate as to become insane? Why bring them from all parts of the country to be confined here? Why not put them in the State asylums?

Mr. GARFIELD. Does not the gentleman make any difference between an insane man and a convict?

Mr. HAWLEY, of Illinois. The difference is wide. You might take a man from the Army and put him in a State insane asylum, and he would not be degraded by being confined there with other men. But when you take a man from the Army and put him in a State penitentiary with a man from your district, for instance, who has committed arson, robbery, or any heinous crime known to the law, you have degraded a soldier of the Army of the United States by confining him in a penitentiary with common criminals, when he ought not to have been so confined—when he may not have committed a penitentiary offense.

Mr. GARFIELD. Then he should not be sent there.

Mr. HAWLEY, of Illinois. The gentleman says he should not be sent there. He must be confined somewhere.

Mr. GARFIELD. Send him to the guard-house.

Mr. HAWLEY, of Illinois. He will still be sent to the guard-house for such offenses as deserve that character of punishment. But if this military prison shall be erected for such offenses as you now send him to the penitentiary, he will be confined in this military prison. I think this legislation has the support of every officer of the Army here. The Secretary of War recommends it earnestly. General Sherman, the Adjutant-General of the Army, and other officers with whom I have conversed with regard to it, deem it important that there should be a place for the confinement of soldiers of the Army of the United States.

Mr. SMITH, of Ohio. I would like to know if the Committee on Military Affairs have made any estimate of the cost of the transportation of these men to Fort Leavenworth?

Mr. HAWLEY, of Illinois. I have stated already that I had nothing to do with the preparation of the original bill on this subject; I was not then a member of the Committee on Military Affairs. But the bill was carefully considered at that time, and Congress then, I believe without any opposition at all, passed the bill for the establishment of a military prison.

Mr. SMITH, of Ohio. Have the committee made any estimate of the cost of supporting these prisoners after the prison has been built?

Mr. HAWLEY, of Illinois. It seems to me that this whole question has been forced upon the House at this time without any need of it. No proposition is brought forward here to build a prison, for it has already been directed by Congress. The committee had no idea that this question would be raised in the proposition simply to change the location. There was no reason why the committee should come here this morning prepared with figures to show that a military prison was necessary, when Congress only at the last session had declared it was necessary and passed a bill to establish it. I call the previous question.

Mr. HOLMAN. I understood the gentleman from Ohio [Mr. GARFIELD] to submit a substitute for this bill.

The SPEAKER. The gentleman from Illinois [Mr. HAWLEY] did not yield the floor for that purpose.

Mr. HOLMAN. Should the call for the previous question be voted down, would such a motion be in order?

The SPEAKER. Of course.

Tellers were ordered; and Mr. HAWLEY of Illinois, and Mr. HOLMAN, were appointed.

The House divided; and the tellers reported—ayes 84, noes not counted.

So the previous question was seconded.

The main question was ordered; which was on ordering the bill to be engrossed for a third reading.

The question being taken, there were—ayes 78, noes not counted.

Mr. MELLISH. I call for the yeas and nays.

The yeas and nays were not ordered.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISIDORE DOIGLE AND ROSA DOIGLE WOODRUFF.

Mr. WILLARD, of Vermont. I enter a motion to reconsider the vote by which the House yesterday adopted the following resolution:

Resolved, That the southern claims commission be directed to send to the House of Representatives the petition, proofs, and papers relating to the claim of Isidore Doigle and Rosa Doigle Woodruff, of the State of Louisiana.

The SPEAKER. The motion will be entered.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was presented by Mr. BABCOCK, one of his secretaries.

PRINTING THE LEGISLATIVE APPROPRIATION BILL.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved, That there be printed for the use of the House seven hundred extra copies of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1875.

ARKANSAS ELECTION CONTEST—GUNTER VS. WILSHIRE.

Mr. THOMAS. I rise to a question of privilege, and call up the contested-election case from the third congressional district of the State of Arkansas. I ask that the resolution reported by the majority of the committee be read.

The Clerk read as follows:

Resolved, That W. W. Wilshire is entitled *prima facie* to a seat in the Forty-third Congress as Representative from the third congressional district of the State of Arkansas, without prejudice to the right of Thomas M. Gunter, claiming to have been elected thereto, to contest his right to said seat upon the merits.

Mr. THOMAS. Mr. Speaker, before proceeding with the argument of this case, I think it desirable to have an understanding in reference to the time which shall be occupied in the discussion and how it shall be divided.

Mr. LAMAR. I desire that the resolution reported by the minority of the committee, and which I desire to offer as a substitute for the resolution of the majority, be now read for information.

The Clerk read as follows:

Resolved, That the contested-election case from the third district of Arkansas be recommitted to the Committee on Elections, with instructions to report, upon the merits of the case, who is entitled to represent said district in this House.

The SPEAKER. This resolution is pending as an amendment to the resolution reported by the committee. The gentleman who calls up the case desires some understanding as to the time to be occupied and how it shall be divided.

Mr. LAMAR. I do not think that on the side of the minority we shall want more than an hour.

Mr. THOMAS. Does the gentleman mean that one hour shall be occupied by the committee in debate after the previous question has been demanded and seconded?

Mr. LAMAR. I ask for an hour after the seconding of the previous question.

The SPEAKER. The question of the gentleman from North Carolina [Mr. THOMAS] was probably not apprehended by the gentleman from Mississippi, [Mr. LAMAR.] The purport of it was whether there should be an hour on each side before the previous question, and that the hour afterward should belong to the committee.

Mr. LAMAR. I accept the proposition that there shall be an hour and a half allowed for debate on each side. Upon that understanding I suppose the minority would be entitled to half the time after the seconding of the previous question. Is that the proposition?

Mr. THOMAS. I would suggest that the two hours preceding the call of the previous question be divided; and then, as there are other gentlemen who desire to speak, but not at length, I am willing to farm out part of my hour, and the gentleman can farm out his as he chooses. I make this suggestion because it is in accordance with what was suggested to me privately by the gentleman himself.

Mr. SPEER. Is it understood that the debate shall close at the time the previous question is demanded; that two hours shall be occupied in debate before the previous question is called, and that afterward there shall be no further debate?

Mr. THOMAS. I am not able, in justice to this case, to agree to that; but I will not decline to offer any portion of the hour to which

I may be entitled after the seconding the previous question to gentlemen of the opposition to debate the minority report.

The SPEAKER. As the question cannot probably be settled by unanimous consent, the debate had better proceed. The Chair will now recognize the gentleman from North Carolina [Mr. THOMAS] as entitled to one hour; he will then recognize the gentleman from Mississippi [Mr. LAMAR] as entitled to an hour. At the expiration of two hours the sense of the House can be tested upon seconding the previous question. The rules provide ample scope for that.

Mr. THOMAS. That arrangement is satisfactory to me. I have no disposition to detain the House except for a brief period. I think fifteen or twenty minutes will be sufficient to enable me to present this case fairly. This is a *prima facie* case of election. It was referred to the committee on the 2d of December last by a resolution which seemed to make it imperatively the duty of the committee to report upon it as a *prima facie* case. I ask the attention of the House to the distinction between this case and the contested-election case pending before the committee. In the language of the resolution certain credentials and papers were referred to the committee, and to those credentials and papers the committee deemed themselves restricted. Just here I wish to say that the minority of the committee, in endeavoring to establish the *prima facie* right of Mr. Gunter to the seat, have introduced testimony entirely irrelevant, if that be a proper word to use in a public inquiry of the nature of the one before the House—testimony entirely irrelevant to a *prima facie* case.

In order to establish the *prima facie* right of Mr. Wilshire, I rely entirely upon the certificate of Governor Baxter, which I ask the Clerk to read.

The Chief Clerk read as follows:

Abstract of the returns of the election held in the third congressional district of the State of Arkansas on the 4th day of November, A. D. 1872, for Representative in Congress, showing the vote.

Counties composing the third congressional district.	W. W. Wilshire.	Thos. M. Gunter.	Wilshire.	Gunther.
Benton	255	1,189	.....	.....
Boone	188	746	.....	.....
Carroll	272	330	.....	.....
Crawford	932	590	.....	.....
Clark	1,317	806	.....	.....
Franklin	529	259	.....	.....
Johnson	119	75	.....	.....
Little River	505	276	.....	.....
Madison	434	557	.....	.....
Marion	140	684	.....	.....
Montgomery	177	.....	.....	407
Newton	278	.....	.....	184
Pulaski	3,160	1,621	12	.....
Perry	168	81	.....	.....
Pope	521	310	.....	.....
Pike	226	125	.....	.....
Polk	120	342	.....	.....
Sebastian	1,017	578	.....	.....
Sevier	264	425	.....	.....
Washington	702	1,218	.....	.....
Yell	536	1,011	.....	.....
Sarber	784	276	.....	.....
Total	12,644	11,499	12	591

Scattered votes polled for "Guntee," "S. M. Gunter," "T. M. Guntee," "Thos. M. Guntee," "T. Ros Gunter," and "Thomas M. Crenter," in Pulaski County, 1,456.

Boone County has not been made a part of the third congressional district by any act of the Legislature.

The votes given to "Gunther" from Montgomery and Newton Counties were probably intended for Thomas M. Gunter.

The scattering vote in Pulaski County given to "Wilshire," "Guntee," "S. M. Gunter," "T. M. Guntee," "Thos. M. Guntee," "T. Ros Gunter," and "Thos. M. Crenter," is a literal copy of the clerk's returns.

A certificate of the clerk is appended to the returns from Washington County, questioning the validity of the election in Richland township. If this objection is allowed, the vote will stand: For Wilshire 686, and Gunter 1,125.

Sarber County has not been made a part of the third congressional district by any act of the Legislature.

There are no returns from the clerk of Scott County.

STATE OF ARKANSAS, *Executive Office:*

Whereas the acting governor failed to issue a certificate of election to the person who received the highest number of votes for Representative in Congress from the third congressional district of Arkansas, at the election held in said district on the 5th day of November, A. D. 1872; and whereas, on the 14th day of February, A. D. 1873, the secretary of state, in my presence, did cast up the votes polled for said Representative at said election from the returns on file in his office:

Now, therefore, I, Elisha Baxter, governor of the State of Arkansas, do certify that the foregoing statement, with the explanatory notes, is a full, true, and correct exhibit of the votes polled for Representative from the third congressional district of Arkansas, at the election held in said district on the 5th day of November, A. D. 1872, as appears from the returns of said election on file and certificates of clerks deposited in the office of secretary of state.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed, at Little Rock, on this 18th day of February, A. D. 1873.

[L. S.] ELISHA BAXTER,
Governor.

By the Governor:
J. M. JOHNSON, *Secretary of State.*

Mr. THOMAS. I will now ask the Clerk to read section 50 of the laws of Arkansas. I purpose to show that the certificate is in form, and in accordance with the laws of Arkansas.

The Clerk read as follows:

SEC. 50. It shall be the duty of the secretary of state, in the presence of the governor, within thirty days after the time herein allowed, to make returns of elections to the clerks of the county courts, or sooner if all the returns shall have been received, to cast up and arrange the votes from the several counties, or such of them as have made returns, for such persons voted for as members of Congress; and the governor shall immediately thereafter issue his proclamation declaring the person having the highest number of votes to be duly elected to represent the State in the House of Representatives of the Congress of the United States, and shall grant a certificate thereupon under the seal of the State to the person so elected.

Mr. THOMAS. Now, Mr. Speaker, during the history of election cases, a certificate in that form has been considered to be in due form, and a memorial or certificate in such form, furnishing evidence of *prima facie* right, from the earliest history of election cases has been deemed satisfactory. It has been held to be such evidence as would, when addressed to the fair sense of right and the conscientious discretion of members, influence them to vote for seating the person in whose case it was produced.

Now, let me say, this is not a case at law between Wilshire and Gunter. It does not present a case between the people of the third congressional district of Arkansas and any other party. It is a great parliamentary inquiry which this House is conducting by virtue of its constitutional power—"each House is the judge of the qualifications, returns, and elections of its own members." In such an inquiry the House is not absolutely bound by any statute, even by the statute of Congress. Such a national statute can only operate in the nature of a rule. It has always respected such statutes, and it has further resorted to the laws of the States and respected them in contested-election cases without being absolutely bound by them.

Prior to the 9th of February, 1851, there was no national law regulating the subject of contested-election cases. Reference therefore was had to the laws of the several States; and to-day there is no law regulating a *prima facie* case of election, except what is found in the law making it the duty of the Clerk of the House of Representatives to place on the roll of the House the names of members from States which before that had been represented, and the names of such only. The language I particularly desire to quote is this: "And of such persons only, and whose credentials show they were regularly elected in accordance with the laws of their States respectively." The House has always looked to the laws of the State where there were any provisions in the laws in relation to evidence, to ascertain whether credentials were in due form, and whether a member was elected *prima facie* in accordance with them. Section 50 of the laws of Arkansas shows that in this case it was the duty of the secretary of state to cast up and arrange the votes from the several counties, or such of them as had made returns, and to do so in the presence of the governor. The then acting governor, O. A. Hadley, went out of office, having failed to make proclamation and issue certificate as provided by this section. Governor Baxter succeeded him, and deemed it his duty and right to make the proclamation and issue the certificate. It is said this power to make the proclamation and issue certificate ceased when Governor Hadley went out of office; but I submit to the lawyers of this House whether this statute is not merely directory, and assuming that it might not be so held in the courts of the State, whether this House, passing upon its construction in this great public inquiry, ought not to hold it to be directory. Sir, it should not be said, because the phrase "in presence of the governor" is used and Governor Hadley went out of office, that therefore, his successor not being present, the governor cannot issue the certificate and make the proclamation. Such construction would or might defeat the right to representation of the people of the State, as well as the rights of parties who claim to have been elected. I do not suppose that the statute would be interpreted to mean that the secretary of state should cast up and arrange the votes in the governor's actual presence. I suppose if the governor had been in the office of the secretary of state, and had turned his back while the secretary was casting up and arranging the votes, smoking his cigar and in conversation with his friends, it would not be held to invalidate the result of the secretary's action; and had the acting governor resigned or died an hour afterward, Governor Baxter would have had power to issue the proclamation and certificate.

The objection has been made that the certificate was not in due form. The minority, in expressing their views to this House, seem to rely enterely upon that objection, that it was not in due form. In the case which was decided in this House during the last Congress, Giddings *vs.* Clark, and decided entirely upon the evidence afforded by the certificate issued by the governor of Texas, which I will not trouble the House with reading, the governor had certified that Clark was duly elected; but he went on to say in the certificate expressly that he had evidence that so many frauds had been committed in that district, that were he not compelled by the law of May 31, 1870, he would not declare the result of the election, and he would say that the election ought to be remanded to the people. And yet the committee in that case recommended to this House that Mr. Clark was entitled *prima facie* to his seat. The House did seat him, and afterward Mr. Giddings, the contestant, on the merits of the contested case, was admitted to his seat.

Sir, that may be so here. The majority of the committee did not undertake to report the case upon its merits, as the minority seem to

have done. I do not know whether upon the hearing of the pending contest Mr. Wilshire will be deemed entitled to his seat or not, nor do the majority say so. I repeat, the minority had no right to bring in the testimony which they have brought in in the minority report, testimony outside of that to which we were restricted.

If the gentleman from Mississippi [Mr. LAMAR] will take the same liberal view of this case which he did the other day of the case of Hodges *vs.* Ganse, he will see we were restricted in the evidence in this as in that case, and come to the conclusion now to which he did come in committee, that Mr. Wilshire was entitled *prima facie* to the seat.

As I am not speaking in any regular order, the gentleman will pardon me for reading at this stage his own language in this case:

Whilst the majority of the committee are of the opinion that, upon the evidence to which they are legally restricted, Mr. W. W. Wilshire is *prima facie* entitled to be admitted as the sitting member of this House, pending the contest, yet the doubts arising from that evidence, in relation to his election, are so grave, that the committee asks the adoption of the following resolution:

Resolved, That the Committee on Elections are restricted to investigate and determine the said case on its merits, and report the result to this House.

From this resolution—the same as that which has been offered as an amendment—it was understood that the gentleman from Mississippi believed that Mr. Wilshire was entitled to the *prima facie* seat.

Mr. LAMAR. I do not exactly understand what the gentleman read just now. What was the document which he read?

Mr. THOMAS. I understood that the gentleman himself had admitted that Mr. Wilshire was entitled *prima facie* to his seat; but held at the same time that there were such grave doubts in regard to his election, doubts suggested by the evidence, which was pertinent or relevant only to the pending contested case, that he would recommend that the contested case be decided first.

Mr. LAMAR. Did you say Mr. Wilshire?

Mr. THOMAS. Yes, sir.

Mr. LAMAR. The gentleman is mistaken.

Mr. THOMAS. I send to the gentleman his resolution in his own handwriting, and will say that I have not been able to draw a distinction, and I should be happy to see the minority draw a distinction between this case and the case already decided of Ganse *vs.* Hodges. The same certificate of the secretary of state, the same proclamation, and the same form of certificate of Governor Baxter, were referred to the committee in both cases. The whole difficulty with the minority has arisen from the fact that they have gone into testimony which belongs to the contested case, and not confined themselves to the testimony to which they were restricted by the resolution of the House.

As to the form of the certificate, let me call the attention of the House to the celebrated case of Foster *vs.* Covode, of Pennsylvania. Under the law of that State it was the duty of the governor to issue his proclamation of election upon the returns of the officers authorized by law to make them. The governor did issue his proclamation.

Mr. LAMAR. I wish to make an explanation in reference to this resolution offered by myself in the committee. The facts connected with the resolution are these: The gentleman who thought Mr. Wilshire entitled to the *prima facie* seat was not willing to seat him upon that evidence, because he said there was a moral certainty in his mind, or at least a moral conviction, that the merits were against him. Several of us attempted to draft a resolution embodying that view; among others myself. My own opinion was, and I expressed it in the committee over and over again, that this did not give Mr. Wilshire the *prima facie* right. The gentleman from North Carolina is at fault in his recollection of what occurred in the committee-room. This is in my handwriting, but I was simply transcribing and embodying the view of another gentleman whose view was contrary to my own. We were simply seeking to harmonize different views in one resolution. It recited that a majority of the committee were of the opinion that Mr. Wilshire had the *prima facie* right, which excluded the inference that all of the committee were of that opinion.

Mr. THOMAS. I do not wish to present that as the view of the gentleman from Mississippi if it was the view of another. All I have now to say is, it was the correct view. And let me say it was the correct view, for this reason, that the committee were restricted as to evidence, and could not go into that evidence referred to them in the pending contest; and no gentleman of that committee could be influenced by any view of the case which he might have from having looked into the evidence relating to the pending contest. In the case of Clark *vs.* Giddings, I believe the majority of the Committee on Elections thought Clark could be unseated after he had been admitted to a *prima facie* seat and had been sworn in. And it turned out that he was afterward unseated.

Perhaps I am about to speak hastily, but I will say that I think, if I knew now to-day that Wilshire would upon the hearing of his contested-election case be declared not elected to the seat, still it would be the duty of the Committee on Elections to report this resolution, and the duty of the House to admit him to a seat, until the question of fact is ascertained in the mode pointed out in the statute, and the case decided upon its merits. The committee have nothing then to do with that view of it; that is a matter to come up hereafter.

The question involved in this case is a great question, relating not only to the organization of this House, but to the right of representation of the people of a State; not merely to the rights of these parties, nor to the rights of the constituents of a particular district, but in some sort to the right of the people of Arkansas, and the right of the whole American people, under the Constitution, which has given us the power to judge of the election, qualifications, and returns of members, with a view to the constitution of the national Legislature.

Now let me go back to what I was about to cite, to show that this certificate is in true form, or in form, (words which I do not consider material,) to the case of Foster against Covode. In that case the governor had issued a proclamation as to which the committee say it is a blank in reference to the twenty-first district, and they did not consider it. Subsequently the governor wrote a short private letter, which I ask the Clerk to read.

The Clerk read as follows:

PENNSYLVANIA EXECUTIVE CHAMBER,
Harrisburgh, Pennsylvania, February 23, 1869.

SIR: I have the honor to transmit herewith additional affidavits and evidences of fraud submitted to me in regard to the election of member of Congress in the twenty-first congressional district of this State. These affidavits were taken before officers properly authorized to administer oaths, and indicate the election of Hon. John Covode.

Most respectfully, your obedient servant,

JOHN W. GEARY,
Governor of Pennsylvania.

Hon. EDWARD MCPHERSON,
Clerk House of Representatives, Washington, D. C.

Mr. THOMAS. I call attention of the House to the fact that this is a mere private letter from the governor of Pennsylvania to the Clerk of the House of Representatives, not under the broad seal of the State, having no wording to show that it is a certificate, not using even the word "show"—and I take it there is some difference between that word and the word "indicate"—simply transmitting evidences of fraud. In this private letter he says that these affidavits indicate that the Hon. John Covode was elected. The Committee on Elections held that that supplemented the proclamation, and was intended to show the decision of the governor's mind that Mr. Covode had been elected, and the House so decided.

Mr. LAMAR. Will the gentleman allow me to interrupt him?

Mr. THOMAS. Certainly.

Mr. LAMAR. The gentleman is mistaken; he is laboring under a misapprehension.

Mr. THOMAS. Upon what point?

Mr. LAMAR. The House did not decide that Mr. Covode had the *prima facie* right to a seat, but adopted a resolution similar to that which the minority of this committee have now reported. In drawing up this resolution, I tried to make it an exact copy of the one which this House passed in the very case from which the gentleman is quoting. That case was one in which it was proposed to seat Mr. Covode upon the credentials of the governor; and on account of the irregularity of those credentials the House overruled the action of the majority of the Committee on Elections, and remanded the case back for their investigation and determination of the question upon its merits. The history of that case is directly the opposite of what the gentleman says. I have copied the precise resolution which the House then adopted, the resolution reported by the minority of the committee in that case.

Mr. THOMAS. I will read from the syllabus of the case:

Neither party held the governor's certificate; but *ex parte* affidavits, alleging frauds in behalf of Foster, were sent to the House by the governor. It was held that, under the instructions of the House, Covode had the *prima facie* title to the seat.

Mr. LAMAR. "Held" by the committee; but the holding of the committee was overruled by the House, and the whole case was referred back to the committee to examine and determine upon its merits. The committee adopted the resolution which I, as one of the minority in this case, have reported to the House. The distinguished gentleman from Massachusetts [Mr. G. F. HOAR] is here and can verify my statement.

Mr. G. F. HOAR. That is my recollection.

Mr. LAMAR. My recollection is distinct as to the correctness of my statement.

Mr. THOMAS. I will not detain the House as to the correctness of my statement. I may have been misled by the syllabus. I think not, however. But I have introduced this letter to show that no particular form of certificate has ever been required by this House. And I do not think any form should be required or adhered to even if a particular form had been required by State law. It is said that this is not a certificate to either one of the parties claiming to be elected, but that it is a mere abstract or statement of the vote polled, and was given to both parties, as it would have been given to anybody who might choose to call upon the governor of the State for it.

Upon the very face of the certificate the governor states that, as the acting governor had failed to issue a certificate, for that reason he (the governor) certifies "that the foregoing statement with the explanatory notes" is a "full, true, and correct exhibit of the votes polled for the Representative from the third congressional district of Arkansas." This certificate, as it is called by the governor himself, shows upon its face that Mr. Wilshire received a majority of 1,195 votes. The footnotes, or "explanatory notes," as the governor calls them, are no part of the certificate. They show that the scattering votes were cast for "Guntee," "S. M. Gunter," "T. M. Guntee," "Thos. M. Guntee," "T. Ros Gunter," and "Thos. M. Crenter." If it be assumed on the part of the minority of the committee that these votes were intended as a matter

of fact to be cast for Thomas M. Gunter, I reply that this can only be determined upon the contest. Other evidence is needed to establish that conclusion; and that evidence was not before the committee, and is not before the House.

Suppose the governor of a State, in conformity with the State law directing him to issue a certificate, were to say simply that A B received at a certain election, held in a certain district, 5,000 votes, and that C D received 1,000 votes, and should append to this statement the seal of the State and his official signature. Would any gentleman in this House, whether a judicially minded gentleman, to use the language of the gentleman from Massachusetts, [Mr. BUTLER,] or a party-minded gentleman, or any other-minded gentleman, say that that was not sufficient, when it appeared mathematically to the House that one of the parties received a majority of 4,000 votes? Sir, I think it would not be held here that any additional words, such as "duly elected," "elected," or "therefore elected," would be required; it would be presumed to have been intended by the governor as the decision of his mind that the person securing the majority of votes was elected; it would show conclusively to the House that he had been elected, and it would be held sufficient evidence to establish the *prima facie* right.

I wish to call the attention of the minority of the committee to a statement embraced in their report, which I think has either been made through inadvertence or is a misprint. In giving a copy of the certificate of the clerk of the county court of Pulaski County they name, as persons receiving votes, Thomas M. Gunter, 1,621; then again, in another column, Thomas M. Gunter, 343; then, in still another column, Thomas M. Gunter, 50 votes; and, in another column, Thomas M. Gunter, 506 votes. Now is it to be supposed that the clerk of that county, in making up his abstract, would have put in separate columns votes for the same person, Thomas M. Gunter? The mistake either arose at the Public Printing Office, or from inadvertence on the part of the minority of the committee. All the votes for Thomas M. Gunter would of course properly be put in one column, as all the votes for W. W. Wilshire are. I presume the name intended to appear in some of these columns was "Thos. M. Guntee," or some other name which appears in the certificates of the original votes in the office of the secretary of state.

As I have already made allusion to a phrase which was used the other day in the West Virginia cases by the gentleman from Massachusetts, [Mr. BUTLER,] allow me to say that I do not regard this as a case requiring for its decision "judicial-minded gentlemen," and certainly not party-minded gentlemen. I do not profess in this case to belong either to those who stand up straight or to those who lean to one side or the other. Sir, there is another class of gentlemen—honest-minded gentlemen—who are good judges in matters of public inquiry like this. There is a quality of mind of highest importance, and that quality is integrity. I have said upon good authority that all that is required in deciding upon a case of this sort is a fair sense of right and conscientious discretion, and these involve what I have spoken of as integrity—not that sort of integrity which discharges the ordinary obligations of life between man and man, but that sort of integrity which produces an inclination in the mind to turn ever to the truth as the magnetic needle turns always to the pole. This is the sort of integrity which is essential to make a lawyer, or a judge, or a statesman.

Without attempting to evoke any party feeling, if it were possible to do so in this case, I can fairly say that, in my opinion, this is as clear a case of *prima facie* right to a seat as has been presented to this House for years. The action we propose is fully justified by precedents. If the House should adopt the view of the majority, that it is the duty of the House upon the highest reasons which respect the right of representation of the people of the States, reasons which look to its own more complete organization, and it might be, in some cases, to its original organization, to admit a man first to his seat before the contest upon the merits has been decided, then I am satisfied the House will adopt the resolution reported by the majority of the committee.

I yield fifteen minutes to the gentleman from Tennessee, [Mr. HARRISON.]

Mr. HARRISON. Mr. Speaker, I do not know that I shall require even fifteen minutes to present to the House the views which I desire to submit in order to assist the House in coming to a correct conclusion upon this case. I am thoroughly satisfied that beyond doubt the intention of the House in referring this matter to the committee was with the view of having a decision as to who was entitled to be sworn in as the sitting member; in other words, to have the judgment of the committee as to which of the contestants was entitled *prima facie* to the seat. I presume there can be as little doubt as to the propriety of the policy which the House has adopted heretofore—the propriety of acting in pursuance of that great principle which looks to representation upon the floor of this House from every section of the country. I presume there can be no sort of doubt about the propriety of the course which the House has heretofore adopted in every proper case of deciding as soon as practicable who is entitled *prima facie* to the right to a seat upon this floor, notwithstanding the House may afterward come to a different conclusion on the question as to who is entitled to the seat upon an investigation of the question on its merits.

Now, sir, the resolution adopted by the House, which submitted this case to the Committee on Elections, is as follows:

Resolved, That the credentials and papers, in possession of the Clerk of the House, in the cases of contested elections from the first and third districts of Arkansas, be referred to the Committee on Elections, with instructions to report at the earliest day practicable, who of the contesting parties are entitled to be sworn in as sitting members of this House.

I say there can be no reason for the conclusion that it was intended the Committee on Elections should go into the question of who was entitled to the seat on the merits, and examine the lengthy record in this case with the view of determining that question. The only reason why the credentials and papers in the possession of the Clerk of the House in this case were submitted to the committee without seating one or the other of the contestants, was that these credentials were somewhat peculiar. There was no certificate or proclamation by the governor of the State of Arkansas, reciting in so many words that Mr. Wilshire or Mr. Gunter had been duly elected. There had been under section 50, of the act of 1868, passed by the Legislature of the State of Arkansas, an arranging and casting up of votes by the secretary of state in the presence of the governor. That section of the act of the Legislature is as follows:

SEC. 50. It shall be the duty of the secretary of state, in the presence of the governor, within thirty days after the time herein allowed to make returns of elections to the clerks of the county courts, or sooner, if all the returns shall have been received, to cast up and arrange the votes from the several counties, or such of them as have made returns, for such persons voted for as members of Congress; and the governor shall immediately thereafter issue his proclamation, declaring the person having the highest number of votes to be duly elected to represent the State in the House of Representatives of the Congress of the United States, and shall grant a certificate thereof, under the seal of the State, to the person so elected.

Instead of the governor of Arkansas having issued a certificate of election or having issued a proclamation reciting in so many words that either one of the claimants was duly elected, which would have been a literal compliance with the fiftieth section of the act of 1868, he proclaimed the result of the arranging and casting up by the secretary of state of all the returns from the different counties in the third congressional district. This table or abstract of the votes thus cast up and arranged shows upon its face that W. W. Wilshire had a majority of the votes cast, unless it may be contended that the number of votes recited in that table as "scattering" should be put down for one or the other of these contestants. Will any gentleman contend that, taking this table or abstract which shows a majority of the votes cast to have been cast for Mr. Wilshire unless the scattering votes are counted at a venture, it does not in substance and effect show W. W. Wilshire is elected from the third congressional district of the State of Arkansas? And will any gentleman contend that the committee of this House, upon such investigation as has been made by the committee and upon the question as now presented to the House, can presume to say that a single one of these scattering votes was cast for either one or the other of these contestants?

It will be seen by reference to this abstract of the votes, cast up and arranged by the secretary of state, that taking the number of votes put down as having been polled for "Gunther," as set forth on page 3 of the committee's report, and giving Mr. Gunter the full benefit of the votes shown on the face of the abstract to have been polled for "Gunther," it still leaves Mr. Gunter in the minority and gives Mr. Wilshire a majority of the votes cast. I repeat, unless this House comes to the conclusion that in a *prima facie* case they can take into account these scattering votes for one of these claimants, it must come to the conclusion that Mr. Wilshire received a majority of the votes and is *prima facie* entitled to the seat. It is shown on the face of this abstract that he received a majority of the votes and is entitled to a seat on this floor until a decision of the case on its merits is had.

Mr. Speaker, that is about all I have to say. When I came to the conclusion that the House intended by this resolution to submit to the committee the *prima facie* case, I had no sort of doubt or difficulty about the duty of the committee. I have now no sort of doubt or difficulty as to the duty of this House. It is important that the third district of the State of Arkansas should be represented on this floor pending the investigation of the merits. Although there are cases in the history of contested elections before this House where parties have been seated upon what was apparently a *prima facie* right to the seat and been afterwards ejected, having had to give way to the successful competitor in the case upon its merits, yet it does not change the wisdom of the policy of awarding promptly, and as promptly as it can be done, to the party who appears to be elected, his seat upon this floor, upon the principle that the people of the district are interested, and that the whole country is interested, in having every portion of the country represented.

Mr. THOMAS. How much time have I remaining?

The SPEAKER *pro tempore*, (Mr. SCOFIELD.) Thirteen minutes.

Mr. THOMAS. I had purposed to yield the rest of my time to my colleague on the committee, the gentleman from Pennsylvania, [Mr. TODD.] Does he desire to speak?

Mr. TODD. Mr. Speaker, it was not my intention to participate in this debate. As, however, the floor is awarded to me, I will say a few words. It seems to me that this is a very plain, simple case. The facts are few and the principles of law are simple; and to enable the House to understand it thoroughly there needs neither an extended

statement nor an elaborate argument. To my mind the case is identical, on all-fours, with the case of Hodges and Ganse, which was decided the other day by the House, and upon which Mr. Hodges was seated. In the Committee on Elections there was no disagreement in regard to Judge Wilshire's right on the *prima facie* case. Some of the members of the committee, however, refused to concur in the pending resolution on the ground that in the consideration or examination of the *prima facie* case certain facts were developed which led them to believe that Judge Wilshire would not be entitled to the seat upon its merits; and they were unwilling to declare in favor of seating a man on the *prima facie* case when probably they would be compelled to eject him from that seat upon the merits.

The majority of the committee, however, declined to take this view of the case, for three reasons: First, they were limited by the resolution of the House to inquire into the *prima facie* case; secondly, they regarded the *prima facie* case as separate and apart from the case on its merits and entirely independent of it; and, thirdly, they considered that pending the trial of the case upon its merits the people of the third district of Arkansas were entitled to representation on this floor.

Now, upon an examination of this case it appears that on the 5th day of November, 1872, an election for Congressmen was held in the State of Arkansas. By the law of Arkansas the precinct returns are required to be returned to the county clerk within five days after the election is held. It his duty then to make an abstract of those votes, and forward them, under his certificate, to the secretary of state, who, by the same law, is required in thirty days after that time to arrange and cast up the number of votes given for Congressman in each district; and then it is made the duty of the governor to issue his proclamation declaring the result of that election, and to issue a certificate to the member-elect.

The majority of the committee hold that under the law of Arkansas the secretary of state was constituted the canvassing board for the purpose of ascertaining the result of the election, and that the order to the governor to issue his proclamation and certificate on the ascertainment of that result was merely directory. In this case, on the 14th of December—the thirtieth day, as required by law—the secretary of state did cast up and arrange the votes given for member of Congress in the third district. By that casting up and arrangement it clearly appears that Judge Wilshire had a large majority of the votes. It is in evidence that this was done, as required by law, in the presence of the acting governor; and that the acting governor, either then, or at least not later than the 28th day of December, actually did make out and write his proclamation declaring the results, and filed that with the secretary of state in his office; but either through neglect, omission, or a willful non-compliance with his duty, that proclamation and certificate never were issued.

The committee hold that, this result having been legally ascertained by the canvassing board, and that Judge Wilshire was elected, the nonperformance of a directory duty on the part of the governor does not destroy his right to a seat on this floor. Then, if I remember correctly, the acting governor went out of office on or about the 5th of January, 1873. He was succeeded by Governor Baxter, who, upon inquiry, ascertaining that the proclamation and certificate had not been issued, assumed to discharge the duty which was incumbent on his predecessor, and in his proclamation and certificate he cites the reason. In the proclamation, which will be found on page 4 of the report, he starts out in these words:

> Whereas the acting governor failed to issue a certificate of election to the person who received the highest number of votes for Representative in Congress from the third congressional district of Arkansas, at the election held in said district on the 5th day of November, A. D. 1872.

Here, Mr. Speaker, is a clear recognition of the fact that on the 14th day of December the secretary of state, who is constituted a canvassing board, did cast up and arrange the votes cast at that election, and ascertained that Mr. Wilshire was elected. But the governor says in this proclamation that, inasmuch as the then acting governor did not issue his certificate and proclamation on that casting up, he undertakes to do it at a subsequent day.

We believe that this act of Governor Baxter, on the 18th of February, 1873, was clearly an act of supererogation; that it neither adds to nor detracts from the *prima facie* right of Judge Wilshire to his seat in this House upon the canvass made by the secretary of state on the 14th of December, 1872. If, however, there is any weight or authority to be given to this proclamation of Governor Baxter, it supplements and strengthens the certificate of the secretary of state himself, because it will be observed that, in the very table published by him, the right to the seat is admitted to be in Judge Wilshire, and the notes appended to his certificate form no part of the canvass or of the proclamation itself. That was the individual act of the governor, giving his interpretation of the character of the votes, and was wholly outside of the certificate. They can neither control, contradict, nor impair it; they are no part of the certificate whatever, because the governor, by his official character and position, was not authorized to make any of those notes, the law not conferring upon him the power to determine the canvass of votes. They are overwhelmed and overridden by the text itself, and can have no importance and no application whatever.

Now this case is presented simply in one aspect. If I apprehend rightly what has been the practice of the House heretofore it has been to determine *prima facie* cases upon the documentary and legal evidence adduced in support of them; and in no case where the *prima facie* case has been brought before the House have the merits ever been permitted to come in and interfere with the legal and documentary title. That is a question subsequently to be inquired into, and the two questions are entirely separate and distinct, controlled by different principles of law. They stand upon different and individual grounds. In this case we have the plain facts clearly stated; the *prima facie* right of Judge Wilshire to the seat is established by the canvassing board, and it is the duty of the House to seat him upon that *prima facie* right, irrespective of any result that may follow hereafter upon an investigation into the merits of the case.

I desire here to call attention to what I have no doubt is a misprint in the table submitted by the minority of the committee. On page 5 of their report there is published an abstract of returns of an election held in Pulaski County, Arkansas, on Tuesday, November 5, 1872. In that abstract there is a tabular statement of the votes cast. The first column, according to that statement, shows the votes for "W. W. Wilshire;" the second column for "Thos. M. Gunter;" the third column for "S. M. Gunter;" the fourth for "Wilshire;" the fifth for "Gunter;" the sixth for "T. M. Gunter;" the seventh for "Thos. M. Gunter;" the eighth for "Thos. N. Gunter;" and the ninth for "Thos. M. Gunter." They are all printed as if they were given for a man named "Gunter." The votes set out as given for "T. M. Gunter," footing up 343, were cast for "Thos. M. Guntee;" as also the votes footing up 138 in another column, set out as given for "Gunter," were given for "Gunther." So also in the next column there is a misprint; it should be "Guntee." And in the second before the last column, where it is printed "Thos. M. Gunter," it should have been printed "T. Ros Gunter."

Now, on the examination of this table the committee confined themselves to the question as to the number of votes given for W. W. Wilshire and Thomas M. Gunter, and they did not inquire into the question of fact whether the votes cast for "Thos. N. Guntee" or "T. Ros Gunter" were in reality votes cast for Thomas M. Gunter; for upon the face of this table the name was essentially different, and we had no authority to inquire into the question of fact whether they were the same.

Mr. SPEER. Will my colleague allow me to make an inquiry?

Mr. TODD. Certainly.

Mr. SPEER. Do not the original returns on file show that the name is "Thomas M. Gunter," and that the names returned "T. Ros Gunter" and "Thos. M. Guntee" are forgeries, made by somebody else?

Mr. TODD. I do not so understand it.

Mr. SPEER. Are not the returns on file showing the name "Thomas M. Gunter?"

Mr. TODD. I think my colleague is entirely mistaken.

Mr. POTTER. On file with the committee?

Mr. SPEER. On file with the committee; not a certified copy but the original returns. It is the certified copy that shows "T. Ros Gunter" or "Thos. M. Guntee;" the original returns show "Thomas M. Gunter."

Mr. TODD. I am not prepared to say whether my colleague is correct or not. But I do say that these names appear in the manner and spelled in the mode in which they are in the certificate of the governor as filed, and which is the only evidence before the committee.

Mr. SPEER. You refuse to look at the original returns on file with us.

Mr. TODD. The answer to that is simply this: that in considering the *prima facie* case the gentleman desires to travel out of that and investigate the merits of the case, which the majority of the committee believed were not before them. The evidence before them was the certificate of the governor, and that certificate shows upon the face of it that the names which the minority of the committee have had printed as "Gunter" were "Guntee" and "Gunther." The committee were not allowed to arrive at the conclusion that the one was intended for the other.

[Here the hammer fell.]

Mr. LAMAR. I do not desire to detain the committee in vindication of the positions which the minority have assumed in the report and the resolution which they have submitted to this House. I may, before the conclusion of the debate, correct some of the mistakes of fact into which the gentleman from Pennsylvania [Mr. TODD] has fallen as to what transpired in the committee. At present I will yield a part of my time to the gentleman from Iowa, [Mr. MCCRARY.]

Mr. MCCRARY. Mr. Speaker, it is with a good deal of reluctance that I feel bound to antagonize the report of the committee in this case. If it had been a case involving the consideration of testimony to any great extent, I should probably not have taken the pains to look into it, and should have followed the committee, as is my usual rule in such cases. But, sir, it being a simple case as to the *prima facie* right to a seat in the House pending the contest, which is to be decided upon the face of the papers themselves, I have felt it my duty to look into it, and have come to the conclusion that the case ought to be recommitted for investigation upon the merits.

I adhere as firmly as any gentleman can do to the rule which has been laid down in many cases of this character, that where there is a fair *prima facie* case made out upon the face of the credentials, the House ought not to go beyond that and make any investigation or inquiry in the first instance as to the merits of the contest. But, sir,

there is no case here upon the face of these credentials. The governor of Arkansas does not certify that either of these gentlemen was elected. His certificate only goes to the extent of stating that an abstract of the votes which is appended to the certificate is a correct abstract. This is a very significant fact, Mr. Speaker, because the statute of Arkansas itself expressly requires that the governor shall certify the person having the highest number of votes to be duly elected to represent the State in the House of Representatives.

I read from the fiftieth section of the statutes of that State, as copied in the majority report. After providing that the votes shall be counted and cast up in the presence of the governor, the statute proceeds:

And the governor shall immediately thereafter issue his proclamation declaring the person having the highest number of votes to be duly elected, &c.

Now, the proclamation which the governor issued in this case and the certificate which he subsequently issued made no statement at all as to the person who was duly elected at that election; but, on the contrary, simply made a statement of this character:

I, Elisha Barker, governor of the State of Arkansas, do certify that the foregoing statement, with the explanatory notes, is a full, true, and correct exhibit of the votes polled for Representative from the third congressional district, &c.

Now, I grant you, Mr. Speaker, if that statement showed upon its face necessarily or *prima facie* that any gentleman was elected, this certificate of the governor might be held to be sufficient. But the certificate itself refers us to the schedule, and simply declares that that schedule is a correct statement of the votes as returned.

Now, sir, does the schedule show that Mr. Wilshire was elected? Gentlemen say that it does, because it shows that he received more votes than any other individual who is therein named. It shows that Mr. Wilshire received 12,522 votes, while Thomas M. Gunter received 11,961; and it shows 1,456 votes returned as "scattering." That is a very remarkable fact upon the face of it. I should be inclined to suspect that there was something wrong with a certificate that returned so large a number of votes as "scattering" without having said for whom they were cast.

But the governor appends as part of the certificate what he calls "explanatory notes;" and in those explanatory notes we are told that these scattering votes were polled for "S. M. Gunter," "T. M. Guntee," "Thos. M. Guntee," "T. Ros Gunter," and "Thos. M. Crenter." Nearly 1,600 votes referred to as scattering are in this note shown to have been cast for the names that I have read.

Now, Mr. Speaker, it is almost self-evident—it is morally certain to every man who will give a moment's reflection to the matter—that every one of these votes thus referred to in the governor's certificate, and made a part of it, were intended to be cast for Thomas M. Gunter. It is a very easy thing to change a capital "T" into a captal "S." Perhaps it may have been originally written "T. M. Gunter" and returned by some person's mistake as "S. M. Gunter;" or, what is perhaps more probable, returned in that way by design.

Then, here is the name "Guntee." Unquestionably it is simply a change of the last letter from an "r" to an "e," making it read "Guntee" instead of "Gunter." Then I call the attention of the House to the name printed "T. Ros Gunter," which is undoubtedly in the original "Thos." or "Thomas"—at least I have no doubt of it myself. There is a large number of votes returned as scattering because the name was written in this way.

I call attention of the House to these matters not because they pertain to the case on its merits, for I do not go into that; I call attention to them because they are a part of the governor's certificate itself. He returns to the House this one in which he returns these votes as scattering which are set down to these names. Will anybody say such a paper as that on the face of it shows Mr. Wilshire was elected as the Representative from that district? If there was no explanation in regard to the votes returned as scattering, it might be claimed with some show of reason we are forbidden to inquire whether any of them was intended for either of these gentlemen; but when explanation is given, I say it makes it morally certain to every man in the House these votes were thrown out because the orthography of the name had been slightly changed when they were fairly and honestly cast for Mr. Gunter.

Now, since the governor does not certify either of these gentlemen is elected, since he returns to us this abstract and refers us to these votes, and since on the face of these papers it is apparent there is at least great doubt as to the question which of these gentlemen is elected, it seems to me it is a case which ought to go to the committee for investigation on the facts.

Reference has been made to a case decided in the last Congress, and the report of the committee seems to be based largely on the precedent established in that case. I refer to the case of Mr. Clark, of Texas. If any gentleman will take the pains to examine that case, he will see it was a very different case from this. In that case the statute of Texas created a board of officers known as the returning board. It conferred upon them judicial powers. It authorized them to investigate the charges of fraud, intimidation, and violence at the polls, and it empowered them, upon such investigation, to reject any polls they believed ought to be rejected. The governor certified that Mr. Clark was duly elected, but went on to say a large number of votes had been rejected by reason of violence, intimidation, and fraud under the statutes, and the testimony was laid before the committee. What the House decided in that case was, this board of officers, created by the statute of Texas, having judicial power in the premises, having decided the question and declared Mr. Clark to be duly elected, and declared certain polls to be tainted with fraud and violence, their action was *prima facie* correct, and must be accepted by the House until after the investigation into the facts, and it was ascertained it was not correct. This is a very different case. The governor of Arkansas, as I have already said, does not decide the question. He does not declare anybody to be elected. In violation of the statutes of the State, he declines or refuses, or at any rate he fails to certify, but lays before the House these returns and this schedule, and leaves it for us to determine.

I say under these circumstances the committee ought to investigate the facts. If I am not mistaken it will turn out on the proof—and I judge only from what I saw on the face of these returns—it will turn out these votes returned as scattering were fairly and honestly cast for Mr. Gunter, and the confusion has arisen either by mistake or design in changing one or the other of the letters of his name, making it what we see in these returns. I suppose the evidence has been taken, and I presume the case can only be decided on its merits. This district cannot be long left without representation upon this floor. But if I am compelled to make a choice between admitting to a seat pending the contest the gentleman who, from the papers before me, was not elected, or leaving the district vacant until there can be an investigation, I prefer the latter course. But I do not care to prosecute the consideration of this case any further.

Mr. G. F. HOAR. I should like the gentleman from Mississippi [Mr. LAMAR] to yield to me two or three minutes.

Mr. LAMAR. I yield to the gentleman.

Mr. G. F. HOAR. I had the honor of making the report from the Committee on Elections of the last House in the case of Clark and Giddings, which it is claimed is the authority upon which the present committee have proceeded. I desire to read one sentence from that report. That single sentence seems to me to sum up the whole case:

It is enough for a *prima facie* case if a certificate come from the proper officer of the State, and merely shows that the person claiming under it has been adjudged to be duly elected by the official or board on whom the law of the State has imposed the duty of ascertaining and declaring the result.

Mr. THOMAS. If the gentleman will permit me, I will say that that case was merely cited to show that no special form was required. Suppose that instead of having the words "duly elected," the governor had said that Mr. Clark had received 20,000 votes and Mr. Giddings 5,000 votes, and said no more, would not that have been equivalent to declaring Mr. Clark elected?

Mr. G. F. HOAR. I will come to that presently. To give a man credentials, that is to give him a certificate which entitles him to have the Clerk put his name on the rolls of the House, the adjudication and certificate of the proper State officer are necessary, showing in some form that he was duly elected. Now in the case of Giddings *vs.* Clark, the governor and secretary of state declared in terms that Mr. Clark was duly elected, and the question was whether or not, under the law of that State, they were the proper certifying officers; and we held that they were.

But in this case the governor does not declare any such thing. If a certificate declares that on counting the votes it appears that John Brown had 1,000 votes and that John Smith had 950, and that 100 votes were scattering, it does not show whether the person who received those scattering votes was or was not the same person or one of the other candidates to whom the addition of those votes would give a majority. And this certificate does not declare whether the law of that State makes a majority or plurality necessary to elect.

Now, if you go into that question you go into the merits. You cannot go into the State law on the *prima facie* case or into the facts except just far enough to see who is the proper certifying officer. You are to do just what the Clerk of the House would do if the party presented himself before the House and asked to have his name put on the roll.

Now, in answer to the question of the gentleman from North Carolina, [Mr. THOMAS,] I will say that I conceive that no form of words is necessary in the credentials; that if the governor or secretary of state says it appears a man was duly elected, that will do; that if he says an election was duly held, at which A B had all the votes, which is substantially the same case as the gentleman put, that would be sufficient. But it must appear clearly and distinctly that there was an adjudication in some form by the governor, that he declared his opinion in such a form that it becomes a necessary inference that that was the result.

Now here there is no such statement. The certificate of the governor is entirely consistent with the statement that either Wilshire or Gunter was duly elected, because he says Wilshire had so many votes, Gunter had so many votes, and that there were so many scattered votes polled for Guntee, so many for Gunter, and so many for other persons, without saying for whom that large number of votes was to be counted. He leaves that entirely indeterminate; and, therefore, I submit that the case of Clark and Giddings is a direct authority, as far as the opinion of the committee goes, for Mr. Gunter, and not for Mr. Wilshire; and, in fact, is a direct authority against seating Wilshire on a *prima facie* case before the merits are investigated.

Mr. LAMAR. How much time have I remaining?

The SPEAKER *pro tempore*, (Mr. SCOFIELD.) Thirty-five minutes.

Mr. LAMAR. I yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. It has been my misfortune in election cases to sometimes differ from my friends on this side of the House, so much so that it has occurred that I have been the only member on this side of the Hall voting as I did. In the Forty-first Congress I was for a short time a member of the Committee on Elections, the chairman of which was Mr. Paine, of Wisconsin, a very radical republican, but a sound lawyer and an honorable man. During the brief time that I was on the committee with that gentleman I never had occasion to differ from him on any election case. I also served for a short space in the Forty-second Congress on the Committee on Elections, of which my friend from Iowa who has spoken in this case [Mr. MCCRARY] was chairman; and if my recollection serves me, I rarely or never had occasion to differ with him in regard to any case which came before that committee. And I am glad to be able to-day to find myself clear in taking exactly the same views of this case as he has done.

This is, as the gentleman from Pennsylvania [Mr. TODD] has said, a case of apparent right, not of merits. But all that clearly appears, as I think, is, that the *prima facie* case is with nobody. The law required the governor of Arkansas to declare who was duly elected. And if he had so declared, even if he had declared it erroneously, we should be bound in the first place, and until investigation of the merits could be had, to accept his certificate; but he has taken good care in this case to declare nothing of the kind.

There were two governors in power during the period covered by these certificates, and they have neither of them certified any person to have been elected from the district in question. In the first place, acting Governor Hadley refused to make any certificate, and thereupon the succeeding governor, Governor Baxter, because his predecessor has refused to take any action, proceeds in accordance with law to declare—what? Who is duly elected as the statute provides? Not a bit of it. But he proceeds to declare the returns of certain votes cast, which returns he sends here to us, expressing no conclusion from them whatever.

Now, even if—as I am not prepared to concede—even if it be true that we could look at that return and determine the *prima facie* right by that alone, the return, as has been well said by the gentleman from Iowa, [Mr. MCCRARY,] shows no right in Mr. Wilshire. It discloses when analyzed this condition of things: that Mr. Wilshire by his full name received 12,644 votes; that Mr. Gunter by his full name received 11,499 votes; that Wilshire without any pre-name received 12 votes; and Gunter without any pre-name received 591 votes, making for Wilshire 12,656 votes, and for Gunter 12,090 votes, leaving, as the count then stood, 566 majority for Wilshire. It then shows certain counties that, perhaps, ought not to have been included at all, because they were not by law in that congressional district. One of these gave majorities for Wilshire, the other for Gunter. Subtracting the vote in both, we would have 50 votes more to add to the majority for Wilshire. Then an error is stated in Washington County, which would make, if allowed, Wilshire's majority 656 votes. And then there is a return from Pulaski County giving 1,456 votes to various names of Gunter.

Now, in order to determine upon that return that Wilshire is elected, we must take it for granted and assume that those 1,456 votes from Pulaski County, or the majority of them, at least, were not intended for Gunter. Without that assumption, even this certificate makes no *prima facie* case for Wilshire. But the moral probability, as the gentleman from Iowa [Mr. MCCRARY] says, is immense that these votes were all intended for Gunter; for they were votes for a person whose name answers so closely to his that the slightest miswriting would produce such a result as was produced. We have therefore a showing here in which Mr. Wilshire has more votes than Mr. Gunter by name, excluding all these alleged miswritten votes, but have also to deal with 1,456 votes more, some of which certainly were cast for Gunter, and all of which probably ought to be counted for him, and which appear by this very certificate equally with all the other votes for either candidate. Had the return stated how many of these so-called scattering votes were for each name we might decide at once what, like the votes for "Crenter," ought not to be allowed *prima facie* to Mr. Gunter. But the certificate does not give this, and we therefore cannot tell how many of these misspelled votes should be allowed; but since they may amount to votes enough to overbalance the majority in the other counties for Wilshire, you cannot say, judging even by the certificate alone, that Mr. Wilshire is elected.

Upon such a return as this, I say that nobody would be justified in saying that Wilshire was elected. On the contrary, if it justified anything, it would justify the opposite conclusion. But I think the minority of the committee are right in saying the certificate itself does not justify any conclusion at all as to who was elected, and therefore this matter should be recommitted to the committee, to be proceeded with upon the merits.

It is very significant to my mind that when the law required the governor of Arkansas to make declaration of who was elected, he should have declined to do anything of the kind. The gentleman from Pennsylvania [Mr. TODD] says we must discard this certificate which the governor did give and take the former count of the secretary of state. The law says nothing of the kind, and if the gentleman will look at the two counts made by the secretary of state, he will see that these counts do not agree. In the former count, made prior to the 13th of January, he gives a different result from what he gives in the count he made on the 14th of February. Besides, even in that first count he returns 1,127 as scattering votes, which it appears by the subsequent certificate should, to some extent at least, be counted for Gunter, although in this first certificate they are returned under the general lump head of "scattering."

Now, it may be well to notice in this connection what has been the practice in the State of Arkansas. The law says the governor shall declare who is elected under the seal of the State. I hold two certificates in my hand—one for the first district of that State for the Forty-second Congress, and one for the second district for the present Congress. The certificates, as the House will see, are gotten up with most elaborate seals, finely engrossed, and in due form. The one declares as follows:

I, J. O. Hadley, acting governor of the State of Arkansas, do hereby certify, that at the general election held on the 5th day of November, 1872, O. P. Snyder was duly elected a member of Congress to represent the State of Arkansas in the Congress of the United States beginning March 4, 1873, from the second congressional district of this State.

That is the one for the last Congress, and the other for the present Congress is exactly in the same form, and equally formally got up. And yet this identical Governor Hadley, who signed both of those certificates, refused to give to Mr. Wilshire any certificate of this kind at all. On the contrary, he refused to give him anything. His successor sends, what? Nothing but this tabular result of votes, which, if it shows anything, shows that Mr. Gunter was elected, as the gentleman from Iowa says. Upon that state of things it would be a very dangerous precedent, as it seems to me, to attempt to seat anybody; certainly to seat Mr. Wilshire.

One word to the gentleman who reports this resolution [Mr. THOMAS] about the case of Covode and Foster. He refers to that case as one of authority, and says it is decisive of this case; it was exactly parallel. In that case the governor of Pennsylvania gave certificates to every member elected from that State, except in the district in which Covode and Foster ran. In regard to that district he refused to certify who was elected, just as the governor of Arkansas refused to give any regular certificate for the district in question here. In the Covode and Foster case the governor of Pennsylvania sent certain lists of figures here, and a statement in which he declared that in his opinion Mr. Covode was elected. Upon that the gentleman from Pennsylvania [Mr. CESSNA] introduced a resolution to the effect that Mr. Covode had the *prima facie* right to a seat. But the chairman of the Committee on Elections moved as a substitute for that resolution that which I send to the Clerk's desk to be read, and which will be found in the Congressional Globe.

The Clerk read as follows:

Resolved, That the contested-election case from the twenty-first congressional district of Pennsylvania be recommitted to the Committee on Elections, with instructions to report, upon the merits of the case, who is entitled to represent said district in this House, with authority to make regulations in reference to the mode of conducting the contest and taking testimony.

Mr. POTTER. That resolution is exactly like the resolution reported from the minority of the committee in this case, and it was then adopted; and by turning over to the next page of the Congressional Globe gentlemen will see the vote by which the House adopted that resolution, refusing Covode the seat on his *prima facie* case, and recommitted the case to the committee. That is exactly the precedent which I think should be followed in this case, and is the only action which this certificate, upon which alone our action is now to be predicated, seems to me to justify.

[Here the hammer fell.]

Mr. LAMAR. I yield to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. Mr. Speaker, I had no thought of saying a word upon this subject; but some chance remarks which I have made in conversation upon the question have, as I judge, led the gentleman from Mississippi to call me out. I have been looking over the report in this case, seeking to make up my judgment as to how I should vote; and I will say plumply, to begin with, that if I am required to decide to-day, I shall vote to seat Mr. Gunter. If it be thought best that the case shall go through the form of recommitment, so that there may be some further investigation into the matter, I am willing to vote with the minority of the committee in favor of that proposition; but judging by what appears in this report, I do not see how any man can have a reasonable shadow of doubt that Mr. Gunter was the man elected by the people of that district.

This paper of the governor, which is not a certificate of election, but a certificate of certain returns, shows that Mr. Wilshire received 12,644 votes; that Thomas M. Gunter received 11,499 votes, and that there were a number of scattering votes for "Guntee," "S. M. Gunter," "T. M. Guntee," "Thos. M. Guntee," "T. Ros Gunter," and "Thos. M. Crenter," and also 591 votes for "Gunther." No one can doubt for whom those 591 votes were intended. There was no man named Gunther running; and those votes beyond question must have been intended for Mr. Gunter. There were over 1,400 votes in Pulaski County which are returned as "scattering." Now, we find the

return of that county on page 11 of the report, and it clears up a good deal of the mystery which arises in connection with the following note to the general abstract:

The scattering vote in Pulaski County given to "Wilshire," "Guntee," "S. M. Gunter," "T. M. Guntee," "Thos. M. Guntee," "T. Ros Gunter," and "Thos. M. Crenter," is a literal copy of the clerk's returns.

Now if any man will amuse himself by taking a pen or pencil and scribbling the name "Thomas M. Gunter," he will see how very easily a careless or dishonest clerk might make all those variations of the name. But, as I have said, this note is explained in a great measure by the return from Pulaski County, as given on page 11, from which, if it be truly printed, it appears that there was for "S. M. Gunter" 1 vote; for "Thomas M. Gunter" 343 votes; for "Gunter" 138 votes; for "T. M. Gunter" 353 votes; for "Thomas M. Gunter" 50 votes; for "Thomas N. Gunter" 33 votes; for "Thomas M. Gunter" 506 votes; for "Thomas M. Crenter" 32 votes. These 32 votes for "Thomas M. Crenter" are the only ones about which any man can have any doubt; and yet it is about as easy for a dishonest or careless clerk to write "Thomas M. Crenter" as to write "Thomas M. Gunter." Now if you treat these vote according to the obvious intent of the people of the district in casting them, you obtain from 900 to 1,400 majority for Mr. Gunter.

With these things before us in the reports and in the documentary evidence, what sense can there be in giving Mr. Wilshire a seat upon what is called a *prima facie* case? Sir, the philosophical reasons, if I may use the expression, or the judicial reasons, for awarding a *prima facie* seat, are absent in this case. It is not necessary to the organization of the House or to the commencement of the business of the nation that the *prima facie* seat be awarded to anybody. Two months and a half of the session have gone by, and nearly all the documentary evidence upon which the contest on the merits is to be decided is already before the committee. Though I do not know that I have any right to say it, yet I cannot see how the committee itself can have any doubt as to who is ultimately to occupy this seat; and perhaps it is not unkind to add that I do not see how Mr. Wilshire himself can come here and say that he has any right to a seat in this House.

I have never made any inquiry concerning the politics of these claimants. I suppose, however, from what I have heard, that Mr. Wilshire is a republican and Mr. Gunter a democrat. Of course, however, that has nothing to do with the judicial determination of the case. As I have said, unless there should yet be made some very strong statement in contradiction of what appears on the face of the papers from the committee, I should individually feel safe in voting at this moment to seat Mr. Gunter. I certainly shall not vote to give Mr. Wilshire a seat for one hour.

Mr. LAMAR. I yield to the gentleman from Illinois, [Mr. MARSHALL.]

Mr. MARSHALL. Mr. Speaker, I shall occupy the time of the gentleman (which is so nearly exhausted) for not more than two or three minutes. Indeed, since I conceived the idea of making a remark or two on this case, the principal points that I intended to make have been presented by other gentlemen around me so much better than I can hope to present them, that I have in fact ceased to desire to submit any argument upon this question. It seems to me most manifest that the majority of the committee have mistaken, not only the effect of the credentials which were before them, but the purpose of the House in submitting this case to the committee for their report. If there had been any credentials showing clearly *prima facie* who was entitled to represent the third congressional district of Arkansas in this House there would have been no necessity for a reference of the case to the committee. But it is manifest that there were no such credentials before the House. The Clerk of the House, with the authority conferred upon him by law, declined so to decide, and refused to place the name of either of these gentlemen upon the roll as a member of the House; and as I have suggested, if it had appeared on the face of the credentials that either claimant was clearly entitled to be sworn in as a member there would have been no necessity for a reference. But it is manifest that the proclamation of the governor does not show who was elected or who was entitled to the seat. As has been remarked by the gentleman from Connecticut, [Mr. HAWLEY,] if we were compelled to decide to-day as to which of these gentlemen is entitled to represent the district during the residue of this term, it would, as I conceive, be manifestly the duty of the House to give the seat to Mr. Gunter instead of Mr. Wilshire, and that without looking further than the facts appearing in the proclamation and certificate of the governor. Indeed, the manner in which the vote is given shows a fraudulent purpose somewhere to deprive Mr. Gunter of the seat to which he was clearly elected, and it does not become this House to permit this fraud to be consummated. Over 1,400 votes given for Gunter are returned as "scattering," without setting forth the persons for whom they were cast. Perhaps no better illustration could be given of the maxim that fraud deals in generalities.

Upon the papers before us for our determination it is impossible for any member, it seems to me, to look at them, and from them alone to come to the conclusion that Judge Wilshire is entitled to a seat on any *prima facie* case before this House.

But I wish to make this one point, and I rose simply for that purpose. The authority of the committee to act in this case was derived from the resolution referring the case to the committee.

Now, what was the resolution? It was that—

The credentials and papers in possession of the Clerk of the House, in the cases of contested elections from the first and third districts of Arkansas, be referred to the Committee on Elections, with instructions to report at the earliest day practicable who of the contesting parties are entitled to be sworn in as sitting members of this House.

It was not that the mere proclamation of the governor containing columns of figures to be added up should be submitted. That could have been easily done at the bar of the House; that was not the duty devolved upon the committee by the resolution of the House; but that the credentials and papers in the Clerk's office, including of course the notes contained in the governor's proclamation, should be submitted. They were all, by the resolution, referred; and on the whole of these papers the committee was to decide who was entitled to be sworn in as sitting member. With that resolution, which gave the only authority, the committee had to act in the case. The majority has not, and does not pretend to have, looked further than this table of votes, and has refused to look at the notes appended thereto, which are as much a portion of the proclamation, and as important for understanding the case, as any other part.

It is argued, indeed, on the other side, that they had no right to go further, and that in face of the fact that the resolution which gave jurisdiction to the committee, gave them directions to look into not only the credentials, but also the papers in possession of the Clerk of the House. And it has been stated here on the floor by a member of the committee, and not controverted, that the original returns of the election, now in the hands of the committee and referred for their information, show that the 1,456 votes given in the proclamation as scattering were in fact cast plainly for Thomas M. Gunter, giving him a clear majority of all the votes cast. Yet with these papers in the hands of the committee, with the resolution of the House directing them to look into these papers, they have declined to do so, and they come here and report in favor of seating a gentleman whom even the proclamation of the governor, fairly construed, fails to show has received a majority or plurality of the votes cast.

Mr. SMITH, of New York. I ask the gentleman to yield to me for one moment. I intended to keep out of this debate, but I wish to correct the gentleman from Illinois in his statement. The paper was before the committee upon which the secretary of state acted and the governor in making his proclamation, and these votes are given correctly in the end of the governor's proclamation. There was a subsequent paper, which is said to be in evidence in the case, never in the office of the secretary of state, which I have never seen, although I have looked for it among all the papers.

Mr. SPEER. The original returns from the respective counties are on file in the room of the Committee on Elections. They were referred there by this House; but when they were called for by a member of the committee investigating this case a majority of the committee refused to look at them.

Mr. SMITH, of New York. I desire to correct my colleague. I do not know what action the committee has ever taken to which he alludes. They have never refused to look at these papers on the application of any member of the committee; nor has any member of the committee here, or in their report, claimed the right to go to those papers.

Mr. SPEER. I do not know whether the gentleman belongs to the majority or not. I know he did not vote either way in the committee.

Mr. MARSHALL. I will conclude with the simple remark that the resolution referring this case directed the committee to look not only into what are called credentials, but which in fact are not credentials, but into all of the papers in the case in the possession of the Clerk of the House; and they do not pretend that such papers would make a case favoring the resolution which they have reported. I fear that I have already trespassed too far upon the kindness of the gentleman from Mississippi, whose brief time I am consuming. I have not thought proper to attempt to add to the force of the argument so forcibly made by other gentlemen on the questions arising on the face of the pretended credentials. Confining the investigation to that alone, it has been conclusively shown that the case should be recommitted, and I shall therefore vote for the resolution reported by the minority.

Mr. LAMAR. I yield to the gentleman from Arkansas.

Mr. HYNES. I thank the gentleman for his courtesy, although I fear the limited time allowed me will be too short to do justice either to the case or to my views. I represent the constituency interested in the settlement of this question equally with the gentlemen claiming seats in this contest, representing as I have the honor to do the State of Arkansas at large. I therefore feel it incumbent upon me to say what I shall upon this question. There is nothing of party in it; there is nothing of personal preference. Both gentlemen are my personal friends, and I should be glad to have them both in Congress. But we are not now electing a member of Congress. Our votes are not constituent votes to make a member of Congress. That is supposed to have been done by the electors of the third congressional district of Arkansas. We are simply, under our oaths and responsibility as members, saying who in our opinion was elected, and who is entitled to a seat upon this floor upon the papers before us.

I introduced the resolution which referred the credentials and papers in the hands of the Clerk of the House to the committee for

the determination of the question who was entitled to be sworn in as a sitting member upon this floor. I submitted that resolution to the contestants upon both sides; both sides, I suppose, understanding perfectly well what papers were in the Clerk's possession, and therefore what papers would be referred to the committee.

Now, Mr. Speaker, the first inquiry is, what is the evidence before the committee? The House can only know so far as it is presented to us in the reports from the committee. Has either one of the gentlemen a certificate of election from the governor, as required by the State statute? Of course one of the parties has this and the other has it not, such party is at once entitled to a seat *prima facie* upon this floor; and the Clerk of the House has done him great wrong in not having originally placed his name upon the roll of the House. If both parties have certificates of election, then both are equally entitled so far as the certificate can give title; and therefore both are worthless, because, of equal solemnity and force, they falsify each other.

The majority report says that Mr. Wilshire has such a certificate. The minority report informs us that Mr. Gunter has precisely a similar certificate.

But it is said that the failure of the governor to issue a proclamation and certificate cannot deprive the party of any right growing out of his election. Of course not. It only deprives him of a proclamation and certificate as evidence of that fact, and compels the House to find other evidence thereof. But it is held that the succeeding governor did, two months after said canvass, make proclamation and did issue a certificate of the result. Well, assuming that he had the right to do that, what should he have done? The canvass had already been made as the law required. The secretary of state certifies that it had been made. The law also required that the secretary of state keep a record of such canvass. The canvass was a ministerial act, and when executed was exhausted. Now, if the succeeding governor wanted to issue a proclamation or certificate, will it be denied that he should have issued such proclamation or certificate upon the canvass so made? But he does nothing of the kind. The certificate itself shows that it was based upon a canvass made just two months after, entirely unknown to the law, and setting forth different results from that discovered by the original canvass. This of itself would vitiate the certificate.

But I think it is clear that the governor never intended the paper called by the report a certificate to be understood as anything of the kind. His foot-notes clearly show that, as well as the fact that each gentleman obtained precisely the same thing from him, while the law provides that he shall give the certificate only to the party elected.

But let us see what is this which the committee calls a certificate. Why, Mr. Speaker, let me direct the attention of the House to the terms in which this paper describes itself: "Abstract of the returns of election." It is simply a certified copy of an abstract in the office of the secretary of state, only that the governor assumes the functions of the secretary of state, and certifies to it instead of that officer, making it wholly worthless even as a copy of a record, so that in law it is not worth the paper upon which it is printed.

But give them all the weight they were intended by the governor to have—that of certified copies of a public record—and let us see what they are worth. We have one certified copy, under the seal of the secretary of state, who is the proper officer to certify to public records; and one under the signature of the governor, attested by the secretary; both purporting to be copies of the same original, with the exception that the returns from Johnson County are included in the latter. We have the certificate of the secretary of state, assuring us that the only returns received between the canvass of December 14, 1872, of which the certificate of the secretary of state gives us an abstract, and that of February 14, 1873, of which the governor purports to give us an abstract, were those received from Johnson County; and yet we find Pulaski County returned in the one 11,961, for Thomas M. Gunter, and in the other 11,499; while in the one 184 votes from Newton County are given to Thos. M. Gunter, and in the other given in a separate column for Thos. M. Gunther.

Now, Mr. Speaker, this is no time for characterization. Sufficient for me to say that these facts alone turn this document out of doors, even as a copy of record.

But having exposed the character of the certificates, yet, such as they are, let us see what they show. They show 26,202 votes cast in all, of which W. W. Wilshire lacks over 900 of receiving a majority. Now, who has received that majority? It is given to various modifications of the name of Thomas M. Gunter. They show upon their face that the certificates of the secretary of state and governor are not true when they say that they show a full, true, and correct statement of the vote as shown by the records on file in the office of secretary of state. It is not full, true, or correct, because it aggregates the votes of Caroline township 506, and of Ashby township 227, and so on with over 1,400 votes as scattering, when they are certainly large enough for separate columns if 12 votes for Wilshire is a number sufficient for that purpose.

But to return to the question whether there is a certificate of election. Our State statute requires in its fiftieth section that after the canvass—

> The governor shall immediately thereafter issue his proclamation, declaring the person having the highest number of votes to be duly elected to represent the State in the House of Representatives of the Congress of the United States, and shall grant a certificate thereof, under the seal of the State, to the person so elected.

Has that been done? Does it require that the certificate shall be granted to all the persons who are candidates, and can we suppose that the governor expected us to regard it as a certificate when the same document is issued to both contestants? Has the governor issued it to the party elected, or does he declare that anybody is duly elected? Not at all. It may be argued by the majority of the committee that after the certificate was issued to Mr. Wilshire, it was then competent for somebody to issue a copy of the same as a public record to Mr. Gunter. But if that were the case the certificate would have been of record and the secretary of state would have been the proper officer to have certified a copy of it to Mr. Gunter. But we see by the foot-notes, as well as by the duplicate certificates, that the governor never expected that he would be regarded as certifying anybody elected.

So, Mr. Speaker, we discover that this is not a certificate of election at all, that it has none of the elements of a certificate in it, and that it never was intended to be regarded as a certificate of election by the officer who issued it.

As my time is limited, I will not delay further upon this branch of the case. What do we find in the absence of any certificate of election? I agree with the reasoning of the minority in every respect but one, and it is this difference which has led us, I think, to different conclusions. The minority seem to labor under the mistake that the secretary of state has certified to the correctness of both these statements of the vote. Of course, if that were so, I should agree with them that, being contradictory, they were both worthless, and forced us to go to the merits for any ascertainment of the results. But that is not so. The secretary of state is not responsible for a single statement signed by the governor. His name comes to be on the certificate only in attestation of the governor's signature; and that signed by the governor being of no value at all, as he is not the proper officer to certify to a public record, the secretary's certificate stands as far as it goes.

In the absence of such a certificate, what is the House then forced to do? To take the next best evidence that is at hand, as the report of the majority says. What is the next best evidence? It would be the original returns in the offices of the various county clerks in that district, if we could have them here; but we cannot get them, because the law requires that they shall be kept on record there. If we cannot get them, what is the next best thing we can get as the evidence upon which to determine the *prima facie* case of the Representative from the third district of Arkansas? Why, certainly, copies of these original returns, just what the governor decides from, in the office of the secretary of state. Have we copies of the original returns? We have them only so far as Pulaski and Scott Counties are concerned.

Mr. TODD. Will the gentleman allow me to ask him a question?

Mr. HYNES. Certainly.

Mr. TODD. I would ask the gentleman whether under the law of Arkansas the precinct returns are sent to the secretary of state, or whether the law of Arkansas does not simply prescribe that an abstract of these precinct returns shall be made by the county clerks, and that abstract certified to the secretary of state, so that there is no provision in the law of Arkansas by which the precinct returns shall get into the office of the secretary of state.

Mr. HYNES. That is true.

Mr. TODD. Therefore the argument of the gentleman, that we should go to those original returns, as found in the office of the secretary of state, refers to a record that cannot exist, and for which there is no authority of law.

Mr. HYNES. I must have failed to state my point sufficiently clearly, for I see I am misunderstood by the gentleman. The original returns in the offices of the county clerks of the various counties, to which I have referred, and which are known as county clerks' returns, the clerks are bound by law to retain; that is, the original abstracts made by them from the precinct returns and of which they send copies to the secretary of state. My position is that, in the absence of the governor's certificate, the best evidence it is possible for us to get is the certified copies of the original abstracts in the offices of the county clerks, and that they must rank as evidence the certified abstract of the copies to be found in the office of the secretary of state.

Mr. POTTER. If copies of these returns of the county clerks sent to the secretary of state had spelled "Gunter" "Guntee," that fact would be disclosed by an examination of the originals.

Mr. HYNES. Very likely. Let me repeat; my inquiry is, what do we find on record from which to determine a *prima facie* case? We find copies of the original abstracts in the offices of the clerks of Pulaski and Scott Counties; and as far as they go they are the best evidence that we have. So far as evidence from the other counties is concerned, we have to take the next best which we can find, and that is the evidence contained in the certified abstract of the secretary of state.

[Here the hammer fell.]

I ask permission of the House, as this is a matter of great interest to my constituents, to proceed a little longer.

The SPEAKER. The gentleman from North Carolina [Mr. THOMAS] is entitled to the floor.

Mr. THOMAS. I was about to call the previous question, but I do not object to an extension of time for the gentleman.

Mr. HYNES. Now for the other counties. After considering the copies of the original abstracts from Pulaski and Scott Counties, we have to rely upon the certified copies or abstract of copies in the office

of the secretary of state. These added together elect Mr. Gunter—without any of the modifications of names, amounting to 100 votes—by a majority of about 1,300 votes. It is not in our power to use the copy of the copy, which scatters the votes, when we have before us a copy of the original, upon which to ascertain the vote of Pulaski County, and which does not scatter.

I therefore dissent even from the conclusion of the minority of the committee, and hold that upon the papers that have been brought back to the House by the committee, giving rank to the strongest testimony, a clear *prima facie* case has been made out for Mr. Gunter, and that it is the duty of this House to seat him upon the case that has already been made.

Thanking the House for its indulgence, this is all I desire to say at this time. If the previous question is not seconded, and I can get the opportunity, I shall move to amend the resolution of the gentleman from North Carolina, [Mr. THOMAS,] by inserting the name of Thomas M. Gunter in place of that of W. W. Wilshire, and test the disposition of the House upon it.

Mr. THOMAS. I now call the previous question.

TREASURY CONTRACTS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of February 13, 1874, in relation to contracts made under the authority of the Treasury Department in compliance with the act of May 8, 1872; which was referred to the Committee on Ways and Means, and ordered to be printed.

CONTINGENT FUND OF TREASURY DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of expenditures from the contingent fund of his Department for the fiscal year ending June 30, 1873, in compliance with the act of March 3, 1869; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL-SERVICE REFORM.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting reports from the various Bureaus in his Department in relation to civil-service reform; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

H. K. BROWN'S STATUE OF WINFIELD SCOTT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the memorial of H. K. Brown, for an additional allowance for his equestrian statue of General Winfield Scott, lately erected in this city; which was referred to the Committee on the Library, and ordered to be printed.

IMPROVEMENT OF GALVESTON HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to an appropriation for the improvement of Galveston Harbor, Texas; which was referred to the Committee on Commerce, and ordered to be printed.

INDIAN AFFAIRS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849;" which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF MILITARY PRISON COMMISSIONERS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to an appropriation for the payment of two commissioners from civil life appointed on the military prison board under the act of March 3, 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF OHIO RIVER.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the improvement of the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

COAST SURVEY REPORT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, transmitting the annual report of the Superintendent of the Coast Survey; which was referred to the Committee on Commerce, and ordered to be printed.

INDIANS OF SILETZ AGENCY, OREGON.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, in relation to the condition of the Indians of the Siletz agency, in Oregon; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MARTIAL LAW IN THE DISTRICT OF COLUMBIA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the date of the President's proclamation declaring martial law within the District of Columbia, and the period of its continuance; which was referred to the Committee on Military Affairs, and ordered to be printed.

NAVAL APPROPRIATIONS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Navy, in answer to a resolution of the House of December 9, 1873, in relation to the appropriation made for the fiscal year ending June 30, 1874; also how much of said appropriation was expended prior to January 1, 1874; and also how much of the $4,000,000 appropriated by the present Congress has been expended, and for what purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

SEA-BOARD AND ROANOKE RAILROAD.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to House bill No. 785, for the relief of the Sea-board and Roanoke Railroad Company; which was referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1761) granting certain swamp lands in Holt County, Missouri, to said Holt County, for school purposes; and

An act (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general.

ARKANSAS ELECTION CONTEST—GUNTER VS. WILSHIRE.

The SPEAKER. The question is on the seconding the demand for the previous question.

The question being taken, there were—ayes 79, noes 48.

Mr. ARCHER. I call for tellers.

The SPEAKER. As no quorum has voted, the Chair will order tellers, and appoints the gentleman from North Carolina, Mr. THOMAS, and the gentleman from Maryland, Mr. ARCHER.

Mr. WILLARD. I wish to make a parliamentary inquiry. If the previous question be seconded what will be the first question to be voted on?

The SPEAKER. The first question will be upon the resolution of the minority of the committee, which has been offered as a substitute for the resolution of the majority, and which proposes to recommit the question.

Mr. HYNES. If the gentleman from North Carolina will yield to me, so that I may get in my amendment and test the sense of the House upon it, I will not resist the previous question.

Mr. TODD. I understand that the gentleman from North Carolina [Mr. THOMAS] did yield for the purpose of enabling the gentleman from Mississippi [Mr. LAMAR] to offer his amendment.

The SPEAKER. That was the understanding when the report was made; and the Chair stated this morning that such was the state of the case. The Chair begs to state in regard to election cases the uniform habit has been, whatever phase may be presented, to let the propositions proceed *pari passu*, and have a vote on each. That is in accordance with the usage of the House, and the Chair regards that amendment as pending.

Mr. ARCHER. I withdraw my demand for tellers.

The previous question was seconded, and the main question ordered.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed a joint resolution (H. R. No. 29) authorizing the Secretary of War to detail medical officers of the Army to inquire into, and report upon, the cases of epidemic cholera, with amendments in which the concurrence of the House was requested.

The message further announced that the Senate had passed, without amendment, bills of the following titles:

An act (H. R. No. 1940) giving the consent of Congress to the acceptance by James McDonald, a warrant officer of the United States Navy, of a present from the King of Italy;

An act (H. R. No. 483) to authorize the cancellation of an export bond for a portion of the distilled spirits of John S. Miller, on board of bonded cars of the United States; and

An act (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 100) for the relief of Lieutenant Alonzo V. Richards;

An act (S. No. 269) to change the titles of certain naval officers, and for other purposes;

An act (S. No. 365) for the relief of Matthew Woodruff, late first sergeant of Company G, Twenty-first Regiment Missouri Volunteers;

An act (S. No. 366) for the relief of Oliver Powers; and

An act (S. No. 361) granting a pension to Sciotha Brashears, late of the Seventeenth Regiment Kentucky Cavalry.

ARKANSAS CONTESTED ELECTION.

The SPEAKER. Does the gentleman from North Carolina pro-

pose to take the hour to which he is entitled after the previous question?

Mr. THOMAS. I do not desire for myself more time, but I crave indulgence to make some remarks explanatory of what has been said on the other side.

Mr. LAMAR. I wish to know whether this division of time is to go on according to the understanding?

The SPEAKER. The Chair is not advised.

Mr. THOMAS. They have had the last hour, and I have promised to yield to several gentlemen on this side of the House. If I can I will yield to the gentleman from Mississippi.

Mr. SPEER. I thought the understanding was we should have the time divided equally, both before and after the previous question.

Mr. THOMAS. Surely not.

The SPEAKER. The Chair does not think that understanding was arrived at.

Mr. SPEER. It was said publicly by the gentleman from Mississippi that such arrangement had been made.

The SPEAKER. The gentleman from Pennsylvania will remember that the Chair said, in the absence of the House coming to any agreement, it would proceed under the rules of the House, and the gentleman from North Carolina would be recognized first, then the gentleman from Mississippi, and if the House seconded the demand for the previous question he would of course give the floor to the gentleman from North Carolina to close the debate.

Mr. SPEER. I understood the gentleman from Mississippi to say, before the debate began, he was perfectly satisfied with the arrangement for an hour and a half on each side.

The SPEAKER. The Chair suggested it should proceed under the rules of the House. The gentleman from North Carolina, however, indicates a purpose to yield a portion of his time.

Mr. THOMAS. Mr. Speaker, the case before this House, judging from remarks made by many gentlemen in support of the resolution offered by the minority of the committee, has been entirely misapprehended, as I assert with perfect deference to those who differ from me and the majority of the committee in relation to the case. By a resolution of this House, introduced by the gentleman from Arkansas, as he stated, on the second day of December last, two cases, one from the first district and the other from the third district of Arkansas, were referred to us with certain credentials and papers, to which we were restricted as a Committee on Elections, and to which this House properly ought to confine its attention in the consideration of this case. These credentials and papers are set forth in the majority report. Still, on the other side, in the minority report, the statement is persisted in that there was other evidence than that stated in this report. The minority has lugged in testimony entirely irrelevant to this case.

You, sir, as Speaker, laid before the House, subsequent to this resolution of December 2, the testimony and papers in the following contested-election cases, and the same were referred to the Committee on Contested Elections: Arkansas, first congressional district; Arkansas, second congressional district; Arkansas, third congressional district; Georgia, &c. These papers subsequently referred, were in contested-election cases, and they have no appropriate place in this report of the minority, and none in the discussion on this floor. Hence the misapprehension which has arisen.

I choose to confine myself to and to rely upon the certificate of Governor Baxter, both as to its form, substance, and legal intendment, as the only instrument of evidence, (if it be proper to call any certificate an instrument of evidence, using the word in its legal sense,) as sufficient evidence to establish *prima facie* right of Mr. Wilshire to his seat. But the gentleman from Iowa [Mr. McCRARY] the late chairman of the Committee on Elections, admits that if this paper shows upon its face that Mr. Wilshire was elected, then it was a proper certificate in accordance with the law of Arkansas. But I think he goes off and allows his own mind to be misled by disconnecting the abstract which shows the relative proportion of votes received from the certificate itself. Sir, the certificate makes that abstract a part of itself. But the governor, as it was his duty to do, set out an abstract obtained from the casting up and arranging of the votes, which was done in the secretary's office, and by which it is shown that Mr. Wilshire received a majority of 1,195 votes. He then appends certain explanatory foot-notes, and then follows:

STATE OF ARKANSAS, *Executive Office:*

Whereas the acting governor failed to issue a certificate of election to the person who received the highest number of votes for Representative in Congress from the third congressional district of Arkansas, at the election held in said district on the 5th day of November, 1872: * * * Now, therefore, I, Elisha Baxter, governor of the State of Arkansas, do certify that the foregoing statement, with the explanatory notes, is a full, true, and correct exhibit of the votes polled for Representative from the third congressional district of Arkansas, at the election held in said district on the 5th day of November, A. D. 1872, as appears from the returns of said election on file and certificates of clerks deposited in the office of secretary of state.

And that is duly signed by the governor. This certificate proper, if I may so designate it, following the foregoing statement, to wit, the abstract itself, makes the abstract a part of it. And would the gentleman say, if the abstract had followed it, that that would have made any difference, or that it would have made any difference if inserted in the body of the writing or the certificate proper? It is admitted that if the governor of the State had stated in any language that A B had 10,000 votes and C D 9,000 votes, it would thereby have been shown without any words on the face of the certificate that the governor intended to say that the majority of votes was cast for A B. And if that appears in any memorial or certificate transmitted by the governor to this House, I think they will consider it as seating Mr. Wilshire.

Is it to be said that the governor of Arkansas, who seemed at least willing to do his duty, would send a paper to this House that could have no legal effect, that ought to be "kicked out of the House," to use an elegant phrase employed by a gentleman on the other side to-day, if he did not intend it to be what it purports to be? Will it be said that he sent this without intending that it should declare any one duly elected? Is it not the rule, rather, that acts done by official persons, in the discharge of a legal duty, are presumed to be rightly done? Was it not the duty of the governor, under this section 50 of the statutes, immediately after the vote was arranged and cast up, to issue the proclamation and give his certificate of election? If he did not mean to do that he meant to do nothing. So that I think clearly that this House will say that he intended to show that somebody was elected.

I will not start to guess, sir, who has been guilty of fraud. I might guess that the clerk of Pulaski County had been guilty of fraud. I might guess that Governor Hadley had some motive for failing to issue a certificate, because in his presence the vote had been arranged and cast up.

But it is said that the words "duly elected" do not appear on the face of the certificate. I repeat, there is no form of a certificate which has ever been recognized by this House. There is no form prescribed in the laws of Arkansas; and if there were one prescribed, the House would not consider a mere variance occasioned by the omission or misuse of words a sufficient cause for keeping a member out of his seat.

I think it is natural that the governor should have made this statement precisely in the form in which he did make it. The secretary of state had previously stated that there were scattered votes to the number of about 1,300; and the governor, two months after the secretary of state had cast up and arranged the votes and ascertained the result in order to issue a certificate, and so discharge his duty under this section 50, had a new casting up and arranging; and he means to declare through this paper the result. Will this House then stop to inquire whether this governor had properly a new casting up and arranging of the vote? Will it stop to inquire how he ascertained at the secretary's office what number of votes Wilshire had received? All these inquiries would be proper in the determination of a contested-election case, but not here. It is to be presumed that the governor acted rightly, in order to determine his duty.

Now, sir, gentlemen, go off and guess, or assume, rather. If I should say that these scattering votes for Thomas M. Guntee, &c., were all cast for Thomas S. Gunter, this may perhaps be true. But your committee were not instructed to inquire into this matter of fact, and there was no evidence to show in what proportions the scattering votes were cast—how many for Thos. M. Crenter or others named. If that be true, this House cannot know it by any evidence before it; cannot know it otherwise than from statements of gentlemen who assume it to be true in this case. If that be true, it can only be ascertained in the contest pending, and it may affect the decision of the case upon the merits.

Allow me to say that this case is not a merely legal one. The State of Arkansas has rights on this floor. There is a duty for this House to discharge, in this great public inquiry, to the State of Arkansas, if it properly can do so, without being bound by strictly legal rules of evidence. Will you keep that State from representation here for six or twelve months it may be, if further time shall be allowed to these parties to take testimony, and additional evidence is taken before the report is made by the Committee on Elections, and the case determined upon its merits? Ought it not rather to be the practice of this House, and has it not been the practice of this House, to admit one to his seat pending the contest? Let the pending contest in this case go on, but admit Mr. Wilshire to his seat, in order that his State may be heard here, and that the House may be more thoroughly organized. Let justice be done to him and his State, without prejudice to the rights of the contestant by the adoption of the resolution reported by the majority of the Committee on Elections.

I now yield a portion of my time to the gentleman from Ohio, [Mr. ROBINSON.]

Mr. ROBINSON, of Ohio. It was not my intention to say a single word upon this question, and I would not now did it not seem to me that gentlemen, on this side of the House at least, are about to cast their votes upon a mistaken view of the facts. The question submitted in the resolution sent to the Committee on Elections was, who was entitled to be sworn in as the sitting member from this district of Arkansas? Of course, the papers, the certificates, and credentials, which would bear upon this question as to who was thus entitled to be sworn in, were proper subjects of consideration by the committee.

The committee took the highest evidence that was before it. It took the certificate of the abstract of votes, as they were certified to the committee and to the House by the secretary of state of the State of Arkansas, and the proclamation and certificate of the governor of the State showing what was the result of the election in that district. Both the certificate of the secretary of state and the proclamation and certificate of the governor of the State show by the footings of the votes cast in the different counties in that district that

Mr. Wilshire had distinctly received a majority of the votes cast. Having taken this, the highest evidence of which the case was susceptible, the committee decided that it was neither proper nor within their jurisdiction in this state of the case to examine in regard to other matters, and to consider evidence of an inferior character.

I now wish to direct the attention of the House a moment to a question raised by the gentleman from Connecticut, [Mr. HAWLEY.] He says that these votes that were cast for "Mr. Guntee," "T. Ros Gunter," and a few other names, different from Thomas M. Gunter, are morally certain to have been cast for Thomas M. Gunter; and being so, this House ought not to shut its eyes to that fact, and seat Mr. Wilshire on a *prima facie* case in the face of that fact. Now, the gentleman from Connecticut ought to be aware, it occurs to me, in making the statement, of the further fact, which gentlemen in this House seem not to have considered thus far, that this case is contested on many other grounds than mere differences of names. I am authorized to state, from my own examination, that the printed record of the evidence already filed and before the Committee on Elections will make a volume of from two to three thousand pages, and involving questions of intimidation, of fraud, and of imposition throughout hat dis trict.

Gentlemen here undertake to submit this case upon the idea that there is nothing involved in it except as to whether these votes for T. Ros Gunter, for Guntee, and others, shall be counted. I state that if this case is referred back to the committee, it must be in the face of the fact that the committee will be compelled to go through a volume of evidence of two thousand or three thousand printed pages, involving questions of fraud and intimidation.

Now, the gentleman from Iowa, [Mr. MCCRARY,] my distinguished friend, who I am told was formerly chairman of the Committee on Elections, says that the effect of these certificates is that there is no *prima facie* case. I submit to the lawyers, at least, upon this floor, whether the footings of the votes in the different counties, as shown in the report and the certificate of the secretary of state and of the proclamation of the governor, are not in substance and legal effect a declaration that 12,644 votes were cast for W. W. Wilshire, and 11,499 votes were cast for Thomas M. Gunter, and that the legal effect resulting from these facts is that Mr. Wilshire is therefore elected, having a majority of the votes cast. The foot-notes and explanations in connection with that report are not a part of that certificate, so far as to change the result shown by the footings in these different columns.

One more fact, and I am done. The minority of this committee in their report have inserted what they call a copy of the abstract of votes in the county of Pulaski, in the State of Arkansas. Now to show that the gentleman from Mississippi [Mr. LAMAR] is mistaken in asserting this to be a true copy, I will call his attention to this fact, that on page 11 of the report, as printed, there are four columns of the abstract, the second, fourth, seventh, and ninth, which purport to give the votes cast for Thomas M. Gunter. There are four columns in which the name is spelled with precisely the same letters in each column.

Now, while I have not seen the abstracts at all, and I have been unable to find them, the fact that there are four columns headed with the same name, spelled with precisely the same letters, is proof positive to every gentleman that this is not a true copy of the original. I undertake to say that no clerk that has any qualifications for the position would, in making out an abstract, give four headings to columns, each one with the same name, spelled with precisely the same letters. And I call the attention of the gentleman to the fact that, by a mistake of his or a mistake of the printer, the House is being misled as to the fact.

Mr. LAMAR. The transcript to which the gentleman refers is on file in the office of the clerk of the Committee on Elections. There it is; and all that the gentleman has to do is to open his eyes and see it. I do not believe that this resolution of the House forbids any such exercise of the senses with which we are endowed by nature. If I am mistaken as to my copy, let it be verified by the production of the paper itself, which is on file.

Mr. ROBINSON, of Ohio. In answer to the gentleman's speech which I have allowed him to inject into mine, I say that there is the original certificate of the secretary of state, which declares, under the seal of the State, what is the original copy on file in his office. Then when I say that the original is there, the gentleman tells us that which he ought to know is not true. The original is on file in the county, and no man can remove it under the law.

Mr. LAMAR. The gentleman is mistaken. I have made no such statement; and I will respectfully submit to the gentleman that he will advance the ends of truth by not allowing himself to be betrayed into such harsh expressions.

Mr. ROBINSON, of Ohio. What, then, did the gentleman say?

Mr. LAMAR. I said that the certified transcript of the original abstract on file in the clerk's office is in the committee-room. I have never stated that the original was there; and if the gentleman will read my report, he will see that I state that the transcript certified by the clerk is on file.

Mr. ROBINSON, of Ohio. Then the gentleman admits that he has only a certified copy of a copy?

Mr. LAMAR. No, sir; I say that we have a transcript of the original return; and that the certificate of the secretary of state certifies to a copy of a copy. The gentleman to whom the member from Ohio would give the seat—not the man to whom I would award it—has that copy of a copy. The paper on which I rely is a transcript of the original consolidated returns of Pulaski County.

Mr. ROBINSON, of Ohio. Mr. Speaker, I have no disposition to hinder the gentleman from making any statement of facts, but he must see that his evidence is of an inferior character to that on which I rely. The original returns of the county are required by law to be placed on file with the secretary of state. Now a copy of those returns is certified by the secretary of state, their proper custodian. But gentlemen on the other side undertake to make a record by going back to the certificate of the clerk, which is not legitimate evidence, while the paper on which I rely is evidence of the highest character.

I have thus gone over this matter, although I do not consider it proper in connection with this case; for I claim that, *prima facie*, the case must be decided upon the certificate of the officers having in charge the seal of the State; that we cannot in this case go behind that certificate, unless we violate another principle of law and hold that we will not allow a man to be sworn in as a sitting member until we ascertain that he is by right entitled to the seat. Now, in the face of the fact that this case is to be contested, as I stated before, upon a large amount of evidence which must be examined, and the examination of which must necessarily take time, I insist, Mr. Speaker, that there is not only a *prima facie* case made out here, but one which this House is bound to respect by admitting to the seat the gentleman whose claim has the sanction of the majority of the committee.

Mr. THOMAS. I now yield fifteen minutes to the gentleman from New York, [Mr. SMITH,] the chairman of the committee.

Mr. SPEER. Did I understand the gentleman from North Carolina [Mr. THOMAS] to say that he was going to occupy the whole of this hour?

The SPEAKER. The Chair is not advised upon that point.

Mr. SPEER. I understood the Chair so to state.

The SPEAKER. The Chair understood the gentleman from North Carolina at the beginning of his remarks to indicate to the gentleman from Mississippi that he would divide the time.

Mr. SPEER. Does the gentleman from North Carolina intend to occupy the whole hour?

Mr. THOMAS. I do. I trust in doing so I shall not be considered guilty of any discourtesy. Inasmuch as the minority have in their report lugged in evidence entirely irrelevant to the case, and calculated to prejudice the mind of the House, I must occupy the whole hour.

Mr. SPEER. Then you intend to remedy one wrong by the commission of another.

Mr. THOMAS. I yield to the gentleman from New York, [Mr. SMITH.]

Mr. SMITH, of New York. I surrender my right to the floor. I yield my fifteen minutes to the gentleman from Pennsylvania, [Mr. SPEER.]

Mr. SPEER. I do not desire to speak upon the question. The chairman of the committee surely should not exhibit any passion in this matter.

Mr. SMITH, of New York. Not at all. I think it fair that the other side should have a part of this time.

Mr. SPEER. I do not ask the time for myself. I do not want to occupy one minute in the discussion of this case.

Mr. SMITH, of New York. I yield my time to the gentleman, and he may dispose of it as he chooses.

Mr. SPEER. I thought the gentleman having charge of this case would be fair and would divide the time; but when he does not choose to do so, I do not of course wish to object to the gentleman from New York going on.

Mr. SMITH, of New York. Then I yield to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. Mr. Speaker, I dislike very much to avail myself of the offer of the distinguished gentleman from New York, and would prefer that he should occupy some of the time which he has so generously accorded to me in giving his views to the House. If it is his wish to do so, I have not the slightest objection, and will assure him that it will not in the slightest degree interfere with any purpose of mine.

It was not my purpose to participate in this discussion. I was perfectly willing that the resolution submitted by the minority should stand or fall upon the reasons given in the report.

I do not, therefore, propose to detain the House by any argument upon the subject, but will briefly correct one or two erroneous statements which have been made. As reference has been made by the member from North Carolina [Mr. THOMAS] to party influences, I desire here to disclaim any offensive imputations of that character against my colleagues on the committee. The position of a member of this committee who belongs to a majority of the House is a delicate and trying one, and it is a painful one when it becomes necessary to take a stand against the interests of party friends to whom he is deeply attached, and possibly under great obligations of party fealty. The risk of losing their good opinion, or incurring ridicule for being too conscientious, or too judicial, makes the performance of duty hard and embarrassing.

I concur with the member from North Carolina [Mr. THOMAS] that this question should be decided without reference to party prejudices. There is, perhaps, in the Constitution no power which a ma-

jority can so easily use as an instrument of oppression as that which makes this House the judge of the election, returns, and qualifications of its own members. It opens an avenue by which the Government can reach the very fountains of political power. He who would drag such a question into the arena of party debate, or give his vote or raise his voice upon it with any motive less pure than truth, or with even a glimmering thought of party profit, trifles with the rights of the people, and is untrue to the high responsibilities of his position as an American Representative.

The question referred to the committee was, who is entitled, on the credentials and papers in possession of the Clerk of the House, to be sworn in as sitting member of this House? Taking this to mean, who is entitled to the *prima facie* right? the majority of the committee seemed to think that we were bound, no matter what was in those papers, to find that some one had the *prima facie* right to the seat. Such was not the view of the minority of the committee. Their view was that no person had such right from the papers to which the majority of the committee felt bound to restrict their examination.

The report of the majority, and the argument of the member from North Carolina, [Mr. THOMAS,] if I do not misunderstand it, assumes that the *prima facie* right is to be determined and established by the credential issued by the proper certifying officer of the State; that a certificate of the governor is the credential authorized by the laws of Arkansas; and that the certificate of Governor Baxter is in itself sufficient to establish the *prima facie* right of Mr. Wilshire. And he objects to the House considering the certified abstract of the returns from counties, because it goes behind the credential. Then why did he put the certificate of the casting up of the secretary of state into his report? Did he not go behind the credential when he drew from the secretary of state's office this *aliunde* evidence? When he leaves the credential for other evidence, who shall say where the line shall be drawn?

Allow me to call the attention of the House to this paper. A copy of it is on the first page of the report of the majority of the committee. What do you see there? You see 12,522 votes for Wilshire, 11,961 votes for Gunter, and 1,127 votes "scattering." Why are these 1,127 votes not put down to the names for whom they were voted, as the law of Arkansas requires to be done? It was because it would show unmistakably that they were cast for Thomas M. Gunter.

So far from being a fair and intelligible and honest casting up, it is on its face a cheating, deceptive, fraudulent contrivance to conceal the truth. Why did he not say who they were for—1,127 votes "scattering?" Whatever its motive, its effect is to render it impossible to tell from its face who is elected. This is as fatal to this paper as the unsupported evidence and credentials of Mr. Wilshire. But the governor's certificate shows the motive of this word "scattering." It shows that these votes were not scattering, but that they were cast for Mr. Gunter. The number of votes given for Thomas M. Crenter (evidently meant to be Thomas M. Gunter) is not specified; and therefore it is equally impossible to ascertain from the governor's certificate which received the most votes, W. W. Wilshire or T. M. Gunter.

According to the law of Arkansas the governor is required to certify and proclaim who is duly elected. Neither in this proclamation nor his certificate does he state or show who was elected. He does not even certify who, in his opinion, is elected; but he gives a statement which does not say who is elected, but shows Wilshire received 12,522 votes, Gunter 11,961, and then that there were some 1,400 odd votes cast for Gunter under various designations.

The gentleman says I have sought in the transcript of the abstract of the county returns to find something contradictory in this return. He is mistaken. Every reference I have made to the records has been made for the purpose, not of contradicting the governor's certificate, but for remedying the defect arising from its ambiguity. The member from North Carolina [Mr. THOMAS] insists that the transcript of the returns in Pulaski County is irrelevant. How irrelevant? I have shown that the governor's certificate does not establish any *prima facie* right in any one. I am right in this; I have the authority of the gentleman's report for resorting to the transcript of those returns. On page 5 of his report he says:

> The most usual kind of credential is a certificate of the governor of a State, and such kind is required by the law of Arkansas. No particular form of one has heretofore been considered necessary by the House; and while such certificate, when it showed that the person named therein was regularly elected, &c., has always been admitted and held to be competent and satisfactory evidence of *prima facie* right to a seat, the House has frequently decided that the want of it from any reason *would not impair or prejudice such prima facie right of a member-elect, but only remit him to other evidence to establish it.*

Surely if he can be remitted to other evidence to establish his *prima facie* case, the committee and this House are not to be excluded from examining such evidence to see if it does or does not establish this right. But I have resorted to this evidence not for the purpose of showing any *prima facie* case for Mr. Gunter, but simply to show (as the minority report distinctly states) that these returns, so far from remedying the defects of Mr. Wilshire's claim, based on the certificate either of the governor or of the secretary, show Mr. Gunter to have been elected.

One gentleman says that in the investigation of this case frauds will be developed. Then, sir, there is the greater necessity for investigation of it on its merits. Do not seat a man on the floor of this House who comes with no title at all, whose entire claim is based on the slightest of misnomers, and who comes with a notice of a contest; and whose very certificate, when he presents it, does not say he is elected or show him to be elected. I ought not to say his certificate, for he has none—at least his competitor has one identically like it, which he filed here. The governor issued one to Gunter and one to Wilshire. Both are filed on the record. But neither gentleman is the bearer of a certificate which confers the *prima facie* right. And the minority do nothing but simply report that there is no *prima facie* right in the case, and they ask that it shall be recommitted to the Committee on Elections with the instruction to report upon the merits.

What has been the practice of the House? In the Pennsylvania case of Foster *vs.* Covode the attempt was made in like manner as the attempt is made here to seat Covode on papers relating to the *prima facie* title. The House refused, and adopted the resolution almost identical with the one I felt bound to report to the House. Such, too, has been the practice in the Senate.

I do not wish to detain any longer the House from the disposition of this case.

Mr. THOMAS. How much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. THOMAS. I yield the balance of my time to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. Usually, where the majority of the committee have given a decision upon an election question, I follow the report of the majority without question; because I assume that they have made a more careful investigation than I can, and therefore that they would be more likely to be right than I should. The only case in reference to which, I think, in two Congresses, I have taken a part in the debate was the case of West Virginia, where I supposed there was no majority to support. Here I understand that a majority of the committee, composed of republicans, have unanimously made a report.

Mr. SPEER. The gentleman is in error there.

Mr. BUTLER, of Massachusetts. I see no dissent from them; that is all I meant to say; and I heard no dissent from them on the floor.

Mr. LAMAR. Dissent from what? Dissent from the report of the minority?

Mr. BUTLER, of Massachusetts. Pardon me; I have heard nothing but dissent from the minority.

I find, then, that the majority of the committee have examined this case and have come to a conclusion, and that conclusion is that Mr. Wilshire has a *prima facie* right to his seat. Now, finding that some of those gentlemen who go with the majority party of this House, not being members of the committee, have come to a different conclusion, and have endeavored to instruct the House how it should vote on this question, I think it may be permitted to me for a moment to give the views which will guide my own vote. First, I am inclined to think we have got two reports here upon two separate cases. I find that there was first submitted to the Committee on Elections the *prima facie* question on the credentials of Mr. Wilshire, and afterward there was submitted the question of the contest of Mr. Gunter. The majority of the committee have reported only upon the *prima facie* case submitted to them. The minority have reported on the other question.

Mr. LAMAR. The gentleman must allow me to correct him. The minority of the committee have reported on no feature of the case except the *prima facie* right to the seat.

Mr. BUTLER, of Massachusetts. Pardon me; I think I can show the gentleman that they have. The minority reason from the evidence and step out of the record to see what is the truth, and they assume that certain scattering votes here were given to Gunter. I do not know whether they were or not. If I were disposed to guess in the matter, I might guess the opposite.

Mr. SMITH, of New York. If the gentleman from Massachusetts will allow me to interrupt him, I will say that the counsel of Mr. Gunter before the committee occupied six pages of his brief in showing that these votes which are now counted for Gunter could not be counted for him.

Mr. BUTLER, of Massachusetts. That only shows what I was trying to impress upon the House, that we have to go into the evidence before we can support the views of the minority.

The minority reason from evidence, reason from certificates, reason from similarity of names, reason from many things in order to show that Mr. Gunter is elected. I do not know whether he is or not. Therefore both of these reports may be correct, the majority on the *prima facie* case and the minority on the contested case.

But it is said that there is not a *prima facie* case. Very well; if that is so, that is an end of it. Let us see whether there is or not. In the first place, it is made the duty of the governor to certify to Congress, to this House, the result of the election. That is made his duty by a statute of the State. Then we have a statute passed May 30, 1870, which is very controlling, and which makes it a crime in him if he does not certify to the House the result of the election. Gentlemen will find it in volume 16 of the Statutes at Large, page 145. It makes it a crime in the governor if he fails to so certify. Under that statute Mr. Baxter first proclaimed the result of the election. This is what he says: "I, therefore, make proclamation of the same;" that is, the result of the election. Then he makes a certificate, as it is his

duty to do, which will be found on page 4 of the report of the majority of the committee. This is his certificate:

STATE OF ARKANSAS, *Executive Office:*

Whereas the acting governor failed to issue a certificate of election to the person who received the highest number of votes for Representative in Congress from the third congressional district of Arkansas at the election held in said district on the 5th day of November, A. D. 1872; and whereas, on the 14th day of February, A. D. 1873, the secretary of state, in my presence, did cast up the votes polled for said Representative at said election from the returns on file in his office:

Now, therefore, I, Elisha Baxter, governor of the State of Arkansas, do certify that the foregoing statement, with the explanatory notes, is a full, true, and correct exhibit of the votes polled for Representative from the third congressional district of Arkansas at the election held in said district on the 5th day of November, A. D. 1872, as appears from the returns of said election on file and certificates of clerks deposited in the office of secretary of state.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed, at Little Rock, on this 18th day of February, A. D. 1873.

[L. S.] ELISHA BAXTER,
Governor.

By the Governor:
J. M. JOHNSON, *Secretary of State.*

That is, the governor obeys the law. Now, to whom did he give that certificate? He gave it to Mr. Wilshire, who brought it here.

Mr. LAMAR. And to Mr. Gunter.

Mr. BUTLER, of Massachusetts. I am not on Mr. Gunter's certificate. He gave a certificate to Mr. Wilshire. Who brought it here? Mr. Wilshire. Who had it referred to the Committee on Elections? Mr. Wilshire. Who by law was bound to issue that certificate? The governor. We are only to look at what is on this page of the report. He puts in certain votes. Very well. But my friend from Mississippi [Mr. LAMAR] says with great force that if we look and see, we can see that those votes were for Mr. Gunter. The governor did not see it in that light, and we have to guess that "Crenter" means "Gunter." It does not up in my country. [Laughter.] How it is in Arkansas I cannot say. We are put into the region of conjecture. Now that is a matter of contest.

Looking upon the face of this certificate there is a clear declaration that Mr. Wilshire received a majority of the votes legally cast, and not put in the return as scattering. By taking the scattering returns you can always defeat any man's election in a close election.

Mr. LAMAR. The governor does not say "scattering," but he says "scattering" for "Thomas Gunter," for "T. M. Gunter," and other names, plainly designating Thomas M. Gunter as the person voted for.

Mr. BUTLER, of Massachusetts. Precisely; scattering votes, polled for "Gunter," "S. M. Gunter," "Thomas M. Crenter," or "Thomas M. Grunter," I do not know how it is. The gentleman from Mississippi says that means Gunter.

Mr. LAMAR. No; I do not say "Crenter" means "Gunter."

Mr. BUTLER, of Massachusetts. If it does not mean Gunter, who does it mean?

Mr. LAMAR. I do not say.

Mr. BUTLER, of Massachusetts. And Gunter does not say; no gentleman can say that it is Gunter. Why should the House say it is Gunter? That is the whole of it; there is the trouble. We have to go to the evidence; we have to go into an examination. The governor put these votes out of the list by putting them under the head of "scattering;" scattering votes for half a dozen different men.

Mr. LAMAR. If the gentleman will allow me——

Mr. BUTLER, of Massachusetts. If I had time I would allow the gentleman all he wants.

Mr. LAMAR. I know that. I desire to say that is just this very point: there are 1,400 votes cast for "Guntee," "Gunter," "Thomas M. Gunter," "S. M. Gunter," "Thomas M. Crenter," &c., and I say the impossibility of saying whom those votes were for demonstrates that there is not a certificate of a majority for anybody.

Mr. BUTLER, of Massachusetts. Ah, pardon me; the governor states those votes were scattering.

Mr. LAMAR. For those names.

Mr. BUTLER, of Massachusetts. For those gentlemen, yes. Not for Gunter; they were not scattering for him.

Mr. LAMAR. Yes, sir.

Mr. BUTLER, of Massachusetts. They were scattering for other people, and the governor takes them out of the Gunter calculation. It is perfectly proper that on a contest they should be counted; and if it should be shown that those men intended to vote for Mr. Gunter, I should certainly vote for his seat on a contest. But, the governor performing his duty, and certifying who is elected, states that Wilshire had a majority of the votes cast; and then he states who had the scattering votes.

Mr. HYNES. Will the gentleman allow me a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. HYNES. Was it not the duty of Governor Hadley to issue that certificate upon the canvass made within the time prescribed by law, and certified as made by the secretary of state?

Mr. BUTLER, of Massachusetts. Very good; I will answer that. I assume from the nature of the question that I have demolished the trouble with the certificate, and I will pass to this question of time.

Mr. HYNES. The gentleman misunderstands my question if he takes it that way.

Mr. BUTLER, of Massachusetts. I did not get it, then.

Mr. HYNES. I will state this fact to begin with, that Governor Hadley failed to issue a proclamation and certificate.

Mr. BUTLER, of Massachusetts. Yes.

Mr. HYNES. Governor Baxter succeeded, and did issue a certificate, so called by a majority of the committee.

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. HYNES. Now, knowing the standing of the gentleman from Massachusetts in this body as a lawyer, I wish to ask him whether it was not the duty of the governor, upon the making of the canvass known to the statute, to issue the certificate within the time prescribed by law.

Mr. BUTLER, of Massachusetts. When the governor came to do an official act he was bound to do it according to what he viewed to be his duty. He was giving but a *prima facie* certificate, and it was not for him to go into any inquiry.

Mr. HYNES. Just so; the gentleman exactly meets my point. I now want to state to the gentleman (as he was not in the House when I made my remarks) that the law of our State requires the secretary of state to keep a record of all acts and proceedings of the governor. The certificate shows that on the 14th of December, 1872, a canvass of the returns was made. Now, my question to the gentleman is, whether it was not the duty of the governor, if he issued any certificate or proclamation at all, to issue it upon a canvass made according to law? For the former governor had failed to issue the proclamation or certificate.

Mr. BUTLER, of Massachusetts. I answer, no; and I will state why. It was the duty of the governor to issue a certificate of election; and it was his duty to certify to what he was convinced of. It would have been a sufficient certificate for him simply to have said, "I certify that Mr. Wilshire is elected." If Mr. Wilshire had come here with such a certificate, there would have been no doubt arising upon this case. Now, if the governor might have certified simply that Mr. Wilshire was elected, he is not bound to tell you where he obtained his knowledge, and if he does, it is none of your business how it affects his mind.

Mr. HYNES. Exactly so. The gentleman comes precisely to my point. The governor failing to certify that anybody was elected, and doing what the gentleman from Massachusetts says it was not necessary for him to do—stating that he issued a certificate upon a subsequent canvass not known to the law at all—I ask the gentleman whether that vitiates the certificate or not?

Mr. BUTLER, of Massachusetts. The governor's action was entirely within his power. He came into office and was told that he would be indicted for a crime if he did not certify who was elected. He goes to work and, on his official responsibility, makes his certificate upon what appears right to him. If he has done wrong, (and here is the error of the minority case,) that is a question for the contest upon the merits.

Now, as I was about to say when interrupted, the majority come in here and report simply upon a *prima facie* case, because our law declares that whenever a man comes here with credentials legal in form he has a right to the seat. The majority of the Committee on Elections have found that this man upon his credentials is entitled to the seat, subject to the right of contest by his opponent.

Now, the committee can turn around next week, after they have all the evidence before them, and can report in favor of unseating this man. But the difficulty with the minority report is that it attempts to unseat a man without evidence; that we are thrown into the region of conjecture; and it is proposed that Arkansas shall be deprived of her representation, that her governor's certificate, issued in pursuance of his legitimate authority, shall be ignored, and that the case shall be sent back to the committee because there is a contest.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. If the House will permit me—for my time has been very much taken up with interruptions—I wish to say but a word further; and that is this: When the governor has done his duty it is for us to do ours. This was precisely the ground taken in the Senate, upon the election case of Pinchback, by the learned chairman of the Committee on Privileges and Elections. He said, "Seat Mr. Pinchback on the *prima facie* case; and if anybody has anything to say against it, he can be turned out on a contest."

If we recommit this case to the committee, for what purpose do we recommit it? That they may do simply what we told them to do in the first instance—report who is entitled to the seat upon the *prima facie* case; that is their first duty. Afterward comes the report as to who has the right upon the contest.

Mr. LAMAR. That is not my resolution.

Mr. BUTLER, of Massachusetts. That must be the effect of a resolution to recommit.

Mr. LAMAR. No, sir.

Mr. BUTLER, of Massachusetts. You recommit the question as it stands.

Mr. LAMAR. I ask that my resolution be read.

Mr. HYNES. I hope that the gentleman from Massachusetts, before he sits down, will answer me one question to settle a difficulty in my mind.

Mr. BUTLER, of Massachusetts. I do not think I can do it. [Laughter.]

Mr. HYNES. I know the gentleman can do it if anybody can. If the governor of Arkansas, after the canvass known to the law had been made, had issued his certificate of election, I suppose the gentle-

man from Massachusetts would not hold that then the succeeding governor, upon a subsequent canvass, could have issued another certificate. Assuming that to be the position of the gentleman from Massachusetts, I now ask him this question: The secretary of state, in the presence of the former governor, having made the canvass, and so much of the ministerial duty having been performed, was there anything left for the governor succeeding him to do but to finish the act by issuing the proclamation and certificate? If he refuses, and goes back over the act of canvass performed by the secretary of state and the governor prior to that time, he would, to my mind, have an equal right to issue a second certificate upon a second canvass, if returns subsequently arriving should give him an excuse for so doing.

Mr. BUTLER, of Massachusetts. Suppose that when Governor Baxter came into office the secretary of state had said, "For $10,000 I will agree to strike out so many votes from one side;" would Governor Baxter have been obliged to issue his certificate on that fraudulent record, knowing it to be fraudulent? Clearly not.

Mr. HYNES. The fraud would vitiate it then, and the governor should certify that fact in justification of a second canvass, and it would then be for the House to pass upon it. But here there is no taint upon the first canvass.

The SPEAKER. The time allowed for debate on this question has expired. The first question is upon the substitute offered by the gentleman from Mississippi, [Mr. LAMAR,] on behalf of the minority of the committee. It will be reported.

The Clerk read as follows:

Resolved, That the contested-election case from the third district of Arkansas be recommitted to the Committee on Elections, with instructions to report, upon the merits of the case, who is entitled to represent said district in this House.

The House divided; and there were—ayes 83, noes 81.

Mr. THOMAS demanded the yeas and nays.

The yeas and nays were ordered.

The question was again taken; and it was decided in the negative—yeas 116, nays 117, not voting 56; as follows:

YEAS—Messrs. Archer, Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, John B. Clark, jr., Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crocker, Crooke, Crossland, Alexander M. Davis, John J. Davis, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Field, Freeman, Giddings, Glover, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Hynes, Jewett, Kasson, Lamar, Lamison, Leach, Lynch, Magee, Marshall, McCrary, McLean, Mellish, Merriam, Milliken, Mills, Monroe, Neal, Niblack, O'Brien, Hosea W. Parker, Pendleton, Perry, Pierce, Potter, Ransier, Rawls, Rice, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Sener, Small, J. Ambler Smith, John Q. Smith, Southard, Speer, Stanard, Standeford, Starkweather, Stone, Storm, Swann, Townsend, Vance, Waddell, Waldron, Wells, White, Whitehead, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, James Wilson, Wood, Woodford, John D. Young, and Pierce M. B. Young—116.

NAYS—Messrs. Albert, Albright, Averill, Bass, Biery, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Crutchfield, Curtis, Danford, Dobbins, Donnan, Duell, Dunnell, Fort, Foster, Frye, Gunckel, Hagans, Harrison, Havens, John B. Hawley, Hays, Hodges, Hoskins, Houghton, Hunter, Hurlbut, Hyde, Kelley, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Moore, Negley, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Rainey, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Sprague, Stowell, Strait, Strawbridge, Sypher, Thomas, Thornburgh, Todd, Tyner, Wallace, Walls, Marcus L. Ward, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—117.

NOT VOTING—Messrs. Adams, Arthur, Banning, Barber, Barnum, Barrere, Barry, Begole, Cain, Freeman Clarke, Clymer, Darrall, Elliott, Farwell, Garfield, Gooch, Harmer, John W. Hazelton, Hersey, Hooper, Howe, Hubbell, Kellogg, Kendall, Killinger, Knapp, Lansing, Luttrell, Mitchell, Morey, Morrison, Myers, Nesmith, Niles, Nunn, O'Neill, Orth, Phillips, Poland, Pratt, Purman, Randall, Read, Scofield, Henry J. Scudder, Sheldon, Sloss, Stephens, St. John, Taylor, Tremain, Jasper D. Ward, Wheeler, Whitehouse, Ephraim K. Wilson, and Wolfe—56.

So the resolution was rejected.

During the roll-call,

Mr. NUNN stated that he was paired with Mr. ADAMS, who, if present, would vote in the affirmative, while he would vote in the negative.

Mr. WOOD. I would like to know if the gentlemen who are now voting were within the bar when the last name on the roll was called?

The SPEAKER. The rule is that they vote with the assurance they were within the bar when the last name on the roll was called.

Mr. WOOD. Some are new members, who do not know the rule.

The SPEAKER. It is repeated every roll-call.

The vote was then announced as above recorded.

The question next recurred on the adoption of the following resolution:

Resolved, That W. W. Wilshire is entitled *prima facie* to a seat in the Forty-third Congress as Representative from the third congressional district of the State of Arkansas, without prejudice to the right of Thomas M. Gunter, claiming to have been elected thereto, to contest his right to said seat upon the merits.

Mr. SPEER. I move the House do now adjourn.

The House divided; and there were—ayes 75, noes 82.

So the House refused to adjourn.

Mr. SPEER. I demand the yeas and nays on the adoption of the resolution reported by the majority of the committee.

The yeas and nays were ordered.

Mr. ELDREDGE. I move the House do now adjourn.

The House divided; and there were—ayes 78, noes 82.

Mr. ELDREDGE demanded tellers.

Tellers were ordered; and Mr. ELDREDGE and Mr. RUSK were appointed.

The House again divided; and the tellers reported—ayes 66, noes 109.

Mr. LAMAR demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

The SPEAKER. The yeas and nays have been ordered on the adoption of the resolution reported by the majority of the committee.

The question was taken; and it was decided in the affirmative—yeas 118, nays 96, not voting, 75; as follows:

YEAS—Messrs. Albert, Albright, Averill, Bass, Biery, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Cessna, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cox, Crounse, Crutchfield, Curtis, Danford, Dobbins, Donnan, Duell, Dunnell, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Harrison, Hathorn, Havens, John B. Hawley, Hays, Hodges, Hoskins, Houghton, Hunter, Hurlbut, Hyde, Kelley, Lamport, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Merriam, Moore, Negley, Orr, Packard, Packer, Page, Isaac C. Parker, Parsons, Pike, James H. Platt, jr., Thomas C. Platt, Rainey, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Sprague, Stowell, Strait, Strawbridge, Sypher, Thomas, Thornburgh, Todd, Tyner, Wallace, Walls, Marcus L. Ward, White, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—118.

NAYS—Messrs. Archer, Ashe, Atkins, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, John B. Clark, jr., Comingo, Cook, Cotton, Creamer, Crittenden, Crooke, Crossland, Alexander M. Davis, John J. Davis, Dawes, DeWitt, Durham, Eames, Eldredge, Giddings, Glover, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Gerry W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Hynes, Jewett, Kasson, Magee, Marshall, McCrary, McLean, Mellish, Milliken, Mills, Monroe, Neal, Niblack, O'Brien, Hosea W. Parker, Pendleton, Perry, Pierce, Potter, Ransier, Rawls, Rice, Robbins, Ellis H. Roberts, William R. Roberts, Milton Sayler, J. Ambler Smith, John Q. Smith, Southard, Speer, Stanard, Standeford, Stone, Storm, Swann, Townsend, Vance, Waddell, Waldron, Wells, Whitehead, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, James Wilson, Wood, Woodford, John D. Young, and Pierce M. B. Young—96.

NOT VOTING—Messrs. Adams, Arthur, Banning, Barber, Barnum, Barrere, Barry, Begole, Berry, Cain, Amos Clark, jr., Freeman Clarke, Clymer, Crocker, Darrall, Eden, Elliott, Farwell, Freeman, Garfield, Eugene Hale, Harmer, John W. Hazelton, Hendee, Hersey, Hooper, Howe, Hubbell, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Leach, Loughridge, Luttrell, Lynch, Mitchell, Morey, Morrison, Myers, Nesmith, Niles, Nunn, O'Neill, Orth, Pelham, Phelps, Phillips, Poland, Pratt, Purman, Randall, Read, James C. Robinson, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sheats, Sheldon, Sloss, Small, Starkweather, Stephens, St. John, Taylor, Tremain, Jasper D. Ward, Wheeler, Whitehouse, Ephraim K. Wilson, and Wolfe—75.

So the resolution was adopted.

During the roll-call the following announcements were made:

Mr. SENER. I am paired with Mr. LOUGHRIDGE, of Iowa. If he were present he would vote "ay," and I would vote "no."

Mr. NUNN. I am paired with Mr. ADAMS, of Kentucky. If he were here he would vote "no," and I would vote "ay."

Mr. COX. May I ask a parliamentary question?

The SPEAKER. The Chair cannot interrupt the roll-call for any purpose.

The result of the vote was then announced as above recorded.

Mr. COX. I move to reconsider the vote just taken.

Mr. THOMAS. I move to reconsider the vote by which the resolution was adopted; and I also move that the motion to reconsider be laid on the table.

Mr. COX. Was I not recognized by the Chair to make the motion to reconsider?

The SPEAKER. The Chair prefers to recognize the gentleman whom the rule says he shall recognize. He therefore recognized the gentleman from North Carolina, [Mr. THOMAS,] who has moved to reconsider the vote just taken; and also moves that the motion to reconsider be laid on the table.

Mr. ELDREDGE. On that motion I call for the yeas and nays.

Mr. PENDLETON. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 63, noes 81.

Mr. ELDREDGE. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. BECK. I move that when the House adjourns to-day it be to meet on Thursday next; and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr SMITH, of Ohio. I desire to make a parliamentary inquiry. As I understand, a motion to adjourn is before the House, and the yeas and nays have been ordered upon it. Does not that motion take precedence of a motion to adjourn to a particular day?

The SPEAKER. The motion to fix a day to which the House will adjourn necessarily takes precedence of the motion to adjourn.

Mr. SPEER. I desire to make a parliamentary inquiry. Pending the motion that when the House adjourns to-day it shall adjourn to meet on Thursday, would it be in order to move that when it adjourns it adjourn to meet on Friday next?

The SPEAKER. The gentleman need not multiply motions. The two already pending may be interchanged *ad infinitum*.

Mr. SPEER. I want to have enough material to work on for a short time. [Laughter.] If my motion is in order I desire to make it.

The SPEAKER. The gentleman's motion can be offered in the form of an amendment. Does the gentleman desire to move to amend the motion of the gentleman from Kentucky?

Mr. SPEER. I do. I move to amend the motion of the gentleman from Kentucky by striking out "Thursday" and inserting "Friday;" and I ask the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ELDREDGE. I hope the gentlemen on the other side of the House will consent to an adjournment till to-morrow morning. We only desire that gentlemen now absent may be here to have an opportunity to vote. That is the only purpose in these motions.

Mr. PLATT, of Virginia. I demand the regular order. Go on with the roll-call.

The question was on agreeing to Mr. SPEER's amendment, to strike out "Thursday," in Mr. BECK's motion, and insert "Friday."

The question was taken; and there were—yeas 12, nays 114, not voting 163; as follows:

YEAS—Messrs. Archer, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Caldwell, Stephen A. Cobb, Henry R. Harris, Lawrence, and Marshall—12.

NAYS—Messrs. Albert, Albright, Atkins, Biery, Bradley, Bright, Buffinton, Bundy, Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cason, Cessna, John B. Clark, jr., Clayton, Clements, Clinton L. Cobb, Coburn, Corwin, Cotton, Crooke, Crutchfield, Dawes, Dobbins, Dunnell, Eames, Field, Fort, Foster, Freeman, Gooch, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hoskins, Houghton, Hunter, Hurlbut, Hyde, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Mellish, Monroe, Moore, Orr, Packard, Packer, Page, Isaac C. Parker, Pelham, Pendleton, James H. Platt, jr., Rice, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Standeford, Starkweather, Strawbridge, Sypher, Thomas, Todd, Townsend, Wallace, Walls, Marcus L. Ward, White, Whitehead, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodford—114.

NOT VOTING—Messrs. Adams, Arthur, Ashe, Averill, Banning, Barber, Barnum, Barrere, Barry, Bass, Beck, Begole, Bell, Berry, Burrows, Cain, Cannon, Amos Clark, jr., Freeman Clarke, Clymer, Comingo, Conger, Cook, Cox, Creamer, Crittenden, Crocker, Crossland, Crounse, Curtis, Danford, Darrall, Alexander M. Davis, John J. Davis, DeWitt, Donnan, Duell, Durham, Eden, Eldredge, Elliott, Farwell, Frye, Garfield, Giddings, Glover, Gunckel, Hamilton, Hancock, Harmer, John T. Harris, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, Hooper, Howe, Hubbell, Hunton, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Leach, Loughridge, Luttrell, Magee, Martin, Maynard, McCrary, McLean, Merriam, Milliken, Mills, Mitchell, Morey, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orth, Hosea W. Parker, Parsons, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Potter, Pratt, Purman, Rainey, Randall, Ransier, Rapier, Rawls, Ray, Read, Richmond, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Sheats, Sheldon, Sloss, Small, J. Ambler Smith, William A. Smith, Southard, Speer, Stephens, St. John, Stone, Storm, Stowell, Strait, Swann, Taylor, Thornburgh, Tremain, Tyner, Vance, Waddell, Waldron, Jasper D. Ward, Wells, Wheeler, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—163.

The SPEAKER. The roll-call shows that a quorum has not voted.

Mr. ELDREDGE. I rise to a question of order. The House seems to be turned into a lunch-room. [Laughter.] I wish to know of the Chair if it is in order to smoke or to eat in the Hall of Representatives?

The SPEAKER. The rules prohibit smoking, but are silent in regard to eating. [Laughter.]

Mr. BUTLER, of Massachusetts. If the gentleman refers to me, I will say to him that I won't eat here any more. [Laughter.]

The SPEAKER. There being no quorum present, only the motion to adjourn, or the motion that there be a call of the House, is now in order.

Mr. PLATT, of Virginia. I move a call of the House.

Mr. CRITTENDEN. I move that the House now adjourn. [After a pause.] I will withdraw that motion.

Mr. COMINGO. I renew it.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. Were not the yeas and nays ordered on a motion to adjourn, before it was shown by the last vote that no quorum was voting?

The SPEAKER. They were. The Chair begs the attention of gentlemen to the fact that the question that now arises presents a singular case. A motion to adjourn was made, and the yeas and nays ordered thereon, when there was presumably a quorum in the House, as it had been shown by a vote just before taken. Then a more privileged motion was made, to fix the day to which the House should adjourn, upon which the yeas and nays were ordered. Then a motion of still higher privilege was made, to amend the motion so as to fix a different day to which the House should adjourn, upon which the yeas and nays were also ordered. Upon calling the roll upon the latter motion, no quorum voted.

The rule is specific that when less than a quorum is disclosed, there can be but two motions submitted, one to adjourn, and the other for a call of the House. Should the Chair rule that the motion to adjourn could not then be entertained, because there was pending a motion of higher privilege, it might be in the power of certain gentlemen to keep the House in session indefinitely. The motion to adjourn comes in at this point by a special rule, and is more highly privileged than motions which, with a quorum present, would really be above it, in order that the House may have the chance to disentangle itself from an embarrassment. The only motions, therefore, now in order, are the motion to adjourn and the motion for a call of the House, both of which are now pending.

The question was then taken on the motion to adjourn, and upon a division there were—ayes 50, noes 73.

Before the result of this vote was announced

Mr. COX called for tellers.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. COX were appointed.

Mr. ROBINSON, of Ohio. In view of the lateness of the hour, I suggest to gentlemen on this side of the House that we had better adjourn.

Mr. PLATT, of Virginia. If any debate is to be allowed on this question I desire to say a word. The gentleman expresses a desire that our side of the House should give up and adjourn. Now, I desire to fight it out on this line if it takes all night.

Mr. HARRIS, of Virginia. I desire to make a parliamentary inquiry. If the House should now adjourn, when will this Arkansas case come up again?

The SPEAKER. The first thing after the reading of the Journal to-morrow morning.

The House again divided on the motion to adjourn, and the tellers reported that there were—ayes 67, noes 74.

So the motion to adjourn was not agreed to.

The question recurred upon the motion for a call of the House.

Mr. PLATT, of Virginia. I desire to make a parliamentary inquiry. My impression is that under a new rule of the House, if no quorum is present, fifteen members can order a call of the House.

The SPEAKER. Fifteen against a larger number.

Mr. PLATT, of Virginia. Is not that the rule?

The SPEAKER. The Chair is under the impression that the gentleman is in error.

Mr. PLATT, of Virginia. I simply made the inquiry.

The SPEAKER. The Chair will direct the Clerk to read the rule to which the gentleman refers.

Mr. ELDREDGE. Why not pass the book over to the gentleman from Virginia, [Mr. PLATT,] and let him read it for himself. [Laughter.]

The Clerk read the rule, as follows:

Any fifteen members, including the Speaker, if there be one, shall be authorized to compel the attendance of absent members; but where less than that number are present, a motion for a call of the House cannot be entertained.

The SPEAKER. That implies that only fifteen members are present.

Mr. PLATT, of Virginia. Very well; I withdraw my inquiry.

The question was taken on the motion for a call of the House; and upon a division there were—ayes 64, noes 70.

Before the result of this vote was announced,

Mr. PLATT, of Virginia, called for tellers.

Tellers were ordered, (the affirmative being one-fifth of a quorum,) and Mr. PLATT, of Virginia, and Mr. ELDREDGE were appointed.

The House again divided; and the tellers reported that there were—ayes 67, noes 73.

Before the result of this vote was announced,

Mr. PLATT, of Virginia, called for the yeas and nays.

Mr. HAWLEY, of Connecticut. I think I can suggest a solution of this difficulty. I believe all that members on the other side desire is one square vote to-morrow on the Arkansas case.

Mr. ELDREDGE. That is all we want.

Mr. BUTLER, of Tennessee. I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 81, noes 71.

Before the result of this vote was announced,

Mr. PLATT, of Virginia, called for tellers.

Tellers were ordered, (one-fifth of a quorum voting in the affirmative,) and Mr. BUTLER, of Tennessee, and Mr. MACDOUGALL were appointed.

The House again divided; and the tellers reported that there were—ayes 72, noes 70.

Before the result of this vote was announced,

Mr. PLATT, of Virginia, called for the yeas and nays.

The yeas and nays were ordered.

The question was again taken; and there were—yeas 87, nays 81, not voting 121; as follows:

YEAS—Messrs. Albert, Archer, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Roderick R. Butler, Caldwell, John B. Clark, jr., Coburn, Comingo, Cotton, Cox, Crittenden, Crossland, Crutchfield, Alexander M. Davis, Dawes, Durham, Eames, Eldredge, Giddings, Glover, Gooch, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, E. Rockwood Hoar, Holman, Hoskins, Houghton, Hunton, Hyde, Hynes, Lamar, Lowndes, Lynch, Magee, Marshall, McCrary, McLean, Milliken, Neal, Orr, Packer, Hosea W. Parker, Pendleton, Perry, Pierce, Rawls, Rice, Robbins, Sawyer, Sener, Sessions, H. Boardman Smith, John Q. Smith, Southard, Speer, Stanard, Standeford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, John D. Young, and Pierce M. B. Young—87.

NAYS—Messrs. Albright, Averill, Barber, Biery, Bradley, Bundy, Burleigh, Benjamin F. Butler, Cason, Cessna, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Corwin, Crooke, Crounse, Dobbins, Donnan, Dunnell, Field, Fort, Foster, Hagans, Hathorn, John B. Hawley, Hays, George F. Hoar, Hodges, Hunter, Hurlbut, Lawson, Lewis, Lofland, Maynard, James W. McDill, MacDougall, McJunkin,

McKee, McNulta, Mellish, Monroe, Moore, Negley, Packard, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Rainey, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Isaac W. Scudder, Shanks, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, Sprague, Starkweather, Strait, Strawbridge, Sypher, Thomas, Todd, Wallace, Walls, Marcus L. Ward, White, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodford—81.

NOT VOTING—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Barry, Bass, Begole, Berry, Burchard, Burrows, Cain, Cannon, Amos Clark, jr., Freeman Clarke, Clymer, Conger, Cook, Creamer, Crocker, Curtis, Danford, Darrall, John J. Davis, DeWitt, Duell, Eden, Elliott, Farwell, Freeman, Frye, Garfield, Gunckel, Hamilton, Harmer, Havens, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, Hersey, Hooper, Howe, Hubbell, Jewett, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lansing, Lawrence, Leach, Loughridge, Lowe, Luttrell, Martin, Alexander S. McDill, Merriam, Mills, Mitchell, Morey, Morrison, Myers, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orth, Parsons, Phelps, Phillips, Pike, Thomas C. Platt, Poland, Potter, Pratt, Purman, Randall, Ransier, Rapier, Read, Richmond, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sheats, Sheldon, Sloss, Small, J. Ambler Smith, William A. Smith, Snyder, Stephens, St. John, Stowell, Taylor, Thornburgh, Townsend, Tremain, Tyner, Waldron, Jasper D. Ward, Wheeler, Whitehouse, Whiteley, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Woodworth—121.

So the motion to adjourn was agreed to.

Before the result of the vote was announced,

Mr. HYNES said: I rise to a privileged question. I wish to know how I am recorded on the proposition to substitute the resolution of the minority for that of the majority?

The SPEAKER. That is not a privileged question.

Mr. HYNES. I supposed it was, as it is a matter affecting the record.

The SPEAKER. It does not affect the record of this vote.

Mr. HYNES. No, sir.

The result of the vote was then announced as above stated; and accordingly (at six o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers, were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ARCHER: The petition of Nathan S. Gurney, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Massachusetts: The petition of certain members of the Georgia Legislature and others, for the passage of a supplementary civil-rights bill, to the Committee on the Judiciary.

Also, the petition of citizens of Cape Ann, Massachusetts, for the improvement of Annisquam River, to the Committee on Commerce.

Also, the petition of Adam and Lydia Freshour, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Benjamin Webb, of Salem, Massachusetts, for payment for the brig Leontine and her cargo, sunk and destroyed by collision with the United States storeship Release, to the Committee on Claims.

By Mr. CESSNA: The petition of citizens of Bedford County, Pennsylvania, for the repeal of duties on friction and lucifer matches, to the Committee on Ways and Means.

By Mr. CLAYTON: The remonstrance of Treadwell & Co., of San Francisco, California, against the renewal of the Haines patent for machine for clipping the heads of grain, to the Committee on Patents.

By Mr. COBURN: The petition of Tarvin C. Grooms, for arrears of pay as first lieutenant One hundred and fifteenth Indiana Volunteers, to the Committee on Military Affairs.

By Mr. CONGER: The petition of citizens of Saint Clair, Michigan, for the improvement of Pine River, Michigan, to the Committee on Commerce.

Also, the petition of E. B. Ward, and other vessel owners, for an appropriation for a light-house at Alpena, Michigan, to the Committee on Commerce.

By Mr. HARRIS, of Virginia: The petition of the trustees of the Richmond Female Institute, situated in Richmond, Virginia, for compensation for the use by the United States of the buildings and grounds of said institute, to the Committee on War Claims.

By Mr. LOWE: The petition of certain homestead claimants in Kansas for the protection of their titles against the claims of railroad companies under land grants, to the Committee on the Public Lands.

Also, the petition of the Leavenworth Medico-Chirurgical Society, for the passage of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. MARTIN: The petition of citizens of Centralia, Marion County, Illinois, that a pension be granted Mrs. Sarah Summerville, widow of Alexander Summerville, formerly deputy provost marshal eleventh Illinois district, to the Committee on Invalid Pensions.

By Mr. McDILL, of Wisconsin: The petitions of citizens of Juneau County, Wisconsin, for an increase of duty on imported hops, to the Committee on Ways and Means.

Also, the petition of druggists of Madison, Wisconsin, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. MITCHELL: The memorial of the city authorities of Milwaukee, Wisconsin, for the improvement of Milwaukee Harbor, to the Committee on Commerce.

By Mr. MOORE: The petition of C. H. Beall, and other citizens of Washington County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, and also remonstrating against an increase of internal taxes, and a restoration of the duty on tea and coffee, to the Committee on Ways and Means.

By Mr. NEGLEY: The petition of James Laughlin, jr., and others, of Pittsburgh, Pennsylvania, for the appointment of a commission of inquiry as to the results of the traffic in alcoholic liquors, to the Committee on Ways and Means.

By Mr. NESMITH: Sundry memorials and petitions of the Legislatures and people of Oregon and Idaho, in favor of aid in the construction of the Portland, Dalles and Salt Lake Railroad, to the Committee on Railways and Canals.

By Mr. SENER: Papers relating to the claim of St. Mary's church, of Fredericksburgh, Virginia, for the destruction of property during the war, to the Committee on War Claims.

By Mr. SMITH, of Pennsylvania: The petition of the Columbia National Bank of Pennsylvania, to be indemnified for the destruction of the Columbia bridge on the 28th of June, 1863, by order of Major-General Couch, to the Committee on War Claims.

By Mr. SOUTHARD: The petition of citizens of Licking County, Ohio, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

By Mr. SWANN: The petition of citizens of Baltimore, Maryland, of similar import, to the Committee on Ways and Means.

Also, the petition of Louisa Sheckels, for compensation as an employé in the United States secret service during the late war, to the Committee on Military Affairs.

By Mr. TOWNSEND: The petition of the Penn's Grove Monthly Meeting of the Society of Friends, of Chester County, Pennsylvania, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. VANCE: The petition of citizens of North Carolina, for a post-route from Murphy to Elias M. Kilpatrick's, in Cherokee County, North Carolina, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

WEDNESDAY, *February* 18, 1874.

Prayer by Rev. E. D. OWEN, of Washington.

On motion of Mr. MORTON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a communication of the Secretary of State, accompanying a copy of the report of Mr. John M. Thacher, who was appointed in June last as a delegate to represent the United States at the international congress which was held at Vienna in August, 1873, for the consideration of the question of the protection of patents; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication by telegraph from the common council, Board of Trade, and Chamber of Commerce of Cincinnati, protesting against the discontinuance of work on the public building of that city. The telegram was received several days ago, and by accident mislaid on the table. It will be referred to the Committee on Public Buildings and Grounds, if there be no objection.

The PRESIDENT *pro tempore* presented resolutions of the Legislature of Kansas, charging misconduct on the part of the Union Pacific Railroad Company; which was referred to the Committee on Railroads.

He also presented a resolution of the Legislature of the State of Iowa, relative to improving the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Montana Territory, in relation to the protection of citizens of Deer Lodge and Missoula Counties; which was referred to the Committee on Indian Affairs.

He also presented the memorial of stockholders of the Wisconsin Central Railway Company, praying that the time fixed for the completion of their road be extended; which was referred to the Committee on Public Lands.

Mr. KELLY. I present the petition of J. F. Boyer and 176 others, citizens of Washington Territory, praying for the passage of the Portland, Dalles and Salt Lake Railroad bill. In presenting this petition, I simply wish to call attention to the object expressed in it. These gentlemen represent that they are living in a very isolated condition, remote from all the railroad systems of the United States, and they simply ask Congress to pass a bill giving to that company a sum of money which will be barely sufficient to carry the mails and the military supplies of the country, and for which they state in their petition that the company will be willing to transport not only the mails, but the troops and military supplies, and supplies for the Indian Department, in perpetuity, for all time to come. They show many reasons why the prayer of this petition should be granted. I move its reference to the Committee on Railroads.

The motion was agreed to.

Mr. TIPTON presented the petition of J. H. Humphries and other

soldiers, asking for an equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. SUMNER presented the petition of W. H. Willis and other citizens of Boston, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BOUTWELL presented the petition of Ephraim Fairbanks, Charles A. Wright, and other citizens of Waltham, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SARGENT. I present, by request from the Legislative Assembly of Utah, they having no representation on this floor, a memorial to the Senate and House of Representatives, reciting that "the Legislative Assembly of the Territory of Utah respectfully represent that whereas a large majority of the people of this Territory are accused of disloyalty, insubordination, and other violations of the Constitution and laws of the United States; and whereas these accusations are absolutely untrue, and are made with malicious intent to procure proscriptive legislation by Congress, therefore, being anxious that legislation, if upon thorough investigation any should be deemed necessary, should be such as will conduce to the greatest good of all, we respectfully and earnestly solicit your honorable body to send to Utah a commission of investigation, with instructions to inquire into the alleged abuses in our territorial affairs, and with authority to send for persons and papers needed in the prosecution of their inquiry. And we further respectfully ask your honorable body, for the protection of what we deem the best interests of the whole people of the Territory, to suspend all action, so far as special legislation for Utah is concerned, until such time as said commission shall have had opportunity to investigate and report. And for a course so conducive to wise, and consequently beneficial, legislative action, we, your memorialists, will ever pray."

This is signed by Lorenzo Snow, president of the council; Orson Pratt, sr., speaker of the house of representatives; and by every member of the legislative council, as I understand. I move the reference of this memorial to the Committee on the Judiciary, as they have measures relating to the same subject before them.

The motion was agreed to.

Mr. DENNIS presented the petition of John Dix, James T. Daniel, William D. Thomas, and 78 other citizens of Maryland, praying for the establishment of a light-house on the shoal of Bishop's Head, in that State; which was referred to the Committee on Commerce.

Mr. MITCHELL presented the petition of Isaac Dillan, W. L. Fletcher, and other citizens of Portland, Oregon, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. PRATT presented the petition of John Akley and the petition of James L. Delong, soldiers of the war of 1812, each praying to be allowed a pension; which were referred to the Committee on Pensions.

He also presented the petition of Elizabeth Howard, widow of Thomas H. Howard, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SCOTT. I present the memorial of the Board of Trade of Philadelphia, protesting against the passage by the Senate of a bill that has just passed the House of Representatives for the lease to Messrs. Dupont & Co., of Wilmington, Delaware, of the "Old Lazaretto" site, near Penrose Ferry Bridge, on the bank of the river Schuylkill, Philadelphia, for a powder magazine, setting forth that that site is within half a mile of the new navy-yard at League Island, and the same distance from the wharves, docks, depot buildings, railroad terminus, and grain elevator of the new European line of steamships; and setting forth also the dangerous proximity of this powder magazine to other important business enterprises in the neighborhood of Philadelphia. I believe the bill in this case has been referred to the Committee on Military Affairs; and I move that this petition be referred to the same committee.

The motion was agreed to.

Mr. SCOTT. I also present the petition of the Wholesale Grocers' Association of Philadelphia, Pennsylvania, upon the same subject, protesting against the passage of that bill.

The PRESIDENT *pro tempore*. The memorial will be referred to the same committee.

Mr. SCOTT also presented a petition of citizens of Birmingham, Huntingdon County, Pennsylvania, deprecating the restoration of the duty on tea and coffee or the revival or increase of internal taxes, and praying for the repeal of section 2 of the act of June 6, 1872; which was referred to the Committee on Finance.

Mr. CONKLING. I present the petition of David Klein, reciting that he is a patentee under a foreign government of an invention touching pontoon bridges, which have been manufactured here and used, and he thinks the Government owes him for them. Although this is a claim, I think it had better go to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The petition will be so referred.

Mr. HAGER presented a concurrent resolution of the Legislature of California, in favor of an amendment to the Constitution of the United States, providing that Senators may be elected by a direct vote of the people; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

He also presented a concurrent resolution of the Legislature of California, relative to lands granted the Stockton and Copperopolis Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOREMAN, it was

Ordered, That the petition and papers of William B. Matchett be taken from the files and referred to the Committee on Claims.

On motion of Mr. BOREMAN, it was

Ordered, That the petition and papers of the heirs of James P. McKee be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Claims, to whom was referred the memorial of A. M. Wilson, a Cherokee Indian, asking pay for property taken by the Federal troops for the use of the Army in the year 1862, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. PRATT also, from the Committee on Claims, to whom was referred the petition of Jesse Connell and Barrett S. Johnston, praying to be allowed the sum of $4,265.30 for corn furnished for the use of the Army in 1862, payment for which was refused by reason of non-performance of contract, submitted an adverse report thereon, which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. SCOTT, from the Committee on Claims, to whom was referred the petition of P. W. Whitcomb, praying compensation for services rendered as clerk of the first class while employed as laborer in the office of the Auditor of the Treasury for the Post-Office Department, from October 1, 1866, to April 1, 1872, submitted an adverse report thereon; which was adopted and ordered to be printed.

Mr. SCOTT also, from the same committee, to whom was referred the petition of Thomas B. Wallace, praying compensation for property destroyed by the Army under orders from the military commander in 1861, submitted a report, accompanied by a bill (S. No. 507) for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (S. No. 53) for the relief of Mary E. Purnell, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of citizens of Cass County, Indiana, praying that the sum of $409.87, unjustly collected of Andrew Johnson as taxes on spirits, may be refunded, reported a bill (S. No. 508) for the relief of Andrew Johnson, of Logansport, Indiana; which was read, and passed to a second reading.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Henry A. Peeler, praying for relief for moneys advanced to the United States consul at Matamoras, Mexico, and expended for the relief of refugee Union men, submitted an adverse report thereon; which was adopted and ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred a memorial of the Legislature of the State of Arkansas, in favor of the disposal of the Fort Smith reservation in that State and the dedication of another portion thereof to the city of Fort Smith for the benefit of the common schools of said city, reported a bill (S. No. 509) to withhold from sale a portion of the Fort Smith military reservation, in the State of Arkansas, and to prescribe the manner in which the remainder of such reservation shall be sold, and for other purposes; which was read, and passed to a second reading.

He also, from the same committee, to whom were referred the bill (S. No. 239) to withhold from sale a portion of the Fort Smith military reservation in Arkansas, and for other purposes, and the bill (S. No. 362) donating the military reservation of Fort Smith to the city of Fort Smith, Arkansas, for free schools, moved that they be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the petition of the mayor and common council of the city of Fort Smith, praying that the military reservation at that place be donated to that city for the use of schools, asked to be discharged from the further consideration of the petition; which was agreed to.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. LOGAN. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 821) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic, of Philadelphia, for monumental purposes, have had the same under consideration, and have instructed me to report it back with amendments, and if there is no objection I ask that it be passed now. It is merely disposing of some condemned cannon.

The PRESIDENT *pro tempore*. The Chair understands the committee to report this bill for the first time.

Mr. LOGAN. It is a House bill, reported with amendments.

The PRESIDENT *pro tempore*. The Senate has received no such bill from the House, as the Chair is informed. It can be treated as a new Senate bill just reported, and put on the Calendar or passed.

Mr. LOGAN. I beg pardon of the Chair. It was referred to the committee as a House bill. I do not know how it got there. The amendments were made in committee, and I was ordered to report the bill back with amendments, including two other associations besides those named in the bill. I do not know how it got before our committee.

Mr. SARGENT. It may be a House bill that has not passed the House. It may be merely printed.

Mr. LOGAN. How did it get before our committee, then?

The PRESIDENT *pro tempore*. It had better be treated as a Senate bill.

Mr. LOGAN. Very well.

The bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic of Philadelphia, and other associations, for monumental purposes, was read twice, and considered as in Committee of the Whole.

It authorizes the Secretary of War to deliver, if the same can be done without detriment to the Government, four condemned cannon and sixteen cannon-balls to each of the following-named organizations, for the purpose of ornamenting burial grounds of deceased soldiers: To the post numbered two, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered five, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered six, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered seven, Grand Army of the Republic, Philadelphia, Pennsylvania; to the post numbered eight, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered ten, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered seventy-one, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered nineteen, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the corporate authorities of the town of Winterport, State of Maine; and to the Soldiers' Monument Association of Henderson County, State of Illinois.

Mr. SARGENT. I understood by some means—I had it in my mind during the last Congress—that the number of our condemned cannon was getting very small; that the requisitions for these purposes had been very large upon the amount at the disposal of the Government, and that it was quite questionable whether any more ought to be granted. I have no doubt the chairman of the Committee on Military Affairs is well informed on this matter; but I should like to know whether there is any foundation for such belief, and if the quite large amount donated by this bill can be well spared.

Mr. LOGAN. I do not know. I have made no inquiry about it. The bill does not require them to be given unless they can be spared. It is a mere matter of discretion with the Secretary of War, and I did not inquire whether he had them to spare or not.

Mr. ANTHONY. I think it would be very proper for us to give the cannon for this purpose, whether we have them to spare or not, even if we have to go to the expense of a new cannon for every one that is donated for a purpose of that kind.

Mr. SARGENT. This provides for condemned cannon. Are we to manufacture cannon and condemn them for this operation?

Mr. ANTHONY. I would not manufacture and condemn them, but I would give all the condemned cannon.

Mr. LOGAN. Condemned cannon are of no value in the world except the price of the iron, and if we do not have them on hand, of course they are not to be distributed. The matter is left to the discretion of the Secretary of War, if he has the cannon to spare.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ANTHONY (at the request of Mr. EDMUNDS, detained by illness) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 511) for the relief of Jacob M. Smalley; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Naval Affairs.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 512) to extend the time for completing the Wisconsin Central Railroad in Wisconsin; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 513) to provide for ascertaining losses sustained by citizens of Southern Oregon and Northern California by reason of Indian depredations in 1872 and 1873; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 515) to change the time for holding the terms of the United States circuit court for the southern district of Alabama; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 516) to further amend the laws granting homestead rights to honorably discharged soldiers and sailors, their widows and orphan children; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 7th instant, approved and signed the act (S. No. 216) to change the name of the pleasure-yacht Fearless; and, on the 11th instant, the act (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay.

CENTENNIAL EXHIBITION.

Mr. CAMERON. I desire to give notice that to-morrow morning, after the business of the morning hour has been gone through with, I shall move to take up the House bill in regard to the centennial exhibition.

Mr. MORRILL, of Maine. In that connection I desire to remind the honorable Senator and the Senate that, as soon as the subject-matter now before the Senate passes from its consideration, the Committee on Appropriations will feel bound to urge upon the consideration of the Senate the naval appropriation bill, reported some ten or fifteen days ago, and of which they gave notice at that time.

Mr. CAMERON. I am sure my friend from Maine will not interfere with my taking up this bill during the morning hour. That will not interfere with the other bill, I trust.

Mr. MORRILL, of Maine. I shall endeavor, out of the greatest possible feeling of courtesy to my honorable friend, not to interfere with his bill unnecessarily; but I wish to take due caution that his bill does not interfere with mine. My honorable friend has such facility for getting before the Senate matters that he desires, that he needs to be watched.

Mr. CAMERON. I have now given notice of what I shall attempt to do to-morrow.

Mr. MORRILL, of Maine. In the morning hour?

Mr. CAMERON. In the morning hour.

Mr. MORRILL, of Maine. That will not interfere with my bill.

LIQUOR-TRAFFIC COMMISSION.

The PRESIDENT *pro tempore*. If there be no further morning business the Secretary will report the Calendar.

The first bill on the Calendar was the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic; which was considered as in Committee of the Whole.

The Committee on Finance reported the bill with an amendment, to strike out all after the enacting clause and insert the following in lieu thereof:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be the holder of any office of profit or trust in the General or a State government. The said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed one year. It shall be their duty to investigate the alcoholic liquor traffic in its economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States.

SEC. 2. That the said commissioners shall serve without salary; shall be authorized to employ a secretary at a reasonable compensation, not to exceed $2,000 per year, which, with the necessary expenses incidental to said investigation, of both the secretary and commissioners, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and the amount necessary is hereby appropriated. It shall be the further duty of said commissioners to report the result of their investigation, and the expenses attending the same, to the President, to be by him transmitted to Congress.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. FERRY, of Connecticut. Mr. President, I did not interpose the other morning in order to prevent the immediate consideration of this bill, but only because I wished whenever the bill should be acted upon by the Senate to have a call of the yeas and nays.

The bill is in accordance, in its character, with the tendency of the times, the gathering into the Federal jurisdiction of all State functions and all matters of State police. As being of that character, I am opposed to it, and I consider it my duty whenever any of these measures, which have been so frequent for the past few years, shall be brought to the consideration of the Senate, at least to interpose so far as to ask the Senate to take thought what they are doing, and before the precedents in this direction become more numerous.

We are to make investigation with regard to a traffic in connection with "pauperism, crime, social vice, public health, general welfare," matters which, in the very theory of our system, belong to the functions of the States, are there best considered, and there measures best calculated to be adopted to promote the opposite of the evils which are apprehended from the traffic ought to be inquired after.

There are a great many petitions on our table in reference to this subject, and asking for this commission. They are petitions, as a whole, from the best and purest minded of the citizens of the United States, who mean right, who mean the welfare of humanity, who desire to promote virtue, but who, in their anxiety to bring about these great results, fail to consider that, in the mode in which they

are pursuing them, they may be in danger of inflicting even fundamental evils upon our whole system of society.

Now, sir, all that I ask is that when the question is taken upon this bill it may be taken by yeas and nays. I want to record my vote against every bill of the tendency which I consider is attached to this bill, and to which I have alluded.

Mr. WRIGHT. Mr. President, I have no disposition to discuss the question at all. I do not understand whether my friend put his objection on the ground of want of power on the part of Congress to pass such a bill as this, or upon the ground of expediency. I submit that we are here to legislate for the public welfare. I submit that the Constitution of the United States was given to us for the life of the nation, and not for its death. I submit that it is a charter of life, and not a charter of death. I submit that this Congress is in the line of its duty when it is collecting material that shall assist us to legislate for the public welfare. If it be true that prosperity and happiness, and good society and order and quiet, are better as promotive of this national life, are better as promotive of this general welfare, than pauperism and crime and social evil, then we are but in the line of our duty when we pass this bill. We are asked to do so, as has been suggested, by the best and purest minds of this land and nation. It is a simple commission of inquiry to report to us the facts and the statistics as they shall gather them; and when they shall be before us we are to determine what legislation shall follow, if any.

There are many reasons why it is proper and just in my judgment that we should have this report. There never has been such a general report to Congress. We need it in connection with our revenue laws; we need it for numberless reasons that I shall not now attempt to point out. I suggest that there is no constitutional difficulty. I suggest that this is demanded by the best men of the land. I suggest that this is demanded by the best interests of the nation.

Mr. CONKLING. Did this bill give rise to the objection or to the consideration mentioned by the Senator from Connecticut, I should feel bound to pause before voting for it. Without going into a general statement of my reasons, I make one remark in reply to the Senator from Connecticut. The whole function of the bill is to institute an inquiry, nothing more. Obviously the Senate, like every parliamentary body, has a right, for purposes of legislation, to inform itself. It has a right to make inquiry touching any matter or thing in respect of which it needs information; and no limit, no boundary to this power, or to its proper exercise, occurs to me until you come to a case of private character and private rights; in such a case you may violate the true principles of constitutional liberty, as I fear these principles have been violated sometimes by one or the other of the Houses of Congress. When, however, you are inquiring in the abstract, inquiring for general information merely, whether it is more or less likely to be useful, as a question of power, I submit to the Senator from Connecticut there can be no doubt of the absolute prerogative of this or any other parliamentary body.

How does this inquiry differ from the ordinary inquiries continually directed by resolutions, which are matters of course? Simply in the fact that it intrusts the inquiry to persons not members of this body. It authorizes the creation of a commission, which is to serve without hire or reward, except that paid to its secretary. It provides that this commission shall proceed to obtain certain information. I cannot see how such a bill can be, in the estimation of my honorable friend from Connecticut, one of those, of which I admit there are many, open to the doubt he expresses. If we can inquire by a committee of our own, we can inquire in the way now proposed. If the information will not fall in its practical use within any field of legislation, then the inquiry in one sense would be idle and superfluous. But that does not touch the question of our power to make it. But in fact every man must see, whether his attention has been specially directed to the evils of intemperance or not, that the facts aimed at are many-sided, useful in all directions in augmenting that fund of knowledge on which we must rely in discreet, conservative, and wholesome legislation.

Mr. FERRY, of Connecticut. Only a word. In the remarks which I made a few moments ago I was careful not to deny the power of Congress to enact a law of this kind. I stated my opposition to be based upon the tendency developed in this bill, similar to the tendency exhibited in many similar bills and fully developed in others, of drawing those subjects which appropriately are within the jurisdiction of the States into the cognizance of the Federal Government. I wished to meet that tendency in the outset, for the bill is based upon the multitudinous petitions which have been laid upon our tables, asking us to create a commission of this kind, the result of whose inquiry was anticipated to be the enactment of a law by Congress regulating or prohibiting the alcoholic traffic in the country, a matter which I believe at present nearly every Senator would say belongs especially to the State jurisdiction. I say "nearly every Senator," for I have heard Senators argue upon this floor that by the fourteenth amendment to the Constitution the Congress of the United States, without the previous action or non-action of any State, is empowered to enact any law for the protection of life, or liberty, or property, and the Senator on my left [Mr. SCHURZ] suggests "or for the pursuit of happiness." That was substantially the claim that was made here upon another bill, and the passage of that bill in the constitutional aspect was urged upon us upon the constitutional theory which I have mentioned. According to the argument made when that bill was before the Senate, we are empowered by the fourteenth amendment to enact such a law as the petitioners have asked for upon whose application this preliminary bill of inquiry has been brought into the Senate.

I would say to the Senator from New York, it is not because I discern the want of power to pass this particular bill, but in reference to these assaults upon the Constitution, which have become, as I said, so frequent of late years, the safest rule, in my judgment, is *obsta principiis;* and that is the reason why I desire the yeas and nays upon the present bill, to record my vote against it.

Mr. TIPTON. I remember that there is a tendency in the country on the part of the people of the States to legislate on this question—the traffic in intoxicating liquors; and there is a tendency to legislate in the direction of prohibition as to the sale—perhaps not at the present time as to the manufacture. I remember that the General Government is collecting perhaps $90,000,000 as revenue from intoxicating liquors in the United States. Under these circumstances I can very easily see the propriety of an investigation in which the Government is interested, and in which the people of the States are interested; and shall vote accordingly for the investigation.

Mr. MORRILL, of Maine. Mr. President, I am so much in sympathy with the general objects of this bill that I should hesitate to raise any question of authority in this investigation, unless it were very obvious. This bill proposes "to investigate the liquor traffic, in its economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people." I agree with the Senator from Connecticut that most of these subjects peculiarly belong to the people of the States, are within their province, and more intimately relate to the people of the States. At the same time it is pretty obvious that some of the relations of the alcoholic traffic touch the legislation in which we are from time to time engaged, such as the levying of taxes and the like; and therefore I can see that the Congress of the United States might very well be employed in the investigation of the traffic in alcoholic liquors, in which the Government at the present time, under its policy, is so large and potential an agent, in its relations to pauperism, crime, and the general welfare of the country at large.

But, Mr. President, I desire to make this observation in regard to this class of investigations: I think they are, as a general proposition, a failure. They are unreliable; they are unsatisfactory; and it seems to me that they are a departure from the usual methods adopted by Congress to prepare itself for its own legislation. It is obvious enough that all this information can be gathered through several of the standing committees of this body with very much less expense, with the same facility which any commission would have, and very much more reliable than can be expected under the terms of this bill. If the Committee on Finance had the leisure, and would adopt the necessary measures to inquire into this subject themselves, they would probably be able to produce very much more satisfactory results to the Senate of the United States than can be expected from a commission such as this bill contemplates. What do we expect from this bill? It authorizes the appointment of three commissioners, neither of whom is to be an officer of the General or of a State government. That is well enough, so that they shall be under no influence of an official character from either. They are expected to be competent men, I suppose, to investigate this subject; and they are to be asked to do it without any compensation whatever. Does anybody suppose we are likely to get any very valuable service in that direction? Does anybody know of a man anywhere so out of employment, so in lack of employment, so patriotic, or so devoted to these subjects, that he, for a whole year, as contemplated by this bill, can devote himself assiduously to them, or who could be really expected to devote himself assiduously to this duty, so that at the end of the twelve months we should have anything here as the result of this commission that would be valuable to us? I hardly think we have any right to expect any such thing as that; and, on the other hand, I hardly think it is quite becoming for Congress, who assume that this is a matter of so much importance as to raise a commission upon, to ask gentlemen of character and respectability and intelligence to do it as a matter of favor to Congress, or of grace to the American people, or as a contribution of any description whatever, without compensation.

Mr. SHERMAN. If my friend will allow me, I will say that those who represent both sides of this question—because there are two sides to it—have desired and urged that this commission should be without compensation. The Committee on Finance heard gentlemen of antagonistic views on the question, not only the manufacturers of spirituous liquors and the manufacturers of beer, but also those who believed that all such manufacture should be prohibited. Both sides desire that the commission should serve without pay.

Mr. MORRILL, of Maine. I am not going to argue the question. I only make an objection which is in the line of the general objection I have to all these commissions. We have committees of the Senate, committees of the House, whose business it is to furnish us with the evidence and the facts, to enable us to act understandingly on matters that are brought before Congress. We should confine ourselves to them. If this is outside of that, and we wish to enlighten the general sense of the community without any reference to legislation, that is another thing; but upon the assumption that we intend to gather information to legislate upon, then I think it belongs to the standing committees of the Senate.

My object in rising, however, was, more than anything else, to suggest that there should be a limitation of the expense of this inquiry. The bill provides that, while the commissioners shall serve without salary, they shall be authorized to employ a secretary at a reasonable compensation, not to exceed $2,000 a year, and that all the necessary expenses incidental to such investigation, of both the secretary and commissioners, shall be paid out of any money in the Treasury not otherwise appropriated, on vouchers to be approved by the Secretary of the Treasury. It is a little unusual to make an appropriation of money so unlimited and unrestricted, and on so uncertain a basis. I would, therefore, ask the Senator who has the bill in charge whether it is not practicable for him to name some sum within which the expense will probably fall?

Mr. WRIGHT. I have no objection, if the Senator from Maine will mention some sum. I think a sum might be mentioned.

Mr. MORRILL, of Maine. I would mention the sum of $10,000.

Mr. WRIGHT. I have no objection to that.

Mr. MORRILL, of Maine. I would have no objection to double that, if it was necessary. I shall be glad if we get off with twice ten thousand dollars.

Mr. WRIGHT. Do I understand the Senator from Maine to move an amendment?

Mr. MORRILL, of Maine. I shall be very happy if it can be brought within $10,000. I mention that sum. If any gentleman chooses to name a lower sum, very well.

Mr. WRIGHT. Where would the Senator propose his amendment to come in?

Mr. MORRILL, of Maine. On the eighth line of the second section, after the word "amount," insert "not to exceed $10,000."

Mr. CONKLING. Unless I interrupt the Senator from Maine, I suggest that we had better say $5,000 than $10,000. The Senator from Maine seems to wonder that anybody is willing, without compensation, to perform such a service; he asked whether persons can be found to give their time for nothing? I know such men. I can name many among my own constituents, men who, like Mr. Bergh, "without money, and without price," are willing to devote a large part of their lives to the good of their fellow-men. Such men want no pecuniary compensation; they want nothing in this bill that looks like it. There is a provision that the secretary is to be paid not to exceed $2,000 a year. No other expenses are involved, except those of printing. When they come to print, whether the printing shall be done at the Government Printing Office, or done upon their own order, will be a question; and to provide for that, it might be very well to add $3,000, which would be $5,000 in all. I think of no other expense.

Mr. SHERMAN. Traveling.

Mr. CONKLING. They do not want traveling expenses.

Mr. SAULSBURY. Allow me to suggest that it is provided in the bill that the commissioners may "also inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States." That, I suppose, would lead to incurring expense.

Mr. CONKLING. What sort of expense does the Senator mean? Witness fees?

Mr. SAULSBURY. Certainly; the taking of testimony.

Mr. CONKLING. That cannot be the design of this. If it is to go so far as to enable them to bring witnesses by compulsion, to enforce the attendance of witnesses by process, you must have machinery. The bill is wholly inadequate for such a purpose, and does not contemplate it at all. It is not to be an inquisition, not a forcible proceeding, to drag men before this commission to testify, or by subpœna *duces tecum* to bring their books and papers. The idea is that those will be selected by the President whose condition in life will no doubt be such that they can afford to give, not perhaps, as the Senator from Maine suggested, a whole year, a solid twelvemonth, to the neglect of all other things, but so much time within a year as shall be necessary to group together and report the facts on both sides of the question of the use and traffic of liquor.

Mr. FERRY, of Connecticut. Will the Senator from New York state what is the meaning of the phrase "take testimony?" I agree with him, it does not imply compulsory process. But does it not imply that they will take the testimony of persons who will volunteer to give their evidence on the one side or the other?

Mr. CONKLING. I think the Senator and I would agree if we were agreed as to the meaning of "testimony." If he uses it in its technical sense, that the witnesses are to be sworn and examined and cross-examined, I do not so understand it. If he means testimony in the general sense—statements, documents, statistics, the records of courts, everything which goes to show the gain and loss, and all the effects of making, selling, and drinking spirits—I think it means that. But I submit that there is no occasion for any provision for expense except for the secretary, and a conditional provision, perhaps. If the printing shall be made by the commissioners, I would say $5,000; and if they want more, they can ask for it at the proper time.

Mr. MORRILL, of Maine. If the proposition is that these gentlemen shall sit in their offices and write essays on this subject, I can understand that no expense is to be incurred; but if, as this commission contemplates, there is to be a thorough examination of the whole subject in all the relations which are specified in this bill; and if, moreover, they are to "inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States"—if they intend to do all that, they are to travel all over this country. If they do their duty man-fashion, if they do it with the slightest degree of fidelity, if they are to accumulate testimony which will be of any consequence to the public interest in forming a public judgment or a public sense on this overshadowing question of questions, they have got to go about; they have got to consider in my own State, for instance—for they are directed to that end—what has been the result of the Maine law, what has been the result of the restrictive or prohibitory principle of the Maine law in that State, how it has operated, whether it has been a failure or a success, whether it is practicable or not; and testimony is contemplated to be taken on that very question, and as to the States that have adopted the license principle; and how about the movement that is in the West now, stirring some of those States very profoundly I perceive, and the legislation of those States, some of it restrictive, some of it prohibitory, some of it license. All of these things are to be examined, and no more interesting or important question can agitate the public at the present time than this identical question. And now the idea of forming a commission upon a subject so vast, so comprehensive, so far-reaching in many directions, and asking them to work without salary and without the payment of their expenses, their traveling fees, and all that, it seems to me is to belittle the whole thing, and to send them out under such circumstances that they will be expected to do nothing more than write essays on this subject on such theories and speculations as their individual observation may enable them to do.

I hope, therefore, that not less than $10,000 will be appropriated in order to make this thing efficient; and I shall be greatly disappointed, if these men perform their duty at all in the sense in which I think this bill will direct them, if they do not pay out twice that much; and I would be willing to quadruple it if these men would perform the high duty which is implied in this. I should think if you appropriated out of the Treasury $50,000 or $100,000 for a thorough investigation of this whole subject, which should be wise and thorough, no better service could be performed at this time for the American people. I should hope, therefore, if we do anything at all, we shall allow these men such a sum as will enable them to enter upon their duties with some proper idea of usefulness.

Mr. SCHURZ. Mr. President——

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business.

Mr. WRIGHT. If there is no disposition to debate this question further, I submit we may as well take the vote.

Mr. SARGENT. If there is any hope of taking the vote soon I shall not object; otherwise I shall have to object.

Mr. WRIGHT. I shall not insist if there is any disposition to protract the debate. If there is no such disposition, let us take the vote.

Mr. SCHURZ. I wish to say something.

Mr. FLANAGAN. I feel the importance of this subject, and am disposed to submit a few remarks upon it. I am in favor of the bill, but wish to speak to some extent.

Mr. WRIGHT. I will not press the request.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 492) to make persons charged with crimes and offenses competent witnesses;

A bill (H. R. No. 933) to provide for the holding of terms of the district court of the United States for the western district of Missouri, at Springfield, in said State;

A bill (H. R. No. 1592) limiting the time for prosecutions and convictions in certain criminal offenses;

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter;

A bill (H. R. No. 1594) for the punishment of extortion by officers or persons acting under the authority of the United States;

A bill (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and use said vessel for a boarding station in Mobile Bay; and

A bill (H. R. No. 2078) for the benefit of occupying claimants.

The message further announced that the House had passed a resolution for printing five thousand copies of the report of John W. Woodworth, supervising surgeon of the marine-hospital service, for the year 1873; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1940) giving the consent of Congress to the acceptance by James McDonnell, a warrant officer in the United States Navy, of a present from the King of Italy;

A bill (H. R. No. 483) to authorize the cancellation of an export bond for a portion of the distilled spirits of John S. Miller, on board of bonded cars of the United States; and

A bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana.

NATIONAL-BANK CIRCULATION.

The PRESIDENT *pro tempore*. The bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, is before the Senate as the unfinished business.

Mr. CHANDLER. Mr. President, the Senator from Wisconsin on my left [Mr. HOWE] suggested last night an amendment to the amendment of the honorable Senator from Pennsylvania, [Mr. CAMERON.] I hold in my hand, and had then upon my desk, an amendment that precisely covers the case in point; and as all the amendments will, I suppose, go to the Committee on Finance in case the motion prevails to recommit the bill, I should like to have this amendment of mine read at the desk.

The PRESIDENT *pro tempore*. The Senator from Michigan gives notice of an amendment which he intends to propose at a future stage of this bill, and asks to have it read for information. It will be read if there be no objection.

The Chief Clerk read as follows:

Provided, That the Secretary of the Treasury shall retire and destroy one dollar in legal-tender notes for each and every additional issue of bank-notes, either from the sale of bonds or the receipts from revenue.

Mr. CHANDLER. Mr. President, with that amendment, which I have no doubt my honorable friend from Pennsylvania will accept, I shall vote for his proposition; without that, I shall not vote for it; and I propose as briefly as possible to give my reasons for the vote I shall cast upon this subject.

I believe now, as I stated the other day, that the proposition I then suggested is entirely feasible and desirable, to wit, to give notice of an early day when this nation will resume the payment of its notes in coin. I believed then and I believe now that our bonds for $100,000,000 could be negotiated and a favorable loan made that would enable us, with the accumulation of the coming year in our Treasury, to resume absolutely at as early a day certainly as the 1st of July, 1875, or even as early as the 1st of January, 1875; and I likewise believe that it would be the greatest measure of relief ever offered to this nation, or that has been proposed, and that it would result in permanent benefit to all classes of people in all the States. But, sir, there seems to be a sort of rabid mania against the name of coin on the part of certain parties in this body; and although I deem my proposition entirely feasible, although I believe it could be carried out, and ought to be carried out, I do not believe it can be carried at this time through this body; and therefore I shall not press it at this time, but shall give my reasons for voting for the proposition I have just submitted, which is a step in the right direction. In 1865 I advocated upon this floor the substitution of bank-notes for greenbacks as a step toward the resumption of specie payments, and a rapid step toward that resumption. I am now simply advocating what I advocated then, to wit, the withdrawal of greenbacks and the substitution of national-bank notes.

Mr. President, I have had a good deal of experience in the course of my life in panics and in crashes. As a business man, I went through the panic and crash of 1837, of 1847, and of 1857; and although not actively engaged in business, I have watched with great interest the crash and the panic of 1873.

Michigan has had a very valuable experience in the way of inflation, of panics, and of failures. In 1836 the Legislature of Michigan, then a young State of but one year's growth, authorized the issue of what was known as the Michigan five-million loan. The negotiation of a loan of $5,000,000 by that young State was effected, and with the proceeds the State proposed to build three parallel lines of railroad from Lake Michigan to the eastern waters of the State. It was nearly twenty years too early for all those roads to be built; but to-day every one of them is completed, and has been for years. As the country grew, as population increased, as wealth was accumulated, the necessity for the construction of those roads became apparent, and the capital of the people accomplished what the young State of Michigan failed to do.

In 1837, while these improvements were going on, there was a failure on the part of the Morris Canal Banking Company, I think, to pay the five-million loan. They paid something over two millions, and suspended, and the State of Michigan was left without money and without much credit. She had already negotiated $5,000,000. True, a portion of it had not been received, and she had not much credit to carry on these works; but the cry went forth, "More money; more money; the laboring classes must have more money; our internal improvements will stop unless we have more money."

The State of Michigan undertook to furnish more money. She granted charters to a large number of State banks, such as the Bank of Pontiac, the Bank of Clinton, the Bank of Ann Arbor, and so on—the number I cannot tell; but they did not furnish enough money. They wanted "more money;" and in order to make brief work, and the remedy efficient, she passed a general banking law, known as the "wild-cat law," authorizing everybody everywhere to start a bank and furnish more money. Well, sir, they started banks. There was the Farmers' Bank of Sandstone, the Bank of Brest, the Bank of Gibraltar, and banks where there is nothing left now but a barn, and no windows even in that. They started a hundred banks that furnished "more money." In process of time they got money enough of that kind. If the banks ever paid anything I never heard of it. They were to be started on coin, and they took kegs of nails and broken lass, with a little coin on top, and brought the inspector of banks in and started banks upon these kegs of nails with a little coin scattered on top, which were carted off the next day to some other place to start another bank, and then they ground out "more money" there.

After the failure of these banks the cry was still, "More money; we must have more money; the country is suffering for more money." The cry was responded to, and more money was furnished. The treasury of the State of Michigan, already owing $5,000,000, undertook to furnish more money, and the State issued treasury notes *ad libitum*, and the "more-money" men got more money until the value of the State treasury notes, which have been paid to the last dollar at par, ran down to thirty-seven cents on the dollar; and almost every city in the State, including the city of Detroit, responded to the cry of "more money," and issued shin-plasters; and individuals, realizing that "more money" was needed, issued shin-plasters. So the State of Michigan was flooded with more money.

Well, sir, you can see at a glance that the State of Michigan needed more money. We had as a people been speculating almost to a man. It was not confined to the merchant, the banker, the man of wealth; but the mechanic, the farmer, the laborer, every man who could buy a piece of property of any sort, kind, or description, bought it, ran in debt, laid out a town, sold the lots, gave a mortgage, and then wanted "more money" to pay that mortgage.

When the collapse came it was absolute; there was no mistake about it; the collapse was perfect. Then the people of Michigan had enough of "more money;" and when our constitutional convention met, as it did a few years later, they put into the constitution a clause prohibiting the Legislature forever from chartering a bank or affording the means of furnishing "more money;" and the people acquiesced in it. They had had enough of the "more-money" cry; and for twenty-five years there was no more cry in the State of Michigan for irredeemable money. When you passed your national banking law we had in the State of Michigan just $200,000 of banking capital for the whole State; and that was a little bank in Detroit acting under an old charter. There were a few private banks scattered here and there, private individual brokers, but there were no banks of issue in the State, and we were compelled to send to the right hand and the left, and everywhere, to get money; to get good money if we could, but money we must have; and we found the place at last where we could get more money, and the State of my honorable friend from Indiana [Mr. PRATT] furnished it.

Sir, there is a generation rising since 1841, 1842, and 1843 who forget the crash of those years, but you will not find a man in the whole State of Michigan, who went through that crash, who wants any more irredeemable money; and I thought that Indiana had got pretty well filled with irredeemable money. The State of Indiana, not profiting by the experience of the State of Michigan, in 1853, some fourteen years afterward, having forgotten all about Michigan wild-cat, thought its people wanted more money, and so passed a general banking law, authorizing anybody to furnish more money who could buy a paper mill and start a shop. They gave some sort of security, but the security, I believe, was not quite as good as that which purported to be furnished by the Michigan wild-cats, for that was coin. They gave some sort of security in Indiana, and they furnished money known familiarly all over the West—my colleague will remember it—as "red-dog." Was not that it?

Mr. FERRY, of Michigan. I do not remember now.

Mr. CHANDLER. We had no other name for it in Michigan. It was generally from 10 to 20 and sometimes 25 per cent. below any other money, and I do not know that it was worth near as much as that, but it circulated because we had not anything else to circulate, and we used to send it over by the wagon-load to Chicago, and sell it for what we could get and buy anything that Chicago had to sell. But we got more money. I thought the constituents of my honorable friend from Indiana had had enough of that description of money, but it seems they have not. They want "more money" still. Well, sir, I hope it will not be of the red-dog kind. That was the only name known for it in our State, as wild-cat was for yours. I hope my friend from Indiana will take no offense when I put it after the mistake the State of Michigan had made.

Mr. PRATT. Not at all.

Mr. CHANDLER. But I have not heard anything of this red-dog currency for some years, and it is very possible that the generation now on the stage have forgotten even the red-dog experience of Indiana.

Now, Mr. President, the impression seems to have gone abroad that the losses from the failure of banks and from the discount and losses upon bank circulation fall upon the wealthy classes. Nothing is further from the truth. The losses to which I have referred did not fall upon the moneyed men of the State of Michigan, the men who were in sound condition. They fell upon the laboring man, the farmer, and the mechanic. They fell upon the men who could least afford to submit to the loss. So it is now. Why, sir, our values are fixed by a foreign market, and in coin. There is not a bushel of corn or a bushel of wheat raised in Indiana, or Illinois, or Michigan, the value of which is not fixed by the foreign value in coin of that particular article. When you enhance the cost of production by an inferior currency you put that loss upon the producer, and the loss falls not upon the wealthy man, but upon the laborer and the producer. Money will take care

of itself all over the world. If it is not safe in this country, it will find a country where it is safe, and it will go to that country, no matter where that may be. Hence capital qreuires no protection whatever from this body; money will take care of itself; but the poor man, the laboring man, the man who submits to all the losses from this depreciated currency, is the man who suffers all the pain and all the injury that are inflicted by this false legislation. Why, sir, it is rumored that even the gentleman who possesses such great wealth in this city removed a large portion of his money to Europe, where it would bring him probably no more than 3 per cent. interest, because he did not consider it safe in the District of Columbia or elsewhere in this country. So it always has been. The wealthy men of the South during the rebellion bought cotton and transferred their funds where they would be safe. My honorable friend, the senior Senator from South Carolina, [Mr. ROBERTSON,] will inform you that he never lost a dollar by all the depreciated currency that was circulated in the South during the rebellion. It was the poor men who suffered. The rich men took care of themselves. So it is all over this nation, and all over the world. In case of a loss, it falls upon the laboring masses and the poor men, and not upon the rich.

In 1847 the crash, if such it may be termed, was very severe, and there were some failures; but there was no inflation then, and the effect of the crash and the panic of 1847 soon passed away, leaving scarcely a wave in its track.

In 1857 the crash was more severe and the losses and failures greater. In 1857 we had this unlimited amount of "red-dog money," which expanded things considerably. There was no difficulty in borrowing any amount of money you wanted to borrow, but it was not very good when you got it; and the crash of 1857 was infinitely worse than that of 1847, and about equal to that of 1873.

Now, sir, we come to the crash of 1873. On the 15th day of September, 1873, this nation was in a more prosperous condition than perhaps it had been for the last twenty-five years. Every branch of industry was prosperous, every interest of the people was prosperous; but in a day, at the drop of the ball at twelve o'clock on the 16th of September, the panic struck. What produced this tremendous panic and crash in this great and prosperous country? It was over-speculation in railroad securities. It was by men undertaking to do what it was utterly impossible for them to do, to wit, for individuals to float untold millions by their own credit; and when the people became alarmed for fear the crash would come, the crash came, and there was no salvation from it. But, sir, on that very self-same day the nation was more prosperous than it had been for the last twenty years in all its interests—business, banking, and every other. That crash ought not to have extended one yard beyond Wall street and the few producers of railroad iron who were manufacturing for these defunct railroads. But, sir, the panic was so great that it spread until it became universal, and values sank until there seemed to be no bottom, and everybody was affected throughout the length and breadth of this broad land.

But, Mr. President, that panic was of short duration. Many failures took place, and particularly among stock and railroad operators; but the main business of the country still went on with a few notable exceptions. Some manufactories stopped for the want of money; others stopped for the want of credit. The men that had been issuing their paper without intending to pay it, issuing millions of dollars of paper which they knew they could not meet at maturity, trusting in luck to meet their obligations—those men could not borrow money; their lines are full everywhere; nobody will loan them money; but, sir, upon undoubted security money is to-day cheaper than it has been at any time for the last twenty years. These great borrowers, without the expectation of paying at maturity, are to-day all out of the market. No man will loan money to a person who does not pay at maturity. Every man that desires to borrow money for legitimate business can borrow it to-day cheaper than he could borrow it for the last twenty years, as I shall show you in a very few moments when I receive the paper which I have sent for.

Sir, you may legislate for this class who have over-speculated, you may legislate for the benefit of the men who have built factories, built steamboats, built mills, bought mills, bought mines, bought everything for sale, and given their paper knowing they could not meet it unless they could borrow the money over again; you may legislate them $100,000,000 or $1,000,000,000, and you will not help them in the slightest degree; but for all legitimate purposes, for all strictly business paper that is known as gilt-edged, money is not only cheaper in the market of New York, but it is cheaper in every money-center throughout these United States, than it has been for a long time. You may go to Detroit, to Buffalo, to Rochester, to Cleveland, to Saint Louis, to Chicago, anywhere, and you will find that capital is seeking prime A No. 1 paper at the very lowest rate of interest. Here is the report from New York for yesterday afternoon at 2 o'clock, taken from the New York Evening Post, considered a very reliable authority. The Post's financial article says:

> Early sales of gold were at 12⅝, and since 11.30 o'clock sales have been at 12¾ @ 12⅞. On gold loans the rates have been 4 @ 5 per cent. Foreign exchange is dull. * * * The money market continues easy, with 4 @ 5 per cent. as the ruling quotation for call loans, 3 to 6 being exceptional rates.

That is to say, on very choice securities they could borrow money at 3 per cent., and on not so good securities they would be charged 6 per cent.

> Government bonds are firm at yesterday's advance. Southern State bonds are at the board strong for Tennessees and Missouris, and heavy for Virginias. The stock market has been steady to strong and dull. Prime mercantile paper is quoted at 5½ to 6½ per cent.

Prime mercantile paper, Mr. President, is paper that is undoubted, and that is paid at maturity and that will not be renewed. Prime mercantile paper is selling at from 5½ to 6½ per cent., and I have never known within the last twenty-five years prime mercantile paper quoted below 6 per cent. in any quotations, nor do I believe it has ever been less than that.

Mr. CAMERON. Will the Senator allow me to ask a question?

Mr. CHANDLER. Most certainly.

Mr. CAMERON. I desire to ask the Senator from Michigan if he believes a merchant in Chicago, Saint Louis, or farther west, could go to New York with prime paper—paper that would be prime at home—and get it discounted for the price he named?

Mr. CHANDLER. They offered to discount it for me for 6 per cent.

Mr. CAMERON. They would do it for my friend, for he is one of those people who issue nothing but gilt-edged paper.

Mr. CHANDLER. Any concern of undoubted credit, that gives gilt-edged paper anywhere, that they are sure will be paid, can obtain discount at those rates in New York to-day. That is what I mean to say.

Mr. CAMERON. If the Senator will allow me just one word more, I will say that when money is cheapest in New York it is an evidence that business is not prosperous in the country. Money is loaned on short loans, at call generally, and of course at low rates; but when business is not prosperous there is very little to be had.

Mr. CHANDLER. My friend did not understand me. This is business paper, which is given at fixed dates, to be paid at maturity. That is the paper I was quoting.

Mr. CAMERON. Exactly; and I have had some experience in business paper.

Mr. CHANDLER. So have I.

Mr. CAMERON. I know you have; and it is that sort of paper which, I repeat again, is evidence of want of prosperity and want of facilities for business purposes abroad. In times when business is not prosperous the money gets to New York, and then it becomes a matter for speculation entirely. It is better to take 1 per cent. per annum, to make it an extreme case, than to let it lie idle. They must make something out of it, and they loan it for a day or two or a month at a time. The moment business becomes prosperous again, then that money is wanted in the country, not in the marts of trade so much as throughout the great manufacturing and agricultural districts of the country. There is where they need facilities, and there is the place where they cannot get them at the present day.

Mr. CHANDLER. If my honorable friend had been in his seat when I commenced he would have understood my meaning better; but as he was not in I will simply inform him that I was talking about business paper when he came in and interrupted me. Of course he knows as well as I do what business paper is; but as he has undertaken to give an explanation of what stock business is, I propose to pay a little attention now to stocks, with his permission.

Mr. CAMERON. I suppose I ought to beg the Senator's pardon for interrupting him.

Mr. CHANDLER. Certainly not.

I hold in my hand, Mr. President, the prices of stocks in the city of New York on the 15th day of September, or the day before the panic struck; on the 30th day of October, or about the middle of the panic; and on the 14th day of February, or last Saturday. When I had these lists made out, Saturday's paper was the last paper I had to refer to, and I presume, although this paper is dated the 16th, it means last Saturday, the latest date I have been able to possess myself of.

From the 15th day of September to the 14th day of February is a period of five months lacking one day. I give you the quotations of the self-same stocks on those days.

United States new 5 per cent. stocks on the 15th of September, the day before the panic struck, sold for 112¼ cents on the dollar; on the 30th day of October they sold for 108, and on the 14th day of February for 112⅜. The five-twenties of May and November sold on the 15th of September for 115⅝; on the 30th of October for 108; and on the 14th of February for 120, or 4½ per cent. higher than they sold for the day before the panic occurred in the city of New York and the nation. The five-twenties payable in January and July sold on the 15th of September for 116¼; on the 30th of October for 112½; and on the 14th of February for 120½, or 3⅞ per cent. higher than the day before the panic.

American gold sold on the 15th of September at 111; on the 30th October at 108½; on the 14th February at 112⅜, or 1½ per cent. higher than it sold for before the panic.

Then we come to the interest-paying stocks. New York Central and Hudson River Railroad stock sold on the 15th of September at 103¾; on the 30th of October at 81½; on the 14th of February 103⅜, or 1 per cent. higher than the day before the panic. Pacific Mail, which is rather a fancy stock, sold at 43¾ on the 15th of September; at 26⅞ on the 30th of October; at 43 on the 14th of February, which is only ¼ per cent. less than before the panic. This is a fancy stock which I believe does not pay dividends; but I am trying now to follow the dividend-paying stocks. Saint Paul, common, sold on the 15th day of September at 46½; on the 30th of October at 22⅜; and on the 14th of February at 47½, or 1⅛ per cent. higher than the day before the panic.

But I will not detain the Senate longer on this point than to give the quotation of one other stock. Harlem sold for 128⅞ on the 15th of September; for 101¼ on the 30th of October, and for 132¾ on the 14th of February, 1874, about 3 per cent. higher than before the panic began.

There is one other stock to which I wish to call the attention of the body, because it is strictly a fancy stock, never having paid a dividend, and I presume it never will pay a dividend as long as the world stands; that is the Union Pacific Railroad. It sold on the 15th of September at 24¼. It is a speculative stock, its bonds are below par; and its stocks sold on the 15th of September at 24¼ cents, on the 30th of October at 15⅝, on the 14th of February, 1874, at 35¼ cents on a dollar, or nearly 40 per cent. more than it brought before the panic struck, and more than 125 per cent. above what it brought at the lowest panic price; and there is a purely fancy stock.

So it is running through all the list of speculative stocks. You can scarcely find one in all the list of the New York stock market that is not quoted higher than it was before the panic struck on the 15th of September. Why, sir, speculation is running wild in the city of New York; and, as I showed you a moment ago, business paper, strictly business paper, that is good, is selling lower than it has sold for at any time in the last twenty years. These are my advices all over the United States, in every money center, that strictly gilt-edged, good paper is sought everywhere at lower rates of interest than have usually been charged.

But, Mr. President, there is another feature. It has been intimated here that the increase of our circulation from the issue of the $44,000,000 reserve may have had something to do with this increased prosperity. Sir, let us look at the figures on the Saturday before this Congress met, to wit, on the 29th day of November, and compare them with the figures of the self-same stocks on the 14th day of February, and you will find to your sorrow that while you have increased your circulation $26,000,000 or $27,000,000, you have diminished your purchasing power by more than three times that amount in the value of your money. Let us take those two dates.

If I had had more time I could have reduced what I have to say into a smaller space, but I have only had a day or two to consider it, and it is a work of labor to go over these figures. I have worked at them ever since I left here yesterday afternoon, and I hoped to bring my remarks within ten minutes, but I cannot do it. It simply requires time to do that.

On the 29th of November, the Saturday before Congress met, your new five per cents sold at 109½, and on Saturday last they sold at 113¼. You have increased your circulation how much? About 5 per cent., or not more than 6. Here is an increase in the value of one single security about equal to that. Then your five-twenties, payable in May and November, sold for 111¼ on the 29th of November, and on the 14th of February they were 120, or 9 per cent. higher, while you have only increased your circulation by the amount of 6 per cent. While you have been increasing your circulation you have been diminishing its purchasing power, as I shall show before I get though with the few remarks I am making. You have actually made yourselves poorer, by the issue of these millions, in the purchasing power of the money you have put afloat. On the 29th day of November, January and July five-twenty bonds were 114⅛, and on the 14th day of February they were 120⅛, thus increasing in price to just about the extent of your increase of currency.

New York Central and Hudson River Railroad sold for 91¾ per cent. on the 29th of November, and on the 14th of February for 104⅝, or an increase of 13 per cent. Chicago and Rock Island sold for 93¾ on the 29th of November, and on Saturday last for 108½, or an advance of more than 15 per cent. Saint Paul, common, sold for 35 on the 29th of November, and on Saturday last at 47½, or a good deal more than 20 per cent. on the cost.

Mr. HOWE. What is the first date?

Mr. CHANDLER. November 29, 1873. I am trying now to show, if the Senate will give me their attention, that by the increase in Treasury notes we have diminished their purchasing value more than three times the amount of our increase. That is the point of my argument.

Mr. HOWE. I understood the point, but I did not understand what the first date was.

Mr. CHANDLER. Before, I read from the quotations of the 15th of September and the 14th of February, and now I am reading from those of the 29th of November, or the Saturday before Congress met, as compared with the prices of last Saturday; and I am showing, as I think I shall be able to show before I get through—though I fear I shall worry the Senate by going over these figures—that we have lost materially in purchasing value, and not only in this, but in other ways.

Mr. PRATT. If it does not interrupt my friend, I should like to ask him this question: how the quotations of the bonds and stocks he has referred to, on last Saturday, compare with their quotations just previous to the time the panic occurred, in September last?

Mr. CHANDLER. That is what I read before. There has been an increase of several per cent. I read the quotations of the 15th of September, and went over the whole list, showing an increase of every stock on the list. In other words, the panic is not only over and wholly gone, but there is speculation unprecedented going on to-day, preparatory to a worse crash than occurred after the 15th day of September. That is what I am trying to argue. That is the very point I am trying to make known here; this any man can see if he will give it his attention.

Now, Mr. President, I come to another class of figures, and I will ask the attention of the Senate while I show the effect upon the purchasing value of money by issuing your greenback circulation from the day it was first issued to the present time.

In 1862 we commenced the issue of greenbacks. In January, 1862, after our war had continued for a good many months, when my honorable friend from Illinois [Mr. LOGAN] was in the ranks fighting gallantly for the country, the premium on gold was 2.5 per cent.; in February it was 3.5; in March, 1.8; in April, 1.5; in May, 1.3; in June, 6.5; in July, 15.5; in August, 14.5; in September, 18.5; in October, 28.5; in November, 31.1; in December, 32.3. It will be remembered that the then circulating medium (which was at that time State-bank notes) amounted to about $200,000,000. This circulation was increased during the year 1862 by the addition of $147,700,000 in greenbacks, andthat increase of circulation carried the value of gold from 102.5 on the 1st of January to 132.3 on the 31st day of December following. I account for that gradual increase in this way: The notes of the Government were issued at first, as my honorable friend from New Jersey will remember, in very small quantities, almost infinitesimal quantities; were paid out to the Army and produced no important effect; but by the end of the year 1862 the premium on gold had risento 32.3 per cent., or nearly one-third. The average premium during that calendar year was 13.3 per cent.

In 1863 the necessities of the Government compelled us to increase the greenback circulation to a yet larger extent. We issued during that year $263,500,000 additional, carrying up our greenback circulation to $411,200,000, in addition, of course, to our bank circulation, whatever it may have been. During the month of January of that year the premium on gold was 45.1 per cent.; during February, 60.5; March, 54.5; April, 51.5; May, 48.9; June, 44.5; July, 30.6; August, 25.8; September, 34.2; October, 47.7; November, 48; December, 51.1. In other words, the average rate of premium upon gold during that whole year was 45.2 per cent. I hold in my hand a paper showing the cash value of this emission for 1863. The emission of greenbacks at that time was $411,200,000. The average premium on gold was 45.2 per cent. The actual cash purchasing value of that four hundred and eleven millions, during the year 1863, was $283,195,000, and that was the whole purchasing value of that money during that year.

Then we come to the next year, 1864. In 1864 we increased our circulating medium by the addition of $237,900,000, making the whole amount of greenbacks then $649,100,000. I know that these figures are very dry and uninteresting, but I am trying to make them as brief as I can, and to make them as little annoying as possible. In 1864 we had carried our greenback circulation, as I have said, up to $649,100,000, or an increase of $237,900,000 since 1863. In 1864 the price of gold was, in January, 155.5; February, 158.6; March, 162.6; April, 172.7; May, 176.3; June, 210.7; July, 258.1; or less than forty cents on the dollar in coin for your greenbacks after you had carried the amount up to $649,000,000. In August the premium was 254.1; in September, 222.5; in October, 207.2; in November, 233.5; in December, 227.5. There is not a man here who does not remember, nor is there a farmer or mechanic throughout the length and breadth of the land who does not remember, that he then paid sixty cents for cotton goods that he had been in the habit of buying for twelve and a half cents, and that he paid for everything else in the same ratio. The merchant took care that he met with no loss; but the laboring man, the farmer, the man of muscle, was the man who submitted to this great loss, while the merchant and while every man with money took care of himself. During that year the average price of gold was 203.3 per cent., or your money was a fraction less than forty-eight and one-half cents on the dollar during the whole year. You had out that year $649,100,000, and the value of gold was 203.3, and the purchasing value of your $649,100,000 was $319,281,000, and that was the whole of it. The purchasing value of your $649,100,000 was more than fifty millions less than of the $400,000,000 you have out now, for it is four hundred millions including your fractional currency.

I am trying to convince the members of this body that inflation is not an increase of money. The people of the State of Michigan have become convinced of this by sad experience, at least those who have been there long enough to suffer from inflation; and I want to convince the members of this body that inflation is the greatest curse they can inflict upon the nation or upon their constitutents.

In 1865 you again increased the volume of your circulating medium by the amount of $49,800,000; making the whole amount of your circulation $698,900,000. During the month of January, 1865, the price of gold was 216.2; during February, 205.5; in March, 173.8; in April, 148.5; and after that it stood at 135.6, 140.1, 142.1, 143.5, 143.9, 145.5, 147, 146.2. The average of the year 1865 was 157.3; and what was the purchasing value of your greenbacks that year? Every man here will remark that that year we were disposing of our bonds at the rate of hundreds of millions of dollars a month; money was passing through the Treasury almost without limit. We had $1,000,000,000 that must be negotiated, and negotiated at once—seven-thirities and compound-interest notes and other floating liabilities that must be funded; and during that year the war had closed, and we were negotiating at this enormous rate, the price of gold fell to 153.3, and during that year the purchasing value of our circulation attained a

higher rate than during any other year. That year, although our circulation of greenbacks was $698,900,000, and the premium on gold 57.3, the actual purchasing value of that $698,900,000 was $444,310,000.

In 1866 we retired $90,000,000, leaving $608,900,000, and the average premium on gold that year was 40.9 per cent. The purchasing value of the $608,900,000, with the premium on gold at 40.9, was $432,150,000.

The next year, 1867, we retired $72,300,000, and the premium on gold fell to 38.2. So we went on reducing until we got down to $400,000,000, and then we struck 14.9, 11.7, 12.4, and 14.7 as the premium on gold. There the matter has stood, and I have here from year to year the purchasing value for each year.

In 1867 the premium on gold was 38.2, and we had $536,600,000 of circulation, and the purchasing value of that was $388,277,000. In 1868 the premium was 39.9; we had $444,200,000 of circulation, and the purchasing value of it was $317,967,000. In 1869 the premium was 33 per cent.; we had $391,600,000 out; the purchasing value was $294,436,000. In 1870 the premium was 14.8; we had $398,400,000 out; the purchasing value was $346,736,000. In other words, you will perceive that the purchasing value of our $398,000,000 in 1870 was greater by $36,000,000 than the purchasing value of our $698,900,000 in 1865.

Mr. President, what we want is purchasing value, because the intrinsic value is measured by the purchasing value. There is not a bushel of wheat that goes from your State or from mine the purchasing value of which is not fixed by the gold value on the other side of the Atlantic. We are shipping millions and tens of millions and hundreds of millions of our agricultural products every year, and the value of these products is fixed in gold on the other side of the Atlantic; and yet by this increase of circulation we enhance the value of everything that the producer raises, but when the product comes to the market its value must be fixed by its price in gold across the Atlantic.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. CHANDLER. Certainly.

Mr. LOGAN. I see the impression that the Senator attempts to create is that the high price of gold was caused by issuing an excess of greenbacks during the years from 1862 to 1865. Is that the Senator's proposition?

Mr. CHANDLER. Undoubtedly.

Mr. LOGAN. I ask the Senator to state whether or not he did not entertain the opinion about that time that it was the question as to whether we gained the victory or the other side that effected that?

Mr. CHANDLER. Most undoubtedly I voted for every issue, and should do it again. It was a question of life or death for the nation. But I am simply arguing to show that while, as a war measure, it was proper and suitable, as a peace measure it would be simply outrageous.

Mr. LOGAN. That is not the point, however. No matter how outrageous it is now, since the war is all over and the thing is done, you forced us who were risking our lives to take this money that you say now was worth only 20 per cent. on the dollar; you forced us to take it as a legal tender, making it equal to gold so far as the paying for service and debts was concerned at that time; and if I am not mistaken the record will show that the Senator before the country asseverated that to be the best financial measure that ever was instituted in this country.

But what I first asked was this: In the gold market in New York, did not the question as to whether we were defeated or not defeated in the field fix the value of gold after every battle that was fought during the war? I ask the Senator if gold did not universally go up when the Union troops were defeated, and universally go down when they were victorious, according to the estimates during the war?

Mr. CHANDLER. It undoubtedly had an influence, but it was not the primary and sole cause.

Mr. LOGAN. I am not talking about the primary cause.

Mr. CHANDLER. It had an influence, unquestionably.

Mr. LOGAN. I ask you to state if it is not a fact that every victory gained by the Union troops reduced the price of gold, and that every victory gained by the confederate troops enhanced the price of gold—I ask if that is not the historical fact?

Mr. CHANDLER. I have it here before me, and I can tell the Senator how much it affected the price of gold. I have the price of gold for every month from the commencement of the war to the end. If the Senator will name any special victory, I will tell him the exact influence it had.

Mr. LOGAN. I am not questioning that. I asked if that was not the fact.

Mr. CHANDLER. Undoubtedly it had some effect.

Mr. LOGAN. Then I ask this further question: If in 1863 we had $698,000,000 of currency in circulation, or $600,000,000—it makes no difference which; I prefer to use round numbers—during the time we had that amount in circulation and gold was standing at 140 or 150, no matter what, while no differences were being made in the Army, did not every victory against us during the time our currency stood at that amount increase the price of gold?

Mr. CHANDLER. Undoubtedly it did to some extent.

Mr. LOGAN. If it did, I ask then if we had not lost the victory would the price of gold have been changed?

Mr. CHANDLER. I do not quite understand the Senator.

Mr. LOGAN. If we had $500,000,000 in circulation at a stated time, and gold was at a stated price, based upon that circulation, and a victory was gained by us which reduced the price of gold from that standard, or if lost by us, which increased the price of gold by that standard, was it the influence of the victory or the influence of the money?

Mr. CHANDLER. Both had some influence.

Mr. LOGAN. Then I hope you will not lay it all to the currency.

Mr. CHANDLER. I am trying to be as fair as I can on this whole question.

Now, I want to call the attention of the Senate to another set of figures that will be of great interest, I have no doubt, to some of our friends, because it alludes to a different state of facts. I hold in my hand a table of the value of what is called confederate money from time to time. The courts have decided that, where a suit is brought for a debt contracted in confederate money, the price of gold at the time the debt was contracted should be the price at which it should be calculated, on the gold basis.

From January to May, 1861, or while we were paying gold, the value of this money was 5 per cent. below par; from July to October it was 10 per cent.; from October 1 to 15 it was 12 per cent.; from October 15 to November 15, 15 per cent.; December 1, 20 per cent.; December 15, 30 per cent.; January 1, 1862, it stood at 20 per cent. below par; February 1, 25 per cent.; February 15, 40 per cent.; March 1, 50 per cent.; March 10, 65; April 1, 75; April 15, 80; May 15, 95; June 15, $2 for $1.

I am utterly surprised that our friends on the other side of the House, who have suffered so terribly from excessive inflation, should be in favor of inflation again. But I will go on with this.

July 1, it was $2 for $1; July 15, $2 for $1——

Mr. LOGAN. Is the Senator speaking of confederate money?

Mr. CHANDLER. Confederate money.

August 1 it was $2.30 for $1; September 1, $2.50 for $1; October 1, $2.50 for $1; February 1 to March 1, 1863, $3.10 for $1; March 1, $3.25 for $1; March 15 to May 15, $5 for $1; May 15, $6 for $1; June, $6.50 for $1; June 15, $7.50 for $1; July 1, $8 for $1; August 1, $14 for $1; September 1, $14 for $1; October 1, $15 for $1; November 1, $13 for $1; December 1, $20 for $1, or five cents on the dollar; December 15, $21 for $1; January 1, 1864, $21 for $1; January 15, $20 for $1; March 1, $26 for $1; April 1, $19 for $1; May 1, $20 for $1; June 1, $18 for $1; October 1, $27 for $1; October 15, $25 for $1, or four cents on the dollar; November 15, $8 for $1; December 1, $32 for $1; December 31, $51 for $1, or a fraction less than two cents on the dollar, growing less by degrees. On January 1, 1865, the value was $60 for $1; February 1, $50 for $1; March 1, $55 for $1; April 1, $70 for $1; April 20, $100 for $1, or one cent on a dollar; April 26, $200 for $1, or half a cent on a dollar; April 27, $300 for $1. This was while Grant was fighting, and it ran down pretty fast. April 26 it was $200 for $1: April 27, $300 for $1; April 28, $500 for $1, or five mills on the dollar; April 29, $800 for $1; April 30, $1,000 for $1, or one-tenth of one cent on the dollar. This is inflation carried out to its bitter end. May 1, 1865, it was $1,200 for $1, or eight-tenths of one-tenth of one cent on a dollar.

Mr. LOGAN. Will the Senator allow me right there to put a question?

Mr. CHANDLER. Certainly; as many as you please.

Mr. LOGAN. I am very much obliged to the Senator. I see the Senator is now comparing our national currency—United States currency—with the confederate currency.

Mr. CHANDLER. Now, I am simply showing the effect of inflation.

Mr. LOGAN. Allow me to make my proposition.

Mr. CHANDLER. Certainly.

Mr. LOGAN. I must say that I am very much surprised to see the war Senator, as he was termed not many years ago, so short a time having elapsed since the faith of this nation had been tried and the people tested it, to-day comparing our notes with confederate notes. Does he suppose that he can palm off any such sophistry as that upon an intelligent people? Does he not know that the confederate money was based upon a prospective government, and the moment the government was on the decline the money must decline—the very moment the government collapsed the money could not be worth the paper it was written on? Does he not know that; and does he stand here to-day in the presence of an intelligent community to compare the notes of a collapsed government and their depreciation with those of a competent, stable government like ours, whose notes have not been depreciated on account of want of faith in the Government? Great Heaven! if we have come to this kind of argumentation on the side of the bullionists, or the side of the contractionists, on the side of the rich against the muscle and energy of the country, that they must compare our Government, standing as it does to-day the pride of the world, against the notes of a confederate collapsed government, I am ashamed of my country if such stuff as this should be received by even a man that was depreciated in intellect.

Now, another question——

Mr. CHANDLER. Had I not better answer them one at a time?

Mr. LOGAN. Very well; I will ask one at a time, because I must say——

Mr. CHANDLER. O, go right through; ask them all. I would as soon take one raking shot as a pop at a time.

Mr. LOGAN. I know the Senator is competent to take a thousand and ward them all off. I am only saying that I am astonished at a

comparison of that kind. I must say so, and I will put my way of argument on his particular line. He was arguing to the Senate that the currency of this Government depreciated according to the amount that was issued. That was his argument. He did admit, however, that victories or defeats had something to do with the increase or decrease in the value of gold.

Does the Senator not know, and I put the question, that if the confederacy had been sustained and become a fixed and stable government, their money then would have been of value according to their ability to redeem and pay it? But inasmuch as the government *de facto* declined and finally was destroyed and entirely collapsed, and was without any basis, structure, or form in existence, the money, of course, of necessity, must also collapse. I ask him if he will state that the comparison he makes is a genuine and fair one to make before the Senate?

Mr. CHANDLER. I was endeavoring to show that the issue had very much to do with the value of coin, and I show it from these figures, that after we had diminished our issue of greenbacks to a certain limit, the value of coin fell from 33 in a single year to 14, and that it had remained, as I read, in 1870, $14\frac{9}{10}$; in 1871, $14\frac{7}{10}$—I am giving you the average throughout the year—in 1872, $12\frac{4}{10}$; in 1873, $14\frac{7}{10}$, thus remaining substantially at the same figure, rising a little now and falling a little then, but remaining substantially at the same figure so long as you held the quantity of greenbacks at that amount; and prior to that I had shown that as you increased the issue of your greenbacks enormously, you increased the value of your gold, and that after you had reduced it to a certain amount, you reduced the value of your gold.

Now, sir, with regard to comparing these figures, I took them as an exhibition of the effect of excessive issues. But suppose you take your continental money which has never been redeemed, issued to meet the demand for more money; and so they kept on, issuing more money, more money—take the continental money that first won us our independence as a nation, and what to-day is the value of that money?

Now, Mr. President, a great deal has been said about the issue of greenbacks in place of national currency. I should like to ask any man who makes that proposition how he proposes to get the greenbacks out of the Treasury of the United States into the hands of the people. The business of a bank is to discount bills of exchange, to discount notes. A man in Chicago buys a cargo of wheat, corn, or oats, and draws a bill of exchange on the city of New York, or his factor in Buffalo, or wherever he ships his cargo. He goes into the bank and takes his currency for that exchange. That is the business of a bank. Now, suppose you abolish all banks, do you propose to have your Government, your national Treasury, issue bills of exchange, issue the greenbacks, and get them into the hands of the people? Is that what you propose?

Mr. CAMERON. That is not my proposition.

Mr. CHANDLER. The Senator does not propose that. I am in favor of the Senator's proposition, with an amendment.

Now, there are only two ways to get the greenbacks into the hands of the people. You can go and buy bonds, but I have shown you that your bonds are to-day worth over 120 cents on the dollar. If you resolve to-day to issue $100,000,000 in greenbacks for the purpose of purchasing your bonds, you carry those bonds up to 130 or 140 perhaps; nobody knows where you will carry your gold-bearing bonds. I ask any man to answer me that question. Suppose you issue $100,000,000 or $200,000,000 or $500,000,000 of greenbacks, how are you going to get one solitary dollar into the hands of the people unless you go into the market and buy your bonds; and then they do not relieve the people to the amount of a solitary dollar? You must turn your Government into a broker's shop and discount the bills of A, B, and C, all over the country. How much would you give for your assets after you have carried on that business for twelve months?

Mr. President, I know of no way to substitute the Treasury of the United States for the banking experience of the last ten centuries. We have the experience of the past, we have the experience of our own nation, we have the experience of the world. Now, do we propose to throw aside this experience, and to launch our boat upon a wild and uncertain sea, an ocean of expansion and no payments, an ocean of expansion, for what?

Sir, there are very few persons within the range of my acquaintance who desire expansion of an irredeemable currency. Certainly the people of Michigan have had abundance of experience of that kind. But wherever you go you will find two classes of men who are making a great noise about "more money." One is the speculator, the impecunious speculator, who has, perhaps, bought real estate and given a mortgage, and thinks that his only chance is to reduce the value of your currency until it falls so low that the people would rather take his land than hold your money; and the other is the man who has issued his paper without intending to pay when it matures, and who can borrow no more money upon any terms until he pays what he already owes.

Mr. MORTON obtained the floor.

Mr. HOWE. Will the Senator from Indiana allow me to call the attention of the Senator from Michigan to one thing?

Mr. MORTON. Yes, sir.

Mr. HOWE. Mr. President, I wish to call the attention of the Senator from Michigan [Mr. CHANDLER] to an amendment which I had intended to offer to meet the very purpose suggested by him. It differs from his proposed amendment only in two particulars. As I have drawn mine, it points out the way in which the Secretary is to get possession of the greenbacks to retire, and instead of retiring dollar for dollar, I propose to retire eighty-five cents on the dollar, leaving fifteen cents to meet the reserve.

Mr. CHANDLER. I will accept that as an amendment, or I will withdraw mine and allow that to be substituted. I have no particular preference for mine.

Mr. SHERMAN. Let it be read.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The proposed amendment will be read for information.

The Chief Clerk read as follows:

Provided, That the Secretary of the Treasury shall once in each month sell to the highest bidder for United States notes coupon bonds equal to 85 per cent. of the additional bank circulation issued during the month preceding, which bonds shall bear interest at the rate of 5 per cent. per annum, payable semi-annually; and the principal shall be payable at the pleasure of the Government after ten years from their date, both principal and interest to be paid in gold coin; but none of said bonds shall be sold at less than their par value, and the United States notes received in exchange therefor shall never be reissued, but shall be destroyed.

Mr. HOWE. It is suggested by Senators that the interest should be payable quarterly, instead of semi-annually.

Mr. SHERMAN. By the law, the interest is payable certainly semi-annually; but I think the Secretary has the right to issue bonds with the interest payable quarterly—the new 5 per cents.

Mr. MORTON. Mr. President, I think the argument on the other side may be said to be on its last legs when it is found necessary to compare our currency with the confederate currency. The answer was made by the Senator from Illinois, [Mr. LOGAN,] that the value of the confederate money declined with the fortunes and prospects of the southern confederacy, and that when the confederacy was entirely gone its money had no value whatever.

The Senator from Michigan [Mr. CHANDLER] referred to the wild-cat banks of Michigan when he said the people wanted more money. I suppose they did want more money; but they wanted money that would answer their purposes. They started a system of banks. Those banks were on a specie basis. They were precisely after the desire and the heart of my friend from Michigan. They were to be specie-paying banks.

Mr. CHANDLER. So the wild-cat banks of Michigan were the same.

Mr. MORTON. I am speaking now of those very banks. I presume the Senator was in favor of them. They were to be specie-paying banks—none of your national banks, issuing notes to be redeemed in greenbacks, but the notes were to be redeemed in specie; and they furnished kegs of nails with the specie on top as the basis. Those banks were started without capital; they were not secured by United States stocks; they were a swindle; they failed to redeem the notes in specie, or in anything else; and that has been the history of nearly all the banks in this country that were started as specie-paying banks. I can appeal to my friend from Connecticut [Mr. BUCKINGHAM] that nearly all the State banks, with a few honorable exceptions, that started as specie-paying banks and were required to pay their notes in specie, when the time came, failed to pay specie. The most of the specie-paying banks suspended when they were called upon to pay specie, and the relief afforded to the country in every time of panic was by their suspension. I heard my friend speak of it, and I had occasion myself to refer to it some time ago. When the great panic of 1857 came on, the country was relieved, not by the payment of their notes in specie, but by their suspension.

Now, Mr. President, what comparison is there between the wild-cat banks of Michigan and the national banks of this country? I ask the Senator how national-bank notes, secured by United States stocks, that he says command a premium of 20 per cent. in the market, that command a premium in gold now in Europe, can be insecure upon his own argument? If his argument is worth anything, it proves the soundness of this system, and the unsoundness of the one that he would seem to hold up for our admiration.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. MORTON. Yes, sir.

Mr. CHANDLER. Is the security any better now than it was when our notes were selling for thirty cents on the dollar? It is the same bond that is held as security.

Mr. MORTON. Yes, sir, the security is better in the markets of the world. The bonds were then depreciated. Let him remember that until after the war was over the bonds never got above the value of the greenbacks. The bonds were purchased with greenbacks, and the bonds and the greenbacks came along side by side as long as we had bonds to sell in greenbacks. The Senator forgets that important fact, that as long as we had bonds to sell in greenbacks the bonds never got above the value of the greenbacks. When we no longer had bonds to sell in greenbacks, then the bonds acquired a value above the greenbacks in the markets of the world, and got to be par in gold and even to command a premium in gold. Why, Mr. President, the national-bank notes until the end of the war were of the same value as the bonds precisely. Why? Because they were redeemable in greenbacks, and the greenbacks had the same value as the bonds. It was only after you took away the power to buy bonds with greenbacks that the bonds acquired a superior value. Does the Senator forget that fact? He certainly does.

Mr. LOGAN. Will the Senator allow me to make a suggestion in connection with his argument, by way of additional reason?

Mr. MORTON. Yes, sir.

Mr. LOGAN. The depreciation of the bonds during the war depended much upon the confidence of the people in the ability of our Government to suppress the rebellion and become a permanent government again, and until after the war there was no such thing as a par value of bonds.

Mr. FERRY, of Michigan. Will the Senator from Indiana allow me to remind him that it was not until June 23, 1870, I think, that our five-twenty 6 per cent. bonds came to par in gold.

Mr. MORTON. Yes, sir. When gold was at 250 premium, that was just the premium of gold over the bonds precisely. Why? Because greenbacks were then purchasing bonds at par of the Government. Now, Mr. President, the bonds have a gold value all over the world. Our 6 per cents command a premium in gold in Europe, and our bank-notes are secured by these gold-bearing and gold-par bonds. I ask how such notes can be insecure? I ask how such a system of banking can be an unsound one?

But, Mr. President, I desire to call attention to another part of the argument of the Senator from Michigan, [Mr. CHANDLER,] for in some respects it was an extraordinary argument. The Senator, for the purpose of showing that the panic had passed by, and that we had enough money, and did not want any more, referred to the prices of stocks in New York, and referred to the rate of discount now prevailing in New York. That was a pretty good argument as far as it went. It did not prove all that he intended to prove by it, by a good deal. But now mark the next step in his argument. For the purpose of overcoming the argument made upon this floor some time ago, that the increase of the circulation by the addition of $27,000,000 greenbacks had had a great deal to do with the restoration of good times, he takes the same fact of the increase of prices to show the evils of inflation, and he shows that the money has lost its purchasing power by referring to the same increase of prices. First, the argument does good service to show that good times have returned, and that we have got plenty of money, and do not need any more, and then it comes in to show that there is inflation, and that there has been a depreciation of the purchasing power of money by the addition of $27,000,000 greenbacks to the circulation! If that argument is good in one place, is it not good in the other? The Senator cannot make it do duty on both sides of that question, certainly.

Mr. CHANDLER. If the Senator will allow me, I did not introduce that as the cause for the good times, but I did bring it in to meet the other point. I hope the Senator will give me credit for no more than I said.

Mr. MORTON. I did not intend to misrepresent the Senator; but if I understood him at all, he first referred to the quotations of exchange and of good mercantile paper and the price of stocks in New York, to show that good times had returned and that money was plenty and the panic was over and past, and then he resorted to the same argument a few minutes afterward to show that by the addition of $27,000,000 of greenbacks, the purchasing power of money had been impaired. How prove it was impaired? By the same increase of prices!

Now, Mr. President, I wish to call the attention of my friend from Rhode Island, [Mr. ANTHONY,] who I see is in his seat, to an argument which I understood him to make last night, and which I believe is recorded in the reports this morning, that the objection to taking $25,000,000 of circulation from New England, and part of it from Rhode Island, was not because it would make any difference to Rhode Island's business whether the banks were located there or located in the West, but simply because it was not right; that they had been compelled, in the first place, to take that banking capital, and that now to take it from them would be wrong; but that so far as the business of Rhode Island was concerned it did not make any difference whether those banks were located in Rhode Island or located in Indiana. That was my friend's argument. Now I have a paper here, signed by the officers of thirty-two national banks in Rhode Island, dated the 5th of February instant, and I will ask to have this paper read, for the purpose of showing the view that New England bankers take in regard to this circulation, and to show whether it is important to the business of New England to have these banks located in their midst or located somewhere else; and I ask the attention of the Senate to the document, for it is a very able one.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the Congress of the United States:

The undersigned, citizens of the State of Rhode Island, representing the various national banking institutions of the State, respectfully represent:

That the provisions of the sixth section of the act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes, approved July 12, 1870, directing in effect the withdrawal from the banking associations which were the first to organize under the act to provide a national banking currency, &c., of their circulating notes to the amount of $25,000,000, will operate, if enforced by any legislation providing for machinery to give effect to the section of the law referred to, very prejudicially to the interests of this State and of New England.

The national banking capital in the State amounts to $20,500,000, and the amount of bonds pledged for circulation is about $15,000,000.

All of the national banking associations organized promptly after the passage of the act, and at the time when it was of vital importance to the preservation of the Government that the financial system by the act inaugurated should be accepted by the country.

The very large and varied manufacturing and mechanical industries in this State, the extent of which will be best appreciated from the fact that the first collection district paid a larger internal-revenue tax on manufactures for several years into the Treasury than any other in the country, require for their successful prosecution all the banking facilities which the State now has. To contract any part of the circulation would directly diminish the volume of money resources, enhance the value of currency necessarily required for the weekly payment of thousands of operatives, and create financial disturbance, all resulting in the end in an increase of burden upon the consumer.

The undersigned believe that the attempt to equalize the distribution of currency by withdrawals from the earlier-organized banking associations of a percentage of their circulation, to be given to associations in States and Territories having less than their proportion, would be attended with greater loss to the industrial communities which would suffer thereby than could possibly result from equalizing the proportions of circulation by increasing the volume of currency to the extent of twenty-five millions for the benefit of associations in the States and Territories having less than their proportion.

The undersigned therefore pray that the sixth section of the act above referred to be repealed; and they respectfully protest against the passage of the bill just reported from the Finance Committee, to provide for carrying into effect the sixth section of said act.

PROVIDENCE, RHODE ISLAND, *February* 5, 1874.

Mr. MORTON. Now I call the attention of the Senate to the statement made by these distinguished bankers and financiers, that it is better to equalize the circulation by the issue of additional currency to the amount of $25,000,000 than to take $25,000,000 from the currency of New England. Those men are presumed to understand the subject pretty well, and they think that would be the lesser of the two evils; and they say in direct terms, in contravention of the argument that has been made on this floor, that to take this currency from New England does derange their business, and will produce financial disasters. It did not require their statement to make me understand that, as I thought; but we have been told here that it does not make any difference; you can transfer $25,000,000 from the East to the West; it does not make a bit of difference where these banks are. They say it does. They say it will contract their currency; it will diminish their means of paying their operatives, and will most seriously and unfavorably affect their business. They are right about it, and those Senators who make the other argument are wrong.

Mr. ANTHONY. The Senator appeals to me. Does he wish me to answer?

Mr. MORTON. I did not appeal to my friend; but if he desires to say anything I will give way.

Mr. ANTHONY. I noticed in that memorial the passage to which the Senator from Indiana calls my attention; and as it did not need this indorsement of his views to convince him of their soundness, so even the passage to which he refers does not convince me of the soundness of the Senator's theory. Undoubtedly there are persons in our community who hold to the views which the Senator from Indiana so ably expresses, men whose judgment is entitled to high consideration. But although I should be very sorry to see this currency withdrawn from the banks to which it was assigned and which took it in good faith, I would think it a lesser evil to carry out the law which takes the money from them than to enter upon a plan of the indefinite dilution of the currency.

Mr. President, we are not sent here to prevent an injury threatened to our own constituents by inflicting a greater injury upon the whole country. We are Senators of the United States. We are to look to the currency of the whole country. But taking the narrowest view, taking its effect only upon those whom I have the honor in part to represent, I believe it would injure them more to have the currency inflated than it would to have the surplus circulation taken from them. If it took away the bank capital with the circulation it would undoubtedly take away much of our facilities for business; but the capital will remain where it is. It will be loaned, as it is loaned now, for our industry and for our production, and the circulation will come back to us if we need it, and we cannot keep it there if we do not need it.

I am sorry to differ in any degree from gentlemen whose views are entitled to so great respect, some of whom, I am confident, signed the paper, concurring in the general object of it, but not in all the reasons assigned for it. But my opinion, as I stated it in the beginning, has grown stronger throughout this discussion.

Mr. MORTON. Mr. President, I want to call the attention of the Senate to one thing further which would result from the passage of a bill to take $25,000,000 only from the banks in these three or four States, and I am indebted to the Senator from Wisconsin [Mr. HOWE] for the thought, and it is unquestionably correct. The very day a bill is signed to take $25,000,000 from one section of the country and give it to another, that is equivalent to a contraction of the currency to the amount of $25,000,000; and why? Because the banks from which it is to be taken, understanding that they may be called upon to return that currency at any day, are not at liberty to lend it. They must contract their loans and discounts at once to that amount. There must be contraction to that extent, with all its disasters and attending evils.

Mr. ANTHONY. If the Senator will allow me, that is an argument against his scheme, but it is not an argument against what I have said. It is an argument against taking away the $25,000,000, and there I agree with him. It is not an argument for inflation; there we do not agree.

Mr. MORTON. I was giving it as an argument to show why the passage of this bill would do harm. The Senator says it will not do

any harm. He entered into an argument a few minutes ago to answer his own constituents, the representatives of thirty-two banks, to show that they were wrong in their convictions. They give reasons why taking from them this $25,000,000 would hurt them. The Senator thinks their reasons are not good. I give another one; that is, that it would produce contraction at once to the amount of $25,000,000, and that would certainly affect the whole country.

Mr. FRELINGHUYSEN. I suggest to the Senator from Indiana that while it might produce a good deal of embarrassment to take the $25,000,000 or the $50,000,000 from the East, there is a plan which I think the committee might evolve which would accomplish all that is desired without producing any embarrassments. Suppose the amount of bank circulation was increased $25,000,000 or $50,000,000, and at the same time the United States notes were diminished just that amount, what would be the result? We have no increase of paper money; we take nothing from the East to give to the West; we give the West the banking facilities that they desire. That proposition it seems to me meets the whole question. If it does not, I should like to be corrected.

And further, Mr. President, unless my friend from Indiana desires to resume the floor——

Mr. MORTON. I give way to my friend from New Jersey.

Mr. FRELINGHUYSEN. It seems to me that any increase of bank circulation, which ought only to be made, according to my view, with a corresponding decrease of United States notes, ought not to be based upon existing bonds, but ought to be confined to a new issue of bonds, so that the United States may reap the benefit of the increased value of the bonds by reason of this franchise being attached to them.

Further, the distribution of this new bank circulation should be confined to States that have not their distributive share. And if my friend from Indiana will pardon me one word more, there ought to be another condition. There ought to be in the law provision made for assorting-houses so that the bills of the different banks may at stated times be returned to them. The benefit of that is that it compels the banks to keep their affairs in a healthful condition in order that they may redeem, which is a great benefit to the depositors. It localizes circulation, the very thing which is sought, while it does not destroy the national character of the notes.

I think that there ought also to be a provision that no one should have the benefit of creating a banking association unless he produces the license of the Legislature of the State or of the governor of the State to that end. This would secure the proper location of the banks and greater integrity and respectability in the character of the persons to whom we commit this valuable franchise.

Now, Mr. President, I should like to see this subject, without any division of sentiment, just referred back to the committee. I think we ought to take that course. There are some of us that want it done. I think that the usual regard which is paid in the Senate for the opinions of each other calls upon those who think that there is no advantage in doing so to accede to that proposition. I think that the Committee on Finance have derived, as I certainly have, great instruction, great benefit, from the debate which has progressed here for the last fortnight. I think that the very first section of a bill containing the provisions which I have thus roughly indicated should be a provision which we all would agree in, that the Treasurer be authorized to accumulate gold with a view to specie payments. That would produce no contraction, but if successful would increase the volume of currency. I notice that the chairman of the Committee on Finance says it cannot be done. I believe it can be done; and to offset the opinion of the chairman, I would say that the Secretary of the Treasury agrees with me that it can be done, and that that is the way in which we are to fulfill the pledge we have given.

Mr. MORTON. Mr. President, I am not wanting in respect for the opinions of the Committee on Finance; I respect the gentlemen of that committee as highly as any person on this floor; but I think we know pretty well what their opinions are. On the same day that the bill which we are now considering was reported, the chairman of the Committee on Finance introduced a bill himself, which is on my desk, providing for converting the greenbacks into a 5 per cent. bond to commence on the 1st of January, 1875; the greenbacks to be paid out again, either for ordinary expenses or in the purchase of 6 per cent. bonds.

But I wish to call the attention of the Senator from New Jersey to the fact that he is not willing apparently that increased banking facilities shall be extended to the States South and West upon like conditions with those now enjoyed by other States. He wants the new banks to be required to bank upon a different bond. He wants them to be required to have the consent of their State Legislature as to the character of the bank, the amount of capital, and the place of location. These are all new obstacles thrown in the way of the establishment of new banks.

Mr. FRELINGHUYSEN. My friend misunderstands me if he thinks that I am not in favor of affording these facilities to the South and West; and the suggestions I made were not made by way of producing obstacles. If those who are interested in the creation of these new associations do not see the propriety or the benefit of them, I would vote for a bill waiving those provisions. I only suggested them as what occurred to me would be good provisions for any part of the country.

Mr. MORTON. I did not attribute to my friend the motive of desiring—but that is certainly the effect of his suggestion—that the new banks shall not stand upon equal terms with the old banks, but must bank upon less profitable bonds, and that they must submit to conditions that were not imposed upon the old banks.

Now, Mr. President, one word in regard to the amendment of my friend from Wisconsin, [Mr. HOWE,] which the Senator from Michigan has accepted as a substitute. It is not before the Senate, but still I will speak of it for a moment. It is that as fast as the new bank currency is issued, 85 per cent. of greenbacks shall be retired and destroyed; that to procure these greenbacks the Government shall issue a 5 per cent. bond; that a non-interest-bearing debt shall be converted into an interest-bearing debt. I think that is the smallest argument there is against the proposition, so far as the interest is concerned. I simply have this to say in reply to that suggestion: If the volume of currency is to be confined absolutely to the present limit, if the people of the West and South can only get increased banking facilities on that basis, then they would consent, perhaps, to the retirement of a part of the greenbacks in order to obtain those increased banking facilities; but so far as I understand the people, it is not their desire or their wish to diminish the volume of the greenbacks. They furnish a popular currency in which everybody has confidence, and a large part of the people would rather increase the volume of the greenbacks than diminish the volume. Now, I suggest to my friend, let one proposition stand for itself. First, let us legislate in some way to give the people of the West and South the increased banking facilities they want; and after that has been fixed, then let us come to the consideration of these other questions.

I intended to say one word about the quotations of stock prices made by the Senator from Michigan, but it is hardly necessary. The idea of quoting fancy stocks in the market in New York, or even dividend-paying stocks, as an index of the condition of the country is somewhat new when we know that the best stocks in that market, dividend-paying stocks, the New York Central if you please, go up and down under the manipulations of the bulls and the bears, while, so far as fancy stocks are concerned, their price does not depend upon the intrinsic value of the stock or, in fact, upon the ordinary conditions that affect the money market. But the Senator from Michigan has brought forward these stock quotations as an evidence that the panic is all over and gone, that no more money is needed, and that we should let things be just as they are and retire the greenbacks!

Mr. SCHURZ. May I ask the Senator from Indiana a question?

Mr. MORTON. Yes, sir.

Mr. SCHURZ. Does the Senator mean to assert that there has not been a general improvement, a greater ease of business, all over the country?

Mr. MORTON. I do not mean to assert that, and I have not asserted it.

Mr. SCHURZ. Then I should think the argument of the Senator from Michigan would not be so bad, after all.

Mr. MORTON. I do not mean to assert that the effects of the panic have not all passed by, and I think the Senator himself will not assert to the contrary. There has been some improvement; there has been recuperation to some extent all over the country; and the issue of $27,000,000 of greenbacks in addition to the volume existing last September has had very much to do with it; we all know that. From the very time that money began to come forth there was relief experienced to some extent; and much of it is to be attributed to the increase in the volume of the currency.

Mr. SCHURZ. Would the Senator say, from his own point of view, that a further increase of the currency, generally, would be necessary for the business of the country now?

Mr. MORTON. I have argued the question of the importance, in my opinion, of an increase of the currency. The Senator has heard it from time to time, and it is not necessary for me to go over it again.

The point I was speaking of at the time the Senator from Missouri appealed to me was that while there has been an improvement in the times—it would be a very sad thing if there had not been—still that improvement is not complete. The Senator from Michigan may quote the prices of stocks in the New York market; but we know very well that the effects of the panic will be found in every county in the United States this day.

Mr. SCHURZ. With the permission of the Senator from Indiana, I desire to ask, if it is shown that in the country money is easy, that there is no difficulty in procuring loans at the present moment, would not that show, at the same time, that an increase of the currency would not be necessary now for the purpose of producing that result? And for that reason I put to the Senator the question whether he thinks that, at the present moment, the requirements of business still are such as to make an increase of the currency necessary from his point of view?

Mr. MORTON. If it was shown that money was easy everywhere, that might be; but that is a thing that cannot be shown.

Mr. SCHURZ. Is the Senator through?

Mr. MORTON. If the Senator wants to go on I am through.

Mr. SCHURZ. Then I wish to make a short statement in regard to the condition of the money market, not in New York, but in other parts of the country, a statement based upon the very best kind of authority. I am quoting now from the money article of a Chicago paper:

WEDNESDAY EVENING, *February* 4.

The progress toward greater ease in the money markets all over the country con-

tinues. We have reason to believe that, in default of employment in the East, a large amount of eastern and Canadian bank capital is now coming to this market for loan on warehouse receipts for grain and provisions. As remarked yesterday, the country west of this city is also full of money. In many parts of the country there is more money offered for loan on mortgages than can be used, and the same is getting to be the case in this city. This plethora of money is partly due to the depression of some branches of business, particularly of manufacturing. But a considerable portion of the manufacturing industry of a year or two ago was of a temporary kind, dependent on the continued extension of railroads for its support. This part of manufacturing will not revive, because the era of excessive railroad extension is over, but all that part of manufacturing which creates articles of consumption by the people of the West must revive before long, because the agricultural districts have sold large crops and are rich.

SATURDAY EVENING, *February* 7.

The increase in the supply of money in this market since the beginning of the week has been quite decided. The banks are carrying a very large amount of grain and provisions, and, therefore, the easier condition of the market is not so marked with them as in the open market. There is, however, a larger supply of loanable funds in the country west of this city than for several years before.

TUESDAY EVENING, *February* 10.

The shipments of currency to the wheat-raising sections of the Northwest continue liberal, but the amounts coming in from other parts of the country West and Southwest are about equal to the outward movement.

There seems to be an increase in the supply of money in the markets throughout the country from day to day, and even the most inveterate inflationist must acknowledge that the present condition of the money market is a strong argument against the theory of a deficiency in the volume of currency.

WEDNESDAY EVENING, *February* 11.

We find it necessary to repeat the same story from day to day now, namely, that the supply of loanable funds in the local market is increasing. The country shippers are sending us an enormous quantity of grain, but the country banks are also sending a great deal of money to their correspondents in this city, with instructions to lend it at 10 per cent. or less, and thus while the demand for money to carry grain increases, the money which the country has received for the large crops already sold is being applied to keep up prices. The situation is an unusual one, and amounts in fact to a sort of a combination on the part of western capital to sustain the prices of western products. If it were not for the heavy receipts of grain in this city at present, there is little doubt that prices could not only be sustained but would advance. But if the country shippers keep sending it in at the present rate, they will force a general decline, and so establish a lower range of prices for what they have on hand yet to sell. The foreign markets seem to be in a condition to take a large amount at good prices if they are not glutted by too heavy shipments.

THURSDAY EVENING, *February* 12.

Notwithstanding the large amount of money absorbed in carrying grain and provisions in this market—

You see speculation has already revived there—

the supply of loanable funds in the market is greater than finds employment. It is freely offered on demand loans at 8 per cent., and on time loans at 10; but there seems scarcely any inducement to put the rates of money lower than these figures. In this market when a borrower wants money at all he wants it bad enough to pay 10 or 8 per cent. for it, and the difference of 1, or even 2 per cent. on short-time loans would not be sufficient to induce him to embark in any enterprise which he otherwise would not. In the eastern markets it is different. Speculators deal to a large extent in dividend-paying stocks, which fluctuate less in price than western products, and when the rate of interest on money gets below the average rate of dividends on certain stocks it is borrowed to carry the stocks or speculate in them. In this market, however, the supply of money—be it ever so abundant—seldom puts the rate of money below 8 per cent. on demand and 10 per cent. on sixty or ninety days. What is not used at these rates either lies idle or is sent East, where the New York banks pay 4 per cent. on current balances.

FRIDAY EVENING, *February* 13.

It is acknowledged on all sides that money was never more abundant in the West than it is just at the present time. The country west of here is full of money, particularly the sections that have marketed such a large crop of hogs and such large quantities of corn in the last three months. Country banks find it impossible to use their money at home, and have been sending it into this city for some weeks past in large amounts to loan on collaterals at 10 per cent. But the demand is insufficient to the supply of money.

Mark you, the demand is insufficient to the supply of money.

Borrowers see that they can get the money at 8 per cent. on thirty-day loans just as well as to pay 10, and are making a stand for a reduction in the rates. We hear of some thirty and sixty day loans at 9 per cent., and doubtless some are made at 8 per cent. in the open market, though lenders refuse to acknowledge the reduction. This accumulation of money in the West seems to be partly due to the fact that there is less speculation in railway stocks and less borrowing on new railroad bonds in New York City than there used to be before the panic.

Of course it is.

The collapse of speculative schemes last fall diverted money from those channels of investment and directed it into speculation in western products.

SATURDAY EVENING, *February* 14.

The gradual accumulation of money, which has been the most notable feature of the local market for the last month, continues. The banks, however, have been obliged to hold back from loaning so freely on pork and grain, except with large margins, because the speculation in almost everything is piling up a load that threatens to break down prices.

There you see the effect of the accumulation of money, and a superfluous accumulation of money at that, in the western markets.

There is, however, plenty of money to loan on satisfactory collateral at 10, and 9 per cent. in some cases, for thirty or sixty days, and at 8 per cent. on demand.

I could go on for an hour reading similar reports from Cincinnati, Saint Louis, and other western cities, and still the Senator asserts that there is not money enough to float the business of the country.

Mr. SHERMAN. I want to read, without interrupting the Senator from Missouri, from the Cincinnati Gazette of yesterday on this point in regard to the abundance of money. It has just been laid on my table, and I will read it:

There has been a good demand for discounts in our local market, but the banks have gained in means and have met it freely at 8 to 9 per cent., and although there has been considerable currency sent to the country in nearly all directions, the general supply appears to be larger than a week ago. Yesterday there was a fair demand for money, and rates were unchanged. In the open market money is very plenty, and prime business paper is readily placed at 9 to 10 per cent., and chiefly at the inside figure.

That is yesterday's Cincinnati Gazette.

Mr. FERRY, of Michigan. Inasmuch as the Senator from Missouri has spoken of the business interests and an alleged plethora of money, I want to call his attention to a concern in his State, the glass works at Crystal City, with a capital of $250,000, and with no outstanding notes, and were last month unable to negotiate a note of $5,000 upon the ordinary rate of 10 per cent.; that is in his own State. Then I might show him other business interests in Chicago and Milwaukee of like character. I think the Senator is not thrown so much in the channels of business as perhaps strictly business men; and I can tell him from my own experience and knowledge, coming through business channels, that even in the city of Chicago, take any branch of business, take the lumbering interest for instance, in which, by the way, I am interested, and know something more about it perhaps than the Senator himself, and I can state to him that men of undoubted credit before and since the panic cannot obtain accommodations at bank. Men, too, who have had lines of discount from $10,000 to $25,000, and even $30,000, find themselves unable to get discounts of even $5,000, and in consequence have had to suspend their business.

Mr. SCHURZ. The Senator says that men of undoubted credit before the panic are not able to negotiate their notes now. They may have been men of undoubted credit before the panic, but may not be men of undoubted credit after the panic.

Mr. FERRY, of Michigan. I would not state a fact of that kind as illustrative of the point I am attempting to make. The Senator from Missouri is too astute to suppose that I meant a case of a man who had credit before the panic, and had no credit afterward. That would be a comparison that would hardly be admissible before an American Senate. I am talking about men who stood after the panic as they did before, owing no more and no less; men who are accustomed to business transactions, and who have commercial credit.

Take the line of commission-men in the city of Chicago, and doing business in the purchase and sale of lumber; men who were favored with large lines of discounts, and now cannot negotiate like paper, which they easily did before the panic; and men owing no more now than they did then. I put that to the Senator as illustrating the very reverse of what he has been quoting and commenting upon, and directly affecting a branch of the business interests of the land. There is more significance in the fact than in these call-loan rates in New York. I can tell the Senator that the gilt-edged paper which has been spoken of here, even in Wall street, cannot be negotiated short of 10 to 15 per cent., unless bolstered by collaterals of the best kind. The low rates apply only to money upon call, supported by undoubted collaterals equivalent to United States bonds.

Now while I am up let me speak of another fact. Take the Northwest Railway Company, as well known as that company is, and the business it is doing. That company issued a note, indorsed by the Milwaukee Rolling-Mill Company, a large iron concern—and the Senator from Wisconsin [Mr. HOWE] before me, knows something of that, or if not, his colleague, now in the chair, does, residing as he does in the city of Milwaukee. That railway company's note for $22,000, indorsed by this rolling-mill company, with a paid-up capital of a million and a half, could not be negotiated last month in New York, Boston, or New Bedford, short of 11 to 12 per cent. I put that to the Senator as a fact coming to me from a party interested; and I say that the representations of papers that are gotten up in some measure in the interest of the opposition which we have to combat here, are hardly a fair exhibit of the real condition of business interests and their relations to the money centers of the country.

Now, let me cite another instance. I know of a bank of excellent credit in Michigan, doing business in New York, having ordinarily a line of $50,000, and yet unable to get a discount at that bank where its business is done; and yet the Senator thinks that money is plenty, and that anybody can get it on proper security.

Let me state another case. A bank in my own city, that passed through the panic unscathed while banks around it suspended, and holding a line of discounts before the panic of $50,000, to my own personal knowledge could not get a $10,000 loan in the city of New York. If a national bank whose integrity was tested by the panic cannot obtain moderate accommodation in the city of New York, can it justly be said that the plethora of money is what the Senator has stated, or that the supply is meeting the expectation of the country or relieving it in this emergency?

Mr. SCHURZ. Now it seems to me that the gentlemen who advocate expansion—I had almost said "inflation," but that term is offensive to the Senator from Michigan—must be exceedingly hard pressed for arguments, when in reply to the market reports of papers that are recognized as good mercantile authority they have nothing to show but letters from private persons who cannot get all the money they want. Of course there are a great many firms in this country that find it difficult to raise all the loans and discounts which they desire. There always have been; there always will be. But shall we, when a business man writes to one of us saying, "I cannot get money at a convenient rate of interest for my purposes," at once jump right into the breach and just issue so and so many millions more of irredeemable currency? Why, gentlemen, what absurdity! Of course,

there are a great many people in the country who have not got as much money as they want. But here we have a general report upon the state of business in the country, and when I lay that as good authority—for such it is—before the Senate, Senators are at once on their feet and say, "I have got a letter from this man and from that man." Is that argument?

Let me read to the Senator a little more from a market article of the Chicago Tribune, which will shed some light upon some particular branches of business. It is taken from the weekly report of February 13; I have saved it because it is quite interesting:

While it is not probable that the farmers of the West understood this well enough—

That is to say, that the collapse of speculative schemes last fall diverted money from those channels of investment and directed it to speculation in western products.

While it is not probable that the farmers of the West understood this well enough to think that prices of western products were being sustained by speculation that must sooner or later come to an end and allow prices to recede, they have at least, for once in many years, been sensible enough to sell their pork, and corn, and wheat freely, while they would bring good prices. This is doubtless yet the feeling of the wheat-growers and shippers of Northern Iowa and Southern Minnesota, who are sending their wheat to market in such large quantities now.

For nearly a month past there has been a moderate but constant movement of currency from Southern and Central Illinois, Indiana, and Michigan to this city, and from here to Northern Iowa, Southern Minnesota, and Northern Wisconsin. Some of the banks here estimate that not less than $3,000,000 of currency have been sent to half a dozen towns like McGregor, Lansing, and Winona, in the great wheat-raising district northwest of here, in the last four weeks. Scarcely any currency has come back from that direction yet, from which it may be inferred that it is in active circulation in that quarter, as it was in the corn and pork raising districts six or eight weeks ago, and that the heavy receipts of wheat will continue. In this view it seems scarcely possible that prices of wheat can be sustained even at their present figures. But, aside from this aspect of the case, the mildness of the winter all over the world has had an effect on the foreign markets, by permitting exports of wheat from Odessa during months when it has seldom been practicable in former years.

Now, I desire the Senator from Michigan to give me his attention a moment.

Notwithstanding the abundance of money in this city, and throughout the West, it is frequently remarked that "trade is dull." This is true of some lines of business. The wholesale dry-goods trade is dull, but it always is so at this season of the year. Some branches of manufacturing are much depressed, and the retail trade of the city is also dull; partly because manufacturing is depressed, and partly because there are too many people in the business; in fact, the tendency of the last ten years has been to an excessive competition in the business of buying and selling goods. Too many people have been trying to live by exchanging commodities instead of producing something; and it is the desire to galvanize trade into a temporary activity that makes the superfluous traders imagine there is a necessity for more currency, and induces them to circulate petitions asking Congress to inflate the currency. The fact is that trade is not unnecessarily depressed, but there is undoubtedly an excess of traders. In proof of the statement that trade is not depressed it may be mentioned that nearly three times as much lumber was sold by Chicago dealers to the country west of this city during the month of January last as was sold during January of any previous year.

And yet I suppose the Senator from Michigan may bring to me a letter from a lumber merchant who has not sold as much as he desired to sell.

There is perhaps no branch of business transacted in this city which is so good an index to the state of trade and the financial condition of the country tributary to this city as the lumber trade. Farmers never buy lumber for fences and other improvements unless they are prosperous, and when they are so trade is good. We conclude, therefore, that the impression that trade is depressed arises from the fact that the abnormal stimulation of trade from the excessive railroad building of the ten years up to about a year ago has been withdrawn, and left trade to diminish to a legitimate, healthy volume.

Mr. FERRY, of Michigan. So far as the Senator has referred to the lumber interest of Chicago, I have not the official facts here; they are at my rooms, and it is not of importance enough to send there for them; but I think it may safely be said that I know more about the lumber interest of Chicago than the Senator or the writer of that article in the paper he has read.

Mr. SCHURZ. I do not know anything about it, but read from one of the first papers of the West a market report on that subject.

Mr. FERRY, of Michigan. I have mingled with lumbermen, and have known something of their business for years; and I state on my responsibility here, upon the knowledge I have of my own business, and indirectly of the business of others who are operating in the same line, that lumbermen never had so dull a season within the last ten years as they have had this past fall and up to the present time, and sales have been much less than years past. As incident to this I quote from one of the land officers in Michigan, a lumbering region where entries of pine lands keep pace with the healthy condition of the money market:

The cash receipts of this institution during the last three months were $1,400. To show how Government business, as well as others, is affected by the panic, or whatever it is called, it might be incidentally stated that the receipts during the corresponding time in 1871 were over $20,000.

There, in the corresponding time, was $20,000 against $1,400. I see the Senator from Missouri smiling, and perhaps he will say that that is a single instance. I refer to it because it is immediately connected with the lumber interest of Chicago, of which the Senator has spoken. Pine lands in the States of Michigan and Wisconsin, generally sought as good investments, do not seem to invite entry where this land office is located, and is a significant indication of the money market.

Mr. SCHURZ. What is the date of that?

Mr. FERRY, of Michigan. Last month.

Mr. SCHURZ. Why now, Mr. President, the Senator must think—does think, I see it upon his face—how excessively weak is the argument to quote, against the statement of a mercantile authority from which it appears that money is plenty there, a letter from a land office which in former years sold more than it does now. It shows simply that less money is being invested in wild-land speculation. That is all. But can you draw a conclusion from that single fact upon the general condition of the business of the country? Everybody knows that you cannot.

Mr. FERRY, of Michigan. I wish merely to say that I put fact against statement; and whether the statement or the fact be weak, I leave the country to judge.

Mr. MORTON. I simply want to say, in answer to all these newspaper scraps, which the Senator from Missouri has so diligently collected, that they prove nothing. Some of those articles are evidently political. I see the Senator from Missouri laugh. The Senator is better at laughing than he is at arguing. I have observed that frequently. Some of those articles are evidently political on their face. But taking them as being true, which some of them are not, what do they prove? They show, what we all know to be the fact, that nearly all public enterprises are suspended; there is scarcely a railroad now in process of construction.

Mr. SCHURZ. Mr. President——

Mr. MORTON. Will the Senator allow me to go on?

Mr. SCHURZ. Certainly. I do not wish the Senator to yield to me unless it is convenient for him to do so.

Mr. MORTON. Very well; I give way.

Mr. SCHURZ. I merely wish to ask what the Senator meant by saying that some of these articles were evidently political? Does he mean that they come from republican, democratic, or other sources, and are therefore not reliable?

Mr. MORTON. I do not know what papers they come from.

Mr. SCHURZ. I have told you from the Chicago Tribune; but if it suits the Senator better I will also make the same quotation from the Inter-Ocean, and the Chicago Times. It is the same thing all the way around.

Mr. LOGAN. I will state to the Senator that he cannot produce any statement from the Inter-Ocean to prove that money is plenty in that country, that the people do not desire any more, only so far that it is easy compared with what it has been. I do say this by way of drawing from the Senator from Missouri these smiles that he imagines are produced by his experience and great knowledge; but he reads here a quotation to show that money can be borrowed at 8 or 9 per cent. now. The time has never been that you could not borrow money on call at 8 or 9 per cent. in Chicago when it was to loan, the same as you borrow money in New York at 3 or 4 per cent. on call. That does not prove that money is plenty, by any means. But I have stated time and again that on year loans you cannot borrow in that country, and I repeat that I do not believe you can to-day for less than 1½ or 2 per cent. a month. I will say to the Senator that this very morning I rode to the Navy Department with a banker from Chatsworth, Illinois, one other gentleman being with me, and this gentleman said that at that place in Illinois money was being loaned now at from 3 to 4 per cent. a month; and he is a man who ought to know that whereof he spoke.

But we are told that these statements of newpapers must be received. They prove but this: that there is no time and never has been a time when money could not be borrowed on call, if there was any money to be had, at a rate of interest of 8 or 9 per cent. But I ask the Senator from Missouri, who laughed at the Senator from Indiana when he spoke of these as political articles, does he not know that there is not an article on the money question in the Chicago Tribune, and has not been for three months, that has not been directly against the gentlemen in this Chamber and elsewhere who are in favor of an increase of the currency? Does he not know that they are all colored in that direction? Does he not know that that paper is a strict supporter of his theory of immediate resumption of specie payments; in a word, that it tries to prove that money is plenty, and has been all the time? Does he not know that even during the panic, while banks were tumbling and the people breaking in Chicago, this very paper then produced articles in reference to money that aided in and caused the suspension of some of the best banks in the city of Chicago? And yet it is produced here as authority to prove that there is plenty of money all through the country!

I do not wish to discuss this question as one depending on what any paper may say. I do not care what they may say; I do not care what the money articles are. I remember reading one in the New York Times, a republican paper, a few days ago, in which it announced to the country that the people of the West did not know anything about finance. This same Chicago Tribune, when this discussion first commenced, said that such men as MORTON and other gentlemen, naming them, were fit to be voted for by fools! And yet the Senator says that these articles do not tend in a political direction. I do not know that they tend toward democracy or republicanism, but they do tend in the direction of opposition to an increase of the currency and in favor of an immediate resumption of specie payments, because that is the theory of the paper, and all these articles tend in that direction.

Mr. SCHURZ. If the Senator from Indiana will yield to me just a moment. When the Senator from Illinois says that this paper is in favor of specie payments, it is quite true, and I know it. But let me tell him that the great papers of the country generally are against

inflation, and in favor of as early a resumption of specie payments as possible—the great papers generally, I say, with few, if any, exceptions; and I will tell him why. Because they know that they are acting under a great responsibility in stating true facts to the country, and they have altogether too much sense to be in favor of anything else. Hence the whole leading press is in favor of specie payments and against inflation. But if he says that the statements I read from the Chicago Tribune are political articles, I will quote the Inter-Ocean, a paper which he probably prefers:

MONDAY EVENING, *February* 9.

There was very little change to note in the course of the local money market. Money is comparatively easy, and with a good inquiry from the grain and provision interest bankers are enabled to place the greater portion of offerings at the legal rate of interest. The mercantile branch of trade includes few borrowers, and their wants are easily supplied.

TUESDAY EVENING, *February* 10.

There is no particular change to note in the course of local finances. The demand for money is only moderately active, and the supply of loanable funds quite large. Operators in grain and provisions are the principal borrowers, the recent reduction in values inducing a better inquiry on speculative account. The stocks here are quite large, which has led to the reduction in prices. Money is decidedly easier, and parties can obtain accommodations readily at the legal rate of interest, though bankers generally give short-date paper the preference. The inquiry from the mercantile branch of trade is rather light, and parties succeed in obtaining all the favors they desire. On the street there is more money offering, and rates of interest rule little higher than those current at the banks.

That is the statement of the Inter-Ocean. Does that suit the Senator better?

Mr. LOGAN. I am not doubting the fact stated in any money article that the rate of interest is as stated, or that money is not easy, compared with what it was two months ago. No one questions that. What I said was this: that I defied the Senator to produce an article from the Inter-Ocean, and papers like that, stating that there was plenty of money in the country; and he has not produced any such thing.

So far as this question of ease in the money market, compared with its condition a few weeks ago, is concerned, this is not doubted; because the Treasury has been pouring out the $44,000,000 reserve, and that has been easing the money market to a certain extent. More than that: if the rate of interest is lower now than it was a few weeks ago, it only proves that if the money is increased it decreases the rate of interest, contrary to the argument of the gentleman some time since, who said that a larger amount of money would increase the rate of interest.

Now, Mr. President, I must say to the Senator from Missouri, when he talks in this Chamber with such fierceness that he expected to alarm somebody, he mistakes himself. He says that all the great papers of the country that have any sense are in favor of specie payments; therefore we are to infer that all the great men are, also; that is, himself and a few others. Greatness is not a general commodity. It is circumscribed by bounds, like the national banks, and minds of a few individuals. "All the great papers!" What great papers do you talk about, sir? The great papers! The Chicago Tribune supported Mr. Greeley in connection with the Senator from Missouri, and is therefore great in his esteem. Also the Chicago Times; that agrees with the Senator in all he says—or he agrees with it, I do not know which.

Mr. SCHURZ. The Inter-Ocean.

Mr. LOGAN. The Inter-Ocean! I beg pardon. The Inter-Ocean stands against your doctrine of specie payments at present, and is in favor of an increase of the currency; but it is not a great paper, according to the theory of the Senator. After all, what does that prove? That great papers and small papers are in favor of this or that thing. Does that prove anything? Does that prove that they are right or wrong, because some of them happen to agree with the Senator? It proves no such thing. It is a question of argument before the people, as to whether the people should be restricted in their privileges or not. Are all the great papers in this country in favor of monopolies? Will the Senator say that? Are all the great papers in this country in favor of restricting the power that belongs to money within the hands of a few people, as he is? Are all the great papers of this country in favor of the rich and against the poor; in favor of the money power; in favor of great monopolies that he speaks for, that grasp all the money in opposition to the views of the people? Is that what the great papers are for? Is that what the great men are for?

The greatness of my friend, with the great papers that stand at his back, says to the people of this country, "The banks, the moneyed power of this land, the men who have the power given to them by Congress, shall themselves wield this great influence over this nation by the power in their hands." Do they fear that a few mechanics may probably associate themselves together and form a bank for the benefit of their class of people? The Senator from Missouri in all his greatness says, "No; this privilege belongs to the great class to which I belong; you poor mechanics shall have nothing to do with it." If a few farmers desire to associate themselves together to form a bank that they may be accommodated in their own communities, the great Senator from Missouri says, "No, sirs; stand aside. This privilege, under the law of Congress, belongs to a certain select class that I am the peculiar advocate of to-day on the floor of the Senate."

Mr. SCHURZ. Will the Senator permit me to explain?

Mr. LOGAN. Certainly; with the greatest pleasure.

Mr. SCHURZ. I have not had the privilege of addressing the Senate on the question of national banks at all, that I am aware of; and if the Senator will refresh his memory only a single moment, I think he will remember that I have said nothing at all of the kind. I have not opened my lips on the question of national banks, not in a single instance.

Mr. LOGAN. Is that all?

Mr. SCHURZ. Certainly.

Mr. LOGAN. Well, I will proceed, then. Sir, the language that you used on this floor was that all the papers that "had any sense were in favor of an immediate return to specie payments" and sustained you; as much as to say that all the others were fools, and that all who controverted your proposition were fools in this country.

Mr. SCHURZ. If the Senator will permit me——

Mr. LOGAN. Yes, sir.

Mr. SCHURZ. I did not say that, either.

Mr. LOGAN. What did you say?

Mr. SCHURZ. Simply that the great responsible papers of this country had too much sense to be in favor of inflation——

Mr. LOGAN. Ah!

Mr. SCHURZ. And that they were in favor of as early a return to specie payments as possible. I did not mean to indicate that nobody else had sense but those papers; and if the Senator would look at all this thing calmly, with that spirit of kindness which we are in the habit of using in debate, I think he would not make the mistakes that he has made as to what I said and what I did.

Mr. LOGAN. Well, inasmuch as the Senator from Illinois seems not to be endowed with the spirit of kindness that the Senator from Missouri is, I suppose I ought to be forgiven for my want of that peculiarity that belongs to himself.

Mr. SCHURZ. I do not hesitate for a moment to forgive the Senator on the spot. [Laughter.]

Mr. LOGAN. Now, I will see for a moment what the Senator from Missouri did say, and see whether his language carries with it something offensive or not. All the great papers in the country have too much sense to be for anything but a resumption of specie payments; that was his language. What does he mean by that? All the papers of sense are for that, and all the papers without sense are against it. Is not that what it means? Therefore all Senators who are for that proposition are Senators with sense, and all the Senators who are against that proposition are Senators without sense; I ask if that is not the meaning of the language used by the Senator?

Mr. SCHURZ. If the Senator wants an explanation of my language, I am ready to give it to him.

Mr. LOGAN. I did not ask it. I asked if that was his meaning?

Mr. SCHURZ. I will just state the meaning of my language.

Mr. LOGAN. Very well.

Mr. SCHURZ. I advocated a certain line of policy. I should not have advocated that line of policy had I not thought that that line of policy was more sensible than the other side. Therefore advocating that line of policy, I believe that those who go with me in that direction are more sensible than those who do not; and if I understand the Senator from Illinois rightly, he is subject to that same weakness.

Mr. LOGAN. Very well. I am very sorry to say that the Senator's opinion of himself is not appreciated by the country. [Laughter.]

Mr. SCHURZ. The Senator will permit me to say that I am very glad to know that the Senator's opinion of himself is appreciated by the country. [Laughter.]

Mr. LOGAN. I am very glad to know it too.

The PRESIDENT *pro tempore*. The Chair must remind the galleries that applause or laughter is out of order.

Mr. LOGAN. The Senator and myself agree precisely on these two propositions. Now I will say that the Senator from Missouri must not imagine, inasmuch as he has made himself the great leader in this fight, that he can stand on this Senate floor and crush every man out of existence. Other men have the same rights here and the same privileges that he has. When he casts these insinuations about sense, he may think it is fine language to be used in the Senate. Perhaps it is. He may think it is gentle and moderate and nice and splendid to be used here by a gentleman of reputation as an orator of classic attainments. He may think that his repartee will win for him golden laurels. He may imagine that he has the power of Jove, just come down from Mount Olympus, to send his thunderbolts through the Senate Chamber. He may have all these imaginations in reference to himself; but unless he can sustain them by argument, they are worth but very little before the Senate or before the country.

I have said these things because I have been provoked into it by the remarks of the Senator alluding to the want of sense in papers and people. I had no idea of entering into this discussion at all, but merely rose to say and to reiterate what I have said, that I received the information I have stated before the Senate time and time again as to the rate of interest in the country, generally in the West, especially in my State; and to state the fact that I was reminded this morning, by a gentlemen with whom I rode to the Navy Department, of the same state of affairs that I have mentioned heretofore in the Senate, and I give it to the Senate for what it is worth.

Mr. SCHURZ. I want to detain the Senator from Indiana only a single moment to say one word. The Senator from Illinois must be aware that nothing could be further from my desire than to get up a quarrel with him. Nothing in the world was further from my mind;

and I do not think there was the least occasion for all the magnificent noise and fury he indulged himself in, since I did nothing but quote the market reports of the Chicago Tribune. If the facts contained in these market reports are such as to confute the argument of the gentlemen on the other side, it is the fault of the facts and not mine. Therefore my good friend and myself should not lose our equanimity, for I can assure him that I am not responsible for those facts which so violently disturb him.

Mr. MORTON. At the time I was interrupted by the Senator from Missouri I was about to say, or did say, that nearly all public enterprises in this country were suspended. There is scarcely a railroad now being constructed anywhere in the United States. Very many are left in a half finished condition. The iron works furnishing iron to lay those roads are also suspended, and a great many branches of industry connected with railroads are suspended. From the scraps of newspapers read by the Senator from Missouri it appears that there is a general depression. I believe the remark in several was, a very great depression of the manufacturing interest. That is so in Illinois, in Iowa, in Indiana, in Missouri, in Pennsylvania, in Ohio, and everywhere else.

Mr. President, there is the same volume of money in the country to-day that there was before the panic; but there is not the same amount of business to use it. A great many branches of business that were using money on the 15th of September are now not using a dollar; they are suspended.

Mr. MORRILL, of Vermont. And therefore less is required.

Mr. MORTON. Less is required just now. Why? Because business is suspended and partially broken down; but is that an argument to prove that we have got enough money? There may be enough to-day, but that does not prove that there is enough when business has been revived. It comes directly short; and there is the fallacy of the argument of the Senator from Missouri. I will take his own city of Saint Louis——

Mr. SCHURZ. Mr. President——

Mr. MORTON. Will the Senator allow me to go on?

Mr. SCHURZ. The Senator speaks of my argument. I did not make any.

Mr. MORTON. I refer to the city of Saint Louis. I think I may say that a very considerable portion of the manufacturing business of Saint Louis is suspended to-day. They are not using money. They were large borrowers in good times, and now they do not borrow at all. How is it with your iron works at Carondelet, five miles below your city? I believe nearly all were suspended a few weeks ago, and a part of them are now suspended, as I am informed. So with regard to a great many other branches of business in that city; they are not borrowers now because they are crushed for the time being. But the Senator uses that as an argument to prove that money is plenty! Sir, when business is broken down in the country of course that business is not using money; the money is then lying idle for the time being; but is that an argument to prove that money is plenty and the volume of currency large enough? Will it be large enough when times have revived and business again springs up as it existed only last fall?

The answer made by the Senator from Pennsylvania [Mr. CAMERON] to the Senator from Michigan [Mr. CHANDLER] was a complete answer to the whole thing. Why was money plenty in the city of New York yesterday? Why can it be had there at a comparatively low rate of interest? Because it is not demanded elsewhere, and because the demand for money in New York to-day is small; hundreds and thousands of men are out of employment everywhere, marching in columns through the streets and asking for bread; manufactories, works of every kind, are suspended to a greater or less degree everywhere; not using money because they cannot. And because money is lying idle from this cause we are told that money is plenty! That is the kind of fallacy resorted to by my friend from Missouri.

Mr. MORRILL, of Vermont. Does the Senator from Indiana think it would improve the condition of labor to have more money lying idle?

Mr. MORTON. Ah, Mr. President, that does not meet the point at all. There is a revival of business going on partially, the result of the fact that the Government has put twenty-seven millions of additional legal-tenders into circulation; but business cannot be revived successfully on the old volume of currency. The wants of the country have been growing. There has been a growing stringency for the last four or five years. While the volume of currency has not been increased the volume of business has, and this stricture has been increasing from day to day. I would ask my friend from Vermont what is the definition of "money;" what is the meaning of "money?" It is a medium of exchange. It is the instrument of buying and selling. That is the simple definition of it; and as exchange increases, as the amount to be bought and sold increases, so is there an increased use for money and you want a little more of it. When there is but little business doing comparatively, as there is now, there is less use for money than when there is a large business doing.

Mr. President, I have been betrayed into saying more on this point than I intended.

Mr. SCOTT. Mr. President, there are two statements made by the Senator from Indiana to which I wish to call his attention, more for the purpose of getting an answer from him than of making an argument. In speaking of the various communities in which business is now depressed or business enterprises are suspended, he mentions Missouri, Illinois, Indiana, Ohio, and Pennsylvania. His statement, I suppose, is in a measure correct. There are many business enterprises suspended in those States. He made another statement, however, which bears upon the present condition of the country. It was this: that there is as much money in the country to-day as there was before the suspension.

Mr. MORTON. As much currency.

Mr. SCOTT. As much currency in the country as there was before the suspension of business. Business was being successfully conducted upon the volume of currency that we had before the suspension, and I would ask him, therefore, whether there is not another element crippling the business of the country than the want of the currency? Is it not the want of confidence—the distrust, not of the currency, but of banks and bankers? And would it not be found so if he had before him a statement of the condition of the banks throughout the whole country? I have not that before me at this moment, but I venture the assertion that the state of the banks throughout the country would show that from 25 to 33 per cent. of the deposits which they held before the 18th of last September have been withdrawn and have not found their way back yet. It is true the deposits are large in the Atlantic cities—in New York, Philadelphia, and elsewhere; but take the state of the deposits throughout the interior, and it shows that the community has not yet recovered from the shock which their confidence received by the suspensions of the 18th of September and those which followed it. The money, the currency, is hoarded just as much as gold was hoarded in former times. The banks in the regions where industrial enterprises were in progress cannot give the accommodations that they could before the suspensions occurred. And it is that element that has as much to do with the tardiness of revival of business as the want of an increased paper currency.

Now, Mr. President——

Mr. MORTON. May I make a suggestion?

Mr. SCOTT. Certainly.

Mr. MORTON. The statement of the Senator in regard to the withdrawal of deposits and the failure to return them is true. There are not deposits to the same extent there were before the panic; consequently there is not the same amount of money to loan that there was before the panic; there is not the same abundance of money to be loaned as there was before the panic; and that is the answer to the Senator from Missouri. There is less business now to demand money than there was before the panic, and that my friend from Pennsylvania himself will not dispute.

Mr. SCHURZ. If my friend from Pennsylvania will allow me to ask a question. The Senator from Indiana says that there is not the same amount of money to loan. Is not the same amount of money in existence?

Mr. MORTON. My friend from Pennsylvania says it is hoarded; there is the answer.

Mr. SCOTT. Let me put a question to my friend from Indiana in answer to his suggestion. He admits that the want of confidence has led to the hoarding of money, and that is the reason why business enterprises are suspended. Does he suppose that it will inspire confidence to issue more paper money? Will the people who are hoarding it now scatter it broadcast if they get it by issuing more?

Mr. MORTON. That has always been the result.

Mr. SCOTT. I recall two similes used by the Senator in the early period of this debate, when he and I were laboring for a common purpose, as I doubt not we are yet, however we may differ as to the means, to secure a proper measure of relief for the business interests of the country. One was that he had often seen a load which was stuck in the mud taken out by putting an additional horse to the team; and all he wanted in the business embarrassment of the country at that time was the additional horse. He used another, which I may as well state now: that when the well was dry and the sucker only a little out of order, all that was needed was a bucket of water to pour in and start the pump, and you might supply the family with water for a whole day. I think the debate here has brought out the fact that the Senate are willing to give him the horse if he will give assurance that when returned to the stable he will not be diminished 10 per cent. in value; or we will give him the bucket of water if we have the assurance that by starting the pump we shall not flood the whole neighborhood. We are in danger of an inundation upon this subject of an irredeemable paper currency.

I was willing with the Senator, when we came here, if we could have done it at once, to have released the banks from the reserve on circulation, for the purpose of giving him the horse, or the bucket of water to pour upon the stagnant wheels of business. That would have been utilizing existing currency, not increasing it. But while we have been debating this question, confidence has been gradually restored; and the increased deposits going to New York and Philadelphia give the evidence that the people are again willing, at least to some extent, to place the money now in circulation where it may be used for business purposes. I hope we shall get a preventive that will stop it from flowing to Philadelphia or New York, simply for the purpose of speculation; but I am not willing to pass by the remark of the Senator from Indiana, about prostrate business and the supply of money, without calling the attention of the Senate to the fact that it is not so much the want of a sufficient amount of circulating medium that prevents the revival of business enterprises as it is the want of that

confidence which received such a terrible shock by the suspensions of the 18th of September and those following it, and without suggesting that the then existing state of the currency may have had much to do with producing the speculations that led to those suspensions.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Pennsylvania [Mr. SCOTT] to the instructions proposed by the Senator from North Carolina, [Mr. MERRIMON,] which will be stated.

The SECRETARY. The original question being on the motion of Mr. BUCKINGHAM, that the bill be recommitted to the Committee on Finance, a motion was made by Mr. MERRIMON to amend the motion to recommit the bill by adding thereto, "and that the Committee on Finance be, and they are hereby, instructed to report as soon as practicable a bill providing for the increase of the national-bank circulation, so the whole volume thereof shall not exceed $400,000,000." A motion has been made by Mr. SCOTT to amend the proposed amendment, by inserting at the end thereof, "and providing for the redemption of the whole national-bank currency in specie or the interest-bearing bonds of the United States."

The question is on this amendment to the amendment.

Mr. MERRIMON. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON. The Senate is not full, and I think this is a question on which we should have a full Senate. I prefer that the vote should be taken to-morrow. Unless that course be agreed to by common consent, I will move that the Senate now proceed to the consideration of executive business.

Mr. SHERMAN. I hope the Senator from Pennsylvania will not do that. He has already given notice of a motion for to-morrow. I do not want this to be deferred until to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. FERRY, of Michigan. I feel it my duty to state that the Senator from Tennessee, [Mr. BROWNLOW,] is not in his seat, and he has left on account of his condition, and on the supposition that no vote would be taken to-day. In justice to him the Senate ought, I think, to give him an opportunity to reach here, or else fix a time to-morrow when the vote shall be taken, so that he can be present. It seems to me it is due to the Senator, in his condition of health, for it is impossible for him to stay here and await the action of the Senate.

I have deemed it my duty to say this much, and I leave the Senate to take such course as they deem best.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania, [Mr. SCOTT,] to the amendment offered by the Senator from North Carolina, [Mr. MERRIMON.]

Mr. HOWE. I rise to inquire whether it would be in order now to move the amendment of which I gave notice to the amendment proposed by the Senator from Pennsylvania?

The PRESIDENT *pro tempore*. It will not be in order until the present motion is disposed of.

Mr. SCOTT. The question is on my amendment to the proposed instruction.

Mr. HOWE. I beg pardon; I thought it was the amendment of the Senator's colleague.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The Chief Clerk read the amendment proposed by Mr. SCOTT to the amendment of Mr. MERRIMON.

Mr. BOREMAN. There is, I apprehend, not a member of this body who is not in favor of resuming specie payments at some time, and yet there are some who do not think this is a very propitious time to inaugurate resumption. This proposition, it seems to me, is so indefinite that it is very difficult for us to express our views properly; in other words, we shall be misunderstood whether we vote one way or the other, unless we are for resumption instanter. The amendment is:

And providing for the redemption of the whole national-bank currency in specie or the interest-bearing bonds of the United States.

That instruction is so general that it leaves the committee to make this resumption commence at once or commence five years hence.

Mr. SHERMAN. It will all be reported to the Senate.

Mr. BOREMAN. It will be reported to the Senate, but then we shall have another squabble for weeks over that, some being for immediate resumption, some for resumption next year, and some for it four or five years hence.

Mr. MORTON. The amendment means resumption instanter, undoubtedly.

Mr. BOREMAN. If this means immediate resumption, (and that is the only construction I can give to it,) I shall be compelled to vote against it. If there was some time in the future fixed for this action, I might probably vote for it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania [Mr. SCOTT] to the instructions proposed by the Senator from North Carolina, [Mr. MERRIMON,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FLANAGAN, (when his name was called.) I have agreed to pair with the Senator from Arkansas, Mr. DORSEY. If he were here he would vote "yea" and I should vote "nay" on this question.

Mr. GORDON, (when his name was called.) I am paired with the Senator from Delaware, Mr. BAYARD. If he were here he would vote "yea" and I should vote "nay."

Mr. HAMILTON, of Maryland, (when his name was called.) Upon this question I am paired with the Senator from Kansas, Mr. INGALLS. I should vote "yea," and he would vote "nay," if he were present.

Mr. HAMILTON, of Texas, (when his name was called.) I am paired with the Senator from Kansas, Mr. INGALLS. If he were present he would vote against the proposition, and I should vote for it.

Mr. CONKLING. How many are paired with the same Senator?

Mr. HAMILTON, of Maryland. If the Senator from Texas has paired with the Senator from Kansas, I vote "yea."

Mr. HITCHCOCK, (when his name was called.) On this question I am paired with the Senator from Vermont, Mr. EDMUNDS. He would vote "yea," and I should vote "nay."

Mr. SARGENT, (when his name was called.) I supposed I was paired with the Senator from Kansas, Mr. INGALLS, who was called home by sickness in his family. The Senator from Texas [Mr. HAMILTON] announced that he was paired with him. My friend on my left [Mr. HAMILTON, of Maryland,] also supposed that he was paired with him. The Senator from Texas is willing to remain paired with him. Of course there can be but one pair, and under the circumstances I consider myself released from the pair, and therefore vote "yea."

Mr. SAULSBURY, (when his name was called.) On this question I am paired with the Senator from North Carolina, Mr. RANSOM. If he were here he would vote "nay," and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 28, nays 30; as follows:

YEAS—Messrs. Anthony, Boutwell, Buckingham, Chandler, Conkling, Cooper, Cragin, Davis, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Jones, Kelly, Morrill of Maine, Morrill of Vermont, Sargent, Schurz, Scott, Sherman, Stevenson, Stewart, Stockton, Sumner, and Wadleigh—28.

NAYS—Messrs. Alcorn, Allison, Bogy, Boreman, Cameron, Carpenter, Clayton, Dennis, Ferry of Michigan, Goldthwaite, Harvey, Howe, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Thurman, Tipton, West, and Wright—30.

ABSENT—Messrs. Bayard, Brownlow, Conover, Dorsey, Edmunds, Flanagan, Gordon, Hamilton of Texas, Hitchcock, Ingalls, Lewis, Ransom, Saulsbury, Sprague, and Windom—15.

So the amendment of Mr. SCOTT to the proposed instructions was rejected.

The PRESIDENT *pro tempore*. The question recurs on the instructions moved by the Senator from North Carolina [Mr. MERRIMON] as an amendment to the motion to recommit.

Mr. CAMERON. Now, Mr. President, I see the Senate is not full by any means, and this is a very important question. It will affect the country for years. I trust, therefore, that we shall now adjourn, and take this vote to-morrow.

Mr. SHERMAN. I trust we shall not adjourn, and I call for the yeas and nays on the motion.

Mr. CONKLING. Let us have a division first.

Mr. SHERMAN. Very well; I will withdraw the demand for a moment until a division can be had.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania [Mr. CAMERON] moves that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from North Carolina, [Mr. MERRIMON.]

Mr. STEWART. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. FERRY, of Michigan. Let the amendment be reported.

Mr. MORTON. I was going to suggest that the last roll-call showed the absence of some sixteen Senators.

Mr. SHERMAN. They were all paired.

Mr. MORTON. Not all of them. There are some Senators absent who are not paired, and who did not expect the vote to be taken to-day, but who will be here in the morning. The Senator from Rhode Island [Mr. SPRAGUE] was here a little while ago, but has gone. The Senator from Florida [Mr. CONOVER] is absent, and the Senator from Minnesota [Mr. WINDOM] is absent. The latter did not expect the vote to be taken to-day.

Mr. HOWE. Am I to understand that the amendment moved by the Senator from Pennsylvania, [Mr. CAMERON] is now before the Senate?

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from North Carolina, [Mr. MERRIMON.]

Mr. HOWE. Then I propose to move the amendment of which I gave notice as an amendment to the amendment of the Senator from North Carolina.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The Chief Clerk read as follows:

And that the said committee be further instructed to make provision that the Secretary of the Treasury shall, once in each month, sell to the highest bidders, for United States notes, coupon bonds equal to 85 per cent. of the additional bank circulation issued during the month preceding, which bonds shall bear interest at the rate of 5 per cent. per annum, payable quarterly, and the principal shall be payable at the pleasure of the Government after ten years from their date, both principal and interest to be paid in gold coin; but none of said bonds shall be sold at less than their par value, and the United States notes received in exchange therefor shall never be reissued, but shall be destroyed.

Mr. HOWE. Now, I wish to make one suggestion in reply to a remark made by the Senator from Indiana. I regret that we have not before the Senate now the amendment proposed by the Senator from Pennsylvania, [Mr. CAMERON;] that we have not an unlimited banking proposition before us, instead of a restrictive one; but if the Senate shall agree to the amendment proposed by the Senator from North Carolina up to the amount named there, every section of the country can have just as much banking circulation as capital is willing to supply. It seems to me that while the Senator from Indiana may be entirely right in supposing that there is a large portion of the country who think we have not greenbacks enough, yet the men who hold the greenbacks know better about that than the men who do not; and if the fact is that men are carrying these greenbacks who would rather have an obligation of the Government paying 5 per cent. interest than to carry these notes without interest, or to loan these notes to anybody else, what possible reason can we assign, other than a wish to repudiate, for not allowing them to convert them into a 5 per cent. bond?

Mr. MORTON. The effect of the two amendments taken together is that the committee shall be instructed to report a bill increasing the national-bank circulation $46,000,000, or up to the amount of $400,000,000 altogether, and that an amount of greenbacks shall be retired, by being funded into a 5 per cent. bond, equal to 85 per cent. of the $46,000,000, as fast as the $46,000,000 may be called for. It presents the distinct question to the Senate of retiring a portion of the greenback circulation now outstanding. It presents the distinct question of converting a portion of our greenback circulation into an interest-bearing bond.

Mr. SCOTT. At 5 per cent.?

Mr. MORTON. A 5 per cent. bond. It presents the distinct question of confining the volume of the currency to exactly what it is now.

Mr. MERRIMON. It goes much further than that. As I understand this amendment, if it shall prevail and a law shall pass carrying it into effect, it not only retires the greenbacks, but it only increases the volume of circulation—the money circulation—in the country 15 per cent.

Mr. MORTON. It does not increase it that amount, as I understand that the volume of greenbacks to be retired is only 85 per cent. of $46,000,000. The reason of that, I presume, is that the Senator counts on the reserve. The $46,000,000 will require, on an average, 25 per cent. reserve instead of 15 per cent. The Senator only allows for 15 per cent., but the average reserve will be over 25 per cent., if we take the returns of the banks heretofore; so that there would be a positive contraction of the difference between the 15 per cent. and the 25 per cent. on the $46,000,000.

Mr. HOWE. Mr. President, the reserve is 15 per cent. outside of the cities. I assume that no portion of this new banking circulation would go to the cities, and therefore I deducted but 15 per cent., which is just the reserve.

Mr. MORTON. Let me suggest to the Senator that the amount of reserve under the law, outside of the cities, is 15 per cent. on circulation and 15 per cent. on deposits, which makes 30 per cent. The average of deposits, I believe, is nearly equal to the circulation. I am not sure about that, but I think it approaches it very nearly.

Mr. STEWART. On what does it make 30 per cent.? Fifteen per cent. on deposits and 15 per cent. on circulation?

Mr. MORTON. If you put the two together they would make 30 per cent.

Mr. CONKLING. Thirty per cent. on what?

Mr. MORTON. It would require an amount of greenbacks to be called out of circulation and put into the vaults of the banks as their reserve equal to 15 per cent. on circulation and 15 per cent. on deposits, and if the deposits are equal to the circulation, which they are likely to be, then the whole amount of the reserve to be put into the vaults of the banks, to be taken out of the greenbacks now in circulation, would be 30 per cent. of the $46,000,000; so that it would be a retirement in that form of another 30 per cent.

Mr. BOGY. I think it is only 15 per cent. on $46,000,000, which would be $6,900,000.

Mr. THURMAN. If there were to be an increase of national-bank currency to the extent of $46,000,000 and no more, and the proposition of the Senator from Wisconsin were adopted, the result would be simply this: that the volume of currency in the country would be increased $6,900,000; an increase which I imagine would afford very little relief in the opinion of those who think the panacea for all our evils is more paper money; but then its effect would not stop there. While it would be wholly inefficient to afford relief, if relief could only be afforded by an increase of currency, it would impose upon this Government the payment of $2,000,000 annually in the shape of interest, or very nearly that, $1,950,000. That is to say, for the privilege of having $6,900,000 additional currency, the Government is to agree to pay $1,950,000 interest per annum, in order to retire a currency with which the whole people are satisfied.

Mr. HOWE. I have been painfully conscious of that defect in this proposition of mine, that it would call upon the United States to pay a little interest on their debts, if the holders of the non-interest paying debt asked for it; but I thought the people of the United States had integrity enough left to consent to that. I did not think I should encounter here in the Senate statesmen who would insist upon the people carrying this dishonored paper simply for the purpose of saving so low a rate of interest as 5 per cent. Therefore I ventured to offer the proposition. But Senators suggest to me that instead of asking a vote of the Senate upon this proposition as an amendment to the amendment offered by the Senator from North Carolina, I should move, as a substitute for his amendment, the proposition of the Senator from Pennsylvania, with my amendment added; and I inquire of the Chair if that would be in order?

The PRESIDENT *pro tempore*. The Senator from Wisconsin can modify his motion to that effect. The Senator from Wisconsin withdraws his present motion. The question will then be on the amendment offered by the Senator from North Carolina. The Senator from Wisconsin can now move any substitute for that he pleases.

Mr. FERRY, of Michigan. Have not the Senate ordered the yeas and nays on the other proposition?

The PRESIDENT *pro tempore*. They have not.

Mr. HOWE. I move as a substitute for the amendment of the Senator from North Carolina the proposition of the Senator from Pennsylvania, [Mr. CAMERON,] with my amendment added thereto.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws his amendment, and moves now, as a substitute for the amendment offered by the Senator from North Carolina, the amendment of the Senator from Pennsylvania and his own as one measure.

Mr. ALCORN. I will inquire whether that amendment, in its present attitude, is divisible?

The PRESIDENT *pro tempore*. It is not.

Mr. ALLISON. I will inquire whether or not an amendment to the substitute is in order?

The PRESIDENT *pro tempore*. It is not. This is an amendment to an amendment.

Mr. ALLISON. I understand the Senator from Wisconsin offers his original proposition.

The PRESIDENT *pro tempore*. The Senator from Wisconsin has withdrawn the amendment which he offered to the amendment of the Senator from North Carolina. He now changes it by moving a substitute for it, which is in the nature of an amendment.

Mr. ALLISON. And not amendable?

The PRESIDENT *pro tempore*. And not amendable until disposed of by a vote.

Mr. DAVIS, and Mr. FERRY of Michigan. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment of the Senator from North Carolina [Mr. MERRIMON] and the amendment proposed by the Senator from Wisconsin [Mr. HOWE] will be reported.

The CHIEF CLERK. The amendment of Mr. MERRIMON is to add to the motion to refer the following instructions:

That the Committee on Finance be, and they are hereby, instructed to report, as soon as practicable, a bill providing for the increase of the national-bank circulation so that the whole volume thereof shall not exceed $400,000,000.

It is proposed to amend that amendment so as to make it read:

That the Committee on Finance be, and they are hereby, instructed to report as soon as practicable a bill providing that so much of the twenty-second section of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of the several acts supplementary thereto and amendatory thereof, and such of the provisions of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, and so much of such parts of any other act or acts of Congress as limit or as may be construed to limit or restrict the entire amount of notes for circulation to be issued under the act of June 3, 1864, and the several supplements thereto, be, and the same are hereby, repealed; and that hereafter all associations organized, or that may be organized, for carrying on the business of banking under the provisions of said act shall be free to establish and organize national banks with circulation at any place within the several States and Territories of the United States upon the terms and conditions, and subject to all the limitations and restrictions now provided by law, except the limitation upon the entire amount of circulation, which is hereby repealed. And also providing that the Secretary of the Treasury shall, once in each month, sell to the highest bidder for United States notes, coupon bonds equal to 85 per cent. of the additional bank circulation issued during the month preceding, which bonds shall bear interest at the rate of 5 per cent., payable quarterly, and the principal shall be payable at the pleasure of the Government, after ten years from their date; both principal and interest to be paid in gold coin; but none of said bonds shall be sold at less than their par value; and the United States notes received in exchange therefor shall never be reissued, but shall be destroyed.

Mr. HOWE. I desire to throw myself upon the indulgence of the Senate once more. I think this last change of front of mine was a mistake, and I want to resume my original position. I think I will renew the motion I first made, moving my amendment as an amendment to the amendment of the Senator from North Carolina; and on that I think I will take the sense of the Senate upon the expediency of retiring or funding greenbacks as fast as the national-bank-note currency is increased; and then if that fails, we can get the sense of the Senate upon the question of increasing the national-bank-note currency.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws the pending amendment which he offered as a substitute, and renews the amendment which he had formerly offered to the amendment of the Senator from North Carolina.

Mr. BUCKINGHAM. Mr. President, I do not like to differ from the honorable Senator from Wisconsin, and it is very seldom that I do; but I think he does not—or if he does, I do not—appreciate the result of his amendment. If I understand it, it is to withdraw the national

circulation, the legal-tender notes, and substitute therefor bank-notes, and I suppose he has reference to a final redemption in coin, for I certainly think he is one of the most earnest men in the Senate in behalf of specie redemption. I wish to say to the honorable Senator that I think if he adheres to that proposition, and if the Senate shall vote for it, before you see specie redemption, or at the time you see specie redemption, you will see a contraction of the currency such as you do not now appreciate. For instance, suppose to-day all the legal-tender notes were retired and bank-notes placed in circulation, and you should require the banks to meet their obligations and redeem their notes in coin, how could they do it? They could only do it by going into the market and purchasing the coin. That would be right; for they are under obligations to redeem, and therefore they should redeem at any cost. But suppose they should go into the market and buy coin and redeem their notes and pay the present market value, or one-half that, I ask you if they would put those notes in circulation again?

Mr. MORRILL, of Vermont. Will the Senator from Connecticut allow me to ask him a question?

Mr. BUCKINGHAM. Certainly.

Mr. MORRILL, of Vermont. I desire to ask the Senator whether he does not know that the banks of the city of New York at the present moment have 12 or 15 per cent. more of specie than they have out in circulation, so that for the largest city in the country, containing the largest amount of banking capital, they have an excess to-day of something like 12 or 15 per cent. of coin in their vaults above their circulation?

Mr. BUCKINGHAM. I did not know it was that amount; but I say this: Whoever takes that coin takes from those banks 10 per cent. more than he takes when he takes their notes; and if they begin to redeem, the moment they redeem and pay that premium for coin to redeem their notes, I say distinctly that those banks will issue no more currency to be redeemed by the purchase of coin at such a rate; and therefore, if that specie redemption were continued—it would not be; but if it should be continued, there would be a curtailment as a matter of absolute necessity; and no legislation can prevent it.

Mr. HOWE. Mr. President, I do not want to deal in predictions. I said yesterday, I repeat to-day, that I know very well a bank cannot pay four dollars with one; but I think I know that long before your greenbacks are retired under this proposition they will be at par with specie in the country. I think I know one other thing: if to-day you had no Government notes on the market, but all the paper in circulation had been issued by the banks, I do not believe there would be the slightest danger of a run being made upon the banks, and for this plain reason—who would make the run? For every dollar of bank-paper the community will have in its pockets the bank has more than a dollar of the commercial paper of the country, and if for purposes of speculation combinations make a run upon the banks with their notes for redemption, the banks will say, "Why, gentlemen, yes; to-day you ask us to pay our paper in specie; to-morrow your paper falls due, and you must pay specie," for the Government cannot any longer intervene between the clients of the banks and the banks themselves. When that time comes, manifestly to me the banks will be called upon to furnish only so much specie as the business of the country absolutely demands, and that amount of specie they not only will be able to furnish then, but they are furnishing to-day, did yesterday, and have done every day during the past ten years.

Mr. MORRILL, of Vermont. I suggest to my friend that no bank can be put into operation without furnishing an amount equal to the capital in specie to-day under any of these propositions. They must buy the bonds, and the bonds are worth their par in specie.

Mr. HOWE. They are not specie, but they are worth the specie.

Mr. MORRILL, of Vermont. And will bring it anywhere.

Mr. HAMLIN. I desire to say simply that I shall vote for this amendment, without giving any intimation whatever how I would vote upon it as a separate and distinct measure. I shall do so because I shall subsequently vote against any instructions to the committee, and I think this debate and the precise attitude the question is now in before the Senate ought to convince us all that we ought to recommit the bill without any embarrassment.

Mr. SCHURZ. The position I occupy with regard to this amendment is exactly the position just now defined by the Senator from Maine.

Mr. CAMERON. I trust we shall vote this proposition down. I desire to get my proposition plainly and simply before the Senate. After it shall have met the approbation of the Senate, I shall be willing to consider propositions of amendment; but I think the effect of all these amendments is only to embarrass the main question, and I trust we shall vote this one down.

Mr. BOUTWELL. I wish to say that I cannot vote for this amendment. It contains in it a principle which, if extended, brings this country by steady and certain processes to bankruptcy; and whether the instructions are to fall or to succeed, I cannot put myself upon record in favor of a proposition which contains a principle by which every business man in this country is to be destroyed if it be applied generally to the financial system of the country.

Mr. MORTON. Will my friend state how?

Mr. BOUTWELL. It is a process by which you increase the demand for legal-tender notes and diminish the supply—that is the peculiarity of it—by which the business of the country must be brought to ruin.

Mr. BUCKINGHAM. I spoke of the amendment proposed by the Senator from Wisconsin [Mr. HOWE] simply because I preferred it as attached to the proposition of the Senator from Pennsylvania, [Mr. CAMERON.] I wish he had not withdrawn it, but had allowed those two to have gone as a substitute for the whole. As he has withdrawn it, I do not hesitate to say that his amendment attached to the proposition of the Senator from North Carolina would, in my judgment, improve the proposition of the Senator from North Carolina, and therefore, unless I change my mind, I shall vote for his amendment to the amendment of the Senator from North Carolina; but then I shall reserve the privilege of voting against them both.

Mr. HOWE. I have a word to say in reply to the Senator from Massachusetts, [Mr. BOUTWELL.] I agree with him that the objection he has stated to this amendment of mine is a very grave one; that if it is going to place the business of the United States face to face with bankruptcy and destruction he ought not to vote for it, and I would not vote for it if I believed that. But he is right or wrong in that prediction of his. If he is wrong, it should not stand in the way of his vote; if he is right, then this is the attitude of the country: that that medicine which you now call greenbacks, and which you persuaded the country to take some twelve years ago with shrinking and with reluctance, and only because the country stood then on the verge of bankruptcy and could not be relieved from it in any other way—that vile drug has become now a necessity of the American people. When you are restored to health you take this medicine because you have come to love it. If that is the condition of the country to-day, that will be the condition of the country ten years hence also. These unredeemed, dishonored promises of the Government have become essential to the business life of the country.

Mr. STEWART. That is the way with opium-eaters.

Mr. HOWE. My friend says that is the way with opium-eaters. Yes, I have known many a man, after he had taken two or three swigs, labor under the hallucination that he must have more drink. That seems to be the condition of the country to-day. Business is a little drunk with this dishonored paper, and Senators are divided; some of them think, to get sober, we must take more; and the honorable Senator from Massachusetts thinks it is not worth while to take any more; if you can stagger under what you have got you will do well, but by no means give up a drop you have already swallowed.

Mr. BOUTWELL. I very much regret to be the occasion of prolonging this debate, and I know very well the Senate is anxious to come to a final decision, and I am, I think, among the most anxious. I interposed the observation with reference to the amendment offered by the Senator from Wisconsin, because it has been the habit of my life, in legislative assemblies, not to vote for an amendment to a proposition in the way of changing it perniciously, with the intention of voting against the main proposition contained in the amendment.

My position, I suppose, is perfectly well understood. I consider inflation and forcible contraction alike dangerous to the country. There is one observation made in a treatise on political economy by a German once resident in this country, then returning to his home, published some years since, that there is nothing in the way of principle in the science of political economy that is applicable at all times to all nations, but that the science of political economy, so far as it is a science, is national and not cosmopolitan. I believe that the great error of the present moment is the tendency of men to rely upon what are declared or have been declared to be principles with reference to other countries and other conditions of peoples, not applicable at this time to ourselves. I should like to borrow, as an illustration or example of what I have in mind, one of the greatest questions ever put to mankind, by Colburn, in his First Lessons of Intellectual Arithmetic, to the child: How many thumbs have you on your right hand? I am inclined to look at things around us and to take counsel of what is within our own knowledge, paying due respect to what has been said by others in other times and under a different condition of things.

Now we do see that we have in this country, barring the circumstance that our paper money is not redeemable in coin, a good currency. It is of universal value; it is of a value which can be ascertained at any time and in every place. We do know that we have an excess of this currency as measured by coin; and we do know, if we have the faculty of observation, I think, that the price of every article of property increased in proportion to this excess. Now that we have eliminated from the question the fact that for a time the public credit of the country was impaired, what remains of difference between coin and paper in the markets of the world does measure the excess of paper over coin. I am opposed, as I have said before, to expansion for that reason; I am opposed to contraction; but above all am I opposed to any measure of contraction that is not open, clear, defined, precise, so that it can be understood. If we are to contract the currency, whether of national-bank notes or of greenbacks, let us do it by a distinct regulation as to the amount and the time when.

The proposition of the Senator from Wisconsin will have this effect: by increasing the volume of national-bank notes under the law requiring the national banks to keep a reserve of United States notes, you increase the demand, and at the same time he proposes to diminish the supply. During the panic last autumn something like one-half of 1 per cent. premium was paid in New York indirectly for United States notes, representing the value of those notes over and

above national-bank notes. This proposition will increase the tendency. Whenever United States notes, by any process, become so valuable as compared with national-bank notes that it shall be an object for brokers to speculate in them, you close up the entire volume of United States notes precisely as though for the moment they were struck out of existence. They no longer circulate when they become valuable as an article of merchandise, and the tendency of this measure is unquestionably in that direction.

Mr. HOWE. Will not the honorable Senator be good enough to give an answer to these two questions: first, whether coin will not supply every office that greenbacks now supply; and, secondly, whether coin, if the greenbacks were out of the way, would not take their place; and I will add this third, whether coin could not be supported by the country just as cheaply as the greenbacks are?

Mr. BOUTWELL. Mr. President, the answer to these two questions is perfectly plain. Coin would take the place of greenbacks if we had the coin, but we have not the coin, and no person has yet suggested a way by which we can obtain it that is practicable. Therefore, the policy of driving the country at once to the transaction of all its business upon a coin basis, is to contract the business of the country to the basis which the volume of coin supplies. Therefore, it is reaching specie payments by the prostration of the industries of the country and the impoverishment of the people.

Mr. HOWE. Mr. President, I know a disadvantage I labor under in this debate. I am talking against experience; I am talking against authority; but after all I am compelled to talk. [Laughter.]

The Senator objects now that coin could supply the office of greenbacks if we had the coin; but we have not got it, and nobody has pointed out how we can get it. I will venture to tell the Senator how I think we can get it. The capital buried in your greenbacks to-day, if it could be drawn out, would place coin there instead. The capital which is buried in your greenbacks, once drawn out, would bring the coin necessary to supply the place of it.

Mr. HITCHCOCK, (at four o'clock and fifty-six minutes p. m.) I move that the Senate do now adjourn.

Mr. CONKLING. No, no; let us vote.

Mr. SHERMAN. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. SCHURZ. I suggest to the Senator from Ohio to withdraw the call for the yeas and nays, and let us have a rising vote.

Mr. SHERMAN. I would prefer having the yeas and nays. I do not want to consume any more time on this subject.

The question being taken by yeas and nays, resulted—yeas 28, nays 35; as follows:

YEAS—Messrs. Bogy, Boreman, Cameron, Clayton, Fenton, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Johnston, Jones, McCreery, Morton, Norwood, Patterson, Pease, Pratt, Ramsey, Robertson, Saulsbury, Spencer, Stevenson, Stockton, Sumner, West, and Wright—28.

NAYS—Messrs. Alcorn, Allison, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Conkling, Cooper, Cragin, Davis, Dennis, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hamlin, Howe, Kelly, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Schurz, Scott, Sherman, Stewart, Thurman, Tipton, and Wadleigh—35.

ABSENT—Messrs. Anthony, Bayard, Conover, Dorsey, Edmunds, Ingalls, Lewis, Ransom, Sprague, and Windom—10.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from Wisconsin, [Mr. HOWE.]

Mr. THURMAN. I only wish to say that everything that has occurred this evening serves to confirm me in the opinion I expressed yesterday, that the best thing the Senate can do is to recommit this bill to the Committee on Finance without instructions, because it does seem to me that any attempt to agree upon any instructions in the Senate upon a subject so vast and varied and complicated, and about which there is such diversity of opinion, will be in the end unsatisfactory and a failure. Therefore, without regard to the abstract or intrinsic merits of any amendment that may be offered, I shall vote against any instructions whatsoever, and vote to send this bill back to the committee, unless the Senate will do what I think would be better than that—pass the bill. I think the bill as it came from the committee might well be passed. At the same time that I would agree, and perhaps would prefer, that the amount of currency to be redistributed should be somewhat larger than $25,000,000, and I might be willing even to go to the extent of $50,000,000 after a full consideration of the matter, still I am willing to take the judgment of the committee upon that subject, especially as that executes the will of the Senate, or rather the will of Congress as expressed in the act passed four years ago, which has remained unexecuted to this day. I advocated that measure with what little, feeble ability I had. I was convinced of its soundness and wisdom then. I am equally convinced of its wisdom and its justice now. It has remained unexecuted for four years; it ought to be executed; and therefore I should prefer that the Senate, instead of recommitting this bill, should pass it as it came from the committee.

But if the Senate will not pass it; if it is to be loaded down with all manner of amendments, and we are to rediscuss the whole subject of banking, currency, finance, and commerce upon this bill, or upon any other bill that the committee can bring in, then I say let us recommit the bill and let the committee report all the measures which in its wisdom the exigency requires, and I believe that that will be the only practicable method of getting at a solution of these questions. I repeat, I shall vote against all instructions to the committee, without regard to their intrinsic merits, so as to leave it to the committee to report such measures as in its wisdom it thinks are required; and when they shall be reported I shall not hesitate to express my opinion upon them, not by harping at this provision or that provision, not by picking flaws here and there, but by speaking upon them in as broad and as catholic a spirit as any Senator ought to speak.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Wisconsin.

Mr. LOGAN. I call for the yeas and nays. ["O, no!"] I withdraw the call.

Mr. HOWE. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HITCHCOCK, (when his name was called.) I am paired with the Senator from Vermont, Mr. EDMUNDS.

The call having been concluded,

Mr. MORRILL, of Vermont. On this question my colleague [Mr. EDMUNDS] is paired with the Senator from Nebraska, Mr. HITCHCOCK.

Mr. HAMILTON, of Maryland. On this question I am paired with the Senator from Arkansas, Mr. CLAYTON. He is for what is commonly called inflation, and I am opposed to it; and therefore, as an amendment to the proposition of the Senator from North Carolina, I should vote "yea" on this motion, and I take it for granted he would vote "nay."

The result was announced—yeas 16, nays 40; as follows:

YEAS—Messrs. Anthony, Buckingham, Chandler, Conkling, Cragin, Fenton, Ferry of Connecticut, Frelinghuysen, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Stewart, Sumner, and Wadleigh—16.

NAYS—Messrs. Alcorn, Allison, Bogy, Boreman, Boutwell, Brownlow, Cameron, Carpenter, Cooper, Davis, Dennis, Ferry of Michigan, Flanagan, Goldthwaite, Hager, Harvey, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Saulsbury, Scott, Spencer, Stevenson, Stockton, Thurman, Tipton, West, and Wright—40.

ABSENT—Messrs. Bayard, Clayton, Conover, Dorsey, Edmunds, Gilbert, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Ingalls, Lewis, Ransom, Schurz, Sherman, Sprague, and Windom—17.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from North Carolina.

Mr. BUCKINGHAM. I move, as a substitute for the proposition as it now stands, that the committee be required to bring in a bill which will provide for free banking, for funding legal-tender notes in United States bonds, and for the redemption of United States bonds in legal-tender notes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut to the amendment.

The amendment to the amendment was rejected.

Mr. MORTON and Mr. CAMERON rose.

Mr. MORTON. I yield to the Senator from Pennsylvania.

Mr. CAMERON. I now move my amendment.

The PRESIDENT *pro tempore*. The amendment will be reported.

The Chief Clerk read as follows:

That the Committee on Finance be, and they are hereby, instructed to report as soon as practicable a bill providing as follows:

That so much of section 22 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of the several acts supplementary thereto and amendatory thereof, and such of the provisions of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, and so much of such parts of any other act or acts of Congress as limit, or as may be construed to limit or restrict, the entire amount of notes for circulation to be issued under the said act of June 3, 1864, and the several supplements thereto, be, and the same are hereby, repealed; and that hereafter all associations organized, or that may be organized, for carrying on the business of banking under the provisions of said act shall be free to establish and organize national banks with circulation at any place within the several States and Territories of the United States, upon the terms and conditions and subject to the limitations and restrictions now provided by law, except the limitation upon the entire amount of circulation, which is hereby repealed.

Mr. MORTON. In view of the fact that the Senate is not full, and several Senators are absent, not expecting a vote to be taken to-night, and in view of the fact that it is desirable that this vote shall be taken when the Senate is full, I move that the Senate do now adjourn.

Mr. SHERMAN. I hope not.

Mr. MORTON. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 25; as follows:

YEAS—Messrs. Allison, Bogy, Boreman, Brownlow, Cameron, Carpenter, Conover, Cooper, Dennis, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Harvey, Hitchcock, Howe, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Saulsbury, Spencer, Stockton, Sumner, Tipton, West, and Wright—37.

NAYS—Messrs. Alcorn, Anthony, Boutwell, Buckingham, Chandler, Conkling, Cragin, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hamlin, Jones, Kelly, Morrill of Maine, Morrill of Vermont, Sargent, Schurz, Scott, Sherman, Stevenson, Stewart, Thurman, and Wadleigh—25.

ABSENT—Messrs. Bayard, Clayton, Davis, Dorsey, Edmunds, Hamilton of Texas, Ingalls, Lewis, Ransom, Sprague, and Windom—11.

So the motion was agreed to; and (at five o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 18, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

GREEN BAY AND LAKE MICHIGAN SHIP-CANAL.

Mr. SAWYER. I ask unanimous consent to take up and put upon its passage the bill (H. R. No. 447) extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal, in the State of Wisconsin. This bill has the unanimous approval of the Committee on the Public Lands.

The bill was read. It provides that the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-canal be extended to the 10th day of April, 1876.

Mr. HOLMAN. I wish to inquire of the gentleman from Wisconsin [Mr. SAWYER] whether this land grant is being used to construct a canal for the benefit of a private corporation, or is it to be a free canal for the whole people?

Mr. SAWYER. It is to be a free canal for the whole people whenever the money put into the enterprise by the company is refunded.

Mr. HOLMAN. Is that a condition of the original grant?

Mr. SAWYER. It is.

Mr. HOLMAN. Will the gentleman inform the House how much of this canal is already completed?

Mr. SAWYER. About one-quarter. There was originally a grant of two hundred acres of land. That grant has had one renewal; but the company were unable to organize under the grant; and they have now no organization. They have put into this enterprise their own money, and have completed one-quarter of the canal without using any of the land whatever. When completed this will make one of the best harbors of refuge; and it is very important for the interests of the lake commerce that the work should be finished as soon as possible. There is no harbor of refuge upon the shore of that lake from Manitou Island to Milwaukee or Chicago, a distance of three hundred miles. A survey was made for a harbor of refuge farther south than this; but when this project was brought up the other was abandoned. The Government has expended $40,000 during the last year on the harbor on the lake side; and $40,000 more will complete it. This will be one of the very best harbors of refuge, as it will be sufficient to hold the entire shipping of the lakes.

Mr. HOLMAN. As everybody here understands, I am opposed to these land grants. The only redeeming quality in this project is, that the grant does not inure to the benefit of the company. I shall not object to the bill coming before the House for consideration. But I certainly think these grants ought not to be revived.

The SPEAKER. If there be no objection the bill will be regarded as before the House for consideration.

Mr. STORM. I object.

CORRECTION OF THE JOURNAL.

Mr. LAMAR. I am represented in the Journal as not voting on the call of the yeas and nays on the resolution of the majority of the Committee on Elections in the Arkansas contested-election case of Wilshire *vs.* Gunter. I voted in the negative, and ask to have the Journal corrected in that respect.

The Journal was corrected accordingly.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

Mr. HALE, of New York, from the Committee on the District of Columbia, by unanimous consent, reported back a bill (H. R. No. 274) supplementary to an act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend their railroad into and within the District of Columbia," approved January 22, 1873; which was ordered to be printed and recommitted.

MARINE-HOSPITAL SERVICE.

Mr. HALE, of New York, also, from the Committee on Printing, reported back the following resolution with amendments:

Resolved, (the Senate concurring,) That the Government Printer be instructed to print five thousand copies of the report of John M. Woodworth, supervising surgeon of the marine-hospital service of the United States, for the fiscal year 1873, for the use of the Senate and House.

The committee recommend that the resolution be amended as follows:

After "1873" insert "fifteen hundred;" and strike out the word "House," and insert "thirty-five hundred for the use of the House."

Mr. WILLARD, of Vermont. I rise to a point of order.

The SPEAKER. This comes from the Committee on Printing, and is a privileged report.

Mr. WILLARD, of Vermont. I make the point of order that the resolution provides for an expenditure of money.

The SPEAKER. The Chair would not hold to such ruling in regard to printing, as printing is clearly an exception, because the mode of this printing is regulated by law between the two Houses.

Mr. WILLARD, of Vermont. I wish to inquire why the committee provides for the publication of this document until the question of reviving the franking privilege is considered and acted on by the two Houses?

Mr. HALE, of New York. The publication, the printing of which is now recommended, is the report of John M. Woodworth, M. D., the supervising surgeon of the marine-hospital service of the United States. The Committee on Printing is satisfied it is a highly important work, and especially in the direction of economy in laying out for the first time a plan for marine hospitals, which is said to save about 90 per cent. upon the old form of marine hospitals. The information it contains is highly valuable both to the medical profession and to all persons interested in the welfare of the marine-hospital service.

As to the specific question put by the gentleman from Vermont, the Committee on Printing did not deem it their duty to await the action of the House in regard to whether documents should be sent free or at the expense of members. When a question comes to them for decision, the committee deem it their duty to report to the House whether, in their judgment, the document ought to be published or not; and with that their duty ends. I have made the report in that view by instruction of the committee.

Mr. WILLARD, of Vermont. I make no question in respect to the value of the publication. I know nothing about it. I presume the statement of the gentleman from New York is entirely warranted by the character of the publication itself. The only point I make is this: So far as I am aware of the practice in respect to the distribution of public documents by members of either House, it has been done under the franking privilege; so it has been in some sense, if not a perquisite of the member, at least a privilege, though it has frequently proved an onerous burden upon the member. If this document is to be distributed at the charge of the person who may want it, the physicians and surgeons of the country who may want it, there is no reason why members of Congress should be charged with its distribution. That can be done by the office where it is prepared. It did occur to me, and it seems to me so now, this House should refrain from ordering the publication of any document for distribution by members of the Senate or House until some action is taken in the way of a law providing for such distribution. As I understand, (if it is proper to allude to the action of the other body,) the proposition passed here several weeks since, reported by the Committee on Printing, to add to the edition of the agricultural report, has been held in the Senate, and has not been acted on by that body, because there is now no provision of law in respect to the distribution of public documents.

I am not arguing whether there should be a franking privilege or not. That question will bide its time, and when the bill comes before us if I can get an opportunity I will express my judgment on it. But so far as this action is concerned, it seems to me eminently advisable that we should wait until we ascertain what provision the law has made for such distribution. Otherwise I see no propriety whatever in charging members of Congress—I do not mean in a pecuniary sense—in charging members of Congress, or putting upon them a duty, in the distribution of public documents, or providing that a certain number of documents shall be printed, such a proportion for the House and such a proportion for the Senate; and unless the committee think that there is some special need of haste in respect to this matter, I would suggest to them that the resolution be recommitted to await the action of the House upon the other measure.

Mr. HALE, of New York. I ought to have stated that this document has already been printed by the Treasury Department, and I understand the forms are now in existence.

Mr. WILLARD, of Vermont. Is it stereotyped?

Mr. HALE, of New York. It is not stereotyped. They merely print from the forms, as I understand, and the result will be if action is deferred that new expense will be caused for composition. As the forms are still standing, it seems to me very desirable that whatever number of copies is needed shall now be printed. As to the question of franking, I do not believe that the members of this House are going to say that we shall send no documents home, nor have any for distribution, unless we have the franking privilege.

Mr. SPEER. Is this the Medical History of the War?

Mr. HALE, of New York. Not at all. It is a simple document.

The report of the Committee on Printing was agreed to—ayes 89, noes not counted.

The SPEAKER. The gentleman from Vermont has raised a point in connection with this resolution which ought to be made clear—that, containing an appropriation of money, or requiring one, it ought to go to the Committee of the Whole. The Chair holds differently. He does not consider that the rule applies to resolutions touching matters to be printed, because the Committee on Printing is a joint committee, and by the Statutes at Large, volume 12, page 117, their duties are laid down, and there is an agreement between the two branches of Congress as to how they should be performed. The same privilege is given as regards each branch by a common understanding as to how the committee will report.

Moreover, the rule is that all bills making appropriations of money or property, or requiring such appropriations, shall have their first consideration in Committee of the Whole. It has always been held that any rule applying to a bill, applies also to a joint resolution, but not to a concurrent resolution; and this being a concurrent resolution, reported by the committee in pursuance of a statute at large, the Chair does not hold that the rule in regard to bills making an appropriation of money applies to it.

Mr. WILLARD, of Vermont. It is a provision of the Constitution

that each House may determine the rules of its own procedure. I would inquire of the Chair how a law which requires the signature of the President can regulate the procedure of either House?

The SPEAKER. The two Houses have agreed to this mode of procedure by that which is tantamount to a joint rule.

Mr. WILLARD, of Vermont. I was not aware of the existence of such a joint rule.

The SPEAKER. It has been regarded in that light and treated as such at all times.

Mr. WILLARD, of Vermont. I do not find any joint rule to that effect.

The SPEAKER. The Chair will further observe that there is another objection to allowing the point of order to apply in this case. The right given the Printing Committee to report at any time is because of the necessity of their having a document printed very promptly. If a single objection could send their report to the Committee of the Whole on the General Calendar, it would defeat the whole end of the printing. It clearly lies outside the rule, and does not in any way come within it.

Mr. WILLARD, of Vermont. I do not desire to antagonize the ruling of the Chair; but if the Chair will allow me I would call attention to the suggestion made by the Speaker, that, inasmuch as this was a report privileged at any time, to be permitted to raise the point of order would have a tendency to defeat that privilege; and I would ask the Chair if any other committee should be privileged to report at any time, would the point of order lie against any report it might make?

The SPEAKER. The Chair did not make the right to report at any time a point at all. He merely mentioned that as another reason why the point of order should not apply in this case.

LAND-GRANT RAILROADS.

Mr. HOLMAN. A resolution was adopted directing the Secretary of War to inform the House what payments had been made to certain railroads which it was thought had not been entitled to receive pay for transportation of troops. The Department of War informs the House that that information can only be obtained through the Treasury. I desire that the Secretary of the Treasury shall be directed to furnish the information; and with that view I move the following resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House how much money has been paid since the 1st of January, 1866, for the transportation of property and troops of the United States over each of the several railroads which have been constructed in whole or in part by the aid of lands granted by the United States to any State or company for that purpose, on the condition that such railroads should be and remain "public highways for the use of the Government of the United States, free from all toll or other charge upon the transportation of any property or troops of the United States," or upon like condition except using the term "free from all toll or other charge;" and that the said Secretary furnish such information to this House at as early a day as may be practicable.

The resolution was adopted.

NYATT POINT LIGHT-HOUSE.

Mr. HOOPER, by unanimous consent, reported back from the Committee on Commerce, with a recommendation that the same do pass, the bill (S. No. 438) to withhold from sale the site of the old Nyatt Point light-house.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HOOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EIGHT-HOUR LAW.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Public Buildings and Grounds be, and they are hereby, directed to investigate the alleged violation of the eight-hour law in the work on the New York post-office, and to send for persons and papers if necessary.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE APPROPRIATION BILL.

Mr. DONNAN, by unanimous consent, reported from the Committee on Printing the following resolution; which was read, considered, and adopted:

Resolved, That there be printed for the use of the House seven hundred extra copies of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKS.

Mr. PENDLETON, by unanimous consent, presented the following memorial; which was referred to the Committee on Banking and Currency, and ordered to be printed:

To the honorable the Senate and House of Representatives of the Congress of the United States:

The undersigned, citizens of the State of Rhode Island, representing the various national banking institutions of the State, respectfully represent:

That the provisions of the sixth section of the act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes, approved July 12, 1870, directing in effect the withdrawal from the banking associations which were the first to organize under the act to provide a national banking currency, &c., of their circulating notes to the amount of $25,000,000, will operate, if enforced by any legislation providing for machinery to give effect to the section of the law referred to, very prejudicially to the interests of this State and of New England.

The national banking capital in the State amounts to $20,500,000, and the amount of bonds pledged for circulation is about $15,000,000.

All of the national banking associations organized promptly after the passage of the act, and at the time when it was of vital importance to the preservation of the Government that the financial system by the act inaugurated should be accepted by the country.

The very large and varied manufacturing and mechanical industries in this State, the extent of which will be best appreciated from the fact that the first collection district paid a larger internal-revenue tax on manufactures for several years into the Treasury than any other in the country, require for their successful prosecution all the banking facilities which the State now has. To contract any part of the circulation would directly diminish the volume of money resources, enhance the value of currency necessarily required for the weekly payment of thousands of operatives, and create financial disturbance, all resulting in the end in an increase of burden upon the consumer.

The undersigned believe that the attempt to equalize the distribution of currency by withdrawals from the earlier organized banking associations of a percentage of their circulation, to be given to associations in States and Territories having less than their proportion, would be attended with greater loss to the industrial communities which would suffer thereby than could possibly result from equalizing the proportions of circulation by increasing the volume of currency to the extent of twenty-five millions, for the benefit of associations in the States and Territories having less than their proportion.

The undersigned therefore pray that the sixth section of the act above referred to be repealed; and they respectfully protest against the passage of the bill just reported from the Finance Committee, to provide for carrying into effect the sixth section of said act.

National Bank of North America, S. Padelford, president; C. E. Jackson, cashier.
National Bank of Commerce, Amos D. Smith, president; J. Foster, cashier.
American National Bank, S. Harris, president; W. Olney, cashier.
Old National Bank, George W. Hallett, president; F. A. Cranston, cashier.
Mechanics' National Bank, Lewis Dexter, president; S. H. Tingley, cashier.
Third National Bank, O. A. Washburn, jr., president; C. H. Childs, jr., cashier.
Lime Rock National Bank, Thomas J. Hill, president; J. W. Angell, cashier.
Second National Bank, J. M. Kimball, president; W. W. Paine, cashier.
Rhode Island National Bank, E. P. Mason, president; S. H. Tabor, cashier.
Weybosset National Bank, G. A. Seagrave, president; W. R. Greene, cashier.
Traders' National Bank, E. Knight, cashier.
National Eagle Bank, C. F. Sampson, jr., president; J. A. Angell, cashier.
First National Bank, Samuel Foster, president; H. A. Hunt, cashier.
Commercial National Bank, Daniel Day, president; J. Wilbour, cashier.
Fifth National Bank, P. M. Mathewson, president; A. V. Stillwell, cashier.
City National Bank, A. C. Barstow, president; E. A. Smith, cashier.
Roger Williams National Bank, C. Harris, president; W. H. Waterman, cashier.
Manufacturers' National Bank, T. Harkness, president; G. A. Phillips, cashier.
Aquidneck National Bank, Newport, T. Coggeshall, president; C. T. Hopkins, cashier.
Land-holders' National Bank, Kingston, N. C. Peckham, president; T. P. Wells, cashier.
National Eagle Bank, Bristol, J. B. Munroe, president; J. G. Watson, cashier.
First National Bank, Bristol, S. W. Church, president; M. Bennett, cashier.
Pascoag National Bank, Pascoag, D. M. Salisbury, president; J. S. Cook, cashier.
National Bank of Rhode Island, Newport, W. A. Clarke, president; T. P. Peckham, cashier.
Cumberland National Bank, Cumberland, D. Cook, president; G. Cook, cashier.
Ashaway National Bank, Ashaway, J. S. Champlin, president; G. N. Langworthy, cashier.
First National Bank, of Hopkinton, A. G. Nichols, president; J. B. Potter, cashier.
Newport National Bank, Newport, W. Brownell, president; H. C. Stevens, cashier.
Woonsocket National Bank, Woonsocket, L. A. Cook, president; L. W. Ballou cashier.
National Union Bank, Woonsocket, W. Cook, president; E. T. Read, cashier.
Wakefield National Bank, Wakefield, B. F. Robinson, president; D. M. C. Stedman, cashier.
National Exchange Bank, Wakefield, J. P. Sherman, president; A. Robinson, cashier.

PROVIDENCE, RHODE ISLAND, *February* 5, 1874.

FORT STEILACOOM RESERVATION.

Mr. McFADDEN asked unanimous consent to have taken from the Speaker's table, for the purpose of reference, the bill (S. No. 254) to donate the military reservation of Fort Steilacoom to the Territory of Washington, for the use of an insane asylum.

No objection was made; and the bill was taken up, read a first and second time, and referred to the Committee on the Public Lands, not to be brought back on a motion to reconsider.

REVENUE-CUTTER RELIEF.

Mr. BROMBERG, from the Committee on Commerce, reported a bill (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and to use said vessel for a boarding station in Mobile Bay; which was read three times, and passed.

EXPLOSIVE SHELL-FUSE.

Mr. BURLEIGH, by unanimous consent, reported back from the Committee on Naval Affairs the petition and accompanying papers of William Wheeler Hubbell, for settlement of his explosive shell-fuse patents, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

REFERENCE OF BILLS ON SPEAKER'S TABLE.

Mr. ARCHER. I ask unanimous consent that the House now proceed to business on the Speaker's table, for the purpose of referring bills only.

No objection was made, and it was ordered accordingly.

EPIDEMIC CHOLERA.

The first business on the Speaker's table was Senate amendments to House joint resolution No. 29, authorizing the Secretary of War to detail medical officers of the Army to inquire into and report upon the causes of epidemic cholera; which were taken up, and referred to the Committee on Commerce.

WILLIAM KILBURN.

The next business on the Speaker's table was Senate bill No. 437, to restore William Kilburn, of San Francisco, California, to the Navy of the United States as an ensign; which was taken up, read a first and second time, and referred to the Committee on Naval Affairs.

FORT RANDALL MILITARY RESERVATION.

The next business on the Speaker's table was Senate bill No. 149, for the relief of certain settlers on the Fort Randall military reservation; which was taken up, read a first and second time, and referred to the Committee on Military Affairs.

JAMES M'DONALD.

The next business on the Speaker's table was Senate bill No. 238, permitting James McDonald, a warrant officer of the Navy, to accept a silver medal from the government of Italy; which was taken up, read a first and second time, and referred to the Committee on Naval Affairs.

W. W. ELLIOTT.

The next business on the Speaker's table was Senate bill No. 310, for the relief of W. W. Elliott; which was taken up, read a first and second time, and referred to the Committee on Claims.

JOSEPH MONTANARI.

The next business on the Speaker's table was Senate bill No. 311, for the relief of Joseph Montanari, and for other purposes; which was taken up, read a first and second time, and referred to the Committee on Claims.

HENRY C. SMITH.

The next business on the Speaker's table was the bill (S. No. 317) for the relief of Henry C. Smith, of Indianapolis, Indiana; which was read a first and second time, and referred to the Committee on Claims.

ANDERSON J. SMITH.

The next business on the Speaker's table was the bill (S. No. 341) for the relief of Anderson J. Smith; which was read a first and second time, and referred to the Committee on Military Affairs.

D. B. ALLEN & CO.

The next business on the Speaker's table was the bill (S. No. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails; which was read a first and second time, and referred to the Committee on Claims.

LIEUTENANT OLIVER V. RICHARDS.

The next business on the Speaker's table was the bill (S. No. 100) for the relief of Lieutenant Oliver V. Richards; which was read a first and second time, and referred to the Committee on Military Affairs.

MATTHEW WOODRUFF.

The next business on the Speaker's table was the bill (S. No. 365) for the relief of Matthew Woodruff, late first sergeant Company G, Twenty-first Missouri Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

OLIVER POWERS.

The next business on the Speaker's table was the bill (S. No. 366) for the relief of Oliver Powers; which was read a first and second time, and referred to the Committee on Claims.

SCIOTHA BRASHEARS.

The next business on the Speaker's table was the bill (S. No. 361) granting a pension to Sciotha Brashears, late of the Seventeenth Regiment Kentucky Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH F. THOMPSON.

The next business on the Speaker's table was the bill (S. No. 316) granting a pension to Elizabeth F. Thompson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TITLES OF NAVAL OFFICERS.

The next business on the Speaker's table was the bill (S. No. 269) to change the titles of certain naval officers, and for other purposes; which was read a first and second time, and referred to the Committee on Naval Affairs.

RECONSIDERATION OF REFERENCES.

Mr. GARFIELD moved to reconsider the votes by which the bills, &c., had been referred or recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENSES OF INDIAN SERVICE.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior in answer to a resolution of the House of January 7, 1874, transmitting a detailed statement of the amount of moneys expended and indebtedness incurred in connection with the Indian service from June 30 to December 31, 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

RAYMOND'S REPORT ON MINING.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, transmitting the report of Rossiter W. Raymond on the statistics of mines and mining in the States and Territories west of the Rocky Mountains; which was referred to the Committee on Mines and Mining, and ordered to be printed.

COLUMBUS, FAYETTE AND DECATUR RAILROAD.

Mr. HERNDON, by unanimous consent, reported from the Committee on the Public Lands, a bill (H. R. No. 2077) authorizing the Columbus, Fayette and Decatur Railroad Company, of Alabama and Mississippi, to purchase public lands; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

STOCKTON AND COPPEROPOLIS RAILROAD.

Mr. PAGE, by unanimous consent, presented current resolutions of the Legislature of California, relative to lands granted to the Stockton and Copperopolis Railroad Company; which were referred to the Committee on the Public Lands, and ordered to be printed.

ARKANSAS ELECTION CONTEST—GUNTER *vs.* WILSHIRE.

Mr. KILLINGER. I call for the regular order.

The SPEAKER. The regular order being called for, the question is upon the motion of the gentleman from North Carolina, [Mr. THOMAS,] that the vote agreeing to the resolution awarding the *prima facie* seat for the third district of Arkansas to Mr. Wilshire be reconsidered, and that the motion to reconsider be laid on the table.

Mr. HALE, of New York. I wish to make a parliamentary inquiry. If the House should reconsider the vote agreeing to the resolution to admit Mr. Wilshire to a seat, and should then defeat that resolution, would the effect be to leave the matter in the hands of the Committee on Elections, to report upon the merits who is entitled to the seat from the district in question?

The SPEAKER. The Chair hardly thinks that the gentleman's inquiry, which relates to the effect of a vote, is a parliamentary question.

Mr. HALE, of New York. It seems to me to be strictly such.

Mr. GARFIELD. It might be called a parliamentary statement.

The SPEAKER. The Chair is always ready to answer parliamentary questions, but he does not wish to have arguments extracted from him in that form.

Mr. HALE, of New York. I wish to ask——

Mr. BUTLER, of Massachusetts. I call for the regular order. I would inquire whether it is in order now to make an unparliamentary speech in the shape of a parliamentary inquiry?

The SPEAKER. It is not.

Mr. HALE, of New York. I beg to modify my question. If the House should decide to reconsider this vote and should negative the resolution, I ask the Speaker where that would leave the question?

The SPEAKER. The Chair does not see that there would be any question left. [Laughter.] There would be nothing before the House.

Mr. G. F. HOAR. I wish to put a parliamentary inquiry. As a preliminary, let me ask whether it is not proper to inquire of the Chair whether, in the event of a certain disposition of a particular motion, another motion would be in order?

The SPEAKER. Certainly; but that was not the question of the gentleman from New York.

Mr. G. F. HOAR. I wish to inquire of the Chair whether, if this vote should be reconsidered, it would then be proper to move to amend the resolution by substituting a recommitment of the case to the Committee on Elections?

The SPEAKER. The Chair could not see how, because the previous question is operating, and has been partly executed.

Mr. G. F. HOAR. That is what I wish to know.

The SPEAKER. It would not be in order.

Mr. G. F. HOAR. Cannot that be reconsidered?

The SPEAKER. The previous question partly executed cannot be reconsidered.

Mr. WILLARD, of Vermont. My inquiry is whether, if this be reconsidered and the resolution rejected, it would not then be in order to reconsider—on the motion being made by the proper person, of course—the vote by which the House refused to substitute the resolution of the minority for the resolution of the majority?

Mr. G. F. HOAR. I desire to call the attention of the Chair to the fact that under the previous question the vote was taken on the motion to amend.

The SPEAKER. The Chair is having the Journal examined.

Mr. G. F. HOAR. The motion to amend was included. The previous question was on the original resolution and the amendment.

The amendment was voted down and the original resolution was adopted. Now if that be reconsidered, will it not be in order to reconsider the vote rejecting the amendment?

The SPEAKER. That would be in order. The latitude of parliamentary inquiry must not be abused.

Mr. MCNULTA. I demand the regular order of business.

The SPEAKER. It is an abuse of the privilege of parliamentary inquiry when an advantage or disadvantage to one side or the other is attempted. The Chair desires to be perfectly impartial. If there is any enlightenment as to the effect of a rule it is the duty of the Chair to give it, but it is not the duty of the Chair to so shape decisions that advantage or disadvantage may result to one side or the other.

Mr. MCKEE. Is it not a question of the highest privilege to swear in a member? Has not the House passed a resolution that the gentleman from Arkansas, Mr. Wilshire, is entitled to a seat upon this floor? As the question of reconsideration to lay upon the table is not an essential part of legislation, is not the gentleman from Arkansas entitled now to present himself at the bar of this House and ask to be sworn in?

The SPEAKER. The Chair differs from the gentleman from Mississippi in regard to the essential part of legislation. It is essential. It is not an accomplished fact until the motion to reconsider is laid upon the table, if the motion to reconsider is made. If the motion to reconsider is not made, of course the gentleman can be sworn in; but being made, it must be disposed of.

Mr. MCKEE. But suppose the House adjourns without acting on it?

The SPEAKER. It is the duty of the House to act on it. It is of the highest privilege, and the House fails to discharge its duties to the claimant of the seat if it does not act on it.

Mr. MCKEE. Is it of higher privilege than the right of this claimant to the seat, after the resolution has passed that he is entitled to it?

The SPEAKER. He has not the right to be sworn in until that is done, no more than if the first resolution had passed.

Mr. MCKEE. But suppose the gentleman withdraws the motion to reconsider?

The SPEAKER. Of course then there is nothing pending.

Mr. MCKEE. I hope the gentleman will withdraw his motion to reconsider.

Mr. MCCRARY. I wish to inquire whether, if the motion to reconsider shall prevail, and the pending resolution be voted down, it will be in order to recommit the contest to the Committee on Elections, with instructions as to what they shall do?

The SPEAKER. The Chair does not know how a resolution of that kind can be got in.

Mr. MCNULTA. I call for the regular order.

Mr. DEWITT. I wish to make a parliamentary inquiry.

The SPEAKER. The practice of allowing parliamentary inquiries has grown up of late years. Formerly they were sternly refused. A question as to the effect of a vote was always denied.

Mr. DEWITT. I think my parliamentary inquiry is a legitimate one.

The SPEAKER. If parliamentary inquiries are to branch out so as to delay the vote after the previous question has been seconded and is operating, the Chair will be compelled to return to the old usage, and absolutely to decline to hear them. The presumption is that every member of the House knows the effect of a motion as well as the Chair. If he does not, he ought to.

Mr. DEWITT. My question, I think, is a legitimate one. Do we vote on the motion to lay the motion to reconsider upon the table, or do we vote on the motion to reconsider?

The SPEAKER. The Chair does not know how he can make it plainer than he has done. The pending motion is to lay the motion to reconsider upon the table. It is a proceeding as common as the motion to adjourn.

The question was on laying on the table the motion to reconsider the vote by which the resolution was adopted.

Mr. SPEER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 129, not voting 25; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barrere, Bass, Begole, Biery, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Crounse, Crutchfield, Curtis, Danford, Darrall, Dobbins, Donnan, Dunnell, Farwell, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Harmer, Harrison, Hathorn, Havens, John B. Hawley, Hays, John W. Hazelton, Hersey, Hodges, Hooper, Houghton, Hunter, Hurlbut, Hyde, Kelley, Lamport, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Moore, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Sprague, Stowell, Strait, Strawbridge, Sypher, Thomas, Thornburgh, Todd, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—135.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Caldwell, John B. Clark, jr., Clymer, Coburn, Comingo, Cook, Cotton, Cox, Crittenden, Crocker, Crooke, Crossland, Alexander M. Davis, John J. Davis, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Garfield, Giddings, Glover, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hunton, Hynes, Jewett, Kasson, Kendall, Killinger, Knapp, Lamar, Lamison, Leach, Luttrell, Lynch, Magee, Marshall, McCrary, McLean, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Pendleton, Perry, Pierce, Poland, Potter, Ransier, Rawls, Rice, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Scofield, Sener, Sloss, Small, J. Ambler Smith, John Q. Smith, Southard, Speer, Stanard, Standeford, Starkweather, Stone, Storm, Swann, Townsend, Tyner, Vance, Waddell, Waldron, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, James Wilson, Wolfe, Wood, Woodford, John D. Young, and Pierce M. B. Young—129.

NOT VOTING—Messrs. Banning, Barber, Barnum, Barry, Cain, Creamer, Duell, Elliott, Freeman, Hoskins, Howe, Hubbell, Kellogg, Lansing, Lewis, Morey, Morrison, Purman, Randall, Read, Stephens, St. John, Taylor, Tremain, and Ephraim K. Wilson—25.

So the motion to reconsider was laid on the table.

During the call of the roll,

Mr. SMITH, of Ohio, said: My colleague, Mr. BANNING, is detained from the House by sickness in his family.

The result of the vote was then announced as above recorded.

The SPEAKER. The House having laid on the table the motion to reconsider the vote by which the House passed the resolution giving the *prima facie* seat to Mr. Wilshire, that gentleman is now entitled to be sworn in.

Mr. WILSHIRE appeared and qualified by taking the oath prescribed by the law of July 2, 1862.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty-five minutes past one o'clock, and reports are in order from the Committee on the Judiciary.

PUNISHMENT OF MANSLAUGHTER.

Mr. FRYE, from the Committee on the Judiciary, reported back the bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter, with an amendment.

The bill was read. It provides that whoever shall hereafter be convicted of the crime of manslaughter, in any court of the United States, in any State or Territory, including the District of Columbia, shall be imprisoned not exceeding ten years and fined not exceeding $1,000. The second section repeals all acts or parts of acts inconsistent with this act.

The amendment reported by the committee was to strike out the word "ten," before the word "years," and to insert "twenty."

The amendment was agreed to.

The question was on ordering the bill as amended to be engrossed and read a third time.

Mr. DAWES. I should like to hear the gentleman from Maine [Mr. FRYE] explain what change this bill makes in the law.

Mr. FRYE. I will state briefly, Mr. Speaker, the effect of this bill. Under existing law there were two degrees of homicide. Murder is punishable by death; manslaughter, under existing law, by imprisonment not exceeding three years. Now, in a great number of cases there is a shadow of doubt as to whether the crime is murder or manslaughter; and, the punishment of murder being death, the jurors rightly give the benefit of that doubt to the accused; so that one-third of the cases of manslaughter come as close to murder as they possibly can and escape. And yet the discretion in the judge who has to pass sentence is only to the extent of three years. This extends that discretion, giving a latitude to the extent of twenty years.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question?

Mr. FRYE. Certainly.

Mr. LAWRENCE. This repeals an existing statute for the punishment of manslaughter. Is there any saving of pending prosecutions? The repeal of a criminal statute puts an end to all pending prosecutions, unless there be some general laws to save them. I believe we have no such general law. As this bill, therefore, repeals the existing law relating to manslaughter, ought there not to be a clause saving pending prosecutions?

Mr. FRYE. I have no objection to that.

Mr. HALE, of New York. The bill should also except all cases pending at the passage of the law; otherwise, if we increase the penalty, it would be an *ex post facto* law.

Mr. HAWLEY, of Illinois. I should like to hear the bill again read.

The bill as amended was again read.

Mr. FRYE. I do not understand that that repeals any law.

Mr. BASS. I ask the gentleman, would not this be an *ex post facto* law, so that any offense of manslaughter already committed would not be punished under it? By this law you provide a greater degree of punishment for crimes that may have been to-day committed than was provided at the time of the commission of the offense; so that the effect of this statute would be that, if an offense has been already committed, the offender not having been punished cannot be punished under this statute, because it provides for a greater punishment than the statute provided at the time of the commission of the offense.

In the State of New York we have had this precise question before the court of appeals, the Legislature of New York having, in 1862, passed an act providing for a different punishment for the offense of murder.

The consequence was that, although there were offenses of murder which had been committed but not punished at the time the new statute was enacted, all those offenders escaped punishment under the new law. The lawyers upon this floor are doubtless familiar with the case of Mary Hartung, the recent notorious case of Rosenweig, and other cases of that character, which have been before our court of appeals, and in which the offenders escaped punishment. If this bill shall be passed without providing that it shall not apply to offenses already committed and not punished, then all offenders who have not been tried will escape punishment under this act, it being in the nature of an *ex post facto* law.

Mr. FRYE. I do not agree with the arguments offered, but I will move the following amendment, for it will do no harm:

Provided, That this act shall not affect any prosecution now pending, or the prosecution of any offense already committed.

The amendment was agreed to.

Mr. G. F. HOAR. We passed a law some two years ago, creating the territorial Legislature of the District of Columbia, by which we undertook to depute to that Legislature all legislative authority over this District, including the right to make laws which should affect all crimes and misdemeanors, general legislative authority with certain exceptions. Now, is it the purpose of the Committee on the Judiciary to resume the whole legislative authority over this District, or is it their purpose to reserve it for certain special cases? It seems to me the Law Committee of this House should have some policy on this subject which may be announced to the House.

Mr. FRYE. I do not see any purpose to be accomplished by excepting the District of Columbia from a law which we regard as healthy for the whole country, so far as United States courts are concerned.

Mr. G. F. HOAR. The point of my question is this: Congress went on the ground that in the future, with certain specified exceptions, the District of Columbia should be governed by its own Legislature, just as States are governed by theirs, having full authority to make laws on all subjects.

Mr. FRYE. Those laws are still subject to revision by us.

Mr. G. F. HOAR. I do not raise any question of authority. I simply ask what is the policy of the Judiciary Committee of this House?

Mr. FRYE. So far as this bill is concerned it is the policy of that committee to legislate for the District of Columbia at any rate.

Mr. G. F. HOAR. The committee have considered the question?

Mr. BARBER. I ask the gentleman from Maine [Mr. FRYE] to yield to me for an amendment.

Mr. FRYE. I cannot yield for the purpose of receiving an amendment; but I will hear it read.

Mr. BARBER. I wish to move the following amendment:

And the punishment of murder shall be confinement in a State prison for life.

Mr. FRYE. I do not yield for that amendment.

Mr. BASS. An amendment has been adopted on motion of the gentleman from Maine, [Mr. FRYE,] providing that "this act shall not affect any prosecution now pending," &c. I suggest that there should be a further amendment, by inserting after the words "not affect," the words "or apply to."

Mr. FRYE. I have no objection to that amendment.

The amendment was agreed to.

Mr. FRYE. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUNISHMENT OF EXTORTION.

Mr. FRYE, from the Committee on the Judiciary, reported back with amendments the bill (H. R. No. 1594) for the punishment of extortion by officers or persons acting under the authority of the United States.

The bill provides that if any officer or person acting under the authority of the United States shall be guilty of extortion under or by color of his office or his authority aforesaid, every person so offending shall, on conviction thereof, be punished by fine not exceeding $500, or by imprisonment not exceeding one year, according to the aggravation of the offense.

The first amendment to the bill was to insert the word "hereafter" before the words "guilty of extortion," so that that portion of the bill will read "shall hereafter be guilty of extortion," &c.

The amendment was agreed to.

The next amendment was to strike out "one year," and insert "three years," so that it will read "be imprisoned not exceeding three years."

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

STATUTE OF LIMITATIONS.

Mr. FRYE, from the Committee on the Judiciary, also reported back with an amendment the bill (H. R. No. 1592) limiting the time for prosecutions, trials, and convictions in certain criminal offenses.

The bill was read. It provides that no person shall be prosecuted, tried, or punished in any court of the United States for any State or Territory, including the District of Columbia, for any offense not capital, or for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within five years from the time of committing the offense, or incurring the fine or forfeiture aforesaid; provided that nothing therein contained shall extend to any person or persons fleeing from justice. The second section repeals all acts and parts of acts inconsistent with this act.

The amendment was read, as follows:

At the end of the first section add these words:
That it shall apply to no case barred by existing law.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OCCUPYING CLAIMANTS.

Mr. FRYE, from the Committee on the Judiciary, reported a bill (H. R. No. 2078) for the benefit of occupying claimants; which was read a first and second time.

The bill was read. It provides that when the occupant of land, having color of title, in good faith has made valuable improvements thereon, and is in the proper action found not to be the rightful owner thereof, such occupant shall be entitled to all the rights and remedies, and, upon instituting the proper proceedings, such relief as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have emanated from the United States after said improvements were so made.

Mr. HAWLEY, of Illinois. I hope the gentleman reporting this bill will explain the reasons for its passage. I confess I do not quite understand its effect from the reading.

Mr. FRYE. Mr. Speaker, as I understand, this bill simply controls the United States courts in this matter of betterments. It merely provides that in cases of this kind the United States courts shall be governed by the same rules of law which prevail in the courts of the State where the land in controversy lies. It relates to cases where improvements are made under color of title and in good faith, but where the title fails.

Mr. WILLARD, of Vermont. Is not that the law now?

Mr. FRYE. It is generally in the State courts, but not in the United States courts.

Mr. HALE, of New York. Are not the United States courts now governed in these cases by the law of the State in which the land lies?

Mr. FRYE. Not in all cases. This bill provides that it shall be so.

Mr. HALE, of New York. I am aware of no case where such is not the practice.

Mr. FRYE. I will yield to the gentleman from Iowa, [Mr. McCRARY,] who will state a case showing the necessity for the passage of this bill.

Mr. HAWLEY, of Illinois. Let me ask the gentleman from Iowa whether the effect of the bill is not to give a party in the Federal courts the same rights in this respect that he would have in a State court.

Mr. McCRARY. Mr. Speaker, the effect of this bill is, as suggested by my friend from Illinois, [Mr. HAWLEY,] to give to occupying claimants the same rights in the Federal courts that they have under the laws of the several States in the State courts. My friend from New York [Mr. HALE] inquires whether that is not their right now. I answer that it is in almost every case; and possibly it may be in all cases; but a question very important to a large number of settlers upon lands in the State of Iowa has arisen—the question whether a party can be regarded as having color of title to land when the title is finally adjudged to have been in the Government itself. This bill is designed to meet that question. It grows out of these circumstances: Several grants of land have been made to Iowa, both as a Territory and as a State, at various dates. The first was a grant for the improvement of a river in that State; the subsequent grants were made to railroad companies. These grants crossed each other; and a question arose as to the extent of the river grant. Upon that question there were conflicting decisions, not only by the Departments here but by the local authorities. At one time this river grant was held to extend to the northern boundary of the State. While that construction was placed upon it by the authorities of the United States, patents were issued to a large number of persons, many of whom have made improvements of great value. Some of them have farms on which they have resided for twenty years. The decision under which these patents were issued has been reversed by the Supreme Court of the United States, and these titles are all held to be invalid. The effects of this bill will be to allow these persons to claim pay for their improvements made in good faith and under color of title.

Mr. G. F. HOAR. It strikes me that the phrase "color of title," as contained in the bill, may not be the proper language to cover all the cases contemplated. I would suggest that the point would be met by a provision that where parties have in good faith made improvements they shall be allowed for them, if such is the provision of the State law in similar cases.

Mr. MCCRARY. The phrase "color of title" is pretty well understood and settled by the courts where I reside. It is used in nearly all of the statutes upon this subject, and I think it would be hardly safe to strike it out from this bill. We are content with it as it is.

Mr. FRYE. I yield now one minute to the gentleman from Kansas.

Mr. COBB, of Kansas. Mr. Speaker, I wish to indorse this bill by saying it is a law in the right direction. The gentleman from Iowa [Mr. MCCRARY] has referred to a case in his State. I wish to say all over the State of Kansas there are cases of this kind, where settlers have gone on the lands, paid for them, taken receipts, put up valuable and lasting improvements, and then there has come a decision of the Secretary of the Interior that they have no rights to their homesteads. Thus they have been despoiled of the roof that sheltered them. This bill, if it does not accomplish all we desire, is at least a move in the right direction, and puts it in the power of the State itself to apply the remedy. It seems to me it is one of the wisest measures which has come before this Congress during the session. In behalf of many wronged constituents, I welcome any law which promises relief.

Mr. FRYE. I yield one minute to the gentleman from Ohio.

Mr. LAWRENCE. There is a large number of settlers I know who are interested in this bill; but I wish to suggest to the gentleman who has it in charge whether it would not be better to amend it, so as to make it applicable to improvements heretofore made and in actions now pending. It is a general rule in the construction of statutes that they are to be deemed prospective in their operation only, unless by clear terms in the act they are to apply retroactively. This bill is so drawn, it seems to me from the reading of it, as to be retroactive; but to avoid all doubt and to remove all ground for controversy, it may be well to amend it. I know very well actions are to be tried and controlled by the law in force when they are heard, as a general rule. As a matter of abundant caution I move to add to the bill the words which I send to the Clerk's desk.

The Clerk read as follows:

And this act shall apply to improvements heretofore made and in actions now pending.

Mr. BUTLER, of Massachusetts. It does now clearly. There can be no doubt about it. You might as well add the Lord's prayer.

Mr. LAWRENCE. It will do no harm. The Lord's prayer requires by its precepts that this bill be passed.

Mr. FRYE. I do not yield to the amendment, because I think the bill is ample as it is now.

Mr. HAWLEY, of Illinois. I desire to say, Mr. Speaker, that I think this is a just and wise measure, so far as I can judge from hearing it read and the explanations which have been made by various gentlemen. It will secure uniformity in the administration of justice in reference to the titles to lands in various States. I hope it will pass.

Mr. FRYE. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONS CHARGED WITH CRIMES COMPETENT WITNESSES.

Mr. FRYE also, from the Committee on the Judiciary, reported back a bill (H. R. No. 492) to make persons charged with crimes and offenses competent witnesses, with the recommendation that it do pass, with an amendment.

The bill, which was read, provides, in the first section, that in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, the person so charged shall, at his own request but not otherwise, be a competent witness.

The second section provides that nothing therein contained shall be construed as compelling any such person to testify; nor shall any inference of his guilt result if he does not testify; nor shall the counsel for the prosecution comment thereon in case the respondent does not testify.

The third section provides that the provisions of the act shall apply to all prosecutions now pending.

The amendment of the committee was read, as follows:

In line 5, after the word "misdemeanors," insert these words:
In the United States courts in any State or Territory, including the District of Columbia.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. I hope now the bill will be reported as amended.

The bill was again read.

Mr. GOOCH. I should like to ask the gentleman who reported this bill if it covers cases of courts-martial?

Mr. FRYE. I should say it did not.

Mr. GOOCH. It seems to me that principle should be applied to courts-martial as well as elsewhere. I have now in mind a case where the court who tried it found the man guilty, but the majority certified on the back of their finding that if the party had testified the same that he stated on honor they would have found the other way. I suggest to the gentleman there can be no objection whatever to applying this principle so as to allow parties to testify in cases where they are tried by courts-martial. And I would like to suggest an amendment including that, if the gentleman from Maine sees no objection. It is a mere verbal amendment. I will write it after seeing the bill.

Mr. DEWITT. I would like to suggest an amendment forbidding the judge to comment in his charge on the fact that the respondent does not take advantage.

The SPEAKER. The gentleman will please reduce his amendment to writing.

Mr. FRYE. I accept the amendment which the gentleman from Massachusetts [Mr. GOOCH] proposes to offer.

Mr. SPEER. Does this bill relate to capital cases?

Mr. FRYE. To all criminal cases.

Mr. GOOCH. I move to amend by adding the words "courts-martial and courts of inquiry."

Mr. SPEER. The bill, of course, if passed, will apply to the trial of all offenses committed previous to its passage, including the case of General Howard. I suppose that was the case the gentleman from Massachusetts [Mr. GOOCH] referred to.

Mr. GOOCH. I had no reference to the case of General Howard. I referred to another case now in the War Department.

Mr. SPEER. It would include all cases of that kind.

Mr. FRYE. The court in General Howard's case is not a court-martial. I doubted whether that would apply to his case, and I suggested to the gentleman from Massachusetts to use the words "courts-martial and courts of inquiry."

Mr. GOOCH's amendment was agreed to.

Mr. BUCKNER. I desire to ask the gentleman from Maine if the effect of this bill would not be to create two rules of evidence in the States where this was not adopted for the State courts.

Mr. FRYE. Yes, sir.

Mr. BUCKNER. Would it be in order to move to lay the bill on the table?

The SPEAKER. Not at present. The gentleman from Maine [Mr. FRYE] still holds the floor.

Mr. DEWITT. I would like to have my amendment read. It is to insert after the word "prosecution" the words "nor the judge in his charge."

Mr. FRYE. I have no objection to that.

Mr. POTTER. O, no; that cannot be admitted.

Mr. FRYE. Let me understand the gentleman's amendment.

The Clerk read as follows:

Amend by inserting after the word "prosecution," in secton 2, the words "nor the judge in his charge;" so it will read:
That nothing herein contained shall be construed as compelling any such person to testify, nor shall any inference of his guilt result if he does not testify; nor shall the counsel for the prosecution nor the judge in his charge comment thereon in case the repondent does not testify.

Mr. FRYE. No; I cannot admit that amendment, because it prevents the judge from saying a single word in favor of the prisoner, if he chooses, in case he does not testify.

Mr. ELDREDGE. It defeats the very purpose which is intended by the provision of the bill, that the counsel shall not be allowed to comment upon it; because the judge will not be even allowed to guard the jury against considering the fact. I hope my friend will not insist on that amendment.

Mr. FRYE. I decline to admit it.

Mr. ELDREDGE. It is the very worst amendment that could be put upon it.

The SPEAKER. It is not pending.

Mr. SPEER. Will the gentleman from Maine yield to me for a moment?

Mr. FRYE. I yield to the gentleman.

Mr. SPEER. Mr. Speaker, I am indebted to the courtesy of the gentleman from Maine for enabling me to say a word in opposition to this bill. The principle involved in it is one of the very highest importance in the administration of criminal justice. It has been much discussed in many of the States, and a step in the direction contemplated by this bill has been taken in my own State. There, in criminal trials, the defendant, at his election, is permitted to testify in all prosecutions for misdemeanor, but not in prosecutions for felony. This bill allows the defendant, at his election, in all criminal cases, to testify. The indictment may be for rape, for arson, for murder, for treason, the highest of all crimes known to the criminal law.

Now, what is the effect of it? Suppose the defendant is guilty, his life is at stake upon the trial. He will not, perhaps, by his perjury secure his acquittal. On the one hand the law says to him, "Perjure yourself, and you shall be acquitted; hold fast to your integrity, and you shall be hung." That is the alternative which this bill presents to every man on trial for murder or any capital offense.

If the law passes, of course jurors, who are supposed to be intelli-

gent gentlemen, and generally are in United States courts, will know that such is the law. They will know that the defendant has a right at his election to be a witness. Suppose, then, that he declines to testify? It is true that the bill says that no reference shall be made to his declinature by the counsel in arguing the case to the jury; but jurors must know that, under the law, he has a right to be sworn, and they will naturally, nay, inevitably and irresistibly, conclude that if he is an innocent man he would open his own mouth in defense of his own life.

Mr. FRYE. Will the gentleman show how that is an objection to the bill?

Mr. SPEER. I think that is an objection to the bill for this reason: The law presumes a man to be innocent until he is proved to be guilty. The jury should not be put in the attitude of drawing an inference, not from evidence but from the want of evidence, from the silence of the accused; of drawing an inference of his guilt, not from any evidence adduced in the trial of the case, but from the refusal of the party himself to become a witness. I trust this House will pause before it makes a change so radical, so fundamental, in the administration of criminal justice in this country.

I am requested by gentlemen to ask the gentleman from Maine [Mr. FRYE] to state how many States have adopted the principle involved in this bill? I believe his own State has.

Mr. FRYE. I think that perhaps one-half of the States in the Union have done so. I know that all the New England States have, and so have New York, Pennsylvania, Ohio, Indiana, Kansas, and other States.

Mr. E. R. HOAR. I would say that the State from which I come has adopted this principle. I have assisted in proceedings at a very considerable number of capital trials under a provision like this, and in the opinion of the courts, as well as of the community, the experiment has worked absolutely favorably. In one of the most remarkable trials that has ever occurred in our State within the last ten years, a case of secret murder, where the accused might, if he had chosen, have testified in his own behalf, he was not put upon the stand, and was acquitted.

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. E. R. HOAR. Yes, sir.

Mr. BUCKNER. If a criminal should come before a court of the United States, is it not a rule of the United States courts that the same practice shall be followed as is adopted in the State courts upon that subject?

Mr. E. R. HOAR. I do not know what rule the gentleman refers to.

Mr. BUCKNER. The rule of evidence. Is not that the rule of the United States courts?

Mr. E. R. HOAR. In those States where in the State courts a defendant is allowed to be a witness?

Mr. CROOKE. The United States courts have declined to adopt any such rule.

Mr. E. R. HOAR. I understand that is the rule now.

Mr. HAWLEY, of Illinois. I desire to ask one question of the gentleman from Maine [Mr. FRYE.] I understand that this bill applies to all the courts of the United States. It seems to me it would be a very unjust rule to apply this principle to all the States. For instance, in the State of Illinois the defendant is not allowed to be a witness. It is proposed by this bill to apply this rule to the courts of the United States in the State of Illinois, with other States, and permit the defendant to be a witness, when in the State courts he is excluded from testifying. But a short time since the House passed a bill which I earnestly supported, in which a rule in regard to land claims was adopted, providing that the rules of the State courts shall be enforced in the United States courts, in order to have a uniform rule. I think that such a rule as this bill provides should only apply to such States as have adopted that rule in their courts.

Mr. FRYE. Then, if the State of Illinois should pass a law next winter admitting such testimony, there would be an inequality in the practice.

Mr. HAWLEY, of Illinois. You can provide in this bill so that in States adopting this rule the rule shall be in force in the United States courts in those States.

Mr. DEWITT. Will the gentleman yield to me a moment?

Mr. NIBLACK. I ask the gentleman to yield to me for a few minutes.

Mr. FRYE. The objections which are urged here by certain gentlemen I have heard urged again and again. This law has been in force for years in my own State. It is simply a step forward in the progress of civilization; nothing more and nothing less.

When I commenced the practice of law, a man who had a single cent of interest in a question pending before the court was not allowed to testify. To-day no interest divests him of the right to testify. That is the advance of civilization. A criminal has more interest in the case than any man in the world, if innocent, to have the truth known. But now his mouth is closed in the courts of the United States. Witness after witness may come on the stand and detail circumstance after circumstance, and the man who is charged may be the only man living who can point those circumstances to where they ought to point. But his voice is now silent.

As attorney-general of the State of Maine, I remember one case in particular, a case of a charge of arson against a poor crippled soldier up in a back county of the State. Seven witnesses came on the stand and swore to facts which seemed to render it absolutely certain that the soldier was guilty of the crime of arson, and should be punished by death. I doubted the statements of those witnesses; and when the respondent took the stand to testify, I told him to stand up like a man, to testify without fear and without favor, to state what he knew, only to tell the truth, and he should be protected, and no interposition of rules of evidence should be placed there to prevent him from telling his story. Sir, he went on and told his story; and the judge, and the attorney-general himself, concurred, and the jurors, without leaving their seats, concurred in the opinion that the whole case was nothing but a combination to hang an innocent man.

In my own practice I have known two men charged with murder to be cleared on their own testimony, and on their own testimony alone. I tell you there is no danger in this practice when truth is in the man. Our chief justice once said that truth is a cube; pile error upon it mountain high, and the cube is still there. But untruth is irregular. Attempt to hide the cube of truth with a thousand irregular untruths, and it will still be seen.

Sir, I believe this bill is right, just, and humane, and that it would be a blot upon the civilization of Congress and of the age to refuse its passage.

I call for the previous question.

Mr. SENER. Is a motion to recommit in order?

The SPEAKER. It is not, unless the House should refuse to second the demand for the previous question.

Mr. SPEER. Pending the demand for the previous question, is not a motion to lay on the table in order?

The SPEAKER. Certainly.

Mr. SPEER. Then I make that motion.

The SPEAKER. The gentleman from Missouri [Mr. BUCKNER] has indicated his purpose to make the motion.

Mr. BUCKNER. I move to lay the bill on the table.

Mr. COX. Will the gentleman from Maine [Mr. FRYE] allow me a moment?

The SPEAKER. The motion to lay on the table is not debatable.

The question being taken, the Speaker declared that the negative vote appeared to prevail.

Mr. SENER. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion to lay on the table was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN MISSOURI.

Mr. FRYE, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. No. 933) to provide for the holding of terms of the district court of the United States for the western district of Missouri, at Springfield, in said State.

The bill was read.

It provides that the western district of the United States district court for the State of Missouri be divided into two divisions, as follows, to wit: the counties of Vernon, Cedar, Polk, Hickory, Dallas, and Laclede, together with all that part of said district lying south of said counties, shall constitute the southern division; and the remainder of said district shall constitute the northern division.

The second section provides that terms of the court for the northern division shall be held at the city of Jefferson at the same times, and be governed by the same rules and regulations now provided by law for the western district of Missouri. Terms of the court for the southern division of the district are to be held at the city of Springfield, commencing on the first Mondays of January and July of each year.

The third section provides that such number of jurors shall be summoned by the marshal of the district at every term of court for the southern division as may have been ordered at a previous term or by the district judge in vacation. In case of a deficiency of jurors, talesmen may be summoned by order of the court.

The fourth section provides that special terms of the court may be held at any time that the judge of the district court may order.

The fifth section authorizes the judge of the district court to adjourn the court for the southern division, from time to time, to suit the convenience of the litigants and to meet the necessities of the business of such terms; and the intervention of a term of court at any other place shall not preclude the power to adjourn over to a future day.

The sixth section provides that all suits that may hereafter be brought in the district court shall be brought in the court of the division where the defendant resides; but if there be more than one defendant and they reside in different divisions of the district, suit may be brought in either division.

The seventh section makes it the duty of the clerk of the district court for the western district of the State of Missouri to appoint a deputy, who shall reside at the city of Springfield, and keep an office for the transaction of the business of the court in that city, and where the records of all causes in the southern division shall be permanently

kept. This deputy is to exercise all the official powers of the clerk at that place within said division, and shall, before he enters upon the discharge of his duties, take the usual oath for the performance of his duties as such deputy; and nothing herein is to be held to excuse or release the clerk from legal responsibility for the acts of the deputy performed in behalf of the clerk in the office aforesaid.

The eighth section provides that the marshal for the western district of Missouri, in person or by assistant, shall attend the court when in session at the city of Springfield, and perform the duties required by law of United States marshals.

The ninth section repeals all acts and parts of acts inconsistent with this act.

Mr. HALE, of New York. I wish to inquire whether this bill creates a new judicial district in the State of Missouri.

Mr. FRYE. It does not. It simply provides for the holding of two courts for the present district, dividing the labors of the judge.

The amendment reported by the committee was read, as follows:

After the word "Laclede," in the first section, insert the words, "Pulaski, Phelps, and Dent;" and at the end of the second section add the words, "suitable court-rooms and offices being provided, without cost to the Government."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EASTERN JUDICIAL DISTRICT OF KENTUCKY.

Mr. FRYE. I am directed by the Committee on the Judiciary to report back a bill (H. R. No. 1017) to establish the eastern judicial district of Kentucky. As this bill contains an appropriation, and is liable to a point of order, I move that it be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

CODIFICATION OF LAWS OF DAKOTA.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported adversely on the memorial of the Legislature of Dakota, relative to codifying the territorial laws; which was laid on the table, and the report ordered to be printed.

SALARIES.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 1354) fixing the salaries of certain officers; and the same was referred to the Committee on Civil-Service Reform.

ACKNOWLEDGMENT OF GOD IN THE CONSTITUTION.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported adversely upon a petition for an amendment of the Constitution of the United States, incorporating in that instrument an acknowledgment of Almighty God and the Christian religion.

The petition was laid on the table, and the report ordered to be printed.

HOLY CROSS MISSION, DAKOTA.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 1509) for the relief of the Holy Cross Mission in the Territory of Dakota; and the same was referred to the Committee on the Public Lands.

DWIGHT F. HAYES.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the petition of Dwight F. Hayes, praying the passage of a bill referring to the Court of Claims his claim for cotton captured by the United States Navy; and the same was referred to the Committee on Naval Affairs.

LIQUOR TRAFFIC.

Mr. POLAND, from the Committee on the Judiciary, reported back, with an amendment in the form of a substitute, the bill (H. R. No. 489) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic.

The SPEAKER. The substitute will be treated as an original bill.

The substitute (H. R. No. 2079) was read.

It provides in the first section that there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be a holder of any office of profit or trust in the General or a State government. These commissioners are to be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic in its economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States.

The second section provides that the said commissioners shall serve without salary; shall be authorized to employ a secretary at a reasonable compensation, not to exceed $2,000 per year, which, with the necessary expenses incidental to said investigation of both the secretary and commissioners, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; but the whole amount shall not exceed $10,000, and the amount necessary is thereby appropriated. It shall be the further duty of said commissioners to report the result of their investigation, and the expenses attending the same, to the President, to be by him transmitted to Congress.

Mr. WILLARD, of Vermont. I rise to a question of order: that this bill makes an appropriation, and must have its first consideration in Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Vermont makes the point of order that this bill must have its first consideration in Committee of the Whole on the state of the Union; and the Chair sustains the point of order.

Mr. POLAND. The committee desire to submit a report in connection with this bill. It is not yet prepared; and they desire to submit it and have it printed before the bill comes up for action.

The SPEAKER. The Chair hears no objection, and the report will be permitted to come in and be ordered to be printed.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed with the accompanying report.

Mr. COX. Is that a unanimous report from the Committee on the Judiciary?

Mr. POLAND. Very nearly so. [Laughter.]

Mr. ELDREDGE. It is not a unanimous report. There is a majority in favor of it, but a strong minority against it. [Laughter.]

Mr. BUTLER, of Massachusetts. Strong, but not numerous. [Laughter.]

DEDUCTION OF DEBTS DUE THE UNITED STATES.

Mr. POLAND also, from the same committee, reported a bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor; which was read a first and second time.

The bill, which was read, provides that when any final judgment shall be recovered in any court against the United States, and the plaintiff in such judgment shall be indebted to the United States in any manner, either on his own account or as surety for any other person or persons, it shall be the duty of the Secretary of the Treasury to retain out of such judgment so much thereof as may be necessary to satisfy such indebtedness, and if such plaintiff shall deny his liability for such indebtedness to the United States or refuse to assent to such deduction, the Secretary shall, if the same is not already in suit, immediately cause proper legal proceedings to be commenced to enforce collection of the same; and in such case the Secretary shall withhold from such judgment such sum in addition to the debt claimed to be due the United States as in his judgment will be sufficient to defray all legal costs and charges of prosecuting such suit to final judgment. And if final judgment shall be recovered by the United States in such suit, the same shall be satisfied out of the money thus withheld by the Secretary, if sufficient, and any balance remaining shall then be paid over to the party entitled thereto, with 6 per cent. interest thereon during the time it has thus been withheld.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DAWES. Has not the morning hour expired?

The SPEAKER. It has.

Mr. DAWES. I move, then, to suspend the rules, for the purpose of going into Committee of the Whole on the state of the Union, and take up the tax bill, which is the special order.

Mr. PACKER. Pending that motion, I ask the House to proceed to the consideration of the special order, which is House bill No. 825, to provide for the distribution of public documents printed by the authority of Congress and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published.

Mr. DAWES. I hope the gentleman will not press his motion, and I make the request not for myself but for two members of the Committee on Ways and Means who are anxious to go home, and desire to submit some remarks on the pending bills in the Committee of the Whole on the state of the Union.

Mr. PACKER. I would be glad to accommodate my friend from Massachusetts, but I cannot do so on this occasion. I yielded several days since to the Committee on Ways and Means.

Mr. DAWES. I am aware of that, and am obliged to the gentleman for so doing.

Mr. PACKER. Gentlemen are exceedingly anxious to have the bill from the Committee on the Post-Office and Post-Roads brought up for consideration.

The SPEAKER. The special order in the House takes precedence, to the exclusion of all other business save appropriation bills.

Mr. WOODFORD. I move that the pending order be laid aside.

The SPEAKER. The Chair will interrupt the gentleman a moment to ask him whether he proposes to apply his motion to laying aside the special order in reference to the franking privilege.

Mr. WOODFORD. I do.

The SPEAKER. That cannot be done. The better motion would be to move its postponement. It would still hold its precedence as the special order.

Mr. WOODFORD. Under the suggestion from the Chair, I move that the pending order, being what is popularly known as the bill for the partial restoration of the franking privilege, be postponed. Let me also give notice that if this postponement be agreed to, I shall move to lay aside all pending orders, one after the other, so as to bring the House directly to the consideration of what seems to me the one pressing question of national interest, the status of the forty-four million reserve. Let us do this promptly, so that the dead-lock which paralyzes all our business interests may be broken and the wheels of our varied industries be set in motion.

Mr. PACKER. I do not yield to the gentleman for the purpose of making that motion.

Mr. WOODFORD. I move that the present consideration of this bill be postponed.

The SPEAKER. The gentleman from Pennsylvania is upon the floor, and the only way he can be dispossessed of the floor is to raise a question of consideration; that is, whether the House will now proceed with the consideration of the bill for the franking privilege reported from the Committee on the Post-Office and Post-Roads. The rules give to the majority of the House the absolute control of the order of business. The bill which the gentleman from Pennsylvania has charge of is a special order for this hour, and for the same hour every day, or rather at half-past one o'clock on every day, until disposed of. But of course when that hour is reached and the bill comes up it is competent for the House to raise the question of consideration, whether it will proceed with it.

Mr. PACKER. We have postponed from day to day the consideration of this bill, and a number of gentlemen are very anxious that it shall in some manner be disposed of, affirmatively or negatively. It is a matter of very considerable importance to the people. And having given way to the Committee on Ways and Means before, we think we must now insist on going on with the consideration of the bill.

Mr. WOODFORD. I simply ask the attention of the House to the fact that the question is practically this: public printing and franking on the one side, and the consideration of the finances of the country on the other.

Mr. KILLINGER. I rise to a question of order. Can this question be debated?

The SPEAKER. It cannot be debated. The question is, Will the House now consider the special order?

Mr. WOODFORD. I hope that the House will, with just regard to the depression of all our business, agricultural, and industrial interests, postpone the special order, and get at a discussion and practical settlement of the forty-four million question.

The question being put, the House agreed to proceed to the consideration of the special order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic at Philadelphia, and other associations, for monumental purposes.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

The House proceeded to consider the special order, being the bill (H. R. No. 825) to provide for the distribution of public documents printed by the authority of Congress, and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published, reported with amendments by the Committee on the Post-Office and Post-Roads.

The bill was read.

It provides that, from and after the passage of the act, all public documents, books, or publications, and all printed matter procured or published and issued by authority of Congress, or of either House thereof, and all packages of seeds, cuttings, roots, and scions furnished by the Agricultural Department, under authority of law, having first been stamped as provided and directed in the second section, shall be allowed to pass in the mails of the United States, to any citizen thereof, or person residing therein, without charge.

The second section provides that the Secretary of the Senate and Clerk of the House of Representatives of the United States shall cause to be prepared, for their respective Houses, a special stamp, or stamped envelope or wrapper, of such form and design as shall be directed and approved by the Postmaster-General, to be used by the said Secretary and Clerk, or by such assistants as may be appointed by either of them, for their respective Houses, only upon such printed matter or documents, or packages of seeds, cuttings, roots, and scions as aforesaid, as the Vice-President, the Senators, Representatives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives, may, by their respective written autograph signatures, indorsed upon the wrappers or envelopes thereof, direct to be so sent by mail, as is provided in the first section of the act.

The third section provides that from and after the passage of the act the following mail matter shall be allowed to pass free in the mail: First, newspapers, periodicals, and magazines, reciprocally interchanged between publishers, and not exceeding sixteen ounces in weight, to be confined to a single copy of each publication; secondly, weekly newspapers, one copy to each actual subscriber residing or receiving the same within the county where the same is published; but carriers shall not be required to distribute such papers unless postage is paid upon them at the usual rates.

It is provided in the fourth section that any person who shall knowingly, and with intent to defraud the Government of the United States, use, or cause to be used, any of the said stamps, stamped envelopes or wrappers, therein authorized to be prepared and used, for any other purpose, or in any other manner than as is authorized by the act, or who shall counterfeit the name or signature of any person therein authorized to indorse his autograph signature upon the wrappers or envelopes aforesaid, or who shall willfully utter or use any such counterfeit indorsement, with the intent to avoid the payment of postage, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not less than three months nor more than twelve months, or by both fine and imprisonment, in the discretion of the court.

The first amendment reported by the committee was to add the following proviso to the second section:

Provided, That the Postmaster-General may, if the welfare of the service shall require, make rules and regulations delaying, in whole or in part, the transmission of documents and packages hereinbefore mentioned, for any period not exceeding thirty days from the time of delivery for mailing.

The second amendment reported by the committee was to insert the word "dollars" after the word "thousand," in the fourth section.

Mr. HALE, of New York. Will the gentleman in charge of the bill allow me to send up to be read a substitute for the entire bill, which I desire to move at the proper time?

Mr. PACKER. I yield to have it read.

The Clerk read as follows:

Be it enacted, &c., That the act entitled "An act to abolish the franking privilege," approved January 31, 1873, be, and the same is hereby, repealed, and all acts and parts of acts which were repealed, annulled, or made of no effect by said act hereby repealed are hereby revived and continued in full force.

Mr. PACKER. I do not accept that amendment.

Mr. KASSON. The gentleman from Pennsylvania is aware that there is a bill presented by myself, which I have had printed, and which I desire to offer as a substitute. That bill presents two systems of dealing with public documents. Is he willing that I shall offer it now, or shall I offer it at a future stage?

Mr. PACKER. I prefer that he should offer it after awhile.

Mr. HALE, of New York. Is my amendment considered pending?

Mr. PACKER. Under instructions from the committee, I think I will have to decline to admit any amendment.

Mr. GARFIELD. I rise to a point of order. Should not this bill be sent to the Committee of the Whole? It is for expenditure of money.

The SPEAKER. That point of order is not good, because the House agreed by a suspension of the rules to consider the bill in the House. The point would be good in itself but for that fact.

[Mr. PACKER addressed the House. His remarks will appear in the Appendix.]

Mr. KASSON. I send to the desk an amendment, which I offer as a substitute for the pending bill. I ask that it be read.

Mr. PACKER. I desire to say a word to the gentleman. The gentleman's bill has been referred to the Committee on the Post-Office and Post-Roads. We have considered it very fully and are giving it a respectful attention. It contemplates provision as to the future, and is entirely different from the bill now submitted to the House for its consideration. For that reason I think I cannot, as at present advised by the committee, yield for that amendment.

Mr. KASSON. If, then, I understand my friend from Pennsylvania correctly, he must intend to close the debate within a few minutes.

Mr. PACKER. Not at all.

Mr. KASSON. Because otherwise, when the gentleman has yielded the floor, somebody will have an opportunity of offering amendments to the pending bill. I do not wish to speak at present, but only wish to offer this, that it may be read for the information of the House.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. PACKER] desire to have the bill voted on without amendment?

Mr. PACKER. Yes, sir; that is what I desire in regard to voting.

The SPEAKER. In what position, then, does the gentleman propose to put his bill?

Mr. PACKER. For the present I will enter a motion to recommit. I now yield the remainder of my time to my colleague on the committee, the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois, Mr. Speaker, the Committee on the Post-Office and Post-Roads, to whom were referred various bills for the restoration of the franking privilege in whole or part, after thorough investigation, have reported, as a substitute for the different bills, the bill under consideration, and ask its passage by the House of Representatives. It provides, in substance, that all public documents printed

by authority of Congress, including seeds, cuttings, &c., from the Agricultural Department, shall pass free through the mails, upon having a stamp, to be devised by the Postmaster-General, placed upon them, and the signature of a member of Congress written thereon, and that all newspapers in the counties in which they are published shall go free through the mails.

The bill does not provide for the correspondence of members of Congress or with them going free through the mails; on the contrary, the committee have been careful in framing this bill to provide against any matter going free, in the event it becomes a law, except such as is specially mentioned therein; and I for one am opposed to any legislation by virtue of which abuses could creep in similar to those that obtained under the former law, and I am not in favor of the restoration of the franking privilege as it formerly existed.

I desire briefly to assign a few of the many reasons why this bill should pass, and answer such objections as have been or may be urged against it. I am satisfied that the masses of the people never objected to public documents and seeds and cuttings from the Agricultural Department passing free through the mails; but, on the contrary, have been and are in favor of the same, and that it was only the abuse of the franking system by forgery of the frank, farming it out by some members, and the sending of matter through the mails free that was not entitled under the law to go, that the people objected to, and the objection to which was mistaken by Congress for an objection to the whole franking system.

The objections usually urged to sending public documents free through the mails are—

First. The alleged additional expense to the Post-Office Department, without payment of postage for additional service.

Secondly. That documents are distributed at the common expense, and cannot be evenly distributed so as to give every citizen a document or one of equal value and size.

Thirdly. That the mails on post-routes from Washington to Pittsburgh, at certain times when large quantities of documents are to be forwarded, are delayed and cumbered thereby at Harrisburgh.

Your committee, on investigation, became satisfied that there is no danger of the mails west of Pittsburgh being delayed or cumbered by the plethora of public documents; and in view of the fact that a much larger portion than formerly of the New York mails to and from the West now pass over the Erie Railroad, and the power and probable policy of the Department to make some one of the great trunk lines peculiarly mail-routes for the transmission of through mails from New York to the West, thereby getting superior speed and accommodations for the service, they are satisfied that the passage of documents free through the mails will not call for an increase of the service between Washington and Pittsburgh, or elsewhere; for while occasionally the service might be embarrassed on one or more days, if there were no regulations as to when documents should be transmitted, it is believed the power proposed to be given to the Postmaster-General by this bill to delay transmission of documents, in whole or part, for a period of thirty days after the same are ready to be sent, will obviate all danger of delay in transmission of the ordinary mails of the country.

Mr. Speaker, as to the question of additional cost to the Government of sending documents free through the mails, I have to say that, from an examination as to the different mail-routes and contracts for carrying the mails over the same, it is apparent that the additional cost of carrying documents as provided by this bill will be merely nominal. As shown by the Postmaster-General's report, the aggregate length of mail-routes on the 30th day of June, 1873, was 256,210 miles. Of this, 63,457 are by railroad, 16,762 by steamboat, and 175,991 miles by other routes. It is well known that when a contractor makes his bid to carry the mails the principal matter taken into consideration is the cost of making the trip over the route, and not the amount of mails to be carried; and on more than two-thirds of all the mail-routes in distance in the United States the amount paid by the Government for carrying the mails by contract is the same whether there is much or little mail matter to be carried; so that on over two-thirds of all the mail-routes in the country the sending of seeds, cuttings, &c., from the Agricultural Department, and agricultural reports, with other public documents, free through the mails will not cost the Government one cent.

[Here the hammer fell.]

Mr. KASSON. I do not desire, Mr. Speaker——

Mr. CANNON, of Illinois. Have I not an hour in my own right?

The SPEAKER. The Chair must recognize first a gentleman on one side of the question and then a gentleman on the other. It is not rulable to recognize two gentlemen on the same side of the question for an hour each.

Mr. KASSON. I will yield to the gentleman from Illinois, [Mr. CANNON,] so that he may now go on and conclude his remarks.

Mr. CANNON, of Illinois. Not being accustomed to the rules of the House, I supposed that I had an hour in my own right.

The SPEAKER. The gentleman was speaking in the remainder of the time of the gentleman from Pennsylvania, the chairman of the committee, [Mr. PACKER.] The gentleman from Iowa [Mr. KASSON] now yields to the gentleman, and he can proceed.

Mr. CANNON, of Illinois. For compensation to railroads for carrying the mails the law provides as follows:

The pay per mile per annum shall not exceed the following rates: On routes carrying their whole length an average weight of mails per day of two hundred pounds, $50; five hundred pounds, $75; one thousand pounds, $100; fifteen hundred pounds, $125; two thousand pounds, $150; thirty-five hundred pounds, $175; five thousand pounds, $200; and $25 additional for every additional two thousand pounds.

Under the operation of this law a great many railways do not carry on an average daily per annum, the whole length of their respective lines, two hundred pounds of mail matter, and would not with the addition of all the public documents they would be required to carry, so they cannot receive to exceed fifty dollars per mile whether they carry public documents or not. There are, however, a few great trunk lines, such as the Erie or Pennsylvania Central, that are carrying an average daily of more than five thousand pounds of mail matter the whole length of their lines, and so far as documents pass over those roads their compensation would be increased. But, Mr. Speaker, I ask members to observe that the increase would be small; for as the amount of matter carried increases under the law, in proportion the price decreases, so that the price paid these few trunk lines carrying daily over five thousand pounds of the ordinary mails of the country, for all matter in excess of that amount, is at the rate of one-twentieth of the price they and other roads receive for the first two hundred pounds they carry; and as to such matter over the first five thousand pounds they would gladly get rid of carrying the same, retaining the compensation for carrying the first five thousand pounds; so that it can be truly said as the mail service is organized the increase of cost to the Government for carrying public documents free will be merely nominal.

As a further proof that the cost of the postal service has not been materially decreased by the abolition of the franking privilege, and will not be increased, in fact, by sending documents through the mails as provided by this bill, I will briefly compare the cost of mail service in former years with that of the present and coming fiscal years, as estimated by the Postmaster-General:

The expenditures of the Post-Office Department for the fiscal year ending June 30, 1873, were	$29,084,945 67
And the ordinary revenues for same time	22,996,741 57
Leaving a deficiency of	6,088,204 10

The estimated deficiency by the Postmaster-General for the year commencing 1st July, 1874, is $6,310,602; and for the year commencing 1st July, 1875, is $6,886,363, excluding the estimated revenue from official stamps which has to be met by an appropriation. So that, instead of a lessening of the deficiency, as the people generally have supposed, by the abolition of the franking privilege, the deficiency, as shown by the estimates, will be increased. Still, in fairness, I should state that the increase in the free-delivery system, which has been made since 3d June last, and otherwise, will probably account for the increase in estimated deficiency.

The Postmaster-General, in his letter of January 20, 1874, to the President of the Senate, estimates that the receipts of the Department for the quarter ending 30th September, 1873, since the abolition of the franking privilege, will exceed on certain items receipts of same quarter of 1872 $614,000, and impliedly points to that as the result of the abolition of the franking privilege. He does not state or estimate what the increased cost of sustaining and operating the Department is over the same quarter in 1872; and on examination of his report, it will be seen that the increase in the mail service over what it was the year before was as great as the increase in the revenues. On examination it also appears that the increase in revenues for the quarter ending 30th September, 1870, over same quarter in 1869, was, in round numbers, $500,000, and that the increase of revenue in 1869 was $2,151,000 over that of 1868; and the revenue of 1872 was, in round numbers, $2,000,000 over that of 1871, while in other years there was a smaller or very little increase. Yet during these different years the franking privilege was in full force.

An examination of the facts will convince any candid man that the estimated increase of revenues—and mind it is only estimated—for the quarter ending 30th of September, 1873, was not on account of postage paid on matter that heretofore went free, for the Postmaster-General tells us in his report, that which everybody knows, namely: "Publications of the class heretofore printed and sent out by order of Congress have been almost entirely cut off since the 1st of July last." So that the increase of revenues could not have come from payment of postage on that class of matter; and he has supplied official stamps to all the Departments, postmasters, and special agents in the country, so that the increase in revenue cannot come from those sources. Then the only source it could come from is from payment of postage on letters, &c., sent and received by members of Congress; and this bill in no way interferes with such increase of the revenues, whether it be much or little, for, as before stated, it does not give the frank to members of Congress for their correspondence or other miscellaneous matter.

Suppose, however, that it really will cost to send these public documents through the mails free as much as the postage at full rates would be if it were prepaid, still I think it would be wise to distribute them. In this Republic of ours the people are sovereign, and to govern properly they must have not only patriotism and honesty, but also intelligence and a knowledge of the principles of the Government and the manner in which the Government is administered, and therefore they have established free schools all over the country for the instruction of the people at the public expense; and the temper of our people is to make that instruction compulsory, and properly

so; for each citizen practically is as much interested in the proper exercise of the right of franchise by the humblest and poorest citizen of the Republic as he is in his own proper action; and as the different executive officers of the Government, as well as persons constituting the Legislature, are only for the time being acting as the agents of the people, it is important, ay, not only important, but indispensable, if the genius of our institutions is preserved and the Government properly administered, that the people should keep track of the acts and doings of their agents. It is true that now news is given very generally to the people through the newspapers of the country; but when we consider the hurried manner in which it is prepared, as well as in which it is read, and that the papers frequently, I may say generally, contain a mere digest of the proceedings of Congress, of the transactions of the different Departments connected with the executive, and that from the very nature of things the reports, as digested and published, frequently contain errors, and are frequently warped by partisan feeling, the necessity of a correct and complete record of the proceedings of the legislative and executive branches of the Government being published in convenient form for use and preservation, and distributed to the people for their information, is at once seen.

Mr. MYERS. These documents should go also to the libraries.

Mr. CANNON, of Illinois. Yes, sir; these documents should go to the libraries in the different school districts. Let them go to the people throughout the country who will read them sitting around the fireside after the day's labor is over, and who, when they get information, will circulate it from mouth to mouth through their neighborhoods. I do not know whether the gentlemen in the cities have constituencies of that sort, but my fellow-members from the West will agree with me in saying that the farmers of the country get a great part of their information in that way and impart it in the same manner to their brother farmers.

But the amount of postage that would accrue to the General Government on these public documents, if paid in full, has been greatly magnified. The superintendent of the folding-room reports that the postage on all the documents printed by authority of the Forty-second Congress, for the full term of two years, was to each member of the House $892.57 per annum, provided it had been paid in full. I desire to call the attention of the House particularly to this matter for the purpose of comparing this expenditure with the expenses of another branch of the postal service for the year ending June 30, 1873, in fifty-two cities of the United States, as shown by the Postmaster-General's report. Mail matter was delivered free by the carriers at the houses or places of business of persons living in such cities; whereas in the smaller cities and villages and rural districts the people go to the office for their mails. The total cost of this system last year, in the fifty-two cities, as shown by the Postmaster-General's report, was $1,422,495.48; and giving such cities the benefit of every cent of local postage collected therein, to pay for this special service, which the balance of the country does not have, and which for the same year amounted to $1,112,251, there is a deficit for the payment of carriers, &c., of $310,244, which has to be paid by the people of the United States; an amount substantially equal to what all the postage would have been, at full rates, on all the public documents printed for the same year by the order of Congress.

Mr. MYERS. In this connection let me say to the gentleman that year after year there are deficiencies in the postal service amounting to $4,000,000 or $5,000,000, mostly for the West and South; and we gladly do our part in meeting those deficiencies. I agree with the gentleman's argument; but let him, as of course he desires, do justice in this matter. The free-delivery system is a blessing to the people.

Mr. CANNON, of Illinois. I am for the free-delivery system in the large cities, where it is needed; but I want to call the attention of the House to the fact that the free-delivery system in fifty-two cities of the United States costs within a fraction as much as it did last year to send all the documents that were published by order of the Forty-second Congress, provided postage at full rates had been paid on the same.

The State of Illinois, which I have the honor to represent in part, with its three million people, second to no other State in the intelligence and industry of its inhabitants, had in the Forty-second Congress sixteen members. On the above showing, as to postage on public documents printed by authority of the Forty-second Congress, the proportion to each member would have been $892.57 per annum, and if paid in full would have amounted for the year ending June 30, 1873, to $14,281.12 on all documents distributed in that State. In the city of Chicago alone the cost of the free-delivery system for the same year was $108,873, and the total local postage $47,793, leaving a deficit of $61,079 to be paid by the people of the United States; or, in other words, it cost the Government last year, to deliver at the doors and offices of the people in the city of Chicago their letters and papers, four times as much as the postage in full would have been on all the public documents printed by order of the Forty-second Congress and distributed in the State of Illinois during that year. And what is true as to the cost of this free-delivery system in Chicago is substantially so as to Saint Louis, Cincinnati, Indianapolis, and almost all the other cities, except New York, Boston, and Philadelphia.

Mr. Speaker, the Government is now building in the city of Boston a post-office that will cost $4,000,000; one at New York that will cost $8,000,000; one at Philadelphia that will cost $4,000,000; one at Chicago that will cost $4,000,000. Cincinnati and Saint Louis are also being favored in this way to the extent of $6,000,000. The improvements of the streets and avenues of Washington alone since 1865 have cost the Government over $3,000,000; and the expenditures at the hands of the Government in the District of Columbia, in the same time, have been, for public improvements, over $14,000,000; and, as shown by a letter from the Secretary of the Treasury of 7th January, 1874, the expenditures of the Government from June 30, 1865, to June 30, 1873, upon public works alone in the United States amount to the enormous sum of $103,000,000. And now the District of Columbia, with nearly all the principal cities, for public improvements to be made therein, by their Representatives in Congress are knocking at the door of the Treasury, crying, "More, more." I do not speak of these matters as arguments against the free-delivery system, or the proper expenditure by the Government of moneys for public buildings or public improvements; but I do speak of them to show that it is not just and fair for the people who are gathered together in our large cities, and enjoying to a greater extent than others these several benefits at the public expense, to object to the smaller towns and rural districts enjoying, in common with them, free public documents; and it is well enough once in a while to take an account of stock, post the books, and see how the balances stand.

But the objection is made by those opposed to free public documents, that every citizen cannot get a public document; therefore documents should not be supplied to some at the expense of all. This objection is met by the fact that no law operates equally upon all persons. All legislation is for the general good. As well say break up the public-school system, for the reason that some citizens have no children to send to school, or some persons have more property than others to contribute to the expense of keeping them up; or discontinue the carrying of the mails at the expense of the Government because some men write or receive more letters than others, or because it costs more to carry a letter or paper a thousand miles than it does to carry the same a hundred miles, yet the postage is the same in each instance; or that the Post-Office Department should be discontinued because it does not pay expenses, or that the free-delivery system in cities should be discontinued because all persons cannot be supplied with their mail matter free at their homes.

The truth is, the people get valuable information concerning the administration of the Government in all its departments and branches from these documents; and my observation is, that information obtained therefrom passes orally from man to man; and while I am proud of our great cities, and many of the citizens who reside therein, noted for their proficiency in their respective callings, and their great energy and industry in accomplishing that which they undertake, yet in the country, among the producers, the men who earn bread by the sweat of their faces, you find equally as great industry, and I dare say more general intelligence and patriotism; and this class of men especially are anxious to receive public documents and read them.

A MEMBER. The gentleman from Illinois must have oats in his pocket.

Mr. CANNON, of Illinois. I understand the gentleman. Yes, I have oats in my pocket and hay-seed in my hair, [great laughter;] and the western people generally are affected in the same way; and we expect that the seed, being good, will yield a good crop, I trust tenfold; and the sooner legislation is had, not only as proposed by this bill, but in all other respects as the people desire and equity and justice shall dictate, the better it will be in the long run for all people in this country, whatever may be their calling or wherever they may reside.

Now, Mr. Speaker, let us inquire for a moment who are opposing the provisions of this bill, and their reasons therefor.

Well, we are told the Postmaster-General opposes this legislation. I certainly have no war to make upon the Postmaster-General. He is a courteous gentleman and an excellent officer. But let us see if his objections are well founded. He says in his letter of January 20, 1874, to the President of the Senate:

> In my last report I recommended a reduction of postage on books to one cent for ten ounces, which is the lowest rate now allowed by law for any kind of matter. If that suggestion should be adopted I cannot see why postage should not be paid upon congressional documents, as well as upon departmental matter, by an appropriation from the Treasury.

Behold, there it is, [laughter;] no objection to it, provided Congress shall make the appropriation, [laughter;] "cannot see why Congress should not make an appropriation from the Treasury to pay postage upon congressional documents."

A MEMBER. What is the date of that letter?

Mr. CANNON, of Illinois. The date is the 20th day of last January. It is a letter written by the Postmaster-General, and addressed to the President of the Senate, concerning the restoration of the franking privilege. Well, now, let's see how that will hold water. [Laughter and rappings to order.]

A careful reading of the Postmaster-General's report and above letter, and all his statements, so far as I am informed, concerning the same, show that he does not object to the passage of documents through the mails, provided Congress will make an appropriation to buy the stamps to pay postage on the same. Suppose Congress does make an appropriation, as the Postmaster-General desires, to pay postage on these documents, what does that amount to? Merely to this, that the United States goes to the expense of printing stamps and

handling the same; that the United States may buy of the United States these stamps to put on documents, thereby to send them free through the mails of the United States; to what end? That the Post-Office Department may be self-sustaining, we are told; and, strange as it may appear, the Postmaster-General in his last report, in making estimates of the revenues of the Department for the present fiscal year, estimates the income from appropriations to pay for stamps to enable the other Departments of the Government to use the mails in the business of the Government, at $2,225,000.

Does it make any difference to the Government, which has to pay the $2,225,000 in any event, whether you call it a deficiency of one Department or the other? Yet it has been claimed on this floor that the $2,225,000 was an increase of the revenues of the post-offices in consequence of the abolition of the franking privilege. As well might a man spend his time in taking money from his right pocket and putting it in his left, and point to the increase of his left pocket as an evidence of his increasing wealth or revenues. The purchase of stamps by the Government of the Government to prepay postage on public documents has no advantages over the plan proposed by this bill, unless it be to enable the Postmaster-General to show a mere paper profit. On the contrary, such a plan is liable to great abuse, for under such appropriation the stamps when purchased may be used upon other documents or matter than those intended by law to go free, just as the franks of members of Congress were formerly abused.

Indeed, under the present system I am informed that the Postmaster-General is furnishing to nearly forty thousand persons, postmasters and those connected with the different Departments, official stamps, and it is becoming notorious that they are frequently used upon private correspondence. All objections of that kind are remedied by the provisions of this bill. There cannot be an abuse of the system under its provisions, for persons having the peculiar stamps in charge cannot send documents without the frank of members, nor can members send them without they are stamped with this peculiar stamp. Nor will the frank and stamp combined pass documents through the mails unless they are placed upon documents printed by authority of Congress.

The mail contractors, railroads, and express companies oppose the passage of this bill, for, as before shown, as the mail service is organized, the increase of pay to contractors carrying the mails, other than railways, for carrying these documents will not be one cent, and to the railways will be merely nominal; therefore they would like to be exempt from such service. The express companies oppose the bill for a different reason, namely: If individuals receiving these documents have to pay out of their pockets for transporting the same, the charges by express will be less than full postage; and so while the Government saves nothing, the people, who in their aggregate capacity have paid for their service as before shown, as individuals would pay a second time for the service to the express companies; and nearly all the documents now being sent are sent by express and not through the mails.

And last, but not least, we are told that the city press of the country oppose this bill, or any other measure that will give the people free public documents, for the reason, as alleged, that the individuals or incorporated companies conducting the same are desirous of monopolizing the means of information touching the affairs of the Government, at least to the exclusion of information to be furnished by the Government at the general expense. And it is also claimed by some that members cannot afford to advocate and vote for this bill, for the reason that the city press will declare war upon them and continue the same until they lose standing with their constituency. I do not believe that the city press will, as a unit, oppose this bill. A portion of it may from selfish motives, in some instances, and honestly in others. I certainly have no desire to call upon myself the assaults of the city press, or any portion of it. Nor do I fear it as long as I truly represent my constituents and act, in my representative capacity, for the interest of the people generally. Nor would I change the power of the press to assail my acts or those of any one else. On the contrary, every member of Congress, or other agent of the people, should court a fair criticism of his acts, and if he vitally misrepresents the people they should, and no doubt would, fail to continue him in places of trust. But no man is a proper person to represent the people unless he has the honesty and the backbone to stand and do what is right and for the interest of the people, without reference to what any one may say of him, or what the action of the press may be in the premises.

However, Mr. Speaker, I desire to say that it will come with a bad grace from the city press to oppose this legislation or to condemn it, for the Post-Office Department is organized to accommodate the people and to assist in disseminating knowledge, even if it does not pay expenses; and this is peculiarly so with regard to the sending of city newspapers and periodicals that circulate generally throughout the country, for under the law the large city newspaper goes a thousand miles or farther, anywhere in the United States, for the same postage that the small country paper requires which is transmitted twenty-five miles. It also appears with reasonable certainty that the carriage of letters through the mails is a source of great profit to the Department, and that the carriage of newspapers and periodicals, so far as postage on the same is compared with letters, is a source of great loss to the Government.

I had a conversation this morning with the assistant postmaster of New York City. I asked him what proportion of the entire mail matter that passed through that office was composed of periodicals and newspapers, and what proportion were letters. He said there was about one-half of 1 per cent. that consisted of miscellaneous matter, and that over 90 per cent. of all matter was newspapers and periodicals.

And I hold in my hand a communication from the Third Assistant-Postmaster-General, written in reply to a note I dropped to him about another matter. I propose, after a bit, to send that communication to the Clerk's desk to be read as a portion of my remarks. It contains a statement of facts, from which it appears, with reasonable certainty, that over five-sixths of all the matter that is carried in the mails on which postage is paid is made up of newspapers and periodicals, and a very large majority of those newspapers and periodicals are published in the great cities of the country. And while I am talking about that, I want to call your attention further to the fact that the report of the Postmaster-General shows that the revenues of the Post-Office Department for last year were, in round numbers, $23,000,000, and that the expenses of the Department during that time were, in round numbers, $29,000,000. It also shows that, in round numbers, the sum of $1,000,000 was all the postage that was collected from newspapers and periodicals, constituting, as they do, five-sixths of all the mail matter carried in the country. In other words, five-sixths of the mail matter of the country yielded one-twenty-third of the revenues, and paid one-twenty-ninth of the expenses of the Post-Office Department. Or to put it in another form, it cost the United States Government last year at least $20,000,000 to provide transportation and mail facilities for the newspapers and periodicals of the country more than was received as postage on the same.

But it may be asked, how can you justify such a state of things? I answer that this state of things is not for the benefit of the papers; for while the proprietors of these publications may be, and no doubt are, benefited by having the papers which they publish and sell to the people sent through the mails substantially without charge, still it is for the benefit of the Government, and is justifiable as a powerful means of disseminating knowledge to a majority of the individuals composing the Republic, in consequence of which they are more competent to conduct the affairs of the Republic; and for the same reason the distribution of public documents is demanded and justified. And before leaving this branch of the subject I desire to say that I believe the day is not far distant when the circulation of newspapers and periodicals through the mails all over the country to subscribers therefor will be free in name, they now being substantially free in fact; and I believe the advantages resulting therefrom, by the increased dissemination of useful knowledge to the people, would tenfold repay the cost of such service. In the mean time let us hope that in view of the premises, the press of the country will not seek to oppose legislation that allows the people to have that for which they pay whether they get it or not.

And, Mr. Speaker, I do not believe that the people, now of all other times, when they are so justly sensitive to the encroachments of monopolies, will or should indorse our course if we, in the interest of express companies who desire no make charges for the transportation of public documents, and of a few mammoth news corporations who would gladly monopolize all means of information, refuse to pass this bill or some other embodying substantially its provisions.

In conclusion, Mr. Speaker, I desire to say the Post-Office Department comes more nearly to the people than any other. Hand in hand with the common school, it is efficient in carrying light and knowledge to the door of the humblest as well as the most powerful citizen, a product and at the same time one of the principal preservers of our civilization.

We have already appropriated this session $4,000,000 for the Navy, and a bill is now pending to appropriate $17,000,000 more, and the gentleman from Maine who has charge of it exults over the small amount asked as an instance of great economy. The committee having charge of the Army appropriation bill are asking for $28,000,000, claiming that to be a great reduction from the usual amount. I have no fault to find with these appropriations; they are necessary to the well-being of the Republic; at the same time they are appropriations made to assist in enforcing our demands, in defending our rights by mere force, and bear fruit only while being expended.

Then let it not be said that the Forty-third Congress, when called upon to provide for the free transmission of public documents at a cost merely nominal, thereby aiding to bring knowledge to the masses of the people, which in the end, with the aid of Christian charity, will do away with all necessity for appropriations to either armies or navies, failed to do its duty.

I now send to the Clerk's desk to be read the communication from the Third Assistant Postmaster-General of which I have spoken. Not being familiar with the rules of the House, I am not certain whether it is necessary to have the whole of it read in order that it may be incorporated in my remarks. It is a document of considerable length, but it is valuable and interesting.

The SPEAKER. It can be printed with the gentleman's remarks, if no objection be made.

Mr. CANNON, of Illinois. I will not ask to have it read, then, but will ask leave to print it.

No objection was made.

The letter was as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, February 9, 1874.

SIR: The Postmaster-General has directed me to reply to your letter of the 28th January, in which you inform him that such portions of his report for the fiscal year ending June 30, 1873, as relate to the prepayment of postage on newspapers and other matter of the second class, have been referred to a sub-committee of the House Committee on the Post-Office and Post-Roads, of which sub-committee you are chairman, and request him to furnish you with approximate estimates of the amount of that kind of matter that passes through the mails as compared with other matter, and the amount of revenue that should accrue therefrom, with such other information as may be in his possession or can be arrived at by the Department. I therefore beg leave to call your attention to the following statement, which, it is thought, covers the whole ground of your inquiry and sets forth in as clear manner as possible the necessity for remodeling the system of collecting postage on mail matter of the second class.

Official statistics, formulated for the Compendium of the Ninth Census, (page 508,) show that there were published in the United States and Territories, in the year 1870, 5,871 newspapers and periodicals. The following table shows their classification, circulation, and number of copies annually issued:

Periods of issue.	No.	Circulation.	Copies annually issued.
Daily	574	2,601,547	806,479,570
Tri-weekly	107	155,105	24,196,380
Semi-weekly	115	247,197	25,708,488
Weekly	4,295	10,594,643	550,921,436
Semi-monthly	96	1,349,820	33,395,680
Monthly	622	5,650,843	67,810,116
Bi-monthly	13	31,650	189,900
Quarterly	49	211,670	846,680
Total	5,871	20,842,275	1,508,548,250

Careful and thorough investigation, based on inquiries made of publishers, newsdealers, and postmasters and other officials of the Department, seems to establish the fact that at least 10 per cent. of the daily circulation and 60 per cent. of all other circulation of newspapers and periodicals pass through the mails.

Assuming that such is the case, and that the statistics published in the census report are correct, there is obtained, as an estimate of the revenue which the Post-Office Department should have received from this class of matter during the fiscal year 1869–'70, the following result:

Class.	Circulation.	Percentage passing through the mails.	Number on which postage is estimated as collectible.	Rate of postage per annum.	Amount postage estimated as due Post-Office Department.
Daily	2,601,547	.10	260,154	$1 20	$312,184 80
Tri-weekly	155,105	.60	93,063	60	55,837 80
Semi-weekly	247,197	.60	148,318	40	59,327 20
Weekly	10,594,643	.60	6,356,785	20	1,271,357 00
Semi-monthly	1,349,820	.60	808,892	24	194,134 08
Monthly	5,650,843	.60	3,390,505	12	406,860 60
Bi-monthly* / Quarterly*	243,320	.60	145,992	04	5,839 68
Total	20,842,275	.....	11,203,709	.....	2,305,341 16

* Grouped together because there is no rate of postage for bi-monthly issues.

During the fiscal year ending June 30, 1870, there were received from "newspaper postage," $835,727.99, which, as compared with the revenue estimated as properly collectible from that source during the year, shows a loss to the Government amounting to $1,469,813.17, or one and three-quarter times as much as was collected.

The tables of the last census (pages 510–513 Compendium) also show that during the decade extending from 1850 to 1860 the circulation of newspapers, &c., increased 166 per cent., and during the ten years ending 1870, 45 per cent. Taking, for the purpose of these estimates, only the last decennial increase, applying it to the three years which have elapsed since 1870, gives an increase of 13½ per cent. for that period, and shows the Department entitled to have received from newspaper-postage during the last fiscal year (1872–'73) the sum of $2,616,789.21, instead of which it only collected $1,072,998.19, the estimated loss footing up $1,543,791.02, or one and a half times as much as was collected.

Regarding the branch of your inquiry which asks for "approximate estimates of that kind of matter (newspaper, &c.,) that passes through the mails, as compared with other matter," I have to say that it is impossible to furnish you with specific data on this point. On the books of the Auditor of the Treasury for this Department the post-office revenues are classified under the heads of "letter postage," "newspaper postage," "waste paper and twine," "stamps sold," and "emoluments." By referring to the report of the Postmaster-General for the fiscal year ending June 30, 1870, (page 164,) you will perceive that the gross revenue derived from letter postage—*i. e.*, postage on short-paid letters, collected at offices of delivery—amounted during that year to $413,751.70, and that the sales of stamps for the same period footed up $16,581,050.44—in all for both items, $16,994,802.14. Deducting from this amount a sum sufficient to cover that received for stamps used in prepayment of postage on transient newspapers, books, and miscellaneous matter of the third class, say $2,000,000, there is left $14,994,802.14 as the revenue from postage on letters. This sum, at the rate of three cents per half-ounce, represents 15,619,585 pounds of matter.

The number of copies of daily newspapers issued during 1870 was, according to the table herein inserted, 806,479,570, and the number of all other publications 702,068,680. The assumed basis of 10 per cent. of daily, and 60 per cent. of all other issues as passing through the mails gives 501,889,165 newspapers, &c., transmitted to regular subscribers in the mails during that year. These, weighing on an average one and a half ounces, each, represent 47,052,109 pounds.

Allowing, in order to give the greatest bulk possible to sealed matter, that each three cents of the $14,994,802.14 of revenue estimated as derived from letter postage represents a letter, there appear to have been transmitted, during the fiscal year 1869–'70, 499,826,738 letters, which, at the rate of 70 cubic inches for each 100 letters,* occupied 202,505 cubic feet of space, and would have completely filled more than 140 freight cars, each 30 feet long, 8 feet wide, and 6 feet high. The 501,889,165 newspapers, at the rate of 1,400 cubic inches for each 100 papers,* &c., occupied 4,066,231 cubic feet of space, and would have packed 2,824 cars.

It will thus be seen that during that fiscal year it is estimated that 499,826,738 letters, weighing 15,619,585 pounds, and filling over one hundred and forty cars, were estimated as passing through the mails; for which the Post-Office Department is supposed to have received $14,994,802.14, while 501,889,165 papers and periodicals transmitted through the mails to regular subscribers, weighing 47,052,109 pounds, and filling 2,824 cars, yielded a revenue of only $835,727.99.

In connection herewith it is proper, if possible, to refer to the records of foreign countries, especially Great Britain, in order to obtain a criterion by which to judge of our relative position as regards the number of publications and their annual issues, as well as the collection of postage on such proportion as is distributed to subscribers through the mails.

Although there are no official data by which exact results can be obtained, Hudson, in his History of Journalism, (page 774,) estimates that in 1870 there were published in Great Britain 1,456 newspapers and periodicals, whose total issues amounted to 350,000,000 copies. During the year 1871 there passed through the mails of the United Kingdom, according to the report of the British postmaster-general, 99,000,000 newspapers, from which the government received as postage $990,000, (in our specie currency,) the rate on each paper being a half-penny. This is exclusive of the amount derived from packages containing two or more papers, which are transmitted at book-postage rates.

If we take this return and compare it with our record for 1869–'70, the result will apparently be as follows: Great Britain, with 1,456 newspapers, issued 350,000,000 copies, of which 99,000,000 passed through the mails as newspapers, at the rate of a half-penny each, yielding a revenue of $990,000. The United States, with 5,870 papers and periodicals, issued 1,508,548,250 copies, of which 501,889,165 are estimated to have passed through the mails, and, despite the fact that nearly half a cent was properly collectible on each, only received for the whole a revenue of $835,727.99. Or, to place it in another shape, the United States, with four times the number of publications, with four times the annual issues, and with over five times the number estimated as passing through the mails, collected less postage on all the papers, &c., transmitted, than Great Britain did on only the single newspaper mail circulation of that country.

Of course, at the same rate of postage as is charged in this country, Great Britain would have collected only $454,410; but this sum multiplied five and seven hundredths times (the difference in the estimated mail circulation of papers, &c., in the two countries) will show roughly what should have been collected here. Could an approximate estimate be made of the number of newspapers daily transmitted through the British mails in packages, weighing from four ounces to fourteen pounds, the discrepancy would be still more marked, and the arguments against our present system of collecting newspaper postage made still more forcible.

I am sir, very respectfully,

EDWARD W. BARBER,
Third Assistant Postmaster-General.

Hon. J. G. CANNON,
Committee on the Post-Office and Post-Roads,
House of Representatives.

Mr. KASSON resumed the floor.

Mr. WOOD. If the gentleman from Iowa [Mr. KASSON] will yield, I will move that the House take a recess.

Mr. KASSON. I yield for that purpose.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 482) to authorize the cancellation of an export bond for a portion of the distilled spirits of John S. Miller on board of bonded cars of the United States;

An act (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana; and

An act (H. R. No. 1940) giving the consent of Congress to the acceptance by James McDonnell, a warrant officer in the United States Navy, of a present from the King of Italy.

The question being taken on the motion of Mr. WOOD for a recess, it was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore.*

REVISION OF THE STATUTES.

The SPEAKER *pro tempore.* The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. POLAND. Mr. Speaker, in the division of this work among the members of the Committee on Revision of the Laws, that portion of it relating to duties upon imports was assigned to my colleague on the committee, the gentleman from New York, [Mr. DUELL.] After the committee was fairly at work upon the revision, the Departments charged with the administration of this portion of the law became for the first time interested; and, aware of the importance of having this revision thorough and correct, they desired to furnish such information as they could, which we were very glad to receive. But it was quite a late period before we were able to avail ourselves of any of their aid. In the mean time the gentleman from New York who had charge of this portion of the work has been called away; and it has fallen upon me to examine it as a sub-committee. The time I have had has been very short, though I believe I have been tolerably diligent, and except for some aid I have had, especially from one of the appraisers-general, Mr. Blodgett—whose aid in this respect I desire

* These statements of bulk are from measurements of packages of letters and newspapers.

publicly to acknowledge as of value—I should not have made much progress. But I have been able to bring a considerable portion of the work before the committee, and have their sanction for what I shall present to-night.

The first amendment that I propose is the transfer of section 2494—a general provision in relation to all articles that are not enumerated. The committee decided that this section, instead of being at the head of the list, should be at the end. They therefore propose to amend by striking out the section on page 581, and inserting it at the end of the chapter, on page 628, following section 2511.

The section referred to was as follows:

SEC. 2494. There shall be levied, collected, and paid on the importation of all raw or unmanufactured articles not herein enumerated or provided for a duty of 10 per cent. *ad valorem;* and on all articles manufactured in whole or in part, not herein enumerated or provided for, a duty of 20 per cent. *ad valorem.*

The SPEAKER *pro tempore.* There being no objection the amendment indicated will be made.

Mr. POLAND. The next amendment I propose to offer is to section 2499.

The section was as follows:

SEC. 2499. The equipments, or any part thereof, including boats, purchased for, or the expenses of repairs made in a foreign country upon, a vessel enrolled and licensed under the laws of the United States to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an *ad valorem* duty of 50 per cent. on the cost thereof in such foreign country; and if the owner or owners or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited. But the owner or master of a vessel enrolled and licensed, or intended to be enrolled and licensed, to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers, shall furnish good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into a foreign port and purchase equipments, or make repairs, to secure the safety of the vessel to enable her to reach her port of destination, then it shall be competent for the Secretary of the Treasury to remit or refund duties thereon, and such vessel shall not be liable to forfeiture.

Mr. POLAND. I move to amend by inserting after the word "but," at the beginning of the second sentence of the section, the word "if;" so as to read, "But if the owner or master," &c.

The amendment was agreed to.

Mr. POLAND. I wish to offer a further amendment to the same section, which, I will state, is taken from a statute found in the fourteenth volume of the Statutes at Large, page 184. I move to amend by adding what is in fact the residue of the section, which has been omitted from this revision. The additional clause is as follows:

And no license, or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied from the oath of the owner or master that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this section, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

The amendment was agreed to.

Mr. POLAND. On page 583, under schedule A, the commissioners have embraced the provisions in relation to the duties upon cotton goods, being all taken from the tariff law, found in volume 13 of the Statutes at Large; but they have changed the order somewhat. I am not able to see why the provisions as prepared by them are not a substantial and a correct revision of the existing laws. But there is very great jealousy in relation to any change of phraseology in any part of the tariff; and the committee have therefore decided to recommend the striking out from line 40 to line 95, inclusive, and the insertion of the statute literally. I send the amendment to the Clerk.

The Clerk read as follows:

Page 583, section 2500, strike out from line 40 to line 95, inclusive, and insert the following:

On all manufactures of cotton (except jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuff, and goods of like description) not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard; if bleached, five cents and a half per square yard; if colored, stained, painted, or printed, five cents and a half per square yard; and in addition thereto ten per cent. *ad valorem.*

On finer and lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and in addition thereto, 20 per cent. *ad valorem.* On goods of like description exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard; in addition thereto 20 per cent. *ad valorem.* On cotton jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuffs, and goods of like description, or for similar use, if unbleached, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding five ounces to the square yard, six cents per square yard; if bleached, six cents and a half per square yard; if colored, stained, painted, or printed, six cents and a half per square yard, and in addition thereto 10 per cent. *ad valorem.* On finer or lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, six cents per square yard; if bleached, six and a half cents per square yard; if colored, stained, painted, or printed, six and a half cents per square yard, and in addition thereto 15 per cent. *ad valorem.* On goods of lighter description, exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, seven cents per square yard; if bleached, seven and a half cents per square yard; if colored, stained, painted, or printed, seven and a half cents per square yard, and in addition thereto 15 per cent. *ad valorem: Provided,* That upon all plain woven cotton goods, not included in the foregoing schedule, unbleached valued at over sixteen cents per square yard, bleached valued at over twenty cents per square yard, colored valued at over twenty-five cents per square yard, and cotton jeans, denims, and drillings, unbleached, valued at over twenty cents per square yard, and all other cotton goods of every description, the value of which shall exceed twenty-five cents per square yard, there shall be levied, collected, and paid, a duty of 35 per cent. *ad valorem: And provided further,* That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted to a less rate of duty than is provided for goods which are of that number of threads.

That is exactly the language of the statute, punctuation and all.

The amendment was agreed to.

Mr. POLAND. I move on page 584, after line 111, to insert as follows:

Cotton cords, gimps, and galoons, and cotton lace colored, 35 per cent. *ad valorem.*

These are now in the tariff law of 1862, but in revising it these articles were omitted by name. They would probably be included in the general words which are used, but the committee deemed it advisable, inasmuch as they went on to enumerate all of the articles, these also should be enumerated.

The amendment was agreed to.

Mr. POLAND. I move on page 584, line 118, to strike out as follows:

Thread lace and insertings, 30 per cent. *ad valorem.*

The duty is not changed, but left the same. The revisers seemed to think, however, it should not be put here, because those who profess to know say "thread lace and insertings" instead of being cotton are linen. They are therefore transferred to the schedule of linens.

The amendment was agreed to.

Mr. POLAND. On page 585, line 138, I move to strike out these words:

On white chalk and cliff stone, ten dollars per ton.

They are on the free list.

The amendment was agreed to.

Mr. POLAND. In line 145, on page 585, the committee recommend that "mold" should be spelled with a "u;" so it will read:

All plain and mould and press glass not cut, engraved, or painted, 35 per cent. *ad valorem.*

The amendment was agreed to.

Mr. POLAND. I move on page 586, after the line 191, to insert as follows:

Glass bottles or jars filled with articles not otherwise provided for, 30 per cent. *ad valorem.*

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 586, at the end of line 192, insert the following: "Glass pebbles for spectacles, not rough;" so it will read:

Porcelain and Bohemian glass, glass crystals for watches, glass pebbles for spectacles, not rough; paintings on glass or glasses, and all manufactures of glass, or of which glass shall be a component material, not otherwise provided for, and all glass bottles or jars filled with sweetmeats or preserves, not otherwise provided for, 40 per cent. *ad valorem.*

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 586, in line 204, after the words "sisal grass," insert "and other vegetable substances not enumerated, used for cordage;" so it will read:

Jute, sunn, sisal grass, and other vegetable substances not enumerated, used for cordage, fifteen dollars per ton.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 586 strike out lines 205 to 209, inclusive, as follows:

Brown or bleached linens, brown hollands, blay linens, coatings, damasks, and drills, or other manufactures of flax, jute, or hemp, being of the value of thirty cents and under, per square yard, 30 per cent. *ad valorem;* valued above thirty cents per square yard, 35 per cent. *ad valorem.*

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 587, line 210, strike out the word "cotton," and insert in lieu thereof the word "cot;" so it will read:

Brown and bleached linens, ducks, canvas, paddings, cot bottoms, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, &c.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 587, after line 230, insert as follows:

Cotton cloth, not bagging, valued at ten cents or less per square yard, three cents per pound; valued at over ten cents per square yard, four cents per pound.

And strike out lines 252, 253, and 254, as follows:

Gunny cloth, valued at ten cents or less per square yard, three cents per pound; over ten cents per square yard, four cents per pound.

The amendment was agreed to.

Mr. POLAND. My next amendment has reference to the paragraph from lines 231 to 234, inclusive.

The paragraph was as follows:

Bags, cotton bags, and bagging, and all other like manufactures, not herein otherwise provided for, (except bagging for cotton,) composed wholly or in part of flax, hemp, jute, gunny cloth, gunny bags, or other material, 40 per cent. *ad valorem.*

Mr. POLAND. I move to amend by inserting that paragraph after line 240 on the same page.

The purpose of these various provisions in reference to gunny cloth and bagging of all sorts is that the committee thought it advisable to state them in the order of their enactment. These amendments are for that purpose.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 589 strike out line 304 and part of line 305, as follows:

All spirituous liquors not otherwise enumerated, 100 per cent. *ad valorem.*

All liquors not specifically provided for pay two dollars per gallon. We therefore strike out the clause just read.

The amendment was agreed to.

Mr. POLAND. My next amendment is to the paragraph on page 590, from line 345 to line 353, inclusive.

The paragraph was as follows:

Iron wire, bright, coppered, or tinned, drawn and finished, not more than one-fourth of an inch in diameter, not less than No. 16 wire gauge, two dollars per one hundred pounds, and in addition thereto 15 per centum *ad valorem;* over No. 16, and not over No. 25 wire gauge, three dollars and fifty cents per one hundred pounds, and in addition thereto 15 per cent. *ad valorem.* But wire covered with cotton, silk, or other material shall pay five cents per pound in addition to the foregoing rates.

Mr. POLAND. I offer the following amendment:

In line 351, after the words "15 per cent. *ad valorem,*" insert the following:
Over or finer than No. 25 wire gauge, four dollars per hundred pounds, and in addition thereto 15 per cent. *ad valorem.*

I would state, Mr. Speaker, that that provision is found in the tariff act of 1861, except that the specific duty was two dollars per hundred pounds instead of four dollars. It was afterward, by a subsequent statute, raised to four dollars per hundred pounds. The revisers, having gone over the tariff acts since that time, left this provision out, finding it was not contained in the several tariff acts passed since 1861. The provision, however, is still in full force, and the language of the amendment is copied from the act of 1861.

The amendment was agreed to.

The SPEAKER *pro tempore.* Will the gentleman from Vermont examine line 289? Is not the word "on" there intended for "all?" As it stands at present the sentence reads thus:

Brandy and on other spirits manufactured or distilled from grain or other materials, and not otherwise provided for, two dollars per proof gallon.

Mr. POLAND. I think it would be very well to insert a comma after the word "brandy;" but brandy does not profess, I believe, to be distilled from grain. We considered that subject in committee, and were satisfied that the language was right as it stood.

Mr. ELDREDGE. What kind of brandy is it you are speaking of?

Mr. POLAND. It is not explained in the book, and I have no further knowledge on that subject. [Laughter.]

Mr. ELDREDGE. If it is the brandy of commerce, I would like to have the gentleman tell us what it is made of.

Mr. POLAND. My next amendment comes in after the paragraph commencing on line 417, which is as follows:

Anvils and iron cables, or cable chains, or parts thereof, two cents and a half per pound.

I move to amend by adding to the paragraph the following:

Provided, That no chains made of wire or rods of a diameter less than one-half of one inch shall be considered a chain cable.

The amendment was agreed to.

Mr. POLAND. My next amendment comes in after the paragraph on page 592, commencing in line 477, as follows:

Steel, in any form, not otherwise provided for, 30 per cent. *ad valorem.*

I move to amend by adding to the paragraph the following:

Provided, That no allowance or reduction of duties for partial loss or damage shall be hereafter made in consequence of rust of iron or steel, or upon the manufactures of iron or steel, except on polished Russian sheet-iron.

The amendment was agreed to.

Mr. POLAND. After the word "iron," in line 497, insert the words "and tin," so that it will read "iron and tin plates galvanized or coated with any metal by electric batteries, two cents per pound." That is the counterpart of the preceding paragraph.

The amendment was agreed to.

Mr. POLAND. In line 520, before the words "German silver," insert the words "argentine, albata, or," so that it will read "argentine, albata, or German silver, manufactured," &c.

The amendment was agreed to.

Mr. POLAND. I move to strike out line 530, "metals, manufactures of," as unmeaning.

The amendment was agreed to.

Mr. POLAND. In the paragraph including lines 531 to 535, put in brackets these words, "except gold, silver, platina, copper, and steel."

The amendment was agreed to.

Mr. POLAND. After line 564 insert "on paddy one and a half cents per pound." That is rice prepared in a particular way, and we thought it better to have it come in here after rice, and take it out of the miscellaneous schedule.

The amendment was agreed to.

Mr. POLAND. In line 601, commencing "tank-bottom sirup of sugar-cane juice," it should be "tank-bottoms, sirup," &c.

Mr. ELDREDGE. What kind of sirup is that?

Mr. POLAND. I do not know.

Mr. ELDREDGE. That is a very good answer.

Mr. POLAND. We are only to find out what is the law; we are not to judge of its quality.

Mr. ELDREDGE. A very sensible man.

Mr. POLAND. "Tank-bottoms" is not a kind of sirup; it is an article by itself.

Mr. ELDREDGE. How does the gentleman know that? He could not tell what kind of sirup this was, and now he undertakes to put a comma in there, without knowing what that means, I suppose.

Mr. POLAND. I can read from the statutes.

Mr. ELDREDGE. What business has the gentleman to insert a comma there?

Mr. POLAND. We are trying to make this conform to the statutes. We can compare it without knowing much about sirups.

Mr. ELDREDGE. I only wanted to know what this "tank-bottom" is.

The amendment was agreed to.

Mr. POLAND. After line 663 insert the following:

Timber, hewn or sawed, timber used in building wharves, and spars, 20 per cent. *ad valorem.*

The amendment was agreed to.

Mr. POLAND. I now move to strike out lines 680 and 681, which read "timber used in building wharves, 20 per cent. *ad valorem.*" That is included in the amendment just adopted.

The amendment was agreed to.

Mr. POLAND. After line 679 insert—

Staves for pipes, hogsheads, and other casks, 10 per cent. *ad valorem.*

The amendment was agreed to.

Mr. POLAND. I move to amend by inserting before line 723, and as the first part of the paragraph commencing with line 723, the following:

The duty upon wool of the first class, which shall be imported washed, shall be twice the amount of the duty to which it would be subjected if imported unwashed.

That is a provision of the wool-tariff law, which by some accident or other was omitted. It is quoted from the statutes.

The amendment was agreed to.

Mr. POLAND. After line 762 insert the following:

Sheep-skins and Angora goat-skins, raw or unmanufactured, imported with the wool on, washed or unwashed, 30 per cent. *ad valorem* on the skins alone.

The amendment was agreed to.

Mr. POLAND. At the end of line 771, after the word "alpaca," insert a comma, so that it will read, "the hair of the alpaca, goat, or other like animal," &c.

The amendment was agreed to.

Mr. MYERS. As we are upon the subject of commas, I move to amend on page 619——

Mr. POLAND. Wait till we get to 619.

Mr. MYERS. I thought you had passed that.

Mr. POLAND. O, no; I am just coming to page 601.

Mr. MYERS. It seemed to me that as the question was upon commas, it would be well for me to move my amendment now.

Mr. POLAND. We may insert a great many commas before that.

Mr. MYERS. I wanted to strike one out.

Mr. POLAND. On page 601, after line 878, insert the following:

Argols, other than crude, six cents per pound.

Crude argols are on the free list.

The amendment was agreed to.

Mr. POLAND. In line 900 strike out "black," and insert it after "ivory-drop;" so that it will read "bone or ivory-drop black, 25 per cent. *ad valorem.*"

The amendment was agreed to.

Mr. POLAND. Amend line 904 so that it will read, "Manufactures of bones, horn, ivory, or vegetable ivory, 35 per cent. *ad valorem.*"

The amendment was agreed to.

Mr. POLAND. Amend paragraph commencing line 791 so as to read:

Slack coal, or culm, such as will pass through a half-inch screen, forty cents per ton of twenty-eight bushels, eighty pounds to the bushel; bituminous coal and shale, seventy-five cents per ton of twenty-eight bushels, eighty pounds to the bushel.

The amendment was agreed to.

Mr. POLAND. Amend paragraphs 985 and 986 so as to read:

Compositions of glass or paste when set, 30 per cent. *ad valorem;* when not set, 10 per cent. *ad valorem.*

The amendment was agreed to.

Mr. POLAND. Strike out, line 1002, which is intended to be on the free list, "crocus colcottra, 25 per cent. *ad valorem.*"

The amendment was agreed to.

Mr. POLAND. In line 1010 strike out the words "wool or worsted," and insert "linen or silk," so that it will read "embroidery—manufactures of cotton, wool, or silk," &c. In the same paragraph strike out the words "manufactures of linen or silk, 35 per cent. *ad valorem.*"

The amendment was agreed to.

Mr. POLAND. On page 603, in line 962, I move to amend by inserting a comma after the word "linen."

The amendment was agreed to.

Mr. POLAND. I move further to amend by inserting after line 1049, on page 605, the words, "fire-crackers not otherwise provided for, 30 per cent. *ad valorem;*" and on the same page, after line 1050, insert "Frankfort black, 25 per cent. *ad valorem.*"

The amendment was agreed to.

The SPEAKER *pro tempore.* The Chair will call the attention of the gentleman from Vermont to line 1032. When the amendment was made in regard to copper, in line 507, the gentleman stated that eyelets were on the free list.

Mr. POLAND. I was mistaken in saying that they were on the free list. They are provided for in another place.

The SPEAKER *pro tempore*. The Chair thought the gentleman was mistaken.

Mr. POLAND. I move to amend by transferring the following words, in lines 1175 to 1178, page 608, inclusive, to page 610, after line 1249:

But the term "statuary," as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

The committee thought that these words ought not to be in the paragraph about "marble," but should be in another place.

The amendment was agreed to.

Mr. POLAND. I move to amend by striking out line 1247, which is as follows:

Paddy one cent and one-half per pound.

The amendment was agreed to.

Mr. POLAND. I move to amend by inserting on page 611, after line 1320, the following:

Provided, That any philosophical apparatus and instruments, imported for the use of any society incorporated for religious purposes, are subject to a duty of 15 per cent. *ad valorem*.

The amendment was agreed to.

Mr. POLAND. On the same page, in line 1335, the word "and" should be changed to "or," so that the clause will read, "plaster of Paris when ground or calcined."

The SPEAKER *pro tempore*. That amendment will be made if there be no objection.

Mr. POLAND. I move to amend by inserting a comma after the word "lead," in line 1313.

The amendment was agreed to.

Mr. POLAND. I move the following amendments:

In line 1353, after the words "precious stones," insert "jewelry."
In line 1355, strike out the word "in," before "imitation," and insert "on."
In line 1376, insert after the words "provided for," the words "and rosin."

The amendments were agreed to.

Mr. POLAND. I move to amend by striking out line 1402, on page 613, and inserting the same on page 624, after line 427, in the free list.

The line proposed to be transferred is in these words:

Skins, dried, salted, or pickled, 10 per cent. *ad valorem*.

The amendment was agreed to.

Mr. POLAND. I move to amend by inserting after line 1440 these words: "twine or pack thread not otherwise provided for, 35 per cent. *ad valorem*;" also by striking out lines 1457 and 1458 on the same page, and by inserting "vitriol" after the word "blue" in line 1463.

In relation to these lines, 1457 and 1458—"vegetable substances not enumerated, five dollars per ton and 10 per cent. *ad valorem*"—I will say that in several of the tariff acts where hemp, jute, sisal grass, and various other articles of that character were made liable to duty, the words "other vegetable substances used for cordage" were added. Finally, in one tariff act the words "used for cordage" were dropped out, while the words "other vegetable substances" were retained. The revisers seemed to think the language must be continued in that form. The words have never been used, in any tariff act we can find, in any other connection than with hemp, jute, and sisal grass, and generally in connection with the words "used for cordage." The committee did not believe that it was intended to include potatoes, turnips, &c. Therefore we recommend the striking out of the words.

The amendment was agreed to.

Mr. POLAND. I move, on page 615, after line 7, in section 2501, to insert these words:

And all acids of every description used for chemical and manufacturing purposes, not otherwise provided for.

The amendment was agreed to.

Mr. POLAND. I move, in the same section, in line 5, near the top, to strike out the letter "e" and insert the letter "c," so it will read "succinic" instead of "suceinic."

The amendment was agreed to.

Mr. POLAND. I move on the same page, line 23, after the word "exported," to strike out the comma; so it will read:

American manufactures of casks, barrels, or carboys, and other vessels, and grain bags, (the manufacture of the United States,) if exported containing American produce, and declaration be made of intent to return the same empty, under such regulations as shall be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

Mr. POLAND. I move on page 616, line 89, after the word "birds," to insert "singing and other; and land and water fowl."

They are the very words of the statute. It has been decided by some court that land and water fowl are not birds. We follow simply the language of the statute.

The amendment was agreed to.

Mr. POLAND. I move on page 618 to make a verbal correction in line 163. The word which is printed "conian" should be "conium."

The amendment was agreed to.

Mr. POLAND. I move on page 619, in line 206, to strike out the letter "s" from "fruits" and the comma after "plants;" so it will read:

Fruit, plants tropical and semi-tropical, for the purpose of propagation or cultivation.

The amendment was agreed to.

Mr. POLAND. I move after the word "pieces" in line 214, page 619, to insert "and old glass;" so it will read:

Glass broken in pieces and old glass which cannot be cut for use, and fit only to be remanufactured.

The amendment was agreed to.

Mr. POLAND. I wish to say a word about the amendment which has been adopted. We propose to strike out the letter "s" from "fruits" and to strike out the comma after "plants" because they are not in Little & Brown's Statutes at Large. We propose to make it in the precise language and with the precise punctuation of the statute.

Mr. MYERS. Mr. Speaker, I move on page 619, in line 206, to strike out the comma after the word "fruit," as just amended by the gentleman from Vermont, and I desire to make a statement in this connection.

Mr. Speaker, it will be remembered the first meeting we had on this subject I called the attention of the House to the fact that by the insertion of a comma, which had no business in the laws, we were losing half a million of revenue, and that already one hundred and fifty to two hundred and fifty thousand dollars had been refunded to parties. By placing a comma after the word "fruit" the Treasury Department, by some logic and law not known to me or my reading, has been able to decide that fruit is on the free list. I was answered that evening by the gentleman having charge of the bill, as I suppose I shall be this evening, they had to take the laws—Little & Brown's, I suppose—just as they were, comma for comma, colon for colon, and period for period, sense or no sense, I suppose, because in this instance that would have to be the result. Now, I take it we are here not to alter the laws and not to allow any misspelling to make them read otherwise than they should. The section is "fruit, plants," but the law on the subject must be taken with its context. On page 605 of the codification which we have here it will be found—

Fruits: oranges, lemons, pine-apples, and grapes, 20 per cent. *ad valorem;* limes, bananas, plantains, shaddocks, mangoes, 10 per cent. *ad valorem;* green, ripe, or dried, not otherwise provided for, 10 per cent. *ad valorem;* preserved in their own juice and fruit juice, 25 per cent. *ad valorem*.

On page 612 will be found "raisins, two and a half cents per pound," and elsewhere other fruits are so much a pound. If a comma is there, and it reads that fruit is free, the paragraphs are utterly contradictory. These gentlemen who have labored so faithfully—never men more faithfully than they have—told me the other evening this comma would have to remain, because they find it in Little & Brown's edition of the Statutes. Now I beg to differ from them.

Let me refer them to page 611. There you will find that—

Plants: Fruit, shade, lawn, and ornamental trees, shrubs, plants, and flower-seeds, not otherwise provided for—

are 20 per cent. *ad valorem*. They might as well say, because a comma is put after the word "fruit," that fruit there is 20 per cent. *ad valorem*.

But on page 605 it will be found upon examination—it could not be found without that—that these gentlemen have undertaken to make an alteration, and very properly, because their duty has been performed most assiduously and faithfully. The paragraph at the foot of that page is as follows:

Fruits: Oranges, lemons, pine-apples, and grapes, 20 per cent. *ad valorem;* limes, bananas, plantains, shaddocks, mangoes, 10 per cent. *ad valorem*. But no allowance shall be made for loss by decay on the voyage, unless the loss shall exceed 25 per cent. of the quantity, and the allowance then made shall be only for the amount of loss in excess of 25 per cent. of the whole quantity. Green, ripe, or dried, not otherwise provided for, 10 per cent. *ad valorem;* preserved in their own juice, and fruit juice, 25 per cent. *ad valorem*.

That is not the way it read in the law originally. They have the right to put it that way because it does not alter the sense. Down to the word "quantity" it is according to the act of 1870. The clause "green, ripe, or dried," &c., is under the act of 1861. The clause "preserved," &c., is under the act of 1864. Now a semicolon follows the words "*ad valorem;*" and then they go on with another act.

They have the right to do this, because it does not alter the sense. They put semicolons frequently where they did not exist in the law; and they insert colons frequently, and commas *ad libitum*, to make sense. And yet they cannot strike out a comma to make sense and save the Government half a million dollars.

I know that these gentlemen are not any more familiar with the word which just precedes this one about which I am talking, but they have taken the liberty there, as they had the right to do, of spelling the word "fossils" correctly. In the act which they are quoting, and the language of which they say they must follow comma for comma, "fruit" has a comma after it, and they retain that comma after it; but when they found the word "fossels" in that statute, they have altered the "e" into an "i." Why? Because they had a right to make sense of it. And a little while ago the gentleman moved an amendment to change the word "mold" by putting a "u" into it.

Mr. POLAND. That is in the statute.

Mr. MYERS. Very well; I will leave that moldy word, but insist that they have altered the statute in reference to the word "fossels," so as to spell the word correctly as they had a right to do. And they had an equal right, where the thing is "fruit plants," not to leave it "fruit." This decision has been made in the Treasury Department, and, as I said, under that decision $250,000 have been refunded, and half a million dollars annually will be lost to the Government. The gentlemen say, and in good faith, that there is before the Committee

on Ways and Means a bill which proposes to enact anew what was the law and which will strike out the comma. But how do we know that that bill will pass? That we cannot tell. We know what the law is.

And let me say, further, to the gentlemen of the committee that I have traced out the matter, and they will find over in the Senate committee that this whole sentence was inserted in the Senate. It read "plants, tropical or semi-tropical." I believe the amendment was offered by Senator MORRILL, and over it is written the word "fruit," with an insertion mark making it "fruit plants."

Now, this is "fruit plants," because the context shows it; because the whole bill shows it; because there is in another part of the bill and in a number of parts of the bill an imposition of duty on fruits. And why shall we not here make this read correctly and have some sense and have some revenue to the Government which we are seeking so much, instead of blindly saying that because a comma was there we will adhere to it? Now this can be done or else this House is powerless.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question?

Mr. MYERS. I yield to the gentleman for a question, although I do not know that he should interrupt me. This is probably only the second or third time I have said anything on the subject. I repeat, and I do so earnestly, that I believe this can be done.

Mr. LAWRENCE. Does the gentleman insist that we can go back of the enrolled bill or act in the office of the Secretary of State?

Mr. MYERS. I have already given the gentleman an Irishman's answer to that. I have shown him that the committee have so gone back, and I could show it in a hundred instances.

Mr. ELDREDGE. If the gentleman from Pennsylvania will allow me, I would ask him if it has not been the constant effort of the gentlemen who have had charge of this revision to make the law conform to the decisions of the Department; whether their amendments have not tended to conform not only to the language of the law but to the decisions of the Government?

Mr. MYERS. I think not.

Mr. ELDREDGE. I think I can show several instances where that is done.

Mr. LAWRENCE. We have not varied the words of the statute for that purpose.

Mr. ELDREDGE. If the gentleman will look at what we have passed in reference to "crude argols," he will find that they have conformed the duty to the decision of the Department. In the original law it was "argols or crude tartar." They have left "crude tartar" out of the free list altogether, and put in "crude argols." That is the language here; and that change is made for the very reason or purpose, as I suppose, of conforming this codification to the decisions of the Department. And that seems to have been the effort of the committee; not only to reconcile the statutes, but to conform the codification to the decisions of the Department. I so suggested to the gentlemen several times, and yet they insist that no amendment shall be made. They leave out whole chapters and whole sections, and in a few words attempt to give us what the law is, and yet they refuse other gentlemen here the opportunity of making a single amendment to make certain the law, which is very uncertain.

Mr. KELLEY. If my colleague [Mr. MYERS] will permit me, I would like to ask the gentleman from Wisconsin, [Mr. ELDREDGE,] whether there is any difference between "crude argols" and the other phrase he uses?

Mr. ELDREDGE. I might answer the gentleman just as lucidly as the gentleman from Vermont [Mr. POLAND] answered me a little while ago, that I do not know. It is not material whether I know or not. The language of the original act was "argols and crude tartar;" that was in the free list. Now we have in the free list here only "crude argols."

Mr. KELLEY. If "argols" means "crude tartar," and "crude tartar" means "argols," why should all three words be used?

Mr. ELDREDGE. That is what I want to know. It is said that it was held by the Department that "crude tartar" was the same thing as "argols." Hence, they put in this revision "crude argols." In the statute "argols" was put in the free list with "crude tartar." Now, in order to conform it to the decision of the Department, they have put in this revision only "crude argols."

Mr. POLAND. If the gentleman from Pennsylvania [Mr. MYERS] will allow me to say a word about "argols" while he is looking up his comma——

Mr. MYERS. I do not need to look it up, for I have it all here.

Mr. POLAND. The gentleman from Wisconsin [Mr. ELDREDGE] is entirely mistaken in supposing that we are trying to back up any Department doctrine or decision in this case or in any case. Now, upon this subject of "argols," I have not looked to see how it was in the earlier statutes. But in the very latest statutes it is "crude argols" in the free list. And it is quite evident from their use of this language that there is another description of "argols" not covered by the description "crude." And I learn that argols are scarcely ever imported in a crude condition, but the article imported is on the way to make cream of tartar. We have therefore inserted here the words "argols not crude" as subject to duty. We have followed no decision of the Department, but we have endeavored to embrace just what we find to be in the statute.

Mr. ELDREDGE. Will the gentleman from Vermont [Mr. POLAND] refer me to the page and line where he has made "argols not crude" subject to duty?

Mr. POLAND. No, sir.

Mr. ELDREDGE. If he can, then he can do what I have not been able to do.

Mr. POLAND. The law says that "crude argols" may come in free; we say that the law remains that "argols not crude" are subject to duty.

Mr. ELDREDGE. Will the gentleman give me the page where "argols" are subjected to duty?

Mr. POLAND. Certainly.

Mr. ELDREDGE. That is what I would like to know.

Mr. E. R. HOAR. It was inserted as an amendment, on page 601, after line 878.

Mr. ELDREDGE. I think the gentleman is mistaken.

Mr. MYERS. I do not believe that the committee are trying to make the law accord with any decision of the Department. They have been trying very faithfully to do their duty. But they must not object when gentlemen come here and point out to them a mistake and show them out of their own mouths that they are mistaken; they must not object to that, but be willing to let the House do as they please. The gentleman from Ohio [Mr. LAWRENCE] has asked me to point out where there had been any alteration of the enrolled bill, and I will give him one. *Ex uno disce omnes.* He likes quotations, and I give him a maxim, though I believe I have never made a Latin quotation on this floor before.

Mr. HALE, of New York. Which means "a bird in the hand is worth two in the bush." [Laughter.]

Mr. MYERS. Yes. Now on page 611 of this revision, the paragraph from lines 1331 to 1334, inclusive, is as follows:

Plants: Fruit, shade, lawn, and ornamental trees, shrubs, plants, and flower-seeds, not otherwise provided for; garden seeds, and all other seeds for agricultural and horticultural purposes, not otherwise provided for, 20 per centum *ad valorem*.

How does it read in the enrolled bill, or in Little & Brown? It reads: "On fruit, shade, lawn, and ornamental trees," &c. The "on" is entirely omitted in this revision, which gives "plants" as a heading, and then "fruit, shade, lawn, and ornamental trees," &c. The word "on" is left out, the commas are put in; and, as I have shown in another case——

Mr. LAWRENCE. The sense is exactly the same.

Mr. MYERS. Of course, and I want the sense to be exactly the same. The gentleman asks me where they have altered the existing law? I say to him that they have done so in five hundred places in order to conform to the sense. I have shown just now a case where three laws have been incorporated into one, and where a semicolon had been put in place of a period. It did not alter the sense. It was right to make the change. I am not quarreling with the committee.

Mr. POLAND. Does the gentleman want the committee to alter the law?

Mr. MYERS. No, sir; I claim that you have done your duty well; that you have spent upon this work a great deal of time and labor, for which perhaps the country will never sufficiently thank you; but I claim that you are not perfection, and that as you have made alterations in certain places in order to convey the sense of the laws, we have a right to make an alteration here with the same view. I invite any member of the committee reporting this bill, especially the gentleman from Vermont, to say whether the sense of this provision was that fruit plants or fruit was to be free. Before the gentleman answers that question, however, I see that my amiable friend from New York [Mr. HALE] wants to propound an inquiry to me; and I am ready to hear him.

Mr. HALE, of New York. The gentleman from Pennsylvania [Mr. MYERS] is citing particular instances in which he says the committee have altered the language without altering the meaning. Now, I ask him whether he thinks that the alteration he proposes will or will not change the meaning?

Mr. MYERS. I think that the amendment which I propose, conforming as it does to what was written in the law and what was passed by Congress, will not alter the meaning.

Mr. HALE, of New York. Does my friend mean that it does not alter the meaning of the provision in the statute, or that it does not alter the meaning of the enrolled bill? I understand the gentleman to be arguing that his amendment is an alteration, and that the provision ought to be altered, because the law intended something else.

Mr. MYERS. I will answer the gentleman. Perhaps I cannot explain myself as lucidly as my friend from New York; but I supposed that every gentleman on this floor understood my proposition. I undertake to say that if there had been no decision in the Treasury Department making a question upon the meaning of this paragraph, deciding that fruit came in free, although a number of previous paragraphs provided that various kinds of fruits should pay duty, there would have been no objection whatever in this House to striking out the comma, which was inserted by mistake, and making the language read "fruit plants."

Mr. LAWRENCE. How do you understand that?

Mr. MYERS. Does not my friend understand me? Have I not made myself clear?

Mr. LAWRENCE. Perfectly clear.

Mr. MYERS. Then just as the gentleman has left out the word "on," just as he has inserted semicolons, just as he has come to his rounded periods whenever he wanted to, so I affirm (and I point to the instances) the committee have left out words that are to be found in Little & Brown's publication of the laws.

Mr. LAWRENCE. We have not altered the law.

Mr. MYERS. Nor does this alter the law.

Mr. LAWRENCE. Does it not alter the law from what it was in the enrolled bill?

Mr. MYERS. Let me say in this connection that I am earnest in this matter; I believe these gentlemen of the committee are earnest; but I have not yet been answered sufficiently. I agree with them that leaving the comma in does not make the sense different; that with the comma in the provision means fruit plants, because it could mean nothing else. That being the meaning, and as leaving the comma out would make it no worse and no better, I propose to have the language as the context shows was the intention of Congress in passing the law, so that we shall not have any more such decisions in the Treasury Department. The decision may have been made—no doubt it was made—with perfect honesty; but we ought to know the meaning of the laws we pass; and inasmuch as the gentlemen of the committee have done what they pleased with grammar and punctuation in order to make the language conform to the sense, I propose to strike out this comma, so as to make this provision conform more perfectly to the sense; which we have a right to do, unless I have read the law to very little purpose. I would like some answer upon this point before we pass from it, and I wish also a vote upon the question.

Mr. POLAND. I do not propose to enter into a very long debate with my friend from Pennsylvania, [Mr. MYERS.] It is undoubtedly true, as he says, that these revisers of the statutes have changed the phraseology of the laws to a great extent; they have left out a great many words that they deemed unnecessary and unmeaning; they have endeavored to improve the phraseology; and where they wanted to extract what was the existing law from a large number of statutes they have taken from all of them what seemed to be in force, and have cast a new form of statute, embracing the substance of the existing law. Hence, in reference to the motion of my friend from Pennsylvania to strike out this comma, I have no complaint to make that it proposes to go beyond what the jurisdiction of the revisers or the committee in going over this work would authorize. But I understand that the gentleman himself is entirely content that the purpose of this revision should be what it proposes to be—a codification of the laws as they existed at the commencement of the present session of Congress. What he proposes, he says, is not any alteration of the law. Now, Mr. Speaker, that brings us to the very point. Does everybody agree to that? The gentleman himself says that a high officer of the Government has decided that the law is directly contrary to what the gentleman himself claims, and that decision has been made, he says, at the expense of a million or two of dollars to the Government.

Now, the question as to the true construction of this law, whether it puts fruit on the free list or leaves fruit subject to duty, is a question in which a great many people of this country are interested. The rights of numbers of persons depend on the decision of the question.

Mr. MYERS. I defended the gentleman—he needs, however, no defense from me—but I defended him against the intimation of the gentleman from Wisconsin, [Mr. ELDREDGE,] which was that these gentlemen were conforming their codification of the statutes here to the decisions in the Department. Now, it would appear as if that was being done in this instance.

Mr. POLAND. O, no!

Mr. MYERS. I wish to ask one question: Does this read "fruit plants" in his opinion? We are entitled to his mature judgment. Does it read "fruit plants" or "fruit?" Which should be upon the free list?

Mr. POLAND. I do not suppose it makes any sort of difference what my opinion is.

Mr. MYERS. Yes, it does, a great deal.

Mr. POLAND. Perhaps I might agree with my friend from Pennsylvania, whether the comma is there or is not there, it does not make any sort of difference in the law; but it is a question touching the rights of men in relation to this, as they claim the construction of the law depends on whether that comma remains there or not. Therefore while this is an important question, we deem it enough for our purpose and the fulfillment of our duty, where this was not a number of statutes to be brought together and out of them to extract what is the essence and spirit and meaning of the law. But here is a single line in the statute about which there is a difference as to its legal construction and meaning, and whether it is to be construed as making "fruits" free, or whether it is to be construed as making only "fruit plants" free, is a question which may vary the rights of a great many men. We do not feel at liberty to change it while we are not legislating at all, while we are merely undertaking to bring forward just what are the existing statutes. And all there is of this is one single line. If we leave it on the statute-book just where we find it, with the precise words and in their precise order and with their precise punctuation as they stand on the statutes, we think we have exactly fulfilled our duty to the House and the country.

Mr. MYERS. Is the word "fruits" in the law?

Mr. POLAND. No.

Mr. MYERS. That has been a long answer, and I do not know what is the gentleman's opinion, whether he means "fruit plants" or "fruits." We have a right to his opinion, even if the Treasury Department has decided.

Mr. POLAND. I thought I answered. It is a matter of no account which way I think it is.

Mr. ELDREDGE. Will the gentleman allow me to make a suggestion?

Mr. POLAND. Certainly.

Mr. ELDREDGE. I am astonished at the gentleman's remark, I confess, but it is not the first time I have been astonished. I have been astonished at the amount of labor the gentleman has done, and the amount of industry he has exhibited. I commend him for that. The gentleman says it is a matter of no sort of account what his opinion is on this subject. I think the gentleman certainly ought not to be so understood. All of the gentlemen of the committee have told us they were boiling down into one volume sixteen or seventeen volumes of statutes, and in doing that they have to extract what they believe the law to be in any given and in every given case. Now, then, the gentleman tells us here is a statute which he tells us it is of no earthly consequence what his opinions are on it. Yet he is extracting the law and putting sixteen volumes into one, giving us the gist of it, and making it clear and unmistakable. Nevertheless he tells us he has no opinion on it he is willing to give the House. In answer to the gentleman from Pennsylvania he coolly tells us it is no sort of consequence what his opinion is on a given statute.

Mr. MYERS. I will read the language which is so much talked about: "Fruit, plants, tropical and semi-tropical, for the purpose of propagation or cultivation." Should that read "fruits" to make sense?

Mr. POLAND. I do not suppose we should contract the statutes or we could get them into less space by striking out this comma. [Laughter.] So far as brevity is concerned, we would not accomplish much by striking out this comma.

Mr. ELDREDGE. I ask in all candor whether it is not of some sort of consequence whether the comma should be out or in? Whether the law would be clearly expressed with the comma in, or whether it would be more clearly expressed with the comma out?

Mr. O'NEILL. I would suggest to the gentleman from Wisconsin that at last "ye shall know them by their fruits."

Mr. ELDREDGE. I do not understand the gentleman from Pennsylvania.

Mr. POLAND. It is from the Bible; you will not understand that. [Laughter.]

Mr. HALE, of New York. Will the gentleman from Vermont yield to me for a few moments?

Mr. POLAND. Certainly.

Mr. HALE, of New York. The gentleman from Pennsylvania [Mr. MYERS] insists that the proper construction of this statute requires the striking out of the comma, because he says it is inconsistent with the other provisions. He states that it is inconsistent with the other portions of the statute which provide for a duty on fruits; and on that the gentleman from Pennsylvania based his argument that this could not have been intended as a separate word, "fruit," with a comma following it.

Now, I call the gentleman's attention to the fact that the paragraph, the provisions of which he referred to, laying the duties upon fruits—"oranges, lemons, pine-apples, bananas," &c.—is not a part of the same statute by which this free list was created, but belongs to a statute passed some two years previously. The statute of 1870 placed a tax on certain fruits—oranges, lemons, pine-apples, &c.—and is found in volume 16 of Little & Brown's Statutes, on page 265. The statute of 1872 contained the words which are in question here, placing on the free list "fruit, plants, tropical and semi-tropical, for the purpose of propagation or cultivation."

Mr. MYERS. I understand the gentleman's point, and to relieve his anxiety I will state——

Mr. HALE, of New York. Allow me a single moment.

Mr. MYERS. And I will answer that fully.

Mr. HALE, of New York. Now, then, I think we come right to the meaning of the Treasury decision and to the very gist of the question, whether we are here to change the law by undertaking to strike out the comma. The decision of the Treasury Department was that this word "fruit" included in the free list, as I understand this decision, was a word standing by itself and constituting fruit an item upon the free list. That being so, they held, and they must have held of necessity, that it repealed the provisions of the act of 1870, which laid a tax upon oranges, lemons, pine-apples, grapes, &c. And there precisely was the ground on which the Treasury was justified in so doing, if the statute read as it appears on the face of it to have read, "fruit" constituting an item by itself, while "plants" designed for propagation, &c., constitute another item upon the free list.

Now in this revision—and the matter it seems to me is an important one—the committee have retained in their report, and give us on page 605, the provisions of the act of 1870 taxing oranges, lemons, pine-apples, &c. There it seems to me they are wrong. If the construction of the Treasury Department was right, that clause was repealed by the act of 1872 placing fruit upon the free list. There-

fore I think the committee, if they retained "fruit" with the comma here, should have struck out the paragraph on page 605, beginning with line 1054; because, occurring in the same statute, they are inconsistent with each other.

Mr. MYERS. Now, Mr. Speaker, if the gentleman from New York [Mr. HALE] has finished, I will proceed to answer the point he has attempted to make.

Mr. LAWRENCE. Before the gentleman from Pennsylvania [Mr. MYERS] proceeds, will he allow me to ask him a question?

Mr. MYERS. Let me answer one at a time.

The SPEAKER *pro tempore*. The gentleman from Vermont [Mr. POLAND] has the floor. He will state to whom he yields.

Mr. POLAND. I think it is now the turn of my colleague, the gentleman from Ohio, [Mr. LAWRENCE,] and I yield to him.

Mr. LAWRENCE. I wish to ask the gentleman from Pennsylvania a question. His amendment, as I understand, is to strike out a certain comma between "fruit" and "plants." His object is to make the sentence read "fruit plants," as though "fruit" and "plants" were parts of one word. Now, I ask him if he accomplishes his object by striking out the comma, without inserting a hyphen between the words? He is a learned gentleman——

Mr. MYERS. Not at all. The learning of the House is almost centered in the committee.

Mr. LAWRENCE. The gentleman has translated books from foreign languages, from languages other than our own, and I therefore appeal to him as a learned gentleman.

Mr. MYERS. We are now discussing the construction of the English language, in which my friend from Ohio ought to be well versed. To the gentleman from New York [Mr. HALE,] I will say, though not at all disrespectfully, that his argument is not worth a fig. In the same act where "fruit, plants, tropical and semi-tropical," are inserted—in the same act, not another—we have "figs, two and a half cents per pound;" "raisins, two and a half cents per pound;" "dates and prunes, one cent per pound;" "currants, Zante or other, one cent per pound."

Mr. HALE, of New York. Are dates, prunes, &c., fruits?

Mr. MYERS. I think they are fruits, and a duty is imposed upon them. Yet the insertion of this comma would allow certain gentlemen still to read that fruit is on the free list. The gentleman sought out a paragraph belonging to another act, and founded his argument upon that. I suppose he intended to do what was right; but he did not know that I would find in the very same act something that would destroy his argument. I refer the gentleman to a section which establishes the fact that duties are imposed on fruits of various kinds, which is not consistent with fruit being on the free list.

Mr. HALE, of New York. As I understand, the Treasury Department do not hold that currants, dates, &c., come in under the head of fruit; but that the green fruits on which duties were imposed by the act of 1870 do come under that designation.

Mr. MYERS. I will say that these answers continually bring us to a fact, which I did not before suppose to be a fact, that the gentlemen who reported this code are led away by the decisions of the Treasury Department.

Mr. LAWRENCE. O, no.

Mr. MYERS. They refer to them constantly.

Mr. POLAND. I referred to them merely to show that there was a controversy as to the meaning of this paragraph, and that we did not understand it to be our business to decide as to the meaning of a statute that was in controversy and upon which the rights of parties were depending.

Mr. MYERS. I still come back to the point——

Mr. POLAND. You charge us with——

Mr. MYERS. I charge you with nothing, only of laboring too much, and of giving us but little credit when we try to labor with you in what we deem to be the right direction. I asked a question, to which I failed to get an answer, of the very learned, able, and distinguished gentleman and lawyer who reported this code, [Mr. POLAND,] whether he thought this meant "fruit plants" or not. He evaded the question, and very properly, perhaps, because he cannot give any answer but the one I had indicated. I read the sentence "fruit plants, tropical and semi-tropical"—what for? "For purposes of propagation or cultivation." Now if it means that fruit should be on the free list, then will it mean that fruit is imported for propagation or cultivation? Sir, that is not the meaning of the statute.

These gentlemen, in gathering up these various statutes, putting in and leaving out commas and colons here and there, endeavor to get at the meaning of the law. But it shows itself on this floor that there is a fear that they shall offend some high officer of the Government who has decided otherwise. Instead of being a law unto ourselves, instead of saying manfully and rightfully what we believe the law to be, we put what seems to be sense in some sections and nonsense in others.

Mr. LAWRENCE. What about the hyphen?

Mr. MYERS. The gentleman wants to know, if a comma is struck out, whether I will not have to put in a hyphen. Not at all, though there would be no objection to it.

Mr. FIELD. I would suggest to the gentleman from Pennsylvania [Mr. MYERS] that he modify his amendment so as to strike the letter "s" out of "fruits," and to insert a hyphen between "fruit" and "plants."

Mr. MYERS. The letter "s" should also be struck out. The gentlemen put in an "s," thinking it meant fruits, and they found by looking at Little & Brown that the "s" was not there.

Mr. POLAND. We did not put it in there.

Mr. MYERS. It was in the print; I saw it there.

Mr. POLAND. We did not make the print.

Mr. MYERS. Very well; I apologize on the "s" question.

Mr. FIELD. I think a hyphen would improve the meaning very much.

Mr. MYERS. I would have no objection at all, except that it is very plain as it is. We are inserting nothing at all. It would read as intended, as I read it, "fruit plants."

I will now yield to the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. I think I can answer the question which the gentleman from Pennsylvania [Mr. MYERS] asked. I will premise, so that he will listen with more candor to my explanation, that the conclusion I have come to agrees with his own.

Mr. MYERS. I always listen carefully to the gentleman.

Mr. E. R. HOAR. I say that I have not been aware that the committee had in any case endeavored to change their views of the law, or the letter of the law, to correspond to any decision of the Department. We have in several cases, in one or two of which I had the honor to explain to the House on previous evenings, where the law was ambiguous, where, on the reading of the words, it was equally susceptible of either construction, and where there has been a uniform usage and practice of the Government under the law, commencing from the time it passed, and continuing a series of years—we have considered that the rule of contemporaneous construction was sufficient to justify us in making the language of the law clear and explicit in conformity thereto. I believe that is the rule adopted always in the construction of laws by the courts. We have done it to that extent only.

Now I concur with my friend from Pennsylvania, that it is necessary for the chairman of our committee to have an opinion upon the meaning of this statute. There was once a judge in my State who had two young men before him to be examined for admission to the bar. After the examination was over, he came into court and said that he had examined those two young men, had asked them about a hundred questions each, and only one out of the whole lot had been answered correctly; that is, he asked one of them what an escrow meant, and he said he did not know. [Laughter.]

Mr. POLAND. What State did they come from? [Laughter.]

Mr. E. R. HOAR. That is a point I never inquired about. The reason that I think this House, and perhaps therefore the Committee on Revision, should have a conclusion upon the meaning of this statute is this: In a former act "fruits" were included, with an enumeration of various kinds, such as "oranges, bananas, pine-apples, lemons, grapes," &c. That was taken from a former statute, which imposed those duties, and the committee have reported it here without alteration. Now, it is obvious that if the meaning of this phraseology is that fruits are made free, we should not leave in this revision those other provisions to be re-enacted. We should report that they be stricken out; because the very object of this revision was that where there were upon the statute-book two laws apparently contradictory, it should be determined which was the existing law, and that the one found not to be in force should not be included in the revision. It would seem to follow that if the Treasury construction of this provision is correct, there is no law in force such as is found on page 605; and if that construction is incorrect, then the language of the statute, which allows the laws in regard to fruit on page 605 to stand, should be made so explicit and clear (although we may change the phraseology) as to give the meaning of this second provision. I am afraid, therefore, that the committee, as a part of their duty, will be obliged to determine what the meaning of this provision is, whether corresponding with the construction of the Treasury Department or not.

Now as to the reasons why the Treasury Department would say dried fruits were not covered by this. In the same statute in which is found this critical provision that we are dissecting in regard to fruit plants, there are found specific duties on dates, prunes, figs, and other dried fruits. But it is also true that in the former statute, which contained the general provision found on page 605, giving the enumeration of these fresh fruits—oranges, lemons, and pine-apples—gentlemen will find, in line 1005, dates and prunes, and in line 1044, figs. Therefore, dried fruits were distinguished from fruits just as much in the previous statute as they would be in this. If the statute we are considering had, without saying anything about tropical plants, provided that fruits should be on the free list, it would, of course, be consistent with having dates, prunes, &c., subjected to specific duties in the same statute, just as in the former statute fruits were embraced under one provision and dried fruits under another.

Mr. HALE, of New York. Let me call the attention of the gentleman from Massachusetts to the fact that he is in error in supposing that the word "fruits," which appears in the report of the committee on page 605, is found in the statute of 1870. It is not found there. The duty is only on oranges, bananas, &c., not enumerated as fruits. The word "fruits" is placed as a heading.

Mr. E. R. HOAR. The gentleman from New York is correct on that point; but fresh fruits are enumerated in a separate clause from dried fruits.

Mr. MYERS. The answer which has been made is perfectly satisfactory; and I would not quibble about dried fruits. I only illustrated that they were in the same act. It does not matter which act they are in; we are enacting a code. But still the gentleman from Massachusetts, [Mr. E. R. HOAR,] agreeing with me in my first proposition, and agreeing that the committee should answer and should do one thing or the other—either strike out the previous section or do as I propose, make the language read at all events (with or without the hyphen) "fruit plants." I call his attention further to the fact that, though deciding against his colleague on the committee, he has not himself yet expressed an opinion as to what should be done. Therefore I ask him whether the language "fruit, plants, tropical and semi-tropical, for the purpose of propagation or cultivation," can in his judgment mean fruit?

Mr. E. R. HOAR. I have no hesitation in answering that in my opinion it very clearly never was intended to make fresh fruits free; and that the construction adopted by the Treasury Department should have been different.

Mr. MYERS. And the words "for propagation" serve to illustrate the meaning?

Mr. E. R. HOAR. I think that whatever will make the meaning clear—whether by the use of the words "fruit plants for propagation or cultivation," or the use of a hyphen, or by the change of the letter "s"—should be adopted by the House. This is the course which as an individual I should favor. Though members of the committee are not obliged to express their individual opinions, I think the House must decide as to what the statute should contain.

Mr. MYERS. I move to strike out the comma after the word "fruit," and to insert a hyphen.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania, as the Chair understands, modifies his previous motion so as to strike out the comma and connect the two words by a hyphen, making the language read "fruit-plants."

Mr. SAYLER, of Ohio. I submit that the hyphen ought not to be inserted.

Mr. MYERS. I am not tenacious about that.

Mr. SAYLER, of Ohio. The word "fruit" is used as an adjective as well as a noun. We talk of "fruit trees," &c.; and in this very schedule the word is used as an adjective.

Mr. E. R. HOAR. Mr. Speaker, I wish to say, before I sit down, that in what I said in answer to the gentleman from Pennsylvania I was not speaking for the committee, as I had no authority to speak for the committee, but I was simply giving, in answer to his interrogatory, my own individual opinion.

Mr. POLAND. After what has been said, Mr. Speaker, I wish to say a word more, not, however, to prolong this discussion. It is quite clear to the committee, having examined this work, having recommended no change in relation to that provision taxing fruits by name or by description, if they understood this line put fruits on the free list, they would have changed one or the other. It would not require a very remarkably wise man to determine what the opinion of the committee must have been as to the legal meaning of this section. But the view the committee took of it as to their duty what they ought to do: we do not suppose, where here is a single statute, although it may be doubtful in its meaning—people might differ as to what its true construction was; there may be litigation pending; the rights of parties depend on it; where it should be; we did not understand—at least I did not understand—it came within the purview of this committee to solve all doubtful questions of law. If here are half a dozen statutes, and the statutes have been amended in various particulars, of course, in order to condense, in order to reduce them, the duty of the reviser, the duty of the committee, in looking over the work, is semi-judicial. But here was a single line in a very recent statute upon which there was a dispute as to the meaning, and the rights of parties depended on it; and though apparent enough to the committee what the opinion must be as to the meaning and the right construction of it by any sensible Department, or any sensible man at the head of the Department, they did not deem it to be their duty to change that single line of the law at all, but to let it stand just as they found it in the statute. And I for one did not deem it my duty to undertake to pass judgment and change that law so as to make the meaning of it clear in one direction or the other.

Mr. ELDREDGE. Will the gentleman tell us why he gave the answer that it was entirely immaterial and of no sort of consequence what his opinion of it was?

Mr. POLAND. That is my view at this very moment. [Laughter.]

Mr. ELDREDGE. The gentleman tells us he thinks no man could have had any doubt as to what the opinion of the committee was of that language.

Mr. POLAND. That was their good luck. [Laughter.]

Mr. ELDREDGE. I submit to the gentleman he is exceedingly modest, and giving more credit to the gentleman who had an opinion of the meaning of this language than to himself. He said, however, it was of no sort of consequence what his opinion was.

Mr. POLAND. I say if the committee understood this statute to bear the meaning they say some people give to it, it is very clear they could not have left another statute which they had compiled and left in force which they said would be in conflict with that construction.

Mr. ELDREDGE. I really supposed the gentleman from Vermont intended we should understand that answer he gave to me, that he did not know, should apply to this.

Mr. POLAND. Not that I did not know, but it was nobody's business what I did know. [Laughter.]

Mr. CASON. Mr. Speaker, I wish only to say one word on this question, and I will occupy only for a moment the attention of the House. I do not understand, when the chairman of the committee says it is not any business of the House what his opinion is as to the construction of this law, he means by that to say it is not the business of the House to know what his opinion is in relation to the statute. I understand him to mean this, that when you come to give a construction to the statute and make it plain, one way or the other, that is a construction which a court would have to give it, that is a construction from the language of the law. But I say here, Mr. Speaker, it is not the proper duty, it is not required of us, to state what our opinion of the construction of the law is. It is our duty to say what we find a law to be.

Mr. ELDREDGE. That is precisely what the gentleman from Vermont [Mr. POLAND] would not say. He says it is nobody's business what the opinion of the committee was on that point.

Mr. CASON. We find this law to be "fruits," with a comma, "plants, tropical and semi-tropical, for the purpose of propagation or cultivation." That is what we find the law to be. Now let the gentleman give it the construction he pleases.

Mr. LAWRENCE. We find the law to be expressed in those words.

Mr. CASON. Yes, sir; we find it expressed in those words, and we find it nowhere else; and when they ask us to give it a construction they ask us to do the duty of a court.

Mr. MYERS. I will ask the gentlemen if they have not conscientiously tried to ascertain the sense of the laws; if they have not dovetailed them as they judged they should be.

Mr. CASON. We have presented this revision as we judged the statutes to be, not as we judged the construction of a court would be. We have endeavored to ascertain what the language of these statutes, the literal letter of them, means.

Mr. MYERS. Does the gentleman understand that fruit can be imported for the purpose of propagation?

Mr. CASON. I do not say anything about that. I say I find these words in the statute, and that is sufficient for me and should be sufficient for the gentleman from Pennsylvania unless he wants to change the law.

Mr. MYERS. I have stated that I have found instances in which the committee have inserted the word "on" and inserted semicolons which are not in the law.

Mr. CASON. But you will find that none of those changes alter the letter of the law. But if you make this change you do alter the letter of the law.

Mr. ELDREDGE. It would seem that if we take the speech of the gentleman from Indiana [Mr. CASON] and the speech of the gentleman from Vermont [Mr. POLAND] it is of no sort of consequence what the committee think.

Mr. CASON. I leave the gentleman to decide that for himself. I do not think it matters very much to the House whether our speeches exactly correspond or not.

But I wish to say a word more on this matter and then I have done. It has been stated by the gentleman from Wisconsin [Mr. ELDREDGE] that the committee is captious in relation to accepting amendments. I think that the chairman of this committee has said time and again, and several members of the committee have repeated it, that we are anxious to have information and suggestions from any person and from every person. We have listened with the greatest patience to all kinds of suggestions and we are anxious to have them. We are anxious to receive suggestions on this matter; and we are not, as I understand the committee, at all tenacious whether this amendment is made or not. As we report the section it is our opinion, and we hold that opinion just as honestly as the gentleman from Pennsylvania holds his opinion, that we give what is found in the law. We are perfectly willing to hear the gentleman from Wisconsin on any question, but we cannot agree with him when he gets up and says that because he as an individual member of this House makes a suggestion to the committee, the committee ought to ignore their own judgment, arrived at after careful and considerate study. And yet at the same time the gentleman charges us with being captious because we do not give our opinion. I do not understand how the gentleman can make it out that he is consistent with himself in relation to that.

Mr. ELDREDGE. I understand the gentleman from Indiana [Mr. CASON] to say that the committee were perfectly willing to give their opinion. Taking him at his word, will he tell us what he thinks is intended by the portion of the statute now under consideration?

Mr. CASON. When did I make the statement to which the gentleman refers?

Mr. ELDREDGE. Almost in the last sentence which the gentleman uttered.

Mr. CASON. I did not mean to say that. I said we were willing to hear all sorts of suggestions. I did not speak of giving my opinion, but said we were willing to hear the opinions of any person.

Mr. ELDREDGE. Then, as one of the committee, you are unwilling to give your opinion of that statute?

Mr. CASON. I am not. I am willing to state that I understand the statute to be just as it reads. And if the gentleman wants to con-

strue it one way, and the gentleman from Massachusetts [Mr. DAWES] wants to construe it in another way, and the Treasury Department want to construe it their way, they have the right to do it. But I say the statute is just as it reads.

Mr. WILBER. But if, by a particular construction of the statute, we are losing $500,000 a year, should it not be changed?

Mr. CASON. The gentleman says if we are losing $500,000 annually by this construction of the statute it ought to be changed. I think if there is any doubt about the construction of the law there ought to be an act changing it. But we stated at the outset, on the very first evening that the House met to consider this revision, that we were to take the law as we found it on a certain day.

Now, as I said a few moments ago, I do not understand that the committee are tenacious whether this change is made or not. All that we ask is simply this: when we report what we think the law to be, we submit that matter to the House. If the House desire to change it from what we report it, then let them change it; the committee will not quarrel about that. We simply ask to have our own views in relation to this question; to bring the law before you as we think it is. If the House think the law should be changed from what we report it, then the House have the right to change it. But do not let members come forward, as the gentleman from Wisconsin [Mr. ELDREDGE] has several times done, and say that the committee have changed the law.

Mr. WILBER. If the committee have changed the statute in any places to make it just cover the exact meaning intended, then why not change this, if we feel confident that is the case here?

Mr. CASON. The gentleman from Vermont [Mr. POLAND] has given the reason for that; whether it is a good reason or not it is for the House to determine. The gentleman from Vermont has already said that there may be litigation; that there has been a construction of this law by one of the Departments of the Government; that the language here is susceptible of more than one construction. And finding that to be the fact, we did not feel like taking the responsibility on ourselves to determine the question by construing it one way or the other, but we gave the identical language as we found it.

Mr. ELDREDGE. Will the gentleman from Indiana [Mr. CASON] tell the House whether, in his opinion, if the comma is struck out it will change the meaning of the law?

Mr. CASON. I will answer as the gentleman from Vermont did; I do not think it is any business of the House what my opinion is. It is the duty of the House to determine the question. If I wanted to educate the House, then I might tell the gentleman what my opinion is. I presume he can tell that as well as I can. If he will agree to vote according as I will give my opinion, then I can see some reason for giving it.

Mr. ELDREDGE. I am not here to drive a sharp bargain with my friend from Indiana.

Mr. CASON. I understand that very well.

Mr. ELDREDGE. Nor would I enter into such an arrangement, because it might not be parliamentary. But the learned gentleman having examined this statute with the other gentlemen of the committee, and knowing precisely what it is, I think that since the gentleman from Pennsylvania, [Mr. MYERS,] who is very captious always, determines to knock this comma out, I would like to know of the gentleman from Indiana [Mr. CASON] whether that would change the effect of the law or not? I ask him in all candor.

Mr. CASON. That is not the question for us to determine, but what the law is as we find it. But to accommodate the gentleman I will give him my opinion. My impression is that if the comma was out it would not change the true construction of the law. I give that opinion simply as a gratuitous matter, not that I think it is our right, or our privilege even, to state to the House what are our individual opinions of the law.

Mr. ELDREDGE. If it would not change the meaning of the law, would it not lessen the size of this volume to knock a comma out? [Laughter.]

Mr. CASON. I can answer that question just about as well by saying that if the representation from Wisconsin in this House was one less, perhaps it would lessen the representation of that State.

Mr. ELDREDGE. I think so, too. [Laughter.]

Mr. CASON. And so I suppose, if this comma is struck out, there would be one less comma in the statute.

Mr. DAWES. I do not know that it will be of any use for me to say what I am going to say. I wish to say a few words as to the way we have got into this difficulty. I undertook the other day to tell how it came about, but I did not tell quite all, and I would like to tell the rest of it now.

As I said the other day, all there was about fruits in the free list in the bill when the Committee on Ways and Means reported it to the House was struck out; so that when the bill went to the Senate there was not a word in the bill about fruits in the free list. But over among the "P's" in the free list was "plants tropical and semi-tropical, for the purpose of propagation or cultivation." Some gentleman in the Senate, for the purpose of restricting that clause, moved this amendment, which was written in, right over the word "plants," the word "fruit," with a caret before the word "plants," and it appears on the paper in that way, so that one would naturally read "fruit plants," as one would read "Zante currants," over on page 604. It occurred to that gentleman in the Senate that "plants tropical and semi-tropical, for the purpose of propagation or cultivation" was a little broader than he wanted it to be, and he wanted to restrict it a little more, and to say that what was meant was "fruit plants," and nothing else. So he wrote the word "fruit" over the word "plants," and put a caret right before the word "plants." I think that there never was any hyphen between the words. When the provision came to be written out, the gentlemen who wrote it out did not quite understand what was meant by this language, "plant fruit." They concluded that what was intended was "fruit plants," and they put it among the F's. I think when gentlemen come to look at the original papers they will find that is the way it got there.

Then at the State Department there is an old gentleman whose business it is to superintend the printing of a copy of the laws for the use of the Departments before Little & Brown's edition is printed. He has been in the habit of putting in commas, &c.; of fixing the punctuation of bills just as he thinks they ought to be. There has never been any difficulty in such matters, because it has been very apparent in our other statutes where the commas, &c., ought to be, and no such importance is attached to them as in a tariff law. The probability is (though I do not know anything about it) that when this gentleman prepared the copy of this law for general use about the Departments, he threw in the comma at that place, and that in this way it got there.

Mr. WILLARD, of Michigan. How is it in the enrolled bill?

Mr. DAWES. I have not seen the enrolled bill myself, but I am told to-night by one of the enrolling clerks that in the manuscript there is no "s" after the word "fruit."

Mr. WILLARD, of Michigan. Is there a comma?

Mr. DAWES. When the word "fruit" was written over the top of the word "plant," there was no comma.

Mr. BROMBERG. How is it in the enrolled bill?

Mr. DAWES. As I have just said, I have not seen the enrolled bill myself. The Committee on Ways and Means had this matter before them, and they have agreed upon some measures on this subject—among others that their chairman should go and look at the enrolled bill; but he has not done so.

Mr. LAWRENCE. I am told by a gentleman who has seen the enrolled bill that the comma is in that. But, sir, a court or a Department ought to disregard punctuation in the construction of a law, for the reason that the punctuation is never put in by the action of Congress. That is the work of a committee or of a clerk, and it ought not to interfere with the true construction of a statute. Now, it has sometimes happened that where an original statute has been amended, the amendatory statute again amended, and perhaps another amendment made on top of that, the committee has found it utterly impossible to select any words of the existing statutes which would convey the present state of the law. In such a case the revisers have necessarily translated the law into their own words so as to convey the idea intended. But where, as in this case, the existing law is found in a recent statute, unamended, in the words which have been adopted by Congress, the revisers have generally thought it proper, and I think the committee has in every instance thought it proper, to adopt the words which Congress has employed; and in this instance we have done so, lest it might be said that the committee had changed the existing law. We have adopted the statute *verbatim et literatim et punctuatim*.

But with the single exception of a case like this, where the attention of Congress, or one branch of it, is called to the punctuation and it is put in or left out by order of Congress, a punctuation point ought not to interfere with the construction of a statute; and a court or head of a Department that would boggle and blunder over it does not, in my judgment, understand its or his duty.

Mr. KELLEY. Why can we not come to a vote and get this comma out of the way?

Mr. MYERS. Enough has been said about it; I do not desire to say anything further.

The question being put on the motion of Mr. MYERS to strike out the comma and insert a hyphen between "fruit" and "plants,"

The SPEAKER *pro tempore* declared that the "ayes" appeared to prevail.

Mr. HOLMAN. I call for a division.

Mr. O'NEILL. I hope the gentleman from Indiana [Mr. HOLMAN] will not insist on his call for a division.

Mr. HOLMAN. I insist that the proposition involves a deviation from what has been understood to be the function of this committee.

Mr. POLAND. I suggest to my friend from Indiana that he withdraw his call for a division, and allow me to enter a motion to reconsider the vote on this amendment, so that the question can be called up when the House is full.

Mr. HOLMAN. I have no disposition to prolong what has certainly not been a very profitable discussion. With the understanding that a motion to reconsider shall be entered, I withdraw the call for a division.

The SPEAKER *pro tempore*. The amendment will be considered as agreed to.

Mr. POLAND. And I enter a motion to reconsider, so that if we choose to call it up in a full House we can do so.

Mr. HALE, of New York. I wish to enter a motion to reconsider another vote that has been taken to-night. On page 595, line 601, the House, on motion of the gentleman from Vermont, [Mr. POLAND,]

voted to amend by adding "s" and inserting a comma after "tank-bottom," in the clause "tank-bottom sirup of sugar-cane juice." The chairman of the committee, [Mr. POLAND,] in whom I have great confidence, assured us that this phraseology was wrong; that the language intended was "tank-bottoms," as an item of itself, and "sirup of sugar-cane juice" as another separate item. Now, with all my confidence in the gentleman's legal knowledge, I think he is mistaken in this matter of sirups. I refer him to the original statute on page 262 of the sixteenth volume of the Statutes at Large, where the clause is in these words: "Tank-bottom sirup of sugar-cane juice," precisely as it is in the printed report, and not as it is in the amendment which the House has adopted. I therefore think that, following the rule of the committee, we should reconsider the vote on that amendment, and leave the provision so as to levy a duty on tank-bottom sirup of sugar-cane juice, not on tank-bottoms as well as sirup of sugar-cane juice.

Mr. FIELD. I move that the House adjourn.

Mr. POLAND. I hope the gentleman will withdraw that motion. I have an amendment or two more, which will complete this chapter, and which I would like to get in to-night.

Mr. SAYLER, of Ohio. I desire to call the attention of the gentleman from Vermont [Mr. POLAND] to an amendment proposed by him in line 900, page 602. I understand my colleague on the committee to propose an amendment which places the word "black" at the end of the word "drop." I call his attention to the fact that the articles enumerated in this schedule are enumerated in alphabetical order, strictly and carefully, and this will change the order adopted in that respect. I suggest now whether that amendment should not read "black, of bone or ivory drop."

Mr. HALE, of New York. I ask that the question be put on my motion to reconsider.

The SPEAKER *pro tempore*. The gentleman from Ohio has the floor.

Mr. SAYLER, of Ohio. If the amendment is not put in the form I have suggested, but retained in the form suggested by the committee, this section, instead of being put in line 900, should be put between 903 and 904, or, in other words, the word "black" should come between the word "blacking" and the word "bladder," to retain its order; for otherwise there would be confusion.

Mr. POLAND. I think the amendment would be in better form as suggested by my colleague, and save changing the order. It would preserve the alphabetical sequence, and I consent that it may be changed if nobody else objects.

The SPEAKER *pro tempore*. The gentleman from Ohio will state his amendment.

Mr. SAYLER, of Ohio. I move, in line 904. to strike out the comma after the word "black" and insert the word "of," so it will read "black of bone or ivory drop."

The amendment was agreed to.

Mr. HALE, of New York. I withdraw my motion to reconsider.

Mr. POLAND. I move, on page 620, to strike out lines 274, 275, 276, 277, which are as follows:

Lastings, mohair cloth, silk, twist, or other manufactures of cloth, cut in strips or patterns of the size and shape for shoes, slippers, boots, bootees, and gaiters, not combined with India rubber.

The amendment was agreed to.

Mr. POLAND. I move, on page 621, to strike out lines 292, 293, and 294, which are as follows:

Machinery suitable for the manufacture of flax and linen goods only, and imported for that purpose solely, but not including that which may be used for any other manufactures.

And on page 623, line 389, to insert after the word "gems" "statues and specimens of sculpture," so it will read:

Regalia and gems, statues and specimens of sculpture, where specially imported, in good faith, for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by the order of any college, academy, school, or seminary of learning in the United States.

Now, Mr. Speaker, in relation to one of these amendments to strike out in lines 292, 293, 294, "machinery, suitable for the manufacture of flax and linen goods only, and imported for that purpose solely, but not including that which may be used for any other manufacture," I propose to state precisely what we find to be the condition of the statute on that item. In 1861, in a tariff bill, this kind of machinery was put on the free list. In 1864, in another tariff act, they declared that kind of machinery might be allowed to come in one year duty free. But there is a clause in that bill repealing all former laws inconsistent with it. That was the only reference, even in general terms, to the statute of 1861. Before that year expired, in 1865, they passed another act providing that kind of machinery might be allowed to come in duty free for one year from the passage of that act.

That is the condition of the statutes as we find them. The committee regard this putting it on the free list in 1861 as virtually repealed by this law of 1864, which limited its freedom from duty to one year, with this clause repealing all former laws inconsistent with it. We therefore think it comes under the general class of machinery. There is no place where this is fixed *eo nomine*, but there are general provisions of duty on machinery embracing this. The opinion of the committee was that the construction of the statutes on this subject left this no longer upon the free list.

The amendment was agreed to.

Mr. POLAND. There is a clerical correction to be made on page 620, line 253, by striking out the word "Indio" and inserting "India;" so it will read:

India or Malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.

The amendment was agreed to.

Mr. POLAND. I move, on page 620, in line 259, to strike out "irris," and insert "iris," so it will read: "Iris, orris root."

The amendment was agreed to.

Mr. POLAND. I offer the following amendment to the free list:

On page 624, after line 427, insert: "Skins, dried, salted, or pickled."

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 624, strike out line 434, as follows: "Specimens of natural history, mineralogy, and botany."

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 625, after line 477, insert "weld" before "woad," so it will read: "Weld, woad, or pastel."

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 625, in line 483, add to the word "painting" the letter "s," so it will read:

Works of art: Paintings, statuary, fountains, and other works of art, the production of American artists.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 625, in line 490, strike out "county or" after the word "State," so it will read:

Works of art: Paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions, or to any State, or to any municipal corporation.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 626, line 35, strike out "and the preceding," before the word "section," so it will read, "the provisions of this section," &c.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 628, after section 2511, insert section 2494 from page 581.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 624, strike out "tiea" and insert "tica."

The amendment was agreed to.

Mr. POLAND. I believe this completes the work which the committee had proposed for to-night; and I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ALBERT: The petition of Sophia Sparks, Julia C. Sparks, and Sallie Sparks, for compensation for articles furnished the Naval Academy at Annapolis, Maryland, by the late Dr. Edward Sparks, to the Committee on Claims.

By Mr. ARCHER: The petition of Ann R. Voorhees, widow of Captain Philip F. Voorhees, United States Navy, for a pension, to the Committee on Invalid Pensions.

By Mr. BECK: The petition of John Shubert, for a pension, to the Committee on Invalid Pensions.

Also, the petition of the Medical Society of Franklin County, Kentucky, for the passage of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. BUTLER, of Massachusetts: The petition of Isaac Taylor, of Boston, Massachusetts, owner of the bark Alvarado, captured at sea by the United States sloop of war Jamestown, for the passage of a law conferring jurisdiction and authority upon the Court of Claims to hear and determine his equitable loss, to the Committee on the Judiciary.

By Mr. CLAYTON: Resolutions of the Legislature of California, in favor of an amendment to the Constitution of the United States, providing for the election of United States Senators by a direct vote of the people, to the Committee on the Judiciary.

Also, resolutions of the Legislature of California, relative to the restoration to settlement and entry of lands granted the Stockton and Copperopolis Railroad, to the Committee on the Public Lands.

By Mr. FARWELL: The petition of Lenora Marshall, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HOLMAN: Papers relating to the position on the Navy Register of Commander Bushrod B. Taylor, United States Navy, to the Committee on Naval Affairs.

Also, the petition of Captain James Roberts, of Madison, Indiana, for relief, to the Committee on War Claims.

Also, papers relating to the claim of I. & O. P. Cobb & Co., of Aurora, Indiana, for boats and barges taken and destroyed, by order of General Boyle, on the Ohio River, in July, 1863, to the Committee on War Claims.

By Mr. LAWSON: The memorial of Reid R. Throckmorton, of New York, for reward and compensation for the invention of the tubular locomotive boiler, to the Committee on Commerce.

Also, the petition of Buckman & Fogg, of New York City, contractors for carrying United States mails on route No. 6435, for increased compensation, to the Committee on the Post-Office and Post-Roads.

By Mr. LYNCH: The petition of Victoria L. Brewster, for a pension, to the Committee on Invalid Pensions.

By Mr. MERRIAM: The petition of George W. Blunt, of New York, for indemnification for alleged infringement by the Hydrographic Bureau of the copyright of Rogers & Black's code of signals, to the Committee on Naval Affairs.

By Mr. RICE: The remonstrance of bankers of Chicago, Illinois, against any additional issue of paper money by the Government, to the Committee on Banking and Currency.

By Mr. SCUDDER, of New York: The petition of citizens of Huntington, Suffolk County, New York, that Frank M. Crossman may build at his own expense a breakwater in Cold Spring Harbor, to the Committee on Commerce.

Also, the petition of coasting captains, vessel-owners, and others, of New York, for an appropriation for the erection of a light-house at the entrance of Cold Spring Harbor, Long Island, to the Committee on Commerce.

By Mr. SMITH, of Virginia: The petition of the heirs of E. O. Watkins, for compensation for property taken during the late war, to the Committee on War Claims.

By Mr. SPRAGUE: The petition of Peter M. Ward, of Pomeroy, Ohio, for correction of his military record, to the Committee on Military Affairs.

By Mr. WHEELER: Resolutions of the common council of the city of Buffalo, New York, asking an appropriation of the sum estimated by the Chief of Engineers for the prosecution of the harbor improvements in progress at Buffalo, to the Committee on Commerce.

By Mr. WILLIAMS, of Wisconsin: The petition of De Lorma Brooks, of Wisconsin, praying for an amendment of the Constitution which will dispense with the present judiciary system, and substitute therefor arbitration by persons chosen and paid by the parties litigant, to the Committee on the Judiciary.

IN SENATE.

THURSDAY, *February* 19, 1874.

Prayer by Rev. E. D. OWEN, of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. FENTON. I move to dispense with the further reading of the Journal.

Mr. ROBERTSON. The Senate is too thin to attempt to do any business at present. I therefore think the reading of the Journal had better be proceeded with.

The PRESIDENT *pro tempore*. The Senator from South Carolina objects.

The Secretary resumed the reading of the Journal.

Mr. ROBERTSON. As several Senators have just come in, I withdraw my objection.

The PRESIDENT *pro tempore*. If there be no further objection, the reading of the Journal will be dispensed with. The Chair hears none.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 492) to make persons charged with crimes and offenses compent witnesses;

A bill (H. R. No. 933) to provide for the holding of terms of the district court of the United States for the western district of Missouri at Springfield, in said State;

A bill (H. R. No. 1592) limiting the time for prosecutions and convictions in certain criminal offenses;

A bill (H. R. No. 1593) relating to the punishment of the crime of manslaughter;

A bill (H. R. No. 1594) for the punishment of extortion by officers or persons acting under the authority of the United States; and

A bill (H. R. No. 2078) for the benefit of occupying claimants.

The bill (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and use said vessel for a boarding station in Mobile Bay, was read twice by its title, and referred to the Committee on Commerce.

MARINE-HOSPITAL REPORT.

The PRESIDENT *pro tempore* laid before the Senate the resolution of the House of Representatives for printing the report of the supervising surgeon of the marine-hospital service for the year 1873; which was read, as follows:

Resolved, (*the Senate concurring*,) That the Government Printer be instructed to print five thousand copies of the report of John W. Woodworth, supervising surgeon of the marine-hospital service of the United States for the year 1873; fifteen hundred for the use of the Senate, and thirty-five hundred for the use of the House.

The resolution was referred to the Committee on Printing.

NATIONAL SAVINGS-BANK.

The PRESIDENT *pro tempore* laid before the Senate the annual statement of the National Savings-Bank of the District of Columbia, in accordance with section 8 of the special act of incorporation approved May 20, 1870, for the year ending December 31, 1873; which, on motion of Mr. SHERMAN, was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the following joint resolution of the Legislature of the State of Iowa; which was read:

Joint resolution relative to the amount due from the United States to the State of Iowa on account of lands conveyed to non-commissioned officers and privates in the Mexican war.

Whereas in the act admitting the State of Iowa into the Union, for and on account of certain considerations therein specified, Congress stipulated to pay to said State 5 per cent. on the sales of the public lands within the same, without any reservation or limitation whatever; and whereas a very large portion of said public lands has been disposed of under military warrants issued to non-commissioned officers, musicians, and privates in the Mexican war, upon which the Department of the Interior has refused to pay the said 5 per cent.; and whereas, in the opinion of the members of this General Assembly, said claim is a just and equitable one, and should receive a favorable consideration and the sanction of Congress: Therefore,

Resolved by the General Assembly of the State of Iowa, That Congress be, and the same is hereby, requested, by resolution or otherwise, to direct the General Land Office to take account of all the public lands within the State of Iowa which may have been disposed of under said military warrants, and to allow and pay 5 per cent. thereon, at an estimate of $1.25 per acre.

Resolved, That our Senators be instructed and our Representatives requested to use their influence to secure a proper recognition and an equitable adjustment of said claim.

Resolved, That the secretary of state be instructed to forward a certified copy of these resolutions to the President of the Senate and to the Speaker of the House, and to each of our Senators and Representatives in Congress.

JOHN H. GEAR,
Speaker of the House of Representatives.
JOSEPH DYSART,
President of the Senate.

Approved February 6, 1874.

C. C. CARPENTER.

STATE OF IOWA, *ss:*

I, Josiah T. Young, secretary of state of Iowa, do hereby certify the above and foregoing to be a full, true, and complete copy of the said original resolution, now on file in my office.

Witness my hand and the great seal of the State of Iowa. Done at the city of Des Moines this 14th day of February, A. D. 1874.

[SEAL.] JOSIAH T. YOUNG,
Secretary of State of Iowa.

I hereby certify that this joint resolution originated in the senate.

J. A. T. HULL, *Secretary.*

Mr. WRIGHT. I move that that memorial be referred to the Committee on Public Lands, and I desire to say that to-morrow or Monday morning I shall introduce a bill upon that subject, and I shall ask the indulgence of the Senate for five minutes while I explain it.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Public Lands.

Mr. SCOTT. I present the memorial of shipping merchants, business men, and other citizens of Philadelphia, protesting against the passage of the House bill leasing to Messrs. Dupont, of Wilmington, Delaware, the Old Lazaretto site, near Penrose Ferry Bridge, on the bank of the river Schuylkill, in the city of Philadelphia, for a powder magazine, setting forth the dangers to surrounding buildings and the effect it will have upon improvements in that neighborhood of the city. This memorial is signed by officers of three of the steamship lines of Philadelphia, and by a large number of the leading commercial and business men of that city. I believe the bill was referred to the Committee on Military Affairs, and I ask the reference of this petition to that committee.

The PRESIDENT *pro tempore*. It will be so referred.

Mr. SCOTT. I noticed in the Associated Press dispatches in reference to one or two petitions on the same subject, that they were referred to the Committee on Commerce. If that be correct, I will ask to have the reference changed. I am not aware how it is on the Journal.

The PRESIDENT *pro tempore*. The other petitions were referred to the Committee on Military Affairs.

Mr. SCOTT presented the petition of John Barnard and others, of Chester County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BOGY presented a memorial of A. G. Neugent, agent of the State of Missouri, praying the passage of a bill to reimburse that State for expenses incurred in placing soldiers in the field during the war of the rebellion; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ALLISON presented the following joint resolution of the Legis-

lature of Iowa; which was referred to the Committee on Privileges and Elections:

Joint resolution requesting the Senators and Representatives in Congress from this State to vote for and use their influence in procuring an amendment to the Constitution of the United States so that United States Senators shall be elected by the people.

Resolved by the General Assembly of the State of Iowa, That the Senators and Representatives in Congress from this State be requested to vote and use their influence to so amend the Constitution of the United States that United States Senators shall be chosen by the people of the several States, and not by the Legislatures thereof.
Approved February 6, 1874.

Mr. SHERMAN. I present a petition signed by about 200 bankers, merchants, and other citizens of Chicago, Illinois. In looking over the list I find among them the names of many of the leading firms of the city of Chicago known to me by reputation. They respectfully represent that they view with alarm the propositions before Congress for increasing the volume of United States notes; that they believe that any additional issue of paper money by the Government would be most injurious to the interests of the nation; that the country is now suffering, and has been for the past twelve years, great loss and inconvenience arising from an irredeemable currency. Values of all kinds of merchandise and other property are continually fluctuating, owing to the constantly changing price of gold, and thus no certain calculations can be made in business. Speculations of all kinds are stimulated by an irredeemable currency, and the minds of the whole people are demoralized and rendered unfit for the pursuits of steady industry. They further represent that the resumption of specie payments at the earliest practicable time is imperatively required by the interests of the nation, and they most respectfully deprecate the issue of any more legal-tender notes, as such a proceeding would be understood as postponing indefinitely a return to a sound financial condition; and they further pray that the greenbacks already issued out of the so-called reserve shall be withdrawn again as speedily as possible. I move that this petition be referred to the Committee on Finance.

Mr. LOGAN. I did not hear the names that were attached to that petition.

Mr. SHERMAN. The names of about two hundred bankers and merchants. I know some of them.

Mr. LOGAN. The petition has been in circulation for some time. I know the men who signed it, and I can only say that some of the gentlemen who signed it were the first men to close their doors and refuse to pay their depositors, and they did pay their depositors with all classes of paper that they had on hand. I do not speak of all of them; but some of the leading men who signed that paper have to-day in the hands of depositors paper of all classes, and closed their doors and refused to pay. Now they want specie payments. I do not speak of the majority of them, but I speak of some, for I have seen their names published in the papers. I desire to say now, in order that the Senator from Ohio and his committee may be satisfied in reference to the sentiment of my constituents in Chicago on this subject, that as soon as the time allows it to come here, I shall present a petition, without any speech accompanying it, showing what the sentiment of that portion of the country really is.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Finance.

Mr. BUCKINGHAM presented the petition of John H. Wall and other citizens of Lynn, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. HAMLIN presented a petition of ship-masters, ship-builders, and ship-owners of the town of Searsport, Maine, praying for an appropriation for the purpose of erecting the "Close fog-bell" signals along the coast of the United States wherever the shipping interests may require; which was referred to the Committee on Commerce.

Mr. FENTON presented the petition of the Methodist Episcopal church, of Phillipsburgh, New Jersey, signed by their pastor, Rev. William N. Searles, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. RAMSEY presented a letter of the Commissioner of Indian Affairs, and other papers, relating to the bill (S. No. 411) for the relief of the Holy Cross Mission in the Territory of Dakota; which were referred to the Committee on Public Lands.

Mr. MITCHELL. I present a memorial numerously signed by citizens of Oregon, in which they represent that the entire people of Oregon and of the adjacent Territories are deeply interested in obtaining railway communication with the East; that the vast interior country between the Cascade Mountains and Salt Lake is without means of transportation, and that the Portland, Dalles and Salt Lake Railroad is an enterprise calculated to assist greatly the wants of commerce, and to develop the country in natural resources; that the isolated condition of this entire region is a constant drawback to its growth and prosperity. They respectfully state that the bill introduced by myself, asking aid for this enterprise, is in the true interests of commerce and of territorial development; that the enterprise itself is entitled to take rank as a national work, and as such demands, as they think, the favorable attention of Congress. They therefore pray the passage of the bill. I move the reference of this petition to the Committee on Public Lands.

The motion was agreed to.

Mr. MERRIMON presented the petition of Jonathan S. Taylor, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

Mr. OGLESBY presented the petition of General Henry Raymond and Colonel Abraham Dally, of New York, asking that Congress so amend the laws as to allow a pension to all honorably discharged soldiers of the war of 1812, and to the widows of such soldiers, without regard to the time of marriage; which was referred to the Committee on Pensions.

Mr. GORDON presented the memorial of John Mabry, praying that he may be restored to the pension-rolls, and that a pension be paid him on account of services rendered in the Mexican war; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 482) to authorize the construction of a bridge across the Willamette River, at Salem, in the State of Oregon, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred the bill (S. No. 119) for the better security of property in patterns for metal castings, reported it without amendment.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (S. No. 485) to grant an American register to the Canadian schooner George Warren, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington, reported it without amendment.

He also, from the same committee, reported a bill (S. No. 517) authorizing the Secretary of the Treasury to use the revenue-cutter Relief as a boarding station in Mobile Bay; which was read and passed to a second reading.

The PRESIDENT *pro tempore*. The Chair will remind the Senator from Michigan that a House bill on the same subject has just been referred to that committee this morning.

Mr. CHANDLER. Then I will not ask action on this until the committee consider the House bill.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (S. No. 474) for the relief of mail contractors for services rendered in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Louisiana, Arkansas, and Texas, prior to May 31, 1861, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 277) making an appropriation of $792.46, due the late James L. Day, of Connecticut, for transporting the mails over post-route 8152, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

He also, from the same committee, to whom was referred the petition of certain mechanics and laborers employed by the Government on Dix Island, in the State of Maine, praying compensation for the two hours' additional labor performed by them each day over and above a lawful day's work previous to the 11th day of June, 1872, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of various citizens of West Virginia in behalf of William C. Parker, of that State, praying that he be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of John P. McElray, late of Company D, Forty-ninth Regiment of Missouri Volunteers, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. McCREERY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1922) to establish a reservation for certain Indians in the Territory of Montana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 293) to establish a reservation for certain Indians in the Territory of Montana, asked to be discharged from its further consideration; which was agreed to.

Mr. HOWE. I beg leave to report, from the Joint Committee on the Library, the bill (S. No. 300) providing for a bust of the late Chief Justice Chase, to be placed in the room of the Supreme Court. The two Houses have already acted on that subject, and provided for such a bust. The committee therefore recommend that this bill be indefinitely postponed.

The report was agreed to.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the petition of Rudolf Eickmeyer, praying the extension of

a patent on sewing-machines for stitching linings into hats, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of John W. Marsh, praying for the reissue of a patent on improvements in sewing-machines, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. DENNIS, from the Committee on Commerce, to whom was referred the bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name, reported it without amendment.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred a petition of various citizens of Illinois, in behalf of Abram Hoevener, late of the Second Regiment Mississippi Volunteers, African descent, praying to be allowed the difference in pay between that of sergeant and second lieutenant, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Barnet Simonson, of New York, praying for a bounty-land warrant and pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Celia Tweed, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 1222) for the relief of George W. Keyes, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 517) for the relief of Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

PROTECTION OF THE CHANNEL OF BUFFALO RIVER.

Mr. CONKLING. I am instructed by the Committee on Commerce to report a brief House bill and to ask its present consideration, which I think will take but a moment. It can hardly be objected to; and if it is to be passed, time is very important.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1906) to dredge and protect the navigable channel at the mouth of the Buffalo River against the sand-bar formed by the gale of December, 1873.

The bill appropriates the sum of $20,000, to be expended by the Secretary of War for the purpose of dredging and protecting the navigable channel at the mouth of the Buffalo River, and of removing the sand-bar formed by the great gale of December last at that point.

Mr. CONKLING. It will be seen that the purpose is to anticipate, by $20,000, whatever appropriation may go to this harbor, owing to a very unusual casualty which happened in December from an almost unprecedented gale. I hold in my hand a communication from the Secretary of War, and one from the Chief of Engineers, showing the eminent necessity of this, which I will have read if any Senator desires.

Mr. MORRILL, of Maine. I should like to have it read, because it may be necessary to refer to it.

The Chief Clerk read the following letter:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 17, 1874.

SIR: I have to acknowledge the reference to this office for report of the letter of the chairman of the Committee on Commerce of the Senate of the United States, of the 12th instant, inclosing H. R. bill 1906 and requesting information as to the necessity for an early appropriation for dredging, &c., at the mouth of Buffalo River, New York, and beg leave to reply, that from information recently received at this office it appears that there has accumulated at the head of the south United States pier at Buffalo about twenty thousand cubic yards of sand, which may seriously obstruct the channel unless removed by dredging. This deposit of sand has been caused mainly by the extraordinarily severe gale of December last, and the danger is imminent that when the ice in the lake breaks up and begins to scour along the shore of Lake Erie into the Niagara River, the larger part of this sand will be carried across the mouth of Buffalo River at the light-house pier-head. To prevent this, immediate relief by dredging should be provided for; otherwise the incoming fleet from the West will be compelled to seek refuge behind the outer breakwater and lighter before entering the harbor. It is believed that necessity exists for an appropriation in advance of the passage of the river and harbor act to remedy the evil referred to, and it is therefore recommended that H. R. bill 1906 be passed.

The letter of the chairman of the Committee on Commerce is herewith returned.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP, *Secretary of War.*

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COPYRIGHT AND PATENT CASES.

Mr. FERRY, of Connecticut. The Committee on Patents, to whom was referred the bill (S. No. 494) amendatory of an act to revise, consolidate, and amend the statutes relating to patents and copyrights, have directed me to report it back with an amendment, and, as amended, to ask for its present consideration. It is very brief.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Patents reported the bill with an amendment, to make it read as follows:

That the provisions of section 55 of the act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," approved July 8, 1870, shall be applicable to all suits and proceedings at law or in equity pending at the time of the passage of said act.

Mr. FERRY, of Connecticut. The bill is to remedy an oversight in the repealing section of the general act of 1870. By the fifty-fifth section jurisdiction was given to the courts, after the decree of a permanent injunction in case of infringement of a patent, to assess the damages themselves. Prior to that time damages were assessed by a jury. It was intended that the alteration should apply in all such cases, whether pending at that time or not. But in the repealing clause of the act of 1870, substantially this phraseology is used: "The remedial provisions of this act shall apply to cases hereafter to be brought," or words to that effect; so that the intention of the fifty-fifth section is really not obtained in reference to cases then pending. The committee have therefore recommended the passage of this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-ROUTES IN ARKANSAS.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 493) to establish certain post-routes in the State of Arkansas, have instructed me to report it back and recommend its passage. I should like the Senate to consider the bill at once. It is a very short bill; and although the committee were careful in reporting the regular post-route bill, it is said in this instance that there may be a saving of $10,000 by taking off steamboat service from the Arkansas River and putting the mail on the route suggested in this bill.

Mr. CAMERON. I wish the Senator from Minnesota would withdraw his bill until to-morrow. I gave notice yesterday that I wanted to call up a bill to-day.

Mr. CLAYTON. I hope the Senator from Pennsylvania will make no objection to this bill. It is one that is made necessary from the construction of a railroad across the Arkansas River. It will save at least $10,000.

Mr. CAMERON. I will make no objection, as I want help myself to get up a bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to establish the following post-routes in Arkansas:

From Little Rock, via Argentine, Reed's Landing, Eagle Landing, Wampoo, Plum Bayou, Adamsburgh, and Pastoria, to Pine Bluff;

From Pine Bluff, via Carson, Rob Roy, New Gascony, Greenback, Cooper's Landing, Willamette, and Sarassa, to Arkansas Post;

From Watson's Station, on the Texas, Mississippi River and Northwestern Railroad, to Red Fork, on the Arkansas River; and

From Bath Station, on the Texas, Mississippi River and Northwestern Railroad, to South Bend, on the Arkansas River.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND DISTRICT IN NEW MEXICO.

Mr. PRATT. The Committee on Public Lands, to whom was referred the bill (H. R. No. 429) creating an additional land district in the Territory of New Mexico, have directed me to report the same back to the Senate without amendment, and recommend the passage of the bill. Inasmuch as there is some urgency for the present consideration of the bill, I ask that it be now put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides that all that portion of the Territory of New Mexico lying south of the principal base line of the Territory shall constitute a separate land district, to be called the La Mesilla land district, the office of which shall be located at such place in the district as the President of the United States may direct, which may be changed from time to time as the public interest may require.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF SUPERVISING SURGEON OF MARINE HOSPITALS.

Mr. ANTHONY. The Committee on Printing, to whom was referred the resolution to print five hundred additional copies of the report of the supervising surgeon of the marine-hospital service of the United States, for the use of the Treasury Department, have instructed me to report it back and recommend its passage. I ask for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the following resolution:

Resolved, That five hundred extra copies of the report of the supervising surgeon of the marine-hospital service of the United States be printed for the use of the Treasury Department.

Mr. STEVENSON. I should like to ask the Senator from Rhode Island how many have already been ordered?

Mr. ANTHONY. I think there have been no extra copies of this

document ordered. It only costs eighty-nine dollars and some odd cents to print this number.

The resolution was agreed to.

CENTENNIAL EXHIBITION.

Mr. BUCKINGHAM. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1923) authorizing the payment of annuities into the treasury of the Seminole tribe of Indians, to report it back with an amendment, and ask for its present consideration.

Mr. CAMERON. I hope there will be no new business entered on now during the morning hour.

Mr. BUCKINGHAM. I will give way to any morning business.

Mr. CAMERON. I gave notice yesterday that I would bring up at the end of the ordinary business of the morning hour to-day a certain bill.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania object?

Mr. BUCKINGHAM. Allow me to withdraw the presentation of the report until another time.

The PRESIDENT *pro tempore*. The report is withdrawn for the present.

Mr. CAMERON. Now I move that the Senate proceed to the consideration of the bill (H. R. No. 1394) in relation to the centennial exhibition.

The PRESIDENT *pro tempore*. Is there objection to taking up the bill indicated by the Senator from Pennsylvania?

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. Senators in favor of the motion——

Mr. SUMNER. I object.

The PRESIDENT *pro tempore*. Objection was made to unanimous consent, and now the Chair is putting the question on the motion.

Mr. SUMNER. Very well.

Mr. WRIGHT. It will be remembered that when we closed the morning hour yesterday we had under consideration Senate bill No. 161; and I think that in a very short time we can dispose of that bill. I am opposed to taking up the bill of the Senator from Pennsylvania at present, for the reason just stated, that I think we ought to get through with the morning business; and in the next place I think the bill he suggests is of such importance that we ought not to take it up during the morning hour. I shall therefore antagonize the proposition with the bill I have referred to.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. SUMNER. It seems to me that the Senate will depart from its usual order of business if it abandons an important and interesting question under debate yesterday at the close of the morning hour, in order to enter upon a discussion which must be extensive, and which we had better look at at once. It involves millions of money—millions of money to be considered in the morning hour, and millions of money to be thrust into debate, in order to shut out the interesting question that the Senate was considering yesterday.

Now, sir, I speak directly to the question of business; I do not go into the merits of either bill; but I submit to the Senate that we had better proceed with the business in hand, and especially that we should not displace it in order to take up a proposition which will require hours, if not days, of discussion, and which, as I have already stated, involves the appropriation of millions of money. I suppose the Senate is about ready to vote on the question of the commission to inquire into the traffic in alcoholic drinks; I doubt if there is to be much more debate on that question; but be the debate more or less, that question should be concluded before we enter upon another, at least during the morning hour; and then, as I have already suggested, not during the morning hour should we undertake to involve the country to the extent of somewhere from five to fifteen millions of dollars.

Mr. CAMERON. Mr. President, I am very much surprised to find an opposition to a simple measure such as I desire to bring forward coming from the Senator from Massachusetts, who is generally so liberal and so ready to second all measures for the honor and glory of the country. What he says in regard to the bill of yesterday is to some extent correct. I shall go with him in favor of that bill as far as he will go. In all matters relating to temperance, in all matters which go to the improvement of the morals of the people, I will go with the Senator as I have gone with him many a time, and perhaps, as I have done sometimes before, I will go ahead of him on such questions.

But I think it is unjust that he should state that the bill which I propose to bring up will involve millions. He has given a magnitude to the sum that under any circumstances can be required far, far above anything that anybody will expect the Government to do after this. He talks about fifteen millions, when the bill which I present here does not ask a cent—not one cent. It is only brought here to correct some errors in the State Department in relation to the centennial exhibition. Congress passed a law in 1871 directing that a centennial exhibition should be held in the city of Philadelphia for various good reasons given in the debate, and in 1872 passed another law incorporating a company and making the question a national one, not only giving the sanction of Congress to all that was done, but authorizing the persons appointed in that bill commissioners to invite contributions and persons from all parts of the world.

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator that the merits of the bill cannot be debated on this motion to proceed to its consideration.

Mr. CAMERON. That is very true, and I thank the President for giving me the hint. But I am not on the merits now; when we get up the bill I shall show you what its merits are, if I can. Now, we only want it acted on immediately, because, as I was about saying, the commissioners gave invitations to different persons in different parts of the world and some of the invitations were accepted; among the rest an acceptance came from the German Empire from the hands of Bismarck himself, expressing great interest in the international exhibition and promising to be one of the powers that would be represented at it. Directly after that the Secretary of State, feeling that he might be too far committed in the measure, gave directions to our ministers and consuls abroad to say that he did not invite them, although he had already invited them by other acts. What a position did that put us in! People were invited to our house and were getting ready to come. Possibly you may have been sometimes circumstanced, Mr. President, as I have been, invited to a house and when you got there found there was no feast prepared. I have too much pride in my country to have such an act committed here in regard to a great measure in which we are all so much concerned. The reason I urge now the passage of the present bill is that we may have time to prepare. This is the beginning of 1874. In 1876 the exhibition must be in full operation, a little more than two years after this. I ask now that the Senate take up the bill and pass it, which has nothing in it except a matter of form. The bill is on the table of all the Senators, with a little pamphlet showing all the laws that have been passed. I ask the Clerk to read the bill.

The PRESIDENT *pro tempore*. The bill will be read for information.

The CHIEF CLERK. A bill——

Mr. SUMNER. Is the bill before the Senate?

The PRESIDENT *pro tempore*. It is not.

Mr. CAMERON. It may be read, I suppose.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks to have it read for information.

Mr. SUMNER. Very well.

The Chief Clerk read the bill, as follows:

Whereas at various international exhibitions which have been held in foreign countries the United States have been represented, in pursuance of invitations given by the governments of those countries and accepted by our own Government: Therefore,

Be it enacted, &c., That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876.

Mr. STEVENSON. Mr. President, I never object to or interfere with the private bill of any Senator on this floor; but if I am correctly informed the bill proposed to be taken up by the Senator from Pennsylvania during the morning hour is to become an entering wedge for an appropriation of from $5,000,000 to $10,000,000 from the Treasury of the United States. When the act of 1871, to which the Senator from Pennsylvania [Mr. CAMERON] referred, was passed, the seventh section of it provided—

That no compensation for services shall be paid to the commissioners or other officers provided by this act, from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

Section 8 provided—

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

The PRESIDENT *pro tempore*. The Chair must remind the Senator that debate on the merits of this question is not in order at this time.

Mr. STEVENSON. I do not propose to discuss the merits now. I was only stating the question as I understand it, and about stating some reasons why a bill of so much importance should not be taken up and disposed of during the morning hour, if that is in order.

The PRESIDENT *pro tempore*. It is undoubtedly in order to discuss whether the bill shall be taken up this morning or at some other time, but not the merits of the bill.

Mr. STEVENSON. I again repeat, it is not my purpose to go at this time into a general discussion of this bill; but I simply desire to state to the Senator from Pennsylvania [Mr. CAMERON] that if I comprehend this measure it will ultimately commit the Government of the United States to an appropriation of not less than five and which may reach ten million dollars to this centennial celebration. I think I speak advisedly. I think I can show that the reason for asking speedy action now by Congress is that this proposed centennial cannot go on unless Congress shall appropriate this amount of money; that the erection and completion of the buildings by private enterprise was to be a *sine qua non* to any invitation being extended by the President to foreign powers, and that all this was to be accomplished by corporate and individual subscription. Now I understand

the fact to be that these buildings have not been erected, and I have reason to believe that they never will be built unless a large appropriation from Congress is obtained. This constitutes the necessity of the prompt passage of this bill to which the honorable Senator alludes. The object of the bill is to inaugurate a measure which shall commit Congress upon this subject—by which the faith of the Government shall be committed to a State and corporate undertaking. This is shown by the two acts which were passed on 3d March, 1871, and in June, 1872. I insist that this bill shall be examined and discussed before committing the Government to an implied obligation and future appropriation of certainly not less than five, and which may exceed ten, million dollars.

Although this present bill does not provide, as the Senator from Pennsylvania says, for the appropriation of a dollar, he will not deny that it contemplates the plighted faith of the Government for millions hereafter; it is the entering wedge to such an obligation, and I wish now to state to the Senator from Pennsylvania that if such be the purpose, it is better that both Congress and the country shall understand it. Why not ask frankly for that direct aid, stating its object? Why this indirect legislation? A deficiency of forty-odd millions of the annual revenue confronts us. The absolute necessity of a rigid economy to meet the ordinary expenditures of the Government to prevent increased taxation is imposed upon Congress. We have been, as you know, obliged to cut down both the Army and Navy appropriations for the next fiscal year. In view of the condition of our finances, I insist the Senate should take no step which shall, without full discussion, commit the Government to any future appropriation of millions of money to what has hitherto been regarded as a corporate or State undertaking.

If the Congress of the United States shall hereafter determine to make this celebration wholly a national affair, and agree to appropriate the millions which shall be required to make it a national success, then it should go to the Committee on Appropriations. Such a measure cannot be——

The PRESIDENT *pro tempore*. The Chair must again remind the Senator that his remarks are addressed to the merits of this bill.

Mr. STEVENSON. I am not addressing myself to the merits; I am only attempting to show that this bill should not be taken up without a discussion which would extend beyond the morning hour.

The PRESIDENT *pro tempore*. The rule provides that on a motion to take up any measure it shall not be in order to discuss its merits. On a motion to postpone one measure and take up another, while the rule as to debate on the merits of the measure to be taken up would be the same, the subject under consideration and which is to be postponed is always open to debate. But this motion is made simply to take up a measure. Now, if it were in order on one side to say that this bill shall be taken up because it is an excellent bill, and, on the other side, that it ought not to be taken up because it is a very bad bill, the rule would be of no avail whatever.

Mr. STEVENSON. Mr. President, I said nothing about the merits of the measure proposed to be taken up by the Senator from Pennsylvania. I have only opposed its present consideration. I said nothing as to whether after a full discussion I should vote for the bill or vote against it. I have been urging reasons why I thought this bill was too important to be taken up and considered during the morning hour. If I comprehend this bill, it is a quiet, unpretending measure, asking for no present appropriation from the Treasury, but still proposing to commit the Government to the cost of this celebration at Philadelphia in 1876, as under the auspices of the Government, for which the Government will be in honor bound to pay hereafter. The former acts contemplated no such object. The Government is not now, directly or indirectly, bound. This act is necessaryto create such a liability. Let it be discussed and considered.

Mr. CAMERON. Will the Senator allow me to say a word?

Mr. STEVENSON. Certainly.

Mr. CAMERON. There are just ten minutes now before the morning hour will expire, and I wish to correct an erroneous statement of the Senator from Kentucky.

Mr. STEVENSON. I cannot hear the Senator.

Mr. CAMERON. I say I wish to correct the statement of the Senator.

The PRESIDENT *pro tempore*. The Chair must enforce its ruling that this debate is out of order. The only question before the Senate now is whether this bill shall be taken up now or at another time, and the remarks of the Senator from Kentucky and the remarks of the Senator from Pennsylvania go to the merits of the bill.

Mr. CAMERON. I was not going to make any remarks in favor of the bill, but to correct a misstatement, unintentional, of course, of the Senator from Kentucky. Section 8 of the act of 1871, the section just below that read by the Senator from Kentucky, provides—

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, &c.

The Legislature of Pennsylvania, in consequence of this section, have appropriated $1,000,000 and the city of Philadelphia $500,000 for the buildings. I only wish to correct that statement of the Senator. I know he would like to be correct about it.

Mr. STEVENSON. I should like to ask the Senator from Pennsylvania what is the estimated cost of the buildings.

The PRESIDENT *pro tempore*. The Chair rules that such debate is out of order.

Mr. CAMERON. I cannot answer the question now, but I will when the bill comes up.

Mr. SCOTT. Will the Senator from Kentucky permit me to make a suggestion to my colleague?

Mr. STEVENSON. Certainly.

Mr. SCOTT. Enough has transpired to show that this bill cannot be finally considered in the morning hour; and in view of the facts stated as to the importance of immediate or early consideration, may I suggest to my colleague that he use the residue of the morning hour in securing action on a motion to make the bill a special order, so that it may be taken up soon, at a time when we can dispose of it?

Mr. CAMERON. I have tried two or three times to make it a special order. Now I leave it to my colleague, and I shall be very glad if he shall succeed in getting a day fixed for its consideration, and I will assist him in doing so.

Mr. SCOTT. I should like to have the opinion of the chairman of the Committee on Appropriations as to how soon the naval appropriation bill will be out of the way. I do not want to antagonize this measure unnecessarily, but it is certainly important that it be made a special order and be disposed of soon.

Mr. MORRILL, of Maine. In reply to that I will say that of course it will depend upon the disposition of the financial measure now before the Senate. If that should be disposed of to-day, I should hope that the naval appropriation bill might be disposed of by the Senate as early as Monday next, perhaps.

Mr. SARGENT. If it is taken up at once.

Mr. MORRILL, of Maine. If it is taken up at once I do not anticipate that the bill will involve much debate or very great delay. I should hope that by Monday, or Tuesday at furthest, if we dispose of the financial bill to-day, we might get through with the naval appropriation bill.

Mr. SCOTT. Then I move that the consideration of this bill be made the special order for Tuesday next.

Mr. SARGENT. Provided it does not conflict with the naval appropriation bill.

Mr. CAMERON. Say Wednesday or Thursday.

Mr. SCOTT. My colleague suggests Wednesday next.

Mr. SUMNER. I should like to know what is to become of the finances. The financial question is under discussion now, and when is that to end?

Mr. SHERMAN. As a matter of course the unfinished business will override a special order.

Mr. SUMNER. I understand that; but why should we go forward and make a special order on this important question in the dark? I wish the financial question brought to a reasonable termination. Let us have our votes upon it. We have had only one vote. It strikes me that the Senator from Pennsylvania is interposing another important question right across the other and earlier question; and, unhappily, the question he proposes is to impose new burdens upon the national Treasury, when I cannot doubt it is our duty to watch it with care.

Mr. SCHURZ. The proposition of the Senator from Pennsylvania is evidently to have this bill acted upon as soon as possible, and to make speedy action as certain as it can be made. Now, for my part, I do not mean to indicate how I shall vote upon this bill. It may involve a large appropriation of money, or it may not. The probability is that it will. At the same time it seems to me just to the people of Pennsylvania, or to those who have undertaken this great work, that this subject should be disposed of as soon as possible. If the Congress of the United States be willing to make such an appropriation, let it be done in time, so that the appropriation can be used to a good purpose. If the Congress of the United States be unwilling to make such an appropriation, let the people who have undertaken this great enterprise know it in time, so as not to run into further expense and further liabilities, which might greatly embarrass them. I think it is therefore but just to those who have undertaken a work which, after all, is patriotic, and which is designed to redound to the honor of this country, that they should be fairly dealt with by the Congress of the United States; and it seems to me that the first thing we should do, as soon at least as we can do it, is to let them know how we expect to act upon this particular question, whether we mean to give them money or whether we mean not to give them money, so that they at least may govern themselves accordingly. I therefore am heartily in favor of the motion made by the Senator from Pennsylvania on my left, [Mr. SCOTT,] and I hope the Senate may deem it wise to appoint as early a day as can be done without too much interfering with the great questions now before us and the business necessary to be transacted for the consideration of this bill.

Mr. STEVENSON. I was sadly misunderstood by Senators when they supposed that I was opposing this bill. I only opposed its being taken up in the morning hour. I have no objection to its being made a special order. I concur in what has fallen from the Senator from Missouri, that it is a question of too much importance to be disposed of in the morning hour. I desire that these gentlemen shall have a full hearing, and I am then willing to abide by what the sentiment of the Senate shall be. I only desire that the bill should not be taken up this morning, and I simply attempted to give the reasons that I thought were involved in the consideration of the bill as tending against the motion to take it up now.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves——

Mr. SUMNER. One word more, if the Chair pleases. I would not have it understood that I am acting except in the discharge of public duty, to secure the best interests of my country, its renown and glory, which I have at heart, and also the proper celebration of that great anniversary of the day which first saw republican government on earth. That day I would have nobly commemorated; but I do object to this hasty, premature attempt to press this subject upon the attention of the Senate during the morning hour, and I must also object to the effort to press it forward to the exclusion of important questions now on our Calendar. When those have been adequately discussed, and we have reached our conclusions upon them—one, two, three, four questions, perhaps, could be named of great importance—there will be a time for us to finish this question.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, which is the bill in relation to national-bank circulation.

Mr. SCOTT. I hope we may have a vote on this question.

Mr. CAMERON. I trust the other business will be waived for a moment until we can take a vote on the motion of my colleague. I believe that everybody is now agreed that a day should be fixed for the consideration of this subject. I am glad to find that the Senator from Missouri has got into his old track.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks that the pending order be laid aside informally, for the purpose of proceeding with the centennial bill on the motion to make it a special order. Is there objection?

Mr. SHERMAN. I have no objection if it creates no debate. I think it but fair to give the Senators from Pennsylvania a day in court, and therefore I hope we shall have a vote on the motion.

Mr. MORTON. I think there are special reasons why this bill should be acted upon one way or the other without delay. I know something about it.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that this bill be made the special order for Wednesday next. Is there objection? The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States by such debtor;

A bill (H. R. No. 447) extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-Canal, in the State of Michigan; and

A bill (H. R. No. 886) to provide for the election of Congressmen at large for the State of Alabama.

The message also announced that the House had passed the following bills of the Senate:

A bill (S. No. 438) to withhold from sale the site of the old Nyatt Point light-house; and

A bill (S. No. 269) to change the titles of certain naval officers, and for other purposes.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," the pending question being on the amendment of Mr. CAMERON to the instructions moved by Mr. MERRIMON to the motion of Mr. BUCKINGHAM to recommit the bill, namely, to strike out all after the word "providing," in line 3 of the instructions, and insert:

That so much of section 22 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and of the several acts supplementary thereto and amendatory thereof, and such of the provisions of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, and so much of such parts of any other act or acts of Congress as limit, or as may be construed to limit or restrict, the entire amount of notes for circulation to be issued under the said act of June 3, 1864, and the several supplements thereto, be, and the same are hereby, repealed; and that hereafter all associations organized, or that may be organized, for carrying on the business of banking under the provisions of said act shall be free to establish and organize national banks with circulation at any place within the several States and Territories of the United States, upon the terms and conditions and subject to all the limitations and restrictions now provided by law, except the limitation upon the entire amount of circulation, which is hereby repealed.

Mr. MORTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Is the pending proposition amendable?

The PRESIDENT *pro tempore*. It is not.

Mr. HOWE. Mr. President, I have a word of apology to offer. I have pretended all along, since the opening of this session, to be opposed to the increase of a paper irredeemable currency. I thought I was opposed to it really. Here is a proposition, however, to increase a paper currency irredeemable; and I am going for that proposition. I deprecate the necessity which has overtaken me; but it is here, and I must struggle with it the best way I can.

I was rather glad when in the morning of this debate I heard the honorable Senator from Ohio, [Mr. SHERMAN,] and the honorable Senator from Missouri, [Mr. SCHURZ,] and other Senators, talk about the evils of an irredeemable paper circulation, and talk about the evil of continuing to circulate among the people of the country the promises of the Government of the United States dishonored. I thought that was good sound morality, and I thought Senators meant it, wanted to prevent it, would if they could. Yesterday I thought I offered them a fair opportunity to guard against inflating or expanding an irredeemable currency. I asked, I invited, the Senate to vote for a proposition which would allow the holders of this deferred paper to give it up and take 5 per cent. bonds for it. A very large majority of the Senate said no, they would not agree to that. I have all along explained to the Senate the necessity I felt myself to be under to do something, if I could, to accommodate a financial necessity which I believed to be not general through the West and the South, but to be partial, to be real, to be urgent, to be honest. I have also spoken several times to the Senate of that exclusive feature of your present banking law, which I hold to be a great reproach to it, and which I want to get rid of. I do not see any possibility of getting rid of either of these evils but by accepting the proposition now submitted by the Senator from Pennsylvania. That is accompanied by this one evil consequence, that it does inflate the currency. I have offered to support a proposition which would remove that feature. The Senate has rejected it, and I must take it raw, or not take it at all. I have concluded to take it, if I can get it. It will remove one great reproach from your statute; it will relieve some communities which have been urging for relief, and are entitled to it; it will avoid the necessity of making a raid on our friends in Rhode Island. I am always glad to be in Rhode Island in clam time. For the purposes proposed by the Senator from Ohio I would rather not go, considering that Rhode Island seems to regard such a visit very much as some of us regard the proposed visit of all mankind to Philadelphia in 1876; she is glad to see us, but does not want to pay anything—wants us to accommodate ourselves. It will avoid the necessity, I say, of making such an enforced visit as that; and so I am compelled to vote for this measure. But while I declare that to be my purpose now, I say I still hold myself ready on any day, in the Senate or out of the Senate, at any or at all times, to agree to any sensible measure which shall redeem the good faith of the Government, and which shall prevent an expansion of this irredeemable currency.

Mr. LOGAN. I do not desire to detain the Senate a moment by way of discussion; but I wish to read an article in the last Inter-Ocean received here from Chicago, believing it to be the leading republican paper in the Northwest, merely in answer to what has been said, not expecting to convince anybody or to change any person's vote:

MONEY *vs.* CONSTITUENCIES.

"The New York business interests send word they hope to have by the middle of next week another memorial, representing at least $300,000,000, protesting not only against further inflation, but insisting that the already-disbursed portion of the so-called reserve may be called in."—*Late Washington telegram.*

We do not know exactly how many hundred million dollars the memorials from "the New York business interest" already before Congress represent. Nor is it important to us or to anybody else that we should know. Nor is it of the slightest consequence to Congress or to the country whether the New York memorialists represent $300,000,000 or $1,000,000, or no dollars at all. Memorials addressed to Congress on the subject of the currency, or on any other subject, are not to be estimated according to the magnitude of the bank accounts of the signers. The opinion of Jones to the effect that it is the duty of Congress to contract still further the volume of currency, or to prohibit still further issues, will have no weight whatever with honest law-makers, unless it is supported by reason and convincing arguments.

Petitions and protests merely serve to call attention to the fact that the people are divided and agitated on a given question. If a hundred thousand people petitioned Congress to do a certain thing, it should be borne in mind that there are still thirty-nine or forty millions of other people still unheard. The petition or remonstrance containing a hundred thousand names, therefore, is simply a notice to Congress that the subject-matter of the prayer deserves consideration. But the idea that the petition or remonstrance is to be estimated according to the amount of property represented, or pretended to be represented, by the signers is pernicious in the extreme. It is a blow at the principle of the equality before the law of citizens, one with another, whether rich or poor, which lies at the very foundation of our system of government. It is a proposition to rear on the ruins of the old slave oligarchy an oligarchy consisting of the moneyed aristocracy of the country. It is an attempt at a monstrous innovation, which cannot be tolerated for a moment. But if petitions in favor of contraction and remonstrances against an increase of the currency are to be poured in upon Congress, this method of procedure must be met in kind. Let the people of the West, rich and poor, merchants, mechanics, and laboring men, send to Congress petitions asking squarely for an increase of the currency as the sole means by which the varied industries of the country can be brought back from their present condition of helpless collapse to a state of active prosperity.

I merely read that to show the position of this paper.

Mr. SCHURZ. What paper is that?

Mr. LOGAN. The Inter-Ocean.

Mr. SCHURZ. So the Senator has been reading us a political artical from the Inter-Ocean.

Mr. LOGAN. Certainly; I said so.

Mr. SCHURZ. Now I will read to the Senate the financial article of the Inter-Ocean, probably of the same number:

SATURDAY EVENING, *February* 14——

Mr. LOGAN. The paper I read from is dated the 17th.

Mr. SCHURZ. Then I read from the Inter-Ocean of February 14, containing the financial report:

SATURDAY EVENING, *February* 14.—The week closes on a quiet and easy local money market, especially for parties who are able to present good collaterals. The movement of currency is decidedly in favor of this city, and bankers are enabled

to readily accommodate their customers. Farmers have been liberal sellers of produce during the past month, and country bankers have materially increased their deposits, and in turn have forwarded them to the money centers for investment. This also has assisted the merchants to a great extent, as they have been able to make closer collections and request fewer favors of the banks. The ease in the New York money markets, and a more general disposition to refuse stocks as collaterals, has also turned money in favor of the West, and some of the city correspondents of the New York banks have had considerable money placed in their hands for the purpose of loaning on collaterals which can be turned quickly, and in which there is little probability of a sharp decline in prices. The principal demand is from grain and provision operators, and they are generally accommodated to the full extent of their requests. Lumber dealers are making some inquiries for loans at the opening of the season, but have not made any definite arrangements. On the street the inquiry for loans is moderate, and rates of interest are easier for good paper, though the majority of the offerings consist mainly of paper not in much favor with the banks. Real estate loans are obtainable at the legal rate of interest.

Here is the money article of the Inter-Ocean against its political.

Mr. FERRY, of Michigan. I merely want to emphasize what the Senator has read in regard to the lumber-men. What he has read now verifies what I said yesterday.

Mr. SCHURZ. I beg your pardon. I stated yesterday, from the money article of the Chicago Tribune, that during this season the lumber trade has been very lively, and that about three times the amount had been shipped to the West that there was the year before.

Mr. FERRY, of Michigan. In regard to the ease of money and the possibility of making loans, the Senator took a certain ground yesterday.

Mr. SCHURZ. Perhaps the lumber-men were so fortunate as to operate upon a large scale without making loans.

Mr. SHERMAN. Mr. President, I certainly have no right to complain of the position taken by my honorable friend from Wisconsin, [Mr. HOWE.] As a matter of course, he is the best judge of his own course in regard to voting on the various propositions that come up; but I think I have a right to complain that he should attribute his course in now voting for an unlimited sea of paper money to the fact that I could not vote for his proposition yesterday. He has certainly referred to it as an excuse for the course he thinks proper now to pursue. The reason I could not vote for the proposition of the Senator from Wisconsin was because, while I am in favor of the general purport of it, I am decidedly opposed to his mode of canceling or contracting the volume of greenbacks. In my judgment it is not necessary. The mass of them can be maintained at par in gold without the necessity of contracting sharply, decidedly, in the mode proposed by him; and therefore, with all respect for his opinions, I could not vote for his proposition, as he must have known. I however had so much respect for him that I could not vote against it, and I sat quiet because the object of his proposition undoubtedly met my approval; but the provision of it that required the cancellation of greenbacks did not meet my approval, and therefore I did not vote for it.

Now, Mr. President, we are faced by a proposition, it is true far removed from the bill, to allow anybody who can command the bonds of the United States to issue notes of the United States to the amount of 90 per cent. of the bonds, without limit, without restriction, without redemption, without convertibility—an unlimited sea of paper money, with no proposition whatever to convert either these notes or the greenbacks into anything of value that will either produce income or property. It is simply to give the right to issue an unlimited amount of paper money, or limited only by the amount of bonds that may be purchased and by the amount of reserves required by law, and this in the face of propositions pending in both Houses of Congress to repeal the reserve, so that then there will be no limit except the amount of bonds.

I have no desire to comment on that proposition further. As a matter of course, if this amendment is adopted it opens up the whole sea of debate; it opens up the whole controversy again, and we shall have to go over it once more. I will not now offer any amendment to the pending proposition, simply because I should like to have the sense of the Senate tested. We have had a long debate already, and it is scarcely necessary to prolong it. If the Senate is now prepared to vote for this proposition and to instruct the Committee on Finance to report such a bill, undoubtedly the committee will obey its instructions, will follow the instructions literally, especially as the form of a bill is given and all the materials are given; but as to whether such a proposition as that can be adopted, whether it can be adopted now, each Senator will have to say—stand upon his own position representing his own constituents, and responsible to them and to the people of the United States.

Mr. BUCKINGHAM. Mr. President, I should like to vote for the proposition of the Senator from Pennsylvania if there was connected with it anything which would restrain or curtail the issue of national-bank notes; and for the want of that I must vote against it; for if we adopt that measure I can see nothing but disaster to the entire business of this country—disaster which will result from an overflow of promises without any possible chance for redemption, until the community shall be overwhelmed with the idea that there is little or no value in them.

Suppose the honorable Senator was in debt—a very improper supposition, I agree; but suppose he was in debt, and he should give his checks upon a bank, and men should go and ask the bank to pay his check and they should be answered, "He has no money here;" and therefore the bank could not pay his checks. The holder of a check who received that answer first would know that the check was good, that the drawer of it was responsible, and therefore he would seek to pass it upon his neighbor, and his neighbor would take it, and take it why? Because he would know that the man who gave the check was able to pay. And so he might issue other checks, and other men would go to the bank and in the same way be refused, but by and by the number of checks would be so great that the men who held them would be unable to get for them money with which they could meet their own obligations, and therefore they would begin to decrease in value. Now let the honorable Senator increase his obligations by increasing the number of checks until he has flooded the neighborhood where he lives with them, and what would be the value of his checks? I think not unlike that would be the effect of this measure, and therefore I cannot vote for it.

Mr. FERRY, of Michigan. Mr. President, the Senator from Connecticut is as well aware as other Senators upon this floor that the simple proposition before the Senate now is (and unamendable, I would remind the Senator) to break the present monopoly of banking; simply that and nothing more. In other words, if the banking privileges of to-day are desirable to any portion of the community, they should be open to all in harmony with the spirit of our institutions. I say that is a simple proposition submitted to the Senate, and it is one, I think, which will commend itself to the whole nation.

The Senator knows as well that if he desires to place restrictions upon this extension of privileges of the present banking system, he will have the opportunity after the vote has been taken. If this proposition to make banking free to all be carried, it will then be open to amendment, and such checks as the Senator may see fit to put upon it can be added; but at this stage of the proceeding there must be either a yea or nay vote upon the proposition whether banking shall be open to all or whether it shall be a monopoly for a few.

Now, sir, I am not disposed to consume time, for I did design to speak at length on the pending question; but I will content myself by merely stating that my preference is that the Government should issue all the circulation of the country, and under a general system of banking separate the issue from the discount. That is my choice. But surveying the condition of the nation in its industrial and commercial relations from a business point and with a practical mind, my belief is that the country demands immediate relief; and if we cannot get it under the form of greenbacks, let us have it under the form of national-bank notes, as the next best step attainable. With the right to organize banks when and where wanted, the freedom will compensate for some objections.

The Senator understands well that the national-bank currency is redeemable by greenbacks. Now, if I were to suggest—and if the chairman of the Committee on Finance will take it in the spirit in which it is tendered—it would be to provide for some sort of redemption of the greenbacks, by fixing a mode of conversion or redemption, and let the system of circulation become as free as air, to go wherever there is demand for it.

Mr. SHERMAN. My friend will allow me to suggest that the Senate has already voted down a proposition to redeem the greenbacks either in coin or bonds.

Mr. FERRY, of Michigan. For the very reason that the Senate had not stated its judgment upon the question whether there shall be an increase of currency or not; and if there be not freedom granted then there is restriction in the proposition urged by the Senator. I can readily see how redemption or conversion into 5 per cent. bonds may contract the currency if there is not an outlet; but under freedom of circulation based upon the stocks of the Government, that indispensable security will serve as the brake to regulate the volume of circulation, and, controlled by business demands, there will be a wholesome check upon any unnecessary expansion of the currency.

Now let me remind the Senate of one fact. Senators talk about restriction, and we hear it stated by Senators from New England, who say that there is already so great a restriction upon the banking capital that capitalists will no longer invest under the present system. What is the restriction? First, you must pay 10 to 15 per cent. premium for your bonds; next, you must leave a margin of 10 per cent. with the Government as additional security for the redemption of the currency. There is 25 per cent., to which must be added a reserve of 15 per cent., making 40 per cent. idle capital, so that you have but 60 per cent. of your capital in the form of active circulation. Certainly that is an important restriction upon banking investments. That breaking up of capital will necessarily prove a wholesome check upon an overissue of currency.

Now, I ask any Senator who takes exception to the proposition now pending before the Senate this simple, practical question: If the bonds of the Government, based upon the credit of the United States, with the simple addition of interest that is to accrue by the lapse of time, are a sufficient redemption for your currency, upon what principle can it be denied that the same credit in like bonds as pledge for security will make the currency issued upon them safe and stable beyond the possibility of depreciation? I say possibility, because I cannot now conceive of any possible depreciation of United States bonds.

Allusion has been made to this method of expansion, and comparison made with other issues with no valuable foundation in fact. The superexcellence of our currency is well illustrated by this simple fact: in all other panics everybody who had a dollar of currency was glad to get rid of it; the object was to convert it into any other species of property. But when the last panic occurred it proved an exception to all other panics, whether under suspension or not, in this re-

gard; every man who had a dollar of Government issue or of national-bank issue held it, and preferred it to any other kind of property.

If in the crucial test of a panic the people will thus act and hold the currency instead of converting it, and refusing even to convert it into coin at but 2 per cent. difference, (for your currency stood at 4 cents premium and your coin at 106,) what higher proof would you have that the people are satisfied with its value and safety? Now, I say, a system based upon the credit of the whole nation, restricted by the total bonds held by and within the control of the nation—and that is but a moiety of the bonds that are now outstanding—cannot be one of insecurity by any means. Suppose, at the worst, all of the $1,600,000,000 of bonds outstanding were held in this country and tendered for banking currency, the volume would not reach what it was in 1865 of all the forms then in circulation. We have thus tested without disaster a volume equal to the extreme maximum which I have suppositiously put.

Mr. SCHURZ. Will the Senator permit me to ask him a question?

Mr. FERRY, of Michigan. Certainly.

Mr. SCHURZ. I understand the Senator just now said that in 1865 the whole volume of our currency in all its forms was about $1,600,000,000.

Mr. FERRY, of Michigan. To state more precisely, $1,575,000,000.

Mr. SCHURZ. Will the Senator be kind enough to inform us what the current rates of interest then were?

Mr. FERRY, of Michigan. Well, Mr. President, I thought that and the regulation of gold were settled pretty well and effectually in the judgment of all by the Senator from Illinois, [Mr. LOGAN.] When, as was stated, the price of coin went up, and interest ran up because the volume increased, it was caused solely, as was stated by the Senator from Illinois, by the doubt resting upon the ability of the nation to suppress the rebellion; and when gentlemen speak of the appreciation of our credit in the midst of the war, I tell them it was not simply because of any declaration of good faith on the part of Congress. I say to the chairman of the Committee on Finance, with due respect and without any disparagement of his eminent labors and ability, it was not so much his services in leading the Finance Committee and the Senate through the passage of acts to strengthen the public credit, but it was more the services of the other Sherman, marching to the sea, and Grant, tramping through the wilderness, that settled the doubt resting upon the integrity and solvency of the country; and they were the illustrious financiers who caused gold to tumble.

Mr. SCHURZ. I did not ask what the causes were of the decline of the premium on gold. I asked simply this question: Whether, when the volume of the currency amounted to about $1,500,000,000, that is to say, double what it is now—not during the war, while there was any doubt as to the stability of the Government, but after the war, when the victory was achieved, when the confidence of the people in the durability of our institutions was fully restored—I ask whether the doubling of the amount of our currency had the effect of reducing the rate of interest at that time to one-half?

Mr. FERRY, of Michigan. I am not disposed to evade the question, and I will answer the Senator in the language of my colleague, with whom I differ upon the currency question. I answer in his language when he said that during or succeeding the war, and up to within a very short period, the whole country was prospering. How? Because business was done upon a cash basis; there was less individual indebtedness during that time in consequence of the adequacy of currency. Individuals could get currency then to transact their own business or the business of corporations at lower rates of interest, and obtained it and paid as they went. That I deem the best answer to the question put by the Senator from Missouri. When the Government steps in and supplies abundant currency at a depreciation of 10 per cent., even taking that for granted, at the present rate of gold, it is far better than to force your circulation to a coin standard and compel an extended credit system to make up for deficiency of money. I would rather see money abundant so that business should be transacted upon a cash principle than keep the volume of curreney in the hands of a monopoly who shall dictate to individuals the amount of their lines of credit, and extort from them as a consequence higher rates of interest.

Mr. SCHURZ. If I do not annoy the Senator from Michigan——

Mr. FERRY, of Michigan. Not at all.

Mr. SCHURZ. He says that the answer he has given is a very clear and pertinent answer. I must say that if that answer was very clear, my understanding must be excessively dull. My question was this, and I repeat it: There was at that time what we call a generous abundance of money; there was just double the amount of what we have now, $1,500,000,000 of currency. The question I asked was whether that abundant amount of paper money had the effect of reducing the current rates of interest to one-half of what they are now. The Senator, instead of indulging in patriotic rhapsodies, which are very well in their way, but, I suggest, cannot solve problems of finance, might have answered me point-blank yes or no, so that I should know what I was about. For my part, I suspect that although the amount of currency in the country then was double what it is now the current rates of interest were at least fully as high as they are to-day, and probably a good deal higher.

Mr. FERRY, of Michigan. The Senate is very well aware that the Senator from Missouri puts a hypothetical case. He does not state the rate of interest at one time, neither does he state it at another, and therefore I am left to the general principle for reply to his general question. If he wants me to draw the answer more narrowly, I will state to him another fact, which has come perhaps within his own observation. In the city of New York, during the months of the summer, when there is a redundancy of currency, the rates of interest are nominal; but in that same city, when there is a scarcity of currency, or when other seasons of the year occupy more of that currency in business channels, you find the rates of interest running up. If the Senator wants me to be more direct and practical than this, I will put my own observation and experience against his. I will state that, so far as I am concerned, in 1865 and 1866, during this increase of currency, this flood of currency, as it is called, I was able for myself and others to negotiate loans at from 2 to 4 per cent. less than I have been able to negotiate them within a month, and that is putting it moderately. That is a direct and specific answer, and the general one in relation to New York is another answer to what the Senator has put.

Mr. SCHURZ. I am sorry to trouble the Senator.

Mr. FERRY, of Michigan. Not at all; I am not sorry to be troubled.

Mr. SCHURZ. But I would say that the record of finance tells a story a little different from that told by the Senator. He may, in his individual operations, have been very fortunate; but if he will look at the newspapers of that period he will find that during the corresponding months, when exactly the same condition of business prevailed that prevailed during the same months now, the rate of interest was not only as high but was usually higher than it is to-day, although the supply of money was, as he has himself admitted, just double what it is now.

Mr. FERRY, of Michigan. I can only say that the Senator looks through different channels of business from what I do. He looks through professional eyes, and I look through business ones. That is the difference between us. He puts doubt upon fact, and I put fact upon doubt. There is where we stand; simply that, and nothing else. I state to him facts within my own knowledge that loans were negotiated in the years mentioned at lower rates than it is possible to negotiate them now. When there is a redundancy of currency bankers solicit debtors to take money, and modify interest rates; and in the other case the debtors seek for loans and are subject to lenders' terms.

Now, I desire to call attention to another check on this redundancy under this measure of free banking, and then I shall be through. If there is poverty in the land, as stated by the Senator from Massachusetts, [Mr. BOUTWELL,] if the great obstacle in the way of return to specie redemption is the poverty of the country or in localities, then there will be no capital to expand this currency. That will be a substantial and effectual check. Let it not be forgotten that not a dollar of this currency can be drawn out of the Treasury by the banks without placing there $1.10 or $1.15 for every ninety cents of currency. Every man who seeks to organize a bank must first have capital enough to buy the bonds, and when he has bought the bonds, he then gets 90 per cent. of currency upon those bonds. No man will enter into banking unless he is sure that there will be a demand for the currency after he has organized his bank. That is a great check. The poverty which is said to exist throughout the country, if it be so, is another essential check. Then in the way of security to the people the currency rests upon the bonds of the Government, for the payment of which the faith and honor of the country are pledged.

Mr. BUCKINGHAM. The Senator from Michigan objected to the position which I took, because that which he takes is so much better, designed as it is to break down this monopoly. I think I have expressed no other opinion since I have been here than that it was important to break up this monopoly and to make the system of banking free. To make the banking system free is to break down the monopoly. We then agree in the object; but to break down the monopoly by introducing that which is more disastrous to the public interests than the monopoly itself is not my purpose; and I verily believe that the flood of irredeemable currency which would flow over this country in consequence of a system of free banking, without redemption in anything which was of more value than the bank bills themselves, would be a vastly greater evil than that which pertains to this so-called monopoly. The Senator claims that we may yet incorporate in the measure the very restrictions which we suggest. I should like to inquire of the honorable Senator if he is ready to vote that national-bank notes shall be redeemed in bonds? If so, that would be one restriction.

Mr. FERRY, of Michigan. I will answer the Senator frankly, by stating that I am in favor of convertibility. I have advocated that since the fourth day of the session, and it is part of my plan. I will go with the Senator, so far as it shall be prudent in my judgment, to adopt some method of interconvertibility.

Mr. BUCKINGHAM. It is very surprising to me that a Senator on this floor is not willing to put two things together, when it is essential to put those two principles in the bill, where the one will counteract or balance the other, so as to make the system a perfect, practicable system. Mere expansion is not elasticity; it is all stretch in one direction. What we want is something which will bring back the currency or prevent too great an expansion. I should like to see something of that kind; I hope to see it, and yet I fear we shall not obtain it.

Mr. HOWE. Mr. President, I feel bound to say a word in reply to the Senator from Ohio, [Mr. SHERMAN,] who seemed to think that I urged his vote last evening as my reason for voting for the amendment of the Senator from Pennsylvania, [Mr. CAMERON.] That could not have been my argument, unless I very much misstated it. I certainly did not know how the Senator voted last evening on the proposition which I had the honor to offer. I simply knew that the Senate had voted against a proposition which I offered with a view of preventing expansion. That vote brings me to choose between the alternative of letting a want, which I have complained of frequently, go without redress and without relief, or of allowing it to be relieved in the manner proposed by the Senator from Pennsylvania. I choose to support the measure now before the Senate. If inflation comes from it, it is not my fault. I repeat, because I see Senators smiling, if inflation comes from this measure it is not my fault, because the Senate might have guarded that possibility last night and may to-day, and also have relieved the Government from that reproach which many of them have hurled at it, of allowing its promises to go unredeemed, simply by consenting to pay its promises with a 5 per cent. bond. That they do not choose to do, for reasons doubtless satisfactory to them, very likely to be satisfactory to the country, but not at all satisfactory to me.

I think I have a right to say that the expansion which may be expected to follow upon the adoption of this measure is not so broad, so wide, so illimitable, as my honorable friend from Connecticut and others seem to think. If it were ever so broad, I should still go for it, holding those responsible for its effects who would not guard against those effects. I would go for it for the good there is in it, and holding others responsible for the ill that is in it. But it is not of that character. It will be guarded, as the Senator from Michigan has pointed out. Capital will be a little guarded in its investments. It always is. Nobody will be tempted by the freedom you offer to put money in the banking business unless he believes that there is an honest demand for capital to be employed in that way; and the judgment of capitalists exercised as to the wants of a particular locality can be relied upon a great deal more safely than our judgment as to whether the whole country has more or less circulation than it wants. I do not know of any financier capable of determining that question with accuracy; but I know of a great many gentlemen whose opinion as to whether more bank currency should be used in New York, or Chicago, or Green Bay, or Dubuque, would be very satisfactory to me, and I should rely upon it pretty confidently. No dollar will be invested in banking under your bill unless such capitalists, such business men, find some locality where they think it can be employed advantageously to themselves, because profitably to the community about them.

I know that this paper currency will be expanded somewhat. I know more money will be invested in banking when the Government gratuitously furnishes the banks a redeeming medium of $400,000,000 of mere promises, not money. More currency and more bank-notes will be put out than would be put out if capitalists were required to redeem every one of their notes on demand in coin. But that is because the inducement you are holding out is so great. That is what brings about that expansion. You can make that less if you will. In making it less, of course you guard against this danger. It is not the fault of the single proposition before you. It is not because of anything in the particular proposition before you that this danger is so strong; it is because of something that the Senate will not incorporate upon that.

Mr. MORRILL, of Vermont. Mr. President, the time is not auspicious for making any speech here; for the die is cast; the minds of Senators are made up. It is not my purpose to make a speech, but I wish to submit a few remarks on some points that seem to me worthy of a little further consideration before the final vote is taken.

Is it not strange, Mr. President, that since 1866 we should have had a new race of statesmen and philosophers born here to adorn our country? Up to 1866 there was no one here or elsewhere who repudiated the example and the doctrines of the earlier statesmen of our country as well as of the statesmen of other countries in relation to the great questions of finance; and yet we find here now arrayed on one side of this question Senators who utterly repudiate the idea of being bound by any precedents of the past. In 1866 there was a general unanimity in favor of approaching the resumption of specie payments at once. Now, we find in this Chamber Senators are perhaps nearly equally divided upon that question.

It seems to me that a great and material error is at the base of this division of opinions. The question here presented is now one of unlimited banking privileges anywhere and to anybody. It would seem, therefore, that Senators believe that currency, or so-called paper money, is the lever which is to produce wealth. Never was there a greater mistake. Wealth is only to be produced by labor and the products of labor. The merchandise and the commodities that any locality may have for sale will always command money, and that then becomes the evidence of wealth.

The original question that was brought in here by the Committee on Finance was simply a question relating to the distribution of $25,000,000 of circulation held by the Eastern States, among those that were deficient. The complaint was that the Comptroller of the Currency found that the law could not be carried into practical effect. The Committee on Finance brought in the bill here for the sole purpose of removing any obstacle to its going into immediate operation. When that bill came here it was met by the parties who were to derive the greatest benefit from it with opposition. It was said that it was not enough. In the language of the Senator from Indiana [Mr. MORTON] it was declared to be "a half-way measure," or not even that. Now, sir, I desire to show that when that bill was passed the distinguished Senator from Indiana not only thought that it was more than "a half-way measure," but even more than he would himself require, perhaps. I thought I had the Globe, containing the remarks of the Senator from Indiana. I do not find them, but I can state them, for I read them this morning. It was then proposed to retire $45,000,000 of the 3 per cent. certificates, with an increase of bank circulation to the same extent; and a bill had passed the Senate for a redistribution of $30,000,000 of the banking currency held by the Eastern States; and the distinguished Senator from Indiana said at that time that if the other bill was passed and this bill also, it was perhaps more than he should require; certainly that it was enough. That bill passed, but it passed at $25,000,000—only $5,000,000 less—and the $54,000,000 bill also passed.

At first the Senator from Indiana was only for a trifling, a very moderate, increase of the amount of paper money; he was for pouring only a little water into the pump, in order to pump out more. That increase has been made to the extent of at least $27,000,000, issued by the Secretary of the Treasury. But now, the appetite having grown upon what it feeds, the Senator wants a great deal more; he wants, I suppose by his efforts here, going with those who go furthest, to have an indefinite amount of national-bank notes. As a leader on that subject, the Senator, I fear, has not been quite consistent. I propose to read his position in March, 1869, in relation to the redemption of greenbacks. There was a bill pending, and he referred to an act already passed, which contained this clause:

> Shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid.

The Senator from Indiana remarked upon that:

> Language cannot be broader, cannot be more comprehensive, than this; and this is a part of the contract between the Government and every purchaser of a bond created subsequent to that time, except where the creation of that bond is excepted from its operation, as it was in the ten-forty act. It is a part of the contract, although it is not contained in the same identical act of Congress that creates the bonds. It is the law, in full force and operation when all these bonds were sold, and is in force to-day.

The position of the Senator at that time was that the bonds of the United States could be paid in greenbacks. But he enforced that idea with his usual emphasis further:

> It is a mere quibble to say that because the right to pay the obligation in legal-tender notes does not exist in the act creating the bonds, therefore it is not applicable. If it is found in another law of the same date or of antecedent date, it is just as much a part of the contract, it is just as much a part of the right of the Government, as if it was contained in the act creating the obligation.

But what I more particularly desired to call the attention of the Senate to was his position in relation to a point which I have at heart now, as I had then, and that is the redemption of the United States notes in coin or its equivalent; and now I quote what the Senator from Indiana said March 11, 1869:

> Mr. President, this bill does contain one provision that I am glad of, and it is this: "And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."
> Sir, that is worth all the rest. It will do more than all the rest to strengthen the public credit. Who can doubt it? And in view of this solemn pledge this Congress ought not to adjourn without making some provision for the purpose of redeeming the United States notes in coin according to the terms of this solemn promise; and when that is done, all the rest adjusts and settles itself.

That was good doctrine in 1869. I was happy then to follow the Senator, and I very much regret that he has changed his position.

Again, February 27, the Senator from Indiana said:

> This part of the bill—
>
> Referring to the part which I have already read—
>
> meets with my approval, I believe it is the first time that it has been proposed in Congress to declare that the greenbacks are to be paid in coin. Although logically there is nothing else in which a greenback can be paid, yet I believe it has never been thought or desired on the part of those who have been tinkering with the law upon this question to declare that the greenbacks were payable in coin.

I consider these doctrines uttered by the Senator at that time as sound. If they were sound then, they are sound now. We ought to have complied with that law before this time; and yet the measure before us puts off the day for an indefinite period. Who can tell when we are to resume specie payments, who can say when we are to pay United States notes in coin, when on yesterday the Senator voted against even redeeming them in United States bonds?

Mr. President, it seems to me that we are about to inflict a great evil upon the country, and especially upon the debtor class. What is the fact in relation to the debtor class? If gold is at 12 per cent. premium, we are making them pay interest on 12 per cent. more of principal than they would have to pay if they were on a specie-paying basis, and this just so long as a depreciated currency continues. I believe that we are inflicting a great evil upon the country, because upon looking over the whole country—and as statesmen we are bound to legislate for the whole country—it seems to me that this recent panic has badly affected the Senate, while it pervades only a small portion of the country. Take the Pacific coast. The whole Pacific coast are in favor of a resumption of specie payments. Take

the East; there is little more than one voice there in relation to it. Take the South; there is no portion of our country that is so well able to support a specie currency as the cotton-growing States. Their product is not only large, but it always commands specie. Then if we regard the evidence of the boards of trade throughout the country, I know of but a single exception, and that a very mild one, that has not exhorted us to take some steps in relation to an approach to a resumption of specie payments. They are all against expansion.

If Senators who urge the inflation of the currency in order to increase business mean by that that we are to construct railroads, subsidized or not, where they are not needed, before they are wanted, they will find themselves very much mistaken. The credit of railroads built into regions containing no population and containing no business, has received a shock from which it will not recover for years; and no matter how plentifully you make money, you cannot induce capitalists to embark and subscribe for bonds or for stock in railroads in sections of the country where they will not pay dividends when built. Under such circumstances, it seems to me utterly futile to attempt to revive merely speculative business by issuing a further amount of the national-bank curency.

And now a single word in relation to the question of getting specie. It is a universal law of trade that gold will not circulate alongside of depreciated paper; otherwise wherever gold is wanted it will flow. It is impossible to prevent it; and if we were to take some steps, not now, of course, as early as the Senator from Indiana once proposed, July 1, 1871, for the resumption of specie payments, but at some future day not too remote, I have no question of the ability of the banks or of the United States Government to do it. Of course the United States Government would retire its legal-tender notes in bonds, and by the time those were retired the banks would be in full possession of all the gold they needed. Take the banks of the city of New York; with $26,000,000 circulation, they have $59,000,000 of legal-tender notes on hand, and over $30,000,000 of coin. Are they not in a condition for resumption? Of course they are.

But, Mr. President, I did not design to make a speech. I only desired to show, while I am proud to follow my friend from Indiana on many questions, that he was not infallible on the question of finance.

Mr. MORTON. Mr. President, I do not profess to be infallible upon this or any other subject; and I will say frankly to my friend from Vermont that I have had occasion to change my views upon several questions in connection with it. I hope I learn something by experience, observation, and reflection. But, sir, upon the particular point to which my friend refers I happen to be entirely consistent with myself. I was in 1869 in favor of declaring that the United States notes were to be paid in gold; and I will tell my friend something, perhaps, that he does not know in regard to that provision of the act of 1869 to strengthen the public credit, from which he has just read:

> And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

I will say to my friend that I believe I am the author of that provision of that act, and I am just as much in favor of it now as I was then. In the first remarks that I made at this session of Congress, on the financial resolution introduced by the Senator from Ohio, I used these words:

> I agree that the faith of this Government is pledged to redeem what are called greenbacks in coin. I agree to that as fully and as strongly as anybody; and I further agree that we are to keep steadily in view what is called a return to specie payments; but the question is, whether it is our duty at this session of Congress, at this time, in the present condition of the country, to look to and adopt such measures; and at this point I differ with the committee.

At the time that act was passed we were in the heyday of prosperity; we had, perhaps, as good times as this country has ever had. I thought it was a good time then to take some step in that direction. I had previously brought forward a proposition myself to fix a day, some three years in advance, when the Government would begin the work of resumption, and I had proposed that the Government should do what was necessary in order to redeem those notes in coin, that it should begin to collect the gold for that purpose. I think my friend from Vermont then did not agree with me. Sir, the faith of the country was pledged from the beginning, and is pledged to-day, to redeem these notes in coin; but who is there now proposing to do it?

Mr. MORRILL, of Vermont. I will say to the Senator that I think he will find that I have never been opposed to a return to specie payments.

Mr. MORTON. Who is now proposing to redeem that pledge? My friend introduced a bill. Did he propose to redeem those notes in coin? Not a bit of it. The Senator from Ohio [Mr. SHERMAN] introduced a bill. Did he propose to redeem those notes in coin? Not a bit of it. He proposed to redeem them in coin or in a bond, giving the Government the preference of paying in a bond, well knowing the Government had not the gold, and his bill made no provision for getting the gold, or even for keeping the surplus in the Treasury for that purpose.

Mr. MORRILL, of Vermont. The Senator will remember that my bill proposed that the Government should issue bonds and obtain the gold to redeem the notes.

Mr. MORTON. That is the fact about my friend's bill. The Senator from New Jersey [Mr. FRELINGHUYSEN] introduced a bill proposing to issue three hundred million or four hundred million bonds to buy gold to redeem the greenbacks. The Senator from Massachusetts [Mr. BOUTWELL] showed, at least, I thought, tolerably clearly, that that could not be done. I never believed that that thing was practicable. I had always supposed from the first—that was my idea in 1868—that the Government must collect the gold gradually until it got a quantity that would authorize it to say, "We will begin at a certain time to redeem our notes." My friend from New Jersey, I think, at that time did not agree with me about it.

Mr. FRELINGHUYSEN. The Senator from Indiana is in error as to the measure which I introduced. It was to authorize the Secretary of the Treasury to purchase gold, and to supply him with bonds not exceeding the amount of two hundred millions for that purpose.

Mr. MORTON. Certainly to purchase gold to redeem the notes, and that was the particular point that was answered by the Senator from Massachusetts, showing that that thing could not be done.

Now my friend from Vermont has referred to another thing. In 1868 and 1869 I did argue on this floor that the Government had the right to use the original legal-tender notes, issued before the bonds were issued, with which the bonds were bought from the Government at par, and which on their face declared that they were a legal tender in payment of all debts, public and private, except for two things, interest on the bonds and duties on imports. I did argue that by the plainest and most direct provision of the law the Government had the right to use those same notes in the payment of those bonds. All the lawyers and all the courts arguing from now till doomsday, can never disprove the right of the Government to do it. But there was a vast interest against it, and no one took a more active part than my friend from Vermont in bringing about a different construction of the law. That was the great blunder of this Government, that has cost it hundreds of millions of dollars. But for that the greenbacks would be at par to-day, and would have been years ago. The Government dishonored its own promise; the Government violated the law of the creation of these greenbacks for a purpose; I will not say it was not patriotic, but it was as clear an infraction of the law as ever was made by a government or private individual. That is over and gone. By the act of 1869 that question was settled. I have never said a word about it since; it is too late now to refer to it; but I still insist that that was the greatest financial blunder ever committed by this Government. But let that pass, Mr. President.

Congress declined in good times, and when it seemed to me that the opportunity was fair, to make any provision for a return to specie payments; but just as soon as——

Mr. SHERMAN. Will the Senator allow me a word as to the point he has just spoken of?

Mr. MORTON. Yes, sir.

Mr. SHERMAN. The Senator refers to the circumstances which gave rise to the act of 1869. I ask him whether, as a correlative proposition to that which relieved the bondholders from any fear that they might be paid in greenbacks, there was not incorporated in that act the specific pledge of the public faith that the greenbacks themselves should be, as soon as practicable, made equal to coin? I ask him whether those two propositions did not go hand in hand? I say to him, what I know to be a fact, that the proposition to require the Government to pay the bonds only in coin and not in greenbacks could never have passed Congress, in my judgment, but for the solemn pledge accompanying the same bill that the notes would be paid in coin at the earliest practicable period.

I will ask my friend another question: whether at the time we made this pledge, seeking to bring both bonds and notes to gold, it was not expected that in two or three years, at the utmost, the pledge would be redeemed?

Mr. MORTON. I think that was the expectation at that time. I then thought that could be done; but I believe there was no purpose, at least there was no fixed attempt on the part of my friend, the chairman of the committee, at that time, in that auspicious period, to bring about a return to specie payments.

Mr. SHERMAN. Let me correct the Senator. On the contrary, my friend will find that at the very next session of Congress I introduced a bill, and from that time to this have been every session day by day demanding that the Government should keep its promise to the noteholder, having fulfilled its obligations to the bondholder.

Mr. MORTON. What I have said is, that this session, upon the top of a panic, when our industries were greatly depressed, and a large portion of the people of the country suffering from the effect of the panic, was not the time to enter upon the resumption of specie payments.

One word in answer to this bugbear now about inflation. I think I am somewhat justified in calling it a bugbear. In the first place, we were told at the beginning of this discussion that the twenty-five millions provided for in this bill would not be taken in two years; that the premium on the bonds was such, and the condition of things in the West and South such, that twenty-five millions of circulation would not be taken in two years, and that long before it was taken there would be ample opportunity to make further provision for banking capital, if it were desired. Then we were told right on the heels of that, that New England had taken this excess, not because she wanted it, not because it was profitable, but because she was driven into it by the act of Congress taxing the State banks out of existence; and a bill was made to us by the Senator from Rhode Island [Mr. ANTHONY] upon that ground, that it was not particularly profitable to New Eng-

land; she did not care about it, but she had been driven into it. And then we were told by the Senator from Maine, [Mr. HAMLIN,] and the argument went all around here—I think my friend from Ohio himself used it—that national banking was not particularly profitable; that there was only about 1½ or perhaps 2 per cent. profit made on the circulation; that was no particular inducement to go into it; but when the proposition for free banking is brought forward, then the whole tide of argument turns in the other direction; then it is so profitable, there are such large inducements, that national banks will be established to the extent of the whole amount of the bonds available for that purpose.

Mr. President, that position, in my opinion, is unsound. If the other arguments were true, of course it is unsound. National banks will not be established except where it is believed they will be profitable, and where there is a local want for them. There are places in Indiana where there is not a bank within thirty miles now, with large population; there are places in Iowa, I presume, where there is not a bank in forty or fifty miles; and so in Missouri, and so in Illinois, and so in all these Western States. We have towns now of two or three thousand inhabitants without a bank, towns rapidly growing; and they cannot get banks. The States cannot give them to them; the General Government will not give them to them. Here are these local wants. We wish to supply them; but we are told that we shall not do it; that this is a cast-iron system, and must remain just as it is. That is what we are complaining about; and I will say to my friend from Ohio that these questions are entirely divisible. The question of distributing the benefits of the national banking system is a thing entirely separate and apart from the question of the resumption of specie payments. If you resume specie payments to-morrow we still ought to have the means of equalizing the benefits of this national banking system; and every community in Ohio, Indiana, Illinois, Iowa, or elsewhere that has now come to the point that they want a bank ought to have some means of getting it. Now they have not; and my friend's bill refuses to supply them. As I had occasion to say before, of the twenty-five millions not a dollar will go to a single Northwestern State.

Mr. President, as was said last night by the Senator from Massachusetts, [Mr. BOUTWELL,] as you increase the number of banks you increase the demand for legal-tender notes. As the law now stands they must have 15 per cent. of reserve on their circulation for country banks and 15 per cent. on their deposits, which will make an average of from 25 to 30 per cent. I suppose—I have not looked at the figures—there are now $100,000,000 of greenbacks in the vaults of the banks held as reserve.

Mr. ALLISON. One hundred and ten million dollars by the report of the Comptroller.

Mr. MORTON. My friend from Iowa says $110,000,000; therefore of the volume of greenbacks, now some $375,000,000, $110,000,000 are held in the vaults of the banks out of circulation, because they are held as a reserve. As you increase the number of banks you increase the difficulty of getting these reserves. You make a new demand for greenbacks. You do not cheapen the greenbacks, but you increase their value, because you create a new demand for them. You do not increase the number of promises that the Government is pledged to redeem in coin. The Government is pledged, we will say, to redeem these notes in coin; you do not increase that difficulty at all, but you contribute to bring up the value of these notes as you increase the demand for them; and thus you diminish the difference between their value and the value of coin.

Mr. SCHURZ. The Senator from Indiana will perhaps permit me to ask him a question—not a question put for the purpose of interfering with his argument, but purely to get some information from him. He tells us that the organization of national banks in addition to the number of national banks we have now, and the issue of currency over and above the amount now outstanding, and perhaps over and above the amount of greenbacks out, will have the effect of appreciating the greenbacks. That is the way I understand him; because the greenbacks are needed as a reserve. Am I correct?

Mr. MORTON. That was my argument, undoubtedly.

Mr. SCHURZ. Now, I should like to know whether, in the Senator's opinion, if we should carry the issue of national-bank notes say to about $800,000,000, to double the amount of greenbacks outstanding, the appreciation of greenbacks would be so great as to create a difference in the current value of greenbacks and national-bank notes? I assure the Senator from Indiana that this question is put in perfect good faith, and not to lead him into a snare.

Mr. MORTON. I will say to my friend that if the amount of national-bank notes was increased to $800,000,000, in my opinion it would lead to the winding up of the national banks, because they could not, without too much expense, procure the notes in which they were bound to redeem theirs; because whenever you get the amount of national-bank notes to any considerable extent above the volume outstanding of legal-tender notes, there will become a difference in value such as to make it profitable to run the national-bank notes home and get the legal-tenders in place of them; and that of itself will prevent the extension of the banking system, as a matter of course.

Mr. SCHURZ. Now, if I understand the opinion of the Senator it is this: that as soon as the volume of the national-bank notes issued exceeds the number of greenbacks in circulation, then the greenbacks will appreciate in proportion to the national-bank notes. In other words, that the current value of greenbacks will be greater than that of national-bank notes. Is that it; and that therefore, in issuing national-bank notes redeemable in greenbacks, we have to confine ourselves strictly to the number of greenbacks out? Is that the Senator's opinion?

Mr. MORTON. I did not say "strictly." I did not say dollar for dollar.

Mr. SCHURZ. Say materially, virtually.

Mr. MORTON. What I said was, that whenever the volume of national-bank notes exceeded to any considerable degree the volume of legal-tenders, the difficulty of procuring legal-tenders as reserves and for the purpose of redeeming the bank-notes would be enough to make it profitable for brokers to speculate in legal-tender notes, and that that would be an effectual prohibition to the further extension of the national banking system. We have experience which shows us that in regard to banks of another character——

Mr. SCHURZ. If I may continue this conversation, which I hope the Senator from Indiana considers as pleasant as I do myself, then if there were, say, some $500,000,000 or $600,000,000 of national-bank notes out, to prevent the difficulties which necessarily would arise by the disproportion between greenbacks and national-bank notes, and in order to restore the necessary equilibrium, it would render necessary the emission of a further amount of greenbacks in order to keep afloat the national-bank circulation. Would not that be it? Or it would necessitate the withdrawal of the national-bank circulation in excess of the amount of greenbacks out. Is not that about it?

Mr. MORTON. What does the Senator mean when he says "is not that about it?" It would require an act of Congress to do it, undoubtedly.

Mr. SCHURZ. Precisely the question I put to the Senator is this: Whether this proposition is correct in his opinion?

Mr. MORTON. Mr. President, as long as Congress limits the number of greenbacks to be issued—a thing that Congress may perhaps trust itself with—that of itself necessarily fixes a limitation to the extension of the national banking system, so that its issues cannot go far beyond the volume of the greenbacks. I do not believe myself that it would extend more than forty, fifty, sixty, or seventy millions. Certainly I do not believe it would go to the extent of one hundred millions. I do not think the demands of the country now require a greater increase of the currency than that.

Mr. SCHURZ. Will the Senator permit me another question?

Mr. MORTON. Yes.

Mr. SCHURZ. If the Senator believes that it will go farther than that, why not fix the limit? But leaving that aside, there was another question I wanted to ask the Senator. Is it the opinion of the Senator that an increase of the national-bank circulation would have the effect of raising the premium on gold—I mean a considerable increase, the greenback circulation remaining the same?

Mr. MORTON. I think not at all. An increase of the greenback circulation to any considerable extent perhaps would; but an increase of national-bank notes to be redeemed in greenbacks, while the volume of greenbacks is held steady, certainly would not increase the premium on gold. I think it would have the other effect, by increasing the demand for greenbacks, and making them thus that much more valuable; and that brings me to a thought which I may as well express now. I believe the emission of twenty-seven millions of legal-tender notes by the Secretary of the Treasury since the panic has not had an appreciable effect in increasing the premium on gold. It has relieved the condition of the country. Some of my friends here are not willing to admit the extent of that relief; but I think that is one of the most beneficial things that have been done by this Government. I approve it; I indorse it wholly; and I call the attention of my friend from Vermont to the fact that when we provided for the issue of fifty-four millions of national-bank notes in 1870, that did not increase the premium on gold then; but, on the contrary, the premium on gold declined. Nor do I believe that the issue of forty, fifty, or seventy-five millions of national-bank notes can have any effect upon the premium on gold, except to reduce it by increasing the demand for greenbacks.

Mr. SCHURZ. The Senator says that the effect of the emission of about twenty-five millions of greenbacks has not been to increase the premium on gold. Why, one thing is certain—that gold has gone up, since the day it reached its lowest point, about 6 per cent. I think it is now about 12⅝.

Mr. ALLISON. It was 11 the day before the panic.

Mr. MORTON. And two or three months before the panic it was 18. In the early part of last spring I think it was 18.

Mr. SCHURZ. It was 18 in April.

Mr. MORTON. So far as the price of gold is concerned, I will say to my friend that during the panic there was no market for gold. People did not want it. You could not sell gold in the market; you could not even borrow greenbacks with it. The demand then was for greenbacks; the demand was for currency; and so far from the panic depreciating our currency—and that shows the soundness of it—the value of the currency was increased by the panic and there was no market for gold at all, and gold was sold as low as 7 per cent. because there was no demand for it. And yet we hear the currency constantly slandered as the great curse of the country. In the time of a panic, and a bad panic, the premium on gold goes down and the value of currency appreciates; and yet we are told that is an argu-

ment showing the immediate necessity of returning to specie payments. It only calls me back to a position that I made in answer to my friend some time ago on this floor, that the effect of panics was not to demand gold, but it was to demand the suspension of the payment of gold by the banks, which has very nearly always been the case.

Mr. SCHURZ. I may remind my friend from Indiana of the answer that I gave to him, that since suspension is such a perfect remedy for panics, it is perfectly astonishing how, having been in a suspended condition for the last eleven years, and the remedy having been applied without intermission during that period, we could have had a panic at all after the medicine was administered to us long before the disease broke out.

Mr. MORTON. That is only an answer in phraseology. It is not an answer in substance at all. I never said that suspension would prevent all panics. I did argue, and I proved it too, that specie payments did not prevent panics; that in point of fact, to come right down to the naked history, there had been more panics under specie payments than there had been under other circumstances, and that the worst panics which had occurred in England and in this country were when the banks were paying specie, and there was no suspicion of their unsoundness either; so that my friend's answer was an answer in words and not in substance. My friend understands very well the force of language, and how to make an apparent metaphysical point when there is nothing absolutely in what he says; and I say that in all kindness.

Mr. SCHURZ. Now, I think I cannot let this provocation go unanswered. I thank the Senator for his compliment, but I think there was a little more in my answer than mere language. The Senator has been arguing before us all the time that a condition of specie payments is such as is most apt to bring about panics. He has been arguing also that a suspension of specie payments is the best remedy that can be invented for panics. Now, when this last panic broke out, we were not in a condition of specie payments, as the Senator is well aware, but for eleven years we had been under suspension; and yet, as I expressed it, although the medicine had been applied constantly for eleven years, it did not prevent the breaking out of the disease.

Mr. MORTON. I said all that myself. I said suspension was not an infallible remedy against panics.

Mr. SCHURZ. Then we are better agreed than before.

Mr. MORTON. We do not disagree in substance, when my friend comes down to it, because he cannot controvert, and he has not controverted, the soundness of the positions I took in the first argument that I made upon this subject. So far as the play of words is concerned, I always yield the palm to my friend.

But, Mr. President, I do not want to take up the time of the Senate; I simply want to say that there are two questions before the country. The first is the question of resumption. I said in the beginning of this session that I hardly thought this was the time to consider that question; at least I did not think it was an auspicious time. I said in the speech I have before me, made on the 20th of December, that if we provided for resumption at this session of Congress, we ought to put it off so long that it would not alarm the country, and would not embarrass the commerce, the trade, and the industries of the country. That is what I said then. But there is another question upon us now, that has been growing for years past and is growing to-day; and that is the demand in many parts of this country for bank facilities that are now absolutely withheld from them. You cannot make one of these questions an excuse for not answering the other. The proposition of the Senator from Pennsylvania now is to answer the one, to provide by free banking for giving to every part of the country facilities, if they want them and are prepared to take them. That is a separate and distinct question from the other. But when we come to that, we have the other thrust in our face and presented as a reason why no action should be taken in this direction, and we are told that things must remain just as they are until we get to specie payments.

Mr. MORRILL, of Vermont. Mr. President, I now have the passage in the Globe before me that I referred to when I was up before.

Mr. SCHURZ. Allow me to ask the Senator from Vermont to yield to me a moment. I wish to say one word in reference to the last statement of the Senator from Indiana. He says that we are insisting, with regard to the extension of banking facilities, that things must remain just as they are until we return to specie payments. Now, it is very well known on this floor that we are not insisting upon anything of the kind. On the contrary, it has been advocated on our side all the time while this bill has been before the Senate to take away a certain amount of circulation from the New England States and distribute it in the West and South. The Senator from Ohio, the chairman of the Committee on Finance, proposed in his bill twenty-five millions; an amendment was introduced raising that amount to fifty millions. So it cannot be said that we have been insisting upon letting things remain just as they are.

Mr. MORTON. My answer to my friend is just this, that the redistribution of twenty-five millions will leave at least twelve States entirely untouched. They would not get one cent from it, and so far as those States are concerned the bill does insist, in substance, that things shall remain as they are; and some of those twelve States are among the most prosperous and growing States in the Union, whose wants are rapidly increasing.

Mr. SCHURZ. Well, sir, there is an amendment before the Senate increasing the amount to fifty millions, and the Senator has been telling us just now in his speech that he does not believe that the increase of national-bank currency, in consequence of the passage of a free-banking act, will exceed forty or fifty million dollars.

Mr. MORRILL, of Vermont. When I was addressing the Senate a few moments ago I referred to a passage in a speech of the Senator from Indiana in 1870, wherein he seemed to be content with a much less figure than he is now as to this twenty-five million distribution. On the 25th of January, 1870, I find these words. After alluding to the bill for $30,000,000 to be taken from the Eastern States and distributed, he said:

> If this is to be a substitute for the other bill, then it does not go far enough. If it is intended as supplemental to the other bill, and the amount of $45,000,000 is fixed under the expectation that the other bill is to be passed in the House, then it does go, perhaps, far enough, and perhaps further than some might insist upon going.

Not only that bill for $45,000,000, but in compliance with the argument of the Senator from Indiana that it ought to be made $9,000,000 more in order to offset for the reserve, we did pass a bill of $54,000,000, and that has been all issued as I understand; and, in addition to that, the $25,000,000 bill for distribution was passed. The latter not being practically operative, we brought in a bill at this session to make it operative, and in addition to all that, $27,000,000 more of the so-called reserve have been issued by the Treasury Department. And in the same speech already mentioned the Senator said this:

> While I have been steadily opposed to the expansion of the currency ever since I have had the honor to be a member of this body, I have always been opposed to contraction, and I think the sense of Congress has been expressed time and again within the last three years against the contraction of the currency.

Now, Mr. President, after having conceded all that the Senator asked in 1870, and after declaring his opposition to expansion, the Senator to-day is even more eager and cries, "Give, give," all the time for more currency. The Senator is mistaken in supposing that the question of distribution would be left open after a resumption of specie payments. Upon a resumption of specie payments there would be no objection in any part of the country to free banking, and, of course, that question would not be still left open. It would settle and adjust the question at once.

The Senator made a remark in relation to the issue of the fifty-four millions, that it did not at that time increase the premium on gold; and why? Let me answer. Because that issue was a substitute for the 3 per cent. certificates then used as a part of the reserves of the banks, and answering all the purposes of currency.

The Senator from Indiana is a gentleman whose views are so important to the country that he is interviewed, and I find that a correspondent of the New York Herald interviewed him November 30, 1868, and here is what is reported of that interview:

> I have been misrepresented as to my exact views, but I shall be happy to give you a correct understanding of them. I propose to return to specie payments, and contemplate fixing the time by law, say the 1st of January or July, 1871, for beginning the redemption of the greenback currency; and this for several reasons. I am opposed to further contraction until redemption begins.

Then, as a further illustration of the Senator's position, he wrote a letter to the New York World of the same date, November 30, 1868, in explanation of his financial views, and he said:

> What I urged during the canvass was that the first duty of the Government was to return to specie payments, which, when accomplished, would settle all questions as to the payment of the bonds.

I only bring up these records to show that the Senator from Indiana is always earnest in urging and promulgating his views, and that if he is urgent to-day, he was no less urgent six years ago. It seems to me, with my limited comprehension, that there is somewhat of a difference between his position to-day and that of six years ago, although he assures us that there is not; and of course I am bound to believe him, and not the record. I take it that he is, like my friend from Pennsylvania, utterly opposed to any inflation, but he wants a further supply. And hereafter, when anybody is found in a state of inflation from having taken a little too much of the ardent, it will not be said that he is inflated; only that he has a good supply. [Laughter.]

Mr. MORTON. Mr. President, I am especially gratified by the remarks of my friend from Vermont. He has paid me a very high compliment. He has shown that he thinks my record is of sufficient importance for him to keep well posted in it, and he has also shown that he is a diligent reader of the New York Herald and of the New York World, and that he keeps files of those newspapers to which he can refer on occasion. I want to say to my friend as to that interview, although I have no recollection about it now, I think the statement of it is correct, because the reporters of the New York Herald very seldom make mistakes on such subjects; but at the date of that interview in 1868 the time was much more auspicious for returning to specie payments, or at least for taking the first step, than it is now. Then there was no panic upon the country; there were universal good times, and the utmost confidence was prevailing everywhere. I proposed to fix the time some three years in advance, and that the Government should collect the gold, not by selling bonds as it is proposed to do now, but that the Government, instead of selling gold in the market from time to time, should keep its gold until it had on hand a quantity that would authorize it to say to the country, "We are prepared to begin the redemption of our notes in coin." I always

thought that that was the sensible way. But gentlemen have now found out a patent way for returning to specie payments. My friend from Ohio has discovered that the way to redeem the notes in coin is to redeem them in bonds by another promise to pay. There is a great thirst for bonds. The Senator from New Jersey [Mr. FRELINGHUYSEN] proposes to issue bonds; my friend from Vermont [Mr. MORRILL] proposes to issue bonds. It all looks in the direction of an increase of the bonded debt of the country. That they seem to regard as the great panacea of our ills, to resume specie payments by paying in bonds.

Now, one word in regard to the extract read from my speech in 1870. What was the proposition at that time? It was to equalize the distribution then by taking $25,000,000 from the East and adding it to the $54,000,000 of new notes, making $79,000,000. That was thought to be necessary in 1870, fully four years ago. In 1870 it was thought that that would perhaps equalize the currency sufficiently at that time; but that was not carried out, and now four years have elapsed of unprecedented growth, and a number of States have added millions to their population and millions to their wealth, and yet we are told that we must be held to this estimate fixed in 1870, when it is notoriously inadequate.

I say again these two questions are artfully confounded all the time. The question of resumption and the question of equalizing the benefit of the national banking system are artfully confounded. They have no necessary connection with each other. Let us take one at a time.

Mr. SHERMAN. I should like to ask the Senator a question. He says now that he desires to equalize the currency. If the Senator desires to equalize the currency, why not take the bill reported by the committee, and that is still the text of this whole debate? Increase the amount named in it if you will, and I have no doubt the majority will probably vote with him on that point; but pass the bill and it will equalize the currency.

Mr. MORTON. What bill?

Mr. SHERMAN. The bill for the $25,000,000 redistribution; increase the amount if you will. The proposition now pending adds to the inequality. The statement made by the honorable Senator from Maine [Mr. HAMLIN] yesterday is true. The New England States, probably two of them, Rhode Island and Massachusetts, will take more bank stock under this measure, threefold, than all the cotton States combined; and the State of New York and the Eastern States that already have a surplus will take more bank stock under this system of free banking as now proposed than all the West and South combined. So that the Senator adds to the inequality, and he makes this local complaint only more grievous.

If the Senator really wants to carry out the idea he now puts forward, if he wants to equalize the currency, he can do it by passing the original bill. The Senator from Maine said that he for one would rather you would take the whole bank circulation from his region of country, make the equalization go to the full extent of the $80,000,000 of which certain States have an excess, than to vote for this increase of paper money. No, sir, the idea is not to equalize the currency; that is not the object of this proposition. If that is what you want, the way is plain and simple before you; all you have to do is to go back to the original bill, and pass a bill that will equalize the currency; withdraw from the States that have an excess and give to the South and West as much as they want, and as fast as they want it. That is not the purpose of this measure. That is not the purpose of the Senator from Indiana and his friends. If it is, there is a plain and easy way to do it. They have the power now to equalize the currency if they want to do it. A bill is pending that will provide all they want for two years; and if that is not enough, take more, take the whole amount of excess; and that surely equalizes the currency. But that is not the proposition.

My friend cannot now say that all this movement to inflate the currency is merely to equalize the currency. Those who vote for the pending proposition desire to kill and defeat the bill for equalizing the currency. Sir, I intend now and hereafter to show that this attempt to make a local grievance the ground of a national calamity is entirely unjustifiable. You have it in your power, I tell my friend from Indiana, now to equalize the currency on the basis of existing laws, not only to the amount of twenty-five millions, but to the amount of seventy-five millions. When you have the power to do that, you come forward and say, "No; we will not exercise this power; we will authorize New England to issue more paper money, New York to issue more paper money, the West and the South to issue more, with no limit or restraint." Sir, it is idle for these gentlemen to talk to us about equalizing bank currency. That is what we desired to do; that is what we sought to do. We sought to go as far as there was occasion, to go to the extent of twenty-five millions; but the very proposition made by us to equalize the currency is made the basis of an inflation of the currency.

Why, sir, let me say to Senators now in all seriousness that this proposition to invite all the capitalists of this country to put their money into bonds of the United States, and with those bonds to get an almost equal amount of paper money, is to invite from all the industrial interests of the country great masses of capital and put it where it can duplicate its power, receive interest on its original amount and interest on as much more paper money. But it is said that capitalists will not do it, that they will not buy bonds. Let me tell you, Senators, they will buy bonds; or rather those who have the bonds will get the benefit of this circulation, and those who have not got the bonds will only have to pay a higher price for them.

This measure is deceptive to the West and South for a double reason. This proposition of the Senator from Pennsylvania, without the redemption, will add to the value of the bonds, will depreciate the value of your greenbacks; and then when greenbacks are to be used for the purchase of bonds you will have to pay a higher price for the bonds. Thus the bondholders, the capitalists, will get an increased price for their bonds if they are sold at all; but they can take those bonds and deposit them safely in the Treasury of the United States without risk, without danger, without redemption, without fear that they will be taken or impaired, and then they can draw out of the Treasury of the United States the notes of the United States, for which the United States are bound, to the amount of 90 per cent. of their bonds, and when they have received those notes they can loan them at 10 per cent. to the people of the South and West. Yes, sir; the bondholder now in possession of a bond of the United States may take his bond and file it with the Treasury, put it in the custody of the Treasury of the United States, draw his interest regularly, quarterly according to law, receive all the interest that the Government agreed to pay him in gold, and then he may receive 90 per cent. of that bond in circulation, and issue that and loan it at 5, 6, 7, 8, 10, or 20 per cent. to the people of the West and South. How long will such a system of inflation exist?

I tell Senators that the passage of this measure, as now offered, unless you add to it some provision for the redemption of these notes, is the death-knell of the national banks. As sure as fate, when the people begin to inquire, "Why give this franchise to capitalists; why enable banks and capitalists to issue their promises to pay without any burden of redemption; why shall not the people exercise this power? If more money is desirable, if that is the only thing, and there is no question as to the character of money, why not the United States issue the money? Sir, unless the burden of redemption is carried on the face of every bank-bill, there is no answer to the argument. If bank-notes and United States notes are not to be redeemed either in coin or bonds, if they are neither redeemable nor convertible, then there is no reason in the world why you shall have national-bank notes at all. Why not issue your greenbacks; why not follow the example of our revolutionary fathers; why not follow the example of the French and other nations that have issued irredeemable paper money, and let the people enjoy the profit? But, sir, if you add to the proposition something that will make these banks redeem their promises, make them as good as gold, or as near to it as public policy will allow, then you add that burden which is the only restraint on an irredeemable paper money. Senators, with my strong convictions on this subject, I can scarcely venture to express my ideas.

Mr. MORTON. Mr. President, if I have been misunderstood by the Senator, I am sure he is the only one on this floor. In what I said about equalizing the currency, I said I wanted the West and the South to be supplied, not by robbing the East, but by giving to them what they needed. I could not have been misunderstood on that point. The Senator is willing that we shall take $75,000,000, if need be, from the East to equalize the currency. His argument certainly meant that; and the Senator from Missouri expressed himself in favor of $50,000,000 if that was necessary, a little while ago. These are magnificent offers to give away $75,000,000 of other people's property to vindicate a principle. It is on the principle of Artemus Ward, who was willing to sacrifice all his wife's relations for the purpose of preserving the Union. [Laughter.] And we know there is a magnificent case recorded in the New Testament where a large offer of other people's property was made on certain terms and conditions. Here is an offer of from twenty-five to seventy-five millions of the bank currency of New England to vindicate a great principle!

Mr. SHERMAN. And yet my friend was the first one to offer this identical proposition in 1870.

Mr. MORTON. I do not remember that I was. I think my friend is mistaken about that. But it has gone by, and that is a dead letter; and I think no member of this Senate believes that $25,000,000 will ever be taken from New England and given to the West and South. The idea of taking $50,000,000 and giving it to the West and South is a perfect sham. It will never be done. Nobody expects it to be done. It is a mere delusion which is being held out for the purpose of preserving things in their present condition. I am willing to deal with practical questions, but I think there is nobody in this country who believes that $25,000,000 or $10,000,000 will be taken from one State and given to another. The people of the State from which it is taken will regard it as an act of spoliation and robbery, I do not care what their Senators may say on this floor; it will be resisted; it will be resisted by lawsuits; it will be resisted in every way. There is a plain and fair course, and that is to allow the people of the West and South, wherever they want a bank in my State, in Iowa, or elsewhere, to come and get that bank upon the same terms with others. These dangers of inflation are gross exaggerations.

Mr. LOGAN. Allow me to make a suggestion to the Senator in that connection?

Mr. MORTON. Certainly.

Mr. LOGAN. How is it that the Senator from Ohio reconciles these two propositions: first, in his argument some days ago, he did not believe the twenty-five millions that are to be distributed by being

taken from the East and divided between the West and South, would be taken up in two years? I believe he stated that.

Mr. SHERMAN. Yes, sir.

Mr. LOGAN. If the distribution of $25,000,000 would not be taken up in two years, how can it be that if we pass a law so that anybody can take it, it will ruin the whole country in six months?

Mr. SHERMAN. I thought when my friend from Indiana made that argument the other day it needed no answer; but my friend from Maine answered it perfectly. In the West and South we all know they have not the capital to invest in national banks, and we know they cannot do it. Their means are employed in agricultural pursuits, and other pursuits, and they have not the surplus capital and bonds to enable them to engage in banking. But make the opportunity to bank free all over the United States, and it will be availed of by men in New England and New York, where they have large accumulations of capital, and you will have plenty of banks organized.

Mr. LOGAN. Then I will ask, in connection with that, how the Senator reconciles these arguments? He says that it takes away from New England because New England has an excess of circulation more than is needed, and distributes it to the West; and in the next breath he says New England will issue millions more.

Mr. SHERMAN. I reconcile the positions in this way: I think it is but fair and right to all portions of the country that each portion should have a certain part of the bank circulation according to the ratio fixed by law, and the distribution of that sum is an arbitrary distribution; but, on the whole, it is fair—one half according to population, and the other half according to productions and wealth. As long as the western and southern sections want any portion of this bank circulation, they ought to have it up to that proportion; and if the East have, by a misconstruction of the law, more than they ought to have, it is better to withdraw it.

Mr. LOGAN. One other question and I am through, for I do not want to discuss the matter. In the argument that the Senator made the other day to the Senate he insisted that the faith of the Government was pledged, and ought to be irrevocably so, that they never would issue more than $400,000,000 of greenbacks. I believe that was the argument. A moment ago he asked, if we want to inflate the currency, why not issue greenbacks instead of national-bank currency? How does he reconcile that?

Mr. SHERMAN. Did the Senator suppose I was in favor of issuing greenbacks?

Mr. LOGAN. If you were not, I do not see why you should suggest to the Senate to do that in place of the other. I want to see the positions reconciled; that is all.

Mr. SHERMAN. I am opposed to both until we come back to the coin standard. I said, if I had to choose between two evils, I greatly preferred to violate the obligation that we made in 1869, in one particular, by giving the benefit to the United States of issuing the currency, rather than violate the same obligation in an indirect way by issuing more irredeemable paper currency, or redeemable only in greenbacks. There was no inconsistency in my positions. Sir, the only consistent position in the whole matter is to repeal all these limitations and regulations about the distribution of bank circulation, and require these banks to redeem their notes in coin, or, for the present, until coin can be accumulated, in bonds of the United States.

[Mr. BOGY addressed the Senate. His remarks will appear in the Appendix.]

Mr. FLANAGAN. Mr. President, I must beg a few minutes to avail myself of the opportunity to compliment my distinguished friend from Missouri [Mr. BOGY] for the very eloquent and enlightened speech that he has delivered to the Senate. Certainly I have been delighted to hear him. His manner, his ideas, and all, are impressive, delightful, and clear. I am told that "an honest confession is good for the soul." He has come near convincing me that I have held wrong impressions upon this all-important subject from the beginning. He has now, to my mind, unmistakably cut the gordian knot. He has, beyond a doubt, in my humble opinion, made known to the Senate the manner in which we can pay the great national debt that now hangs over us. His manner of doing it, however, I cannot indorse, but it is a very great temptation; though it is certainly clear, as I think I can demonstrate to the Senator, from his ideas, from his language, and his law and the facts associated with everything that he has said on the subject, that his plan is impracticable.

He tells us that we have a statute which requires all import duties to be paid in gold. That is correct. He says that they have yielded, up to this period, about $200,000,000 per annum. That is agreed. He says upon the same line that they will continue thus to yield. It will be seen clearly and unquestionably that we shall be annually possessed of $100,000,000 of gold in excess of any demands against the Government, for the $100,000,000 set apart by statute to pay the interest upon our foreign debt; but as to citizens of the United States, they must take care of themselves; they must bushwhack it and do the best they can. If the measure now presented to the Senate should become a law, I have no question of the result, for history authorizes me to arrive at but one conclusion, and daily experience teaches me nothing else, nor do I believe anything else successfully can be taught. History is repeating itself. The centennial question was up this morning, and it reminds me that a hundred years ago there was a debt hanging over the American nation that had been made by and through our struggle for independence. We know what became of it. In a few years, if we go on the downward slide as is now contemplated, in my opinion the same state of things will exist as to our present debt. This is a mighty debt, and millions have been created; and if we go on, it too will suffer the fate that the continental money of 1776 did.

Now, sir, I go further. The idea presented by my friend so ably as to what should be done with the one hundred millions excess of gold that we have every year is directly in line with that which the Government has been doing. We have gone into the market regularly every two weeks for two or three years, and we have sold gold, sold a million or two millions, as the case might be, as was understood, for the purpose of maintaining the credit of the Union and protecting our currency. We were thus speculating. Now, upon the same line of speculation, you are to have your secret agent, if you please—it would not look well for the Government to do it, but the same line suggests the idea—send your agents out with that $100,000,000 to buy currency when our money will be depreciated, a bank having sprung up at every cross-roads in this broad nation as now contemplated, giving thereby plenty of money without metes or bounds. Do that, and at a very early period you will see this money bought up at two for one, and then it will go down to ten for one; and it would not take as many years as it might be at first supposed to require before the whole edition might be bought up with the one hundred millions of specie that we should receive in excess over our requirements from our imports.

Why, sir, how was it in 1836, in the days of the proud old Jackson? I indorse him as a good man, but many of his acts were not indorsed by me during his life; but he died a Christian, and his many good deeds live to-day in the remembrance of his countrymen. When he jumped on old Mr. Biddle and the United States Bank, from his success in that assault sprang up State banks all over the Union, and there the United States had her deposits from time to time. They were all over mighty New England, and the far West that is now peopled; they were not far from Saint Louis—the mighty city that my friend so ably represents—with her three hundred thousand people; they were in Illinois. In Missouri and Illinois there were land offices, with their respective registers, each officer having two or three rooms. A man would go there, having ridden a hundred or two hundred miles, with his wallet in one hand and his meat and bread in the other, having in the wallet just refuse money enough to buy his forty or eighty acres, as the case might be, for a homestead. When he got there he had to go through the mill, and he was ground over, and they made known to him, "Your money will not answer the purpose."

Mr. BOGY. Will the Senator allow me a word? The gentleman answers my speech, thinking I have advocated the creation of the old State banks.

Mr. FLANAGAN. Yes, sir.

Mr. BOGY. The Senator misunderstood my argument.

Mr. FLANAGAN. I am directly against them.

Mr. BOGY. I am against the old State-bank system. I am for the national-bank system, but giving to the States the power to say what number of banks shall exist in them, and where they shall be located, preserving all the national features as to security and circulation.

Mr. FLANAGAN. I will stop if you include the greenbacks. [Laughter.]

The applicant in the case I have supposed in 1836, seeking his little home, would have to put himself into the mill, and he would be ground over to the tune of about 100 per cent. before he could get a little location to take his family to. Thus it was with the State-bank system in those days; and now when you tell me that this is a panacea in any way, manner, or shape to appreciate the currency by extending it in untold millions—for really, as contemplated by my distinguished friend's amendment from Pennsylvania, it is unlimited—I do not believe it. I dislike to go against anything that my friend from Pennsylvania presents, recognizing his experience and ability and all that is so well due to him; but the question is clear to me. The history of the United States admonishes me unmistakably that if we do not now come up and act in good faith and redeem the solemn pledge made to the nation, that at the earliest practicable period you would resume specie payments, in other words, pay coin for this indebtedness, at a very early period your money will go down, as all paper money preceding it in all countries whose example can possibly be invoked has done, and it will be anything else than beneficial to the Union, but it will be destructive to it beyond a doubt.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania [Mr. CAMERON] to the proposition of the Senator from North Carolina, [Mr. MERRIMON.]

Mr. CAMERON. Before we come to a vote, I want to correct a typographical error. In line 5 I wish to insert "so much" before "of;" so as to read:

And so much of the several acts supplementary.

The PRESIDENT *pro tempore*. The amendment as perfected will be reported.

The Chief Clerk read as follows:

That so much of the twenty-second section of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, and so much of the several acts supplementary thereto and amendatory thereof, and such of the provisions of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, and so much or such parts of any other act or acts of Congress as

limit, or as may be construed to limit or restrict, the entire amount of notes for circulation to be issued under the said act of June 3, 1864, and the several supplements thereto, be, and the same are hereby, repealed; and that hereafter all associations organized, or that may be organized, for carrying on the business of banking, under the provisions of said act, shall be free to establish and organize national banks with circulation, at any place within the several States and Territories of the United States, upon the terms and conditions, and subject to all the limitations and restrictions, now provided by law, except the limitation upon the entire amount of circulation, which is hereby repealed.

Mr. CAMERON. I understand there are two or three Senators absent in consequence of sickness in their families, and I would rather, therefore, that this vote should be put off until to-morrow.

Mr. FRELINGHUYSEN. There is always some one absent.

Mr. HAMILTON, of Maryland. The Senate is pretty full, I think.

Mr. CAMERON. Very well.

Mr. FLANAGAN. The Senator from Mississippi, Mr. ALCORN, if he was here, would vote "yea." I should vote "nay." So I have agreed to pair off with him.

Mr. HAMILTON, of Texas. I am paired with the Senator from Kansas, Mr. INGALLS. He would vote in the affirmative, and I should vote in the negative.

Mr. STEVENSON. The Senator from Rhode Island, Mr. SPRAGUE, has been suddenly called out of the Senate by indisposition in his family. If he were here he would vote "yea," and I should vote "nay" but that I have paired with him.

Mr. HITCHCOCK. I desire to state that the Senator from Vermont, Mr. EDMUNDS, is paired with the Senator from Arkansas, Mr. DORSEY. The Senator from Vermont, if he were here, would vote "nay," and the Senator from Arkansas would vote "yea."

The call of the yeas and nays was concluded.

Mr. GORDON, (who had first voted in the affirmative.) I did not understand when my friend from Delaware, Mr. BAYARD, left that I was paired, except on the question of a return to specie payments; but I am reminded by my friend from Ohio [Mr. SHERMAN] that the Senator differed very widely with me on this subject. I do not wish to be guilty of any breach of faith or run any risk. I will therefore withdraw my vote, and state that I am paired with the Senator from Delaware. If he were here he would vote "nay," as I understand, and I should vote "yea."

The PRESIDENT *pro tempore*. The Senator will be permitted to withdraw his vote if there be no objection.

The result was announced—yeas 26, nays 32; as follows:

YEAS—Messrs. Bogy, Brownlow, Cameron, Carpenter, Clayton, Dennis, Ferry of Michigan, Harvey, Hitchcock, Howe, Johnston, Logan, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Tipton, West, Windom, and Wright—26.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Conkling, Conover, Cooper, Cragin, Davis, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Goldthwaite, Hager, Hamilton of Maryland, Hamlin, Jones, Kelly, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Sargent, Schurz, Scott, Sherman, Stewart, Stockton, Sumner, and Wadleigh—32.

ABSENT—Messrs. Alcorn, Bayard, Boreman, Dorsey, Edmunds, Flanagan, Gordon, Hamilton of Texas, Ingalls, Lewis, Ransom, Saulsbury, Sprague, Stevenson, and Thurman—15.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the instructions moved by the Senator from North Carolina, [Mr. MERRIMON,] as an amendment to the motion to recommit.

Mr. GORDON. I offer an amendment to the amendment of the Senator from North Carolina, to strike out all after the word "instructed," and insert:

To report a bill for free banking and providing for the convertibility of the United States Treasury notes into low-interest bonds or gold coin, at the option of the Government, and the bonds convertible into United States Treasury notes at the option of the holder.

I will state in a word that I offer this amendment in order to bring to the support of free banking a number of gentlemen who otherwise cannot vote for it. I think with this amendment we may carry it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment of the Senator from North Carolina.

Mr. FERRY, of Michigan. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. Would it be in order now to strike out the words "and the bonds convertible into United States Treasury notes at the option of the holder?"

The PRESIDENT *pro tempore*. That would not be in order. This is an amendment to an amendment.

The Secretary proceeded to call the roll.

Mr. FLANAGAN, (when his name was called.) In this case again I am paired with the Senator from Mississippi, Mr. ALCORN. If he were here he would vote "yea," and I should vote "nay."

Mr. GORDON, (when his name was called.) Does the Senator from Ohio think this amendment would be included in my pair with the Senator from Delaware?

Mr. SHERMAN. I think so.

Mr. GORDON. Very well, then; I shall not vote.

Mr. OGLESBY, (when his name was called.) I just came into my seat before the roll-call commenced. The amendment was being read, but I did not distinctly understand it, and several gentlemen near me have not distinctly understood the meaning of a part of it.

Mr. SHERMAN. I should like to have the last clause of it read over again.

The PRESIDENT *pro tempore*. The Chair will direct the whole amendment to be read.

The Chief Clerk again read the amendment of Mr. GORDON.

The call of the roll was concluded.

Mr. STEVENSON. I am paired with the Senator from Rhode Island, Mr. SPRAGUE. I do not know how he would vote on this particular proposition; but I shall not vote. He is for expansion, as I understand, and I am opposed to it.

The result was announced—yeas 26, nays 30; as follows:

YEAS—Messrs. Bogy, Brownlow, Buckingham, Cameron, Carpenter, Clayton, Conover, Cooper, Davis, Dennis, Ferry of Michigan, Goldthwaite, Harvey, Hitchcock, Johnston, Logan, Mitchell, Norwood, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Tipton, and Windom—26.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Conkling, Cragin, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Howe, Jones, Kelly, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Sargent, Schurz, Scott, Sherman, Stewart, Stockton, Sumner, Wadleigh, and Wright—30.

ABSENT—Messrs. Alcorn, Bayard, Dorsey, Edmunds, Flanagan, Gordon, Hamilton of Texas, Ingalls, Lewis, Morton, Oglesby, Ransom, Saulsbury, Sprague, Stevenson, Thurman, and West—17.

So the amendment to the amendment was rejected.

Mr. COOPER. I offer the following in lieu of the instructions proposed by the Senator from North Carolina:

To report a bill providing for the convertibility of United States Treasury notes into gold coin or 5 per cent. bonds of the United States, and also for free banking under the provisions of the national-bank act.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee to the amendment of the Senator from North Carolina.

The amendment to the amendment was agreed to.

Mr. MORTON. I was going to ask for the yeas and nays. ["Too late."]

Mr. STEWART. Is there any motion to reconsider?

The PRESIDENT *pro tempore*. The Chair thinks the call for the yeas and nays is not now in order. The Chair waited before declaring the result, and no such call was made.

Mr. MORRILL, of Maine. There was no doubt about it.

Mr. SHERMAN. The same vote comes up again on the next question.

Mr. ALLISON. The question now is on the final adoption of the substitute.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina as amended by the amendment just acted on.

Mr. MERRIMON. I move to reconsider the vote by which the substitute of the Senator from Tennessee was adopted for my amendment.

The PRESIDENT *pro tempore*. The question is on the reconsideration.

Mr. MORRILL, of Vermont. Did the Senator from North Carolina vote in the affirmative?

The PRESIDENT *pro tempore*. There was no division called for, and the yeas and nays were not asked. The motion is in order.

Mr. DAVIS. The Senator from North Carolina, I think, voted in the wrong way to justify his moving a reconsideration.

The PRESIDENT *pro tempore*. The Chair cannot know the fact, as no division was called for. The question is on the motion to reconsider.

Mr. MERRIMON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. Now I think this proposition had better be reported once more. I do not understand it.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

And that the Committee on Finance be, and they are hereby, instructed to report a bill providing for the convertibility of United States Treasury notes into gold coin or 5 per cent. bonds of the United States, and also for free banking under the provisions of the national-bank act.

Mr. MORTON. I simply want to state that that was the proposition of the Committee on Finance last winter, authorizing the conversion of the greenbacks into a 5 per cent. bond, and free banking simply upon those terms; involving, as was argued last winter, and I think very clearly, and I do not propose to go over it now, the rapid absorption of the greenbacks, and contraction.

Mr. SCHURZ. Allow me to make a suggestion to the Senate. I suppose it must have become clear to a great many Senators who formerly were hotly in favor of instructions, that the best thing we can do, after all, if we want to recommit this bill at all, is to recommit it without instructions.

Several SENATORS. Let us take the vote.

Mr. SCHURZ. Very well.

Mr. HOWE. I want to say a word on the pending proposition. If I understand it—and I am not at all sure that I do—it is a proposition requiring the Secretary of the Treasury to furnish 5 per cent. bonds at par, as long as anybody wants them, for greenbacks, and buy them back at a premium when he has a surplus of money in the Treasury.

Mr. BUCKINGHAM. I do not understand that to be so. I differ very much from my friend from Wisconsin. I do not see what authority there is in these instructions to buy back bonds for notes. It seems to me to be a very simple proposition, a proposition to authorize free banking; and then, as under the banking law, the banks are

required to redeem their notes in legal-tender notes. These instructions will direct the committee to bring in a bill to say that the Government shall redeem its legal-tender notes in 5 per cent. bonds, which virtually brings legal-tender notes to par in specie. That is the extent of it.

Mr. HOWE. That is not the extent of it, is it? Let it be read once more.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment proposed by Mr. COOPER.

Mr. HOWE. Now, what is to be done with the legal-tender notes when redeemed?

Mr. COOPER. They are with the Treasury, to be used if needed. It is not to retire the greenbacks. They are left in existence, to be used by the Secretary of the Treasury as the needs of the Government require.

Mr. HOWE. Then I did misunderstand the proposition.

Mr. COOPER. There is no provision for the purchase of bonds, or for the cancellation of greenbacks. I do not desire any cancellation, nor their use again, unless for the ordinary expenses of the Government.

Mr. HOWE. It is simply a proposition, then, to enable the holder of a greenback to put it in the Treasury and get interest on it, or get a bond paying 5 per cent. interest; but the note cannot be canceled, but must lie in the Treasury.

Mr. SARGENT. It may be paid out in Government expenses, like other money.

Mr. STEWART. It is a proposition to pay our debts.

Mr. HOWE. No; it is not a proposition to pay your debt, because the debt is so much larger as the bonds are issued.

Mr. BOUTWELL. It seems to me the proposition is perfectly clear that the holders of United States notes may present them at the Treasury and demand redemption. The Secretary of the Treasury may redeem in coin, or he may redeem in 5 per cent. bonds. The money, the United States notes being in the Treasury, would be like any other money in the Treasury, to be used for any purpose for which any other money could be used. If there should be an excess of currency for the ordinary expenses of the Government, that excess would accumulate unless 6 per cent. bonds were at something less than par in gold. In that case these accumulations could be used for the purchase of 6 per cent. bonds; but if 6 per cent. bonds should be in excess of par in coin, there would be no relief. The notes would accumulate to the extent of the disposition of the people to convert.

Mr. GORDON. Would not the effect be to that extent, let me ask the Senator from Massachusetts, to contract the currency?

Mr. BOUTWELL. Undoubtedly, to that extent.

Mr. SHERMAN. The details of such a bill would undoubtedly provide the purposes for which the notes could be reissued. The principle of this proposition I can vote for with pleasure. The difficulty suggested by the Senator from Massachusetts is one of detail. The money comes into the Treasury of the United States, and is the property of the United States, the money of the United States, legal tender, and it can be used by the Government of the United States for any purpose that the law may authorize. As a matter of course, any committee in framing a bill under such instructions would provide the necessary details to carry it into execution. They may provide the uses and purposes for which the money should be used.

Mr. BOUTWELL. But will the Senator from Ohio question this proposition, that if there should be a disposition on the part of the holders of United States notes to convert them into 5 per cent. bonds, and if the accumulations consequent upon such disposition and practice, together with the ordinary revenues of the Government, should exceed the ordinary expenses of the Government, there would be an accumulation of these notes in the Treasury, exhibited as a currency balance, for which there could be no use except the purchase of 6 per cent. bonds? And inasmuch as the power of the Treasury is limited in the purchase of 6 per cent. bonds to such bonds as can be bought at less than par, the power of the Treasurer to relieve the contraction which might be produced by the conversion of United States notes into 5 per cent. bonds would be dependent upon the price of 6 per cent. bonds in coin.

Mr. SHERMAN. Undoubtedly in a bill to carry out these instructions some details would be required to express the purpose for which the money could be used. As a matter of course, any committee carrying into execution these instructions would make some provision for the purchase of 6 per cent. bonds, or for whatever it might be deemed public policy to use the money in. Undoubtedly the natural use would be to purchase 6 per cent. bonds.

Mr. BOUTWELL. Let me ask the Senator from Ohio if there can be any other use to which a surplus can be applied, after the ordinary expenses of the Government are paid, except the purchase of 6 per cent. bonds.

Mr. SHERMAN. I would not be in favor of such use; but as a matter of course the use of the money would be regulated by the details of the bill reported.

Mr. BOUTWELL. Is there any other use within the knowledge of the Senator from Ohio to which surplus money could be applied, however acquired?

Mr. SHERMAN. In my judgment it ought not to be used for any purpose; but, as a matter of course, the law might allow it to be used for other purposes. But the money could be used in the payment of bonds. Suppose the 5 per cent. bonds are worth, as they are to-day, ninety-nine and a half cents on the dollar; these notes may be converted into 5 per cent. bonds; that makes the notes equal to bonds worth ninety-nine and a half cents on the dollar. As a matter of course, the law would provide some means by which these notes might be applied to the purchase of 6 per cent. bonds; but, as the Senator properly says, the 6 per cent. bonds can only be purchased at par in gold. But we have a right by law now to pay off $12,000,000 of 6 per cents at par in gold. Consequently the only loss there would be to the Government would be the difference between the value of 5 per cent. bonds at 99½ or 99 and par in gold; in other words, the effect of it would be that the Government could use this money to buy gold with which to pay the bonds that would be called in.

Mr. MORRILL, of Vermont. I would suggest to the chairman of the Finance Committee that a better provision would be to burn them up, as the increase of bank currency by free banking would more than supply their place.

Mr. SHERMAN. That would be a question left to be reported upon by the Committee on Finance, and entirely open to discussion. My honorable friend from Vermont and myself would differ as to the use to which the law might require these notes to be applied. And perhaps the Senator from Massachusetts would differ with us. But that is a matter of detail which will certainly be reported to the Senate by the committee, and the whole subject will then be presented for the action of the Senate.

Mr. BOUTWELL. The Senator from Vermont suggests a second use. Every Senator will see that that means contraction—absolute, positive, uncertain as to amount that may take place, or as to the time when. Therefore I think that, except for those Senators who are in favor of contraction, that view of the ultimate result of this policy is inadmissible.

Now, as to the other, which is the alternative proposition—the reinvestment of these notes in 6 per cent. bonds. You work a temporary contraction by the accumulation of a currency balance in the Treasury, unless those bonds can be purchased with United States notes at something less than par; and the accumulation of a currency balance in the Treasury of the United States, for all the purposes of business, is precisely the same as a contraction produced by the withdrawal of the notes from circulation and their positive destruction; only there is a power of reissue, whenever the time comes that they can be reissued for any lawful purpose.

I did not intend to mingle so far in the debate. This is only a proposition for contraction, uncertain as to the time when or as to the amount.

Mr. BOGY. Will the Senator from Massachusetts permit me to ask him a question?

Mr. BOUTWELL. Certainly.

Mr. BOGY. Would not the contraction brought about by the conversion of greenbacks into 5 per cent. bonds be more than overbalanced by the creation of national-bank notes under this free-banking law, and in time have the effect of entirely retiring the legal-tender notes and substituting national-bank notes? Would not that be the effect?

Mr. BOUTWELL. I cannot say. I am not on the floor for the purpose of discussing the question of free banking. I have always voted against it.

Mr. BOGY. The proposition is coupled with free banking.

Mr. BOUTWELL. It is. I do not think it is in the way of compensation.

Mr. BUCKINGHAM. Mr. President, instead of going into detail, I should hope the proposition might go to the committee as it is, and leave it for the committee to bring forward a bill with such details as they think proper, and then leave it to the Senate to determine whether they will approve or modify those details.

Mr. CONKLING. Mr. President, did we need illustration of the loose and aimless futility of the mode in which we are proceeding, I submit we have it now. We are dealing with a great and many-sided subject hap-hazard and by guess. Without any appropriate measure before us we are plying each other with vague generalities and incomplete suggestions, upon which we are to vote as they are read one after another; and this is the way we are asked to solve one of the gravest and most intricate problems which can possibly confront us. By our own action we cast away the aid upon which we rely even in trivial and simple cases. The invention of the moment is substituted, when dealing with supreme and complex affairs, for that careful process of legislation which has been found safest and best for eight hundred years in England, for a century of our own, and from the beginning of legislative bodies everywhere. Is this wise or pardonable? Is it safe in such a matter to dispense altogether with action by a committee in its committee-room, where not only general principles, but details and minute particulars, can be exactly adjusted and perfected, and printed that we may study and understand them? Shall we legislate on the wing, without waiting to hear from the appropriate committee?

The Finance Committee has brought forward no plan. The Senate has been pleased, by discussing the general subject, to postpone the action of the committee, so that we have not even the excuse for proceeding we might have had the committee been derelict or laggard. It is true the committee has reported several minor special bills—bills not professing to enter at all upon the subject at large, but for exceptional and collateral purposes. One was a bill to assist banks in rid-

ding themselves of their circulation in certain rare cases; and there have been three other bills, one of which is now before us, all limited and fragmentary, touching the skirts here and there of matters financial in character, and all abstaining purposely from the general subject. But we have had, and as we are going on we are to have, from the committee no plan, no project, no system, no solution, as a whole, of finance, nor even of currency or banking.

What is the product thus far of this unusual, if not blind and hazardous, proceeding? What end have we reached?

What have we at this moment? We have adopted, and are instantly asked to reconsider, a Delphic proposition which it needs no ex-Secretary of the Treasury, no expert in finance, to inform us means either one thing or the opposite, depending on an arrangement of details not implied or hinted at in the proposition itself. Without even a division, the Senate has just declared for free banking, United States notes to be convertible into 5 per cent. bonds. Who does not see that this is but a juggle of words? Who does not see that it means contraction to the contractionist and expansion to the expansionist? Who does not see that whether the language points north or points south, whether it means contraction or means expansion, depends on the ultimate destiny and disposition of the greenbacks? And yet what is to be done with the greenbacks nowhere appears.

If the greenbacks after reaching the Treasury are to be paid out again for current expenses, or in a crisis for bonds, as $13,000,000 were at once of the $44,000,000 reserve, a child can tell without slate or pencil that the transaction is expansion, if it be expansion to add to the volume of paper money afloat. On the contrary, if the meaning be that greenbacks having been paid to the Treasury for bonds, which bonds are to become the basis of bank circulation, are, in the language of the Senator from Vermont, to be burned up, blotted out, and never reissued, the process is contraction. Why? Because the bank currency to be received upon the bonds purchased with the greenbacks is to be 10 per cent. less than the bonds, and 10 per cent. less than the greenbacks, and it is to be lessened also in effect by the requirement of a reserve to be maintained by the banks. Thus, if greenbacks are to be paid to the Government for bank circulation, and the greenbacks are to be destroyed, in place of substituting one for the other, dollar for dollar, you will have substituted one for the other less a large diminution. This is contraction as sure as gravitation. The language before us is equally consistent with either view. In other words, in the form of instructing the committee what to report we have adopted a declaration which looks to the right as much as it does to the left, which tends equally upward or downward, which leads to expansion as clearly as it leads to con traction.

What progress are we making? What light are we shedding upon anything in doubt? What are we doing except to expend the time of the Senate, and, as politicians sometimes say, "making a record"—a record not likely to be useful even in tripping one more than another of the parties to it? It seems to me, all having had abundant opportunity to express their views at large, and to record themselves upon one governing point, that we might now all consent to let the whole matter go back to the Committee on Finance without instructions. Let them work out and report some theory practically applied, giving us the detail and machinery by which it is to be executed The Senate may then advisedly concur with the committee or take issue with it. The Senate can then perfect the work of the committee, or overthrow it altogether, and by better light find ground approved by the general judgment.

It may be, Mr. President, that I am adding to the expenditure of time by an appeal to Senators to put an end to these uncertain doings by allowing the bill to return to the committee without further attempts at instructions. My apology must be that I have wasted no time and occupied none thus far during the debate, believing that if by possibility I had anything of value to suggest it were better withheld until something more definite had been matured, and the time had come for action.

Before taking my seat, however, I deem it due to frankness not to neglect to add my voice of warning and protest against all schemes for wholesale issues of irredeemable paper money. Conscious of the many things taught by the science of finance which I do not know, there is one thing which I think I do know, having learned it from the saddened and blackened annals of many epochs. Reason and experience convince me that we shall launch Government and people on a sea without shore or bottom when we legislate the nation out upon a sea of unlimited irredeemable paper money.

A note not to be paid or redeemed is a promise made to be broken, a promise made to be broken is a lie, and a lie will upset anything, from an apple-cart to an empire.

Paper money not to be paid or redeemed is a falsehood and a fraud. It can never be true, and therefore it can never be right or safe.

It is false that by stamping the mark of a dollar upon a bit of paper you transmute it into a dollar. It is false that you can thus reverse the truth of property and change the nature of value. Property is the product of labor. If it is true in value it represents the cost of production. A barrel of flour is a unit of value. Why? Because, a necessity of man, its price represents the cost of producing it. So of a diamond, a gem, a nugget of gold or of silver; so of a coined dollar, less only a small alloy put into it to cover the expenses of coinage, and to make it harder, that it may better bear attrition and to keep it out of the crucible of the artisan. Making allowance for this alloy, a coined dollar represents the cost of production. Redeemable paper money preserves the same reality.

When you have paper money redeemable you have only a symbolic currency; you have in the paper a symbol of the value behind it; but when you have no value behind it which the holder can reach, no redeemability, you have a mere floating false promise to pay.

I say nothing of the legal-tender acts, or the legal-tender policy. It was resorted to temporarily in the stress of dire emergency, to keep the flag of the Union flying in the field. Above all, it was supported by a pledge, oft repeated, to redeem it, and I am not now arguing for contraction of the currency. This is not the time to discuss the legal-tender acts; but now that no war threatens us, and no overmastering necessity is to be pleaded, guilty and mad will be the hour when Congress can find no better way to conduct the finances of the nation than to print an unlimited issue of irredeemable promises to pay. Had I believed that my voice would be heeded by Senators whose faces are set toward wild inflation, it should have been raised days ago in this debate. I advert to the matter now only incidentally and briefly, having risen, not to occupy the time of the Senate, but in the hope that Senators would not refuse to listen to an appeal to stop chopping logic, splitting hairs, and experimenting with general declarations, and give the committee opportunity to prepare a complete measure upon which the eminent Senators around me, learned in finance and in currency, can unite; and then those so little instructed as I will be safe in following.

Mr. OGLESBY. Mr. President, I have no other apology to offer for having remained silent during the long debate upon these financial questions than the apparent one, at least to my own consciousness, of an inability to throw any light upon the subject. I had no well-defined notion about what it was best for Congress to do, if it were thought best to attempt at this time to do anything. We are scarcely away yet from the reverberating echoes of the war. The public mind of this nation has been dwelling for the few years that have intervened since its close upon the sad spectacle of war, and its serious and fruitful results. The public mind of this nation has not been calmly contemplating the subject of national finance. As a people we have not thought deeply or broadly on the subject. The time, however, is coming when the American people must give serious consideration to these grave matters. We are but taking the preliminary step. I have not felt firm in any conclusions formed about it.

I will be frank to my constituents, as I am frank to this body, and make that open declaration to-day. I have sought, in common with honorable Senators here, to steer for the bright and clear course that would lead to a settlement of the questions before us and prosperity and satisfaction to the country. But, sir, I have not seen my way clear as to what my course as a legislator should be. I have listened to this debate now for two months. I have listened with benefit to myself. I am grateful the time has not come when there is justification for the declaration sometimes publicly made that the intellect or that the intelligence of the American Senate is waning. To my mind there is in this body ability, intellect, and experience, that will compare with the most favorable era of the American republic. There is ability here; there is integrity here; there is statesmanship here; there is simple, plain, common honesty here.

I confess that I have been benefited, and I trust enlightened, by this discussion. We have gone along, step by step, until at last we are confronted by a vote that has passed into the official journals of this body. A vote recorded less than thirty minutes ago says that it is the sense of the American Senate that we shall not have free banking. I stand here to-day to commend the wisdom of the republican Congress that gave us the greenbacks and gave us the national banking system. I stand reflecting the unanimous feeling of the whole country when I make the assertion that the issue of the Treasury note, elevated to dignity by attaching to it its legal-tender feature, in connection with the system of national banking, carried our country safely through the civil war. It has met with the universal favor of republicans and democrats, of all people, and is at this moment sustained by the indorsement and support of a larger number of American citizens than any other paper circulation ever received at any time since the organization of the Government.

Is it based upon gold? Is it based upon silver? No, sir; I will be frank; the national banking system and the legal-tender system, if I may call it a system, were neither of them based upon gold or silver. They were neither of them based upon the results of political science. Political economy formed no part of the consideration that entered into the public mind when these two great measures were inaugurated. They were based upon, and sprung from, absolute necessity, and the conviction of the American people that such measures were indispensable to the salvation of the country.

He who looks back to the narrow path of political economy to find reasons upon which to base our paper system will utterly fail. It was based upon the political economy of no country or of no author. It was based upon the political necessities of the times, and is therefore now to be treated and considered on a broader plane, and as a purely American question, disconnected in great part, if not entirely, from the theories of other times, and, as I think, of other countries. I will not, for I cannot now in the few moments I propose to speak—not upon finances, but rather upon the turn these proposed amend-

ments are taking on the motion to recommit this subject to the Finance Committee—go further in the direction of sustaining these thoughts.

Here we are still within reach almost of the battle-cry and shouts of victory that closed the war, and we are now demanding, or a portion of our American people are demanding, a speedy redemption of the legal-tender. Sir, I maintain for that legal-tender to-day that it is as good as gold. The honor of this nation is pledged for its redemption in gold; it will be, and shall be, every dollar, redeemed in gold. We will never repudiate a dollar or a dime of it. Sir, it has upon it the impress of the best faith of this nation. It is the money sealed and sanctified with the best blood of the Republic. It is no disgrace to the nation; it is a noble currency, a grand trophy of the war, and held dear in the heart of every American citizen. We will redeem every dollar of it in gold, not to-day, not to-morrow, not upon the heels of a panic that no Senator yet has been able to fathom; no American citizen has comprehended, or fully comprehends, the mysteries of that panic; and not upon the heels of it will we venture to pass laws for the redemption of this currency.

We have attempted to legislate upon it at this session. What has been done? The Finance Committee reported a resolution to and asked this body for instructions. That led to a long and interesting debate, an instructive debate. I make the general average of it in giving this opinion, however; and in that general average I say it was an instructive and enlightening debate. We have taken one vote. The RECORD will show that yesterday the Senate declined to instruct the Finance Committee to report back measures here for the redemption of the national-bank circulation, either in coin or in Government bonds. Another vote of this Senate, already recorded, has refused to instruct that committee to report back measures here that, if the national banking system should be made free, or if any addition of circulation should be provided for, *pari passu* with it the legal-tenders should be redeemed to the extent of eighty-five dollars of legal-tenders for every one hundred of increased bank circulation. The Senate refused to instruct the committee to report such a measure as that. Then came the proposition of the Senator from Pennsylvania, which, plain, straight, unvarnished, was for free banking under our present national-bank law; and the Senate refused, by a vote that has now gone into the CONGRESSIONAL RECORD, to instruct the Finance Committee to report free banking.

Now comes the pending instruction which has been passed by this body, and what have you now instructed that committee to do? I take the liberty to read the proposition. Are we acting like intelligent men? Have we for the moment, at this late hour of the day when nature is weary and tired, in some freak of momentary relief, forgotten ourselves, making a record we ought to and shall be held responsible for, adopting language that means nothing? How is that committee going to construe these instructions that they have just received from the Senate?

That the Committee on Finance be instructed to report back to this body a bill increasing the national-bank circulation $46,000,000, or to an amount not exceeding $400,000,000, with instructions also to report a bill providing for the convertibility of United States Treasury notes into coin.

Mr. COOPER. The Senator is mistaken.

Mr. OGLESBY. Have we not just moved to reconsider the vote by which that was passed? Was it not passed? And is there not a motion pending to reconsider it?

Mr. COOPER. Mr. President, the Senator from Illinois is mistaken. The amendment which I offered was adopted in lieu of the proposition of the Senator from North Carolina; and the motion now is to reconsider the vote adopting it in lieu of that.

Mr. OGLESBY. As a substitute?

Mr. COOPER. Yes; it is not attached to it.

Mr. OGLESBY. That only shows how confused this body has been for the last hour. [Laughter.] I am not sure that there is any pending probability that I shall extricate it at all. [Laughter.] But I do not wish to have my name go upon the Journals of this body and in the CONGRESSIONAL RECORD as instructing the Committee on Finance to report a bill providing for the convertibility of United States notes into coin. We have always talked about the redeemability of the legal-tenders; we have always talked about a possible time when they might be redeemed with coin or redeemed with something else; but the American Senate stands here late this afternoon instructing its Finance Committee deliberately to introduce a bill that shall provide for the convertibility of greenbacks into coin. Well might the Senator from New York lecture us in the able and magnificent manner in which he can and always does. I do not wish to vote upon that resolution.

With instructions to report a bill providing for the convertibility of United States Treasury notes into gold coin or 5 per cent. bonds of the United States.

What construction will the Finance Committee put upon that intelligent instruction? Will they report back a bill here the leading feature of which will be free banking? No; because the Senate has refused to sustain free banking, and the leading idea of the Finance Committee will not be for free banking, and it will be sustained by the vote of this Senate in not being so led. We have instructed them here that free banking is not what this body desires. Therefore when they come to consider this proposition and to bring back a bill, the leading feature of that bill will not be free banking. It will be in subordination to these other instructions, to convert the legal-tender notes into coin or a 5 per cent. bond of the United States. What do you mean, Senators? Do you mean to say that that convertibility shall be at the option of the Treasury of the United States, or do you mean to say it shall be at the option of the holder of legal-tender notes? If you leave the Finance Committee to put its interpretation on that language, and the Finance Committee shall report a bill providing for the convertibility of greenbacks into national 5 or 6 per cent. bonds, at the pleasure of the Government or at the pleasure of the holder, it can quote in the face of the Senate its vote of instructions to do that very thing. Therefore the instructions the Senate is giving to the Finance Committee are not intelligible or intelligent instructions.

Mr. MORRILL, of Maine, rose.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield to the Senator from Maine?

Mr. OGLESBY. I do not believe both of us together will make this thing any better than I am making it. [Laughter.]

Mr. MORRILL, of Maine. I am very much inclined to think that is so; but if my honorable friend will yield to me for a moment I will remind him that it is about half-past five o'clock, with very little probability of closing this matter to-night; and if he will yield for the purpose of an adjournment I should be glad to move it.

Mr. OGLESBY. I concur with the honorable Senator in his solicitude about an adjournment. I have been dying for one for three hours, [laughter;] but it would not be fair to adjourn in the middle of a sentence, when that sentence, unexplained, would be no more intelligible than the resolution of instructions I hold in my hand. [Laughter.]

Mr. MORRILL, of Maine. I hope it will keep over until morning, and we can put the two together in the morning and the Senator can go on with his speech.

Mr. OGLESBY. I will adjourn in a few moments. [Laughter.]

The PRESIDENT *pro tempore*. The Senator from Illinois declines to be interrupted.

Mr. OGLESBY. I say I shall vote against these instructions whatever interpretation may be put upon my act by my people at home or in this nation. I hope I shall live long enough and have health enough to explain to them what my honest view about it was, upon this little resolution which is destined to become a very important paper in American political financial literature. There is no escaping it, and I shall carry it with me, and no doubt will have a great necessity for it to explain myself to the intelligent people of Illinois.

Now, sir, the fiat of this body is recorded against free banking. I was somewhat in doubt as to whether it was the best thing to be done at this time. My preference was—and that is all I am at liberty to say; it concerns no Senator; I am well and thoroughly persuaded it will affect no Senator; but as it is customary and excusable for gentlemen to say "My opinion is this way or that way," or "I think so and so," catching that fever, and benefiting by that example, which is very healthy to new beginners in this body—I say that my opinions about free banking were not well fixed. I did not know that it was the best thing for us to do at this time; but I had made up my mind to vote either for a House bill or a bill in the Senate to legalize the issue of the $44,000,000 legal-tenders, to put them back to $400,000,000, and there let them stand as an entirety, and to be treated by this American people and this American Congress as a solitary grand fact. I will not undertake to redeem them by retiring them and contracting the currency. You may begin to-day, the Secretary of the Treasury, the republican party, or any other political party, may begin to retire the legal-tenders to-day, redeeming them in gold or in bonds, and you will not r tire one hundred millions before you will arouse a voice of general and universal indignation throughout the land that you or I nor none of us can meet. The only fair way to deal with the legal-tenders is to put them at $400,000,000, where they were put in war. Let them stand together and be treated together as an entirety, and the time will come as surely as you and I sit here, without any of the peculiar modes of political economy, without any of the intricate political financial science that bothers us quite as much as it enlightens us, in the good time of the natural growth of our country, when they will reach par, when they will be converted in the hands of the people into gold, and from gold back into greenbacks again; and I declare then, and then I shall maintain, that that will be a redemption by the Government; and it is the only redemption they will ever have under the sun; and that is the way they will ultimately be redeemed, by growing to par with gold in the hands of the people, and not by a formal redemption at the Treasury by the nation. The general indisposition to part with this favored and popular circulation, under American politics, will hold them in the hands of the people until they shall grow to par with coin, when the universal verdict of an intelligent people will be that they are fairly, honestly, fully redeemed by the United States.

I then favored the amendment of the Senator from North Carolina, [Mr. MERRIMON,] and took the liberty to go across and suggest to him that it would be a good thing to do, although he had already made up his mind to do so, to add $46,000,000 of national-bank circulation to the currency of the country. You would then have $400,000,000 of legal-tenders and $400,000,000 in national-bank circulation, making a grand total of paper circulation of $800,000,000, and possibly $100,000,000 or $150,000,000 of gold in circulation; and I am not prepared conscientiously to say that it is too much for this American people or for the necessities of the times.

I have listened attentively to the arguments of the able Senators who have argued in the direction of what they thought a reasonable return to specie payments. I do not find it in my heart to impugn their motives, for I could very clearly see that they were actuated by an honest desire to do right; but I differed from their reasoning. It is not the time to lay the groundwork or the platform of a return to specie payments now. It can never be done by law. Victories can as well be won by law. Neither is the result of statutory enactment. You may pass measures looking in that direction; you may adopt laws to ameliorate the condition of the country; you may pass laws to facilitate commerce; you may pass laws to increase and to protect the industries of the country; you may pass laws to elevate labor, to favor labor, to encourage labor, to encourage the laboring community of the country; you may pass laws of a general and liberal nature, that in their wide and humane scope take in the lowest man in the land with the highest man in the land; and thus, bringing universal prosperity, you may bring the Government back to where we will stand upon what is commonly called a specie basis.

Now we have turned our backs upon free banking. I liked the present national system. I confess I like it still. I am not dubious of it. I am not suspicious of it. I do not believe it is a time to circumvent the industries of our country. I do not believe it is in the hands of dishonest and corrupt men. I do not believe it will fall into the hands of dishonest and bad men. It has been a good system. It has given us a good currency. There was some limitation on the amount. Neither republicans nor democrats in this country like anything that bears the aspect of monopoly, or special privileges, or special franchises, or exclusive or special rights. It is not consistent with the humanity and common sense of the American genius. Therefore I was in favor, and did at last make up my mind to vote, and did vote, to remove that restriction and let the banking privileges, whatever they are, extend to the country. That has been defeated in this body.

The next thing we can hope for is the amendment of the Senator from North Carolina. If that shall be defeated, then we will come back and place ourselves in the tender mercies of that other branch of the Senate—honorable, good, noble Senators they are—who will take charge of the finances on a specie basis. If we can do no better, if we cannot get what we want, if we cannot get what we believe is right, I tell those gentlemen I will throw nothing in their way; I will stubbornly resist nothing; I will help them to modify their measures all I can; but in helping them I will steadily tell them that they are wrong; that they are premature in their action; that they will bring misery where they intend to bring happiness.

Now, sir, I wish to say a word more, as I have been forced to say something by that irresistible desire which people cannot always control, yet I think under the discipline of the experience of the Senate I have behaved pretty well for two solid months. It is about as much as human nature can stand to remain silent that long in the midst of so much eloquence, so much logic, so much splendid debate, and I say this in none other than a serious and truthful spirit. I can add nothing to it, God knows. That I know and so do the people know who sent me here. If I should make a mistake in voting on these financial measures, I will go back to Illinois and will meet a people who will indulgently hear any explanation I may have to make about it. I am not afraid to vote in this body. I know the people who sent me here will hear me at home. The fact about it was that on the very day of my election by the Legislature we had an agreement that amounted almost to that. I said to them that for the first two or three years I might make mistakes, and if so they must excuse me, and they nodded all around, all over the house, "yes," [laughter;] so that I feel pretty safe.

I meant to vote and did in earnest vote for free banking. I would vote for it again in this Chamber, and will if the opportunity again offers. If I cannot get that, I will vote for forty-six millions, or that number of millions which will carry the national-bank circulation up to $400,000,000. If I cannot get that, I will take what I can get, and trust to luck, the experience of time, and the reason of the future, to adjust our financial affairs upon a sound, healthy, and enduring basis; but I cannot vote at this time for any measure tending, as this last amendment does, to contraction.

Mr. SHERMAN. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 19, 1874.

The House met at twelve o'clock m. Prayer by Rev. J. W. PARKER, D. D., of Washington.

The Journal of yesterday was read and approved.

CURRENCY.

Mr. KILLINGER. I had intended to submit some remarks on questions connected with the currency when the bill on that subject comes before the House for consideration. I find, however, I will have to be absent several days, and therefore ask permission to print them in the RECORD. [See Appendix.]

There was no objection.

APACHE INDIANS IN ARIZONA AND NEW MEXICO.

Mr. AVERILL, by unanimous consent, reported back from the Committee on Indian Affairs a letter of the Secretary of the Interior, transmitting a statement of indebtedness on account of collecting upon reservations and subsisting Apache Indians in Arizona and New Mexico prior to July 1, 1873, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

TITLES OF CERTAIN NAVAL OFFICERS, ETC.

Mr. SCOFIELD. I ask unanimous consent to report back from the Committee on Naval Affairs, for present consideration, the bill (S. No. 269) to change the titles of certain naval officers, and for other purposes.

The bill was read. It provides that from and after the passage of the act the title of first assistant engineer shall be changed to passed assistant engineer, and that the title of second assistant engineer shall be changed to assistant engineer; provided that the regulations of the Navy Department in relation to the examinations and amount of sea-service previous to each examination be complied with. In its second section it provides that from and after the 30th day of June, 1874, the course of instruction at the Naval Academy, for cadet engineers shall be four years instead of two, as now provided by law; and this provision shall first apply to the class of cadet engineers entering the Academy in the year 1874, and to all subsequent classes; and that all acts and parts of acts inconsistent therewith be, and the same are thereby, repealed.

Mr. HOLMAN. I hope the gentleman from Pennsylvania, the chairman of the Committee on Naval Affairs, will give some explanation, particularly in regard to the second section of this bill.

Mr. SCOFIELD. The second section proposes to extend the time of instruction at the Naval Academy for cadet engineers. This is a new branch of the work of the Naval Academy. It is only within a few years that engineers have been educated at that institution at all. Formerly only officers of the line were there educated. But under a law passed some years ago the Secretary authorizes competitive examinations, at which a large number of boys appear, and selects about fifteen ordinarily from the whole number to remain at the Academy for two years. But it has been found, after a little experience, that that time is too short. It is found that they should remain there four years, the same as those designed to be officers of the line. This bill merely lengthens the time from two to four years.

The first section, which changes the titles of the engineers, is simply for the purpose of adopting the language used in the Navy. When we fixed the rank of staff officers of the Navy two years ago the act made use of the titles "first assistant engineer" and "second assistant engineer" instead of "passed assistant engineer" and "assistant engineer," the titles which had been customary. That change is desired by the Navy Department, and I suppose there will be no objection to it.

The object of having the bill adopted now is that the Navy Department may notify members of Congress to nominate boys for this competitive examination. Arrangements for that have to be made immediately, as the notices have to be sent out 1st of March, the examination taking place in June. The Naval Committee of the House examined the bill pretty carefully and were unanimously in favor of it. There are about fifteen annually selected, but each member of Congress is requested to recommend one for the competitive examination; and then the naval board appointed by the Academy, after examination, selects about fifteen of the boys; the others are dismissed, of course.

Mr. WILLARD, of Vermont. Does changing the names of these officers affect their salaries at all?

Mr. SCOFIELD. It does not in the least. They are now called first and second engineers; if this bill shall pass they will hereafter be called assistant and passed assistant engineers.

Mr. COX. I have received a letter from a gentleman connected with the Navy in this position, and he is in favor of the present designation of these engineers. He gives no reason except his love of precedent and of the service, but objects to any other name.

Mr. SCOFIELD. I think the gentleman is mistaken.

Mr. COX. I am not; I have just looked at the letter.

Mr. SCOFIELD. I have here a recommendation of this change signed by nearly every engineer in the service—every one that could be reached. Gentlemen can see how large a package it makes. [Holding up a bundle of papers.] This is a specimen of their recommendation:

> I beg to express my approval of the proposed change of title from first assistant engineer to passed assistant engineer, and from second assistant engineer to assistant engineer.

The recommendation has been sent out to all the engineers in the service that could be reached, and they have invariably signed it, and expressed their approval of it. They cannot possibly object to it, because it is in their interest.

Mr. COX. I do not propose to object to the first section of this bill, but I would like to have some good reason given for it. I cannot see any reason for making the change. The engineer who corresponded with me seemed to take some pride in the office and in the name of the office, which had been so honorably filled by his predecessors, and which honor he seemed desirous of sharing.

Mr. SCOFIELD. The gentleman has probably misread the letter. The old title was what we propose to make it now. That was the name of honor from past services, and the engineers want to have it restored.

Mr. COX. I do not like to object to a bill that has been matured by a committee of this House.

Mr. HAZELTON, of Wisconsin. The practical effect of this bill will be to reduce by one-half the number of students educated as engineers.

Mr. SCOFIELD. It will, probably, unless we enlarge the number of the class. The Secretary has some little discretion about it. I ask for a vote.

The bill was then read the third time, and passed.

Mr. SCOFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GREEN BAY AND LAKE MICHIGAN SHIP-CANAL.

Mr. SAWYER. I ask unanimous consent to take up and put upon its passage the bill (H. R. No. 447) extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-Canal, in the State of Wisconsin. This bill has the unanimous approval of the Committee on the Public Lands.

The bill was read. It provides that the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-Canal be extended to the 10th day of April, 1876.

Mr. HOLMAN. As I stated on yesterday, inasmuch as this grant of land is for the purpose of creating a free canal for the whole country, I shall not object to its coming before the House now for consideration.

Mr. SAWYER. This bill is unanimously recommended by the Committee on the Public Lands.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAWYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPORTATION OF DISTILLED SPIRITS.

Mr. BURCHARD. I rise to a privileged report, and report from the Committee on Ways and Means a bill to facilitate the exportation of distilled spirits, and amendatory of the act in relation thereto.

The SPEAKER. On what ground does the gentleman claim that this is a privileged report?

Mr. BURCHARD. That it is a tax bill, and also that it is very desirable that it should be passed now.

The SPEAKER. The Chair would be glad to entertain the bill, but he cannot admit that it is a privileged report. The Chair does not know any rule under which it would be a privileged report.

Mr. BURCHARD. It is a bill affecting the revenue.

The SPEAKER. The Chair only calls attention to the matter because it may be a very important precedent in the order of business in the House.

Mr. BURCHARD. Of course, if there is any objection to its consideration at the present time, I do not claim that it is privileged for consideration. It is a bill, however, that has been examined by the Committee on Ways and Means, and I was instructed some time since to report it and ask its passage now.

Mr. BUTLER, of Massachusetts. Does not the rule require that this bill shall receive its first consideration in Committee of the Whole?

The SPEAKER. The gentleman asks unanimous consent to have it considered in the House.

Mr. BUTLER, of Massachusetts. I object to that. I ask that it be referred to the Committee of the Whole.

Mr. BURCHARD. I ask that the bill be printed, and recommitted to the Committee on Ways and Means.

No objection being made, the bill (H. R. No. 2081) was received, read a first and second time, ordered to be printed, and recommitted to the Committee on Ways and Means.

The SPEAKER. In regard to the bill just recommitted the Chair desires to say, that all measures relating to revenue or the imposing of taxes in any way, when they come from the Committee on Ways and Means, may be reported at any time for commitment, but for no other purpose.

TOPOGRAPHICAL SURVEY OF CAPITOL GROUNDS.

Mr. SESSIONS. I ask unanimous consent to report back from the Committee on Public Buildings and Grounds Senate bill No. 360, making an appropriation for a topographical survey of the Capitol grounds and plans for improving the same; and ask that it be referred to the Committee of the Whole on the Private Calendar.

No objection being made, it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at half-past twelve o'clock. Reports are still in order from the Committee on the Judiciary.

REMOVAL OF CAUSES FROM STATE COURTS TO UNITED STATES COURTS.

Mr. POLAND, from the Committee on the Judiciary, reported a bill (H. R. No. 2082) regulating the removal of causes from the State courts to the courts of the United States; which was read a first and second time.

The bill was read.

The first section provides that in all cases where by law any party to an action pending in a State court has a right to remove the same into the circuit court of the United States, the application therefor, if made by the plaintiff, shall be made at the term of the State court to which the process by which the suit is commenced is made returnable; and if such application for removal is made by a defendant, the same shall be filed prior to the time when by law the plaintiff therein would be entitled to a judgment by default.

The second section provides that, in addition to the conditions now required by law of the party seeking such removal, he shall give good and sufficient surety that if he shall fail to enter said cause in such circuit court on the first day of its session next succeeding such removal, or if such cause shall by said circuit court be remanded to the State court by reason of not being entered by the party asking for the removal, or because the same was illegally or improperly ordered to be removed, he shall pay to the other party all such costs as are sustained by him by reason of such removal; and if the party procuring such order of removal of a cause shall not duly enter the same in such circuit court on the first day of its session, the opposing party may docket such cause in the circuit court with a certificate of the order removing said cause, from the clerk of the State court from which the same was removed; and said court shall thereupon order the same to be remanded to the State court; and in such case, and also whenever such circuit court shall remand any cause to a State court from which it was removed for the reason that the same was illegally or improperly removed, said circuit court shall proceed to tax the costs of the party not asking such removal, and the same shall be duly certified by the clerk thereof, and shall be recoverable upon the bond given on such removal.

The third section provides that in any suit hereafter to be brought in any State where the matter in dispute exceeds the sum of $500, exclusive of costs, in which the plaintiff is a citizen of the State where the suit is commenced and the defendant or either of several defendants therein is an alien or a citizen of another State, such defendant may remove such cause from the State court to the circuit court of the United States next to be held in the district in which such cause is pending, by filing his application therefor and giving security as provided in the second section, and also filing an affidavit as provided in the act of March 2, 1867; and all the proceedings for and upon such application shall be as provided by said act.

The fourth section provides that the provisions of the act shall apply only to suits commenced after its passage.

Mr. ELDREDGE. Will the gentleman from Vermont [Mr. POLAND] allow me to offer an amendment?

Mr. POLAND. I will hear what the amendment is.

Mr. ELDREDGE. It is to strike out the third section of the bill.

Mr. POLAND. I consent that that amendment may be offered.

Mr. ELDREDGE. Will the gentleman yield to me for a word or two of explanation?

Mr. POLAND. Certainly.

Mr. ELDREDGE. Mr. Speaker, the third section of this bill provides for bringing in the United States courts what I consider a new class of cases. At all events the question is in dispute; and the most that is claimed by those who think the third section ought to be passed is that the question has already been raised, and is now pending in the courts, to determine whether like cases are entitled to be brought in the United States courts. This bill provides that where one of the defendants is a resident of the State and the other a non-resident, in such cases the action may be brought in the United States courts; and if not originally brought there, but in a State court, it may be removed from the State court into the United States court upon an affidavit provided for by this bill, wherever one of the defendants is a non-resident of the State in which the action is brought. This provision is new, and it is one which it seems to me ought not to be adopted. In the first place the United States courts are now crowded with business, especially the Supreme Court. With five or six hundred cases pending when the courts adjourn, and the courts unable to dispose of the cases now pending, this provision will tend to increase the number of cases.

Again, if this provision be adopted, many cases may, by trick or fraud, be removed from the State courts on the ground that a defendant is a non-resident, when in fact he has simply been induced to consent to be a defendant in order that the case may be so removed. A person having an action against a single individual, a resident of the State, may, by connivance, by fraud, or arrangement with a non-resident, have him consent to have the action brought against him as one of the defendants, he making no objection; and then, on an affidavit that he is a non-resident, this defendant, acting in conspiracy and fraud with the plaintiff, may have the case transferred from the State court to the United States court.

Now, at a glance it can be seen this provision ought not to be adopted; and it is for that reason I have moved to strike out the third section of the act, because it not only crowds the courts, increasing the number of United States causes in the United States Supreme

Court necessarily, but because it provides means whereby cases may be fraudulently removed from the State courts into the United States courts.

Mr. BUTLER, of Massachusetts. Will the gentleman from Vermont yield to me for a moment?

Mr. POLAND. Certainly.

Mr. BUTLER, of Massachusetts. Mr. Speaker, the exact state of the provisions of this section is this. I believe it to be the law now. One judge of a circuit court has decided it to be the law. The question is now before the Supreme Court. It is intended to meet this evil. In order to prevent a citizen of another State going into the United States courts in many of the States, they insert in the writ the name of a resident. When they sue they insert in the writ, with the name of a non-resident, the name of a resident, so as to prevent, under the old judiciary act, suit being removed; and then when they get to trial they discontinue as to the resident and go on against the foreigner. In some States that makes a great hardship and great wrong, and takes away the jurisdiction of the United States courts.

The constitutional provision is familiar to everybody, but I will refer to it. The judiciary power extends to controversy between two or more States, between a State and citizen of another State, and between citizens of different States. Now, can it be said there is no controversy pending between two citizens of different States because the plaintiff has inserted the name, rightfully or wrongfully, of a citizen of the same State? Let me give you a case. A man comes from Illinois to Massachusetts, and the man from Massachusetts has a suit against him. He sues the citizen of Illinois and joins a Massachusetts man as defendant with him. Under the judiciary act that suit would be removed into the United States court, and when it comes to trial he can discontinue against the Massachusetts man and go on against the Illinois man. Now, no wrong is done to the Massachusetts man by either party to the controversy in taking him up to the United States court, because he is tried by a Massachusetts jury in the State of Massachusetts. He is tried in the Federal court, but he is tried by the same class of jurors as are in the State courts. But the Illinois man has not the right of appeal to the Supreme Court in case he is wronged by the Massachusetts law.

In the South, I am informed by gentlemen from there, when they want to get a northern man within the jurisdiction of the State court they insert a defendant to keep him out of the United States court.

Mr. HALE, of Maine. Will the gentleman from Massachusetts state if, under the present law in the case he supposes, where one of the defendants had been struck out, leaving the other a non-resident, the non-resident could move for a transfer of the suit to the United States court?

Mr. BUTLER, of Massachusetts. He could not.

Mr. HALE, of Maine. My question applies to the law as it now exists.

Mr. BUTLER, of Massachusetts. He cannot. It used to be under the old law. This bill provides, in order to prevent the whole case from going there before the transfer is made, that the transfer shall be made at the time.

Mr. HALE, of Maine. Under the old law?

Mr. BUTLER, of Massachusetts. Under the old law he could get out. Now we are making a provision to cut off the right of transfer at that time, so a man shall not go on litigating his case in the State court, and then turn around and transfer before final judgment against him. At any time now before final judgment it can be transferred when between the citizens of one State and the citizens of another State.

There is a similar provision in cases affecting ambassadors and other public ministers, &c. There the United States Supreme Court can have original jurisdiction. In cases of controversy, where we sue an ambassador by joining a citizen of the United States with him, do we thereby keep him out of the Supreme Court? Clearly not; but we should have some legislation to meet that case if any such should arise. This legislation is meant to meet that case. We simply provide that by the mere joining of another party with him you shall not keep him out of the United States court. Judge Shepley, of the first circuit, had decided, after very full argument by very able counsel, that this is the law now; and that case is before the Supreme Court. To remove those doubts and have a uniform law all over the United States this provision is inserted.

Mr. E. R. HOAR. I ask that the section which it is moved to strike out may be again read.

The third section was again read.

Mr. E. R. HOAR. This is, in my judgment, a matter of extreme general importance, and I wish to state to the House frankly and fully the connection I have with the question before I proceed to make any remarks on it. I had considered this question as counsel for a party; but as this will have no bearing, so far as I am aware, upon that case, which has already gone nearly to its decision, that will not, I suppose, make it improper for me to state what view I entertain as a matter of law.

This section, under the clause in the Constitution which gives the Federal courts, the judicial power of the United States, jurisdiction over controversies between citizens of different States, proposes to give the power to one defendant who may be a party, or one of the component parts of a party, to the controversy, without the will of the other parties to the controversy, to remove the suit to the United States court. It is a very grave question whether that is consistent with the Constitution of the United States. Whether it was so consistent or not I had the honor of arguing, about a month ago, before the Supreme Court, with very distinguished counsel on the other side. An opinion, as I understand, will be delivered upon that question a week from next Monday by the court.

It has been stated truly that Judge Shepley, of the circuit court for New England, has decided under an existing law—the statute of 1867—that such removal could take place. No gentleman exceeds me in the respect I have for the professional ability and judicial character of that eminent gentleman. Stating that fact, however, is not stating to the House quite the whole of the judicial authority upon the subject; and I state to the House that Judge Shepley, of the first circuit court, is the only judge or tribunal in the United States, so far as by the most diligent search I can ascertain, that has so held; and the contrary has been held by the State courts of seven States, including my own State of Massachusetts, and by two of the circuit courts of the United States, the circuit court for New York, and the circuit court including Iowa.

Mr. BUTLER, of Massachusetts. I ask the gentleman which are the other States of the seven to which he refers?

Mr. E. R. HOAR. New York, Massachusetts, Georgia, Alabama. I do not know that I can repeat them all. I think, Wisconsin and Iowa. I cannot undertake to say, and will not say, that the number is exactly seven. But I will say this to the House, that every State that has passed upon the question throughout the United States, it was conceded in the argument before the Supreme Court by counsel on both sides after the most diligent search, had decided the other way. Judge Dillon, of the circuit court of Iowa, and Judge Blatchford, holding the circuit court in New York, had also decided the other way. And up to the time of Judge Shepley's decision the judicial decisions were uniform. It would seem to me that under those circumstances, with the question awaiting immediate decision in the Supreme Court of the United States, it is hardly expedient for this House to take up this question, and that upon a bill which is not yet printed, which members ought to have an opportunity to study carefully, and which I have myself never seen, having only heard it read at the Clerk's desk. I think that such a bill ought not to be instantly or hastily passed. I do not even understand whether it receives the unanimous approbation of the Judiciary Committee.

Mr. ELDREDGE. It does not.

Mr. E. R. HOAR. It is intimated to me that the proposition does not receive the unanimous approbation of the Judiciary Committee.

Mr. BUTLER, of Massachusetts. It does not.

Mr. E. R. HOAR. And therefore there seems to me the more reason that it should be more deliberately examined, and that a greater opportunity be allowed to consider it.

The history of the legislation on this subject is very brief. Under the first judiciary act of the country, which provided that the United States courts should have jurisdiction of suits between citizens of different States—using the word "suits," and not "controversies"—all the Federal courts decided that every party, plaintiff or defendant, must be competent to sue or be sued by all the parties opposing him; that is, that they must be all citizens of different States.

Mr. McCRARY. Will the gentleman allow me to ask him whether the decision was based upon the Constitution or the judiciary act itself?

Mr. E. R. HOAR. Upon the judiciary act only. The only point that would involve the Constitution would be whether the word "controversies" in the Constitution and the word "suits" in the judiciary act were intended to be equivalent to each other, and were so used by the men who, having participated in the framing of the Constitution, proceeded to pass the general laws necessary to carry its general policy into effect.

I pass, as not having anything to do with the question, the various acts that have been passed in relation to jurisdiction derived from the subject-matter by parties as officers of the United States, on matters done and performed on behalf of the United States; for instance, in regard to the Pacific Railroad and other corporations created by the United States, which stand on an entirely different ground. But Congress, in 1866, undertook to provide for the removal of causes where one defendant only was a citizen of a different State and where all were not. A defendant who was a citizen of a different State from the plaintiff might remove the cause, provided the case was capable of division, so that the controversy might be carried on against him, leaving the rest of the suit in the State courts. I suppose at the time that was passed that was considered to be as far as it could be constitutionally done.

In 1867 an act was passed to enable the plaintiff to remove the suit, which act was open to the objection that my colleague [Mr. BUTLER] has stated very forcibly, that the plaintiff could remove it at any time. I understand this bill proposes to limit that so that the removal shall be done seasonably, and with that I entirely concur. The object of that statute was apparently to enable the plaintiff to remove the suit; for the language used was that either party, the plaintiff or the defendant, being non-resident, could remove the suit.

Mr. POLAND. I should be very glad to yield longer to my friend from Massachusetts, [Mr. E. R. HOAR,] but this is our last morning hour, and one-half of it is gone, and we have a great press of business.

Mr. E. R. HOAR. I move that the bill be printed and recommitted.

Mr. POLAND. I consent to that.

The SPEAKER. That will be done if there is no objection.

Mr. BUTLER, of Massachusetts. I enter the motion to reconsider the recommittal. And now I yield to my colleague on the committee, the gentleman from Alabama, [Mr. WHITE.]

Mr. E. R. HOAR. I desire to make a parliamentary inquiry. Can a motion be made to reconsider a vote that has not yet been passed by the House?

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] who makes the motion to reconsider has the floor; and, if he desires, he can proceed to debate it, because that motion is as broad as the original motion. If he yields the floor, then a motion can be made to lay the motion to reconsider on the table.

Mr. POTTER. I move to lay it on the table.

Mr. E. R. HOAR. I did not understand that the motion to recommit was agreed to.

The SPEAKER. The Chair heard no objection.

Mr. BUTLER, of Massachusetts. If I have the floor I now yield to the gentleman from Alabama, [Mr. WHITE.]

The SPEAKER. For what purpose?

Mr. BUTLER, of Massachusetts. To report some bills from the Committee on the Judiciary.

The SPEAKER. That cannot be done. The gentleman from Massachusetts, [Mr. E. R. HOAR,] who occupied the floor by leave of the gentleman from Vermont, [Mr. POLAND,] who reported the bill, moved that it be printed and recommitted. To that motion the Chair heard no objection. Then the gentleman from Massachusetts, the chairman of the Committee on the Judiciary, [Mr. BUTLER,] said that he entered a motion to reconsider that vote. The gentleman is still upon the floor; no business has intervened; and the gentleman cannot pass to or yield for the consideration of any other business so as to deprive any other gentleman of the opportunity to test the sense of the House by moving to lay the motion to reconsider on the table.

Mr. BUTLER, of Massachusetts. The reason why I entered the motion to reconsider was that my colleague [Mr. E. R. HOAR] had said that he had not had time to examine this bill. I was quite content that it should be recommitted and printed, in order that the House might have an opportunity to examine it. But this is our difficulty: if this bill shall pass out of our control by a motion to recommit, and that motion be reconsidered and tabled, we may never be able to get it up again. In that way we will be consenting to kill the bill on one motion. I therefore entered the motion to reconsider, in order that hereafter I might have the opportunity to bring it again before the House.

The SPEAKER. When the gentleman entered the motion to reconsider, the Chair understood that there was general consent all around to the arrangement, and that would leave the bill in the control of the gentleman to bring it up hereafter.

Mr. E. R. HOAR. I certainly should not object to that.

The SPEAKER. The Chair said that he heard no objection to it.

Mr. E. R. HOAR. It is to be hoped that fair notice will be given when it is to be called up.

Mr. BUTLER, of Massachusetts. Certainly.

Mr. ELDREDGE. Can a bill be printed pending a motion to reconsider?

The SPEAKER. Certainly; the motion to reconsider applies to the recommitment. The Chair will state, for the information of the House, that after the motion to recommit had been agreed to, had some other gentleman been recognized, and then he had yielded to the gentleman from Massachusetts to enable him to enter the motion to reconsider, that could not have been followed by a motion to lay the motion to reconsider on the table. But no business whatever intervening, and the motion to reconsider being pending, any gentleman had the right to move to lay the motion on the table before the House proceeded to the consideration of any other business. But the Chair understood that it was generally agreed that the motion to reconsider might be entered in the Journal.

Mr. POTTER. I consider the most of this bill as valuable, all except the third section. I think the third section is very dangerous. Under the suggestion of the chairman of the committee, [Mr. BUTLER,] that under the motion to reconsider the recommitment he will bring this bill again before the House at some time when it can be fully considered, I will withdraw the motion to lay it on the table.

The SPEAKER. The motion to reconsider will be entered upon the Journal.

PRINTING THE BANKRUPT LAW.

Mr. G. F. HOAR. There is a great demand for the Senate bankrupt bill, and all the copies heretofore printed being entirely exhausted, I ask unanimous consent that it may be reprinted.

No objection was made, and it was ordered accordingly.

WESTERN JUDICIAL DISTRICT OF NORTH CAROLINA.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Alabama, [Mr. WHITE,] my colleague on the Committee on the Judiciary.

Mr. WHITE, from the Committee on the Judiciary, reported back, with the recommendation that the same do pass, the bill (H. R. No. 225) to amend the act entitled "An act to establish the western judicial district of North Carolina."

The question was upon ordering the bill to be engrossed and read the third time.

The bill was read. It provides that section 8 of the act of June 4, 1872, entitled "An act to establish the western judicial district of North Carolina," be amended, by adding thereto the following: "There shall also be appointed a marshal of the United States for said western district of North Carolina, who shall receive such fees and compensation, and exercise such powers and perform such duties, as are fixed and enjoined by law."

Mr. WILLARD, of Vermont. I make the point of order that this bill, containing an appropriation, must go to the Committee of the Whole.

The SPEAKER. The Chair sustains the point; the bill is so referred.

CONGRESSMEN AT LARGE FOR ALABAMA.

Mr. WHITE, from the Committee on the Judiciary, reported back a bill (H. R. No. 886) to provide for the election of Congressmen at Large for the State of Alabama.

The bill was read. It provides that the two additional Representatives to Congress allowed to the State of Alabama according to the apportionment under the ninth census may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in said State, unless the General Assembly of Alabama shall otherwise provide before the time fixed by law for the election for Representatives to Congress from said State.

Mr. WHITE. In explanation of this bill, I will state that by the apportionment act of the last Congress the State of Alabama was allowed two additional Representatives; and provision was made for their election in the State at large for the Forty-third Congress. Since that time the Legislature of Alabama, because of the fact that one branch is democratic while the other is republican, has been unable to redistrict the State. The districts remain as they were, being only six in number; and without the passage of such a bill as this by Congress the State will be deprived of two Representatives that we have been by law declared entitled to.

Mr. COX. Will the gentleman from Alabama [Mr. WHITE] allow me to ask him a question?

Mr. WHITE. Yes, sir.

Mr. COX. I believe the gentleman is now a member at large from the State of Alabama?

Mr. WHITE. Yes, sir.

Mr. COX. Was not the gentleman elected under the apportionment act of the last Congress?

Mr. WHITE. Yes, sir.

Mr. COX. Then what is the necessity for the passage of another law?

Mr. WHITE. Because the law of the last Congress provided for the election of Representatives at large to the Forty-third Congress only. Under the ninth census Alabama is entitled to eight Representatives; but she has only six districts. The State was not redistricted at the last session of the General Assembly. This bill simply provides for an election for Representatives at large in the next Congress, thus giving the State the full number to which she is entitled.

Mr. POTTER. Mr. Speaker, the existing law requires that the States shall be redistricted according to population. The difficulty with Alabama is, that being entitled to two more Representatives than she has districts, she will not redistrict the State and make districts for new members. The law of the last Congress made provision only for the election of members at large to the present Congress, in order, if I understand the policy, to compel the States to redistrict so that the districts might be nearly equal in population. If a State will not do this I am unable to see why she should not remain without the additional representation.

Mr. WHITE. The difficulty in the case arises from the fact that one branch of the Legislature is democratic and the other republican. The matter was brought to the attention of the General Assembly, and action upon it urged by the governor; but these two bodies have been unable to agree. The question now submitted to the House is whether in consequence of this failure to agree, and when there is no reasonable prospect of agreement, the State of Alabama shall be deprived in the next Congress of a part of the representation to which she is under the law entitled.

Mr. MAYNARD. Inasmuch as the Legislature of Alabama is unable to redistrict the State by its own action, would it not be better to bring in a bill to redistrict the State by act of Congress, so that there may be one Representative for each district?

Mr. WHITE. I do not know that that would be objected to; but no proposition of that kind is before the House. No body of men and no one man can reasonably be charged with the responsibility for this failure to redistrict the State.

Mr. BROMBERG. I wish to ask my colleague one question. How many Legislatures have had this question under consideration already?

Mr. WHITE. Only one.

Mr. BROMBERG. It has been under consideration at three different sessions. When I was in the senate of that State this very question was under consideration.

Mr. BUTLER, of Massachusetts. Why did you not redistrict?

Mr. BROMBERG. I was not on the committee appointed for that

purpose; but the question was before us. Since then the Legislature has met twice; yet the two branches cannot agree. It is evident that somebody wants to gerrymander.

Mr. HAYS. Allow me to ask the gentleman how long the State of Alabama has been entitled to eight Representatives?

Mr. BROMBERG. I only know that when I sat in the senate of the State in 1872 the question of redistricting the State was then already before us.

Mr. HAYS. The State was not then entitled to these additional Representatives.

Mr. WHITE. The question could not possibly have been before the senate at that time, because the State was not then entitled to this additional representation.

Mr. BROMBERG. They were not able to agree then, and they have never been able to agree since. If we are to wait until some one party gets the control of that Legislature we shall always have these two Congressmen at large, because the State of Alabama is so constituted that parties will always be almost equally divided in that Legislature. Democrats and republicans will wait in vain if they expect to wait until one party or the other shall get control of the Legislature and fix up the districts to suit themselves. They must agree to some compromise; they must settle upon some fair and impartial distribution of the districts.

Mr. W. R. ROBERTS. Does the gentleman from Alabama [Mr. BROMBERG] want his State to be deprived of part of its representation on this floor?

Mr. BROMBERG. I want the people of my State represented in a proper way. I do not want to have certain districts "left out in the cold."

Mr. W. R. ROBERTS. If the State will not act, why should the gentleman object to the regulation of the matter by Congress?

Mr. BROMBERG. Because I think the Legislature should be compelled to come to some agreement.

Mr. WHITE. I do not yield any further. I call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CREDITORS OF THE REPUBLIC OF TEXAS.

Mr. WHITE also, from the same committee, reported back a joint resolution (H. R. No. 9) authorizing the Secretary of the Treasury to pay over to the State of Texas the balance remaining of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment of the creditors of the late republic of Texas, with the recommendation that it do pass.

Mr. BUTLER, of Massachusetts. That must go to the Committee of the Whole on the state of the Union.

Mr. HERNDON. I do not think the point of order is well taken. This does not propose the appropriation of any money. I hope the gentleman will allow me to make a short statement. I believe the Chair will see that it is not subject to the point of order.

The SPEAKER. On what ground is it not subject to the point of order?

Mr. HERNDON. It is upon this ground. The amount sought to be refunded to the State of Texas was specified by the appropriation made on the 28th day of February, 1855, and that sum has remained in the Treasury ever since. The limitation upon it has ceased, and this is simply to refund that amount to the State of Texas. It is already in the Treasury, and set apart for this very purpose.

The SPEAKER. The rule reads, "or authorizes the payment out of an appropriation already made." This would come certainly under that provision.

The joint resolution was referred to the Committee of the Whole on the state of the Union.

UNITED STATES DISTRICT COURTS IN LOUISIANA.

Mr. WHITE also, from the same committee, reported back a bill (H. R. No. 107) for the better organization of the district courts of the United States within the State of Louisiana, with the recommendation that it do pass.

Mr. BUTLER, of Massachusetts. I make the point of order against that bill.

The SPEAKER. It provides for a new office, and therefore for a salary, and must go to the Committee of the Whole on the state of the Union. It will be so referred.

DEBTS CONTRACTED BEFORE THE WAR.

Mr. WHITE. I am instructed by the Committee on the Judiciary to report a substitute for House bill No. 525, House joint resolution No. 11, and House joint resolution No. 18, repealing certain laws and parts of laws therein mentioned, and to move that the substitute be printed and recommitted, with leave to the committee to report at any time.

The SPEAKER. This bill has not the proper title. The title indicates nothing at all.

Mr. WHITE. I am instructed to report back a substitute for a certain bill and joint resolutions of the House, to repeal certain laws and parts of laws.

The SPEAKER. The bill will be received as an original bill, but it should have a title to state exactly what the bill provides.

Mr. WHITE. I will report it as an original bill (H. R. No. 2083) providing for paying the debts and bounties upon contracts made and for services rendered previous to the 14th of April, 1861, by persons engaged in the rebellion.

The bill was read a first and second time.

Mr. WHITE. I move that the bill be printed and recommitted, with leave to the committee to report at any time.

Mr. MAYNARD. Would the effect be, if we give leave to the committee to report at any time, to make this a special order whenever the committee shall choose to bring it up on their own motion?

The SPEAKER. It will; but it requires unanimous consent. The right to report at any time carries with it the right to consider at any time.

Mr. MAYNARD. Instead of granting leave to the committee to report at any time, had not the committee better fix some time when it will bring it up for consideration?

The SPEAKER. Is there objection to granting leave to the committee to report at any time?

Mr. COX. If they report it back with a different title, would it affect the motion?

The SPEAKER. It would not. Is there objection?

Mr. COBURN. I object. Let it come up in its regular order.

The bill was ordered to be printed and recommitted.

NORTHERN DISTRICT OF PENNSYLVANIA.

Mr. CESSNA, from the Committee on the Judiciary, reported back a bill (H. R. No. 541) to provide for a district and circuit court of the United States for the northern district of Pennsylvania, with the recommendation that it do pass.

Mr. NEGLEY. I make the point of order against the bill.

The SPEAKER. The point of order is well taken, and the bill will be referred to the Committee of the Whole on the state of the Union.

FEES OF UNITED STATES MARSHALS.

Mr. CESSNA also, from the same committee, reported back a bill (H. R. No. 780) requiring the United States marshals and clerks of the United States circuit and district courts, who have received fees and emoluments in excess of their legal compensation, to deposit the same with the Treasurer of the United States, with a substitute.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:

The United States marshals and clerks of the United States circuit and district courts of the several States and Territories be, and they are hereby, directed to forward without delay to the Secretary of the Treasury a report of the proceedings in bankruptcy, and all other proceedings in equity and chancery growing out of the same, with the cost thereof; and the Secretary of the Treasury is hereby authorized and required to prepare such blank forms for this purpose as will enable them to make said report full and uniform.

SEC. 2. That where the said reports show or where it appears that any of said marshals or clerks have received fees and emoluments of their respective offices, of every name and character, in excess of their maximum compensation as provided by law, and have failed to deposit the same, the Secretary of the Treasury, through the Department of Justice, shall require them to immediately deposit the said excess in the Treasury of the United States; and for this purpose the Secretary may designate two or more suitable employés of the Treasury Department as special agents to examine the books, accounts, and reports of said officers, which agents shall receive for such extra services such compensation as the Secretary of the Treasury shall deem just and proper, payable out of the fees and emoluments received or collected: *Provided however*, That no employé, for such services and as regular salary, shall receive more than $5,000 in a period of one year.

SEC. 3. That in case any clerk or marshal shall neglect or refuse to deposit any such excess of fees and emoluments as herein directed, the Secretary of the Treasury, through the Department of Justice, shall proceed to collect such excess by suit upon the official bond of such officer, or by any other process which he may deem most advisable.

SEC. 4. That any officer who shall neglect or refuse to deposit with the Treasurer of the United States any excess of fees and emoluments of office by him received over and above the maximum allowed by law, shall be deemed guilty of embezzlement of the money so withheld, and on conviction thereof shall be punished by imprisonment and hard labor for a term not less than one year, nor more than ten years, or by fine of not less than $1,000, nor more than the amount embezzled, when the sum exceeds $1,000, or by both such fine and imprisonment.

Mr. CESSNA. If there is no objection raised to the consideration and passage of the bill I will ask the previous question. But if any gentleman desires to oppose it, or to make any inquiry in regard to it, I am willing to yield for that purpose.

Mr. SPEER. Will the gentleman yield to me for a moment?

Mr. CESSNA. Yes, sir.

Mr. SPEER. The bill reported by my colleague covers, perhaps, in the main, the ground I had in view in introducing the resolution of instructions to the Judiciary Committee on Monday last. It appears by the last report of the Attorney-General that there are certain clerks of United States courts that have persistently refused to make return of the amount of fees and perquisites that come into their hands in pursuance of law. And I am credibly informed that the fees and perquisites of some of the clerks amount to the enormous sum of $100,000 annually. The fees are most enormous. Under the existing laws they are required to report the amounts of these fees and perquisites to the Attorney-General, but they have refused to do so, and he has no authority under the law at present to compel them. He states in his report that he has made application to the judges of the circuits or districts in which these defaulting officers reside, and that

he has had no response from them, while he has not the authority to compel them to obey the law.

The bill of my colleague goes in the right direction so far as it does go. I did not catch from the reading of it whether it applies to those officers who are now in default.

Mr. CESSNA. The bill does apply to all officers in default; but does not punish them, as that would be *ex post facto* legislation.

Mr. SPEER. Does it require them to make returns?

Mr. CESSNA. Yes, sir. The bill directs that all in default shall be proceeded against for collection, and that the punishment shall be added as an infliction or penalty for all cases that may arise hereafter.

As the morning hour is almost expired, I must insist on calling the previous question.

The previous question was seconded, and the main question ordered, and under the operation thereof the substitute was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CESSNA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CESSNA. I am instructed by the Committee on the Judiciary to move that they be discharged from the further consideration of House bill No. 32, and also the resolution introduced by my colleague, [Mr. SPEER,] directing the committee on the Judiciary to investigate the cause of failure of certain clerks of courts to pay excess of fees into their respective courts. They embrace the same subject-matter as that of the bill just passed. I move that the committee be discharged from the further consideration of the bill and resolution I have named, and that the same be laid upon the table.

The motion was agreed to.

ADDITIONAL JUDICIAL DISTRICT IN NEW YORK.

Mr. POTTER, from the Committee on the Judiciary, reported back, as a substitute for the bill H. R. No. 520, a bill (H. R. No. 2083) to establish an additional judicial district in the State of New York, and to make further provisions in relation to the courts of the United States in the said State; which was read a first and second time.

Mr. NEGLEY. I make the point of order on that bill that it contains an appropriation.

The SPEAKER. The point of order is good, and the bill goes to the Committee of the Whole on the state of the Union.

INDIANA JUDICIAL DISTRICT.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 1998) to divide the State of Indiana into two judicial districts, and to provide for the holding of courts of the United States therein; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

CLERKS OF UNITED STATES COURTS IN INDIANA.

Mr. WILSON, of Indiana, also, from the Committee on the Judiciary, reported back the bill H. R. No. 1235, with an amendment in the nature of a substitute.

The substitute, being a bill (H. R. No. 2084) to provide for the appointment of clerks for the circuit and district courts of the United States held at New Albany and Evansville, in the district of Indiana, was received, and read a first and second time.

The bill provides that clerks shall be appointed for the circuit and district courts of the United States held at New Albany and Evansville, in the district of Indiana, in like manner and subject to the same duties and responsibilities that other clerks are subject to in other independent districts; the deputy clerks at said places shall perform the duties of the offices, respectively, till clerks are duly appointed and qualified. The bill further provides that the clerks so appointed shall be entitled to receive, as compensation for their services, the fees now allowed by law arising out of the business of said courts, and no other compensation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF MONTICELLO.

Mr. JEWETT, from the Committee on the Judiciary, reported back the bill (H. R. No. 1250) to authorize the purchase of Monticello, formerly the homestead of Thomas Jefferson; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

PROCEEDINGS IN MANDAMUS.

Mr. JEWETT, from the same committee, also reported back, with a recommendation that it do pass, the bill (H. R. No. 1273) to regulate proceedings in *mandamus*.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that in all proceedings in *mandamus* in any of the courts of the United States, wherein any officer of the United States is made a party defendant, but who may die, resign, or be removed from office before the final determination of such proceedings, the same may be continued in the name of his successor in said office, and such proceedings may be had as in case of the death of a party defendant during the pending of a suit at law in the proper court; and said proceedings in *mandamus* shall proceed to a hearing at the same term, unless for good cause shown the court shall continue the case, and if a peremptory writ shall be awarded, the same shall and may be directed to any successor in office to such person who may have so resigned, been removed, or died. The second section provides that the act shall take effect and be in force from and after its passage.

Mr. MAYNARD. I hope the second section of this bill will be stricken out. All laws take effect from and after their passage, unless otherwise specified. It is not necessary to put in that section.

Mr. BUTLER, of Massachusetts. The second section should be stricken out. There is no objection to that motion, as that section is unnecessary.

The motion to strike out the second section was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JEWETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. The morning hour has now expired, and with it expires the second morning hour to which the Committee on the Judiciary are entitled. There are before our committee two very important bills: one for the distribution of the Geneva award, and the other the bankrupt bill with the Senate amendments. The committee, on account of their patient hearing of the voluminous arguments of those interested in the Geneva award, have not yet been able to come to any determination upon the bill. It may be months before we shall be again called in our regular order, and the claimants are already long kept out of their money. I ask unanimous consent of the House that, in regard to the Geneva award bill and the bankrupt bill, the Committee on the Judiciary have leave to report at any time; and I pledge myself to the House for the committee that we will not antagonize any special order.

Mr. POTTER. And that the House shall have due notice of the purpose of the committee to report those bills.

Mr. BUTLER, of Massachusetts. Certainly; we will give due notice to the House. We want those bills fully discussed.

Mr. POTTER. There is no other way by which those bills can be considered by the House, and they are very important.

Mr. DAWES. There is no objection to it, I suppose.

Mr. W. R. ROBERTS. I object to any such order, at least in regard to the Geneva award bill.

Mr. DEWITT. Should not that bill be considered first in Committee of the Whole?

Mr. BUTLER, of Massachusetts. Why?

Mr. DEWITT. It proposes to take money out of the Treasury that is now there.

Mr. BUTLER, of Massachusetts. I do not think it can be regarded as an appropriation bill; but the point of order, if good, can be made when reported.

Mr. W. R. ROBERTS. I think the money is safe where it is, and we can afford to let it remain there a little longer. I am not in a hurry.

Mr. POTTER. The gentleman may not be in a hurry; but there is such a thing as justice.

Mr. BUTLER, of Massachusetts. I wish to say that the Geneva award bill will probably go, I think it is almost certain to go, to the Committee of the Whole on the state of the Union, when reported.

Mr. W. R. ROBERTS. What objection has the gentleman to allowing that bill to take its regular course?

Mr. BUTLER, of Massachusetts. Because we will not be called again for two months at least, if then.

Mr. ELDREDGE. It will not make much difference whether we are called or not. During the last Congress some committees were not able to report. I have a bill now which I carried through the last Congress without being able to report it, although I was ordered to report it to the House. Other matters of no importance are reported upon, however.

Mr. PACKER. I call for the regular order of business, and that the House now proceed to consider the special order, being House bill No. 825, providing for the free distribution of printed matter.

Mr. MAYNARD. If in order, I desire to move that the rules be suspended and the House resolve itself into Committee of the Whole.

The SPEAKER. The bill of the gentleman from Pennsylvania [Mr. PACKER] is a special order in the House at the hour of half-past one, to the exclusion of all other orders except appropriation bills.

Mr. DAWES. A special order in the House; I suppose we can go into Committee of the Whole.

The SPEAKER. The order is that the House will consider it to the exclusion of all other orders except appropriation bills.

Mr. DAWES. If the gentleman from Pennsylvania [Mr. PACKER] should not press his bill, I suppose we can go into Committee of the Whole on the tax bill.

Mr. PACKER. A number of gentlemen desire to speak on the bill, and we will soon have it out of the way of the gentleman from Massachusetts, [Mr. DAWES.]

The SPEAKER. The Clerk will read the resolution agreed to by the House in regard to the post-office bill.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be authorized to report House bill No. 825, providing for the free distribution of printed matter, &c., on Thursday, February 12, and that it be made the special order for that day at half-past one o'clock, and from day to day thereafter until disposed of, excepting the regular appropriation bills.

The SPEAKER. Nothing is excepted but general appropriation bills.

Mr. MAYNARD. I rise to a parliamentary inquiry. Is it not within the power of a majority of the House, if they so incline, to suspend the rules and go into Committee of the Whole?

The SPEAKER. This order was made under a suspension of the rules, two-thirds voting therefor.

Mr. MAYNARD. So I understand; but is the effect of the order——

The SPEAKER. That order takes away the power of the House to go into Committee of the Whole upon anything except general appropriation bills until this question is disposed of.

Mr. MAYNARD. I beg to say that I intended to ask the House to-day to resolve itself into Committee of the Whole for the purpose of considering the free banking bill; but under the ruling just made by the Chair, I am precluded from submitting that motion.

The SPEAKER. The Chair supposed when the gentleman from Tennessee gave his notice to that effect that this bill would be disposed of before this time.

Mr. MAYNARD. When this bill is out of the way, I shall still endeavor to bring to the attention of the House the bill I have indicated.

The SPEAKER. The Chair will recognize the gentleman at the first practicable moment.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries.

CHANNEL AT THE MOUTH OF THE MISSISSIPPI.

Mr. NEGLEY, by unanimous consent, presented a memorial of marine insurance companies, shippers, ship-owners, pilots, underwriters, and the Tow-boat Association of New Orleans, against military interference with the channel at the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

TRANSMISSION OF PUBLIC DOCUMENTS, ETC.

The SPEAKER. The House resumes the consideration of the bill reported from the Committee on the Post-Office and Post-Roads, a bill (H. R. No. 825) to provide for the distribution of public documents printed by the authority of Congress, and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published. The gentleman from Iowa [Mr. KASSON] has twenty-five minutes of his hour remaining.

Mr. SCOFIELD. Inasmuch as the gentleman from Iowa gave a large part of his time to a gentleman speaking on the opposite side of the question, I ask unanimous consent that he be allowed his full hour.

Mr. KASSON. I hope I shall not require a full hour, though I may need a few moments more than the time to which I am entitled.

Mr. SCOFIELD. Then I ask that the gentleman may be allowed so much time as he needs to complete his remarks.

Mr. GARFIELD. Has any limit been fixed to this debate?

The SPEAKER. There has not.

Mr. GARFIELD. What is the condition of the bill in regard to the possibility of amendments?

The SPEAKER. The Chair knows nothing in regard to the disposition of the gentleman from Pennsylvania [Mr. PACKER] in regard to the offering of amendments.

Mr. GARFIELD. Is the motion to recommit pending?

The SPEAKER. It is.

Mr. ARCHER. The gentleman from Iowa [Mr. KASSON] yields to me that I may state that my colleague, Mr. WILSON, has been detained from the House for several days by serious sickness.

Mr. TYNER. I desire to say that I shall not object to an extension of the time of the gentleman from Iowa, even to the limit of one hour, if he shall occupy all the time himself; but if he is disposed to "farm out" any portion I shall object to the extension.

Mr. KASSON. Mr. Speaker, I shall be quite content with whatever the House may desire in the matter.

The SPEAKER. The gentleman from Indiana suggests that he has no objection to an extension of time to the gentleman from Iowa for his own use, but he objects to granting additional time to be "farmed out."

Mr. KASSON. I had not proposed to "farm out" any portion of my time except to two or three gentlemen who ask an opportunity to give notice of propositions they intended to make.

The SPEAKER. The Chair hears no objection to the request of the gentleman with the limitation stated.

Mr. KASSON. By reason of the declaration of the chairman of the committee yesterday, that he did not feel at liberty to allow me to offer as a substitute a bill which I have introduced and which has been referred to the committee, I must ask now, in order to show the point in part to which I shall speak, that the Clerk read as a part of my remarks the bill (H. R. No. 1863) which I shall offer as a substitute whenever it may be in order. I have made two or three amendments of the text of the bill as referred.

The Clerk read as follows:

A bill providing for the sale and distribution of public documents, and authorizing the free delivery of newspapers through the mails in the counties of publication.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter all extra copies, beyond the usual number printed, of all reports and documents published by order of Congress, or of either House thereof, shall be sold and disposed of in the manner provided by this act.

SEC. 2. That the price of the Agricultural Report and of the volume known as Abridgment of the President's Message and Accompanying Documents shall be twenty-five cents for each volume; and of all other volumes and documents the price shall be the actual cost of the paper and binding of the same, which shall be certified to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, by the Congressional Printer, and the price shall be printed on such volume or document.

SEC. 3. That it shall be the duty of the Secretary of the Senate, or of the Sergeant-at-Arms of the House of Representatives, upon payment to him of the price of any such volume or document, to cause the same to be addressed by mail or delivered at the Capitol, as requested; and when sent by mail within the United States no additional charge shall be made for postage thereon; but the same shall be stamped by the officer transmitting the same in the manner to be provided by the Postmaster-General. And all moneys so received by either of said officers shall be by him paid monthly into the Treasury of the United States, and placed to the account of public printing, and an annual report thereof shall be made to Congress by the Secretary of the Treasury.

SEC. 4. That each of said officers of the Senate and House of Representatives shall open an account with each class of said extra volumes and documents so subject to sale, showing the entire number to be disposed of, and the number each day for which he shall have received the price, and the total receipts of that day therefor; and all deliveries thereof shall be made upon his order addressed to the officer of the respective Houses in charge of such books and documents, who shall preserve the same, subject to the examination of the Committee on Accounts of the respective Houses, who shall compare the same from time to time with the accounts of the Sergeant-at-Arms and of the Secretary of the Senate respectively.

SEC. 5. That in all cases where Congress shall not have otherwise regulated the number of extra copies of any such book or document to be printed, the Committees on Printing of the two Houses shall, as a joint committee, determine the number in their judgment needed to supply the public demand therefor under the provisions of this act; and the Congressional Printer, being notified thereof, shall provide and deliver the number so determined in manner as shall be directed by said joint committee: *Provided*, That no new edition shall be ordered by said committee which shall require further expense for composition, but additional copies may be ordered from stereotype plates.

SEC. 6. That from and after the beginning of the postal quarter next following the approval of this act, all weekly newspapers may be delivered free of postal charges through the post-offices and mails within the county where, at least, two pages thereof are printed, and the same are published; but post-office carriers shall not be required to distribute such papers unless postage shall have been paid thereon at the usual rates.

SEC. 7. That any person who shall knowingly, and with intent to defraud the Government of the United States, make, use, or cause to be used, any of the said stamps, or any imitation of the stamp herein authorized to be prepared and used for any other purpose, or in any other manner than as is hereinbefore authorized, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not less than three months nor more than twelve months, or by both fine and imprisonment, in the discretion of the court.

Mr. MONROE. The gentleman from Iowa yields two minutes to me, that I may offer an amendment and say a word or two in regard to it. I desire to move to amend the bill by striking out sections 1, 2, and 4.

Mr. Speaker, the bill reported by the chairman of the Committee on the Post-Office and Post-Roads looks to the future. It proposes to continue the large and expensive system of public printing which has existed in the past. Now, the amendment which I offer proposes to strike out all the sections which look to that object. I have always had a serious difficulty in my own mind in regard to this great expense. I notice that gentlemen who have spoken in favor of this measure have asked us to vote to continue this expenditure in the interest of the people. Now, sir, that is just the point that I would like to have explained. My difficulty in regard to this great mass of public printing has always been just here: I have always had a difficulty in seeing how it is for the interest of the people. I hope some gentleman who is to follow me will explain this point. I suppose we never send of any of these public documents to our congressional districts more than one book to about twenty-five or thirty tax-payers. That is my recollection of an estimate I once made in regard to one of the reports. And the result is, that when this very small portion of tax-payers receive the volumes, members of Congress get large numbers of letters from other tax-payers complaining of this inequality. I hope some gentleman who is friendly to the measure will show us how this great inequality can be continued in the interest of the whole body of the tax-payers.

Mr. SCOFIELD. The gentleman from Iowa yields to me the same length of time, simply to indicate an amendment which I shall offer when I have opportunity. It is in the eleventh line of the bill, page 2. In offering it I will simply say that I shall vote against the whole

of this bill except the third section, which provides for the free transmission of weekly papers in the county where they are published, and newspaper exchanges. I shall vote against the whole of this bill, except the third section, which provides for the transmission of weekly papers in the county where published, and newspaper exchanges free. I will support that, but all the balance I intend to vote against, in accordance with the pledge the republican party gave in convention in Philadelphia in 1872, to abolish the franking privilege and to keep it abolished. If it is to pass, I propose in the eleventh line to strike out the word "charge," where it provides all these documents, having been properly stamped, shall pass through the mails "without charge"—I propose to strike out the word "charge," and in lieu thereof to insert "without prepayment of postage, but the amount thereof shall be stamped on the wrapper and paid by the person receiving the same."

Mr. KASSON. Now, Mr. Speaker, I wish to call the attention of the House first to the bill which is offered as a substitute for the bill reported by the committee, and I should hardly ask the indulgence of the House on this question, or desire to antagonize the bill reported by the committee, except for the fact of my personal and official familiarity with the working of the old franking system; and also from my belief that it is important in this instance, as in all others, that the House should shape its legislation upon some principle of action instead of the mere expediency of the hour. The great danger of congressional legislation to-day is in the fact that in the hurry and crowd of business, we often utterly fail to look back to the first principles of legislation, upon which every bill should depend, so as to bear the test of examination, as a precedent for the future as well as an expedient for the present.

We are told to-day there are accumulated documents in the basement of this Capitol. If that be so, it is not by virtue of any resolution which has passed this Congress at the present session. It is not by virtue of the old accumulations, for they, by car-loads and train-loads, were sent off before the 1st of July last.

Now, sir, there are two systems, one of which, as you accept one principle or the other, should be adopted in respect to public documents furnished by order of the Government. One of these principles is to allow every citizen of every political party of the United States an equal right to possess himself of any public document which gives information of the proceedings of any branch of his Government. Nobody proposes to give away the records of the transactions of the Supreme Court and distribute them among the people as the acts of one of the sovereign branches of this Government. Nobody proposes to give away any proceedings except those connected with the political departments.

This bill which I have offered as a substitute takes the only ground which is equal and just to the people in the distribution of public documents; that is, to furnish them at such prices as bring them within the range of the mass of the people of the country and to furnish them upon identically the same terms to the entire community. That is a principle which will stand the test of examination. It is a principle recognized in every civilized and free government. There is not a public document published to-day by order of the Parliament of England which is not on sale at a low price, less than the cost of it, to all the public who may desire it. But the Congress of the United States heretofore has taken different ground until the period of the Forty-second Congress. There is nobody in England, not even the Queen of England herself, who is authorized to have an advantage over a private citizen in her communications passing through the postal service of that country.

We began in the early history of this country by giving governors of States the right to frank public documents and by giving Senators and Representatives the right to frank letters and documents not weighing over two ounces. Members and Senators have seen fit to let this franking privilege grow, until now you send not only two ounces of mail matter, but you send whole volumes, whole editions of books, car-loads of books, in many of which the people take no more interest than they do in old newspapers which lie about their rooms.

It is characteristic of special privileges, and it is characteristic of perquisites, to grow by that they feed on. If we were to look into the bosoms of members here—if we had a psychoscope, and could sound the moral sense of members, and I might say their political sense, I think you would find that the interest of the public in obtaining any of the documents of Congress was not the only motive which inspires members to vote for a bill like this. It belongs, Mr. Speaker, to that class of subsidies, to that interest of perquisites, which it is the duty of all reformers to resist and reduce to the utmost possible extent.

Now, sir, there is, as I have said, a choice of but two principles of action; and I want neither of them compromised in this House. One of those is represented, not by the bill of the committee, but by the suggested amendment of the gentleman from New York, [Mr. HALE,] and that is to restore the franking privilege, pure, simple, and absolute, on the ground that communications of all sorts between the representatives and the people should be as free and unobstructed as possible. And, on the other hand, antagonized to that is the principle that every citizen, irrespective of his standing as a favorite with a Senator or Member, enabling him to have a book given to him and transported free, should have an equal right to go or send his money to the place of deposit and obtain any document he desires. Between these two principles there should be no compromise. The report of the committee is an attempt to compromise those two principles, and deals with the two elements in a mixed way that seems to yield in part to the public objection to the restoration of the franking privilege, and at the same time restores it to a degree that is as obnoxious as possible to any right principle of action.

I submit therefore that if gentlemen shape their votes on this occasion with reference to any just principle of public action they must do one thing or the other. They must restore the franking privilege fully, on written as well as printed communications, with the people, or they must put the people on equal terms to obtain access to all those public documents which are printed by Congress.

Now, Mr. Speaker, after considering the principle of our action, let us look at the details of the bill.

I will ask you first to look at the mode of operation, on the principle of sale. We have two documents that are more largely circulated than any other. They are the Agricultural Report, of which we have ordered heretofore two hundred and fifty thousand extra copies annually, and the Abridgment of the President's Message and Accompanying Documents, a volume of nearly the same size.

Mr. WILLARD, of Vermont. We have ordered in all five hundred thousand copies of the Agricultural Report for two years.

Mr. KASSON. I spoke of the number per annum. The number for two years is over five hundred thousand; for one year two hundred and fifty-five thousand. I do not remember the exact number we have been in the habit of ordering of the abridged edition of the President's Message and Accompanying Documents. I think we ordered of those between thirty and forty thousand copies.

Now, sir, we have just these two great documents most demanded by the people, one with reference to the development of the interest of agriculture, and the other giving information to the people of the United States on the condition of their Government. Those two volumes this bill proposes to make accessible to everybody who desires to read them. The man who wishes them in his library for reference, or to read them, will do as people are daily doing now—will send to the disbursing officer, or to us, twenty-five cents, a convenient sum to remit so as to get possession of those documents, and that will be paid into the Treasury.

But, sir, if we do not allow them to be thus exposed equally to purchase by any citizen of the community; if we retain the power of distribution and send them to our own friends, political or personal, only those who have the good fortune to have political or personal friends in Congress will get them. And, if one not so favored is not permitted to go and buy even at the full price; if we absorb all into our possession, we practically say that no man in the United States shall have knowledge, or if you so please to term it, "information," in regard to public affairs, except just so far as we, the members of Congress, will allow him to have it.

What is the effect of it? Why it is simply this: that in the republican districts, representing two-thirds of the United States, but a mere fraction of the political opponents of our party are likely to get possession of this information. And yet they are the very men who, as much as any others, if not more than any others, need the information necessary to enable them to criticise the party in power and its public action. And in the democratic districts the gentlemen on the other side of the House know that they want to oblige their own supporters, and that the republicans in their district have a very small share of what you please to term the favors of the Government or of the members of Congress. I say, sir, that this cannot be defended upon any principle except that of subsidies or of perquisites of members of Congress.

Mr. CANNON, of Illinois. Will the gentleman yield to me for a question?

Mr. KASSON. Certainly.

Mr. CANNON, of Illinois. I understand the gentleman to say that he thinks it would be more equitable to allow these reports to be sold, as they are paid for out of the common fund. I ask the gentleman from Iowa if he intends to defend a measure upon this floor that will secure the publication of enough volumes of these Agricultural Reports to supply every citizen of the United States with one at twenty-five cents?

Mr. KASSON. I answer the gentleman emphatically that we do want to supply every citizen who thinks the document worth twenty-five cents, and demands a copy. Now we stereotype these documents of which I have spoken and some others.

The entire cost of composition is incurred by printing the few copies that we call "the regular number." Consequently, if extra copies are printed, no expense is incurred except that for the paper and press-work, and for binding, if they are bound; therefore, that is all which you have to consider as the cost of the document to the public. This bill provides that extra copies may be printed from the stereotyped plates of any public document until the public demand is satisfied, and furnished to the public at the actual cost, which will be comparatively small for the reason I have stated.

Mr. SPEER. Does the printing of the Agricultural Report cost only twenty-five cents? Is not the actual cost sixty-three cents?

Mr. KASSON. I have different statements in regard to that. One is that the cost is a little over forty cents, and the other is that it is sixty cents. The cost varies with the size of the document, and also depends upon the extent of the edition.

Mr. SPEER. Then why sell it for twenty-five cents?

Mr. KASSON. I have given the cost, including the composition, which is the great element of cost in the beginning. When you have incurred the expense of composition by printing one single copy, or by printing what we call the regular number, then the cost of composition is out of the calculation in regard to the number ordered to be printed for the use of the people. That is enough to justify the fixing of the price at twenty-five cents. But there is another reason, and that is to fix the price at a sum which will be convenient for transmission, and which will make the document accessible to the people without imposing a burden upon them. It is designed to approximate the cost, and also to fix a sum convenient for remittance, and to put the document, if valuable, within the reach of every citizen who may desire it. So much in regard to the question of cost and the manner and mode of distribution.

The second section of the bill has also a provision in it that the price is to be printed upon every document, so that the public may know it without special inquiry.

Mr. DONNAN. Allow me to correct my colleague [Mr. KASSON] in regard to the cost of the Agricultural Report. The last official report of the Public Printer shows that of the twelve hundred extra copies ordered by the Senate, the cost barely for printing, dry-pressing, folding, &c., with binding, amounted to a little upward of $834. That would make it about sixty cents per copy, aside from the cost of composition, which is incurred, as my colleague has said, in the printing of the regular number.

Mr. KASSON. The cost may be more or less. The object of this bill, as I have said, is to make these documents accessible to the people, and accessible at less than cost to all people who are interested in them. The rule prevails in other countries, and I think it is a good principle to be followed in this.

In the third section I provide for the officers who are to receive this money for the documents, and who are the disbursing officers of the two Houses. I want to make it easy for the citizen to address his member for a document (or the officer if he chooses) and to send to him the price of it, and he will then turn it over to the proper officer, who will send the document and credit the money, to be paid at stated periods into the Treasury. The labor which distracts us so much from the business for which we are mainly sent here is thus put upon the working officers of the two Houses, and with equal advantage to the people.

The fourth section relates to keeping the accounts.

The fifth section relates to the printing of extra copies of documents that are stereotyped, by order of the Joint Committee on Printing, until the public demand is satisfied.

The sixth section is the same in substance with that of the bill reported from the Committee on the Post-Office and Post-Roads, providing for the free circulation, in the counties of publication, of weekly newspapers.

Mr. HURLBUT. Will the gentleman explain on what principle he permits county newspapers, and not others, to exercise the franking privilege?

Mr. KASSON. That has never been considered as a franking privilege; it is not a franking privilege. The Postmaster-General himself never asked for the repeal of that as a repeal of the franking privilege. Congress put it in the bill, shall I say, not as to this body, but as to some other body, that it was designed as a sort of punishment for the clamor by the press for the repeal of the franking-privilege abuse. Gentlemen know what the fact was as well as I can tell them. It was not asked as a part of the repeal of the franking privilege. It rests upon a different principle entirely. We ought not to charge the same postage for a weekly newspaper deposited in a post-office at the very next door, not going through the mails at all, as is the case with half of the editions that are published in the counties—we ought not to charge them the same postage that is charged for newspapers traveling over great distances and incumbering the mails. They pass in counties and in mails where there is no heavy accumulation; and besides that is the argument that it is in the nature of an irritating tax upon very important means of intelligence within the county. In fact, while the income is trifling, its removal is necessary in order to relieve the country press of a burden which to the metropolitan press is nothing, but which to the local press amounts to a great deal in restricting its circulation.

Mr. FOSTER. And it is not even an equivalent for free city delivery.

Mr. KASSON. As the gentleman suggests, it is not even an equivalent for free city delivery. I must not dwell too long upon these points. I call attention to this bill, which, if the House consents to entertain it as a substitute for the bill of the committee, will be open to whatever amendments the House may consider necessary.

Now, I come to the more important topic of the franking privilege itself. I have alluded to its history. I have shown briefly how it has grown, as the nature of all such things is to grow from day to day and year to year, until it is piled mountain-high; and then comes the fact of a revulsion; then comes a cry of the people for its abolition. And that Forty-second Congress which has been so much censured by the public for some of its actions has never been censured for this. Now, sir, you of the Forty-third Congress are asked to undo the one special reform act of the Forty-second Congress, and to put yourselves to the act of abolishing the abolition of an admitted abuse.

Gentlemen say now, as they said before, "There is no saving to the Government in this; it does not diminish the cost at all of carrying the mails." And it was stated here in my neighborhood yesterday that the prices had even increased in the letting of the contracts this year. Now, a word upon those points. On the 10th of April, 1872, a bill was introduced from this Post-Office Committee to abolish the franking privilege. I will ask the Clerk to read two or three extracts from what was then said.

The Clerk read as follows:

The bill was read. It provides in its first section that all laws and parts of laws giving the right to any officer or Department of the Government, or other person, to either send or receive through the United States mails, free of charge, any letter, document, or other mailable matter, are hereby repealed. The second section provides that this act shall take effect on and after the 1st day of July, 1873.

Mr. HILL. Mr. Speaker, this bill is similar to the bill that passed this House two years ago. Since then there has been no change in the public sentiment in regard to the abolition of the franking privilege. The same reasons that existed then and called for its abolition exist now. * * * *

Applications have been made, and I believe are now before Congress, asking for an additional increase from 50 to 100 per cent. for carrying the mails, and the argument urged on some of the routes is that there are so many public documents loading down the mails that they cannot carry them at present rates. One railroad president remarked that they did not get as much for carrying the United States mail as they did for carrying coal, for the reason the mails were so loaded down with free matter, public documents, &c. * * * *

In reference to the objection "that nothing would be saved aside from getting the mails carried at a less price," I would state that when this matter was before the House two years ago I ascertained from the postmaster of this city that during three weeks, ten days of which Congress was not in session, there had been an average of over four tons per day of free matter sent out from the city post-office, the postage upon which, if paid, would amount to about $2,000 per day. * *

In regard to the abuse of the privilege, it increases rather than diminishes. When in the dead-letter office a few weeks ago, I saw a bag of law books which was held for postage; it was one of five bags, sent several hundred miles through the mails under the frank of an ex-member of Congress; four bags had gone through, and this bag having broken open, and these law-books discovered in it, was sent to the dead-letter office. And again, it was not long since several bags of large books from a publisher in New York City were detected, directed for one of the great cities of the West, franked by an ex-member of Congress. These are among the few that are stopped while being transported through the mails; but many go unknown, and reach their destination in safety.

Mr. KASSON. I want the House to understand that every argument we listened to yesterday was an argument in this House when the question of repeal was up. By referring to that debate members will see that it was argued that the abolition of the franking privilege would not diminish the cost of carrying the mails; that there would be no saving to the Post-Office Department; that the pretense that there was to be any economy in consequence of it was all humbug. These arguments were repeated yesterday. I looked in the RECORD this morning to find the figures given by the gentlemen who spoke yesterday; but, both of them having reserved their speeches for revision, I am unable to refer to their figures. I remember, however, the purport of those figures, and I wish to state to the House that it is within my knowledge, as a positive fact, that this carrying of enormous amounts of franked matter has seriously affected the cost of carrying the mails. When I was connected with the Post-Office Department I know a claim of many thousand dollars came to us from the overland mail-route for extra compensation in consequence of our taking mail matter from another route and putting it upon that. I have been myself in coaches crossing the country westward which were loaded down with these vast mails, so that passengers were to a large extent excluded. I know that on many of those western routes branching off from the Union Pacific Railroad it has been found almost impossible, except in small detachments, to carry the large amount of franked matter which that country will be entitled to if the franking privilege be restored.

And, sir, the bids now in the Post-Office Department for contracts for carrying the mails for four years in that very western country, including Illinois, Iowa, Minnesota, and the Pacific States, are made upon the basis of no free matter passing through the mails, and consequently with no expectation of these tons of mail-sacks of public documents. If we restore the franking privilege, what shall we see next year? Claim after claim from those western contractors for additional expense incurred in consequence of your changing the law and compelling them to carry the contents of whole warehouses across their routes to scatter them through the country.

Mr. COBB, of Kansas. I desire to ask the gentleman whether the bids for carrying the mails are not usually for carrying all the mails for the next four years, and whether this free matter is in any respect excepted?

Mr. KASSON. The gentleman has stated precisely what the law was and is. Nevertheless, that did not prevent contractors from coming before the Department and Congress, claiming that this great Government could not afford to do an injustice, claiming that equity demanded an allowance of compensation for service that was not in point of fact contemplated by them when the contract was made. Consequently the suggestion of the gentleman from Kansas amounts simply to this: that we may impose extraordinary labors not foreseen when the contract was made, and yet, with the power of the Government on our side, shall say, "We will not give you a cent of compensation, because we have your bond;" and the Government, after adding tons of public matter not contemplated in the contract, will, like Shylock, demand the pound of flesh, and the blood along with it.

Mr. CLYMER. My friend from Iowa says that if the franking privilege should be revived, as proposed by the committee, there

would be claims for extra compensation. I ask him, if his system were inaugurated, whether like claims would not be made?

Mr. PACKARD. Or, in other words, how much less will they be with the gentleman's twenty-five cent stamps?

Mr. KASSON. I hear those questions coming in all round. I knew when I got to this point it would develop a great earnestness to find out all the details. I am happy to say, in all respects the bill I suggested would be an advantage. The first thing is, you have got more money in your Treasury to meet those claims with if they come. The other point is, that if you do not send them as gratuities, as a special favor to the people who do not ask for them, you will not find any demand at all for many of them, and only the real popular demand for any of them.

I know quite well, Mr. Speaker, we have paid for this Government printing between two and three million dollars largely in consequence of the existence of the franking privilege. You propose now not merely to carry this mass of matter through the mails, but you propose to put all the machinery of the Government Printing Office at work, with all its incidental costs, whether the people want it or not. The substitute bill will give you a test whether the people want it or not. If they want it, the small sum required in my substitute will show by its payment on the part of the people that they do want the documents, and which of the public documents they most value.

Now one word as to the fact alluded to yesterday by the gentleman on my right. It was alleged as a fact there was an increase actually of the contract prices in the bids put in this spring. Fortunately when I went to my room, after the close of the debate, and took up the New York Tribune to read the news from Washington—for I get it there sooner than I do here, and sometimes get it there even before it transpires, so far as my own committee is concerned, [laughter]—when I took up the New York Tribune, I found these facts stated bearing upon this very point, and which facts were obtained unquestionably from the Post-Office Department. I ask the Clerk to read the portion I have marked.

The Clerk read as follows:

The awards made to-day for the ensuing four years' postal service in the Pacific States and Territories were generally at rates very greatly reduced from the present cost of the same service. For instance, the mail service on the route from Kelton, Utah, to the Dalles, Oregon, which has for the past four years cost $224,000 per annum, was to-day let for $67,900 per annum; and the route from Prescott, Arizona, to San Bernardino, California, was let for $23,800 per year, which is now under contract at $48,000 per annum. The route from Corinne, Utah, to Helena, Montana, was let at $15,000—a saving of two-thirds.

In these and similar cases there are a number of other low bids, indicating that very material reductions will be effected, even if the lowest bidders forfeit their deposits and fail to perform the service. Certified checks, amounting to about $1,500,000, are on deposit with the Postmaster-General as security for the good faith of the various bidders, and will be retained by him until the new service goes into operation.

Mr. KASSON. Now, Mr. Speaker, this will do to show that on these very routes where your franked mail was formerly the most onerous burden, now that you have abolished the franking privilege, the prices for carrying the mails have come down one-half to two-thirds, as the case may be.

Mr. ELDREDGE. Let me ask the gentleman a question.

Mr. KASSON. I will in a moment; but let me finish what I have to say on the point first.

Prices have come down that much on those great routes. In addition to the information derived from that paper, I went into the Post-Office Department this morning, and saw the head of the Contract Office. I do not like to state anything in the nature of facts or reports which does not come in writing; but there was no time to get it in writing, and any gentleman can verify it for himself if he chooses to do so. The chief of the Contract Office told me he believed the contract price over the western district, west of the Mississippi River and north of the Ohio, and embracing Kentucky and Tennessee, but not including the State of Ohio—in that vast postal district he has information sufficient to indicate that there will be a reduction of perhaps 50 per cent. on the former contract prices; and that it would be safe for him to say there would be a reduction of at least 30 per cent. on the former contract prices. Yet gentlemen, in the face of these facts, come in here with a proposition to restore that old congressional perquisite; and say there is no evidence, so far, that there has been any saving to the Post-Office Department by the abolition of the franking privilege.

Mr. ELDREDGE. The gentleman from Iowa will now allow me to ask him a question. I wish to ask him whether he does not candidly believe one-half of the contracts taken at the low prices he states will be forfeited? Does he believe these contracts will be carried out, when taken, as he has stated, at a price two-thirds less than the former price? Are they not mere straw bids?

Mr. KASSON. I believe they will be carried out in every instance with the law as it now exists, where the law has been complied with. Under the law as it was when I was in the Department it might be otherwise. Now these bidders are compelled to put up a deposit as security for the carrying out of their contract. Under that law, I have no doubt, these contracts will be carried out upon the reduced price I have stated.

Mr. ELDREDGE. Does not the gentleman from Iowa know that many of these are straw bids, and when the contractors fail to carry out their contracts, the Postmaster-General will then give them out at whatever price he pleases? And then I want him to answer if he believes this reduction is in consequence of the abolition of the franking privilege? I want his candid answer to both questions.

Mr. KASSON. There were two questions propounded by the gentleman from Wisconsin, [Mr. ELDREDGE.] The first is as to straw bids. I assure the gentleman again that the old system, which admitted all those straw bids, is now changed and repealed; and the competitors, to show their good faith, put up their deposits. The very extract read a moment ago at the desk shows that one and a half millions of money are now in the hands of the Department as guarantees for the contracts. The other question the gentleman from Wisconsin referred to my candor was whether the reduction was owing to the abolition of the franking privilege. I answer it was in part probably owing to other things. But I answer with equal candor that in part, and largely I believe, it was owing to the abolition of those car-loads of matter which the Department ceased to distribute.

Mr. Speaker, I know from my own recollection of the reports that came to us, that in the western country they used to take these sacks by the dozen, laid them under their coaches when they got into mud-holes, used them to fill up the mud-holes, ran their coaches over them, and left them to be picked up by the Indians or the next emigrant wagon. Reports of this sort of thing came time and again to the Department, and we were asked to correct it. Every man who has traveled in that country knows how these sacks of franked matter were piled up, sometimes by whole coach-loads, where several routes of mail communication were concentrated into a great line to be carried through a sparsely settled country.

In some parts of my country, where the weekly mails are carried on horseback in a sack, with a man or a boy on the top of it, what are you going to do if you load that mail-sack with public documents? The carrier cannot possibly, under that system, carry the mails with the expedition and celerity that the postal system requires?

I now yield to the gentleman from Maryland, [Mr. ARCHER,] who desired a short time ago to address a question to me.

Mr. ARCHER. The gentleman spoke of a million and a half, or something in that neighborhood, being in the post-office vaults to make the bids good. Is that in money or in checks?

Mr. KASSON. It is in certified checks, just such as business men in the community take, with the assurance that they will bring in the money.

Mr. ARCHER. Certified by national banks or private banks?

Mr. KASSON. By national banks I suppose in every case. The mode is in accordance with law, whatever it is. I cannot stop to detail that. We passed a bill very recently to authorize the Postmaster-General to transfer their deposits to the Treasury.

Mr. HEREFORD. I desire to ask the gentleman a question.

Mr. KASSON. Certainly; I will hear the gentleman.

Mr. HEREFORD. After the abolition of the franking privilege by the Forty-second Congress, did not that same Congress make a larger appropriation for the mail service than had ever been made in the history of the Government?

Mr. KASSON. And for the very good reason, Mr. Speaker, that every year the appropriation increases with the increase of communication.

Mr. HEREFORD. But larger in proportion?

Mr. KASSON. Less in proportion.

Mr. HEREFORD. I beg the gentleman's pardon.

Mr. KASSON. Let me give the gentleman official proof. He is entitled to it if his opinion differs from mine. I read from the letter of the Post-Office Department, dated 20th of January last—a Senate document. The Senate sought information on this very point, and it appears that the estimate to which he refers was an increase of 4.07, say 5, per cent. on the previous year. The average increase for the few previous years before the abolition of the franking privilege was about 11 per cent., and I believe upwards. I cannot put my eye on the exact figures, but I know that the annual increase was about 11 per cent.

Now, the actual increase this time, notwithstanding the fact to which the gentleman alludes, was reduced to less than 5 per cent. In other words the amount asked for was $19,270,000; and at the usual rate of increase, which was over 11 per cent., it would have been $20,388,000, a difference of $1,118,000, since the repeal of the franking privilege, upon the estimates of the Department. And this, notwithstanding that at the same time you provided for an increase of compensation to railroads, so that the estimates of the Postmaster-General had to be higher in consequence of the law which you passed enlarging the pay of postal service and the railroads of the country. That, I think, will answer the gentleman's question.

Mr. BECK. Will the gentleman allow me to ask him a question for information?

Mr. KASSON. Yes, sir.

Mr. BECK. The Postmaster-General in his report for this year shows that the ordinary revenues of the Department for the year ending June 30, 1873, were $22,996,000 and the expenditures $29,000,000. For the year 1872 the revenues were $21,915,000 and expenditures $26,658,000. Now, he estimates that for the next fiscal year the revenues will amount to $29,293,000; and the Secretary of the Treasury, page 8 of his report, estimates the deficiency required by the Post-Office Department as $6,811,000, in the last report, which is higher than it ever was before. I wish the gentleman to explain how that is.

Mr. HEREFORD. That is my recollection, exactly.

Mr. KASSON. Is the gentleman reading from the estimates of the Secretary of the Treasury?

Mr. BECK. Yes, sir; we gave the Postmaster-General last year for deficiencies a little over $6,200,000. Now, he asks for something over $6,800,000, being between five and six hundred thousand dollars more than was given him last year for deficiencies, while his revenue has gone up from $21,000,000 to $29,000,000. That, however, does not appear in the Book of Estimates.

Mr. KASSON. I do not desire to go into a debate on the financial condition of the Department.

Mr. BECK. No; but I want the facts to appear.

Mr. KASSON. Since the gentleman has named the matter, I will state that the growth of the expenses of the Post-Office Department shows a remarkable condition of increase during the last few years. The gentleman will see all the figures on page 4 of this document. It is in consequence of the enormous increase of the railroad service in this country, the enormous expense of carrying the mail on that service, especially in connection with the postal-car system.

Mr. BECK. Is it not true that the deficiencies of the Post-Office Department are now larger than ever before, while the revenues of the Department are much greater?

Mr. KASSON. That is estimated deficiencies. The average increase of the deficiency is only some hundreds of thousands of dollars; I do not recollect the exact amount. The simple fact is that it arises from the enormous increase of expense in carrying the mails over the railroad system of the country. The Postmaster-General has probably based the estimated deficiencies upon the lettings, which he had the right to suppose would be like those of last year, whereas in point of fact they promise to be reduced.

Mr. COBB, of Kansas. Will the gentleman allow me to ask him a question?

Mr. KASSON. I will, if it relates to the subject under consideration.

Mr. COBB, of Kansas. On the first page of the Postmaster-General's report is given estimated revenue from the stamps supplied to the several Departments, $2,250,000. Should not that also be added to the deficiency, as being a direct charge against the Government for that postage?

Mr. KASSON. I answer no. It has always been the desire of the Post-Office Department to put its own actual expenses against the receipts that ought to go into its treasury. When I was there we fought against saddling that Department with the subsidies to your ocean steamships, and finally got that item removed and charged to another account, as being for the general commercial interests of the country. Therefore when other Departments, not the Post-Office Department, choose to use the mails, it is not fair to charge upon the Post-Office Department all the expense of all the business of the country, and in that way create enormous deficiencies. I am not here representing the Post-Office Department. If gentlemen want to go into figures about it, I beg them to refer to the committee whose business it is to know them.

Mr. ELDREDGE. But in making proper estimates, I suggest to the gentleman from Iowa [Mr. KASSON] that he should require the Post-Office Department to give credit for all that is paid to it in the way of postage from the other Departments.

Mr. KASSON. It is included in the receipts.

Mr. ELDREDGE. Precisely.

Mr. KASSON. And is included in this estimate.

Mr. ELDREDGE. And yet, taking into consideration that fact, and the other fact that the franking privilege has been abolished, you find the deficiencies of the Post-Office Department to be greater than before.

Mr. KASSON. I have already spoken of that, and I am not here to defend the Department's finances.

Mr. ELDREDGE. Where then is the saving to the Government? Tell us, if you can.

Mr. KASSON. The deficiencies would be $2,000,000 greater but for this. I say again I am not here fighting the battles of the Post-Office Department. I have no relations with that Department, any more than any other gentleman on this floor. In regard to details of information, I beg to refer gentlemen to the proper source, which is the Committee on the Post-Office and Post-Roads. I am attempting to speak alone of the franking privilege.

Mr. CLYMER. Will the gentleman allow me to ask him a question?

Mr. KASSON. Yes, sir.

Mr. CLYMER. The gentleman says the lettings this year are for less sums than they were four years ago, and that is because the franking privilege has been abolished. Is it not the fact that four years ago the lettings were made upon the condition that the mails should be carried in four-horse coaches, which were obliged to be run at stated times, and to make certain connections? This year the lettings have been upon the basis that it was no matter in what the mails were carried so the connection was made; they could be carried in a two-horse wagon, or a one-horse wagon, or on horseback, or in any other way.

Mr. KASSON. That has been the rule for years. The lettings only require certainty, celerity, and security.

Mr. CLYMER. Did they not require four-horse coaches four years ago?

Mr. KASSON. No, sir; that was abolished when I was in the Department, and has not been required for several years. We refused to do anything more than the law required; that is, to make a contract to carry the mails with certainty, celerity, and security.

Mr. CROSSLAND. Allow me to ask a question in connection with that of my colleague, [Mr. BECK.] He says that the Secretary of the Treasury has made estimates for deficiencies of the Post-Office Department, showing a large increase over deficiencies for last year. The Postmaster-General only asks for a deficiency of $4,000,000. The Secretary of the Treasury in making the estimates includes the deficiency for subsidizing steamships, making the estimates $2,000,000 more than is asked by the Postmaster-General. The amount asked for by the Postmaster-General is less than the deficiency of last year by $2,000,000. I stand by what the Postmaster-General has asked, and not by what the Secretary of the Treasury asked. The Postmaster-General has asked for a deficiency of only four millions and a little over, which is a reduction of more than two millions. The Secretary of the Treasury asked for $6,000,000, in order to subsidize the ships. That is how it was.

Mr. KASSON. I am glad that this explanation has been made. As I have said, I have not examined fully this financial question.

Mr. BECK. Some time ago I called my colleague's attention to what the Secretary of the Treasury showed from the estimates of the Postmaster-General; and when the gentleman looks at the Postmaster-General's report he will find that he does ask just what the Secretary of the Treasury says he asks, though he puts it in a separate item; and in the appropriations of last year, which were only $6,300,000, those things were all embraced. Now, those estimates were furnished by the Postmaster-General himself; and notwithstanding the increased income of the Department the $29,000,000 are kept out of the Book of Estimates for the purpose of making it appear that we are spending less than we actually are. I confess I have no faith in the Postmaster-General; and he is the only officer of the Government in whom I have none.

[Some further remarks were made by Mr. BECK and Mr. CROSSLAND, which were lost in the confusion in the Hall.]

Mr. KASSON. Mr. Speaker, I was, when interrupted, about coming to a very interesting point, but I am afraid I shall have difficulty in bringing the attention of the House again to the subject under consideration.

[Here the hammer fell.]

Mr. TYNER obtained the floor.

The SPEAKER. The time of the gentleman from Iowa [Mr. KASSON] has expired.

Several MEMBERS. Let the gentleman from Iowa [Mr. KASSON] go on.

Mr. TYNER. I shall object to an extension of the time of the gentleman from Iowa, unless he will occupy the time himself.

Mr. STORM. I ask that the gentleman be allowed fifteen minutes.

The SPEAKER. The gentleman from Indiana [Mr. TYNER] is entitled to the floor, and he must suggest what arrangement he proposes.

Mr. TYNER. I was about to say that I had no objection to the extension of the time of the gentleman from Iowa for, say, ten minutes, if he will occupy the time himself and not yield to interruptions. If he cannot occupy the floor and hold it, then I shall object to his proceeding at all. I wish it also to be understood that whatever time the gentleman from Iowa may occupy shall not come out of my hour.

The SPEAKER. That is a matter of course.

Mr. KASSON. I only wish to say that I always like to yield rather than seem to be guilty of discourtesy; but if the gentleman from Indiana [Mr. TYNER] desires that there should be no interruption, of course I will accept the floor on that condition.

Mr. ELDREDGE, I hope there will be no objection to the gentleman from Iowa proceeding.

The SPEAKER. The Chair hears no objection.

Mr. KASSON. Mr. Speaker, without wishing to exaggerate in one way or to diminish in the other, I have explained the apparent influence of the repeal of the franking privilege upon the expense of the contract service. I have also spoken of the fact that its incumbrance of the mails interferes largely with the ordinary and proper transaction of postal business. I now wish to call attention to some of the circumstances attending the repeal of this measure.

I have already had read by the Clerk the substance of the bill reported in April, 1872, by Mr. Hill, of New Jersey, from the Committee on the Post-Office and Post-Roads, for the repeal of the franking privilege. That proposition failed. It did not even get enough support to enable the yeas and nays to be taken upon it. That was in April, 1872. On the 8th of June following Mr. Farnsworth, the chairman of the committee, introduced a bill for the repeal of the franking privilege, and asked that the rules be suspended and the bill passed. Recollect, in April they did not get enough to call for the yeas and nays in this House on the bill for the repeal of the franking privilege. On June 8 they got enough to suspend the rules and pass the bill—139 votes for, and 29 votes against it, on this floor. What had happened in the mean time?

Mr. DUNNELL. Will the gentleman allow me ask him a question?

Mr. KASSON. I am under condition not to allow myself to be interrupted.

What had happened in the mean time? There had happened an exceedingly numerous convention, supposed to be of respectable rep-

resentatives of the larger part of the people. It had assembled at Philadelphia. It was called the republican convention. It nominated Grant and Wilson for President and Vice-President, and at that time it adopted a platform of principles. The tenth resolution of that platform, while it may not be valuable reading to my friends on the other side of the House, will, I hope, be regarded as of some significance by my friends on this side who are republicans. That tenth resolution was that "the franking privilege ought to be abolished, and the way prepared for speedy reduction in the rates of postage." That voice came from Philadelphia, a voice that was heeded by people of the same way of thinking politically, who believed it was a proper principle of republican action in administering the Government of the United States.

And, sir, this House responded to that public demand for the repeal of the franking privilege. This House of Congress passed the bill under a suspension of the rules June 8, but a little time after the adoption of that resolution by the convention. It went to the Senate.

Thus far there was good faith in acting in accordance with this demand. The Senate waited until the people had elected that ticket and ratified that platform at the polls. Then the Senate, yielding to the demand alike of the convention and the people, passed the bill—33 to 16. It came back to the House, and on January 27, as quickly as it could be reached, they suspended the rules again and passed the abolition of the franking privilege.

But, as if not contented with that, on March 3, when the Post-Office appropriation bill came back from the Senate, you passed a clause which clinched the nail on the other side, by expressing the determination of that Forty-second Congress at least that this franking privilege ghost should be laid forever.

Now comes a proposition from the same committee which formerly reported—I do not mean personally, but officially the same committee which reported for the repeal—to this Congress to repeal that law. And what are the reasons given for it? I ask the members on this side of the House whether they are going to back down on the very resolution upon which they were elected to this Congress. Gentlemen regard their pledges once given as too sacred to be forfeited. Cannot members of Congress keep their pledges? Are gentlemen, the moment they are elected, going to throw overboard the platform upon which they were floated into office? Sir, if I knew that was a mistake, that it was a bad exercise of our judgment, since I have been elected on that platform to this Congress I will not go back upon my pledge until the people manifest distinctly their will that we should change our action.

But, sir, it is not the only manifestation of the will of the people. Is this people of ours so weak, this constituency which sent us here so fickle, that it does not know what it wants? Do the new members of the House remember what the people have said about this franking privilege? I want to say to the members, like myself, not in the Forty-second Congress, what I was astonished myself to discover, that the voice of the people was heard by thousands of petitions as well as by the platform of the Philadelphia convention. Here in these baskets are some of the expressions of the popular voice on the franking privilege. I just want the House to see a sample of what the people have said to Congress about the franking privilege. [Showing six basketfuls of petitions for its repeal.]

Mr. RUSK rose.

Mr. KASSON. Do not interrupt this interesting manifestation. [Laughter.] This will do to exhibit to the House.

Mr. RUSK. Did not the Postmaster-General get these up at his own expense, or rather at the expense of the Government?

Mr. KASSON. I wish to show to the House what the voice of the people was which came up to the Forty-second Congress and which that Congress obeyed, as well as the platform of the republican convention at Philadelphia. I will answer the gentleman in one minute; I do not yield for interruptions now. What do we see here? Here is one. These citizens denounce the franking privilege as an abuse.

Mr. PLATT, of Virginia. I wish the gentleman to state——

Mr. KASSON. I tell the gentleman that I will answer him in the course of a minute or two, if he will only restrain his voice just now.

The SPEAKER *pro tempore*, (Mr. SCOFIELD.) Gentlemen will please come to order.

Mr. KASSON. These petitions set forth—

That the abuses of the franking privilege, and the frauds incident thereto, have assumed such enormous proportions, that its total abolition has become a necessity.

They then go on to give the reasons on which this statement is based. And these petitions have come to the House to the extent I have intimated.

Mr. ELDREDGE. How much did it cost to bring them here?

A MEMBER. Are they not all printed alike?

Mr. KASSON. I am coming to that, if the gentleman will not be so very impatient. They want to deprive me of the time the gentleman from Indiana [Mr. TYNER] has given me. Gentlemen say that they are all printed alike, and that the Postmaster-General did this; that it was the Postmaster-General that sent them out. I do not know who sent them out. I have reason to believe——

Mr. NEGLEY. Every one in my district was sent out by the Department.

Mr. KASSON. I decline to be interrupted. I was not speaking of the gentleman's district.

Mr. NEGLEY. When you said you were speaking of the whole country you spoke of my district.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. KASSON. I would have finished ere now if gentlemen had not occupied my time with interruptions.

Mr. SENER. Is unanimous consent necessary in order to the gentleman's proceeding?

The SPEAKER *pro tempore*. The gentleman is not proceeding at all at present. The House will come to order. [Laughter.]

Mr. PLATT, of Virginia. If the gentleman is going to proceed by unanimous consent, before I give consent I wish to be permitted to ask him a question.

Mr. KILLINGER. The gentleman is not speaking by unanimous consent but in the time of the gentleman from Indiana, [Mr. TYNER.]

The SPEAKER *pro tempore*. The House will come to order. Gentlemen in the aisles in front of the Chair will please resume their seats.

Order having been restored,

The SPEAKER. The gentleman from Indiana [Mr. TYNER] is entitled to the floor.

Mr. KASSON. I hope the gentleman will allow me a few minutes to finish my remarks.

Mr. TYNER. I have yielded to the gentleman several times, and as he seems unable to have order preserved in the House while he is addressing it, I will now try my hand.

Mr. KASSON. I gave thirty-five minutes of my time yesterday to the gentlemen of the committee.

Mr. TYNER. And the gentleman's time was extended to-day to make that up, and he received ten minutes in addition.

Mr. KASSON. I had only one extension given me of fifteen minutes.

Mr. TYNER. The gentleman from Iowa will observe that other gentlemen are objecting to his proceeding.

Mr. SHANKS. I object to his proceeding any further.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. TYNER] can yield to the gentleman from Iowa if he chooses.

Mr. TYNER. I decline to yield.

Mr. ELDREDGE. I hope he will yield long enough to allow him to have the documents read which he has brought in here. [Laughter.]

Mr. BIERY. I rise to a point of order. It seems to me that these documents brought in here are the subject of great confusion.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The gentleman from Indiana [Mr. TYNER] is entitled to the floor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 494) amendatory of an act to revise, consolidate, and amend the statutes relating to patents and copyrights; and

A bill (S. No. 493) to establish certain post-routes in the State of Arkansas.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 1903) to dredge and protect the navigable channel at the mouth of Buffalo River against the sand-bar formed by the gale of 1863; and

A bill (H. R. No. 429) creating an additional land district in the Territory of New Mexico.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

The House resumed the consideration of the bill (H. R. No. 825) relating to the distribution of public documents, &c.

Mr. TYNER. Mr. Speaker, if an opportunity shall be afforded for separate votes on the two distinct propositions contained in the pending bill, I will support so much of the bill as authorizes the free circulation of weekly newspapers in the county of their publication, and the free exchange between publishers. But I shall oppose that portion of the bill which provides for what is equivalent to the free distribution of public documents. I arrive at a determination to oppose the last-named provision of the bill by a different course of reasoning from that which seems to have influenced other gentlemen who have taken part in this debate.

Before I proceed to examine the features of the bill, I will ask the House to bear with me while I very briefly allude to the agitation, begun in the commencement of the administration of the present Postmaster-General, which finally resulted in the abolition of the franking privilege. That may throw some light on the subject now, and enable us to act more intelligently. The whole subject, sir, is a practical one for the House and this Congress to determine. There is no sentimentalism involved in the settlement of the questions now presented to the House, nor will the display of ill-temper enable us to arrive at a clearer judgment. I propose to treat it, therefore, as a practical subject, while I recall to the recollection of the older members the anxiety of the Postmaster-General heretofore to encourage and influence the action of Congress in excluding unpaid matter from the mails of the United States.

Four years ago, in his first annual report, he called attention to the subject in a paragraph that I will ask the Clerk to read.

The Clerk read as follows:

The cost of free matter has been increasing from year to year, until at last it weighs down the Department into continuous insolvency. The additional expense to which it subjects the service is counted by millions, while there is provided to meet it only the standing annual appropriation of $700,000. It was stated ten years ago that the Department actually expended at that time, in the performance of the duties which the franking privilege imposed, little if anything short of $3,000,000. Since that time the expense has largely increased, and I am convinced that it now exceeds the enormous sum of $5,000,000, about one-half of which is paid on fraudulent matter.

Mr. TYNER. Gentlemen will observe that the cost of the franking privilege is here estimated at $5,000,000 per year, one-half of which enormous sum covered the expense of sending fraudulent matter in the mails. It was a startling calculation, and very properly provoked the severest condemnation of the public. The press and the people did not spare Senators and Representatives who thus abused a system designed to afford a ready and cheap communication between them and their legislators, and they cried aloud for the discontinuance of the evil. Only members of Congress disputed the accuracy of the Postmaster-General's figures, and protested against the injustice of holding them responsible for alleged frauds. I had the honor of debating the subject, at the time, in a speech wherein I attempted to demonstrate, and did demonstrate, that the postage value of all the matter sent under the frank of Senators and Representatives could not amount to one-fourth the sum named in the official report referred to. I am sorry, sir, that I have not time to quote some portions of that speech, because they would more clearly present the subject under discussion than anything I can now say.

Immediately after the publication of the report from which I have quoted, the Postmaster-General caused the printing of a large number of blank petitions, praying for the abolition of the franking privilege, which he sent to all, or nearly all, the postmasters in the United States, accompanied by a circular directing them to present said petitions to the patrons of their respective offices for signatures, intending in this way to impress Congress with the consciousness that the people desired that the mails should be closed against everything except paid matter. The gentleman from Iowa [Mr. KASSON] has dragged some of these petitions from their musty resting places and presented them by the basketful to the House as an echo of the voice of the people. It would, therefore, be well to suggest that of the sixty or seventy thousand blanks then sent out there were probably returned from twenty to twenty-five thousand, more or less numerously signed. It was the opinion of the Committee on the Post-Office and Post-Roads, of which I was then a member, and to which all of these petitions sent to the House were referred, that they had been signed by a number of persons equal to 5 or 10 per cent. of our voting population. How many names appended to them represented minors, or were fictitious, I do not know, nor can I say that any of them were not genuine. It is exceedingly doubtful whether they were signed by 1 per cent. of the voting population. The Postmaster-General, however, had nothing to do with any of them after they left his Department to be presented to the public for signatures.

I will now send to the Clerk's desk to be read one of these petitions. It was taken at random from one of the baskets in which the whole batch was exhibited to the House by the gentleman from Iowa, [Mr. KASSON.] Thirty or forty names are appended to it, all written by the same hand, and with the same ink.

The Clerk read the petition, as follows:

To the Senate and House of Representatives of the United States of America:

The petition of the undersigned, citizens of ——, respectfully represents: that the abuses of the "franking privilege," and frauds incident thereto, have assumed such enormous proportions that its total abolition has become a necessity. It loads the mails with hundreds of tons of matter properly chargeable with postage, greatly increasing their weight and bulk, and cost of transportation; and, in many cases, retarding the transmission and delivery of legitimate correspondence. It is a special privilege, the benefits of which accrue to the favored few at the expense of the many. It has been the fruitful cause of the large deficiencies charged upon the national Treasury for the support of the Post-Office Department, amounting to millions of dollars annually. It has seriously impaired the usefulness and efficiency of the postal service in meeting the just expectations and increasing wants of the people, in respect to reduced postage charges and enlarged mail accommodations. For these and other reasons, which might be urged, your petitioners humbly pray that your honorable bodies will pass a law abolishing the franking privilege; and, as in duty bound, they will ever pray, &c.

Mr. TYNER. Under the inspiration of instructions thus communicated, and desirous of cutting off an annual expense of $5,000,000, imposed by the so-called franking privilege, the House passed a bill abolishing it; but the Senate did not reach a vote on it during that Congress. When the Postmaster-General submitted his next annual report—his report for 1870-'71—he again called attention to the subject in a paragraph that I will ask the Clerk to read.

The Clerk read as follows:

I am thoroughly satisfied that if the franking privilege were repealed and all matter passing through the mails charged with its fair share of postage, the Department would in a short time be self-sustaining. This assertion when made heretofore was warmly denied, and nothing was left but a resort to a demonstration by figures. It has been already stated the deficiency for the last year has been reduced to $2,814,116.98. Correct accounts of the cost of free matter dispatched through the mails were ordered to be kept by the postmasters for the six months beginning the 1st of January and ending the 30th of June last; and the returns which have been received are now being arranged and tabulated for submission to Congress. I regret that owing to numerous inaccurate and incomplete returns, and the failure of many of the postmasters to make any return, it has been impossible, with the limited number of clerks employed in the Department, to present the results in detail with this report. Enough is known, however, to enable those who are most familiar with the work to express the opinion that the aggregate returns will show the aggregate cost of free matter for the year to be fully equal to the above-mentioned deficiencies. The term during which accounts were kept was confined to the first half of the year, when few elections were held and when only a small portion of the public documents are transmitted. Should the amount of franked matter be accurately ascertained during a presidential canvass, and subjected to the postage charged upon other like matter sent by private individuals, I am convinced that the average cost per annum would be greatly enhanced.

Mr. TYNER. Mr. Speaker, having promised to yield at least one-half of my time to other gentlemen, I am admonished that I must not pause to comment on the difference in the figures of the Postmaster-General's first and second reports. The House will remember that, by his first calculations, it required at least $5,000,000 to represent the postage value of franked matter. After a more careful estimate and revision of his calculations, he came down, in one year, over $2,000,000; but nevertheless, in his second report, he expresses the belief that his Department can soon be made self-sustaining if it can be relieved of this great burden of uncompensated service. Now, sir, I want to address myself to that point for a single moment, for the double purpose of testing his faith in his own opinions, and, also, of framing a concise history of the preliminaries to legislation on this subject, and the results that followed.

The law abolishing the franking privilege went into operation on the 1st of July, 1873. No report of the operations of the postal establishment has since been submitted. I regret that we cannot have it now as a guide, and I also regret that we have no other reliable data by which to judge of the effect of the new law. And right here let me say that the absence of such information as an official report only can furnish will constitute one of my reasons for voting against a substantial revival of the law authorizing the free transmission of public documents in the mails. Let us not be so hasty in undoing the legislation of the last Congress that we cannot judge intelligently as to its effect. If there be economy in closing mail-sacks to anything except paid matter, let that be conclusively shown. The first duty of a Representative is to protect the public Treasury from the encroachments of extravagance, and, above all, to not impose unnecessary burdens that may be misunderstood to constitute personal privileges and conveniences. If the alternative is presented of doing himself a positive injustice on the one hand, or a possible wrong to the public on the other, let his judgment be decided by an anxiety to avoid even the appearance of partiality for himself. So reasoning, sir, I urge the propriety of awaiting the next annual report of the Postmaster-General before we shall revive any feature of the franking privilege. It will be time enough to legislate again when we shall have the results of the first year's operations of the postal service under a system of paid postage. Possibly the demonstrations of a single year will not be reliable and satisfactory, and in that event it would be wise to wait still longer. Until our duty can be foreshadowed by practical results we should scrupulously avoid any disturbance of existing law.

But, sir, while we have no official report to indicate the accuracy or incorrectness of the Postmaster-General's calculations, we may yet test his faith in them by his estimates for the coming fiscal year, and by comparing them with previous receipts and expenditures. If he had proposed to rely solely on his own revenues, or mainly to do so, for the means to meet the immense demands on the postal service, that would show that he was positive beyond a doubt that his Department will become self-sustaining at once. To delay a dangerous venture until experience shall demonstrate the probable safety of undertaking it is wise and prudent. There may be the best of reasons, aside from the necessity of being cautious, for not trying to meet unavoidable expenses by estimated receipts alone. Numerous contracts now in existence may have to give way to others not so expensive, or other arrangements looking to decreased expenditures may have to be perfected before it would be wise to rely alone on his own resources. I do not, therefore, criticise his motives or pretend to challenge the correctness of his calculations. All I propose to do is to ascertain whether his estimates for next year look as though he now believes he can get along without help from the general Treasury. Dry as figures are, I will yet ask gentlemen to listen to those I quote from the Postmaster-General's estimates. These estimates were probably made up after the lapse of one full quarter from the date at which the new law took effect; and he therefore had some means of knowing how much his receipts had been swollen by the increased sale of stamps, even though he may not have known that any real reduction of expenditures would follow.

It appears that the expenditures of the Post-Office Department for the last fiscal year were $29,084,945.67; that the receipts during the same period were $22,996,741.57, showing a deficiency of $6,088,204.10. Now if we deduct from that sum the subsidies paid to mail-steamship lines, not properly chargeable to the ordinary expenses of the Department, to wit, the sum of $725,000, we have an actual deficiency of $5,253,204.10.

Now, Mr. Speaker, if the Postmaster-General had still been impressed with the belief that, by reason of the discontinuance of free matter in the mails, his Department would promptly become self-sustaining, is it not probable he would have presented us such estimates for the next fiscal year as anticipated at least a great falling off in deficiencies?

He estimates his expenditures at $33,929,912, and his receipts at $29,293,549; his deficiency, therefore, at $4,636,363. But in his estimated receipts he includes the sum of $2,250,000, to be derived from the sale of official stamps to his and the other Executive Depart-

ments. These are to be paid for out of the general Treasury; and while they swell his receipts, and consequently reduce his deficiency, they do not thereby remove him any farther from the slough of actual insolvency. The people pay for them at last, and they only figure to make his balances look better. Deduct, then, these estimated receipts to be derived from the sale of official stamps, and we have as the result a deficiency of $6,836,363, or $1,623,159.90 more than the year before. I do not mean to intimate that the increase will be so great, or that there will be any increase at all. My meaning is that the Postmaster-General's figures produce this result, without distorting them at all.

Now, sir, we may, without injustice, regard these figures as an index to the more matured opinions of this officer on the subject we are considering. Viewing them in that light, I agree with him precisely. Five years of service as an officer of the Department, and such experience as ordinary observation and close application to business for that period would furnish, enable me to predict with some degree of confidence that the next report of the Postmaster-General, and all others that follow it, will show continued deficiencies unless they can be removed by some other expedient than the abolition of the franking privilege. I know, sir, that I address unwilling ears and unbelieving minds, if I now address the public outside of this Hall; but still an honest belief, which I have the right to express even in the face of public opinion, requires me to say that I do not think the abolition of the franking privilege will reduce the expenditures of the Post-Office Department a single dollar. Its receipts will be increased, partly by the amount of postage paid by Senators and Representatives out of their private purses, but far more by the larger sums that will be transferred from the general Treasury to cover the cost of the correspondence of the several Executive Departments. So much as comes out of the pockets of those who have heretofore employed the frank will reduce expenditures, and, consequently, chronic deficiencies that much; but that which is paid by the General Government can hardly be tortured into a corresponding reduction of deficiencies, or a real increase of receipts.

Let me turn now to a suggestion of the gentleman from Iowa, [Mr. KASSON.] He referred to the fact that the late proposals for carrying the mails in the West and Northwest are at largely reduced rates from those at former lettings—probably 30 to 40 per cent. below the last contract prices. He refers to this as one of the first fruits of getting rid of free matter. He will know I am not discourteous in saying that I do not believe this had anything to do with it. I will venture the opinion that no bidder can be found who took this into consideration. But, sir, these favorable bids may be traced to other and entirely different causes. The Forty-second Congress revised the postal laws. The committees of the two Houses having the bill in charge saw the necessity of protecting the Government against the perpetration of frauds, known as "straw bidding," whereby low bidders, who never expected to comply with their proposals, could blackmail higher bidders in consideration of their withdrawing from the competition, leaving the national Treasury to make good the difference between the bids of these two classes of swindlers. The Postmaster-General urged the necessity of a remedy, and one was afforded him in the law from which I quote a section:

SEC. 250. That no contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for five years, and for the second offense shall be forever disqualified.

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That any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into a contract with the Postmaster-General in due form, and perform the service described in his or their bid or proposal, shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding $5,000, and by imprisonment for a term not exceeding twelve months.

Now, Mr. Speaker, let us apply this provision of the law to offers for carrying the mails over the route referred to by the gentleman from Iowa, [Mr. KASSON]—the route terminating at the Dalles, in the State of Oregon. It is about to be let, he says, at from sixty to seventy thousand dollars per annum. It is now supplied at a cost of something over $220,000. Under the present law, a bid as large in amount as the present contract price would have to be accompanied by a draft for at least $11,000, forfeitable to the United States on the failure of the bidder to execute his contract. This would very naturally make bidders cautious. And besides the section quoted, there is another, imposing punishment by fine and imprisonment on postmasters or other officers who falsely certify to the sufficiency of the guarantors or sureties on the bidders' bonds; and still another, disqualifying any person, under certain circumstances, from ever receiving a contract for carrying the mails.

In a word, Mr. Speaker, we have, for the first time in the history of the Post-Office Department, required men to make honest bids for performing mail service of this kind, and the first results are large reductions in the cost of transportation. To trace these reductions to the abolition of the franking privilege will be found by the gentleman from Iowa [Mr. KASSON] to be a tiresome chase. He would doubtless be weary even before he could find a single bidder who gave the subject one earnest thought.

But, Mr. Speaker, I am compelled to hurry through with my remarks, or else disappoint gentlemen who have been promised a part of my time. I will therefore refer to another reason that will influence me to vote against so much of the bill under consideration as provides for sending documents in the mails without cost to members. I refer now to the cost of printing these documents. The aggregate expense of printing and binding documents ordered by law last year, as shown by the Congressional Printer's report, ran up to $674,684.25. This is exclusive of the cost of the printing done on the separate order of the Houses, and is therefore as near an approximation to the cost of printing such documents as are prepared for general distribution as I can make without devoting considerable examination into figures. It is accurate enough to show that at least $500,000 per year can be saved by not printing public documents for distribution among the masses. So long as the expense of conveying such documents in the mails must be borne by members from their own purses, amounting to about one-fourth of their compensation per year, I am quite certain the orders for printing will be few and limited. I therefore go for saving the half million to the Treasury for at least one year, during which time we can make up an intelligent judgment on this whole subject; and if then it shall appear that the exclusion of free matter from the mails does diminish the expense of carrying them, and if the people shall miss these contributions to their literature enough to indicate their anxiety for their continuance, I will, if I should be here, join in an effort to revive the whole or a part of the old law. At present, however, I cannot do so.

There is a better solution of the insolvency of the Post-Office Department than that afforded by the theory that the franking privilege causes it. I have taken the trouble, since I began to think of this subject, to make up a statement of the cost of some of the expensive routes in Texas, Nebraska, and some of the Territories. I find that the cost of sending the mails over one route in Nebraska, five in Texas, and five in the Territories, amounts, under the present contract prices, to $681,293 per year, while the salaries of postmasters on the line of these routes, which are the closest data we have to arrive at the amounts of the revenues derived from the mail service thereon, aggregate only $34,009; showing that there has been paid out year after year, in supplying these long routes in the several Territories and in two or three of the States named, the sum of $645,000 over and above the entire receipts of the offices thus supplied. I will further state to the House that the mail service over these routes is in some cases performed seven times a week each way, in others six, and in no case less than twice. Now, sir, these long and expensive mail-routes supply the hardy pioneers who settle our frontiers with the means of communicating with the rest of the world, and assist in carrying to their cabins the evidences of spreading intelligence and civilization in thickly settled communities. They do much to make frontier life endurable; and while I would not cut them off, it might be possible to lessen the service on them, and thus reduce expenses. At any rate they have done more to build up balances against the Treasury than all the matter ever carried under cover of the frank; and yet, sir, I would permanently dispense with the frank sooner than curtail these mail facilities.

I have now done with that branch of the subject, and beg leave to call the attention of the House to only one more. Gentlemen have spoken as though the passage of this bill, providing for the furnishing of stamps to carry public documents free in the mails, would antagonize the position of the Postmaster-General. I do not so understand it. Four years ago, when he first presented this subject to Congress, he only took ground against the transmission of free matter in the mails. He then recommended the plan of providing the several Departments and Senators and Representatives with stamps to cover their official correspondence and the cost of sending official documents. Even in what I have said I did not suppose I was criticising his recommendations. I have only challenged the accuracy of his calculations and predictions. The supporters of the bill need not assault his positions on this subject, for his first suggestions are in the line of their wishes. To make good this statement, I will ask the Clerk to read a brief extract from his first annual report.

The Clerk read as follows:

It is not proposed or desired that Government officials should be personally taxed for the transmission of their public correspondence. It is asked, on the other hand, that every Department, every member of Congress, and every other public officer, shall have a liberal allowance of stamps for postage, subject to a proper accountability, and that the sum necessary therefor shall be appropriated out of the general Treasury.

Mr. TYNER. Now, sir, if the House will bear with me for a moment only, while I present in as concise a form as possible two or three reasons why I support the rest of the bill, I will then yield to one or two other gentlemen. Every gentleman must recognize the fact that there is the greatest injustice and inequality in the rates of postage on newspapers. There is not the same injustice and inequality in the rates of postage on letters. Drop-letters, in towns and cities where the letter-carrier system has not been adopted, are charged postage at the rate of one cent per half ounce; in cities where letter-carriers are employed, two cents; while mail-letters are charged three cents. The distinction is clear and explicit; the additional postage is charged as an equivalent for the cost of conveying the letter in the mails. There is no such distinction in newspaper postage. The subscriber

of a weekly pays as much postage on the newspaper he takes from the delivery-window of the post office in the town where it is published, and which has never been in a mail-sack, as though it had been carried from the Atlantic to the Pacific coast. I need only state this fact with which, however, all are familiar, to show the gross injustice of continuing the present law. The country press is generally poor, and unable to bear the heavy and unnecessary burdens. To give them a fair chance with the great metropolitan weeklies, made up as they are of clippings from dailies already in print, and, therefore, inexpensive, we must give them some advantages in the way of cheap postage, or no postage at all. And not only the press, but those who support the press—the subscribers of the country weeklies—demand their free conveyance in the mails. The proposition is, therefore, not to extend favors to publishers alone, but to their patrons. But if gentlemen will not put them on the free list, I at least urge the propriety, as an act of justice and common honesty, that they shall be charged postage at merely nominal rates.

And in behalf of exchanges it is only necessary to say that the continuance of postage on them is the continuance of a tax on the spread of information. This medium of interchanging thought for public use, public improvement, and public welfare, ought not to be obstructed for the single purpose of deriving a paltry sum in the way of postage. Let it go free as raw material out of which improved thoughts and ideas are manufactured, and then require prepayment on all other newspapers except weeklies. If this be done, my observation and experience enable me now to promise more than double the revenue derived from postage on all newspapers under the present loose system of collecting it.

I now yield seven minutes to the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. TOWNSEND. Believing as I do that the perpetuity of republican institutions depends upon the intelligence and virtue of the people, I am in favor of the largest dissemination of information among the masses. With this sentiment in my mind, I shall vote for the bill that has been reported by the committee, asking, however, when the proper time shall arrive, that some amendments may be made to it in order to remove unjust discriminations in favor of some and against others of the newspapers of the country.

In the third section of the bill the committee has provided, and I think very justly too, that weekly newspapers shall be sent free of postage to individuals residing in the county of publication. This is a privilege that was afforded to them previous to the abolition of the franking privilege; and it is one which I think should be accorded to them in the interest of general education, through the dissemination of knowledge among the people. It also enables them to compete more fully with the newspapers of the great cities, which, with their large capital and greater facilities, crowd hard upon the country papers, and in some districts affect materially their circulation.

But I wish to call the attention of the House to the injustice of restricting this privilege merely to weekly newspapers. There is growing up around us a new kind of daily paper of great value, that may properly be called the people's newspaper. It is the little one-cent newspaper, like the one I hold in my hand, that is published daily in the different towns throughout the country. They are now most unjustly taxed, at a far higher rate, in proportion to their subscription prices, than are the large dailies of the great cities.

This newspaper is one published in my district, and is like three or four others that are published there. It is the only daily paper that reaches the poor man. It goes to the laboring man, the mechanic, the artisan, and affords them all the daily reading of the news that they get. These papers are ably edited; they condense the topics of the day, political and literary, and contain the local news. Their circulation is circumscribed by the bounds of the county where they are published; generally speaking they do not get outside of it. The greater part of their issue is now sent through the mail to the little country villages, and afford the principal daily reading of their inhabitants.

This daily, called the Daily Local News, is furnished to subscribers at the rate of three dollars per year. The postage upon it is $1.20 per year, or 40 per cent. of the subscription price. This other daily printed in my district, the Chester Evening News, is issued at $2.75 per annum. The annual postage upon it is $1.20, or 44 per cent. of the subscription price.

I also have here a copy of the New York Tribune, a daily paper printed in the city of New York, containing a much larger amount of information, and going almost entirely among the wealthier classes of the community. The subscription price is ten dollars per year; yet it pays only $1.20 per annum in the shape of postage, the same as the others, or only 12 per cent. of the subscription price. I say, then, that this is an unjust and odious discrimination against the poor man and in favor of the rich man, taxing the information afforded the former at a much higher rate than that of the latter.

More than that, I may say that these large city dailies pay no postage at all in perhaps nine cases out of ten. They do not circulate largely through the mails. They are carried in large packages by express companies throughout the country; they are distributed by newspaper agents in every large town and at every station along the railroads. By taking large quantities of them the newspaper agents are enabled to get them at a reduction on the yearly rate of subscription, and are generally enabled to sell them to their customers at the regular subscription price without the addition of postage, thus making a still greater difference between the country and metropolitan dailies.

Therefore, when the proper time arrives, if the gentleman who has charge of this bill will allow me—and if not, I hope the opportunity will in another way be afforded—I propose to offer an amendment, to strike out from the third section the word "weekly," and to insert in its place the words "all others" before the word "newspapers;" so that all newspapers printed in any county shall be distributed free of postage through the mails to the subscribers in that county. I feel that this privilege is due to this important class of newspapers.

I wish to make a single further remark with regard to what is considered the public sentiment of the people in relation to the abolition of the franking privilege. You have all seen here the large number of petitions exhibited to-day by the gentleman from Iowa, [Mr. KASSON.] I do not know that in the whole course of legislation on this floor there has ever been exhibited to the House or to the nation a more purely artificial public sentiment than that which was got up for the abolition of the franking privilege. It was a sentiment inaugurated in the Post-Office Department; it was got up by the Postmaster-General, who, believing, no doubt, it was in the interest of the Government, had circulars printed here and sent out to all the postmasters in the nation, who seemed to consider it their official duty to obtain signatures to those petitions and send them here. In regard to all the petitions that were sent to me, there were but two letters accompanying them, and in neither one of them was any request made to me to support the proposition to abolish the franking privilege. Those petitions came to me without note or comment. The postmasters seemed to think it was incumbent on them to get signatures and forward the petitions. It was in that way that this artificial public sentiment was made manifest. It was not a spontaneous effusion of the people's will. And we, not being aware then, as we are now, how the thing was done, very hastily, and I think, injudiciously, repealed the franking privilege.

In the interest of the people, therefore, who ought to have information disseminated among them as cheaply as possible, who are entitled to know what we do here, I feel that all public documents printed by Congress should have a ready and extensive circulation, for the national benefit in the enlightenment of the public mind far outweighs the comparatively small expense they occasion.

Let then the people have every opportunity to be informed through the medium of congressional publications and cheap newspapers.

[Here the hammer fell.]

Mr. TYNER. I now yield to the gentleman from Ohio [Mr. GARFIELD] for seven minutes.

Mr. GARFIELD. I have only two or three reflections which I wish to submit to the House. In the first place, I quite agree with what has been said here by one gentleman, that it is not yet time for us to say that we have fairly tried the effect of the repeal of the franking privilege. The repeal took effect only on the 1st day of July last, and we have had less than eight months in which to test its results. If we restore the frank, as proposed in the pending bill, it ought to be because we have already found by experience that it was unwise legislation, or because we have clear and conclusive proof that the people demand its restoration. I have heard no evidence that either of these conditions exists at the present time.

Gentlemen have sneered at the twenty-five thousand petitions that were laid before Congress, because most of them were copies of a blank sent out by the Postmaster-General. It is neither wise nor just to sneer at a petition because the man signing it is not the man who drafted its prayer. I hope gentlemen will not throw contempt upon the people by insinuating that they were made the tools of the Postmaster-General; that they were duped into signing petitions which they knew and cared nothing about. The fact is, Mr. Speaker, there was a general demand for the repeal of the franking privilege, and a very general conviction that it had grown to be an abuse. The impression had become general, though erroneous, that the frank was a sort of corrupt perquisite which Congressmen enjoyed, and which ought to be taken away from them. In so far as that was the feeling I did not sympathize with it at all. It was not on any such ground that I voted for the repeal. True, there were abuses growing out of the frank. Who can deny that the abuse was great when we saw two political armies quartered in the two wings of this Capitol during the last presidential campaign, one of them sending out their franked documents by the million from one end of the Capitol, and the other sending them out by the million from the other, with an army of clerks at work and the mails loaded with tons of weight which bore no share of the burden of supporting the postal service? I believe that was an abuse, and an abuse that good men everywhere wanted to see abolished. The franking privilege having been abolished, let us stand by the present system, and fairly test its results. If we find that any marked injustice has been wrought by the law, let us amend it. But in my judgment it would be unseemly trifling for us to restore the frank as proposed in this bill. We have seen the dozen basketfuls of petitions sent in at the last session, asking for the repeal, but we have not seen a single petition asking for the restoration of the frank.

Gentlemen say that the restoration is to be made in the interest of the people. Let us at least wait till they ask for it.

I admit that to abolish the frank for the Executive Departments and to issue official postage-stamps is in itself no saving of money. This

has apparently swelled our appropriations for the current year by almost $2,000,000; and yet the $2,000,000 worth of stamps authorized to be used actually cost the Government less than $8,000. So that an actual expenditure of $8,000 in money appears on the books of the Treasury as an expenditure of $2,000,000. That is one of the items which made the appropriations of the last Congress appear larger than they really were.

But there is another phase of the case that has seemed to me a much greater abuse than the frank itself. I refer to the extraordinary amount of public printing. Aside from the Congressional Globe, which cost us about $350,000 a year, we have been paying nearly $2,000,000 a year, for several years, for public printing. The Executive Departments and Congress have been printing, binding, and issuing books and documents by the million of copies. We have been sending them out without any special knowledge of what the demand of the country was for such documents. To accomplish this we have built and maintained the largest printing house on the globe. I believed this excessive amount of printing was an abuse, and an abuse that nothing but the repeal of the frank would correct. If this bill should pass, all that evil will be brought back upon us. The whole business of printing to the amount of $2,000,000 a year, for the purpose of sending out documents which we certainly do not know whether the people want or not, will be continued. We shall continue to tax the many to print documents for the few; and that, too, not on their demand, but of our own motion. The abuses of the frank and of the extravagant printing heretofore done ought not to be revived.

But in repealing the franking privilege I think we did injustice to one class of our citizens, an injustice which, in my judgment, we ought to rectify. For this reason I am in favor of passing one section, and only one section, of the bill of the gentleman from Pennsylvania, [Mr. PACKER.] I refer to the third section, which makes newspaper exchanges free and allows papers to circulate free within the counties where they are published. I will vote for that section as a matter of justice and of public policy. As the case now stands, the repeal of the frank has seriously crippled the country newspaper press. The five thousand weekly newspapers of the United States are, in my judgment, our most authentic exponents of public opinion. Compare, for example, the metropolitan journal with the country paper, in their relation to the public mind. In one case the editor is the head of a great business establishment, which he manages in the interest of its owners. The telegraph brings him in communication with central points of a vast area of country; but those points are mainly cities and villages. His staff all are brilliant thinkers and accomplished writers, but they have little contact with the people themselves. By midnight the metropolitan journalist has received at his office the brief report of the most striking events of the day from other cities and centers, and he dashes off a brilliant editorial which he sends out a thousand miles in all directions, and this is called the sentiment of the American people. Compare this with the less brilliant work of the country newspaper editor. In the course of the week he sees and converses with men from every township of his county, and his mind thus becomes filled with the prevailing thoughts and sentiments around him. If he be a sensible and observing man, the week's intercourse with his fellow-citizens will make his paper a better exponent of the sentiment of his county than all the distant metropolitan journals of the United States put together. I do not say this to disparage these journals. They have a value peculiarly their own. But the five thousand weekly newspapers of the country are far more truly the photographs of the public mind than the great daily journals are.

If I am correct in these views, it would be a public calamity if the country press should be destroyed or seriously crippled.

Now the repeal of the frank has clearly had this tendency. It threatens to break down a large number of the small country newspapers that could only compete with the metropolitan press by the aid of their free circulation within their counties. But aside from these considerations of public policy, it is a positive injustice to charge the same rate of postage for both these classes of papers. The weekly New York paper coming a thousand miles or more, and weighing three times as much as the small country newspaper, can now be delivered at the same rate of postage as one of those country newspapers which is carried to a post-office but five miles from the place of publication. This is an injustice which ought to be remedied. It ought to be remedied in the name of public education; and the metropolitan press ought to consent to it for their own good, to enable them to know more accurately and fully what are the tides and currents of public opinion.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I would like to inquire of the gentleman whether all those country newspapers did not ask that we should abolish the franking privilege.

Mr. GARFIELD. I do not know whether they did or not.

Mr. BUTLER, of Massachusetts. I know they did; and I thought at the time they would get sick of it. [Laughter.]

Mr. PARKER, of Missouri. Mr. Speaker, recognizing the full force of that German proverb that "speech is silver, but silence is gold," if it had not been for some of the extraordinary positions of my friend from Iowa [Mr. KASSON] on this question, I would not have said a word upon it. But I want to say in the beginning of the brief remarks I wish to make on this question I am wholly in favor of the bill of the gentleman from Pennsylvania, [Mr. PACKER,] chairman of the Committee on Post-Offices and Post-Roads. I was in favor of that bill when first introduced.

I confess the beauty and eloquence and pathos with which the gentleman from Iowa [Mr. KASSON] alluded to the condition of the little boy and that poor, broken-down old mare which carried the mail through his district so worked on my sympathetic nature that for a moment I was swayed from the support of this bill. [Laughter.] I wish to make a statement in connection with that fact. In 1869 and 1870 I went into the gentleman's district in Iowa, and I did not find a horse or a mare in that district able to stand. The people told me there they had all been broken down packing over the county these public documents. [Laughter.] It will be remembered by the House that the gentleman from Iowa [Mr. KASSON] was in Congress at that time, and if there was any abuse of this privilege at that period it must have been done by him.

Let us look a moment at this magnificent plan the gentleman proposes to this House and which he asks it to adopt. By way of prelude I will remark right here that there is one disease afflicting the body-politic of this country, and it is this: that every time a public man, every time a legislator, every time a lawgiver in the land crosses the briny deep he is not satisfied unless he can come back here and graft upon this republican tree of ours some scion of monarchy and aristocracy. This bill of the gentleman from Iowa is one of those obnoxious shoots from the royal stem of old England brought over here by the gentleman from Iowa. [Laughter.] This does very well in a country where the ruling class is interested in keeping the honest masses of the country in absolute ignorance, but it will not do in this broad land of light and liberty, where intelligence is the sheet-anchor of the people's hopes and the people's liberties. It will not do in republican America.

Now, how is it in England? All over the British Isles you will find establishments organized and presided over by persons called "the Queen's booksellers"—persons who have the privilege of selling public documents, and who are permitted to place over their places of business the Queen's coat of arms. Do you want "the President's booksellers" all over the country? I suppose that will be the next step. That, I presume, will be the next shoot that some man who so much admires the institutions across the water will seek to ingraft upon the republican institutions of this country.

Mr. Speaker, I want none of it. Nor do I wish the rule to prevail which prevailed in Rome when a tyrant made the laws which emanated from his own breast only, and then hung them up so high the people could not read them, in order that he might take advantage of their ignorance and punish them.

You lock up the avenues of intelligence connected with this Government; you break down the barriers against corruption the moment you do it. It is the duty and the right of the people of this country to know what we are doing here, to know what these Departments are doing, to know what is being done by their representatives.

Now I will have to pass on, as my time admonishes me I must be brief on each point.

The gentleman from Iowa made a remark which I am sure he did not intend, and it is this: that if we could look into the hearts of members here we would find it was not for the purpose of disseminating knowledge among the people that they support this bill of the gentleman from Pennsylvania, but because they desire their own advancement. It is not the first time I have heard some would-be leaders of this House impugning the motives of other gentlemen here.

If I were disposed I could say, but I will not, that, when I take up the substitute of the gentleman from Iowa, it was not for the purpose of disseminating information among the people that he desired the newspapers of the county should circulate free, but it was from the fear of what might be said by this palladium of our liberties, the unpurchased and unpurchasable press. [Great laughter.] I could say that, but I will not do it. [Renewed laughter.]

There is another point. He says the republican party adopted a platform at Philadelphia, and he referred to the tenth resolution of that platform, which says the franking privilege ought to be abolished. He then said that the Forty-second Congress came back here from the Philadelphia convention and immediately complied with that resolution by abolishing the franking privilege. While I think they did it at that time, yet, to use a vulgar phrase, they kicked their own action in the face, because at the same session of Congress they provided for allowing forty thousand of the people to exercise this very privilege. That is what that Congress did. Consistency is a jewel, but it ought to be worn by the gentleman as well as by the rest of us.

Mr. KASSON. Will the gentleman allow me to ask him why he voted in the last Congress for the repeal of the franking privilege, under Mr. Farnsworth's bill? What new light has he received? If he thought the franking privilege should be done away with then, why does he want it restored now?

Mr. PARKER, of Missouri. As I have only seven minutes, I cannot go fully into what is suggested by the gentleman from Iowa. In the vote I gave, to which the gentleman refers, I voted with the whole House, and in pursuance of the action of the republican convention held at Philadelphia at that time. But I will say to the gentleman that it was the abuse of the franking privilege which the people objected to, which the Philadelphia republican convention objected to, and which the Forty-second Congress objected to. It was not the

exercise of what was really a privilege of the people, such as is sought to be given by this bill of the gentleman from Pennsylvania, but it was the abuse of this privilege that had grown up which was objected to by the country. The personal frank of members had been used without their consent. The frank of the Departments had been used without their consent. And the object and intent of the republican convention, in passing its resolution in reference to the franking privilege, was to destroy that abuse.

[Here the hammer fell.]

Mr. TYNER. I yield seven minutes, the balance of my time, to my colleague from Indiana, [Mr. PACKARD.]

Mr. PARKER, of Missouri. I would like a few minutes longer.

Several MEMBERS. "Go on!" "Go on!"

The SPEAKER. There is a request made that the gentleman from Missouri [Mr. PARKER] may proceed without prejudice to the right of the gentleman from Indiana [Mr. TYNER] to assign the balance of his time. Is there objection? The Chair hears none.

Mr. PARKER, of Missouri. I will say further, that when I gave that vote I knew that it would become necessary to give the Departments this privilege; I knew it would become necessary to give the people this privilege, such a privilege as we seek to give them in this bill of the gentleman from Pennsylvania, [Mr. PACKER.] I knew that it would become absolutely necessary; and upon no other principle can the action of that Congress be explained. Upon that principle, and that alone, can it be consistently and justly and honestly explained.

Now, it is not sought by this bill of the gentleman from Pennsylvania to re-establish the abuse at all. Nobody asks by this bill that this personal privilege belonging to the members of this House and of the Senate shall be restored. What is wanted is simply that the means of disseminating information justly due to the people of this country shall be restored to them.

Mr. KASSON. But the bill expressly provides that this very matter shall be sent under the frank of the members of the two Houses.

Mr. PARKER, of Missouri. That is merely as a means of authenticating the document that is to be sent. The bill further provides that no document shall be sent that has not been ordered to be published by both this House and the Senate.

Mr. KASSON. The first section provides for a stamp, and then there is also a provision made that the matter shall be sent under a frank.

Mr. PARKER, of Missouri. The name of the member on the back of the book is a certification to the proper officer of the House that the document is one that ought to go. Is it not the name of the member which carries it through the mail?

Mr. KASSON. It is. It cannot go without it.

Mr. PARKER, of Missouri. The name of the member alone does not carry it.

Mr. WILBER. Will not a clerk be able to use the member's frank, as before?

Mr. PARKER, of Missouri. It will do him no good if he does use it, for no book or document will go through the mails under this bill unless it is stamped by the Clerk of the House or the Secretary of the Senate. It is the stamp which carries it through, and not the name of the member.

If you confine the privilege to the members of Congress, that, I suppose, will deter any other man from the use of it; although perhaps it may be true that there is no law you can pass which some one will not violate.

I desire to make just one other remark in answer to the gentleman from Iowa, [Mr. KASSON.] His whole argument on this floor was against the restoration of the franking privilege. The tenor of his speech was in that direction. He appeals to the feelings of this House by bringing up here piles of petitions that had been lying away in some underground pigeon-holes for several years. He undertakes, I suppose, to frighten somebody by these postmasters' petitions. But what does the gentleman do himself in that connection? He is willing to restore the privilege of free transmission through the mails to one class of people. He is willing that a man who publishes a newspaper for a business, and for profit, shall have it. But he is not willing that the people should come to the fountain-head and get their knowledge here in the shape of these authentic documents published by authority of Congress and distributed to the people for their information.

I do not know, sir, how it is in the gentleman's district. But I wish to say in reference to my own people that there is not a single document published here that is not sought after and read and studied by the people of my district. Unfortunately for me and for the people of my district we do not get enough of them. We do not get as many as we ought to have. Gentlemen parade here the cost of the publication of these documents. I say, sir, that one of the duties of this Government is to disseminate intelligence, and I do not care what the cost may be. When we talk of the cost of supporting our Army and our Navy I will have something to say in objection to it. But when we come to the post-office system or any system which disseminates knowledge and information among the people, let it cost what it may, I am in favor of it.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 438) to withhold from sale the site of the old light-station at Nyatt Point; and

An act (H. R. No. 1906) to dredge and protect the navigable channel at the mouth of Buffalo River against the sand-bar formed by the gale of December, 1873.

TRANSMISSION OF PUBLIC DOCUMENTS.

The House resumed the consideration of the bill in relation to the transmission of public documents, &c.

Mr. PACKARD. On the 15th of December last I had the honor to introduce into this House a bill, which I send to the Clerk's desk to be read as a portion of my remarks, and which, if I have the opportunity, I shall offer as a substitute for the bill now under consideration.

The Clerk read the bill, as follows:

A bill to provide for the free transmission by mail of certain mail matter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following mail matter shall be allowed to pass free in the mail: first, official matter, written or printed, sent by or addressed to chiefs, heads of Bureaus, chief clerks, or other officer of either of the Executive Departments, including all such blanks as are required by the business of the several Departments; secondly, copyright matter to the Librarian of Congress, if marked on the package "Copyright matter;" thirdly, petitions to Congress, if properly marked and designated; fourthly, notices to publishers of the refusal or neglect of subscribers to take newspapers, magazines, or other periodicals from the post-office, to be sent under such regulations as the Postmaster-General may prescribe; fifthly, dead letters returned to the writers thereof; sixthly, not more than ten copies of each of the public documents published by order of Congress to each of the several congressional districts and Territories of the United States, to be placed in such public school or college libraries as Representatives and Delegates may designate, the same to be sent under the direction of the Secretary of the Interior, properly stamped and marked; seventhly, weekly newspapers, one copy to each actual subscriber within the county where the same is published and in the counties immediately adjoining.

SEC. 2. That all mail matter not hereinbefore specially made free must be prepaid by postage-stamps.

Mr. PACKARD. In the introduction of the bill which has just been read I had in view certain objects, one of which was the transmission of certain kinds of mail matter, and especially official matter sent out from the Departments. My design was to obviate any necessity on the part of the Government to print stamps to be placed upon the communications, documents, and blank forms by which the Departments of the Government transact their own official business. That was one of the objects of my bill.

Another object was to provide for the transmission free through the mails of newspapers in the counties where published. And, as will be seen by reference to the bill which has just been read, it would extend that privilege to the counties immediately adjoining. It seemed to me that that was proper, for this reason: As a matter of fact, country newspapers do not circulate much outside of the county where they are published. But there is occasionally a newspaper published on the edge of a county, almost on the county line, outside of the county seat. The circulation of such newspapers is very frequently greater in the adjoining county than in the county where it is actually published. My design was to provide for cases of that sort. I believe it is just and right that those cases should be provided for. And I believe that it is just and right that country newspapers should have this free circulation in the counties where published and in the adjoining counties. The difference in postage receipts would be unappreciable, for the reason that the circulation of the country newspapers is, except in rare instances, almost wholly in the counties where published.

Another object I had in view was to provide for the dissemination of information among the people. I hope that in any opposition which I may manifest toward the bill of the committee no member of this House, and no person who may hear or read what I say to-day, will suppose for one moment that I am opposed to the dissemination of information among the people. I believe that the bill which I have presented will furnish that information to the people more effectually and better than the bill which has been reported by the Committee on the Post-Office and Post-Roads.

And how and why? The documents which we send out from Congress as its publications are books of reference only. Very few of them are read through from beginning to end; that is not their purpose. They are books of reference. Sometimes I may want to consult a page of one of those books. At another time my neighbor may want to consult another page. Now put them where the people can reach them, and a lawyer who may want to look into one of them would have the opportunity to do so. But perhaps in my distribution of those documents under the old franking system I have failed to send the lawyer the document he desires to consult, but have sent it to his neighbor, a merchant, who has no use for that particular book.

Suppose we place these books in the libraries of the country, one or two in each county, in the library at the county seat or in the school libraries; I would not be particular as to the number. But if we put them into the libraries, then the newspapers and other vehicles of information will inform the people that those books are there. And when any question arises that a lawyer, merchant, farmer, or a man pursuing any trade or profession in life, desires to examine, he will know where to go for the information. We can put these books into the libraries of the country at a mere fraction of the expense

that would be incurred by sending them out in the miscellaneous way in which they have heretofore been sent.

It has been suggested that there would be little or no increase of expense by sending documents through the mails. When I first came to a preceding Congress and was about to vote upon the franking privilege, I thought then, and I still think, that the transmission of documents did not add to the expense of carrying the mails. But it will add to it now, for the reason that weight has become an element in contracts with railroad companies for carrying the mail. We have heard it stated here to-day that bidders for contracts have put their bids lower than before. I do not know whether that was on account of the repeal of the franking privilege, but it seems to me it is reasonable to conclude that was held in view by them in making their bids. Certainly if I was going to make a bid or a contract for carrying the mails over any given route, and I knew that one hundred thousand pounds per week were to be carried; or, on the other hand, that not more than one thousand pounds were to go, I certainly should make a difference in the bid.

Another element of expense we have right here in the Capitol. The Doorkeeper of the House a few days ago was directed to reduce his force by one-third, because of the abolition of the franking privilege. If we resume the right to send public documents through the mails free of postage that force must be brought back here. My colleague who has spoken on this bill to-day [Mr. TYNER] has stated, and it is a moderate estimate, that it will certainly increase the expense of the Public Printing Office at least $500,000 per annum. Now, under the substitute which I propose the people of the country will be furnished with documents in a more satisfactory manner than they can possibly be under the system of transmission of documents proposed in the bill of the committee. Take the agricultural report. Of that document each member receives about six hundred copies. I have in my district thirty thousand voters. Only one out of every fifty of those men can get an agricultural report. Can any man tell me a good reason why forty-nine men should help to pay for the agricultural report which one man receives? Why should A help to pay for the book that B gets?

In sending out these documents to one in every fifty, they are sent generally to personal and political friends. Why should the democrats in my district help my republican friends to pay for their documents; and why should the republicans in the district of my colleague [Mr. NIBLACK] help to pay for the documents which he sends to his democratic friends? Under my substitute the people will get this information, and everybody will be placed on an absolute equality.

Mr. SPEER. The gentleman has said he sends documents to his political or personal friends only; does he not send them to every man who asks for them?

Mr. PACKARD. Certainly; but, as a rule, I send them to my personal friends; there are some democrats who are my personal friends and to whom I am glad to send documents; and I suppose other gentlemen do the same.

In the few seconds that are left to me I want to add that I have regretted to see here to-day a disposition to ridicule the petitions that have been sent here by the people on the subject of the repeal of the franking privilege. My impression is that the people who sent those petitions here knew what they were about. Certainly the delegates who composed the Philadelphia republican convention, and who were from and of the people, could not have misunderstood public sentiment. They did not; and they only echoed the popular feeling when they said, "The franking privilege ought to be abolished." It is not wrong for Representatives here to listen to that voice. It was in obedience to it that the Forty-second Congress repealed the franking law. And now, I ask, has there been any demand for its restoration? None whatever. The people do not ask it. They do not expect or desire it. We may well and safely delay its restoration, at least until we have some assurance that the country desires it.

[Here the hammer fell.]

Mr. STOWELL obtained the floor.

Mr. NIBLACK. Before this debate proceeds further I would like to submit a proposition to the gentleman having charge of the bill, [Mr. PACKER,] that after to-day the debate shall be confined to ten-minute speeches. I think that in this way gentlemen who desire to be heard would be better accommodated, better than under the present arrangement, by which any gentleman obtaining the floor holds it for an hour.

Mr. PACKER. The committee have no desire at all to shut off debate on the bill. Whenever the House desires to close the debate we are willing to ask for the previous question. On the other hand, so long as the House desires the debate to continue we have no wish to stop it.

The SPEAKER. The arrangement suggested by the gentleman from Indiana [Mr. NIBLACK] cannot be made except by unanimous consent, or by a suspension of the rules on Monday.

Mr. MAYNARD. I object.

Mr. POTTER. I wish to say to the gentleman in charge of this bill, that thus far no gentleman on this side of the House has been allowed to speak at all, either for or against the bill. Some of us would like to occupy at least ten minutes.

Mr. WILLARD, of Vermont. Let me remind the gentleman that this side of the House will be held responsible for the action on this bill. [Laughter.]

Mr. ELDREDGE. Is this to be a close corporation, and are gentlemen on the other side to take the responsibility together with all the perquisites of the concern? [Laughter.]

Mr. PACKER. Not at all. We are very anxious to hear from gentlemen on the other side. There is no effort on the part of the committee to restrict debate in any particular.

Mr. ELDREDGE. My remark was directed to the gentleman from Vermont, [Mr. WILLARD,] not to the gentleman who has charge of the bill. I thought I had a right to go for a Vermonter whenever I had a chance. [Laughter.]

Mr. WILLARD, of Vermont. We are ready for you.

Mr. GARFIELD. I hope the House will close this question as soon as possible, that we may get to other matters of public business which are of less consequence, perhaps, but which it is necessary to consider.

Mr. STORM. The gentleman from Ohio [Mr. GARFIELD] always wants debate to close after he has made his speech.

Mr. GARFIELD. If the House would fix a time when the debate shall close—say four weeks from now or three weeks from now, any reasonable time—I think it would be desirable.

Mr. COBB, of Kansas. It seems that the older members of this House always have an opportunity to speak when their committees report and when every other committee reports. But inasmuch as about one hundred and seventy of us were not members of any former Congress and may desire to get our views before the country when our committees report, the gentleman from Ohio will pardon us if in this case we desire to keep open the discussion until we can be heard.

Mr. GARFIELD. Well, if four weeks be considered too short a time, make it five; but let us fix some time for the closing of the debate.

Mr. STOWELL. I cannot yield any further.

Mr. PACKER. But two members of the committee have yet been heard. The House will remember that the greater portion of the time has been occupied by gentlemen who are not members of the committee. Several other members of the committee desire to speak.

The SPEAKER. The gentleman from Virginia [Mr. STOWELL] is entitled to the floor.

Mr. SENER. I understand my colleague will yield to me to make a motion to adjourn.

The SPEAKER. The Chair will say in regard to the usage, for there is no rule on the subject, where a committee reports a measure, members for or against are recognized alternately to the extent of the time during which the debate is allowed. When the committee is unanimous, opportunity must be given, of course, to expression of opposition outside of the committee. The Committee on the Post-Office and Post-Roads has had two hours allotted to its members. The position of the gentleman from Virginia, also a member of the committee, is recognized by his holding the floor. The Chair understands the gentleman from Tennessee, who is a member of the committee, is opposed to the bill, and it will be the duty of the Chair to follow in that way. Members of the committee cannot speak consecutively if the committee is unanimous. If the opposition is in the committee it is to be heard first, and if it is not in the committee, then other members of the House are heard as chance may fall. That is the law which prevails.

Mr. CONGER. My objection is this, that the gentleman from Ohio [Mr. GARFIELD] after he has had his full say on this subject proposes we shall at once close the door to any further debate.

The SPEAKER. The gentleman from Ohio has not the power to close the door. It would take a majority of the House to do that.

Mr. STOWELL. I will yield to a motion to take a recess.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 269) to change the titles of certain naval officers, and for other purposes; when the Speaker signed the same.

LEAVE OF ABSENCE.

Mr. HODGES, by unanimous consent, was granted leave of absence for twenty days.

NATHANIEL KUYKENDALL.

On motion of Mr. HEREFORD, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Nathaniel Kuykendall, in order that they may be presented to the Senate, no adverse report having been made.

FRANK Y. COMMAGERE.

On motion of Mr. NEGLEY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Frank Y. Commagere, no adverse report having been made in the case.

C. M. FRANCE.

On motion of Mr. BROMBERG, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers accompanying a bill (H. R. No. 594) for the relief of C. M. France, of Mobile, Alabama, no report having been made as yet in the case.

ARKANSAS POST-ROUTES.

The SPEAKER. The gentleman from Arkansas [Mr. HYNES] asks unanimous consent for the purpose of taking up for action at this

time a bill to establish certain post-routes in the State of Arkansas, containing no other legislation whatever. Is there any objection to the bill being taken up and considered at this time?

Mr. HYNES. It is merely for the establishment of certain post-routes in the State of Arkansas.

There was no objection.

The House proceeded to the consideration of a bill (H. R. No. 593) to establish certain post-routes in the State of Arkansas.

Mr. HYNES. There is no legislation whatever in the bill, and I hope it will be put on its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HYNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. POLAND, at (half-past four o'clock p. m.,) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. POLAND. Mr. Speaker, I move on page 629, in section 2512, in lines 7 and 8, to strike out these words, "such place as the Secretary of the Treasury may direct," and insert "Eastport;" so it will read:

SEC. 2512. There shall be in the State of Maine fourteen collection districts, as follows:

First. The district of Aroostook; to comprise the county of Aroostook as bounded on the 22d day of February, 1869; in which Houlton shall be the only port of entry.

Second. The district of Passamaquoddy; in which Eastport shall be a port of entry and delivery; and the towns of Calais, Pembroke, and Robbinston ports of delivery.

The amendment was agreed to.

Mr. POLAND. I move on page 630, in line 40, to strike out "and Alna," strike out "s" after the word "ports," and insert "a" before "port;" so it will read:

Ninth. The district of Wiscasset; in which Wiscasset shall be the port of entry, and Booth Bay a port of delivery.

The amendment was agreed to.

Mr. POLAND. I move on page 630, section 2513, at the end of the third line, to insert, "who shall reside at Houlton;" after the word "collector," in fourth line, "who shall reside at Eastport;" at the end of the eighth line insert, "who shall reside at Machias;" at the end of the ninth line insert, "who shall reside at Ellsworth," and at the end of the tenth line insert, "who shall reside at Castine;" so it will read:

SEC. 2513. There shall be in the collection districts in the State of Maine the following officers:

First. In the district of Aroostook, a collector, who shall reside at Houlton.

Second. In the district of Passamaquoddy, a collector, who shall reside at Eastport, a deputy collector to reside at the port of Calais, and at Eastport a surveyor, to be called the surveyor of Eastport and the district of Passamaquoddy.

Third. In the district of Machias, a collector, who shall reside at Machias.

Fourth. In the district of Frenchman's Bay, a collector, who shall reside at Ellsworth.

Fifth. In the district of Castine, a collector, who shall reside at Castine.

The amendment was agreed to.

Mr. POLAND. I offer the following amendments to the remainder of section 2513, pages 630 and 631:

Add at end of line 13, "who shall reside at Belfast."
Add at end of line 14, "who shall reside at Waldoborough."
Add at end of line 15, "who shall reside at Wiscasset."
Add at end of line 16, "who shall reside at Bath."
Add at end of line 17, "who shall reside at Portland."
Add at end of line 22, "who shall reside at Kennebunk."
Add at end of line 23, "who shall reside at York."

So it will read:

Sixth. In the district of Bangor, a collector and a deputy collector, who shall reside at Frankfort.

Seventh. In the district of Belfast, a collector, who shall reside at Belfast.

Eighth. In the district of Waldoborough, a collector, who shall reside at Waldoborough.

Ninth. In the district of Wiscasset, a collector, who shall reside at Wiscasset.

Tenth. In the district of Bath, a collector, who shall reside at Bath.

Eleventh. In the district of Portland and Falmouth, a collector, who shall reside at Portland, not exceeding three deputy collectors, a surveyor, an appraiser, and an assistant appraiser.

Twelfth. In the district of Saco, a collector, who may reside at Saco or Biddeford.

Thirteenth. In the district of Kennebunk, a collector, who shall reside at Kennebunk,

Fourteenth. In the district of York, a collector, who shall reside at York.

Mr. ELDREDGE. I would like the gentleman from Vermont to tell us if this is new legislation.

Mr. POLAND. Not at all.

Mr. ELDREDGE. If this is a mere collation of the statutes, how does it become necessary to add the place of residence?

Mr. POLAND. The statute in nearly all the collection districts provides where the collector shall live. In some instances the revisers have put that in. In most instances they have left it out. This is to supply what is found in the statute. The difficulty about making any general provision is that the statutes are different.

Mr. ELDREDGE. Does the law now by any general provision, require the collectors to live in any particular place in the district?

Mr. POLAND. No, sir.

Mr. ELDREDGE. If not, how is it that it becomes necessary to insert here, in this collation, the place where they shall reside?

Mr. POLAND. The provisions of the statutes in reference to where the collectors shall reside are generally found in the statutes relating to collection districts. Some of the statutes say the collector shall reside at the port of entry. Generally the place is named, and in some instances the revisers have incorporated it. In some instances it is in the revision, in others it is not. The instances where we have inserted it are the cases where the revisers have omitted it. We insert it nowhere except where we find it in the statute, and we put it in as we do find it.

Mr. ELDREDGE. It seems as if this thing had been very loosely and carelessly done when we find so many places left out.

Mr. POLAND. The revisers in many instances have left the places out. We thought they should be in, and therefore we have taken great pains to hunt up all these statutes, and to put in all they provide.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2518 by adding "who shall reside at Portsmouth;" so it will read:

SEC. 2518. There shall be in the district of Portsmouth a collector and a surveyor, who shall reside at Portsmouth.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

In section 2521, page 632, line 2, after the word "collector," insert "who shall reside at Burlington;" so it will read:

SEC. 2521. There shall be in the district of Vermont a collector, who shall reside at Burlington, and, at the discretion of the President, two surveyors for such ports of delivery as shall be designated by him.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On pages 632 and 633, section 2522, in line 18, strike out "Beverly and;" insert "a" after "Danvers," and substitute "port" for "ports;" in line 48 strike out "seventy" and insert "ninety;" in line 66 strike out "Dighton;" so the section, as regards the third, ninth, and eleventh districts of Massachusetts, will read as follows:

Third. The district of Salem and Beverly; to comprise all the waters and shores within the towns of Beverly, Salem, and Danvers, as bounded on the 2d day of March, 1799; in which Salem shall be the port of entry, and Danvers a port of delivery.

Ninth. The district of Edgartown: to comprise all the waters and shores within the county of Duke's County, as bounded on the 2d day of March, 1799; in which Edgartown shall be the port of entry.

Eleventh. The district of Fall River: to comprise all the waters and shores on Taunton River, and in the town of Rehoboth, as bounded on the 2d day of March, 1799, and all that part of the town of Tiverton, in Rhode Island, north of the south line of the farm of William Slade, and of the farm of the heirs of Boylston Brayton, as bounded on the 9th day of August, 1842, to Wattuper Pond, and by that pond to the south line of the State of Massachusetts, and the waters and shores adjoining thereto; in which Fall River shall be the port of entry and delivery, and Swansea, Somerset, Freetown, Berkley, and Taunton ports of delivery.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2524 so that it will read:

SEC. 2524. There shall be in the collection districts in the State of Massachusetts the following officers:

First. In the district of Newburyport, a collector and a surveyor, who shall reside at Newburyport.

Second. In the district of Gloucester, a collector and a surveyor, who shall reside at Gloucester.

Third. In the district of Salem and Beverly, a collector and a surveyor, who shall reside at Salem.

Fourth. In the district of Marblehead, a collector, who shall reside at Marblehead.

Fifth. In the district of Boston and Charlestown, a collector, a naval officer, a surveyor, who shall reside at Boston, two appraisers, and two assistant appraisers, a special examiner of drugs, medicines, and chemicals; and the Secretary of the Treasury may appoint an inspector of customs for the port of Chelsea.

Sixth. In the district of Plymouth, a collector, who shall reside at Plymouth,

Seventh. In the district of Barnstable, a collector, who shall reside at Barnstable.

Eighth. In the district of Nantucket, a collector, who shall reside at Nantucket.

Ninth. In the district of Edgartown, a collector, who shall reside at Edgartown.

Tenth. In the district of New Bedford, a collector, who shall reside at New Bedford.

Eleventh. In the district of Fall River, a collector, who shall reside at Fall River.

Mr. ELDREDGE. It would seem that all those amendments might have been included in one by saying these officers should reside at the town after which the district is named.

Mr. POLAND. The laws are so diverse in relation to that that it was impossible to make any general provision that would include them all.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2527, page 635, so that it will read:

SEC. 2527. There shall be in the collection districts in the State of Rhode Island the following officers:

First. In the district of Newport, a collector, who shall reside at Newport.

Second. In the district of Bristol and Warren, a collector, who shall reside at Bristol.

Third. In the district of Providence, a collector and an appraiser, who shall reside at Providence.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2528, page 635, so that, as regards the fourth and fifth districts of Connecticut, it will read as follows:

Fourth. The district of New Haven: to comprise the waters and shores from the west line of the district of Middletown westerly to Housatonic River; in which New Haven shall be the port of entry, and Guilford, Branford, Milford, and Derby ports of delivery.

Fifth. The district of Fairfield: to comprise all the waters and shores in the State of Connecticut west of the district of New Haven; in which Fairfield shall be the port of entry, and Norwalk, Stratford, Stamford, and Greenwich ports of delivery.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2529, page 636, so that it will read as follows:

SEC. 2529. There shall be in the collection districts of the State of Connecticut the following officers:

First. In the district of Stonington, a collector and a surveyor, who shall reside at Stonington.

Second. In the district of New London, a collector, who shall reside at New London.

Third. In the district of Middletown, a collector, who shall reside at Middletown.

Fourth. In the district of New Haven, a collector, who shall reside at New Haven.

Fifth. In the district of Fairfield, a collector, who may reside at Fairfield or Bridgeport.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2530, page 636, so that, as regards the third and fifth collection districts of New York, it will read as follows:

Third. The district of Champlain: to comprise all the waters and shores of Lake Champlain and the rivers connected therewith within the State of New York, and to extend westwardly along the northern boundary line of the State to the river Saint Lawrence; in which Plattsburgh shall be the port of entry, and Whitehall and Fort Covington ports of delivery.

Fifth. The district of Cape Vincent; to comprise all the waters and shores of the river Saint Lawrence from the western boundary of the county of Saint Lawrence as bounded on the 2d day of March, 1811, and all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, to the western extremity of Hungry Bay; in which Cape Vincent shall be the port of entry.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2531, so that the last part will read as follows:

Fifth. In the district of Cape Vincent, a collector, who shall reside at Vincent.

Sixth. In the district of Oswego, a collector, who shall reside at Oswego.

Seventh. In the district of Genesee, a collector, who shall reside on the Genesee River.

Eighth. In the district of Niagara, a collector, who shall reside at Suspension bridge.

Ninth. In the district of Buffalo Creek, a collector, who shall reside at Buffalo, and an appraiser.

Tenth. In the district of Dunkirk, a collector, who shall reside at Dunkirk; and for each of the ports of Barcelona, Silver Creek, and Cattaraugus Creek, a deputy collector.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2536, so that the last paragraph will read:

Sixth. The district of Burlington: to comprise all the waters and shores of the Delaware River, within the State of New Jersey, northward of the northern boundary of the county of Gloucester, as bounded on the 2d day of March, 1799; in which Burlington shall be the port of entry and Lamberton the port of delivery.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2537, so that it will read as follows:

SEC. 2537. There shall be in the collection districts of the State of New Jersey the following officers:

First. In the district of Newark, a collector, who shall reside at Newark.

Second. In the district of Perth Amboy, a collector, who shall reside at Perth Amboy.

Third. In the district of Little Egg Harbor, a collector, who shall reside at Tuckertown.

Fourth. In the district of Great Egg Harbor, a collector, who shall reside at such place within the district as may be designated by the Secretary of the Treasury.

Fifth. In the district of Bridgeton, a collector, who shall reside at Bridgeton.

Sixth. In the district of Burlington, a collector, who shall reside at Lamberton,

The amendment was agreed to.

Mr. POLAND. I move to amend section 2538, by striking out of line 7 the words "Delaware City;" so that that portion will read:

First. The district of Philadelphia: to comprise all the waters and shores of the Delaware River, and the rivers and waters connected therewith, within the State of Pennsylvania, and the port of Camden, in New Jersey; in which Philadelphia shall be the port of entry, and Camden and Chester ports of delivery.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2539, so as to read as follows:

SEC. 2539. There shall be in the collection districts of the State of Pennsylvania the following officers:

First. In the district of Philadelphia, a collector, a naval officer, a surveyor, two appraisers, and two assistant appraisers, who shall reside at the port of Philadelphia; a special examiner of drugs, medicines, and chemicals; an assistant collector, who shall reside at Camden, and shall have power to enter and clear vessels in like manner as the collector of Philadelphia, but shall act in conformity to such instructions and regulations as he shall from time to time receive from the collector of Philadelphia; and an inspector, who shall reside at Chester, and have the powers of a deputy collector.

Second. In the district of Erie, a collector, who shall reside at Erie.

Third. In the district of Pittsburgh, a surveyor and appraiser.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2543, by striking out "Nanjemoy" as one of the ports of delivery in the Annapolis collection district.

The amendment was agreed to.

Mr. POLAND. Amend section 2544 so that the first portion of it will read as follows:

SEC. 2544. There shall be in the collection districts in the State of Maryland the following officers:

First. In the eastern district, a collector, who shall reside at Crisfield.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2546 by striking out the words, "who shall not be required to reside at Georgetown;" so that it will read:

That there shall be in the district of Georgetown a collector.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2547 by striking out the words "Accomack Court-House and Chincoteague" as ports of delivery in the Cherrystone collection district of Virginia.

The amendment was agreed to.

Mr. POLAND. I move to amend the same section, in the paragraph relating to the Yorktown collection district, by inserting the words "East River" after the words "West Point," in line 31; so that that paragraph will read as follows:

Fourth. The district of Yorktown: to comprise all the waters and shores from the point forming the south shore of the mouth of Rappahannock River to the point forming the south shore of the mouth of York River, and from the mouth of York River to West Point, and from West Point to the highest navigable waters of the Pamunkey and Mattapony Rivers; in which Yorktown shall be the port of entry, and West Point, East River, and Cumberland ports of delivery.

The amendment was agreed to.

Mr. POLAND. I move to amend the paragraph relating to the Portsmouth district so that it will read as follows:

Fifth. The district of Norfolk and Portsmouth: to comprise all the waters and shores within the State of Virginia southward of the district of Yorktown, not included in the districts of Petersburgh and Richmond; in which Norfolk and Portsmouth shall be the sole port of entry, and Suffolk, Smithfield, and Hampton ports of delivery.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2548 so as to provide that in the district of Cherrystone the collector shall reside at Cherrystone.

The amendment was agreed to.

Mr. POLAND. I move to strike out section 2550, and to insert in lieu thereof the section which I send to the Clerk's desk to be read.

The section referred to was as follows:

SEC. 2550. The master of any vessel, bound to any district of James River above Sewal's Point, shall, before passing the point, and immediately after his arrival either at the same or at Hampton Road, deposit with the collector of the port of Norfolk and Portsmouth a true manifest of the cargo on board such vessel. The collector shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made. The collector may, whenever he deems it necessary for the security of the revenue, put an inspector of the customs on board any such vessel, to accompany the same until her arrival at the first port of entry or delivery, in the district to which she is destined. Every master or commander who neglects or omits to deposit a manifest as aforesaid, or refuses to receive an inspector of the customs on board, as the case shall require, shall be liable to a penalty of $500, to be recovered with costs of suit, one half for the use of the officer with whom such manifest ought to have been deposited, and the other half for the use of the collector of the district to which the vessel may be bound.

The Clerk read the proposed new section, as follows:

It shall be the duty of the master of the revenue-cutter at the mouth of the James River, under the orders of the Secretary of the Treasury, to board all vessels bound up the said river, to indorse their manifests, and to place an officer on board of each vessel having a cargo from a foreign port; that whenever there shall be no revenue-cutter on that station, or when the state of the weather shall be such as to render it impracticable to send an officer on board of any such vessel, the captain is hereby authorized and directed to deposit with the surveyor at Hampton a copy of the manifest of the cargo on board of such vessel.

Mr. POLAND. The provisions contained in the section printed in this revision, regulating vessels going up James River, are superseded by a later statute, which later statute is embraced in the proposed new section.

Mr. ELDREDGE. The section as printed in this revision contains some provisions not embraced in the proposed substitute.

Mr. POLAND. The early act which is copied in this revision was repealed and a new provision made in regard to vessels and officers of the revenue at the mouth of James River.

Mr. ELDREDGE. The section which it is proposed to strike out provides for penalties in case of non-performance of the duties prescribed.

Mr. POLAND. That is repealed.

Mr. ELDREDGE. Is the whole of the section repealed? It seems to me that the provision of the section is a very wholesome one, and I can see no reason why it should be superseded by a section which provides no penalties in case the manifest is not filed as provided.

Mr. POLAND. I think the whole of the section as printed in the revision has been repealed. I will examine the statutes again, and if I find that we are in error, I will bring the matter up again.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2551, in relation to the district of Albemarle, by striking out the words "and Plymouth, Windsor, and Winton ports of delivery," at the end of the paragraph; so that it will read as follows:

First. The district of Albemarle: to comprise Albemarle, Currituck, and Croatan Sounds, and all the waters and shores adjacent to and flowing into those sounds

south of the southern boundary line of the State of Virginia, together with that part of Pamlico Sound north of and including Loggerhead Inlet, and all the waters and shores appertaining thereto; in which Edenton shall be the port of entry.

The amendment was agreed to.

Mr. POLAND. I move to amend the paragraph in relation to the district of Pamlico, by changing the name of the port of entry from "New Berne" to "Newbern." The former spelling is the one used in the earlier statutes, but of late years the latter spelling has been used.

The amendment was agreed to.

Mr. POLAND. I move further to amend the same paragraph by striking out at the end these words: "and Washington a port of delivery."

The amendment was agreed to.

Mr. POLAND. I move to amend section 2552, so that it will read as follows:

SEC. 2552. There shall be in the collection-districts in the State of North Carolina the following officers:

First. In the district of Albemarle, a collector, to reside at the port of entry.

Second. In the district of Pamlico, a collector, to reside at the port of entry.

Third. In the district of Beaufort, a collector, to reside at the port of entry.

Fourth. In the district of Wilmington, a collector, to reside at the port of entry.

Mr. ELDREDGE. Why does not the gentleman use in this case the same language that he used in former provisions? Here he uses the language, "reside at the port of entry;" in the former provisions he used the specific name of the place.

Mr. POLAND. We follow the language of the statute. We make it so here because the statute says so.

Mr. ELDREDGE. Is it the opinion of the gentleman from Vermont [Mr. POLAND] that that alters the meaning in any respect, or does he not know?

Mr. POLAND. The port of entry might be changed from one place to another in the district.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2553 by striking out the words "Savannah River" and inserting the words "Back River, in Georgia;" so that that portion of the section will read as follows:

Third. The district of Beaufort: to comprise all the waters and shores from Combahee River to the Back River, in Georgia; in which Beaufort shall be the port of entry.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2554 by inserting after "surveyor," in line 5, the words "who shall reside at Charleston;" so that that portion of the section will read as follows:

Second. In the district of Charleston, a collector, a naval officer, a surveyor, who shall reside at Charleston, two appraisers, and a special examiner of drugs, medicines, and chemicals.

Also, to insert after that paragraph the following:

Third. In the district of Beaufort, a collector.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2555 by striking out of the paragraph relating to the district of Saint Mary's the words "and Saint Illa and Jeffersonton ports of delivery."

The amendment was agreed to.

Mr. POLAND. I move to amend section 2556 so as to provide that the collector in the district of Saint Mary's shall reside at Saint Mary's.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2559 so that it will read as follows:

SEC. 2559. There shall be in the collection districts in the State of Florida the following officers:

First. In the district of Fernandina, a collector.

Second. In the district of Saint John's, a collector, who shall reside at such place as the President may designate as a port of entry, and a surveyor, who shall reside at Pilatka.

Third. In the district of Saint Augustine, a collector, who shall reside at Saint Augustine.

Fourth. In the district of Key West, a collector, who shall reside at Key West.

Fifth. In the district of Saint Mark's, a collector, who shall reside at Cedar Keys, and a surveyor, who shall reside at Bayport.

Sixth. In the district of Apalachicola, a collector, who shall reside at the port of entry.

Seventh. In the district of Pensacola, a collector, who shall reside at Pensacola.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2564, in the paragraph relating to New Orleans, by inserting as a port of delivery the following:

Pittsburgh, in Pennsylvania.

The amendment was agreed to.

Mr. POLAND. I move to amend section 2566, so that it will read as follows:

SEC. 2565. There shall be in the collection districts in the State of Louisiana the following officers:

First. In the district of New Orleans, a collector, a naval officer, a surveyor, two appraisers, and one assistant appraiser, and a special examiner of drugs, medicines, and chemicals, who shall reside at the port of New Orleans; a deputy collector, who shall reside at Shreveport, in the State of Louisiana; and for each of the other ports of delivery named in the preceding section a surveyor, who shall reside at such port, and shall, in addition to the customary duties devolving upon such officer, perform the duties specially prescribed by law with respect to merchandise imported into that particular port. And for each of the ports of Cincinnati, Louisville, Evansville, Saint Louis, and Memphis, there shall be appointed an appraiser, who shall reside at such port.

Second. In the district of Teche, a collector, who shall reside at Brashear.

The amendment was agreed to.

Mr. POLAND. I move to strike out section 2572, and to insert in lieu the section which I send to the Clerk's desk.

The section referred to was as follows:

SEC. 2572. The master of any vessel destined for the port of Natchez shall stop at New Orleans, and deliver to the collector for the district of New Orleans a manifest of the cargo on board such vessel. If he shall fail to do so, he shall be liable to a penalty of $5,000. The collector for the district of New Orleans shall transmit a certified copy of such manifest to the collector for the district of Natchez, and shall direct an inspector to go on board such vessel and proceed with her to the port of Natchez and there report such vessel to the collector for the district of Natchez immediately after his arrival; from which report the duty of the inspector shall cease.

The Clerk read the proposed new section as follows:

That any vessel proceeding to the port of Natchez, from any port or place in foreign countries, shall stop and report her arrival at the port of New Orleans; and before such vessel shall proceed on her voyage to the port of Natchez, it shall be the duty of the collector of the port of New Orleans to order on board such vessel a custom-house officer, who shall remain on board such vessel until her arrival at the port of Natchez; and it shall be the duty of such custom-house officer to take possession of and safely keep all the papers belonging to such vessel having reference to the freight or cargo on board, which papers he shall deliver to the collector of the port of Natchez immediately after his arrival at such port. And any such vessel which shall depart from the port of New Orleans without such officer on board shall be subject to all the pains and penalties provided for by law for a violation of the revenue laws of the United States. And the expenses of the custom-house officer who may be put on board of any such vessel at New Orleans, from the time of his being put on board until his return to New Orleans, shall be paid by the owner or owners of such vessel.

Mr. POLAND. This is very like the case in relation to the arrangement about vessels at the mouth of James River. The revisers have copied the earlier statute, which has been superseded by a later one, which is embraced in the proposed new section.

The amendment was agreed to.

Mr. POLAND. I move, page 650, section 2575, line 13, to insert "Copano" after "Matagorda;" and in lines 23 and 24 to strike out all after the word "entry," in line 23—to strike out these words, "and Point Isabel a port of delivery."

The amendment was agreed to.

Mr. POLAND. I move, page 651, section 2576, at the end of line 10, to insert, "and a surveyor, who shall reside at Copano;" at the end of line 11, same section, to insert "who shall reside at Corpus Christi;" so it will read:

SEC. 2576. There shall be, in the collection districts in the State of Texas, the following officers:

First. In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor, who shall reside at Velasco, and a surveyor who shall reside at Houston.

Second. In the district of Saluria, a collector, who shall reside at Indianola, a surveyor who shall reside at Matagorda, and a surveyor who shall reside at Lavaca, and a surveyor who shall reside at Copano.

Third. In the district of Corpus Christi, a collector, who shall reside at Corpus Christi.

Fourth. In the district of Brazos de Santiago, a collector, who shall reside at Brownsville; and a deputy collector, who shall reside at Brazos de Santiago, and shall have the power to enter and clear vessels.

Fifth. In the district of Paso del Norte, a collector, who shall reside at El Paso.

The amendment was agreed to.

Mr. POLAND. I move on same page, section 2579, to insert "and" before "Vallejo," and to strike out "Santa Cruz, Stockton, Benicia, Monterey, and Sacramento," in lines 11 and 12; so it will read:

SEC. 2579. There shall be in the State of California two collection districts, as follows:

First. The district of San Diego: to comprise all the waters and shores of the counties of Santa Barbara, Los Angeles, San Bernardino, and San Diego; in which San Diego, on the Bay of San Diego, shall be the sole port of entry, and San Pedro and Santa Barbara ports of delivery.

Second. The district of San Francisco: to comprise all the waters and shores of the State north of the counties of Santa Barbara, Los Angeles, and San Bernardino; in which San Francisco shall be the port of entry, and Eureka and Vallejo ports of delivery.

Mr. ELDREDGE. I should like to know by what law there are two collection districts in the State of California?

Mr. POLAND. I will answer the gentleman from Wisconsin that it is by reason of a recent act of March, 1873.

Mr. ELDREDGE. Read it.

Mr. POLAND. It is as follows:

That the counties of Santa Barbara, Los Angeles, San Bernardino, and San Diego, in the State of California, are hereby detached from the collector's district of San Francisco, and all the territory, ports, harbors, rivers and waters of said counties shall constitute a collection district by the name of San Diego district, and the city of San Diego, on the bay of San Diego, established as a sole port of entry for said district; and the President of the United States, by and with the advice and consent of the Senate, shall appoint a collector to reside at said port, whose compensation shall be $3,000 per annum.

The amendment was agreed to.

Mr. POLAND. I move on page 652, in section 2580, in line 3, after the word "collector," to insert "who shall reside at San Diego;" after line 5 insert "for the ports of San Pedro and Santa Barbara;" and in line 7, after "surveyor," insert "who shall reside at San Francisco;" so it will read:

SEC. 2580. There shall be in the collection districts of California the following officers:

First. In the district of San Diego, a collector, who shall reside at San Diego, and two inspectors, to be appointed by the collector, with the approval of the Secretary of the Treasury, for the ports of San Pedro and Santa Barbara.

Second. In the district of San Francisco, a collector, a naval officer, a surveyor, who shall reside at San Francisco, two appraisers, two assistant appraisers, and a special examiner of drugs, medicines, and chemicals; a deputy collector who shall reside at Eureka, a deputy collector who shall reside at Vallejo, an inspector at

Monterey, an inspector at Sacramento, an inspector at Benicia, and an inspector at Stockton.

The amendment was agreed to.

Mr. POLAND. I move, on page 652, section 2583, in line 7, to strike out "out at," before "Gardner;" in line 16, to strike out the words "and Pacific City and Nisqually, ports of delivery;" and in lines 23 and 24, to strike out all after the word "entry," as follows: "and Milwaukee a port of delivery."

The amendment was agreed to.

Mr. POLAND. I move, on page 653, section 2584, in lines 9 and 10, to strike out all after the word "Astoria," as follows: "a surveyor who shall reside at Pacific City, and a surveyor who shall reside at Nisqually;" in lines 12 and 15, strike out after the word "Portland," "and a surveyor who shall reside at Milwaukee;" and in line 14, to insert after "collector," "who shall reside at Port Townshend;" so it will read:

SEC. 2584. There shall be in the collection districts in the State of Oregon and the Territory of Washington the following officers:

First. In the southern district of Oregon, a collector, who shall reside at Empire City, and three deputy collectors, who may be appointed by the collector, with the approval of the Secretary of the Treasury, and of whom one shall reside at Ellensberg, one at Port Orford, and one at Gardner.

Second. In the district of Oregon, a collector, who shall reside at Astoria.

Third. In the district of Willamette, a collector, and an appraiser who shall reside at Portland, and a surveyor who shall reside at Milwaukee.

Fourth. In the district of Puget Sound, a collector, who shall reside at Townshend.

The amendment was agreed to.

Mr. POLAND. I move, on page 653, section 2584, line 7, to substitute "Gardner" for "Gardiner."

The amendment was agreed to.

Mr. POLAND. I move, on page 654, section 2589, at the end of line 2, to insert after the word "collector," "who shall reside at Sitka;" so it will read:

SEC. 2589. There shall be in the collection district of Alaska a collector, who shall reside at Sitka.

The amendment was agreed to.

Mr. POLAND. I move, on the same page, section 2691, at the end of line 2, after the word "collector," to insert "who shall reside at the port of entry."

The amendment was agreed to.

Mr. POLAND. I move, on the same page, section 2593, at the end of line 5, to insert "who shall reside at Du Luth."

The amendment was agreed to.

Mr. POLAND. I move, on the same page, section 2594, in line 1, to strike out "two" and "one;" so it will read:

SEC. 2594. There shall be in the State of Wisconsin one collection district, as follows.

In line 3 strike out "first" and insert "fourth;" then transfer the whole paragraph, from line 3 to line 15, inclusive, which is as follows:

Fourth. The district of Superior: to comprise all the waters and shores of that part of the upper peninsula of the State of Michigan lying east of the principal meridian, all the islands in and bordering upon the Sainte Marie River, and all that part of the State of Michigan lying west of the principal meridian and north of the latitudinal line dividing township number 43 from township number 44 north of the base-line of that State, including the territory in the State bordering Green Bay, together with all the islands, waters, and shores of Lake Superior, and the adjacent territory to the head-waters of all the rivers and streams tributary thereto and within the States of Michigan and Wisconsin; in which Marquette shall be the port of entry, and Sault Sainte Marie and Mackinaw ports of delivery—

to page 655, after line 21, section 2596; and in the same section strike out "second" in the sixteenth line and insert "and;" and strike out "Kenosha and Manitowoc" in line 19.

I will give a word of explanation in reference to the change. There was a collection district in what is termed the Upper Peninsula of Michigan. A part of that collection district was in Michigan and a part of it was in Wisconsin originally. But, by the present arrangement, that district is all in Michigan. The revisers, by some mistake, as this formerly embraced part of Wisconsin, had put it in as a district of Wisconsin. This amendment transfers it to the Michigan district. There is but one collection district in the State of Wisconsin.

Mr. ELDREDGE. This leaves it just as it was.

Mr. POLAND. It leaves it just as it is. There are four districts in Michigan and only one in Wisconsin. The revisers had put two in Wisconsin and three in Michigan.

The amendment was agreed to.

Mr. BARBER. I would inquire of the gentleman from Wisconsin [Mr. ELDREDGE] in regard to Southport and Kenosha, which is the present name of the place.

Mr. ELDREDGE. I do not know what the statute means, and I have not been able to get anything out of the gentleman from Vermont as to what it means. He says he does not know, and of course it is of no use for me to ask. But I know that the place now called Kenosha used to be called Southport; that is a good many years ago. And I should be very much surprised if the recent legislation in reference to it had not called the place by its right name—that is, Kenosha, which is the proper name of the place now.

Mr. POLAND. The same statutes speak of Kenosha and Southport. If there is a confusion of names it is the fault of whoever made the statute.

Mr. FIELD. It is notorious that what was Southport is now Kenosha. I move to strike out "Southport" and retain "Kenosha."

Mr. POLAND. I think perhaps we should not be too rash in making that change. We have spent a great deal of time in looking through the statutes, and we find that the same statute names both.

Mr. ELDREDGE. I see that both are named here, and I would suggest that the question be referred to some gentleman on the committee, who, when he has examined it, has an opinion on the subject.

Mr. POLAND. Very likely it will be.

The SPEAKER *pro tempore*. Does the gentleman from Michigan insist on his amendment?

Mr. POLAND. If there is any error about it we will take great pleasure in having it corrected.

Mr. FIELD. I withdraw my amendment.

Mr. POLAND. I offer the following amendment:

Amend section 2595, line 655, so it will read as follows:

There shall be in the collection district of Wisconsin the following officers: In the district of Milwaukee, a collector and an appraiser, who shall reside at Milwaukee, and a deputy collector at each of the ports of Southport, Racine, Sheboygan, Green Bay, and Depère.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2596, page 655, so that it will read:

SEC. 2596. There shall be in the State of Michigan four collection districts, as follows:

First. The district of Michigan: to comprise all the waters and shores of the State of Michigan lying west of the principal meridian and south of the latitudinal line dividing township number 43 from township number 44 north of the base-line of the State, except the territory bordering Green Bay, and including the island of Bois Blanc; in which Grand Haven shall be the port of entry, and Duncan City a point of delivery.

Second. The district of Huron: to comprise all the waters and shores of the Saint Clair River, and of the counties of Saint Clair, Lapeer, Tuscola, and Saginaw, as bounded on the 13th day of April, 1866, and of all the territory of the State of Michigan lying north of those counties and east of the principal meridian; in which Port Huron shall be the port of entry.

Third. The district of Detroit: to comprise all the waters and shores of Lake Erie and Lake Saint Clair, and the waters connected therewith, within the jurisdiction of the United States, from the Miami River to the mouth of the Saint Clair River; in which Detroit shall be the port of entry. And the President is authorized to establish within the district of Detroit two ports of delivery.

Fourth. The district of Superior: to comprise all the waters and shores of that part of the upper peninsula of the State of Michigan lying east of the principal meridian, all the islands in and bordering upon the Sainte Marie River, and all that part of the State of Michigan lying west of the principal meridian and north of the latitudinal line dividing township number 43 from township number 44 north of the base-line of that State, including the territory in the State bordering Green Bay, together with all the islands, waters, and shores of Lake Superior and the adjacent territory to the head-waters of all the rivers and streams tributary thereto and within the States of Michigan and Wisconsin; in which Marquette shall be the port of entry, and Sault Sainte Marie and Mackinaw ports of delivery.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2597, line 655, so it will read as follows:

SEC. 2597. There shall be in the collection districts of Michigan the following officers:

First. In the district of Michigan, a collector, who shall reside at Grand Haven.

Second. In the district of Huron, a collector, who shall reside at Port Huron.

Third. In the district of Detroit, a collector, and an appraiser who shall reside at Detroit, and a surveyor at each of the two ports of delivery designated by the President.

Fourth. In the district of Superior, a collector, who shall reside at Marquette, a deputy collector who shall reside at Sault Sainte Marie, and a deputy collector who shall reside at Mackinaw.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2600, page 656, so that, as regards the second district of Ohio, it will read:

Second. The district of Sandusky: to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States, from the western bank of the Vermillion River to the western cape of Sandusky Bay, in which Sandusky shall be the port of entry.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

Amend section 2601, page 656, so that it will read:

SEC. 2601. There shall be in the collection districts of Ohio the following officers:

First. In the district of Miami, a collector, who shall reside at Toledo.

Second. In the district of Sandusky, a collector, who shall reside at Sandusky.

Third. In the district of Cuyahoga, a collector, who shall reside at Cleveland; and an appraiser at Cleveland.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment:

On page 662, line 21, strike out "Bridgeport" and insert "Fairfield."

The amendment was agreed to.

Mr. POLAND. I offer the following amendment to section 2624, on page 664, relating to the duties of surveyor:

Strike out lines 23 to 27 inclusive, as follows:

Sixth. To examine and ascertain the quality, kind, and quantity of all wines imported, and the quantity and kind of all teas and sugars imported.

Seventh. To grant certificates for imported spirits and wines, and make returns thereof, in manner hereafter provided.

The amendment was agreed to.

Mr. ELDREDGE. On page 661, section 2616, there is a provision that—

Every collector, naval officer, and surveyor shall, before entering on the duties of his office, give a bond to the United States, with one or more sufficient sureties, for the true and faithful discharge of the duties thereof according to law, under penalty as follows.

The law provides that the bond shall be approved by somebody, I believe; but there is no provision in this section for the approval of the bond. The law provides that it shall be approved by the Commissioner of Customs.

Mr. POLAND. That provision will be found in another place.

Mr. E. R. HOAR. It will be found on the next page, in section 2617.

Mr. ELDREDGE. That seems to cover it, I think.

Mr. POLAND. In reference to the amendment on page 664, in the provisions relating to the duties of surveyors, I wish to say that since those provisions were adopted a new class of officers—the appraisers—have been created by law; and these duties have been devolved upon them.

I move further to amend by striking out in section 2634 the word "or," and inserting the word "on" before the word "exportation."

The amendment was agreed to.

Mr. POLAND. I move to amend by striking out the whole of section 2655.

The section was as follows:

SEC. 2655. There shall be allowed the following fees to the measurers, weighers, or gaugers, respectively, to be paid monthly by the collector out of the revenue, and charged to the United States:

First. For the measurement of every one hundred bushels of grain, forty-five cents.

Second. For the measurement of every one hundred bushels of salt, according to the weight established by law for the payment of duties thereon, seventy-five cents.

Third. For the measurement of every one hundred bushels of coal, ninety cents.

Fourth. For the weighing of every one hundred and twelve pounds, and marking every cask, box, or package, weighing more than two hundred pounds each, except sugar, coffee, pepper, pimento, and indigo, in bales, bags, mats, canisters, or seroons, with the weight, in durable characters, in the districts of Pennsylvania, New York, Boston and Charlestown, and Baltimore, one cent and seven-eighths; in the district of Norfolk, two cents and a quarter; and in the other districts, three cents.

Fifth. For the gauging and marking every cask, to be marked in durable characters, with his own name and the quantity, twelve cents.

Sixth. For computing the contents of and marking cases containing distilled spirits and wines, four cents and a half per case.

Seventh. For actually counting the number of bottles of cider, beer, ale, perry, or porter, contained in any cask, or other package or packages, one cent and a half per dozen; and in proportion for any greater or lesser quantity.

These allowances shall be deemed to include a compensation for making returns of the merchandise weighed, gauged, and measured, specifying the quality as well as quantity.

Mr. POLAND. In reference to this amendment, I will state that weighers and gaugers were originally paid by certain fees as prescribed here, those fees being paid, not by the owners of the goods, but out of the revenue, and charged to the United States. All those officers are now paid stated salaries.

The amendment was agreed to.

Mr. POLAND. I also move to amend by striking out "forty" and inserting "fifty" in line 3 of section 2656.

The amendment was agreed to.

Mr. POLAND. I wish also to move an amendment to section 2753.

The section was as follows:

SEC. 2753. The assistant appraisers at the port of New York shall receive a salary of $3,000 a year, expenses of collecting the revenue, and paid to them in each, to be paid out of the appropriation for defraying the expenses of collecting the revenue, and paid to them in monthly payments, and in due proportion for any period less than one month for the time they may actually serve.

Mr. POLAND. I move to amend by striking out in the second and third lines the words "expenses of collecting the revenue and paid to them in each."

The amendment was agreed to.

Mr. POLAND. I have also an amendment to offer to section 2755.

The section was as follows:

SEC. 2755. Each inspector shall receive, for every day he shall be actually employed in aid of the customs, a sum not exceeding four dollars; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspector, or in any other way in aid of the revenue, a like sum, while actually so employed, not exceeding three dollars for every day so employed, to be paid by the collector out of the revenue, and charged to the United States.

Mr. POLAND. I move to amend by striking out in the second and third lines the words "a sum not exceeding four," and inserting the word "three." The old pay of the inspectors as fixed by law was three dollars a day. By a subsequent act, to be found in section 2760, the Secretary of the Treasury was authorized to increase the compensation not exceeding one dollar per day. As that provision has been incorporated in the revision, section 2755 should stand as it is in the old law, so that the Secretary shall not be authorized to allow a dollar a day additional to four dollars a day.

The amendment was agreed to.

Mr. POLAND. I wish also to offer amendments to section 2794.

The section was as follows:

SEC. 2794. Vessels which are not vessels of the United States shall be admitted to unlade at the following ports only; and no such vessel shall be admitted to make entry in any other district than in the one in which she shall be admitted to unlade:

First. In the State of Maine: Portland and Falmouth, Bath, Ellsworth, Wiscasset, Machias, and Penobscot.

Second. In the State of New Hampshire: Portsmouth.

Third. In the State of Massachusetts: New Bedford, Fall River, Salem and Beverly, Gloucester, Newburyport, Marblehead, Nantucket, Boston and Charlestown, and Plymouth.

Fourth. In the State of Rhode Island: Newport and Providence.

Fifth. In the State of Connecticut: New London, Middletown, Bridgeport, and New Haven.

Sixth. In the State of New York: New York.

Seventh. In the State of New Jersey: Perth Amboy and Burlington.

Eighth. In the State of Pennsylvania: Philadelphia.

Ninth. In the State of Delaware: Wilmington, New Castle, and Port Penn.

Tenth. In the State of Maryland: Baltimore, Annapolis, Town Creek, Nottingham, Digges's Landing, Snow Hill, and Carrolsburgh.

Eleventh. In the District of Columbia: Georgetown.

Twelfth. In the State of Virginia: Alexandria, Wicomico, Dumfries, Tappahannock, Port Royal, Fredericksburgh, Urbana, Yorktown, West Point, Hampton, Richmond, Petersburgh, and Norfolk and Portsmouth.

Thirteenth. In the State of North Carolina: Wilmington, New Berne, Beaufort, Edenton, and Plymouth.

Fourteenth. In the State of South Carolina: Charleston, Georgetown, and Beaufort.

Fifteenth. In the State of Georgia: Savannah, Sunbury, Brunswick, Frederica, and Saint Mary's.

Sixteenth. In the State of Louisiana: New Orleans.

Mr. POLAND. I move to amend by striking out in the second line of the section the words "at the following ports only," and inserting "only at ports of entry established by law."

The amendment was agreed to.

Mr. POLAND. I move further to amend by striking out the whole of this section after the first paragraph.

The amendment was agreed to.

Mr. POLAND. I move to amend by striking out section 2795.

The section was as follows:

SEC. 2795. Vessels arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at the following ports only:

First. In the State of Maine: Portland and Falmouth, Bath, Castine, Bangor, Kennebunk, Saco, and the port of entry designated for the district of Passamaquoddy.

Second. In the State of New Hampshire: Portsmouth.

Third. In the State of Massachusetts Boston and Charlestown, New Bedford, Plymouth, Nantucket, Edgartown, Fall River, Newburyport, Salem and Beverly, Marblehead, and Gloucester.

Fourth. In the State of Rhode Island: Newport, Bristol and Warren, and Providence.

Fifth. In the State of Connecticut: New London and New Haven.

Sixth. In the State of New York: New York.

Seventh. In the State of New Jersey: Perth Amboy.

Eighth. In the State of Pennsylvania: Philadelphia.

Ninth. In the State of Delaware: Wilmington.

Tenth. In the State of Maryland; Baltimore and Annapolis.

Eleventh. In the District of Columbia: Georgetown.

Twelfth. In the State of Virginia: Alexandria, and Norfolk and Portsmouth.

Thirteenth. In the State of North Carolina: Wilmington, New Berne, and Edenton.

Fourteenth. In the State of South Carolina: Charleston, Georgetown, and Beaufort.

Fifteenth. In the State of Georgia: Savannah.

Sixteenth. In the State of Florida: Pensacola and Key West.

Seventeenth. In the State of Louisiana: New Orleans.

Mr. POLAND. The original statute from which this is copied provided that foreign vessels should land only at particular ports; but it embraced the whole list of ports of entry, which has been very much enlarged since. This second section provided that "vessels arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at the following ports only," naming a very restricted number. These provisions have been changed by treaty, so far as concerns all the nations with which we have treaties; and if they were to be kept in force now, no foreign vessel could land on the Pacific coast at any port; because at the time the original act was passed we had no port on that coast. The committee regard the provisions of these two sections, except what we have left of the first section, as entirely superseded by later legislation.

The amendment was agreed to.

Mr. POLAND. With all the diligence I have been able to use, this is as far as I am prepared to go with amendments on behalf of the committee this evening. I now yield to my colleague on the committee, the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. I am happy to state to the House that upon all that part of the revision assigned to my special charge, I am able to report to-night with the exception of a single section, which, not yet having been able to make any sense of or to find where it came from, I have concluded to postpone to a future occasion.

The first amendment which I offer is to section 443, specifying the subordinate officers, clerks, employés of the Department of the Interior, and their respective salaries. I move to amend by inserting after line 27 of the section these words, "public documents, one superintendent at a salary of $2,500 a year."

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment which I wish to offer is to section 444.

The section was as follows:

SEC. 444. The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

First. The census, when directed by law.

Second. The public lands, including mines.

Third. Public buildings which are under the charge of the Chief of Engineers.

Fourth. The Indians.

Fifth. Pensions and bounty lands.

Sixth. Patents for inventions.

Seventh. The custody and distribution of publications.

Eighth. Education.

Mr. E. R. HOAR. I move to amend by inserting at the end of the section the following:

Ninth. Government Hospital for the Insane.

Tenth. Columbia Hospital for the Deaf and Dumb.

The amendment was agreed to.

Mr. E. R. HOAR. I also move to amend by adding at the end of section 505 the following:

Congressional journals and public documents authorized to be distributed to institutions on the designation of members of Congress, shall be sent to such libraries and institutions only as shall signify a willingness to pay the cost of their transportation.

The amendment was agreed to.

Mr. E. R. HOAR. I wish to move an amendment to section 4194.

The section was as follows:

SEC. 4194. Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by a citizen of the United States.

Mr. E. R. HOAR. I move to amend by inserting at the end of the section the following:

And officers of vessels of the United States shall in all cases be citizens of the United States.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is to strike out "presumptive," and insert "*prima facie*," in section 4330; so that the section will read as follows:

SEC. 4330. The collector of the customs, at any port at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one or more of the inspectors of the customs for such port to examine such vessel, and report in writing to him whether the requirements of law have been complied with in respect to such vessel; and if such report shall state such compliance, and shall be approved by such collector, it shall be deemed *prima facie* evidence thereof.

The amendment was agreed to.

Mr. E. R. HOAR. I have also an amendment to section 4285, an amendment of considerable length, and which I do not know that I need explain, though there is a very curious explanation.

The section was as follows:

SEC. 4285. Upon vessels which shall be entered at any custom-house in the United States, from any foreign port or place, there shall be paid the respective duties following: On vessels of the United States, the officers of which are citizens of the United States, thirty cents a ton: on vessels of the United States, the officers of which are not citizens of the United States, eighty cents a ton; on vessels built within the United States, but belonging wholly or in part to subjects of foreign powers, sixty cents per ton; on foreign vessels entered in the United States from any foreign port to and with which vessels of the United States are not ordinarily permitted to enter and trade, $2.80 per ton; on other vessels, eighty cents per ton: *Provided*, That nothing in this section shall impair any rights or privileges which have been or may be acquired by any foreign nation, under the laws and treaties of the United States, relative to the duty of tonnage on vessels.

Mr. E. R. HOAR. I move the following amendments:

In line 4 strike out the words "the officers of which are citizens of the United States;" strike out from the word "on," in line 5, to the word "ton," inclusive, in line 6; in lines 11 and 12 strike out "eighty" and insert "thirty;" and after the word "ton," in line 12, insert the following:

Provided, That the President of the United States shall be satisfied that the discriminating or countervailing duties of any foreign nation to which such vessels belong, so far as they operate to the disadvantage of the United States, have been abolished; otherwise 80 cents per ton and.

As a curious specimen of the way in which acts of Congress are sometimes expressed, it may, perhaps, be interesting to some gentlemen to know the length of time that it took the committee to find out what the duty should be under this section. The commissioners to revise the laws gave one rate of duty; the revision as here reported gave another and totally different one; and it was impossible to discover, without a very long comparison of statutes, how they came to differ or whence this one was derived. At length we found the difference arose from a very curious use of language in one of the statutes, to which the acute lawyer who revised the work gave one construction, and to which the commissioners gave another.

The statute provided certain discriminating duties in favor of one class of vessels should be repealed, while the practice of the Government was discrimination against the other should be repealed and the whole duties should be stricken out. It has been uniformly the construction since the time the statute was passed. It was capable of both constructions, and the revising lawyer took the other. The committee found out at last what it meant. I believe they have got it now conformably to the practice as well as to what we thought was the true meaning of the statute.

The motion was agreed to.

And then, on motion of Mr. POLAND (at five minutes to nine o'clock, p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ARCHER: The petition of Caroline Sturtz, for a pension, to the Committee on Invalid Pensions.

By Mr. BASS: The petition of Anna M. Kopf, for a pension, to the Committee on Invalid Pensions.

By Mr. BLAINE: The petition of Charles C. Gould, of Augusta, Maine, to be reimbursed for moneys advanced and food and clothing furnished Union prisoners in rebel prisons, to the Committee on War Claims.

By Mr. CHIPMAN: The petition of Thomas Galloway, of Baltimore, Maryland, for a pension, to the Committee on Invalid Pensions.

Also, the memorial of the Women's Christian Association of the District of Columbia, presenting their fourth annual report, and asking an appropriation from Congress of $25,000, to the Committee on Appropriations.

By Mr. COBB, of North Carolina: The petition of citizens of Pitt and Greene Counties, North Carolina, for the establishment of a post-route between Snow Hill and Greenville, North Carolina, via Willow Green and Ballard's Store, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Tyrrell and Washington Counties, North Carolina, for an appropriation for the improvement of the Scuppernong River, to the Committee on Commerce.

By Mr. COX: The memorial of William Radde, of New York, relative to the return to specie payments and the redemption of legal-tender and national-bank notes in coin, to the Committee on Banking and Currency.

Also, the memorial of the Washington Branch of the Amalgamated Society of Carpenters and Joiners, relative to alleged infractions of the eight-hour law, to the Committee on Public Buildings and Grounds.

By Mr. FARWELL: The petition of merchants of Chicago, Illinois, deprecating the issue of any more legal-tender notes, and asking the withdrawal as soon as possible of those already issued out of the so-called reserve, to the Committee on Banking and Currency.

By Mr. FIELD: The petition of Oliver Lumphrey, late first lieutenant First New York Lincoln Cavalry, that his muster date from the reception of his commission and that he receive pay from that date, to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of citizens of Pittsburgh, Pennsylvania, for an appropriation of $80,000 for the improvement of Ashtabula Harbor, in the State of Ohio, to the Committee on Commerce.

By Mr. HOOPER: The remonstrance of the selectmen and other citizens of Swampscott, Massachusetts, against discontinuing the custom-house at Marblehead, to the Committee on Ways and Means.

By Mr. HUBBELL: The petition of citizens of Charlevoix County, Michigan, for appropriation for the improvement of Pine River, to the Committee on Commerce.

By Mr. KELLEY: The petition of bankers, merchants, and others, of Philadelphia, deprecating an increase of currency and praying for a speedy return to specie payments, to the Committee on Banking and Currency.

By Mr. LEWIS: Papers relating to the claim of Robert and Isaac Quinn, for destruction of property during the late war, to the Committee on War Claims.

By Mr. LOFLAND: The petition of citizens of Sussex County, Delaware, for an appropriation to remove obstructions in Nanticoke River, to the Committee on Commerce.

By Mr. LOWNDES: The petition of William F. Keirle, of Baltimore, Maryland, for the refunding of a fine paid by him to the United States, to the Committee on the Judiciary.

By Mr. NESMITH: The petition of George A. Miller, of Eugene City, Oregon, for relief, to the Committee on Military Affairs.

By Mr. ROSS: The petition of citizens of Lawrenceville, Tioga County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

By Mr. SHELDON: The petition of Absalom Baird, for the passage of an act to authorize the President to nominate and promote him to be lieutenant-colonel and assistant inspector-general, to date from June 13, 1867, to the Committee on Military Affairs.

By Mr. SMITH, of Virginia: The petition of Peter K. Morgan, for land bounty and a pension for services in the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SPRAGUE: The petition of R. R. Hudson, for the purchase of the Louisville and Portland Canal by the Government, to the Committee on Commerce.

Also, the petition of Henry Raymond and Abraham Dally, in behalf of the veterans of the war of 1812, for certain modifications of the pension laws, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. WILLARD, of Vermont: The petition of Cordelia Wilkins, for a pension, to the Committee on Invalid Pensions.

By Mr. ——: The petition of members of the North Alabama Bar for the extension of the jurisdiction of the circuit court of the United States for the fifth circuit over the northern district of Alabama, and for holding terms of the court at Huntsville, Montgomery, and Mobile, to the Committee on the Judiciary.

IN SENATE.

FRIDAY, *February* 20, 1874.

Prayer by Rev. E. D. OWEN, of Washington.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 447) extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-Canal, in the State of Michigan, was read twice by its title and referred to the Committee on Public Lands.

The bill (H. R. No. 886) to provide for the election of Congressmen at large for the State of Alabama was read twice by its title and referred to the Committee on Privileges and Elections.

The bill (H. R. No. 2080) to provide for deducting any debt due the United States from any judgment recovered against the United States

by such debtor, was read twice by its title and referred to the Committee on the Judiciary.

PRESERVATION OF FORESTS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I have the honor to transmit herewith a "memorial upon the cultivation of timber and the preservation of forests," and a draught of a joint resolution prepared by the "American Association for the Advancement of Science;" together with a communication from the Commissioner of the General Land Office upon the same subject.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 19, 1874.

The PRESIDENT *pro tempore*. The message will lie on the table and be printed if there be no objection.

Mr. STEWART. I suggest that the question of growing timber is before the Committee on Public Lands, and it might be well for this communication to go to that committee.

The PRESIDENT *pro tempore*. The message will be referred to the Committee on Public Lands, and be printed, if there be no objection.

IMPORTATION OF FRUIT-PLANTS.

Mr. SHERMAN. I desire to make a statement to the Senate in regard to a matter which not only affects the Senate but affects other Departments of the Government, which has led already to the loss of half a million dollars of revenue, and may probably lead to reclamations of a larger amount.

A good deal has been said in the newspapers, and in another place that I need not refer to, in regard to an error that crept into the law of two years ago in regard to fruits, an error which has led to admitting oranges, lemons, pomegranates, and all fresh fruits, duty free, at a large sacrifice to the Treasury. I was anxious, as indeed every one ought to be, to see where this error originated, and I am very glad to find that it did not originate here. I have taken pains to hunt up all the original papers.

The bill of the House of Representatives, No. 2322, (Forty-second Congress, second session,) entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," was reported by the Committee on Finance of the Senate on the 24th of May, 1872, and it contained in the free list the following articles:

Flowers, leaves, plants, roots, and seeds, (medicinal,) in a crude state, not otherwise provided for.

On the 25th day of May, 1872, while the bill was pending, the then Senator from Florida (Mr. Osborn) gave notice of his intention to offer an amendment to include in the free list the words "plants, tropical and semi-tropical, for the purpose of propagation or cultivation." It seems, then, by the Globe that on the 30th of May following, the bill being under consideration, the Senator from Vermont made this remark:

Mr. MORRILL, of Vermont. Before that question is put, I ask consent to offer an amendment that the Senator from Florida, not now here, [Mr. GILBERT,] desired me to present. It is to insert on page 25, section 5, after line 293—

"Fruit-plants, tropical and semi-tropical, for the purpose of propagation and cultivation."

I see no objection to it, and if the Senate does not, I ask to have it adopted. It is merely to allow them to be put on the free list.

The amendment was agreed to.

This amendment, then, was to admit "fruit-plants, tropical and semi-tropical, for the purpose of propagation and cultivation;" the word "fruit" being a word of limitation, confining the plants to be admitted free to those that bore fruit, and to exclude the idea of allowing all kinds of tropical fruits, which are articles of luxury and show, to be admitted duty free; clearly confining the free clause to fruit-plants. It was intended merely, as shown by the origin of the amendment of the two Senators from Florida, to enable them to get new varieties of orange and lemon trees duty free, and certainly not to admit lemons and oranges duty free. The amendment was agreed to in the Senate, and the bill was next sent to the House of Representatives with our amendments. There I find the bill, as printed in the House, to represent the Senate amendment to be this:

Fruits, plants, tropical and semi-tropical, for the purpose of propagation or cultivation.

Instead of "fruit plants," as passed in the Senate—and I have taken the pains to hunt up the original amendment offered by the Senator from Vermont, and there it is plainly written "fruit plant," with no comma after the word "fruit," and no "s," but simply "fruit plant"—it was printed in the House "Fruits, plants, tropical and semi-tropical, for the purpose of propagation and cultivation," and finally appears to have been adopted in that form. But to show that it was not intended to allow all tropical fruits to come in duty free, I may mention that in the same act there were specific duties levied upon various tropical fruits, and the old duty levied by the previous act was not changed. The act of 1870 put a specific duty of 20 per cent. on oranges and other fruits of that kind. Mr. Heyl, who is a very careful compiler of the law, when the act finally passed, treated the word "fruit" or "fruits" as a limitation of the word "plant," and in Heyl's Digest of Duties the word "fruit" is there used precisely as it was used here, as a word of limitation, and not a noun substantive, extending to a great variety of articles not contemplated by any one.

I am very sorry that this trouble occurred. It occurred in consequence of punctuation, by putting a comma after the word "fruit," which separated the two words, "fruit" and "plants"—and that was done by somebody, I do not know whom, but I think some one ought to inquire after it—and adding the letter "s," so as to make it "fruits;" then after "fruits" a comma appears; and then the clause names the other immaterial articles. This little slip of the pen, occurring somewhere in the course of engrossing or enrolling, has led to great difficulty. I find in the law published in Little & Brown's edition that the word "fruit" is there correctly printed, without the letter "s," and undoubtedly as it passed the House; so that it reads "fruit plants, tropical and semi-tropical, for the purpose of propagation and cultivation." The interposition of a comma there changes the meaning according to the literal reading; but it does seem to me that an officer construing this law, and especially if he would take the trouble to look into the course of the history of the proposition, would plainly see that the word "fruit" was used as a word of limitation—not as a word of purchase, as the lawyers say, but as a word of limitation—and not as a noun substantive containing a new item to be added to the free list. I have no doubt, on the face of the law as it now stands, that oranges, lemons, and all these different articles, are subject to 20 per cent. duty, and that that duty was not affected in the slightest degree by adding to the free list fruit-plants intended for propagation in Florida.

This is the whole history there is in the debates of Congress on this matter. As a good deal of remark has been made about this matter in the House and in the country, and some controversy has occurred as to where that letter "s" was inserted, I have felt it my duty to show to the Senate that so far as the action of the Senate is concerned the words are plain and simple and the meaning clear.

Mr. CONKLING. I ask the Senator to allow me to call his attention to one thing, which may perhaps remove the ground for suspicion of intentional wrong that there would otherwise be in this case.

Mr. SHERMAN. I do not think there was any intentional wrong.

Mr. CONKLING. I did not understand the Senator to imply that; but there has been a great deal of comment on this matter. It has been a very unfortunate thing certainly; and I confess, from what I saw about it, it seemed to me at first that there was hardly room to doubt that some intentional impropriety had occurred somewhere. I have here the original amendment, not in the handwriting of the Senator from Vermont, but in another handwriting, and I wish to call the attention of the Senate to the fact that the amendment seems originally to have been "plants tropical and semi-tropical," and there is no punctuation, no comma whatever, between any of these words. Afterward the word "fruit" was interlined, as any Senator will see by looking at it, and still it stood without punctuation anywhere; so that, omitting all punctuation, it reads "fruit plants tropical and semi-tropical." Had there been a hyphen between "fruit" and "plants," so as to make it a compound word, it would have been clear. Had there been a comma after "plants," so that it would have read "fruit plants,"——

Mr. SUMNER. In what stage of the bill was that?

Mr. CONKLING. That was the first amendment here which the Senator from Ohio has been adverting to, and my purpose is merely to ask the attention of the Senate to the fact that I am glad to find room here to suppose that there may have been an honest mistake rather than an intentional perversion.

The amendment stands in the bill before me without any punctuation, without a hyphen, without a comma anywhere; simply these words succeeding each other: "Fruit plants tropical or semi-tropical for the purpose of propagation." Had it been correctly written or copied, I take it it would have stood thus: "Fruit-plants," with a hyphen between, and then a comma; then followed by the definition "tropical or semi-tropical." The fact remains undoubtedly, to which the Senator has called attention, that an "s" was added here; and yet I am inclined to think that if Senators would put their eye upon this manuscript they would see even as to that that there may be an explanation without a fraud. In short, it will be observed "plants" is in the plural, so that as it stands here it would read "fruit plants," and if the person who copied it assumed that "fruit" was a substantive word and "plants" a substantive, I can see how a copyist, in order to have it symmetrical and grammatical, may have supposed that as the plural was used in one case the plural was intended to be used in the other. In other words, all I mean to do is to express my own satisfaction at finding that there is some opportunity to hope, if not to believe, that whoever made this engrossment fell into an error in place of perpetrating a fraud. It has led to very unfortunate results, and I am very glad the Senator from Ohio has told us of it.

Mr. SHERMAN. The Senator will perceive that the Globe, in making up the record, has adopted the true construction undoubtedly. It reads, "Fruit plants," then a comma, "tropical and semi-tropical," &c., so that the printer has made no mistake. There it is punctuated properly.

Mr. CONKLING. That is quite right, except that even the Globe omits the compound word; there is no dash, there is no hyphen, there is nothing to connect it; but it is "fruit plants."

Mr. MORRILL, of Vermont. I desire merely to say that the proof copy of this bill was sent, I think, to the Committee on Finance, and it was there corrected wherever it needed correction, and, so far as the Senate copy was concerned, when printed it was correct, and of

course it was correct so far as the officers of the Senate are concerned, for the bill finally had to be enrolled by the officers of the House.

Mr. CAMERON. I cannot agree exactly with the Senator from New York that there is not some degree of suspicion connected with this matter. It has not been stated here, but I believe it is a fact, that in New York only were the duties paid under protest. In all the other ports throughout the country—and there are ports at which a greater amount of fruit is imported into the country than at New York—the duties were paid without a word, they understanding the law as the Senate understood it very well; but in New York there was a protest, and nothing was paid there, and the decision of the Secretary, as I understand it, relieved them from the payment of all duties there. I remember the discussion on this subject in the Senate very well. There was some little conversation between the Senator from Massachusetts and myself on the subject of plants. It would be well for the Senate to look back at the debate at that time. Every one will remember it was only plants of which we were speaking. There was not a word said about fruits, but it was ornamental plants and flowers, and things of that sort. It was very well understood, and it excited so much attention at that time that even the transcribers must have understood it. Then there is the interposition of a comma at a place just to suit a person who wanted to make a wrong interpretation of the law; which looks very suspicious to my mind.

Mr. ANTHONY. Mr. President, this raises a question which I have for some time desired to bring to the attention of the Senate, and that is that the engrossed bills should be passed from one House to the other in print, and not in manuscript. It can be done as easily in print as in manuscript. It is so done in the British Parliament, and it is a very great security for authenticity, and against error; and if it shall occasionally compel a little delay in the transaction of our important business, there will be no harm in that.

Mr. SUMNER. Mr. President, this is rather a serious business, for thus far it has cost the country, if I may judge from the newspapers, a million or two of dollars. Now, on the exhibition that the Senator from New York has made, it is easy to see how at least the error might have originated. I do not say that it did, but it is easy to see how it might have originated, especially if one takes into consideration an old usage, if not rule, in the construction of statutes, which was to disregard punctuation. I remember years ago being astonished to hear a very able judge of the Supreme Court of the United States, in conversation with me here in Washington, state that he never regarded punctuation in the interpretation of a statute. I take it, however, that rule will hardly be accepted in its latitude, but still it serves to explain this error.

But I should like to get something practical out of this incident, and I can make no suggestion better than to follow in the steps of my friend from Rhode Island, [Mr. ANTHONY,] who, indeed, anticipated me in what I was about to say. The Congress of the United States and the Commonwealth of Massachusetts are the only two legislative bodies, I believe, now in the world that adhere to the old system of parchment in the last stage of a bill. We borrowed it from England; but the English have seen that it was not advisable to trust their statutes to a written roll, as they had done for generations; and now, at the last stage, and when the measure receives the assent of the Crown, it is always in print; and I believe I may say it is so in every legislative body of our country except Massachusetts, where the old parchment roll has prevailed, borrowed from England, precisely as it has prevailed in Congress borrowed from England. It does not prevail in France. Everything there is on paper, and if not written it is printed; and I, myself, visited their archives, especially with a view to ascertain how their records were made. I found no parchment; it was always paper. Then in England, as I have already said, very recently this whole subject was considered, and the British Parliament concluded, on the report of a very able committee, that the bills in their final stages, and when submitted to the Crown, should be in print. Now I think it would be well for Congress to follow in that channel. We followed it originally in adopting parchment; I would follow it now in adopting print.

PETITIONS AND MEMORIALS.

Mr. BUCKINGHAM presented the petition of the members and congregation of the Williston church, of Portland, Maine, signed by the pastor, Rev. Burke F. Leavitt, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the memorial of delegates from the Indian Territory, explaining the understanding of the Indians of their treaties of 1866, and in that connection protesting against the establishment of a United States territorial government in the Indian Territory without their consent; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SCOTT presented the petition of citizens of Alexandria, Huntingdon County, Pennsylvania, deprecating the restoration of duties on tea and coffee, or a revival or increase of internal taxes, and praying for the repeal of the second section of the act of June 6, 1872; which was referred to the Committee on Finance.

He also presented the petition of Peter P. G. Hall, of Pennsylvania, late a paymaster in the Army, asking that he may be refunded money which he was obliged to pay in consequence of embezzlement by a clerk; which was referred to the Committee on Military Affairs.

Mr. SCOTT. I present a memorial of bankers, manufacturers, and other citizens of Philadelphia, saying that they view with alarm the propositions before Congress for increasing the volume of United States notes, and stating that they believe most earnestly that a resumption of specie payments, at the earliest practicable time, is imperatively required by the true interests of the nation, and deprecating the issue of any more legal-tender notes, and praying that the greenbacks already issued out of the so-called reserve shall be withdrawn as speedily as possible. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. BOUTWELL presented the memorial of Emerson, Stafford & Co., the memorial of the Lawrence Manufacturing Company, and the memorial of James L. Little & Co., merchants, of Boston, Massachusetts, relative to the Alabama claims; which were referred to the Committee on the Judiciary.

Mr. MERRIMON presented the petition of Arcadia W. Mastins, and the memorial of L. J. Labarbe, heir at law of Lewis Leroy, praying to be indemnified for spoliations committed by the French prior to the year 1801; which were ordered to lie on the table.

Mr. SUMNER presented the petition of William H. Hawlings and other citizens of Gloucester City, New Jersey, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SUMNER. I also present a petition from Matilda Hindman, of Arkansas, agent of the Pennsylvania Women's Suffrage Association, in which she protests at length against "a bill to aid in the execution of the laws in the Territory of Utah, and for other purposes;" which was read twice and ordered to be printed. The reasons adverse to that bill, particularly as it regards the suffrage of women, are set forth at length. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. SUMNER. I also offer a brief petition from the Massachusetts Medical Society, duly signed by their president, George C. Shattuck, and their vice-president, Benjamin E. Cotting, and their corresponding secretary, Charles W. Swan, and their recording secretary, F. W. Draper, attested by their seal, in which they respectfully lay before Congress their opinion and conviction that the act of 1869 in respect to the Medical Corps of the Army ought to be repealed, and such an improvement made in the rank of the Medical Corps as shall assimilate their position to that of other staff officers, and secure to officers and soldiers the medical advice and attention of well-educated and skillful surgeons.

Inclosed in this are resolutions of a similar purport from the Suffolk District Medical Society, and also from the Essex North Medical Society. I move their reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. LOGAN presented the petition of the First Presbyterian church of Pestone, Illinois, signed by the pastor, Rev. W. F. Wood, and by the elders and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the petition of J. H. Tankersly, of Mount Vernon, Jefferson County, Illinois, asking for the passage of a special act of Congress allowing him compensation for loss of property during the war; which was referred to the Committee on Claims.

Mr. FENTON presented the petition of William H. Little and other citizens of Waldoborough, in the State of Maine, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. WRIGHT. I present a concurrent resolution of the General Assembly of the State of Iowa, instructing their Senators, and requesting their Representatives, to use their efforts to secure the enactment of a law compelling all railway companies to receive and transmit to any points on their several lines all shipments without the same being compelled to pass through and pay tribute to the warehouse boards of Chicago. I was about to move that this resolution be referred to the Committee on Railways, but it is suggested to me that it should go to the Committee on Transportation Routes to the Sea-board; and I therefore move its reference to that committee.

The motion was agreed to.

Mr. COOPER presented the petition of citizens of Tennessee, praying an amendment to the Army appropriation bill relative to certain claims; which was referred to the Committee on Appropriations.

Mr. MORRILL, of Maine, presented the petition of members and congregation of the Second Parish church of Portland, Maine, signed by the pastor, Rev. J. J. Carruthers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. HAMLIN presented the petition of the members and congregation of the Methodist Episcopal church of Pine street, Portland, Maine, praying for the appointment of a commission of inquiry concerning

the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented the petition of L. H. Street and other citizens of Gloucester City, New Jersey, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CONKLING presented the petition of the South Second Street Methodist Episcopal church, Brooklyn, of the New York East Conference, signed by the pastor, Rev. John A. Roche, and all the officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. JOHNSTON presented the petition of Matilda Barnett and her sisters, asking compensation for their property seized by the United States troops during the late war; which was referred to the Committee on Claims.

Mr. HARVEY presented resolutions of the Legislature of Kansas, in favor of the enactment of a law to compel the Union Pacific Railroad Company to afford the same facilities for the transportation of freight and passengers in regard to rate, time, and transportation, as is contemplated by law, and without discrimination or injustice to the Kansas Pacific Railroad; which were referred to the Committee on the Judiciary.

Mr. HAMILTON, of Maryland, presented the petition of Joseph O'Neal, Elie Wade, and other citizens of Washington County, Maryland, praying that no law may be passed transferring the claims for quartermaster stores to the claims commission; which was referred to the Committee on Claims.

Mr. MITCHELL. I presented a memorial yesterday in relation to the Portland, Dalles and Salt Lake Railroad, which was inadvertently referred to the Committee on Public Lands, when it should have been referred to the Committee on Railroads. I move that the Committee on Public Lands be discharged from its further consideration, and that it be referred to the Committee on Railroads.

The motion was agreed to.

Mr. SHERMAN. I presented the other day the petition of Mrs. Susan Vincent, which I find was referred to the Committee on Revolutionary Claims. I intended to have it referred to the Committee on Claims. I ask that the correction be made.

The PRESIDENT *pro tempore*. That change of reference will be made, if there be no objection.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers of Deliah Kelly be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. WEST, it was

Ordered, That the petition and papers of Henry A. Green be taken from the files and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Benjamin C. Skinner, praying for a pension, submitted a report, accompanied by a bill (S. No. 518) granting a pension to Benjamin C. Skinner.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, to whom were referred the petition and papers of J. Milton Best, submitted a report, accompanied by a bill (S. No. 519) for the relief of J. Milton Best.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1402) granting a pension to John A. Fisher, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 170) for the relief of certain officers of the Navy who were dropped. furloughed, or retired, under the act of February 28, 1855, reported it without amendment.

Mr. ANTHONY. In this case the report made at the last session has been adopted by the committee, so that no written report is now submitted, and there is no occasion for reprinting the report of last year.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam machinery, reported it with an amendment, and submitted a report; which was ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date from the 7th day of June, 1870, reported it without amendment, and submitted a report; which was ordered to be printed.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1930), to secure to the Episcopal Board of Missions the land in the White Earth Indian reservation, in Minnesota, on which are situated their church and other buildings, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 380) to secure to the Episcopal Board of Missions the land in the White Earth Indian reservation, in Minnesota, asked to be discharged from its further consideration; which was agreed to, and the bill was postponed indefinitely.

REPORT OF SMITHSONIAN INSTITUTION.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the report of the Smithsonian Institution, have directed me to report it back with amendments, and to ask for its present consideration.

The Senate proceeded to consider the following resolution, submitted by Mr. HAMLIN, on the 13th instant:

Resolved, (the House of Representatives concurring,) That twelve thousand five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed; twenty-five hundred of which shall be for the use of the Senate, five thousand for the use of the House, and five thousand for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The Committee on Printing proposed to amend the resolution, so as to make it read:

Resolved, (the House of Representatives concurring,) That seven thousand five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed, five hundred of which shall be for the use of the Senate, one thousand for the use of the House, and six thousand for the use of the Institution.

Mr. ANTHONY. The customary publication of this document has been twelve thousand copies; five thousand for the use of the Smithsonian Institution, twenty-five hundred for the use of the Senate, and five thousand for the use of the House of Representatives. We now have reported to increase the number to the Institution from five thousand to six thousand, to reduce the number for the Senate from twenty-five hundred to five hundred, and to reduce the number for the House from five thousand to one thousand. If the number for Congress is reduced so much, the Institution will require a little more—so the Regents think. This, I believe, is the first resolution that the Committee on Printing have reported at this session for printing any additional documents. The number is exceedingly small, and it is the intention of those who are best acquainted with the Institution, especially of those who have been charged on the part of Congress with participation in its management, that there should be some extra copies, and in deference to them we have made the recommendation.

Mr. MORRILL, of Maine. I should like to inquire of the Senator from Rhode Island whether he is aware of the fact that Congress, in the early part of the session, passed a resolution suspending the publication of documents, and whether this is in harmony with the expression of Congress?

Mr. ANTHONY. That has not passed the House.

Mr. MORRILL, of Maine. It passed the Senate.

Mr. ANTHONY. If the Senator asks my judgment, I think this is not in conformity with that.

Mr. MORRILL, of Maine. I should think that until the Senate reconsider that proposition we ought to adhere to it. Yesterday some proposition came from the Committee on Printing of a similar kind.

Mr. ANTHONY. What one?

Mr. MORRILL, of Maine. Recommending the publication of some document.

Mr. ANTHONY. That was for the use of the proper Department, not for the use of Congress. It was only five hundred copies of a medical report that was thought to be valuable for scientific purposes, and they are to be distributed entirely by the Department.

Mr. MORRILL, of Maine. I think we ought not to go into retail in printing when in wholesale we have resolved not to print; and I do think it is wise to adhere to the resolution that we passed, at least until some full understanding as to the publication and distribution docuof ments is had.

Mr. ANTHONY. I do not think we are bound by a proposition that has only passed one House of Congress; but I am not a lawyer, and I will leave that to the Senator from Maine.

Mr. MORRILL, of Maine. I think we should have a little respect for our own action, whether the House chooses to concur or not.

Mr. HAMLIN. I wish to state a fact. I may say in behalf of the Smithsonian Institution that I think this is entirely distinct from the documents which we publish sent to us from the Departments, or which emanate from our committees. This is purely a scientific work. It is the annual report of the Smithsonian Institution, made in pursuance of law to this body. To myself it may seem of very much less value than to many others; but I think no man can ever examine a single report of that Institution without being impressed with its great value. These reports are for the general reader perhaps of little use, being somewhat technical and scientific; but yet they are of immense value to the world, and they are transmitted all over the world, and we receive back in exchange the scientific reports of different societies and different governments. I think this stands entirely distinct from the documents ordinarily printed by Congress; and I do not think the law or resolution to which my colleague refers ought to apply to this report, if it does technically; and if it does, this has got to pass the ordeal of the House, and it must be by a concurrent

vote, which will express their opinion that this stands distinct from other matters, as well as our own. I hope the resolution will be concurred in.

Mr. MORRILL, of Maine. Only one word. Early in this session we determined to arrest the publication of public documents, and I think properly. I am not going to say whether it is true or not, for on that I have my own opinions, and they may not be in harmony with the public sense on that subject; but one thing is clear, that from one consideration or another, within the last few years, a very general impression or sentiment or conviction has come to obtain in the public mind that the publication of documents by the Congress of the United States had become a very great abuse. It took a variety of forms. It was an abuse under the franking privilege, which overloaded the mails. It was an expense in many ways, and it was a corruption in itself. That is a deep seated and thorough conviction in the public mind, right or wrong, and I think the Senate of the United States was wise when at the beginning of this session it said it would pause in the publication and distribution of documents, for the present at least, until some wise determination could be come at.

Now, it may be that the views of my colleague render this an exceptional case; and it is a proper thing, possibly, to publish the reports of the Smithsonian Institution, being of a scientific character, so far as relates to itself; but this resolution provides for their publication for distribution, and certainly it ought not to apply to that. We do not want these reports for distribution. We have no means of distributing them. At any rate, to that extent I submit to my colleague that this is certainly within the inhibition of the resolution of the Senate. If there is no special objection, therefore, I should like to have this resolution lie over until to-morrow.

Mr. FRELINGHUYSEN. I wish to say a word on this subject.

Mr. MORRILL, of Maine. I withdraw the motion to allow the Senator to do so.

Mr. FRELINGHUYSEN. I have only a word to say. I shall vote for the resolution to print this report; and I will vote for any resolution to print the proceedings of Congress. I think this idea of isolating the Congress of the United States from the people is a very foolish one. As to economy, I think it is an illustration of that wise saying that "there is that withholdeth more than is meet, but it tendeth to poverty." The people of my State write to me every day for copies of the Agricultural Report, which contains most valuable information to the farmers of the country, and they cannot be obtained. The books are ready to be printed, but their printing is stopped; and we are keeping the proceedings of Congress here as a close corporation from the people. I introduced a bill providing that these public documents should be circulated; the postage in no event to be more than twenty-five cents a volume, and not requiring prepayment, and authorizing the documents to be sold if they were not called for within ten days. That bill has not been reported from the Committee on Post-Offices and Post-Roads.

Mr. RAMSEY. I will say to the Senator that the committee have it under consideration.

Mr. FRELINGHUYSEN. I hope Congress will adopt some measure by which that which transpires here may be circulated and disseminated among the people. At a large expense we print every day a record of the proceedings of Congress. What good does it do? The people do not get it. No provision is made for its circulation.

Now, as to the idea that the people are opposed to this, I was very much struck by a remark which was made—I do not know but that it was in one of the articles which were read here yesterday—that a million of people might petition Congress, but we must remember there are thirty-nine millions that are not heard from. I believe the people want information as to what transpires here, and it is their right to have it, and it is our duty to give them the opportunity to know what we do.

Mr. ANTHONY. I believe when this report was presented the usual number was ordered to be printed. If not, I will make that motion. That number ought to be printed at any rate.

The PRESIDENT *pro tempore*. It was so ordered. The Chair understands objection to be made to the further consideration of the resolution.

Mr. MORRILL, of Maine. Yes, sir.

The PRESIDENT *pro tempore*. The resolution will lie over.

IMPORTATION OF FRUIT-PLANTS.

Mr. MORRILL, of Vermont. I desire to say a word in regard to the matter which was brought to our notice this morning by the Senator from Ohio. I find on reference to the enrolled bill that the mistake in putting a comma after "fruit," was made in the Senate. I wish to state this in justice to all parties. There is a comma placed after "fruit" in the engrossed copy of the Senate amendment.

Mr. CONKLING. Is it in the singular or plural?

Mr. MORRILL, of Vermont. Singular, and I have no question that it is an honest comma. It is made with the same pen and ink that all the other commas appear to have been made with, and it was an honest mistake.

Mr. WEST. As this subject has been opened again, it enables me to say to the Senate that I dissent from the proposition that this error, whether intentional or unintentional, has cost the country $2,000,000.

Mr. SHERMAN. I said half a million.

Mr. WEST. It has not cost the country a cent. I understood the Senator from Massachusetts [Mr. SUMNER] to say that it had cost the country about two millions.

Mr. SUMNER. By "the country" I meant the revenue.

Mr. WEST. The fact is, Mr. President, that the Treasury of the United States has simply collected $2,000,000 less from the people, and the people have saved $2,000,000 by the error.

Mr. MORRILL, of Vermont. Half a million.

Mr. WEST. Well, whatever the amount is; it has not cost the country a cent.

PERSONAL EXPLANATION.

Mr. LOGAN. Yesterday morning a petition was presented by the chairman of the Committee on Finance from the city of Chicago, in reference to the contraction of the United States legal-tender notes. In answer to that I said that I had noticed in the papers some of the names that were attached to that petition, and they were persons who had closed their banks and paid off their depositors by paper that they held. I stated the fact that I had noticed the names in different newspapers of bankers in Chicago who were making this request, and supposing the petition contained the names of those mentioned in the newspapers, I made the remark. Desiring not to do injustice to any one, I went this morning to the room of the Committee on Finance and examined the petition carefully. I find that the names of the bankers that I had noticed published in the newspapers, and to which I had reference, are left off the petition, or at least they are not attached to it. They either did not sign the petition, or they were represented in the newspapers as having signed it when they had not done so. I make this statement for the purpose of correcting the statement I made, so that no injustice may be done to any one. On examining the petition I find the signers to be, as the presumption is, respectable gentlemen, and gentlemen that I would not make any such remarks in regard to. The names that I referred to are not there at all.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 520) authorizing the Second National Bank of Lansing, Michigan, to change its name; which was read twice by its title, and referred to the Committee on Finance.

Mr. CHANDLER. I ask unanimous consent to introduce and put on its passage now a joint resolution releasing the members of the Fitz John Porter court-martial from the obligation of their oaths to not disclose the vote or opinion of any particular member of said court. In the first place I will ask that it be read for information.

The Chief Clerk read the proposed joint resolution.

The PRESIDENT *pro tempore*. Is there objection to the introduction of the joint resolution?

Mr. FERRY, of Connecticut. I object.

Mr. CHANDLER. Then I give notice that I will present it and call it up to-morrow.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 521) for the relief of the heirs of Henry Fulenweider, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 522) for the relief of Nathaniel P. Harben, of Whitefield County, Georgia; which was read twice by its title, and referred to the Committee on Claims.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 523) to remove the disabilities of Thomas M. Jones, of Virginia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. SPRAGUE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 524) to protect timber lands of the United States Government reservations and lands purchased for the United States; which was read twice by its title.

Mr. SPRAGUE. I desire to state that this bill emanates from the district attorney at Louisville, Kentucky, was received by the United States Attorney-General, and forwarded to me. I move that it be referred to the Committee on Public Lands and printed.

The motion was agreed to.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 525) for the relief of Peter P. G. Hall, a paymaster of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 526) to amend the act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,'" approved February 28, 1871, and the acts amendatory thereof or supplementary thereto, and the act of which said act is amendatory; which was read twice by its title, and referred to the Committee on the Judiciary.

ADJOURNMENT TO MONDAY.

Mr. HAMILTON, of Maryland. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. SHERMAN. I hope the Senator will withhold that motion until later in the day. I think the pending bill ought to be out of the way.

Mr. HAMILTON, of Maryland. We can get that out of the way beyond all question.

Mr. SHERMAN. I shall have to enter a motion to reconsider if this is agreed to now.

The PRESIDENT *pro tempore*. Does the Senator from Maryland withdraw his motion?

Mr. HAMILTON, of Maryland. No, sir.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ENROLLING OF BILLS.

Mr. SUMNER. I offer the following resolution for adoption:

Resolved, That the Committee on Enrolled Bills be instructed to consider the expediency of superseding the present system of enrolling bills by writing on parchment, and providing that the same when submitted to the President shall be printed and so preserved in the Department of State.

Mr. SARGENT. I think it should be considered by the committee that as, under our system of limited sessions, at a given moment on the 4th of March of every alternate year Congress abruptly terminates, a large amount of the business perfected by Congress during the last three or four days of a session under this resolution would be lost. Sometimes the most important appropriation bills are not passed until the very last night of the session. There is scarcely an opportunity to enable them to be engrossed and enrolled under the present system. And if bills like those and the many hundreds of bills which are considered in the last hours of the session under our system are required to go to the printing office to be printed and returned, with the delays which that will cause, very much of the legislation which we perfect will be lost.

I do not say that this is an absolute objection, but the committee in considering this resolution must provide that there shall be no bill passed by Congress within two days of the close of the session, or within such reasonable time as will allow the mass of bills to be printed. If this proposition becomes a law, as it must in order to be binding, because a mere resolution of the Senate will not reach the matter, or a mere resolution of the House——

Mr. SUMNER. A joint rule of the two Houses probably will.

Mr. SARGENT. If it becomes a law or a joint rule of the two Houses, it cannot be set aside for the convenience or by the consent of a single body; and the result will be, unless it goes farther and provides for limiting legislation within two days of the close of the session, it will become so operative that much of our legislation will be lost. I do not say that I am opposed to this method of enrolling bills; but I do say that coupled with it there must be some provision by which legislation shall cease for the last two days of the session.

Mr. SUMNER. The objection of my friend goes simply to the last two or three days of the session. It does not go against the proposition itself. I think that a committee taking this matter in charge would very easily arrange to meet the difficulty mentioned by the Senator.

Mr. SARGENT. I only wished to call their attention to that difficulty.

Mr. SUMNER. I cannot think that the difficulty which the Senator has stated so strongly can be a source of any real trouble. I believe it can be met. How is it met in other legislative bodies? How is it met in our State Legislatures? How is it met in the British Parliament, which, on the last day of the session, is crowded precisely as we are? There everything is printed, or if it is not printed, there is some provision for such an incident; but I feel sure that everything is printed, and I do not doubt that it can be with us. But whether it can be on the last day of the session, or the last two days of the session, let the committee consider. As my friend from Missouri [Mr. SCHURZ] suggests, we might have a small printing establishment here at the Capitol expressly for service during the last night of the session. It would not cost so much as we now pay for parchment and enrolling clerks.

Mr. ANTHONY. It seems to me the difficulty which my friend from California suggests might be obviated by applying to this rule—which will be a joint rule I suppose, not a law of Congress—the same provision that we have with regard to the sixteenth and seventeenth joint rules, that a motion to suspend them shall always be in order, and be immediately considered and decided without debate. But it would be a very great advantage if, after all the business of the Congress was completed, we were obliged to remain here two days without liberty to initiate any new business, but only to perfect that which had been transacted, and to prevent such errors as have been exposed to-day.

Mr. SARGENT. That I believe to be the practical reform to be brought about; and if that could be coupled with this, I believe it would be a great advantage.

Mr. ANTHONY. This resolution, I understand, is only one of inquiry.

Mr. SUMNER. One of inquiry. I hope, however, it will end in something.

Mr. STOCKTON. One moment——

Mr. SHERMAN. If this is going to give rise to debate I must call for the regular order.

Mr. STOCKTON. I do not desire to consume time.

Mr. SHERMAN. Does the Senator oppose the resolution?

Mr. STOCKTON. No; I am not going to oppose it.

Mr. SHERMAN. Very well.

Mr. STOCKTON. I do not rise to oppose the resolution, because it is simply a resolution of inquiry and is very proper; but I rise to make a suggestion. The Senator from Massachusetts, speaking of the course in the State Legislatures, I think made a mistake in reference at least to some. The bills are printed, as they are printed here, in the Legislatures, but in some States at least the bills passed, when enrolled, are enrolled in manuscript, and are signed by the governors of the States in manuscript, and the evidence of those laws is an exemplified copy taken from the manuscript which is filed in the office of the secretary of state. That I know to be true in reference to some States.

The difficulty which occurred to my mind, and which I simply rose to suggest, that the committee might consider it with the other suggestions which have been made, is that bills are amended just before they pass; and, perhaps, in the last moments, a bill which is very imperfect, which could not possibly receive the assent of the Senate, by an amendment put in, is changed and passed. Before the Senate adjourns there is not time to have that amendment printed. It may be agreed to at the last moment. Therefore, the committee should consider how amendments in such cases are to be printed. Bills before State Legislatures are often put through in an amended form, so that the engrossing clerk can hardly make out from the alterations and the amendments made what it is that he is to engross; and then they go to the committee on engrossed bills, and are reported as correctly engrossed before the governor signs them. Therefore, it becomes absolutely necessary that legislation should stop and that time should elapse in order that the amendments may be properly enrolled, and if printed the printer should have time to do it. I simply rose to make this suggestion to the committee in considering the proposition, which is right in itself, that they may see if they cannot avoid this difficulty.

The PRESIDENT *pro tempore*. The question is on the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 780) requiring the United States marshals and clerks of the United States circuit and district courts who have received fees and emoluments in excess of their legal compensation to deposit the same with the Treasurer of the United States;

A bill (H. R. No. 2084) to provide for the appointment of clerks for the circuit and district courts of the United States held at New Albany and Evansville, in the district of Indiana; and

A bill (H. R. No. 1273) to regulate proceedings in *mandamus*.

The message also announced that the House had passed the bill (S. No. 493) to establish certain post-routes in the State of Arkansas.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 438) to withhold from sale the site of the old Nyatt Point light-house;

A bill (S. No. 269) to change the titles of certain naval officers, and for other purposes; and

A bill (H. R. No. 1906) to dredge and protect the navigable channel at the mouth of Buffalo River against the sand-bar formed by the gale of December, 1873.

ILLICIT DISTILLERIES SUPPRESSED.

Mr. FLANAGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate the number of illicit distilleries that have been suppressed by the officers of the Government in the last six months, and the daily capacity for production, with the locality of the same.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," the pending question being on the motion of Mr. MERRIMON to reconsider the vote by which the Senate yesterday adopted the amendment of Mr. COOPER to the instructions proposed by Mr. MERRIMON as an amendment to the motion of Mr. BUCKINGHAM to recommit the bill to the Committee on Finance.

Mr. BUCKINGHAM. Was not the proposition of the Senator from Tennessee a substitute for the amendment of the Senator from North Carolina? I thought it was.

The PRESIDENT *pro tempore*. It was a substitute, the Chair understood.

Mr. ANTHONY. I wish to make a suggestion that possibly may lead to the termination of this debate. We have had several votes on the question of instructions and they have all been voted down but one, and that is again pending on a motion to reconsider. Is it not probable, after all the debate we have had, that the Senate will refuse to give any instructions whatever, so that we shall go on voting down one character of instructions after another? Is it not better first to try the question whether there shall be any instructions, and if that

shall be decided in the affirmative, then we can go on as to the character of the instructions. I confess that for my own part I would prefer to see the bill recommitted without instructions. This debate has developed a great variety of opinions upon the most important points, and the Senate is so equally divided that instructions would have very little value, because the majority that may vote any special instructions would doubtless be divided somewhat as to the details of the bill which the committee might bring in in accordance therewith. I do not wish to see a bill upon this subject pass by a majority of two or three in this body. I do not wish to see a bill passed that shall not meet the pretty general sense of the Senate. Holding, as I do, very decidedly to the opinions that I have expressed, I cannot be positive when men of such ability and such information as those who are upon the other side differ with me; and perhaps I would not adhere to them at all were they not enforced with equal ability and equal information by those who do agree with me. But I hope that the Committee on Finance may be able to draw up a bill that will meet, if not the general assent, at least the opinion of the great body of the Senate that it is as good a bill as can be adopted; and in order to vote for such a bill I would go a great way, I would be willing to give up a great deal. I should not want to have a bill passed here on this subject that went entirely against the views of my friend from Indiana, who has illustrated this subject with so much ability and with so much information, but I should like to have a bill on which the Senator from Indiana and the Senator from Ohio would substantially agree, and also the Senator from Vermont, as about the best bill that we could get through the Senate for the benefit of the country.

Now, let us in the first place see if we mean to have any instructions at all, and if that is so voted we can decide as to the character of the instructions. If, therefore, the Senator from North Carolina will withdraw the motion now pending, and allow the vote to be taken upon recommitting the bill without instructions, we shall be able to decide whether there is any use in carrying on this debate further.

Mr. FERRY, of Michigan. I wish to suggest, in connection with that, to the Senator from Rhode Island that the Senate has not expressed itself by vote upon the question of increase; and that is simply what is proposed to the Senate by the original motion of the Senator from North Carolina. If the suggestion of the Senator from Rhode Island should be adopted by the Senator from Tennessee, and should extend to a test of the question whether there shall be an increase upon the proposition submitted by the Senator from North Carolina, then when the Senate shall have expressed itself upon that question it would seem fair to all the interests represented here, as revealed by the expressions of Senators, to submit the general proposition that the committee should not be instructed; but until the Senate has expressed itself on the simple question of the increase of the currency, it would seem hardly fair, to a moiety at least, if not a majority, of the Senate who appear to be in favor of some increase, to get rid of all instructions. In illustration of that, I would state that I have heard from different Senators that they voted against free banking lest proper restrictions might not be put on, and those same Senators are in favor of an increase of the currency. Now, I ask the Senator from Rhode Island and the Senator from Tennessee to allow the Senate to take a vote on the proposition of the Senator from North Carolina, and then we shall have all the phases of the proposition presented to the judgment of the Senate, so that the committee, if the matter is sent back to them without instructions, will at least have received the judgment of the Senate upon all these features.

Mr. MORTON. I beg leave to suggest to my friend from Rhode Island that as the matter stands now the committee is instructed. There is, however, a motion pending to reconsider.

Mr. ANTHONY. The Senator is correct; and in accordance with the suggestion I made that vote should be reconsidered. I desire the bill to be sent to the committee without any instructions whatever.

Mr. MORTON. The first thing will be the reconsideration.

Mr. BOREMAN. The last vote taken yesterday evening, as I understand, was upon the proposition of the Senator from Tennessee [Mr COOPER] to instruct the Committee on Finance to report a bill providing for the convertibility of United States Treasury notes into gold coin or 5 per cent. bonds of the United States, and also for free banking under the provisions of the national-bank act. That is a proposition to incorporate into one bill free banking and the convertibility of United States notes without their distribution; simply the proposition which has been heretofore reported by the Committee on Finance, as I understand. It seems to me that it is hardly worth while to go through the form of instructing that committee to report a bill which they have already reported for our action. We might as well take up that bill and pass it.

But, sir, this proposition, I apprehend, was offered for the purpose of defeating the other one which lies behind it; that is, the increase of banking circulation; and the friends of that increase ought now to see that if this motion to reconsider does not prevail, there is the end, as settled by the vote of the Senate, of any increase of circulation. It would be regarded as decisive after the vote that was taken here yesterday.

My opinion is that the people of this country and the business interests of this country demand that there shall be some increase in the circulating medium of the country. It is believed to be necessary for the business of the country and for its fair transaction, and it seems to me that it is reasonable. Some time since, in 1870 I believe, we increased the banking circulation $54,000,000. It has now been nearly four years since that was authorized, and we have seen no disastrous effects from it. It has been taken up gradually, and is not entirely exhausted yet, as I believe. The country has not been damaged by it; on the contrary, I think prosperity attended the business of the country until the recent panic, which I presume no one attributes to the law passed in 1870.

While it is an increase of banking circulation, yet it does not increase that thing which is to be used in the redemption of the banking circulation. We do not, by the proposition of the Senator from North Carolina, [Mr. MERRIMON] increase that which is to redeem the banking circulation. We merely afford the people of this country extended facilities for the transaction of their business. The greenback circulation—the United States notes—remains at what it is at present; it is not inflated. The means of redemption remains as it is. Free banking has been in existence in many States of this Union for years past, and according to the views of some gentlemen here who are opposing all sorts of inflation no damage has resulted to these States by having a system of free banking, where everybody could bank who complied with the rules and regulations of their laws.

Now, Mr. President, it seems to me that the friends of an increase of currency ought to regard this as a test vote. The question yesterday, I apprehend, could not have been regarded as a test. The proposition of the Senator from Pennsylvania [Mr. CAMERON] was one to throw the doors wide open; there was no limit. But here we have a proposition lying behind this, to be voted on if this motion to reconsider prevails, which limits the increase of banking circulation, and which it seems to me, after a good deal of consideration, may be better than that of the Senator from Pennsylvania. That might have been attended with damage to the interests of the business of the country. The persons who are opposed to an increase of circulation might have been alarmed; it might have affected the business of the country to a damaging extent. But if we pass the proposition of the Senator from North Carolina, they know then precisely what can be done under the law. It is not unlimited; bounds are set to it. You can go to the extent of $46,000,000 of additional paper currency; but you can go no further. That is needed, in my judgment; and I trust that the friends of an increase of circulation will see to it now that this vote is reconsidered, and that we get back to that proposition where we can have a test vote, and then let it rest.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion to reconsider the vote by which the amendment of the Senator from Tennessee was adopted.

Mr. MERRIMON. Mr. President, I beg the indulgence of the Senate for a short while this morning. It was not my purpose to add a single word to this debate; but the discussion has taken such a wide range, and so many propositions have been brought forward—and some of them voted upon—that I deem it due to myself and perhaps to others, if not to the proposition now pending, of which I am the author, to add something to what I have already said.

I felt constrained to vote against the proposition of the venerable Senator from Pennsylvania, [Mr. CAMERON,] and likewise that of the Senator from Georgia, [Mr. GORDON,] and also, for the same reasons, against the proposition of the Senator from Tennessee, [Mr. COOPER.]

In order to make myself understood, it is necessary that I should advert at the outset to some facts and principles with which the Senate are familiar, and to restate the position that I occupy in reference to the general subject of the currency before the Senate.

We have been correctly told that money is a medium of exchange; in its true sense it implies only a medium of exchange. Its purpose is to effect exchanges; and that is its only legitimate purpose. By the common consent of mankind, when any country is in a normal state, the purest, truest medium of exchange is gold and silver of a fixed fineness. The purpose of money being only to effect exchanges, the quantity of it necessary to answer the purposes of the country is exactly so much as is necessary to make such exchanges, and no more. If, on the one hand, a country has more than is necessary for that purpose, then there is redundancy, a useless and a worse than useless quantity in the country; and the result is an unnatural stimulus to industry and enterprise, and the people engage in reckless extravagance and in speculative adventures, which result in panics and monetary evils of all sorts throughout the land. On the other hand, if there is not a sufficient quantity of money to make such exchanges in an orderly and legitimate way, then the country is afflicted with what is called contraction; and industry, enterprise, and commerce languish.

It is, therefore, a matter of the highest moment to ascertain exactly what volume of currency is necessary to make the exchanges of the country. Experience shows that it is impossible to ascertain exactly what the volume ought to be; and, indeed, the circumstances of a country make it greater at one time than another; and therefore it is that statesmen and business men in determining this question can only approximate to the true standard.

As I have said, a country in its normal state has for its medium of exchange gold and silver, and only these; not by virtue simply of a

statute or any constitutional provision, but by virtue of the universal laws of commerce that no country can deny or put aside but at the expense of its best economical interests.

The constitutional currency of this country is gold and silver. It is written in effect in our Constitution that that shall be the medium of measuring our exchanges, and up to the breaking out of the late war that was the currency we had the benefit of, and in that we were upon a common level with all the nations of the civilized world.

By reason of the exigencies of the war, that system of currency was put aside and a new one adopted; an abnormal one, growing out of the disordered condition of the country and the suddenly increased wants of the Government. In lieu of the gold and silver medium, the country adopted a purely credit system of money to make its exchanges. That system consists of what are commonly called "greenbacks," and also national-bank currency. It is a purely credit currency, and this is the poorest currency known in this or any other country; not because it is mean, as some have said; not because it is false, as some have said; but in its very nature it is less valuable, it is less uniform, it answers the purpose for which it is intended less successfully; it is more changeable than any other currency that is known in the business world. This appears from the uniform experience of all civilized nations.

By reason of the exigencies of the late war, a purely credit currency and the inflation that necessarily grew out of the condition of the country during the war, we realized a serious evil that has beset the country ever since that time; the country has had none other than this credit currency.

What effect did it produce? Depreciation in value, uncertainty in the standard of value, an unnatural stimulation of enterprise in some localities, hazardous speculation, luxurious living; not only speculation in real things, but speculation in imaginary things—stock-jobbing, trading in fancy stocks, and imaginary things that had no existence whatever. All sorts of extravagances have been practiced, and continue in some measure to this day. Unnatural, improper, illegitimate enterprises have swelled the volume of business of the country, and the result has been what might have been anticipated by our observing statesmen—money panics, frequent stringency in the money market, and sometimes universal distress, verging upon absolute destruction, as in case of the panic of September last, not yet entirely passed away.

Our statesmen seeing all this, and honestly and patrotically desiring to better the condition of the country, undertook—I think not in the wisest manner—to control this matter and to get the country back to a legitimate system of exchanges. In doing this, there was wonderful and systematic contraction. Notwithstanding the vastly increased volume of business, stimulated by this very species of currency, the multiplied industries, and the increase of our population and enterprise, this contraction went on until the whole volume, consisting, first, of greenback currency—the legal-tender notes as they are called; secondly, the national-bank currency; thirdly, the fractional currency, was reduced to $760,000,000, and the whole of it purely credit in its character, it being entirely inconvertible and resting alone on the faith of the country.

The practical question now before the Senate is, is that volume of currency sufficient to make in an orderly and legitimate way the business exchanges of this country? If so, then we have money enough; if not, we have not enough; and the Senate are divided solely upon that question.

In my judgment that volume is not sufficient. In the first place, at least $200,000,000 of that volume of currency is unemployed. Under our national-banking laws at least 30 per cent. of the amount of banking capital is kept locked up in the banks for the purpose of redeeming the notes of the banks of issue and for the purpose of paying their deposits. In the next place, there is a large amount of this greenback currency that is hoarded. There are other considerable amounts that are *in transitu*, and there are other ways that might be suggested in which large amounts of it are unemployed. I think therefore it is safe to say that at least $200,000,000 of the present volume of currency in the country is not in circulation; so that the gross volume of currency in the country in circulation is less than $600,000,000, and it is safe to say it does not exceed that amount.

Mr. SCHURZ. If I may interrupt the Senator from North Carolina, he says that a very large amount of our currency is hoarded, and is therefore not in circulation; it is withdrawn from the active pursuits of business. Can he tell us why it is hoarded; why it is not used to effect the necessary transactions of business in the country?

Mr. MERRIMON. I will answer the question, and I think successfully, and in order to make the answer I will resort to my own observation. In my State I could mention the names of half a dozen planters who annually put by from one to five thousand dollars. Credit is uncertain; they have no ready means of investment; they are not acquainted with the business world; they are afraid even of the national bonds; and when they get this money, instead of investing it, as they might do, or employing it in some enterprise, they put it in their chests, lock it up, where it remains indefinitely, and until some happy bargain shall present itself, when they buy a piece of land or some article of property which they think will be valuable to them.

Mr. SCHURZ. Does the Senator think there are a great many persons in the United States who hoard money simply because they do not know how to invest it?

Mr. MERRIMON. I have no doubt of it in many sections.

Mr. SCHURZ. I must confess that, according to my observation, the number of such people is exceedingly small. The Senator from South Carolina [Mr. ROBERTSON] suggests to me that those who know how to make money generally know also how to invest it. But there is a probability that a good many of them keep back their money because they have not any confidence in the present status of business.

Mr. MERRIMON. I have no doubt about the correctness of my suggestion. Business is so uncertain, faith is so ill kept, they prefer, in thousands of instances, to hold what they have. I only suggested that, however, as one means by which a very considerable amount of the currency of the country was kept out of circulation. I say—and I believe that the facts sustain me—that the actual amount of paper money in circulation in this country now does not exceed $600,000,000. And, in my judgment, the volume of currency in circulation is not sufficiently great to answer the legitimate wants of the country, and therefore it is that I am in favor of what I conceive to be a reasonable increase of it in order to meet this legitimate demand. It is possible that I err; I do not think I do. If I do I am sure I do so honestly. I have no desire or motive to do otherwise than consult the general good.

Mr. SCHURZ. I do not wish to interrupt the Senator, but as he is discussing a general point, I think it appropriate to put a question right here. He assumes that there is not national currency enough in the country to effect the legitimate exchanges of business. May I ask him what evidence he has of that fact?

Mr. MERRIMON. I am going to state it now. That is the next matter in the order of what I wish to say. Without going into a detailed discussion of the various points that I am going to suggest—and I am going to suggest them in a very summary way, and there are others that I will not take time even to suggest—I arrive at this conclusion by a consideration of the volume of the currency, and which was specie currency, that this country had anterior to the late war; and when I consider that; when I consider the effect of the bloated currency that the exigencies of the war forced upon the country; when I consider the increase of exchanges growing out of the war and the enterprise stimulated by it; when I consider the increase of our population; when I consider the amount of money that has been in circulation from time to time since the close of the war; when I consider the panics that have been produced by the contraction in the currency which has taken place within the last eight years; when I consider that the Eastern States have an excess of the quantity of the currency to which they are entitled under the currency law of the United States of over $80,000,000; when I consider that they have not there now more than they need, as their bankers and business men say; when I consider that the whole West is without a sufficient amount of money, and is not only without it now but has been without it, so that the industrial population there have had to pay from 1 to 1½ and 2 per cent. a month for interest; when I consider the wants of the South, and particularly of my own State, of which I am personally cognizant; when I consider the circulation *per capita* in that great commercial country, England, and that other great commercial country, France, and compare the circulation there with the circulation *per capita* of this country; when I consider other facts and circumstances, to which I have not time now to advert, I am constrained to come to the conclusion that the volume of currency in this country is not sufficient to make easily the exchanges that the legitimate demands of business require. My judgment is that the volume ought to be increased to such an extent as that the maximum circulation of greenbacks should be $400,000,000—the maximum circulation of national-bank currency should be $400,000,000, and the gross volume of currency, including the $50,000,000 of fractional currency, should be $850,000,000. Then assuming that $200,000,000 of that sum would not be in active operation, we would have in active circulation $650,000,000. I do not believe that is too great a sum, and therefore it is that I offered the substitute for the bill reported by the Finance Committee, to increase the bank circulation $46,000,000.

I desired to say at the time, but I would not trouble the Senate to say it, that I did not offer the substitute for an increase of bank currency because I preferred that species of currency. I said on a former occasion that I was opposed to the present national banking system of the country; and I gave some reasons why I opposed it. I am especially opposed to that feature of it which implies, and practically operates, as a monopoly in the business of banking; but knowing that the national currency law has been in existence since the close of the war, that the business men of the country, the bankers of the country, the legal profession and the judges of the country, understand it, and it has been expounded and judicially settled in many respects, and believing that as my proposition will not derange the business of the country, will not create a new law to be tried, to be investigated, to be subjected to judicial determination, and desiring to put forward a plain proposition that the whole country could understand, one so plain that the simplest mind could comprehend it. I thought it best under the circumstances, as a present measure of relief to the country, that the bank currency should be increased $46,000,000, which would make the gross volume of that currency in the country $400,000,000. These are the considerations that prompted me to adopt this course rather than another; that would be attended with more or less complication, and I did it the more readily because the

difference in point of value between the greenback currency and the national-bank currency is nominal.

I said a moment ago that I proposed this measure as a measure of present relief, because I believe that the wants of the country demand this much increase, and only for that purpose. That done, I insist that this Congress at the present session shall go on and do what ought to have been done immediately after the close of the war, devise and establish a new monetary system for the country based upon gold and silver, to go into operation gradually and absolutely on a day certain in the future, making that day as near as may be to the present time, having due regard to the necessities and circumstances of the country and its business. I want the time between now and the day when this suggested new system shall go into operation and specie payments shall prevail in this country again, to be sufficiently long to allow the business of the country to adapt itself to it.

Sir, I am as warmly and as strongly in favor of a specie basis for the finances of this country as any gentleman present; but I must take into consideration the circumstances of the country, and I think we ought to devise such a plan as will enable us to get back to it without materially interfering with the material prosperity of the country, and in such a way as to disturb the business relations of the country as little as possible. This cannot be done immediately or suddenly.

Now, let me state briefly my position. It is, first, that we grant the simple relief that the country needs and demands now, and has peremptorily demanded for the last six or eight months, by increasing the bank circulation for the South and West, under existing laws which are settled, $46,000,000, so as to make the gross volume of bank circulation $400,000,000. Having passed that simple measure, then let us go to work, cautiously consulting every authority and every interest, and devise a monetary system for the country based upon gold and silver, to go into operation on the 4th of July, 1876, or some other day farther off than that, as the wisdom of Congress may designate.

That is the position I occupy. I want some increase of circulation. I do not want inflation. I deny that I desire inflation. I deny the effect of my action is to produce inflation. It is only to increase the circulation to that lawful extent that the interests of the country demand. The difficulty, and that is the sole practical difficulty we have, is to ascertain what that reasonable volume is. We find, on the one hand, the creditor classes of the country saying it is too great now. How natural that is! A man who has got money to lend wants to make money as scarce as possible, so that he can get the highest rate of interest for his; and he is the man who, to use a common phrase, wants "dear money." On the other hand, there is another class who are always wanting to borrow money, who use it for a multiplicity of purposes, and they are the class who want what is popularly called "cheap money." They not only want the legitimate demands of the country supplied, but they want the currency inflated, to the end that they may get it cheap—they are those who cry "cheap money!" My judgment is that Congress ought not to yield to the clamor of either of these classes. We ought not to yield to the demand of those who say we must make money dear by contraction; we ought not to yield to the clamor of those who want to borrow money, who want "cheap money," because they are the larger class. Our action ought to be judicious and conservative. We ought to ascertain, as nearly as we can, what volume of currency is required by the best interests of the country, and to provide for it.

Various propositions have been offered as a substitute for the pending one offered by myself, and many efforts have been made, as it seems to me—and I say so with all proper respect—to avoid ascertaining the deliberate judgment of the Senate as to whether there shall be an increase of currency or not. On the one hand, the contractionists—I use that word in no offensive sense—insist that so far from having too little money, we have too much; and on the other hand there is another class, who say we have not enough; that we ought to have $1,000,000,000; we ought to have $1,200,000,000! I do not go with either side. I want to ascertain, I repeat, the volume which the best interests of the country demand, and to grant that, and to grant no more. I have indicated the amount I think necessary; for that I will vote; I cannot vote for less; I do not think it wise to vote for more.

Propositions have been offered here avowedly to get rid of the monopoly feature in the national-banking law, and they are called propositions to establish "free banking." With all respect to the honorable gentlemen who have offered these various measures, I undertake to say that no one to establish free banking has been presented during this discussion. I undertake to say, whether you take the proposition of the honorable Senator from Pennsylvania, [Mr. CAMERON,] the proposition of the honorable Senator from Georgia, [Mr. GORDON,] or the proposition of the honorable Senator from Tennessee, [Mr. COOPER,] each one of these propositions, while it involves a limitation that retains the monopoly feature of the present banking system, provides, if we take one view, for an amount of inflation (and I use that term in no offensive sense) that would prove disastrous to the best interests of the country, or, if we take another view, will produce a contraction of the currency which cannot be tolerated but at the hazard of general disaster. Now, let us see if I am correct in these positions.

Mr. GORDON. I should like the Senator from North Carolina to show how the plan proposed by me looks to contraction.

Mr. MERRIMON. That is exactly what I am going to proceed to show the honorable Senator and the Senate.

The first proposition was made by the honorable Senator from Pennsylvania, [Mr. CAMERON.] He proposed to strike out of the existing currency law that provision which limited the volume of bank circulation. That was the sole effect of his proposition. That would enable the authorities of the Government to allow the creation of national banks, according to the existing banking law, with a limitation that happens in this wise; and I beg to call attention to it, for it is material to understand it in order to see the force of what I am going to say.

The present banking law requires that every national bank in certain cities shall keep on deposit in its vaults a reserve fund in greenbacks of 25 per cent. of its circulation and 25 per cent. of its deposits. All other banks are required to keep on deposit in their vaults 15 per cent. of their circulation and 15 per cent. of their deposits. This reserve is to be kept there perpetually for the purpose of redeeming their notes when they shall be required to do it, and for the purpose of paying their depositors. The volume of greenbacks is $356,000,000. The authorities of the Government, if the amendment of the honorable Senator from Pennsylvania had prevailed, could have gone on and increased the number of national banks in the country until this whole volume of greenbacks would have been exhausted for the purpose of reserves. How much would that have allowed? The greatest volume of greenbacks, including the reserve in the Treasury, is $400,000,000. It was said here but the other day—and I concur in the statement—that the average of greenback currency which is required upon an average to be kept in bank to redeem this currency and to pay its deposits is 33 per cent.; so that you might issue three dollars of bank currency for one dollar in greenbacks. What volume of currency then would $400,000,000 of greenbacks as a reserve allow to go out as bank currency in the whole country? Just $1,200,000,000. That is the effect of it, if you take the first view suggested, and use the greenbacks only as reserve to secure bank currency.

Now let us take the other view. Suppose one half of the reserve kept in the banks should be devoted to the redemption of the banks' own currency and the other half should be retained for the purpose of paying the deposits, then what will the whole volume of bank currency be? Manifestly, $600,000,000. If you take one view of this banking law and the free-banking proposition that the gentlemen have endeavored to get the Senate to adopt, it would increase the circulation to twelve hundred millions, and if you take another view it contracts it until the volume of currency in the country will only be six hundred millions. If we had twelve hundred millions of this national currency turned loose on the country, for a little while business would flourish, but enterprise, stock-gambling, speculation, and luxurious living would increase until that currency would become a stench in the nostrils of the people. It would produce, in my judgment, universal ruin, and would not only ruin the country, but it would ingulf those gentlemen who imposed it upon the country. On the other hand, if the other view should be taken, it would produce contraction that would reduce the volume of circulation in this country to six hundred millions, and thus cripple all industrial interests. These would be the probable effects of the plan proposed by the honorable Senator from Pennsylvania.

Now, sir, what is the plan of the Senator from Georgia? It is the very same plan except he proposes that the committee shall report a bill "providing for the convertibility of the United States Treasury notes into low-interest bonds or gold coin, at the option of the Government, and the bonds convertible into United States Treasury notes at the option of the holder." That is free banking just as was provided by the honorable Senator from Pennsylvania, except that it adds this, that the greenbacks may be converted into a bond bearing a low rate of interest. That is the sole distinction between the two.

Mr. GORDON. What does the Senator from North Carolina think of the last clause of that provision?

Mr. MERRIMON. "Convertible into United States Treasury notes at the option of the holder?"

Mr. GORDON. Does not that mean something?

Mr. MERRIMON. It does; but it does not increase the volume of greenbacks; it does not reduce the volume of greenbacks. I cannot so understand it. I have looked at it with great care. I repeat, the sole distinction between the gentleman's proposition and the proposition of the Senator from Pennsylvania is that his provides that the greenback currency of the country may be converted into a bond bearing a low rate of interest.

Then take next the proposition of the honorable Senator from Tennessee, [Mr. COOPER.] What does he propose? He proposes "free banking," as he calls it, upon the very same principle as does the Senator from Pennsylvania, and then his other proposition is in substance the same as that of the Senator from Georgia. What is that? It is to make greenbacks convertible into gold, or into a Government bond bearing a low rate of interest. That is the effect of his proposition.

The only difference, therefore, in all these propositions that have been submitted, and upon which the Senate has voted, consists in the fact that that of the Senator from Georgia and that of the Senator from Tennessee provide for converting the greenbacks into gold or into a Government bond bearing a small rate of interest; and the effect of adopting any one of those measures would be to increase

the bank circulation; if the speculators of the country should so desire, if you take one view, to twelve hundred millions, or to contract it, if another view is taken, to six hundred millions. And here I wish the Senate to keep in view that there is in these "free-banking" propositions, so called, that same feature of monopoly, except that it is in one view enlarged a little, in another view contracted a little, which exists in the present banking law. It is limited by the volume of greenbacks, and in the way and manner that I have described.

But it is said that the Government is responsible for this money. What good does that do when you have a redundancy and the Government does not pay gold? Such a volume could not be properly employed; it could not go into foreign countries like specie; it would die and become an intolerable nuisance; it would cease to make exchanges at all, and having had the effect to drive gold and silver out of the country, it would leave the country without money, prostrate and ruined pecuniarily, and there would be universal bankruptcy. All experience proves the truth of this statement, and I will not be a party in bringing upon my country such evils if I know it. To increase the volume of our currency as these gentlemen propose—to throw out so vast a volume of purely credit currency—is to legislate redundancy and ruin into the country, and this will appear most manifest when we make proper note of the volume of exchanges.

But one gentleman has said that there is not capital in the country to organize these national banks, so as to throw out this vast circulation that I say would be the natural consequence of the proposed system—that there is not money enough in the country to do it; they could not buy the national bonds. There is a great fallacy in that, and let me show it, and I think I can do it successfully; and it is well to look into this matter, for it is one of great practical moment. Here, for illustration, is a person who has $500,000 in greenbacks, and he wants to engage in the business of banking. He goes into the market and he buys $500,000 of Government bonds. Having bought them, he takes them to the Treasury of the United States, and having complied with the law there, he is entitled to receive from the Comptroller of the Currency 90 per cent. in bank-notes of his half a million dollars of bonds. He puts those notes afloat in the country. Then, again, here are three other men who have not got a dollar of money in the world, but they have character and credit. They want to establish a bank, and to do so they go to the banker who has organized his bank, as just suggested, and having made a paper that he is willing to accept, he loans them, upon their credit and such securities as they offer, $300,000. Having borrowed that much money, not having a dollar of their own, except as they have thus borrowed it, they go into the markets and buy $300,000 of Government bonds. They then go to the Treasury of the United States and deposit them there according to law. Thereupon they have a right to demand and receive 90 per cent. in bank currency upon those bonds, as free bankers. Having got their bank into operation, they take the very currency they received from the Comptroller and pay off their debt, and go on with their banking enterprise. In that case, instead of having $450,000 of currency put in circulation in the country upon actual capital, you have the addition of 90 per cent. of $300,000 put into circulation upon the very same capital.

Mr. ROBERTSON. I beg to remind my friend from North Carolina that the $500,000 in greenbacks in the case he supposes would not buy $500,000 of bonds, nor would the $300,000 of greenbacks buy $300,000 of bonds.

Mr. MERRIMON. That is very true; I was cognizant of what the Senator states. I was only stating the general view to show the operation of the principle involved in this matter. They would have to have a fraction more than $500,000 to get $500,000 of bonds; there is no doubt about that; but I am endeavoring to show the Senate what is involved in the supposed transactions which may be realized if the law should be as suggested. Not only one instance might arise in which a bank, therefore, could be created upon no capital at all except the naked credit of the man who desired to engage in it, but it might be done in repeated instances. Two, three, six, twenty banks might be organized virtually upon the capital that organized the first one.

Now let us see how it would be likely to operate as business is stimulated in an unnatural way throughout the country by this inflation. Let us take a man largely engaged in business. He is building a Pacific railroad; he is cutting an immense canal down South; he is engaged largely in merchandise; he is speculating in fancy stocks in New York; he is doing a hundred other things that require a vast amount of money; he is reputed throughout the nation to be a great moneyed man, and very rich. How many banks could he establish in this way, just on his naked credit? One in New York, one in Boston, one in Philadelphia, one in Washington, one in Cincinnati, one in Chicago, one in Saint Louis, one in New Orleans, one in Mobile, one in Savannah, another in Charleston, another in Raleigh; and in that way men would go on and build up such banks all over the land until the whole amount of currency that this proposed legislation would allow would be put out upon the country, and the whole land flooded with it. I need not tell the Senate, I need not tell even those gentlemen who have insisted upon this policy of inflation, (and I repeat that I use that word in no offensive sense,) that such an expansion of currency would result in general ruin and the country would not tolerate it; nor will they indorse a proposition of that sort, in my judgment. The limitation in the volume of our credit currency is essential to its life and usefulness.

On the other hand, I do not believe that the great majority of the people in this country who need money to carry on their business transactions, to make the exchanges of the country in a legitimate way, will sustain those gentlemen who insist now that we shall have contraction, which, in my judgment, can only operate to promote the interests of the money-lenders of the country. What do we see here? We see the money-lenders to a man almost opposed to the proposed increase of bank circulation. We see the money borrowers, on the other hand, not only wanting the reasonable demands of the country satisfied, but they insist that the whole land shall be filled with a depreciated currency, which, in my judgment, I repeat, would bring general ruin.

It is therefore, Mr. President, that I have felt constrained to vote against the several propositions offered that I have commented upon, and it is therefore, also, that I desire to see the Senate adopt a measure something like that which I have proposed myself. I am not anxious about that particular proposition. All I desire to see is that the circulation shall be increased in substance in the way and manner that I have indicated.

I desire to say a word or two by way of set-off to the trade reports read by the Senator from Missouri [Mr. SCHURZ] the other day. He took that as an evidence that there was plenty of money in New York and Chicago. I have no doubt that there is plenty of money in New York and in the Eastern States; that it can be gotten there "upon call" at from 4 to 5 per cent. I have no doubt that it could be borrowed for a given time at a reasonable rate, if collaterals were put up as good as the money itself. But, sir, we know that, notwithstanding this plethora that gentlemen talk about in the New England States to-day, enterprise, industry, and every interest languishes, notwithstanding they have over $80,000,000 in excess of that distribution of the currency provided by the national banking law. If that is so in those States, what must it be in the South and West? We know in those sections that interest since the war has ranged from 1 to 1½ and 2 per cent. a month. It has even gone higher than that in my own section, and I may say throughout the South. I have known 25 per cent. paid for money in North Carolina, and under circumstances that were absolutely distressing.

I beg to read, as other gentlemen have done so and I trust it will not detract from the dignity of this place to do so, an extract from a letter I have just received from one of the most successful, practical, and sensible men in North Carolina—a cotton manufacturer there. He is not one of those who want to borrow money, such as the Senator from Missouri suggested the other day. He does not want to borrow money. He has money enough, and capital enough, to answer his purposes; but he is an observing, practical man, a cotton manufacturer, and he knows the condition of the country, and his opinion is worth a thousand opinions given by those who simply speculate upon money subjects. After making some allusion to a speech which I had the honor to deliver in the Senate some days ago, he says this:

> I hope some plan may be adopted that will throw out money enough to carry on the business of the country, for there is not a sufficient amount in circulation now to move the products. The scarcity of money up the country is terrible. Interest is from 1 to 2 per cent. per month with all the money-lenders. The panic is over in the cities, but the back country is as tight to-day as it was in October or November last. Not a bank is discounting, and if they were at 18 per cent. it would give only temporary relief. Unless something is done, the business of the country South must suffer greatly the coming season.

That opinion from such a man is worth, I repeat, a thousand opinions from those who speculate about this matter and do not understand the practical operation of business and the demands in the country away from the thoroughfares. And I may add further, that this man comes from a section of country where the people are very active and thinking.

Let me say a word now, Mr. President, in reference to the proposed recommittal of this bill. I say to the Senate frankly that I am opposed to recommitting the bill, and I am opposed to it for these reasons:

In the first place, we know the opinions of the committee. We know that the committee, with one or two exceptions, are opposed to any increase of currency, for we have heard their declarations upon the floor of the Senate to that effect. In the strongest and most peremptory terms they have said that they are opposed to any increase of the currency circulation of the country. I say, therefore, that it would be unwise to recommit this bill to a committee who entertain those views.

But, in the next place, what is the object of a reference? It is to get some information that the Senate as a body cannot reach, or to reconcile conflicting views and interests upon a proposition. In neither of those views is it necessary to make such reference.

The proposition contained in the bill reported by the committee is so plain and simple that the plainest mind in the Senate can understand it and comprehend it. It simply proposes to withdraw from the Eastern States $25,000,000 of the banking currency capital that they have received in excess of what they were allowed to have by law, and to redistribute it to the South and to the West. That is a very simple proposition. We have heard it discussed in all its phases. In my judgment, if we were to recommit it and it were to remain with the committee for twenty years, they could not give us any more information about it than we have already got. It has been discussed by

nearly every gentleman in the Senate. We understand the views of each; we have compared views; it has been thoroughly and completely debated; and they can give us no light upon it further; no one pretends to suggest that they can.

Then, what is the other proposition? It is one that is simpler still in its character; one that proposes, under existing law, well settled, defined, settled by the business of the country, settled by the courts of the country, simply to increase the circulation of the banks of the country $46,000,000; and that proposition presents the naked issue, the single issue, shall we have an increase of the currency, or shall we allow it to remain at what it is now?

What further light can that committee give us? We have heard the opinions, I believe, of every member of that committee. We have either heard their opinions by a general expression of their views, or we have ascertained them by the vote of every Senator present, as to whether he favors an increase of the circulation or not. To what end, then, shall we recommit this bill but for the purpose of allowing it to remain in the hands of the committee for an indefinite period, thereby continuing the evil that the country is suffering for want of this increased circulation, or to have the committee report a bill, as gentlemen suggested yesterday evening, full of complications, containing all sorts of details that would require a discussion here that would last during the whole session, and we should adjourn leaving the country in its present condition? That would be the effect of it—of such recommittal.

I insist, and I so say to those who desire an increase of the circulation, that, in my judgment, it is their solemn duty to vote against a recommittal; that it is their duty to vote for a reconsideration of the pending question, and then let us vote, in the first place, to sustain my proposition, or one substantially like that which I have submitted, amend the motion to refer in that way, so that if the Senate shall be of opinion that the bill ought to be referred, the committee will have nothing to do but to report that proposition. Or, if we still defeat the reference, as I trust we may, then we can take a square vote upon the proposition which I have submitted to increase the currency $46,000,000, to be distributed to the South and West, and thus give that immediate relief which I had hoped the people would have received at the hands of Congress before the holidays.

I have deemed it necessary, Mr. President, to give this explanation of my views and my course in reference to the various propositions that have been brought before the Senate. I trust that I am understood. I am not ultra on one side or the other. I desire to be conservative. My people are conservative, and I am sure they will sustain me when I give conservative votes, such as that I propose to give in this instance, in their interests, and the interests equally of the whole country.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion to reconsider.

Mr. SCHURZ. I wish to have the question restated once more, in order to ascertain exactly what the effect of our votes will be.

The PRESIDING OFFICER. The motion under consideration is to reconsider the vote by which the amendment offered by the Senator from Tennessee [Mr. COOPER] was adopted to the amendment offered by the Senator from North Carolina, [Mr. MERRIMON.]

Mr. SCHURZ. Is not the amendment offered by the Senator from Tennessee in the nature of a substitute?

The PRESIDING OFFICER. It is.

Mr. SCHURZ. So that we have to choose by our votes whether we would not rather put the proposition of the Senator from Tennessee in the place of the proposition of the Senator from North Carolina. That is the state of the case, is it not?

The PRESIDING OFFICER. If the vote shall not be reconsidered and the amendment of the Senator from Tennessee shall be sustained, then it will be substituted for the amendment of the Senator from North Carolina, and the question will be upon that amendment as amended by the substitution.

Mr. SCHURZ. Precisely. In connection with this I will say, that although I do not agree exactly with the proposition made by the Senator from Tennessee, yet preferring it to the proposition coming from the Senator from North Carolina, I shall vote against the reconsideration.

Mr. MORTON. I simply want to say a word in regard to the proposition of the Senator from Tennessee. It is a proposition authorizing the conversion of greenbacks or legal-tender notes into 5 per cent. bonds. The object of that is at once to return to specie payments by that method. The Senator from Ohio [Mr. SHERMAN]—I beg the attention of the Senate, for I do not intend to speak long—said last night, just at the conclusion of the debate, in speaking of this proposition of the Senator from Tennessee, which he is in favor of:

> But the money could be used in the payment of bonds. Suppose the 5 per cent. bonds are worth, as they are to-day, ninety-nine and a half cents on the dollar, these notes may be converted into 5 per cent. bonds; that makes the notes equal to bonds worth ninety-nine and a half cents on the dollar. As a matter of course the law would provide some means by which these notes might be applied to the purchase of 6 per cent. bonds; but, as the Senator properly says, the 6 per cent. bonds can only be purchased at par in gold. But we have a right by law now to pay off $12,000,000,000 of 6 per cents at par in gold. Consequently the only loss there would be to the Government would be the difference between the value of 5 per cent. bonds at 99½ or 99 and par in gold; in other words, the effect of it would be that the Government could use this money to buy gold with which to pay the bonds that would be called in.

In other words, this brings the Senate right back to the old proposition of a return to specie payments. The Senator's bill fixes it at the 1st of January, 1875, less than a year hence. I do not know what time he will put in the new bill; perhaps he will put it at a shorter time than that; but it contemplates a return to specie payments by bringing the greenbacks up to par at once, by authorizing them to be converted at par into a 5 per cent. bond that is worth par in gold. If the scheme works, it will bring about the resumption of specie payment in less than twelve months or in whatever time the committee thinks this operation should begin. In the bill the Senator from Ohio offered to the Senate some days ago he fixes the time at the 1st day of January, 1875, about ten months hence. Then it would be to return to specie payments in a little more than ten months, and in that time to overcome the difference of 10 per cent. in the value of the currency—a change of values of 10 per cent. in less than one year, which would undoubtedly produce the greatest disasters to the business of the country, increasing the volume of every man's debt to the amount of 10 per cent., increasing the value of every debt held by a creditor to the amount of 10 per cent. So that is involved in this proposition of the question of an immediate return to specie payment, or within a few months, provided the scheme works that the Senator from Ohio has so long been in favor of. He says that to authorize these notes to be converted into a bond that is at par in gold is to make the notes at par in gold, and at the same time it brings about a change of 10 per cent. in the value of the currency. A change so sudden, in my opinion, would be disastrous to the country.

I simply make these remarks for the purpose of stating what there is involved in this proposition.

Mr. ANTHONY. I should very willingly vote against this proposition, and against every proposition to instruct, if Senators on the other side would do the same; but if we must have some sort of instructions, I shall vote for those that I think are the best.

Mr. CONKLING. Mr. President, the Senator from Indiana, professing to inform the rest of us of the meaning of that instruction which we are now asked to reconsider, has placed upon it, I think, an utterly erroneous meaning, and I think he has fallen into that largely by making some remarks of the Senator from Ohio the basis of his speech, instead of considering the proposition itself; and although I do not mean to be led to answer everything from which I dissent, although I cannot suppose that I am called upon to answer every proposition which I oppose or every Senator whose views are opposed to mine, I feel reluctant, after the Senator from Ohio has stated his view of this matter, to proceed to vote, leaving it to be understood from silence that tacit assent is given by everybody to what he says.

The Senator from Indiana affirms that this is a proposition looking to specie payments, and going into some arithmetic or calculation upon words which have fallen from the Senator from Ohio, he undertakes to tell us the day and almost the hour when under this proposition specie payments are to be resumed, or something is to occur equivalent to that. Now, Mr. President, I ask all Senators to observe that the argument of the Senator from Indiana, and any other argument applied to this proposition to prove that it means specie payments, proceeds not upon what is said in this instruction, but upon that which is wholly omitted. I ask every Senator to observe that this instruction comes as near as anything which ordinary ingenuity can suggest to no instruction at all. Why? Because it directs the committee to do that which the committee can do as fully and as exactly legislating in the direction of expansion, as it can legislating in the direction of contraction. It directs the committee "to report a bill providing for the convertibility of United States Treasury notes into gold coin or 5 per cent. bonds of the United States, and also for free banking." It will be seen that contraction or expansion under the bill there demanded must depend entirely upon what is to become in the end of the United States notes. In that respect the instruction is wholly silent.

I feel, Mr. President, that it is rather an act of assumption for me to attempt to explain this to the other Senators. I do not mean my remarks in that view; but as we voted upon this amendment yesterday from simply hearing it read—as it is not yet, I believe, in print unless as it has gone into the RECORD—I trust I may be forgiven for occupying a moment in asking the attention of the Senate to this point.

United States notes under this instruction are to be converted into 5 per cent. bonds. What does that first step mean? Manifestly that bonds are to be issued or sold to the holders of United States notes in exchange for those notes. Does it not? Thus the United States notes are to reach the Treasury in lieu of bonds which the Treasury is to give for them. Stopping there a moment, does any Senator see contraction in that? Stopping there, does any Senator see expansion in that? Certainly not. Why? Because we must proceed to the next step in order to ascertain the question of expansion or contraction. If these notes which have now, under the transaction I have supposed, reached the Treasury, are to remain forever in the Treasury, if they are never to be reissued, if they are to be canceled or burnt, it does not require the aid of my eloquent friend from Indiana to tell us that that looks to contraction. Why? Because you have substituted bonds for a portion of the legal-tender circulation, and you have blotted that legal-tender circulation out of existence. Then, unless you issue some equivalent circulation, manifestly you have contraction;

and if you issue national-bank note circulation, not for the face of the greenbacks, not for the face of the bonds given in exchange for the greenbacks, but for the face of the bonds less 10 per cent., I think we all can see, stopping there, that the contraction in the transaction amounts to 10 per cent. My friend by my side [Mr. HAMLIN] reminds me of an additional diminution growing out of other things, and I know he is right about that, although for simplicity I do not stop to speak of anything but the one matter of 10 per cent. between the face of the bonds and the volume of bank circulation which can be gained by hypothecating them at the Treasury Department. I think so much must be plain.

On the other hand, if in place of perpetually retaining the United States notes, or canceling or burning them, the Treasury is to hold them subject to the come and go of the day's necessities, we all see, first, that those notes are liable again to return to circulation; I think we can all see that they are certain to return to circulation; and I think that few Senators will be able to agree with the Senator from Indiana in seeing that they are to be used in the ultimate destiny and chance of things merely to buy bonds, and for nothing else.

What special quality is to attach to these particular United States notes acquired by the Treasury in exchange for bonds? Unless they are to be canceled, do they not go into the general fund? Do they not go into the balance which the Treasury possesses wherewith to pay obligations upon the Treasury? And if they do, then they become fused and merged with all the circulation and cash on hand, liable, just like the residue of it, to payment out upon every occasion. Thus they are to be paid for current expenses; thus they are to be used as portion of the balance and volume of money in the Treasury. In that view, what becomes the nature of the transaction? It is merely this: The Treasury has first emitted bonds, for what purpose? That 90 per cent. of them may be the basis of new bank circulation, and that has gone. In return for the bonds the Treasury has received United States notes, which it is to turn right around and pay out whenever the emergency arises. Can any Senator say that that means contraction; that that means a resumption of specie payments; that that means any tendency toward specie payments?

I submit, Mr. President, that whether it means contraction or expansion depends wholly upon the provision which is to be made for the United States notes in the end; and in respect of that this instruction is wholly silent. Should it go to the Committee on Finance, to the expansionists upon the committee, it means expansion; to the contractionists upon the committee, it means contraction. In other words, the Senate has instructed the committee to report a bill which shall provide one thing or provide the other thing, as the committee shall choose; both things being entirely consistent with the whole *gravamen* of this instruction. My friend from Maine [Mr. HAMLIN] suggests that that might make an elastic currency. It certainly makes an elastic instruction. It is a sort of automatic, self-adjusting instruction, certainly containing an element of adaptation and elasticity which, if it could be infused into the currency, would make everything fit everything else, so that everybody would be pleased, and I hope everybody would be prosperous.

This being my view of this proposition, I thought it well to interpose my dissent to the construction upon which my friend from Indiana was about to have us vote, and also well to say that I shall not vote to reconsider the vote of the Senate by which this instruction was adopted, and that for the reason that I am in favor of committing this subject to the committee, and leaving the committee free to bring in the best bill it can; and inasmuch as this instruction is so near nothing that it is in its effect virtually nothing, I see no object in reconsidering the vote, to the end that we may try new experiments in advising or directing the committee what it shall do. I prefer to leave it where it is, an instruction in favor of free banking, leaving the committee to surround that measure, when they report it, with such safeguards, such restrictions, such provisions of wisdom as the committee is able to devise. I think the rest of the instruction is blank paper, and by as much as it is blank it is the best instruction that we can give.

Mr. MORTON. Mr. President, it so happens that I did not say anything at all about expansion or contraction. I said that this proposition looked to a return to specie payment as the only thing about which it was definite. The Senator says it does not look to that; that it is not necessarily to have the effect of bringing these notes up to par value, and in that way returning to specie payments. Now, if it does not mean contraction, and if it does not mean expansion, and it does not mean a return to specie payments, what does it mean? It simply means to add something to the bonded debt, on which we shall pay 5 per cent. interest, without any object or without any purpose. The Senator from New York makes it entirely purposeless. He says it does not look to resumption. Has he heard my friend from Ohio argue from time to time here upon a similar proposition, that this would bring legal-tender notes up to par value, and that in that way we should return to specie payments without first providing gold to redeem them? Does not everybody know but my friend from New York that this is the object of redeeming the legal-tender notes in 5 per cent. bonds, in that way to bring them up to par value?

Mr. CONKLING. If the Senator wishes an answer, I will say to him that he discusses some other proposition, some bill of many sections, such as that introduced at a previous session by the Senator from Ohio. The bill is not before me; it is not before the Senate; I make no observation in regard to it. When, however, he affirms that these two or three lines of instruction now lying before him mean all in general and in particular that the other long bill which he has means, I deny that as a matter of fact, and I say to him that he bases his argument on that which is not before us, instead of confining it to the few words which are before us.

Mr. MORTON. In view of the bills on our table and of the discussions that have taken place here for the last two or three months, it is extraordinary to me that anybody can profess not to understand the object of this instruction. The Senator from Ohio understood it last night at once, and he gave words to it, and I read what those words were, that the effect of it was to bring the notes up to the same value with a 5 per cent. bond—ninety-nine and one-half or one hundred cents on the dollar; and then, when the notes are called in by the 5 per cent. bonds, that those notes can be used not to buy the 6 per cent. bonds at a premium in the market, but to pay them by simply adding in gold the ½ per cent. or the 1 per cent. necessary to make a par value.

Now, there is one thing definite about these instructions, if there is nothing else definite, and that is that the committee shall bring in a bill "providing for the convertibility of United States Treasury notes into gold coin or 5 per cent. bonds of the United States, and also for free banking under the provisions of the national-bank act." True, as the Senator has said, it leaves the committee free to cancel these notes as they come in or to pay them out again, as the Senator from Ohio provides in his bill introduced a few days ago. It leaves the committee free upon that point either to produce contraction, or, as the Senator from New York says, to produce expansion. He cannot show the expansion, however. But it is definite upon the point of reporting a bill for a 5 per cent. bond into which the legal-tender notes shall be converted; and if the purpose of that is not return to specie payments, then it is to create a bonded debt without object.

But we know, at least I supposed we did know, that the only object in providing for the conversion of legal-tender notes into 5 per cent. bonds was to give them a par value, and in that way return to what is called specie payment. That is what this thing means. The Senator from Ohio understood it so last night, and so said in substance, and I read his remarks. If it does not mean that, it does not mean anything. But in view of the bills on our table, the arguments, and the inevitable purpose of the thing, it seems to me very strange to hear it said that this does not look toward specie payments. It does look to it, and it looks to it speedily; and looks to it so suddenly as likely, in my judgment, to produce disastrous consequences in the country.

Mr. SHERMAN. My friend from Indiana is determined to have the last word, and I will let him have it. He is making a reply to a speech I made a year ago.

Mr. CONKLING. On another bill.

Mr. SHERMAN. On another bill.

Mr. MORTON. I read the Senator's remarks of last night in regard to this very instruction, in which he defined the effect of this instruction to be to report a bill that brings the greenback up to ninety-nine and a half cents or to par in gold. Does the Senator say that that was made a year ago?

Mr. CONKLING. I wish to ask my honorable friend from Indiana whether he thinks we ought to vote upon what the Senator from Ohio says he understands a thing to be or upon the thing itself? The Senator from Indiana argues that the Senator from Ohio said at some time that he understood a certain thing. Now we have here three or four lines of instruction before us. They are in plain English. It is upon that that we are to vote, and I supposed in voting upon it we were to take the language and see what it meant, and not resort to the RECORD to see what a Senator had said he thought it might mean.

Mr. MORRILL, of Vermont. I merely desire to say that I shall vote against the reconsideration of this instruction, but I do not mean thereby to commit myself that I shall vote in favor of any bill that may be reported by the Finance Committee under it, as there is so much latitude that I can foresee that a bill might very possibly be reported here that I could not support.

Mr. CAMERON. Mr. President, I shall vote for reconsidering the amendment of the Senator from Tennessee, because I think it presents to the country a false hope. It pretends to give to the country relief when there is no such relief in it. It sends to a committee, adverse to what I believe is the interest of the country just now, a proposition for their consideration, in which we give to them the authority of their high position to place before the country their own opinions in contradistinction to what I believe to be the interest of the country just now. The country needs help. The panic is not over. Money is said to be plenty in New York. It may be plenty among the money-changers, who just use their money for the moment and for their own momentary benefit; but it is not plenty in the country among the business men, among the farmers, among the men who toil for their living, who want help, who have no capital but their labor, and who want the assistance of money, or the representative of money, to enable them to bring their labor into useful operation. I predict that if this Congress adjourns without adopting some measure of relief, there will be distress ten times greater than there was last autumn. The practical evidence to my mind that the country needs money is that it is plentiful in New York, ready to be loaned daily for a profit, apparently a small percentage, but a great profit to those people who speculate upon money.

I believe the proposition which I presented the other day would, if adopted, be of great service to the country; I believe so still; but I am willing to unite with any gentleman in any measure which in my judgment will tend to convince the country that Congress is willing to relieve them in their troubles. I am not willing to have it said that I am in favor of a measure which will embarrass the industry of the country for the benefit of the speculators of the country, as I am sure this measure will.

The proposition—and it is the same as presented the other day by the Senator from Ohio—is to compel specie payments immediately, and when I say immediately I mean within a year or two. I am desirous that the resumption of specie payments shall come certainly, but that it shall come when the country is prepared for it. We are not prepared for it now; we are not ready for it now; and we do not need it. Specie is the mere measure of the currency of the country. For the present we need help, we need assistance to the laborer and the miner, the manufacturer and the farmer, and the business men generally. This brings no relief, but it pretends to relieve those whom it is going to destroy.

An immediate resumption of specie payments will enrich the speculator, will still further enrich the rich man, and will impoverish the poor man; and it will make the enterprising man sink down, and instead of his being enterprising it will destroy all his energies and impoverish him. Therefore I am not in favor of any such measure as this, and I cannot see how an American Senate, legislating for the people of the country, can be induced to go into a speculative measure which must, in my judgment, and I think in the judgment of every business man, destroy the business of the country.

Mr. LOGAN. I desired to present this morning, but did not have the opportunity, a petition on this subject, and I now ask permission of the Senate to present a petition from citizens of Chicago.

The PRESIDENT *pro tempore*. The Senator from Illinois asks leave, out of order, to present a petition from citizens of Chicago. Is there objection? The Chair hears none.

Mr. LOGAN. This petition is signed by 1,090 citizens of Chicago, of all classes, except the large bankers—signed by mechanics, by merchants, by manufacturers, and by citizens of Chicago generally. It is not signed by the large bankers. There are 1,090 names of respectable people to this petition asking for an increase of the currency.

While I am up I desire to call the attention of the Senate to one point in the proposition pending, and I shall detain the Senate but for a moment. I noticed last night that there was quite a disposition on the part of some gentlemen to oppose this measure, thinking it was inflation and expansion, and so many other things that we could not tell anything about it. There are reasons that always govern our judgment and that induce us sometimes to change our previous opinions. I have not changed mine, however, in reference to this proposition. If I understand the proposition, it is an instruction to the Committee on Finance to report a bill for free banking with this condition, that it shall be established upon the theory that a redemption of the United States notes shall be commenced with a 5 per cent. United States bond, or with gold, at the pleasure of the Secretary of the Treasury. That is what I understand to be the purport and meaning of this instruction. These 5 per cent. bonds of course must in future be issued. There is not to be redemption in any other way, as I understand, unless by the Government creating an indebtedness which will redeem this currency. That is my understanding of it, and the understanding of the Senator who presented it, I think.

What is the effect of that? We have now out $400,000,000 of United States currency drawing no interest whatever. We are entitled to bank on the bonds already issued by the Government drawing interest, and which draw no more interest when used as a banking basis than when in the hands of individuals. We issue 5 per cent. bonds and with them redeem United States notes drawing no interest. Then by giving a thousand-dollar bond for $1,000 in United States notes, the Government pays fifty dollars interest on that for one year. The person who receives that bond can redeposit it in the Treasury of the United States and receive 90 per cent. in currency. On that currency he receives, say, 6 per cent. interest. There is $104 interest paid to him, of which the Government pays fifty. That is the whole thing.

We are advocating, if we advocate this, a proposition causing the Government to pay 5 per cent. gold interest on the United States currency upon which we do not now pay a cent. That is all there is of it except what has been said by others in reference to the immediate return to specie payments. I merely wished to call the attention of the Senate to the fact that we are creating a loan of the Government on which we pay interest to redeem that upon which we pay no interest. We only pay interest now on the bonds that are the basis of the banking currency, but this is to pay interest on the basis of redemption—a very different proposition.

Mr. FERRY, of Michigan. I shall vote for reconsideration, if for no other reason than that the proposed instructions, under the interpretation given by the Senator from New York, are no instructions to the committee. It will be remembered that this bill, if it should now go back to the committee, becomes in its present form the substantial response to the resolution which came to the Senate as an invitation from the committee for some expression of the Senate. Now I say, under the interpretation given by the Senator from New York, by which these instructions mean either expansion or contraction, and neither one nor the other, it is left entirely to the construction of the committee, and will inevitably be left to the major judgment of that committee. The Senate will understand that the committee were divided when they were considering the question of finance, and because they could not agree they came to the Senate for instructions; and now we have the peculiar position before us, under the interpretation of the Senator from New York, that the pending instructions send the matter back without any judgment whatever of the Senate.

Now, I ask the Senator from New York and Senators whether justice to the committee does not require a vote upon expansion as well as contraction? The Senate has pronounced its judgment upon the question of free banking adversely. Certain Senators who are in favor of an increase of the currency are a little afraid of too much inflation, and have defeated the proposition for free banking. Is it not a fairer course to meet the request of the committee and let the Senate, after a reconsideration of this vote, pass another judgment upon it; and if the former one be reversed, then vote upon the simple issue, will the Senate advise an increase or not? No test of the Senate has been taken on an expansion of the currency. It cannot be argued that it has under the form of free banking. Some hesitate to vote for an unrestricted measure of this kind, and have not been willing to support it. With all the restrictions of reserved capital, the apprehensions of redemption, and the actual capital demanded to organize banks, I have no fear of free banking based upon 90 per cent. of Government bonds worth more than par in gold. If it is good for a monopoly it should be as beneficial for the populace. A free government should legislate for equality to all of its citizens.

The amendment of the Senator from North Carolina is simply an increase of forty-six millions of national currency. The very resolution introduced by the chairman of the Committee on Finance asking the judgment of the Senate was in form of an amendment proposed by myself, the question of a moderate increase of the currency. That is the pending one on that resolution, but you have a proposition that by priority supplants it now, in the nature of instructions to your committee, which for the present sets that aside.

Now I ask Senators if it is not simple fairness that you should declare the judgment of the Senate explicitly, and not, by finesse of construction, deprive the Senate of the expression of that judgment upon really the vital question of an increase or not. The Senate has not yet been given an opportunity to express itself upon this, and the country awaits with solicitude the determination whether the Senate is in favor of expansion or contraction. That has not yet been settled; and I ask in behalf of the minority of the committee, speaking for none else than myself, and not even for those who accord with me, I entreat for an unequivocal expression, yea or nay, that I may be instructed as to the will of the Senate, so that when these instructions come for consideration before the committee I may know whether the elasticity characterized by the Senator from New York applies toward increase, or whether it applies toward contraction. I am opposed to contraction. I believe it imperils the interests of the country, and will be prejudicial to the commercial and industrial relations of the nation. Believing that in committee, believing that in my seat now, I shall act in committee again as my judgment leads me to speak now, unless the direct instructions of the Senate control me otherwise. If instructed to contract, I shall roll the responsibility upon the Senate; but if the interpretation suggested prevails, and it is understood that the instructions really mean nothing, I go back to the committee-room with my own convictions upon expansion; and the honorable chairman of the committee, and the majority, go back with their unchanged views of contraction, so that the committee will find itself beyond the possibility of agreement.

So I say, Mr. President, in all fairness, let this vote be reconsidered; let the question be retaken on the proposition of the Senator from Tennessee, and if that is reversed, then let a vote follow upon the proposition of the Senator from North Carolina; and whether carried or rejected the committee can then act, and carry out the will of the Senate.

Anxious as I am to reach this determination, and put the country at rest upon the policy of Congress, I forbear consuming more time upon this question.

Mr. WEST. Mr. President, before voting on this subject I should like to ask the chairman of the Committee on Finance the practical operation of the amendment that has been offered by the Senator from Tennessee, and which we now propose to reconsider. Assuming that there is not over—and I merely take the round sum for the purpose of argument—$300,000,000 of greenbacks in circulation, will they not be presented to the Treasury of the United States under this proposition if you pass a bill to that effect; and will not the Treasury of the United States, in default of coin, be compelled to issue the bonds of the United States bearing 5 per cent. in lieu of them? I ask that question.

Mr. SHERMAN. I am surprised at the question. This instruction contains two simple ideas. One is, that banking shall be free; that what is called monopoly shall be broken up. The other is, that the Government of the United States will take some steps toward redeeming its promise, either in coin or bonds. As to the details, of which my friend inquires of me, I do not want to commit myself *pro* or *con*. My friend from Indiana holds me responsible for a speech made a year ago—and I believe in that; but I expect to give and take a great deal before this great controversy is settled. I would desire very much to accomplish these two ideas. My opinions are the

same now that they were then; but I expect, as a matter of course, to yield my opinions somewhat to those of others.

When the Senator from Tennessee [Mr. COOPER] offered this proposition yesterday, I could see that it was very general and dependent on the details that might be added to it; and therefore when my friend from Louisiana [Mr. WEST] asks me what would be the effect of this particular proposition, I simply say the effect of it is that if the Senate recommit this matter with this instruction, it will have advanced two simple ideas, one that banking shall be free, and the other that we shall take some step toward the appreciation of our notes either in coin or bonds.

Mr. WEST. Well, Mr. President, if the Senator deems it inexpedient to answer the question that I propounded to him, let me state to the Senate what is the answer that suggests itself to me in connection with it. Here are $300,000,000 of the national currency, greenbacks, in existence. Under this provision the first impulse of every man who holds them will be to present them to the Treasury of the United States and to call for their redemption in 5 per cent. bonds. The bankers who have them all over the country will bring them in, and in lieu of them they will get the bonds of the United States bearing 5 per cent. interest, which cost the Government annually in consequence thereof $15,000,000. They will take those very same bonds and go back to the Treasury of the United States, under the free-banking clause, and demand 90 per cent., or $270,000,000 of national-bank currency. Consequently in calling in your notes you subject your Government to the charge of $15,000,000 annual interest, and you have only curtailed your currency 10 per cent. That is all there is of it. The natural inclination of every man will be, following out the invitation offered by the Senator from Illinois in the statement of his $1,000 note, to bring it in and get fifty dollars a year from the Treasury, and then take the currency and loan it out at 6 per cent. and get fifty-four dollars more, whereas now he only can get 6 per cent. on his $1,000, or sixty dollars. Consequently by this proposition you are going to put it into the power of the national banking institutions of the country to get $104 a year interest for a thousand, where now they only get sixty dollars, and of that the Government of the United States has got to pay fifty dollars, if I understand the language of the instruction. I shall vote for its reconsideration.

Mr. ALLISON. Mr. President, I thought last evening when this instruction was read that I understood very clearly what it meant; but I have been rather confused this morniug by the statement made by the honorable Senator from New York, [Mr. CONKLING,] that it meant one of two things. But, notwithstanding his statement, on further looking at the amendment, I am perfectly clear that it can mean but one thing, which is a contraction of the present volume of the currency; and although the honorable chairman of the Committee on Finance carefully avoids answering that question, yet, when we look at the condition of the currency to-day as compared with 5 per cent. bonds, what is the inevitable effect of this amendment? Five per cent. bonds yesterday were worth in the New York market 114 in currency, when gold was worth but 112. Therefore, there is a difference to-day between greenbacks and these 5 per cent. bonds of 14 per cent. in favor of the bonds. Is it not apparent to every Senator that under this proposition every man who holds a greenback dollar will take it to the Treasury for the 5 per cent. bond in order to make that 14 per cent. immediately? Is there anything plainer than that?

Mr. MORRILL, of Vermont. Is it probable that the Secretary of the Treasury, by any law that would be proposed by the Committee on Finance, would offer the bonds in exchange to the holders of notes without offering them in market and getting all the advantage there was?

Mr. ALLISON. I am speaking of this instruction. It is a bill providing for the "convertibility," not the sale. Therefore every man who holds a greenback is entitled, under the instruction, to go to the Secretary of the Treasury and say, "I want the coin or a 5 per cent. bond." There is nothing plainer than that; and therefore I am amazed at any Senator saying that there is a confusion in reference to this instruction. It is, in effect, substantially the measure proposed by the chairman of the Committee on Finance, which, he has told us over and over again, means resumption of specie payments or an effort in that direction. And why does he make that statement? It is because he expects to reduce the volume of the greenback currency by this convertibility into 5 per cent. bonds. Therefore every proposition that has been presented by the chairman of the Committee on Finance looks to the conversion of the greenback into a bond of the United States; which means, in other words, that there shall be a reduction of its volume, and under this instruction every greenback that is issued can be converted into a 5 per cent. bond, at the option of the holder of that greenback. There is nothing plainer. Therefore there is substance in this instruction, and such substance as will lead me to vote for a reconsideration, so that the Committee on Finance shall know whether or not the Senate proposes a reduction, immediate, without limit, of the volume of the greenback currency.

Mr. MORRILL, of Maine. Mr. President, I did not suppose that I could be persuaded to utter another word upon this subject in its present condition, and I do not mean any offense when I say that it strikes me that this matter is anomalous in its character. I doubt whether the Senate of the United States ever in its history exhibited itself in a character so questionable in a parliamentary sense as it has since this proposition has been before it. Now, sir, what is the position of the Senate of the United States? On a simple proposition which everybody desires, which everybody in the Senate for these four years has desired, simply to execute a measure for the redistribution and equalization of the currency inaugurated in 1870, we insist upon airing our opinions upon the whole subject of finance; and gentlemen, day after day, week after week, month after month, to the exclusion of other business, iterate and reiterate, repeat, affirm, and reaffirm, their conscientious conviction in their several theories—all of them theories pretty much—very little fact anyway. I have sat here quietly listening to these things until my brain is in such a muddle upon this whole question called finance that I pray God to be relieved some how or other of any further discussion upon this subject. [Laughter, and indications of applause in the galleries.]

The PRESIDENT *pro tempore*. Approbation is out of order.

Mr. MORRILL, of Maine. Well, it is very embarrassing, to say the least of it. My honorable friend who has just taken his seat [Mr. ALLISON]—and he knows my admiration of him is such that I could not do an offense under any circumstances—goes into a rhapsody over this question of inflation every time he has an opportunity. He wants us to understand that under any circumstances and in any situation of life he is for inflation, or I believe he denominated it as expansion. On the other hand, there are others who take the other extreme and say that they are for contraction. I believe my honorable friend from Michigan [Mr. FERRY] began with the assertion that he was for moderate expansion. But, Mr. President, here, at the end of two months, what astonishes me is that when all this contrariety of opinion has been disclosed—and if we see anything clear we must see that nothing can be reached here—we hesitate to send the bill to a committee who can consider it and return to the Senate some plan, some proposition which shall form the nucleus at least of rational and intelligent discussion. Gentlemen agonize on this floor as if some great advantage was to be gained by some vote in favor of inflation or in favor of contraction; as if it would be a wise and important thing to establish a fact of that sort before the bill goes back to the committee; that unless the committee are hampered, or, in other words, unless the committee are enlightened by some vote that may be taken on this subject, when the votes are running so close, as are exhibited by the RECORD of yesterday, there is fear that this committee will not be inspired with some wholesome views upon the whole subject of finance. Is it not clear to-day, after these two months' discussion, that nothing is to be gained by the continuance of this discussion further? Is there anything clearer than that if we intend an intelligent consideration of this whole question we must commit it to a committee sooner or later? And what is to be gained by procrastinating this debate?

My honorable friend from Michigan insists upon it that he will know for his own benefit, if he can, what is the sense of the Senate upon expansion. Well, sir, if he had been an intelligent observer of the votes that were taken yesterday he might guess what the sense of the Senate is upon the question of an indefinite issue of irredeemable paper, to say the least of it. Let us see. There was a distinct proposition before the Senate upon that subject, free banking, free issue of irredeemable paper; and I have before me the vote of the Senate. What are the inferences to be drawn from that? Clearly that the Senate of the United States is not prepared to launch upon an illimitable sea of irredeemable currency, call it expansion, call it inflation, call it what you please; set it down that the Senate of the United States, if the vote means anything, means that we hesitate to enter upon that sea. Further, a vote was taken upon the question of instructing the committee "to report a bill for free banking and providing for the convertibility of the United States Treasury notes into low-interest bonds or gold coin." Is there any significance in that vote? If so, which way does it tend? I do not undertake to assert here; but it shows a contrariety of opinion which cannot be harmonized on this floor; and it is idle, in my judgment, to talk about it.

Now, sir, I do not care a penny for the instructions of your votes to this committee. What we want is some information, some plan, some proposition from this organ of the Senate, growing out of the experience or information which they have obtained from this discussion; and, in my judgment, the propriety of the whole thing is to let this subject go back to them without being hampered one way or the other. They can probably form their own judgment as to what the Senate will be likely to do on any proposition they may submit from what has taken place since this discussion began. And, in my judgment, they will be feelingly alive to the best interests of the country, and also they will regard the facts which have been developed here, and we shall be much more likely to get a proposition which will be satisfactory to the whole country than we shall if we undertake to hamper this committee by a vote which may be an expression one way or the other, and which may fail to be an expression by a single member or a half-dozen members being out of their seats.

Mr. President, I rose to appeal to Senators to cease to struggle any longer upon the question of inflation or the question of contraction, but to allow this whole subject of finance raised upon this bill, which involves the simple question of the equalization of the circulation by a redistribution, to go back to the committee unhampered, and, pray, let us take the vote at the present time.

Mr. GORDON. Mr. President, I shall detain the Senate but a very few moments. Verily, sir, we have made some strange discoveries in the progress of this discussion. I do not think we are laboring in vain.

The honorable Senator from Maine [Mr. MORRILL] who has just taken his seat has made the discovery that the old adage that "there is safety in the multitude of council" is false; that we ought not to deliberate, but refer the question without instruction to the committee; that it is safer to trust this question, which is of more vital interest to the people than any which has or can be brought before us, to a half-dozen Senators, four out of six of whom agree with him in opinion, than to trust it to the whole body of the representatives of the people.

Sir, I take issue with the honorable Senator. There is wisdom in consultation. I am unwilling to commit without instructions. I am a firm believer in the old adage that in the multitude of council there is safety. I am also as firmly convinced that the Committee on Finance neither represents the wishes nor the best interests of this country. On examination of this committee I find that there are but two who favor any increase of the currency; and we are asked to recommit this whole question to that committee without any instructions whatever. Who is not able to predict in advance the character of the bill which will come from the committee?

But the Senator from North Carolina [Mr. MERRIMON] has also made a discovery. He tells us there is no difference between the proposition submitted by myself and that submitted by the honorable Senator from Tennessee, [Mr. COOPER,] although the latter provides for carrying money into the Treasury without any provision for bringing it again into circulation, which is contraction; while the other, which I had the honor to submit, provides for both carrying money into the Treasury, by allowing conversion of greenbacks into low-interest bonds, and for bringing currency again into circulation when needed by providing for the reconversion of the bonds into greenbacks at the option of the holder; yet the honorable Senator from North Carolina can see no difference between the two. Both are modifications of the proposition of the Senator from Pennsylvania for free banking. Yet the honorable Senator from North Carolina refuses to vote either for the proposition of the Senator from Pennsylvania for free banking without modification, or for the proposition of the Senator from Tennessee for free banking with the provision which would limit its operations; or for the proposition submitted by myself, which provides for free banking with the privilege of converting greenbacks into bonds when currency was redundant and bonds into greenbacks when currency was scarce and interest exorbitant or panic prevailed. Still the Senator can see no difference in them, and refuses his support to either. He prefers to let the monopoly stand, and grant a limited increase to its power in the hands of the few and trust to legislation hereafter. He thus refuses, when the opportunity is afforded, to strike down the monopoly under which his own people now suffer, and which has well-nigh ground them to powder.

I confess to have witnessed with pain and amazement the course of the honorable Senator from my sister State in this trying emergency. When the great question of all other questions involved in this controversy is presented, as to whether this monopoly was to be perpetuated in this country, that the Senator who had stood beside us heretofore should be found now in the ranks of the opposition fills me with pain and amazement. Sir, I commend him to his constituency. I know not how he will be able to answer them; and while he assures me that he welcomes the responsibility, let me say that I rejoice that that responsibility is his and not mine. Sir, rather than give a vote on this floor to fasten upon the necks of my people the yoke which they now wear—the burden of this monopoly weighing us down with 25 per cent. money—I would see this right hand wither at my side. I must be pardoned for saying that I do not believe any of the producers from my section agree with the Senator from North Carolina. Let me say to him that they dread far more the power of money in the hands of the few than any disasters which could follow a redundancy of circulation.

But let that be as it may, if the honorable Senator will not join us in striking down this great monster, I am glad to say that I shall join him in accomplishing a much less good—the increase of currency under the monopoly. I shall go to him to secure the less if he will not join me in securing the greater good. With all my respect for the honorable Senator I must be permitted to say that I was deeply pained to find that in the very hour of our trial and of our triumph, when we lacked but two votes of carrying the greatest proposition we have had before us, which would have secured the absolute redemption of our people, we should lose those two votes from those who had hitherto stood by our side.

But let us now look at the position we occupy before the country. We refuse to the people a free-banking law, with redemption of greenbacks in low-interest bonds, and have voted them free banking only upon conditions so burdensome to the tax-payers as to destroy its value to the people. The amendment we have voted provides that greenbacks may be returned to the Treasury by the holders—the bankers—who shall receive for them bonds which the honorable Senator from Iowa has just shown are worth more than gold to-day in the market. In other words, it is an actual, immediate resumption of specie payments, and putting our greenbacks above par at a fearful cost to the people. That is the effect of it unquestionably; and I defy any Senator on this floor to meet that fact. If the holder of $100 in greenbacks can go to the Treasury, at the other end of this avenue, and deposit it and receive a bond therefor of $100, and carry that bond to New York and sell it for more than $100 in gold, have we not instituted more than resumption here in a single day? Have we not, instead of giving relief, doubled the burdens of the people?

But Senators seem to have made another singular discovery, namely, that the way to rid us of our troubles is to ask the bankers how to get out. I have been surprised at the presentation of petition after petition, memorial after memorial, from the bankers of the country who seek to guide us out of our troubles. Sir, when British power sought to crush the liberties of the Colonies, when they groaned beneath the heel of British tyranny, how is it that our fathers did not discover that they must fly to British authority for the means of escape from that power? That, I humbly conceive, would have been quite as rational a course as the one pursued in asking the money-power to liberate us.

The bankers, who secure their 25 per cent. per annum; the bankers, who number less, probably, than 2,000,000 of the 42,000,000 of this people; the bankers, who do not number one-tenth, scarcely one-twentieth, of our population, yet who furnish its entire currency, and out of the sweat and the toil of the laborer, grow rich, while the producer grows poor—these are the men who flood this Chamber with their memorials. To these we are asked to lend an ear, while concentrated capital clutches by the throat and strangles the industries of the people.

Monopoly! It is a great monopoly, Mr. President, in my judgment, when a few men have the power of forcing the large number who produce the wealth to pay such rates of interest as destroy all prosperity.

But we are told by the honorable Senator from Ohio, the chairman of the Finance Committee, that the adoption of the proposition submitted by the Senator from Pennsylvania is the death-knell of the national banks. I am unable to see how it is the death-knell of the national banks; but I have this to add, that I would rather it were the death-knell of the power which has crushed us than the death-knell of the productions which support us. If one is to perish, let monopoly perish, and in God's name let it perish first. I readily admit that the passage of that measure would be the death-knell of monopoly in the money of the country. It would be the death-knell of 25 per cent. interest. But, sir, the same knell that tolled its death would also announce a new birth to the productive energies of the people which now languish in this country.

But the honorable Senator from New York [Mr. CONKLING] has also made the discovery that to increase our irredeemable paper would be, to use his figure and his own eloquent language, "to launch this country on a sea without shore or bottom." I have something to say in this connection. For my part I would rather that it should be launched on a sea that had no bottom and no shore than on the sea upon which the productive interests of this country are now launched—a sea that has neither depth of water nor breadth of water on which to float a solitary industry of this nation. We are already launched on a sea, and it is a most disastrous sea, as the statistics of failures will abundantly prove. It is a most disastrous sea, as the memorial introduced by the honorable Senator from Illinois but a few moments ago will show. It is a most disastrous sea, as we learn from every section, with the exception of the moneyed East. It is a sea where breakers are thick, where the shores are narrow, where the water is shallow. It is a sea upon which the good ship of our prosperity has already been stranded. It lies there now, with its sails all rent and its masts all riven; and every effort to remantle it is defeated by this monopoly which controls it.

But to drop the figure suggested by the eloquent Senator from New York, [Mr. CONKLING,] let me repeat what I have said before, that in a new and growing country and a country burdened with debt there is infinitely greater disaster to follow insufficiency of money than an abundant supply.

Before I close, I desire to admonish Senators who turn a deaf ear to the producing classes that they mistake if they suppose this question can be settled against the demands of the people in this Congress. No, sir; the laboring classes, the producing classes, have drawn the sword on this question, and I trust they will throw away the scabbard and never sheathe it until we have secured a currency which shall not belong to a few, but which shall make the phrase "equal rights," not a mockery as it is now, but a tangible reality. Sir, money is a great power. I know what I confront when in my place here I venture to assail it. I know what it has accomplished in the legislation of this country heretofore. I know what it seeks to accomplish to-day; but the people will triumph in the end. The old feudal power was strong; but it was broken; and as sure as the feudal power was vanquished, as sure as the serfs were emancipated from that system, so sure, year after year, at the recurring elections in the North, in the West, and in the South, the producing classes of this country will unite as one man, and, despising party politics, will rise in their majesty and demand that this monopoly shall no longer exist.

But, sir, I have said more than I intended. I trust this motion to reconsider will prevail.

Mr. FERRY, of Connecticut. Mr. President, I do not rise to enter into this discussion at all, but to endeavor to bring the discussion to a close. Early in the session the Committee on Finance introduced into the Senate resolutions embodying the views of the different members of that committee, upon which, by their chairman, they asked an expression of the opinion of the Senate. While those resolutions were pending the committee brought in a bill for a specific object, and

upon that bill the discussion which they asked for upon their resolutions has gone on till the present time, and until that discussion, in my judgment, is entirely exhausted. It has also, I think, become apparent that if the discussion is permitted to proceed the bill upon which the discussion is nominally going on cannot pass, and as all the enlightenment which the committee desired when they introduced their resolution must now have been obtained, and as it is apparent that the specific bill before us cannot pass, and as I believe that every Senator here desires that this discussion shall be brought to an end, and as, if it is brought to an end, the general subject of finance will be in the hands of the committee precisely the same as if the bill were recommitted without instructions, I now move that the bill and the amendments be laid upon the table.

Mr. MERRIMON. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WEST. I should like to ask what the effect of the vote will be.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The motion is to lay the bill, with the amendments, on the table. It will carry everything with it, in the opinion of the Chair.

The Chief Clerk proceeded to call the roll.

Mr. FLANAGAN. I am paired on this question with the Senator from Mississippi, Mr. ALCORN. If he were here he would vote "nay," and I should vote "yea."

Mr. HAMILTON, of Texas. I presume my pair with the Senator from Kansas, Mr. INGALLS, extends to this question. If he were present, I suppose he would vote against the motion; I should vote in favor of it.

Mr. SAULSBURY. I am paired with the Senator from North Carolina, Mr. RANSOM. If he were here he would vote "nay," and I should vote "yea."

The result was then announced—yeas 17, nays 36; as follows:

YEAS—Messrs. Anthony, Boutwell, Buckingham, Chandler, Conkling, Ferry of Connecticut, Frelinghuysen, Hamlin, Howe, Jones, Kelly, Sargent, Schurz, Stewart, Stockton, Sumner, and Wadleigh—17.

NAYS—Messrs. Allison, Bogy, Boreman, Cameron, Carpenter, Clayton, Conover, Davis, Fenton, Ferry of Michigan, Goldthwaite, Gordon, Hager, Harvey, Hitchcock, Johnston, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Sherman, Spencer, Stevenson, West, and Wright—36.

ABSENT—Messrs. Alcorn, Bayard, Brownlow, Cooper, Cragin, Dennis, Dorsey, Edmunds, Flanagan, Gilbert, Hamilton of Maryland, Hamilton of Texas, Ingalls, Lewis, Ransom, Saulsbury, Sprague, Thurman, Tipton, and Windom—20.

So the motion to lay on the table was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion to reconsider the instructions moved by the Senator from Tennessee, [Mr. COOPER.]

Mr. STEWART. Mr. President, I do not wish to prolong this debate; but as the discussion has gone on, there have been so many appeals in behalf of poor men and in favor of expansion, that I cannot but call the attention of the Senate for one moment to this resolution of instruction:

And that the Committee on Finance be, and they are hereby, instructed to report a bill providing for the convertibility of United States Treasury notes into gold coin or 5 per cent. bonds of the United States.

Now, I want to know if there is anything dishonest or wrong in that proposition, taken by itself? The United States have agreed to do this very thing; and their agreement has stood repudiated for the last twelve years, and it has been the principal thing that has brought reproach upon the country. It is the only instance in the last forty years.

Mr. CAMERON. I wish the Senator would yield to me a moment.

Mr. STEWART. I decline to be interrupted.

Mr. CAMERON. Will not the Senator allow me to ask him a question?

Mr. STEWART. I prefer to go on. I simply rose to say a few words, and shall be through very soon.

I say the United States have agreed to do this, and it is the only solemn agreement that the United States has made for many, many years that it has repudiated for this length of time; and it is the one thing that affects the credit of the United States more than anything else. This proposition simply proposes as a matter of honesty and fairness to pay this debt as we agreed to do, and to take up this irredeemable stuff. There is nothing very dishonest in that. It is simply a question of honesty or dishonesty, whether the Government of the United States intends to pay its debts as it has agreed to do. What is the next proposition?

And also for free banking, under the provisions of the national-bank act.

Is there anything very monstrous in that proposition? I heard the Senator from Georgia a moment ago delivering himself of a most eloquent oration. He appealed to the people against this monster, the national-bank system, because it was a monopoly, and he called upon the people to array themselves against this monopoly. This resolution proposes to destroy the monopoly feature of that system and to open it to everybody. Is there anything very wrong about that?

Mr. LOGAN. That is what we have been trying to do.

Mr. STEWART. This resolution proposes to do that very thing. Senators say it will cost something to do it. It costs something to be honest; it always costs something to pay your debts; but it is better for the United States to pay its debts than to lose its honor. Of course it will cost something, but it will not cost the laboring man a cent. It will give him money that has a purchasing power; so that he can buy clothing for his children and for himself. It will cost the speculator something who runs up prices on this irredeemable trash; it will bring him down to the bed-rock; but it will give the money that the laboring man receives for his hire a purchasing power, so that he can live and buy his bread.

But Senators say this is contraction. I doubt very much whether it would be contraction. At all events, under it we can have all the money that we can earn and pay for; there is no limitation and no monopoly. If by means of this process greenbacks are funded it will be because they are worth less than 5 per cent. per annum in the hands of the people, for if they are worth more than 5 per cent. per annum they will never go into these bonds. If they are worth in their hands more than 5 per cent. per annum, they will keep them. But if it is really true that this money is not worth 5 per cent. per annum in the hands of the people, let us exchange it for something that is worth more. Then these greenbacks will be delivered up if they are worth less than 5 per cent. per annum, and not otherwise.

What will be done with the capital that goes into the bonds? You can deposit those bonds and establish a national bank anywhere you please. Delivering them up will not destroy your capital. With it you buy bonds, and with those bonds you can establish national banks. By this process the Government of the United States will redeem a pledge which it has solemnly made, in which its honor is involved. By this process the greenbacks, if they are worth less than 5 per cent. per annum, will be delivered up. By this process the monopoly of national banks will be disposed of, and we shall have free banking open to everybody. By this process we shall come to a specie basis, and when the laboring man receives a dollar it will have the purchasing power of a dollar, and he will not be called upon to do what is impossible for him or for the producing classes to do, figure upon the exchanges, figure upon the fluctuations, figure upon the gambling in New York; but he will know what his money is worth. Gold is the universal standard of the world. Everybody knows what a dollar in gold is worth.

This experiment of issuing irredeemable paper has been tried by almost every nation and in almost every age, and it has been condemned as often as it has been tried. Do you think that this generation is wiser than all that have gone before, or that this nation is wiser than all the other nations of the earth? Certainly not. You cannot pay your debts with paper; you must pay them with value. Any one can see that you might inflate and print more money, and continue to do it and lessen its purchasing power until you deranged all the industries of the country; and you might go so far that printing upon your paper would depreciate its value rather than increase it. That has been the case. France went so far that the paper after it was printed was not worth so much as it was before. That may be done by us if we are as wild and as crazy as they were.

In a time of profound peace, with the ability to redeem our pledge, we hesitate whether we will accept of the universal standard of value established by all civilized nations. We hesitate whether we will give the laboring man a dollar which has purchasing power enough to support him. We hesitate whether we will stop the speculation in gold in New York. We hesitate whether we will take out of the hands of middle-men the capacity to eat up the wealth of the country. We hesitate whether the profits of this land shall all concentrate in the commercial centers, where money is the object of trade, where organizations are formed for the purpose of getting rich on your depreciated currency and robbing the producer. We hesitate whether we shall be honest and fair; the Senate hesitates; and the Senators appeal to the people in speeches, and call upon them to throttle the banks, to throttle the monopoly, to bring down the rate of interest. This proposition is the very thing that throttles dishonesty, and it is the very thing that we want. We want a proposition against dishonesty; we want the nation to redeem its pledge, and we want banks established on a basis of value that the world understands; that the humblest laboring man can understand.

Whatever we may do here to-day, whatever changes may be wrought in this matter, we shall ultimately come back to specie payments; but whenever we do come back to specie payments, we shall come with a struggle. There never will be a time when we can do it better than now. Expand to-day, and you encourage speculation; and when you try to pay your debts, there will be an effort to resist it then as now. You never will get nearer to it unless you walk in that direction.

Mr. LOGAN. Will the Senator allow me to ask him a question?

Mr. STEWART. Yes, sir.

Mr. LOGAN. The Senator says he is in favor of specie payments. If he is in favor of specie payments, why does he wish to insert a redemption by bonds in this bill? Why not redeem in specie?

Mr. STEWART. I wish to do it, because we have agreed to pay this debt in specie, but we have not got the gold to pay it.

Mr. LOGAN. Then we have no gold to pay for the bonds.

Mr. STEWART. If we have not got the gold to pay it, let us give our note bearing interest. Let us not repudiate our debt because we have got poor, because we have not the money; but let us adopt the alternative, and give our note bearing interest. If a man who cannot pay his debt when called upon to do so should refuse also to pay interest to his creditor, he would soon lose his character in the commercial world as an honest man; he could not sustain his credit for an hour.

Mr. LOGAN. The Senator says he is in favor of specie payments, but he does not go for that now, because we have not got the specie. Now he proposes to redeem in bonds. Let me ask him what he proposes to pay the bonds with?

Mr. STEWART. I do not propose to pay the bond by starting a printing press; I do not propose to pay the bond by issuing irredeemable currency; I propose to pay the bond with value; I propose to pay it in gold, from the earnings and taxation of the people; and that is the only way it can be paid. I repudiate the idea of repudiation here. The bonds can be only paid in one way, and every honest man knows it. I would say to the man who holds this dishonored paper, "I will pay you in gold if I have got it; the Secretary is authorized by this measure to pay you in gold if he has got it; but if he has not, I will stand by the pledge so far as I can; I will give you my note bearing interest." And that is honest.

Mr. President, I did not intend to occupy the attention of the Senate so long as I have; but I could not forbear saying this much in response to this appeal of Senators for an unlimited or a limited, or a moderate or a great amount of irredeemable currency to further distract the country, to further encourage speculation, to further oppress the poor, to further eat up the resources of this country, to invite more panics. I do protest against a further repudiation of the promises of the Government. I do protest against any attempt to pay debts with irredeemable paper, because it is false in theory, false in fact, false in principle. It has been tried a thousand times, and has always left a black mark upon the nation that tried it—a mark always to be regretted. We have now the power to keep our obligation; it is a time of profound peace. And let me say to Senators that I believe if you will invite gold here by making it a commodity that can be used, if you will redeem your greenbacks, if you will allow any company to bank that will comply with the banking laws and put up the proper securities, forty million people will get the gold. Eighty million dollars is produced annually from your mines. We have resources abundant to get the gold. Forty million people can furnish all the money that is necessary. They will get it. When gold is invited to a country like this, with such an industrious people as we have, with our industry and our resources, I say there will be no difficulty about getting sufficient gold.

Why, sir, everything you have got is measured by gold. Your greenbacks are measured by gold. But your contrivance is so uncertain, that the middle-man reaps all the reward, while the producer is robbed continuously. Under this proposition you will have just as much money in the country, and more, because gold will then be worth something; gold will not be excluded. Of course, if you treat it as a commodity and export it from the country, you are not going to have gold. If you are going to have gold in this country, you must make a demand for gold by using it. Do not treat it unkindly in this way. In every country where gold has been treated unkindly, where the government has favored a depreciated currency, gold has left the country. Gold left France at the time she undertook this same experiment. Gold left England when she allowed irredeemable paper to be circulated, and she had to go back to the regular standard before she could get it back. Gold left Holland in the same way. Gold will leave any country where it is made to associate with rags that are irredeemable. You have legislated gold out of your country. Invite it back, and forty million people will get you all the gold you want. Then with paper issued by the Government of the United States, redeemable in the first instance by the banks, you will have a currency that is better than any you ever had before. You will have all the gold you need as a regulator, as a basis for your currency, and it will come very shortly. Then we shall have prosperity based upon a certainty. But do not let us go any further in the direction of repudiation; do not let us go any further in the direction of dishonesty; but let us come back to honesty now as we have the capacity and ability to do.

Mr. CAMERON. Mr. President, the Senator from Nevada refused, probably very correctly, to allow me to interrupt him in his speech to ask him a question. I proposed to ask him a very plain question, which would not have taken more than a moment to answer. He said that our currency was the reproach of the country. I wanted to know from the Senator where was the reproach. Was the issuing of our greenbacks, and afterward the establishment of our national banks, a reproach when it saved the country from the hand of the spoiler? Was it a reproach when this Government of ours, which I and other men believe the most beneficent Government in the world, was saved from destruction and the country from dismemberment? Was that a reproach? I think not. Without our banking system, without our greenbacks, we should have been severed long ago. The great consummation of the war, which destroyed so much capital and so many valuable lives, was saved to us and to the world and to future generations by the currency which the wisdom of Congress gave to the people. I think there was no reproach in that.

Then again the Senator said, what I do not believe is true, that it costs something to be honest. My teaching has always been that honesty is the best policy. In my judgment it is always profitable to be honest. The man who only looks for pecuniary profit is a fool, because he always suffers. Just and honest acts of individuals, and wise and just acts of legislators, always produce benefits, not only for those for whom they legislate, but for themselves. The man in this Senate who will protect the laborer and the producer will always receive honor and profit. He will derive no loss from that.

Mr. STEWART. Did I understand the Senator to ask me where the reproach was?

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield to the Senator from Nevada?

Mr. CAMERON. Yes, sir; I will be more civil to him than he was to me.

Mr. STEWART. In time of need we made the promise; and I do not question the honesty of it, if you propose to discuss that question; but the reproach comes now, when we have got the ability to redeem that promise, that we will not do it. It is no reproach to a poor man to get into debt, but when he gets rich and is able to pay, then it is a reproach if he attempts to put his property out of his hands and go into bankruptcy to avoid paying his debt.

Mr. CAMERON. Mr. President, the Senator from Nevada, or any other man who owns a silver mine producing a million or two a year, can talk about the time having come; but the poor manufacturer in my State who builds railroad-cars, or who manufactures pig-iron, cannot afford to pay his honest debts just now. Neither can the farmer of my State, nor the farmer of Illinois, nor the cultivator of the soil anywhere.

The only man I am surprised at in this connection is my friend on my left, [Mr. GILBERT.] He, a man who has made his fortune by the increase of property purchased by his toil, is against us. Now, on this great question of the money-lenders against the money-borrowers—for that is the only question really before us—the men who have got fortunes beyond their wants, who can make money out of the necessities of the poor, are all against any increase of that life-giving article called currency in the country. The enterprising men everywhere, and the men who rely upon the enterprising men whether they have fortunes or not, are willing to do all they can to relieve the people; and I am surprised that a few Senators here, who owe all that they have, as I do, to their own toil and their own ability and their own industry, are now unwilling to give to those who are struggling as they have struggled the benefits of such a currency as will give life and prosperity to the business of the country.

Mr. FRELINGHUYSEN. Mr. President, I shall vote against reconsidering the vote taken yesterday, for two reasons: not because I like the measure adopted, but because it is indefinite; and because if we adopt anything else I am afraid we shall get something worse.

It seems to me that this is a most anomalous proceeding. I do not say that it is unparliamentary, but it is very near it. We are violating the customs of legislation. A bill is introduced by a committee. It is read once; it is read the second time; it is read the third time; it is put upon its passage. Every time we vote we feel the responsibility of our vote; we are making laws. What are we doing now? This is a very respectable debate, but the result amounts to nothing. Does any one ask me whether it is an unusual thing to give instructions to a committee? I say, yes. I say it is without any precedent in legislation, as far as I am informed and as I believe, on a complex, intricate question, where the legislative body is equally divided, in that state of things to instruct a committee how they shall perform their work.

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. FRELINGHUYSEN. Certainly.

Mr. MORTON. In view of that statement, I ask why it is that he wants to hold on to an instruction that was adopted by less than half the Senate, an inadvertent vote, when certainly one half the Senate did not vote at all? The Senator says he will vote against reconsidering it.

Mr. FRELINGHUYSEN. I will answer my friend. I will vote for any motion that is made to lay this whole subject on the table, as I have done. I will vote, after more votes are taken, for that motion at any time, or to recommit the bill without any instructions at all, at any time.

Mr. President, I think I have learned something by this debate. My impression is that I have gathered the sense of the Senate, and I shall be guilty of the temerity of stating it. I believe the average sense of the Senate is a bill something like this:

It shall provide in the first section, that the Secretary of the Treasury be authorized to accumulate gold from time to time, as the market will permit him, with a view at some time of resuming specie payments by the Government of the United States.

In the second section, that $70,000,000 be issued of additional national-bank-note currency for the accommodation of those States that have not their distributive share; that a like amount of greenbacks be retired; that the remaining $300,000,000 of greenbacks be rendered convertible and kept convertible by the Treasury of the United States.

I believe that is the average sense of the Senate, although it does not suit, perhaps, any one of us exactly; and I think that is about the point that we shall come to if we refer this subject to the committee.

Mr. SCOTT. Mr. President, since the motion was made in the Senate to amend the motion made by the Senator from Connecticut [Mr. BUCKINGHAM] by instructing the committee, I have been hoping and waiting, being one of that committee which was to be instructed by the action of the Senate. I was rejoiced for a moment to suppose that the learning to which we had been listening for several weeks was likely to be condensed into instructions which the committee could

follow, and I sat very docile, waiting for those instructions. When they finally came, the first thing that developed itself in the Senate was that the teacher quarreled over the lesson that had been given to the pupil, and the question was, what did the instructions mean? We went on for some time with this discussion, each Senator putting his own—on a motion to reconsider—interpretation upon the instructions which had already been given. Finally a motion came from the other Senator from Connecticut [Mr. FERRY] to lay the whole question upon the table; but the Senate holds on to the whole question, and we have it here yet.

Now, Mr. President, as a member of that committee, I rise for the purpose of seeing whether, after all this discussion and the refusal to lay upon the table, we cannot get back to the original proposition which the committee reported to the Senate. There are other measures pending upon which all the questions that have been raised upon this bill can be determined. They can be determined upon the resolution which was reported from the committee. They can be determined upon other bills which have been reported to the Senate. In my desire to see whether we can get back to the original bill, I have been induced to look up the origin of the section which gave rise to this bill which has been so prolific in suggesting other questions of finance to the Senate. Let us see how it got here, who introduced it, the discussion that occurred upon it, and whether there is this necessity for all these measures to be incorporated upon it, when the time has arrived which was predicted in the discussion for its enforcement.

Senate bill No. 378 of the Forty-first Congress, second session, came into the Senate, in the session of 1870, without the provision in it which has given rise to this bill, and after the discussion had progressed upon it some time, on the 26th of January, 1870, a notice was given, as follows, by the Senator from Indiana, [Mr. MORTON.] I read from the Globe, second session Forty-first Congress, part 1, page 786:

Mr. MORTON. I desire to submit two amendments, or to give notice of them, that they may be considered by the Senate. In line 3 of the first section I desire to strike out "$45,000,000" and to insert "$52,000,000." It will take $52,000,000 to give $45,000,000 of actual circulation.

The VICE PRESIDENT. The Chair will state that that amendment is now in order and will take precedence of the pending amendment. The amendment of the Senator from Massachusetts is to strike out the first two sections of the bill, and any amendment to perfect those sections is in order before the question is taken on striking them out.

I now read what follows by the Senator from Indiana, to show that he is the author of the bill to carry out which the pending bill was reported, and to show, moreover, that when he offered that proposition in the Senate, instead of asking for $25,000,000 to be distributed among the Southern and Western States, he was content with $13,000,000, and said that would be enough:

Mr. MORTON. Then I move to insert "$52,000,000" instead of "$45,000,000" in the third line of the first section, as it will take $52,000,000 to give $45,000,000 of actual circulation, the issue requiring $7,000,000 of greenbacks to be withdrawn. I shall further offer, as additional sections, two sections taken from the bill that passed the Senate last spring, providing for a redistribution of the currency, and amending them so that they will take but $13,000,000 from the States in excess, to be distributed to the States that have not their share; these $13,000,000 not to be taken, however, until the $52,000,000 provided for by the other amendment shall have been exhausted, providing that after the $52,000,000 provided by the first section have been exhausted, then $13,000,000 may be withdrawn from the States in excess, in accordance with the provisions contained in the amendment. This will make $65,000,000 provided for altogether, which I think will be sufficient for the wants of the West and the South.

That was on the 26th of January. The discussion proceeded, and upon several occasions, when the questions was before the Senate, the Senator from Indiana made remarks of a similar character. On the 27th he said:

My amendments only propose to take $13,000,000 from the Eastern States in excess, and these $13,000,000 are not to be taken until after the $52,000,000 provided for in the first section shall have been exhausted. Why, sir, if we do not exhaust the $52,000,000, and do not need any more, then not one dollar is taken from the Eastern States.

Again:

But the Senator from Kentucky seems unwilling to take $45,000,000 by way of taking up the 3 per cents, and wants $60,000,000 to be taken entirely from the East. Then what is he going to do with the $45,000,000 of 3 per cents? He admits, and so does the Senator from Ohio, [Mr. THURMAN,] that the $45,000,000 ought to be taken up; that we are paying interest on currency when we ought not to do so; but they seem to be unwilling to get $45,000,000 for the West by taking up the $45,000,000 of 3 per cents, and insist upon redistribution to the actual amount of $60,000,000. I do not sympathize with that feeling at all. We ought to have $65,000,000, and I am perfectly willing to take forty-five or fifty-two millions of that amount, not by way of taking it from New England, but by way of taking up the 3 per cent. certificates; and then if we need $13,000,000 more we shall ask our friends in the East to give us from their abundance; and I think they ought to come forward unitedly and support this proposition.

Again, on page 817 of the same volume of the Globe, another phase of the subject came up; but before passing to that I wish to call attention to the fact, not for the purpose of suggesting to the Senator from Indiana that he occupies a different position now in opposing this bill from that which he occupied at the time that was under discussion, but to call the attention of the Senate to the fact that we have just arrived at the time when the necessity arises for the enforcement of this law, the $52,000,000 having just been taken up. We are at that point when we propose to redistribute $25,000,000, the point when the Senator from Indiana said, in 1870, $13,000,000 would be enough.

I now come to another point which has been developed in this discussion, and to show that we do not at all times take the same view of the effect of the same measure. That is very natural. It is no reproach, and I do not quote it as a reproach to the Senator from Indiana. But a few days ago my colleague offered an amendment for free banking, and one of the arguments to sustain that proposition was that it would retire so many of the greenbacks as a reserve as to bring our paper up to par. That was the argument. It would make it better. I trust I do not misstate it. I think it was contended both by my colleague and by the Senator from Indiana that it was a wise measure and that this would be the effect of it. Now, sir, in the course of that discussion—I read from page 817—the Senator from Indiana said this:

Now, what will be the effect if you retire all your legal-tenders? Will you thereby bring your national-bank notes nearer to par? No, sir; they will be farther from it; but I will tell you one change that will take place. When your legal-tender notes are all retired then gold becomes par. Gold is now at a premium and your legal-tender notes are the par; but when they are all gone then gold becomes the par and your national-bank notes are at a discount.

Mr. CAMERON. Will my colleague allow me to interrupt him for a moment?

Mr. SCOTT. If my colleague will permit me to finish the quotation, I will then cheerfully hear the question he wishes to put. I am in the midst of a quotation; but I will hear the question now if he desires it.

Mr. CAMERON. O, no; I will wait.

Mr. SCOTT. The Senator from Indiana proceeded:

You say now that your national-bank notes are at par. So they are; and you say that gold is at a premium of 20 per cent. as compared with them; but strike out the legal-tenders and gold becomes the par and your national-bank notes are worth seventy or seventy-five or eighty cents on the dollar, just as the case may be, and that is all you have accomplished by it. So far from the retiring of greenbacks being the means of bringing about specie payments, I have always looked upon it the other way: that greenbacks were to be the instrument by which specie payments were to be brought about.

That was my opinion a year ago; and it is my opinion now that when the Government brings its greenbacks up to par by any process, by fixing a future time to redeem them, or in some other way that may devised, the whole body of the currency will be at par along with the greenbacks, because the rest of the currency is redeemable in greenbacks.

I will now hear the question of my colleague.

Mr. CAMERON. My colleague was hardly just in his reference to my remarks, in which he said that my plan of a general banking law under the law of reserve would ultimately bring specie payments, and as I believed at a very early day. My colleague, of course unintentionally, misrepresents me by saying it would bring specie payments immediately. I do not want specie payment to-day, nor to-morrow, nor any other day until the country is ready for it; and that seems to be the difference between my colleague's argument and my own opinion. I want the country to rise up to the condition of gold payments. I do not think it is in that condition now. I think by the amendment of the Senator from Tennessee, which is a mere emanation from the Committee on Finance, or following that, you would be compelled to pay specie immediately. By making the greenbacks redeemable in 5 per cent. bonds, you would bring them up to a greater value than the bonds themselves, and of course they would have to be redeemed at once. I have said repeatedly, and I am surprised that I have not been understood, that one of the great advantages to be obtained by my proposition is to have specie payments in a short time, not now. My desire is to relieve the industry of the country and to prevent a panic, which I believe has only been prevented thus far by the belief that Congress would do something to relieve the industry of the country.

Mr. SCOTT. My colleague misapprehended the tenor of my remarks entirely. I was not quoting him nor his project with reference to its effect as to the time when it would bring about specie payments, but I quoted his proposed amendment, showing the effect which I supposed he thought it would have in retiring the legal-tenders, for the purpose of showing that the argument of the Senator from Indiana in 1870 was, that if that were successful, then the national-bank notes would fall below par.

Now, on the subject of specie payments, while I do not wish to be diverted for the purpose of discussing that question, my colleague equally misapprehends my position. I am not only not in favor of the immediate resumption of specie payments, but I do not think it possible for us to resume specie payments immediately, nor at any time in the very near future. He and I, I think, agree on that subject. I go further, and say that after we have resumed, it is not possible that we should keep up that resumption during all time, and especially during panics.

Mr. CAMERON. Then I am glad to say that my colleague and myself agree in the same object, but differ in the mode by which it is to be produced.

Mr. SCOTT. Mr. President, my purpose was to show that there ought to be no difficulty about enforcing the bill which we originally reported; that it was a bill that commanded the assent of the Senate; that it particularly commanded the assent of those who are now desirous of making this bill the medium of testing the sense of the Senate upon all possible questions.

Going further on in this discussion, I find that finally the Senator from Indiana, on page 944 of the same volume of the Globe, offered the amendment of which he gave notice, and which contained the amount of $13,000,000 for redistribution among the States that then had a deficiency, after having on several occasions stated his belief that $13,000,000 would be sufficient. That bill passed.

Upon following its history I find that its provisions were the subject of so much controversy between the Senate and the House that the first conference committee upon it was discharged and a second conference committee appointed, and upon that conference committee was the Senator from Indiana, and he was one of the two Senators who signed the conference report upon which the bill finally became a law. So that if there is any one to whom this bill ought to be acceptable, it ought to be acceptable to the Senator from Indiana, especially when it finally took the form of giving nearly 100 per cent. more of currency for redistribution among the Southern and Western States than he originally demanded, and said he believed it was sufficient.

Now, sir, having given this brief history of the bill, showing that the authorship of the provisions which we are now seeking to enforce came from the West, I ask, after this discussion has progressed for more than a week upon a single bill, after amendments have been voted upon testing the Senate upon a multitude of other questions, after the Senate has refused to lay that bill and the pending amendments on the table, is it reasonable to ask that this discussion shall go on *ad libitum* forever upon every phase of the financial question, when there will be abundance of time and opportunity to present every one of those questions in a practical form? Why can we not get back to this bill, and by a vote of the Senate determine it yea or nay? If there is a majority of the Senate against giving this $25,000,000, let us say so. If there is a majority for it, let us say so. It will not interfere with our subsequent legislation. No man here will feel himself trammeled by it. I shall not. If it be found that the West and South are entitled to more, I will not permit this to stand in the way; but I do think that we ought not to permit every other project that anybody sees proper to fasten upon this bill to stand in the way of getting the sense of the Senate upon it.

Now, Mr. President, I have said about all that I rose to say on this question. The pending question of instruction, as I have already said, I think it has been shown is inexpedient. I am not unwilling to be instructed; but if we are to renew the same kind of discussion that we have had for the last twelve hours in passing first an instruction and then getting into a wrangle over what the instruction means, I submit that the pupils who are to be instructed would be rather confused than enlightened.

I hope, sir, that we shall get back to the original bill, and get a vote upon it before we adjourn, and then in due process of time meet all these other questions when our views can have practical effect, when they shall be incorporated in a bill regulating this whole subject, if the committee shall ever be able to agree upon one.

Mr. MORTON. Mr. President, I did not intend to say another word, but I must regard the speech of my friend from Pennsylvania [Mr. SCOTT] as a little extraordinary in several respects. His effort is to place me in an inconsistent position.

Mr. SCOTT. I did not mean that.

Mr. MORTON. If it did not mean that, I do not know exactly what it did mean. But I submit the remark that my friend has failed. What I said at that time was in consideration of the circumstances in which we were placed. I thought at that time, I have no doubt, (for I always express the thoughts I have at the time, and whenever I think they are wrong I do not hesitate to take them back or to express others,) that sixty-five millions of currency would be sufficient to meet the wants of the West and South. That was in January, 1870, before the census of 1870 was taken. When that census was taken, it showed that upon the basis of the act of 1865, in addition to the fifty-four millions of currency provided for in the act of 1870, it would require forty millions more to equalize the currency between the States. I read from the report of the Comptroller of the Currency:

> The final distribution of the $54,000,000 will still leave a deficiency of $40,000,000 in different States of the Union, which will require to be filled before the proportion among the several States will be equalized on the basis of wealth and population.

That was shown, the census of 1870 proving that the twenty-five millions came entirely short; and now, sir, four years after, four years of unprecedented growth and prosperity, the twenty-five millions, the forty millions, the sixty millions, come short of making that equalization; but of what I said and what the Senate voted in 1870, we are asked to be held to it. Why, Mr. President, I have had occasion to change my views with the changing circumstances and conditions by which I have been surrounded. Will my friend admit that he has not changed since that time; that he has learned nothing? I think not.

Mr. SCOTT. O, no; I cannot say that.

Mr. MORTON. I see Senators sitting around me who were in Congress in 1862, when the legal-tender act was passed authorizing the first legal-tender notes. They denounced it as unconstitutional and wicked, and one of them went so far as to say that these legal-tender notes, the greenbacks, would go out to the world as lepers and vagabonds upon the face of the earth, and that their issue would mark a carnival of fraud, a saturnalia of crime. Those Senators would not like to repeat those remarks in view of what has since happened. We have all been instructed by the events of the war.

But the inconsistency of which my friend accuses me is that I thought $65,000,000 were enough in January, 1870, and now I think it will require more than double that amount. I am satisfied that it will. If there is anything to be made by pursuing this line of remark, I presume that equal industry and research on my part, which I have not, would enable me to find that a number of Senators around me have had occasion to change their views on the subject of finance, have had occasion to change their theories as well as amounts and conditions to meet existing wants and conditions. I find no fault with them. When a man changes his theory from the convictions of his judgment, I give him credit for it; and so far as any change is concerned there, there is, I think, nothing that I need be ashamed of.

I have said all the time in this debate that I am for returning to specie payments. I thought in 1868 it was the time to begin, an infinitely better time than now, and I proposed my little plan; but that was not considered. Those who are now so anxious to have specie payment, if I remember correctly, were not then so much in favor of it; men who are anxious to resume upon a panic were not willing to begin then upon good times. They have changed their views. I find no fault with them; I accuse them of no inconsistency; if I had occasion to hunt up their records it is very likely that I could; but I see them all around me, and I remember what they said and what they did. I think it is the weakest of all arguments; I should hesitate now to assail their views in that way; but if any one thinks he can make a point on me in that way, he is certainly welcome to do it.

Mr. SCOTT. My friend seems to be unnecessarily sensitive on this point; for with all the disavowal that I could make of intending to quote this for the purpose of showing his inconsistency, he seems inclined to construe my remarks into somewhat of a personal nature against himself. Now, sir, I need not again repeat that I have said my object in quoting this was not to place the Senator in an inconsistent position, but to show that opposition should not come from him when the Finance Committee seek to give effect to a law of which he is the author; and that that opposition ought not to come in the form of all possible theories and plans that have no connection with giving effect to the amendment of which he was the author. Certainly the Senator cannot so far misapprehend my motives as to suppose that I could think a mere personal inconsistency would amount to an argument addressed to the Senate upon a question of this character. I have quoted it, as I have said, for the purpose of showing that this opposition ought not to come from that quarter, and that this bill, intended to give relief to the Senator's section, ought, as the time has arrived when the $25,000,000 provision ought to be given effect, to be passed without embarrassing it with the other amendments which have been offered here.

Mr. BOREMAN. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I call for the yeas and nays, and I give notice that I shall call for the yeas and nays on every proposition until this matter is disposed of.

Mr. BOREMAN. In answer to the Senator from Ohio, I would say that I deem it necessary to have a short executive session this evening. I do not make the motion in opposition to the bill, or to a vote. I am ready for a vote.

Mr. CAMERON. If the Senate will agree to take the vote on this reconsideration, let us have it.

Mr. SHERMAN. I am ready.

Mr. BOREMAN. If we can vote, I will withdraw the motion.

Mr. SHERMAN. I want to have this matter disposed of.

Mr. BOREMAN. I withdraw the motion.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair,) The question is on reconsidering the vote on the amendment of the Senator from Tennessee, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COOPER, (when Mr. BROWNLOW's name was called.) My colleague is paired with the Senator from Maryland, Mr. HAMILTON. If my colleague were here he would vote "yea," and the Senator from Maryland would vote "nay."

Mr. FLANAGAN, (when his name was called.) I am paired with the Senator from Mississippi, Mr. ALCORN. I suppose our pair includes this proposition. I presume he would vote "yea," and I should vote "nay."

Mr. FRELINGHUYSEN, (when his name was called.) On this proposition I am paired with the Senator from Wisconsin, Mr. CARPENTER. If he were here he would vote "yea," and I should vote "nay."

Mr. MORRILL, of Vermont, (when his name was called.) On this question I am paired with the Senator from Iowa, Mr. WRIGHT. I suppose he would vote "yea" if he were present, and I should vote "nay."

Mr. SAULSBURY. On this question I am paired with the Senator from North Carolina, Mr. RANSOM. If he were here I presume he would vote "yea," and I should vote "nay."

The result was announced—yeas 30, nays 23; as follows:

YEAS—Messrs. Allison, Bogy, Boreman, Boutwell, Cameron, Clayton, Conover, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Howe, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Sprague, Tipton, and West—30.

NAYS—Messrs. Anthony, Buckingham, Chandler, Conkling, Cooper, Cragin, Davis, Fenton, Ferry of Connecticut, Gilbert, Hamlin, Jones, Kelly, Morrill of Maine, Sargent, Schurz, Scott, Sherman, Stevenson, Stewart, Stockton, Sumner, and Wadleigh—23.

ABSENT—Messrs. Alcorn, Bayard, Brownlow, Carpenter, Dennis, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas,

Ingalls, Lewis, Morrill of Vermont, Ransom, Saulsbury, Thurman, Windom, and Wright—20.

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment proposed by the Senator from Tennessee [Mr. COOPER] to the instructions moved by the Senator from North Carolina, [Mr. MERRIMON.]

Mr. BOREMAN. Now I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I should like to have this question determined.

Mr. BOREMAN. Very well; I withdraw the motion.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee to the amendment of the Senator from North Carolina.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the instructions proposed by the Senator from North Carolina as an amendment to the motion to recommit.

Mr. MORTON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. What is the amendment on which we are now to vote?

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The amendment is to add to the motion to recommit the bill to the Committee on Finance the following instruction:

And that the Committee on Finance be, and they are hereby, instructed to report, as soon as practicable, a bill providing for the increase of the national-bank circulation, so that the whole volume thereof shall not exceed $400,000,000.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FLANAGAN, (when his name was called.) I am paired off with the Senator from Mississippi, Mr. ALCORN. If he were here he would vote "yea," and I should vote "nay."

Mr. FRELINGHUYSEN, (when his name was called.) I am paired with the Senator from Wisconsin, Mr. CARPENTER. If present, he would vote "yea," and I should vote "nay."

Mr. GORDON, (when his name was called.) On this question I am paired with the Senator from Delaware, Mr. BAYARD. If he were here he would vote "nay," and I should vote "yea."

Mr. HAMILTON, of Texas, (when his name was called.) I am paired with the Senator from Kansas, Mr. INGALLS. If present he would vote "yea," and I should vote "nay."

Mr. MORRILL, of Vermont, (when his name was called.) On this question I am paired with the Senator from Iowa, Mr. WRIGHT. I am told he would vote "yea" if present;" and I should vote "nay."

Mr. SAULSBURY, (when his name was called.) On this question I am paired with the Senator from North Carolina, Mr. RANSOM.

The result was announced—yeas 28, nays 25; as follows:

YEAS—Messrs. Allison, Bogy, Boreman, Cameron, Clayton, Conover, Ferry of Michigan, Goldthwaite, Harvey, Hitchcock, Howe, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Sprague, Tipton, and West—28.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Chandler, Conkling, Cooper, Cragin, Davis, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Jones, Kelly, Morrill of Maine, Sargent, Schurz, Scott, Sherman, Stevenson, Stewart, Stockton, Sumner, and Wadleigh—25.

ABSENT—Messrs. Alcorn, Bayard, Brownlow, Carpenter, Dennis, Dorsey, Edmunds, Flanagan, Frelinghuysen, Gordon, Hamilton of Maryland, Hamilton of Texas, Ingalls, Lewis, Morrill of Vermont, Ransom, Saulsbury, Thurman, Windom, and Wright—20.

So the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on recommitting the bill, with the instructions just acted upon.

Mr. GORDON. I wish to offer an amendment to the instructions just adopted, by adding the following:

To be distributed among the States which have not their quota of currency, and to no others, and in the ratio of such deficiency on the basis of population and production.

["No!" "No!"]

If there is any discussion I will withdraw it. It is simply to distribute among the States that have not their quota.

Several SENATORS. Withdraw it.

Mr. GORDON. I withdraw it.

Mr. DAVIS. I have an amendment to propose, to add to the instructions already adopted the following:

Also for free banking under the present national banking law.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia.

Mr. BUCKINGHAM. Is that in addition to the proposition of the Senator from Georgia?

The PRESIDING OFFICER. The proposition of the Senator from Georgia is withdrawn.

Mr. DAVIS. It is to be added to the proposition of the Senator from North Carolina.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia, [Mr. DAVIS.]

The amendment was rejected.

Mr. BOREMAN. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I hope not.

Mr. CAMERON. I hope we shall go into executive session.

Mr. SHERMAN. I call for the yeas and nays.

Mr. CAMERON. Very well; the yeas and nays have no terror for me.

Mr. SHERMAN. I do not want to be responsible for the continuance of the matter.

Mr. ANTHONY. I move that the Senate do now adjourn.

Mr. SHERMAN. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BOREMAN. I hope this motion will be voted down. I desire an executive session for a short time.

Mr. MORRILL, of Vermont. On this question I shall venture to vote, because I do not suppose the pair with Mr. WRIGHT reaches to a question of adjournment.

The question being taken by yeas and nays, resulted—yeas 16, nays 33; as follows:

YEAS—Messrs. Anthony, Boutwell, Cameron, Fenton, Goldthwaite, Hamlin, Johnston, Jones, McCreery, Pratt, Ramsey, Saulsbury, Schurz, Scott, Stockton, and Sumner—16.

NAYS—Messrs. Allison, Boreman, Buckingham, Chandler, Conover, Cooper, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Hager, Harvey, Howe, Kelly, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Pease, Robertson, Sargent, Sherman, Spencer, Sprague, Stevenson, Stewart, Tipton, and Wadleigh—33.

ABSENT—Messrs. Alcorn, Bayard, Bogy, Brownlow, Carpenter, Clayton, Conkling, Cragin, Davis, Dennis, Dorsey, Edmunds, Gilbert, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Ingalls, Lewis, Ransom, Thurman, West, Windom, and Wright—24.

So the Senate refused to adjourn.

Mr. SCHURZ. I desire to speak on the question of finance at length.

Mr. ANTHONY. If the Senator would allow me, I should be delighted to hear anybody on finance at this time, especially my friend from Missouri; but if he will consent to postpone it to Monday, I will move an executive session.

Mr. SCHURZ. I yield for that purpose.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from West Virginia [Mr. BOREMAN] to proceed to the consideration of executive business, upon which there can be no debate.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 780) requiring the United States marshals and clerks of the United States circuit and district courts who have received fees and emoluments in excess of their legal compensation, to deposit the same with the Treasurer of the United States;

A bill (H. R. No. 1273) to regulate proceedings in *mandamus;* and

A bill (H. R. No. 2084) to provide for the appointment of clerks for the circuit and district courts of the United States held at New Albany and Evansville, in the district of Indiana.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business After seven minutes spent in executive session the doors were reopened, and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 20, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. BECK. Mr. Speaker, I ask the unanimous consent of the House to make a brief personal explanation of not over five minutes, and I think not over three minutes.

There was no objection.

Mr. BECK. Mr. Speaker, in the course of debate on yesterday, I made some remarks which my colleague [Mr. CROSSLAND] thought reflected on him and did him injustice. As neither of us had the floor in our own right at the time, it was impossible for me to explain either to him or the House, what I now assure both was the fact, that I had not the slightest idea either of wounding his feelings or of reflecting on him in the slightest degree. I have too high a regard for him to do either. If in the heat and hurry of debate I did or said anything which either my colleague or any other person construed into any imputation on him as a gentleman or a Representative, I wish here and now to retract it.

I believe now that I made a mistake in referring at all to what took place between my colleague and myself some weeks ago, but I assure the House and the gentleman that I did not intend to do it in an offensive way. My only thought was, that as I had pointed out to the gentleman from Iowa [Mr. KASSON] the large increase of ex-

penditures in the Post-Office Department, and the large deficiency asked, as shown by the Secretary of the Treasury, and he had not answered it quite satisfactorily, my colleague ought not to say anything which might help him out. With that view I tried to remind him that at or near the close of a very excellent speech which he made sometime ago, which in its general range referred to the statements of the Postmaster-General, I had called his attention to what the Secretary of the Treasury had said about post-office deficiencies. A desultory and somewhat confused debate sprang up, which I thought we both agreed threw no special light on the apparent difference between the two officials, and it was left out of the RECORD. I had not studied the question any more after that, and I did not suppose he had, and I wanted it to stand on Mr. KASSON'S replies. I think, on reflection, that I did my colleague injustice in the remark that our first little discussion was left out because he thought it would spoil his speech. I am inclined to think I made that remark to him. His speech was able and well-considered. I had listened to it all with pleasure and profit. I wanted to send a number of them to Kentucky, as I did. I know my feeling was that it would be unjust to my colleague to mix up with such a speech the ill-considered questions and answers which would be injected into it, especially when it came to be read at a distance. They had no necessary, if indeed even proper, relation to the broad subject he had discussed.

I regret exceedingly the occurrence of yesterday. I think, on reflection, that my colleague had cause to be hurt at my remarks, though I assure him I did not intend to hurt his feelings, misrepresent him, or do him injustice in any way. I have, perhaps, through very high personal regard for him, been in the habit of taking too many liberties with him, and speaking to him in ways that I would not if I liked him less. My appreciation of his character is so high that I always doubt my own recollection when he differs with me as to a fact. I thank the House for giving me, what is always a high privilege, the right to do justice to a friend and to myself, especially when the blame of whatever occurred rests on me, by alluding to matters which wounded the feelings of one I so sincerely esteem.

Mr. CROSSLAND. Mr. Speaker, I desire a moment to say that I accept, I trust, in the same manly spirit in which my colleague tenders, the explanation of the unfortunate affair of yesterday. My colleague knows the high estimate in which I have always held him, both as a man and a statesman. I have sat at his feet to learn political wisdom, as Saul sat at the feet of Gamaliel, and I desire to assure him that the little affair has in no degree abated the warmth of my regard for him. I desire to offer an apology to the House for the excitement exhibited by me in my remarks of yesterday.

ILLINOIS AND MICHIGAN CANAL.

Mr. HAWLEY, of Illinois. I ask unanimous consent to present a memorial of the Legislature of Illinois, in relation to the extension of the Illinois and Michigan Canal from the Illinois to the Mississippi River.

The SPEAKER. The memorial will be received, ordered to be printed, and referred to the Committee on Railways and Canals.

Mr. DURHAM. I call for the regular order of business.

Mr. HAWLEY, of Illinois. I desire the memorial to be read to the House.

The SPEAKER. It will be ordered to be printed and referred.

Mr. HAWLEY, of Illinois. I wish to have it read to the House.

The SPEAKER. That will require unanimous consent.

Mr. HAWLEY, of Illinois. I hope there will be no objection. It is a memorial from the Legislature of the State of Illinois.

The SPEAKER. The Chair thinks when gentlemen present memorials which are ordered to be printed and referred, they ought not to ask that they be read, in that way taking up the time of the House.

Mr. HAWLEY, of Illinois. If the objection be insisted on, I do not insist; but I have never known, when the request was made to have a memorial from a State Legislature read at the Clerk's desk, it was ever refused.

The SPEAKER. The Chair will state to the gentleman that in not one case in one hundred is it done.

Mr. HAWLEY, of Illinois. It may not be done when there is no request made to have it read.

The SPEAKER. If there be no demand for the regular order of business the Chair does not object to the memorial being read, although it is of the utmost importance time should not be lost.

Mr. HAWLEY, of Illinois. I make the request because it is common to make such a request, and I have never known the request to be refused by the House.

The SPEAKER. The Chair disagrees with the gentleman that the request is a common one.

Mr. DURHAM. I must insist on the regular order of business.

The SPEAKER. The gentleman from Kentucky insists on the regular order of business, and it is the duty of the Chair to enforce it.

Mr. HAWLEY, of Illinois. Because the gentleman from Kentucky does insist upon his objection, I ask that the memorial be printed, and referred to the Committee on Railways and Canals. But I must say that I never knew an objection insisted on in any case before, since I have been a member of the House, when such a memorial was asked to be read at the Clerk's desk.

The SPEAKER. The Chair will state that memorials and resolutions of State Legislatures are always printed. That is a mark of respect to States sending memorials and resolutions here. And the Chair will again state that not once in a hundred instances is the request made that they be read.

Mr. HAWLEY, of Illinois. I ask that the memorial be printed and referred to the Committee on Railways and Canals.

There was no objection; and the memorial was so referred.

PROPOSED ADJOURNMENT OVER.

Mr. STORM. I rise to a privileged question. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. MAYNARD. I hope the House will not act upon that motion without some consideration. I was about to invite the attention of the House——

Mr. STORM. I object to debate.

Mr. MAYNARD. If the gentleman will allow me just a moment, I will say that I was about to propose that we should devote to-morrow to the consideration of the banking bill in Committee of the Whole—not as in Committee of the Whole, but in Committee of the Whole.

The SPEAKER. The gentleman from Tennessee desires that to-morrow the bill reported from the Committee on Banking and Currency shall be considered in Committee of the Whole. He therefore antagonizes the motion of the gentleman from Pennsylvania, that when the House adjourns to-day it be to meet on Monday next. The motion is not debatable.

The question being taken on the motion to adjourn over, there were—ayes 67, noes 83.

So the House refused to adjourn over.

ORDER OF BUSINESS.

Mr. SCOFIELD. The gentleman who has called the regular order yields to me to offer a resolution to obtain information from one of the Departments.

Mr. HAWLEY, of Illinois. I demand the regular order.

The SPEAKER. The Chair takes occasion to remark that when a gentleman demands the regular order he thereby deprives himself of the right to yield for anything. A gentleman has no right to demand the regular order and then select an individual to whom he shall yield.

The regular order having been called, the morning hour begins at twenty-three minutes past twelve o'clock, and, this being Friday, committees will be called for reports of a private nature, the call resting with the Committee on Claims.

JAMES R. HAMBLEN.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported back the bill (H. R. No. 2055) for the relief of James R. Hamblen, of Camden, Mississippi; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

R. W. CLARK.

Mr. HAWLEY, of Illinois, also, from the same committee, reported as a substitute for House bill No. 495 a bill (H. R. No. 2086) for the relief of R. W. Clark, postmaster at Brattleborough, Vermont; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

DR. EDWARD JARVIS.

Mr. HAWLEY, of Illinois, also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 302) for the relief of Dr. Edward Jarvis; and the same was referred to the Committee of the Whole on the Private Calendar.

OLIVER P. MASON.

Mr. HAMILTON, from the Committee on Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 763) for the relief of Oliver P. Mason; and the same was referred to the Committee of the Whole on the Private Calendar.

JULIUS GRIESENBECK.

Mr. HAMILTON also, from the same committee reported a bill (H. R. No. 2087) for the relief of Julius Griesenbeck, of Waco, Texas; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

JAMES LILLIE.

Mr. SHOEMAKER, of Pennsylvania, from the Committee on Claims, reported a bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri, as a substitute for House bill No. 1177; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

C. W. C. DUNNINGTON.

Mr. SHOEMAKER, of Pennsylvania, also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 561) for the relief of C. W. C. Dunnington; and the same was laid on the table, and the accompanying report ordered to be printed.

JOSEPH B. ROTHSCHILD.

Mr. SHOEMAKER, of Pennsylvania, also, from the same committee, reported adversely on the petition of Joseph B. Rothschild, for relief for money stolen from collector's office at Findlay, Ohio; and

the same was laid on the table, and the accompanying report ordered to be printed.

WILLIAM CHESTER.

Mr. SMITH, of Ohio, from the Committee on Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 692) for the relief of William Chester; and the same was referred to the Committee of the Whole on the Private Calendar.

JOHN BRENNAN.

Mr. SMITH, of Ohio, also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 650) for the relief of John Brennan; and the same was referred to the Committee of the Whole on the Private Calendar.

JAMES COATS.

Mr. HOWE, from the Committee on Claims, reported back, with a recommendation that the same do pass, the bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

LOUISA P. MOLLOY.

Mr. EDEN, from the Committee on Claims, reported a bill (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB HARDING.

Mr. EDEN, from the same committee, also reported a bill (H. R. No. 2090) for the relief of Jacob Harding; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with a report accompanying the same, ordered to be printed.

WILLIAM NORTHEDGE.

Mr. WILSON, of Iowa, from the Committee on Claims, reported a bill (H. R. No. 2091) for the relief of the heirs and next kin of Colonel William Northedge, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report accompanying the same, ordered to be printed.

JOHN W. DIVINE.

Mr. SCUDDER, of New Jersey, from the Committee on War Claims, reported a bill (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

PASSENGERS IN STEAMSHIPS AND OTHER VESSELS.

Mr. CONGER. I am directed by the Committee on Commerce to report back, with a recommendation that the same do pass, the bill (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855.

The bill provides that the thirteenth section of the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, be, and the same is thereby, repealed; and that hereafter each and every collector of customs to whom shall be delivered the manifests or lists of passengers prescribed by the twelfth section of the act aforesaid, approved March 3, 1855, shall make returns from such manifests or lists of passengers to the Secretary of the Treasury of the United States, in such manner as shall be prescribed by that officer, under whose direction statements of the same shall be prepared and published.

Mr. MAYNARD. Is that a private bill?

The SPEAKER. It is not, in the judgment of the Chair.

Mr. CONGER. I ask permission to report it, although it is not strictly a private bill, because the committee have been requested so to do by the Treasury Department, in order that they might compile the statistics required by the bill for their forthcoming report.

Mr. HAWLEY, of Illinois. Without having heard distinctly what the bill is, I hold that none but bills of a private nature should be reported at this time.

Mr. MAYNARD. If it is only desired to have it go to the Committee of the Whole on the Private Calendar, I will not object.

Mr. CONGER. I ask its consideration now, because the Secretary of the Treasury and the Secretary of State have both in a printed letter recommended the passage of such a bill, in order that the statistics provided for may be prepared by the Bureau of Statistics for publication.

The SPEAKER. It would probably be more regular for the Chair to recognize the gentleman at the expiration of the morning hour to ask unanimous consent for this purpose; it would require unanimous consent at this time.

Mr. CONGER. Very well; I will withdraw the bill.

SCHOONER GEORGE WARREN.

Mr. CONGER, from the Committee on Commerce, reported back, with a recommendation that the same do pass, House bill 1365, to grant an American register to the Canadian schooner George Warren.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Treasury to issue an American register to the Canadian schooner George Warren, owned by Benjamin F. Morton, of Detroit, Michigan.

Mr. CONGER. The facts in regard to this case are as follows: This schooner was condemned in the United States court of Michigan for a breach of the revenue laws, and was sold under that condemnation. At the time of the sale the deputy marshal of the United States, misunderstanding the law upon that subject, publicly proclaimed that the purchaser under that sale would be entitled to an American register. The purchaser bought with the express understanding, himself not being familiar with the law on that subject, that he would be entitled to an American register by virtue of the sale. That was not the law; but the committee recommend the passage of this bill, because the purchaser had been deceived by an officer of the Government in a statement which affected the purchase.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARINE HOSPITAL, DETROIT, MICHIGAN.

Mr. CONGER, from the Committee on Commerce, reported back, with the recommendation that the same do pass, the bill (H. R. No. 1706) to authorize the running of Wright street through the grounds of the United States Armory Hospital, at Detroit, Michigan; which was referred to the Committee of the Whole on the state of the Union, and the report accompanying the same ordered to be printed.

CANCELING HAND-STAMPS, ETC.

Mr. PACKER, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 1789) referring to the Court of Claims for adjudication and determination the claims of the parties therein named for the past and the future use of the Norton post-marking and canceling hand-stamp, and the Robertson improved hand-stamp; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

PETER S. PATTON.

Mr. COBB, of Kansas, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 753) for the relief of Peter S. Patton; and moved that the same be referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

MICHAEL COLOTZ.

Mr. COBURN, from the Committee on Military Affairs, reported back the petition of Michael Colotz, asking to be placed on the pension-roll; and moved that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to.

CAPTAIN JAMES W. ATKINSON.

Mr. DONNAN, from the Committee on Military Affairs, reported adversely upon the petition of Captan James W. Atkinson, for reimbursement for recruiting expenses; and moved that the same be laid on the table.

The motion was agreed to.

MATTHEW WOODRUFF.

Mr. DONNAN. The Committee on Military Affairs have directed me to report back the bill (S. No. 365) for the relief of Matthew Woodruff, late first sergeant of Company G, Twenty-first Missouri Volunteers, and to move that the same be referred to the Committee of the Whole on the Private Calendar. This bill is substantially the same as House bill No. 1777, which is now before the Committee of the Whole, and we shall ask that this Senate bill be substituted for the House bill.

The motion was agreed to; and the bill was referred to the Committee of the Whole on the Private Calendar.

EPHRAIM W. DAVIS.

Mr. ALBRIGHT, from the Committee on Military Affairs, reported back the petition of Ephraim W. Davis, late a private of the Fifty-fifth Pennsylvania Volunteers, asking Congress to authorize the payment of back pension; and moved that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to.

GENERAL SAMUEL W. CRAWFORD.

Mr. ALBRIGHT also, from the same committee, reported a bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army; which was read a first and second time, and, with a written report, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

WILLIAM A. SNODGRASS.

Mr. ALBRIGHT also, from the same committee, reported a bill (H. R. No. 2094) for the relief of William A. Snodgrass, late lieutenant of Company H, Thirty-ninth Regiment of Ohio Veteran Volunteer Infantry; which was read a first and second time, and with a written report,

referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

JAMES W. BOWEN.

Mr. WARD, of Illinois, reported back, from the Committee on the Judiciary, the bill (H. R. No. 1207) for the relief of James W. Bowen, late provost-marshal of the tenth congressional district of Pennsylvania; and moved that the same be referred to the Committee on Claims.

The motion was agreed to.

OFFICERS OF THE UNITED STATES RAM LANCASTER.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported adversely upon the memorial of the officers of the United States ram Lancaster, for bounty money; and moved that the same be laid on the table.

The motion was agreed to.

JOHN HOLROYD.

Mr. SCOFIELD also, from the same committee, reported back the bill (H. R. No. 1816) for the payment of John Holroyd for the use of his patent and invention by the Government; and moved that the same be referred to the Committee on Claims.

The motion was agreed to.

NAVAL ASYLUM AT PHILADELPHIA.

Mr. SCOFIELD. Mr. Speaker, would it be in order for me to present, by order of the Committee on Naval Affairs, a resolution asking for information from one of the Departments?

The SPEAKER. If there be no objection it will be in order. It requires unanimous consent.

Mr. SCOFIELD. By instruction of the Committee on Naval Affairs, I ask consent to offer the following resolution:

Whereas, in pursuance of an act of Congress, passed in the year 1811, a commission, consisting of the Secretaries of the Navy, Treasury, and War, was constituted and authorized to provide a permanent naval asylum for destitute and decrepit Navy officers, seamen, and marines; and whereas, in pursuance of said authority, the Naval Asylum at Philadelphia was established; and whereas the said city now entirely surrounds said asylum, and the site has therefore become entirely unsuitable for such asylum; and whereas the health and comfort of the brave men who imperiled their lives for their country would be highly promoted by a removal of said asylum to Annapolis, where the locality, scenery, and surroundings pre-eminently fit it as a site for said institution; and whereas the sale of said asylum would be a means of great economy, as said buildings and grounds are very valuable, and from the funds thereof suitable buildings could be erected at Annapolis and leave a large balance for the Treasury: Therefore,

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the House of the propriety of a sale of the Naval Asylum at Philadelphia, and the erection of suitable buildings on the grounds adjacent to the Naval Academy at Annapolis, belonging to the Government, for the purposes of a naval asylum; and also to communicate any information he may have on the subject.

Mr. MYERS. I understand that is merely for the purpose of inquiry.

Mr. ARCHER. That is all.

Mr. MYERS. Then there is no objection to it.

Mr. RANDALL. My understanding is, it is only for information.

Mr. SCOFIELD. That is all.

The resolution was adopted.

UNITED STATES STEAMER BIENVILLE.

Mr. LAMISON, from the Committee on Naval Affairs, reported back a bill (H. R. No. 1201) authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville, with the recommendation that it do pass.

The bill was referred to the Committee of the Whole on the Private Calendar.

MARY C. BELL.

Mr. LAMISON also, from the same committee, reported a bill (H. R. No. 2094½) granting an increase of pension to Mary C. Bell; which was read a first and second time.

Mr. LAMISON. I move that it be printed and referred to the Committee of the Whole on the Private Calendar.

Mr. RUSK. That is a bill granting a pension, and ought to go to the Committee on Invalid Pensions.

The SPEAKER. The Chair thinks this belongs to the Committee on Invalid Pensions, and if there be no objection it will be referred to that committee.

Mr. LAMISON. These bills come to our committee, as they pertain to the naval service; and as these pensions are paid out of the naval-pension fund, it is believed they belong to our committee.

Mr. RUSK. It has been customary to have these bills referred to the Committee on Invalid Pensions.

The SPEAKER. If there be no objection the bill will be referred to the Committee on Invalid Pensions.

Mr. SCOFIELD. I rise to a point of order. Has the Speaker the power to refer that bill to another committee when it is reported from the Committee on Naval Affairs?

The SPEAKER. The Chair did not understand it to be objected to.

Mr. SCOFIELD. It was reported from the Committee on Naval Affairs.

The SPEAKER. The Chair understood the gentleman to assent to its reference to the Committee on Invalid Pensions.

Mr. LAMISON. No, sir; I object.

Mr. SCOFIELD. I would be glad if the House would give the committee instruction on that point. I have always claimed myself that all these bills should go to the Committee on Invalid Pensions. The Committee on Naval Affairs has been divided on the subject, but there has always been a majority of the committee who would vote to retain these matters to act on them. We have a number of that kind before the committee now. If we get instructfons from the House we shall know how to act hereafter.

The SPEAKER. The motion of the gentleman from Ohio who reports the bill, that it be referred to the Committee of the Whole on the Private Calendar, takes precedence of the motion of the gentleman from Wisconsin to refer the bill to the Committee on Invalid Pensions. The motion to refer to the Committee of the Whole takes precedence of a motion to refer to a standing committee. The Chair supposed gentlemen assented to the bill going to the Committee on Invalid Pensions.

The question was taken, and the bill was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

MARY SWIFT.

Mr. LAMISON also, from the same committee, reported back a bill (H. R. No. 52) granting an annuity to Mary Swift, daughter of Thomas Truxton, deceased, late commodore in the United States Navy, with the recommendation that it do pass, and moved that it be referred to the Committee of the Whole House on the Private Calendar.

Mr. RUSK. The same bill is before the Committee on Invalid Pensions. I see no reason why this Committee on Naval Affairs should report pension bills any more than the Committee on Military Affairs.

Mr. RANDALL. It came from the Committee on Naval Affairs during the last Congress.

The SPEAKER. The Chair knows no reason why a naval pension should be considered by the Naval Committee any more than an Army pension should be considered by the Military Committee.

Mr. ARCHER. I think there is this reason for it: The naval-pension fund is a separate and distinct fund. It is kept for that purpose, and the interest each year is applied to the payment of its pensions. I think if any committee of this House can properly take cognizance of the naval-pension fund it is the Committee on Naval Affairs.

The SPEAKER. It is a matter wholly, as the Chair has before remarked, within the discretion of the House to decide, with the facts before it, to what committee this bill shall be referred.

Mr. RUSK. This fund is under the control and is disbursed by the Commissioner of Pensions the same as any other pension fund.

Mr. ARCHER. No, sir; not by the Commissioner of Pensions, but by separate appropriations made every year for that purpose. Congress cut it down to 3 per cent. from 6 per cent., which it used to be. There is interest enough now to pay all naval pensions. We have given up in almost every instance to the Committee on Invalid Pensions. I myself have referred bills of this nature to that committee because of the general understanding of the House that they should go there. But I have always thought that such claims should go to the Committee on Naval Affairs, and I have had two or three small claims of this nature referred to them and we have considered them. I hope the gentleman from Wisconsin [Mr. RUSK] will not insist on this bill going to his committee.

Mr. RANDALL. I desire to say a word to the House in reference to this bill. I introduced it in the last Congress. It passed the House on the recommendation of the Naval Committee, granting fifty dollars per month to this lady. It went over to the Senate, but the Senator from Pennsylvania who had charge of it there did not succeed in calling it up. I do not object at all to any committee considering it. But I object to having this bill committed to the Committee on Invalid Pensions, on account of the delay that will be thereby caused. This is an old widow lady, approaching eighty years of age. In the course of human events her life is not likely to last very much longer, and I desire that in her declining years she shall have the advantage of this pension. The Secretary of the Navy addressed to the chairman of the Committee on Naval Affairs, my colleague from Pennsylvania, [Mr. SCOFIELD,] a letter on this subject, which I should like to have the House hear read.

Mr. WILLARD, of Vermont. I suppose that the motion to send the bill to the Committee of the Whole on the Private Calendar is not withdrawn.

Mr. RANDALL. I do not object to that. I only object to its being sent to the Committee on Invalid Pensions.

The SPEAKER. The bill would necessarily have to go to the Committee of the Whole on the Private Calendar, no matter from which committee it was reported.

Mr. RUSK. I will not object further to the bill going to the Committee of the Whole on the Private Calendar.

Mr. RANDALL. I will reserve the letter of which I have spoken till the bill comes up for consideration on its merits.

The bill was referred to the Committee of the Whole on the Private Calendar.

OLIVE S. BREED.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 814) granting a pension to Olive S. Breed; and the same was referred to the Committee of the Whole on the Private Calendar.

ANN CRANE.

Mr. WALLACE, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 280) granting a pension to Ann Crane; and the same was referred to the Committee of the Whole on the Private Calendar.

JOHN C. FARNAM.

Mr. SMALL, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 240) granting a pension to John C. Farnam; and the same was referred to the Committee of the Whole on the Private Calendar.

GILMON BENNETT.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 493) granting a pension to Gilmon Bennett; and the same was laid on the table, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SMALL also, from the same committee, reported adversely on the following petitions; and the same were laid on the table, and the accompanying reports ordered to be printed:

The petition of Mary A. Chute, for a pension;
The petition of Caroline P. Gerrish;
The petition of Clarissa D. Swain;
The petition of Caroline E. Thomas;
The petition of Henry M. Fyfe; and
The petition of W. P. Bartlett.

MRS. PENELOPE C. BROWN.

Mr. YOUNG, of Kentucky, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private of Company C, Eighth Tennessee Cavalry Volunteers; and the same was referred to the Committee of the Whole on the Private Calendar.

MRS. MARTHA E. BRIXEY.

Mr. YOUNG, of Kentucky, also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 335) granting a pension to Mrs. Martha E. Brixey, of Tennessee; and the same was laid on the table, and the accompanying report ordered to be printed.

MRS. SALLIE OATLEY.

Mr. YOUNG, of Kentucky, also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 375) granting a pension to Mrs. Sallie Oatley, of Lansing, Michigan; and the same was laid on the table, and the accompanying report ordered to be printed.

CHARLES MACARTHY.

Mr. CRITTENDEN, from the Committee on Invalid Pensions, reported a bill (H. R. No. 2095) granting a pension to Charles Macarthy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOPHRONIA AUSTIN.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 2097) granting a pension to Sophronia Austin, of Linn County, Iowa; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES ROACH.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 2096) granting a pension to James Roach; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. NANCY PARKHURST.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 2098) granting a pension to Mrs. Nancy Parkhurst; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

OLIVER C. DENSLOW.

Mr. CRITTENDEN also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 360) granting a pension to Oliver C. Denslow; and the same was referred to the Committee of the Whole on the Private Calendar.

MRS. ELIZABETH COPELAND.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 2099) granting a pension to Mrs. Elizabeth Copeland; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS ON PETITIONS.

Mr. CRITTENDEN also, from the same committee, reported adversely on the petition of Charles Fitchett, of Fredericksburgh, Virginia, and the petition of Sarah Shackelford; and the same were laid upon the table, and the accompanying reports ordered to be printed.

HOFF, DOERR, AND GEBHART.

Mr. WELLS, from the Committee on Public Buildings and Grounds, reported a bill (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEAMER CLARA DOLSEN.

Mr. HANCOCK, from the Committee on Appropriations, reported a bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. The committees have been called through for reports of a private nature.

PERSONAL EXPLANATION.

Mr. LAMAR. I desire consent of the House to make a personal explanation, which will occupy but a few minutes. I ask the Clerk to read, from the speech of the gentleman from Pennsylvania [Mr. TODD] on the Arkansas election case, that portion which I have marked.

The Clerk read as follows:

In the Committee on Elections there was no disagreement in regard to Judge WILSHIRE's right in the *prima facie* case.

Mr. LAMAR. I wish to say in behalf of my colleagues of the minority of the committee that that statement is absolutely incorrect, and the reverse of what actually occurred in the committee. It is only a question of recollection, and I desire to correct the statement.

Mr. TODD. Whatever statement I made in addressing the House the other day, I certainly had no intention to misrepresent the position of any member of the Committee on Elections. I made the statement, as I understood it to be, in strict and perfect accordance with the facts as developed in the committee. I came to that conclusion because of what had transpired there and from the fact——

Mr. MAYNARD. I shall feel obliged to interpose an objection to any statement of what occurred in the committee-room, for very obvious reasons.

Mr. LAMAR. Allow me to make a suggestion. This matter has been brought up and has gone so far, that unless a full and free explanation is made some injustice might be done. I have no doubt about the correctness of the position of the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. MAYNARD. I am perfectly willing that, inasmuch as the committee have been put upon the record in the manner stated, so much shall be said as will prevent any injustice being done to anybody.

Mr. LAMAR. It has already been disclosed, or at least reference has been made to it. But we are now not going to show what occurred, but what did not occur.

Mr. MAYNARD. My point of order, which the Chair will take at once, is that the discussions and the action of the committee in their room are not legitimate or proper subjects for discussion or disclosure outside of the committee-room.

The SPEAKER. The gentleman is entirely correct.

Mr. TODD. The gentleman need not be uneasy upon that point. It is not my purpose to disclose anything that took place in the committee-room; therefore the objection of the gentleman is likely unnecessary. What I desire to call attention to is what has been brought to the attention of the House, not by myself, but by another member of the Committee on Elections. If the House will refer to what I did say on that occasion they will see the position I assumed. My statement was substantially this: that there was no disagreement in the committee upon the *prima facie* right of Judge WILSHIRE to a seat; but that there were certain members of the committee who refused to concur in the resolution then pending before the House, because certain facts had been developed in the examination of the *prima facie* case which led them to doubt that Judge WILSHIRE was entitled to the seat upon the merits of the case. The statement I made, the impression created upon my mind by what occurred in the committee, is fully sustained by a resolution which was read as a portion of the remarks of the gentleman from North Carolina, [Mr. THOMAS.] It reads thus:

Whilst the majority of the committee are of the opinion that upon the evidence to which they are legally restricted, Mr. W. W. WILSHIRE is *prima facie* entitled to be admitted as the sitting member of the House, pending the contest, yet the doubts arising from that evidence, in relation to his election, are so grave, that the committee asks the adoption of the following resolution:

Resolved, That the Committee on Elections are restricted to investigate and determine the said case on its merits, and report the result to this House.

That resolution undoubtedly states the fact that a majority of the Committee on Elections thought they were legally restricted to the *prima facie* case. And it appears from the face of this resolution that there was at that time no objection made to the fact that Mr. WILSHIRE was entitled to the seat on the *prima facie* case. But the desire on the part of the gentleman from Mississippi [Mr. LAMAR] and his democratic colleagues on the committee was to evade the decision of the *prima facie* case, and to have the case decided upon its merits. If I have placed a wrong interpretation upon this resolution, it is to be attributed to my mental incapacity to comprehend its exact scope and meaning.

All that I desire to say is, that it is unfortunate that the gentleman

did not correct the misstatement at the time it was made, instead of allowing a day or two to pass by; for he did say during the course of that discussion, as reported in the proceedings:

I do not desire to detain the committee in vindication of the positions which the minority have assumed in the report and the resolution which they have submitted to this House. I may, before the conclusion of the debate, correct some of the mistakes of fact into which the gentleman from Pennsylvania [Mr. TODD] has fallen as to what transpired in the committee.

Of course, as I said at the outset, I do not desire to state any fact that is not clearly a fact; and if the gentleman denies my statement and asserts that he was opposed to a recognition of the *prima facie* case, I am of course bound to take that assertion and recognize it as his position.

Mr. LAMAR. Mr. Speaker, I have stated that, with my two colleagues signing the minority report, I was opposed to recognizing the *prima facie* right of Mr. WILSHIRE, and we so expressed ourselves in committee. With the gentleman's interpretation of that resolution I have nothing to do. I think it puts him in this attitude: From a resolution which recites that a majority believed that Mr. WILSHIRE had the *prima facie* right he draws the inference that there was unanimity in favor of it. He states that inference as a fact, and when corrected persists in his statement. All I have to add is that I presume the House is now satisfied of the imperturbability of my temper and the incorrigibility of the gentleman's convictions.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I move that the rules be suspended for the purpose of going into Committee of the Whole on the Private Calendar; and pending that motion I move that all general debate on the several bills be limited to ten minutes.

Mr. HOLMAN. I believe that cannot be done.

The SPEAKER. It requires unanimous consent.

Mr. HAWLEY, of Illinois. It is the same order that was made a week ago.

The SPEAKER. It was made by unanimous consent.

Mr. HAWLEY, of Illinois. Is there objection now?

Mr. HOLMAN. Must not this order be confined to a particular subject-matter, and not include the whole business before the Committee of the Whole?

The SPEAKER. The House is competent, by general consent, to make the order refer to a single bill or to all the bills on the Calendar.

Mr. HAWLEY, of Illinois. Does the gentleman from Indiana [Mr. HOLMAN] object to the making of the same order which was made a week ago?

Mr. HOLMAN. Such an order may interfere with the object of the House in going into Committee of the Whole.

Mr. HAWLEY, of Illinois. I think the gentleman from Indiana does not understand the effect of my motion. It is not that general debate upon all the bills shall be terminated in ten minutes, but that upon each bill the general debate shall be limited to ten minutes.

The SPEAKER. The Chair so understood the motion.

Mr. HAWLEY, of Illinois. I think the gentleman from Indiana did not.

The SPEAKER. The gentleman from Illinois, [Mr. HAWLEY,] chairman of the Committee on Claims, requests that when the House shall go into Committee of the Whole on the Private Calendar, general debate on each bill be limited to ten minutes, leaving the five-minute debate upon amendments. This order requires unanimous consent.

Mr. CONGER. I object to it as applying to all bills.

Mr. HOLMAN. Why should some gentlemen in Committee of the Whole be allowed to make ten-minute speeches, while others are limited to five minutes?

Mr. HAWLEY, of Illinois. I would be glad to limit all debate in Committee of the Whole to five minutes absolutely. If there be no objection I will ask that such an order be made.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] objects.

Mr. PACKER. Pending the motion to go into Committee of the Whole, I desire to say that very many gentlemen on the floor are desirous of continuing the consideration of the special order, House bill No. 825, with reference to the distribution of documents, seeds, &c. In accordance with their wish, and for the purpose of testing the sense of the House, I move to amend the motion of the gentleman from Illinois by substituting a motion to proceed to the consideration of the bill I have just named.

The SPEAKER. That cannot be done; it would not be in order. The special order to which the gentleman from Pennsylvania [Mr. PACKARD] has referred will come up five minutes hence. Should the House refuse to go into Committee of the Whole on the Private Calendar, it will leave the House in consideration of the bill for the distribution of documents. But that would be interrupted at the hour of two o'clock, as would the Committee of the Whole on the Private Calendar, by business relating to the District of Columbia, this being the third Friday of the month, on which the Committee on the District of Columbia are entitled to the floor after two o'clock.

Mr. HAWLEY, of Illinois. I hope the House will indulge me in saying a word. By looking at the Private Calendar, it will be seen that over fifty private bills have been referred to the committee prior to this morning; and probably fifty more have been referred to-day. When we last went into Committee of the Whole on the Private Calendar, we did not dispose, I think, of more than five bills. Thus far we have given but one day in each week to the consideration of bills on the Private Calendar. Unless we proceed with the Private Calendar on every private-bill day, we shall not, I think, give proper attention to this business. I hope the House will uniformly go into Committee of the Whole on Fridays and Saturdays. It is very important that we should hold a session to-morrow for this business, as I hope the House will do not only this week, but every week; otherwise business of a private character will have no consideration whatever.

Mr. PACKER. Perhaps we may arrive at some accommodation on this question. The Committee on the District of Columbia, as the Chair has stated, will be entitled to the floor at two o'clock, so that after the arrival of the hour fixed for the consideration of the postal bill, we shall have half an hour for its consideration. In that time the gentleman who has the floor might possibly finish his remarks. After the Committee on the District of Columbia has reported its business—and I understand that they have not many reports to make—we could then go into Committee of the Whole House on the Private Calendar, and in that way the business of the Private Calendar would consume the remaining portion of the day. I think to-morrow morning we might be able to finish the bill reported from the Committee on the Post-Office and Post-Roads in a short time.

Mr. HAWLEY, of Illinois. I understand by referring to the gentleman from New York, [Mr. HALE,] chairman of the Committee on the District of Columbia, that the business from that committee will not occupy more than one hour to-day, so that the remaining portion of the time can be given to the Committee of the Whole House on the Private Calendar. I hope that will be done.

The SPEAKER. The pending motion made by the gentleman from Illinois is that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The House divided; and there were—ayes 94, noes 28.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, (Mr. ORTH in the chair.)

WILLIAM H. PILKINTON.

The first bill taken up for consideration was a bill (H. R. No. 1587) for the relief of William H. Pilkinton, late a second lieutenant in Company G, Fifth Regiment Indiana Volunteers.

The bill, which was read, provides that the Secretary of War shall be, and he is thereby, authorized and directed to place the name of William H. Pilkinton on the rolls as second lieutenant in Company G, Fifth Regiment Indiana Volunteers, as of the date of June 30, 1864; and that the proper accounting and pay officers shall allow and pay to said Pilkinton the pay and emoluments of a second lieutenant from said date until the date of his discharge, deducting any sum or sums he may have received on account of military service during said period.

Mr. PHILLIPS. There are mistakes in this bill which I move to correct. I move to insert the word "cavalry" after the word "regiment" where it occurs, and to insert the letter "e" in place of "i," in the word "Pilkinton" so that the bill will read as follows:

A bill for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Cavalry, Indiana Volunteers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to place the name of William H. Pilkenton on the rolls as second lieutenant in Company G, Fifth Regiment Cavalry, Indiana Volunteers, as of the date of June 30, 1864; and that the proper accounting and pay officers shall allow and pay to said Pilkenton the pay and emoluments of a second lieutenant from said date until the date of his discharge, deducting any sum or sums he may have received on account of military service during said period.

The amendment was agreed to.

Mr. HOLMAN. I ask that the report be read.

It appears from the report, which was read, that the proof shows that William H. Pilkenton enlisted as a private soldier of Company G, of the Fifth Regiment of Indiana Cavalry, on the 18th day of August, in the year 1862, and was promoted to the office of second lieutenant of said company, receiving his commission as such on the 30th day of June, 1864; and upon the next day, under orders from the colonel of the regiment, entered upon the duties of second lieutenant. At this time the first lieutenant of the company, Samuel A. Armstrong, was promoted and commissioned to the captaincy, and the second lieutenant, J. S. Chittenden, was promoted and commissioned as first lieutenant. On or about the 1st of July, 1864, said Armstrong deserted, before he was mustered as captain. Application was at once made by the colonel of the regiment to have him dismissed from the service, but before this was done the colonel of the regiment was captured, and Lieutenant Chittenden, who was awaiting the dismissal of Armstrong to be mustered as first lieutenant, was also captured, leaving Pilkenton, still not mustered as second lieutenant, but in command of the company, which command he held till in the month of May, 1865, when Lieutenant Chittenden, having been exchanged, returned to the company.

On the 13th day of March, 1865, Armstrong, the deserting first lieutenant, was dismissed, and after the return of Chittenden in May he was mustered in as first lieutenant, and Pilkenton as second lieutenant, to date from the 13th of March, 1865.

Pilkenton now applies to have his muster dated as of the 1st of

July, 1864, and to be paid accordingly; this application having been refused at the time of muster and since by the Secretary of War.

His case is a meritorious one; the testimony shows him to have been a good and faithful officer, and to have discharged the duties of a lieutenant in command of his company during the whole time named. The committee think that he should be put on the rolls and paid accordingly.

The bill was ordered to be laid aside, to be reported to the House with the recommendation that it do pass.

WILLIAM SWANZEY.

The next business on the Calendar was a bill (H. R. No. ——) granting a pension to William Swanzey.

Mr. BURCHARD. Mr. Chairman, there was an application pending before the Commissioner of Pensions to grant a pension to this person, William Swanzey. The Committee on Invalid Pensions examined the case, and were unanimously of the opinion the application should be allowed by the Commissioner. He has considered the case, and, as he informed me, has allowed it. Therefore it is unnecessary this bill should be acted upon now. I move it be laid aside, to be reported to the House with the recommendation that it be laid upon the table.

The motion was agreed to.

HENRY SAVAGE.

The next business on the Calendar was a bill (H. R. No. 1589) for the relief of Henry Savage, acting chargé d'affaires of the United States in Guatemala from May 7, 1856, to September 14, 1858.

The bill, which was read, provides that the Secretary of the Treasury be, and he is thereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Henry Savage the sum of $3,538, being the amount due him for his services and expenses as acting chargé d'affaires for the United States at Guatemala from May 7, 1856, to September 14, 1858, inclusive, at the rate of $1,500 a year, which payment shall be in full discharge of all his claims for expenses and services rendered in that capacity.

It appears from the report that Mr. Henry Savage is a citizen of the United States, now and for many years past a resident in Guatemala. At various times between the 6th of February, 1830, and the 14th of September, 1858, in the absence of any accredited diplomatic representative of the United States in that country, the records, archives, and public property of the United States therein were committed to his custody, he corresponded with and received communications from the Department of State, and generally attended to the interests of the United States and its citizens there. The services were valuable, and Mr. Marcy, when Secretary of State, certified that they ought to be paid for, not at the rate of full salary of a chargé d'affaires but at the rate of fifteen hundred to two thousand dollars a year. Mr. Savage, during the various times in which he rendered these services, amounting in the whole to about eighteen years, gave up a large part of his house to the keeping of the records and archives of the legation, and to the transaction of the public business thereof. He also paid some money for the relief of destitute American seamen, postage on Government correspondence, &c.

On the 30th of October, 1855, Mr. Savage brought a suit in the Court of Claims against the United States, to recover the compensation due to him up to that time, and afterward recovered judgment therein for fourteen years and five months of service, at the rate of $1,500 a year, amounting to $21,625.

While this suit was pending he was again employed in rendering similar and equally valuable services from May 7, 1856, to September 14, 1858, inclusive, for which the minister to Guatemala vouches, as shown by the records of the legation, and which the Department of State has certified to be deserving of like compensation.

The time during which the suit in the Court of Claims was pending, and the time during which Mr. Savage was presenting his claim for compensation for the additional service to the Treasury and the State Departments without definite action thereon, extended until the limitation against a further suit in the Court of Claims attached. The justice and reasonableness of his claim were not denied, but no appropriation was found from which it could be paid. He therefore appeals to Congress; and the committee, finding on examination that he is equitably entitled to relief, report the accompanying bill, and recommend its passage.

Mr. HOLMAN. This is a very old claim for services rendered to the Government by a foreign agent. I trust the gentleman from Massachusetts will explain more fully than is done by this report the reason for the extraordinary delay in adjusting compensation if the service were rendered by virtue of any request on the part of the Government. If these services were voluntarily rendered at this place, I cannot see how he is entitled to compensation. I hope the gentleman will explain the matter.

Mr. E. R. HOAR. I will state, Mr. Chairman, I think the report gives the whole material for the House to come to a conclusion on it. I hardly think the gentleman from Indiana, who makes the suggestion, has noticed fully the extent of the statement in the report. The post of minister to Guatemala was found for a great series of years one in which it was very difficult to keep a minister. The climate was exceedingly unhealthy. Ministers were appointed, went out there, became sick, and had to return. In the mean time the diplomatic connection of our Government with that of Guatemala had to be preserved. There was a citizen of the United States residing there to whom in this instance the minister turned over the papers of the legation, requesting him to attend to the business of the country as its minister. He gave up his house substantially to it, preserving the papers and conducting the correspondence, and was so far recognized without a formal appointment by the State Department. Each successive Secretary of State recognized his services as valuable and as entitling him to compensation, besides expenditures of money that he made on behalf of destitute American seamen, &c.

After this had gone on a good many years he sent his bill to this country to obtain payment. It was presented to the State Department. They thought it a proper one, but had no funds out of which to pay it. The Court of Claims at that time was established, and he presented his claim, up to that time, to the Court of Claims. And upon the evidence of the State Department and on the facts I have mentioned the Court of Claims rendered a judgment in his favor, up to the time when he presented his petition, and the United States paid it.

Mean time he went on just in the same way while this suit was pending in the Court of Claims, and continued to render at a subsequent period services of precisely the same character and value. But the length of time during which his case was pending in the Court of Claims, and until he got information of the result, prevented his making another application, or bringing another suit there. After that judgment was rendered he presented his claim for the additional period, and the State Department recognized it and approved of it. It went from them to the Treasury Department, and lay there until the time had lapsed within which he could bring suit in the Court of Claims for this additional sum. There is nothing but that limitation that stands in the way of this payment to a person employed by the United States entitled to compensation, which has been ascertained judicially, as well as recognized by the Executive Departments, and for which he recovered compensation up to a certain date; and having gone on two years more in the same service, he now brings his bill to Congress, because, while the Department approved of his claim, it had no appropriation out of which to pay him, and he is obliged to come to Congress.

I may remark, also, that he has the misfortune to have been a loser by the way in which he prosecuted his claim before the Court of Claims. He presented his petition for compensation only up to a certain time; and they allowed not for the whole time, but within two years of it. But the committee were of opinion that the judgment of the Court of Claims covered his preceding claim up to the time of presenting it in the court; and therefore we have only reported an allowance to him of what he was entitled to as reasonable compensation at the same rate for the work he has continued to do. It is exactly as if a person employed in any other business had sued his employer for compensation for a certain amount of service, had brought an amicable suit, so to speak, and had it ascertained that he was entitled to compensation, and while the suit was going on had continued to render the same service in the same kind of employment, and when the suit was over asked the additional compensation for the additional time. That is all there is in this case.

Mr. HOLMAN. I had supposed that this was the case of a claim for compensation for services rendered while a person appointed regularly by the Government was at the same time receiving a salary for these very services.

Mr. E. R. HOAR. Not at all.

Mr. HOLMAN. My recollection was that that was a portion of the history of this claim.

Mr. E. R. HOAR. I do not so understand it. I understand that this is for services rendered during the intervals between the appointments of successive ministers who went out to Guatemala. The papers annexed to the petitions show that to be the fact. In the first instance the accredited representative of the United States had to leave on account of bad health; and it was only from that time that this man claimed any compensation.

Mr. HOLMAN. In that state of facts it would seem to me that this should be allowed. My impression always has been, when this subject was before the House heretofore, that there was a minister at Guatemala during all this period. If the gentleman from Massachusetts is correct, my impression in regard to the nature of this claim is wrong.

Mr. E. R. HOAR. This claim has not previously been before the House. It was the preceding claim, on which the Court of Claims gave a favorable judgment, and Congress appropriated the money.

The bill was laid aside to be favorably reported to the House.

JAMES DE LONG.

The next bill on the Private Calendar was the bill (H. R. No. 526) for the relief of James De Long.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to James De Long, late consul at Aux Cayes, Hayti, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,816; $1,166 of the sum so appropriated being for money advanced and expended by the said James De Long, consul as aforesaid, for the relief of destitute colored emigrants, colonized under authority of the acts of April 16 and July 17, 1862, and $1,650 of the said amount being for extraordinary expenses incurred by him at the siege of Aux Cayes, Hayti, during his consulship at said place.

Mr. MYERS. This is a bill which passed both Houses during last Congress, but was not presented to the President in time to receive his signature. It has been reported again unanimously by the Committee on Foreign Affairs. There is a report accompanying it which is of some length, and I suppose it will not be necessary to have it read. I presume the facts of the case are generally understood in the House.

Mr. HOLMAN. I think the report should be read. It will put the House in possession of the facts better than any explanation can do.

The Clerk began the reading of the bill, but before concluding,

The SPEAKER resumed the chair and said: The hour of two o'clock having arrived, this being the third Friday of the month, the Committee on the District of Columbia, under the rule, is entitled to the floor to report business from that committee.

CHIEF JUSTICE MORRISON D. WAITE.

Mr. E. R. HOAR. I am about to move that the House now take a recess for ten minutes. I understand that the gentleman appointed and commissioned as Chief Justice of the Supreme Court of the United States is now in the Hall, and that it will be agreeable to members to have an opportunity to be presented to him and to make his acquaintance. For that purpose I move that the House now take a recess for ten minutes.

The SPEAKER. Is it the pleasure of the House to take a recess for ten minutes for the purpose indicated by the gentleman from Massachusetts?

The motion was agreed to unanimously.

The House accordingly took a recess, and the Speaker, leaving his chair, presented the members of the House to the Chief Justice of the Supreme Court of the United States.

The recess having expired, the Speaker resumed the chair and called the House to order.

ACCOUNTANT FOR THE DISTRICT COMMITTEE.

Mr. HALE, of New York. By instruction of the Committee on the District of Columbia, I report the following resolution:

Be it resolved, That the resolution of the House of Representatives of December 13, 1873, authorizing the Committee on the District of Columbia to employ an accountant, &c., and directing him to be paid for his services out of the contingent fund, be amended so as to authorize the payment to be made from the appropriation for committee clerks of the House.

The resolution authorizing the employment of an accountant by the Committee on the District of Columbia provided for his payment out of the contingent fund of the House. The chairman of the Committee on Accounts [Mr. BUFFINTON] and the disbursing clerk of the House have called my attention to the fact that such payment is prohibited by law; but they both agree that the payment can be properly made out of the fund for the payment of committee clerks.

The resolution was adopted.

INCORPORATION OF A STREET RAILWAY.

Mr. HALE, of New York, from the Committee on the District of Columbia, reported a bill (H. R. No. 2102) to incorporate the Capitol, North O street, and South Washington Railway; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The Clerk began the reading of the bill.

Mr. COX. With the consent of the gentleman who reported this bill, I will raise the point of order that it should receive its first consideration in Committee of the Whole, because it appropriates property in which the Government has an interest for the benefit of this railway.

Mr. NEGLEY. I think that point is well taken.

Mr. HALE, of New York. With all deference, it seems to me that the point of order is not well taken. This bill does not make an appropriation of either money or property. It merely allows a street railroad to be laid down in the public streets of this city; or, in other words, it directs a new public use of property already dedicated to public use. It is a mere change to a certain extent of the use of property already dedicated to public use. That was the view of the committee, and I think it is a sound view.

Mr. COX. I would ask the gentleman whether, as a lawyer, the fee of the property of the streets of Washington is not in the Government of the United States?

Mr. HALE, of New York. I understand it is.

Mr. COX. And this bill dedicates the streets of which the Government owns the fee to a specific purpose?

Mr. HALE, of New York. The Government owns the fee of the streets in Washington, as I understand, but already subject to a dedication to a public use which is full and complete. This bill merely authorizes a different public use under that same dedication; but the whole property is already dedicated to a public use.

Mr. COX. The Supreme Court has held that the Government could take possession of any of these streets and shut them up.

Mr. HALE, of New York. Undoubtedly.

Mr. SPEER. Does the gentleman hold that the dedication of these streets to the uses of a railroad company is a dedication to a public use?

Mr. HALE, of New York. Undoubtedly so.

Mr. SPEER. A railroad company of private incorporation named in this bill?

Mr. G. F. HOAR. I would suggest that this is not anything more or less than it would be to permit a lecturer to use the Hall of the House of Representatives. It is a simple permission that certain streets may be used for a certain purpose until the United States shall otherwise order. It does not put them out of the power of the United States at all.

Mr. HALE, of New York. The gentleman from Massachusetts [Mr. G. F. HOAR] has restated my point, of course better than I can state it. In answer to the inquiry of the gentleman from Pennsylvania, [Mr. SPEER,] whether permission to a street railroad company to lay down a track in the public streets is a public use of those streets, I will say that I did not suppose that any lawyer on this floor had any doubt upon that point. It is upon that theory alone that railroads are permitted all over the country to take possession of highways and of private property for the uses of railroads.

Mr. SPEER. A highway dedicated to a public purpose without compensation for passing over it would be a dedication for a public use. But a dedication of a public street to a corporation which is allowed to tax the people for the privilege of riding in their cars along those streets, it seems to me is not, in my opinion, a dedication to a public use, but to the use of the private incorporators of that railroad company.

Mr. HALE, of New York. Unfortunately, Mr. Speaker, the Supreme Court of the United States, and the supreme court of every State of the Union, has held the law to be different from what has been stated by the gentleman from Pennsylvania, [Mr. SPEER.]

The SPEAKER. The Chair is inclined to be very strict in his construction upon all questions of this kind; but he does not think this bill is liable to the point of order; for he does not see that even by any germane amendment it could dispose of public property. If the bill were subject to any germane amendment which would appropriate property of the Government, the Chair would send it to the Committee of the Whole; but the mere grant of the use of a public highway, which may at any time be taken back, is not, in the opinion of the Chair, an appropriation of either property or money.

Mr. COX. Suppose that an amendment should be offered to give these companies a part of the public grounds.

The SPEAKER. The Chair would rule such an amendment to be not germane.

Mr. HAWLEY, of Illinois. Suppose there was a proposition to grant the right of way through the public lands.

The SPEAKER. The public lands are not dedicated as highways.

Mr. HAWLEY, of Illinois. Their use as public highways may be authorized by act of Congress.

The SPEAKER. The streets and avenues of this District are now laid out as public highways.

Mr. HAWLEY, of Illinois. They are used as public highways by the consent of the Government. Just so by the assent of the Government the public lands out West might be used as public highways; but it would require an act of Congress to authorize it.

The SPEAKER. Precisely; but by such an act property, the title of which is now vested in the Government and which is not devoted to any public use, would be given afresh to this particular purpose. But here we have public avenues or streets on which citizens may drive their wheeled carriages or other vehicles; and this bill proposes simply to authorize a company to use its wheeled carriages on these public highways. This is all there is in the bill.

Mr. COX. While used merely as public streets, this property can always be resumed by the Government. But if this bill be passed that cannot be done. The Government loses the absolute fee-simple.

Mr. HALE, of New York. My colleague is entirely mistaken.

The SPEAKER. The Chair cannot see that the position of the gentleman from New York [Mr. COX] is correct. The act of Congress in the matter will be subject to repeal or alteration.

The Chair begs gentlemen to observe that he seeks to be exceedingly strict in all constructions of this kind; but he does not think it his province, as it certainly is not his wish, to be sufficiently stringent to make the rule an oppression upon the liberty of the House. The Chair does not think this bill fairly subject to the point of order, and therefore does not sustain the point.

Mr. SPEER. Is it in order to move to lay the bill on the table?

The SPEAKER. The first question in order will be upon the amendment reported by the committee, pending the consideration of which the gentleman from Pennsylvania [Mr. SPEER] moves to lay the bill on the table.

Mr. SPEER. And on that motion I call the yeas and nays.

Mr. HALE, of New York. The gentleman from Pennsylvania has not the floor to make that motion. The reading of the bill has not yet been concluded. I am in possession of the floor.

Mr. COX. Would it be in order to move to refer the bill to the Committee of the Whole?

Mr. HALE, of New York. Not until the gentleman gets the floor for that purpose.

The SPEAKER. The bill could be sent to the Committee of the Whole whenever it is in order to make the motion.

Mr. COX. I would suggest that that would be the proper course.

Mr. NEGLEY. While the gentleman from New York [Mr. HALE

is on the floor I wish to ask him whether the bill has been submitted for consideration to the Secretary of the Navy or any of the officials connected with the Navy Department. I observe that it proposes to construct a bridge immediately below the navy-yard.

Mr. HALE, of New York. O, no; the gentleman has the wrong bill. This bill has nothing at all to do with naval affairs.

The SPEAKER. Gentlemen of the House will observe another construction which it may be well to remember. Ever since the third Friday in each month was assigned to business from the District of Columbia, it has been held that any bill from that committee referred to the Committee of the Whole does not go to the General Calendar, but that, should the House go into Committee of the Whole on that day, such bill should be preferred to other measures. Therefore the point of order which has been raised would not, even if sustained, accomplish the purpose which gentlemen doubtless contemplate—sending the bill to the General Calendar. Such has not been the construction in regard to District business. The Committee on the District of Columbia being confined to the third Friday of each month, it is the established ruling that a bill reported from that committee, and liable to a point of order that would send it to the Committee of the Whole, will, when the House resolves itself into Committee of the Whole on that day, be preferred to all other bills.

Mr. HAWLEY, of Illinois. Then, Mr. Speaker, I hope the gentleman from New York will be allowed to proceed with this bill.

The SPEAKER. It will be seen, therefore, that the sending of a District bill on the third Friday in the month to the Committee of the Whole does not involve nearly so much as is ordinarily involved in sending a bill to the Committee of the Whole. The ruling now stated by the Chair has been the uniform construction for three years.

The reading of the bill having been interrupted by the point of order made by the gentleman from New York, the Clerk will now resume the reading.

The Clerk resumed the reading of the bill, but was interrupted by

Mr. HALE, of New York, who said: The Clerk is not reading the bill correctly.

The SPEAKER. The Chair will remark that the bill is in very excellent condition to faciliate the making of mistakes in regard to it.

Mr. COX. Then it ought to be recommitted.

Mr. HALE, of New York. I will state that the bill was presented in its present shape upon the approval of the principal reading clerk of the House, whom I considered it safe to follow in such a matter.

The SPEAKER. The Chair, if he had been consulted, would have given different advice.

Mr. HALE, of New York. I would have been happy to consult the Chair instead of the clerk if I had had an opportunity. The Clerk was reading section 7 instead of section 6.

The Clerk resumed and concluded the reading of the bill; which was as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph Williams, William J. Murtagh, Hallet Kilbourn, Benjamin F. Fuller, William J. Cowing, Samuel R. Bond, William Saunders, George W. Goodall, George A. McIlhenny, L. A. Bartlett, and L. H. Chandler, and their associates and assigns, be, and they are hereby, created a body-corporate, under the name of the Capitol, North O Street and South Washington Railway Company, with authority to construct and lay down a single or double track railway, with the necessary switches and turnouts, in the city of Washington, in the District of Columbia, through and along the following streets and avenues: commencing on First street west, in front of the Capitol grounds, and running thence due north along said First street west to Massachusetts avenue, thence northwest along said avenue to Third street west, thence along Third street west to its intersection with New Jersey avenue, thence northwest along New Jersey avenue to O street north, thence along O street north to Twelfth street west, thence south along Twelfth street west to E street north, thence west along E street north to Fourteenth street west, thence south on Fourteenth street west to Ohio avenue, thence along said avenue to its intersection with Twelfth street west, thence south along said Twelfth street west to Virginia avenue, thence southeast along Virginia avenue to its intersection with Maryland avenue, thence northeast along Maryland avenue to First street west, the place of beginning, with the right to run public carriages thereon, drawn by horse-power, receiving therefor a rate of fare not exceeding five cents a passenger for any distance on said road, from its beginning to its terminus on First street west: *Provided*, That wherever the forgoing route may coincide with the route of any other duly-incorporated street-railroad company in the District, or connect portions of said route, but one set of tracks shall be used by both companies, who are hereby authorized and empowered to use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies, and in the event of the said companies failing to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to, and hearing of, all parties interested, and shall have power to determine the terms and conditions upon and under which the company hereby incorporated shall be entitled so to use and enjoy the track of such other street-railroad company, and the amount and manner of compensation to be paid therefor: *And provided further*, That either of the companies using such track in common shall be permitted to make the track so used a depot or general stopping-place to await passengers, but shall only be entitled to use the same for the ordinary passing of their cars, with the ordinary halts, and for the taking up and dropping of passengers.

SEC. 2. The road of said company, with all its property and franchises, shall be liable to taxation as is or may be provided by the general laws of the District of Columbia; and their cars or vehicles shall be subject to the provisions of such laws as to license and fees therefor.

SEC. 3. That the said railway shall be laid as near the center of the streets and avenues in the city of Washington as practicable (without interfering with, or passing over, the water or gas pipes) in the most approved manner adapted to street railways, with rails of the most approved pattern, to be determined by the board of public works, laid upon an even surface with the pavement of the streets and avenues; and the space between the two tracks (where two are laid) shall not be less than four feet, nor more than six feet in width, and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Columbia Street Railway.

SEC. 4. That the said corporation hereby created shall be bound to keep said tracks, and a space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times well paved and in good order, in such manner and with such material as may be directed by the board of public works, without expense to the United States or the said city.

SEC. 5. That nothing in this act shall prevent the Government at any time, at its option, from altering the grade, or otherwise improving all avenues and streets occupied by said road, or the said District from so altering and improving such streets and avenues and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railway so as to conform to such grade and pavement.

SEC. 6. That this act may at any time be altered, amended, or repealed, by the Congress of the United States.

SEC. 7. That nothing in this act shall be so construed as to authorize said body-corporate to issue any note, token, or device, scrip, or other evidence of debt, to be used as currency.

SEC. 8. That the capital stock of said company shall not be less than $200,000, nor more than $500,000, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct.

SEC. 9. That the said company shall place first-class cars on said railway, with all the modern improvements, for the convenience and comfort of passengers, and shall run cars thereon during the day, and as late at night as ten o'clock, and as often as every fifteen minutes.

SEC. 10. That the said company shall provide such passenger rooms, offices, stables, and depots at such points as the business of the road and the convenience of the public may require; and said company is hereby authorized to lay such rails through transverse streets or avenues as may be necessary for connecting the said stables, depots, and offices with the main tracks; and the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger rooms, ticket offices, stables, and depots above named.

SEC. 11. That all articles of value that may be inadvertently left in any of the cars or other vehicles of said company, shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours.

SEC. 12. That within thirty days after the passage and approval of this act the corporators named in the first section, or a majority of them, or if any refuse to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place or places in the city of Washington, for a period to be fixed by said corporators, not less than two days; and said corporators shall give public notice, by advertisement in not less than two daily papers published in the city of Washington, of the time when and the place where said books shall be opened, and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That no one individual shall be allowed to subscribe for more than two hundred shares of said stock: *Provided further*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed, to the treasurer of said company, or his subscription shall be null and void. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse to act, then a majority of the remainder, shall within ten days thereafter call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of seven directors, of which public notice shall be given for three days in not less than two newspapers published daily in the city of Washington, or by written or printed personal notice to each stockholder by the secretary or clerk of the said corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 13. That the government and direction of the affairs of the company shall be vested in a board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, or until others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom shall constitute a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall be a stockholder, and who shall give bonds, with security, to said company, in such sum as the said directors may require, for the faithful discharge of his trust; and said board shall also elect a secretary, who shall also be a stockholder, and who shall perform such duties as usually pertain to said office. In case of a vacancy in the board of directors, by death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 14. That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper respecting the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or the laws of the United States or of the District of Columbia: *Provided*, That the directors of said company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed, at such time, (after the first installment,) in such manner, and in such amounts as they may deem proper; and if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said company; or said body-corporate may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

SEC. 15. That there shall be an annual meeting of the stockholders for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company, in their by-laws, may prescribe; and said directors shall annually make a report of their doings to the stockholders in general meeting.

SEC. 16. That if any person or persons shall willfully and unnecessarily obstruct or impede the passage of the cars of said railway, or destroy or injure the cars, depot, stations, or other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense the sum of ten dollars to said company, to be recovered and disposed of as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 17. That unless said corporation shall commence to lay the said track within four months, and complete their said railway within fifteen months after the passage of this act, then this act shall be null and void, and no rights whatsoever shall be acquired under it.

SEC. 18. That no person shall be prohibited the right to travel on any part of said road, or ejected from the cars thereof, for any other cause than that of being drunk, disorderly, unclean, contagiously diseased, refusing to pay the legal fare exacted, or to comply with the general regulations of the company.

SEC. 19. That each of the stockholders in the said railway company shall be liable individually for all the debts and liabilities of the said company to an amount equal to the value of stock held by such stockholder.

SEC. 20. That all the provisions of the act incorporating the Columbia Railway Company, requiring reports of expenditures, earnings, and otherwise, shall be applicable to the company herein incorporated, which shall make reports as in said act required.

FRANK Y. COMMAGERE.

Mr. DONNAN. The gentleman from New York [Mr. HALE] has yielded to me for the purpose of calling the attention of the House to the action taken yesterday on motion of the gentleman from Pennsylvania, [Mr. NEGLEY,] withdrawing from the files of the House the papers in the case of Frank Y. Commagere, "no adverse report having been made in the case." An adverse report was made two weeks since by the Committee on Military Affairs, and on its recommendation the petition was laid upon the table.

I move to reconsider the vote by which permission was granted for the withdrawal of the papers.

Mr. NEGLEY. I make no objection to the gentleman's motion to reconsider. I was not aware of the fact there had been any adverse report in the case. I made it at the request and solicitation of the gentleman interested.

The motion was agreed to; and the House then refused to grant permission for the withdrawal of the papers in the case of Frank Y. Commagere, an adverse report having been made on it.

INCORPORATION OF A STREET RAILWAY.

Mr. HALE, of New York. Mr. Speaker, this bill provides for the incorporation of a street railroad company, with permission to lay a track beginning at the east front of the Capitol.

Mr. BUTLER, of Massachusetts. Does not the point of order lie against this bill?

The SPEAKER. It does not.

Mr. HALE, of New York. It is for the incorporation of a street railway, with permission to lay a track beginning on First street east, in front of the Capitol, running up from there, on First street, northerly to Massachusetts avenue, then through Massachusetts avenue to Third street north, by Third street to O, through O westerly to Twelfth, south to Twelfth, with a detour to Fourteenth by Maryland avenue and Virginia avenue on the Island, and back by Virginia avenue and Maryland avenue to First street again.

The bill is upon the file of members. It is an early bill. The committee reported amendments, twelve in number, which I will state briefly.

The first and second are merely slight alterations of the route, the first carrying it to Massachusetts avenue, and the second inserting an omission caused by a clerical error.

The third changes the rate of fare proposed by the original bill from six to five cents.

The fourth amendment is in regard to the use by this road and other roads, which may have short distances to pass over on a part of the same street by a single track, or a pair of tracks, by arrangement between the companies or by judicial action.

The second section, as printed in the bill, is stricken out and another substituted for it, making all the property of the company, including not only its tracks but its personal property and its franchises, subject to taxation under the laws of the District of Columbia.

The sixth amendment strikes out in the first section, "the engineer in charge of public buildings to determine the character of the rails and the style of construction;" and refers that question to the board of public works, requiring the road to be built in the most approved manner adapted to street railways, and the rails to be of the most approved pattern, under the direction of the board of public works.

The seventh amendment to the fourth section provides the space between the tracks shall be kept well paved and in good order, in such a manner and with such material as may be provided by the board of public works.

The eighth amendment strikes out the sixteenth section. It seems to the committee not to be desirable legislation.

The ninth amendment strikes out the first two lines of the seventeenth section, providing the company shall for all time have the free and uninterrupted use of the railway.

The tenth and eleventh amendments, in section 18, require the company to commence the construction of the road within four months, and to complete it within sixteen months after the passage of this act.

The twelfth amendment strikes out all of the twenty-second section, which is a general repealing clause of all acts inconsistent with this.

I have only to say, Mr. Speaker, the committee, through its subcommittee, carefully examined and went over the ground of this road, and came to the conclusion, I think unanimously, it was a desirable road and ought to be constructed for the interest and convenience of the public. I believe the committee have guarded it in all respects by provisions protecting the public interests in reference to the control of the road and as to the liability of the stockholders, and in everything else pertaining to the public interest. If any gentleman desires to make further inquiry in regard to the provisions of the bill, I will be happy to answer him. If not, I will demand the previous question, and move that the bill be put on its passage.

Mr. SPEER. It seems to me extraordinary on the part of this committee to rush through a bill with so many amendments, which have not been printed.

Mr. WILLARD, of Vermont. I should like to ask the gentleman from New York whether there is anything in the bill to prevent Congress hereafter providing for the reduction of the fare below five cents?

Mr. HALE, of New York. I have no doubt whatever that Congress will have the right to reduce the rate of fare on this road to any amount it may see fit.

Mr. CLYMER. Will the gentleman from New York permit me to offer an amendment?

Mr. HALE, of New York. I will hear it read.

Mr. CLYMER. I move the following amendment.

The Clerk readas follows:

Add to the first section the following:

And provided further, That in all the streets and avenues along and through which the said road is located and built, it shall be the duty of the said company, at its own costs and charges, to keep the same within and along the tracks so laid in like order and repair as such streets and avenues were before the construction of said road.

Mr. HALE, of New York. The gentleman from Pennsylvania, [Mr. CLYMER,] if he will examine the amendments proposed by the committee, will find that they cover completely the ground embraced in the amendment he desires to offer. They require, in regard to the tracks and for two feet outside the tracks, and between the tracks and between the two sets of tracks, that they shall be kept properly paved, and in such manner and with such material as shall be approved by the board of public works.

Mr. CLYMER. I was only induced to prepare hurriedly the amendment I have read because, not being printed, it was impossible to know what the amendments of the committee contained. I really would appeal to my friend from New York to permit the bill, with amendments, to be printed. A public bill would not be allowed to pass without being printed, so that every one might have an opportunity of examining its provisions. And I think a private bill, so materially affecting private rights in this District, should be printed, that every one may have an opportunity of understanding what it contains.

Mr. HALE, of New York. The bill itself is printed and the amendments are on the table.

Mr. CLYMER. I withdraw my amendment.

Mr. HALE, of New York. The bill, as I have said, is printed. The amendments proposed by the committee were not perfected until this morning, and it was impossible for the committee to have them printed. I have undertaken to state to the House as carefully as possible their provisions, and they have been read, and I do not think there is anything in them which should require the deferring of this bill, which will be the deferring of it for a month at least.

The amendments are all made in the direction of protection to the public. And so far as the matters which they bring up are concerned, I think they are everything which can be desired.

Mr. COX. I would like to have the attention of the House for one moment, but on account of the noise which prevails I cannot even hear myself talk.

The SPEAKER. The House will come to order.

Mr. COX. I was about to state one reason why this bill ought to be recommitted. The gentleman says the original bill was printed. So it was. I got the printed bill this morning. The gentlemen along the route who were interested in this bill had the printed bill also. That bill has been amended since I saw it this morning, by the action of the committee. It has been vitally amended so as to change the tracks and to change many of the provisions. Perhaps it is a better bill. Perhaps it guards the public interests better. But the amendments are not printed so as to let us know whether it does so or not.

As this involves the giving away of the public property, and forever in one sense, it involves a new system of street railways here. It brings up discussions which can just as well be postponed as not for one month at least, and I hope my distinguished colleague will not urge this bill on Congress at this time, when we are not prepared to understand the routes proposed by the amendments or anything about it except from the explanation which the gentleman has given us, and to which the House could not pay attention in its present condition. I will therefore move, if the gentleman will allow me, to recommit this bill to the committee.

Mr. HALE, of New York. Not just now.

Mr. COX. I reserve that motion.

Mr. HALE, of New York. My colleague insists that the amendments to this bill change substantially the route of the road. They change it for four blocks, sending it four blocks farther up First street, which it then leaves at Massachusetts avenue instead of leaving First street on Indiana avenue. It is to go up First street for that distance instead of Third street. And that change was made with the express assent and approval of the parties interested, who desired that the road should not go through Third street.

Mr. SPEER. I desire to ask the gentleman if the residents along the line of the route to which the change is made and the property-holders along that line are aware that we are asked to pass a bill affecting their interests.

Mr. HALE, of New York. I do not know whether they know of it or not. But I will say that there are no property-holders there likely to object; for it does not run through a street of residences, but through a street containing shops, warehouses, and the like. I think that without doubt they will all be favorable to it.

Mr. COX. Will the gentleman allow me to have an amendment read?

Mr. HALE, of New York. Certainly.

Mr. COX. I desire to offer as an additional section to the bill the following:

The Clerk read as follows:

SEC. —. That the said company shall, before they commence to lay their tracks, pay to the property-owners on the said streets their proportionable share of the value of the wood or other pavements along the said track, and for two feet on each side, which has been assessed against the said property-owners and paid by them.

Mr. HALE, of New York. I decline to yield for that amendment.

Mr. COX. Will my colleague allow me to explain it?

Mr. HALE, of New York. Certainly.

Mr. COX. It is very well known that in this city there have been large assessments made on property-holders for relaying the pavements.

The SPEAKER. Does the gentleman from New York [Mr. HALE] allow the amendment of his colleague to be offered?

Mr. HALE, of New York. I do not.

Mr. COX. Then I cannot discuss it.

Mr. HALE, of New York. I now move the previous question on the bill and amendments.

Mr. SPEER. Pending that question, I move that the bill be laid on the table; and on that motion I call for the yeas and nays.

The yeas and nays were not ordered, only 8 voting in the affirmative; not a sufficient number.

The question was taken on the motion to lay the bill on the table; and upon a division there were—ayes 47, noes 53; no quorum voting.

Tellers were ordered; and Mr. HALE of New York, and Mr. SPEER were appointed.

The House again divided; and the tellers reported that there were ayes 49, noes not counted.

So the motion to lay on the table was not agreed to.

Mr. COX. I move that this bill be recommitted and printed.

The SPEAKER. Pending the call for the previous question, the only motion in order in relation to the bill is a motion to lay on the table, which the House has just negatived.

The previous question was then seconded, and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. SPEER. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 88, not voting 90; as follows:

YEAS—Messrs. Albert, Archer, Barrere, Begole, Bradley, Burleigh, Cannon, Cason, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Cotton, Crocker, Crooke, Donnan, Dunnell, Eames, Eldredge, Farwell, Field, Frye, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kelley, Knapp, Lamison, Lamport, Leach, Lewis, Lofland, Lynch, Martin, Maynard, Alexander S. McDill, MacDougall, Monroe, Myers, Niblack, Orth, Packard, Isaac C. Parker, Parsons, Pelham, Perry, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Ransier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sherwood, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Starkweather, Stone, Thomas, Thornburgh, Todd, Tyner, Waldron, Wallace, Jasper D. Ward, Wells, Wheeler, White, Wilber, John M. S. Williams, William Williams, and Woodworth—112.

NAYS—Messrs. Arthur, Ashe, Atkins, Banning, Beck, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Burchard, Burrows, Benjamin F. Butler, Caldwell, Cessna, John B. Clark, jr., Clymer, Coburn, Cook, Cox, Crittenden, Crossland, Crutchfield, Danford, Alexander M. Davis, John J. Davis, Durham, Fort, Foster, Freeman, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, Hatcher, Hereford, Herndon, Holman, Killinger, Lawrence, Lawson, Magee, James W. McDill, McJunkin, McLean, McNulta, Mellish, Merriam, Milliken, Neal, O'Brien, Packer, Page, Hosea W. Parker, Phelps, Potter, Pratt, Rainey, Randall, Robbins, William R. Roberts, John G. Schumaker, Shanks, Sheats, Lazarus D. Shoemaker, John Q. Smith, Southard, Speer, Storm, Strait, Strawbridge, Swann, Townsend, Vance, Waddell, Whitehead, Whitthorne, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Wood, John D. Young, and Pierce M. B. Young—88.

NOT VOTING—Messrs. Adams, Albright, Averill, Barber, Barnum, Barry, Bass, Bell, Berry, Buckner, Bundy, Roderick R. Butler, Cain, Amos Clark, jr., Freeman Clarke, Clayton, Comingo, Creamer, Crounse, Curtis, Darrall, Dawes, De Witt, Dobbins, Duell, Eden, Elliott, Garfield, Hagans, Benjamin W. Harris, John T. Harris, Hays, Hersey, Hodges, Kasson, Kellogg, Kendall, Lamar, Lansing, Loughridge, Lowe, Lowndes, Luttrell, Marshall, McCrary, McKee, Mills, Mitchell, Moore, Morey, Morrison, Negley, Nesmith, Niles, Nunn, O'Neill, Orr, Pendleton, Phillips, Pierce, Purman, Rapier, Rawls, Read, James C. Robinson, Ross, Rusk, Sheldon, George L. Smith, Snyder, Sprague, Stanard, Standeford, Stephens, St. John, Stowell, Sypher, Taylor, Tremain, Walls, Marcus L. Ward, Whitehouse, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, Wilshire, Jeremiah M. Wilson, Wolfe, and Woodford—90.

So the bill was passed.

Mr. HARRIS, of Georgia. I desire to state that my colleague, Mr. BELL, is detained from the House by sickness.

ANACOSTIA AND POTOMAC RAILROAD.

Mr. HALE, of New York, from the Committee on the District of Columbia, reported a bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. RICE, from the Committee on the District of Columbia, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2075) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

The question was upon ordering the bill to be engrossed and read a third time.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington City and Point Lookout Railroad Company, which, by the act of Congress entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was authorized to construct their railroad within said District, may enter the city of Washington with their said railroad, and construct the same within the limits of the said city on and by the following route: Beginning at a point on the line of said railroad east of the Eastern Branch of the Potomac River; thence to the said Eastern Branch, and crossing the same by a suitable bridge and causeway, so as not to obstruct navigation, entering the city of Washington south of O street south, and east of James Creek; thence to, along, and across James Creek, at or near its intersection with O street south; thence in a northerly and westerly direction to a point near the southern terminus of Eighth street west; thence along or near the bank of the Potomac River to a point near the southern terminus of Fourteenth street southwest; thence westwardly, south of the public grounds, to a point near the southern terminus of Fifteenth street southwest; thence northwestwardly, south of the public grounds, to some point at or near the bank of the Chesapeake and Ohio Canal; thence along or near said bank to the junction of Rock Creek with the Potomac River; thence westwardly or northwestwardly, by the most eligible route, to a point near the northern terminus of the aqueduct bridge in the city of Georgetown; thence to the northwestern boundary between the District of Columbia and the State of Maryland, with the authority to construct a bridge across the Potomac River, above navigation; and the said Washington City and Point Lookout Railroad Company is hereby authorized to construct a railroad within the District of Columbia and outside the limits of the city of Washington, from its road to suitable points on the branches of the Baltimore and Ohio Railroad: *Provided*, That the track of said railroad shall not be laid within such a distance of the Naval Observatory as to disturb the operations there conducted: *And provided further*, That the bridge or causeway across the Eastern Branch hereinbefore provided for shall not, nor shall any part thereof, be constructed until complete plans and written specifications shall be first submitted to the Secretary of the Navy, and be approved by him in writing, and a duplicate of such plans, specifications, and approval shall be filed in the office of said Secretary; and at any time before, during, or after the construction of such bridge, the Secretary of the Navy, if, in his judgment, such bridge as built, or as proposed to be built by such plans and specifications, shall prove, or be likely to prove, a substantial obstruction to the navigation of the said Eastern Branch, may require any alteration or modification of such plans or specifications, or of such bridge when built, to obviate such obstructions, which alterations or modifications shall be thereupon made by said company, its successors or assigns, at its and their sole expense: *And provided further*, That no part of said road through or in the District of Columbia, including the bridge across the Potomac River, shall be constructed, in whole or in part, except upon a specific location within the provisions of this act, and upon plans and specifications in writing, to be approved in writing by the Secretary of War, and a duplicate of such location, plans, specifications, and approval shall be filed in the office of said Secretary: *And provided further*, That no grading shall be done or rails laid by the said Washington City and Point Lookout Railroad Company, in the city of Washington, until it shall have graded and tied the entire line of its railroad from a point on the Baltimore and Potomac Railroad, at or near Brandywine City, in Prince George's County, Maryland, to a point on the railroad now constructed by the Washington City and Point Lookout Railroad Company, partly within the county of Prince George's, and partly within the District of Columbia: *And provided further*, That in the contemplated improvement of the harbor of Washington City, as recommended by a board of survey created by act of Congress approved March 5, 1872, the said railroad company may be required to transfer its tracks to, or lay the same along, such streets and avenues embraced in such improvement as shall be directed by the authorities in charge of such improvement: *And provided further*, That all rights granted to said Washington City and Point Lookout Railroad Company by this act shall cease and determine unless said company shall complete its road from a point at or near Brandywine City, Prince George's County, Maryland, to the city of Washington, within two years from the 1st day of July, 1874.

SEC. 2. That in all cases where the party or parties claimant shall appeal to the supreme court of the District of Columbia, under the provisions of section 3 of the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, the said company, if it shall require the immediate use of the property condemned and valued as aforesaid, before an appeal can be heard or decided, may execute and tender a bond to the party or parties aforesaid, in at least double the sum found by the jury, with sureties to be approved by the supreme court of said District, and with a condition to pay, without delay, such sum and costs as may be awarded by the said court; and upon the delivery or tender of such bond, the said company may proceed to the construction of their said road as if the party or parties claimant and the said company had agreed upon the compensation to be paid for the property to be used; and that in all cases where the said company shall appeal, and give bond as provided in said section 3 of said act, they may have the power to proceed in the construction of their road and appropriation of the property for the uses thereof as if no appeal had been taken and the parties had agreed upon the compensation for the property required.

SEC. 3. That this act may be modified, amended, or repealed by Congress at any time.

Mr. NEGLEY. I raise the point of order that this bill contemplates the use and occupancy of public property other than streets, and also that it proposes the construction of a bridge across the Eastern Branch, below the navy-yard, and therefore it should receive its first consideration in Committee of the Whole.

Mr. RICE. If the point of order is made against this bill, it must be upon the same principle that the point of order was made against the bill under consideration a short time ago.

The SPEAKER. The Chair thinks there is an essential difference between the two bills. The bill against which the point of order was raised by the gentleman from New York [Mr. COX] gave to a certain horse-railway company the right to go through public streets already dedicated to public use. This bill gives the right to a railroad company to go through and over a part of the public lands of the United States within the District of Columbia set apart for park purposes.

Mr. CHIPMAN. I think the Chair is in error. The language of the bill is that the road shall go "south of the public grounds."

Mr. HAZELTON, of Wisconsin. Does it not give the right to construct a bridge across a navigable stream?

The SPEAKER. The Chair wishes also to call the attention of the House to this fact: the law of amendment is one of the severest tests that can be applied to a bill. The Chair observes that on the third page of this bill, after describing the route of this railroad, there is the following proviso:

Provided, That the tracks of the said railroad shall not be laid within such a distance of the Naval Observatory as to disturb the operations there conducted.

Now, suppose the House should strike out that proviso; this company would then be at liberty to carry its track under the very eaves of the observatory building.

Mr. CHIPMAN. The Speaker will allow me to say that the provision of which the language quoted is a part prohibits the company from entering or encroaching upon the public grounds. And the bill also secures the instruments of the observatory from the vibrations which would take place if the road ran along the solid ground; in other words, the road is required to be built upon piles so as not to disturb the operations of the observatory, the instruments of which are in many cases very delicate.

Mr. NEGLEY. If the gentleman's statement is correct, then this company would use a portion of the present harbor facilities.

Mr. CHIPMAN. The city of Washington has no harbor. I hope Congress will assist it to have one at some time. There certainly is no harbor in front of Washington now, but simply a flat, which is inundated daily with the movements of the tide.

Mr. HAZELTON, of Wisconsin. Is not a part of the grant the right to construct a bridge?

The SPEAKER. In the opinion of the Chair it gives distinctly a right to construct two bridges.

Mr. CHIPMAN. Undoubtedly that is the fact.

The SPEAKER. And to use the public grounds for that purpose.

Mr. CHIPMAN. No, sir. The public grounds do not abut upon the river where it is proposed this bridge shall cross. If in granting the mere right to cross in the air over a navigable stream the Government yields property, I suppose the point of the gentleman from Wisconsin is a good one; but I do not think that the right to construct a bridge is liable to that objection.

The SPEAKER. Do not the public grounds reach the Potomac at the point in question?

Mr. CHIPMAN. They do not at the point where it is proposed this bridge shall cross the Eastern Branch.

The SPEAKER. The Chair does not desire to be overstrict upon questions of this kind, for he would regret to bring the rule into odium by unnecessary stringency of construction.

Mr. CHIPMAN. I do not think the bill is objectionable in any feature. It is one which certainly ought to be passed at some time.

Mr. RICE. I hope the point of order may be withdrawn that I may say a few words about this railroad.

Mr. NEGLEY. If the gentleman so desires, I am willing to reserve the point of order until he shall have spoken.

Mr. RICE. Mr. Speaker, it is quite surprising to me to witness on this occasion so much opposition in this House to the building of a railway in a city which so much needs railroad facilities—a railway, too, which is calculated to subserve the best interests of so many citizens. Whatever may be the reason, the fact is before us that the enterprise meets with opposition.

It is proposed to build this railroad from the northwestern line of the District of Columbia, through the District and through the State of Maryland, between the Potomac River and the Chesapeake Bay, down to the mouth of the Potomac. On the northwestern line of the District it will connect with the Baltimore and Ohio Railroad, so as to facilitate the transportation of coal, (which is expected to be a matter of great convenience and profit to the people,) by means of a connection with Point Lookout, where it is proposed to establish a port for the shipment of coal to the West Indies, to South America, and to any other place where the people may be disposed to buy it. It is expected that a large trade may thus be built up. Thus this road is calculated to be a great advantage to the citizens of this District.

This railroad company has had some conflict with another railroad company called the Southern Maryland Railroad Company. Those two companies had the right of way through the State of Maryland down to Point Lookout. When they both went to work, and were satisfied each was in earnest, they stopped the work, met together, and entered into a contract with each other, by which the Southern Maryland Railroad was to build its railroad from the mouth of the Potomac River to Brandywine—I think about sixty-six miles, but I am not sure of distances—and that this road to Point Lookout should build it from Brandywine into the city of Washington.

Now, during the time this was being discussed the bill was printed and laid before the committee; and as far as I know the committee were unanimous in reporting this bill. It has been carefully examined; they fully believe no injury will be done to the Southern Maryland Railroad by the passage of this bill. They believe it is essentially right and for the benefit of all classes of the people. The construction of the road is so guarded that no private interest can be injured. The bridge across the Eastern Branch of the Potomac, which is, I believe, called the Anacostia River, is to be built under the supervision and subject to the approval of the Secretary of the Navy, and if found after being built to be improperly placed, it is to be changed and altered to suit the Secretary of the Navy at the expense of the railroad company. Where it enters the city of Washington it skirts the southern side and goes to Georgetown. The line, although designated, is not clearly defined, but that line is to be located by the Government engineers under the supervison of the Secretary of War. When it gets above the navigation on the Potomac, it builds a bridge across the river, above navigation, subject to the approval of the Secretary of War.

Mr. NEGLEY. Allow me to correct the gentleman. The bridge is not above navigation, but it is proposed to build this bridge two hundred feet below the navy-yard in the city of Washington.

Mr. RICE. I speak of the bridge which is to be built above navigation. We are going to build two bridges if we can, although it seems hard to get one. [Laughter.]

Mr. Speaker, this is all subject to the approval of the Secretary of War. There is railroad business to be done on it. All the products of the State of Maryland which seek market in the city of Washington would be brought here over it, and all the coal necessary to go South would be carried on it. Trade is growing rapidly. There is no private interest injured. The whole road is to be built under the control of competent Government officers who are trusted with such work all the time. There is no objection which can be offered to the building of this railroad, I make bold to say, except it be that it may damage the interest of some other company. I hope there will be no point of order raised. If there are those who think it ought not to be done, why then vote it down. I hope I shall never be the means of bringing a bill into this House which is not right, so far as I can understand it.

The SPEAKER. The Chair will say, from a full examination of the bill, he is of the opinion the point of order does not lie against it.

Mr. RICE. Then I demand the previous question, and move that the bill be put upon its passage.

Mr. NEGLEY. I hope this House will not agree to any such hasty proceeding. It is here contemplated in this bill to construct a bridge below the navy-yard upon which the Government has expended millions of dollars in buildings and for machinery. You propose to interpose by the construction of this bridge an obstruction to any communication on the part of our vessels with this navy-yard.

Mr. RICE. Not more than two vessels go there in a month. Everybody understands that.

Mr. DAWES. Is it proposed to run along the water front on the other side of the Eastern Branch?

Mr. RICE. The location of the road is according to plans and specifications, and where it runs through the District the location is left entirely to engineers of the Government, subject to the approval of the proper Department.

Mr. DAWES. There is a public institution on the other side, and I would like to know from the gentleman whether there is anything in this bill to prevent this railroad from cutting that institution off from its communication with the river.

Mr. RICE. It is all to be under the control of the Government officers named in the bill.

Mr. DAWES. Does not the gentleman think it will be better for us to locate the line of the road in this bill if we are to pass it at all?

Mr. RICE. That may be the case, but I think engineers of the country are better able to locate a railroad line than we are.

Mr. DAWES. There is a Government institution of great value owning a large tract of land just over the Eastern Branch, which has a wharf built there for purposes connected with the carrying on of that institution. If this road runs between the river and that institution, as it has been marked down on the maps, would it not cut off this entire institution from the water-front?

Mr. RICE. Does the gentleman mean the Government Asylum on the other side of the Eastern Branch?

Mr. DAWES. Yes, sir.

Mr. RICE. I do not understand that it will do so.

Mr. DAWES. Whereabouts do you propose to cross the Branch?

Mr. RICE. At some point between the arsenal and the navy-yard.

Mr. DAWES. So that all ships of war that come to the navy-yard must pass through the draw?

Mr. RICE. Every one must go through the draw.

Mr. NEGLEY. I wish to call attention to another fact. There is here no protection for the interests of the Government. The company are permitted to build this bridge where and how they please.

Mr. RICE. In answer to the gentleman, I will say that this bridge, or this draw, is to be subject to the approval of the Secretary of the Navy.

Mr. NEGLEY. The Secretary of the Navy has nothing to do with these matters. They belong to the Secretary of War.

Mr. RICE. We supposed that the Secretary of the Navy, having to do with the Navy, would have something to do with a draw-bridge through which its ships will have to pass.

Mr. DAWES. This is the first moment that I have known that it was proposed to have this bridge between the navy-yard and the Potomac River. I am supposing that it is to be a draw-bridge.

Mr. NEGLEY. The bill does not provide for a draw-bridge.

Mr. DAWES. Then the harbor of the navy-yard will be at the mercy of the currents that may be established by the piers made for this bridge.

Mr. RICE. The only question is whether railroads shall be built in

the United States. They are built so as to cross the Mississippi River, and so as to cross the Ohio River; and there are constant complaints of the loss of property occasioned by their obstructing navigation. But then the Congress of the United States is of opinion that railroads are essential to the prosperity of the country, and accordingly it gives the railroads the right to cross these rivers. Now I want to know whether the railroad shall not be permitted to cross this shallow piece of water, the Eastern Branch. There is scarcely ever anything but a barge that goes up that Eastern Branch unless it be the ships that go to the navy-yard, and for these there will be a bridge of ample draw.

Mr. NEGLEY. I would like the gentleman to show me where that is.

Mr. RICE. It is in the bill which has been read.

Mr. PELHAM. The bill provides, on the third page, line 41—

That the bridge or causeway across the Eastern Branch, hereinbefore provided for, shall not, nor shall any part thereof, be constructed until complete plans and written specifications shall be first submitted to the Secretary of the Navy and be approved by him in writing.

And the bill further authorizes the Secretary of the Navy, if he shall find at any time afterward that the bridge proves or is likely to prove a substantial obstruction to navigation, to cause it to be removed.

Mr. NEGLEY. I am astonished that any gentleman or any committee would introduce a bill which places obstructions on the navigation of so important a channel as this leading to the navy-yard without proper guards and restrictions.

Mr. RICE. I have moved the previous question, and call for a vote.

Mr. GARFIELD. I desire to ask the gentleman from Illinois [Mr. RICE] one question. Does this interfere with the grounds below the Executive Mansion, set apart for park purposes?

Mr. RICE. It does not.

Mr. NEGLEY. I desire also to state that I have consulted the officials of the Navy Department, and they seriously object to the construction of this bridge or any interference with the channel of the river below the navy-yard.

Mr. CHIPMAN. I ask the gentleman from Illinois [Mr. RICE] to yield to me for a moment.

Mr. RICE. I have agreed to yield to the chairman of the committee, the gentleman from New York, [Mr. HALE.]

Mr. HALE, of New York. I desire the attention of the House for a very few moments in regard to this bill; and I trust my colleague on the committee, the gentleman from Illinois, [Mr. RICE,] will not insist on his call for the previous question until some wider limits have been allowed for the discussion of this matter, if anybody desires to discuss it.

Mr. RICE. I wish to clear myself on that point. I had no desire myself to close debate by calling the previous question. But I had noticed that that was very much the fashion, and I desire to be in the fashion. [Laughter.]

Mr. HALE, of New York. The Washington City and Point Lookout Railroad Company was organized under the laws of Maryland, to build a railroad from Point Lookout, on the Maryland shore, up the northern side of the Potomac to the city of Washington. Another railroad, known as the Southern Maryland Railroad Company, was also chartered to run over a route substantially parallel with the route of this road. After some rivalry these two roads arrived at an arrangement, by which the Southern Maryland Company was to build a road from Point Lookout up to Brandywine, Prince George's County, Maryland; while the Washington City and Point Lookout Company were to build the road from Brandywine here.

By an act of Congress passed last winter, January, 1873, and to be found in the seventeenth volume of the Statutes, page 413, the Washington City and Point Lookout Railroad Company were authorized to come into the District of Columbia and establish a road there. No provision was made by that law for its construction within the city of Washington. The object of the present act is to provide for the road coming within the city of Washington, which is, of course, essential not only to make the road itself of any value, but to make it contribute in any way to the welfare or prosperity of this city. It is to enable the company to do this that the present bill is introduced.

In order to this, one of two things must be done: either the road must cross the Eastern Branch at a point above the navy-yard and then come into the city from the north in some manner, either following the river or entering at a point distant from the river, or it must be allowed to cross at a point below the navy-yard. Very grave and serious objections, involving the welfare of the city, were found to exist in regard to its coming in at a point remote from the river.

The committee, after looking over the whole subject, unanimously agreed, I think, that if a bridge could be built below the navy-yard across the Eastern Branch which should not prejudice the interests of the Government, which should not interfere with the necessary operations of the navy-yard, or with the navigation of that stream so far as the United States was interested in its navigation—if such a bridge could be built it would be better that this company should be permitted to cross below the navy-yard. This bill has been drawn with the strongest guards that the committee by their united efforts were able to place about it, to permit the road to cross the Eastern Branch below the navy-yard, provided it could be done not only in such a way as not to interfere with navigation, but under the direct supervision and authority in every respect of the Secretary of the Navy, who has to approve the plans and specifications from beginning to end. Not a stroke of work can be done upon that bridge until those plans and specifications are filed in his office with his approval. Not only that; the committee did not stop there——

Mr. SCOFIELD. A question. I believe that in all the bills we have passed permitting the construction of bridges across the Ohio, Mississippi, and Missouri Rivers, we ourselves have provided for the length of span, and the height of bridge above low-water mark, and then have directed the Secretary of War or the engineer of the War Department to see that the railroad company constructing that bridge did not violate the law. This bill omits all that precaution, and leaves it for the Secretary of the Navy to say whether this bridge shall have a span of one hundred feet or of fifty feet, and how high it shall be above low water. The present Secretary of the Navy is a man of great firmness and ability; but this bill leaves him alone to encounter one of the most powerful railroad corporations of the country.

Mr. HALE, of New York. The gentleman from Pennsylvania [Mr. SCOFIELD] has not yet asked the question for which I yielded. He has only interjected a speech into mine which I will endeavor to answer. The committee have done precisely what the gentleman from Pennsylvania suggests they have done. Instead of putting any limitation into this bill, they have done what I was stating when I was interrupted by the gentleman proposing to ask me a question. They have left the whole subject to the Secretary of the Navy, and for this reason: the Eastern Branch of the Potomac is unlike the Mississippi, and the Ohio, and the other rivers to which the gentleman from Pennsylvania has referred, in respect to the navigation upon it. There is no commerce there, there is no navigation there except the navigation of the United States in connection with the navy-yard, of which the Secretary of the Navy is by his position the express guardian and defender.

The committee therefore thought it better, instead of undertaking to prescribe these rules, that they should leave the whole matter to the Secretary of the Navy, the proper and appropriate guardian of the interests of the United States in this respect; that he should specify the width of the draw, the height of the bridge, and everything else necessary to guard the interests of the United States before the construction of this bridge shall be entered upon.

The committee did not content themselves with that. Coming now to the point where I was when the gentleman interrupted me, I will say that the committee left this not merely subject to the approval of the Secretary of the Navy at the beginning, but provided that at any time before, during, or after the building of the bridge, if it shall be found by experience, or deemed probable by observation, that the bridge is, or is likely to be, an impediment to navigation, the Secretary of the Navy through all time, whether the present excellent Secretary or any other, may without question require the proprietors of the bridge to make precisely such alterations and modifications as he may see fit to direct. The committee have left the whole matter in the guardianship and charge of the Navy Department; and the Navy Department is the only being, artificial or natural, that can be seriously affected by any improper construction of this bridge.

Now it seems to me that in doing this the committee have certainly done all that it is in the power of man to do to protect the interests of the United States in case this bridge is to be built there. The question whether, under any circumstances, a bridge shall be permitted to be built there is a question which I apprehend the committee are entirely willing to submit to the decision of the House.

Mr. HALE, of Maine. I wish to interrupt the gentleman for the purpose of asking a question.

Mr. HALE, of New York. Certainly.

Mr. HALE, of Maine. I have been told that it is projected that the line of this road along the water-front shall be upon piling, which would, of course, be directly along the river-front. Now I want to ask the gentleman—and from his investigation he must know whether it is so or not—if this is true. If it be true, would it not be giving this company very great privileges and great control over this water-front; and would it not end in the company becoming the owner of the frontage or wharf property of this city? That has been said to be the plan of this company. I ask this question in good faith, because, if it is answered in the affirmative, it seems to me that in this grant we may give privileges which in the future will loom up as oppressive. I do not say that it is so.

A MEMBER. It is not.

Mr. HALE, of Maine. What is the probable line that this road is to take, so far as the investigation of the gentleman from New York [Mr. HALE] goes?

Mr. CHIPMAN. With all deference to the gentleman reporting the bill, I ask him to permit me to answer that question. There is now before Congress a report made by a board of very high officers, recommending that ultimately the river-front of Washington be the location of the depots of all railroads entering the city, so that the railroad system shall center upon the river-front; and a railroad avenue has been marked out, looking to the future improvement of the river-front.

Now, in reply to the gentleman from Maine, [Mr. HALE,] I will say that this bill gives only the right of way over ground which is every twenty-four hours inundated. The company will have only the right to lay tracks on the piles; they will not obtain any ground.

Mr. HALE, of Maine. But would not that line of piling extend in front of the whole shore?

Mr. CHIPMAN. Of course. But this bill provides that when the improvement of the river-front shall ultimately be made, the company shall remove their tracks to such place as the authorities in charge of the river improvement shall dictate. And allow me to say that if this company should undertake, under the charter, the enterprise of filling up the flat in front of Washington City, it will be a "consummation devoutly to be wished." The cost of such a work would probably be about $9,000,000.

Mr. HALE, of Maine. My apprehension was that a company, once locating their tracks there, could not be dispossessed.

Mr. SPEER. I wish to ask the Delegate from the District who is the vice-president of this railroad.

Mr. CHIPMAN. I will answer the gentleman that I happen to be honored with that position. I will add that I have no personal interest in this road, except that, as a citizen of the District, I desire to see it built. I am not pecuniarily interested in any way in this enterprise. I have accepted the position simply because the compliment has been paid to me. If there is anything wrong in the bill, let it be pointed out. The members of the committee understood my relations to the company, as I suppose many on the floor here did. My only desire is to encourage all railroads seeking entry to the city, and I believe there is no interest of the people or the Government that the committee has not fully protected.

Mr. SPEER. I desire to say one word.

Mr. HALE, of New York. I believe I have the floor.

Mr. SPEER. In answer to the Delegate from the District [Mr. CHIPMAN] I desire to say——

Mr. HALE, of New York. I trust the gentleman from Pennsylvania [Mr. SPEER] will not attempt to take me from the floor by force.

Mr. SPEER. I have made no such attempt.

Mr. HALE, of New York. I thought it had that appearance.

Mr. SPEER. Does the gentleman desire to object to my making a reply to the Delegate from the District?

Mr. HALE, of New York. Certainly; I have not suspended my remarks for the purpose of allowing debate between other gentlemen.

Mr. SPEER. I did not know the gentleman from New York was still holding the floor. I intended no discourtesy whatever to him.

Mr. HALE, of New York. Mr. Speaker, the provisions of this bill——

Mr. SPEER. I thought the gentleman yielded to me.

Mr. HALE, of New York. The gentleman certainly misunderstood me. I did not.

Mr. SPEER. I thought you said you would if I desired.

Mr. HALE, of New York. The gentleman misunderstood me.

Mr. CHIPMAN. I hope the gentleman will yield.

Mr. HALE, of New York. I cannot.

Mr. SPEER. After the vice-president of this road has been permitted to make an assault on me and my motives——

Mr. HALE, of New York. I did not hear any such assault.

Mr. CHIPMAN. I disclaim any intention to make any assault.

Mr. HALE, of New York. If the gentleman from Pennsylvania desires to respond to an assault which I failed to hear, I will yield to him for a few moments.

Mr. SPEER. Mr. Speaker, the Delegate from the District questions, it seems, the right of a Representative of the people to let the House know that an officer of a corporation is here enlightening the Representatives of the people as to their duty. I intended nothing personal to the gentleman in the inquiry I made. There would have been no indelicacy on his part in speaking on this question if he had first told the House the personal relations he occupied toward this company. But when the vice-president of a railroad company comes before the Congress of the United States asking for its bounty, for its privileges, for the franchises of the people, he should not stand upon nice points of etiquette and delicacy, nor attempt to taunt me or any other Representative on this floor when I put to him a proper and respectful question.

Mr. HALE, of New York. I rise to a point of order.

Mr. SPEER. I did not know there was anything wrong in this bill; but I say it is indelicate for the vice-president of a railroad to stand here publicly before the nation advocating its interests.

Mr. HALE, of New York. I make the point of order that the gentleman's remarks are not germane.

Mr. SPEER. They are germane to the vice-president of this company.

Mr. HALE, of New York. They certainly have not been justified by any supposed attack made upon the gentleman from Pennsylvania by the Delegate from this District.

Mr. SCOFIELD. Will the gentleman from New York [Mr. HALE] yield to me to make a motion to adjourn?

Mr. HALE, of New York. No, sir; not now.

A MEMBER. O, no; not till we pass this railroad bill. [Laughter.]

Mr. HALE, of New York. I have made several efforts to say that the specific location of this road within the general limits defined by the bill, and also its construction in every respect—the plans, specifications, &c.—are all made subject to the approval of the Secretary of War. The reason for this provision is that the control of the public works in Washington City is vested in the Engineer Department, whose action is always through the Secretary of War. Every effort has been made to protect fully the public rights in this respect, and I believe successfully.

I do not think the route of the proposed railroad, as prescribed in the bill, infringes upon the public parks or upon the water-front, or anything else likely to work to the public prejudice.

I will add, I think no member of the committee reporting this bill has any sort of interest in the question of its construction in any other way except for the public benefit; that, and that only.

Now it has been said, I know not with how much truth, that the Pennsylvania Central Railroad, known as "Tom Scott's road," had strong reasons for opposing the passage of this bill. I do not know it, and do not know why it should have such reasons. Perhaps one of the gentlemen from Pennsylvania, on opposite sides in politics, who do oppose this bill so strenuously can say whether or not the opposition is prompted by the Pennsylvania Central Railroad.

Mr. SPEER. I will answer for myself first, and then my colleague can answer for himself. This is the first time I ever heard Mr. Scott had anything to do with it; I never spoke to Mr. Scott on the subject. I never heard directly or indirectly from any one connected with the road on the subject. The gentleman states that Mr. Scott is interested, and it shows he knows more about who is interested in it than I do.

Mr. HALE, of New York. I am glad if I do.

Mr. SCOFIELD. I think if the gentleman from New York had proper motives he would not be insinuating against any other men.

Mr. HALE, of New York. I have made no insinuation against any other man.

Mr. SPEER. I think it was an insinuation.

Mr. HALE, of New York. I merely stated a fact.

Mr. NEGLEY. It was not a fact.

Mr. HALE, of New York. The opposition to this bill appears to be pressed in the interest of the Baltimore and Potomac Railroad, which is owned by the Pennsylvania Central Railroad. If that is an imputation——

Mr. NEGLEY. It is an imputation. No person connected with that road ever intimated to me a single objection against it.

Mr. POTTER. Will my colleague yield to me for a question?

Mr. HALE, of New York. Yes, sir.

Mr. POTTER. How long has this company been incorporated?

Mr. HALE, of New York. I do not know.

Mr. POTTER. Let me inquire further whether during all the years it has been incorporated it has constructed a single mile of railroad, and whether we have any reason to expect it will not be sold to somebody else just so soon as this bill has passed and become a law?

Mr. HALE, of New York. I will answer, so far as my colleague's questions are concerned, by saying, first, that I do not know when this road was incorporated; I do not know, in the next place, of my own knowledge, whether the road has been built or not. In this bill we have carefully provided, however, they shall build the railroad before they will be allowed to come into this city. We provide that all rights granted to the said railroad by this act shall cease and determine, unless it shall build its road from Brandywine, in Prince George's County, Maryland, to which point the Southern Maryland road is to come, into the city of Washington. I believe that substantially answers my colleague's questions.

Mr. NEGLEY. I wish to say a word in reply to what has been said by the gentleman from New York.

Mr. HALE, of New York. I have not yielded the floor.

Mr. NEGLEY. Let me ask the gentleman, then, whether there is provided for in this bill ample facilities for Government vessels passing in and out to the navy-yard?

Mr. HALE, of New York. The committee supposed when they provided this bridge should be built as the Secretary of the Navy required, it was all that was necessary for them to do.

Mr. NEGLEY. But the construction of the bridge and the character of the draw should be carefully guarded.

Mr. HALE, of New York. It will of course be a draw affording every facility demanded by the Secretary of the Navy.

Mr. NEGLEY. It is evidently a draw-game on Congress. Heretofore the Committee on Commerce has had that jurisdiction over these subjects. That committee has guarded carefully the public interests by preventing all unnecessary obstructions to navigation, by providing carefully so far as the elevation of the bridge is concerned and the breadth of the span and the character of the draw.

Mr. HALE, of New York. The gentleman evidently could not have listened to the remarks which have been made explaining why the committee omitted the provision in that respect.

Mr. NEGLEY. I move to refer this bill to the Committee on Commerce, or at least that portion in reference to the draw.

The SPEAKER. The gentleman from Illinois holds the floor.

Mr. NEGLEY. I ask the gentleman to yield to me for a moment.

Mr. RICE. Not just now.

Now, Mr. Speaker, it is quite astonishing to a new member like myself to see this desire of members to enter into a discussion wide of the mark now before us. I cannot help persuading myself the interest of the city of Washington in reference to the building of this railroad has not much to do with the discussion which is going on. I do not know whether it is a combat of intellectual people, trying to display what power they may have for defeat without regard to right or wrong. I remember what the gentleman from Pennsylvania said

that the photographers are now upon the steps outside the Capitol waiting to take the pictures of these gentlemen. [Laughter.] I believe, after careful examination of two weeks, after listening to every word every man had to say—and some talked a great deal about this railroad going through the District of Columbia—I do sincerely believe that it is a proper thing to be done. There is nothing asked for that should not be asked for. It is to be for the benefit of the people. The people's interests are strictly guarded, and this House is as competent to vote yes or no on this bill to-day as it will ever be; and I hope no outside influence will be brought into this matter.

This is simply to build a railroad over the Eastern Branch of the Potomac to the northwestern boundary of the District of Columbia, under the control and supervision of tried Government officers. The question is this: Will the House permit that to be done? Shall the people of this District be permitted to profit by the building of railroads, or shall their interests, on account of jealousy or on account of any other opposing motive, be laid aside? If you do not pass this bill now, the chances are that it will never be passed.

The road is already built to the other side of the Eastern Branch. Hundreds of men are now employed on it, and carts and horses in great number are employed. The men engaged in the work are not over-rich. If they do not get the right to build in this District, they may not be able to raise the money to buy rails for the road already graded. If it is a right thing to do, let it be done now; and if the House does not want to have it done, let it say so now. I call the previous question.

Mr. PLATT, of Virginia. I ask permission of the gentleman from Illinois to put a question to him.

Mr. MYERS. I desire to offer an amendment, to come in on page 2, line 14. If the bill is to guard the interests of the Government, whatever plan may be afterward approved of, I presume that there can be no objection to insert here in the bill, at line 14, the word "draw," so that it will read:

Thence to the side of the Eastern Branch, and crossing the same by a suitable draw-bridge and causeway, so as not to obstruct navigation, &c.

Mr. NEGLEY. I desire to offer an amendment.

Mr. PLATT, of Virginia. I wish to ask the gentleman a question, and I understood the gentleman yielded to me for that purpose.

Mr. RICE. I do not feel at liberty to accept any of these amendments. [Laughter.] As soon as gentlemen have done laughing they will permit me to make this observation, that this bill was read and considered at a special meeting of the committee; that every clause in it was dwelt upon, and several amendments were made. It was then put into my hands to present here for its passage. Under those circumstances, as the gentlemen belonging to the committee who have intrusted me with this bill are experienced members of this House, many of them, I beg to say that I do not feel at liberty to accept of any amendments. I want the bill to stand on its merits as it is now on the Clerk's desk.

Mr. NEGLEY. Will the gentleman allow my amendment to be read?

Mr. RICE. I will not. [Laughter.]

Mr. NEGLEY. Then I move to lay the bill on the table.

Mr. PLATT, of Virginia. Will the gentleman allow me to ask him a question for information?

Mr. RICE. I prefer not to answer it. I find that it is a dangerous thing to do here. [Laughter.] I call the previous question on the bill.

The SPEAKER. The gentleman has the right to take the sense of the House on the bill as reported.

Mr. NEGLEY. Pending the motion for the previous question, I move to lay the bill on the table.

Mr. KILLINGER. I move that the House do now adjourn.

Mr. PLATT, of Virginia. O, no; let us get through with it to-night.

Mr. CHIPMAN. I desire to suggest an amendment.

The SPEAKER. That is not in order. The gentleman from Illinois has declined to admit amendments. The question is first on the motion of the gentleman from Pennsylvania [Mr. NEGLEY] to lay the bill on the table.

The question being put, there were—ayes 81, noes 79.

Mr. HALE, of New York. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SCOFIELD. Is a motion to adjourn in order now?

The SPEAKER. It is.

Mr. SCOFIELD. Then I move that the House do now adjourn.

Mr. HALE, of New York. I desire to make a parliamentary inquiry. If the House adjourns now, when will this come up again?

The SPEAKER. It will come up the first thing in the morning if the House should now adjourn.

Mr. GARFIELD. Will it do so, the previous question not having been seconded?

The SPEAKER. That does not matter. It goes over as unfinished business.

Mr. GARFIELD. But this is District of Columbia business, which can only be reached on the third Friday of each month.

The SPEAKER. The Chair will remind the gentleman that the question of the District of Columbia business coming up as unfinished business, like anything else, was a *res adjudicata* some two years ago.

UNEXPENDED BALANCE OF APPROPRIATIONS.

Mr. GARFIELD, by unanimous consent, from the Committee on Appropriations, reported a joint resolution (H. R. No. 58) to render available a certain unexpended balance of appropriations; which was read a first and second time, recommitted to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 429) creating an additional land district in the Territory of New Mexico.

PROPOSED ADJOURNMENT OVER.

Mr. POTTER. I move that when the House adjourns it be to meet on Monday next.

The SPEAKER. The House was dividing on the question of adjournment when a report was received by unanimous consent from the Committee on Appropriations. The motion of the gentleman from New York [Mr. POTTER] can only be entertained by unanimous consent.

Objection was made.

On the question of adjournment there were—ayes 118, noes 49.

So the motion to adjourn was agreed to.

And thereupon (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rules, and referred as stated:

By Mr. BRIGHT: The petition of the heirs of Bright Roberts, deceased, for relief, to the Committee on Private Land Claims.

By Mr. BURLEIGH: The petition of citizens of Portland, Maine, deprecating the issue of any more legal-tender notes, and urging a speedy return to specie payments, to the Committee on Banking and Currency.

By Mr. BUTLER, of Tennessee: The petition of William E. Byrd, for relief, to the Committee on War Claims.

By Mr. CHIPMAN: The petition of Christian Hammelock, for a pension, to the Committee on Invalid Pensions.

By Mr. CLARK, of Missouri: The petition of Benoni Robion, for a pension for services in the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. COBURN: Papers relating to the claim of Walter D. Plowden, for compensation for services as a spy and scout, to the Committee on Military Affairs.

By Mr. CONGER: Papers relating to the improvement of Pine River, in Michigan, to the Committee on Commerce.

Also, the petition of J. A. Hamilton, of Watrousville, Tuscola County, Michigan, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. DAVIS, of West Virginia: The petition of citizens of West Virginia, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, and also remonstrating against any increase of internal taxes and a restoration of the duty on tea and coffee, to the Committee on Ways and Means.

By Mr. FARWELL: The remonstrance of brewers and maltsters of Chicago, Illinois, against increasing the duty on imported hops, to the Committee on Ways and Means.

By Mr. HARRIS, of Massachusetts: The petition of Whiton Brothers & Co., of Boston, Massachusetts, for an American register to the American-built Peruvian steamship Rayo, which was brought into the port of Boston in a badly damaged condition, sold at private sale, and changed into a sailing vessel, to the Committee on Commerce.

By Mr. HARRISON: Papers relating to the claim of John E. Bauman & Co., for use and occupation by the United States of their mill at Nashville, Tennessee, to the Committee on War Claims.

By Mr. HAZELTON, of Wisconsin: The petition of citizens of Sauk County, Wisconsin, for an appropriation for the early completion of the improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

By Mr. O'BRIEN: The petition of M. H. Plunkett, late second assistant engineer United States Navy, to be placed on the retired list of the Navy, to the Committee on Naval Affairs.

By Mr. READ: Resolutions of the Boyle County Medical Society of the State of Kentucky, in favor of the passage of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

Also, resolutions of the College of Physicians and Surgeons of Louisville, Kentucky, of similar import, to the Committee on Military Affairs.

Also, resolutions of the Medical Society of Franklin County, Kentucky, of similar import, to the Committee on Military Affairs.

By Mr. SCOFIELD: The petition of Mrs. Mary W. Shirk, widow of the late James W. Shirk, commander United States Navy, for increase of pension, to the Committee on Invalid Pensions.

By Mr. SESSIONS: The petition of citizens of Salamanca, New York, for the passage of the bill pending in Congress to authorize the Cattaraugus and Allegany Indians, in the State of New York, to lease lands, confirm leases, and quiet titles to their lands, to the Committee on Indian Affairs.

By Mr. STORM: The petition of citizens of Pennsylvania engaged in lumbering business on the Delaware River, for the improvement of the navigation of the Delaware River from Sandt's Eddy to Trenton, to the Committee on Commerce.

By Mr. VANCE: The petition of citizens of Fingerville, South Carolina, for a mail-route from Spartanburgh, South Carolina, to Rutherford, North Carolina, via Poore's Ford, to the Committee on the Post-Office and Post-Roads.

By Mr. ———: The petition of Thomas W. Collins, for the incorporation of the Oxygen Gas Company of the District of Columbia, to the Committee on the District of Columbia.

Also, the petition of Franklin Lee, of Buffalo, New York, and Charles F. Dunbar, of Erie, Pennsylvania, for provision in the deficiency appropriation bill to pay them for work done under contract in the harbor of Ashtabula, Ohio, to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 21, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

SHOSHONE RESERVATION, WYOMING TERRITORY.

Mr. SHANKS. I ask unanimous consent to report, from the Committee on Indian Affairs, for consideration at this time, a bill to confirm an agreement made with the Shoshone Indians, Eastern Band, for the purchase of the south part of their reservation in Wyoming Territory.

Mr. HALE. of New York. I must object, if it gives rise to debate.

Mr. SHANKS. I think it will not. I can explain in a moment the purpose of the bill. It is for the purchase of one-third of the Shoshone reservation, in Wyoming Territory. The reservation consists of 2,688,000 acres; and one-third of that reservation is to be sold to the United States for the benefit of the settlers now upon it for $25,000, to be paid at the rate of $5,000 a year. It is the unanimous report of the Committee on Indian Affairs.

Mr. MAYNARD. What necessity is there for bringing the bill in at this time? When will the Committee on Indian Affairs be called in its regular order?

Mr. SHANKS. The Committee on Appropriations is now perfecting the Indian appropriation bill, and it is necessary that they should have this item. For that reason, and at their request, I ask leave to introduce the bill this morning.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill provides that the agreement entered into on the 26th of December, 1872, between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the Eastern Band of Shoshone Indians, shall be confirmed and approved by the Congress and President of the United States; provided that the cattle furnished under the agreement shall be good young American cattle, suitable for breeding purposes.

Mr. WOOD. I object to the consideration of the bill at this time.

Mr. SHANKS. Then I ask that it be printed, and referred to the Committee of the Whole on the state of the Union.

No objection being made, the bill (H. R. No. 2104) was received, read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

BIRTHDAY OF ABRAHAM LINCOLN.

Mr. BANNING, by unanimous consent, presented the petition of T. N. C. Liverpool, Peter H. Clark, and other citizens of Cincinnati, Ohio, asking that the anniversary of Abraham Lincoln's birthday be declared to be a legal holiday; which was referred to the Committee on the Judiciary, and ordered to be printed.

ANNIVERSARY OF WASHINGTON'S BIRTHDAY.

Mr. CRITTENDEN. Mr. Speaker, I move that, when the House adjourns to-day, it stand adjourned until Tuesday, the 24th February, As the 22d of February comes on the Sabbath, it is well for us to recognize the succeeding day as the anniversary of the birth of General Washington. The civil and military authorities over the land have adopted that day as the anniversary of the birth of the Father of our country. We should commemorate the day on which that man was born "who was first in war, first in peace, and first in the hearts of his countrymen."

The question was taken; and on a division there were—ayes 57, noes 57; no quorum voting.

Tellers were ordered; and Mr. HARRIS, of Massachusetts, and Mr. CRITTENDEN were appointed.

The House again divided; and the tellers reported that there were—ayes 93, noes 58.

Before the result of the vote was announced,

Mr. FOSTER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 88, not voting 85; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Beck, Berry, Biery, Bland, Bowen, Bromberg, Brown, Roderick R. Butler, Caldwell, Cessna, John B. Clark, jr., Clymer, Clinton L. Cobb, Coburn, Crittenden, Crossland, Alexander M. Davis, John J. Davis, DeWitt, Dunnell, Durham, Eames, Eden, Eldredge, Frye, Giddings, Glover, Gooch, Hamilton, Hancock, Henry R. Harris, Hatcher, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Herndon, Holman, Houghton, Howe, Hubbell, Hunton, Hynes, Jewett, Kendall, Knapp, Lamport, Luttrell, Magee, Marshall, Martin, McLean, McNulta, Milliken, Mills, Mitchell, Moore, Myers, Neal, Negley, Niblack, Orth, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Pierce, Pike, Randall, Rawls, Read, Robbins, William R. Roberts, Scofield, Henry J. Scudder, Sener, Sheats, Sloss, H. Boardman Smith, J. Ambler Smith, Southard, Speer, Sprague, Stanard, Standeford, St. John, Stone, Storm, Stowell, Swann, Sypher, Thornburgh, Vance, Waddell, Waldron, Wallace, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, Wilshire, Ephraim K. Wilson, Wolfe, Wood, and John D. Young—117.

NAYS—Messrs. Albert, Albright, Barber, Buckner, Buffinton, Bundy, Burchard, Burrows, Cannon, Freeman Clarke, Clayton, Stephen A. Cobb, Conger, Corwin, Cotton, Crooke, Crounse, Danford, Darrall, Donnan, Farwell, Field, Fort, Foster, Garfield, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Hathorn, John B. Hawley, E. Rockwood Hoar, George F. Hoar, Hoskins, Hunter, Hurlbut, Hyde, Kelley, Killinger, Lawrence, Lawson, Loughridge, Lowe, Maynard, McCrary, James W. McDill, MacDougall, McJunkin, Mellish, Merriam, Monroe, Orr, Packard, Packer, Page, Parsons, Pelham, Rainey, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Sessions, Sheldon, Sherwood, Small, Smart, John Q. Smith, Snyder, Starkweather, Townsend, Jasper D. Ward, Wheeler, Whiteley, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—88.

NOT VOTING—Messrs. Archer, Averill, Barry, Bass, Begole, Bell, Blount, Bradley, Bright, Burleigh, Benjamin F. Butler, Cain, Cason, Amos Clark, jr., Clements, Comingo, Cook, Cox, Creamer, Crocker, Crutchfield, Curtis, Dawes, Dobbins, Duell, Elliott, Freeman, Harmer, John T. Harris, Harrison, Hendee, Hereford, Hersey, Hodges, Hooper, Kasson, Kellogg, Lamar, Lamison, Lansing, Leach, Lewis, Lofland, Lowndes, Lynch, Alexander S. McDill, McKee, Morey, Morrison, Nesmith, Niles, Nunn, O'Brien, O'Neill, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Purman, Ransier, James C. Robinson, Ross, Milton Sayler, Isaac W. Scudder, Shanks, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, William A. Smith, Stephens, Strait, Strawbridge, Taylor, Thomas, Todd, Tremain, Tyner, Walls, Marcus L. Ward, Wilber, Woodford, and Pierce M. B. Young—85.

So the motion was agreed to.

Mr. CRITTENDEN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERRITORIAL AID TO RAILROADS, ETC.

Mr. FORT, from the Committee on the Territories, reported a bill (H. R. No. 2105) to forbid the Territories of the United States, and the counties, cities, and towns therein, to incur indebtedness in aid of railroad companies or other private corporations; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. COTTON. I call for the regular order.

The SPEAKER. When the House adjourned yesterday the pending motion was to lay on the table a bill reported from the Committee on the District of Columbia by the gentleman from Illinois, [Mr. RICE.] It is the bill (H. R. No. 2075) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.* On the motion to lay the bill on the table the yeas and nays were ordered. The question now is, Will the House lay the bill on the table?

Mr. RICE. Now, Mr. Speaker, I desire to ask permission of the House——

Mr. RANDALL. I object to debate.

The SPEAKER. The motion to lay on the table is undebatable except by unanimous consent, and debate is objected to.

Mr. RICE. I do not intend to debate the bill, but simply to make a statement of a motion which I desire to submit.

Mr. RANDALL and Mr. SPEER objected.

Mr. RICE. I wish to withdraw the motion for——

The SPEAKER. The gentleman from Illinois——

Mr. RANDALL. I desire to have the orders of the House executed.

The SPEAKER. Certainly; but gentlemen are entitled to an intelligent apprehension of what the orders of the House are. The gentleman from Illinois [Mr. RICE] demanded the previous question on the engrossment and third reading of the bill. Pending that demand the gentleman from Pennsylvania in front of the Chair [Mr. NEGLEY] moved that the bill lie on the table. On this motion, which is undebatable, the yeas and nays have been ordered; and the motion not being withdrawn, it is the duty of the Chair to order that the vote be taken.

The question was taken; and there were—yeas 100, nays 118, not voting 72; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Banning, Barnum, Biery, Blount, Brown, Buffinton, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cessna, Clayton, Clements, Clymer, Stephen A. Cobb, Crossland, Curtis, Danford, Darrall, DeWitt, Donnan, Foster, Garfield, Giddings, Gooch, Hagans, Hamilton, Hancock, Henry R. Harris, Hatcher, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hyde, Kelley, Killinger, Lamport, Lawrence, Lawson, Luttrell, Magee, Alexander S. McDill, McJunkin, McKee, McLean, Mellish, Merriam, Mills, Monroe, Myers, Negley, Orr,

Orth, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Pike, James H. Platt, jr., Randall, Read, Robbins, Ross, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Small, Southard, Speer, Starkweather, Storm, Strait, Swann, Townsend, Wallace, Charles W. Willard, Willie, Jeremiah M. Wilson, Wood, Woodford, and Woodworth—100.

NAYS—Messrs. Albert, Albright, Averill, Barrere, Beck, Begole, Berry, Bland, Bowen, Bright, Bromberg, Buckner, Bundy, Burchard, Cannon, Cason, John B. Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crounse, Alexander M. Davis, John J. Davis, Dunnell, Durham, Eames, Eden, Eldredge, Farwell, Field, Fort, Freeman, Frye, Glover, Gunckel, Robert S. Hale, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Hersey, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hynes, Jewett, Knapp, Lofland, Loughridge, Lowe, Marshall, Martin, Maynard, McCrary, James W. McDill, MacDougall, McNulta, Milliken, Mitchell, Moore, Neal, Niblack, O'Brien, Packard, Pelham, Perry, Phelps, Pierce, Poland, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Smart, H. Boardman Smith, J. Ambler Smith, Sprague, Stanard, Standeford, St. John, Stone, Stowell, Thornburgh, Vance, Waldron, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, and Pierce M. B. Young—118.

NOT VOTING—Messrs. Archer, Atkins, Barber, Barry, Bass, Bell, Bradley, Burleigh, Cain, Amos Clark, jr., Cox, Creamer, Crocker, Crutchfield, Dawes, Dobbins, Duell, Elliott, Eugene Hale, Harmer, John T. Harris, Harrison, Havens, Hendee, Hereford, Hodges, Kasson, Kellogg, Kendall, Lamar, Lamison, Lansing, Leach, Lewis, Lowndes, Lynch, Morey, Morrison, Nesmith, Niles, Nunn, O'Neill, Phillips, Thomas C. Platt, Potter, Pratt, Purman, Rawls, William R. Roberts, Sessions, Sheldon, Sloss, A. Herr Smith, George L. Smith, John Q. Smith, William A. Smith, Snyder, Stephens, Strawbridge, Sypher, Taylor, Thomas, Todd, Tremain, Tyner, Waddell, Walls, Marcus L. Ward, Wheeler, Whiteley, and John D. Young—72.

So the motion to lay on the table was not agreed to.

During the roll-call,

Mr. WILLARD, of Vermont, said: My colleague, Mr. HENDEE, is absent on account of illness.

The result of the vote was announced as above stated.

Mr. RICE. Mr. Speaker, I desire to withdraw the motion I made last evening for the previous question on this bill; and I do so in order that the amendments which were mentioned by gentlemen in opposition to the bill may be presented and acted upon; and if the House should believe those amendments proper, I hope they will be adopted. There is no disposition on the part of the committee to interfere with the will of the House in this matter. I withdraw the motion for the previous question that those amendments may be offered.

I desire to say, further, that when the amendments have been presented and a sufficient time given for explanation, so that the House may understand the amendments, I shall then renew the call for the previous question, for the reason that I believe there is some important business which the House desires to transact, and I think members are now fully apprised concerning the merits of this bill, as they will be with regard to the amendments when time shall have been allowed for explanation. When such time shall have been allowed, I shall call the previous question.

Mr. BUTLER, of Massachusetts. I desire to move to commit this bill to the Committee of the Whole on the state of the Union, and I will state for a moment my reasons. I think it appropriates public property; that is, it takes public property devoted to one use and applies it to another use. It ought to be discussed in the Committee of the Whole on the state of the Union. It is important; while, as a rule——

Mr. RICE. I hope I will be permitted to interrupt the gentleman from Massachusetts. I am not acquainted with the parliamentary rules of the House, and therefore desire to know, when I have withdrawn my motion, my demand for the previous question, for the purpose of amendment being introduced, whether the question is debatable without amendment?

The SPEAKER. The gentleman withdrawing his demand for the previous question leaves the question before the House, Shall the bill be engrossed and read a third time? which is debatable with or without amendment in the widest sense, and the Chair has recognized the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I was desirous simply to call the attention of the House to this fact:

This bill proposes to put a road across the Eastern Branch of the Potomac, and for that purpose to build a bridge, the inevitable effect of which will be to fill up that branch and to render it unnavigable. We are already called upon to appropriate $2,000,000 to open the Potomac River, which has been filled up by the building of the Long Bridge. Now every public vessel will have to go through this bridge. If any gentleman is willing to introduce a resolution here to abolish the Washington navy-yard, I do not know but I will vote for it; but I am not willing to vote for it in this form.

Secondly, the proposed road goes near the observatory building. Anybody who knows anything about an observatory knows they have to go down to a great depth to get a foundation so as to have absolute quiet, and any jar of a train would give a parallax to Jupiter such as no astronomer ever dreamed of. [Laughter.]

Then it goes right by the Washington Monument. [Laughter.] Now, whatever we may think of the proposition to complete the building of that Washington Monument, if is there, and some time or other must be taken care of by the country.

It runs, too, between the White House and the river, as well as between the river and all the Departments. Now I wish to hear some argument to show this to be of so great advantage that we can afford to cut up this beautiful city in that way. The only advantage I have heard of from gentlemen——

Mr. RICE. Will the gentleman allow me to ask him a single question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. RICE. Does the gentleman from Massachusetts say it goes by the White House?

Mr. BUTLER, of Massachusetts. Between the White House and the river.

Mr. RICE. What is "by the White House"—a mile off?

Mr. BUTLER, of Massachusetts. It is to run between the White House and the river, wherever these gentlemen choose to put it.

Mr. RICE. It is far from the White House to the river.

Mr. BUTLER, of Massachusetts. Everybody knows how far it is.

Mr. RICE. I believe it is a mile.

Mr. BUTLER, of Massachusetts. We know the geography of the District of Columbia tolerably well. I do not care whether it is a mile or not. The point is they are to be allowed to run this road between the White House and the river wherever they choose. Everybody knows it as well as I do. They may make a depot in front of the Treasury Department. The bill gives unlimited power.

The only advantage is we shall have a coal-road connecting with tide-water. I think we can get a coal-road from Point of Rocks and the Cumberland coal mines down to tide-water without going through the heart of the city. I think it can be done in another way. I hope it can; I believe it can. Navigation is ample here for all coal-vessels which come up. The largest coal-vessels do not draw more than nine feet of water. The Reading Railroad has an immense number for the business, and an immense number, in any view of the case, of propellers for this purpose, which draw about nine feet of water, and they can go up to Georgetown if we clean out the channel.

I do not think there is any public necessity why we should give this unlimited control to a corporation to cut through the city of Washington. We are now at immense expense to beautify this city.

This is no new thing with me. I voted against the Potomac road coming in, because they wanted to come in too far. They have now spoiled substantially any hope of completing what I had hoped in some future time would have been completed—a park, with public gardens and all that sort of thing, without a railroad passing through it and a railroad depot in the center of it. I voted against that, and I am against this for the same reason.

I do not see why the merchandise of this country should be carried through the centers of cities; and I think the feeling of the people is changed as to that, and now prefers that it should go around a city. There is no such haste about a coal-train as to make it necessary that it should go through the center of a city. I desire to see coal above all things cheap, because it is wholly upon that that Massachusetts lives—through the consumption of it by manufacturers. I desire to see it as cheap as it can be made; but everybody must see that coal-vessels, to be fitted for distributing coal in the harbors and rivers of the country, must be of light draught; and this object can be attained by the use of steamers of the size found by experience to be the best for such use. By using such vessels there can be navigation from tide-water to the Point of Rocks Railroad; and I therefore see no necessity for this road.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. LAWRENCE. If this bill is passed, will it not give to this railroad company the entire control of the river-front of Washington, so as to interfere with the business of this city?

Mr. BUTLER, of Massachusetts. I am so told, but I have not examined that with sufficient care to know. I always try to speak to this House of what I do know, and not of what I do not. It may be so. I have not gone through that so as to be able to enlighten the House in regard to it. I have no knowledge of the subject that all the rest of the House have not. But I have thought it right to bring these things to the consideration of the House.

Gentlemen tell me that this will be done under the direction of the Secretary of War or the Secretary of the Navy. If this road is to be built, it has got to come somewhere, and all that has to be done is to find the least objectionable route within certain limits. My proposition is that it is most objectionable within the limits now proposed.

I yield to the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. I knew nothing about this road until yesterday, when the bill came up in the House. I did not know by what outside interest it was advocated, or anything about the corporation. I learned more than I had ever done before from friends whom I happened to meet last night. If I understand the proposition now, the road begins on the north of the city, five or six miles from here, and comes around and strikes the Baltimore and Ohio road, and, by way of the Metropolitan and Point of Rocks road—which belongs to the Baltimore and Ohio, and on which it starts—it can come in to the depot on the north side of the city. But instead of coming in on that track, it crosses the Baltimore and Ohio; crosses the Eastern Branch, and then crosses back, or perhaps keeps on the eastern side of the Eastern Branch all the time, and then crosses below the navy-yard between the navy-yard and the arsenal. It comes into the city on O street, strikes across to the Potomac River between Seventh and Eighth streets, just where most business is now done, and then follows along up the river, or "near" the river coming to the foot, or "near" the foot of the street. It is to come to the river, or "near" the river. It is very indefinite, something like

the distance as to which the gentleman from Massachusetts inquired of the gentleman from Illinois, [Mr. RICE,] whether "near" is to mean close by, or half a mile, or a mile distant. As to that the bill is silent. Then from Eighth street the road is to come "along or near" the river to Fourteenth street. And thence the route is prescribed with wonderful particularity to Fifteenth street. It is "to proceed to a point near the southern terminus of Fifteenth street southwest." This street, as gentlemen all know, is the street on this side of the Treasury building; and there I understand is the place where they are to have a depot, right in front of the Treasury building, right in front of the President's House, and nearly in front of the new State Department building. This is the rumor; I do not know how far it is true, because the bill does not say where the depot shall be. The road then goes on and will destroy the observatory altogether. I do not know but it will destroy the navy-yard. It would very materially impair its uses, and might result in its removal. Aside from that, we have now nothing in this city almost, except its being the capital. Everybody is anxious to have some manufactures, some commerce, some kind of business, to add something to the population of the city, aside from its mere political character as the capital of the country. Now, this road will remove that navy-yard ultimately, and destroy its usefulness while it is maintained. And if it goes along by the observatory, I am told by everybody who knows anything about it that it will compel its removal. That could be done at considerable cost. The observatory might be taken over to Arlington, and I suppose that would perhaps be a very good place for it. But the construction of this railroad would compel its removal from where it is now situated.

Then the bill provides that this road shall go along by a "desirable or feasible" route—some such language as that, practically by any route which the company may choose—into Georgetown, and then through the city of Georgetown. And then, in the end, it will probably come back "to the place of beginning," as we say in deeds. This bill, however, does not provide that it shall go back there, but it may go down into Virginia. The object is undoubtedly that it shall come back to the place where it began when the Baltimore and Ohio Railroad gets the control of it, as I hope it will in time; for I think it would be better for that road to control it than to have an independent little corporation here.

This road is to come into and go through the city of Washington and the city of Georgetown. Now, in the cities of the North, where we at an early day improvidently allowed railroads to come, we have been at great expense and trouble to get them outside of the cities. By this bill it is proposed to shut off the river front of the city, and destroy all hope of future commerce here, to destroy the navy-yard in part, and the Naval Observatory in whole, and to impair the interests of the property-holders in Georgetown, and at the same time do no good to the city, because starting where they do on the Metropolitan road, they could follow that road down to the Baltimore and Ohio depot.

Mr. HALE, of New York. The gentleman from Pennsylvania [Mr. SCOFIELD] makes, I understand, two objections, or rather two classes of objections, to this proposed charter.

The first is that it is indefinite in its terms, providing that it shall go "at or near" the foot of certain streets, and he says, and very unjustly says, that means that it shall go wherever the company chooses to put it. Now, if the gentleman had taken the precaution to read this bill before talking about it, he would have seen that it does not leave the company to go where it pleases, but that the committee, in reporting this bill, and specifying the general route, "at or near" certain points, have carefully provided that the precise route within those limits shall be determined by the Secretary of War. That is a very different thing from a determination by the company, as my friend from Pennsylvania cannot fail to know.

So, too, in regard to the injury that will be done to the Naval Observatory. If the gentleman had taken the precaution to read the bill he would have seen that, even in that respect, the bill is carefully guarded; that the company is prohibited from building their road where it will in any way interfere with or injure the Naval Observatory, and that by a proposed amendment that question is to be determined by the Secretary of the Navy.

I submit that gentlemen who are opposed to this bill, before they criticise its provisions, should at least pay some attention to the provisions of the bill itself, and not entirely mistake its scope and effect.

Mr. SCOFIELD. What I said about the language of the bill being "at or near" I said in passing, not laying much stress upon it. My objection was that it was proposed to allow this railroad to go through the whole city, blocking up the water-front. As to the Naval Observatory, I knew very well, for I have read the bill, because, thanks to the House adjourning last night, we had an opportunity to read the bill before the gag-law was applied to push it through. I know it provides that it shall not injure the Naval Observatory. But gentlemen who are conversant with the matter inform me that there is no opportunity for the road to pass between the Potomac and the Naval Observatory without destroying the Naval Observatory altogether. As gentlemen are well aware, the Potomac River runs comparatively near the observatory, and I am told that the road cannot run along there without destroying the observatory. To provide that the road shall go there, and then put on the condition that it shall not injure the observatory, will be about as effective as the Pope's bull against the comet.

Mr. HALE, of New York. We provide that it shall not go there except upon the approval of the Secretary of the Navy, on the ground that it will not injure the Naval Observatory. If that cannot be done, then that is an end of the matter.

Mr. SPEER. I have been informed by two gentlemen on the floor of the House, this morning, that the Secretary of the Navy says the erection of this bridge will destroy the navy-yard; and that he has never been consulted by the committee in regard to this bill; and if he had been, he would have so stated.

Mr. G. F. HOAR. I rise to a question of order. I agree with the gentleman from Pennsylvania [Mr. SPEER] in regard to this bill, and therefore my point of order cannot be considered as in opposition to him. I submit that it is a breach of the privileges of this House to quote the opinions or statements of any officer of the executive department of the Government for the purpose of influencing the action of the House.

The SPEAKER. The Chair is of opinion that that is not in order.

Mr. SPEER. Of course the point of order lies, if made; but I did not think it would be raised under the circumstances. I will say that it seems to me that upon a bill of this moment the Secretary of the Navy should have been consulted. It is singular, to say the least of it, that this committee should have reported a bill of this character, affecting, as it does, Government interests, without first submitting it to the Secretary of the Navy or the Secretary of War.

It seems to me that the motion of the gentleman from Massachusetts to send the bill to the Committee of the Whole is eminently proper, and should be adopted by the House.

Mr. BUTLER, of Massachusetts. I desire only to send the bill to the Committee of the Whole that it may be fully considered and debated. There need be no haste about this matter. The same gentlemen who are moving in this enterprise have had, I am informed, a charter for another road making a connection between the Point of Rocks road and the Baltimore and Ohio road, and have disposed of the charter to the latter company. I have not a word to say against that. I am very glad they did it. But unless we can debate the question fully, I for one am not disposed to give up the power of Congress over the city of Washington into the hands of any executive officer under the hope that he will necessarily do right in the matter.

Mr. NEGLEY. The Secretary of the Navy has no officers under his command who can perform the duty of making surveys and other examinations of the channel.

Mr. BUTLER, of Massachusetts. So far as concerns the purposes for which we have a navy-yard here, I know, without asking the Secretary of the Navy or anybody else, that building a bridge over as muddy a stream as the Eastern Branch will fill it up. It cannot be otherwise; especially where there is not an active commerce by propellers and other vessels to sweep out the stream. Therefore I hope the House will adopt my motion to send the bill to the Committee of the Whole, where all the amendments can be discussed, and where we cannot be shut off by the previous question from offering amendments which the gentleman in charge of this bill may not like.

Mr. RICE. Will the gentleman permit me to ask him one question before he sits down?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. RICE. I wish to know whether the gentleman has not himself framed a bill which has been introduced into this House to build a railroad over almost this identical ground?

Mr. BUTLER, of Massachusetts. No, sir; I never in my life framed a railroad bill to be introduced into this House. I answer the question with great pleasure.

Mr. RICE. I thought that I had had such a bill of the gentleman's in my hands.

Mr. BUTLER, of Massachusetts. No, sir; I never introduced such a bill. One was shown to me, but I did not know anything about it.

Mr. GARFIELD. I hope this bill will be allowed to go to the Committee of the Whole. We have had one railroad cutting into our public grounds; and I hope we shall not authorize another—at any rate not without full debate.

Mr. FRYE. Mr. Speaker, I voted "no" on the proposition to lay this bill on the table. I did so because I do not like and never did like that way of disposing of a measure which has had the careful consideration of a committee. In so voting I did not intend to declare myself in favor of this bill.

I have understood that the Insane Asylum grounds have been almost destroyed by allowing a railroad, under the authority of Congress, to occupy the water-front there. I should not dare to vote for any railroad bill allowing such use of other parts of the water-front, without being absolutely certain myself that the experience we have already had in this matter is not to be repeated. Hence I am in favor of the motion of the gentleman from Massachusetts.

Mr. E. H. ROBERTS. Mr. Speaker, whatever gentlemen may think about the merits of this bill, it seems to me that after the suggestions which have been made, the least that can be done with reference to the bill is to send it to the Committee of the Whole, where it may be more fully considered. I know that a number of gentlemen, who voted against laying the bill on the table, desire now to have further time to consider it before they are called upon to vote on it. I trust the chairman of the committee will assent to the reference of the bill to the Committee of the Whole.

Mr. NEGLEY. My reason for making the motion to lay the bill

on the table was that the gentleman having the management of it refused to permit even the reading of an amendment; and I considered that under such circumstances we should force them to some terms. This is a very important measure, one affecting the gravest interests of the Government, and I hope it will be considered in Committee of the Whole, so as to allow ample room for debate and amendment.

Mr. RICE. I have no authority to speak for the entire committee, but I will say that I have no objection whatever to the bill going to the Committee of the Whole, or anywhere else where it shall be fully investigated by the House, and decided upon its merits.

The question being taken on the motion of Mr. BUTLER, of Massachusetts, to refer the bill to the Committee of the Whole on the state of the Union, it was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was referred to the Committee of the Whole; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE EASTERN BRANCH.

Mr. ELDREDGE, by unanimous consent, reported from the Committee on the District of Columbia a bill (H. R. No. 2106) to authorize the construction of a substantial iron bridge across the Eastern Branch of the Potomac, at or near the present Anacostia bridge; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

ORDER OF BUSINESS.

Mr. PACKER. Mr. Speaker, I call for the consideration of the special order.

The SPEAKER. The gentleman from Pennsylvania [Mr. PACKER] claims the floor on the bill for the restoration of the franking privilege; and the gentleman from Illinois, [Mr. HAWLEY,] chairman of the Committee on Claims, desires the House to go into Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. Upon this question I desire to say one word. Yesterday, as the House knows, was occupied by the Committee on the District of Columbia, after two o'clock. There were but three bills disposed of yesterday on the Private Calendar. I hope now the House will give the remainder of this day to the consideration of the bills on the Private Calendar and make some progress. There are quite one hundred bills on the Calendar. Unless we go on with private bills on Fridays and Saturdays we will never get through with them during this session.

This is private-bill day as much as Friday, and I hope the House will stand by my proposition to go into Committee of the Whole on the Private Calendar rather than take up any other business.

The gentleman from Pennsylvania, [Mr. PACKER,] chairman of the Committee on the Post-Office and Post-Roads, can go on with that bill any time next week, while the business on the Private Calendar can only be attended to on private-bill days.

Mr. COBURN. I hope the House will agree to the motion of the gentleman from Illinois. There is a large amount of private business, and it is increasing constantly, in the hands of the committees and upon the Private Calendar in the Committee of the Whole House. There are only about two hours and a half which we will have for an entire week to work at this business. I have no doubt, although this is not as important as the franking bill, it is nevertheless of considerable importance. Private bills have received the attention of the committees of the House which have had them in charge, and I think they ought to have fair consideration by the House. The longer their consideration is put off the greater will be the number of private bills to be acted on, and the greater will be the danger of private bills having no merit getting through the House in the hurry and confusion of the last days of the session. I hope the House will not lose this opportunity and the opportunity we have every week on private bill-days to examine into these private claims. The only way that can be done effectually is to give time for their consideration. If we go to other business to-day we will give only a few hours next week.

Mr. PACKER. If the House will remember, although the bill to which I have called the attention of the House was made a special order for last Friday, the Committee on the Post-Office and Post-Roads gave way—recognizing the importance of acting on private bills on private-bill days. I think it is important for us to dispose of the franking bill, which is the special order, before we adjourn to-day.

Mr. RANDALL. If I understand the position of the franking bill, it stands in the way of everything else, and ought to be disposed of, so that other matters of public business may be considered. Is this private-bill day?

The SPEAKER. Saturday is private-bill day, the same as Friday; but the House is less familiar with that fact, so few sessions are held on Saturdays.

Mr. MAYNARD. I will make a suggestion. But a small percentage of private bills will ever get through under the present system. It is therefore a matter of little consequence to private claimants whether we consider only three or four per cent. of them or not; because we will have to adopt some other mode, some more efficacious method of disposing of the business than that we now have. I think we had better agree to the motion of the gentleman from Pennsylvania, and get his car-load of books out of the way as soon as possible.

Mr. HAWLEY, of Illinois. The same argument may be made in reference to any other bill in the House.

The SPEAKER. The question recurs on the motion to go into the Committee of the Whole on the state of the Union.

The House divided; and there were—ayes 74, noes 64.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. PACKER, and Mr. HAWLEY of Illinois, were appointed.

The House again divided; and the tellers reported—ayes 88, noes 63.

So the motion was agreed to.

ABEL W. LEWIS.

The SPEAKER. The gentleman from Indiana [Mr. SAYLER] desires to withdraw from the files of the House all the papers, except the report of the committee, in the case of Abel W. Lewis last before the Committee on Claims, which the committee reported back adversely. No objection is made by the chairman of the committee or the member who made the report. If there be no objection the request will be granted.

There was no objection; and it was ordered accordingly.

ENROLLED BILL.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. No. 493) to establish certain post-routes in the State of Arkansas; when the Speaker signed the same.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted to Mr. SHELDON for ten days, on account of a death in his family; and also to Mr. STORM, for ten days.

OFFICERS AND CREW OF THE WACHUSETT.

On motion of Mr. MYERS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the memorial of Commodore Collins, for the relief of the officers and crew of the United States steamer Wachusett, reported adversely by the Committee on Naval Affairs; and it was recommitted to the same committee.

IMPORTATION AND COINAGE OF GOLD.

Mr. WILLARD, of Michigan, by unanimous consent, introduced a bill (H. R. No. 2107) to encourage the importation and coinage of gold; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

SURVEYS ON UPPER MISSISSIPPI RIVER.

The SPEAKER laid before the House a letter from the Secretary of War, in answer to a resolution of the House of February 13, 1874, in relation to the surveys made on the Upper Mississippi River, between Minneapolis and Saint Cloud; which was referred to the Committee on Commerce, and ordered to be printed.

PROCEEDS OF CAPTURED AND ABANDONED PROPERTY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of January 16, 1874, in relation to the amount of money paid into the Treasury of the United States arising from cotton and other captured and abandoned property; which was referred to the Committee on Appropriations, and ordered to be printed.

YELLOWSTONE PUBLIC PARK.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a draught of an act amendatory of and supplementary to the act entitled "An act to set apart a certain tract of land, lying near the head-waters of the Yellowstone River, as a public park;" which was referred to the Committee on the Public Lands, and ordered to be printed.

LOST ARMY CLOTHING.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to clothing lost by the enlisted men of Company F, Third United States Cavalry, during the flood in Blackwood Valley, on May 31, 1873; which was referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL SAVINGS-BANK.

The SPEAKER also laid before the House a letter from the treasurer of the National Savings-Bank, transmitting his annual statement of said bank for the year ending December 31, 1873, in compliance with the act of May 24, 1870; which was referred to the Committee on Banking and Currency, and ordered to be printed.

EASTERN AND WESTERN TRANSPORTATION COMPANY.

Mr. HURLBUT, by unanimous consent, from the Committee on Railways and Canals, reported a bill (H. R. No. 2108) to incorporate the Eastern and Western Transportation Company; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Railways and Canals, not to be brought back by a motion to reconsider.

AMERICAN SHIP TRANSPORTATION ASSOCIATION.

Mr. HURLBUT also, by unanimous consent, from the Committee on Railways and Canals, reported back the memorial of the American Ship Transportation Association; which was ordered to be printed, and recommitted to the same committee.

LOUISVILLE CUSTOM-HOUSE.

Mr. STANDEFORD, by unanimous consent, introduced a bill (H. R. No 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COMMERCE WITH FOREIGN COUNTRIES.

Mr. WHEELER, by unanimous consent, from the Committee on Commerce, reported back a letter from the Secretary of State, transmitting, in compliance with the acts of August 16, 1842, and August 18, 1856, a report upon the commercial relations of the United States with foreign countries for the year ending September 30, 1873; and moved that the same be printed, and recommitted to the Committee on Commerce.

The motion was agreed to.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. STONE. I ask unanimous consent to introduce, for reference to the Committee on Railways and Canals, a bill for the improvement of the mouth of the Mississippi River.

Mr. CONGER. That bill should go to the Committee on Commerce.

Mr. STONE. I submit that the proper reference is to the Committee on Railways and Canals.

The SPEAKER. That depends on where the papers heretofore presented relating to this subject now are. There is no necessity for having the same subject before two separate committees.

Mr. CONGER. All the papers regarding the improvement of the mouth of the Mississippi have been referred to the Committee on Commerce. All papers relating to the Saint Philip Canal have been referred to the Committee on Railways and Canals. I understand that this bill relates to the improvement of the mouth of the Mississippi River.

Mr. STONE. I desire to have the bill referred under the rules of the House.

The SPEAKER. The bill can only be introduced and referred by unanimous consent; and the gentleman from Michigan [Mr. CONGER] objects.

Mr. STONE. I withdraw the bill.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

Mr. STORM. I desire to give notice that I shall offer, when in order, the following amendment to the bill (H. R. No. 825) in relation to the distribution of public documents, &c.:

Strike out of the bill all the sections except the third.

Mr. BUCKNER. I also desire to give notice of an amendment to the same bill.

The SPEAKER. Does the gentleman desire to have it printed?

Mr. BUCKNER. I do not.

The SPEAKER. Then there is no necessity for introducing it now.

DISTRIBUTION OF SEEDS AND PRINTED DOCUMENTS.

Mr. HAYS, by unanimous consent, introduced a bill (H. R. No. 2110) to provide for the distribution of seeds and printed documents by the Agricultural Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PRIVATE CALENDAR.

The House then pursuant to order, resolved itself into Committee of the Whole House on the Private Calendar, (Mr. ORTH in the chair.)

JAMES DE LONG.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. No. 526) for the relief of James DeLong.

The bill was laid aside, to be reported to the House with the recommendation that it be passed.

HENRY S. WELLES.

The next business upon the Private Calendar was a bill (H. R. No. 1759) for the relief of Henry S. Welles.

The bill directs the Secretary of War to pay Henry S. Welles $193,132.96, out of any moneys in the Treasury not otherwise appropriated, for expenditures made by him under his contracts of May 1 and July 5, 1866, for removing obstructions from the Savannah River, and improving the harbor, prior to the date of the annullment of said contracts by the Secretary of the Treasury, being the amount found due in the settlement of his account as authorized by the Secretary of War.

Mr. CONGER. I move to amend the bill by striking out at the close the words "being the amount found due in the settlement of his accounts as authorized by the Secretary of War," and inserting in lieu thereof the words, "which said sum shall be in full satisfaction to said Welles for all claims referred to in the report and recommendation of the Secretary of War."

I desire to state briefly the character and object of this bill. The amendment which I have proposed is merely verbal, making the more distinct the purpose of the bill. The report which will be read to the House will show that shortly after the war the Secretary of the Treasury entered into acontract with Mr. Welles to remove obstructions in the river at Savannah, Georgia, in order to enable the commerce of that place to be carried on by the river. By the contract Mr. Welles was to receive as compensation for the removal of such obstructions certain property which had been sunk in the river during the war to prevent any vessel from coming up the river and attacking the city of Savannah. Mr. Welles gave to the Government a bond of $50,000 for the performance of his part of the contract.

The contract continued for some four years, with an expenditure on the part of Mr. Welles, in money, labor, and material, amounting to about $250,000. During that time he received as compensation, from the sales of the property recovered, sunken vessels and things of that description, the sum of $40,000. Just at the time when the main obstructions in the harbor had been removed, and navigation had been opened to the city, before Mr. Welles had yet reached any of the sunken vessels which contained iron and other valuable material, from which he was to receive his compensation, the legal officers of the Government notified the then Secretary of the Treasury that this contract, which had been made by Mr. McCulloch, the former Secretary of the Treasury, had no authority of law, and that it must be annulled; consequently the contract was annulled, and Mr. Welles, while in the performance of it, with all the material on hand for fulfilling the contract, with his vessels, steamboat, diving apparatus, rafts, and floats, was compelled, at a moment's notice, to stop his work. He had received, as compensation for the expenditure of $250,000, only the $40,000 mentioned in the report.

I am instructed by the Committee on Commerce to say to the House, after a careful investigation of this subject, that the work performed by Mr. Welles was of that character which the Committee on Commerce, under the recommendation of the Engineer Department, have provided for being performed upon other harbors ever since the war closed, making appropriations of money out of the Treasury for that purpose. Since this contract was closed, the first year after it was annulled, the Committee on Commerce in their bill for river and harbor appropriations reported $50,000 to continue the work. And in their last bill another $50,000 was appropriated to continue the work which had been commenced and carried on by Mr. Welles. And the Committee on Commerce this year, under the recommendation of the Engineer Department, will ask the House to make a still further appropriation to complete and finish that work.

Mr. HOLMAN. As the Committee on Commerce have largely predicated their recommendations in reference to this case upon the report made by the engineer having charge of this work, I would suggest to the gentleman from Michigan [Mr. CONGER] that a few paragraphs of the report of that engineer should be submitted to the committee, so that the basis of the action of the Committee on Commerce may be known to the House.

Mr. CONGER. I propose to have the report read—the whole of it. I desired, however, as this bill recommends the appropriation of $193,000, to bespeak in advance of the reading of the report the attention of members to it, so that when it shall be read (and I believe it contains a full statement of the case in all its details) it will receive the attention of every member of the committee. Therefore, if they will listen to the reading of the report, they will see what is the character of the bill, and what appropriation is required, and will be able to decide upon its justness and propriety. It was for that reason, and that only, that I sought to make a few introductory remarks before I asked the Clerk to read the report of the Committee on Commerce on this bill, which I now send to his desk.

The Clerk read the report, which was as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 823) "to provide payment for clearing the river and harbor of Savannah, Georgia, of obstructions during the years 18 and 18 , together with the accompanying petition of Mr. Henry S. Welles, and contracts of the Secretary of the Treasury with said Welles, letter of the Secretary of the Treasury annulling said contracts, and Executive Document No. 123, Fortieth Congress, second session; also, correspondence of the Secretary of the Treasury with Mr. Welles and other parties, together with report of the Secretary of the Treasury and report of the Secretary of War in answer to a call for information from the Committee on Commerce of the Senate of the United States in reference to said petition, respectfully report:

That in May, 1866, the Secretary of the Treasury made a contract with Henry S. Welles, and in July following said contract was modified.

The contract was for removing certain artificial obstructions placed in the river and harbor of Savannah, Georgia, to prevent vessels of the United States from approaching the city of Savannah, and consisted of sunken vessels, a floating dry-dock sunk, cribs filled with stone and bricks, &c.

These obstructions are shown upon a Coast Survey chart made in 1865 by the United States.

Mr. Welles proceeded to fulfill the conditions of his contract, and gave bonds in the sum of $50,000 for faithful performance of the same, and continued until January, 1870, when the Secretary of the Treasury, without notice and without claiming any failure upon the part of Mr. Welles, but solely because the law officers of his Department advised him there was no authority upon the part of the Secretary of the Treasury to make such contracts, annulled the contract.

By the terms of the contract Mr. Welles was to receive his pay from the proceeds of the materials recovered from such obstructions.

He was compelled by the exigencies of commerce and correspondence of the Secretary of the Treasury and his agents to confine his efforts to the opening and widening of the main channel, and not allowed to take up the dry-dock and the iron-clad vessels that did not lie directly in the main channel, which at that time were of great value if they were raised, and he was so kept at work in the main channel until the annulment of the contract, in January, 1870.

Thus, from an error in or want of authority of the Secretary of the Treasury, and from other reasons hereafter referred to in the report from the War Department, Mr. Welles has become a great loser, while the Government are the gainers by his losses.

Mr. Welles, under this state of the case, with no contract, had no other recourse but an appeal to Congress, setting forth his expenses and receipts under the orders of the Secretary of the Treasury, and ask payment for actual expenses and disbursements. He applied by petition to Congress in December, 1872, and his petition was referred to the Secretary of the Treasury by the Committee on Commerce of

the United States Senate; and the following report from the Secretary of the Treasury was received by said Senate committee:

TREASURY DEPARTMENT,
Washington, D. C., February 4, 1873.

SIR: It appears from the records of this Department that on the 1st day of May and the 5th day of July, 1866, two contracts were made by the Secretary of the Treasury, acting under the captured and abandoned property acts, with one Henry S. Welles, to remove the following wrecked property:

1st. The wreck known as the Savannah.
2d. The wreck known as the Ogeechee.
3d. The wreck known as the Georgia, or the ladies' gun-boat.
4th. The wrecks of vessels sunk below the obstructions.
5th. The dry-dock sunk in Saint Augustine's Creek.
6th. The wrecks sunk near Fort Pulaski; and such other wrecked vessels as may be discovered in and near the river and harbor of Savannah. And also to remove all cribs, piles, boats, scows, vessels, and other property that obstruct the channel of the Savannah River.

And that said contracts were annulled by me on the 18th day of January, 1870.

If Mr. Welles has expended more than he has received for improving the harbor under his contracts, I know of no authority to adjust and pay the same, except the authority be granted by Congress.

In this connection, I transmit herewith Executive Document No. 123, Fortieth Congress, second session, being a letter from the Secretary of the Treasury in answer to a resolution of the House of Representatives relative to obstructions in the Savannah River.

The petition inclosed with your letter of the 24th ultimo is returned herewith.

Very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. Z. CHANDLER,
Chairman Committee on Commerce, United States Senate.

Whereupon the said Committee on Commerce of the Senate reported a bill unanimously to pay Mr. Welles. The said Senate committee also sent said petition to the Secretary of War for a report, and during the interval of time between the last Congress and the present the War Department have given the matter full and careful consideration and investigation, and adjusted the amount due Mr. Welles, and made the following report and recommendation:

[Senate Executive Document No. 5, Forty-second Congress, first session.]

Letter from the chief clerk of the War Department, in relation to the application of Henry S. Welles for compensation for removing obstructions from the harbor of Savannah, Georgia.

WAR DEPARTMENT,
Washington, December 8, 1873.

SIR: In response to the letter of the chairman of the Committee on Commerce of the United States Senate, dated January 16, 1873, inclosing the petition of Henry S. Welles, praying compensation for removing obstructions from the harbor of Savannah, Georgia, and requesting information in relation to the matter, I have the honor, in the absence of the Secretary of War and by his direction, to transmit letter of the Chief of Engineers of the 4th instant, inclosing copy of report of Major Q. A. Gillmore, Corps of Engineers, the officer in charge of the improvement of Savannah Harbor, dated November 14, 1873, and accompanying papers.

Major Gillmore was prevented by absence on other duty from giving the subject of Mr. Welles's petition the attention it seemed to demand prior to the adjournment of Congress.

The report now transmitted, it is believed, will furnish all the information desired by the committee.

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.

The PRESIDENT *United States Senate.*

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., December 4, 1873.

SIR: The letter of the chairman of the Committee on Commerce of the Senate of the United States, dated January 16, 1873, inclosing petition of Henry S. Welles, for compensation for removing obstructions from the harbor of Savannah, and requesting information, &c., referred to this office for report, is herewith respectfully returned.

The letter was referred to Major Q. A. Gillmore, Corps of Engineers, the officer in charge of the improvement of Savannah Harbor, and a copy of his report thereon, dated November 10, 1873, is hereby submitted.

Major Gillmore appears to have given the subject close attention, and it is believed that his report will furnish all the information desired by the committee.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP, *Secretary of War.*

UNITED STATES ENGINEER OFFICE,
New York, November 10, 1873.

GENERAL: I have the honor to return herewith the papers relating to the petition of Henry S. Welles for compensation for removing wrecks and obstructions from the Savannah River, Georgia, under his contracts with the Treasury Department, which papers were referred to me for report January 22, 1873.

Owing to my absence at the time on duty in the South, and my consequent inability to obtain access to Mr. Welles's records and accounts, it was impracticable for me to give the subject the attention it seemed to demand and render a report before the adjournment of Congress.

Attention is respectfully invited to the papers herewith transmitted. The "extracts" and "copies" I have compared with the original papers in Mr. Welles's possesssion, and have found them to be correct.

1. Printed memorial, (marked A,) containing copies of original contracts, dated May 1, 1866, and July 5, 1866, and copy of original letter of the Secretary of the Treasury, dated January 18, 1870, declaring said contracts null and void.

2. Printed "brief," (marked B,) containing extracts from the correspondence between Mr. Welles and the Secretary of the Treasury, and from the reports of the agents appointed by the Secretary of the Treasury to make inspections from time to time during the progress of the removal of the obstructions.

3. House Executive Document No. 123, (marked C,) being a letter from the Secretary of the Treasury, in answer to a resolution of the House relative to the obstructions in the Savannah River.

4. Letter of the Secretary of the Treasury, dated February 4, 1873, to the chairman of the Senate Committee on Commerce, (marked D.)

5. Printed statement (marked E) of Mr. Welles's expenditures, in detail, accompanied by the affidavit and certificates of his superintendents and extracts from the accounts rendered by them to Mr. Welles, showing the earnings of the wrecking equipment and proceeds of sales of materials recovered.

From these papers it would appear that Mr. Welles entered into contracts with the Treasury Department to remove certain designated wrecks, cribs, and other sunken obstructions from the Savannah River, and that these contracts were based upon the Coast Survey chart, made in December, 1865. This chart shows nine vessels to be removed, besides the dry-dock and single line of sixteen cribs at the main line at the head of Elba Island. I know, from personal observation, that there was a double line of cribs at this point, and that there had been removed forty cribs in all, most of them being from this main line of obstructions. Twelve cribs remained when Mr. Welles's contract was annulled, January 18, 1870, which have been removed under my supervision within the past year.

In addition to the forty cribs, I am convinced by personal observation and investigation that about one hundred and fifty piles, many iron-shod snags, and a number of torpedoes, were taken from the channel by the contractor.

Instead of nine vessels, as shown on the Coast Survey chart, from twenty-seven to thirty were sunk at different points in the river. Mr. Welles removed over twenty of these, and seven remained to be removed when his contract was annulled.

In effecting the removal of these obstructions Mr. Welles claims to have expended $233,235.73, this amount being charged in detail in the printed account of expenditures marked E.

In support of this claim Mr. Welles presents his labor receipt-books, his accounts-current, as rendered by his superintendent, Mr. Willink, and the affidavit of Mr. Willink and certificates of Mr. Woodward.

The books and accounts have been carefully examined, and I find that the monthly accounts for labor agree with the charges in the printed statement. Superintendent Woodward appears to have taken proper receipts for all amounts paid by him on this account, but under Mr. Willink's superintendence no signatures were taken in the time-book, possibly for the reason that but few of the employés could write. From my personal knowledge of the amount of work done, I feel satisfied that in this particular the account is correct.

The charges for the subsistence of employés I believe to be reasonable. The charge for "wrecking equipment," which forms so large a proportion of the aggregate, I have not been able to verify from any accounts in Mr. Welles's possession. These accounts, it is claimed, were lost with the wrecking steamer when that vessel was sunk. Considering, however, that the employés were constantly required to work extra time, the wages paid them appear to be reasonable, and the value of the use of the steamer, lifting vessels, lighters, diving apparatus, &c., seems to be fairly estimated. Mr. Woodward's certificate and the affidavit of Mr. Willink on these points are submitted with the printed account of expenditures marked E. Both Mr. Woodward and Mr. Willink are personally known to me, and are regarded as good authority.

Attached to this account, also, is a statement of the several amounts received for relieving vessels in distress, and from sales of materials recovered, aggregating $40,102.77. These figures are obtained from original accounts-current with which I have compared them and found them to agree.

The correspondence between the Secretary of the Treasury and Mr. Welles indicates that the exigencies of commerce, as stated by the pilot commissioners and city authorities of Savannah, ship-masters, and others, required the removal of the cribs, wrecks, and piles at and near the main line of obstructions at Four-Mile Point. The contractor appears to have carried on his operations in obedience to the orders of the Secretary, and to have first devoted his attention to the removal of the wrecks and cribs which seriously obstructed the channel.

In my opinion, if Mr. Welles had been required to remove only those wrecks and cribs shown upon the Coast Survey chart, the proceeds of the wreck of the dry-dock and the iron-clads Georgia and Savannah would have afforded him a considerable profit on the entire work. Or, if he had been permitted to complete his contract, the proceeds of these wrecks would have enabled him to reimburse himself largely for his expenditures on the other more serious, but, to him, comparatively valueless obstructions. That they were of little value is shown by the remonstrance of the mayor and city council of Savannah, referred to in the letter of the Secretary of the Treasury, (printed document marked C,) herewith transmitted, page 17.

The facts of the case seem to be that, in executing in good faith a contract, the existence of which was known to Congress, as well as to the Treasury, War, and Navy Departments, and therefore a presumably legal one, Mr. Welles accomplished an important public improvement at a heavy personal cost. No default, on his part, is alleged. The annulment of his contract, before he had taken up the most valuable of the wrecks, deprived him of the only legitimate means he possessed under it to reimburse himself for money actually expended by him. In addition, I deem it at least questionable whether the same work could have been done by the United States at that time, under the contract system or otherwise, at a less cost than that incurred by Mr. Welles.

I therefore consider his claim for $250,000 a just one, and recommend its payment.

Very respectfully, your obedient servant,

Q. A. GILLMORE,
Major of Engineers, Brevet Major-General, U. S. A.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers U. S. A., Washington, D. C.

Your committee further report:

Congress would have been compelled to have made appropriations to open this channel of commerce, and have made appropriations since the annulment of this contract to the amount of $100,000, to proceed with the work, and new appropriations are annually granted by Congress for the same kinds of works performed by Mr. Welles for the benefit of commerce and navigation.

In view of all the facts and investigation, this committee report favorably, and recommend the passage of the accompanying bill.

Mr. CONGER. I have but one word further to say, unless some further inquiries be made. This matter was referred to the Secretary of War and the Secretary of the Treasury, that they might state, so far as possible, the account between the parties. The report of those officers is embraced in the document just read. It shows that, including interest upon the money and the allowance for Mr. Welles's personal services, the sum of $250,000 would be a reasonable allowance. The committee, however, thought that they would allow Mr. Welles $193,132.96, which is the amount found due, without any allowance of interest and without any allowance for his personal services. It merely covers his actual expenditures in the service of the Government. The whole amount of those expenditures would have been $233,000; but we deduct from that $40,000, which he received as the value of property sold by the Government after being raised by him from the wrecks in the river. I repeat, that the amount proposed to be allowed by the committee covers merely the actual expenditures of Mr. Welles, without any allowance for interest or for his personal services. The committee were, I think, unanimous in reporting in favor of the bill.

The amendment was agreed to.

The bill, as amended, was ordered to be laid aside to be reported to the House with the recommendation that it pass.

JOHN T. WATSON.

The next bill on the Private Calendar was the bill (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to John T. Watson, of Cincinnati, Ohio, the sum of $3,962, in full compensation for his expenditures and losses in rescuing United States officers and soldiers from the disaster of the steamboat Sultana, destroyed by fire on the night of April 26, 1865, on the Mississippi River.

Mr. WILSON, of Iowa. Mr. Speaker, this bill was reported from the Committee on War Claims by the gentleman from Connecticut, [Mr. KELLOGG,] who is now absent, and who desired me to have it laid over until next Friday.

Mr. LAWRENCE. I think that course is not necessary. The matter can be explained by my colleague, [Mr. SAYLER.]

Mr. SAYLER, of Ohio. I hope the bill will not be laid over, but acted on to-day.

Mr. WILSON, of Iowa. I merely expressed the wish of the gentleman from Connecticut. If the gentleman from Ohio can make the necessary explanation, I do not of course make any objection.

Mr. SAYLER, of Ohio. I introduced this bill, and have had a perfect understanding with the gentleman from Connecticut [Mr. KELLOGG] with regard to it.

Mr. HOLMAN. I call for the reading of the report.

The Clerk read as follows:

The Committee on War Claims, to whom was referred bill H. R. No. 1271, for the relief of Captain John T. Watson, of Cincinnati, Ohio, praying compensation for expenditures and losses in rescuing United States soldiers from a steamboat disaster by fire on the Mississippi River, on the night of the 26th of April, 1865, make the following report:

The claimant was the owner and master of the passenger-steamer Bostona, of four hundred and fifty tons burden, navigating the Mississippi and its tributaries, newly repaired and furnished in 1865, and insured for $25,000.

During said night the Bostona, with officers, crew, and passengers, fully freighted, and commanded by the claimant, when off sixteen miles from Memphis, on her regular trip from Cincinnati to Vicksburgh, discovered the steamer Sultana on fire near the Arkansas shore. The claimant directed his steamer to the relief of the burning vessel, which had collapsed a flue, was burning to the water's edge, and endangering the lives of two thousand soldiers, who had very improperly been furnished transportation by this boat at Vicksburgh.

For the next thirty-six hours the Bostona was engaged in rescuing these soldiers, ministering to them and taking them into hospital at Memphis. There were saved, by the humane efforts of Captain Watson, about three hundred and fifty officers and men. These sufferers were in all stages of sickness and exhaustion, and nothing was withheld by the claimant for their preservation and comfort.

A particular account of the disaster and of the conduct of the Bostona is properly related, under oath, by Mr. Ames Fisher, the clerk of the boat, and a man of character and reputation. Mr. Fisher states:

"Very soon after midnight on the morning of April 27, we saw a steamboat on fire in the river below us; we were then, I suppose, a dozen or fifteen miles above Memphis, bound down the river with a cargo of freight and a few passengers; the Bostona was run near the burning steamboat; we found that she was the Sultana; the water for a long distance all around her was as light as day, and thickly dotted with heads of human beings; we all set to work to try to save as many as we could. I learned from some of those saved, that there were about twenty-two hundred people on the Sultana when she took fire, and that most of them were exchanged Federal prisoners, that had been taken on the Sultana at Vicksburgh. The Bostona first floated down with the current, and everybody on her tried to save the drowning men; I myself took off several doors and shutters and threw them to persons in the water; a great deal of loose stuff was thrown overboard; when we could see a chance to save a man's life we threw him anything we could get hold of; a little after daylight we had floated down to Memphis; as fast as we got the men out of the water we helped them into the cabin, gave them a glass of spirits and some hot coffee; we put some into the state-rooms and others on the cabin floor; some were badly scalded and mangled; Mr. Stephens and some other persons bandaged the scalded men with flour and water to keep the air from their burns; all of them, I believe, were as well taken care of as circumstances would permit; when they came to be taken on shore at Memphis they took with them a great deal of bedding, for covering, as most of them were almost entirely naked when we took them out of the water; they took sheets and comforts and blankets; and a great many of the badly scalded and bruised were carried ashore on mattresses; as soon as we landed them all, we went immediately back up the river again to pick up any that might be lodged on jams of drift-wood, or in the bushes on the shore, the water at the time being over the banks; we got back to Memphis a little after noon, and discharged our second load; I think we must have saved some three or four hundred in all.

"The Bostona lost a great deal in the shape of doors, blinds, staging-planks, bucket planks, wood, hay-bales, rigging cut up, &c., &c.; also, in damage to the cabin carpet and furniture; also, in mattresses, pillows, and bed-clothes; the mattresses were all cotton mattresses, I think; the boat's furniture was new, and cotton was very high; I do not think any bedding that was taken ashore was ever brought back; the men that could eat were fed; and when we got through with landing the last of the men, the Bostona was not in a fit condition to proceed on her voyage, and Memphis is a very slow place to fit and repair a boat.

"The Bostona herself was burned some eight or nine months afterward, and all my bills and books were destroyed by the fire, otherwise I could tell very nearly what money was expended in refitting at Memphis and getting the boat ready to leave port again. There were also destroyed by the burning of the Bostona a great many bills of stores, furniture, &c., that had been put on the Bostona at Cincinnati, in refitting her for the season's business, shortly prior to her starting on this trip. I cannot give a very good estimate from memory of the value of things lost and expended in rescuing those men from the Sultana, but I give approximately some of the items of loss. The Bostona lay in Memphis after the accident not less than seven days."

The claimant estimate his expenses in this transaction at $5,437.20, and applied to the staff-officers of General Washburn, commanding at Memphis, for payment; but they declined for want of authority to make such a disbursement, and being in good pecuniary circumstances then, he took no further steps toward collecting his claim.

Since that time, however the claimant has become bankrupt by the total loss of his property in the destruction of his own steamboat, and is now broken down in health, unable to labor for a livelihood, and, therefore, asks for the payment of this claim.

In consideration of these facts, the committee are of opinion that they ought to recommend the appropriation of a reasonable sum, in recognition and payment of these services, and do recommend the sum of $3,962, and for that purpose report back the bill and recommend its passage.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

EDWARD SAVAGE.

The next bill on the Private Calendar was the bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands, or any legal subdivision of the same.

The bill was read. It authorizes and allows Edward Savage, of Minnesota, to enter one quarter-section of the public lands within the State of Minnesota, or any legal subdivision of the same, under the general or soldiers' homestead law, or under the act approved March 3, 1873, entitled "An act to encourage the growth of timber on western prairies."

The bill was laid aside, to be reported to the House with the recommendation that it pass.

EPHRAIM P. SHOWALTER.

The next bill on the Private Calendar was the bill (H. R. No. 1768) for the relief of Ephraim P. Showalter.

The bill was read. It recites in the preamble that Ephraim P. Showalter was drafted into the service of the United States on the 26th day of September, 1864, for the period of one year; and on the 18th day of November, 1864, was mustered into the service of the United States, in Company D, Thirtieth Regiment Indiana Volunteer Infantry; that on or about the 2d day of December, 1864, he furnished, and caused to be mustered into the service of the United States, a substitute for two years, paying therefor the sum of $1,000; that notwithstanding the furnishing of this substitute he was held to service until the 23d day of June, 1865. The bill therefore authorizes and directs the Secretary of the Treasury to pay to Showalter the sum of $500, out of any money in the Treasury not otherwise appropriated, which is to be in full for his claim for said substitute.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

ISSUE OF CLOTHING TO ENLISTED MEN.

The next business on the Private Calendar was the joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army.

The joint resolution was read. It authorizes the Secretary of War to issue to the enlisted men of Company I, Second Regiment United States Cavalry; Company H, Ninth Regiment United States Infantry; and Company E, Third Regiment United States Cavalry, clothing in lieu of, and equal in amount to, that lost by them or rendered unfit for further use by their efforts to extinguish and prevent the spread of the fire which occurred at Fort Sanders, Wyoming Territory, on the 23d day of April, 1873, as shown and recommended in the report of the board of survey.

The bill was laid aside,to be reported to the House with the recommendation that it pass.

LUCIUS A. ROUNTREE.

The next bill on the Private Calendar was the bill (H. R. No. 363) for the relief of Lucius A. Rountree.

The bill was read. It directs the Secretery of War to cause to be paid to Lucius A. Rountree the full pay and emoluments of a first lieutenant of infantry of Company A, Forty-sixth Regiment of Missouri Volunteers, from the 13th day of September, 1864, to the 3d day of December, 1864, deducting therefrom any amount he may have received, as an enlisted man, during the time specified.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

JAMES LONG.

The next bill on the Private Calendar was the bill (H. R. No. 368) for the relief of James Long.

The bill was read. It directs the Secretary of War to cause to be paid to James Long the full pay and emoluments of a second lieutenant of infantry of Company A, Forty-sixth Regiment of Missouri Volunteers, from the 13th day of September, 1864, to the 3d day of December, 1864, deducting therefrom any amount he may have received as an enlisted man during the time specified.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

WILLIAM E. CHILDS.

The next bill on the Private Calendar was the bill (H. R. No. 1779) for the relief of William E. Childs.

The bill was read. It recites in the preamble that a commission as first lieutenant was issued by the governor of Ohio, on January 18, 1865, for William E. Childs, a hospital steward in the Fifty-fifth Regiment Ohio Veteran Volunteers; that Childs, by reason of being on duty with his regiment in General Sherman's campaign, from Savannah, Georgia, to Goldsborough, North Carolina, from January 10, 1865, to March 20, 1865, was unable to receive his commission and be mustered as a commissioned officer until March 25, 1865, and failed to come under the provision of the fourth section of the act of March 3, 1865. The bill therefore directs the Paymaster-General to pay to William E. Childs, out of any money appropriated for the pay of the Army, the three months' pay proper of a first lieutenant of infantry provided by the fourth section of the act of March 3, 1865, the same as if he had been mustered at the date of the passage of said act.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

CAPTAIN A. B. DYER.

The next business on the Private Calendar was the bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer.

The bill was read. It directs the proper accounting officers of the Treasury to allow Captain A. B. Dyer, now brigadier-general and Chief of Ordnance, in settling his accounts, the sum of $9,853.42, and such outstanding checks as may hereafter be paid by the Treasury Department and charged to his account, the whole not to exceed the sum of $11,709.29, that being the amount deposited to his credit in the United States depository at Norfolk, Virginia, in April, 1861, as certified by the Assistant Secretary of the Treasury, and transferred by the depository to the rebel authorities at Richmond.

Mr. HOLMAN. I call for the reading of the report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 498) for the relief of Captain A. B. Dyer, present the following report:

From the testimony presented to the committee it is shown that the claimant, in the spring of 1861, was in command of the Fort Monroe arsenal, and charged with the disbursement of public moneys on its account, part of which public moneys had been placed to his credit by the Treasury Department with the depositary at Norfolk, Virginia; that he used all proper endeavors to withdraw this money, and that his action in the premises was approved by the Secretary of War and the Secretary of the Treasury.

From the reports on file in the Treasury Department it is shown that, on April 13, 1861, the sum of $11,709.29 was to the credit of his disbursing account on the books of the depositary at Norfolk.

The amount mentioned in the joint resolution for his relief which passed the House of Representatives on January 16, 1866, was $9,778.42, as shown by his check-book, but since that date an outstanding check for seventy-five dollars has been paid by the Treasury Department and charged to him, making the amount charged against him on the books of the Treasury $9,853.42.

The committee are satisfied; by the proofs in the case, that he is entitled to the relief asked for, and report the accompanying bill, and recommend its passage.

Mr. HOLMAN. I understand this bill proposes to allow this officer $9,853; yet the report which has been read states that a bill was passed by this House in a former Congress to pay all of this claim except seventy-five dollars. Perhaps some gentleman can explain this matter. Possibly the bill which passed the House may have been rejected by the Senate.

Mr. HAWLEY, of Illinois. The gentleman from Georgia [Mr. YOUNG] can, I presume, explain this matter.

Mr. YOUNG, of Georgia. This bill is recommended by all the Departments of the Government having any official connection with the matter. The Secretary of War, the Adjutant-General, and the Auditor having jurisdiction of this question have all approved the claim. Testimony is on file showing that the money for which this man asks to be allowed was in his possession as disbursing officer at Fortress Monroe; and by an act of the Virginia convention he was not allowed to pay it over to any United States officer. That amount is now charged to the account of Captain Dyer, who is, I believe, in very needy circumstances and is now supposed to be on his death-bed. He can never pay the amount which is thus charged against him. If we refuse to pass this bill the amount thus charged against him will simply stand unpaid indefinitely. He has been asking this measure of relief for nine years; and it is a disgrace to the Government that relief has not been granted before.

Mr. HOLMAN. The fact that the granting of relief in this case is recommended by the War Department is not stated in the report. If the War Department recommends Congress to allow this credit in favor of this officer, it would furnish perhaps an unanswerable argument in favor or the bill. This loss was sustained a number of years ago, and accounts of this kind have generally been long since adjusted.

If there is any recommendation from the War Department in favor of this claim, that this should be adjusted and the credit given to General Dyer, it is desirable to have it before the House.

Mr. YOUNG, of Georgia. I have already stated that the Ordnance Office, as well as the Secretary of War, has recommended the passage of this bill. It ought to have been passed long ago, and would have been if General Dyer had been able to attend to the business; but he has been so seriously ill as to be confined to his bed for a long period of time. A bill did pass this House for his relief, and was sent to the Senate. There is no doubt this is a just case, and this bill ought to be passed at once.

Mr. HOLMAN. I shall not make further objection; but more information seems to me would be desirable, if it could be obtained before final action was taken on this bill.

Mr. YOUNG, of Georgia. It is all right. I have looked into it and examined all the facts.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN N. NEWMAN.

The next business on the Private Calendar was a bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry.

The bill, which was read, provides that the Secretary of War be, and he is thereby, authorized and directed to place the name of John N. Newman on the rolls as first lieutenant of Company B, Ninth Tennessee Cavalry Volunteers, from August 15, 1863, to February 2, 1864; and that the proper accounting and pay officers of the Government shall allow and pay to said Newman the pay and emoluments of a first lieutenant of cavalry during the said time, deducting any sum or sums he may have received on account of military service during the said period.

Mr. HOLMAN. Let the report be read.

It appears from the report, which was read, that the evidence on file shows that John N. Newman, the petitioner, served as a first lieutenant of Company B, Ninth Tennessee Calvary, from the 15th day of August, 1863, to the 2d day of February, 1864; that he was recognized by his superior officers and the men as such officer during the time aforesaid, and performed all the duties and incurred all the expense of such office. The proof on file shows, further, that this company was mustered in on the said 15th day of August, 1863, and Thomas S. Northern was commissioned as second lieutenant; and this petitioner, as first lieutenant of the company, is borne upon the rolls as "absent on recruiting service;" and no commission issued, nor was there any mustered first lieutenant of said company, nor any other person acting and performing the duties of first lieutenant, until the said 2d day of February, 1864. The committee are therefore of opinion that the said John N. Newman is entitled to the pay and emoluments of a first lieutenant of calvary from the 15th day of August, 1863, to the 2d day of February, 1864, and recommend the passage of this bill.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

JONATHAN L. MANN.

The next business on the Private Calendar was a bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army.

The bill, which was read, provides that the Adjutant-General of the United States Army be, and he is thereby, directed to muster back Jonathan L. Mann, chaplain Ninth Tennessee Volunteer Cavalry, to October 28, 1863; and that the Paymaster-General of the United States Army is thereby directed to pay to Jonathan L. Mann, late chaplain Ninth Tennessee Volunteer Cavalry, out of any money appropriated, or that may be appropriated, for the pay of the Army, the full pay and emoluments of a chaplain of volunteer cavalry in the Army of the United States, from the 28th day of October, 1863, to March 24, 1865, deducting therefrom any sum received by him for services rendered during said period in the Army of the United States.

Mr. HOLMAN. I ask for the reading of the report.

It appears from the report, which was read, that on the 28th of October, 1863, he was appointed by the colonel of the Ninth Tennessee Cavalry chaplain of the regiment, and went on duty as such, and so continued until the 24th day of March, 1865, at which time the regiment was consolidated with the Eleventh Tennessee Cavalry.

The regiment was not organized until the latter part of September, 1864, and on the 25th of September, 1864, he was commissioned chaplain by the governor of Tennessee. On the 26th of November, 1864, the officers of the regiment sent a petition to the Secretary of War asking that the date of his muster as chaplain be fixed on the 28th of October, 1863, on the ground that he had "faithfully discharged the duties of chaplain in this regiment from that date up to the date of the petition, without any kind of pay, emoluments, or compensation whatever."

It is a matter of history, as well as proof in the case, that the organization of the regiment was delayed from month to month until the 25th of September, 1864, when it was completed. The chaplain was not at fault for this delay, but did his duty, which was just as onerous under the circumstances as if the regiment had been organized fully. His presence with the troops, his absence from home, his faithful service, and the irregularities attending the organization of Tennessee Union regiments in a State afflicted with rebellion, are matters of fact that give great strength to the claim of Chaplain Mann. It was impossible to organize regiments of Tennessecans during the rebellion with the ease, regularity, and precision with which they were enlisted and mustered in the Northern States. And the officers who went forward to do this work in that State deserve full and ample pay for their time and services, given under circumstances more trying and hazardous than those surrounding the men who have been paid for their entire term of service, because of the facility with which their commands were organized.

The committee are of opinion that he should be mustered back to the date fixed by the officers of the regiment, and paid accordingly, and have ordered that a bill be reported to that effect.

Mr. HOLMAN. If I understand this paper correctly, Mr. Chairman, the organization of this regiment was completed September 25, 1864.

Mr. THORNBURGH. It was not fully organized until the 25th of September, 1864. The organization of the regiment was delayed to the 25th of September, 1864, because there were thirty-two or thirty-four men lacking to make up the number required for a regiment.

Mr. HOLMAN. The paper states the regiment was not organized until September, 1864.

Mr. THORNBURGH. The colonel and other officers of the regiment were appointed a long while before that, and the proof shows that on the 28th of October Jonathan L. Mann, of Knoxville, Tennessee, was appointed by the colonel of the Ninth Tennessee Cavalry chaplain of the regiment, and went on duty as such, although the regiment, because there were some thirty men needed to fill up the ranks, was not fully organized until the latter part of September, 1864. The regiment was on duty, and this chaplain was appointed and discharged the duties

of this position all the while from 1863, although technically the regiment was not up to the standard and mustered in.

Mr. HOLMAN. It was mustered in, then, when it was organized.

Mr. THORNBURGH. The regiment was on duty all the time. It was reduced by casualties, and in order to get a complete regiment it became necessary to consolidate it with another regiment.

Mr. HOLMAN. When was the organization finally completed and the regiment mustered in?

Mr. THORNBURGH. It was finally organized in September, 1864, and this man was mustered in as chaplain.

Mr. HOLMAN. It is proposed to go back and to pay him as chaplain during the whole time the regiment was in process of formation from 1863 down to 1864.

Mr. THORNBURGH. The gentleman does not seem to understand the facts in the case. As I have already stated, when he was appointed chaplain, in 1863, this Ninth Tennessee Cavalry Regiment only lacked some thirty-two or thirty-four men of being fully up to the required standard. It was on duty all the time, and this chaplain was on duty with it. When it became afterward reduced by casualties to some four or five hundred men it was consolidated with some other regiment. The bill merely provides that he shall receive pay for the time which he actually did this duty.

Mr. HOLMAN. Why was the regiment not mustered in when it was rendering the service of which the gentleman has spoken?

Mr. MAYNARD. I will explain that to the gentleman. These Tennessee regiments were put on duty the very moment they had soldiers to enter the service. They did not keep back till they were fully organized, but went at once right into the field and were constantly liable to be reduced by the casualties of battle, by death, wounding, capture, &c.; so that the regiments frequently did not for a whole year after they had gone into the service get the number of men that would technically, under the rule, entitle them to their muster, differing in this way from regiments that were organized and fully filled before they took the field. This explains why it is that these men were in the service, in the face of the enemy, performing the most difficult and arduous service of the war, before the regiments were filled up, so that they could be technically mustered under the rules. The men themselves were in service, but the machine we call a regiment, the artificial body which they made up, was, so to speak, not perfected.

Mr. HOLMAN. This was a citizen who was there voluntarily.

Mr. MAYNARD. They were all there voluntarily.

Mr. HOLMAN. It could not be said of the soldiers that they were there serving voluntarily. But this man was there before the law authorized him to be mustered in, rendering certain service, and the question is, whether the Government is to pay for this service or not.

It has been suggested to me, and I think with great propriety, that there is no end to that class of claims. Such claims have generally gone to the Committee on Claims, and if this particular claim has not been before that committee, I know that claims of this class have been before it frequently.

The time fixed by law when an officer might be mustered in is certainly the date from which he should receive compensation. We have passed bills to-day and on every private-bill day, very properly as it seems to me, to reckon officers as mustered in from the day when they were authorized by law to be mustered in, but who, on account of circumstances they could not control, were not actually mustered in. But in this case the law did not authorize the appointment of this gentleman, and he was not entitled to be mustered in until he got his commission. I think there is no good reason why he should receive compensation during the time that the regiment was being formed.

Mr. MAYNARD. We have had that argument before. Men entered into the service, and performed the service that was required of them, went into the presence of the enemy, fought and laid down their lives, and their widows come here for a pension. Their claim has been objected to on the ground that these men were not mustered in, that they were merely serving voluntarily, and that there was no law or principle entitling their widows to any consideration at the hands of the Government. It is precisely the same argument as we have met again and again, and we have had this case brought up here to have the matter tested. And if the gentleman from Indiana [Mr. HOLMAN] will only get through the technical dry bark of the law so as to reach the inside of it, I think his reason will respond at once to the justice of this claim.

Mr. HOLMAN. The gentleman misapprehends me. I have been one of the foremost in insisting on this floor that the officers who served without being mustered in should receive their pay from the date of their commission. I have been very familiar with this class of claims, and have reported more of them perhaps to the House than any other member has done; I mean the claims of officers who actually served as such, but from various causes, after their commissions were issued, were not mustered in. I have always held that when from any sufficient cause, absence on duty, or being in prison, or sickness, the officer could not be mustered in, he ought to be mustered back to the date of his commission and receive his pay from that time. And I have always been gratified by the prompt action of the House in allowing that class of claims on the justice of the Government.

But this is not a case of that kind at all, as the gentleman from Tennessee well knows. We all know how regiments were formed, not only in Tennessee but all over the country. Here was a gentleman not entitled to be appointed at all, whose commission was not issued, and we are asked to say that not only his mustering in but that his actual appointment to office shall be dated back nearly twelve months.

Mr. THORNBURGH. The gentleman is mistaken. This person was actually appointed, and the records in the Adjutant-General's office show that for all the time for which he asks pay he was present on duty, but not mustered in. The records show that he was a chaplain, appointed by the officers of the regiment, and the only reason why he was not mustered in was because one company was not quite full.

Mr. HOLMAN. Let me put to the gentleman a case which we find has frequently occurred. A man is actually commissioned by the government of his State to a lieutenancy in his regiment, and cannot be mustered in because the company is reduced below its proper number. The House has said that in that class of cases it cannot afford relief, because of the simple fact that the regiment was not entitled to this officer, and the commission was improperly issued. We have furnished relief wherever, from causes which were not under the control of the officers receiving commissions, they could not be mustered in.

But here, when this commission was issued, it was issued without authority, before the time when the claimant could be mustered in at all. It was issued before the regiment was in a condition to be entitled to this particular officer. While I hold that Congress, in adjusting the claims of all who served the country in the late war, should not only be just, but generous, still I insist that we should not open up a field of such latitude as will be opened up in mustering a man in to date back to the time of the beginning of his regiment, when under the law his regiment was not in a condition to be entitled to such an officer.

The question was on the motion to lay the bill aside, to be reported to the House with the recommendation that it do pass; and being taken, it was agreed to.

RICE M. BROWN.

The next business on the Private Calendar was a bill (H. R. No. 1771) for the relief of Rice M. Brown.

The bill directs the Secretary of the Interior to issue a bounty-land warrant for one hundred and sixty acres of land to Rice M. Brown, for services rendered during the war with Mexico, as a private in Company F, Second Regiment Indiana Volunteers; and also to pay out of any money in the Treasury not otherwise appropriated three months' extra pay to him, for services in the Second Regiment Indiana Volunteers during the war with Mexico.

Mr. WILLARD, of Vermont. I ask that the report be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the petition of Rice M. Brown, praying for a bounty-land warrant and three months' extra pay for services rendered during the war with Mexico as a private of Company F, Second Regiment Indiana Volunteers, report:

That they have had the same under consideration, and find the facts in this case fully set forth in a report made by the Military Committee of the House of Representatives of the Thirty-fifth Congress. Your committee adopt that report, and recommend the passage of the accompanying bill:

Thirty-fifth Congress, second session. House of Representatives, Report No. 147. January 28, 1859.

Mr. BUFFINTON, from the Committee on Military Affairs, made the following report, to accompany bill H. R. No. 845:

The Committee on Military Affairs, to whom was referred the petition of Rice M. Brown, praying for a bounty-land warrant and three months' extra pay for services rendered during the war with Mexico as a private in Company F of the Second Regiment of Indiana Volunteers, report:

That in the year 1846 he joined Company F of the Second Regiment of Indiana Volunteers, commanded by Captain Henry Davis, with a view of serving in the war with Mexico. That when said company came to be mustered into the service he was not received, by reason of a defect occasioned by prior illness which caused lameness, one of his legs being shortened. Being anxious to go with said company, he went nominally as servant to Captain Davis, but really as a soldier. He served in said company five or six months, when he was honorably discharged in consequence of sickness. It appears that he performed the services of a soldier until his discharge, and therefore is entitled to the bounty land and extra pay voted by Congress.

Your committee herewith report a bill for his relief.

PETITION.

To the Congress of the United States:

Your petitioner, Rice M. Brown, of the State of Indiana, respectfully showeth: That in the year 1846 he joined Company F, commanded by Captain Henry Davis, in the Second Regiment of Indiana Volunteers, commanded by Colonel William A. Bowles, with a view of serving in the war with Mexico. That when said company came to be mustered into the service he was not mustered in by reason and in consequence of a defect occasioned by prior illness which caused lameness, one of his legs being shortened; but, anxious to go with said company, he went nominally as a servant to said Captain Henry Davis, but really as a soldier. That he served in said company for some five or six months, and was honorably discharged in consequence of sickness at Camp Belknap, Texas, and came home. That for his service he received the wages of a servant—eight dollars per month, and no other pay or allowance from the Government. Those who rendered similar service in all but the name received their pay, extra pay, and a land warrant.

Your petitioner humbly prays your honorable body to grant him extra pay and a land warrant, as would have been allowed him if he had been mustered in as a soldier.

RICE M. BROWN.

STATE OF INDIANA, *County of Lawrence, ss:*

Before me, the undersigned, a justice of the peace within and for the county aforesaid, personally came Rice M. Brown, who is personally known to me, and who is a person of credit and veracity, and made oath that the foregoing petition is true

Witness my hand this 12th day of March, 1858.

E. D. PEARSON, *J. P.* [SEAL.]

STATE OF INDIANA, *County of Lawrence, ss:*

I, Henry Davis, being duly sworn, state that I have read the foregoing petition of Rice M. Brown, and know from my personal knowledge that the same is true in substance and fact.

HENRY DAVIS.

Subscribed and sworn to before me this 12th day of March, 1858. And I certify that Henry Davis, who signed the foregoing affidavit, is the identical Henry Davis who was commandar of Company F in Second Regiment of Indiana Volunteers in war with Mexico.

Witness my hand this date above written.

E. D. PEARSON, *J. P.* [SEAL.]

THE STATE OF INDIANA, *Lawrence County, ss:*

I, George A. Thornton, clerk of the Lawrence circuit court, certify that Eliphalet D. Pearson, esq., before whom the foregoing instruments were executed, was, at the time of the execution, an acting justice of the peace in and for said county and State, duly commissioned and qualified, and that all his official acts as such are entitled to full faith and credit; and further, that his signatures above are genuine.

Witness my hand and the seal of said court, at Bedford, this 12th day of March, 1858.

[SEAL.] GEORGE THORNTON, *Clerk.*

Mr. HUNTER. I presented this claim, and I desire to state to the committee the facts in the case. They are simply these: At the breaking out of the Mexican war Mr. Brown, being quite a young man and anxious to enter the Army, joined Captain Davis's company. When the surgeon came to examine the soldiers proposing enlistment, this Brown was not received on account of physical disability; I believe one of his limbs was a little shorter than the other. Still, being anxious to go into the service, he requested Captain Davis to muster him in as a cook, which he did. After the company had gone to the field young Brown, with the consent of his captain, took his musket and served as a soldier in the company. He served in that capacity for about six months, when he was taken sick and discharged. All the soldiers of the Mexican war upon their discharge received three months' extra pay and a bounty-land warrant. But Mr. Brown, notwithstanding he had served as a soldier for some six months, being on the muster-roll only as cook, was not entitled to receive the three months' pay or the bounty warrant.

Mr. WILLARD, of Vermont. He was not mustered in.

Mr. HUNTER. He was mustered in as cook, and then he served as a soldier with his musket about six months. That is the statement of Captain Davis, whom I know to be as good a man as there is in my State, and I would believe any statement that he would make, whether under oath or not. The point I make is this: If this young man really carried his musket and served as a soldier for more than six months, and could not receive his bounty warrant and extra pay because he was mustered in merely as a cook and not as a soldier, he is entitled to this relief, and I hope the House will grant it.

Mr. WILLARD, of Vermont. My purpose in rising was to call attention to the fact that this claim is nearly thirty years old. It simply appears by the report presented here that this Brown went as a servant; that he could not be mustered into the service as a soldier because he did not physically answer the requirements, but he went voluntarily as a servant.

Mr. HUNTER. He was mustered in as a cook; the statement of facts will show that.

Mr. WILLARD, of Vermont. I was merely following the report. If there is any report to be submitted in this case, which will bring him within the law, of course I will not object to that. But in the report which the committee present here, they say they take the report of a committee of a former Congress, which says that this Brown went as a servant; that he was mustered into the service on account of physical disability, and that he left it at the end of six months on account of illness. I make no particular objection to the bill, except to call the attention of the committee to the question whether it is wise to give bounty and back pay after this lapse of time.

The bill was laid aside, to be reported to the House with the recommendation that the same do pass.

WILLIAM N. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. No. 1772) for the relief of William N. Williams, late second lieutenant of volunteers.

The bill provides that William N. Williams, late a second lieutenant of the Sixth Regiment of Indiana Volunteer Infantry, be mustered as such second lieutenant, to date from the 30th day of March, 1862; and that the Paymaster-General of the Army pay him, out of any money in the Treasury appropriated for the pay of the Army, the sum of $138.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the petition of William N. Williams, late a second lieutenant of Company G, Sixth Indiana Volunteers, praying relief, have had the same under consideration, and report as follows:

On the 30th day of March, 1862, a vacancy of second lieutenant of Company G, in the Sixth Regiment Indiana Infantry Volunteers, on application of the captain of said company, was filled by the commanding officer of said regiment, by a regimental order, assigning Sergeant-major W. N. Williams to said position of second lieutenant of said company. He served in said position until the 30th of May, 1862, when he was promoted to be first lieutenant of said company. During the time petitioner was serving in said regiment Governor O. P. Morton, then governor of Indiana, visited the front, and, exhausting his supply of blank commissions, gave this petitioner, with others, *certificates* in lieu thereof; and did afterward forward his commission as such second lieutenant, dated March 30, 1862; but before said commission was received, and while acting under the "certificate" of Governor Morton, petitioner was captured; and when mustered as a commissioned officer, after his release from prison, the mustering officers refused to muster him on his commission as second lieutenant of said company, but mustered him on his commission as first lieutenant, which was dated from May 30, 1862. William N. Williams having received only the pay of sergeant-major for the time commencing March 30, 1862, and ending May 30, 1862, a period of two months, during which time he was acting as a second lieutenant, as hereinbefore stated, is entitled to receive the pay and emoluments of a second lieutenant of infantry for the two months specified, less the amount he has already received.

The committee therefore recommend the passage of the accompanying bill.

Mr. ALBRIGHT. I move that the bill be laid aside, to be reported to the House with the recommendation that the same do pass.

The motion was agreed to.

SAMUEL E. RANKIN.

The next business on the Private Calendar was a bill (H. R. No. 1773) for the relief of Samuel E. Rankin.

The bill directs the Paymaster-General to pay to Samuel E. Rankin, late a first lieutenant of the Ninth Tennessee Cavalry Regiment, the full pay and allowances of a first lieutenant of cavalry, from the 5th day of October, 1865, to February 13, 1866.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the petition of Samuel E. Rankin, late a first lieutenant of the Ninth Tennessee Cavalry, asking pay and allowance from October 5, 1865, to February 13, 1866, beg leave to report as follows:

First Lieutenant Rankin was mustered into the United States service for the term of three years, or during the war, on the 2d day of February, 1864. On the 19th of September, 1865, he was put on trial before a general court-martial, at Chattanooga, Tennessee, for the murder of John A. Thornhill, on the 24th of June, 1865. Of this charge he was honorably acquitted; the decision of the court-martial was approved, and Lieutenant Rankin was relieved from arrest, and restored to duty on the 5th of October, 1865. He was paid to the said 5th day of October, but was not relieved from duty, or finally mustered out, until February 13, 1866. It seems, therefore, to the committee, that Lieutenant Samuel E. Rankin should be paid as first lieutenant from October 5, 1865, to February 13, 1866, and they report the accompanying bill.

Mr. HOLMAN. I think that this measure requires some explanation. This soldier claims to have been mustered out on the 5th of October, 1865. Why was he not paid for his services?

Mr. ALBRIGHT. Because he had not been relieved from arrest, and the balance of the regiment was mustered out, while he was retained on duty until the 13th of February following.

Mr. HOLMAN. When was the regiment mustered out of service?

Mr. ALBRIGHT. On the 5th of October, 1865.

Mr. HOLMAN. And it is proposed to pay this man after his regiment was mustered out?

Mr. ALBRIGHT. Because he was not relieved from duty.

Mr. HOLMAN. His regiment was mustered out of service?

Mr. ALBRIGHT. There was a special order for that; but this officer was retained on duty because of charges against him, and he was not discharged until February following.

Mr. HOLMAN. Have these papers ever been before the Adjutant-General?

Mr. ALBRIGHT. Yes, sir.

Mr. HOLMAN. Is it his recommendation that this bill should pass?

Mr. ALBRIGHT. I do not know that he recommends that the bill should pass. It would seem to be manifest injustice to deprive a man of his pay when he was not relieved from duty, and not mustered out of service.

Mr. HOLMAN. Was he mustered in after the termination of the war?

Mr. ALBRIGHT. He was restored to duty October 5, 1865, but not mustered out until February 13, 1866.

Mr. HOLMAN. As I understand, when he was restored to duty October 5, 1865, he had been serving three years previously.

Mr. ALBRIGHT. Certainly; and it is now proposed to pay him from that date until February 13, 1866, for the reason that the latter is the date when he was mustered out. He served until that time. It required a special order for his mustering out, which order was issued and is now on file with the papers.

Mr. HOLMAN. What duty was he performing after his regiment had been disbanded?

Mr. ALBRIGHT. I suppose he was performing duty in one of the cities of Tennessee. I do not know that he was performing any special duty; but he was not relieved from duty until the date I have named.

Mr. HOLMAN. Why, sir, there are cases where soldiers enlisting during the late war have not even up to this time been mustered out; and claims founded upon such cases are now before the Committee on War Claims. If we authorize the payment of any such claim against the Government, innumerable others will be presented. The presumption is that when a regiment is mustered out any officer of that regiment ceases to receive compensation. I insist that if this officer remained in service after the close of the war and after his regiment was mustered out, the fact should appear that he was on actual duty.

Mr. ALBRIGHT. It does appear in the report.

Mr. THORNBURGH. Suppose he did nothing; but that there was an order of the War Department that he should not be mustered out, but should remain subject to orders, and that he did, in fact, so remain. That is the exact condition of this case.

Mr. HOLMAN. No proof of that fact has been read.

Mr. THORNBURGH. That is the proof on file with the papers—that there was an order of the War Department preventing the mustering out of this officer and holding him in the service.

Mr. HOLMAN. Do I understand that this officer was by such an order kept in the service after the expiration of his term and after the mustering out of his regiment?

Mr. THORNBURGH. Yes, sir; and he asks now to be paid up to the time when he was actually mustered out by order of the War Department.

Mr. HOLMAN. I wish to call attention to the fact (and I am very glad the gentleman from Tennessee is in his seat) that there have been more mortifying claims before this House in connection with these Tennessee regiments than have arisen in connection with any other branch of the service; and in a case so extraordinary as this, it does seem to me we should be furnished with some explanation from the War Department itself as to why this man should have remained in service after his regiment was mustered out and after the expiration of his term, and why he should seek to be paid for remaining in service under those circumstances. He may have remained in the service without being mustered out in consequence simply of his own act.

Mr. THORNBURGH. I presume the remark of the gentleman from Indiana [Mr. HOLMAN] is true, that since the war there have been, perhaps, more mortifying claims presented from my State than from any State in the Union. But, sir, it is the claimants who have been mortified. They went into the service of the Government without waiting for legal authority that might guarantee to them their pay. Escaping from their homes and going upon the soil of another State, they asked only for guns; and when these were given to them they marched back under the flag of their country to the defense of their State, without waiting for any commissions from the governor of the State or from the President of the United States. Thousands of men went into the service of the Government in that way from Tennessee. A great many of them had no commissions. Two regiments that served for three years had no commission and no muster at all. They were paid as though they had been mustered, because there was an order to that effect from the Secretary of War or the President. There are to-day within my knowledge cases of officers and soldiers who served for months and years, and who have never asked for pay, because they are mortified that such claims, when presented, are frequently disallowed and have very little attention paid to them.

This man was retained in service as an officer of the Army by order of the Secretary of War; and I say that, being thus held subject to duty, he is entitled to pay up to the time when he was mustered out.

Mr. HOLMAN. All I ask is that that order of the Secretary of War may be read; for it is certainly without precedent, so far as the experience of this House goes, that after the termination of the war, after the expiration of his term of service, and after the date when he should have been mustered out, a soldier should be retained in service by an order of the War Department. I think it may, perhaps, be found that he was ordered into some other service, and in that other capacity received some other form of compensation. Certainly this soldier was not bound to serve after the expiration of his term.

Mr. THORNBURGH. He was held for trial by court-martial on the charge of murder, as the report shows.

Mr. HOLMAN. Was he held on a charge of murder before a court-martial between October 5, 1865, and February 13, 1866?

Mr. THORNBURGH. He was tried by court-martial after his regiment was mustered out.

Mr. HOLMAN. Was it during the period for which compensation is claimed—from October 5, 1865, to February 13, 1866? Was it during that time that he was held on this charge of murder?

Mr. THORNBURGH. I do not remember whether he was under the charge of murder all the time; but I know he was for a considerable portion of it.

Mr. HOLMAN. He could not have been held in service under an order of the Secretary of War if he was held for the purpose of being tried by court-martial.

Mr. THORNBURGH. The order of the Secretary of War prevented him from being mustered out.

Mr. HOLMAN. Did he perform military duty during the war?

Mr. THORNBURGH. I only know that he could not have been mustered out because of the orders of the Secretary of War, and that he was engaged in connection with the summoning of witnesses preparing for this trial by court-martial. There is no question he did receive orders and performed the duty assigned to him under those orders.

Mr. HOLMAN. If there is an order from the Secretary of War it must be among the papers.

Mr. THORNBURGH. I do not know, but the proof is ample to show that he was acting under special orders, and could not be mustered out even if he wanted to be.

Mr. HOLMAN. The only reason why this man was not mustered out was because he was guilty of a high crime, the crime of murder; that is the only thing which prevented him being mustered out, and I do not see any justice in it at all.

The committee divided; and there were—ayes 80, noes 7.

Mr. HOLMAN. I demand tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. THORNBURGH were appointed.

The committee again divided; and there were—ayes 108, noes 19; no quorum voting.

The CHAIRMAN. The Chair will be compelled under the rule to have the roll called and the names of the absentees reported to the House.

Mr. HOLMAN. For the purpose of saving the time of the House, and with a view to having a vote on this bill in the House, I will not insist on further count, but will let the bill be reported to the House with a favorable recommendation.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

MATTHIAS WHITEHEAD.

The next business on the Private Calendar was a bill (H. R. No. 1774) for the relief of Matthias Whitehead.

The bill, which was read, provides that the Adjutant-General of the Army be, and he is thereby, directed to remove the charge of desertion from the name of Matthias Whitehead, late a private of Company G, Eighth Regiment Tennessee Volunteer Infantry; and that the said Matthias Whitehead shall be allowed and paid the back pay and bounty due him in the same manner and to the same extent as if the said charge of desertion had never been made.

It appears from the report, which was read, that Mr. Whitehead enlisted December 17, 1862, and was wounded in the foot about August 15, 1864, after having been in the service twenty months. He was admitted to the hospital soon after the time of receiving his wound. He swears that, being near home, the surgeon gave him sick-leave for twenty days, September 5, 1864; and that he was too sick to return afterward, until his regiment had been mustered out.

It appears that Mr. Whitehead was not mustered as a deserter, but was, on the 30th day of June, 1865, regularly mustered out and received an honorable discharge.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

FOSTER A. HIXSON.

The next business on the Private Calendar was a bill (H. R. No. 1775) for the relief of Foster A. Hixson, late paymaster in the United States Army.

The bill, which was read, provides that the proper accounting officers of the Treasury Department be, and are thereby, required and directed to allow to Major Foster A. Hixson, late a paymaster in the United States Army, in the settlement of his accounts, a credit of $10,000, being the amount which was stolen from him at Charleston, South Carolina, on the 1st of March, 1867; provided that no part of this allowance shall be used to settle any other accounts of said paymaster; and provided further, that it shall be in lieu of all existing allowances to him under existing laws.

It appears from the report that Major Foster A. Hixson, of Yates County, New York, was a paymaster in the United States Army in the year 1864, and acted as such until August, 1867.

On the 1st day of March, 1867, he obtained from the assistant treasurer of the United States, at Charleston, South Carolina, on a check of Major C. W. Wingard, chief paymaster, $50,000 to take to Savannah to pay troops. It was in five separate packages, one of $10,000 in national-bank bills.

He placed the money in a stout leather bag, carefully locked in his room at his boarding-house, and remained with it until a short time before the steamer started for Savannah, Georgia. He left his room (locked) for the purpose of procuring assistance to take his baggage to the steamer. The name of the steamer upon which he took passage for Savannah was the Dictator. He occupied a state-room and only left it for breakfast. At Savannah, on reaching his office on March 2, nine a. m., he discovered, on examination, that the package of $10,000 in national-bank bills was gone. He reported the fact immediately to Major C. W. Wingard, chief paymaster at Charleston, who procured the services of a detective, M. L. Burnell, with what result we will let the Paymaster-General, Benjamin Alvord, say:

Mr. Burnell, from his investigation, (which appears to have been thorough,) became satisfied that said theft was not committed on the steamer, but at the boarding-house in Charleston, at the time that Major Hixson left his room to get assistance to take his baggage to the steamer, or to go to supper, for Major Wingard states that such was the object of his absence.

His room was in a boarding-house (occupied by Major Wingard and family) next to the Planters' House. He came to that hotel office, and one Charles E. Hooks, hotel watchman, was present when the baggage arrived, and, as Major Hixson was about to take his baggage to his room, asked the colonel if he had made a raise of greenbacks. Hooks had access to pass-keys to enter Major Hixson's room, and he left that night for the North. Burnell, the detective, visited Savannah, traveled on the same steamer, (the Dictator,) went to Fernandina, Florida, to follow up investigations concerning various parties on the steamer, but found no grounds of suspicion worthy of being pushed.

As shown by General Brice's indorsement, of 2d April, 1867, the continued employment of a detective was authorized after that date. And Major Hixson, in his letter of 13th January last, states that Hooks was arrested in Connecticut and taken to Charleston, South Carolina, and kept in confinement until January, 1868, when he was released for the reason that the public prosecutor th ought the evidence furnished by Mr. Burnell was not sufficient to secure conviction.

The unfortunate death of Mr. Burnell, in 1869, removes important testimony which might have assisted in forming a judgment in this case.

It was unfortunate that his (Hixson's) clerk did not accompany him to Charleston, on this journey for funds; but it appears from Major Hixson's report that the public service required that he should be left in charge of the paymaster's office at Savannah.

But Lieutenant-Colonel Wingard, in his first indorsement of 5th March, 1867, speaks of Major F. A. Hixson as a valuable and faithful officer. In his affidavit of January 8th last, he says: "I had known Colonel Hixson as a paymaster about two years at the time he was robbed. His character for integrity and honesty was above reproach or suspicion. While subject to my orders as chief paymaster he discharged most efficiently and satisfactorily all his duties as paymaster, and from

all the circumstances surrounding his loss of Government funds, I am entirely satisfied he was robbed, and should be relieved by Congress of all censure or pecuniary responsibility in the premises."

The Paymaster-General concludes his report as follows:

All the testimony at my command shows the high character and unquestioned integrity and fidelity of Major Hixson, and I am, upon careful study of the case from all the lights furnished by the records, forced to the conviction that he was robbed of the sum of $10,000, and has a just and equitable claim for relief from Congress for the same.

The evidence before the committee is conclusive that Major Hixson was robbed of $10,000 on the 1st of March, 1867, at Charleston, South Carolina; that he used all ordinary care to protect himself against such robbery. The evidence is also conclusive that Major Hixson is a man of great probity of character, and therefore recommend that the relief he prays for be granted, and report the accompanying bill for his relief.

Mr. DUNNELL. I wish to call the attention of the committee to one characteristic of this report. It does not anywhere tell there was evidence before the committee that this paymaster used due diligence and care with regard to the safety of this money. It appears strange that a man with $50,000 in his care should leave it in his room unguarded and unprotected, and go out upon the street in search of aid. It appears that the paymaster went to his meals and left $50,000 in his room, where it was not put in any safe place. That report does not satisfy me this man used such diligence and such care as to be entitled to relief from this House. That he was robbed of the money I do not doubt; that he lost the money I do not doubt; but I do not think Congress should be compelled to pay back what he lost by his carelessness.

Mr. ALBRIGHT. I should like to say to the gentleman from Minnesota the committee, in the concluding paragraph of the report, did say this paymaster "used all ordinary care to protect himself against robbery." Major Hixson himself was summoned to appear before the Committee on Military Affairs. He came here from his residence in New York and testified under oath to all the facts. His testimony is on the files of the House.

It seems that Major Hixson had rented rooms in a house rented by several paymasters, in which he lodged. Charleston was the headquarters of the Army at that time, and the chief paymaster of the district was there. Nobody knew that Major Hixson had any money. He went to his room with the money locked up in this leather bag, and was only absent for the space of a minute or two. He locked the door, and nobody had access to the room so far as he knew. He thought it was not advisable for him to publish the fact that he was a paymaster and had $50,000 in a room in that house. For it must be borne in mind that the Planters' Hotel was not kept as a hotel at that time. Its use as a hotel had been abandoned. And if he had published the fact that he was a paymaster of the United States Army, and had conveyed to his room $50,000, the danger of his being robbed would have been much greater.

Mr. DUNNELL. I would ask the gentleman whether it is not a singular fact, this money being in five separate packages, that the person who opened this satchel should have taken only one package.

Mr. ALBRIGHT. I will explain to the gentleman how that was. It was a double carpet-bag. One package was in the one side or pocket of the bag, and the others were in the other side; and this package which was taken contained the notes of the national banks. The time that intervened between the departure of Major Hixson from his room and his return to it was but a few moments, and the person who committed the theft must have been in a great hurry, because when Major Hixson returned there was nobody there. If the whole amount had been taken out of the satchel he would have discovered the theft at once, because the burden would have been lighter. But the fact that the satchel did not seem to be any lighter prevented Major Hixson from discovering his loss until he got to Savannah.

Mr. DUNNELL. I desire to repeat the point I was endeavoring to make. It is this: It seems to me that beyond all question it was an act of gross carelessness for a man to leave $50,000 in a carpet-sack in a room in his hotel. And I will say that no such claim has been allowed to pass through the Committee on Claims. We have voted down cases which, so far as I can judge from the record, were much more meritorious than this. We have demanded not the ordinary care which gentlemen speak of in this report, but extraordinary care. A Federal officer with $50,000 in his possession is bound to exercise extraordinary care. He could have had it about his person, or have put it into a safe, or put it into a bank while he was remaining there. He had no right to leave $50,000 of the public moneys in his room and go his ways.

Mr. MACDOUGALL. I desire to ask the gentleman from Minnesota if he is familiar with the manner in which paymasters carried their money around during the war?

Mr. DUNNELL. I am not. But I do not think that paymasters leave their money in their rooms in this way.

Mr. MACDOUGALL. I would also ask the gentleman if he knows how large a package $50,000 in fives and twenties, to pay the troops, would make, and if he supposes that a man could carry that amount so made up about his person; or when at that time in the city of Charleston, when houses were abandoned and hotels closed, he could have got a safe in a private boarding-house in which to put the money. I have myself seen during the war, paymasters traveling with $50,000, $100,000, or $300,000, without any safe in which to put the money, and the Quartermaster's Department furnished no transportation at that time, so that they had to carry the money among the baggage.

Mr. McKEE. Did they not have a guard?

Mr. DUNNELL. Was not every paymaster entitled to a safe?

Mr. MYERS. Some of the safes were small and could be carried away. I have seen it done.

Mr. HAWLEY, of Illinois. I desire to say a few words on this matter. It is, of course, well known to the members of this committee that I am chairman of the Committee on Claims, and it is the fact, as has been stated by the gentleman from Minnesota, [Mr. DUNNELL,] that no such claim as this has ever passed that committee while I have been on it. Now it is of course the duty of the Committee on Claims to familiarize itself with the legislation on subjects of this character, and with the jurisdiction of the Court of Claims. The Court of Claims was given jurisdiction of such cases as might arise where persons claimed that they might have been wronged by the failure of the Government to perform its contract with them as private individuals. Jurisdiction was also given to the Court of Claims so that all persons who were disbursing officers might apply to that court for the purpose of being relieved from losses sustained while they were acting in that capacity.

It is to this point I desire to draw the attention of the committee. Here is a paymaster. He claims that he has lost $10,000. He says it was stolen from him. The Court of Claims is the very place established by law for him to go for the purpose of having that question tried. He could not there give his testimony; but before the Committee on Military Affairs, or before any other committee of the House, if they see fit to hear the party himself, he might become a witness; whereas in the Court of Claims the party himself cannot be a witness—and that makes a great difference. But it is not specially to that I desire to direct the remarks I am now making. It is more especially to this point: I do not think that this paymaster exercised that care and diligence which it was his duty to exercise as an officer of the Government. He had in his possession, as paymaster, $50,000 of money. He left that money in his room, left it there in charge of no one, and went to dinner. Now it does not seem to me that it was prudent, that it was exercising ordinary care, that it was exercising such care as a man would exercise over his own money. It seems to me that no prudent man having in his possession $50,000 in money would have it in his stateroom unguarded while he went off.

I call the attention of this committee to a further fact in reference to this matter, that he was a paymaster, and known to be such; and therefore when any person saw him upon the boat or about it, with this paymaster's bag, which could not have been a small one, to contain packages of notes to the amount of $50,000—any person would know what he was. Therefore greater prudence would be required on his part. I do not like to antagonize a bill from a committee of which I am a member, but I do not think this is one which should be passed by Congress.

Mr. DUNNELL. I desire to ask a question of the gentleman from Pennsylvania, [Mr. ALBRIGHT,] who reported this bill.

Mr. ALBRIGHT. Very well.

Mr. DUNNELL. I find the following in the report of the committee on this case:

His room was in a boarding-house (occupied by Major Wingard and family) next to the Planters' House. He came to that hotel office, and one Charles E. Hooks, hotel watchman, was present when the baggage arrived, and, as Major Hixson was about to take his baggage to his room, asked the colonel if he had made a raise of greenbacks.

This Hooks asked Major Hixson whether he had made a raise of greenbacks. Now, was there any evidence before the committee as to what reply Major Hixson made?

Mr. ALBRIGHT. Yes, sir. Major Hixon says he did not hear the remark, that he did not know Mr. Hooks, and that this fact was brought to his knowledge afterward by the detective. Major Hixson left that night. After he returned he placed the matter in the hands of a detective. Then the absence of Hooks was discovered, and the remark he had made was made known to Major Hixson.

I was going to say, if I was not clear before, that the Planters' Hotel was not then occupied as a hotel. This man Hooks and one other person probably had charge of the hotel, but Major Hixson did not know that fact. The house in which Major Hixson had a room was occupied partly by Colonel Wingate, chief paymaster of that department, and by other paymasters. For the time being the room belonged to Major Hixson. He came there, took charge of the room, deposited his parcel in it, locked the door, and went out, not to get his dinner as has been said here, but to make arrangements for his passage on the steamer. He was absent not more than two or three minutes, and during that time the man Hooks, who knew his business, took advantage of his absence, went into his room, and stole one package of notes and left. Major Hixson returned, took his carpet-bag and went to the boat, without discovering the theft.

Mr. HAWLEY, of Illinois. Why could not this paymaster go to the Court of Claims, as every other claimant does?

Mr. ALBRIGHT. According to the rules of the Court of Claims, a person interested in a matter before the court cannot himself become a witness in the case. A person interested can be a witness, I believe,

in all the other courts of the United States, but not in the Court of Claims. That is the reason why Major Hixson appears before Congress instead of going to the Court of Claims.

Mr. HAWLEY, of Illinois. That same objection would apply to every claimant in that court.

Mr. ALBRIGHT. Yes; and I have heard distinguished lawyers upon this floor say that they thought that objection should be removed; that it was an invidious distinction to prevent persons from being witnesses in the Court of Claims and nowhere else. That is the fact. This is a case which must depend upon the statement of Major Hixson, because the detective is dead.

The Committee on Military Affairs were very largely influenced in this matter by the report of the Paymaster-General of the Army. Immediately after the larceny of this money was discovered, complaint was made to Major Wingard, who employed a detective at that place by the name of Burnell. That detective is now dead, but this matter was very fully investigated by him, and there is a very full, elaborate, and exhaustive report upon this very subject, which is among the papers submitted in this case. The detective followed up the case, and finally discovered that the money was stolen by this man Hooks. He reported all the facts to the Paymaster-General, who I think is a fair watch-dog of the Treasury; and he, after a careful examination of all the facts, says that this is a case that would justify Congress in granting the relief asked.

The reason why the committee report that Major Hixson should not be allowed anything more than to cover this deficit, is that under existing laws paymasters are allowed a credit of $5,000 in the settlement of their accounts, so that Major Hixson, will in fact and reality be entitled to a credit of but $5,000 in the settlement of his accounts.

Allow me to request the gentleman from Minnesota [Mr. DUNNELL] to go back in memory to the year 1867 in Charleston, when that city was partially uninhabited, when a great many houses were unoccupied, when there were no safes there, and when Major Hixson could not leave his money in bank because he had just drawn it out of the treasury. He had just taken the money out of the treasury for the purpose of carrying it to Savannah where he was to pay troops.

Now, does it not appear, Mr. Chairman, that ordinary care was exercised by this officer in regard to this money? He did not leave it probably for more than five minutes; and he had his door locked. Where could he have taken it? The hotel was abandoned; and there was no safe there in which he could have deposited it. There was no safe in his room; and there was nobody at the time in whose charge he could leave it. If he had undertaken to carry the money with him all the time, the danger of robbery or loss might have been still greater.

Now it is possible that with the experience that Major Hixson has had upon this subject, or with the experience which the gentleman from Minnesota [Mr. DUNNELL] or the gentleman from Illinois [Mr. HAWLEY] may have had, he would not do now as he did then. I do not believe I would do so now, though perhaps at that time I would have done precisely the same thing; because the question for Major Hixson to consider was whether under all the circumstances he was exercising ordinary care and diligence in the custody of this money. It seemed to the committee that under all the circumstances, supported, as the claim is, by the report of the Paymaster-General of the Army, the case is one in which relief should be granted.

Mr. STARKWEATHER. Was this room in the boarding-house occupied by Major Hixson under assignment from the quartermaster, or did Major Hixson rent it from the person keeping the boarding-house?

Mr. ALBRIGHT. It was a room which he rented and occupied himself when he came to Charleston.

Mr. G. F. HOAR. Does it appear who was the person who asked Major Hixson "whether he had made a raise of greenbacks?"

Mr. ALBRIGHT. It was some person that was in the house.

Mr. G. F. HOAR. Was it Major Wingard?

Mr. ALBRIGHT. No, sir; it was some person who was in the hall of the house, as he passed through.

Mr. STARKWEATHER. If other parts of the same building were occupied by other paymasters, why could not Major Hixson have left the money in their charge? Why could he not have taken it to some other room, or carried it with him? When there were other paymasters, occupying adjoining rooms in the same building, why should this man have left this money in his room with no one in charge of it?

Mr. ALBRIGHT. The gentleman supposes that paymasters in the Army are always in their rooms. That is a mistake. They are generally with troops, or making arrangements to pay them. These other paymasters were not in their rooms; and there was nobody to whom Major Hixson could intrust this money. It was in his own room, which he paid rent for; and he had it under lock and key. He placed this baggage in his room until he could procure assistance for going to the boat.

Mr. HOLMAN. I move to strike out the enacting clause of the bill.

Mr. LAMPORT. I would like to say a few words on this subject.

Mr. HOLMAN. I will withdraw my motion temporarily to allow the gentleman to proceed.

Mr. LAMPORT. Major Hixson, a gentleman with whom I am well acquainted, comes to Congress in the first place sustained in reputation by certificates of the best men in the portion of the State in which he resides. This was very proper, because the facts upon which the claim is based depend in a great measure upon his own testimony. Major Hixson proposed first to go to the Court of Claims; but he found he was excluded from that tribunal by the statute. Therefore he comes to this House sustained, as I have already said, by certificates of character from the best men of Western New York. I myself, in my humble way, can indorse him, because he lives within a few miles of my residence. He presents his case upon the simple statement of facts, as related by the honorable gentleman from Pennsylvania, [Mr. ALBRIGHT.]

Now, I submit that no faithful public officer ought to be presumed, in this House or anywhere else, to be a dishonest man. I submit that under the circumstances which surrounded paymasters in the Army during the war, we cannot expect that they should have exercised the same measure of discretion and prudence that might have been exercised at other times and under other circumstances. Major Hixson, in his statement before the committee, explained very clearly, to my mind, why he did not make more ado about his having money in his custody. It was understood by the paymasters that the less they said about having money with them the safer they were. This bundle of money which, was perhaps the size of half a bushel, was put by this officer in his carpet-bag. He put four packages on one side and buttoned it up; he then put one package in the other side, being $10,000; and this side of the bag not being buttoned, and therefore more accessible, is probably the reason why no more than this one package was stolen. The thief evidently watched for his opportunity, and when Major Hixson had stepped out for a moment or two, turned the key, took this package, and left. Undoubtedly the thief was a man who was followed by the detective up into the State of Connecticut, where he opened an establishment of ill reputation, having apparently plenty of money. He was arrested and brought down by the detective, and was kept in prison for months, when, upon a hearing on *habeas corpus*, it was determined that there was not sufficient proof to convict him.

In considering this case, we must take into view the peculiar circumstances; that there was a condition of war, and that these paymasters were obliged to carry large amounts of money from place to place, avoiding notoriety as much as possible. Some gentlemen ask, why did not this man put the money in a safe? Where could he have found a safe? It has also been asked why he did not call in a guard. He might have done that; but was that ordinarily done by such officers? By no means. He occupied a room in a building in which Colonel Wingard, another paymaster, had a room. Major Hixson left his room for a few minutes to make preparations for going to Savannah; and leaving the room for so short a time, no man could expect him to go about the city to find a safe in which to put this money. It may not have been the most prudent thing for him to have done; he may not have exercised all the prudence which could have been suggested; but I submit to this House whether it would be right to impose upon this officer, faithful as he has been in the discharge of his duty, indorsed as he has been by every Army officer who has been brought into contact with him, the payment of this $10,000 of which he was robbed while in the performance of his duty, exercising all the due diligence which he could command for the safety and protection of the public funds confided to his care. I regret very much to find gentlemen in this House charging every official who happens to come here for relief, never mind how good a record he may have had, with being a scoundrel. It seems to me the experience of members of Congress ought to have taught them a different lesson. If we were to take the judgment of the newspaper press throughout the country as final, members of Congress were themselves the greatest scoundrels in reference to a certain measure providing for back pay. [Laughter.]

A MEMBER. The gentleman refers to the last Congress.

Mr. LAMPORT. Excuse me in that matter, many of the new members, who were not in the last Congress, seem to have been in the same difficulty exactly as the members of the last Congress.

Mr. HOLMAN. I move to strike out the enacting clause.

The committee divided; and there were—ayes 54, noes 47; no quorum voting.

The CHAIRMAN appointed Mr. HOLMAN and Mr. ALBRIGHT as tellers.

The committee again divided; and the tellers reported—ayes 50, noes 40; no quorum voting.

The CHAIRMAN. No quorum voting, the Chair will be compelled, under the rule, to have the roll called and the names of the absentees reported to the House. The Clerk will read the rule.

The Clerk read as follows:

Whenever the Committee of the Whole House on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal, (Rule 126.) And as soon (after rising for such purpose) as a quorum is ascertained to be present, the House must return into committee.

Mr. SENER. Will not a motion that the committee rise obviate that call of the House?

The CHAIRMAN. It will not; the call of the House must proceed under the rule.

Mr. HAWLEY, of Illinois. This call will consume a great deal of time, and I hope we will be allowed to go into the House with the bills which have been already acted on, so they may be disposed of this evening.

Mr. RANDALL. I suggest to the gentleman from Indiana to waive his motion to strike out the enacting clause so we may rise and report other bills.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barry, Begole, Bell, Berry, Bland, Bradley, Bright, Buckner, Cain, Amos Clark, jr., John B. Clark, jr., Freman Clarke, Clinton L. Cobb, Coburn, Comingo, Cook, Creamer, Crocker, Crutchfield, Curtis, Darrall, Alexander M. Davis, John J. Davis, Dawes, De Witt, Duell, Eden, Eldredge, Elliott, Farwell, Eugene Hale, Robert S. Hale, Harmer, John T. Harris, Havens, John B. Hawley, Hays, Gerry W. Hazelton, Hendee, Hereford, Hersey, Hodges, Holman, Hooper, Hubbell, Hunton, Hurlbut, Hynes, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lansing, Leach, Lewis, Loughridge, Lowndes, Luttrell, Magee, Marshall, Alexander S. McDill, Mitchell, Moore, Morey, Morrison, Negley, Nesmith, Nunn, O'Neill, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Purnam, Rapier, Rawls, William R. Roberts, James W. Robinson, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Sprague, Standeford, Stephens, Stone, Strait, Swann, Sypher, Taylor, Thomas, Todd, Tremain, Tyner, Waddell, Walls, Marcus L. Ward, Wells, Wheeler, White, Whitehouse, Whiteley, George Willard, Charles G. Williams, Wilshire, Wolfe, Wood, Woodford, and Woodworth.

The committee rose; and the Speaker having resumed the chair, Mr. ORTH reported the Committee of the Whole House, having the Private Calendar under consideration and finding itself without a quorum, had caused the roll to be called and directed him to report the names of the absentees to the House.

The SPEAKER. The call of the roll shows the presence of one hundred and fifty members, more than a quorum, and the committee will resume its session.

The committee resumed its session, (Mr. ORTH in the chair.)

Mr. RANDALL. I move the committee rise and report the bills which have been already acted on.

Mr. HOLMAN. The committee were dividing on my motion to strike out the enacting clause on the Hixson bill, and I would like to know whether it is in order to move the committee rise while the House is dividing on my motion to strike out the enacting clause.

The CHAIRMAN. A motion to rise, like a motion to adjourn, is always in order.

Mr. HOLMAN. Is it in order for the committee to rise when it is dividing?

Mr. RANDALL. There has been intermediate business.

Mr. HOLMAN. There has not been and could not be any intermediate business.

The CHAIRMAN. In reference to the point of order raised by the gentleman from Indiana, the Chair will observe that while the committee was dividing it found itself without a quorum; but on a call of the roll it was ascertained that a quorum was present; and that fact having been reported to the House, the House again immediately returned into committee as a matter of course. The matter stands precisely as if no division had taken place, and the motion to rise takes precedence.

Mr. RANDALL. That is, the motion to rise and report the bills which the committee has disposed of?

The CHAIRMAN. Precisely.

Mr. HAWLEY, of Illinois. I again raise the point of order that on the call of the roll I did not hear my name called.

The CHAIRMAN. That cannot be taken notice of in the committee.

The motion that the committee rise and report its action to the House was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ORTH reported that, in pursuance of the order of the House, the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report the bill (H. R. No. 141) granting a pension to William Swanzey with the recommendation that it be laid on the table, and sundry other bills with the recommendation that the same be passed, some with and some without amendments.

PERSONAL EXPLANATION.

Mr. RANDALL. I desire, with the leave of the House, to make a personal statement. It will take but a few moments.

There was no objection.

Mr. RANDALL. In some remarks which I made in this House on the salary question, I stated that Mr. Chester D. Hubbard, a member of the Thirty-ninth Congress, had stated that he would not take his increased pay, but had subsequently recanted and taken it. I made that statement upon what I deemed to be full and just authority for it, which I will ask the Clerk to read.

The Clerk read as follows:

TREASURY OF THE UNITED STATES, CASH DIVISION,
Washington, December 10, 1873.

SIR: In reply to yours of this date, making inquiries in reference to the pay of Hon. C. D. Hubbard, a member of the Thirty-ninth Congress, I beg to say that this office has no record of the payments for this Congress, the vouchers having been forwarded to the accounting officers; and the book referred to by you is probably on file in the office of the Register of the Treasury.

Very respectfully,

L. R. TUTTLE,
Assistant Treasurer United States.

Hon. N. G. ORDWAY,
Sergeant-at-Arms House of Representatives.

Mr. RANDALL. The Clerk will also be kind enough to read the indorsement on the back of the letter.

The Clerk read as follows:

REGISTER'S OFFICE, TREASURY DEPARTMENT,
December 10, 1873.

The books on file in this office show that Hon. C. D. Hubbard, of West Virginia, received his pay at the rate of $5,000 per annum for the Thirty-ninth Congress.

N. B. WALKER,
(For Register.)

Mr. RANDALL. Subsequently my attention was called to this question, and I found that I was mistaken. It will be noticed that the Assistant Treasurer of the United States asserts in the letter which has been read that he has no record of the payments for the Thirty-ninth Congress, and refers to the Register's office; and the statement from the Register's office is that the full amount was paid. But I have since made a full examination of the matter, and have been furnished with the receipts, which were signed by F. E. Spinner United States Treasurer. The first session of the Thirty-ninth Congress adjourned July 28, 1866. My object now is to place on file the two receipts given to Mr. Hubbard, so as to counteract any injurious impression my first statement may have made with reference to that gentleman. And I do it with the more pleasure because it never was my intention to misrepresent him or any one upon this floor, and also because I have been approached in this matter with that courtesy which should always prompt any man seeking simple justice at the hands of another desiring, as I desire, to do justice.

I wish to add just one word. Mr. Hubbard by his action covered, on August 9, 1866, and March 6, 1867, that money into the Treasury, and he could not get it out again without an act of Congress.

The receipts to which I have referred are as follows:

No. 793.] TREASURY OF THE UNITED STATES,
August 9, 1866.

I certify that Hon. C. D. Hubbard, M. C., has this day deposited to the credit of the United States $2,691.66, account of appropriation, mileage, and compensation of members of House of Representatives, for which I have signed duplicate receipts.

$2,691.66.

F. E. SPINNER,
Treasurer United States.

No. 548.] TREASURY OF THE UNITED STATES,
March 6, 1867.

I certify that Hon. C. D. Hubbard has this day deposited to the credit of the United States $931.92, account appropriation, mileage, and compensation House of Representatives, for which I have signed duplicate receipts.

$931.92.

L. R. TUTTLE,
Assistant Treasurer United States.

WILLIAM SWANZEY.

The first business reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 141) granting a pension to William Swanzey. The committee recommended that the same be laid upon the table.

The report of the committee was agreed to, and the bill was laid on the table.

HENRY S. WELLES.

The bill (H. R. No. 1759) was reported from the Committee of the Whole on the Private Calendar with the following amendment:

Strike out these words: "being the amount found due in the settlement of his accounts, as authorized by the Secretary of War," and insert "which said sum shall be in full satisfaction to said Welles for all claims referred to in the report and recommendation from the Secretary of War."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

The following bills, reported without amendment from the Committee of the Whole on the Private Calendar, were severally ordered to be engrossed; and being engrossed, were read the third time and passed; motions to reconsider the votes by which they were severally passed being also laid on the table:

A bill (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Volunteers;

A bill (H. R. No. 1589) for the relief of Henry Savage, acting chargé d'affaires of the United States in Guatemala from May 7, 1856, to November 14, 1858;

A bill (H. R. No. 526) for the relief of James De Long;

A bill (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio;

A bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands, or any legal subdivision of the same;

A bill (H. R. No. 1768) for the relief of Ephraim P. Showalter;

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army;

A bill (H. R. No. 363) for the relief of Lucius A. Rountree;

A bill (H. R. No. 368) for the relief of James Long;

A bill (H. R. No. 1779) for the relief of William E. Childs;

A bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer;

A bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

A bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army;

A bill (H. R. No. 1771) for the relief of Rice M. Brown, a soldier of the Mexican war; and

A bill (H. R. No. 1772) for the relief of William N. Williams, late a second lieutenant of Indiana Volunteers.

SAMUEL E. RANKIN.

The Committee of the Whole also reported, with a recommendation that the same do pass, a bill (H. R. No. 1773) for the relief of Samuel E. Rankin.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. HOLMAN. I ask that the report accompanying this bill be read.

Mr. ALBRIGHT. I have sent for and obtained papers which I think will satisfy the gentleman.

Mr. HOLMAN. Let them be read.

The Clerk read as follows:

[Special Orders, No. 65.—Extract.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 13, 1866.

3. First Lieutenant Samuel E. Rankin, Ninth Tennessee Cavalry, is hereby mustered out and honorably discharged the service of the United States, to date September 11, 1865, his command having been mustered out at that date, by reason of its services being no longer required. He will receive no final payments until he has satisfied the Pay Department that he is not indebted to the Government.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[Special Orders, No. 41.—Extract.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 25, 1867.

9. So much of Special Orders No. 65, paragraph 3, February 13, 1866, from this office, as mustered out and honorably discharged First Lieutenant Samuel E. Rankin, Ninth Tennessee Cavalry, to date September 11, 1865, is hereby amended to discharge him to date October 15, 1865, he having been retained in service to that date under proper authority.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[Special Orders, No. 13.—Extract.]

HEADQUARTERS, DISTRICT OF EAST TENNESSEE,
Chattanooga, Tennessee, January 29, 1866.

2. * * * Lieutenant Samuel E. Rankin, Ninth Tennessee Cavalry, will proceed to Nashville, Tennessee, and report to the chief commissary of musters, for muster out. The Quartermaster's Department will furnish transportation.

By order of Major-General A. C. Gillem:

J. M. SOUTHARD,
Lieutenant and Aide de Camp, and Acting Assistant Adjutant-General.

[Special Orders, No. 23.—Extract.]

HEADQUARTERS MILITARY DIVISION OF THE TENNESSEE,
Nashville, Tennessee, February 1, 1866.

3. First Lieutenant Samuel E. Rankin, Company B, Ninth Tennessee Calvary, will proceed to his home at Mossy Creek, Jefferson County, Tennessee, and there await the completion of his muster-out rolls. Quartermaster's Department will furnish necessary transportation.

By command of Major-General Thomas:

ROBERT H. RAMSEY,
Assistant Adjutant-General.

Mr. HOLMAN. I call especial attention to the second paper which has just been read.

Mr. ALBRIGHT. The date of that order is January 25, 1867.

Mr. HOLMAN. This man is mustered out, to take effect on October 5, 1865. It is now proposed to pay him from that time until February 13, 1866. Is the gentleman from Pennsylvania [Mr. ALBRIGHT] authorized to say that he was engaged in any military service during that time?

Mr. ALBRIGHT. The last order was not received until February, 1866. In the mean time the commanding officer of the army in Tennessee furnished him with transportation to go home and remain there until mustered out, as it was not known that there was any order mustering him out. When the amended order of the War Department came, he reported to the muster-out officer and was mustered out. But he was held in service during this time, and it is but simple justice and equity that he should be paid during the time he was held in service and subject to military duty.

Mr. HOLMAN. Does the gentleman from Pennsylvania undertake to say that this man was rendering any military service during the time for which it is proposed to grant him this pay?

Mr. ALBRIGHT. I say that there are the orders of his superior officers showing that he was subject to military duty; that he was not mustered out, and that he had not received permission to proceed home.

Mr. HOLMAN. But during this interval between October and February, was he not actually at home?

Mr. ALBRIGHT. No, sir; he was not.

Mr. HOLMAN. Where was he?

Mr. ALBRIGHT. He was at Nashville.

Mr. HOLMAN. But he was not rendering any military service.

Mr. ALBRIGHT. He was on duty. He reported there to a military officer. On the 11th of September his regiment was mustered out of service, and it was supposed then that he was mustered out with the regiment. But it was not so. The War Department in October issued an order that he should be paid for the time between September 11 and October 5.

Mr. HOLMAN. And he was paid?

Mr. ALBRIGHT. He was paid up to that time; but he was not discharged; and the order for that payment did not reach him until February.

Mr. SPEER. What service did he perform from the time up to which he was paid until the time he was discharged?

Mr. ALBRIGHT. I cannot say, except that he was subject to military orders and military command.

Mr. SPEER. There was no war then?

Mr. ALBRIGHT. Yes, sir.

Mr. SPEER. Where he was?

Mr. ALBRIGHT. Yes, sir, where he was. There were troops there.

Mr. SPEER. I move that the House adjourn.

Mr. ALBRIGHT. I did not yield the floor. I move the previous question on the bill.

Mr. SPEER. My motion to adjourn is pending.

Mr. ALBRIGHT. I did not yield the floor for any such motion.

The SPEAKER. Gentlemen need not dispute upon such a point, because the moment a gentleman demands the previous question and yields the floor, a motion to adjourn is in order. Undebatable motions can never clash.

Mr. SPEER. The Chair is always right in these matters. I would not for a moment suppose the contrary.

The SPEAKER. The gentleman from Pennsylvania [Mr. ALBRIGHT] demands the previous question; and pending that motion, the gentleman from Pennsylvania [Mr SPEER] moves that the House adjourn.

Mr. SMITH, of Pennsylvania. I ask unanimous consent to introduce a bill.

Mr. MAYNARD. I call for the regular order.

The question being taken on the motion to adjourn, there were—ayes 42, noes 59.

So the motion to adjourn was not agreed to.

Mr. HOLMAN. Has a quorum voted?

The SPEAKER. A quorum is not necessary to adjourn or to refuse to adjourn.

Mr. SPEER. But when on a motion to adjourn the fact is disclosed that no quorum is present, can the House proceed with business?

The SPEAKER. The vote upon the next motion will require a quorum. It will be time enough to raise that question when the vote is taken. The question is on seconding the demand for the previous question.

Mr. SPEER. On that motion I call for tellers.

Tellers were ordered; and Mr. ALBRIGHT and Mr. SPEER were appointed.

The House divided, and the tellers reported—ayes 119, noes 30.

So the previous question was seconded.

The main question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question being taken on the passage of the bill, there were—ayes 118, noes 28.

So the bill was passed.

Mr. HOLMAN. I rise to a privileged motion. I move to reconsider the vote just taken.

Mr. CONGER. I move to lay that motion on the table.

Mr. HOLMAN. I have not yielded the floor. I desire to say a word on the motion. I apprehend, Mr. Speaker, that in the confusion of the Committee of the Whole the point presented here has not been carefully considered by members of the House, and that a dangerous precedent may be set by our action upon this bill.

Mr. SENER. I ask whether the gentleman making this motion to reconsider voted in the affirmative?

The SPEAKER. There being no record, the Chair does not know how any gentleman voted.

Mr. ELDREDGE. If the gentleman from Indiana [Mr. HOLMAN] will yield to me I will move that the House adjourn.

Mr. G. F. HOAR. I wish to inquire what is the pending question.

The SPEAKER. The bill having passed, the gentleman from Indiana [Mr. HOLMAN] moves to reconsider the vote by which it was passed. The motion to reconsider of course opens the whole question for discussion in the widest sense.

Mr. ELDREDGE. We can pass this bill at any time. I hope the gentleman will yield for a motion to adjourn.

Mr. HOLMAN. The orders relied upon as part of the proof in this case have come before the House at the last moment. As members are aware, these orders were not before the Committee of the Whole at all. There has been no opportunity to examine them. There are gentlemen on this floor who believe that this is not a valid claim against the Government, and that those orders upon examination will so show. Though other gentlemen may be satisfied of the justice of the case, I hold that each member is responsible for his own action and is entitled to an examination of these papers. If they should be ascertained to be what the gentleman from Pennsylvania

(in whose ability and integrity I have the utmost confidence) upon a hurried examination thinks they are, I presume there will be no objection to the passage of the bill. But we desire an opportunity to look into those orders. I will therefore yield the floor to a motion to adjourn if there be no objection.

The SPEAKER. If the gentleman from Indiana should conclude to withdraw his motion to reconsider, that will pass the bill.

The gentleman from Michigan [Mr. CONGER] asks unanimous consent that the only remaining bill reported from the Committee of the Whole on the Private Calendar, a bill (H. R. No. 1774) for the relief of Matthias Whitehead, be taken up and acted on at this time.

Mr. MAYNARD. I object. I am perfectly willing the matter should be acted on when it comes up in its order.

The substance of these orders was stated in the report of the Committee on Military Affairs.

Mr. ELDREDGE. I insist on the motion to adjourn.

DAVID R. DILLON.

On motion of Mr. YOUNG, of Georgia, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of David R. Dillon.

Mr. FORT stated that his colleague, Mr. MORRISON, was unavoidably absent from the session to-day, being confined to his room by illness.

Mr. ELDREDGE. I move the House adjourn.

The House divided, and there were—ayes 61, noes 49.

Mr. HOLMAN demanded tellers.

Tellers were ordered, and the Speaker appointed Mr. HOLMAN and Mr. MAYNARD.

The House again divided; and the tellers reported—ayes 70, noes 48.

So the motion was agreed to; and the House (at five minutes to five o'clock p. m.) adjourned until Tuesday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARBER: The petition of W. B. Baxter and others, druggists, of Grant County, Wisconsin, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. CORWIN: The petition of citizens of Peru, Illinois, that the Northwestern Railroad Company may be required to permit trains from other roads to use the bridge at Clinton, Iowa, upon fair terms, to the Committee on Commerce.

Also, the petition of citizens of La Salle, Illinois, of similar import, to the Committee on Commerce.

By Mr. EAMES: The petition of Ebenezer S. Cheesebro, of Bristol, Rhode Island, for arrears and increase of pension, to the Committee on Invalid Pensions.

By Mr. ELDREDGE: Papers relating to the application of B. G. Welch, of Fond du Lac, Wisconsin, for relief for the loss by fire of $300 in United States Treasury notes, to the Committee on Claims.

By Mr. FARWELL: The petition of Margaret Patterson, for a pension, and for pay due her deceased son, William J. Patterson, to the Committee on Invalid Pensions.

By Mr. FIELD: The memorial of the Wayne County Medical Society, of Michigan, relative to rank and promotion in the Medical Corps of the Army, to the Committee on Military Affairs.

By Mr. MCKEE: The petition of William Cameron, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. ORTH: The petition of citizens of Warren County, Indiana, for free banking and increase of currency, to the Committee on Banking and Currency.

By Mr. POLAND: The petition of Luman Case, of Bristol, Vermont, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SHANKS: Papers relating to the claim of Philip Pendleton, late paymaster United States Army, to the Committee on Military Affairs.

By Mr. SHELDON: The petition of H. M. Whittemore, for payment for occupation by the United States of a building belonging to him in Indianola, Texas, to the Committee on War Claims.

By Mr. SMITH, of New York: The petition of citizens of Steuben County, New York, and Tioga County, Pennsylvania, for a post-route between Addison, New York, and Nelson, Tioga County, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

By Mr. WILBER: The petition of hop-growers of Otsego County, New York, for an increase of duty on hops, to the Committee on Ways and Means.

IN SENATE.

MONDAY, *February* 23, 1874.

Prayer by Rev. E. D. OWEN, of Washington, D. C.

The PRESIDENT *pro tempore*. The Secretary will read the Journal of the proceedings of Friday last.

Mr. ANTHONY. Mr. President, the country celebrates to-day the birth of the grandest character in its history. It has not been customary, I believe, for the Senate to sit, unless at the short session, or when uncommonly pressed with business, upon the birthday of Washington, which occurred yesterday, and is commemorated to-day. I move, therefore, that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that out of respect to the Father of his Country the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and three minutes p. m.) the Senate adjourned.

IN SENATE.

TUESDAY, *February* 24, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 5th instant, a report of the Chief of Engineers as to the condition of the breakwater at Du Luth, and the amount necessary to put the same in repair; which, on motion of Mr. RAMSEY, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 27th ultimo, information in relation to the treaty of February 22, 1855, with the Chippewa Indians, and the proceedings under the act of June 8, 1872, entitled "An act to perfect certain land titles therein described;" which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of Bradly & Metcalf, and many others, merchants and manufacturers of Milwaukee, Wisconsin, remonstrating against any expansion or inflation of the currency; which was referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair also presents a memorial of the Wisconsin Leather Company, Cramer, Aikens & Cramer, A. M. Thomson, and many other citizens of Milwaukee, which is brief, and the Chair will read it:

Your memorialists, citizens of the city of Milwaukee, in the State of Wisconsin, respectfully petition that the national banking act be so amended as to forbid all banks from paying or receiving interest on balances; to require all banks to keep their own reserves and surplus in their own vaults, thereby preventing the accumulation of the funds of the country in one center, and causing it of necessity to be loaned for the wildest speculative purposes, to the great injury of all legitimate business; also, to forbid all banks making any on demand or call loans, for the reason that no legitimate business can be conducted on money borrowed on call, and that all such loans are made only for speculative purposes and for wild stock-gambling, thereby demoralizing our finances and diverting money from the uses for which it was intended, to wit, the conducting the legitimate business of the country; and your petitioners will ever pray.

The memorial will be referred to the Committee on Finance.

Mr. HOWE. Is that a petition signed by a single firm?

The PRESIDENT *pro tempore*. O, no; it is signed by many. It is signed by the Wisconsin Leather Company, Cramer, Aikens & Cramer, Hon. A. M. Thomson, Smith & Chandler, F. F. Adams & Co., A. Dahlman & Co., Timothy Dore, John Plankington, and a large number of the most prominent and influential business men, merchants and manufacturers, of Milwaukee.

Mr. HOWE. Those are very respectable names.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Finance.

Mr. SCOTT presented resolutions of the select and common councils of Philadelphia, approved February 20, 1874, protesting against the passage of the act authorizing the lease of the Old Lazaretto site on Schuylkill River, Philadelphia, for a powder magazine; which were referred to the Committee on Military Affairs.

Mr. RAMSEY presented a joint resolution of the Legislature of the State of Minnesota, in relation to the sale of timber on the school and swamp lands embraced in the Red Lake and the Leech Lake Indian reservations in that State; which was referred to the Committee on Public Lands.

He also presented the petition of a number of letter-carriers of Boston and other cities in New England, praying for an increase of compensation; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a joint resolution of the Legislature of the State of Minnesota, in favor of a post-route in the counties of Lyon, Yellow Medicine, and Lac qui Parle; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAMILTON, of Texas, presented the petition of Margaret A. Hoffner, widow of Richard J. Hoffner, late acting master United States Navy, asking to be allowed a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented a memorial of citizens of Chatham County, North Carolina, remonstrating against the passage of the bill providing for detaching Chatham and other counties from the western judicial district of that State, and adding them to the eastern judicial district of the same State; which was referred to the Committee on the Judiciary.

Mr. HOWE presented a resolution of the Legislature of Wisconsin, in favor of improving the navigation of the Mississippi River and tributaries by constructing sheer-booms at bridges; which was referred to the Committee on Commerce, and ordered to be printed.

He also presented a resolution of the Legislature of Wisconsin, in favor of the construction of a ship-canal around the Falls of Niagara, on the American side, for the purpose of cheap transportation; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. HOWE. I also present a joint resolution of the Legislature of Wisconsin of the following tenor:

Resolved by the senate, (the assembly concurring,) That it is the sense of this Legislature that the policy of removing the Indians of this State to proper reservations in the Indian and other Western Territories and States be approved, and we request that the removal may be continued until all the tribes are removed from the borders of the State.

In asking that this resolution be printed and referred to the Committee on Indian Affairs, I wish to make one remark, and that is that I know of no policy yet which has been sanctioned either by the State or by Congress touching the removal of Indians from the State of Wisconsin except in reference to one tribe, or the fragment of a tribe, which had no reservation in the State of Wisconsin, had no land whatever there, but had a reservation outside of that State in another State, and Congress made provision to remove them from a State in which they had no lands to a State in which they had lands.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Indian Affairs, and be printed.

Mr. HOWE presented the petition of H. Foote and other citizens of Brodhead, Wisconsin, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. KELLY presented the petition of E. C. Bramard and 456 other citizens of Oregon and Washington Territory, praying for the passage of the Portland, Dalles and Salt Lake Railroad bill, introduced by Senator MITCHELL; which was referred to the Committee on Railroads.

He also presented the petition of R. B. Markle, a citizen of Oregon, praying payment of five years' full pay for services rendered by his grandfather, Charles Markle, as a captain in Armand's Legion during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. SCHURZ. I present the petition of merchants and citizens of Chicago, representing that they view with alarm the propositions before Congress for increasing the volume of the United States notes, and praying for an early return to specie payments; and further, that the greenbacks already issued out of the so-called reserve shall be withdrawn as speedily as possible. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. BUCKINGHAM presented a letter of the Secretary of the Interior, inclosing a report of the Commissioner of Indian Affairs, relating to the necessity for legislation in behalf of the Mission Indians of California; which was referred to the Committee on Indian Affairs.

He also presented a letter from the Secretary of the Interior, accompanied by a copy of a letter from citizens of Shasta County, California, to Hon. J. K. LUTTRELL, of the House of Representatives, representing the suffering condition of Indians in that county, and inclosing an estimate of appropriations necessary to aid them; which was referred to the Committee on Indian Affairs.

He also presented a letter of the Secretary of the Interior, transmitting a copy of a report of Special Commissioners Powell and Ingalls, relating to the condition of the Ute and other Indians; which was referred to the Committee on Indian Affairs.

Mr. BUCKINGHAM. I also present the memorial of the Indians residing near the Cattaraugus and Allegany reservations, in the State of New York, protesting against the passage of House bill No. 1053. I move that it be printed and referred to the Committee on Indian Affairs.

Mr. EDMUNDS. On the question of printing, I wish to ask the Senator from Connecticut, what is the nature of the bill against which these citizens protest?

Mr. BUCKINGHAM. It is a bill with reference to the leasing of their lands by these tribes. These memorialists protest against the confirmation of the leases made by the Indian tribes to railroads and individuals.

Mr. EDMUNDS. I did not know but that it was like another petition that had been presented here this morning, where the Legislature of a State thinks the Indians had better be all driven out of that State.

Mr. BUCKINGHAM. Nothing of that kind.

Mr. EDMUNDS. And if New York had come to that conclusion, and all the other States and Territories should, it rather struck me the Indian would have to go where I believe it was Pope put him, in the clouds, and stay there; and perhaps he could be better fed there.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Indian Affairs, and printed, if there be no objection.

Mr. CONKLING presented a petition of the members and congregation of the New York Port Society's church, of the city of New York, signed by the Rev. E. D. Murphy, pastor, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BUCKINGHAM presented the petition of J. J. Patterson and other citizens of the State of North Carolina, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. WRIGHT presented the following resolutions of the Legislature of the State of Iowa; which was referred to the Committee on Public Lands, and ordered to be printed:

Preamble and joint resolution relating to relief for homesteaders in case of conflict of title to lands with railroad corporations.

Whereas there are existing in this State many cases of conflict of title to lands between homesteaders and railroad or other corporations claiming title under legislative grant; and whereas experience has clearly proved that individual homesteaders are too often unable to claim their rights in a contest with such corporations; and whereas a bill is now before Congress, introduced by Hon. J. W. MCDILL, of this State, to confirm the title to the land in such cases in the homestead settlers, provided they make satisfactory proof that said settlements were made in good faith, and by the action and authority of the local land officers in said land districts: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress are hereby respectfully requested to use their influence in favor of the passage of said bill, or some act having for its object the confirming of the title to the lands in such cases in the homestead settler.

Resolved, That the secretary of state be directed to forward a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

Approved February 13, 1874.

Respectfully forwarded.

J. T. YOUNG,
Secretary of State.

Mr. WRIGHT presented the petition of Samuel Adams, praying compensation for making explorations of the Colorado River of the West, from 1863 to 1868; which was referred to the Committee on Claims.

He also presented five petitions of a large number of citizens of North Carolina, Good Templars and others, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of citizens of the United States, praying for the repeal of all laws exempting church property from taxation in the District of Columbia and the Territories; which was referred to the Committee on Finance.

He also presented the petition of Peter H. Clarke and others, citizens of Ohio, members of an association known as the Lincoln Memorial Club, praying that the birthday of Abraham Lincoln may be declared a legal holiday; which was ordered to lie on the table.

Mr. MERRIMON presented the petition of W. B. Thomas and others, citizens of Richmond County, North Carolina, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BOUTWELL presented the petition of Seth W. Faunce and other citizens of Kingston, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SUMNER presented the petition of A. M. Eastman, W. H. Chapman, and other citizens of Charlestown, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the petition of William Wickersham, a citizen of Boston, Massachusetts, praying an extension of his patent for an improvement in sewing-machines; which was referred to the Committee on Patents.

Mr. SUMNER. I present a petition from creditors of the Boylston Fire and Marine Insurance Company, a corporation now insolvent, owing to the great Boston fire of 1872, in which they set forth that among the assets of the corporation are so-called "Alabama claims," to a very large amount, and they insist that by well-known and perfectly established principles of law recognized in all civilized countries, they by subrogation are entitled to all that the original holders of the ships lost might have had, and they ask that their right be recognized by Congress in the adjustment of that fund. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. ANTHONY presented the petition of Samuel H. Smith and other citizens of North Carolina, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CHANDLER presented a petition of citizens of Michigan, praying the substitution of arbitration as a means of settling international differences in lieu of war; which was referred to the Committee on Foreign Relations.

Mr. MORRILL, of Vermont, presented the petition of the Grand Lodge of Good Templars of the State of Vermont, numbering 7,000

members, signed by the officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. OGLESBY presented a memorial of the Board of Trade of the city of Chicago, signed by 270 of its members, praying Congress not to authorize any further issues of irredeemable paper money of any character or description, and stating that, in their opinion, it is the duty of the Government to provide for the retirement and cancellation of so much of the legal-tender issue as has been put in circulation from the so-called forty-four million reserve; which was referred to the Committee on Finance.

Mr. WADLEIGH presented the petition of Samuel B. Lodge and others, praying for the establishment of a post-route from Francistown, New Hampshire, to Greenfield, in the same State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Hamilton Wiley and others, praying for the establishment of a new post-route from Fryeburgh, Maine, to East Conway and South Chatham, New Hampshire; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a petition of citizens of the United States, soldiers of the late war, and the heirs of such, praying to be allowed one hundred and sixty acres of land, and for the equalization of bounties, pensions, &c.; which was referred to the Committee on Military Affairs.

Mr. FENTON presented the petition of A. L. Talmedge, George Ward, and other citizens of Rockaway, New York, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. ALCORN presented the petition of members of the Board of Trade of the city of Columbus, Mississippi, praying an appropriation by Congress for the removal of certain obstructions in the Tombigbee River, from Pickensville to Fulton, in Itawamba County, Mississippi; which was referred to the Committee on Commerce.

He also presented the petition of J. C. N. Robertson, a citizen of De Soto County, Mississippi, who was one of General Jackson's old Tennessee volunteers in the war of 1812, praying that his name may be placed upon the pension-rolls, and that he be permitted to draw his pension from the passage of the act of 1871, allowing pensions to the surviving soldiers of the war of 1812; which was referred to the Committee on Pensions.

Mr. ALCORN. I present the memorial of S. W. Weims, master, and John G. Montgomery, secretary, of Durant Grange, No. 184, of the State of Mississippi, in which they represent that they recognize the supremacy of the General Government, and that with it alone rests the power to redress all national grievances; that they are impressed with the belief that the agricultural interest is the true source of our national prosperity, and that it should be encouraged and protected by both national and State legislation; and they further represent that they are impressed with the importance of a uniform system of transportation, regulated and made permanent by the action of the national Government; that the railroads are to-day the great means of transportation, the common carriers for more than two-thirds of the people of the United States, and the farmer is dependent upon them to transport his cotton and other products to market and return his freights, said railroads being in most cases monopolies, wholly uncontrolled or restricted by legislation, either State or national; that they charge most exorbitant and ruinous rates of freight, and make unfair and burdensome discriminations between the large cities and termini and local points along their lines, all of which is calculated to impoverish the country and militates directly against the farmer, as the cost of transportation falls upon him. The memorialists further represent that the railroads are chartered by the Legislatures of the several States through which they pass, and in the State of Mississippi are not restricted in their charges by law; and the memorialists pray for the establishment of a uniform system of transportation and tariffs, established and regulated by the national Legislature, to which end they ask for the creation of a bureau of railroads and transportation, invested with full powers to regulate and control all the common carriers of the country.

I move the reference of this petition to the Select Committee on Transportation Routes to the Sea-board.

The motion was agreed to.

Mr. RANSOM presented the petition of John D. Paylon and other citizens of Thomasville, North Carolina, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. NORWOOD presented a resolution of the Legislature of Georgia in favor of the construction of the Atlantic and Great Western Canal; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. CRAGIN presented a memorial of Hon. Ichabod Goodwin and 22 others, citizens of New Hampshire, praying that a survey may be authorized to ascertain what repairs are necessary to the sea-wall at Smutty Nose Island, near the harbor of Portsmouth, New Hampshire; which was referred to the Committee on Commerce.

Mr. CRAGIN. I also present a petition of citizens of Washington, District of Columbia, asking for a change of the inauguration day of the President, and for other purposes. As the petition is very brief, I may be pardoned for reading it:

To the Senate and House of Representatives of the United States in Congress assembled:

We, the subscribers, citizens of the United States, do, for various good and sufficient reasons, ask to have the term of the short session of Congress extended into the month of May, and that the inauguration day of the President of the United States do hereafter be on the second Wednesday of May, instead of the 4th day of March; and we desire that all appropriate and necessary legislation be had to carry out the objects of this petition.

I move the reference of this petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. FLANAGAN presented the petition of citizens of North Carolina, Good Templars and others, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CAMERON presented resolutions of the city councils of Philadelphia approved by the mayor of that city, remonstrating against the passage of a pending bill giving the Secretary of War the right to lease a part of the public grounds in that city, known as the Lazaretto site, for a powder magazine; which were referred to the Committee on Military Affairs.

Mr. MORRILL, of Maine, presented the petition of the members and congregation of the First Universalist church, of Canton, Massachusetts, signed by Rev. Edwin Davis, pastor, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. WEST presented the petition of J. Madison Wells, praying to be allowed to present to the Court of Claims his claim for cotton, sugar, and molasses taken by the United States Army; which was referred to the Committee on Claims.

He also presented a petition of citizens of North Carolina, Good Templars and others, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. LOGAN. On Friday last I presented the petition of 1,190 citizens of Chicago, praying for an increase of the currency. I now present the petition of 1,967 respectable citizens, business men and others, of the city of Chicago, making the same prayer; and I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. STOCKTON presented the petition of the First Presbyterian church, of Blairstown, New Jersey, signed by the pastor, Rev. Thomas A. Sauson, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1365) to grant an American register to the Canadian schooner George Warren;

A bill (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers;

A bill (H. R. No. 1589) for the relief of Henry Savage, acting chargé d'affaires of the United States in Guatemala from May 7, 1856, to November 14, 1858;

A bill (H. R. No. 526) for the relief of James De Long;

A bill (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio;

A bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands or any legal subdivision of the same;

A bill (H. R. No. 1768) for the relief of Ephraim P. Showalter;

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army;

A bill (H. R. No. 363) for the relief of Lucius A. Rountree;

A bill (H. R. No. 368) for the relief of James Long;

A bill (H. R. No. 1779) for the relief of William E. Childs;

A bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer;

A bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

A bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army;

A bill (H. R. No. 1771) for the relief of Rice M. Brown;

A bill (H. R. No. 1772) for the relief of William N. Williams, late a second lieutenant of Indiana Volunteers;

A bill (H. R. No. 1773) for the relief of Samuel E. Rankin;

A bill (H. R. No. 1774) for the relief of Matthias Whitehead;

A bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company; and

A bill (H. R. No. 1759) for the relief of Henry S. Welles.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 429) creating an additional land district in the Territory of New Mexico; and

A bill (S. No. 493) to establish certain post-routes in the State of Arkansas.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 458) to authorize the Secretary of the Treasury to make compensation for certain services therein mentioned, to report it back adversely. I merely desire to say that the subject seems to the committee one not proper for the determination of Congress or the Secretary of War or the Secretary of the Treasury, but eminently fit to be decided by the courts.

The PRESIDENT *pro tempore.* If there be no objection the bill will be indefinitely postponed.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the petition of Hanson Harmon, praying compensation for office rent for an office occupied by him as clerk of the district court in the State of Delaware, submitted a report, accompanied by a bill, (S. No. 527) for the relief of Hanson Harmon.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1393) providing for the assignment of judges in the Territories, reported it with an amendment.

He also, from the same committee, to whom were referred the bill (S. No. 92) relating to the several courts in the Territory of Dakota, and the bill (S. No. 276) relating to the several courts in the Territory of Dakota, reported adversely thereon, the subject being covered by the general House bill just reported; and the bills were postponed indefinitely.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (S. No. 415) granting a pension to Bartholomew Diggins, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Adrian S. Lee, of Vermont, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 1401) granting a pension to Penelope T. Heald, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 510) granting a pension to Thomas R. Hardwick, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 293) authorizing the sale of a portion of the Fort Leavenworth military reservation to the Kansas Agricultural and Mechanical Association, for fair grounds, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a letter of the Secretary of War to Senator SCHURZ, accompanying a copy of a petition of officers engaged in the Modoc expedition, and of a letter of the governor of California, asking that Acting Assistant Surgeon B. Semigs, United States Army, be appointed to a commission in the line of the Army, with a view to his being placed on the retired list, reported adversely thereon, and asked to be discharged from its consideration; which was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1932) for the relief of Frank M. Kelly, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1585) for the relief of the heirs of Seth Lamb, reported it without amendment, and submitted a report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1405) for the relief of Victor Mylius, of Macoupin County, Illinois, reported it without amendment.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 512) to extend the time for completing the Wisconsin Central Railroad in Wisconsin, reported it with an amendment, and submitted a report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company, to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, reported it without amendment.

SEMINOLE ANNUITIES.

Mr. BUCKINGHAM. The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1923) authorizing the payment of annuities into the treasury of the Seminole tribe of Indians, have had the same under consideration, and have instructed me to report it back with an amendment. It is very brief, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It authorizes the Commissioner of Indian Affairs, with the sanction of the Secretary of the Interior and the President of the United States, in distributing and paying annuities, interest, or other moneys now due, or hereafter to become due, to the Seminole tribe of Indians under the provisions of the eighth article of the treaty between the Creek and Seminole Indians and the United States, concluded August 7, 1856, to expend the same for such objects as will best promote the comfort, civilization, and improvement of the Seminole Indians; or in his discretion, with the sanction of the Secretary of the Interior and the President, to pay such annuities, or any part thereof, into the treasury of the Seminole nation, to be used as the council of the same shall provide, instead of paying the money *per capita* according to the terms of the treaty; but the agreement shall provide that the sum of $7,500 shall be annually appropriated out of the annuity to the school fund of the tribe; and the consent of the tribe to such expenditures and payment shall be first obtained.

The amendment reported by the Committee on Indian Affairs was to strike out, in line 18, "$7,500," and insert "$5,000."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 528) to protect the navigable waters of the United States from injury and obstruction; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 529) to authorize an appointment in the Inspector-General's Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 530) granting a pension to Peter Harder, late of Company I, Seventh Regiment Michigan Volunteers; which was read twice by its title, and, together with the papers in the case before the committee at the last Congress, referred to the Committee on Pensions.

Mr. PEASE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 531) to endow Reneau Female University and six normal schools in the State of Mississippi; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. OGLESBY. I ask leave to introduce a bill granting the original $100 bounty and the fifty dollars additional bounty to a few men of a New York regiment, who enlisted in the regiment a few days after its organization, which regiment was enlisted and served for two years, and nearly all the soldiers of that regiment received both original and the additional bounty; but there were some few of them, perhaps a hundred, who enlisted a short time after the organization, on the march here, who served out their time, were mustered out with the regiment, served twenty-two and a half months, and, because they did not serve from the day of the organization of the regiment, were cut off from both bounties. This bill is introduced for the purpose of granting these men the same bounty that others of their regiment received, as they were in all the marches and all the battles with them together. I ask that the bill be referred to the Committee on Military Affairs, and printed.

By unanimous consent, leave was granted to introduce a bill (S. No. 532) in relation to bounties; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 533) granting a pension to Uriah W. Briggs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WRIGHT. In connection with the petition and papers of Samuel Adams, introduced this morning, I ask leave to introduce a bill for his relief.

There being no objection, leave was granted to introduce a bill (S. No. 534) to pay Samuel Adams for services rendered in exploring the Colorado River and its tributaries; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONKLING. I ask leave to introduce a bill, which I do by request, for reference to the Committee on Foreign Relations, and I accompany it with the letter requesting its introduction.

There being no objection, leave was granted to introduce a bill (S. No. 535) for the relief of Robert Murray, jr., of the State of New York;

which was read twice by its title, and referred to the Committee on Foreign Relations.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Secretary will report the first bill on the Calendar.

Mr. RAMSEY. I should like to ask the indulgence of the Senate to take up a House joint resolution of about six lines, which it is very important should be disposed of at once. It is House joint resolution No. 52, explanatory of resolution approved January 31, 1868, entitled "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year."

The joint resolution was read.

Mr. EDMUNDS. I object to its present consideration.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate proceed to the consideration of this resolution.

Mr. EDMUNDS. That is too important a matter, and violates what we thought was a great reform only a few years ago, to be taken up in the morning hour, with only twenty minutes of it left. It requires much more careful consideration.

Mr. RAMSEY. I am sure the Senator mistakes the character of the resolution.

Mr. EDMUNDS. The Senator will be kind enough to hear me through. It is too important to take up at this time. It looks to me a little as if we were going back to the old habits a little too fast; first a chip here and then a chip there, and so on, and presently, at the rate we are going on, it would seem that we shall be almost as bad as the democrats were when we tried to rectify things by taking matters out of their hands. We did reform all these matters of contracts for stationery, &c., and endeavored to make the reform thorough, and I believe we did pretty thoroughly. Now my friend proposes to modify a certain part of it. It may be that it would be right. I cannot discuss that question now, because the merits of the bill are not before us; but I do say that, involving as much as that does—for if it is done for one Department it must be for all in similar cases—it ought not to be considered now.

Mr. RAMSEY. I simply desire to make an explanation after what the Senator has said. Heretofore the Post-Office Department made contracts of four years' duration for mail-locks, mail-bags, postal cards, postage-stamps, &c., that required a large investment of capital. Congress passed a resolution in 1868, which this resolution proposes to amend, requiring contracts for supplies for the Departments to be made annually. The Post-Office kept on as formerly, supposing that the resolution did not cover these cases; but finally the solicitor of the Post-Office Department has determined that it did; and now they come to Congress asking to be relieved of the necessity of making contracts every year for mail-bags, mail locks and keys, postal cards, postage-stamps, newspaper-wrappers, &c. That is all there is in it.

Mr. EDMUNDS. I am not discussing the merits; I cannot now.

Mr. RAMSEY. Very well.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota, that the Senate proceed to the consideration of the joint resolution which has been indicated.

The question being put, there were on a division—ayes 19.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I am sorry to be obliged to take up any of the time of the Senate by calling for the yeas and nays; but gentlemen do not seem to take any interest in this question. I cannot reply to what my friend has said about what the Department wishes, for that would involve the merits of the bill; but I merely wish to state what the contents of the bill are, to show the impropriety of proceeding to dispose of it at this time, with only a very few moments left of the morning hour. There are other bills on the Calendar, which will lead to less debate, which can be disposed of before the expiration of the morning hour. The bill provides that we shall reverse the positive policy of the law that has been in force now since 1868, a period of six years, and give to the Post-Office Department the right to make long contracts—any length it pleases, if this bill passes in the way it stands. But I cannot discuss that of course in this motion, as it relates to the merits. There is no limitation if you repeal this. And I say that inasmuch as it involves a question which in respect to continued expenses would go to all the Departments—and if you give it to this one you must give it to all—it involves the consideration of the whole policy of the Government on the subjeet, and it ought not to be pressed upon us with only fifteen minutes to consider it. My friend from Maine [Mr. MORRILL] is more familiar with the subject of the reforms which we have undertaken upon these topics, as chairman of the Committee on Appropriations, than I am, and I can safely leave it to him to advise the Senate on the subject.

Mr. MORRILL, of Maine. If this is an innovation upon the act of 1870, by which we undertook to control all this kind of legislation, I should be extremely sorry to see the bill passed.

The PRESIDENT *pro tempore*. The Chair must remind the Senator that the merits of the bill are not open to discussion.

Mr. MORRILL, of Maine. Very well, sir. It is impossible for me to tell whether it is an innovation upon that act or not. I do not like to make an opposition to the measure without knowing something more about it. If my honorable friend from Minnesota will allow the bill to be passed over until to morrow, so that we may have an opportunity of really seeing how it does affect it, I should be very glad to have that opportunity. I do not like to make any opposition.

Mr. RAMSEY. I have no objection to letting the bill go over until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to withdraw the motion. The Chair hears no objection. The Secretary will now report the first bill on the Calendar.

LIQUOR-TRAFFIC COMMISSION.

The first bill on the Calendar was the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic.

Mr. SCHURZ. When this bill was up for consideration about a week ago I obtained the floor upon it, and was interrupted by the expiration of the morning hour. As I am to speak to-day on the financial bill before the Senate, it would be somewhat inconvenient for me to express my opinion upon this bill before proceeding to speak upon the other. I do not wish to impede the progress of the bill, nor to remove it from its place on the Calendar, and I shall be willing at any time, when the Senator from Iowa [Mr. WRIGHT] desires to go on with it, to express my views. I ask that it be postponed now merely as a personal accommodation.

Mr. WRIGHT. I understand that the Senator from Missouri desires that this bill may go over by reason of his connection with the question that comes up after the expiration of the morning hour, and he asks, as a matter of personal accommodation to him, that it shall be passed over. I understand that it will not lose its place on the Calendar.

The PRESIDENT *pro tempore*. It will not.

Mr. WRIGHT. And it will be the first bill on the Calendar to-morrow morning. I certainly cannot resist the request of the Senator from Missouri under the circumstances.

The PRESIDENT *pro tempore*. The bill will be laid aside if there be no objection.

CLERICAL FORCE OF GENERAL LAND OFFICE.

The next bill on the Calendar was the bill (S. No. 109) to reoganize the clerical force of the General Land Office.

The Chief Clerk proceeded to read the bill.

Mr. SHERMAN. I object to the present consideration of that bill. It involves a great many other questions.

The PRESIDENT *pro tempore*. The Senator from Ohio objects, and the bill will be laid aside.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 19th instant, approved and signed the act (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. MORTON. I move that the Committee on Privileges and Elections have leave to sit during the sessions of the Senate.

The motion was agreed to.

EDWARD H. CALVERT.

The bill (S. No. 395) for the relief of Edward H. Calvert was read the second time, and considered as in Committee of the Whole.

It provides for the payment to Edward H. Calvert, of the District of Columbia, $1,500, to be in full and complete payment of rent for, and damages done to, his property on Good Hope Hill, in the District of Columbia, known during the late war as Fort Wagner, and occupied from 1862 to the end of the war by Federal troops.

Mr. MORRILL, of Maine. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. MORRILL, of Maine. Let it be read.

The Chief Clerk read the following report, submitted by Mr. DAVIS on the 29th of January:

The Committee on Claims, to whom were referred the petition and accompanying papers for the relief of Dr. Edward H. Calvert, of the District of Columbia, report:

The petitioner shows that in the year 1862, and for some time previous thereto, he was the owner of eleven and three-fourths acres of land situated on Good Hope Hill, in the District of Columbia, on which there were a good dwelling-house, stable, and carriage-house, a large greenhouse, and an orchard of about two hundred select and thrifty trees; and that said tract was inclosed by a substantial plank fence. He further shows that in said year the military authorities of the United States took possession of said property, and built thereon the fortification known as Fort Wagner, and, in the process of constructing said fortification, destroyed all the above-mentioned improvements, except the dwelling-house; that also in said construction the earth was thrown up and the surface of the land disturbed; that said fort was occupied by the Federal authorities until the close of the late war; that petitioner was loyal to the United States Government during the late war; and that he has never received any compensation for the injury done to his property. The petitioner claims damages, and asks compensation to the amount of $7,000. The loyalty of the petitioner is proved by the affidavits of R. H. Williams and Dr. William B. Butt, of the city of Washington, D. C., who claim to have known him intimately during the period of the war. Some four parties, to wit, Joseph I. Jenkins, Harriet Richardson, J. N. Osborne, and George Calvert, make affidavit as to the occupation of the property and the damages caused thereby, and, in the main, verify the statement of petitioner, but vary very widely as to the amount of damages, stating them from $2,500 to $7,000, the amount claimed. The records of the Departments show that no compensation has been paid to the petitioner for the occupation and damages aforesaid.

This petition was presented to the Senate and referred to this committee at the second session of the Forty-second Congress. A bill was then reported recommending the payment of $1,500, which passed the Senate June 3, 1872, was reported

to the House of Representatives, and there referred to a committee, in whose hands it remained.

The committee think the claim of petitioner, as well as the estimates of his witnesses, much too high, and therefore recommend the payment of $1,500 in full compensation for rent and damages, and report a bill in accordance therewith, and recommend its passage.

Mr. MORRILL, of Maine. What committee does the bill come from?

The PRESIDENT *pro tempore*. The Committee on Claims.

Mr. DAVIS. Mr. President——

Mr. MORRILL, of Maine. I do not object.

Mr. DAVIS. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. SMITH.

The next bill on the Calendar was the bill (S. No. 217) granting a pension to Julia A. Smith; which was considered as in Committee of the Whole.

It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A Smith, widow of Charles B. Smith, late a first lieutenant in the Fifth Regiment Iowa Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM W. LOVE.

The next business on the Calendar was the bill (S. No. 398) for the relief of Hiram W. Love.

Mr. WRIGHT. With the consent of the Senator from West Virginia who reported that bill, and in view of the fact that there is some additional evidence in the case, I move that it be recommitted to the Committee on Claims.

Mr. DAVIS. The Senator refers to my colleague, [Mr. BOREMAN?]

Mr. WRIGHT. Yes, sir.

The motion was agreed to.

CALEB A. LAMB.

The next business on the Calendar was the bill (S. No. 42) granting a pension to Caleb A. Lamb, late a musician in Company E, Forty-sixth Regiment Indiana Volunteer Infantry; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN FARLEY.

The next business on the Calendar was the bill (S. No. 387) granting a pension to Benjamin Farley, Company C, Fifth Indiana Cavalry; which was considered as in Committee of the Whole.

The Committee on Pensions reported the bill, with an amendment in line 4, after the words "pension-roll," to strike out the words "subject to the provisions and limitations of the pension laws," and at the end of the bill to insert the following:

And that he be allowed a pension at the rate of thirty-one dollars and twenty-five cents per month on account of having lost the sight of both eyes in consequence of exposures and hardships while in the military service of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NAVAL APPROPRIATION BILL.

The next business on the Calendar was the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes.

Mr. HOWE. That is an appropriation bill.

The PRESIDENT *pro tempore*. The bill will be laid aside.

Mr. SARGENT. Is there objection to the bill?

The PRESIDENT *pro tempore*. The Chair supposed, as it was a very long bill, there would be objection.

Mr. SARGENT. I did not hear any objection.

The PRESIDENT *pro tempore*. The bill will be reported if there be no objection.

Mr. BOGY. I object.

Mr. ANTHONY. I do not think my friend from California will have any other opportunity to pass the appropriation bills unless in the morning hour. [Laughter.]

Mr. SARGENT. I must confess I am discouraged a little in getting at this bill.

The PRESIDENT *pro tempore*. The bill is objected to, and the next bill will be read.

HENRY C. CAREY.

The CHIEF CLERK. The next business on the Calendar is the bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Carey.

Mr. EDMUNDS. Let that go over.

Mr. WEST. How did that bill get up before the Senate?

The PRESIDENT *pro tempore*. It came up in regular order on the Calendar.

Mr. WEST. Then apparently we have jumped from the order of business No. 64 to No. 81; and where are the bills reported between 64 and 81 that have been passed over?

The PRESIDENT *pro tempore*. There was an accident; the Clerk turned the wrong leaf; he will now turn back.

WILLIAM E. PRINCE.

The bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa, was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Willian E. Prince, late private in Company I, Twenty-third Regiment Missouri Volunteers, and pay him a pension from the date of filing his application for the same with the Commissioner of Pensions.

The Committee on Pensions reported an amendment to strike out at the end of the bill the words "date of filing his application for the same with the Commissioner of Pensions," and insert the words "passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

JOSEPH WHEATON.

The next bill on the Calendar was the bill (H. R. No. 418) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased, which was read. It is a direction to the Third Auditor of the Treasury to settle and adjust the claim of Susan Dayton Anderson, administratrix *de bonis non* of the estate of Lieutenant Joseph Wheaton, deceased, for the half-pay due him under the act of Congress of October 21, 1780, as a lieutenant of infantry in the Rhode Island line during the revolutionary war; and in the settlement and adjustment of the claim, the principles recognized and embraced in the decision of the Court of Claims of the United States in the case of Thomas H. Baird, administrator of Dr. Absalom Baird, deceased, and which was sanctioned by an act of Congress approved August 18, 1856, are to be accepted by the Third Auditor as the basis on which such settlement and adjustment shall be made.

Mr. CONKLING. Is there a report in that case? I should like to hear it.

The Chief Clerk read the following report, submitted by Mr. JOHNSTON on the 3d instant:

The Committee on Revolutionary Claims, to whom was referred the memorial of Susan Dayton Anderson, administratrix *de bonis non* of Lieutenant Joseph Wheaton, deceased, report:

That at the second session of the Forty-second Congress a report was made in this case, which, as it embodies all the facts, is now adopted by the committee, and is as follows:

The Committee on Revolutionary Claims, to whom were referred the memorial of the administrator of the estate of the late Lieutenant Joseph Wheaton, and the letter of the Secretary of the Interior of the 27th of March, 1872, relative to the same, report:

That the evidence before the committee shows that Lieutenant Joseph Wheaton served in the Rhode Island line from the commencement to the close of the revolutionary war; that his father and ten brothers all held commissions as officers in the British service, and that he alone sacrificed his home and domestic ties for the cause of liberty; that he was disinherited by his father, Colonel Caleb Wheaton, who commanded a regiment of British pioneers, who, to the day of his death, never forgave his son for what he considered a disloyalty to the King of Great Britain in joining "the Yankee rebels;" that on the 11th of May, 1775, and long before war was declared, he joined a band of volunteers, and took an active part in capturing the Margaretta and two other armed British schooners, which were of great service to us in after times, and was the first advantage gained over our enemies on the waters. In this service he received a severe saber wound on the head, which troubled his mind through life, and terminated in his dying in the insane asylum, in Baltimore, in the year 1828.

After the war was declared, Joseph Wheaton joined the Rhode Island line, in Colonel Israel Angell's regiment, and sharing in all the battles in which that part of the Army was engaged, which seem to have been many, never left his regiment until the end of the war. He was invested with a commission as colonel in the war of 1812, through the whole of which he served with distinguished ability.

By the acts of Congress of 3d and 21st of October, 1780, the Government of the United States promised to pay to each and all of the officers, individually, who should continue to serve until the end of the war, half-pay for life, and to pay the same to said officers, or their legal representatives, in specie or other current money at the end of each and every year for life. This was a distinct offer and covenant, stipulated by the most solemn act of the Government, in 1780, after four years and upward of hard service in field and camp by Joseph Wheaton, among others, and was offered as an inducement to cause him to continue in the service until defeat or victory should mark the close of the contest. If defeated, he, with his compeers, had nothing to hope for but the rebel's fate; if victorious, he would have the stipulated compensation of the promised half-pay to buy him bread for the balance of his days. He accepted the offer, fulfilled the contract, and served to the end of the war, thus establishing his unqualified right to said half-pay.

It was decided by the Court of Claims, in the case of Thomas H. Baird, administrator of Dr. Absalom Baird, deceased, that the acts of Congress of 3d and 21st of October, 1780, created a legal liability against the United States in favor of the officers therein referred to, which no subsequent legislation by Congress could release without the assent of the other party. Your committee find that this decision of the Court of Claims was sanctioned by Congress by an act approved August 18, 1856.

The Committee on Revolutionary Claims, in the Thirty-sixth Congress, made a favorable report in this case, and in the Thirty-seventh Congress the claim was referred by resolution of the House to the Secretary of the Interior for adjustment. In reply the Secretary of the Interior submits the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, March, 27, 1862.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, adopted on the 14th instant, referring to this Department for adjustment the claim of Mary A. Berault, administratrix of the late Joseph Wheaton.

Upon an examination of the papers referred to me, I am fully satisfied of the justice of this claim, and concur in the report of the Committee on Revolutionary Claims in its favor. The services of Lieutenant Wheaton were of a highly meritorious character, and continued from a time anterior to the passage of the act of Congress of October, 1780, promising half-pay for life to those who should serve until the end of the war, until the final and successful termination of the revolutionary struggle.

The principle upon which the claim is based has been recognized and sustained by the Court of Claims, in the case of Dr. Baird, and the decision of that court has received the sanction of Congress.

I should not hesitate to adjust and allow the claim, as recommended by the resolution of the House of Representatives, if any fund were placed at my disposal from which it could be paid; but no appropriation has been made which is applicable to the payment of claims of this character.

I therefore return the papers, with a recommendation that an appropriation be made by Congress for its payment.

I am, sir, with great respect, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

At the last session of the Forty-first Congress the claim was passed by the House by a two-thirds vote, and this committee unanimously reported in favor of its passage by the Senate, but owing to the lateness of the session no action was taken upon it by the Senate.

Your committee are of opinion, from a careful examination of the case, that this claim is embraced within the acts of the 3d and 21st of October, 1780. The half-pay should terminate on the 24th day of March, 1818, when Lieutenant Wheaton was placed on the pension-roll, and there should be deducted from the said half-pay any payments made by the Government to said Wheaton on account of his said services.

Your committee report the accompanying bill, and recommend its passage.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. EDMUNDS. I should like to have the bill read.

The Chief Clerk read the bill.

Mr. EDMUNDS. Mr. President, I dislike——

The PRESIDENT *pro tempore*. If there is objection to the consideration of this bill the Chair must call for the regular order.

Mr. EDMUNDS. I do object to it most decidedly.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business, which is Senate bill No. 432.

HOUSE BILLS REFERRED.

The following bills, from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Volunteers;

A bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

A bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army;

A bill (H. R. No. 1771) for the relief of Rice M. Brown;

A bill (H. R. No. 1772) for the relief of William N. Williams, late a second lieutenant of Indiana Volunteers;

A bill (H. R. No. 1773) for the relief of Samuel E. Rankin;

A bill (H. R. No. 1774) for the relief of Matthias Whitehead;

A bill (H. R. No. 363) for the relief of Lucius A. Rountree;

A bill (H. R. No. 368) for the relief of James Long;

A bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer;

A bill (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio;

A bill (H. R. No. 1768) for the relief of Ephraim P. Showalter;

A bill (H. R. No. 1779) for the relief of William E. Childs; and

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army.

The following bills were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (H. R. No. 526) for the relief of James De Long; and

A bill (H. R. No. 1589) for the relief of Henry Savage, acting chargé d'affaires of the United States in Guatemala from May 7, 1856, to November 14, 1858.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 1759) for the relief of Henry S. Welles; and

A bill (H. R. No. 1365) to grant an American register to the Canadian schooner George Warren.

The bill (H. R. No. 1763) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands, or any legal subdivision of the same, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company, was read twice by its title, and referred to the Committee on the District of Columbia.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 20th instant, approved and signed the bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862.

The message also announced that the President had on this day approved and signed the following bills:

A bill (S. No. 438) to withhold from sale the site of the old Nyatt Point light-house; and

A bill (S. No. 269) to change the titles of certain naval officers, and for other purposes.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870.

Mr. SCHURZ. Mr. President, I would respectfully ask to have the question before the Senate, as it now stands, restated.

The PRESIDENT *pro tempore*. The Secretary will restate the pending question.

The CHIEF CLERK. The question is on the motion of Mr. BUCKINGHAM to recommit the bill to the Committee on Finance, to which have been added, on motion of Mr. MERRIMON, the following instructions:

And that the Committee on Finance be, and they are hereby, instructed to report, as soon as practicable, a bill providing for the increase of the national-bank circulation, so that the whole volume thereof shall not exceed $400,000,000.

Mr. SCHURZ. Is there not an amendment to that providing for free banking?

The CHIEF CLERK. No, sir.

Mr. DAVIS. If the Senator from Missouri will allow me a moment, on Friday evening, when this subject was before the Senate, at a ate hour, just before we went into executive session, I offered an amendment looking to free banking; and the Chair, without some of us knowing what was being done, decided that it was lost, after putting the question. I now, by permission of the Senator from Missouri, renew that amendment, and it can remain until such time as he has concluded his speech. The amendment is to add "and also for free banking."

The PRESIDING OFFICER, (Mr. ROBERTSON in the chair.) The Senator from West Virginia can make that motion after the Senator from Missouri has concluded his remarks.

Mr. FERRY, of Michigan. I am not disposed to put any obstacle in the way of the passage of the proposition for free banking; at the same time I feel it my duty to state to the Senator from West Virginia, as I occupied the chair when his amendment was presented, that the Chair stated the character of the vote of the Senate and paused long enough for objection, and no objection being made, the Chair declared the amendment proposed by the Senator lost. I state this in justice to the occupant of the chair at that time, and therefore I shall be compelled to make the point of order that the amendment is not in order now.

Mr. SCHURZ. Mr. President, it will be observed from the statement of the question as it has come from the Chair that the demand made at present by those who desire an expansion of the currency falls far short of what it originally was. It may fairly be assumed that, if we adopt the present proposition, it will serve merely as an entering wedge to prepare the way for greater exaction.

It was not my intention to address the Senate at length on the bill before us until on Friday, when we took the last votes on the instructions to be given to the committee. I had hoped that from the confused jumble of propositions and counter-propositions with which this bill had been incumbered nothing would issue that might be seriously detrimental to the best interests of the country. That hope has been turned into something like apprehension, and I feel it my duty now to submit some observations to the Senate.

The Senate has been during these weeks of debate presenting a most extraordinary spectacle. In the second half of the nineteenth century, with the uniform experience of ages before us, in a period of profound peace, with no public dangers pressing upon us the necessity of exceptional measures, with ample resources to defray the expenses of the Government and to develop the resources of the country, the highest legislative body of this Republic, which is proud of calling itself the most progressive state of the world, is seriously debating the question whether new issues of irredeemable paper money shall not be resorted to in order to promote the prosperity of the nation; and such an almost incredible proposition is supported by arguments which will make the civilized world stare if they ever become widely known beyond these precincts.

It has actually been asserted in this body that the precious metals can no longer remain the standard of value in any country. Why? Because the aggregate quantity and value of the precious metals in existence do not equal in value the aggregate amount of all the products of industry and agriculture; an idea just as original and as luminous as it would be to say that a yard-stick cannot remain a standard measure of length because a yard-stick is not as long as a roll of cloth or of carpet whose length is to be ascertained, or because all the existing yard-sticks in the world put together would not have the same length as all the objects whose length is to be measured.

We have been gravely told that conclusive proof of the insufficiency of the amount of currency in this country is furnished by the fact that England and France have a larger volume of currency than we have, and that there are many people in the country who cannot get all the loans and all the discounts which they desire. We have

heard it asserted that an irredeemable currency must be a good thing after all, because there are three countries in Europe—Austria, Russia, and Italy—whose economic development has been somewhat rapid of late, while those countries have an irredeemable paper currency. Nobody who knows anything about those countries can be ignorant of the fact that the sudden development referred to has been brought about by great and beneficent changes in their political and social organization, setting free and putting to work all the productive forces of society, and that the leading statesmen of those countries are day and night racking their brains to find means by which to get rid of that curse of an irredeemable paper money, which is here represented as the very source of prosperity. And I would say to the Senator from Indiana, [Mr. MORTON,] who advanced that proposition here, that if he should hold up to those leading statesmen their irredeemable currency as an element of progress, they would receive the assertion with a melancholy smile of derision.

We have been assured here that a sufficient issue of irredeemable paper money will make money as easy in Georgia as it is in England; and that the rates of interest will go down as the quantity of irredeemable currency increases. It has been asserted, in an endless variation of forms, that currency and capital are materially the same thing. But the very climax is reached when we are told that such doctrines, a hundred times exploded as hollow fallacies by the experience of centuries, are in reality the most progressive ideas of this age; that this is the age of railroads and of telegraphs; that society is transformed; and that the notion of the precious metals remaining the standard of value and a medium of exchange is one of those obsolete ideas which only old fogies will adhere to.

Sir, let us examine a little into the progressive character of these ideas. Here in my hand I hold an edition of Marco Polo's Travels, showing that this progressive idea prevailed in China many centuries ago; and I think it will be instructive to the Senate to learn how much of this progress of ideas lies already behind us.

Marco Polo tells the following story:

Now that I have told you in detail of the splendor of this city of the Emperor's, I shall proceed to tell you of the mint which he hath in the same city, in the which he hath his money coined and struck, as I shall relate to you. And in doing so I shall make manifest to you how it is that the Great Lord may well be able to accomplish even much more than I have told you or am going to tell you in this book. For, tell it how I might, you never would be satisfied that I was keeping within truth and reason!

The Emperor's mint, then, is in this same city of Cambaluc, and the way it is wrought is such, that you might say he hath the secret of alchemy in perfection, and you would be right! For he makes his money after this fashion:

He makes them take off the bark of a certain tree, in fact of the mulberry tree, the leaves of which are the food of the silk-worms; these trees being so numerous that whole districts are full of them. What they take is a certain fine white bast, or skin, which lies between the wood of the tree and the thick outer bark, and this they make into something resembling sheets of paper, but black. When these sheets have been prepared, they are cut up into pieces of different sizes. The smallest of these sizes is worth a half tornesel. the next, a little larger, one tornesel; one, a little larger still, is worth half a silver groat of Venice; another a whole groat; others yet two groats. five groats, and ten groats. There is also a kind worth one bezant of gold, and others of three bezants, and so up to ten. All of these pieces of paper are issued with as much solemnity and authority as if they were of pure gold or silver; and on every piece a variety of officials, whose duty it is, have to write their names and to put their seals. And when all is prepared duly, the chief officer deputed by the Kaan smears the seal intrusted to him with vermillion, and impresses it on the paper, so that the form of the seal remains stamped upon it in red; the money is then authentic. Any one forging it would be punished with death. And the Kaan causes every year to be made such a vast quantity of this money, which costs him nothing, that it must equal in amount all the treasure in the world.

With these pieces of paper, made as I have described, he causes all payments on his own account to be made; and he makes them to pass current universally over all his kingdoms and provinces and territories, and whithersoever his power and sovereignty extends. And nobody, however important he may think himself, dares to refuse them on pain of death.

So you see they understood then the art of how to make paper money a legal tender!

And, indeed, everybody takes them readily; for wheresoever a person may go throughout the Great Kaan's dominions he shall find these pieces of paper current, and shall be able to transact all sales and purchases of goods by means of them just as well as if they were coins of pure gold. And all the while they are so light, that ten bezants' worth does not weigh one golden bezant.

Now he goes on to show how the Kaan is able with this money to buy all precious things, and how his treasury is gradually being filled, and then concludes:

Now you have heard the ways and means whereby the Great Kaan may have, and in fact has, more treasure than all the kings in the world; and you know all about it and the reason why.—*Travels of Marco Polo*, volume 1, pages 378, 379.

Yes, we do know the reason why; and know something of it from our own experience. Now, sir, the first issues of paper money, as they are traced in the history of China by the learned editor of this work, are as old as the beginning of the ninth century of this era; something over a thousand years. When the system had prevailed a certain period, it was found that the paper money became more and more worthless; then new issues were made to take up the old ones, and one piece of the new issue was exchanged for five of the old ones; thus making a settlement on the basis of 20 per cent., the people losing 80 per cent. We are informed that such a proceeding was twice repeated, and probably a number of such settlements were made of which no knowledge has reached us; so that while the Great Kaan grew rich, the people grew poorer and poorer.

Then under the Ming dynasty the government found still another method of more efficiently turning the system to the advantage of the ruler; for the government paid in paper, but took only its dues in the precious metals; and he who would not obey its behests was put to death. The paper money depreciated to almost nothing; and the whole "progressive" system finally broke down. As Marco Polo would say, "You know the reason why."

In 1294 a Persian monarch initiated a similar system, which produced severe distress, greatly impoverishing the people, and he was murdered in a popular revulsion.

I need not go through the whole history of paper money in Asia to show that the progressive idea of superseding the precious metals with paper money, and especially with an irredeemable paper money, was discovered and tried there; and that the progressive gentlemen who reiterate the same idea as a new discovery are just as progressive as the Chinese were over a thousand years ago.

But, sir, the same progressive idea which was tried and exploded there was discovered by the great Scotch financier, Law, once more at the beginning of the eighteenth century, with the same success Law carried it to the full extent of its progressiveness, and had to flee for his life after the bubble had collapsed. Tried and exploded again!

Then we had the French *assignats*. The country was made immensely rich; there were pieces of paper money enough to cover all the land, and to wrap up all the articles bought and sold. Then the collapse came; and at present you find them as wall-paper covering the cottages of French peasants, to serve as warning examples. Tried and exploded once more!

We had our own continental money, the history of which is familiar to you. Tried and exploded again!

The theory of the progressive system was discussed with more than ordinary thoroughness in the British Parliament in the debates on the report of the bullion committee. Tried and exploded again!

And now, after all these teachings of history, the same progressive ideas appear as something new in the Senate of the United States. But, sir, when these same fallacies, so hoary with age and so overshadowed with the condemnation of experience, are still repeated again and again in the Senate of the United States, in spite of overwhelming refutation on the spot; when they still seem to be believed in by some; and when, finally, the venerable Senator from Pennsylvania [Mr. CAMERON] rises and tells us that the very fact of the abundance of money in the great centers at the present moment is conclusive proof that there is not enough of it in the country, and when the same Senator tries to make us believe that by voting for inflation we shall, with him, make war upon the monopolists and the wicked speculators and money-changers, then, sir, I may be pardoned if at this late stage of the debate I come forward once more to speak of first principles.

I want it distinctly understood that the object of the remarks I am going to make will be distinctly this: I desire to show, first, that the gentlemen who favor an expansion of the currency labor under an essentially erroneous conception of the nature of the difficulties for which they want to provide; and, secondly, that the remedies which they propose will not effect a cure at all, but will rather aggravate the evil.

An inflation of our paper money is demanded of us in any form, the form of greenbacks, the form of national-bank currency, or both combined, but an inflation in any event upon one single ground—that there is at present an insufficient supply of currency in this land to fill the legitimate requirements of the business of the country. No other reason is given; and upon that ground the American people are to be put through the same experience which has cost ourselves and other nations who have tried it, so dearly, and a gratuitous repetition of which will be justly looked upon by every sensible man in the world as little short of an act of madness.

The assumption that the volume of our currency falls short of the actual requirements of the legitimate business of the country forms the basis and the only basis of all the arguments that are made here in favor of expansion. Is that assumption correct? I deny its correctness. In the first speech that I made on this subject, I stated a principle which furnishes a test. I said, assuming that the people have confidence in the Government issuing an irredeemable currency, that currency will not necessarily depreciate or stand at a discount as to gold, as long as it simply supersedes and does not exceed in volume the gold and silver, and the bank currency based upon gold and silver, which would suffice to transact the business of that country; but, the condition of confidence remaining the same, the irredeemable currency will depreciate, will be at a discount as to gold, as soon as its volume exceeds that quantity. When such depreciation steadily continues under the same conditions of confidence, it is a sure sign that the volume of currency is in excess of the real requirements of the legitimate business of the country. I asked this question: if our currency were insufficient, would it have been possible for the general prices of commodities to remain so long at the high inflation point at which they have stood for years? If really the amount of currency were so insufficient as to impede the necessary transactions of the business of the country, is it not certain that the gold in the country, which is now hiding itself, would have been driven out of its hiding places to fill the vacuum occasioned by the insufficiency?

The proposition has remained absolutely unanswered. Indeed, very ingenious efforts have been made to obscure the question. Senators have tried very hard to shed a brilliant flood of darkness upon this subject, and in a measure they have succeeded.

We have been told that in France and in England the volume of

currency is much larger than here, although neither the population nor the extent of the country equals ours. That may be true; but I ask what are the circumstances determining the volume of currency necessary for the real requirements of the business of a country?

Is it area? Is it extent of territory? Is it the number of square miles? Why, sir, look at all the new Territories of the United States, and there is not a man in this body who will assert that, large as they are, they all together combined would require for their business as much currency as the city of Boston. Therefore it cannot be area; it cannot be extent of territory alone.

Is it population? Look at the whole interior of Africa, with its teeming millions of population, and I am sure the business of the whole interior of Africa does not require half as much currency as the single State of Rhode Island. Therefore it cannot be population alone.

I ask then, is it the amount of productions, the number of exchanges and of values involved? But the same amount of production, the same number of exchanges, the same values involved will require far less currency where there are superior facilities of rapid communication, of banking and clearing-house systems, than where they do not exist.

Neither of these elements alone, therefore, will determine the amount of currency which is necessary for the business of a country, but all of them combined will.

Of course I use the word "currency" here in the most restricted sense of the term, not including deposits, bills, and checks, as some political economists justly do. Where banks and clearing-houses exist, and the use of bills and checks in the transaction of business is common, currency is mainly used for daily running expenses, for the payment of wages and salaries, and for the settlement of balances. Business transactions in which the whole amount of the value of a commodity passes from hand to hand in the shape of money are exceedingly rare.

Let us in this light compare England with the United States. In England, as well as in all European countries, the number of persons receiving salaries and wages is far greater in proportion than in the United States, and every one who is acquainted with those countries knows it. There are large armies there, large navies, which we have not. The number of private servants is much larger than here. The number of operatives and daily laborers is still greater. Now, although the population of the United Kingdom is only thirty-two million, while ours is forty million, yet the number of persons receiving salaries and wages is not only in proportion, but actually greater, much greater in England than here; and although wages rule higher here than they do there, yet I think I do not venture much when I say that the aggregate amount paid in wages and salaries in England is much larger than it is in the United States.

But there is another point of great importance. The number of exchanges and the values involved in them are, I might say, infinitely greater there than in the United States. When you compare the exports and imports of Great Britain with those of the United States, you will find that the former are about three times greater than the latter. But that does not cover the case. As everybody knows, England is, so to speak, the clearing-house of the world, and there are probably more balances settled in England than in the rest of Europe put together. In all respects, therefore, where the actual handling of money is actually required, that use is much more extensively required in England than it is in the United States; and if there is a larger volume of currency there, it is because the very nature of the case demands a much larger volume; and yet, as we know, the volume of banking currency has, within the last thirty years, not only not materially increased, but it has, I think, even diminished.

Now go over to France. There the army is still far greater than in England; the navy about the same; the number of persons receiving salaries and wages still larger than in England, and of course far greater than in the United States. As to the amount of business transacted, if you compare the aggregate of imports and exports with ours, you will find that the aggregate is about one-third larger. But then, sir, there is still another circumstance to be taken into consideration. In no country in Europe, I think, is there a smaller proportion of banking facilities than in France. The clearing-house system is unknown there, and the transactions carried on through bills and checks are more limited than in any other country in Western Europe. But, what is still more important, there are no more inveterate hoarders of money in the world than the French. In no country will you find so large a number of people who will put gold or silver in old boxes or earthen pots under their beds as in France. In some parts of France you can scarcely make a peasant take a bank-note, because he still remembers the *assignats;* and, to repeat what I said before, a great many cottages in France are papered with the old *assignats,* to serve to all coming generations as a warning example.

Thus it seems to me that the comparison between these three countries completely fails, because the conditions of business on which they are based are wholly different. The true test, as I stated it, stands therefore absolutely unimpeached.

But I am met with the assertion that in some sections of the country a scarcity of money is sometimes actually felt by legitimate business. That has undoubtedly been so at certain periods. I showed the other day by numerous and impartial market reports that in the business centers of the country money is at present in abundance, if not in superabundance. There has been much excited squirming about this fact on the part of the advocates of inflation, and attempts were made to deny it, but the evidence was so overwhelming that at last gentlemen took refuge in the assumption that this abundance of money in the business centers of the country was owing to the expansion of the currency by the drafts that have been made upon the $44,000,000 reserve, and that assertion was put forward in a somewhat triumphant manner.

A single statement will suffice to show the falsity of that assertion. On the 15th of February, 1873, the outstanding greenbacks amounted to $356,000,000, of which the banks in the three cities of New York, Boston, and Philadelphia held $63,797,982. On the 16th of February, 1874, the outstanding greenbacks amounted to $381,327,327, of which the same banks in Philadelphia, New York, and Boston held $87,228,654. The currency had been inflated to the amount of $25,327,327, and three cities—New York, Boston, and Philadelphia—had absorbed the whole of the increase with the exception of $1,896,645. This shows that almost the whole increase remained in three cities in the East, and the States of Rhode Island and Connecticut, with their great banking establishments, are not even taken into account. A large portion of the balance undoubtedly remained there, so that probably something far short of a million has gone West and South of the $25,000,000 that were put out by the Treasury in addition to the existing volume of currency. It serves to indicate also what will become of further issues, and how they will be distributed. Senators may figure it out for themselves how much would go to each State at that rate, if one hundred millions were put out, and these three cities are to retain so large a proportion.

No, sir; the cause of the abundance in the money market, especially in the western business centers, is a different one. First, the crops have been very large, and found a very good and ready market. This resulted in a positive increase of the real wealth of the producing States. Secondly, the crisis broke down speculation and gambling, and released large amounts employed in floating that speculation and gambling, and those large amounts are now in the loan market. That is the reason why money is abundant in the western business centers.

But I am willing to admit that the present abundance of money in the loan market is of a precarious nature. As an irredeemable and redundant currency always begets speculation and gambling, it will do so again in spite of the check that was put upon it by the recent crisis. It is already reviving, although carried on, as I am informed, to a certain extent by a different set of persons and in different ways; but its revival will undoubtedly be quickened, as is always the case, by every addition to our irredeemable currency. It may revive more rapidly even than legitimate business does; and as it grows to greater dimensions, it will draw away from legitimate business and press into the service of speculation as large an amount of currency as it can lay hold of. The expansion of speculation, therefore, is likely, nay, it is certain, to reduce the present abundance of money in the loan market, and again to bring forth here and there a feeling of scarcity. This I think will only be a question of time.

But now, sir, I maintain, first, that although there is an excess of currency in the country over and above the real requirements of legitimate business, a feeling of scarcity may, nay, I say it will, ensue as speculation expands; and, secondly, that this evil will not only not be remedied, but will be aggravated by inflation.

And here I will call the attention of Senators on the opposite side to the fundamental error which lies at the bottom of all their arguments. From the fact that a scarcity of currency is sometimes felt by legitimate business, they draw the conclusion that the aggregate volume of currency in the country is insufficient for the real requirements of that business. This conclusion is utterly and glaringly fallacious. Gentlemen confound two things which are essentially different from one another. One is an insufficiency of the aggregate amount of currency in the country, and the other is a vicious diffusion of that currency really sufficient and more than sufficient for all legitimate purposes. The difficulty is not that there is not enough currency on the whole; but, first, that one part of the country is not as rich as the other; and, secondly, that legitimate business is apt not to control enough of currency, because illegitimate business, speculation, and gambling, control too much. This is one of the evils inherent to an irredeemable and fluctuating paper money; and I repeat that evil cannot only not be remedied by an inflation of the same paper money, but it will be seriously aggravated by it, for the simple reason that inflation always stimulates speculation and gambling.

The Senator from North Carolina [Mr. MERRIMON] having been quite prominent in this debate, I take his State as an illustration. He complains that in North Carolina the people are impoverished, that business is cramped, that banking capital is scarce, that rates of interest are high, and so on. All this is true. I sincerely sympathize with the Senator and his people, and he can scarcely be more anxious to do something to aid them than I am. We are entirely agreed as to the object; but now let us scrutinize the means. The Senator wants more paper money for his people, and therefore he advocates an expansion of the currency. At first he advocated an expansion of the legal-tender currency, and I admit that would certainly be the most efficient means. Now suppose it were made; suppose we issue one hundred or two hundred millions of our irredeemable legal-tenders, how will it operate? Gentlemen speak as if the Government of the United States, issuing an additional amount of paper money, were

at the same time issuing a proclamation to the country running somewhat in this way: "All ye who are weary and heavily laden, come to me that I may put money into your pockets. You, good farmer, have a mortgage on your farm and cannot pay it, here is the $2,000 you want; pay it back when you can. You, enterprising manufacturer, want to extend your business and employ more workmen; you want, say, $200,000 or $300,000; you can have it immediately; here it is. You, good merchant, want to carry on a larger trade and you are cramped by a want of means; there is nothing in the world easier than to help you." Gentlemen, this sounds extremely preposterous, and yet I assert there have been arguments made in the Senate of the United States which would apply only to such a condition of things, and there are thousands and thousands of people in the country who have been made to believe that an issue of additional currency would work in just that way.

But let us see how it will operate in reality. There are only two methods of putting an additional amount of currency afloat. One is by defraying the running expenses of the Government. That will not apply here, because we shall raise revenue enough for that purpose. The other is by the purchase of bonds of the United States in the market. That will necessarily have to be resorted to. What, then, will the Treasury do? The Treasury goes to buy bonds where bonds are sold; that is to say, the Treasury goes to Wall street. It carries this additional issue of currency there, and there with it buys its bonds. What is the consequence? The additional amount of currency is thrown at once into the very hot-bed of speculation. What will be the first effect? As soon as speculation is revived, to float speculative enterprise such as concentrates there; and if you want to have a proof of the fact that currency so issued will stay East, that proof is furnished by the figures which I read to the Senate only a few minutes ago, showing that the banks in only three cities—New York, Boston, and Philadelphia—had absorbed the whole of the new issue of $25,000,000, with the exception of less than two millions.

Now, sir, how will North Carolina, how will any other Southern State, be benefited by an operation like this? North Carolina will not get any share of the additional currency for nothing. North Carolina will have to buy that additional currency by offering her products in the market where that currency is distributed, just as North Carolina has to do now. She will have to buy that currency, just as she would have to buy that currency if it were not paper but gold. If those products of North Carolina are in demand, they will be bought, and currency will go to North Carolina in payment thereof as it does now, and only to that extent; no more. But the additional amount issued by the Government being right in the hot-bed of speculation, and having greatly stimulated that speculation, the rule governing the diffusion of currency will be just the reverse of what it would be under a healthy condition of business. Instead of so much currency being used to float speculation as can be spared from legitimate business, only so much currency will be apt to go into legitimate business as can be spared from floating speculative ventures. Upon the extent of that speculation, therefore, it will depend how large a proportion of currency will go from that center of speculation to North Carolina and other points; and the more extensive that speculation is, the greater the quantity of currency it will strive to press into its service and it will succeed in controlling, and the smaller the proportion, therefore, that will go into the channels of legitimate business. It follows, as a natural consequence, that everything which tends to excite, to stimulate, to increase speculation and gambling, will not remedy, but will aggravate that evil. Now it is a notorious, undoubted fact, a fact not questioned by any sane man, that an irredeemable paper currency will incite speculation and gambling to a fearful degree; nay, that by its fluctuations it will force people into speculation and gambling. The greater the inflation, therefore, the more speculation will control the currency, and the less a proportion will be left for legitimate business. Far from giving greater facilities to the transactions of legitimate business, increased inflation will only tend to increase the want far in excess of the supply. Inflation will increase the want, for it will run up the premium on gold, and have the effect of raising general prices, rendering thereby a greater volume of currency necessary to effect the same exchanges. Inflation will not in proportion increase the supply, for it will drive a larger proportion of the currency into the channels of speculation, and divert it from the channels of legitimate business. One hundred millions will not help you, and if you put out two hundred millions it will help you still less, for the appetite will not be satisfied; it will only be stimulated by the supply.

Now issue more currency, and it will go just as little where you want it to go as it does now. You can issue it; but, mark my words, you cannot force it into the channels of legitimate business, and you cannot force it out of the channels of speculation. The currency you issue will fall under the control of exactly the same class of men who control it now, only in a larger and more oppressive form. With every addition you make, a larger proportion will go into the hands of those who have too much already and use it for bad purposes; and it will increase their power to keep it out of the hands of those who have not enough, and who would use it for good purposes. You are indulging in a dangerous, I might say a childish, delusion if you think that you have any power to prevent new issues from flowing exactly the same way the old issues have gone. Increase the volume of the stream, and you will make it flow only the faster, but not in a different direction. Quibble about it as you may, draw what fancy pictures you will, you cannot deny the stern fact which stares you in the face, an inflated, irredeemable currency is not the people's money; it is the speculator's money. It will only be a more powerful weapon in the hands of the speculator to cripple legitimate business and to oppress the people the more there is of it. It always has been so, and it always will be so; and the sooner the American people make up their minds to this fact and honestly act upon it, the better it will be for their virtue as well as for their prosperity.

Now, sir, sincerely and profoundly do I sympathize with the people of the Senator from North Carolina, as I do with the people of all the States who are suffering; and I should be most happy to aid them in their distress. But, I repeat, I am profoundly convinced that inflation will not only not help them, but aggravate the evils of which they are complaining. I would not consent to give them poison, even if they asked me for it.

Senators from the South say their people need more currency. No, sir; there is another thing they need. There is another and far greater difficulty. They need more capital; and they indulge in a most fatal delusion if they think that the trick of watering their currency can supply them with that capital. There are some most obvious causes at the bottom of their difficulties. The people of the South have gone through a wasteful war, which has consumed and destroyed a very large proportion of their wealth, and thus their capital has dwindled away. The waste has been increased in some of the Southern States since the war by very bad government; and finally our tariff and the influences of an irredeemable currency have produced upon them the same depressing effect produced by the same influences everywhere upon the agricultural interest. Thus the people of the South have to make up for a very large deficit, and that deficit cannot be covered by paper promises to pay. If they want to regain their former wealth they must adopt the same methods by which wealth is created elsewhere; they must produce more, much more than they spend, and they must carefully husband and gradually accumulate their surplus earnings. That is the way to create wealth and capital available for future production. It is a somewhat slow and painful process, but it is the only process that will be really effective. This applies more or less to the people of the whole country. This is a hard fact. But sincerely as I deplore the misfortunes and embarrassments of the southern people, I cannot refrain from saying that they lose very precious time, and waste their energies and their ingenuity, if they look to any artificial contrivance for their salvation. They seem to have made themselves believe that an inflation of the currency will aid them in getting upon their feet again and accelerate their recuperation. I am strongly convinced that it will not, and I have already given some of my reasons. First, I have shown that an inflation of currency will stimulate general speculation, and that this speculation will so divert the currency from legitimate business that the latter, after the expansion, will not only not have a greater but a less proportion of it for its purposes than before; and secondly, inflation will still more depress the agricultural interest, which is the principal source of prosperity in the South as well as the West, than it is depressed now.

I made that argument before when I first had the honor to address the Senate on this subject. That argument has been attacked by several Senators; and I shall therefore restate it, and try to demonstrate its correctness still more clearly.

A considerable portion of some of the most important products of agriculture is exported, and the home price of the whole crop of those specific articles is regulated by the foreign market. That is a universally known and recognized fact. The prices ruling in the foreign market are, first, depressed by the free competition of the whole world; and, secondly, a specie standard prevailing there, they are not driven up by the inflation that has enhanced the prices of all other articles in this country. The farmer or the planter has, therefore, to sell these staple crops at the low prices regulated by the foreign market, while for all the necessaries he has to buy he pays the prices grown up to an exorbitant height, far beyond the premium on gold, by our home inflation. This was my original statement. The correctness of that statement, I say, has been questioned.

The Senator from Massachusetts on my left [Mr. BOUTWELL] said that the influence of a depreciated currency does not raise general prices by more than the amount of gold premium if the depreciation of the currency remains steady at the same point. But the difficulty is that the depreciation of the currency does not remain steady at the same point. You might just as well say that when we have a heavy fall of snow late in the winter or early in the spring, there will be no freshets in the rivers, for if the snow does not melt it will not increase the volume of the water. That is perfectly correct; but the difficulty is that the snow will melt, just as an irredeemable and inflated currency will fluctuate and will depreciate. Our experience shows us that the premium on gold in this country has not remained at the same point for a single week, scarcely for a single day.

The Senator from Illinois [Mr. LOGAN] said that he thought the same law was governing the price of an imported article that was governing the price of an exported article in the case of a depreciated and fluctuating currency. Now, sir, I am going to show that the same law does not govern these two things. Let us see how it works. The importer or the wholesale merchant in New York, when putting up his goods for sale, will first add to the gold price the premium on gold.

That is universally conceded. But he knows that the premium on gold or the discount on the currency fluctuates, and that if the latter be inflated it will certainly depreciate. If he sells on credit, however short that credit may be, he runs this risk: that the sum he receives in paper money for his goods will not represent the same gold value which the same sum represented at the time when the sale was made; and here an important element comes into the calculation of prices, which has been left out by all the Senators who, taking the opposite view, have discussed this subject. It is the element of risk. The importer, or the manufacturer, or the wholesale dealer, must protect himself against the contingency of fluctuation; and thus he puts upon the price of his goods a certain percentage to cover that contingency. In other words, he makes his customers pay for the gambling risk which he himself has to run. The jobber who buys from the importer or the manufacturer has to put his gambling risk upon the price again, for he runs the same chance. The western or southern wholesale dealer who buys from the jobber has to do the same thing once more, for he again runs the same chance. Then the western or southern retailer, into whose hands the goods finally pass, has to do the same thing again, if he sells on credit, for he again runs the same chance. Thus two, three, or four gambling risks are put upon the price of an article before the commodity, as it issues from the hands of the original seller, passes into the hands of the consumer; and thus the rise in the price of commodities goes far beyond the premium on gold, especially when the fluctuations of the currency, as inflation will always make them, are tending in the way of depreciation.

Now go to New York and every candid merchant will tell you the same story. I know of merchants in New York who actually changed the prices of their commodities during violent fluctuations of the currency six times in one week; and one told me himself that he had done so several times in one day, always lowering or raising the gambling risk he had put upon the price of his commodities as circumstances changed. And experience teaches us that merchants are apt to be very quick in putting up prices and very slow in putting them down.

Hence it is clear that while the farmer or planter gets for his product only the gold price, with the gold premium added at the place of sale, he must pay for all he has to buy the gold price, with the premium added, and an additional amount covering the gambling risks of three or four dealers through whose hands the purchased articles pass before they reach him; and that additional amount covering the gambling risk will naturally grow very much higher when the currency is inflated and in process of depreciation. The conclusion is inevitable that in this point of view, the correctness of which cannot be questioned, an irredeemable fluctuating currency cannot be anything else but a curse to the agricultural interest, a curse the more oppressive as inflation goes on; and the more inflation there is the more the farmer will lose in buying in proportion to the prices at which he has to sell.

The other day I had a very interesting conversation with a southern planter as to the effect which an inflation of the currency would have upon his interests; and I would ask those gentlemen who have the interests of the farmers so dearly at heart to give me their attention. The planter said to me, "I am in favor of inflating the currency; but as to whether the currency should be inflated just at this present moment, I am a little doubtful." I asked why. "Well," said he, "I have sold my whole cotton crop already and received the money therefor. There is only a very small quantity left in my hands. I sold my crop, and received the money when gold was down to 10 per cent. If we inflate the currency now, and gold runs up to 15 or 20, I shall have to lay in my supplies and buy my necessaries when the currency is depreciated, and prices have risen accordingly. Thus I have sold at cheap rates and shall have to buy at high rates. This would be for me a losing business. I should prefer, therefore, that the currency be not inflated just now, but that the effect of inflation take place when I have to sell my next crop." That planter was very sensible. That the currency should be inflated when you have sold your crops, and when you have to buy your supplies, that is not what you bargained for. If the farmer or planter could inflate the currency and run up the premium on gold when he sells his crops, and then so manipulate the currency as to raise the value of paper money and depress the premium on gold when he buys his supplies, of course that would be a winning trick. But those who buy from and who sell to him would try to play the same game; and in this tricky game the honest farmer would be sure to come to grief, as he has come to grief already.

No; if the farmer or planter wants to prosper he will, above all things, use every effort within his power to rid the country of a system of currency which obliges him to sell at low and to buy at high prices. He may for a moment think that inflation will aid him in paying off his debts, if he has any; but upon consideration he will discover that debts are paid out of surplus earnings, and that his earnings will be depressed when the price of what he buys is high in proportion to the price of what he sells; that his surplus earnings will grow larger as soon as the price of what he sells is put upon an equal footing with the price of what he buys. He will discover that the trick of depreciating the legal-tender by inflation, in order to pay what he owes in a currency less valuable, will not redound to his advantage in the end, and that in this, as in all other things, honesty is, after all, the best policy. He will discover that an honest currency, which permits him to buy and sell on the same basis of value, is for him the safest basis of prosperity, and I trust the time is not far distant when the farmers, whatever artifices of demagogism may be used at present upon them, will, as one man, stand up honestly and intelligently for the earliest possible return to specie payments.

Another scheme by which more currency is to be introduced into the West and South, and a larger amount of circulating medium is to be made available for legitimate business, is the establishment of a greater number of national banks of issue. The complaint is that the Eastern States have an undue amount of national-bank circulation, and therefore enjoy in a measure a monopoly. I admit this to be true. I will not discuss here the system of banking in all its aspects, but I will inquire how far the establishment of more national banks of issue in the West and South will remedy the real evil complained of—which evil consists in a lack of loanable capital there. If the remedy proposed is to serve any good purpose at all, then the establishment of new national banks of issue must increase the available amount of loanable money. If it does not do that, it renders scarcely a service worth mentioning. Now, will it do that? The Senator from Indiana, who is always ready with his answers, says yes; that it will increase the amount of loanable money by the amount of bank-currency put out; for, he argues, the currency issued will be given out in loans and discounts which every thirty, sixty, or ninety days will return to the banks. The currency will, therefore, stay where it is issued, and not flow East. Is this sound? I assert that it is fallacious in the highest degree. The Senator simply forgets to tell us how those new banks are to get their issues.

Let us look at the provisions of the national banking act. It provides that in order to establish a national bank, United States bonds must be deposited in the Treasury of the United States, and that 90 per cent. of the nominal amount of those bonds may be issued by the national bank as currency.

Now, in the first place, those who want to establish a national bank will have to deposit the bonds. It is a notorious fact that in the West the amount of United States bonds held is rather small, and in the South still smaller, and the bonds which are there are mostly held as fixed investments. The persons who want to establish national banks must therefore buy their bonds. They must buy them where bonds are sold, that is in the eastern markets; and they must buy their bonds with money. Where do they get that money? They take that money out of their home circulation, and the money so taken out of their home circulation they carry to New York. Now see how this operates. For a $1,000 bond they have to buy they pay, as 5 per cent. bonds now stand, about $1,120 in currency. That sum of $1,120 is withdrawn from their home circulation and is added to that of New York. Then they take the $1,000 bond so purchased to Washington, and for that $1,000 bond they get $900 in bank currency, and the $900 they carry home. Then they lock up 15 or 25 per cent. on the $900, as the reserve prescribed by law, in their bank vaults, as they may be country or city banks. For the $1,120 carried to New York the country bank then puts out $865 and the city bank $675 to accommodate their customers with loans and discounts. These loans and discounts may indeed come back to the bank every thirty or sixty or ninety days. But does not the Senator from Indiana see, is there anybody so blind as not to see, that a much greater amount had gone East before the western or southern bank could make any loans and discounts to its customers with its national-bank circulation? Is it not as clear as sunlight that for every $865 issued by a country bank, or every $675 issued by a city bank, $1,120 had gone to New York before? Is it not clear that the amount of loanable money, instead of being increased, has been diminished 30 or 40 per cent. by the operation? It is true that by the establishment of national banks here and there some greater banking facilities may be offered. They take deposits, and they make discounts; but the value of all the facilities thus offered will not make up for the diminution which the home circulation, the amount of loanable money has actually suffered in that locality by the process. Where, then, is the increased accommodation of the business public? Nowhere; but the result is just the reverse.

But, sir, in the establishment of a great many western and southern banks things have been done which show the effect upon the home circulation still more clearly. Banks have been established, not upon money taken out of their home circulation, but upon credit. New York bankers (and I have this from one of them) were applied to by parties from the West to advance the money for purchasing the bonds necessary for the establishment of a national bank in the West. The New York banker bought the bonds and charged a commission and interest. Then he deposited the bonds in the Treasury at Washington, and the national-bank currency was issued thereon. But that currency did not go West at all. The New York banker kept it as part payment for his advances and commission in purchasing the bonds for the western parties, and the latter had to cover the balance by drawing what money they could from the West. Can anybody tell me how the amount of loanable money was increased by this operation in that western locality where the bank was established? Not even the currency went there, but the amount covering the difference between the currency and the bonds was drawn from there, being thus a clear deduction from the home circulation. Everybody acquainted with these things knows that this has been the case in a great many instances.

But the Senator from Indiana tells us that many applications are

made for permission to establish national banks in the West and South. That is probably true. Why are they made? The persons making them know well what they are doing. The bankers themselves may do a profitable business, drawing interest on their bonds and on the circulation at the same time. But the difficulty is that their profits are their own and do not benefit the business community; for the amount of loanable money which is to accommodate business men and help along enterprise is not only not increased but is seriously curtailed by the operation, and the result is not that the West or the South gets more, but that the East gets more and the West and South less available funds after it than they had before.

The Senator from Rhode Island [Mr. ANTHONY] was perfectly candid when he said, in opposing the bill now before us, that he did not do it because the transfer of twenty-five or fifty millions of national-bank currency from New England to the West would decrease the capital of New England one single farthing, for everybody can see that it would not, but he was pleading merely for the interest of the banking institutions, which do not want to have their business disturbed.

Now, sir, carry out this system on the largest scale, by a free-banking act, and what will be the result? It will be exactly the same, only much extended and intensified. And it is very probable, nay almost certain, that what may be called the banking monopoly of New York and New England will, by a free-banking act, not be weakened, but it will become stronger and more firmly established than ever before. And why? Simply because in the East, in New York and New England, they have the capital to invest in banking establishments; they have the bonds themselves, and can establish national banks without sending money away. They will, therefore, then as now have and keep a vast majority of the banks, and a preponderance of the national banking currency. They will of course enjoy the lion's share of the business. If gentlemen complain now of the grasp the monetary power of the East has on the West and South, we shall see that grasp not weakened but very much strengthened by what is here proposed.

Mr. CAMERON. Will the Senator allow me to interrupt him?

Mr. SCHURZ. Certainly.

Mr. CAMERON. I think, in the last remark he made, the Senator has forgotten that national banks cannot have more than a certain amount of circulation, so that I do not see how it is possible all the money should get into the city of New York. People have a right to establish banks with as much circulation as possible, but, no matter what the capital may be, they can have only so much circulation.

Mr. SCHURZ. The Senator will admit that, although they have at present more than by the spirit of the law they are entitled to, if we pass a free-banking act, they can, in New York and New England, establish a great many more banks than now; nothing is to hinder them; and inasmuch as they have the capital and the bonds, they have greater facility in establishing these banks than the West and South.

Mr. CAMERON. The Senator is right in part, but not altogether. They may establish more banks, but these banks cannot have as much circulation as they had originally. Besides that, I hope if we pass a general banking law there will be such restrictions as will prevent capital in New York from controlling the system.

Mr. SCHURZ. Unless those restrictions amount to this, that the people of certain States shall be prohibited from establishing new banks while the people of other States shall be permitted to establish them, the restrictions will not be worth a farthing. The banks will be established where the capital is with greater facility than where it is not.

Mr. CAMERON. Once more I will say capital will go where it can be most profitably exercised; and therefore I do not think it will go to New York or the East, but to the West, where it is most wanted.

Mr. SCHURZ. Have not New York banks and the moneyed men of the East every facility now to establish banks in the West as much as they please? Why do not they do it? What prevents a New York banker to-day from establishing a branch of his establishment in Chicago or Saint Louis or at Saint Joseph? Nothing in the world.

Mr. CAMERON. Because he can do better in New York now.

Mr. SCHURZ. Precisely; because he can do better with his bank where there is the most business, and there he remains; and for the same reason more banks will be established where there is the most business. If we complain now, I say, of the grasp of the monetary power of the East over the West and South, we shall see that grasp not weakened, but rather strengthened, by what is here proposed.

I have made these remarks in order to explode that most extraordinary notion of the Senator from Indiana, that if we only permit the establishment of more national banks in the West and South, more currency will go and stay there, because the loans and discounts of the banks will return every thirty, sixty, or ninety days; and to dispel that general and almost incomprehensible delusion, that by the establishment of such banks, under such laws as we have, the amount of loanable capital in the West or South will be increased and not diminished. Whatever results free banking under the national-bank act may have, it will certainly not produce those effects which the advocates of free banking in the Senate pretend to be working for.

But the free-banking scheme, as proposed here, must also be looked at from another point of view. It has been argued that free banking, even without any effectual system of redemption, but carried on to any extent under our national-bank act as it now stands, will not lead to inflation, but rather operate in the direction of a return to specie payments. This view has been expressed on this floor; and it is supported by one of the staunchest and ablest advocates of specie payments in the journalistic world, a journal whose opinions on such questions are always entitled to the highest respect; I mean the Chicago Tribune. I shall request the Secretary to read the article I send to him, and I call upon Senators who advocate free banking to listen to the reading, because the argument runs in their way.

The Chief Clerk read as follows:

Free banking does not necessarily involve currency inflation. If everybody who can deposit $100,000 in bonds at Washington is allowed to issue $90,000 in national-bank notes, this will not depreciate the currency. A paper currency is worth precisely as much as the money in which it is redeemable. The national-bank currency is redeemable in greenbacks. It is worth, then, just what greenbacks are. Now, if no more legal-tenders are set afloat, their value will remain just about what it is now. But if their value is unchanged, the national-bank notes redeemable in them will also have an unchanged value. So long, therefore, as the currency is increased by the issue of national-bank notes, and not of greenbacks, there can be no depreciation, and, consequently, no inflation—for inflation, as the term is used nowadays, signifies an increase in the volume of the currency that causes depreciation, or, as its friends put it, "makes money cheaper." Free banking would work in this way: If the banks set afloat more currency than the country could use, its value would begin to sink below that of greenbacks. As soon as this happened, the banks would be called upon to redeem in greenbacks until the superfluous part of their issue was again in their vaults. In this way depreciation below the greenback standard would be avoided, and the volume of currency would regulate itself. This is substantially the English plan. The greenbacks correspond to the Bank of England notes, and the national-bank notes to those of the English country banks. Our readers will find in the first volume of Tooke's "History of Prices" copious extracts from the testimony of English country bankers on the working of the system there, under a suspension of specie payments. This testimony shows that the amount of currency they could keep afloat varied regularly with the season of the year. During the spring and fall trade they discounted freely, but soon after, their notes were presented for redemption, until the surplus issue was again stored away in their vaults. When the Bank of England contracted its issues, theirs increased; when it increased its issues, theirs contracted. In other words, the currency issued by banks, which could legally circulate any amount whatever, contracted and expanded in precise proportion to the needs of the country. It was thoroughly elastic. Free banking would indirectly aid the resumption of specie payments in two ways. It would make it possible to contract the greenback currency without paralyzing business, because as the greenbacks were withdrawn fresh bank-notes would be issued to take their place. And, again, it would help contraction, because the new banks formed under it would have to keep their reserves in legal-tenders, and thus a good deal of the greenback currency would be withdrawn from circulation. The Congressmen who are opposing the bills for free banking on anti-inflation grounds are making a great mistake. The measure is not a compromise with the other side. It is a straightforward step towards specie payments.

Mr. SCHURZ. When I read that article I must confess that it staggered me a little at first sight; but great as my respect is for the source from which it comes, I am not able to accept that view of the case. It seems to me that the parallel run here between the issues of the Bank of England and of the country banks during the suspension of specie payments in England, on the one hand, and the legal-tender notes and the national-bank notes in this country, on the other, fails in one very essential point. The Bank of England notes at that period were virtually a legal tender. I know very well that they were not made so by the express language of the law, but to all intents and purposes they were practically so, and virtually recognized as such by law, while the country-bank notes were not. The value as currency of the latter, the country-bank notes, depended entirely on their redeemability in Bank of England notes, and on the credit of the issuing bank. The circulation of the country-bank notes was, therefore, essentially local. But our national-bank notes are virtually to all intents and purposes a legal tender, just as much as the Treasury note is. By section 23 of the national-bank act of June 3, 1864, they are made receivable in all parts of the United States in payment of taxes, and all other dues to the United States, except duties on imports, and also for all salaries and other debts and demands owing by the United States, except interest on the national debt, and in redemption of the national currency. Now, sir, although they are not literally made a legal tender in the discharge of private debt, yet being received by the Government for what is due it, and being paid out by the Government for what it owes, they are practically made a legal tender for all purposes, like the greenback. They are, moreover, founded on the secure basis of Government bonds, payable, principal and interest, in gold. Their circulation is therefore not local, but national in the widest sense of the term, just like that of greenbacks. They are just as safe, and in one sense they are even more so, for they have behind them the solid foundation of a United States bond, payable in gold, and at the same time the ability to pay of the bank that issues them. It is, indeed, provided that they shall be redeemable on demand in Government legal-tender notes, but there is really, as far as I can see, no inducement for the holder of a national-bank note to convert it into a Government legal-tender, for the bank-note does just the same business, and is just as safe as the other. The breaking of the bank that issued it does not injure its value in the least.

I know very well there was a premium on Government legal-tenders as to national-bank notes during the panic. What was the cause of that premium? It was an uncalled-for, unreasonable fear of the country banks that there would be a run on them for the conversion of national-bank notes into greenbacks. But looking at it calmly, undisturbed by the wild influences of a panic, there would not be the least inducement in the world to run to a national bank in order to convert the national-bank note into a greenback. Such things may indeed

take place in panics, but panics never can furnish a general rule to control the ordinary run of business.

While in England, during the suspension of specie payments, the conversion of a country-bank note into a Bank of England note meant the conversion of inferior currency into a superior, a safer, and in so far a more valuable one, the conversion here of a national-bank note into a greenback means virtually the conversion of one piece of currency into another which is just as good and no better.

In England the relation of redeemability between country-bank notes and Bank of England notes acted, therefore, somewhat like the relation of redeemability between a bank-note and specie in specie-paying times. But in this country the relation of redeemability does not act in the same way, because the two kinds of currency are in all essential particulars virtually the same. The only thing that makes them different is the provision of the national-bank act that the national bank is to lock up in its vaults a reserve in greenbacks amounting to 15 per cent., if a country bank, and 25 per cent., if a city bank, of its bank circulation.

Free banking, authorizing the issue of any amount of national-bank notes, only limited by the supply of United States bonds, would virtually permit an unrestricted issue of bank-notes without any system of practical redeemability, for the bank-notes would be only nominally redeemable in Government legal-tenders; while the two kinds of currency, being equally safe, performing the same office, and furnishing for that reason no inducement to prefer one to the other, are both equally irredeemable in fact, and form virtually one and the same system of paper money.

Suppose now that the enactment of such a free-banking law results in a large increase of national-bank circulation, what will be the effect? The Senator from Indiana says it will only make things lovely, and not disturb values at all. Let us see.

What are the causes which produce the disturbance of values through an irredeemable currency? There are two. First, lack of popular confidence in the issuer of that currency; and, secondly, the relation the quantity of the currency bears to the actual requirements of the business of the country.

The first of these causes, the lack of confidence in the issuer, operated during the war, while the stability of our Government was still in question, and hence the fact that the fluctuations of the currency went far beyond the fluctuations that would have been caused by the relation of the quantity of the currency to the actual requirements of the business of the country. That cause, lack of confidence in the issuer, has not operated since the Government showed that it could maintain itself, and also demonstrated its ability to work in the direction of a redemption of its liabilities. But, sir—and I wish the Senate to mark this—that cause will commence to operate again as soon as the quantity of the currency has increased to such an extent as to render the ability or willingness of the Government, or of the banks, ultimately to redeem their promises in public opinion doubtful.

The second cause, that is to say, the relation the quantity of currency bears to the actual requirements of the business of the country, will operate as soon as the quantity of currency in circulation is in excess of the actual requirements of business, and that effect will grow more extensive as the volume of currency is increased. And here, it seems to me, it matters very little whether the inflation of the currency be that of the legal-tender notes or the national-bank notes, only with this difference, that, as I admit, an inflation of the national-bank notes will be 25 and 15 per cent., respectively, less effective, owing to the amount of greenbacks to be locked up as bank reserves; but either kind of inflation, in my opinion, will run up the general prices of commodities, of gold among others; will stimulate speculation, and speculation will have the same effect that it had before. It will draw the currency away from the channels of legitimate business and concentrate it at the great centers under its own control, thus preparing the way for new collapses and disastrous crises. These breakdowns will be the more disastrous the greater the inflation of the currency has been.

Now, sir, I do not wish to be understood as being absolutely opposed to free banking under any circumstances. I should be inclined to vote for it if it be coupled with an effectual system of redemption. Of course redemption in specie would be the most satisfactory to me. At present redemption means practically nothing. It accomplishes only the locking up of a certain percentage of the greenbacks for a purpose which is only apparent, and which might practically be accomplished by locking up the same amount of bank-notes. Redeemability, as it now is, might become of importance only in the extreme case of violent and extensive fluctuations in the market value of our bonds, such as might be caused by the very improbable contingency of a foreign war and the consequent increase of our national debt. But now, in the ordinary run of business, redemption under our present law has no restraining influence upon the workings of our currency, except locking up a certain amount of greenbacks.

A restraining influence, however, might be imparted to it even while we are under suspension of specie payments, by establishing between the Government legal-tender and the national-bank note the same relation which in suspension times existed in England between the Bank of England note and the country-bank note there; that is to say, if we give the Government legal-tender note a sphere of action superior to that of the national-bank note. This might be done by repealing that part of the national-bank act which provides that the national-bank currency shall be a legal tender in payment of taxes and other dues to the Government; and the system of redemption might be made effectual by establishing assorting-houses at the different business centers of the country. That, I think, would increase the demand for greenbacks in contradistinction to national-bank notes. It would make the conversion of national-bank notes into greenbacks an object of desire in the ordinary run of business, and it would oblige the issue of national-bank notes, if they are to remain at par with greenbacks, to stay within the limits prescribed by the possibility of actual redemption, made effectual by the establishment of assorting-houses. I throw this out as a suggestion to be considered by Senators.

In that way I think free banking might be kept from running into inflation, and I should be inclined to vote for it. But without such a provision free banking, in my opinion, will result in inflation; and I have shown that an inflation of virtually irredeemable national-bank currency will, first, not remedy the evils which are complained of in the West and South, but rather aggravate them; will not give them a larger amount of loanable money, but seriously reduce that amount; will not destroy what has been called the banking monopoly of New England and New York, but rather confirm and strengthen that monopoly; and, secondly, if a free-banking act such as is proposed, without an effectual system of redemption, leads to the establishment of many new banks of issue as desired, it will have its effect of inflating the currency just at the centers of speculation. All the evils of inflation will inevitably follow; that is to say, violent fluctuations of values, over-speculation, and gambling on a larger scale than ever, until a new crash comes, which new crash will be the more disastrous the greater the inflation has been.

Now I desire to address a word to the Senate concerning the effect such a policy will have on the rates of interest. I said in my first speech on this subject that the inflation of an irredeemable currency will not reduce but will raise the current rates of interest; and that proposition has been questioned. The Senator from Illinois [Mr. LOGAN] went into a disquisition on the laws of demand and supply, and the Senator from Indiana [Mr. MORTON] disposed of the subject by the somewhat jocular remark that if more money were put into the market it would become cheap, just as if more horses and hogs were put into the market horses and hogs would become cheap. I suggest to the Senator from Indiana that the horse and hog argument is not quite sufficient in this case. He has only shown in this instance, as in many others, that he does not appreciate the difference between capital and currency, especially between capital and an irredeemable paper currency. I shall try to make myself clear.

Why will the inflation of an irredeemable paper currency not lower but raise the rates of interest?

In the first place, in depreciating the currency, it will make a larger amount of currency necessary to perform the same transactions in business, and the aggregate amount of interest which you would have to pay for the sum you want for the same transactions would necessarily be larger. That, I think, is obvious.

In the second place, when the currency is inflated it incites speculation and gambling. This fact is so notorious that nobody questions it. Speculation and gambling, dealing in large ventures and working for very large profits, induce, and in most cases force, those engaged in them to pay high rates of interest in order to obtain the money with which to float their speculative enterprises from which they expect such large profits. As soon as speculation rules the money market, the rates of interest will therefore necessarily rise, and legitimate business, from which money is diverted by speculation, must conform itself to those high rates in order to obtain the money which it needs; and hence a general rise of rates.

But still another element comes in here to produce the same effect, and that is the element of risk. When an irredeemable currency is inflated, it depreciates in value. The capitalist who lends out money must take that contingency into consideration. He has to run what I have already called the gambling risk. Now, suppose the Senator from Indiana had $100,000 to lend out. If he were asked to lend it out, say on three months, he would have to consider whether at the time when the loan will be returned to him his $100,000 will be worth as much as it was when he lent it out. The currency being inflated and depreciation being the consequence, he will ask himself whether the paper dollar, which is, say, at 10 per cent. discount to-day, will not be at 16 per cent. discount when he gets his money back. Under ordinary circumstances, with a currency of stable value, he may be willing to lend out money say at 6 per cent. a year; but when he is exposed to the chance of losing in three months 6 per cent., or in one month 2 per cent. in the value of the money invested in the loan, then he will certainly not be willing to lend out that money at one-half of 1 per cent. a month, for the simple reason that it would be a losing business to the amount of 1½ per cent. a month. What will he do, therefore? He will in all probability not be disposed to lend out his $100,000 on three months' time at all. He will prefer to lend it out on call, in the first place, so as to be able to put his hand upon it as soon as the chances so turn that he may lose by leaving it out longer where he has put it; but even then he will want to cover his risk, and he will do that by demanding a higher rate of interest, sufficient to cover that risk. Hence it is that loans on call are preferred, and a higher rate of interest is demanded by lenders to cover the gambling risk, under the influence exercised by an irredeemable cur-

rency, which, by its fluctuations, renders the value of the money invested in a loan insecure.

Gentlemen complain that money cannot be had except on call. There is nothing surprising in this. There are, under such circumstances, two good reasons for the unwillingness of lenders to put out money otherwise than on call; they are the following: a lack of confidence in the stability of business; and, secondly, the growing depreciation of our paper money increasing the gambling risk. But if we inflate the currency still more, the premium on gold will rise still higher; and the evil complained of as to loans will not only not be remedied, but will be vastly aggravated.

The fact that at the present moment loans are comparatively easy in the money market has been referred to as contradicting this view. It does not contradict it at all. The crisis has crippled enterprise generally, and especially speculative enterprise. Speculation has had no time yet to recover and to produce its effects. Money is plenty in proportion to the present limited requirements of business, and although we have had an addition to the currency of twenty-five or twenty-six million dollars, yet much of the money that makes up that addition, and more besides, is at the present moment lying idle. The addition has not exercised its influence yet, but it will without doubt exercise that influence and produce its effect soon. Speculation is already reviving; we observe it in the very western markets in the grain trade. It is reviving in New York, as everybody sees. It is reviving rapidly. If we inflate the currency we shall have much more speculation than we had before; and with it, and with a further depreciation of our paper money, all the effects upon the rate of interest which I have stated will rapidly appear with all their oppressive consequences; and then those who clamor for inflation in order to give cheap money at low rates of interest to the people of the West and South will learn to their sorrow that an irredeemable currency is indeed not the people's money but the speculator's money, and that by extending and strengthening that pernicious system they have brought a curse and not a blessing upon those whose interests they pretend to serve.

A few days ago I received from a friend in Europe a most significant letter, to which an answer was requested. The writer is a merchant who desires to retire from business. He writes me to this effect:

> I can realize out of my business several hundred thousand dollars, and should like to invest my money at a good rate of interest. I have thought of investing it in the United States on mortgage security, which, as I am informed, bears from 8 to 10 per cent.; but I learn also that you are likely to inflate the currency in the United States, which, of course, will result in depreciation. I would now ask whether it would be safe for me to make such an investment in mortgage loans in the United States while there is a chance that your legal-tender money may depreciate so that I would lose more by the depreciation of capital invested than I would gain by the interest I might get.

I ask the Senator from Indiana what answer would he give, at this moment, to that gentleman who wants to send several hundred thousand dollars to the United States in order to invest them here?

Mr. MORTON. I will answer it after awhile, I think to your satisfaction.

Mr. SCHURZ. Will not the Senator answer it now?

Mr. MORTON. No; not now.

Mr. SCHURZ. He will probably give the same answer that the Senator from Illinois [Mr. LOGAN] has just given in an undertone, "Write him to send it on." Let me tell Senators that we cannot very well expect foreigners to send along their money when the chances are that they will suffer loss in consequence of our own financial policy. Senators ought not to conceal from themselves that the credit of this country has most seriously suffered by the sale of stocks in Europe which have turned out to be worth far less than they were represented to be.

I consider it my first duty as a citizen of the United States, as an American, to deal fairly and honestly with the foreigner as well as with the countryman; and as an American who has the honor of the country at heart I cannot afford to induce a foreigner to invest money in a venture concerning which I have such good reason to fear that it will be a losing business. I shall tell that gentleman, "Send your money here and tell all your friends to send theirs as soon as we enter upon a policy that will be directed toward specie payments," for then I shall know that the value of the capital so invested will be safe; but I should not consider it honest advice, did I tell him to convert his gold into our paper money, as long as there is danger that the paper money might be depreciated by inflation.

Mr. CAMERON. I trust the Senator will allow me to interrupt him for a moment.

Mr. SCHURZ. Certainly; with great pleasure.

Mr. CAMERON. Does he believe he would be swindling his German friends by advising them to send their money here and invest it in mortgages upon good lands, and good houses, and good buildings here? Does he believe that all the people of this country are scoundrels, and that they want to get the money of Europe here upon dishonest and fraudulent representations?

Mr. SCHURZ. No, sir.

Mr. CAMERON. Does he not know that there is no part of the world in which money upon first mortgage upon real estate is so safe, so secure, as it is in the United States, and in every part of the United States?

Mr. SCHURZ. Yes, sir; I know all that. I know that for myself I would ask for no better security than a mortgage on real estate in the United States; but I know also, as every other Senator knows, that if I had to invest $100,000 to-day, with the prospect of an inflation of our currency, that $100,000 to be paid back to me in two or three years, when the premium on gold may not be 10 per cent. but 50 per cent., I would be likely to lose nearly one-half of my capital, however good the security might have been on which that capital was invested.

I would never hesitate to tell Europeans, "Send as much money as you can raise to aid us in developing our resources and to profit by it yourselves," as soon as our monetary system is such as to give them reasonable security that when the loans fall due they will get the same value back which they invested.

Now let me tell the Senator from Pennsylvania I was in Europe last year, and the people there have begun to understand this thing as well as we do. We must not indulge in the delusion that foreign capitalists will be eager to run the risks which a fluctuating currency imposes upon them; and nothing is more natural than that, while we have that currency, many investments of European money are withheld which otherwise we might expect. In this respect the character of our currency must necessarily inflict a very serious injury upon us.

Mr. CAMERON. Will the Senator allow me to interrupt him again?

Mr. SCHURZ. Certainly.

Mr. CAMERON. The Senator from Missouri stated a special case of a German friend of his who said he had two or three hundred thousand dollars which he desired to send here to invest in mortgages. Mortgages mean the security of real estate, on which he was told he could get 8 or 10 per cent. Now I want to confine the Senator to that special case. I do not believe any security in the world can be better than that, and no citizen of the United States, no subject of Great Britain, or of any other country in the world that sends his money here and invests it upon an honest mortgage, has ever lost a cent; and if he can get 8 or 10 per cent., it is twice as much as he could get in Germany or in any other country of the Old World. I want the Senator to confine himself to that case, because I do not want the credit of my country destroyed by representations coming from a Senator so distinguished as the Senator from Missouri is, and so ably and so largely connected as he is in Europe.

Mr. SCHURZ. The Senator wants me to confine myself to that one case, and I should desire nothing better. Here is a man who asks me, "Can I, at the present moment, send over several hundred thousand dollars to be invested in mortgage securities in the United States, with safety as to the value of my capital, while you have a fluctuating, irredeemable paper money?" That gentleman wants to profit by the rates of interest here prevailing; but above all things he wants to have the value of his capital secured. He will not distrust the mortgage, but he wants to know whether, when the debt falls due, the same number of paper dollars returned to him will be worth in gold as much as they were when he made the loan or mortgage.

Mr. CAMERON. The increase of real estate is always equal to any depreciation of the currency.

Mr. SCHURZ. But, sir, the increase of real estate in value does not increase the amount of the mortgage, as the Senator knows, just as well as every child in the country knows it. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Order!

Mr. SCHURZ. And, therefore, I say so long as the foreign investor cannot be sure that he will have returned to him the same amount of capital he will not invest. It is useless for gentlemen to close their eyes to this fact. It is one of the results springing from our irredeemable paper money. It is so, and it cannot be otherwise. If the Senator is answered, and I think he is——

Mr. CAMERON. I do not think I am answered at all; but I shall not interfere for the present with the Senator.

Mr. SCHURZ. If the Senator wants to put another question to me, I shall be very ready to answer it.

Mr. CAMERON. I am ready to say that the Senator has not answered my question at all. The special proposition was that these people expected to put their money in mortgages on real estate. I say that no one who has ever invested upon a first mortgage on property at current rates in this country has ever lost by the investment.

Mr. SCHURZ. The Senator cannot have so completely misunderstood me as to think that I expressed the least doubt of the safety of mortgages in the United States. If I were worth $10,000,000 and had it all to invest in loans, I would ask for no better security than mortgages on real estate in the United States. The question is this: whether a man investing a certain sum in mortgages, when he retires his capital two or three years hence, will not by the depreciation of the currency lose 20 or 30 or 40 per cent. of the value of his capital; whether the dollar that he invests now will be worth just as much when that dollar will be returned to him? That is the question.

Mr. CAMERON. I say yes; and I ask the Senator this question: does he believe that any man who invested $300,000 in Saint Louis for three years could have lost by it, or has lost by it, under any circumstances?

Mr. SCHURZ. The Senator from Pennsylvania is an old financier and a very successful one. He certainly knows that when an irredeemable currency is inflated, the effect will be its depreciation; that when he to-day can buy a dollar in gold for $1.12 in currency, if we expand the currency at the rate of $100,000,000 or $200,000,000 more, he will have to pay $1.25 or $1.30 in currency for a dollar in gold. In

other words, while a dollar in currency may be worth eighty-eight cents in gold, if we inflate the currency it may be worth then seventy-five or seventy or sixty cents; and, old and successful financier as the Senator is, he is too world-wise not to understand that when I invest eighty cents and get only sixty cents back, I shall be a loser by twenty cents. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. If there is any more disorder in the galleries the Chair will order them to be cleared.

Mr. CAMERON. Mr. President, I am too old and too wise to allow the Senator from Missouri to get me off the subject I started upon. I shall not contend in words with him. He can beat me there a thousand to one. But I bring him down to his assertion that he could not afford to allow his foreign friends to come here and invest money upon mortgage. I say he was wrong in that; he was depreciating the credit of the country and doing a wrong to the country which has adopted him and honored him.

Mr. SCHURZ. There are other persons, I fear, who are depreciating the credit of the country. They are those who want to continue a money system which introduces into all transactions of business the element of chance and deception; a money system which by that deception injures not only the foreigner who may invest his funds here, but our own people; a system of irredeemable paper money which has time and again fallen under the contempt of civilized mankind. Those, I say, are depreciating the credit of the country who in the very midst of the nineteenth century, with all the lights of universal experience around them, still strive to maintain, to confirm, and to perpetuate a disgrace like that. I tell the Senator from Pennsylvania I can think of nothing that would be better calculated to elevate the American character and to raise the credit of the country in the eyes of the world than a speedy deliverance from that system. Why is it, I would ask him, that the national bonds of ours, than which there is no better security in the world, do not rise higher than they have done? Why is it that they do not keep pace, in proportion to the respective rates of interest, with the best of European securities? Simply because as long as we have this false system of irredeemable money, there is still lurking in the minds of men a secret suspicion that, by some trick or other, the national debt may still be paid off with depreciated greenbacks; and when I say that, I know whereof I speak, for I heard it a hundred times, to my own shame and to that of my country. I know that suspicion is wrong, absolutely groundless; but I consider it my duty, as a candid man, to tell you that such a suspicion exists.

I have now indicated how the credit of the country can be raised and how it is depreciated.

Mr. CAMERON. If the Senator will allow me, he is again wrong, in my estimation. It is not because of the doubt of our credit, or our honesty, but it is because of that natural feeling in the human mind that men trust those securities that are near to them. The small money-lender in Germany will lend to a man in his own ward for less interest than he will to a man living a mile off from him in the same city. So the people of France lend their money, and so do the people of England lend it at home first. It is the surplus, which they cannot invest securely, that they send here. Besides, if he wants to make his mortgage secure, it is very easy to make the interest payable in gold.

Mr. SCHURZ. Ah! there we come to it. Let us make it all payable in gold; that is what we are contending for.

Mr. CAMERON. The difference between the Senator and me is, that he distrusts the integrity of the American people. I believe that the people of the United States are just as honest as any other people in the world, and I know that they have paid their debts as honestly as any other people in the world ever paid theirs.

Mr. SCHURZ. When the Senator from Pennsylvania says that I have said anything to their discredit, or reflected upon the honesty of the American people, he says that which he ought to know is not correct. I have said nothing of the kind.

Mr. CAMERON. I only take your words.

Mr. SCHURZ. I have not used such words. I have said that an irredeemable currency is a dishonest money system. It has been stigmatized as such by the history of the world.

Mr. CAMERON. But you talked about trickery in its payment.

Mr. SCHURZ. I said this: that if we inflate the currency, the value of money will be depreciated. Is the Senator from Pennsylvania the man to deny it? Does he not know it just as well as I do? Is he not too well versed in addition and subtraction not to know that?

But there was one remark which fell from the Senator from Pennsylvania which really surprised me. He said that the people of Europe took hold of only such loans as were made in their immediate neighborhood. Has he forgotten that during our war hundreds of millions of our bonds went into Germany, and were readily taken there, while the destinies of the United States were still trembling in the scale of battle? Has he forgotten that? Does he not know that the European countries have been fairly flooded with our railroad securities? Can he count the millions of capital that came from Europe, with which so many of our enterprises were floated, that could not find ready and sufficient capital at home?

Mr. CAMERON. The Senator will not represent me fairly. I said that the people of Europe sent their money here after they had invested all they could profitably at home. They send it for profit. I say that the people in the immediate neighborhood in a single city would lend their money more readily to their neighbors than they would to others at a distance; and he knows that a man living in Saint Louis to-day would rather lend money at a less interest to people in Saint Louis than he would to a man in Pennsylvania of whom he knew nothing. But the Senator beats me in words, and I give up.

Mr. SCHURZ. I think it is indeed useless to quarrel about trifles.

Mr. CAMERON. I have too much respect for you to quarrel with you.

Mr. SHERMAN. I wish to recall to my friend's mind a fact that is known to me, and no doubt known to him, that on account of the uncertainty of the value of our paper money, its constant appreciation and depreciation, nine-tenths, perhaps ninety-nine one-hundredths, of all the loans now made in Europe to this country, both principal and interest, are required to be paid in gold.

Mr. SCHURZ. It is a fact as notorious as sunlight; and therefore I express my surprise that so old a financier as the Senator from Pennsylvania should question it in the least.

But now, sir, to return from this digression; and I hope no Senator can have so grossly misconstrued me as to believe that I ever thought of questioning the honesty of the American character, for I have it more at heart than those who advocate the inflation of the currency. I will now say a word about the general law governing the rate of interest.

The rate of interest—and I desire to impress this especially on those of my southern friends who the other day asserted that if we could only furnish currency enough the rate of interest would become as low, I think it was in Georgia, as it is in London. The rate of interest at any given point is regulated by the proportion of the amount of loanable capital existing or attainable to the demand for the use of that capital. Loanable capital is that which persons possess beyond the amount used by themselves in production. Where the amount of loanable capital is large, there the rate of interest will be low; and where the amount of loanable capital is small, there the rate of interest will be high. But loanable capital is the accumulation of surplus earnings. It is therefore the growth of time. Hence in communities where production, labor, and the accumulation of surplus earnings have gone on but a short time, or where such accumulation has been destroyed, as by war, the rates of interest are high, and will remain so until the necessary accumulation to lowert hem is effected.

The other day I received a letter from Omaha, in Nebraska, complaining very much that interest ranges there at 12 to 24 per cent., while in Boston and New York, as the letter stated, it ranged only from 6 to 8. That is undoubtedly true. In New York and Boston we can hear exactly the same complaint, that interest ranges there from 6 to 8 per cent., while in London and Amsterdam it ranges from 2 to 3; and the reason of the difference between Omaha and Boston, and between Boston and Amsterdam, is exactly the same. In London and Amsterdam there are large accumulations of loanable capital; centuries have been spent in piling it up; larger accumulations of loanable capital than in New York and Boston. And in New York and Boston there are larger accumulations of loanable capital, also the growth of centuries, than in Omaha in Nebraska, or in Hannibal in Missouri. Now, if we could transport the accumulation of wealth and give it the same field of action existing in Amsterdam and London bodily to New York and Boston, then the rate of interest at the latter places would not be any longer 6 and 8 per cent., but it would be 2 to 3 per cent.; and if we could transport all the accumulated wealth of New York and Boston to Omaha and Hannibal, then, in all probability, the rate of interest there would cease to be 12 to 24 per cent., and it would range at 6 to 8.

But the same effect cannot be produced any other way than by the gradual creation and accumulation of wealth. The accumulation of capital and consequent low rates of interest are the result of the work of generations. It cannot be created by the establishment of banks, or by the issues of paper money; and the idea that it can be done by the printing of irredeemable paper money is so absurd, that every baby can see it. Still more preposterous is the fabulous notion that we can issue paper money enough to secure to everybody who wants it a loan, or to discount every man's note at as low a rate of interest as he desires. It is indeed incredible that such propositions should be seriously advanced and advocated on the floor of the Senate of the United States. Why, we might as well in the shortest way solve the problem by saying, "Let every man issue his note for all his debts, past, present, and prospective;" and then let us enact a law making that note legal-tender. [Laughter.]

And now, sir, when I have demonstrated by fact and reason, so that every child might understand them, propositions like these, that capital and currency are two very different things; that the wealth of a country is not augmented by printing more paper money; that when popular confidence in the issuer of irredeemable paper money is unimpaired, the constant depreciation of that paper money demonstrates its excess in quantity over and above the real requirements of legitimate business; that such a currency may in the aggregate be superabundant and yet an insufficiency may be felt in certain localities and certain branches of business in consequence of a vicious diffusion; that this vicious diffusion, springing in part from the natural effects of an irredeemable and redundant currency, cannot be cured but will only be aggravated by inflation; that the gambling risk inseparable from an irredeemable and fluctuating currency will drive up prices as well

as the rates of interest; that the rate of interest depends on the existing amount of real capital in a loanable form and its proportion to the demand for the use of that capital, and can therefore not be lowered by an inflation of an irredeemable currency, but will be raised by the increased element of risk; that for such reasons the remedies for existing evils proposed by gentlemen who favor inflation are not only no real remedies at all, but mere quack medicines, which will only aggravate the ailment; when all this is demonstrated, gentlemen on the opposite side mount the high horse and say, "Why, all this is mere theory; you are mere abstractionists. We are practical men, which you are not; you look into books, but we look into the living, active business of the country; we trust the evidences of our senses; we open our eyes, and we see what is going on, and from what we see we draw our conclusions, and upon what we see we build our ideas as to remedies." Well, sir, the contempt of these practical statesmen for theories is of the very loftiest nature. I have heard it said on this floor that the great lights of political economy, such as Adam Smith, John Stuart Mill, Ricardo, and all those who recognized the precious metals as the standard of value, and who thought they would remain so, were in fact nothing but old fogies, rather behind their times; moral cowards, who had not courage enough to confront an old popular prejudice. Away, then, with all those great thinkers upon whom the world has so long looked with pride; away with Adam Smith and John Stuart Mill and Ricardo and Bonamy Price. Away, also, with our own Thomas Jefferson and Hamilton and Gallatin and Crawford. We have now among us a new school of political economists who know better. With the Senator from Indiana, they exclaim, "Throw theory to the dogs," as he said the other day; and it must be admitted they have thrown theory to the dogs most effectually. They rely upon nothing but the evidence of their senses, and how can that lead them astray? Well, sir, in this respect they are, however, not quite original.

Some ten or eleven years ago, during the war, I met in the South an old farmer who was called by his neighbors "Old Tatum." He was a practical philosopher of the same kind, who relied upon nothing but the evidence of his senses; and inasmuch as he could but with difficulty spell out a word or two in large print, he had a lofty contempt for book-learning. I liked to talk with the old man, and once in conversation I happened to say something about the earth moving around the sun. "Hold on," said old Tatum; "what did you say there? The earth moving around the sun! Where did you get that?" "Well," I said, "I got it from the books." "There again," cried old Tatum, and he would fairly roll over with laughter—"there again, from the books. The earth moving around the sun! And don't I see every day with these, my own eyes, the sun moving around the earth? [Laughter.] Don't I see it rise there in the morning, and don't I see it go down yonder every evening? Ah," said he, "you book-men can't fool old Tatum." [Laughter.]

What a shining light old Tatum would have been among the new school of political economists here! [Laughter.] Would he not have thrown theory to the dogs like the very best of them? "Here I see a difficulty," old Tatum would say; "there are many persons in the United States who want money; the difficulty is, of course, there is not money enough to go around. What is to be done? Inasmuch as we make money by printing it, let us print more until it will go around." But you may say, "Mr. Tatum——

Mr. CAMERON. Was not Tatum a hard-money man?

Mr. SCHURZ. No; unfortunately he was not. I will show the Senator what he was; and, in fact, the Senator himself has heard him quite frequently.

You might say, "Mr. Tatum, these bits of money are not proper money at all; they are promises to pay money; and the more you print of them the less they will be worth, and the less they are worth the less you can do with them in business; you cannot make the country rich in that way." Such talk would not trouble old Tatum at all. He would laugh right in your face. "Do we not call these paper notes dollars?" old Tatum would say. "Are they not dollars? Cannot I read it with my spectacles in big print upon them, 'one dollar,' 'ten dollars,' 'one hundred dollars?' and is not the country better off when it has fifteen hundred millions of these dollars than when it has only seven hundred and fifty millions of them? Ah, you can't fool old Tatum, I tell you." [Laughter.]

Neither would the question of interest give old Tatum the least trouble in the world. He would settle it with the same ease with which the Senator from Indiana settled it the other day. He would say "Money is capital; do you not call it so? And these paper dollars are money; do we not call them so; therefore these paper dollars are capital. Must not everybody see that?" You see old Tatum is a logician. "Now," old Tatum would continue," "when these paper dollars are plenty, then capital is cheap, and you can hire it at a low rate of interest; when these paper dollars are scarce, then, of course," he would say, "capital is dear and you would have to pay much more for it." So you cannot fool old Tatum. "Do I not know that when you put more hogs and horses in the market, horses and hogs get cheaper?" [Laughter.] Thus you see old Tatum would be as good at the horse and hog argument as anybody. [Laughter.] Old Tatum is eminently a practical statesman.

But I suspect after all, sir, that there is something in that theory that the earth moves around the sun, although old Tatum has never been able to see it. And I suspect there is after all something in the principles of political economy, in that science of finance, which is the accumulated wisdom and experience of many centuries, although the practical statesmen of the old Tatum school cannot see it and are ready to throw it to the dogs. Throw it to the dogs, Senators, and I fear the honor as well as the prosperity of the country will soon go the same way.

When all other resources fail, when even a contemptuous sneer at book-learning and theory will no longer answer, the advocates of inflation grow fearfully pathetic in calling the opponents of their fallacious doctrines enemies of the poor, supporters of the rich, friends of the oppressors, of the money-changer, of the wicked speculator, and so on. Ah, sir, the Lord may forgive those who know not what they are doing.

Is, then, the inflation of irredeemable paper money really a help to the poor? Can it be? Can any sensible man pretend for a moment that it can be? It has been well said here that the rich man is always able to take care of his interests; and so he is. He can provide for his own welfare, whatever the vicissitudes of trade and the fluctuations of values may be, for he has the means to take advantage of every change. Is the currency inflated and does it depreciate? He speculates upon a rise of prices. Is the movement in the opposite direction? He speculates upon their fall. He stands upon that eminence where he can see the storm coming and discern in what direction it will blow. He can bend before it and rise up when it is over. He can watch his chances, and he has the means to turn them to his advantage. He commands the situation, and can take care not to become its victim; and he covers his risks by making the poor man pay their cost; for the poor man, living from hand to mouth on his daily earnings, is the slave of his necessities. The vicissitudes of the great business world overtake him unawares, for he has not the opportunity to watch the workings of hidden forces; and even if he had that opportunity, what means would he have to avail himself of this knowledge; what means to provide for the changes of fortune? He cannot, amid the fluctuations of values, speculate on a rise or on a fall, for what he receives for his labor he has to use at once just as he receives it, for bread to feed his family, or for clothing to cover them, or if he saves anything, his savings may depreciate in his own hand while that hand holds them, small as they are; and what means has he to make up for the loss? His savings are too small for speculative operation.

The great steamer of five thousand tons may defy the storm and break her course through the angriest sea with scarcely impeded strength, but the poor fisherman's boat is helpless against the gale, and without resistance dashed upon the rocks by overpowering waves. The poor man is the helpless victim, and nothing but the victim, of that tricky game which a fluctuating paper money enables the rich to play with the poor man's fortunes.

You speak of the distress of those who this day are without work and without bread. What has caused that distress? It was caused by a crisis, a collapse of speculation, grown up under the auspices of that same paper-money system which you now strive to confirm and strengthen in all its iniquitous influences, to bring on other crashes and collapses; and who will be the man to be ground to powder by them? The poor man, not the rich. What is it that rises last when your paper system drives up prices? The laboring man's wages. What is it that drops first when your bubbles of paper speculation burst? The poor man's earnings. You speak of reviving confidence, and, with confidence, enterprise, by new issues of paper money, and yet that very confidence has been destroyed by the very agency of that paper money; and confidence does not revive to-day for fear of new fluctuations and new uncertainties.

You talk of debtors and creditors, debtors being benefited by inflation, and creditors by the resumption of specie payments. Let me ask you, who are the debtors, and who are the creditors of this country? Let every Senator look into his own household; who are the creditors, and who are the debtors there? There is but one man in that household who is able to be a debtor, and that is the Senator himself. Not his servants; for they have not credit enough to contract debts. If they are anything they are creditors, however small the amount may be. Look at the savings-banks of this country, and what do you see there? Seven hundred and sixty million dollars of deposits. Who are the depositors? Not the rich, but the poor man, who earns his bread by the sweat of his brow; the man of small means, who puts there for safe-keeping his small surplus earnings. The same class have in national and State banks, and in trust companies, as has been estimated by good authority, two hundred millions more; and another two hundred and fifty millions are owing to the same class in the shape of unpaid wages and other debts. There are twelve hundred millions, then—twelve hundred millions of debt—owing to the laboring men and the men of small means. And now, I ask you who are advocating the inflation of the currency, what are you doing to those poor people; what are you doing with their twelve hundred millions of money? Inflate the currency, and by inflation depreciate it, and you will diminish the value of these twelve hundred millions 10, 20, 30 per cent. And now boast of being the friends of the poor while you advocate a policy that will rob the poor in the land of so large a proportion of their hard-earned property.

When looking at the scheme advocated here to relieve distress and to revive prosperity, one might almost believe that gentlemen with the most serious faces were carrying on a game of cruel mockery with

those who look up to us for guidance and aid. If they ask for bread, I entreat Senators do not give them a stone! If you do not know how to aid them, at least do not deceive them; do not impose upon their credulity by offering to them as a remedy for their ills the continuance and extension of a money system which, wherever it has been tried, has always turned all social and economic movements into a mere game of chance and overreaching, in which always those lose most who have least to lose.

But we are told again and again that the people are demanding inflation, and the Senator from Indiana never grows tired of saying that he thinks his people think they understand this business, and they want inflation and nothing else.

But when you tell me that the American people want inflation, I boldly deny it. The American people are an enlightened and an honest people, and if for a little while they may be led astray by a taking catchword, they will soon recover their sound senses and show that they know what is honest as well as what is prudent. I have seen and heard this kind of thing before.

About seven or eight years ago some politicians thought it would be a very popular idea to repudiate our duty to pay the national bonds in gold; they proposed to issue the necessary amount of greenbacks to pay off the national debt in a depreciated paper, in the cheapest possible money. They thought the people would jump at the chance of thus getting rid of a very onerous burden. Well, sir, what was the result? At first the proposition seemed to become quite popular in some quarters, and politicians of both parties—who are always ready to run after a popular cry, right or wrong, and always think what they think the people think—saw there a chance of a profitable game for themselves. They advocated the scheme, or at least did nothing against it. They thought they could not afford to oppose it. Well, sir, here is a piece of my personal experience. In the presidential campaign of 1868 I was invited to make speeches in the State of Indiana. When I came into that State I was met by some politicians who told me, "O, now we want you not to say anything in your speeches against that greenback scheme; the people of Indiana are almost universally in favor of it; they want to get rid of this heavy debt; they do not want to pay the bloated bondholder in gold;" and so on. I replied, "If I cannot say about the greenback scheme what I please in this canvass, I will not speak in Indiana at all." After some hesitation those politicians consented that I should proceed; but they watched me with great trepidation. Well, I did speak my mind, and in every speech I denounced the greenback scheme as a most rascally conception, and I insisted that it was the sacred duty of the Government to pay to the national creditor every farthing according to the letter and spirit of the law. And there were the people of Indiana before me, who had been represented to me as being fairly wild on the subject of the greenback scheme. What was the result? No declaration in my speeches was more heartily applauded than just this, and that applause came from the same people whom weak-kneed politicians had represented to me as all on fire for repudiation. And the same politicians have to thank their fate if their people have consented to forget the abandonment of honest principles they were guilty of.

Ah, sir, those miscalculate their chances who think they can safely speculate upon the rascally instincts of the American people.

The inflation cry will go the same way the repudiation cry has gone. I am convinced the inflation cry will be one of the most short-lived cries this country ever heard; and I am not much mistaken when I say that those who advocate inflation in this body must make hot haste to commit the Senate to that iniquitous doctrine, or the last semblance of popular support will drop away before the decision is reached. No, sir; it is not the people, it is the speculators and their deluded victims, who are continually dinning the cry of inflation into our ears, and so it will become manifest to every one who has eyes to see and ears to hear.

It has frequently been asserted that every native-born American citizen is apt to think of becoming at some time or other a candidate for the Presidency. Permit me to say that if any possible presidential candidate indulges in the delusion that he can ride into the White House on the inflation cry, he will meet with the same disappointment that overtook those who seven or eight years ago thought the repudiation cry a good thing for the same purpose. If public men who advocate the inflation policy should, unfortunately for themselves and for the country, prevail in this Congress, let them not indulge in the delusion that they will secure the favor of the people by a short spell of deceptive prosperity, for I tell you the bubble may just have time to burst before the year 1876. For their own as well as their country's good, I entreat Senators on the opposite side to stop and consider well before they irrevocably associate their names with a policy which stands already condemned by the universal experience of civilized mankind, and a new trial of which in this country would not only bring disaster and ruin upon us, but cast shame upon the American name. Yes, sir; I say it would cast shame upon the American name, for the American people will in the eyes of the world most seriously impair their credit for intelligence, to speak of nothing else, if, with open eyes, with all the warnings of history before them, they repeat a blunder which, as often as it has been made, has always resulted in private misfortune and in national disgrace.

Now, Mr. President, I am done. I said at the outset that the object of my remarks would be to show that those who advocate inflation seriously mistake the nature of the difficulties they want to provide against, and that the remedies they propose will not only not cure but will aggravate the evil. That is what I have attempted to do; nothing more. Let me hope that my remarks will not be entirely without influence upon the vote of the Senate touching the proposition before us. The other branches of this great subject—and I know there are many which I have not even alluded to—I will leave for further discussion when we shall have a matured bill before us embracing our whole financial system.

Mr. MORTON. Mr. President, at the close of a long debate, running through some two months, when we thought we were about to vote, the Senator from Missouri [Mr. SCHURZ] comes forward with a carefully prepared written speech, which has evidently been weeks in preparation. Of course I cannot reply to that speech point by point to-day, at this late hour, a speech that has taken some three hours in its delivery; but I think I may characterize it justly by saying that, taking it all together, it is an exaggeration.

The Senator undertakes to become funny, if I may use the word, in talking about works on political economy. He says that I have derided works on political economy and have derided theory. I have not done so. I have derided the attempt to apply theories where they were not applicable, to make use of particular doctrines where they did not apply, and that is all.

Mr. President, the cheapest of all political learning is that which is obtained by cramming from works on political economy. I have known a man who knew very little of politics get four or five old speeches, cram out of them for two or three days, and then go on the stump and make a flaming political oration; and I have known a man who had very superficial knowledge on any subject cram out of works on political economy, and then prepare an address which, to the uninformed, would perhaps seem to be exceedingly learned.

The Senator from Massachusetts [Mr. BOUTWELL] the other day stated the true doctrine upon this subject. He said the doctrines of political economy were not cosmopolitan, but were national, and that the same doctrine would not suit a nation at all times, and that the doctrine that would suit one nation might not suit another; and I have said, and I may say here, that those doctrines drawn from the experience of old and of small countries are not adapted to a country like ours, that is growing and developing and is now but in its youth. The Senator from Missouri has attempted to apply those doctrines. He seems not to comprehend the country in which he lives or the times in which he lives. The Senator is what they call in France a *doctrinaire*, a political *littérateur;* he takes his learning from the books that are as available for me or any other member of the Senate as for himself; and when he assumes (because he has assumed that in substance) that he has studied these books and that others have not, perhaps he is mistaken. It may be that even I have paid as much attention to some of those works as he has, and in times past have been as much fascinated by them; but I have learned to understand, as I believe, that the doctrines of political economy cannot be applied to all countries under all circumstances.

Sir, there are four of those doctrines that may be called the Weird Sisters, that go hand in hand: first, the doctrine of free trade; then a small volume of currency; then low wages; and then direct taxation. On a former occasion the Senator made an argument in favor of contraction of the currency as being the true way to return to specie payments. That argument has disappeared to-day. The Senator has learned something, or he has forgotten something, since the 16th of January, when he made that argument. He then argued that a small volume of currency was as good for the country as a large one; that the purchasing power of money would be just the same, and that the way to come to specie payments was by contraction. The Senator has dropped that out to-day. He has found that the doctrine of contraction does not suit this country or this people, and now he talks about resumption in a general way, without telling us how we are to come to it; and he talks about our system of currency being a dishonest one. Sir, it is not dishonest. It is an honest one, that was adopted for a good and honest purpose, and it has saved this country.

And now I want to answer a question that the Senator asked me a little while ago. He said that some gentleman had written to him from Germany whether he should send his money here to invest it. I did not understand the answer the Senator sent back to his friend. What was your answer?

Mr. SCHURZ. I did not say that I had returned any answer at all yet, because I have not; but I am going to, and I will tell you what I am going to write. I will tell that gentleman——

Mr. MORTON. I am not asking what you are going to write, but what you have written.

Mr. SCHURZ. It might as well be said now, because otherwise I might have to tell the Senator after I had written it.

Mr. MORTON. Very well. I will hear it.

Mr. SCHURZ. I am going to write this: As long as there is any danger of inflation in this country, which would depreciate the currency and put you in a condition not to have a return of the full value of the investment you have made, you had better wait. As soon as you see that we turn in the direction of specie payments, on a gold basis again, then do not only send your own money, but get all your friends to do the same, pile it up mountain-high; we cannot get too much.

Mr. MORTON. The Senator's friend will be highly informed when

he gets that answer. He will know just exactly what to do; will he not? [Laughter.] If he advises his friend not to send his money here, it only proves that he does not understand this country; he does not comprehend the times in which he lives. If he seriously supposes that this Congress or any member of this Congress is going to propose anything that will endanger a loan of money on the part of any European, he does not understand the country any better than he does that of China, from the history of which he quoted.

Mr. SCHURZ. Do I interrupt the Senator at this point?

Mr. MORTON. The Senator has had his three hours, and I must insist that he allow me a few minutes. I only want to take a few minutes.

Mr. SCHURZ. I certainly do not want to interrupt the Senator, unless when I am misapprehended.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Indiana declines to yield.

Mr. SCHURZ. All right.

Mr. MORTON. If the Senator understands this country at all he must know, however we may differ about the propriety of increasing the volume of national-bank circulation forty or fifty millions, that it is perfectly safe for the capital of Europe to come here. When he hesitates to say so, it only shows that he understands words, and perhaps books, but is ignorant of the country in which he lives and which has done him honor.

Now, Mr. President, the Senator has talked much about paper money; he has talked about the theory of John Law, about paper money in China a thousand years ago. The Senator does not comprehend what he is talking about, it seems to me, at all, when he compares the national-bank currency secured by the bonds of the United States—bonds that command a premium in gold—with the paper issued by the banks of John Law, without security or capital or limit; when he compares it to the French paper issued by a revolutionary government in 1789, and from that time forward, until it became so abundant that they could paper their houses with it. I say, when he compares the two things, he shows an utter confusion of ideas. It may all be very funny and very rhetorical, but it shows that he utterly fails to comprehend the country or the times.

Mr. SCHURZ. I have not talked so.

Mr. MORTON. Why, Mr. President, what is our currency? Three hundred and seventy-seven million dollars of legal-tender notes. Does anybody doubt but that the Government is able to take care of those notes, and that it will when the time comes?

Mr. SHERMAN. Will the time ever come?

Mr. MORTON. My friend from Ohio suggests that the time will never come. Why does he say that? Because the time is not now, to-day, he argues it never will come.

And then we have $354,000,000 of national-bank notes secured by the bonds of the United States, and redeemable on demand in legal-tender notes; and now what is our proposition? Some of us are in favor of free banking; that is, to enable every locality in the West and South that wants a national bank to have it. I do not believe that will increase the volume of national-bank notes more than fifty or sixty millions. Others are in favor of a fixed amount, say $46,000,000 of an increase, so as to make the whole volume of national-bank notes $400,000,000. If we allow the $44,000,000 reserve to go into circulation, making the whole number of legal-tender notes $400,000,000, and then increase the volume of national-bank notes up to $400,000,000, we shall have an even $800,000,000; and the question now comes up, is that too large a volume of currency for this country? We are answered by the parrot-like cry, "irredeemable paper;" by the word, "inflation."

Now, can it be said that the present volume of currency is just the volume we need? Who can say that? We have much less currency than we had in 1866; we have less than we had in 1868; we have less than we had in 1870; and the increase in population and wealth has been going on rapidly. Some of us think this natural increase of the wealth and population demands an increase of currency of forty or fifty million dollars; that currency is used for business, and that as business increases the currency ought to increase, it being the means of doing that business. That is our argument. But because we say that, we are called inflationists, and the followers of John Law; and the Senator went on to tell us about China. Why, he said, they once had paper money in China a thousand years ago; but he said a thousand years ago the idea of paper money in China was exploded. Yes; and about that time they built a wall about China, and China was finished a thousand years ago. There has been no progress there; and I undertake to say that if the theories could be adopted that are advocated on this floor we should for years be a finished country.

The Senator talks about speculation. He says an irredeemable currency begets speculation. Is that true? Is it because the currency is irredeemable? There is no foundation for that in fact or in argument. I say that an abundance of money begets speculation, whether that money is irredeemable or whether it is gold and silver. I refer the Senator to his own country. The gold of France has been emptied into the lap of Germany; and because of that gold they have had such speculation in stocks and in everything in Germany as they never had before. It was not because the currency of Germany was irredeemable, but it was because they had a superabundance of gold and silver. That was what made the speculation. Speculation does not flow from currency because it is irredeemable, but it flows from an abundance of money.

Now I want to say one word about speculation. Is speculation the worst thing in the world? Speculation in stocks is a bad thing, but it takes place in all countries. The greatest speculation that ever took place in stocks happened in England on the specie basis in their railroad securities. We have had the wildest speculation on the different bourses in Europe when they have had a currency redeemable in gold. Speculation in stocks does not depend on the character of the currency. Stocks beget speculation; and wherever they have stock markets, there they have speculation. But we are pointed to the stock market of New York, as if that was the result of irredeemable paper. The Senator says he is right from Europe; he was there last year, and he brings us word back from Germany. If he was there last year he ought to know that they had such wild and furious speculation in Berlin in stocks and real estate, and everything else, as they never had before, while their currency was overflowing with gold, or paper redeemable with gold; and yet he talks here as if speculation was the result only of irredeemable paper.

I want to speak for a moment about the article from the Chicago Tribune. The Senator read an article from the Chicago Tribune to this effect: that free banking does not inflate the currency; that free banking would not depreciate the value of the greenbacks but increase their value, because it would make an increased demand for them; and because, as the article says, every paper is worth just what it is redeemed in; and as long as the national-bank notes have to be redeemed in greenbacks, and you do not increase the greenbacks, you do not depreciate the currency by increasing the national-bank notes. The Senator read the article, and could not answer it; and if he was to argue a month he cannot answer it. It so happens that that argument was made on the floor of the Senate before it appeared in the Chicago Tribune; but when the Senator saw it in a newspaper he said it staggered him. The Senator has had too much confidence in newspapers for a good while. Two or three years ago there was a syndicate of great newspapers, and the Senator thought they were sufficient to overturn the republican party and the democratic party, and establish a new party upon the ruins of both; and like wanton boys that swim on bladders, the Senator ventured out into what he thought was a sea of glory; but the bladders suddenly bursted, and the Senator was badly worsted in the encounter. [Laughter.]

The Senator himself, strange to say, comes around and indorses substantially the system of free banking. He said if there could be offices to assort their bills and send them back to the issuing banks, he would be willing to vote for free banking himself. I should not have much objection to that. I myself want some reforms in the national banking system. I want the national banks required to keep their reserves at home, not to send them to New York; and if you can improve the means by which the national banks are made to redeem their own notes in greenbacks, I should have no objection, and the Senator admits that upon that ground he would be in favor of free banking himself. His objection to irredeemable paper suddenly disappears, and he is willing to have banks and bank-notes multiplied; but this is a part of the confusion of ideas that prevails throughout the speech.

According to his argument the West has been injured by the establishment of national banks. According to his argument it is better for all the banks to be in the East, and the West to have none. Now, what is that argument? He says that when the people in the West want to establish a national bank they must first take $120,000 in money and go to New York and buy their bonds; that much money is taken out of the West and taken to the East; and then they get $90,000 of the par value of the bonds in currency. That is true. Therefore he says there are $120,000 gone from the West to the East, and the West is poorer by the difference between that sum and $90,000. He had argued just before that currency would flow, like water down hill, to where it was most needed; no difference where you started, it would go to the place where it was wanted. Now, if $120,000 is taken from a town in the West to the East to buy bonds, when the money is paid out in New York for the bonds, according to the theory, the money will flow back to the West, where it is wanted. But in addition to that they will get $90,000 of advance in the way of bills on their bonds. He tells you it does not make a bit of difference where the banks are located; you may concentrate them all in Washington; the currency will go where it is required, if it is West, East, North, or South. Then when the currency is taken out of the West to buy bonds, according to his own argument it will flow back just as it is required. But now comes the advantage. When you establish a bank in the city of Saint Louis, with a circulation of $500,000, that circulation gets into public use only as a loan; and that amount has to come back to Saint Louis every few days or months in payment of that loan, and the $500,000 is there to loan again. If the bank is located in Washington, then the $500,000 comes back here, and if anybody wants to borrow the money, he must come to Washington to get it. Yet in the face of this, we are told it makes no difference where the banks are located. It seems to me that this is taxing the patience of sensible people very much.

Mr. LOGAN. Will the Senator from Indiana, before passing the point he was discussing, allow me, as he has overlooked them, to make two suggestions on this point? The law now restricting banking, so

that it cannot exist except by an extension, prohibits the capital that the Senator has been speaking of, that is in the East, going into the West or South for banking purposes.

Mr. SHERMAN. Not at all; it does not prevent it going anywhere.

Mr. LOGAN. I understand that; but the law restricts us to the banking circulation itself. There is no way to get circulation in the West or in the South under this banking law, that is what I am speaking of, but by opening it to capital. I do not speak of banks, but capital must be invited there upon which bank circulation will be issued.

Mr. MORTON. The argument made by the Senator from Missouri seems to proceed in total ignorance of the way banks are got up. How is a bank got up, if you please, in the city of Indianapolis? The men who want to start it go around with a subscription paper; get a mechanic to put down $1,000, a merchant to put down $2,000, another man $5,000, another man $500. They take it out of their business. That money was not loaned before; it was used in some other way. In that way they organize a bank, and the 90 per cent. comes back there as available funds to be loaned. That is the way banks are organized. In addition to that, the people have the advantage of bank credits; they have the advantage of bank-checks; they have all those facilities that stand in the place of currency. But the Senator insults the entire West and South when he says they do not know what is good for them, and that these banks might just as well be in the East as to be in the West; and if his argument proves anything, it proves that the banks in the West are a positive loss, a positive damage. Aside from public considerations national banking is profitable, and the people of one section of the Union have as much right to enjoy its profits as those of another. As the law now stands they cannot, and there would be just as much propriety in prohibiting forever an equal participation in merchandise or manufactures.

Mr. President, the Senator says that the question of area has nothing to do with the amount of currency a people need; the question of territory has nothing to do with it. I say it has largely to do with it, and every man who has studied the subject ought to know it. Why? Where people live together in a town they can do their business in a bank; but where they are scattered over four or five hundred miles square they carry their money home with them; and their business is conducted not by checks, not by bank-credits, but by actual currency; and where a population is scattered over a large territory it takes more money to do the business than where the people live close together. Does not every man of common sense understand that?

The Senator says population has but little to do with it. Why, says he, if population has to do with it, you might as well consider that the people of the interior of Africa demand as much currency as those in the United States! That shows how clearly the Senator understands the whole thing. He compares the people of Africa to those of the United States! Why, Mr. President, I submit that there is an average among the people of this country. You take forty million people, and all of them require more or less currency; in some places more than others; in some kinds of business more than others. But I say that forty million people do require more currency than ten millions, I do not care what their business may be. But the Senator ignores that. He compares our currency at one time to that of China and our people to those of the interior of Africa, so far as their needs in currency are concerned. I refer to this again to show the confusion of ideas that prevails on the whole question.

When he compares our currency to that of France in the days of the revolution, when the government expected to fall, from hour to hour, and did change from year to year; and when the Senator from Michigan [Mr. CHANDLER] the other day compared our currency to that of the Confederate States, they do not understand the currency of the times or the young and growing country in which they live. We have the best paper currency the world ever saw of its kind, a banking circulation secured by bonds, and less than $400,000,000 of greenbacks secured by the wealth and the honor of the country; and yet it is talked about as a worthless, irredeemable, dishonest, swindling currency.

Mr. President, what are the questions before the United States Senate? Let us strip off all this verbiage? Let us strip off all this obsolete learning that is dragged in here, that fills up and makes a show, but amounts to nothing. What are the questions before the Senate? There are three.

In the first place, there are some Senators who want us to return to specie payments. They want it done immediately. The Senator from Missouri is one of them. Let me consider that for a moment. Are we in a condition to do it?

England has a large debt. She owes it all in her own borders, every dollar of it; she has a large railroad debt; it is all held by her people; none of it held outside. The people of England own a large part of our bonds. They own a large part of the bonds of Russia, of Austria, of Italy, of all the South American republics; and every country in the world, nearly, is sending gold to England every year for the purpose of paying interest upon bonds held by her people. Germany is in the same situation. Germany owns all her own debt and her railroad debt; and she owns bonds of the United States, and of Austria, and of Italy, and of the South American republics; and millions and millions of dollars go to Germany every year to pay the interest upon bonds that her people own of other governments. So it is with France, though in a smaller degree. France holds the bonds of other countries and the railroad securities of other countries; many million dollars in gold go to France every year for the purpose of paying interest on those debts. Consequently those governments are able to have a specie basis; they are able to have a paper redeemable in gold. And now how is it with our country? We owe $1,300,000,000 in Europe. That is the estimate; I have it here from the Bureau of Statistics—about $800,000,000 in Government bonds and about $500,000,000 in railroad and other securities. The interest is to be paid in gold. It takes from $60,000,000 to $70,000,000 in gold every year to pay the interest on our bonds held in Europe. That is equal to the products of our mines and a little over. We are drained every year of not less than $60,000,000 to pay interest abroad.

Mr. LOGAN. The annual products of the mines of the world are only $100,000,000, and twenty-five millions of that are estimated to be used for artificial purposes—jewelry, and things of that kind.

Mr. MORTON. Now, to carry the thought a little further: the bonds of Russia are held in England, Germany, and France. Russia is annually drained of her gold to pay the interest on her bonds abroad. It is the same with Austria. Her bonds are held in North Germany and in England, and she is drained of her gold every year to pay the interest abroad. So with Italy; her bonds are held in England, in North Germany, and some of them in France. What is the result? Russia has suspended specie payments for years; so has Austria; so has Italy; and all the countries in Europe whose bonds are held abroad, and that are annually drained of their gold to pay the interest upon those bonds, are now under a state of suspension; they must continue so as long as that condition continues. We are in the same situation. Europe holds $1,300,000,000 of our bonds, and the interest upon that amount exceeds the annual product of our mines; and while that state of things continues it will be difficult for us to maintain specie payments.

I had occasion to say the other day that specie payment was the result of a condition, not of artificial process, and I repeat that. The Senator from Massachusetts [Mr. BOUTWELL] said the other day that while the balance of trade is against us we cannot maintain specie payments; but I will say to my friend from Massachusetts that not only is the balance of trade against us, but we are drained of sixty or seventy millions of gold annually to pay interest. We have that additional obstacle; and yet we are urged to force specie payments by an artificial process.

That is the first proposition before the Senate, that we shall return to specie payments at once. I say to my friend that while this condition of things continues we cannot maintain specie payments without great cost and trouble. The condition must change. When we have brought our bonds home, or a large part of them, when the balance of trade is in our favor, then we can do it. Our Government had no debt abroad before the war. Europe did not hold to exceed one hundred and fifty millions of American railroad bonds in 1861, but yet we are told it is just as easy now to maintain specie payments as it was before the war.

That is the proposition on the other side. What is it on our side? I have said from the first, and I repeat now, that the normal condition of the currency is specie payment when the country itself is in a normal condition. I have said that I did not think this was the time to inaugurate specie payment; that while it must come, and I hoped it would come, and that we would soon be in a condition to do it, I thought this was not the time to inaugurate specie payment; that if we attempted it we must put off the period so long that it would not disturb and embarrass our present business. That is our first proposition on the other side. What is the next?

The next is that the national-bank facilities are not equally divided; we want more in the West; more are wanted in the South. We want the people to have them. How shall they get them? Under the law now they cannot get them. There are many towns in my State that want them, but cannot get them. I want something done that will give the people of Indiana and the Northwest an opportunity to have as many national banks as their local necessities require. That is our proposition.

Again, we think that as the business of the country has increased, population has increased, settlements have extended, we need more currency than we did four, six, or eight years ago; and now we are asking to have some increase; not inflation, but we are asking to have just such an increase as will meet the demands of the country. What is the currency for? It is a medium of exchange, an instrument of convenience. Therefore as business increases we want more conveniences. The medium should be enlarged. We know business has increased; therefore we think there ought to be some increase—not very much—of the medium of exchange. We are met on the other side by the cry of "irredeemable currency," by the rabid cry of "inflation." "O, you are in favor of inflation." We are told that specie payment is the great end, that it is not the means. I say the whole currency is a means; and I will say that that currency is the best for a country under which it has most flourished; I do not care what you call it, that currency is the best under which the country has most prospered, and that volume of currency is the best which most stimulates industry and enterprise. You may call it paper money, irredeemable, gold or silver, it matters not; I say that is the best for the country under which we do best. And I say that in this period of irredeemable currency we have grown and flourished as we never

did before. I do not say it was because the currency was irredeemable, but I say that has not prevented us; it has not been the curse that was described by the Senator from Missouri. If an irredeemable currency is the wicked and bad thing he describes, we ought now to be a poor, declining people like that of Spain or some of the other countries in Europe. But the fact is that under that currency we have grown and prospered as we never did before. I would not say that an irredeemable currency made Austria, Russia, and Italy flourish; but I have said that the great fact was, and it cannot be denied, that while those three countries for the last ten years have had an irredeemable currency they have flourished as they had not done in fifty years before.

Why, Mr. President, suppose we do have more currency; suppose we have more speculation. I want to see speculation. I am not afraid to say so. It is very popular to cry out against speculation. Sir, what is it makes a country grow and develop? Speculation. The man who builds a railroad does it as a speculation, but he is a public benefactor. The man who lays out and builds up a town is a speculator, but he is a public benefactor. How does the country stand now? All enterprise is stopped; there is scarcely a railroad building in the United States. Those that were half finished are now left, the most of them, in that condition; there may be a few being prosecuted to final completion, but that number is very small. Railroad-building is stopped, and iron-making is stopped, and all those things that depend upon railroad-building have stopped; and there are no new factories, no new machine-shops being started; very many have suspended, and there are very few houses being built. I saw an article in the New York Times yesterday saying that the building of houses in the environs of New York had greatly fallen off. How does the matter stand? The ordinary traffic in dry goods, in groceries, in grain, goes on; but everything that we may call growth, that we may call development, has stopped, and that is the trouble. I want them to start again. The Senator from Missouri looks upon these things as a curse. I look upon them as a blessing; and I should like to see that legislation take place, if possible, by which the building of railroads would again go forward; the building of towns, farm-houses, and the building of factories. I want to see this country grow, flourish, and develop.

Alison, in his History of Europe, says that this country owed more to paper money than to any other one cause; and he said the reason why the growth on the north side of the Saint Lawrence and the great lakes had been so much less than on the south side was because on the south side we had had a system of paper money, and on the other side they had had a specie currency. The great fact is, and stands out in all history, that every period of growth in a country, every period of extraordinary development, has been a period of abundance of money; and that abundance has generally, though not always, resulted from paper money. It is liable to great danger, it may lead to excess; but does the excess provide an argument against it? Certainly not. Men may gorge themselves with food and become gluttons, but does that prove that food should not be used? We have a system of paper money, the best guarded, the best protected, the world has ever seen. We need not be afraid of it. All that I ask is that it shall be made adequate to our wants, adequate to our demands; and I am not to be frightened by general declarations, general comparisons, with John Law's paper system, and with those banks that had no foundation, no security. The Senator from Michigan the other day talked to us about the wild-cat banks of Michigan that had no capital, the notes of which were not secured by stock, and their money perished in the hands of the people. That cannot take place under our present system. We have a system that we can expand just as we require it to be expanded.

I am glad, Mr. President, to see some evidence of returning common sense upon this subject. The article from the Chicago Tribune read by the Senator goes right back and makes the argument in the face of all that he has said, and of all that will be said, on the other side. He could not answer it. He tried to do so, but utterly failed. What was it? That we might extend the national banking currency as long as the greenbacks were not increased in their amount, and there would be no inflation and no depreciation.

Mr. President, this attempt to recall specie payments at once would be disastrous to the whole body of the people. There is a vast interest in favor of it. I do not blame men for favoring what is for their interest in a general way. Every man who has money wants the value of that money increased; and if the general volume of it is diminished he is made a richer man in consequence of it. There is a great power in favor of that doctrine. But, on the other hand, when you return to specie payments and increase the purchasing power of money, you increase the volume of the debt and you diminish the ability to pay it. If that must come, as come it will, let it come gradually; let it come out of the growth of the country; let it be the result of a condition, and not of an artificial process.

Whether the currency is increased or not one thing is certain—that there ought to be something done to give every locality in the United States the equal benefit of the national banking system. We are struggling for that. Some of us are struggling for both. The attempt is to deny us both, to tell us that it is just as good for us for the East to have all the banks; that national-bank circulation, after all, is a dead loss.

Mr. President, I have spoken much longer than I intended.

Mr. MERRIMON. Mr. President——

Mr. SARGENT. The Senator from North Carolina yields to me in order to make a motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened, and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 24, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday was read and approved.

CALL OF STATES FOR BILLS.

The SPEAKER. The gentleman from New York [Mr. WOOD] desires to introduce some bills for reference only. Inasmuch as there was no session yesterday, and therefore will be no call of the States for the introduction of bills in regular order this week, he asks that there be to-day, by unanimous consent, a call of States for bills for reference only. Otherwise there will be during the whole week requests for unanimous consent to introduce bills for reference.

Mr. HOLMAN. I hope that will be done.

The SPEAKER. The Chair hears no objection. The call of States for the introduction of bills will be postponed to a little later period in the day, when the House is fuller than it is at present.

FIRST NATIONAL BANK, OF WASHINGTON.

Mr. FARWELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Banking and Currency, which was instructed by resolution of the House to examine into the condition of the First National Bank, of the city of Washington, be further authorized to appoint a sub-committee to make such examination, with power to employ a clerk, and a stenographer, if desired, to take the testimony of experts.

Mr. FARWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL E. RANKIN.

The SPEAKER. The first question in order this morning is the unfinished business which comes over from Saturday.

A bill (H. R. No. 1773) for the relief of Samuel E. Rankin, was passed, when the gentleman from Indiana [Mr. HOLMAN] entered a motion to reconsider.

Mr. HOLMAN. Mr. Speaker, was it not agreed to by unanimous consent there should be a call of States for the introduction of bills for reference?

The SPEAKER. The call of the States has been postponed to a later period, when the House will be fuller. The House is now proceeding with the unfinished business which comes over from Saturday last.

Mr. HOLMAN. I rise for the purpose of withdrawing the motion to reconsider. I am aware it will be asking too much of the House to consider a private bill in detail except on private-bill day. While I am satisfied this bill should not pass, still less on a day devoted to general business should a measure of this kind be passed. I therefore withdraw my motion to reconsider.

The SPEAKER. The motion to reconsider being withdrawn the bill is passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MATTHIAS WHITEHEAD.

The SPEAKER. The only remaining bill reported from the Committee of the Whole House on the Private Calendar is a bill (H. R. No. 1774) for the relief of Matthias Whitehead. It was reported from the Committee of the Whole House on the Private Calendar with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF STATES FOR BILLS.

The SPEAKER. States will now be called for the introduction of bills for reference only.

URIAH W. BRIGGS.

Mr. PIKE introduced a bill (H. R. No. 2111) granting a pension to Uriah W. Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLECTION OF CUSTOMS.

Mr. WOOD introduced a bill (H. R. No. 2112) to regulate the service in the collection of customs at the various ports of entry in the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTIES ON IMPORTED WINES.

Mr. WOOD also introduced a bill (H. R. No. 2113) to regulate the duties on imported wines; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM H. WARD.

Mr. MACDOUGALL introduced a bill (H. R. No. 2114) to pay William H. Ward for a machine furnished to the Navy Department; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

STANDARD OF GOLD COIN.

Mr. CLARKE, of New York, introduced a bill (H. R. No. 2115) in reference to a standard of United States gold coin; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MAGDALENA DOCKS.

Mr. HARMER introduced a bill (H. R. No. 2116) for the relief of Magdalena Docks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. MASSEY.

Mr. HARMER also introduced a bill (H. R. No. 2117) for the relief of John W. Massey; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ELIZABETH CLARK.

Mr. HARMER also introduced a bill (H. R. No. 2118) for the relief of Elizabeth Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M'CLUNEY.

Mr. HARMER also introduced a bill (H. R. No. 2119) for the relief of Elizabeth McCluney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB K. DUNDORE.

Mr. CLYMER introduced a bill (H. R. No. 2120) for the relief of Jacob K. Dundore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MENNONITE SETTLEMENTS.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 2121) to enable the Mennonites from Russia to effect permanent settlements on the public lands of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CARRIAGE OF MAILS.

Mr. TODD introduced a bill (H. R. No. 2122) to authorize and direct the Postmaster-General to contract specially with owners of stage-routes or other private persons for carrying the mails between Mechanicsburgh and Dillsburgh, Pennsylvania, and to repeal so much of the law which limits the carrying of the mails to railroads so far as the same applies to the routes between the said places; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

METHODIST EPISCOPAL CHURCH, OF OLD TOWN, MARYLAND.

Mr. LOWNDES introduced a bill (H. R. No. 2123) to reimburse the trustees of the Methodist Episcopal church at Old Town, Maryland, for destruction of the same by occupation of United States cavalry during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATUE OF THE LATE ADMIRAL FARRAGUT.

Mr. PLATT, of Virginia, introduced a joint resolution (H. R. No. 59) amending the joint resolution of April 16, 1872, relating to the statue of Admiral Farragut; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHANGE OF NAME OF A STEAMER.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 2124) authorizing change of the name of the steamer Fannie Lehr; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF PAGAN CREEK, VIRGINIA.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 2125) directing a survey of one of the tributaries of James River, in Virginia, known as Pagan Creek; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REVENUE AND CUSTOMS OFFICERS.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 2126) to abolish the offices of Commissioner of Internal Revenue, Commissioner of Customs, and many subordinate officers, and creating the offices of Commissioner of Revenue, and deputy commissioners; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONS FOR WAR OF 1812.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 2127) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

WILLIAM GREANER.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 2128) for the relief of William Greaner, of Richmond, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN F. FOORD.

Mr. ROBBINS introduced a bill (H. R. No. 2129) for the relief of John F. Foord, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-HOUSE, GEORGIA.

Mr. RAWLS introduced a joint resolution (H. R. No. 60) instructing the Light-House Board to examine into and report to Congress as early as practicable upon the feasibility and importance of the erection and establishment of a light-house and necessary buoys at Sapelo Sound, on the coast of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LUCINDA HILL.

Mr. FREEMAN introduced a bill (H. R. No. 2130) for the relief of Lucinda Hill; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 2131) to authorize a promotion in the Inspector-General's Department of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT COURT IN ALABAMA.

Mr. HAYS introduced a bill (H. R. No. 2132) to reorganize and fix the time for holding the United States district court in Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY FULLENWIDER.

Mr. CALDWELL introduced a bill (H. R. No. 2133) for the relief of the heirs of Henry Fullenwider, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN REAMER.

Mr. SOUTHARD introduced a bill (H. R. No. 2134) granting a pension to John Reamer, late private in Captain Richardson's company, Ohio Militia; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

MARY E. COCHRAN.

Mr. SPRAGUE introduced a bill (H. R. No. 2135) granting a pension to Mary E. Cochran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB PARROTT.

Mr. LAMISON introduced a bill (H. R. No. 2136) granting an increase of pension to Jacob Parrott, of Company K, Thirty-third Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURETIES OF JOHN FOGLE.

Mr. DANFORD introduced a bill (H. R. No. 2137) for the relief of O. Slemmons and heirs of John Haverfield, late sureties of John Fogle, late postmaster of Cadiz, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID O. SMITH.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. No. 2138) for the relief of David O. Smith, soldier in Company D, Forty-sixth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NORTH CAROLINA CHEROKEE INDIANS.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 2039) for the relief of the eastern band of North Carolina Cherokee Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES WHITE.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 2140) for the relief of James White, of Tennessee, and late a purchasing agent for the Union Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WOLF LAKE AND LAKE GEORGE, INDIANA.

Mr. PACKARD introduced a bill (H. R. No. 2141) to grant to the State of Indiana the lands within the boundaries of, or covered by the waters of, Wolf Lake and Lake George, in said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REMOVAL OF DISABILITIES FROM SOLDIERS.

Mr. TYNER introduced a bill (H. R. No. 2142) to relieve all persons engaged in the volunteer military service of the United States at the close of the war of the rebellion from the disability of desertion on account of absenting themselves afterward from their respective regiments and companies without leave; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEADS OF INDIANS.

Mr. SHANKS introduced a bill (H. R. No. 2143) to provide for the allotment of lands to Indians, and to enable them to obtain homesteads; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM LYON.

Mr. HOLMAN introduced a bill (H. R. No. 2144) granting a pension to William Lyon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FANNY E. HENDRICKS.

Mr. HOLMAN also introduced a bill (H. R. No. 2145) to increase the pension of Fanny E. Hendricks, widow of John A. Hendricks, late colonel of the Twenty-second Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA I. THOMPSON.

Mr. HOLMAN also introduced a bill (H. R. No. 2146) granting a pension to Martha I. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL CURRENCY.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 2147) to amend an act providing a national currency, approved June 30, 1864; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN W. SHAEFFER.

Mr. BURCHARD introduced a bill (H. R. No. 2148) granting a pension to John W. Shaeffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON L. SANDFORD.

Mr. BURCHARD also introduced a bill (H. R. No. 2149) granting a pension to Washington L. Sandford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ASH.

Mr. BURCHARD also introduced a bill (H. R. No. 2150) for the relief of James Ash, of Sterling, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM CHAMP.

Mr. BARRERE introduced a bill (H. R. No. 2151) granting a pension to William Champ, surviving child of John Champ, of the revolutionary war, and also a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

DUPLICATE AGRICULTURAL LAND SCRIP.

Mr. CLEMENTS introduced a joint resolution (H. R. No. 61) authorizing the issuance of duplicate agricultural land scrip where the original has been lost or destroyed; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MINERAL LANDS.

Mr. BLAND introduced a bill (H. R. No. 2152) to amend the act entitled "An act in relation to mineral lands;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAGE. That bill ought to go to the Committee on Mines and Mining.

The SPEAKER. The Chair thinks not. The Committee on the Public Lands has usually taken jurisdiction of this subject.

Mr. BLAND. The bill relates to public lands.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. STONE introduced a bill (H. R. No. 2153) for the improvement of the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

NATIONAL CURRENCY.

Mr. BUCKNER introduced a bill (H. R. No. 2154) amendatory of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NICHOLAS HIBNER.

Mr. HYDE introduced a bill (H. R. No. 2155) authorizing an increase in the pension of Nicholas Hibner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN A. WINTERS.

Mr. HYDE also introduced a bill (H. R. No. 2156) granting a pension to Nathan A. Winters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL CURRENCY.

Mr. FIELD introduced a bill (H. R. No. 2157) to increase the currency and provide for its interconversion with Government bonds, and to abolish the sinking fund for the reduction of the principal of the public debt, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REVENUE.

Mr. FIELD also introduced a bill (H. R. No. 2158) to increase the revenue from imports and reduce internal revenue taxations; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MATCHES.

Mr. FIELD also introduced a bill (H. R. No. 2159) to define a gross of matches, to provide for uniform packages, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HESTER COLEMAN.

Mr. McCRARY introduced a bill (H. R. No. 2160) granting a pension to Hester Coleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TOWN OF DUBUQUE, IOWA, ETC.

Mr. DONNAN introduced a bill (H. R. No. 2161) to amend the act entitled "An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Dubuque, and Peru, in the county of Dubuque, Iowa," approved July 2, 1836, and an act amendatory thereto, approved March 3, 1837; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 2162) supplementary to the act entitled "An act establishing the Department of Agriculture," passed May 15, 1862; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

REMOVAL OF INDIANS FROM WISCONSIN.

Mr. RUSK presented a joint resolution of the Legislature of the State of Wisconsin, indorsing the action of the Secretary of the Interior in removing Indians from the State of Wisconsin, and asking that all tribes be removed from the borders thereof; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SHEER-BOOMS, MISSISSIPPI RIVER.

Mr. RUSK also presented a joint resolution of the Legislature of the State of Wisconsin, for the construction of sheer-booms at bridges in the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

FALLS OF NIAGARA SHIP-CANAL.

Mr. RUSK also presented a memorial from the Legislature of Wisconsin, asking for a ship-canal around the Falls of Niagara; which was referred to the Committee on Railways and Canals, and ordered to be printed.

ABOLITION OF CAPITAL PUNISHMENT.

Mr. BARBER introduced a bill (H. R. No. 2163) to abolish capital punishment; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHEAP TRANSPORTATION.

Mr. ELDREDGE presented a joint resolution of the State of Wisconsin, in relation to cheap transportation; which was referred to the Committee on Railways and Canals, and ordered to be printed.

REMOVAL OF INDIANS FROM WISCONSIN.

Mr. ELDREDGE also presented a joint resolution of the State of Wisconsin, in reference to removing Indians from that State to proper reservations in other States and Territories; which was referred to the Committee on Indian Affairs, and ordered to be printed.

NAVIGATION OF THE MISSISSIPPI RIVER.

Mr. ELDREDGE also presented a joint resolution of the State of Wisconsin, for the improvement of the navigation of the Mississippi

River by constructing sheer-booms at bridges; which was referred to the Committee on Commerce, and ordered to be printed.

T. W. DEXTER.

Mr. CLAYTON introduced a bill (H. R. No. 2164) for the relief of T. W. Dexter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HARLOW L. STREET.

Mr. PAGE introduced a bill (H. R. No. 2165) for the relief of Harlow L. Street; which was read a first and second time, and referred to the Committee on Military Affairs.

SOLDIERS OF THE MEXICAN WAR.

Mr. LUTTRELL presented concurrent resolutions of the Legislature of the State of California, asking Congress to grant pensions to the soldiers of the Mexican war of 1846; which were referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY D. O'BRIEN.

Mr. AVERILL introduced a bill (H. R. No. 2166) for the relief of Henry D. O'Brien, late postmaster at Saint Anthony's Falls, Minnesota; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SALE OF TIMBER ON INDIAN RESERVATIONS.

Mr. AVERILL also presented a joint resolution from the State of Minnesota, in relation to the sale of timber on school and swamp lands in the State of Minnesota; which was referred to the Committee on the Public Lands, and ordered to be printed.

MAJOR-GENERAL VAN CLEVE.

Mr. AVERILL also introduced a bill (H. R. No. 2167) providing that the name of Brevet Major-General Horatio P. Van Cleve may be placed on the retired list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF CERTAIN OFFICERS.

Mr. PHILLIPS introduced a bill (H. R. No. 2168) for the relief of certain officers named therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. PHILLIPS also presented a joint resolution of the Legislature of Kansas, asking for the reappraisement of the New York Indian lands in Bourbon County, Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. LOWE introduced a bill (H. R. No. 2169) to confer jurisdiction upon courts of the United States in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TIMOTHY D. CROOK.

Mr. CROUNSE introduced a bill (H. R. No. 2170) for the relief of Timothy D. Crook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOSSES BY INDIAN DEPREDATIONS.

Mr. ELKINS introduced a bill (H. R. No. 2171) for the relief of James M. Giddings and Preston Beck, for property stolen by Indians in New Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 2172) for the relief of Margaret Ward, for property stolen by Indians; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 2173) for the relief of Hugo Wedles, for property stolen by Indians in New Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 2174) for the relief of Lucien B. Maxwell, for property stolen by the Apache Indians; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF LAND TO PUEBLO CITY.

Mr. CHAFFEE introduced a bill (H. R. No. 2175) to authorize the sale of a part of a school section to the city of Pueblo for the purposes of a public park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ASSAY OFFICE AT HELENA.

Mr. MAGINNIS introduced a bill (H. R. No. 2176) to establish an assay office at Helena, in the Territory of Montana; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

YELLOWSTONE PUBLIC PARK.

Mr. MAGINNIS also introduced a bill (H. R. No. 2177) amendatory of and supplemental to the act entitled "An act to set apart a certain tract of land lying near the head-waters of the Yellowstone River as a public park," approved March 1, 1872; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PROTECTION OF MONTANA CITIZENS.

Mr. MAGINNIS also presented a joint memorial of the Territory of Montana in relation to the protection of citizens of Deer Lodge and Missoula Counties; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY BRIDGE ACROSS THE NORTH PLATTE RIVER.

Mr. STEELE introduced a bill (H. R. No. 2178) for the location and construction of a Government military bridge across the North Platte River at Fort Laramie, Wyoming Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INLAND AND SEA-BOARD COASTING COMPANY.

Mr. CHIPMAN introduced a bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL BIRDSALL, JR.

Mr. CHIPMAN also introduced a bill (H. R. No. 2180) granting a pension to Samuel Birdsall, jr., of Washington, District of Columbia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JENNET H. NISBET.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 2181) granting a pension to Jennet H. Nisbet,; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. RICE introduced a bill (H. R. No. 2182) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend their railroad into and within the District of Columbia," approved January 22, 1873; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EXTENSION OF CAPITOL GROUNDS.

Mr. MILLIKEN introduced a bill (H. R. No. 2183) to authorize the sale of certain lands in Washington City belonging to the United States, and to apply the proceeds thereof to reimburse the expenses of extending the Capitol grounds; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

W. F. CHAMBERLAIN.

Mr. GLOVER introduced a bill (H. R. No. 2184) for the relief of W. F. Chamberlain, of Lewis County, Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BALTIMORE AND POTOMAC RAILROAD.

Mr. MACDOUGALL introduced a bill (H. R. No. 2185) repealing so much of the act of May 21, 1872, as authorizes the Baltimore and Potomac Railroad to run across the public reservation to their depot on Sixth street; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SALE OF TIMBER, SWAMP, AND SCHOOL LANDS.

Mr. STRAIT presented a joint resolution of the Legislature of the State of Minnesota, relating to the sale of school, timber, and swamp lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

AMERICAN REGISTER TO PERUVIAN STEAMSHIP RAYO.

Mr. CONGER. I ask unanimous consent to report from the Committee on Commerce, for consideration at the present time, a bill granting an American register to the American-built Peruvian steamship Rayo, rebuilt in the United States and converted into a sailing-vessel.

The bill authorizes the Secretary of the Treasury to issue an American certificate of registry to the American-built Peruvian steam-ship Rayo, wrecked in foreign waters, and purchased, rebuilt, and changed into a sailing-vessel by citizens of the United States within the United States, to be registered by the name Star of the West, or other proper name.

Mr. CONGER. The Committee on Commerce have directed me to report this bill to the House, and to ask for its passage. The facts in this case are these: This is an American-built vessel, a steamship, sold to Peruvians, and wrecked in foreign waters. Therefore, under the present law the Secretary of the Treasury could not grant an American registry to it, although rebuilt and repaired in the United States. The vessel, after being wrecked, was bought for $3,000, and the expense of labor and material for repairing it in an American port was some $58,000 more than the amount required by the present law to entitle it to an American register. But as she was wrecked in foreign waters, and was also an American-built ship, the Secretary of the Treasury, as the law now stands, could not issue an American register to her. We have the proper proof here of the amount

expended in her repair; also a letter from the Secretary of the Treasury, stating that under the present law he had no authority to grant a register, but that Congress might so authorize him to do. It comes within the class of cases which the committee have heretofore recommended to the favorable action of the House.

No objection being made, the bill (H. R. No. 2186) was received, read three times, and passed.

DUTIES ON FRUITS.

Mr. MERRIAM. I ask unanimous consent to offer for consideration at this time a joint resolution to which I think there will be no objection. It is a joint resolution in relation to the customs duties on fruits. The Secretary of the Treasury is now paying from $10,000 to $20,000 a day in refunding the duties on fruits.

The resolution suspends the power of the Secretary of the Treasury to refund any moneys collected as customs duties on fruits.

Mr. WOOD. I think the Committee on Ways and Means should have some knowledge of this.

Mr. MERRIAM. The Secretary of the Treasury is to-day refunding from $10,000 to $20,000 a day of this fund.

Mr. WOOD. Let it go to the Committee on Ways and Means.

The joint resolution (H. R. No. 62) was received, read a first and second time, and referred to the Committee on Ways and Means.

EXPORTATION OF DISTILLED SPIRITS.

Mr. BURCHARD, from the Committee on Ways and Means, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 55 of the act of July 20, 1868, as amended by the act of June 6, 1872, and by the act of March 3, 1873, be further amended, by striking out the words "such bonds," where they first occur in said section, and inserting in lieu thereof the words "a transportation bond;" by inserting in the second proviso of said section, after the word "given" and before the word "for," the words "to the collector of the port," and after the words "bill of lading," and before the word "or," the words "or any other port without the jurisdiction of the United States;" by striking out of said section the word "twenty-five," before the word "cents," and inserting the word "ten" in lieu thereof; by inserting after the word "practicable" the words "on arrival of the spirits at the port of export the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported. He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export entry and an affidavit. He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to any other port without the jurisdiction of the United States;" by inserting, after the words "upon which the tax has been paid," the words "and upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation a clearance certificate and a detailed report of the gauger; which report shall show the capacity of each cask in wine gallons, and the contents thereof in wine gallons, proof gallons, and taxable gallons. Upon receipt of the certificate and report, and upon payment of tax on deficiency, if any, in excess of 2 per cent. of the number of gallons of spirits named in the entry of withdrawal, the collector of internal revenue shall cancel the transportation bond; and, further, that the allowance of 2 per cent. for deficiency shall apply to all transportation bonds now outstanding made previous to the passage of this act, in accordance with the regulations under the act of July 20, 1868, as amended by the act of June 6, 1872."

SEC. 2. That section 1 of the act of May 27, 1872, be amended, by inserting after the words "United States," in the first paragraph of said section, the words "or in transit in bond for export," and after the word "warehouse," the third time it occurs, and before the word "bond," the words "or transportation."

Mr. BURCHARD. This bill makes four changes in the existing law in regard to the exportation of distilled spirits.

The first provision authorizes spirits to be exported without requiring that they shall be landed at the particular port named in the bill of lading. It frequently happens that spirits are shipped to some foreign port upon a vessel which is there to await orders. For instance, they may be shipped for Genoa with orders to stop at Gibraltar, there awaiting orders. The vessel, under the existing law, must land the spirits at the particular port named in the original clearance or bill of lading; the cargo cannot be sold at any other port, even though a better market should be found there. A simple change in the existing law meets this difficulty.

The second provision of the bill permits the exporter to give a bond at the port of shipment. Under the existing law a distiller in the interior, wishing to send spirits to a foreign port, is obliged to give bond, holding him responsible for the entire transportation; so that if he wishes to make large shipments, the giving of these bonds may exhaust his responsibility and disable him from continuing the shipments. This bill authorizes the giving of a transportation bond at the port of shipment, the original bond being released.

Again, it is found that in the shipment of spirits, especially alcohol, there is in the barrels an absorption of a small percentage of the spirits. This shrinkage is a heavy tax upon the export; and it seemed fair that there should be a small allowance made for it. The bill provides for an allowance not exceeding 2 per cent. for actual shrinkage, when ascertained upon regauging the spirits at the port of shipment. The price of the export-stamp is reduced from twenty-five to ten cents, because the latter sum will more than cover the expense of the stamp, and it was never intended to derive revenue from exported spirits, but to permit their exportation with the least possible cost and impediment.

The second section of the bill extends the authority of the Commissioner of Internal Revenue to abate taxes on distilled spirits destroyed by casualty while *in transitu* in bonded cars.

The bill has been examined and passed upon by the committee, with the approval of the Commissioner of Internal Revenue. Indeed, all the details of this bill have been submitted to that officer and meet his approval. I am unanimously instructed by the Committee on Ways and Means to report the bill and ask for its passage.

Mr. HOLMAN. I wish to ask whether under this bill the first bond of the shipper in the interior is to be canceled upon the giving of a bond at the point where the spirits are shipped to a foreign port?

Mr. BURCHARD. The first bond is released.

Mr. KASSON. This bill provides for a substitution of a bond at the port of exportation for the original bond, in order to facilitate the business of exportation. As the matter now stands, the shipper is loaded down with requirements, which sometimes exhaust his responsibility in giving bond for transportation from the point where it is produced to the final destination.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINT BUILDING AT SAN FRANCISCO, CALIFORNIA.

Mr. GARFIELD. I ask unanimous consent to report back from the Committee on Appropriations the joint resolution (H. R. No. 58) to render available a certain unexpended balance of appropriation.

The joint resolution was read. It provides that the unexpended balance of the appropriation for the construction of the United States branch-mint building at San Francisco, California, now remaining on the books of the Treasury Department to the credit of the appropriation for that work, and unavailable under the provisions of the fifth, sixth, and seventh sections of the act of July 12, 1870, be reappropriated, and made available from and after the passage of this joint resolution.

Mr. RANDALL. I make a point of order on that.

The SPEAKER. The point of order of course would lie; but the gentleman from Ohio [Mr. GARFIELD] is asking for unanimous consent.

Mr. RANDALL. Let it go to the committee.

Mr. MAYNARD. It comes from a committee.

Mr. RANDALL. Let it go to the Committee of the Whole.

Mr. GARFIELD. I hope the gentleman will allow me to make an explanation. The money appropriated for the building of this mint at San Francisco could not be used for some time in consequence of trouble in settling the title to the ground. The building is now in the course of construction, and can be completed for the amount already appropriated; but the appropriation will lapse and become entirely unavailable for the purpose intended unless we continue it in force. No increase of the appropriation is asked, but simply that the amount already appropriated may be used within the limits already fixed by law.

Mr. RANDALL. Not expressing any opinion whatever upon the merits of this proposition, I claim that under the rule it should go to the Committee of the Whole.

Mr. GARFIELD. Then I withdraw the joint resolution.

ORDER OF BUSINESS.

Mr. MAYNARD. I call for the regular order.

The SPEAKER. The regular order being called for, the call of committees for reports will be resumed.

LAND CLAIM, OJO CALIENTE, NEW MEXICO.

Mr. PACKARD, from the Committee on Private Land Claims, submitted a report in writing upon the communication from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, a transcript of private land claim reported as number 77 in the name of town Ojo Caliente, in Rio Arriba County, New Mexico; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

LAND GRANT TO ANTONIO CHAVES.

Mr. PACKARD also, from the same committee, submitted a report in writing upon a communication from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, a transcript of the land grant to Antonio Chaves, being private land claim reported as number 79; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

PRIVATE LAND CLAIMS, SCOTT COUNTY, MISSOURI.

Mr. PRATT, from the Committee on Private Land Claims, reported a bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for lands to the county of Scott, in the State of Missouri; which was read a first and second time.

The bill was read as follows:

Whereas by the act of the Congress of the United States entitled "An act to quiet the title to certain lands in the State of Missouri," approved December 27, 1872, certain lands therein mentioned were granted to the county of Scott, in the State

of Missouri, which were not specifically described; and whereas no provision for the issuance of a patent for said lands was made in said act: Therefore,

Be it enacted, &c., That it shall be the duty of the Commissioner of the General Land Office to cause a patent to be issued to said county of Scott, in the State of Missouri, for all the lands included in the State of Missouri in that portion of township number 27 north, of range 12 east of the fifth principal meridian, lying east of Little River, as the same appears on the plat of survey on file in the General Land Office: *Provided*, That nothing in this act shall prejudice the rights of any person claiming any of said lands by virtue of any homestead, pre-emption, or other entry made under the laws of the United States.

Mr. WILLARD, of Vermont. I make the point of order that that bill must have its first consideration in the Committee of the Whole House on the Private Calendar.

The SPEAKER. The Chair sustains the point of order; and the bill will be referred to the Committee of the Whole House on the Private Calendar. It will save time if the point of order be made before the reading of the bill.

Mr. RANDALL. If there is any report accompanying this bill I hope it will be ordered to be printed.

The SPEAKER. The bill and report will both be ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

Mr. PRATT. I do not think this bill is liable to the point of order. Two years ago a law was passed by Congress providing for the issuance of this patent, but it does not specifically describe the lands for which the patent was to be granted. The only purpose of this bill is to correct that defect. It grants no land, but merely specifically describes lands heretofore granted by act of Congress.

The SPEAKER. The Chair thinks the bill is liable to the point of order raised by the gentleman from Vermont. It divests the Government of title which it still holds.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NORTHWESTERN AND INDIANA TERRITORIES.

Mr. PACKARD, from the Committee on Private Land Claims, reported a bill (H. R. No. 2188) for the relief of persons to whom the governors of the Northwestern and Indiana Territories confirmed lands; which was read a first and second time.

The Clerk proceeded to read the bill.

Mr. WILLARD, of Vermont. As the Chair suggests the point of order should be made early, so as to save the time of the House, I will now make the point of order that this bill must have its first consideration in the Committee of the Whole.

The SPEAKER. The Chair sustains the point of order. This bill should go to the Committee of the Whole on the state of the Union, as it relates to a whole class of cases. It will be referred to the Committee of the Whole on the state of the Union.

Mr. PACKARD. If the bill is read through I think the gentleman will not insist on his point of order. This does not provide for granting any land, but merely for locating on, or relocating, land heretofore confirmed.

The SPEAKER. The Chair thinks probably the point of order will more generally apply to this bill, coming from the Committee on Private Land Claims, than any other, for it divests the Government of certain title, and gives to these private land claimants, which they do not have now.

Mr. RANDALL. The language of the rule reaches just this sort of land grants.

The SPEAKER. Clearly it reaches the grant of any form of property whatever.

The bill was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. BARRERE, from the Committee on Private Land Claims, reported back a bill (H. R. No. 719) to authorize the issuance of patents to lands in cases of private land claims; which was read a first and second time.

The Clerk proceeded to read the bill.

Mr. WILLARD, of Vermont. I make the point of order that this bill must have its first consideration in the Committee of the Whole, and there is therefore no necessity for the Clerk reading further.

The SPEAKER. The Chair sustains the point of order, and the bill will be referred to the Committee of the Whole House on the Private Calendar, and is, with the accompanying report, ordered to be printed.

GRANT OF LAND TO SCOTT COUNTY, MISSOURI.

The SPEAKER. The gentleman from Missouri [Mr. BUCKNER] requests the Chair to revise his ruling on the bill reported by the gentleman from Iowa [Mr. PRATT] from the Committee on Private Land Claims, a bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for lands to the county of Scott, in the State of Missouri.

Mr. BARRERE. What becomes of the bill which I reported?

The SPEAKER. The point of order was made that it makes an appropriation and must have its first consideration in the Committee of the Whole House on the Private Calendar. The Chair sustained the point of order, and the bill was referred to the Committee of the Whole House on the Private Calendar and, with the accompanying report, ordered to be printed.

The Clerk will now read the bill reported by the gentleman from Iowa, [Mr. PRATT.]

The bill was again read.

The SPEAKER. On the reading of that bill, how is the Chair to know that the lands specifically provided for there, and for which a warrant is directed to issue, are the same as those embraced in the other bill?

Mr. BUCKNER. It is the fact that they are the same.

The SPEAKER. The Chair does not doubt the gentleman's word; but how, in a parliamentary way, is he to know that the United States is divested of more or less public property? That raises precisely the class of questions which the Chair thinks it was settled by the rule should go to the Committee of the Whole.

Mr. BUCKNER. The object of this is to describe more specifically and more definitely what was more vaguely described by the former act of Congress.

The SPEAKER. Evidently to give this title, and to divest the United States of the title that may rest in the United States, some additional legislation is necessary, and this legislation is comprised in that bill. Now, the Chair thinks that the rule was made for precisely that class of cases, along with others.

Mr. BUCKNER. This bill is only for the purpose of getting the description more accurate.

The SPEAKER. The gentleman will observe that the question here is merely as to the parliamentary process. The Chair is not discussing the merits of the bill at all. It is not the province of the Chair to say a word about the merits of a bill. He has merely to state what are the parliamentary processes through which it must pass. And, under the rules, the Chair thinks that this bill should have its first consideration in Committee of the Whole. The Chair does not change his ruling.

The bill reported by the gentleman from Illinois [Mr. BARRERE] had a strong point against it. It directs the surveyor-general to accurately survey the lands referred to in exact accordance with the act of Congress formerly passed, and provides that the expenses of the survey shall be paid out of the ordinary appropriation for public surveys. It makes, therefore, a direct money appropriation; and there can be no possible ground to doubt that it should go to the Committee of the Whole on the state of the Union.

Both bills will be printed and referred to the Committee of the Whole on the state of the Union.

Mr. PACKARD. I ask that the accompanying reports also be printed.

The SPEAKER. The Chair always directs that. Every bill sent to the Committee of the Whole on the Private Calendar, or to the Committee of the Whole on the state of the Union, is printed with the accompanying report.

ORDER OF BUSINESS.

Mr. McKEE. I rise to a question of order. It is now half-past one o'clock, and I believe there is a special order that the bill in relation to the franking privilege should come up at that hour. Am I not correct?

The SPEAKER. The gentleman is correct.

Mr. McKEE. I call for the regular order.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

The SPEAKER. The regular order having been called, the House resumes the consideration of the bill (H. R. No. 825) to provide for the distribution of public documents printed by the authority of Congress and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published.

The gentleman from Virginia [Mr. STOWELL] is entitled to the floor.

Mr. WILLARD, of Vermont. The gentleman from Virginia, [Mr. STOWELL.] who is not now in his seat, has agreed to give me a portion of his time at the commencement of his hour. I am ready to proceed now, if there be no objection.

The SPEAKER. The Chair presumes that that was the understanding, and the gentleman from Vermont [Mr. WILLARD] will proceed.

Mr. WILLARD, of Vermont. Mr. Speaker, I am opposed to this bill in all its parts, and I am also opposed to the modification of it proposed by the gentleman from New York, [Mr. HALE,] which he stated he should offer if he should have the opportunity. I saw some intimation in the papers this morning that the committee had allowed, or would allow, the gentleman from New York to propose his substitute, reviving the entire franking privilege. I will state as briefly as I may my reasons for opposition to this measure. In order to make clear my position I think the subject should be separated from many things and many aspects and phases of it which have been presented to the House during the debate.

The naked and simple propositions contained in this bill are two. In the first place, the bill provides that members of Congress—and so far as the first section is concerned it reaches no further than that—that members of Congress shall have the franking privilege as far as the public documents are concerned. The second provision of the bill is that the franking privilege shall be revived so far as county

newspapers and exchanges of newspapers are concerned. Now, this does not involve, necessarily, many of the arguments that have been presented to the House in support of the measure. It is not the question whether the Postmaster-General, in the attack he made upon the franking privilege prior to its repeal in the last Congress, was in all respects right or wrong; it is not the question whether the abolition of the franking privilege has necessarily largely decreased the expenditures of the Post-Office Department. It is a question, on the face of the bill itself, what does this bill propose to do? If it can be defended on its merits, on what it proposes to do, then it ought to pass. If it cannot be defended on its merits, on what it proposes to do, it ought not to pass, no matter what may have happened hitherto in the history of the discussions on this subject.

Now, what does this bill propose to do? It proposes, Mr. Speaker, in the first instance, to revive the franking privilege. The form of the provisions introduced here is merely to prevent the abuse of the franking privilege as revived by this bill. It provides, I say, for the revival of the franking privilege so far as the public documents are concerned. Well, what does that mean, Mr. Speaker? It means this: that this House is prepared to say, or Congress, if it passes this bill, is prepared to say, that we will publish the public documents which are to be distributed by this bill. And how are these documents to be published? They are to be published by an appropriation of money out of the Treasury of the United States. While I suppose it is not possible to estimate precisely the cost of the public documents that will probably be distributed under this bill, should it become a law, it may be fixed approximately at $700,000 or $800,000 annually. The cost of the public documents that this bill proposes to distribute gratuitously to certain portions of the people of the United States, or to certain individuals among the people of the United States, will amount to $700,000 or $800,000 annually.

We do not propose, of course, to put our hands in the Treasury of the United States and every member of Congress take out of that Treasury $2,000, (for that would be the amount which each member would take out under this bill,) and to distribute it, as a distinguished gentleman said in a speech he made last summer, "alike to the just and the unjust." We do not propose to give to each member of Congress the right to go to the Treasury of the United States and take $2,000 and distribute it at his pleasure. To be sure we do not propose to do that in terms, but that is just what we propose to do in fact. We only go through the process of having this $2,000 paid into the Congressional Printing Office, and then come out in the shape of public documents, which we take and distribute.

Mr. MYERS. Will the gentleman allow me to ask him a question?

Mr. WILLARD, of Vermont. The gentleman will excuse me. I would yield to him as soon as to any one, but I have not time to yield to any one.

We propose by this bill to put our hands into the Treasury of the United States and take out from $1,500 to $2,000 each, and distribute it as we see fit to the people of the United States. Now, how long would a proposition standing in that naked shape before this House receive assent or support? Suppose that instead of this proposition we had a proposition that each member of Congress should have given him out of the Treasury of the United States $2,000 in greenbacks—printed by the Government, as I suppose my friend from Pennsylvania [Mr. KELLEY] would have them printed, and supposed to cost the Government the expense of printing alone—and each member be allowed to distribute those greenbacks at his pleasure? Is there any warrant in the Constitution for any such use of the money of the United States? Is there any warrant in the Constitution for such use of the public property of the United States?

I had supposed hitherto that if the public property of the United States, or the public money of the United States, were to be taken for the purpose of being given to the people of the United States, it was to be given to the whole people of the United States. But to whom do we give the public property of the United States in this case? If we give it to anybody we give it to the persons to whom we choose to send these documents. I suppose a member of Congress may have an opportunity of sending perhaps fifteen hundred or two thousand, possibly three thousand, volumes of documents to individuals in his district, if the same amount be published under this bill that have been printed hitherto.

Mr. MYERS. And to libraries.

Mr. WILLARD, of Vermont. Yes, and libraries. The members of this House have from twenty to thirty thousand voters in each of their districts. To distribute these three thousand volumes, they would select three thousand of the thirty thousand voters in their district, or one-tenth of the whole number; or, if they have a few libraries, they would send to the libraries, and that would leave less for a general distribution among the people. They would give these three thousand volumes, the public property of the United States, to three thousand out of the thirty thousand voters in each of their districts.

Now, I am not discussing the question in respect to the cost of the transmission of these documents through the mails at all. In this light the question is separated entirely from what may be called the franking privilege. It is a distribution—an unequal, unjust, and unjustifiable distribution—of the property of the United States among a small fraction of the people of the United States, of property of the United States that has been gathered from the whole of the people of the United States.

I know the gentleman from Illinois [Mr. CANNON] in the entertaining remarks which he submitted the other day, when this bill was before the House, said that we could not do this equally, because there was inequality in all that we undertook to do. But here we provide on the very face of the measure that it shall be unequal. To be sure we do not build light-houses on every rock along the coast of the United States; we all understand that. But if Congress sets up in the business of building light-houses, it assumes, as the very basis of that right to appropriate the money of the United States for that purpose, that it will build the light-houses for all the people who have any opportunity to use them; that it will not put light-houses on the coast of Maine, and refuse them on the coast of Florida; that it will not put them on the coast of Delaware, and refuse them on the coast of Michigan; but it will give every locality a light-house which has the same need for a light-house. That is equality. But when you say that you will print public documents and distribute them; that you will take the property of the people of the United States and allow gentlemen here to distribute it at their pleasure, you might as well say that each member of this House shall have a light-house as his special perquisite, and locate it where he pleases.

Suppose we put this proposition in another form. I am glad to say we have a great amount of the public lands yet left, notwithstanding that we have given them away by the million of acres. What do we do with them? Most of the gentlemen from the West here ask that those lands shall be kept sacred for homesteads, that even the pre-emption laws shall be abolished, and that every person in the United States shall have an equal and the same right to go there and take that property, to locate on it as his homestead.

We do not say that every member of Congress may designate ten persons, or five persons, in his district, who may go and locate on the public lands of the United States, while nobody else shall do so. We do not say that each member of Congress shall have the privilege of designating what particular portions of the public lands shall be set apart for his constituents. But we say that if they are used at all, they shall be used for the benefit of the whole people; that every person shall have equal access and equal right to those lands.

Now, sir, how does such a proposition as this before the House antagonize not only that general principle upon which this Government is based, but more especially the general principles on which the republican party started into life, and on which, as one of its promises, it came into power? It declared that it would do away with all favoritism, with all special privileges, with all use of the Government or the property of the Government for the benefit of individuals or of favorites or pets of anybody; that it would hold the Government of the United States and the property of the United States for the benefit of all the people of the country. If there is any principle upon which the republican party in its foundation based itself as upon a rock, it is this; and the ruin of the republican party can be but a little way ahead when we depart from that principle, and hold that the Government and the property and the Treasury of the United States are the perquisites or special property of any man or any set of men whatever.

I have said in general terms that if this bill should pass it would take out of the Treasury of the United States seven or eight hundred thousand dollars annually. It might take more, it might not take quite so much; that would depend upon the liberality with which Congress might order books. Let me refer to the amount we appropriated last year in the mere matter of the folding-room:

For the superintendent of the folding-room of the Senate	$2,484
Folding documents and materials, Senate	8,000
Superintendent of the folding-room, House	2,484
Folding documents for the House	100,000

This is the mere cost of distributing these documents to the members of the House, who propose to take them as their private perquisites, and the books themselves cost nearly $1,000,000 more annually. Although we may try to disguise our personal interest in the matter by saying it is the perquisite of our constituents, and not our own, I am willing even to discuss the matter in that aspect, and consider it as a proposition to take this public property as the private perquisite of a portion of our constituents. Looking simply at the question of economy, that expenditure of over $1,000,000 annually would certainly be saved. I am arguing this question only in part on the score of economy. Hitherto I have been treating the question upon the ground of what we may call absolute right, absolute equality. But, sir, we have been confronted, at this session especially, with this question of public expenditure. We have been told, and told truly, (whatever may be said of the particular figures which have been quoted,) that the public expenses of this country are increasing. We are cutting off private carriages that have been paid for out of contingent funds. We are trying to cut off private servants who are borne on the rolls of some public office. We are trying to bring every department of the Government down to working on an honest and economical basis so far as it can be done consistently with the efficiency of the public service. Yet after only six months' trial of the repeal of the franking privilege, guaranteeing, if faithfully and honestly pursued, an economy of more than $1,000,000 a year in the mere expense of public documents, gentlemen come in here

and ask that this franking privilege shall be restored, and with it, of course, this large expenditure of money out of the Treasury of the United States. Now, Mr. Speaker, I ask in all candor and sincerity how gentlemen of this House can support this measure and justify themselves on any principle upon which we are proceeding here in our efforts to economize in the public expenditures?

Mr. Speaker, I am admonished that I am trespassing too far upon the time of the gentleman from Virginia, and I will say only a word or two in conclusion.

There are many aspects of this question—such, for instance, as the question whether this expenditure can be defended upon the ground of dissemination of intelligence—which are not, in my judgment, pertinent to this discussion at all. This Government does not exist for the purpose of disseminating intelligence among a portion of the people of the country. If the proposition were that we should print a million dollars' worth of books, which should be put in the public libraries or perhaps in the Congressional Library, so that every person throughout the United States wanting one of these books might have it sent to him through the mails by addressing the Librarian, I agree that everybody in the United States would have an equal right under such a distribution; and then the question of dissemination of intelligence might be in order. Whether such a measure would be wise or unwise as a matter of administration, everybody would then have an equal chance at the information, whatever it was. But, sir, we do not do any such thing. The gentleman from Missouri, [Mr. PARKER,] who made a very eloquent speech here the other day, and some parts of which excited applause on the floor and in the galleries, asked, "Would you have in this country a President's book-seller? Would you introduce into this country the system now existing in England by which they have in different parts of the country a 'Queen's book-seller,' from whom public documents may be obtained for what they are worth?" Why, let me tell the gentleman that is exactly what this bill does. It makes every member of Congress a congressional book-peddler.

Mr. MYERS. When did the gentleman find that out?

Mr. WILLARD, of Vermont. I found it out some days ago, at least. I will say, in answer to the gentleman from Missouri, that this bill makes every member of Congress a book-peddler; we set ourselves up in that business; but we do not do like the Queen's book-sellers, to whom he has referred. Every man who goes to the door of the Queen's book-seller gets the book for which he inquires at the same price for which every other subject of the kingdom can get it. We, however, do not put ourselves in that attitude. We hold these books in our hands and distribute them to whomsoever we please. If a library asks for them, we send them to that library; but outside of a library, to whom do we send them? Do we send these books to everybody? We could not send them to everybody if we tried, because we have not enough of them. It is notorious, Mr. Speaker—and I do not claim to be any better in that respect than my neighbors—it is notorious that we use these books, in part, as a private perquisite. Members do not send them to their enemies. They do not send them to persons who fought them in caucus, who opposed them in convention, who voted against them at the polls. They never send them to such persons; and yet that class of persons are taxed to pay for them as well as those who get them. Members of Congress send them to their personal friends. It is really a private perquisite of members, and unless it is that, members of Congress ought not to have anything to do or say about their distribution.

That is just the attitude in which we put ourselves. We ask that we may have $1,000,000 annually appropriated out of the Treasury of the United States—$2,000 to each member of the House—for books to be distributed, at the pleasure of each member, among a few of the people of his district.

This is not justice. It is not equity. It is not republicanism in any sense whatever. And not only that, sir, it is hostile to the platform upon which every republican member of this House holds his seat to-day.

Mr. COBB, of Kansas. If one of the gentleman's constituents writes to him for a book, does he not to-day send it through the mails and pay the postage himself? And, that being the case, how does he justify that misappropriation, as he calls it, of the public funds?

Mr. WILLARD, of Vermont. I have not justified it at all. I have been opposed to the franking privilege being given to members of Congress from the beginning. I have said from the first it ought not to be restored. When I have put at my disposal a certain number of books, if I do not distribute them they will go to the paper-mills, and of course if my constituents ask for them I shall send them to them. I have sent them to libraries, and to everybody who has asked for them, so long as I had any to send, yet I have numbers of letters asking for documents which I could not send because I did not have them to send. All cannot get them, yet those who want documents and do not get them pay just as much in taxes for them as those who do get them.

Mr. MYERS. The gentleman appoints a cadet to West Point, and those who do not get the appointment pay just as much as those who do.

Mr. WILLARD, of Vermont. Whenever it is necessary to discuss that question I will do so, but I will not occupy the floor any longer for such a purpose.

Mr. ALBRIGHT. Mr. Speaker, as early as the 4th of December of this session I introduced a bill, No. 42, providing for the free transmission through the mails of newspapers in the counties where the same are published, and also for the free exchange of papers and periodicals between publishers. It is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the publishers of newspapers and periodicals may send to each other from their respective offices of publication, free of postage, one copy of each publication; and may also send to each actual subscriber, inclosed in their publications, bills and receipts for the same, free of postage. The publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published one copy thereof free of postage.

SEC. 2. That all laws and parts of laws inconsistent with the provisions of the foregoing section be, and the same are hereby, repealed.

I did this in deference to a general public sentiment in its behalf, and because the people never favored the legislation which compelled them to pay postage on their home papers. The people are the losers by the present law much more than the publishers of newspapers. Since the introduction of bill No. 42, I have received numerous letters from different parts of the country urging the speedy passage of the same. It was referred to the Committee on the Post-Office and Post-Roads, and that committee, before the holiday recess, reported the bill now under consideration, and which in its third section embodies the principles of the bill which I had the honor to introduce.

I propose at this point briefly to refer to the history of legislation upon this subject, to show that the newspaper was always under the friendly tutelage of Congress.

The twenty-first section of the act of February 20, 1792, provides—

That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States free of postage, under such regulations as the Postmaster-General may prescribe.

Section 21 of the act of May 8, 1794, re-enacted the same.

Section 3 of the act of March 3, 1845, is as follows:

That all newspapers of no greater size or superficies than nineteen hundred square inches may be transmitted through the mail by the editors or publishers thereof to all subscribers or other persons within thirty miles of the city or town or other place in which the paper is or may be printed, free of any charge for postage whatever.

This is the first law that allowed subscribers (within thirty miles of the place where the paper was published) to receive it postage free. It embraced daily papers, and was not confined to county lines. This law continued in force six years—as to daily papers, to March 3, 1851.

Section 35 of the act of March 3, 1863, after regulating the postage on newspapers, periodicals, &c., provides as follows:

But the publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published one copy thereof free of postage.

This law confines its privileges to weekly papers, and makes the county line, instead of thirty miles, the limit.

Section 3 of the act to July 27, 1868, modifies section 35 of the act of March 3, 1863, as follows:

But nothing in this act shall be so construed as to require carriers to distribute said papers unless postage is paid upon them at a rate of five cents per quarter, &c.

The act of January 31, 1873, swept out of existence all franking laws and privileges, and went further than many of the enemies of the franking privilege desired. The people now demand a restoration of this privilege, and I am gratified to know that in all the speeches which have been made upon the bill under consideration no voice has been raised against this provision. The Postmaster-General concedes the fact that he never desired the adverse legislation on newspapers, and does not now object to its restoration. The honorable Speaker of the House, [Mr. BLAINE,] in a letter dated December 17, 1873, says:

If I would vote for any possible exception to the rule of uniform and universal payment [of postage] it would be in favor of newspaper exchanges and the free circulation of county papers within their own bailiwicks.

It is not necessary here to speak of the power of the press and the influence it exerts in the education of the masses either for the right or wrong. If it is true that the press is corrupt and unreliable, public men have had much to do in giving it its present status; but certain it is that you will not elevate and improve it by hostile and unfriendly legislation.

I take it for granted, then, that so much of this bill as relates to newspapers will become a law. We see that these concessions to the cause of popular education have existed for many years and have met the prompt approval of some of the wisest statesmen with which our country has been blessed. In view of this fact, Mr. Speaker, I am led to the conclusion that these excellent provisions must have been inadvertently swept away by the besom of economy that was set in operation by the popular call for reformation in the extravagant practices which had of late years grown out of the injudicious use of the franking privilege. They met this fate from the fact that newspapers were transmitted in company with matter which had fallen into disgrace by obtruding itself into the mail-bags and showing a pass instead of paying fare. Like the tame goose in the fable, they had their necks wrung for having been found in bad company.

Mr. Speaker, the other question is, whether the things named in the first section of the bill under discussion shall be allowed to pass through the mail without charge, or whether the people shall have them at all; because it seems to me that unless provision is made to send them out they had better not be procured. If the only idea upon this subject is saving money, then the best road to travel in is to take a cross and near cut and dispense altogether with the print-

ing and publishing of the things named in the section to which I have referred. If we print and procure them, then the means ought to be provided for their distribution; otherwise they become waste material. The repeal of the franking privilege puts this whole matter in an anomalous position, as I shall endeavor to show in the course of my remarks.

Mr. Speaker, if I understand the policy of the Government with regard to the management of the Post-Office Department, it has been more with the object of accommodating the people in the speedy, safe, and certain transmission of mail matter than with a view of raising revenue, and hence efforts have never been specially made for having the Post-Office Department make money, because it has at all times been in the power of the Government to make large revenues out of the Post-Office. Indeed the machinery of this Department is peculiarly fitted and adapted to this purpose, but the history of the Post-Office Department shows that a constant and steady reduction and equalization of the rates of postage has been going on. Within my recollection letter postage has been reduced from twenty-five cents to three cents. This has been done because the Post-Office Department stands before the world as a benefactor and educator, by bringing intelligence to almost every door at a rate much cheaper than individual or corporate influence could accomplish it, while the benefits it dispenses inure alike to the rich and poor, yet particularly is it the friend of the poor, because the concessions in the way of cheap postage and of affording mail facilities in remote and sparsely settled portions of the country are directly in the interest of the hardy and enterprising pioneer. And the same may be said with regard to the free-delivery system in the large cities. The free-delivery system brings the post-office to every fireside in the cities at an extra cost now of about $2,000,000 per annum.

It is not a question of so much importance, then, whether the revenues of the Post-Office Department pay the expenses of the Post-Office Department, as it is whether the revenues of the Government generally pay the expenses of the Government. How any money is made for the Government by the Executive Departments thereof using postal stamps in their official correspondence instead of an autograph frank is not readily comprehended, or how the use of stamps checks abuse. When the franking privilege existed all matter sent through the mail by the Departments of the Government went free. The use of stamps makes the cost to the Government no less. In all the discussion upon this subject I have failed to discover where the saving of money comes in; nor have I been able to find where the Postmaster-General has elucidated the matter, except upon the principle that it pays to rob Peter to pay Paul. The Executive Departments of the Government still frank, but under another name—a stamp instead of an autograph. The stamping business costs thousands of dollars more annually than the autographing did, but Uncle Sam foots the bill as before for carrying the mail. There may be great wisdom in all this, but the progress of the masses has been too slow to comprehend it, and hence they can but look on the car as it passes by, and wonder.

In this light, then, can it be fairly and truly said that anything has been gained by the abolition of the franking privilege? I hear gentlemen say that the franking privilege was a good thing, but that its abuses broke it down. I admit this; but tell me what good thing you could have if the abuse of it was a conclusive argument for its abolition and removal? This bill is an attempt at a partial restoration of the franking privilege, with the abuses cut off. Franking, as exercised by Congress, was instrumental in the dissemination of intelligence among the people. It is suggested by some that everybody was not supplied with the same document, and that therefore the system worked unequally and unjustly, and should not be even partially restored. Well, sir, if there is any force in this argument, it might apply to the abolition of Congress itself. Because everybody cannot be elected to Congress at the same time, nobody ought to be, and therefore there should be no Congress.

I think every member on this floor experiences this truth, that it is a little easier to supply a constituent with a public document than to procure a seat in this House. You provide for the printing of the CONGRESSIONAL RECORD; you donate to each member twenty-five copies or more; you do it out of the people's money. Now, it is understood that each member will distribute these among such persons as he sees fit, and where he thinks they will do the most good. If the argument of the gentlemen on the other side of this question is worth anything, there ought to be enough RECORDS provided to furnish one to each constituent, or none. This statement shows the absurdity of the argument. It is to be presumed that a member of Congress ought to have some little sense and discretion in the distribution of such documents as he may be intrusted with.

The truth is, that all persons connected with the Government are endowed with the privilege of franking except Senators and Members of the House of Representatives in Congress, and their Secretary and Clerk; that is, they are supplied with frank-stamps at the expense of the Government. The stamping army now consists of forty thousand men and women, to say nothing of boys and girls, and I suppose it is growing daily. All, or nearly all, Government officials are mustered on the stamp-rolls except Congressmen. Official stamps are authorized, because public servants ought not to be called upon or expected to pay postage upon correspondence relating to public business, and because it is safe to trust everybody in the public service except Senators and Members of the House of Representatives. The Petroleum V. Nasbys, postmasters at Confederate Cross-Roads, can safely be intrusted with the necessary stamps for their official correspondence, even if they should perchance occasionally write letters to their friends, the Deacon Pograms.

If Congressmen have constituents—and it is to be presumed that most of us have—a few to whom we must write and send public documents occasionally, we may safely be intrusted with the privilege, if we buy the necessary stamps for sending them through the mail. If the American Congress cannot respect itself, the people will not, much.

Mr. Speaker, if I may be permitted to say it, I think there is very little strength in the statement that public documents ought not to be distributed gratuitously unless enough are provided to send one to each tax-payer or voter, but that they ought only to be sold. It was well said by the gentleman from Illinois [Mr. CANNON] that there can be no law, however just, that will work perfect equity in all respects.

I will illustrate what I mean. Take the Agricultural Report. Several of these sent to a few practical and intelligent men in a township, who generally make such use of them as will bless and benefit their entire community, will do fully as much good as if every man in the township had one, and in that way useful knowledge is disseminated, the nation profited, and the material interests of the country advanced. The same is true with many other documents, and particularly with packages of seeds, cuttings, roots, and scions. To supply every voter with each article would bankrupt the nation worse than the war.

If this whole business is to be regulated upon the principle of money-saving only, stop the printing of documents. Stop sending out packages of seeds, &c. You cannot send a quart of wheat to every farmer; and if you cannot, then, according to the argument of the apostle of the grangers, you ought to send to nobody. This point can never be reached unless you can turn back the finger of progress on the dial-plate of time. The argument closes in upon you. You must follow it up by doing away with the Department of Agriculture, of the Signal Service, and other departments of useful and scientific information. Thereby you can make the greatest saving, and blind but stupid equity can be measured out to everybody, and nobody will be benefited, but everybody injured.

Some statements have been made, with regard to the expense of printing and binding congressional documents, during this debate, which are wide of the mark. To correct these, I propose to read the following extract from a letter from Hon. A. M. Clapp, Congressional Printer, under date of December 27, 1873:

> The appropriation for the printing and binding for the Government for several years has been about $2,000,000 per annum. During the last year, ending September 30, the amount expended for printing and binding for Congress was $874,998.27; for all the Executive Departments, including the judiciary and the Government Printing Office, was $1,210,239.77.
>
> It is but truth to state that the printing and binding for the executive and judicial departments include all the blanks, blank-books, &c., required for the business of the Government here and elsewhere throughout the country.
>
> The Department of Agriculture also is supplied with all its printing and binding from this office.
>
> It is apparent from the records of this office that the greater part of the $2,000,000 appropriated for the public printing and binding is absorbed by the Executive Departments of the Government, instead of being, as is stated in the paragraph quoted above, "expended for public documents which have gone through the mails free."
>
> From a careful examination and analysis of the books of this office, it appears that of the $874,998.27 expended in 1873 for all the printing and binding for Congress, the amount absolutely used for the printing and binding of extra numbers of documents "which have gone through the mails free" is $518,394.12, which, instead of being the greater part of the $2,000,000 appropriated and expended for the public printing and binding, is really only about one-fourth of the entire amount. Of the above amount, $153,751.84 have been expended for the census of 1870.

Now, sir, while I have no anxiety or desire for a restoration of the franking privilege for myself, so far as it relates to my little correspondence, I do think that if we authorize the printing of public documents and the maintaining of the Department of Agriculture and other valuable and important Bureaus of the Government to furnish information for the people at great expense, we ought to provide some means whereby we can send out the documents and the seeds, information, &c., from the Departments, so that they may do the good we expect from them. Believing that this will be right and that the people will justify it, I shall vote for the pending bill. If it is considered unwise to provide the money to send out these documents, then we had better retrace our steps.

The appropriations for the Department of Agriculture last year were $127,550, and I believe the people have more than realized this amount out of the knowledge they acquired from this source. I believe in wise, liberal, and judicious legislation; and I believe that this bill points in that direction, and I shall vote for it. I have no objection to putting the daily papers on the free list.

Mr. STOWELL. Mr. Speaker, the bill under consideration is of so much importance, and its passage so universally demanded, that it will receive as strong an indorsement, both here and from the people of the country, as any measure which is likely to be proposed for the action of Congress, and will, I believe, be adopted by this House by an overwhelming vote.

Occupying as I do, as a member of the Committee on the Post-Office and Post-Roads, a relation to the bill itself as one of its advocates and defenders, as well as to the Department to be affected by it, to the members of this House who are to act upon it, and to the people

of the country who are to judge of its wisdom and decide upon its necessity and usefulness, I deem it my duty to make a clear and concise statement of the history of the franking privilege, of the principles which underlie it, and the reasons which have governed me in advocating this question before the House so soon after its repeal by the Forty-second Congress—reasons sufficient to satisfy the judgment of any member that he as well as the committee will be justified in voting for this bill, not as granting a privilege, not as renewing the franking privilege, but as securing a right which the member and his constituents are clearly entitled to, and as restoring a policy which is clearly beneficial to all the people.

On the 31st of January, 1873, in obedience to the insinuating demands of the city newspapers, and in compliance with the resolutions incorporated in the platform of the successful party in the presidential campaign ending November, 1872, a law was passed totally abolishing the franking privilege after the 1st day of July, 1873.

The reasons urged so successfully for abolishing, with only a few minutes' debate and consideration, a policy and principle which had been in existence from before the formation of our present Constitution, and had been interwoven by constant practice with the workings of the post-office system, were, that the people in overwhelming numbers had recently condemned it as unjust, and the Postmaster-General had pronounced it expensive and a burden upon the people.

It is easy to controvert both these assumptions, and I think I can do it completely; and in addition I propose, in the time allotted me, to give a statement of the principle involved which first led to the establishment of a system of free postage for Government matter and business; a history of its inception and progress, especially in the United States, and the controlling policy and expediency which have continued it in uninterrupted existence from colonial days to the stampeding days of the Forty-second Congress, when the Credit-Mobilier scare so frightened it, that it was anxious to recover its courage by obeying the behests of any party making any dictatorial suggestions.

I am sure the republican party won its laurels in the campaign of 1872 upon far different issues, and its success was due to far higher questions of principle and policy than the abolition of the franking privilege; and that, while it appeared as one of the planks in their platform, it was incorporated there in the first place by an individual request, and was in no general sense the action of the committee on resolutions or of the convention itself; but was adopted because it was wholly overlooked, as unimportant in comparison with others which were essential, and thus was indorsed by the convention and entered into the campaign. Not one man in ten thousand in the republican party desired to have it in the republican platform; and not one in ten thousand in the democratic party objected to their platform because of its absence therefrom. In other words, it was entirely ignored by the people of both parties. So much for the first reason assigned for its repeal.

I shall attempt to show that, with the exception of a few interested newspapers which desire no information conveyed to the people unless through their columns, and the interference of a few postmasters who, thinking they would thereby curry favor with the Post-Office Department, made themselves active in circulating petitions for signatures to indorse the suggestions of the Postmaster-General, the people did not condemn the franking privilege, and it was not an expensive burden upon them; but that the reasons which called it into existence a hundred years ago still exist, and the practical benefits which commended it so strongly as to continue it in existence for so many years would again result from its re-establishment.

The gentleman from Iowa [Mr. KASSON] complains of the abuse of the franking privilege. I know of no better commentary upon or greater abuse of it than that exhibited by the gentleman himself, when he produces bushels of franked petitions, sent by thirty-five thousand postmasters, manufactured for the purpose of abolishing the frank.

While the consideration of this subject deals so much in facts and details, and is so eminently practical that it would be impossible to infuse any enthusiasm or awaken any interest in it beyond the consideration due it as a matter of business, yet underlying all this policy, sanctioned by hundreds of years of custom, is a principle which has in reality given it vitality and coherence of life. While, therefore, I shall confine myself mostly to a rehearsal of facts and figures—which, though somewhat tedious, cannot fail to convince the House—I shall at the same time strengthen my position by the precedent of years of practice, founded originally upon this principle.

A graver question is seldom submitted to Congress, for it affects the means of supplying intelligence to the people; and its importance should be duly impressed upon members. Gentlemen seem to forget that the free interchange of Government communications and public documents is the basis of the post-office system, and the primary cause of its establishment. The carrying of private letters is secondary and subservient to its real business. The magnitude of the private correspondence, in comparison with the governmental, causes many of us to consider that only, and to look upon the free transmission of the Government matter as an offshoot of it, and to lose sight of the fact that the Post-Office Department is strictly a department of the Government to be used for public purposes, just as much as the War, Navy, Interior, or Treasury Departments are; and when it ceases to be used by the Government, and is used only for the benefit of individuals, so that the Government uses it only on the same conditions, in the same way, and at the same rate as individuals, then the Government had better resign control of it at once, and turn its management over to private individuals; for the Government can find better employment than engaging in the private express business to such an extent; and this is nothing but an express business in fact.

A republican government like ours depends for its success, prosperity, and permanence upon the general intelligence of all its citizens, who must understand that it is based upon the principle of equal justice to all; that extending, as it does, over a vast area, its perpetuity is dependent upon the support of an intelligent public sentiment, to secure which all the people should have a full knowledge of the relative duties of each man as a part of society, and as a citizen of a republic dependent upon him for its advancement; that the more generally knowledge is diffused, and the more thoroughly the same kind of knowledge is diffused, so as to produce homogeneity of thought and purpose, the better for the republic, and nothing can procure the speedy interchange of analogous ideas like a perfect mail system. Whoever favors the principle of self-government and desires success to our Republic must protect the Post-Office Department, for it is more necessary to our prosperity and existence than to those of any other government. It is the means whereby the circulation is maintained with regularity, which diffuses in every place and direction that information which is the life of our republican Government, and the never-failing source whence it draws its nourishment.

While the primary object of the Post-Office Department is to carry and deliver, free of postage, Government letters, yet it accommodates the individual also, by carrying his communication at the same time, and thus accomplishes a double purpose; for the post-office system is admitted to be one of the best instruments within the range of human invention for the diffusion of knowledge among the people. Its advantages in this respect are manifest, its worth self-evident, and its utility apparent in strengthening the ties of affection between those who are scattered over a wide range of territory; its value is self-evident in facilitating business, in preserving friendship, in transmitting sympathy, in relieving want, and in interchanging the pleasantries and amenities of life between those living in distant parts of our country. Nothing reaches nearer the daily life of the people than the post-office system, which extends until it finds every family in the nation, bearing to it some knowledge which promotes science, morality, or religion, diffusing the information through innumerable channels to those persons to whom directed, for whom it was intended, or for whose improvement it was aimed.

It is important to inform the people of the doings of the national Government, or they will lose all interest in it and look only to the State government. You can retain their interest in it by keeping them thoroughly informed of your doings. No man can take much interest in a subject about which he is ignorant; while an intimate knowledge creates an affection which increases with the intimacy.

The extent of our country and the remote situation of many of our people have been of great danger to the integrity of our existence. Mountains and rivers, climates and products, divide us into sections with many diversified interests. These segregating influences require strong counteracting ones to preserve us as a nation. Such influences can only be generated and made available by the free intercourse of the people, not only in personal acts but in epistolary correspondence, and by the education of the people in the same general subjects and in the same line of thought, by furnishing them with the same kind of reading. This can only be done at public expense, and through Government channels. The intricate ramifications of the Post-Office Department extend over the whole country like the arteries in the human body, carrying information to the extremities of the Republic. Utilize these advantages and the work is accomplished, and he who is pioneering on the frontier or sojourning in a foreign land may not only communicate with his family and transact his business, but may be brought to as intimate a knowledge and sympathy with the Government itself and its prosperity as the more favored citizen nearer its capital.

It was the thorough distribution of public documents and public information that so fully awakened the sympathies of the people and so completely bound them to the Government in the late rebellion, But for the franking privilege the rebellion would not have been suppressed so speedily; and the agitation of the slavery question, which finally led to its abolition, would never have been commenced. So much at least is due to the frank. Where did the opposition to it come from? Where did all the complaints come from? They did not come from the people. Neither the farmer, the mechanic, the laborer, nor the professional man made complaint against the frank. The cry came from the editors of the daily papers in the large cities, not from the readers; from the disbursers, not from the seekers after information. I know of no such demand from the vast aggregate of the people of the country; none was made. The compliance was in obedience to the demands of the few; and yielding to that demand you shut out the vast majority of the people of the country, who are without the advantages of a daily paper, from the little boon they now possess in the opportunity of becoming officially acquainted with the doings of the Government.

The newspapers of this country have done a grand and noble work in educating the people; but they make a mistake when they try to extinguish every other channel of communicating intelligence to the people.

Let us see how these complainants stand. Do they not live in a very large-sized "glass house"—so very large as to admonish them to be careful not to throw stones?

The postmaster of New York City, who appeared before our committee a few days ago, says that of the sixty tons of mail matter passing through that office every day, one-half of 1 per cent. belongs to the third class; 9 per cent. to the first class; and over 90 per cent. to the second class, the second class being composed of printed matter, issued regularly from the office of publication. This would give about fifty-four tons of such matter in each day, and in twenty-five days it would equal in weight the total quantity of documents sent out during the two years of the Forty-second Congress by the House of Representatives. As the bulk of this consists of daily papers, it follows that the daily papers of New York alone each twenty-five days send out, almost entirely free from postage, as much printed matter in weight as the House of Representatives sent out during the two years of the Forty-second Congress, or as much each twelve days as the House did in one year. And these are the men who cry out against the abuses of the franking privilege!

In further elucidation of the absurd action of the daily papers let us look at some of the figures of the Postmaster-General, which he uses in advocating prepayment of postage on newspapers and other matter of the second class.

The total revenues of the Post-Office Department for 1873 were, $22,996,741.57; the total revenues of the Post-Office Department for 1873, upon matter of the second class, were $1,072.998.19. That is, one dollar out of every twenty-three collected comes from postage on the papers who object to the renewal of the franking privilege.

The total expenditures of the Post-Office Department for 1873 were $29,084,945.67. Fully five-sixths in weight of all the mail matter transported are of the second class. Five-sixths of $29,084,945.67 are $24,237,454.72. That is, the amount spent in carrying newspapers is greater than the total amount collected by the Post-Office Department, and twenty-five times greater than the amount collected from newspapers.

To further show the unreasonableness of the complaints of the metropolitan press I will present the following table, taken from Hudson's Journalism of the United States, showing the newspaper and periodical circulation in the United States:

Years.	Number.	Annual copies.	Population.
1704	1	16,000	600,000
1725	4	170,000	1,000,000
1775	37	1,200,000	2,800,000
1810	359	22,321,700	7,239,814
1828	852	68,117,796	12,000,000
1835	1,258	90,361,000	14,000,000
1840	1,631	195,838,673	17,069,453
1850	2,526	426,409,978	23,191,876
1860	4,051	927,951,548	31,445,080
1870	5,851	1,508,548,250	38,555,753

In 1870 there were published in the United States 542 daily papers, 4,425 weekly papers, and 904 magazines. Number of daily papers printed, 1870, 800,000,000; number of weekly, 1870, 600,000,000; number of all other publications, 1870, 100,000,000.

When you take into consideration that there are over fifteen million copies of papers and magazines published annually in the United States, and that the vast majority of these pass through the mails, while the amount collected is only $1,000,000, or one cent postage for every fifteen papers, it looks as if the right place in which to commence reform and save money to the Treasury is in these very newspaper offices.

Daily, @ 30 cents per quarter, $1.20 per annum:

312)800,000,000

2,564,102.10

256,410 1.20

$307,692 ..... $307,692

Weekly, @ 5 cents per quarter, 20 cents per annum:

52)600,000,000

11,538,461.60

6,923,076.20

1,384,615 ..... $1,384,615

Monthly, @ 3 cents per quarter, 12 cents per annum:

12)100,000,000

8,333,334.60

5,000,000 12

600,000 600,000

2,292,307

In the above estimates the lowest rate for each class is used.

Newspapers should pay $2,300,000 revenue to the Government instead of $1,000,000, as at present. The number of papers circulating free for two years is 2,262,000,000, on which the postage would be $6,000,000. The postage on documents sent out free by Congress, in two years, is about $600,000; and during the same time the newspapers send out publications on which postage is not paid amounting to $6,000,000.

In considering this question we should not forget its importance to the country, and the necessity for caution in recommending any variance from the custom established by years of practice; and the wisdom of examining closely the objects to be attained, and the means to be employed, before departing from the usages of the past. The Forty-second Congress failed in this respect, and in one act of a few lines, full of haste and uncertainty, reversed and annihilated the policy of the Government from its very beginning. It remains with us, as representing the latest wish of the people, to restore the time-honored privilege which, without interruption, has existed even beyond the existence of our Government—that portion relating to the free exchange of newspapers dating back to 1753.

Just before the war a full examination of this question was had by a committee of some of the leading men of that day, in Congress, who were especially appointed for that purpose. I take the liberty of making the following extracts from their report, which report is the most concise statement of reasons for the continuance of the franking privilege I have ever seen, and was most convincing to the Congress of that day:

Though the post-office system, as it exists at this day, is essentially a modern institution, yet posts are of very ancient date, and in every instance have been either established or regulated by the state. In Arabia and Persia they existed long before the Christian era, and their speed in oriental figure of speech was outstripped only by the flight of time.

Under the Roman Emperors, the postal system was, as to expedition at least, brought to great perfection; and Tiberius was accustomed to indignantly reject all dispatches which had been longer on the way than twenty days from the extremest provinces of Asia. In the Middle Ages, also, posts were established in various countries of Europe; and in Peru, at its discovery in 1527, the orders of the Inca were regularly dispatched by couriers posted at convenient distances along the principal highways. In India, also, and earlier still in Tartary, a postal system existed, which in the latter country was very extensive and complete. And at this day the post-office is an established institution of every state in Europe and America; and in all it is under the control of government. More than this, it has in almost every instance been first established by the state for its own exclusive service in the transmission of public dispatches and other official intelligence. The use of it by private persons has, for the most part, been an incident growing up under it first from the necessities or conveniences of trade and commerce, or of social correspondence, and ultimately for the sake of income to the state; and Blackstone treats of it in his Commentaries as a fixed and important part of the King's revenue. In no country is postage paid on public dispatches or communications by government officers out of their own private means. Even in Great Britain, the abolition of franks in 1839 extended only to parliamentary and not to executive franking.

Within a few years after the first British settlements in America, posts were established by the Legislatures of several of the colonies. In 1639, by authority of the General Court of Massachusetts, a postmaster was appointed in Boston, and in 1657 Virginia provided for the transmission by each planter, under the penalty of a hogshead of tobacco, the currency of that day, of government dispatches from one plantation to another, till they should reach the place of their destination. One of the earliest acts of William Penn was the establishment, in 1683, of a post-office in Pennsylvania; and a monthly post was appointed, in obedience to the King's command, between New York and Boston in 1672. As early as 1692 a Postmaster-General for all the colonies was appointed by letters-patent, with power to erect post-offices, but no efficient system was established till 1710, when, by act of Parliament, the Postmaster-General was authorized to set up a general letter office in New York, and other chief offices in each of the colonies.

Dr. Franklin served in the Post-Office Department for nearly forty years, from 1753 to 1774 was Postmaster-General for all British America, during which period he reduced the service to a system, and for the first time made it yield a revenue to the Government.

As early as the 26th day of July, 1775, before the Declaration of Independence, in the very inception of the struggle then concentrating, a general postal system was organized by the Continental Congress, which continued with some minor alterations such as exempting postmasters from military service, until the act of October 13, 1782, and was the basis of the law of that date, and in fact of all subsequent laws; and in that system was recognized the free interchange of communications by all Government officers, as an essential and undisputed part of the law itself. This right was granted by universal consent, because considered necessary and important, before the Articles of Confederation were adopted, and was practiced by the officials of that day without restraint, as an essential to success.

Throughout the war of the Revolution, by order of the Continental Congress, and under the direction of the Postmasters-General appointed by them, postal arrangements, more or less imperfect, were continued; and the Articles of Confederation, ratified finally in 1781, gave to Congress the sole and exclusive right and power of establishing and regulating post-offices from one State to another throughout the United States, and exacting such postage on the papers passing through the same as might be requisite to defray the expenses of the office.

Under the authority granted by the Articles of Confederation, and quoted above, the Continental Congress passed, on the 13th of October, 1782, a general postal law, consolidating the fragmentary laws then existing and reducing it to a system, and among other provisions contained in that act I find the following, conferring the franking privilege:

And be it further ordained by the authority aforesaid, That letters, packets, and dispatches, to and from the members and secretary of Congress, while actually attending Congress; to and from the Commander-in-Chief of the armies of these United States, or commander of a separate army; to and from the heads of the Departments of Finance, of War, of Foreign Affairs of the United States, on public service, shall pass and be carried free of postage.

And be it further ordained, That single letters, directed to any officers of the line in actual service, shall be free of postage.

On the 24th of December, 1782, the same year, the franking privilege was still further extended by the following act:

Be it ordained, &c., That the privilege of franking letters be, and the same is hereby, extended to the Inspector-General, the Adjutant-General, the Director of the Hospitals, the Quartermaster-General, the Commissary of Prisoners, and the Paymaster-General of the Army of the United States, and that the same privilege be, and the same is hereby, extended to the officers at the heads of like departments in any separate army, all letters to and from whom, on public business, shall pass free of postage.

On the 28th February, 1783, the franking privilege was still further fortified by the following act:

That all letters to and from the heads of Departments on public service are free, and ought not to be detained for want of the words "on public service" indorsed.

The convention of 1787 found the post-office and the franking privilege coexisting institutions, established and strengthened by universal use and undisputed precedence, and they continued it by conferring upon Congress in article 1, section 8, of the Constitution the power "to establish post-offices and post-roads."

This grant of power is unlimited; and taken in connection with the section which gives Congress power to make all laws necessary and proper for carrying the foregoing into execution, confers the exclusive control of the whole subject upon Congress. The convention saw that exclusive control must be vested in some power having unity, because unity is necessary to efficiency; and Congress is the only authority having unity of purpose which possesses also the powers commensurate with the extent of the service.

The same law continued in force, with slight modifications, which were always in the shape of an extension or enlargement of the right, down to the act of 1845, which is the basis of the present law.

Below will be found a synopsis of every law passed upon this subject.

Act of March 3, 1791:

That all letters to and from the Treasurer, Comptroller, and Auditor of the Treasury, and the assistant to the Secretary of the Treasury, on public service, shall be received and conveyed by the post free of postage.

February 20, 1792, the franking privilege was granted to the Commissioner of the Revenue.

May 8, 1794:

SEC. 19. That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided; that is to say: all letters and packets to and from the President or Vice-President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after each session; all letters to and from the Secretary of the Treasury, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary of War, Commissioner of the Revenue, the Postmaster-General, his assistants and deputies.

An examination of this shows that the President, the Vice-President, and members of Congress had the right to send "letters and packets," while the executive officers were limited to letters. Members of Congress could frank during the session and for twenty days after it.

February 23, 1795, the franking privilege was granted to the Purveyor of Public Supplies.

May 27, 1796, to the accountant of the War Department.

March 3, 1797, to George Washington, for life.

June 22, 1798, to the Secretary of the Navy.

July 11, 1798, to supervisors and inspectors of internal revenue.

July 16, 1798, to the accountant of the Navy Department.

March 2, 1799:

SEC. 17. That letters and packets to and from the following officers of the United States shall be received and conveyed by post, free of charge:

Each postmaster, provided each of his letters and packets shall not exceed one-half ounce in weight; each member of the Senate and House of Representatives of the Congress of the United States; the Secretary of the Senate, and Clerk of the House of Representatives, provided each letter or packet shall not exceed two ounces in weight; and during their actual attendance in any session of Congress, and twenty days after such session; the President of the United States, Vice-President, the Secretary of the Treasury, Comptroller, Auditor, Register, Treasurer, Commissioner of the Revenue, supervisors of the revenue, inspectors of the revenue, commissioners for direct taxes, Purveyor, the Secretary of War, accountant of the War Office, the Secretary of State, the Secretary of the Navy, and accountant of the Navy, the Postmaster-General and Assistant Postmaster-General; and they may all receive their newspapers by post, free of postage: *Provided*, That the members of the Senate and the House of Representatives, Secretary of the Senate, and Clerk of the House of Representatives shall receive their newspapers free of postage only during any session of Congress and twenty days after the expiration of the same: *And provided*, That no letter or packet from any public officer shall be conveyed by post, free of postage, unless he shall frank the same by writing his name and office on the outside of such letter or packet, and until he has previously furnished the postmaster of the office where he shall deposit the same with a specimen of his signature.

SEC. 19. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster-General shall provide.

SEC. 20. That all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of one cent each for any distance not more than one hundred miles, and one and one-half cents for any greater distance: *Provided*, That the postage of a single newspaper from any one place to another in the same State shall not exceed one cent; and that the Postmaster-General may make such regulations as to require those who receive newspapers by post to pay always the amount of one quarter's postage in advance.

No newspapers shall be received by the postmasters to be conveyed by post, unless they are sufficiently dried and inclosed in paper wrappers, on which, besides the direction, shall be noted the number of papers which are inclosed for subscribers and the number for printers.

This act of March 2, 1799, it will be observed, extended the frank so as to include newspapers with other free matter, and provided for the interchange of newspapers between publishers, upon which, besides the directions, the number inclosed was to be noted. It will also be observed the one quarter's postage was to be paid in advance, and that while the postage on a letter was eight cents it was but one cent on a newspaper.

January 2, 1800, the franking privilege was granted to the Delegate of the Northwest Territory, W. H. Harrison.

February 23, 1800, to the Superintendent of Stamps.

April 3, 1800, to Martha Washington.

February 25, 1801, to John Adams, (letters to.)

March 3, 1801, to John Adams, (letters from.)

May 3, 1802, to the Attorney-General.

February 18, 1802, to the Delegate from the Northwest Territory.

March 26, 1804, to the Inspector and Paymaster of the Army.

February 28, 1809, to Thomas Jefferson.

June 28, 1809, on letters from Thomas Jefferson.

April 30, 1810, officers were again designated who were entitled to the franking privilege, and it includes all those designated in the act of March 2, 1799, and each subsequent act, and which I need not here repeat, as they will be found above.

It will be seen that, from 1810 to 1825, the privilege was constantly enlarged.

April 30, 1810, franking privilege was granted to adjutant-general of the State militia.

April 25, 1812, to the Commissioner General Land Office.

March 28, 1812, to the Quartermaster-General and Commissary-General of the Army.

July 6, 1812, to the Adjutant-General and Inspector-General of the Army.

February 27, 1813, to the vaccine agent.

March 3, 1813, to the sundry staff officers.

July 13, 1813, to the superintendent of general military supplies.

July 24, 1813, to the Commissioner of the Revenue.

April 18, 1814, to the same, without regard to weight.

February 7, 1815, to the Commissioner of the Navy.

March 3, 1815, to the collectors of direct taxes and internal duties.

April 9, 1816, to the commissioner of claims.

April 28, 1816, to the assessors of direct taxes.

April 29, 1816, to the additional accountant of the War Department.

March 1, 1817, to James Madison.

March 3, 1817, to the Second Comptroller and Auditor of the Treasury.

April 14, 1818, to the Commissary-General of Subsistence.

March 13, 1820, to the President *pro tempore* of the Senate, and Speaker, without regard to weight.

March 3, 1825, the general laws relating to the Post-Office Department were again codified, and in this act the officers were again designated who were entitled to the franking privilege, and it was made to include all of the foregoing. The only alteration was in extending the time during which the member of Congress could frank. Instead of limiting it to the session and twenty days after, he was allowed the privilege sixty days before, during, and sixty days after the session.

March 2, 1827, the franking privilege was granted to Navy Commissioners, Adjutant-General, Commissary-General, Inspector-General, Quartermaster-General, Paymaster-General, Secretary of the Senate, Clerk of the House of Representatives, and Superintendent of the Patent Office.

April 3, 1828, the Speaker was allowed to frank without regard to weight.

May 23, 1828, the franking privilege was granted to Charles Carroll.

May 29, 1830, to the Solicitor of the Treasury.

February 25, 1831, to the commission under Denmark treaty.

July 9, 1832, to the Commissioner of Indian Affairs.

July 13, 1832, to the commisson under French treaty.

March 2, 1833, to the commission under treaty with Naples.

March 2, 1833, to the Commissioner of Pensions.

March 2, 1833, extended the franking privilege of members of Congress from sixty days before and after each session, so as to include the time from sixty days before he takes his seat until the meeting of the next Congress; that is, it gave him the right for nearly a year besides the session.

June 30, 1834, the franking privilege was granted to governors of States for books, &c.

June 7, 1833, to the Spanish commission.

July 2, 1836, to the Auditor for the Post-Office and Chief Engineer.

July 2, 1836, to the widow of James Madison.

March 3, 1837, to the Commissioner of Pensions.

July 5, 1838, to the Commanding General, Colonel of Ordnance, Surgeon-General, head Topographical Corps.

September 9, 1841, to the widow of W. H. Harrison.

For a number of years the whole question of the franking privilege and the condition of the Post-Office Department was under discussion, and the result was that in 1845 the Post-Office Department was thoroughly reorganized, cheaper rates of postage were adopted, and the franking privilege was really extended, though many former abuses of it were corrected. Previous to 1845 the free distribution of public documents, printed by the order of either House, had been provided for by an entirely separate law from that governing the free

transmission of letters and other mail matter, and was regarded as a separate subject, to be protected by itself.

December 19, 1821:

Be it enacted, &c., That the Members of Congress, the Delegates from Territories, the Secretary of the Senate, and the Clerk of the House of Representatives be, and they are hereby, authorized to transmit, free of postage, to any post-office within the United States or the Territories thereof, any documents which have been or may be printed by order of either House.

January 13, 1831:

Be it enacted, &c., That nothing contained in the act to reduce into one the several acts establishing and regulating the Post-Office Department, approved March 3, 1825, shall be construed to repeal or limit the operation of the act authorizing the transmission of certain documents free of postage, approved December 19, 1821.

This explanatory act of June 13, 1831, shows that the members of Congress of that day regarded it important to distribute public documents among the people, and looked upon it as entirely independent of the privilege of franking letters and packets.

The bill proposed to-day by the committee is in effect restoring the law of December 19, 1821, and nothing else, only it throws more safeguards around it to prevent any abuse of it than were in the old law.

After a thorough examination the law of 1845 was passed, which practically continued in force until the repeal of the franking privilege, in 1873.

March 3, 1845:

SEC. 5. That the twenty-seventh section, act of Congress entitled "An act to reduce into one the several acts for establishing and regulating the Post-Office Department," approved and signed the 3d day of March, 1825, and all other acts and parts of acts granting and conferring upon any person whatsoever the right or privilege to receive and transmit through the mail, free of postage, letters, packets, newspapers, periodicals, or other matters, be, and the same are hereby, utterly abrogated and repealed.

SEC. 6. Officers of Government having had the franking privilege are to keep an account of postage, and said account is to be paid quarterly out of the contingent fund.

SEC. 7. That the act of Congress entitled "An act authorizing the governors of the several States to transmit by mail certain books and documents," approved June 30, 1834, shall remain and continue in full force, anything hereinbefore to the contrary notwithstanding, and the Members of Congress, the Delegates from Territories, the Secretary of the Senate, and the Clerk of the House of Representatives, shall be, and they are hereby, authorized to transmit free of postage, to any post-office within the United States or the Territories thereof, any documents which have been or may be printed by order of either House of Congress, anything in this law to the contrary notwithstanding.

SEC. 8. That each Member of the Senate, each Member of the House of Representatives, and each Delegate from a Territory of the United States, the Secretary of the Senate, and the Clerk of the House of Representatives, may, during each session of Congress, and for a period of thirty days before the commencement and thirty days after the end of each and every session of Congress, send and receive through the mail, free of postage, any letter, newspaper, or packet, not exceeding two ounces in weight; and all postage charged upon any letters, packages, petitions, memorials, or other matters or things received during any session of Congress by any Senator, Member, or Delegate of the House of Representatives, touching his official or legislative duties, by reason of any excess of weight above two ounces of the matter or thing so received, shall be paid out of the contingent fund of the House of which the person receiving the same may be a member. And they shall have the right to frank written letters from themselves during the whole year, as now authorized by law.

From the foregoing it would appear clear that the franking privilege was wholly abolished, the whole past wiped out, and a new start taken. In the new law the privilege was given to a smaller number. All the executive officer of the Government who had been enjoying the franking privilege were obliged to keep an account of the cost of postage, which was paid out of the contingent fund, and the frank was limited to members of Congress, the Secretary of the Senate, and the Clerk of the House of Representatives. They were allowed to frank any documents printed by order of either House, at any time during the year, and without regard to weight. They could send and receive all letters and packets, not exceeding two ounces in weight, for thirty days before, during, and thirty days after each session, free of postage. They could frank all letters from themselves during the whole year.

March 1, 1847, members of Congress and others again designated as having right to send and receive documents and letters free of postage during term of office and up to the first Monday December following expiration of term of office.

March 2, 1847, the franking privilege granted to deputy postmasters.

March 3, 1847, to soldiers of the army in Mexico.

March 9, 1848, to widow of John Q. Adams.

May 27, 1848, to Commissioner of Pensions.

June 10, 1850, to widow of James K. Polk.

July 18, 1850, to widow of Z. Taylor.

May 23, 1850, to United States marshals, on all matter relating to the census.

February 2, 1854, to Superintendent Coast Survey and assistant.

March 3, 1855, to all Vice-Presidents during life.

March 3, 1855, to all books, &c., sent to Smithsonian Institution, or Library of Congress for copyright.

May 15, 1862, to Commissioner of Agriculture.

July 1, 1862, to Commissioner of Internal Revenue.

July 5, 1862, to chiefs of Bureaus of Navy Department.

March 3, 1863:

SEC. 42. *Be it enacted, &c.*, That authority to frank mail matter is conferred upon and limited to the following persons: First, the President of the United States, by himself, or his Private Secretary; second, the Vice-President of the United States; third, the chiefs of the several Executive Departments; fourth, such principal officers, being heads of Bureaus or chief clerks, of each Executive Department, to be used only for official communications, as the Postmaster-General shall by regulation prescribe; fifth, Senators and Representatives in the Congress of the United States, including Delegates from Territories, the Secretary of the Senate, and Clerk of the House of Representatives; to cover correspondence to and from them, and all printed matter used by authority of Congress, and all speeches, proceedings, and debates in Congress, and all printed matter sent to them; their franking privilege to commence with the term for which they are elected and to expire on the first Monday of December following such term of office; sixth, all official communications addressed to either of the Executive Departments of Government by an officer responsible to that Department, &c.; seventh, postmasters have also the franking privilege for their official communications to other postmasters, &c.; eighth, petitions to either branch of Congress shall pass free in the mails; ninth, all communications addressed to any of the franking officers above described and not excepted in the foregoing clauses must be prepaid by postage-stamps. The franking privilege hereinbefore granted shall be limited to packages weighing not exceeding four ounces, except petitions to Congress and congressional or executive documents, and such publications or books as have or may be published, procured, or purchased by order of either House of Congress, or a joint resolution of the two Houses, which shall be considered as public documents, and entitled to be franked as such, and except also seeds, cuttings, roots, and scions, the weight of the packages of which may be fixed by regulation of the Postmaster-General.

March 16, 1864, the franking privilege of the President and the Vice-President extends to all matter to and from them.

June 30, 1864, the franking privilege granted to the Commissioner of Internal Revenue.

March 3, 1865, to the Commissioner Internal Revenue.

February 10, 1866, to the widow of Abraham Lincoln.

July 13, 1866, to assessors, collectors, assistant assessors, and deputy collectors, between each other.

July 13, 1866, to the Special Commissioner of the Revenue.

July 28, 1866, to the Director of the Bureau of Statistics.

March 9, 1868, to the Congressional Printer.

March 1, 1869, the franking privilege to be exercised only by the written autograph signature.

July 8, 1870, the franking privilege granted to the Commissioner of Patents.

Such is a history of the laws passed upon this subject, and from this record it will be seen that from a time anterior to the foundation of the Government up to the year 1873 the franking privilege was extended to all the legislative as well as all the executive officers of the Government; and if any preference was exhibited, it was in favor of enlarging the powers of the legislative branch, and especially in favor of distributing the public documents, about which there seems to have been no dispute. While no actual change was made in the policy of the Government, let us see if any attempts were made to abolish this privilege; and if so, when, and what comparative support they received.

I have shown that the frank was a privilege bequeathed us by the old Confederation, and continued, as received, for many years. On the 20th of January, 1790, Samuel Osgood, the first Postmaster-General, in his report, recommended the continuance of the frank. The next mention of it I can find is on the 4th of April, 1796, when the Committee on the Post-Office and Post-Roads, first session Fourth Congress, recommended an extension of the frank, and on the 8th of January, 1799, third session Fifth Congress, Joseph Habersham commends the benefits to be derived from the frank, and indorses its continuance; and thus year after year rolled by with no recorded evidence, either in legislation or in reports of committees, to show that any dissatisfaction existed in regard to the franking privilege. During the Fifth and Twenty-third Congresses attention was called to some abuses of it, which were individual, and against the person abusing it, and not against the system. In the second session Twenty-seventh Congress, during Tyler's term, owing to financial difficulties, a select committee on retrenchment went to work to close every avenue of expense and to swell the sources of revenue, and they reported among other things "Report of House of Representatives 452, to accompany House bill 292, March, 1842." This report favors the abolition of the franking privilege as a question of finance; yet it says, nevertheless, that the right to frank was given to "facilitate intercourse on the public business between the people and the Government." In urging their report they say:

> There are about three hundred persons in Congress who are in the constant habit of franking; they send all kinds of mail matter, and it costs as much to send free as paid matter.

If postage was paid on this a large amount would be saved, and they presented the following figures, furnished by Hon. C. A. Wickliffe, Postmaster-General, showing the amount of mail matter transmitted free in one week, in June, 1838, from the Washington, District of Columbia, post-office:

Total number of free letters	7,585
Total number of free documents, pounds	5,131
Postage on 7,585 letters would be	$1,137 75
Postage on 5,131 pounds of documents would be	2,924 66
Total postage on free matter for one week	4,062 41

Notwithstanding the desire to economize, the representatives of the people did not agree with the committee; so the subject rested until the next year, first session Twenty-eighth Congress, when the whole question was again referred to a committee and elaborately discussed. The result of this discussion is worthy of note; for while the minority of the Committee on the Post-Office and Post-Roads reported in favor of abolishing the frank in Report House of Representatives No. 483, to accompany House bill No. 389, May 15, 1844, the select committee

reported on the 15th of June, 1844, that the deputy postmasters and officers of the Post-Office Department had violated the law and the right of the member to frank by erasing his name in many instances and compelling him to pay postage, and by subjecting his mail to delay and scrutiny. (See Report House of Representatives No. 576, first session Twenty-eighth Congress.)

The committee say they were satisfied the postmasters did it in pursuance of orders from the Postmaster-General, and called upon him for an explanation. They believed the Postmaster-General did it from praiseworthy motives and to correct abuses. The restrictions of franking upon members were as to time, weight, and origin of letters franked. The restrictions of time and weight are of such a nature that the postmaster can decide upon them; they admit of no question; but the restriction upon the origin, whether written by himself, is not left to the numberless thousands of postmasters, but to the member, and upon violation is to be prosecuted by the Post-Office Department, and a remedy by prosecution precludes the other remedy contemplated by the regulations of the Post-Office Department.

The Postmaster-General, C. A. Wickliffe, in his reply to the committee, says:

> These instructions were dictated in no unfriendly spirit to the legitimate exercise of that privilege, but originated in a desire (which I am sure all who have this privilege conferred upon them should feel) to check its abuse.

All these reports show the overwhelming sentiment in favor of the franking privilege at that time, and the law of 1845, already referred to, was the result of the first agitation of the question. From that time until 1860 the question was in abeyance, except in 1848, when the subject was slightly discussed. A select committee was appointed in 1860, who made a very full and elaborate report against any change, from which I have already largely quoted.

Such is the past history of the franking privilege, and the efforts to abolish it. The Committee on Post-Offices and Post-Roads now propose to restore a part of the privileges conferred by the old law. This bill abolishes the individual frank altogether, leaves the Department business to be conducted as at present, *i. e.*, one Department of the Government buys postage-stamps of the other, and simply provides for the distribution of public documents and seeds, by a plan of countersigned stamps, entirely safe, and free from any charge of fraud or abuse. This bill excludes the legislative members of the Government from sending off anything but public printed documents and seeds; while the executive officers continue to be furnished with stamps to conduct their correspondence. This distinction gives rise to the inquiry why the executive letters pass free and the legislative do not, for to furnish with official stamps is to pass free. No good reason can be given, and the inquiry must remain unanswered, though reasons might be given for the reverse, *i. e.*, for allowing the legislative dispatches to pass free, and not the executive.

I quote from the report again:

> In a majority of countries where postal systems exist there is no Legislature at all; in others it is but a shadow; in some, merely an office wherein to register the decrees of royalty. If in any such the right to transmit through the king's mails any matter free is conceded to the semblance, the Legislature, it is strictly a privilege or possibly a sort of badge of office or distinction. It is a matter of grace, like the license to kill deer in the royal forests, blowing a horn if the forester be absent, so that the king's "venison may not seem to be taken by stealth." In all such states there is little need for sympathy or communication between the representative and the constituent, since elections in some are but mere forms, and in others the executive is the real and sometimes in whole or in part the formal constituent of the Legislature. In but one country besides our own has the legislative department any real and substantial portion of the power of the government, and even there the post-office system grew up under the auspices of royalty, at a period when Parliaments were but the registers of the king's good will and pleasure.
>
> Postal couriers were employed by King John to convey government dispatches as early as the thirteenth century, and between that period and the reign of James I, when the first postmaster-general, having charge of as well private as public correspondence, was appointed, nothing probably but official letters and packets was transmitted by the king's post. From the beginning down to the time of the Long Parliament the entire system was under the control of the executive as a part of the royal prerogative, and posts were established by proclamation. When, in the time of Cromwell, both king and lords were abolished and all power consolidated at first in the House of Commons, the post-office passed also under their control, and they succeeded, of course, to the rights and privileges of the executive, and used the mails for the conveyance of their own dispatches and intelligence. Blackstone dates the first legislative establishment and regulation of the post-office from this period. At the restoration, in 1660, the system, though then and ever afterward subject to control by act of Parliament instead of royal proclamation, passed again in its administration into the hands of the king. Pending a bill in the same year for the organization of the post-office, the Commons, "because that the letters of, as well the king's council of state as his own and other executive officers, passed free through the mails," added a proviso that their letters also should be entitled to the same privilege. The Lords threw out the proviso, and the Commons consented to drop it upon a private assurance from the Crown that the exemption should be allowed to the members, and accordingly a warrant was ever afterward regularly issued from the king to the postmaster-general directing the allowance to members of Parliament of free letters to the extent of two ounces. This was the origin of the "franking privilege," for privilege it then really was, granted of royal grace; and so it continued for a century, when in 1764 it was for the first time confirmed and regulated by act of Parliament.

Under our Constitution Congress has full power to establish a postal system, and to pass all laws necessary for its complete maintenance, so that the people of the United States may derive all the benefits accruing from a progressive postal system if they so desire. The desires and wishes of the people become the duty of the Government, and the Constitution furnishes the power. This power is absolute; no individual or State authority can intervene; necessarily absolute because supreme control is essential to efficiency.

The general theory of our Government is to allow the largest liberty compatible with the prosperity of all, and to allow the citizen in his individual capacity, instead of the nation, to perform all the minor duties of government which he can do as well. Cannot the individual citizen, like Adams Express Company, carry the mail as well as the Government? Did it not for many years, and until directly prohibited by law, compete successfully with the United States mail in regard to speed, regularity, and safety? Can it not do it to-day, and would it not unless prohibited by law? Certainly. And yet the Government is the exclusive carrier of the mail; directly prohibits any one else from carrying it; and, while carrying it, carries nothing else.

Absolute power and exclusive control are given because the nation has the right to send its own communications and intelligence by its own means and conveyance to its own officers, agents, and citizens. The Government has just the same power to establish post-offices and post-roads, and control their administration, as it has to construct ships of war and equip them for actual service.

I will not answer those assertions which deny exclusive control over the post-office system of the country to the Government of the United States, beyond the reply already made; neither will I discuss those opinions which have been advocated, to abandon it to private enterprise, for it must be obvious to the most casual observer that such a vast power ought never to have been given except in carrying out plans whose completion would confer public benefits upon the people at large. And when the Post-Office Department is no longer used by the Government for the advancement of the interests of the Government, and to the exclusion of all private interest, should there be any conflict between the public and private interests, but is used only in the same way and upon the same terms as a private individual would use it, then the whole of this Government monopoly, this costly express business, with its vast political power and patronage, ought to be speedily abolished and thoroughly eradicated.

One other way is for the Government to send all its letters and messages by a special messenger of its own, as it now does when sending an important communication abroad or to countries where there is no post-office system, and as many of the half-civilized nations now do. The expense of such a system would soon cause its rejection, for each messenger would have to be paid out of the public Treasury, entailing an expense compared with which the cost of the frank would be small indeed. The Government might send its communications by private carriers or express companies under contract, or at established rates open alike to the public and the Government. The expense, however, would be great, only exceeded by the plan of sending by special messengers, and would come out of the national Treasury as before, for in none of these cases would the officer sending the letter be expected to pay the postage out of his own pocket. In all of these cases, however, the Government is practically within the power of individuals; and while it might be endured in times of peace and prosperity, it could not be tolerated for a moment in times of war, for the safety of the Government itself might depend upon its having the absolute control of its own communications. The question of existence, therefore, as well as of expense, enters into the consideration of the free delivery of Government matter.

But the great argument against the franking privilege is the expense it occasions the Post-Office Department, and no consideration is given the very valid reasons for it. Every postal system, of every government from the beginning, has been established for the purpose of transmitting intelligence—intelligence between the government and its agent, or else between the government and its citizens. The very nature of this matter presents a sufficient reason for its transmission by the Government exclusively; another reason is to avoid the complications and rivalries which might arise between the States themselves in the transmission of matter from one State to another, if it were left to individuals of different States, or even to the States themselves.

The committee from whose report I have previously quoted say:

> They are of opinion that whereas the transportation of Government dispatches and intelligence was the primary object of the establishment of the post-office system, so, also, it is still, and much more now than at first, the chief reason which justifies its continuance; and that whenever it ceases to be a department of state, to be used in the exercise and execution of some legitimate and necessary function and power of republican government, it ought to be abolished.

The post-office is a part of the Government, to be used for the public benefit, just as the other Departments are, and does not differ from them in any way; and there is no more reason why it should be self-sustaining than is the Navy, War, or Interior Department. It is very true that private citizens do not make use of any of the other Departments for their own convenience or pleasure, while they do use the Post-Office Department. The reason, however, is plain. The private use of the Post-Office Department does not destroy either its efficiency or the purpose for which it was created; on the contrary, it can carry the letter of the citizen at the same time as it does that of the Government, and without any injury to the service; and, by exacting sufficient postage, without any cost to the Government. This last sentence covers the whole question in controversy, for it is simply a question of dollars and cents and not of principle, which causes the discussion. Let us see. By exacting sufficient postage the carrying of private letters would not cost the Government anything. Government must send by its own messengers and employés all Government and official letters and documents; and if, in addition, it can carry the private correspondence of its individual citizens, so that

the revenues derived from the citizens will pay for the proportional expense of transmitting the private correspondence, and the deficit in the Post-Office Department will be just about the fair proportion for the Government to pay on the public correspondence, then the public will be accommodated at fair and reasonable rates and by reliable and unfailing means, and the Government will not only secure the delivery of its own matter at the same reasonable rates—much cheaper than it could by any other plan—but will also, as it should, accommodate its citizens in promoting their happiness and welfare, and will at the same time have that exclusive control over the postal system which a government should have over such an important matter as its communications within its own borders and with the outside world, and an interruption in which—such as might occur without such control—would prove fatal to the Government itself.

After the Government has organized a complete and enduring system for the transmission of its own communications and intelligence, and the benefits of which it extends to its own citizens, because it secures those citizens greater speed and security than they can obtain from private parties, why should the Government be expected and required to pay the system for carrying its communications when the expenses of the system itself are borne by the Government?

The deficit of the Post-Office Department is not that the free matter runs the Department in debt, but the receipts from the private correspondence do not equal the expenses occasioned by it; and if all Government matter was out of the mails, and the Department carried private correspondence only, just about the same deficit would occur as exists now. In other words, the Government more than pays for the transmission of its own matter.

Years ago one of the complaints against the Post-Office Department—and the Department would have all it could do to prevent a similar one now but for the law prohibiting it—was that private persons or express companies could carry daily newspapers quicker and safer than the Post-Office Department. The present efficient management of the Department prevents any competition in anything but newspapers, which owing to the hours of publication may be sent by express on earlier trains than the mail trains. And yet, why not let private enterprise carry the mails if time and money are the only objects? The very opponents of the franking privilege say that the Government cannot afford to be at the mercy of private enterprise in such a way. The Government must have a service of its own and under its own control. If so, why should the Government pay for the work done by its own hired employés? It is simply taking the money from one pocket and putting it in another.

Some say the citizen is taxed a higher rate of postage than fair in order to pay the expenses of transporting his own and the Government mails. Such is not the case. The experience of the Post-Office Department for the last six months contradicts any such assumption. The deficit is just as large as ever, and clearly proves that the receipts from the private correspondence do not equal the expense occasioned by it.

The deficiency for 1872 was		$3,317,765
The deficiency for 1873 was		$5,265,475
Estimated deficiency for 1874	$4,636,363	
Amount of official postage supplied to Departments	2,500,000	
		7,136,363
Being an increase over the year 1873 of		1,870,888

No one would propose to tax the citizen with too high a rate of postage, but simply tax him sufficiently to pay his share and let the Government pay its proportion. If this is done, the question will then be, shall the Government pay directly the deficiency in the Post-Office Department—which deficit represents the amount of work actually done for the United States, or the excess of expenditures above receipts, after charging the citizen a fair rate of postage for the work done for him—or shall it pay the same indirectly in the shape of postage for every department for which an appropriation must be made from the Treasury? In other words, shall the Government keep a postage account with each department, and either appropriate money to be liberally drawn out on sub-vouchers, which would be an enormous source of loss and peculation; or else appropriate official postage-stamps, which can be illegally used just as well and even better than the frank, and the printing of which is a considerable item of expense; or shall it transmit its official dispatches free, without any red tape, and save all the expense which this circumlocution involves?

Another great objection urged against the franking privilege, (and it had weight with those who were disposed to allow the frank if it could be legitimately exercised,) was that it was a great source of fraud. I do not imagine a jury would find as severe a punishment against a man who wrongfully used an office postage-stamp as against one who should forge a man's name upon a letter. So the liability to abuse will not be as strong then as now. Let us examine the figures, and see whether the abuse is greater or not, from the report of the Postmaster-General urging the repeal of the franking privilege. I quote a statement of officials exercising the franking privilege:

President of the United States and his secretary	2
Vice-President	1
Members of the Cabinet	7
United States Senators	74
Members of Congress	241
Delegates in Congress	5
Secretary of Senate and Clerk of the House of Representatives	2
Assistant Secretaries, chief clerk, &c., State Department	4
Assistant Attorney-General and chief clerk	2
Assistant Secretary, Commissioners, chief clerk, &c., Interior Department	13
Chiefs of Bureaus, chief clerks, &c., of Navy Department	17
Chiefs of Bureaus, chief clerks, &c., of War Department	21
Assistant Secretaries, chief clerks, &c., of the Treasury Department	42
Assistant Postmasters-General, superintendents of foreign mails and money-order system, and chief clerks Post-Office Department	9
	440
Add internal-revenue officers, (assessors and assistant collectors and deputies)	4,115
Postmasters on 1st November, 1869	27,378
Total	31,933

This has been reduced to below thirty thousand by the assistant assessors since legislated out of office. From the replies of the Cabinet officers as to the number of persons to whom official stamps are furnished, I learn that there are nearly forty thousand officers who have the unlimited use of official stamps. There is nothing to prevent them from using these stamps upon their private correspondence, nothing to prevent other clerks and employés from using them also; indeed, the temptation is strong to do so, and the chance of detection is much less than it would be in forging the signature of some person entitled to the frank.

The fact is, all the officers who used to frank, now have these stamps furnished them, and many also who did not frank, so that the number of persons who can send dispatches free is greatly increased, and there is no saving in this respect.

There is no reason why the legislative as well as the executive officers of the Government should not have the right to frank letters. Under the present law stamps are furnished all the executive officers, and it is only the members of Congress who have to pay postage upon official business out of their own private means. It is an imposition upon them; it is levying an unjust tax upon the public servant which is demanded in no other branch of the public service, except in the Post-Office Department, and is not allowed in the post-office department of any other country. You might as reasonably expect to make the soldier provide his own arms and ammunition, the sailor to furnish his own ship, the judge to hire the court-room, and the collector of customs to furnish the custom-house, with or in which they all perform service for the United States, out of their own private means, as to expect members of Congress to pay for the Government business.

Let us see how it works practically. Each member receives hundreds of letters upon business connected with the Departments, asking for books, for seeds, &c. Each letter requires an answer, and each book and package of seeds requires an expenditure of money, which is so small in each individual case that a member cannot refuse or neglect to send it without rendering himself liable to the charge of meanness, and yet when he has complied with all of the demands of this kind he will find that his expenditures have run up into the hundreds. It does seem mean to refuse to send a constituent an Agricultural Report, who has been to the trouble and takes sufficient interest in it to write for it, simply because the postage is forty-two, forty-four, or forty-eight cents, and yet, when you have, during one Congress, about twelve hundred to send out, costing five or six hundred dollars, you feel inclined to dissent.

But let us come nearer the home of the Postmaster-General, and see what expense we, as members of Congress, are called upon to undergo by the requirements of custom and the Postmaster-General. It has been the custom whenever a vacancy occurs in any one of the almost innumerable cross-roads post-offices in each district, (and there were nearly three hundred in mine,) for the First Assistant Postmaster-General to send me a written notice of the vacancy, with the request either to recommend some one myself for the place, or else to state whether some one already recommended is a suitable person. Under the present plan, *i. e.*, since the abolition of the franking privilege, the Post-Office Department inclose, with the request, a stamp to pay the postage on my reply to them; so, if I should happen to know any man competent, and willing to take the office, I suggest his name to the First Assistant Postmaster-General, and, on my reply, use the stamp furnished me, and so it does not cost me anything for postage; but if I do not know any one wanting the place, who is competent and reliable—and such is the fact in ninety-nine out of a hundred cases—I am compelled to write to some person in that neighborhood in whom I have confidence, and ask him who is a suitable person for the position, and whether he will take it if appointed; and as it is on Government business which in no wise concerns him, and it is not right that he should pay the postage, I, of course, inclose him a stamp for his reply to my letter. This, with the stamp on the letter I send, makes six cents, at the very lowest estimate.

In the majority of cases the correspondence is much more extended; and when you take into consideration that each member has at least one hundred such cases each Congress, you can see that quite a bill accumulates each year for postage on business in the appointment room of the Post-Office Department; and when you take into further consideration the fact that the appointment branch is but one portion of the Post-Office Department, and that each member receives an equal number of letters upon the subject of contracts, and an equal number, again, upon the subject of auditing and paying accounts,

and a great many upon general subjects, such as salaries, money-orders, &c., all requiring answers, you run up a bill for postage upon public business against the Post-Office Department itself, to say nothing of similar charges against the other six Departments, which is actually burdensome upon the member and an imposition upon him.

All necessary public expenses, incurred in the discharge of a public duty should be paid for out of the Treasury, because the service performed is for the general good. It is not done with the post-office business, because the desire is to make the Post-Office Department self-sustaining. And yet why should it be more than the Treasury, Interior, War, or Navy Department? There is no reason in the world why the Post-Office Department should be in receipt of a revenue beyond a fair remuneration for carrying private letters, or receive compensation for the public work performed more than the other Departments.

Every communication from one officer to another upon public business is a part of the duty of that officer, and should pass free to the officer. This, I think, will be acknowledged by all; and the Postmaster-General recommends that it continue so, and that stamps be furnished all executive officers, first, because letters passing from one officer to another, upon public business, should be paid for by the public; and, secondly, the people should be kept informed of the action of their servants, to hold them to a strict accountability; and it is proper that the people, and not the servant, should pay the expense of it.

Every one recognizes these reasons as valid, and no change is asked for so far as the executive is concerned. The same reasons which demand the free transmission of matter from the executive department, also justify the extension of the privilege to the legislative department.

We are the representatives and agents of the people. They cannot hold us responsible unless thoroughly advised of our actions and familiar with the way we discharge our duties. It is important for the purity, prosperity, and integrity of our institutions that the people should be kept thoroughly informed of the doings of their representatives, so as to preserve the intimate relationship now existing between them and the people. It is even more important that the doings of the legislative department should be made known, because that is the initiatory of the three great branches of the Government. Everything depends upon its action. With it rests the duty of forcing the other departments to do right, and pecially of enforcinSes responsibility upon the executive. Thus it stands as the originator and defender of the rights of the people. With the law as it stands now, there is no public communication between Congress and the people. The Agricultural Department may send out seeds or agricultural reports, or any Department may send out its own documents free. The Post-Office Department may communicate with the people, and any other Department may do the same, or they can communicate with each other; but Congress cannot do so, unless, perchance, it should do so through them.

Why should the congressional any more than the executive public servant be required to pay the expense of a public communication out of his own private resources? The fundamental idea of our free Government is that the officer is responsible to his constituents, and, if so, the constituents cannot judge correctly of his efficiency and faithfulness, unless placed in frequent communication with him, neither can they enforce that responsibility except through free intercourse. Other means of communication may be prejudiced, biased, or perverted; so that constituents should hear directly and officially from the member what has been said and done by him—the expense to be borne by the parties benefited, the public. Why concede to the executive branch of the Government what you deny to the legislative, when the tendency to strengthen the executive at the expense of the others weakens the Government itself. There is nothing in the Constitution, laws, or tendency of our Government to confer such a power upon the executive and not upon the legislative department.

Another reason given against its restoration is that a large number of costly books and public documents would be printed, to be paid for out of the Treasury, which would not be printed but for the franking privilege. This is no valid argument against the frank; it is really begging the question. All books are published by order of Congress; consequently none can be franked if Congress deems it injudicious to, and does not, print. Whenever a worthless book is presented, it is only necessary to refuse to print to save the cost of both printing and transmitting. Whenever a book is pronounced worthy and has been printed, then common sense demands that its contents should be made known to the people, free to them as citizens and without burdening their servants. What books are consigned to oblivion by the opponents of this bill? They are the reports of the official doings of the various Departments; reports of the officers, official record of the laws of the United States; reports of the Agricultural and Patent Office Departments, commercial and foreign relations, and the thousand and one other transactions of an immense Government like ours, which become a part of the record history of our nation, and ought to be printed and distributed, for the people have the right to see them, and ought to see them, so as to act intelligently upon the various questions submitted for their action. To accomplish this they should be sent through the mails free. Congress may have printed useless books, and might do so if this bill were passed. The fault does dot lie in the law, but in Congress itself in authorizing it; therefore let the remedy be applied at the proper place, and not indirectly by stopping the frank.

Another complaint is that thousands of documents and speeches are franked, especially during a presidential campaign, and the facility of sending to his constituents the opinion of the member himself encourages the habit of speech-making to an undue extent. I am aware that we do not place a very high value upon each other's speeches; and yet members are much above the average of their constituents in intelligence, prepare their remarks with care, and generally collect information of benefit to their people. If the speech then benefits the masses of the people, send out thousands more. Each one is read by a voter, who thereby acquires an additional knowledge of the administration of affairs in the country and the political condition and principles of the parties desiring to govern it. On the score of economy to the member himself it were better, perhaps, that he did not have this special privilege; for without it he will confine himself to business letters, while with it he will pay for printing his own speeches. The constituent who reads the speech announces by his ballot his opinion upon the question, and in that simple act indicates his wishes and actions more than he could do in a day's argument. It is essential that he be supplied with the public documents and speeches which will so inform him that he will cast his ballot and influence correctly. They afford instruction, and make public sentiment, and have been the means of educating the people up to many an innovating improvement. These speeches are printed at the private cost of the member himself, which is a very heavy burden; they convey public information, and should go free.

I am in favor of an entire restoration of the franking privilege, though as a member of the committee I shall vote for the bill as it comes from the committee, without amendment.

This bill does not contemplate a restoration of the franking privilege in any sense whatever. It simply provides a safe way of sending off by mail the valuable public documents and seeds furnished by the Government; freeing the method of transmission from all the complaints of abuses formerly urged against it. It allows the interchange of publications, and provides also for the free circulation of weekly papers in the counties in which they are issued.

This discussion has, as yet, failed to develop any opposition to the last two propositions; so I shall take it for granted there is none. The provisions of the bill in regard to the public documents and seeds are so carefully drawn, that abuse under it will be impossible.

The Clerk of the House places an official stamp upon the book or document, just as a stamp is now placed upon an official letter at one of the Departments. In order to prevent any misuse of the stamp, or the transmission of any but public documents, the member must put his signature upon it as formerly. This serves two purposes: it prevents the stamp being used upon anything but a public document, and it informs the constituent that he is indebted to his member for the document.

All the gentlemen who oppose this bill contend that the franking privilege, outside of the cost of printing, occasions an enormous outlay to the Government. Those who advocate the bill generally contend that the outlay is much less than claimed and not at all commensurate with the benefits to be derived. I shall go much further in my declaration, and assert that the additional expense incurred under the present plan fully equals, if it does not exceed, the cost of the frank; of course I mean the legitimate cost, not any imaginary frauds or abuses as figured up on paper. At present the only actual saving to the Government is in the amount of postage actually paid by members of Congress, and this amount is quite small, as I will show.

If the same number of books and documents were sent out now as were formerly franked, and the postage was paid on each one, of course the receipts of the Post-Office Department would be increased by that amount and the expectations of the advocates of an increased revenue would be realized; but the same number of books are not sent out now, and of those sent out but a small proportion pay postage, so the Post-Office Department is not increasing its revenue from this source, while the people are losing the information previously furnished.

From the superintendent of the folding-room I learn that there were furnished to each member of the Forty-second Congress 3,339 books and pamphlets; total weight, 11,157 pounds; total postage, $1,785.14; average postage 46 cents on each document.

It will be observed that the postage for one year would be $892.57. I am also informed that not one-tenth as many books are now sent out as formerly, and that of those sent out nine out of ten are sent by express, and only one out of ten goes by mail. So the amount collected from members of Congress for postage on documents will not average for each member ten dollars. We will suppose, however, he sends out the same number of letters as before, say an average of twenty-five letters each day for three hundred days; these, at three cents each, would make $225, making a total of $235 postage per annum for each member, as against $1,117 in previous years. Say three hundred Members, at $235 postage each, $70,500; say seventy-four Senators, at $352.50 postage each, or at 150 per cent. more, $26,085, making a total of $96,585, say $100,000 in round numbers; which I believe will fully cover the amount of money actually paid by Congress for postage of all kinds.

I am fully convinced that the Postmaster-General will not receive more than $100,000 cash postage each year from members of Congress, and as that is the only amount of cash he does receive for postage

from those who formerly enjoyed the frank, I am afraid that is the only amount he can place to the credit of his account in consequence of the abolition of the franking privilege. All the officials and other persons who used to frank now have official postage-stamps furnished them, and while the revenues of the Post-Office Department may show some increase on paper the expenses of the other Departments will show an equal increase, as acknowledged by the gentleman from Ohio [Mr. GARFIELD] in his remarks the other day:

I admit that to abolish the frank for the Executive Departments and to issue official postage-stamps is in itself no saving of money. This has apparently swelled our appropriations for the current year by almost $2,000,000; and yet the $2,000,000 worth of stamps authorized to be used actually cost the Government less than $8,000. So that an actual expenditure of $8,000 in money appears on the books of the Treasury as an expenditure of $2,000,000. That is one of the items which made the appropriations of the last Congress appear larger than they really were.

The chairman of the Committee on Appropriations admits, then, that the only result in abolishing the frank, so far as the Executive Departments are concerned, is to create an expenditure of $8,000. Members of Congress, I have just shown, pay in cash $100,000. Now, let us see what the franking privilege cost the legislative part of the Government last year:

300 Members, at $1,117 postage for each	$335,100 00
74 Senators, at $1,117; add 50 per cent., $558.50, for each Senator, making total postage $1,675.50 for each Senator	123,987 00
Total	459,087 00

I believe that $500,000 each year covered the postage on documents and letters formerly franked by members of Congress, and I further believe that the report of the Postmaster-General will corroborate my statement. In this connection I present the statement found on page 8, Executive Document No. 22, first session Forty-third Congress, of the number of post-offices and length of post-roads in the United States, the annual amount paid for mail-transportation, and the amounts of postal revenues and expenditures, at periods of five years from 1790 to 1840, inclusive, and in each year from 1840 to 1873, inclusive, and the cost of the railroad portion of the transportation, from the date of the commencement thereof. From which it will be seen that, keeping pace with the growth of the country, the regular rate of increase in the revenues of the Post-Office Department is over $1,000,000 per annum, and has been for a number of years.

Statement showing number of post-offices, length of post-routes in the United States, &c.

Years.	Number of post-offices.	Length of post-roads in miles.	Paid for transportation.	Paid for railroad portion of such transportation.	Postal revenues.	Expenditures.
1790....	75	1,875	$22,081 00	.....	$37,935 00	$32,140 00
1795....	453	13,207	75,359 00	.....	160,620 00	117,893 00
1800....	903	20,817	128,644 00	.....	280,804 00	213,904 00
1805....	1,558	31,070	239,635 00	.....	421,373 00	377,367 00
1810....	2,300	36,406	327,966 00	.....	551,684 00	495,969 00
1815....	3,000	43,748	457,779 00	.....	1,043,065 00	748,121 00
1820....	4,500	72,492	782,425 00	.....	1,111,927 00	1,160,926 00
1825....	5,677	94,052	785,646 00	.....	1,306,525 00	1,229,043 00
1830....	8,450	115,176	1,272,156 00	.....	1,919,300 00	1,959,109 00
1835....	10,770	112,774	1,553,222 00	.....	3,152,376 00	2,585,108 00
1840....	13,468	155,739	3,213,042 61	§8595,353	4,543,521 92	4,718,235 64
1841....	13,778	155,026	3,034,813 91	§585,843	4,407,726 27	4,449,527 61
1842....	13,733	149,732	4,192,196 06	432,568	5,029,506 65	5,674,751 76
1843....	13,814	142,295	2,982,512 47	531,752	4,296,225 43	4,374,753 71
1844....	14,103	144,687	2,912,946 78	§802,006	4,237,287 83	4,296,512 70
1845....	14,183	143,940	2,898,630 48	562,141	4,439,841 80	4,320,731 99
1846....	14,601	149,670	2,597,454 66	587,769	4,089,089 97	4,084,332 42
1847....	15,146	153,818	2,476,455 68	597,923	4,013,447 14	3,971,275 12
1848....	16,159	163,208	2,545,232 12	587,204	4,161,077 85	4,326,850 27
1849....	16,747	167,703	2,577,407 71	635,740	4,705,176 28	4,479,049 13
1850....	18,417	178,672	2,965,786 36	818,227	5,499,986 86	5,212,953 43
1851....	19,796	192,026	3,538,063 54	985,019	6,410,604 33	6,278,401 68
1852....	20,901	210,020	3,939,971 00	1,275,520	6,925,971 28	7,108,459 04
1853....	22,320	217,743	4,495,968 00	1,601,329	5,940,724 70	7,982,756 59
1854....	23,548	219,935	4,630,676 00	1,758,610	6,955,586 22	8,557,424 12
1855....	24,410	227,908	5,345,238 00	2,073,039	7,352,136 13	9,968,342 20
1856....	25,565	239,642	6,035,374 00	2,310,389	7,620,821 66	10,407,868 18
1857....	26,586	242,601	6,622,046 00	2,559,847	8,053,951 76	11,507,670 16
1858....	27,977	260,603	7,795,418 00	2,828,301	8,186,792 86	12,721,636 56
1859....	28,539	260,053	9,468,757 00	3,243,974	7,968,484 07	14,964,493 23
1860....	28 498	240,594	8,808,710 00	3,349,662	9,218,067 40	14,874,772 89
1861....	*28,586	†140,399	‡5,309,454 00	‡2,543,709	9,049,296 40	13,606,759 11
1862....	*28,875	†134,013	‡5,853,834 00	2,498,115	9,012,549 56	11,125,364 13
1863....	*29,094 17	†139,598	‡5,740,576 00	2,538,517	11,163,789 59	11,314,206 84
1864....	*28,278	†139,171	‡5,818,469 00	2,567,044	12,438,253 78	12,644,786 20
1865....	20,550	142,340	6,246,884 00	2,707,421	14,556,158 70	13,694,728 23
1866....	23,828	180,921	7,630,474 00	3,391,592	14,386,986 21	15,352,079 30
1867....	25,163	203,245	9,336,286 00	3,812,600	16,137,026 87	19,235,493 46
1868....	26,481	216,928	10,266,056 00	4,177,126	16,292,600 80	22,730,592 65
1869....	27,106	223,731	10,406,501 00	4,723,680	18,344,510 72	23,698,131 50
1870....	28,492	231,232	10,884,653 00	5,128,901	19,772,220 65	23,998,837 63
1871....	30,045	238,359	11,529,395 00	5,724,979	20,037,045 42	24,390,104 08
1872....	31,863	251,398	12,572,264 00	6,502,771	21,915,426 37	26,658,192 31
1873....	33,244	256,210	13,635,341 00	7,257,196	22,996,741 57	29,084,945 67

* Including suspended offices in Southern States.
† Exclusive of routes in Southern States.
‡ Six thousand eight hundred and eighty-six miles in length, and $978,910 in cost, discontinued in Southern States.
§ Railroad and steamboat service combined.

From the same I quote a statement exhibiting quarterly the receipts of the Post-Office Department, under their several heads, during the fiscal year ended June 30, 1873:

Receipts.	Quarter ending March 31, 1873.	Quarter ending June 30, 1873.
Letter postage	$95,658 47	$83,196 98
Newspapers and pamphlets	276,113 32	268,012 72
Fines	850 67	1,701 79
Emoluments	284,110 51	294,419 69
Postage-stamps, stamped envelopes, and postal cards	5,310,054 35	5,227,055 15
Dead letters	1,096 00	1,117 00
Revenue from money-order business	.....	68,584 00
Miscellaneous	4,850 37	6,600 30
Total	5,972,733 59	5,950,687 63

From the same document I obtain the following statement of revenue for the quarter ending September 30, 1873:

Letter postage	$75,877 65
Book, newspaper, and pamphlet postage	342,785 50
Box rents	316,672 02
Postage-stamps, stamped envelopes, and postal cards	5,297,292 80
Total	6,032,627 97
On the same four items for the quarter ending March 31, 1873, the receipts were	5,965,936 55
Making an increase of	66,691 42

But let us examine it for the last two consecutive quarters, for the last quarter under the frank and the first quarter without:

Receipts for quarter ending September 30, 1873, as above, were	$6,032,627 97
Receipts on the same items for the quarter ending June 30, 1873, were	5,872,684 54
Making an increase of	159,943 43

Now it will be remembered that the natural rate of increase in the revenue has been for a number of years over $1,000,000 per annum, which with the $2,500,000 the Postmaster-General said would be saved would make an increase of $3,500,000, which we might justly and reasonably look for. A comparison, therefore, shows that while there is some increase in the revenues of the Department, yet it is below the regular and natural increase, and we cannot find the slightest trace of the $2,500,000, or the slightest consolation for the advocates of the abolition of the frank.

It was often heralded forth that thousands and even millions of business circulars were fraudulently franked in New York. If so, there should be a large increase in the revenues of this office. The contrary is the case; there is a falling off.

Receipts at New York for the quarter ending June 30, 1873, (that is, the last quarter of the frank,) $647,517.35; receipts at New York for the quarter ending December 31, 1873, $626,643.13; showing a falling off of $20,774.22 in the city of New York alone in three months, or at the rate of $80,000 per annum. This shows no increase in the revenue such as one would naturally expect to find resulting from the increase of business in a growing city, and shows conclusively that the franking abuse could not have been extensive in New York, if it was not extensive enough, aided by the natural growth, to overcome any loss of revenue which might have been occasioned by the introduction of the postal card.

The fact is, and such also is the testimony of the New York postmaster, that the quantity of franked matter passing through the New York office was so infinitesimally small that no account whatever was ever taken of it, and it could hardly be discovered. If it can scarcely be noticed in the New York office, supplying as it does a million people, and in the very place where fraud would be carried on, if anywhere, it can hardly exist to any extent anywhere. The truth is ninety-nine hundredths of the free matter were franked through the Washington City post-office, and all the prejudices against it have been gathered from the impressions created here. The free matter here was very heavy compared with the total transmitted; in every other place it was merely nominal.

The greatest reliance is placed upon the account taken by the Postmaster-General of all free matter from January 1 to July 1, 1870, being a period of six months, and from it he derives his famous estimate of $2,500,000.

Here is the grand total:

From the above returns and estimates the following grand result is shown: Total number of franked letters for six months, 10,894,497—postage, $933,070; printed matter, &c., 2,655,196 pounds—postage, $338,593.85. Total postage for six months, $1,271,663.86; total for one year, $2,543,327.72.

Total postage for six months on documents, $338,593.85!

Although this account was taken during the time that Congress was in session, and when the largest proportion of the documents were sent off, yet we will call it a fair criterion; this would make for twelve months $677,187.70.

In the amount returned for letters, $935,070, on 10,894,497 letters, we find such an amount as to force us to the conclusion that all the official letters are included in the returns. I do not think any one will deny that, for to deny it would be to say that each member sent off 36,314 letters in six months, or 6,052 letters in one month, 201 per day.

Official matter sent out by any of the Departments with the official stamp upon it goes free now just as much as it used to, and is franked to-day just as much as it ever was, with this difference: to-day it is franked with a printed official stamp for which no one is responsible, while it was formerly franked by the written signature of the sender, for which he was always responsible.

There is practically no gain anywhere but in the postage paid by members of Congress; there can be none, for the number of persons using official stamps is greater than the number of persons who used to frank, and no restriction is placed upon the use of the stamp any more than formerly existed on the frank.

Having considered the actual cash gains to the Treasury, let us see if a saving has been made anywhere in consequence of the abolition of the frank. Are fewer clerks employed? Are cheaper contracts for transportation made? Is there any saving anywhere?

The Postmaster-General in his letter of January 20, 1874, acknowledges that there has been no saving in the number of clerks employed.

No employés in the postal service have been discharged in consequence of the abolition of the franking privilege.

The cost of transportation is not less, as the following figures will show, (page 12, Report Postmaster-General:)

For the year ending—	
June 30, 1872	$14,773,346
June 30, 1873	16,174,003
June 30, 1874	18,357,931
June 30, 1875	19,270,986

Here is a steady increase, showing that no cheaper contracts have been made in consequence of it.

And when you say that the service has been extended, I reply it has been extended only as represented by this increased cost, not beyond it; for it is a well-known fact that the railroad companies are now threatening to withdraw their cars and refuse to carry the mails if their pay is not increased. Singular that they should make such a demand just at the time they were relieved of the heavy burdens imposed upon them by the frank.

The Postmaster-General does not attempt to show a single case where he has made a cheaper contract. I quote:

The answer to the first query shows that it is impracticable to state precisely "how much less is charged by railroads;" and there are no data from which to estimate the saving on the pay of "other carriers."

I propose to criticise the figures of the Postmaster-General freely, but shall endeavor to do him no injustice, as the gentleman from Kentucky [Mr. BECK] did in his speech the other day when he accused him of a discrepancy in his estimates, as compared with the deficiency provided for in the Book of Estimates. An examination of the Book of Estimates, page 173, shows a deficiency of $6,811,363. This amount is made up of various items. The difference between the receipts and expenditures is appropriated out of the general Treasury, $4,636,363. Special appropriations to be provided for out of the general Treasury, such as China mail service, &c., $1,225,000; official stamps for Post-Office Department, $950. The receipts of the Post-Office Department are first appropriated to pay expenses, and then as much more is appropriated out of the general Treasury as may be necessary to meet the general deficiency and the special expenses. Page 2, appendix, Report of the Postmaster-General for 1873, shows exactly $6,811,363 as the deficiency—a perfect agreement.

His estimates here are based upon facts and figures, and are correct, but his estimates in regard to the frank are necessarily and almost entirely conjectural, there being no data to start from. I believe them wrong, and shall endeavor to show them so; and at the same time I acknowledge the activity and efficiency of the officer at the head of the Post-Office Department, his longer service and greater experience.

The expense of administering the new system is greater than the old. I present a statement so far as I have been able to obtain it, showing the cost of scales and the various other expenses incurred by the several Departments:

Interior	$2,269 00
State	64 77
Treasury	6,425 78
	8,759 55

The War, Navy, Post-Office, Executive, Justice, and Agricultural Departments make no reports, but it is safe to estimate it at $20,000, in all; which, together with the additional number of clerks required, about twenty, whose salaries will amount to $25,000, will make an item of expense of $45,000.

The chairman of the Committee on Appropriations says the cost of engraving and printing these official stamps is $8,000—a very low estimate I should say, but in the absence of definite knowledge I will call it that.

The salaries of postmasters are adjusted every two years, and are being adjusted now. They are adjusted, and the compensation is fixed upon the number of stamps canceled by him, and official stamps are used and counted in this cancellation. In many instances 40 per cent. and 50 per cent. of the total value of the stamps canceled are given to the postmaster as his salary. The total receipts of the Post-Office Department for the year ending June 30, 1873, were $22,996,741.57; the compensation paid postmasters, not including clerk-hire or any other expense, $5,725,468; that is, 25 per cent. of the receipts of the Post-Office Department are paid out each year in the shape of compensation to postmasters. Two million two hundred and fifty thousand dollars of these receipts are in the shape of official stamps. (See page 29, Report of Postmaster-General, 1873.) Twenty-five per cent. of $2,250,000 is $562,000. Here, then, is an increase of $560,000 in the salaries of postmasters, resulting entirely from the abolition of the franking privilege. This is nearly double the cost of the franking privilege itself, as shown by the report of the Postmaster-General, page 29, and equal to its cost, estimating full postage on all the documents printed by Congress, as shown by the official reports, and on twenty-five letters each day for each member.

On page 29 the Postmaster-General says that "the cost of free matter, if charged with the regular rates of postage, would amount to $2,543,327.72;" and then he says on the same page that the "net sales * * * of official stamps have been placed at $2,250,000." This leaves in round numbers $300,000 as the cost of the franking privilege by the Postmaster-General's own figures; for if you take the whole amount of free matter and deduct from it the official executive matter, it must leave the franked or legislative mail matter.

These estimates are further sustained by that part of the report of the Postmaster-General which treats of salaries. On pages 1 and 4, appendix, you will find estimate for postmasters' salaries for the year ending June 30, 1875, $6,500,000; estimate for postmasters' salaries for the year ending June 30, 1874, $5,525,000—showing an increase of $975,000 per annum as additional compensation to postmasters; $560,000 being the commission on the official stamps canceled, and $315,000 being the natural increase in salaries. All the figures then go to show that this official stamp increases the pay of the postmasters some $560,000 above their former pay, and this additional expense is justly chargeable to the abolition of the franking privilege.

Let us strike a balance, then, and see which system costs the most:

Cash receipts by the Post-Office Department in consequence of the abolition of the franking privilege	$100,000 00
Cash expenses:	
Cost of scales, and clerks, &c.	$45,000 00
Cost of printing and engraving	8,000 00
Additional compensation to postmasters	560,000 00
Total cost	613,000 00

Leaving a balance of $500,000 in favor of the franking privilege, which will pay all the clerks in the folding-rooms and help pay for the printing of the public documents themselves.

The result is—exclusive of printing—that it costs $500,000 more now than it did to use the frank; and the people are deprived of documents which they formerly obtained free.

Mr. ATKINS obtained the floor, and yielded twenty minutes to Mr. COTTON.

Mr. COTTON. I send to the desk to be read an amendment which I desire to offer when in order.

The Clerk read as follows:

First. Strike out all of the first section after the enacting clause, and all of section 2, and insert:

That from and after the passage of this act postage shall be charged at the rate only of one cent for each two ounces, or fraction thereof, on all public documents, books, or publications, procured or published and issued by authority of Congress, or of either House thereof.

Second. Strike out section 4.

Mr. COTTON. The effect of this amendment will be to remove from the bill the partial restoration of the franking privilege, to reduce the postage on public documents one-half, and leave remaining in the bill section 3, which relates to the free circulation of newspaper exchanges and newspapers within the counties in which they are published. At present the postage on books is at the rate of one cent for every ounce, while on transient newspapers it is but one cent for two ounces. The amendment I propose will reduce postage on all documents in book form to one cent for each two ounces. This legislation is recommended by the Postmaster-General. In his report of last November, page 31, he says:

I further recommend that on all matter of the third class, the postage be made uniform at one cent for each two ounces, or fraction thereof. * * *

On books the postage will be reduced from two cents to one cent for each two ounces, or fraction thereof.

At the present time the postage on documents of ordinary size is from forty to fifty cents; on the Agricultural Report of 1869 the postage is forty cents; on that of 1870, thirty-eight cents; and on that of 1871, thirty-two cents; on the Educational Report of 1872, fifty-two cents; on the report of Hayden's Survey of 1872, forty-four cents. This will make the postage under this reduction, on ordinary documents, from twenty to twenty-five cents.

I think this is a better measure than restoring the franking privilege; and for this reduction I have the indorsement of the Postmaster-General—in fact as to all books. I may say here that the CONGRESSIONAL RECORD, which we receive in newspaper form, can pass through the mails at the rate of one penny for two ounces; but when it is made into book form, you must pay for postage on it one penny per ounce—doubling the expense on the same printed matter.

There can be no objection, I think, to this reduction of postage; and I propose it as a substitute for the revival of the franking privilege. We have not been called upon to revive the franking privilege. We

were certainly asked to abolish it; but we have not been requested to restore it, and for my own part I am not for volunteering to restore the right to frank. Reference has been made to the declaration of the national republican convention at Philadelphia in June, 1872, which in the tenth article of its platform declared—

The franking privilege ought to be abolished and the way prepared for a speedy reduction in the rates of postage.

Now, we have accomplished both of these objects. We have removed the frank and given cheap postage in the form of postal cards, by means of which a man can write a letter of pretty good length for a penny, and have the stationery furnished by the Government.

As regards the third section, while we have not been asked to restore the franking privilege, neither were we requested to make newspaper publishers pay postage on their exchanges or subscribers upon the newspapers of their own county. The Postmaster-General, in a letter written to the President of the Senate, on the 24th of January, 1874, says in regard to newspapers:

There is one restriction, however, which I never advised, and which, in my opinion, might be safely removed, and that is the provision which forbids the free transportation of weekly newspapers within the counties of their publication, as heretofore authorized by law. The grounds upon which this recommendation is made are, first, that such papers are so evenly distributed over the entire extent of the country and confined to lines of transit so short that they have never been known to impede the distribution and transportation of the mails; and secondly, that the amount of postage levied upon them, as at present collected, while affording but a trifling revenue to the Department, is yet heavy enough to be severely felt by their proprietors and patrons, and to obstruct the dissemination of local intelligence. Good reasons may also be given in favor of a free exchange between newspapers.

So we have the opinion of the Postmaster-General in favor of the free circulation of these papers. And I believe in following as far as I can the request of the officer who is in charge of the postal affairs of the nation.

In a letter to the Speaker of this House, written on the 20th of January last, the Postmaster-General does show that there has been some gain to the country by the abolition of the franking privilege. In that letter, he says:

It will be observed that, including postal cards, which are to be considered among the regular issues, the increase for the quarter ending September 30, 1873, over the same quarter of 1872, was $583,198, or 12.5 per cent. The average rate of increase for the corresponding quarters of the four preceding years was only 8.4 per cent.; so that 4.1 per cent., or $191,288.94, of the increase above mentioned may be fairly considered as due to the abolition of the franking privilege, and proper to be added to the other revenues accruing therefrom.

It is only just to believe that this increase would have been greater had it not been for the recent introduction of postal cards, which, serving to cheapen postages, and to decrease the amount of letter correspondence, could not fail to seriously diminish the revenue.

He also states in the letter to which I have referred, addressed to the President *pro tempore* of the Senate, that there has been a saving in the expense of carrying the mails. In that letter he says:

This act, [March 3, 1873,] it will be seen, fixes the rate on routes carrying their whole length an average weight of mails per day of two hundred pounds at fifty dollars per mile per annum, and allows twenty-five dollars additional for the next three hundred pounds, twenty-five dollars additional for each of the next three additions of five hundred pounds, twenty-five dollars additional for each of the next two additions of fifteen hundred pounds, and twenty-five dollars additional for every additional twenty hundred pounds. Under a call made by the Department, in obedience to the requirements of the act, the proprietors of railroad routes throughout the country are submitting returns of the weights of mails taken in the month of October, in the absence of all congressional publications, and the rates of compensation are being readjusted on the basis of these weights. Had not the transmission of such publications been discontinued in consequence of the abolition of the franking privilege, the rates awarded in the readjustment now being made would be higher in exact proportion to the increase in the weight of the mails which the transmission of this heavy matter would have caused, whatever that increase might be.

He is still objecting to any restoration of the frank. We have in this bill two propositions: one to restore the franking privilege on Government documents; and the other in relation to newspapers to subscribers in the county of their publication and newspaper exchanges. These two are coupled in this bill; but they were not connected in the bill abolishing the franking privilege. That bill was passed in January, 1873, while this provision to make newspaper exchanges subject to postage and to make county subscribers pay postage was attached to an appropriation bill in the Senate which finally passed March 3, 1873. It was accomplished in this way: the Post-Office appropriation bill passed the House, and while in the Senate and before the Committee on Appropriations, there was added, unasked by the Post-Office Department, or by the people, this provision:

Provided, That all laws and parts of laws permitting the transmission by mail of any free matter whatever be, and the same are hereby, repealed from and after June 30, 1873.

That is the provision which subjected these papers to the payment of postage; and it was ingrafted upon the Post-Office appropriation bill in the Senate, and was carried through the House in connection with that bill. We have two propositions in this bill, one to restore the frank on public documents, and the other for circulation of newspaper exchanges and papers to county subscribers. Members will bear in mind that they may be compelled to vote for or against both of these measures. If the previous question shall be demanded—and it no doubt will be by the gentleman who has charge of this bill—and it should be ordered, then gentlemen must vote for or against both of these measures. Therefore we should be careful and not order the previous question, but leave the bill open to such amendments as it may be desirable to offer. I believe it proper to reduce the rates on documents to at least as low a rate as that charged on transient newspapers, which is one cent on two ounces. I think if the portion of the bill restoring the frank shall not be adopted, members will be in favor of reducing the postage one-half of the present rate, when we are carrying out the request of the Postmaster-General. If the previous question is not ordered these two propositions may be divided, and gentlemen may vote as they please, either to restore the franking privilege or not, or to make newspapers free in their exchanges, and to their county subscribers or not.

Mr. ATKINS. I now yield to the gentleman from New York [Mr. POTTER] for twenty minutes.

Mr. POTTER. Mr. Speaker, the gentleman from Pennsylvania, [Mr. SCOFIELD,] when offering his amendment to this bill the other day, referred to the abolition of the franking privilege as having been demanded by the formal action of the republican party at the Philadelphia convention. And the gentleman from Iowa, [Mr. KASSON,] in the brilliant speech which he made on the same day in support of his substitute, referred to the good faith with which the Senate and the House had acted upon the recommendation of the national republican convention.

I do not myself entirely agree as to the good faith with which the action of the Senate was taken, although I do agree that it was because of the action of the Philadelphia convention that we did succeed in taking the first step toward a repeal of the franking privilege. I therefore think it may not be unprofitable to recall the history of the legislation which ended in the abolition of the franking privilege.

In the Forty-first Congress a bill was reported from the Committee on the Post-Office and Post-Roads by the gentleman from New Jersey, Mr. Hill, for the naked abolition of the franking privilege. That bill passed the House on the 27th of January, 1870, by a vote of—yeas 124, nays 14. That was before the meeting of the Philadelphia convention. That bill went to the Senate, and was during that same session extensively debated there. The Senate rejected it, because, while it provided for the naked repeal of the franking privilege, it contained no provision and furnished no substitute for carrying the mail matter of the Government. Nobody who will review the debate in the Senate of that session will fail to realize, I think, that there was in that body a strong impression that the bill was an impracticable measure, a buncombe measure on the part of the House, not intended in good faith to get rid of the frank but to put the odium of retaining it upon the Senate. The Senate accordingly refused to agree to the bill as sent to them by the House, nor did they return it to the House with any amendments.

In the following Congress, immediately after the action of the Philadelphia convention adopting the resolution which has been last referred to by the gentleman from Iowa [Mr. COTTON] who has just taken his seat, Mr. Farnsworth, then chairman of the Committee on the Post-Office and Post-Roads, offered a bill, of which I hold a copy in my hand, which I had introduced at an earlier stage of the session, which had received the approval of that committee, and also the approval of the Post-Office Department, which bill provided for the abolition of the franking privilege, but provided also a method for carrying the mail matter of the Government. That was the bill which passed the House upon the 10th day of April, 1872, by a vote of 139 to 29. When that measure went to the Senate—a measure practicable in its character, providing for carrying the mail matter of the Government and for carrying it without the abuses and evils which it was alleged the frank had occasioned—the Senate, after debating it for some time, rejected all of it except the naked provision for the abolition of the franking privilege.

Having thus shorn the bill of all its practical parts, the Senate returned it to the House in the exact form of the bill from the House, which the Senate the session before had refused to adopt, thereby, in turn, putting the House in the position in which the Senate had been before put, of bearing the odium before the country of refusing to abolish the franking privilege. In thus tendering the House in return for the practical measure of legislation passed by the House the same impracticable measure which the House had the year before tendered to the Senate, and the Senate had then rejected, I see no evidence of good faith or of real desire by the Senate to get rid of the franking privilege. In this connection I ask the Clerk to read from the debate on the occasion of the passage by the Senate of their amendment to the bill to which I have referred.

The Clerk read as follows:

Mr. BAYARD. I think it is pretty certain that an equal amount of humbuggery has never connected itself with any matter that ever came before Congress as is connected with this proposed abolition of the franking privilege. It has been a joke pretty much for the last hour in the Senate, perhaps a serious one for the people of the country; and in order that the Senate may take time to consider this matter a little more discreetly, I move that the Senate do now adjourn.

Mr. POTTER. Mr. Speaker, that simple history of this legislation disposes, I think, of the assertion made by the gentlemen on the other side about the good faith manifested by the Senate in its action repealing the franking privilege, in answer to the resolution of the republican convention.

When this bill abolishing the frank came back to the House in this impracticable form, some conference took place among those gentlemen who were earnestly in favor of getting rid of the abuses growing out of the franking privilege, as to what should be done with it. It was finally determined to try and secure its adoption in its then

shorn condition by the House, and to await further legislation to provide means for carrying the mail matter of the Government. Accordingly, on the 27th of January, 1873, Mr. Farnsworth called up the Senate amendment, with remarks, which I ask the Clerk to read.

The Clerk read as follows:

I propose now to ask the House to take the Senate at their word; adopt the amendment and pass the bill in accordance with the platforms of all political parties, and with what the House has professed its willingness to do so many times. Hereafter Congress may make such provision by supplementary legislation as may be deemed best for the transmission of official documents.

Mr. POTTER. This bill now under consideration is a proposition for the "supplementary legislation" which was then contemplated. It is a measure "for the transmission of official documents." For reasons which I will proceed briefly to state, I do not think it so good a measure as that which I originally proposed, and which passed the House in the Forty-second Congress, as I have explained.

In the first place, the present bill provides for an adhesive stamp or a stamped envelope for official matter, while that measure provided for machines to be prepared under the direction of the Post-Office Department, one of which should go to each Department of the Government, one to the Secretary of the Senate, and one to the Clerk of the House, which machines were to print or impress a proper mark or stamp upon all matter published by the Government, (including the Globe, or the CONGRESSIONAL RECORD, as it is now, and the speeches of members for their constituents.)

For instance, the Agricultural Report, when issued by the Agricultural Department, was, under this plan, to bear stamped upon it not only the name "Agricultural Report," but also a mark declaring that there was paid upon it forty-four cents, if that was then the postage, to the Government. The documents, to the extent of each member's quota, were to be delivered in that form to the members of Congress, so that a Representative would have had nothing to do but to address to his constituents any document furnished him by the Government; and it would have gone under that stamp through the mails without further stamping or payment. No frank was to be required; the Government was to furnish its public documents put up as now and already stamped in a manner which would carry them through the mail; an account of the postage could thus be kept, to be charged up to the proper Department issuing the document, and to be provided for out of its contingent fund. Thus the Postmaster-General would be enabled to keep his accounts, doing away with one great cause of complaint which he had against the franking privilege, while we would be enabled to ascertain exactly what the transmission of such class of public documents cost, and the Post-Office Department would get proper credit for what it carried; and there would be no possibility of abusing the frank by putting it upon any description of matter that ought not to go under it, or by forging it or otherwise subjecting it to improper uses.

Now, the plan of the committee under consideration I do not think so good as this plan of mine.

First, because it provides for an adhesive stamp or stamped envelope. These are apt to be wasted, and used for other purposes than official documents. In many States where the postage of members of the Legislature is paid by State authority, I understand that every little shop in the capital has for sale adhesive stamps and stamped envelopes obtained from members or employés of the Legislature; and I think it a very serious objection to any plan of carrying the mail matter of the Government that it does not provide for a simple mechanical appliance to do that work, which can be in that way better done than by members themselves, while at the same time it prevents the possibility of abuse by the stamp getting into improper hands, or by being used to transmit anything except the mail matter of the Government.

The second objection to this plan of the committee, as compared with that which I formerly proposed and which was adopted by the Forty-second Congress, is, as I understand it, that in addition to the adhesive stamp it requires the individual frank of the member of Congress upon each document he sends. Now, I am utterly at a loss to conceive why a member, having, we will suppose, a thousand Agricultural Reports to be sent free by the Government, should be required to write his name on every one of them. If he has a fancy for writing his name and looking at it, he can do so without authority of law; but I am unable to understand why he should be compelled to write his autograph upon each book, when he could just as well write a single order for a thousand books, to be furnished to him stamped and in a condition to go through the mails. More than that, if a member desires, as he properly may, to have the person receiving the document know who sent it, by sending down to the folding-room he can get label slips with his name printed upon them and paste them on these books with much less trouble and in a more legible form than is here provided for writing by the member of his own autograph upon every book.

Mr. PACKER. If a member were to write on these slips and paste them upon these books under the law as it now stands he would have to pay letter postage.

Mr. POTTER. True; and so he would if he wrote his name. But the question we are now considering is of changing the law; and when we are changing it, why frame it in an impracticable and troublesome way?

Now, sir, I believe, in the third place, the former plan was an advantage over this, because it provided for carrying, at the expense of the Government, the speeches of members and the reports of the congressional proceedings as well as the reports of Departments. I think, of all the public documents which go through the mails, that which is the least charge on the mails, either in bulk or difficulty of transportation, is the report of the speeches of members. I am not one of those gentlemen who hold that a Saturday is wasted when spent in debate. During the four years and more I have been in Congress I have never made a Saturday speech. Indeed, I never made a set speech, an hour's speech, since I have been in this House. Nevertheless, I do believe few days are better spent by the House of Representatives than are these Saturdays spent in debate: first, because we thus get rid of much of that general discussion which, if we did not have it on Saturday by itself, would take place during the course of the current business of the House; and secondly, because, as a most distinguished editor said to me the other day upon this floor, the Congress is not in close enough relations with the country, and what is wanted is that the people should know more of the views of their Representatives, not less.

It is now, I submit, impossible for any man, however intelligent, by following the reports of the House as given by the Associated Press, to get any good idea of the views and reasoning that lead to the action of Congress. One man only is permitted to have access to the floor. He is obliged at the same time to write out his reports. He is required also to condense within a small space an hour's argument, for instance, of the distinguished chairman of the Committee on the Post-Office and Post-Roads. Now, nobody can well condense a speech until it is finished, and the reporter of the Associated Press is often required to condense into ten lines of print what the distinguished chairman of the Committee on the Post-Office and Post-Roads may say on this or any other subject in a whole hour, and do it while the gentleman is speaking, not afterward. It is always a difficult task for any man to condense a long speech into a short report, yet the reporter of the Associated Press is required not only to do this, but to condense while the debate is going on. Beyond this, when he sends his report to the papers at home, it is cut and abridged in every possible form to meet the night editor's notions or space.

What is the result? I appeal to every member's experience if the sensational part of a debate is not that chiefly retained? Let a man be guilty of some extravagance; let him be guilty of any impropriety; let him say to anybody on the floor something that ought not to be said; let him be guilty of some sensationalism, and I appeal to every gentleman within the sound of my voice whether the language is not next morning reproduced in every newspaper. But let a Representative make an hour's speech on a subject he has studied and understands, and when you come to look at the report next day, what will you find? You will find that Mr. Jones spoke on this side or that side of the proposition; you will find, perhaps, the first sentence of his speech and the last sentence, but not any such report as will possess you of his argument. This is not the fault of the reporter; it is the inevitable result of the circumstances and nature of the case.

The country will not have condensed reports of the arguments as well as the action of the House. It does not want them. The newspapers would not find room for them if they were furnished. So that the only way by which a member of the House can ordinarily possess his constituents with his views is mainly through these Saturday speeches. I have kept, ever since I have been a member here, copies of all these speeches, so far as members have been good enough to send them to me, and I say, never having made one myself, that if any man shall sit down, and look over such a file of the speeches of any one session made on Saturdays, he will not have ground for a bad estimate of the thoughtfulness, intelligence, and capacity of the gentlemen composing the House of Representatives of the United States. I, therefore, in any scheme to retain the free circulation of documents, would especially retain the free circulation of the speeches members might make on the floor at any time; and in this respect I also regard the substitute for the franking privilege I introduced into the Forty-second Congress as superior to that now proposed by the Post-Office Committee.

Mr. Speaker, I do not offer as a substitute for the plan of the committee this plan of mine to which I have adverted, because the circumstances are now different. So long as the abuse of the franking privilege continued, it seemed to me the duty of a legislator to get rid of it by substituting some plan for carrying the official correspondence and publications of the Government, which was not open to the same abuses; not to insist on a plan which would put an end to the printing for general circulation of public documents, but to leave that matter to be considered by itself afterward. Therefore I sought for a law which would send the mail matter of the Government through the mails free, as it was then, and which would at the same time send it without any of those abuses which have been referred to, such as forging the frank, the sending of improper matter, and the like, which attended the franking privilege; and send it in a way which would enable the Postmaster-General to keep his accounts, so that he could collect the postage on the matter issued by each Department of the Government, and get in his Department proper credit for the service it did.

But since the law repealing the franking privilege passed in the impracticable shape in which it did, abolishing the frank and providing no substitute for it, I am constrained to look at the subject in

a different light from that in which I looked at it then, and to consider now whether it is worth while to continue the free publication of public documents for general distribution at all. On the whole, and after mature reflection, I am rather inclined to think it is not.

The documents which Congress publishes in considerable number are mainly two—the abridged edition of the Message, with accompanying documents, and the Agricultural Report. As regards the other public documents, of which a few copies only are issued—such, for instance, as the Report of the Coast Survey, or the Report on the Solar Eclipse—I think every gentleman who cares for a proper distribution of the documents intrusted to him tries to keep reports of that kind for those who need them specially and send for them, or for some institution of education or learning, and who would be as well served if they could buy them for the cost of printing But as regards the great mass of documents, and especially the Agricultural Reports and the abridged Message and documents, what is the unavoidable result as to the system of distribution proposed to be continued?

[Here the hammer fell.]

Mr. ATKINS. I yield the gentleman five minutes more.

Mr. POTTER. I am much obliged to the gentleman from Tennessee for his courtesy.

In the first place, is it not true that such documents are distributed among the people unequally? This is the necessary consequence of having them distributed by favor. If you get a thousand copies of a book, you will not have more than one to each man in twenty-five; or, assuming one hundred and thirty thousand as the number of people in a district, these books reach one in every one hundred and thirty of the population. They therefore have necessarily to be distributed unequally, and that is, as the gentleman from Vermont says, unfairly. Then, in the next place, it is unavoidable that these books do not reach those of the people who most want them. And, in the third place, what seems to me most important in this connection is, that you never get sets of successive volumes of the same books in the same hands. One member of Congress sends one or two volumes of a certain report to one constituent, and his successor sends the succeeding volumes of the same report to another constituent. I am told that one can hardly find a complete set of the Smithsonian Reports anywhere in the United States; and that complete sets of the other more common reports are rare.

These evils are unavoidable. They belong to the free circulation of public documents. And therefore, since the question now is whether we shall provide for their free circulation in the mails or cease to publish them, I am inclined to think it would be better for the people—and that is what we have to consider—and I think equally well for us (for I do not think this distribution of public documents is of great service to a public man personally) to cease to publish them as is now done, and that instead the Government should sell the public documents at the actual cost of printing and paper to every man who wants them. I do not understand that the gentleman from Iowa [Mr. KASSON] does this in his bill. I understand from the debate that he puts the price below the actual cost of printing and paper. I think that the actual cost should be the measure of the price, and that these documents should be for sale on those terms.

The House will recollect that what has been done by Great Britain has been referred to. Now, although Great Britain is an aristocratic country, its example in matters of business may sometimes be an example not amiss to consider. And however unfortunate the British people may be in the nature of their government, as the gentleman from Missouri [Mr. PARKER] said, I do not think that is a reason why, when they have tried an experiment of a practical nature like this and found it to fail, we should shut our eyes to their experience. Now it is a fact that they have been through this whole business of franking and free documents and have given it up. They have gone through with the use both of the frank by members of Parliament and of having public documents for free distribution, and have adopted instead the system of abolishing the frank and of having the government furnish public documents, to those who want those documents, at their actual cost.

Therefore, since I have no further time to discuss this subject, I will merely add that I shall first favor the substitute of the gentleman from Iowa, [Mr. KASSON,] and then, if that fails, the amendment introduced by yourself, Mr. Speaker, [Mr. MONROE in the chair,] which is intended to confine the distribution and publication of public documents to those already printed.

Mr. ATKINS. I now yield five minutes to the gentleman from Texas, [Mr. HERNDON.]

Mr. HERNDON. I yield for a moment to the gentleman from Tennessee, [Mr. BUTLER,] to allow the reference of a bill.

CHOCTAW INDIANS.

Mr. BUTLER, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 2189) to provide for the payment of the award made by the Senate of the United States in favor of the Choctaw Indians, on the 9th day of March, 1859; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MEMORIAL CONCERNING INTER-STATE COMMERCE.

Mr. McCRARY, by unanimous consent, submitted the following resolution; which was read, considered, and referred under the law to the Committee on Printing:

Resolved, That five thousand extra copies of Hubbard's memorial concerning commerce by railroads among the several States, being House Miscellaneous Document No. 140, be printed for the use of the House.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

The House resumed the consideration of the bill (H. R. No. 825) in relation to the distribution of public documents, &c.

Mr. HERNDON. When this or a similar measure was before the House last year I opposed it, because I thought it unwise and injurious. And for the same reason that I opposed it then, I oppose the measure now before the House. I oppose it because it is not wide enough in its scope. It does not go far enough; it does not go so far as the measure which was repealed.

This debate, so far as it has demonstrated anything, has shown this: that from no quarter of this House is confidence fully given to the recommendation of the Postmaster-General on this question. He has not only shown by his own report and by his figures that this is not the panacea for these wrongs of which he complains, and that it has not benefited the country, but he has shown that it has caused an actual loss so far to the Treasury of the country.

As was shown by a gentleman who addressed the House the other day, by the figures given by the Postmaster-General in his own estimates for this fiscal year, there will be required $1,623,159.90 more of deficiency than was required last year. When the Postmaster-General stated that if the franking privilege was abolished there would be no necessity hereafter for any deficiency appropriation for his Department, he stated what his own figures show now was incorrect; for there is a large deficiency, and there must necessarily be.

He made his estimate upon the hypothesis that if the franking privilege was abolished there would be sent through the mail equally as much matter, both written and printed, upon which postage would be paid, as had been previously sent through free of postage. Now this was a false basis upon which to make his estimates; false for many reasons. The members of this House, and of the other branch of Congress, who had heretofore sent printed matter through the mail, would no longer send it when the franking privilege was cut off and they had to pay the postage upon it, because they could not do it out of their own means with their then salaries. It has been shown that for the Forty-second Congress it would have required an average of $976.50 for each member to pay the postage upon the printed matter sent off by that Congress. That was more than any member, with the salary he was then receiving, was able to pay. Therefore it has not been done, nor will it be done. And it is a fact that at this time the books that have been printed since the franking privilege was abolished are all, or nearly all, of them in the folding-room, waiting until we shall pass some law by which they can be sent free of postage through the mail.

It has been said by some that these documents are of no value to the people; that they are not and will not be read by them. I beg to assure gentlemen on this floor that I can say for my constituency that that statement is not correct. They not only ask for all the documents that are printed, for all the documents that are sent off by each member as his *pro rata* share, but, as the gentleman from Vermont [Mr. WILLARD] said, hundreds of letters are received by members asking for more printed matter, for reports of committees, for executive documents, agricultural reports, and every character of document printed here. The demand is greatly in excess of the supply.

[Here the hammer fell.]

Mr. ATKINS. I yield to the gentleman for three minutes longer.

Mr. HERNDON. Another reason is that there is no saving to the Government if stamps are provided at the public expense for putting on these documents, because the cost of producing those stamps is just that much loss to the Government. It would be like taking money out of one pocket and putting it in the other. The Government gains nothing by it, and loses simply the expense of producing the stamps. And, as a friend near me suggests, that would be more in amount than all frauds practiced under the old system. And, as has been shown here to-day by the gentleman from Virginia, [Mr. STOWELL,] when matter is sent through the mail and paid by means of postage-stamps, the salaries of postmasters throughout the country are thereby increased. And in that respect alone—of increase of salaries—the expense to the country is more than the abuse complained of.

And the abuse under the old system, so much complained of, was in reality an advantage to the country. Under that abuse all species of information was sent through the mails. For, as shown by the gentleman from New York, [Mr. POTTER,] who has just preceded me, one class of matter—speeches—which was sent through the mails, was above all other matter a benefit to the country. That very abuse was no abuse at all, but a great benefit to the people. And so far as my experience goes, I believe it has produced greater advantages to the country than any other class of matter sent out through the mails. I only regret that more speeches are not sent out than have been heretofore. My experience has been this: I have not only sent out great numbers of all the speeches I made myself, but I procured thousands of copies of those made by other gentlemen in this House, and sent them to my constituents, and I have the assurance from hundreds of the best citizens in my district that I could not send too many of them, for they were sought for and sent around the neighborhood, and read with the greatest avidity.

Knowledge is power, and every means which we in this House can use to increase the knowledge of the country, by sending out public documents and speeches and every character of matter that conveys sound information to the country, is of vast benefit to the people. If this Government depends upon the virtue and intelligence of the people, why not increase the means of information? Why not enable the people by these means, or by any other, if you please, to keep up with their Representatives in this House and to fully understand every measure that is before it for consideration? I believe this is the cheapest mode, and I believe it has heretofore resulted in the greatest benefit to the country—greater than from any other measure that can be passed by this Congress. Therefore I favor the revival of the old law as it was before it was repealed.

Mr. ATKINS. I now yield to the gentleman from Missouri [Mr. BUCKNER] for five minutes.

Mr. BUCKNER. If I can get an opportunity to do so, I propose to offer the amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Strike out, in lines 3, 4, 5, and 6, of the first section, the words "all public documents, books, or publications, and all printed matter procured or published and issued by authority of Congress;" and insert in lieu "all printed reports, speeches, and proceedings made or had in Congress, and public documents, books, publications, or other printed matter published and issued from the Government Printing Office or by authority of Congress;" also add to the section "for forty days after the adjournment of each session of Congress."

Mr. SPEER. I ask that all the amendments which members have sent to the Clerk's desk be ordered to be printed.

There being no objection, it was ordered accordingly.

Mr. BUCKNER. Mr. Speaker, the first object I would seek to accomplish by this amendment (if I had an opportunity to offer it) is to divest entirely the franking privilege of what I conceive to be the great abuse of which the people have complained; and that is, making it, as it were, a personal perquisite of members of Congress. So far as the mere distribution of public documents is concerned, I hold that the bill of the committee does not go far enough. So far as it pretends to give the people information—and information which they ought to have of whatever is done in Congress, whether in the form of reports, speeches, or in other ways—I hold that the provisions of the bill, notwithstanding the opinion of my friend, the chairman of the committee, do not go far enough to accomplish the object which I believe he has at heart. Let me illustrate. The distinguished chairman of the Committee on Ways and Means [Mr. DAWES] delivered here the other day a speech upon the finances which ought to be in the hands of every man in this country who takes an interest in the financial condition of the Government. Now, I say that under this bill that speech, or any report of a similiar character that is put before this House, cannot, except as a part of our proceedings, be sent abroad except at the individual expense of members themselves. I might further illustrate my views on this subject by referring to the speech of the distinguished chairman of the committee that has charge of this bill, [Mr. PACKER,] and the speech of the gentleman from Illinois, [Mr. CANNON.] Both those speeches contained important information, which the country ought to have in order to pass properly and fairly upon the question now under consideration; yet I undertake to say that by no sort of construction of the provisions of this bill could those speeches pass through the mails free; they must be obtained by the people by means of contributions from the pockets of members. So far as I am concerned, I am very willing to put my hand in my pocket and pay for such copies of those speeches as I may desire to circulate; but I think it only right that they should go through the mails free. Hence the provision which I desire to insert, that not only what may, strictly speaking, be published and issued by authority of Congress or either House, but also reports, speeches, or any proceedings that take place in this House, shall be sent free through the mails.

I come now to refer to the other point. What was the great abuse which the country had a right to complain of, and did complain of under the old system? It was that the franks of members of Congress were used not only for their official business, but for the individual advantage of the member himself. The franks were even forged; and they were used for electioneering and partisan purposes. Thus the mails of the country were filled with matter that ought not to have been carried at public expense. This was the great abuse. Now, sir, the object of the two provisions I have introduced is, in the first place, to provide that this privilege shall be exercised by the member only during the session and for a limited time thereafter; and, in the second place, to cut off what has been in the past a very great abuse, of which the people had a right to complain.

Mr. ATKINS. I yield five minutes to the gentleman from North Carolina, [Mr. ROBBINS.]

Mr. ROBBINS. Mr. Speaker, I desire but a minute or two to explain the reasons of the vote I am going to give upon this question. At the meeting of the fall courts in my district, I took the precaution to consult the people in every county and every court-house upon this question. They were assembled numerously everywhere; and I spoke to them without regard to party. I asked them how I should vote upon this question; I asked them to give me their instructions upon this subject. I called upon those in favor of restoring the franking privilege to say "ay," and those of the contrary opinion "no;" and in the eleven counties which I represent not one solitary man voted in the negative. Men of all parties voted for the restoration of the franking privilege. Not only did they vote for it, but they cried out clamorously, "Give us light; give us information from headquarters; we need to know what is going on at the seat of Government; now, above all other times, we want to know what the Government is doing; we want to be in immediate communication with our public servants. Restore the franking privilege; give us documents; give us speeches; give us books; give us everything."

Now, Mr. Speaker, I am going to vote for the nearest approach I can get to the pure restoration of the franking privilege. I am very willing to see some restrictions thrown around it to prevent the abuses complained of by the gentleman from Missouri, [Mr. BUCKNER.] But I shall vote to restore the franking privilege; and I am glad to say that as a democrat, believing in being instructed by the people and in obeying the people whose servant I am, I vote their sentiments.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 42) granting a pension to Caleb A. Lamb, late a musician in Company E, of the Forty-sixth Regiment of Indiana Volunteer Infantry;

An act (S. No. 217) granting a pension to Julia A. Smith;

An act (S. No. 387) granting a pension to Captain Benjamin Farley, of Company C, Fifth Indiana Cavalry; and

An act (S. No. 395) for the relief of Edward H. Calvert.

The message further announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 1225) granting a pension to William E. Prince, of Iowa; and

An act (H. R. No. 1923) authorizing the payment of annuities into the treasury of the Seminole tribe of Indians.

TRANSMISSION OF PUBLIC DOCUMENTS, ETC.

Mr. ATKINS. Mr. Speaker, I have no desire to occupy time in the discussion of this bill. I will merely state that I shall record my vote against it, though if the proposition were divided I should vote for the third section, which provides for the free transmission of newspapers within the county in which they are published and for free newspaper exchanges.

Mr. PLATT, of New York, obtained the floor, and yielded fifteen minutes to the gentleman from Wisconsin, [Mr. HAZELTON.]

Mr. HAZELTON, of Wisconsin. Mr. Speaker, when I voted to make this bill the special order for the 12th instant I intended to indicate, as other gentlemen did, an intention to support the measure when it should be brought in. Had I been in doubt in regard to it, that doubt would have been removed by the arguments and statistics already presented to the House, which I think have clearly demonstrated both its wisdom and economy. If these figures prove anything they prove that the measure can be carried out without adding a dollar to the contracts for carrying the mails.

This, Mr. Speaker, is not a restoration of the franking privilege. It is simply a method for distributing the public documents of the Government among the people to whom they belong—perhaps not the best method, but a method, and one that seems to me as efficient as any I have heard suggested for the object contemplated.

It is not for the benefit of the members of Congress; on the contrary, its passage entails a vast additional labor upon them. The proposition is simply to employ the mails for distributing certain printed matter, seeds, &c., among the people.

I cannot, Mr. Speaker, go at length into the discussion of this subject in the few minutes allotted me, nor is it necessary.

Some years ago the republican party established a Bureau of Agriculture at the capital of the nation, and has maintained it against strong opposition ever since. It was designed to gather up valuable information from all parts of the world touching the practical wants and interests and methods of agriculture; but it had also another object. It was intended that this Bureau should be deemed, as it is in fact, a national recognition of the importance, value, and dignity of agriculture as a great and leading interest of the American people.

This Bureau has been in successful operation for years. It has been during all this time in constant correspondence with practical and scientific gentlemen, and with the various agricultural societies and organizations throughout this country and Europe, and has gathered up a vast fund of scientific, practical, and statistical information, which from time to time has been published under the authority of Congress and distributed far and wide. It has also been an agent of the people for the exchange of seeds and roots between this and other countries, and the distribution of the same here, and also for conducting a great variety of experiments and investigations in the direct and immediate interest of soil products. It has been constantly employed in ascertaining and disseminating information of great value to one of the most prominent interests of the people. Letters are invited, and are constantly being received, from interested parties, calling for information which could not without much difficulty and expense be obtained elsewhere. There is no gentleman on this floor who represents an agricultural community, in whole or in part, who is not daily receiving demands for the published reports of this Bureau.

The simple question is, shall this Bureau be abolished and the only recognition which this great nation gives to one of its most important industries—that of agriculture—be swept away? Because it is useless

to attempt to conceal the fact that the proposition to abolish this Bureau stands right behind the opposition to this bill. The refusal to disseminate these reports is but the preliminary step to refusing to publish them, and refusing to publish means the abolition of the Bureau itself.

In my judgment nothing could be more unwise, untimely, and uncalled for than the blow aimed at this great and invaluable industry of the nation, in the attempt to strike down its only recognized department in the Government. It comes, sir, not only at the wrong time, but it comes in the spirit of a false economy and a pernicious philosophy. The inconsiderable sum expended for this department is money well expended, and in the end comes back with interest in improved methods of farming and in the aggregate productiveness of the nation. It comes right when the demands for it throughout one-half of the Union, where a change in the whole economy of agricultural pursuits has been necessitated, are stronger than ever. If other gentlemen covet the task of striking down this department just at this juncture, they are welcome to the glory and the rewards. I have no ambition in that direction.

Now, Mr. Speaker, what I have said in regard to this class of reports applies with more or less force to others, and specially the census reports and the messages and accompanying documents. These are invaluable. Let me speak now of the former. So long as this Government proposes to discharge the functions of a government, it must from time to time prepare a census of its growth and resources. All or nearly all the governments of the earth do this to a certain extent.

Now, sir, if the information thus obtained cannot be freely disseminated among the people the work is shorn of its greatest value. In fact this information is procured for the people by their own agents. They have a right to demand it without being dependent on metropolitan newspapers or any intermediate agency for it.

Suppose it does cost something to circulate the reports, shall we decline to take the census because it will cost something to distribute it among the people? For whom is the information gathered up if not for them?

It is no argument to say that if the law provides for distributing documents too many will be printed. It is the business of Congress to see that too many are not printed. There is no difficulty in making the limitation. I will go as far as any man to cut off worthless publications, but I can find no reason in the fear that our duty will be neglected for disregarding the just claims of another.

Nor do I see much force in the claim that the Government ought not to publish any reports because it cannot publish enough to give every citizen one. If this argument is worth anything, it would preclude the publishing of all reports, and render the people of the country dependent on irresponsible, inaccurate, and conflicting newspaper reports for all information concerning the different departments of the Government. You might as well abolish the mails because one-half of the people never use them, or because some use them much more than others.

Besides, sir, it must be remembered that the contents of a book are not confined to the party who receives it. The Agricultural Reports, for instance, pass from hand to hand. They are read and discussed at club meetings; they are deposited in neighborhood and school-district libraries, and their contents spread broadcast throughout the farming sections of the country.

Mr. Speaker, another proposition has been made to which I wish to advert for a moment. It is that the Government sell the reports to those who want to buy them for cost. I cannot assent to such a proposition. I see no reason why this Government should resolve itself into a book agency of the Cheap-John order, and sell the reports of its different Bureaus and Departments to the people. I cannot agree to that. If these reports are called for at all, it is because they are of value and interest to the people. There is no other view upon which you can justify their publication for a moment. Certainly not for the gratification of the heads of these Bureaus and Departments, whose rights do not seem to me to be higher than those of the people or their representatives.

If you are to continue the publication of the messages and accompanying documents, the census reports, and the agricultural reports, you must do so because, and only because, the people of the country are interested in them, and because their promulgation is a matter of public concern.

The moment you determine that they are not published on this ground, and that you will interpose a condition on which the people may procure them; in other words, that they are not for the people but for those who can pay for them, you establish a totally new theory for the printing of documents.

I do not want to see the Government put itself in the attitude of saying to the parties who apply for these reports, "Gentlemen, these reports cost fifty or sixty cents per volume, and you can have them at that price." It looks to me like a two-penny business for a great Government like ours. It involves a wrong principle, and ought not to be indorsed. I would much rather vote to abolish the printing altogether.

This bill, Mr. Speaker, has another important provision which I heartily approve. It provides for the free circulation of newspapers in the counties where published and a free exchange list. This is but the restoration of a law which ought never to have been repealed, and seems to me eminently wise and proper.

Regarding this measure as on the whole a judicious one, I shall very cordially do what I can for its passage.

Mr. PLATT, of New York. I will now yield to the gentleman from Pennsylvania [Mr. TOWNSEND] to offer an amendment, in order that it may be printed.

Mr. TOWNSEND. I give notice I shall offer the following amendment when in order; and I now ask that it be read, and ordered to be printed.

The Clerk read as follows:

In section 3, line 6, strike out the word "weekly" and insert the words "all other;" so it will read, "all other newspapers."

Mr. MAYNARD. Is that amendment offered to be voted on now?

Mr. TOWNSEND. I give notice I will offer it when in order. I now ask that it be ordered to be printed.

There was no objection; and it was ordered accordingly.

Mr. MAYNARD. I should like to ask the chairman of the Committee on the Post-Office and Post-Roads what time it is proposed to call the previous question on this bill? We have had a long debate upon what seemed to be already well understood when we entered upon it.

Mr. PLATT, of New York. I did not yield to the gentleman from Tennessee; but will now yield to the gentleman from Ohio [Mr. SPRAGUE] to introduce a bill.

WAR OF 1812.

Mr. SPRAGUE, by unanimous consent, from the Committee on Revolutionary Pensions and War of 1812, reported a bill (H. R. No. 2190) to amend the act entitled "An act to grant pensions to certain soldiers and sailors of the war of 1812 and to widows of deceased soldiers," approved February 14, 1871, to restore to the pension-roll those persons whose names were stricken therefrom in consequence of disloyalty; which was read a first and second time, ordered to be printed, and recommitted.

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Mr. MAYNARD. I should like to ask the chairman of the Committee on the Post-Office and Post-Roads at what time he proposes to call the previous question? I do not propose to take any part in the debate myself.

Mr. PACKER. If the gentleman from New York [Mr. PLATT] will allow me, I will say, in response to the gentleman's question, that the Committee on the Post-Office and Post-Roads wish to call the previous question early to-morrow morning. Quite a number of gentlemen about me desire to speak to-day on this bill. The committee do not wish to cut off any gentleman from being heard. We have thought that by to-morrow morning all the gentlemen who wish to speak will have an opportunity to express their views on this bill; and as soon as the bill is reached to-morrow the previous question will be demanded.

Mr. MAYNARD. Does the gentleman propose to take an hour for debate after the previous question is demanded?

Mr. PACKER. That will give an hour to close the debate under the rule.

Mr. MAYNARD. This will then take up all day to-morrow.

Mr. PACKER. It will come up in regular order at half-past one, and if the previous question be then seconded and the main question ordered, we can come to a vote, I think, about half-past two o'clock.

Mr. PLATT, of New York. I yield now thirty minutes to the gentleman from New Jersey, [Mr. PHELPS.]

Mr. PHELPS. Mr. Speaker, I shall oppose the bill introduced by the committee. I shall oppose the amendment suggested in his speech by the gentleman from Indiana, [Mr. TYNER;] I shall oppose the substitute which will be offered at the proper time by my friend from Iowa, [Mr. KASSON.] In a word, I shall oppose, with all due respect to those who differ from me in opinion, every bill, every amendment, every substitute, which proposes in whole or in part, directly or indirectly, to re-enact the franking privilege. I believe that a privilege for the few is an injustice to the many, and I for one shall try to give privileges to none, equal rights to all.

My opposition to this bill in the first instance, Mr. Speaker, is on the ground of that economy which we praise so much, which we practice so little. [Laughter.] And if it is not presumptuous to criticise, let me say that in my opinion the record of this House in that regard has been singularly illogical and unsatisfactory; and when I remember that we are what my friend from Massachusetts [Mr. G. F. HOAR] so appropriately called us a few days ago in a moment of great excitement; when I remember that in his words we are a "body of intelligent statesmen," I submit, Mr. Speaker, our record is puzzling and unsatisfactory. [Laughter.]

What is that record? We came here fresh from the people, eager to win reputation for ourselves, and to save the Commonwealth. What did we do? We began to speak; you spoke, Mr. Speaker; I spoke; and every man who got the floor spoke—for what? To demonstrate to the people our willingness to sacrifice even our own salaries. [Laughter.] We wasted ten days in talk, and when an end came, when we were all tired, when we were all hungry, when we were all sleepy, my indefatigable friend from Maine [Mr. HALE] insisted we should stay here late into the evening that he might read us a lecture on the selfish extravagance which would cut down our salaries

to only $6,000 instead of $5,500, [laughter]—a sum which he had recommended and more than once urged us to adopt. And the father of the House, [Mr. DAWES,] rising to the height of the great subject, in a voice whose sepulchral warning yet lingers in my ear, assured us again and again that he could bide his time—he could bide his time.

I went home that night distressed that I could not look upon this matter of $500 as one of such stupendous importance. But, sir, at the same time it entered my heart to think that under leaders so zealous the Republic could never take any detriment. But, mark you, the very next morning, or the next morning but one, my friend upon my right, the gentleman from Iowa, [Mr. DONNAN,] the chairman of the Committee on Printing, modestly stepped to the front, and in this same House and before the same earnest economists proposed a bill—for what? To print for gratuitous distribution two hundred and fifty thousand copies of the Agricultural Report; not two hundred and fifty; not twenty-five hundred; not twenty-five thousand; but two hundred and fifty thousand copies, of the Agricultural Report. How I admired the audacity of my friend from Iowa! How I pitied his fate! If there had been such protests and speeches for a poor $500, what would be the fate of a man who dared to come before this House and propose that we should throw $500,000 into the rag-bags and barber-shops of the nation?

Mr. Speaker, my indefatigable friend from Maine never once took the floor upon that question; the father of the House refused utterly to prophesy, and the bill of my friend from Iowa went through almost without objection, certainly without discussion. And then day after day followed, and bill after bill was introduced, and the session began to grow old. Was there a man of us who got the floor who did not cry out for economy? Was there a man of us able to find that *particular measure* on which he was willing to practice it? [Laughter.]

By and by there came an occasion, and the brave and eloquent gentleman before me [Mr. WOODFORD] seized it. He offered the House an opportunity to reform and improve its record. He rose up very boldly—very unfortunately as the issue showed—and clearly placed the issue before the House. Does the House wish to discuss the finances of the nation, or does it wish to discuss its garden-seeds? And after full consideration the House, by one of the most unanimous votes I have witnessed this session, declared that as for them they would provide first for the distribution of garden-seeds, and after that for the distribution of the currency. [Laughter.] When I sought the explanation of this seemingly inexplicable decision, what was it? The reply which I never hear upon this floor, but which I hear in my seat or whispered in the lobby, "It was the grangers;" that the grangers had called the attention of their Representatives to the fact that spring had come and the earth was waiting for its seeds, and there could be no further delay. [Laughter.]

And so we get a bill before us which I say, in perfect sincerity, revives the franking privilege. I say it explicitly and boldly, this bill of the committee gives the member every right he had before except one. We cannot write our autograph letters and frank them. Wonderful restriction! We may frank documents that weigh one hundred pounds; we cannot frank a half-ounce letter. The gentlemen of the committee take from us the only privilege that is desirable and not subject to abuse. Who will write letters enough to burden the mails? Does the committee know how hard it is for members to write? Does it know how hard it is for constituents to read? The abuse lies elsewhere.

What was the abuse of the franking privilege which was complained of? Was it not the free transmission of heavy material, masses of binding and printing which we crammed into the mails of the country, to the damage and delay of the business and social correspondence of the people? And it is this heavy material that the bill proposes to frank—public documents, books, periodicals, seeds, roots, plants, scions, everything else that is worthless and heavy. The committee in preparing this bill have revived the old abuse. They have taken the poor old castaway of the Forty-second Congress; they have given him a silk hat, and have dyed his mustache. But he is the same old original Jacobs still. [Laughter.]

Why not be fair; why not be frank; and come out and say, "Behold the old bill; we have rebaptized it; but only—

> Keep the word of promise to our ear,
> And break it to our hope!"

I think it was my friend from Missouri [Mr. BUCKNER] who said that the abuse of the franking privilege was that members of this House and members of the Senate used it dishonestly. Mr. Speaker, judging others by myself, no one can think more poorly of this House than I, and yet I am perfectly convinced that neither in this House nor in the other is there to be found men who would dishonestly use a privilege like this. The statement is false on the face of it. Am I to believe with my friend from Missouri, [Mr. BUCKNER] that any of these members now gathering round me—members who represent intelligent constituencies—any in this "collection of intelligent statesmen" would use his frank to send his dirty linen home to the wash? [Laughter.] Sir, the idea is preposterous. A member who would use his frank to send his soiled linen to his washerwoman would never have any. [Renewed laughter.] And if there is any one who supposes that any Senator at the other end of the Capitol is about to frank home his furniture, when the people have no longer need of his services here, he must suppose that Senator a blockhead. No; the only abuse of the franking privilege is that which we propose to revive; that is, to load the mail with a mass of heavy material which does not pay its way.

What is urged in favor of this proposition? We are told that it is our bounden duty—my friend from Wisconsin [Mr. HAZELTON] puts it the shortest—to provide the people with information. Now I will admit that my friend needs information; I think the people need information. But the people need other things—many more than we can supply. The people need warmth, cleanliness, virtue. But no one here comes forward and proposes a free distribution of fires, of baths, or of Bibles. [Laughter.]

The people need something else. And just here for once the sentiments of him who dwelleth in cities and him who dwelleth on the prairies, of him who lives in the East, and of him who lives in the West, of him who lives in the North, and of him who lives in the South, agree. Here is the one great want of the country. Why, Mr. Speaker, [Mr. MONROE in the chair,] did you ever meet one of your friends who was from the noble West who did not tell you that the noble West needed money? [Laughter.] Did you ever meet any one from the sunny South who did not tell you that the sunny South needed money? And I am willing frankly to confess, in the presence of this "collection of intelligent statesmen," that my own State of New Jersey needs money. More; I have the best of evidence, to come nearer home, that in my own district there is scarcely a man, woman, or child who does not need money. And yet I do not propose, nor do you propose, neither does this committee propose, to distribute to your people or to my people the free bath, or the free fire, or the free Bible, or the free greenback. [Laughter.]

Now, my friend from Illinois [Mr. CANNON] who addressed you three or four days ago, with an eloquence that was untutored but very effective, whose imagination flashed along the iron net-work of his logic in a way that fairly astonished the House, spoke of a great many things that filled me with wonder and amazement. He spoke of the hay-seed in his hair, [laughter,] and under the magic touch of his voice that hay-seed glowed around his head like the halo of the martyrs, [continued laughter;] and when he spoke of the oats in his throat, it was with such a force and such eloquence that I knew he felt them, [loud laughter;] and to all of this I had not the slightest objection. I listened and wondered; I gazed and admired until he came to praise his country folk at the expense of mine. This I would not stand. He represents a country constituency, just as I do. He has no large cities in his district, just as I have none. And he had no business to boast of the intelligence of his farmers on the prairies, just as if there were no intelligent farmers in New Jersey. [Laughter.] How he boasted of their literary taste! And when he began to tell us all that his farmers sent him letters to ask for books, I wanted then and there to rise up and say, "I represent farmers; they write to me for books; day after day I get similar letters from my constituents. They are wonderful letters, and sometimes the energy of their petition is such that it defies Noah Webster and Lindley Murray. They never fail to make the proviso that I should pay the postage." [Laughter.]

Sir, I do not believe that among the letters from his prairie constituents, of which he speaks so bravely, he can find one that asks him for the history of the silurian period, or the crustaceous formation, or the isothermal theory. It takes the Jersey farmer to ask for such! I appeal to the House, shall he boast over the intelligent requests of his farmers because they live on the prairies, and I be tongue-tied here and not suffered to speak of the intelligence of my farmers who live on the banks of the Passaic, the Hackensack, and the Hudson? [Renewed laughter.]

But, Mr. Speaker, I have concealed part of the truth. For every letter which I receive asking for the silurian period, or the crustaceous formation, or the isothermal theory, I receive two letters which prefer a different request. For every letter asking for a public document, a Patent-Office Report, or even an Agricultural Report, I get a letter politely and kindly asking the loan of five dollars. [Laughter.] Now, I ask if we are to furnish all our constituents with all they want—with their heat, with their information, with their cleanliness, with their virtue—must we not also furnish them with money? Yet I do not hear one single member, even if he represents a grange, who stands upon this floor to ask that, in addition to the Agricultural Report and the isothermal theory, we shall also by free distribution send five dollars to each of our constituents. And yet would not the five dollars help more than the Agricultural Report in our elections next fall?

But my friend from Illinois is confident that the people at large want these documents. Now, Mr. Speaker, far be it from me to run against the people. I have great respect for them in view of the fact that an election occurs so soon. But let us be sure first as to what the people want. My friend from Illinois himself aided to show that the people do not want the franking privilege and do not want the public documents at the cost of taxation. He very properly ruled out from the discussion all the disreputable members of the community. He said, and said truly, that the railways do not want the crustaceous formation or the isothermal theory or the Agricultural Report. I do not think they do; and I do not want to give it to them. I think the railways have no rights that we on this floor are bound to recognize except the right to be taxed and to carry the people for less than cost. If they wanted the public documents, we would not listen to their cry. Fortunate railways, that they do not!

Neither, he says, do the express companies—another disreputable portion of society, useless and contemptible. They do not want public documents, and it is well they do not; for they could not have them. They have no rights which we are bound to respect except the right to suffer taxation and receive abuse.

And so he went through the list to banks and manufactories. But when he had covered the whole class of disreputable people who do not want the public documents, why did he stop? Ah, Mr. Speaker, there was an important omission in this catalogue which was supplied by my friend from Iowa, [Mr. KASSON.] As I read the signs of the times, a majority of the people who dwell under the protection of these United States vote the republican ticket. They voted it two years ago; they voted it last fall. Why did my friend from Illinois forget, until the gentleman from Iowa told him, that the republican party do not want the franking privilege; that the last time they had an opportunity to speak they said in words as explicit as words could make the declaration, that they would abolish the franking privilege? My friend from Illinois had overlooked or forgotten the republican party. Where then, in the name of common sense, are the people who do want the franking privilege? When I pause for a reply I get it: "The grangers want it;" and inasmuch as the grangers, so far as I can judge, want everything, let us admit that they want these public documents.

Just here again I strike squarely against and take issue with the gentleman from Illinois. I am not a granger, and I do not want to give them what they want. I say it very boldly. [Laughter.] I do not like granger principles. The grangers did not nominate me; the grangers did not vote for me. The republican party nominated me; the republican party voted for me, and I can know no other. I shall be loyal to the sentiments of the republican party ever; I shall stand by the principles which the republican party has declared ever, and I shall yield my loyalty to the republican party, and give in my fealty to this new party of the grangers, never, never—unless they should happen to establish granges in the northern part of New Jersey. [Laughter.]

Mr. Speaker, I find that in discussing this franking privilege I have got into the printing house; and that, as my friend from Wisconsin [Mr. HAZELTON] said, is the real issue. This is our best argument. If you revive the franking privilege you revive all the abuses of the public printing; and a blow aimed at the franking privilege is a blow aimed at the printing house. May blows fall so many, so heavy, that this country may be saved the wasteful expenditure which proceeds from that source. Who would regret the fall of the Printing Bureau? Who really wants these public documents? Does it never occur to our friends that the inexorable laws of trade—those which even a paternal government cannot always successfully interfere with—show that the people do not want them? There is no town or village in this country where a traveler cannot go to any second-hand book-shop and buy any public document—whether it be the Agricultural Report, the Patent-Office Report, the crustaceous formation, or the silurian period—by paying a little more than its worth as old paper.

Evidently the demand is small, and we can easily answer it by providing a system by which reports, which contribute to the education of our people in political matters, may be brought more economically within their control; sending a few copies to the public libraries or enabling all who wish to own them to purchase them at their real cost. If we are bound, notwithstanding what I think is forcibly urged, to furnish information, do not, for pity's sake, distribute Patent-Office Reports, nor give the people the Agricultural Reports. Certainly let us not send down to our districts any more treatises on the isothermal lines, or crustacean formations, or silurian periods, or salary grabs, or any one of these things. [Laughter.] If we must tax the many to give books to the few, let us give them the spelling-book, the arithmetic, the reading-book—something that will really benefit them, which they will appreciate, which will make them better citizens, and more sure to vote the republican ticket. [Laughter.]

I said I opposed this measure in the interest of economy. I oppose it now in the interest of that universal justice which we all praise as we do economy, but which we refuse to practice just as we do economy. [Laughter.] But my borrowed time allows only a question on this point. Is it fair to the people of these United States to tax them all, A, B, C, and D, all down to Z, in order that we may give a book to A? I claim this is not republican doctrine. It is wrong; and we have no business to compel fifty people to pay taxes to give a luxury to one.

Before my time is out notice one section of the bill—I think it is the third—which speaks of the country editor, and this is a point I approach with the greatest reluctance. [Laughter.]

In my district, as in the district of my friend from Illinois, [Mr. CANNON,] we do not have any large cities, we do not have any metropolitan press; but we do have a number of most worthy country editors—estimable men. [Laughter.] I would love to stop here and pass an encomium upon the virtues of these gentlemen, but my friend from Ohio, [Mr. GARFIELD,] who like myself has no metropolitan press in his district, but a number of country papers, has anticipated me. With such exquisite grace has he painted the picture of the editor who sits in his country office that I yield in despair. That editor is never hurried; he forms no hasty opinions; he waits until he has consulted the county, and then, at the end of the week, passes his opinion upon the doings of Monday—and rests. [Laughter.] Just as the grangers keep my friend from Illinois [Mr. CANNON] in awe, just so do I tremble before the editors of the county. As the grangers receive from him love mingled with awe, so do these editors receive from me peculiar tokens of respectful consideration. And do they not deserve them? They have a hard, hard time, and through it all are faithful and true to the humblest of their representatives. When you are in your chair, Mr. Speaker, and I am at my desk in the Sleepy Hollow at your left, your eye I never catch, but I catch the eye of my country editor every time. [Great laughter.] If I go down stairs, to make myself clean at the country's expense, or go down to strengthen myself by eating a few oysters at my own expense, and a malevolent member on the other side of the House calls for the yeas and nays during my absence, *he* sees me, and records the fact that I dodged. [Great laughter.] If it should happen, through some mistake, that I do catch the Speaker's eye, or some gentleman yields me thirty minutes of his time, you, Mr. Speaker, do not listen to me; few of my fellow-members in this House listen to me, (I do not blame them for not listening,) but I am strengthened by the thought that I am talking away beyond you and beyond them for the constituency which I have the honor so imperfectly to represent, and that, as the watch-dog of this constituency, the country editor, listens to me, he hears every word, and that as it pleases or displeases him it will either mar or make me. [Laughter.]

If such my respect for the country editor, imagine the feelings with which I regard the ingenuity of the committee who present to us an assafetida pill and coat it with delicious sugar. I can speak against the free distribution of public documents through the mails, but how can I speak against my country editor, who only wants a free use of the United States mail to distribute my praises?

This all comes from the skill this House has attained in putting a man in a false position by the practice of our Mondays. It is something terrible; it is something most deplorable. We have acquired such skill in framing our resolutions, that it is impossible nowadays to get a bill whose right and whose wrong "any fellow can find out." When I read through this bill I said, "O, my prophetic soul, this is after the fashion of Monday resolutions." If you want to help your country editor, you must vote for franking. If you want franking, you must vote for your country editor.

Does not this bill read like Monday after the morning hour?

> Whereas the earth is round, and whereas the sun is warm, and whereas if you are virtuous you will be happy; and whereas we wish the world to be round, and we wish the sun to be warm, and we wish ourselves to be happy: Therefore,
> *Resolved*, That it is the sense of this House that we should issue an unlimited quantity of convertible bonds bearing 3.65 interest.

[Great laughter.]

In this stress, all that I can say in behalf of my country editors is this: that I do not believe that they want to obtain favors at the expense of the country. I believe that they are good enough men (as my friend from Ohio has said so much better than I can say it; I am sending his speech to them and not my own.) I believe they are so good men, so truly anxious for the welfare of this country, so invariably kindly, especially to the city press, that we may assume that they would rather relinquish privileges than cause injustice. And I remember to have heard a day or two ago my democratic friend from New York, [Mr. POTTER,] who speaks a great deal, and therefore says a great deal that is wise, [laughter]—I remember having heard him say that it is not the business of the country to give privileges even to the deserving; that its only business is to do justice. Let this Government, then, fulfill its sole and proper function, to do justice. Let it refuse all privileges, even to the deserving. I know the country editor will be the last to complain.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. MONROE.) The time of the gentleman has expired.

Several MEMBERS. Go on; go on.

The SPEAKER *pro tempore*. If there be no objection the gentleman may proceed. The Chair hears none.

Mr. PHELPS. There is an amendment to this bill. "It was not always so." When this bill was first presented by the committee it was not there. The amendment is in italics, as much as to say, "Beware!" And I ask gentlemen to lend me their attention for a few moments while I state why the committee introduced the amendment, and urge all my republican friends if they must pass this bill to see that they pass it with the amendment in. Briefly, when this bill was reported without the amendment, it came to the ear of a gentleman upon the committee that another democratic friend of mine from New York was preparing a circular which he intended to send next fall, under the exercise of the franking privilege, to all republican districts. He was enabled to obtain a copy of this circular; it was found to be short—in that respect, of course, unlike my friend—but, on the whole, witty, as my friend is always witty; but it was terribly damaging to the republican party.

It was a notice to this effect to the republican voters: "Your leaders two years ago promised to repeal the franking privilege if you put them in power. You put them in power. They kept their promise; they repealed the franking privilege. You put them in power the next year, and they controlled the House by a two-thirds vote. And what did they do then? Like Jeshurun, when they waxed fat they kicked; they broke in your face the promises that they had made, and

re-enacted the franking privilege." This was the substance of the circular.

Under these circumstances, I ask my republican friends in this House—I have nothing to say to my friends on the other side—ought we not, if we pass this bill, to see that there is in it this amendment? For the provision is carefully drawn that the republican postmaster, if at any time, which would be about September, he thought the public welfare required it, (and no doubt he would so think if a number of such circulars were deposited in the post-office,) might, in that case, retain these circulars "in whole or in part for thirty days," or until the country was carried safely over the Pennsylvania election. I assure you he would retain them "in whole." The amendment is important. If we pass this bill let us pass the amendment with it. It is our only safety.

And when we pass the amended bill, let us do it in a creditable manner. A bad deed derives some merit from a bold performance. Let us be bold in this. Let us own up that it is the original Jacobs. Let us take off the silk hat; let us wash away the dye, and surrender all pretenses. Let us so act that the people will not despise us, though they censure. If we attempt to deceive, we shall only win contempt. They are as intelligent as we are. We cannot deceive them. We shall fail in the attempt.

It is therefore better policy, as it is better manhood, if we purpose to re-enact the franking privilege, not to do it by this bill, but to do it boldly and openly. Take and adopt the amendment of the gentleman from New York, [Mr. HALE,] and by it tell the people that we do re-enact the franking privilege. Do not let us ever again make the mistake of attempting to deceive them by a false issue.

Mr. PLATT, of New York. I now yield to my colleague [Mr. E. H. ROBERTS] the remainder of my time.

Mr. E. H. ROBERTS. Mr. Speaker, the progress of this debate has shown that the free distribution of documents and the lavish expenditure for public printing are Siamese twins, which depend for life upon each other. If you kill one definitely and forever, you make an end of the other also. In the last Congress the franking privilege was scotched, but not killed. The mass of books piled up in the basement of this Capitol shows the vitality of Chang. Every book which has been piled up below has been a prop upon which the carcass of Eng has been set up, until now a new life is to be bestowed, and we are asked to admire again and sustain again these Siamese twins.

Sir, it is not worth while for us to exaggerate the cost involved in this matter. The public printing ordered by Congress last year amounted to something like $847,000, and that, too, without the Agricultural Report. In the preceding year we published two hundred and twenty-five thousand copies of the Agricultural Report, at a cost of $154,000. If you were to add, as you will do and as you have done this year, two Agricultural Reports, you will bring up the cost of your printing to nearly $1,200,000, of which nearly a million is dependent upon the restoration of the franking privilege. I suppose every gentleman will be willing to admit that the cost of distributing these congressional documents is at least $500,000 yearly. So that $1,500,000 is really the amount involved in the bill which comes from the Committee on the Post-Office and Post-Roads.

Now, it becomes those who advocate this bill to show affirmatively why it should be passed. During at least a portion of this debate it has been assumed that the burden of argument rests with the negative. That is a sign of weakness. The supporters of this bill must show affirmatively that it ought to pass; and some of the gentlemen have attempted to do so. For example, it has been argued that it will cost nothing to restore the franking privilege as it is done by this bill, because the weight of the mails does not affect the cost of transportation; yet, turning immediately about, these very same gentlemen protest against cheap postage for newspapers, because the weight of the mails does determine the cost of the transportation.

The advocates of the bill also plead, "You must give the franking privilege to us because in other districts you have certain local advantages, and we must have the franking privilege to balance the account." If that argument amounts to anything, then the franking privilege should be confined to those districts which have not the free delivery of letters in cities; which have not public buildings to which gentlemen refer; which have not appropriations for rivers and harbors; which have no consideration whatever at the hands of the Government. O, no; that is too thin an argument. This is a bill covering the whole country, and the argument to sustain it must be as broad as the country.

And so it is that my enthusiastic friend from Missouri, [Mr. PARKER,] and my distinguished friend from Wisconsin, [Mr. HAZELTON,] insist that it is necessary that the franking privilege should be restored in order to disseminate education, in order to defend the liberties of the people.

Eighteen hundred documents sent every year into each congressional district, if we may believe these gentlemen, are the great elements of national education; they are the great defenders of our institutions. Our institutions, according to that argument, rest not upon ideas, not upon virtue, not upon the self-sacrifice of the people, but upon patronage and on subsidies.

Sir, in the last days and the worst days of the Roman Empire the emperors were wont to bind the people and their soldiers to them by largesses. And now we are asked to bind the people to their institutions by free books, by free distribution of mail matter. Mr. Speaker, has it come to this, that the sole defense of our Republic is a free book sent into a congressional district? Has it come to this, that the only hope of the Republic is that we may stick the citizen to its institutions by a free stamp?

Mr. G. F. HOAR. Will the gentleman permit me to ask him a question?

Mr. E. H. ROBERTS. Certainly.

Mr. G. F. HOAR. Does the gentleman understand that anybody has argued upon this floor that it is the giving of the book, and not the circulation of the knowledge it contains, that strengthens the Republic?

Mr. E. H. ROBERTS. I understand that this bill is for the free distribution of books. And the argument is that by the Agricultural Reports, by the documents that go from this House, we are defending and protecting our institutions.

Mr. G. F. HOAR. My question is, if I do not disturb the gentleman——

Mr. E. H. ROBERTS. Not at all.

Mr. G. F. HOAR. Whether he understood anybody to argue that it was the gift of the book, and not the circulation of the knowledge it contains, that strengthened the Republic?

Mr. E. H. ROBERTS. I will come to that. The gentleman assumes that this knowledge will not reach the people in any other way than by the free distribution of documents; otherwise the argument amounts to nothing.

Mr. G. F. HOAR. I merely asked the gentleman if he understood anybody to take the position to which he was replying, that it was the gift of the book alone——

Mr. E. H. ROBERTS. I say that the argument made in the last Congress by the gentleman from Massachusetts was that this information would not reach the people except by free distribution. I am replying precisely to that argument.

Mr. G. F. HOAR. If the gentleman will permit me——

Mr. E. H. ROBERTS. Certainly.

Mr. G. F. HOAR. I understand the gentleman to assume that somebody supposes this to be a gift, a largess, a bribe to the people, by which the Republic is strengthened. Now, the argument to which the gentleman said he was replying was not that.

Mr. E. H. ROBERTS. I trust this will not be taken out of my time.

Mr. G. F. HOAR. Certainly; I will ask that.

The argument the gentleman is replying to is that it is the gift of the book, and not the knowledge so disseminated, and which would not be disseminated in any other way, which strengthened the Republic.

Mr. E. H. ROBERTS. But, Mr. Speaker, the point I make is this: That this knowledge and all other important information will reach the people in other ways, and this pretense that free distribution is essential to the dissemination of knowledge is an absurdity on its face.

Now, Mr. Speaker, "men love the banks where they deposit." People do not prize that which they get for nothing. The bill which the gentleman from Iowa [Mr. KASSON] has introduced proposes a means by which public documents shall be cheaply distributed; and with some amendments I would favor his bill. Let the Government print only what is necessary for its own work; give every one who may ask for them copies at a nominal price; only, Mr. Speaker, let us no longer put legislators in the rôle of colporteurs.

But this pill, which comes from the Committee on the Post-Office and Post-Roads, is, as my witty friend from New Jersey [Mr. PHELPS] said, "sugar-coated." It is proposed to crown the weekly newspapers as "dead-heads," and in that way to separate them from the great metropolitan journals of the cities. Now, Mr. Speaker, the country journals have not asked for this consideration. Gentlemen may understand once for all that those journals do not ask for charity, and by such a measure gentlemen will buy neither the approval nor the silence of those newspapers. They are as independent as their metropolitan cousins. They do not propose to surrender a principle to secure a trifling benefit. The clause which has been introduced in the bill would gratify the subscribers of country newspapers, and would benefit them more than it would the newspapers themselves. Newspapers have learned that the costliest obligations incurred by them are as "dead-heads," and not one of them whose life is worth living will accept this thin coat of sugar at the cost of so much gall and wormwood.

Mr. Speaker, country newspapers, and the people as a class, have pronounced, in many ways, their opposition to the idea of subsidy. They have denounced Congress hitherto for its greediness for perquisites; and I venture to say that so small a bribe as a book sent free, so small a bribe as country newspapers distributed free, will not induce the people, will not induce country editors, to abandon their denunciations against subsidies, whether under the great standard of grants to railroads and concessions to steamships, or in the meaner and more petty form embodied in this bill.

I thank my colleague [Mr. PLATT] for the time he has so courteously yielded to me.

Mr. COBB, of Kansas. I yield for a moment that the gentleman from New York [Mr. MELLISH] may have an amendment read.

Mr. MELLISH. I ask to have read for information the amendment I send to the desk

The Clerk read as follows:

Strike out all after the enacting clause and insert as follows:

That from and after the 1st day of July, 1874, postage for any distance within the United States on all written matter shall be at the rate of two cents per ounce or fraction thereof; and on all printed matter at the rate of one half cent per two ounces or fraction thereof; and the postage-stamps to be used under this law shall indicate on their face the quantity and kind of matter for which they will pay; but such stamps may be employed at their face value for either written or printed matter. And all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. SPEER. Will the gentleman from Kansas yield for a motion to adjourn?

Mr. COBB, of Kansas. I yield to the gentleman from Pennsylvania, [Mr. KELLEY,] who wishes to present a report from the Committee on Ways and Means.

DUTIES ON IMPORTED FRUITS.

Mr. KELLEY. I am instructed by the Committee on Ways and Means to report a bill in relation to customs duties on imported fruits, and to ask for its immediate passage.

The bill was read. It directs the Secretary of the Treasury to suspend the repayment of all duties heretofore paid on imported fruits until further legislation by Congress authorizing the same, or until a decision of a court of the United States requiring the same, from which decision the Attorney-General shall certify that the United States will not take an appeal or writ of error.

Mr. RANDALL. I wish to ask my colleague [Mr. KELLEY] whether this bill does not debar the Attorney-General from taking an appeal on this matter from the decision of a district or circuit court?

Mr. KELLEY. On the contrary, it suspends payment until the Attorney-General shall decide whether he will take such appeal.

Mr. RANDALL. That is the point I want to get at. I do not want to place this power in the hands of the Attorney-General. I know that in the case of the refund of duties on ribbons the money was taken out of the Treasury of the United States, in consequence of the Attorney-General failing, in my judgment, to do his duty, and declining to take an appeal of the case to a higher court.

Mr. KELLEY. If my colleague will permit me, I will say that this bill simply suspends the repayment of these duties. A bill on this subject has already passed the House and is now before the Senate. There are now some thirty or forty cases, involving hundreds of thousands of dollars, awaiting only the signature of a single officer before the money shall be paid. The Committee on Ways and Means deem it desirable that this bill should be passed to suspend payment in such cases until the bill now pending in the Senate shall be passed.

Mr. RANDALL. I should prefer that the proposition should merely prohibit the Secretary of the Treasury from the repayment of any money and go no further; because I maintain that the Attorney-General, on a question of refunding so enormous an amount or duties, should have the judgment of the highest court. In other words, I am not willing to leave the matter discretionary with any Attorney-General.

Mr. KELLEY. Mr. Speaker, this does not leave it with the Attorney-General. It leaves it until there has been adjudication.

Mr. RANDALL. No, sir.

Mr. KELLEY. At least so far as the Attorney-General shall certify he does not carry it further. The bill has been already passed by the House.

Mr. RANDALL. I am not legislating for the Senate but for the House. I wish to state to the House that when you give that power you go far enough; but the Attorney-General should not have the right upon the decision of the lower courts to cease to prosecute further the claim of the United States.

Mr. BURCHARD. The proposition of the gentleman from Pennsylvania would prohibit the repayment of the money by the Secretary of the Treasury in all cases, even though the court decided it ought to be paid. Hence the latter part of the resolution was unanimously agreed to by the committee, so that in case the court should on full consideration of this section of the statute decide that money had been wrongfully collected, then the Secretary of the Treasury might have the power to repay it. The question there involved has not yet been passed on by the court.

Mr. RANDALL. Neither was it in the ribbon case.

Mr. BURCHARD. It only provides, so far as the Attorney-General is concerned, that upon the decision of the court, if the Attorney-General is satisfied with the decision, it ought not to be appealed, and should so certify, then the Secretary of the Treasury may make payment.

Mr. RANDALL. I wish to warn the House of this matter of danger. The celebrated ribbon case was gotten through in this way precisely. There were various decisions; I think three. It was decided in the circuit court, and then came to the Attorney-General, who gave a certificate or wrote a letter to the Secretary declaring he would not appeal. I do not know the amount of money refunded in that case, but I believe it went to the extent of some half a million. I am told there are $2,000,000 involved in this matter. Now, for one, I will not stand here and give this right to the Attorney-General. I will not give him the power by his mere *ipse dixit* to take $2,000,000, or $2,000, or any other amount, large or small, of money out of the Treasury until after appeal to the highest court, and decision by that court has been had that the Government of the United States is bound in good faith or in law to refund this money.

Mr. KELLEY. There has been no adjudication.

Mr. RANDALL. Nor was there in the ribbon case.

Mr. KELLEY. I thought there were two or three decisions in that case.

Mr. RANDALL. There was no decision on appeal to the highest tribunal. There were decisions in the lower courts.

Mr. KELLEY. This is to guard against these very things of which the gentleman complains, and provides no money shall be refunded until the case has been decided.

Mr. RANDALL. It gives the right, when the Attorney-General states he will not take an appeal from the decision of the lower court, to the Secretary of the Treasury to pay back this money. Does it not authorize the Secretary of the Treasury to do that?

Mr. KELLEY. It does.

Mr. RANDALL. That is the whole question, then.

Mr. KELLEY. There must be a decision. Many warrants are now awaiting signature to carry hundreds of thousands of dollars out of the Treasury, and I hope this will pass, to prevent it until there has been a decision.

Mr. RANDALL. The gentleman assisted me, or rather I assisted him, in the ribbon case I have before alluded to, in trying to prevent money improperly being taken from the Treasury of the United States. Yet, with all our forethought and knowledge of legislation in that case, because of the refusal of the Attorney-General to take an appeal from the decision of the lower court to the Supreme Court of the United States, there was taken out of the Treasury some half a million dollars.

Mr. KELLEY. Remembering the efforts of my colleague in that instance, I cannot understand why he should interpose objection at this time.

Mr. RANDALL. I interpose only so far as to provide that the Secretary of the Treasury shall not pay out, or in any way refund, duties until there has been an appeal to, and the question has been decided by, the Supreme Court. When it is a question of law I wish to go further, and instruct the Attorney-General to take an appeal to the higher court and get a judgment in that higher court before anybody is authorized to take money out of the Treasury in this way.

Mr. KELLEY. That bill passed this House and was sent to the Senate. This is to arrest immediate action so far as the Treasury is to be largely depleted, and is for that service alone—to obtain a judicial decision on this point alone.

Mr. RANDALL. I do not wish to object unnecessarily, and will modify my proposition so it will read, "that no money shall be paid until after the final decision of the Supreme Court."

Mr. KASSON. Mr. Speaker, I wish to say that this is intended to harmonize with the resolution of the House passed the other day. We have to guard the rights of the citizens on the one hand, and the rights of the United States on the other.

There is now an emergency. It was reported when that bill passed the House the other day that the Secretary would suspend further payments out of that fund until the Senate had reasonable time to act upon it. The Secretary now informs us that he does not deem himself authorized to withhold these payments until there is some direct authority in that direction conferred by Congress. To meet that emergency the committee recommend this resolution now before the House, by which, if it passes both bodies, all payments will be at once suspended. Not another dollar can be paid, on account of this disputed matter, from the Treasury unless Congress shall by further legislation authorize it to be done, or unless the suits now instituted shall have reached decision in a court of the United States, and that decision shall be so clearly right and free from doubt that the highest legal authority of the United States shall say that it is not the interest of the United States to carry them by appeal or writ of error to the Supreme Court. In this respect it is exactly what the bill provided which passed the House last Monday week.

Mr. RANDALL. That did not go far enough.

Mr. KASSON. The object of it is this: If citizens have rights dependent on this action as well as the United States, it is their interest that their case shall be made up clearly, and that they shall get on a regular trial a decision of a United States judge, presumed to be incorruptible, after the full hearing of evidence; then the citizens should not be delayed in obtaining justice by the *ipse dixit* of the Attorney-General. In other words, just as the United States protects itself in one case by the *ipse dixit* of the Attorney-General, so the citizen in the corresponding case shall be entitled to the same protection against any delay of justice. That is the whole object of the resolution; and I submit to my friend from Pennsylvania [Mr. RANDALL] that he ought not to say that the opinion of the Attorney-General shall weigh here in behalf of the United States and shall not weigh at all for the citizen. The gentleman must remember that the citizen also has interests to be protected.

Mr. RANDALL. I am remembering the interests of the citizen when I seek to prevent this money which comes into the Treasury from being taken out improperly. We enact tariff acts. The Treasury Department gives what is considered a fair interpretation of those acts. Under that interpretation moneys are collected. The importer comes in and states that that is not the true interpretation of the law, and an appeal is taken. Now, I want the Government to have the benefit of the highest judicial decision, not a decision of a petty local circuit court. If the money is to be taken out of the Treasury, I want that the highest judicial authority of the country shall be appealed

to on behalf of the citizen as well as on behalf of the Government. I ask the Clerk to read the amendment I have suggested.

The Clerk read as follows:

Strike out these words:

"A decision of a court of the United States requiring the same, from which decision the Attorney-General shall certify that the United States will not take an appeal or writ of error."

And insert in lieu thereof the following:

The final decision of the Supreme Court.

The amendment was adopted.

Mr. KELLEY. I would suggest that the joint resolution be changed into the form of a bill.

The SPEAKER. The change can be made by unanimous consent.

The joint resolution was changed to a bill, (H. R. No. 2191,) and was received and read a first and second time.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUS OF INDIANS.

Mr. SHANKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Indian Affairs be, and is hereby, instructed to investigate and report to the House the status of the Indians in the limits of the United States and Territories as to citizenship, under the Constitution of the United States, with such suggestions as may seem proper and just touching their titles to property, and to other rights and privileges, in view of past treaty stipulations and laws and executive orders concerning them, or any of them; said committee to report by bill or otherwise.

Mr. SHANKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH W. GOLDTHORP.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 2192) for the relief of Joseph W. Goldthorp, late private of the First Regiment of Kansas Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UTE INDIANS IN COLORADO.

Mr. McNULTA, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 2193) to ratify an agreement with certain Ute Indians in Colorado, and to make an appropriation for carrying out the same; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

IMPROVEMENT OF DETROIT RIVER.

Mr. FIELD, by unanimous consent, introduced a bill (H. R. No. 2194) to authorize the removal of bowlders from the channel of the Detroit River, and for the establishment of a light-ship on the shoals at the mouth of said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POVERTY ISLAND LIGHT-HOUSE.

Mr. FIELD, by unanimous consent, also introduced a bill (H. R. No. 2195) for the relief of the workmen employed in the construction of Poverty Island light-house, Lake Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL BOUNTY.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 2196) to extend the time for the filing of claims for additional bounty, under the act of July 28, 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

S. B. SPURLOCK AND A. AND L. FAULKNER.

Mr. HARRISON, by unanimous consent, submitted the following resolution, which was read, considered, and adopted:

Resolved, That the Secretary of War be directed to transmit to the Clerk of the House the papers in his Department in relation to the claim of S. B. Spurlock, Asa Faulkner, and Lewis Faulkner, against the United States, now before the Committee on War Claims.

LEAVE OF ABSENCE.

Mr. SMITH, of North Carolina, was granted leave of absence for one week.

Mr. LEACH was granted leave of absence for four days.

Mr. HAZELTON, of Wisconsin, was granted leave of absence for one week.

Mr. SPEER. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ADAMS: The petition of Esther McDowell, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. ARCHER: The petition of William H. Pleasents, for relief, to the Committee on War Claims.

By Mr. BARBER: The petition of citizens of Wisconsin, for the passage of the bill for the better protection of immigrants, to the Committee on Commerce.

Also, several petitions of citizens of Wisconsin, for the improvement of the Fox and Wisconsin Rivers, and of the mouth of the Mississippi, to the Committee on Commerce.

By Mr. BERRY: The petition of citizens of Holmes County, Ohio, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. on certain duties, to the Committee on Ways and Means.

By Mr. BRIGHT: The petition of Austin O. Lynn, for relief, to the Committee on War Claims.

By Mr. BURLEIGH: The petition of Delphina P. Harmon, for a pension, to the Committee on Invalid Pensions.

By Mr. CHIPMAN: The petition of Mary E. Cromwell, administratrix of C. B. Cluskey, for remuneration for services rendered the Committee on Public Buildings and Grounds of the Fortieth Congress, to the Committee on Claims.

Also, the petition of Mary E. Cromwell, administratrix of C. B. Cluskey, for remuneration for plan and estimates of Savannah custom-house, to the Committee on Claims.

By Mr. CLYMER: The petition of Jacob K. Dundore, of Reading, Pennsylvania, for payment for a barge lost in the service of the United States, to the Committee on War Claims.

By Mr. CROSSLAND: The petition of citizens of Paducah, Kentucky, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. DANFORD: The petition of O. Slemmons and John Haverfield, sureties on the bond of John Fogle, late postmaster at Cadiz, Ohio, for relief, to the Committee on Claims.

By Mr. FARWELL: Joint resolution of the General Assembly of the State of Illinois, in favor of an immediate and unconditional repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. FREEMAN: The petition of Horatio Natur, for relief, to the Committee on Claims.

By Mr. HAYS: The petition of Samuel H. Estell, of Alabama, for compensation for ten bales of cotton, to the Committee on War Claims.

By Mr. HERNDON: The petition of citizens of Texas for an appropriation for the improvement of the harbor of Sabine Pass, to the Committee on Commerce.

By Mr. E. R. HOAR: The petition of Werner W. Berg and others, of Boston, Massachusetts, that the diplomatic representative of the United States to Sweden and Norway may have the rank of envoy extraordinary and minister plenipotentiary, to the Committee on Foreign Affairs.

By Mr. HUNTON: The petition of John Henry Harrover, of Fairfax County, Virginia, for compensation for personal injuries received during the late war, to the Committee on War Claims.

By Mr. KASSON: The memorial of Noah Porter, president of Yale College, and others, members of the American Meteorological Society, for the enactment of laws which shall make practicable as well as legal the use of the metric system of weights and measures in the several departments of the Federal Government, to the Committee on Coinage, Weights, and Measures.

By Mr. LAMPORT: The petition of Charlotte Peck, for a pension, to the Committee on Invalid Pensions.

By Mr. LOWE: The petition of George W. Williams, and 2,500 citizens of Kansas, for extension of time to settlers on the Osage lands for payment for their lands, to the Committee on Indian Affairs.

By Mr. LOWNDES: The petition of F. W. Alexander, of Baltimore, Maryland, that his pension may date back to January 10, 1866, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: Resolutions of the Legislature of California, for an appropriation to turn San Diego River into its old channel, to the Committee on Commerce.

By Mr. MAYNARD: The petition of Captain Hiram Mahaffey, of Roane County, Tennessee, for relief, to the Committee on War Claims.

By Mr. MERRIAM: The petition of citizens of Newport, New York, that a pension be granted to Sarah Ann Hawkins, daughter of Darius Hawkins, a soldier of the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. MYERS: The petition of Maria D. C. Bache, for a pension, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of Joseph C. Hill, late major Sixth Maryland Volunteers, for arrears of pay, to the Committee on Military Affairs.

Also, the petition of James Baxley, for a pension, to the Committee on Invalid Pensions.

By Mr. PHILLIPS: The petition of citizens of Rice County, Kansas, that said county be attached to the Arkansas Valley land district, to the Committee on the Public Lands.

Also, the petition of settlers on the Osage Indian trust lands, for extension of time for payment for their lands, to the Committee on Indian Affairs.

Also, the petition of members of the Kansas Legislature, remonstrating against the removal of certain forfeited railroad land grants, to the Committee on the Public Lands.

By Mr. RAWLS: A paper for the establishment of a post-route from Darien to Number One Station, on the Macon and Brunswick Railroad, in the State of Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. RICE: The memorial of the Board of Trade of Chicago, Illinois, relative to a revision of the customs laws, to the Committee on Ways and Means.

By Mr. SENER: The petition of William C. Callahan, formerly postmaster at Warsaw, Richmond County, Virginia, for relief, to the Committee on Claims.

Also, resolutions of the council of the town of West Point, Virginia, for an appropriation to improve the Mattaponi and Pamunkey Rivers, and to build a light-house at Tues Marsh, on York River, to the Committee on Commerce.

Also, the petition of citizens of Richmond County, Virginia, for the survey and improvement of Totuokee Creek, a tributary of the Rappahannock, to the Committee on Commerce.

By Mr. SLOSS: The petition of Henry C. Martin and Robert D. Martin, surviving partners of the firm of James Martin & Sons, of Florence, Alabama, for relief, to the Committee on War Claims.

By Mr. SMITH, of New York: The petition of Charity Hurd, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. STANDEFORD: The petition of German Dettweiler, late first lieutenant Sixth Kentucky Infantry, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Alexander Hogeland, of Louisville, Kentucky, for relief, to the Committee on Claims.

By Mr. SWANN: The petition of William T. Davis, late sergeant Company C, Second Maryland Infantry, for payment of bounty, to the Committee on Military Affairs.

Also, the petition of Sophia Campbell, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. VANCE: The petition of J. Newton Bryson and others, of North Carolina, for a post-route from East Laporte, Jackson County, North Carolina, to Cherryfields, Transylvania County, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIE: The petition of tobacco manufacturers and dealers of the State of Texas, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. WOODWORTH: The petition of Enoch Wickersham and 250 other citizens of Ohio, for an amendment to the Constitution of the United States which shall prohibit the manufacture, importation, and sale of intoxicating liquors within the United States, to the Committee on the Judiciary.

By Mr. ——: The petition of Daniel Coy, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Margaret A. Hoffner, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *February* 25, 1874.

Prayer by Rev. E. D. OWEN, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the petition of Henry S. Van DeCarr and Elsie M. Reynolds, administrator and administratrix of the estate of Rensselaer Reynolds, deceased, and Gordon B. Reynolds, of Stockport, in the county of Columbia, State of New York, praying for an enabling act. It relates to a patent. Accompanying this petition are some affidavits, which are submitted, sustaining the case. I move the reference of the papers to the Committee on Patents.

The motion was agreed to.

Mr. FENTON presented the memorial of William H. Babcock, who was a private in Company C, One hundred and seventy-seventh Regiment New York Volunteers, in the late war, asking the passage of an act granting him a pension at the rate of eight dollars per month; which was referred to the Committee on Pensions.

Mr. RAMSEY. I present the memorial of Le Grand Marvin and Isaiah Acre, citizens of Buffalo, in the State of New York, asking that there be published at stated periods, monthly or quarterly, a list of the publications made by Congress, with their weight, their size, their subject-matter, and the prices at which they can be furnished, with the postage from Washington to the various localities in the States. I think myself that this is a provision which we should have. It obtains in England, and it would lead undoubtedly to the sale of the documents of Congress, that are cut off largely probably by the abolition of the franking privilege at this time. The memorialists also protest against the renewal of the franking privilege. I move the reference of the memorial to the Committee on Printing.

The motion was agreed to.

Mr. FERRY, of Michigan, presented the petition of farmers and working-men of Mason County, Michigan, praying that national currency be substituted for Treasury notes, made a full legal tender for all public and private debts, and for an interconvertible United States bond bearing 3.65 per cent. interest, payable in lawful money; which was referred to the Committee on Finance.

Mr. LOGAN presented the petition of the Universalist church of Table Grove, Illinois, signed by Rev. J. Hughes, pastor, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Chicago, suggesting modifications of the customs laws; which was referred to the Committee on Finance.

Mr. DAVIS presented the memorial of Nathaniel Kuykendail, of Hampshire County, West Virginia, praying compensation for extra service for carrying the mail from Romney to Clarksburgh, in Virginia, for four years and a half, commencing in the year 1839; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented the petition of the New Garden monthly meeting of the Society of Friends, of Chester County, Pennsylvania, signed by the clerks, George Thompson and Sarah W. Linville, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. PRATT presented the petition of John B. Chapman, praying the enactment of a law to carry into effect the act of February 14, 1873, providing for the payment of his claim against the Government for services rendered as special agent to the Osage Indians in 1861 and 1862; which was referred to the Committee on Claims.

Mr. HAMLIN presented the memorial of Arthur McArthur and other citizens of Washington, remonstrating against permission being granted to any railroad company to lay another track on Twelfth street, Washington City; which was referred to the Committee on the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FENTON, it was

Ordered, That the petition and papers of Anson Atwood, of Troy, New York, praying an extension of his patent for railroad-car wheels, be taken from the files and referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of Julia A. Nutt, of Mississippi, administratrix of Haller Nutt, deceased, praying payment for quartermaster's stores taken by the United States forces, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Susan Vincent, widow of Frederick Vincent, praying to be repaid a balance of money advanced by the firm of Le Caze & Mallet in aid of the Government during the revolutionary war, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 536) granting a pension to Livanna Ingraham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 537) for the extension of the patent known as Reynolds's patented brake for power-looms; which was read twice by its title, and referred to the Committee on Patents.

STATUE OF JEFFERSON.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to report on the resolution referred to the committee, instructing them to "consider the expediency of providing for the protection of the statue of Jefferson now in the open air in the grounds of the Executive Mansion, the same being a work of art by an eminent French sculptor." The committee submit a report which I send to the desk, and after it is printed I shall call the attention of the Senate to the subject.

The PRESIDENT *pro tempore*. The report will be laid on the table, and printed.

Mr. MORRILL, of Vermont. It seems that there is some confusion as to the action of the House and Senate, both Houses having at different times taken action thereon, but it is a matter of some doubt whether action on the same resolution or not; and if there is any doubt about it or any defect, it ought to be cured by legislation now. The committee therefore report a joint resolution.

The joint resolution (S. R. No. 6) in relation to the bronze statue of Jefferson presented to Congress by Uriah P. Levy, late an officer in the United States Navy, was read and passed to a second reading, and the report was ordered to be printed.

NAVAL MONUMENT IN WASHINGTON.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed

to inquire as to the expediency of erecting in the city of Washington the naval monument now in process of construction by Franklin Simmons.

PRINTING OF A BILL.

Mr. CLAYTON. I ask that Senate bill No. 343, for the relief of purchasers of lands sold for direct taxes in the insurrectionary States, be printed. It is a general bill.

The PRESIDENT *pro tempore*. That order will be made.

ORDER OF BUSINESS.

Mr. CAMERON. I believe it was understood last week that this day, after the morning hour, should be devoted to the bill in relation to the centennial exhibition. I move that we now take up that bill.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Calendar be postponed, and that the Senate now proceed to the consideration of House bill No. 1394, in relation to the centennial exhibition.

Mr. HAMILTON, of Maryland. I hope not. We should go on with the Calendar during the morning hour. The Senate is very thin now, and that is an important bill. I think the remaining minutes of the morning hour should be devoted to the transaction of the ordinary business of the session, and at the expiration of the morning hour we can take up this bill, which is a general order, and dispose of it or do whatever we think proper with it.

Mr. CAMERON. At the suggestion of some Senators, I am willing that this motion should go over informally for the present. I do not wish to interfere with the private bills of Senators.

The PRESIDENT *pro tempore*. The Senator withdraws the motion, then?

Mr. CAMERON. Yes, sir.

LAND LOCATED BY MILITARY LAND WARRANTS.

Mr. WRIGHT. It will be remembered that on Thursday last I introduced a memorial from the General Assembly of the State of Iowa, touching the right of the State to 5 per cent. upon certain lands that were entered in that State by military land warrants. I gave notice at that time that either on Friday morning or the first morning I could get the floor I would introduce a bill on that subject, and would crave the indulgence of the Senate for five or ten minutes while I made some explanation of the bill. I now present the bill according to previous notice, and if the Senate will indulge me, I ask not to exceed ten, and perhaps not over five, minutes to explain it.

Leave was granted to introduce a bill (S. No. 538) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to be heard for a few minutes in explanation of this bill. The Chair hears no objection.

Mr. WRIGHT. Mr. President, the Federal Government in receiving Iowa into the Union stipulated that that State should have paid to it 5 per cent. on the sales of the public lands entered therein. This compact was the same in substance that was entered into with very many of the Western and Southern States admitted before and after that time In return for this, on the part of Iowa and the other States named, the States then admitted stipulated, among other things, first, that they would never interfere with the primary disposal of the soil; second, that they would never tax for any purpose the public lands in such States; third, that the lands or property of non-resident proprietors should never be taxed higher than the lands or property of resident proprietors; and, fourth, there was an obligation that for three years there was to be no tax on lands granted for military service in the war of 1812.

There were, then, in the act of admission of Iowa these four stipulations on the part of the State, and one stipulation on the part of the Federal Government, that the State should have 5 per cent. on the net proceeds of the sales of the public lands. These or similar provisions were also contained in the acts of admission of the other States so far as the obligations of the States were concerned, not in terms the same but in substance the same. This obligation on the part of the Government to pay this 5 per cent. was recognized as important by the State or States at the time, and appreciated as such; and so in return for this promise on the part of the Federal Government to pay this 5 per cent. was the obligation or undertaking or agreement of the States appreciated and recognized as important on the part of the Federal Government. I refer to the stipulation not to tax for three years the lands that were entered under military land warrants granted for service in the war of 1812, the stipulation in reference to non-resident and resident proprietors, and with reference to the primary disposal of the soil, &c.

For the most part, so far as this 5 per cent. is concerned, touching sales for cash in these several States, it has been paid; in other words, the Federal Government has observed its obligation so far as the payment of the 5 per cent. upon sales made for cash. Commencing with 1776 and running through 1812 and 1814 to 1847 and 1850, Congress passed many acts giving lands and scrip, one or both, as inducements for soldiers to enlist in the service of the Government, to soldiers to enter either the volunteer or other service, and for wars that were then pending or just concluded; that is to say, as an inducement to soldiers to enlist in the service of the Government in the war of 1812, in the war of 1776, and in the war of 1846, as in the late war there was a promise on the part of the Government to pay to the soldiers who might enlist in such service money, and also to pay them lands or scrip. Under the warrants that were thus given to the soldiers, or with the scrip that was received by the soldiers in place of land, a large quantity of land was entered in Iowa and in these other States.

More than fifteen years since, the authorities of my State applied to the proper Department for compensation, or rather to be paid 5 per cent. upon the net proceeds of the lands that were entered with this scrip and these warrants, estimating the lands at $1.25 per acre. The Department at that time did not regard that, in a question involving so much, they were justified in giving such a construction to the law. Soon afterward the war of the rebellion followed, and thus the claim has been suspended until this time.

The question presented by this bill, and to which I shall ask the attention of the Senate when it shall come up for final consideration, is, were these lands entered by these military land warrants, and by this scrip, "sales" within the meaning of the act of admission; in other words, whether the State of Iowa and these other States are entitled to 5 per cent. upon the lands that were thus entered, estimated at $1.25 an acre, as well as sales of lands for cash, within the meaning of the act? I submit, Mr. President, (and that is all I propose to say at this time,) that upon any rule applicable to the construction of contracts, and as applied to the word "sale," these lands were sold within the meaning of the law.

It will be observed that these lands were offered to these soldiers before they enlisted, and as an inducement to them to enlist in the service of the Government. It will be observed that it was as much a part of the compensation given to them as was the money at eight or sixteen dollars a month. It was as much what was given to them in consideration for their hire as if it had been money. And when you come to reflect that this scrip was recognized by the law as money, to be accepted by the officers of the Government as money just as much as gold was, in the entry of the lands, it seems to me there can be no question but that it comes up to the full definition of the word "sale" as understood in the law. It seems to me also that it was a contract within the meaning of the law as just stated, and a contract that the Government cannot escape from.

Mr. President, I have said that this was a contract from which the Government cannot escape; for I understand the rule to be that a government has a will, has an understanding, has capacity to contract, and is susceptible of obligation and of laws. Chancellor Kent, speaking upon this subject, uses this language:

> That a law embodying a contract, duly passed and promulgated, thenceforward becomes the law of the land, and that it is as binding upon Congress as upon the people or any other branch of the Government, or as a contract would be binding upon the Government executed under the authority of law.

And upon a question not very dissimilar from the question I now present, as to whether this was a contract within the meaning of the law and whether this was a sale within the meaning of the law and the obligation of the Government under such circumstances, I read as follows. It seems that the Continental Congress toward the close of the revolutionary war passed a resolution to the effect that the officers and soldiers engaged in the same should have half-pay for life on account of their great sufferings, &c. A report obtained in the Army that Congress did not mean to comply with this pledge, which produced much uneasiness. In reference thereto General Washington used this language:

> I think it unnecessary to say anything more than just to observe that the resolutions of Congress now alluded to are as undoubtedly and absolutely binding on the United States as the most solemn acts of confederation or legislation. As to the idea, which I am informed has in some instances prevailed, that the half-pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever.

So I say that, so far as these lands are concerned, to treat them simply in the light of a bounty, instead of a part of the contract that was offered to these soldiers, ought to be exploded forever.

> That provision should be viewed as it really was, a reasonable compensation, offered by Congress, at a time when they had nothing else to give, to officers of the Army for services then to be performed; it was the only means to prevent a total dereliction of the service. It was a part of their hire. I may be allowed to say it was the price of their blood and of your independency. It is, therefore, more than a common debt. It is a debt of honor; it can never be considered as a pension or gratuity, nor canceled till it is fairly discharged.

When these lands were offered to these soldiers the Government had more lands than money, and they therefore, instead of promising to pay twice or thrice the amount per month in money, agreed to pay them so much in money and the balance in land. The Government has thus far observed its compact, and I will not doubt but that it will continue to observe that compact so far as these States are concerned. At the time the Government undertook to pay for these services in these lands and when they undertook to pay the State 5 per cent. of the net proceeds of the sales of the public lands, there was no exception that they would pay 5 per cent. upon cash entries and not pay 5 per cent. upon entries that were made by military land warrants.

In the next place, there was no provision, there was nothing suggesting a possibility, that for a purpose outside of the State all of these lands could be entered on warrants issued to soldiers that were to serve, not for the benefit of one State, but for the benefit of all the States alike.

In the next place I suggest, if any other construction can obtain this will follow, that the Government, for a purpose common to all the States, could have provided for the entry of these lands by military land warrants, and all the lands in the States could have been taken up by these warrants, and not a cent would have gone to the States under that provision of the compact; and it would hence have followed that the State would have obligated itself in all the respects I have mentioned, and yet not have derived one cent from the obligation on the part of the Government.

I only mention now, in conclusion, that the 5 per cent. derived from the sales of these lands in my State, as also in many other States, is set apart and dedicated to common schools. If this 5 per cent. shall be allowed Iowa and these other States, I understand that in almost all of them this is the obligation. I know of no higher duty devolving on the Government or the statesmen, here or elsewhere, than to look to the education of the masses.

Having said this much, and asking Senators to give this bill the attention and consideration that I think its importance demands, and looking at it with reference to the actual rights of the States and the obligation on the part of the Government, I ask that the bill may be referred to the Committee on Public Lands, to which the memorial was sent.

Mr. SARGENT. Before that reference is made I should like to inquire of my friend from Iowa how much money this bill will take out of the Treasury for the benefit of his own State, if he has made any calculation?

Mr. WRIGHT. I have not made any calculation. I have undertaken to present the principle upon which the bill is founded, and when it shall be examined on its merits and its details, if that shall influence the question at all, we can consider it.

Mr. SARGENT. If the Senator cannot answer that question, I should like to ask him another. I suppose it would be of some service to the committee in their deliberations to know how large an amount would be taken from the Treasury by this bill in this time of stringency; but if the Senator is not able to answer that question, I should like to ask him if he does not conceive that the same principle is also involved where the Government has taken homesteads, or given Indian scrip or agricultural college scrip, and where that scrip has been located in Iowa, or any other State which claims it has a right to 5 per cent. on the proceeds of the sales of the public lands—will not this bill be only an entering-wedge to pay 5 per cent. on those also?

Mr. WRIGHT. I have no disposition to go into the details of the bill now. I think a very clear distinction can be pointed out when it shall be finally considered, in which I hope to be able to satisfy the Senator.

Mr. SARGENT. I do not desire to embarrass the Senator's argument, but these are important propositions, which the committee should consider.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Public Lands.

LIQUOR-TRAFFIC COMMISSION.

The PRESIDENT *pro tempore*. The Secretary will now report the first bill on the Calendar.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic.

Mr. SCHURZ. Mr. President, as has just been stated, this is a bill providing that the President shall appoint five eminent persons to inquire into "the alcoholic liquor traffic in its economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people," &c. I desire to say but a very few words on this subject. I agree perfectly with the opinions expressed the other day by the Senator from Connecticut, not now in his seat, [Mr. FERRY.] I think the passage of this bill would establish a precedent which would lead in the direction of legislation properly belonging to the sphere of State police, with which the national Government has nothing to do. The Senate will notice by merely looking at this bill that this is not a demand for ordinary parliamentary inquiry, but that it is a part of a general movement, as clearly appears from the character of the petitions upon which this bill is based. It is a movement, as we all know, in favor of prohibitory or coercive legislation in the States, and which now, as there is some reason to think, attempts to commit Congress in the same direction.

This inquiry is to be surrounded with greater solemnity, more than surrounds an ordinary parliamentary investigation. If we were merely to inquire into matters connected with our revenue laws, then I am sure our own committees would do the work just as well as the commission here proposed, and probably even better. Is there any ground for expecting, from the commission provided for in this bill, greater impartiality or more reliable information? Certainly not; but evidently a peculiarly impressive demonstration and special effect is to be produced by this unusual proceeding.

Now, I would respectfully ask, if we once launch Congress in that direction, what will it lead to? Sir, there are other abuses in society inviting inquiry just as well, and other evils for which remedies ought to be found.

There is, for instance, the vicious practice of gambling. The question might fairly be asked, whether gambling, in its effects upon society, is not in many respects just as dangerous as the habit of drinking?

There is another matter—the extravagance of the female sex in dress. Do we not all know that thereby expenses are created that have ruined many a family, driven business men into bankruptcy, and induced clerks and officers of banks and like institutions to rob their establishments and become criminals?

We might go still further and consider the fact that nothing is more apt to affect the mental and moral conditions of a man than the state of his digestive organs. We all know that indigestion sours the temper, makes men and women unsocial, may render a husband and father intolerable in his own household, may drive his wife to leave him and seek pleasure elsewhere, may disgust his children and drive them into the arms of bad company, thus destroying the morality and happiness of families, resulting in misery and crime; and, considering all this, we might institute a solemn inquiry to discover what are the effects upon society of the consumption of hot soda biscuits. And, going on in that way, we shall ultimately arrive at the necessity of establishing in this Government a bureau of public health and morals.

For my part, I am opposed to any such thing, being convinced that it will gradually drive the action of government into channels which are not embraced within the original principles and theory upon which it rests.

Now, gentlemen, do not understand me as being inclined to trifle with the temperance movement; not at all. In a certain sense I am a temperance man myself. It would, perhaps, be looked upon as improper if I spoke of my own carefulness as to my personal habits; but I may say that nothing is more repulsive to me than the sight of a drunken man, unless it be that of a drunken woman; nothing more loathsome to me than the aspect of a human being who degrades himself to the level of a beast.

Neither, sir, do I mean to show any disrespect to those who are engaged in the temperance movement. I am aware there are many worthy persons in it who mean to be earnest and very sincere philanthropists; and I may say that if I could do anything by judicious methods to extinguish the vice of drunkenness in this country without diverting the action of Government from its legitimate sphere, I should not hesitate to do so. But I do honestly believe that the movement of which this bill forms a part is one of misdirected zeal. I do candidly think that those engaged in it are taking hold of the thing at the wrong end.

Movements like the one now going on we have seen in this country many times within the last thirty years. They were always commenced with the same zeal and earnestness, carried on with the same means, for the same objects, and resulted always in the same failure; for the second movement was testimony of the failure of the first; the third, testimony of the failure of the second; and the present movement is testimony of the failure of all those that preceded it.

Now, sir, why is it that movements that run in the direction of prohibition or of legislative coercion usually fail? The reason is a very simple one. When you absolutely prohibit, or by force of law attempt to suppress, an indulgence which, when moderate, people will not consider morally wrong, then you will always fail. It is a matter of experience that where moderate indulgence does not detract from a man's character in public estimation, where whole families—husband, wife, and child—where all classes of society, mingle together in places of amusement, eat and drink what they please, at the same time listening to good music and amusing themselves together in a variety of ways, there the vice of drunkenness is far less frequent than elsewhere. Every observing traveler will confirm this statement.

It may be difficult to cultivate such social habits in any country. But I am convinced if the efforts now engaged in the temperance movement were turned in that direction, the result would be far more satisfactory than anything that can be accomplished by coercive or prohibitory legislation. They would then have the hearty cooperation of a great many who, although agreeing with the general objects of the movement as far as the extinction of the vice of drunkenness is concerned, are now repelled by the intolerant character of the movement. Human nature is so constituted that it wants, and will seek, pleasure, relaxation, social enjoyment. The pursuit of pleasure, carried to excess or misdirected, will be apt to lead to vicious habits, misery, and crime; but in the efforts to prevent or remedy such evils the general tendency of human nature in this respect must not be ignored.

The effective policy does, in my opinion, not lie in the direction of the forcible suppression of an indulgence which, if moderate, people will not consider morally wrong in itself; but the surest remedy is to substitute better pleasures for bad ones. No candid observer of human affairs can fail to recognize the good influence effected by the enjoyment of public pleasures by all the members of families together. That husband must be a miserable wretch indeed who in public would be willing to appear drunk before his wife and his children; and surely that young man would be an egregious fool, as well as a degraded being, who in public would like to appear drunk before his sweetheart and her family. In order to neutralize the vicious tendency of an indulgence it is best to couple it with the restraining influences of family life and with social enjoyments calculated to occupy the mind and to elevate our moral nature.

I think that the introduction of such social enjoyments as I have alluded to will effect more than all prohibitory laws and all efforts to put society in a strait-jacket. The coercive method on the other hand, will always tend to breed a set of hypocrites, and lead to reactions, upsetting all that seems to have been gained, as has time and time again been demonstrated in this country. By adopting the other method we may achieve a wholesome social reform, and confer a lasting benefit upon American society.

These are the reasons, and I express them with all respect to the sentiments of gentlemen who differ with me, that determine me to vote against this bill: first, because it directs the action of the Government into paths running beyond the limits of its legitimate powers; and, secondly, because it is to operate as an auxiliary to a movement which works in a direction which I consider wrong, and which will only lead to deplorable reactions and stand in the way of something better.

Mr. HOWE. Mr. President, I am a little sorry that my honorable friend from Missouri has made up his mind that he cannot afford to vote in support of the bill now before the Senate. I had come to a different conclusion myself, and I would very much rather be countenanced by the vote and the speech of the Senator from Missouri than to be discountenanced by either one or the other. I think he has given us, however, some very useful suggestions as to the method of prosecuting the temperance reform. Perhaps he has suggested the best method possible, perhaps he has not.

I rise, first, because to me was committed the privilege of introducing the bill now before the Senate; and, secondly, to call the attention of the Senator from Missouri and the attention of the Senate to the fact that here is no legislation proposed to interfere with the use of intoxicating drinks, to promote temperance, or to restrain intemperance. Here is a mere inquiry proposed, a mere investigation asked for. I think we can make such an inquiry as is suggested in this bill without stepping outside of the jurisdiction prescribed to the Government of the United States.

But a short time since it was suggested on this floor that officers connected with the government of this District had been guilty of mal-administration in some respects, and an investigation was asked for into that fact. It was at once accorded. So far as I remember now, there was no opposition made anywhere. Two or three years ago it was suggested on this floor that crime, very flagrant crime, was rampant in certain States of this Union between us and the Gulf. An investigation was asked, and an investigation was at once accorded. Later than that, it was said that great abuses existed in the administration of the customs service in the city of New York. An investigation was asked for. It was at once accorded. Each of these investigations was prosecuted with great diligence and at considerable cost.

About the same time it was suggested here on this floor, without any complaint coming to us from the outside world, that an officer of this Government had saved some money, or made some money, for the Treasury by selling arms to a foreign power, or to somebody else who had sold them to a foreign power. There was no complaint from any foreign power; but it was supposed that that was an abuse of power, or a misuse of power on the part of the officer, and an investigation was asked for. It was very promptly accorded.

Now there is in the United States a vast body of men whom my friend has referred to, and he has accorded to them them the high title of philanthropists; a very large body of men who for years have been taking counsel together as to the best methods of restraining and, if possible, of prohibiting the misuse, the abuse, of intoxicating drinks. They come to us this winter with the suggestion—and they come to us in great force, if numbers and character can give force to a suggestion—that if authorized so to do they can collect and lay before the national Legislature evidence touching the traffic in and the use of intoxicating drinks which may possibly suggest some profitable legislation to us, and will inevitably be of great value to the people of the United States. When that suggestion is made to us by such numbers and by such characters as have given their names to the petitions which have been presented to the Senate at this session, can we turn a deaf ear to it with any propriety whatever? Can we refuse to make that inquiry? If the inquiry should result in bringing before us hereafter a bill which my honorable friend or myself should think will not promote the welfare of the people of the United States, or which transcends the proper limits of national legislation, then it will be high time for himself, or for myself, to take a stand in opposition to that bill. Will it not be time enough then? Shall we compromise any right of the United States, any interest of its people, or any principle of the Constitution, if we forbear opposition until we are asked to do something which we ought not to do? I have not feared that any great principle or any great interest would be compromised by deferring opposition until we are asked to do something which ought not to be done. When we are invited to that labor, I hope I shall be ready to make such feeble opposition as I shall be able to do. At present I do not see that we are asked to take any such step. Therefore I shall be justified in voting for the bill.

Mr. BUCKINGHAM. Mr. President, I certainly shall vote for the bill; and in doing this, I do not hesitate to say that I coincide with the suggestions made by my colleague a few days ago as to the tendency of the times to press upon the consideration of Congress questions which properly belong to the States. Notwithstanding this tendency, I think we may, as the Senator from Wisconsin says, make inquiry into this subject.

What are the facts? I shall not attempt to give a temperance lecture here; but every one knows that the evils of intemperance are to be seen in every city, and in every village, and at almost every corner, and in almost every family circle. This subject has agitated the minds of philanthropic and Christian men for generations, and they have made various efforts to check the progress of intemperance, to stop the sale and the traffic in intoxicating drinks. Those efforts have been made, as has been suggested by the honorable Senator from Missouri, by moral influences. Men have been presented with the strongest motives which appeal to the sense of morality and right, and they have been invited and urged by these motives to cease from selling, or from putting the glass to the mouth of those who use it as many think improperly; but this moral influence has failed to accomplish any great result. It has done good in instances, and there is no doubt that it is a proper influence to use. Other influences have also been at work. Efforts have been made to legislate so as to suppress the traffic and the use of ardent spirits; and attempts have been made to regulate the traffic so that it should produce as little evil as possible. None of these measures have yet accomplished the object which philanthropic and Christian men have in view.

And now the question is submitted to the Congress of the United States simply as one of inquiry, to ascertain what are the facts; and it seems to me that we may make that inquiry in the manner proposed; and the hope is, that when the inquiry shall be made it will be so thorough that it shall lead the American people to adopt some more effective measures to suppress the evil than have yet been adopted; or else it will show that we have no right to interfere with the traffic in ardent spirits and no right to attempt to impair the liberty of men to do as they please in matters of this kind. And if this inquiry shall do either, it will stop the agitation; it will stop the psalm-singing and the praying of the women in Ohio and Indiana; and it may be that that will be the best thing that could be done. I do not say it is the best; but I say I believe it is perfectly right for the Congress of the United States to make this inquiry, and let the country see what can be ascertained from it.

Mr. FLANAGAN. Mr. President, one word on this subject. I advocate the bill with a great deal of earnestness. I look upon it as one of the most serious questions presented at this or any other session during this nation's history. Surely the inquiry ought to be made. The response I think ought to be favorable on the part of the Senate to the demand for this great inquiry. So far as I am concerned, I am not one of those who have any hesitancy as to the ability of Congress to legislate on the subject. I think the eighth section of the first article of the Constitution of the United States gives us abundant liberty to do so. It is surely for the welfare of this nation; and is there anything within metes or bounds that the nation is not to be benefited in thereby denying the power? If so, the Constitution is a failure; and I have not arrived at that conclusion by any means. I have no doubt about the power, and it certainly, in my opinion, ought to be exercised. My friend from Connecticut remarks in the proper strain——

The PRESIDENT *pro tempore*. The Senator will suspend. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, which is Senate bill No. 432.

Mr. WRIGHT. Is there any opposition to taking the vote upon the bill at this time?

Mr. FLANAGAN. I shall be willing to take it myself. I am anxious to vote for it.

Mr. WRIGHT. If there be no objection I trust we may have a vote on the bill at once and get it out of the way.

Mr. MERRIMON. I desire to proceed with what I have to say.

The PRESIDENT *pro tempore*. The Senator from North Carolina desires to discuss the bill, as the Chair understands.

Mr. WRIGHT. Will not the Senator from North Carolina be willing to let us take the vote on the bill? If there is any disposition to debate it, of course I shall not insist.

Mr. MERRIMON. I think it will excite a good deal of debate yet.

Mr. WRIGHT. I mean the bill now before the Senate; not the currency bill.

Mr. MERRIMON. I understand it is the bill to provide for a commission to inquire into the statistics of intemperance in this country.

Mr. WRIGHT. Yes, sir.

Mr. MERRIMON. It has already excited considerable debate, and I think it will last some time to come.

Mr. WRIGHT. If there is no disposition to further debate it, has the Senator any objection to taking the vote?

Mr. MERRIMON. I have no objection to taking the vote.

Mr. BAYARD. I wish to debate it. I desire to submit some views on the subject.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate, being Senate bill No. 432; and the pending question is on the motion to recommit the bill to the Committee on Finance with instructions.

Mr. MERRIMON. I beg leave to remind the Chair that I had the floor yesterday at the hour of adjournment.

The PRESIDENT *pro tempore*. The Chair is reminded of that fact.

Mr. CAMERON. Before the currency bill comes up, I beg to remind the Senate that this day was set apart for the centennial bill. The morning hour was occupied by private bills until the present moment. I trust now that the centennial bill may be disposed of; and I hope the Senate will either take it up and dispose of it now, or fix some day when it shall have the attention of the Senate. As a test question, I will move that to-morrow, directly after the conclusion of the morning business, it be taken up by the Senate.

The PRESIDENT *pro tempore*. The Senate has already set that bill as a special order for to-day; but it is displaced by the unfinished business of yesterday. The same thing would result if it be made a special order for to-morrow. It will maintain its place as a special order without any further action of the Senate, and can be called in order after the unfinished business.

Mr. CAMERON. Then I wish to remind the Senate that I gave way to-day out of respect to the private bills of Senators; and I trust that to-morrow they will forego their special bills for a little while in order to allow me to have my bill before the Senate.

Mr. SARGENT. I am aware that the bill in relation to the centennial celebration may in some sense be regarded as an appropriation bill, and perhaps it may be a very important appropriation bill before we get through with it, probably amounting to a good many millions of dollars; but notwithstanding this, which gives it a character, perhaps a privilege, I shall certainly insist, with such force as I may, that the Senate shall not give a preference to a special appropriation bill over a regular appropriation bill, which the Committee on Appropriations have been trying for weeks to get the attention of the Senate to. At the proper time I shall endeavor to bring up, in advance of this special appropriation bill, the regular naval appropriation bill.

Mr. CAMERON. I am very sorry that the Senator from California will not agree to what I think is a very mild proposition on my part, a very small favor that I ask of the Senate; and that is to dispose of this bill to-morrow. I gave way to-day, as I have said before, to other Senators. I shall say nothing more now, but when to-morrow comes, the Senate will see that it will only be doing justice to me to let me bring up my bill. I will say no more about it now.

Mr. SUMNER. I suggest to the Senator from Pennsylvania that he allow his bill to take the chance of other bills in this Chamber, to be taken up when the financial question is disposed of.

Mr. CAMERON. O! [Laughter.] Mr. President, there was a very celebrated gentleman by the name of Micawber. I am not trusting anything to chance. Luck is a great thing; but I propose to take all reasonable precautions beforehand.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 919) to provide for the issuing and recording of commissions to postmasters appointed by the President by and with the advice and consent of the Senate;

A bill (H. R. No. 2081) to facilitate the exportation of distilled spirits and amendatory of the acts in relation thereto;

A bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel; and

A bill (H. R. No. 2191) in relation to the customs duties on imported fruits.

The message also announced that the House had passed the bill (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States as an ensign.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 432) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870; the pending question being on the motion to recommit the bill with instructions.

Mr. MERRIMON. Mr. President, I listened with pleasure and profit to the able and well-considered speech of the honorable Senator from Missouri [Mr. SCHURZ] delivered yesterday. I do not rise now to attempt any general reply to what was then so well said, or to express my dissent from many of the views which he stated in reference to various principles of political economy. On the contrary, I concur most heartily in much that he said. I complain and regret, however, that he did not devote more of his time to a discussion of what I conceive to be the practical issue before the Senate.

It is conceded generally that the constitutional, the true and desirable currency for this country, and indeed for all countries, is gold and silver. It is as generally conceded, however, that we cannot have it now; and that we shall not be able to have it for an indefinite period in the future. We have a purely credit currency. It grew out of the exigencies of the war. We have it, and we find it a very difficult matter to get rid of it. The exchanges of this country are effected by it. It is, indeed, an established system, and it must continue until the circumstances of the country will permit it to be changed and a gold and silver currency system substituted for it.

The question which I regret, I repeat, the Senator from Missouri [Mr. SCHURZ] did not devote more time to yesterday—for it is upon that I desire above all things at this moment to be enlightened—is, inasmuch as we have a purely credit currency, and must have it for some time to come, is there a sufficient volume of it in the country to answer the legitimate demands of business? That is the simple question, and it seems to me it ought to be uninfluenced by any other in this discussion. Is there a sufficient volume of this credit currency to make the legitimate exchanges of the country easily and in the regular order of commercial transactions? I have contended, and other Senators have contended, that the volume is not sufficient. Others, on the other hand, have contended that it is not only sufficient, but that it is more than sufficient; and that so far from increasing this volume, it ought to be decreased. I do not concur in that view, and for reasons which I have submitted, a few of which I propose to recapitulate very briefly now.

The honorable Senator from Missouri devoted much time, and certainly he spoke very ably upon that view of the subject, against inflation, and especially inflation with an irredeemable currency. I do not understand that anybody here is willing to concede that he favors inflation. I am very sure I do not. On the contrary, I am as hostile to it as the honorable Senator or any other gentleman in the Senate. I deny emphatically that the proposition which is pending to increase the circulation $46,000,000 is a measure that tends to inflate the currency beyond what the legitimate demands of the country require; and therefore I desire to confine my remarks on this occasion to showing that the volume is not sufficient.

In the first place, we ascertain what the volume ought to be by a consideration of what was the condition of the country when we last had the normal currency of this country, to wit, gold and silver, and we go back to the year 1860. In that year enterprise and industry did not begin to approximate to what they are to-day; that will be conceded. We have not only made the ordinary progress of nations, but we have progressed in a ratio that is unparalleled perhaps in the history of the world within the last decade. In all industrial pursuits, in commercial pursuits, in science, in literature, and in every other way, we have progressed astonishingly. Our property and our wants have increased just in the same ratio. The estimated value of the real and personal property of the United States is $40,000,000,000. Our imports and exports for the last year exceeded $1,200,000,000. Our annual productions last year exceeded $6,000,000,000; and enterprise has been stimulated by the tremendous events that have transpired within the last ten years to a degree that astonishes the proudest, the most enterprising, the most far-seeing, and largest-calculating American.

Now let us see how the question of currency is affected by this increase of our wants. Anterior to the war, the bank circulation of the country, as reported by the Comptroller of the Currency, amounted to $238,671,210. That was the bank circulation in 1860. That bank circulation was predicated upon a gold and silver circulation equal to at least $100,000,000; and, besides, the paper circulation which then existed was convertible into and equal to gold itself. There was but a very small percentage difference between the gold and the paper currency at that time. It is safe to say, then, that if the bank circulation was $238,671,210, there were $100,000,000 of gold which supported it, and that would aggregate $338,671,210 of currency actively employed in the country in 1860, and that does not include the amount of gold which was used in the current transactions of the country. That was very considerable. That circulation was better than ours just in the proportion that a gold circulation is better than a pure credit circulation. If we increase this circulation 15 per cent., and that is the reasonable average of the discount of the greenback circulation, our present circulation, the aggregate would make an addition to the volume of circulation then in existence of $36,000,000. That would make the aggregate circulation at that time $374,671,210. That circulation was required in those peaceful times, when, although our country was marching along rapidly in the progress of civilization and development, no one could come near to having a conception of the progress we have made since that time.

I have adverted to the increase in our productions, the increase of our property, our population, &c.

Mr. MORTON. Will the Senator allow me to suggest another consideration?

Mr. MERRIMON. Certainly.

Mr. MORTON. I suggest to the Senator that before the war the paper issued by the banks of the South and West was not current in the East at all, and not current in the States of the South separated from each other, and bills of exchange were resorted to in a great body of commercial transactions which are now carried on by the actual exchange of currency.

Mr. MERRIMON. That is an important suggestion; and as the Senator has mentioned it, I will mention the further fact that at that time the circulation in the South and West was local, and there was no circulation in the country that circulated as the national and greenback circulation does now, except the currency of New York and the New England States.

What is our condition now in the matter of currency, and our circumstances in connection with that? We have a population now of forty-one million people. Five millions of the population that we had in 1860, and which is taken into the calculation in ascertaining the

aggregate population of this country now, were then slaves. They have been made freemen since, and they have all the wants and all the necessities of a free population. They demand currency, and they demand it just to the extent that five million people would require it; and in that respect there is a necessity, and a very great necessity, for an increase of the currency to meet their wants.

But, sir, what is the volume of the circulation now—the volume of a circulation that is not equal to gold and silver, much as we desire that circulation, and it is to be regretted on all hands that we cannot have it? What is the volume of this depreciated circulation that we have? We have, in the first place, $354,000,000 of national-bank circulation; we have $356,000,000 of greenback circulation; we have $50,000,000 of what is called the fractional circulation, making in the gross $760,000,000. It is safe to say that at least $200,000,000 of that circulation is idle, that it is not in active operation; so that the actual volume of the circulating medium of the country at this moment is really but $560,000,000. Therefore the volume of circulation, notwithstanding our increased wants in the way of increase of population, in the way of increase of industry, of enterprise, the increased wants growing out of the abolition of negro slavery—notwithstanding our increased wants in all the respects to which I have adverted, the increase of the circulation is this day but a little more than one-third greater than what it was in 1860.

It seems to me that that is a strong argument in favor of the pending proposition to increase the currency so as to relieve the wants of the people. But we know that there is a very large concentration of the bank capital of the country in the Eastern States, and especially in New England. We know that that section of the Union has, in excess, of what was contemplated by law it should have, more than $80,000,000 of the bank circulation alone. Then there are circumstances, to which time will not permit me to advert now, which drive the great body of the currency of the country—and I think unnaturally—into that locality. Indeed, it would seem that the Government and everything else in the land is tributary to the Eastern States. Although they are non-producing of the raw material; although they are commercial and manufacturing; although the West and the South are the producing sections of the country, and the large majority of the population and the industry that make up the wealth of the country is located in those sections, still we find the greater volume of the currency concentrated in this comparatively small locality of the country.

Mr. ANTHONY. Do you call manufacturers non-producers?

Mr. MERRIMON. They are producers in one sense, but they are not the producers of the raw material, and their industry is only in aid of that industry which makes the raw material.

I am not going to quarrel with the Eastern States about the concentration of currency there. No one feels more kindly than I do to the Eastern States; no one is prouder of their industry and enterprise than I am; they are my countrymen, and I share in their glory, whatever it is. But the point I wish to make is that, notwithstanding that concentration of currency and capital in that locality, they have not to-day an excess of the amount of currency necessary to carry on their commercial and industrial transactions. We have been told that in New York money can be borrowed at 3 to 4 per cent. upon call. That very fact of itself is strong evidence that there is not too much money there. That is high interest for such a loan. If money but performs its legitimate functions, that would be fair interest for an ordinary loan. Then, again, I take it that with first-rate securities, securities as good as the money itself, a regular loan could be effected in Boston or in New York upon time at a rate of interest of from 7 to 10 per cent. Why, sir, that is a very high rate to pay for interest. That is too high a rate to pay for interest at a time when the currency of the country is in a normal condition, when there is sufficient of it to answer the purposes for which it is intended and ought to be used. All experience shows that 6 per cent. is a reasonable rate of interest; but a regular loan cannot be effected in New York or anywhere in the Eastern States at that reasonable rate of interest. So we see that, notwithstanding this concentration of currency in that locality, that particular locality has not too much. When it is proposed to withdraw it, and float it off to the West and the South, we find the bankers and the people there protesting against it, and they declare they have not more than they need. We not only hear from them, but we know that the manufactures of the New England States languish to-day. We know that some of the leading manufacturers there have become bankrupt for the want of currency to go on with business. We know that thousands and tens of thousands of laborers are starving for bread, and they are demanding labor. If there is a plethora there, if there is plenty of money, if there is a surplus, if there is redundancy, why in the name of common sense are these men not put to work, and thus set going again the regular industries of the country?

But, while we see this striking state of things in the Eastern States, what do we witness at the South and West? In the South, that section of the country which has been devastated by war, and which it seems to me the whole Union ought now to conspire to help build up, and develop, and set agoing again, we find a scarcity of money that is hardly endurable. The small amount of money that is there is loaned at from 1 to 1½ and 2 per cent. a month, and in many instances loaned at 25 per cent. We have been told by representative gentlemen from the West—and when I speak of the West, I confine that remark to that section of the country east of the Rocky Mountains—that the average rate of interest there is from 10 to 12 to 15 per cent. I submit that these arguments go to show that there is not a sufficient amount of money in the country to effect the legitimate exchanges. If there was, there would be plethora in the Eastern States; there would not be this great demand in the West and South for money. For I will advert here to a principle of political economy, that is as well established as any that my honorable friend from Missouri discussed yesterday; and that is, that money when it is in its legitimate channel, when it is effecting its legitimate purposes, as naturally seeks investment as water seeks a level. If there were plethora in the New England States, those people are a shrewd and enterprising people, men who know the value of a dollar, and how to use a dollar to make more dollars—if, I say, there were plethora there, as is contended, the surplus of money in that country would seek investment in the West and South, or somewhere.

Gentlemen have said that it would do no good to increase this bank circulation; that if it were increased the people of the South are impoverished and they have no money there with which to buy the bonds and to establish the banks; and the honorable Senator from Missouri said yesterday if they had the money to buy the bonds with, they have then to go to New York and buy them, and the money they expend in the enterprise of establishing banks they take to New York for the very bonds they are obliged to buy in order to set a bank going. I concede that the money would have to go to New York to buy the bonds; but, sir, if there were currency plethora in New York and in the Eastern States, as he contends, when this money is taken to New York to buy these bonds, immediately that money would go out to the West and go out to the South, in order to seek investment; if there was no legitimate use for it in New York or elsewhere, this would be the natural consequence. The money does not do so; and therefore I infer, and it seems to me the conclusion is inevitable, that it may be usefully and profitably employed in New York and other places in the East.

But the Senator says that the South particularly has been desolated by the war, and he expresses warm sympathy with her. I thank him for his sympathy; I only regret that he does not make it a little more practical at this time. But, sir, prostrate as the South is, there are immense resources there, the very best resources in this country. The Senator took my State to illustrate the position which he occupied and the condition of the South, and I will take it also to answer the purpose that I have in view just now.

In the first place, we have a climate and a soil unsurpassed, as I believe, by any in this highly blessed land. We have everything to invite industry and enterprise and investment. We have a population of a fraction over a million. The estimated value of our real estate is over $260,000,000. The annual productions of the State are over $60,000,000; and yet we are told that in North Carolina people owning that amount of property, that is as good as gold itself, cannot have a bank circulation of five or six millions, the amount that we had anterior to the late war. I do not believe that. I believe that if there were money in the Eastern States, if there were money in New York to lend that cannot be employed there, the capitalists who own it would desire investment; and they could not get a better investment than to go South and lend it to people there to encourage industry and enterprise, and take a mortgage upon their real estate. They could not have a better security. The same remark will apply not only to my State, but to every State in the South. Although the South is downtrodden, the population is there, the real estate is there, the personal property is there—these belong to them—that they can mortgage to secure any capitalist in the North who will go there and let them have money. Any one who will look at that country, any one acquainted with its resources, any one acquainted with the enterprise of those people, any one acquainted with their necessities for laboring as they never labored before, when we consider that the great crop of this country, that which produces more gold than any other in this country, is grown in the South, and can only be grown there, it must be manifest that the position that there is nothing there upon which to borrow capital goes for nothing.

I make these remarks for the purpose of showing that the present volume of currency is not what it ought to be. I believe that it ought to be increased, that it ought to be increased at least $100,000,000; the bank currency ought to be increased, as it seems to me, $46,000,000, and the $44,000,000 "reserve" of greenbacks ought to go out, and stay out, so that the gross volume of currency of the country shall be $850,000,000 at least. Then the volume of bank currency would be exactly equal to the volume of greenbacks. I know some gentlemen favor, if the currency is to be increased, the issue of more greenback currency. I would prefer it ordinarily; but under the present circumstances of the country I prefer this.

I prefer it, in the first place, because the proposition to increase it is so simple, that if the judgment of the Senate is in favor of an increase of the currency, it can give rise to no prolonged debate. If we discuss the propriety of abandoning the national banking system—and I am as anxious to get rid of it as anybody—if we discuss now the propriety of establishing a general system of finance for the country, to become permanent, the discussion will last the session out, and Congress will adjourn, giving the people no relief in that particular in which they demand it so vehemently from one end of the land to the other.

Then there is another reason in this line of view. If banks are stablished in the West and South the tendency is to localize capital. If a bank is there, and it lends the money every thirty, sixty, or ninety days, it must go back there, and the effect is to stimulate enterprise, industry, and all sorts of industrial pursuits in the locality where the bank is established. If the greenback currency is issued, those who speculate in the money of the country will get it, and we know where those speculators do congregate. They congregate in the great money center. It will then go to New York, and unless the currency of the country is so inflated as that there will become a great surplus there, not a dollar of it will go to the West or South. It will be used there in speculations in that locality.

But, sir, I did not rise for the purpose of entering into any general discussion of the subject before the Senate. I simply wanted to offer these considerations to show that there is a necessity for the increase of the present volume of paper currency in this country. I concur, I repeat, in many of the views expressed by the honorable Senator from Missouri yesterday, in reference to various questions of political economy; but I do not concur with him in reference to this question, to wit, whether we shall have an increase of the currency or not; and in view of what I have said, I desire to propound to the honorable Senator these two questions, and ask him to give the Senate a satisfactory reply to them; and if he shall fail to satisfy any one, I ask any Senator to answer them who can:

First, if what the Senator says is true, why does it not appear that there is an excess of currency in New England and the Eastern States in view of the acknowledged concentration of the currency there; and if there is excess or redundancy, why do prices not go up materially in those localities?

Secondly, if there is redundancy there, why does the currency in excess of reasonable demands fail to seek investment in the South and West, where it is admitted it is so much needed?

Mr. SCHURZ. As the Senator from North Carolina has put these questions in writing, he will permit me to look at them, and afterward reply to them, unless the Senator from Ohio, who intends to speak now, should in the course of his remarks reply to them.

Mr. MERRIMON. Certainly.

Mr. SHERMAN. Mr. President, I do not wish to protract this debate; and if there was a disposition to vote now I would cheerfully give way. I am weary of this discussion, and I want to bring the Senate, if possible, back to the original proposition before us.

The pending question now is on a proposition to increase the bank paper money in this country $46,000,000. There is no proposition for its distribution among the States; there is no proposition that the South and West that have now less than their share shall have the whole of this; but it is simply an increase of the bank paper money of the United States. This is the first time since the close of the war that any man has had the boldness and temerity to propose an inflation of the currency. I wish to call the attention of Senators to this fact, that in the face of all the promises that have been made by political parties, in the face of promises made by the President of the United States, made by Congress, made by the very Senators who now are advocating this proposition, in the face of speeches without number made by these Senators to the people of the United States and as Senators here, this is the first time since the close of the war when a deliberate proposition has been made to add to the irredeemable paper money of the country.

I know that Senators forget and avoid this question. When we come to talk to them about inflating the paper money, they all deny it. The Senator who has just taken his seat [Mr. MERRIMON] says he is in favor of specie payments; the Senator from Indiana [Mr. MORTON] said yesterday he is in favor of specie payments; all of them say they are in favor of specie payments; and yet on this day, the 25th of February, 1874, nine years after the close of the war, they propose to add to the paper money of this country $46,000,000, without any plan of redemption, without any promise of redemption, without any hope of redemption. And this is all to relieve the country.

Mr. President, this proposition shocks me so much that I can scarcely discuss it; but let me take up and answer, if possible, some of the arguments by which it is plausibly maintained.

The Senator who has just taken his seat tells us that they want more paper money in the South; that they must have more paper money; that there is distress there. How will you get this paper money? What have you got to sell? Can you get it unless you have something to sell? What have you got to sell?

Mr. MERRIMON. Does the gentleman desire an answer?

Mr. SHERMAN. Certainly.

Mr. MERRIMON. We had in the South a cotton crop that equaled last year nearly four million bales, worth nearly $375,000,000 in cash. We have in our State, as I said awhile ago, real and personal property worth $261,000,000, and our annual productions are equal to sixty millions; we have a population of over a million; we have a climate and soil unsurpassed by any upon this continent. We are in the condition of a man despoiled of his ready money, but who has the substrata which, if he can get ready money to carry into practical operation his ideas, will make him rich; and yet as we are we cannot use this vast amount of real and personal property in order to start again.

Mr. SHERMAN. I asked the Senator the simple question what they had to sell; and he tells me they have real estate, lands, &c. Their cotton crop is already sold for gold.

Mr. MERRIMON. I beg the gentleman's pardon; the cotton crop in my State, as I understand from gentlemen there, is not half removed yet, and the crop of North Carolina is equal to about one hundred and eighty thousand bales.

Mr. SHERMAN. For every pound of cotton his people have they can get the market price either in gold or paper money without the slightest difficulty, and promptly. There is more paper money now in circulation than there has been at any time. The amount is actually swollen from twenty to thirty millions of dollars beyond what it was only last September; and yet he wants more paper money. Does he want to increase the price of that he has to buy and not to affect that he has to sell?

In all this debate, that which has struck me as the most remarkable is that Senators representing States whose products bring gold and who must sell them for gold, and the price of which is fixed in gold at Liverpool, the price of which is not affected by our currency in the slightest degree, should demand more paper money in order to pay higher prices for that which they buy, without affecting at all that which they sell.

Mr. MERRIMON. Will the Senator pardon me for making one suggestion at this point?

Mr. SHERMAN. Yes; but I did not intend to prolong my remarks, as I fear will be the result if I am interrupted. I will hear the Senator now.

Mr. MERRIMON. He suggests that we have no money in the South to take this bank stock. If we have no money in the South to take this bank stock, what harm will there be in passing the act so as to give us the opportunity to take it when we shall have something to take it with?

Mr. SHERMAN. Why, sir, the bill we reported does give you the opportunity you ask for. We propose to give to the South ample opportunity to organize all the banks they can. I have here for five years, at every session of Congress, demanded for the South and West the opportunity to charter and start local banks; and four years ago we carried a proposition which gave you an opportunity to take up to $54,000,000; and how much of that did you take? Very little. My honorable friend will see that even yet, according to the tables, North Carolina has a balance due her to make up her fair share of between four and five million dollars. I am in favor of his object, of giving his people the benefit of local banks, certainly.

Mr. MERRIMON. May I say a word at this point?

Mr. SHERMAN. Yes, sir.

Mr. MERRIMON. I trust I shall not be deemed discourteous.

Mr. SHERMAN. Not at all.

Mr. MERRIMON. I give the gentleman due credit for the sympathy and the zeal he has manifested in the direction he indicates; but with all respect to him, and all respect to other gentlemen who advocate his proposition I concur with the view expressed by the honorable Senator from Indiana, that, in the first place, that affords no relief whatever, and, in the next place, it is not just, because it is less than a half-way measure; and there is this, further: if the bill shall pass as it came from the Committee on Finance, I do not believe the South will get one dollar by way of redistribution; and why? The honorable Senator from Vermont [Mr. EDMUNDS] the other day argued, and he made an able argument, to show that by the law as it existed at the time the Eastern States got this excess of bank capital, they had a right to demand it. If he is correct in that construction of the law, then if this bill shall pass and a New England banker should apply to me, if I were in the practice of the law here, I could in three hours get an injunction to restrain the Treasury from selling his bonds which he had deposited in the Treasury, and I could get up a litigation that would last for two years. I do not regard that proposition as amounting to anything. But I do give the honorable Senator credit for his zeal and his desire to benefit my section.

Mr. SHERMAN. Mr. President, this is a kind of free and easy debate; and my friend thus far has consumed one-half my time, but I will stop now, abandon the line of argument with which I started, and show him how terribly he would be mistaken when he applied for his writ of injunction.

The act quoted by my honorable friend from Vermont, which authorized the old banks to get the preference in the distribution of this national-bank circulation, expired by its own terms on the 1st of July following its enactment. That provision of the law only was in force for four months, from the 4th of March, 1865, to the 1st of July, 1865; and after the expiration of the 1st of July $110,000,000 were issued to old banks without law and in defiance of law. My honorable friend from Massachusetts [Mr. BOUTWELL] will remember that the law which required the distribution to be upon the old basis, passed on the 3d of March, 1865, expressly provided that the circulation should be divided according to population and wealth. A law which passed on the same day gave a preference to the old State banks over new national banks, but that provision of law was limited to the 1st of July following; and so the old banks had no right whatever to any preference in the distribution of the share allotted to their State after the 1st of July, and yet after the 1st of July more than $110,000,000 were issued to old banks in open defiance of law.

Besides that, that law itself and all these banking laws contained the provision that Congress might at any time alter, amend, or repeal: and no bank now has a dollar of circulation which it holds by right. It holds it at the pleasure of the United States; and Congress might

to-morrow, if they desired, withdraw from all the banks in existence their circulation and transfer it. It is all within the power of Congress.

Therefore, sir, when the honorable Senator says that this act, if passed, would not operate in their favor, he is not correct. No one disputes the power of Congress over this whole subject. The law of Congress is mandatory; and for them to say to us, as the Senator from Indiana did the other day, that the executive officers here would not enforce it, is to affirm that an executive officer dare disobey an open mandate of Congress. I say to the Senators from the South and West that, if they pass the bill reported by the committee, which authorizes at once the organization of banks in the Southern States, they will have the opportunity to organize them; and let an officer dare violate the law which requires him to withdraw the circulation from the New England States.

Mr. LOGAN. Will the Senator allow me, right there, to interpolate a word? He says that no executive officer dare violate this law. I ask him if the executive officers did not violate the law in issuing over $100,000,000 of circulation to the old banks at the time to which he just now referred?

Mr. SHERMAN. Yes, sir.

Mr. LOGAN. I ask him, as chairman of the Committee on Finance, what he did with that officer?

Mr. SHERMAN. We had not anything to do with him. My honorable friend was then a member of the House of Representatives, and he had it in his power to file articles of impeachment against him, if he thought it necessary; but I always took it to be an honest discharge of duty. I had nothing to do with it. We could not act upon it here.

Mr. LOGAN. We offered articles of impeachment in one case, and did not care about coming in with any more. I will ask the Senator what right has he to say that an executive officer will not violate the law, that he dare not do it, when right in his face the law was violated, and stands violated to-day, and no remedy has ever been proposed?

Mr. SHERMAN. I ought to say, in justice to the gentleman who made this decision, that while I have always thought it was wrong, and from that day to this I have warred against it, I have no doubt that Mr. FREEMAN CLARKE, who was then Comptroller of the Currency, looking upon these laws together, construed that he had the power. I never thought he did right; but still, if there was a question of punishment, it was a matter for the House of Representatives to bring up.

But, sir, no one pretends, no one claims but what, if we do pass this bill now, it could be executed, and would be executed. The Comptroller of the Currency, the very officer who is called upon to do this duty, himself wrote this bill. He wrote it with the sanction of the Secretary of the Treasury, and it was communicated to the committee officially, so that there is no question about the power, the right, the ability, and the willingness to carry this bill into execution.

Now I say again to the representatives from the South and West we are willing to give you the opportunity to organize all the banks under existing law that you desire, and to organize all that you are likely to organize. We say that in all human probability you cannot use more than twenty-five millions. We do not deny that if you can organize more than that, you ought to have more; but we say that in giving you a right which you ought to have, in securing that which the law gives you, in correcting an error that was made, you ought not to upset our whole financial system and open wide the flood-gates of more paper money. That is all we say.

Now, Mr. President, if the amendment now offered by the Senator from North Carolina is passed, what does it do? Is anybody benefited by it? Who? Forty-six millions of more bank paper money are issued. By what banks shall it be issued? I take it Senators expect it to be issued from the South and West; but there is nothing on the face of the proposition to indicate that.

Mr. MERRIMON. The proposition refers to the section contained in the act of March 3, 1865, which provides for the distribution to the South and West.

Mr. MORTON. The old laws making the apportionment are still in force.

Mr. SHERMAN. I supposed that was the design. Then this money can only be issued in the States that have not their proportion; it cannot be issued in the States that now have an excess. That was the purpose undoubtedly; and yet they tell us that they cannot issue but a very little of it in the South; they are not prepared to issue much. What good will be accomplished by it? What end will be achieved by it? Nothing but to unmoor our whole financial system. The South and West will not be benefited by this plan of gaining more local banks any more than they would be by the plan reported by the Committee on Finance, but our whole financial system is upset. The policy of inflation will be inaugurated. All the safeguards we have erected will be obliterated, all our promises violated, and we will have no power to resist new demands of paper money whenever a temporary stringency arises. It is the first step that costs. If we can but stand still we may reach a specie standard, but if we enlarge the limits of paper money we add enormously to the difficulty of resumption hereafter.

I wish now to come back to the point from which I was diverted by the Senator. I wish to show him how strongly we all are committed against inflation. I intend to quote largely from the Senator from Indiana, to show him how he is committed on this proposition of issuing more paper money.

In the first place, let me again call your attention to the sacred promise made by the act approved March 18, 1869, by which we declared that at the earliest practicable period Congress would make provision for the redemption of the United States notes in coin. How do you propose to fulfill that obligation? But I said enough on that subject when I opened this debate. Both political parties are pledged in the most sacred manner to do no act whatever that will carry us farther away from a specie standard. Does not every man see that the issue of more paper money will take us farther and farther from the road to specie payments?

Mr. ALLISON. I do not see it.

Mr. MERRIMON. I do not.

Mr. SHERMAN. Then you announce the strangest opinions here that can enter the human mind. Here we now have $760,000,000 of paper money, irredeemable; more than Great Britain has; more than France has; more than Germany has. This paper money is depreciated; it is sold now at about eighty-seven cents on the dollar. You say that to add to that volume will not further depreciate it. Why, sir, you might as well say that to pour water on a pail that is full will not make the water overflow.

Mr. LOGAN. Will the Senator allow me to interrupt him right there, because that is a point upon which I desire to ask him a question? Speaking about the resumption of specie payments, we have all heard that very frequently here——

Mr. SHERMAN. I hope the Senator will ask me the question.

Mr. LOGAN. I will. I am only going to premise by saying that we who have opposed that have been denounced as inflationists. Now, I ask the Senator if he is in favor of an immediate resumption of specie payments?

Mr. SHERMAN. Is that exactly fair when the Senator rose only to ask me a question? I will come to that point after awhile. Does the Senator wish me to stop in the midst of the extracts I was about to read to ask me that question?

Mr. LOGAN. Not at all. The Senator was talking about specie payments at that point, and I desired to ask him if he was in favor of it; for if he is I can show him a road that will do it to-morrow.

Mr. SHERMAN. We will not dispute about that. I want to remind the Senator that he as well as the rest of us is committed by the same pledges, that we cannot violate here without being held up to public censure.

I have here the democratic platform of 1868 and the address of Governor Seymour as the candidate of the democratic party. Both affirm the duty of Congress to make our currency good as gold.

Mr. LOGAN. That is in both platforms.

Mr. SHERMAN. Yes; in both. So in the platform of two years ago the same declaration is made. Here is the Philadelphia platform of 1872:

> We denounce repudiation of the public debt in any form or disguise as a national crime. We confess with pride the reduction of the principal of the debt, of the rates of interest upon the balance, and confidently expect that our excellent national currency will be perfected by a speedy resumption of specie payments.

The democratic platform declares that—

> A speedy return to specie payments is demanded alike by the highest considerations of commercial morality and honest government.

These are the latest pledges of political faith by great parties.

But I want now to call the attention of the Senate to some extracts from a speech made by the Senator from Indiana [Mr. MORTON] a few years ago. The Senator from Indiana, who has been arraigning us who oppose inflation, introduced a bill on the 16th of December, 1868, "to provide for the redemption in coin of the United States notes and fractional currency, and requiring the national banks to redeem their notes in coin," on which he addressed the Senate. Here is the view he then took of paper money:

> It is impossible to calculate the aggregate loss to the country, even in one year, by this state of things, or to estimate the suffering and destitution produced by stagnation of business and the want of employment for labor; and it is not only the business, but the imperative duty, of Congress to address itself to the great work of reform, by adopting such legislation, if possible, whereby the currency shall be made good, and business be made to flow on prosperously through its regular channels. The business transactions of the country, amounting to many thousand million dollars in the course of the year, are conducted through the medium of the currency, and if the currency is depreciated, fluctuating, and deceptive, the prosperity of the country must inevitably be seriously injured and its general progress and development delayed. * * * * * *
>
> Why is our currency depreciated? And why would it be depreciated if the Government did not owe a single bond? Because the greenback note is a promise by the Government to pay so many dollars on demand, which it does not pay. The promise is daily broken, and has long been dishonored. The note draws no interest, and the Government has fixed no time when it will pay it. Under such circumstances the note must be depreciated. The solvency or ultimate ability of the promiser never kept overdue paper at par, and never will. To do that something more is required than the ultimate wealth or ability of the promiser. There must be certainty in the payment and time of payment, and if the time of payment be deferred, compensation must be made by the payment of interest. Let me suppose, by way of argument—

Here is a supposition that I would call the attention of the Senate to.

> Let me suppose, by way of argument, that A. T. Stewart, the great merchant in New York, should pay off his numerous employés in due-bills or notes payable on demand, which draw no interest, and which he refuses to pay on demand, and will fix no time when he will. Notwithstanding his immense wealth and his entire ability to pay, his notes would inevitably depreciate, and could only be sold at a

large discount, which would be increased if it were admitted that there was no legal remedy by which he could be compelled to pay them. One of the wealthiest men in the Northwest, now dead, who left some $5,000,000 to be divided among his heirs, had an unfortunate habit of refusing to pay his small debts. Instead of paying he would give his notes for them, refuse to pay the notes at maturity, suffer himself to be sued, then hire a lawyer to fight the cases. The result was that his paper was hawked about the streets at 60 or 70 cents on the dollar, while perhaps that of his near neighbor, who kept a small store and was only worth $10,000, but who was prompt in the payment of his debts, could be sold at a very small discount.—*Congressional Globe*, part 1, third session Fortieth Congress, 1868–'69, p. 102.

This was what the Senator from Indiana thought in 1868 about a depreciated paper money. He compared the condition of the Government of the United States to the case of Mr. Stewart issuing his notes and then refusing to pay them, and to some miserly man out West, whom he did not name, who not only issued his notes whenever he could get anybody to take them, but then contested and fought their payment. That was undoubtedly a true description of the effect of depreciated paper money. Every word that the Senator said was perfectly true; and that is just the condition of the same money now. Here we have $380,000,000 of just this kind of paper money so graphically described by the Senator from Indiana—paper money that is overdue, owed by the United States, and which ought to be paid, which ought to be made as good as gold; but we refuse to pay it. We have said that we would pay it; we have said that we would pay it at the earliest practicable moment. Our wealth is overflowing. The United States, that owes this $380,000,000, has property to the amount of $32,000,000,000, and yet it will not fulfill its promise. It will not take any step in that direction. Although we have agreed to do it, not a single step do we take; but, on the contrary, we now propose to issue forty-six millions more of another kind of paper money, payable in our broken promises. Is not that strange? Is not that the spectacle that is now presented? Here is our paper, just exactly the kind described so well by the Senator from Indiana, floating at large, depreciated below its standard, no effort made to raise it, no additional value given to it by allowing it to be converted into bonds, or in any way. There it is. And now we propose to allow capitalists who hold bonds to go and file those bonds in a safe place, issue 90 per cent. of the amount of those bonds in bank-bills payable in this very depreciated money so well described by the Senator from Indiana, and yet he now says that such increase will not depreciate the money more. Sir, how fallacious this is. Any addition to the volume will depreciate the value; and if A. T. Stewart, whose case again I will take, after he had arrived at that condition when he had refused to pay his notes, although he had the means, should add more to them, would it not more and more depreciate them? Suppose the miser in the West, described by the Senator from Indiana, after he had shown his disposition to contest an honest claim, should add to the volume of his notes thus contested, would it not tend more and more to depreciate them? Suppose he had shown, for five years, not only an unwillingness to pay, but an ability to put off the time of payment indefinitely, I ask would not that still more depreciate them? And then suppose some third person should propose to issue notes payable in that kind of depreciated paper, what would be the effect of it?

Here I come to a point on which I was surprised to hear the view of my friend from Iowa, [Mr. ALLISON,] whose intelligence and ability I fairly concede. He tells us that the issuing of $46,000,000 more of paper money, bank-bills, payable alone in greenbacks, will not tend to depreciate the greenbacks, and will not take us further and further from the road to specie payments. Why, sir, the addition of $46,000,000 of bank-notes to the volume of our currency has almost, not precisely, but nearly the same effect as the addition of $46,000,000 of greenbacks.

Mr. ALLISON. Does the Senator claim that the difference between gold and greenbacks is wholly owing to a redundant currency, to the fact that the volume is too large? Is that the sole reason for the difference between the price of greenbacks and gold?

Mr. SHERMAN. It is the sole reason. The currency falls below the value of gold because it is not convertible into gold. I have argued over and over again that in my judgment we can at times maintain a larger circulation in this country upon a specie basis, even, than we have now; but it must be convertible into gold at the pleasure of the holder. The fact that we have this paper which is dishonored, which is now in the open market sold below par, that we refuse it for custom duties, that we refuse to receive and take in payment of bonds, that we ourselves dishonor and refuse to say when and under what circumstances we will pay it, but add to its volume, such paper money will inevitably continue to depreciate more and more as the amount increases and confidence in its redemption in coin diminishes.

Mr. ALLISON. Will not much depend on what we may do with the excess of greenback circulation, the difference between $356,000,000 and the $381,000,000?

Mr. SHERMAN. Yes, sir.

Mr. ALLISON. Therefore other elements enter into the calculation.

Mr. SHERMAN. I thought my friend had some way of escape. If my friend will join in retiring an equal amount of greenbacks, then we are all right, and I suppose that is the solution. I agree that that would advance us toward specie payments. If we should issue $46,000,000 of bank currency and at the same moment and by the same bill provide for the retirement of $46,000,000 of greenbacks, then we should be on the road to specie payments, and a rapid road; and if that is the position of my honorable friend from Iowa I most heartily welcome him, and I do not differ with him in the least.

Mr. ALLISON. I will state my position before I vote on this question. I only desire now to put one inquiry. I understood the Senator to say that the issue of forty-six millions of national-bank notes would, *per se*, increase the difference in price between greenbacks and gold. I maintain that that does not follow.

Mr. SHERMAN. Unless it is accompanied by a proposition which retires a different kind of paper money. Undoubtedly I speak of an increase. The Senators are talking about an increase of paper money. That is what they want. The Senator from North Carolina is appealing for an increase of paper money. The Senator from Indiana is appealing for an increase of paper money, although he says he only wants a moderate increase. My friend from Michigan [Mr. FERRY] wants an increase to eight hundred millions, four hundred of each kind. I say that either of these propositions or anything that tends to increase the volume of paper money, undoubtedly tends to depreciate the value of the mass. The proposition may be stated arithmetically in this way: If $700,000,000 of gold will buy the outstanding currency of $780,000,000, and you add to the $780,000,000 $100,000,000 more of paper money of the same kind, the $880,000,000 will not buy any more cotton, corn, or other produce than the $700,000,000 of gold; that is, any addition to the amount necessarily depreciates the purchasable power in precisely the same ratio. You cannot get around it. I suppose it is out of fashion now to quote books and authorities recognized as such, but that is the plain common sense of the thing.

Why, sir, money, whether gold or paper, when unduly increased, has the effect of raising the price of everything. Money and property and productions are relative terms. Whenever there is more money than is necessary to be used in the ordinary daily exchanges of life, the inevitable effect is to advance the prices of commodities. And, sir, the only way by which you can tell the value of paper money, and whether it is redundant, is whether that paper money will buy less of any commodity than gold or silver. Whenever paper money will buy less than gold or silver, then it is redundant; and it either ought to be retired or new employments be given to it.

Something is said about the amount of paper money in this country, and Senators say we want more currency. Well, sir, I am willing to say I wish we had more currency; but what kind of currency? We want good money; money that is tested by the standard recognized by all nations. When you say to me that there is a dearth of money, that there is more money wanted down South, I am willing that they should have all the money that is necessary to buy their commodities at par with gold.

The honorable Senator from Illinois, [Mr. LOGAN,] in a carefully prepared speech that he made a day or two after I had spoken, went into an elaborate calculation to show that in the aggregate France had more money than we had, and perhaps that some other countries had more than the United States, although I believe he did not affirm this as to any except France. What does that prove? When you come to compare the amount of our paper money with the amount of paper money in France, we find that we have in this country $760,000,000 of paper money; we find they have in France $520,000,000 of paper money; we find they have in England $230,000,000 of paper money. But the Senator from North Carolina [Mr. MERRIMON] says there is $200,000,000 of our paper money lying idle as reserves. Well, sir, it is so in England. The reserves of the Bank of England alone are over $100,000,000. The reserves of the Bank of France are 760,000,000 francs, or more than $150,000,000. The reserves in all European countries are always greater than in ours. The amount of paper money actually in circulation to-day in this country is greater than in France and England combined.

Mr. LOGAN. Will the Senator allow me to say a word at this point, inasmuch as he has referred to me?

Mr. SHERMAN. Certainly.

Mr. LOGAN. My calculation on this question was induced by the statement of the Senator himself. He said this country had more money than any country in the world. I then went to work to examine into that matter to see whether that statement was true or not, and I found that he was mistaken.

Mr. SHERMAN. I am not mistaken; but the Senator can go on.

Mr. LOGAN. I therefore made the calculation. The assertion was in reference to money, not paper money, and it is true; and he will find to-day by an examination of the statistics that France has more money than we have, and so have the other countries to which I alluded just as I stated.

Mr. SHERMAN. Upon this point, since the Senator and I spoke upon it, there has been very full evidence collected by Mr. Young, the head of the Bureau of Statistics; and after examining all the figures, if it is at all material, I am prepared to prove and to show, by what I regard as good authority, that taking the aggregate of our gold and of our paper money, we have more money in this country than they have in France, which is about equal to us in population, and considerably more than any other nation. But, sir, that is not material. The point I want to get at is, and that is conceded by the Senator from Illinois, that we have more paper money in this country than any two nations of Europe. In France their paper money is as good as gold. In England their paper money is as good as gold. In the United States our paper money is at a discount of 13 per cent.

Why is this? It is because we have too much of it. But it is said they have more gold than we have, and therefore more money. But why is this? It is because we discard gold as the standard of value, and therefore banish it from among us. We expel it as bullion to pay for silks and satins. If we would learn wisdom from the example of those great nations, we would decrease our paper money and increase our gold money, and blend and mingle them into a common currency, the paper always equal to gold.

The fact that we have more paper money than either of these two countries, in proportion to gold, is a conclusive argument that if the amount of our paper money was reduced to about the proportion of their paper money ours would be at par with gold. We produce gold in this country. We could rapidly accumulate gold. Gold is here "native, to the manner born." We have an annual production of $75,000,000 of gold and silver. How long would it be necessary for us to accumulate in order to obtain sufficient gold to maintain resumption? As our paper money is depreciated below par in gold, while paper money is at par in gold in other countries, the true remedy is not by adding to the volume of this paper money, but by taking from the volume, and reducing the amount until we reach the par in gold. The very moment our paper money is brought down to the standard of gold, then gold enters into circulation; gold forms a part of our ordinary currency; the volume of our currency is swollen more than it was before, and the beauty of it is that our currency then would be good anywhere and everywhere, at home and abroad, and not be a falsehood written on its face.

Mr. LOGAN. Will the Senator allow me a word at this point?

Mr. SHERMAN. Certainly.

Mr. LOGAN. In regard to the point that the Senator makes about the paper money in France being at par, I agree that whenever this country is in the condition of France, our paper money will be at par, and I should be very glad to see it. Whenever we have more gold and silver in the country than we have paper, then it will be at par, and when we have an equal amount, or probably when we do not come to an equal amount, it will be at par; but the conditions are different.

The Senator says we may accumulate gold, and I desire to make an answer to that right here. The production of gold in the world, according to the statistics, cannot exceed $100,000,000 annually. Twenty-five million dollars of that it is estimated go into art and manufactures, and $75,000,000 are used in coinage and bullion. The estimates made in reference to this country are that the travelers from America to Europe expend from sixty to seventy-five millions of gold per annum. That amount is taken from this country merely by travelers to Europe. Then we pay in addition to Europe over sixty millions of gold per annum as interest. That makes over one hundred millions of gold drained from this country every year. Now I ask the Senator how is he going to accumulate gold to put us in the condition of France until the balance of trade is in our favor?

Mr. SHERMAN. Upon that question of the balance of trade I said enough the other day, I think, to satisfy my purpose, though probably it may not satisfy the Senator.

Mr. LOGAN. I merely asked how we shall accumulate the gold. I have stated the proposition as established by the statistics of different countries, and I presume the Senator will not dispute them.

Mr. SHERMAN. Without answering that long question now, I prefer to go on and read some more instructive information from the speech of my honorable friend from Indiana, [Mr. MORTON.] It is so much better expressed than I can express the same ideas, that I hope he will pardon me if I make use of his speech to a considerable extent to answer some of the arguments that he has made at a later date.

> If the Government did not owe a single bond, the value of our currency could not be improved except by making arrangements to redeem it; and if the Government does make arrangements to redeem it, the existence of the bonded debt will not prevent the improvement in its value.

That is very true. Our notes are not depreciated because we owe a large debt, because everybody knows we can pay it. Our notes are depreciated because we do not pay them; and if every dollar of our bonded debt was paid, the greenbacks would not rise in value until we took some steps toward paying them.

Now, upon the ground of morality, I wish to read what my honorable friend said as to our present currency:

> The proposal to improve our currency by taking our surplus gold and investing it in bonds would be regarded by capitalists as absurd. The gold thus paid out would not enter into the circulation, but would sink back into an article of merchandise, to be gambled for, as it now is, in Wall street. What would the world think of the morality of such an operation? We have $356,000,000 of the public debt overdue and drawing no interest, and we take the only means of paying this debt and apply it to the purchase, at a discount, of our bonds, which will not be due under fourteen years. What would be said of the integrity of the man who should refuse to pay his debts which are due, leaving his creditors to suffer great loss, and should employ his money to buy up at a heavy shave his debts that will not be due under ten or fifteen years? Plain people would call such a man rascal and swindler, and would speak of the Government in the same terms under the same circumstances. The pretense that it was done to improve the value of the currency would deceive nobody. Such a plan of returning to specie payments is worthy of the circumlocution office, and should be labeled "How not to do it."

How remarkably pertinent that is to this occasion! And yet with $356,000,000 outstanding still, and $24,000,000 piled on to that, with $54,000,000 of bank-notes issued since that time, added to $300,000,000 bank currency then outstanding, with $20,000,000 added to our fractional currency, and now a proposition pending to add $46,000,000 more, we are told this will not depreciate or change the value of the currency or reduce its purchasing power; that it is all honest, fair, and square, and that the Government is justified in doing it. My friend's argument, it seems to me, is too strong to be overcome even by his subsequent speeches. But let us go a little further:

> The greenback currency is a part of the public debt, for the redemption of which the faith of the nation is solemnly pledged.

I think but for the fact that I made my speech since the Senator made this one I could have said that he quoted from me, but I must have quoted from him unconsciously:

> The redemption of this pledge is not only demanded by every principle of national honor, but is imperatively demanded by the interests of the people, collectively and individually. The currency of a country lies at the foundation of its daily business and vitally affects the interest of every class and condition of people, and if the Government, overlooking its honor and its duty, should take the only means by which it can be improved and apply it to the purchase of bonds which will not be due for many years, it would merit and receive the indignation and contempt of honest men everywhere.

Mr. SCHURZ. Is not that about the argument I made yesterday?

Mr. SHERMAN. I think it is rather more strongly stated. Here is another statement made by the Senator from Indiana:

> In regard to the redemption of these notes, it has never been a question of ability but of purpose; and to say that these notes cannot be paid until the general credit of the Government is improved by the expenditure of some hundreds of millions in the purchase of bonds that will not be due for years, is to fly into the face of common sense and insult the intelligence of the people.

Thank fortune, Mr. President, since this language was uttered we have paid nearly $400,000,000 of these bonds and have not paid one single dollar of these notes; so that if the argument was true then, how much stronger is it now!

> But one thing is certain, that while nobody doubts the ability of the Government to pay the notes by making reasonable preparations, if the Government neglects or abandons the currency, under whatever pretense or disguise, and applies its surplus revenues to the purchase of bonds, with a view to improve the value of the rest of them, and thus legislate for the benefit of a class—the only class in this country doing well enough, and better than any other—the currency will sink from that hour, and the very foundations of good faith will be shaken. Such legislation would be notoriously and wickedly partial and unjust. What would be thought of a great railroad corporation that should refuse to pay its overdue floating debt, and apply its current revenues to the liquidation of its long bonds, under the pretense that it would thereby improve its ability to pay its floating debt? But such legislation would be as stupid as it would be wicked, for the depressed currency would inevitably carry down the bonds in its close embrace. While our overdue paper, drawing no interest, and for which no time of payment is fixed, and no preparation made, must necessarily be depreciated as it now is, still that depreciation would be far greater but for the general faith existing among the people that the Government will speedily make arrangements for its redemption. When this faith is broken, the currency will sink lower, and sink rapidly.

Mr. FERRY, of Michigan. The Senator from Ohio made an allusion to me in regard to the volume of currency.

Mr. SHERMAN. That was some time ago. I want to get through with this point now.

Mr. FERRY, of Michigan. When the Senator closes, then, I should like to compare views with the honorable Senator, the chairman of the committee, on the point as to the volume of currency.

Mr. SHERMAN. After awhile; we shall have plenty of time.

Now, Mr. President, in view of the fact that my honorable friend from Indiana in 1868 was so very anxious not to appreciate the bonds at the expense of greenbacks, I want to call the attention of the Senate to the spectacle now presented. The amendment proposed, the title of which, if passed, should be "A bill to depreciate greenbacks and appreciate bonds," adds to the volume of the circulation $46,000,000, and it makes a market for bonds already above par in gold to the amount of over $50,000,000. Now, what is the effect of making a market for these bonds? Before any of these notes can be issued, the new banks must buy the bonds. The 6 per cent. bonds are worth 118 in currency, and the various bonds required by this bill are worth from 113 to 118, and here you make a market for them, you make a demand for them, because before this bill could be utilized they must buy bonds. The effect of that is to appreciate bonds, to make them higher and higher and higher, and to depreciate the greenbacks. You add $46,000,000 to the volume of currency, thus lowering the one, and make a market for $50,000,000 of bonds, thus raising the other, and you make the difference that is now disgraceful to this country between bonds and notes more and more for the benefit of the bondholder. The argument then made by the Senator from Indiana is very strong and very true.

The idea is now held out that this is for the benefit of the poor, to make money easy, to pay laborers, to start machinery, to start improvements of various kinds and furnish labor to the people. There never was a greater deception than this, by which you cheat the laboring man by giving him for his labor paper the purchasing power of which is growing less and less day by day. You pay a man two dollars for his day's work, and every day by adding to the amount of that currency, without any plan of redemption, you depreciate its purchasing power. You add to the value of the gold, which is the money of the capitalist, and of the bonds which are held by the capitalist, while every day, in slow and almost imperceptible degrees, you take food from the man who earns it by his daily labor, or that which purchases food.

I am not through yet with the speech of the Senator from Indiana. He made such a strong speech, and said so many good things in 1868, when he was on the other side of the question, and stated the argu-

ment so much better than I can, that I will read a little further. He said:

Suppose the greenback currency was contracted down to $100,000,000, could the remaining hundred millions be brought to par in any other way than by making arrangements to redeem it?

You cannot pay a debt without paying it, and every trick or device to bring the currency up to par, without making preparations to redeem it according to the promise on its face, will be abortive and disastrous. The currency is depreciated because it is overdue and dishonored, draws no interest, and there is no time fixed or preparation made for its redemption; and these causes would depreciate it if there were but $100,000,000 of it afloat. The effort to force depreciated and irredeemable paper up to par by making it scarce and pinching the people is like an attempt to enhance the price of unwholesome provisions by producing a famine.

Mr. MORTON. Does the Senator indorse that statement?

Mr. SHERMAN. Which statement?

Mr. MORTON. The one you have just read.

Mr. SHERMAN. I will read it again:

The effort to force depreciated and irredeemable paper up to par by making it scarce and pinching the people is like an attempt to enhance the price of unwholesome provisions by producing a famine.

I do not know but that I can indorse that; but I am in favor of allowing the holder of the greenback to have what is equivalent to gold and siver coin for it, if that is what the Senator means.

Mr. MORTON. No; the Senator advanced the proposition a month or six weeks ago that you could bring the greenbacks to par by the simple method of contraction.

Mr. SHERMAN. I did say that it could be done, but did not say that I was in favor of it. The Senator knows I do not favor contraction, but rather to give new value to the greenback by authorizing its conversion into bonds.

Mr. MORTON. You read approvingly what I said. I said that could not be done; and I say so now.

Mr. SHERMAN. I am undoubtedly in favor, without diminishing the volume of our greenbacks, of advancing the whole to par in gold by various measures that have been proposed; but I will not discuss them now.

Now let us look at what the remedies proposed by the Senator were:

First. By establishing the period of redemption a fixed value is given to the greenback note.

His proposition was to fix a day when we would resume specie payments without a contraction of the currency.

Now its gold value is fluctuating and deceptive, sometimes varying as much as 10 per cent. in sixty days, and scarcely ever remaining the same for a week at a time.

That is very true; and it is a remarkable fact that the greenback has varied within the last twelve months more than the entire depreciation of the greenback to-day.

But by fixing a time for its redemption a certain value is given to it. If the note is to be paid in gold on the 1st of July, 1871, its value can be determined by the ordinary rules of discount, and will steadily improve as the time for its redemption approaches; and other preparations being properly made, it will be at par on or before the day fixed for redemption by gradual appreciation. By fixing the time of redemption one chief element in the value of all commercial paper is gained, that of certainty in the time of payment.

Second. By fixing the period of redemption the country is notified and may be prepared for the change. People will have it in view in making new contracts and arrangements in business; and debtors, fearing a decline in the prices of property, will make haste to pay their debts.

I have many other passages of this speech marked, but I have read enough to show that the arguments presented by the Senator from Indiana are entirely inconsistent; not in harmony at all with the position taken by him a little while ago. Remember that to the positions taken by him then the country was solemnly committed. The very year this speech was made was the year when the political parties convened in national convention, and made their declarations that they would take every proper step toward specie payments; and Congress committed the people of the United States to it at the very next session of Congress. Now, for the first time since the close of the war, the proposition is made to abandon that policy, to turn our backs upon it, to go in the other direction, and increase the volume of our paper money, and leave far behind us the standard of gold and silver.

The worst of it all is, that Senators take that which I have always cherished as among the proudest recollections of my public life, the organization of the national banking system, and make that system the camel to bear the burden of inflation. Sir, I can show you now, by a reference to the congressional debates at the time the banking bill was passed, that the banking bill was passed as a means for specie payments. It was the design to bring about specie payments at the close of the war by the national banking system. The bank bill was first proposed by Governor Chase, in 1862, but was not then adopted by Congress. In the session of 1862-'63 it was taken up, and after a debate of something like two weeks in the Senate it was finally passed and sent to the House of Representatives; and was there passed, without amendment, under the previous question. The only debate upon the bill in its first passage was here in the Senate, which lasted about two weeks. I could quote copious extracts from that debate, among the rest from my own speeches and from the speeches of Judge Collamer, Mr. Fessenden, the Senator from Wisconsin, [Mr. HOWE,] and others, to show that the purpose, the chief object, the benefit to be derived from the banking system was that it was to be the mode, the road, to specie payments. By no one was that more strongly stated than by the Senator from Wisconsin. At the time the first banking bill was passed greenbacks were convertible into bonds; and it was said then that at the close of the war, as bonds advanced to par with gold the greenbacks would be converted into bonds; and then these national-bank notes would take the place of the old-fashioned gold-paying bills. That was the intention. When this bank bill passed, any holder of greenbacks might present them to be converted into a five-twenty bond. Unfortunately, after the bank bill passed, that provision was suspended, and finally repealed, and there crept in the error which finally defeated the whole object of the system.

Mr. MORTON. Will the Senator allow me a word?

Mr. SHERMAN. Yes, sir.

Mr. MORTON. I want to call the attention of the Senate to a remarkable inconsistency—not occurring in six years, but occurring in less than ten minutes—between the Senator's argument just now and his argument a little while ago. His argument was that an increase of $46,000,000 of national-bank notes, although they were required to be redeemed in greenbacks, and the volume of greenbacks was not diminished, would have the effect to depreciate the value of the greenbacks and of the whole body of the currency. Now he tells us that the national-bank notes were created for the express purpose of bringing the greenbacks to par and returning to specie payments; that the issue of one, two, or three hundred millions in national-bank notes was not thought then to have the effect of depreciating the greenbacks, but to enhance the value of greenbacks. How? By making a demand for bonds, and by making a demand for the legal-tender notes for reserve.

Mr. SHERMAN. The Senator with a good deal of ingenuity has thrust a speech into my remarks; but it is a very small mole-hill.

Why, sir, we expected that these bank-notes would advance to par in gold by the retirement of the greenbacks; and I will read the Senator a passage to show that that was the expectation, and if he will only agree to that there will be no trouble at all about the matter. A proposition was made to require these bank-notes to be paid in coin. In reply to that I said:

In regard to the other objection, Congress fixes what is lawful money. Congress may at any time change the law, and change the standard and make it gold and silver. I have not the slightest doubt the very moment our bonds are worth par in gold, that moment specie payments will be resumed under the operations of this bill. That is the practical working of it, and it cannot be avoided.

Under the law, as it then stood, the holder of greenbacks could convert them into five-twenty bonds; and it is a remarkable fact that within one year after the close of the war the five-twenty bonds did reach par in gold; so that if that provision had been left in the law as it was when I made this argument, every dollar of our paper money would now be at par in gold.

Mr. FERRY, of Michigan. I should like to ask the chairman a question.

Mr. SHERMAN. I would rather finish this extract first.

Mr. FERRY, of Michigan. It is right on that point.

Mr. SHERMAN. I hope the Senator will wait until I get through reading the extract:

The very moment our 6 per cent. bonds are worth par in gold and silver, that moment the United States currency, as it is called, will be converted into bonds as a matter of course; the United States notes will be retired; and then these banks will make specie payments. As long as the war continues, experience has shown that no bank, no nation, can make specie payments.

Mr. HENDERSON. I am not insisting on that during the war.

Mr. SHERMAN. The very moment peace is restored, and the bonds are at par, at that moment specie payments will be resumed. If Congress wishes to hasten the time, it may change the law in regard to what is lawful money; it may declare gold and silver the lawful money; and then, by the provisions of this bill, these notes must be redeemed in gold and silver. There is no doubt about that.

That was the original foundation of this national banking policy. I say to the Senate that the national banking bill never would have passed either House of Congress but for the expectation that the national banks themselves would be the means, shortly after the war was over, to bring us to the specie standard. Why, sir, during the whole war, while my honorable friend from Illinois [Mr. LOGAN] was fighting the enemy in the field, both Houses of Congress were carefully limiting the extent of paper money. In the Senate especially we acted as the conservative power of the Government and carefully limited the amount of paper money. We never issued any without providing some means for its retirement. We carefully restrained it; and in the national banking act we provided a means by which, if the law had remained as it was, we would have surely and safely returned to specie payments.

Mr. LOGAN. Allow me to interrupt the Senator at that point. If I understand the portion of the remarks that he delivered at that time, it was, that by passing a law making gold and silver the only legal tender, we should thereby arrive at specie payments through the national banks. Is not that the idea?

Mr. SHERMAN. I simply said that the greenbacks then, under the provisions of the law, would be converted into bonds; and then, as a matter of course, there would be nothing to redeem with but gold and silver, and that would be specie resumption.

Mr. LOGAN. In that connection I will ask the Senator a question, carrying out the idea of the question that I asked him when he first commenced his argument, whether he was in favor of immediate resumption. If gentlemen are in favor of an immediate resumption of specie payments, is not the shortest road to it to repeal the legal-tender act, and would not that perform the same office that redemp-

tion would under the former theory? There would be nothing then a legal tender but gold and silver, and then we should be on a specie basis. The only question then would be whether we had the specie or not. I would not agree to it; but I only put that proposition. If Senators are in earnest and desire specie payment at once, could they not arrive at it at once by a repeal of the legal-tender act? Then, if the country is able to maintain it, you have specie payment; if not, you do not. I do not think the country is prepared for it; but if you are in earnest about it, that is the shortest way to it in my judgment.

Mr. SHERMAN. I will speak of that after awhile. I desire to call the attention of the Senate now to another matter. Some reference has been made to the law of 1870; and I have traced the history of that law, and I have found that every member of Congress, including my honorable friend from Indiana, most zealously declared in 1870 that they would not do any act that looked like inflation. In 1870 we had this controversy about the distribution of bank circulation. The Committee on Finance reported a bill to provide for $45,000,000 for banks to be organized in the South and West, just as we have done at this session; and we provided then, in order to prevent a contraction or inflation of the currency, that the 3 per cent. certificates then outstanding should be retired with the $45,000,000. The Senator from Indiana insisted that by issuing $45,000,000 of bank currency and retiring $45,000,000 of 3 per cent. certificates we actually contracted the currency $7,500,000; on this ground, that as the banks had to maintain a reserve, it required $54,000,000 of bank-notes to equal in its effect upon the currency $45,000,000 of greenbacks, or 3 per cent. certificates, which were demand notes and the same as greenbacks; and the Senate yielded to him, the Senator from Indiana declaring that he would not at all propose any measure that looked toward inflation. He said he had always been opposed to inflation. That proposition was finally adopted. Then, in order to provide for the possibility of more being needed in the South and West, they put in this provision about the $25,000,000, the last clause of which was penned by the Senator himself; and it is that clause, words written in his own hand at that desk, which created the very difficulty we are now trying to remedy. My honorable friend, if he will look over that debate, will find that he declared that while he was opposed to contraction he was equally opposed to inflation, and he was opposed to any increase of bank paper money one dollar beyond the amount then fixed by law; but he said that in order to keep the balance equal between contraction and inflation, instead of the forty-five millions reported by the committee we ought to have fifty-four; and after some argument, I believe, I finally agreed that there was some plausibility in it, that as 15 per cent. of the amount of bank-notes had to be kept in the vaults of the banks as reserve, there was a reason why $9,000,000 more should be added to the $45,000,000; and so the law passed. Then, instead of going forward, he himself proposed to transfer from New England to the West $25,000,000 more, on the ground that the $54,000,000 would not be enough to reach Indiana in sufficient quantity, and therefore he demanded $25,000,000 more; and finally that was carried, and is now the law of the land. The only reason why this has not been executed is because it was so narrowly limited and so narrowly restrained, and so worded as to be declared to be impracticable.

Now, the only object of this bill, which it has taken one month to discuss, was to carry into execution a defective law penned by my honorable friend from Indiana; and yet the effort is to pile on this bill, the object of which is so plain and just—even if the amount was increased to $50,000,000 it would be perfectly right—to pile on it the question of inflation, the increase of the volume of bank paper, money, which that Senator declared in 1871, he would not consider, which he opposed only two years before by an argument of great force, a proposition which every political party in this country has declared against, which the Congress of the United States has declared against, and which the President of the United States is committed against in every annual message he has sent to Congress. What will be the result of such a policy? To derange values, to disturb the business of the people of this country.

Sir, you may think that this measure is a small matter; that this will not disturb values. Why is it that the business men of this country send you their urgent appeals? Why is it that petitions come from the chambers of commerce not only of the East, but of the West? I can see that the popular *ad captandum* argument of more money, unless examined and analyzed, is one that is taking before a crowd. Going to an ordinary popular assemblage, I have no doubt the people would shout for more money; but when these same people examine the question, study it, and hear both sides and give it their "sober second thought," the second thought which brings a jury almost always to an accurate conclusion—when they hear both sides, the people of this country will be just as much opposed to all these schemes of inflation as the business men of the country have shown themselves to be.

Sir, I do not say that the measure now proposed by the honorable Senator from North Carolina is as wild and bad a measure as some that have been proposed. I know that the process of organizing banks in the South and West will go on slowly. I know there are difficulties in the way. Perhaps the immediate effect of that measure will not be so great as even those who are opposed to inflation fear. But I do say it is turning our backs upon our record in the past, upon our promises in the past—opening up the door to inflation. And, sir, when a future demand comes, when tight times come, somebody is in debt, somebody cannot carry on his magnificent schemes of improvement and enterprise, and he comes here and demands relief, then another call will be made for more paper money; then the cry of my honorable friend from Michigan [Mr. FERRY] for $100,000,000 will be heard, and will carry; then there will be no road out of this irredeemable paper money except through bankruptcy and repudiation.

Mr. FERRY, of Michigan. Will the Senator allow me one word?

Mr. SHERMAN. Excuse me; I would rather get through.

Mr. President, it is only because I see and feel these things that I stand here to oppose it. There are modes by which we can get back to specie payments—not suddenly, as my friend from Illinois says. We are not disposed to go into any rash, harsh, and severe measure looking toward specie payments. I do not know a Senator on this floor who would propose an immediate resumption of specie payments. My honorable friend from Illinois, at the very beginning of my remarks, wanted to thrust upon me the question as to how. Well, Mr. President, I believe that we shall have accomplished a great result, the winning of a battle, worth as much to us as any battle throughout the late war, if we can resist this cry for more paper money and stand where we are. From the time I came to this Congress, feeling in the air that spirit which sprang out of the panic, I felt that there was great danger that Congress would go back of all its promises and embark us in a wild sea of paper money in order to give immediate relief. Time has passed; time has had its healing influence. Many of the evils that existed when we met in December have disappeared; many of the fears then existing have been dissipated; and now, with money overflowing in all the centers of business, and gradually spreading itself over the country, with more money in circulation than we have ever had before, with increased facilities, with a lower rate of interest, now after three months have dissipated many of the fears of those who have gone before us, now to embark on this sea of paper money would be a crime as well as a blunder. That is the way I look upon it.

But the Senator asks, "What is your plan for getting back to specie payments?" Well, sir, if there was no other plan, I would say with the Senator from Massachusetts, [Mr. BOUTWELL,] "Stand still," and we shall see the glory of the Lord after awhile. It will be a long time hence, I fear; and that is the trouble. If the Senate would go a little further; if the Senate would provide for the retirement of so much of the $44,000,000 as has been issued, either by the sale of bonds or in any way that can be agreed on—and if its issue be permitted at all, it should be established as a permanent, fixed reserve, not to be used except for exigencies prescribed by law; and it ought never to be used but in a great emergency, and then not under the mere discretionary power of the Secretary of the Treasury—that of itself would be a measure in the right direction; but I am in favor of going still further. I do not expect all Senators to agree with me. I believe that now is the golden moment to fix a time when every dollar of our broken promises shall be made as good as gold. He wanted it done in 1871. I should like to see it done in 1875 or 1876, or any time. Let us fix a time in the future which a majority of the Senate can agree upon, and say that at that time, say the 1st of January next, we will redeem our broken promises either in bonds or gold. There is no practical difficulty about it.

My honorable friend from Massachusetts, who made a speech the other day, made the only argument that has ever given me any trouble on this whole question; and that is, "What shall be the condition of affairs between now and the 1st of January? Will not the fluctuation of 10 or 12 per cent. between the present standard of paper money and the gold standard produce ruin, contraction, and distress?" The only answer is that we have had a fluctuation of values of more than that amount every year since the close of the war; and sometimes it has gone as far as 20 or 30 per cent., and yet no ruin or great distress has come from this fluctuation. Business becomes adapted to it.

Fix a day in the future—that was the argument of my friend from Indiana—and people will grow to it; they will gradually advance to it; money will go on investing in its ordinary channels, and people will be prepared; and when the day comes no man will care whether he receives gold or bonds when the greenback is payable in either. Sir, it will be the old story over again. If we only have confidence in the people, confidence that they are as wise as we are, and fix a day when we will make our promise good, there will be no difficulty. Why is it that I prefer a redemption in gold? My honorable friend from Indiana seems to think that is a very terrible proposition, to redeem in bonds. He says, "Why, you promised gold, and you will only pay bonds." I think we shall do the note-holders a great deal of good if we give them that which is a great deal better than the note now, and which is nearly at par in gold. The reason I prefer redemption in bonds as a step in the right direction is because we could issue these bonds without being at the enormous expense of maintaining in the Treasury a great pile of gold. But redemption in bonds is only a preliminary step. In my judgment, it would be the final step; because when you have by this measure raised your notes up to the standard of the bond, the bond itself is so near the standard of gold that things which are equal to the same will be equal to each other; and they will assimilate and pass from hand to hand. It may be that a few of these notes would be converted into bonds. If so, they could be issued for current expenses and thus avoid making a loan now threatened; or they could be used in the purchase or payment of the

public debt. But I am not wedded to any theory; I want to take some step in the right direction.

If we can only stand still and prevent the inflation of paper money, that is one step. Again, if we can go back to where we were before the panic, we have gained much. I solemnly believe, after the most careful examination, that every dollar of that money issued over three hundred and fifty-six millions was issued without authority of law. I examined that question in the closet, carefully, deliberately. I have never heard anything to change my opinions. I know there is an honest difference of opinion about it. I do not wish to thrust my opinion on others. I should like to see the volume of our greenbacks reduced to the standard where it was before the panic. Then, if it is necessary to legislate about the reserve to enable the Treasury to meet an exigency, we can provide for it; but we need not do it now.

In this way we can easily approach specie payments, and then you may have free banking; but free banking without resumption is only an addition to the volume of paper money. Free banking can only exist upon the basis of redemption, and a prompt and hearty redemption. I would not only be in favor of redeeming in coin—first in greenbacks, and as greenbacks approach to par in gold, in coin—but I would also make, not only centers of redemption, but I would make one common redemption, and provide modes by which the bank paper money might flow back regularly, periodically, according to the necessities and the demands of trade and commerce, to be redeemed, and then again to be issued, as more money was needed from time to time. That only is banking. It is not banking when you issue your note to pay and never pay it, never fix a time when you will pay it, and do nothing to prepare for payment. That is the issue of inconvertible money. Free banking is a machine by which paper money can for a time be substituted for real money, flow out, and be returned again to its source, performing the functions of currency, to move the crops, to make exchanges. The only mode by which the amount of this paper money or this real money can be established at is the amount that can be maintained at par in gold.

Now, Mr. President, my opinion is still that the Senate ought to go back to the original proposition in the bill before it, and pass it. If the members from the South and West, who have a majority here, think twenty-five millions is not enough, they have the power to increase it, and Senators from the Eastern States who are here will feel the justice of their taking whatever is necessary to equalize the currency. There is no reason in the world why each section should not have an opportunity to start local banks. I know that my friends from New England have said, "It makes no difference; the money will flow back again; if you take money from Rhode Island and remove it to the West it will flow back again." So the currency will flow back, but the advantage is in local banks. A local bank is a little center of business. It furnishes facilities. A local bank is more likely to loan money to the merchants and traders of the neighborhood and give neighborhood facilities. And, sir, you weaken your national banking system when you do not allow that. The national banking system never could have passed but for this provision about distribution. I find, upon looking up the records of the history of the national banks, that this provision about distribution was not in the original bank act sent to us from the Treasury Department. The Committee on Finance made a great many amendments, and among the rest this very provision was inserted; and when the amendment as to distribution was brought up, after a little conversational debate, it was adopted unanimously, every Senator feeling that there must be some mode of distributing this currency locally throughout the country. That was the origin of it in the law of 1863. It was dropped in the compilation of 1864, merely because up to that time only $60,000,000 of bank capital had been taken, and it was not thought worth while to renew it. But the next year, when we found that the old banks were rushing into this system, when we found there was danger of inequality, we by the act of March 3, 1865, restored that provision. Up to that time there had been no less than $100,000,000 of banking capital under the national system, so that when we restored the provision about the distribution there were still two hundred millions of circulation not taken. On the same date a provision was suddenly put into an internal-revenue bill, about midnight, by an amendment of the Senator from Rhode Island, without discussion or debate, and when that was put in it only provided to give old banks the priority for four months from that time, until the 1st of July. It did not provide for a repeal or change of the general provision about distribution. After the 1st of July, 1865, $110,000,000 were issued up to the 1st of October, 1865. If Senators will look at the official documents, only $160,000,000 of paper money had issued, and the limit was $300,000,000; so that after that $110,000,000 were issued.

I say, therefore, whether it is injurious to the West or East, the North or the South, here is a matter of plain justice, a stumbling-block in the way of the Committee on Finance. We want to correct it as far as we can. While we thought it was not necessary to go to the whole extent of a full and complete redistribution of bank circulation, we thought the measure was a wise one to be considered by itself, just as the subject was considered in 1870. We therefore reported it. If Senators think that $125,000,000 is not enough, they can make it more, and then pass it; and thus we still have got this stumbling-block out of the way.

If you adopt, on the other hand, the proposition of the Senator from North Carolina, you will leave the local sore festering. Issue $46,000,000 more, and you will have the same question here again in two or three years; because if you swell the volume, by issuing $46,000,000 to the South and West, they will not have their share, and they will demand again that this old inequality shall be corrected, as they have demanded it every year, year by year. If you increase by $46,000,000 now, giving it to the South and West, you will leave this local sore, and thus you open wide the door of expansion and the question of inflation. You alarm men. Already under the fear that in some way or other your paper money will be diluted, gold is advancing. Pass the bill with this provision, and what will be the effect of it? The money-changers of New York will measure your laws precisely as they measure ingots. If they see that your measures tend to depreciate the value of your money, they will measure it at their estimate. They fix the value of your money; we have not the power to do it. You may pass all the laws you please, and if you pass any law that swells the volume of your currency or makes you turn your back on the promise of the faith of the nation to make the note as good as gold, you will depreciate your currency, and the depreciation will be measured by the bulls and bears of Wall street. If, on the other hand, you only stand where you are, according to the view of the Senator from Massachusetts, but especially if you take any decided step that looks toward the redemption of our broken promise, that moment the bulls and bears of Wall street will advance your credit in the money market of the world, because after all gold is the par; greenbacks are daily measured by their daily depreciation. No, sir, I assure the Senator from North Carolina that his proposition will do the people he represents no good, but, by unfastening the moorings to which we have been tied, it will do great evil, and therefore I am opposed to it. Go back to the original proposition.

Now, sir, a word in regard to the effect of this upon the New England States. I could read here a statement made by one of the ablest of New England's moneyed men to show that this withdrawal of $25,000,000 from the New England States will be scarcely an appreciable thing there. My honorable friend from Rhode Island the other day stated the effect of it. This does not reduce their capital; it does not affect the organization of a single bank in all the United States. It simply provides that banks which have over $300,000 circulation shall be required to retire from time to time as needed a certain proportion of it. What is the mode in which that is done? Some Senators think that is going to prevent these banks making discounts and carrying on their ordinary business. Not at all. I have conversed not only with the Comptroller of the Currency, but with bankers affected by it. What is the effect? The Comptroller will call on a bank for, say $10,000 of its notes, to be surrendered at a certain time; and under the law he can give them thirty days. Suppose they are not surrendered, as they probably will not be able to surrender them, then the Comptroller of the Currency will order $10,000 of the bonds of the United States belonging to that particular bank to be sold in the market, and with the money thus received he will retire greenbacks; he will buy in $10,000 of greenbacks and retire them.

Then the provisions of the bill require that all sub-treasurers, all the Government depositories, banks, &c., shall assort the bills of this particular bank until $10,000 of them are found, and then this $10,000 of bills will be retired and the greenbacks issued again. But before this operation goes on, to prevent the possibility or fear of contraction, this is not to go on until after the new notes are issued. So that when new banks are organized, and one or two millions of new bank-notes are to be issued, then commences the process of redistribution. There may thus be for a little while, perhaps for thirty days, a temporary increase of the circulation until this process can go on. That is all. This will go on slowly, because these assessments on the banks to be affected will be made probably every month. Whenever $1,000,000 of fresh banking capital is authorized in the West and South, requisitions will be made on these Eastern banks. The list of banks is given. It is before the Comptroller. He can say how much—1, 2, 3, or 4 per cent.—is necessary, and he makes a printed requisition on the banks in excess, and the whole thing is done. All there is of it is to transfer the profits of this circulation from the East to the West and South; to give to the West and South an opportunity to organize banks; to give them local facilities; and it does not affect the capital, the deposits, the business discounts, or the bills receivable of any bank in the United States. All that it affects is the amount of the bonds deposited by them as security for circulation. And I say to you, after the most careful deliberation, feeling the responsibility for this proposition, that this will not create the slightest shade of disturbance; it will only take from banks that by an unwise decision have received more than their share a portion of their circulation and transfer it to banks organized in the South and West, without any disturbance whatever of the business of the country.

In this way you can remove this sore; and I appeal to Senators from the New England States, who have heard this thing cast in their teeth, why not do it? I said to them that Ohio did not care much about it, nor should Indiana. Indiana has already got very nearly her share, and is entitled to no more unless you swell the volume. So with Ohio. I say it is far better, even if there is to be an increase of bank circulation, that this inequality of distribution shall be removed from the politics of our country.

Mr. MORTON. Will my friend allow me right there? The Senator has made a remark, the importance of which I think he scarcely

appreciates in this argument. He says that Indiana has nearly her share of the three hundred and fifty-four millions. So she has; but Indiana has not nearly what she needs to meet her local wants, and by the distribution of the three hundred and fifty-four millions she cannot get it.

Mr. SHERMAN. I hope the Senator will not lead me off from my argument. I was about closing when the Senator thrust in a remark that Indiana has not got enough. No State has got enough irredeemable money. Why, sir, if you give the banks the opportunity to issue irredeemable money on the deposit of bonds, you can swell the amount to $1,500,000,000.

Mr. MORTON. That is an evasion. I was speaking about the local wants of the State, where banks in some cases are forty miles distant, and we cannot get them under the $354,000,000. You must enlarge it.

Mr. SHERMAN. I will tell the Senator the remedy. Let us join in some plan looking toward the redemption of the greenbacks. Read the speech of 1868 over again, and then let us proclaim free banking. There is no trouble about it; the people of this country can have all the money of the world. We can try the question as to how much paper money can be kept in circulation in this country if we will only go toward specie payments or specie redemption. Then the people of Indiana can circulate all they want, as long as they can maintain it at the standard of the United States bonds or at par with gold. We will give them all the benefits of circulation. That is the remedy.

My friend wants to accomplish one thing—the organization of local banks—forgetting that the accomplishment of that result would derange the whole business of the country and introduce another element into this matter. So far as the redistribution is concerned, I have always agreed to it. Senators from the East may not feel that this thing of a local disadvantage thrown into our teeth in political times is one that cannot be answered, when eastern men come, as Governor Seymour did from New York, and travel all over our western country and tell us that New England had got the advantage of us in this circulation, and intended to hold on to it, although New York also had the advantage; and in Cleveland, in his speech in 1868, he actually made that the basis of his indictment against the republican party. Why, sir, we cannot stand it. It is not right; it is not fair. Whether we want the circulation or not is not a matter that we will now debate. What we want is equality; what the law gives us, what the law promised us; and although I do not believe that these banks will be organized to anything like the amount that the law would give us, yet the right to organize them should be conceded. If the people do want to organize them in any part of the West and South, the opportunity ought to be yielded frankly. And I say to Senators representing the New England States that the actual effect of it will scarcely be perceptible; and I should be willing to leave this question to the practical, sagacious, and well-instructed mind of my honorable friend from Massachusetts, [Mr. BOUTWELL.] This whole operation could be carried on without any disturbance.

Now, sir, I say had we not better take this measure? Here we have spent one month—not wasted, I know, because we have discussed questions that will come up again—but we have spent one month in debating other matters than the bill before us. I want to call the Senate back to the proposition that is before us. The Committee on Finance have gone over all these questions time and time again, and we felt that on one proposition we could stand united. Although in that committee all sections of the country are represented and all shades of opinion are represented on this question of inflation, we could stand united upon the fact that the law, now not carried into execution on account of some defective criticism, shall be carried out; that these $25,000,000 shall be provided in order to equalize the circulation, and if necessary to add to it. That we could agree upon. When that is disposed of, then the question as to how far we will go toward specie payments and how fast; whether we will do anything; whether we will adopt the advice of the honorable Senator from Massachusetts, or whether we will go a little further, can be considered. I think he will agree with me that we ought to provide for the retirement of the $44,000,000 reserve. Although I have never conversed with him about it, I hope he will agree with me on that. We can do that much toward specie payments. Then, if we may agree on some steps further in that direction, we shall have come to a happy solution.

But, sir, I cannot take my seat without for the last time expressing my almost terror that the people of the United States—a proud, rich, free people of forty millions, pledged in every way, by President, by Congress, by local resolutions—should turn their back in this time of peace and prosperity upon the promises they have so often made. I do not believe they will do it. Time alone will punish those who now suggest it.

Mr. ALLISON obtained the floor.

Mr. SCHURZ. Will the Senator from Iowa yield to me a single moment?

Mr. ALLISON. I will yield to the Senator from Missouri.

Mr. SCHURZ. The Senator from North Carolina [Mr. MERRIMON] put two questions to me which, when he pronounced them, I did not clearly understand; and as he put them in writing, he was kind enough to hand them to me. I wish now to reply to them.

The first question is, "If what the Senator says is true, then why does it not appear that there is an excess of currency in New England and the Eastern States in view of the acknowledged concentration of the currency of the country there; and if there is an excess or redundancy, why do not prices go up in those localities?"

The fact is that the eastern money centers are glutted at the present moment with money; and if the Senator will take the trouble to read the market reports he will be convinced that they are. And as to the rise of prices, it appears to me that prices are actually rising. Stocks have gone up very much. They have gone up beyond the point at which they stood before the crisis. Gold has gone up also, and general commodities are doing the same. That is the answer to the first question.

The second question was, "If there is redundancy there, why does the currency in excess of a reasonable demand fail to seek investment in the South and West where, it is admitted, it is so much needed?"

As appears from the market reports in the western business centers, there is an abundance of currency also; and as far as the currency which is now in the eastern markets seeking investment in the West and South is concerned, I think that would be so but for two circumstances. In the first place those who hold it in the eastern markets may think that they can more profitably employ it there; and in the second place there is a want of confidence, not in the honesty of southern or western people, but in the general stability of business at the present moment; and it seems to me that for that reason money does does not go to the West and South seeking for investment. That is my answer to this question.

But, being on my feet, if the Senator from Iowa will indulge me, I should like to make one remark in reply to the speech made by the Senator from Indiana [Mr. MORTON] yesterday. I tried to interrupt him at one point, but he declined to yield, which, I think, in our intercourse I have never done. But still he may have had good reason for it. The Senator from Ohio to-day exposed some remarkable inconsistencies in the course of the Senator from Indiana on this question. Yesterday, when I pronounced opinions different from those of the Senator from Indiana, that gentleman put the "foreigner" at me, alluding to the fact of my having been born on foreign soil, and concluding that I did not understand this country. I will not inquire whether this was in good taste or not, but I would merely say that I remember the time when I, with others, helped to promote the political interests of the Senator from Indiana, and those who thought like him did not look upon me as a foreigner at all then, and they thought that I understood this country admirably well. But as soon as I happened to differ with his views, he at once discovered that I was not born in this country and do not know anything of its affairs. I think it would be just as well for the foreign-born constituents of the Senator from Indiana to understand that as long as they agree with him he recognizes their full rights of American citizenship, but as soon as they dare to differ with him in politics he will at once let them know that they are foreigners and had better hold their tongues.

I must observe in the same connection that to agree always with the Senator from Indiana is a little difficult. It is not easy to keep up with him in the movements of his opinions, for I believe there is no public man in existence to-day who has been so frequently on both sides of a question as the Senator from Indiana. Taking this matter of currency alone, he was a fierce specie-payment man not very long ago. Had I been for inflation then, as he is now, he would have said of me that I was a foreigner, and did not understand the affairs of this country. Now he has gone through all the phases and shades and forms and grades of inflation, until finally he has landed where we see him; and I being a specie-payment man, he says I do not understand the affairs of this country, because I am for specie payments, as he was not long ago.

I repeat, sir, that as much as I would like to be recognized as a full-fledged American citizen by the Senator from Indiana, I cannot purchase that honor at the price of following him in all his changes of opinion.

Mr. ALLISON. Mr. President, I have said but little in this debate, and do not intend to occupy time now, only to say a word in defense of my vote for increase of bank circulation, in view of the criticism just made upon that vote by the honorable chairman of Finance. But before speaking of the effect of increase of bank circulation to the extent of forty-six millions, a word in reply to what has just been said by the Senator from Missouri [Mr. SCHURZ] with reference to the accumulation of currency in New York.

When the national banking act was passed, its provisions were such as to induce accumulations of money at money centers, so as to enable the Secretary of the Treasury to negotiate loans, and the act therefore, had a twofold purpose: first, to float the bonds of the United States; and, secondly, to aid the Government in restoring specie payments at the close of the war, or as soon after as it could be safely done without destroying the business interests of the country. These provisions, intended to make the circulation flow to the money centers at recurring intervals, are still in force, and I regret that the committee having charge of this subject have not proposed modifications of the banking act in these respects, and thus check speculation, particularly in New York, whence the tide flows at certain seasons of the year. We all know that in the spring and summer, under the machinery of this act, money goes to New York, and instead of being loaned on commercial paper is loaned on call, because it is uncertain when the country banks will draw their balances for the purpose of moving the crops and for the legitimate business of the country.

It is in a measure true, as stated by the Senator from Ohio, that the price of gold is affected by what financial measures we may pass. It is also true that although we have been told for two months here that Congress would inflate the currency, and although several days ago the Senate instructed the Finance Committee to increase the bank circulation, the price of gold to-day is substantially what it was two weeks ago, and has only advanced some 2 per cent. in two months. It is only 12½ or 12⅝ to-day, and has been in that neighborhood for many days.

I inquired of the Senator if, in his judgment, the difference between gold and United States notes was wholly owing to an excess in the volume of the currency. I understand his answer to be in the affirmative, and his whole argument is based upon this assumption, as was the argument of the Senator from Missouri yesterday. I do not think this can be shown, and yet it is the basis upon which the argument against any proposed increase of bank circulation must rest. There are many elements that enter into this difference. I will not now discuss them, but will say that I do not believe the proposed increase will advance the price of gold.

We have many times increased largely the volume of the United States notes without such effect. Very recently we have increased the volume of greenbacks to the extent of $26,000,000 without much effect on the gold market, as gold to-day is only about 1½ or 2 per cent. higher than when the increase began, and other things have also contributed to this advance of price.

Mr. SCHURZ. It has gone up over 6 per cent. from the lowest point.

Mr. ALLISON. Since the 1st of November?

Mr. SCHURZ. Not since the 1st of November.

Mr. ALLISON. I trust the Senator will not quote the price of gold in New York during the season of the panic, when nothing could be sold, when the boards were practically closed, and all classes were hoarding gold, greenbacks, and national-bank notes. I allude to the price of gold after business was partially restored at the beginning and during the month of November.

Mr. SCHURZ. If the Senator will permit me, gold, at the beginning of November, I think, was about 7 or 8 per cent. premium.

Mr. ALLISON. I do not remember the price at the beginning of November.

Mr. SCHURZ. I think it was 7 or 8 per cent.

Mr. ALLISON. I have in my desk a statement of the price of gold during November, I will not take the time to recur to it. But I am sure it was as high as 10½ per cent. premium by the middle of November, and if I mistake not it was about that figure in December. But I only called attention to the fact that although very recently we have had added to the greenback circulation, which we all know is the character of issue that affects the price of gold, to the extent of $26,000,000, we have had an advance of the premium only from 1½ to 2 per cent. This advance was also stimulated and induced by the fact that it has been stated on this floor and in some of the prominent newspapers that a majority of Congress was in favor of a large inflation of paper money, and also by the fact that at the end of the year we are likely to have a large deficit in the Treasury as compared with one year ago.

Several times we have had large fluctuations in the volume of paper money without affecting the price of gold.

These fluctuations often occur on a specie basis in other countries. The Bank of England, on a specie basis, has several times largely contracted and expanded its issues, without disturbing the business or affecting values materially.

The Bank of England and the country banks of England, after the act of 1819, did not materially reduce their circulation, but resumed specie payments a year in advance of the time fixed on a large volume of circulation; which volume was increased until it reached almost the highest figure in 1826.

I do not think, therefore, it is at all safe to say that the gold premium to-day measures the excess in volume of our paper money. That premium is dependent upon many other and equally important elements, in my judgment; some of which were well stated yesterday by the Senator from Indiana, [Mr. MORTON.] I do not believe therefore that the proposed increase will materially affect values. I should hesitate long before I would vote for a measure which would suddenly, or at any time, have the effect to materially change the relation of debtor and creditor, or suddenly increase or diminish the normal values of thirty-two thousand millions of property. If we would have permanent prosperity we must have stability of laws and of values.

As I believe a sudden diminution of the paper currency of the country, now or at any time, would destroy the business interests of the country, and involve all in bankruptcy and ruin, so I believe that a large and rapid increase of paper currency would increase prices of commodities and induce speculation, which in turn would prove equally disastrous. I do not believe this measure would have any such effect.

The Senator from Ohio has often told us that the South and West would require at least two years to absorb $25,000,000 of bank circulation. If that be true it will take three years at least to take up the $46,000,000; so that it would be taken up at the rate of about $15,000,000 per annum. It has taken four years to absorb the $54,000,000 provided for by the act of 1870.

Mr. MORRILL, of Vermont. May I ask the Senator from Iowa a question?

Mr. ALLISON. Yes, sir.

Mr. MORRILL, of Vermont. The Senator from Iowa understands very well that the whole of the $26,000,000 to which he has referred, and more, has been accumulated in the banks of New York, and now lies there idle. I desire to ask the Senator whether he believes, if it was the faith of the banks or of the community that this $26,000,000 and the whole $44,000,000 of the so-called reserve were to remain permanently in circulation, it would not affect prices more than 2 per cent., and whether gold would not go up more than 2 per cent. if that was the conviction of the public.

Mr. ALLISON. That is a pretty long question. The banks in New York at their last statement had about $20,000,000 of greenbacks in excess of their reserves. They usually have a large surplus; I believe at this season of the year above the amount required by law. This $26,000,000, as business requires, will flow out of New York and go into general circulation as heretofore. It has already had its effect upon the price of gold, and I think the general belief is that this $26,000,000 will not be materially affected by any legislation we may propose here one way or the other. But I am not considering the effect that this $26,000,000 has, except as it illustrates what I say as to the price of gold. We all know that an increase of bank circulation redeemed in greenbacks is a very different thing from an increase of legal-tender notes. But I do not believe that this $26,000,000 if left in circulation will very much enhance the price of gold; that advance has been made already.

All the arguments against increase of bank circulation assume that we now have excessive issues of paper money. I think this an error.

On the 4th February, 1868, we restricted by law the legal-tenders to $356,000,000, unless the provision as to the reserve, so called, authorized an increase. Thus six years ago we placed a limit on the circulation, which has not been enlarged since the $54,000,000 of additional bank circulation, taking the place of the 3 per cent. certificates, which were counted as currency by the banks. During this interval we have had an unprecedented growth in every part of the country. We have been expanding rapidly in every avenue of business and industry from that time until the present, or until the panic of September last year. A single illustration will show the vast growth of which I speak. We have added to our postal service in that time twenty-five thousand miles of new railway, opening up new localities requiring a large amount of additional circulation as compared with 1868. Can it be said that we have just enough now, and that any addition will increase the price of commodities and change the relation of debtor and creditor?

Mr. SHERMAN. I would ask my friend whether, in the last four years, it has not been considered that the policy of the country would lead us to specie payments, and whether that has not been the theory on which we have been acting?

Mr. ALLISON. Undoubtedly that has been the theory, and no one that I know of proposes to change that theory, unless the Senator's theory of converting legal-tenders into bonds would have that effect.

Mr. SHERMAN. Let me ask this, then: Suppose we increase the volume of currency as we increase in population, should we not lose the benefit of that gradual appreciation?

Mr. ALLISON. If we should increase the volume of the Government paper to a large extent, I agree that that would be the effect of it. If we had a total issue of five or six hundred millions of United States notes to pay, I have no doubt that that would be the effect. But an increase of bank circulation is a different thing from increasing the issue of irredeemable paper notes by the Government of the United States.

Mr. SHERMAN. Is there any difference between issuing greenbacks and notes which are payable only in greenbacks? I cannot see it.

Mr. ALLISON. I can see a vast difference. The measure of gold depends on the volume of greenbacks, because they, for the time being, represent gold as compared with national-bank notes; and I think there is much weight in the argument made by the Chicago Tribune, read yesterday by the Senator from Missouri, [Mr. SCHURZ,] that you might increase the national-bank notes without limit, and as long as they were redeemed in greenbacks, and the volume of the greenbacks remained the same, it would not increase the price of gold. And I believe that the Senator from Missouri in his argument yesterday almost became a convert to free banking, because I understood him to state that if some amendments were made to the banking law he did not know but that he might vote for free banking. I am not willing to go so far. I am not willing to enter on any experiment that will involve a large increase of the circulating medium. I desire to stand as nearly as we can upon the existing circulation, having due regard to the increased wants of certain portions of the country now without banking facilities. I believe the proposed increase is required by the growing wants of business in the South and West as an inducement to carry there and localize bank capital with the profits on circulation enjoyed by other sections of the country. Therefore I voted for the $46,000,000. I have no fear that it will unsettle values or retard specie payments, when specie payments become possible. But if free banking would not increase the gold premium, the greenback circulation remaining the same, how can the addition of only $46,000,000 do it?

I shall be ready in good time to vote for free banking, and am ready now, with a limit placed on the circulation.

But we who vote for this increase of the circulating medium of the national banks are charged with a violation of the spirit of the resolve of 1869. I stand for that resolve to-day as I did then. I voted for it then in the other House. I am in favor of a return to specie payments at the earliest practicable period. We all know that we cannot return to specie payments now, or make positive provisions for such return at this time.

We know that we can only get back to specie payments by one of two methods. One is a contraction of the greenback currency, and the other is waiting until the exchanges of the country and the business of the country will bring the greenbacks up to gold. We can legislate in that direction in various ways, but the country is not prepared for it. The Senator from Ohio says that we have disgraced the greenback. When did we first disgrace the greenback? If at all, we did it by the act of 1870, and never before. By the refunding act of 1870 for the first time in our loan laws we provided that gold only should be received in payment for loans. By every act prior to that time, by the act of March 3, 1865; by the act of April 12, 1866, which the Senator from Ohio, in his speech made some time ago, declared to be in violation of the spirit of the promise of the Government with reference to the legal-tender notes—by each and all these acts we provided that the greenbacks should be taken at par for interest-bearing bonds of the United States, and it never was inserted in any law that greenbacks should be disgraced or placed below par until the refunding act of 1870 which provided that gold alone should be taken. So that the greenback has thus far, with that single exception, been cared for by our legislation. We have done nothing to discredit or disgrace it; and we only increase the office or function or purpose of this greenback when we increase the bank circulation.

Mr. BAYARD. Will my friend from Iowa permit me to refresh his historical recollection of the discredit first put by the United States upon their own paper money? It was when they declared that gold alone should be received for duties upon imports. That was the discrimination, and the first, which I think was in 1862.

Mr. ALLISON. I of course did not mean to include that provision; but the great body of our greenback circulation was provided for after the act of 1862 was passed.

Mr. BAYARD. O, no; the first discredit to the Treasury notes of the United States Government was in declaring that while they should be a legal tender for all debts, public and private, they should not be received in payment for duties on imports.

Mr. ALLISON. I believe the same act that provided for the issue of $150,000,000 of United States notes originally also provided for a large loan, the amount of which I do not remember, and also pledged the duties on imports for the payment of the interest and as a sinking fund for the ultimate redemption of the debt.

Mr. SHERMAN. The act of February 25, 1862, provided not only for the greenbacks, but for loans, and also for gold payment.

Mr. BAYARD. There were three general acts providing for the issue of Treasury notes known as greenbacks; and every one of those acts discriminated against the note by declaring that while it should be a legal tender for all other debts, public and private, it should not be receivable for public duties on imports.

Mr. ALLISON. I agree to that. Therefore to that extent the greenback never was placed, or intended to be placed, upon a par with gold until after the war we should have again resumed specie payments.

Mr. MORTON. That was its original character.

Mr. ALLISON. That was the original character of the greenback, as the Senator from Indiana very properly says. What I mean to say is, that there was no act disgracing the greenback until 1870. You cannot say that the act of 1863, which simply provided that the greenback should not be converted into a 6 per cent. bond, was really disgracing the greenback; because at that time, and ever afterward up to 1870, we always provided that the greenback should be taken at par for loans; and that was one of the pledges made in reference to it, that it should always be receivable at par for loans made by the United States. Yet the fact is—and I only speak of this now in order to call attention to the fact—that we have been legislating for the bonds, not for the greenbacks, these last six years. We were not willing that the bondholder should take at least partial chances with us on the greenback note; but we provided in our refunding act of 1870 that gold alone should be taken for the loan of 1870.

Mr. BOUTWELL. I wish to remind the Senator from Iowa that the act of 1870 did not properly touch the quality of greenbacks at all. The object of the law was to raise means with which to redeem outstanding bonds bearing a higher rate of interest, and we sold 5 per cent. bonds at par payable in coin, and with that coin we redeemed the outstanding 6 per cent. bonds. Therefore that act, in my opinion, did not in any sense touch the character of greenbacks or affect them one way or the other. It was not so designed; I think it had no such effect; and I respectfully submit to the Senator from Iowa that it cannot properly be quoted either in exaltation or derogation of the policy of the Government in that particular.

Mr. ALLISON. I agree with the Senator that we said nothing about the greenbacks in the act of 1870. I only say that that was the first loan act in which we introduced a distinction between greenbacks and gold with reference to the public loans; and if the Senator states that we are bound by that resolution of 1869——

Mr. SHERMAN. The act of April 12, 1866, first introduced it; and then, in 1868, when we stopped the contraction of the currency, we practically stopped the conversion. The act of 1866 was the first.

Mr. ALLISON. I do not agree with the Senator as to the effect of the act of 1866. That act distinctly recognized the right to convert the United States notes into any of the bonds authorized by the act of 1865.

Mr. SHERMAN. It limited the power to destroy them to the amount of four millions a month.

Mr. ALLISON. It limited the power to destroy to four millions a month, namely, he could not reduce the then existing volume more rapidly than four millions a month. The real object of the act of 1866 was to include the funding of non-interest-bearing obligations as well as interest-bearing obligations.

But in all these acts we allowed the greenbacks to be taken at par for the interest-bearing bonds, if we had a loan to place on the market up to the act of 1870; and I agree with the Senator from Massachusetts that that act was simply a refunding act, to convert a 6 per cent. bond into a 5 per cent. bond; and I only introduced it here for the purpose of showing that while we are severely criticised for not complying with the spirit of the act of 1869, pledging the faith of the Government to make the greenbacks equal to par, the Senators who introduced and voted for the proposition called the refunding act of 1870, also, for the first time, introduced a provision by which the greenbacks were excluded from the United States loans, and that the effect of that exclusion was to depreciate the greenback. That is all I meant to say.

Now, Mr. President, I have said really more than I intended to say when I rose. I should not have spoken at all but for the fact that the Senator from Ohio charged me, among others, with voting for an inflation of the currency by the issue of irredeemable paper money in such manner and in such method as will affect values in this country. I insist that the effect of this additional issue of $46,000,000 will not be as suggested by the Senator; and no better argument could be made to show it than the very fact that during these past two or three weeks the price of gold in New York has maintained itself practically at the same rate, notwithstanding it has been understood that there would be an increase of bank circulation. When we come to the discussion of an increase of the greenback currency we will approach a very different question and a very different proposition, on which I do not now express a conviction.

Mr. MORTON. Mr. President, for some time I have been tired of this discussion, and should not have taken part in it but for the fact that there seems to have been a purpose on the part of several Senators that I should. Yesterday the Senator from Missouri [Mr. SCHURZ] made his speech personal to me, and he was about as offensive in his matter and in his manner as he could make it to be parliamentary. It drew forth some reply; and to-day my friend from Ohio [Mr. SHERMAN] has had occcasion to review what I have said heretofore upon this subject, with a view of placing me in an inconsistent position. I submit that the effort of my friend from Ohio has not been an unqualified success. I have not changed my view of the character of the greenback. I think I can defy him to point out any word I have said this whole winter contradicting in the least what I said in 1868 in regard to the character of the greenback and the obligation of the Government. I have changed my views somewhat in regard to the feasibility of a speedy return to specie payments, and perhaps as to the time at which it should be attempted. In 1870 I thought that the fifty-four millions would be sufficient then, with the twenty-five millions, to give to the West and the South all the currency they required. But I know now, as we all know, that it came very far short, and that more currency is required in the West and in the South to equalize the distribution and to meet the wants of those sections. If that is inconsistency, I freely confess to it; but my inconsistency goes no further; and although the Senator from Missouri said I had entirely changed, he cannot show it, nor can anybody else, further than the matters that I have pointed out.

While my opinions have had some occasion to undergo a change in regard to economic questions—and I have changed my views several times in the course of my life on important questions, but have been, I think, consistent in the main, always endeavoring to be right, and always endeavoring to do right—while I may have had occasion to change my views in regard to the expediency or the feasibility of returning to specie payments in a given time, I think my friend from Ohio has also had occasion to do the same thing, and that his departure has been more extensive than mine. While my friend was reading from my record, he forgot that he had one. He smiles now because he remembers it. I will refresh his recollection. My friend has changed his views upon several very important matters in connection with our finances, particularly in reference to the right of the Government to employ the original greenbacks in the payment of the five-twenty bonds. The first argument that I ever read in favor of that unqualified right and power on the part of the Government was made by the Senator from Ohio; it was before I was a member of this body. I was entirely convinced at that time, and I am yet; but my friend changed his mind.

In 1868, being a very young Senator, and comparatively inexperienced in legislation, I had the temerity to bring forward in this body a plan for returning to specie payments. It provided in effect that the Government should reserve the surplus gold, instead of selling

it, until such time as a sufficient quantity had been accumulated to justify us in beginning the redemption of the legal-tender notes in coin; not redeeming them in a bond, another paper promise, but redeeming them in what we originally promised to redeem them in, coin. I put the time off nearly three years, I believe, from the period when I first brought forward my proposition, to give the Government time to acquire the gold and the country to prepare for it. At the time when I brought forward my proposition I think the premium on gold was about thirty-four cents on the dollar. Now I think it is about eleven. But my friend from Ohio at that time thought it would not do at all to fix a time for resuming specie payments, and that to make a change of 34 per cent. in the value of the currency in something less than three years would bring about general disaster, bankruptcy, and ruin, and break up nearly everybody in the country. Last winter my friend brought forward a bill from his committee authorizing the funding of the greenbacks into 5 per cent. bonds, which are at par in gold, and that conversion was to take place on the 1st day of January, 1874, about ten months from the time he brought the bill forward. He said the effect of it would be at once to bring the greenbacks to par, to make them equal to gold, which would make a change of 11 per cent. in their value in about ten months' time. He himself has brought forward a bill, without the authority of the committee, this winter, to the same effect, to convert the greenbacks into 5 per cent. bonds on the 1st of January, 1875, and that bill is now on our table. My friend opposed my plan, because, he said, it would not do to fix any time for a return to specie payments; that that must come about gradually; it must work out its own salvation; that to fix a time for resumption would be attended with the most dreadful results.

Now I will ask the Secretary to read the passage that I have marked, and we will see what a change the views of my friend have undergone on that subject. This was in reply to my plan.

The Chief Clerk read as follows:

All the historical precedents show that fixing the day for resumption inevitably led to a contraction of the currency by the banks, so that when the day came the actual scarcity of currency prevented a demand for coin; and this process of contraction both in England and the United States produced the sorest distress; and this distress was only relieved in England by the Parliament requiring the loan of exchequer bills and new issues by the Bank of England. At the beginning of our Government the continental bonds were a species of currency, and as a part of the funding system of Alexander Hamilton, he provided for a new paper currency, convertible into coin, to be issued by the Bank of the United States, and without which he declared his funding system would be a failure. So, sir, after the war of 1812 the sore distress caused by the failure of the State banks was only relieved by a new paper currency issued by the second Bank of the United States, which Mr. Madison, yielding his constitutional objections, approved. We, therefore, think that the general objects sought for by the Senator from Indiana [Mr. MORTON] can be better attained by legalizing specie contracts, by utilizing the coin in the Treasury, by the gradual substitution of coin, United States notes, and bank bills for the present currency, rather than accumulating gold and fixing a day for resumption.—*Congressional Globe*, part 1, third session, Fortieth Congress, 1868-'69, page 630.

Mr. MORTON. My friend said that all the historic precedents then were against fixing a time for resumption. He had his "little plan" just as he has now—no; I will not call it a little plan, a big one—but he had his plan then of resuming specie payments by authorizing people to make contracts to pay in coin, looking entirely into the future, until all the contracts should become coin contracts, so that resumption would have no effect upon past contracts, and of course it would take some years for the old contracts to pass out of existence. My friend has now come to the conclusion that we can fix a time, and we can fix it as early as the 1st of January, 1875, and he thought last winter as early as the 1st of January, 1874. When he brought forward his plan last winter, I undertook to make an argument against it, and I had drawn my ideas, as I had in regard to greenbacks, from his speech of 1869. He had shown to me what would be the effect of the sudden appreciation of the currency. I bore that speech in mind. I did not quote it on him. I knew he had the right to change his mind. I knew he had a right to do it, because he had done it on several occasions. I did not quote his old speech. I thought that was a lame sort of argument to resort to; but still I had some of his ideas in my mind; and now, as he thought that appreciating the currency 34 per cent. in three years would be absolute destruction, we may get from his argument some idea of what the effect of the appreciation of it 11 per cent. would be in ten months; and I ask the Secretary to read it.

The Chief Clerk read as follows:

Persons of fixed salaries and incomes are benefited by an appreciation of the currency to the full extent of the appreciation. Their incomes have increased purchasing power, and they are enabled to extend their purchases, supply new wants, and add to their capital. The opposite effect during the war, when the currency was being depreciated, carried distress and want and poverty into many comfortable homes. It fell with severe effect upon preachers and widows and old men, who saw the purchasing power of their annuities melt away, and a condition of independence changed to poverty and want. They will, by an appreciation of the currency, be restored to their own again.

Merchants, dealers, traders, and bankers will be affected by an appreciation of the currency precisely as their debts and credits bear to each other. If they owe more than they can promptly collect on debts due to them, they must lose to the full extent of the appreciation; and they must make this loss good by a sale of a part of their property at reduced prices, or by contracting new debts to be paid in an appreciated currency. As a general rule, any appreciation of the currency is injurious to all these classes; for they are generally in debt; and even where enough is due to them to pay with, yet the delay in payment or the failure of their debtors almost always embarrasses them. Commercial and banking usage compels promptness, so that a merchant or a banker, however prudent he may be, is often compelled to sacrifice his assets to meet a sudden appreciation of the currency.

But the distress caused by an appreciation of the currency falls mainly on the debtor class; others suffer only by reason of his inability to pay. What does specie payment mean to a debtor? It means the payment of one hundred and thirty-five dollars where he has agreed to pay one hundred, or, which is the same thing, the payment of one hundred dollars where he has agreed to pay seventy-four. Where he has purchased property and paid one-fourth of it, it means the loss of the property. It means the addition of one-fourth to all currency debts in the United States. A measure to require a debtor now to pay his debt in gold, or currency equivalent to gold, requires him to pay one hundred and thirty-five bushels of wheat when he agreed to pay one hundred, and if this appreciation is extended through a period of three years it requires him to pay an interest of 12 per cent. in addition to the rate he has agreed to pay. When we consider the enormous indebtedness of a new country like ours, where capital is scarce, and where credit has been substituted in the place of capital, it presents a difficulty that may well cause us to pause. We may see that the chasm must be crossed, but it will make us wary of our footsteps. Good faith and public policy demand that we appreciate our currency to gold, but in the process we must be careful that bankruptcy, distress, and want do not fall upon our fellow-citizens who have based their obligations upon your broken promises. The debtors of this country include the active, enterprising, energetic men in all the various employments of life. It is a serious proposition to change their contracts so as in effect to require them to pay one-third more than they agreed to pay. They have not paused in their business to study questions of political economy. They have based their operations upon this money, which you have declared to be lawful money. You may change its relative value, but in doing so you should give them a reasonable opportunity to change their contracts so as to adapt them to the new standards of value you may prescribe for them.

Before discussing the measure proposed by the committee, which Senators may consider not specific enough, or not rapid enough, let us look to history for lights to guide us in a most difficult and dangerous passage.

The appreciation of the currency is a far more distressing operation than Senators may suppose. Our own and other nations have gone through this process before, and always with the sorest distress. Sometimes they have repudiated the depreciated currency, and, from the necessity of the case, fallen back upon barter and gold. Such, as I have already stated, was the case with the continental money, with the French *assignats*, and with confederate scrip. All these revolutionary movements were accompanied with the utter destruction of credit and trade. We have also to guide us several examples of the appreciation of a debased currency.

At the revolution of 1688 in England, the silver coin, then a legal tender, had become so depreciated by wear and by clipping as to be worth only 75 per cent. of the mint standard, and this was practically the only currency. It became necessary to appreciate this currency to the mint standard. As all prices and obligations of debt had become adjusted to the lowered value of the existing coin, it was proposed to reduce the mint standard to the current standard, or to issue new shillings at one and one-fourth shillings. This was opposed by Isaac Newton and John Locke, the two "foremost men of all the world," who contended that if the loss of recoinage was thrown upon the mint it would not affect the individuals at all. This view was strongly opposed by practical merchants, but new shillings were issued and exchanged for the old shillings at par. As between the mint and the holder of the old shillings this was all right; but the effect was immediately disastrous upon all prices. It took one-third more commodities to get the new shillings, but the old number of shillings was required to pay a debt. Merchants, traders, and debtors were ruined. The Bank of England, then in its infancy, only escaped failure by issuing its notes payable in installments. A rival bank was utterly wrecked. Small capitalists found themselves ruined, and laborers and artisans deprived of employment. Hence the unpopularity of William III, and the prevalence of general discontent during his reign.

A similar condition of currency to our own existed in Great Britain after the general peace of 1815. For eighteen years the notes of the Bank of England were practically a legal tender, and upon them, as upon our greenbacks, was based a currency issued by the country banks. Though the aggregate of all this paper circulation never amounted to $250,000,000, yet it at times depreciated from 20 to 30 per cent. below par.

Mr. MORTON. At that point I wish to call attention to a fact that is referred to there by my friend, and which is overlooked in the argument here. At the time of the suspension of specie payments in England the country banks, joint-stock banks, were only required to redeem in notes of the Bank of England, just as national banks now are required to redeem in the greenbacks. The notes of the Bank of England were not depreciated, and were not injured by the increase of the joint-stock banks that were required to redeem in the notes of the Bank of England. On the contrary, it is a matter of public history that the increase of that circulation of the joint-stock banks at that time furnished great relief to England, although they were only required to redeem in the notes of the Bank of England that were themselves a legal tender and at a large discount.

The Chief Clerk resumed the reading of the extract from Mr. SHERMAN'S speech, as follows:

When the war was over measures were slowly adopted for the appreciation of this currency to the gold standard. These measures resulted in a reduction of the paper currency from $231,000,000 in 1815 to $152,000,000 in 1821. Commercial paper, discounted at the Bank of England, fell from $75,000,000 in 1815 to $13,000,000 in 1821. It is only necessary to appeal to the histories of the time to show the disastrous effect. The productive value of capital was increased 50 per cent. A thousand dollars in 1821 would buy more than $1,800 in 1815. Small traders, debtors, and laborers were reduced to the sorest distress. The loss to them was far greater than the actual depreciation of the currency, for all confidence and trust were lost.

Mr. MORTON. I do not care about taking time to read any further. There is much good reading in that speech besides what we have had; and there are one or two other speeches of my friend, if I had time to look them up, that I think run strongly in the same direction. It shows that my friend, like others, is fallible; and that the spirit of change sometimes comes upon him as well as upon others.

Now, Mr. President, one word in regard to the remark of the Senator from Missouri a little while ago. As I had occasion to say yesterday, the Senator in his speech devoted a very considerable part of it to me; and it was made quite as personal and as offensive, not only in matter but in manner, as it could well be to be parliamentary. When I said I thought the Senator did not understand this country, I did not mean by that to say that all of our foreign-born citizens do not understand this country—no such thing. The Senator has no right to give the remark that construction. He has no right to make himself the representative of all our foreign-born citizens in that way. I think

my friend tried the experiment some two or three years ago of putting himself forward as the representative of citizens of foreign birth, and attempted in that way to lead them out of one party and use them in the formation of a new one. I think his experience was not very satisfactory, and it would hardly be worth his while to try the experiment again.

He says that I have changed my opinions oftener than any other public man. I think that remark will require some qualification, especially at his hands. I have had occasion to change my mind several times during my life upon questions, and I shall do it again whenever I think I am in the wrong. I started with the republican party in 1854, and I never have changed my mind to that extent that I was required to get out of the party. I have never betrayed my principles. I have never betrayed my friends. I have never betrayed those who elevated me to power, and sought to use that power for their destruction. If I have changed my mind upon this question or upon that, I think that is what happens to all men who hold themselves amenable to instruction and to learning from experience and observation.

Mr. SCHURZ. I expected from the Senator from Indiana exactly the reply that he has just made. I want him to point out in my record a single principle that I ever betrayed. I want him to show, in the platforms of policy I have supported, a single contradiction. He will not find one. He has never left his party. I have never betrayed my principles. There is the difference between him and me. I alluded to the fact that yesterday, when we happened to differ in opinion, one of the first things he threw at me was that I did not understand this country; he spoke of Germany as "his own country," meaning mine. I understand the meaning of that very well; and I repeat again that I think it betrays very little appreciation of the rights of the foreign-born citizen if he is only recognized as an equal when he happens to coincide with your views and serves your interests. I maintain that I have just as much right to differ with the Senator from Indiana as he has to differ with me, wherever I may have been born; and I shall always claim that privilege.

But now, in conclusion, I will say to him that if my remarks yesterday were offensive to him I am free to say I regret it. I am sure that I made my remarks very general, and when I addressed them to him I combated his arguments and not his person. But I cannot refrain from saying, also, that in the reply he made I found a jumble of misstatements so atrocious and so willful that I can hardly think they were made unwittingly.

The PRESIDENT *pro tempore*. The Chair thinks that is transgressing parliamentary rules.

Mr. SCHURZ. Then I retract the expression I have used and say I found misstatements which, if the Senator from Indiana had listened to me with a desire to understand me, he could not possibly have made. I did not reply to him on the spot as I at first attempted—I had, without being permitted to do so, tried to interrupt him—for when misstatements become so gross and manifold, then at last even your desire to refute them may give way.

Mr. MORTON. Mr. President, my speech is in the hands of the Public Printer. It will appear whenever that of the Senator appears, following it immediately; and if there are misstatements in that speech, the Senator will have an opportunity and the means of pointing them out; and if he can show substantially that I have made a misstatement, I think I will have the magnanimity to confess it. I did not intend to do the Senator any injustice. He did not offend me; I did not feel hurt at what he said; but he is not ingenuous, I think, when he says that he did not aim his speech particularly at me.

The PRESIDENT *pro tempore*. The Chair thinks it is out of order to charge another Senator with being disingenuous.

Mr. SCHURZ. Now, Mr. President, if you will permit me a single moment. If the Senator from Indiana knows anything, he must know——

The PRESIDENT *pro tempore*. Has the Senator from Indiana yielded the floor?

Mr. MORTON. I had not; I was called to order. But if the Senator from Missouri wants to speak, I will yield to him.

Mr. SCHURZ. Thank you. If the Senator from Indiana knows anything, and he knows a great many things, he must be aware that I do not entertain any personal unkindness to him. He knows also that he is a very strong debater, and that in combating his skill we must summon all the resources that we can command. It was against his theories I was fighting, and not against his person; and as long as he carries on his warfare in the same spirit I do not think there will ever be occasion for personal unfriendliness between us, as I hope there is not now. When I say that his allusion to my foreign birth yesterday, in the connection and in the manner in which he made it, was a little offensive, I suppose he cannot find that surprising; not that I am ashamed of the place in which I was born, for surely I am not, as I have no reason to be; but because I think, standing as I do here as a representative of one of the States, and having been sent here by Americans to represent them as an American citizen, enjoying the full right to express my own views, that right ought not to be slighted by any one who is my equal but not my superior, although I happened to be born upon foreign soil.

Mr. MORTON. Mr. President there is a little assumption in the remarks of my friend—but as he makes them good-naturedly I shall receive them in the same way—that I intended to refer to the fact of his foreign birth as an objection, or as an argument against him. Those who know me, and who know my political life, know there can be no foundation for that. Among many of my earliest and most earnest friends in Indiana have been men of foreign birth, and they are to-day; and I think I may say to my friend, without offense, that I have represented them as truly and I am as good a friend to them to-day as himself. I spoke of Germany as "his country," because he came from Germany. I did not speak of it or intend to mean that it was his country now. He is an American by adoption, an American by naturalization. But I was referring to the country from which he came, and of which he spoke repeatedly, and of which he often speaks to us. He had just come from that country, and he spoke of it repeatedly, I believe, in his speech; and I referred to it naturally as his country, not meaning to impute to him that he was not faithful to his obligations as an American citizen.

Mr. SCHURZ. To put an end to this whole controversy, do I understand the Senator from Indiana to say that he used that expression only in a Pickwickian sense? If he does that, then I will say that I used mine in a Pickwickian sense, too.

Mr. MORTON. Well, Mr. President, I was not exactly in a Pickwickian mood yesterday. I do not often debate in a Pickwickian sense. I used the expression very naturally, and in reply to the Senator, who had referred to Germany and referred to his visit there. I knew that he had just gone to his home, which was a very natural thing, and he was extremely sensitive when he seized upon the expression, and in his remarks a little while ago attempted to make the expression as applicable to men of foreign birth, when it was not. My friend is partial to his country—I cannot blame him for that—because I remember some two or three years ago my friend arraigned our Government upon this floor for having violated our neutrality with Germany in the sale of arms to France, and insisted that we had been guilty of a breach of international law that was even cause of war.

Mr. SCHURZ. I did not insist upon anything of the kind.

Mr. MORTON. I excuse my friend because of that natural feeling that every man must have for the fatherland.

Now, Mr. President, if my friend says he did not intend yesterday to be personal, I do not intend to be personal; and if he insists that he was speaking in a Pickwickian sense, I will say that I was also.

Mr. SHERMAN. Mr. President, these two honorable belligerents have settled the matter to their satisfaction, I have no doubt. There is no occasion certainly for any controversy between them. They seem to esteem each other so highly, that there cannot be anything but love between them. There has only been a difference of opinion between them.

Now, I desire to state to my honorable friend from Indiana that every word that he has had read at the desk I heartily approve of. I never have sought to avoid the dangers and the difficulties that come to us from specie payments. There is not a single word in that speech that I would not utter again if I had occasion. They are my sentiments. I do believe, however, that we are in a different condition now from what we were in 1868. Then we had a greater volume of currency. We had also had a contraction of $44,000,000. We had also a controversy as to whether the bonds could not be paid in greenbacks; and we were under quite different circumstances. I did then oppose any immediate plan for the resumption of specie payments; but it seems to me we are now in different condition. As the Senator says, there is really but 10 per cent. difference between currency and gold. There is no difficulty about resumption. The only hardship in the way is just exactly what I pointed out in that speech four years ago; that is, the effect it may have upon debtors. But for that question there would be no trouble in a prompt resumption of specie payments, and, as a matter of course, any provision that is made, to use the language I used then, must be made with careful consideration of the rights of debtors and creditors. That is the only difficulty in the way. But I do believe, as the difference now has come down to be a difference of one year's interest, the time has arrived when we should fix a date for the resumption of specie payments, and adopt measures to promote it. Therefore I do not plead guilty to the charge of inconsistency that my honorable friend makes against me; nor did I quote his remarks made in 1868 in any unkind sense. I used his remarks then simply as an answer to his remarks now. It is the right of every Senator to change his mind. The Senator acknowledges that he has exercised that right; and I have no doubt that I have exercised the same right, only he has not convicted me of it by the reading of those extracts. That is all I desire to say.

Mr. CAMERON. These general explanations do not amount to much, for to-morrow we shall forget all about them. I therefore move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before putting the question on that motion, with the permission of the Senate, the Chair will lay before the Senate certain House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 919) to provide for the issuing and recording of commissions to postmasters appointed by the President by and with the advice and consent of the Senate—to the Committee on Post-Offices and Post-Roads.

A bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto—to the Committee on Finance.

A bill (H. R. No. 2186) granting an American registry to the American-built Peruvian steamship Rayo, now rebuilt in the United States and converted into a sailing-vessel—to the Committee on Commerce.

A bill (H. R. No. 2191) in relation to the customs duties on imported fruits—to the Committee on Finance.

CENTENNIAL EXHIBITION.

The PRESIDENT *pro tempore*. The Chair will also lay before the Senate a message from the President of the United States.

The message was read, as follows:

To the Senate and House of Representatives:

I have the honor herewith to submit the report of the centennial commissioners, and to add a word in the way of recommendation.

There have now been international expositions held by three of the great powers of Europe. It seems fitting that the one hundredth anniversary of our Independence should be marked by an event that will display to the world the growth and progress of a nation devoted to freedom, and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. A failure in this enterprise would be deplorable. Success can be assured by arousing public opinion to the importance of the occasion.

To secure this end, in my judgment, congressional legislation is necessary to make the exposition both national and international.

The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself, but they will be compensated for many-fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

The selection of the site for the exposition seems to me appropriate, from the fact that one hundred years before the date fixed for the exposition the Declaration of Independence, which launched us into the galaxy of nations as an independent people, emanated from the same spot.

We have much in our varied climate, soil, mineral products, and skill, of which advantage can be taken by other nationalities to their profit. In return they will bring to our shores works of their skill, and familiarize our people with them, to the mutual advantage of all parties.

Let us have a complete success in our centennial exposition, or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 25, 1874.

Mr. CAMERON. Mr. President——

The PRESIDENT *pro tempore*. Accompanying this message of the President is the annual report of the centennial commissioners, so called.

Mr. SUMNER. I move that it be printed and laid on the table with the message.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. CAMERON. I addressed the Chair, and intended to say that that was a very sensible and very opportune message, and I move now to take up the bill from the House of Representatives in regard to the centennial exhibition. I make the motion with a view of letting it lie over until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania withdraws the motion for an executive session, and moves that the pending and all prior orders be postponed and the centennial bill, so called, be taken up for consideration.

Mr. CHANDLER. I renew the motion for an executive session.

The PRESIDENT *pro tempore*. Pending which the Senator from Michigan moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were reopened and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 25, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ESTIMATES OF DEFICIENCIES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting estimates of the deficiencies in appropriations required to complete the service of the fiscal year ending June 30, 1874, and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

SHASTA COUNTY INDIANS, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an appropriation to aid the Indians in Shasta County, California; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE OF OFFICERS ON FRONTIER SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting to the House a petition of officers of the Sixth Infantry, asking that troops serving on the frontier be placed upon a better footing with regard to leave of absence; which was referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF COLORADO RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a project for the protection of the banks of the Colorado River at Yuma depot; which was referred to the Committee on Commerce, and ordered to be printed.

NEW YORK INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to a memorial of the Indians on the Cattaraugus and Allegany reservations in New York; which was referred to the Committee on Indian Affairs, and ordered to be printed.

IMPROVEMENT OF THE MOUTH OF THE MISSISSIPPI.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the improvement of the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

INDIANS IN NEVADA, CALIFORNIA, ETC.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, in relation to the condition and wants of the Ute Indians of Utah, the Pi-Utes of Utah, Northern Arizona, Southern Nevada, and Southeastern California; the Go-si Utes of Utah and Nevada; the Northwestern Shoshones of Idaho and Utah, and the Western Shoshones of Nevada; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MISSION INDIANS IN CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report showing the necessity that exists for legislation in behalf of the Mission Indians of California; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PROTECTION OF THE RIO GRANDE.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the protection of the river banks of the Rio Grande, from the site of Fort Brown, Texas; which was referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF THE OHIO RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a further report on the improvement of the Ohio River below the Falls; which was referred to the Committee on Commerce, and ordered to be printed.

CULTIVATION OF TIMBER.

The SPEAKER also laid before the House the following message from the President.

The Clerk read as follows:

To the Senate and House of Representatives:

I have the honor to transmit herewith a memorial upon the "cultivation of timber and the preservation of forests," and a draught of a joint resolution prepared by the American Association for the Advancement of Science, together with a communication from the General Land Office upon the same subject.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 19, 1874.

The message was referred to the Committee on the Public Lands, and ordered to be printed.

RESTORATION OF LANDS TO MARKET.

Mr. BRADLEY, by unanimous consent, from the Committee on the Public Lands, reported back a bill (H. R. No. 1700) to amend the act entitled "An act for the restoration to market of certain lands in Michigan," approved July 10, 1872; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

THE MORNING HOUR.

The SPEAKER. The morning hour begins at eighteen minutes past twelve o'clock, and reports are in order from the Committee on Naval Affairs.

REAR-ADMIRAL B. F. SANDS.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported back adversely a bill (H. R. No. 1418) to retain Rear-Admiral B. F. Sands on the active list of the Navy; and the same was laid on the table.

JOHN HOLROYD.

Mr. SCOFIELD also, from the same committee, reported back a bill (H. R. No. 816) for the payment of John Holroyd, for the use of his patent and inventions by the Government; and moved that the same be referred to the Committee on Claims.

The motion was agreed to.

NAVAL SERVICE.

Mr. ARCHER, from the same committee, reported back adversely a bill (H. R. No. 884) relating to the naval service; which was laid on the table.

JOHN R. BOND.

Mr. BURLEIGH, from the same committee, reported back adversely a bill (H. R. No. 560) for the relief of John R. Bond, late of the United States Navy; which was laid on the table, and the report ordered to be printed.

CURTIS D. NILES AND OTHERS.

Mr. GOOCH, from the same committee, reported back adversely a petition of Curtis D. Niles and 24 graduates of the United States Naval Academy of the date of June 4, 1869, praying the said graduates may take rank from the date of their graduation; which was laid on the table.

MISS SARAH M. TUTTLE.

Mr. GOOCH also, from the same committee, reported back adversely the petition of Miss Sarah M. Tuttle, daughter of Commodore Henry Bruce, United States Navy, asking that said Bruce may receive pay according to his rank of commodore; which was laid on the table.

WILLIAM KILBURN.

Mr. GOOCH also, from the same committee, reported back a bill (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States as an ensign, with the recommendation that it do pass.

The bill, which was read, authorizes the President of the United States to restore William Kilburn to the Navy of the United States as an ensign at the foot of the class of 1870, of which he was a member at the time of his resignation.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. HOLMAN. I hope we will receive more explanation of this bill before it is passed.

Mr. GOOCH. I ask that the letter which I send up may be read.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 24, 1874.

SIR: A bill has passed the Senate restoring to the Navy Mr. William Kilburn. Mr. Kilburn graduated at the Naval Academy at Annapolis with credit to himself, and promised to make a valuable officer, but resigned under temporary sickness and affliction in his family.

The bill places him at the foot of his class, and under these circumstances the Department has no objection to interpose.

Very respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. G. W. SCOFIELD,
Chairman Committee on Naval Affairs, House of Representatives.

Mr. HOLMAN. That letter does not seem to be entirely satisfactory. It simply informs Congress the Navy Department has no objection to interpose to this proposed action.

Inasmuch as the public service does not require, it would seem, an increase in the number of officers in the Navy, and as there has been a resignation in this case, some urgent consideration ought certainly to be presented for the restoration of this man. I do not remember that such action as is here proposed has ever been taken unless in very exceptional cases. During a time of war, when it is important to have additional officers, there might be some propriety in such action; but in time of profound peace, some very strong public reason should certainly be offered to justify the measure here proposed.

Mr. GOOCH. I understand the facts in this case to be substantially these: This young man was educated at the Naval Academy, taking good rank in his class and receiving the commendation of all the officers of the institution at the time of his graduation. He was then assigned to duty. He was on some squadron in the Mediterranean, I think, and had been absent something like a year when he learned that his father was lying very sick in Philadelphia. The young man was exceedingly anxious to be relieved and go home, that he might, if possible, see his father before his death. The commanding officer did not grant him leave of absence; it was suggested that it would be necessary for him, if he saw fit to leave, to resign. Under those circumstances he tendered his resignation. He has since asked to be restored to his position in the Navy.

He is a man educated at the expense of the Government, in every respect a worthy and competent man, fully qualified to discharge the duties of his profession. Under these circumstances he asks that he may be permitted to go back into the position in which he was at the time of his resignation, the position for which he had been educated by the Government. If it is an object for us to keep up an institution for the education of these young men in order that they may serve the country when their services are required, I can see no reason why, under the state of circumstances here presented, we should not take back this young man and avail ourselves of that which the Government has already bestowed upon him in giving him an education and fitting him for the discharge of the duties of a naval officer. These I understand to have been the reasons which operated upon the Senate in passing this bill; and they are reasons which have influenced the committee of this House, and induced them to report this bill and ask its passage.

Mr. HOLMAN. Will the gentleman from Massachusetts [Mr. GOOCH] inform the House how long this young man was in actual service in the Navy after graduating at Annapolis, and how long he has been out of the service?

Mr. GOOCH. He graduated at Annapolis in 1870; he served, I think, for something more than a year after his graduation, and then resigned; so that he has been out of the service perhaps a year and a half. I am not exactly certain as to the time.

The question being taken on the passage of the bill, it was passed.

Mr. GOOCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLOTHING FOR MEN AND BOYS IN THE NAVY.

Mr. MYERS, from the Committee on Naval Affairs, reported a bill (H. R. No. 2197) providing for an outfit of clothing to enlisted men and boys in the Navy.

The bill was read. It provides that the enlisted men and boys in the Navy shall be allowed an outfit and yearly allowance of clothing, free of charge to them, as follows: that their outfit on enlistment shall consist of one pea-jacket, or monkey-jacket, two flannel overshirts, two woolen undershirts, two pairs woolen drawers, two pairs woolen socks, one pair satinet trousers, one pair cloth trousers, one seamless cap, two pairs canvas-duck trousers, one pair calf-skin shoes, two linen frocks, one pair blankets, one mattress, and one black silk handkerchief; and that yearly thereafter, during their term of service, they shall have an allowance of clothing equivalent, as nearly as possible, to that now or hereafter allowed to the non-commissioned officers, musicians, and privates in the Army.

Mr. WHITTHORNE. I make the point of order that this bill must go to the Committee of the Whole.

The SPEAKER. The gentleman from Tennessee makes the point that this bill requires an appropriation of money and must be first considered in Committee of the Whole on the state of the Union. The point of order is good. The bill will be referred to the Committee of the Whole on the state of the Union.

PAY OF CIVIL ENGINEERS IN THE NAVY.

Mr. MYERS, from the Committee on Naval Affairs, reported back, with a recommendation that it pass, the bill (H. R. No. 1621) fixing the pay of civil engineers in the Navy.

The bill was read. It provides that the pay of civil engineers in the Navy shall hereafter be, according to their length of service in their profession, the same as fixed by law for naval constructors.

Mr. MYERS. This bill, I suppose, must take the same direction as the last.

The SPEAKER. It will be referred to the Committee of the Whole on the state of the Union.

ERRORS IN PRIZE-LISTS.

Mr. LAMISON, from the Committee on Naval Affairs, reported back, with the recommendation that it do not pass, the bill (H. R. No. 690) authorizing corrections to be made in errors in prize-lists; and the same was laid on the table, and the accompanying report ordered to be printed.

HEIRS OF WILLIAM C. BRASHEAR.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported a bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy; which was read a first and second time.

Mr. HOLMAN. I make the point of order on that bill, that it contains an appropriation, and it should go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The point of order is good.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAVY-YARD AT PORT ROYAL.

Mr. PLATT, of Virginia, from the Committee on Naval Affairs, reported back, with the recommendation that it do not pass, the bill (H. R. No. 841) to establish a navy-yard at Port Royal, South Carolina; and the same was laid on the table, and the accompanying report ordered to be printed.

NAVY-YARD AT WASHINGTON, DISTRICT OF COLUMBIA.

Mr. PLATT, of Virginia, also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 803) to increase the facilities for docking, building, and repairing at the navy-yard at Washington, District of Columbia; and the same was laid on the table, and the accompanying report ordered to be printed.

PAYMASTER GEORGE PLUNKETT.

Mr. PLATT, of Virginia, also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1543) to enable the President of the United States to revoke the acceptance of the resignation of Paymaster George Plunkett; and the same was laid on the table, and the accompanying report ordered to be printed.

REMOVAL OF FORT NORFOLK POWDER MAGAZINE.

Mr. PLATT, of Virginia, also, from the same committee, reported

back, with an amendment, the bill (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder magazine from Fort Norfolk, Norfolk, Virginia.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Navy be, and he hereby is, authorized and instructed to cause the powder magazine now located at Fort Norfolk, at the entrance of Norfolk Harbor, and near Norfolk, Virginia, to be removed from its present location.

The amendment of the committee was as follows:

In line 4 strike out the words "and instructed," and insert in lieu thereof "if in his judgment necessary."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. McKEE. Is there a report accompanying the bill?

Mr. PLATT, of Virginia. If the gentleman desires an explanation of the objects of this bill, I will make a brief statement. Every year, for the last ten years, the Secretary of the Navy and the Chief of the Bureau of Ordnance have, in their reports, recommended the removal of this powder magazine, which is situated at Fort Norfolk, close to the city of Norfolk, at the entrance of the harbor. There is beside it a large manufacturing establishment, a foundery, and a steam-engineering establishment. Three times during the last three years the dry grass on the lawn in front of the magazine has been set on fire by sparks from vessels passing, and the powder magazine, as well as the entire city of Norfolk, is endangered by the risk of explosion. Last year, in the Forty-second Congress, the Committee on Appropriations inserted an item in the appropriation bill providing for the removal of this magazine. They did this after careful consideration of the subject, and after having the Chief of Ordnance and other officers of the Navy Department before them. This was stricken out in the House on a point of order, made by a gentleman then a member of Congress from Illinois, that it was not authorized by any existing law. Under this state of affairs the Committee on Naval Affairs have directed me to ask the passage of this bill, and I presume there will be no objection to it.

Mr. FORT. I would like the bill to be again read.

The bill was again read.

The bill was passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMISSIONS TO POSTMASTERS.

Mr. ORTH, from the Committee on Foreign Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 919) to provide for the issuing and recording of commissions to postmasters appointed by the President by and with the advice and consent of the Senate.

The bill was read. It provides that hereafter the commissions of all postmasters appointed by the President, by and with the advice and consent of the Senate, shall be made out and recorded in the Post-Office Department, and shall be under the seal of said Department, and countersigned by the Postmaster-General, any laws to the contrary notwithstanding; provided that the said seal shall not be affixed to any such commission until after the same shall have been signed by the President of the United States.

The question was upon ordering the bill to be engrossed and read the third time.

Mr. WOOD. Does the Committee on Foreign Affairs report that bill?

The SPEAKER. The bill is reported from the Committee on Foreign Affairs by the gentleman from Indiana, [Mr. ORTH,] the chairman of the committee.

Mr. WOOD. I would like to know if a bill of that character can emanate from that committee?

Mr. ORTH. I will state why this bill comes from the Committee on Foreign Affairs.

Soon after the organization of the State Department that Department was intrusted with the duty of signing all commissions of the various officers of the Government. Under that law all the commissions of the present Postmaster-General of the country have still to be signed by the Secretary of State. The object of this bill is to transfer that duty from the State Department to the Post-Office Department.

As to the question of jurisdiction, and how we obtain it, I will say to the gentleman from New York that we obtained it by the order of this House. All commissions now under the law are required to be signed and sealed by the Secretary of State. Our committee have concluded to recommend the passage of this bill, transferring that duty to the Postmaster-General, to whom it properly belongs, so as no longer to incumber the State Department with what properly belongs to another Department of this Government.

Mr. SCOFIELD. I would like to inquire of the gentleman if any provision is made for reducing the number of clerks in the State Department, and increasing the number in the Post-Office Department; or for transferring the clerk who now performs that duty in the one Department to the other?

Mr. ORTH. I will state to the gentleman that there is no necessity for such a transfer. The duty is not so onerous as to require any special provision for it.

Mr. GARFIELD. There are only about eleven hundred postmasters appointed by the President and confirmed by the Senate.

Mr. SCOFIELD. I should suppose it would take a considerable portion of the time of one clerk at least to prepare these commissions.

Mr. ORTH. It does not take much time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REORGANIZATION OF THE STATE DEPARTMENT.

Mr. ORTH, from the Committee on Foreign Affairs, also reported back, with amendments, House bill No. 1755, to provide for a more complete organization of the State Department.

Mr. SPEER. I make the point of order that this bill should receive its first consideration in Committee of the Whole, as it provides for new officers and for the payment of their salaries by money appropriated out of the Treasury.

The SPEAKER. The point of order is well taken.

The bill was accordingly referred to the Committee of the Whole on the state of the Union, and, with the amendments, ordered to be printed.

TRIBUNALS IN OTTOMAN DOMINIONS AND EGYPT.

Mr. ORTH, from the same committee, reported back, with amendments, House bill No. 1015, to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established, or to be established, under the authority of the Sublime Porte and of the government of Egypt.

The bill, which was read, provides that whenever the President of the United States shall receive satisfactory information that the Ottoman government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States, pursuant to the act of Congress approved the 22d of June, 1860, entitled "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized, and to notify the government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, and other functionaries of the United States; and in section two it provides that from and after the date of the notification aforesaid the judicial powers conferred upon and exercised by the minister, consuls, and other functionaries of the United States, pursuant to the act of Congress aforesaid, shall, in respect to the Ottoman dominions, or Egypt, or both, be suspended during the pleasure of the President.

Mr. ORTH. I will explain briefly the object of this bill. By an act of Congress, passed in 1860, our ministers and consuls residing in what are known as non-Christian countries, are invested with certain judicial functions, so far as American citizens in those countries are concerned, and authorized to settle any disputes, civil or criminal, arising between them. In other words, they carry with them to the non-Christian countries to which they are sent and accredited the laws of our own country, and they act as judges and executive officers in determining and carrying out these laws as between American citizens, or between American citizens and subjects of the country in which these disputes may occur.

The object of this bill is to suspend the operation of that law so far as it relates to the Turkish dominions. It is done for this reason: Within the last few years the Turkish Empire has made rapid strides towards what we denominate civilization. It has proposed to the Christian nations of the world that, with the consent of these nations, it will establish what are known as mixed courts, composed in part of native judges and in part of judges who may be appointed by the Turkish Empire upon the recommendation of Christian nations. Those courts, when established, are to have complete and ample jurisdiction of all matters that now pertain to the consular and diplomatic courts established under the act of 1860. In pursuance of this suggestion, emanating from the Ottoman Porte, all the governments of Europe, with the exception of France, have acceded to what is known as the Turkish concession on this subject. For some reason France has not acceded to it. The court, however, has been established. I notice in a recent London paper the appointment of a barrister from England who is to take his seat there as the English judge. And I doubt not that when this Government shall have likewise acceded to the proposition of the Turkish Empire, some American citizen whom this Government may designate will be appointed as one of the judges of this new tribunal.

I have examined at some length the provisions which have been

adopted both in the Turkish Empire proper and in the dominion of Egypt. I find that they secure to the suitors in these courts all the guarantees that we expect in any court exercising common-law jurisdiction. They provide, for instance, for trial by jury; that the party shall be represented by counsel, and that witnesses shall possess certain qualifications. They also provide for carrying into effect the judgments of these courts, with this additional provision, that in no instance shall a judgment be carried into effect in a capital case without the nation to which the citizen belongs who has been charged and found guilty of the capital offense shall first have been notified and its permission obtained to carry the sentence into execution.

Mr. CONGER. Does the power of this court extend to the duties of consuls in regard to seamen?

Mr. ORTH. Not at all. The law in regard to seamen remains as now in any Christian country in Europe. This court applies only to American citizens residing in the Ottoman Empire, and we have quite a number there; to disputes arising between those citizens, and between them and the subjects of the Ottoman Porte. It does not interfere at all with the duties, rights, or responsibilities of consuls with regard to their ordinary consular duties.

Mr. CONGER. Would it affect the rights of seamen? Would it be a court in which a seaman might make complaint against his officer, or officers against their seamen? Would it interfere at all with the arrangements on board of American ships between American seamen and American officers?

Mr. ORTH. Not at all. Those rights will remain just as they now are under the general consular regulations of the country.

One remark further. This bill provides that this suspension of the law of 1860, by the President, shall be only temporary; that so long as in his judgment the courts of the Ottoman Empire grant to our citizens the same ample protection which they now receive at the hands of our minister and consuls, the act shall be suspended. But the moment the courts of the Ottoman Empire fail to furnish such protection the President is to revoke the suspension, and reclothe our officers with the functions they now possess under the act of 1860.

I wish also to call attention to the second section of the bill, which provides that American citizens may acquire, possess, and transfer real estate. Now this cannot be done in any portion of the Ottoman Empire; but the Turkish government has consented that all foreigners may hold, occupy, possess, and transfer real estate to the same extent that a subject of the Ottoman Empire can do now, whenever the government to which that foreign resident belongs shall have consented to what is known as the protocol or proposition of the Turkish Empire upon this subject. I will give just one instance of the inconvenience at present attending the holding of real property by American citizens in that empire. An American citizen going there for the purpose of trade or business, and acquiring property, must hold it in the name of some subject of the Turkish Empire; he cannot hold it in his own name; he cannot incumber it by judgment or mortgage; he cannot avail himself of the benefits of the bankrupt law of the Turkish Empire; in other words, he is at the mercy of the Turkish subject whom he may select as the person in whom he will vest the title of his property. Take for instance the vast property belonging to the Roberts College, near Constantinople. It is an American college founded by a distinguished citizen of the State of New York, and endowed by him for the purpose of educating American and Turkish youths. It is in a very flourishing condition. Yet the title to that property is held to-day by so insecure a tenure as I have described. In this connection I will ask the Clerk to read, for the information of the House, a memorandum of President Hamlin, the distinguished president of that college.

The Clerk read as follows:

Memorandum on the holding of real estate by Americans in Turkey.

1. The tenure of real estate among foreigners has been hitherto uncertain and unsatisfactory both to them and to the Turkish government.

2. The laws, or rather customs, of inheritance in regard to such property have been especially vexatious and uncertain, giving rise to constant litigation.

3. A protocol regulating all these interests has been prepared, and is, on the whole, satisfactory to foreigners, and all the European nations have signed it, even Greece and Russia. The United States not having signed it, no American is allowed to take advantage of the new tenure, and the old is wholly discredited. I tried myself, for full six months, after all the terms were settled, to effect the sale or transfer of one piece of land and the purchase of another, but in vain.

4. In the present abnormal state no American property is under any secure law of inheritance.

5. The Turkish government is annoyed by our refusing to sign the protocol, and will not accord any favor or right to any American citizen, if it can be avoided. The answer to every application is, "Why do you not sign the protocol?"

6. So far as I know, the only opposition now made is from American citizens formerly Turkish subjects, (Armenians, Greeks, and Jews.) All American-born citizens (including now those in Beirut and Syria) are perfectly willing to pay the taxes and assume all the responsibilities the protocol imposes.

7. The signing of the protocol is a thing by itself. It demands no reciprocity. Other nations have accorded none. It should not be tacked on to anything else, but be simply signed as a thing unique, designed to clear away long-standing difficulties and *opprobriones* of local diplomacy.

CYRUS HAMLIN,
President of Roberts College, Constantinople.

Mr. ORTH. I hold in my hand the law referred to in the communication just read. I do not care about having this law read unless it is specially desired; but——

Mr. McKEE. I hope the gentleman will have it read. I would like to hear it, as doubtless other members would.

Mr. ORTH. Then I will send it to the Clerk. I ask the attention of members to it as furnishing most conclusive evidence of the progress of that empire and the liberality which it is disposed to exercise, not only toward its own subjects, but which it is willing to extend to every foreigner residing within the Turkish dominions.

The Clerk read as follows:

Law ceding to foreigners the right to possessing property (real estate) in the Ottoman Empire.

In the view of developing the prosperity of the country, to put an end to the difficulties, abuses, and unsettledness produced on the subject of the exercise of the right of holding property by foreigners in the Ottoman Empire, and to complete, by the means of a precise regulation, the guarantees due to the financial interests and the administrative action of the government, the following legislative arrangements have been adopted by the orders of His Imperial Majesty the Sultan:

ARTICLE 1. Foreigners are allowed, on the same footing as Ottoman subjects and without any other conditions, to enjoy the right of possessing immovable property in the cities and rural parts of the whole of the empire, excepting the province of Hedjas, by submitting to the laws and regulations which govern Ottoman subjects, as hereafter stated. This arrangement does not extend to native Ottoman subjects who may have changed their nationality, and who will be governed in this matter by a special law.

ART. 2. Foreigners owning city and rural property are, consequently, assimilated to Ottoman subjects in all that relates to their immovable property. This assimilation has for legal objects—

1. To oblige them to conform to all of the laws and police regulations, as well as those of a municipal character actually in force, or which may hereafter govern the enjoyment, the transmission, the alienation, and the hypothecation of real estate.

2. To pay all of the taxes and contributions, under whatever form and denomination whatever, now or hereafter affecting city and rural real estate.

3. To render them amenable to the civil Ottoman tribunals for all questions relating to real estate, and for all real actions thereon, either as plaintiffs or defendants, even when both parties are foreigners; all on the same footing, under the same conditions and in the same favors as Ottoman proprietors, and without their having any right to put forward their personal nationality; but yet, under the reservations of the immunities attached to their persons and to their movable property, according to the treaty stipulations.

ART. 3. In case of the bankruptcy of a foreigner owning real estate, the syndics of the bankruptcy will proceed to take action thereon, before the Ottoman authorities and the civil Ottoman tribunals, for the purpose of demanding the sale of the immovable property owned by the bankrupt, and which, by their nature and conformably with the law, may answer for the debts of the owner.

This same rule will be carried out whenever a foreigner has obtained a judgment before any foreign tribunal condemning another owner of real estate.

For the execution of this judgment on the real estate of his debtor, the foreigner will address himself to the competent Ottoman authority, so as to obtain the sale of the immovable property, answering for the debts of the owner, and their judgment will not be executed by the authorities and Ottoman tribunals until after they shall have established the fact that the immovable property required to be sold really belongs to the category of property which may be sold in payment of debts.

ART. 4. The foreign subject has the faculty of disposing of, by donations or by will, those of his immovable properties which, under this form, are allowed by law to be so donated or willed.

As to the immovable properties which he has not disposed of, or which the law does not allow him to dispose of, by donation or will, their inheritance will be regulated conformably with the Ottoman laws of succession.

ART. 5. Every foreign subject will enjoy the advantages of the present law from the moment that the power (government) to which he belongs shall have adhered to the arrangements proposed by the Sublime Porte for the exercise of the right of holding immovable property.

Mr. ORTH. I desire to add nothing further in behalf of this bill. If any member of the House wishes further information which I can furnish, I will cheerfully answer any question that may be asked.

Mr. WOOD. Some portions of the remarks of the gentleman from Indiana [Mr. ORTH] were not distinctly heard in this part of the Hall. I would like to know whether this bill is presented with the consent and approval of the State Department, which has more immediate cognizance of our foreign relations, including the relations of this Government to that of Turkey, than we can possibly have ourselves.

Mr. ORTH. In reply to the gentleman from New York, [Mr. WOOD,] I will say that this bill, with its amendments, meets the approval of the State Department, and is in conformity with the request of our Turkish minister, that we should accede to the proposition made to the Christian countries by the Ottoman Porte. I ask that the amendments be read.

The Clerk read the first amendment, as follows:

In line 18 insert the following words:

So far as the jurisdiction of said tribunal may embrace matters now cognizable by the ministers, consuls, or other functionaries of the United States in said dominions.

Mr. CONGER. I believe that does embrace the proposition of which I spoke.

Mr. ORTH. It refers merely to the tribunals established in Egyptian and Turkish dominions, but these tribunals have no cognizance of consular matters.

Mr. CONGER. I think it would be wrong to take from our consuls the powers they now have.

The amendment was agreed to.

The next amendment was read, as follows:

In line 20, after the word "suspension," insert the words "will, as aforesaid;" so it will read:

Or that of Egypt, or either of them, that the United States, during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, and other functionaries of the United States.

The amendment was agreed to.

The next amendment was read, as follows:

Strike out section 2, as follows:

SEC. 2. That from and after the date of the notification aforesaid, the judicial powers conferred upon and exercised by the minister, consuls, and other functionaries of the United States, pursuant to the act of Congress aforesaid, shall, in

respect to the Ottoman dominions, or Egypt, or both, be suspended during the pleasure of the President.

And in lieu thereof insert the following:

That the President is hereby authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte, the right of possessing immovable property in said dominions.

Mr. ORTH. The word "foreigners" should be inserted before the word "possessing."

The SPEAKER. That modification will be made.

Mr. WILLARD, of Vermont. I would suggest to the gentleman from Indiana there ought to be inserted after the word "Porte" the word "ceding."

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

Mr. McKEE. I should now like to hear the bill read as it is amended.

The bill was read as amended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHTS OF CITIZENSHIP.

Mr. ORTH. My colleague on the committee, from Massachusetts, [Mr. E. R. HOAR,] has a bill in charge which has not received that full consideration in the Committee on Foreign Affairs which he desires to give it. I therefore ask of the House unanimous consent for my colleague to be allowed to report that bill at some other time outside of the present call of our committee. Unless this is granted we shall be compelled to report the bill this morning in a somewhat unfinished condition. Its importance is such I think the House will justify us in keeping it in committee a week or ten days longer, to give it sufficient consideration.

The SPEAKER. The better proceeding for the gentleman would be to report and recommit the bill now, and enter a motion to reconsider, which will enable him to call it up at any time, so as not to interfere with the business of the House.

Mr. E. R. HOAR, from the Committee on Foreign Affairs, reported a bill (H. R. No. 2199) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and defining certain rights of citizens of the United States in foreign countries, and certain duties of diplomatic and consular officers, and for other purposes; which was read a first and second time.

Mr. E. R. HOAR. I now move that the bill be recommitted to the Committee on Foreign Affairs.

The motion was agreed to.

Mr. E. R. HOAR. I enter a motion to reconsider the vote by which the bill was recommitted, to be called up at some future time.

The SPEAKER. The motion to reconsider will be entered.

MEMPHIS AND KANSAS CITY RAILROAD.

Mr. BUNDY, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 2000) to declare the Memphis and Kansas City and the Kansas City and Memphis Railroads military and post roads, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

PUBLIC SCHOOLS, DISTRICT OF COLUMBIA.

Mr. BUNDY also, by unanimous consent, from the same committee, reported back adversely the bill (H. R. No. 776) in aid of the public schools of the District of Columbia; and the same was laid on the table.

Mr. BUNDY moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMIGRATION.

Mr. CONGER. I ask the unanimous consent of the House to report from the Committee on Commerce a bill in regard to printing the statistics of immigration prepared at the request of the Secretary of State and of the Secretary of the Treasury. It provides for change of the mode of printing these statistics, and it is necessary to be acted on as soon as possible.

There was no objection.

Mr. CONGER, from the Committee on Commerce, reported back a bill (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, with a recommendation that it do pass.

The bill, which was read, provides that the thirteenth section of the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855, be, and the same is thereby, repealed; and that hereafter each and every collector of customs to whom shall be delivered the manifests or lists of passengers prescribed by the twelfth section of the act aforesaid, approved March 3, 1855, shall make returns from such manifests or lists of passengers to the Secretary of the Treasury of the United States, in such manner as shall be prescribed by that officer, under whose direction statements of the same shall be prepared and published.

Mr. CONGER. There are now two classes of publication in reference to immigrants arriving in the United States. One from the Department of State, furnished by consuls in reports from foreign countries; and the other furnished by collectors, through the manifests of passengers arriving here. There is no need to publish both statements. The statement published heretofore from the Department of State is imperfect; the other is complete.

The State Department and the Treasury Department both concur in the report which I have here, in recommending the passage of this law, that the whole report may be published in the publication of the Bureau of Statistics, as being the most desirable and perfect mode. The object of the bill is to accomplish that.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS BURKE.

Mr. HARRIS, of Virginia, by unanimous consent, from the Committee on War Claims, reported back the bill (H. R. No. 91) for the relief of Thomas Burke, of Virginia; and moved that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Claims, not to be brought back on a motion to reconsider.

The motion was agreed to.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

The SPEAKER. The House resumes the consideration of the bill (H. R. No. 825) to provide for the distribution of public documents printed by the authority of Congress and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published. The gentleman from Kansas [Mr. COBB] is entitled to the floor.

Mr. COBB, of Kansas. I yield for a moment to the gentleman from New Hampshire, [Mr. SMALL,] to have a resolution read.

Mr. SMALL. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

CONCORD, NEW HAMPSHIRE, *February* 23, 1874.

DEAR SIR: Agreeably to a vote of the New Hampshire Press Association, we forward you the following resolutions, passed at annual meeting of said association:

Whereas the law allowing the free circulation of newspapers in counties where printed having been repealed, subjecting subscribers to the same postage on their local papers printed in their own or an adjoining town as is charged on those printed in the farthermost corner of the land; and whereas such indiscrimination is manifestly unjust and oppressive to the county press, and the patrons of local papers:

Resolved, That our Senators and Representatives in Congress be respectfully urged to lay this subject before their honorable bodies, and to use their influence for the modification of the present unjust and oppressive law, and the restoration of the free county clause, or the enactment of a law in a measure regulating postage by the distance papers are sent.

Resolved, That the corresponding secretary be instructed to furnish each of our Senators and Representatives with a copy of these preambles and resolutions, signed by the officers of the association.

The following was also passed:

Resolved, That we deem it inexpedient to take any action that may result directly or indirectly in the restoration of the abuses of the franking privilege.

P. B. COGSWELL, *President.*
HOWARD F. HILL,
Corresponding Secretary.

Hon. W. B. SMALL.

Mr. COBB, of Kansas. At the outset of this debate it was not my intention to occupy the attention of the House on this question for more than ten or fifteen minutes. I know the House is already wearied with the discussion of the measure and is prepared to vote. But, sir, this debate has been permitted to wander outside of the question at issue before the House, and other matters have been brought in for consideration that I deem it my duty to some extent, and in my own humble way, to reply to.

I listened last night, sir, to the able, the witty, the pungent, and the cogent speech of the gentleman from New Jersey, [Mr. PHELPS.] He opened his remarks by lecturing this House on that question of questions—economy. He said he came here on the 1st December last prepared to carry out what he supposed to be the instructions of the country, to economize in every particular, and that the very first proposition almost that was moved was on the part of the gentleman from Iowa, [Mr. DONNAN,] the chairman of the Committee on Printing, asking for the publication of two hundred and fifty thousand Agricultural Reports. This proposition carried itself right to his sensitive heart, and he lost confidence in the Congress of the United States from that moment forward. It was of course not concealed from his observation and mine that this Congress within six or seven weeks after its assembling had repealed what is known as the "salary grab," and had thereby saved the Government upward of $1,000,000. Yet he was sensitive over the fact that this House, so far as it is concerned, had almost unanimously authorized the publication of two hundred and fifty thousand Agricultural Reports. He lost confidence in the House. He was cognizant of the fact, as well as myself, that the House had passed the Army appropriation bill, making a reduction of millions from that of the year preceding it. Yet, because of this act, he lost confidence in this House. The fact was patent that the naval appropriation bill which has gone

through this House was a reduction on any former appropriation for the Navy for a series of years; and yet he lost confidence because of the two hundred and fifty thousand Agricultural Reports.

Mr. Speaker, in addition to that, he was cognizant of the fact that under the leadership of those able gentlemen upon this floor, the chairman of the Committee on Ways and Means and the chairman of the Committee on Appropriations, the respective Departments had been called upon to revise their respective lists of estimates for appropriations for the current year, and had done so at a reduction of millions from their former estimates. And yet he lost confidence. Why? Because, forsooth, two hundred and fifty thousand agricultural documents of 1872 had been ordered to be printed.

Mr. Speaker, I have been unable to see in the proceedings of this Congress anything that warrants the assumption that this Congress is not economical, and almost niggardly, in its appropriations for carrying on the affairs of the Government.

After such a lecture, it was but a step for the gentleman to descend to a discussion of the speech of the gentleman from Illinois, [Mr. CANNON,] and to refer, perhaps with a somewhat patronizing air, questionable in taste at least, to the fact that he had spoken words here fresh with aroma of the prairies, and done it with an untutored eloquence. That was all true. Yet that grand and magnificent effort of my colleague upon the committee, the gentleman from Illinois, I apprehend will be read with as much avidity by his constituents and by my constituents, and the constituents that are found in the prairies and the woodlands of the country, as even the delectable and facetious remarks of the gentleman from New Jersey.

But, sir, in traveling over this question the gentleman from New Jersey has seen fit to admit even that these documents have been called for from his district. And he has given us a disquisition upon geological questions that is, to say the least, amusing. He has traveled through with his constituents from the paleozoic period to the mesozoic period, and has even got down with his constituents to the crustaceous period in the mesozoic age. And it is a most remarkable progress that I commend to the gentleman that he has but one more great period in geology to pass through with before his constituents in New Jersey will have reached the Adamitic age, or the age of the mind. It is something which will undoubtedly be a consolation to him on his dying bed to remember the fact that in something like a hundred thousand years from this time the citizens of Bergen, Morris, and Passaic Counties, New Jersey, will have reached the mammal grade of life and be up with the rest of the country, and then probably want other documents than geological and preadamite. I congratulate the gentleman upon his near arrival to our age.

At the same time he says that while he gets letters for these books upon geological questions, he also gets letters asking for the loan of five dollars. Of course it is not applicable in this instance, but it may be that this lesson may have been taught by the instructions given at the ides of November. And then the gentleman traveled somewhat out of the record to use this language relative to the vast army of constituents of many of us upon this floor:

> Just here again I strike squarely against and take issue with the gentleman from Illinois. I am not a granger, and I do not want to give them what they want. I say it very boldly. [Laughter.] I do not like granger principles. The grangers did not nominate me; the grangers did not vote for me. The republican party nominated me; the republican party voted for me, and I can know no other. I shall be loyal to the sentiments of the republican party ever; I shall stand by the principles which the republican party has declared ever, and I shall yield my loyalty to the republican party, and give in my fealty to this new party of the grangers, never, never—unless they should happen to establish granges in the northern part of New Jersey.

But, Mr. Speaker, the gentleman, in his somewhat uncalled-for attack upon our western sovereigns, has been pleased to invoke the aid of holy writ. Like Jeshurun, he says, the people have "waxed fat, and kicked." The figure is to some extent a two-edged weapon. I trust he will follow it to the end. Like Jeshurun, too, the people are upright; I beg him to remember the definition of the term; and for them as well as for Jacob and Jeshurun were spoken the sublime words of the poet-prophet Isaiah: "Fear not, O Jacob, my servant, and thou, O Jeshurun, whom I have chosen." Fear not, O grangers, my servants, and ye, O people, whom I have chosen. Chosen for what, does the gentleman ask? Chosen to be the sovereigns of the mightiest republic of earth. Chosen to demonstrate the grand truth that in one land at least "a man is a man for a' that, and a' that and a' that."

But, Mr. Speaker, I am not done with the Scriptures yet. Leaving the musty promises of the old law, will the gentleman go with me into the new, ay, to the very presence of the Lord and Master Himself, and with bated breath read this other lesson that we all should know? It is in these words:

> And, behold, one came and said unto Him, Good Master, what good thing shall I do, that I may have eternal life? And He said unto him, Why callest thou me good? There is none good but one, that is, God: but if thou wilt enter into life, keep the commandments. He saith unto Him, Which? Jesus said, Thou shalt do no murder, Thou shalt not commit adultery, Thou shalt not steal, Thou shalt not bear false witness, Honor thy father and thy mother, and, thou shalt love thy neighbor as thyself. The young man saith unto Him, All these things have I kept from my youth up.

I have no question that that assertion of the young man in Scripture applies to other young men now in this age, and it may be upon this floor.

> What lack I yet?
>
> Jesus said unto him, If thou wilt be perfect, go and sell that thou hast, and give to the poor, and thou shall have treasure in heaven: and come and follow me.
>
> But when the young man heard that saying, he went away sorrowful: for he had great possessions.
>
> Then said Jesus unto his disciples, Verily I say unto you, that a rich man shall hardly enter into the kingdom of heaven.
>
> And again I say unto you, It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God. (Matthew, xix, 20–24.)

And as he did so he probably took from his desk the Congressional Directory of that year, and read the young man's inventory, as follows:

> William Walter Dives, of Tanglewood, beyond Jordah, was born at Jerusalem, anno Domini 12; was a graduate at the college of Samaria called Yale, in the year 31, with high honors; afterward he pursued his studies in Europe, and later at the law school of Gamaliel of Jerusalem, where he received the valedictory appointment of his class; then entered immediately upon the practice of the law; he is a director of the National City Bank and Second National Bank of Jerusalem, the Herod Trust Company and Farmers' Loan and Trust Company; also in the following railroad companies, (supposed to be horse railroads:) Delaware, Lackawanna and Western, Oswego and Syracuse, Syracuse and Bethlehem, Cayuga and Gennesaret, International of Judea, Jaffa and Great Northern, New Nineveh and Babylon, Morris and Essex, and others.

And I suppose that the word "others," used in that ancient Congressional Directory, as read at that time, was in fact like the act which crowned the life of Samson, "greater than all that preceded it." Now, I do not pretend to say, turning to page 41 of the Congressional Directory of this Congress, that there is any analogy between the young man referred to in the Scriptures, who "went away sorrowful, for he had great possessions," and the gentleman whose history is recorded here in the Congressional Directory; yet there are those who will harbor the ungenerous thought when they read it in these words:

> WILLIAM WALTER PHELPS, of Englewood, was born at New York, August 24, 1839; was graduated at Yale College in 1860, with high honors; afterwards he pursued his studies in Europe, and later at Columbia College Law School, of New York, where he received the valedictory appointment of his class; then entered immediately upon the practice of law; he is a director of the National City Bank and Second National Bank of New York, the United States Trust Company, and Farmers' Loan and Trust Company; also in the following railroad companies, namely: Delaware, Lackawanna and Western, Oswego and Syracuse, Syracuse and Binghamton, Cayuga and Susquehanna, International of Texas, Houston and Great Northern, New Haven and Northampton, Morris and Essex, and others; he was elected Fellow of Yale College in July, 1872, and was elected to the Forty-third Congress by a vote of 12,701 against 9,986 votes for A. B. Woodruff.

Certain it is, Mr. Speaker, that there is a remarkable analogy between the history of the young man as detailed by the Divine Master and read in the Congressional Directory of that period—the young man who went out sorrowful from the presence of the Mighty Lord—and the gentleman from New Jersey, who last night threw himself in the teeth of the granger element of the country and defied it. Let us hope that their ends may not be the same.

Mr. Speaker, I think it was a most extraordinary exposition that we saw upon this floor yesterday afternoon. It is a glorious era in the history of the country when a man can stand here and say, and the declaration is not particularly applauded, that he is the apologist and advocate of the grasping corporations in this country. I say this as one who represents a constituency that is loyal and true, and is, in addition to that, subject to the anathema of the gentleman from New Jersey; for they are grangers. Perhaps in a few years more the truth may dawn in this House, as it is dawning in the country, that the people's interests have now the front; and as that shall appear, let us hope that more and more it will be popular here to be their friend, and by consequence more and more it will be unpopular to be the reverse. Then shall such a speech as the gentleman from New Jersey delivered receive less applause for its sentiment, while its wit will ever elicit admiration.

Mr. PHELPS. I would not interrupt the gentleman but for the fact that he gives me the credit of speaking well of railways, express companies, banks, manufactories, and other forms of industry which are developing the resources of the country. Anticipating the possibility of such a misunderstanding, I stated my position explicitly yesterday; and no man on this floor can go further than I did in heaping every possible abuse upon railways and express companies, which I said had no rights we were bound to respect. I interrupt the gentleman now only to say that after I labored so hard to be clear, it is exceedingly unfair that he should charge me with standing up here as the apologist of the railways, of which I distinctly declared myself the opponent.

Mr. COBB, of Kansas. The gentleman says he is their opponent; yet at the same time he thanks me for calling the attention of the House and the country to the fact that he was and is the friend of the railways and express companies and the monopolists of the land.

Mr. PHELPS. When did I say that?

Mr. COBB, of Kansas. Just now, as I understood the gentleman, Mr. Speaker. I certainly intended not to misstate the gentleman's position. I honor him for standing by his own, as I stand by mine. I honor him for standing here in bold and manly style and saying that he is the friend of the railroads and the grasping corporations of this country. I do not particularly honor him for coming here and saying that this bill proposes to raise in this country a privileged class, when, as the apologist and advocate of these railroads and other monopolies, he knows that there is but one class in this country that is more especially a privileged class than any other. Who, I ask the gentleman from New Jersey, have whole States and Territories of the public land by virtue

of the bounty of the Government, and have made untold wealth out of the public domain, but the railroads? Who have increased the national debt, by special grants from Congress, to the amount of hundreds of millions, except the railroads? It certainly ill becomes them to speak of privileged classes in this country. What farmer is not, by his sweat, paying a portion of the interest upon these bonds by way of taxation? And now that he wants the miserable pittance of an Agricultural Report now and then from his Congressman, why does the gentleman, in the interest of his friends, deny him so small a request?

But, Mr. Speaker, let me say that the man who sits in his satin slippers in silken chairs in Washington, Boston, or New York, heedless of the muttering thunders of those distant prairies, is mistaken if he supposes the sound is not the sure precursor of the coming storm. Those grangers, let me tell the gentleman, mean business. They are scattered all over the valleys and hill-sides of the Mississippi. They are the movable force of twenty million people. Against their cry for fair play and justice it is foolish and unwise for you to array the Philadelphia or any other platform. They will have justice, inside the republican party if they can; outside if they must. They have determined that the winter's fire which warms their wives and babes shall be fed by other fuel than corn hereafter. As their own strong arms and brave hearts carried the flag of their country in the face of the bravest of foes to the Gulf, and left the waters of their great river unvexed from its source to the sea, so they mean that in like manner their commerce shall go out unvexed by sand-bars and obstructions. They mean that the public domain shall be carved into free homes for freemen. They mean to give the railroads exactly what is nominated in the bonds which invest them with empires of public land; they do not mean to give them more. They want money in exchange for their products. They want a chance to live with you. They want the blessings of the Government they helped to save to fall equally upon all. I want them to have it; the gentleman is willing they shall have it, if it is found in the Philadelphia platform. They ask for bread, and he gives them a stone. I like their principles; he does not. I am a republican in the loftiest sense, believing in progress and reform. If I judge him rightly, he is not.

But, Mr. Speaker, I am dwelling too long upon this subject. The great reason in my opinion why this measure ought to pass is because it is demanded by the people, and because, in addition to that, it is opposed by those instrumentalities upon this floor which, it cannot have escaped observation, (and this is my sole reason for calling attention to the gentleman's inventory supplied by himself,) are certainly not in the interest of the people in the highest sense.

Sir, the gentleman from Massachusetts, [Mr. G. F. HOAR,] who on every occasion upon this floor speaks with wisdom, and whose words ever meet with respect, in a speech which he delivered during the Forty-second Congress, struck, in my judgment, the key-note of this whole matter. He said that this Government was not like the government of Great Britain or of any other country on the face of the earth; that the Government of the United States had its foundation upon the intelligence of the people, who are its sovereigns. One hundred families, he said, constitute the ruling class in England. The younger sons of the nobility, with long lines of stocks, with a long list of directories to which they are attached, form the English House of Commons. In this country it is reserved for one even as poor and humble as myself, by energy and devotion of purpose, to have the privilege of standing as a member in this the mightiest forum on earth.

Such is the character of this Government, and we have the right, Mr. Speaker, to be judged, as we are in this forum; we have the right, and the people have the right, to know the words which fall from our lips, and the votes we here give as their representatives. How is it to be done? Take up the metropolitan press, if you please, which make reports of our speeches here, and tell me if there is any man on this floor who would for a moment stand by the record these papers would make for him? If there is no other opportunity to be known to the country except through the reporters' gallery, then indeed the source of power is not upon this floor or with the people, but it emanates from that body of men who sit in the reporters' gallery and record our proceedings. They are in reality, then, the Government.

But, sir, such ought not to be the fact. It is due to us, it is due to the country, and to the press, that it should be otherwise. Let us have free and unobstructed lines of travel between the people and their creature, the Government. Let there be no toll-gates in these highways. It will be better for us in such an event; better for all. For this reason chiefly I give this bill my heartiest support.

One moment more, Mr. Speaker, for I have occupied more time than I intended. Of the Agricultural Report of 1872 there were published nine copies each for the Senate, and three each for the members of the House, of the Forty-second Congress. Let me call the attention of the House to the table of contents of that book, and let us see for a moment whether there ought not to be an additional number sent broadcast throughout the land for the people.

This is the book, mark you, the publication of two hundred and fifty thousand copies of which, ordered by the House, so dampened the spirit of the gentleman from New Jersey, and bereft him of confidence in this Congress.

First is the report of the Commissioner; then report of the statistician; report of the entomologist; report of the chemist; report of the botanist; reclamation of waste lands; microscopic investigations; influenza in horses; fish culture; a hundred years' progress; silk cultivation; forest cultivation on the plains; city milk supply; progress of industrial education; recent rural publications; tests of Department seeds; organization of swine-breeding; recent facts, (agricultural;) farm experiments. Digests of State reports of Indiana, Illinois, Iowa, Michigan, Missouri, New Hampshire, Ohio. Donations to the museum; and finally the index.

If this book is of no value to the country, then let the Agricultural Department be abolished; if it be what its contents purport, its value is great and it ought to reach the people.

Let the House and the country look to another fact. You appropriate $30,000,000 to the War Department, you appropriate $29,000,000 to the Post-Office Department, and you appropriate the miserably pitiful sum of $200,000 to the Agricultural Department. Contrast the facts these figures present. Have the grangers no reason to complain at this view? Ought not Congress to look to this? Perhaps even here may be found a little of the ground-work of that popular uprising in the West which the gentleman does not like.

Mr. Speaker, I yield ten minutes of my time to the gentleman from Illinois, [Mr. WARD.]

Mr. PHELPS. Does not my friend from Kansas think it proper to yield ten or fifteen minutes to me, by which I may obtain the ear of the House and plead guilty or not guilty to his terrible indictment?

Mr. COBB, of Kansas. I have yielded ten minutes of my time to the gentleman from Illinois, [Mr. WARD,] who now holds the floor.

Mr. PHELPS. Is there no method, Mr. Speaker, by which the House can give me an opportunity to answer to the indictment which the gentleman from Kansas makes against me of high crimes and misdemeanors?

Mr. COBB, of Kansas. I can arrange my time, I think, so as to give the gentleman five minutes, and I hope the House will give him a longer time.

Mr. WARD, of Illinois. I will be glad to see the gentleman from New Jersey obtain the floor, but of the little time accorded me I have no right to give any away.

Mr. MERRIAM. I move that the gentleman from New Jersey be allowed ten minutes—not to come out of the time yielded to the gentleman from Illinois, [Mr. WARD.]

Mr. ATKINS. I object to any arrangement of that kind unless the gentleman from Kansas [Mr. COBB] can be allowed to reply.

The SPEAKER *pro tempore*, (Mr. BURROWS in the chair.) The gentleman from Illinois [Mr. WARD] is entitled to the floor for ten minutes.

Mr. WARD, of Illinois. As I will vote against this bill, and as I entertain high respect for this committee, and especially for my colleague, who is a member of it, I desire to state the reasons for my action. I felt at the time of the repeal of the franking privilege that perhaps it was to some extent a mistake. I had never exercised it. I did not know fully about it; and I did not care to inquire. At what I deemed to be the behest of the people, Congress saw fit to repeal it. Now, I only speak, and intend only to speak, with reference to what appeared to me to be the wishes of the people upon this subject. Whether or not it is a desirable privilege to be extended to members of Congress I will not inquire.

The convention of the republican party declared for its repeal; the conventions which nominated most, or at least many, of the members upon this floor declared for its repeal. In obedience to that expression of opinion the law was repealed. I have listened to the arguments we have heard here with interest. I have been almost convinced at times that it would be a proper thing to restore it. But I have not heard yet that any considerable body of men, even the grangers or any others that have been referred to, or any considerable portion of the people in convention or public meeting assembled, have demanded its restoration. The abuses which were complained of, and finally procured the repeal of the law, are, in my judgment, entirely owing to the kind of frank which it is proposed here to restore. I believe that the loading of the mails with the free documents now proposed to be sent free through them produced that condition of public opinion which demanded the repeal of the law.

Now, sir, until I am satisfied that the people who asked its repeal demand its restoration I am bound to vote against this bill. That is substantially or very nearly all I care or desire to say. I have prepared, for the purpose of being read at the proper time, an important amendment, and after a word with reference to that I am done.

The Clerk read as follows:

Amend the bill by inserting after the word "thereof," in the sixth line of section 1, the following words: "Including the printed speeches of members of Congress and Senators made in either House thereof, whether printed by authority of Congress or not."

Mr. WARD, of Illinois. I offer that amendment without being open to the charge of desiring or reckoning to spread my own speeches abroad in the land. I have never made any here; and I do not imagine I ever will. After the results I have seen befall those who have made speeches, I rather quail before the attempt. [Laughter.] But I do desire the privilege to be restored of sending speeches of members of Congress, whether printed by the House or not. It appears to me that one of the things the people desire to understand is what we say here, as much as what other people say in many of those books we will distribute under this bill. I am not open to the charge of selfishness in offering this. But while I shall vote against the bill and all its amendments, I hope, if it pass at all, that this one which I

have read will be incorporated. I do not like this unjust discrimination against the speeches printed in a little better style in a private office in favor of those printed in the Government Printing Office. I do not think the people want it; and I do think that speeches of members of Congress delivered here are as important to the members—I do not know how it is to the people—as any document that will be distributed under the frank, if we restore it in the manner proposed by this bill.

I yield the balance of my time, if I have any left, back to the gentleman from Kansas, [Mr. COBB,] who courteously yielded the floor to me.

Mr. COBB, of Kansas. I yield to the gentleman from New Jersey, [Mr. PHELPS.]

Mr. PHELPS. I do not want to make any speech. I only want to say something. [Laughter.] I confess to trouble in deciding in what manner I shall answer the indictment which has been so suddenly and unexpectedly entered. First, to avoid any misconception, I want to say that I have not the slightest feeling of anger at my friend from Kansas [Mr. COBB] for the course he has seen fit to pursue. Indeed, I feel grateful to him for one result. Yesterday I thought that it was wrong to vote for re-establishing the franking privilege. But his remarks were so pertinent and close to the merits of the bill under discussion that I acknowledge conviction.

I had not the good fortune to be in the House at the opening of the gentleman's remarks; fortunately I heard the middle and the end. I hope I shall not dwell on the personalities in them further than to make one or two necessary corrections. He tried to thrust upon me some issues for which I am not responsible, and which lie between this House and myself. These I must correct.

It is not true that I spoke disrespectfully of this House. It is not true that I entertained any but the highest regards for its members. And it is wrong in my friend from Kansas to drag in a foreign issue.

Did I violate any proper rule of criticism in saying that in my opinion—an opinion which I share with many others—this House had not displayed during this session that practical interest in economy which the country expected, and which the necessity of the Treasury required? It was proper criticism, and it is the truth.

But the gentleman has made personal charges to which I must plead guilty. He has found the facts and read them from the Congressional Directory. With the propriety of the method in which he conducted that portion of his argument I find no fault. If it suits him it suits me. As to the facts which he has exhibited to this House, they are correct. I have been unfortunate enough by hard work, industry, and a moderate amount of honesty, to have secured the positions he mentions. They involve a deal of labor, a deal of care, a deal of responsibility, and if any man envies me therefor I pity him. I will cheerfully yield the positions if he will assume the care. Yes, I am guilty.

But why did not the gentleman, when he was presenting this record to the House, say something like this: "It is a disgrace to this member of the House that he has secured these positions. It is a disgrace to this member that widows and orphans have been willing to trust him with their funds. It is a disgrace that in my State and other States he buried his money in railways which have made the country rich and which have left him poor. But it is proper for me to say that while he has done all these disgraceful acts, still, when the people of his district chose to sendhim here to represent them, he announced publicly his misfortune. It is a redeeming feature in his case that he said, in effect, "ThoughI have done wrong, though I have accumulated wealth, though I have aided where I could the developing of distant parts of the country, yet still, knowing the disgrace of such conduct, and unwillingthat any man here should suppose that my acts are influenced by interests which the House assumes but does not know, I will send to the CONGRESSIONAL RECORD an extract from the New Jersey Manual, which will give to all this damning record of my past." My friend from Kansas might at least have done me this justice.

Sir, if it be disgraceful to be a director of trust companies and of banks; if it be a disgrace to be a director of railroad and express companies; if it be wicked and contrary to the spirit of American institutions that I should endeavor by thrift and honesty to accumulate that property for which others toil, yet I take this credit, that I made a clean breast of it. Did I not, in anticipation of the polite curiosity that might introduce a resolution of inquiry, boldly and voluntarily go upon the record? Give me credit at least for ingenuousness, at least for frankness, at least for fair dealing, when I allowed this CONGRESSIONAL RECORD, which goes upon the desk of every member here, to declare that I was a pariah, whom every man might kick; a leper stained with the leprosy of wealth, whom no man should speak to. This I can bear—it is my fate. But one thing he said deeply pained me. He thought I made sport of my friend from Illinois, [Mr. CANNON.] My friend from Illinois himself knows better. The gentleman from Kansas thought I insulted the gentleman from Illinois, when I claimed that his eloquence was untutored. Mr. Speaker, that eloquence which is not derived from schools, which comes directly from the heart, is a nobler eloquence than any which my friend from Kansas gained when in the dark days of his disgrace he entered the "freshman and sophomore classes of Beloit and graduated at Brown;" and I will acknowledge to the House that it is better to speak for the interest of those who live upon the prairies, as did my friend from Illinois, than it is to speak for one's own popularity with the grangers, or to paint pictures of Zenxis and Apelles, who, for all I know, are the chiefs of the grangers. [Laughter.] If I called the eloquence of my friend from Illinois "untutored," I so called it because he called it "untutored" himself. And if I praised him, I praised him honestly, for the sincerity which I recognized in every single word that he said. I trust that my friend from Illinois knows me well enough to know that this apology was not needed by him, but is made to this House lest they might be misled by the remarks of the gentleman from Kansas.

A friend suggests to me that it might be proper to review the record of the gentleman from Kansas. Take the book; read the record. I admit, without one feeling of disappointment, that in that record I find nothing which is not creditable. I find nothing to censure, except that he endeavored to obtain at the universities that education which has enabled him to speak so forcibly here. Aside from that, nothing of which he need be ashamed. I find that instead of wasting his time in increasing the material interests of this country, instead of building railroads or establishing banks or doing anything of that disreputable, but humble and useful kind, wiser than I, he preferred as a non-producer, continually to feed at different corners of the public crib. [Laughter.]

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from New Jersey [Mr. PHELPS] has expired.

Several MEMBERS. Let him go on.

The SPEAKER *pro tempore*. If there be no objection, the gentleman will proceed. The Chair hears none.

Mr. PHELPS. The gentleman's record, therefore, was different from mine. I earned my own support; he took his from the people. I labored in every way to accumulate that material wealth which is the secret of a new country's development and growth; he chose, as a politic way, to use in a proper way the wealth which others had acquired. Now, mark you, Mr. Speaker, I could run on some time in this strain; but that would be just as unfair to him as he was to me; for really it is no disgrace to me that, having a taste for material interests, I chose to labor for the development of the country; neither is it any disgrace to him that, having a taste and capacity for public life, he went into it, and from his majority held office. And, sir, had I been as successful as he has been, up to the present time, in receiving the honors of my party, I fear that like him I would never hesitate on any occasion, at any risk of good sense, of good breeding, of politeness—nothing should forbid me—to seize every opportunity, whether fair or unfair, to speak as I thought would please my people, though to do it I had to twist the eternal rules of truth, and make the wrong appear the better reason.

Mr. Speaker, I regret I have occupied at all the time of this House. I did not wish to speak; but it seemed to me that, after an assault which was so directly personal, I should seize the opportunity of stating what I have endeavored to say in an inconsequential way.

It is true that I have wealth—I beg pardon, Mr. Speaker; that expression only shows that there is no proposition which a man can state absolutely. Before the panic it might have been well said that I could support myself and my family without the daily toil of the laborer, or the salary of the office-holder. But that panic, which was the result of paper money—I am glad to get in one good point in this wretched mess of personalities, [laughter]—that panic, the result of an issue of irredeemable currency, did so injure me that I would be to-day willing to compare my possessions with those of my friend from Kansas; and upon such a comparison, he counting the money which he had got from the people, and I deducting the money which I had lost in Kansas railways, I am pretty sure he would find that, standing here to-day, he is a richer man than I. And the only bitterness I feel on this occasion is, that in these very railways in which I have made investments, and which pass mostly through the Western States, I have lost a great part of the fortune for the possession of which I am taunted.

My friend from Illinois, in his remarks, rather implied that I was a railway man, and therefore hostile to the prairies. Is it improper to say that through his own prairies, through his towns of Urbana and Champaign, there was a railroad built in which I was interested? It raised the value of those prairies at least 100 per cent., and caused the growth of little cities all along its line. So his district gained by my railway; and as yet I have not got, and see no chance of getting back, my money. Yet these representatives of the "grangers," who have got our eastern money and kept it, who have received from us these railways and given us nothing in return except a series of hopeless investments, stand up here in holy horror and declare that we shall not be allowed to speak on this matter, because we lost our money in the West. Under these circumstances, is it fair for my friend from Kansas to take eastern money, use it in his railways, grow rich upon the proceeds of it, and then taunt us because we were foolish enough to go to Kansas and invest it?

If I am forced to speak of these railways, I think I may safely say that if my friend will look all through the disgraceful record of railways with which I am connected, there will not be found (unless I am deceived) one that ever received or ever asked aid from this Government, either in the way of money subsidy or land gratuity. I am a representative of New Jersey. I have acquired wealth, and spent it in Kansas, in Illinois, and in Texas, getting from it, in many cases, no

return; getting from it in no case returns until long years have passed. Shall I for these reasons be prevented from speaking in this House what I may think with reference to the merits of the great questions which are brought before us? If my own modesty or the fear of the grangers should counsel silence, there is that in my representative position here which forbids me; and so long as the farmers of New Jersey send a man so stained with the achievements of honest industry to represent them on this floor, I shall, whether I am to be followed the next morning by my friend from Kansas or not, speak in the interests of the people as I understand those interests; speak for the welfare of the whole country as I understand its welfare; and no taunt of this kind from any source shall ever prevent me from meeting promptly every charge which may be hurled against me here or elsewhere.

Mr. COBB, of Kansas. I want to say to the gentleman from New Jersey that I never intended to arraign him in the slightest degree because he held those positions. I honor him for what he acquired; I honor him for his ability displayed upon this floor; I honor him for his general ability and for his distinction as a man. No man on this floor goes before me in respect for the gentleman from New Jersey; but I called attention to a fact, which I believed I had the right to do; and when I saw the representative of an enormous number of these corporations rising upon this floor and arraigning the grangers of the West I thought it my duty to myself and to my constituents to say that he ought not to do it. I did it without intending any insult and without intending any offense at all to the gentleman from New Jersey.

I now yield the remaining portion of my time to the gentleman from Indiana, [Mr. COBURN.]

Mr. COBURN. Mr. Speaker, I have not much to say on this question; but having voted for the repeal of the franking privilege, and intending now to vote for what some wrongly term a restoration of the franking privilege, I desire to define my position. When the law which provided for the franking privilege was repealed, it was well understood in Congress, by the Postmaster-General and by all interested, that some provision should be made for the free transmission of public documents. I think no majority could have been obtained in either House of Congress without an express understanding that some measure like this for free transmission of public documents would be inaugurated and pushed to its passage. I remember very well the feeling of disappointment which prevailed in the House, and which I think in a degree prevailed in the country, when no provision was made for the free transmission of documents by the last Congress.

And now the argument is shoved upon us that we must not pass this measure because we are acting inconsistently. So far as I am concerned, I know of no inconsistency in thus providing for the free transmission of documents published at the expense of the Government, but rather consistency, in breaking down whatever there was that was personal, and in restoring whatever there was that was general and public in its nature in free mails.

We have erected, Mr. Speaker, an immense printing establishment here in the city of Washington, and the very object of that establishment was to give the people promptly, at a cheap rate, these public documents. Now, are we prepared to abandon that method of printing to-day—a method without a rival on earth? Are we prepared to give up the printing of the reports of the various Departments of the Government? If we are prepared to abandon it entirely, then let us abolish free mails.

I propose to show the House by a few facts that we will not save anything by not providing for the free circulation of documents if we continue to print them. In the first place, we save nothing at all so far as mail contracts are concerned. The best evidence shows that fact; and I am convinced, from the investigation of men who have devoted much time to this subject, that mail contracts in the main will be about the same whether we have a free transmission of documents or not. In other words, the free matter going out from here is so small compared with the great amount of matter going through the mails that it does not enter into the calculation of mail contractors when they put in their bids. Then, where can we save money? Where can economy step in? In no other place than the printing office. I propose to call the attention of the members to what we do print and what it costs, to see whether all this talk in this business about saving money to the Government, about economy in the expenditures and advantage to the people, amounts to anything.

I have in my hand a statement from the Public Printer, made within two months, going to show the whole expense for the printing of all the documents furnished Congress during the past year. The amount is $518,394.12; and that includes all documents for the last Congress. Some of them were census reports which cost about $153,000. So, then, the reports of the last Congress cost not very much over $350,000. It is true, the public printing and binding cost about $2,000,000; but that which we are proposing to do away with, if we prevent the printing of every single book here, would save to the Government only about $350,000, even if we refused to print every document. No man proposes to abolish printing entirely. Nobody proposes to do away with the printing of these public documents. No man is insane enough to say we shall not publish the reports of officers of the working of their Departments—the operations of this Government. To do so would be barbarism; would be suicide, would be madness. We cannot, then, cut off anything except some of these Agricultural Reports, and a few of the messages and documents, in order that we may furnish the people the smallest modicum of information in reference to the workings of the Government. And who is prepared to give up the Agricultural Reports?

The letter of the Congressional Printer is a follows, and shows that there have been the grossest errors among well-informed men as to the amount of documental printing, and demonstrates very clearly that three-fourths of the expenses of the Public Printing Office are due to the business of the Departments, they being furnished entirely in books, records, blanks, and documents from this office, commanding three-fourths of its time:

To the Editor of the New York Times:

The country at this exciting juncture is being startled by the oft-repeated announcement that the printing and binding for the Government cost annually about $2,000,000. This seems to be a vast sum of money; but when it is correctly understood what this expenditure covers there is nothing very surprising or alarming in the proclamation, be it reiterated ever so often. My attention has been called to this subject more especially by the appearance in the Times of a recent private letter from Speaker BLAINE to a friend in your city, and which you published on the 25th instant, attended by a carefully written editorial under the caption of "Public Printing," in which the following erroneous paragraph occurs:

"The public printing has cost the Government about $2,000,000 per annum, and the greater part of this vast sum has been expended for public documents, which have gone through the mails free."

When you become correctly informed on this point you will see that in making this statement you have been betrayed into a grave error of fact. The truth does not justify it; and as a high-toned public journal, which seeks to enlighten rather than to mislead the popular judgment, I feel convinced that you will correct the error when the facts are clearly presented. You are correct in the abstract statement that "the public printing" (you should have included the public binding) "has cost the Government about $2,000,000 per annum;" but it is an error to state that "the greater part of this vast sum has been expended for public documents which have gone through the mails free."

The appropriation for the printing and binding for the Government for several years has been about $2,000,000 per annum. During the last year, ending September 30, the amount expended for printing and binding for Congress was $874,998.27; for all the Executive Departments, including the Judiciary and the Government Printing Office, it was $1,218,239.77.

It is but truth to state that the printing and binding for the Executive and Judicial Departments include all the blanks, blank-books, &c., required for the business of the Government here and elsewhere throughout the country.

The State Department supplies its own office, the offices of all foreign ministers and consulates, as well as its foreign conventions, for the making of treaties, with the blanks, circulars, blank-books, &c., for the transaction of its business, through this office.

The Treasury Department supplies its own needs and all the custom-houses, internal-revenue offices, the Light-House Board, the Comptroller of the Currency, all its Auditors, the First and Second Comptrollers, its assistant treasuries and depositories in your city and elsewhere throughout the nation, the Bureau of Statistics, the Coast Survey, and the Supervising Architect with all the printing, binding, the blanks and blank-books, &c., necessary to conduct the business of the Government relating to itself throughout the country; and all from this office.

The Interior Department looks to this office for all the printing and binding, blanks, blank-books, &c., for its own necessities, for the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of the Land Office, the Commissioner of Indian Affairs, the Superintendent of the Census, and the Commissioner of Education.

The War Department provides through this office all the printing, binding, blank-books, blanks, orders, &c., for the office of its Secretary, the Adjutant-General, the Quartermaster-General, the Commissary-General, the Surgeon-General, the Paymaster-General, the Chief of Engineers, and the Bureau of Ordnance; and, through these, all the military depots, forts, and garrisons in the Union are supplied with blanks, blank-books, &c.

The Navy Department supplies the office of its Secretary, the Bureaus of Equipment and Recruiting, of Provisions and Clothing, of Yards and Docks, of Construction and Repair, of Steam Engineering, of Medicine and Surgery, of Ordnance, and of Navigation, with all the printing and binding, blanks, blank-books, &c., necessary for the transaction of its business, through the Government Printing Office.

The Judiciary, including the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Department of Justice, the office of the Attorney-General, and the Metropolitan police board, are provided with all their printing and binding through this office.

The Post-Office Department supplies all the post-offices and all the money-order offices in the United States (the blank money orders alone forming a very important item in the business of this office) with all the blanks, blank-books, and other printing and binding necessary to the proper discharge of their duties, under the annual appropriations made for the public printing and binding.

The Department of Agriculture, also, is supplied with all its printing and binding from this office.

All experience clearly establishes the fact that these supplies have cost vastly more money to the Government under the former practice of procuring them from private establishments than under the present system, in which the Government is its own printer and binder. As a measure of economy, there is no doubt that the law which provides that all printing and binding for the Government shall be done at its printing office is fraught with beneficial results. It is my present purpose, however, more especially to present to the public mind some idea of the extent and character of the printing and binding required by the Government in all its departments, and which is covered by the annual appropriations made for that purpose.

It is apparent from the records of this office that the greater part of the $2,000,000 appropriated for the public printing and binding is absorbed by the Executive Departments of the Government, instead of being, as is stated in the paragraph quoted above, "expended for public documents which have gone through the mails free."

From a careful examination and analysis of the books of this office, it appears that of the $874,998.27 expended in 1873 for all the printing and binding for Congress, the amount absolutely used for the printing and binding of extra numbers of documents "which have gone through the mails free" is $518,394.12, which, instead of being the greater part of the $2,000,000 appropriated and expended for the public printing and binding, is really only about one-fourth of the entire amount. Of the above amount, $153,751.84 has been expended for the census of 1870.

In this connection it is proper to state that the law requires a given number of all documents, (1,675,) known as "usual number," to be printed for the use of Congress, only a portion of which are bound, as what is called the reserve, and that the printing of these carries with it the full expense of the composition therefor. The expense of extra numbers, which have been printed under resolution alone, for free distribution, and have "gone through the mails free," is only for the paper, press-work, and binding involved, the composition being charged against the "usual number," which are printed in accordance with a long-standing statute.

I have attempted, as briefly as possible, to present this question of the public printing in a plain, practical light, that errors may be corrected, and a better understanding of it may enter the public mind.

A. M. CLAPP,
Congressional Printer.

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, December 27, 1873.

Here, then, is the cost of printing, less than a thousand dollars' worth to each member of the House and Senate, to be by them delivered to their constituents, and containing the exact position, undeniable evidence, and account of the operations of the Government to be found nowhere else, and if not printed to be obtained neither for money nor by favor.

I now propose to show that with but one or two exceptions these reports are now, and have been, published in scanty and inadequate numbers; that the great departmental reports are furnished in meager quantities to members, totally insufficient for the needs of an intelligent self-governing society, totally out of proportion to the vast interests concerned, and the enormous responsibilities assumed by the servants of the people.

Let me call attention to the number of documents that are distributed, and the average postage on each for four years:

	Document.	Average.	Total.
700	Agricultural Reports	$0 37½	$262 50
95	Abridged Message and Documents	37	35 15
23	Commerce and Navigation	40	9 20
5	Coast Survey	70	3 50
11	Commercial Relations	39	4 29
37	Education Reports	40	14 80
7	Finance Reports	30	2 10
24	Sets Congressional Globe (average ten volumes each)	70	84 00
25	Hayden's Survey	35	8 75
20	Land Office Report	26	5 20
14	Mineral Resources	35	4 90
7	Postmaster-General	18	1 26
7	Secretary of War	1 00	7 00
7	Secretary of the Navy	19	1 33
7	Secretary of the Interior	69	4 83
14	Secretary of State	41	5 74
18	Smithsonian Report	27	4 86
10	Directories	5	50
35	Laws of Congress	12	4 20
5	Signal Office	22	1 10
	Total	.....	465 21

The first thing is seven hundred Agricultural Reports. Well, sir, that may be too large for a stingy man, and I will let that pass for the present. The next is ninety-five of the Abridged Message and Documents, and these will not supply the newspapers and public libraries of an average district, much less the citizens. The list that follows grows rapidly less and less. It will not furnish your district newspaper editors alone with a single copy of many of these important documents, There are twenty-three of the Commerce and Navigation Reports. Put your libraries and newspapers together, and how can you distribute that number, giving one to each? Yet that is all you get. That is as far as it goes, after all this great hubbub about free documents, this wasteful supply. Next there are five of the Coast Survey Report. How far will that go? Where does the extravagance appear? There are eleven of Commercial Relations. Why, sir, that will not go round the public libraries in my district. Then there are thirty-two of the Educational Reports, a most important document. That will not reach one teacher in ten in my district. There are seven of the Finance Report. Why, sir, that does not cover a hundredth part of your business houses, banks, corporations, moneyed institutions. Next, there are twenty-four sets of the Globe. Then there are twenty-five of Hayden's Survey—that survey of the Western Territories which every man, East and West, whether he has hay-seed in his hair or not, wants to know something about—a document for the pioneer, the poor man and the capitalist. Next, there are twenty of the Land Office Report. That will not supply the professional men who want it, much less those who want to go West and grow up. Next there are fourteen reports on the Mineral Resources—not one-quarter enough. Seven of the Postmaster-General's Report; seven of the report of the Secretary of War; seven of the Secretary of the Navy; seven of the Secretary of the Interior. What an astounding piece of extravagance it is to give each district seven of these reports and fourteen of the Secretary of State! Eighteen reports of the Smithsonian Institution; ten of the Directories; thirty-five of the Laws of Congress, and five reports of the Signal Office. The wonder is the people do not clamor for more. These invaluable documents for the facts and statistics they contain are thus sparsely sprinkled over the land.

Now, sir, I have gone through all the regular reports. Go down to your folding-room, and if you can find one other that comes out regularly I will make the correction. We had the Census Reports last year; but that is only once in ten years. We had the Credit Mobilier report; I hope this will be but once in a thousand years. We had the Ku-Klux report; but I think the parallel of the Ku-Klux, as it never was in the world before, never will be again. So we will have no trouble with that.

You will see then, Mr. Speaker, that what we are sending is but a drop in the bucket. It costs little or nothing for postage at the present rates. Why, sir, what does it cost? But $465 for each district, take the United States over. Are you going to save money in that way? Send all these documents, seven hundred Agricultural Reports, ninety-five of the Abridged Message and Documents, and all the rest, and it costs each district on the average in the United States but $465.

Mr. BURCHARD. For postage?

Mr. COBURN. Yes; but you will not save that. By keeping up this charge of postage you will not put that amount in the Treasury. How will these documents be carried? They will be carried as freight. The railroad companies will get the money; not the Government.

Mr. BURCHARD. That is it, exactly.

Mr. COBURN. They will be carried as freight on the railroads, and it will not put into the Treasury forty dollars a year out of the four hundred and sixty; it will not put into the Treasury a tenth part of this charge for postage. It is folly, then, to keep up the present rates and expect to make or save money. You shake the bush and the carriers of freight catch the bird.

I assert, then, that the Government must print some reports; that the only extra expense can be in printing an unnecessary number; and that an unnecessary number is not printed, in point of fact not enough of some documents—not enough for a reading, thinking, self-governing people.

Will you make the great departmental reports fewer than seven each for a district? Will you cut down the report on Mineral Resources below fourteen? Will you cut down the Land-Office Report below twenty? Shall the Commercial Relations be reduced below eleven; the Coast Survey below five; the Finance Report below seven; Commerce and Navigation below twenty-three? These affect the great vital questions of the nation, and furnish the basis for the action of all its branches. How can the numbers be reduced with safety?

The number of Globes is twenty-three. They contain what Congress does, and are for future times the only index of present national legislative action. The number is not excessive.

What shall I say of the seven hundred Agricultural Reports for each district? That is the only report printed in large numbers. That is a document of much value, recording the progress of the great overshadowing business of our people. It is their book, welcome everywhere, sought by all, and paying tenfold its cost year by year in valuable suggestions. Shall we cut down the Agricultural Report? My judgment is that we should not. All these books belong to the people, and they should have them free of charge. All do not read them; but in every community some one does, and the data, the facts, the ideas, the arguments, are caught up and pass from mind to mind. We must abandon all printing of documents if we save anything. I am not prepared for that.

We spend for light-houses $1,500,000 a year, and yet the light-houses of intelligence that are erected by printing are worth more, ten to one, than those that stand sentinel on the waters of the deep. We spend forty millions a year for our military establishment, and we expect to keep it up. So with our Navy, so with our public schools, our charities, our coast surveys, our river and harbor improvements, and our fortifications; they yield no profit in ready income.

Why expect the post-office to pay its way? Why any more than the Army or the Navy? Why any more than the harbors on which we lay out such large sums? The post-office does pay handsomely; but it does not (and while we have a great frontier and thin settlements it never will) cover all of its cost. And it never ought to. It is nonsense to try to make it do so.

If I could I would amend the bill and make a law that would furnish a supply of the documents of Congress to the libraries and institutions of learning and charity. I would provide the people with the Agricultural, Mineral, and Land-Office Reports. I would give the papers, daily and weekly, free circulation within their own counties, and charge a moderate rate of postage on all matter. I believe the day will come when the mail, like the school, will be free to all for letters and newspapers.

Mr. WILLIAMS, of Massachusetts. I was for many years a disciple of many of the ideas of Horace Greeley, and among others I embraced this idea, which was one of his, of the repeal of the franking privilege. I was very urgent for it, and very glad when it was accomplished. I supposed that in its repeal we had got rid of a great abuse. And I came here to this session of Congress still maintaining those views, and I thought that nothing would ever persuade me in any degree to advocate the restoration of any part of it.

But in the committee-room, hearing the views of different gentlemen here, and having heard the views of different gentlemen with whom I have conversed, from various other parts of the country, I have been led to change my opinion. So far as this bill goes I am now its earnest advocate. It is not in accordance with all the convictions of my life, not in accordance with my own personal convictions, and not in accordance with the wishes of my constituents, but I believe it is for the interest of the country, and therefore I advocate it. I do not, as far as my own personal convictions are concerned, want this bill to pass; and I do not advocate it for my interest, or for the interests of my own particular constituents. But from what I have heard from the gentlemen in the committee-room, and the evidence we have had presented there, and the evidence we have had presented from various gentlemen all over the country, I am convinced it is a

necessity; that the people want these books, and that the various illustrations which have been used on this floor against it are futile and fallacious; that they are not logical. I do not believe that the illustrations that have been introduced are fair at all. It has been the custom in this country to disseminate these documents; they have become sources of information to the people; the people demand them, and they ought to have them. Therefore I am willing, against all my previous convictions, and against the wishes of my own constituents, against the interest of many of them, to sustain this bill and advocate its passage.

I represent in my own city one of the largest printing communities in the country. We have there the Riverside Press, the Harvard University Press, and many other printing establishments. We believe that this system of publishing and distributing documents by Congress comes in conflict with the interests of those printing establishments. But I believe there is a demand for these documents for the benefit of the whole country, a demand to which I ought to yield. I have a generous, rich, and intelligent community, that believe in every means of education; and they will trust me in this matter, and will sustain me in yielding my own convictions and theirs to the support of this bill.

Now, just for the information of some members of this House, I want to say, as a side matter, that I went down to the city post-office but a little while ago, and found there a great many documents which you had sent there, documents that will never be forwarded to your constituents. There were speeches of members on this floor, agricultural documents, and other documents that had been put in the post-office without sufficient postage. They were piled up there and are sold every week as old paper, and your constituents will be disappointed by not receiving them. I say that it is more important to those constituents to receive those documents than it is for us to get rid of the burden of sending them. Since I have been here this session I have sent a great many documents to my constituents, have paid the postage on them most gladly, and will continue to do so without hesitation as long as this remains an unsettled question.

But I think our constituents do not require this at our hands. They want these documents; they call for them; they must have them; and therefore we ought to send them out to them. I disagreed, however, with the committee in framing this bill in some particulars. I think that the whole expense of sending out these documents ought not to be charged to the Post-Office Department, to increase its deficiency. My opinion was, and I advocated it in the committee, that the expenditures for sending out the Agricultural Reports, for instance, should be charged to the Agricultural Department, for the Patent Office reports to the Patent Office, and for speeches and documents of Congress to the contingent fund of the two Houses. But the committee were against that, and therefore I yielded to them, and will support the bill just as it is.

I hope no amendment hitherto moved to this bill will prevail. I hope the amendment of the gentleman from New York [Mr. HALE] will fail. I do not want the total reinstatement of the franking privilege. I think it is bad policy for us to have a privilege which will inure more particularly to our benefit. Still I do not think it is for our benefit to have the franking privilege. I do not want any bill to pass for our benefit. I want a bill for the benefit of our constituents, not so much for mine, but for the constituencies of many others here for whom I have heard appeals on this floor. My constituents, as a general thing, do not require this bill to be passed. As I have already said, a great many of them do not wish it to pass. But from indications I have heard, I think there is a strong desire in the country for some such bill to pass. Therefore I advocate the passage of this bill, and hope it will pass just as the committee have reported it.

I now yield to the gentleman from Ohio [Mr. LAWRENCE] for ten minutes.

Mr. LAWRENCE. Mr. Speaker, I am in favor of the third section of this bill, and opposed to all its other provisions. I will briefly state the reasons for the view I have taken. The third section provides—

That from and after the passage of this act the following mail matter shall be allowed to pass free in the mail: First, newspapers, periodicals, and magazines reciprocally interchanged between publishers, and not exceeding sixteen ounces in weight to be confined to a single copy of each publication; secondly, weekly newspapers one copy to each actual subscriber residing or receiving the same within the county where the same is published; but carriers shall not be required to distribute such papers unless postage is paid upon them at the usual rates.

I am in favor of modifying this by striking out the word "weekly," and by inserting after the word "newspapers" the words "periodicals and magazines."

The object of this is to give a free circulation within the county where published for all periodicals, magazines, and newspapers, whether weekly, daily, monthly, or otherwise. The section as it now stands applies only to "weekly" newspapers, and excludes from free circulation daily and monthly papers, magazines, and periodicals.

As a general rule, special and exclusive privileges should not be granted to any profession or class of citizens. If the free circulation of newspapers in the county where published were a privilege for the benefit of publishers alone, I know of no principle on which it could be justified; but it is not. It is not for their benefit at all.

The Constitution very wisely provides that "Congress shall make no law * * * abridging the freedom of speech, or of the press." This is based on the idea that it is the right of every citizen to speak and publish his sentiments subject to no restraint except a responsibility for the abuse of the privilege in a mode which results in wrong and damage to others. It is based on the idea also that a republican government cannot exist except by the general diffusion of knowledge.

Almost every State of the Union recognizes the wisdom, the absolute necessity, of this, by maintaining common schools, supported at the public expense, open to all the children thereof. Without this a republican government cannot endure. Where the people are the source of power they must be intelligent to secure a wise exercise of the power. The same principle which justifies common schools, supported at the public expense, also justifies the free circulation of newspapers and periodicals within appropriate limits.

I will not pronounce any eulogy on the press. Fortunately it needs none now. Common schools, the press, and public addresses of every kind are the great educational, moral, political, and religious instructors of the people.

The press now reaches almost all the people, and on grounds of public policy it deserves all reasonable encouragement. It is reasonable to give the encouragement now proposed. It is for the benefit of and open alike to all the people. It is not an exclusive privilege or benefit for any. It is a privilege which will be equally enjoyed by nearly all our citizens. It should be enjoyed by all. He who will not enjoy it cannot complain if others do.

It has been said that the city press is opposed to the measure now under consideration, while it is demanded by the so-called country press. There is no entire unanimity of either city or country press on this subject. The proposed measure will operate equally for all, or as nearly so as may be possible.

The large and widely circulated city press has the advantage of having newspapers carried in the mails broadcast all over the land, hundreds and thousands of miles, at no greater cost than is by existing law charged for carrying a country newspaper within the county where published. This gives to the city press a great advantage. If the law shall be changed so as to allow a free circulation within the county of publication, the whole press will alike enjoy its advantage. And this will give a free delivery from the post-office at the place of publication.

I will not draw any invidious distinction between the city and country press. The whole newspaper press, city and country, has a place, the value which cannot be estimated or dispensed with.

The press will very often represent the sentiment and interest of its immediate locality. But this is not always so. The New York Tribune for thirty years represented the protective-tariff sentiment of the whole country. It was in no sense local. So there are many city papers, wielding a powerful and salutary influence, broad and universal, regardless of locality, and aiming only at the public good. These ought not to be disparaged; no effort should be made to bring them into disrepute. But the so-called country press does as a general rule reflect the sentiments and interests of the people, and it deserves the confidence, attention, and care of the people and the Government.

In some localities the country press cannot be maintained without the aid of the measure now before us. We should not withhold from it the aid now proposed.

But the other provisions of the bill rest on a totally different principle, and to them I am opposed. Their object is in effect and to a limited extent to create a privilege equivalent in some respects to the recently abolished franking privilege.

The second section of the bill makes this provision:

That from and after the passage of this act all public documents, books, or publications, and all printed matter procured or published and issued by authority of Congress, or of either House thereof, and all packages of seeds, cuttings, roots, and scions, furnished by the Agricultural Department under authority of law, having first been stamped as is hereinafter provided and directed, shall be allowed to pass in the mails of the United States, to any citizen thereof, or person residing therein, without charge.

I know no reason why documents generally should be published at the expense of all the people and then distributed to a few.

The usage which has heretofore prevailed in publishing documents by authority of Congress has not provided them for one in twenty of the voters of the United States. Why should twenty voters be taxed for the favored one who receives the document? I know of no just principle on which this can be done. The practice adopted in England is one which we may well follow.

Let Congress order the publication of such documents essential to public information and the general interests of the country as cannot be published by private enterprise, and then let every citizen have the right to purchase them at cost. This will give all that the public interest requires. It will tax no man for the benefit of another. It will afford the means of information to all. It will give the press access to all desired information, and the press will give it to the whole people. This will give new importance to the press and a demand for wider newspaper circulation.

I know it will be said that the farmers demand the annual volume of the Agricultural Report. Let them have it. Successful agriculture requires this. Let it be published so that all may procure it.

But we must remember the agriculturists of this country demand and deserve something more substantial than a free volume annually of the Agricultural Report to one in twenty of their number. They want more and cheaper means of transporting their products to market. They want legislation which shall in future relieve them from the enormous exactions which may be imposed upon them by monop-

olies operating under patent rights, so far as legislation can operate on patents hereafter issued. Rights already acquired cannot be interfered with.

They want that the Agricultural Department of the Government shall ascertain in advance, as early as practicable each year, the probable amount of all products and the probable demand, and that this knowledge should be made accessible to them, so that they may know the value of their products and be able to demand and receive it without its being too largely absorbed by dealers between producers and consumers.

They want legislation which will favor the development of the agricultural and mineral resources of the country and multiply manufacturing enterprises, and make a home market, as far as practicable, without the cost of unnecessary transportation.

These are some, not all, of their wants, and they will not be satisfied with only free Agricultural Reports, nor with any benefit the franking privilege could give. Their demands are more extensive and of a different character. It becomes us to consider these, and do whatever justice and the public interest require.

Mr. WILLIAMS, of Massachusetts. I yield now to the gentleman from Illinois [Mr. RICE] for ten minutes.

Mr. RICE. In saying the few words I propose to say in advocacy of this bill, I desire to put it upon the ground, and solely on the ground, that it is an educational measure. I believe it is a recognized principle in this country that education is one of the main props of a republic. That principle is acknowledged and acted upon by all the States in the establishment of free schools, where the people are educated without cost. And it has occurred to me that in the aggregation of States that are represented in this House, it may be proper for the United States as a whole to show its estimation of this valuable acquisition and privilege by doing what may be properly done by the Congress of the United States.

Now, I hold that every document that is issued from this Congress, authorized and published by provision of law of this Government, is of the greatest value to the people—if not to all the people, yet to a large majority of the people of this country. I take it that the papers that are published for the use of this House, every bill that is introduced here asking for something to be done for the benefit of the country or of a community, is information which should be sent to the people. The bill is read; it is advocated, and it is opposed; and the reasons why it should be passed, and the reasons why it should not be passed, are fully set forth by intelligent and competent gentlemen.

If it should be passed and approved, and should become a law, its effect is made known to the people by its operation; and those people throughout this country, who are as liable to be in this House as Representatives as we are, can thus gather a great fund of information that may be useful to them in the hour when they shall represent constituencies here. For that reason I believe those papers should all be published and spread among the people.

With regard to your Agricultural Reports, it is well known by gentlemen of this House that a very large number of those who are classed as cultivators of the soil in our country are not farmers. They have obtained the land for the asking. They have sought to establish their homes in those distant places. They cultivate rudely a portion of the ground; and they get but a slender return for their labor because of their lack of knowledge. Now, sir, the experience of the world is brought here into this city, is compiled by competent men, issued by authority of law, and sent broadcast over the land; and every man who reads may learn something that it will be highly useful for him to know; so that by this means the interest of the whole country, as well as of himself and family, is advanced.

Let me in this connection cite a statement contained in a letter which I saw a few days since in the hands of a gentleman from Georgia, who sits near me. The writer of the letter, describing some farming operations in his region of the country, said that "Jim"—I believe that was the only name he gave—who lived on a neighboring farm, had learned to read, that he had got possession of an Agricultural Report, and from the information contained in it had cultivated his small farm in such a manner that his crop that year was doubled. If that incident was true, (and I believe it to be true,) see what an advantage that Agricultural Report was to that one man. These reports, if sent free, go broadcast over the land. If postage is charged upon them they will not thus be circulated. A man living two hundred miles from the city which I have the honor to represent in part, when he puts his corn in a wagon and goes off from three to ten miles, and sells his load of thirty bushels for $4.50 at the railway station, is unwilling to take a portion of that $4.50 to pay fifty cents, seventy-five cents, or one dollar as postage on a book coming from this city. Money is too scarce and too precious with him to justify such an expenditure. He has to pay his taxes. He has to pay the interest on his indebtedness, if he has any, and it is very likely he has. There are a thousand and one little luxuries as you may call them, (though they have become necessaries,) which it requires money to buy; and he has but little money. You may say that if he does not choose to pay for those documents he can do without them. But, sir, I hold that that is not the principle on which this Government is conducted. We want to give the people all the information we can, so that we may advance their interests and at the same time the prosperity of the country. I maintain that the word "economy" does not properly come in here. "What is the cost?" has nothing to do with this question unless the cost is so enormous that the country cannot pay it. If the thing is right, you should do it whatever the cost; and if it is wrong, it should not be done though the cost is but a dollar.

There are seeds and plants gathered by the Government through the world, valued where they are known and grown, but unknown here. Those productions are brought here; and if they are sent out broadcast over our wide new country, where people are all now trying to acquire that knowledge which is necessary for their life, they can try the culture of those productions, and the results may in many cases be highly useful. But if postage is charged, these seeds and plants are shut out from the mails; they never reach those to whom they would be useful. Members may, for a time, pay the postage upon books, seeds, &c., as a gentleman said awhile ago he does cheerfully. But by and by that will be felt to be too troublesome and expensive. The sending of such things will gradually cease, until perhaps in two years from now not one copy of one of these books or one package of any of these seeds will ever reach the people who stand in need of them.

It is said that if these things are distributed, only one person in forty receives anything under such a system. Now, sir, my experience among the farmers (which is not very great) has been that when a farmer gets from this city a publication of the Government, containing any new thing which may be useful to him, he reads or tells it to his neighbors; they discuss it together; they join in trying experiments, so that there is not, perhaps, one farmer in that community who does not get the advantage of the information contained in that book. I believe there is no just ground for fearing that, because these books, &c., are not sent to every individual, their benefits will not be diffused among the people.

I hope this bill will pass. I do not believe it is liable to any of the objections which have been so strongly urged against the franking privilege. That privilege was objected to on the ground that it was abused by members to the injury of the Post-Office Department. How true that complaint was I do not know; but I believe the complaint never was intended to extend to the free circulation of seeds, books, &c., among the people for use on the farm, in the work-shop, and in general to promote the welfare of the country. I hope the bill will pass.

Mr. WILLIAMS, of Massachusetts. I yield the remainder of my time to my colleague, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I yield five minutes to the gentleman from New York, [Mr. MELLISH.]

Mr. MELLISH. Mr. Speaker, if the visor of this bill is lifted I think there will be revealed the familiar but unattractive features of the franking privilege. The effect of laws passed in reference to this subject has been to give the franking privilege to the Departments of the Government, and take it away from Congress. This bill proposes to extend still further the franking privilege to the Departments. This is traveling backwards, and extending an abuse which should rather be restricted, indeed eviscerated, abolished altogether. Anything in this world that is worth having is worth paying for. This printing of books and distributing them free is a violation of the great principle of equal taxation, which should guide us in our action. There should be equal rights to all, special privileges to none. The mischievous principle underlying this bill is that it gives special privileges to a few, to be paid for by all. It is "dead-headism" embodied in a statute. In my opinion no special privileges should be given to farmers, to country editors, or anybody else. Is it not better to make postage universally cheap, so that the entire public shall participate in the benefit, rather than to favor the few and tax the many therefor.

The principle is entirely wrong, and for that reason yesterday I introduced an amendment, to provide that from and after the 1st day of July next all written matter of one ounce or fraction of an ounce in weight should be carried into any part of the United States for two cents, and all printed matter weighing two ounces or a fraction thereof should be carried for one-half cent. That would introduce uniform, simple rates of postage. Harper's Weekly and like papers would then pass through the mails for one cent, and country newspapers would be carried for twenty-six cents a year. It is cheap enough; and the country newspaper editor who has not ability to furnish a paper upon which subscribers are willing to pay twenty-six cents postage I think had better go into some other business. By claiming the special privilege of having his publication "dead-headed" through the mails he thereby advertises his imbecility and unfitness for his vocation. The people will, I think, be quite willing to pay that postage. It is an acknowledgment on the part of the country editor, when he demands this privilege, that he cannot publish a paper worth paying for.

I also introduced another feature, which I think will be quite convenient: that on the face of the postage-stamp there shall be plainly indicated the quantity and kind of mail matter it will carry. It will be no additional expense, and will be a great convenience.

My time is nearly expired, and I wish to say, in conclusion, that I am opposed to the franking privilege *in toto*, in any shape it may come here, but especially in giving these Departments the franking privilege. It was right that it should be taken from Congress, but it should also be taken from every executive office, otherwise the Departments do not show all their expenses. The thousands of Government clerks all over the country—I do not say have free access to postage-stamps, but I do say if there is danger of abuse of this franking privilege by

Congressmen, how much greater is the danger of substituting thousands of clerks all over the country who may exercise this privilege.

[Mr. BUTLER, of Massachusetts, addressed the House. His remarks will appear in the Appendix.]

Mr. PACKER. I now call the previous question on the bill, withdrawing the motion to recommit.

CENTENNIAL CELEBRATION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I have the honor herewith to submit the report of the centennial commissioners, and to add a word in the way of recommendation.

There have now been international expositions held by three of the great powers of Europe. It seems fitting that the one hundredth anniversary of our Independence should be marked by an event that will display to the world the growth and progress of a nation devoted to freedom, and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. A failure in this enterprise would be deplorable. Success can be assured by arousing public opinion to the importance of the occasion.

To secure this end, in my judgment, congressional legislation is necessary to make the exposition both national and international.

The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself, but they will be compensated for many-fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

The selection of the site for the exposition seems to me appropriate, from the fact that one hundred years before the date fixed for the exposition the Declaration of Independence, which launched us into the galaxy of nations as an independent people, emanated from the same spot.

We have much in our varied climate, soil, mineral products, and skill, of which advantage can be taken by other nationalities to their profit. In return they will bring to our shores works of their skill, and familiarize our people with them, to the mutual advantage of all parties.

Let us have a complete success in our centennial exposition, or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 25, 1874.

The message and accompanying documents were ordered to be printed, and referred to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875.

TRANSMISSION OF DOCUMENTS, ETC.

The House resumed the consideration of the bill for the transmission of public documents, &c., through the mails free of postage.

The SPEAKER. The gentleman from Pennsylvania, [Mr. PACKER,] in charge of the bill, has called for the previous question.

Mr. GARFIELD. I hope the gentleman will allow some amendments to be offered and voted upon.

Mr. SMALL. I ask the gentleman to allow me to offer an amendment.

Mr. GARFIELD. I hope the gentleman will at least allow a separate vote on the different sections of the bill.

Mr. PACKER. As instructed by the Committee on the Post-Office and Post-Roads, I do not feel at liberty to yield for any amendment except the one offered originally by the gentleman from New York, [Mr. HALE,] which will bring the House to a fair and square vote on the question of repealing the law abolishing the franking privilege.

Mr. GARFIELD. A great many members desire a separate vote on the third section of this bill, and will vote against the whole bill if not allowed a separate vote on that section.

Mr. TYNER. Will the gentleman from Pennsylvania yield for a motion to strike out so much of the bill as relates to the distribution of documents?

Mr. PACKER. I am not so instructed by my committee.

The SPEAKER. The gentleman from Pennsylvania states that on behalf of the committee he must decline to admit any other amendment than that offered by the gentleman from New York, [Mr. HALE,] which will be read by the Clerk.

The Clerk read as follows:

Strike out all after the enacting clause, and insert the following:

That the act entitled "An act to abolish the franking privilege," approved January 31, 1873, and also the proviso to section 3 of the act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874," approved March 3, 1873, be, and the same are hereby, repealed; and from and after the passage of this act all acts or parts of acts which were repealed, annulled, or made of no effect by the said acts and parts of acts hereby repealed, or either of them, be, and the same are hereby, revived and continued in full force.

The SPEAKER. The gentleman from Pennsylvania withdraws the motion to recommit, permits this amendment to be offered, and demands the previous question on the bill and amendments.

Mr. GARFIELD. I hope the previous question will be voted down.

Mr. KASSON. Has the gentleman from Pennsylvania decided not to allow a vote to be had upon any proposition for the sale of documents in some manner to the public?

Mr. PACKER. A bill on that subject, as I have already stated, is pending before the Committee on the Post-Office and Post-Roads, and will be considered and reported upon by that committee.

Mr. HOLMAN. I wish to make a parliamentary inquiry. In view of the present state of the bill and the amendments, if the House should refuse to second the previous question, would not a motion be in order to strike out all of the bill except the third section?

The SPEAKER. Of course, if the House should refuse to second the demand for the previous question, the bill will be open for amendment.

Mr. PACKER. I understand that my friend from New Hampshire [Mr. SMALL] has an amendment which he desires to go upon the record.

Mr. SMALL. I desire, whenever I may have an opportunity, to move to amend, by adding the following as new sections:

SEC. —. From and after the 30th day of June, 1874, the charge for the delivery of letters by carriers shall be not exceeding one cent each, the whole of which shall be paid to them for their services.

SEC. —. Postage upon all mail matter, except such as may by law go free in the mails, shall be prepaid.

Mr. PACKER. The subject embraced in that amendment is now undergoing consideration by our committee.

Mr. TYNER. I would like to offer an amendment to that clause relating to newspaper postage, so as to require the prepayment of postage on all newspapers except those which may go free in the counties of their publication and also newspaper packages. Will the gentleman yield for an amendment of that kind?

Mr. PACKER. That matter is also undergoing examination by the committee, and there is great diversity of opinion on the subject. I must therefore decline to yield for the amendment.

The question being taken on seconding the call for the previous question, there were—ayes 94, noes 63.

Mr. GARFIELD called for tellers.

Tellers were ordered; and Mr. TYNER and Mr. PACKER were appointed.

The House divided; and the tellers reported—ayes 112, noes 67.

So the previous question was seconded.

The question recurring on ordering the main question,

Mr. TYNER and Mr. COTTON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 118, not voting 45; as follows:

YEAS—Messrs. Albright, Arthur, Averill, Banning, Barber, Bass, Beck, Biery, Bowen, Bradley, Buckner, Burchard, Burleigh, Roderick R. Butler, Cannon, Cason, Freeman Clarke, Clymer, Clinton L. Cobb, Stephen A. Cobb, Comingo, Couger, Cook, Corwin, Crooke, Crutchfield, Danford, Alexander M. Davis, Donnan, Dunnell, Durham, Eldredge, Field, Freeman, Giddings, Glover, Gooch, Hagans, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Havens, Hays, Gerry W. Hazelton, Hereford, Herndon, George F. Hoar, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Lewis, Lowe, Luttrell, Lynch, Marshall, Martin, Maynard, Alexander S. McDill, McJunkin, Milliken, Moore, Myers, Negley, Nesmith, O'Neill, Orr, Packer, Isaac C. Parker, Perry, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Randall, Ransier, Rapier, Rawls, Read, Rice, Richmond, Robbins, Sawyer, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, J. Ambler Smith, Speer, Standeford, Stone, Stowell, Strait, Strawbridge, Taylor, Thornburgh, Todd, Townsend, Vance, Wallace, Walls, Wheeler, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Woodworth, and John D. Young—127.

NAYS—Messrs. Archer, Ashe, Atkins, Barnum, Barrere, Begole, Berry, Bland, Blount, Bright, Bromberg, Brown, Buffinton, Bundy, Burrows, Caldwell, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Coburn, Cotton, Crittenden, Crossland, Crounse, Curtis, Darrall, John J. Davis, DeWitt, Dobbins, Eames, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, John T. Harris, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Hyde, Jewett, Kasson, Kelley, Kellogg, Lawrence, Lawson, Lofland, Loughridge, Lowndes, Magee, McCrary, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Mills, Monroe, Morrison, Neal, Niblack, Niles, O'Brien, Orth, Packard, Page, Hosea W. Parker, Pendleton, Phelps, Pierce, Potter, Pratt, Ray, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Sayler, John G. Schumaker, Scofield, Sessions, Sherwood, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Stanard, Starkweather, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, and Pierce M. B. Young—118.

NOT VOTING—Messrs. Adams, Albert, Barry, Bell, Benjamin F. Butler, Cain, Cox, Creamer, Crocker, Dawes, Duell, Eden, Elliott, Farwell, Robert S. Hale, John W. Hazelton, Hendee, Hersey, Hodges, Hooper, Leach, McLean, Mitchell, Morey, Nunn, Parsons, Pelham, Purman, Rusk, Sheldon, Lazarus D. Shoemaker, Sloss, George L. Smith, William A. Smith, Snyder, Stephens, St. John, Storm, Swann, Sypher, Thomas, Tremain, Waddell, White, and Wood—45.

So the main question was ordered.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his Secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 483) to authorize the cancellation of an export bond for a portion of the distilled spirits of John S. Miller on board of bonded cars of the United States;

An act (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana;

An act (H. R. No. 1769) for the relief of Colonel Daniel McClure, assistant paymaster-general;

An act (H. R. No. 1906) to dredge and protect the navigable channel at the mouth of Buffalo River against the sand-bar formed by the gale of December, 1873; and

An act (H. R. No. 1940) giving the consent of Congress to the acceptance by James McDonnell, a warrant officer in the United States Navy, of a present from the King of Italy.

ORDER OF BUSINESS.

Mr. POLAND. I move that the House take a recess until half-past seven o'clock this evening.

Mr. GARFIELD. This business then goes over until to-morrow?
The SPEAKER. Of course.
The House divided; and there were—ayes 75, noes 97.
So the House refused to take a recess.
Mr. PACKER. I move to reconsider the vote by which the main question was ordered; and also move to lay the motion to reconsider on the table.
Mr. GARFIELD. On the latter motion I demand the yeas and nays.
Mr. WHITTHORNE. I move the House do now adjourn.
Mr. POLAND. Why not let us have our meeting to-night for the codification of the laws?
Mr. WHITTHORNE. It is too bad a night.
The House refused to adjourn.
Mr. POLAND. I now move we take a recess until half-past seven o'clock this evening.
The House divided; and there were—ayes 89, noes 84.
Mr. O'BRIEN demanded tellers.
Tellers were not ordered.
Mr. RANDALL demanded the yeas and nays.
The yeas and nays were not ordered.
So the motion was agreed to.
And then (at a quarter before five o'clock p. m.) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."
Mr. POLAND. I move on page 641, section 2545, line 7, to strike out after the word "entry" these words: "and Digges's Landing and Carrollsburgh ports of delivery."
The amendment was agreed to.
Mr. POLAND. I move on page 645, section 2558, line 16, to strike out after the word "entry" these words: "and Indian River and New Smyrna ports of delivery."
The amendment was agreed to.
Mr. POLAND. I move in the same section, in lines 30 and 31, to strike out the following words: "And Saint Andrew's Bay a port of delivery."
The amendment was agreed to.
Mr. POLAND. I move on page 655, section 2194, in line 18, to strike out "Southport" and insert "Kenosha."
Mr. Speaker, the name in the statute is Southport, but the name of that place has been changed to Kenosha. Therefore the committee felt warranted in inserting "Kenosha" in place of "Southport," the name of the place having been changed.
The amendment was agreed to.
Mr. POLAND. I move on page 661, section 2615, in line 5, to strike out "Comptroller of the Treasury," and insert "Commissioner of Customs;" so it will read:

SEC. 2615. The oath of office administered to any person appointed to any office under this title shall be certified under the hand and seal of the person by whom the same shall have been administered, and shall, within three months thereafter, be transmitted to the Commissioner of Customs. In default of taking such oath, or of transmitting a certificate thereof, the person failing shall be liable to a penalty of $200.

The amendment was agreed to.
Mr. POLAND. I move on page 679 to strike out section 2720; which is as follows:

SEC. 2720. The surveyors at Pacific City and at Milwaukee shall receive, in addition to the fees authorized by law, a salary not exceeding $1,000 a year each.

The amendment was agreed to.
Mr. POLAND. I move on page 679 to strike out section 2721; which is as follows:

SEC. 2721. The surveyors at Nisqually and Portland, in Oregon, shall receive, in addition to the fees authorized by law, a salary of $1,000 a year each.

The amendment was agreed to.
Mr. POLAND. I move on page 690, section 2796, to strike out the words "of the following;" and in the word "districts" to strike out the letter "s."
The amendment was agreed to.
Mr. POLAND. I move in the same section to strike out all after the word "district," in line 2, to and including "Albemarle," in line 9; as follows:

Portland and Falmouth, except the ports of North Yarmouth, Freeport, and Harpswell; Bath, except the ports of Georgetown and Brunswick; Newburyport; New London, except the port of Stonington; Middletown, except the ports of Lyme, Saybrook, Killingworth, Haddam, and East Haddam; Norfolk and Portsmouth; Petersburgh; Richmond; Yorktown; Tappahannock, except the port of Urbana or Albemarle.

The amendment was agreed to.
Mr. POLAND. I move in the same section to strike out all after the word "delivery," in the twelfth line, to and including the word "port" in the twentieth line. The words proposed to be stricken out are as follows:

And any vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of delivery above mentioned, may first proceed to her port of delivery, and afterward make report and entry within the time by this title limited; and the master of every vessel arriving from a foreign port, or having merchandise on board, on which the duties have not been paid, and bound to any port on the Connecticut River, shall take an inspector on board at Saybrook, before proceeding to such port.

I will state, in reference to that, this arbitrary provision is to be found in an early statute upon the subject, but the general law requires every vessel from a foreign port shall make entry at some port of delivery.
The amendment was agreed to.
Mr. POLAND. The next amendment is to section 2802, on page 692.
The section was as follows:

SEC. 2802. The collector receiving any bond conditioned for the payment of duties upon merchandise reported as destined for a foreign port, in case the same shall be landed within the United States, or any other bonds taken upon the exportation of merchandise entitled to drawback, shall, immediately after the time when, by the conditions of the same, they ought to be canceled, put the same in suit, provided the proof of the occurrence of such a necessity as excuses a landing of such goods within the United States has not been produced, or further time granted therefor by the Commissioner of Customs.

Mr. POLAND. I offer the following amendment:

In line 10 strike out "Commissioner of Customs," and insert "Secretary of the Treasury."

The amendment was agreed to.
Mr. POLAND. The next amendment is to section 2805, on page 693.
The section was as follows:

SEC. 2805. Within twenty-four hours after the arrival of such vessel within any other district, the master shall make report or entry to or with the collector of such other district, producing and showing the certified copy of his first report, together with a certificate from each collector of any other district within which any of the merchandise, brought in such vessel, has been landed, of the quantity and particulars of such merchandise as has been landed in each district respectively; except that in the State of Georgia such report may be made within forty-eight hours.

Mr. POLAND. I offer the following amendment:

Strike out all of the section after "respectively," in the eigth line, namely, these words: "except that in the State of Georgia such report may be made within forty-eight hours."

The amendment was agreed to.
Mr. POLAND. I offer the following amendment.
The Clerk read as follows:

On page 694 strike out sections 2809, 2810, and 2811, which are as follows:
SEC. 2809. The master of any vessel arriving from any foreign port, having on board distilled spirits or wines, other than sea-stores, intended to be transported from one port in the United States to another, whether in the same or in different districts, shall, previous to the departure of such vessel from the port at which she first arrives, apply to the surveyor or officer acting as inspector of the revenue for the port for a certificate of the quantity and particulars of such spirits or wines as have been certified or reported to him to have been imported in such vessel, and of the quantity and particulars of such spirits or wines as appear to have been landed out of such vessel at such port. The surveyor or inspector of the revenue shall forthwith grant such certificate; and the master shall, within twenty-four hours after the arrival of such vessel at the port to which she is bound, deliver the certificate to the surveyor or person acting as inspector of the revenue of such port.
SEC. 2810. If any vessel shall proceed from one port to another within the United States with the whole or any part of such spirits or wines, without having first obtained such a certificate as is required by the preceding section, or if within twenty-four hours after her arrival at such other port the certificate shall not be delivered to the surveyor or inspector, as prescribed, the master shall, in either case, be liable to a penalty of $500, and the spirits or wines on board her shall be forfeited and may be seized.
SEC. 2811. Every surveyor, or officer acting as inspector of the revenue, for any port at which a vessel may arrive with such certificate, shall certify in the same manner all deliveries of spirits and wines made at their respective ports; and such certificate shall be annexed to the certificate granted at the port of original importation.

Mr. POLAND. I desire to offer a word of explanation in reference to those sections. They were provisions of our earliest laws in reference to revenue, when there were strict requirements as to obtaining certificates in relation to imported spirits and a variety of provisions, that have all been superseded by the whole tariff legislation of the country for the last forty years at least. These importations now stand like any other importations of merchandise, and the provisions of these sections have become entirely obsolete.
The amendment was agreed to.
Mr. POLAND. The next amendment is to section 2826, on page 697.
The section was as follows:

SEC. 2826. In order to ascertain what articles ought to be exempted as the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, due entry thereof, as of other merchandise, but separate and distinct from that of any other merchandise, imported from a foreign port, shall be made with the collector of the district in which the articles are intended to be landed by the owner thereof, or his agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers; and the person who shall make the entry shall take and subscribe an oath before the collector, declaring that the entry subscribed by him and to which the oath is annexed contains, to the best of his knowledge and belief, a just and true account of the contents of the several packages mentioned in the entry, specifying the name of the vessel, of her master, and of the port from which she has arrived; and that such packages contain no merchandise whatever other than wearing apparel, personal baggage, or, as the case may be, tools of trade, specifying it; that they are all the property of a person named who is shortly expected, and are not directly or indirectly imported for any other, or intended for sale.

Mr. POLAND. I offer the following amendment:

In the twentieth line, after the word "who," insert "has arrived or;" and after the word "expected" insert the words "to arrive in the United States."

The amendment was agreed to.

Mr. POLAND. The next amendment is to section 2847, on page 702.

The section was as follows:

SEC. 2847. When any merchandise is intended to be imported from any foreign country into the port of Selma, upon the Alabama River, in Alabama, such merchandise may be entered at any port of entry and thereafter transported to Selma, upon compliance with sections 2853 to 2859, inclusive.

Mr. POLAND. I offer the following amendment:

In lines 3 and 4, strike out "any port of entry," and insert in lieu thereof "Mobile."

The amendment was agreed to.

Mr. POLAND. The next amendment is to section 2851, on page 703.

The section was as follows:

SEC. 2851. When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, namely: Parkersburgh, in West Virginia; Paducah, in Kentucky; Saint Joseph and Kansas City, in Missouri; Memphis, in Tennessee; Alton, Galena, Quincy, Cairo, and Peoria, in Illinois; Evansville, New Albany, Madison, and Jeffersonville, in Indiana; Keokuk, Dubuque, and Burlington, in Iowa; Leavenworth, in Kansas; and Omaha, in Nebraska, such merchandise may be entered at the port of New Orleans, and thereafter transported to the port of delivery for which the same is intended, in compliance with sections 2853 to 2859, inclusive, and subject to the forfeitures and penalties therein mentioned.

Mr. POLAND. I offer the following amendment:

In line 5 strike out the words "and Peoria," and insert "and" before "Cairo."

The amendment was agreed to.

Mr. POLAND. The next amendment is to section 2859, on page 705.

The section was as follows:

SEC. 2859. The collector at the port of entry shall permit no entry to be made of merchandise, where the duty on the same shall exceed the amount of the bond deposited with the surveyor, nor shall the surveyor receive the bond of any person not entitled to a credit at the custom-house, nor for a sum less than fifty dollars. When the bond has been completed, and the actual amount of duty ascertained and certified on the margin, the surveyor of the port where the bond is taken shall deposit the same for collection in such bank as may be directed by the Secretary of the Treasury.

Mr. POLAND. I offer the following amendment:

Strike out in the first line the words "the collector at the port of entry," and insert in lieu thereof the following, "when any merchandise is intended to be imported from any foreign country into either of the ports named in sections 2843 to 2852, inclusive, the collector of the port of entry named in such sections respectively."

The amendment was agreed to.

Mr. POLAND. The next amendment relates to section 2860, on page 705, and section 2572, on page 649. We struck out section 2572 and inserted a later provision which superseded it, which we found in the statute, but on going further in our examination we found that the revisers had also, over on page 705, included this latter act which superseded the one that was revised and made section 2572. And page 705 seems a more appropriate place. Therefore the committee determined to withdraw the substitute for section 2572 and strike out that section entirely. The amendment is precisely this section 2860, except that by a later act section 2572 applied only to Natchez; that is, foreign vessels coming to Natchez were required to make entry at New Orleans. That was superseded by a different provision of a later statute; and by still another statute Vicksburgh was included with Natchez, and they are both included in section 2860, which is as follows:

SEC. 2860. All vessels proceeding to the ports of Natchez or Vicksburgh from any foreign port shall stop and report their arrival at the port of New Orleans; and before any such vessel shall proceed on her voyage to Natchez or Vicksburgh the collector for the district of New Orleans shall order on board any such vessel a custom-house officer, who shall remain on board such vessel until her arrival at Natchez or Vicksburgh. Such custom-house officer shall take possession of and safely keep all the papers belonging to such vessel having relation to the freight or cargo on board, which papers he shall deliver to the collector at Natchez or Vicksburgh immediately after his arrival at that port; and any such vessel, which shall depart from New Orleans without such custom-house officer on board, shall be subject to all the pains and penalties provided for by law for a violation of the revenue laws.

So we leave section 2860 to stand; and I ask unanimous consent to withdraw the substitute for section 2572.

There was no objection, and the substitute for section 2572 was withdrawn.

Mr. POLAND. The next amendment is to section 2550, on page 643, in connection with section 2863, on page 706, which is as follows:

SEC. 2863. Vessels bound up James River, in the State of Virginia, shall not be required to stop in Hampton Roads to deposit a manifest with the collector at Norfolk. But the master of the revenue-cutter stationed at Norfolk shall, under the orders of the Secretary of the Treasury, board all such vessels, and indorse their manifests, and place an officer on board of each vessel bound up James River, having a cargo from a foreign port. If, however, there is no revenue-cutter on that station for the purpose of boarding vessels, or when the state of the weather may be such as to render it impracticable to send an officer on board any vessel bound up James River, having a cargo from a foreign port, the captain shall deposit, with the surveyor at Hampton, a copy of the manifest of the cargo on board such vessel.

Section 2550 provided what should be done by foreign vessels that were going up James River. That was superseded by a later statute, and an entirely different provision was made, which we insert in lieu of section 2550. We find it is all contained in this section 2863; and therefore, if there be no objection, we withdraw section 2550 entirely.

There was no objection, and section 2550 was accordingly withdrawn.

Mr. POLAND. The next amendment is to strike out sections 2865 and 2866.

The sections referred to were as follows:

SEC. 2865. All vessels bound to the city of La Fayette, in Louisiana, may, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at La Fayette, under the regulations prescribed by law, and such further regulations as the Secretary of the Treasury may deem necessary.

SEC. 2866. All vessels about to depart from La Fayette for foreign ports shall be permitted, under such regulations as the Secretary of the Treasury may prescribe, to clear with their cargoes at the custom-house in New Orleans, and depart as from the port of New Orleans; and merchandise imported into the United States, and exported from La Fayette, under such regulations, shall be entitled to the benefit of drawback of duties upon exportation to any foreign port under the same restrictions as if the merchandise had been exported directly from New Orleans.

Mr. POLAND. The port of La Fayette has been abolished as a separate port, and united with the port of New Orleans.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 2881.

The section referred to was as follows:

SEC. 2881. For every verification of an invoice and certificate before a consul or commercial agent, such consul or commercial agent shall be entitled to demand and receive from the person making the same a fee of two dollars. But each shipper shall have the right to include all articles shipped by him in the same invoice.

Mr. POLAND. The amendment is to insert after the words "two dollars" the words "and fifty cents."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 2890.

The section referred to was as follows:

SEC. 2890. Except as allowed in the three preceding sections, no merchandise imported from any foreign place or country shall be admitted to an entry unless the invoice presented in all respects conforms to the requirements of those sections, and has thereon the certificate of the consul, vice-consul, or commercial agent in those sections specified, nor unless the invoice is verified at the time of making such entry by the oath of the owner or consignee, or of the authorized agent of the owner or consignee, certifying that the invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made, nor unless the triplicate transmitted by the consul, vice-consul, or commercial agent to the collector has been received by him.

Mr. POLAND. I move to amend the first line by striking out "three" and inserting "four" before the words "preceding sections;" also, a little farther on in the section, strike out "those," before "sections," and insert after "sections" "2883, 2884, and 2885."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 2895.

The section referred to was as follows:

SEC. 2895. Every person who makes out or passes, or attempts to pass, through the custom-house any false, forged, or fraudulent invoice, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $5,000 or by imprisonment for not more than two years.

Mr. POLAND. I move to amend by inserting, after the words "fraudulent invoice," the words "or who shall aid or abet in making or passing such false, forged, or fraudulent invoice;" also add to the section the words "or both, in the discretion of the court."

Mr. ELDREDGE. Is it intended to make a new class of crimes?

Mr. POLAND. No, sir. These words are in the statute; but the revisers left them out. The words we propose to insert are copied from the statute; the revisers omitted them, either by design or by mistake.

The amendment was agreed to.

Mr. POLAND. The next amendment is to strike out section 2940.

The section referred to was as follows:

SEC. 2940. Where the appraised value of any merchandise appraised under any law concerning imports and tonnage shall exceed, by less than 25 per cent., the invoice value thereof, such appraised value shall be considered the true value of such merchandise, upon which the duty shall be charged, with the addition of such per centum as may be by law required.

Mr. POLAND. This section has been superseded by a later provision of the law in relation to appraisers and the effect of their appraisement.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 2961.

The section referred to was as follows:

SEC. 2961. If the importer, owner, agent, or consignee, of any merchandise shall be dissatisfied with the appraisement, and shall have complied with the foregoing requisitions, he may forthwith give notice to the collector, in writing, of such dissatisfaction; on the receipt of which the collector shall select one discreet and experienced merchant to be associated with one of the general appraisers wherever practicable, or two discreet and experienced merchants, citizens of the United States, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions; and if they shall disagree, the collector shall decide between them; and the appraisement thus determined shall be deemed to be the true value, and the duties shall be levied thereon accordingly.

Mr. POLAND. The amendment is near the close of the section to insert "final, and" before the words "deemed to be the true value."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 2962.

The section referred to was as follows:

SEC. 2962. On the entry of any vessel, or of any merchandise, the decision of the collector of customs at the port of importation and entry, as to the rate and amount of duties to be paid on the tonnage of such vessel or on such merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested therein, unless the owner, master, commander, or consignee of such vessel, in the case of duties levied on tonnage, or the owner, importer, consignee, or agent of the merchandise, in the case of duties levied on merchandise, or the costs and charges thereon, shall, within ten days after the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond as for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifi-

cally, the grounds of his objection thereto, and shall within thirty days after the date of such ascertainment and liquidation appeal therefrom to the Secretary of the Treasury. The decision of the Secretary on such appeal shall be conclusive; and such vessel, or merchandise, or costs and charges, shall be liable to duty accordingly, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties which shall have been paid before the date of such decision on such vessel, or on such merchandise, or costs or charges, or within ninety days after the payment of duties paid after the decision of the Secretary. No suit shall be maintained in any court for the recovery of any duties alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless the decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains.

Mr. POLAND. The amendment is near the middle of the section; to insert before the word "conclusive" the words "final and."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 3020.

The section referred to was as follows:

SEC. 3020. In case of entry for exportation there shall be no abatement of the duties or allowance made for any injury, damage, deterioration, loss, or leakage sustained by any merchandise while deposited in any public or private bonded warehouse.

Mr. POLAND. I move to amend by striking out the first line of the section, "in case of entry for exportation there shall be no," and inserting in lieu thereof the words "in no case shall there be any."

The amendment was agreed to.

Mr. POLAND. That is as far as the committee have gone in this chapter relating to customs. I have one or two amendments in the chapter on crimes, which I may as well offer now. The first amendment is in section 5395.

The section referred to was as follows:

SEC. 5395. The punishment of whipping and standing in the pillory is abolished.

Mr. POLAND. The amendment is to strike out the words "is abolished," and insert in lieu the words "shall not be inflicted."

Mr. ELDREDGE. Why is that?

Mr. POLAND. I do not suppose that the language which we propose to insert varies the meaning at all, but we think it better language than the other; and, more than that, it is the language of the statute.

Mr. ELDREDGE. Which is the language of the statute?

Mr. POLAND. "Shall not be inflicted."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 5433.

The section referred to was as follows:

SEC. 5433. Every citizen who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any person that may have goods thereon, or any other owner of such vessel, shall suffer death.

Mr. POLAND. The amendment is to strike out in the first line the word "citizen," and insert "person." The revisers substituted the word "citizen" for "person;" it may make quite an important difference, and we prefer the language of the statute.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 5514.

The section referred to was as follows:

SEC. 5514. All property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irrepleviable, and shall be deemed to be in the custody of the law and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And every person who dispossesses or rescues, or attempts to dispossess or rescue, any property so taken or detained, or aids or assists therein, shall be imprisoned not more than twelve months, and fined not more than $300.

Mr. POLAND. The amendment is to strike out the first sentence of the section, and the word "and" in the second sentence before the words "every person;" also to insert in the second sentence after the word "detained" the words "by any officer or other person under the authority of any revenue law of the United States;" also to strike out the word "so" before the words "taken or detained." The first part of this section is contained in another part of the revision.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 5526.

The section referred to was as follows:

SEC. 5526. Every person who falsely makes, forges, or counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting, any coin in the resemblance or similitude of any of the minor coinage which has been or hereafter may be coined at the mints of the United States; or who passes, utters, publishes, or sells, or brings into the United States from any foreign place, or has in his possession, any such false, forged, or counterfeited coin, with intent to defraud any person whatsoever, shall be punished by a fine of not more than $1,000 and by imprisonment at hard labor not more than three years.

Mr. POLAND. The amendment is to strike out the words "of the minor coinage," and insert in lieu thereof the words "copper coin or coin composed of copper and other base metals." We cannot find that phrase "minor coinage" in the statute, and we insert the language of the statute.

The amendment was agreed to.

Mr. POLAND. I move further to amend by inserting after section 5552 the following, as a new section:

SEC. —. Every person who shall receive any money or other valuable thing under a threat of informing, or as a consideration for not informing, against any violation of any internal-revenue law, shall, on conviction thereof, be punished by a fine not exceeding $2,000, or by imprisonment not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

This section is found in the internal-revenue law; but we thought it more advisable to transfer it to the chapter of offenses. It is a literal copy of the statute.

The amendment was agreed to.

Mr. POLAND. I now yield to my colleague on the committee, the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. The amendments which I have to offer are, with one exception, connected with some which will follow in the internal-revenue law, and they come first under the chapter beginning on page 73, entitled "The Commissioner of Internal Revenue." The first amendment is to section 323.

The section was as follows:

SEC. 323. The Commissioner of Internal Revenue is authorized to designate one of the heads of division as chief clerk of the Bureau without additional confirmation.

Mr. E. R. HOAR. I move to correct a misprint in this section by striking out at the end of the section the word "confirmation" and inserting "compensation."

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is to section 324.

The section was as follows:

SEC. 324. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, shall have general superintendence of the collection of all duties and taxes now or hereafter imposed by any law providing internal revenue; and shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the collection of internal revenue; and shall provide hydrometers, and proper and sufficient adhesive stamps and stamps or dies for expressing and denoting the several stamp duties, or, in the case of percentage duties, the amount thereof; and alter and renew or replace such stamps from time to time, as occasion may require.

Mr. E. R. HOAR. I move to amend by inserting in line 3, before the word "collection" the words "assessment and."

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by inserting before the word "collection," in the sixth line, the words "assessment and;" and by adding at the end of the section the following:

He may also contract for or procure the printing of requisite forms, decisions, and regulations; but the printing of such forms, decisions, and regulations shall be done at the Public Printing Office, unless the Public Printer shall be unable to perform the work: *Provided*, That the Commissioner of Internal Revenue may, under such regulations as may be established by the Secretary of the Treasury, after due public notice, receive bids and make contracts for supplying stationery, blank-books, and blanks to the collectors in the several collection districts; and the said Commissioner shall estimate in detail by collection districts the expense of assessing and the expense of the collection of internal revenue.

The amendment was agreed to.

Mr. E. R. HOAR. I wish in the next place to move an amendment to section 326.

The section was as follows:

SEC. 326. The Deputy Commissioner of Internal Revenue shall be charged with such duties in the office of the Commissioner of Internal Revenue as may be prescribed by the Secretary of the Treasury, or by law, and shall act as Commissioner of Internal Revenue in case of the absence or inability of that officer.

Mr. E. R. HOAR. I move to amend by striking out in the last line of the section the words "or inability."

The amendment was agreed to.

Mr. E. R. HOAR. The only remaining amendment which I have to offer is to section 4356.

The section was as follows:

SEC. 4356. Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall have an official log-book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters; that is to say:

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is above required.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

Mr. E. R. HOAR. I move to amend by striking out before the word "required," at the end of the third paragraph, the word "above;" and by adding after the word "required" the words "by the provisions of section 4664."

The amendment was agreed to.

Mr. E. R. HOAR. This amendment completes the part of the revision which has been under my particular charge; and I yield to my colleague on the committee, the gentleman from Rhode Island, [Mr. PENDLETON.]

Mr. BURCHARD. Before the gentleman from Massachusetts [Mr. E. R. HOAR] takes his seat, I would like to ask him whether there are not at present two deputy commissioners of internal revenue. There

were, I believe, three before we passed a few days ago a bill abolishing one of those offices. I see that this revision provides for only one deputy commissioner; and hence I desire to call the attention of the gentleman from Massachusetts to the matter.

Mr. E. R. HOAR. I can only answer that I have not found any statute providing for more than one. This revision has been submitted to the Treasury Department, where it has received very careful consideration without the suggestion of any addition in this respect.

Mr. BURCHARD. The compilation of the internal-revenue laws for 1873, referring to the act of June 22, 1870, gives the provision for two deputy commissioners, each with a salary of $3,000. By a bill which has recently become a law we abolished one of those offices. I do not suggest any amendment. I only call attention to the matter.

Mr. E. R. HOAR. The Treasury Department has had under careful consideration that part of the revision relating to the organization of that Department; and though many amendments, both before and after this particular provision, have been suggested from that Department, there has been none in this respect; and the committee found no provision of law for more than one deputy. I am very sure if in the Treasury Department there had been any idea that there was a law for more than one it would have been suggested.

Mr. BURCHARD. Well, Mr. Speaker, I believe the law gives the powers of the Commissioner to the first deputy only; and as the law now stands there is no reason why there should be more than one deputy. But my recollection is that there have been three—a first, a second, and a third deputy, and that there are now a first and second deputy actually occupying those offices.

Mr. PENDLETON. I move on page 789, title 35, "Internal Revenue," chapter 1, in section 3203, line 4, to insert after the words "any State" the words "or Territory, or the District of Columbia;" and in line 6 to add the letter "s" to the word "district;" so it will read:

SEC. 3203. For the purpose of assessing, levying, and collecting the taxes provided by the internal-revenue laws, the President may establish convenient collection districts, and for that purpose he may subdivide any State or Territory, or the District of Columbia, or may unite two or more States or Territories into one district, and may from time to time alter said districts.

The amendment was agreed to.

Mr. PENDLETON. I move in line 8, same section, to strike out from and after the word "State" these words:

Is entitled: *And provided further*, That in the State of California the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State is entitled.

And to insert in lieu thereof the following:

Was entitled in the Thirty-seventh Congress, except in such States as were entitled to increased representation in the Thirty-eighth Congress, in which States the number of districts shall not exceed the number of Representatives to which any State was so entitled: *And provided further*, In the State of California the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State was entitled in the Thirty-seventh Congress.

So it will read:

SEC. 3203. For the purpose of assessing, levying, and collecting the taxes provided by the internal-revenue laws, the President may establish convenient collection districts; and for that purpose he may subdivide any State or Territory, or the District of Columbia, or may unite two or more States or Territories into one district, and may from time to time alter said districts: *Provided*, That the number of districts in any State shall not exceed the number of Representatives in Congress to which such State was entitled in the Thirty-seventh Congress, except in such States as were entitled to increased representation in the Thirty-eighth Congress, in which States the number of districts shall not exceed the number of Representatives to which any State was so entitled: *And provided further*, In the State of California, the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State was entitled in the Thirty-seventh Congress.

Mr. MAYNARD. Do I understand there are five collection districts in the State of California?

Mr. PENDLETON. The number cannot exceed the number of Senators and Representatives.

Mr. MAYNARD. Has there been no change since this act was passed, I believe in the Thirty-seventh Congress, when they had three Representatives, and, of course, two Senators?

Mr. PENDLETON. The act was passed June 30, 1864.

Mr. MAYNARD. Cannot the committee find any legislation restricting the number of collection districts?

Mr. PENDLETON. This is in accordance with the opinion of the Attorney-General.

The amendment was agreed to.

Mr. PENDLETON. I move on page 790, section 3204, in line 6, after the word "make," to insert the letter "a," and substitute for the word "appointments" the word "appointment," and for the word "officers" the word "officer;" so it will read:

SEC. 3204. The President, by and with the advice and consent of the Senate, shall appoint for each collection district a collector, who shall be a resident of the same. When two or more collection districts are united by him, he may designate from among the existing officers of such districts one collector for the new district, or, at his discretion, he may make a new appointment of such officer for said district.

The amendment was agreed to.

Mr. PENDLETON. I move to strike out section 3205, on page 791; which is as follows:

SEC. 3205. The Secretary of the Treasury may fix such additional rates of compensation to be made to inspectors in Louisiana, Georgia, South Carolina, Alabama, Florida, Texas, Arkansas, North Carolina, Mississippi, Tennessee, California, Nevada, and Oregon, and the Territories, as may appear to him to be just and equitable, in consequence of the greater cost of living and traveling in those States and Territories, and as may, in his judgment, be necessary to secure the services of competent officers; but the compensation thus allowed shall not exceed the rate of $5,000 per annum.

It applies simply to inspectors of tobacco who are compensated by fees.

The amendment was agreed to.

Mr. PENDLETON. I move on page 790, section 3207, in line 8, to strike out the words "and approved;" and in line 9, after the word "Treasury," to insert the words "and approved by the Secretary of the Treasury;" so it will read:

SEC. 3207. It shall be the duty of such collectors of internal revenue as may be designated by the Secretary of the Treasury to act as disbursing agents of the Treasury for the payment of all expenses of collection of taxes and other expenditures for the internal-revenue service within their respective districts, under regulations and instructions from the Secretary of the Treasury, on giving good and sufficient bond, with such sureties, in such form, and in such penal sum as shall be prescribed by the First Comptroller of the Treasury, and approved by the Secretary of the Treasury, for the faithful performance of their duties as such disbursing agents; but no additional compensation shall be paid to collectors for such services.

The amendment was agreed to.

Mr. PENDLETON. I move on page 791, section 3208, to insert after the word "tax" in line 14, the word "received," and to insert after the word "tax" in line 16 the word "received," and in line 35 insert after the word "happen" the words "by death or resignation;" so it will read:

SEC. 3208. There shall be allowed to collectors, in full compensation for their services, and for those of their deputies, a salary of $1,500 per annum, to be paid quarterly, and in addition thereto a commission of 3 per cent. upon the first $100,000, of 1 per cent. upon all sums above $100,000 and not exceeding $400,000, and of one-half of 1 per cent. upon all sums above $400,000 and not exceeding $1,000,000, and of one-eighth of 1 per cent. on all sums above $1,000,000; such commissions to be computed upon the amount by them respectively collected and paid over and accounted for under the instructions of the Treasury Department; except that in determining the compensation to be allowed to any collector the commission shall be computed on only one-half of the tax received on any articles which shall have been transported from his district in bond, and on only one-half of the tax received on any articles received in his district in bond, where such transportation has been by shipment from one district to another. And there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector his necessary and reasonable charges for advertising, stationery, and blank-books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent, and exclusively relating to official business; but no such account shall be allowed unless it states the date and the particular items of every such expenditure, and is verified by the oath of the collector. The Secretary of the Treasury may make such further allowances, from time to time, as may be reasonable, in cases where, by reason of the territorial extent of the district, or the amount of internal taxes collected, or other circumstances, it may seem just to make such allowances. But the total net compensation of a collector shall not in any case exceed $4,500 a year; and no collector shall be entitled to any portion of the salary pertaining to his office unless he shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which happen by death or resignation during the recess of the Senate.

The amendment was agreed to.

Mr. PENDLETON. I move on the same page, section 3209, in line 1, after the word "collectors," to insert the words "accruing after June 30, 1864;" so it will read:

SEC. 3209. In adjusting the accounts of collectors accruing after June 30, 1864, and in the payment of their compensation for services, the fiscal year of the Treasury shall be observed.

The amendment was agreed to.

Mr. PENDLETON. I move on the same page, section 3210, in line 1, to strike out the word "compensation" and insert the word "commissions;" so it will read:

SEC. 3210. When any part of the commissions of the collector of any district is by commission upon assessments or collections, and, in consequence of a new appointment, is due to more than one collector within the same year, such commissions shall be apportioned between such collectors; but in no case shall a greater amount of compensation be allowed to two or more collectors in the same district than shall have been authorized by law to be allowed to one collector. But no payment shall be made to collectors, on account of salaries or commissions, without the certificate of the Commissioner of Internal Revenue that all reports required by law or regulation have been received, or that a satisfactory explanation has been rendered to him of the cause of delay.

The amendment was agreed to.

Mr. PENDLETON. I move on page 793, at the end of section 3214, which is as follows:

SEC. 3214. There shall be appointed by the Secretary of the Treasury, in every collection district where they may be necessary, one or more inspectors of tobacco and cigars, who shall take an oath faithfully to perform their duties, in such form as the Commissioner of Internal Revenue may prescribe, and shall be entitled to receive such fees as he may prescribe, to be paid by the owner or manufacturer of the articles inspected—

To add the following words:

Such inspectors shall be required to give bonds, with security, approved by the Secretary of the Treasury or collector of the district, in a sum not less than $5,000, conditioned for the faithful discharge of the duties of such inspector.

That is provided for by the act of 1867.

The amendment was agreed to.

Mr. PENDLETON. I move on the same page, section 3215, in line 8, to strike out the word "hereafter;" in line 10, after the word "known," to insert "of the Treasury Department in connection with the internal revenue;" and in lines 12 and 13 to strike out after the word "office" "in connection with the internal revenue;" so it will read:

SEC. 3215. The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, not exceeding at any time twenty-five in number, to be paid such compensation as he may deem proper, not exceeding, in aggregate, any appropriation made for that purpose, and he may, at his discretion, assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem

necessary; and no general or special agent or inspector, by whatever designation he may be known, of the Treasury Department, in connection with the internal revenue, except inspectors of tobacco, snuff, and cigars, and except as provided for in this title, shall be appointed, commissioned, employed, or continued in office.

The amendment was agreed to.

Mr. PENDLETON. The next amendment is to section 3221, on page 794.

The section was as follows:

SEC. 3221. Every internal-revenue officer, whose payment, charges, salary, or compensation are composed, wholly or in part, of fees, commissions, allowances, or rewards, from whatever source derived, shall be required to render to the Commissioner of Internal Revenue, under regulations to be approved by the Secretary of the Treasury, a statement under oath setting forth the entire amount of such fees, commissions, emoluments, or rewards of whatever nature, or from whatever source received, during the time for which said statement is rendered; and any false statement knowingly and willfully rendered under the requirements of this section, or regulations established in accordance therewith, shall be deemed willful perjury, and punished in the manner provided by law for the crime of perjury committed in proceedings in the courts of the United States. And any neglect or omission to render such statement when required shall be punished by a fine of not less than $200 nor more than $500, in the discretion of the court.

Mr. PENDLETON. I offer the following amendment:

In lines 13 and 14 strike out the words "committed in proceedings in the courts of the United States."

The amendment was agreed to.

Mr. PENDLETON. The next amendment is to section 3222, on page 794.

The section was as follows:

SEC. 3222. The President, by and with the advice and consent of the Senate, may appoint not exceeding ten officers, to be called supervisors of internal revenue, each of whom may be assigned by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, to duty in any part of the United States, and may be transferred from place to place, according to the exigency of the public service.

Mr. PENDLETON. I offer the following amendment:

In line 3 strike out the word "may," and substitute therefor the word "shall."

The amendment was agreed to.

Mr. PENDLETON. The next amendment is to section 3224, on page 795.

The section was as follows:

SEC. 3224. In any port of the United States where there is more than one collector of internal revenue the Secretary of the Treasury may designate one of them to have charge of all matters relating to the exportation of articles subject to tax under the internal-revenue laws; and at any port where he may deem it necessary there shall be appointed by him an officer to superintend all matters of exportation and drawback, under the direction of the collector. The compensation of the officers last named shall be prescribed by him, but shall not exceed, in any case, an annual rate of $2,000, excepting at New York, where such compensation shall be at the annual rate of $3,000. At any port where there is no superintendent of exports, all the duties and services required of such officers shall be performed by the collector of internal revenue designated to have charge of exportation. All the books, papers, and documents in the bureau of drawbacks in the respective ports, relating to the drawback of taxes paid under the internal-revenue laws, shall be delivered to the collector of internal revenue in charge of exportation.

Mr. PENDLETON. I offer the following amendment:

In line 9 strike out the word "him" and substitute therefor the words "the Secretary of the Treasury."

The amendment was agreed to.

Mr. PENDLETON. The next amendment is to section 3225, on page 795.

The section was as follows:

SEC. 3225. Every collector of internal revenue in charge of exportation and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal-revenue laws.

Mr. PENDLETON. I offer the following amendment.

In lines 1 and 2 strike out the words "in charge of exportation."

The amendment was agreed to.

Mr. PENDLETON. The next amendment is to section 3226, on page 795.

The section was as follows:

SEC. 3226. Every supervisor, under the direction of the Commissioner, shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with; and shall aid in the prevention, detection, and punishment of any frauds in relation thereto, and examine into the efficiency and conduct of all officers of internal revenue; and for such purposes he shall have power to examine all persons, books, papers, accounts, and premises, to administer oaths, and to summon any person to produce books and papers, or to appear and testify under oath before him, and to compel a compliance with such summons in the same manner as collectors may do. He shall report in writing to the Commissioner of Internal Revenue any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer of which he may obtain knowledge, with a statement of all the facts in each case, and any evidence sustaining the same. He may, by notice in writing, suspend from duty any inspector, gauger, or store-keeper, and he may by like notice suspend any collector for fraud, or gross neglect of duty, or abuse of power. In case of the suspension of any inspector, gauger, or store-keeper, he shall immediately notify the collector of the proper district and the Commissioner of Internal Revenue, and within three days thereafter report his action and his reasons therefor, in writing, to the Commissioner. In case of the suspension of any collector, he shall immediately report his action to the Commissioner, with his reasons therefor, in writing, and the Commissioner, in all cases of suspension, shall thereupon take such action as he may deem proper. Every supervisor may also transfer any inspector, gauger, or store-keeper from one distillery, or other place of duty, or from one collection district, to another, and shall, in like manner, report his action and his reasons therefor to the Commissioner.

Mr. PENDLETON. I offer the following amendment:

In line 17 strike out the words "by like notice." In lines 29 and 30 strike out all after the word "another" to the end of the paragraph.

The amendment was agreed to.

Mr. PENDLETON. The next amendment is to section 3231, on page 797.

The section was as follows:

SEC. 3231. Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, or in the production of fermented liquors, shall be dismissed from office; and every officer who becomes so interested in any such manufacture or production, rectification, or redistillation, shall be fined not less than $500 nor more than $5,000.

Mr. PENDLETON. I offer the following amendment:

In line 4 strike out the words "or in the production of fermented liquors," and insert the same in line 7, after the word "distillation."

The amendment was agreed to.

Mr. PENDLETON. I desire to offer a new section, to come in after section 3233, at the end of the chapter. I send the amendment to the desk to be read.

The Clerk read as follows:

Add the following as a new section after section 3233:

SEC. —. If any officer appointed under and by virtue of any act to provide internal revenue, or any person acting under or by authority of any such officer, shall receive any injury to his person or property, for or on account of any act by him done under any law of the United States for the collection of taxes, he shall be entitled to maintain suit for damages therefor in the circuit court of the United States, in the district where the party doing the injury may reside or shall be found.

Mr. PENDLETON. That is a copy of a provision in the existing statute.

The amendment was agreed to.

Mr. PENDLETON. I send to the Clerk's desk to be read a new section, which I move to insert as a substitute for section 3235.

The Clerk read as follows:

Strike out section 3235, and insert the following as section 3235:

It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, stamp, or tax imposed by law, when not otherwise provided for, on or before the first Monday of March in each year, and in other cases before the first day of levy, to make a list or return verified by oath or affirmation to the deputy collector of the district where located of the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a specific or *ad valorem* duty or tax, the several rates and aggregate amounts according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list, or return, as required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business occupation liable to pay any special tax as aforesaid, then and in that case it shall be the duty of the deputy collector to make such list or return, which being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case any person shall be absent from his or her residence or place of business at the time a deputy collector shall call for the annual list or return, and no annual list or return has been rendered by such person to the deputy collector, as required by law, it shall be the duty of such deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present; otherwise to deposit in the nearest post-office, a note or memorandum, addressed to such person, requiring him or her to render to such deputy collector the list or return required by law within ten days of the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver monthly, or otherwise return all objects subject to a tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books or accounts containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interrogatories under oath respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies, and when the person intended to be summoned does not reside and cannot be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

The amendment was agreed to.

Mr. PENDLETON. The next amendment is in section 3237.

The section referred to was as follows:

SEC. 3237. Whenever any person summoned under the two preceding sections neglects or refuses to obey such summons, or to give testimony, or to answer interrogatories as required, the collector shall apply to the judge of the district court or to a commissioner of the circuit court of the United States for the district within which the person so summoned resides, or may be found, for attachment against him as for contempt. It shall be the duty of the judge or commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper, not inconsistent with existing laws for the punishment of contempts, to enforce obedience to the requirements of the summons, and to punish such person for his default or disobedience.

Mr. PENDLETON. The amendment is in the first part of the section, to strike out the word "shall," and insert the word "may" after "collector," and strike out the words "may be found," before the words "for an attachment," &c.

The amendment was agreed to.

Mr. PENDLETON. The next amendment is in section 3238.

The section referred to was as follows:

SEC. 3238. The collector or any deputy collector in every district shall enter into and upon the premises, if it be necessary, of every person therein who has taxable

property and who refuses or neglects to render any return or list required by law, or who renders a false or fraudulent return or list, and make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the objects liable to tax, owned or possessed, or under the care or management of such person, and the Commissioner of Internal Revenue shall assess the tax thereon, and in case of any return of a false or fraudulent list or valuation, he shall add 100 per cent. to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent. to such tax. In case of neglect occasioned by sickness or absence as aforesaid, the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall, in all cases, be collected at the same time and in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held good and sufficient for all legal purposes.

Mr. PENDLETON. The amendment is, after the words "Commissioner of Internal Revenue shall asses, the tax thereon," to insert the words "including the amount, if any, due for special taxes."

The amendment was agreed to.

Mr. PENDLETON. The next amendment is in section 3239.

The section referred to was as follows:

SEC. 3239. Any revenue officer may enter, in the day-time, any building or place where any articles or objects subject to tax under schedule A are made, produced, or kept, within his district, so far as it may be necessary, for the purpose of examining said articles or objects. And any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall, for every such refusal, forfeit $500. And when such premises are open at night, such officers may enter them while so open, in the performance of their official duties.

Mr. PENDLETON. The amendment is, in the first line, to strike out the words "revenue officer," and insert in lieu the words "collector, deputy collector, or inspector;" also in the first part of the section strike out the words "under schedule A."

The amendment was agreed to.

Mr. PENDLETON. I move further to amend the same section by adding thereto the following:

And if any person shall forcibly obstruct or hinder any collector, deputy collector, or inspector in the execution of any power and authority vested in him by law, or shall forcibly rescue, or cause to be rescued, any property, articles, or objects, after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, except in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of $500, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court.

The amendment was agreed to.

Mr. E. R. HOAR. Attention was called by the gentleman from Illinois [Mr. BURCHARD] to what he thought was an omission in the organization of the Treasury Department, in that only one deputy commissioner of internal revenue was mentioned. I find that under the statute of 1866 there is mentioned a deputy commissioner by himself; and afterward, among the subordinate officers, two deputy commissioners are named in that statute. Those two deputy commissioners, with exactly the designation of the statute, will be found on page 53, in these words:

In the office of the Commissioner of Internal Revenue, to be employed under the direction of the Secretary of the Treasury, two deputy commissioners, at a salary of $3,000 a year each.

A deputy commissioner was first provided for as the principal officer, who is to take the place of the Commissioner in his absence. He is put into the chapter providing for the organization of the Department.

Mr. BURCHARD. I was not aware that there was another place where the subordinate officers in the Treasury Department are specifically mentioned. I find it is as the gentleman from Massachusetts [Mr. E. R. HOAR] has stated.

Mr. POLAND. I now yield to the gentleman from Wisconsin, [Mr. BARBER,] who has some amendments to offer.

Mr. BARBER. The amendments which I shall offer relate to bounty lands. The first will be to section 2426.

The section referred to was as follows:

SEC. 2426. Each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States in the war with Great Britain, declared on the 18th day of June, 1812, or in any of the Indian wars since 1790, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve.

Mr. BARBER. Under the law in relation to the Mexican war an offer of bounty in land or in money was made while the war was going on. It was a promise by the Government, and the soldiers performed their services under that contract. The first amendment is to insert after the words "any of the Indian wars since 1790" the words "and prior to 3d March, 1850." That is the date of the passage of the act.

The amendment was agreed to.

Mr. BARBER. The next amendment is to add to the section that which I send to the Clerk's desk, embracing the peculiarities of the act of 1847, promising bounty land to soldiers who might serve or were then in service, or who might thereafter enlist and serve in the Mexican war. That differs from the other bounty law, which is copied in the section as here printed.

The addition to the section was as follows:

All the persons enumerated in this section who enlisted in the regular Army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the war with Mexico and received an honorable discharge, or who were killed, or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of land; or, at option, Treasury scrip for $100, bearing interest at 6 per cent. per annum, payable semi-annually at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or scrip shall be issued in favor of his family or relatives; first, to the widow and his children; secondly, his father; thirdly, his mother; fourthly, his brothers and sisters.

The amendment was agreed to.

Mr. BARBER. I move to insert after the section just amended, as a new section, that which I send to the Clerk's desk.

The proposed new section was as follows:

SEC. —. The persons enumerated in the preceding section, received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged, are entitled to receive a certificate or warrant for forty acres, or scrip for twenty-five dollars, if preferred, and in the event of the death of such person during service, or after honorable discharge, before the 11th of February, 1847, the warrant or scrip shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier.

The additional section was adopted.

Mr. BARBER. I wish to propose an amendment to section 2427.

The section was as follows:

SEC. 2427. Where the militia, or volunteers, or State troops of any State or Territory were called into service, whose services have been paid by the United States subsequent to the 18th day of June, 1812, the officers and soldiers thereof shall be entitled to all the benefits of the preceding section, upon proof of length of service as therein required.

Mr. BARBER. I move to amend by inserting after "1812" the words "and prior to March 22, 1852."

Mr. WILLIAMS, of Michigan. It occurs to me that the amendment as it now is refers simply to the time of payment of troops paid prior to March 22, 1852; and I suppose it really should refer to the time when service was rendered, instead of the time of payment.

Mr. BARBER. It is intended to refer to service.

Mr. WILLIAMS, of Michigan. The amendment in its present form refers to the time of payment.

The SPEAKER *pro tempore*. The object will be accomplished by inserting after the words "State or Territory" the words "whose services have been paid by the United States."

Mr. BARBER. That would be the proper place for the insertion.

Mr. WILLIAMS, of Michigan. The services might have been rendered long before; but payment has been made subsequent to June 18, 1812.

Mr. POLAND. If the words "whose services have been paid by the United States" are inserted after "Territory," and the same words be struck out in the other place, it will make the section correspond with the law as it is. The law does not apply to service performed prior to 1812. I move to modify the amendment in that way.

The amendment, as modified, was agreed to.

Mr. BARBER. I move further to amend the same section by striking out "the preceding," before "section," and inserting "2426" after "section."

The amendment was agreed to.

Mr. BARBER. I move to amend section 2428, so that it will read as follows:

SEC. 2428. No person shall take any benefit under the provisions of section 2424 if he has received, or is entitled to receive, any military land bounty under any act of Congress passed prior to the 22d day of March, 1852.

The amendment was agreed to.

Mr. BARBER. I move to amend by striking out in lines 6 and 7, of section 2431, the words "but such benefit shall not inure to her heirs;" so that the section will read as follows:

SEC. 2431. In the event of the death of any person for whom provision is made by sections 2426 and 2427, and who did not receive bounty land for his services, a like warrant shall issue in favor of his widow, who shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle; nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application.

The words which I propose to strike out were the verbiage of one act; but subsequently it was provided that the benefits of the law should vest in the widow, and should go to her heirs in case of her death.

The amendment was agreed to.

Mr. BARBER. I have an amendment to section 2434.

The section was as follows:

SEC. 2434. The following classes of persons are included as beneficiaries under section 2432, without regard to the length of service rendered, provided they were regularly mustered into the service of the United States, namely:

First. Officers and soldiers who have been actually engaged in any battle in any of the wars in which this country has been engaged since 1790 and prior to March 3, 1855.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, 1814.

Third. The volunteeers who served at the battle of King's Mountain, in the revolutionary war.

Fourth. The volunteers who served at the battle of Nickojack, against the confederate savages of the South.

Fifth. The volunteers who served at the attack on Lewiston, in Delaware, by the British fleet, in the war of 1812.

Mr. BARBER. I move to amend by striking out in the first paragraph of the section the words "provided they were regularly mustered into the service of the United States."

The amendment was agreed to.

Mr. BARBER. I move further to amend the same section by striking out in the first line of the second paragraph the words "officers and soldiers," and inserting in lieu thereof "any of the classes of persons mentioned in section 2433." The reason for this amendment is that a subsequent statute provided that persons who were in the service of the United States, whether mustered or not, and paid by the United States, should be entitled to the benefits of the bounty-land law.

The amendment was agreed to.

Mr. BARBER. The next amendment I propose to offer is to section 2438.

The section was as follows:

SEC. 2438. Where no record evidence of the service for which a warrant is claimed under section 2432 exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe.

Mr. BARBER. I move to amend by striking out the words "under section 2432."

The amendment was agreed to.

Mr. BARBER. I move to amend section 2441 by striking out the words "passed by Congress prior to the 3d of March, 1855;" so that the section will read as follows:

SEC. 2441. The provisions of all the bounty-land laws shall be extended to Indians in the same manner and to the same extent as to white persons.

The amendment was agreed to.

Mr. BARBER. I move to amend section 2439 by adding after the word "warrant" in the first line the words "or certificate;" so that the section will read as follows:

SEC. 2439. Where a warrant or certificate for bounty land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under section 2432, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

Under the law giving bounty land for services in the Mexican war, the words are "warrant or certificate;" and the propriety of the use of those two words was that the soldier had the option under the certificate to go to the Treasury and have scrip for $100 issued to him in lieu of a land warrant.

Mr. POLAND. The gentleman does not understand his amendment as I understand it. The words "certificate or" are to be inserted, I think, before the word "warrant" in the sixth line, and before the same word in the thirteenth line, but not in the first line.

Mr. BARBER. I understand that the word "certificate" applies to both.

Mr. POLAND. No, sir; the object of the statute is this: that where a man has received a less quantity of land than one hundred and sixty acres he is entitled to have it made up to one hundred and sixty acres if he has made his proof and received his warrant for less than that quantity, or has a certificate upon which he is entitled to have scrip instead of land; but he has this right only in case he has a warrant for some land and wants to make up the quantity of one hundred and sixty acres.

Mr. BARBER. The provision of the Mexican war bounty-land law is this: If they were entitled by reason of length of service to a land warrant for one hundred and sixty acres they could obtain a certificate to that effect, and in lieu of the issue of a land warrant could have scrip to the amount of $100 issued from the Treasury of the United States, drawing 6 per cent. interest, payable semi-annually, the principal payable at the pleasure of the Government. If they received forty acres of land they were entitled to a certificate for twenty-five dollars. Now, if a soldier has applied and obtained a warrant for only forty acres, and has taken either scrip or a land warrant for forty acres, he is entitled to make it up, if he has served the required period, to the amount of one hundred and sixty acres.

I understand the necessity for the use of these two words applies as well to the subsequent lines as to the first line. It is to allow him to obtain, if he served in the Mexican war, an additional certificate for seventy-five dollars, or an additional land warrant for one hundred and twenty acres. That is the way I understand it.

Mr. WILLIAMS, of Michigan. I should like to ask the gentleman from Wisconsin whether those who served in the Mexican war did not receive a warrant for one hundred and sixty acres of land; and whether those who served in the wars prior to the war of 1812 did not receive warrants for only forty acres. Was not the number of acres granted as bounty afterward increased? Does not this apply, then, to those who served prior to the Mexican war instead of those who received land warrants for one hundred and sixty acres of land?

Mr. BARBER. Soldiers who served in the war of 1812 received for that service, and it was a short service, a full quarter-section of land. The Government located the land as early as 1823, because I had a case, I recollect, on the Committee on Private Land Claims, where a warrant was issued, and at that time the Government, upon designation by the soldier in what land district he desired it to be located, through the Land Office, located it for him.

Many of these soldiers I know obtained a full quarter-section warrant. The first law, passed in 1847, in reference to those who served in the Mexican war provided where they enlisted to serve twelve months and served nine they should be entitled to one hundred and sixty acres; and where they enlisted for a shorter period and served for a period of three months they should be entitled to forty acres. And in that law it was provided they could take their scrip to the Treasury or have land warrants located.

Mr. MAYNARD. For $100.

Mr. BARBER. Yes, sir; for $100. The language of that law was "certificate or warrant." The language was in the alternative form; and inasmuch as the section applied to service in the Mexican war or any other service, I thought it proper to use the two words. Therefore, I supposed it would be proper to insert it in the subsequent lines as well as in the first line, wherever the word "warrant" occurs.

Mr. POLAND. I will not object to the gentleman making his amendment as he thinks it should be, although I do not understand it precisely as he does. This is his part of the work to examine, and he should understand it better than I do. If it turns out, however, he is wrong, it can be altered, and if it turns out that I am wrong, it will not need alteration.

Mr. LAWRENCE. What is the opinion of the Land Office on this point?

Mr. BARBER. I will state that I spent the larger part of a day at the Land Office with their best experts. They had examined it previously and suggested there was conflict and variance between the bounty-land law for those who served in the Mexican war and the various other bounty-land laws which had been passed. They indicated the amendments they would like to have made. The first revisers entirely ignored the law of 1847, and supposed the subsequent law covered the whole ground. But that was in the nature of a contract. It was a law promising compensation while the service was going on, and the Government could not change it.

The amendment was agreed to.

Mr. BARBER. I move in section 2439, in line 4, after the word "such," to insert "certificate or;" and in lines 8 and 9 to strike out the words "section 2432," and insert "the preceding sections;" so it will read:

SEC. 2439. Where a warrant for bounty land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding sections, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

The amendment was agreed to.

Mr. BARBER. These are all the amendments to this branch of the law that have been suggested at the Land Office; and this finishes the portion of the work which was assigned to me.

Mr. MAYNARD. I would inquire of the gentleman whether by amendments he meant amendments of existing law or merely amendments to supposed defects in the work of the commission.

Mr. BARBER. These amendments merely introduce parts of various laws that have been omitted by the revisers. There is no change of the law. The amendments are merely amendments of the revision.

Mr. MAYNARD. I failed to understand that from the statement of the gentleman.

Mr. LAWRENCE. The committee have recommended no change whatever in the existing law.

Mr. MAYNARD. I suppose they did not intend to do it. But the remarks of the gentleman from Wisconsin might have left a different impression; and as our remarks here go upon record I thought it as well that he should have an opportunity of stating what they meant.

Mr. POLAND. The gentleman from Indiana [Mr. CASON] has some work prepared. But if we proceed to dispose of his work to-night we might not have a supply for to-morrow evening. I move, therefore, that the House do now adjourn.

The motion was agreed to; and (at nine o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ARCHER: The petition of Maria Louisa Craven, widow of the late Commander T. A. M. Craven, for increase of pension, to the Committee on Invalid Pensions.

By Mr. CHAFFEE: The petition of citizens of Pueblo, in Colorado, that said city of Pueblo be allowed to purchase a portion of a school section for a public park, to the Committee on the Public Lands.

By Mr. CLAYTON: Resolutions of the Legislature of the State of California, for the adoption of a treaty of reciprocity between the United States and Mexico, to the Committee on Foreign Affairs.

Also, resolutions of the Legislature of the State of California, asking congressional relief for A. B. Gilbert, to the Committee on the Public Lands.

By Mr. HOLMAN: The petition of Antoinette J. Russell, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. KASSON: The memorial of E. L. Kingsley and others, asking further legislation to bring into practical use in public Departments the metric decimal system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. KELLOGG: The petition of Mary A. S. Loomis, widow of the late Colonel Gustavus Loomis, for a pension, to the Committee on Invalid Pensions.

By Mr. LOWNDES: The petition of John Souders, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. LUTTRELL: Resolutions of the Legislature of the State of California, for the adoption of a treaty of reciprocity between the United States and Mexico, to the Committee on Foreign Affairs.

Also, resolutions of the Legislature of the State of California, asking congressional relief for A. B. Gilbert, to the Committee on the Public Lands.

By Mr. NESMITH: Several petitions of citizens of the State of Oregon and of the Territories of Washington, Idaho, and Montana, for the construction of suitable canals around the Cascades and the Dalles of the Columbia River, to facilitate commerce, to the Committee on Commerce.

Also, the petition of the heirs of the late Colonel John Cradlebaugh, for relief, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of Mary Ann Roche, widow of James Roche, a soldier of the war of 1812, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SCOFIELD: An additional paper, relating to the application of Mary W. Shirk for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Ohio: The petition of certain citizens of the third congressional district of Ohio, for the establishment of a court of international arbitration, to the Committee on Foreign Affairs.

By Mr. WHITE: A paper to establish a post-route in Shelby and Saint Clair Counties, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG, of Georgia: The petition of James Atkins, late collector of internal revenue for the fourth district of Georgia, for relief, to the Committee on Claims.

IN SENATE.

THURSDAY, *February* 26, 1874.

Prayer by Rev. E. D. OWEN, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of citizens of Pennsylvania, praying for the repeal of the second section of the act of June 6, 1872, reducing the duties on manufactured cottons, woolens, iron, steel, leather, glass, &c.; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented the petition of J. K. Etheridge and other citizens of North Carolina, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SARGENT presented the petition of the members and congregation of the North Reformed church, of Clermont Avenue, Brooklyn, New York, signed by the pastor, Rev. A. K. Thompson, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SCHURZ presented a petition of tobacco manufacturers and dealers of Missouri, praying for the abolition of the import duty on mass or stick licorice; which was referred to the Committee on Finance.

Mr. THURMAN presented the petition of George Janeway, and other citizens, of Perry County, Ohio, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. HAGER presented a concurrent resolution of the Legislature of California, in favor of the passage of a resolution now before Congress, inquiring into the unlawful diversion from the legitimate object of certain subsidies and donations from the United States, the State of California, and certain counties and municipalities in that State and the State of Nevada and the Territory of Utah, to the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies, for the purpose of aiding them in the construction, equipment, and maintenance of their railways; which was referred to the Committee on Railroads.

He also presented a memorial of the San Francisco Medical Society, asking for an increase of the efficiency of the Medical Department of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a concurrent resolution of the Legislature of California, in favor of the adoption of a treaty of reciprocity to promote commercial intercourse between the people of the United States and Mexico; which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Legislature of the State of California, in favor of the reimbursement to A. B. Gilbert, or the restoration of the title therefor, of the value of eighty acres of land in what is known as the New Helvetia grant, or Sutter grant, claimed to have been pre-empted by him, and of which he was dispossessed by the Pacific Railroad Company; which was referred to the Committee on Claims.

Mr. CONKLING presented the petition of the members and congregation of the Market street Presbyterian church, of the city of New York, signed by Rev. Edward Hopper, pastor, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SUMNER presented the petition of the Father Mathew Temperance Society No. 2, of the city of Brooklyn, New York, signed by the officers, John Gilson, president, and Patrick Bennett, secretary, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. FENTON presented the petition of the Crystal Fount Division No. 20, of the Sons of Temperance, of the city of Brooklyn, New York, numbering 136 members, and 275 lady visitors, signed by the officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. PRATT presented the memorial of Osceola C. Green, administrator *de bonis non* and one of the heirs of Uriah Forrest, deceased, who was a major in the Maryland Line, praying Congress to grant, for the benefit of his heirs, the half-pay due him under the resolution of Congress of October 21, 1780, and the five years' full-pay provided for by the law of March 22, 1783, for services rendered in the revolutionary war as major and lieutenant-colonel; which was referred to the Committee on Revolutionary Claims.

Mr. CLAYTON presented additional papers in the case of William Bowlin, praying compensation for services rendered as captain of Company L, Second Arkansas Cavalry, from October 10, 1863, to March 8, 1864; which were referred to the Committee on Military Affairs.

He also presented additional papers in the case of Alvis Smith, praying compensation as second lieutenant of Company L, Second Arkansas Cavalry, from October 10, 1863, to March 8, 1864; which were referred to the Committee on Military Affairs.

Mr. SPENCER presented the petition of William H. Dempsey, surviving partner of the firm of Dempsey & O'Toole, stationers, of Washington, District of Columbia, asking to be compensated for damage incurred by the breaking of a contract between that firm and the Patent Office, in 1868, for furnishing bond paper to that office; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

Mr. HAMILTON, of Maryland. I ask for an order for the withdrawal of the papers of George Herring from the files of the Senate. There has been an adverse report in this case.

The PRESIDENT *pro tempore*. Copies will be retained by the Secretary, and the originals delivered.

On motion of Mr. JOHNSTON, it was

Ordered, That the petition and papers in the case of Richard M. Harvey be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. OGLESBY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 154) to amend the act entitled "An act for the relief of certain tribes of Indians in the northern superintendency," approved June 10, 1872, reported it with amendments.

He also, from the Committee on Pensions, to whom was referred the petition of Eugene Smith, praying for a pension, submitted a report, accompanied by a bill (S. No. 539) granting a pension to Eugene Smith, of Company F, First Nebraska Veteran Volunteers.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. OGLESBY also, from the Committee on Pensions, to whom was referred the petition of Richard A. Connor, late of Company I, Sixth Regiment Indiana Volunteers, praying for a pension, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of sundry citizens of Vermont, praying for a pension to Fanny Newcomb, widow of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers, submitted a report, accompanied by a bill (S. No. 540) granting a pension to Fanny Newcomb, widow of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. OGLESBY also, from the Committee on Pensions, to whom was referred the petition of Mrs. Joanna W. Turner, of Wisconsin, praying for a pension, submitted an adverse report; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Virginia A. Hindle, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the petition of citizens of the State of New York, praying that Edward Evans be allowed to change the registry of the tug Noah P. Sprague and the ship Alhambra, reported a bill (S. No. 541) to grant an American register to the Canadian tug Noah P. Sprague; which was read and passed to a second reading.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 1574) for the relief of Richard H. Dutton, postmaster at Cavendish, Vermont, reported it without amendment.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (H. R. No. 1892) authorizing the Passaic County National Bank, of Paterson, to change its name, reported it without amendment.

Mr. JONES, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois, reported it without amendment.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 38) to vest the power of establishing post-roads in the Postmaster-General, reported adversely, and moved that it be indefinitely postponed; which was agreed to.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 229) authorizing corrections to be made in errors in prize-lists, reported it with amendments.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Edward Healdy, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the Committee on Claims, to whom was referred the bill (S. No. 273) for the relief of Butler, Miller & Co., and Hawkes, Miller & Co., moved that it be indefinitely postponed, which was agreed to; and in lieu thereof he submitted a report, accompanied by a bill (S. No. 542) for the relief of Butler, Miller & Co.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the memorial of B. D. Washburn, praying that authority be granted to the Commissioner of Patents to review an application for a patent for an improved tool for cutting glaziers' points, forfeited for non-payment of final fee, reported adversely, and asked to be discharged from its further consideration; which was agreed to.

Mr. WEST, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, reported it with amendments.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of George Goerth, of Pittsburgh, Pennsylvania, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Elizabeth Biggers, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. COOPER subsequently said: There was an adverse report this morning from the Committee on Pensions in the case of Mrs. Biggers, which I ask to have placed upon the Calendar.

The PRESIDENT *pro tempore*. Was it a bill reported adversely?

Mr. COOPER. It was a petition, I think. The committee asked to be discharged.

The PRESIDENT *pro tempore*. The petition with the adverse report goes upon the files of the Senate subject to the order of the Senate, but will not go upon the Calendar.

Mr. COOPER. I thought it was a bill.

The PRESIDENT *pro tempore*. The Chair understands that there was no bill in that case.

AMERICAN REGISTER TO SCHOONER GEORGE WARREN.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 1365) to grant an American register to the Canadian schooner George Warren, have directed me to report it back and recommend its passage. As there is a Senate bill of precisely the same effect, I will ask that this bill be put upon its passage now, and that the other be indefinitely postponed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to issue an American register to the Canadian schooner George Warren, owned by Benjamin F. Morton, of Detroit, Michigan.

Mr. HAMLIN. I should like to know what the facts in this case are.

Mr. CHANDLER. The facts are that this vessel was sold at an admiralty sale; and the assistant district attorney told the purchaser that a purchase at an admiralty sale would entitle the ship to an American register; and he, an innocent party, purchased her under this misapprehension.

She is a little ship, worth not more than five hundred or six hundred dollars; and it seems to be but a simple act of justice to the man that she should have an American register, as she is useless now without it.

Mr. HAMLIN. That does seem to afford a meritorious case for the applicant here, and I therefore shall offer no objection, though it does not come within the rule governing the action of this body in similar cases. At the same time I would suggest to my friend from Michigan that they had better have a district attorney there who knows more law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senate bill on this subject, being Senate bill No. 485, to grant an American register to the Canadian schooner George Warren, will be indefinitely postponed.

REVENUE-CUTTER RELIEF.

Mr. CHANDLER. The same committee, to whom was referred House bill No. 2076, have directed me to report it back and recommend its passage; and it is in the same position precisely as the other. It is simply to furnish a revenue-cutter now out of use in the harbor of Mobile as a boarding-station for the custom-house there. It is said to be important; and therefore I will ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and use said vessel for a boarding-station in Mobile Bay.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. No. 517) authorizing the Secretary of the Treasury to use the revenue-cutter Relief as a boarding-station in Mobile Bay, was postponed indefinitely.

OATH OF POST-OFFICE OFFICIALS.

Mr. MERRIMON. The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 1920) to amend the fifteenth section of an act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," have instructed me to report it back without amendment, and to ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the section referred to so as to make it read:

SEC. 15. That before entering upon the duties, and before they shall receive any salary, the Postmaster-General, and all persons employed in the postal service, shall, respectively, take and subscribe, before some magistrate or other competent officer authorized to administer oaths by the laws of the United Statesor of any State or Territory, the following oath or affirmation:

"I, A B, do solemnly swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post-offices and post-roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control; and I also further swear (or affirm) that I will support the Constitution of the United States. So help me God."

And this oath or affirmation may be taken before any officer, civil or military, holding a commission under the United States, and such officer is hereby authorized to administer and certify such oath or affirmation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. WELLES.

Mr. GORDON. The Committee on Commerce, to whom was referred the bill (H. R. No. 1759) for the relief of Henry S. Welles, have unanimously instructed me to report it favorably and ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read. It proposes to direct the Secretary of the Treasury to pay Henry S. Welles $193,132.96, for expenditures made by him under his contracts of May 1 and July 5, 1866, for removing obstructions from the Savannah River, and improving the harbor, prior to the date of the annulment of those contracts by the Secretary of the Treasury; which sum shall be in full satisfaction to Welles for all claims referred to in the report and recommendation from the Secretary of War.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none.

Mr. SCOTT. That is a very large amount of money to be appropriated without hearing a report. I should like to hear the report in the case.

Mr. GORDON. The report is unanimous from the Committee on Commerce of the Senate, and also from the committee in the House of Representatives. There was no vote against the bill in the House.

Mr. SCOTT. I take it for granted that the bill has been reported by the committee, but I refer to a written report. I should like to hear the circumstances of the claim for the amount of money appropriated by the bill.

Mr. GORDON. There is a report made by the committee in the House, which I sent to the desk along with the bill. I ask that it be read.

The Chief Clerk read the following report, submitted in the House of Representatives on the 3d of February by Mr. CONGER:

The Committee on Commerce, to whom was referred the bill (H. R. No. 823) "to provide payment for clearing the river and harbor of Savannah, Georgia, of obstructions during the years 18— and 18—," together with the accompanying petition of Mr. Henry S. Welles, and contracts of the Secretary of the Treasury with said Welles, letter of the Secretary of the Treasury annulling said contracts, and Executive Document No. 123, Fortieth Congress, second session; also, correspondence of the Secretary of the Treasury with Mr. Welles and other parties, together with report of the Secretary of the Treasury and report of the Secretary of War in answer to a call for information from the Committee on Commerce of the Senate of the United States in reference to said petition, respectfully report:

That in May, 1866, the Secretary of the Treasury made a contract with Henry S. Welles, and in July following said contract was modified.

The contract was for removing certain artificial obstructions placed in the river and harbor of Savannah, Georgia, to prevent vessels of the United States from approaching the city of Savannah, and consisted of sunken vessels, a floating dry-dock sunk, cribs filled with stone and bricks, &c.

These obstructions are shown upon a Coast Survey chart made in 1865 by the United States.

Mr. Welles proceeded to fulfill the conditions of his contract, and gave bonds in the sum of $50,000 for faithful performance of the same, and continued until January, 1870, when the Secretary of the Treasury, without notice and without claiming any failure upon the part of Mr. Welles, but solely because the law officers of his Department advised him there was no authority upon the part of the Secretary of the Treasury to make such contracts, annulled the contract.

By the terms of the contract Mr. Welles was to receive his pay from the proceeds of the materials recovered from such obstructions.

He was compelled by the exigencies of commerce and correspondence of the Secretary of the Treasury and his agents to confine his efforts to the opening and widening of the main channel, and not allowed to take up the dry-dock and the iron-clad vessels that did not lie directly in the main channel, which at that time were of great value if they were raised, and he was so kept at work in the main channel until the annulment of the contract in January, 1870.

Thus, from an error in or want of authority of the Secretary of the Treasury, and from other reasons hereafter referred to in the report from the War Department, Mr. Welles has become a great loser, while the Government are the gainers by his losses.

Mr. Welles, under this state of the case, with no contract, had no other recourse but an appeal to Congress, setting forth his expenses and receipts under the orders of the Secretary of the Treasury, and asks payment for actual expenses and disbursements.

He applied by petition to Congress in December, 1872, and his petition was referred to the Secretary of the Treasury by the Committee on Commerce of the United States Senate, and the following report from the Secretary of the Treasury was received by said Senate committee:

TREASURY DEPARTMENT,
Washington, D. C., February 4, 1873.

SIR: It appears from the records of this Department that on the 1st day of May and the 5th day of July, 1866, two contracts were made by the Secretary of the Treasury, acting under the captured and abandoned property acts, with one Henry S. Welles, to remove the following wrecked property:

1. The wreck known as the Savannah.
2. The wreck known as the Ogeechee.
3. The wreck known as the Georgia, or the ladies' gun-boat.
4. The wrecks of vessels sunk below the obstructions.
5. The dry-dock sunk in Saint Augustine's Creek.
6. The wrecks sunk near Fort Pulaski; and such other wrecked vessels as may be discovered in and near the river and harbor of Savannah. And also to remove all cribs, piles, boats, scows, vessels, and other property that obstruct the channel of the Savannah River.

And that said contracts were annulled by me on the 18th day of January, 1870.

If Mr. Welles has expended more than he has received for improving the harbor under his contracts, I know of no authority to adjust and pay the same, except the authority be granted by Congress.

In this connection, I transmit herewith Executive Document No. 123, Fortieth Congress, second session, being a letter from the Secretary of the Treasury in answer to a resolution of the House of Representatives relative to obstructions in the Savannah River.

The petition inclosed with your letter of the 24th ultimo is returned herewith.

Very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. Z. CHANDLER,
Chairman Committee on Commerce, United States Senate.

Whereupon the said Committee on Commerce of the Senate reported a bill unanimously to pay Mr. Welles. The said Senate committee also sent said petition to the Secretary of War for a report, and during the interval of time between the last Congress and the present the War Department have given the matter full and careful consideration and investigation, and adjusted the amount due Mr. Welles, and made the following report and recommendation:

[Senate Executive Document No. 5, Forty-third Congress, first session.]

Letter from the chief clerk of the War Department, in relation to the application of Henry S. Welles for compensation for removing obstructions from the harbor of Savannah, Georgia.

WAR DEPARTMENT,
Washington, December 8, 1873.

SIR: In response to the letter of the chairman of the Committee on Commerce of the United States Senate, dated January 16, 1873, inclosing the petition of Henry S. Welles, praying compensation for removing obstructions from the harbor of Savannah, Georgia, and requesting information in relation to the matter, I have the honor, in the absence of the Secretary of War and by his direction, to transmit letter of the Chief of Engineers of the 4th instant, inclosing copy of report of Major Q. A. Gillmore, Corps of Engineers, the officer in charge of the improvement of Savannah Harbor, dated November 14, 1873, and accompanying papers.

Major Gillmore was prevented by absence on other duty from giving the subject of Mr. Welles's petition the attention it seemed to demand prior to the adjournment of Congress.

The report now transmitted, it is believed, will furnish all the information desired by the committee.

Very respectfully, your obedient servant,

H. T. CROSBY,
Chief Clerk.

The PRESIDENT *United States Senate.*

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., December 4, 1873.

SIR: The letter of the chairman of the Committee on Commerce of the Senate of the United States, dated January 16, 1873, inclosing petition of Henry S. Welles, for compensation for removing obstructions from the harbor of Savannah, and requesting information, &c., referred to this office for report, is herewith respectfully returned.

The letter was referred to Major Q. A. Gillmore, Corps of Engineers, the officer in charge of the improvement of Savannah Harbor, and a copy of his report thereon, dated November 10, 1873, is hereby submitted.

Major Gillmore appears to have given the subject close attention, and it is believed that his report will furnish all the information desired by the committee.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP, *Secretary of War.*

UNITED STATES ENGINEER OFFICE,
New York, November 10, 1873.

GENERAL: I have the honor to return herewith the papers relating to the petition of Henry S. Welles for compensation for removing wrecks and obstructions from the Savannah River, Georgia, under his contracts with the Treasury Department, which papers were referred to me for report January 22, 1873.

Owing to my absence at the time on duty in the South, and my consequent inability to obtain access to Mr. Welles's records and accounts, it was impracticable for me to give the subject the attention it seemed to demand and render a report before the adjournment of Congress.

Attention is respectfully invited to the papers herewith transmitted. The extracts and copies I have compared with the original papers in Mr. Welles's possession, and have found them to be correct.

1. Printed memorial, (marked A,) containing copies of original contracts, dated May 1, 1866, and July 5, 1866, and copy of original letter of the Secretary of the Treasury, dated January 18, 1870, declaring said contracts null and void.

2. Printed brief, (marked B,) containing extracts from the correspondence between Mr. Welles and the Secretary of the Treasury, and from the reports of the agents appointed by the Secretary of the Treasury to make inspections from time to time during the progress of the removal of the obstruction.

3. House Executive Document No. 123, (marked C,) being a letter from the Secretary of the Treasury, in answer to a resolution of the House relative to the obstructions in the Savannah River.

4. Letter of the Secretary of the Treasury, dated February 4, 1873, to the chairman of the Senate Committee on Commerce, (marked D.)

5. Printed statement (marked E) of Mr. Welles's expenditures, in detail, accompanied by the affidavit and certificates of his superintendents and extracts from the accounts rendered by them to Mr. Welles, showing the earnings of the wrecking equipment and proceeds of sales of materials recovered.

From these papers it would appear that Mr. Welles entered into contracts with the Treasury Department to remove certain designated wrecks, cribs, and other sunken obstructions from the Savannah River, and that these contracts were based upon the Coast Survey chart, made in December, 1865. This chart shows nine vessels to be removed, besides the dry-dock and single line of sixteen cribs at the main line at the head of Elba Island. I know, from personal observation, that there was a double line of cribs at this point, and that there had been removed forty cribs in all, most of them being from this main line of obstructions. Twelve cribs remained when Mr. Welles's contract was annulled, January 18, 1870, which have been removed under my supervision within the past year.

In addition to the forty cribs, I am convinced by personal observation and investigation that about one hundred and fifty piles, many iron-shod snags, and a number of torpedoes, were taken from the channel by the contractor.

Instead of nine vessels, as shown on the Coast Survey chart, from twenty-seven to thirty were sunk at different points in the river. Mr. Welles removed over twenty of these, and seven remained to be removed when his contract was annulled.

In effecting the removal of these obstructions Mr. Welles claims to have expended $233,235.73, this amount being charged in detail in the printed account of expenditures marked E.

In support of this claim Mr. Welles presents his labor receipt-books, his accounts-current, as rendered by his superintendent, Mr. Willink, and the affidavit of Mr. Willink and certificates of Mr. Woodward.

The books and accounts have been carefully examined, and I find that the monthly accounts for labor agree with the charges in the printed statement. Superintendent Woodward appears to have taken proper receipts for all amounts paid by him on this account, but under Mr. Willink's superintendence no signatures were taken in the time-book, possibly for the reason that but few of the employés could write. From my personal knowledge of the amount of work done, I feel satisfied that in this particular the account is correct.

The charges for the subsistence of employés I believe to be reasonable. The charge for "wrecking equipment," which forms so large a proportion of the aggregate, I have not been able to verify from any accounts in Mr. Welles's possession. These accounts, it is claimed, were lost with the wrecking steamer when that vessel was sunk. Considering, however, that the employés were constantly required to work extra time, the wages paid them appear to be reasonable, and the value of the use of the steamer, lifting vessels, lighters, diving apparatus, &c., seems to be fairly estimated. Mr. Woodward's certificate and the affidavit of Mr. Willink on these points are submitted with the printed account of expenditures marked E. Both Mr. Woodward and Mr. Willink are personally known to me, and are regarded as good authority.

Attached to this account, also, is a statement of the several amounts received for relieving vessels in distress, and from sales of materials recovered, aggregating $40,102.77. These figures are obtained from original accounts-current, with which I have compared them and found them to agree.

The correspondence between the Secretary of the Treasury and Mr. Welles indicates that the exigencies of commerce, as stated by the pilot commissioners and city authorities of Savannah, ship-masters, and others, required the removal of the cribs, wrecks, and piles at and near the main line of obstructions at Four-Mile Point. The contractor appears to have carried on his operations in obedience to the orders of the Secretary, and to have first devoted his attention to the removal of the wrecks and cribs which seriously obstructed the channel.

In my opinion, if Mr. Welles had been required to remove only those wrecks and cribs shown upon the Coast Survey chart, the proceeds of the wreck of the dry-dock and the iron-clads Georgia and Savannah would have afforded him a considerable profit on the entire work. Or, if he had been permitted to complete his contract, the proceeds of these wrecks would have enabled him to reimburse himself largely for his expenditures on the other more serious, but, to him, comparatively valueless obstructions. That they were of little value is shown by the remonstrance of the mayor and city council of Savannah, referred to in the letter of the Secretary of the Treasury (printed document marked C) herewith transmitted, page 17.

The facts of the case seem to be that, in executing in good faith a contract, the existence of which was known to Congress, as well as to the Treasury, War, and Navy Departments, and therefore a presumably legal one, Mr. Welles accomplished an important public improvement at a heavy personal cost. No default, on his part, is alleged. The annulment of his contract, before he had taken up the most valuable of the wrecks, deprived him of the only legitimate means he possessed under it to reimburse himself for money actually expended by him. In addition, I deem

it at least questionable whether the same work could have been done by the United States at that time, under the contract system or otherwise, at a less cost than that incurred by Mr. Welles.

I therefore consider his claim for $250,000 a just one. and recommend its payment.

Very respectfully, your obedient servant,

O. A. GILLMORE,
Major of Engineers, Brevet Major-General, U. S. A.

Brigadier-General A. A. HUMPHREYS,
Chief of Engineers, U. S. A., Washington, D. C.

Your committee further report:

Congress would have been compelled to have made appropriations to open this channel of commerce, and have made appropriations since the annulment of this contract to the amount of $100,000, to proceed with the work, and new appropriations are annually granted by Congress for the same kinds of works performed by Mr. Welles for the benefit of commerce and navigation.

In view of all the facts and investigation, this committee report favorably, and recommend the passage of the accompanying bill.

Mr. HOWE. Mr. President, this bill appropriates a very large sum of money. I do not know how it is with other Senators, but I have listened to the reading of the report very carefully, and I should want to know two or three other things which I cannot gather from the report, before I could vote for the bill with any satisfaction to myself. I desire to say in the first place, however, and for the first time in my life, that this and all kindred claims should go to the Committee on Claims. I have never said this before, because I have always heretofore been associated with that committee myself, and I did not know but that it might look like fighting for my own jurisdiction, which I never was at all jealous of; but we have a committee created for the express purpose of investigating just such matters, and I think all of them should go to that committee, that we may have one rule of adjudication in the Senate, if that be possible to get. Now, will the Senator from Georgia be good enough to state what was the consideration to be paid to the contractor, Mr. Welles, for removing these obstructions?

Mr. GORDON. The contract with the Government allowed Mr. Welles the property he recovered. That was the original contract. The Secretary of the Treasury annulled that contract and ordered Mr. Welles upon a different line of work entirely from the original contract; and the officer of the Government, General Gillmore, on examination, declares in his report that if Welles had been allowed to go on as per contract with the Government, he would have made a handsome amount of money out of his contract. That contract was annulled by the Government, and Mr. Welles expended money——

Mr. HOWE. Then this is to pay him for what he would have made.

Mr. GORDON. Not at all. It is to pay him for money that he expended in executing orders of the Department. I should be very glad if the Senator from Connecticut, [Mr. BUCKINGHAM,] who, with the former Secretary of the Treasury, [Mr. BOUTWELL,] was the sub-committee on this subject, would explain to the Senator from Wisconsin the details of this bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BUCKINGHAM. I should like——

The PRESIDENT *pro tempore*. The Chair would like to know whether there is objection to the present consideration of the bill.

Mr. WRIGHT. Is the bill reported this morning?

The PRESIDENT *pro tempore*. It is reported this morning.

Mr. WRIGHT. Then I object.

Mr. BUCKINGHAM. I wish the Senator would withdraw his objection. I think the bill can be passed in two minutes. I will make a brief explanation.

Mr. CHANDLER. I hope, by unanimous consent, the Senator from Connecticut will be permitted to make an explanation for a couple of minutes.

Mr. CONKLING. I hope so, too. Nobody will object to that.

The PRESIDENT *pro tempore*. The bill being reported from a committee to-day, when objection is made to its consideration it is laid aside; but the Senator from Michigan asks that the Senator from Connecticut have unanimous consent to make a few remarks on the subject. Is there objection? The Chair hears none.

Mr. BUCKINGHAM. I will state, then, as briefly as I can, that the Secretary of the Treasury made a contract with Henry S. Welles to clear the Savannah River of certain obstructions. They consisted of certain vessels and of cribs filled with stone and with brick. The contract with Mr. Welles was that he should receive as compensation for his work the proceeds of the wrecks and obstructions which he recovered. After he had gone on with this work for some time, the Secretary of the Treasury who was the successor to Mr. McCulloch was advised by one of his legal officers that it had not been competent, under the law, for his predecessor to make the contract with Mr. Welles, and therefore the Secretary annulled that contract, leaving Mr. Welles precisely in the condition in which he must stop where he was—break off from his work. By the pressure of the city authorities of Savannah he had removed those obstructions which, perhaps, were the most important to commerce, but which were less remunerative to him; and, therefore, he was broken off at a time when his loss was very heavy.

Now, whether he shall receive an amount equal to what he might have made, or not, is a question. The committee did not feel that he should. This same matter was before the committee at the last Congress, and they reported in favor of a bill allowing the Secretary of the Treasury to adjust the account equitably and pay it. That bill did not pass the House. But since that time this matter has been referred to the Chief Engineer, and he reports the cost of the work to Mr. Welles, giving the items in detail, saving only this: an estimate is made of what it was worth to supply certain implements which he used, so that as to these implements he gives, not the actual cost, but the value estimated by competent engineers. Here is a detailed account of the wages paid, of the amount paid for subsistence of the men, and all the expenses except what I have stated, and claimed to be accurate. Upon this statement, Major Gillmore reports that Mr. Welles had expended a certain sum, and from that, if he deducts $40,000 which he has received, he will be entitled to $193,000 actual cost; but he thinks he ought to have $250,000. The bill recommended by the Committee on Commerce, and which has passed the House, does not yield to the suggestion of Major Gillmore, but proposes to pay the $193,000, the sum of actual cost to Mr. Welles, as near as that can be ascertained.

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his objection?

Mr. WRIGHT. I have no objection to its consideration, if we can have a vote on the bill at once. My object in making the objection was that I did not want a bill I have in charge to be obstructed by this.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be regarded as before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY PAYMASTERS.

Mr. LOGAN. I desire to call up Senate bill No. 320, to increase the Pay Department of the Army. This bill authorizes the appointment of some paymasters, which are required, in pursuance of a recommendation of the Secretary of War, the Paymaster-General, and the President. A number of deaths have reduced the corps down to forty-four; and they recommend more than this bill grants. This bill provides for an increase up to fifty. I ask the Senate to allow the bill now to be considered.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to proceed to the consideration of the bill indicated by him. It will be read for information.

The CHIEF CLERK. The Committee on Military Affairs propose an amendment, to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That the number of paymasters is hereby established at fifty, instead of sixty, as was designated in the eighteenth section of the act of July 28, 1866; said paymasters to have the rank, pay, and emoluments of majors of cavalry.

SEC. 2. That so much of said eighteenth section as relates to the persons from whom said paymasters shall be selected be, and is hereby, repealed.

Mr. SHERMAN. What is the present number of paymasters now in service?

Mr. LOGAN. Forty-four.

Mr. SHERMAN. This increases them six.

Mr. LOGAN. This makes the number fifty. The Pay Department was established at sixty in 1866. It was afterward provided, however, that no promotion or appointment should be made in any of the staff corps. Under that this corps has been reduced to forty-four; and the Paymaster-General and the Secretary of War recommend the filling up to the number of fifty-two, allowed by the act of 1870. But after consulting with different persons it was concluded that fifty would probably be sufficient to do the duties of paymasters of the Army. Hence we provide that the number shall be established at fifty, instead of sixty, as fixed by the law of 1866, and authorize the President to appoint these paymasters to fill up vacancies.

Mr. SHERMAN. I ask the Senator whether the public service really demands the addition of six more paymasters?

Mr. LOGAN. The only means I have of judging is what the Paymaster-General himself says, and what the President and Secretary of War recommend. The Paymaster-General has been very persistent in reference to this matter both at the last Congress and this; he has asked for a larger increase than we give in this bill. We have declined to do it up to the present time. That is the only means of information I have.

Mr. WEST. Mr. President, this matter is brought to the attention of Congress in the report of the Paymaster-General, which is submitted with the report of the Secretary of War. The Paymaster-General, as has been remarked by the Senator from Illinois, has in his preceding report, and repeated it in this, laid his recommendations before Congress, alleging that it is actually necessary, in his opinion, that there should be six additional paymasters. The Secretary of War, in commenting upon that proposition, merely calls the attention of Congress to the fact, but makes no recommendation on the point. The conclusion, therefore, is apparent that the Secretary of War does not concur, or at least gives merely a negative support to the recommendation made by the Paymaster-General. This is a proposition to add six majors to the Army of the United States, and I believe it is not out of place for me to say to the Senate now, that in the Army appropriation bill, which has been adopted by the House of Representatives, there is a provision which reduces the rank and file of the Army by five thousand men.

The PRESIDENT *pro tempore*. The Chair thinks it is out of order

to refer to proceedings in the other House for the purpose of affecting votes in the Senate.

Mr. WEST. Perhaps that is so.

Mr. CONKLING. If my friend will pardon me, I beg to suggest that he is referring to a bill which is on our table. He has a right to do that.

Mr. WEST. Before the Chair interrupted me——

The PRESIDENT *pro tempore*. If the Senator from Louisiana had stated the fact mentioned by the Senator from New York the Chair would not have interrupted him.

Mr. CONKLING. I know it; and I ventured to call the attention of the Chair to it.

Mr. WEST. I was about to say that that bill was on our table and had been referred to the appropriate committee in this body, and that appropriate committee has acquiesced in the reduction. Consequently we are to have an army of twenty-five thousand men in lieu of thirty thousand, and we are to increase this staff department by six more paymasters, when we have five thousand men less to pay.

I do not see that the occasion calls for it; and if it did, it is apparent that by this reduction of the rank and file of the Army we shall place at leisure quite a large number of officers whose services might be availed of in paying the troops. Now, if the chairman of the Military Committee thinks that it is impossible that the proper service of the Army in the Pay Department can be accomplished through the present staff, we might repeal that provision of the act of 1838 which prevents the Secretary of War from detailing any officer for that purpose; and he could so detail officers if we repealed that provision. If it is desirable to have these six men, I offer this as a substitute for the bill reported by the Military Committee——

Mr. SHERMAN. Does the reception of an amendment preclude an objection to the consideration of the bill?

The PRESIDENT *pro tempore*. The Chair understood that the bill was before the Senate.

Mr. SHERMAN. I understood it was subject to objection.

The PRESIDENT *pro tempore*. The Chair will rule that it is subject to objection. The attitude of the question is this: the Senator from Illinois moved that the Senate proceed to the consideration of this bill, and the Chair directed it to be read for information. The question is on that motion.

Mr. STEVENSON. I want to know if the adoption of this amendment will prevent——

The PRESIDENT *pro tempore*. The amendment is not before the Senate at present. The question is on the motion of the Senator from Illinois to take up the bill.

Mr. CONKLING. I trust I can keep within the rule and yet assign the objection that I have to taking up this bill now. The Senator from Louisiana has called our attention to the fact that we have lying on the table a bill awaiting our action, which bill, should the Senate concur with the other House, reduces by five thousand the volume of the Army. It seems to me cogent as a reason, and also in order to suggest that we can judge much better after we know whether the Senate is to concur with the House in reducing the Army, whether it is well for us to proceed to increase a certain branch of the Army. Therefore, without referring at all to the merits of this measure, and without, I beg to assure the honorable Senator from Illinois, meaning to interpose an objection to any request of his, it seems to me that, if it would be equally agreeable to him, it would be better for the Senate to allow this bill to await the action of the Senate upon the Army appropriation bill. If the Army is to be reduced five thousand, it is very likely that the chairman of the Committee on Military Affairs would like to adapt this bill more or less to that fact; and, therefore, unless he has some special wish to consider it now, I suggest to him that it would be better if he would allow it to abide the event of the other bill.

Mr. LOGAN. I have no criticism whatever to make on the action of the Committee on Appropriations, nor do I care anything about this bill except merely to carry out the wishes of the Department, which ought to know what is necessary for it. I have not read the appropriation bill as reported to the Senate, or as I understand it is reported. I have not noticed it. I will only say that for the Committee on Appropriations to take up the question of a reduction of the Army without any reference to the Military Committee of the Senate is rather a strange proceeding. I have noticed very recently not a disposition on the part of that committee or any other, but that measures that have come from the Committee on Military Affairs with regard to the Army have been generally questioned as to the propriety of them. That is proper and right for the Senate. I do not know what they intend to do about reducing the Army. That question has not been referred to the Military Committee. The committee have not been consulted in reference to it. The committee of the House have not consulted the committee of the Senate in reference to the reduction of the Army. They had witnesses before them and examined them; but we know nothing about it. The Committee on Appropriations have not consulted our committee in reference to it. I presume, however, they have examined the question most thoroughly and understand it, and have made a report in accordance with their understanding after examining the necessity for a reduction of the Army. If the matter is to be taken out of our hands, and all questions with reference to military affairs are to be examined by the Committee on Appropriations, I have no objection; it will save us a great deal of trouble; and I am very much obliged to that committee for having taken the trouble upon themselves of examining such questions. If the proposition is merely to reduce the file of the Army, to dismiss the soldiers of the Army, without affecting the Army in other respects, I can say for one that I shall oppose it.

But, sir, I will not press this bill at this time any further. If the Senate concludes to reduce the Army by reducing the number of private soldiers in it, then I shall claim the right at that time to offer some amendments in reference to other parts of the Army.

The PRESIDENT *pro tempore*. The Senator from Illinois withdraws his motion. The introduction of bills is next in order.

BILLS INTRODUCED.

Mr. BOREMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 543) to provide for holding the district court at Martinsburgh, in the district of West Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOWE (on behalf of Mr. CARPENTER) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 544) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for an improved device for converting reciprocating into rotary motion; which was read twice by its title, and, with the accompanying petitions and affidavits in support of it, referred to the Committee on Patents.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further morning business the Secretary will report the first bill on the Calendar.

Mr. CAMERON. I move that the pending bill and all others be postponed for the purpose of taking up the centennial bill.

Mr. SARGENT. Has the morning hour expired?

The PRESIDENT *pro tempore*. It has not. The motion is in order.

Mr. SARGENT. During the pendency of the morning hour?

Mr. CAMERON. I thought the morning hour was over.

The PRESIDENT *pro tempore*. The morning business has been concluded, and the motion is in order. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the centennial bill.

Mr. SARGENT. Is it in order to move to amend that motion by proposing that the Senate proceed to the consideration of the naval appropriation bill?

The PRESIDENT *pro tempore*. It is not.

Mr. OGLESBY. I ask leave to present a petition which I have just received.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. OGLESBY. I present the petition of about forty or fifty bankers, manufacturers, and citizens of Rockford, Winnebago County, Illinois, respectfully representing that they view with alarm the propositions before Congress for increasing the volume of United States notes. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. SARGENT. Mr. President——

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, which is Senate bill No. 432.

Mr. SARGENT. I move that that be laid aside, and that the Senate proceed to the consideration of the naval appropriation bill.

The PRESIDENT *pro tempore*. The Senator from California moves to postpone the pending and all other orders, and proceed to the consideration of the naval appropriation bill.

Mr. CAMERON. Did I not make a similar motion in reference to the centennial bill?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania made his motion in the morning hour; but before the question could be put on that motion the Senator from Illinois obtained leave to present a petition. While he was presenting it the morning hour expired, and it was the duty of the Chair to call up the unfinished business, after which the Senator from California first addressed the Chair.

Mr. CAMERON. I have great respect for the decision of the Chair, but I think this is pretty sharp practice, not meaning to be offensive.

The PRESIDENT *pro tempore*. The Chair understands that the rules of the Senate are all sharp, and are to be sharply enforced.

Mr. CAMERON. I do not want them to be made so sharp that I cannot get up my bill. The Senate adjourned yesterday upon my motion, which, it seems to me, gave me the right to call up my bill to-day after the morning hour. Then I made the motion again just as the clock pointed to the hour of one. I gave way to the Senator from Illinois to present a petition. It was a very inopportune moment for him to present it, and I thought so then; but he is always so kind that I gave way to him; and while I was on my feet the President made a different decision.

The PRESIDENT *pro tempore*. The Chair will say to the Senator from Pennsylvania that, as he understands it, when the morning hour expires, all morning business, motions, and everything else that pertains to the morning hour, fall with it. The Senator made his motion in the morning hour. It had to abide the fate of the morning hour. When the morning hour expired, the unfinished business came up, and the Senator from California was the first Senator who addressed the Chair after that.

Mr. MORRILL, of Vermont. May I remind the Chair that a motion was pending at the time of the adjournment last evening to proceed to the consideration of the centennial bill? Would it not therefore come up as the unfinished business?

The PRESIDENT *pro tempore*. That motion did not bring the bill before the Senate. If the motion had been carried, the bill would then have been the unfinished business; but the Senator from Michigan [Mr. CHANDLER] moved to proceed to the consideration of executive business pending that motion, and before a vote was taken upon it.

Mr. CAMERON. I have never paid much attention to the rules, and I am glad I have not, for it has saved me a great deal of trouble in my long service here; but I thought my motion was entirely in order, and, with great respect to the Chair, I think his decision is wrong.

The PRESIDENT *pro tempore*. The motion of the Senator was entirely in order when it was made.

Mr. CAMERON. And then I gave way to the Senator from Illinois to present a petition.

The PRESIDENT *pro tempore*. And then the morning hour expired, and the unfinished business came up.

Mr. CAMERON. Then my motion ought to have come up immediately, in my judgment.

The PRESIDENT *pro tempore*. Had the Senator been speaking on the bill itself it would have fallen with the expiration of the morning hour. The Chair may, however, say to the Senator that his motion could not prevail unless a majority of the Senate were in favor of it. If a majority of the Senate are in favor of it, they can vote down the motion of the Senator from California, and then the motion of the Senator from Pennsylvania will be in order.

Mr. CAMERON. I understand that, and I have no doubt that the Senate now, in their great sense of justice, will vote down the motion of the Senator from California.

Mr. SARGENT. Mr. President, we are now at the close of the third month of this session, and up to this time the Senate has not taken any action upon the appropriation bills except to refer them to the Committee on Appropriations. I gave notice several weeks ago that I would call up the naval appropriation bill at the earliest moment. Subsequently, by an arrangement between myself and the chairman of the Committee on Finance, I allowed the finance bill to be taken up and discussed at length, and, if possible, disposed of, subordinating the naval appropriation bill to it, with the understanding, however, that when that discussion terminated, or was laid aside, the naval appropriation bill should come up and be in order. I do not say that this is binding upon the Senate at all, but I mention it to show that so far as I have been concerned I have certainly acceded to the wish of the Senate to examine that question. This morning some of the gentlemen who intended to speak upon it are absent, being ill, and others are not prepared to go on; and the Committee on Finance are not willing to press the further consideration of that subject, desiring to resume it in the course of a few days. Now, strictly in accordance with the notice which I formerly gave, and with this understanding, in the most perfect good faith, I ask the Senate to attend to this most important business.

I call the attention of the Senate to the fact that there are fourteen regular appropriation bills. Some of those bills—for instance, the miscellaneous or sundry civil bill and the legislative bill—are fought over line by line in the Senate. Every line almost raises a question upon which there is a division of opinion in this body. Sometimes those bills take one or two weeks for discussion. It is very well known that Senators sometimes take advantage of the pendency of those bills to discuss other subjects, and are allowed to do so under the rules of the Senate; for instance, the transportation question and other questions which are now pending before us, and even the financial question, may be discussed upon appropriation bills, the tendency of which is to retard the passage of the appropriation bills, and to extend the time required for their consideration. Now, sir, if it only took two or three days for each of these bills to be considered, it would take nearly two months of the working days of the Senate to dispose of them.

An evil which ought to be avoided by Congress, if possible, an evil of a most glaring character, is that these appropriation bills are crowded, as a rule, into the last week of the session almost. They come then tumbling over each other. They come then, on account of the system of which I have spoken, and the habit of delaying them, without opportunity to scrutinize the items; and the result is that the Treasury is depleted. Frequently there are appropriations put upon these bills which, with opportunity of scrutiny, and to point out their mischiefs, or even of examination, the Senate never would accede to. There is legislation of the most heterogeneous character sometimes put on these bills in the haste in which they are considered, by which we find either that the Government is hampered in its operations, or persons who are sharp have obtained advantages that the Senate never intended they should have, and which even those who offered the propositions would not have assented to if there had been an opportunity for the discussion of those propositions. I believe that this system of considering the appropriation bills in the last few days of the session—and I speak from some experience on the Committee on Appropriations in the other House and after examination—costs the Government several millions annually, more than perhaps is embraced in the proposition of my friend from Pennsylvania to be appropriated for the benefit of this centennial fund. These millions certainly ought to be saved; and they might be saved if, after your Committee on Appropriations has sat down and carefully and calmly considered in its committee-room and reported an appropriation bill, it could be taken up and disposed of. It makes a slight interruption in the other business of the Senate, but it is business necessarily that must be disposed of; it is business which, by the custom of the Senate, has precedence of these side motions and all these little schemes which are gotten up for the benefit of this locality or that locality; it is business which ought to have precedence of that other special business which has particular Senators pushing it *ex officio* on the attention of Senators. The great appropriation bills, which affect the whole country, have simply the committee which has them in charge to bring them to the attention of the Senate. Of course we endeavor to discharge that duty; but these special schemes have not merely the committee to which they may be referred, but they have able individual Senators, who have their constituents pulling them at the elbows the moment they step out into the lobby, and they are continually receiving letters from them keeping them up, as horsemen say, to their speed on these propositions, and there is no danger that they will not find time enough in the Senate. From the nature of things they are bound to be considered by the Senate. Whatever else may be neglected, they are not; and the result is, I say, that the appropriation bills are neglected, and they are crowded off to the close of the session, and are then passed through in a crude shape, to the injury of the Government and people.

Now, sir, at this late moment, after three months of this session nearly have expired, I ask the attention of the Senate for a day or two until we can pass the appropriation bill for the Navy Department—the regular naval appropriation bill.

Mr. CAMERON. Mr. President——

Mr. SHERMAN. Before the Senator from Pennsylvania proceeds, I desire that, by common consent, the pending bill, the unfinished business of yesterday, may be postponed until Tuesday next, and then the Senate can determine which of these other controverted questions it will go on with to-day. I desire to give notice that I hope we shall have a vote soon on the finance bill. Indeed, if it was possible to have an understanding of the Senate to take a vote at some fixed time, I should like to fix a time to take a vote on that question which we have been debating so long. I feel bound to give way now, however.

Mr. LOGAN. Before that motion is made, why not agree on Monday?

Mr. SHERMAN. That is too soon. Tuesday is early enough.

Mr. LOGAN. Suppose the naval appropriation bill is not through by that time, what will be the result?

Mr. SARGENT. I think we can finish that this week. It is more likely to be through by Tuesday than by Monday, however.

Mr. SHERMAN. I have fixed Tuesday, on consultation with several Senators.

Mr. LOGAN. I have no objection, except that I desire, as far as my own individual feeling is concerned, to have it understood that this finance question is not postponed so as to be moved out of its place.

Mr. SHERMAN. Not at all; it is a special order.

Mr. LOGAN. I am very anxious for a vote; as much so as any Senator.

Mr. SHERMAN. I would rather go on now; but the Senator knows very well why I yield now.

Mr. LOGAN. I have no objections; only I want it understood that the question will be resumed, and that we will go on with it until we take the vote. I have no objection to the time named. I merely ask that it be completed when taken up.

Mr. FERRY, of Michigan. So far as I am concerned, I should like to have it well understood that in case the naval appropriation bill is not concluded by Tuesday, it will then be laid aside and the subject of finance be resumed.

Mr. SARGENT. I would not consent to that.

Mr. FERRY, of Michigan. Then there would be a conflict. I am not disposed, so far as I am concerned, to enter now into an arrangement that will put off too long the question of finance. We have spent so much time on it, that it is far better to conclude that than to take up another subject.

Mr. SARGENT. I have no doubt the naval appropriation bill can be disposed of by that time. Of course I do not know that Senators will not take advantage of this bill to make speeches on transportation and many other subjects; but in the ordinary course of business, especially if Senators will confine themselves to the details of the bill, we can certainly get it through in two legislative sessions—to-day and to-morrow.

Mr. FERRY, of Michigan. There would still be Monday open.

Mr. SARGENT. Monday would still be open: but I do not think any arrangement is necessary.

Mr. FERRY, of Michigan. Let it be the understanding that on Tuesday the finance bill shall be resumed.

Mr. SARGENT. The same majority that now determines to consider this bill can determine to take that up then, and I have no doubt, from the interest in the question, the majority will be willing to do so, if we seem to be dragging with the appropriation bill.

Mr. FERRY, of Michigan. The Senator from California will see that, with the proposition now to make such an understanding, the

finance question waived—to be subject to a majority vote at that time, if the naval appropriation bill is then before the Senate—the Senate will not be disposed to overrun the partial determination of the Senate to-day.

Mr. SARGENT. The Senator will observe that I did not ask for an arrangement or understanding, but simply moved that this bill be laid aside, to enable us to proceed with that; and the other bill will be postponed until Tuesday, according to the motion of the Senator from Ohio.

Mr. LOGAN. But that motion was made with an understanding.

Mr. CAMERON. I give notice that I am bound by no side arrangements. I shall oppose everything now until the centennial bill is disposed of. It is a question which must be decided at once, if at all. It can just as well be done in an hour.

Mr. SHERMAN. My motion does not interfere with the Senator at all.

Mr. CAMERON. I am in favor of the Senator's motion.

Mr. SHERMAN. Until the finance bill is disposed of the Senator cannot get up the centennial bill. I move to postpone the pending bill, which is the unfinished business of yesterday, until next Tuesday.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to postpone Senate bill No. 432 to Tuesday next, which takes precedence of the motion of the Senator from California.

Mr. CAMERON. Very well.

Mr. FERRY, of Michigan. From what has been disclosed from the Senator from California and from other Senators, I should judge that the naval appropriation bill will be concluded before Monday.

Mr. SCOTT. If it is taken up.

Mr. FERRY, of Michigan. If it is taken up. With that general understanding I am disposed to withdraw opposition, for the purpose of resuming the question of finance on Tuesday next.

Mr. SARGENT. Very well; all right.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to postpone Senate bill No. 432 in regard to national-bank circulation until Tuesday next. Is there objection to that motion? The Chair hears none; and that order is made.

Mr. CAMERON. Now, Mr. President, I believe by the rules my bill comes up as the special order.

The PRESIDENT *pro tempore*. No; by the rules the Senator from Pennsylvania can move to take it up.

Mr. CAMERON. I so move now, then.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the House bill known as the "centennial bill."

Mr. SARGENT. Does that take precedence of my motion?

The PRESIDENT *pro tempore*. It does.

Mr. SARGENT. I will not complain of the ruling of the Chair in that respect; but I trust the Senate will vote with me to take up the regular naval appropriation bill.

Mr. CAMERON. Now we are even, SARGENT. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. SUMNER. As I understand—I rise for information—the question is now between proceeding with the naval appropriation bill and what is known as the centennial bill. Am I right in that?

Mr. SARGENT. Yes, sir.

Mr. SUMNER. May I ask the Senator what is the sum total of the appropriation in the naval bill?

Mr. SARGENT. About $18,000,000.

Mr. SUMNER. About $18,000,000. Now, what is known as the centennial bill, as the Senate is well aware, is only an appropriation bill under another name. There are two kinds of appropriation bills—the regular appropriation bills, one of which is now moved by the Senator from California; and what may be called irregular appropriation bills, one of which is now moved by the Senator from Pennsylvania; and the irregular bill at this moment I suppose presents as much occasion and necessity for debate as the regular bill; and I suppose when we confront it, it really involves an expenditure, if not up to the $18,000,000 of the naval appropriation bill, yet very far toward it. At any rate I fear that it does; and I am sure that before there is any action upon it the Senate should consider it so carefully as to ascertain precisely to a dollar to what extent it may be carried. I think, under the circumstances, we had better follow the regular bill; and then the irregular bill. Let us dispose of the regular bill; it is earlier on the Calendar; it is more intimately associated with the Government of this Republic. Let us act upon that, and finish it. I know not that we may not finish it so as to be able to begin on the irregular appropriation bill before next Tuesday; but, at any rate, I hope we shall proceed with the regular bill.

Mr. SCOTT. Mr. President, I desire only to call attention to what the Senate has already done for the purpose of asking that the resolution already arrived at shall be carried out. During the last week I made a motion that this centennial bill should be made a special order, with the assent of my colleague, who has charge of it as chairman of the committee which reported it. It was at that time desirable to know whether the appropriation bill could be out of the way or not, and it was hoped that it would be, and with that uncertainty upon it the bill was made the special order for Wednesday—yesterday. We arrived at Wednesday, and the previous special order, the finance bill, was still before the Senate undisposed of. We come now to this morning, with the finance bill still undisposed of, and Senators absent who desire to participate in the discussion of that bill. The chairman of the Finance Committee assents that that bill go over until Tuesday next. This we all know puts over the whole question of finance until that time; and were it not that the resolution reported by the Committee on Finance some months ago had been made a previous special order, the action of the Senate this morning in putting the finance bill over until next Tuesday would have brought the centennial bill before the Senate as a matter of course, and we should thus have been just where the Senate proposed to place us yesterday by its vote of last week.

But now the proposition is to displace that bill from the place which the vote of the Senate then assigned it. The Senator from Massachusetts may characterize the bill which is before us as an irregular appropriation bill, or the Senator from California may characterize it as a local measure. I know the rule forbids me from discussing any of its merits, but I wish to put in a protest in advance against applying any adjectives by anybody until we proceed to consider it. There will then be full and ample opportunity to discuss whether they are appropriate adjectives or not.

Sir, the message which was laid before the Senate yesterday suggests ample reasons why the Senate ought at once to proceed to determine the question whether this appropriation bill, regular or irregular, shall be passed, when it shall be reached, as an appropriation bill. It does involve interests which at this time are perhaps as important as any that are involved in any of the appropriation bills, and I trust that the Senate will not displace the bill from the position which their vote gave it last week.

Mr. THURMAN. Mr. President, I shall vote against taking up this centennial bill, and when the bill shall be taken up—which I hope will not be done until the important business of the country shall have been attended to—I shall try to show, if nobody else does, that this project of an international exhibition is utterly inconsistent and utterly destructive of the idea of a great national celebration of the birthday of the Republic and of free institutions, and that the Congress of the United States can do no worse thing than to put their hand into the Treasury of the United States and expend millions of money for any such purpose——

The PRESIDENT *pro tempore*. The Chair thinks the Senator is discussing the merits of the bill.

Mr. THURMAN. I think so, too, and I had just finished what I had to say on that. I am thankful to the Chair for not interrupting me any sooner. [Laughter.] I shall vote to take up the regular appropriation bill, and I shall insist for one that just as soon as that measure shall be disposed of, we shall come to some conclusion upon the financial question, and for this reason: Business is stagnant in the United States now; business is suffering. One set of thinkers say that the reason is that there is not enough currency in the country——

The PRESIDENT *pro tempore*. The Chair thinks the Senator has no right to discuss the finance question; it having already been postponed, is not now before the Senate.

Mr. THURMAN. I must say, may it please the Chair, that if the Chair will only give me the same indulgence on this point that he did in respect to the other, I shall be done in one sentence. [Laughter.] I want to say this: that one of the greatest (if not the chief) reasons for the stagnation of business in the country to-day is, that the business men of this country do not know what Congress will do; and it is therefore the duty of Congress to act. I hope now, sir, that the motion of the Senator from Pennsylvania to take up the centennial bill may be voted down and the other bill taken up.

Mr. MORRILL, of Maine. Mr. President, this is simply a question of the order of business. There ought to be, and I think there are, some settled notions in the Senate of the United States in regard to such questions. The question is between two propositions, apparently and really proceeding to consider the provision for a centennial celebration, or proceeding with one of the regular annual appropriation bills of Congress. Now, by well-settled usage, precedence is given to the latter class of subjects; and it is so as a matter of necessity. Both branches of Congress—certainly the Senate, for I shall speak of that—have recognized from the beginning, so far as I know or understand, that when this class of subjects is ready for consideration they are entitled to precedence. It is so as a matter of necessity. It is impossible to conduct this class of business unless so much deference is paid to it that when it is ready to be exhibited and to be considered in the Senate, and those who have charge of it are prepared for its consideration, the Senate shall yield so much to it.

The naval bill is the first of fourteen regular appropriation bills to be considered by the Senate. It has been ready and awaiting the action of the Senate now since this month came in, anxious for an opportunity, solicitous for a hearing. Before this proposition which is moved by the Senator from Pennsylvania made its advent into this Chamber, this appropriation bill was here, waiting, solicitous, anxious to be heard; and it was arranged, so far as it is possible to arrange the important business of this body, that when the finance measure passed from the consideration of the Senate, this should have the attention of the body. All this was before the proposition of my honorable friend from Pennsylvania made its advent into this Chamber. Now, to say the best of it—and I do not intend to characterize

the proposition under consideration at all, for I have no thorough convictions in regard to it one way or the other—it seems to me that it is not sound policy any way.

The PRESIDENT *pro tempore*. The Chair thinks that touches the merits of the bill.

Mr. MORRILL, of Maine. To say that it is not sound policy? I was about to say that——

The PRESIDENT *pro tempore*. If the Senator means it is not sound policy to proceed to consider the bill this morning, that is in order.

Mr. MORRILL, of Maine. That is precisely what I was about to say. [Laughter.]

The PRESIDENT *pro tempore*. To say that it is not sound policy to pass the bill would be discussing the merits.

Mr. MORRILL, of Maine. Therefore I will repeat that with the utmost emphasis, emphasizing the remark of the Chair. The Chair so thoroughly agrees with me that I am in hopes there will be no disagreement in the body. [Laughter.] It is not sound policy, in my judgment, nor is it in harmony with the established usages of the Senate of the United States, that a proposition of this character should be interposed to interrupt a regular appropriation bill in this body. For these reasons I hope the Senate will give to the naval appropriation bill the precedence, which, upon usage and necessity, I think it is fairly entitled to.

Mr. CAMERON. Mr. President, the honorable Senator from Maine is incorrect in his dates. I believe that the bill I moved to take up was here before the appropriation bill presented by the Senator from California. I know it passed the other House, and came here as long ago as about the first of the month, and I have been anxiously waiting every day, desirous of getting it up. It is important to the people in Philadelphia and to the whole country that the question should be decided. If you are not going to pass the bill, say so; let it be disposed of. That is all we ask. We do not ask for any appropriation now; I disclaim that. I am surprised that the Senator from Massachusetts, who is generally so correct in his historical news and in his facts, should have called this an appropriation bill. Certainly he knows what an appropriation means; at least he ought to know, for he has been here a great many years. There is not a word in this bill about any appropriation at all. It is a preparation for the centennial celebration in Philadelphia. The parties in charge of the enterprise desire from Congress certain privileges. If Congress does not think proper to give them to them, let it be so said at once. I think we could have disposed of this bill in the half hour we have wasted in talking about taking it up; and I feel very confident that we shall either vote for it or against it within the next hour if we once get it up. After that we can talk about appropriations.

Here I must say that I have heard this same story about there not being time to pass the appropriation bills for thirty years in the Senate, off and on, and I never have known an appropriation bill but one in forty years that did not pass both Houses. I think there has been only one instance of the failure of such a bill in forty years. Besides, this is a long session. We are paid by the year, and it is our duty to stay here until the appropriation bills shall have all passed; and of course we will stay. No Senator is disposed to run away and leave the public business uncared for. Why, therefore, should we press those bills now which do not take effect till the next fiscal year, and for which there is surely no hurry except in the great zeal of the chairman of the Committee on Appropriations. He wants to show, I suppose, (as I do sometimes,) that he is doing his duty faithfully, energetically, and quickly. I shall vote with him to take up his bill at the proper time, and I guess nearly all the appropriations in the bill which he says are right I shall vote for, because I have entire faith in him; but I say to him that he ought not to be in too great a hurry. Men have lost more in this world by hurrying than they have by waiting their regular time. There is time, there is good fortune, for everybody if he will only wait for it. I trust we shall not argue any more about this matter, but take up the bill and vote yea or nay.

Mr. SUMNER. Mr. President, I would most kindly recommend to my friend from Pennsylvania to follow his own counsels and not to hurry, especially against an appropriation bill. And now I reply distinctly to the Senator when I say practically this is an appropriation bill, not by title. The title is "An act in relation to the centennial exhibition," and then it proceeds to say that the President shall "extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition"—I wish the English word "exhibition" had been used instead—"to be held in Philadelphia under the auspices of the Government of the United States."

That is all of this bill; but nobody denies, no candid person, Senator or other, who speaks for this bill, that it is not the entering-wedge to a call upon Congress for a very considerable appropriation.

The PRESIDENT *pro tempore*. The Chair thinks that is discussing the merits of the bill.

Mr. SUMNER. Mr. President, the Senator from Pennsylvania has taken me to task for saying that this is an appropriation bill practically, though I called it an irregular appropriation bill. He went on to show that it was not an appropriation bill. Now I reply to him and say that it is practically an appropriation bill in its character.

The PRESIDENT *pro tempore*. If the Senator will pardon the Chair a moment——

Mr. SUMNER. Certainly.

The PRESIDENT *pro tempore*. The most unpleasant duty cast on the Chair by the rules, as every one can well understand, is to interrupt a Senator; but it is the duty of the Chair, as far as he can, to enforce the rules until the Senate changes them. The rules provide—

> And motions to take up or proceed to the consideration of any question shall be determined without debate upon the merits of the question proposed to be considered.

So that in the opinion of the Chair nothing is left for consideration under this rule but the single question, whether the matter shall be considered to-day or some other day; and a debate tending to show that this bill is a good bill or a bad bill does not in any way tend to settle the question of whether it had better be considered this morning or some other morning. Probably the remarks of the Senator from Pennsylvania were out of order also.

Mr. SUMNER. Far be it from me to contend with the Chair. I am not considering the merits of this bill. I am only considering whether in its substance and tendency it is what the Senator from Pennsylvania says it is not, an appropriation bill; and I was saying that it was the entering-wedge to a call for money. Now, I do not say whether the Senate should appropriate money or not, because then I should speak to the merits. I am only characterizing and exhibiting this bill that the Senate may determine whether it shall proceed with this or with the naval appropriation bill.

I say therefore that this bill, precisely like the naval appropriation bill, involves money. I do not say that you should not appropriate money, but that it involves money. I show it by the authority of the Senator himself; I have here before me a letter, signed by the Senator, which I will read:

> WASHINGTON, *February* 16. 1874.
>
> Hon. WILLIAM S. STOKLEY:
>
> I deeply regret my inability to be present on last Saturday night in Philadelphia to urge all my friends to vote for your re-election. Your continuance in the office you have administered so ably and honestly is necessary to the city of Philadelphia during the centennial year, and it is equally necessary to assure Congress that any appropriation they may make to aid that great event will be watched over with care, and guarded with integrity and fidelity.
>
> SIMON CAMERON.

Mr. CAMERON. If the Senator will allow me——

The PRESIDENT *pro tempore*. The Chair thinks that is clearly out of order. That is certainly discussing the merits of the bill by the Senator from Pennsylvania, and if he cannot do it himself the Senator from Massachusetts cannot do it for him by reading his letter.

Mr. SUMNER. I was replying to the Senator——

Mr. CAMERON. If the Senator will allow me for a moment——

Mr. SUMNER. Certainly; I yield.

Mr. CAMERON. I say that that telegram was mine, every word of it, and I approve of every word; but that did not refer to the passage of this bill. Probably a bill may come up in the future making an appropriation, and I felt satisfied that if a man so bad as the opponent of Mr. Stokley was should be elected, this Congress would not give them one cent.

The PRESIDENT *pro tempore*. The Chair rules this debate out of order, and will enforce the rule unless an appeal is taken to the Senate.

Mr. CAMERON. I will not try to say any more about that; but I suppose the Senator preferred the election of Mr. McClure. I preferred the election of Mr. Stokley.

The PRESIDENT *pro tempore*. The Senator is out of order.

Mr. CAMERON. Am I? I am sorry for it. [Laughter.]

Mr. MORRILL, of Vermont. The Senator from Massachusetts insists that this bill involves money. I take the ground that it involves character; and I very much apprehend that as an international exhibition it will be a failure, while as a national one it might be an abundant success——

The PRESIDENT *pro tempore*. The Chair thinks that is discussing the merits of the bill.

Mr. MORRILL, of Vermont. Then I will proceed to say another thing that I think the Chair will not rule out of order: that in my opinion we ought to meet this question directly, and not defeat it by indirection. I am ready to confront it and vote against it, unless it shall assume the form of a national exhibition instead of an international one.

The PRESIDENT *pro tempore*. The Senator is out of order.

Mr. MORRILL, of Vermont. By indirection, I mean that the Senate having made this bill a special order, and, as it were, given its pledge to the Senators from Pennsylvania that it should be considered yesterday and to-day, for us now to attempt to defeat meeting the question by substituting some other bill is not quite fair—it is indirection. It is a question that, if considered at all, ought to be considered now. I shall vote, therefore to consider it at the present time, because I think it may be disposed of in a couple of hours.

Mr. FRELINGHUYSEN. Mr. President, the question is upon taking up this bill, and upon that I wish to say one word. I think the Congress of the United States, in view of the action it has already taken, owes it to those who are interested in this exposition to give them its determination at once what it intends to do; whether it intends to vote money or no money; whether Congress intends that this shall be a national exposition or an international one. Congress ought to say what it means now. There is very great force in the suggestion of the Senator from Ohio that this measure ought not to be antagonized against the finance measure. So, if we do not take up

this subject now, it will go over probably for thirty days, until the whole question of finance is settled. I would not vote to take up this measure against the financial schemes which are before us; but the appropriation bills we know will be passed, and it is not a matter of any importance whether they are passed now or sixty days hence. We have got to stay here until they are passed; but if we are going to do anything upon this measure, time is of the very essence. I do not know that I am in favor of doing anything until the subject is considered.

Mr. SARGENT. The Senator from New Jersey says we ought to pass upon this measure, and at an early day, in order that those who are concerned in the centennial exhibition may know whether Congress intends to appropriate money or not. I call the attention of the Senator to section 7 of the first law ever passed upon this subject, wherein it is provided—

That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expense attending such exhibition or by reason of the same.

And he will find that repeated in subsequent statutes——

The PRESIDENT *pro tempore*. The Senator is out of order.

Mr. SARGENT. I suggest to the Chair that the argument is that this bill should now be taken up because it is necessary that the people interested in this exhibition should be advised whether money is to be appropriated for it or not. I am replying to that argument by showing that it should not be taken up, because that question has already been decided by the statutes.

The PRESIDENT *pro tempore*. In the opinion of the Chair that is equivalent to deciding that it ought never be taken up. That refers to the merits of the bill.

Mr. SARGENT. I am not saying that it should never be taken up, but simply that there is no hurry to take it up. Being in order, therefore, I will not repeat what I said. It seems to me it is a sufficient answer to the honorable Senator from New Jersey.

But I wish to remove one misapprehension, if such has been created upon the minds of Senators, as to the time this centennial bill will occupy if it is now taken up, or taken up at any time. It is a mistake to suppose that this bill can be disposed of in an hour, or in two hours. I have been notified by Senators around me and on the other side of the Chamber that they intend to address the Senate at length upon the bill in opposition to it; and Senators on the other side know, of course, whether they will allow those speeches to go unanswered, or whether they intend to make a fight for their bill. Certainly, if we intend to embark in this discussion, it will take some time. Therefore I desire to call the attention of the Senate to the fact that we are deceived if we suppose that this bill is to be disposed of almost immediately.

The Senator from Pennsylvania says that he has never known an instance, but one, where the appropriation bills have not passed. That is true. I do not object that appropriation bills do not get through in some shape. I object to the manner in which they get through, and the time in which they get through. In the very last Congress an appropriation bill appropriating twenty-two millions of money from the United States Treasury was passed, and there was not time to send it to a committee of conference to reconcile the conflicting votes between the two Houses, and one House had to take without reading the amendments which were put upon it by the other, which embraced several millions, and then there was a difficulty in getting the bill enrolled so as to be ready for the President's signature before the adjournment. That is passing appropriation bills, I admit; but is it a proper passing of them? Is that giving due attention to the people's business? Certainly it is not. While this is an exaggerated instance, it is an instance of the kind of legislation which is done when we pass these large appropriation bills. Against that I protest. I insist that we ought to have some of the deliberative time of the Senate, some of the earlier months of the session, to pass upon these important measures, and then, if there are local bills or special bills which need attention, let us take them up at the latter portion of the session, when it may not be a matter of a great deal of importance to the country whether they are passed or not, and if they are lost there will be very little injury to the national Treasury. For that reason I ask that we now proceed with the naval appropriation bill.

One other remark. It is said that the faith of the Senate is pledged to take up the centennial bill, because some time last week it was made a special order for yesterday. Was that pledging the faith of the Senate? Does not everybody know that under the rules of the Senate a special order may be set aside at any time by a majority vote? Was there any rule of the Senate affected or repealed? Was it provided that a majority should not pass upon the question, when the time should arrive or the time should have passed, whether the bill should be considered or not? Could it not be set aside by a majority vote? That is all that is asked now, that it be set aside by such a vote. There is no pledge of the faith of the Senate, or of any individual member of the Senate, to the proposition that this centennial bill shall now be considered.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of the centennial bill.

Mr. ANTHONY. I regret that these two bills are antagonized, for I fully agree with what was said by the Senator from Vermont [Mr. MORRILL] that it is due to this great enterprise, and I think it is also due to our colleague from Pennsylvania, and due to the interest which is felt in this subject in the other House, that this question should be decided; and under almost any circumstances, without committing myself at all to any vote that I might give after the bill is taken up, I should vote to take it up; but as one of the Committee on Naval Affairs I have been urging the Senator from California to bring forward the naval appropriation bill, and I cannot vote to lay that aside for any other bill.

The PRESIDENT *pro tempore* put the question on the motion, and declared that the noes appeared to prevail.

Mr. CAMERON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. STOCKTON. I did not intend to say anything in reference to the order of business on this occasion. I did not intend to be led into the temptation of discussing the merits of either of these bills. The line between discussing which is the proper bill to come up, without alluding to the merits of either of them, and trespassing beyond that line and violating the rule, is so nice a one, that it is very difficult to steer clear of violating the rule. But, sir, gentlemen upon the other side who are opposed to the coming up of this centennial bill have trespassed upon that rule. They have been in hot haste to characterize the bill, when those who might be willing to defend it had no opportunity of reply—being restricted by the rule. The Senator from Ohio, with his great experience, trespassed upon this rule, and then seemed rather to congratulate himself that before the Chair called him to order he had been enabled to put before the Senate his views in reference to this bill. I can say, with the Senator from Pennsylvania, that the time may come, perhaps, before the debate on the question is over, when some of these gentlemen may wish that they had not been so very hasty in expressing their opinion and characterizing the bill before it was properly under the consideration of the Senate.

But, sir, I rose to say a word as to my own vote in reference to the order of business. I presented some time ago, as also did my colleague, resolutions from the State which we represent, instructing the Senators and requesting the members from that State to vote in favor of the centennial bill; and now this morning I find that the question brought before me in reference to the order of business is whether that bill shall be taken up or the naval appropriation bill. Being myself upon the Naval Committee, and it being my duty, and that of gentlemen connected with such committees, by the courtesy of the Senate and by almost the necessities of business, to follow those who have charge of the bill from the Committee on Appropriations—under those circumstances, I shall feel it my duty, as this antagonism has been brought about without any fault of mine or without my knowledge, to follow the Naval Committee and vote for taking up the naval appropriation bill. But I do so, not for the reason given by any other gentleman, and with the earnest hope and belief that the centennial bill can soon be brought up, and feeling that it is very important indeed that the question should be determined by Congress one way or the other.

The remarks of the President of the United States, in his message on this subject, are certainly exceedingly proper. There can be no man in this Senate, or anywhere else, who can feel in the present condition of things that it is not our duty to say to the gentlemen engaged in this enterprise "yes" or "no." There need be no excitement about this bill. There need be no reason why we cannot simply and calmly say, "We will put the bill through and allow the President to issue this invitation." When the question does come up, there is no reason why we should not say how far it may be national or international, or how far they ought to have an appropriation. When those questions come up properly, there is no reason why they cannot be carefully and calmly considered. There is no necessity of anticipating action upon it, there is no necessity to characterize it as an appropriation bill before the question comes before the Senate; but upon this occasion I say that the President is right. I feel sorry that I cannot vote to bring up the bill at once, but I am constrained, in accordance with my view of my duty, to vote to take up the naval appropriation bill.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered, and the Clerk will call the roll.

The question being taken by yeas and nays, resulted—yeas 23, nays 28; as follows:

YEAS—Messrs. Alcorn, Bayard, Boreman, Buckingham, Cameron, Carpenter, Clayton, Fenton, Ferry of Michigan, Frelinghuysen, Hamlin, Hitchcock, Logan, Merrimon, Mitchell, Morrill of Vermont, Pease, Ramsey, Ransom, Robertson, Scott, Sherman, and West—23.

NAYS—Messrs. Allison, Anthony, Bogy, Boutwell, Chandler, Conkling, Cooper, Davis, Ferry of Connecticut, Flanagan, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Howe, Ingalls, McCreery, Morrill of Maine, Norwood, Oglesby, Pratt, Sargent, Saulsbury, Stockton, Sumner, Thurman, Windom, and Wright—28.

ABSENT—Messrs. Brownlow, Conover, Cragin, Dennis, Dorsey, Edmunds, Gilbert, Gordon, Harvey, Johnston, Jones, Kelly, Lewis, Morton, Patterson, Schurz, Spencer, Sprague, Stevenson, Stewart, Tipton, and Wadleigh—22.

So the motion of Mr. CAMERON was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1015) to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under

the authority of the Sublime Porte and of the government of Egypt;

A bill (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder magazine from Fort Norfolk, Norfolk, Virginia;

A bill (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855; and

A bill (H. R. No. 2201) to render available a certain unexpended balance of appropriation.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1759) for the relief of Henry S. Welles; and

A bill (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States, as an ensign.

NAVAL APPROPRIATION BILL.

Mr. SARGENT. I now move to take up the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes.

The PRESIDENT *pro tempore*. The amendments recommended by the Committee on Appropriations will be acted upon as they are reached in order in the reading of the bill, if there be no objection.

Mr. SARGENT. Before the clerk proceeds with the reading of the bill, perhaps five minutes occupied in explanation of it may save the necessity of asking some question by and by, and perhaps obviate any occasion for extended debate. I should like to remark to the Senate that the bill as reported by our committee appropriates $17,103,586.85. The appropriations for the current year, including the extra sloop bill and the exigency bill, were $28,048,150.65. For the next fiscal year, therefore, the Navy will be run for $10,944,503.80 less, if that bill as reported by the committee of the Senate passes and no emergency not now foreseen arises; that is to say, we shall get along with nearly eleven millions less when this bill, with all the changes of the committee, passes than we have during the current year, if there is no emergency; and it is fair to the Navy Department to say that they have never made any deficiencies. During the last six or seven years, which have particularly come under my notice, I can say that there never has been a deficiency of any character whatever coming from the Navy Department; so that the fair presumption is that the amount which we appropriate by this bill, although very much less than the appropriations of the current fiscal year or of any recent fiscal year, will run the Department; in other words, the Department will not spend any more money than we give them, and will not come in afterward with deficiency estimates.

The original estimates for this year were $19,251,935.86. After the panic and at the request of Congress, the Navy Department, in connection with the other Departments, went over their estimates and revised them, and submitted as the revised estimates the amount of $17,449,235.86, being a reduction recommended or authorized by the Secretary himself of $1,502,700. The bill, as reported by the Senate committee and now under consideration, still further reduces the amount of these revised estimates by $645,679.01, being nearly three-quarters of a million less; so that the original estimates were cut down by the revised estimates about a million and a half, and the committee have cut down the revised estimates still more, nearly three-quarters of a million. The House has reduced even more than this, by $597,700. The committee have retained all the reductions of the House that seemed in the line of reform or contractions of what might be called the civil service, as, for instance, the employment of clerks about navy-yards. The reduction in the navy-yards is 40 per cent. by the bill; nearly one-half of the current expenditure of this year and of former fiscal years. All such features in the bill have been retained by the Senate committee. The only instances in which the committee of the Senate have increased upon the figures of the House have been in the operative Bureaus, such as the Bureaus of Construction and Steam Engineering, where the expenditure of the money goes directly into the material of the Navy, in keeping ships afloat, producing permanent advantages, and is not absorbed by the wages of officers.

I think, Mr. President, that this is all the explanation that is necessary of the bill as to its financial character; and I ask that it now be read.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in line 86, to reduce the appropriation for making charts, including those of the Pacific coast, from $40,000 to $30,000, in the item for the Bureau of Navigation.

The amendment was agreed to.

The next amendment was in line 97, in the appropriation for expenses of Naval Observatory, to strike out "two assistant observers," and insert "three assistants;" so as to read:

For three assistants, at $1,500 each.

Mr. WEST. I suggest to the Senator who has the bill in charge that the word "observers" ought to follow "assistants." It is a mere verbal error, but I think it would be proper to correct it.

Mr. SARGENT. No, "three assistants" is right. They are not merely observers. That change was made intelligently, on consultation.

Mr. WEST. All right. It refers, then, to line 94, I suppose.

Mr. SARGENT. Yes, sir.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 116, to increase the appropriation for pay of computers and clerk for compiling and preparing for publication the American Ephemeris and the Nautical Almanac from $10,000 to $15,000.

The amendment was agreed to.

Mr. SARGENT. In line 115 the word "the," after the word "and," is redundant and should be stricken out. It should read "the American Ephemeris and Nautical Almanac."

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) That verbal amendment will be made.

The next amendment of the Committee on Appropriations was in line 118, to increase the appropriation for continuance of work on new planets discovered by American astronomers from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was in line 130, in the appropriation for miscellaneous items for the Bureau of Ordnance, after the word "items" to insert "freight, express charges, and purchase of instruments."

The amendment was agreed to.

The next amendment was in line 143, in the appropriations for the Bureau of Ordnance, to reduce the appropriation for repairs to buildings and wharves from $2,000 to $1,000.

The amendment was agreed to.

The next amendment was in line 146, in the appropriations for the Bureau of Ordnance, to increase the appropriation "for labor, including chemist, pyrotechnist, electrician, machinist, and clerical force," from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was to strike out lines 147 and 148, in the following words:

For contingent expenses of the ordnance service of the Navy, $1,000.

The amendment was agreed to.

The next amendment was in line 159, in the appropriations for the Bureau of Equipment and Recruiting, to increase the appropriation for equipment of vessels, &c., from $1,100,000 to $1,250,000.

The amendment was agreed to.

The next amendment was in lines 222 and 223, in the appropriations for the Bureau of Provisions and Clothing, to increase the appropriation "for provisions for the officers, seamen, and marines" from $1,300,000 to $1,352,600.

The amendment was agreed to.

The next amendment was in line 224, to increase the appropriation for purchase of water for ships from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was in line 251, in the appropriations for the Bureau of Steam Engineering, to increase the appropriation "for repairs and preservation of boilers and machinery on naval vessels; and for fitting, repair, and preservation of yard machinery and tools; and for labor in navy-yards and stations not before included; and for incidental expenses; and for purchase and preservation of oils, coal, iron, and all materials and stores; and for completing and erecting on board vessels compound engines with boilers," from $1,500,000 to $1,865,000.

The amendment was agreed to.

The next amendment was in line 327, under the head of "Naval Academy," to increase the appropriation "for contingent expenses" from $30,000 to $46,600.

The amendment was agreed to.

The next amendment was in line 333, at the end of the appropriation for pay of officers, &c., of the Marine Corps, to insert the following proviso:

Provided, That the office of commandant of the Marine Corps having the rank of a brigadier-general of the Army shall continue until a vacancy shall occur in the same, and no longer; and when such vacancy shall occur in said office, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall, by virtue of this act, from thenceforth be repealed.

Mr. CRAGIN. I offer an amendment to this amendment, which is very brief, and to which there will be no objection, I presume. It is at the end of the amendment of the Committee on Appropriations to insert:

And provided further, That thereafter the commandant of the Marine Corps shall have the rank and pay of a colonel, and shall be appointed by selection by the President from the officers of said corps.

Mr. SARGENT. I have no information from the committee on that matter; but so far as I see myself, I perceive no objection to it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was in line 341, to increase the appropriation for the civil force of the Marine Corps from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was in line 350, to reduce the appropriation for military stores for the Marine Corps from $10,000 to $9,000.

The amendment was agreed to.

The next amendment was in lines 351 and 352, under the head of "the Marine Corps," after the word "of" to insert the words "officers,

their servants, and," and to strike out the word "five," and to insert in lieu thereof the word "six;" so as to make the paragraph read:

For transportation of officers, their servants, and troops, $6,000.

Mr. SARGENT. The committee instruct me to move to restore lines 351 and 352 as they were before the italics were inserted, making the appropriation $5,000 instead of $6,000, and leaving out the words "officers, their servants, and;" the object being to make a separate appropriation of $1,000 for their transportation.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator's object will be accomplished by rejecting the amendment reported by the committee.

Mr. SARGENT. Very well.

The amendment was rejected.

Mr. SARGENT. I now move to insert immediately after line 352 these words:

For transportation of officers traveling without troops, $1,000.

The necessity of separating these items is that the transportation of troops is paid by the quartermaster, while the transportation of officers is paid for by the paymaster; and of course they have to be separate funds.

The amendment was agreed to.

The next amendment reported by the Committee on Appropriations was in line 371, to increase the amounts appropriated for contingencies of the Marine Corps from $15,000 to $20,000.

The amendment was agreed to.

The PRESIDING OFFICER. The bill has now been read through.

Mr. CRAGIN. I move to amend on page 7, line 161, by inserting the words "expenses of recruiting," after the word "for." It does not increase the appropriation at all, but these words were omitted by mistake.

Mr. SARGENT. And omitted from the Book of Estimates evidently.

Mr. CRAGIN. Yes, sir; I have a letter from the head of the Bureau on the subject.

Mr. SARGENT. There is no objection.

The amendment was agreed to.

Mr. CRAGIN. I would say that the Committee on Naval Affairs proposed an amendment which was sent to the Committee on Appropriations, to abolish the grade of commodore; but at the suggestion of the Committee on Appropriations that this was special legislation, the Committee on Naval Affairs have concluded not to offer the amendment, but to bring the proposition forward in a separate bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

It was ordered that the amendments be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 1015) to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the government of Egypt—to the Committee on Foreign Relations.

A bill (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder magazine from Fort Norfolk, Norfolk, Virginia—to the Committee on Naval Affairs.

A bill (H. R. No. 1364) to amend the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855—to the Committee on Commerce.

A bill (H. R. No. 2201) to render available a certain unexpended balance of appropriation—to the Committee on Appropriations.

THE CENTENNIAL EXHIBITION.

Mr. SCOTT. Mr. President, I now move that the Senate proceed to the consideration of the centennial bill.

Mr. SUMNER. There are Senators interested in that subject who have left the Chamber, not anticipating that it would come up, and I think it is hardly fair to them. There is the Senator from Ohio, who said something on the subject to-day, and who, it is known, would like to be heard upon it. I think there can be no harm in the Senate taking it up and making it the special order for to-morrow. I shall make no objection to that, but shall be very willing then to go on with it.

Mr. SCOTT. It is well known that the Senate Chamber may be thin at the time when a bill of this character is under consideration, but that the Senators can all be had within a very few moments for the purpose of proceeding with the bill; and I presume none of the Senators had any other idea than that the centennial bill would be resumed whenever the naval appropriation bill was out of the way. I have no doubt, from what has already transpired, that if this bill shall be taken up, as it was anticipated it would be, the discussion which will take place upon it will give ample time to have a full Senate before we shall reach a vote upon it; and certainly it is not as important, in many of its aspects, as the bill which has just been disposed of; and it is to be presumed that we ought to dispose of business of this character whenever it can be properly reached. I hope, therefore, it will be taken up, and I have no doubt there will be a full enough Senate to consider it.

Mr. SUMNER. Well, Mr. President, I think that taking it up now would be in the nature of a surprise. I submit that to my friend. Senators have left the Chamber who are interested in the measure, because, after what had passed, they imagined that the naval appropriation bill would occupy at least all of to-day, if not to-morrow. Now, I think that the Senator ought to profit by the opportunity and agree to make it the special order for to-morrow at one o'clock.

Mr. SCOTT. The Senator from Massachusetts will permit me to say that, this appropriation bill having been disposed of, I acted in the absence of my colleague who has charge of this bill. He has since come into the Senate, and any appeals on that subject should now be directed to him. I, of course, stand by the motion which I made; but he has charge of the bill.

Mr. SUMNER. As the Senator's colleague has just come into the Chamber, he is not perhaps aware that the naval appropriation bill is disposed of, and that the Senator from Pennsylvania on my left [Mr. SCOTT] moves to proceed with the consideration of what is known as the centennial bill. I suggest that as Senators are out of their seats now, not anticipating that this would come up to-day, it would be fair, it would be less in the nature of a surprise, if the Senator consented to make this bill the special order for to-morrow at one o'clock, and then he would have the day before him.

Mr. CAMERON. Mr. President, I will consent to the suggestion if the Senator will assist me to-morrow in getting it up.

Mr. SUMNER. I will.

Mr. CAMERON. Then I move——

Mr. SCOTT. I suggest to my colleague that there shall be a further understanding. I do not know what may be taken up next, but this as a special order would be displaced by the unfinished business, if any should be left to-day.

Mr. SUMNER. If there is no other business before the Senate, this might be taken up now, and then the Senate might go into executive session.

Mr. SARGENT. I think that would be better.

Mr. SUMNER. That would leave this the unfinished business.

Mr. HAMLIN. I would suggest that this bill be now taken up, then that it be laid aside informally. It will, therefore, when the Senate adjourns, be the unfinished business, and will not be within the control of any one objection.

Mr. SUMNER. That is right.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves to proceed to the consideration of the centennial bill. Is there objection? The Chair hears none; and it is before the Senate.

Mr. WRIGHT. I believe the understanding was that when taken up that bill should be laid aside informally until to-morrow. I suggest that we go to the Calendar; and if that is not agreed to, I shall move to proceed to the consideration of Senate bill No. 161.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Calendar be postponed, and that the bill referred to by him be taken up.

Mr. WRIGHT. That is the first bill on the Calendar.

LIQUOR-TRAFFIC COMMISSION.

The PRESIDENT *pro tempore*. The centennial bill is laid aside informally, and the Calendar will be proceeded with. The first bill on the Calendar is the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic, the pending question being on the amendment of the Senator from Maine [Mr. MORRILL] to the amendment of the Committee on Finance.

Mr. WRIGHT. I wish to suggest that, on conference with the Senator from Maine who offered this amendment to insert $10,000, I propose to change it and to make the amount $5,000. I am sure he has no objection. To get the question before the Senate, I move to amend by striking out $10,000 and inserting $5,000.

The PRESIDENT *pro tempore*. That motion would not be in order at the present time. The question is on the amendment of the Senator from Maine.

Mr. BAYARD. What is that amendment?

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. It is proposed to amend the second section of the committee's amendment by striking out the words "the amount necessary," in line 8, and inserting "for this purpose the sum of $10,000."

Mr. BAYARD. Mr. President, I have no objection, but, on the contrary, I approve of a limitation of the amount to be appropriated for this undertaking; but I have been unable to satisfy myself that the proposition is one that comes within the proper jurisdiction of the Congress of the United States. The commission may be termed a roving one. It is to procure information—statistics which are to be made the basis of some future legislation on the subject of the traffic in alcoholic drinks in the several States. However desirable it may be to have statistics on a subject so important as this, no one will doubt that, unless the Congress of the United States is to legislate in regard to the subject, the accumulation of statistics had better be left to the State governments, which alone have proper jurisdiction of it.

I would thank any gentleman who is interested in the passage of this bill to point out under what clause of the Constitution of the United States the power exists for Congress to legislate at all in respect of these matters of temperance, or intemperance, in the several States. I know of none. I can imagine no grant of power in the

Federal Constitution that will warrant the enactment of a law by the Government of the United States to enter a State and assume so large a portion of its necessary police powers. Now, sir, if the matter inquired of is not a matter of Federal cognizance, we should have nothing to do with it. If it be a matter which, as I believe, is properly and solely, under our system of government, committed to the charge of the several States, then I submit that Congress should leave these inquiries to be set on foot and conducted by the several States.

Mr. President, one of the troubles of our times is that so many very well-meaning and respectable persons consider that everything that is right in itself should necessarily be performed by the Congress of the United States, forgetting that this is a Government of limited, enumerated, and delegated powers, and that the desirability of a measure is no test whatever of the right of Congress to enact it into law. I believe, sir, it is an indifference to this truth, and it is a disregard of this truth, that has led this country into most of the difficulties from which we have suffered and which still surround us.

No one will deny the evil, the vice of intemperance; but how is it proposed to meet and punish it? My answer is, it must be left to the police powers of the communities where the vice exists. The States have full power and control over this subject, and each State punishes the offense according to its own discretion. If, then, as I suppose, it is not within the power of the Congress of the United States to assume and control this class of cases, then the proposed commission leads to an end which it would be unlawful to follow to its consequences.

There is no doubt that the legislation which is hinted at by this bill is Federal legislation, and there is no doubt that Federal legislation on this subject would be a usurpation of power; and, as I said before, I would like some friend of this measure to point out some authority under the Constitution for Congress to legislate on this subject.

Mr. President, there are some subjects which are clearly within the domain of law. There are others which are as clearly within the domain of morals. There are some the jurisdiction of which may be considered doubtful. But there can be no doubt—and this remark applies to general legislation, not simply to the legislation of the Congress of the United States, which must be under the limitations of the Federal Constitution, but it applies, as I say, to general legislation—that whether the subject proposed to be acted upon is properly within the domain of law or the domain of morals is not always easily to be decided. There can be no doubt that sumptuary laws are rather within the domain of morals than of law; and the result has been that they always have been considered odious among all free peoples, objectionable, difficult of execution, and their enactment or execution has generally been abandoned. One difficulty, therefore, respecting this question of enforced temperance, is that all the laws in relation to it partake in their nature of sumptuary laws; they are in themselves invasions of that right of individual action, that control of personal tastes guided by personal predilection and by individual constitutional peculiarities, which each man should be left to judge of for himself, and the interference with which he justly considers an unauthorized invasion of his personal liberty.

Mr. President, this bill proposes that a commission shall be appointed by the President of the United States, to consist of five persons, who shall "investigate the alcoholic liquor traffic in its economic, moral, criminal, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire and take testimony *as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States.*"

What have we to do with the practical results of legislation "in the several States?" If the results are unfavorable, what power has Congress to correct it "in the several States?"

As I said before, if legislation is to come of this inquiry, to make it lawful it must be enacted by "the several States." The States have the fullest opportunity of gathering this information and of judging of its weight, according to their own discretion. Congress can have no lawful authority over the subject; and yet I can well understand that this commission hints at an attempt to be made hereafter, by a law of the United States, to prohibit, to trammel, to interfere with the rights of the States and of the people of the States to control this question according to their own discretion.

It seems to me, sir, that the plain object of this bill and this commission is to allow the advocates of what I may term the political temperance movement to obtain a budget of what they would be pleased to call "statistics" to brandish before the eyes of Congress and of the State Legislatures, so as to demand prohibitory legislation in regard to the sale of alcoholic drinks.

Mr. President, this is a very serious question. The Government of the United States has already seen fit to impose a heavy tax upon this branch of business, by which it is expressly legitimized. The revenues to carry on this Government, to the amount of $60,000,000 a year and upward, are derived from the taxes on distilled spirits and malt liquors. After that follow some forty-odd millions of dollars derived from the tax upon tobacco. The great bulk of our internal revenue is derived from the three sources—alcohol, malt liquors, and tobacco—a total of upward of $100,000,000 per annum.

This is a question of broad public policy, and this vast revenue is drawn from a business conducted under the license of the Government, under the strict supervision of Government agents, in regard to whose returns and accounts there is no necessity for a commission; for the most minute and thorough details of the whole business are in the hands of the proper officials, who can give all information desired on the subject.

So far, then, as to the domain of law, the facts are before the country and easily attainable upon the application of any citizen at the proper Department. Now, by far the major proportion of this production of alcohol is consumed as a beverage. A large portion of it is used for scientific, medicinal, and mechanical purposes, but all used under regulations of law, all a source of enormous revenue to the Government, making other taxation unnecessary.

Now, sir, a great portion of the information desired to be obtained by this commission can be had from the census reports. The statistics of mortality will disclose to any accountant who will take the trouble to sift them the reports through the agents of the Government of the deaths which have occurred all over the United States in the last decade arising from intemperance and kindred causes; and I submit that with the enormous expense to which the country has already gone for the purpose of procuring such information, if that be not correct and reliable, if statistics obtained at so much cost, superintended and tabulated with so much ability as those contained in the last census report cannot be relied upon, how absurd it is to suppose that five volunteers, with a single secretary, can, within the space of a single year, be able to obtain more, and more reliable, facts on the same subject. It seems plain to me, therefore, that the information desired can be well obtained from the public documents which have been compiled at so vast an expense and with so much labor as the census report.

But, Mr. President, this commission would be incomplete if it did not connect with the information it seeks to obtain much more. There are other branches of inquiry equally important to the country. This commission looks only to obtaining what is evil in the results of this traffic, and from the use of alcoholic spirits. The testimony of physicians, the most learned, the most able, the most trustworthy in the country, will disclose the fact that the use of distilled spirits in cases of pulmonary disease, and other classes of disease resulting from disordered circulation, has become of late years very beneficial, guided by experience and by discoveries of modern science. All these facts, all these considerations, should enter into the examination of a subject so vast; and yet the language of this bill does not seem to contemplate them; and certainly an examination of the subject without considering all the sides of it would be imperfect and illusory.

Mr. President, temperance is one of the virtues, beautiful and orderly, as are all the virtues; and it is to be encouraged by education and by practice, as are other virtues. But whether it will be admitted by the friends of measures like the present or not, yet I am very sure that the experience and final result of all these attempts at coercive treatment of the subject will compel the admission that the chief force of any virtue will always be found to proceed from within the human heart, and not to be created by compulsion from without. To make their exercise constant and reliable it must be voluntary.

Who shall ever settle and what statistics shall ever prove to you whether care and sorrow are the children of intemperance, or whether intemperance is not in most cases begotten by care and sorrow, who are its true parents. Often, Mr. President, is intemperance—I mean intemperance in the over-indulgence of alcoholic drink—the sad refuge from trouble and pain and other harassments of life; and when gentlemen study the statistics what will there be to betray to them the proof whether it be a result or whether it be a cause? The experience of every man who hears me will bear me out in saying that it is not the happy and prosperous man for whom you fear the evils and the dangers of intemperance. It is not he who becomes a drunkard; but it is the man whose affairs have become deranged; whose embarrassments have multiplied; whose sufferings of body and mind have driven him to the temporary relief which the use of alcoholic stimulus oftentimes affords. What part has been played and is played every day in the creation of drunkards by the extravagance of their wives and their daughters and others who depend upon them for support? This commission proposes to ask nothing as to these causes, as to what the love of dress or the love of jewelry or the habits of idleness and dissipation may bring; and how the embarrassments which flow from debt caused by such habits, may be the real cause which sends the man for relief to habits of drunkenness, to drown his sorrows in the wine-cup. If you would remove an evil, is it not common sense that you should strike at its cause? Would you cure a fever by scraping the furred tongue? If there be evil, must you not attack it at the root? Otherwise will not your attempted remedies be absurd and superficial? And in dealing with a great physiological and moral question like this, are you to attempt to control it with statistics as though it were a question of taxes and income; of money and of measures of value? If gentlemen think they can do so, I can only assure them that they will be sadly mistaken.

The physiology of this question of intemperance is one that has fortunately received more care and more thought from scientific men recently than at any former period, and the fact is becoming, by those who study the question and are best competent to speak upon it, to be admitted that the excessive use of alcoholic stimulant resulting in intemperance is a physical disease, just as much so as any other that

afflicts the human frame; that there is necessarily no connection with it of a moral nature. I am not fully competent, and certainly at this time am not prepared, to present to the Senate the results of the examination and research of those benevolent, sincere, highly educated men who are considering this subject in this country and elsewhere. The institution of inebriate asylums throughout this country is one of the most excellent features of our time in connection with this subject. They are studying the laws and causes of this disease; are studying its effects; and they are applying those remedies which I believe to be the only really efficient ones to relieve us from the dreadful results of intemperance.

Let it not be supposed, because I stand here to-day to oppose the assumption by the Federal Government of powers which I do not believe are within its jurisdiction, that I am the less sensible of the evils that grow out of intemperance; that I feel less sorrow at its results, or less horror and disgust at its exhibitions. But I should be false to my duty, either as a servant of the Constitution of the United States or as a representative of the people, whose real interests I have at heart, did I not declare that all these measures of inquiry now proposed, preliminary to prohibitory and coercive measures hereafter, are only conducive of injury to the cause of temperance, which they profess to serve. They are shallow, they are ignorant, they are regardless of those truths which the sensible and scientific men who have considered this subject tell them control it. It is certain that the craving for excitement, cerebral excitement, the craving for stimulus, which sometimes degenerates into the disease which we call intemperance, is inborn in humanity. There never was in any age a people, high or low, cultivated or savage, in whom this taste was not found to exist. It is universal, and all history, all human experience so declares. It is not a result, but the taste for this stimulus exists in the nature of man; and how are you to treat and control a taste so universal, so positive, as that? Do you tell me that coercion will do it? That prohibitory laws will do it? It cannot be so. If it be the physical disease that I esteem it to be, it must be treated just as are other diseases of mind and body. If it be a moral question, it is beyond the domain of positive law; and all you can do is to punish the crime when it has been committed. But you cannot undertake to punish it before it has been committed, and you cannot undertake to punish a taste, the existence of which is coeval and coextensive with human nature itself. Morality may be the object, the inferential result of laws. They should be conducive to morality. Although they may not enforce it, they may prevent the execution of those acts which would be contrary to it. Surely no greater punishment can await those who are guilty of the crime and folly of the intemperate use of liquors, whereby their reasoning faculties are, for the time, paralyzed and betrayed, than that general feature of the law which prohibits drunkenness from being received as an excuse for crime; but, on the contrary, regards it as an aggravation of the offense.

Mr. President, in the world's history, in the history of mankind, it will not appear that the absence of the use of alcoholic drinks is accompanied *pari passu* with an elevated morality. Of the defects of the American people I am conscious, and often regret them; but I must say that there are many countries in the world where intemperance as to alcoholic drinks is almost entirely unknown, where the grade of morality is utterly inferior to that known throughout the United States. The southern portions of Europe, Turkey, parts of Asia, all disclose the fact that intemperance is there rarely known. It is a vice so exceptional as scarcely to be called a public vice in those countries. Yet who will consider the standard of morality practiced in the homes of the American people and not thank God that his lot has been cast in this land and not in theirs? Certainly no American will be found who would desire to exchange with them on that subject; and this may be said in no sense of over self-righteousness.

I do not understand, Mr. President, the ground upon which this constant interference in the shape of sumptuary or coercive laws can be justified. I do not understand how their advocates can expect from them any other than the usual results—an enforced obedience that will break into disobedience, and drive the parties, even while they submit, into hypocrisy and dissimulation. If the vice must be, let it be an open one. Its horrible, its shocking, attendants may do something to prevent it. The ancient Spartans, we are told, made their helots drunk, as an example to their youth. Therefore, if this thing must be, it had better be public, that men may find the disrespect that follows such practices, and they may be shunned, and may be useful as examples if they are useful for nothing else.

There is a narrow-mindedness, as it seems to me, in this system of enforcing the same class of habits to one man as to another, that I cannot approve. Without regard to his tastes, without regard to his capacity, without regard to his means, without regard to the idiosyncracies of his constitution, you would say that on this subject all men must be alike. There is no sensible physician, there is no sensible moralist, that will not answer that the proposition is false *per se*. There are scarcely any two constitutions upon whom this same stimulus will have the same effect. To one man the moderate use of alcoholic stimulus may be a source of health and vigor; to the other it is almost a poison. How can we prescribe a law which will enforce the same system as to both?

As to the morals of the question, they are of late discovery. We have had the precept and the example of the wisest and best men the world has known to the effect that the use of God's gifts, and not their abuse, is man's duty; that "God is paid when man receives." "To enjoy, is to obey." I prefer to follow that charitable rule which will allow each man to become his own guide as to these questions affecting his own happiness, than the rule of those cast-iron statesmen who insist on stretching each man on a procrustean bed of their own manufacture, and lopping him off or stretching him as the size of that bed may require.

The first miracle performed on earth by the Son of God himself was to change water into wine; and the Great Book which contains the history of His acts on earth is filled with examples of the usefulness, the wisdom, and the propriety of the use, not the abuse, of those things which He has given for our comfort.

The subject, Mr. President, is broad and deep and what I have said upon it has been in a very desultory and unprepared way. My objections to the bill I stated at first. Without precisely demanding legislation, it hints at prohibitory legislation by the Congress of the United States. If it does not do so, then there is no pretext in our passing the bill. If it does do so, then we have still better reason to stop, for we are entering upon a jurisdiction which we have no right to occupy. The matter belongs to the States. They have full and sole control over it; and I submit that this is an assumption, and a very dangerous assumption, by the Congress of the United States, over a subject which in my opinion rests far more within the domain of morals than it does in the domain of statute law.

Mr. FLANAGAN obtained the floor.

Mr. FRELINGHUYSEN. I hope the Senator from Texas will permit me simply to offer an amendment to this bill. I may not be here at the proper time to have it considered.

Mr. FLANAGAN. Certainly; I yield with pleasure.

Mr. FRELINGHUYSEN. I offer an amendment to the pending bill, at the suggestion of the agent in Washington of those interested in brewing and in fermented liquors, and I understand that is not objectionable to several members of the committee, but they look upon this amendment as merely perfecting the bill.

Mr. BUCKINGHAM. I ask the honorable Senator from Texas if he would yield to a motion to go into executive session.

Mr. FLANAGAN. I would rather make my few remarks now, but I am not very particular. I should like to have the amendment of the Senator from New Jersey reported.

The PRESIDENT *pro tempore*. The Senator from New Jersey gives notice of an amendment, which at the proper time he will move to the pending bill.

Mr. FLANAGAN. Mr. President, I have listened attentively to the remarks of my distinguished friend from Delaware, [Mr. BAYARD,] and with a great deal of pleasure, though differing directly with him in his views. Some of his points are well taken in the defense of the great criminal that is now arraigned broadcast in this mighty Union. He defends him with ingenuity and with great ability, invoking God's Holy Word in doing so. I think myself, however, that it is far-fetched, and will not strike with great force in supporting the terrific evil that is known to exist throughout the nation. Would that I could confine my remarks to the nation; but, sir, it is broadcast so far as known to civilized man.

The Senator makes a very emphatic remark, and one that I shall raise no issue with him upon, that there is great ignorance abroad in the land. That is very true. He says further that those who are attempting to resist the inroads made by this great wrong-doer, alcohol, do not understand the subject. He refers us also to the first great miracle performed by the Saviour, of water being turned into wine, and therefore it must be indorsed by the human family. In that same book it is related of a great judge sitting not precisely in the capacity of your honor at this moment, but upon an occasion when one of the most eloquent men that ever opened lips before man—who I suppose would equal my friend from Delaware, even, upon this subject—told him that much learning had made him mad. I think that is about the condition of my friend upon this occasion. He has studied this question, and he says, too, that if this inquiry is instituted, if the bill should become a law, only one side of the question will be presented to Congress. Now I have no hesitancy in saying that, from the noble effort in behalf of the defendant at bar which has been put in by him to-day, he will be here, and he will defend that cause, be it good or bad. I think it a bad one, however; but it is in good hands.

The Senator says further that this bill contemplates action on the part of Congress. I meet that question boldly. Certainly it does; and if it did not, I would not give a bawbee for it. I want to find a panacea, if it is possible, to meet this grand question, and it seems to me that this is a good start. If it were not, I should not advocate it for an instant.

The Senator says there is no power known to the Government of the United States authorizing action upon this subject, tending to the ability to suppress this great evil. Now, Mr. President, there comes in beautifully the question of ignorance, the word played upon by my friend. I must confess that I find myself in that category. If there be no such power, I am ignorant of the fact. It would be very vain in me perhaps to raise an issue with the distinguished gentleman who asserts roundly that such is the fact, and challenges contradiction or information upon that subject. When you speak of the Constitution, Mr. President, I have never been a very strict constructionist. I might be said to be a latitudinarian, if you please.

Now, sir, simple though it may be, yet I can find sufficient authority in the Constitution of the United States to authorize me to arrive at the conclusion that I do. In that I may be entirely wrong; but if I am wrong, the framers of the Constitution of the United States were likewise wrong. They were not then prepared literally to declare for and against everything; but we must look to their intent. I find in section 8, of the first article, that the Congress of the United States shall have power to do—what?

To lay and collect taxes, duties, imposts, and excises.

There is no question upon that subject. Everybody is agreed upon that, whether wise or ignorant.

To pay the debts—

There would be no issue upon that—

and provide for the common defense and general welfare of the United States.

That language is latitudinous. It contemplates rattlesnakes, if you like, Dahlgren cannon, everything and anything that is pernicious to the human family—yellow fever, cholera, or anything else. They have the power to protect the Government in all these respects; and further:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

It may be said that it would require money to do all this. That is very true, and this bill proposes to appropriate $10,000. I think it ought to be $15,000. I think these commissioners ought to have $3,000 each. I think, as my friend from Delaware has very well said, it is a matter of great moment; and I have no hesitancy in saying that I should not look to the patriotism of the country to that degree as to require learned men and good ones, as they certainly should be, to make a sacrifice on this great subject. My friend proves that it is great, for he talks of the millions of revenue paid by the manufacturers of alcoholic liquors. That is very true; but is that a single reason in the mind of this nation why it should have recognition for one instant? No, sir; this fell and great destroyer of the human family should not have standing or place in this broad land, no matter what the estimate of the revenue from it might be in dollars and cents, if it is concluded that it is injurious to the nation at large. Therefore I ignore that proposition, and would go further directly upon that line.

There is a great question pending here now, as to the resumption of specie payments. I would go any day, yea, I would leave my bed at midnight, in the deepest snow that we have now on God's earth, and go to the Capitol and vote to make the Government pay the debt of the nation as it contracted to pay it. I would resume specie payments by taxation upon alcohol and its various ramifications. I would want no better subject for taxation. Let those who are determined to enjoy it, suicidally or otherwise, enjoy it; but let them bleed freely in taxes for doing so. Those taxes would bless the nation. If you wish to do it, not in part but to go the whole length, tax it sufficiently high to enable you to wipe out the debt of this nation, and perhaps that might check some of the defenders of it to some extent.

Why, sir, in the great city of New York, which this mighty nation is proud of, which the world is proud of, there are nearly eight thousand liquor saloons. Look what a deluge there is there! There is a volume for this mighty nation to contemplate in one city alone of our proud nation. What might I say as to the number known to your proud city of Washington, the capital of the greatest nation on God Almighty's earth, in my humble opinion? I will not undertake to give the numbers here. There are too many known to all good men.

My distinguished friend from Connecticut, [Mr. BUCKINGHAM,] whom I always love to hear, because he comes right down to morality and everything of that kind of the very best order, in speaking upon this subject the other day said something about the women's movement. Sir, I am glad to know that they are moving. I have never been an advocate for the suffrage of women; but I pledge you my word to-day, sir, that I am very nearly a convert, looking at the noble achievements of women at this day, and seeing what they are doing, particularly if they shall succeed, as I hope in God's name they may, in the great movement in which they are now engaged. If they should do so, I think it would be well for them to take the place of American legislators, because they will have proven to the world clearly and conclusively that they are their superiors. They know the miseries of the human family; they know the woes that they are surrounded with growing out of this destructive element that is so ably defended and advocated by my distinguished friend from Delaware. If I knew that there was a woman within the United States who could bring influences to bear that would secure a prohibitory law that would save the men, women, and children of this nation from this scourge, and I had the power to vacate my seat here and place her in it, I would do it.

Why, sir, I am ready to go this far: I believe we never should have had the great war that existed between the brethren of this mighty nation, the people of the North and South, if it had not been for alcoholic liquors. I charge it to alcohol; not to bad men. Unfortunately there are good men who participated in it, around the social board and in the various avenues and ramifications pertaining to it; blood got up; fighting ensued; and yet alcohol is triumphant.

Sir, I am one of those who will vote against it in any way that it is possible to suppress it. I believe the power exists under the Constitution of the United States to meet this great question. If it does not, then I would be most anxious to vote for an additional provision that would reach it. This investigation opens up and invites the mind of the nation in that direction, and at the same time it strengthens the mighty effort now being made on the part of the women of the land. Let them all come in together, and it may be that before the time of the great centennial exhibition is reached the gordian knot will be cut, and all may meet together on that momentous occasion as a happy nation in the first one hundred years that alcohol has been tried and condemned; and in that case we shall be the most happy nation upon earth.

Mr. BUCKINGHAM. I now move that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. I appeal to the Senator from Connecticut to allow us to take a vote upon this bill unless there be a disposition to debate it further. So far as I am concerned, having the bill in charge, I have no disposition whatever to debate it; and I think we might have a vote now and dispose of it.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut withdraw his motion?

Mr. BUCKINGHAM. I will withdraw the motion if we can take a vote on the bill.

The PRESIDENT *pro tempore*. The Senator from Connecticut withdraws his motion.

Mr. THURMAN. I do not think this bill will pass without some further debate. I renew the motion to go into executive session.

Mr. SHERMAN. This will come up as the unfinished business to-morrow and displace the centennial bill.

Mr. HAMLIN. Let the centennial bill be taken up first.

Mr. SHERMAN. I appeal to my colleague to let this matter get out of the way of other business.

The PRESIDENT *pro tempore*. The understanding of the Chair is that the centennial bill was laid aside informally, and was to remain the unfinished business to-day.

Mr. SUMNER. That is the understanding. The centennial bill is in order for to-morrow.

Mr. SHERMAN. I appeal to my colleague to allow a vote to be taken first, on account of the general interest felt in this subject by a large number of people. As it is, it will stand in the way of the Calendar and all other business until it is disposed of. It is certainly a matter of not so great importance that we cannot decide how to vote upon it. I should be very glad to hear the views of my colleague about it, but still, I think, we ought to act upon it because it stands in the way of all private bills on the Calendar. By a vote of the Senate it has been placed at the head of the Calendar, and the Calendar cannot be reached in the ordinary course until this bill is disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Ohio withdraw his motion?

Mr. THURMAN. No, sir.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-four minutes spent in executive session the doors were reopened, and the Senate (at five o'clock and ten minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 26, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

BRANCH MINT IN SAN FRANCISCO.

Mr. GARFIELD. I ask unanimous consent to report back from the Committee on Appropriations, for present consideration, the joint resolution (H. R. No. 58) to render available a certain unexpended balance of appropriation. The object of the joint resolution is to save an unexpended balance from being covered into the Treasury.

The joint resolution was read. It proposes to reappropriate and make available, from and after the passage of the joint resolution, the unexpended balance of the appropriation for the construction of the United States branch-mint building at San Francisco, California, now remaining on the books of the Treasury Department to the credit of the appropriation for that work, and unavailable under the provisions of the fifth, sixth, and seventh sections of the act of July 12, 1870.

Mr. WOOD. I ask the gentleman from Ohio, what is the amount of the unexpended balance of appropriation proposed to be rendered available under this joint resolution?

Mr. GARFIELD. I have a letter from the Secretary of the Treasury which fully explains it, and which I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 5, 1874.

SIR: I inclose herewith copy of a letter from the Supervising Architect in regard to an unexpended balance, amounting to $234,176.64, standing to the credit of the

appropriation for the erection of the United States branch mint in San Francisco, which has become unavailable under the provisions of sections 5 and 6 of the act of July 12, 1870, and would respectfully request the passage of a resolution making the appropriation available.

It is of the utmost importance that the new mint should be completed and put in operation at the earliest possible moment; and unless the above appropriation is made available, or a similar amount appropriated, it will be necessary to suspend work.

It will be seen from the letter of the Supervising Architect that the appropriations for the completion of this building, including the above-named amount, have not exceeded the amount fixed by law, namely, $1,500,000. There appears to me, therefore, no reason why the above amount should not be rendered available.

In this connection I desire to express my concurrence in the views expressed by the Supervising Architect in regard to the operations of the fifth and sixth sections of the act above referred to, so far as regards the appropriations for public works, and desire to call attention to the fact that the appropriations for light-houses have been exempted from the operations of this act by the act of June 10, 1872, and would recommend that the same provision be extended to public buildings.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. RANDALL. When this matter was formerly before the House I raised the point of order on it, as the gentleman from Ohio will recollect. I have examined the subject since. I suppose the appropriation is a correct one, although I would like the gentleman who has charge of the resolution to tell me why this money was not covered into the Treasury under the two years' act, as I may term it.

Mr. GARFIELD. I have no doubt that the Committee on Appropriations in 1870 intended to make a law by which all appropriations should be covered into the Treasury within two years from the date of the law authorizing the appropriation. I have no doubt, I say, that such was the intention of those who framed the sections referred to. But they did not use words that resulted in carrying that intention out, and for this reason: Strictly speaking, in the eye of the law, Congress does not make an appropriation of money. Congress authorizes an appropriation to be made. The appropriation is made, in fact, by the Secretary of the Treasury when he draws an appropriation warrant. The courts regard the act of the Secretary in the drawing of the warrant, which is authorized by law, as the act of appropriation. Therefore we may make a law to-day authorizing the appropriation of $100,000, and if two years, lacking a day, from to-day the Secretary draws his warrant against it, that warrant becomes the act of appropriation; and they have therefore construed the sum as standing for two years after the day on which the warrant is drawn which is called the appropriation.

Now the Committee on Appropriations has endeavored, in the legislative appropriation bill now pending, to rectify what we consider the mistake of that law, and have provided that whenever any sums shall have stood on the books of the Treasury, as liable to appropriation, for two years, they shall be covered back into the Treasury; but as the law now stands they are not liable to be covered in until two years after the appropriation warrant shall have been drawn setting them apart as appropriations.

Mr. NIBLACK. I wish to inquire of my friend from Ohio if he does not consider this construction given by the Treasury Department to this provision of the law of 1870 as being in effect an evasion of the plain intention of that law?

Mr. GARFIELD. I have no doubt that Congress intended to do the other thing. But I am equally clear as to this, that the older statutes did not contemplate an act of Congress as an appropriation; and I am inclined to think that technically the Treasury has been right in its construction.

Mr. NIBLACK. I think we ought to legislate so as to correct this evasion of the law.

Mr. GARFIELD. I agree with my friend from Indiana that we ought; and I think we have in the legislative appropriation bill done exactly what he desires.

Mr. NIBLACK. I would suggest to the gentleman that, as this is in effect a direct appropriation of money from the Treasury, it should be changed to a bill instead of a joint resolution.

Mr. GARFIELD. I will accept the suggestion, and move the change accordingly.

Mr. BECK. I ask the gentleman to yield to me to make one remark about this law.

Mr. GARFIELD. Certainly.

Mr. BECK. I was a member of the Committee on Appropriations when the law of July 12, 1870, was passed. We provided in section 5 of that law, first, that all balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year and remaining unexpended at the expiration of such fiscal year, shall be applied only to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year. And then, in section 6, we provided "that all balances of appropriations, which shall have remained on the books of the Treasury without being drawn against in the settlement of accounts for two years from the date of the last appropriation made by law," shall be covered into the Treasury. Yet, to-day, the amount of $72,000,000, $52,000,000 of which was applicable to and appropriated in the year 1871, is retained upon the books of the Department and drawn against, because the Department construes this provision of law in this way: If there is an appropriation of $10,000,000 for 1871, for the pay of the Army or for any other purpose, and then within two years the Department draws against it for say ten dollars, and then two years afterward for ten dollars more, the whole of that $10,000,000 is kept running forever, subject to the use of the Department. The last Book of Estimates shows that there are $72,000,000 afloat now upon that construction; which is nothing but a fraudulent attempt on the part of the Department to control, as they are now doing, $72,000,000 of balances, against the plain letter and intent and meaning of the law passed by Congress.

The provision of the legislative bill, which the gentleman from Ohio [Mr. GARFIELD] says will require, on the 1st day of July of each year, all unexpended balances to be covered into the Treasury, simply allows the Department to draw from now until the 1st day of July without restraint, when the whole sum should now be put beyond departmental construction. I will ask the gentleman to admit an amendment to accomplish that object, so as to stop the expenditures now, and not wait until the 1st day of next July.

Mr. GARFIELD. If the language employed by the committee does not perfectly accomplish the purpose, I will be glad to have the help of the gentleman from Kentucky.

Mr. RANDALL. I do not, for one, desire to place the House in the position of acquiescing in the interpretation of the Department in reference to the law of 1870.

Mr. BECK. It is all wrong.

Mr. RANDALL. I suggest to the gentleman from Ohio [Mr. GARFIELD] to make this a direct appropriation of money from the Treasury. If he will do that, the purpose for which this money is required, being a proper one, I think it will meet with no opposition. But the bill as it now stands puts Congress in the position of recognizing, by a solemn enactment, a technical construction of the Department whereby enormous sums of money are retained on the books of the Treasury, subject to draft at any time; which construction is neither the letter nor the spirit of the law.

Mr. GARFIELD. The gentleman makes this mistake: it is a matter which has been decided by the courts as well as by the accounting officers of the Treasury. We do not either recognize or oppose that construction by this bill. We simply say that the amount of money appropriated for this mint at San Francisco, and which could not be used in consequence of the failure to obtain title to the land in time before the two years had passed, shall be used to finish the building, the money being needed for the daily work going on. It is to avoid the delay of waiting for the regular deficiency bill.

Mr. WOOD. The gentleman says the Department assumes the right to override, ignore, and abolish an act of Congress regulating appropriations, and stating when they shall be covered into the Treasury if not used. I think he should go much further than the suggestion made by the gentleman from Pennsylvania, [Mr. RANDALL.] I think we should determine the question now so as to cover in the Treasury not only the unexpended balances now remaining, but all there may be hereafter, not only in the case of the California mint, but in all similar cases. That should be done, not by an appropriation bill, as proposed by the chairman of the Committee on Appropriations, but by a general law providing that when any money appropriated shall not be expended for two years—not merely not drawn upon—it shall be covered into the Treasury. I think the time has arrived when it is necessary for the money-appropriating power of the Government to determine what limit shall be placed upon executive action in reference to disbursements.

Mr. GARFIELD. The gentleman from New York [Mr. WOOD] could not have heard what I said in reference to the legislative appropriation bill. The last section of that bill is short, and I will read it. It is as follows:

SEC. 4. That on the 1st day of July of each year the Secretary of the Treasury shall cause all unexpended balances of appropriations, which shall have remained upon the books of the Treasury for two fiscal years, to be carried to the surplus fund.

This language was drawn by the Committee on Appropriations after consultation with those in the Treasury who construed the law, and it is acknowledged by them that it will accomplish perfectly and completely what we believe to have been the intention of the two Houses of Congress.

Mr. BECK. Do you not by that provision allow all balances now running to remain until the 1st day of next July?

Mr. HALE, of Maine. How much earlier than the 1st day of July next does the gentleman suppose the legislative appropriation bill will pass and become a law?

Mr. BECK. It may not become a law before the 1st of June, if you please. All we have to do would be to strike out the words "not being drawn against in the settlement of accounts," in the sixth section of the act of 1870, and then by their own construction the money will be covered into the Treasury the day the bill passes, instead of waiting until the 1st day of July next. I want to put the money at once beyond the power even of departmental construction. Every dollar now taken is in palpable violation of law, and they are doing it every day.

Mr. GARFIELD. I think there would be found a great inconvenience in undertaking to make such a provision begin its operation before the end of the fiscal year. I think it would very much disturb the method of keeping the accounts in the Departments to start off before the end of the fiscal year with a general change of that kind; and, as the

gentleman from Maine [Mr. HALE] suggests, it is hardly to be hoped that the legislative appropriation bill can become a law before the end of the present fiscal year.

Mr. BECK. I understood the pressure was to have Congress adjourn on the 15th of May, and that we were trying to work up to that.

Mr. GARFIELD. I understood the House distinctly to negative that proposition. I voted against it myself, as did the gentleman from Kentucky.

Mr. BECK. Those balances do not belong to the Departments by law; they ought now to be in the Treasury. We ought to curtail, indeed, abrogate, the power of the Departments over them by every practicable means; we ought at the earliest possible day to put those balances beyond the reach of the Departments by any construction which they may adopt.

Mr. GARFIELD. Whenever the House will allow us to get at the legislative appropriation bill we can fix that matter.

Mr. BECK. I shall object to this bill, if I have the right to do so, believing that this money is in the Treasury now according to law.

Mr. GARFIELD. It is too late for the gentleman to object.

Mr. BECK. If a good bill were presented making a reappropriation of this money, and if it were shown that San Francisco should have this mint building, I would vote for it.

Mr. RANDALL. I wish to move an amendment.

Mr. GARFIELD. I yield to the gentleman from Maine, [Mr. HALE.]

Mr. HALE, of Maine. I agree fully with what has been said here as to this construction of the Departments being in fact an evasion of what was intended by the Committee on Appropriations and Congress in the legislation of 1870. But in reply to the suggestion made by the gentleman from Kentucky, [Mr. BECK,] who thinks that something should immediately be done to prevent these large sums lying in the Treasury to the credit of the Departments from being used, there is this to be said in behalf of the Departments: that the fact of these large sums lying there to-day, aggregating $70,000,000, unexpended, not drawn upon, although the Departments have so construed the law that they could expend them, makes in favor of the Departments. So far as it goes, it shows moderation on their part. They have had by their construction, which has been accepted, $70,000,000 that they might have expended, but which they have not expended. I put this consideration to the gentleman as showing, in all fairness, that he need have no fear that during the few weeks which may intervene between the time Congress adjourns (and the earlier the better, in my view) and the 1st day of July there will be any great expenditure out of these sums. I am afraid that none of the appropriation bills, which, as gentlemen know, are usually the last passed, will get through and become law, as things look now, much earlier than the 1st of July. In my judgment we ought to be able to get through our work six weeks earlier; but in the present condition of business in this House, with all the vast subjects looming up before us, I do not see how we can get through much before the heats of midsummer. So that the objection raised by the gentleman from Kentucky, [Mr. BECK,] that this provision ought to take effect at once, and not be delayed until July, has, I believe, no practical application.

Mr. BECK. I wish to make a single suggestion to the gentleman from Maine. I have not time to go over the Book of Estimates which I have here, but I ask him to take for example Statement B, which contains the balances of appropriations made for the service of the year ending June 30, 1871, and limited by law to the payment of indebtedness for that year. If the gentleman will look over this exhibit he will see that these Departments are to-day drawing against the balances of appropriations for 1871, which were limited by law to that year, and ought now to be in the Treasury. They had drawn over $1,000,000 in September last. Those balances are being diminished by the Departments every day, as the Book of Estimates shows. That is my reason for asking prompt action on this subject.

Mr. HALE, of Maine. Balances accumulate every year.

Mr. RANDALL. I desire to move an amendment, to strike out the words "the unexpended balance of the appropriations," and insert the following:

That the sum of $234,176.64 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of the branch-mint building in San Francisco, California.

Mr. GARFIELD. I hope the gentleman will not press that amendment, and for this reason: if we now make what would be an independent appropriation it will be without any limitation. If we reappropriate this money, the provision will refer back to the original law, and will be subject to all the restrictions and limitations to which we wish it subjected. But it has been again and again decided that——

Mr. RANDALL. The bill in the form proposed appears to me a violation of existing law, which I do not propose to sanction.

Mr. GARFIELD. Will the gentleman listen a moment? It has been decided again and again that a naked appropriation for a public building, accompanied by no restrictions upon the appropriation, is to be construed, so far as the amount of money is concerned, as repealing the general limitations applicable to the subject. This was stated by the chairman of the Committee on Ways and Means [Mr. DAWES] in his speech the other day, concerning the post-office building in Boston.

Now, the advantage of simple reappropriation keeps it all within the old limitation, and it is for that reason I desire it shall be simply made available.

Mr. RANDALL. The very act of 1870 changes that construction.

Mr. GARFIELD. No; it does not.

Mr. BECK. In the case of the Knoxville post-office, there was an old appropriation of $10,000 uncovered into the Treasury, and upon the foundation of that unexpended balance they built up an appropriation of $100,000. It is to stop just that very sort of appropriation the act of 1870 was passed.

Mr. RANDALL. I propose to add to the amendment, that this sum shall complete the building.

Mr. GARFIELD. I do not know whether it is sufficient or not, but this reappropriation has all the safeguards about it. I will yield to the gentleman from Pennsylvania to offer his amendment.

Mr. RANDALL. I move the following substitute. Let us do this right, if we are going to do it at all.

Mr. GARFIELD. I think it gets it all wrong.

Mr. RANDALL. No; it does not. I ask that my amendment be read.

The Clerk read as follows:

Resolved, &c., That the sum of $234,176.64 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated for the construction of the United States branch-mint building at San Francisco.

Mr. RANDALL. I propose to add still further to that amendment, "this being sufficient to complete the building."

Mr. GARFIELD. Is the gentleman sure it will be enough to complete the building?

Mr. RANDALL. I know it is enough, for I have the word of the California members that it will be enough.

Mr. GARFIELD. I call for the previous question.

Mr. RANDALL. Does the gentleman object to my amendment?

Mr. GARFIELD. I cannot accept the gentleman's amendment.

Mr. BECK. Does not this go to the Committee of the Whole on the state of the Union?

The SPEAKER. It is being considered in the House by unanimous consent.

Mr. PLATT, of Virginia. I should like to ask the chairman of the Committee on Appropriations a question.

Mr. GARFIELD. Certainly.

Mr. PLATT, of Virginia. Why should this amount for the construction of this building not be covered into the Treasury on the 1st day of July next, and be separated from the consideration of all other unexpended balances in like situation in reference to other buildings throughout the country? Why should they not all be considered together? I should say I agree with the object of the bill, but I think it is one which should be met by the House in a general bill. In my judgment one of the worst laws passed by Congress was the one covering unexpended balances into the Treasury so far as public buildings are concerned.

Mr. BECK. That law has saved millions of dollars to the country.

Mr. PLATT, of Virginia. That law of 1870, covering unexpended balances into the Treasury, goes into effect at a time when a great many of these works which are being prosecuted by the Government should be carried forward with vigor. Just at that moment all the available funds appropriated for the purpose are by the existing law covered into the Treasury. I should like to have the bill from the committee passed, as the object desired to be accomplished is a meritorious one; but it ought to be done as soon as possible in a general law. I am unable to see any reason why this appropriation should be selected from numerous others in like situation, or why this committee should ask that it shall be acted on separately.

Mr. GARFIELD. The only answer I have is, this is the only building for which the Secretary of the Treasury made a special request. When he sends requests in other cases they will receive the attention of the committee. I demand the previous question.

The previous question was seconded and the main question ordered.

The question recurred on Mr. RANDALL's amendment.

The House divided; and there were—ayes 66, noes 47; no quorum voting.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. RANDALL were appointed.

Mr. RANDALL. I hope the gentleman will not object to my amendment.

Mr. GARFIELD. I do object to it. I do not wish to swell appropriations by doubling them.

Mr. RANDALL. If it comes to that, there ought never a dollar to go out of the Treasury in the manner proposed by this resolution.

The House again divided; and the tellers reported—ayes 60, noes 91.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 77, nays 151, not voting 62; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Freeman Clarke, Clymer, Coburn, Cook, Crittenden, Crossland, Alexander M. Davis, John J. Davis, De Witt, Durham, Field, Giddings, Glover, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Herndon, Holman, Hunton, Jewett, Kendall, Knapp, Lamar, Lamison, Magee, Marshall, McLean, Merriam, Milliken, Mills, Mitchell, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Phillips, Randall, Rawls, Read, Robbins, William R. Roberts, Milton Sayler, Scofield, Southard, Speer, Stone, Taylor, Todd, Vance, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—77

NAYS—Messrs. Albert, Albright, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hancock, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hersey, E. Rockwood Hoar, George F. Hoar, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Killinger, Lamport, Lansing, Lawrence, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McNulta, Mellish, Monroe, Moore, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Pendleton, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheldon, Sherwood, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stowell, Strait, Strawbridge, Swann, Thomas, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Wilshire, James Wilson, Wolfe, Woodford, and Woodworth—151.

NOT VOTING—Messrs. Averill, Banning, Barber, Barrere, Barry, Bass, Bright, Benjamin F. Butler, Cain, Clinton L. Cobb, Comingo, Cox, Creamer, Crocker, Curtis, Danford, Dawes, Eden, Eldredge, Elliott, Harmer, Benjamin W. Harris, Havens, John W. Hazelton, Hendee, Hereford, Hodges, Hooper, Kelley, Kellogg, Lawson, Leach, Lewis, McCrary, Morey, Morrison, Myers, Nesmith, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Potter, Purman, James C. Robinson, Ross, Shanks, Sheats, Lazarus D. Shoemaker, J. Ambler Smith, William A. Smith, Snyder, Standeford, Stephens, St. John, Storm, Sypher, Tremain, Waddell, Walls, White, and Jeremiah M. Wilson—62.

So the amendment was not agreed to.

Mr. BECK. I move that the bill be laid on the table.

The question being put, it was declared by the Chair, on the vote by sound, that the noes had it.

Mr. BECK. I call for the yeas and nays. I want a record on this.

The yeas and nays were ordered.

The question was taken; and there were—yeas 59, nays 173, not voting 58; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Burchard, Caldwell, John B. Clark, jr., Clymer, Cook, Crittenden, Crossland, Alexander M. Davis, DeWitt, Durham, Giddings, Glover, Hamilton, Henry R. Harris, John T. Harris, Hereford, Herndon, Holman, Hunton, Jewett, Killinger, Knapp, Lamar, Magee, McLean, Milliken, Mills, Mitchell, Neal, O'Brien, Hosea W. Parker, Perry, Randall, Rawls, Read, William R. Roberts, Southard, Speer, Whitehead, Whitehouse, Whitthorne, Willie, Wood, John D. Young, and Pierce M. B. Young—59.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Bradley, Bromberg, Buffinton, Bundy, Burleigh, Burrows, Roderick R. Butler, Cannon, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hancock, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hendee, Hersey, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamison, Lansing, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Negley, Niblack, Nunn, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pendleton, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stone, Stowell, Strait, Strawbridge, Swann, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Wilshire, Ephraim K. Wilson, James Wilson, Wolfe, Woodford, and Woodworth—173.

NOT VOTING—Messrs. Archer, Banning, Barry, Bass, Benjamin F. Butler, Cain, Cox, Creamer, Crocker, John J. Davis, Dawes, Eden, Eldredge, Elliott, Freeman, Harmer, Benjamin W. Harris, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Lamport, Leach, Lewis, McJunkin, Mellish, Merriam, Morey, Morrison, Myers, Nesmith, Niles, O'Neill, Parsons, Pelham, Phelps, Pierce, Poland, Potter, Purman, Rapier, James C. Robinson, Ross, Lazarus D. Shoemaker, William A. Smith, Snyder Standeford, Stephens, St. John, Storm, Sypher, Tremain, Waddell, Wheeler, and Jeremiah M. Wilson.—58.

So the House refused to lay the joint resolution on the table.

Mr. GARFIELD. I ask that the joint resolution be changed into a bill.

There was no objection.

The bill (H. R. No. 2201) was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER. I am instructed by the Committee on Expenditures in the Department of Justice to offer a preamble and resolution as their unanimous conclusion; and I ask unanimous consent for their present consideration.

The Clerk read as follows:

Whereas the House did, on the 16th day of February, direct the Committee on Expenditures in the Department of Justice to inquire into the expenses, disbursements, and general management of the western district of Arkansas, since its organization in 1871; and whereas said committee, in pursuing its inquiries under the aforesaid resolution of the House, doth require for said investigation and for any other investigation it may deem necessary, under the rules of the House providing for its organization, additional powers and facilities to those already conferred upon it: Therefore,

Be it resolved, That the said committee have authority to send for persons and papers, to administer oaths, and to employ a clerk and stenographer for such period as it may deem proper.

Mr. GARFIELD. I would like to hear some statements from the gentleman from Virginia [Mr. SENER] in regard to the necessity for this resolution; and until then I reserve the right to object. I want to know if it means sending to Arkansas and making a large expenditure? That is the only object I have in making the inquiry.

Mr. SENER. The committee of this House charged with this duty have made the fullest investigation that has been in their power at this point. They have been facilitated in this investigation by the Attorney-General, and by the proper accounting officers of the Treasury. In the course of our investigation we found a report made to the Attorney-General by a detective whom he sent to Arkansas, which shows, in the unanimous judgment of the Committee on Expenditures in the Department of Justice, to say the least of it at this point, gross irregularities, if not gross fraud.

The committee, responding to the duty which was imposed upon it by the House, feels that this *ex parte* investigation, ordered by the proper head of this Department, should be thoroughly investigated by a committee of this House, to the end that if the western district of Arkansas rests under improper censure, the censure may be removed; and if, on the contrary, it has been guilty of fraud or mismanagement, that it shall be brought to the attention of the House and of the country.

Mr. MAYNARD. The resolution employs the words, "any other investigation it may deem necessary under the rules of the House." I suggest whether this is not rather broad. I think the resolution should go to the Committee on Accounts, and let them pass on it, after which we can act more satisfactorily.

Mr. SENER. I do not see what the Committee on Accounts can know about an investigation which we are called upon to make under the rules of the House.

Mr. GARFIELD. I ask the gentleman to consent to have the resolution printed, and allow it to lie over. I object to its being adopted now.

Mr. SENER. What will be its condition if it goes over?

The SPEAKER. The gentleman can ask unanimous consent for its consideration on any other day, just as he has done now.

The preamble and resolution were ordered to be printed.

WILLIAM B. THOMAS.

Mr. E. H. ROBERTS, by unanimous consent, from the Committee on Ways and Means, reported a bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

The SPEAKER. The House resumes the consideration of the bill (H. R. No. 825) to provide for the distribution of public documents printed by the authority of Congress, and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published. When the House took a recess yesterday the previous question had been seconded and the main question ordered; and the gentleman from Pennsylvania [Mr. PACKER] had moved to reconsider the vote by which the main question was ordered, and that the motion to reconsider be laid on the table.

Mr. E. H. ROBERTS. I move that the bill and amendments be laid on the table.

Mr. PACKER. I withdraw the motion to reconsider. I believe I am entitled to an hour to close the debate on this bill.

The SPEAKER. The gentleman has that right, the motion of the gentlemen from New York [Mr. E. H. ROBERTS] notwithstanding.

Mr. PACKER. I yield ten minutes of my time to the gentleman from Ohio, [Mr. DANFORD,] my colleague on the committee.

Mr. DANFORD. I rise, Mr. Speaker, for the purpose of supporting the bill reported by the Committee on the Post-Office and Post-Roads. In doing so I desire to call the attention of the House to two propositions.

The first is, that we are engaged year after year in making extensive surveys of our Western States and Territories; and we are also engaged in making surveys of our coasts. We are expending from one hundred and twenty to one hundred and fifty thousand dollars annually in keeping up an Agricultural Departmennt or Bureau. We are expending large sums of money in gathering together information for the people in reference to our country, and in relation to the productions of other countries. We are doing all this at a large expenditure of money. My proposition is, that if we continue our Agricultural Bureau, if we continue these surveys, if we continue gathering information for the people, we should provide some means for giving them the information thus gathered.

I have listened to the debate upon this bill for a week, and I have heard no member, rising in his place on this floor, advocate the proposition that members of Congress out of their present salary should pay for distributing these documents to the people which have been published by order of the House. Then why are we gathering this information together? Why are we ordering these documents to be printed from time to time? Gentlemen talk about economy. Sir, it is no measure of economy to deny the sending of these documents through the mails.

But gentlemen tell us that if this bill is passed we will print this information that we are gathering together. At the beginning of this session there was a resolution introduced into this House to print, I

believe, two hundred and fifty thousand copies of the Agricultural Report for 1872. Where were our economists then? The yeas and nays were not called, and the resolution passed this House with scarcely a dissenting voice. Now for what purpose do we propose to print these two hundred and fifty thousand copies of the Agricultural Report? Certainly for distribution among the people. And how do we propose to distribute them? Gentlemen who talk upon this floor about economy direct their argument toward the Printing Bureau, toward that establishment that has grown into such immense proportions in the last few years. Is it their purpose to destroy the Printing Bureau? Sir, the footsteps of the farmers in the West are even now approaching the national capital, and we may soon hear them sounding along the avenues and streets of this city, and upon the steps of the national Capitol. But are they coming here to destroy your Printing Bureau and to scatter the types upon the face of the earth? Are they coming here to plow up the grounds about your Agricultural Department building, and to destroy Father Watts's beautiful flower-garden? They are coming here with no such purpose and no such intent.

It is not, then, the purpose of gentlemen to destroy the Agricultural Bureau, or to cease printing to some extent all these documents. My proposition is that, after having ordered the printing of these documents, members of Congress should have the same right to circulate them among the people that the heads of Departments have. Year by year we give, by appropriations, thousands and hundreds of thousands of dollars to the Departments of this Government that they may communicate with the people. And yet it is proposed we shall deny to ourselves the right to distribute the very information which we have ordered to be printed. Are members of Congress to be regarded as culprits? What have we done that we should be denied the same privilege that we accord to others? For what purpose shall we deny this privilege to members of Congress? If we gather together this information for the people, if we order it printed, then we should have the same right to distribute it that heads of Departments have.

Another proposition contained in this bill is the free circulation of country newspapers within the counties in which they are published. There is opposition to this portion of the bill principally by gentlemen representing metropolitan constituencies. Let me say here that it is but a small equivalent to the farmer, who rides three or five miles to the post-office, at the corners, of a Saturday afternoon to get his mail, to receive his country paper free of postage; that is but a small equivalent for the system of free delivery that we have established in cities of twenty thousand inhabitants. We not only furnish to those cities marble post-offices, but we furnish them a free delivery. And I repeat that I cannot afford to vote against this bill with the proposition it contains to distribute country newspapers free of postage within the counties in which they are printed, for I believe that it is but a small compensation for the free-delivery system of the cities.

Taking this bill together, I can see no great wrong that is likely to grow out of it. As I understand, gentlemen are not opposing this bill because of its merits or its demerits, but because, forsooth, it may be followed by legislation which will lead to the printing of extravagant numbers of documents. "Sufficient unto the day is the evil thereof." Will gentlemen stand upon this floor and order the printing of public documents, two hundred and fifty thousand, by a single resolution, and then get up here and deny the distribution of these documents to their constituents? And if they do, how can they go home and explain their votes? The economy would have been to refuse to print the documents.

It would be a saving, I presume, to destroy your Agricultural Bureau; it would be a saving, possibly, to the Government to destroy your printing establishment. But we have not taken that direction yet in the history of legislation.

[Here the hammer fell.]

Several MEMBERS. Go on.

Mr. PACKER. I yield the gentleman five minutes more.

Mr. DANFORD. The people of this country, Mr. Speaker, are not an ungenerous people. The franking privilege was abused. It was abused in many ways. I have been informed by a gentleman connected with the Post-Office Department of this city that the sale of postage-stamps for letter postage in this city of one hundred and twenty thousand inhabitants was, prior to the abolition of the franking privilege, less than in many cities of this country of fifteen thousand inhabitants. The people did complain of the abuses of the franking privilege, a privilege that a generous people had accorded to their servants. But, Mr. Speaker, this bill does not allow members of Congress to frank their own private correspondence; and it will not permit an army to quarter itself in either wing of the Capitol at the approaching presidential election and send out documents to the country by the thousand and million. No privilege of this kind or character is granted by this bill. It merely gives to a member of Congress the same right that we accord to the heads of Departments, to send to our constituents such information as is gathered for the benefit of the people, and printed by the resolutions or orders of Congress. Why, I repeat, should we not have the same right to distribute this information that we accord to others?

[Here the hammer fell.]

Mr. PACKER. I yield five minutes to the gentleman from West Virginia, [Mr. HEREFORD.]

Mr. HEREFORD. Mr. Speaker, I am in favor of the free distribution of newspapers within the counties in which they are published. I am in favor of free exchanges between the various newspapers of the country. I am in favor of the free distribution of all the public documents ordered to be printed by Congress, and also the seeds and plants which are procured or raised by the Agricultural Department for distribution. Hence I am for this bill; and in supporting it I only follow, as I believe, the sentiment of the people of my State. I send to the desk to be read the proceedings of a meeting of the West Virginia Press Association, held at Clarksburgh, September 19, 1873.

The Clerk read as follows:

HON. FRANK HEREFORD, *M. C.*:

At a meeting of the West Virginia Press Association, held at Clarksburgh, September 19, 1873, the following resolutions were adopted:

"*Resolved*, That, in the opinion of this association, the recent changes in the postal laws made by the late Congress of the United States, by which the franking privilege was abolished, the free exchange of newspapers discontinued, and postage imposed upon the circulation of newspapers in the counties where published, is an innovation upon the long-established usage of the Government, calculated to impede the dissemination of intelligence among the people; and, being detrimental to their best interests, should be repealed, and the franking privilege restored, under such restrictions as may be necessary to prevent its abuse.

"*Resolved*, That the secretary of this association be instructed to forward a copy of this resolution to each of our Representatives in Congress, and that they be requested to use their influence to secure the legislation necessary to effect the object named."

C. M. SHINN, *Secretary*.

Mr. HEREFORD. I do not believe, Mr. Speaker, that the people ever demanded an entire repeal of the franking privilege. What the people and the press complained of was the abuses that almost necessarily attended it. This bill provides, as far as any bill can provide, against such abuses. We were told by the Postmaster-General, when he asked for the repeal of the franking privilege, that it would increase the receipts of the Post-Office Department; but what do we find, sir, in his last report to Congress, dated November 14, 1873? I send that document to the Clerk's desk, and ask that a portion be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., November 14, 1873.

SIR: The ordinary revenues of this Department for the fiscal year ended June 30, 1873, were $22,996,741.57, and the expenditures of all kinds $29,084,945.67. For the year ended June 30, 1872, the ordinary revenues were $21,915,426.37, and the expenditures $26,658,192.31.

The estimated expenditures for the year ending June 30, 1875, are		$33,929,912 00
The ordinary revenues, estimated at 13 per cent. over 1873	$25,908,817 00	
Estimated revenue from money-order business	100,000 00	
Estimated revenue from postal cards	1,034,732 00	
Estimated revenue from postage-stamps supplied to Departments	2,250,000 00	
Making the total estimated revenues for 1875		29,293,549 00
Leaving a deficiency to be appropriated out of the general Treasury of		4,636,363 00

Mr. HEREFORD. Thus we see, Mr. Speaker, that certainly the Postmaster-General was in error when he told this House and the country that if the franking privilege should be abolished, the necessary expenditures of that Department would be diminished. We see now, according to his own report, that in 1872 the expenses of his Department were, in round numbers, $26,500,000; in 1873, $29,000,000; and in 1875 the expenditures, according to his estimate, will amount to $34,000,000. If the expenses of that Department go on increasing in this ratio, what will they be a few years hence?

So far, then, from the abolition of the franking privilege being a benefit to the country, or effecting a reduction in the expenditures of the Post-Office Department, those expenditures have, according to the Postmaster-General's own showing, increased to the extent of several million dollars.

Following upon the abolition of the franking privilege, we, in the deficiency appropriation bill of March 3, 1873, appropriated nearly $2,000,000 to pay the postal expenses of the various Departments of the Government. I ask the Clerk to read an extract from the act of March 3, 1873.

The Clerk read as follows:

That the following amounts, or so much thereof as may be necessary, are hereby appropriated for the following-named officers and Departments for purchase of postage-stamps for use during the fiscal year ending June 30, 1874:

For Executive office, $600; for Department of State, $83,000; for Post-Office Department, $800,000; for Treasury Department, $504,000; for Navy Department, $38,000; for Interior Department, $220,000; for Agricultural Department, $52,000; for Department of Justice, $15,000; for War Department, $153,000; for offices of the Clerk of the House of Representatives, the Secretary of the Senate, and the Sergeant-at-Arms of the House of Representatives, $100 each; making, in all, $1,863,900.

Mr. HEREFORD. Now, Mr. Speaker, in the short time allowed me I cannot dwell upon this matter. I conclude by saying that being in favor of extending to the people all the rights and privileges that we can, I am in favor of authorizing, for the benefit of the people, the free distribution of newspapers within the county of their publication, and the free exchange of newspapers. I am also in favor of the free distribution of the public documents and seeds provided for distribution by Congress. Hence I necessarily support this bill. In behalf of the interests of the people I think it ought to pass.

[Here the hammer fell.]

Mr. PACKER. I yield now for ten minutes to the gentleman from Minnesota.

Mr. DUNNELL. Mr. Speaker, the debate on this subject has been so protracted that it may fail by this time to elicit the interest which the bill ought to receive from the House. I desire to express, in the few minutes which are allowed me, the reasons for my belief that the bill ought to receive the indorsement of the House. If I had hesitated, at the opening of this debate how to vote on it, I could not now hesitate; for the issue has been presented by the more prominent gentlemen who have spoken on the other side. The gentleman from New Jersey, [Mr. PHELPS,] the gentleman from New York, [Mr. E. H. ROBERTS,] and, earlier in the debate, the gentleman from Ohio, [Mr. GARFIELD,] have made up the issue. It is *no free distribution*, because they desire no printing of public documents. The gentleman from New Jersey [Mr. PHELPS] says, "Let the blows fall thick and fast until the Printing Bureau is abolished," until printing is done away with. This is the issue. The gentleman from New York [Mr. E. H. ROBERTS] fortifies with his voice the same issue. If we pass this bill, public documents are to be printed, because they are to be distributed; and if we do not pass this bill, then public documents are not to be published.

Now, Mr. Speaker, I myself do not understand why Congress should step in between the people who ask for these documents, and pursue a line of action which actually deprives them of their publication.

The people desire the documents. Even the constituents of the gentleman from New Jersey [Mr. PHELPS] desire them. They ask for more than he has the power to send them. The people pay the bills; they pay for the printing of these documents, and they pay the expenses of the Post-Office Department and for the postal service. They ask for these documents, and I insist that we are bound to furnish them.

The gentleman from Wisconsin [Mr. HAZELTON] spoke with so much more force and point in his well-prepared argument on this subject than I shall be able to do that I regret even to make allusion to the points he made. The gentleman from Ohio [Mr. DANFORD] this morning has also repeated them.

We have an Agricultural Department which costs us a quarter of a million dollars each year. They who have spoken on the other side say, "Let us not print any of the reports from this Department; let the report of the Commissioner be in manuscript, and lie unprinted upon the shelves of his office." They say, practically, "Let our Educational Bureau cease to do its beneficent work; let the Educational Report be unprinted and unbound and unread by the American people."

The gentleman from New Jersey [Mr. PHELPS] told us about the platform of the republican party. There are men upon this floor, Mr. Speaker, who knew all about the republican party before the gentleman carried off his high honors at Yale or elsewhere—men who understand the genius of that party as well as he does, and who believe that labor has a place in the republican platform as well as capital. Labor! How little we appropriate for labor abstractly—really nothing. Let there be a life-saving station to be provided for anywhere on the New Jersey coast or elsewhere, and commerce raises her voice, and men are forward in defending measures of that kind. Look at the small sum appropriated for the Agricultural Department. This Congress is largely composed of members of the republican party, which declared in the eleventh article of its platform that among the questions pressing for attention is that which concerns "the relations of capital and labor." During the past year the Bureau of Education, by an elaborate correspondence, has been seeking to bring out before the country the relations of capital and labor. Shall we say to the country, "Let that report lie unprinted and unread?" Let the gentleman from Ohio [Mr. GARFIELD] bring in an amendment to the appropriation bill to repeal, abolish, and overthrow the Agricultural Department, if, perchance, we are to have no reports from that Department. I already have one hundred letters on file asking for the Agricultural Report, asking for seeds. The men on the frontier have profited by the deductions and the researches of that Department; and these gentlemen who come to the rescue of capital are not the men to tell us what we shall do for protection of labor.

We have been told that we print a large number of documents. Now, there is no State that does not relatively print twice as many documents as Congress. The State of Ohio prints relatively many more documents than are printed by order of Congress. Other States in the Union print relatively twice the number we print here.

We are also told that the Smithsonian Institution must be closed up, and we must know nothing of what these scientific men connected therewith are doing; that we cannot have for distribution the reports of Professor Hayden. Why, sir, the results of one of these exploring expeditions have been worth to the Treasury millions of dollars.

The whole expenditure made necessary by the passage of this bill cannot be more than $50,000. When we are asked to vote a few dollars, comparatively, to the interest of labor, and to give some privileges to the weekly county newspapers of the country, there are men here representing the capital, the metropolitan press of the land, who at once object. They talk of economy, and talk long and loud.

[Here the hammer fell.]

Mr. DUNNELL. I would like just a moment more.

Several MEMBERS. Go on.

Mr. PACKER. I yield three minutes more to the gentleman.

Mr. DUNNELL. It is said, Mr. Speaker, that this is a revival of the franking privilege. There is not one single element in this bill that is akin to the old franking privilege. It is nothing like it in its character or its aims. The old franking privilege gave me the ability to frank whatsoever I pleased, and to any extent. My own frank under this bill cannot pass a single document. I would not vote to revive the franking privilege; I voted for its abolition. This bill gives me no personal privilege; it only provides that I may be an agent, acting with an officer of this House, to send to my constituents books and seeds printed and purchased by the Government for the people for their information and profit.

Representing, as I do, a constituency almost wholly agriculturists, I insist that the parties thus calling for this information ought to have a voice here. I raise my voice for them, whether they be called at home grangers or anything else. Whether they be this or that, whatever may be their organization, they are tillers of the soil, they are laborers, they are producers of national wealth; and the agricultural interests of this country far surpass those of any other department of industry. And I contend, Mr. Speaker, that this small gratuity ought not to be denied to this large interest of the country.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1759) for the relief of Henry S. Welles;

A bill (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and to use said vessel for a boarding-station in Mobile Bay;

A bill (H. R. No. 1920) to amend the fifteenth section of the act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;" and

A bill (H. R. No. 1365) to grant an American registry to the Canadian schooner George Warren.

TRANSMISSION OF PUBLIC DOCUMENTS, ETC.

The House resumed the consideration of the bill (H. R. No. 825) in relation to the distribution of public documents, &c.

Mr. PACKER. I yield ten minutes of my time to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. For several years the rural press of the country have had the privilege of circulating within the counties where the different papers were published those papers free in the mails. It was not a part of the franking privilege. It was by act of Congress, authorizing weekly papers to be carried to subscribers in the mails free, independent of any franking privilege whatever; and these papers and other publications were permitted to receive their exchanges free.

In the common judgment of the country this was proper and right. Considering the short distance for which they were carried, and the necessity of communicating to the people in the rural districts the general intelligence which they might receive from their newspapers and from other papers, it was right that the law should be passed. Gentlemen will remember that there has never been, for the last five years, a session of Congress but some one has introduced a bill to repeal that privilege. And on each successive occasion I have had the honor, in common with many other members, of opposing the repeal of that law and securing to the rural newspapers their free transmission to the subscribers for their papers and the free reception of their exchanges. But in the hurry and the confusion and the excitement of the last Congress, in its last session, and in the last hours of it, that privilege, of which no one complained, the propriety of which all admitted, was swept away, uncared for and unthought of by members of Congress—it is said out of spite. I speak not of it in that way; I say in the hurry and confusion.

Now, I desire to call the attention of every member of this House to the fact which must be within his knowledge, that, almost without exception, every country newspaper in the United States has demanded the restoration of that privilege, while the daily papers in our large cities were generally opposed to its restoration. The issue to-day is between the large papers, that circulate all over the United States, and are sent for the same postage as the weekly papers within their own counties—the contest is to-day between the great mammoth dailies and the weekly papers of the rural districts. I believe, sir, that we ought to restore that law. There has been so universal a demand for it, not only on the part of the publishers of papers, but on the part of all the subscribers to those papers, that we cannot well resist it. The publishers' associations in several of the States—and I speak more particularly of the late meeting of the Publishers' Association in the State of Michigan—have passed resolutions, after careful discussion, requiring the restoration of that privilege. I had the honor to introduce in the early days of this session, on the 15th day of December, a bill granting the restoration of that privilege. I send it to the Clerk's desk, and ask that it may be read.

The Clerk read as follows:

A bill to provide for the free delivery of newspaper exchanges and newspapers within the county where published.

Be it enacted, &c., That all newspaper exchanges, and all newspapers sent to subscribers within the county where the same may be printed, shall be sent by mail and delivered free of postage thereon to the persons entitled to the same, any law to the contrary notwithstanding.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Mr. CONGER. Now, Mr. Speaker, that bill embodies my view of the matter generally in regard to that branch of the subject. I wish the committee had reported a bill similar to that, or similar to the last portion of their bill now before the House, independent of any other consideration. I have no doubt that it would have passed this House by an overwhelming majority. They saw fit, however, to couple it with other provisions, which I regret, because I would desire that the voice of the House should be expressed upon this alone. But whether the bill before us be adopted or defeated, I have no doubt that such a bill as that, if presented to this House by itself, will pass. Therefore I leave that portion of the subject.

Now, in regard to the distribution of public documents provided for by this bill. It is a strange theory which men advocate on this floor; intelligent men, men who are loud in glorifying themselves for their devotion to the people and to the wants and the interests of the people; men who tremble like an aspen-leaf at the voice of the grangers as it comes ringing around their ears; it is strange that such men will rise in their places here and oppose the distribution to the people of the reports of the different Departments of the Government, of the acts of Congress, and the debates and proceedings of the two Houses.

Why, sir, do gentlemen think the people of this country are fools? Do they think that the grangers who speak to them with a voice of thunder cannot tell what is bombast and bumcombe, and what looks to their true interests? Mr. Speaker, the grangers formed their association, and one of the principal things which they proclaimed to the world as the object of that association is the promotion of intelligence among themselves, making the farmers intelligent, in order that they may be more efficient and in concert be better able to maintain their rights. Do gentlemen believe that they will ingratiate themselves with the farmers of the country, as the gentleman from Iowa [Mr. KASSON] attempts to do, by refusing to give them this intelligence? He classes himself among agriculturists because of the sympathy he extends to the old postal mare that travels the prairie of Iowa overloaded with mail matter. I tell gentlemen here that the intelligent people of the United States are not to be misled by any pretended sympathy with their interests; they are not to be misled by men who think that rolling in clover is protecting agricultural interests. They are not to be misled by the show of hay-seed scattered on their flowing locks or dropped upon the bald heads of members here. The people of the United States are intelligent. The people desire the dissemination of the information which the Government procures and publishes, and which they demand shall be distributed among them.

I know well that, as far as my own district is concerned, I have not half enough agricultural reports to meet the demands of my constituents. I know that they are distributed among the people of my district; that they are received by them and read not only by those to whom they are sent, but by all of the community. And they are desired in greater numbers than I am able to furnish them.

Gentlemen say that these documents are sent to one here and one there, and that a great many people are left without these documents. Sir, if gentlemen will distribute them judiciously, according to the number they have, there will be no such complaint. I send to the papers of my district, of whatever political character, one each of all the documents which this Government furnishes me to distribute. I send them alike to republicans and democrats.

[Here the hammer fell.]

Mr. CONGER. Mr. Speaker, I ask a few minutes more.

Mr. PACKER. I will yield for a few minutes longer.

Mr. CONGER. I want to say this in addition: I send to my constituents, irrespective of party, to each post-office, in each town, its own proper quota of documents for distribution. I have on my list four thousand names of my constituents carefully selected; so that when I send four or five or six Agricultural Reports to a township, one goes to this part, another to that, and another to that, with the expectation that when read the report shall be passed to the next neighbor who wants to read it. I hear no complaint that they are not distributed as well as they can be. Therefore I shall vote for this bill as it is, although I should prefer that the proposition with regard to county newspapers might be submitted by itself. This is no restoration of the franking privilege. It is not for my personal benefit or advantage, but for the interest and benefit of the whole people. It will be a disastrous day for this Republic when those in power conceal from the people the record of Government proceedings, and attempt to keep them in ignorance of the action or their Representatives. I shall vote against the amendment offered to this bill restoring the franking privilege, but shall support the bill in the interests of my constituents and of the whole people.

Mr. PACKER. I now yield to the gentleman from Illinois [Mr. BURCHARD] for five minutes.

Mr. BURCHARD. The principal, if not the strongest, argument which in my mind has been made against this bill is that it will cost something both to print and to distribute these documents. I do not suppose there is a gentleman on this floor who would refuse to have the documents distributed were it not that it will cost something to distribute them.

So, too, in regard to the distribution of newspapers free of postage, as provided by this bill. The argument is that it is a discrimination; that it is unfair. Certain gentlemen say they are ready, in view of the fact that the eye of the country newspaper is upon them, to permit the circulation of county newspapers free to all parts of the community, while those who are subscribers for the metropolitan papers, weekly or daily, will have to pay postage upon them. Gentlemen here say that having the eye of the country newspaper upon them, and caring nothing for the country postmaster, who has twice to do the work of handling free newspaper matter, twice without compensation, they are willing to vote for the section of the bill making weekly newspapers free in the county of publication. Sir, if they are willing to make this discrimination in favor of the subscribers or editors of the country newspapers, then they abandon the whole argument. And as I believe there is a large majority here ready to vote for that proposition, and as it has been fully argued before the House, I will not longer take up time by speaking upon it.

But I wish to say a word in regard to the distribution of public documents. It has been suggested here (and I desire to enforce the point) that if you print these documents at all; more than that, if you keep up these Departments and Bureaus at the enormous expense which it requires to maintain them, you ought to send out intelligence of their acts and proceedings—the statistics and other valuable information which they collect. When you expend, as you did last year, $225,000 to sustain the Agricultural Department, to say nothing in regard to the cost of printing the report, why should you hesitate to distribute through the mails the report of that Department, because it will cost, say, $70,000 annually? It is true, as was said by the gentleman from Indiana, [Mr. COBURN,] the Government would not save this sum by retaining the present rate of postage on them, for the reports would be sent frequently as freight or by express instead of through the mail.

Some gentlemen may say, "Let not such documents be printed." Why, sir, the Committee on Appropriations in the legislative appropriation bill have recommended appropriations amounting in the aggregate to $235,000 for the support of the Agricultural Department for the next fiscal year; and yet gentlemen on this floor talk about not distributing the document which the Government issues as the report of that Department. I know that $65,000 of this proposed appropriation is for the distribution of seeds. Would gentlemen confine the operations of that Department so that it shall be merely a mammoth seed-store for the collection of foreign seeds and their distribution throughout the United States?

Mr. GARFIELD. Then, there is an appropriation of $52,000 for postage of that Department.

Mr. BURCHARD. Yes, sir; $52,000 is proposed to be appropriated for postage. That brings me directly to the point which I wish to suggest to the House. Who is most competent to select the individuals to whom these reports should be sent? Does the Commissioner of Agriculture know better than the chairman of the Committee on Appropriations, for instance, who are the best farmers in a particular locality, and who will most appreciate the Report of the Department of Agriculture? And if the postage is to be paid, why should it be paid by the Commissioner as one of the expenses of his Department, rather than have the document issued by us stamped and directed by the respective members? I do not care particularly whether the name of the member is to be put upon the document. I would vote as quickly for the bill if that provision were left out; the point is immaterial. The principal question is, whether these documents shall be sent free through the mails?

I wish to call attention to the expenditures we are making for other bureaus. For geological explorations we appropriate $120,000, and publish only twelve thousand volumes of the report. At that rate the cost of each volume would be ten dollars, without estimating the cost of printing or the postage to be paid upon it. The expense of maintaining the Agricultural Bureau is, in round numbers, $240,000; and if you print only the usual copies of the Agricultural Report, which would furnish members of Congress and Bureau officers copies for their own use, without printing any for general circulation among the people, the number printed would be sixteen hundred and fifty volumes; which would make the cost at the rate of more than $100 a volume, supplying ourselves and a few favored persons with those reports, and the people none. I say, let us abolish the Agricultural Department if it is to be maintained to publish here at the public expense, merely for members of Congress and a few others, books that cost $100 apiece, just to collect the information, if sixteen hundred and fifty copies only are printed. I am for supplying the people also with the books and documents printed here. I am in favor of both provisions of this bill, and of the whole bill as it stands.

Mr. PACKER. I yield five minutes to the gentleman from Maryland, [Mr. O'BRIEN,] who wishes to have read an amendment and to make a few remarks upon it.

Mr. GARFIELD. I hope the gentleman will give us an opportunity to vote for the third section of the bill as a separate proposition, otherwise some of us will have to vote against the whole bill.

Mr. O'BRIEN. I am indebted to the courtesy of my friend from Pennsylvania [Mr. PACKER] for the privilege of having an amendment read, which I hope the committee will allow to be voted upon, as I believe it will command the assent of the House.

The Clerk read the amendment, as follows:

In the third section of the bill insert before "county" the words "city or;" so that the clause will read "within the city or county where the same is published."

Mr. O'BRIEN. The propriety of this amendment is so obvious that

it scarcely needs any explanation from me. Many large cities of the country are parts of counties; and some cities—for instance, the city of New York and the city of Philadelphia—comprise the whole of the county in which they lie. Other cities, however, are differently situated. Other cities—for instance, the city of Saint Louis, as I am informed, and as I know the city of Baltimore—are no part of the counties surrounding them. In view of this fact, the justice of this amendment is evident; because otherwise, while weekly newspapers would, under the bill, be allowed to circulate free in the county of their publication, a newspaper published in a city which is no portion of a county would have no privilege of free circulation. Hence I believe this amendment, if voted upon, would receive the unanimous assent of the House.

As to the general provisions of the measure now pending, I will say, as I said in the early part of this session when that chastening and purgative piece of legislation called the "salary bill" was before the House, I am in favor of a limited franking privilege, not only for the advantage of the people, but for the convenience of members of Congress. I am in favor of it because, if the documents published by order of Congress are to be circulated for the enlightenment of the people, it is the duty of Congress to provide some other means by which these documents shall be sent abroad over the country than at the expense of members. I am in favor not only of a franking privilege which will enable members to send documents to their different districts, far or near, but of a franking privilege which will accord an equal right to the people of the different districts, to the citizens of the different States, to communicate with the departments of the Government and with their representatives free of expense.

But, Mr. Speaker, why should not the publication of the public documents, which requires the expense of many hundred thousand dollars, be curtailed, as it is evident from the experience of every member that a large percentage of them reach persons who have little appreciation of their varied contents? It is necessary that the valuable information they contain should be published, but only in the number of books that will furnish the public institutions, libraries, &c., in the different districts of the States. Thus a vast expense would be saved, and the Post-Office Department be left unembarrassed by the distribution of tons of useless and unappreciated literature. There is, Mr. Speaker, a stronger reason against the wholesale publication and distribution of public documents than the item of expense. It is one which will commend itself to the reason and I hope approval of the House. I allude to the newspaper press, including the magazines and other journals, which circulate to the farthest bounds of civilization and interest and educate the pioneers on our far-west prairies whom public documents would never reach.

The newspaper is the daily and hourly medium of intelligence to the people, and its columns supply all necessary information on every subject interesting to the people, and when supplemented by the journals of agriculture, mechanics, the arts and sciences, affords an all-sufficient medium for the people to obtain the information usually contained in the Department reports.

The newspaper, Mr. Speaker, is the test of our country's greatness. Its prosperity is coeval with the advancement and progress of the people. Its success is the sure sign of the prosperity of the district and the intelligence of the people. Every branch of trade, every department of industry, advances or retrogrades just in proportion to the success or failure of the press. The fortunes of our people are inseparably blended with the struggle for life of the daily press, and therefore am I the advocate of the free circulation of the newspapers as provided in the bill before the House.

Now, Mr. Speaker, having indicated my objections to the vast expenditures required for the publication of the documents, I repeat my willingness to vote for any proper measure that will secure the free circulation of newspapers and enable the people to communicate without expense with their representatives and the several Departments of the Government.

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, under ordinary circumstances I should not deem it necessary to say a word upon this bill, but content myself by expressing my opinion through the agency of my vote. I am, however, one of the committee reporting this bill, and therefore it is proper I should say a few words.

I am one of those who in the last Congress voted to repeal the franking privilege. I did so upon two considerations: first, in view of the figures which were presented by the Postmaster-General showing the apparently enormous cost of the privilege to the Government; and secondly, on account of the abuses with which the exercise of the privilege was attended. As the Postmaster-General's figures have not been verified, therefore I am now entirely relieved in that respect. Second, because of the then existing abuses of the franking privilege. I think we have cut them off effectively under the provisions of this bill. I would not vote for an unconditional re-enactment of the franking privilege for fear it might bring back the abuses of the past. I do not look upon this bill as any such re-enactment, but as a measure which has really for its object the distribution of documents published by Congress, be they few or many. And I believe it to be unjust to this bill to argue, as some members have done, that it will involve an enormous expense for public printing. The extent of the books to be published still rests with Congress. There are public documents, Mr. Speaker, which it is absolutely necessary should be printed for public information, and when they are printed we must have some such provision of law as is contained in this bill for their circulation.

If during the Forty-second Congress each member had been compelled to pay for the distribution of documents ordered to be printed, then every member would have had, for the two years of that Congress, to pay from his pocket and contribute of his own funds some $1,800.

It is a mistake to suppose the people of this country do not desire these documents and the information they contain. Let me give my own district as an illustration: From the commencement of the last session of the last Congress to the 1st of July last, when the franking privilege ceased, I distributed throughout my district about thirty-three hundred documents, for I had been somewhat dilatory in their distribution and they had accumulated on my hands. What became of these documents? I found on inquiry. Of this number only about one hundred were not delivered, mostly because of misdirection; even of these, although they did not at once find their place of destination, the larger part were eventually delivered by correction of address to the intended parties. In the city of Philadelphia, when public documents are sent through the mails, parties to whom they are sent are notified that the documents are awaiting them at the post-office. And of these thirty-three hundred distributed by me about thirty-two hundred of the number were sent on the parties being notified, and they then came to the post-office and got the documents themselves and took them home. It is, therefore, idle to tell me the people of this country do not desire these books, for they come to get them whenever they have an opportunity to do so. They do desire them, as the fact I have stated shows. There was but a single man, who came after his book after being notified, who refused to take it; and my judgment is he could not read, or he would not have done so. [Laughter.]

Some gentlemen on the other side of the House have said that this is a re-enactment of the franking privilege. In my judgment it is not a restoration of the franking privilege, as I have already stated. They say they are opposed to the restoration of the franking privilege, because by the last republican platform they were pledged to a repeal of the franking privilege. I have only to say to those gentlemen that I have watched republican platforms very closely since 1860, and there is not one which they did not tear down within twelve months after its erection. [Laughter.] So gentlemen on the other side need not stand on that point, for you ought at least by this time to have got used to this habit of the republican party. [Renewed laughter.] My time is out.

Mr. PACKER. I now yield for five minutes to my colleague from Pennsylvania, [Mr. BIERY.]

Mr. BIERY. Mr. Speaker, the third section of the bill now under consideration contains a provision which I had the honor to submit in a separate bill as early as December 8, 1873. I will send the bill to the Clerk's table, and ask to have it read.

The Clerk read as follows:

A bill to amend the act entitled "An act to abolish the franking privilege," approved January 31, 1873, so as to allow the free transmission by mail of newspapers and periodicals, and bills and receipts for the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said act be, and the same hereby is, so amended that the publishers of newspapers and periodicals may send to each other from their respective offices of publication, free of postage, one copy of each publication; that the publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published one copy thereof free of postage, and may also send to each actual subscriber herein specified, inclosed in their publications, bills and receipts for the same free of postage.

Mr. BIERY. Now, taking into consideration the large number of documents ordered to be printed by Congress at this session, it will not only be improper but entirely unjust to every member of this House to say they shall be distributed to our constituents who have elected us to these positions, at our own expense for postage. The Government has no more power to make a contract for me than any other man has the power to make a contract for me. It can no more bind me, in morals or in law, to send documents at my own expense than any other man can. And yet there is not a gentleman here but is willing to acknowledge that if those documents are not forwarded to the people I will be held responsible at their hands.

I am aware that a great many men here pay the postage on documents and send them home to their people. I am aware they spend their own money in that way; and since the decrease of salaries, I have no doubt many here feel it is a severe tax on their purses. They are not all wealthy men in this House; nor ought they to be. I hold that the poor man in this country ought to have an equal chance in the political as in every other department of life with the rich man. I maintain that the boy who goes through the thistles and the stones of early poverty, and cuts his own way upward, ought to have an equal standing everywhere with the man who is born with millions.

Now we hear it urged as a strong objection that it costs money to send these documents. A strange mania for what is called economy seems to have gone forth in this House. What is economy, Mr. Speaker? Is economy the hoarding of a few dollars of money? Go to the men who have risen through poverty to wealth, and ask them what economy is. Economy, sir, considered in the true sense of the word, is the proper disposition of available means; the proper investment of capital; whether you invest it in such a way that it brings

in more dollars and cents, or whether you invest it in a way to enlighten your countrymen, or whether you invest it for charitable purposes. True economy, sir, as I have said, is not the hoarding of a few dollars, but is the proper disposition of means.

Now, what are we going to do? Are we going to pass an act to abolish the Agricultural Bureau? No. Are we going to abolish the Smithsonian Institution? No. Are we going to abolish the Statistical Bureau? No. These Bureaus will go on collecting valuable information, and men say here that this information is to lie dormant upon the desks of those who have these Bureaus in charge. Is that what we are going to do? I apprehend not.

Let us, in conjunction with these different Bureaus, forward the documents to the people to whom they belong. Let us do that under the safeguards that are provided in the bill that has been reported by the committee, and no man except those who are interested will have anything to say against it. I would say that if a safeguard could be thrown around an absolute frank, making its violation a penal offense, so much the better. But we have no power of that kind, and let us adopt the best safeguard we can. Let us, in addition to the stamp that is affixed by the Department on the documents, place on it our own signatures; and let the Government carry to the people what it has printed for the people.

Sir, it has been argued here that the great abuse of the franking privilege roused the whole country against it. How, sir, was the feeling of the country roused up? Has it not been explained here why it was that there were sent in the great bushel-baskets of petitions which the gentleman from Iowa [Mr. KASSON] placed around him until he was almost hidden by them? I was curious enough to examine some of those petitions. On looking at them I found they had a uniform printed heading. And something more. Why did not the great teacher from Iowa tell us that they were printed at the Government's expense on Government paper? Why did not the gentleman tell us that when he undertook to enlighten the class of young members of the House, to whom I myself belong—for, of course, I do not presume to know anything of what took place in the Forty-second Congress, because I was not here—why did the gentleman not tell the young members of the House that these petitions were franked to the people and franked back again? When I get a teacher I want to be taught the foundation of things. I do not want a superficial education on this floor or anywhere else. When men undertake to enlighten us—the young members of the House—I insist that they ought to enlighten us by telling us the whole truth.

The SPEAKER. The hour of the gentleman from Pennsylvania [Mr. PACKER,] has expired. The first question will be on the motion of the gentleman from New York [Mr. E. H. ROBERTS] that the bill and amendments be laid on the table.

Mr. HOLMAN. I ask for the yeas and nays on the motion to lay the bill and amendments on the table.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 140, not voting 33; as follows:

YEAS—Messrs. Archer, Atkins, Banning, Barnum, Barrere, Bass, Beck, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buffinton, Bundy, Burrows, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Cook, Cotton, Crittenden, Crooke, Crossland, Crounse, Curtis, Darrall, Dobbins, Eames, Farwell, Fort, Foster, Frye, Garfield, Gooch, Eugene Hale, John T. Harris, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Kasson, Kellogg, Lamison, Lansing, Lawrence, Lawson, Loughridge, Lowndes, Luttrell, Lynch, McCrary, James W. McDill, MacDougall, McNulta, Mellish, Merriam, Milliken, Mitchell, Monroe, Morrison, Niles, O'Neill, Orth, Packard, Page, Hosea W. Parker, Pendleton, Phelps, Pike, Pratt, Rawls, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sherwood, Smart, H. Boardman Smith, John Q. Smith, Stanard, Starkweather, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whithorne, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, John D. Young, and Pierce M. B. Young—117.

NAYS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Averill, Barber, Begole, Bell, Biery, Bright, Buckner, Burchard, Burleigh, Roderick R. Butler, Caldwell, Cannon, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Crutchfield, Danford, Alexander M. Davis, John J. Davis, DeWitt, Donnan, Duell, Dunnell, Durham, Eldredge, Field, Freeman, Giddings, Glover, Gunckel, Hagans, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Havens, Hays, Gerry W. Hazelton, Hendee, Hereford, Herndon, Hersey, George F. Hoar, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Jewett, Kelley, Kendall, Killinger, Knapp, Lamar, Lamport, Lewis, Lofland, Lowe, Magee, Marshall, Martin, Maynard, Alexander S. McDill, McJunkin, McKee, McLean, Mills, Moore, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Packer, Isaac C. Parker, Pelham, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Rainey, Randall, Ransier, Rapier, Ray, Read, Rice, Richmond, Robbins, James W. Robinson, Rusk, Sawyer, Sener, Sheats, Sheldon, Sloss, Small, A. Herr Smith, George L. Smith, J. Ambler Smith, Southard, Speer, Sprague, Stone, Stowell, Strait, Strawbridge, Swann, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Vance, Wallace, Walls, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, and Woodworth—140.

NOT VOTING—Messrs. Barry, Berry, Benjamin F. Butler, Cain, Cox, Creamer, Crocker, Dawes, Eden, Elliott, Benjamin W. Harris, John W. Hazelton, Hodges, Hooper, Hoskins, Hynes, Leach, Morey, Parsons, Pierce, Poland, Potter, Purman, Lazarus D. Shoemaker, William A. Smith, Snyder, Standeford, Stephens, St. John, Storm, Tremain, Waddell, and White—33.

So the motion to lay on the table was not agreed to.

During the roll-call the following announcements were made:

Mr. HOOPER. I desire to state that on this bill I am paired with my colleague, Mr. DAWES. If he were here he would vote "ay," and I would vote "no;" he being opposed to the bill, and I in favor of it.

Mr. ROBINSON, of Illinois. I desire to state that my colleague, Mr. EDEN, has been called home on account of sickness in his family. If he were here he would vote "ay" on this question.

After the roll-call was concluded,

Mr. BUTLER, of Massachusetts, said: I did not get into the House until the roll-call was concluded; and therefore I am not entitled to vote.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined, and found truly enrolled, a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1759) for the relief of Henry S. Welles.

Mr. PENDLETON, from the same committee, reported that they had examined, and found truly enrolled, a bill of the following title; when the Speaker signed the same:

An act (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States as an ensign.

TRANSMISSION OF DOCUMENTS THROUGH THE MAILS, ETC.

The House resumed the consideration of the bill providing for the transmission of documents, &c., through the mails.

The SPEAKER. The first question is on the amendment reported from the Committee on the Post-Office and Post-Roads to the second section of the bill.

Mr. HALE, of New York. Is not the first question upon my amendment?

The SPEAKER. The Chair thinks not. The amendment of the gentleman from New York [Mr. HALE] is in the nature of a substitute for the bill. The amendment reported by the committee is for the purpose of perfecting the bill.

Mr. POLAND. I think that this bill needs some further amendment than any that are now pending. I therefore move to reconsider the vote by which the main question was ordered.

Mr. PARKER, of Missouri. I move to lay the motion to reconsider on the table.

Tellers were ordered; and Mr. PARKER, of Missouri, and Mr. POLAND were appointed.

The House divided; and the tellers reported that there were—ayes 126, noes 51.

Before the result of the vote was announced,

Mr. TYNER called for the yeas and nays.

The yeas and nays were not ordered.

So the motion to lay on the table was agreed to.

The question recurred upon the amendment reported by the committee to the second section of the bill.

The second section of the bill was as follows:

SEC. 2. That the Secretary of the Senate and Clerk of the House of Representatives of the United States shall cause to be prepared, for their respective Houses, a special stamp, or stamped envelope or wrapper, of such form and design as shall be directed and approved by the Postmaster-General, to be used by the said Secretary and Clerk, or by such assistants as may be appointed by either of them, for their respective Houses, only upon such printed matter or documents, or packages of seeds, cuttings, roots, and scions as aforesaid, as the Vice-President, the Senators, Representatives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives, may, by their respective written autograph signatures, indorsed upon the wrappers or envelopes thereof, direct to be so sent by mail as is provided in the foregoing section of this act.

The amendment reported from the committee was to add to the section the following:

Provided, That the Postmaster-General may, if the welfare of the service shall require, make rules and regulations delaying, in whole or in part, the transmission of documents and packages hereinbefore mentioned, for any period not exceeding thirty days from the time of delivery for mailing.

The question was taken upon the amendment; and upon a division there were—ayes 3, noes not counted.

So the amendment was not agreed to.

The next question was upon the amendment of Mr. HALE, of New York, as moved by Mr. HURLBUT, which was read as follows:

Strike out all after the enacting clause, and insert the following:

That the act entitled "An act to abolish the franking privilege," approved January 31, 1873, and also the proviso to section 3 of the act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874," approved March 3, 1873, be, and the same are hereby, repealed; and from and after the passage of this act all acts or parts of acts which were repealed, annulled, or made of no effect by the said acts and parts of acts hereby repealed, or either of them, be, and the same are hereby, revived and continued in full force.

Mr. HOLMAN. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GARFIELD. I wish to inquire of the gentleman from New York [Mr. HALE] if he has any objection to a division of the question, so that we may have a separate vote upon striking out, and afterward upon inserting?

Mr. RANDALL. Is debate in order?

The SPEAKER. It is not.

Mr. RANDALL. Then I object to debate.

Mr. HOLMAN. I withdraw the call for the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered by the House. The only way to get rid of them is to reconsider the vote ordering them.

Mr. HOLMAN. Then I move to reconsider that vote.

The motion to reconsider was not agreed to.

The question was taken upon the amendment of Mr. HALE, of New York; and there were—yeas 50, nays 199, not voting 41; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Averill, Barber, Bell, Benjamin F. Butler, Roderick R. Butler, Crutchfield, Eldredge, Farwell, Field, Freeman, Hagans,

Robert S. Hale, Hancock, Harmer, Henry R. Harris, Hays, Herndon, Hersey, Houghton, Howe, Hubbell, Hynes, Kelley, Kendall, Lamar, Lofland, Maynard, McLean, Moore, Negley, James H. Platt, jr., Rapier, Rice, Robbins, Sener, Shanks, Sheats, Sheldon, Sloss, George L. Smith, Stowell, Strawbridge, Sypher, Vance, Wallace, Walls, and Wilshire—50.

NAYS—Messrs. Albright, Archer, Atkins, Banning, Barnum, Barrere, Bass, Beck, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crossland, Curtis, Danford, Alexander M. Davis, John J. Davis, DeWitt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Fort, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Hamilton, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunter, Hunton, Hurlbut, Hyde, Jewett, Kasson, Kellogg, Killinger, Knapp, Lamison, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Morrison, Myers, Neal, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Randall, Ransier, Rawls, Ray, Read, Richmond, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sherwood, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Starkweather, Stone, Strait, Swann, Taylor, Thornburgh, Todd, Townsend, Tyner, Waddell, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—199.

NOT VOTING—Messrs. Ashe, Barry, Begole, Berry, Cain, Caldwell, Clinton L. Cobb, Comingo, Cox, Creamer, Crocker, Crounse, Darrall, Dawes, Eden, Elliott, Benjamin W. Harris, John W. Hazelton, Hodges, Hooper, Lamport, Leach, Lewis, McJunkin, Morey, Nesmith, Parsons, Pelham, Potter, Purman, Lazarus D. Shoemaker, William A. Smith, Snyder, Standeford, Stephens, St. John, Storm, Thomas, Tremain, White, and Whiteley—41.

So the amendment of Mr. HALE, of New York, was not agreed to.

Mr. SMITH, of Ohio. I move that the bill be laid on the table.

Mr. GARFIELD. If we cannot have a separate vote on any single section, I hope the bill will be laid on the table.

Mr. SENER. If the motion to lay on the table be voted down, Mr. Speaker, shall we not then come to a square vote on the passage of the bill?

The SPEAKER. The next question is on ordering the bill to be engrossed and read a third time.

Mr. SPEER. What does the House gain by the motion to lay on the table? Cannot the same thing be gained by a vote on the passage of the bill?

The SPEAKER. The Chair does not think that a parliamentary question.

Mr. SPEER. I ask the gentleman from Ohio [Mr. SMITH] to withdraw his motion, and let us take a direct vote on the bill. Thus we shall have one vote instead of two.

Mr. SMITH, of Ohio. Very well; I withdraw the motion.

Mr. MCKEE. I ask unanimous consent——

Several members objected.

Mr. MCKEE. I think gentlemen ought to know what they are objecting to. [Laughter.]

The bill was ordered to be engrossed and read a third time.

The question being on the passage of the bill,

Mr. SMITH, of Ohio, Mr. WOODFORD, and others, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 131, not voting 30; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Averill, Barber, Begole, Bell, Biery, Bowen, Bright, Buckner, Burchard, Roderick R. Butler, Caldwell, Cannon, John B. Clark jr., Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Crutchfield, Danford, Alexander M. Davis, John J. Davis, De Witt, Donnan, Duell, Dunnell, Durham, Eldredge, Field, Freeman, Giddings, Glover, Gunckel, Hagans, Robert S. Hale, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, Hereford, Herndon, Hersey, Houghton, Howe, Hunter, Hunton, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lamar, Lamport, Lofland, Lowe, Magee, Marshall, Martin, Maynard, Alexander S. McDill, McJunkin, McLean, Mills, Moore, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Packer, Isaac C. Parker, Pelham, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Rainey, Randall, Ransier, Rapier, Rawls, Ray, Read, Rice, Richmond, Robbins, James W. Robinson, Rusk, Sawyer, Sener, Sheats, Sheldon, Sloss, Small, J. Ambler Smith, Southard, Speer, Stowell, Strait, Taylor, Thomas, Thornburgh, Todd, Townsend, Vance, Wallace, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—129.

NAYS—Messrs. Archer, Atkins, Banning, Barnum, Barrere, Bass, Beck, Berry, Bland, Blount, Bradley, Bromberg, Brown, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Cook, Cotton, Crittenden, Crooke, Crossland, Crounse, Curtis, Darrall, Dobbins, Eames, Farwell, Fort, Foster, Frye, Garfield, Gooch, Eugene Hale, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hendee, E. Rockwood Hoar, Holman, Hoskins, Hubbell, Hyde, Jewett, Kasson, Kelley, Kellogg, Lamison, Lansing, Lawrence, Lawson, Lowndes, Luttrell, Lynch, McCrary, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Milliken, Mitchell, Monroe, Morrison, Niles, O'Neill, Orth, Packard, Page, Hosea W. Parker, Pendleton, Phelps, Pierce, Pike, Poland, Pratt, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sherwood, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stone, Swann, Sypher, Tyner, Waddell, Waldron, Walls, Ward, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, and John D. Young—131.

NOT VOTING—Messrs. Barry, Cain, Clinton L. Cobb, Cox, Creamer, Crocker, Dawes, Eden, Elliott, Benjamin W. Harris, John W. Hazelton, George F. Hoar, Hodges, Hooper, Leach, Lewis, Loughridge, Morey, Parsons, Potter, Purman, Lazarus D. Shoemaker, William A. Smith, Snyder, Standeford, Stephens, St. John, Storm, Strawbridge, and Tremain—30.

So the House rejected the bill.

During the vote,

Mr. CLYMER stated that his colleague, Mr. STORM, who was unavoidably absent in Pennsylvania, would, if present, vote for the bill as a whole.

Mr. PIERCE stated that his colleague, Mr. HARRIS, who was absent on account of sickness, if present would vote in the negative.

Mr. O'BRIEN. Although not satisfied with all the provisions of the bill, still I will vote in the affirmative.

Mr. WOODFORD. I am requested by my colleague, Mr. TREMAIN, who is confined at his home by severe illness, to say if he were here he would vote against the bill.

Mr. G. F. HOAR. I wish to say, Mr. Speaker, that I was prevented from voting by an accident; I am in favor of the bill.

The vote was then announced as above recorded.

Mr. BUTLER, of Massachusetts, and Mr. CESSNA moved to reconsider the vote by which the bill was rejected; and also moved to lay the motion to reconsider on the table.

Mr. HAZELTON, of Wisconsin. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CESSNA. In order to save time I will withdraw the motion to reconsider.

Mr. SENER. I renew it.

The SPEAKER. Did the gentleman vote on the prevailing side?

Mr. SENER. I did not; but I thought any member could make the motion to reconsider and lay upon the table.

The SPEAKER. Not unless a member votes on the prevailing side when there is a call by yeas and nays. The gentleman from Massachusetts [Mr. BUTLER] and the gentleman from Pennsylvania [Mr. CESSNA] made the motion to reconsider and lay upon the table almost simultaneously. Does the gentleman from Massachusetts also withdraw the motion to reconsider?

Mr. BUTLER, of Massachusetts. I withdraw the motion, and call for the regular order of business.

Mr. PLATT, of Virginia. Does it not require unanimous consent, after the motion is made, for a member to withdraw it?

The SPEAKER. The Chair knows of no such rule.

Mr. BUTLER, of Massachusetts. I demand the regular order of business.

REGULATION OF COMMERCE BY RAILROADS.

The SPEAKER. The regular order of business has been demanded. The House by a suspension of the rules directed that on February 25, at the hour of half-past one, and on each and every day thereafter until disposed of, it would proceed to the consideration of a bill (H. R. No. 1385) to regulate commerce by railroads among the several States, reported from the Committee on Railways and Canals; and the Chair recognizes the gentleman from Iowa, [Mr. MCCRARY.]

Mr. RANDALL. I hope we will now take a recess.

Mr. GARFIELD. If the gentleman should go on without being antagonized by appropriation bills, would the Appropriation Committee lose any of its right on any other day?

The SPEAKER. Not at all. That would not affect it in any way. The gentleman from Iowa [Mr. MCCRARY] has charge of the bill reported from the Committee on Railways and Canals. The House directed it should be considered on the 25th of February and on each succeeding day, at the hour of half-past one o'clock, to the exclusion of all other orders except appropriation bills.

Mr. MAYNARD. Would not a motion to go into the Committee of the Whole on the state of the Union be in order?

The SPEAKER. It would not on any other than appropriation bills, because the order of the House making this the special order suspended that right.

Mr. MCCRARY. The committee have made some slight amendments in the text of the bill, and have instructed me to report an additional section. If the House prefers, instead of having the Clerk read the amendments, I will move that they be printed in the RECORD, so they will be before the members to-morrow morning.

The SPEAKER. The bill, as amended, can be printed as a document by to-morrow's session.

Mr. MCCRARY. Then I make that motion.

The motion was agreed to.

The SPEAKER. The Chair gives notice that to-morrow, although this special order runs from day to day, yet, in accordance with the usage, he will recognize the motion to go into Committee of the Whole House on the Private Calendar, to-morrow being private-bill day. If the House then negatives that motion, this bill will come up as the special order and hold its place.

Mr. MCCRARY. Before I yield to anybody I wish to enter a motion to recommit the bill.

SURVEY OF PALESTINE.

Mr. GUNCKEL, by unanimous consent, introduced a joint resolution (H. R. No. 63) for the survey and exploration of Palestine on the east side of Jordan; which was read a first and second time, and referred to the Committee on Military Affairs.

PAY OF SCHOOL TEACHERS.

Mr. G. F. HOAR. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on the District of Columbia be directed to report

forthwith a bill which shall compel the payment of the wages to the school teachers of the said District, who are now, as is alleged, many months in arrears.

Mr. HALE, of New York. I object, unless it is introduced for reference to the Committee on the District of Columbia.

Mr. G. F. HOAR. I desire to say that this is a measure for removing the scandal of leaving unpaid, for many months, women dependent on their wages as school teachers, in the capital of this country. It is a scandal to the entire nation; and this merely orders that the committee shall bring in a bill to remedy that.

The SPEAKER. The chairman of the Committee on the District of Columbia objects to the consideration of the resolution now, and suggests its reference to his committee.

Mr. G. F. HOAR. I give notice that on Monday I will offer the resolution under a suspension of the rules.

Mr. POLAND. I move that the House take a recess until half-past seven o'clock this evening.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. POLAND. My colleague, the gentleman from Ohio, [Mr. LAWRENCE,] has some amendments to offer.

Mr. LAWRENCE. The first amendment I have to offer is to section 1135, page 262.

The section was as follows:

SEC. 1135. The Quartermaster's Department of the Army shall consist of one Quartermaster-General, with the rank of brigadier-general; five assistant quartermasters-general, with the rank of colonel of cavalry; ten deputy quartermasters-general, with the rank of lieutenant-colonel of cavalry; fourteen quartermasters, with the rank of major of cavalry; thirty assistant quartermasters, with the rank of captain of cavalry; and such number of military store-keepers, not exceeding nine, as may be required, with the rank of captain of cavalry.

Mr. LAWRENCE. I offer the following amendment:

Add to the end of the section the words "nothing herein shall deprive of his office any person now holding the office of quartermaster with the rank of major."

In explanation of that amendment I will ask the Clerk to read the statute which I will send to the desk. It is the act of June 3, 1872, "to authorize the appointment of certain officers in the Quartermaster's Department." It is a little unusual in its form of expression, and I desire to have it read for the instruction of the House.

The Clerk read as follows:

Be it enacted, &c., That the President be, and hereby is, authorized to nominate, and by and with the advice and consent of the Senate to appoint, certain officers of the Quartermaster's Department to the grade they would have held in said department, respectively, had the vacancies created therein by the act of July 28, 1866, from the rank of major to the rank of colonel, both inclusive, been filled by promotion by seniority: *Provided*, That no officer shall be deprived of his relative rank or reduced from his present grade by this act, and that the officers whose appointments are herein authorized shall take rank and receive pay only from the date of their confirmation.

Mr. LAWRENCE. It never occurred to the commissioners who revised the statutes, or to Mr. Durant, that that meant that the President should appoint two quartermasters with the rank of major. I never could have supposed so from the language myself, not being skilled in that kind of legal literature. But I inquired at the department of those who know what it means, and the committee have been able to ascertain that it provided for a temporary appointment of two quartermasters with the rank of major. The committee have directed me, therefore, to report this amendment. The amendment, as I have said, is founded on the act of June 3, 1872, which has been read; but the committee are of the opinion that this act was not designed to make a permanent increase of the number of quartermasters. It did not permanently change the act of 1866, which will be found in 14 Statutes at Large, page 334, section 13. The following letter from the Quartermaster-General will further explain this matter:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 9, 1874.

SIR: I observe in the debate of the House of Representatives on the Revised Statutes, (page 40 CONGRESSIONAL RECORD of February 5, 1874,) that you introduced an amendment to section 1135 whereby the number of officers in the Quartermaster's Department is fixed as follows:

One Quartermaster-General, with rank of brigadier-general; six assistant quartermasters-general, with rank of colonel; ten deputy quartermasters-general, with rank of lieutenant-colonel; twelve quartermasters, with rank of major; thirty assistant quartermasters, with rank of captain; sixteen military store-keepers, with rank of captain.

These are the numbers fixed by section 13 of the act of Congress approved July 28, 1866, (14 Statutes, 334, section 13,) and it is presumed that the amendment was made for the purpose of making the Revised Statutes agree with that act. But by the act of June 3, 1872, the number of quartermasters with rank of major was increased to fourteen, which number is now in the service and borne on the Army Register, (volume 17, page 214.)

It is suggested that the amendment be so modified as not to legislate out of the service the two majors who were added to the list by the act of June 3, 1872.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General U. S. A.

Hon. WILLIAM LAWRENCE,
House of Representatives.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment is to section 1158, page 265.

The section was as follows:

SEC. 1158. Each company of engineer soldiers shall consist of ten sergeants, ten corporals, two musicians, and as many privates of the first class, not exceeding sixty-four, and as many privates of the second class, not exceeding sixty-four, as the President may direct.

Mr. LAWRENCE. I offer the following amendment:

Add to the section the following words: "And shall be recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to other troops constituting the present military peace establishment."

I ask that a letter from the Secretary of War relating to this matter be read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington City, February 6, 1874.

SIR: I have noticed in the CONGRESSIONAL RECORD of February 6, page 19, near the top, the proceedings with reference to the provisions of section 4, of the act of May 15, 1846, chapter 21 of the Statutes at Large, (9 Statutes, 12, 13,) which section is one of the provisions of the organic act creating the class of troops called engineer soldiers.

Let me briefly explain the object of this section.

First. By section 1154, page 265, [Durant's] Revised Statutes, the Battalion of Engineers is an integral part of the Corps of Engineers. (Commissioners' Revision, volume 1, page 596, section 57.)

Secondly. By section 1205, page 270, [Durant's] Revised Statutes, two great divisions of the Army, the line and the staff, are enumerated; the artillery, cavalry, and infantry alone constituting the line. (Commissioners' Revision, volume 1, page 605, section 112.)

Thirdly. By article 59, page 297, [Durant's] Revised Statutes, "if different corps of the Army come together to do duty the officer highest in rank of the line only will command the whole," &c.

Now the effect of the three laws just quoted would be, if the Battalion of Engineers came in service in conjunction with a squad of infantry, or of cavalry, or of artillery, commanded by a second lieutenant, to put this Engineer Battalion, officers, men, and all, under the command of this second lieutenant. It could not be avoided. The laws would give this second lieutenant the command.

Now section 4 of the act of May 15, 1846, chapter 21, (9 Statutes, 12, 13,) was enacted in the organic act creating these engineer soldiers for the very purpose of preventing such an event. It gives to this class of troops certain fundamental rights, places them on the same level with, and no higher than, other troops, and is required to preserve proper discipline in the various combinations which arise in the service.

The part of section 3 of the act of May 15, 1846, about the Articles of War, may be omitted, as covered by other provisions; but the portion beginning "shall be recruited in," &c., to the end of the section, should be embraced in the revised statutes, (at the end of section 1158.)

Very respectfully, your obedient servant,

WILLIAM W. BELKNAP,
Secretary of War.

Hon. WILLIAM LAWRENCE,
Committee on the Revision of the Laws,
House of Representatives.

Mr. LAWRENCE. From this letter it will be seen that the Secretary of War assumes that the act of May 15, 1846, 9 Statutes at Large, pages 12 and 13, section 4, modifies the original sixty-second Article of War, which is found in the act of April 10, 1806, 2 Statutes at Large, page 367. This article is put down as article 123, volume 1, of the Commissioners' Revision, page 666. I do not wish to be understood as agreeing with the construction which the Secretary of War has put upon these statutes, and I understand that the Committee on Revision of the Laws do not mean to stand committed to his construction. But the amendment is made merely to incorporate in the provision the words which are found in the existing statute. This leaves the question of their proper construction for the officers whose duty it is to carry them into effect.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment is to section 1208.

The section was as follows:

SEC. 1208. When any lieutenant of the Corps of Engineers has served fourteen years' continuous service as lieutenant, he shall be promoted to the rank of captain, on passing the examination provided by the preceding section, but such promotion shall not authorize an appointment to fill any vacancy, when such appointment would increase the whole number of officers in the corps beyond the number fixed by law; nor shall any officer be promoted before officers of the same grade who rank him in his corps.

Mr. LAWRENCE. At a former session of the House an amendment was made to this section by inserting, after the words "Corps of Engineers," in the first line, the words "or of the Ordnance Department." I am instructed now by the committee to ask the unanimous consent to withdraw that amendment.

The SPEAKER *pro tempore*. The Clerk informs the Chair that that amendment was made to section 1207.

Section 1207 was as follows:

SEC. 1207. No officer of the Corps of Engineers below the rank of field officer shall be promoted to a higher grade, until he shall have been examined and approved by a board of three engineers, senior to him in rank. If an engineer officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

Mr. LAWRENCE. The amendment was intended to be made to section 1208. I am instructed to ask leave to withdraw it. Section

1208 is founded on section 9 of 10 Statutes at Large, page 219, and sections 3 and 4 of volume 12, page 743, of the Statutes, and is as reported by the commissioners in their revision. They refer to no repeal or modification. The amendment heretofore made is not correct. The act of March 3, 1869, (15 Statutes, page 318,) prohibiting new appointments and promotions in the several departments of the Army, was repealed, as to engineers, by the act of June 10, 1872, (17 Statutes, page 382.) But promotions in the Ordnance Department are not authorized.

There was no objection; and the amendment was withdrawn and stricken out.

Mr. LAWRENCE. The next amendment is to section 1461, page 313.

The section was as follows:

SEC. 1461. Officers on the retired list shall be entitled to promotion as their several dates on the active list are promoted.

Mr. LAWRENCE. I offer the following amendment:

Add at the end of the section the following words:
No promotion shall be made to the grade of rear-admiral on the retired list while there shall be in that grade the full number allowed by law. There may be allowed upon the retired list nine rear-admirals and eighteen commodores.

This amendment is based on the act of 16th January, 1857, section 4, (11 Statutes at Large, page 154,) and the act of 2d March, 1867, (chapter 174, section 9, 14 Statutes at Large, page 517.) The provision of the act of 2d March, 1867, limiting the promotion to the grade of rear-admiral on the retired list to the number allowed by the law of 16th July, 1862, (12 Statutes at Large, chapter 183, section 14, pages 585 and 586,) does not appear to be included in either the commissioners' or in Durant's revision.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment is in section 1903.

The section was as follows:

SEC. 1903. All that part of the territory of the United States included within the following limits, namely: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same, thence up the main channel of the same, and along the boundary of the State of Minnesota to Big Stone Lake; thence along the boundary line of the State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri Rivers; thence up the Missouri River, and along the boundary line of the State of Nebraska, to the mouth of the Niobrara or Running Water River; thence following up the same, in the middle of the main channel thereof, to the mouth of the Keha Paha or Turtle Hill River; thence up that river to the forty-third parallel of north latitude; thence due west to the present boundary of the Territory of Washington; thence along the boundary line of Washington Territory to the forty-ninth degree of north latitude; thence east, along the forty-ninth degree of north latitude, to the place of beginning, is organized into a temporary government, by the name of the Territory of Dakota.

Mr. LAWRENCE. The amendment is to strike out, near the close of the section, the words "present boundary of the Territory of Washington; thence along the boundary line of Washington Territory," and insert in lieu these words, "twenty-seventh meridian of longitude west from Washington; thence due north on that meridian." That is the survey, as corrected at the Land Office.

The amendment was agreed to.

Mr. LAWRENCE. I move to strike out section 1904, as the land described in that section is all included in sections 1908 and 1909, in relation to Wyoming and Montana Territories.

The section was as follows:

SEC. 1904. Until Congress otherwise directs, all that part of the Territory of Idaho included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-third degree of longitude west from Washington with the forty-first degree of north latitude; thence along the thirty-third degree of longitude to the crest of the Rocky Mountains; thence northward along the crest of the Rocky Mountains to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence eastward, along the forty-fourth degree thirty minutes north latitude to the thirty-fourth degree of longitude west from Washington; thence northward, along the thirty-fourth degree of longitude, to its intersection with the forty-fifth degree north latitude; thence eastward, along the forty-fifth degree of north latitude, to its intersection with the twenty-seventh degree of longitude west from Washington; thence south, along the twenty-seventh degree of longitude, west from Washington, to the forty-first degree north latitude; thence west, along the forty-first degree of north latitude, to the place of beginning, is incorporated temporarily into and made part of the Territory of Dakota.

The motion to strike out was agreed to.

Mr. LAWRENCE. The next amendment is to section 1906.

The section was as follows:

SEC. 1906. All that part of the territory of the United States included within the following limits, to wit: Beginning at a point in the middle channel of the Snake River, where the northern boundary of Oregon intersects the same; then follow down the channel of Snake River to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north to the forty-ninth parallel of latitude; thence east, along that parallel, to the twenty-seventh degree of longitude west of Washington; thence south, along that degree of longitude, to the northern boundary of Colorado Territory; thence west, along that boundary, to the thirty-third degree of longitude west of Washington; thence north, along that degree, to the forty-second parallel of latitude; thence west, along that parallel, to the eastern boundary of the State of Oregon; thence north, along that boundary, to the place of beginning, is created into a temporary government, by the name of the Territory of Idaho.

Mr. LAWRENCE. The amendment is to strike out the words "twenty-seventh degree of longitude west of Washington; then south along that degree of longitude to the northern boundary of Colorado Territory; thence west, along that boundary, to the thirty-third degree of longitude west of Washington; thence north, along that degree, to the forty-second parallel of latitude;" and insert in lieu thereof these words: "Thirty-ninth degree of longitude west of Washington; thence south, along that degree of longitude, to the west of the Bitter Root Mountains; thence southward, along the west of the Bitter Root Moutains, until its intersection with the Rocky Mountains; thence southward, along the crest of the Rocky Mountains, to the thirty-fourth degree of longitude west of Washington; thence south, along that degree of longitude, to the forty-second degree of north latitude."

The SPEAKER *pro tempore*. Does the gentleman propose to use the word "degree" instead of "parallel" in relation to latitude?

Mr. LAWRENCE. That description comes from the Land Office, and has their approval. I do not hold myself responsible for its accuracy. The description of the boundaries of the Territories will not be found in any statute. The boundaries have been changed from time to time, and they can be ascertained only by surveys, or by making maps of them, which has been done at the Land Office. I call attention to the letter of the Commissioner of the General Land Office, in which he says these proposed amendments are correct.

The letter was as follows:

GENERAL LAND OFFICE, DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 24, 1874.

SIR: I return herewith penciled amendments in the descriptions of certain territorial boundaries, numbered 1, 2, and 3.

Upon examination, I find the amendments correct with the exception of the words "forty-first," on sheet number 2, which should read "forty-second," as amended in red ink.

Very respectfully,

WILLIS DRUMMOND,
Commissioner.

HON. W. LAWRENCE,
House of Representatives.

The amendment was agreed to.

Mr. LAWRENCE. I move to amend by striking out section 1908.

The section was as follows:

SEC. 1908. All that portion of Dakota Territory lying west of the one hundred and eleventh meridian of longitude, which, by an erroneous definition of the boundaries of that Territory by a former act of Congress, remains detached and distant from Dakota proper some two hundred miles, is hereby attached to the adjoining Territory of Montana.

The motion to strike out was agreed to.

Mr. LAWRENCE. The next amendment is in section 1907.

The section was as follows:

SEC. 1907. All that part of the territory of the United States included within the following limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west, on the forty-fifth degree of latitude, to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south, along the thirty-fourth degree of longitude, to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence due west, along the forty-fourth degree and thirty minutes of north latitude, to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward, along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary-line of the British possessions; thence eastward, along that boundary line, to the twenty-seventh degree of longitude west from Washington; thence southward, along the twenty-seventh degree of longitude, to the place of beginning, is created into a temporary government by the name of the Territory of Montana.

Mr. LAWRENCE. The amendment is to strike out the words "to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence due west, along the forty-fourth degree and thirty minutes of north latitude."

The amendment was agreed to.

Mr. LAWRENCE. The next amendment is in section 2083.

The section was as follows:

SEC. 2083. No person employed in the Office of Indian Affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein shall be liable to a penalty of $5,000, and shall be removed from his office.

Mr. LAWRENCE. The amendment is to strike out from the first line the words "the office of" before "Indian affairs;" so that it will read: "No person employed in Indian affairs shall have any interest," &c. The amendment is based on the act of 30th of June, 1834, (4 Statutes at Large, page 738, chapter 162, section 14.) Mr. Durant evidently supposed that that act described certain crimes as applicable to Indian affairs here in Washington. In the view of the committee the statute was designed to make certain acts penal, whenever they were committed by any person in the Indian service of the Government, whether at Washington or elsewhere. That is the object of the amendment.

The amendment was agreed to.

Mr. LAWRENCE. The next amendment is in section 2092.

The section was as follows:

SEC. 2092. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head-men of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country. And all executory contracts made and entered into by any Indian for the payment of money or goods shall be deemed and held to be null and void.

Mr. LAWRENCE. The amendment is to strike out the words, "and all executory contracts made and entered into by any Indian, for the payment of money or goods, shall be held and deemed to be null and void." The necessity of that amendment will be seen by reference to section 2108.

The amendment was agreed to.

Mr. PENDLETON. I have an amendment to propose to section 3240.

The section was as follows:

SEC. 3240. All persons required to make returns or lists of objects charged with an internal tax, shall declare therein whether the several rates and amounts are stated according to their values in legal-tender currency, or according to their values in coined money; and in case of neglect or refusal so to declare to the satisfaction of the collector receiving such returns or lists, such officer shall make returns or lists for such persons so neglecting or refusing, as in cases of persons neglecting or refusing to make the returns or lists required by law. And whenever the rates and amounts contained in the returns or lists are stated in coined money, the collector receiving the same shall reduce them to their equivalent in legal-tender currency, according to the value of such coined money in said currency for the time covered by such returns.

Mr. PENDLETON. The amendment is to insert at the end of the first sentence, after the words "required by law," these words: "and the collector shall assess the tax thereon, and add thereto the amount of penalties imposed by law in case of such neglect or refusal."

Mr. BECK. Should that be "collector" or "Commissioner?"

Mr. PENDLETON. We put it "collector," because we thought it did not refer in this case to "Commissioner."

Mr. BECK. The notes from the Commissioner's office say "Commissioner."

Mr. PENDLETON. I know the notes from the office say "Commissioner," but we thought it referred to the "collector." [After consulting with Mr. E. R. HOAR.] I am informed that under the act of 1872 the Commissioner is now the only assessing officer. I therefore modify my amendment by inserting "Commissioner" instead of "collector."

The amendment as modified was agreed to.

Mr. BECK. The Committee on Ways and Means, believing this to be a matter that they should look into, took occasion to appoint a sub-committee, composed of the gentleman from Ohio [Mr. FOSTER] and myself, for that purpose. The gentleman from Vermont, [Mr. POLAND,] as well as ourselves, went to the Commissioner of Internal Revenue and had this matter pretty carefully revised. But, as I do not want to be unnecessarily interrupting the Committee on Revision in this work, I wish to ask the gentlemen having charge of it whether, when the various provisions relating to internal revenue shall have been passed over, there will still be an opportunity to go back and correct any errors that may have been overlooked, such as the one just suggested.

The SPEAKER *pro tempore*. The order was made some time ago in regard to this entire bill, that any member of the House should be entitled at any time to go back and suggest any amendment that he might claim had been overlooked.

Mr. BECK. I think it will be advisable to resubmit the work done here to the officers of the Internal Revenue Department; and hence I desire that there shall be an opportunity to go back for the correction of any errors that may be discovered.

Mr. POLAND. There has been an understanding from the beginning that as long as anybody could point out anything that was an error, there should be an opportunity to go back.

Mr. PENDLETON. I move to amend section 3243 by striking out all after the number of the section, being the following words:

The lists of taxes which accrue at other times shall be taken with reference to the times when they accrue, and shall be called monthly and special lists.

And inserting in lieu thereof the following:

The lists or returns aforesaid shall, where not otherwise especially provided for, be taken with reference to the day fixed for that purpose by this title as aforesaid; and where duties accrue at other and different times the lists shall be taken with reference to the time when said taxes become due, and shall be denominated annual, monthly, and special lists and returns.

The amendment was agreed to.

Mr. PENDLETON. I wish to move an amendment to section 3244.

The section was as follows:

SEC. 3244. Whenever it is ascertained that any list which has been or shall be delivered to any collector is imperfect or incomplete in consequence of the omission of the name of any person liable to tax, or in consequence of any omission, or understatement, or undervaluation, or false or fraudulent statement, contained in any return made by any person liable to tax, the Commissioner of Internal Revenue may, at any time within fifteen months from the time of the delivery of the list to the collector as aforesaid, enter on any monthly or special list the name of such person so omitted, together with the amount of tax for which he may have been or shall become liable, and also the name of any such person in respect to whose return, as aforesaid, there has been or shall be any omission, undervaluation, understatement, or false or fraudulent statement, together with the amount for which such person may be liable, above the amount for which he may have been or shall be assessed upon any return made as aforesaid; and he shall certify and return such list to the collector as required by law. And all provisions of law for the ascertainment of liability to any tax, or the assessment or collection thereof, shall be held to apply, so far as may be necessary, to the proceedings herein authorized and directed.

Mr. PENDLETON. I move to amend this section by inserting after the number of the section and before the word "whenever," these words:

The Commissioner of Internal Revenue is hereby authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal-revenue act, where such taxes have not been duly paid by stamp at the time and in the manner provided by law, and shall certify a list of such assessments, when made, to the proper collectors, respectively, who shall proceed to collect and account for the taxes and penalties so certified.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3247 by inserting after the words "1 per cent. per month," in line 21, the words "as aforesaid;" so that the section will read as follows:

SEC. 3247. All returns required to be made monthly by any person liable to tax shall be made on or before the tenth day of each month, and the tax assessed or due thereon shall be returned by the Commissioner of Internal Revenue to the collector on or before the last day of each month. All returns for which no provision is otherwise made shall be made on or before the tenth day of the month succeeding the time when the tax is due and liable to be assessed, and the tax thereon shall be returned as herein provided for monthly returns, and shall be due and payable on or before the last day of the month in which the assessment is so made. When the said tax is not paid on or before the last day of the month, as aforesaid, the collector shall add a penalty of 5 per cent., together with interest at the rate of 1 per cent. per month, upon such tax from the time the same became due; but no interest for a fraction of a month shall be demanded: *Provided*, That notice of the time when such tax becomes due and payable is given in such manner as may be prescribed by the Commissioner of Internal Revenue. It shall then be the duty of the collector, in case of the non-payment of said tax on or before the last day of the month, as aforesaid, to demand payment thereof, with 5 per cent. added thereto, and interest at the rate of 1 per cent. per month, as aforesaid, in the manner prescribed by law; and if said tax, penalty, and interest are not paid within ten days after such demand, it shall be lawful for the collector or his deputy to make distraint therefor, as provided by law.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3249 by inserting after the words "5 per cent. additional thereto," the words "and interest as aforesaid;" so that the section will read as follows:

SEC. 3249. If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with 5 per cent. additional thereto and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, and evidences of debt, of the person delinquent as aforesaid: *Provided*, That there shall be exempt from distraint and sale, if belonging to the head of a family, the school-books and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep and the wool thereof, provided the aggregate market value of said sheep shall not exceed fifty dollars; the necessary food for such cow, hogs, and sheep, for a period not exceeding thirty days; fuel to an amount not greater in value than twenty-five dollars; provisions to an amount not greater than fifty dollars; household furniture kept for use to an amount not greater than $300; and the books, tools, or implements, of a trade or profession, to an amount not greater than $100, shall also be exempt; and the officer making the distraint shall summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3253 by inserting before the word "assess," in the last line, the words "the Commissioner of Internal Revenue shall;" so that the section shall read as follows:

SEC. 3253. When property subject to tax, but upon which the tax has not been paid, is seized upon distraint and sold, the amount of said tax shall, after deducting the expenses of such sale, be first appropriated out of the proceeds thereof to the payment of the tax. And if no assessment of such tax has been made upon such property, the collector shall make a return thereof in the form required by law, and the Commissioner of Internal Revenue shall assess the tax thereon.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3254 by striking out the words "such charges," and inserting in lieu thereof "all lawful charges and fees;" so that the section will read as follows:

SEC. 3254. When any property advertised for sale under distraint, as aforesaid, is of a kind subject to tax, and the tax has not been paid, and the amount bid for such property is not equal to the amount of the tax, the collector may purchase the same in behalf of the United States for an amount not exceeding the said tax. All property so purchased may be sold by the collector, under such regulations as may be prescribed by the Commissioner of Internal Revenue. The collector shall render to the Commissioner a distinct account of all charges incurred in such sales, and, in case of sale, shall pay into the Treasury the surplus, if any there be, after defraying all lawful charges and fees.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3257 by striking out in the first line the word "personal," so that the section will read as follows:

SEC. 3257. When any property liable to distraint for taxes is not divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, and charges, shall be paid to the person legally entitled to receive the same; or, if he cannot be found, or refuses to receive the same, shall be deposited in the Treasury of the United States, to be there held for his use until he makes application therefor to the Secretary of the Treasury, who, upon such application and satisfactory proofs in support thereof, shall, by warrant on the Treasury, cause the same to be paid to the applicant.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3267 by striking out in the last line the word "in," and inserting "is;" so that the section will read as follows:

SEC. 3267. Whenever any property, personal or real, which is seized and sold by virtue of the foregoing provisions, is not sufficient to satisfy the claim of the United States for which distraint or seizure is made, the collector may, thereafter, and as often as the same may be necessary, proceed to seize and sell, in like manner, any other property liable to seizure of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3269 by inserting after the words "United States," in line 5, the words, "to enforce the lien of the United States for tax upon any real estate;" so that the section will read as follows:

SEC. 3269. In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in chancery to be filed in a district or circuit court of the United States to enforce the lien of the United States for tax upon any real estate, to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax. All per-

sons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid, shall be made parties to such proceedings, and be brought into court as provided in other suits in chancery therein. And the said court shall, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein, and finally determine the merits of all claims to and liens upon the real estate in question, and, in all cases where a claim or interest of the United States therein is established, shall decree a sale of such real estate, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3270 by striking out in line 11 the word "became," and inserting in lieu thereof the words "has or may become;" so that the section will read as follows:

SEC. 3270. The Commissioner of Internal Revenue shall have charge of all real estate which has been or shall be assigned, set off, or conveyed, by purchase or otherwise, to the United States, in payment of debts arising under the laws relating to internal revenue, and of all trusts created for the use of the United States, in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may, at public vendue, and upon not less than twenty days' notice, sell and dispose of lands assigned or set off to the United States in payment of such debts, or vested in them by mortgage or other security, for the payment of such debts. And in cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of 1 per cent. per month, to the United States, within two years from the date of the acquisition of such real estate, it shall be lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to release by deed, or otherwise convey such real estate to the debtor, from whom it was taken, or to his heirs or other legal representatives.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3271 by striking out in the fifteenth line, after the word "certified," the words "copy or;" so that the section will read as follows:

SEC. 3271. Whenever a collector has on any list duly returned to him the name of any person not within his collection district who is liable to tax, or of any person so liable who has, in the collection district in which he resides, no sufficient property subject to seizure or distraint, from which the money due for tax can be collected, such collector shall transmit a statement containing the name of the person liable to such tax, with the amount and nature thereof, duly certified under his hand, to the collector of any district to which said person shall have removed, or in which he shall have property, real or personal, liable to be seized and sold for tax. And the collector to whom the said certified statement is transmitted, shall proceed to collect the said tax in the same way as if the name of the person and objects of tax contained in the said certified statement were on any list of his own collection district; and he shall, upon receiving said certified statement as aforesaid, transmit his receipt for it to the collector sending the same to him.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3275 to strike out all after the word "for," in line 5, to the end of the section, as follows: "and all suits for taxes shall be brought in the name of the United States, and may be brought in any proper form of action or by any appropriate mode of proceeding," and to insert therefor these words:

Shall be brought in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, *qui tam* or otherwise, before any circuit court or district court of the United States for the district within which said fine, penalty, or forfeiture, may have been incurred, or before any other court of competent jurisdiction; and taxes may be sued for and recovered in the name of the United States in any proper form of action, before any circuit or district court of the United States, for the district within which the liability to said tax is incurred, or where the party from whom said tax is due resides, at the time of the commencement of the said action.

So it will read:

SEC. 3275. It shall be the duty of the collectors, in their respective districts, subject to the provisions of this title, to prosecute for the recovery of any sums which may be forfeited by law. All suits for fines, penalties, and forfeitures, where not otherwise provided for, shall be brought in the name of the United States, in any proper form of action or by any appropriate form of proceeding, *qui tam* or otherwise, before any circuit court or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred or before any other court of competent jurisdiction; and taxes may be sued for and recovered in the name of the United States in any proper form of action before any circuit or district court of the United States for the district within which the liability to said tax is incurred, or where the party from whom said tax is due resides, at the time of the commencement of the said action.

The amendment was agreed to.

Mr. PENDLETON. To section 3276, which is as follows:

SEC. 3276. No suit for the recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner of Internal Revenue authorizes or sanctions the proceedings—

I move to add the following proviso:

Provided, That in case of any suit for penalties or forfeitures, brought upon information received from any person other than collector or deputy collector, the United States shall not be subject to any costs of suit.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3283, in line 6, to insert after the word "warehouse" the words, "or bonded warehouse of the United States;" so it will read:

SEC. 3283. The Secretary of the Treasury, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any distillery warehouse or bonded warehouse of the United States, and before the tax thereon had been paid, may abate the amount of internal taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits, the said Secretary shall refund the same to the owners thereof out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3291, line 10, after the word "such," to insert, "with his reasons therefor;" so it will read:

SEC. 3291. The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws, instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney-General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the Commissioner the opinion of the solicitor of internal revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3295, in line 3, after the word "residence," to insert the words, "trade or business;" so it will read:

SEC. 3295. Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and their places of residence, shall be so registered.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3297, in line 3, to strike out the word "receipt," and in lieu thereof to insert the words "collector's register;" and in line 6, after the word "nor," to insert "except as hereinafter provided for;" so it will read:

SEC. 3297. The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as hereinafter provided for, for the sale, by manufacturers or producers, of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3298, in line 3, after the word "time," to insert the words "except as hereinafter provided for;" so it will read:

SEC. 3298. Whenever more than one of the pursuits or occupations hereinafter described are carried on in the same place by the same person at the same time, except as hereinafter provided for, the tax shall be paid for each according to the rates severally prescribed.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3300, in line 5, after the word "seventy," to strike out "six" and insert "five;" so it will read:

SEC. 3300. All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is required to procure appropriate stamps for the payment of such taxes; and the provisions of sections 3375 and 3509, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner of Internal Revenue shall have authority to make all needful regulations relative thereto.

The amendment was agreed to.

Mr. PENDLETON. I move to strike out section 3303, which is as follows:

SEC. 3303. The receipt for the payment of any special tax shall set forth the trade or business for which it is paid, the name and residence of the person paying it, and the place where such trade or business is to be carried on. And every person carrying on any trade or business, for which a special tax is imposed, shall, on demand of any officer of internal revenue, exhibit the receipt for payment of the tax; and unless he shall do so, may be deemed not to have paid such tax.

The amendment was agreed to.

Mr. PENDLETON. I move in section 1304, in line 10, to strike out "tax receipt," and insert in lieu thereof the words "collector's register;" so it will read:

SEC. 3304. When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner of Internal Revenue.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3305, line 8, before the word "rectification," to insert "distillation or;" and in line 20, after the word "brewer," to insert "or wholesale or retail dealer in malt liquors;" so it will read:

SEC. 3305. Every person who carries on the business of a rectifier, wholesale liquor dealer, retail liquor dealer, or manufacturer of stills, without having paid the special tax as required by law, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and be imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all apparatus fit or intended to be used for the distillation or rectification of spirits or the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the rectifying establishment, or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, shall be forfeited to the United States. Every person who carries on the business of a manufacturer of tobacco, snuff, or cigars, dealer in manufactured tobacco, dealer in leaf-tobacco, or retail dealer in leaf-tobacco, without having paid a special tax therefor, as provided by law, shall, besides being liable to the payment of the tax, be fined not more than $500, or be imprisoned not more than one year, or both, at the discretion of the court. And every person who carries on the business of a brewer, or whole-

sale or retail dealer in malt liquors, without having paid a special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than ten dollars nor more than $500.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3307, in line 30, to strike out the words "assess or;" and in line 33, after the word "who," to strike out the words "assesses or;" so it will read:

And provided further, That no officer shall collect any special tax for rectifying distilled spirits on any premises distant less than six hundred feet in a direct line from any distillery. And every officer who collects any special tax in violation of this section shall be liable to a penalty of $5,000 for each offense.

The amendments were agreed to.

Mr. PENDLETON. I move in line 59, same section, to strike out the words "at wholesale," and in lieu thereof to insert "in the original stamped packages;" so it will read:

Wholesale dealers in malt liquors shall pay fifty dollars. Every person who sells or offers for sale malt liquors in larger quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a wholesale dealer in malt liquors: *Provided*, That no brewer shall be required to pay a special tax as a wholesale dealer by reason of selling in the original stamp packages, whether at the place of manufacture or otherwise, malt liquors manufactured by him.

The amendment was agreed to.

Mr. PENDLETON. I move in line 134 to strike out the word "receipt," and insert in lieu thereof the word "stamp;" and in line 140 to strike out the words "assistant assessor of the division," and insert "collector of the district;" so it will read:

Tenth. Manufacturers of cigars shall each pay ten dollars. Every person whose business it is to make or manufacture cigars for himself, or who employs others to make or manufacture cigars, shall be regarded as a manufacturer of cigars. No special tax-stamp shall be issued to any manufacturer of cigars until he has given the bond required by law. Every person whose business it is to make cigars for others, either for pay, upon commission, on shares, or otherwise, from material furnished by others, shall be regarded as a cigar-maker. Every cigar-maker shall cause his name and residence to be registered, without previous demand, with the collector of the district in which such cigar-maker shall be employed; and every manufacturer of cigars employing any cigar-maker who shall have neglected or refused to make such registry shall be fined five dollars for each day that such cigar-maker so offending, by neglect or refusal to register, shall be employed by him.

The amendments were agreed to.

Mr. LAWRENCE. I desire to offer an amendment to section 2057.

The section was as follows:

SEC. 2057. The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following agents of Indian affairs: Five agents for the tribes in Oregon; three agents for the tribes in Washington Territory; three agents for the tribes in California; two agents for the tribes in Nevada; two agents for the tribes in Idaho; four agents for the tribes in Montana; ten agents for the tribes in Dakota Territory; one agent for the tribes in Wyoming Territory; one agent for the tribes in Utah Territory; six agents for the tribes in New Mexico; two agents for the tribes in Colorado Territory; six agents for the tribes in Nebraska; three agents for the tribes in Kansas; ten agents for the tribes in the Indian Territory; one agent for the tribes in Minnesota; one agent for the tribes in Iowa; two agents for the tribes in Wisconsin; one agent for the tribes in Michigan; one agent for the New York Indians; seven agents for the tribes in Arizona.

Mr. LAWRENCE. I offer the following amendment.

The Clerk read as follows:

On page 451, section 2057, after the word "following," lines 2 and 3, insert "Indians."

Strike out all after the word "agents," in line 3, and insert:

Three for the tribes in Oregon; fourteen for the tribes east of the Rocky Mountains and north of New Mexico and Texas; seven for the tribes in New Mexico; three for the tribes in the Territory of Washington; one for the tribes in Kansas; one for the Kickapoos; one for the Delawares; two for the tribes in Utah; one for the Poncas; one for the Pawnees in Nebraska, each with an annual salary of $1,500. Four for the tribes in California, at an annual salary of $1,800 each; three for the tribes in Texas; one for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, at an annual salary of $1,000.

Mr. LAWRENCE. In the original or organic acts the expression "Indian agents" is used, and not the words "agents of Indian affairs," which occur in some later statutes. The number of Indian agents actually provided for by organic acts, excluding provisions occurring merely in appropriation acts, is forty-seven. No salary is mentioned in any act for the agent in Texas.

The amendment was agreed to.

Mr. CASON. I offer the following amendment to section 4458:

Strike out the comma after the word "vessel," in line 2; also strike out the comma after the word "performed," in line 4.

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4467.

The section was as follows:

SEC. 4467. All coastwise sea-going vessels, and vessels navigating the great lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam-vessels in passing, as provided by this act; and every coastwise sea-going steam-vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

Mr. CASON. I offer the following amendment:

Strike out the word "act," in line 7, and insert in place thereof the word "title."

The amendment was agreed to.

Mr. CASON. I offer the following amendment:

In section 4471, after the word "Washington," in line 3, insert "District of Columbia."

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4479.

The section was as follows:

SEC. 4479. Every pilot, engineer, mate, or master of any steam-vessel who neglects or willfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a penalty of fifty dollars, and for all damages sustained by any passenger, in his person or baggage, by such neglect and refusal.

Mr. CASON. I offer the following amendment:

Strike out the word "and," in the fifth line, and insert in place thereof the word "or."

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4480.

The section was as follows:

SEC. 4480. There shall be, in each of the following collection districts, one inspector of hulls and one inspector of boilers; who shall be entitled to the following salaries:

In the districts of New York and New Orleans, to a salary of $2,200 a year each, &c.

Mr. CASON. I offer the following amendment:

After the word "salaries," in the third line, add the following words: "to be paid annually under the direction of the Secretary of the Treasury."

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4503.

The section was as follows:

SEC. 4503. Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety-valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined $200, and imprisoned not exceeding five years.

Mr. CASON. I offer the following amendment:

Insert before the word "imprisoned," in the twelfth line, the following: "May also be."

The amendment was agreed to.

Mr. CASON. I move to amend by striking out section 4525.

The section was as follows:

SEC. 4525. Every inspector who, upon any pretense, receives any fee or reward for his services rendered under this title, except what is herein allowed him, shall forfeit his office, and if found guilty, on indictment or otherwise, be punished, according to the aggravation of the offense, by fine not exceeding $500, or imprisonment not exceeding six months, or both.

The amendment was agreed to.

Mr. CASON. I offer the following amendment:

In section 4538 change the semicolon to a comma after the word "inch," in line 13.

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4557.

The section was as follows:

SEC. 4557. Every sea-going steamer, and every steamer navigating the great northern or northwestern lakes, carrying passengers, the building of which shall be completed after the passage of this title, shall have not less than three water-tight cross bulk-heads, such bulk-heads to reach to the main deck in single-decked vessels, otherwise to the deck next below the main deck; to be made of iron plates, sustained upon suitable frame-work; and to be properly secured to the hull of the vessel. The position of such bulk-heads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising inspectors.

Mr. CASON. I offer the following amendment:

Strike out the words "passage of this title," at the end of the third, and commencement of the fourth line, and insert as follows: "28th day of August, 1871."

The amendment was agreed to.

Mr. CASON. My next amendment is to section 4575.

The section was as follows:

SEC. 4575. The general duties of a shipping commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To arbitrate such questions, affecting seamen, as may be duly submitted to him.

Mr. CASON. I offer the following amendment:

Strike out all of the fifth division after the word "to," in line 11, and insert in place thereof "perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law."

The amendment was agreed to.

Mr. CASON. My next amendment is to section 4577.

The section was as follows:

SEC. 4577. The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; and no assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section the master shall be liable to a penalty of not more than $100.

Mr. CASON. I offer the following amendment:

Insert at the end of line 8, after the word "agreement," the following words: "which shall be in the form, as nearly as may be, given in the table marked A, in the schedule annexed to this title."

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4578.

The section was as follows:

SEC. 4578. The master of every vessel bound from a port in the United States to

any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars, &c.

Mr. CASON. I offer the following amendment:

Strike out the proviso at the end of the eighth division of the section, in these words:

"*Provided*, That this section shall not apply to masters of vessels when engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico."

That proviso is in the previous section.

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4590.

The section was as follows:

SEC. 4590. All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and demand the highest rate of wages paid to any seaman shipped for the voyage, or the sum agreed to be given him at his shipment.

Mr. CASON. I offer the following amendment:

After the word "and," in the third line, strike out these words: "demand the highest rate of wages paid to any seaman shipped for the voyage," and insert in place thereof the following: "shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped."

The amendment was agreed to.

Mr. CASON. The next amendment is to section 4610.

The section was as follows:

SEC. 4610. Every shipping commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the district in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

Mr. CASON. I offer the following amendment:

Strike out the word "district" in the fourth line, and insert in place thereof the word "circuit."

The amendment was agreed to.

Mr. CASON. The next amendment is in section 4646.

The section was as follows:

SEC. 4646. Whenever distressed seamen of the United States are transported from foreign ports where there is no consul or officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

Mr. CASON. The amendment is to strike out the words "consul or" before the words "officer of the United States," and insert in lieu thereof the word "consular."

The amendment was agreed to.

Mr. CASON. The next amendment is in section 4679, in the schedule attached thereto. Before the table in relation to "scale of provisions," &c., insert a table in regard to "accounts of apprentices on board." That table has been dropped out in the revision, but it is in the original act, and the committee are of opinion that it should be inserted here.

The amendment was agreed to.

Mr. CASON. In the same section, in next to the last paragraph, I move to amend so that it will read "Table C" instead of "Table A."

The amendment was agreed to.

Mr. CASON. The next amendment is in section 4716.

The section was as follows:

SEC. 4716. Fees of special counsel in prize-cases incurred or authorized by an Executive Department, or for the defense of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize-fund in the particular cause, and audited and allowed by the Department incurring or authorizing them, and by the Solicitor of the Treasury, shall be a charge upon, and paid out of, the funds appropriated for defraying the expenses of suits in which the United States is a party or interested.

Mr. CASON. I move to amend this section by striking out the words "an Executive" and inserting the word "any" before the word "Department."

The amendment was agreed to.

Mr. CASON. In section 4719, line 28, strike out the word "section" and insert "title."

The amendment was agreed to.

Mr. POLAND. I have some amendments to move to chapter 9, relating to drawbacks, or the return of duties. The provisions which have been revised by the commissioners were mainly the provisions of our early statutes, going back as far as the act of 1799, which provisions were in force before the adoption of the bonded-warehouse system, but which have been virtually repealed by the adoption of that system. The revisers, in a note, suggest whether these provisions have not become virtually repealed by the adoption of the warehouse system. We think that in point of law that doubt is a certainty; and therefore we recommend the striking out of a considerable of this chapter. Accordingly, I move to strike out sections 3050, 3051, 3052, 3063, 3068, 3072, 3073, 3076 to 3085, both inclusive, 3100 to 3108, both inclusive, and 3117 to 3120, both inclusive.

The sections above named were stricken out.

Mr. POLAND. I have an amendment to move to section 3060.

The section was as follows:

SEC. 3060. No return of the duties shall be allowed on the export of any merchandise after it has been removed from the custody and control of the Government, except in the cases provided in sections 3050, 3054, 3055, 3057, and 3061.

Mr. POLAND. I move to amend by striking out "3050;" that section has just been stricken out.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 3064.

The section was as follows:

SEC. 3064. Where articles are imported in bulk they shall be exported in the packages, if any, in which they were landed; for which purpose the officer delivering the same shall return the packages they may be put into, if any, with their marks and numbers, and they shall not be entitled to drawback, unless exported in such packages, which shall be deemed the packages of original importation, nor unless they fully agree with the return made by the officer; and in respect to distilled spirits or wines the certificates issued by the inspector of the revenue for such spirits or wines shall be given up, and the drawback shall not be allowed on any such spirits or wines as do not agree, on examination, with the certificates so given up.

Mr. POLAND. I move to amend by striking out the latter portion of the section commencing, "and in respect to distilled spirits or wines," &c.

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 3074.

The section was as follows:

SEC. 3074. The collector shall direct the surveyor, where any, to inspect, or cause to be inspected, the merchandise so notified for exportation, and if it is found to correspond fully with the notice and proof concerning the same, the collector, together with the naval officer, if any, shall grant a permit for lading the same on board of the vessel named in such notice and entry. Such lading shall be performed under the superintendence of the officer by whom the same has been so inspected; and the exporters shall make oath that the merchandise, so noticed for exportation, and laden on board such vessel, previous to the clearance thereof, or within ten days after such clearance, is truly intended to be exported to the place whereof notice has been given, and is not intended to be relanded within the United States; otherwise the merchandise shall not be entitled to the benefit of drawback.

Mr. POLAND. The amendment is in the first part of the section, to strike out "so," between the words "merchandise" and "notified."

The amendment was agreed to.

Mr. POLAND, The next amendment is to section 3075.

The section was as follows:

SEC. 3075. All merchandise imported into the United States, the duties on which have been paid, or secured to be paid, may be transported by land, or partly by land and partly by water, or coastwise, from the district into which it was imported to two other districts, and exported from either of them with the benefit of drawback.

Mr. POLAND. The amendment is to strike out the words "two other districts," and insert in lieu the words "any port of entry;" also strike out the words "either of them," and insert in lieu "such ports of entry."

The amendment was agreed to.

Mr. POLAND. The next amendment is to section 3093.

The section was as follows:

SEC. 3093. The collector may refuse to grant such debenture, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture claimed shall exceed $100, it shall be the duty of the collector to represent the case to the Comptroller of the Treasury, who shall determine whether such debenture shall be granted or not. In no case, moreover, of an exportation of goods shall a drawback be paid, until the duties on the importation thereof shall have been first received.

Mr. POLAND. The amendment is to strike out "Comptroller," and insert "Secretary."

The amendment was agreed to.

Mr. POLAND. The next amendment is to section 3094.

The section was as follows:

SEC. 3094. Before the receipt of any debenture, in case of exportation from the district of original importation, and in case of exportation from any other district before the receipt of any such certificate, as is hereinbefore required to be granted, the person applying for such debenture or certificate shall, previous to such receipt, and before the clearance of the vessel in which the merchandise was laden for exportation, or within ten days after such clearance, give bond, with one or more sureties, to the satisfaction of the collector, who is to grant such debenture or certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned that such merchandise, or any part thereof, shall not be relanded in any port within the limits of the United States, and that the exporter shall produce, within the time herein limited, the proofs and certificates required of such merchandise having been delivered without such limits.

Mr. POLAND. The amendment is to strike out near the middle of the section the words "or within ten days after such clearance."

The amendment was agreed to.

Mr. POLAND. The next amendment is to section 3098.

The section was as follows:

SEC. 3098. In cases of loss by sea, or by capture or other unavoidable accident, or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be, procured, the exporter shall be allowed to adduce to the collector of the port of exportation such other proofs as they may have, and as the nature of the case will admit; which proofs shall, with a statement of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the First Comptroller of the Treasury, who shall have power to allow a further reasonable time for obtaining such proofs; or if he be satisfied with the truth and validity of the proofs adduced, to direct the bond of such exporter to be canceled. If the amount of such bond shall not exceed the penal sum of $200, the collector, with the naval officer, where there is one, and alone where there

is none, may, pursuant to such rules as shall be prescribed by the Comptroller of the Treasury, admit such proof as may be adduced; and if they deem the same satisfactory, cancel such bond accordingly.

Mr. POLAND. The amendment is to change the phrase "First Comptroller of the Treasury" to "Secretary of the Treasury;" also "Comptroller of the Treasury" to "Secretary of the Treasury."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 3113.

The section was as follows:

SEC. 3113. Any merchandise imported from the British North American provinces adjoining the United States, which shall have been duly entered and the duties thereon paid or secured according to law at either of the ports of entry in the collection districts situated on the northern, northeastern, and northwestern frontiers of the United States, may be transported by land or by water, or partly by land and partly by water, to any port or ports from which merchandise may be exported for benefit of drawback, and be thence exported with such privilege to any foreign country. The laws relating to the transportation of merchandise entitled to drawback from one district to another, or to two other districts, and the due exportation and proof of landing thereof, and all regulations which the Secretary of the Treasury may prescribe for the security of the revenue, must, however, be complied with.

Mr. POLAND. The amendment is near the close of the section, to strike out the words "from one district to another, or to two other districts."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 3121.

The section was as follows:

SEC. 3121. The Secretary of the Treasury is hereby further authorized to prescribe such rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary to carry into effect the provisions of the five preceding sections, and to prevent the illegal reimportation of any merchandise which shall have been exported as herein provided.

Mr. POLAND. The amendment is to strike out the words "five preceding sections," and to insert in lieu the words, "laws relating to drawbacks."

The amendment was agreed to.

Mr. POLAND. That, Mr. Speaker, closes the amendments which we are prepared to offer to-night. I move that the House now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBERT: The petition of Maria Harris, of Baltimore, Maryland, for a pension, to the Committee on Invalid Pensions.

By Mr. ARCHER: The petition of Augustus W. Bradford, of Baltimore County, Maryland, for indemnification for the destruction of his dwelling-house near Baltimore by a squad of confederate soldiers in July, 1864, in retaliation for the destruction by Federal troops of the dwelling-house of George Letcher, of Virginia, to the Committee on War Claims.

By Mr. ARMSTRONG: The petition of Captain Seth Bonney, for restoration to his former rank in the Army, to the Committee on Military Affairs.

By Mr. BARRERE: The petition of distillers in the fifth collection district of Illinois, that the moneys paid by them pursuant to instructions from the Commissioner of Internal Revenue for the Tice meter be refunded, said meter having proved inaccurate and worthless, to the Committee on Appropriations.

By Mr. BASS: The petition of Louisa R. Ketchum, widow of William F. Ketchum, for the extension of letters-patent for improvements in grass and grain harvesters, to the Committee on Patents.

By Mr. BLAINE: The memorial of Matilda Hindman, in behalf of the Woman Suffrage Association of the State of Pennsylvania, in relation to a bill pending in Congress to aid in the execution of the laws of the Territory of Utah, and remonstrating against the disfranchisement of women in that Territory, to the Committee on the Judiciary.

Also, charges and specifications against William Story, judge of the United States district court for the western district of Arkansas, submitted by James S. Robinson, of Fort Smith, Arkansas, and by Ben. T. DuVol, James S. Gage, and others, practicing attorneys at Fort Smith, Arkansas, to the Committee on the Judiciary.

By Mr. DAVIS, of Virginia: The petition of tobacco manufacturers and dealers of the State of Virginia, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. ELKINS: The memorial of the wardens and vestrymen of Saint Thomas Parish, Santa Fé, New Mexico, praying for the grant of a lot of land in the military reservation at Fort Marcy, for the erection of church and school buildings, to the Committee on the Public Lands.

By Mr. FREEMAN: The petition of Dr. Holmes Sells, for relief, to the Committee on War Claims.

By Mr. GARFIELD: The petition of Andrew J. Herron, of Painesville, Ohio, for correction of his military record, to the Committee on Military Affairs.

By Mr. HAVENS: Several petitions of citizens of Missouri, for the passage of an act legalizing certain homestead entries, to the Committee on the Public Lands.

By Mr. MAYNARD: The petition of citizens of Monroe County, Tennessee, for the reinstatement of 10 per cent. duty on manufactured cottons, woolens, iron, &c., to the Committee on Ways and Means.

By Mr. NEGLEY: The petition of members of the Board of Health of Pittsburgh, Pennsylvania, for the passage of the bill establishing a bureau of health, to the Committee on Commerce.

Also, the remonstrance of twenty-one pilots of Louisville, Kentucky, against the construction of dams and dikes in and on the Mississippi and Ohio Rivers, to the Committee on Commerce.

Also, the petition of the Pittsburgh Forge and Iron Company, and others, of Pittsburgh, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

Also, the petition of David Laing and others, of Pittsburgh, Pennsylvania, of similar import, to the Committee on Ways and Means.

Also, the petition of P. J. Murray and others, of Saint Louis, Missouri, of similar import, to the Committee on Ways and Means.

By Mr. ORR: Several petitions of citizens of Hardin and Story Counties, in the State of Iowa, for the establishment of a post-route, with tri-weekly mail service, from Eldora to Nevada, in said State, to the Committee on the Post-Office and Post-Roads.

By Mr. ORTH: The petition of Rev. Joseph C. Talbot, bishop of Indiana, for the establishment of a system of instruction in nautical science and the rudimental branches of English education in the United States Navy, to the Committee on Naval Affairs.

By Mr. RAWLS: The petition of David R. Dillon, of Savannah, Georgia, for relief, to the Committee on War Claims.

By Mr. SCUDDER, of New York: Several petitions of honorably discharged soldiers and sailors of Flushing, New York, for amendments to the homestead law, to the Committee on the Public Lands.

By Mr. SPEER: The petition of David Etnier, and 80 other citizens of Brady Township, Huntingdon County, Pennsylvania, for the repeal of that part of the act of June 6, 1872, reducing the duties on certain articles, and remonstrating against imposing a duty on tea and coffee as oppressive to the people, to the Committee on Ways and Means.

By Mr. THOMAS: The petition of the citizens of New Berne, North Carolina, for the removal of obstructions from the Neuse River, to the Committee on Commerce.

Also, the petition of S. E. Koonce, of Jones County, North Carolina, for payment for services in carrying the United States mails, to the Committee on Claims.

Also, the petition of citizens of Greene and Pitt Counties, North Carolina, for the establishment of a post-route from Snow Hill, via Willow Green and Ballard's Store, to Greeneville, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of Michigan: The petition of 504 citizens of Holland, Ottawa County, Michigan, for an appropriation of $50,000 for the improvement of Black Lake Harbor, Michigan, to the Committee on Commerce.

By Mr. WOODFORD: The petition of Snow & Burgess and others, merchants of the city of New York, that merchants associated under the name of mutual insurance companies, who have suffered by depredations of confederate cruisers, may be indemnified from the Geneva award fund, to the Committee on the Judiciary.

Also, a letter from E. E. Morgan's Sons, merchants of New York City, transmitting the foregoing petition, to the Committee on the Judiciary.

IN SENATE.

FRIDAY, *February* 27, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of William Furness, praying that the proceeds of certain property confiscated by the so-called Confederate States, and afterward captured by the Army of the United States, and sold by order of the Secretary of War, be paid to him; which was referred to the Committee on Claims.

Mr. SCOTT. I present the memorial of Jacob E. Weister and 103 other workingmen of the city of Philadelphia, protesting against any increase of taxation, and praying for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties on manufactured cottons, woolens, &c.; also, a similar petition from J. S. Bradley and 62 other citizens of Jewett, in the State of Illinois; a similar petition from C. H. Baker and 60 other citizens of Wyandotte, in the State of Michigan; and a memorial from A. L. Porter and 41 other citizens of Henderson County, Illinois, to the same purport. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. PRATT presented a memorial of the governors of the States of Ohio, Indiana, and Illinois, asking for the payment to their States respectively of the amount of what is known as the 2 per cent. land fund, due them from the United States; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. SHERMAN presented the petition of N. F. Hitchcock and other citizens of Junction City, Perry County, Ohio, praying for the appoint-

ment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. HAMLIN. I present the memorial of Moses Googins, who represents that his son, Andrew A. Googins, enlisted in the Army during the late war; that he was captured at the battle of the Wilderness, was incarcerated in a rebel prison, and there died. He, as the sole heir of his son, has been unable to prove definitely the death; and he therefore asks that such provision of law may be passed as will enable him to draw such sum as the son would be entitled to if he were alive. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BUCKINGHAM. I present the memorial of Thomas Belknap and 16 other citizens of Hartford, Connecticut, praying Congress to take into consideration and make provision for the payment of losses sustained by armed vessels of France prior to 1801, or to restore them to their claims and their remedy against France. I take this occasion to say that I hope the Committee on Foreign Relations will urge that bill forward at an early day, and that the Senate will take it up, so that justice may be done to these sufferers. I move that the memorial lie on the table, as the bill has been reported.

The motion was agreed to.

DUTIES ON FRUITS AND FRUIT-PLANTS.

Mr. SHERMAN. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 2191) in relation to the customs duties on imported fruits, to report it back without amendment. The purpose of this bill is simply to correct or suspend for the time the trouble that has arisen growing out of the insertion of the comma after the word "fruit" in the law. The Senate is rather thin now. I should like to have the bill passed to-day, but I do not wish to put it on its passage when so few Senators are present.

The PRESIDENT *pro tempore*. The Chair will suggest that the Senator from Ohio had better withhold the report for the present, and make it subsequently.

Mr. SHERMAN. Very well; I will withhold it for the present.

SIGNING OF WAR DEPARTMENT REQUISITIONS.

Mr. SHERMAN. I am also directed by the Committee on Finance, to whom was referred the bill (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War, to report it back without amendment. The bill is strongly recommended by the Secretary of War, and its necessity is apparent; and I ask that it be put on its passage.

The PRESIDENT *pro tempore*. It will be read for information, subject to objection.

The Chief Clerk read the bill. It provides that when, from illness or other cause, the Secretary of War is temporarily absent from the War Department, he may authorize the chief clerk of the Department to sign requisitions upon the Treasury Department, and other papers requiring the signatures of the Secretary; the same, when signed by the chief clerk during such temporary absence, to be of the same force and effect as if signed by the Secretary of War himself.

Mr. WRIGHT. I desire to say that I shall not interpose any objection to this bill, as I appreciate the importance of disposing of it at once; but I give notice that I shall object to any interference with the morning business hereafter, so that we may get to the Calendar.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERSONAL EXPLANATIONS.

Mr. SCOTT. I ask consent of the Senate to make a very brief personal explanation.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks consent to make a personal explanation. Is there objection? The Chair hears none.

Mr. SCOTT. Mr. President, I send to the Chair, and ask to have read, a very brief extract from a paper, called the Lebanon Courier, published at Lebanon, Pennsylvania.

The PRESIDENT *pro tempore*. It will be read if there be no objection. The Chair hears none.

The Chief Clerk read as follows:

But our other Senator, Hon. JOHN SCOTT, I am sorry to state, took sides with the contractionists, giving as a reason (if correctly reported) that he believed it to be the only means of bringing about a resumption of specie payment, and that it would tend to reduce wages so as to enable our manufacturers to compete successfully with those of foreign countries. This means, in plain English, exactly what Mr. KILLINGER says, to reduce our producing classes to a level with the pauper labor of Europe.

Mr. SCOTT. That article refers to a report, and says that I occupied a certain position, "if correctly reported." For the purpose of showing the origin of the report, I send to the Chair also an article, a very brief extract from which I have marked, contained in the Philadelphia Press of February 21, 1874, and ask to have it read.

The PRESIDENT *pro tempore*. It will be read if there be no objection.

The Chief Clerk read as follows:

The Senate Finance Committee and the contractionists and specie-resumptionists were badly beaten in the Senate to-day by the adoption of Mr. MERRIMON'S amendment, instructing the committee to report a bill increasing the national-bank circulation $46,000,000, making it $400,000,000 in all. The vote stood 28 to 25. Five Senators were absent and the remainder not voting were paired. Of the five absentees three are in favor of more currency and would have voted for the amendment, and two against it. This would still give the friends of more currency a majority of four or five. Senator SCOTT, who is a member of the Finance Committee, voted with the contractionists, while Senator CAMERON voted for the amendment. Senator SCOTT is in favor of resuming specie payments, and he thinks the way to do it is to keep down the volume of currency. His theory about specie payments is that, could this be reached, the rate of wages would be reduced, and we would then be in a better condition to compete with Europe.

Mr. SCOTT. Mr. President, both these extracts reached me this morning in letters from numerous portions of the State of Pennsylvania, from those whom I consider my friends, and who advise me that, however averse my private feelings may be to a personal explanation, it is my duty to the State to correct whatever may be false in these extracts. The paper which is given as the original authority for the extract in the Lebanon Courier claims to be respectable. The Lebanon Courier, so far as I am aware of its character, is a respectable newspaper circulating in the interior of Pennsylvania. This announcement appeared originally in a newspaper claiming, as I have said, to be respectable, and the tone is such as to carry the idea that it speaks for me, and states my opinion and my theories by authority. It is again quoted and referred to in a paper in the interior of my State. So long as this has been confined to misrepresentation and fabrication chiefly of a personal character, I have declined to notice them. So repeatedly has this been the case that I can come to no other conclusion than that the reporter of the Philadelphia Press is under the orders of his superior systematically to misrepresent and defame me. When I have striven for and secured appropriations in which the city of Philadelphia was largely interested, I have been represented as neglecting her interests. When I advocated the expulsion of the Senator from Kansas, (Mr. Caldwell,) for reasons seeming to me to demand it, I was represented as defending him. When the books of the Secretary of the Senate showed that I had not drawn the back pay authorized by the law of the last Congress, his dispatches represented that I had drawn it.

I might refer to a more recent article in this same newspaper affecting a question in which Philadelphia and the State of Pennsylvania are largely interested, and in which it is complained that both the Senators from Pennsylvania have failed to force upon the Senate a measure which it was their duty to bring before it, or have been cowardly in advocating it. I forbear, however, to notice that, only referring to it that the Senate may bear witness as to whether either of the Senators from Pennsylvania has been derelict in his duty or cowardly in maintaining the interests of the State. Both of them, I trust, have too much respect for themselves and their associates to suppose that they could or would consent to force any bill upon the Senate.

When falsehoods are published as my opinions upon public questions, in which the people of my State are largely interested, as if uttered by me, my duty to them, they say, requires that I avail myself of the only means left me of meeting and refuting such an assumption. The reporter of the Philadelphia Press had no authority to write any such opinion or theory. I hold no intercourse with him.

I have not hesitated to announce my belief that specie payments could not be resumed in the near future, and could not be maintained under all circumstances. I favor free banking upon United States notes issued through the banks, based upon a bond bearing a lower rate of interest than those upon which the present national-bank currency is issued, and redeemable primarily by the banks, and ultimately by the Government, either in coin or in interest-bearing bonds. If I cannot secure that, I will favor the best system of free banking that can be secured by modifications of the present national-bank laws, incorporating among them some provision for the redemption of these notes.

To a paper currency unlimited in amount and irredeemable in anything more valuable than itself when it falls below par I am opposed, believing it to be injurious to the permanent and best interests of all classes of society; and these opinions I have not hesitated to express upon the floor of the Senate, although the condition of my throat, in consequence of a bronchial disease, has been such that I have refrained from speaking at length upon this and many other questions that I desired to have spoken upon. But upon this very subject, upon the very day on which this dispatch was sent from the city of Washington to the Philadelphia Press, in answer to a suggestion of my colleague, I said upon the floor of the Senate, and it is so reported in the RECORD:

Now, on the subject of specie payments, while I do not wish to be diverted for the purpose of discussing that question, my colleague equally misapprehends my position. I am not only not in favor of the immediate resumption of specie payments, but I do not think it possible for us to resume specie payments immediately, nor at any time in the very near future. He and I, I think, agree on that subject. I go further, and say that after we have resumed, it is not possible that we should keep up that resumption during all time, and especially during panics.

The closing inference of this dispatch, which is put as if it were my declaration, is that I favor this policy because I desire to reduce the wages of labor here to a level with that of the pauper labor of Europe. That is it in substance. Now, sir, if there be any Senator upon this floor who is open to the charge of advocating a policy

which, instead of diminishing, will increase the wages of labor, I think I am open to that charge, and it can be sustained by numerous quotations from my speeches when the tariff and revenue bills have been under discussion, to none of which will I delay in referring here; but I condensed my whole opinions upon that question, in speaking upon that subject, into the declaration that I believed that the policy which I was then advocating would keep up the wages of labor, and that that policy would make labor contented and capital secure. I have never entertained or uttered such a sentiment about the wages of labor as that reported in the Press and quoted in the Courier. It is a fabrication and a falsehood.

Now, Mr. President, with the proprietor of the paper which first gave currency to this falsehood, or with the instrument he uses to furnish such materials for his columns, I can have no controversy. I have referred to instances of misrepresentation which have been, perhaps, intended to affect me both personally and in my public character, but not for the purpose of entering into any personal controversy. I depart, in this instance, from the rule of my life, to live down slander instead of noticing it, because my constituents have demanded it of me as a public duty. It is only in response to their demand that I rise for the purpose of saying to this constituency, who thus consider it my duty to notice this unauthorized fabrication of my opinions upon a public question, that neither my opinion upon public questions, nor my conduct in the Senate upon any question, is likely to be either correctly or fairly reported in the dispatches of a paper represented here, with the knowledge of its proprietor, by one who, when speaking of me, has been more frequently an eavesdropper and a libeler than an impartial journalist.

Mr. SHERMAN. Mr. President, I think it my duty to call the attention of the Senate to a most gross and scandalous calumny against a fellow-Senator; and the reason I do it is because I am referred to as a witness. My attention has been called to the Detroit Free Press, a paper of great influence and of high standing, published at Detroit, Michigan, in which I find a special dispatch, dated Washington, February 20, which I will read:

CHANDLER AT HIS OLD TRICKS.—The Michigan delegation in the House is very savage against CHANDLER, who, they allege, has seized upon all the patronage in the State to further his interest as a candidate for re-election. The consequence is they are letting out a good deal of matter damaging to the Senator.

Now comes the point to which I wish to call the attention of the Senate:

Not a week ago Senator SHERMAN, of Ohio, had to take CHANDLER out of the Senate and put him to bed on a lounge in the room of the Finance Committee in a state of beastly intoxication. When CHANDLER woke up he grossly insulted Mr. Reese, the clerk of the Finance Committee.

Now, Mr. President, all I can say is that this is a total fabrication. I never took Mr. CHANDLER out of the Senate; I never put him to bed on a lounge in the room of the Finance Committee or anywhere else; I never saw him in a state of beastly intoxication; and Mr. Reese, who is the quiet, modest, industrious clerk of that committee, tells me the whole story, so far as his name is mentioned, is an utter fabrication. If this were a matter in regard to myself, I would not allude to it; but when I am referred to as a witness to prove so great a scandal against a fellow-Senator, I certainly must disclaim it, when I know it to be so utterly false.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PRATT, it was

Ordered, That the papers in the case of Michael Fentenhime, claiming compensation for Morris Island, in the State of South Carolina, appropriated and used by the military forces of the United States, be withdrawn from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SARGENT, from the Committee on Naval Affairs, to whom were referred the bill (S. No. 65) to authorize the President to restore George Henry Preble, now a captain in the Navy, to his original position on the Navy Register, and promote him to the rank of commodore on the active list; and the bill (S. No. 31) for the relief of Captain Louis C. Sartori, of the Navy; and the memorial of Commander R. F. R. Lewis, United States Navy, praying restoration to his original position on the Navy list, submitted an adverse report; which was ordered to be printed, and the bills were postponed indefinitely, and the committee was discharged from the further consideration of the memorial.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print a communication of the Secretary of the Interior, communicating, in answer to a resolution of the Senate, information touching the Chippewa tribe of Indians, reported in favor of the motion; and it was agreed to.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1558) to amend the act entitled "An act to encourage the growth of timber on western prairies," reported it with amendments.

DUTIES ON FRUITS AND FRUIT-PLANTS.

Mr. SHERMAN. I now make the report of the bill in regard to fruits to which I referred. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 2191) in relation to the customs duties on imported fruits, to report it back with an amendment; and I should like to have the bill passed now, as the Senate must see the importance of it. It is to correct the error that has been commented upon in both Houses in regard to the punctuation of a law that affects the revenue of the country daily. We report one amendment to the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the Secretary of the Treasury to suspend the repayment of all duties heretofore paid on imported fruits until further legislation by Congress authorizing the same, or until the final decision of the Supreme Court.

The amendment of the Committee on Finance was to add to the bill the following words:

Except in cases where suits in court have been discontinued by instructions of the Secretary of the Treasury; and the error in the punctuation of the clause relating to fruit-plants, in the first section of the act approved June 6, 1872, entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," of inserting a comma instead of a hyphen after the word "fruit" is hereby corrected; and said clause shall read as follows: "Fruit-plants, tropical and semi-tropical, for the purpose of propagation or cultivation."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time, and passed.

SAN FRANCISCO MINT.

Mr. SARGENT. The Committee on Appropriations, to whom was referred the bill (H. R. No. 2201) to render available a certain unexpended balance of appropriation, have had the same under consideration, and have instructed me to report it back without amendment, and to ask for its present consideration. It is to make available a certain unexpended balance appropriated for the construction of the branch mint at San Francisco.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which reappropriates and makes available the unexpended balance of the appropriation for the construction of the United States branch-mint building at San Francisco, California, now remaining on the books of the Treasury Department to the credit of the appropriation for that work, and unavailable under the provisions of the fifth, sixth, and seventh sections of the act of July 12, 1870.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREEN BAY AND STURGEON BAY SHIP-CANAL.

Mr. OGLESBY. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 447) extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-Canal, in the State of Wisconsin, to report it back without amendment. The bill is a mere extension of time, which the House has passed, and the Committee on Public Lands have all agreed to it and recommend its passage. It will only take a moment, and I ask for its present consideration.

Mr. WRIGHT. I gave notice when the first bill was called up this morning that I should object to all bills being considered this morning. Some have been considered. Now, if there is no debate upon this bill, I shall not object to the vote being taken at once.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which extends the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-Canal to the 10th day of April, 1876.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WRIGHT. I give notice now that I shall object to all other bills being considered.

THOMAS HILLHOUSE.

Mr. BAYARD. I am instructed by the Committee on Finance to report back, without amendment, the bill (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City, and to ask for its present consideration. A report accompanies the bill, which may be read if desired. Probably it had better be printed.

The report was ordered to be printed.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to direct the proper accounting officers to allow Thomas Hillhouse, assistant treasurer of the United States at New York City, in the settlement of his internal-revenue stamp account, a credit for the sum of $185,000, being the proceeds of sale of internal-revenue stamps embezzled by James I. Johnson, a clerk in his office, without the default or negligence of the assistant treasurer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTODIANS OF PUBLIC MONEYS.

Mr. BAYARD. I am instructed by the Committee on Finance to report the following resolution, and I ask for its present consideration:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what, if any, additional legislation is required to prevent defalcation by officials receiving and disposing of United States revenue stamps and public moneys, and whether the persons having actual custody of such stamps and moneys should not in all cases be required to give bond, with security, for the proper execution of their duty.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. FENTON. I am requested by General Paine, of this city, to ask that the bill which I now submit, without previous notice, may be received.

No objection being made, leave was granted to introduce a bill (S. No. 545) to incorporate the Oxygen Gas Company of the District of Columbia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FENTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 546) establishing certain post-roads; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 547) for the relief of Clarissa Bishop, of New Orleans, Louisiana; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

REPORT OF SMITHSONIAN INSTITUTION.

Mr. HAMLIN. I move to take up the resolution for the printing of the Smithsonian report. I think it will detain the Senate but a moment. It was up the other morning.

The motion was agreed to; and the Senate proceeded to consider the resolution submitted on the 13th instant by Mr. HAMLIN, and which the Committee on Printing proposed to amend so as to make it read:

Resolved, (the House of Representatives concurring,) That seven thousand five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed, five hundred of which shall be for the use of the Senate, one thousand for the use of the House, and six thousand for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

Mr. HAMLIN. My colleague interposed some objection to the resolution because there were five hundred copies provided for in it for the Senate and a thousand for the House. I have conferred with my colleague, and I have also conferred with the Senator who reported the resolution, and with their concurrence I move now to strike out the whole number appropriated to both the Senate and House. That will be my first motion. I shall follow that with another motion to increase the number to the Smithsonian Institution by fifteen hundred, which is just the number stricken out. That takes away entirely the objection to printing any copies for our own distribution. I transfer that number to the Institution for this reason: I take it every Senator, like myself, has supplied the principal libraries of his State for years with this work. They will want it and they will cease to call upon us, but they will call upon the Institution for it, and that number which was proposed for the Senate and for the House will be transferred there, and there they will find them.

I want to say also, in this connection, that by an exchange of this very work with foreign societies and foreign governments, we add to our Congressional Library works of value, amounting to between two and three thousand volumes annually.

The PRESIDENT *pro tempore*. The resolution will be read as proposed to be amended.

The CHIEF CLERK. If amended as proposed by the Senator from Maine, the resolution will read:

Resolved, (the House of Representatives concurring,) That seven thousand five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

The amendment was agreed to.

The resolution, as amended, was agreed to.

LIQUOR TRAFFIC COMMISSION.

The PRESIDENT *pro tempore*. If there be no further morning business the Secretary will report the Calendar.

Mr. CAMERON. I rise to ask the President of the Senate whether the centennial bill does not now come up in order?

The PRESIDENT *pro tempore*. Not until one o'clock, unless by a vote of the Senate. The Secretary will report the first bill on the Calendar.

The first bill on the Calendar was the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic, the pending question being on the amendment of Mr. MORRILL, of Maine, to the amendment of the Committee on Finance, in section 2, line 8, to strike out the words "the amount necessary," and insert "for this purpose the sum of $10,000."

Mr. THURMAN. I wish the attention of the Senator from Maine for a moment. That amendment will not limit the expenditure to $10,000. It only limits the present appropriation to $10,000. The preceding part of the bill contains a distinct enactment that all the expenses shall be paid. I suggest, therefore, to the Senator from Maine, that if he wants to limit the expense to $10,000 he must move an amendment in the preceding part of the bill. His amendment can be acted upon and adopted, and then another amendment can be inserted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to the amendment of the Committee on Finance.

Mr. MORRILL, of Maine. What is the suggestion of the Senator from Ohio?

Mr. THURMAN. Let that amendment be adopted, and then insert in line 4, after the word "expenses," the words "not exceeding $10,000."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to the amendment of the Committee on Finance.

The amendment to the amendment was agreed to.

Mr. THURMAN. Now I move to insert after the word "investigation," in line 5, the words "not exceeding $10,000."

Mr. MORRILL, of Maine. That will do.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from New Jersey [Mr. FRELINGHUYSEN] gave notice of an amendment to be offered at the proper time. It will now be in order.

Mr. FRELINGHUYSEN. The amendment, I will state, comes from some agent who is interested for the brewers of the country, who pay a very large tax, and it has been submitted to a number of the members of the committee, and I believe they think it perfects and does not injure the bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. The proposed amendment is in line 11 of the first section of the amendment reported by the Committee on Finance, to insert after the word "alcoholic" the words "and fermented;" and after the word "traffic," in the same line, to insert "distinguishing as far as possible, in the conclusions they arrive at, between the effects produced by the use of distilled or spirituous, as distinguished from the use of fermented and malt liquors;" so as to read:

It shall be their duty to investigate the alcoholic and fermented liquor traffic, distinguishing as far as possible, in the conclusions they arrive at, between the effects produced by the use of distilled or spirituous, as distinguished from the use of fermented or malt liquors, in its economic, criminal, moral, and scientific aspects, &c.

Mr. THURMAN. It is not my purpose to make a speech on this bill, but I cannot help saying that, in my judgment, this commission, if appointed, will be productive of no earthly good. I have presented petitions asking for the appointment of such a commission, and I am as much opposed to intemperance as any man can possibly be, and yet I do believe that the result of this commission, if it be appointed, will not add one particle to the light that we already have upon the subject-matter to be investigated.

In the first place, let us see who will compose this commission. There is something a little curious about that. The bill is that there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be the holder of any office of profit or trust in the General or a State government. What is the reason of that exclusion? I really do not know, and am totally at a loss to conceive. Why it is that a person holding an office under the Federal or a State government is not qualified to inquire into the results of the traffic in ardent spirits, or in malt or vinous liquor, is past my comprehension. But that prohibition perhaps is to prevent a multiplicity of offices. The usual objection to a multiplicity of offices is that that doubles salaries; but here no salary is to be paid, so that I am totally at a loss to know why it is that all the officers down to a justice of the peace in the States, and all the officers of the Federal Government, however competent they might otherwise be, are to be excluded from this commission.

That is the first thing. Then comes: "The said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed one year." And then the second section provides that they "shall serve without salary," and their jurisdiction extends over the entire territory of the United States; their inquiries may be anywhere and everywhere, employing a secretary at a compensation of $2,000 a year. Provision is made for the payment of their necessary expenses, but the commissioners themselves are to serve without any salary. Now, Mr. President, do we not know what kind of commissioners will be appointed? What five gentlemen are there who will be found to serve on this commission, and perform all this duty which is required of them, except those whose convictions of the evils of the traffic in spirits are so great that they are willing to devote their time and their means to this investigation, or who will be supported or receive some compensation while thus devoting their time to it from some of the various temperance organizations of the country?

Why, Mr. President, you might just as well put in this bill at once that the officers of the national temperance societies shall constitute this commission; for nobody but some very ardent temperance man, some one who believes that legislation ought to be provided perhaps of the most stringent kind in reference to this traffic will serve on this uncompensated commission, and incur all the labor and all the expenditure of time that will be required to do what this bill contemplates shall be done—that is, to make an honest, impartial, and thorough investigation. Therefore, I say that we shall get not one particle of light that we have not already, for the very same gentlemen who will compose this commission are the men who for years have been with great industry laying before their countrymen the evils that result from the traffic in intoxicating liquors, and they can do nothing more than compile their old reports or gather here and there some other information upon the subject, not new in its character at all, not in the slightest degree different from that which has already been laid before the country.

That being the case, as there is nothing in this bill that will bring before us one single fact, one single thought, one single suggestion which is not already familiar to everybody who has looked into this subject, the sole object of this bill must be by presenting here in Congress, through a commission created by Congress, statistics on this subject, to invoke the interference of the General Government in a matter which heretofore has been considered by all parties to belong to the several States so far as the States themselves were concerned within the territory of the States, and not to the General Government.

Of course we might legislate in respect to these matters in the Territories and in the District of Columbia, and we might, properly enough, or lawfully enough, or constitutionally enough, gather information upon the subject, in order to enable us to legislate in the Territories or in the District of Columbia; but is there a man on this floor who needs any of this information in order to tell him what laws it would be well to pass on this subject, if any, either in the District of Columbia or in the Territories of the United States? I venture to say not one; and therefore, although I repeat there is no man who deplores intemperance more than I do, there is no man who is, according to the best of his judgment, a better friend of temperance than I am, yet I do not like this bill, which is nothing but an entering-wedge to legislation by Congress which Congress ought not to indulge in at all, and which belongs to the several States; a bill to provide for a commission, the result of whose inquiries, I venture to say, and to say it with a good deal of confidence, will shed not one ray of light on this question that has not been shed before.

Mr. President, people have become intoxicated as far back as history teaches us. The first signal event after the flood was that the great man who was saved from the wrath of the Almighty planted a vineyard and unfortunately got drunk; and from that time to this men have suffered from the evils of intemperance; and it requires no commission in the middle of the nineteenth century, or the last quarter of the nineteenth century, to tell the American people, or any people, what are the deplorable evils that result from the excessive use of ardent spirits. No, sir; it cannot be for the purpose of acquiring knowledge that this commission is asked for. It is for the purpose of laying a foundation for Congress to assume a jurisdiction that belongs to the States, and that cannot be exercised by Congress without a violation of the rights of the States, and without, in my humble judgment, detriment to the very cause which these petitioners have so ardently and sincerely at heart.

Mr. FERRY, of Connecticut. Mr. President, when this bill was before the Senate on a former occasion I suggested that I should be unable to vote for it, upon the sole ground that the object of its introduction here was to lay the foundation of legislation by Congress in reference to the liquor traffic in the States. I expressed no opinion whatever upon the propriety of prohibitory legislation by the States themselves within their own jurisdiction. The only opinion that I expressed was that such legislation by Congress would be a violation of the Constitution, and that this bill was an entering-wedge in that direction; and for saying that, a prohibitory convention in my own State has since decorated me with its censure; the fact alone demonstrating that what I said was true, that the object of the introduction of the bill was to lay the foundation of legislation which I believe every Senator on this floor will agree would be unconstitutional.

Now, sir, under such circumstances, however I might feel as to the expediency of prohibitory legislation by the States themselves, I could not, consistently with my well-known views upon the subject of extending the power of the Federal Government over the States and State internal police beyond its constitutional functions, assent to the passage of such a bill as this. The bill is founded upon petitions which ask for this investigation, expressly, as they say, for the purpose of laying the foundation of such legislation, and the bill after the information has been gathered as to the effect of prohibitory legislation in the several States, requires the commissioners to report the results of their investigation to the President for the purpose of being transmitted to Congress.

Now, sir, I do sympathize with these petitioners. I do not think that any man with a clear intellect and with a heart in his bosom can consider the sweeping flood of intemperance that is pouring over this land, carrying devastation and ruin before it everywhere, without wishing that some method could be devised which would be sufficient to stay its desolating course; but at the same time to attempt to accomplish even this most beneficent result by methods destructive of the fundamental principles of our federative system, to lay that system, or help to lay that system, in ruins, in times like these, is something which I cannot bring myself to do. All the efforts which have been made since the close of the war to extend the legislative jurisdiction of Congress have been begun by commissions of inquiry in relation to matters always supposed to belong properly to the States, until within the last few years; and, believing that all we enjoy under this blessed Government of ours is at last owing to our federative system, which protects the citizen primarily by the exercise of the functions of local self-government by the States, I am unwilling to do anything which shall assist the tendency of the present time to increase Federal jurisdiction at the expense of the proper functions of the States. Now, as before, I express no opinion whatever upon the expediency of State laws prohibiting the traffic in intoxicating liquors for the purpose of suppressing intemperance.

The PRESIDENT *pro tempore*. The Senator will suspend. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the bill known as the centennial bill.

Mr. WRIGHT. I appeal to the Senator from Pennsylvania to let us take a vote on this bill and get it out of the way, unless some Senator is disposed to debate it further. I should like to do so myself, but I will waive it and ask for a vote.

Mr. CAMERON. If a vote can be taken without debate I will not interfere with it.

The PRESIDENT *pro tempore*. If there be no objection, the pending order will be laid aside informally.

Mr. MORRILL, of Maine. I do not desire to debate this bill, but to propose a single verbal amendment. On line 11, of section 1, I move to strike out "alcoholic," and insert "manufacture;" so as to read:

> It shall be their duty to investigate the manufacture of, and traffic in, ardent spirits.

The PRESIDENT *pro tempore*. There is an amendment now pending of the Senator from New Jersey, [Mr. FRELINGHUYSEN,] which the Secretary will report.

The CHIEF CLERK. The pending amendment to the first section is to insert the words "and fermented," after the word "alcoholic;" so as to read, "to investigate the alcoholic and fermented liquor traffic," &c.

Mr. MORRILL, of Maine. I have no objection to that. Let that be adopted.

The PRESIDENT *pro tempore*. The question is on this amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. There is another branch of the amendment of the Senator from New Jersey still pending, to insert after the word "traffic" the words, "distinguishing as far as possible, in the conclusions they arrive at, between the effects produced by the use of distilled or spirituous, as distinguished from the use of fermented or malt liquors."

The amendment to the amendment was agreed to.

Mr. MORRILL, of Maine. I now move to strike out "alcoholic" and to insert "manufacture."

Mr. WRIGHT. Let me suggest to the Senator from Maine whether he will not reach his object if he says "alcoholic liquor traffic and manufacture."

Mr. MORRILL, of Maine. That will be the same thing. That language is preferable. I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. There is a still further amendment offered by the Senator from New Jersey; which will be read.

The CHIEF CLERK. The proposed amendment is at the end of the first section of the committee's amendment, to insert:

> And the effect produced by such legislation upon the consumption of distilled or spirituous liquors and of fermented or malt liquors.

The amendment to the amendment was agreed to.

Mr. BAYARD. I move to amend by inserting in line 11 of the first section of the committee's amendment, after the words "traffic and manufacture," the words, "having especial reference to revenue and taxation."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BAYARD. I move further to amend by inserting at the end of the first section of the committee's amendment as amended the following:

> And also ascertain whether the evil of drunkenness has been decreased or increased thereby; whether the use of opium as a stimulant and substitute for alcoholic drinks has become more general in consequence of such legislation; and whether public morals have been improved or hypocrisy and dissembling encouraged thereby. It shall also be the duty of said commissioners to gather information and take testimony as to whether the evil of drunkenness exists to the same extent or more so in other civilized countries, and whether those foreign nations that are considered the most temperate in the use of stimulants are so through prohibitory laws, and also to what degree prohibitory legislation has afected the consumption and manufacture of malt and spirituous liquors in this country.

Mr. WRIGHT. I trust that it will be voted down.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware to the amendment.

The question being put, a division was called for.

Mr. BAYARD. Before the question is decided, I should like to ask whether it is now plainly proposed to examine one side of this question, and not all. If it is intended to procure statistics to be of any value, to be of any authority, the commissioners must tell the whole truth. A half truth has been well said to be worse than a whole lie. Now if you have statistics in regard to any question prepared, so as to state the facts only with reference to one side of that question, you will have a half truth, which will be worse than a whole falsehood. Why should gentlemen object to the entire truth on a question so important as this? There is no man in this Chamber who believes it to be more important than I do; there is no man who can be more interested on this question than I am; but when we have light shed on it, why shut out any light from any quarter, or from any state of facts? Do gentlemen who favor the bill fear the result of the answer to such inquiries as I have named? Are they of the belief that abstinence from alcoholic stimulus forms the sole virtue of the world? Are they

disposed to shut out the fair balance of facts in regard to a subject so important as this?

I stated yesterday my reasons for opposing this whole commission, upon no less ground than was well stated by the honorable Senator from Connecticut, [Mr. FERRY,] who addressed the Senate a few minutes since, that if the commission, and if this measure, does not absolutely propose legislation of Congress on this subject, it looks to it, and it can have no other pretext than subsequent action by Congress when these statistics shall have been returned to us. If we are to have any information, let us have it all, and not have it one-sided to suit the views of one class of people, and those who consider but one side of the subject.

Mr. BUCKINGHAM. I hope the amendment will not be adopted. The proposition is, as I understand it, to inquire how far certain legislation has encouraged hypocrisy and dissembling, and to have a report as to that fact made to this body. It seems to me that if there is anything outside of the jurisdiction of this body, it is the very inquiry here proposed. I do not know why you should not make inquiry whether the creation of an office, and the appointment of an officer to fill that office, is not a cause of dissembling. I do not believe that is the kind of logic that should be employed here. I hope the amendment will not be adopted.

Mr. WRIGHT. I trust we shall have a vote now, Mr. President.

Mr. CONKLING. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment to the amendment will again be reported.

The Chief Clerk read the amendment of Mr. BAYARD.

Mr. SHERMAN. I suggest to the Senator from Delaware that he strike out that clause which seems to impugn the motives of those who have charge of this movement, by insinuating that they are guilty of hypocrisy, &c. It seems to me that language is rather offensive.

Mr. BAYARD. If Senators really consider that that is a rebuke of any kind, when it is a simple inquiry whether certain legislation has caused it or not, be it so. In my own belief, I will frankly say that all this coercion in regard to individual tastes and habits does lead to secrecy and to a secret performance of those things which are not wrong *per se*. But I am disposed to yield to the wishes of Senators, for I desire to make my amendment practicable. I am willing to strike out the words objected to if doing so will carry the rest of the amendment. If we are to have this inquisition, if we are to have this commission, I desire simply that the report shall be as full as possible, and shall not be one-sided or relate simply to one class of facts. I am a disbeliever entirely in this system of coercive legislation. The experience of my life has made me so. I believe that the more open, the more candid, the more above-board a man and a people can be, the better chance is there for you to rectify their errors and their mistakes. I think if men can but be encouraged to an open avowal of their views, if there can be but candid statements by a man to his fellows, there is a chance to reconcile disagreement, and there is a chance to bring about reform in many matters.

Mr. CONKLING. Will the Senator allow me to make a suggestion?

Mr. BAYARD. Certainly.

Mr. CONKLING. I have been looking at the amendment, and I suggest to him that dropping four words, or perhaps five, will not change the substance or sense at all.

Mr. BAYARD. The Senator refers to the words about dissimulation and hypocrisy.

Mr. CONKLING. I do.

Mr. BAYARD. I have no objection to striking them out.

Mr. CONKLING. They can be dropped without materially affecting the sense.

Mr. BAYARD. I have indicated my willingness to drop them out.

Mr. SHERMAN. I desire to say but a word in regard to this matter. I am in favor of the broadest possible inquiry; and I see no objection to the whole of the amendment of the Senator from Delaware, except that clause which seems to impute improper motives to those who have supported this honest effort to prevent the acknowledged evils of intemperance. I will vote for any amendment which will broaden this investigation and make it fair, and one that people can rely on. I hope with that modification the amendment will be adopted and this bill gotten out of the way.

Mr. SCOTT. This bill came from a committee of which I am a member, and of course it would be my duty to endeavor to have it passed. I desire to have it passed; but it is evident that the expectation of the Senator from Iowa to pass it without discussion this morning cannot be successful; and if there is any further debate on it, I shall call for the regular order.

Mr. WRIGHT. I think we are just on the point of disposing of the bill, if the Senator from Pennsylvania will allow it to be done.

Mr. SCOTT. If there can be an immediate vote, I do not object; but if there is to be any further discussion, I shall call for the regular order.

Mr. THURMAN. I want one minute.

Mr. SCOTT. I call for the regular order.

Mr. THURMAN. When I say a "minute," I mean a minute.

Mr. SCOTT. It will provoke somebody else.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania calls for the regular order, which is the centennial bill.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. WEST submitted an amendment intended to be proposed by him to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2213) granting a pension to Mrs. Cynthia McPherson, mother of the late General James B. McPherson;

A bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy;

A bill (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby;

A bill (H. R. No. 2212) granting a pension to Mrs. Margaret S. Meade, widow of Major-General George G. Meade;

A bill (H. R. No. 64) restoring the pension of Frances C. Elliott, widow of Commodore Jesse D. Elliott, late of the United States Navy;

A bill (H. R. No. 519) to grant an American register to the Canadian tug Noah P. Sprague; and

A bill (H. R. No. 2206) to grant an American register to the bark Azor.

CENTENNIAL EXHIBITION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1394) in relation to the centennial exhibition.

The bill was reported to the Senate without amendment.

Mr. CAMERON and Mr. SUMNER addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania.

Mr. CAMERON. I give way to the Senator from Massachusetts. I understand he is prepared with a speech.

Mr. SUMNER. No.

Mr. CAMERON. I always like to listen to him, and I will see what he has to say before I say anything in defense of the measure.

Mr. SUMNER. I send to the Chair an amendment to strike out all after the enacting clause, and insert——

The PRESIDENT *pro tempore*. The words proposed to be inserted will be read.

The Chief Clerk read as follows:

That the celebration of the one hundredth anniversary of the Declaration of Independence should be national in character, so as fitly to commemorate the beginning of the American Republic; and that its further conduct should be left in the hands of the commissioners appointed under the act of Congress approved March 3, 1871, subject to the condition expressly set forth in such act, "that the United States shall not be liable for any expense attending such exhibition or by reason of the same."

Mr. SUMNER. I am often struck by the vicissitudes of business and debate in this Chamber. For weeks the Senate has been engaged in considering the financial condition of the country, where, amidst great divergence of opinion, all have been anxious to help the Treasury. And now, leaving this subject unfinished, a bill is interjected, whose practical object is to commit Congress to a scheme which will cost millions of money. I cannot err when I say millions. This will appear in the brief explanation which I now make.

Certain gentlemen in Philadelphia, to whom I refer with respect, conceived some time ago the idea of commemorating in that city the hundredth anniversary of American Independence. The idea was excellent, and the place selected was peculiarly proper; for in Philadelphia sat the Continental Congress which put forth the great Declaration.

Too much cannot be said in favor of this commemoration. The 4th of July, 1776, in Philadelphia, witnessed not only the beginning of the American Republic, but also the beginning of Republican Institutions on earth. Down to that date no Republic had existed founded on the two distinctive principles announced by our fathers, that all men are equal in rights, and that just government stands only on the consent of the governed; nor had any such Republic been described by historian or philosopher. Greece and Rome, Venice and Genoa, were Republics in name only. How feeble the speculations of Sidney and of Montesquieu by the side of the precise definition first enunciated by our fathers! Pardon me for calling attention to this contrast. I do it, because I would not fail to impress upon you the peculiar grandeur of the anniversary, marking, I repeat, not only the beginning of the American Republic, but of Republican Institutions on earth; marking one of the greatest epochs of human history.

In this statement I do not exaggerate. Only a slight acquaintance with the times shows that the day was so regarded by many contemporaries, whose liberal spirit enabled them to discern historical events in the light of reason. Of these I select John Adams, whose remarkable words, early and late, show more than those of any other person the magnitude of the occasion. Jefferson, who stated the great principles so well, was a less prophetic spirit. Who does not thrill at the words of John Adams, written at the time:

Yesterday the greatest question was decided which ever was debated in America, and a greater, perhaps, never was nor will be decided among men. * * * I am surprised at the suddenness as well as greatness of this revolution. * * * It is the will of Heaven that the two countries should be sundered forever.

Then, as the toil and blood and treasure it will cost to maintain the Declaration rise before him, the prophet exclaims:

Yet through all the gloom, I can see the ray of ravishing light and glory, and that posterity will triumph in that day's transaction.

In harmony with this inspired declaration was John Adams to the end. In 1780 he foretold the spread of the English language so that it would be the language of the world, under impulse from America; and in 1787 he foretold that our thirteen governments were "destined to spread over the northern part of that whole quarter of the globe," being North America. At the same time he let drop other words, showing how the future of the Republic filled his soul:

A prospect into futurity in America is like contemplating the heavens through the telescope of Herschel. Objects stupendous in their magnitudes and motions strike us from all quarters and fill us with amazement.—*Defense of American Constitution Works*, vol. 6, p. 218.

In the same spirit the same prophet wrote to Thomas Jefferson, November 15, 1813:

Many hundred years must roll away before we shall be corrupted. Our pure, virtuous, public-spirited, federative Republic, will last forever, *govern the globe*, and introduce the perfection of man.—*Jefferson's Complete Works*, vol. 6, p. 258.

And yet, again, when life was still more advanced, and he wore the crown of years, he wrote to H. Niles, February 13, 1818:

The American Revolution was not a common event. Its effects and consequences have already been awful over a great part of the globe. *And when and where are they to cease?—Works*, vol. 10, p. 282.

The effects awful, and when and where are they to cease? In such words this great prophet testified to the day we are about to celebrate.

I adduce these utterances to show how completely and severely national is the anniversary; how it grows out of the opening prologue of our history; how, therefore, it should be kept in constant subjection to the genius of that day. Such, I am persuaded, was the original idea; such, I am sure, was the idea of the Senate when it adopted the first bill on this subject. Attention has been called to the language of that bill, inasmuch as it uses the term "international," as well as "national." But it is impossible to read that bill carefully without seeing that its ruling idea was the celebration of the hundredth birthday of the American Republic, and the beginning of its great example. So far as the "international" element is introduced, it is only as an incident to the great principal. So little was this regarded at the time—so entirely was it absorbed in the national character of the celebration—that it made little or no impression, while Congress expressly guarded against any expense on account of the exhibition. And in fulfillment of this idea the commissioners have already voted that the exhibition shall begin on the 19th of April, the anniversary of Lexington, and close on the 19th of October, the anniversary of Yorktown—thus by metes and bounds of time marking ostentatiously the national character of the occasion.

To show how plain this is in the statute, please consider its precise language. And here I begin with the preamble. In early days of parliamentary history the preamble played a great part. Some preambles are eloquent morsels of history and style, and I am disposed to place this among them. It begins:

Whereas the Declaration of Independence of the United States of America was prepared, signed, and promulgated in the year 1776, in the city of Philadelphia.

This statement doubtless was to secure the celebration for Philadelphia. It then proceeds:

And whereas it behooves the people of the United States to celebrate, *by appropriate ceremonies*, the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, 1776, the birthday of the nation.

It will be observed how distinctly we are reminded of the birthday of the nation to be celebrated by appropriate ceremonies—all of which is national, and not international. Then follows:

And whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, *in comparison with those of older nations*.

Here you will see how the products of older nations are treated as a mere incident to the exhibition, which is essentially national. The preamble then proceeds:

And whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate.

Thus again referring to Philadelphia as the proper place to commemorate the great day. And then the preamble closes:

And whereas, as the exhibition should be a *national celebration*, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States.

Such is the preamble, being the key to the statute. Nothing here of an international exhibition. Nothing here of a World's Fair. Now, I insist that a World's Fair is something so well known in character, besides so large, so grandiose, so magnificent, that it is not to be inferred out of vague and uncertain language. It must be specifically named and described.

The purpose of Congress is still further apparent in the express conditions of section 7:

That no compensation for services shall be paid to the commissioners or other officers provided by this act *from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition or by reason of the same.*

Language could not be stronger to relieve the United States of all liability, and to throw it absolutely upon the commissioners under the act. I remember well the passage of this bill, and I know what was intended, for I drew these words myself. They were meant to be notice to all concerned that the United States would assume no pecuniary responsibility in the premises.

Such was the beginning of this business. But after awhile the commemoration of American Independence and the national birthday, which so filled the soul of the elder Adams, was not enough for our commissioners, and they undertook to supplement the national celebration by a World's Fair. To my mind one of these is enough for any commission. The two together are too much. They are more than any commission ought to undertake. But this is a mild statement. The two are essentially separate and distinct in character, being inharmonious, inconsistent, and incongruous. The two do not go together naturally, and yet they are to be put together. They will be no better than twins bound together by an unnatural ligament, so as to be a constant burden to each other—of which those now on the table of the surgeons in Philadelphia are the unhappy prototype—each stunting and dwarfing the other. One is essentially national and domestic; the other international and cosmopolitan. One is for the American people; the other for all people. One is to exalt Republican Institutions and advance their predestined sway; the other is to court and win the monarchies of the Old World to appear at our great banquet, and to swell its pomp.

I see now the stately procession as it files into the historic Hall at the opening ceremonies. There is England, the workshop and counting-house of the world, to whom we are bound by two great ties of relationship, blood and commerce; her Queen appears on the anniversary of Lexington, and taking a seat on the penitential benches, listens to the great Declaration, while it arraigns her grandfather, George III, as "a prince whose character is marked by every act which may define a tyrant;" and there the Queen sits until the anniversary of Yorktown. France is there also, the original ally by whose blood and treasure Independence was assured, who witnessed in her own fearful Revolution the first-fruits of ours, and at her head is a military President, a believer in monarchy, who does not willingly listen to the praise of Republican government. I see Spain also, not to be forgotten as an ally of our fathers, tardily lending her fleets, with a manly, generous people, and at her head is another military President, with no love for the Republic. I am glad to recognize Italy, the home of art and the land of history, making her forever interesting; and this ancient new-born nation appears by two sovereigns, Victor Emanuel, her King, believing in kings, and the Pope, Pius IX, who never fails to give his prayers and sympathies to kings. There also is Germany, whose commanding position in the civilized world is assured by her pen, mightier even than her sword, and whose children are our fellow-citizens; and this great Power appears by her Emperor, who believes in the "right divine," and in token thereof, at his coronation as Prussian King, allowed no hand but his own to place the crown upon his sacred head. Austria is by the side of Germany, with ancient prejudices dissolving in the sunlight of modern improvement, and with a Hungarian rebel as Prime Minister, and this nation, still great, though shorn of former proportions, appears by her Emperor, the representative in blood and place of his progenitor Joseph II, who, declining to meet Franklin, said, "My business is to be a royalist." There also are Belgium, Holland, Denmark, and Sweden, each with a King. And there also is Russia, our traditional ally, whose growing civilization is illustrated by a great act of Emancipation and Enfranchisement always to shine in the history of the human family, and this wide-spread Empire appears by her Czar. Behind are Turkey and Egypt, each like the lion in Paradise "pawing to get free its hinder parts"—one appearing by the Ottoman Sultan, and the other by its Khedive rejoicing in his wealth and in his new-found title of unrepublican sovereignty.

All these take their places on the 19th of April, not to move till the 19th of October. Such at least is the programme; such is the idea of the pending bill. Just in proportion as they fail to appear, will there be disappointment if not loss. If not in person, then by plenipotentiary will they all appear; but the plenipotentiary, while on this service, is the sovereign. But will they appear? Should we invite them to appear?

I may err; but to my mind it is plain that the proposed combination is a mistake which, if persisted in, must end in detriment to the anniversary and to the World's Fair. If one gains the other must suffer. Now, I do not mean to say that the people will not come from foreign lands. I believe they will, and with them artists and artisans or their works.

Mr. THURMAN. Will the Senator allow me to interrupt him there?

Mr. SUMNER. Certainly.

Mr. THURMAN. The Senator says he does not say these artists and artisans will not come. Has he any idea that they will come unless their governments accept the invitation; and what is the prospect of other governments accepting the invitation, seeing that the invitation was given eight months ago and but one great power, to wit, Germany, has so far accepted?

Mr. RAMSEY. At this point, with the permission of the Senator from Massachusetts, I will send to the desk a dispatch which I have just received this morning, announcing the acceptance by Sweden of the invitation.

Mr. THURMAN. Sweden is not one of the great powers, though a highly respectable one.

Mr. SCOTT. Will the Senator from Ohio permit me to state——

Mr. SUMNER. If the Senator will pardon me, I would rather proceed.

Mr. RAMSEY. I hope the Senator will allow that dispatch to be read.

Mr. SUMNER. I have no objection.

The Chief Clerk read as follows:

STOCKHOLM, *February* 27, 1874.

To Senator RAMSEY, *Washington:*

Diet enthusiastically passed Philadelphia exhibitor appropriation. Reference in the discussion to your motion.

ANDREWS.

Mr. SUMNER. That does not shed much light on the question. [Laughter.]

Mr. CAMERON. Mr. President——

Mr. SUMNER. Will the Senator allow me to go on?

Mr. CAMERON. Certainly; if the Senator will not allow me a word at this point.

Mr. SUMNER. I would rather proceed.

Mr. CAMERON. Very well.

Mr. SUMNER. Sweden is a power for which I have great respect, and her ruler I know to be enlightened, while her most distinguished citizen is one with whom I had the good fortune to form relations of friendship here in Washington which will last as long as life. I therefore cannot refer to Sweden except with respect and honor. But Sweden does not lead the European household; Sweden does not sit at the head of the feast. All her present respectability, all the memories of Gustavus Adolphus and Gustavus Vasa, are in vain to place her now in any commanding attitude. But does Sweden know the terms of this proceeding? Does she know the twin character of the day, that we are to celebrate the beginning of Republican Institutions, while at the same time we proclaim a World's Fair?

When interrupted I was remarking that I did not doubt that many artists and artisans would come; and I was about to add that they will not move in full force except under the quickening influences of European governments, inspired by kindly sympathy. All this will be especially needed to counteract the impediments of distance, and also the smaller temptation to exhibitors from the comparative smallness of population. At the World's Fair of London, Paris, and Vienna, all Europe, with a population of two hundred and seventy-five millions, was present by daily visitors and witnesses, so that what was exhibited became known at once throughout that immense people. Here was a sphere by the side of which our forty millions must seem small. This difficulty can be overcome on our part only by superior effort and corresponding outlay of money. Are we ready for such outlay? This outlay is enforced also by the examples of other nations, who have lavished large sums on the structures built for the occasion. Among the fine arts architecture is one of the most beautiful, as it is the most comprehensive, embracing all other arts, especially design-painting, sculpture. Who does not see that a structure like this Capitol is a picture in stone—that it is poetry in stone? But the edifice to receive the art treasures of the world must be a monument kindred in character.

There is another impediment, which is in the nature of a warning. The proposed fair will come only three years after that of Vienna. This is too soon for such an effort. A longer interval is needed, that there may be a new and full crop of inventions, of productions, and of works of art. A World's Fair is not an annual plant, flowering with the rose and the apple-tree. It requires time for its beautiful and variegated flower. Its stem must be large, healthy, and well nourished by years.

I am sorry to be obliged to say these things. I wish it were otherwise, for I have much respect and kindness for the gentlemen now engaged in this business. But I find myself admonished by a resolution which has passed the Massachusetts senate, although it has failed in the other house. I will read it:

Resolved by the senate and house of representatives of Massachusetts in General Court assembled, That, in view of the important part which Massachusetts performed in the events to be commemorated, both by the wisdom of her statesmen and the bravery of her soldiers; in view of the intimate relations established in our early history between Massachusetts and Pennsylvania, our Senators and Representatives in Congress be and are requested to give their support to all reasonable congressional appropriations which may be required to carry on the proposed centennial exposition—

I am sorry the English word "exhibition" was not used—

in such manner as to make it a complete representation of the various industries of the nation, and a worthy tribute to those great men who secured for us the inestimable blessings of a free republic.

In the conclusion of the senate of Massachusetts, I concur. They say nothing in favor of a World's Fair, while they rejoice in the proposed commemoration of the national birthday. Pardon me if I add to this authority the testimony of a private citizen, in a letter to myself, who has given much attention to this subject:

The centennial celebration of 1876 should be first and foremost, and I think it scarcely too much to say only, a grateful vindication of 1776.

It should be severely and grandly simple; not ostentatious or boastful.

It should be inexpensive for a thousand obvious reasons; but, above all, because it does not become a nation any more than an individual on the verge of bankruptcy to be extravagant, especially at the moment when the attention of the world is invited to the study and imitation of her methods of management.

It should be national and not provincial. It should be so conducted that all and not a few only can participate in it.

It should not involve the displacement of large masses of people, which is perilous to the health, expensive, and more or less demoralizing.

It should be free from every feature calculated to sectionalize or divide the country, and be so managed as to secure the greatest possible harmony and unanimity. It should be as educating and elevating in its influences as possible, both in this and foreign countries.

All these results may be secured by proper instrumentalities. I think none of them will be if the Philadelphia scheme is encouraged by the Federal Government any further. Of the international part of it, the converting it into a European fair, with an American corner for Yankee notions, I will not trust myself to speak.

To all these considerations I add yet another. A World's Fair is essentially governmental in character. Such it has been in other countries, and such, I fear, it must be in ours. The Government invites, the Government is host; the Government, therefore, must guide and shape its conduct, and must pay the expenses, as if it were the Army or Navy. Undertaking this service, it must determine where the fair shall be held—in which of the two capitals of the Union—Washington, the political capital, or New York, the commercial capital. It must at once take charge of the enterprise, leaving to our Philadelphia friends the commemoration of the great day and its marvelous fruits.

But there is something easier and more practical. It is to bring the Philadelphia enterprise at once in subordination to the original idea—to abandon the *ex post facto* substitute, and make the commemoration national and republican. Two victories of principle, I trust, will swell the grandeur of the day: First, the return to specie payments, so that every citizen may have a piece of gold in his pocket; and secondly, the complete recognition of the equal rights of all, so that the great Declaration may be no longer a promise only but a living reality. Then will the celebration be grander than any Roman triumph; grander than any Hebrew jubilee.

Mr. FRELINGHUYSEN. Mr. President, I understand that this bill commits the nation to a considerable expenditure, a possible expenditure not to be reimbursed, of three or four millions of dollars. I have given the subject some reflection, and have for myself come to the conclusion that it is becoming and wise that the expense be incurred. We are not, I submit, on the verge of bankruptcy, as the communication read by the Senator from Massachusetts [Mr. SUMNER] intimated. And unless my friend who sits beside me [Mr. CAMERON] shall succeed, as I believe he will not succeed, in deranging the finances of the country, we are abundantly able to incur this expense. We may incur this expenditure if we are able to take one step beyond the absolute necessities of Government.

Mr. President, the event which we are called upon to commemorate, all recognize as one of the greatest events in the world's history, an event interesting not alone to the people of this country but to all mankind; and it is dwarfing the subject to speak of the occasion and of our republicanism being merely domestic, as the principle of government by the people or of republicanism is cosmopolitan. It interests every being of our race. It is natural and commendable that our people should desire to celebrate this great occasion, and it is most appropriate that they should wish to celebrate it in a manner that will enable mankind to join with them.

I can understand, as has been suggested, that our rejoicings might not be agreeable to the kings and potentates of the earth, and can believe that our abounding prosperity might excite their envy, and that our bright future might invoke their jealousy; but not so with the people of other lands; not so with those who have felt the incubus of hereditary caste and servitude. They would join with us in our hallelujahs. Enamored with our well-ordered freedom, they will go home to sow the seeds of blessing here gathered over the world.

Whether kings and emperors, princes and emperors, approve or disapprove, we will not be ashamed to proclaim our republican principles to the world. We will invite them to attend. They know what the entertainment is to be. If they are incapable of rejoicing with us over the progress of human liberty they can decline our invitation. If they come, who can doubt that they will receive inspirations which will prove blessings to their own people?

Besides, Mr. President, this exposition will be at once instructive and entertaining to the people of our country. Those who are accustomed to toil in shop and field will at this exhibition in a few days derive information which the wealthy obtain only by extensive travel; and while advertising their own productions, they will be gathering suggestions from the products and skill of other countries which will be advantageous to them and to our nation. Mr. President, before we vote on this question we should invoke for ourselves something of the spirit of our fathers in "the days that tried men's souls." They had the spirit which led them, without shield or protection, to meet the flaming line of battle.

There is value in a national sentiment, and to this end we should cherish our historic recollections. We, as a people, should cease to refer to and dilate upon Greece and Rome, Thermopylæ and Marathon, while we have a Bunker Hill, a Trenton, a Lexington, and a Concord of our own. We should gather our inspirations from our own Christian soil, rather than from the battered and tramped fields of heathendom. Let us celebrate this centennial in a manner becoming an epoch which is our own, and yet in which the whole world has an interest.

It would be well, I think, before taking a vote that we should read that great state paper which proclaimed our national sovereignty to the world. Webster, I remember, represents John Adams as saying in Independence Hall, before the vote on the Declaration of Independence was taken, "Read it, sir, at the head of the army, and every

sword will be drawn from its scabbard, and the solemn oath be uttered, to maintain it or to die on the bed of honor. Send it to the pulpits; religion will approve it, and the lovers of civil liberty will cling to it, resolved to stand by it or fall with it. Send it to the public halls; let those hear it who heard the first roar of the enemy's cannon; let those see it who saw their sons fall at Bunker Hill, at Lexington, and at Concord, and the very walls will cry out in its favor."

Mr. President, those men who pledged their lives, their fortunes, and their sacred honors, deserve that we should on this centennial occasion remember them, even should it cost the pledge or expenditure of a few thousand dollars. Out of respect to the national sentiment of the people of the country, we have no right to withhold that legislation which is necessary to enable them to give expression to their patriotic impulses.

Mr. SCOTT. Mr. President, I regret very much that my physical condition may compel me to forbear the utterance of some things which I would like to say to-day. I regret more that I am required to rise for the purpose of answering, to some extent at least, the extraordinary speech of my friend from Massachusetts, [Mr. SUMNER] upon this occasion. I listened with delight to his opening sentences, as I always do when he commences upon that favorite subject of his, the Declaration of Independence. I knew we would hear from him the history of that sacred instrument, and I was not disappointed when he commenced with recounting how the principles which entered into it had their origin and their triumph. I always listen to him with pleasure when he speaks of that great charter which asserts the rights of conscience and the rights of labor, the right of free men to choose their own institutions, to choose their own rulers, their own mode of worship, and to have in their own hands the products of their own toil, unless taken from them by their own consent. And when he was tracing it back to that desire of freedom which led men to flee from the forms of government which did not give them these rights, that persecution which gathered together in one advancing current the people of France and of England, of Scotland and of Ireland, of all the nations of Europe which—he prompts me to be classical—"Arethusa-like, plunged beneath the waters of the sea, and gurgled up again in light and beauty at Plymouth Rock, and Bunker Hill and Yorktown"—when he commenced that eulogy, I was not ready for the lame and impotent conclusion which followed, that the triumph of the rights of conscience and the rights of labor were not to be celebrated in the land which they had made glorious, for fear it will cost something, some dollars, to be voted by the representatives of the forty million people who are enjoying those rights.

But, Mr. President, I came not here to indulge in any sentiments of this character. The people of the United States, the Senators present, need not any Fourth of July orations upon this occasion. Faneuil Hall and Independence Hall may have their inspirations upon the Fourth of July, as they have; but, sir, I came this morning expecting in a plain and candid way, to the extent to which my strength would enable me to do it, to examine this bill as a business question before the Congress of the United States; and I hasten to get to that point. I will call attention to the original act of the 3d of March, 1871, for the purpose of seeing what we have already done, of showing that; and if there has been any mistake in the matter, any humiliating mistake, any mistake for which the Senator from Massachusetts is now sorry, perhaps he is fully as responsible for that error as any member of this body or of the House.

I hold in my hand the bill as it was reported from the Committee on Foreign Relations, on the 7th day of February, 1871, at which time the Senator from Massachusetts was the honored head of that committee. I am glad he has referred to it, for he has informed us that the amendment in the bill is his work, drawn with his hand; so that it cannot be said this bill passed as a matter of form, without challenging his scrutiny. Besides, we all know that, as an industrious and conscientious legislator, no bill of any importance ever came from his committee unless he was satisfied with its provisions. What, then, is the first thing that attracts attention in this bill, thus reported from the committee of which the Senator from Massachusetts was chairman? It is its title; and what does it announce to all the world?

An act to provide for celebrating the one hundredth anniversary of American Independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

Now, Mr. President, there is the announcement, in the very title of the bill, "an international exhibition." If it were such an incongruous affair as the Senator from Massachusetts now presents to us, if there were such objections to it that an international exhibition coupled with a national exhibition is a monstrosity in politics, such as the Siamese twins were in nature, why was it that the keen intellect of the Senator from Massachusetts did not point out this incongruity to the Senate, and save us this humiliation?

Mr. President, I listened with great pleasure to the statement of the Senator from Massachusetts——

Mr. SUMNER. May I interrupt my friend?

Mr. SCOTT. I will yield when my friend shall have allowed me to finish a sentence.

Mr. SUMNER. Certainly.

Mr. SCOTT. I will not follow his example; I will yield.

I say I listened with great pleasure to him when he drew upon his imagination and furnished us the picture which he gave of the grand procession of the powers of Europe, and their rulers; and now, before I proceed to the use I propose to make of it, I wil llisten to him.

Mr. SUMNER. I hope the Senator will pardon me. I did yield repeatedly a few moments ago; and why I declined at last was simply that I wished to hasten to the end.

Mr. SCOTT. The Senator declined my first request.

Mr. SUMNER. I do not wish to interrupt the Senator.

Mr. SCOTT. The interruption is not at all disagreeable.

Mr. SUMNER. But the Senator put me a question; he asked me why, with such a title, the bill came from the committee with which I was associated. The Senator knows full well that it was a House bill; it came to the Senate and in the course of business was referred to the Committee on Foreign Relations, and there it was considered. No individual at that time suggested a world's fair. That subject was not referred to the committee. None of the gentlemen here representing Philadelphia made any such suggestion. Therefore the title attracted no attention. It was innocuous. It was not of itself a grant of power; it did not of itself create a world's fair; and all the atmosphere about the bill at that time was inconsistent with the idea of a world's fair. The idea of a world's fair was an after-thought, an *ex post facto* thought.

Mr. SCOTT. The Senator from Massachusetts is such an accurate philologist that a few moments ago he was criticising the Legislature of his own beloved Commonwealth for using the word "exposition" instead of "exhibition;" and yet with the words "international exhibition" in the very title of the bill he seeks refuge in the words "world's fair." We did not expect the barbarous nations of the world to come, but we did expect all civilized peoples of the world to come; and does the Senator from Massachusetts wish us to understand that these words "international exhibition" are repugnant to the others which he now sees proper to use—"world's fair?" Language means nothing if that title does not commit us to an international exhibition; and if that is not a synonym for a "world's fair," it is large enough at least to embrace the civilized and intelligent world.

I was proceeding when the Senator from Massachusetts interrupted me to say that I listened with pleasure to the learning which was displayed in the magnificent picture that he drew of the procession of the kingdoms of Austria, and Prussia, and Great Britain, and Russia, and Spain, and many others, interspersed with agreeable recollections, and disagreeable ones, of the monarchs and the rulers of those countries. I enjoyed the grand panorama as it passed before me while he was marshaling the nations and sovereigns, while crowns and coronets were glittering in the lovely light of a Fourth of July American sun; and I confess, Mr. President, after some of the sentences that had previously fallen from him, I was somewhat puzzled to know whether the procession was drawn from Dante's Inferno or Milton's Paradise Regained, and I felt some apprehension as to whether he was going to land them in heaven or in hell. [Laughter and applause.]

The PRESIDENT *pro tempore*. Applause is out of order, and if repeated the Chair will order the galleries to be cleared.

Mr. SCOTT. But, sir, I was more surprised when the Senator from Massachusetts closed that argument by telling us that if these sovereigns accepted and came here, the eloquence of our orators would be palsied before them; that it would strike dumb the tongues that were wont to be eloquent in the vindication of republican principles. And this from the Senator from Massachusetts! The advocates of republican institutions struck dumb because crowned heads, lords, marquises, earls, or baronets or their retainers were present to listen! Why, sir, I was following that procession in imagination. I trust they will all come; and I hope to see them marshaled into Independence Square, if it is big enough to hold them, and if we ever get them there I hope to see the Senator from Massachusetts there as the orator, at least upon some occasion between the 19th of April and the 19th of October, 1876, between Lexington and Yorktown; and will his tongue fail him in the advocacy of republicanism because crowned heads are present? The memories of the past, the service of a whole life devoted to freedom, and the reputation which he looks for in posterity tell us, all these tell us, that we must forbid the assumption. He has done himself injustice. His tongue would not quail before the crowned heads of Europe, nor would the tongues of many others who, if less distinguished than he, have learned from him, during the long time that he has been in the Senate, to love freedom so well as to utter her gospel everywhere, whether men will hear or forbear. They live in a land where we have freedom to choose the worship of God and freedom, to resist the tyranny of man, and will not hesitate discreetly to do honor to the Constitution which gives us these rights, whether in the presence of serfs or titled royalty.

I have been diverted, Mr. President, thus far in my remarks from pursuing the history of this bill of which I was speaking. It was reported on the 7th of February, 1871. Now, what is its legislative history? It came from the House, as is already stated. It was not a Pennsylvania measure; it was not a Philadelphia measure solely. I refer to its origin, for I know something of it. The bill was introduced into the House, it is true, by a Representative from Pennsylvania, not a Philadelphian—a man who represented a district spanning the Alleghany Mountains, running across them to some distance on either side their base, and having his home on the western slope. He was a native of Maine, an adopted, an honored, and an hon-

orable son of Pennsylvania. He bore the same name as my honored friend who sits before me; I allude to Hon. Daniel J. Morrell, the Representative from the then seventeenth district of Pennsylvania. It was not a provincial measure; but on every feature of it was written, as broadly as it could be, a national measure, and an international measure in the title of it.

It came from the House, and was reported back to the Senate with but one amendment; and what was that? It was drawn, as we are now informed, by the pen of the Senator from Massachusetts, and that was, he added to the clause which prohibited payment to the commissioners authorized by that bill these words:

And the United States shall not be liable for any expense attending such exhibition or by reason of the same.

The very amendment suggested all the questions about national and international exhibition, and the Senator was the author of it. The bill came back to the Senate on the 7th of February, 1871, as I have stated; and it was considered upon several occasions. What amendments were offered to it? But one. No question was made as to whether it should be a national or an international exhibition, except one by the Senator from Ohio who sits on my left, [Mr. THURMAN,] who made the inquiry whether it was to be an international exhibition or not; and he was referred to the bill, according to my recollection. The Senator from New York, [Mr. CONKLING,] in remarks made by him, called attention expressly to the fact, so that the Senate might consider the importance of the measure which they were passing. I quote his words:

If, however, the United States are to stand sponsor, if the celebration is to be national, if it is to be held under the auspices of the Government and patronized by the nation, then my honorable friend from Pennsylvania [Mr. CAMERON] will agree with me that care should be taken to make it not only creditable, but to insure its being conducted in the best way.

Attention was called to this fact; and attention being thus called to it, only one other question remained—where shall it be held? The bill named Philadelphia. The Senator from New York moved to insert New York; and for some time after that motion was made discussion went on in this Chamber. While the discussion was progressing, the then Senator from Massachusetts, Mr. WILSON, in his seat suggested Boston, but he did not offer an amendment. The Senate had distinctly before them Philadelphia, New York, and Boston; and upon the vote being taken, New York was not adopted; Philadelphia was. Boston was not pressed; and if it had been, and adopted, is it too much to say that perhaps the resolution of the Legislature of Massachusetts might never have seen the light? And that resolution is the only excuse I can find to send down to history for the position taken by my friend this morning upon this bill. It is the only thing which will reconcile the glowing exordium upon the Declaration of Independence, and that peroration which concluded that it would cost too much money to commemorate the great event. Think of it, "human rights" too light to be weighed in the scales against a few million dollars, the Senator from Massachusetts being judge!

Thus, sir, the bill passed, and what does it provide? Let us see. I do not wish to read the whole of it, but simply to refer to those things which must have fixed in the mind of the Senate the character of this exhibition.

In the preamble of the bill what do we find? It is to be "an exhibition of the natural resources of the country and their development," and I shall save my friend's philological sensitiveness by saying that the Representative from Pennsylvania did use the word which the Legislature of Massachusetts omitted to use, and has shocked his sensibility by interpolating another—"an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind in comparison with those of older nations."

How were they to be compared if they were not brought here? Does it not all contemplate an international exhibition? Then it goes further and says, that it is to be an international exhibition—in the first section, "an exhibition of American and foreign arts, products, and manufactures shall be held, under the auspices of the Government of the United States." Now, what could be more decisive than these three things, an "international exhibition" in the title; an exhibition of arts and products in comparison with those of older nations, an exhibition of American and foreign arts; and all this under the auspices of the Government of the United States? These three things being determined, that there was to be an international exhibition of foreign products and arts under the auspices of the Government of the United States, there were only two questions left: where shall it be held, and by what means shall it be brought about? The first question was settled by fixing Philadelphia, appropriately as is stated by the President in his message, appropriately, I think, as was agreed by everybody; for when the vote came nobody even demanded the yeas and nays upon it. That it was to be national is apparent in every section of the bill.

The third section provided for the appointment of commissioners by the President upon the nomination of the governors of the States and Territories.

The sixth section required the commission to report to Congress, and among the things to be reported to Congress are the following:

The requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition, and such other matters as in their judgment may be important.

It is hard to see what custom-house regulations were needed if this exhibition were not to be international.

Then it provided, in the eighth section—

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission—

giving national control—

herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open, and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners.

Mr. President, if there had been an effort made to scatter all through this act of Congress from the beginning to the end notice to the nation, notice to the world, that it was to be a national and an international exhibition, I can hardly see how that effort could have been more successful.

I shall endeavor now, sir, to proceed simply in the way of narration as to what followed the passage of this act.

Of course the first question that presented itself was, how is money to be procured for the purpose of making this exhibition successful? After the lapse of one year, the gentlemen who had it in charge came to the conclusion that the only mode of making it successful was to apply to Congress for the charter of a board of finance, or a finance commission, as I believe it is termed. They did so; and it was proposed to raise the money necessary by the subscription of corporate stock, putting the estimate at ten millions, supposing that amount would be necessary. I may say here in passing, that the idea has never been held out by any one connected with this institution that this subscription of corporate stock was to be a speculation. I have been present at some of the meetings that have been held; I have participated in some of them; and I know the gentlemen who have been invited to subscribe have been invited upon the assurance that no guarantee could be given of the return of one dollar; that it must take its chance of all the casualties to which such an exhibition would be subject—fire, flood, storm, the breaking out of an epidemic, or any of the numerous incidents which might interfere with its success.

That commission was formed, and they proceeded to apportion upon the population of the United States the amount which they believed each State ought to contribute for the purpose of raising that $10,000,000. I have here the apportionment which was made, but I do not deem it necessary to take up time in reading it. The amount apportioned upon the population of Pennsylvania was not quite $1,000,000—between nine hundred and fifty thousand and one million dollars. They proceeded to organize the commission and to organize a board of finance, and I wish here to say that it is composed of gentlemen of the most faultless integrity, whose commercial and personal character is such as to give guarantee for the administration of any fund that comes into their hands. If any fund that may be appropriated, either with or without governmental supervision, (and they are quite indifferent as to that but rather invite it,) if the whole fund received in any manner is not secure in the hands of these men, then I agree that instead of talking about celebrating the centennial anniversary of independence, we ought to be talking about writing the epitaph of the nation. It is secure.

But they proceeded; and the financial aspect of the case, as that is the one upon which I have been requested by some Senators to speak, is this: The Legislature of Pennsylvania appropriated $1,000,000 to this enterprise; the councils of Philadelphia appropriated $500,000; thus making a million and a half, with the stipulation that that million and a half was to be used in the erection of a permanent building, that was to remain upon the grounds as an art gallery, commemorative of this event—a memorial building.

The finance commission then proceeded to canvass for subscriptions, and the citizens of Philadelphia and of the State of Pennsylvania subscribed about one million and a half more, thus making three millions, or nearly one-third of the whole proposed amount, and three times the quota assessed upon the State of Pennsylvania.

When this had been done the governor of the Commonwealth was notified of it. The finance commission was proceeding to organize throughout all the States, and they expected to secure their subscriptions, although up to that time the other States had not responded. But with three millions certified to be secure within the knowledge of the governor, he gave the certificate required by the act of 1871 to the President, and upon the 4th of July, 1873, the park commission of the city of Philadelphia formally delivered a conveyance of, I believe, four hundred and fifty acres, or in that neighborhood, to the centennial commission, for the purpose of the celebration. Therefore they have absolute and exclusive control of those four hundred and fifty acres of land, in the most magnificent park on this continent or in any country. The President then issued his proclamation; and now I come to that which is the occasion of the bill immediately before us. What was that proclamation? It recites these various acts, and it concludes thus:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held, at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, anno Domini 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States.

Now mark it.

And, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein. * * * *

Done at the city of Washington this 3d day of July, 1873, and of the Independence of the United States the ninety-seventh.

There, sir, is a commendation of this exhibition to other nations, and that was the extent to which the President deemed himself authorized to go. Some nations, treating this as really an invitation, have accepted it as such; not one power alone, as the Senator from Ohio has suggested.

Mr. THURMAN. The Senator will allow me to correct him.

Mr. SCOTT. Certainly; if I have made an error I wish to be corrected.

Mr. THURMAN. The Senator is certainly in error. He says that all the President has done is to issue his proclamation. So far from that, there was sent from the office of the Secretary of State——

Mr. SCOTT. I cannot read all these papers at once. I will come to that——

Mr. THURMAN. A direct invitation.

Mr. SCOTT. I will come to that, and to what the Secretary of State says on that subject. The Senator from Ohio may rest assured that I desire to get the whole subject before the Senate, and I shall be only too glad, if I omit anything, to have his valuable aid in presenting whatever I omit.

That was on the 3d of July, 1873, the day before the formal transfer of the grounds in Philadelphia to the commission.

Now, sir, I come to what the Senator from Ohio refers to, to the invitation, I suppose, as he terms it, dated July 5, 1873, issued from the Department of State. I do not wish to read it all, but I suppose what the Senator refers to is this:

In the law providing for the holding of the exhibition, Congress directed that copies of the proclamation of the President, setting forth the time of its opening and the place at which it was to be held, together with such regulations as might be adopted by the commissioners of the exhibition, should be communicated to the diplomatic representatives of all nations. Copies of those regulations are herewith transmitted.

The President indulges the hope that the Government of —— will be pleased to notice the subject, and may deem it proper to bring the exhibition and its objects to the attention of the people of that country, and thus encourage their co-operation in the proposed celebration. And he further hopes that the opportunity afforded by the exhibition for the interchange of national sentiment and friendly intercourse between the people of both nations may result in new and still greater advantages to science and industry, and at the same time serve to strengthen the bonds of peace and friendship which already happily subsist between the government and people of —— and those of the United States.

Now, Mr. President, I ask the attention of the Senator from Ohio to the fact that that is not an invitation sent by the President through the Secretary of State to foreign powers, but it is a form of notice sent by the Secretary of State to our own foreign ministers, and I now follow it with a letter of the Secretary of State which corrects a misapprehension into which our own officers fell in construing that very letter, and that is the occasion for this bill. I allude to circular No. 48, issued by the Department of State, which has been communicated to the president of the centennial commission. It is dated November 3, 1873, and is from the Secretary of State. I will read a portion of it:

DEPARTMENT OF STATE, *November* 3, 1873.

To the Diplomatic Officers of the United States:

GENTLEMEN: I regret to find that misapprehension has arisen in a certain quarter as to the meaning of the proclamation of the President of the 3d of July last relative to the centennial exposition—

My friend from Massachusetts will have to find fault in another quarter. Here is "exposition" again—

to be held in Philadelphia in commemoration of the Independence of the United States. It is therefore deemed necessary to make the following communication for your information and guidance.

It will be observed that the President in his proclamation has extended no invitation to foreign powers to participate in the exhibition. He was not authorized so to do, and while he desires to attract as much attention and interest as possible thereto he carefully confines himself to "commending" the celebration of the centennial anniversary of American Independence, and the exhibition which is to be held in connection therewith, to all nations who may be pleased to take part therein.

It is presumed that you will not have failed to observe the guarded language of the President's proclamation, and the difference between it and that which would be used in extending an invitation to other powers.

He proceeds to say the exhibition is not national in the sense of being governmental, and to express the President's hope that foreign powers will take interest and co-operate in the celebration.

This is quite a long communication, but I have read enough to show that the Secretary of State deemed it his duty to correct a misapprehension into which our own foreign ministers fell in considering this to be an invitation.

Now, Mr. President, it is not proposed by this bill to extend an invitation to all the crowned heads of Europe to come here and be entertained as the guests of the nation. The nation is not to be the host in the enlarged sense in which the Senator from Massachusetts used that term; but the intention is to extend an invitation to the people of those countries through and with the sanction of their governments, with the expectation that those governments will appoint commissioners to come and take charge of the interests of those of their people who may see proper to participate, just as we sent commissioners to Paris in 1867, to Vienna in 1873, and, if I mistake not—although of that I am not certain—to London in 1851. Those governments did not pay the expenses of our commissioners. If these dignitaries saw proper to invite them to dine, very well; and a commissioner might feel good with his legs under the royal mahogany. If the President sees proper to invite anybody who comes here to dine, very well. But it is well understood abroad that we are a plain, republican people; that we do not expect to build palaces for the accommodation of royal visitors; and if they see proper to come, they will have good sense enough to put up with republican fare.

Mr. CONKLING. May I ask my friend a question at this point? I am seeking all the information I can get.

Mr. SCOTT. Certainly.

Mr. CONKLING. Does the Senator, by this part of his argument, mean to convince us, or to declare his own opinion, that we shall be at liberty hereafter to refuse to appropriate money to carry on this exhibition or exposition? Does he mean, by what he is saying now, to disabuse the Senate of the idea that, by adopting the pending bill, Congress will stand committed past recall to make such appropriations as shall turn out in the future to be necessary to accomplish this work?

Mr. SCOTT. The idea has been suggested that the amount of money that would be needed for this exhibition would be enormous. It was stated, I believe, by the Senator from Massachusetts to run from $5,000,000 to $15,000,000, and perhaps over that. I have been combating the idea that this is to be a very expensive exhibition, and that among the expenses to be defrayed by these commissioners will be anything for hospitalities to be extended by the nation to those who may see proper to come here. So far as Congress is already committed, it is committed to an international exposition. So far as the expenses are concerned, it was expected that they would be raised by private contribution to this stock. But I was proceeding with an effort at order in showing the point at which we have arrived; and I will say to the Senator from New York now, that I think we have arrived at that point where Pennsylvania and Philadelphia have done much, where the rest of the country has done comparatively nothing, and where, if the international exposition is to fail, it will be because Congress now refuses to recognize the obligation which I think they have incurred, to make this an international exhibition. It may cost $3,000,000. That is fixed as the present amount needed for putting it in such shape as to make it beyond all controversy a success. It may cost $5,000,000, although I do not suppose it will, in addition to the receipts which will come in at the time of the exhibition, and which will be used in defraying a part of the expense.

Mr. SARGENT. Do I understand the Senator from Pennsylvania now to say that that is the amount to be appropriated by Congress—from $3,000,000 to $5,000,000?

Mr. SCOTT. I have understood, from very careful estimates made by the board of finance connected with this centennial exposition, that if Congress will appropriate $3,000,000 at the present time—$1,500,000 to be paid during the next fiscal year, and the other $1,500,000 in the year following—that that will enable them to put this exhibition on such a basis as to insure its success, considering the additional contributions they can thereby secure, the receipt of which they may feel reasonably certain, and the proceeds of the buildings, which will be removed after the exposition shall have terminated.

That I believe to be a fair and candid statement of the present financial position of the question as viewed by gentlemen who are conscientious on this subject, who wish to carry out the original national and international idea, but who do not wish to proceed and make contracts for buildings and other expenses when they are not assured that the money will be in some manner forthcoming to discharge the obligations which they thus incur. They are men of mercantile and personal honor. They do not intend to deceive the nation; they do not intend to deceive anybody. They come here, after having made efforts such as I think very few private citizens have ever made at their own expense, such as very few citizens have ever made at the cost of so much labor, for a great national purpose of this character, candidly presenting this question to the Congress of the United States, showing where we stand, showing that it was intended to be an international and national exhibition, showing what position they are in now financially, and leaving the question to Congress of whether we will, after what has occurred, withdraw this *quasi* invitation which has gone out to the nations of the earth.

I have been again diverted, Mr. President; and this is a very rambling speech, and a much longer one than I either intended or expected to make.

Mr. NORWOOD. I desire to understand the exact position of the Senator. I wish to know whether, in answer to the question put by the Senator from New York, the Senator from Pennsylvania takes the ground that he considers the Government already committed to make an appropriation for the purpose of carrying on this exhibition?

Mr. SCOTT. I consider the Government committed to make this a successful national and international exhibition. I think we cannot with credit to ourselves recede from the position which we have taken; and I am just coming to that point, if the Senator will permit me.

Mr. NORWOOD. Allow me one word more and I will not interrupt the Senator further. Before he takes his seat I should like him, as a good constitutional lawyer, to point out the authority under which he thinks we can make such an appropriation.

Mr. SCOTT. I trust my strength will enable me to respond to the Senator from Georgia; but for the present I proceed with what I have in hand. Before this proclamation had been issued, and before this letter of the Secretary of State, there had been some acceptances. The report of the president of the centennial commission states to us that invitations have been accepted by the following nations, and these are all of them, except Sweden, which was announced this morning by the Senator from Minnesota—the German Empire, the Netherlands, Belgium, Mexico, Ecuador, and Hayti.

Something was said about only one first-class power having responded. Well, Mr. President, we do not expect this exhibition to be made up altogether of first-class powers. Will the Senator from Massachusetts exclude from this grand centennial jubilee of freedom the dusky sons of Hayti if they come, because they are not a first-class power?

Mr. SUMNER. We do not invite them.

Mr. SCOTT. If they come, I say; and, certainly, if we are to invite anybody they will be included within the broad terms of our invitation. Here are Germany, the Netherlands, Belgium, Mexico, Ecuador, Hayti, and Sweden. If I had time to refer to statistical tables I might probably show that these contain a very considerable proportion of the population of the civilized world. I think I might show that we are now, by the acceptances of these invitations, in a position in which it would puzzle all the learning and all the eloquence and all the diplomacy of the Senator from Massachusetts to write a polite note to these people telling them not to come. I should like to see the phrase in which he would put it. An act of Congress for an international exhibition; $3,000,000 subscribed by one Commonwealth; a deed made for four hundred and fifty acres of land upon which to hold it; the artisans of the Old World already making their preparations to bring their products here—many large manufacturing establishments have given that notice already; six nations accepting the invitation. How will the Senator from Massachusetts sit down, how will the Secretary of State sit down, to write to these governments and say, "True, you were bidden to this marriage feast of nations, but you must not come; we cannot afford it?"

Mr. President, the Senator from Vermont [Mr. MORRILL] in his place yesterday, when the subject of money was started, made the very sensible remark that character was involved in this bill; and who will say it is not? National character; an invitation sent abroad to our consuls and ministers in such form that they considered it an invitation; these nations of the earth accepting it; then a letter from the Secretary of State saying, this is a misapprehension; it is only a commendation, it is not an invitation. Then, the enterprise must break down, because at the time when it was in the full tide of successful experiment, and the commissioners believed that success was within their grasp, the panic came, and all the arrangements which they had made in all the other States were entirely frustrated. Had not the panic come in September, the movement inaugurated on the 4th of July, I feel satisfied, would have been successful before this time. The patriotism of the country assures us of that. Look at the resolutions passed by New Hampshire; and, I believe, North Carolina; at the resolutions passed by some of the territorial Legislatures; a subscription sent here from the-far off Arizona; Oregon declaring in favor of it; the eyes of the world turned upon our nation, because all our people who went to Vienna were speaking then of the exhibition in 1876, and they were told that Europe would be represented here. With all this, are we to undergo the humiliation of saying that the people of the United States will not sustain their representatives in voting three, five, eight millions if necessary, for the purpose of commemorating in a fitting way the centennial anniversary of the nation's birth?

I am reminded by the Senator from Georgia that he would like to have more light upon the question of our power to appropriate this money. I am glad that he has put that question. I heard it suggested once or twice by others. I believe the clause of the Constitution was once quoted upon this question which authorizes Congress—

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

I believe I have heard the construction which the Senator from Ohio [Mr. THURMAN] puts upon that clause, and I am not sure that I disagree with him that it is to be treated as if it read that Congress has the power to lay taxes, imposts, and duties in order to pay the debts and provide for the common defense and the general welfare. In examining a question of constitutional power, the continued and almost unquestioned practice of Congress is to be considered; and I propose briefly to ask the attention of the Senator from Georgia to a few of the practical exercises of the power for the purpose of promoting industry, science, learning, and art. These alone strongly argue sufficient warrant to Congress to follow in the footsteps which have been trodden so long and by so many of our eminent predecessors.

We passed an act authorizing an expedition to the North Pole for the purpose of exploring what there is in that region, and the Senator from Massachusetts, if I recollect aright, certainly believed in the constitutionality of that.

Mr. SUMNER. I reported it.

Mr. SCOTT. The Senator from Massachusetts reported it; so that it has his authority as a constitutional lawyer, and where could I quote a greater?

We passed an act to procure instruments for observing the transit of Venus; and I am not sure but that the Senator from Georgia voted for it, for we passed it since he came into the Senate. I do not think his vote is recorded against it. I am reminded by this observation of the transit of Venus that we made an appropriation no later than yesterday, in the naval appropriation bill, for the prosecution of works upon the new planets. The language would almost seem to imply that the Senator from California [Mr. SARGENT] who had charge of that bill contemplated the building of a railroad or canal in some of the newly-discovered planets; but I suppose it referred to astronomical work done in the observatory here. We did that yesterday, and no voice was raised against the constitutional power to appropriate money to pursue such an astronomical investigation.

We have passed acts sending commissioners at various times to expositions of this character in foreign countries. We sent them to Vienna last year; we sent them to Paris in 1867; we sent them at a cost of nearly $500,000, printing and all; we sent them, I think, to London in 1851; and if we have power to appropriate money to pay the expenses of going to foreign lands to compete with these people in the products of art and industry, surely the nation, built upon the rock of the Declaration of Independence, has a right to appropriate a few millions to an exhibition at home to compare the products of the nation which stands upon that rock with the products of the nations to which we have sent our own commissioners and whose invitations we accepted.

But we have passed an act time after time to publish the Smithsonian report.

We have passed an act to provide for the propagation of fish in all the rivers in all the States. Georgia may be invaded perhaps by the fish commissioners depositing the eggs of salmon and trout for the purpose of feeding the people of Georgia, and I am sure my friend from Georgia will not be troubled with any constitutional scruples when he is enjoying the flavor of Portland salmon taken from Savannah River, if they ever get there.

We passed an act for geological explorations, and every year we publish Hayden's report and Raymond's report about the geology of the Western Territories.

We keep up an Agricultural Department and a Bureau of Education.

We passed an act a few days ago to put busts of the Chief Justices in the room of the Supreme Court of the United States; and now might I not ask the Senator from Georgia, who I have no doubt voted for that, under what clause of the Constitution did he find the power?

Mr. NORWOOD. What act do you refer to?

Mr. SCOTT. I am referring to the purchase of busts of the Chief Justices to put in the room of the Supreme Court of the United States.

Mr. THURMAN. That was under the same clause under which we built the house for them to sit in.

Mr. SCOTT. And what clause is that? Busts are not necessary for the Government. There may be a great many people get on them who administer the Government, but they are not absolutely necessary. [Laughter.]

I might go on with these instances *ad infinitum*.

We built a statue of General Scott in one of the squares of this city and appropriated $40,000 to buy one slab for the old general to stand on.

We keep up a library of Congress; and I suppose upon a strict construction every man here ought to bring his own library with him or quote no books.

We bought Moran's painting of the Yellowstone and paid $10,000 for it, and under what clause of the Constitution?

Surely, if anything can be settled, it is settled that in providing for the general intelligence of the people, for their culture, for the progress of our nation, for, in short, promoting the two great bases upon which the nation stands, the intelligence and virtue of the people—if anything can be established, it is established by acts innumerable in the history of the Government that we have the right to do this.

Mr. SHERMAN. Under the clause regulating commerce.

Mr. SCOTT. The Senator from Ohio suggests that the clause authorizing the regulation of commerce may authorize it. I do not propose to go into any specific grant of power upon this question; but I think in the whole mass of governmental powers, if there is anything established, it is the power of Congress to do just the thing which we propose to do here. I am glad the Senator from Georgia asked the question, for it gave me the opportunity to refer to these instances.

Mr. NORWOOD. The answer of the Senator from Pennsylvania is not the answer I wanted him to make. I wanted him to discuss the constitutional power, and not refer to innumerable precedents which he thinks would form the basis for making another precedent of the same kind. I grant that all these things have been done that the Senator, considers have been done by Congress, but he is simply referring me to precedents for the exercise of a power as an answer to the constitutional question as to whether we could do it constitutionally. I do not say that in many of the cases referred to by the Senator Congress would not have the power; but to answer me by stating cases where the power has been exercised, I do not think is exactly answering the question.

Mr. SCOTT. As the Senator from Georgia has been giving much more consideration to the constitutional question than I have, and I

know him to be a good constitutional lawyer, I have cited here some eighteen or twenty instances. Will he permit me to ask him under what specific clause of the Constitution it is that any one of these appropriations has been made, or whether he believes they are all violations of the Constitution?

Mr. NORWOOD. I am not prepared just now to discuss the question. I wanted information from the Senator. If he can convince me that this can be done constitutionally, be it so. I do not say it cannot be done; but I want more light on the subject. I may express a doubt as to the constitutionality of a great many of the laws which he says have been passed for the purposes named by him. He and myself differ very largely as to the constitutional power of Congress. He thought that Congress had the power to suspend the writ of *habeas corpus* at a certain time when I did not think it had the power at all, because the state of facts did not exist which warranted it. He believes in the power of Congress to pass the reconstruction acts, and a great many other acts which I do not believe Congress has the power to pass. But upon this point, which is a doubtful point, I want light from him as to whether we have the constitutional power to vote three or five or fifty millions for a centennial anniversary; and if we do that, whether we cannot vote a large amount for an annual celebration.

Mr. SCOTT. There are certain ends and purposes in the Constitution which Congress is authorized to promote. There are many of them. There is one very broad phrase, "the general welfare of the people of the United States." I have already stated to him that this is one means of promoting their general welfare, by cultivating their taste for art, by promoting industry, by encouraging competition in the various manufacturing and industrial pursuits; and if any one of these ends is within the power of Congress, Congress is the judge of the means by which that end is to be promoted.

Mr. President, I am surprised that I have talked so long on this subject. That I have done so is due very much to the many interruptions which have been made, though I do not complain of them, for I desire the Senate to understand the subject. I have endeavored to explain the origin of the bill, its history, its provisions, for the purpose of showing that this is a great national and international project. I have, I confess, sometimes been pained upon this floor when gentlemen have spoken of it as a Pennsylvania project, as one which the Senators from Pennsylvania were particularly interested in. I look upon it, sir, as a great national project, and have been endeavoring to show that Congress has made it such, and to show, moreover, that, if it fail as such, the skirts of Pennsylvania will be clear of the disgrace, if disgrace there be. I wish, as a Senator from Pennsylvania, to have that understood. We have done all we ever promised to do. We have done as much as we were ever expected to do. We have contributed more than the proportion which would be allotted to us either upon wealth or population. A panic has prevented the success of this enterprise elsewhere; and if it is to fail, if these invitations are to be recalled, if this humiliating explanation is to be made to the nations which have accepted them, then, sir, we shall wash our hands of the blame. But we do not wish even to be considered selfish or provincial to that extent. We trust we are national, and that we cherish the honor of the nation as dearly as we do the honor of Pennsylvania.

We have seen some things since the arrangements for this centennial exhibition have been in progress that make it dangerous to recede. I have been in meetings with men from Virginia, North Carolina, Georgia, South Carolina, and Massachusetts, at some of the meetings which have occurred with reference to this subject. The sentiments which were brought forth by the communion, by the interchange of thought between men from different sections of the Union, the warm blood which started in the veins of men from the North and the South, the clasp of the hand with that cordiality of old which sprang from the recollections of that common Fourth of July, 1776—all these admonish us that when we propose to abandon either the national or the international character of this exhibition, we may abandon the best opportunity that will ever offer for effacing the passions and the bitterness left by the war. It is just as necessary for an appropriation to make it national as it is to make it international. It cannot proceed at present unless an appropriation is made, even as a national exposition.

Mr. STEVENSON. Will the Senator from Pennsylvania allow me to ask him a question?

Mr. SCOTT. Certainly.

Mr. STEVENSON. If I understand the Senator he says that it would be a disgrace to the Government if this appropriation is not made, because, he says, invitations have already been extended to foreign nations to visit this international exhibition. Then what is the use of this bill? This bill is but to authorize the President "to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations;" and if that has already been done, and the invitation has already been accepted, why is it that this bill becomes necessary?

Mr. SCOTT. I am very unfortunate in not having had the attention of the Senator from Kentucky. He was out of his seat, I believe, when I read the acceptance of foreign nations in response to a supposed invitation, and read a communication of the Secretary of State, sent to our foreign representatives, stating that they misunderstood the proclamation of the President when they supposed it was an invitation. It therefore becomes necessary to pass this act to remove that misapprehension.

Now, sir, I have said that we believe in Pennsylvania that we are national; we believe that we have the interests of the whole nation at heart as much as we have those of the State; and believing that, we do not wish to see this exposition fail, either as a national or international exposition. We desire to see, even if it puts us to some inconvenience, that grand procession, which will be a landmark in the annals of the nation, that marched forth with such majestic pace from the prolific imagination of the Senator from Massachusetts this morning. We desire to see with them the second-class powers too—the dusky sons of Hayti we hope to see; the newly enfranchised race from the South we hope to see. We hope to see them from all lands and from all climes. We hope to be able to accommodate them in simple republican style; even if we do speak of republican principles, to do so not offensively. We do not expect to bring our guests here and say, "Look at the result of our institutions, and be ashamed of your own." We do not expect from them any such narrow feeling, nor to exhibit it ourselves. That feeling of hostility is not entertained by the nations that we invite here. Why, sir, did I deem it appropriate, or were it proper for me to do so, I might say to the Senator from Massachusetts that to talk about the incongruity of republican and monarchical nations, of the people of America and the people of Europe uniting in an exhibition of art and industry, is an anachronism after the award at Geneva.

If there was rancor toward England following 1776 or 1812; if there was asperity felt by our own people after the late rebellion was over, had ever nation better assurance that the Government was not hostile unto hatred? What, sir, is the spectacle? An army upon our soil at the close of the war, such as no civilized nation ever saw stand upon the earth; a people smarting, for the time being, under the sense of violated national right; a leader at the head of that army who commanded its confidence in as high a degree as was ever possessed by any of the great captains of the earth, and that leader soon after our President. If we had been rancorous, and wished to spring at the throat of the people of England, all that was necessary was to say the word, and we could have had in a month a war such as the world has never witnessed. But, sir, "Let us have peace," were the words that rang throughout this republican atmosphere.

Mr. CAMERON. I wish to interrupt my colleague. We all know that he is not in very good health, and I do not want him to injure himself; therefore I will move that we go into executive session.

Mr. SCOTT. I shall finish in ten minutes; and would rather do so than retain the floor.

Mr. CAMERON. Very well.

Mr. SCOTT. I have said, sir, that if we had been disposed to be rancorous, then was the time when it would have manifested itself; but after commissioners were appointed, and met and sat on the shore of Lake Geneva, giving to that beauteous spot a new historic memory that will eclipse all the great events that have transpired upon its shores after that tribunal sat, and there we buried deep in the bright alpine waters the sword; it is too late to talk about antagonism at the centennial exhibition between the monarchies of Europe and the Republic of America. There is no such incongruity; they will not make such a monstrosity as will cause one to die and the other to follow in death like the Siamese twins, to repeat the Senator's simile.

I trust that when we come to vote upon this bill we shall have the emphatic indorsement of the American people, through their representatives, for this great international and national exhibition; and that through it the principles we purpose to commemorate will be promoted, and will continue in undiminished prosperity our great nation, to stand up as a beacon-light to all the world after all of us who shall witness the glories of the centennial year shall have been gathered to and mingled with our native dust.

ADJOURNMENT TO MONDAY.

Mr. STEWART. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 2213) granting a pension to Mrs. Cynthia McPherson, mother of the late General James B. McPherson;

A bill (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby;

A bill (H. R. No. 2212) granting a pension to Mrs. Margaret S. Meade, widow of Major-General George G. Meade; and

A bill (H. R. No. 64) restoring the pension of Frances C. Elliott, widow of Commodore Jesse D. Elliott, late of the United States Navy.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 519) to grant an American register to the Canadian tug Noah P. Sprague; and

A bill (H. R. No. 2206) to grant an American register to the bark Azor.

The bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy, was read twice by its title, and referred to the Committee on Naval Affairs.

ORDER OF BUSINESS.

Mr. CAMERON and Mr. SARGENT claimed the floor.

Mr. CARPENTER. Will the Senators yield to me one moment? I desire to say that on Monday next, after the expiration of the morning hour and the disposition of this pending bill, if there should be time I will ask the Senate to take up and consider the bill I introduced for a new election in Louisiana, for the purpose of enabling me to submit a few remarks on that bill.

Mr. WEST. Having in charge, by direction of the Committee on Appropriations, the Army appropriation bill as passed by the House of Representatives and reported by the committee, I shall feel it my duty, whenever an opportunity offers, and at the expiration of the morning hour, to ask the Senate to take that bill under consideration.

Mr. CAMERON. Mr. President, I believe I had the floor.

Mr. SARGENT. I wish to be recognized as having the floor on this centennial bill.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Pennsylvania gave way to the Senator from California, that he might rise to be recognized to-morrow when this bill comes up.

Mr. SARGENT. I yield to the motion of the Senator from Pennsylvania.

EXECUTIVE SESSION.

Mr. CAMERON. Feeling that this subject cannot be ended to-day, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After an hour spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 27, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATIONS.

Mr. BECK. I desire to make a personal explanation. The gentleman from New York [Mr. POTTER] notified me, yesterday morning, that he would be unavoidably absent, and desired that when the bill for the restoration of the franking privilege should be voted upon I should make that announcement. He made the same request of one of his colleagues, who, when the vote was taken, thought that I had made the announcement, while I thought he had done so. In this way we both neglected the matter. I make this statement in justice to the gentleman from New York.

Mr. G. F. HOAR. I am reported as saying yesterday that the school teachers of this District have not been paid for twelve months. I said they had not been paid for many months.

DUTIES ON IMPORTS, ETC.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 2203) to amend the act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. TYNER. I rise to enter a motion to reconsider the vote by which the House yesterday refused to pass House bill No. 825, in relation to the distribution of public documents. If the House will bear with me a moment, I will say that after awhile, when the seats here shall be full, I will call up this motion; my purpose being, if the motion to reconsider shall prevail, to move the recommitment of the bill to the Committee on the Post-Office and Post-Roads, with instructions to report back only the third section—that relating to the free circulation of newspapers in the county of their publication and free exchanges between publishers.

Mr. SHANKS. Will that question be debatable?

The SPEAKER. It will.

Mr. SHANKS. Very well.

EXECUTION OF THE LAWS IN UTAH.

Mr. McKEE, by unanimous consent, reported from the Committee on the Territories a bill (H. R. No. 2204) concerning the execution of the laws in the Territory of Utah, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. PARSONS. I desire to present a unanimous report from the Committee on Commerce, the consideration of which will take us but a few moments. The measure is one of very great importance to my constituents; and as the spring is approaching, the bill, if passed at all, should be passed promptly.

Mr. RANDALL. I call for the regular order.

Mr. PARSONS. I hope my friend from Pennsylvania [Mr. RANDALL] will not object to this.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins at twelve minutes after twelve o'clock; and the call of committees will be resumed for reports of a private nature.

J. SNOWDEN & SON.

Mr. HAWLEY, of Illinois, reported back from the Committee on Claims the bill (H. R. No. 1062) referring the claims of J. Snowden & Son to the Court of Claims, and moved that the same be referred to the Committee on War Claims.

The motion was agreed to.

CHARLES H. LADD.

Mr. HAWLEY, of Illinois, from the same committee, reported back the petition of Charles H. Ladd, for compensation for use of real estate by the United States during the war, and moved that the same be referred to the Committee on War Claims.

The motion was agreed to.

JOSEPH MONTANARI.

Mr. HAWLEY, of Illinois, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes; which was referred to the Committee of the Whole on the Private Calendar.

P. HORNBROOK.

Mr. HAMILTON, from the same committee, reported a bill (H. R. No. 2205) for the relief of P. Hornbrook; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

CANADIAN TUG NOAH P. SPRAGUE.

Mr. WHEELER, from the Committee on Commerce, reported back, with a recommendation that it do pass, the bill (H. R. No. 519) to grant an American register to the Canadian tug Noah P. Sprague.

The bill was read. It authorizes and directs the Secretary of the Treasury to issue an American register to the American-built Canadian tug Noah P. Sprague, owned by Edward Evans, of Tonawanda, Niagara County, State of New York; the tug having been recently rebuilt in the city of Buffalo.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARK AZOR.

Mr. HOOPER, from the same committee, reported a bill (H. R. No. 2206) to grant an American register to the bark Azor; which was read a first and second time.

The bill authorizes the Secretary of the Treasury to issue an American register to the bark Azor, an American-built vessel, employed as a packet between the island of Fayal and the United States, which had been transferred to a British subject in 1863, and retransferred to the heirs of Charles W. Dabney, late consul of the United States in the island of Fayal.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASING MARINE HOSPITAL AT CLEVELAND.

Mr. PARSONS. Mr. Speaker, I am instructed unanimously by the Committee on Commerce to report back a bill (H. R. No. 1927) authorizing the lease of the marine hospital and grounds at Cleveland, Ohio, to the city of Cleveland, with the recommendation that it do pass; and I would like to know whether I can have unanimous consent to make that report under the present call.

The SPEAKER. Is there objection to that bill being considered in the House to-day?

Mr. ALBRIGHT. I object.

W. H. M'KINNEY.

Mr. HAYS, from the Committee on Agriculture, made an adverse report on the petition of W. H. McKinney; which was laid upon the table, and ordered to be printed.

EXCHANGE OF COTTON-SEED WITH EGYPT.

Mr. HAYS also, from the same committee, reported back adversely a joint resolution (H. R. No. 40) relative to the exchange of the seed of the cotton-plant between this Government and the Khedive of Egypt; which was laid upon the table, and the report ordered to be printed.

CREDITORS OF THE SIOUX INDIANS.

Mr. LAWSON, from the Committee on Indian Affairs, reported back a bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians, with the unanimous recommendation that it do pass.

The bill was referred to the Committee of the Whole House on the

Private Calendar, and the accompanying report was ordered to be printed.

ROBERT BENT AND JACK SMITH.

Mr. RAINEY, from the Committee on Indian Affairs, reported back a bill (S. No. 204) for the relief of Robert Bent and Jack Smith, with sundry amendments.

The bill and amendments were ordered to be printed and referred to the Committee of the Whole House on the Private Calendar.

JAMES M. TRUE.

Mr. GUNCKEL, from the Committee on Military Affairs, reported a bill (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

PROMOTION IN INSPECTOR-GENERAL'S DEPARTMENT.

Mr. YOUNG, of Georgia. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back a bill (H. R. No. 2131) to authorize a promotion in the Inspector-General's Department of the Army of the United States, with the recommendation that it do pass. I move that it be referred to the Committee of the Whole House on the Private Calendar.

The SPEAKER. The Chair thinks it should go to the Committee of the Whole on the state of the Union, as it is a public bill.

Mr. YOUNG, of Georgia. It provides for the promotion only of a single person.

The SPEAKER. It is then a private bill.

The bill was referred to the Committee of the Whole House on the Private Calendar.

J. B. DENNIS.

Mr. ALBRIGHT, from the Committee on Military Affairs, moved that the committee be discharged from the further consideration of the petition of J. B. Dennis, and that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to.

THOMAS GALLOWAY.

Mr. MACDOUGALL, from the Committee on Military Affairs, moved that that committee be discharged from the further consideration of the memorial of Thomas Galloway, late captain of Company C, First Maryland Volunteer Cavalry; and that the same be referred to the Committee on Invalid Pensions.

GEORGE M. BOOK, UNITED STATES NAVY.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported back a bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy; which was read a first and second time.

The bill, which was read, authorizes the President of the United States, by and with the advice and consent of the Senate, to reinstate George M. Book on the active list of the Navy, provided he shall have first successfully passed the examinations provided for in the first, second, third, and fourth sections of the act entitled "An act to amend an act entitled 'An act to establish and equalize the grade of line officers of the United States Navy,'" approved April 21, 1864.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BECK & WIRTH.

Mr. DUNNELL. Not having been in my seat when the Committee on Claims was called, I desire now to report from that committee a bill for the relief of Beck & Wirth.

There was no objection, and the bill (H. R. No. 2211) was read a first and second time, referred, with the accompanying papers, to the Committee of the Whole on the Private Calendar, and ordered to be printed.

MARINE HOSPITAL AT CLEVELAND.

Mr. PARSONS. I ask unanimous consent to report, from the Committee on Commerce, a bill (H. R. No. 2210) authorizing the lease of the marine hospital and grounds at Cleveland, Ohio, to the city of Cleveland, for hospital purposes, that it may go to the Committee of the Whole on the Private Calendar. It is reported unanimously by the committee.

Mr. COBURN. I object to the reference to the Committee of the Whole on the Private Calendar. This is a public building, and the bill should go to the Committee of the Whole on the state of the Union.

The SPEAKER. The objection is well taken. The bill will go to the Committee of the Whole on the state of the Union.

Mr. PARSONS. That is perfectly satisfactory to me.

The bill, having been read a first and second time, was accordingly referred to the Committee of the Whole on the state of the Union, and, with the accompanying papers, ordered to be printed.

MRS. LOUISA H. CANBY.

Mr. McJUNKIN, from the Committee on Invalid Pensions, reported a bill (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby; which was read a first and second time.

Mr. McJUNKIN. I move that the bill be referred to the Committee of the Whole on the Private Calendar.

Mr. MAYNARD. This bill is a very peculiar one. The claim for a pension rests on a very high order of merit. And I would suggest that by unanimous consent it should now be put upon its passage.

Mr. COBURN. Let it be read.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Louisa H. Canby, widow of Edward R. S. Canby, late brigadier-general United States Army, and pay her a pension at the rate of fifty dollars per month from and after the passage of this act.

The SPEAKER. If there be no objection the bill may be considered in the House. The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARGARETTA S. MEADE.

Mr. McJUNKIN also, from the Committee on Invalid Pensions, reported a bill (H. R. No. 2212) granting a pension to Mrs. Margaretta S. Meade, widow of Major-General George G. Meade; which was read a first and second time.

Mr. McJUNKIN. I ask that that bill be acted on now.

Mr. MYERS. I presented a bill granting a pension to Mrs. Meade, widow of Major-General George G. Meade, and I do not desire that bill to be acted upon now. If no more than the pension allowed in this bill can be given to the widow of General Meade, I wish at the proper time to withdraw the request for a pension. I desire that the bill may go to the Committee of the Whole on the Private Calendar, and I shall there propose to insert a larger sum.

Mr. COBURN. What is the sum in the bill?

Mr. MYERS. Fifty dollars.

The SPEAKER. The bill can be amended in the House, if it is considered in the House.

Mr. MYERS. I should be better prepared to discuss the matter in committee. But if the Committee on Invalid Pensions is unanimously in favor of only fifty dollars a month, perhaps I should meet their opposition at this time. I wish to know if the gentleman from Pennsylvania [Mr. McJUNKIN] is authorized in any way by the committee to support a larger sum.

Mr. McJUNKIN. I would admit my colleague's amendment to the bill.

Mr. MYERS. I ask that the bill be recommitted to the Committee on Invalid Pensions, that I may be heard before them.

Mr. RUSK. For what reason does the gentleman desire to have the bill recommitted?

Mr. MYERS. I am willing that the bill should go to the Committee of the Whole on the Private Calendar.

Mr. HOLMAN. Let the bill be read.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Mrs. Margaretta S. Meade, widow of Major-General George G. Meade, of the United States Army, and pay her a pension at the rate of fifty dollars per month from and after the passage of this act.

Mr. MYERS. I ask that the bill be recommitted to the Committee on Invalid Pensions. I do not think that this morning I should be able to get the larger amount which I desire adopted, on behalf of the family, as well as, I think, in accordance with what would be the wishes of the whole people of the United States.

Mr. COBURN. If this bill is to be recommitted, I will move to reconsider the vote by which the bill granting a pension to Mrs. Canby was passed, that it may also be recommitted.

MRS. LOUISA H. CANBY.

The SPEAKER. If there be no objection the pending bill will be recommitted to the Committee on Invalid Pensions. And the gentleman from Indiana [Mr. COBURN] moves to reconsider the vote whereby the House passed the bill granting a pension to the widow of General Canby, with a view to its being sent to the Committee on Invalid Pensions.

Mr. RUSK. Before these bills are recommitted I would like to have instructions from the House whether they desire the Committee on Invalid Pensions to increase the pensions granted by the bills, as reported, to these applicants.

Mr. COBURN. I would prefer that the bill should go to the Committee of the Whole on the Private Calendar.

Mr. RUSK. The committee are unanimous in regard to all of these cases. There are but four of this character, requiring the highest grade of pension, to which the committee have agreed. If it is thought proper to increase the amount, it would be well for the House to so instruct the committee. I will therefore ask that the committee may be instructed by a vote of the House on this subject; otherwise we will not know whether to reverse our action or not.

Mr. MAYNARD. I would suggest that some gentleman had better name an amount which he thinks will be commensurate with the services of the officer.

Mr. COBURN. I will move to instruct the committee to report a bill fixing the pension of Mrs. Canby at $100 per month. Upon that I wish to say only this. The duty which General Canby performed in the Modoc war was one of a very peculiar character; not the ordinary duty of an officer or soldier, but something more. Upon that occasion he represented the entire Government—not only the War Department, but the Department of the Interior. He went out contrary to his own judgment to make these negotiations, fully aware of the danger of the critical duty he was performing; and there is no parallel instance in the history of this country with that of General Canby, or indeed in history. In his conduct, his responsibility, his faithful discharge of perilous duty, and his death, he stands alone. He acted under the authority of the Interior Department as well as of the War Department, and contrary to his better judgment as an officer of the Army. His life was lost no doubt because of his earnest, honest, and most honorable effort to carry out what has been properly termed the peace policy of the Government in relation to the Indians. What he did he did in the interest of humanity and mercy, and outside of his ordinary duty as an officer clothed with military power to compel obedience by force. And in losing his life for the Government, for the peace of the country, and for what most of us conceive to be a great and wise policy, his widow, who is poor, who during his life regularly expended in charities the little surplus he may have had, should now receive something more than the ordinary pension accorded to widows of officers. Her case is not one of a widow whose husband died after a long and faithful service, or even of one who had been slain on the field of battle in the line of duty, but one discharging a greater, more onerous, more dangerous, and more delicate duty.

Mr. MYERS. I do not need to speak before this House of the services of General Meade, nor to refer to him as the hero of the battle of Gettysburgh.

Mr. MAYNARD. Allow me to conclude what I have to say on this subject.

Mr. MYERS. I believe I am entitled to the floor.

Mr. MAYNARD. The case of the widow of General Canby is the one before the House. After we have disposed of that, then we can take up the case of the widow of General Meade.

What I was about to remark was this: when I asked the consent of the House to act upon the bill for the relief of Mrs. Canby it was without any knowledge of the amount of pension fixed by the committee. I wished we should act upon it upon the principle of *bis dat qui cito dat*. I see no reason why we should commit this bill to the Committee on Invalid Pensions. The House has the whole subject now before it, and if it agree with what has been said by the gentleman from Indiana, [Mr. COBURN,] and I most certainly do, then, having by unanimous consent reconsidered our action in passing the bill, all that is necessary is to increase the pension from fifty dollars a month to $100 a month. If the House are willing to adopt that amendment, as I have no doubt it is, it can be passed in that shape here and now. I trust that direction will be followed, and then we can take up the case of Mrs. Meade.

The SPEAKER. The Chair regards the bill for the relief of Mrs. Canby as the one now pending, and it is open to amendment.

Mr. COBURN. I move to amend the bill so as to increase the pension to $100 per month.

Mr. SHANKS. I wish simply to make a correction in regard to a matter of fact in connection with a statement made by my colleague, [Mr. COBURN.] General Canby is entitled to all the commendation that has been or can be given by any one here. I do not oppose this measure for the relief of his widow; but General Canby was not acting at that time under the Interior Department. That Department did not in any particular control him; but, upon the contrary, its agents and officers sent out there were, by letter from the Secretary of the Interior, in repeated words, ordered to obey General Canby, and not to interfere with the military at all. General Canby, however, was there in the discharge of his duties as his judgment dictated, and I believe all should be done for his widow that can be done; for the worth of the officer justifies all that can be done. But justice to the facts of history, to the truth of the record, to the peace policy of the Government, requires me to say that it is not correct that General Canby was controlled in any way except by military authority and his own judgment as a military officer.

Mr. COBURN. I have in my possession the orders and telegrams not only from the War Department, but from the Interior Department, in connection with this whole unfortunate matter. General Canby had intrusted to him not only the orders of the War Department, but the entire discretion of the Interior Department, the entire management of what has been termed the peace policy in that matter. I have not said that he was trammeled by any orders from the Department of the Interior, but I do say that he had lodged in him in managing that matter the entire discretion of the Government; that the duty he performed was over and above and outside of any duty that he was required to perform as a military man. In that view of the case his services were greater and his merit was more conspicuous than it otherwise would have been. He nobly took the whole responsibility reposed in hfm by every branch of the Government, and fell, at the post of duty, a victim to his devotion to the public welfare.

Mr. SHANKS. That is true

Mr. COBURN. That is why I say that the widow of this officer is more entitled to a pension than the widow of a soldier or officer who lost his life in the discharge of ordinary military duty.

Mr. SHANKS. But I insist that General Canby was not accountable to the Department here. The Department had submitted the whole matter to his hands; he was not controlled by the Department.

Mr. MAYNARD. It is unnecessary to say either to the House or the country that General Canby was a brave soldier, a Christian gentleman, a humane and good man. That fact has passed into the history of the country. The only question we now have to consider is whether the motion of the gentleman from Indiana [Mr. COBURN] proposes anything more than is commensurate with the estimate in which the character and services of General Canby are held.

Mr. FOSTER. Before the question is put upon this proposition, I desire to say that this bill will be followed by one providing a pension for Mrs. McPherson, the mother of Major-General McPherson. I desire to say that I consider the latter case equally meritorious with this; and shall move a similar amendment if the pending amendment should prevail.

Mr. SCOFIELD. During the last Congress we voted to the widow of Admiral Farragut (the case having been considered by the Committee on Naval Affairs) a pension of $2,000 a year. I only remind the House of this fact.

Mr. WILLARD, of Vermont. Mr. Speaker, it is probably an ungracious office for me to interpose any obstacle to the adoption of the proposition now pending; yet it occurs to me that this is not precisely the way in which our pension lists should be increased. We have general classes of pensioners. I understand this to be a proposition to make an exceptional pension for the widow of General Canby. Now, sir, I have no doubt that the widow of General Canby is entitled to as large a pension as the widow of any other officer who has given his life in the service of his country. General Canby was a brave soldier. Even before he was sent to protect the interests of the United States against the Indians he had rendered most gallant service to the country. He on various occasions proved his patriotism by the highest achievements in the power of any man to accomplish; and his widow is entitled to the same degree of consideration here as the widow of any officer holding an equal rank in the Army.

I am not saying that $100 or $200 or $500 a month is too large a pension for the widow of an officer holding the position that General Canby held in the Army of the United States, and who lost his life in the service of his country. But I do say, Mr. Speaker, that the Congress of the United States ought to fix by law the pension applicable to any given rank in the service; and when an officer holding that rank loses his life, his widow should stand precisely on an equality with the widow of every other officer holding similar rank.

It would be a very invidious distinction to propose here that the widow of one private soldier should receive a pension of fifteen, twenty, or thirty dollars a month, while the widow of another private soldier should receive forty, fifty, or one hundred dollars a month. We hold that the life of one man is equally valuable with that of another when we come to estimate it here by dollars and cents in the granting of pensions. Upon this principle, for every disability of a certain class incurred by any private soldier, no matter whether he was especially distinguished for bravery or not, we vote a fixed rate of pension, which is given to every private soldier suffering similar disability. In the same way we should give to the widow of every officer the same pension that we grant to the widow of another officer of similar rank. Hence it occurs to me that it would be the wisest course to let this bill be recommitted, for this purpose if for no other: that a bill may be reported fixing the pension that shall be applicable to any particular rank in the service. Whatever the amount that may be fixed for any particular rank, whether fifty or seventy-five or one hundred dollars a month, let all pensioners in similar cases come in upon an equality.

It has been suggested here that the mother of General McPherson is entitled to consideration from this House. I agree to that; but I hold at the same time that all who may come in under our pension laws should be put upon the list for an amount graduated according to the rank in the service of the person on account of whom the pension is granted. If we establish such a rule, we do not need to consider the merits of each individual case. The widow of General Canby has lost her husband; but so has the widow of every soldier who gave his life in the service of the country. Whether that service was rendered on the plains and he fell by the arrows or bullets of the Indians, or was rendered in the southern country during the late rebellion, or wherever it was rendered, the widow has lost her husband, and is entitled to the pension which should be provided for the rank her husband held at the time in the Army. It seems to me the Committee on Invalid Pensions is abundantly able to consider what pension is to be granted to each grade of rank.

Mr. RUSK. I wish to say for the benefit of the gentleman that the Committee on Invalid Pensions have carefully considered the matter, and have agreed to report a bill granting a pension of fifty dollars in each of these four cases. They have placed these four now being considered on that list, granting the highest pension. If the pension in these cases be raised from fifty to one hundred dollars, there will not only be hundreds but thousands of widows whose pensions will also have to be raised. Therefore if the House recommits

this bill with instructions to raise this pension, we will feel compelled to report to the House a general bill raising all the pensions of the same grade.

Mr. COBURN. I ask now that the testimony of General Sherman before the Committee on Military Affairs in relation to the status of General Canby in this affair with the Modoc Indians be read, and also the orders of General Sherman and the telegram of Mr. Delano, Secretary of the Interior.

The Clerk read as follows:

General SHERMAN. General Canby was one of those singularly cautious, conscientious men who are not so common now as they used to be. He looked upon it as his duty to fulfill the orders, and the spirit of the orders, coming to him from the highest, or from any superior authority. General Schofield was in supreme command of the Pacific division, embracing California and Oregon, but he had gone, for the benefit of his health, to the Sandwich Islands, leaving General Canby in Oregon, temporarily in command of the whole division of the Pacific. He made himself familiar, as rapidly as he could, with the interests of all parts. About this time this Modoc matter, on the borders of Oregon and California, had begun to grow into a serious matter; telegrams came to Washington, and, instead of attacking these Indians in position, orders went out, "Do not attack; wait awhile, and give the peace commissioners a chance to confer with the Indians, and to reason with them, and to remonstrate with them." And commissioners were sent all the way from Washington out there. General Canby was simply kept advised not to attempt anything, but to keep the *statu quo* until these gentlemen could have time to arrange matters. But little personal difficulties grew up among these commissioners; one wanted one thing, and another wanted another thing, and they could not exactly agree. Mr. Delano, I think, made a personal request that General Canby should go down there from Portland in person, resting more in the faith of his character than in his office. He was very well known here in Washington. He went down there; and, as he understood, not so much as the commander of the troops or of the military division of the Pacific, but as General Canby, to assist in untying this ugly knot. I have no doubt at all that, when General Canby consented to go into Captain Jack's camp that fatal day, he knew that he was doing an imprudent military thing—not his duty as an officer, but out of regard for the peace commissioners—feeling that, possibly, Captain Jack did mean to act in good faith, and by a little persuasion would yield to their representations and would go back as required to his place on the Klamath reservation. In other words, he surrendered his character as a military commander, and put himself in the power of Captain Jack and his little knot of Modocs as a peace commissioner.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 6, 1873.

All parties here have absolute faith in you, but mistrust the commissioners. If that Modoc affair can be terminated peacefully by you, it will be accepted by the Secretary of the Interior as well as the President. Answer me immediately, and advise the names of one or two good men with whom you can act, and they will receive the necessary authority; or if you can effect the surrender to you of the hostile Modocs, do it and remove them under guard to some safe place, assured that the Government will deal by them liberally and fairly.

W. T. SHERMAN, *General.*

General E. R. S. CANBY,
Commanding, Fairchild's Ranch, California, Modoc Country.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 22, 1873.

SIR: Your communication of this date, inclosing a telegram from General Canby dated the 16th instant, is received.

I have so much confidence in the wisdom, discretion, and correct purposes of General Canby, in regard to the execution, as far as possible, of the President's policy and the Department's wish to preserve peace and prevent further bloodshed with the Modocs, that I deem it my duty to authorize General Canby to remove from the present commission appointed by this Department any member whom he thinks unfit or improper, and appoint in his place such person as in his judgment should be appointed; always expecting him to inform this Department, through the War Department or otherwise, immediately on his action. You will please inform General Canby of the substance of this letter, provided you are willing to allow him to use the discretion and exercise the powers which are hereby conferred upon him with your approbation.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The question recurred on the amendment of Mr. COBURN.

The House divided; and there were—ayes 54, noes 69; no quorum voting.

Tellers were ordered; and Mr. COBURN and Mr. RUSK were appointed.

The House again divided; and the tellers reported—ayes 64, noes 103.

So the amendment was rejected.

Mr. CLEMENTS. I would like to inquire what necessity there is for the passage of this bill. Cannot this lady obtain a pension under existing pension laws?

Mr. RUSK. That has been already explained to the House, as the gentleman would know if he had listened to the debate which has taken place. The law grants her a pension of thirty dollars a month, but the committee have raised the pension to fifty dollars a month in the pending four cases. The motion pending was to raise that pension, in the case of Mrs. Canby, to $100 a month. That amendment has been voted down. The committee has recommended the highest pension granted in like cases.

Mr. CLEMENTS. I cannot see any necessity for such legislation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARGARETTA S. MEADE.

The SPEAKER. The next bill agreed to be considered in the House is the bill (H. R. No. 2212) granting a pension to Mrs. Margaretta S. Meade, widow of Major-General George G. Meade.

Mr. MYERS. I move to amend by striking out "fifty" and inserting "one hundred," so that the pension shall be $100 per month. The gentleman from Georgia [Mr. YOUNG] desires to say a few words, and I yield to him for that purpose.

Mr. YOUNG, of Georgia. I hope this bill will pass. General Meade has served the Government for over thirty years, and I may say with honor to himself and credit to the country. From the year 1835 he served with distinction in the Corps of Engineers up to the beginning of the late war. His history is too well known in that war to be commented on by me now. But no man who did not serve in the army in which I had the honor to serve during the desperate campaign of Gettysburgh can appreciate the vigor and ability with which he handled his army on that great occasion, and during that entire campaign. He took command of the Army of the Potomac when it was partially demoralized by many defeats, and by his energy, courage, and ability brought it to that state of efficiency which enabled it to achieve a victory to which you probably owe the safety of your capital and the perpetuation of your Union.

I may, sir, be prompted in the utterance of these sentiments partially from feelings of gratitude to the great soldier. For perhaps if it had not been for his kindness, justice, and magnanimity, I would not be a member of this House to-day. He signed my first certificate of election, as military governor of Georgia, and by his letters of recommendation I was enabled to obtain my seat in the Fortieth Congress in 1868, and without those letters I believe I should have been rejected. I feel grateful to General Meade for his kindness to me then, and I honor his memory for the many noble deeds of his life. During his many years of service to the Government he handled and disbursed millions of dollars of the public money; and yet he died without property. He has left an example which it would be well for many of the public officers of the present day to emulate. He has served the Government long and faithfully; let the Government take care of his widow and orphans.

Mr. MYERS. Before calling for a vote on my amendment I desire to make a brief statement. A grateful country can never pay too much honor to the memory of those who have been pre-eminent in its service; and no man was more distinguished in his sphere of duty, and in what he accomplished for the country, than Major-General George G. Meade. His life was one in which honor, bravery, purity, and great simplicity of character formed the chief elements. He lived honored, and died respected by all who had ever known him; but beyond this, his services will always live in the hearts of the American people, who would gladly see their national representatives render a substantial tribute to those he loved. Gettysburgh was the crowning glory of his career. In that great event he was the commanding and central figure. I need not occupy the time of the House by referring more fully to an epoch or services so memorable.

His case is a remarkable one. Thousands of such cases cannot follow this, as the chairman of the Committee on Invalid Pensions seems to fear. When you find thousands of such men as General George G. Meade, I will be ready to vote for their widows and families just so many pensions.

Neither will the common soldier nor his family regret that to one of his great commanders this measure of gratitude and justice is given. We gladly give pensions to the families of private soldiers and sailors. Day by day we remember them and prove that the country is grateful for their services. Let the many bills on our table which will pass this very day answer those who interpose these just claims as an objection to a case like this. Let us in this instance do a small part at least of what is just. We granted the widow of Admiral Farragut a pension of $2,000 a year; and I desired that as much should be given to the widow of General Meade; but in view of the opposition on this floor, and particularly in the Senate, to the grant of large pensions in other distinguished cases, my proposition now is to amend the bill by making the sum for Mrs. Meade merely $100 per month. The gentleman from Georgia, [Mr. YOUNG,] who was a leader in the opposing armies, lends his voice to my request. Let us do this act gracefully, and, I hope, unanimously.

The question being put on the amendment proposed by Mr. MYERS, there were—ayes 41, noes not counted.

Mr. MYERS. I call for the yeas and nays.

Mr. PAGE. I ask that the bill may again be reported.

The SPEAKER. The bill proposes to give a pension of fifty dollars a month to the widow of Major-General Meade. The amendment proposes to give $100 a month.

The question being put on ordering the yeas and nays, there were—ayes 12; not a sufficient number.

So the yeas and nays were not ordered, and the amendment was not agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

Mr. TYNER. The morning hour having expired, I desire to make a statement to the House. I entered a motion this morning, immediately after the reading of the Journal, to reconsider the vote by which

the House refused yesterday to pass the bill H. R. No. 825. After thinking the matter over more fully, and taking some counsel with friends on the subject, I have concluded to withdraw that motion for reconsideration, and give notice to the House that I will, on Monday next, if I can obtain the recognition of the Chair, introduce a bill in regard to the free circulation of weekly newspapers, and press it to a passage under a motion to suspend the rules.

ORDER OF BUSINESS.

Mr. RUSK. There are still two bills in the hands of the gentleman from Pennsylvania [Mr. MCJUNKIN] of the same class and the same merit as the two which have just been passed by the House. I ask that, although the morning hour has expired, these bills may now be considered by the House.

There was no objection.

MRS. CYNTHIA M'PHERSON.

Mr. MCJUNKIN, from the Committee on Invalid Pensions, reported a bill (H. R. No. 2213) granting a pension to Mrs. Cynthia McPherson, mother of the late General James B. McPherson; which was read a first and second time.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cynthia McPherson, mother of James B. McPherson, late major-general United States Army, and pay her a pension at the rate of fifty dollars per month from and after the passage of the act.

Mr. SAYLER, of Indiana. I ask that the report be read.

Mr. RUSK. There is no report accompanying the bill. The gentleman from Ohio, [Mr. FOSTER,] who represents the district in which this lady resides, desires to make a statement.

Mr. FOSTER. It is now nearly ten years since General James B. McPherson was shot dead in front of Atlanta while in command of the Army of the Tennessee, and in the immediate presence of the honorable gentleman from Wisconsin, [Mr. RUSK,] then a general in command of a brigade under General McPherson, and now the honored chairman of the Committee on Pensions.

General McPherson's mother has, all these ten years, refused to apply for a pension, although assured that her application either to Congress or the Pension Department would be favorably acted upon. By daily toil and strict economy, with the help of relations, she has thus far been enabled to secure a comfortable living. And now, at the age of sixty-nine, she petitions Congress for relief. The Committee on Pensions have unanimously agreed upon the bill now before us, fixing the sum at fifty dollars per month, the amount fixed by precedent in cases of distinguished merit.

I trust that this House, remembering, as they must, the singular purity of General McPherson's character, his marked ability and brilliant achievements as a soldier, ranking as they do with our most honored chieftains, will especially honor the name of McPherson by passing this bill.

Mr. Speaker, this is the only opportunity that Congress will have to honor his great name. In thus contributing to the comfort of his aged mother we honor him, and in honoring him we but honor ourselves.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. FRANCES C. ELLIOTT.

Mr. MCJUNKIN also, from the Committee on Invalid Pensions, reported back, with a recommendation that the same do pass, the bill (H. R. No. 64) restoring the pension of Mrs. Frances C. Elliott, widow of Commodore Jesse D. Elliott, late of the United States Navy.

The question was upon ordering the bill to be engrossed and read a third time.

The preamble of the bill states that by the third section of the act of July, 1866, and the third section of the act of July 27, 1868, the pension of Frances C. Elliott, widow of Commodore Jesse D. Elliott, was reduced from fifty dollars per month to thirty dollars per month, which reduction commenced on the 4th day of September, 1869.

The bill provides that the said Frances C. Elliott shall be allowed and paid out of the Treasury of the United States, from moneys not otherwise appropriated, a pension at the rate of fifty dollars per month, commencing on the 4th day of September, 1869; provided that the amount of pension received by her from the 4th day of September, 1869, shall be deducted therefrom.

Mr. TODD. I ask that that bill may be considered in the House at this time.

Mr. HOLMAN. I will ask that the question of order upon it be reserved until the report is read.

The SPEAKER. There is no report accompanying the bill.

Mr. HOLMAN. It seems to me there should be a report; otherwise I think the bill should go to the Committee of the Whole on the Private Calendar.

Mr. TODD. If the House will allow me, I will state in a few minutes the facts in this case. This lady, Mrs. Frances C. Elliott, is the widow of Commodore Jesse D. Elliott, late of the United States Navy. He was a gallant officer in that Navy, and rendered distinguished services at the battle of Lake Erie, and for a number of years was employed in important service by the Government. He died about 1850, and this lady was granted a pension of fifty dollars a month. She enjoyed that pension until the passage of the acts of 1866 and 1868 disrating pensions from fifty to thirty dollars per month; and since that time she has been paid a pension at the rate of thirty dollars per month. She is now eighty-three years of age, blind, in indigent circumstances, and dependent entirely upon her pension for her support. She is really in necessitous circumstances. As her advanced age renders it very improbable that she will long survive, it would be a generous act on the part of a liberal Government to make provision for her old age, which cannot be long extended. I trust that, under these circumstances, the House will pass this bill, and will give this old lady, the widow of a meritorious officer, something that will smooth the way of her declining years.

Mr. HOLMAN. I understand that this lady now receives a pension of thirty dollars per month, having formerly received a pension of fifty dollars per month. As the uniform practice has been to restore the pensions which were reduced by the acts of 1866 and 1868, I see no reason why the same rule should not apply to this particular case. I therefore will not press the point of order.

Mr. GARFIELD. Was there any special cause for reduction of pension in this case?

Mr. TODD. Nothing except the principle of a general law reducing pensions.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCJUNKIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALFRED BOLDER.

Mr. MCJUNKIN also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 551) granting a pension to Alfred Bolder; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

AUGUSTUS L. YAEGER.

Mr. MCJUNKIN also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1791) granting a pension to Augustus L. Yaeger; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

MARGARET E. WEST.

Mr. MCJUNKIN also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 62) for the relief of Margaret E. West; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

JOSIAH BRINARD.

Mr. MCJUNKIN also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 60) granting a pension to Josiah Brinard; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

ANN HUMPHREYS.

Mr. MCJUNKIN also, from the same committee, reported a bill (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY C. SMITH.

Mr. HOWE, by unanimous consent, from the Committee on Claims, reported back, with a recommendation that the same do pass, the bill (S. No. 317) for the relief of Henry C. Smith, of Indianapolis, Indiana; which was referred to the Committee of the Whole on the Private Calendar.

ORDER OF BUSINESS.

Mr. RUSK. I ask that the morning hour may be allowed to run until the Committee on Invalid Pensions have completed their reports.

The SPEAKER. The Chair will receive reports from that committee of bills to be referred to the Committee of the Whole on the Private Calendar.

ALMON P. GRAVES.

Mr. WALLACE, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 20) granting a pension to Almon P. Graves; which was referred to the Committee of the Whole on the Private Calendar.

ELIZABETH BRADY.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 2215) granting a pension to Elizabeth Brady; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

ELIZABETH HACKELMAN.

Mr. SMALL, from the same committee, reported back a bill (H. R. No. 1832) granting a pension to Elizabeth Hackelman; which was referred to the Committee of the Whole on the Private Calendar.

CORNELIA A. WASHBURN.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 2216) granting a pension to Cornelia A. Washburn; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

EDGAR L. SPENCER.

Mr. SMALL also, from the same committee, reported back a bill (H. R. No. 256) for the relief of Edgar L. Spencer; which was referred to the Committee of the Whole on the Private Calendar.

HENRY BRUCKNER.

Mr. MARTIN, from the same committee, reported a bill (H. R. No. 2217) granting a pension to Henry Bruckner, a private of Company F, Fifty-eighth Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

SARAH SOMERVILLE.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 2218) granting a pension to Sarah Somerville, widow of Alexander S. Somerville, late deputy provost-marshal eleventh district of Illinois; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

PATRICK HICKEY.

Mr. YOUNG, of Kentucky, from the same committee, reported a bill (H. R. No. 2219) granting a pension to Patrick Hickey; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

ANDREW J. BALDWIN.

Mr. CRITTENDEN, from the same committee, reported a bill (H. R. No. 2220) granting a pension to Andrew J. Baldwin; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

MARY B. TRIPLETT.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 2221) granting a pension to Mary B. Triplett, guardian of the minor heirs of John A. Tomlinson; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

HUGH WALLACE.

Mr. CRITTENDEN also, from the same committee, reported back a bill (S. No. 366) granting a pension to Hugh Wallace; which was referred to the Committee of the Whole on the Private Calendar.

WILLIAM E. PRINCE.

Mr. HAWLEY, of Illinois. I now move that the House resolve itself into the Committee of the Whole for the consideration of the Private Calendar.

Mr. KASSON. Pending that motion, the gentleman from Illinois allows me to call attention to a bill which is on the Speaker's table, House bill No. 1225, granting a pension to William E. Prince, of Iowa. This bill has been passed by the Senate with an amendment, striking out the clause which made the pension retroactive, so that the pension under the amended bill will take effect from the date of its passage. I ask unanimous consent that that amendment of the Senate be concurred in.

There being no objection, the amendment was concurred in.

Mr. KASSON moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CROCKER indefinitely, on account of illness; to Mr. HARRIS, of Massachusetts, and Mr. ROBBINS, for one week; to Mr. DANFORD for ten days from next Tuesday; to Mr. SMALL for two weeks; to Mr. HAGANS for ten days; and to Mr. WELLS for eight days.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAWLEY, of Connecticut, by unanimous consent, leave was granted to withdraw from the files of the Committee on Claims the papers in the case of Lucien V. Wadsworth, no adverse report having been made.

On motion of Mr. MOORE, by unanimous consent, leave was granted to withdraw from the files of the House, for use in the Senate, papers in the case of Captain Samuel Adams, asking compensation for services rendered in making explorations on the Upper Colorado River.

On motion of Mr. ARCHER, by unanimous consent, leave was granted for the withdrawal of papers in the case of Henry M. Harmon, no adverse report having been made.

On motion of Mr. STOWELL, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. M. Wood.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed bills of the House of the following titles, without amendment:

An act (H. R. No. 253) for the relief of Thomas Hillhouse, treasurer of the United States in the city of New York;

An act (H. R. No. 451) extending the time for the completion of the Green Bay, Sturgeon Bay and Lake Michigan Ship-Canal, in the State of Wisconsin;

An act (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions during the temporary absence of the Secretary of War; and

An act (H. R. No. 2201) to render available certain unexpended balances of appropriation.

It further announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, that seventy-five hundred additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the Institution, provided that the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

It further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

An act (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes; and

An act (H. R. No. 2191) in relation to the customs duties on imported fruits.

PRIVATE CALENDAR.

The motion of Mr. HAWLEY, of Illinois, to go into the Committee of the Whole House on the Private Calendar, was agreed to.

The House accordingly resolved itself into Committee of the Whole House, (Mr. ORTH in the chair,) and resumed the consideration of the Private Calendar.

FOSTER A. HIXSON.

The CHAIRMAN. When the Committee of the Whole House was last in session, it had under consideration a bill (H. R. No. 1775) for the relief of Foster A. Hixson, late paymaster in the United States Army, which was reported from the Committee on Military Affairs by the gentleman from Pennsylvania, [Mr. ALBRIGHT.] The pending question was on the motion of the gentleman from Indiana, [Mr. HOLMAN,] that the enacting clause of the bill be stricken out.

Mr. HOLMAN. I ask that the bill be again read.

Mr. MAYNARD. I wish to inquire of the Chairman whether this is not objection day, and whether anything else is in order but to go over the Calendar and lay aside, to be reported to the House with the recommendation that they do pass, only such bills as there shall be no objection to.

Mr. ALBRIGHT. The bill for the relief of Foster A. Hixson was under consideration when the Committee of the Whole House was in session on Saturday last, and I submit it must be disposed of before we can go to any other business.

Mr. MAYNARD. That will come up as unfinished business when we go into Committee of the Whole House on the Private Calendar on any private-bill day which is not objection day.

The CHAIRMAN. The point raised by the gentleman from Tennessee, the Chair holds to be well taken

Mr. HOLMAN. I submit that this comes up as unfinished business, and we must dispose of it before we go to anything else. Then, as a fact, no objection has been made to this bill, but there is pending only a motion to strike out the enacting clause.

The CHAIRMAN. In order to settle the question, the Chair will have the rule read controlling proceedings in committee on objection day.

The Clerk read as follows:

On the first and fourth Friday and Saturday of each month the Calendar of Private Bills shall be called over, (the Chairman of the Committee of the Whole House commencing the call where he left off the previous day;) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members. (Rule 129.) [Sometimes the House, under a suspension of the rules, directs that other days than the above be treated as objection days.]

Mr. HOLMAN. I hold, notwithstanding that rule, this bill would still be under consideration.

The CHAIRMAN. The Chair rules that this bill does not come up on objection day, and the committee will now proceed with the consideration of the Private Calendar for objections.

GEORGE YOUNT.

The first business on the Private Calendar was a bill (H. R. No. 1776) for the relief of George Yount, late second lieutenant Company I, Third Missouri Volunteer Infantry.

The bill, which was read, provides that the Paymaster-General of the Army is authorized and directed to pay to George Yount, late a second lieutenant of Company I, Third Missouri Volunteer Infantry, out of any money appropriated, or which may hereafter be appropriated for the pay of the Army, a sum equal to the pay and emoluments of a second lieutenant of infantry, from the 1st day of September, 1863, to the 7th day of March, 1864, deducting whatever pay he may have received for that period.

Mr. HOLMAN. I ask that the report in that case be read.

It appears from the report, which was read, that George L. Yount was duly commissioned as second lieutenant Third Missouri Volunteers, 24th March, 1863, and while making an assault upon the enemy's works at Vicksburgh, Mississippi, was severely wounded so as to disable him to perform duty; that he was not mustered as such second lieutenant until the 7th day of March, 1864, but that a vacancy existed on the 1st day of September, 1863, into which he could have been mustered but for the wound from which he was suffering.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JAMES C. LIVINGSTON.

The next business on the Private Calendar was a bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry.

The bill, which was read, provides that James C. Livingston, late a private in Company E, Third Iowa Regiment of Volunteer Infantry, shall be entitled to an honorable discharge from the service of the United States, to date July 22, 1865, the date of the final muster of his regiment, and shall be entitled to his back pay and bounty, and shall be restored to all homestead and other rights as fully and completely as though he had been honorably mustered out of said service with his regiment, provided that the claim for bounty and back pay of the said James C. Livingston shall be adjusted and paid without reference to the limitations contained in any law heretofore enacted for the filing of such claims in the Treasury Department.

Mr. DONNAN. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I should like to have read the report in this case.

It appears from the report, which was read, that this claimant was mustered into the United States service June 8, 1861, for a term of three years; re-enlisted as a veteran January 4, 1864, and was transferred to Company A, Second Iowa Veteran Volunteers, and continued to serve until June 25, 1865, a term upward of four years. It further appears from his own affidavit, corroborated by a sworn statement of his captain, that on the 25th of June, 1865, he received a letter from his father that his (soldier's) mother was lying at the point of death, and asking him to come home; that he applied for furlough, but was denied; that he then went home without permission, was home about one week, attended the death and burial of his mother, and then immediately returned to his command at Louisville, Kentucky, on the very day his company were mustered for discharge; that his captain applied for his honorable discharge, which was refused by the mustering officer. The soldier swears he never attempted nor intended to desert; and his captain gives him the honorable name of a good, true, faithful soldier, with this single exception.

A bill for his relief passed the House of the last Congress, probably failing for want of time for consideration in the Senate.

The committee report the bill again to the House, with the recommendation that it do pass.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ALEXANDER BURTCH.

The next business on the Private Calendar was a bill (H. R. No. 1313) for the relief of Alexander Burtch.

The bill, which was read, provides that the Adjutant-General of the Army is thereby authorized and directed to change the recordo f desertion against Alexander Burtch, late veteran soldier of Company H, First Indiana Heavy Artillery, formerly Twenty-first Indiana Infantry Volunteers, and substitute therefor, "Absent from September 25, 1865." And the said Alexander Burtch shall be allowed and paid the amount remaining due and accrued up to the time of his absence aforesaid, but shall not be entitled to any bounty subsequently granted by the United States.

It appears from the report, which was read, that the claimant was enlisted as a soldier in Company H, Twenty-first Indiana Volunteers, afterward known as the Indiana Heavy Artillery, on the 6th day of July, 1861, and re-enlisted as a veteran on the 31st day of December, 1863, and served until the 25th day of September, 1865.

On the day last above named, according to his own affidavit, he left his command without due authority and returned to Watertown, Park County, Indiana; he was thereupon entered on the roll as a deserter, and his application for an honorable discharge has been refused.

He avers that he left his command under no concealment, but in the day-time, and with the full knowledge of his captain and colonel, and without any intention of defrauding the Government of his services, and believing that he fulfilled his contract with the Government.

He further states that the whereabouts of his captain, W. P. Widdewer, is unknown to him, and that the colonel, Benjamin F. Hays, is now deceased.

Major James W. Conway and Captain J. T. Campbell, both of the same regiment, give him the character of a good and efficient and faithful soldier, and guilty of no prior misconduct.

He is also well vouched for by prominent citizens where he has resided since the close of the war.

He only asks for the pay accrued up to the date of his absence, with loss of claim for any bounty subsequently granted, and that the record of desertion be changed to "Absent from September 25, 1865."

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

MATTHEW WOODRUFF.

The next business on the Private Calendar was the bill (H. R. No. 1777) for the relief of Matthew Woodruff, of Clarke County, Missouri, ate first sergeant of Company G, Twenty-first Regiment Missouri Volunteer Infantry, from the charge of desertion, and to grant him an honorable discharge from the service, &c.

Mr. DONNAN. The Senate has passed a bill equivalent in its terms to this House bill, and I desire to offer it as a substitute.

The CHAIRMAN. That is an objection, and the bill goes over. The question is on a House bill, and a motion to amend is an objection to the bill.

Mr. DONNAN. I withdraw the objection.

The bill was read. It authorizes and directs the proper officers of the War Department to remove the charge of desertion marked against Matthew Woodruff, late first sergeant of Company G, Twenty-first Regiment Missouri Volunteer Infantry, and to issue to him an honorable discharge from the military service of the United States, of the same date as the final muster out of that regiment; and the said Woodruff shall be entitled to all his rights as to pay and bounty, deducting pay for the time of his absence from his command, as though he had been honorably mustered out of service with his regiment. The bill further provides that any claims for such pay and bounty shall be adjusted without reference to any limitations heretofore enacted for the filing of such claims in the Treasury Department.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1300) for the relief of Matthew Woodruff, late a sergeant of Company G, Twenty-first Regiment Missouri Volunteer Infantry, having had the same under consideration, submit the following report:

The evidence plainly establishes the following facts: That claimant was enlisted into the United States military service June 15, 1861; that he served as first sergeant Company G, Twenty-first Regiment Missouri Volunteer Infantry; that he re-enlisted as a veteran, served honestly, faithfully, and gallantly all through the war, and was yet retained in the service on the 2d day of April, 1866, several months after the surrender of the rebel armies. On this last date he was notified of the death of his only brother, and urged to come home and minister to the wants of a father and sister, invalid and dependent upon the charity of the community. He tried to procure a furlough, but failed, when he absented himself without proper authority; went home for a few days, and was in the act of returning, when he met his command proceeding to Saint Louis, Missouri, for final discharge, he having been entered upon the muster-out roll as a deserter. Many officers of the regiment, from the lieutenant-colonel down, join in giving him the name of a gallant, true soldier; say that his absence was evidently intended to be only temporary, and unite in the petition for his full relief.

The committee therefore report the accompanying substitute for the bill referred, giving this soldier full pay (less his time of absence) and bounty, and recommend that it do pass.

The bill was laid aside, to be favorably reported to the House.

SIMEON J. THOMPSON.

The next business on the Private Calendar was the bill (H. R. No. 133) for the relief of Simeon J. Thompson, late an acting second lieutenant of Company B, Seventy-ninth Regiment of Indiana Volunteers.

Mr. DONNAN. The committee have made an adverse report on that bill.

The bill was laid aside, to be reported to the House with the recommendation that it do not pass.

SUPPLIES TO KANSAS INDIANS.

The next business on the Private Calendar was the bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians.

The bill was read. It authorizes and requires the Secretary of the Interior to pay, or cause to be paid, to Joab Spencer and James R. Mead, late the firm of Spencer & Mead, the sum of $7,509.83, and interest on said sum at the rate of 7 per cent. per annum from the 6th day of August, 1867, until paid, out of any money now due and owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians, in the State of Kansas, from the proceeds arising from the sale of lands owned by said tribe of Indians in said State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.

Mr. LOWE. I ask that the report be read.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians, respectfully submit the following report:

Joab Spencer and James R. Mead were authorized Indian traders with the Kansas Indians, and in 1866 and 1867 furnished to the Indians of the tribe the provisions and goods for which payment is sought. An itemized and verified account of the articles accompanies the claim and proofs. It appears that the articles were furnished in the years 1866 and 1867; that the annual hunt of the tribe in the fall of 1866 was entirely unsuccessful, owing principally to the hostility of Cheyenne Indians, and the tribe were compelled to resort to unusual purchases which could not be met by their ordinary annuities. The payment of the claim in the sum of $7,509.83, with interest, is asked for by the Indians in a petition of its chiefs and head-men. E. S. Stover, the agent of the tribe, in a report to Thomas Murphy, superintendent of Indian affairs, of November 15, 1867, speaking of the accounts, says: "I have also examined and am satisfied of their correctness, and that they should be paid. The Indians also acknowledge the correctness of the claim, and request the Government to pay it out of any moneys except their regular annuities."

Thomas Murphy, superintendent of Indian affairs, in a communication to the Commissioner of Indian Affairs, says: "I believe the account of Spencer & Mead to be correct and just, * * * and respectfully refer the matter to the Department, with the recommendation that the account be paid out of any funds applicable for that purpose."

The Commissioner of Indian Affairs, in a report upon the case, says: "From the papers presented in the claim I am satisfied that the articles named in the account were actually furnished, and that the claimants, Messrs. Spencer & Mead, have a just claim for the amount thereof, and should be paid."

The committee are of the opinion that the correctness and justice of the account are fully established by unquestionable proofs, and that payment should be made as provided in the bill. It appears that the lands in Kansas reserved for these Indians, being over one hundred and seventeen thousand acres, are being sold for their benefit under an act of Congress of 1872, from which an ample fund will be derived for the subsistence and civilization of these Indians, and to pay all their obligations; and the effect of this bill will be to enable payment to be made of this claim out of the funds of the Indians, and as requested by themselves.

The committee recommend that the bill do pass.

The bill was laid aside, to be reported favorably to the House.

JAMES L. JOHNSON.

The next business on the Private Calendar was the bill (H. R. No. 1924) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations.

Mr. COMINGO. I ask that the bill be passed over for the present.

The bill was passed over.

JAMES PRESTON BECK.

The next business on the Private Calendar was the bill (H. R. No. 1925) for the relief of James Preston Beck, administrator of Preston Beck, jr., deceased, authorizing payment for Indian depredations.

Mr. COMINGO. I ask that that bill also be passed over for the present.

The bill was passed over.

SILOMA DECK.

The next business on the Private Calendar was the bill (H. R. No. 980) for the relief of Siloma Deck.

The bill was read. It authorizes the Secretary of the Treasury to audit and settle the loss sustained by Mrs. Siloma Deck, in the year 1862, by depredations committed by the Sioux Indians in Minnesota; and he is thereby authorized to pay, from any money in the Treasury not otherwise appropriated, such a sum as he shall think right and proper, not exceeding the sum of $1,095.37; which settlement shall be in full for all claims arising from such depredations.

Mr. WILLARD, of Vermont. I call for the reading of the report.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 980) for the relief of Siloma Deck, having considered the same, make the following report:

The claimant is the widow of Philip H. Deck, late a citizen of Meeker County, Minnesota, who was killed by the Sioux Indians in the massacre of 1862. At the time of the Indian outbreak she was living with her husband and family at Manahah, Minnesota, who were possessed of a farm, dwelling-house, furniture, and farm products. On account of the outbreak the family were compelled to remove suddenly to Forest City, and in attempting to return to their home, to save the property, the husband was killed, and the property was taken and destroyed by the Sioux Indians.

The claimant was then aided to go to the State of New York, whence she returned to her home in Minnesota in 1865. In the mean time commissioners had been appointed and appropriations made by the General Government to audit and settle claims of citizens of Minnesota on account of Indian depredations in that massacre, and the accounts were closed. The claimant being of German birth and education, and not conversant with the English tongue, was wholly ignorant of the necessity of presenting her claim, and was therefore left unprovided for.

As to the amount, ownership, and loss of the property by the claimant under these circumstances, the facts have been attested by various witnesses, the immediate neighbors of the claimant, whose credibility is vouched for by the county officers of Meeker County, the receiver and register of the land office, and the representative in the State Legislature, as also by a member of the committee.

A similar bill to the present was considered by the Committee on Indian Affairs of the Senate, and reported favorably (No. 1246) in the Forty-second Congress, recommending an appropriation of $1,095.37 for the relief of the claimant. The committee have concurred in the propriety of recommending that sum, though the claimant has presented her evidence under oath that her losses amounted to $1,927.46. The main facts and the merits of the case are not doubted. It is admitted to be one of extreme hardship, and the claimant altogether worthy of relief. Since her return to her home she has kept her premises by her personal toil, but has been unable to make improvements, while others have received indemnity from the Government. It does not seem, therefore, to be injudicious or wasteful to recommend the limited relief provided for in this bill.

The committee report it back and recommend its passage.

Mr. WILLARD, of Vermont. I have no objection to this bill being considered if debate is in order; but I do not wish it to be reported without debate.

The CHAIRMAN. Debate is not in order. Objection is made, and the bill goes over.

DAVID BRADEN.

The next business on the Private Calendar was the bill (S. No. 353) for the relief of David Braden.

The bill was read. It directs the Secretary of the Treasury to pay to David Braden, late captain and assistant adjutant-general of volunteers, for commutation of quarters and fuel and three months' extra pay under the act of March 3, 1865, the sum of $1,058, out of any money in the Treasury appropriated or to be appropriated for the pay of the Army of the United States.

The bill was laid aside, to be reported favorably to the House.

PAT. O. HAWES.

The next business on the Private Calendar was the bill (H. R. No. 1934) for the relief of Pat. O. Hawes.

The bill was read. It authorizes and directs the Paymaster-General to pay Pat. O. Hawes, late second lieutenant in the Forty-fifth Kentucky Regiment of Volunteer Infantry, United States Army, the pay and allowances of a second lieutenant of infantry, from the 25th day of September, 1863, until the 23d day of January, 1864.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill for the relief of Pat. O. Hawes, late second lieutenant Forty-fifth Regiment Kentucky Infantry, beg leave to report as follows:

On the 26th of August, 1863, Lieutenant Pat. O. Hawes was captain of Company F, Fourteenth Kentucky Volunteer Infantry, and resigned for the purpose of assisting in recruiting and organizing the Forty-fifth Kentucky Volunteer Infantry, and with a view of securing the majority of said regiment. On the 6th of September, 1863, he was commissioned; mustered into the United States service with the rank of second lieutenant in said Forty-fifth Regiment, to date from the 25th of September; said muster was made September 30.

He was mustered into the service for one year, unless sooner discharged. It appears that after the regiment was full, the colonel of it refused to assign Lieutenant Hawes to a company, or give him any appointment in the regiment, and thus he became a supernumerary. On the 6th of November, 1863, Lieutenant Hawes tendered his resignation, which was finally accepted, and muster-in canceled on January 23, 1864. From all the evidence before the committee, it is clear that Lieutenant Hawes entered the service in good faith, performed military duty pertaining to the organization of his regiment until he was relieved, and it is, therefore, the opinion of the committee that he is entitled to relief, and report the accompanying amended bill.

The bill was laid aside, to be reported favorably to the House.

WILLIAM J. SCOTT.

The next business on the Private Calendar was the bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spears.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to William J. Scott the pay and emoluments of an aid-de-camp with the rank of first lieutenant, from the 21st day of May, 1862, to the 30th day of October, 1862, deducting what pay, if any, he may have received as an aid-de-camp on the staff of Brigadier-General James G. Spears.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the petition of William J. Scott, late a first lieutenant and aid-de-camp on the staff of Brigadier-General Spears, report favorably as follows, and recommend the passage of the accompanying bill.

William J. Scott was appointed aid-de-camp on the staff of Brigadier-General Spears by the following order:

[Special Orders, No. 71.]

HEADQUARTERS TWENTY-FIFTH BRIGADE, ARMY OF THE OHIO,
Camp Pine-Knot, May 21, 1862.

The general commanding hereby appoints William J. Scott aid-de-camp on his staff in place of William R. Tracy, resigned.

By order of Brigadier-General Spears.

D. C. TREWHITT,
Assistant Adjutant-General.

It is clearly shown by the affidavit of the officers who served with him, and by the statement of said Scott, that he served during the full time from May 21 to October 30, upon which day he resigned because he could not be duly mustered as a lieutenant and aid-de-camp. All evidence produced in this case shows the said Scott to have been a brave and gallant officer. The committee therefore recommend that he be paid the full pay and emoluments of a first lieutenant from May 21, 1862, to October 30, 1862.

The bill was laid aside, to be reported favorably to the House.

DEWIGHT DESILVA.

The next business on the Private Calendar was the bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York.

The bill was read. It authorizes and directs the Adjutant-General of the Army to change his record so as to relieve Dewight Desilva, of Deposit, New York, late a private in Company F, Fifty-sixth Regiment New York State Volunteers, from the charge of desertion, and to furnish him an honorable discharge. The second section authorizes and directs the proper accounting officer of the Treasury to allow and pay to said Dewight Desilva all arrears of pay due him at the time of his absenting himself from his regiment and all veteran bounty, the same as if he had been honorably discharged at the end of his term of service.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the case of Dewight Desilva, report favorably the accompanying bill, and ask its passage:

Dewight Desilva enlisted on the 21st day of August, 1861, in Company F, Fifty-sixth Regiment New York State Volunteers, and served faithfully until the 20th day of December, 1864, re-enlisting with his regiment on the 20th of February, 1864. He was given a pass to go from Deveraux Neck, South Carolina, to Morris Island, to see a sick friend who was dying. Upon being about to return, he was unable to obtain transportation farther than Hilton Head. He there fell in with some friends, commenced drinking, got on board a steamer, fell asleep, and was carried to sea. He afterward returned to his home in New York, and at once reported to his lieutenant-colonel, who was at home on sick-leave, who permitted him to remain at home until he was ready to return; that by a previous engagement he reported at a hotel in New York, where he was to meet his lieutenant-colonel, but not finding him, reported himself to the provost-marshal of his district, under the President's proclamation, and was dishonorably discharged. It appears from all the evidence before the committee that Desilva did all in his power to report himself to his proper commanding officer; and they therefore report in favor of relieving him from the stigma of desertion.

The bill was laid aside, to be reported favorably to the House.

RESTORATIONS TO POSITIONS IN THE ARMY.

The next business on the Private Calendar was the bill (H. R. No. 1051) for the restoration to their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry B. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy.

Mr. MACDOUGALL. I desire to offer a substitute for that bill.

The CHAIRMAN. The proposition to amend is equivalent to an objection; and objection being made, the bill goes over.

JOAB BAGLEY.

The next business on the Private Calendar was the bill (H. R. No. 294) for the relief of Joab Bagley.

The bill was read.

In its preamble it recites that, on the 30th day of September, 1858, under and by virtue of an act of Congress approved March 3, 1855, land-warrant numbered 95116, for one hundred and twenty acres of land, was issued to one James McAdory, and by him afterward duly sold and assigned to Joab Bagley, a citizen of Jefferson County, in the State of Alabama, who, on the 21st day of September, 1862, located the said land-warrant in the purchase of the southwest quarter of the southwest quarter and the south half of the northeast quarter of section 6, township 18, range 2 west, in the Tuscaloosa land district, in the State of Alabama; which said location of said land-warrant is alleged to have been made in good faith, but under a law (or pretended law) of the State of Alabama authorizing the location of land-warrants in said State; and that it is alleged that said land-warrant has been lost or destroyed, and that the same has not been returned to or filed in the office of the Commissioner of the General Land Office, but that notice of the loss thereof has been given to the said Commissioner of the General Land Office.

The bill therefore provides that, upon the payment, by said Joab Bagley, of the minimum price to the proper officer of the Government of the United States for said land, to wit, the southwest quarter of the southwest quarter and the south half of the northeast quarter of section 6, township 18, range 2 west, in the Tuscaloosa land district, in the State of Alabama, as by law required, estimating the said land-warrant at its value, to wit, $1.25 per acre, the balance to be paid in cash, the title to the said real estate be, and the same is hereby, confirmed in the said Joab Bagley, his heirs and assigns; and the Commissioner of the General Land Office is hereby authorized and required to issue letters-patent conveying the title to said lands to the said Joab Bagley.

The second section provides that the act shall not impair, make void, or in any way interfere with, any prior valid claim to the said real estate in the preceding section described.

The report was read, as follows:

The Judiciary Committee, to whom was referred the bill for the relief of Joab Bagley, submit the following report:

That the case as stated in the preamble to the bill is sustained by the following evidence:

First. A copy of the certificate of Thomas Donoho, the register and receiver in the land office at Tuscaloosa, Alabama, in the usual form of such certificates of the money required by law, including the lost land-warrant, and estimating at $150, to enter the lands described in the bill. This certificate is dated Receiver's Office at Tuscaloosa, September 21, 1862.

Second. The affidavit of Joab Bagley, as to issuance of the land-warrant No. 95116, issued under the act of Congress of March 3, 1858, to James McAdory, and its assignment to him by McAdory for a valuable consideration, and that with it in part, and paying the balance in money, he entered the land described in the bill; that he has made diligent inquiry for, and caused search to be made for, said land-warrant, in the office of the register of the land office at Montgomery, and is informed that it cannot be found there, Montgomery land office being the place to which, during the war, the certificate would be sent from the land office at Tuscaloosa; that the said land-warrant is lost, and that he has filed notice of its loss in the General Land Office in Washington.

We think it sufficiently certain that Mr. Bagley is the owner of the certificate, and its loss only deprives him of that which is the highest evidence of his right, but does not take from him the right, as he only asks that he shall be allowed to again enter the land, paying for it at the double minimum price, and that the lost land-warrent shall be estimated at its value and received in part pay for the land. It seems that it is just and proper that this request should be granted.

The bill also provides that this act shall not impair, or make void, or in any way interfere with, any prior valid claim to the said real estate.

We therefore report favorably upon the bill.

The bill was laid aside, to be reported favorably to the House.

SURETIES OF JAMES L. COLLINS.

The next bill upon the Private Calendar was House bill No. 1939, for the relief of the sureties of James L. Collins, deceased.

The first section of the bill provides that Hamilton G. Fant, William Craig, John S. Watts, Vincent St. Vrain, and William W. Mills, sureties of James L. Collins, deceased, on his official bond, as late receiver of public moneys, and as designated depositary at Santa Fé, New Mexico, they, and their heirs and legal representatives, shall be released and discharged from all liability on said bond, and from the judgment recovered thereon in favor of the United States.

The second section authorizes the Secretary of the Treasury, on final adjustment and settlement of the accounts of James L. Collins, deceased, late receiver and United States designated depositary of public moneys at Santa Fé, New Mexico, to pass to his credit the amount of money stolen from the United States depository at Santa Fé, New Mexico, after the murder of said Collins, on the night of June 5, 1869, and for which a judgment was recovered in the district court of New Mexico in favor of the United States against the sureties of said Collins, or part of them, for $32,561.03 and $6,032.32 interest; and to pay to the legal representatives of said Collins such sum, not exceeding $1,168.18, as may be shown to have been due and owing said Collins at the time of his murder.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the petition of the sureties of James L. Collins, deceased, for the relief from payment of funds stolen from the United States depository at Santa Fé, New Mexico, after said Collins had been killed and murdered by robbers, having had the same under advisement, respectfully report:

That Hamilton G. Fant, of Georgetown, District of Columbia, William Craig, of Colorado, John S. Watts, of Santa Fé, New Mexico, Vincent St. Vrain, of ——, and William W. Mills, of El Paso, Texas, on the 16th day of May, 1866, became the sureties of said Collins, receiver of the land office and United States designated depositary at Santa Fé, New Mexico, in the sum of $150,000.

That said Collins discharged the duties of said office from May 16, 1866, to June 5, 1869.

That on the night of June 5, 1869, the said depository was entered, and on the following morning said Collins was found lying dead in the office-room of said depository, in his night-clothes, with a bullet-hole through his body in the region of his heart; the vaults, which contained the money, the property of the United States, opened, and considerable sums, to wit, about $100,000, gone, while some $300,000 other funds in said vaults, like property of the United States, were not taken.

That a few days after said 5th of June a sack containing $65,600 of said funds was found in a brewery near by and restored to said depository, leaving a deficit in the funds belonging to said depository of $32,000 or thereabouts.

Said Collins had been superseded in his said office by the appointment of G. W. Little, and was about to turn over his office to said Little. Collins was found dead on Sunday morning, and he had arranged to turn over his office on Monday.

Preparatory to such turning over, with James M. Edgar, his clerk, and John T. Russell, now deceased, a former clerk, he had thoroughly examined his books, counted the moneys on hand, and all were found correct.

Your committee are satisfied, from the evidence, that said Collins was an excellent officer; he had always borne a high character for integrity, patriotism, and courage; he was well advanced in years—over sixty; reasonably well off, of good habits, lived simply and cheaply; he was thoroughly devoted to the proper discharge of every duty, and he was, in the opinion of your committee, wickedly and cruelly murdered while bravely attempting to defend the property of the United States against unknown thieves and robbers.

That all the moneys of the United States belonging in said depository, and for which said sureties were bound, were in the vaults of said depository at the time of said robbery and murder, and that the deficit from which said sureties ask relief was caused solely by robbery committed by the same person or persons who murdered the said James L. Collins.

Suit was brought against said sureties in the United States district court, in Santa Fé, New Mexico, and judgment rendered against John S. Watts, Hamilton G. Fant, William W. Mills, and William Craig, for $32,561.03, with interest in the sum of $6,032.32, making a total of $38,593.35; and from which judgment an appeal has been taken.

The evidence further tends to show, and your committee is of opinion, that the sum of $1,168.18 was justly due said Collins from the United States at the time of said murder, which has never been paid.

Further, this whole matter was before the Judiciary Committee of the Forty-second Congress; a bill like the one herewith submitted was reported to the House of Representatives, and passed that body March 3, 1873.

In consideration of the premises, your committee recommend for passage the accompanying bill.

No objection being made, the bill was laid aside, to be reported to the House.

GEORGE P. FISHER.

The next business on the Calendar was the bill (H. R. No. 1171) for the relief of George P. Fisher.

The bill appropriates the sum of $576.25 to reimburse George P. Fisher for his costs and expenses incurred in defending suits at law brought against him by Joseph H. Bradley, in the year 1868, for acts done by said Fisher while in discharge of his duty as a justice of the supreme court of the District of Columbia holding the criminal court of said District.

The report accompanying the bill was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. No. 117) for the relief of George P. Fisher, having had the same under advisement, respectfully report:

That in 1867 said George P. Fisher was one of the justices of the supreme court of the District of Columbia. That as such justice he presided in the criminal branch of said court at the trial of John H. Surratt for the murder of President Lincoln. That during the progress of said trial some "unpleasantness" sprang up between the counsel of Surratt and a witness. The said Fisher, presiding judge as aforesaid, thereupon reprimanded the witness, and cautioned the counsel against making "side-bar" remarks reflecting upon witness, to which caution Mr. Bradley, senior counsel for Surratt, took exception. That said Bradley, one evening after the court had closed for the day, sharply demanded of said Fisher what he meant by constantly insulting him, the said Bradley, from the bench. Said Fisher replied he was not conscious of insulting him, said Bradley, and that if he had he was sorry for it. Said Bradley reiterated the demand, and threatened said Fisher with personal chastisement. Said Fisher replied that he was too sick to engage in any personal contest, to which Bradley replied that he would offset his age against the judge's sickness. A deputy marshal interposed, and said judge passed from the court-room.

Thereupon said Fisher consulted with the other justices of said supreme court, and they concurred in the opinion that if Mr. Bradley did not voluntarily make some proper apology before the close of said trial, said Fisher could do no less than strike the name of said Bradley from the roll of attorneys of the court over which said Fisher was presiding.

No apology was offered by said Bradley during the thirty succeeding days of said trial. At the close of said trial said Fisher, presiding judge, as aforesaid, did enter an order striking the name of said Bradley from the roll of attorneys of said court, and at the adjournmnt of said court said Bradley followed said Fisher into a street car, and handed him a letter in the nature of a challenge; this was the 10th day of August, and the letter bore date the 6th of same month.

Bradley brought two suits against Fisher; one for trespass in expelling him, the other for alleged libel in the order of expulsion. The said suits of said Bradley were decided against said Bradley in the supreme court of the District of Columbia, and this decision affirmed by the Supreme Court of the United States.

Some two or three months after the entry by said Fisher of said order striking the name of said Bradley from the roll of attorneys of said criminal court, the other justices of said supreme court struck the name of said Bradley from the roll of attorneys of said court.

In the defense and management of said suits, brought by said Bradley, said Fisher was compelled to employ, and did employ, Messrs. Riddle and Cooke, and paid them $500, and for printing briefs, &c., he paid the sum of $76.25, making the sum of $576.25, which said Fisher asks to have refunded to him.

Later, and after said Fisher had retired from the position of justice of said court, said Bradley again assaulted said Fisher in a way indicating great bitterness and malice toward Fisher, the only cause for which was the action of Fisher striking Bradley's name from the roll of attorneys of said court; and such action was plainly within the power of said Fisher as a justice of said supreme court of the District of Columbia, presiding in the criminal branch thereof, and in view of the circumstances of the case a proper and justifiable act—one which received the approval of all the justices of said court, as well as the approval of the Supreme Court of the United States.

The committee therefore recommend that the said bill be passed.

No objection being made, the bill was laid aside to be reported to the House.

JESSE J. SIMKINS.

The next business upon the Calendar was the bill (H. R. No. 1200) for the relief of the sureties of the late Jesse J. Simkins, collector of the port of Norfolk, Virginia.

Mr. HOLMAN. As there is no opportunity to debate this bill, I must object to its consideration at this time.

The bill was accordingly passed over.

FREDERICK F. BAURY.

The next business upon the Calendar was the bill (H. R. No. 1941) to provide for the appointment of Frederick F. Baury on the retired list of the Navy.

Mr. WHITTHORNE objected, and the bill was accordingly passed over.

WILLIAM HAFFORDS.

The next business on the Private Calendar was the bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Haffords, of South Yarmouth, Massachusetts.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 497) granting a pension to William Haffords, South Yarmouth, Massachusetts, having considered the same, submit the following report:

William Haffords, the applicant, was appointed an acting master in the United States Navy, February 15, 1862, to date from November 14, 1861, and for meritorious services was promoted to acting volunteer lieutenant November 3, 1863, and was chief pilot to Admiral Dahlgren. About September 1, 1863, he was ordered, by Admiral Dahlgren, to board the monitor Lehigh and pilot a reconnaissance between Forts Sumter and Moultrie, and while performing this duty, the night being dark and the monitor being under fire at the time, he fell from the turret, fracturing his skull, breaking his nose, and otherwise injuring him, from the effects of which, physicians certify, he has ever since suffered and is now suffering.

The pension is refused under the general law, because the journal of the surgeon of the Philadelphia shows that Haffords was received for treatment of fracture of skull, and says it "did not originate in line of duty," and he was transferred in a few days to the Powhatan. The committee, considering these facts, with the affidavit of the applicant and the statement of Rear-Admiral Steedman, who commanded the Powhatan at that time, that the monitor was under fire when Haffords was injured, are fully satisfied that he was injured in line of duty, and considering the case exceedingly meritorious, we therefore recommend the passage of the bill.

No objection being made, the bill was laid aside, to be reported to the House.

JEFFERSON W. DAVIS.

The next business upon the Calendar was the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers, and pay him a pension as a first lieutenant from the date of discharge.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers, having considered the same, submit the following report:

It appears to the committee, from the evidence in this case, that the petitioner was a first sergeant in Company F, Sixty-fourth Regiment New York Volunteers, and that in May, 1864, the commanding officer of his regiment recommended him for promotion to a first lieutenancy in said regiment; a commission as such was duly granted by the governor of New York, bearing date May 28, 1864, and to rank from May 12, 1864. Prior to the receipt of said commission, to wit, May 12, 1864, he was wounded in battle and sent to hospital, said wound being in his left arm, and for which his arm was amputated May 30, 1864.

It also appears that First Lieutenant George R. Fisk, of Company F, Sixty-fourth New York Volunteers, was killed in battle May 12, 1864, thus causing a vacancy for a first lieutenant in said company.

In view of the foregoing facts the committee recommend the passage of the bill.

No objection being made, the bill was laid aside, to be reported to the House.

MARTHA E. NORTHUP.

The next business on the Private Calendar was the bill (H. R. No. 1112) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry, and pay her a pension of seventeen dollars per month, commencing March 4, 1873, during her widowhood.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry, having considered the same, submit the following report:

Edward B. Northup, husband of the applicant, entered the Army as a private in the Forty-fourth Regiment of New York Volunteers (Ellsworth Avengers) in 1861; was present with his regiment at the siege of Yorktown, and in the battles of Mechanicsville, Hanover Court-House, Gaines's Mill, and Malvern Hill. At the last-named battle he was badly wounded, and soon after discharged for disability arising from the same. He was appointed a second lieutenant in the Veteran Reserve Corps, United States Volunteers, and soon after promoted first lieutenant, for gallant services during General Early's raid on Washington; when he was again wounded, in the hand. He resigned from the Veteran Reserve Corps November, 1866, and was appointed second lieutenant in the Forty-fourth Regiment United States Infantry, July, 1866, which appointment into the regular Army was made by the War Department purely on account of his fine military record; brevetted first lieutenant United States Army for gallant and meritorious services on the peninsula of Virginia; transferred to the Seventeenth Infantry May 27, 1869; promoted first lieutenant January 1, 1871, and died March 4, 1873, from an overdose of chloral, administered by his own hand through mistake, without criminal intent, as is shown by the verdict of the coroner's jury at Sioux City, Iowa, while *en route* to join his command at Grand River agency, Dakota Territory, and while returning from a leave of absence. Entering the Army when only seventeen years of age, he served his country faithfully for twelve years, and was twice wounded, and twice promoted for gallant services. Your committee, therefore, considering the fact that the widow is left without means of support, think she is justly entitled to the pension, and therefore recommend the passage of the bill.

No objection being made, the bill was laid aside, to be reported to the House.

HELEN M. STANSBURY.

The next business upon the Calendar was the bill (H. R. No. 1943) granting a pension to Helen M. Stansbury.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Stansbury, widow of Howard Stansbury, late major in the Topographical Engineer Corps, and pay her a pension as the widow of a major, in lieu of the one now paid her as the widow of a captain, from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Helen M. Stansbury, having considered the same, submit the following report:

Helen M. Stansbury, the petitioner, is the widow of Howard Stansbury, some time major in the Corps of Topographical Engineers, and who died at Madison, Wisconsin, April 17, 1863. He contracted disease while a captain of engineers, commanding an exploring party in the valley of Salt Lake, in the year 1859, and from the effects of which he was retired from the service September 28, 1861, he then being a major. In 1862 and 1863 Major Stansbury entered upon active duty, and acted as mustering and disbursing officer for the Government at Madison, Wisconsin, and while acting in this capacity general prostration was produced by the over-exertion and exhausting fatigue in the performance of his labors, which caused his death.

The widow now draws a pension as the widow of a captain, for the reason that the disease contracted by her husband while a captain aggravated the immediate cause of his death; but the committee, considering the fact that Major Stansbury was doing extra duty to the Government as a retired officer, and also the fact that he might have lived much longer had it not been for the overexertion as mustering officer while he was a major, are of the opinion that the case is a meritorious one, and that the widow should receive a pension due to the rank of her husband. We therefore recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported to the House.

CHILDREN OF MICHAEL WEISSE.

The next business on the Calendar was the bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children of Michael Weisse, deceased, late of Company K, Ninth Regiment Michigan Infantry, that were under sixteen years of age on the 1st day of October, 1871.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Barbara Richards, guardian of the minor children of Michael Weisse, deceased, late of Company K, Ninth Regiment Michigan Infantry, beg leave to report:

That said Barbara Richards was formerly the widow of Michael Weisse, who died in the United States service; that as such widow she received a pension by certificate No. 120,304; that the minor children drew two dollars each per month; that on the 1st day of October, 1871, she intermarried with William Richards; that she supposed, as their guardian, she could continue to draw their pensions for them so long as they were under sixteen years of age; that the Pension Office holds that the pension to her children was stopped by her marriage. From all the facts and circumstances of the case the Committee on Invalid Pensions recommend the passage of the accompanying bill (H. R. No. 700.)

No objection being made, the bill was laid aside, to be reported to the House.

CHARLOTTE CRANE.

The next business on the Private Calendar was the bill (H. R. No. 1944) granting a pension to Charlotte Crane, widow of the late Colonel Ichabod B. Crane, of the First Artillery, regular Army of the United States.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Crane, widow of the late Colonel Ichabod B. Crane, of the First Artillery, regular Army of the United States.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1944) for the relief of Charlotte Crane, having had the same under consideration, report:

The said Charlotte Crane is the widow of the late Ichabod B. Crane, colonel First Artillery, United States Army, who was, in January, 1809, appointed a lieutenant in the Marine Corps, and served with Decatur in the frigate United States, and was transferred to the United States Army, and served faithfully for many years, under the most trying circumstances, filling all the different grades through which he passed with distinction, until, after forty-eight years of service, he died, in 1857, of disease contracted in the service, while on the retired list.

The committee, in view of the well-known and meritorious services of the late husband of the petitioner, recommend that her name be placed upon the roll of pensioners, subject to the provisions and limitations of the pension laws.

No objection being made, the bill was laid aside, to be reported to the House.

JULIET E. HALL.

The next business on the Calendar was the bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William H. Hall, late colonel of the Eleventh Regiment of Iowa Infantry.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Juliet E. Hall, daughter of William H. Hall, late a colonel of the Eleventh Regiment of Iowa Infantry, commencing November 11, 1869, the date of the remarriage of the widow.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Juliet E. Guild, guardian of Juliet Elsie Hall, minor child of William H. Hall, late colonel Eleventh Iowa Volunteers, beg leave to report:

That Colonel William H. Hall was discharged from the service August 1, 1864, and died December 20, 1865.

The widow (Juliet E.) of Colonel Hall applied for pension April 30, 1866, and the same was rejected by the Commissioner of Pensions, and on the 1st day of March, 1869, the said widow was granted a pension of thirty dollars per month by a special act of Congress; that the pension ceased on the 11th day of November, 1869, (date of remarriage of widow;) and the petitioner now asks that her name be placed on the pension-rolls as guardian of said minor from the date of remarriage until she arrives at the age of sixteen years.

John G. Miller, late surgeon of the Eleventh Iowa Volunteers, and Frederick Lloyd, late surgeon of the Sixteenth Iowa Volunteers, state under oath, that they treated Colonel Hall while in the service, and give it as their opinion that his death was caused from disease contracted and injuries received while in the service.

Dr. Baker, of Davenport, Iowa, states under oath that he treated Colonel Hall after his discharge, and during his last illness, and gives it as his opinion that his death was caused by injuries received and disease contracted while in the service.

Dr. Samuel Davis states under oath that he treated Colonel Hall while in the service, and gives it as his opinion that he was not a sound man when he entered the same, but that the fatigue and exposure while in the service were the cause of his death.

It is the opinion of your committee that Colonel Hall died of disease contracted while in the service of the United States, therefore do report favorably and recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported to the House.

MARY BOYD DALLAS.

The next business on the Private Calendar was the bill (H. R. No. 1946) restoring the name of Mary Boyd Dallas to the pension-roll.

The bill was read. It relieves Mary Boyd Dallas, widow of the late Captain Alexander J. Dallas, United States Navy, from the operation of the provisions of the act entitled "An act authorizing the Secretary of the Interior to strike from the rolls the names of such persons as have taken up arms against the Government, or who may have in any manner encouraged the rebels," approved February 4, 1862, and restores her to the said rolls, subject to the limitations and provisions of the pension laws now in force.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Mary Boyd Dallas, widow of the late Captain Alexander James Dallas, United States Navy, submit the following report:

The proof shows that the said Captain Alexander J. Dallas entered the Navy as midshipman the 22d of November, 1805; that he served his country faithfully and with credit, having distinguished himself in several naval engagements, and died on the 3d day of June, 1844, in command of the Pacific squadron, on board the frigate Savannah, at Callao, Peru, having served in the Navy continuously for thirty-nine years, during all of which time he had but nine months' leave of absence.

That petitioner, Mary B. Dallas, of Pensacola, Florida, and widow of said Captain Dallas, was pensioned by the Government at the rate of fifty dollars per month, commencing June 3, 1849, which was continued up to the passage of the act of February 4, 1862, which directed that all persons residing in States in rebellion against the United States be stricken from the rolls. At the close of the war Mrs. Dallas applied for a renewal of her pension, and her name was restored to the rolls, and she again received pension until it was discovered that she had signed a petition to the rebel congress, expressing sympathy for the South, and asking the enactment of a law continuing to the widows of deceased officers of the Army and Navy of the late United States, who are citizens of the Confederate States, the same pension they received from the Government of the United States, when her name was again dropped from the rolls. Mrs. Dallas does not deny that she sympathized with the cause of the rebellion, or that she signed the petition as recited, but does deny that she understood the full import of the same, but was advised to this by friends, in the hope of again receiving the gratuity formerly allowed her by the Government, the same being then her only means of support.

In view of the long-continued service of Captain Dallas, his death in a foreign land, the services of his son, Major A. J. Dallas, during the late war, and of a second son who escaped from the South and joined the Union Army, and of circumstances which surrounded petitioner, her age, sex, and condition in life, together with the recommendations of distinguished officers of the Army, your committee report favorably, and recommend the passage of the accompanying bill restoring her pension.

No objection being made, the bill was laid aside, to be reported to the House.

WILLIAM D. BOYD.

The next business on the Private Calendar was the bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William D. Boyd, who was a private in Company E, First Regiment Kentucky Capitol Guards, and who did service in the war against the rebellion, and lost an arm in said service; the pension to date from the 11th day of March, 1865, when he was mustered out of service.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1275) entitled "A bill granting a pension to William D. Boyd," report:

That the evidence shows that said Boyd, on the 4th day of June, 1864, was enrolled and on the 4th day of July, 1864, was mustered into the service as a private in Company E, First Regiment Capitol Guards, State Volunteers, to serve six months, or during the war. It appears from the rolls that he was mustered out with his company March 11, 1865, and there is no record evidence of his disability; but it appears that the entire records and effects of the State military hospital, wherein the proof shows that said Boyd was treated, were, under orders of the adjutant-general of the State of Kentucky, turned over to the United States Medical Department April 6, 1865; and that during the raids which the State suffered in 1864 and 1865, many of the company returns and hospital reports were destroyed, and the records wanting in this case are not to be found. It is proved that in July, 1864, said Boyd, while in the service and in the line of his duty at Lawrenceburgh, Kentucky, was accidentally shot through the left arm near the shoulder by the accidental discharge of a gun of a comrade in the service, which necessitated the amputation of the arm near the shoulder, which was done; and he was treated for the same in the military hospital at Frankfort, Kentucky; that the militia in which he was serving was subject to orders from the United States authority, and was doing service for the United States in the war against the rebellion. Wherefore the committee report back said bill and recommend its passage.

No objection being made, the bill was laid aside, to be reported to the House.

JANE LA FONT.

The next business on the Private Calendar was the bill (H. R. No. 816) granting a pension to Jane La Font.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Jane La Font, dependent mother of Lewis La Font, late a private of Company C, Second Regiment Wisconsin Volunteer Infantry, but detailed to Battery D, First Rhode Island Light Artillery, to take effect from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 816) granting a pension to Jane La Font, make the following report:

The proof shows that the soldier, her son, Lewis La Font, enlisted, and was mustered into Company C, Second Regiment Wisconsin Volunteers, April 22, 1861, for three years or during the war, as a private, and was subsequently transferred to Battery D, First Rhode Island Light Artillery, and was killed at Lexington, Kentucky, June 2, 1863. The late first lieutenant of said Battery D swears that said Lewis La Font, on the 8th day of June, 1863, while in the service of the United States, and in the line of his duty as a soldier, at Lexington, Kentucky, was placed in the guard-house for intoxication; that while confined in said guard-house he was accidentally knocked down stairs, and was instantly killed by said fall; and that said soldier was not intoxicated at the time of his fall, and that he was knocked down through no fault of his own.

The proof further shows that said soldier was never married, and was about twenty-two years of age when he enlisted; that up to that time he had made his home with his parents, Edward La Font and Jane La Font, the petitioner, who were lawfully married July 2?, 1834; that said Edward for the last fifteen years has been afflicted with lumbago, and disabled from performing manual labor; that said Edward and Jane had not over $310 worth of property; and that said Jane, at the time of the soldier's enlistment, and ever after, until his death, was dependent upon him for support; that before his enlistment he contributed the most of his earnings to the support of his parents; and after his enlistment he sent to his mother, out of his earnings, sums of money at different times, amounting in the whole to $275; that said soldier was engaged in the first Bull Run battle, and, in all, he was in some thirteen engagements.

Wherefore, the committee report back the accompanying bill, and recommend its passage.

No objection being made, the bill was laid aside, to be reported to the House.

MARY S. PRINCE.

The next bill on the Private Calendar was the bill (H. R. No. 1234) granting a pension to Mary S. Prince.

The bill was read. It authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Prince, mother of Henry Leach *alias* Henry Leach Prince, late a seaman on board the United States ship Potomac, to take effect from the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1234) granting a pension to Mary S. Prince, submit the following report:

It appears in proof that the applicant was the lawful wife of Sewall Prince, who died on October 4, 1827; that Henry Leach *alias* Henry Leach Prince, on account of whose services the pension is claimed, was her lawful son by her said husband; that said Henry served in the United States Navy as follows: About nine months on the Wave in 1838-'39; that in the fall of 1839 he enlisted in the United States Navy at Baltimore, and was sent to the receiving-ship Java as a seaman, and served on her until December 31, 1839, and on the Delaware from January 1, 1840, to August 1, 1840, inclusive, when he was paid off and discharged "unfit for duty," upon the request of the applicant, said Henry being then sick. He re-enlisted at Havana April 14, 1842, and served on the Phœnix from that date to July 31, 1842, and on the Pennsylvania from August 1, 1842, to February 25, 1843, and from that date to May 19, 1843, on the Saint Louis, and again on the Pennsylvania from that date to July 11, 1843, and from July 12, 1843, to April 14, 1845, inclusive, on the Levant, when he was paid off and discharged. He again enlisted January 14, 1846, and served on different United States vessels of war until September 30, 1847, when he was sent to hospital at Pensacola, and remained there until November 10, 1847, when he was paid off and discharged. He was on the Potomac when she was ordered to the Gulf, and he participated in the bombardment of Vera Cruz in March, 1847, and was one of the twenty who volunteered from the Potomac to assist in the night attack on Tabasco, June 15, 1847, in which fight he received a saber-thrust in the chest, penetrating the right lung, in consequence of which he was sent to the hospital.

During said service, from the effects of exposure, injuries, and the climate, he contracted disease of which he died February 13, 1850. The said Mary was dependent upon her said son for support. She has no property and is now aged and dependent upon charity, and has always remained the widow of her said husband.

The third section of the act of July 14, 1862, being the first act passed by Congress entitling dependent mothers to a pension on account of the services of their deceased sons, applies only to cases of death subsequently to March, 1861, and so does not cover the present case.

But it appears that five generations of this petitioner's family have been engaged in the service of the country. Her grandfather and two of her uncles were revolutionary soldiers. Her father was a captain in the war of 1812. Her husband was also a soldier in the war of 1812, and was also on board the Eagle in the naval engagement on Lake Champlain. Her son Charles was in the war of the rebellion,

and was discharged for disabilities contracted in the service; and three grandsons were in the same war for the Union, and a fourth offered his services, but was rejected on examination as not being able-bodied. One of said grandsons was mortally wounded in the service, one twice wounded, and one escaped injury. That the foregoing are all the male members of her family but two, and these two were not within the age of enlistment. Members of her family have been in all the wars of the country that called for volunteers. Therefore the committee report back said bill and recommend its passage.

No objection being made, the bill was laid aside, to be reported to the House.

TIMOTHY PAIGE.

The next business on the Private Calendar was the bill (H. R. No. 216) granting a pension to Timothy Paige.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Timothy Paige, father of Wilkinson W. Page, late captain of Company M, Tenth Regiment New York Cavalry Volunteers, to take effect from the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 216) granting a pension to Timothy Paige, make the following report:

The evidence shows that the soldier, Wilkinson W. Paige, late captain in Company M, Tenth Regiment New York Cavalry, was a son of said Timothy, and was killed on the 24th day of June, 1864, in battle, at Saint Mary's Church, while in the line of his duty, in the service; that the wife of said Timothy, the mother of said Wilkinson, died before the death of said Wilkinson W.; that said Timothy, at the time of said Wilkinson's enlistment, was very poor and wholly dependent on him for support; and he is still very poor and in feeble health, is over seventy years of age, and is incapable of supporting himself by his labor. The soldier was married in 1850 to a Michigan lady, by whom he had a son, named George W. Wilkinson. She was divorced from said Wilkinson in 1856, and married again in 1857, and removed to the interior of Minnesota, taking with her the said son. In 1859 it was understood and believed by the relatives at Buffalo, New York, where said Wilkinson then resided, that the boy was dead; and said Wilkinson so informed said Timothy; who, believing that said boy was dead, did, in 1867, apply for, and in April, 1867, obtain, a pension, dating from April 19, 1867, which he received until March 4, 1869, when it was discovered that the minor, George W., was still alive; and he, by his guardian, filed an application in March, 1869, and obtained a pension from date of soldier's death to January 28, 1868, at which time George became sixteen years old. The Pension Bureau caused the case to be examined, and the old gentleman, Timothy, succeeded in getting $100, all he could get, and refunded it to the Government. It was made so entirely clear to the officer who had the case in charge that the old gentleman had acted with entire honesty in the transaction, that he recommended that the $100 be paid back to him, and that a certificate be granted him from the date when the minor becomes sixteen years of age, former payments to be deducted; and all proceedings against him were dismissed.

The entire integrity of the petitioner is shown conclusively; his destitution, and the fact of his entire dependence upon his son, whom he gave to the country, are proved beyond question. The soldier was commissioned as captain while in the service.

Wherefore the committee report back the accompanying bill and recommend its passage.

No objection being made, the bill was laid aside, to be reported to the House.

THOMAS J. M'INTIRE.

The next business on the Private Calendar was the bill (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. McIntire, late a private of Lieutenant John P. Beach's company, (45,) Second Battery of Veteran Reserve Corps, and pay him a pension from the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky, report:

That said McIntire enlisted as a private of Lieutenant John P. Beach's company, (45,) Second Battalion of Veteran Reserve Corps, August 27, 1861, for three years, or during the war, and was discharged from the United States service October 12, 1864, at Lexington, Kentucky, by reason of expiration of term of service; that after his discharge, and while returning home, in passing through Bath County, Kentucky, he encountered a scouting party of rebel soldiers, and he took shelter in the brick dwelling-house of Joseph Myers and gave them battle, and fought them until compelled to surrender by the rebels having set the house on fire, and then the party took him away about six miles and knocked him on the head, fracturing his skull, and left him for dead; that he was confined, from the effects of said injury, several months, and he still suffers from the effects of said injury to such an extent as to prevent him from earning his support by his own labor. He has no wife or children, and is very poor, and dependent upon charity for support. Wherefore, the committee report back said bill and recommend its passage.

No objection being made, the bill was laid aside, to be reported to the House.

WILLIAM H. EDWARDS.

The next business on the Private Calendar was the bill (H. R. No. 1445) to reinstate William H. Edwards on the pension-roll.

The bill was read. It authorizes and directs the Secretary of the Interior to reinstate upon the pension-roll the name of William H. Edwards, late of Company —, Fourth Regiment of Tennessee Cavalry, and to pay him a pension at the rate now allowed by law.

The amendments reported by the Committee on Invalid Pensions were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Edwards, late a sergeant in Company I, Fourth Tennessee Cavalry, and pay him a pension from and after the passage of this act.

Amend the title so that it will read, "A bill granting a pension to William H. Edwards."

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1445) to reinstate William H. Edwards on the pension-roll, report:

That said Edwards enlisted as a private in Company L, Fourth Tennessee Cavalry Volunteers, February 25, 1864, and was mustered in April 21, 1864, at Nashville, to serve three years; was promoted to be sergeant, and was mustered out with his company July 25, 1865, at Nashville.

The proof is clear from his officers, M. O. White, captain of Company L; L. Blizand, also a captain of said company; F. P. Bishop, lieutenant and regimental quartermaster of said regiment; Meshack Stevens, late major Fourth Tennessee Cavalry; M. C. White, late captain Company I, of said regiment; and Lieutenant-Colonel Thornborough, that the petitioner was a sound, healthy man when he entered the service, and that while marching through Alabama and Georgia, and while in line of his duty, before the capture of Atlanta by the Union forces, he contracted piles, in its worst form; in consequence of which he has been obliged to submit to several surgical operations, and at times his life has been despaired of, and his health ruined, insomuch that he is, and ever has been since the war, unable to earn a support by manual labor. These officers speak in the highest terms of him as a faithful soldier. Lieutenant Bishop, in closing his testimony, says of him, "I further believe the United States never had a more loyal subject or truer friend than William H. Edwards, since he joined the Fourth Tennessee Cavalry, and since the close of the war."

It is in evidence that he was, before he enlisted in said cavalry, connected with the rebel forces; and that, upon that ground, his claim for a pension was rejected by the Commissioner of Pensions.

Upon this point, Joseph A. Cooper, late brigadier-general, and brevet major-general, United States Army, testifies that he is personally acquainted with the petitioner, and has known his father and mother ever since his birth; and that prior to his enlistment in the Federal Army, said Edwards was connected with the rebel army, "not, as I believe, from his sympathy with the cause of the southern confederacy, but from his association with some of his neighbors; and from the belief that he would be forced into the army. Further, that while my command was at Pine-Knot, Campbell County, Tennessee, in April, I received from Mrs. Edwards, mother of said petitioner, information, in person, of an intended movement of the rebel force to surprise and capture the whole of our command; and that said information came from said W. H. Edwards to his mother, and she to me; and I sent her to General George N. Morgan, commander, and he, acting upon the information she gave, moved the command at once, leaving the sick in camp; and immediately after our command had moved the rebels did come and capture all the sick that were left behind; and had it not been for the information thus furnished, I verily believe the whole command would have been captured. I further know that said Mrs. Edwards entered into agreement with General Morgan to continue to give information which would be useful to the Federal Army, and that she gave much valuable information, and imperiled her life and that of her family, and especially of her husband, who was arrested and imprisoned by the rebel forces, because of her loyalty, and her conduct favoring the Federal forces; and that she came by night over the mountains, through rain and snow; and I believe much of her information, thus furnished, was obtained from said W. H. Edwards, who improved the opportunity he had while in the rebel army to get such information."

And M. C. White, late captain of Company I, Fourth Tennessee Cavalry, testifies as follows: "I believe he (said Edwards) did more while in *seeming* voluntary service in the rebel army, for the support and assistance of the Federal Army, and the loyal men of East Tennessee, in the way of giving information than he could possibly have done in any other way."

Therefore the committee report the accompanying bill as a substitute for the one referred, and recommend its passage.

The amendments were agreed to.

No objection being made, the bill as amended was laid aside, to be reported to the House.

GEORGE HOLMES.

The next business on the Private Calendar was the bill (H. R. No. 1947) granting a pension to George Holmes.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Holmes, late private in the Seventh Maine Battery, and to pay him a pension of eight dollars a month, dating from the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of George Holmes, for a pension, submit the following report:

The proof is that said Holmes, on the 18th day of December, 1863, enlisted as a private in Seventh Battery, Light Artillery, Maine Volunteers; and was honorably discharged therefrom on the 22d of June, 1864, for disability. That while in the line of his duty as such private, while said company was stationed at post hospital, Camp Barry, near Washington, District of Columbia, he took a severe cold, which brought on a lung fever in March, 1864. He remained at Camp Barry until April 26, 1864, when he was taken to Lincoln Hospital, Washington, District of Columbia, and remained there until his said discharge, when he returned to his home in Maine, where he has remained ever since. For several months after his return home he was unable to go out of his house; his lungs, in consequence of said sickness, became diseased, and he is troubled with hemorrhage therefrom; can move round only slowly, and is, by reason of said disease so contracted, totally disabled, and permanently disabled thereby to procure a subsistence by manual labor; and is in needy circumstances, and must soon come to want.

The proof is clear, from the testimony of George E. Brackett, assistant surgeon, United States Army, who examined said Holmes when he was mustered in, and of H. F. Wardwell, his family physician, and of Calvin Morrison, who had known him intimately for twenty years, and up to the time of his enlistment, and by Holmes himself, who is proved to have always been a man of good habits, and truthful, that said Holmes was free from disease when he enlisted, and it is proved by William B. Lapham that the disease was contracted as above set forth.

Wherefore the committee submit the accompanying bill, and recommend its passage.

No objection being made, the bill was laid aside, to be reported to the House.

MARY J. BLOOD.

The next business on the Private Calendar was the bill (H. R. No. 1948) granting a pension to Mary J. Blood.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Blood, widow of Emery A. Blood, late private in Company D, Eleventh Regiment Massachusetts Volunteers, and pay her a pension of eight dollars a month, commencing at the death of said Emery A. Blood, on the 13th of November, 1868.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Mary J. Blood, widow of Emery Blood, late private in Company D, Eleventh Massachusetts Volunteers, submits the following report:

The evidence shows that the soldier was mustered into the service June 28, 1861, and discharged October 4, 1861, for disability; that he subsequently applied for a pension, which application was rejected March 17, 1862, upon the ground that the evidence did not prove that the disease of which he was suffering was contracted while he was in the service of the United States. He died March 13, 1868.

In May, 1871, his widow, the present petitioner, who was married to him in 1862, filed her petition for a pension, which was rejected February 3, 1873, upon the ground that the evidence did not prove that the soldier died of disease contracted while in the service of the United States.

The evidence is briefly this:

That he was mustered in as sound.

Moses Pearson, a merchant of Boston, testifies that he knew the soldier many years before he entered the Army, and while he was in the Army, and afterward; that the soldier was formerly in his employ, and that, until he entered the Army, he was a well, strong man; and that ever after he was discharged he was sick, until he died.

Justus O. Cole, of Boston, testifies that he had known the soldier about nine years, and that he worked for him (Mr. Cole) the most of that time, until within a day or two of his enlistment; and that, while in his employ, he was a perfectly healthy and rugged man; that he usually worked twelve hours a day without complaining of fatigue, or seeming to be injured by his labors; and that he never knew of his having the heart disease or any other disease, and that he considered him a remarkably sound and healthy man; that there is a great difference in him since he came out of the service; that he is weak and debilitated, and much thinner; that he observes a deep hollow in the left side near the heart, which did not exist before he enlisted.

Ira W. Jolie, of Boston, physician, testifies that he knew said Emery A. Blood, for several years previous to his enlistment; that he always considered him a remarkably sound and healthy man; that he had attended him several times for slight indispositions, such as any man at times is subject to; that in his opinion he never had the heart disease prior to his enlistment, but was free from all such diseases; that since he came out of the war there is a marked change in him; he is much thinner and weak, and has a deep hollow in his left side, near the heart, and that he knows that cavity did not exist prior to his enlistment; and he attributes the disease to a severe fall, which Mr. Blood is said to have had in Washington; and he regards him to be in a very enfeebled condition, and unable to gain a support by labor. This was taken December 11, 1862.

J. Malcom Graham, first lieutenant of said Company D, testifies that he saw Blood on his enlistment; that he was a perfectly sound and healthy man, with no appearance of disease; that he has personal knowledge of the accident which happened to him about July 5, 1861, when the company, being ordered to practice target-shooting, were on their way to the spot, and in going there the men were obliged to climb a high fence, and in doing so Blood fell and appeared to have been very much injured thereby, and fainted; and afterward (seven or eight days after) he fainted twice, at Shute's Hill, in Virginia, and after that was too weak to do military duty, and had a cavity in the left side, near the heart.

Blood himself testifies that previous to his enlistment he was a perfectly healthy man, and had no hollow in his side before he fell at Washington.

Doctor Adino B. Hall, of Boston, testifies that he visited Blood the day he died; that he found him prostrate from excessive vomiting and some purging; that from all he could learn of his disease, he should say his health had been impaired while in the United States service, from which he had never fully recovered; that his vital forces were not sufficient to sustain him under this attack; and that from all the facts he had learned, the man never had been well after he left the Army; and that the state of his physical system was such as to hasten death when attacked by acute disease; and that the injuries he received while in the service of the United States were the first cause of his illness, and the remote cause of his death.

On May 18, 1871, after the man was dead, and had been dead three years, the officer at the Pension Bureau certifies on Mr. Blood's case thus:

"In my judgment sufficient cause does not appear for rejection of claim.
"J. H. BASSETT."

Hence it appears that the Bureau rejected the soldier's claim during his life upon evidence which the same Bureau, by a new Commissioner, finds, after his death, entitled him to a pension; and the Bureau has rejected the claim of the widow, upon evidence which the committee think clearly entitles her to a pension, and the committee regard this an exceptional case. Wherefore they report the accompanying bill, granting a pension from the death of the husband, and recommend its passage

No objection being made, the bill was laid aside, to be reported to the House.

ANN M. BRACKETT.

The next business on the Private Calendar was the bill (H. R. No. 1449) granting a pension to Ann M. Brackett.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Brackett, widow, mother of John M. Brackett, late a private in Company F, Eighth Regiment Maine Volunteers, and pay her a pension from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Ann M. Brackett, for a pension, report:

That said Ann M. is the widow of Mark Brackett, who died in 1850; that the soldier, John M. Brackett, was the lawful son of said Ann M. and Mark, and he enlisted as a private in the Eighth Regiment Maine Volunteers, on the 27th day of August, 1861, for three years, or during the war, and was discharged at Hilton Head, June 23, 1862, for disability on account of *tuberculosis* and extreme debility, and died March 23, 1863. N. A. Herson, late surgeon Seventeenth Maine Volunteer Infantry, testifies that he was well acquainted with said John M. Brackett, late a private in Company F, Eighth Regiment Maine Volunteers, and that he came under his care professionally the next day after his arrival home from the United States Army, from which he had just been discharged on a surgeon's certificate of disability; that at that time he was suffering from chronic miasmatic diarrhea and tubercular consumption; and that, in his opinion, he contracted the disease while in the service, and in the line of his duty, and that he died of that disease March 14, 1863.

Doctor Terry Burts testifies that he was called to see him professionally a short time before his death, and that such was his disease.

Ex-Surgeon J. S. Ross verifies the standing of these two physicians.

Paul M. Fisher, surgeon, certifies in the discharge that the disease existed prior to enlistment; but he did not know him prior to enlistment. And in April, 1873, he says, in a letter, he cannot recollect anything about Brackett, and cannot swear to one thing about him.

Benjamin Williams, physician and surgeon, and attached to said Eighth Regiment Maine Volunteers as assistant surgeon, testifies that he well remembers said Brackett; that, so far as his knowledge extends, said Brackett was well enough when he enlisted, and that he had the diarrhea in consequence of his exposure in the Army.

His mother, the petitioner, testifies that he never had a physician, except in early childhood, and for diseases incident to that period of life; that he had no sickness after early childhood until he went to the war and came home an invalid. Letters written by him to his mother, while in the service, and before he was taken sick with this disease, show him to have been in perfect health. The evidence shows that he was a man of strictly temperate habits; that before he went to war he lived with his mother, and worked at shoemaking, and supported his mother; that after he went into the Army, he sent her money at different times, amounting to about $200; that the mother was poor, and dependent on him for support. She is still poor, and has not the means of support. He was never married. The mother, this petitioner, gave two sons to the country in the war of the rebellion, of whom this is one; and both died of disease contracted in the service. She applied for a pension, and her claim was rejected upon the ground that the soldier's disease was not contracted in the Army. The committee are of opinion that the evidence clearly proves that the disease was contracted in the service, while in the line of his duty; wherefore they report the accompanying bill, and recommend its passage.

No objection being made, the bill was laid aside, to be reported to the House.

BETSIE LEWIS.

The next business on the Private Calendar was the bill (H. R. No. 1905) granting a pension to Betsie Lewis.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsie Lewis, widow of the late Rodman Lewis, chaplain in the United States Navy, and pay her a pension from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 513) granting a pension to Betsie Lewis, widow of the late Rodman Lewis, chaplain of the United States Navy, respectfully report as follows:

The facts as set forth in the petition of the widow and substantiated by the statement of her neighbors, among whom are included Justice Balcom, of the supreme court of New York, the lieutenant-governor of the State, and other prominent citizens, and other evidence, are as follows:

Rev. Rodman Lewis served in the United States Navy as a chaplain for a period of thirty years, when he was honorably retired. He died in the year 1869, leaving a widow, the petitioner, Betsie Lewis, and one child, a daughter. His name stands recorded in the Navy Register of 1869 as "waiting orders." His only son died while serving his country in the Army, at Paducah, in 1862.

The widow is in advanced years, ill-health, and needy circumstances. As her husband was not on duty at the time of his death, the widow is not legally entitled to a pension, and has made no application heretofore for the same.

Your committee is of the opinion that this is a case where a pension should be granted, and do recommend that the bill be favorably reported to the House.

No objection being made, the bill was laid aside, to be reported to the House.

ISAAC M. GRANT.

The next business on the Private Calendar was the bill (H. R. No. 1951) granting a pension to Isaac M. Grant.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Grant, late of Company K, Thirty-eighth Regiment Ohio Volunteers, and pay him a pension from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Isaac M. Grant, late of Company K, Thirty-eighth Regiment Ohio Volunteers, having considered the same, submit the following report:

Isaac M. Grant was a member of Company K, Thirty-eighth Regiment Ohio Volunteers, and while in the service, in camp and in the line of duty, he took cold, which settled in his eyes, entirely destroying the sight of his right eye, and impairing the sight of the other. His application was filed in the Pension Office about the 15th of May, 1866, but was not adjusted, because he could not find the whereabouts of the surgeon who treated him while in the service until the five years of limitation had expired, when it was rejected because it was not prosecuted to a successful termination within five years from the date of filing the same. Through the diligence of his attorney he has since found the surgeon, and secured his certificate of treatment, and is now, as the proofs show, clearly entitled to a pension. We therefore recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported to the House.

NANCY C. MARLETTE.

The next business on the Private Calendar was the bill (H. R. No. 1952) granting a pension to Nancy C. Marlette.

Mr. WILLARD, of Vermont. I object.

Mr. NIBLACK. I hope not.

Mr. WILLARD, of Vermont. It relates to arrears of pension, and ought not to pass unless there is some explanation. I insist on my objection.

WILLIAM D. MORRISON.

The next business on the Private Calendar was the bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William D. Morrison, late captain of Company D, of the Seventh Regiment Maryland Volunteer Infantry, and pay him a pension from and after the passage of this act.

It appears from the report, which was read, that William D. Morrison, late captain of Company D, Seventh Maryland Volunteer Infantry, was discharged January 17, 1865, having served from August 28, 1862; that while in the service, in the fall of 1862, he contracted diarrhea; that his discharge was necessitated by an injury he received by a railroad accident while traveling in the line of his duty.

The evidence is full and clear that he has ever since been suffering

from the effect of the wound, in the right knee and left hip, received at the time of said railroad accident, aggravated by disease contracted in the service, rendering him unable to perform any labor, &c.

The committee therefore recommend the passage of the accompanying bill, placing said memorialist on the pension-rolls.

No objection being made, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

HENRY B. RYDER.

The next business on the Private Calendar was the bill (H. R. No. 1954) granting a pension to Henry B. Ryder.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Ryder, late second lieutenant in the Cameron Dragoons, afterward changed to the Fifth Pennsylvania Cavalry, and pay him a pension as second lieutenant from and after the passage of the act.

It appears from the report, which was read, that Henry B. Ryder, the applicant, entered the service of the United States as a second lieutenant in the Cameron Dragoons, afterward changed to the Fifth Pennsylvania Cavalry, in July, 1861. The evidence also shows that he failed to be mustered through no neglect of his own, and that when in the service several months, or about September, 1861, he was wounded while on the picket line in the night by a part of Colonel Baxter's regiment, who fired upon the picket line thinking they were the enemy. From the effects of the wound in the neck and typhoid fever the soldier had to undergo a most wonderful surgical operation, being the insertion of a silver tube into the trachea, which was inserted after tracheotomy, performed by the surgeons of Saint Luke's Hospital, New York City.

His treatment, as is shown by a copy of the record from the hospital, extended from November 28, 1861, to July 28, 1862; and many times during his treatment at the hospital, he being seized with fits of coughing, the tube had to be removed and the throat cleared by an operation of the surgeon.

The applicant now breathes through this tube, and, as the medical evidence shows, his life is in constant danger, and he requires constant medical treatment.

The facts as stated being sustained by abundant proof, and the service being shown by affidavits of his officers and others, the committee are unanimously of the opinion that the case is a meritorious one, and that the applicant should receive the pension due him.

No objection being made, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

JOHN HENDERSON.

The next business on the Private Calendar was the bill (H. R. No. 1956) for the relief of John Henderson, of New Orleans.

The bill and report were read.

Mr. HOLMAN. That requires further explanation, and I object.

The CHAIRMAN. It will be passed over.

WILLARD DAVIS.

The next business on the Private Calendar was the bill (H. R. No. 1956) for the relief of Willard Davis.

The bill was read.

Mr. MAYNARD. I object.

The CHAIRMAN. The bill will be passed over.

ALONZO SNYDER.

The next business on the Private Calendar was the bill (H. R. No. 261) for the relief of Alonzo Snyder, of Livingston County, New York.

The bill, which was read, directs the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated, to pay to Alonzo Snyder the sum of $250 for the costs and expenses incurred by him in defending certain actions for false imprisonment instituted against him by Donald Campbell, Daniel Mann, and George W. Randall, for and on account of the arrest of said parties in the years 1863 and 1864, by said Snyder, then acting as an officer of the Provost-Marshal-General's Department in and for the twenty-fifth district of New York.

It appears from the report, which was read, that Mr. Snyder was a special agent in the employ of the Provost-Marshal-General's Bureau from May, 1863, to April, 1865, in and for the twenty-fifth district of New York; that by the records of deserters arrested and correspondence on file in the Department, it also appears that the persons named in the petition of said Snyder for relief, to wit, Donald A. Campbell, Daniel D. Mann, and George W. Randall, were each and all arrested as deserters. And it further appears to the satisfaction of your committee, that such arrests were made by the petitioner, Alonzo Snyder, except the arrest of Campbell, and that Campbell's arrest was made by his orders. The records further show that said Campbell was discharged as having been "erroneously arrested;" that Daniel D. Mann was held to service; that George W. Randall had already been discharged from service of the United States, and was erroneously reported to said Snyder as a deserter, but that Snyder had no knowledge thereof. Your committee further find that each of said persons commenced an action against said Snyder for false imprisonment; that the suits brought by Campbell and Mann have never been prosecuted, but were abandoned after the defendant had retained counsel and appeared therein, but that the action brought by Randall was prosecuted to a judgment, and that the petitioner obtained a judgment against Randall for his costs, which judgment has never been paid, and is worthless; that in the defense of these several suits, the said Alonzo Snyder has paid or incurred considerable expense, amounting in the aggregate to $250, and that he has never, in any manner, been paid therefor; that the Adjutant-General, in his report upon the case made at the request of the committee, says: "As the petitioner was an officer of the United States * * * and the arrest was made in good faith, upon information obtained through the regular channels, it is thought that the petitioner, Alonzo Snyder, is entitled to be reimbursed by the United States for such expenses connected with the said suit as were properly and necessarily incurred;" that in the opinion of the committee the whole of said expenses, amounting to $250, were properly and necessarily incurred in the defense of said suits, and that said Alonzo Snyder should be paid therefor.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

Mr. RUSK. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ORTH reported that the Committee of the Whole House had under consideration the Private Calendar, and had directed him to report sundry bills to the House, with the recommendation they do pass.

SESSION FOR DEBATE.

Mr. NIBLACK. I move by unanimous consent that to-morrow's session be set apart for debate only. I do this at the request of several members who desire to be heard, and who may not have another opportunity.

Mr. MAYNARD. I must object to that.

Mr. NIBLACK. I hope there will be no objection. There are several gentlemen upon the floor who desire to be heard. I do not desire to speak myself, and merely make the motion in their behalf.

Mr. McKEE. I think it is better we should have a session to-morrow for debate than adjourn over until Monday next.

Mr. MAYNARD. I insist on my objection.

DISTRIBUTION OF DOCUMENTS.

Mr. SHANKS. I desire to enter a privileged motion, not for consideration now, but merely to have it entered so it may be considered hereafter. I move to reconsider the vote by which the bill (H. R. No. 825) for the free distribution of documents and seeds was rejected, and I give notice I will call it up after the morning hour on Thursday next.

The SPEAKER. The motion will be entered.

GEORGIA CONTESTED-ELECTION CASE—RAWLS *vs.* SLOAN.

Mr. HYDE. I am directed by the Committee on Elections to submit a report in the case of Rawls *vs.* Sloan, from the first congressional district of Georgia. I move the report be laid upon the table, and ordered to be printed. I give notice I will call it up for action at an early day. I ask the Clerk to read the resolutions at the end of the report.

The Clerk read as follows:

Resolved, That Hon. MORGAN RAWLS is not entitled to a seat in this House as a Representative from the first congressional district of Georgia in the Forty-third Congress.

Resolved, That Hon. Andrew Sloan is entitled to a seat in this House as a Representative from the first congressional district of Georgia in the Forty-third Congress.

Mr. SPEER. I submit a report in behalf of the minority of the Committee on Elections; and I move it be printed with the report of the majority.

The SPEAKER. The Clerk will read the resolution of the minority.

The Clerk read as follows:

Resolved, That Hon. MORGAN RAWLS, the sitting member, was duly elected and is entitled to the seat occupied by him in this House as the Representative from the first congressional district of Georgia, in the Forty-third Congress.

The reports were laid upon the table, and ordered to be printed.

Mr. HYDE. I give notice to the House I will call up this case at an early day.

MINING STATISTICS.

Mr. McCORMICK, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House, two thousand for the Senate, one thousand for the Treasury Department, and one thousand for the commissioner.

MRS. ELIZABETH COON.

Mr. WHITEHOUSE, by unanimous consent, introduced a bill (H. R. No. 2222) granting a pension to Mrs. Elizabeth Coon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADJOURNMENT OVER.

Mr. NIBLACK. I move that when the House adjourns to-day, it adjourn to meet on Monday next.

The House divided; and there were—ayes 86, noes 38.

Mr. MAYNARD. I demand the yeas and nays. We have had already one holiday during this week.

Mr. O'BRIEN. The motion to adjourn is not debatable, and I object to debate.

The House divided; and there were—ayes 31, noes 130.

Mr. MAYNARD. I demand tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered, one-fifth of those present not having voted in the affirmative.

So the motion was agreed to.

Mr. NIBLACK. I now ask unanimous consent that we have a session to-morrow for debate only, no business whatever to be transacted.

Mr. HAWLEY, of Illinois. I object.

Mr. BECK. I move that the House do now adjourn.

Mr. HAWLEY, of Illinois. I withdraw the objection to the House meeting to-morrow for debate only.

Mr. BECK. Then I withdraw the motion to adjourn.

Mr. PAGE. I renew the objection to a session to-morrow for debate.

Mr. O'BRIEN. I renew the motion to adjourn.

The motion to adjourn was not agreed to—ayes 12, noes not counted.

Mr. PAGE. I withdraw my objection to a session to-morrow for debate.

Mr. CROOKE. I renew it.

BILLS PASSED.

The following bills, reported from the Committee of the Whole on the Private Calendar, without amendment, were severally read the third time, and passed:

A bill (H. R. No. 1776) for the relief of George Yount, late second lieutenant Company I, Third Missouri Volunteer Infantry;

A bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry;

A bill (H. R. No. 1313) for the relief of Alexander Burtch;

A bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians;

A bill (S. No. 353) for the relief of David Braden;

A bill (H. R. No. 1934) for the relief of Pat. O. Hawes;

A bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spears;

A bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York;

A bill (H. R. No. 294) for the relief of Joab Bagley;

A bill (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased;

A bill (H. R. No. 1171) for the relief of George P. Fisher;

A bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts;

A bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers;

A bill (H. R. No. 1122) granting a pension to Mrs. Martha Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry;

A bill (H. R. No. 1943) granting a pension to Helen M. Stansbury;

A bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

A bill (H. R. No. 1944) granting a pension to Charlotte Crane, widow of the late Colonel Ichabod B. Crane, of the First Artillery, regular Army of the United States;

A bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry;

A bill (H. R. No. 1946) restoring the name of Mary B. Dallas to the pension-roll;

A bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;

A bill (H. R. No. 816) granting a pension to Jane La Font;

A bill (H. R. No. 1234) granting a pension to Mary S. Prince;

A bill (H. R. No. 216) granting a pension to Timothy Paige;

A bill (H. R. No. 1396) granting a pensien to Thomas J. McIntire, of Rowan County, Kentucky;

A bill (H. R. No. 1947) granting a pension to George Holmes;

A bill (H. R. No. 1948) granting a pension to Mary J. Blood;

A bill (H. R. No. 1949) granting a pension to Ann M. Brackett;

A bill (H. R. No. 1950) granting a pension to Betsie Lewis;

A bill (H. R. No. 1951) granting a pension to Isaac M. Grant;

A bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;

A bill (H. R. No. 1954) granting a pension to Henry B. Ryder; and

A bill (H. R. No. 961) for the relief of Alonzo Snyder, of Livingston County, New York.

MATTHEW WOODRUFF.

The bill (H. R. No. 1777) for the relief of Matthew Woodruff, of Clarke County, Missouri, late first sergeant of Company G, Twenty-first Regiment Missouri Volunteer Infantry, from the charge of desertion, and to grant him an honorable discharge from the service, &c., was reported from the Committee of the Whole on the Private Calendar, with the recommendation that it do pass.

Mr. DONNAN. I ask the unanimous consent of the House that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill S. No. 365, which is equivalent in terms to House bill No. 1777, and that it be substituted for the House bill. It has been reported favorably by the Committee on Militar Affairs.

The SPEAKER. The Senate bill which the gentleman from Iowa desires to substitute for the House bill will be read.

The Senate bill was read, as follows:

A bill for the relief of Matthew Woodruff, late first sergeant of Company G, Twenty-first Regiment Missouri Volunteers.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to correct the record so as to honorably muster out and discharge Matthew Woodruff, late first sergeant of Company G, Twenty-first Regiment Missouri Volunteers, and that the said Matthew Woodruff be allowed such pay, bounty, and allowances as he would have been entitled to receive but for the record of his alleged desertion, deducting therefrom pay for absence of twenty-six days.

The SPEAKER. Is there objection to the Senate bill which has been read being substituted for the House bill reported from the Committee of the Whole on the Private Calendar?

There being no objection, the Committee of the Whole was discharged from the further consideration of bill S. No. 365, and the same was read the third time, and passed; and bill H. R. No. 1777 was laid upon the table.

SIMEON J. THOMPSON.

The bill (H. R. No. 133) for the relief of Simeon J. Thompson, late an acting second lieutenant of Company B, Seventy-ninth Regiment of Indiana Volunteers, was reported from the Committee of the Whole on the Private Calendar, with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was laid upon the table.

WILLIAM H. EDWARDS.

The bill (H. R. No. 1445) to reinstate William H. Edwards on the pension-roll was reported by the Committee of the Whole on the Private Calendar, with the following amendments:

Strike out these words:

"The Secretary of the Interior be, and he is hereby, authorized and directed to reinstate upon the pension-roll, the name of William H. Edwards, late of Company —, Fourth Regiment Tennessee Cavalry, and pay him a pension at the rate now allowed by law."

And insert in lieu thereof as follows:

The Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll subject to the provisions and limitations of the pension laws, the name of William H. Edwards, late a sergeant in Company I, Fourth Tennessee Cavalry, and pay him a pension from and after the passage of this act.

Amend the title so as to read, "A bill granting a pension to William H. Edwards."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. RUSK moved to reconsider the several votes by which bills reported to-day from the Committee of the Whole on the Private Calendar had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT F. WINSLOW.

Mr. MELLISH, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 2223) for the relief of Robert F. Winslow; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and use said vessel for a boarding-station in Mobile Bay;

An act (H. R. No. 1920) to amend the fifteenth section of the act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;" and

An act (H. R. No. 1335) to grant an American register to the Canadian schooner George Warren.

PENITENTIARY IN WASHINGTON TERRITORY.

The SPEAKER laid before the House a letter and papers from the Department of Justice, relating to the penitentiary in Washington Territory; which were referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. PURMAN, by unanimous consent, obtained leave of absence for two weeks.

POST-ROUTES IN GEORGIA.

Mr. HARRIS, of Georgia, by unanimous consent, obtained leave to withdraw from the files of the House certain petitions for the establishment of post-routes in Georgia.

HIRAM A. BENEFIELD.

Mr. WILLIAMS, of Indiana, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Hiram A. Benefield, Company C, Fifty-ninth Indiana Volunteers.

CUSTOMS DUTIES ON IMPORTED FRUITS.

On motion of Mr. KELLEY, by unanimous consent, the bill (H. R. No. 2191) in relation to the customs duties on imported fruits, with an amendment by the Senate, was taken from the Speaker's table and referred to the Committee on Ways and Means.

SALARIES OF POSTMASTERS IN LARGE CITIES.

The SPEAKER laid before the House testimony taken before the Committee on the Post-Office and Post Roads, in relation to the salaries of postmasters in large cities; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SESSION ON SATURDAY.

Mr. NIBLACK. I hope the objection to setting apart the session to-morrow for debate only will not be persisted in.

The SPEAKER. The gentleman from Indiana renews the request that there be a session to-morrow for debate only, the House to meet as in Committee of the Whole, and no business whatever to be transacted. Is there objection?

Mr. CROOKE. There is, sir; to be maintained throughout. [Laughter.]

Mr. NIBLACK. Then I move to reconsider the vote by which the House agreed to adjourn over till Monday.

The question being taken on the motion to reconsider, there were—ayes 82, noes, 28; no quorum voting.

Tellers were ordered; and Mr. NIBLACK, and Mr. BUTLER of Massachusetts, were appointed.

The House again divided; and the tellers reported—ayes 107, noes 45.

So the House agreed to reconsider the vote.

The SPEAKER. The question recurs, will the House, when it adjourns to-day, adjourn to meet on Monday next?

The question being put, there were—ayes 54, noes 88.

So the House refused to adjourn over.

And then, on motion of Mr. HOLMAN, (at four o'clock and thirty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ALBERT: The petition of John G. Taylor, collector of customs and disbursing agent of the Treasury Department for the district of Annapolis, Maryland, to be refunded the sum of money as salary paid in error to John R. Briscoe, surveyor of customs at the port of Nottingham, in said district, to the Committee on Claims.

By Mr. BURROWS: The petition of 600 soldiers of the State of Michigan, for the equalization of bounties and increase of pensions, to the Committee on Military Affairs.

By Mr. CHAFFEE: The remonstrance of citizens of Pueblo, Colorado, against authorizing said city to purchase a portion of a certain school section for a public park, to the Committee on the Public Lands.

Also, the petition of the Grand Lodge of the Independent Order of Good Templers of Colorado, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. CLAYTON: The remonstrance of Painter & Co., of San Francisco, California, against admitting printers' type free of duty, to the Committee on Ways and Means.

By Mr. HALE, of New York: The petition of citizens of Warren County, New York, for the passage of a bill for the relief of Daniel M. Champlin, of Glen's Falls, New York, to the Committee on Invalid Pensions.

By Mr. HARMER: The petition of John W. Massey, late consul to Paso del Norte, Mexico, for relief, to the Committee on Foreign Affairs.

By Mr. E. R. HOAR: Papers relating to the application of Rollin White, for extension of his letters-patent for improvements in fire-arms, to the Committee on Patents.

By Mr. JEWETT: The petition of Minnie Messner, for a pension, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of Edward A. Sibley and others, of Philadelphia, for the repeal of the second section of the act of June 6, 1872, which made a reduction of duties on certain imports, and protesting against increasing internal taxes, to the Committee on Ways and Means.

By Mr. NILES: The petition of James T. Griffin and 706 others, citizens of Mississippi, for an investigation into the disposition of the Chickasaw cession school fund, to the Committee on Education and Labor.

By Mr. PACKARD: The petition of citizens of Saint Joseph County, Indiana, that a warrant for one hundred and sixty acres of land may be issued to each soldier who served ninety days in the war of the rebellion, to the Committee on the Public Lands.

By Mr. PLATT, of Virginia: The petition of Martha J. Jameson, of Portsmouth, Virginia, to be indemnified for the loss of a schooner loaned by her husband to the Government during the war, to the Committee on War Claims.

Also, the petition of J. B. Craighill, of Suffolk, Virginia, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

Also, the petition of citizens of Stoughton, Wisconsin, for the consideration by Congress of the bill (H. R. No. 1424) to establish a national exchequer, to the Committee on Banking and Currency.

By Mr. SENER: The petition of William Bosher, of King William County, Virginia, for a pension for military services in the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Richard Walter, of Accomac County, Virginia, for relief, to the Committee on Claims.

By Mr. SMITH, of Ohio: The petition of S. C. Hunt, and 195 others, citizens of the United States, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. VANCE: Resolutions of the Legislature of North Carolina, for such modifications of the internal-revenue laws as will make them less expensive to the Government and less oppressive to the people, to the Committee on Ways and Means.

Also, a communication from Hon. Robert P. Dick, judge of the district court of the United States for the western district of North Carolina, relative to modifications of the internal-revenue laws, to the Committee on Ways and Means.

Also, a communication from Hon. J. C. Harper, of Patterson, North Carolina, in relation to the claim of M. Patten, to the Committee on Claims.

Also, a communication from Hon. Robert P. Dick, in relation to the erection of a public building for United States court-house, post-office, &c., at Asheville, North Carolina, to the Committee on Public Buildings and Grounds.

Also, a communication from Hon. Samuel F. Phillips, in relation to a public building at Asheville, North Carolina, to the Committee on Public Buildings and Grounds.

By Mr. WHEELER: Statement of H. P. Nutt, of Wilmington, North Carolina, in regard to the improvement of Cape Fear River and Harbor, to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 28, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. CLYMER. Mr. Speaker, in the CONGRESSIONAL RECORD of yesterday—Friday, February 27—I am reported as having stated, when the test vote was being taken on bill No. 825, regulating the transmission of public documents, that my colleague, Mr. STORM, would, if present, vote for the bill as a whole. This is an error, and does my colleague, Mr. STORM, great injustice. What I did state, and that most clearly, was that "my colleague, Mr. STORM, who was unavoidably absent in Pennsylvania, would, if present, vote against the bill as a whole, although he would have voted for the third section had the opportunity been afforded him."

ORDER OF BUSINESS.

The SPEAKER. This being Saturday, the first business in order is the call of committees for reports of a private nature. The morning hour begins at twenty-five minutes past twelve o'clock.

Mr. ELDREDGE. I move that the House now adjourn. I will state that my object in making this motion is in order to secure a session to-day for debate only, as there are several members here who desire to submit remarks upon various subjects.

The SPEAKER. The Chair will state that there are a number of committees who desire to be called for reports of a private nature. After they have submitted their reports, the Chair will recognize the gentleman to submit his motion.

The question was taken upon the motion to adjourn; and it was not agreed to.

WILLIAM B. HALE.

Mr. SMART, from the Committee on Patents, reported adversely upon the bill (H. R. No. 1647) to authorize the Commissioner of Patents to receive and entertain an application of William Beale Hale for letters-patent; which was laid on the table, and the report accompanying the same ordered to be printed.

M'CLINTOCK YOUNG.

Mr. SMART also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the extension of the patent of McClintock

Young, of Frederick City, in the State of Maryland, for an improvement in harvesting-machines, dated June 28, 1873, and numbered 24598, and signed by the Commissioner of Patents on June 28, 1873, shall have the same binding effect in law as though said extension had been signed by the Commissioner, to bear date of June 27, 1873.

Mr. STARKWEATHER. I ask that the report be read.

The report was read. It states that McClintock Young took out a patent for improvement in harvesting-machines on June 28, 1859; that under existing laws he was entitled to a renewal of his patent, which renewal was issued to him with date of June 28, 1873; that the validity of the extension is questioned on the ground that the original patent expired June 27, 1873, and that the extension should have been made a day earlier; that the fault is with the Commissioner if this interpretation be correct, as the application was made six months before the expiration of the original term of the patent; and the bill reported is to remove all doubts and to confirm the validity of the extension.

Mr. STARKWEATHER. I would like to hear some explanation showing the necessity for this bill.

Mr. SMART. The state of the case is this: this patentee applied for his extension six months before the expiration of his patent. On the 27th of June, 1873, the attention of the acting Commissioner of Patents was called to the matter, and he decided to await the return of the Commissioner, which took place the next day; and the extension was issued, bearing date June 28, 1873. There have been four decisions of the courts, holding that in construing a patent the day of date is excluded. There is an opinion of Chief Justice Chase bearing the other way. The patentee in this case is clearly entitled to his extension under existing laws.

Mr. STARKWEATHER. For whose benefit is this extension?

Mr. SMART. For the benefit of the patentee.

Mr. STARKWEATHER. Has he not assigned it to other parties?

Mr. SMART. He assigned the original patent to Mr. McCormick for $10,000, and has agreed to assign the extension for $5,000. In a letter which was before the committee, the Commissioner of Patents states that if there is any error in the case, it is his error. I have not the letter with me.

Mr. LOWNDES. I have the letter here, and ask that it be read.

The Clerk read as follows:

UNITED STATES PATENT OFFICE,
Washington, D. C., January 13, 1874.

DEAR SIR: I read your letter and the opinion of the attorney as to the validity of your extension, and hope you may get the act ratifying your extension as you desire; yet I have no doubt whatever but your extension is perfectly good just as it is, and that you can collect by law the price agreed to be paid for your assignment.

I think Mr. Baldwin is clearly wrong in his opinion. The courts have held in patent cases that, in determining the date of the expiration of a patent, the day of date is excluded. Your patent bore date June 28, 1859, consequently the whole of June 28, 1873, was included in the original term of the patent; and the extension granted on the 28th was granted before the expiration of the original patent. Of this I have not a shadow of doubt. I could refer you to the court decisions, but am writing at my house, and my court reports are at my office. The question is well settled.

Very respectfully,

M. D. LEGGETT,
Commissioner of Patents.

Mr. MCCLINTOCK YOUNG.

Mr. SMART. This young man, the patentee, applied for and obtained a patent bearing date January 28, 1859. Six months before the expiration of the patent he applied for an extension, to which he was entitled under existing law. The case lay in the Patent Office until the 27th of June, 1873, when the attention of the acting Commissioner was called to it, and a suggestion made that it was necessary to issue the extension on the 27th of June. He held that that was not necessary, and determined to await the return of the Commissioner. The Commissioner returned the next day, and signed the extension on the 28th of June, 1873. If it is held that the first day of the original patent is to be counted, then the patent expired before the extension was granted; if the first day is not to be counted, then the extension is valid. There is no decision of the Supreme Court upon the point, but there are four decisions of United States courts to the effect that the first day is not counted.

In this case the extension has been sold to McCormick for $5,000.

Mr. LUTTRELL. If this is a question of law, why cannot it be decided by the courts, without calling upon Congress to intervene?

Mr. SMART. If the Supreme Court should hold that this extension is not valid, then, through an error of the Patent Office, this patentee is deprived of his right under the existing law.

Mr. LUTTRELL. I think it is well enough to let the Supreme Court pass upon that question before Congress shall interfere. We have courts for the purpose of determining such questions; and I hope that this proposition will not be pressed.

Mr. SMART. If the courts should decide adversely as to the validity of this extension, what will become of this patentee and his rights under the existing law? It is now clearly the duty of Congress to correct the error of the Commissioner. It is the Commissioner that has been in error, not the party applying for relief. This party has rights under the law; and if the Supreme Court should decide against the validity of the extension, he will have lost his standing entirely. I think we ought not to do injustice to this patentee for the mere purpose of getting the opinion of the Supreme Court on a question of this sort.

Mr. HAWLEY, of Illinois. As I understand, this bill is for the relief of Mr. McCormick.

Mr. SMALL. It is for the relief of the patentee.

Mr. HAWLEY, of Illinois. I understood the gentleman to say that the patent had been sold to Mr. McCormick for $5,000.

Mr. SMART. But there has been no payment made, because of the doubt as to the validity of the extension.

Mr. CONGER. Mr. Speaker, on the behalf of the Committee on Patents, I desire to say that we do not propose to recommend to this House the passage of any bill whatever which the common judgment of the members here shall not deem to be right and just as between the patentee and the people of the United States. We have already in our committee unanimously decided not to recommend the extension of any patent whatever by direct congressional action; that, if any recommendation with reference to an extension is made by our committee, it shall be a recommendation to enable the Commissioner to examine the matter under such limitations and restrictions as Congress shall impose. We propose that patents, if extended at all, shall be extended in this manner; not by the arbitrary decision of Congress upon the particular case. That is one point gained, as we believe, in favor both of the just rights of inventors, and of the great mass of the people who may purchase and use their inventions.

We have also determined not to recommend even the passage of such an enabling act, unless an equitable case be presented, and unless the interests of the inventor and of the people harmonize. We have determined not to recommend an enabling act for the extension of any patent except where it is warranted by the same rules that would apply to an application for a new trial in cases before a court, or where the equities are with the inventor, and where, as we believe, the common judgment of the members of the House will sanction the action we recommend.

Now, sir, I make those remarks in advance, in behalf of the committee of which I have the honor to be chairman, in order that members of the House may understand that, in making any recommendation for an extension, or anything else in regard to patents, we recognize all those great principles of protection to the public interests—agricultural, manufacturing, and industrial—which are prominent in the mind of every member of the House. I desire to disabuse the minds of members from the idea which, from the questions put to me here, seems to be prevalent, that this committee is to be the machinery and the tool through which extensions shall be improperly given to inventors or patentees or monopolies. I trust that, when members shall have become acquainted with the manner in which the Committee on Patents examine these subjects and the principles upon which we recommend action by the House, they will be satisfied with our disposition of these questions, or will, at least, give a reasonable and fair hearing to any recommendation which this committee may make. It is my view, and also the unanimous view of the committee, that we should be governed in our recommendations to the House by the principles I have indicated.

Now, sir, what is this case? And I wish gentlemen might hear me, for I do not often ask their attention, and I would not now except to explain, in advance, some of the reasons which will influence the committee in their recommendations to the House. I wish, too, that the prejudice against the extension of patents may not be so powerful with some members as to prevent them from withdrawing their attention from private conversation while I attempt to explain the grounds on which the committee propose to act; and it makes but little difference how soon they may give me attention, because, as some of the older members know, I can stand here an hour but that I shall have an opportunity to explain my views.

What is this case? Under the patent law, as it existed at the time this application for an extension was granted, a patentee who had received his patent for fourteen years had the right, without any further legislation, to make his application for an extension six months in advance of the expiration of the patent, and as a matter of course the patent was renewed under the law if the proper requirements and conditions were fulfilled. That was the right of the patentee under the old law. That law has since been changed; and patents are now granted for the term of seventeen years, without any right of extension. This was the common judgment of Congress when the law of 1872 was passed. In this case the application was made under the old law. The patent had run the usual term of fourteen years. At the end of that term the patentee, under the law then in force, had the right to apply for an extension; and, in accordance with the requirement of the law, McClintock Young, six months before the expiration of the patent, made an application for an extension to himself; and all the rights accrued to the inventor. That was the object of the law granting the extension, that although the patent was valuable and may have been sold for nothing—for a trifle, to the assignee—yet the extension should inure to the benefit of the inventor; that those who had made valuable inventions and given them away, almost, to get them into use might have the second term for their own benefit.

Mr. BURCHARD. Will the gentleman allow me to ask him a question?

Mr. CONGER. I cannot hear what the gentleman says, there is so much conversation right at my other ear. [Laughter.]

Mr. BURCHARD. I wish to ask the gentleman from Michigan whether there is any discretion with the Commissioner in regard to

the seven-year extension at the end of the fourteen years, or must he give the extension, on application being made for it?

Mr. CONGER. Under the present law there is no extension allowed whatever. Under the old law it was contemplated there should be fourteen years at least, as the limitation of the first patent; but it was granted for fourteen years, and then, if the patent was sold to any company, or there was any assignee of the patent, the extension was granted to the inventor, that is, that it should return to him again and the right of the invention inure to his profit; that there might then be a new sale to somebody else; and it was granted for the benefit of the inventor under the old law.

Mr. BURCHARD. That is, that it was granted for the benefit of the inventor for another seven years?

Mr. CONGER. Yes, sir; for another seven years.

Mr. BURCHARD. At the expiration of the first fourteen years?

Mr. CONGER. Yes; the extension was to be at the end of the first fourteen years.

Mr. BURCHARD. I understand, then, that this extension of patent was for ten years, after the first fourteen?

Mr. CONGER. This extension was, under the old law, after the first patent for a second term of seven years.

Mr. BURCHARD. I want to see whether I understand the gentleman from Michigan correctly.

Mr. CONGER. Under the old law the right of extension existed.

Mr. BURCHARD. I wish to ask this question: Was there under the old law any discretion allowed to the Commissioner as to the extension, or was he compelled to grant it at the expiration of seven years? Was he compelled to grant an extension for seven years, or had he discretion in the matter?

Mr. CONGER. I will answer the gentleman's question. Under the law granting extension at the end of fourteen years, the Commissioner was required to examine the receipts, the profits, the amount the public had paid for it, the amount the inventor had received himself, and then he was to judge whether there had been received through the inventor or by his assignee sufficient compensation. The Commissioner was also to inquire whether there had been paid by the public such an amount as would be considered, over and above the expenses of bringing the patent into notice, such an amount as was in his judgment fair remuneration to the inventor for the use and value of his patent.

Mr. WILSON, of Iowa. Will the gentleman from Michigan tell the House what machine he refers to?

Mr. CONGER. It does not refer to any machine, but to an improvement in harvesters.

Mr. WILSON, of Iowa. What improvement is it?

Mr. CONGER. It can be applied to most of the harvesting machines. It is applied to the McCormick reaper. This new extension, after it was granted by the Commissioner of Patents, subject to the limitations I have stated, was contracted to McCormick for the term of seven years for $5,000, which went to the inventor.

Mr. WILSON, of Iowa. This invention, then, is being used in the manufacture of the McCormick harvesting machines?

Mr. CONGER. I suppose it is.

Mr. WILSON, of Iowa. Suppose the bill does not pass, what, then, will be the consequence?

Mr. CONGER. It will be left subject to litigation between whomsoever it may concern, between McCormick and the inventor, whether the patent is valid or is not valid.

Mr. WILSON, of Iowa. Is the original inventor who seeks this legislation to suffer, or are the owners of the McCormick reaper to suffer?

Mr. CONGER. If it be decided that this patent is invalid, then the inventor will lose all benefit of the extension which he procured from the Patent Office.

Mr. BURCHARD. So, then, any other manufacturer of reapers can use this invention?

Mr. CONGER. That is subject to litigation.

Mr. WILSON, of Iowa. I merely desire to say that if there is one thing in legislation we ought to be careful of it is in reference to the extension of patents for harvesters, and especially in reference to the extension of a patent for the McCormick machine. There is no machine in the West owned by any company which has paid so much profit on the sale of the machines as this McCormick reaper. In my judgment, this is exceedingly dangerous legislation; and unless the gentleman can show conclusively that by the failure of this legislation some right of some individual will be lost that would otherwise be enjoyed by some large corporation, I am not disposed to vote for it.

Mr. CONGER. I yielded for a question and not for a speech; but I do not regret it, because the gentleman has expressed my sentiments in more beautiful language than I could myself, and it was in furtherance of my object that I permitted him to go on.

Now, I had endeavored to show the House that it was not the intention of the Committee on Patents to recommend any matter for the consideration of the House as to which they did not believe the judgment of every member of the House, in regard to its right and equity, would accord with that of the committee. I had said that before the gentleman spoke.

Mr. SCOFIELD. Will the gentleman allow me to interrupt him for a moment?

Mr. CONGER. Certainly.

Mr. SCOFIELD. I understood the gentleman from New York [Mr. SMART] to say that there were lawsuits now pending, and that there had been four decisions.

Mr. SMART. What I said was that there had been four decisions bearing on this point, whether the first day and the last day were counted in making up the term of fourteen years. The effect of these decisions in inferior courts is that the extension is now valid, and that is the opinion of the Commissioner.

Mr. SCOFIELD. Allow me to ask a question there. The gentleman now says that he meant that those four decisions had been made in regard to other patents. The question I have to ask the gentleman is, whether there are any suits now pending relative to this patent?

Mr. CONGER. I believe not.

Briefly, then, as has been stated by my colleague to the committee, this is the condition of this case: The inventor of this improvement, under the law, made his application within the time prescribed by law for the extension which the law would grant him, subject to the decision of the Commissioner. It lay in the Patent Office until the last day of the extension, as some claim, the 27th, when, the Commissioner being absent, the acting Commissioner was asked to grant the extension, as it had been decided it should be granted. But he thought, as the Commissioner would return the next day, the 28th, and as he supposed that day was within the time of the expiration of the patent according to law, he would postpone the decision until the return of the Commissioner. The next day, which was the 28th, the Commissioner returned and signed the extension. The extension was granted, and the only question remaining unsettled about it is, whether that extension ought to have issued on the 27th, or whether it is sufficiently legal that it issued on the 28th. If there is a failure about it, it is owing to the action of an officer of this Government in deciding that it might as well be issued on the 28th. There have been some decisions of the courts as to the question of time, but not in this case; for there are no suits pending in this case that I know of.

Mr. BURCHARD. Will the gentleman allow me to make a suggestion?

Mr. CONGER. I am a timid man, and these interruptions might confuse me. [Laughter.]

It is to avoid litigation; it is to enable this inventor, who has never yet received anything valuable at all for his improvement, to receive the $5,000 for which he has contracted to be paid to himself for his invention, that legislation is sought here. It is merely to confirm and legalize the date, which involves the difference of one day. The committee thought it was very proper that this should be settled by an act of Congress, rather than it should be a subject of litigation between those who purchased the machine, those who used it, those who manufactured it, and the inventor, who desires to reap a little profit from his invention.

Mr. BURCHARD. Will the gentleman now allow me to make a suggestion?

Mr. CONGER. I yield to the gentleman now for that purpose.

Mr. BURCHARD. The only effect of our legislation, if we pass this bill, is, as I understand it, to extend the patent if it has not been already extended. If the date—the 28th of June, I think it was—is sufficient, the party already has an extension.

Mr. CONGER. Yes, sir.

Mr. BURCHARD. If it is not sufficient, this act extends this patent for seven years. Now, I have heard very able speeches made by members of this committee against an extension, and I heartily applaud and approve of the position taken by the chairman in regard to that. I have not noticed in this report any reasons why the Commissioner should have extended the patent. We are called upon here by our legislation to extend this patent only because the Commissioner intended to extend it. If we do anything at all, it will be merely to extend the patent, and without knowing any reason why we should extend it. There is no such reason presented in the report except that the Commissioner has decided upon the proof. Under these circumstances, I am not ready to vote for an extension without further information.

Mr. G. F. HOAR. Will the gentleman from Michigan [Mr. CONGER] allow me to inquire of him——

Mr. CONGER. Allow me to answer the gentleman from Illinois, [Mr. BURCHARD.] The gentleman mistakes somewhat the effect of our proposed action here. It is not to extend the patent. That was the original proposition coming before the committee; but, as I have already said, the committee would not ask the action of the House upon that. The gentleman must not mislead the House by his proposition. He cannot very well mislead me.

Mr. BURCHARD. I shall not undertake to do that.

Mr. CONGER. I presume not.

Mr. BURCHARD. That would be impossible. [Laughter.]

Mr. CONGER. But if this subject is to be open to litigation for the four or four and a half years of the remaining life of this patent, it is open to litigation against every farmer who has got it. It is open to litigation against every manufacturer that makes it and every farmer that uses it. It is open to litigation between the inventor, seeking to secure the price for which he has sold it, and his assignee.

The committee believe that, outside of the rights of the inventor and of the manufacturer, the interest of the public would be benefited by obtaining a decision of Congress whether or not this was a legal extension, before large sums of money were spent in litigation, and

before the whole farming community which might buy and might use this patent should be brought into a litigation that may arise hereafter, (I believe none has yet arisen,) in regard to the effect caused by the carelessness or negligence of an officer of this Government. The propriety of the extension appears from the report of the Commissioner that the patentee had himself never received any substantial benefit for his improvement.

Mr. LUTTRELL. Is this for the benefit of the inventor?

Mr. CONGER. It is.

Mr. LUTTRELL. Do you not propose merely to give the inventor an opportunity to obtain $5,000, while you grant a monopoly to McCormick for seven years?

Mr. CONGER. I do not allow the gentleman to put it in that position even; I desire to hold him to the strict fact of the case, which is this: An officer of this Government, by carelessness or neglect, failed to act, as he intended to act, within the time the law required him to act, as some suppose. The law required him to accept or reject the application for extension. By the files of the office he did accept the proposition, and ordered an extension; but the paper was not signed until the 28th of June. Now, by the neglect of your officer the signing of the papers was delayed until a day when it was rendered a little uncertain whether the extension is valid.

Mr. WILSON, of Iowa. Suppose Congress was called upon to accept or reject this application for extension; undoubtedly, owing to the new law, we would reject it. Now, you want us to step in and help extend this monopoly for seven years, when if the request had been made of Congress to extend it, we unquestionably would not have done it.

Mr. CONGER. The gentleman cannot have read the law on that subject, because the very law which limited patents to seventeen years without any extension, also provided that there should be two years granted after the passage of the law, in which applications for extensions of old patents might be made under the old law. That time expired last fall. Congress then did not evidently intend, by the passage of a law granting all patents for seventeen years, to affect patents already granted, because in the same law two years were given to patentees under the old law to apply for extensions.

Mr. WILSON, of Iowa. How long has this patent run?

Mr. CONGER. It has run for fourteen years since the first grant; I said seven years by mistake.

Mr. WILSON, of Iowa. I object to the passage of this bill, according to the gentleman's own showing; and my reasons are these: In the first place he says it is for the benefit of the inventor, who will receive $5,000. I do not object to the inventor obtaining $5,000, but I do object to extending this monopoly for seven years at the expense of the farmers of this country. I hope, therefore, that the bill will not pass.

Mr. G. F. HOAR. The gentleman on my left, [Mr. WILSON, of Iowa,] has presented a very specious view of this case. I cannot understand how he, or any other gentleman who has expressed the same view, can reconcile it with his conscience and with his sense of what is right. As I understand, the Constitution providing that Congress might reward inventors by securing to them for a limited period the fruits of their inventions, Congress enacted that when it was found by a judicial inquiry by the Commissioner of Patents that the inventor had not received adequate compensation in the first fourteen years, the patent might be renewed for seven years longer. That was a judicial investigation and inquiry about a fact. If that fact is found to be true, then the patent for the invention is just as much that man's property under the law as a farm of any constituent of the gentleman is his property under the law. Now, there are men who think it is not right that men should own farms, who say that it is a monopoly for one man to take possession of one acre or ten acres of this earth's surface which he has improved, and keep out his fellow-man who would like to divide with him. But I suppose any gentleman on this floor, whatever he may think of the wisdom of these laws, would scorn to undertake to declare judicially that a fact is true when it is not true, or to undertake to declare judicially that a fact is not true when he knows it is true.

The gentleman from Iowa [Mr. WILSON] says that if this application had come to us at the time for an extension, we would not have granted it, and therefore we should not grant it now. Does the gentleman mean to say, that if the question was submitted to us to declare that the expenses of this man had been paid, by his patent, that he had been fully compensated, and we had found that he had not been—does he mean that in that case we would turn upon the man and say "We will state falsely a fact and deprive you of what is your legal property, because we do not agree to the expediency of the law under which you obtained it?"

Mr. WILSON, of Iowa. May I interrupt the gentleman a moment?

Mr. G. F. HOAR. Certainly.

Mr. WILSON, of Iowa. In that case I would likely have found that there was no question but what McCormick had been fully compensated.

Mr. G. F. HOAR. This is not a question of the McCormick machine.

Mr. WILSON, of Iowa. That is the question you put to me.

Mr. G. F. HOAR. No, sir; it is a question whether a poor man, who invented an improvement in that machine, and who has not received compensation for it, shall now be paid by McCormick $5,000 for the right to use that improvement, or whether he shall be deprived of this compensation because the Commissioner of Patents accidentally put off one day too long the signing of a paper in his office.

Mr. WILSON, of Iowa. I say that there is no machine the patentees or owners of which have been better remunerated than the owners of the McCormick machine.

Mr. G. F. HOAR, I do not know anything about them.

Mr. WILSON, of Iowa. I think that is so.

Mr. G. F. HOAR. I do not yield further, Mr. Speaker. I never heard of this case before to-day. I take the statement of the chairman of the Committee on Patents, [Mr. CONGER,] a Representative from the agricultural Northwest, who does not like patents, who does not like these monopolies, as he calls them, any better than anybody else does. He comes before the House and says, "Though I do not like patents, though I do not like monopolies, I say that this poor man is entitled to this $5,000; it is his legal property under the law; and opposed as I am to patent monopolies, opposed as I am to their extension for the future, I am not going to be base enough to cheat a poor man out of his property because I do not like the law under which he gains it, or because I want to go home and advertise myself somewhere as having attacked these patent monopolies."

Mr. Speaker, as the principle of our patent laws has been referred to in this discussion, I want to say one word upon that point. The men who make these inventions in agricultural implements, or anything else, are, as a rule, among the hardest-working, the most self-denying, the most unfortunate, the most poorly-paid class of American citizens. The lines which Dr. Johnson wrote in regard to the poet might, with the change of a word, be applied to the inventors of this country:

> But ah! what ills the inventor's life assail—
> Toil, envy, want; the law-suit and the jail.

The profits of the inventors' labors are shared by the wealthy men like Mr. McCormick, and by the people of the country whose prosperity these inventors increase. Eli Whitney largely multiplied, according to the confession of one of the leading citizens of the South, the value of every acre of cotton-producing land in this country; yet when he went down South to claim under the law the benefit of his invention as a reward for that gift of millions and millions to the people of America, the juries in the Southern States would not find that a single cotton-gin was in use in the entire South, though on the summer days when those trials were going on, you could hear the noise of those machines under the very windows of the room where the jury was sitting.

Now, sir, the inventors of these agricultural implements are generally men in humble life. The inventor in these cases is not the wealthy manufacturer, not the man who takes the assignment, but the working man, applying himself at noon-time, and in the evenings, to perfect his invention. He is the man of genius, often shiftless, improvident, unhandy. And when, as in this case, the reward is to go to him, why should he not be heard when he asks that a little division of the gain—not a monopoly, not a tax, but a small part of the uncounted gain which he is making for the agricultural interests of the country—should be accorded him as a reward?

I tell my friends from the Northwest that they are in error in this matter. We of New England have no interest distinct from theirs on this subject. The one thing which New England wants is a prosperous West. On that, mainly, her own prosperity and that of her people depend. She wants a prosperous, growing, wealthy West. Now, if you choose to stop the influx or skilled labor from Great Britain and Europe, to stop the immigration from across the Atlantic, you keep there the laborers, the inventors, the manufacturers of the world. What is the result? You must raise your raw material, your wool, your cotton, your iron, your leather; and then these products must be carried two thousand miles by land and three thousand miles by sea to the men who make those materials into coats, shoes, hats, cloth, and other articles that you need. Thus the workman on the one side, and the farmer of the Northwest on the other, must divide the cost of this transportation of thousands of miles by sea and thousands of miles by land; and that is to be an eternal and inevitable tax on the agricultural industries which gentlemen of the West represent. What you need to do is to say to those skilled workmen across the Atlantic, "Come over here; plant yourselves close by us at our doors; when we have spent a day in raising a bushel of wheat, and you have spent a day in making a shoe, let us exchange the shoe and the bushel of wheat, without spending 90 per cent. of the entire value of both in paying the shipper of New York, in paying the railroad owner of England and Germany, to carry our products six thousand or eight thousand miles in order to make the exchange, thereby keeping us both poor, so that the northwestern farmer burns his corn to keep himself warm, while the English factory hand, the English inventor, the English skilled workman, starves in his hovel."

You are mistaken in this policy; but, whether mistaken or not, you are entitled to act upon it; but, in Heaven's name, act upon it frankly. Repeal the patent law, destroy it, but do not cut the poor inventor out of the $5,000 which, under the law, is his, just as your constituent's farm is his, because you do not like the law.

Mr. ELDREDGE. Will the gentleman from Massachusetts, before taking his seat, allow me to make a suggestion?

Mr. WILSON, of Iowa. I have been personally attacked by the gentleman from Massachusetts; and I wish an opportunity to be heard before this discussion goes any farther.

Mr. ELDREDGE. I wish to make an inquiry of the gentleman from Massachusetts, if he will allow me to do so.

Mr. G. F. HOAR. I am not aware that I attacked the gentleman from Iowa.

Mr. WILSON, of Iowa. I understood the gentleman to attack me personally. He said my effort to draw out the truth relative to this extension was made with the view to advertise myself.

Mr. G. F. HOAR. I did not allude to the gentleman at all in any word I said.

Mr. WILSON, of Iowa. I am glad to hear the gentleman say so, for I was under the impression he referred to me, as I was the only member from Iowa who spoke on the subject.

Mr. G. F. HOAR. The gentleman I alluded to was his colleague, [Mr. KASSON,] who made the explanation to which I referred, in the seat behind me.

Mr. WILSON, of Iowa. I beg the gentleman's pardon, then, for my misunderstanding. I was not aware my colleague [Mr. KASSON] had said anything on the subject.

Mr. G. F. HOAR. The argument to which I addressed myself in reply was the argument of the gentleman in front of me.

Mr. WILSON, of Iowa. My colleague [Mr. KASSON] had not taken the floor.

Mr. G. F. HOAR. I did not intend any personal disrespect to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. Let me ask the gentleman who has charge of this bill for two or three minutes.

Mr. SMART. Does the gentleman wish to speak to this bill, or go into a general discussion of the patent law? I am perfectly willing to yield my time to the discussion of the bill itself; but if I allow gentlemen to enter into a general discussion of the merits of the patent law, there will be no end of the matter.

The simple question before us is, whether we shall correct the error of an officer of the Government or not. There is no question before us on the validity of the law. The law stands just as it was before. The officer to whom was assigned this duty has committed an error. Shall we correct it or not? Shall we go to work and promptly rectify that error and give this patentee the benefit of his patent, or shall we refuse to do it? At any proper time I am willing to go into a general discussion, if that be necessary, whether patent laws are advisable or not. But because we do not believe in patent laws, shall we refuse to correct an error not through any fault of the inventor, but made by an officer of the Government?

I will yield now for five minutes to the gentleman from Rhode Island, [Mr. EAMES.]

Mr. EAMES. I think that there must be some misapprehension of the facts of this case on the part of the House, if there is any member disposed to vote against the bill reported by the committee. Until the 2d day of March, 1861, the patent law of the United States limited the term to fourteen years. By the act of March 2, 1861, the term was limited to seventeen years, but with a right on the part of the patentee, if the patent was granted prior to that date, to make application to the Commissioner of Patents for an extension for a further term of seven years.

It appears from statements made in this discussion that this patent was for an improvement of the McCormick reaper. It was issued originally on the 28th of June, 1859. Under the law then in force it expired in fourteen years from its date.

In order to obtain an extension of this patent it was necessary for the patentee to make his application in writing to the Commissioner not more than six months, nor less than ninety days, before the expiration of the original term of the patent; and no extension could be granted after the original term had expired.

The only question which arises in this case is simply whether the 28th of June, 1873, is the date of the expiration of the original patent. There is no other question arising here.

Now, sir, in order to obtain an extension of a patent it is not only necessary that the application should be made not more than six months, nor less than ninety days, before the expiration of the original term and the fees prescribed by law be paid, but the applicant is bound to make a complete case upon the merits before the extension is granted. There is nothing in the law compelling the Commissioner of Patents to allow a patent to issue for an additional term of seven years. It is only after a full hearing upon the merits, and a careful examination of the facts of the case, that the Commissioner directs an extension for a further term of seven years. The rules of the Patent Office require the Commissioner in every case of that kind to make an examination, in the first place, upon the following questions:

First, was the invention new and useful when patented?

Second. Is it valuable and important to the public, and to what extent?

Third. Has the inventor been reasonably remunerated for the time, ingenuity, and expense bestowed upon it, and the introduction of it into use? If not, has his failure to be so remunerated arisen from neglect or fault on his part?

Fourth. What will be the effect of the proposed extension upon the public interest?

These distinct questions are to be determined by the evidence; and it is only when the facts in evidence before the Commissioner establish these points and satisfy him that there has not been a proper remuneration to the inventor during the original term, that he directs the patent to be extended.

Now, the only point there is here is simply this: Whether the patentee in this case shall be deprived of the benefit of an extension granted him under the law, after a full hearing of the merits of his case, simply because the certificate of extension was signed by the Commissioner on the 28th of June, 1873, instead of being signed on or before midnight on the 27th of June, 1873. And it seems to me there is no member of this House, whatever may be his views in relation to the patent laws or the policy of the patent laws; whether he may consider them as being beneficial to the country or an injury to the country; that there is no fair-minded member of this House who, in a case like this, will say that the applicant is not entitled to the relief he asks.

Mr. SMART. I now call the previous question. I will state that there are several gentlemen who want to speak, and if the demand for the previous question is sustained, I will divide my hour among these gentlemen if they desire that amount of time.

The previous question was seconded and the main question ordered.

Mr. SMART. I now yield to my colleague on the committee, the gentleman from New Hampshire, [Mr. PARKER.]

Mr. PARKER, of New Hampshire. I desire to occupy only a moment in regard to this matter. It seems to me as though this proposition is a very simple one. The chairman of the committee has very truly stated what the action of the Committee on Patents has been. I do not think this House need apprehend that there will be any particular difficulty in regard to the arbitrary extension of patents on the recommendation of this committee. We have very fully considered that matter; and though it is not proper for me to state in this House the action of the committee, still I am sure, Mr. Speaker, that there will not be any extension of patents granted on the recommendation of the present committee, unless there ought to be. I think if ever there has been a conservative Committee on Patents, the present committee is.

Now, what is this case? I desire to have the House understand it. Under the law this patentee received his original patent for the term of fourteen years. Of course, under the old law he was privileged to go before the Commissioner of Patents for an extension for seven years. He availed himself of that privilege under that law as it then existed. Everybody was notified, and had a right to appear, under the notice, before the Commissioner and oppose the extension of the patent. The law was complied with. The gentleman from Iowa, [Mr. WILSON,] and every other gentleman, had a right to appear before the Commissioner and oppose that extension. I do not know but he did appear. I do not know what parties were heard; but everybody had a right to appear before the Commissioner and oppose the extension. It was a full hearing before the Commissioner. The law was complied with in all respects. And after there had been a full hearing, the matter was adjudicated, and the extension was granted.

Now, this is the naked question: Under the old law, as I have before stated, the original term of the patent was fourteen years. And the simple question is, whether or not the original patent expired on the 27th or the 28th day of June; whether or not the extension should date the 27th or 28th? The Commissioner of Patents held that it should date from the 28th day of June, and accordingly the extension was so dated.

Mr. LUTTRELL. Will the gentleman yield to me for a question?

Mr. PARKER, of New Hampshire. Certainly.

Mr. LUTTRELL. Was there anything to prevent this inventor applying one week, or two weeks, or a month, before he did apply?

Mr. PARKER, of New Hampshire. He was only required, under the law, to apply ninety days before the expiration of the original patent, and he did apply six months before that. He applied, submitted all his evidence, put in his whole case, and the thing was fully adjudicated.

Mr. CONGER. And paid his fees.

Mr. PARKER, of New Hampshire. Yes, sir; and paid his fees. There was a full hearing. But the absence of the Commissioner of Patents prevented a decision. The Commissioner of Patents was absent from his office until the very day of the expiration of the original patent. When he returned the applicant got his patent, as he now believes, and as he did then believe, on the 28th day of June, which was sufficient to make the extension valid.

But some lawyers have raised the question as to the validity of this extension. Sufficient objections have been brought against the validity of this extension to prevent the patentee from realizing under the extension, and we simply come in here and ask the House to legalize the act of the Commissioner, so that the original patentee shall not be deprived of the rights which were granted to him, which the Commissioner of Patents found were due to him under his patent. That is all. It is simply to legalize the act of the Commissioner.

Mr. DUNNELL. Will the gentleman allow me to ask him a question?

Mr. PARKER, of New Hampshire. Yes, sir.

Mr. DUNNELL. I wish to ask the gentleman if this is not, in other words, to compel McCormick to pay this patentee?

Mr. PARKER, of New Hampshire. I do not think that is the object of this legislation; that may be the result of it, or it may not. It simply is proposed to legalize the act of the Commissioner; that is all. The whole thing was fairly heard before the Commissioner; everybody had a right to go before him; and if they were not heard it was their own fault. But it seems a little singular to me that gentlemen should get up here now and endeavor to invalidate the act of the

Commissioner. It seems to me as if the proposition was as clear as the noon-day sun.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. PARKER, of New Hampshire. Certainly.

Mr. ELDREDGE. I, myself, am unable to make a distinction between this and an ordinary case of extending a patent. I think the gentleman from Massachusetts [Mr. G. F. HOAR] utterly failed to meet the case the House is called upon to consider, as also has the gentleman from New Hampshire, [Mr. PARKER.] He says it is simply a matter of validating the act of the Commissioner, and he tells us that our action here, if adverse to this application, will invalidate that action of the Commissioner.

Mr. PARKER, of New Hampshire. Not necessarily so.

Mr. ELDREDGE. That is what the gentleman said to us. If the action of the Commissioner is valid, certainly there is no need of any action in this case. If his action is invalid, if he has endeavored to continue this patent without authority of law, then we come back to the precise question presented in all cases for extension, to wit, whether the patent should be extended. As for myself, it seems to me that seventeen years is a sufficient time for the existence of a monopoly. If the invention is a good one, it ought to realize to the patentee a sufficient reward in seventeen years; if it is a bad one and never will realize anything, then there is no reason why the public should not have the benefit of it and improve upon it if they can.

Mr. PARKER, of New Hampshire. It is not as the gentleman states; it is not simply a question of extending a patent. The question is simply to give to this patentee the rights which he has acquired under the law. The gentleman says that if this extension is valid, then we need take no action here at all, for the courts will so decide. Now, if it is not valid, that is not the fault of the patentee, but purely the fault of the Commissioner of Patents. And I ask the gentleman in all candor and justice if the patentee ought to suffer through a mistake of the Commissioner of Patents? That is the question.

Mr. SPEER. I desire to ask the gentleman one question in the line of his argument.

Mr. PARKER, of New Hampshire. Very well.

Mr. SPEER. If the Commissioner of Patents fails to do his duty, is there any remedy under the law on the part of the patentee against him?

Mr. PARKER, of New Hampshire. Not at all, as I understand it. His only remedy is to come here to Congress.

Mr. SPEER. Precisely so.

Mr. PARKER, of New Hampshire. And he has come here.

Mr. LUTTRELL. Will the gentleman allow me to ask him a question?

Mr. PARKER, of New Hampshire. Certainly.

Mr. LUTTRELL. Has the inventor in this case any rights before the courts to decide the validity of the act of the Commissioner?

Mr. PARKER, of New Hampshire. I suppose he has; I suppose he can go before the courts. But the question is one of equity. Ought this House to compel this man, when he has done everything the law required him to do, when he has done everything he ought to do, when he has laid his case completely and clearly before the Commissioner—ought we to compel him to go into the courts, and thereby suffer great expense?

Mr. SMART. I now yield to the gentleman from Indiana [Mr. SAYLER] for ten minutes.

Mr. SAYLER, of Indiana. The object of this bill has been very clearly and forcibly stated by gentlemen who have preceded me. As I understand it, the question is one entirely and solely curative of a possible defect. Congress has time and again proclaimed by enactment its policy upon the subject of patents. And however conservative I may be, however opposed I may be to the great monopolies that grow out of the manufacture of patented articles, I still recognize the validity of a policy that has been carried down through all the history of this country in relation to patents.

In this case the patentee, pursuing his rights under the statutes, made his showing to the Commissioner of Patents, and he had the adjudication of the Patent Office upon that showing. Wholly and solely by a mistake on the part of an officer of the Government, a question has arisen as to the validity of this extension; and now this patentee comes here, with an interest amounting to $5,000, asking that that question may be quieted in his interest; and under the policy that has been pursued there are in this case all the elements that entitle it to a fair and candid hearing on the part of the House, and relief should be granted.

It is not so much a question where the ultimate benefit of this patent is to go, as it is whether we shall provide here the relief which appeals to every man's broad conscience, and to the full and unquestioned power of Congress. If this extension is invalid at all, it is invalid solely by the mistake in the date, and that mistake was made by the Commissioner of Patents. If it is valid, then legislation will hurt no one. The proposed legislation is not upon its face in the nature of an extension, although in effect it may possibly be in the nature of an extension.

On its face it is in the nature of an act quieting title. There are, in this case, all the elements that would entitle any party in a court of equity or a court of law to a new trial. It is upon that principle that we are acting.

Now, sir, had there been in this case any neglect or want of care on the part of the inventor, it might be proper to visit upon him the consequences of his own want of diligence. But he has shown himself to have been diligent in every possible particular. He was in the Patent Office on the 27th of June, asking the acting Commissioner of Patents to sign the extension of the patent which had already been decreed to him. But the acting Commissioner stated that he preferred the Commissioner should sign the paper; that he would be here the next day, and that that would be in sufficient time. This poor inventor, (belonging to a class of whom we have heard so much,) thus coming here with his hands clean, having exercised all possible diligence, having applied when it was clearly in time for an extension of his patent, and that extension having been decreed to him, comes here now and asks that he may be enabled to receive the only substantial reward he has ever received from his patent. However much opposed I may be to these monopolies, however indignant I may grow over a contemplation of the oppressive power which they in many cases exercise over the people, I recognize the merits of the poor man who in his garret or by his rush-light develops a useful invention, and such a man I feel like recognizing in a substantial manner.

This man comes in here and states frankly that he has conditionally sold his extended patent for $5,000. As an honest man he comes here and proclaims the facts. There is no "cat in the meal-sack" about this matter. Stating the facts fully, he asks that he may have the benefit of his invention to the extent of $5,000. If we refuse this application, let it be proclaimed that all rights, of whatever character, are to be disregarded here; that all applicants for pensions, or anything else, are to be sent to the courts or the Departments; and if they fail there, they must suffer without pity from Congress.

Mr. SMART. I now yield five minutes to the gentleman from California, [Mr. PAGE.]

Mr. PAGE. Mr. Speaker, I wish to detain the House but a few minutes with any remarks on this subject. I simply desire to say that upon general principles I would be opposed to extending any patent that had expired by limitation of law. But this case appears upon its face to be meritorious. We are asked simply to correct an error of the Commissioner of Patents. Under the law, as it existed prior to 1872, it was the duty of the Commissioner to examine these applications for extension, and if he believed the application to be meritorious, to extend the patent for a term of seven years. Evidently the Commissioner regarded this as a meritorious case upon the showing made, and decided to extend the patent for seven years.

Now, I do not believe the agriculturists of the country, who have been spoken of by gentlemen here who oppose this measure, demand that any act of injustice shall be done to any individual in this land. If this young man has, by his inventive genius, made a valuable improvement, and obtained a patent-right thereto, which is beneficial to the whole country; and if, after due examination, it has appeared that justice demands an extension of the patent for seven years, I do not believe that the mistake of a single day should force this patentee into the courts of the country to obtain his rights.

Besides, sir, the favorable action of Congress upon this bill will perhaps save to the agricultural interests of the country hundreds of thousand of dollars, for this reason: it may be a mooted question, and probably is, whether this patent has been extended or not. Unless Congress acts in this matter, the parties will be compelled to go into the courts. Persons may use this improvement, believing that the extension has not been legally made; thus a question will arise which will drive parties into the courts. This litigation will make the agricultural implement in question more expensive to the farming community than it would be if the question were now promptly settled by Congress. While I represent an agricultural community, I do not represent a constituency that demands of me to do an act of injustice to any human being in the land. I respect the inventive genius of New England as I respect the rights of the farming community of the great West; and I am ready at all times to vote in favor of according equal and exact justice to all.

Mr. SMART. I yield three minutes to the gentleman from Iowa, [Mr. WILSON.]

Mr. WILSON, of Iowa. Mr. Speaker, at the beginning of this debate I endeavored, through a series of questions, which were put as quietly as I could put them, and with as good grace as I could deliver them, to ascertain from the gentleman who had charge of this bill the nature of this invention or machine, and all about it. I was not successful in my inquiries; but I have learned during the progress of the debate that the patent in question is for some appliance connected with the McCormick machine. Now, every western man knows that every patent on that machine has been most amply paid for. But it seems we cannot be permitted to push inquiries to such an extent as to get the information we desire without having eastern members of this House read us long lectures on different subjects relative to emigration, political economy, &c. The gentleman from New Hampshire [Mr. PARKER] put it almost clearly before the House. He says this gentleman, after having had fourteen years' use of this invention, asked for its extension. He said there was a judicial hearing, and everybody might have gone there. I think that was the spirit of his remarks. Mr. Speaker, you know very well only one side goes there to be heard in that case. What I wish to learn is this: whether that judicial act which was had at that time to extend this

patent was on some part of the McCormick machine which the judgment of every western man would not extend? If I can ascertain that to be the fact, then, sir, I think this House should not lend its aid to make that judicial act binding.

Mr. PARKER, of New Hampshire. You say this was an *ex parte* hearing. Do you not know under the law everybody is notified?

Mr. WILSON, of Iowa. I know that.

Mr. PARKER, of New Hampshire. And all parties are heard there?

Mr. WILSON, of Iowa. Certainly I know they are all heard. On the one side is the man who asks for an extension of the McCormick machine——

Mr. PARKER, of New Hampshire. Do you not know you had the right to appear to be heard?

Mr. WILSON, of Iowa. I know on one side is this man asking for an extension of the McCormick machine, and on the other side are all the farmers of the West who use that machine.

Mr. PARKER, of New Hampshire. Why did you not appear?

Mr. WILSON, of Iowa. Certainly, why did I not? This one thing I wish to learn, and this is all. If this extension was given on some part of the McCormick machine which should not have been given, then I do not want to give my vote to add to that blunder and to extend for seven years further that nuisance.

Mr. SMART. I will now yield for three minutes to the gentleman from Iowa, [Mr. McDILL.]

Mr. McDILL, of Iowa. Mr. Speaker, as I come from a section of the country where the public mind is much excited on the question of patent rights, I wish to explain my vote on this bill. I shall vote for the bill as reported from the Committee on Patents. It is simply a proposition to do justice. A duly authorized agent of the Government, the Commissioner of Patents, was called upon to act under the law, and did act under the law, granting an extension of the patent; but by mistake—if it be a mistake, and that is not certain—by mistake of only one day there is danger that the person to whom he awarded the extension will lose his rights. All this bill proposes to do is to make certain the rights guaranteed to this man by the proper officer. This question of extension was determined judicially by the officer to whom the power was given to determine it. All, it seems to me, there is in the case is whether we shall do simple justice to this man. If our agent has made a mistake, shall we deny this right to this inventor, even though that mistake was made?

Now, Mr. Speaker, I have introduced a bill into the House, and it is now before the Committee on the Public Lands, in which I ask the American Congress to do what is right in reference to certain homesteaders. I place my claim upon this ground, that it was the action of the officers of the Government which induced these homesteaders to make the mistake they did in settling upon the public lands. But how can I come here and ask the American Congress to rectify that mistake, made because of the action of the Government's agents, if I shall deny justice to this man when he asks we shall correct the mistake of the agent of the Government, the Commissioner of Patents? I do not understand western people are opposed to granting patent rights. I understand they are indignant at the exaction and grinding of certain monopolists who have acquired patent rights from inventors, and from whom they have suffered. They wish Congress, when the question comes before it, to see to it that no patent shall be improperly extended. I apprehend no people who understand right and justice will ask us to interfere with that with which we have nothing to do, and that is to interfere with the judicial determination of this case by the Commissioner of Patents. It has been decided this patent shall be extended, and we cannot go behind that question; and the simple question remaining is whether we shall correct a mistake of one day in order that this man may not be involved in endless lawsuits. Nor is the McCormick reaper before us, but only some poor inventor, who has invented some improvement in harvesters and sold his invention to McCormick, but who will not be able, except at the end of a long lawsuit, to recover the money for which he sold his invention unless we pass this bill as an act of simple justice.

For this reason, Mr. Speaker, I shall vote for this bill; and I hope I will be found, when the question comes up as to the extension of a patent by the American Congress, true to this principle, that I will never vote for an extension unless I feel it is just and right and proper the inventor should have such extension.

Mr. SMART. Now, Mr. Speaker, I call for a vote.

Mr. LOWE. Has not the morning hour expired?

The SPEAKER. The gentleman has called the previous question.

Mr. CANNON, of Illinois. Mr. Speaker, I desire to ask the following questions: This inventor, or his assignee, having had a property in fourteen years' exclusive use of his invention under the law, it is now stated by the committee that it is doubtful whether he has a property in seven years' additional exclusive use of his invention. If he has such property, then he is protected under the law, and if his rights are violated the courts are open for redress, as in any other case of the violation of the rights of property. If he has not such property, is it in the power of Congress, by legislation, to confer a property when none exists, as against others? And if Congress has such power, is it equitable or proper that the same should be exercised? This is not a mere matter of the correction of a mistake between the Government on the one hand and an individual on the other; there, so far as the Government is concerned, the power of Congress is unquestioned; but, if the legislation is worth anything, it is for the purpose of giving a property to this inventor that he now does not have, as against all other individuals; and the power to so legislate, in a case of this kind, I question; and if such power does exist, against its exercise I protest.

Mr. SMART. I will state to the gentleman that Congress can legalize the extension, as nobody has acquired the right to use this property.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill; and being taken there were—ayes 87, noes not counted.

Mr. DUNNELL. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 17; not a sufficient number.

So the yeas and nays were refused, and the bill was passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUE OF ADMIRAL FARRAGUT.

Mr. SESSIONS. I ask unanimous consent to report back, from the Committee on Public Buildings and Grounds, for present consideration, the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

Mr. DUNNELL. I object.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I move that the House do now resolve itself into Committee of the Whole on the Private Calendar.

Mr. E. H. ROBERTS. I ask that, instead of agreeing to the proposition of the gentleman from Illinois, the House shall now resolve itself into Committee of the Whole on the state of the Union for general debate. There are a number of gentlemen here who desire to speak, and the House is getting thin for business.

Mr. HAWLEY, of Illinois. I object to the gentleman's proposition.

Mr. E. H. ROBERTS. I make the motion which I have indicated. I move that the House go into Committee of the Whole on the state of the Union, to take into consideration the President's message.

Mr. MAYNARD. Before either of those propositions is submitted to the House, it appears to me that it may be possible to adopt another mode of proceeding which may be acceptable to the friends of both the propositions. I suggest that the House should agree, at a certain hour to-day—say at half-past four o'clock—to take a recess until half-past seven, and then meet for debate on the President's message, having devoted the afternoon to the Private Calendar. I understand that some gentlemen who desire to speak will be satisfied with that disposition of the time.

Mr. BURCHARD. I suggest that the proposition of the gentleman from Tennessee [Mr. MAYNARD] might be adopted by unanimous consent.

Objection was made by several members.

Mr. HAWLEY, of Illinois. I demand the regular order.

Mr. McCRARY. I desire to make a parliamentary inquiry. Is it now in order to move to go into Committee of the Whole on the President's message?

The SPEAKER. The motion of the gentleman from Illinois [Mr. HAWLEY] takes precedence.

Mr. McCRARY. If that should not carry, would not the only question then in order be to proceed with the consideration of the special order, being the bill reported from the Committee on Railways and Canals?

The SPEAKER. That also would take precedence; and if neither motion should be adopted, then the motion of the gentleman from New York [Mr. E. H. ROBERTS] would be in order. It is at any time competent for the House, by a majority vote, to go into Committee of the Whole on the Private Calendar, to go into Committee of the Whole on the state of the Union on the special order, or to go into Committee of the Whole on the state of the Union on the President's message. The rules merely prescribe the precedence of the respective motions; and the first in order is that of the gentleman from Illinois, [Mr. HAWLEY.]

Mr. BECK. I wish to say a word to the gentleman from Illinois. There are several gentlemen on this side, and, I believe, on the other side of the House, who desire to make speeches. They have never spoken. They have never interrupted business. They have never interposed objections. And I think some respect should be paid to their wishes. And there are special reasons in the case of some of them. One of my colleagues, who has sickness in his family, may not have an opportunity to speak for some time if he does not have that opportunity to-day. I do not want to be heard myself. I hope the gentleman from Illinois will allow a general debate to ensue now. If he is a little accommodating to those gentlemen it will certainly aid him in the progress of the business he has in charge to a much greater extent than if he should insist on proceeding with business to-day.

Mr. HAWLEY, of Illinois. Yesterday I withdrew the objection I had made to having the day set apart for general debate. Great pressure was brought to bear upon me, and I yielded. But when I withdrew the objection it was renewed by others. And as there are

a great many gentlemen who are anxious that the House should go into Committee of the Whole on the Private Calender, any consent of mine to meet the wishes of the gentleman from Kentucky [Mr. BECK] would have no effect.

Mr. CONGER. I hope the gentleman from Kentucky [Mr. BECK] will not believe that any gentleman in this House refuses to allow the House to go into Committee of the Whole to prevent his speaking to us.

Mr. BECK. Of course not.

Mr. ELDREDGE. I heard yesterday the gentleman from Michigan [Mr. CONGER] intimate to the gentleman from Kentucky that the reason the proposition for a session to-day for debate only was not agreed to was, that gentlemen were afraid that the gentleman from Kentucky was to make a speech to be sent to New England. [Laughter.]

Mr. CONGER. I merely repeated to the gentleman from Kentucky what the gentleman from Wisconsin [Mr. ELDREDGE] had stated to me; but for myself I have no objection to hearing a speech from the gentleman from Kentucky.

Mr. BECK. I make myself so extremely agreeable that, if I want to make a speech, I have no doubt there would be unanimous consent. [Laughter.]

Mr. CONGER. For myself, so far as regards political or any other considerations, I would be delighted to hear the gentleman speak.

Mr. BECK. I have no doubt of that.

The SPEAKER. The question is on the motion of the gentleman from Illinois, [Mr. HAWLEY,] that the House shall resolve itself into Committee of the Whole on the Private Calendar.

Mr. MAYNARD. If that proposition should prevail, I hope there will be an opportunity to test the other question I have suggested, whether we shall have an evening session for debate.

The question was taken; and upon a division there were—ayes 70, noes 53.

Before the result of the vote was announced,

Mr. RANDALL said: On that question I call for the yeas and nays. We will waste the day anyhow.

Mr. MAYNARD. Let us submit the other proposition.

Mr. RANDALL. No, sir.

Mr. G. F. HOAR. I raise the point of order. Is it in order for a gentleman to state to this House that "we will waste the day anyhow?"

Mr. RANDALL. I am responsible for that, and nobody else.

Mr. G. F. HOAR. I make the point of order.

The SPEAKER. What is the point of order?

Mr. G. F. HOAR. The gentleman from Pennsylvania, [Mr. RANDALL,] when the House was about to vote whether it would go into Committee of the Whole on the Private Calendar, said "We will waste the day anyhow." I submit that such a threat as that is out of order.

Mr. RANDALL. I think the gentleman himself is wasting time by such technicalities.

Mr. O'BRIEN. I desire to say that the language used by the gentleman from Pennsylvania was in private conversation, directed to me alone.

Mr. RANDALL. Well, I repeat it to the House.

The SPEAKER. The Chair does not rule that the words were out of order; he will say they may be considered as impolite, though not unparliamentary. [Laughter.]

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 29, noes 86.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. ELDREDGE. I do not think we will be able to do much to-day; it is Saturday in the afternoon, and some of us have religious scruples about working late on Saturday. I therefore move that the House do adjourn.

The SPEAKER. It is not parliamentary for gentlemen to give reasons for adjournment.

Mr. PARKER, of New Hampshire. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, one-fifth voting in the affirmative upon a division—ayes 27, noes 68.

Mr. KELLOGG. I suggest that, with two calls of the yeas and nays ordered, we may as well yield the point and allow the rest of the afternoon for debate.

Mr. ELDREDGE. I move that when the House adjourns to-day, it be to meet on Tuesday next.

Mr. PARKER, of New Hampshire. On that motion I call for the yeas and nays.

The yeas and nays were ordered, one-fifth voting in the affimative, there being on a division—ayes 24, noes 72.

The question was taken upon the motion to adjourn until Tuesday next, and there were—yeas 5, nays 195, not voting 90; as follows:

YEAS—Messrs. Arthur, Eldredge, O'Brien, Sawyer, and Sloss—5.

NAYS—Messrs. Adams, Albright, Ashe, Atkins, Averill, Banning, Barber, Barrere, Beck, Bell, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crossland, Curtis, John J. Davis, Donnan, Duell, Dunnell, Durham, Eames, Farwell, Field, Fort, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamison, Lamport, Lawson, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Magee, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Moore, Morrison, Neal, Niblack, Nunn, Orth, Packard, Page, Isaac C. Parker, Pendleton, Perry, Phillips, Pierce, Thomas C. Platt, Rainey, Randall, Ransier, Rapier, Rawls, Ray, Read, Rice, Richmond, Ellis H. Roberts, William R. Roberts, Ross, Rusk, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Small, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Sprague, Stanard, Starkweather, Stone, Stowell, Strait, Strawbridge, Taylor, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whitehead, Whiteley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Wilshire, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young—195.

NOT VOTING—Messrs. Albert, Archer, Barnum, Barry, Bass, Begole, Berry, Biery, Brown, Buckner, Bundy, Benjamin F. Butler, Cain, John B. Clark, jr., Freeman Clarke, Clinton L. Cobb, Comingo, Cox, Creamer, Crocker, Crounse, Crutchfield, Danford, Darrall, Alexander M. Davis, Dawes, DeWitt, Dobbins, Eden, Elliott, Freeman, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Joseph R. Hawley, Hays, Hynes, Jewett, Killinger, Lansing, Lawrence, Leach, Lewis, Lofland, Marshall, McCrary, McJunkin, McLean, Morey, Myers, Negley, Nesmith, Niles, O'Neill, Orr, Packer, Hosea W. Parker, Parsons, Pelham, Phelps, Pike, James H. Platt, jr., Poland, Potter, Pratt, Purman, Robbins, James C. Robinson, James W. Robinson, Henry J. Scudder, Sener, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, William A. Smith, Standeford, Stephens, St. John, Storm, Swann, Sypher, Thomas, Thornburgh, Wells, Wheeler, Whitehouse, Wilber, Jeremiah M. Wilson, and Pierce M. B. Young—90.

So the motion was not agreed to.

The question recurred upon the motion to adjourn, upon which the yeas and nays had been ordered.

Mr. GARFIELD. I ask unanimous consent of the House that the remainder of this session may be devoted to debate only.

Mr. HAWLEY, of Illinois. I made the motion to go into Committee of the Whole on the Private Calendar, stating at the same time that on yestesday I withdrew my objection to devote to-day for debate, and that I did not object to that to-day. I supposed at the time it was understood that I made no objection. I make none now. From the vote upon my proposition it appeared that a majority were in favor of going into Committee of the Whole on the Private Calendar. It is quite as manifest now that a large majority of the House are determined that no further business shall be transacted to-day. I do not think it necessary to keep members here who may wish to go away, when no business can be done.

Mr. GARFIELD. I make the suggestion to save time.

Mr. HAWLEY, of Illinois. I withdraw my motion.

Mr. RANDALL. I rise to a personal question. The gentleman from Massachusetts [Mr. G. F. HOAR] made a point of order upon some language which I used, and which I think was in order. The Speaker ruled, and I think properly, that my language was not out of order; but he subsequently stated that, while not out of order, it was impolite. Now, I do not wish to stand before the House and the country in the attitude of having been guilty of impoliteness; and I hope the Speaker will state upon what ground he held that I have been impolite.

The SPEAKER. The Chair made the remark in a merely jocular manner; he did not intend to arraign the gentleman upon any charge of impoliteness. The Chair the more gladly relieves the gentleman from any imputation of that kind, because he does not know that a ruling upon a question of impoliteness would be open to appeal, and he will not assume an absolute authority.

Mr. RANDALL. It is all right; I only wanted to have the matter properly understood.

Mr. HUBBELL. I suppose the remark was to be taken "in a Pickwickian sense."

Mr. PARKER, of New Hampshire. I desire to state that on the question of adjourning over I was paired with the gentleman from Virginia, Mr. SENER. If here, he would have voted "no," while I should have voted "ay."

The SPEAKER. The gentleman from Illinois [Mr. HAWLEY] states that he desires to withdraw the motion to go into Committee of the Whole for the consideration of the Private Calendar. The gentleman from Wisconsin [Mr. ELDREDGE] withdraws the motion that the House adjourn. The only pending motion is that of the gentleman from New York, [Mr. E. H. ROBERTS,] that the House resolve itself into the Committee of the Whole on the state of the Union, for the consideration of the President's message. Before putting that motion, the Chair will recognize the gentleman from Ohio, [Mr. BANNING.]

RELEASE OF EDWIN O'MEAGHER CONDON.

Mr. BANNING. I desire to present the petition of J. B. Purcell, archbishop of Cincinnati; Edward F. Noyes, late governor of Ohio; and 100 other leading citizens of Ohio, for the release of Edwin O'Meagher Condon, an American citizen, now imprisoned in England. I ask that a statement of his case may be read by the Clerk.

The Clerk read as follows:

The case of Edward O'Meagher Condon, now confined in Portland convict prison, England, convicted for complicity in the killing of a policeman in Manchester.

Edward O'Meagher Condon, a citizen of the United States, late a resident of Cincinnati, Ohio, was sent over to Ireland from Cincinnati, in the spring of 1867, to

attend to some property left to his father by an uncle. He was instructed to call at Manchester on his return, to see two relatives residing there. While in Manchester he was arrested for complicity in the killing of the aforesaid policeman, under the following circumstances:

Two suspected Fenians, named Kelley and Deacy, were being sent to jail in a prison van, with other prisoners. The van was stopped about half-way between the court-house and jail by a party of forty men, who demanded the release of the two suspected Fenians. They ordered the policeman inside the van to open the doors. He had the keys, but refused to comply. The party then proceeded to break open the van with stones, &c., but failing, one of them fired a pistol into the key-hole to burst the lock. The bullet accomplished the object, and shot the policeman inside. There was no intention to injure the man. It might as well be one of the prisoners who would get hurt; but he was in the course of the bullet and got killed.

Condon was arrested the same evening three miles away from the place of the accident. The affair created the wildest excitement and great alarm throughout England, particularly in Manchester; and in the midst of this popular panic a special commission was appointed to convict the prisoners. They were tried in batches of fives, and Condon, an American, was included in the first batch. They were all convicted of murder in the first degree and sentenced to be hanged. Twenty-five witnesses swore against one man, fifteen against two more, ten against the fourth, and five against Condon. The person who had ten witnesses against him was liberated on the application of the reporters, who declared that he did not have a fair trial.

Mr. BANNING. I have also a letter from Hon. Samuel F. Cary, formerly a member of this House, who, while in England, visited Mr. Condon in prison and thinks he is improperly confined. I have also a letter of Hon. J. D. Fitzgerald, one of the judges of England. I ask that the petition, together with these letters, be referred to the Committee on Foreign Affairs, and ordered to be printed in the RECORD.

There being no objection, it was so ordered.

The petition and letters are as follows:

To the Congress of the United States:

Your petitioners, residents of the city of Cincinnati, Ohio, respectfully but earnestly ask that you will by proper resolution or otherwise interpose in behalf of Edward O'M. Condon, a citizen of this State and city, now in confinement in the Portland convict establishment, in England, for the alleged murder of a policeman in Manchester.

Your petitioners state that young Condon was, in 1867, a resident of this city, and was a good, industrious, and honest young man, respected by all who knew him; that in that year he was sent over to Ireland from Cincinnati to attend to some property left his father, Thomas Condon, of this city, and was also instructed on his return to call on two relatives living in Manchester, England; that while near said Manchester he was arrested for alleged complicity in the murder of a policeman of Manchester; that he was hurriedly tried, and, as we fully believe, by false testimony of perjured witnesses, condemned to death; that thereafter, upon representations made by Mr. Adams, the American minister, to the British government, his sentence was commuted or a reprieve granted; that he has since then, now more than five years, been imprisoned in England, and still lies there in jail; and we state that he had ever been while in the United States a young man of exemplary character; that his long confinement has worn upon his health, and must ultimately, added to the keen sense of the injustice of his condemnation, kill him, unless he is released; that he was the main hope and stay of his parents, Thomas Condon and wife, who are old, and that his sad condition has brought untold sorrow and distress upon his family; that his release is demanded by justice and mercy both; that his trial was hasty and imperfect, and he was made a victim to falsehood and excitement; that we have no doubt, if the British government would authorize a new trial in his case, it would be clearly shown that he is innocent of the great crime imputed to him. And we, his parents, neighbors, and friends, earnestly ask your honorable bodies to take such action as will be consistent with your honor, and that of our country, and also, as will afford the English government the opportunity to show to American citizens that justice which no government is more constant and energetic in demanding for her own subjects than she is.

THOMAS CONDON, his father.
ELLEN CONDON, his mother.

I recommend and request that a new trial be granted if possible.

EDWARD F. NOYES,
Governor of Ohio.
J. B. PURCELL,
Archbishop Cincinnati.
M. H. TILDEN,
Judge Superior Court.
W. S. GROESBECK.
ALFRED YAPLE,
Judge of Superior Court of Cincinnati, State of Ohio.

I cheerfully concur in the request of Governor E. F. Noyes.

S. S. DAVIS,
Mayor of Cincinnati.

We are not acquainted with the facts of the case or the laws under which Condon was tried, but Mr. and Mrs. Condon are worthy people, their son is their stay, and his release would be a mercy and a blessing to them.

M. T. FORA,
Judge Hamilton Common Pleas.
CHAS. C. MURDOCK,
Judge Hamilton Common Pleas.
WM. L. AVERY,
Judge Hamilton Common Pleas.
T. A. O'CONNOR,
Judge Superior Court of Cincinnati.
J. BURNET,
Judge Hamilton Common Pleas.
WILLIAM TILDEN,
Judge of Probate Court, Hamilton County, Ohio.
N. H. VAN VORHES,
Speaker Ohio House Representatives.

The petition is also signed by the following members of the Ohio State senate:

Joseph F. Wright,	P. W. Hardesty,	W. O. Packer,
H. D. McDonnell,	W. H. Holden,	I. Q. Smith,
A. W. Patrick,	Arome C. Wales,	D. W. H. Howard,
John Schiff,	J. H. R. Anon,	S. Knox,
Charles Boesel,	W. Morrow Beach,	J. T. Updejuff,
J. S. Gardner,	John G. Thompson,	Wm. Nash,
Peter Murphy,	John W. Morris,	H. S. Gage,
L. B. Leeds,	James Sayler,	

The petition is also signed by the following members of the Ohio house of representatives:

John Little,	S. R. Mott,	Charles Oesterlein,
W. C. Cooper,	Thos. H. Armstrong,	David Cunningham,
T. Miltenberger,	John C. Waldron,	George W. Wilson,
J. M. Haag,	Ira Ferguson,	C. F. Kirkland,
Wm. Bell, jr.,	Henry Chapman,	Albert Munson,
Milt. McCoy,	Thomas D. Stiles,	William Milligan,
O. Case,	Levi Colly,	Henry Schoenfeldt,
B. C. Blackburn,	Eugene Powell,	A. H. Brown,
H. M. Chapman,	George Nokes,	Elias Elliss,
J. M. Cochran,	William L. Ross,	Benjamin F. Sprigs,
John M. Wilson,	Clark White,	N. E. Leland,
J. R. Conrad,	Joseph Bradbury,	Isaac Austill,
Charles P. Taft,	James E. Chase,	J. R. Conrad,
W. C. McFarland,	A. Armstrong,	J. J. Moore,
S. B. Berry,	H. F. Brashear,	M. McCoy,
John Seitz,	H. Beckstresser,	J. Count,
H. Weible,	Geo. Nokes,	C. B. Smith.
William Adair,	A. R. Van Cleaf,	Samuel C. Bowman,
S. N. Titus,	S. E. Blakeslee,	Henry Weible,
William G. Ways,	Lewis Green,	Thomas Peckinpany,
R. C. Thompson,	W. Stillwell,	John Kisor,
H. W. Curtiss,	J. M. Brunswick,	Guido Mare,
J. Scott,	John T. Fallis,	T. A. Corcoran,
Isaiah Pillars,	John Shank,	H. C. Whitman.
W. P. Howland,		

C. H. BABCOCK,
Speaker pro tempore House of Representatives, Ohio.

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7 MERRION SQUARE, EAST DUBLIN,
February 14, 1873.

SIR: I have received your letter of the 22d, and in reply take leave to assure you that I did not write to Mr. Secretary Bruce. I did not receive from him the reply which you describe. My position as a judge prohibits me from interfering in any case not tried before me, and even then only when called on by government for a report. Mr. Kenelm Digby, member of Parliament for the Queen's County, is a connection of mine, and a valued friend, whose opinion I very much respect. He was deeply interested in your son's case, and he has frequently conversed with me about him and his trial. I learned from Mr. Digby that he has studied the case carefully and had come to the conclusion that your son, Edward O'Meagher Condon, or Shore, had taken no part in the homicide of the constable of Manchester, and was implicated by taking part in the riot, and by stone-throwing only; that he was unarmed, and that there was no proof against him of any previous design. I had no knowledge whatever of the case myself. Mr. Digby felt very much for one so young and prepossessing as your son, but felt more for you and the family. I am aware of the great exertion he has made to procure your son's release, and I would have aided him if I had the power to do so.

I have no doubt that Mr. Digby will not be deterred by previous failures from continuing his efforts, and I most sincerely hope that zeal and efforts may soon prove successful.

I can only express my feelings for you and your afflictions, and remain your faithful,

J. D. FITZGERALD.

Mr. THOMAS CONDON.

CINCINNATI, *January* 28, 1874.

SIR: When in England, I took special pains to get the facts in relation to the case of Condon, alias Shore, convicted of murder in Manchester, with three others. The others were executed. On account of well-grounded doubts of the participation of Shore in the murder his sentence was commuted. Mr. Moran, our secretary of legation at the Court of Saint James, was very much interested in the case, and after a thorough investigation came to the conclusion that Shore, alias Condon, was entirely innocent. I conversed with Jacob Bright, M. P., Mr. Potter, Sir Wilfred Lawson, and other members of Parliament, who expressed much interest in behalf of the accused. Young Condon is a worthy son of most worthy parents in your district, and every effort possible should be made to secure his liberty from confinement and his return to his family.

Mr. Moran can furnish all the facts in the case if written to.

I send you copy of petition, &c., and a letter from one of the most eminent judges of Ireland, to the father. The latter you will please preserve.

Yours, &c.,

S. F. CARY.

Hon. H. B. BANNING, M. C.

EXPLORATION OF PALESTINE, EAST SIDE OF THE JORDAN.

Mr. GUNCKEL, by unanimous consent, presented a memorial of citizens of New York and New Haven, in favor of the passage of the bill (H. R. No. 63) to authorize the Secretary of War to detail an Army officer to continue the survey and exploration of Palestine, on the east side of the Jordan; which was referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF ONTONAGON HARBOR.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to an appropriation to repair the existing pile-work on the west side of Ontonagon Harbor, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City;

An act (H. R. No. 447) extending the time for the completion of the Green Bay, Sturgeon Bay and Lake Michigan Ship-Canal, in the State of Wisconsin;

An act (H. R. No. 1225) granting a pension to William E. Prince, of Iowa;

An act (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War; and

An act (H. R. No. 2201) to render available a certain unexpended balance of appropriation.

SECESSION, NATURALIZATION, ETC.

Mr. CLAYTON, by unanimous consent, presented the petition of citizens of California, asking an amendment to the Constitution prohibiting the withdrawing of any State from the Union, also showing the relations of civil and ecclesiastical authority, &c.; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, your memorialists, citizens of the United States, respectfully represent that—

Whereas a portion of our fellow-citizens believe that allegiance to their respective States is paramount, and, in vindication of that opinion, appealed to the sword, the highest arbiter of nations; and, notwithstanding the decision of the battle-field was against them, and that the people have, in four consecutive presidential elections, decided in favor of national sovereignty, many of our people still believe their highest allegiance is due to the State, your memorialists believe the time has fully come when this controversy should be terminated by an amendment to the Constitution, so explicit as to remove all doubt on the subject; and whereas our theory of government wisely separates Church and State, leaving each independent within its own sphere, and guaranteeing to the citizen the free exercise of his religion, yet our Constitution nowhere discriminates between the secular and the spiritual, the civil and the ecclesiastical, nor clearly affirms the supremacy of either in secular affairs; and as many foreigners who reach our shores hold to the supremacy of the ecclesiastical authority in all things, spiritual and temporal, these are liable to misunderstand our theory of government; it seems therefore to your memorialists that justice to the foreigner, as well as the safety of our institutions, requires an amendment to our Constitution on this subject, and a corresponding amendment to our naturalization laws. These measures may preserve for a time our admirable system of government; but the only safeguard against the dangerous theories mentioned—the only guarantee of its perpetuity—is in the education of the people in its fundamental principles. For the foregoing reasons your memorialists respectfully pray your honorable bodies—

First. To submit to the people an amendment to our Federal Constitution, declaring that the people of the United States constitute one nation, and that no State, nor any number of States, can withdraw therefrom.

Secondly. An amendment to the Constitution, showing the relations of civil and ecclesiastical authority—asserting the supremacy of the former in secular matters.

Thirdly. To amend our naturalization laws, so as to require all applicants for citizenship, besides the renunciation of allegiance to civil powers now required, to renounce civil and political allegiance to all hierarchical authorities whatever.

Fourthly. To provide a national text-book, containing a brief exposition of the principles of civil government, the Constitution of the United States, a commentary thereon explaining the relations of the Federal and State governments; also, the relations of the civil and ecclesiastical authorities, with such other instruction as may be necessary to enable the citizen to perform, in an intelligent manner, the responsible duties pertaining to the high prerogative of American citizenship.

Fifthly. To enact a law requiring said text-book to be used in all our schools and institutions of learning, both public and private; and to make education compulsory.

All which is respectfully submitted, and for which your memorialists will ever pray.

OPERATORS OF DEPARTMENTAL TELEGRAPH.

Mr. GARFIELD. I ask unanimous consent to introduce, and have passed, a bill to appropriate $1,400 to pay the operators in the departmental telegraph connected with the two Houses of Congress. No appropriation has been made for this purpose, although the operators have been employed in pursuance of law. It is now the end of the month; and as we do not know how many months these men will be employed (they are employed according to law during the session only, at $100 a month) I have prepared a bill which I send to the desk to be read, and which I hope will be passed at once.

The bill was read. It appropriates $1,400, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to enable the two Houses of Congress to pay the telegraph operators employed under the provisions of an act in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government; and the sum of $700 is added to the contingent fund of each House, to enable the clerks thereof to make payments in accordance with this act.

There being no objection the bill (H. R. No. 2224) was introduced, read three times, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUR-BEARING ANIMALS IN ALASKA.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] asks unanimous consent to introduce a bill to amend the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska." If there be no objection the bill (H. R. No. 225) will be read a first and second time, and referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. E. H. ROBERTS] that the House resolve itself into Committee of the Whole for debate on the President's message.

Mr. HAWLEY, of Illinois. I desire to know whether the gentleman who made that motion did it with the understanding on the part of the House that no further business should be done to-day. I think that ought to be understood now, before going into Committee of the Whole.

The SPEAKER. Is there objection to the understanding that when the Committee of the Whole shall rise, no motion shall be in order except to adjourn?

Mr. HAWLEY, of Illinois. If that is not embraced in the motion, I desire so to amend it.

Mr. E. H. ROBERTS. I will accept that as an amendment in modification of my motion.

The SPEAKER. That arrangement requires unanimous consent. No objection being made, it will be so ordered.

The question being put on the motion of Mr. E. H. ROBERTS to go into Committee of the Whole, the Speaker declared that the ayes appeared to prevail.

Mr. BRADLEY. I desire to introduce a bill, to be printed, and referred to the Committee of the Whole on the Private Calendar.

Mr. BUTLER, of Tennessee. Would it be in order to move that the House adjourn?

The SPEAKER. The House has just decided to go into Committee of the Whole.

Mr. BUTLER, of Tennessee, and Mr. RUSK. We voted that motion down.

The SPEAKER. The Chair, on putting the question, declared that the ayes appeared to prevail; but of course, if gentlemen desire a division, they are entitled to it.

FUR-BEARING ANIMALS IN ALASKA.

Mr. CONGER. The bill of the gentleman from Iowa [Mr. KASSON] in regard to fur-bearing animals in Alaska, was referred, as I understand, to the Committee on Ways and Means. It should go to the Committee on Commerce. I object to any other reference.

The SPEAKER. This difficulty shows the evil of departing from the rule which the Chair so constantly tries to enforce, which forbids the introduction of bills on any other day than Monday.

Mr. CONGER. I object to the introduction of the bill unless for reference to the Committee on Commerce.

The SPEAKER. The Chair will consider the objection as being in time. Bills ought to be presented for reference on Monday.

Mr. KASSON. Is objection made?

The SPEAKER. The gentleman from Michigan states that the subject belongs to his committee, the Committee on Commerce, and ought not to go to the Committee on Ways and Means.

Mr. KASSON. I was not aware the Committee on Commerce ever had jurisdiction of the subject; and inasmuch as the Government derives revenue from this business, I presumed, of course, it belonged to the Committee on Ways and Means. It was in pursuance of the recommendation of the Secretary of the Treasury that this was done.

Mr. CONGER. The whole subject in reference to these fur-seal islands has been placed in charge of the Committee on Commerce by order of the House.

Mr. KASSON. If that be so, then I have been laboring under a mistake. I have had no desire to antagonize the Committee on Commerce with the Committee on Ways and Means. My impression was that the subject properly belonged to the Committee on Ways and Means, and so suggested its reference to that committee.

The SPEAKER. On Monday morning the attention of the whole House is brought directly to the reference of bills. Then they are legitimately in order, while at any other time they are not.

Mr. KASSON. Let it go to the Committee on Commerce.

The SPEAKER. There being no further objection, it will be so referred.

Mr. KELLEY. I move the House do now adjourn.

The SPEAKER. The House is dividing to make certain whether or not it will go into the Committee of the Whole on the state of the Union to discuss the President's message.

The House divided; and there were—ayes 79, noes 54.

Mr. LYNCH. I demand the yeas and nays.

The SPEAKER. The question is whether the House will go into the Committee of the Whole on the state of the Union to discuss the President's message, no business whatever to be transacted.

Mr. G. F. HOAR. Does not such a limitation of business require unanimous consent? The Chair propounds the question upon going into the Committee of the Whole on the state of the Union, no business whatever to be done. Does not that require unanimous consent?

The SPEAKER. It has been the habit of the House to entertain such motions, and to allow the majority of the House to decide whether or not they will go into Committee of the Whole under such limitation. Unanimous consent has been already given that when the committee rises, if the House shall go into committee, there shall be entertained only a motion to adjourn.

Mr. G. F. HOAR. The point on which I desire the ruling of the Chair is this: whether limitation of business in committee does not require unanimous consent?

The SPEAKER. Strictly speaking it does.

Mr. G. F. HOAR. Then I object.

Mr. O'BRIEN. I desire to ask a question. Suppose on the call of the yeas and nays the motion to adjourn over to Tuesday next was defeated, then the next motion in order, upon which the yeas and nays had also been ordered, was the motion to adjourn. I understood, however, that motion was withdrawn by unanimous consent; otherwise it could not have been withdrawn, the yeas and nays having been ordered. Unanimous consent was given at the same time by the other side of the House that the motion the House should resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up and discussing the President's message should prevail. There was, as I understand, unanimous consent to

that proposition, objection having been withdrawn by the gentleman from Illinois [Mr. HAWLEY] as well as by some other gentlemen.

Now, if that unanimous consent does not operate so as to put the House into the Committee of the Whole, I ask whether or not the original motion, the withdrawal of which was predicated upon the granting of this unanimous consent—whether the motion to adjourn is not now in order, and whether, the yeas and nays having been ordered upon it, the regular order of business is not to proceed with the call of the yeas and nays on that motion to adjourn?

Mr. G. F. HOAR. If that be so, and what the gentleman from Maryland states actually happened, then, although that unanimous consent did not cover this particular matter, in reference to which I have interposed objection, I now persist in my objection.

Mr. O'BRIEN. In my judgment, the objection of the gentleman from Massachusetts comes too late.

Mr. G. F. HOAR. But the Speaker has already ruled that my objection is in order.

Mr. RANDALL. I demand the regular order of business.

Mr. ELDREDGE. Let me make a single suggestion. I made a motion to adjourn, and when the Speaker gave notice that it was withdrawn I supposed it was with the understanding, on the part of the House, that it would resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up and discussing the President's annual message.

Mr. O'BRIEN. That was the understanding.

Mr. ELDREDGE. I assented to the withdrawal of my motion to adjourn for that reason, and for none other. I understand that to have been agreed to by the House. It is true that I do not know exactly that it was. The Speaker stated the motion of the gentleman from Wisconsin would be withdrawn and the motion made to go into the Committee of the Whole on the state of the Union, which I supposed was a harmonious arrangement of a difficulty which seemed to exist. It was upon that ground alone I consented the Speaker should withdraw my motion.

Mr. G. F. HOAR. I made the objection, and I wish the Chair would allow me to state, if any unanimous consent was made—I was not present myself at the time—by which these gentlemen withdrew certain motions, and the expectation was the House would go into the Committee of the Whole on the state of the Union, then I would not consider it proper to interpose objection to carrying out that arrangement, and certainly now withdraw the objection I have already made.

Mr. GARFIELD. I for one think good faith requires we should allow the House to go into Committee of the Whole on the state of the Union in order to give gentlemen an opportunity to speak; for, according to my understanding, that was the agreement.

Mr. ELDREDGE. I do not know that unanimous consent was given, but I supposed it was given, because the Speaker stated that my motion was withdrawn, and that the question would be put on the motion to go into Committee of the Whole on the state of the Union on the President's message, no business to be transacted.

Mr. G. F. HOAR. Will the Speaker be kind enough to state what is his recollection?

The SPEAKER. When the gentleman from Illinois, [Mr. HAWLEY,] the chairman of the Committee on Claims, withdrew his motion to go into Committee of the Whole, stating his reasons therefor, that the motion might be adopted, that the remainder of the day be devoted to debate in Committee of the Whole on the state of the Union on the President's message, the Chair had the impression that a general assent was given to that; and he accordingly nodded to the gentleman from Wisconsin, [Mr. ELDREDGE,] receiving from him an assenting nod, and thereupon the gentleman withdrew his motion to adjourn, in order to clear the way for the proposition to go into Committee of the Whole on the state of the Union, which was pending on the motion of the gentleman from New York, [Mr. E. H. ROBERTS.] The Chair thought that that was the general understanding, and proceeded to clear off some details of business preparatory to that. Then the further proposition was made by the gentleman frem Illinois [Mr. HAWLEY] that when the committee rose no business should be in order except to adjourn; and the Chair put the motion.

Mr. HAWLEY, of Illinois. Did not the Chair understand that unanimous consent was given that nothing but debate should be in order?

The SPEAKER. That was the understanding of the Chair.

Mr. HAWLEY, of Illinois. Was not unanimous consent then given that the House should go into Committee of the Whole on the state of the Union on that understanding?

Mr. G. F. HOAR. I do not insist further on my objection.

The SPEAKER. The Chair will remark that the point of order made by the gentleman from Massachusetts [Mr. G. F. HOAR] was good. Under the rules the House may go into Committee of the Whole on the state of the Union, or it may go into Committee of the Whole on the Private Calendar. But it has been customary, also, although more in previous years than latterly, for the House to go into Committee of the Whole on the state of the Union for discussion of the President's message, that is, for debate only, nothing else being in order. The Chair understood that unanimous consent was given for the House resolving itself into Committee of the Whole on the President's message.

Mr. RUSK. I only gave consent that we should take a vote whether we should go into Committee of the Whole on the state of the Union. That is the understanding I had.

The SPEAKER. Then, if the majority vote is that the House shall go into Committee of the Whole, the House will go into Committee of the Whole on the state of the Union for the purpose of general debate.

The question being put, shall the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the President's message, there were—ayes 96, noes 51.

Mr. PAGE. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 32.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. WILLARD, of Vermont. I move that the House do now adjourn.

The SPEAKER. The Chair is somewhat embarrassed by that motion. The gentleman from Wisconsin [Mr. RUSK] explained that when unanimous consent was asked to going into Committee of the Whole on the President's message, he understood the unanimous consent to be that the motion should be submitted.

Mr. RUSK. That was my understanding.

The SPEAKER. And the Chair has so interpreted the unanimous consent as being unanimous consent that the motion should be submitted.

Mr. WILLARD, of Vermont. I desire to ask the Chair whether, when the gentleman from Wisconsin withdrew his motion to adjourn, it is out of order for anybody else to make that motion?

The SPEAKER. It would not be, unless the House should unanimously agree otherwise.

Mr. WILLARD, of Vermont. I did not agree.

The SPEAKER. The gentleman did not object.

Mr. KELLOGG. I rise to make a parliamentary inquiry. I submit to the Chair and to the House whether it is parliamentary for our side of the House to engage in filibustering at this time of the afternoon by motions to adjourn and calling the yeas and nays?

The SPEAKER. The question is on the motion of the gentleman from Vermont, [Mr. WILLARD,] that the House do now adjourn.

The question being taken, there were—ayes 59, noes 79.

Mr. WILLARD, of Vermont. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 49, nays 142, not voting 99; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Begole, Burleigh, Cessna, Amos Clark, jr., Clayton, Corwin, Crooke, Dobbins, Donnan, Duell, Frye, Gooch, Harrison, John W. Hazelton, Hendee, Hoskins, Houghton, Hyde, Kasson, Lynch, Maynard, Orr, Orth, Packard, Isaac C. Parker, Thomas C. Platt, Pratt, Ray, Richmond, Rusk, Henry B. Sayler, Sessions, Smart, H. Boardman Smith, Sprague, Strawbridge, Taylor, Tyner, Waldron, Marcus L. Ward, Whiteley, Charles W. Willard, George Willard, William Williams, and Woodworth—49.

NAYS—Messrs. Arthur, Ashe, Atkins, Banning, Beck, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buckner, Buffinton, Burchard, Burrows, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Cotton, Crittenden, Crossland, Curtis, Alexander M. Davis, John J. Davis, Dunnell, Durham, Eames, Eldredge, Field, Fort, Foster, Garfield, Giddings, Glover, Gunckel, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Howe, Hubbell, Hunter, Hunton, Hurlbut, Kelley, Kellogg, Kendall, Knapp, Lamar, Lawson, Lowndes, Magee, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, McKee, McLean, McNulta, Mellish, Milliken, Mills, Mitchell, Monroe, Moore, Morrison, Neal, Negley, Nesmith, Nunn, O'Brien, Page, Hosea W. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Rainey, Randall, Ransier, Rawls, Read, Rice, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Sawyer, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Shanks, Sheldon, Sherwood, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Stanard, Starkweather, Stone, Stowell, Thornburgh, Todd, Townsend, Tremain, Vance, Walls, Jasper D. Ward, Wheeler, White, Whitehead, Whitthorne, Charles G. Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—142.

NOT VOTING—Messrs. Adams, Albert, Archer, Barnum, Barry, Bass, Bell, Berry, Biery, Bright, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Freeman Clarke, Clinton L. Cobb, Comingo, Cox, Creamer, Crocker, Crounse, Crutchfield, Danford, Darrall, Dawes, De Witt, Eden, Elliott, Farwell, Freeman, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Hays, Herndon, Hersey, Hodges, Hynes, Jewett, Killinger, Lamison, Lamport, Lansing, Lawrence, Leach, Lewis, Lofland, Loughridge, Lowe, Luttrell, Marshall, Martin, McCrary, Merriam, Morey, Myers, Niblack, Niles, O'Neill, Packer, Perry, Phelps, Pike, James H. Platt, jr., Poland, Potter, Purman, Rapier, Robbins, James W. Robinson, Scofield, Henry J. Scudder, Sener, Sheats, Lazarus D. Shoemaker, Sloss, Small, A. Herr Smith, George L. Smith, William A. Smith, Standeford, Stephens, St. John, Storm, Strait, Swann, Sypher, Thomas, Waddell, Wallace, Wells, Whitehouse, Wilber, John M. S. Williams, Wilshire, Wood, and Woodford—99.

So the motion to adjourn was not agreed to.

The question recurred upon the motion to go into Committee of the Whole on the state of the Union.

Mr. WILLARD, of Vermont. I desire to make a brief statement, and give my reasons for making the motion to adjourn, as I do not propose to submit any other motion at this time. When the House got through with the morning hour to-day, the gentleman from Illinois, the chairman of the Committee on Claims, [Mr. HAWLEY,] submitted a motion that the House resolve itself into Committee of the Whole on the Private Calendar, which motion was in order to-day. The gentleman from New York [Mr. E. H. ROBERTS] proposed to move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of debate upon the President's annual message. The gentleman from Iowa, the chairman of the Committee on Railways and Canals, [Mr. MCCRARY,] suggested that, should the House not proceed with the consideration of private business, then the special order which is under his charge would be the business next in order.

Pending these motions, and before either motion could be put, gentlemen upon the other side of the House interposed filibustering motions, a motion to adjourn, and pending that a motion that when the House adjourn to-day it be to meet on Tuesday next; and upon those motions they called the yeas and nays, which were ordered. One gentleman upon that side of the House stated and reiterated that unless there could be an agreement that the remainder of to-day should be devoted to debate only, no business whatever should be done. He was called to order for that, but the Speaker ruled that the point of order did not lie against him. While that threat was hanging over the House an agreement was entered into at their suggestion, though I understand there is a difference of opinion about that, that all the pending motions should be withdrawn except the motion of the gentleman from New York, [Mr. E. H. ROBERTS,] and that the remainder of the day should be devoted to debate only.

Mr. HAWLEY, of Illinois. I desire to say that if any such threat as the gentleman intimates was made by any one, I did not hear it.

Mr. RANDALL. No such threat was made; the language used was not in any such spirit.

Mr. HAWLEY, of Illinois. I heard no language that would bear any such construction.

Mr. WILLARD, of Vermont. There need be no discussion about that; the RECORD will show what the language used was. It seemed to me that it was not becoming to the House that a minority should be allowed to determine its order of business. For that reason it seemed proper to me that those on this side of the House who thought that to-day should be devoted to the consideration of business had the same right to filibuster to secure that purpose that gentlemen on the other side of the House had to secure the day for speech-making. It was for that reason that I submitted the motion to adjourn.

I desire to say further that I do not propose to press any such proceedings further, and that I have no objection to any disposition that may be made of the remainder of the day.

The SPEAKER. The pending question is upon the motion of the gentleman from New York, [Mr. E. H. ROBERTS,] that the House now resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the President's annual message. Upon that motion the yeas and nays have been ordered.

Mr. ELDREDGE. I hope the call for the yeas and nays will be withdrawn.

Mr. PAGE. I believe I made the call; and if it is in order I will withdraw it.

The SPEAKER. The House having ordered the yeas and nays to be taken, it is not competent for the gentleman to withdraw the call.

Mr. G. F. HOAR. Then I move to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider was agreed to.

The question recurred upon ordering the yeas and nays.

Mr. PAGE. If it is now in order I will withdraw the call.

The call for the yeas and nays was accordingly withdrawn.

LEAVE OF ABSENCE.

Mr. YOUNG, of Georgia, was granted leave of absence for ten days.

GENERAL DEBATE.

The motion of Mr. E. H. ROBERTS was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. TODD in the chair.)

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for debate. The gentleman from Kentucky [Mr. BROWN] is entitled to the floor.

CIVIL RIGHTS AND RADICAL USURPATIONS.

Mr. BROWN. Mr. Chairman, I am of the opinion that the experiences of our late war, and the legislation we have had by the dominant party since its close, have not strengthened the faith of the intelligent thinkers of the country in the permanency of our republican form of government.

We have seen, sir, and many with dismay, that many of the enactments of Congress were not modeled after the Constitution; not conceived in its spirit, nor fashioned to be within the limits of its warrant; not adopted for the better welfare of the people; but born of ambition, hate, and greed.

It is a dangerous era in the history of any people when fealty to party, and not to the spirit of the organic law, becomes the test of the orthodoxy of patriotism. When representatives, clothed with a high and sacred trust, consult and are controlled in their action more by the behests of a political organization than by their deliberate convictions of justice and right, then liberty is endangered; for the safety, prosperity, and peace of society depend on good government; but just laws cannot be expected, nor constitutional restraint avail, when the welfare of the people is subordinated to the fluctuating necessities of faction.

The modern leaders, sir, have not put their feet "in the tracks of our forefathers," but have essayed to reconstruct the sacred altar of the Constitution; and it has been the tampering of pygmies with the finished and massive work of giants. Ants could burrow under the bases of the mighty pyramids, until their grand poise would be disturbed; and often, in the world's history, has criminal folly undone in a day that which cost the brain-sweat and heart-sweat of wisdom years to perfect.

We have seen usurpation, daring and startling in its character, not only pass unrebuked, but applauded. We have seen, in the case of Louisiana, a great Commonwealth wrecked by the fiat of one man; the pretorian bands gathered there for the assassination of a sovereignty. And again, in the case of Texas, villainy, emboldened by example, attempted a repetition of this outrage; and that State lately stood in humiliating apprehension of ruin, and was spared only by the mere accident of forbearance. The first was accepted at the time as a party triumph, and is defended yet with zeal; and non-intervention in the last by the Chief Executive heard with astonishment, and panegyrized as magnanimity.

The highest judicial tribunal has not escaped the unsparing hand of the reckless reformers; but, thank God, that sanctuary, the last refuge except the sword of the oppressed citizen, is yet free from attempted profanation, and by its utterances gives hope and courage to the almost fainting spirit of liberty. Infractions of the Constitution have been committed time and again without apology, shame, or regret, until the people have become familiarized with usurpation, and lost their sturdy and jealous vigilance and guard of their rights.

Mindful of the past and in full contemplation of the present, I am persuaded that, if the country is to enjoy repose, peace, and prosperity—if we are to perpetuate liberty regulated by law—existing policies and rulers must be changed, or overwhelming disaster is inevitable.

The nation to-day writhes like a sick giant. Her industries are paralyzed, manufactories closed, trade stagnant and demoralized; the fortunes of numbers toppling and falling over the land; thousands of unemployed men, finding no labor for the exercise of their steel-knit muscles, have been parading the streets of our principal cities, raising their hoarse voices for work, and for bread, sir, for their wives and children, pale and hollow-eyed from hunger. The toiling masses of the country, the farmers, have found no market for their products. Corn, tobacco, cotton, and other produce of their fields, or stock prepared for sale—all these have been diminished in value. The purchasing power of money has been doubled by the stringency of the times; the farmers and laborers get poor reward for the sweat of their faces; multitudes cannot pay their debts; bankruptcy has overtaken many and threatens more.

There is something wrong; there is much wrong. The republican party for thirteen years have had full control of the Government; and of the causes of this convulsion of trade, in which the life-blood of labor is sucked out drop by drop and fortunes have vanished like falling stars, I shall speak directly.

When the Congress met in December the whole land was in the throes of monetary revulsion; and what remedies were proposed for the terrible evils under which the people were suffering? Have measures of relief been matured and hurried? No. Although millions upon millions were being lost every month by the multiplied embarrassments of the finances, the cry for succor was unavailing here, and the chairman of the leading committee of this House some time ago expressed his conviction that the duty must be restored on tea and coffee.

Toil on, ye sun-bronzed sons of labor. Wipe the sweat from your aching brows, and stifle if you can the despair filling your hearts, for you must bear your burdens patiently, though the wolf come to your doors. It is not for you the American Congress will first legislate. Your interests are suspended and subordinated to those which concern the darling ward of the Government—the negro; to him the first labors of this body are dedicated. He must be given "civil rights." The bill for this purpose was thrust upon us to the exclusion of every question which the white citizens of three-fourths of the Republic desired should be at once considered and determined; and now, although three months of the session have passed, not one thing has been done as to the finances except the passage of barren resolutions. It seems most probable, and it would, I think, be safe to predict, that no currency bill will be passed during this session. Relief might have been given, but already irreparable harm has been done; capital has fleeced labor; and the blight of the tornado is left all along its track.

Mr. Chairman, the bill under consideration reads as follows:

A bill to protect all citizens in their civil and legal rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, being a corporation or natural person and owner or in charge of any public inn; or of any place of public amusement or entertainment for which a license from any legal authority is required; or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight; or of any cemetery, or other benevolent institutions, or any public school supported, in whole or in part, at public expense or by endowment for public use, shall make any distinction as to admission or accommodation therein of any citizen of the United States, because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than $100 nor more than $5,000 for each offense; and the person or corporation so offending shall be liable to the citizens thereby injured in damages, to be recovered in an action of debt.

SEC. 2. That the offenses under this act and actions to recover damages may be prosecuted before any territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offense was charged to have been committed, as well as in the district where the parties may reside, as now provided by law.

The negro, by congressional enactment, at his option, must be seated with the whites at theaters and public inns, in stage-coaches, railroads, and other public conveyances, admitted to public schools, and buried in cemeteries supported in whole or in part at public expense or by endowment for public use. It is claimed by the friends of this measure that it is authorized by the first and fifth sections of

the fourteenth article of amendment to the Constitution, which read as follows:

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

What are the "privileges and immunities" of citizens of the United States? Section 2 of article 4 of the Constitution is in these words:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

These words "privileges and immunities" have received judicial construction. As early as 1823, in the United States circuit court of the district of Pennsylvania, Mr. Justice Washington, in the case of Corfield *vs.* Coryell, used the following language:

The inquiry is, what are the privileges and immunities of citizens in the several States? We feel no hesitation in confining these expressions to those privileges and immunities which are in their nature fundamental; which belong of right to the citizens of all free governments; and which have at all times been enjoyed by the citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the Government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and to obtain happiness and safety, subject, nevertheless, to such restraints as the Government may justly prescribe for the general good of the whole; the right of a citizen of one State to pass through or to reside in any other State, for the purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of *habeas corpus;* to institute and maintain actions of any kind in the courts of the State; to take, hold, and dispose of property, either real or personal; and an exemption from higher taxes or impositions than are paid by the other citizens of the State, may be mentioned as some of the particular privileges and immunities of citizens which are clearly embraced by the general description of privileges deemed to be fundamental.

The language of Judge Washington has been quoted with approbation by various courts of the country and by the Supreme Court, and it seems clear to my mind, from an analysis of the fourteenth amendment, that it did not enlarge the "privileges and immunities" already conferred, but simply prohibited the States from abridging them.

In January, 1871, Congress, through its Judiciary Committee, in a report upon a memorial praying protection of the claimed right of woman suffrage, gave a construction of the fourteenth amendment. A majority of the committee in their report say:

The clause of the fourteenth amendment, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," does not, in the opinion of the committee, refer to privileges and immunities of citizens of the United States other than those privileges and immunities embraced in the original text of the Constitution, article 4, section 2. The fourteenth amendment, it is believed, did not add to the privileges or immunities before mentioned, but was deemed necessary for their enforcement as an express limitation upon the powers of the States. It had been judicially determined that the first eight articles of amendment of the Constitution were not limitations on the powers of the States, and it was apprehended that the same might be held of the provisions of the second section, fourth article.

In the celebrated Slaughter-house case, which came up on appeal from Louisiana, I think it settled beyond all doubt or rational controversy that Congress has no power to legislate as proposed in this bill, and to pass it would be a flagrant invasion of the rights of the States.

The Supreme Court in this case say:

Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of the same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the term "citizen of a State" should be left out when it is so carefully used, and used in contradistinction to "citizens of the United States" in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of a State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States, as such, and those belonging to the citizen of the State, as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

And they further say:

But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other, and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

What Mr. Justice Swayne, in his dissenting opinion in this case says of the language of the fourteenth amendment, may be with great propriety applied to the opinion of the court. He says:

No searching analysis is necessary to eliminate its meaning. Its language is intelligible and direct. Nothing can be more transparent. There is no room for construction. There is nothing to construe. Elaboration may obscure, but cannot make clearer, the intent and purpose sought to be carried out.

The court fully appreciated the imposing question they were called to pass upon. They say:

We have given every opportunity for a full hearing at the bar; we have discussed it freely, and compared views among ourselves; we have taken ample time for careful deliberation.

The statement of the case, decided in brief, is about this: The Legislature of Louisiana had passed an act in 1869 incorporating "The Crescent City Live-stock, Landing, and Slaughter-house Company," and by its provisions gave to seventeen persons for a period of twenty-five years the sole and exclusive privilege of conducting and carrying on the live-stock, landing, and slaughter-house business within the limits of the parishes of Orleans, Jefferson, and Saint Bernard, containing an area of eleven hundred and fifty-four square miles and a population of nearly three hundred thousand people. All cattle and other animals destined for sale or slaughter in the city of New Orleans or its environs must be landed at the landings and yards of the company, and be then yarded and sold or slaughtered, the company to be paid prescribed fees and valuable parts of slaughtered animals; and for violation of the provisions of the act the offender is subjected to a fine of $250. This is merely an outline of the act. The State court sustained the constitutionality of the act, and the Supreme Court, in the opinion from which I have quoted, affirm the decision of the lower court. The plaintiffs in error alleged that the statute in question was a violation of the Constitution of the United States in several particulars:

1. That it created an involuntary servitude forbidden by the thirteenth article of amendment;

2. That it abused the privileges and immunities of citizens of the United States;

3. That it denied the plaintiffs the equal protection of the laws; and,

4. That it deprived them of their property without due process of law, contrary to the first section of the fourteenth article of amendment.

It has been urged in argument here that the constitutional question involved in the civil-rights bill now before Congress was not decided by the Supreme Court in the case I have referred to. Let us see what the dissenting justices say was the question before them.

Mr. Justice Field, in his dissenting opinion, says:

The fourteenth amendment, in my judgment, makes it essential to the validity of the legislation of every State that the equality of right should be respected. How widely this equality of right has been departed from; how entirely rejected and trampled on by the act of Louisiana, I have already shown. And it is to me a matter of profound regret that it is recognized by a majority of this court, for by it the right of free labor, one of the most sacred and imprescriptible rights of man, is violated.

Mr. Justice Bradley says, in his dissenting opinion:

The constitutional question is distinctly raised in these cases. The constitutional right is expressly claimed; it was wholly violated by State law, which was sustained by the State court, and we are called upon in a legitimate and proper way to afford redress. Our jurisdiction and our duty are imperative.

Mr. Justice Swayne, in his dissenting opinion, says:

The first section of the fourteenth amendment is alone involved in the consideration of this case. * * * * * * *

The construction adopted by the majority of my brethren is much too narrow. It defeats, by a limitation not anticipated, the intent of those by whom the instrument was framed, and of those by whom it was adopted. To the extent of that limitation it turns, as it were, what was meant for bread into a stone. * * *

But this arm of our jurisdiction is stricken down by the judgment thus given. Nowhere than in this court ought the will of the nation, as thus expressed, to be more liberally construed or more cordially executed. This determination of the majority seems to me to be far in the other direction.

Such, say the learned judges, were the questions involved; such the extent, effect, intention of the judgment rendered by the majority of the court. Yet the majority of this Congress, diseased with chronic audacity in usurpation, propose to break over this wall of law, built up by master-mechanics of their own selection. This authoritative binding exposition of constitutional power, defining its boundary and limiting its action, is scouted here.

At the same term of the Supreme Court of the United States the case of Bradwell *vs.* The State was decided. The plaintiff in this case, a woman, had made application to the judges of the supreme court of Illinois for license to practice law, presenting her certificate of character, and that on due examination she had been found to possess the requisite qualifications. The judges refused her a license, and the case was brought to the Supreme Court of the United States. Hon. M. H. CARPENTER, now a member of the Senate, was counsel for plaintiff. In his argument, as reported in the case, he urged this proposition:

The State Legislature could not, in enumerating the qualifications, require the candidate (for license to practice law) to be a white citizen. This would be the exclusion of all colored citizens, without regard to age, character, or learning. Yet no sound mind can draw a distinction between such an act and a custom, usage, or

law of a State which denies this privilege to all female citizens, without regard to age, character, or learning; for if the Legislature may declare that no female citizen shall practice law, it may as well declare that no colored citizen shall practice law; for the only provision of the Constitution of the United States which secures to colored male citizens of the United States the privileges of admission to the bar, or the pursuit of the other ordinary avocations of life, is the provision "that no State shall make or enforce any law which shall abridge the privileges or immunities of a citizen." And if this provision does protect the colored citizen, then it protects every citizen, black and white, male and female.

And he further says:

All the privileges and immunities which I vindicate to the colored citizen I vindicate to our mothers, wives, and daughters.

The court in their opinion in this case say:

In regard to that amendment (the fourteenth) counsel for the plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such; otherwise it would be nonsense for the fourteenth amendment to prohibit a State from abridging them; and he proceeds to argue that admission to the bar of a State of a person who possesses the requisite learning and character is one of those which a State may not deny.

In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States in that relation and character, and that it is these and these alone which a State is forbidden to abridge. But the right to admission to practice in the courts of a State is not one of them. This right in no sense depends upon citizenship of the United States. It has not, so far as we know, ever been made in any State, or in any case, to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice, both in State and Federal courts, who were not citizens of the United States or of any State. But on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that, as to the courts of a State it would relate to citizenship of the State; and as to Federal courts, it would relate to citizenship of the United States.

The opinion just delivered in the Slaughter-house cases renders elaborate argument in the present case unnecessary; for, unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the Federal Government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license.

It is unnecessary to repeat the argument on which the judgment in those cases is founded. It is sufficient to say they are conclusive of the present case.

The fourteenth amendment to the Constitution did not make the negro a voter. The second section of that amendment recognizes the right of the State to exclude him from the polls, but affixes the penalty of a reduced basis of representation in such States as denied him suffrage. It took the fifteenth amendment to give him the right to vote. The fourteenth amendment did not enlarge the privileges and immunities of the citizen, but denies to the State the right to abridge them. What they are has been judicially determined. It has been decided in Massachusetts that this constitutional provision does not apply to marriage and divorce; in New Jersey that it does not interfere with her right to regulate fishing on her navigable rivers; and in Ohio and Connecticut that it does not apply to systems of school education established by the States.

The first eleven amendments to the Constitution, adopted so soon after the original instrument was approved, most carefully guard the States against the encroachments of Federal power. The statesmen of that day, with far-reaching wisdom, saw the danger, and provided the bulwarks.

Let us read something of that forgotten instrument:

ART. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This bill is at war with the theory, letter, and genius of the Constitution. It creates offenses and punishes them before its courts. But consolidation goes on with unpausing step. The passage of this act may be regarded as a party triumph, but it will prove a national disaster. It will prove as fruitless of good results to the negro as it is vicious in principle. The strength and beauty of our Government are in the affectionate devotion of the people; and, considering the variety of its population, the extent and diversity of the States in climate, soil, and interests, it will require the wisest statesmanship to harmonize the whole and perpetuate it in the fullness of peace and freedom to coming generations. It is one of the delegated powers. The Constitution had to be ratified by the States before they became subject to its provisions; and any one refusing might have established for itself an independent form of government. The theory of the founders of this imposing fabric is too far forgotten now. States are esteemed of no more significance in the Union than counties in a State; the careful constitutional balance of the powers of the several branches of government disregarded; the spirit of centralization becoming year after year stronger and bolder; and soon the nation, as radical orators love to speak of it, will merge into despotism, if the aggressive march of usurpation be not checked.

Great demoralization of public sentiment followed the war. Victory, plunder, and power intoxicated the people. Public virtue fled, and the carnival of thieves followed. The Constitution was in effect suspended, despised, mocked; and the guilty schemes of corruption, fostered and executed by the Jacobin adventurers, whom the reversing chances of revolution had put to the front, abashed and struck with terror the powerless conservatism of the land.

Judicial murder was committed. I use strong language, sir, and mean just what I say. Judicial murder was committed by the hanging of a woman in this city, by the judgment of a military court that had no jurisdiction, upon testimony which no honest jury could have accepted as half sufficient.

Accusation against any, lacking in the least in the virtues of that loyalty which, like charity, covers a multitude of faults, was sufficient to insure the victim either death or the horrors of the prison-house. We have lately seen that conscience, with her whip of scorpions, has been at work with some of the participants in this tragedy; and they have appeared before the country with criminations and recriminations, excusing themselves for "the deep damnation of her taking off;" but neither the subtle, artful, malignant genius of the fiend, nor the ravings of the pitiless debauchee, will avail either to escape the just judgment of mankind upon the awful deed that doth vex their souls.

The precedent established by this court has been approved by the present Law Department of the Government, and the chief of that Department nominated by the President as Chief Justice of the Supreme Court of the United States, but not confirmed by the Senate.

Sir, until very recently the pleasure of the Chief Executive in all things has been obeyed by all who were fattening on the bounty of the Government, and we have witnessed the fawning servility of party to the behests of its leaders. Only of late has the least insubordination to his mandates appeared. The army of office-holders, the radical press of the country, the rank and file of the party, have been swift to sustain every encroachment on the Constitution and the rights of the States; and, in my opinion, so lost have been the masses to any regard for constitutional restraint, so debauched by office and schemes of speculation and plunder, that it needed only Cæsar's genius and courage in planning the mode and selecting the hour, to have brought this country to the feet of a proclaimed despotism, to be followed by the cheering "All hail" to a self-inaugurated autocrat.

Look you, I invite, over the land; when fire and sword had swept the South, did her graves, orphanage, widowhood, her cruel desolation, move her conquerors either to pity or justice? No; but hordes of adventurers were turned loose upon that stricken people, and through the operation of reconstruction laws; by means of the taxes levied upon her by Government, and the infamous jobs and exactions of venal Legislatures, poverty-cursed as she was, a tribute has been wrung from her greater than that required of rich but vanquished France by the victorious Prussians. Several of these States are Africanized, and many of them ruined by the oppressions of negro and carpet-bag rule. I will state but one instance as a sample.

In South Carolina the taxable property has declined in value from $500,000,000 to $175,000,000; the taxes have risen from $400,000 to $2,500,000, and the people are compelled to pay twenty times as much as before the war. The bonded debt has trebled; the floating debt is unknown; the legislative expenses have risen from $40,000 to $300,000, and the public printing from $5,000 to $330,000. A most appalling exhibit!

Look again at Louisiana. Daughter of the sun, favored by climate and soil, and rich in matchless resources; once happy with her perfumed orange groves, her fields of cane, thousands of acres of growing cotton waving as the great white banners of her pride, industry, and wealth, with the mighty Father of Waters bearing to her marts the products of the South and West, and the Gulf opening to her the commerce of the world; her mighty forests, standing as silent guards of her magnificent repose; her lovely lakes, mirroring the peace and beauty of heaven, not then discolored by blood shed in domestic strife; her ruling class, more versed in the graceful culture and amenities of a polite civilization than devoted to the barbaric rites and mysteries of voodouism; her Crescent City, queen of that realm of trade and chivalry, the emporium of immense traffic—river, gulf, and railroad all pouring their tributes into her lap; but to-day, discrowned, and how changed! Her scepter, her robes, and her jewels stolen; fallen from her high estate; holding life and property at the mercy and caprice of her oppressors; taxes almost insupportable levied; property depreciated until it is valueless; a usurping Legislature legalized by the unwarrantable orders of a drunken judge—she is the victim of a conspiracy of plunderers, sustained by the bayonets of this Government. Outraged, with weeping eyes and bleeding breast, there she lies, ravished of fortune and free government, to gratify the infernal and remorseless lust of her oppressors for gold and power.

The history of the dominant party is blackened throughout with shameless misrule, violence, and favoritism. You have created monopolies dangerous to a free Government. Millions of acres of the public domain have been given away to enrich railroad corporations composed of a few individuals. Under the national banking law, a most dangerous organization of capital has been effected, and millions of dollars have been amassed at the expense of the people, and in this the usual injustice to South and West committed—refused an equal distribution of this currency—they receiving only $37,000,000 against $213,000,000 to Pennsylvania, New York, and New England. These banks drawing gold interest on their bonds, and loaning their currency at high rates to the people, are absorbing the wealth of the land. With $353,000,000 of capital united by a common bond of interest, their power is formidable for mischief; they can spare nearly $20,000,000 every year if necessary as a corruption fund, and still receive over 10 per cent. profit on capital invested.

By the ingenious arrangement and operation of your system of tariff and internal-revenue laws, the East is enriched, the South and West are having the life-blood sucked from them. You have repealed the income tax. The people of these sections were too poor to have incomes, but you had, and this law touched your pockets, which have

marvelous sensitiveness. By reason of a heavy tariff on what we use in living, and in our industries, on much that we eat and drink, and all that we wear and labor with, we pay tribute to northern manufacturers. Taxation in this insidious form, and in manifold other ways, is on everything—your fortunes swelling yearly, and the West and South made "hewers of wood and drawers of water," with their strength sapped in every vein, suffering as the adventurer in the cave in the clutches of the devil-fish, so graphically described in the thrilling romance of Victor Hugo.

Sir John Culpeper, in the Long Parliament of England, speaking of the then existing monopolies of the people in his country, said:

> They are a nest of wasps—a swarm of vermin which have overcrept the land Like the frogs of Egypt they have gotten possession of our dwellings, and we have scarce a room free from them. They sup in our cup; they dip in our dish; they sit by our fire; we find them in the dye-fat, wash-bowl, and powdering tub. They share with the butler in the box. They will not bait us a pin. We may not buy our clothes without their brokage. These are the leeches that have sucked the commonwealth so hard that it is almost hectical.

This homely but vigorous language could be fully applied to the oppressions of the monopolies and tax burdens of our own land.

Of the $116,000,000 raised under the internal-revenue system, whisky and tobacco pay ninety-six millions. You say these are luxuries; so they are, but these taxes at last are a toll on the producers of corn and tobacco.

Under the operation, too, of your patent laws immense sums are paid by the people to enrich a few who have been already trebly rewarded for their inventions. It has been stated here as true that sewing-machines, sold here from fifty to eighty dollars each, are shipped to France, and the same there sold for twenty-five dollars, the manufacturers pocketing this immense profit by reason of existing laws.

Thus, suffering as the people of the South and West are, under operation of invidious, discriminating, and partial enactments, you wish now further to humilitate and damage them by passing this civil-rights bill.

I think what I have quoted from the decisions of the Supreme Court makes it as clear as could be demonstrated that you have no power to pass this law. Its effect will be disastrous in many States. In my own State it will utterly destroy the magnificent school system we enjoy, and for the maintenance of which the negro does not pay a dollar. He is at peace. The whites feel kindly toward him. God knows I would do him no injustice whatever, but aid him all in my power. I know such to be the feeling of the people of my district and State. If you pass this law, whenever a negro enters a free school it will close it. What changes the future may work I cannot predict, but for the present the white people of Kentucky are not educated up to that happy degree of "fraternity and equality" which will reconcile them to send their sons and daughters to the same schools with negroes. The children themselves would rebel against this. Pass and enforce this law, and the consequence will be that the children of the poor white men, who rely on the free schools for education, will grow up in ignorance. Those who have wealth can and will hire private teachers and establish private schools.

The passage of this law I do not believe is desired by the negroes generally of my State. The effect of it will be to antagonize the whites and blacks, and it will work to the injury and disadvantage of the negroes. I can see in its enforcement the most harmful consequences. The machinery of the Federal courts will be set in motion, spies and informers will swarm, arrests and harassments in varied forms will follow, and the peace of society be upturned.

You have few negroes in the Northern States; but though you profess to love them much, I find none of them in your State Legislatures, or as judges, or filling other State offices, and none sent by your people to Congress. Why is this? Why, in Massachusetts no one can vote who cannot write his name and read the constitution—and that rule applied to the States of the South would put your party in a minority in the Government, as in the last presidential election a majority of the white vote was cast against President Grant.

You have used the negro, not to elevate him but to aggrandize yourselves, and now you would pet the steed you have ridden so far. Whenever the negroes have had power, detriment to both white and black has resulted. The condition of the South proves this. I think they are beginning to learn that it is only as voters that they are needed by you. I make this prediction, that you will rue the day you enfranchised them; for before many years they will be an element of strength to your political adversaries. The intelligence and influence of the whites among whom they live, who advise them, aid, and employ them, who really are their only true friends, will ultimately accomplish this result. When the novelty of their changed situation shall wear off; when they more clearly shall see what a sham your professed friendship for them is; when they shall understand that their interests are the same as those of the whites among whom they have their homes, then this new adjustment of parties will occur, and all this tampering with the Constitution "return to plague the inventor."

I love my country. All we have yet accomplished is but the dawning of the magnificent destiny attainable if we be but true to the fixed principles of government. Let us, like true knights, reverently guard the Constitution from violation, as in the beautiful legend the Holy Grail was guarded; and may it, like the sacred cup, escape any touch that would profane it. We are dealing with questions of august magnitude and dignity, and the consequences of our action concern the household gods of every citizen. The council of war, held preceding the battle, by the ten Athenian generals on the mountain side overlooking the plains of Marathon, on which were encamped the hosts of the Persian army, was not more important as affecting the civilization and the destiny of nations than will be the action of this Congress on the future history of America. Let us not sow that which may crop out in a brood of heresies and horrors. Let us meet the issues with manliness, honesty, and firmness; not with prejudice, selfishness, and buffoonery. The wag is an anachronism here—come before or behind his time.

As you have voted for general amnesty in this branch of Congress, let not your party elsewhere couple with it the conditions of the civil-rights bill. Much must be done and undone, or your proposed celebration of the centennial at Philadelphia will be a painful mockery. You will feel it, perhaps. Place amid the banners and flags of your festooned walls on that occasion the photograph of the South Carolina Legislature, and by its side the portrait of Calhoun; and here again the picture of Louisiana's law-makers, and along with it the likeness of the warrior Jackson; and in the galleries, grouped as spectators of the "swelling scene," that band of outlawed men, chief among them that loved Bayard, General Breckinridge of my State; and, amid your patriotic festivities it would be refreshing and instructive for one of your orators, "to point a moral or adorn a tale," to refer to the voiceless pictures as a proof of the progress of statesmanship, and to the living men as attesting the fact of your magnanimity.

Mr. Chairman, I think the people are rallying to the rescue of constitutional liberty, to reform the abuses and retrench the extravagance with which they have been cursed. Let us return to the simplicity, honesty, and economy of the old time. Let every patriot proclaim, in the language of Burke, "I put my feet in the tracks of our forefathers, where I can neither wander nor stumble."

Mr. MILLIKEN obtained the floor, and said: I yield a moment to the gentleman from Indiana [Mr. WOLFE.]

Mr. WOLFE. I have prepared some remarks on the finances of the country, which I ask leave to have printed as part of to-day's debate.

There being no objection, leave was granted. (See Appendix.)

Mr. MILLIKEN resumed the floor.

Mr. RAINEY. I ask the indulgence of the House for a few minutes.

Mr. MILLIKEN. I cannot yield now at the commencement of my remarks. The gentleman must excuse me at present.

Mr. STARKWEATHER. I hope, then, the gentleman from Kentucky [Mr. MILLIKEN] will, when he concludes his remarks, yield to the gentleman from South Carolina, [Mr. RAINEY,] who wants to have a letter read.

Mr. MILLIKEN. I will yield now, if it will take but a few minutes; but I shall claim the right to interpose whenever this interruption goes beyond a reasonable time.

Mr. RAINEY. Mr. Speaker, it will be patent to the House after the reading of the letter which I send to the desk——

Mr. MILLIKEN. I cannot yield for any remarks.

The CHAIRMAN. The gentleman from Kentucky having yielded, and the gentleman from South Carolina having taken the floor, the gentleman from Kentucky cannot now withdraw his consent.

Mr. MILLIKEN. I yielded upon the condition that a letter should be read; but the gentleman commences by making remarks.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to yield to the gentleman from South Carolina for five minutes.

Mr. MILLIKEN. No, sir; for a moment or two, to allow a letter to be read.

Mr. RAINEY. Then, if gentlemen on the other side are afraid to have a few words from this side of the House in reply to the speech of the gentleman from Kentucky, [Mr. BROWN,] I will simply send this letter to the desk to be read. I want it to go on record with the speech of the gentleman from Kentucky, that the country may know who has made that speech and who wrote this letter.

The Clerk read as follows:

ELIZABETHTOWN, *April* 18, 1861.

Editors Louisville Courier:

My attention has been called to the following paragraph which appeared in your paper of this date:

"JOHN YOUNG BROWN'S POSITION.—This gentleman, in reply to some searching interrogatories put to him by Governor Helm, said, in reference to the call of the President for four regiments of volunteers to march against the South, 'I would not send one solitary man to aid that Government; and those who volunteer should be shot down in their tracks.'"

This ambiguous report of my remarks has, I find, been misunderstood by some who have read it, who construe my language to apply to the government of the Confederate States. What I did say was this:

"Not one man or one dollar will Kentucky furnish Lincoln to aid him in his unholy war against the South. If this northern Army shall attempt to cross our borders, we will resist it until death; and if one man shall be found in our Commonwealth to volunteer to join them, he ought, and I believe will, be shot down before he leaves the State."

This was not said in reply to any question propounded by ex-Governor Helm, as you have stated, and is no more than I frequently uttered publicly and privately prior to my debate with him.

Respectfully,

JOHN YOUNG BROWN.

Mr. RAINEY. As the privilege of debate is at present denied me, I may take advantage of some future occasion.

Mr. MILLIKEN. I yield one minute to the gentleman from the District of Columbia [Mr. CHIPMAN.]

Mr. CHIPMAN. I had intended to submit some remarks upon the relations which the Government of the United States bears to the District of Columbia; but as I do not feel able to address the House at any length to-day, I ask unanimous consent to have my remarks printed as part of the proceedings.

There being no objection, leave was granted. (See Appendix.)

[Mr. MILLIKEN addressed the House on the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people. His remarks will appear in the Appendix.]

THE MONEY OF THE UNITED STATES.

Mr. MELLISH. Mr. Chairman, prelusory to what I propose to address to the House on the subject of the money of the United States, I will without immediate comment state two propositions:

If paper money is provided by the Government, it should be a legal tender, and receivable for all public dues, and it need not be redeemable in metallic money.

If paper money is issued by private corporations, it should not be a legal tender, not receivable fo public dues, and should be redeemable in metallic money.

The real reason paper money was formerly so much in discredit was because Government abandoned the issue of it to individuals and private corporations. It allowed the circulation of the country to be filled up with irresponsible paper without any check but that most unavailable one, of being liable to be called upon for specie; and by the circumstances existing, people were forced to take paper money that was not a legal tender, and in most of the States when the bank broke the holders of its bills found them worthless. We have partially reformed the old system; we have a semi-national currency. Let us go on and perfect the work by providing the people an exclusive national circulating medium.

Laws are assumed to be passed to cure some mischief or attain some properly desired end or object. They should be construed liberally, with a view of curing the mischief or attaining the end; and the courts in deciding upon the intention of the legislative body should weigh the language of the statute in the scale of the period in which the language was used.

When the Constitution was adopted the word "money" meant (as the history of the times will show) irredeemable paper money, paper money at a discount, all manner of foreign coins, and perhaps a variety of domestic and colonial coins.

One of the evils of the situation was the wretched character of the circulating medium. With the view of curing this mischief the people, in the adoption of the Constitution, conferred upon Congress the enumerated power to regulate the value, and imposed upon it the duty *to regulate the value of money*. In order that there should be efficient action in that direction, they conferred upon Congress the power to pass all laws necessary and proper (in the discretion of Congress) to regulate the value of money. The law above all others best calculated to give value to and regulate the value of money is the law declaring it a legal tender.

A law requiring money (paper money) to be redeemed in gold or silver sometimes makes the money better, sometimes worse; in other words, sometimes more valuable, sometimes less, depending upon the condition of the currency, the banks, and the business of the people at the time.

A statute passed this month requiring all greenbacks and bank-notes to be redeemed on demand in gold and silver on and after April 1 would raise the mischief with the currency, the business, the people, and the Treasury of the country.

If anybody asks whether a currency irredeemable in specie can be of any value, could he not be answered that a standard of value is never redeemable by force of law? If made redeemable, it would not be a standard. Perhaps the interrogator would from the answer learn for the first time that gold and silver government coin is never redeemable.

Let the sovereign authority authorize paper currency, establish its denominations, declare it a standard of value in all transactions, require all banks to receive it at its face value on deposit, and declare it to be a tender in payment of all debts public and private, and such a currency would be (if the volume were guarded against excess) as valuable in the market as gold, and much more useful as money than gold itself.

In considering this bill, which involves questions affecting all the most valuable interests of life, in its constitutional bearings, we are brought face to face with the question, what is money? Nothing is, in a constitutional sense, money but what will pay debts. Everything else is commodity, and the transactions in the absence of money are barter. Money is the thing which, by the law of the land and the sovereign authority, must be received by every creditor in the discharge of and compensation for his demand. That thing is money, and nothing else is, in the sense meant by money when we are talking about a legal tender.

The time was when silver was not only the standard of value, but it was the circulating medium, and gold was a mere commodity; and the difficulties of carrying on commercial transactions with silver, both as a standard and as a medium of circulation, were so great that ingenuity sought out relief and brought gold in, because it was a commodity more valuable in the market than silver, pound for pound. And the introduction of it has been to aggravate the effects that that were felt in the use of silver. It is claimed by the financiers of England—the men best fitted from their habits, experience, and education to judge—that the substitution of gold for silver as a standard was exceedingly mischievous to the welfare of Great Britain. Relief was sought from the difficulties felt by making both a standard, when it was immediately discovered that there was a striking incongruity in making two articles a standard of value which were subject to fluctuation in the market, so that they did not agree for any length of time in relative value. The commercial men and bankers got along with the dual standard, in a measure, by devising an agio; that is, a rate of difference between gold and silver, which little complication had to enter into every transaction.

What is money?

Webster, in his Dictionary, gives this definition:

1. Coin; stamped metal; pieces of metal, usually gold, silver, or copper, stamped by public authority, and used as the medium of commerce.
2. Hence, any currency usually and lawfully employed in buying and selling as the equivalent of money, as bank-notes and the like.

Money was originally stamped coin, and afterward anything that generally takes its place in buying and selling.

And the Encyclopædia Britannica gives this definition:

Money, the name given to the commodities or articles which the people of different countries universally accept, either voluntarily or by compulsion, as equivalents for their services and for whatever else they may have to dispose of.

Worcester, in his Dictionary, says:

Money, originally stamped coin, is now applied to whatever serves as a circulating medium, including bank-notes and drafts, as well as metallic coin.

Appleton's New American Cyclopedia gives the following:

Money, the medium of exchange used by any people; at the present day, among civilized nations, confined entirely to metallic coins and bank-notes.

The goodness of the last definition, which is at variance with most others, may, doubtless, be questioned.

Rees's Cyclopedia gives this definition:

Money, in commerce, is a general term for coin, paper, or any other measure of value or representative of property, that passes current from hand to hand as a circulating medium.

Hume says money is the representative of labor and commodities.

Chambers's Encyclopedia says:

Before anything is money, it must be such that you can go into the market and immediately use it in purchasing commodities or paying debts. It is of the essence of money that it is capable of making immediate payment, either to satisfy a seller or creditor. If a thing serve the purpose of buying or paying debt, it really is money.

Sir James Stuart, whose work preceded Adam Smith's, says:

Money, which I call of account, is no more than a scale of equal parts, invented for the purpose of measuring the respective value of things vendible.

Dr. Kelly, in his first edition of the Camblet, says:

Moneys of account may be considered with respect to coins, as weights and measures with respect to goods, or as a mathematical scale with respect to maps, lines, or other geometrical figures; hence moneys of account are the measures of value both of merchandise and of the metals themselves, whether in coin or bullion, and thus serve as an invariable scale in all fluctuations in price.

Craig's Universal Dictionary:

Money, metal coined for the purposes of commerce; usually stamped with the name and arms of the prince or state that directs it to pass current; the circulating medium of a state, whether as coin or paper, either being considered as the representative of property. Bank-notes or bills of credit, issued by authority and exchangeable for coin or redeemable, are also called money.

C. J. Smith, in his Synonyms Discriminated:

Money is employed for anything which is used as a circulating medium. In some parts of Africa, for instance, shells are used as money.

The Imperial Dictionary, (edited by John Ogilvie:)

Money, any representative of property, anything adapted to serve as a universal equivalent for all countries, and for which individuals readily exchange their surplus products; the circulating medium. If a man pays in hand for goods in bank-notes or paper currency, he is said to pay in ready money.

In the definition of the word "money" in the Imperial Dictionary it is observed that—

The use of a paper currency as a substitute for a metallic currency is accompanied with several advantages. It enables mercantile men and others to effect payments at all distances with great facility, safety, and dispatch, and with little expense; whereas the employment of gold and silver coin for the same purpose would be attended with great inconvenience, expense, risk, and delay, besides the expense of the wear and tear of the coin.

Richard Soule, in his English Synonyms:

Money, coin, (or its representative,) cash, circulating medium, standard of value.

The British Cyclopedia:

Money, the common medium of exchange among civilized nations.

Money, then, is the article which, by the law of the land, the sovereign authority, is declared to be, and the declaration enforced practically, a tender in payment of debts, public and private. That is the money of the country. Money is the measure of all values established by law, and enforced by sovereign authority as a tender in payment of all obligations. The whole thing rests in the confidence in the power, stability, and perpetuity of the Government. Without that you can have no standard. As security for our circulating medium gold cannot be necessary, provided that circulation be otherwise based so as to prevent the possibility of loss or depreciation. Gold, as a standard or circulating medium, is neither necessary nor useful for the stability or convenience of our monetary system. To doubt

that a currency founded on the credit of the nation, receivable by the Government in payment of taxes, and made a legal tender in the payment of debts, is to doubt the integrity and stability of the Union.

A fair analysis will show that a distrust of the possibility of the creation of such a currency is a distrust of the good faith of the Republic.

The greatest variety of things since the world began has been money, according to this definition. Wampum, beads, beaver-skins, shells, iron, leather, parchment, copper, and all the compounds of copper and brass which represent bronze, silver, nickel, gold, and almost every manner of alloy of these, may be found in the history of the world to have been money; because they were by the authority of the country which issued them in the land in which they were issued tender in the payment of debts; and for no other reason; never because of their intrinsic value.

In answer to the question that is sometimes asked, whether there is any other distinctive quality in money than that it is by law and sovereign authority a legal tender in payment of debts, I would say that I am not able to see that there is any other quality than that which is peculiar to money as distinct from other commodities.

A thing being made a legal tender, and receivable for all public and private debts, must inevitably have value; and that value is a value directly as money. The legal tender, under the system we are considering, has no quality that will occasion it to rise or fall in value outside of the fact that it is money. The people get a measure of value that is not subject to change by extraneous circumstances, and cannot be withdrawn from this country by the exigency of foreign populations. It will be of one value in every part of our wide-spread domain, and in the purse of every citizen.

The dollar is the unit of our currency. All denominations above that are multiples, all below are fractions. Our dollar is about the same as the dollar of all the world, conventionally fixed by the custom of merchants. It is the conventional unit of value. When we want to see what a dollar of gold is—it is according to the statute-books so much gold and of so much fineness. And when we want to get at what is a Spanish dollar, we find it so much silver of so much fineness. Go along to some other country, and it is some other standard. It is a theoretical method of adjustment, just as the franc is in France, and the thaler is in Germany, and other coins in other countries. If anybody wants to know what the United States standard dollar represents, the answer is sufficient that in the power to pay debts, taxes, and in its purchasing power the standard currency provides a dollar that is at least equivalent to a gold dollar, the component parts of which and its weight can be found out at the Mint. Is it asked what it is worth? The answer is, it is worth, for all the purposes of a currency, at least the amount of the gold dollar coined in the Mint of the United States, and will pay a debt as quickly.

The unit of measure is a conventional thing; the unit of weight is a conventional thing. The unit of weight is referable to a thing of no value; it is equal to so much distilled water of no exchangeable value. The gold of a gold dollar is not worth intrinsically one dollar; it gets not a little of its worth from its conventional and legal value. It is turned into bullion for transactions with foreign countries; and gold goes up and down, perhaps in not as great degree, but not with less constant variance, than other commodities.

I recollect in New Orleans, in 1858, the bills of the banks were worth more than silver coinage. I have myself paid a premium on hundreds of United States half-dollars to get them exchanged for paper currency. I think the rate was as high as 2 or 2¼ per cent., right over the counter of the bank that issued the bills. And Bank of England notes are to-day at a premium on the continent of Europe over gold.

We have found it difficult enough to discover any standard of value. I have yet to discover the man bright enough to show any standard of value of the thing which is called a dollar. If there is anything by which it can be measured it has not yet been discovered. It is equally difficult to discover standards for the meanings of words.

And yet all laws, the most and the least important, must be expressed in language, and the words of the law must be interpreted by some standard. The human mind has been exercised upon it ever since the dawn of civilization, and the best standard, as I believe, yet discovered, is expressed in the familiar phrase:

> We yield to custom, whose arbitrary sway
> Words and the force of language must obey.

The wisest courts and the soundest in interpreting language refer to the contemporaneous history to ascertain how the words were used when the law was enacted. By that rule we should be required to consider what was meant by the word "money" at the time the Constitution was adopted. The framers of that Constitution, and the people who thereafter voted upon it and approved it, had an idea of what was intended by money. And it meant in those days all those things which among trading people, and all people who were sufficiently advanced to have any other form of transaction except barter, were used in the transactions of sale between man and man. Paper money was no novelty. It had existed for long periods and in various forms, and actually existed in this country at the time; and no man at that time spoke of money without including in his meaning all that which was used as money. If we seek *a priori* for a true definition of money, we shall be compelled to admit that the essence of the word "money" was that which was a tender in payment of debts. It would be difficult for anybody to imagine anything that was money that would not pay debts and purchase property.

Now, then, upon either definition—that established by custom, and in use and understood at the time this Constitution was made, or the more restricted definition to which I have referred, as an article lawfully established as a tender in the payment of debts—it is not competent to deny that paper money is intended by the Constitution. The peculiar provision of the Constitution which prohibited the States from making anything else but gold and silver a tender in payment of debts plainly intimates that it was supposed by the framers of the Constitution that, if they were not prohibited, they would make paper tender, or something else; and being wise enough to know that if it were permitted to the States there might be presently a large number of different things elevated into the dignity of tender in the payment of debts by the States, by the exclusion of the States they reserved to themselves the power to make something else than gold and silver a tender in the payment of debts. To say that money meant only gold and silver is flying in the face of the meaning of the word "money" as at that time understood. To assert that the word "money" did not cover paper money is quarreling with the most common methods of interpretation.

What is money? Just those things that by the custom of communities or the authority of government are a tender in payment of debts. If Washington, Franklin, Hamilton, and Jefferson were alive they would witness that the principal money dealt in in their time was paper money. Money takes its value and its quality as a measure of value from the sovereignty that issues it. In this country it is necessary for the prosperity and welfare of the people that the Government should afford them a currency. No other authority but the Government is authorized to do it. It is a duty of the Government to do it, and the power is conferred.

The express power granted in the Constitution to regulate the value of money carries with it the implied power to do anything that is appropriate and necessary for the purpose of regulating the value of it. The human mind cannot conceive any quality possessed by money so important to the regulation of its value as the provision that it shall be a legal tender in the payment of all debts, dues, demands. In fact, that quality, I venture to say, is the only distinguishing feature of money. I mean by that it is the feature that is indispensable to take money out of the category of commodities; and unless it is enjoyed by money, all transactions in which the so-called money lacking that quality is employed would be transactions of barter.

Now I state this dogmatically, for the purpose of calling the attention of critics, and to ascertain whether there is any quality in money that distinguishes it from commodities except the legal quality that is conferred upon it when it is proclaimed by the sovereign authority or conventional usage as a tender in payment of debt. And it should be observed, and I am astonished that it is not more noticed, that the one reason why the rate of interest is fixed by law by enlightened and sovereign authorities grows out of the fact that the law and the sovereign authority make money a legal tender, and therefore an absolute necessary of life, for which there is no substitute; and hence the rate for the use of money is fixed by law. The reason given is that the law and Constitution have made it so absolutely necessary for the use of mankind that there is no substitute for it. It makes whatever it is conferred upon the measure of values that passes between members of the community.

The only thing to be looked at with care is whether paper can be made a tender in payment of debts. That seems to me as plain a provision of constitutional law as ever was broached.

Referring to the powers of the Government to provide the money of the United States and regulate the value thereof, if we analyze the constitutional provisions on that subject, it will be found that they are primarily divided into enumerated and implied powers. All the enumerated powers are comprehensive. None of the enumerated powers are operative by their own virtue and force. They would be a dead letter unless aided by congressional action through the implied powers; and the interposition and action of Congress are necessary to determine the measures that are essential and proper to carry into effect the enumerated powers. Without such action the enumerated powers are dead, inert, and valueless. The implied powers are as important and as necessary as the enumerated powers. Neither is good without the other. The implied powers bear the same relation to our constitutional organization as the heart and lungs and brains bear to the animal system. It is a dead body without the presence and organization of implied powers. They furnish the vitality, the force, and the direction of the whole machinery.

Under the constitutional provision that Congress has power to coin money and regulate the value thereof, no money can be had unless it is provided through the exercise of the implied powers under the Constitution. The power of regulating the value of money has been exercised from the beginning by congressional action, in which Congress has exercised to the full extent the implied powers necessary and proper for the purpose, and without the exercise of which we could have had no money. The standard and the form and the nominal value of the currency have been fixed; penal laws have been passed protecting it from deterioration, from counterfeiting, and have been enforced in all Federal courts against it. These laws are not based upon

any express power conferred in the Constitution, but upon the implied power of doing those things that are proper and necessary to be done to carry into effect the enumerated powers of the Constitution.

Take the power to create post-offices and post-roads. Without the implied powers of the Constitution, no elaboration of a system of post-offices and a mail service could exist. Under the implied powers, a vast number of penal laws have been passed by Cengress and enforced. Men have been sent to prison and had all manner of punishment for the violation of laws, not under the express powers of the Constitution, but under the implied powers. If there is any power whatever for the Government to issue any form of paper obligation for the payment of money and for the redemption of that obligation, there is an implied power attending it as a matter of course—that is whatever is essential, and especially that act which is indispensable to fix the value of that obligation, is within the power of Congress to apply.

When the Constitution provided a prohibition upon all States to issue bills of credit and to make anything but gold and silver a tender in payment of debts, it retained to the people through Congress the power that was inhibited to the States. That is to say, it retained the power to Congress to make something other than gold and silver a tender in payment of debts. It would not trust the States with the power to issue bills of credit, or make anything but gold and silver a tender in payment of debts; and by that single act reserved to the United States the right to do both. If the United States have not that power, they lack the highest quality of a sovereignty; and there is no power among all the people of the United States to exercise the very highest attribute of sovereignty; that is to say, to regulate the value of money.

When a power is conferred by the Constitution the duty of exercising it is correlative. The mandate of the Constitution which orders the regulation of the value of money, in so doing authorizes the use of those measures which in the judgment of the Congress are deemed necessary and proper. The power to decide what is necessary and proper is conferred upon the Congress, to be exercised in their discretion; and the courts have no jurisdiction to interpose and by construction pronounce it null. It is a legislative power which cannot be interfered with by the judicial power.

Section 8 of article 1 of the Constitution, and sub-section 18 thereof, provides that Congress shall have power—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

The enumerated power or express power in section 8 of article 1 of the Constitution is to coin money and regulate the value thereof.

We have got laws enacted under implied powers where human life is taken. The express power to raise and support armies (sub-section 11 of section 8) is a dead, inert power until it is aided by the implied powers exercised through Congress; and among them is the power, by drafting, to take a man from his family and fields and thrust him into the Army, and compel him to devote his life to the defense of his country. To provide and maintain a Navy is an express power which includes all the implied powers of drafting for soldiers and sailors. The very highest exercise of the sovereign powers in most of the instances that can be referred to under the Constitution are exercised under the implied powers to carry into effect the express powers; as, for instance, those to provide for the execution of the laws of the nation to suppress insurrection and repel invasion. When you come to the implied powers to give that effect you reduce the citizen to a soldier; you take his property, you sacrifice his life; you order him to do certain duties, and if he does not do them you put him to death by a drum-head court-martial. And all under the implied powers of the Constitution.

All this is justified and deemed a matter of course; and while this is so, shall we criticise the powers of Government when it assumes to establish the value of money by making it a tender in payment of public and private debts? Is the property right of the citizen of greater interest and to be guarded by more strict construction than his liberty and his life? If the Congress cannot make money out of paper they cannot make money out of anything. So far as there is any power granted in the Constitution to make anything a legal tender, it is as much granted to make paper such tender as any metallic substance. The meaning of the word "money," at the time this Constitution was framed, was the meaning of it as used in this provision. Was there no paper money then? Did all the world suppose there was no money but gold and silver money? Far from it.

The hard-money men, in the extremity of their case to defeat the adoption of any better method than the one they advocate and to secure perpetuation of the mischiefs of the hard-money currency, have resorted to a denial of the power of their own Government as conferred by the Constitution, and continue to reiterate that the Government has no power to establish a legal tender, in the face of the very plain provision of the Constitution, and after the court of the last resort has deliberately decreed that the Government possesses the power. It was always worth while to suspect a party whose position and argument deny the law of the land as established and construed by the highest authority of Government. Such a party is in a position where he can only win by an amendment of the Constitution.

> The power to make Treasury notes a legal tender, while an incidental one to the issue of legal-tender notes, is, nevertheless, a power not to be resorted to except in extraordinary and pressing occasions; but of the occasion when, and the times and how long it shall be exercised and enforced, it is for the legislative department of the Government to judge.

So says Justice Bradley in the Supreme Court. On more thorough examination it will appear that the Constitution vests in Congress, by express provision, the discretion to determine what legislation or legislative acts are necessary and proper to carry into effect the express powers of the Constitution. These implied powers are to be governed and limited by the discretion of the law-making power alone. That discretion cannot be revised nor affected nor controlled by the decision of the courts. The courts have no jurisdiction to review the acts of Congress that are passed upon their discretion. Congress having, by express provision, the power to regulate the value of money, have the discretionary power to do those things which are deemed by Congress necessary and proper to regulate it. And having acted under this jurisdiction and with that discretion, there is no court that possesses the power to revise their action so far as discretion is concerned.

Can Congress make money without intrinsic value? It is conceded by the Supreme Court decision that greenbacks are money. The paper they are made of has no intrinsic value. And there was no intrinsic value in the iron money of Sparta which was used five hundred years. It was, nevertheless, money; and history teaches us it served a very useful purpose, and its abandonment was a misfortune to Sparta. Its value was quite independent of the intrinsic value of the iron from which it was coined. The masses were too small to be of any intrinsic value to go into any other forms of use. The great philosopher Plato declared it of the utmost importance that money should not have an intrinsic value.

Making paper money a tender in the payment of debts is the most important act in regulating the value of money. It is an act regulating the value of money under the express provision of the Constitution to do so. My colleague, from the late Westchester but now New York district, [Mr. POTTER,] has made the argument of all arguments yet made against the power of Congress to make paper money a tender in the payment of debts; and though he has exercised great ingenuity and learning in arguing the Legal-tender cases before the Supreme Court, and in making, as I think, "the worse appear the better reason," he nevertheless, by the innate logic of his own mind, is drawn into making a concession of the whole question in the language following. I quote from 12 Wallace, page 509:

> And yet, can anything be of greater public importance than to have the value of every transaction measured by a certain, instead of a fluctuating, standard?

Is not this equivalent to saying that nothing can be of greater importance than to have this power exercised and the standard fixed by the supreme authority?

And again, in the same argument, (12 Wallace, page 505,) and more unreservedly and emphatically than before, he concedes the whole question when he says:

> If, by the assertion of the discretion of Congress, it be meant that when the end is legitimate, and within the scope of the Constitution, and a choice of appropriate means exists, Congress is the sole judge of which to select among those means, and that its judgment in such selection is not open to review, I SHALL NOT DENY IT.

Now, no one can doubt that the end is legitimate, for that end was exercising the express power of the Constitution to regulate the value of money. And no one can deny that it is within the scope of the Constitution to regulate the value of money; no one can deny that the Congress is bound to choose the means for regulating the value of money; no one can deny that the Congress is the sole judge, in its discretion, of which of those means to select. It does act; it does according to its judgment; and it is claimed that in this action and selection it is not open to review by the courts. Mr. POTTER says—what does he say?—mark the words—"I SHALL NOT DENY IT."

Let us consider the points involved in the Legal-tender cases, and the decisions of the Supreme Court thereon:

The Legal-tender cases proper involved the power of Congress to make the Treasury notes of the Government a legal tender for pre-existing debts; that is, for debts existing before the passage of the Legal-tender act. (The cases which arose upon contracts specially payable in coin are sometimes spoken of as legal-tender cases, but did not necessarily involve and did not decide that question.)

This question of the constitutionality of the legal-tender act first came before the Supreme Court of the United States in the case of Hepburn *vs.* Griswold, in 1868, when the court decided Congress had no power to make the Treasury notes a legal tender for pre-existing debts. The court reheard the same question in the cases of Knox *vs.* Lee and Parker *vs.* Davis, in 1870, and, overruling its first decision, then decided Congress had the power to make these notes a legal tender for pre-existing as well as subsequent debts.

Against the law it was contended by the distinguished counsel [Mr. CLARKSON N. POTTER] that the power to coin money and regulate the value thereof was only a power to coin the metals or something with intrinsic value, and fix the true value of coined moneys; that, notwithstanding the erroneous assumption prevalent to the contrary, Congress had never depreciated the currency so as to affect the right of creditors, but had scrupulously guarded against so doing; that the depreciation of the gold coinage in 1834 did not affect the rights of creditors; it was only a readjustment according to their then true value of the actual relations between gold and silver; and since debtors had always had the option of paying in silver, and when the

legal value of gold exceeded its actual value had always paid in silver, while gold then disappeared from circulation, such readjustment of the legal valuation of gold to correspond to its actual value in no way affected the rights of creditors, as had been erroneously contended. There had also been some instances of legislation debasing silver coinage, but the debased coin was made a legal tender only for such very limited amounts and special purposes as not to affect the rights of creditors.

It was further contended that the legal-tender power could not be implied as inherent in the national Government, the national Government being not a government of original growth, but one created with limited powers only by the formal act of the people of the States, and was in many respects without absolute sovereign authority; that not only was there no express grant to it of such a power, but that the entire history of the period as well as the debates of the Constitutional Convention indicated that it was not intended that the Federal Government should possess this power, or indeed any power, of making paper to circulate as money; that the power was expressly forbidden to the States, and was only not especially forbidden to the Federal Government because there was no idea by the framers of the Constitution that it was or could be taken to be granted under any provision of the Constitution; that not only was there no express power given to Congress, but that it was not to be implied as a choice of means to carry out any of the express powers. The means necessary and proper to carry out the delegated powers it was insisted must be measures having some actual relation to, some fitness for, the exercise of the delegated power. The issue of legal-tender notes had no such relation, was a mere sale of license to discharge contracts by short measure, which was no more adapted to the power to make war or maintain armies and navies than to any other of the delegated powers. It was insisted that such a construction would be at variance with all the precedents from the foundation of the Government, and also insisted that no advantage really accrued from this provision in the Treasury notes.

The experience of England and this country in its previous issue of Treasury notes, and of the Confederate States, established, as was contended, that such notes, when not legal tender, answered all the substantial purposes that our legal-tender notes answered or could secure. Beyond this it was claimed that such a law was in violation of those rights of individuals which were secured by the Constitution in the clauses providing that private property should not be taken for public use without due compensation, nor without due process of law; and further, that the Federal Government possessed no power to impair the obligation of contracts.

On the side of the Government it was insisted, by Attorney-General Akerman, that the right to make anything a legal tender was a necessary, inherent power in a national government; that this Government possessed all the substantial powers of a sovereign government; that to deprive it of this legal-tender power would be to leave it at the mercy of attacks against it; that Congress was authorized to use any means necessary and proper to carry into exercise the general powers of the Government, such as maintaining armies, navies, and the general welfare, and that Congress therefore was the judge of what means were necessary and proper; but that if their decision could be reviewed in that respect by the court, the court should hold that this legal-tender provision was such a necessary and proper means; and it was not essential that it should have relation to any particular power, provided it was calculated to make the Government more effective and the delegated powers more fully exercised; that it did not impair the obligation of contracts, because whoever contracted to pay dollars, simply contracted only to pay whatever might be lawfully dollars at the time of the recovery upon the contract; and that if this law did impair the obligation of contracts, that was not a restriction to which Congress was subject.

Still further in support of the constitutionality of the legal-tender acts, the Attorney-General said: "Congress has never hesitated to enact what should be a legal tender in payment of debts. The right thus to enact has been assumed in twenty-four statutes, passed in the Presidencies of Washington, Jefferson, Madison, Monroe, Jackson, Tyler, Polk, Fillmore, Pierce, Lincoln, and Johnson." And these laws have been passed notwithstanding there had been change in the value of coins that were in circulation at the time. Congress at one time said that gold coin of a certain weight and fineness should be worth ten silver dollars, and should be a legal tender for that sum. Congress afterward provided that a coin containing a less quantity of gold should be worth ten silver dollars and a legal tender for that sum.

The power to make this debasement to the extent of 6 per cent. involves the power to carry this debasement to a greater extent. The constitutional power to do these acts has not been questioned by the hard-money men. It is difficult to see the difference between this case and the instance where the nation's paper promise to pay is made a legal tender, though now worth in the market but nine-tenths of its alleged value as compared with gold. It is held that the obligations of contracts may be impaired in metal currency, that the dictates of justice may be disobeyed in metallic currency, that the scope of the discretion of Congress is unlimited within the metallic field; but the spirit of the Constitution is invoked by the bullionist when he hears the rustle of paper money, but is lulled to repose by the clink of metal, however base.

The Constitution nowhere declares that nothing shall be money unless made of metal. Congress has enacted that Treasury notes shall be lawful money; nobody questions here the power to issue them and give them some of the qualities of money, and that power is expressly admitted by the Supreme Court. With certain exceptions they are receivable for all dues to the Government, and payable for all dues from the Government, old and new. The largest creditor in the land, the Government, is bound to take them. The largest debtor in the land, the Government, pays them. The creditors of the United States, except the holders of bonds and interest-bearing notes, must take them or nothing. Nobody pretends that they are not money, in the sense in which that word is used in some places in the Constitution. For instance, "No appropriation of money shall be for a longer term than two years;" "No money shall be drawn from the Treasury but in consequence of appropriations made by law." Receipts and expenditures of public money shall be made from time to time. That Treasury notes, greenbacks, are money, in the sense in which the word is used in these instances, is admitted on all sides—that greenbacks are money in the sense above used.

The authority of Congress to establish legal tender is found in the express power to regulate the value of money. And this is not embarrassed by the use of the term "coin money" in the same provision. The power extends to everything in general use as money or which may answer the purpose of money; and will embrace Government promises to pay in a form and denominations designed to circulate as currency.

This was the view held in Congress when the act of 1862 was framed, and no doubt suggested the use of the words "shall be lawful money." Perhaps it was in the mind of the Secretary of the Treasury, who then had charge of the national finances and who issued the legal-tender notes, and afterward said to the people of Louisville, Kentucky, in speaking on this subject, "Under these circumstances I coined the credit of the nation."

But a broader base exists for the power in the provision of the Constitution which confers upon Congress a power to make all laws which shall be necessary and proper for carrying into execution all powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

The Attorney-General claimed also that increasing the value of the Treasury notes was a process of regulating the value of money. The value of a commodity is increased by the opening of new markets for it. The more uses there are for an article the greater is its value. The notes of a bank which are in demand for many purposes are worth more than the notes of a bank which are in demand for few purposes.

The credit of the United States, as of every other corporation or person, is better when its promises will pay debts than when they will not. Such was the judgment of Congress, from whose judgments on questions of expediency there is no appeal to the judiciary. He quoted the language of Chief Justice Marshall in the case of McCullough *vs.* The State of Maryland:

> Let the end be legitimate, let it be within the scope of the Constitution, and all the means which are appropriate, which are plainly adapted to that end, which are not prohibited, but are consistent with the letter and spirit of the Constitution, are constitutional.

The same great authority, in the United States *vs.* Fisher, said:

> Any means which are in fact conducive to the exercise of a power granted by the Constitution are constitutional. In this case this court may consider the question of congressional power, but not the question of congressional wisdom. The Congress may issue currency as an appropriate means to lawful, constitutional ends; and it may in its discretion give that currency few or many of the faculties of money. In relation to money and contracts, the Constitution exhibits jealousy of the States, but shows no jealousy toward Congress. The law-making power is the main-spring of the Government, and so the Constitution has there wisely reposed power sufficient for the great national exigencies. True the powers conferred are great, and there is possibility of their abuse arising from the imperfection of human character. But the argument against a claimed power on the ground of the possibility of its abuse is an argument against all government.

The court held that in the choice of means to exercise the delegated powers, Congress was at liberty to select this particular power which had proved so beneficial for the maintenance of our Army and Navy, and the welfare of the country; that it did not impair the obligation of contracts, because one contract to pay dollars simply contracted to pay what the Government might declare to be dollars; that if, therefore, the Government had the power to make these notes dollars, the contract remains subject to that powert; that if the means could be considered in any view as necessary and proper for the exercise of the delegated powers, it was not for the court to review the selection of means, but that it remained with Congress to select any means, whether the best or not, that might in any view be regarded as coming within the designation of means necessary and proper. And some of the judges expressed clearly the opinion that such powers were not confined to a state of war; and it may, perhaps, be fairly assumed from the opinion of the court that this power may be exercised at any time, or under any emergency, or in any manner that Congress may approve. This is the necessary result of declaring that Congress is the judge of when and how to exercise this power.

The text of the bill which I have been advocating is as follows:

A bill to provide the money of the United States, and to regulate the value thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of July, 1874, each and every national banking association may determine for itself the amount of

lawful money of the United States that it will keep on hand; but every national bank and banking association shall, on demand, redeem its circulating notes at par at its own banking house, either in coin of the United States or in United States legal-tender notes.

SEC. 2. That the Secretary of the Treasury of the United States is hereby authorized and directed to prepare for circulation, as standard value United States money, certificates of the denomination of one, two, five, ten, twenty, fifty, one hundred, two hundred, five hundred, one thousand, two thousand, five thousand, and ten thousand dollars, to express on their face, in words and conspicuous figures, the several above-named denominations, with vignettes, letters, numbers, signatures, and such engraved decorations as shall tend to prevent forgeries and imitations, and also express on their face that they are respectively, by the Constitution and laws of the United States, the standard and measure of values to the amount expressed on their face, in all transactions within the United States involving the payment of money, and receivable in payment of all debts, public and private, and shall be a legal tender, at their face value therefor, except the funded debt of the United States, which is by its terms payable in gold, and except as hereinafter provided, and shall be received in deposit at par by all national banks and banking associations. Such certificates shall be put in circulation and applied by the Secretary of the Treasury under, in pursuance of, and in the manner in this act provided.

SEC. 3. That all customs duties due and payable to the United States shall be paid and collected in gold coin and paper currency as follows: From and after the 1st day of July, 1874, to and until the 30th day of June, 1875, both inclusive, said customs duties shall be paid and collected, one-fourth in Treasury notes, or other currency of the United States, or circulating notes of national banks, and three-fourths in gold coin of the United States; from and after the 1st day of July, 1875, to and until the 30th day of June, 1876, both inclusive, said duties shall be paid and collected, one-half in Treasury notes, or other currency issued by the United States, or circulating notes of national banks, and one-half in gold coin of the United States; from and after the 1st day of July, 1876, to and until the 30th day of June, 1877, both inclusive, said customs duties shall be paid and collected, three-fourths in Treasury notes, or other currency issued by the United States, or circulating notes of national banks, and one-fourth in gold coin of the United States; from and after the 1st day of July, 1877, the whole amount of customs duties shall be paid and collected in Treasury notes, or other currency issued by the United States, or circulating notes of national banks.

SEC. 4. That on and after the 1st day of July, 1874, all customs duties, proceeds of taxes, and sales of public lands, interest, and dues from all sources received for account of the United States in Treasury notes and circulating bank-notes, by each and every officer of the United States, shall be transmitted in the identical currency received to the Secretary of the Treasury. The Secretary of the Treasury shall issue and promulgate, to all Federal officers authorized to receive such moneys for account of the United States, rules, regulations, and instructions prescribing, directing, and regulating the time, manner, and means of transmitting such sums of money from the places where they are received to the Secretary of the Treasury at Washington, and such rules, regulations, and instructions shall have like obligation and effect as if the same were embodied in this act.

SEC. 5. That the Secretary of the Treasury on receiving for account of the United States, Treasury notes and circulating bank-notes, as provided in the last section, shall cause a memorandum of all such notes to be made and kept in books appropriate for the purpose; and as often as the sum of notes so received shall amount to $1,000,000, he shall cause the same to be destroyed by burning them to ashes, as directed by section 24 of the act to provide a national currency, approved the 3d day of June, 1864. He shall cause a certificate and record of such destruction and burning to be made and entered in the books above mentioned, and a duplicate of so much of said certificate as relates to such portion of the destroyed paper currency as consisted of circulating notes of national banks (or associations) shall be transmitted to the several banks (or associations) the circulating notes of which shall have been destroyed, and then the amount of circulating notes permitted by law to be issued by such banks, respectively, shall be reduced to the extent of the circulating notes so destroyed; and when and as often as the circulating notes of any such bank or association shall have been destroyed, under the provisions of this act, to the amount of $50,000, the Secretary of the Treasury shall adjust the interest account with such bank or association, and release and deliver up an amount of the United States bonds pledged for the redemption of a like amount of the circulating notes of said bank or association.

SEC. 6. That immediately upon the destruction of any sum of Treasury notes and circulating bank-notes, in pursuance of the provisions of this act, the Secretary of the Treasury shall pay into the Treasury of the United States, of and from the United States certificates of standard value authorized and provided under the provisions of this act, an amount equal to the total sum of Treasury notes and circulating national-bank notes so destroyed as aforesaid, and such certificates so paid into the Treasury shall thereupon and hereafter become and be the lawful money of the United States, and as such shall be paid out of the Treasury of the United States for the purpose and in the manner provided by law.

SEC. 7. That the Secretary of the Treasury shall issue the said certificates provided in pursuance of this act so that the aggregate amount of the issues thereof, in circulation and in the Treasury of the United States together, shall not at any time exceed the sum of $800,000,000; it being intended by this section to restrict the total volume of such certificates in actual use to within the maximum limit of the sum last above mentioned.

SEC. 8. That when, in pursuance of the provisions of this act, 80 per cent. of the aggregate amount of the circulating notes of the national banks and banking associations shall have been received by the Secretary of the Treasury and destroyed, and an equivalent amount of the bonds of the United States shall have been returned to said banks and banking associations notice shall be given thereof by the Secretary of the Treasury to each of such national banks and banking associations. And thereafter circulating notes of national banks and banking associations shall not be received by the United States in payment of any public dues whatever, and thereafter the interest accruing on the bonds remaining in the possession of the Government as security for the redemption of circulating bank-notes shall not be paid to the banks until the whole amount of the circulating notes of such banks shall have been received and destroyed by the Secretary of the Treasury.

SEC. 9. That when under the provisions of the last section circulating notes of national banks and banking associations shall be no longer receivable by the United States in payment of public dues, the Secretary of the Treasury shall redeem such circulating bank-notes at par, at points and places designated by him, by issuing and delivering in exchange therefor equal amounts of the United States certificates of standard value, provided in pursuance of this act, to the parties presenting such circulating notes for redemption, and shall destroy the circulating notes thus redeemed in the manner hereinbefore provided.

SEC. 10. That this act shall take effect immediately.

In former speeches upon this floor I have attempted to show the importance and necessity of establishing in the United States a national circulating medium, issued by the authority of the General Government and based upon its good faith. Since then my attention has been called to an address by Thomas Law, esq., and please not confound him with the John Law who got up the famous "South Sea Bubble," delivered in this city years ago, and as some things he has said so well express the purpose I have in view, I shall, with more or less modification, employ them for that purpose:

This is a subject of such vast importance, by the influence of which just or erroneous opinions respecting it may have on the destinies of our Republic, that few can be submitted which demand more our calm and unbiased deliberation. It yields only in importance to the great subject of deliberation which constituted the labors of the sages in the Convention of 1787, when the Constitution was formed, and perhaps two or three leading events of the war of the rebellion. For it is in vain that, by our political institutions, life, liberty, and the pursuit of happiness are secured, if, from prejudice or mistaken policy, the means by which alone industry can be called into action and the prosperity of the nation promoted are withheld. In standing forth as an advocate for the adoption of a national currency, and in maintaining its claim to superiority over a circulating medium consisting of the precious metals, or of bank-notes professedly based on them, I am sensible of the prejudice with which I shall be assailed, and of the deep-rooted errors which I shall have to encounter. I enter upon the task which I have assigned myself not with a confidence of fully silencing the clamors which have been raised against a national currency, and of removing all the apprehensions which are entertained respecting it, but happy in the belief to impart that conviction to the minds of some of my auditors which reading and reflection have so strongly impressed on my own. Says Colonel Torrens:

> The hand of man is not armed with any efficient natural instrument, such as the beak of the bird or the claw of the quadruped, for operating directly upon the materials presented to him; but it is admirably adapted for receiving and applying artificial implements, and for employing the powers of one substance to produce the desired change in another. Hence, almost all the grand results in manufacturing industry are brought about by means of capital. Throughout the world there are no striking inequalities in the muscular force by which direct labor is performed; and it is merely owing to the difference of capital, and in the skill with which it is supplied, that in one country a man is found naked and destitute, and that in another all the rude productions of the earth and all the forces of nature are made to contribute to his comfort and to augment his power.

Baron Storch denominates money "the marvelous instrument to which we are indebted for our wealth and civilization." It fulfills a higher purpose than merely forming a convenient measure of value; it creates the desire and means of accumulation, by which industry is stimulated and economy promoted. It has introduced into society also the relation of debtor and creditor, by establishing a price or interest for its use, by which the rich are induced to aid the genius, enterprise, and industry of others, who want the funds to establish their inventions and improvements. Thus the truth is become apparent, that money is not only the effect but the cause of wealth. Hence it is not only essential that money should exist, but that it should also be constantly augmenting in quantity proportionate to the progress of society in population and productions.

The precious metals are insufficient to supply the wants which the accumulating capital and industry of the civilized world require. An attempt has been made by which the circulating medium shall be made to keep pace with the wants of a progressing society by the introduction of paper money. This was circulated generally through banking associations in the commercial states of Europe and in this country; and in the State of Pennsylvania, under Franklin's guidance, banks did the very same thing at a very early period of our history.

It is found that the precious metals cannot serve as a circulating medium to be exclusively relied upon; and that however beneficial banking institutions may have been in many respects, yet as issuers of currency in modern times they have been productive of infinite mischief, partly because it was established on a fluctuating basis. A currency to be good ought to be uniform and national, and to be independent of the precious metals as far as possible.

It is within the knowledge of all those whom I address that, notwithstanding the privations which the country suffered during the war, it never was at any former period in a more flourishing condition. Manufactures were established; lands, lots, and houses were doubled in value; villages sprang up: towns improved; numerous railroad and other companies were organized; and the spirit of enterprise animated every class of the community. The Government, it is true, ought to have relied on its own credit, and to have issued a currency founded on that alone. But as it condescended indirectly to solicit aid from the banks, it is clear to the least reflecting mind that this aid could not have been given unless they had been released from the restrictions of specie payment.

It may be objected that the facility which the national currency will afford to the national Government for indulging in lavish expenditure will induce it to issue national notes to an excess, and thereby cause a depreciation in the value of them. If the three sixty-five plan is adopted, it is claimed that the convertibility of these notes into bonds and the demand for them ceasing will always prove a corrective to this evil. But the merits or demerits of this plan it is not within my province now to discuss. But have we not a further and more complete security against it in the wisdom and integrity of the General Government? We have fearlessly and necessarily confided to it the exercise of powers of equal importance. It is the uncontrollable guardian of the life and liberty of the citizen; to it is intrusted without appeal the determination of the great questions of peace and war, of taxation, and of whatever relates to the main objects for which civil government was instituted. In despotic governments, perhaps, such an apprehension might readily be entertained.

But in the United States the Government and the people are one and the same. In all the transactions of life between man and man mutual confidence is necessary; more particularly is it due to the General Government for the proper exercise of its powers. The responsibility of the Government to the people has always been and will always prove a check to the improper exercise of this as well as of every other power.

Another objection I may notice in passing (and in so doing I fear I shall be charged with insulting the understandings of the distinguished auditory that I am now addressing) is the cry of mere witlings, "Rags, rags!" Was not the Constitution, the charter of our liberties, and are not the laws which have emanated from it, written on paper? Would this charter, would these laws, obtain any additional value by being inscribed on tablets of gold? These same witlings exclaim, "Ready rhino!" and talk of the intrinsic value of gold and silver. Are they not in use inferior in value to iron? The stamp and the value affixed by sovereigns, by a common assent as it were, has given a value to the coins. Will the declaimers against "rags" exchange at par a Government bond bearing 6 per cent. for one bearing 5 per cent.? The intrinsic value of a thousand-dollar bill is no greater than that of a one-dollar bill. But what man considers that fact when receiving either?

My assertion is, that any great nation ought to have its own circulating medium, as every man has his own blood for his body. If we had one hundred millions showered from heaven in specie, it might soon be sent abroad for articles we fancy we want; but the same amount in a home currency would always remain among us, vivifying and producing industry. We have indulged prejudices too long, and use inappropriate terms as if intentionally to delude ignorance. The advocates of the banking interest and the bullionists loudly talk of a sound currency based on gold and silver, which we all own to be articles of commerce. There is, in truth, a jargon which bewilders the senses of many; nay, it would seem we are almost deterred from investigation, and the designation would seem to be accepted by some of a distinguished member of a former Congress, who termed finance a modern Eleusinian mystery. This national currency may form a trio with gold and silver. The superiority of the national paper money will be that fear will not secrete it, avarice will not hoard it, and an enemy cannot withdraw it from the nation.

Should the advocates of a national currency be in error, they will rejoice at its exposure. They solicit investigation and discussion, which elicit light; they desire only the establishment of incontrovertible principles to strengthen our independence, to promote our wealth and happiness, and to cement the Union.

Should gentlemen thoroughly investigate this important subject, they will shudder at the dangers and evils incident to a so-called specie basis—a system which invariably makes the promise to the ear and breaks it to the hope.

On analyzing the grounds of doubt expressed by the hard-money men in their arguments against paper currency, it will be found that such of the arguments as have any weight are really based upon a chronic doubt of the perpetuity of the Government and its good faith. It is worthy of notice that that class of financiers repudiate the idea that our own Government can establish a standard of value or authorize and regulate the value of the currency. Their argument denies to the Government of the United States the possession of one of the highest attributes of sovereignty. They claim that a standard of value for the currency of our country must be such as is established by other governments, foreign and even hostile in feeling, and always hostile in interest, to the Government and people of the United States, and are unwilling that the American people in their monetary system and fiscal affairs shall be made independent of foreign governments and institutions. They justify themselves in taking this extraordinary attitude by the allegation that paper currency without specie basis will not serve the purposes of trade in the United States. This allegation is not founded in fact, and will not bear the test of examination.

The history of the twelve years past in this country refutes it. Our currency has not been redeemable for one hour since the greenbacks were issued, in coin or otherwise, (except that for a short time the Government received them in exchange for bonds;) and yet it has served the people of the United States as a better currency than they ever before possessed. During all this period the greenback has performed the function of money as a measure of value in exactly the same manner as the currency proposed by this bill will perform it under like circumstances. Indeed this bill provides for a uniform, exclusively greenback issue, solely by the Government. And our fractional currency bears even more emphatic testimony to the same effect.

If any one thinks that any party would allow us to go back to the illegitimate and unconstitutional currency we had before the war and exist twelve months, he is greatly mistaken. It would destroy any party. It would be better to continue through all coming time with our present inconvertible paper money, as objectionable as it is in some points, than to resume the situation we were in in 1860 and previous thereto.

It seems to me that the *statu quo* is better for the people than any scheme proposed other than this bill, with perhaps one exception. Whether it is reasonable to suppose that either of these referred to will pass I am unable to say. If not, I think one would be justified in placing himself in opposition to all other currency bills before the House. If it comes to the worst, and bank-notes shall be made legal-tenders, the greenbacks cannot be spared as legal-tenders. I am utterly opposed to the denationalization of a dollar of our currency; but if the calamity is to happen, that greenbacks are to be withdrawn and their place filled by bank-notes, it must be on the basis of requiring the banks to resume specie payments; for I do not suppose anybody would think of making irredeemable bank-notes a legal tender. If the whole volume of the currency is to be given to the banks and greenbacks withdrawn, the least that ought to be done is to provide that the interest on the United States bonds, pledged by the banks as security for the redemption of the notes, accruing while they are so held, shall not be paid to the banks, but be retained by the Government and paid into the Treasury. I can see no reason why the people should continue to pay interest on the capital used by the banks; and why should not such a proposition in the contingency here indicated be carried by the House?

Indeed, it cannot be denied that the country, in the main, has been doing pretty well under our present system, although just at present it is staggering along in a manner not calculated to excite general admiration. And there is no doubt we do need an improved system of currency.

The Bankers' Magazine, London, opens its leading article in the January number by the admission that the finance of the American Republic has been at once the envy and admiration of the world. The ease with which the huge incubus of debt was encountered, and its attendant liability in the form of annual interest has been liquidated, have fairly astonished all interested in the career of the country. The United States, it is true, are a young and vigorous people, possessing a territory marvelously gifted by nature, practically inexhaustible in its resources, and yielding at every point fresh evidence of considerable latent treasure in mineral as well as various other products. The youngest civilized republic has faced its creditors with unvarying punctuality, and stands before the world fully on a par, for financial power and credit, with the best of Old World countries; sustaining in parallel grooves of action a national increase of wealth and a national repayment of debt. Since 1868 we have reduced our debt some $350,000,000—an amount equaling the value of the income of Great Britain for a single year.

Mr. S. D. Driggs, in a communication in the National Republican, of the 16th instant, remarks that—

> Those who are clamoring for specie payments and deriding our greenbacks, should remember that the country never added so much to its substantial wealth and prosperity as during the past ten years of suspension of specie payment. Paper money, bearing the seal of the Government, should be the only issue. There should be no middle-men, no national banks or State banks, or any banks of issue. There should be but one currency for all, and there should be enough of it to transact the business of the country, to encourage industry, and stimulate labor.

That the greenbacks assisted in carrying the country through a period of struggle, difficulty, and anxiety is a recognized fact.

I have been asked if the fact that gold flows where it is most wanted throughout the world is anything against it as a domestic standard of value? I say, "yes." Perhaps it may be deemed surplusage to add that gold is not intellectual; it does not flow of its own accord, but only as it is acted upon by extraneous influences. I am now speaking of it as the basis of paper currency. It would be easy to show by historical incidents that the position is sound. In Jackson's time United States deposits were removed for political reasons. It was during the hard-money period, the golden era, when the democratic party promised that "gold should flow up the Mississippi," and "golden eagles should shine through the interstices of the silken purses of the common people." Then, as now, the world was full of financiers who travel backwards with their attention fixed exclusively upon the past, who were saturated with the idea that the world was perfect when they were born, and that all changes tend toward destruction. All those people, when the gold, by order of Old Hickory, through the pliable Secretary of the Treasury, Taney, flowed from the East to the West, and the whole financial superstructure built thereon came down with a crash, were astonished.

We ought to conclude, *a priori*, that if gold when used as money or a basis for money fluctuates in price (changes value) for any cause, it is a poor standard, and consequently a poor basis for a standard of value. If there were enough of it to furnish currency for all the commercial world it would be less objectionable; but even in that case its ponderosity, its liability to wear out, and its intrinsic value for other uses than money, would all prove objectionable characteristics. But when it is considered that there is not enough of it to furnish say 10 to 20 per cent. of the currency required, it is easy to understand that the disturbance of the basis, say 10 per cent., will affect mischievously the 90 per cent. of currency superstructure based thereon. In our circumstances the argument for specie basis is void from absurdity.

Query. Does gold change in value? (I am referring to gold as money.) First. How is the value of money measured? Answer. By the interest that it brings the owner. Secondly. Does the rate of interest which is earned by gold change often? The Bank of England is the vortex of gold movement; ask it, and ask Wall street. The answer must be that it changes from day to day and from week to week. Thirdly. Does it change much or little? The answer must be that it changes more than half, being at some periods as low as 3 per

cent., and sometimes higher than 7 per cent. Fourthly. What causes these changes? Answer. All kinds and sorts of contingencies—war, pestilence, famine, conflagration, the potato rot, the army worm, the exhaustion of and the discovery of coal mines, the exhaustion of old and the opening of new gold mines, new discoveries in chemistry, and new developments of mechanical ingenuity, the political measures of governments, and, most of all and worst of all, the financial schemes, plots, and "corners," devised by those individuals who operate and deal in money, and who all *(mirabile dictu!)* worship the golden calf and clamor for a specie basis; like the bankers, brokers, and silversmiths of Ephesus, they go about shouting, with interested vehemence, "Our craft is in danger!" "Great is Diana of the Ephesians!" Gold is god, and the bankers are its prophets!

Would it not be fatuity to adopt as a currency a substance of great intrinsic value, very inconvenient in use, that costs great labor to produce, that is liable to extensive wastage in circulation, thereby annihilating to all intents and purposes a vast amount of actual capital, when we have presented to us a substitute of the cheapest material possible, that can be renewed at little cost, and, if utterly lost and destroyed, does not extinguish an intrinsic value, but its destruction inures really to the benefit of the Government and the lessening of taxation?

Where is the common sense in keeping a vast body of men digging gold to be locked up in vaults? However, we have got to pay off an immense interest in gold, so that the gold-mining interest may doubtless be continued with profit for some time to come. But don't get wild and inflate the currency, for if you do in a short period there won't be gold enough in the country to manufacture wedding-rings.

That veteran editor, J. Watson Webb, who in his palmy days was a great political power in this country, and especially potential as conductor of the New York Courier and Enquirer, in a letter dated Villa Lions, Nice, France, December 31, 1873, and published in the New York Times of February 23, 1874, says—and I desire to adopt its terse statements as expressive of my own opinions—

The late panic will have done no harm nationally, but much good, if you do not permit it to break down our tariff, which I hold is absolutely necessary for our agricultural interest, while it operates only indirectly for the benefit of the manufacturers. Our home market is the only thing that gives prosperity to the farmers, and it is produced by withdrawing millions of our people from the soil to be fed in manufactories. Return those people to the soil, and make them producers instead of consumers, and you make us a nation of paupers. I have no desire to see any competition with the pauper labor of Europe, and hence I have always advocated the very next thing to a prohibitory tariff. Gold has no earthly value save as the medium of exchange between nations. To talk of its intrinsic value is to talk nonsense. It will not make a rail, or a plow, or a scythe, and is utterly useless in the fabric of cooking utensils. Its intrinsic value, if any, consists in its usefulness in the manufacture of rings, ladies' chains, lockets, and other gewgaws; while its actual value and its duties for more than two thousand years have been and are to make up between nations their differences in trade. It is not merchandise, and it is because we have been in the habit of buying and selling it as such, at public auction, that we have recently so severely suffered, and if the debtor nation must always send abroad its gold to pay the balance against it, or substitute a paper indebtedness to be ultimately redeemed in gold, does it not follow that no nation can resume and continue to redeem its currency in gold so long as its imports exceed its exports?

We, thank God, through our tariff, have brought our imports to a point where they are fully paid for by our exports; and if we can, by preserving our tariff, continue to be a creditor instead of a debtor nation, there can be no doubt but gold will be of the same, and very frequently of less, value than paper. No resumption will be necessary. Paper will be in demand, because it is more convenient and less expensive to handle than gold, just as soon as it becomes an established and received fact that paper represents gold. To produce such a result no legislation whatever is necessary, unless it be to increase our tariff on manufactures, which are the products of pauper labor, and against which our free, intelligent, and well-paid labor cannot contend. Do not think to reduce the price of that labor. Give the laborer the wherewith to pay the farmer liberally for his products, and then agriculture, the basis of all national prosperity, will flourish, and, of necessity, the country itself will continue to be prosperous and great. I see you exclaiming, "What does all this mean?" It means that for eight or ten years past the English press, and the paid agents of England connected with our press, have been laboring more zealously than ever to convert our people to free-trade notions. England's existence depends upon our market; a non-intercourse with the United States totally excluding English fabrics would produce such general distress as to render revolution almost inevitable. Her wise men know this, and hence the absurd argument, constantly put forth, that our tariff tends to retard the progress of our country, and this ridiculous argument finds favor with people on our side of the Atlantic; but fortunately, as a rule, these men belong to and constitute a class with one idea only—men who are unwilling or unable to look at any subject in all its bearings, and who have never cultivated the habit of thinking for themselves.

Only yesterday one of the English toadies sent me a London Times containing an article explaining the cause of our late monetary crisis. I knew before reading it I should be told that our tariff was the cause of all the mischief, and that I should find, rehashed up for effect, all the arguments so piteously put forth during the last three years, begging and berating France and the United States not to exclude English manufactures, and thus bring distress upon her toiling millions. And so it was. We are generally told that it is a settled matter, a fact that admits of no doubt, that all our trouble arises from our tariff, and that if we will only resort to free trade and permit England to send us a few hundred millions of her fabrics in addition to what she now sends, all would be well with us. The cool impudence of this advice is something wonderful. Our tariff is gradually working out the results predicted. It is supplying our wants by the labor of our own workshops, the inmates of which are consumers of what the farmer produces, and consequently the farmer gets better prices for his labor, while our imports are decreased, and we become a creditor instead of a debtor nation, and receive from abroad in gold the balance in our favor, instead of sending forth our gold to make up the balance against us. England and her agents never tire in their efforts to seduce us into free trade. Failing in the present and past generations, they are now addressing themselves sedulously to those who are to be our successors. In this work, as in everything else connected with this question, their newspaper published in New York, called the Nation, is the immediate channel through which they address their specious arguments to the rising generation; and I have now lying before me a circular from the Nation addressed to a youth in one of our colleges, and by him forwarded to me, in which their new plan of proceeding is fully disclosed. Is not this fact calculated to arouse our people from their apathy, and to incite in the guardians of the country's prosperity renewed efforts to maintain the great principle of protection to home industry, upon which that prosperity is based?

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Look well to your metropolitan press. It gives tone more or less to the press of the country, and if you would return to specie payments, take care that the tariff convictions of the people be not disturbed; keep before them the experience of the past, and the disastrous consequences of the compromise of 1832. To save the Union and put down nullification, Mr. Clay consented to that compromise, and an annual reduction of a certain percentage of the duties imposed by the tariff of 1828, and what were the consequences? We had at the time fifty-eight blast furnaces in operation, and in a few years fifty-seven of them were closed by introduction of English iron, the product of the then pauper labor of Great Britain. Our factories and our workshops were nearly all closed, and their inmates sent back to the soil to become producers instead of consumers of our cereals. Over-production without any home market necessarily followed, and wheat in the West sold at prices which barely paid for the reaping, as the genius of McCormick had not then perfected the reaper. Universal ruin stalked through the land, and the people, with one accord, demanded an immediate return to the great principle of protection to home industry. A generation has passed away since then, and with them, too, many of the lessons taught by sad experience. Let our people be reminded of what was and what has been, and they will close their ears to the siren voice of the charmer, which, now again, would seduce them into the theoretical and imaginary beauties of free trade. Above all, let them clearly understand the advantages of a home over a foreign market, growing out of the fact that the home market abstracts laborers from the soil and makes them consumers instead of producers, and thus lessens production and secures higher prices to the farmers.

One fact in relation to the extent and value of our home market is worth volumes of free-trade theories in regard to a more extended foreign market, at starvation prices, to the American farmers. We have always been large exporters of grain and flour since the war of 1812; and yet up to 1847, the year of famine in Ireland, the five New England States, wherein most of our manufactories and workshops were situated, took annually from our grain-growing States more barrels of flour and more bushels of wheat than in any one year the United States exported to the whole world. Where we had then one thousand we have now more than ten thousand consumers of produce in our workshops and factories; and their millions free trade would send back to the soil to become producers instead of consumers.

What we want is stability in legislation, and such protection to American industry as will make us a creditor instead of a debtor nation, and create and preserve to us our home market. This we now have, and the very natural result is that last year our exports exceeded our imports. Of course, instead of sending our gold abroad to make up a deficiency in exports, we are to be the recipients of gold, in payment of the excess of our exports over our imports. Let this state of things continue, and we require no legislation to enable us to return to specie payments. The difference of trade in our favor will be greater next year than it was the last. That difference has to be made up by retaining among us all the gold we produce, and by receiving a large amount from abroad, and gradually there will be no premium on gold; but, on the contrary, a small premium on paper to make payments between distant parts of the country, and thus the problem of specie payments will be solved by simply letting well enough alone.

But the Treasury wants money, because we foolishly insisted upon a too rapid reduction of our national debt, and too hastily reduced duties on imports. Legislation must remedy this. Let the law which reduced our duties on imports 10 per cent., with no other effect than to put so much money into the pockets of foreign manufacturers, without reducing prices to our people one farthing, be promptly repealed, and let other duties and taxes be restored, until the wants of the Treasury are supplied. This done, let our shipping and ship-building interest be at once cared for. Let every dollar of duties collected on the material used in building a vessel be restored to the builder, and in addition, in order to induce him to use American instead of foreign iron, give him, in the shape of a bounty, the full amount of duties which would have been restored to him if he had constructed his vessel of foreign instead of American iron.

There, I have written you with an aching head more than I have been able to write at any one sitting in three years, and all because of the consummate impudence of the London Times in attributing our late monetary crisis to our tariff, and because I think I discover in the American press and people, through forgetfulness of the past, a yielding to foreign counsels through the seductive voice of free-trade. It is only at such times that I regret my severance from the press, after thirty-five years of labor as the sole and only responsible editor of the Courier and Enquirer. During that long period I was doubtless very frequently in error, but I always believed in what I preached, and it was the conviction of this fact on the part of our readers that made the Courier and Enquirer a prize and its editor a target to be fired at. I have passed my three-score years and ten, and for thirteen years I have been a mere observer of the press and its progress, and yet when I perceive our people called upon to forget the past, and stultify history and experience, I cannot but wish that I was at my old work. I shall, God willing, be home next year, and then, if not too feeble to work, be assured of my readiness to labor *con amore* in this all-important cause, which more than all others involves the future greatness and prosperity of our country. * * *

The change proposed by this bill will consists in making the entire circulation a circulation of greenbacks. All the currency in use by the Government and by the people will be a uniform issue of greenbacks. And the change will be brought about so prudently and gradually, that the public will be hardly aware that it is going on.

It is a transfer of bank paper money or money issued by private corporations into paper money issued by the Government. It is simply one currency, a uniform currency, to take the place of a currency comprising two classes of paper money and two kinds of metallic money. The new departure consists mainly in the fact that there is no redemption in other property equivalents established, required, or desired. Under the old system we have pretended to have a specie basis, but it has been a sham and delusion. Specie promise was always a sham, a fraud, a lie. This system wears no hypocritical mask. It is what it seems, and seems what it should be. There is no false pretense about it. It comes forward modestly, not with haughty intrusion; but, with confidence in its strength and powers, stands serene and secure, to be seen and known of all, on the high table-lands of truth and honesty, of fraternity and patriotism. Our claim is that a national paper currency of judicious volume, made a legal tender, and receivable at par by the Government in payment of all dues, and on deposit by the banks at its face value, will be worth its face value in gold. If a man can buy commodities and pay his debts with this money, what more can he want? And remember that the President in his message tells us that the receipts of the Government from all sources, during the last fiscal year were $333,738,204—or within about $17,000,000 of the total amount of greenbacks then in circulation. So that the Government

practically redeems almost the whole volume of legal-tender every year by receiving it at par. That of itself is a potential factor when we talk about the value of a currency. Then the highest judicial tribunal of the land having rendered its solemn decision that greenbacks are a legal tender for private debts, no matter when contracted, is another great factor of value, and makes greenbacks money.

In our transactions with foreign nations gold is not regarded as a coin, but as a commodity, as bullion. That our gold is stamped at the mint in Philadelphia adds nothing to its value when shipped to England. It is gold, as a raw material simply, that it is rated. The change proposed is substantially to make the entire currency a greenback issue. Why should we choose the dearest substance in the world, and one of great inconvenience of handling, when we can obtain the cheapest substance, and one that can be handled with surpassing facility? Why keep so much labor diverted in digging ore to be worn out in circulation as coin, or to lie idle in vaults as a reserve, when all this labor and waste can be avoided by the use of greenbacks? After a successful experiment of twelve years, had we not better remove the defects of our currency system than to take backward steps toward the barbarism of barter, by attempting the impossible feat of establishing an absolute specie basis for $800,000,000 (after inflation?) of currency, when experts tell us there is scarcely one-seventh of that amount in the country? The way is to go to work and appreciate the currency, and let gold take care of itself. It is as clear as the noonday sun that the Government makes of itself a gold bull in exacting customs duties in gold. It is a great entity, a large operator; and as long as the Government discriminates against its own currency, that currency will be depreciated.

The abolition of a mixed currency—one for the Government customs dues that benefits exclusively the Wall street speculating bullionists; one for the banks of issue, which to them is a subsidy deducted from taxes of some twenty to thirty millions annually, and a national greenback currency, which is the best this country ever had—and the substitution therefor of an exclusively national legal tender, the money of the United States, as proposed by this bill, with the necessary restrictions and regulations as regards its security and volume, would have the effect to bring greenbacks to at least a par with gold. The national legal-tender would be the only currency, and gold would not be sought for. The change of currency would be so prudent and gradual it would only be felt in its beneficial effects, and the continuation of the existing volume of currency would be secured.

Note the opinion of the greatest merchant in the United States, A. T. Stewart, esq., who said on the 30th of December last:

> The present system compels the importing merchant to go to Wall street to buy gold, where he is subject to the disturbing influence of the gold speculators, who, in large measure, control that market. On this subject of collecting the customs duties, I am of opinion that the mistake of collecting them exclusively in gold ought to be corrected, and that payment of a portion thereof should be made in currency, increasing the amount thus payable, from time to time, until the whole shall be payable in currency. I am clearly of opinion that the amount of duties received will be sensibly increased by such a measure. And I am of opinion that the street market price of gold would be sensibly reduced by the same measure, and we should approach nearer to par as between greenbacks and gold.

This is a measure of value, established by authority, good in the hands of every holder for all the purposes for which money is used in the United States, to the value expressed on its face. It may be safely said that it will have a more uniform, a more permanent and steady value than any money we have yet had in use in this country.

I have referred to the fact that the legal-tender or greenback issue of the country is an amount about equal to the amount collected and disbursed by the Government yearly. For it is an absolute fact that, practically, neither gold nor silver is now, and has not been for years, a tender in the payment of debts. It may be assumed that it will never be offered in one single case by one single person in a year, and therefore may be counted out in considering the necessary legal relation of the volume of the legal-tenders to the business of the country.

This bill would set free the total amount of the intrinsic value in the metallic currency in the United States. So far as the precious metals that have high intrinsic value are withdrawn from their natural use where their intrinsic value is available, and used and worn out in the mere purpose of measuring values, (which can be better done by a standard that has no intrinsic value and no other use,) so far as the labor that has produced the gold and coined it has value, it is wasted when it is devoted to the single purpose of providing a measure of value in exchange. It is so much intrinsic value and labor abstracted from the legitimate uses of mankind.

The nations that make the closest adherence to the precious metals as the standard of value in their common business transactions are the nations where civilization has made the least advance; whereas paper credit evidences of value, that are intrinsically worthless, are in the most common and extensive use among people of the most advanced civilization. The change from metallic currency to paper currency in the domain of trade has attended the increase and growth of civilization in every country.

If the system should be adopted under this bill, and come gradually into use, can it be doubted that it would be received with entire acceptance by the whole people, and when once enjoyed would not be parted with? Indeed, I think it would be imitated by all nations of advanced civilization as an improved currency. It leaves international balances to be paid off in bullion, which is a transaction of barter, and which must be submitted to, with its inconveniences, until some possible future time when international laws might be framed which, in this matter, would govern all mankind with the better results that would ensue from a currency separated entirely from intrinsic values.

A sum nearly equal to the whole amount of legal-tender now in circulation is paid to the Government every year by the people, and is repaid to the people by the Government. This fact alone, of the Government receiving at par all its own currency, without the legal-tender feature, would have great influence on its value, and with the legal-tender feature its value would not be questioned.

Did you ever hear a person give a reason why a part of the reserve of the country banks should be kept in New York? It was done as a basis for the provision, which was not passed, that they should redeem their bills there.

The provision of law requiring the country banks to keep a part of its reserve in the city of New York works only mischief. It makes the country bank weak, and subject to the will of the city bank. It drains the country of money where it is needed to move the crops, and helps to produce the disasters of speculation in the great commercial centers about which so much complaint is made. The very same class of financiers—they are all specie-basis men or bullionists—will insist that the reserve should be kept in New York, and that the redemption of the country-bank notes should be made in New York. They always strive to secure that feature and condition to the banking law. The effect of it would be to transfer to the city, where the forced redemption is made, the total amount of money or credit that the bank needs to redeem its bills, and puts the further burden on the country bank of requiring of it to redeem in two places, and therefore have funds in two localities to redeem every single bill that may be offered. The fund to redeem it should be at the place where it is to be redeemed. If the country banks have it redeemed in New York, they must have the credit, and must secure that credit by a ruinous bargain with the city banks. Moreover, if the country-bank circulation is redeemed in the city, it must be returned to the bank, or else the whole circulation would center at the place of redemption. And while it was in the process of being collected and sorted and returned to the bank, it would be so much currency withdrawn from circulation. Every express company and the post-office would be burdened with the bank-notes that passed between the country bank and place of redemption. It is probable that that system of city redemption would have the effect of practically striking down our currency in useful circulation 20 or 25 per cent.

The currency proposed is the currency of the sovereignty and the currency of the people. It puts out of existence that system which has one standard for the Government, and another standard for the laboring man. It is a unification of the currency, and a nationalization and popularization of it.

The popular clamor that there was not currency enough to move the crops is only true in this, that it was not in the hands of those who desire to apply it to that purpose. It is quite possible that the provision of the statute in regard to country banks depositing a portion of their reserve in New York may give an artificial plethora of money and stimulate speculation; but as a general rule greenbacks, while there is no attempt at their redemption, are like particles of water, that travel forever through the volume to which they belong. Just as surely as turning water into the nose of a tea-kettle will raise the water inside, will be the effect of issuing currency in one part of the country upon other portions. Water does not more surely seek its level than does such an improved currency as we have described flow in natural channels. Take out your pocket-book, and the chances are you may find one bill issued at Portland, another at Saint Louis, and another with the signature of Brigham Young.

We hear in debates in Congress of nothing in the nature of currency in circulation but the four hundred millions of greenbacks; but our circulation consists of three or four hundred millions of national-bank notes besides. The bill which I have presented goes upon the basis of retiring both of these currencies, and replacing them by a legal-tender of an amount equal to both.

The way to return to specie payments, that is, to make a paper dollar equivalent in purchasing power to a dollar in gold—a consummation most devoutly to be wished—is to make gold an article that is not sought for. Destroy the market for gold here, which would be done by this bill, and you would very soon find people who would be very willing to change their gold for the circulation of the country. It would be a bill calculated to harmonize conflicting interests in Congress, as I think, provided they would look at it and understand it.

I think the plan herewith proposed could be adopted at this time with perfect success, because the circumstances are auspicious, and perhaps not likely to be repeated. The present grows out of the past, and the future grows out of the present. There is continuity in everything, and there is progress and change in everything. Our present condition of paper currency is such that it might be retired gradually and replaced by the proposed new currency. The new currency would come into use with the two kinds of currency that are to be retired, and on a par with them. As the old currency receded the new would take its place, and its value would be fixed to a demonstration in the minds of all the people before the old should pass away; and we should be left with the new fairly indorsed, with the public mind ac-

customed to its use, and the public mind established in regard to its utility and value; and many desirable and some necessary results would follow, the first of which would be redemption of the greenbacks at par, for which the faith and honor of the nation are pledged; the second is the separation from banks of all functions of furnishing a circulating medium. Banks would cease to be banks of issue, and become, what they ought always to have been, banks of deposit, of discount, and exchange. They would be deprived of the means, to a large extent, of mischievous tampering with currency by locking up and overissuing. They would necessarily be compelled to base their transactions on the two elements needed in banking—capital and integrity. If such a system were introduced the change would be so complete and so radical that the public would see that nothing more could be done in that direction, and the public mind would settle down into the belief that we had finally obtained a currency of such a character as would enable them to trust the future in business transactions. It would relieve us and the business of the country from the damages and injuries and losses that result from the vicissitudes of other countries. Our currency and our home trade would be comparatively, if not entirely, independent of foreign wars, famines, pestilences, and governmental schemes and speculative contrivances, because all such influences in foreign countries would be based upon a currency about which we would care next to nothing. If our production of commodities of intrinsic value should grow to great volume, if we should become the first instead of the second or third manufacturing community in the world, and much the largest producer of agricultural products, and the largest producers of the precious metals, and the largest owners and controllers of mechanical power, with the most extended and complete system of internal transportation, and continue our habits of thrift and economy, and labor and enterprise, and keep up an improved system of education, the children of the present day would witness the time and the circumstance of America being the center of the greatest production, and the largest amount of exchange of commodities of any country on earth, and the city of New York the center of the monetary system of the world. When that time comes our home transactions would be vastly elaborated, and engross the principal attention of the American people. Our foreign transactions, though they should grow to great volume, would be a minor consideration, and we should have our home currency for the great leading interests, and deal with foreign countries in the (by them) much esteemed precious metals, the possession of which had kept them back while we were prospering under a wiser system. When it should occur that the balance with trading nations should be in our favor they would be compelled to pay us in gold, and then we should be so situated we could take the gold at our own price. The time is in the near future when we shall be imperial in every respect.

In the case of the continental money, there was no sufficient authority to issue it; there was no machinery to enforce the observance of rules that governed it; there was no power to enforce it as legal tender. Lacking the quality of being legal tender, it was simply a commodity for the value of which stipulation had to be made in every transaction. That was under the Articles of Confederation. The old Confederacy as a government, in a certain sense, was a rope of sand. It had not the executive power to enforce its decrees. It may be said it lacked the executive principle. It made laws, but could not enforce them. Every single move to get an army and pay for its support was a matter of great difficulty. The letters of Washington are full of evidences to establish this historical fact. To talk about a paper currency issued by a government that had scarcely any power whatever to enforce any manner of demand, is absurd. Continental money was not issued by a sovereignty. There was no sovereignty, in the proper sense of the word, until the adoption of the Constitution. The circumstances of the country and the Government were as different then from now as possible.

The French *assignats* are thrust into the argument by the bullionists, apparently in ignorance of their real natnre and the anomalous circumstances under which they were created; as though there was any resemblance between the condition and government of our country now and of France at the time they were issued! In point of fact, there was no sovereignty in France competent to sell and convey title to the property they had covered with *assignats*. If the power that issued them had acquired authority, the property could and probably would have been sold, and the *assignats*, that were a lien upon it, might have been good. But the *assignats* failed to have any value, because the government that issued them failed to have any power. We claim that our coined paper, or standard of value, United States money is good as long as the Government lasts. If you can think of anything that is likely to last any longer, you may substitute it for the credit of our nation. If this paper money will then cease to be valuable, so also will the gold. If our Government was to be so upturned, the gold would all leave it, upon the instinct that there was no power in government to protect property.

It is held by the flexibility men that the system should be so arranged that when currency is in excess, so as not to be profitably invested, it can be returned to the Treasury for three sixty-five bonds. I admit that this looks well on paper; but it is asked when, during the past twelve years, has there been such a plethora of currency that it could not be loaned at 7 per cent. interest? We constantly hear that money is tight and scarce, but no one ever complains that it is too abundant. It is indeed alleged that money is accumulating in the city of New York, but the holders will only loan it on short time. I find that careful financial thinkers deem flexibility, as it is called, (meaning thereby a facility for increasing and reducing the volume of the currency,) as the very worst possible fault which can be attributed to a currency. I await with interest more light upon the subject from its advocates. Meanwhile it seems to me that a permanent quantity, with the mobility which would exist with a strictly paper currency, (all the better if exclusively national and without specie basis,) if a legal tender, would be the *desideratum* for a home currency. And, in fact, there are in the civilized world no currencies except home currencies. Currency money must always be, always is, legal tender. Currency which is a legal tender will not float away into a country where it is not a legal tender, unless it is of gold or silver so pure that it will serve and pass for the commodity bullion.

Few have fully realized one of the grandest mischiefs that would grow out of what is called a flexible currency. That is this: if the currency were so flexible as to adapt itself to all demands for currency, it would swell to a volume that would be sure to lead to the excessive production of commodities, markets would be glutted, prices would fall off, and bankruptcies would follow. It would, in large measure, defeat the salutary law which we call the law of supply and demand, fixing the price, without which industries and commercial enterprises would very soon run into ruinous conditions. I do not see why it is not logical that, if any degree of flexibility in the volume of currency is desirable, the largest and most perfect flexibility is not more desirable. If this last degree of flexibility should be attained, what is to prevent the currency growing under the stimulus of demand to a degree that would set on foot so many iron manufactories, woolen manufactories, cotton manufactories, &c., as would in a single year produce commodities each in its kind sufficient to supply the wants and needs of the whole world for years to come. And if it did, it would throw upon the manufacturer the necessity of carrying this excessive burden of commodities at great cost while they were deteriorating, and of sacrificing when he stopped his mills the plant and outlay of their creation, throwing out of employment the vast amount of human labor engaged in the enterprises. For when the world has enough, and more than enough, of any commodity, it will cease to buy, and there must be a pause in production. To express it in a different way: redundancy of currency would so enlarge the supply, as compared with the demand, that there would be no capacity to buy and take the quantity on the market, and the price would fall to a degree that would be utterly destructive to the business of any country and all countries.

On the other hand, looking at the three factors that establish price, to wit, demand, supply, and the volume of currency, we have one fixed factor; the demand and supply, having reference to that factor and being adjusted to it, fix a price of commodities, and when the supply becomes in excess the price falls and the production ceases or is diminished; where the demand is in excess, the price rises and stimulates the industry until an equilibrium is established at a compensating reward to the industry that makes the production.

The plan proposed will produce in the very beginning an absolute and reliable test of the confidence in which it is held by the public under the operations of the bill. In the very beginning there would be in circulation three different forms of circulating paper called currency: the Treasury notes or greenbacks, the national-bank notes, and the certificates proposed by this bill. If the certificates encounter this ordeal successfully, the question will be settled and put totally at rest for the future. Yet when that state of things occurs, the certificates are received at their face value in the ordinary transactions of business, in the purchase of property, in the payment of small debts, are received on deposit in banks and in the payment of bank debts, and are received for all public dues at their face value; if this occurs in fact, the problem of their ultimate and complete success will have been demonstrated.

It is true that currency of doubtful value begets careless and uneconomical expenditure. The greenbacks and the bank-note currency, if they have produced speculation or imprudence, it is not because anybody has doubted their being good, but probably because at times there has been too large a volume in circulation. With gold for a basis it is not in the power of the United States Government, nor within the reach of human wisdom anywhere, to fix the volume of such a circulation. It ebbs and flows with extraordinary vicissitudes.

Is it yet proved that it is desirable that the currency have the quality which is called "elasticity?" Would it not be worth while to inquire whether the safety of the country does not require that it should not have it? It is for Congress not only to provide the lawful authority to pay out the currency, but the currency itself to pay out. The Government must turn banker to that extent. Would not elasticity be disastrous? Stability of standard and stability of price is the great safety for labor, for manufactures, for merchants, for bankers, for capitalists.

The first essential is a fixed and unchangeable volume to the currency. We ought to be justified in assuming that Congress will take care that that great essential element—the very life-blood of public prosperity—shall not be tampered with. In this connection it is proper to say that it is unsafe, contrary to the theory of government, and fatally objectionable to permit any other authority than the Government to issue anything in the nature of currency on their own volition. Private individuals cannot be trusted with that power. An

aggregation of individuals in a banking or other corporation are even less to be trusted. In both cases they will act generally from an interested and special motive, regardless of the public effect of their action. These guards being thrown around the law, we shall no longer hear it alleged that there is a ring of bank presidents and bank officers and bank attorneys combined, and armed with the sinews of legislative war thronging the lobbies of the Capitol to produce an effect upon the body of the currency, when that currency shall be unified and be in effect the currency of the sovereignty of the people. The special interests of these great corporations that make money out of fluctuations in currency will cease when the system established by this bill shall have taken full effect. We shall find no organization anywhere in the United States sending their delegates here or elsewhere to produce public opinion and induce legislative action for the inflation or the contraction of the currency. This is one of the most objectionable features of our present compound currency. It should be eliminated, eradicated, cut up root and branch.

And I am credibly informed that at this moment, there is a very "swarmerie" of those people from our principal cities in the lobby and surrounding the Capitol. As was said by the gentleman from Ohio [Mr. BUNDY] on the 24th of this month:

Such men can come here and appear before our committees. But do you see here delegates from the mines or from the farms of the West? Are there here any representatives of those who dig in the soil or work under ground? O, no; they have no money; they cannot come. Are there deputations here from the one hundred and ten thousand men who are out of employment in the city of New York? Here and at the other end of the Capitol you will see fat, sleek gentlemen telling us what we ought to do about this question of banking and currency. Do you see any deputations here from the far West, where their corn is burned as fuel because it will not bear the cost of transportation to the sea-board? No, sir; for they have not the money to spare upon which to come, and they have no railroad passes. They are not here in force or out of force. Mr. Speaker.

The money goes to the center of largest production. The money of the world flows there by inevitable laws in perpetuity. Under this system the money of the United States will run as surely and instantly where it is most wanted, and where there is most to be made on it, as water runs to find its level.

The Philadelphia Inquirer of the 26th instant contains a letter of Hon. Isaac Buchanan to Henry C. Baird, which it thus introduces:

We beg to call the attention of our readers to the following forcible and able letter of this distinguished gentleman upon the subject of our finances.

Mr. Buchanan is a veteran thinker and writer upon money, having devoted nearly forty years to its study and elucidation. In his well-known and oft-repeated doctrine, that *money should be of a people, of a State, and not of the world*, he has formulated one of the soundest and most thoroughly fundamental doctrines in regard to finance ever given to mankind, and it alone furnishes an unanswerable argument against bullionism in all its forms and phases.

Mr. Buchanan is a leading merchant in Hamilton, Ontario, approaching four-score years of age, and has filled many important positions connected with the provincial government, among others that of member of its Parliament and cabinet officer. He says:

"It seems full time, then, to ask the pressing question, 'Who will bell the cat?' by announcing in Congress the 'never more' of specie payments, and that, even though gold were temporarily to fall in price to par, or under it, the greenback must still remain the legal-tender 'money' of America. Let Congress authoritatively decide this, and the country is safe; but let it refuse, and the state of monetary paralysis will continue, and the result no man can tell. Enlightened patriotism, and even humanity, shrink from the anticipation. The simple question is between the repudiating of gold, or the repudiating of payment by America, with all its disgrace and calamities. The repudiation of gold is, therefore, due to common honesty as well as to humanity. It is as certain that the war debt cannot be paid under a gold system as that under it the Union could not have been preserved. A gold system anywhere would not last a day, as being the death of industry, except for the ignorance of the people, and is only possible in ordinary circumstances; but no ignorance could make it possible in the extraordinary position of America."

In order to the development of industry and enterprise a country should possess a pretty large fund of floating money that can be at once applied to help the merchant or the manufacturer.

It is true that with any volume of currency that you can mention there will be plenty of individuals who have none, or too little. It is beyond the power of human invention to devise legislation which shall put money in every man's pocket. When you shall have by law filled the purses of all the people with money, you will have repealed the ancient beneficent ordinance, sometimes called curse, that by the sweat of his brow every man shall eat bread, and have taken away all the stimulus and main incentives to enterprise, industry, and frugality. Fix your currency so that any man who earns any shall have it of good quality. It is in vain by congressional legislation to provide one section with larger amounts of currency than another. They have it not now, because their industrial interests and conditions are such as not to entitle them to it. You cannot well place currency by law. It will flow to the pockets and quarters of those who own it. You give one section arbitrarily an increased percentage and it will immediately float off to other sections where the industry and enterprise of the people are such as to entitle them to have it.

Are not our prices adjusted to the volume of our currency irrespective of the price of gold? The price of gold on Wall street is not responded to except so far as gold is a factor in the cost. Imported articles are affected directly in proportion to the extent that gold is a factor in the cost; but in the main domestic productions are adjusted to the volume of our currency. A change of price in gold of 10 per cent. in Wall street will have very little effect on domestic articles; on imported articles it will have a direct and immediate effect. Gold fluctuates as well as paper currency.

The state of prices depends on three things. It is the relation between commodities that are sought to be sold and the demand for those commodities and the volume of the currency. The number of persons who want an article and the number of persons who have the article to part with, with the further factor of the currency that is to buy it—with these you have all the elements that affect price; you do not have them without. No matter what the amount of the currency, if there is a great deal of wheat and nobody wants to buy it, you have no price.

Why should we adopt the dearest material, which is heavy and inconvenient, for a circulating medium, when we have offered to us one that is cheap, light, and combining every characteristic of convenience in use?

There is no objection to free banks if they are banks of discount and deposit; but it will never do to have free banking and leave to the volition of the citizen the issuing of the currency of the country. Power and responsibility must always be united. If the banks are not responsible to the public for a sound and uniform currency throughout the United States, they ought not to have the power to do anything in relation to it. Power and responsibility must go together in all public affairs. There is no safe ground but to deny to all private corporations the power of issuing money. The sovereignty of the nation ought to be the sole fountain of issue. The enlightened self-interest of every citizen is bound up with, and must be subserved by, the establishment of this principle.

The experience of all the people, even the bullionists themselves, is, that paper is the preferable currency, the most desirable and safest, and the freest from the mischiefs that attend other circulation. Nobody expects that prudence will entirely guide the action of individuals in trade. Each commercial man, each citizen acting on his own view of his own interest, will enter upon enterprises and pursue them with the sole view of his own benefit, and mainly with the interest of benefiting himself at the expense of those with whom he deals. The Government, on the contrary, in its action in establishing a currency, cannot very well have any mercenary motive to misguide its judgment. And if there is capacity anywhere to judge soundly in respect to the national currency and its fitness for the uses for which currency is desired, it ought to be found in the government which alone has the power to establish and regulate it. And if it is not found there it can by no possibility be found elsewhere.

Sir Robert Peel, when introducing the bank act of 1844, stated that some had contended—and he was not prepared to deny the proposition—that, if we had a new state of society to deal with, the wisest plan would be to claim for the state the exclusive privilege of the issue of promissory notes.

Robert Lowe, in a letter published in the London Times, December 20, 1872, (and if I mistake not he was then chancellor of the exchequer,) says that it is generally recognized "that the issue of notes is the creation of money, and that the creation of money is the business of the state, not of any trading association; hence it follows that the issue of such notes by private bankers is rather an anomaly which we may tolerate than a right which we ought to extend." The idea of giving a few men a corporate capacity to issue, regulate, and control the medium of commerce among a great trading people, seems rather to evince the inattention than the skill of those who established it.

We hear some talk as though the opinion were held that a system of finance should be adopted that would take care of the dead ducks in Wall street in times of panic. But it seems to me that in framing legislation this should not be considered; for, in the language of a recent issue of the London Times, "no man is justified in venturing into deep waters with all his canvas set, as if fine weather were bound to last forever, and then crying out, when the gust strikes him, that there should always be a government ship of the line within hail to save him from the consequences of his own imprudence."

The principal fault, the fundamental difficulty, about a currency consisting of the precious metals, grows out of the fact that they are precious and have intrinsic value, and are marketable commodities that rise and fall independent of the fact that they possess the quality of money. It is a safe proposition in logic to say that no commodity that has itself intrinsic value in the market of the world can be used as a complete and safe standard of values of other commodities. As a question of economy, it is not the best thing to choose, as it is the dearest and most cumbersome article to apply to a use where it can produce nothing in the way of benefit to the holder of it.

So far as the material of which money is made has intrinsic value, so far it wastes the labor necessary to acquire it. The actual intrinsic value of gold as a commodity is one thing, and its conventional value growing out of its use as coin and bullion and a legal tender in payment of debts is another thing. There is no history of the price of gold measured by its intrinsic value; because gold has been used as a medium of exchange. People, when they begin to think of it, see that the main elements that make gold desirable are conventional, growing out of the habits and laws and consent of trading nations. And it is not sound to assume that it is necessarily and unchangeably valuable to that degree. There may be better methods which, if adopted, would leave gold to enjoy its rated price growing out of intrinsic values for other purposes than use as bullion in exchanges or money in the payment of debts. Nevertheless it is to be conceded that for the present, and until catholic and comprehensive meas-

ures are taken by trading nations to provide a medium for the payment of balances between nations and independent jurisdictions, this quality may be an advantage; but within any sovereign jurisdiction, where the government always fixes, and must fix, and nobody else can fix, the tender in payment of debts—which is the actual standard for that country—the quality is in no respect essential. And its intrinsic value is an embarrassment instead of a benefit. For, because of its intrinsic value and for many other reasons, it is constantly liable to be drawn away from one sovereign jurisdiction to another; and by that amount affects injuriously, and sometimes fatally, the prices of commodities and the scale of obligations between debtor and creditor. That is to say, if the currency of the United States were based wholly upon gold, and prices fixed commensurate with the prices of that commodity, and suddenly, by the operation of causes in another country and another sovereignty, one-half of the gold basis of the United States were removed, there must necessarily be such a fall in prices and such a change in the scale between debtor and creditor as would be fatal to the debtor class—such a shrinkage of values as would be fatal to all commodities seeking a market.

Now, then, if the currency upon which our prices were based were a domestic currency, depending upon the sovereign authority of the country, and without intrinsic value, by no cause operating in a foreign country could that currency be withdrawn or reduced in volume; and therefore the quality which is supposed to be objectionable and fatal by the advocates of a gold basis would prove to be an entire protection against the most dangerous feature of financial affairs.

And, in closing, I beg leave to introduce a few excerpts with some cogitations of my own, to which I desire to call the attention of the House, (and I have endeavored to give credit where practicable:)

When notes which are not convertible into coin are notwithstanding legal tender, then it is plain that their value cannot be in anywise dependent on the value of coins. Such notes are not representatives of money, but are themselves a variety of money. They circulate because their issuers have power to make them legal tender, and because money of one kind or other is indispensable. Notes of this description have little or no intrinsic worth, so that their marketable or exchangeable value depends entirely on the extent to which they are issued, compared with the business they have to perform. If their supply be sufficiently restricted, their value may be maintained on a level with that of gold, or even raised above it. In their case everything depends on the discretion of the issuers.

Paper money, (meaning thereby notes not payable on demand, but which are, notwithstanding, legal tender), is not affected by a want of credit. It may be depreciated through excess, but by nothing else. It has no intrinsic worth, and is not the representative of anything in particular. Its value, as already shown, is entirely dependent on the extent to which it is issued. From 1797 down to 1821, Bank of England notes, though not payable in gold, were *de facto* legal tender, and their value was determined by the principle now stated, and by it only.—*Encyclopædia Britannica.*

The special risks attending the use of paper have been shown in practice to be so capable of remedy by legislative precautions, that at present, in Scotland, one-pound notes are taken with less suspicion than sovereigns.—*Chambers's Encyclopædia.*

Money, of whatever it is composed, whether of metal or paper, like every other commodity, depends for its value on the proportion between it and the commodities for which it is exchanged; if this proportion is altered, or deranged, the value of the money will be altered.—*Rees's Cyclopædia.*

The fact that the declaration that paper money comes from an authority through whose hands a great portion of the money of the country must pass cannot fail to give credit and circulation to such money, and its value will be regulated by its volume.

Paper money, passing from hand to hand, represents transactions, and is virtually redeemed at its face value every time it is received by the Government in payment of taxes. And much the larger part of our entire money, including national-bank notes, is thus redeemed every two years. I hold that the wealth and productiveness of this nation are so great as to render all transactions safe in any paper, of not excessive volume, authorized by and within the control of the Government. Can it be doubted that a great nation like the United States can give circulation to money independently of its intrinsic value, by receiving it in payment of the demands of the Government? Add to this that the courts stand behind the debtor to protect him in offering it as a tender in satisfaction of private debts. Nothing is clearer to my mind than that ready and general acceptance will be given it without any provision for metallic redemption.

With the currency proposed by this bill, variations of prices will depend on the amounts of production, and the demand therefor. A variation in the power or value of such money must proceed from a change in the supply of commodities.

When commodities are sold the seller cares nothing for the intrinsic value of what he receives in payment; he only wants to feel assured that the money he has received will be taken from him at an undiminished value.

The value of the paper money of a great and imperial nation like our own, assuming that it is a legal tender and receivable for public dues, depends mainly on the volume issued and the confidence of the people in the perpetuity and good faith of the government. With these conditions favorable, the establishment of a national currency must work immense benefits to the country at large. To keep gold locked up in the Treasury vaults for the redemption of such money would be worse than useless; it would be, so long as the precious metal remained in this situation, simply a waste of treasure, a deadlock, producing nothing, and might as well lie idle ore in the mines of California.

Says Ricardo:

Besides the other advantages attending the use of paper money, by the judicious management of the quantity, a degree of uniformity which is by no other means attainable is secured to the value of the circulating medium in which all payments are made. The introduction of the precious metals for the purposes of money may with truth be considered as one of the most important steps toward the improvement of commerce and the arts of civilized life; but it is no less true that, with the advancement of knowledge and science, we discover that it would be another improvement to banish them again from the employment to which during a less enlightened period they had been so advantageously applied.

The advantages are obvious of providing the very cheap medium, paper, instead of the very valuable medium, gold; thereby enabling the country to derive all the profit which may be obtained by the productive employment of a capital to that amount.

That a thing of intrinsic, and therefore necessarily of varying, value, is unfit for a standard of value would seem an axiom; for, as Lord Lauderdale, in his work on Public Wealth, observes:

As nothing can be a real measure of length and quantity which is subject to variations in its own dimensions, so nothing can be a real measure of the value of other commodities which is constantly varying in its own value.

Gold and silver are articles of merchandise for which a valuable consideration must be given before they can be obtained. The employing of an article of no intrinsic value in place of those expensive articles, would be advantageous; and especially paper answers every purpose of currency better than gold and silver, and is therefore invaluable. If not used as coin, gold and silver may be made into articles of taste, use, and luxury, and their value saved and utilized.

Why should objection be made to a cheap medium of circulation in place of an expensive one? Gold and silver make a very expensive currency. A uniform national legal-tender paper currency, entirely free of a metallic basis, is the cheapest and best that can be provided. As Thornton observed, in his famous paper in the Edinburgh Review on the paper credit of Great Britain, "to employ paper money instead of gold is to substitute a very cheap instrument of commerce in the room of a very expensive one." In other words, by the use of paper money, which is of no intrinsic value and difficult to counterfeit, a cheap medium is substituted for a very expensive one; for when gold and silver are made into coins and put into circulation, their value is lost to the country, but when their place is supplied by a paper currency they are restored to their natural situation as part of the active capital of the country.

And Ricardo says:

Besides the other advantages attending the use of paper money, by the judicious management of the quantity, a degree of uniformity which is by no other means attainable, is secured to the value of the circulating medium in which all payments are made.

And it has been contended with great force that a currency to be perfect should be absolutely invariable in value.

Paper money has the desirable quality of being invariable. Do not our greenbacks pass freely at the value for which they are issued? Do not $100 in greenbacks pay off $100 of debt at any time in any part of the country? And if a man can pay his debts with his money what more can he ask of it? Paper money has the desirable quality of being economical. Its manufacture is not expensive, and its wear and tear is scarcely an appreciable factor in cost. Paper money has the desirable quality of being convenient in use. Are not greenbacks easily handled and counted, and transferred with great facility from place to place?

The dollar is the money unit of the United States. The Government having established a measure of value founded upon this ideal unit, or money of account and contract, the money unit or its integral parts or multiples, being exhibited on the currency, facilitates enumeration, exchanges, and payments, and contributes essentially to the convenience and advantage of the public.

Above all things remember that the value of inconvertible paper is to be sustained by the discretion of its issuers.

And now let us squarely admit the danger attending the issue of paper money, in order that by being forewarned we may be forearmed. In the long run it will be found that the greatest enemies of paper money, and the best friends of the bullionists, are those legislators who favor an undue expansion of the currency. The weak point in paper money is the weakness of legislators. But all human legislation is involved in this criticism. If legislators are not wise and firm enough to establish the security of paper money, by keeping the volume within judicious limits, the country will soon be all at sea, values unsettled, and the basis upon which business operations are conducted will be undermined, and the hard-money men will in the end come in triumphant, and in grim glory sit enthroned amid scenes of ruin and distress. It is the right thing to have paper money, but it must be provided in the right way.

The principal distinction between commercial paper and money is that paper money will pay debts at the face rates on the ground that it is lawful tender; while the other paper, if it is transferred at all, has to be the subject of special bargain in each particular case.

The more advanced a nation becomes, the more its credit takes the place of capital.

Money, as a circulating medium, is mainly useful for the purpose of measuring values.

The continental money rested on the credit of a people without money and without the means of getting it, and with a government powerless to execute its decrees.

This system is applicable to all nations whose governments preserve public credit. It is a universal panacea for the specie-based banking

malady, so destructive to the productive part of the community. It is not making a case for a disorder, but it is a sanative, a *vis vitæ*.

Our Wall street financiers, wise in their own conceit, who appear to believe that when they die all wisdom will die with them, in advocating a specie basis, would induce our national Hercules to fancy that he must walk upon crutches. They would make him imagine that he cannot use his legs, and that he must go crawling about, leaning on their shoulders. On the other side, we would teach him to throw away his crutches and walk alone. Need I say more? *Verbum sat sapienti.*

The country's distress is mainly occasioned by the ignorance or neglect of finance. Jefferson's words, written from Monticello June 25, 1825, are as applicable to-day as then:

> Your situation is painful, but neither novel nor unfrequent. It is, indeed, that of a great portion of our countrymen; brought on them not by their own errors, but by that of our legislators, in subjecting the proportions between the money of the country and its other property to the gambling operations of money-brokers.

President Madison long ago said to Congress in a message:

> It may become necessary to ascertain the terms upon which the notes of the Government (no longer necessary as an instrument of credit) shall be issued upon motives of general policy as a common medium of circulation.

We can adopt the system here proposed and secure perpetual strength and prosperity to our nation, or we can go on and place the great power of issuing money in the hands of selfish private corporations, and which all thinking minds must foresee will invest our future with clouds of calamity portending general ruin and distress.

The desideratum attained by this plan is the utilizing and putting in operation the moneyed capacity of the nation.

This currency is established on the broad basis of the national faith, issued in convenient sums for ready exchange, receivable by the United States for all dues, made a legal tender in the payment of debts; it cannot be doubted that such paper, gradually displacing all other, will be received even more readily, and will as certainly become a medium of circulation as any promissory notes ever put forth in this country.

There will be made no difficulty in receiving a Government paper in which the people can pay their debts and taxes, is received at banks on deposit, and by which they can accomplish their accustomed purchases.

It is a fact, as notorious as deplorable, that the former currency, especially of a great portion of the western country, and known by such names as "wild-cat," "red-dog," &c., was of that feeble, unsubstantial character that it lost its power of performing its functions, if by any accident it wandered beyond the narrow confines within which it was forced into being and maintained its sickly existence. It was, in fact, scarcely more than a *nominis umbra* even within its own particular circuit of motion. Indeed, such a currency, as is proposed by this bill, the soundness of which shall be pledged by the national faith, will be cordially welcomed by all classes of the community.

The plan promises extensive benefits to the country at large without encroaching upon the rights, or curtailing the peculiar advantages, of any portion of it, to ameliorate and improve the condition of all the great classes of the community without sacrificing or diminishing the particular interests of any—promises, in short, to augment the resources of the nation, without subtracting from those of a single individual except the gold-gamblers. Far be from me any disposition but that of thankfulness for the opportunity thus afforded me to answer objections, and thereby to render my plan more perspicuous. If convinced of any defects I will cheerfully correct them, having laid it down as a rule through life to acknowledge error, thereby proving myself wiser to-day than I was yesterday. If members shall, upon consideration of this system, find that it oughtto be approved, it will be satisfactory to know that they will have the liberality to avow it, and the political zeal and fortitude to promote that which may benefit the nation.

This plan, humbly suggested, may cause an experiment productive of unforeseen, permanent, beneficial consequences extending to all the community. I trust persons considering this plan will reject all prejudices, and maturely deliberate upon a mode whereby it is believed objects so much desired by all sensible well-wishers to our country may be readily obtained, and without which, I seriously fear, they will be long postponed. What millions have been lost to countries by the imbecility of their financiers, who depreciated the credit of the nation, by giving a preference to the credit of associations of a few individuals, who had no credit and no resources but those they derived from the governments of those countries! An interesting and very useful chapter might be written on this subject.

In my humble judgment no other plan ever proposed will so unfold to our fellow-citizens their vast resources and to the world the efforts of enlightened republicans, surpassing all that sovereigns ever have performed.

The Edinburgh Review, as long ago as 1818, admitted that there was perfect security that the power of issuing paper money would not be abused; that is, "if there was perfect security for its being issued in such quantities as to preserve its value relatively to the mass of circulating commodities nearly uniform, the precious metals might be entirely discarded from circulation."

Having presented my plan and having assigned my motives therefor, here perhaps I ought to stop; but men accustomed to exclaim against what they term rags may perhaps compare the standard money of the United States to *assignats* and continental money. I therefore say to them, as Thomas Law said to his opponents, the *assignats* and continental money were issued during a revolution, when the issuing insurgents had no *quid pro quo* to offer. But this money of the United States will be desired, and will not need to be forced. The plan herewith submitted to superior judgments is a very simple and feasible one, and designed and calculated to accomplish purposes of the utmost importance. It is a piece of financial mechanism which will proceed without obstructing any of the operating wheels of Government, and will accomplish the aggrandizement of our country by a new power, as it were, and will provide ways and means to bring industries into activity and materials into use. If any defect can be found in the plan which has escaped my scrutiny, I shall approve of its rejection; but if no serious objection can be found, I hope that wisdom, philanthropy, and patriotism will unite to improve our present financial system; for what is proposed cannot be called altogether an experiment after our twelve years' experience, as I have suggested, without being deterred by the consideration of its being partly a novelty. Newton's planetary system, Hervey's circulation of the blood, and many other established truths, were once deemed theoretical, and even violently opposed.

With money issued by national banks the profits go into the purses of individuals; with money issued by the United States, the profits inure to the public, and *pro tanto* reduce taxation.

National credit includes the credit of every individual in the nation, and it will arouse his bravery, interest, and patriotism like other property. This open fairness will be appreciated and extolled by the people, and it will be in vain for the advocates of specie-promising banks—and who never could pay gold when it was most wanted—to oppose this principle as an interloper and innovater; for the Government notes will be in high credit, and will circulate with alacrity.

Let it be our glory to surmount the obstacles of nature, by joining our inland seas with the ocean, to cause our wildernesses to flourish with civilization, to make our citizens one people in common interest and common affection, and cause all the States to be united by the cement which is to be found in the moral principles given to the whole human race by our all-powerful, all-wise, all-just, all-beneficent Creator.

To further employ Thomas Law's language: "The question forces itself upon every well-wisher for his country's happiness and prosperity, have we not at least as good a credit as any other nation? We have a larger population than Great Britain, and have more productive laborers; we have millions of acres of land that can be had for a song; we have gold, silver, copper, iron, lead, and other minerals, with immense coal and petroleum resources; a fertile soil, and varieties of climate for numerous products. More than all, we have an intelligent, enterprising, industrious, and energetic population. Why, then, are we compelled to borrow, and run in debt to foreigners?"

Is it not because we need improvement in our financial system? The truth is, that the acute minds of Wall street, the gold speculators, and the banking interest, have had too much to do with dictating financial legislation. Is it not high time that the people were aroused to know the fact that they are selling their birthright for a mess of pottage in allowing the monopolists to run legislation? Above all things provide that the volume of the currency be not excessive; and consider carefully the following from the Encyclopædia Britannica:

> The demand for money is not like the demand for other things. A man may have enough of beef, of beer, of cloth, and of a great many other articles: but of money he never can have what he would consider enough. An increase of money means an increase of riches; that is, of power and consideration, and the desire for these is altogether illimitable. Whether money consists of paper or gold, or both, the demand for it will be alike great; and will wholly depend on the price or interest charged for loans, and not on the value of the money lent. It is plainly the merest driveling to talk about the demand for money being limited by the wants of the public. These wants, like the avarice of the miser or the thirst of the dropsical patient, are altogether boundless. They have no possible limit, and would be as great after one hundred or one thousand millions of notes or sovereigns had been issued, as after an issue of ten or twenty millions.

The great thing to be guarded against is excess of volume.

The effect of inflation is put with great force and clearness in a leader in the New York Sun, as follows:

> Many of the southern and western Senators are crying out that their States are poor and destitute, and that they must have more money. Their sincerity and truth are not to be doubted. It is only their intelligence that is to be impugned when they express their judgment that a new issue of greenbacks or bank-notes would supply this want. They do not see that their actual need is more movable capital, more available property. But this they cannot have till they earn it, or until they import emigrants who have it. If the Government had the authority to issue and should issue five hundred millions of greenbacks to-morrow, not a dollar would go to those States simply by virtue of the emission. No part of it could be obtained except by exchanging products or other values for it; and if anybody in any of those States has got the money's worth, he can exchange it for the money itself, already, without waiting a day for new issues of paper. If we are assured that the money could be more easily obtained if the volume in use were artificially doubled, the reply is that this might be so for a brief period at the beginning, but that the fact amounts to nothing, since in doubling the amount the purchasing power of the whole would be reduced one-half, so that at the end of the operation things would stand just where they were at the beginning. The argument for a purely artificial inflation of the currency at a juncture like the present, without a single public necessity urging it, is so preposterous that it cannot stand the test of intelligent exposition.

And an eminent writer has said:

> To throw off these metallic fetters from our commercial industry is but to prove they are no longer necessary. It is to vindicate the power of reason over prejudice, of practice over theory. As it regards our trade it is virtually to give every spe-

cies of property a locomotive power from its creation to its consumption; by which the means of existence are dispensed to a wider circle, and employment given to the industry and talent of all. By these means is the frame of society strengthened and improved, mutual confidence increased, and mutual dependence rendered indispensable; the very bond of public faith and national security; the very object of our temporal existence; the very elements of human happiness.

Huskisson says:

The quality of representing commodities does not necessarily imply intrinsic value; because that quality may be given either by confidence or authority. The quality of being a common measure does not necessarily imply intrinsic value any more than the possession of a foot-rule implies the power of acquiring whatever it enables us to measure.

Perhaps my repetition of arguments may remind one of the old couplet:

By repetition, truth, at length, we own,
As drops of water penetrate the stone.

If driven to the necessity of deciding between the alternative of suffering the present state of things to continue, or of restoring the old system, or give the banks additional power of issue, I should not hesitate to prefer the former.

In reference to the three sixty-five bill introduced by the gentleman from Pennsylvania, [Mr. KELLEY,] I may say, at the outset, that I have not given it a complete analysis, and will admit that it bears examination better than I expected. Indeed, I feel very kindly toward the bill, and rather desire to support it than otherwise, but await more light in order to do so in a manner which shall be satisfactory. One cannot quite foresee what precise effect it might produce, because it cannot be assumed that the bonds would not be purchased to a material extent; therefore all speculation must be predicated on an *if*. While sundry theoretical objections may be urged to the system, one can have no great faith in them by reason of the aforesaid *if*. I will venture to state some of these objections hap-hazard:

1. They would form a third class of bills of credit, when two are too many. We wish for a unification and simplification of the currency. But it may be denied that these bonds can properly be considered currency. If so considered and this bill passes, our currency would consist of bonds, United States notes, gold and silver, nickel and copper coins.

2. If the bonds are taken, they would enter into circulation for payment of debts, purchase of property, and as a medium of exchanges in sums above fifty dollars. The process of putting them out and buying United States bonds with their proceeds would not diminish the volume of currency; but, in a measure, and perhaps in full measure, the amount issued would be added to the volume of paper currency. I am opposed to inflation until the currency is appreciated to gold. If they should occupy the channels of circulation in transactions where United States notes of the denominations of $50, $100, $500, and $1,000 are used, (and I can see no reason why they will not,) it would be a possible process of inflation, to which there would be no limit short of United States gold-bearing bonds.

3. If they should be issued and redeemed, and others issued in their stead—that is to say, converted and reconverted to a large extent—it would subject the public to the evils attending a currency that fluctuates in volume, because fluctuation in volume has the effect to increase and diminish the purchasing power of the currency, and, consequently, to a like degree increases and diminishes the selling price of commodities.

4. In what respect do they differ from greenbacks, except that they bear interest, and will therefore be more desirable to hold, and good for their face value to pass from hand to hand, and for transmission as exchange, earning something for the holder while *in transitu*?

5. Shall I "give to my worst thoughts the worst of words?" They might produce a very great enlargement of the volume of the currency; but I hope that is not the object of its advocates.

6. Why, should John Doe buy from the Secretary of the Treasury $10,000 of three sixty-fives, paying for them in greenbacks, the Secretary of the Treasury, as required by the act, would immediately pay out the greenbacks for gold-bearing bonds. By this process the volume of the greenbacks is neither increased nor diminished. John Doe goes West and buys wheat, in the payment of which the three sixty-fives would be most acceptable. The three sixty-fives, being found useful, would stay out as currency, and a very good kind, too, because it would work faithfully night and day for the owner in earning interest from the Government. Clearly this proceeding would add $10,000 to the volume of the currency. The first $100,000 of greenbacks in this way could be used ten times over in the same manner, and thus be the instrument and means of getting $1,000,000 of three sixty-fives into circulation without reducing the volume of greenbacks one dollar. So it seems to me. Who will give bond that something like this will not happen on a large and disastrous scale if the bill should pass?

In one view the three sixty-fives are attractive to my mind, and that is in the fact that they are pretty nearly consols. That is to say, the Government could never call them in nor retire them, except by buying them in the market at a price to suit holders. They would be an annuity, to be terminated only at the option of the holder. The low rate of interest would probably render them unobjectionable in this respect.

It is a new proposal for the Government to borrow money and issue obligations payable only at the option of the holder, the Government having no option; and for this reason, if no other, should not be passed by the influence of enthusiasm without pretty deliberate consideration.

I regret that the question arises in my mind whether the plan of the gentleman from Pennsylvania [Mr. KELLEY] is safe, because I cannot see where it will lead. Probably it is my fault that I do not divine its future effects. What I said just now shows what I am somewhat afraid might happen if the bonds were extensively taken. You well know my aversion to every system which will permit the volume of the currency to be materially contracted or expanded at the volition of individuals or corporations. I think it would be much like allowing individuals and corporations to debase our gold and silver coins. The integrity of the volume of the currency is the mainstay of the country. If this bill of the gentleman from Pennsylvania [Mr. KELLEY] has much effect, will it not be in the direction of inflation of volume, and to which there is no limit in the system itself short of the total volume of our bonded debt, and perhaps not even that limit? His bonds would probably buy cotton and tobacco at the South, and wheat, corn, pork, and cattle at the West. They would be better than greenbacks, because while so used they would be drawing interest for the owner. If this should turn out to be so, the Government would be supplying a valuable currency to the people at a large cost to the Treasury, would it not?

If the plan I have proposed cannot succeed, it seems to me that the best thing we can do is to fight for the *statu quo*, by opposing other schemes. My belief is that whatever other new scheme shall be adopted will be unpopular, because it will look to and will be expected to bring about specie payment, or what is called resumption, and will surely fail and disappoint and offend everybody.

Let us not fly to extremes and merit the epitaph of the valetudinarian, "I was well, wished to be better, sent for a doctor, took physic, and here I lie."

The currency proposed by this bill is valuable as money for all the reasons that make gold and silver valuable, with the additional advantage that it cannot be raised in its gross amount except by deliberate act of the sovereignty, nor be drawn away from us by financial incidents and conditions outside of our sovereignty.

It cannot fail to be seen that an incident of the adoption of my measure will be the withdrawal of $400,000,000 of United States demand obligations without the cost or loss of one dollar to any American citizen, contract the public debt to that amount, and relieve the people from the imposition of taxes in some form to that extent. If there is any other plan before Congress that will accomplish this, or the one-half or one-fourth of it, I might vote for it could I do no better. And it would put an end to that volume of pyrotechnic eloquence with which the atmosphere of Washington is constantly illuminated in the debates upon the plighted faith and supposititious tarnished honor of Uncle Sam, because he does not incontinently call in and pay off the greenbacks, while he has not the first dollar with which to do so, and while no sane citizen desires it to be done, and while a large proportion, mayhap a majority, of Congress and the people earnestly demand that, instead of redeeming any, more shall be issued.

It is, of course, known from history that gold and silver came to be used as barter-money first, and after that coined currency, when civilization had hardly dawned upon mankind, and while yet it was the belief of all, and the religion of many, that the world was flat and stationary, and that the solar system was a panorama unrolled before the eyes of mankind, like Barnum's painted show in the Coliseum; but as civilization and commerce advanced the fact was established that gold and silver would not serve the purposes of advanced ideas and commercial needs, a resort was had to the aids of paper currency to help out the deficiencies and fill up the short-comings of the precious metals; that age by age, generation by generation, has seen a constant increase of the paper currency, and such increase accepted and justified by all, until the time has come when the paper in commerce bears the proportion to gold and silver of more than ninety-five to five.

Having traveled so far from metallic toward a paper circulation, with conceded benefit to mankind, perhaps it would be well or better to complete the journey, rather than at this late day to turn back.

A word on the bill reported from the Committee on Banking and Currency (H. R. No. 1572) "to amend the several acts providing a national currency, and to establish free banking, and for other purposes." (By the way, this term "free banking" is likely to mislead. It means, as used here, a virtually unlimited issue of currency by the banks. Sensible men predict that gold will be at 200 in less than six months after the passage of such a bill.)

Section 3 provides—

That every association organized, or to be organized, under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used only for the redemption of such circulation; and when the circulating notes of any such association or associations shall be presented, assorted or unassorted, for redemption, in sums of $1,000 or any multiple thereof, to the Secretary of the Treasury, or to the assistant treasurer in the city of New York, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Secretary of the Treasury to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum, in United States notes, equal to the amount of its circulating notes so redeemed. And when such redemptions have been so reimbursed, the circulating notes so redeemed, or, if worn, mutilated, or defaced, new notes instead, shall be forwarded to the respective associa-

tions: *Provided*, That each of said associations shall reimburse to the Treasury the costs of redemption and of supplying new notes in place of those redeemed. And the associations hereafter organized shall also severally reimburse to the Treasury the costs of engraving and printing their circulating notes: *And provided further*, That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $400,000,000, now authorized by existing law.

How would this work (section 3) if conditions should arise making greenbacks more valuable than bank-notes? When all the sharp operators would engage in picking up bank-notes and presenting them for redemption? Would it not give an opportunity for a greenback "corner?"

Section 8 provides—

That the Secretary of the Treasury is hereby authorized and directed to issue, at the beginning of each and every month from and including July, 1874, two millions of United States notes not bearing interest, payable in gold two years after date, of such denominations as he shall deem expedient, not less than ten dollars each, in exchange, and as a substitute, for the same amount of the United States notes now in circulation, which shall be canceled and destroyed, and not reissued. And any excess of gold in, or hereafter coming into, the Treasury of the United States, after payment of interest on the public debt and supplying any deficiency in the revenues provided to meet the current expenses of the Government, shall hereafter be retained as a reserve for the redemption of such notes.

Section 8 would add a third description of paper money. If the new gold notes should be found to be better than the greenbacks and bank-notes, as is probable, especially near the date of redemption, they would complicate and disturb the currency, making it of unequal value, and, of course, produce an actual contraction of the currency at the rate of $24,000,000 per year, unless the gold would circulate in its place, which is not likely.

I suppose it is claimed that this bill is intended to lead to a resumption of specie payments, but it is not calculated to produce that result.

Specie payments cannot be resumed until the banks can resume specie payments. It is not a question of intention or will, but of power. It is very easy for a doctor to say to his patient, "It is your duty to get well, and you ought to do so for the sake of your family." But if the patient is already dying, how is he to heed the advice of the doctor? We are told that the words, "Arise, take up thy bed, and walk," were spoken by the Son of God; if they had been uttered by a mere mortal, they would have had as little effect as a law of Congress decreeing resumption of specie payments would now have upon the banks.

The bill might have the effect to lift greenbacks to a par with gold. If it did, the bank-notes would be depressed *pro tanto*, and the banks would be without the ability to resume and maintain specie payments.

The most prominent bill before the Senate is, I believe, that of Senator SHERMAN. This has been noticed by a correspondent of the New York Times, and it seems to me that fatal objections are raised against its passage. I quote:

Hon. Mr. SHERMAN'S bill has indeed been a great disappointment to his friends as well as to the entire commercial and financial community. After patiently waiting for so many weeks, great expectations were naturally entertained; but, alas! the prodigy reaches us still-born. It is the old story over again of the mountain bringing forth a mouse.

From the high position held by Mr. SHERMAN as chairman of the Senate Finance Committee, surely some practicable measures were relied upon calculated to bring us back at an early day to the golden age, or, as I may properly call it, to the era of constitutional money, instead of which not even palliative remedies for our financial ills have been suggested by the honorable Senator. Carefully examining Mr. SHERMAN'S bill, I have come to the sad conclusion that its foundation is made of delusion and imprudence—two dangerous materials to build with. We have not even the consolation to say that half a loaf is better than none, for we have neither crust nor crumb.

It is due to the honorable Senator to give him *a priori* credit for his honest intentions, if for nothing else; and in justice to him, I intend to analyze carefully the first section of the bill. Fault-finding is of all things the most disagreeable task; but there are moments when it behooves every man who feels interested in his country's welfare to look upon matters and things in their true light, and not to shrink from what he considers a duty.

When the chairman of the Senate Finance Committee seriously presents a bill:

"*Be it enacted*, That on the 1st day of January, 1875, the Secretary of the Treasury is authorized and required to pay on demand at the office of the assistant treasurer in the city of New York, to any holder of United States notes to the amount of $1,000, or any multiple thereof, in exchange for such notes, an equal amount of the gold coin of the United States"—

when there will be no such coin available in the Treasury of the United States, who will dare to say that the word "delusion" is not appropriate under the circumstances?

A doubt must have arisen in Mr. SHERMAN'S mind of the impossibility to redeem the legal-tenders in coin, for the bill reads further:

"Or in lieu of coin he may, at his option, issue in exchange for said notes an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, and of such denominations, of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value at the pleasure of the United States after ten years from the date of their issue, and bearing interest payable quarterly in such coin at the rate of 5 per cent. per annum."

At first sight this "option" looks fair enough, and would, of course, be very acceptable to holders of legal-tenders, who could thus exchange every $1,000 of United States notes for United States bonds, which sell at about 115 in the open market. How is it, however, with the United States? To sell their bonds at an actual loss of 15 per cent. does not look like a real smart Yankee bargain; indeed, how such an idea could ever have entered the head of Mr. SHERMAN remains to be explained. There are a great many honest people in this world, but a large number of them are imprudent.

The French have a capital proverb—"*Jeter le manche après la cognée*"—which in plain English means "to throw the helve after the hatchet;" and this is in reality what Mr. SHERMAN'S bill does. Self-interest is the great motive-power of poor humanity. Long before the 1st day of January, 1875, every available legal-tender would be hoarded, ostensibly with a view to secure the new bonds, but in reality for the purpose of selling them at once in the market at the highest price. First, we shall experience a violent contraction in the money market; next, an enormous rise in the premium on gold, with a corresponding depreciation of the purchasing power of the unlawful money commonly called national-bank currency, and we will see for a short time greenbacks ruling seemingly at a premium—not in gold value, but contrasted with the ordinary currency. All this will unsettle business. Imports as well as exports will be stopped to such an extent that the late panic and the never to be forgotten "Black Friday" will be completely overshadowed. After various Waterloos we may be sure to have our financial Sedan, thanks to Mr. SHERMAN'S redemption plaster cure.

Mr. SHERMAN'S bill goes on as follows:

"And the Secretary of the Treasury may reissue the United States notes so received, or, if they are canceled, may issue United States notes to the same amount, either to purchase or redeem the public debt, or to meet the current payments for the public service; and the said bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above-specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States."

If I understand aright the true meaning of the preceding part of the bill, the Secretary of the Treasury may apply the legal-tender notes received in exchange for the new issue of bonds to the purchase of other portions of the public debt, such as the 6 per cent. interest-bearing bonds, which rate to-day at 120, and which will eventually rise still higher as the premium on gold increases; or he may reissue the United States notes to meet the current payments for the public service—no limit whatever being fixed—leaving virtually the legal-tender circulation altogether to the discretion of the Secretary of the Treasury. This process of frictional conversion is but a rose-colored inflation, the thorns of which are artistically hidden from view. However artfully contrived, the deception will not stand investigation. The plan of exchanging the bonds at par for legal-tenders and of purchasing another class of bonds at a very high premium, will be looked upon by the people as a somewhat novel way of doing business, by no means complimentary to our financial leaders. Indeed, it is humiliating to believe, if we take Mr. SHERMAN'S bill as a fair exposition of the views of the Finance Committee, that we should be compelled to resort to subterfuge and trickery for the restoration of the nation's credit or to meet the probable deficit in our revenues. If the *modus operandi* shall consist merely of legerdemain dexterity, let us frankly acknowledge that we have not yet the right captain capable of rescuing the financial ship from its perilous position amid the numerous breakers.

"*Humanum est errare.*" It is therefore hoped that Mr. SHERMAN'S bill will be quietly withdrawn.

The circulating medium of the United States has become a paper currency, and it will remain permanently so. There is no possibility of avoiding this; because the transactions and exchanges are so numerous and of such amounts as to render the use of a metallic currency extremely inconvenient if not impossible. This is independent of the impossibility of procuring the quantity of bullion that would be required for a metallic currency, and the improbability of that currency remaining in the country.

The principles laid down may, if false, be disproved by calm argument, without the aid of influence or combination; but which, if true, cannot be refuted by clamor, and could not be overpowered by numbers or authority without material hazard to the interests of the country.

In conclusion, in order that I may by no possibility be misunderstood, allow me to say that I am opposed alike to inflation or contraction of the currency, under the present circumstances of the country. This bill does not provide for the issue of a single dollar, except by the retiring of one received by the Government, so that the volume of the currency will not by it be increased or lessened. I do not know of any other finance bill that has been debated in Congress but what in practice will do more mischief than good. The bill presented by the Banking and Currency Committee has been more aptly than elegantly termed "a bill of abominations." It ought not to pass.

The bill presented by the gentleman from Pennsylvania has to my mind very attractive features. The only thing that makes me hesitate to give it unqualified support is the fear that it may prove a scheme for inflation. To that I am inflexibly opposed until the paper currency of the country shall appreciate to gold value. And this, I have no doubt, will be the effect of the bill I have advocated. This is meant to be the effect of the provision for paying, at first partially and eventually altogether, customs duties in the money of the nation. I sincerely believe the "*statu quo*" is far better than any change proposed, with the exception of the bill I have advocated, and which I believe the public welfare requires shall be passed by Congress.

Mr. FORT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CESSNA having taken the chair as Speaker *pro tempore*, Mr. TODD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the President's annual message and had come to no resolution thereon.

And then, on motion of Mr. VANCE, (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BUCKNER: Several petitions of tobacco manufacturers and dealers of the State of Missouri, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. CLAYTON: Resolutions of the Legislature of the State of California, asking for the repeal of the act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress, to the Committee on the Judiciary.

Also, several petitions of citizens of California, in relation to certain proposed amendments to the Constitution of the United States, to the Committee on the Judiciary.

By Mr. DAVIS, of West Virginia: The petition of sundry tobacco manufacturers and dealers of the State of West Virginia, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. DURHAM: The petition of citizens of Harrodsburgh, Kentucky, that E. B. Head, jr., postmaster at that place, be reimbursed for $127 in postage-stamps stolen from his office on the 22d of February, 1874, to the Committee on Claims.

By Mr. FARWELL: The memorial of Edward Powers, in regard to the effects of heavy concussions in producing rain, to the Committee on Agriculture.

By Mr. FIELD: Papers relating to losses by fire October 25, 1874, sustained by mechanics and laborers employed in the construction of Poverty Island light-house, Lake Michigan, to the Committee on Claims.

Also, papers relating to the application of Wesley Wood, Company E, Ninth Michigan Volunteers, for the removal of the charge of desertion, to the Committee on Military Affairs.

By Mr. FOSTER: The petition of A. C. Platt, of Sandusky, Ohio, in relation to postage on photographs, to the Committee on the Post-Office and Post-Roads.

By Mr. HOUGHTON: Resolutions of the Legislature of the State of California, asking the repeal of the act of Congress, approved March 3, 1873, fixing the time for electing Representatives from that State to the Forty-fourth Congress, to the Committee on Elections.

By Mr. McJUNKIN: The petition of Henry Korn, of Butler County, Pennsylvania, for a pension, to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of J. J. Brown and others, druggists, of Ohio, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. NEGLEY: The petition of John C. Porter and 97 other citizens of Pittsburgh, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in duties on certain imports, to the Committee on Ways and Means.

By Mr. PIERCE: The petition of sundry consumers of steel, that the tax on steel of foreign production may be reduced, to the Committee on Ways and Means.

By Mr. SENER: The petition of Elizabeth Davis, of Prince William County, Virginia, for a pension, to the Committee on Invalid Pensions.

By Mr. WALLS: Memorial of the Legislature of Florida, asking for extension of time to settlers under the homestead act to make their final proof, to the Committee on the Public Lands.

Also, the memorial of the Legislature of Florida, asking an appropriation for the improvement of the harbor of Tampa Bay, to the Committee on Commerce.

Also, the memorial of the Legislature of Florida for an appropriation to deepen the ship channel in Apalachicola Bay, and for other purposes, to the Committee on Commerce.

By Mr. WILLARD, of Vermont: The petition of Francis M. Strong, of Vergennes, Vermont, and Thomas Ross, of Rutland, Vermont, for extension of patent for improvements in weighing-scales, to the Committee on Patents.

IN SENATE.

MONDAY, *March* 2, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON. I present the petition of a large number of citizens of Lebanon, Pennsylvania, stating that, in their opinion, the usefulness and efficiency of the national banking system is seriously impeded by unnecessary restrictions and limitations, and that by removing all restrictions from the national banking system, and permitting the volume of bank circulation to be regulated by the wants and requirements of business, the best interests of the people will be promoted, and at the same time a home market will be created for the bonds of the Government bearing low rates of interest; and praying that Congress will, by suitable legislation, abolish the restrictions and limitations of our national banking system.

I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN. I present resolutions passed by the Merchants' Exchange, of Chicago, February 20, 1874, at a meeting called for the purpose of discussing the financial schemes now before Congress, signed by seventy-five leading firms of Chicago; and as the resolutions are brief I will read them:

Whereas measures are pending in Congress, and advocated by the Senators from Illinois and others, having for their object an increase in the volume of currency:

Resolved, That we believe the action of our Senators is influenced by misapprehension of the wants and sentiments of the merchants of this city, whose interests are identified with those of the people of the Northwest.

Resolved, That a forced circulation of irredeemable paper money can only be justified by great and necessitous emergencies, and ought to be restricted as speedily as consistent with public safety; that no such emergency now exists, and any increase of currency would only depreciate that already existing, and disturb and derange values generally.

Resolved, That the faith of the Government has been solemnly pledged to the redemption of its currency, and that its honor is involved in the fulfillment of pledges already too long delayed; and that we recognize no distinction between the Government and ourselves in respect to the ordinary obligation to fulfill promises.

Resolved, That when the signatures of the members of the Merchants' Exchange of Chicago are attached to these resolutions, they be forwarded by the secretary to Hon. JOHN SHERMAN, the chairman of the Finance Committee of the United States Senate.

I am informed that this paper is signed by seventy-five leading firms, representing a business of $60,000,000, and a majority of the wholesale dealers of Chicago. In pursuance of their request, I present the paper, and ask its reference to the Committee on Finance.

Mr. LOGAN. Are those the resolutions of the grocers of Chicago?

Mr. SHERMAN. The resolutions of the Merchants' Exchange of Chicago. The officers sign the paper, and it is signed by seventy-five firms, as I am informed.

Mr. LOGAN. Although I dislike very much to do so, probably, in order to give the Senate some information on this subject, it would be well enough for me to state the facts in this case, and I will state them as they are.

The grocers of Chicago have an organization that they call the Merchants' Exchange, and from the remarks of the Senator it would be inferred that these people were the merchants of Chicago. About ten days ago—I do not remember the exact date, though I have it in my drawer and can refer to it easily—a meeting was called of the Merchants' Exchange of Chicago. Ten men met and passed those resolutions, and but ten. They have been from that time to this carrying the resolutions around and getting signatures to them. That is the fact about it. When the Senator from Ohio reads those resolutions as the resolutions of the Merchants' Exchange of Chicago, I state to the Senate that ten men met and held that meeting, and have carried those resolutions around from that time up to the time they were sent on here, getting signers out of that meeting, and they have got seventy-five. These are the facts. I have only to say that these ten men, and the balance making the seventy-five, are not the whole people of Chicago, although they may be worth $60,000,000.

I do not desire to criticise the resolutions. These gentlemen are men of high standing, men of property, men of wealth, and of course they want a contraction of the currency. I suggest to my friend from Ohio that all of us recollect about a meeting that was held in London once, composed, I believe, of three persons, and they resolved that "we, the people of England," demand so and so. I am reminded by this petition of that very resolution.

I will state further, that a few days ago a petition was presented with one hundred and seventy names to it, claiming to be from the Board of Trade of Chicago. I wish to inform the Senate that the Board of Trade of Chicago consists of sixteen hundred and twenty-six men. That is all I have got to say about it. They are gentlemen highly esteemed in the country, but they do not represent all the people of that city.

But inasmuch as it is fashionable to present petitions—and when I present a petition I do not talk about the amount of wealth the petitioners have—I have one petition here signed by, I suppose——

Mr. SHERMAN. My friend misunderstood me; I did not say they represented any wealth. I simply said what they requested me to state, that they represent $60,000,000 of business and a majority of the wholesale trade of Chicago. I do not know anything about the facts.

Mr. LOGAN. I am not questioning the amount of business they represent at all, and I have nothing to say of the character of the men. They are respectable gentlemen, all of them. I know the most of them myself. But I will say—I have not the letter here, but left it on my table down at my rooms—that I received last night a letter from one of the gentlemen whose name is signed to that paper, Mr. Sherwood, a wholesale tea merchant in Chicago, in which he says that his name appears there without any authority whatever; he knew nothing about it. I presume he is the only man, however, whose name appears there without authority.

But, Mr. President, I hold in my hand and desire to present a petition signed by seven men of Chicago. I will not say anything about their wealth; but I will say this, that six of these seven men have done more to build up Chicago than any other six men or any other set of men who have signed petitions on the other side of this question. It is signed by Potter Palmer, Samuel J. Walker, Peter Schuttler, B. F. Allen, T. L. Dobbin, J. Young Scammon, and H. O. Stone; and I ask that it be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. It will be so referred.

Mr. LOGAN. I also present a petition from Chicago, signed by the mayor and a majority of the aldermen of that city, petitioning for an increase of the currency.

I also present a petition signed by about 100 men, composing the leading business firms of the city of Chicago, petitioning for an increase of the currency.

I also present the petition of 311 business men of Chicago, praying for an increase of the currency.

I also present the petition of numerous manufacturers and business men of Chicago, amounting to about 100, declaring that the real and personal property during the last decade has increased in value more than 86 per cent., and the value of manufactured products more than 124 per cent., and since June 30, 1868, the currency circulation has been contracted about $250,000,000; that the people representing

the agricultural, manufacturing, and commercial interests of the West and South believe that the currency is not sufficient for the business of the country, and also believe that a contraction of the currency is in the interest of eastern capital, to the detriment of western and southern industry, and means paralyzed business, extortionate interest, and low wages. This is signed by about 100 manufacturers and business men of Chicago.

I also present the petition of 480 respectable citizens of the city of Chicago—I will not state their wealth, but they are respectable men—making the same statements, and asking for an increase of the currency.

I also present a petition, signed by every business man except two, as the letter accompanying it states, in the city of Evanston, twelve miles north of Chicago, asking for the same thing.

I also present the petition of 3,860 business men, manufacturers, small traders, dealers, and other good citizens of the city of Chicago, asking the same thing.

I move the reference of all these petitions to the Committee on Finance.

The motion was agreed to.

Mr. HAMLIN presented the petition of Thomas Rogers and various other citizens of Maine, praying the passage of an act granting pensions to all soldiers mustered into the service during the war of 1812, or to the widows of such; which was referred to the Committee on Pensions.

Mr. RAMSEY presented a joint resolution of the Legislature of Minnesota in favor of a survey of the water routes between the navigable waters of the Minnesota River and the Red River of the North, to ascertain the feasibility of connecting the two by canal; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Minnesota, in relation to the extension of the provisions of the timber-culture act of March 3, 1873; which was referred to the Committee on Public Lands.

Mr. CONKLING presented the petition of the Grand Lodge of the Independent Order of Good Templars, of Colorado Territory, and the petition of the Genesee County Lodge of Good Templars, of the State of New York, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were ordered to lie on the table.

He also presented additional papers in support of the application of R. Eickemeyer for the extension of letters-patent for a machine for stitching linings into hats; which, with his petition on the files of the Senate, was referred to the Committee on Patents.

Mr. INGALLS presented a petition of citizens of Southern Kansas, praying for the opening of a road from the mouth of the Walnut River in Kansas to the mouth of the Main Cache River in Texas; which was referred to the Committee on Indian Affairs.

He also presented the resolution of the Legislature of Kansas, in favor of the removal of the Prairie band of Indians from the Pottawatomie reservation in Stockton County in that State, and the sale of said land to actual settlers; which was referred to the Committee on Indian Affairs.

He also presented the memorial of the Leavenworth Medico-Chirurgical Society, praying the passage of the bill to increase the efficiency of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented the petition of David Baker, of Atchison, Kansas, praying an amendment of the pension laws; which was referred to the Committee on Pensions.

He also presented the petition of Jules L. Williams, late a second lieutenant in the Forty-second Regiment United States Colored Troops, praying for an invalid pension; which was referred to the Committee on Pensions.

He also presented the petition of T. L. Wilson, D. M. Gardner, J. P. Little, and other citizens of the State of Kansas, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented two petitions of citizens of Kansas, praying the passage of a law granting a bounty and donating one hundred and sixty acres of land to the soldiers and heirs of such who served in the late war; which were referred to the Committee on Military Affairs.

He also presented a resolution of the Legislature of Kansas, in favor of the reappraisement of the lands in Bourbon County in that State, known as the New York Indian lands; which was referred to the Committee on Indian Affairs.

He also presented the petition and papers of R. W. Riddell, praying for pay and commutation as first lieutenant Company C, One hundred and forty-fifth Regiment Pennsylvania Volunteers; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented the following resolution of the Legislature of Iowa; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed:

Joint resolution relative to shipment of grain.

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives requested, to favor by their influence and votes, the enactment of a law by Congress, requiring railroad companies operating a railroad or railroads which begin in one State and terminate in another, to provide scales at each shipping station on their road, by which they may weigh the contents of each car loaded. Said law to provide also that it shall be the duty of said railroad companies to weigh the contents of every car loaded with any kind of grain for shipment to be sent over their road, giving the shipper, or person so loading said car, an accurate weigh-bill stating the number of bushels or pounds which said car contains; and it shall be the further duty of said company to again weigh the contents of the car at the point of delivery, giving the shipper or owner of the grain with which the car is loaded, an accurate weigh-bill of the number of bushels or pounds contained in the car at the place and time of delivery; and, further, if there be any loss of grain between its shipping point and point of delivery, the company shall make good such loss.

Approved February 24, 1874.
Respectfully forwarded by

JOSIAH T. YOUNG,
Secretary of State.

Mr. ALLISON presented the petition of graduates of the United States Naval Academy, of the date of June 4, 1869, asking to be restored to their graduating rank in their class and upon the official list of the officers of the Navy of the United States, of which they allege they have been illegally and unfairly deprived; which was referred to the Committee on Naval Affairs.

He also presented the memorial of N. H. Wood, a citizen of Wisconsin, remonstrating against the contraction of the legal-tender notes; which was referred to the Committee on Finance.

He also presented the memorial of William P. Ross, principal chief of the Cherokee Nation, protesting against the passage of the House bill entitled "An act for the relief of the settlers on the Cherokee strip in Kansas;" which was referred to the Committee on Indian Affairs.

He also presented a letter from the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, transmitting information in relation to the condition of the Kansas Indians recently removed to the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented the petition of the mayor and aldermen of the city of Dubuque, Iowa, praying that the Clinton bridge, at Clinton, Iowa, be opened to the use of all railroad companies who desire to cross the same; which was referred to the Committee on Commerce.

Mr. ALCORN. I present a memorial of citizens of De Soto County, Mississippi, who are members of the New Harmony Grange of the Patrons of Husbandry. They pray Congress to pass a law restoring to the Southern States the cotton tax, which they claim to have been illegally, unconstitutionally, and wrongfully extorted from the Southern States in a time of great need in those States. They represent the condition of the Southern States now as being deplorable, and they trace their misfortunes back as a source to this wrongful taking of the cotton tax. The memorial is numerously signed. I move, as there is a legal question involved in this case, that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BOGY presented a petition of manufacturers of tobacco, and citizens of Saint Louis, and members of the Legislature of Missouri, praying for the repeal of the import duty on mass or stick licorice; which was referred to the Committee on Finance.

Mr. BAYARD presented a petition of tobacco manufacturers of the State of Missouri, praying for the abolition of the import duty on mass or stick licorice; which was referred to the Committee on Finance.

Mr. HARVEY presented the petition of William P. Tomlinson, D. L. Phillips, and other citizens of Morris County, Kansas, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SUMNER presented the petition of Harriet J. Peabody and Frances M. Peabody, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SUMNER. I also present the petition of colored voting citizens of McMinn County, Tennessee, earnestly praying that the fourteenth amendment be so enforced by appropriate legislation that any law, rule, or regulation emanating from any State, municipality, corporation, chartered company, society, association, or legalized body, making any discrimination against any person by the use of any words having reference to color or blood, be declared null and void. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. SCHURZ presented a resolution of the Legislature of Missouri, in favor of the removal of obstructions from the channel of the Mississippi River; which was referred to the Select Committee on Transportation Routes to the Sea-board.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of Kansas, in favor of the transfer of the Bureau of Indian Affairs to the War Department; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a resolution of the Legislature of Kansas, in favor of the immediate payment by the United States of certain adjusted claims of citizens of Kansas for Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a memorial of members of the State central committee of the union republican party of South Carolina, in reply to certain allegations contained in a memorial of a so-called tax-payers, convention of that State, heretofore presented to Congress, in respect to excessive taxation imposed by the present State government; which was referred to the Committee on the Judiciary.

Mr. STOCKTON presented the petition of Elijah Laws, chief engineer of the United States Navy, asking the passage of an act providing that his services as first assistant engineer of the United States Navy shall be in all and every respect as though he had received a warrant appointing him to that position on the 17th March, 1863, the date his class was warranted as first assistant engineers, &c.; which was referred to the Committee on Naval Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 27th ultimo, approved and signed an act (S. No. 437) to restore William Kilburn, of San Francisco, California, to the Navy of the United States, as an ensign; and, on the 2d instant, an act (S. No. 493) to establish certain post-routes in the State of Arkansas.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALCORN, it was

Ordered, That the petition of citizens of Mississippi, praying compensation for the value of a house of worship at Rienzi, Mississippi, destroyed by the Army of the United States during the late war, be taken from the files and referred to the Committee on Claims.

On motion of Mr. ALCORN, it was

Ordered, That the petition of Randolph Mott, praying to be allowed a pension, be taken from the files and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Christiana Bailey, widow of David Bailey, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, praying to be allowed a pension, submitted a report, accompanied by a bill (S. No. 548) granting a pension to Christiana Bailey.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. PRATT. The Committee on Public Lands, to whom was referred the bill (S. No. 281) ceding to the several States within whose limits they respectively lie the beds of unsurveyed lakes and other bodies of water, have had the same under consideration, and have directed me to report it back with amendments; and I desire to ask the present consideration of this bill. The amendments to it remove every objectionable feature, and I think it will commend itself to the judgment of every Senator on its reading; and should any one desire any information on the subject, I shall cheerfully respond to any question.

The PRESIDENT *pro tempore*. The Senator from Indiana reports a bill, and asks for its consideration. It will be read for information, as proposed to be amended.

The Chief Clerk read as follows:

That the United States do hereby cede to the several States, within whose limits they respectively lie, the beds of all lakes and ponds and bayous of water not navigable, which have not been included in the surveys of the public lands and reservations, by reason of their being covered by water, and where all the contiguous surveyed lands have been granted, sold, or taken under the pre-emption or homestead laws, to the end that the proprietary right in and jurisdiction over the beds of such unsurveyed lakes, ponds, and bayons may vest in the said States respectively.

Mr. WEST. Has the Senate consented to consider the bill at the present time?

The PRESIDENT *pro tempore*. The question is, is there objection to its present consideration?

Mr. WEST. I shall feel constrained to object.

Mr. PRATT. I hope my friend from Louisiana will indicate what his objections are. I think I can reply to them very readily. The Committee on Public Lands were unanimous in reporting the bill as it has been amended.

The PRESIDENT *pro tempore*. The Senator from Louisiana objects to the present consideration of the bill, as the Chair understands.

Mr. PRATT. I do not think it will lead to any extended debate.

Mr. WEST. I do not know whether it will or not; but it suggests a subject of vast magnitude, and one that it seems to me requires consideration and deliberation by the Senate.

Mr. MORRILL, of Vermont. When we ceded the swamp lands to the several States, it has been shown that a very large and gross amount of fraud was practiced by which the United States lost any amount of public lands.

The PRESIDENT *pro tempore*. The Senator from Louisiana insists on his objection, and the bill must lie over.

Mr. MORRILL, of Vermont. This seems to be a measure of a similar kind.

Mr. PRATT. There is a report in the case, which I move to have printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 549) to authorize the Secretary of the Treasury to issue an American register to the steamer Chicora, of Milwaukee, Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 550) to reorganize and fix the time for holding United States district courts for the State of Alabama; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 551) to provide for the settlement of claims of loyal persons against the United States occurring during the late rebellion, and for other purposes; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 552) to refund to E. & J. Koch certain customs duties; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. WRIGHT. Mr. President, as a slight contribution to the literature on the subject of finance, I present a very brief memorial of Amasa W. Carr, of the city of New York, in relation to the Government finance; and in that connection, by request, I ask leave to introduce a bill for the retirement of the national-bank notes, for the refunding of our non-taxable bonds into 5½ per cent. interchangeable bonds, and for the resumption of specie payments. I present this bill by request, and ask that it, with the memorial, be printed and referred to the Committee on Finance.

Mr. ANTHONY. Is that in the nature of the views of an individual?

Mr. WRIGHT. It is only about a half-dozen lines.

By unanimous consent, leave was granted to introduce a bill (S. No. 553) for the retirement of the national-bank notes, for the refunding of our non-taxable bonds into a 5½ per cent. interchangeable bond, and for the resumption of specie payments; which was read twice by its title, and referred to the Committee on Finance.

Mr. WRIGHT. It is suggested that it is contrary to precedent to have the memorial printed. I therefore ask only that the bill be printed.

The bill was ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 554) for the relief of Philip Pendleton; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 555) to authorize the Commissioner of Patents to receive and entertain an application of William Beale Hale for letters-patent; which was read twice by its title, and referred to the Committee on Patents and the Patent Office.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 556) for the relief of William R. Rutherford and George Kairns, of the First Michigan Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 557) for the relief of the Flathead Indians; which was read twice by its title, referred, with the accompanying papers, to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 558) authorizing the Secretary of the Interior to use funds from sale of lands for the benefit of the Osage Indians; which was read twice by its title, referred, with accompanying papers, to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 559) to enable the central branch of the Union Pacific Railroad Company to submit its claims against the United States under existing laws to the decision of the Supreme Court; which was read twice by its title, and referred to the Committee on the Judiciary.

THE JEFFERSON STATUE.

Mr. MORRILL, of Vermont. I desire to call up the joint resolution reported from the Committee on Public Buildings and Grounds in relation to the bronze statue, presented by Lieutenant U. P. Levy, of Thomas Jefferson. Senators will find in the report the historical facts that make this resolution necessary.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. WRIGHT. I have no objection to its being taken up, subject to objection; but if it leads to debate I must object.

The PRESIDENT *pro tempore*. It must be objected to now, or it will be before the Senate during the morning hour till disposed of.

Mr. MORRILL, of Vermont. It will not take five minutes.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. WRIGHT. I object.

Mr. MORRILL, of Vermont. I move, then, that all prior orders be postponed for the purpose of proceeding to the consideration of the joint resolution.

Mr. CONKLING. Does the Senator from Vermont wish to take this up for action?

Mr. MORRILL, of Vermont. Certainly. I think with three minutes' explanation the Senate will have no objection.

Mr. CONKLING. I do not think the Senator from Iowa will object if he understands that it is not to be taken up for debate, but merely for action after a word of explanation.

Mr. WRIGHT. My understanding is that, according to our practice, a bill may be taken up subject to objection during the morning hour.

The PRESIDENT *pro tempore*. The Chair is not aware of any such practice. Bills have been read, and resolutions read, for informa-

tion, so that Senators could determine whether they would object or not; but if the consideration of a bill is commenced, it is then, like any other business, before the Senate.

Mr. WRIGHT. I withdraw the objection.

The PRESIDENT *pro tempore*. The Senator from Vermont has moved to proceed to the consideration of this joint resolution.

The motion was agreed to; and the joint resolution (S. R. No. 6) in relation to the bronze statue of Jefferson, presented to Congress by Uriah P. Levy, late an officer in the United States Navy, was read a second time, and considered as in Committee of the Whole.

The preamble recites that the late Commodore Uriah P. Levy, while a lieutenant of the United States Navy, in 1834, procured in Paris a bronze statue of Jefferson by the celebrated sculptor David, which was presented by him, through Congress, to his fellow-citizens of the United States, and to which attention is now called by his brother, Jonas P. Levy, who requests that the statue, if not accepted by Congress, shall be returned to the heirs of the late Commodore Levy; and the resolution accepts the statue with grateful appreciation, and directs the officer in charge of public buildings and grounds to properly prepare and place the same in the National Statuary Hall of the Capitol.

Mr. MORRILL, of Vermont. It seems that in 1834 Lieutenant Levy made a presentation of a bronze statue, by the celebrated sculptor David, to his fellow-citizens of the United States. His letter was communicated to both Houses of Congress, and by each House referred to the Joint Committee on the Library. That committee reported back to the Senate in May of the same year that they had sent a letter of acceptance, with thanks, to Lieutenant Levy, and asked to have the statue placed on the east front of the Capitol grounds. That report to the Senate was concurred in, so far as appears, unanimously.

The same committee reported to the House of Representatives in June of the same year a resolution of like effect, but the record does not show that it was identically one and the same resolution, (though that is probable,) for they asked the concurrence of the Senate, which appears to have been already given. Then in the House there arose a slight opposition to the resolution. There was no opposition in the Senate. In the House it seems to have been criticised because it was from a lieutenant of the Navy and not from a commander, and it was objected by members of the House from Virginia that they ought not to receive a statue or a gift except from some distinguished source. And then, in addition, it was said that the likeness to Jefferson was not a good one. Senators will find a full account in the report now lying upon their desks of the proceeding in relation to this matter at the time specified. But the House concurred in the resolution of the joint committee by a vote of 69 to 55. Subsequently, in 1835, a resolution was introduced in the House by the Committee on Public Buildings and Grounds, directing the commissioner of public buildings to remove the bronze statue from the Rotunda to some suitable place for its preservation until the final disposition of it be determined by Congress.

And these are all the records that can be found in relation to this statue. For a long time it remained in the Rotunda of the Capitol, but was at length removed to the front of the Executive Mansion, where it stood until the last year, when it was removed to the east side of the Executive Mansion. An inspection of the statue shows that, being exposed to the open weather, it is receiving considerable injury. I have some doubts as to the quality of the bronze; I think it is an inferior quality of metal; but at the same time the statue is a work of a very distinguished sculptor, and in the eyes of many artists has great value, although it is severely criticised by others.

Under the circumstances it appeared to the Committee on Public Buildings and Grounds that Congress could do nothing less than accept the statue in a form that would remove all doubt about the fact, and place it where its preservation would be secured; and they have accordingly reported the resolution presented. I may add that the brother of the late Commodore Levy, who now owns the Monticello homestead of Thomas Jefferson, has asked to have Congress either accept the statue or return it to the heirs of his brother. I think there can be no hesitation on the part of the Senate as to adopting the resolution reported.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREPARATION OF UNITED STATES SECURITIES.

Mr. FRELINGHUYSEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to inform the Senate whether the securities of the United States—such as bonds, notes, and fractional currency—have been, and are being, prepared in accordance with the recommendations of the Joint Select Committee on Retrenchment, dated March 3, 1869, and of the report of the Secretary of the Treasury of that year, and whether any changes have been made in the plan or method of preparing such securities; and if any change has been made, what such change is, and what is the reason for making such change, and what is the method now adopted for the preparation of such securities, and what are the safeguards against the fraudulent issue of such securities.

WISCONSIN CENTRAL RAILROAD.

Mr. SPRAGUE. I ask the indulgence of the Senate to consider Senate bill No. 512, which was reported from the Committee on Public Lands a few days since, with an amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 512) to extend the time for completing the Wisconsin Central Railroad. It proposes to extend the time specified in the ninth section of the act of Congress approved May 5, 1864, entitled "An act granting lands to aid in the construction of certain railroads in the State of Wisconsin," for the completion of the road mentioned in the third section of the act, and for the reversion to the United States of the lands granted by the act to aid in the construction of the road, until the 31st of December, 1876, to the Wisconsin Central Railroad Company, a corporation established by the laws of the State of Wisconsin, and entitled by the laws of that State to take the lands granted in and by the third section.

The Committee on Public Lands reported the bill with an amendment in line 11, after the words "December, 1876," to strike out the words, "to the Wisconsin Central Railroad Company, a corporation established by the laws of the State of Wisconsin, and entitled by the laws of that State to take the lands granted in and by said third section."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIQUOR-TRAFFIC COMMISSION.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first bill on the Calendar.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware [Mr. BAYARD] to the amendment of the Committee on Finance.

Mr. SHERMAN. The Senator from Delaware modified that amendment.

Mr. BAYARD. The words objected to were stricken out, I believe, by the Clerk.

Mr. SHERMAN. Then I have no objection to it.

Mr. WRIGHT. I understand the amendment pending is that offered by the Senator from Delaware as modified.

The PRESIDENT *pro tempore*. It is.

Mr. WRIGHT. I see no necessity in the world for this amendment. The friends of the bill around me, however, see no objection to it, and I only wish to interpose my objection, and to say that I see no necessity on earth for the amendment as the bill stands; but whatever may be the result on this amendment, I trust that we shall have a vote and have the bill reported to the Senate, and get it out of the way this morning. I may state now, so far as the amendments made in committee are concerned, that there is but one on which I shall ask a vote of the Senate, that having special reference, using the language of the amendment as I now remember it, "to revenue and taxation." I think the Senator will accomplish his object by inserting the amendment in another part of the bill, where it will be much less objectionable. The amendment was passed hurriedly on Friday morning; and in my great anxiety to get the bill through I did not observe the exact connection in which it was offered. This amendment out of the way, I trust the bill will be reported to the Senate, and that we shall have a vote upon it this morning.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, to insert at the end of the first section of the committee's amendment as amended the following:

And also ascertain whether the evil of drunkenness has been decreased or increased thereby; whether the use of opium as a stimulant and substitute for alcoholic drinks has become more general in consequence of such legislation; and whether public morals have been improved thereby. It shall also be the duty of said commissioners to gather information and take testimony as to whether the evil of drunkenness exists to the same extent or more so in other civilized countries, and whether those foreign nations that are considered the most temperate in the use of stimulants are so through prohibitory laws, and also to what degree prohibitory legislation has affected the consumption and manufacture of malt and spirituous liquors in this country.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amend ment proposed by the Committee on Finance as amended.

Mr. BAYARD. I desire to make a further amendment. In section 2 of the amendment of the committee, on line 2, after the word "sal ary," I move to insert the words, "all of whom shall not be advocates of prohibitory legislation in respect to the traffic in malt or distilled spirits."

Mr. PRATT. I do not wish to say anything in respect to the amendment proposed by the Senator from Delaware, but do wish to submit some general remarks in relation to the merits of the bill itself, promising to be brief.

The opponents of this bill agree with its friends in deploring the evils of intemperance. It is a happy circumstance that at the outset we are all agreed that intemperance is a scourge and an evil, and that continually. Some think, however, that this evil is not to be corrected by prohibitory or restrictive legislation of any kind. Others think that legislation, even if proper, is to proceed from the States and the States alone, and fear that the creation of this commission is an entering-wedge to legislation on the subject by Congress. Others, again, express the opinion that the people of this country are in pos-

session already of all needful information upon these subjects of inquiry. Having determined to support the bill by my vote, I wish to give my reasons in the fewest possible words, for I appreciate the anxiety of my friend from Iowa [Mr. WRIGHT] to reach a vote upon the bill.

Our Constitution was formed to promote the general welfare of the people. So it is announced in the preamble. Congress makes laws to no other end than this. Whatever concerns that welfare must therefore always be a proper subject of inquiry. Now if the manufacture of malt and alcoholic liquors, or the traffic in them, affects the industries of the country, or affects the health or morals of the people, public or private virtue; if its tendency be to cause pauperism, or crime, or both; if the use of stimulants makes men less able or willing to perform their duties as citizens, or as husbands, parents, or sons; if it affects them injuriously in the relation of voters, jurors, legislators, magistrates, or in the exercise of any official functions, where the whole or any part of the body-politic is concerned or likely to suffer, the information should be obtained and given to the public in such form as will command confidence and enable the States to legislate, if Congress has not the power.

It is said that we have this information now. It is argued that the whole field of inquiry has already been occupied; that the pulpits, the lecture-rooms, the temperance societies, the press, have spread before the people all needful statistics upon the subject, and discussed with infinite ability every method, legal and moral, to stay this scourge. I do not undervalue the argument. Probably if all which is valuable that has been said and written on this subject during the discussions of half a century were collected and methodized, this would be so. But the advantages of the commission instituted by this bill will be that this very collection will be made, and the facts gathered will possess the merit of being thoroughly reliable. The men who collect them will be selected, in the language of the bill, "solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation of the whole subject."

Sir, the value of testimony of any kind depends upon our confidence in the witness. We demand that he shall be honest, that he shall be impartial, and that he shall have full and reliable information upon the subject of which he testifies. Very well; this commission is to be composed of such men, and we give them a full year in which to prosecute their inquiries. They will. as a national commission, be able to reach every source of information, official as well as unofficial, abroad as well as at home. They will have ample time to collect and sift the evidence upon every branch of the inquiry. The whole mass of information obtained will be digested and systematized. We shall know then how much of the capital of the country is employed in these pursuits; how many men are engaged in the manufacture and traffic; what proportion of the product is employed for chemical, and mechanical, and medicinal uses; how much is consumed in drink. We shall know then what proportion of the people use these drinks habitually and to their hurt; how many occasionally; and we shall know, too, how far the industries of the country are affected by the use of alcoholic and malt liquors; what proportion of the men who tenant our jails and penitentiaries have committed crime or broken the peace under their influence; and how many families are paupers in consequence of their use.

In this report will be combined every species of information on the subject necessary for legislation, if that shall be thought the best means of reaching the evil. Those who think this evil is to be reached only by moral appliances will know the methods which have been adopted, and read the history of their success or failure. Thus, sir, the whole country will be able to judge as to the means to be tried hereafter. The report will be a hand-book for all, and especially for legislators, national and State. We shall know then just what has been effected in the States under the different systems tried by them from time to time in the way of prohibition and regulation. We shall likewise be furnished with comparisons of drunkenness in this and other civilized nations, and know what methods have proved most potent to grapple with the evil in other countries.

Sir, no one who loves his country can be insensible to the value of such a compilation as this, and no one should hesitate to vote the little money needed to acquire this information, when it is considered that these commissioners are to serve without pay. Will this measure lead to some good, is the only question that should be asked.

Sir, for myself I would fain do something for the cause of temperance. Gladly would I link my name with any measure that may stay the flood of intemperance, and find my highest satisfaction in the blessings of the afflicted families plunged in grief by its ravages. There are thousands of sorrow-laden hearts all over the country that wait upon our action in this first movement, which lays the foundation for a future one by the whole nation against this sin and crime. Ears that are careless as to what transpires in these halls in ordinary legislation are strained to catch every word spoken here of encouragement and hope in answer to the humble petitions they have sent here by thousands.

Mr. President, I am not troubled about the question of our power to institute this inquiry. I respect but do not share the scruples of the honorable Senator from Connecticut who sits before me, [Mr. FERRY.] Twice has his voice been lifted in this Chamber against this bill on the ground that by it we are trenching upon the reserved rights of the States. But looking to the Constitution, confessedly Congress may legislate on the whole subject of the manufacture and traffic so far as the Territories are concerned. So, too, in relation to this District; and what we may do in the Territories and in this District we may do in all forts, arsenals, magazines, and dock-yards, and in all places, in fact, where the jurisdiction of the United States is exclusive. Who doubts the power of Congress to make rules for the government of the land and naval forces, and under that power, expressly delegated, to interdict wholly the use of alcoholic and malt drinks in the Army and Navy? Who can doubt that under the power to regulate commerce among the several States, the traffic in these liquors might be prohibited between the States? The same clause in the Constitution gives Congress the power to regulate commerce among the Indian tribes. Many years ago that power was exerted in prohibiting the introduction of ardent spirits among the Indians. As far back as 1834 it was prohibited, under a penalty of $1,000, to set up and continue a distillery in the Indian country for the manufacture of ardent spirits; and the Indian agent or superintendent could employ the military forces of the United States in destroying it. Equally was it made an offense to introduce them into the Indian country, or to sell, barter, or give them away to Indians. Spirits were outlawed there, and any person in the service of the United States could destroy them on sight.

Again, sir, we have between sixty and seventy thousand officers, military, naval, and civil. May we not make drunkenness in them a crime, a disqualification? May we not legislate to prevent it as to them?

But I need not multiply cases. I find in these references abundant power to institute this commission and to legislate afterward, to some extent, but to what extent I do not think it necessary to define at this time.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the centennial bill, so called, on which the Senator from California [Mr. SARGENT] is entitled to the floor.

Mr. WRIGHT. I appeal to the Senator from California if he will not let us have a vote on this bill.

Mr. SARGENT. I much prefer to proceed; but I am willing that the vote should be taken without further discussion.

Mr. WRIGHT. That is all I ask—that a vote be had without further discussion. If not, I shall not insist on the bill proceeding now.

Mr. CONKLING. Has the Senator from Indiana concluded?

Mr. PRATT. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Delaware modifies the amendment which he offered, and it will be reported as modified.

The CHIEF CLERK. The amendment now is, after the word "salary," in section 2, line 2, to insert, "all of whom shall not be advocates of prohibitory legislation or total abstinence, in relation to alcoholic or fermented liquors."

Mr. NORWOOD. I have something to say on this bill in reference to alcoholic liquors.

The PRESIDENT *pro tempore*. The Senator from Georgia gives notice of a desire to debate the bill.

Mr. NORWOOD. I have no objection to the question being taken on this amendment.

Mr. BAYARD. The Senator from Georgia has no objection to the question being taken on this amendment.

Mr. WRIGHT. If debate is to follow further upon this bill, I shall object to any vote on this amendment, but prefer to have it go over with the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1776) for the relief of George Yount;

A bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry;

A bill (H. R. No. 1313) for the relief of Alexander Burtch;

A bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians;

A bill (H. R. No. 1934) for the relief of Pat. O. Hawes;

A bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spear;

A bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York;

A bill (H. R. No. 294) for the relief of Joab Bagley;

A bill (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased;

A bill (H. R. No. 1171) for the relief of George P. Fisher;

A bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts;

A bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers;

A bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry;

A bill (H. R. No. 1943) granting a pension to Helen M. Stansbury;

A bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

A bill (H. R. No. 1944) granting a pension to Charlotte Crane, widow of the late Colonel Ichabod B. Crane, of the First Artillery, regular Army of the United States;

A bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry;

A bill (H. R. No. 1946) restoring the name of Mary Byrd Dallas to the pension-rolls;

A bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;

A bill (H. R. No. 816) granting a pension to Jane La Font;

A bill (H. R. No. 1234) granting a pension to Mary S. Prince;

A bill (H. R. No. 216) granting a pension to Timothy Paige;

A bill (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky;

A bill (H. R. No. 1947) granting a pension to George Holmes;

A bill (H. R. No. 1948) granting a pension to Mary J. Blood;

A bill (H. R. No. 1949) granting a pension to Ann M. Brackett;

A bill (H. R. No. 1950) granting a pension to Betsie Lewis;

A bill (H. R. No. 1951) granting a pension to Isaac M. Grant;

A bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;

A bill (H. R. No. 1954) granting a pension to Henry B. Ryder;

A bill (H. R. No. 261) for the relief of Alonzo Snyder, of Livingston County, New York;

A bill (H. R. No. 1445) granting a pension to William H. Edwards;

A bill (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland; and

A bill (H. R. No. 2224) appropriating $1,400 to pay the operators in the departmental telegraph connected with the two Houses of Congress.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa.

The message further announced that the House had passed the following bills of the Senate:

A bill (S. No. 353) for the relief of David Braden; and

A bill (S. No. 365) for the relief of Matthew Woodruff, late first sergeant of Company G, Twenty-first Missouri Volunteers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1365) to grant an American register to the Canadian schooner George Warren;

A bill (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and use said vessel for a boarding-station in Mobile Bay;

A bill (H. R. No. 1920) to amend the fifteenth section of the act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;"

A bill (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War;

A bill (H. R. No. 2201) to render available a certain unexpended balance of appropriation;

A bill (H. R. No. 447) extending the time for the completion of the Green Bay and Sturgeon Bay and Lake Michigan Ship-Canal, in the State of Wisconsin;

A bill (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City;

A bill (S. No. 365) for the relief of Matthew Woodruff, late first sergeant of Company G, Twenty-first Missouri Volunteers; and

A bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa.

CENTENNIAL EXHIBITION.

The PRESIDENT *pro tempore.* The unfinished business is before the Senate, being the bill (H. R. No. 1396) in relation to the centennial exhibition, the pending question being on the amendment submitted by the Senator from Massachusetts, [Mr. SUMNER,] to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

> That the celebration of the one hundredth anniversary of the Declaration of Independence should be national in character, so as fitly to commemorate the beginning of the American Republic; and that its further conduct should be left in the hands of the commissioners appointed under the act of Congress approved March 3, 1871, subject to the condition expressly set forth in such act, "that the United States shall not be liable for any expense attending such exhibition or by reason of the same."

Mr. SARGENT. Mr. President, the task before the Senate would be easy if, in dealing with a question so practical as the one before us, we could be governed only by sentiment. If we were at liberty only to listen to eloquent apostrophes to American liberty, if we only could be governed by the considerations that spring from a desire to appropriately celebrate the one hundredth anniversary of American independence, and were there not back of all this the question of taking large sums of money from the Treasury, our task would be indeed an easy one. We can very readily reply to the question whether we cherish and admire the glory of the country. We can easily say whether we desire that the one hundredth anniversary of national independence shall be celebrated in an exceptionally brilliant manner. There is no difficulty in answering questions like these; and it will be celebrated in an exceptionally brilliant manner whether this exhibition takes place or not.

It matters not what we may do with regard to Philadelphia or with regard to the celebration in any part of the country; there will be lofty eloquence heard in every city, in every hamlet, in every town, wherever there can be assembled a body of men and women to recite the heroic deeds of the past and rejoice in the privileges of the present. There will be that which was anticipated by Adams, in the phrase of Daniel Webster—the ringing of bells, the sound of cannon, and shouts of joy. There will be a celebration all over our broad land, from Canada to the Gulf, and throughout the broad expanse between the two great oceans. Any local celebration, even if it may be, in the phrase of this bill, "under the auspices of the Government of the United States," will be dwarfed into insignificance compared to the general celebration which will be carried on by the whole of the American people in every part of the country.

And, sir, if we were only to be governed by courtesy in this matter toward brother Senators, our task would be very easy; and I desire to pay tribute to the zeal and earnestness with which the Senators from Pennsylvania have urged this matter upon our attention. So far as my friend, the senior Senator, [Mr. CAMERON,] is concerned, I know that that which he has said upon this floor, and which has gone into the RECORD, gives but a very inadequate idea of the earnestness with which he has pressed this matter upon the attention of Senators; and I could but admire the eloquence and earnestness of the other Senator from Pennsylvania [Mr. SCOTT] on Friday last, evidently feeble in health and weak in body, but, inspired by his theme, placing its best aspects before the Senate, and pleading so earnestly for legislation which should carry out the idea which he desired to see realized in the city of Philadelphia. Whatever the fate of this bill, I cheerfully bear testimony that it will not be the fault of either of these Senators if it fails. I say, sir, that if this were simply a matter of courtesy, we could very soon come to a conclusion upon it; and certainly I would not be behind other Senators in casting a vote which should give expression to my kindness toward those Senators, and the courtesy which I think belongs to them. But we must look farther for motives for our action.

This is a financial proposition, and I propose to show before I get through that it is simply a financial proposition. I propose to show to the Senate that that which the Executive has already done in the way of invitations to other countries, exceeds in directness and in earnestness anything which has ever been done by any other country in calling the attention of the American Government and people to their expositions and asking our co-operation. I intend to show before I get through, by the documents sent from France and from Austria, calling attention to their exhibitions, that they did it in cold, stately phrase, and not in the impassioned manner in which it is proposed that we shall call their attention to ours in the bill which is now pending before the Senate. But, sir, if I am correct in that—and I shall show that I am—this becomes simply a financial proposition, simply another step toward entangling the feet of Congress, by which it shall have to confess that it has lost all self-respect or accede to any demands on the Treasury which may be made on behalf of this proposition.

Now, sir, I am not ready to go so far as that. We are just recovering from a panic the result of which reached our Treasury; and instead of $60,000,000 ahead of its indebtedness and available on call for the wants of the Government, we have merely $10,000,000, a loss of $50,000,000; so that during this financial year the Treasury, starting out with $60,000,000 beyond question above any probable call on its resources, will go out at the end of the present year with scarcely $10,000,000. Under circumstances like these we might well pause whether we shall go outside of the payment of the interest on the public debt and those necessary direct expenses which we must meet to keep our credit as a people and keep the Government from utter insolvency; whether we shall go outside of that for mere fanciful propositions; whether we can afford, before we are just to ourselves and just to our creditors, to be lavish or generous.

I have before me some figures which I have collated from the best authority I could get upon this proposition, and, with extreme brevity, I desire to justify the statement which I have made in this regard. We had on hand at the commencement of the year, as shown by the Treasury books, $131,192,028 in cash, against which there was liable to be drawn $31,730,000 legal-tenders held for the redemption of certificates of deposit and coin deposits outstanding on call of $39,460,000; so that the total available funds belonging to the Government to meet its current expenses, July 1, 1873, were $60,228,000. It is said at the Treasury that a liberal allowance for the receipts of the year, taking what has been collected and estimating the balance, is $281,779,972, which, with the $60,000,000 I have before referred to, gives us as available for this present year $341,779,100. We have expended already during this fiscal year, on account of the sinking fund, $12,936,450; on account of other appropriations, $177,174,000; and the Government is now liable for appropriations to the sum of $138,381,000, appropriations already made by law, for which the Government at any moment is liable to be required to draw its check; and there is the interest on

the public debt, which is $41,286,000, and accruing and unpaid interest, $6,987,000, besides the indefinite and permanent appropriations, $6,825,000, and to complete the purchase of bonds for the sinking fund, $16,254,000, making $399,846,649. Now, saying, as was contended in the other House, that $6,000,000 of uncalled-for interest was brought over from last year, and about the same amount will go over to the next year, and deducting this amount, we shall have $393,000,000 of demands against $341,000,000 available resources, leaving, in fact, if the whole amount of appropriations we have heretofore made, and which we are liable to pay, are called for, a deficiency at the end of the fiscal year of over $52,000,000.

These are startling figures. Taking the $60,000,000 and over which we had at the commencement of the fiscal year, taking all the revenue from customs, from internal revenue, and miscellaneous sources, and adding them together, and then taking the interest on the public debt and the appropriations which we have made and which are calls upon that fund, there is a deficiency at the end of this fiscal year of $52,000,000.

It has been said, and I think with much truth, for I have tried to verify the figures, that $72,000,000 of the amount which I have spoken of in the $138,000,000 will not be called for during the present fiscal year; that they are appropriations which we shall not be required to expend, as for instance the pay of the Army for two years ago, which must be about settled up, and from which there is a considerable balance. But setting aside all these balances not likely to be called for, we have then $20,000,000 at the end of this fiscal year, instead of $60,000,000 at the commencement of it, in the Treasury. And against this there are to be charged, and will be deducted, all the deficiency bills which we may pass at this session of Congress, and which are to be paid during this current fiscal year. The deficiencies already sent in amount to $2,312,839, and I do not think there is any question, and I say so after some examination of the subject, that the probable further deficiencies will be another $1,000,000, making in all about $4,000,000. If we get off with deficiencies of this amount we shall be exceedingly fortunate; for last year the deficiencies passed in deficiency bills amounted to between nine and ten millions of dollars, and it is my recollection that the deficiencies of a single year since the war amounted to $18,000,000; so that if we can bring down the deficiencies to $4,000,000 we shall have performed a great financial feat.

But in addition to this, there are the irregular claims and the new pensions which pass Congress, and pass here every day, which at the lowest estimate cannot be less than $2,000,000. Then there is the award of the mixed commission, which is $2,000,000. The southern claims commission comes in with $900,000 more. These figures which I have read amount to $7,912,839, reducing the $20,000,000 down to $12,381,646 to commence house-keeping with next year, instead of $50,000,000 with which we commenced this year. To this close calculation it is safe to add $2,381,646 more.

Now, we are liable to another panic just as much as we were to the one which took place recently. But the panic alone is not responsible for the depletion of our Treasury. Any one who will go and examine the Treasury books will find that the customs revenue began to fall off before the panic was upon us, and fell off largely. They have fallen off in three years 50 per cent., and there is no reason in the world to suppose that they will go back to the original figures. In fact there are reasons why this cannot be so; and in calling attention to those reasons I wish to remark upon an exaggeration, almost a falsehood, which I have observed going the rounds of some of the papers. My attention was called to it more particularly, however, by the leading papers from the Pacific coast, which I received yesterday in due course of mail. The news published on this side being filtered out and the chaff being separated, this kernel, standing by itself, strongly attracted my attention, and that was, that the appropriations, taking the permanent and indefinite, including interest on the public debt and the appropriations for current expenses of this fiscal year, are $319,000,000, against $290,000,000 last year; that there has been no reduction of the debt this year; that last year there was a reduction of $43,000,000; and it was said that this showed that the administration of the republican party was extremely extravagant; that there was a necessity that these things should be explained, or otherwise the party obviously was running into evil ways, and ought to be thrown out of power. I found some papers which are disposed to be fair toward the republican party, in fact partisan toward the republican party, who, deceived by these specious figures, were arraigning the Administration for its extravagance.

Now, sir, instead of the appropriations for this fiscal year being $319,000,000, the fact is they are but $306,000,000. The mistake which was made in an able address in the other end of the Capitol was caused, first, by taking the $9,000,000 or $10,000,000 deficiency for the previous year and adding that as of the expenses of this year; and then by a confusion in adding in the expenditures for the sinking fund, and deducting them from former years. I need not follow that out minutely; but the fact is, the whole amount is $306,000,000, against an assertion of $319,000,000. But that $306,000,000 is capable of explanation and great reduction; as, for instance, in that great "reform" which we inaugurated, the abolishment of the franking privilege, we authorized an expenditure of $2,000,000 for Department expenditures in the shape of postage-stamps, the printing of which, the actual expenditure of which, to the Government, is, as I have been informed, $8,000; but they stand against our appropriation for $2,000,000. So we deduct that amount, which would leave $304,000,000 instead of $306,000,000. So I might go through other items of this character; but this is a little aside from the purpose of my argument.

So far as the payment of the public debt is concerned, it is true that last year we did pay $43,000,000 of the public debt, and this year, before January last, there was an increase during the fiscal year of the public debt of $9,651,400. But that was reduced last January by the amount of $1,845,326, leaving the reduction before February of $7,806,704. And since I have been speaking I have received a telegram from the Secretary of the Treasury which states that the reduction of the debt during the past month, as I read his figures, is $2,590,047.45. My conversation with him this morning, however, led me to suppose that the reduction was not so great, and it is possible that the reduction is $252,000 instead of $2,590,000. I think the former figure the most probable; but at any rate we are gradually reducing the increase of the debt. But why this increase? The first answer would be, of course, the panic, which accelerated the reduction of the revenue and very largely interfered especially with the receipts from customs; but during the late Congress, at the last session, taking effect during this fiscal year, we reduced the customs revenues $31,172,761, and we reduced the internal revenue $20,651,000; making $51,823,761 less collected from the people, and of course that amount less to be applied either to current expenses or to the reduction of the debt.

But I am informed at the Treasury that this estimate, which is printed in the Book of Estimates as the probable reduction, is at least 10 per cent. too low; so that really the reduction, for this year of the amount of taxes collected from the people is $57,006,584. Here is a complete answer to the challenge to the Administration to show that it is not extravagant, that it is not corrupt. In the first place, we have not expended so much money as was alleged under a mistake. In the next place, if we have not reduced the debt this year by $43,000,000, as we did last year, we have $57,000,000 less to do it with. The panic came and slightly increased the debt, but notwithstanding the panic and notwithstanding the reduction of our income, we have so far recovered as to begin to take off from the increase which was made during the panic.

But, sir, while this shows that the condition of the Treasury is not so bad, and the Administration is not so extravagant as some of our enemies and some of our indiscreet friends, jumping at conclusions, would imply, nevertheless the argument comes back with terrible force that the Treasury is in such a condition that we cannot afford to trifle with it. I have reduced down by legitimate figures, which any gentleman can verify for himself if he will go to the source of authority, the probable amount in the Treasury available outside of taxation to commence the next year with to $10,000,000 or $12,000,000; and in that I have not considered the claim of this District, that we owe them some four millions for improvements around Government property. I have estimated the deficiencies which we will be called upon to pass at the very lowest point, as likewise the new pensions and the claims of various kinds, some of which pass through sometimes with great ease and with fearful rapidity. I have not taken into account any expenditures for further improvement about the Capitol grounds, or any of the one hundred and one miscellaneous matters that we so readily and so properly appropriate money for. Saying nothing of the millions for this centennial commission, we have not the means to proceed with next year without the most extreme solicitude in regard to the appropriations or without an increase of taxation.

Mr. President, on Friday last, for the first time in either House of Congress, we were informed, and frankly, that this exhibition was to cost the Government of the United States money. My friend from Pennsylvania [Mr. SCOTT] said that it was estimated by the corporation that $3,000,000 would be sufficient; but he insisted that it would be humiliating to the people of the nation if they did not sustain their representatives in voting three, five, or eight millions, if necessary, to sustain this exhibition. In the course of his remarks I put this question to him:

Mr. SARGENT. Do I understand the Senator from Pennsylvania now to say that that is the amount to be appropriated by Congress—from $3,000,000 to $5,000,000?

Mr. SCOTT. I have understood, from very careful estimates made by the board of finance connected with this centennial exposition, that if Congress will appropriate $3,000,000 at the present time—$1,500,000 to be paid during the next fiscal year, and the other $1,500,000 in the year following, that that will enable them to put this exhibition on such a basis as to insure its success, considering the additional contributions they can thereby secure, the receipt of which they may feel reasonably certain, and the proceeds of the buildings, which will be removed after the exposition shall have terminated.

There was the first intimation, sixty hours ago, that the Government of the United States was to be called upon for millions of dollars for this purpose.

Mr. SCOTT. If the Senator will permit me, doubtless he wishes to be corrected. That was not the first intimation; for when this bill was considered in the other House, and I may properly refer to that now, I believe it was distinctly announced that an appropriation would be needed and expected.

Mr. SARGENT. That was some ten days ago, or during the present session of Congress.

Mr. SCOTT. Yes, sir.

Mr. SARGENT. My argument is not weakened by stating then that at this session, for the first time, we are informed that millions of money

are to be appropriated by the Government to this exhibition; and the amount is stated. Why, sir, this thing has been a mistake all the way through. My friend, as I am ready to show him by the Globe, has been mistaken over and over again about it. I cannot have any confidence that he is not mistaken again in saying we will get off with $3,000,000, which he now asserts with so much confidence and upon the representations of the parties who are managing this matter, because I find that from the very first he did not believe this exhibition was going to cost the Government anything. There was a grand, magnificent scheme of raising ten dollars at a time from a great many thousand people, and thus make up $10,000,000, which was to pay for this exhibition. Here is the way in which, when the first bill was brought before Congress in the House of Representatives, it was talked about by a gentleman who is now a member of that body:

I say again I cannot see why there should be any difficulty in the House adopting the location indicated by the bill for this great exhibition on the 4th day of July, 1876. The extent of cost is not to be considered.

They wanted to keep that question of cost out of our minds. Now, however, we are compelled to consider it, and we are compelled to examine the declarations of gentlemen who have this exhibition so much at heart, to see whether we can keep down the expenditure within the enormous amount of $3,000,000.

He further said:

If that question should be deemed an essential point, the citizens of Philadelphia would themselves pay the expenses attendant upon the celebration, just as any other great city in this country probably would do.

That was the manner in which this bill was ushered in; that was the manner in which the House of Representatives was put to sleep; and this same tone was kept up to the very last. When the final bill passed, I find the senior Senator from Pennsylvania [Mr. CAMERON] talking in this manner. The Senator from Maine [Mr. HAMLIN] having remarked that this celebration came only once in a hundred years, the Senator from Pennsylvania said:

I have only risen to repeat what the Senator from Maine has said, that this will only happen once in a hundred years. Commissioners are selected from every State and Territory in the Union. They go there for the purpose of doing honor to their country. This is the only way in which the money can be raised without expense to the Government.

Observe, that is by this great corporation which was formed, and which the Senator from Illinois, Mr. Trumbull, objected to as dangerous, in that it made a corporation with enormous capital by the laws of the United States within a State.

He said further:

A million people, it is expected, will each subscribe ten dollars, and thus $10,000,000 will be subscribed.

Am I not right in saying that this was a mistake all the way through? All these plans have gone awry.

It is necessary to have some responsibility for this. All they ask of the Government is that the Treasury Department shall print their certificates of stock, so that if they are counterfeited the counterfeiter may be punished. They ask nothing else of the Government. There is no doubt they will raise the money.

Besides, the press of the country, who have had the bill before them for a good while, have everywhere approved of it—even our friend with the white hat in the Tribune. I think in an article a column long in his excellent paper he approved it. I do not think anybody will object to it. The only reason I desire it passed now is that the commissioners are in session at Philadelphia, and they are anxious about it, and are telegraphing that, if the bill is passed to-night, they will to-morrow go to work immediately to procure this money.

Under such suggestions as these, Congress was led on step by step, and its feet, as I say, entangled in this proposition; and now gentlemen turn upon us and say, "It is bad faith for you not to appropriate this money." Can we not better say to them, "It was bad faith in you to represent over and over again that it was not intended that the exhibition should cost the Treasury a dollar, and that it would not cost the Government one dollar; that all you asked, or ever would ask, was that we would print your certificates of stock and put around them certain guards against their being counterfeited?" Was it not there that the bad faith was, if it was foreseen? If it was not foreseen, if it was a mistake, if it was a blunder, how much reliance can we place now upon the judgment of the same gentlemen, sincere unquestionably, who come forward and say, "We only want $3,000,000," when the Vienna exposition has already cost $10,000,000, and there is a deficiency of $7,500,000 more?

My friend, the other Senator from Pennsylvania [Mr. SCOTT] said, on this same occasion, referring to Mr. Trumbull:

I suppose the Senator from Illinois really desired more to occupy a few moments until the Senate would assemble, than to make any serious opposition to the passage of this bill.

The thing was passed through lightly, playfully. The Senator from Pennsylvania said, "Of course the Senator desires only to make a few remarks while the Senate is gathering; nobody could object to this bill." A matter which was to cost the Treasury ultimately, if it succeeded, millions of dollars, was to be thus put through with an air!

When the subject was first introduced in Congress it was feared that an appropriation would be asked.

It was in May, 1872, not two years ago, that these remarks were made.

Everybody in both Houses was so sensitive on that question that an express disavowal of all responsibility on the part of the Government had to be incorporated in the act.

Did that mean anything? There was a sensitiveness. Congress did not want to put itself in a position where it would have to show bad faith afterward or redeem faith by the expenditure of millions for a local celebration. I say this has been a mistake from the very start, for I must believe that my friends from Pennsylvania were in perfect good faith when they said this corporation would collect $10,000,000, and when they said that the city of Philadelphia would pay this amount rather than call upon the Government for it. They were in perfect good faith in that. They did not expect anything of the kind; but they made blunders all the way through, and they have entrapped Congress into a false position.

Now, sir, there can be no harm in having the Senate distinctly see in this connection exactly what the sensitiveness of Congress referred to by the Senator from Pennsylvania resulted in. They were sensitive, he says, lest an appropriation should be asked; and to remove any such idea and to banish it completely from the mind of Congress, a provision was put in the bill that there should be no liability whatever on the part of the Government of the United States, no pledge of its faith—that is what it means—so that it could thereafter refuse appropriations and say we have acted in perfect good faith. Section 7 of the act of March 3, 1871, has already been referred to. One-half or two-thirds of the language of that section was put in in the House on my motion, and the rest of it was inserted in the Senate on the motion of the senior Senator from Massachusetts, [Mr. SUMNER.] Section 7 is so clear that he who runs may read; and I say that the faith of Congress is not entangled in this matter. Let me read that section:

That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

That is what Congress said, being sensitive upon this matter; and this language was put in in order to remove that sensitiveness, so that we could say in any event, we were not liable, our faith was not pledged; it is not a question of the character of the Congress of the United States; if anybody's character is lost it is the character of those who have been managing this thing, either under false pretenses, or else without proper regard to the assurances which they gave to Congress.

But we were not satisfied with that. When the final bill came up which created this great corporation, another provision was put in, just as emphatic, bringing it down to 1872, and then it was provided:

But nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim by the centennial international exhibition, or the corporation hereby created, for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by the corporation herein authorized.

Could anything be more explicit than that? Is the character of Congress involved in this matter? Is it a question of character? If so, I ask again, of whose character? Here are two solemn special enactments by Congress, yielding to the request and solicitation of those gentlemen who said, "Why, of course, the bill shows that it is not to be a charge upon the Treasury of the United States; Senators talk merely to occupy time; they can have no particular objection to this bill passing;" and gentlemen coming from Philadelphia and insisting that Philadelphia held the cradle of American liberty, that it was a glorious and renowned city, and we ought to recognize it in order that they might have a grand celebration there at their own cost, not to involve the Government at all, simply to "give it a name," as Mrs. Gamp says, "that was all they asked;" provide that our certificates of stock shall not be counterfeited any more than national money, in order that we may not be the victim of counterfeiters and may prosecute those who do counterfeit by United States laws. In pursuance of those ideas this bill being passed through as a compliment to that locality, I say unless we go further now and in the name of the United States extend to all nations a cordial welcome to come and participate in this celebration, in the language of the pending bill, I shall not feel that my character is involved, or that of any member of Congress, in refusing to vote for appropriations for this purpose.

But allow me to say, and I say it after reflection, that if the bill now pending shall pass, going away beyond anything any civilized nation ever has done in calling the attention of the nations of the earth to its exhibitions, involving the good name and fame of the United States in making this celebration a splendid and magnificent cost to the national treasury, I shall not feel, either as a member of the Senate or as a member of the committee having charge to watch over appropriations, that I have a right to refuse to report to the Senate or vote for appropriations commensurate with the needs of this exhibition; and, furthermore, that if it shall be undertaken by men having no experience in these matters, as these commissioners have not, and carried on with the limited resources outside of the Treasury at their command, and it shall be afterward found that there will be a deficit of seven or eight millions, like that at Vienna, or, as is more probable, considering the greater cost of such things here, of fifteen or twenty millions, I shall consider the national faith just as much bound to paying those debts, and shall vote to pay them to avoid scandal. But, fortunately, up to this point our character is not involved, and we have a right to say, "This was never intended to be a charge upon the Treasury of the United States, and we will not make it so."

Now, Mr. President, there are reasons that suggest themselves to

every one, it seems to me, why the Government should not open its Treasury for this exhibition—at any rate not now. The very moment the United States appropriates $3,000,000 for the purposes of this exhibition, all other subscriptions will stop. Do you think that State Legislatures are going to appropriate money for this purpose if the Government of the United States does so? Do you suppose that private individuals are going to put their hands in their pockets to help out the Government of the United States? They say "We pay our taxes." And the rich men will say, "We pay our proportion of this very money which goes out of the Treasury to erect the buildings and make this exhibition a success." You cut off all other resources at once; and it is no extraordinary exhibition of human selfishness that would lead to this result. It is the ordinary operation of the human mind; and every Senator, who will reflect a moment, will see that, if the United States proposes to be the responsible responding party for this exhibition, it has got to bear the whole burden, and it will not be shared by others.

If this is to be a world's fair on the scale of Vienna, and if we invite all nations to it as is proposed, can it be less, if they will come; and if they will not come, ought we to invite them? I say, if they will come, can it be on a less scale than that of Vienna? We cannot erect wooden structures, we cannot make cattle-pens to hold their treasures of art or their manufactures. We cannot appear in a sordid aspect to those men who have seen the magnificent exhibitions of Paris, and London, and of Vienna. We have got to erect our crystal palaces, rising high above the elms of the park where they will be located; and we have got to have our great fountains; we have got to have all gilded and crystaled accessories. It must be on a scale of magnificence commensurate with that which other nations do, or else it is a failure, and a subject for sneers on the part of those whom we invite here.

Has any one calculated the cost of this? The city of Philadelphia, we are told, has appropriated $500,000, and the State of Pennsylvania has appropriated $1,000,000, besides some private subscriptions by leading citizens there, who are to be commended for their public spirit, perhaps to an amount nearly as much more. This is the extent to which the city of Philadelphia has redeemed the pledge made by one of the representatives that it would bear all the expenses of this great exhibition as any other great city would do. But has the State, in its corporate capacity, or the city of Philadelphia, appropriated a million and a half for the purposes of this exhibition? Very much the contrary. If the United States appropriates any money for this purpose, it is to pay all kinds of debts and erect any kind of buildings which the corporation may designate; it is to go in for the general purposes of the exhibition. But the city of Philadelphia and the State of Pennsylvania are not satisfied to go in on the same level with the Government of the United States. They ask us to put our hands into our Treasury and pass out $3,000,000, while they put their hands into their treasury collectively and take out $1,500,000 to erect a memorial hall or art gallery, there to remain.

Mr. CONKLING. How much?

Mr. SARGENT. A million by the State and $500,000 by the city.

Mr. CONKLING. To be put into a building?

Mr. SARGENT. To be put into a building which is to remain there. I will read—I think it is a very interesting fact and one which should arrest the attention of Senators. The statement must be authentic, for I find it is in the report of the international exhibition of 1876 by the officers of the centennial commission; and they say:

> The United States centennial commission and the board of finance were duly organized, and have presented to the people full information of the purposes and scope of the exhibition and celebration by every means at their command.
>
> Through the press, addresses and circulars to the public were published, informing them that the national banks throughout the country were empowered to receive subscriptions, and were supplied with the necessary books and forms. No satisfactory results have been realized from these efforts, except in Pennsylvania; which State stands pledged for about $3,000,000, upon the following basis, namely, one and a half millions of private subscriptions, one million conditionally appropriated by the State, and a half million by the city of Philadelphia; both appropriations to be expended in the erection of a memorial building, which is to be used as the fine-art gallery. And these two amounts are not available for the other buildings of the exhibition.

And are not available for the ordinary expenses of the exhibition. They are tied up, selfishly tied up, in order that the city of Philadelphia and the State of Pennsylvania may have there in that park forever a building erected by their own money as an art gallery, as a memorial hall. Is that fair to the Government of the United States when you come forward here and ask us to give you $3,000,000, and we show you, by all the experience of the past, by the cost of exhibitions like this, that instead of $3,000,000 it will reach $17,000,000 at the very lowest estimate, even if we can get labor as cheap and material as cheap and be as economical as they were at Vienna? I ask, is it fair that the whole amount which is doled out by your Legislature and by your city shall be confined to the erection of a building adapted to their own purposes, and which is to remain after the exhibition has passed away, and not to be sold like the other buildings of the exhibition for the purpose of satisfying the debts of the concern?

Why, sir, what are the resources of an international exhibition? In the first place, the amount which may be appropriated by the government or subscribed by individuals for the purposes of the exhibition; secondly, the receipts for the use of space on the floor; thirdly, the receipts from visitors daily or otherwise, season or other tickets; and next and last, the sale of the buildings and property of the concern; and this last is a very important consideration. But so far as the State of Pennsylvania is concerned, and the city of Philadelphia, they do not propose that their contribution shall be part of the assets of this corporation. They will not trust it with this corporation. Talk not to me about the city of Philadelphia and the State of Pennsylvania not having anything upon their garments in this connection. I say they selfishly ask that the whole amount which they appropriated in official capacities shall be segregated from the rest and set aside for a permanent benefit to the State and the city. I do not object; no one would object to the city of Philadelphia or the State of Pennsylvania erecting a magnificent building there that should rival anything that the sun ever shone upon; but they ought not to take the fund which belongs to this exhibition for that purpose. Whatever they contribute should go into the common fund, to be expended and to be as available as the money that the Government of the United States may put into it, and which they come to us asking us to put into it, and which its own citizens, or the State of New Jersey, or the citizens of Oregon, or the poor, feeble citizens of Arizona may contribute of their little means.

Sir, I have reasoned thus far to show that the original purpose and intent of the gentlemen who have urged this upon the attention of Congress was not to make it a Treasury charge. I have also tried to show that we ought not, considering the condition of the Treasury, to make it such charge; that we ought to stop. If it is already becoming a question of national faith, let us go no further. If we have not yet compromised ourselves, as I have tried to show we have not, let us not take a step which will do so, and the result of which may be that within the next two years the drafts upon the Treasury on this account will be from seventeen to twenty million dollars.

I should like to have gentlemen, if they see fit to reply to this portion of my remarks, show me what reasonable hope there is that a world's fair, an international exposition, to which all nations shall be invited, can be run upon such a scale of expense—can be run for one-fifth of the expense of that at Vienna? Is it alleged that there were any defalcations there—that there was any wastefulness in the use of funds there? I have heard nothing of the kind, aside from some slight scandal which attached to some commissioners who were sent there on our part. I have never heard or read that there was any on the part of the officials of Austria, or that the whole thing was not as economically managed as was possible for an affair of that kind. I say if this is to be made a national charge, and we are to embark in it, let us have the reasons which gentlemen have to suggest why it shall cost only $3,000,000 or $5,000,000, and shall not exceed $20,000,000; for that is an important consideration. But if we intend to adopt this exposition or exhibition, and make it a Treasury charge, this bill is entirely unnecessary. Let us see what the law heretofore required, and what has been done.

It is said that the Secretary of State has misinterpreted the law, or it is suggested that he has not been as warm in his missive as the occasion required toward this matter; and that he or the Administration must be quickened by further suggestions or statutes, which shall require of them more impulsively to rush into the arms of other nations and exhibit our intended display to their attention.

Mr. SCOTT. This is the first time I ever heard that suggestion made; and if such an imputation has been made on the Secretary of State, certainly it has come from no other quarter than the Senator from California thus far. I have never heard it from any other quarter.

Mr. SARGENT. Will the Senator let me understand him?

Mr. SCOTT. His letter was read, simply stating that the President had gone as far as the act of Congress had entitled him to do, and the misapprehension which the consular officers and ministers to whom it was sent had been under was now desired to be corrected.

Mr. SARGENT. The Senator understands, of course, that in every measure of this kind, especially when attracting public attention, and where the attention of Senators is specially desired to it, the suggestions upon it are from two sources: first, in the debate which takes place on the floor, and second, those of delegations who come and talk to Senators personally and urge reasons why the bill should be passed. The Senator will have no difficulty in learning, if he will inquire of his colleagues of the House of Representatives, that they themselves have already, and have repeatedly, said to Senators and to others that the Secretary of State had misconstrued the law, had not gone far enough in carrying it out, and that this was to correct his mistake. That is the theory of it; and if it was not, why were not the provisions of this bill put in last year? Why this new law on the subject? Why this necessity for a duplicate invitation? The Secretary of State first called the attention of other powers to it; and why should he now invite these powers over again? Simply because he did not comply with the anxious solicitude of Pennsylvania gentlemen, and of the officers of this commission, in spreading this attractively before other peoples.

Mr. SCOTT. I neither wish to be put in a false position myself, nor to put the Senator from California in a false position; but his utterances were such as to leave the impression that the gentlemen connected with this exhibition had been imputing a want of ardor on the part of the Secretary of State; that it was an improper want of ardor; and I only wish to state that, so far as I know, no gentleman connected with the exhibition has ever made such an imputation upon the Secretary of State. If there was a mistake about the construction

of the law, either by the Secretary of State or by our ministers, that is an entirely different thing from an imputation of want of interest in the exhibition; for the Secretary of State, in the very letter which I read, expressed the warmest interest in it.

Mr. SARGENT. I simply intended to be understood, and I think the Senator could have no difficulty in understanding me if he had been listening to me, that it was alleged that the Secretary of State made a mistake in the construction of this law, and consequently had not sent so warm an invitation to other powers as the gentlemen having charge of this exposition desired. That I said. That I now say. That I understand to be the position of Pennsylvania gentlemen, and I wished to show, and I intended to read the law to show, that the Secretary of State had exactly complied with that which we required at his hands, and made no mistake in the construction of the law; but it was to the question of mistake and not to the question of interest or intent that I spoke.

Now, let us see what the law required him to do. I say, so far from making a mistake in not issuing this invitation early enough or not issuing an invitation warm enough, I think if there was any mistake it was in going too far entirely, in not waiting until, in the language of the law, there was suitable provision made for the erection of buildings by the Philadelphia or Pennsylvania authorities for the purposes of this exhibition.

Mr. SCOTT. The Senator totally misapprehends the source of mistake. If he will refer to the remarks I made, I think he will find that the mistake which was made and which is sought to be corrected was not the mistake of the Secretary of State, but the mistake of the consular officers and ministers to whom this invitation was sent out.

Mr. SARGENT. The Senator now is talking about an entirely different matter, and I may remark upon that before I get through if it occurs to me; but it is a matter of entirely minor importance whether the consular officers did consider themselves each one a missionary in foreign countries to the Imaum of Muscat and the Khedive of Egypt to give them, with their barbarous understanding of such invitations, warm invitations to come to hospitable America and visit our exposition, they flamingly representing the attractiveness of America and our desire to embrace them upon our own shores; but the Secretary of State reminded them in a circular letter that his letter was not intended to invite them to any such frantic efforts. I say if that is worth remark I will remark on it by and by. I think the Secretary of State was perfectly right in cautioning these gentlemen, many of whom are untrained in diplomacy, who are inexperienced in these matters, who do not know how to use the stately and cold phrase which comes from the old courts of Europe when they come to us with invitations for their exhibitions. He did perfectly right in calming down their enthusiasm, and saying to them in plain, practical language, "Gentlemen, go slowly; I did not intend anything of the kind, and I do not desire you to speak for me in that way."

But the point I am speaking about is whether the Secretary of State made a mistake in the document which he himself sent out to foreign nations commending this exhibition to them, whether he did not go just as far as the law authorized him to go, and if he had gone further, whether really it would not have been a mistake and perhaps a censurable mistake, caused by erring on the other side; and it is to that error and not any question of intent that I desire to address myself.

Section 8 of the first bill passed on this subject requires—

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, &c.

Before I read the rest of it let us go back. This language is expressive: "That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose." Now has any such information ever come from the governor of the State of Pennsylvania? Has there been provision made for the erection of suitable buildings for this exposition? It is confessed that they have taken only subscriptions, many of which it is known will never be collected, a mere form. A large percentage of the subscriptions made for all such purposes never are collected. The obligation to pay them is imperfect, reposing rather in honor than otherwise; and the accidents of business prevent men from redeeming their promises of that kind frequently, and a panic has intervened which has crippled many. So the amount to be realized of this million and a half of subscriptions must fall very short indeed of the amount subscribed. But the only amount which there was a certainty they would get, a million and a half, was not pledged for suitable buildings for this exposition, and the governor of Pennsylvania knew the fact and ought not to have certified that there was provision made for such suitable buildings, if he has so certified; and I criticise him fearlessly and boldly in this matter, because I am confronted with the proposition, "Shall millions of money be taken from the Treasury of the United States?" I cannot afford to handle such a question with kid gloves. I mean to say just what I think, and I say the governor of Pennsylvania never should have so certified when the million and a half given by his State and city was not for the purpose of the exhibition or for suitable buildings, but was simply for a memorial hall, there to remain, and which might not be at all adapted to the purposes of the exhibition, and if it were is inadequate. Both the Secretary of State and the President of the United States, in taking such a suggestion as that, certainly went as far and as quickly as the law would allow them to do.

The law says that this important preliminary being done, the President shall, through the Department of State, make proclamation of the same, setting forth—what?

Setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners for publication in their respective countries.

Is there anything there said as to a letter of invitation to them? Is it there said that they shall be "cordially invited, in the name of the United States, to an exhibition to be held under the auspices of the United States?" Is he required to do anything more than to send to them a copy of this proclamation of the President, which is not addressed to them at all and not intended by the law to be addressed to them? Why do gentlemen say that the Secretary of State, or anybody else, made a mistake in the construction of this law? Let us see what the proclamation is, and see if the manifesto does not come up to the phrase of the statute:

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the independence of the United States, by the holding of an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, in the year 1876, it is provided as follows.

Then it recites the statute, which I will not now repeat.

And whereas his excellency the governor of the said State of Pennsylvania did, on the 24th day of June 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and whereas the president of the United States centennial commission has officially informed me of the dates fixed for the opening and closing of the said exhibition and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, A. D. 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States.

That was as far as, by following the strict phrase of the statute, this proclamation may well have proceeded. Anything further than that was beyond the statute. Anything further than that was simply an exhibition of executive interest in the matter, which perhaps the President might properly express if he saw fit, but which we did not require him to do by anything that we put in the statute. But he goes on and says:

And, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 3d day of July, 1873, and of the Independence of the United States the ninety-seventh.

[SEAL.] U. S. GRANT.

There is nothing said in the statute about commending it to other nations; but simply that a copy of the proclamation and a copy of the regulations which might be prescribed by the corporation having it in charge should be sent out. Now, sir, the question is whether this commendation to other nations is not as far as our national dignity will allow us to go. I have in my hand, which I received this morning from the Department of State at my request, a copy of a translation of the document from the legation of France to the United States in March, 1865, and it proceeds with cold and stately formality to notify the Government of the United States that France has decreed, in its wisdom, that it will hold an exhibition, and that it has appointed certain high officials, with many ascriptions to their glory, to celebrate it, and asks us if we will not send some commissioners to take charge of our interests in the matter; and that is all. There is no invitation for us to come there. I will read a portion of this—it is somewhat lengthy—to show the style of the document which they sent:

SIR: By two decrees, dated the 22d June and 1st of last month, the Emperor has ordered that a universal exhibition of the productions of agriculture, manufactures, and the fine arts should be opened at Paris the 1st May, 1867. Another decree, also issued the 1st February of this year, and published in the Moniteur the 21st of the same month, has placed this grand international solemnity under the direction and supervision of a commission, the presidency of which has been confided to his serene highness Prince Napoleon. Such a selection bears too high testimony to the importance which the Emperor attaches to the success of this universal exhibition to leave any need to dwell upon it. As to the commission, it is composed of several of His Majesty's ministers, of high functionaries of state, as well as of the most competent of notable individuals. The government of His Majesty charges me to give notice officially of these aforesaid decrees to the Cabinet of Washington, to invite its valuable concurrence, and to designate an authority with which the imperial commission could have a direct understanding.

It would also be of advantage, to avoid all loss of time——

Mr. SCOTT. Does the Senator say that is not an invitation?

Mr. SARGENT. I do. It is not an invitation to come; it is simply inviting our concurrence in the coldest manner:

It would also be of advantage, to avoid all loss of time, that the Government of the United States should make choice at Paris of an agent who would be specially delegated to be near his serene highness the Prince Napoleon.

And then they go on to show that this mode of proceeding would be convenient for all concerned; and there is nothing there more

strong, a greater departure from diplomatic formality, than this language of the President where he says:

And in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part in the same.

The proclamation of the President was exuberant compared with the coolness of this other document. Of course, in this French document we are called upon to contemplate his serene highness Prince Napoleon and the other magnates who have charge of the enterprise; and we are especially informed that the Emperor by two decrees has said there shall be an international exposition; and that is all there is of it.

Here is a copy of the document which came on behalf of Vienna:

WASHINGTON, *June* 29, 1870.

Mr. SECRETARY OF STATE: By a resolution of May 24, His Majesty the Emperor and King, my august sovereign, has accepted the proposal of the imperial and royal minister of commerce, to open at Vienna, in the spring of the year 1873, an international exposition of products of agriculture, industry, and the fine arts.

I have received the order to inform you of this, Mr. Secretary of State, and to beg you to be pleased to bring this plan to the notice of the proper United States authorities, requesting them to contribute to the success of this enterprise, which is calculated to develop commercial and industrial relations between this country and Austria.

I shall not fail, Mr. Secretary of State, to furnish you, from time to time, with detailed statements regarding the manner of carrying out this design.

Finally, I beg you to have the kindness to inform me how far the Government of the United States is prepared to receive it favorably; and to accept the renewed assurances of my very high consideration.

LEDERER.

Is that any warmer than this of the President, which allow me again to repeat, for I know it must be pleasing to the ear of Senators who have this exhibition at heart:

And in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part therein.

In the interest of peace, civilization, domestic and internal friendship and intercourse, I commend the celebration.

Now, who says the President did not go to the verge of the law, and did not go as far as diplomatic propriety required? He went as far as the dignity of the United States required him to go; beyond that would involve obligations he could not fulfill.

Again, here is the second and only other document sent to us on behalf of Vienna:

NOVEMBER 10, 1871.

Mr. SECRETARY OF STATE: Referring to the note which I had the honor to address you on the 22d of September, 1871, I hasten herewith to send you six copies of the programme for the international exposition which will be opened at Vienna on the 1st day of May, 1873, and a like number of copies of the classification and of the list of members of the imperial and royal commission.

I have just been directed to express to you, Mr. Secretary of State, the hope that the Government of the United States will be pleased to appoint, as it did for the expositions at London and Paris, as soon as possible, a commission charged to make the necessary arrangements for the participation of its citizens.

I beg you, Mr. Secretary of State, to have the kindness to inform me of the measures which the Government of the United States, according to the kind assurances contained in your note of October 6, will think proper to take in this matter.

I avail myself at the same time of the present occasion to reiterate to you, Mr. Secretary of State, the assurances of my very high consideration.

LEDERER.

If there is anything in this document which goes beyond what I have already read and reread, emanating from the Secretary of State in obedience to our statute, I should like to have some Senator point it out.

Mr. SCOTT. If the Senator will permit me I will point it out. They both ask the appointment of commissioners. The President's proclamation does not.

Mr. SARGENT. The bill you propose to pass does not. What do you say to that?

Mr. SCOTT. An invitation is sent. Of course it is to appoint commissioners.

Mr. SARGENT. That is still another invitation. The Senator, intending to be ingenuous, really did not intend by his argument in favor of this bill to prepare a way for commissioners, and consequently his suggestion is irrelevant. The bill, on the contrary, endeavors to quicken the pulse of the Government in the form of the invitation that shall be sent. Our phrase is too diplomatic, too courtly, to only commend in the interest of peace and civilization that which shall be done at Philadelphia, and consequently the President is requested—

To extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia under the auspices of the Government of the United States.

The corporation drops out entirely now. The $10,000,000 drop out. It is not under the auspices of a corporation in the city of Philadelphia. It is under nobody's auspices but the Government of the United States, and now for the first time it comes, and comes so strongly, that I said when I read the bill, and I said a few minutes ago, that if this bill passes, both as a Senator and as a member of the Committee on Appropriations having in charge the interests of the Government specially in that particular, I shall feel that my conscience is bound. It is a question of character, and I can hardly consider any appropriation extravagant which will properly carry out this purpose.

Under the auspices of the Government of the United States, in the year 1876.

This throws down all disguises. Now the Government is to go into this business. It now ceases to be a local matter; it now ceases to be of any consequence whether a corporation exists or not, or whether the city of Philadelphia wants its memorial art building for a perpetual record kept there and its funds devoted to that purpose. The Treasury of the United States is the cow that is to be milked; it is to be squeezed literally. The United States is the element which is now to be injected into the invitation; all is to be done under our auspices and at our expense; and Senators will see that they cannot now come forward with a bill like this without admitting—although they admit it for the first time, and in answer, reluctantly, to questions, first from the able Senator from New York and then from myself, after questioning which almost amounts to cross-questioning—that this bill really does mean some millions of dollars, and that the Government must pay it.

Now, sir, I object. I object on behalf of the dignity of the American people to doing more than other nations have in inviting people to this exhibition. I say that this is unnecessary, so far as calling the attention of other countries to it. But if this is a web to be entangled about our feet, if this is a net in which the Treasury is to be caught and emptied, then it is necessary, then it is a good opening-wedge. It may be driven clear to the head, and with the strongest blows, and the Treasury opened in consequence of it.

I suppose the time has passed when we ought to consider the question whether there shall be an exhibition to which all other nations shall be invited held at Philadelphia or anywhere within the limits of the United States in 1876. It is a great pity, I must say, that that exhibition occurs in that year. It is a great pity that the one hundredth anniversary comes during the year of a presidential contest. Why, sir, it is the year of all others when we wash our dirty linen. It is the year in which we exhibit the most unlovely aspect of American polities and of the American people. It is the year of all others, during every four, when the press is most inflamed, when the minds of politicians and all others are the most excited, when men become the most vituperative, when the most innocent things on the part of our political opponents are misconstrued and misrepresented. We invite Europe to come here to witness the mill where, metaphorically, bloody noses are the order of the day; where characters are torn in tatters; where the description of Dickens's Martin Chuzzlewit if it ever is realized—and he certainly was a keen satirist and saw things, if sometimes with an excess of humor, always with abundant truth—where the caricature which Dickens saw and portrayed in Martin Chuzzlewit will be exhibited on the grandest scale in America. Martin lands from the vessel in New York and he hears the cries of the newsboys:

"Here's this morning's New York Sewer!" cried one. "Here's this morning's New York Stabber! Here's the New York Family Spy! Here's the New York Private Listener! Here's the New York Peeper! Here's the New York Plunderer! Here's the New York Keyhole Reporter!"—

Which, I suppose, means the New York Sun—

"Here's the New York Rowdy Journal! Here's all the New York papers! Here's full particulars of the patriotic loco-foco movement yesterday, in which the whigs was so chawed up; and the last Alabama gouging case; and the interesting Arkansas dooel with bowie-knives; and all the political, commercial, and fashionable news. Here they are! Here they are! Here's the papers, here's the papers!"

"Here's the Sewer!" cried another. "Here's the New York Sewer! Here's some of the twelfth thousand of to-day's Sewer, with the best accounts of the markets, and all the shipping news, and four whole columns of country correspondence, and a full account of the ball at Mrs. White's last night, where all the beauty and fashion of New York was assembled; with the Sewer's own particulars of the private lives of all the ladies that were there! Here's the Sewer! Here's some of the twelfth thousand of the New York Sewer! Here's the Sewer's exposure of the Wall street gang, and the Sewer's exposure of the Washington gang, and the Sewer's exclusive account of a flagrant act of dishonesty committed by the Secretary of State when he was eight years old, now communicated, at a great expense, by his own nurse. Here's the Sewer! Here's the New York Sewer, in its twelfth thousand, with a whole column of New Yorkers to be shown up, and all their names printed! Here's the Sewer's article upon the judge that tried him, day afore yesterday, for libel, and the Sewer's tribute to the independent jury that didn't convict him, and the Sewer's account of what they might have expected if they had! Here's the Sewer, here's the Sewer! Here's the wide-awake Sewer; always on the lookout; the leading journal of the United States, now in its twelfth thousand, and still a printing off. Here's the New York Sewer!"

"It is in such an enlightened means," said a voice almost in Martin's ear, "that the bubbling passions of my country find a vent."—*Dickens's Martin Chuzzlewit*, pp. 155, 156.

And these bubbling passions are most active during a presidential campaign. Of course that is a caricature. And yet will anybody look back two or three years ago, when the fight was between Mr. Greeley on one side and General Grant on the other, speaking in ordinary parlance, and do we not all remember column upon column of billingsgate, of refuse, of which this is hardly a caricature? Mad passions get excited and run away with men; no man's character is safe at that time. I say, in 1876 we exhibit the most unlovely aspect of ourselves during the four years; and from April to October, if I have the dates correctly, during the time when this excitement runs highest, when these bubbling passions, as the American citizen said to Martin, are most effervescent, we invite all nations to come here and observe the beauty of our institutions; hear us glorify ourselves; hear us talk on the 4th of July of our grand institutions, of the glories that cluster around the American name, of the purity of our form of government, of our admirable administration of national affairs; and then on the 5th day of July, and from that on until November, to arraign every man in office, and every man out of office who seeks to get in, as a scoundrel of the deepest dye; so that a foreigner who takes up any political paper will find there slanders of

the most hideous character against political opponents on one side or the other, it matters not which, all mixed up in one seething caldron of defamation, of spite, of lies, and of mischief.

Now, sir, I wish to God, if these foreigners come here, it could be the year before or the year after. It should have been the year before, before the passions were excited, or the year after, when they had subsided; because, really, there is very much that is commendable in the American people, even in their political opinions and movements, and even in their political rivalries; and there is very much that is enterprising and commendable in the press. But these disorders run riot on an occasion like this, and therefore it is badly chosen, and I add that as another reason to those given by the Senator from Massachusetts, and I perhaps can do so more freely than he can, why this time is ill chosen, and this ought not to be made the occasion of inviting all nations here.

I have talked at much greater length than I intended, Mr. President; but I look upon this as the last moment, the last opportunity in this or any future discussion on this subject, when we can protect the Treasury. If this bill is passed, the only question after that is how much money is needed, and to give it with the best grace. I shall yield; I shall capitulate to my amiable friend from Pennsylvania, [Mr. SCOTT,] if this bill passes. I may sometimes think that we are extravagant, that when we have reached the twentieth million this is really too much—that my worst forebodings are realized. If it comes up to $25,000,000, I rather think I shall growl; but I certainly cannot object to $3,000,000, I cannot object to five; I cannot object up to the limit of seventeen and a half millions, which was the cost of the Vienna exhibition. Up to that point, for one, I must consider myself committed; and I take occasion to say now that, if this bill passes, the honor of Congress is involved, not simply to the projectors of this celebration, but to the nations of the earth, to expend this amount to make the warm, gushing invitation which we shall issue be realized in the feast which we shall set before them.

Mr. MORRILL, of Vermont. Mr. President, undoubtedly the exposition of 1876 is to come off. It will certainly be held, and it ought to be held. It would be discreditable to us as a nation if in one hundred years we cannot have a national exposition of the fruits of our industry, genius, and talent. The only question is now, shall it be a success or a failure? My own impression is, that if it is to go on under present auspices it will be a failure; and in order to rescue it from that position, I propose the following amendment to the bill now pending. I move to strike out in the bill on line 3, after the word "extend," all to and including the word "exposition," on line 6; and to insert what I send to the Chair. I ask that the bill be read as it would then appear with the amendment.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Vermont offers an amendment by way of perfecting the bill, before the vote is taken on the substitute of the Senator from Massachusetts, which will be reported.

The SECRETARY. The proposed amendment is to strike out from the word "extend," in line 3, to the word "exposition," in line 6, the words "in the name of the United States a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition;" and in lieu thereof to insert "respectful and cordial invitation to the governments of each one of the United States to be represented and take part in the national exposition;" so as to make the bill read:

That the President be requested to extend a respectful and cordial invitation to the governments of each one of the United States to be represented and take part in the national exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876.

Mr. MORRILL, of Vermont. Mr. President, this reduces the magnificent scale upon which this exposition is to take place, from an international to simply a national exposition. If we are to have an international exposition, it ought to be at New York. There foreign governments would be introduced to our country through one of the most magnificent bays, not even excepting the Bay of Naples, that the world possesses. And if held there, there are sufficient accommodations for a cloud of visitors. But let such a crowd as ought to appear at an international exhibition upon the formal invitation of the Government come to Philadelphia, and how can they be accommodated? Five thousand would exhaust all their hotel accommodations; and if this is to be a success, we ought to have at least ten thousand visitors a day to attend it for months and months in succession.

Then again, Mr. President, the encouragement of our people to attend a national exposition would be far greater than it possibly could be to attend an international one. Patriotic impulses would kindle the enthusiasm of our people. At an international exposition the articles exhibited from abroad would be almost exclusively the work of skilled hands; and it is undeniable that in this country in point of skilled labor we are at present behind the European nations. They have not only had an experience of a thousand years, but there labor is valued at so much less than labor is here per day that they can afford to expend a larger amount of time upon articles of art and other products of superior excellence than we can. It is true that we are rapidly progressing, and if we wait until 1880 we shall unquestionably be much better prepared for an international exposition than we shall be in 1876. Every day we shall have less and less to fear from competition. I do, however, desire to see congregated at Philadelphia, which is eminently the place for a national exhibition because it is a city of larger manufactures in proportion to its size than any other in the country, such products as can be contributed from all parts of our Union. If we do this, I feel sure of a display of which we shall not be ashamed.

But, sir, I am somewhat surprised by the exposition made by the Senator from California in relation to this matter. Clearly the State of Pennsylvania and the city of Philadelphia, if that Senator is not mistaken, have managed this business somewhat craftily, to say the least of it. They appear to have so managed that, if the Government of the United States now shall contribute or furnish funds to its success, and there shall be any loss in consequence, the whole loss, or the chief part, will be thrown upon the Government of the United States. The contributions made by Pennsylvania and by Philadelphia, according to the statement of the Senator from California, appear to be confined to an art gallery, or a memorial hall, which is to remain there after this international exposition shall have closed. If that is to be the case, it is manifest not only that the Government of the United States will be reluctant to contribute anything, but that other States will be reluctant to contribute anything, and for the same reason. This does not come up to the bold and generous manifesto made by the representatives of Pennsylvania and Philadelphia. They, perhaps improperly, assumed at the outset that they wanted no money from the Government of the United States, and that they would bear the whole expense. I do not think it would be proper for the State of Pennsylvania or the city of Philadelphia to bear the whole expense. I should be perfectly willing to contribute any reasonable amount on the part of the United States to insure the success of this measure as a national exposition; but whenever any money shall be contributed for that end, I shall insist that the money contributed by Pennsylvania and by Philadelphia shall go into the same treasury, be appropriated to the same object, and subject to the same profit and loss.

But, sir, as I said in the outset, I do think that a national exhibition here in our own country in 1876 is a reasonable and proper thing to be provided for, and I shall be willing, so far as my vote is concerned, to do anything that is proper in order to insure success, and a great success; but there is nothing in the future more certain than that this is to be a stupendous failure as an international exhibition. We may invite large numbers, but they will not come.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Vermont.

Mr. SHERMAN. What is the amendment? Let it be read.

Mr. MORRILL, of Vermont. I think the Senator from Pennsylvania, who usually sits at my right, but who is not now in his seat, [Mr. CAMERON,] will accept the amendment which I propose. He assured me that he would.

The CHIEF CLERK. The amendment is to strike out the words, "in the name of the United States a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition;" and in lieu of these words to insert "a respectful and cordial invitation to the governments of each one of the United States to be represented and take part in the national exposition."

The PRESIDENT *pro tempore* put the question, and declared that the ayes appeared to prevail.

Mr. SCOTT. My colleague, who has charge of this bill, I thought was in the Chamber a moment ago, and I shall call for a division on the amendment for the purpose of having him in the Chamber. As the Senator from Vermont has stated that he has his assent to this amendment, I do not wish it to be acted upon in his absence. Moreover, if there is no other Senator wishing to take the floor on this question, I have some things to say in reply to the Senator from California; but I do not wish to occupy time now if other Senators desire to speak upon the bill.

Mr. SHERMAN. An objection occurs to me, that by changing the name here the result may be to impair the subscriptions already made by private individuals. Certain persons have subscribed to an international exposition, which has a definite meaning, and, if we now change the name and apparent object of this exhibition, they may refuse to pay their subscriptions. I submit to Senators whether this amendment will not defeat every appropriation that has already been made, every subscription that has been made by any individual, by changing the name and designation of this corporation. It has been incorporated as an international exposition, and to carry out that purpose $1,500,000 have been subscribed by individual citizens; and the State of Pennsylvania and the city of Philadelphia have made conditional subscriptions. Now, if Congress changes the name and object and designation of this corporation, the result may be to discharge every one who has subscribed to it. I submit that consideration to the Senators who are interested in this matter. I do not say how I will vote upon it. I am informed that $1,500,000 have been subscribed to this corporation in the nature of stock, payable in money it is true, but still in the nature of stock liable to assessment. This change of the name, designation, and objects of the corporation will undoubtedly discharge all these private subscriptions.

Mr. CAMERON. I should be glad to have the amendment read.

The Chief Clerk again read the amendment.

Mr. CAMERON. Mr. President, I thought I could accept that proposition; but as it reads now I cannot. I think it would lose to us all the subscriptions we have already obtained. As I understand it,

the State of Pennsylvania and its people have subscribed $3,500,000. I am very sorry that I cannot accept the amendment; but it would change the whole character of the exposition—if that word will suit the Senator from Massachusetts; I would rather have some other myself, but he understands words better than I do—and would prevent us from receiving the money which has already been subscribed. I will say, however, that the gentlemen who have this matter in charge have assured me that, under no circumstances, will they ask or receive from the Government more than $3,000,000. They will not ask a dollar during the present fiscal year, and they will only ask that money be paid as we pay from the State of Pennsylvania and from other States an equal sum of money.

I thought the amendment related merely to the mere name or form. I do not care whether it be called a State exhibition, or a United States exhibition, or an international one. To my mind there is not much difference in the terms. The people of the United States are going to celebrate the one hundredth anniversary of their existence as a nation. They invite the whole world to come and see them. If the people of any part of the world come, they will be treated kindly and liberally, and with all the hospitality that we can extend. If they do not come, there will be no harm done to us, and we shall not complain. I am sorry that I cannot accept the amendment.

Mr. MORRILL, of Vermont. The Senators from Pennsylvania of course are the best judges of what they want. It seems to be almost the universal sentiment outside of Pennsylvania, I believe, that if this is to go on under the term of an international exhibition it will be a failure, while it might be a success if it was a national exhibition.

The Senator from Ohio, by what warrant I fail to perceive, declares that if this amendment is adopted, persons who have subscribed to stock in Philadelphia for the international exhibition will thereby be absolved from all their subscriptions. Why, sir, this bill does not refer to any act that has passed heretofore. It merely empowers the President to do, what? To extend an invitation to foreign nations. My modification is that he shall extend an invitation to the States. How is that to absolve anybody from any subscriptions to any stock company in the world? It seems to me that it is an utter absurdity to claim that this bill, which only proposes to extend an invitation to foreign nations, will relieve the stockholders of the company when it shall be modified merely to give invitations to the several States. I trust that no Senator will be frightened by that idea, even if it were true, for if the Senator from California is not mistaken, those subscriptions are merely for a private, separate, and independent purpose, namely, to establish and build a memorial hall or an art gallery that is to remain upon the ground after this exposition shall have taken place; so that if in fact the effect of the amendment proposed by me were to be precisely what it is represented, it would have no effect to alarm me in relation to the propriety of its adoption. The Government of the United States, as I understand it, if they contribute under the present subscriptions that have been made, are to stand the entire loss or gain of the exposition. But, sir, I should regard it as discreditable to our country if we should not have a successful exhibition in 1876, and it seems to me clear that there can be no success unless we attempt that, and nothing more.

Mr. SCOTT. I have already said that before this debate is closed I desire to make some reply to the statements of the Senator from California. I do not rise to reply to them now, but to call attention to the terms of the original bill, to satisfy the Senator from Vermont that the amendment which he now proposes is entirely unnecessary, and will accomplish no more than that which is already in the bill. The original bill provides for the appointment of two commissioners, to be nominated by the governors of the several States and appointed by the President; so that every State in the Union is already represented in the centennial commission by the commissioners appointed by the governors of the States. The commission is organized; and thus in effect the invitation has already been extended to, and accepted by, every State in the Union. Now, again, to go through the formality of extending an invitation to States that are already represented by commissioners, it seems to me would be calculated, even if not intended by the mover of it, to bring this bill into almost contempt by repeating what we have done heretofore.

Let me say further that the Senator from Vermont is anticipating altogether what is not before us. It is taken for granted that if this bill be passed there will be an appropriation asked. Let that be so, let that be taken for granted; but the terms of that appropriation we are not considering now. If any Senator here, or if all the Senators here, desire that the Government shall take stock in this corporation, certainly nobody interested in the centennial exposition will say no to it, so that the Government shall have every opportunity of participating in the profits as well as in sharing in the losses, if there be any. Indeed, there can hardly be any terms proposed with reference to the security of the money and the supervision of the money, that is to be appropriated by the General Government, that would not be accepted by the honest and honorable business men who have charge of this transaction.

The question of whether it is to be a national exhibition or an international exhibition is properly before the Senate; for if this invitation be extended to foreign governments of course we expect it to be an international exhibition. Upon that question permit me to say to the Senator from Vermont that the Senators from Pennsylvania, apart from the local interest which their people feel in the character of the exhibition, feel that their character and their honor are no more involved than those of the Senators of any other State in the Union. If the Congress of the United States, under the circumstances, looking at all that has been done, and looking at the invitations which have been accepted, think the time has arrived when we should withdraw what has been accepted as an invitation, withdraw from what may be considered as an awkward predicament, let the responsibility rest upon the Congress of the United States for doing so. We have endeavored to present it here, not by any craftiness either upon the part of Pennsylvania or Philadelphia or any of our people, but in the desire to have it fairly understood, intelligently considered, and decided as becomes the honor and dignity of a great nation; and let that decision be what it may, we shall feel that we have done our duty in presenting it to Congress in the light in which we view it. I do not and I will not permit myself to anticipate the remarks which I propose to make in reply to some things which have been said, that at least insinuate that Pennsylvania and Philadelphia have been engaged in a business which is derogatory to the character of either of them. I shall have something to say upon that subject before the debate closes, as I understand there are other Senators who desire now to speak upon it.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Vermont.

Mr. SCOTT. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. I merely desire to say that the bill as it now stands emphasizes the fact that this is to be an international exhibition. Desirous as I am for its success, I wish to change it merely to a national exhibition.

Mr. STOCKTON. I do not rise to speak upon the bill, but to make a suggestion simply in reference to the amendment. I may say if this question were presented here for the first time, the suggestion of the Senator from Vermont would have great force with me. I do not say that it has not as it is; but I desire to call his attention to the fact that an international exhibition was authorized under the auspices of the United States, and certain invitations, or partial invitations of some kind, such as were taken to be invitations, were given to foreign governments to join in an international exhibition. The Legislatures of several States, I think, have instructed their Senators and requested their members to advocate this international exhibition. The Legislature of my own State since this debate has commenced has appropriated $100,000 as a State subscription to this international exhibition, which I presume is a law at this moment.

Now a bill is introduced, the whole object of which is, judging from its face, without a regard to what may be presumed will follow it, to authorize the President of the United States to make that *quasi* invitation which, by a singular circumstance or misunderstanding, has already been given, a cordial, earnest, and respectful invitation. That being the whole object of this bill, when that is before us, the amendment of the Senator from Vermont is that the President of the United States be authorized to invite the States, some of whom have already subscribed $100,000, and who have been invited, who are part of it—to invite them to what? To the national celebration. Where is there any national celebration? Has Congress authorized any national celebration? Has anybody ever heard of any national celebration to be held in 1876?

Even supposing that the Senate should be of the opinion that we had better have had this originally a national and not an international celebration; supposing the Senate should be of the opinion that it is better now to change it, my suggestion is that the amendment as worded in altering that act not only, as was stated by a Senator on the other side of the Chamber, is of no use, as inviting parties who are a part of it, parties who have been invited already, but it applies to nothing whatever, because there is no such celebration which Congress has authorized, nor has anybody suggested, until this debate arose, that there should be any; and before we authorize the President to invite States, or anybody else, to a national celebration of that event, we ought in some way to ascertain the fact that there is to be one, or we ought to authorize this company by changing its title to change itself from an international society of exhibitors to a society for a national exhibition.

I simply wished to call the attention of the Senate to the effect of the amendment. There are many persons, I think, who agree with the Senator from Vermont, that it would have been much better in the beginning to have concluded to celebrate the natal day of our nation by a national rather than an international exhibition; but I cannot vote for the amendment as it comes before us now, because I cannot see that it applies to anything or has any definite meaning.

Mr. SHERMAN. I simply wish to say to the Senator from Vermont that there can be no doubt, in my judgment, that the legal effect of this proposition, if it is followed by an appropriation for a national exposition, is to discharge every subscription of stock to the international exposition. Why, sir, it is the ordinary case of a corporation charter to construct a railroad, say from New York to Philadelphia. If it should be subsequently changed to a corporation to construct a railroad from New York to Trenton, the subscriptions under the previous charter could not be enforced to build the shorter road. It is an ordinary case which may occur; and I have known changes of the kind. Any change of the plan, name, organization,

or object of a corporation, will prevent the collecting of subscriptions that have been made for the previous corporation.

Mr. MORRILL, of Vermont. The Senator refers to some subsequent act making an appropriation as being possible; and yet this bill, so far as it is concerned, does not refer to any previous act or anything that has been done. It only proposes to give an invitation. I propose to confine that invitation, so that the celebration shall be a national instead of an international one.

Mr. SHERMAN. I agree perfectly, so far as this particular bill is concerned, that it would not have much effect. This bill is simply intended to commit Congress to take charge of this international exposition and pay the expenses of it. I understand that perfectly. Whether I will vote for it or not I will determine after I hear the arguments upon it. But there is no doubt at all, if this law is to be followed by appropriations to carry it into effect, and those appropriations are made for a national, and not an international exposition, the two being distinct and different, different objects, the effect would be to discharge those who have subscribed to the original corporation created by the law, with the purposes defined by law. I am told, by a member from Pennsylvania, that subscriptions to the amount of $1,500,000 have been made by citizens of Pennsylvania alone to the stock of the corporation created by Congress. Certainly if there is any change like this, to be followed hereafter by appropriations to a national exposition, these stockholders may come in and say, "We subscribed to the stock of an international exposition; we do not choose to pay to this one."

Mr. MORRILL, of Vermont. Does the Senator understand that those subscriptions are made for this exposition or merely for a memorial hall?

Mr. SHERMAN. I understand distinctly that the subscriptions made for the memorial hall are made by the city of Philadelphia and the State of Pennsylvania. But the subscriptions made by private individuals are to the stock of a company chartered by Congress, in which they agree to pay so much money. Perhaps the Senator from Pennsylvania can explain it.

Mr. STEVENSON. May I ask the Senator from Ohio how many subscriptions there are outside of Philadelphia and Pennsylvania?

Mr. SHERMAN. I cannot say.

Mr. STEVENSON. I have been unable to find out in any paper which has been laid before us. If there are any I should like to hear it.

Mr. SCOTT. Upon the point stated by the Senator from Ohio, let me call attention briefly to the act of incorporation of the centennial board of finance, so that Senators can judge for themselves the effect which this amendment, and an appropriation following it, would have, if the board of finance, the corporation, were to proceed to enforce these subscriptions after the character of the exhibition shall have been changed. The act begins with this preamble:

> Whereas Congress did provide, by an act entitled "An act to provide for the celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876," approved March 3, 1871, &c.

And then it proceeds to recite the further purpose of the exhibition, and then the first section, after the enacting clause, reads thus:

> That there is hereby created a body-corporate, to be known by the name of the centennial board of finance, and by that name to have an incorporate existence until the object for which it is formed shall have been accomplished.

That is, until this international exhibition shall have been held.

As I have risen upon this subject, let me say that the question of the Senator from Vermont suggests a misapprehension upon his part. The $1,500,000 subscribed by the citizens of Philadelphia and of the State is subscribed as corporate stock in this corporation, and there is no condition whatever which connects that with the building called a memorial hall. That building is to be erected by the appropriation made by the State of Pennsylvania and by the city of Philadelphia. It is to be placed under the exclusive control of the authorities controlling this centennial exhibition, and used entirely under their control for the purposes of the exhibition, and is to remain in that park as an art gallery, free forever to all persons from all portions of the United States. I do not wish to enter into any discussion as to what has been said about that subscription, but simply wish to remove the misapprehension which has been suggested as existing in the mind of the Senator from Vermont and which may exist in the minds of others.

As to the amount of the subscriptions, in answer to the inquiry of the Senator from Kentucky, I am not aware of any very considerable amount outside of the State of Pennsylvania. I have been informed that a certain amount, not a very large amount, was taken in the Territory of Arizona. I do not know how much that is. The Senator from New Jersey refers to an appropriation made, I believe, by the Legislature of New Jersey of $100,000. Whether that is authorized to be subscribed as stock in this corporation or not I am not aware.

Mr. FRELINGHUYSEN. It is stock.

Mr. SCOTT. It is authorized to be taken as stock; but upon that whole subject of stock or other appropriations there is no reluctance whatever, I again repeat it, upon the part of those connected with this centennial exhibition, that any appropriations that are made shall be made stock. Indeed, it would be desirable that the whole of the stock should be taken in that form; and there is no intention whatever of making a request here that if there be a desire on the part of Congress that the Government shall be a stockholder that desire shall be frustrated.

Mr. President, the amendment of the Senator from Vermont brings before the Senate the question of whether we will again reiterate that this is a national exhibition. It is made national as broadly as it can be made by two acts of Congress.

Mr. CONKLING. International, you mean.

Mr. SCOTT. No; I am speaking first of its national character. It is made national by authorizing the appointment of commissioners by the President from every State in the Union and every Territory. Those commissioners are appointed. The second act of Congress, incorporating the centennial board of finance, also gave incorporators, two in every State at large and a number corresponding with the number of congressional districts, and they have been appointed; so that a national character is given to it by every feature of the bill. Then, in addition to its national character for organization and control, the international character is given to it from Alpha to Omega, in the title, in every section of it, and in the concluding section authorizing proclamation; so that the only question I think the Senate has at present to determine for the purpose of making our way clear in the future is, whether the international feature shall be stricken out of it.

Mr. CONKLING. Mr. President, it seems to me that we shall deny a fair hearing to the amendment of the Senator from Vermont if we decide against it on the ground stated by the Senator from Ohio. He objects to it because, he says, if we should adopt it and follow it by an appropriation for a national exhibition, we should in effect dissolve the existing corporation, or at least relieve from liability subscribers to it. Let use examine this suggestion for a moment.

The purpose of the pending bill was not ill-stated by some Senator who remarked that its object was to commit the Government to defray the expenses of this occasion. It chooses in terms to enjoin upon the President to invite foreign nations to come here in the name of the United States, and there it stops. Bearing in mind, then, the very narrow and little province of the bill, let us see whether the amendment proposed by the Senator from Vermont is at all open to the objection made by the Senator from Ohio. How does the Senator propose to change it? By enjoining upon the President to invite the governments of the States to participate in a national exhibition to be held at the same time and place. Suppose we adopt this, and suppose we appropriate hereafter one or three million dollars to defray the expenses of the celebration, in what manner is any subscriber relieved from the existing corporation? Not at all. Why? Because we have not changed even in the estimation of a hair any condition-precedent. Here is a corporation entitled the centennial board of finance. To that subscriptions have been made. If it were a condition-precedent of those subscriptions, or if it were embodied in the act of incorporation that all appropriations made by Congress should go to the nourishment and maintenance of it, and then by an amendment we divert those appropriations and cast them elsewhere, well might the Senator from Ohio say that stockholders or those proposing to be such in that incorporation might be discharged.

Suppose we adopt this amendment, and suppose we do follow it by an appropriation of money to hold a national exposition, does not everything provided by this existing corporation remain precisely as it is? Two acts establish this corporation, both of which, on their face, are without recourse to the United States, both of which file a caveat, giving not only presumptive notice and constructive notice, but actual notice, to every stockholder, to every subscriber, that in no event is the Congress of the United States, or the Government of the United States, to be called upon to pay one single shilling. Now can it be said that if for the purpose of a national celebration, although at the same time and at the same place, money be appropriated, we thereby have interfered with the vested rights of the stockholders in this corporation, one of the elements in which is that under no circumstances shall the United States be liable for a farthing?

Mr. President, I do not mean at this time, reserving as carefully my declaration in that respect as my friend from Ohio has done, until I hear this matter argued, to make any statement of my views on the general question; but I do insist (and I ask Senators to observe the amendment for a moment in that view) that the Senator from Vermont is changing nobody's rights, releasing no subscriber, doing no harm, by providing that the President shall be enjoined to invite the several States to participate in the celebration of the one hundredth birthday of the nation, instead of voting for the proposition as it stands, being an invitation to foreign nations to come and participate in an international exposition at the same time. I submit there can be nothing in that; and if we want to confine our appropriations hereafter to the less cumbrous and safer action contemplated by this amendment, I think we may vote for it without the slightest trepidation in respect to consequences which it may entail beyond that hereafter.

Mr. STOCKTON. I think the Senator from New York has not stated the position of matters as it strikes my mind. I think the Senator from Ohio was right, because if this amendment of the Senator from Vermont affects at all this proposition, if it refers at all to the centennial organization already created for taking charge of the international exhibition in 1876, then it is perfectly plain that this changes the objects and purposes for which it was chartered. If it does so, beyond all kind of doubt it cannot be disputed that the subscribers are released. If it does not refer to it at all, then in order to get the

benefit of any subscription given by Congress to the national society, they have got to change the character and purposes of it.

Mr. CONKLING. Allow me to understand my friend at that point. Does he mean to state to us that if by law we direct or request the President to invite the governors of the States to participate in a national exhibition on the 4th of July, 1876, at Philadelphia, we thereby in legal effect change any existing obligation so as to relinquish subscribers to the corporation known as the centennial board?

Mr. STOCKTON. I do mean to say (and that is just the point I was getting to) that when the gentlemen who are in the corporation change themselves so, by changing their name and purposes, as to receive and become the recipients of your subscription, or the bonus you give them, then they have violated the contract which they entered into with those who voted money in the State Legislatures, or who have subscribed stock. It so happens that an opinion covering that very ground was read this morning, in reference to a railroad question, in the Supreme Court. I do not understand that the Senator from New York and myself and the Senator from Ohio differ on the question of law, and that is the reason I do not discuss it; but I say that the amendment of the Senator from Vermont does not refer to this existing society at all; it refers to another; it refers to a national exhibition, a thing which does not exist. Therefore it can do no harm; it cannot violate the contract. But if you appropriate money to a national celebration, and these parties come in and receive that money, they have deprived their subscribers of the chance of making that money which they might have made by an exhibition of foreign goods. You have changed the whole scheme of their exhibition. You do not change it, I admit—the Senator from New York is perfectly right in his statement to that extent—by passing this amendment to this bill; but if they mean to make but one exhibition, and that one is to become national, which are the only terms on which this amendment suggests we are willing to make a subscription, then it is changed by their accepting it; and there cannot be a clearer case in the world, it seems to me. I think the Senator from New York will agree himself that by that change you lose the power to compel the payment of the calls when the scheme for which the subscription was made has changed its nature and character.

The Senator, I think, made this mistake: he said that because we had no right, or the subscribers to this stock had no right, to expect a subscription from Congress, Congress could subscribe this money to any society it pleased, and the stockholders had no right to complain. That is perfectly true; but still if, in order to get this money, they change the nature and character of the undertaking, then it seems to me perfectly plain that they have no longer the power in law to receive the calls which become due on the stock subscribed on their original subscription.

Mr. CONKLING. The Senator from New Jersey brings us now a long step nearer to the actual point. I think he came very near stating it exactly as I should contend for it. This is the state of the case: citizens of Pennsylvania and other States have obtained from the Congress of the United States what, for convenience, I will call a charter, incorporating them to hold an international exposition; they have received subscriptions to their stock. If they fail entirely to execute their corporate purposes, if they do not go on and hold this exposition or take appropriate preliminary steps thereto, undoubtedly they fall within the line of decisions to which the Senator has adverted. Why? Because they have forfeited their charter by their own action or non-action; not because now Congress shall choose, if it does choose, to appropriate money to hold a national celebration at the same time and the same place. I think we may very clearly discern from this that the purpose of the advocates of this bill is to enable, by dint of appropriations coming from Congress, this corporation to go on and execute its duties and maintain its rights; and that is all there is of it; and there the ways part. This amendment goes in one direction; the bill goes in the other. The bill, as it stands, is designed to enable this corporation to succeed in what it proposes to do, and to have the United States foot the bill. It means that they shall go on and attempt now what has been denominated a world's fair, that they shall invite every tribe and tongue to cross a trackless sea and bring their wares for exhibition on the 4th of July, 1876, and for months afterward, in the city of Philadelphia; and that the United States, first and last and all the time, not only as surety and indorser, but as principal, shall pay the bill. That is what this means. Why not say so?

The Senator from Vermont means by his amendment that if we are going to participate still further in this, now for the time being we confine our action to an invitation, to be sent out to the governments and people of the States, to assemble on the 4th of July, 1876, at Philadelphia, to celebrate, in such mode as may be adopted, the natal day of the nation on its one hundredth recurrence. Therefore my honorable friend fron New Jersey proves, as I conceive, and he proves only, that if, because they are unable to obtain appropriations from Congress, the managers of this corporation fail to execute their duties, or, to employ his word, change what they have undertaken to do, they will release their subscribers. No doubt of it. But this amendment does not direct them one way or the other; it leaves them as free as the air they breathe to go on and do precisely what they undertook to do, namely, hold this celebration or exposition, without in any way calling upon the United States to expend one farthing, whatever the peradventure or contingency might be. That is the nomination in their bond; that is what the stockholders all subscribed to. There we propose to leave it; and until an amendment of that charter is suggested, until something to cut up or unsettle vested rights is proposed, I maintain that our action has no influence whatever upon the rights or the duties legally of the managers of this corporation.

So, I say again, I shall vote for this amendment upon its merits, and vote for it as a thing wholly aloof from the question whether these corporators or managers are able to perform or whether they fail to perform what they have contracted to do.

Mr. STOCKTON. Mr. President, I did not rise to speak about the merits of this amendment; I had already stated that it struck me as a very wise suggestion; but I intimated to the Senator from Vermont that he was not carrying out his object and intention. Then observing that the point was being pressed upon the Senate on one side that the centennial society would lose the benefit of any future subscription or appropriation that might be made by Congress if they took it, because if they took it they would free their subscribers, I rose to give the weight of my thought on the subject to the fact that they would not benefit by anything that Congress could do or might do for them, without freeing the subscribers to this stock. That that is a technical difficulty which may be got rid of I do not deny; but I do insist that this amendment put in in this way at the present time on this bill is inappropriate and applies to nothing; and any appropriation made on top of it will put the gentlemen who have been incorporators in this society in a legal dilemma, in which no person, I suppose, wishes that they shall be placed.

In reference to the change of the character of this exhibition I do not mean to insist, as I said when I first rose, that it would not have been much wiser to celebrate the anniversary of the birth of this nation by a national gathering of our own people. I do not mean to say, and did not say, that it would not be wiser to do it yet. That is a question of some little delicacy on which I desire to hear other gentlemen speak before I make up my mind. I do not think that is effected by this amendment, and I cannot see the application of the amendment at all.

While I see perfectly well, and it has been frankly avowed by gentlemen who advocate this bill, that after this bill is passed it is expected that an appropriation will be asked for, yet at the same time it is a part, as stated by the Senator from New York himself, of this charter that they are to have no appropriation from Congress. The charter does not say that, if Congress choose to assist the exhibition and make an appropriation, they are forbidden from taking it; but it is no part of the vested right of any man who subscribed to that stock that he should share in any future appropriation of Congress. He has no vested right in that, but he has the vested right technically, poor as it may be, miserable as it may be, with no results, to hold the corporators to the scheme which they set out to perform, and therefore the suggestion we make is not against the merits of this amendment; it is simply that if the corporators are forced into the position of sticking to the original purpose that Congress, as well as these gentlemen, had in view, and we are going to make an appropriation for another and a different purpose, these parties cannot benefit by it without losing the original subscriptions they made under a different state of facts; and it was to bring before the Senate, before a vote was taken on this amendment, that precise condition of things that I rose; and the Senator from New York does not differ with me.

I think it will be a mistake to vote for this amendment as it is now introduced on this bill. I think it means nothing whatever. Although there may be an appropriation to follow it, it is, as I said, in itself nothing but a bill to authorize the President of the United States to invite the princes, potentates, and powers to come and assist in this feast. Now, if we do not want to invite them, do not do it, and do not pass the bill. If you do not want to invite the princes, potentates, and powers of the world to come and celebrate the natal day of this nation, why is it necessary for you to convert such a proposed invitation into a direction to the President of the United States to ask the States that have already subscribed, and are members of this corporation, to take part in a national exposition? If you want a national exhibition, bring up a bill for a national exhibition; if you want to subscribe to it, introduce an appropriation for the purpose of subscribing to it; but why this amendment should be put on this bill, where it has no possible business, I cannot imagine. In other words, any person who votes for the amendment ought to be willing to vote against the bill, because if you do not want to invite anybody, all you have to do is not to pass the bill. There is no necessity of inviting the States; for, as I said, they have been invited before, and have, some of them, become members of the corporation; and, as was said by the Senator from Pennsylvania, there are commissioners appointed by the States who are a part of this institution as it now exists.

I had no intention at this moment of discussing the merits of the bill or giving an opinion on the propriety of changing it. I preferred to listen and hear what other gentlemen said. It was a matter of delicacy, and I wished to advise myself on the subject. My sole object was to show, what struck me so clearly, that the adoption of this amendment would not have the effect which was intended, and that without putting difficulties, without putting obstructions, in the way of having the exhibition at all, or of making it national if that is

thought best, we ought to reject this amendment. If the good taste of the Senate and of the people, upon a little consideration, thinks that we had better make it national, be it so; but if we come to that conclusion, we do not want to put the gentlemen who are engaged in this matter into a dilemma; we do not want to have a difficulty with those who have been subscribing to the stock; we do not want to have an appropriation from Congress made to another institution while the present corporation is in existence and struggling along. There is no object in that; and therefore the proper plan is to have a resolution that this exhibition shall be called a national exhibition, and that on condition that it is changed to that we will appropriate such and such a sum, whatever may be deemed fit, and then have also a clause that it shall be under the auspices of the United States, and have a clause if you choose that the President shall assign an officer of the Army, of experience and talent, to take charge and make it a success. All these things may be done, done directly, done wisely possibly. If that is deemed in the best taste, let us do it in that way. But do not attempt to tack on to a bill to invite the other governments of the world, especially after the little matter of delicacy that has already occurred in reference to these invitations, an amendment by which the President is to do, asked to do, such a simple thing, a thing which is so entirely inappropriate, as inviting the States to a feast to which they are already invited.

Mr. MORRILL, of Vermont. Mr. President, the Senator from New Jersey claims that he does not apprehend the meaning of this amendment, and then proceeds to say that it means nothing. I will endeavor to state what my meaning was in introducing the amendment. It was as a friend of the exhibition of 1876; and if those who advocate this bill believe otherwise, they may go farther and fare worse.

The meaning of this amendment is to save at least $10,000,000 to the Treasury of the United States. What is the purport of this bill? It is to extend an invitation to all nations to appear here in 1876. Is it to be supposed that we are to invite every foreign nation to a feast and then provide nothing for it? It is indicated by those who advocate this bill that they are coming here for an appropriation. If they are coming here for an appropriation, if it is a proper one, I mean to vote for it. But the question is whether it would not be cheaper for the United States to undertake and carry on the whole expense of a national exhibition rather than to carry on the supplementary part of an international one. I think we could do it, and do it for $10,000,000 less than we can to carry on the international exhibition.

This bill has no other purpose than to commit us to an international exposition. My purpose is to rob it of that meaning and to place upon it a meaning which I can understand, and that is to have a national exhibition; and that is the whole of it.

Mr. CRAGIN. Mr. President, I cannot vote for this amendment, because, if it is adopted, the bill will be of no earthly account or use. It should be, then, voted down, for it is not necessary—has no connection, and no pertinence to this business—as was stated by the Senator from New Jersey. If the Senator from Vermont had moved to strike out the word "international" and insert "national," so as to authorize the President to invite other governments to be present at our national exhibition, not to take part particularly—an amendment that might have been framed to make the exhibition national instead of international—then we might have voted for it; but to merely authorize the President to invite the governors of the States, which are now fully represented in this intended celebration, is perfect surplusage, and to my mind it is ridiculous.

Why, Mr. President, the governor of New Hampshire is now one of the commissioners, and I think one of the finance committee in this undertaking; and to authorize the President to invite him, who is now a part and parcel of this exhibition, so far as it has already proceeded, is simply surplusage and a ridiculous performance. If we are opposed to this bill, let us vote it down squarely, and not make it ridiculous by any such amendment as this.

Mr. FERRY, of Connecticut. Mr. President, I agree very much with the suggestions made by the Senator from New Jersey and those of the Senator from New York, and yet also I must confess to some extent those of the Senator from New Hampshire; and I am driven to this incongruous agreement by the utterly anomalous condition in which we are placed here by this attempt at a peculiar species of legislation. This bill is here under false pretenses. It is not a straightforward, manly reaching out at what is intended to be accomplished. If the corporation which has been created for the purpose of taking charge of the finances of the centennial commission had come directly to us and asked for an appropriation of $10,000,000, and the good faith of this Government had been truly pledged to an international exhibition, I would have voted for the appropriation; but to come here in this way with a bill to get the President to invite foreign potentates to come here and witness our glorification of republican institutions, for the purpose of committing us, to begin with, to that international exhibition, and then subsequently let the appropriation slip in under other bills—this, I think, places the Senate in a position in which we need not be surprised at any incongruous and anomalous amendments.

Mr. SCOTT. Will the Senator from Connecticut permit me to do justice to his own State?

Mr. FERRY, of Connecticut. Certainly.

Mr. SCOTT. I feel that it is due to it at this time. The president of the centennial commission is an honored Representative in the other House from the State of Connecticut, and when this bill was introduced into the House, and under discussion there, he did freely, without equivocation, and boldly announce to the House of Representatives that this bill was the precursor of an appropriation bill; that it meant money, and that an appropriation bill would be asked for. That, I think, is due to General HAWLEY, of Connecticut.

Mr. FERRY, of Connecticut. I have a very high respect for General HAWLEY, to whom the Senator has referred, and for no characteristic of his have I a higher respect than his straightforward, manly frankness in doing that which he wants to do, and I have no doubt that he felt himself, or would feel himself, unable to sustain a bill of this character if he knew that under it was hidden the contemplation of a future appropriation of money without saying so in the outset.

But we have had the several acts of Congress which have been passed in reference to this subject-matter read before us here during the progress of the present discussion, and I do say that no man can shut his eyes so tight as not to see that there has been all the while an attempt, since 1871, to commit the Government of the United States to an international exhibition, while, at any rate until General HAWLEY announced the contrary, there has all the while been a studied assertion that the Government never should be called upon to pay a cent.

Now, sir, we have got to the point where we must go one way or the other. We have got to say that we will undertake this ridiculous business of an international exhibition in 1876, or this most appropriate business of a national exhibition. Sir, I stand among the foremost here and everywhere in calling upon this Government to celebrate its one hundredth anniversary all over the land. Hold, if you please, your central exhibition in Philadelphia, whence went forth the Declaration of Independence; but all over this land, in every village, in every township, along every valley, and on every mountain side, let our people celebrate the one hundredth year since the nation had its birth. But, sir, for God's sake, let us have our one hundredth celebration at home here to ourselves.

What are we going to do? The Senator from Pennsylvania [Mr. SCOTT] stood here on Friday and most nobly and eloquently discanted on the great deeds which were done on that day, nearly a hundred years ago, when republican institutions were born, from whence they went out to go triumphantly all over the world. From his glowing language you might well prophesy that within another centennial all kings and potentates and royal dynasties would be crumbled to the dust before the irresistible march of republican institutions; and in the next breath he wants us to have our President invite the kings and potentates and royal dynasties of Europe to come here the year after next and have us tell them so! Let us show a little good taste; let us not ask a man into our house, and then not only insult him with our lips, but kick him, too! No, sir.

I am in favor of a home exhibition of American industry on this day of our centennial. And I am in favor of the greatest celebration of the 4th of July on that day that the continent has ever seen. But, sir, I want, and upon this bill too, now that the opportunity is made, now that the word ought to be spoken, an end to be put by the Senate forever to this sheer humbug of an international exposition during the summer of 1876, at Philadelphia; and because the amendment of the Senator from Vermont affords me the opportunity of meeting this direct point of this question fairly, and of treating both centennial commission and the centennial finance corporation fairly and frankly, as I ought to treat them; to tell them what they may expect and what they may not expect; because this opportunity is afforded upon this amendment I vote for it; and if the amendment shall be carried, the Senators from Pennsylvania, members of the commission and of the corporation, will understand what is the intent of the Senate; will understand from this discussion that we are prepared to give them, at their goodly city, on the 4th of July, 1876, or during the summer of 1876, a home exhibition of home art and industry, displaying the altitude to which we have risen in all things that constitute civilization in a hundred years from our natal day; a day of shaking of hands; a day of congratulations with each other; a day when the North and the South shall come together and bury forever every bloody memory; a day when the East and the West shall forget that they have conflicting financial interests, and shall unitedly join in ascribing to the fathers the merit that belongs to them; and in giving thanks to the God of our fathers for the goodly heritage which they left to us.

Mr. MORRILL, of Maine. Mr. President, there are undoubtedly in the question before us, arising not so much now as in the past, complications which we cannot disguise, and which we ought frankly to meet. The proposition substantially presented by the Senator from Vermont is this: Will we change the attitude we held out to the American people and to the world as our purpose in the act of 1871, of holding an international exhibition, and hold a national exhibition? That is the purport of that proposition.

It is said that there are difficulties about that, arising from the pledges which have been made on the part of the Government of the United States, and further difficulties arising out of the action of Philadelphia, relying upon the attitude assumed by the Government of the United States. One general fact is apparent to us now, and that is, whatever expectations were created by the congressional act of 1871 it is clear are no longer the expectations of to-day. Whether the responsibility for that belongs to Congress, or belongs elsewhere, it is

not important for me to consider. But we are here now upon the question of inviting European powers to co-operate with us in an international exposition. We are now confronted by the fact, not then existing, which we had then no reason to believe would exist, that if that thing is done, it carries with it by necessary implication, and it carries with it beyond any disguise whatever, the fact that it involves the nation in a very large expenditure of money.

Now, Mr. President, as plain as anything can be, by the act of 1871 Congress did commit itself to an international exposition flat and square. It says so in so many words:

That an exhibition of American and foreign arts, products, and manufactures shall be held under the auspices of the Government of the United States.

And further on, in an independent section, it says:

That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expense attending such exhibition or by reason of the same.

Then clearly, so far as that act was concerned, it was a declaration on the part of Congress that the American people under its auspices shall hold an international exposition, at the same time that it explicitly declared, and probably to the satisfaction of all parties concerned at that time, that the Government itself, although it would lend its name, and its favor, and its countenance, and its protection, in no event ever would be called upon for the expenditure of a dollar of money. Now all these things are changed. It is manifest to-day that the international exhibition is a dead failure unless all that feature of this enterprise is abandoned. We have seen enough now of what took place on the other side of the water; we have seen enough of the international exhibition at Vienna to know that if Congress withdraws its protection now, this thing is necessarily by that fact an absolute and unqualified failure.

The question, then, is whether we will retrace our steps; now when we are confronted by the general fact that to go on is no longer, as declared by the act of 1871, to go on free of expense, but it is to go on with the recognized fact that we are to be involved in very large expense—how much, nobody has said, and from the nature of the case nobody can know, and, of course, nobody can say. Hence it is pertinent to inquire at this particular juncture—for taking the step now proposed we will not retrace it, we cannot retrace it, and we ought not to retrace it—and therefore this is the opportune time when the Senate of the United States must say whether it will not encounter what it did not expect to be obliged to encounter, the brunt and the expense of an international exposition, or whether it will stop here altogether, or whether, if not stopping here altogether, it will change the purpose of Congress as expressed by the act of 1871 and go for a national celebration.

It is said that if the proposition of the Senator from Vermont is adopted, it will necessarily undo a great deal that has been done on the good faith of the act of 1871 by the State of Pennsylvania, and by her patriotic and liberal-minded citizens. It is said that it would vitiate substantially the act of the Legislature of Pennsylvania of June 1, 1872, which is an act of incorporation to carry out the objects contemplated in the act of Congress of the year before.

Mr. SCOTT. The act of that date is an act of Congress.

Mr. MORRILL, of Maine. Then I am sure the argument amounts to very little. If they are both acts of Congress, then I do not see where the argument comes that the act will be vitiated. My impression was that it was an act of Pennsylvania.

Mr. SCOTT. No; it was an act of Congress.

Mr. SHERMAN. I understand them both to be acts of Congress. This corporation is a creature of Congress, organized to conduct an international exposition. Suppose Congress should change the purpose of the organization and declare that hereafter it should be taken as a national exhibition with the aid of Congress, undoubtedly that would be such a change in the objects of the corporation as to discharge the contracts made with the previous corporators under a different state of circumstances. Is there any doubt about that?

Mr. MORRILL, of Maine. No; but my point was this: if Congress, by the act of 1871, had created certain expectations and made certain public pledges to the State of Pennsylvania, and thereupon Pennsylvania had created by her legislation a corporation upon the pledge of the Government, then of course the Government would be bound, in good faith, to proceed in the line in which it was originally proceeding; but it turns out——

Mr. SARGENT. I would remind my friend that, so far from that, the State of Pennsylvania has not subscribed one dollar to this stock as far as we can learn. It has given a million, but that is for a private work.

Mr. MORRILL, of Maine. What I meant to say was, that if it turns out as it now turns out, that all legislation on this subject is by Congress itself, first in creating a commission, and, secondly, in creating a board of finance, the latter corporation representing ten millions of stock, which stock has not been taken up and the means of conducting the enterprise has not been secured by either act of Congress, then we are remitted to the original condition of things; we stand here to-day facing the whole question, nothing having been accomplished. The means not having been provided for holding this international exposition under either act of Congress, we are remitted to our original position, and we find ourselves to-day contemplating one of two things: either a national or an international exhibition; and in either event, clearly enough, on the Treasury of the United States all reliance, or the chief reliance, is placed for paying the bills. Now, I submit, the whole aspect of the case having been changed since 1871, very properly, at this moment we are confronted with the proposition whether we will go on and have an international exhibition, or whether we will change it to a national exhibition. And, sir, so far as expenditures are concerned, I do not understand that anybody has submitted or pretends that provision has been made for conducting either a national or an international exhibition.

One word further and I am done, because I have no speech on this subject. I am in favor of celebrating the centennial anniversary of the declaration of our national independence, and celebrating it in the most ample and generous method possible; and I am in favor now, as I was in 1871, of the Government of the United States doing it in the most direct and ample manner. Then I held that it was not wise for the Government to undertake to do indirectly what it did there attempt to do by the act of March 12, 1871; that it was an indirect method of doing things; that we should meet it then fair and square and say whether we should celebrate at Philadelphia in 1876 the Declaration of Independence, and if we came to that conclusion that we should take the matter in our own hands and make a direct appropriation out of the public Treasury; and that we should either remit the whole thing to the States, Congress acting and co-operating with the States, or take the jurisdiction of it ourselves, contemplate the paying of it out of the national Treasury, inviting the people of the States and the States themselves to co-operate.

But, Mr. President, that was not done. The other course having been pursued, it is fruitless to deny that we have got into complications by reason of the action of Congress both in 1871 and 1872. In some sense, beyond all question, the faith of this nation is pledged to the State of Pennsylvania and to the people of this country who have participated in it more or less, and to the nations abroad, that we will hold in 1876 an international exposition. It is idle to deny that complication. But at the same time it was done under circumstances which I have explained; it was done under circumstances when it was believed that having the auspices of the Government of the United States nothing further would be asked of us. I confess, looking at this whole legislation, that whether it is better to stop here and, as the Senator from Connecticut has said, insist upon a national exhibition or a national celebration to the exclusion of the international idea, ignore the steps we have taken, retrace our steps, plant ourselves to-day upon a national celebration, or whether we are to proceed, taking such precautions as we best can to provide against future expenses, is a question so troublesome that I hardly know myself what course to take.

Mr. CAMERON. Mr. President, I am very sorry that the State of Pennsylvania should be so much criticised, and even I believe censured, for a matter in which she deserves no censure at all. A few years ago the press of the country, and almost all the patriotic people of the country, looking forward to 1876, said that in consideration of our wonderful growth we ought to have a celebration of the centennial of our liberties. After awhile the question was brought here; and Congress, by a very large majority, properly, as I think, decided that that celebration should take place in Philadelphia. Philadelphia was the place where the Declaration of Independence had been signed, where it had been prepared and deliberated upon by the Continental Congress, and where the great men of this nation at that day thought it was their duty to go, as well because of their duty, as because of the great power of the State of Pennsylvania to aid in achieving the national independence. There was no other place but Boston that could compare with Philadelphia as to the propriety of the place, if we are to have a celebration at all; around no other place cluster so many revolutionary memories.

Now, this question that has been got up very recently as between a national and an international exhibition amounts only to words. What is the difference? You call it a national exhibition and the nation invites everybody belonging to the world to come here and participate with us. If you say it is international, you do the same thing. It has been called international, because other countries had given that name to expositions which they had held. England had the first, I believe, of these grand world's fairs, and France the next, and Austria the third, and all of them gave invitations to the whole world to go there to participate. Is there a citizen of the United States who, when he went to England, or to France, or to Austria, expected to have his bills paid by the government of the country to which he went? I do not believe there was one, and I know there was not one who had his bills so paid. So we shall not be expected to pay the bills of anybody who comes here. The nation invites them to participate with us in our joy over our great successes. The governments of Europe may not enjoy with us this great glory, but their people will. This country has been the asylum for the oppressed and the poverty-stricken of every part of the world. They have come to settle here because of our institutions, and they are coming here. That has made the great glory of this nation and the great prosperity of this country. So they will come again; and if they come here, they will bring with them all that they have that has been great in their achievements in the last hundred years, and they will compare them with our results; and when they come here, if they find that our institutions are better than theirs, they will settle here and become a part of our people.

It is to my mind all flummery, if I may use such a word as that, to discuss the question between a national and an international exhibition. We are going to rejoice with exceeding great joy, as I believe, over our successes; and I tell you, Mr. President, if you force it upon the people of Pennsylvania, she will have such an exhibition as will do honor to her and give shame to everybody who opposes it. The State of Pennsylvania and her people, I believe, have subscribed $3,500,000 already. By some accident in the Legislature of Pennsylvania they confined one of the millions to building a monumental edifice. I suppose that was because they were as we are; there was some doubting Thomas in the Legislature of Pennsylvania, who was afraid to make an outright, flat-footed appropriation, and he said it should be for a memorial building. I pledge my word that the Legislature, now in session, will change that, and make it an open appropriation to the centennial exhibition. There is no doubt about that. The people of Philadelphia, as a city, gave half a million in addition to the million that was subscribed by the State of Pennsylvania. The Pennsylvania Railroad gave a half million, and sundry other citizens have subscribed very largely.

We do not ask this as a favor from Congress. All we ask is that you shall decide the question now and without a waste of time. If you say Philadelphia is not the place for the exhibition, let it be so said; and let those who now oppose it in after days take upon themselves the responsibility of having disgraced the country by their votes.

I do not intend to be personal in this matter, because we may well differ in our judgments; but I cannot see how any man, a member of the Senate of the United States, which started here with twenty-six members, now numbering seventy-four—all the result of our glorious institutions—should be unwilling at the end of one hundred years to come here and say, "We will meet together on the one hundredth anniversary and take each other by the hand; and, above all things, we will say to those with whom we have recently been in trouble that we forgive them and expect them to forgive us, and we will hereafter go together hand in hand and show to the world that we are the most powerful nation in the world when we are united as we are."

Why, Mr. President, I should have no objection to take the amendment of the Senator from Vermont, if I could get his vote by it, if I did not believe we should lose other appropriations which we now have. I say further, and I am authorized to say by the commissioners of this centennial exhibition, (and let me tell you that that commission is composed of two gentlemen from each State in the Union,) that they want no more than $3,000,000 from you in all; the rest will be made up; and you may put into your bill just as many restrictions as you please, confine them to that sum, and they will ask no more from you.

But do not let me be understood as begging any favor for Pennsylvania or Philadelphia. I am proud of Philadelphia, because it is the best city of the world for the poor, and the industrious, and the thrifty. There are more houses in that city than in any other city on the continent. There is more comfort there for the laboring people than there is in any other part of the world. Her police is equal to anything that has ever existed since the world began; and her manufactories are so thriving and so prosperous that every man there who will work can make himself comfortable and own his own house.

So with Pennsylvania. When the other States of the Union have been in trouble, Pennsylvania has always put out her money without stint, and her people have let their blood freely flow for the benefit of the Union. Philadelphia and Pennsylvania were selected only because it was Philadelphia in which the Declaration had been signed. Independence Hall stands there yet in which the old patriots assembled at the risk of their lives and declared themselves free and independent. And why, if we are to have a jubilee, should we not go there? If we are to rejoice, why should not it be in Philadelphia? Other cities may be jealous; but let me tell you when this Revolution began New York was in the hands of the British government, and during the whole war it was the citadel of the King of England. Boston, to be sure, shed the first blood, and there was where the cradle of liberty was rocked; but even Boston thought that Philadelphia was the place where Virginia, and Georgia, and North Carolina, and South Carolina, and all the States, could meet in one central spot and act together without jealousy. And was not Pennsylvania the first to say that the great citizen of Virginia, George Washington, should command our armies? She did; and when old John Adams made his great speech after the Declaration had been made, did not Pennsylvania rejoice in that; and has she not always stood by Massachusetts, and has she not always stood by New York? Has she not given as many men and as much money to settle up and make the great West the magnificent country it is as any other State in the Union? Are there not now six or eight representatives in this Senate who were born in Pennsylvania, from whom they received their education, and their character, and their principles; and why should she now be turned aside? Does any man here believe that if the city of New York had been selected for the place all the money-changers of that great city would not have hurraed with great joy that the people were coming there to add to their wealth? We do not want you in Pennsylvania to add to our wealth. If you come there we will treat you kindly in our old-fashioned, plain way. That is all we can do.

Mr. SCOTT. Mr President ——

Mr. SARGENT. I ask the Senator to yield while I make a correction in figures. I received a telegram from the Secretary of the Treasury, giving some figures in relation to the reduction of the debt during the past month. I was doubtful whether it was $2,500,000 or $250,000. I now know by the debt statement before me that it was $2,590,047.45, and I simply make the correction.

Mr. SCOTT. I do not rise for the purpose of prolonging this discussion. Several gentlemen about me have indicated a desire to go into executive session; and before that motion is made I simply wish to take notice of a remark made by the Senator from Connecticut which, if not noticed, may carry out to the country, perhaps, an impression which he did not intend to make. I am sorry he has left his seat. His opening remark, or very nearly his opening remark, was that this bill came here under false pretenses. A similar remark, or one similar in spirit, if not in the same words, was made by the Senator from California; and before this day's session shall close I deem it my duty to gentlemen from many States—not from the State of Pennsylvania alone—to say that there have been, and that there are, no false pretenses about this business.

The law of 1871 said upon its face that the Government was not to be responsible for any of the expenses. That was accepted, and one year afterward a board of finance was created for the purpose of raising the funds. That board of finance was constituted in good faith. The bill contained a provision which prohibited the people of Pennsylvania from taking any more than their proportion of that stock until one hundred days should have elapsed and all the other States should have had the opportunity of taking their proportions of the stock. The commissioners named in that bill, named by the Government, named by the Representatives here—not at their own solicitation—performed the duties imposed upon them, and they sent this proposal of the nation to Connecticut and to California, and to the other States of the Union, and they proposed no money for a national or an international celebration. No response came from them, so far as I know. These commissioners were proceeding to raise the money. They had raised a large amount in Pennsylvania. They had their organization completed to begin work in the other States, and it was supposed that when the appeal was directly made those States would respond. But at the time their machinery was ready to go into operation the panic intervened and that was prevented. Then, sir, they came to Congress; and when I say "they," all I will ask of any Senator on this floor is to take the list of the commissioners who compose the centennial commission and the list of gentlemen who compose the board of finance. There is not a man of them who is capable of being guilty of false pretenses. I would as soon think of charging the Senate with false pretenses as to charge the men who compose both those lists of bringing this bill here under false pretenses. They came and they stated just where they were. They had issued their proposals for plans for building; they had received those proposals; they had selected one which they believed to be proper and appropriate, and it was not selected from a Pennsylvania artist. New York had the honor of carrying off the premium for the competing plan.

Now, sir, the time approaches ——

Mr. THURMAN. Will the Senator from Pennsylvania allow me to interrupt him there to inquire what the estimated cost of that building is?

Mr. SCOTT. That is a question I am not able fully to answer. I desired to get that information the other evening, and shall probably have it; but I do not know now what the estimated cost of it is.

Mr. STEVENSON. May I ask the Senator if that building has been contracted for?

Mr. SCOTT. I am coming to that point. The commissioners had invited those proposals for plans, and had received them and accepted a plan, and after having accepted a plan, they invited proposals for building. Those proposals were received, and, I understand, they are waiting to know whether this is to be an international or a national exposition before they determine whether they can accept any proposal for the buildings. They came to Congress; they made their statement before the select committee of the other House, and before the Committee on Foreign Relations of this body. If they were guilty of any false pretenses, let the members of that committee state so here upon the floor of the Senate. My information is, although I believe I was present but for a brief time, that they laid the whole subject before these committees, and told them the point was, "Are we to have a national or an international exhibition? Let Congress declare it; relieve us, the persons who are now responsible, from this difficulty, from the dilemma in which we are, and say whether it is to be the one or the other." And when I spoke, on Friday, on this subject, I do not think I laid myself open to any charge of false pretenses as a Senator from Pennsylvania, although I see no reason why a Senator from Pennsylvania should be considered as having more interest in this than any other, for I said distinctly on this floor that whether the exposition was international or national, in the present exigency an appropriation would be asked for, and, of course, the amount will depend to a considerable extent upon whether it is the one or the other.

No, sir; there have been no false pretenses upon the part of any body, and these gentlemen only wish to be dealt with in the same spirit of candor and business honesty with which they have proposed to deal with this question.

I deem it my duty to put into this day's debate a vindication of the

honor and the character of the gentlemen against whom it might be considered this charge of false pretenses had been made.

Mr. CONKLING. I move that the Senate proceed to the consideration of executive business.

HOUSE BILLS REFERRED.

Mr. MORRILL, of Maine. Will the Senator allow me a moment to call up a bill on the table that I wish to have passed? I move to take from the table an appropriation bill which has come from the House, for the purpose of considering it now.

The bill (H. R. No. 2224) appropriating $1,400 to pay the operators in the departmental telegraph connected with the two Houses of Congress, was read twice by its title.

Mr. CAMERON. I object to that being acted on now.

Mr. MORRILL, of Maine. If the Senator objects, I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts;

A bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers;

A bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry;

A bill (H. R. No. 1943) granting a pension to Helen M. Stansbury;

A bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

A bill (H. R. No. 1944) granting a pension to Charlotte Crane, widow of the late Colonel Ichabod B. Crane, of the Frst Artillery, regular Army of the United States;

A bill (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry;

A bill (H. R. No. 1946) restoring the name of Mary Byrd Dallas to the pension-rolls;

A bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;

A bill (H. R. No. 816) granting a pension to Jane La Font;

A bill (H. R. No. 1234) granting a pension to Mary S. Prince;

A bill (H. R. No. 216) granting a pension to Timothy Paige;

A bill (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky;

A bill (H. R. No. 1947) granting a pension to George Holmes;

A bill (H. R. No. 1948) granting a pension to Mary J. Blood;

A bill (H. R. No. 1949) granting a pension to Ann M. Brackett;

A bill (H. R. No. 1950) granting a pension to Betsie Lewis;

A bill (H. R. No. 1951) granting a pension to Isaac M. Grant;

A bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;

A bill (H. R. No. 1954) granting a pension to Henry B. Rider; and

A bill (H. R. No. 1445) granting a pension to William H. Edwards.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 1776) for the relief of George Yount;

A bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry;

A bill (H. R. No. 1313) for the relief of Alexander Burtch;

A bill (H. R. No. 1934) for the relief of Pat. O. Hawes;

A bill (H. R. No. 1935) for the relief of William J. Scott, late aid-de-camp on the staff of General Spear;

A bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York; and

A bill (H. R. No. 261) for the relief of Alonzo Snyder, of Livingston County, New York.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased; and

A bill (H. R. No. 1171) for the relief of George P. Fisher.

The bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. No. 294) for the relief of Joab Bagley, was read twice by its title, and referred to the Committee on Private Land Claims.

The bill (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland, was read twice by its title, and referred to the Committee on Patents.

REFUNDING OF DUTIES.

Mr. SHERMAN presented a letter from the Secretary of the Treasury, addressed to the chairman of the Committee on Finance, in relation to the refunding of certain customs duties; which was referred to the Committee on Finance, and ordered to be printed, to accompany bill H. R. No. 2073, restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department.

EXECUTIVE SESSION.

Mr. CONKLING. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-six minutes spent therein the doors were reopened, and (at five o'clock and twenty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 2, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at seven minutes after twelve o'clock.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. HALE, of Maine, introduced a bill (H. R. No. 2226) to provide for the distribution of public documents; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WIDOW OF WILLIAM K. WESTON, DECEASED.

Mr. HALE, of Maine, also introduced a bill (H. R. No. 2227) for the relief of the widow and children of William K. Weston, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROPELLER WILLIAM M. TWEED.

Mr. BASS introduced a bill (H. R. No. 2228) to authorize the Secretary of the Treasury to change the name of the propeller William M. Tweed, of Buffalo; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHIME OF BELLS, SAINT JOSEPH'S CATHEDRAL, BUFFALO.

Mr. BASS also introduced a bill (H. R. No. 2229) to authorize the Secretary of the Treasury to refund duties paid on a chime of bells and clock imported for Saint Joseph's Cathedral, Buffalo, New York; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WALTON CABLE.

Mr. COX introduced a bill (H. R. No. 2230) for the relief of Walton Cable; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES S. BRAMHALL.

Mr. SESSIONS introduced a bill (H. R. No. 2231) for the relief of Moses S. Bramhall, for property taken by the United States Quartermaster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOURNAL-BOX PATENT.

Mr. CLARK, of New Jersey, introduced a bill (H. R. No. 2232) to compensate John A. Montgomery and Hepburn McClure, the owners of a certain patent journal-box, for infringement of the same by the Government of the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN WAUGH.

Mr. CESSNA introduced a bill (H. R. No. 2233) for the relief of John Waugh; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAPANESE AND CHINESE INDEMNITY FUND.

Mr. SCOFIELD introduced a bill (H. R. No. 2234) to cover into the Treasury bonds and money belonging to the Japanese and Chinese indemnity fund; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HENRY KORN.

Mr. McJUNKIN introduced a bill (H. R. No. 2235) granting a pension to Henry Korn, late private in Company H, One hundred and eighty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON MACARONI AND VERMICELLI.

Mr. MYERS introduced a bill (H. R. No. 2236) fixing a duty of 25 per cent. *ad valorem* on macaroni and vermicelli imported into the United States on and after the passage of this act; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DONATION OF CANNON.

Mr. MAGEE introduced a bill (H. R. No. 2237) donating condemned cannon and cannon-balls to the York Monumental Association for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT PRINTING OFFICE.

Mr. STORM introduced a joint resolution (H. R. No. 64) in relation to the Government Printing Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM MORRISON.

Mr. TODD introduced a bill (H. R. No. 2238) to authorize and direct the Commissioner of Patents to reissue a patent to William Morrison for a corn-planter, No. 25435, as if his application had been made in time; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MESSRS. ROBERT F. WILLIAMS & CO.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 2239) for the relief of Messrs. Robert F. Williams & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVEY OF NEW RIVER.

Mr. DAVIS, of Virginia, introduced a bill (H. R. No. 2240) making an appropriation for the survey of New River from the lead mines in Wythe County, Virginia, to the "mouth of Wilson" in Grayson County, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VOLUNTEERS IN MEXICAN WAR.

Mr. O'BRIEN introduced a bill (H. R. No. 2241) to grant a pension to volunteers in the Mexican war, under the act of May 13, 1856; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHEL WRIGHT.

Mr. O'BRIEN also introduced a bill (H. R. No. 2242) granting a pension to Rachel Wright, widow of Charles H. Wright, of the Quartermaster's Department of the Army, who died in the Andersonville prison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURVEY IN GEORGIA.

Mr. RAWLS introduced a joint resolution (H. R. No. 65) requiring the Secretary of War to have a survey made, from Saint Mary's, Georgia, to or near Saint Mark's, on the Gulf of Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES S. SUTLIVE.

Mr. WHITELEY introduced a bill (H. R. No. 2243) to compensate James S. Sutlive, of Clay County, Georgia, for the care and storage of certain cotton, the property of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WELLS B. WHITMORE.

Mr. WHITELEY also introduced a bill (H. R. No. 2244) to reimburse Wells B. Whitmore, of Atlanta, Georgia, for expenses incurred in defending himself against a certain charge of murder for killing one Mark Deadman, an illicit distiller, in the State of Georgia, said killing occurring while in the discharge of his duty as deputy United States marshal; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ATLANTIC AND GREAT WESTERN CANAL.

Mr. HARRIS, of Georgia, presented a joint resolution of the Legislature of Georgia, in favor of the Atlantic and Great Western Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

PURCHASE OF LAND IN FLORIDA.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 2245) to appropriate $1,000 for the purchase of a piece of land in the State of Florida; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CIRCUIT COURTS IN ALABAMA.

Mr. CALDWELL introduced a bill (H. R. No. 2246) relating to the circuit courts of the United States for the districts of Alabama; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

Mr. RAPIER introduced a bill (H. R. No. 2247) to establish a circuit court at Montgomery, in the State of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROPERTY DESTROYED IN INSURRECTIONARY STATES.

Mr. SHEATS introduced a bill (H. R. No. 2248) to provide by law for claims for the use and destruction by rebel soldiers or citizens of property belonging to those persons who resided in the late insurrectionary States and who enlisted and served in the Army of the United States and have received an honorable discharge therefrom; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. M. PRESTON.

Mr. McKEE introduced a bill (H. R. No. 2249) for the relief of S. M. Preston, late collector of internal revenue, first collection district of Mississippi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REFUND OF COTTON TAX.

Mr. McKEE also introduced a bill (H. R. No. 2250) to refund certain tax collected by the Government of the United States on raw cotton during the years 1865, 1866, 1867, and 1868; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES MADISON WELLS.

Mr. SHELDON introduced a bill (H. R. No. 2251) for the relief of James Madison Wells, of Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed

INJURIES FROM SELLING INTOXICATING LIQUORS.

Mr. LAWRENCE introduced a bill (H. R. No. 2252) to give a right of action for injuries resulting from the sale of intoxicating liquors; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CARPENTER'S PAINTING.

Mr. MONROE introduced a joint resolution (H. R. No. 66) in regard to Carpenter's painting of the signing of the proclamation of emancipation; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

SOLDIERS' MONUMENT AT AKRON.

Mr. MONROE also introduced a joint resolution (H. R. No. 67) granting condemned cannon for a soldiers' monument at Akron, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMY CLOTHING.

Mr. GUNCKEL introduced a bill (H. R. No. 2253) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of the old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for disabled volunteer soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF J. H. EVANS.

Mr. ATKINS introduced a bill (H. R. No. 2254) granting a pension to the minor heirs of J. H. Evans, late a private in Company A, Third Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. KYLE.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 2255) for the relief of William C. Kyle, of East Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPORTATION OF MARBLE.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 2256) to enable J. H. Craigmiles, of Cleaveland, Tennessee, to import certain marble free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PAY FOR HORSES ILLEGALLY TAKEN.

Mr. WHITTHORNE introduced a bill (H. R. No. 2257) to pay certain persons therein specified for horses illegally taken from them by officers of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREEDMEN'S SAVINGS AND TRUST COMPANY.

Mr. WHITTHORNE also introduced a bill (H. R. No. 2258) to amend the act of Congress chartering the Freedmen's Savings and Trust Company, approved March 3, 1865, and the acts amendatory thereof; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

J. W. LAWLESS.

Mr. HARRISON introduced a bill (H. R. No. 2259) for the relief of J. W. Lawless; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES G. HARRISON.

Mr. WOLFE introduced a bill (H. R. No. 2260) for the relief of James G. Harrison, of Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREE TRANSMISSION OF NEWSPAPERS.

Mr. BARRERE introduced a bill (H. R. No. 2261) to provide for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail in the county where published or within thirty miles of the place of publication; which was read a

first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LLEWELLYN BELL.

Mr. BARRERE also introduced a bill (H. R. No. 2262) granting a pension to Llewellyn Bell, private in Company C, Thirty-third Ohio Veteran Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS IN CAHOKIA, ILLINOIS.

Mr. MORRISON introduced a bill (H. R. No. 2263) granting a complete title to certain lands held by the inhabitants of the village of Cahokia, Saint Clair County, Illinois, as commons; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DR. BERTHOLD HAHN.

Mr. MORRISON also introduced a bill (H. R. No. 2264) to compensate Dr. Berthold Hahn for a horse lost in battle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THE CURRENCY.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 2265) to give flexibility to the currency, without inflation, to legalize a reserve of $44,000,000 and render the same available for the relief of extraordinary financial pressures; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

UNITED STATES DISTRICT JUDGES.

Mr. WARD, of Illinois, also introduced a bill (H. R. No. 2266) relating to the salaries of the United States district judges; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. GWINTHLEAN KINZIE.

Mr. WARD, of Illinois, also introduced a bill (H. R. No. 2267) granting a pension to Mrs. Gwinthlean Kinzie, widow of Robert A. Kinzie, late major and brevet lieutenant-colonel in the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. FITCH.

Mr. WARD, of Illinois, also introduced a bill (H. R. No. 2268) for the relief of John A. Fitch, of Chicago, Illinois; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES KILE.

Mr. RAY introduced a bill (H. R. No. 2269) granting a pension to James Kile, Company I, Seventeenth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMANUEL SMALL AND JAMES TATE.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and James Tate, of Atchison County, Missouri, for carrying the mails; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GEORGE POMEROY.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 2271) for the relief of Captain George Pomeroy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL CODAY.

Mr. HAVENS introduced a bill (H. R. No. 2272) for the relief of Samuel Coday; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEWTON COLLEGE ASSOCIATION.

Mr. HAVENS also introduced a bill (H. R. No. 2273) for the relief of Newton College Association, of Newtonia, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STICK LICORICE.

Mr. BLAND introduced a bill (H. R. No. 2274) to repeal all duties on stick licorice, and to place the same on the free list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEVEES ON THE MISSISSIPPI.

Mr. HATCHER introduced a bill (H. R. No. 2275) to provide for the construction of levees on the Mississippi River; which was read a first and second time, referred to the Select Committee on Mississippi Levees, and ordered to be printed.

TIMOTHY M. WILCOX.

Mr. GLOVER introduced a bill (H. R. No. 2276) for the relief of Timothy M. Wilcox, of Little Rock, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES FITZ GIBBON.

Mr. HYNES introduced a bill (H. R. No. 2277) for the relief of Rev. James Fitz Gibbon, of Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HONORA CRAWFORD.

Mr. FIELD introduced a bill (H. R. No. 2278) granting a pension to Honora Crawford, of Detroit, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD HAWLEY.

Mr. FIELD also introduced a bill (H. R. No. 2279) for the relief of Richard Hawley; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIGHT-HOUSES IN MICHIGAN.

Mr. HUBBELL introduced a bill (H. R. No. 2280) to establish a light-house on Whale Back Reef, in Green Bay, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BRADLEY introduced a bill (H. R. No. 2281) authorizing the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

LIVANNA INGRAHAM.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 2282) granting a pension to Livanna Ingraham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-ROUTES IN FLORIDA.

Mr. WALLS presented a joint resolution of the Legislature of the State of Florida, asking for a mail-route from Cedar Keys to the mouth of the Withlacoochee River, running once a week; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

He also presented a joint resolution of the Legislature of the State of Florida, asking for a mail-route from Monticello, Florida, to Perry Court-House, in the county of Taylor; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FRUIT CULTURE IN FLORIDA.

Mr. PURMAN introduced a bill (H. R. No. 2283) to encourage tropical-fruit culture in the State of Florida; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

HOMESTEAD ENTRIES.

Mr. PURMAN also introduced a bill (H. R. No. 2284) to authorize actual settlers on homestead entries to make their final affidavits before any officer legally authorized to administer oaths in the county where the lands are situate; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHOCTAWHATCHIE AND CHIPOLA RIVERS, FLORIDA.

Mr. PURMAN also introduced a bill (H. R. No. 2285) making an appropriation for the improvement of the channels of the Choctawhatchie and Chipola Rivers, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REVENUE, PUBLIC DEBT, ETC.

Mr. MILLS introduced a bill (H. R. No. 2286) to repeal the act entitled "An act to provide increased revenue, to pay the interest on the public debt, and for other purposes," approved August 5, 1861; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NAVIGATION OF NECHES RIVER, TEXAS.

Mr. HERNDON introduced a bill (H. R. No. 2287) for the improvement of the navigation of the Neches River, in the State of Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRANSPORTATION CHARGES.

Mr. McCRARY presented a concurrent resolution of the General Assembly of the State of Iowa; which was read, as follows:

Whereas the Constitution of the United States makes it the duty of Congress to regulate commerce between the States: Therefore,

Resolved by the house of representatives, (the senate concurring,) That our Senators in Congress be instructed and our Representatives be requested to use all lawful means to procure a law of Congress preventing railroad or transportation companies, doing business through or between the States, from making unjust charges or discriminations for such services.

The resolution was referred to the Committee on Railways and Canals, and ordered to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. COTTON presented a joint resolution of the Legislature of Iowa, in favor of such amendment to the Constitution as will provide for the election of United States Senators by the people of the several States; which was referred to the Committee on the Judiciary, and ordered to be printed.

LAND TITLES UNDER HOMESTEAD LAW.

Mr. McDILL, of Iowa, presented a joint resolution of the Legislature of the State of Iowa, asking the Senators and Representatives of that State to use their influence to secure the passage of House bill No. 964, confirming the title in lands to persons claiming under the homestead law, in all cases where such claimants have settled on such lands in good faith and made valuable improvements thereon; which was referred to the Committee on the Public Lands, and ordered to be printed.

JAMES A. FORGEY.

Mr. McDILL, of Iowa, also introduced a bill (H. R. No. 2288) granting a pension to James A. Forgey, late a private in Company H, Twenty-ninth Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY SCHLAEGEL.

Mr. DONNAN introduced a bill (H. R. No. 2289) granting a pension to Mary Schlaegel, widow of Michael Schlaegel, late a soldier in the Sixth Regiment Iowa Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

W. L. CABELL.

Mr. ELDREDGE introduced a bill (H. R. No. 2290) for the removal of the political disabilities of W. L. Cabell, of Dallas, in the State of Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STEAMER CHICORA.

Mr. MITCHELL introduced a bill (H. R. No. 2291) to authorize the Secretary of the Treasury to issue an American register to the steamer Chicora, of Milwaukee, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM WALKER.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 2292) for the relief of William Walker; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WISCONSIN CENTRAL RAILROAD.

Mr. McDILL, of Wisconsin, introduced a bill (H. R. No. 2293) granting to the Wisconsin Central Railroad Company the right of way through the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WISCONSIN VALLEY RAILROAD.

Mr. McDILL, of Wisconsin, also introduced a bill (H. R. No. 2294) granting to the Wisconsin Valley Railroad Company the right of way through the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AMENDMENT OF SHIPPING ACT.

Mr. CLAYTON introduced a bill (H. R. No. 2295) to amend the United States shipping act, approved June 7, 1872; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. EARL AND T. W. DEXTER.

Mr. CLAYTON also introduced a bill (H. R. No. 2296) for the relief of J. Earl and T. W. Dexter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LAND TITLES IN SAN FRANCISCO.

Mr. CLAYTON also introduced a bill (H. R. No. 2297) to quiet title to certain lands in the city of San Francisco, California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEADS IN CALIFORNIA.

Mr. HOUGHTON introduced a bill (H. R. No. 2298) to restore certain lands in California to homestead and pre-emption settlement; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONTRACT FINANCE COMPANY, CENTRAL PACIFIC RAILROAD.

Mr. LUTTRELL presented concurrent resolutions of the Legislature of the State of California, asking Congress to appoint a committee to investigate the affairs of the Contract Finance Company of the Central Pacific Railroad Company, and instructing the California delegation to urge said investigation; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. LUTTRELL. I ask that the concurrent resolutions be read.

There was no objection.

The Clerk read as follows:

Assembly concurrent resolution relative to the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies.

Whereas, a resolution with a preamble has been introduced, and is now pending in the Congress of the United States, in which preamble it is specifically charged that the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies have received donations and subsidies from the United States and from the State of California, and certain counties and municipalities within that State, and also from the State of Nevada and the Territory of Utah, amounting in the aggregate to the sum of $156,825,000, which donations and subsidies were granted to said railway companies for the sole purpose of aiding them in the construction, equipment, and maintenance of their railways; and that the directors of said railroad companies corruptly entered into contract with themselves for the construction of said railways under the name of Charles Crocker & Co., and the name of the Contract and Finance Company, whereby a large portion of said subsidies and donations has been unlawfully diverted from the legitimate object for which they were granted by said directors, and fraudulently converted by them to their own individual use and emolument; and whereas said resolution provides for the appointment of a committee by Congress, invested with ample powers to inquire into said alleged fraudulent contracts, and also to inquire into and report to Congress upon all matters and transactions touching the construction and management of said railways, and all the affairs and transactions of said Charles Crocker & Co. and the said Contract and Finance Company in connection therewith; and whereas it is the opinion of the Legislature of the State of California, now in session, that such investigation should be made: Therefore,

Be it resolved by the assembly, (the senate concurring.) That our Representatives in Congress be requested, and our Senators instructed, to use all honorable efforts to secure, at the earliest practicable moment, the passage of said resolution by Congress, and that the governor be requested to transmit forthwith a copy of this resolution to each of our Representatives and Senators.

MORRIS M. ESTEE,
Speaker of the Assembly.
R. PACHECO,
President of the Senate.

MINNESOTA RIVER AND RED RIVER OF THE NORTH.

Mr. STRAIT presented a joint resolution of the Legislature of Minnesota, asking for the survey of the water-routes between the navigable waters of the Minnesota River and Red River of the North; which was referred to the Committee on Commerce, and ordered to be printed.

W. O. REDDEN.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 2299) for the relief of W. O. Redden, late colonel in the Third Regiment of Delaware Infantry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARMY OFFICER'S RECORD.

Mr. PHILLIPS introduced a bill (H. R. No. 2300) to amend an Army officer's record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAY OF INDIAN SOLDIERS.

Mr. PHILLIPS also introduced a bill (H. R. No. 2301) to pay certain Indian soldiers as militia for services rendered before the date of muster; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY BRADLEY.

Mr. PHILLIPS also introduced a bill (H. R. No. 2302) for the relief of Henry Bradley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SHAWNEE INDIAN LANDS, KANSAS.

Mr. PHILLIPS also introduced a bill (H. R. No. 2303) to confirm the sales of Shawnee Indian lands in Kansas, made by chiefs of said Indians under the direction and with the approval of the Secretary of the Interior; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TRANSPORTATION ON BRANCHES OF THE PACIFIC RAILROAD.

Mr. PHILLIPS also presented a memorial of the Legislature of the State of Kansas, asking that transportation on the branches of the Pacific Railroad may be carried on equal terms; which was referred to the Committee on the Judiciary, and ordered to be printed.

POTTAWATOMIE RESERVATION.

Mr. PHILLIPS also presented a memorial of the Legislature of the State of Kansas, asking that a certain Pottawatomie reservation be opened to settlement; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ANDREW J. BARRETT.

Mr. HEREFORD introduced a bill (H. R. No. 2304) for the relief of Andrew J. Barrett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

D. W. DOBSON.

Mr. CROUNSE introduced a bill (H. R. No. 2305) for the relief of D. W. Dobson, of Dakota City, Nebraska; which was read a first and second time, and referred to the Committee on Indian Affairs.

MILITARY RESERVATION AT SANTA FÉ.

Mr. ELKINS introduced a bill (H. R. No. 2306) authorizing the Secretary of the Interior to convey a portion of the military reservation at Santa Fé, New Mexico, to the Protestant Episcopal Church, for the purpose of building thereon a school-house and church; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. ELKINS also introduced a bill (H. R. No. 2307) for the relief of William S. McKnight, for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

He also introduced a bill (H. R. No. 2308) for the relief of John Watts, for Indian depredations; which was read a first and second

time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADMISSION OF UTAH.

Mr. CANNON, of Utah, presented a memorial of the Legislative Assembly of Utah, asking for the admission of the Territory of Utah into the Union as a State, with the constitution of the proposed State; which was referred to the Committee on the Territories, and ordered to be printed.

He also introduced a bill (H. R. No. 2309) to enable the people of Utah to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States; which was read a first and second tine, referred to the Committee on the Territories, and ordered to be printed.

SETTLERS IN DAKOTA.

Mr. ARMSTRONG introduced a bill (H. R. No. 2310) for the relief of settlers on the odd-numbered sections within the limits of the Northern Pacific Railroad, in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REVISION OF LAWS OF DAKOTA.

Mr. ARMSTRONG also introduced a bill (H. R. No. 2311) directing the surplus fund arising from money not expended of the appropriations for legislative and incidental expenses of Dakota Territory to be used in revising the laws of said Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC SCHOOLS IN THE DISTRICT.

Mr. CHIPMAN introduced a bill (H. R. No. 2312) in aid of public schools in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now receive bills for reference from gentlemen who were not in their seats when their States were called.

RELIEF OF CITIZENS OF LYNCHBURGH.

Mr. STOWELL introduced a bill (H. R. No. 2313) for the relief of certain citizens of Lynchburgh, Virginia, against whom internal-revenue taxes have been wrongfully assessed and collected; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STILLMAN C. SPAULDING.

Mr. WILLIAMS, of Massachusetts, introduced a bill (H. R. No. 2314) granting an increase of pension to Stillman C. Spaulding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THADDEUS C. GREEN.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 2315) granting a pension to Thaddeus C. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. T. PATE AND SILAS Q. HOWE.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 2316) giving the Court of Claims jurisdiction to hear and determine the claim of W. T. Pate and Silas Q. Howe, now pending in said court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWARD BRADY.

Mr. McJUNKIN introduced a bill (H. R. No. 2317) for the relief of Edward Brady, of Philadelphia; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM W. WICKERSHAM.

Mr. HOOPER introduced a bill (H. R. No. 2318) to extend the patent granted to William Wickersham, of Boston, for improvement in sewing-machines; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ISAAC TAYLOR.

Mr. KELLOGG introduced a bill (H. R. No. 2319) to adjudicate the losses incurred by Isaac Taylor, the owner of the bark Alvarado, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE COWLES.

Mr. KELLOGG also introduced a bill (H. R. No. 2320) for the relief of George Cowles, of New Haven, Connecticut; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMANDA M. SMYTH.

Mr. HYNES introduced a bill (H. R. No. 2321) granting a pension to Amanda M. Smyth, widow of General Thomas A. Smyth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CIVIL SERVICE OF THE UNITED STATES.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 2322) to prevent maladministration in the civil service of the United States by its officers against whom articles of impeachment have been presented; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TRANSACTION OF PUBLIC BUSINESS AND THE FRANKING PRIVILEGE.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 2323) to enable Members and Delegates of both Houses of Congress to do the public business with their constituents and with the other Departments of the Government, and to limit the franking privilege to certain newspapers; which was read a first and second time.

Mr. BUTLER, of Massachusetts. I ask that that bill be read.

The bill was read.

The first section provides that during any session of Congress, and for thirty days prior and subsequent thereto, all written and printed matter, and none other, sent to Members or Delegates of either House of Congress, and all written or printed matter and such other things as have been or may be ordered by either House of Congress for distribution to the people, bearing upon the outside of the envelope or package the words "for public service," with the signature of the Member or Delegate of either House of Congress, and none others, shall go free of postage.

The second section provides that all newspapers regularly printed as journals, and not as advertising sheets simply, shall go free of postage through the mails in the counties where the same are published, provided that this shall not entitle them to free delivery in the towns and cities where such delivery is provided by law.

The third section provides that all postal matter shall have the postage prepaid thereon, provided that where any postmaster receiving postal matter is satisfied that full postage was intended to be paid thereon, but by accident or mistake the full sum has not been paid, such postal matter shall be forwarded, and any deficit thereon marked on such postal matter and collected on delivery.

The fourth section provides that whoever shall procure to be used the signature of any Member or Delegate of either House of Congress, or shall use any such signature to forward through the mails any postal matter whatever, of or concerning the private business of any Member or Delegate of either House of Congress, or concerning any matter of private interest only of such Member or Delegate of either House of Congress, or of any other person, or on any advertisement, printed or written, or business or advertising card, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction to try criminal cases in any district of the United States, shall be punished by imprisonment for not less than six months and not more than two years, and by a fine of not less than $100 and not more than $500, or both, at the discretion of the court.

The bill was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 2324) to fill a vacancy in the board of managers of the National Home for Disabled Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL B. MURPHY.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 2325) for the relief of Michael B. Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SENTENCES OF UNITED STATES PRISONERS.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 2326) to provide for deductions from the terms of sentences of United States prisoners, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and, with an accompanying memorial, ordered to be printed.

DUTIES ON SCULPTURE.

Mr. MAYNARD introduced a bill (H. R. No. 2327) to admit certain sculpture free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOUTHERN METHODIST PUBLISHING HOUSE.

Mr. LAMAR presented a concurrent resolution of the Legislature of the State of Mississippi, relating to the claim of the Southern Methodist publishing house at Nashville against the Government of the United States.

Mr. LAMAR. I do not ask that the preamble be read, but I call for the reading of the resolution.

The Clerk read as follows:

Resolved by the senate, (the house concurring,) That the Congress of the United States is hereby respectfully requested to take up and investigate said claim at the earliest practicable moment; and his excellency Adelbert Ames, governor of the State of Mississippi, is requested to transmit copies of this resolution to our members of Congress, to be presented to that body.

The resolution was referred to the Committee on War Claims, and ordered to be printed.

SUPERINTENDENT OF INDIAN AFFAIRS.

Mr. ADAMS introduced a bill (H. R. No. 2328) to abolish the office

of superintendent of Indian affairs; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN WAR CLAIMS OF OREGON AND WASHINGTON.

Mr. NESMITH introduced a bill (H. R. No. 2329) to amend the act entitled "An act to provide for the payment of the expenses incurred by the Territories of Washington and Oregon in the suppression of Indian hostilities therein in the years 1856 and 1857," approved March 2, 1861; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL LINES OF WATER COMMUNICATION.

Mr. CASON introduced a joint resolution (H. R. No. 68) to appoint a commission to examine lines of water communication that are national in their character; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

PAY OF OFFICERS RE-ENTERING SERVICE.

Mr. COBURN introduced a joint resolution (H. R. No. 69) approving the action taken by the Secretary of War under the act entitled "An act making appropriations for the support of the Army for the year 1871, and for other purposes," approved July 15, 1870; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. BROMBERG. I ask unanimous consent of the House to have a day set apart for the consideration of a bill in relation to the importation of infectious and contagious diseases. I would be perfectly willing to consider the bill to-day if the House is ready to do so; if not, I would ask that Wednesday, March 11, at two o'clock, be fixed as the time for its consideration. The yellow fever is now raging in Havana and at various places in Southern and Central America, and may at any time appear on our coast. This bill has received the unanimous indorsement of the Committee on Commerce.

Mr. G. F. HOAR. I object, for that will require it to take precedence of other matters.

FRANKING PRIVILEGE FOR NEWSPAPERS.

Mr. TYNER. In accordance with the notice I gave to the House a few days ago, I now move to suspend the rules and pass a bill to authorize weekly newspapers to be sent in the mail within the county of their publication, and exchanges between publishers to be transmitted in the mail free of postage.

Mr. BUTLER, of Massachusetts. I trust that bill will be referred to the Committee on the Post-Office and Post-Roads, in order that it may be examined in connection with other propositions relating to that subject referred to that committee.

The bill was read. It provides that from and after June 30, 1874, the publishers of weekly newspapers may send one copy thereof to each subscriber, in the county where said newspapers are printed and published, free of postage; and publishers of newspapers and periodicals may mutually interchange their publications not exceeding sixteen ounces in weight, and not exceeding one copy in each exchange, free of postage; but that carriers in cities where the letter-carrier system is or may be established shall not deliver such newspapers and periodicals unless postage thereon shall be paid at the rate fixed by law on other newspapers and periodicals of the same size.

Mr. SMITH, of New York. I ask the gentleman to modify his bill so as to include monthly with the weekly newspapers.

Mr. TYNER. I prefer to return to the old law simply.

Mr. RANDALL. If this proposition to suspend the rules is not seconded, will it be in order to move to refer the bill to the Committee on the Post-Office and Post-Roads?

The SPEAKER. Should the motion to suspend the rules not be seconded, the bill will not be before the House.

Mr. RANDALL. Several bills upon this subject have been introduced and referred to the Committee on the Post-Office and Post-Roads. It would be unjust to consider and pass this bill now without reference to the other bills.

Mr. SHANKS. My colleague designs to stifle debate by offering the bill to-day.

The SPEAKER. Monday is not a day favorable to debate. [Laughter.] Under the rules no debate can be had on the proposition to suspend the rules.

Tellers were ordered on seconding the motion to suspend the rules; and Mr. TYNER and Mr. RANDALL were appointed.

The House divided; and the tellers reported that there were—ayes 71, noes 95.

So the motion to suspend the rules was not agreed to.

SEEDS, CUTTINGS, ETC., BY MAIL.

Mr. FORT. I move that the rules be suspended and the bill passed which I send to the Clerk's desk. It has already been discussed, and I think it will meet with no opposition.

The bill, which was read, directs the Commissioner of Agriculture to forward by mail, and prepay the postage thereon, to any address within the United States which may be furnished him by any Senator, Member of the House of Representatives, or Delegate in Congress, all packages of seeds, cuttings, roots, and scions, furnished by said Department for distribution, and also all reports, books, and documents made or furnished by said Department for distribution among the people.

The question was taken upon the motion to suspend the rules; and upon a division there were—ayes 34, noes 85; no quorum voting.

Tellers were ordered; and Mr. FORT and Mr. GIDDINGS were appointed.

The House again divided; and the tellers reported that there were—ayes 29, noes not counted.

So the motion to suspend the rules was not agreed to.

EMPLOYÉS OF THE HOUSE—DISABLED SOLDIERS.

Mr. SCOFIELD. I ask unanimous consent to occupy five minutes in submitting a statement preparatory to offering a resolution.

No objection was made.

Mr. SCOFIELD. Upon the list of employés of the House there are eleven wounded soldiers. Five of them have lost either an arm or a leg, and three have suffered wounds in battle, which, as defined by the pension laws, are equivalent to the loss of a limb. There may be possibly some reduction in the number of these employés, especially if no bill should pass reviving the franking privilege so far as documents are concerned. I have drawn a resolution affecting these eleven men, and directing the Door-keeper, in case any reduction should be made, to retain these soldiers, who have lost either a leg or an arm, and the three who have suffered wounds equivalent thereto under the pension laws. I have here in brief the military history of each one of the soldiers whom I have named in the resolution. I will read only one of these histories, as a fair specimen of all.

Mr. HAZELTON, of Wisconsin. Read all.

Mr. SCOFIELD. The names will all be read; but it would take more than my five minutes to give the history of them all.

Charles E. Diemar, late a first lieutenant in the Forty-ninth Regiment Illinois Infantry, lost his left arm at the battle of Fort Donelson. He received four other wounds in the same engagement, and carries a minie-ball in his left leg. He has a family of five to support.

Some of the cases, of course, are not so strong as this; but there is one case a good deal stronger, as I see in reading over these histories. But I have the assurance of these soldiers, and of others conversant with their cases, that the facts here stated in writing are correct. I therefore offer the resolution which I send to the desk. I may add that the persons named in the resolution are all officers who perform their duties to the satisfaction of those employing them and of the House.

The resolution was read, as follows:

Resolved, That the Door-keeper of the House is hereby directed to retain on the roll of employés of the House the names of Charles E. Diemar, Henry Cliff, Charles S. Reisinger, J. J. G. Ball, William M. Gibson, Samuel H. Decker, J. A. Traverse, William T. Fitch, Hudson Decker, Mark J. Bunnell and Philip W. Coleman, soldiers who lost an arm or leg or suffered wounds equivalent to the loss of a limb in battle during the late war.

Mr. RANDALL. My colleague [Mr. SCOFIELD] asked permission to make a statement, but he did not ask unanimous consent to introduce a resolution.

Mr. SCOFIELD. If there be objection to the resolution, I will move to suspend the rules.

Mr. SPEER. I wish to ask my colleague whether these soldiers are able to perform the same service that would be performed by able-bodied men?

Mr. SCOFIELD. If these soldiers are dismissed, able-bodied men, I presume, will take their places.

Mr. SPEER. But will do no more than these men now do for the same pay?

Mr. SCOFIELD. It may be possible that there will be some reduction in the present force; and if this resolution be adopted the Door-keeper will have to give the preference to these disabled soldiers and retain them.

Mr. SPEER. But the point I want to get at is, whether these soldiers render the same service that able-bodied men would perform for the same pay?

Mr. SCOFIELD. Exactly.

Mr. HAZELTON, of Wisconsin. I hope the gentleman from Pennsylvania will state to the House the residences of these parties or the localities from which they come.

Mr. SCOFIELD. I can give the localities from which they enlisted; that is all the information upon the point of locality that I asked for. I will say, in the first place, that only one of them is from Pennsylvania. Charles E. Diemar served in the Forty-ninth Regiment of Illinois Infantry; I suppose he comes now from the State of Illinois. Henry Cliff was a captain in the Seventy-sixth Regiment New York Volunteers; he lost his leg at the battle of Gettysburgh. Mr. Reisinger is from Pennsylvania now, and enlisted there. Mr. Ball enlisted as a private in the Twenty-sixth Regiment Massachusetts Infantry; I do not know whether he now comes from the State of Massachusetts or not.

Mr. BUTLER, of Massachusetts. He does.

Mr. SCOFIELD. Mr. Gibson was from Illinois; Samuel H. Decker was from Ohio; he lost both arms in the service, but with artificial arms he can open doors. Mr. Traverse enlisted from New York; Mr. Hudson Decker from New Jersey. Mr. Bunnell and Mr. Fitch were originally from Ohio; and Mr. Coleman was from Michigan. I do not know whether all these now hail from the States from which they enlisted, or whether they have been recommended by members of those

States. I only know that, according to statements they have given me, they enlisted from the States I have named.

Mr. ELDREDGE. I ask the gentleman from Pennsylvania [Mr. SCOFIELD] what reason he has to apprehend that the Door-keeper will remove any of these persons? May we not assume that he will retain them upon the rolls, from sympathy if nothing else, if they are worthy and can render the same service as able-bodied men?

Mr. SCOFIELD. I do not know but that he will do so.

Mr. ARCHER. The Committee on Accounts have had before them this matter of reduction of force; and they are not disposed to act unkindly toward any soldier in the employ of this House. This resolution ought properly to go to that committee. I am sure there is no disposition on the part of the committee to do anything whatever that will interfere with any maimed soldier in the employ of the House. But, if the present force is retained in this House, a deficiency appropriation must be made to replenish our contingent fund. It has been the constant effort of the committee ever since the beginning of this session to bring the folding force within reasonable bounds without doing an unkind act to any soldier. I hope that this resolution will go to the Committee on Accounts, where it properly belongs.

Mr. GUNCKEL. I ask the gentleman from Pennsylvania how many of these employés there are altogether?

Mr. SCOFIELD. I understand that on the folding-room list there are sixty-six.

Mr. GUNCKEL. Has the gentleman included in this resolution all the disabled soldiers?

Mr. SCOFIELD. I have included all the disabled soldiers upon that list. There is what is called the messenger-roll, to which I am not now alluding. There are disabled soldiers perhaps on that roll. If some gentlemen know employés who are wounded soldiers and are not embraced in the resolution, it will be found, perhaps, that their names are on the messenger-roll.

Mr. GUNCKEL. I desire the House to understand exactly whether these men are or are not all the disabled soldiers.

Mr. SCOFIELD. They are, as they informed me, all the disabled soldiers upon the list I have named.

Mr. COBB, of Kansas. Will the gentleman yield to me a moment?

Mr. SCOFIELD. I do not know that I have any time to yield.

Mr. COBB, of Kansas. I wish merely to ask a question—whether the gentleman from Pennsylvania will not consent to make his resolution general in its form, so as to instruct the Door-keeper to discharge no disabled soldier so long as he can be retained consistently with the interests of the public service; in other words, Mr. Speaker, to retain disabled and wounded soldiers, and if the Door-keeper must discharge anybody he shall discharge only able-bodied men and not those who have been wounded and disabled in the war.

Mr. HOSKINS. If the gentleman will allow me a moment I will make a brief statement.

Mr. SCOFIELD. I will yield to the gentleman for a minute.

Mr. HOSKINS. The Committee on Accounts, Mr. Speaker, of which I am a member, have had this question of reduction of the force in the Door-keeper's department under consideration for the last month, and they have already passed a resolution through their committee directing a reduction of at least one-third of the previous expense for the last month. That has been adjusted and arranged by the employés of this House under the Door-keeper, so that during the last month the expense has been one-third less than what it has been during the preceding months in that department, and the expense hereafter will be one-third less than it has heretofore been. I submit, then, inasmuch as this matter has been considered by the Committee on Accounts, the whole subject should be referred to that committee, this resolution as well as all others. I will say to the members of this House there is not a single member of that committee whose whole sympathies and feelings are not drawn out in favor of these soldiers. But, besides these eleven persons named in this resolution, there are other worthy soldiers, and maimed soldiers, who have equal claims upon this House with these eleven gentlemen. I suggest, therefore, the only proper course this resolution should take would be to let it go in the first instance to the Committee on Accounts, where the whole question will be examined fully and carefully. I pledge this House, for one member of that committee, these soldiers will have the fairest consideration at our hands. The only reason why the committee have not introduced a resolution touching this reduction in the Door-keeper's department is, there has been pending a bill in reference to the restoration of the franking privilege, so far as the distribution of public documents is concerned; but as that bill has been rejected it is proposed to report for the action of the House a resolution embodying the judgment of the committee on this question.

Mr. BUFFINTON. I would like, if my friend from Pennsylvania will permit me, to make a statement on the pending question.

Mr. SCOFIELD. I will yield, of course, to the chairman of the Committee on Accounts.

Mr. BUFFINTON. Mr. Speaker, I desire members to vote intelligently on the resolution offered by the gentleman from Pennsylvania. Now, the Committee on Accounts cannot dictate the names of the employés on the Door-keeper's roll, but they have the right to determine the number of those employés. When we were appointed last December we found upon the Door-keeper's roll the same number of employés there was in the preceding December, a year before, when we were printing and sending out to our constituents, through the mails, tons upon tons of public documents. That was the case in December last. In January the same roll was allowed and passed by our committee, because we supposed Congress would make some arrangement for sending away the documents printed by its order. No such result, however, was reached, and the Committee on Accounts directed the Door-keeper to reduce his force for February to the extent of one-third of the whole expense of his employés; and the expense of his department for the last month has been reduced to that extent.

As I said before, the Committee on Accounts cannot name the men whom the Door-keeper shall place upon his roll, but they can and will fix the amount to be paid from the contingent fund of this House unless they are directed otherwise by the House itself.

Mr. SCOFIELD. I was going to say, Mr. Speaker, when I yielded to my friend from Massachusetts, just what he has said, that even if this resolution were referred to them they have no power over this subject; that while they can fix the number of employés, the Door-keeper himself has the right to select them, and he selects whom he pleases. Now in reference to the suggestion of my friend, that the committee will travel outside of their powers if they direct the Door-keeper to retain these wounded soldiers upon his roll, I only wish to say that the Door-keeper has already discharged three wounded soldiers whom I will name. First, Charles E. Diemar, late first lieutenant in the Forty-ninth Regiment Illinois Infantry, who lost his left arm at the battle of Fort Donelson and received four other wounds in the same engagement, carrying a minie-ball in his left leg, and who has a family of five to support. The Door-keeper has also discharged Henry Cliff, late a captain in the Seventy-sixth New York Volunteer Infantry, who lost his left leg at the battle of Gettysburgh, and has a family of four to support. He has also discharged Charles E. Reisinger, a captain in the One hundred and fiftieth Regiment Pennsylvania Infantry, who lost his left foot at the battle of Petersburgh, and has parents depending on him for their support. These three men have already been discharged, and I have no doubt the Door-keeper will thank us to pass this resolution and give him an excuse to retain these men upon his roll. He sympathizes, I have no doubt, with the wish on our part to retain one-armed and one-legged soldiers upon the rolls of his department, but unless this House will take the responsibility to pass such a resolution as that I have introduced, pressure will be brought to bear upon the Door-keeper, to which he will have to yield, as in the case of the discharge of these men, and send away crippled soldiers from service about the Capitol of the country which they fought to protect and preserve. I now demand a vote on the resolution.

Mr. HOSKINS. Let me ask the gentleman one question.

Mr. SCOFIELD. If the House will indulge me with further time, I will yield, of course.

Mr. HOSKINS. If this resolution is referred to the Committee on Accounts for their consideration, they will examine it to see whether there are not other soldiers with equal claims who should also be retained. The Committee on Accounts have no disposition but that of the most friendly character toward these wounded soldiers.

Mr. SCOFIELD. I know they have; but they have no power over the subject, and therefore I have introduced this resolution.

Mr. HOSKINS. If the resolution be referred to that committee we can report upon it.

Mr. SCOFIELD. These facts have been given to me by these soldiers themselves, and if I should find they have deceived me and through me deceived the House, I would be the first man to move a reconsideration of the vote by which the resolution was adopted.

The SPEAKER. The question is on the motion to suspend the rules and pass the resolution. Is there a second to that motion?

Mr. SENER. Let the resolution be again read.

The resolution was again read.

Mr. RICE. Will the gentleman allow me to make a suggestion?

Mr. SCOFIELD. I yield to the gentleman, if the House will allow me time for that purpose.

Mr. RICE. I want to offer a suggestion for settling this whole difficulty. If all further action on this matter is deferred for one week, and in the meanwhile this House should pass the bill for the free distribution in the mails of public documents, there will be no person to remove. We will want all of these men.

Mr. SCOFIELD. This does not prevent that.

The regular order was demanded by several members.

Mr. TODD. I ask my colleague [Mr. SCOFIELD] to yield to me to offer an amendment.

The SPEAKER. Several gentlemen are calling for the regular order; and the resolution cannot be amended, because this is a proposition to suspend the rules.

The question being taken on seconding the motion to suspend the rules, there were—ayes 70, noes 59.

The SPEAKER. No quorum having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. SCOFIELD, and the gentleman from New York, Mr. COX.

Mr. WOODFORD. I desire to make a parliamentary inquiry. If this resolution be voted down, will it then be in order to offer a resolution covering all cases of disabled soldiers who are or have been during the last month in the employ of the House?

The SPEAKER. There is nothing out of order on Monday, and nothing in order until it is recognized.

Mr. WOODFORD. That is fortunate. Then I was not out of order. [Laughter.]

Mr. SCOFIELD. If it is in my power to modify the resolution before the House divides, I desire to add the words, "and all other disabled soldiers."

Mr. KILLINGER. I suggest to my colleague to strike out the names of all the parties named in this resolution. This may be a sharp movement on the part of a few to get the direction of the House in their favor.

Mr. BUTLER, of Massachusetts. The gentleman from Pennsylvania [Mr. SCOFIELD] yields to me to have a resolution read.

The Clerk read as follows:

Resolved, That the heads of Departments are hereby advised, as the sense of this House, that in discharging clerks, officers, and employés from the public service in their several Departments, they shall discharge civilians who have not been in the Army or Navy, and retain disabled soldiers or sailors, and the wives, widows, daughters, and sisters of soldiers or sailors: *Provided*, They are competent to perform their respective duties: *Provided also*, That two members of one family shall not be employed in the same Department in Washington in any case; and it shall be in order for the Committee on Appropriations to embody this proposition in one of the regular appropriation bills.

Mr. SCOFIELD. I do not yield for that. But I will modify my resolution, as I have said, so as to include "all other disabled soldiers."

The SPEAKER. The resolution will be so modified.

Mr. NESMITH. I move to amend by inserting "that the people be governed by the same rule in electing members of Congress." [Laughter.]

Mr. COX. And also in electing the Speaker of this House. [Laughter.]

Mr. NESMITH. I accept the amendment.

Mr. SMITH, of New York. I ask unanimous consent to make a statement with reference to one of the individuals named here, before the vote is taken.

Mr. PLATT, of Virginia. I object.

Mr. COX. Before the vote is taken I want to say one word.

The SPEAKER. Objection is made to debate.

Mr. COX. I do not oppose this resolution, but I desire just to say——

The SPEAKER. The regular order being demanded, the gentleman from New York [Mr. COX] will take his place as teller along with the the gentleman from Pennsylvania, [Mr. SCOFIELD.]

The House again divided; and the tellers reported—ayes 68, noes 90.

So the motion to suspend the rules was not seconded.

Mr. BUTLER, of Massachusetts. I move that the rules be suspended and the following resolution adopted:

The Clerk read as follows;

Resolved, That the heads of Departments are hereby advised, as the sense of this House, that in discharging clerks, officers, and employés from the public service, in their several Departments, they shall discharge civilians who have not been in the Army or Navy, and retain disabled soldiers or sailors, and the wives, widows, daughters, and sisters of soldiers or sailors: *Provided*, That they are competent to perform their respective duties: *Provided also*, That two members of one family shall not be employed in the same Department in Washington in any case; and it shall be in order for the Committee on Appropriations to embody this proposition in one of the regular appropriation bills.

Mr. BUTLER, of Massachusetts. I desire to modify that, by inserting the words "and officers of this House" after the words "heads of Departments."

The SPEAKER. That modification will be made.

Mr. G. F. HOAR. I suggest to my colleague that he strike out that part of the resolution in relation to two members of one family being employed in the same Department. I think it is a very hard provision.

Mr. KELLOGG. Let me suggest to the gentleman from Massachusetts [Mr. BUTLER] the insertion of one word in his resolution. The resolution ought to have come from the Committee on the Civil-Service Reform; but I suggest to the gentleman that he insert the word "equally" before the word "competent."

Mr. BUTLER, of Massachusetts. No, no; no competitive examinations.

Mr. G. F. HOAR. I think the proviso to which I have referred is unnecessary, except in extraordinary cases.

Mr. BUTLER, of Massachusetts. If the House will allow me, I will merely state why I put in that proviso in relation to two members of one family serving in the same Department. It is because I look upon this as a sort of provision for soldiers' families; and where one member of a family is in office, he gets enough to sustain the whole family, and it is not right to put in two or three members of the family.

Mr. KELLOGG. I do not like this way of bringing up matters without consideration by any committee. We have objectionable things brought up here every Monday. I do think that the resolution ought first to be considered by a committee.

Tellers were ordered on seconding the motion to suspend the rules, and Mr. BUTLER, of Massachusetts, and Mr. KELLOGG were appointed.

The House divided; and the tellers reported—ayes 99, noes 24.

So the motion was seconded.

The question was then taken on suspending the rules and passing the resolution; and (two-thirds voting in the affirmative) the rules were suspended and the resolution was agreed to.

PAY OF SCHOOL-TEACHERS IN THE DISTRICT OF COLUMBIA.

Mr. G. F. HOAR. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

Resolved, That the Committee on the District of Columbia be directed to report forthwith a bill which shall compel the payment of the wages of the school-teachers of the said District, which are now, as it is alleged, many months in arrears.

Mr. CHIPMAN. I ask that a communication from the comptroller of the District on this subject be read.

Mr. G. F. HOAR. I am perfectly willing, if the House is willing, to have ten minutes allowed to the gentleman from the District, or any other gentleman, if I can have ten minutes to reply.

The SPEAKER. The gentleman from the District merely asks to have a communication read.

Mr. FORT. Is that in order?

The SPEAKER. Only by general consent.

Mr. FORT. I object.

Mr. CHIPMAN. That communication is an explanation of the condition of the school fund, and shows that that fund is already overdrawn $173,133.

Mr. G. F. HOAR. The school-teachers of this District, over which we have exclusive jurisdiction in all cases, have had no pay since the 1st of September, and women who are dependent upon their wages are without shoes.

Mr. FORT. I object to debate.

The question was put on seconding the motion to suspend the rules, and no quorum voted.

Mr. MAYNARD. I think that in justice to the House some statements ought to be made, *pro* and *con*, in regard to this matter.

Mr. G. F. HOAR. The whole matter can be explained when the bill is reported; but I will ask unanimous consent that the gentleman from the District be permitted to make a statement, and that I be allowed ten minutes to reply.

Mr. ELDREDGE. Let the comptroller's statement be read. It shows that the school fund of the District has been overdrawn more than $170,000.

Mr. G. F. HOAR. We want to remedy that thing.

Mr. ELDREDGE. You can do it by an amendment to an appropriation bill.

Mr. HALE, of New York. I object to the leave asked by the gentleman from Massachusetts, unless other gentlemen can be heard. I desire to say something myself.

Mr. SPEER. I would like to have the resolution read again. It is simply a resolution of reference.

Mr. HALE, of New York. No, sir; no, sir.

The resolution was again read.

Tellers were ordered on seconding the motion to suspend the rules; and Mr. HALE, of New York, and Mr. G. F. HOAR were appointed.

The House divided; and the tellers reported—ayes 95, noes 53.

So the motion was seconded.

The question recurred on suspending the rules and passing the resolution.

Mr. HALE, of New York. I call for the yeas and nays. I trust the House will not pass such a resolution as this without understanding it.

Mr. MAYNARD. I again appeal to the House to allow short statements to be made.

Mr. CHIPMAN. I want about three minutes.

Mr. ELDREDGE. What is the objection to having the statement of the comptroller read?

Several members called for the regular order.

The question was put on ordering the yeas and nays, and only 14 members voted therefor.

Mr. HALE, of New York. I call for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The question was put; and (two-thirds voting in favor thereof) the rules were suspended, and the resolution was agreed to.

DEPARTMENT OF AGRICULTURE AND REPORTS.

Mr. PLATT, of New York. I move that the rules be so suspended that the House may adopt the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the Department of Agriculture was wisely created for the purpose of procuring and disseminating new ideas and useful knowledge among the masses of the people of our great agricultural districts; and whereas a large sum of money is appropriated annually for the maintenance of this Department in prosecuting the investigation, gathering the information, and collating facts which are embodied in its annual reports; and whereas this useful knowledge and expensive information can only be practically and readily made valuable to the people through the publication and distribution of said annual reports; and inasmuch as the House of Representatives by its recent action has refused to make any provision for the distribution of the two hundred and twenty-five thousand copies of the Agricultural Report heretofore ordered to be printed, thereby formally declining to disseminate this valuable information and practically determining to deprive the people of the benefits of the Department, and thereby also rendering this Bureau nugatory and useless: Therefore,

Be it resolved, That the former joint resolution directing the Government Printer to print two hundred and twenty-five thousand copies of the Department of Agriculture Report of 1872 be recalled from the Senate, reconsidered, and repealed, and that the Committee on Public Expenditures be instructed to report to the House without unnecessary delay a bill to wind up, discontinue, and abolish the Department of Agriculture by the 1st day of January, A. D. 1875.

The question was taken upon the motion to suspend the rules; and upon a division there were—ayes 43, noes not counted.

So the motion was not seconded.

NATURALIZATION OF ALIENS IN NAVAL SERVICE.

Mr. SCHUMAKER, of New York. I move that the rules be suspended, so that the House may pass a bill to extend the provisions of section 21 of chapter 200 of the acts passed at the second session of the Thirty-seventh Congress.

The bill provides that the provisions and benefits provided in section 21 of chapter 200 of the acts passed at the second session of the Thirty-seventh Congress shall extend and apply to all persons of the age of twenty-one years and upward, who have enlisted or shall enlist or serve in the naval service, or any arm or branch thereof, or of the Marine Corps of the United States, and who have been or shall be hereafter honorably discharged; such provisions and benefits to apply in like manner as, by said section, they are made to apply to persons who have enlisted or shall enlist in the Army of the United States, and have been or shall be honorably discharged.

Mr. SCHUMAKER, of New York. I desire to make a brief statement in regard to this bill. By the law of 1862, any unnaturalized alien serving in the Army one year is entitled to citizenship upon his honorable discharge. For some reason the naval service and the Marine Corps are not included. I would not ask for a suspension of the rules in relation to this matter, had it not been that, for nearly twelve years, unnaturalized persons enlisting in the Army have had the privilege of taking out papers of naturalization at the end of one year, while the same privilege is not given to persons in the naval service, or in the marine service of the United States. Bills of this character have been introduced into this House, but have never been heard of again. For that reason I ask a suspension of the rules for the purpose of passing this bill, giving the same privilege to unnaturalized persons who enter the naval service or the Marine Corps which is now given, and which has been given since July, 1862, to the same class of persons who have served in the Army.

Mr. ELDREDGE. As I understand, all there is in this bill is a provision to extend to those who are in the Navy the same privileges that are extended to those who have served in the Army.

Mr. SCHUMAKER, of New York. That is all.

Mr. BUTLER, of Massachusetts. I ask that the section referred to be read.

The Clerk read the section, as follows:

That any alien, of the age of twenty-one years and upward, who has enlisted, or shall enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or shall be hereafter, honorably discharged, may be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become a citizen of the United States; and that he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as is now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States, as aforesaid.

Mr. HALE, of New York. Will my colleague yield to me for a moment?

Mr. HALE, of Maine. This bill is a perpetual thing for the Navy.

Mr. SCHUMAKER, of New York. It is so now for the Army.

Mr. HALE, of Maine. Just the same?

Mr. SCHUMAKER, of New York. Exactly.

Mr. PLATT, of Virginia. A bill of this nature was considered by a committee of the Forty-first Congress, and passed by the House.

Mr. HALE, of New York. Who is entitled to the floor?

The SPEAKER. The Chair has no right to assign the floor to any one. This is proceeding by unanimous consent.

Mr. SCHUMAKER, of New York. If I have any right to yield to any one, I yield to my colleague.

The SPEAKER. If there is no objection the Chair will recognize the gentleman from New York, [Mr. HALE,] who was first on the floor. The Chair would be glad to hear both gentlemen.

Mr. O'BRIEN. I move that both be heard together. [Laughter.]

Mr. HALE, of New York. I wish merely to call the attention of my colleague [Mr. SCHUMAKER] to the form of the bill which he has introduced. It strikes me as objectionable in form. I think one of the greatest defects of our legislation is, that instead of a bill saying what it means and what it purports to provide, it is put in disguise in the form of saying that the same thing shall be done in a certain case that is done in some other case, thereby making great confusion.

Mr. SCHUMAKER, of New York. My friend is a lawyer, and would not want me to put anything like buncombe in the bill. I have stated just what this bill means.

The gentleman from Massachusetts [Mr. BUTLER] has had read the original law; and I think that, as a lawyer, the gentleman will agree with me that this bill is very clearly and carefully drawn to cover the cases in point; to provide, in other words, that sailors shall have the same privilege as soldiers with reference to naturalization.

Mr. HALE, of New York. I am entirely in sympathy with the object my colleague has in introducing this bill, but he can certainly draw in fewer words a bill which shall state upon its face in precise terms the privileges it confers.

Mr. SCHUMAKER, of New York. I cannot do it: I tried it several times, and finally was obliged to put it into the shape in which I have presented it. The manuscript of the bill will show that in my first attempt to draft the bill I did what the gentleman suggests, and tried to frame, without referring to the former act, a provision that should place our sailors on the same footing, with reference to naturalization, as the soldiers; but as the paper will show, I erased my first draught because I thought it unlawyer-like and not so clear as the form in which the bill now stands.

Mr. HALE, of New York. I think a bill of three lines could be framed to accomplish the object.

Mr. SCHUMAKER, of New York. If the gentleman can frame such a bill, I certainly would not object to it.

Mr. PLATT, of Virginia. I desire that the House shall clearly and distinctly understand the position of this case—not that I do not regard the explanation of the gentleman introducing the bill as satisfactory to those who have never heard of the subject before—but because I wish to state that this question has already been twice considered in this House in committee, and by the House itself. During the Forty-first Congress I introduced a bill identical in terms with that now presented, which was reported upon favorably by the committee to which it was referred, and passed in the House without opposition. In the Senate, however, it was never acted on. Again, in the Forty-second Congress, I had the honor to introduce a bill precisely identical in terms with the first; which was referred, reported upon favorably by a unanimous vote of the committee, was again passed by the House without opposition, again buried in the Senate, and never resurrected during the life of that Congress. The present bill proposes to do just what this House tried to do first in the Forty-first Congress, and again in the Forty-second. It simply extends to sailors who honorably serve the Government in the Navy the same privilege with regard to naturalization that was years ago extended to soldiers of our Army.

Mr. SCHUMAKER, of New York. The bill to which the gentleman refers was brought in here and passed at a very late day in the Forty-first Congress, and again in the Forty-second. There did not appear to be any opposition to the bill in either case. Still, as those bills failed in the Senate, let us now take a fair start and see whether by action thus early in the session we may not be able to secure to the unnaturalized persons who enlist in the Navy the same privilege enjoyed by unnaturalized persons in the Army.

Mr. HALE, of New York. I desire to offer a substitute which is much shorter than the bill of the gentleman, and will, I think, accomplish the object equally well.

Mr. RANDALL. I object.

Mr. SCHUMAKER, of New York. I have shown this bill to as good lawyers as there are on the other side of the House, (to be sure I omitted to consult my colleague,) and they agree that the bill is correct in form.

Mr. HALE, of New York. An act of three lines would be a great deal better.

The motion to suspend the rules was seconded.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

So the bill (H. R. No. 2330) was passed.

LOUISVILLE AND PORTLAND CANAL.

Mr. HOLMAN. In behalf of the Committee on Commerce, I ask that the bill (S. No. 350) in regard to the Louisville and Portland Canal, be made a special order for two weeks from to-morrow—the 17th of March. This is a bill which ought to be considered at an early day, being designed to carry into effect the provisions of the river and harbor appropriation act of last session. The necessity of legislation on the subject is indicated by the report of the Secretary of the Treasury made to the present Congress.

Mr. HALE, of Maine. Let the gentleman except the regular appropriation bills.

Mr. HOLMAN. I do not think this bill will occupy an hour.

Mr. BUTLER, of Massachusetts. I desire the gentleman to except the currency bill.

Mr. MAYNARD. If I can get the ear of the Chair, I have a proposition to make.

Mr. HOLMAN. I do not think this measure, when it comes up, will occupy an hour's time.

Mr. MAYNARD. Why does not the gentleman bring it up now?

Mr. NEGLEY. I hope the gentleman from Indiana [Mr. HOLMAN] will adopt that suggestion.

Mr. HOLMAN. I move to suspend the rules to make the bill a special order for two weeks from to-morrow, after the morning hour.

Mr. MAYNARD. Why not bring it up now?

Mr. HOLMAN. It is not ready for consideration at this moment, as a report is yet to be made from the Committee on Commerce.

Mr. GARFIELD. I suggest, then, that the gentleman modify his motion so as to make the bill a special order for Monday morning next, after the morning hour. That would be a very good way to spend Monday; and I think no committee would object.

Mr. HOLMAN. If there be unanimous consent to that arrangement, it will be satisfactory to me.

Mr. GARFIELD. Even if there is not unanimous consent, the gentleman can no doubt carry in that form a motion to suspend the rules.

Mr. HOLMAN. I modify my motion, then, in that way.

The question being taken on seconding the motion to suspend the rules to adopt the motion as modified, it was seconded.

The motion to suspend the rules was agreed to, (two-thirds voting in favor thereof,) and the order was accordingly made.

BANKING AND CURRENCY.

Mr. MAYNARD. I desire to ask the House that the banking and

currency bill be made a special order in the House for Wednesday, the 11th of this month, after the morning hour, to the exclusion of all other orders excepting appropriation bills.

Mr. RANDALL. I want to know whether that motion, if adopted, will displace the other bills that have heretofore been made special orders.

The SPEAKER. The gentleman's motion is that the currency bill, the bill reported by himself as chairman of the Committee on Banking and Currency, shall be made the special order in the House at half-past one o'clock on the 11th day of this month, and from day to day until disposed of, to the exclusion of all other business except appropriation bills.

Mr. RANDALL. Is it to be made a special order in the House? I understood the gentleman to say he asked it should be the special order in Committee of the Whole on the state of the Union.

Mr. MAYNARD. No; in the House.

Mr. RANDALL. That cuts off everything. It would cut off debate on this bill.

Mr. BUTLER, of Massachusetts. That would not allow amendments to be made to the bill.

Mr. MAYNARD. Certainly amendments will be allowed.

Mr. KELLOGG. Will this prevent a motion to go into Committee of the Whole on the forty-four million bill?

The SPEAKER. The gentleman's motion, if it prevails, will have this effect: This will be a special order for that day in the House to the exclusion of all other orders, except the transportation bill, if it should go over. The transportation bill being under precisely the same rule, and being made of prior date, would, of course, shove this ahead if it were not finished by the time this is reached. If that is out of the way, then the motion of the gentleman from Tennessee would make this a special order to the exclusion of everything but appropriation bills, and it would not be in order to go into Committee of the Whole on anything except appropriation bills.

Mr. HALE, of Maine. Would not the right to amend be placed within the control of the gentleman having charge of the bill if it be made a special order in the House?

The SPEAKER. Strictly speaking, the power to amend a bill is within the control of a majority of the House.

Mr. HALE, of Maine. But would that opportunity to amend the bill be exercised if there should be a demand for the previous question?

The SPEAKER. Not if the previous question was seconded.

Mr. RANDALL. Does not this put this bill ahead of the forty-four million bill?

The SPEAKER. This would take this bill out of the Committee of the Whole for consideration and put it in the House.

Mr. BUTLER, of Massachusetts. We cannot do that.

Mr. MAYNARD. My purpose, as far as it is in my power, is to have a full discussion of this bill as far as the House may desire, and to give gentlemen an opportunity to present their views in the form of such amendments as they may deem proper.

Mr. BUTLER, of Massachusetts. Will the gentleman allow amendments to be voted on?

Mr. MAYNARD. Undoubtedly.

Mr. HALE, of Maine. Does the gentleman from Tennessee propose to enter a motion to recommit so as to cut off amendments?

Mr. MAYNARD. Not at all.

Mr. MITCHELL. I wish to state that the forty-four million bill is in point of fact embraced in the bill reported by the gentleman from Tennessee from the Committee on Banking and Currency, and which he proposes to make a special order in the House on the 11th of March, and from day to day thereafter until disposed of.

Mr. RANDALL. I think not. How does it embrace the forty-four million bill?

Mr. MITCHELL. It provides for four hundred millions of currency.

Mr. RANDALL. But that does not embrace the forty-four million reserve.

Mr. KELLEY. Discussion has already commenced on the revenue bill in the Committee of the Whole on the state of the Union. Now, will the discussion of that bill be postponed if we make the special order suggested by the gentleman from Tennessee?

The SPEAKER. If the special order be made, as indicated by the gentleman from Tennessee, it would not be in order to go into the Committee of the Whole on the state of the Union on and after that day, except on appropriation bills, until the currency bill was disposed of.

Mr. KELLEY. There are other gentlemen of the Committee on Ways and Means who are anxious to express their opinions on the subject of the revenue bill.

The SPEAKER. The motion of the gentleman from Tennessee is to give precedence to this bill at that date; and the effect of his motion is to exclude all other subjects with the exception of appropriation bills.

Mr. MAYNARD. I postponed it to the 11th of March, because at that time I supposed these other matters would be out of the way.

The SPEAKER. This special order is to take effect next week. Is there a second to the demand for a suspension of the rules?

The House divided; and there were—ayes 56, noes 39; no quorum voting.

The SPEAKER ordered tellers; and appointed Mr. MAYNARD and Mr. SPEER.

The House again divided; and the tellers reported—ayes 100, noes not counted.

So there was a second.

The rules were suspended, (two-thirds voting in favor thereof,) and Mr. MAYNARD's motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that the Senate had passed the following bill and joint resolution; in which the concurrence of the House was requested:

A bill (H. R. No. 512) to extend the time for completing the Wisconsin Central Railroad in Wisconsin; and

A joint resolution (H. R. No. 6) in relation to the bronze statue of Jefferson presented to Congress by Uriah P. Levy, an officer in the United States Navy.

HOMESTEADS TO ACTUAL SETTLERS.

Mr. TOWNSEND. I move the rules be so suspended that House bill No. 1760, entitled "A bill to secure homesteads to actual settlers on the public domain," be taken up for consideration, and at the end of an hour's debate the previous question be considered as ordered, and the bill put on its passage.

The SPEAKER. At what time does the gentleman propose to have it taken up?

Mr. TOWNSEND. Now. If there be any objection to that, I move it be put on its passage now. I thought gentlemen might want to debate it. I am willing it should be debated.

The SPEAKER. The Chair was about to recognize the gentleman from New York [Mr. E. H. ROBERTS] on a motion to go into the Committee of the Whole on the state of the Union.

Mr. TOWNSEND. I should like to have my motion decided.

The SPEAKER. The gentleman from Pennsylvania, chairman of the Committee on the Public Lands, proposes to have taken up at this time and passed the bill reported by him to amend the homestead act.

Mr. PAGE. Has not that bill been made a special order?

The SPEAKER. Even if it had been, that would not interfere with the motion of the gentleman from Pennsylvania.

Mr. TOWNSEND. This bill has been before the House for a long time. Every gentleman probably is acquainted with it. It is a re-enactment of the homestead law, with some additional provisions and the repeal of the pre-emption law. I am pretty sure that after it has been read, scarcely any gentleman, if there be one, will object to its immediate passage.

Mr. HOLMAN. I would suggest that, while the motion is pending, the bill itself be read.

DEPARTMENT OF JUSTICE.

The SPEAKER. While that motion is pending the Chair will recognize the gentleman from Pennsylvania [Mr. SPEER] who desires to offer a resolution.

Mr. SPEER. I ask unanimous consent to offer the following resolution:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to this House a statement in detail of the expenditures of the contingent fund of the Department of Justice, from its organization in 1870 until the present, showing the amount paid, when, for what, and to whom.

Mr. BUTLER, of Massachusetts. I object.

Mr. SPEER. I move to suspend the rules, and pass the resolution.

Mr. BUTLER, of Massachusetts. And I will tell you why I object.

Mr. SPEER. I do not want the gentleman to tell us.

Mr. BUTLER, of Massachusetts. I object, because that information is already before a committee of this House.

Mr. SPEER. A resolution similar to this was passed in regard to the Treasury Department, and the Secretary of the Treasury has furnished the information to the House. We wish now to get this information from the Attorney-General. The House and the country want it.

Mr. BUTLER, of Massachusetts. We have got it all already.

The question being taken on the motion to suspend the rules and pass the resolution, there were—ayes 44, noes 54.

The SPEAKER. No quorum having voted, the Chair will order tellers; and appoints the gentleman from Pennsylvania, Mr. SPEER, and the gentleman from Massachusetts, Mr. BUTLER.

The House again divided; and the tellers reported—ayes 69, noes 84.

So the motion to suspend the rules was not seconded.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to make a statement to the House. He was about to recognize the gentleman from New York [Mr. E. H. ROBERTS] to try the sense of the House on going into Committee of the Whole on the tax bill reported from the Committee on Ways and Means. If the gentleman from Pennsylvania [Mr. TOWNSEND] will withdraw his proposition in regard to the homestead bill, and the motion of the gentleman from New York should prevail, the Chair will recognize the gentleman from Pennsylvania afterward; and the House may vote to-morrow morning on the homestead bill—

going over as unfinished business, if the House shall adjourn thereon.

Mr. TOWNSEND. I agree to that.

Mr. E. H. ROBERTS. Then I move that the rules be suspended and that the House resolve itself into Committee of the Whole on the special order, the tax bill, reported by the Committee on Ways and Means.

The SPEAKER. Several gentlemen desire unanimous consent to refer bills, &c. The Chair will now entertain their requests.

T. R. HAGGARD.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 2331) to reimburse T. R. Haggard, late colonel ——— Kentucky Volunteers of United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TWELVE-MILE CREEK, NEW YORK.

Mr. HOSKINS, by unanimous consent, presented a memorial and petition of citizens along the shore of Lake Ontario, to establish a harbor at the mouth of Twelve-mile Creek, in the county of Niagara, State of New York; which was referred to the Committee on Commerce, and ordered to be printed.

BOUNTIES.

Mr. NIBLACK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of extending the provisions of so much of the act of July 28, 1866, as grants bounties to certain soldiers of the late war for the suppression of the rebellion, who volunteered in the year 1861, so as to include within its benefits the same class of soldiers who were discharged by reason of disability incurred within the line of their duty; and to report by bill or otherwise.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. HATCHER, by unanimous consent, presented a concurrent resolution of the General Assembly of the State of Missouri, relating to the improvement of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

S. D. HICKS.

Mr. SMITH, of Virginia, by unanimous consent, introduced a bill (H. R. No. 2332) for the relief of S. D. Hicks, administrator of R. M. Howey; which was referred to the Committee on Claims, and ordered to be printed.

MISSISSIPPI VALLEY.

Mr. STONE, by unanimous consent, presented a concurrent resolution of the Legislature of the State of Missouri, in relation to the memorial of the Union Merchants' Exchange of Saint Louis, concerning the Mississippi Valley; which was referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. STONE. I ask that the concurrent resolution be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The concurrent resolution was as follows:

Whereas a memorial from the Union Merchants' Exchange of Saint Louis, with accompanying appendices, setting forth the necessities of the people of the Mississippi Valley, in respect to the transportation of their products and the improvement of their natural channels of communication, has been transmitted by the governor to this body for its consideration; and whereas the complete and comprehensive view of facts therein contained conclusively proves that the improvement of the Mississippi River and its tributaries will go far toward solving the vexed question of transportation, affording to the people of different sections of our country the opportunity for interchange of their products at less cost, and to the producers, of the West especially, a choice of markets and a better price for the fruits of their industry; and whereas the measures therein advocated are in the highest degree national in character and of peculiar importance, not alone to the people of Missouri, but to the people of every State of the valley of the Mississippi: Therefore,

Be it resolved by the senate, (the house of representatives concurring therein,) That our Senators from this State be instructed, and our Representatives in Congress requested, to urge in the Congress of the United States the opening of the mouth of the Mississippi River, so that a clear channel of sufficient depth for the largest vessels of commerce may at all times be maintained; the immediate completion of works in progress at the Des Moines and Rock Island Rapids, the removal of obstructions from the channel of the Mississippi River, according to the recommendations of the United States engineer in charge, so that a channel of not less than ten feet in depth may at all times be maintained before the mouth of the Missouri, and the improvement of the chief tributaries of the Mississippi, and of the upper portion of that river, so that the main channel may become accessible as a highway for commerce to the people of all the States of the Mississippi Valley, and the appropriation of such sums as may be necessary to carry forward, without delay, this great work of national importance.

Resolved, That a copy of these resolutions be transmitted by the Secretary of State to our Senators and Representatives in Congress, and to the presiding officers of the Legislatures of all other States in the Mississippi Valley, with the earnest request that they will concur with the Legislature of Missouri in urging the measures herein contemplated.

Resolved further, That the governor be instructed to empower such person as may be recommended by the central committee of the Union Merchants' Exchange, of Saint Louis, to proceed as commissioner on behalf of this State to invite the special attention of the Legislatures of Illinois, Iowa, Kansas, Nebraska, Minnesota, and Wisconsin, to the necessity of the improvement of the Mississippi River, and its tributaries, and to urge concurrent action with this Legislature in its recommendations upon this subject before the adjournment of the present session of Congress; and that the actual expenses of said commissioner without salary while employed in this mission shall, by the State treasurer, be refunded to him upon his certificate of the amount, with the approval of the governor: *Provided*, That the sum so paid shall not exceed $500.

Approved February 20, 1874.

INDIAN LANDS IN KANSAS.

Mr. LOWE, by unanimous consent, introduced a bill (H. R. No. 2333) to further provide for the sale of certain Indian lands in Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CORRECTION OF THE JOURNAL.

Mr. ASHE. I rise to a question of privilege. In the vote on Thursday last, on the bill in relation to public documents, my name is recorded in the vote on the amendment of the gentleman from New York, [Mr. HALE,] as among those who did not vote. I voted against the amendment, and I wish the Journal to be corrected.

The SPEAKER. The gentleman's statement will go into the CONGRESSIONAL RECORD, but it is too late to correct the Journal.

COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. HALE, of New York, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized to continue the employment of the accountant authorized by resolution of this House, on the 13th of December last, for not exceeding fifteen days in addition to the time named in said original resolution.

REVISION OF THE TARIFF.

Mr. NIBLACK. I made a mistake just now and sent up the wrong resolution. I had another resolution which I intended to offer.

The SPEAKER. The House took the gentleman at his word, and referred his resolution.

Mr. NIBLACK. I now ask leave to offer the following resolution for reference:

Resolved, As the sense of this House, that any scheme for the improvement of the finances of the country will be unsatisfactory and incomplete which shall not embrace a revision of the tariff in the interest of revenue and for the emancipation of commerce from all unnecessary restrictions; and that the Committee on Ways and Means be instructed to enter upon and proceed with such a revision of the tariff.

The resolution was referred to the Committee on Ways and Means, and ordered to be printed.

REMOVAL OF INDIANS.

Mr. HANCOCK, from the Committee on Appropriations, reported a bill reappropriating an unexpended balance of appropriations for the removal of certain Indians.

The bill provides that the unexpended balance of appropriations made by the acts of July 15, 1870, and March 3, 1871, for the removal of the Kickapoos and other American Indian tribes roving on the borders of Mexico and Texas to reservations within the Territories of the United States, and for their settlement and subsistence on such reservations, be reappropriated, and it authorizes the Secretary of the Treasury to use the said unexpended balance to defray the expenses incurred by the removal of said Kickapoo Indians, and locating and subsisting them in the Indian Territory; provided that this amount shall be in full of all expenses and obligations incurred in the removal of said Indians, and that the Secretary of the Interior, in disbursing the same, shall see that all promises and obligations incurred by the commissioners to said Indians shall be fully met and discharged from this amount.

Mr. GARFIELD. This is the unanimous report of the Committee on Appropriations.

Mr. RANDALL. This bill involves the same principle which the bill to which I objected the other day involved, and that is, that there is no unexpended balance in this case at all.

Mr. GARFIELD. O, yes; there is.

Mr. RANDALL. It has, under the law, gone into the Treasury.

Mr. GARFIELD. No; it has not gone into the Treasury.

Mr. RANDALL. As I insisted then so I insist now, that this should be a bill making a direct appropriation. I know nothing of the merits of the bill; but I object to the House confirming an interpretation of law by the Departments, which was in utter violation of the letter and spirit of the law.

Mr. HANCOCK. The bill says that this money is reappropriated.

Mr. RANDALL. It speaks of an unexpended balance.

Mr. HANCOCK. It reappropriates the unexpended balance.

Mr. RANDALL. Then I move to strike out all that part of the bill that relates to the unexpended balance, and also to strike out "re" before the word "appropriated."

Mr. HOLMAN. I suggest to my friend from Pennsylvania that those words are valuable as indicating the amount of the appropriation.

Mr. HANCOCK. If it is in order I would like to have read that portion of the communication of the Secretary of the Interior which I have marked.

Mr. RANDALL. I have no objection to that.

Mr. BECK. Is it in order to object to the consideration of the bill?

The SPEAKER. The bill will be printed, with the document which the gentleman desires to have read.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. BROMBERG. I ask the House to take up the bill (H. R. No. 1584) to prevent the importation of contagious and infectious diseases into the United States. The bill is the unanimous report of the Committee on Commerce, and I will state briefly why it ought to be acted on promptly.

Mr. GARFIELD. I hope that the bill reported by my colleague on the committee, from Texas, [Mr. HANCOCK,] will be acted on.

Mr. HANCOCK. I wish the matter brought to the attention of the House and acted on now.

The SPEAKER. In reality the Chair has been entertaining business, since the gentleman from New York [Mr. E. H. ROBERTS] obtained the floor, by unanimous consent.

Mr. RANDALL. I object to his yielding any longer after this.

The SPEAKER. There will be a period after the committee rises when the Chair will recognize the gentleman from Texas. The gentleman from Alabama [Mr. BROMBERG] apprehended that his proposition in regard to the bill in relation to the importation of contagious and infectious diseases would have unanimous consent. The Chair gave him an opportunity to test the sense of the House upon that subject.

Mr. BROMBERG. If the House will allow me, I will state why there should be prompt action on this bill.

Mr. WILLARD, of Vermont. I cannot consent to the consideration of this bill at this time.

Mr. BROMBERG. Will the gentleman first listen to me?

Mr. BUTLER, of Massachusetts. I desire to make a suggestion. I see that this bill says that the regulations adopted by this commission shall have the force of law when made.

Mr. BROMBERG. No; when approved by the President.

Mr. BUTLER, of Massachusetts. Well, when approved by the President. Then the violation of them should be a misdemeanor. Should not the gentleman put in the bill a provision that no rule shall be made in contravention of the laws of Congress? Otherwise you make this commission a legislative body. The bill also overrides State rights.

Mr. BROMBERG. I would like to make this statement to the House. This bill was considered carefully in the Committee on Commerce, and is unanimously reported from that committee. We are liable any day to have the yellow fever upon us. It is now in Rio, and the black vomito has already appeared in Havana.

Mr. WILLARD, of Vermont. My objection is that this commission, as provided by the bill, is clothed with legislative powers.

Mr. POTTER. Does the gentleman from Alabama [Mr. BROMBERG] desire to have action on this bill now without any discussion?

Mr. BROMBERG. I have no desire to press this matter; but I want to call the attention of the House to the importance of this bill.

Mr. WILLARD, of Vermont. I have no objection to another day being set apart for its consideration.

Mr. BROMBERG. Then I will say Thursday next, after the morning hour.

Mr. RANDALL. I object to that, because the gentleman from Indiana [Mr. SHANKS] has given notice that he will on that day call up his motion to reconsider the vote rejecting the bill for the distribution of documents.

Mr. BROMBERG. Well; say Wednesday, after the morning hour.

The SPEAKER. It would not be reached on that day. The House is already acting under a suspension of the rules upon the bill in relation to cheap transportation, which is the special order for every day at one and a half o'clock until disposed of. That order being made, a suspension of the rules could not be set aside. Then an order was made to-day in regard to the currency bill, and that order must be held subordinate to the other if the two come into collision.

Mr. COX. I object to the consideration of this bill at all. It overrides State rights altogether.

Mr. BROMBERG. Then, I move a suspension of the rules for the purpose.

The SPEAKER. The Chair has already recognized the gentleman from New York, [Mr. E. H. ROBERTS,] who has submitted a motion to suspend the rules. The Chair may be able to recognize the gentleman from Alabama after the committee shall rise, or early on Monday next.

Mr. NEGLEY. I hope the House will agree to the early consideration of this bill.

The SPEAKER. The Chair cannot recognize a motion to suspend the rules when one of that character is pending.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I ask that the amendments of the Senate to the naval appropriation bill be taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

No objection being made, it was ordered accordingly.

WESTERN JUDICIAL DISTRICT OF ARKANSAS.

Mr. SENER. A resolution was offered on Thursday last giving a general power to the Committee on Expenditures in the Department of Justice to send for persons and papers in all cases. I now offer a resolution in which that power is stricken out, and we ask merely for power as to the western district of Arkansas, which was specially referred to us by a resolution of the House on the 16th of last month.

The preamble and resolution were read, as follows:

Whereas the House did, on the 16th day of February, direct the Committee on Expenditures in the Department of Justice to inquire into the expenses, disbursements, and general management of the western district of Arkansas since its organization in 1871; and whereas said committee in pursuing its inquiries under the aforesaid resolution of the House doth require for said investigation additional powers and facilities to those already conferred upon it: Therefore,

Be it resolved, That the said committee have authority to send for persons and papers, to administer oaths, and to employ a clerk and stenographer for such period as it may deem proper.

No objection being made, the preamble and resolution were adopted.

TAX ON MATCHES AND BANK-CHECKS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from New York [Mr. E. H. ROBERTS] to suspend the rules and go into Committee of the Whole upon the special order, being the bill in relation to the tax on matches, and the bill repealing all stamp taxation on bank-checks and friction-matches.

Mr. KELLEY. I desire to submit the proposition that these bills, upon which the gentleman from New York and others are to speak this afternoon, and upon which several gentlemen have prepared remarks, may be made the special order for Saturday next for debate.

Mr. DURHAM. What will be the effect of that order?

The SPEAKER. It would not interfere with the status of the bills in Committee of the Whole. The gentleman asks that Saturday next be set apart for debate upon these bills.

Mr. DURHAM. Suppose the debate should not be concluded upon that day?

The SPEAKER. Then it would have to be finished upon some other day.

Mr. POTTER. Would debate upon that bill be the only debate in order?

The SPEAKER. That bill only.

Mr. KELLEY. I ask that they be made a special order for that day, with the understanding that no vote be taken upon them.

The SPEAKER. The bills would be left in Committee of the Whole, where they now are.

Mr. G. F. HOAR. I object to that order.

BALTIMORE AND OHIO RAILROAD.

Mr. ARCHER, by unanimous consent, introduced a bill (H. R. No. 2334) authorizing the Baltimore and Ohio Railroad Company to construct a lateral or branch road from their Washington branch to connect with their Metropolitan branch; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

He also, by unanimous consent, introduced a bill (H. R. No. 2335) authorizing the Baltimore and Ohio Railroad Company to construct a lateral road within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported back from the Committee on the Judiciary the bill (H. R. No. 2042) supplemental to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend their railroad into and within the District of Columbia," approved January 22, 1873, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on the District of Columbia.

No objection being made, the motion was agreed to.

SAMUEL D. HICKS.

Mr. BUTLER, of Massachusetts, also, by unanimous consent, reported back from the Committee on the Judiciary the bill (H. R. No. 1976) for the relief of Samuel D. Hicks, of Richmond, Virginia, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee of Ways and Means.

No objection being made, the motion was agreed to.

TAX ON MATCHES AND BANK-CHECKS.

Mr. RANDALL. I now insist on the regular order.

The motion of Mr. E. H. ROBERTS, that the House resolve itself into the Committee of the Whole, was then agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HURLBUT in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 263) to repeal the stamp duty or tax on matches.

THE TREASURY AND THE TAXES.

Mr. E. H. ROBERTS. Mr. Chairman, the particular measure referred to this Committee of the Whole is the adverse report from the Committee on Ways and Means upon the bills for the repeal of the taxes upon bank-checks, and friction-matches. The amount which will be derived from matches during the current year is estimated at $2,500,000, and from bank-checks at $1,600,000. This Committee of the Whole cannot refuse to agree to the adverse report. We cannot spare the revenues which these taxes produce. It is not wise to recast our system of taxation, and impose other taxes that these may be dispensed with.

The eminent gentleman from Massachusetts, [Mr. DAWES,] who is by weight of character and length of service, as well as by official position, the leader of the House, when the Committee of the Whole first considered this subject, took occasion to make his presentation of the budget. It would ill become me to follow his course of thought. His experience here has enabled him to discover the evils which have fastened like barnacles to our system of government by the toleration of generations, as well as those excrescences which have grown up through the extravagance of a great conflict. Although I may not repeat his denunciations, I will go as far as he will be willing to lead for every measure of practical and beneficent reform. When the good doctor prescribes a method for sure and rapid cure, he may be pardoned if he magnifies the evils which he will remove. If I might venture any suggestion at all in connection with so much that was so pungently and effectively said, it would be, that the reme-

dies which the gentleman indicates, while they may be radical and comprehensive, promise to be effective not for the current year so much as in the future. Let me be content now to look at the immediate necessity.

APPEALS FOR MORE TAXES AND FOR REDUCED TAXES.

When Congress assembled in December, two demands were pressed upon it. The Secretary of the Treasury pronounced urgent the necessity for an increase of taxation to the extent of $42,000,000 a year. From many quarters came requests for financial relief. "More taxes," was the appeal of the Treasury; "more currency and less taxes" was the burden of a large number of bills referred to the committees. The bills now reported adversely are only a few of many before the Committee on Ways and Means, which represent the antagonism to the demand of the Treasury. We must meet squarely the voice from the Treasury and the voice from the tax-payers.

REDUCTION OF REVENUES.

The revenues of the country had run down from $46,344,106.78 in October and November, 1872, to $35,106,373.02 for the corresponding months of 1873. The importations, upon which the Treasury receives so large a part of its resources, had fallen from $261,826,688 for the five months, from the 1st of July to the 1st of December, 1872, to $223,151,160 for the corresponding months of 1873, and the customs revenues had dropped for the like period from $85,844,627.56 in 1872, to $70,359,021.64 in 1873. The internal revenue, collected now from liquors, tobacco, banks, and stamps on a few articles, had amounted to $51,502,192.75 from July 1 to December 1, 1872, but in the like period of 1873 was only $39,269,464.61. Of this loss of revenue, $27,718,334.16 in the aggregate, it is hard to say what was due to the change of rates for 1872 going into effect in July and August, but the greater part is traceable to the commercial depression.

This was the condition of the Treasury as we found it when Congress assembled.

While, then, the report of the Secretary, dated December 1, 1873, indicated an apparent deficiency for the fiscal year ending July 1, 1874, of $13,530,000 for current expenditures, besides the sinking fund, we are to inquire what that means, and what is the real financial situation now.

MR. RICHARDSON'S RECOMMENDATION.

Mr. Richardson submitted to the Committee on Ways and Means a letter, in which he recommended an increase of $42,000,000 in the amount levied in certain customs duties and internal taxes. These are its terms:

TREASURY DEPARTMENT, *December* 12, 1873.

SIR: I have the honor to acknowledge the receipt of your letter of this date, transmitting a resolution of the Committee on Ways and Means of the House of Representatives, "asking the Secretary of the Treasury to give his reasons in writing for an increase in taxation, and why he has selected the articles named in his communication as the proper objects for increased taxation; and that he inform the committee specifically as to the expenditures and conditions of the revenue which renders the proposed increase necessary."

In the report which, in accordance with law, I had the honor recently to submit to Congress, I used the following language:

"Should there not be a revival of business at an early day, and an increase in the receipts over those of the past two and a half months, additional means will be required to meet expenses. Should such be the case, I recommend additional taxation judiciously laid, so as to be the least burdensome upon the people and business of the country, rather than a resort to borrowing money and increasing the public debt." It is on the grounds here generally stated that I suggested increased taxation.

The receipts from customs and internal taxes have not materially increased, and it is apparent that no considerable augmentation of those receipts is soon to be expected, under the laws now existing. The public debt was increased by demands which could not be avoided, during the month of November, to the extent of over $9,000,000; and it is apparent that it will be still further increased during the current month by many millions.

While the coin receipts are but little more than sufficient to pay the interest on the public debt and other coin expenditures, it will not be prudent to sell gold to increase the supply of currency.

The current expenses of the Government have already consumed about $18,000,000 of what has been called the "reserve," and there remains only about $26,000,000, which can be used before the extreme limit of issue of United States notes authorized by law will be reached. The public credit can only be maintained by keeping the receipts of the Treasury fully up to the expenditures for ordinary expenses, for interest on the public debt, and for the purchase of bonds for the sinking fund, to the extent provided by law. It is manifestly the true policy, in view of the necessity of maintaining that credit, so to levy taxes as to make it certain that the required amount will be raised with the possibility of some surplus revenue, rather than to incur any risk of a deficiency which would make it necessary to borrow money and thereby increase the debt.

In selecting tea and coffee for taxation I am influenced by the consideration that taxes on those articles are easily collected, and are not oppressive to the consumers.

In selecting spirits, tobacco, gas, railway and steamboat receipts, express, insurance, and telegraph companies, as subjects of taxation, I am governed principally by the reasons expressed by the Commissioner of Internal Revenue, in his letter already forwarded to the committee, in the following words: "In selecting sources for possible taxation I have taken those that would give the revenue probably needed without any material increase of the present force, or any amendment to the present system, considering that it is wise to get the public revenue with as little interference as possible with the general business of the country, and that the tax-gatherer should greet the public eye as rarely as practicable."

I have presented the bills for increased taxation to the committee thus early that the subject may at once be called to the attention of Congress for such action at an early day as may be deemed expedient.

It should be taken into account that the effect of any law which may be enacted to increase taxation will not fully appear for several months after its passage, and that in the apparent disposition among the people to reduce expenditures, the rates which may be fixed will not produce the same amount of revenue as would accrue under different circumstances.

I have the honor to be, very respectfully,

WM. A. RICHARDSON,
Secretary.

The following extract from a letter of the Commissioner of Internal Revenue gives the estimate of receipts under each section, as follows:

Section 1, from spirits	$7,000,000
Section 1, from tobacco	4,000,000
Section 2, from gas	2,500,000
Section 3, from railroads, on receipts from passengers	3,500,000
Section 3, from railroads, on receipts from freight	2,500,000
Section 3, from steamboats, on receipts from passengers	300 000
Section 3, from steamboats, on receipts from freight	300,000
Section 4, from express companies	500,000
Section 5, from insurance companies	1,300,000
Section 6, from telegraph companies	250,000
Total	22,150,000

Statement of amount of duty on tea and coffee for the six fiscal years (ending June 30) 1867 to 1872, inclusive.

Year.	Coffee.	Tea.
1867	$8,637,115 85	$8,533,803 69
1868	10,637,859 48	9,414,664 29
1869	11,540,761 97	9,785,438 88
1870	12,678,616 44	10,203,047 19
1871	10,969,148 87	8,322,994 67
1872	7,192,126 06	5,133,674 03
Total	61,655,628 67	51,393,622 75

This shows the total amount of duty on coffee and tea for the six years named to have been $113,049,251.42; being a yearly average of $18,841,541.90¼.

From January 1, 1871, to July 1, 1872, the duty on tea was 15 cents per pound, and on coffee 3 cents per pound. Prior to that time the duty was on tea 25 cents per pound; on coffee 5 cents per pound.

EDWARD YOUNG, *Chief of Bureau.*

TREASURY DEPARTMENT, *Bureau of Statistics.*

These recommendations were made when the effects of the financial crisis were yet near and severely felt. They were prompted by a careful prudence. They have been considered by the Committee on Ways and Means with the attention to which their high source entitles them; and the Committee of the Whole House will not fail to weigh them seriously. They will prevent the repeal of any taxes unless provision is made for largely increased revenues from other sources.

We are now, however, three months further from the panic than we were when Congress assembled. The marvelous elasticity of our people is again asserting itself. The revenues are recovering. The House of Representatives has set to work in vigorous retrenchment. The balance promises to be on the right side for this fiscal year. Danger for the next has been much diminished, even in the eyes of those most inclined to prophesy evil.

THE SECRETARY'S ESTIMATES.

Using the official figures of the Secretary, in his report, combining the estimates for three quarters with the actual returns for the first quarter, we find this statement for the current fiscal year, leaving the reserve of $44,000,000 wholly out of account:

Receipts.

Source.	First quarter, actual.	Three quarters, estimated.	Total for year.
From customs	$49,195,403 68	$111,000,000 00	$160,195,403 68
From sales of public lands	573,768 07	1,500,000 00	2,073,768 07
From internal revenue	25,640,454 41	66,000,000 00	91,640,454 41
From tax on circulation, &c., of national banks	3,490,743 66	3,200,000 00	6,690,743 66
From repayment of interest by Pacific Railways	198,970 56	300,000 00	498,970 56
From customs fines, &c	428,514 21	800,000 00	1,238,514 21
From consular, patent, and other fees	503,941 12	1,300,000 00	1,803,941 12
From proceeds of Government property	303,765 32	1,000,000 00	1,303,765 32
From miscellaneous sources	1,507,931 21	2,000,000 00	3,507,931 21
From premium on sales of coin	2,350,818 34		2,350,818 34
Net ordinary receipts	84,204,310 58	187,100,000 00	271,304,319 58

Expenditures.

Items of expenditure.	First quarter, actual.	Three quarters, estimated.	Total for year.
For civil and miscellaneous expenses, including public buildings, light-houses, and collecting the revenues	$17,372,293 60	$49,250,000	$66,622,293 60
For foreign intercourse		1,100,000	1,100,000 00
For Indians	2,008,715 19	6,500,000	8,508,715 19
For pensions	8,698,156 58	21,780,000	30,478,156 58
For military establishment, including fortifications, river and harbor improvements, and arsenals	13,795,053 48	34,000,000	47,795,053 48
For naval establishment, including vessels and machinery and improvements at navy-yards	9,792,451 57	18,000,000	27,792,451 57
For interest on the public debt, including Pacific Railway bonds	37,051,907 79	70,000,000	107,051,907 79
Total, exclusive of the principal and premium on public debt	88,718,578 21	200,630,000	289,348,578 21
Deficiency*	4,514,267 63	13,500,000	19,014,267 63

*The deficiency for the first quarter appears in the report of the Secretary in a diminution of the cash in the Treasury.

THE ACTUAL REVENUES.

But the reviving business of the country has already changed the whole character of these figures. We are justified in adding at least $10,000,000, and probably $11,000,000, to the estimates of internal revenue; and at least $5,000,000, if not $8,000,000, to the customs. This is not all guess-work, nor calculation on probabilities. The whole quarter of the panic has been reported, and two months in the third quarter give the data for judgment. The Treasury revised its estimates in January, and the returning prosperity gives the figures of the first week in March a character different from those of the first week in December. First, here is the statement for the quarter immediately succeeding the panic.

THE QUARTER OF THE PANIC.

The following are the receipts and expenditures by warrants for the quarter ending December 31, 1873:

Net receipts:		
From customs		$31,229,769 37
From internal revenue		22,276,191 25
From sales of public lands and miscellaneous sources		4,472,598 69
		57,978,559 31
Net expenditures:		
For civil and miscellaneous		19,951,111 03
For War Department		11,349,378 63
For Navy Department		8,343,211 43
For Indians and pensions		9,205,145 10
For interest on public debt		13,881,403 49
For premium on public debt		93,126 77
		62,823,376 45

Observe that the deficiency for this gloomy quarter is, $4,844,817.14.

But an instructive comparison may be made by placing side by side the customs and internal revenue for the last fiscal year preceding and for the current year:

Receipts from customs for fiscal years 1873 *and* 1874.

1873.	Amount.	1874.	Amount.
1872—July	$11,910,321 18	1873—July	14,777,146 47
August	26,378,180 49	August	18,375,392 83
September	19,441,038 60	September	15,963,149 09
October	16,588,690 32	October	11,522,498 98
November	12,248,102 59	November	9,720,834 27
December	10,754,727 05	December	9,986,436 12
1873—January	14,753,063 85	1874—January	13,575,973 71
Seven months	112,074,124 08	Seven months	93,922,431 47
February	17,338,846 68		
March	17,810,108 14		
April	14,795,590 49		
May	13,731,307 76		
June	12,339,545 55		
Five months	76,015,398 62	Estimated	70,000,000 00
For the year	188,089,522 70	For the year	163,922,431 47

Receipts from internal revenue for fiscal years 1873 *and* 1874.

1873.	Amount.	1874.	Amount.
1872—July	$14,055,014 73	1873—July	8,578,044,35
August	10,325,493 36	August	8,572,495 84
September	9,788,539 13	September	8,255,894 65
October	8,823,777 25	October	7,091,532 88
November	8,683,536 62	November	6,771,496 89
December	8,559,387 43	December	8,413,161 48
1873—January	8,101,163 46	1874—January	9,400,874 80
Seven months	68,336,911 98	Seven months	57,083,500 89
February	7,878,050 13		
March	8,283,564 71		
April	8,103,613 53		
May	12,285,999 82		
June	8,841,173 97		
Five months	45,392,402 16	Estimated	46,000,000 00
For the year	113,729,314 14	For the year	103,083,500 89

These tables show in themselves the justification of the estimates embodied in them.

These figures bring us to the calculations of the Treasury made in January of the actual situation for the fiscal year:

REVISED TABLE OF RECEIPTS AND EXPENDITURES.

July 1, 1873—Cash in the Treasury, as per Finance Report			$131,192,028 50
From which deduct sums on deposit, by provisions of law, represented in this amount, as follows:			
Special deposit of legal-tenders held for redemption of certificates of deposit	$31,730,000 00		
Coin deposits for which coin certificates were outstanding	39,460,000 00		
		71,190,000 00	
			$60,002,028 50
Total available cash belonging to the Government			$60,002,028 50
Consisting of coin	$48,047,402 68		
Consisting of currency	11,954,625 82		
Receipts from July 1, 1873, to February 1, 1874, (five days estimated)	$165,677,972 99		
Estimated for remaining five months of fiscal year	116,100,000 00		
Total income			281,777,972 99
Total available resources			341,780,001 49
Expended on account of sinking fund	$12,936,450 00		
Expenditures on account of appropriations from July 1, 1873, to February 1, 1874, (five days estimated)	177,174,585 59		
Liabilities on account of unexpended balances of appropriations, February 1, (five days estimated)	$138,381,557 37		
Deduct amount which will not probably be required	72,369,034 39		
Estimated expenditure from regular appropriations	66,012,522 98		
Interest on the public debt	$41,286,661 48		
Accrued interest due and unpaid	6,987,477 02		
	48,274,138 50		
Deduct amount of accrued interest which will not be called for during the fiscal year	6,000,000 00		
Estimated expenditure on interest account	42,274,138 50		
Estimated expenditure on account of sundry indefinite and permanent appropriations	6,825,000 00		
Sinking-fund account:			
Amount required to be provided	$29,191,369 28		
Bonds already purchased	12,936,450 00		
Leaving amount to be provided	16,254,919 28		
Total expenditure			321,477,616 35
Cash on hand July 1, 1874			20,302,385 14
Total			341,780,001 49

By this statement it will be seen that, exclusive of the sinking-fund account, during the first seven months of the fiscal year the expenditures were $11,496,612.60 in excess of the income; and that during the last five months of the same it is estimated that the income will be $988,338.52 in excess of the expenditures; thus showing the expenses of the entire year to be $10,508,274.08 more than the income of the Government, and a reduction in cash in the Treasury of $26,763,193.36.

To restore to the Treasury the amount of cash on hand July 1, 1873, will require that provision be made for the above deficiency in the revenues of $15,508,274.08, and the amount required for the sinking-fund purchase, charged as an item of expenditure on the preceding page, $16,254,919.28.

The further sum of $12,936,450 will be required to reimburse the Treasury for the amount actually expended in the purchase of bonds for the sinking fund.

The total amount, therefore, which will be required to provide for the deficiency in the revenues and the sinking fund is $39,699,643.36.

CHAS. F. CONANT,
Chief of Division.

WARRANT DIVISION, *January* 26, 1874.

THE NEW BALANCE.

It is encouraging to observe that the better aspect of business and the improvement in the revenues justifies the Department now in placing the receipts for the year at $281,777,972.99, while the estimates in December footed only $271,304,310.58. This increase of $10,473,662.41 in the receipts is a very moderate allowance, as the returns submitted conclusively demonstrate. It is not a sanguine calculation which will place the receipts for the current year to July 1 at $288,000,000.

This will require that the customs and internal revenue together reach $268,000,000. The former will overrun $165,000,000, and the latter will in all reasonable probability exceed $103,000,000.

Observe that these estimates only require that the customs and internal revenue, for the five months beginning the 1st of February, shall be $116,000,000, against $121,407,800.78 last year. It is abundant caution that prompts to the taking of the lower figures.

THE EXPENDITURES.

On the other hand, now, with the knowledge of the expenditures for the Navy in connection with the Virginius affair, and all the demands for the year, the expenditures which, in December, were stated at $289,641,524.99, are reckoned at $291,686,247.07, or an increase of $2,044,722.08. This includes all probable deficiencies.

It will surprise gentlemen who have not examined the subject to know that, setting aside the extraordinary appropriation for the Navy caused by the Spanish troubles, the expenditures thus far for the current year have been less than for the corresponding period last year. That appropriation was $4,000,000. Including that outlay, the comparison will be found in the following table, in which the receipts are also stated for the like period:

COMPARISON BY SIX MONTHS FOR THREE YEARS.

Comparative statement of the receipts and expenditures of the Government for the six months ending December 31, 1871, 1872, *and* 1873:

Items.	1871.	1872.	1873.*
RECEIPTS.			
Customs	$108,111,942 54	$97,321,060 23	$80,425,173 05
Internal revenue	65,032,496 29	60,235,748 52	47,916,645 66
Sales of public lands	1,218,737 05	1,468,146 45	
Premium on sales of coin	5,945,166 42	5,013,864 50	
Tax on circulation of national banks	3,187,825 55	3,379,388 70	
Repayment of interest by Pacific Railroad Companies	375,191 85	297,067 57	

Comparative statement of the receipts and expenditures, &c—Continued.

Items.	1871.	1872.	1873.*
RECEIPTS—Continued.			
Customs fines, penalties, and fees.	$508,031 16	$257,673 75	.....
Consular, letters-patent, land fees, &c	926,903 95	912,475 97	.....
Proceeds of sales of Government property	.....	336,801 88	.....
Miscellaneous	2,012,955 41	3,128,612 18	$13,836,154 28
Total	187,319,250 22	172,350,839 75	142,177,972 99
EXPENDITURES.			
Civil and miscellaneous	29,310,882 92	33,794,413 82	37,323,404 63
War Department	19,976,553 34	23,161,198 20	25,144,432 11
Navy Department	12,080,847 68	13,069,663 56	18,135,663 00
Indians	4,615,828 89	4,801,463 65	4,416,544 69
Pensions	17,239,068 24	16,312,428 72	15,495,472 18
Interest on the public debt	58,854,320 01	54,357,806 03	50,933,311 28
Premium on purchase of bonds	4,106,786 10	3,578,389 30	1,395,073 55
Total	146,184,287 18	149,075,363 28	152,843,901 44

*The accounts of the receipts for the last quarter not being completed, the amounts under these specific items of the same cannot be given, but are here included, so far as made up, in the item of "miscellaneous," $13,836,154.28.

TREASURY DEPARTMENT,
Warrant Division, January 10, 1874.

Let me add now the expenditures for January, and we have this result:

EXPENDITURES FOR SEVEN MONTHS.

1872	$170,966,567 04
1873	175,753,972 80
1874	177,313,338 10

Excluding the $4,000,000 naval appropriation, the expenditures for this year thus far appear $2,440,634.70 less than the corresponding period of the year preceding. The full proportion of interest, but not the sinking fund, is included in these figures. Every creditor has made haste to ask for his money, and the stir of trouble with Spain involved considerable expenditures beyond the extra appropriation. We have a right to expect greater savings in the remaining months. No teacher of economy is so direct as a bare treasury. Out of the authorized appropriations, large sums will not be needed, because the work cannot be completed, and much of it will not be begun during the year. The expenditures for the current year, besides the sinking fund, cannot well exceed $285,000,000, and surely cannot overrun the receipts.

In past years, as the distinguished gentleman from Massachusetts so well exemplified, a large balance has remained of unexpended appropriations, amounting in the aggregate, as he showed, to $72,369,034.39. This year will show a balance of the same kind. Comparing the actual payments up to this time with those of previous years, and looking forward with regard to the strict administration of the Treasury, it will be safe to count the ordinary expenditures and interest at $285,000,000, or, with the sinking fund, $315,000,000.

The alarm which the honorable chairman of Ways and Means has sounded will have its effect. It will surely keep the results down to the estimates of the Treasury, made up before that alarm was given. The ordinary expenditures, including everything but interest and payments of the public debt, are placed in those estimates this year, at $182,296,670.42.

In other recent years they have been:

1869	$190,493,354 95
1870	164,421,507 15
1871	157,583,827 58
1872	153,201,856 19
1873	180,488,636 90
1874, actual and estimated	182,296,670 42
1875, estimated by Treasury	187,603,390 10

It is within this scope only that Congress has jurisdiction, and here is the margin for retrenchment. The expenditures from all the permanent appropriations of which the honorable chairman of the Ways and Means made so much, are all included here except the interest and sinking fund alone. We want to get back to the minimum of 1872. We have hardly exceeded—we hope to underrun—the sum of 1873. The action on appropriation bills thus far justifies confidence that for 1875 the ordinary expenditures will not exceed $165,000,000.

The deficiency, therefore, has occurred not through increase of expenditure, but solely through the very great and unexpected falling off in the revenues.

COMPARISONS.

Obviously, then, the impression is not correct which is derived from the statement that the Government is liable to $393,846,650.74 of payments in this current year, and that an adverse balance may exist of $52,066,649.25. These sums are large enough to be sensational, and the chairman explains that they do not fairly represent the condition of the Treasury. Nor does the comparison of the expenses of last year, without reduction of the debt, with appropriations for the current year, including the sinking fund, make a fair presentation. The citation of the chairman of Ways and Means is:

While we have been reducing our receipts on the one side, we have been increasing our expenditures at the other. Listen now to the expenditures of the Government since the present Administration came into power. The first year the expenses of this Government were $322,865,277.80; in 1870 they were $309,653,560.75; in 1871 they were $292,177,188.25; in 1872 they were $277,517,962.67; in 1873 they were $290,345,245.33. The appropriations for the present year sum up $319,652,644.31. In 1870 we reduced our expenditures to $309,000,000 and we paid 101,601,916.88 of the public debt; in 1871 we brought them down from $309,653,560.75 to $292,177,188.25, and we paid $94,327,764.84 of the public debt; in 1872 we brought them down still further, to $277,517,962.67, and we paid $99,960,253.54 of the public debt in addition. In 1873 the expenditures ran up to $290,345,245.33, and we paid but $43,667,630.05 of the public debt. This year our appropriations have gone up from $290,000,000, our expenses for the last year, to $319,000,000 without paying one dollar of the public debt.

Upon the challenge of the gentleman from Ohio, [Mr. GARFIELD,] the chairman of Appropriations, some modification of the statement was made. The exact facts are that, in every year except the present, no part of the sinking fund or other payments on the public debt, in the figures cited, is included; while the sinking fund is included for 1874. The evidence is in the annual report of the Secretary of the Treasury, which on the seventeenth page of tables states the expenditures for the several years cited by the gentleman from Massachusetts [Mr. DAWES] just as he states them if the various items be combined, without payments on account of the debt; and on the fourth page of the report the separation is even more clear, showing that the sum of $290,345,245.33 does not include the payments on the debt, which are stated on the fifth page at $43,392,959.34; making the total for the year $333,738,204.67.

On the sixth and seventh pages of the same report you may see that the estimate for the expenditures of this year, putting the several quarters together, is $289,348,578.21, without the sinking fund; including the sinking fund, as the gentleman from Massachusetts states it, $319,652,644.31.

The fair comparison then is to omit all payments on account of the debt in all years or in none; or, if the interest be included and the sinking fund omitted, the figures are as follows:

1869	$322,865,277 80
1870	309,653,560 75
1871	292,177,188 25
1872	277,517,962 67
1873	290,345,245 33
1874	289,348,578 21

All of these figures are taken from the report of the Secretary of the Treasury.

These receipts and expenditures for the current year show a credit balance of $3,000,000 or more. It is small, smaller than it ought to be, but it is on the right side.

The Treasury authorities reckon that during the remaining five months of the year the income will be $988,338.52 in excess of expenditures. The deficiency of the past seven months, the improving revenues show, may be wiped out, with discreet moderation in the current expenditures. More than that. The balance can be changed to the other side, and made very considerable. It is no extravagant anticipation to count confidently upon that result.

CASH IN THE TREASURY AND SINKING FUND.

Two other items appear in the Treasury statement of the deficiency: first, the reduction of cash in the Treasury; and, secondly, the outlay for the sinking fund.

Statement of the issue and redemption of loans and Treasury notes (by warrants) from July 1 *to September* 30, 1873.

Bonds, &c.	Issued.	Redeemed.	Excess of issues.	Excess of redemptions.
Five per cent. bonds	$74,000,000 00	.....	$74,000,000 00	.....
Fractional currency	1,430,026 09	.....	1,430,026 09	.....
Three per cent. certificates	.....	$25,000	.....	$25,000 00
Bounty-land scrip	.....	100	.....	100 00
Six per cent. bonds	.....	82,361,500	.....	82,361,500 00
Seven-thirties of 1861	.....	100	.....	100 00
One-year notes of 1863	.....	2,770	.....	2,770 00
Two-year notes of 1863	.....	1,100	.....	1,100 00
Compound-interest notes	.....	15,210	.....	15,210 00
Seven-thirties of 1864-'65	.....	6,250	.....	6,250 00
Demand notes	.....	225	.....	225 00
Certificates of deposit	.....	20,480,000	.....	20,480,000 00
Coin certificates	.....	5,524,600	.....	5,524,600 00
Total	75,430,026 09	108,416,855	.....	.....
Excess of issues and redemptions	.....	.....	75,430,026 09	108,416,855 00
				75,430,026 09
Net excess of redemptions charged in receipts and expenditures	.....	.....	.....	32,986,828 91

It was stated in the annual report that the net redemption of the public debt was $32,986,828.91. Only a part of this item, however, is such a redemption as satisfies the provisions of the sinking fund, as will appear from the following statement of the items which compose it.

We find, then, that the actual payments on account of the sinking fund are represented by the purchase of bonds, $12,936,450, leaving $16,254,919.28 to be yet made to comply with the law. To the actual payments may properly be added the net redemption of the loan of

1858, $5,470,000, and thus only $10,825,878.28 stand now to be adjusted. That is to say, in this way the sinking fund has been fully met for the portion of this fiscal year already passed. All of this the Department includes in the revised estimates now submitted, and it is obvious the sinking fund may be satisfied from the resources of the year. The increasing revenues will provide the means. In view of that increase, without further use of the reserves than the portion now afloat, this provision may be made from the resources actually available.

This reduction of the cash in the Treasury, upon the statement, will leave it $20,302,385.11. But all this while, and in all these figures from the Department, in all these calculations, not a cipher has been set down for the reserve. Nor did the gentleman from Massachusetts [Mr. DAWES] include it at all. So much as has been used to meet the temporary exigencies occasioned by the panic, we cannot omit altogether. It has not been credited to receipts; it does not appear in resources. Yet it has been relied upon by the Department. That portion of the reserve, less apparent increase of debt, may at least be counted in the apparent balance, and that will become about $40,000,000 for the 1st of July next, upon the low estimates of the Department.

But setting the reserve out of account, and allowing for the increase in revenues, the available balance in the Treasury on the 1st of July next ought to be over $35,000,000, against $60,002,028 at the beginning of the year, and $34,761,000 the 1st of last September.

The cash in the Treasury, including reserves paid out, ($26,000,000,) is to-day $48,746,176.15.

By the published statement of the 1st of March it would appear that $26,000,000 of the reserve has been drawn upon. Of this sum $3,727,754.03 was in the Treasury subject to daily use; $5,470,000 represents the actual payments on account of the loan of 1858; and only the balance has passed out in the current transactions. No necessity rests upon the Treasury to use any more of this peculiar fund; and on the contrary, early steps may be taken for its withdrawal.

REDEMPTION OF THE LOAN OF 1858.

It is noteworthy that before the commercial pressure has ceased the Treasury has been actually paying in gold the loan of 1858 to all holders who did not prefer a 5 per cent. bond at par to the coin. While the premium on gold has been high and the demand for money severe, creditors have for the greater part chosen the securities of the United States. The actual results of the option given to the holders of the bonds has been: amount paid, $5,470,000; amount exchanged and converted into the funded loan, $14,600,000. Let this simple, eloquent fact stand for itself, to demonstrate that the Treasury does not "go to protest."

THE DEFICIENCY AND THE RESERVE.

The severe reduction in the revenues perhaps naturally alarmed the Secretary of the Treasury, however transient might be the causes which produced it. It was his duty to consider how, if the apparent deficiency were prolonged and aggravated, means could be secured for maintaining the credit of the Government. He had not hesitated, when the revenues fell so low, to draw upon a fund which his predecessors had used in part in emergency. He had practically treated as immediate resources the reserve of $44,000,000. Mr. McCulloch, as Secretary, was not restrained by the act limiting contraction from again issuing the legal-tenders. Secretary Boutwell, when in his opinion necessary, had drawn upon the reserves. Congress had for six years acquiesced in this construction of the law. The debates upon its passage foreshadowed such action. All the officers of the Government had recognized the legality of this action. The Supreme Court clearly sustained it in the case of The Banks *vs.* The Supervisors, 7 Wallace, 26, when Chief Justice Chase said:

> The act of February 25, 1862, provided for the issue of these notes to the amount of $150,000,000. The act of July 11, 1862, added another $150,000,000 to the circulation; reserving, however, fifty millions for the redemption of temporary loan, to be issued and used only when necessary for that purpose. Under the act of March 3, 1863, another issue of one hundred and fifty millions was authorized, making the whole amount authorized four hundred and fifty millions, and contemplating a permanent circulation, until resumption of payment in coin, of $400,000,000.

As an original proposition, my vote would not be for the increase in the currency. It has been made. The notes are afloat. If not legally issued, those particular notes are not valid, and the only logical course is to call them in—not merely so much in amount, but the identical notes alleged to be illegal, as my witty colleague [Mr. COX] proposes in a bill introduced by him. That is impracticable. We cannot refuse to recognize so much of the reserve as has been issued. Time will be required to call back the excess of currency. Accepting the facts as they are, we must endure the evils involved, and we are entitled to all the benefits which can be derived. Let us take no step backward into the domain of war taxes; no plunge into the wild sea of inflation. Let us find out where we stand, and turn our steps steadily, if not rapidly, toward the golden goal of specie payments.

EXPLANATION AND CAUTION.

The drain upon the reserve has been large. For myself, I greatly regret the necessity which called for it. The panic not only cut down the revenues; it sent every creditor to the Treasury for his money, often months in advance of the time he would in ordinary cases have asked for it. Thus an apparent increase in expenditures has gone on side by side with a reduction of receipts. The adverse balance has been augmented by both causes. The effect of both causes has nearly, if not quite, ceased. But as alarm could be carried to excess in the darkest days, it is now easily possible to exaggerate the favorable symptoms. For this argument, let us go no further than the actual returns for eight months and comparative estimates for the residue of the year abundantly sustain us.

JANUARY AND FEBRUARY.

The January statement of the public debt illustrates and enforces my position. Even in the last week of the month only the most sanguine expected that the scales would be shown to be in equilibrium. In fact, the debt was reduced $1,845,211.76, although last year it was in the same month increased $406,243.18; so that this year that month showed a better result than last year by $2,251,454.94. Comparing three years, we have this result:

Receipts and expenditures for the month of January, 1872, 1873, *and* 1874.

Items of receipt and expenditure.	1872.	1873.	1874.
RECEIPTS.			
Customs	$18,636,530 81	$14,753,063 85	$13,576,973 71
Internal revenue	9,612,298 15	8,101,163 46	9,400,874 80
Miscellaneous	2,196,912 54	3,418,138 03	3,336,799 91
Total	30,445,741 50	26,272,365 34	26,314,648 42
EXPENDITURES.			
Ordinary	12,986,922 61	16,021,314 99	14,181,774 11
Pacific Railroad interest	1,938,705 36	1,938,705 36	1,938,705 36
Monthly interest account	9,886,651 89	8,718,488 17	8,348,957 19
Total	24,812,279 86	26,678,608 52	24,469,436 66

The comparison for February is satisfactory, but not so striking. Last February the debt was decreased $5,277,880.77. This year the reduction is $2,590,047.45. The following table shows the comparison for three years:

Receipts of expenditures for the month of February 1872, 1873, *and* 1874.

Items of receipt and expenditure.	1872.	1873.	1874.
RECEIPTS.			
Customs	$19,972,527 20	$17,338,846 68	$14,434,659 77
Internal revenue	9,897,465 33	7,878,050 13	8,144,498 79
Miscellaneous	2,874,904 34	3,225,732 66	3,544,922 97
Total	32,744,896 87	28,442,629 47	26,113,991 53
EXPENDITURES.			
Ordinary	12,343,062 11	14,695,474 10	14,701,279 69
Interest on public debt	8,010,383 24	8,469,274 69	8,218,648 88
Old interest account			604,015 51
Total	20,353,445 35	23,164,748 70	23,523,944 08
Reduction of debt	12,391,451 52	5,277,880 77	2,590,074 45

WARRANT DIVISION, *March* 2, 1874.

Observe that the reduction of the debt for February exceeds the requirements of the sinking fund. The excess is not large, but it exists, and it is most significant. It may fairly be increased by the item of "old interest" above. And the receipts of to-day indicate even a better result for the current month.

FISCAL YEAR 1874-'75.

For the next fiscal year, 1874-'75, the Secretary of the Treasury estimates that the receipts will be $305,700,000. They can safely be put at $315,000,000, if not more, under present laws. The expenditures, including the demands for the sinking fund, are placed at $319,191,000; but the disposition of Congress has been proved to keep them below $300,000,000.

Three of the regular appropriation bills have passed this House, and in each case sturdy effort for retrenchment was cordially sustained. The Secretary's report had the same basis as the original estimates submitted to Congress. In the naval bill, which the able gentleman from Maine [Mr. HALE] so successfully carried through the House, the sum appropriated is $2,853,917.21 less than the original estimates, and about $853,917 less than the revised estimates. So in the Army appropriation bill, of which my eminent and faithful colleague [Mr. WHEELER] had charge, the sum voted is $4,791,800 less than the original estimates, and $4,466,800 less than the revised estimates; and I appeal to my colleague to know if the House did not with alacrity follow his brave and efficient lead. The other example is the fortification bill, reported by the gentleman from Connecticut, [Mr. STARKWEATHER,] in which a reduction of $2,647,000 is made below the original, and $453,000 below the revised estimates; and the total appropriated, $954,000, is about one-half the expenditure of last year, and of several of the years preceding the war. For example, the appropriations were:

In 1836	$1,710,000
In 1856	1,842,600
In 1871	1,211,500
In 1872	1,322,000
In 1873	1,847,000
For 1874	954,000

Not only has the House generously supported the Appropriation Committee in every regular bill, but in the case of fortifications it clipped $40,000 from the bill as reported.

These three bills show a saving, as compared with the original estimates:

Naval bill	$2,853,917 21
Army bill	4,791,800 00
Fortification bill	2,647,000 00
Saving	10,292,717 21

In the bill already reported to the House the reductions recommended by the committee are, in the legislative, executive, and judicial expenses, $3,953,730.60, as compared with the estimates, and $4,776,307.56 as compared with last year.

The Departments ask this year for only $2,312,839.78 for deficiencies, against $6,116,677.39 last year. So that the reductions already indicated, as compared with the basis of the Secretary's estimates for next year, are already $17,049,285.49.

What the House has done is specific, tangible work; and we need more of it in the bills yet to be reported. Doubtless the House and the Committee on Appropriations will complete a reduction of $25,000,000, or even more, from the original estimates. That will justify the confidence that the credit balance for the next fiscal year will exceed $20,000,000.

THE ACTUAL SITUATION.

In a word, the revenues are now ample to meet every accruing obligation. If they were not, I would not look to the future for a remedy, but would now cry "*tax.*" By no act of mine should the public credit be imperiled. But the receipts are now in excess of every current expenditure, including the monthly part of the sinking fund. We are now incurring no deficiency; we are reducing it. The purchases which remain to be made for the sinking fund will not further reduce the cash in the Treasury even temporarily. The next fiscal year will more than counterbalance every falling off caused by the panic.

The gentleman from Massachusetts spoke contingently of danger that the Treasury might go to protest. Were such danger imminent he would not appear here opposing taxes, heroic and extraordinary, if need be, to meet the exigency. He would be exerting all the resources of his practical statesmanship to protect the national credit. He does not advocate increased taxation, because he knows that the case is substantially as now stated. The only real pressure upon us is the withdrawal of the reserves emitted. That emission is the full measure of the deficiency.

The situation, then, forbids any present increase in the burdens imposed upon the people. It seems to me absolutely clear that the duty of Congress is not to enact more taxes.

MUST NOT REDUCE TAXES.

But it is clear that we cannot afford now to reduce the revenues. If the panic of 1873 had been foreseen in the spring of the preceding year, perhaps Congress would not have gone so far in the abolition of taxes; but the disaster has occurred, and the country is recovering from it. The revenues are already reaching the usual figures. No one pretends that any increase of taxation ought to be permanently made. It has been shown, I think, that every obligation of the Treasury can be fully met without any increase. Keep the helm steady, and the good ship of state will sail on over every breaker to sure prosperity.

NEW TAXES TO BE AVOIDED.

Congress has wisely refused to legislate in a fright. Commercial disaster did not result from legislation, and no act of Congress could rebuild the castles and restore the fleets of the victims. The first quality of a legislator and of a ruler is faith in the country for which he acts. The Treasury was impoverished temporarily, but the national resources were not exhausted. The national credit must not be put in peril; but neither must burdens be unnecessarily placed upon the production of the country.

Taxes are a necessity but not a blessing. A generous people will in great emergencies cast their whole property on the altar of patriotism; and the record of mankind shows no nobler example than that of these States in our national struggle for the Union. Such sacrifices measure the value of the object sought, and do not suggest necks ready for any yoke. The fallacy that heavy taxes are a sign of public prosperity is dangerous. Burdens for which no adequate reason exists are near akin to tyranny. Laws which extort moneys from industry and trade, except upon grounds of public benefit, are oppressive, and tend toward confiscation.

Internal taxes fall inevitably upon the labor of the country, either by checking production, by reducing its rewards, or by increasing the cost to the consumer, or both. Whatever sum may be added to the tax schedules will inevitably at first increase prices, and thus affect the consumer injuriously. A large addition to the amount drawn by the Treasury from the pockets of the people will also operate as a contraction of the currency. It will again return to circulation, to be sure; but the additional demand contributes to stringency.

THE TIME INOPPORTUNE.

With industry paralyzed, with production disturbed, with business struck as by lightning by the swift disaster of a general shock to credit, the time was not propitious, when Congress assembled, to levy new taxes. With commerce checked, with importations reduced to a minimum, with trade reviving, but hardly confident of the future, while counting up the losses of the recent past, only the most dire necessity could excuse the attempt to extort further levies from the emaciated and exhausted subject. It was the duty of the Secretary to look first of all, perhaps exclusively, to the Treasury and its exigencies. Congress must care also for the citizen and his trials. Not in the exhaustion of a panic, not upon the wrecks of a commercial storm, will the wise statesman impose new taxes, when the fiscal year promises a favorable balance in the exchequer.

MR. RICHARDSON'S RECOMMENDATIONS PRUDENT, IF TAXATION WERE NECESSARY.

The recommendations of the Secretary, if the emergency were to become so aggravated that new resources were imperatively demanded, might well be deserving of consideration. Without urgent necessity, another and not I should impose duties upon the articles which give to the home of the humblest, cheer and comfort. Whatever was the effect of the repeal of the duty on tea and coffee, no one can doubt that the reimposition would fall upon the consumer for all the stock now in the country as well as for that to be imported.

The large revenues already derived from spirits and tobacco fall upon products growing to be of vast value to us for export. The taxes are heavy, but are honestly assessed, and the production is growing year by year. In every barrel of spirits sent from the West to the East, from our shores to Europe, go eighteen bushels of wheat. The tax on spirits is a tax on grain, and was, last year, $52,009,371.75. Tobacco is the local wealth of several of our States, and it pays $34,386,303.09 to the Treasury. Earnest efforts are on foot for the total abolition of these taxes, and able arguments have been made before the Committee on Ways and Means in favor of bills for this purpose.

Whether a larger assessment could be as closely collected on these articles, may be questioned. Any advance in the tax would foster speculation and disturb legitimate production. The present rates have been in force less than two years, not two years until August next. Let us try and be content with the magnificent and growing revenues derived from them, for the present. Both interests are entitled to a brief period of stability. As a question of revenue purely we ought to try not to meddle with production at short intervals. Every change disarranges the system of collection, and affords room for leaks.

ANNOYING LITIGATION.

Frequent changes in the revenue laws are the occasion of annoying and costly litigation. Suits which are grievous and mischievous in every way spring out of new rates and new methods. The country will accustom itself to any system decently conceived if opportunity be given it. The present system is cheaply administered, and its results are on the whole satisfactory. Time will remove the friction, and citizens liable to tax will learn the narrow path prescribed for them. See what was the record of litigation last year as shown by the Commissioner of Internal Revenue:

Abstracts of reports of district attorneys for the fiscal year 1873.

Suits commenced:	
Number of criminal actions	2,315
Number of civil actions *in personam*	631
Number of actions *in rem*	271
Whole number commenced	3,217
Suits decided in favor of United States:	
Number of criminal actions	950
Number of civil actions *in personam*	378
Number of actions *in rem*	316
Total number of suits decided in favor of United States	1,644
Suits decided against the United States:	
Number of criminal actions	411
Number of civil actions *in personam*	34
Number of actions *in rem*	50
Total number of suits decided against the United States	495
Suits settled or dismissed:	
Number of criminal actions	1,315
Number of civil actions *in personam*	125
Number of actions *in rem*	116
Total number of suits settled or dismissed	1,556
Suits pending July 1, 1873:	
Number of criminal actions	3,930
Number of civil actions *in personam*	1,221
Number of actions *in rem*	474
Total number of suits pending July 1, 1873	5,625
Amount of judgments recovered by United States in suits in criminal actions	$154,296 20
Amount of judgments recovered by United States in suits in civil actions *in personam*	1,476,346 23
Amount collected on judgments and paid into court in suits in criminal actions	38,493 97
Amount collected on judgments and paid into court in suits in civil actions *in personam*	$291,514 81
Amount collected on judgments and paid into court in actions *in rem* or proceeds of forfeiture	73,953 45

Recent reports made to Congress expose the risks and burdens of importers and the heavy penalties collected, as well as the nice

questions of construction by which the revenues are impaired. Such penalties and such refundings weaken the laws tenfold more than the year's collection of regular dues.

Let us do nothing to increase such litigation, which does more than anything else to render the Government obnoxious. Give the citizen occasion and means to learn the law and its application. He will prefer, as the safer and cheaper course, to pay the tax and avoid the penalty. You can force him to conclude that you let loose officials upon him for their own profit, and not for the benefit of the Treasury. Litigation diminishes as rules and practice under the revenue laws become clear and understood. Let us try that taxpayers may be able to learn the demands upon them, for the great majority will, without stress of marshals and attorneys, honor every requisition of the Government.

ELASTICITY OF THE REVENUE.

Concede that the current fiscal year can be closed without an adverse balance, and the problem of the threatened deficiency in revenue is solved, provided the expenditures are kept down. For our population increases at the rate of 3 per cent. a year; and the national wealth grows at the rate of 2 per cent. annually. The productiveness of taxes will increase more rapidly than in the ratio of population. Since the close of the war the demands of the Treasury have been reduced as follows:

In internal revenue:		
By act of July 13, 1866		$65,000,000
By act of March 2, 1867		40,000,000
By act of February 3, 1868		23,000,000
By acts of March 31, 1868, and July 20, 1868		45,000,000
By act of July 14, 1870		55,000,000
By act of June 6, 1872		20,651,000
Total of internal revenue		248,651,000
In customs:		
By act of July 14, 1870	$29,526,410	
By acts of May 1, 1872, and June 6, 1872	31,172,761	
Total of customs		60,699,171
Total reduction		309,350,171

Yet the revenue of 1873 was $322,177,673.78, while that of 1865 was $322,031,158.19; almost exactly identical. For 1866, the ordinary revenue was $519,949,564.38; the largest in the history of the Government, and the largest, let us hope, for generations to come.

WATCH THE OUTGO.

But taxation weighs only on one side of the scales. However heavy that may be, it will be all too light if the expenditures are in excess. Experience proves that a favorable balance can be found only by strict watch of the outgo. Drain production and commerce as much as you may, your Treasury will be empty if the expenditures run out like a flood.

Say put pith into his axiom, "The best of all the plans of finance is to spend little." Interpret the phrase to enjoin a wise economy, and not mere niggardliness, and it is worth volumes of disquisition. With the lavish notions of Americans, with the generosity which is characteristic of our people, with the continual pressure of private and local interests for liberal appropriations, Congress is never likely to err in the year's appropriations on the stingy side. Because the policy is not flaunting, because it tramples on clamorous clients, because it seems to benefit only the Treasury, retrenchment requires high courage and sturdy manhood. In the arena of legislation free and lavish and dashing expenditure wins applause, albeit it is prodigal of things not its own. Economy gets no plumes or favors, but always, like another character—

> His yron cote, all overgrowne with rust,
> Was underneath envelopéd with gold;
> And in his lap a masse of coyne he told.

The honorable chairman of Ways and Means deserves every credit for showing how and where retrenchment may be enforced. Let us hope he does not feel that he may stand aloof from the battle on the top of a hill, as Moses stood when Joshua fought the Amalekites, after the murmuring of the people. Perhaps in his long fight for retrenchment, his hands grow weary, and he looks to have some Aaron and Hur stay them up, so that they may be steady until the going down of the sun. But not so far have we gone, and not such is the work of a leader of to-day. This is the hour when his voice must not only ring out the cry "Go forward," but he must lift up his rod and stretch out his hand over the sea and divide it, and only so shall the children of Israel go on dry ground through the midst of the sea.

FIELDS OF REFORM.

Let me not depreciate the valuable service which the honorable chairman of Ways and Means has rendered by his thorough and comprehensive survey of the "fields of reform." I dare predict that the House will rejoice to follow him, and to strike hands for sharp and decisive work. Nay, more. So potent is his influence here, that even before his warning voice was raised the work which he suggests was in good part begun and some of it well-nigh consummated. He points out seven "fields of reform."

1. He recommends that annual should be substituted for permanent appropriations whenever practicable. This is so far well that the newspapers have been telling us for weeks that the Committee on Appropriations was engaged about the matter. The House will not be laggard in correcting an evil which is not new, and which it was believed existing laws had in good part remedied.

2. The chairman of Ways and Means urged the abolition of certain custom-houses, and reduction in the cost of collecting the customs. He is the chairman of a sub-committee charged to effect this very reform. It may be true that the table he submits requires explanation in several points, and that it will be found that several offices, reported as deficient, will be proved to be self-sustaining. But no one can doubt that he will be efficient in a work the necessity for which he has so clearly shown.

3. While the honorable gentleman was speaking and calling for restrictions on the refunding of customs, a bill was awaiting action in the House to accomplish that result, and it was on Monday two weeks ago passed under a suspension of the rules.

4. To reduce the cost of paying pensions, the rules have been suspended to permit action when the appropriation for that purpose shall come before the House.

5. The growth of the Treasury Department attracted the notice of the distinguished gentleman. Several committees of this House have been for weeks employed in inquiries looking to retrenchment, and the difficulty of the problem has not prevented some progress already in several Bureaus.

6. The expenditures for public buildings are also subjects of criticism. The Treasury, it is understood, orders no new work; and the Committee on Public Buildings and Grounds have reported no new projects, and I have the authority of more than one member that it will probably recommend few or no new buildings at this session.

7. The post-office appears also as a "field of reform," in which, while I have no specific information, it is fair to presume that the proper committees are not idle, but are trying to do their duty.

[Here the hammer fell.]

Mr. BECK. I move that the gentleman's time be extended.

The CHAIRMAN. It is moved that the gentleman's time be extended. The Chair hears no objection.

Mr. E. H. ROBERTS. Certainly not everything has been done in any of these fields. But it is just as certain that honest, vigorous effort has been directed to every one of them. The chairman of the Ways and Means pointed out the extent of the work. Truly the harvest is great. He will agree with me that the House has already entered upon it; and in this fact is the evidence of the fairness of a paragraph which I find in the RECORD, but did not hear in the delivery of his able and comprehensive speech. It was withheld a few days for revision, and I may be allowed to express my admiration that, like good wine, time rendered more mellow and less harsh a production which is so long to endure. The paragraph which the action of the House so well justifies is this:

> And I might as well now say that I am not here to-day to arraign the republican party, but only to urge it to take hold of the work of reforming and improving old systems and methods which have been inherited, not created, by it.
>
> The republican party had its origin in the reform and overthrow of old abuses. It will forget its mission only when it ceases to search them out and abolish them. No other party before it had either the courage or the power to work out reforms within its own organization. It is the glory of the republican party that it probes its own sores and corrects its own errors. It has never waited to be driven from without to a discharge of its duty, but, impelled by the very purpose of its being, it has shrunk from no self-discipline nor hesitated in the application of the most radical reform. It is in this spirit that I speak to-day, arraigning nobody, but seeking, if possible, for better methods of administration than those which the country has outgrown, or experience has proven unwise.

No truer words were uttered by the honorable gentleman on that occasion. The only hope for the reforms indicated by him, the only hope for retrenchment, the only hope for a brave and economical administration, is in the republican party in this House and in the country.

THE BRITISH EXAMPLE.

The European powers are staggering under hopeless indebtedness, in spite of exhaustive taxation. Germany has had the moderation to husband the great indemnity collected of France. If it does not sooner or later expend the money and transfer its balance to the other column of the ledger, it will afford a brilliant exception in the experience of great nations. For the record of Britain is an illustration of the drift of all. The beginning of that financial structure which will endure while the British name defies oblivion was begun during the revolution, and the debt was £664,263 in 1689. It has had a growth irregular, but, measured by long periods, pretty constant ever since. The Napoleonic wars carried the debt to its maximum in 1815, when it touched the gigantic sum of £816,311,940. Within two years it was reduced nearly £40,000,000; and in 1817 became £776,742,403, and was not so low again until 1828, when it fell to £772,322,540. The reduction was further continued with vibrations until 1842, when the amount rose again to £774,319,913, tending then downward to £764,608,284, in 1847. But it leaped upward again to £772,401,851, in 1848, when it was higher than it had been twenty years previously, and reached a new maximum in 1859 of £786,801,154, going clear back almost to the aggregate at the close of the wars against Napoleon. Since that maximum a reduction has been accomplished to £784,972,103 on the 31st of March, 1873. Gladstone's boasted reduction leaves the debt only £31,339,837 below the fearful maximum of 1815.

This debt has rolled up to this magnitude in spite of munificent revenues. Under William the Conqueror, from 1066 to 1086, British revenues averaged £400,000 a year, and fell to £80,000 under Henry III, (1216–1272,) and even to £65,000 under Henry VI, (1422–1460.) Under the proud Tudors they rose again to £400,000, under the seventh Henry, and even to £800,000 under Henry VIII, while the great Elizabeth maintained her sway on an average revenue of £500,000 a year. A century trebled the receipts, for under the Commonwealth they became £1,800,000. Yet the debt really begun only when under William III the revenues rose to £4,000,000. The Georges carried the revenues from £7,000,000, in 1714, to £70,000,000 in 1820, and under them the debt reached its maximum. Under Victoria the revenue averaged £55,000,000 a year from 1837 to 1859; but reached £72,893,313 in 1857, falling and remaining below that sum until 1869, when it was £72,591,992, becoming £75,434,252 in 1870; and for the fiscal year ending March 31, 1872, £74,708,314, and for 1873, £76,608,770.

The British example teaches that the increase of revenue seldom contributes to reduce the debt, even in time of general peace; and that such increase, with apparent fluctuations, fastens itself like a leech upon the body-politic, and often is followed by addition to the debt. Falling off of revenue may create a deficiency. Limitation of expenditures must produce the surplus.

REDUCTION OF OUR DEBT.

We have been boasting of our own reduction of indebtedness; and it is true that the progress is honorable. We do not weary of repeating that our debt has been reduced since 1865 by $570,483,180 up to the beginning of this fiscal year. So, to be sure, British financiers boasted of the grand payments after the close of the continental wars against Napoleon, and of the renewed prospects of diminution about 1828 and the period immediately succeeding. They were nearly staggered by the new maximum after the Crimean wastes; and if the subsequent reduction be permanent all previous experience will be contradicted, and the result prove better than their hopes.

The British debt has crystallized beyond the magnitude of all the Koh-i-noors in the world, not because of low revenues, but in spite of the bravest taxation which statesmen have been able to devise. A few years of reduction have not prevented marvelous permanent growth in the debt. We too may drift back toward our greatest war aggregate. Here is the lesson which now and here presses home upon us: Great revenues breed lavish expenditures. Payment of a national debt, diminution of public burdens, are virtues left for American legislators to enforce as a permanent policy. The means will never be found in increased taxation. The secret is simple, but it is sure. Keep down expenditures. That is the real problem of the hour. That is the suggestion of the gentleman from Massachusetts, which this House will do well to heed.

GLADSTONE'S PROPOSITION TO REDUCE TAXATION.

While the recommendation is made to us to increase taxation, Mr. Gladstone dissolves the British Parliament, and goes to the country with a pledge to employ a surplus of £5,000,000 for the abolition of the income tax, and the reduction of duties on articles of common use. Mr. Disraeli denies that any virtue exists in the proposal, because any ministry must use its surplus in the same way. Britain is unanimous for a reduction of taxes, and the tories carry the elections. The contrast is too broad. We must not make our budget bigger while Britain is making her budget smaller. The country may rejoice that the necessity does not exist of retracing our policy of reducing taxes. The sudden strain upon the Treasury warns us that it is possible to go too fast in that direction. But we are not called to face squarely about and add to the tax list.

ALTERNATIVES.

It is to our honor that the national debt has so much diminished since the war, and a steady policy is inaugurated for its final liquidation. We must keep on the payment. Better increased taxation than increased debt. But out of the jaws of a crushing panic we come without necessity for either. Our present revenues protect the national credit. They will improve, and retrenchment can be enforced. Steady, tried laws will bring more money to the Treasury than new statutes which promise more largely. Just now enough is enough. A full Treasury tempts to extravagance. Revenues without excess prompt to wise economy. Applications for $500,000,000 beyond the regular appropriations lie in wait about the Capitol. Most of them lose hope because of the condition of the Treasury.

Do not impose taxes simply that the Treasury may overflow. Your reviving revenues remove all pretext for renewing or extending your forced loan of paper money. You can continue to reduce, and need not increase, your funded debt. Better borrow than inflate; better tax than borrow; better than either, find your revenues equal to the demands upon them.

Congress may not be brave enough to call in the reserves promptly. It ought to have courage to say now, "The extreme limit of the flood of irredeemable paper has been reached; stop, and turn back." Do not be frightened by the dread of more taxes. The Secretary has need to sell gold. The currency receipts are less than the currency demands, while the gold receipts are much more. Indeed, only two years have shown the internal revenue above the ordinary expenditures, to wit, 1867 and 1870. You will have to sell gold until you make your currency equal to gold. That is the remedy for current evils.

Down with the bugbear of more taxes. Use your sinking fund for maintaining the national credit by paying the debt which is due. Let Congress begin thus to redeem the nation's plighted faith, and your revenues will be ample for every purpose. Your internal revenue will become gold, and the current money will pay your customs. Stop ballooning, and believe in your resources. Give to industry the pledge of stable laws, and to trade the guarantee of improving currency.

Do not aggravate the burdens of taxation. Do not now take away revenues which can be ill spared. Can we not all agree to these two propositions?

Mr. WOOD obtained the floor.

Mr. KELLEY. If the gentleman from New York [Mr. WOOD] will yield for that purpose, I will move that the committee rise. Then he will be entitled to the floor when we again go into Committee of the Whole.

Mr. WOOD. I assent to that.

Mr. KELLEY. I move that the committee rise.

The motion was agreed to; and, the Speaker having resumed the chair, Mr. MCCRARY reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 263) to repeal the stamp duty or tax on matches, had come to no resolution thereon.

Mr. RANDALL. I move that the House adjourn.

Mr. KELLEY. I hope that my colleague will withdraw that motion for a moment. I wish to submit a motion to suspend the rules, so as to provide that on Saturday next, after the morning hour, the bill just under consideration in Committee of the Whole shall be a special order.

Mr. RANDALL. I waive my motion until that question is decided.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] asks that on Saturday next the discussion of the bill which the House has just had under consideration in Committee of the Whole shall be the special order.

Mr. KELLEY. After the morning hour.

Mr. MCCRARY. If this order be made, what effect will it have if the transportatiom bill, now a special order, should not be concluded by that time?

The SPEAKER. This order, if made, would prevent the consideration of that special order on Saturday, because this bill will be in Committee of the Whole.

Mr. KELLEY. But it will only interfere with the gentleman's bill for that one day.

The SPEAKER. Only for that day. Is there objection to the proposition?

Mr. G. F. HOAR. I object.

Mr. KELLEY. I move to suspend the rules to make the order.

The question being taken on seconding the motion to suspend the rules; there were—yeas 52, noes 9; no quorum voting.

Tellers were ordered; and Mr. G. F. HOAR and Mr. KELLEY were appointed.

Mr. HAWLEY, of Illinois. Is it the understanding that if this order be made, there shall be nothing but debate upon the bill on Saturday?

The SPEAKER. Nothing but debate; no action on the subject.

The House divided; and the tellers reported—ayes 80, noes not counted.

So the motion to suspend the rules was seconded.

The motion was then agreed to, two-thirds voting in favor thereof; and the order was accordingly made.

TOPOGRAPHICAL SURVEY OF CAPITOL GROUNDS.

Mr. PLATT, of Virginia. I wish to ask the House to take from the Speaker's table the bill (S. No. 360) making an appropriation for a topographical survey of the Capitol grounds and plans for improving the same. If the House will indulge me for a moment in an explanation, I do not think any objection will be offered to this proposition. Some two months ago this bill passed the Senate unanimously, appropriating $5,000 for the purpose of employing Mr. Frederick Law Olmsted to make a topographical survey of the Capitol grounds and to submit plans for their improvement. The House referred that bill to the Committee on Public Buildings and Grounds, who have agreed on an amendment fixing $3,000 instead of $5,000 as the amount of the appropriation. With this amendment the committee recommend that the bill be passed by the House.

The object of this appropriation will be readily understood. We have here the most magnificent building of the kind that there is in the world; but its surroundings are a disgrace to the building and a disgrace to the country. It is highly desirable that no more money shall be expended by Congress upon the grounds adjacent to the Capitol until some definite plan of improvement shall be adopted, so that the money which may be appropriated for this purpose shall yield a satisfactory return.

The bill provides for having a topographical survey, and to employ Frederick Law Olmsted to lay out a comprehensive plan of improvements of the public grounds in the city of Washington. I move a suspension of the rules for the purpose of passing the bill, together with the amendment reported from the Committee on Public Buildings and Grounds.

Mr. SPEER. Are there not unemployed Army officers enough to do this work without further expense to the Government?

Mr. PLATT, of Virginia. There are not.

Mr. MAYNARD. I doubt about taking that bill up and passing it now at the heel of the day's session. It is a thin House. It may be all right, but I should feel uneasy in passing it at this time.

Mr. PLATT, of Virginia. The time is rapidly approaching when, if we are to do anything at all in this regard, we ought to make provision for it. I move that the rules be suspended and the bill and amendments passed.

Mr. HOLMAN. I hope the gentleman from Virginia will not press this measure at this time.

Mr. PLATT, of Virginia. I ask that the bill be read.

The bill, which was read, provides that the sum of $5,000, or so much thereof as may be necessary, be, and the same is thereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Committees on Public Buildings and Grounds of the Senate and House of Representatives, in procuring a topographical survey of the Capitol grounds, and the employment of Frederick Law Olmsted, of New York, in furnishing plans for laying out, improving, and inclosing the same.

The SPEAKER. This bill has been reported back from the Committee on Public Buildings and Grounds, with an amendment to strike out the word "five" and insert the word "three," so as to make it "$3,000" instead of "$5,000."

Mr. BECK. I should like to inquire of the gentleman from Virginia whether we have not enough idle engineer officers of the United States Army to do this work without any additional charge whatever?

Mr. PLATT, of Virginia. The topographical survey will be done by Army officers, but we have no engineer like Mr. Olmsted, of New York, to lay out a comprehensive plan of improvements of the public grounds.

Mr. RANDALL. He is a lawyer. [Laughter.]

Mr. HOLMAN. I see no necessity for laying out any comprehensive plans of improvements, and I hope the House will not pass this bill, and so give foundation for other appropriations.

Mr. PLATT, of Virginia. I move that the rules be suspended and the bill and the amendment passed.

The SPEAKER. Is there a second?

The House divided; and there were—ayes 35, noes 31; no quorum voting.

Mr. RANDALL. I hope the gentleman will withdraw his motion.

Mr. PLATT, of Virginia. I do not withdraw it; I insist on a vote.

Mr. RANDALL. There is no quorum present.

Mr. PLATT, of Virginia. I do not propose to withdraw my motion, and if there be a quorum present I demand tellers.

HOMESTEADS TO ACTUAL SETTLERS.

The SPEAKER. Before going into Committee of the Whole on the state of the Union the House agreed to permit the gentleman from Pennsylvania, [Mr. TOWNSEND,] chairman of the Committee on the Public Lands, to report back a bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain, and have it pending at the adjournment so it would come up to-morrow morning as unfinished business. That bill will be considered as having been reported back by the gentleman from Pennsylvania, and as pending at the adjournment.

SURVEY OF CAPITOL GROUNDS.

Mr. PLATT, of Virginia. Before the House proceeds to any other business I will ask unanimous consent to allow a vote to be taken on this subject to-morrow morning.

Mr. HOLMAN. I object to that.

Mr. RANDALL. Let it come up in regular order.

Mr. PLATT, of Virginia. Then I demand tellers.

Mr. RANDALL. I move that the House adjourn.

The SPEAKER. The motion to adjourn takes precedence. The Chair, however, will receive, by unanimous consent, bills for reference.

There was no objection.

MRS. HANEY WINSTEAD.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 2337) granting a pension to Mrs. Haney Winstead, widow of Riley Winstead, late of Hawkins County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BALANCES OF APPROPRIATIONS.

Mr. BECK. I ask unanimous consent to submit the following resolution, for reference to the Committee on Appropriations:

Resolved, That the Secretary of the Treasury be directed to inform the House what portion of the balances of appropriations remaining in the Treasury July 1, 1873, made for the service of the fiscal year ending June 30, 1871, limited by law to the payment of indebtedness incurred during the year for which they were made, has been drawn during the current fiscal year by any of the Departments of the Government, or any of the Bureaus thereof, stating specifically from what items of said balances of appropriation the amounts have been drawn, and the purpose to which the money so drawn has been applied, so far as the records in his Department exhibit said purpose.

Mr. PLATT, of Virginia. Is not that resolution open to the same objection, so far as action on it is concerned, that applies to my motion to suspend the rules?

Mr. BECK. I only ask that it be referred to the Committee on Appropriations. Does the gentleman object?

Mr. PLATT, of Virginia. I never made a captious objection in the House, and I do not propose to begin now.

Mr. BECK. Then I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

JUDICIAL AFFAIRS IN UTAH.

Mr. MERRIAM, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Attorney-General of the United States be, and he is hereby, instructed to communicate to this House any information in his possession relating to judicial affairs in the Territory of Utah; and also to furnish to this House a copy of a communication from Judge James B. McKean, bearing date November 12, 1873, relating to this subject, and addressed to the Attorney-General of the United States.

UNPAID DIRECT TAXES.

Mr. MAYNARD, by unanimous consent, introduced a bill (H. R. No. 2336) to collect the unpaid direct taxes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REMOVAL OF INDIANS IN TEXAS.

Mr. PARKER, of Missouri. I desire to inquire of the Chair what is the condition of the bill reported to-day by the gentleman from Texas, [Mr. HANCOCK.]

Mr. RANDALL. It was withdrawn.

The SPEAKER. The gentleman reported it at a time when unanimous consent was required for its consideration.

Mr. PARKER, of Missouri. It is very important that early action should be taken on that bill.

Mr. HALE, of Maine. Can it not be called up by a motion to reconsider?

The SPEAKER. Not when it has been withdrawn. And even if it could be called up on a motion to reconsider, it would be liable to the point of order that it should go to the Committee of the Whole on the state of the Union.

Mr. HOLMAN. I move that the House do now adjourn.

The SPEAKER. That motion is already pending.

The question being taken on the motion to adjourn, it was agreed to; and thereupon (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred, as stated:

By Mr. ADAMS: The petition of John Friend, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. ALBRIGHT: The petition of citizens of Parryville, Carbon County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, and remonstrating against a restoration of the duty on tea and coffee, to the Committee on Ways and Means.

Also, resolutions of the Chautauqua County Medical Society, New York, in favor of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. ATKINS: The petition of Mead M. Bledsoe, of Jackson, Madison County, Tennessee, for compensation for property taken for the use of the United States Army in the war of the rebellion, to the Committee on War Claims.

Also, the petition of George W. Harris, of Jackson, Madison County, Tennessee, to be compensated for property taken for the use of the United States in the war of the rebellion, to the Committee on War Claims.

By Mr. BANNING: The petition of Thomas and Ellen Condon, of Cincinnati, Ohio, supported by the names of numerous members of the Ohio Legislature and of prominent citizens of the State, asking Congress, by resolution or otherwise, to interpose in behalf of Edward O'M. Condon, a citizen of Ohio, now in confinement in England for alleged murder of a policeman, to the Committee on Foreign Affairs.

By Mr. BASS: The petition of the Union Steamboat Company of New York, for authority to change the name of the propeller William M. Tweed, of Buffalo, to the Committee on Commerce.

By Mr. BEGOLE: The petition of Amos Kingsley, of Lansing, Michigan, a soldier of the war of 1812, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of L. C. Loomis and 27 others, citizens of Lansing, Michigan, in support of the petition of Amos Kingsley, to the Committee on Revolutionary Pensions and War of 1812.

Also, resolutions of the Wayne County Medical Society, of Michigan, in favor of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. BERRY: The petition of Nathan Blen, of Londonville, Ohio, for correction of his military record, to the Committee on Military Affairs.

By Mr. BLAND: The petition of tobacco manufacturers and dealers of the State of Missouri, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. BOWEN: The petition of Preston Lodge No. 47, F. and A. M., of Lee County, Virginia, for compensation for destruction of

their hall and academy by United States troops, to the Committee on War Claims.

By Mr. BRADLEY: The petition of L. Simoneau and others, of the Saginaw Valley, Michigan, druggists, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. CESSNA: Papers relating to the claim of John Waugh, for relief, to the Committee on War Claims.

By Mr. CHIPMAN: Papers relating to the claim of Joseph Markham, to the Committee on War Claims.

By Mr. CLAYTON: The memorial of S. M. Tibbits, A. M. Simpson, and others, grantees of the city and county of San Francisco, for the establishment of the southern line of the Presidio reservation, in accordance with survey of United States surveyor-general, to the Committee on Military Affairs.

Also, the memorial of Obed Chart and others, for relinquishment of the interest of the United States in certain lands at the Presidio of San Francisco to holders of deeds thereto from the city and county of San Francisco, to the Committee on Military Affairs.

Also, resolutions of the board of supervisors of San Francisco, relating to the subject-matter of the foregoing memorials, to the Committee on Military Affairs.

Also, papers from J. D. Stevenson, United States shipping commissioner at the port of San Francisco, in relation to the shipping act, approved June 7, 1872, and amendments proposed thereto, to the Committee on Commerce.

Also, the remonstrance of boarding-masters of the port of San Francisco, against the repeal of the shipping act of June 7, 1872, to the Committee on Commerce.

Also, the petition of Josiah Earl, of Inyo County, California, and T. W. Dexter, of Esmeralda County, Nevada, to be compensated for extra services in carrying the United States mails, to the Committee on the Post-Office and Post-Roads.

Also, the petition of James H. Purdy and others, of California, in relation to certain proposed amendments to the Constitution of the United States, to the Committee on the Judiciary.

By Mr. COBB, of Kansas: Papers relating to the bill for the sale of the Black Bob Indian lands in the State of Kansas, to the Committee on Indian Affairs.

By Mr. CONGER: Resolutions of the common council of Port Huron, Michigan, in relation to the grounds in that city occupied by the Grand Trunk Railway, to the Committee on Military Affairs.

Also, resolutions of the State Board of Health of Michigan, in relation to the establishment of a National Board of Health, to the Committee on Commerce.

Also, a communication from Ensign Bennett, an officer in charge of the improvements of the harbor at Michigan City, in relation to the commerce of that place, to the Committee on Commerce.

Also, the petition of citizens of Romeo, Michigan, asking that a pension be granted to Mrs. Nancy Abbott, to the Committee on Invalid Pensions.

Also, the petition of Captain R. Papst and others, of Michigan, soldiers in the late war, for the equalization of bounties, and reference to a special committee of bounty bills and laws, to the Committee on Military Affairs.

By Mr. DUNNELL: The petition of Burdick & Gould and others, druggists, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. ELKINS: The memorial of citizens of New Mexico, occupants of land under the Chaperito grant, for an allowance of land from the public domain to claimants under the Ortiz grant, to the Committee on Private Land Claims.

By Mr. FIELD: Papers relating to the claim of Honora Crawford, for a pension, to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of citizens of Ohio, in regard to the enforcement of the eight-hour law, to the Committee on Education and Labor.

Also, the petition of citizens of New York and New Jersey, of similar import, to the Committee on Education and Labor.

By Mr. GLOVER: The petition of tobacco manufacturers and dealers of the State of Missouri, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. HAILEY: Ten petitions from citizens of the Territory of Idaho, for the passage of the Portland, Dalles and Salt Lake Railroad bill, to the Committee on Railways and Canals.

By Mr. HATCHER: The petition of members of the General Assembly of the State of Missouri, and of tobacco manufacturers and dealers in said State, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. G. F. HOAR: Papers relating to the claim of Frederick A. Holden, to the Committee on War Claims.

By Mr. HOOPER: The petition of William Wickersham, of Boston, Massachusetts, for extension of patent for improvements in sewing-machines, to the Committee on Patents.

By Mr. HOUGHTON: The petition of A. O. Thoms, of Visalia, California, for compensation for extra services in carrying the United States mails, to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTER: The petition of citizens of Brazil, Indiana, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

By Mr. KILLINGER: The petition of citizens of Perry County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

Also, the petition of citizens of Schuylkill County, Pennsylvania, of similar import, to the Committee on Ways and Means.

Also, the petition of 240 citizens of Lebanon County, Pennsylvania, for reforms in the national banking system, and for an increase of currency under proper restrictions, to the Committee on Banking and Currency.

By Mr. LAWSON: The petition of Eliza Wells, widow and administratrix of Henry A. Wells, deceased, for extension of patent for improvements in machinery for manufacturing hat-bodies, to the Committee on Patents.

By Mr. LUTTRELL: Resolutions of the board of supervisors of the city and county of San Francisco, California, in reference to certain lands at the Presidio, to the Committee on Military Affairs.

Also, resolutions of the Legislature of California, relative to lands granted the Stockton and Copperopolis Railroad, to the Committee on the Public Lands.

Also, the memorial of prominent business men of California, relative to the adoption of the dime as a unit of value and the coinage of two-dime pieces, to the Committee on Coinage, Weights, and Measures.

By Mr. MACDOUGALL: Resolutions passed at a public meeting and petition of citizens of Sodus Point, New York, for an appropriation of $30,000 to complete the improvement of the harbor of Big Sodus Bay, to the Committee on Commerce.

By Mr. MORRISON: A paper for the establishment of certain post-routes in the State of Illinois, to the Committee on the Post-Office and Post-Roads.

By Mr. PARKER, of Missouri: The petition of George Pomeroy, of Albany, Gentry County, Missouri, for a pension, to the Committee on Invalid Pensions.

Also, the petition of tobacco manufacturers and dealers of the State of Missouri, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. PLATT, of New York: The petition of Thomas Willse, for a pension, to the Committee on Invalid Pensions.

By Mr. RANDALL: The petition of James Kreps, late private Third Independent Battery Ohio Volunteers, also late private Third Pennsylvania Cavalry, for the removal of the charge of desertion, to the Committee on Military Affairs.

By Mr. RAPIER: A paper for the establishment of a post-route in the State of Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. RICHMOND: The petition of the Delaware Indians, to be compensated for stock and other property taken from them, to the Committee on Indian Affairs.

By Mr. SENER: The petition of citizens of Lancaster County, Virginia, for the passage of the supplementary civil-rights bill, to the Committee on the Judiciary.

By Mr. SPRAGUE: The petition of citizens of Morgan County, Ohio, that pensions be granted to teamsters of the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. STANARD: The petition of tobacco manufacturers and dealers of the State of Missouri, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. STONE: The petition of tobacco manufacturers and dealers of the State of Missouri, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. STORM: The petition of citizens of Pennsylvania engaged in lumbering on the Delaware River, for the improvement of the navigation of said river from Sandt's Eddy to Trenton, to the Committee on Commerce.

By Mr. STOWELL: The petition of James E. Grubbs, of Halifax County, Virginia, for relief, to the Committee on Claims.

Also, the petition of Mrs. E. A. Terrain, of Petersburgh, Virginia, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of Liggitt & Myers and others, of Missouri, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. WALLACE: A paper for a post-road from Pickens Court-House, South Carolina, to Brevard, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. WARD, of New Jersey: The petition of Andrew Mason, to be compensated for the use in the United States assay office of his improvements in the mode of parting gold and silver bullion, to the Committee on Coinage, Weights, and Measures.

By Mr. WILLIAMS, of Massachusetts: The petition of Mrs. E. Horton, of Boston, Massachusetts, widow of the late Rev. Jotham W. Horton, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Wisconsin: The petition of William Walker, for payment of salary as vice-commercial agent at Gaboon, Africa, to the Committee on Foreign Affairs.

By Mr. WILSON, of Indiana: The petition of David Valentine & Co., Eldredge, Durham & Co., and Paton & Co., to be reimbursed for their expenses in the proceedings for the impeachment of Judge Delahay, to the Committee on the Judiciary.

By Mr. ——: Papers relating to the claim of William O. Redden, late colonel Third Delaware Volunteers, to the Committee on War Claims.

IN SENATE.

TUESDAY, *March* 3, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the petition of a large number of prominent citizens and business firms in the city of New York, on the subject of our present disordered and demoralized currency condition. This petition is signed by over 250 of the leading houses, banking firms, insurance companies, and leading merchants of the city of New York. They present the case so clearly and so well that I take the liberty to read it to the Senate. They represent that "they are greatly alarmed at the assumption of the Secretary of the Treasury of the right to issue new United States notes, commonly known as greenbacks, without the sanction of law;" and they go on to say that "the issue of irredeemable paper money, and making it a legal tender, is simply levying a forced loan upon the people of the United States. Such an extreme measure can only be excused by a vital necessity arising from a great war, and is even then in direct violation of all ordinary constitutional powers." So far as the petitioners are aware, "no civilized government has ever resorted to an issue of irredeemable paper money in time of peace; and it is a most remarkable thing that the great, rich, and prosperous nation of the United States should resort to such a ruinous expedient without the slightest necessity of an excuse."

The petitioners consequently "respectfully but most earnestly urge your honorable body to put an immediate stop to the further issue of greenbacks by the Secretary of the Treasury, and to make arrangements, by the negotiation of bonds or otherwise, to call in and cancel at once every dollar of the so-called reserve that has been issued."

This clear and concise statement is made by earnest and intelligent men, representing, I suppose, full $500,000,000 of capital. I heartily indorse all they say. The memorial was forwarded to me by the well-known firm of E. S. Jaffray & Co., and in presenting it I ask the most respectful consideration of the Senate. I now move its reference to the Committee on Finance.

The motion was agreed to.

Mr. INGALLS presented the petition of Ira W. Donthart, of Brown County, Kansas, late of Company D, Thirteenth Regiment Iowa Infantry Veteran Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SCOTT presented the petition and papers of John Magee, praying relief from losses sustained by him by reason of the occupancy of his property, situated near Tenallytown, District of Columbia, by the United States Army engaged in the suppression of the rebellion, from August 26, 1862, to November 17, 1865; which were referred to the Committee on Claims.

Mr. SCHURZ presented the petition of Leopold Karpeles, late of Company E, Fifty-seventh Massachusetts Volunteers, praying the balance of his bounty money due him, amounting to $190; which was referred to the Committee on Military Affairs.

Mr. BOGY presented a resolution of the Legislature of Missouri, in favor of the improvement of the Mississippi River and its tributaries; which was referred to the Committee on Commerce, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair has received a petition, printed, with several pages of what purport to be printed signatures to it, which the Chair understands, under the rules, cannot be introduced in the Senate; and therefore he does not present it.

Mr. HAMILTON, of Maryland, presented the petition of George A. Dawson, late collector of internal revenue for the fifth district of Maryland, praying the enactment of a law reimbursing him for certain moneys captured from his deputy by rebel forces; which was referred to the Committee on Claims.

The PRESIDENT *pro tempore* presented a resolution of the Legislature of Kansas, in favor of the enactment of a law by Congress declaring railway companies common carriers, and fixing the maximum rate for the transportation of freight and passengers, and prohibiting unjust discriminations between "way" and "through" freight; which was referred to the Select Committee on Transportation-Routes to the Sea-board.

He also presented a resolution of the Legislature of Kansas, in favor of the enactment of a law by Congress for the relief of certain homestead settlers in that State, by the confirmation of their land titles as against the adverse claims of certain railroad corporations; which was referred to the Committee on Public Lands.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, communicating, in response to a resolution of the Senate, a statement of the number of illicit distilleries which have been suppressed within the last six months, together with their location and daily capacity for production; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of the Interior, transmitting additional testimony in relation to the New Mexico private land claim No. 72, known as Ojo del Apache, pursuant to the eighth section of the act approved July 22, 1854; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ROBERTSON, it was

Ordered, That the papers in the case of the claim of James B. Campbell, of Charleston, South Carolina, executor of the estate of John S. Regan, be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 912) to provide for the inspection of the disbursements of appropriations made by officers of the Army, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rziha, captain in the Fourth Regiment of Infantry of the Army of the United States, on the registers, rolls, and records of the Army, to John Laube de Laubenfels, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 911) to relinquish title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery, reported it without amendment.

He also, from the same committee, to whom was referred the petition of William N. Denny, of Vincennes, Indiana, praying to be paid the difference between the pay of captain and major, submitted a report, accompanied by a bill (S. No. 560) for the relief of William N. Denny.

The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Charles H. Moseley, of Little Rock, Arkansas, praying for pay of second lieutenant from September 9, 1864, to April 12, 1865, less the pay of an enlisted man already received, submitted a report, accompanied by a bill (S. No. 561) for the relief of Charles H. Moseley.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. DAVIS. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 1037) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense, to report it back without amendment. I give notice, by instruction of the committee, that at the first practicable moment I shall call it up for consideration.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 499) to authorize the issue of a supply of arms to the authorities of the State of Nebraska, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1064) to authorize the Secretary of War to lease not exceeding five acres of the tract of land known as the Old Lazaretto tract, for the purpose of erecting thereon a magazine or store-house for the storage of gunpowder, reported adversely thereon; and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Railroads, to whom was referred the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, reported it with an amendment.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the North Pacific Railroad at or near Tenino, reported it with an amendment.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes, reported it with an amendment.

GOVERNMENT TELEGRAPH.

Mr. SARGENT. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 2224) appropriating $1,400 to pay the operators in the departmental telegraph connected with the two Houses of Congress, to report it back with an amendment, and to ask that it be considered now.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Appropriations was to insert at the end of the bill the following proviso:

Provided, That said lines of telegraph shall be for the use only of Senators, members of Congress, judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

Mr. ANTHONY. Does the bill go back to the House?

The PRESIDENT *pro tempore*. It does.

Mr. ANTHONY. I think that the words "departmental telegraph" in the title should be "Government telegraph."

Mr. SARGENT. I have no objection to that amendment.

Mr. ANTHONY. I would not send it back to the House for such an amendment; but it must go back anyhow.

Mr. SARGENT. If it is going back, that is proper.

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "A bill appropriating $1,400 to pay the operators in the Government telegraph connected with the two Houses of Congress."

HANSON HARMON.

Mr. BAYARD. I ask the Senate to proceed to the consideration of the bill (S. No. 527) for the relief of Hanson Harmon.

There being no objection, the bill was read a second time and considered as in Committee of the Whole. It provides for the payment to Hanson Harmon, of Wilmington, Delaware, of $334.37, in full for all claims for rent of office for the clerk of the United States circuit and district courts for the district of Delaware, from January 1, 1868, to March 25, 1870, the same to be accepted and received by him in full for all claims against the United States for the use or rent of said building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. AMY A. HOUGH.

Mr. HOWE. I move that the Senate proceed to the consideration of Senate bill No. 449. It is a bill reported by the Committee on Pensions.

The motion was agreed to; and the bill (S. No. 449) granting a pension to Mrs. Amy A. Hough was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Amy A. Hough, mother of Daniel E. Hough, deceased, late captain of Company A, Eleventh Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ERRORS IN PRIZE-LISTS.

Mr. CRAGIN. I ask the Senate to proceed to the consideration of Senate bill No. 229, authorizing corrections to be made in errors in prize-lists.

The PRESIDENT *pro tempore*. Is there objection?

Mr. WRIGHT. I feel it my duty to object to the consideration of that bill at present. I know it is very ungracious to object to the consideration of bills, but I want to get Senate bill No. 161 out of the way this morning if possible, and therefore I must object.

The PRESIDENT *pro tempore*. A single objection does not dispose of it. The Chair inquired if there was objection, to avoid putting questions unnecessarily. The Chair will put the question to the Senate. The question is on the motion of the Senator from New Hampshire.

Mr. CRAGIN. I think it will take but a moment to dispose of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 229) authorizing corrections to be made in errors in prize-lists.

The bill proposes to authorize the Secretary of the Navy, in all cases where corrections in the distribution of prize-money have or may become necessary, and in all cases where the names of parties entitled to share in prizes have been or may by error be omitted from the prize-lists, to direct the proper accounting officers of the Treasury to correct and pay the same; the former upon the principle that the provisions of the act in force at the date of final adjudication govern distribution, and the latter to receive their proportion of the prizes claimed, the same as all others of like rank and pay who may have been paid, using for such purposes any money in the Treasury not otherwise appropriated.

The Committee on Naval Affairs reported the bill with amendments.

The first amendment was in lines 13 and 14, to strike out the words, "using for such purposes any money in the Treasury not otherwise appropriated," and to insert, "said payments to be made out of the naval-pension fund."

The amendment was agreed to.

The next amendment was to insert, as an additional section, the following:

SEC. 2. That the second and third paragraphs of the tenth section of the Navy prize law, approved June 30, 1864, which relate to the shares of commanders of divisions and fleet captains, shall apply to officers serving in those positions from April, 1861, (the commencement of the late war,) and the shares shall be paid in the manner as provided for division commanders in said second paragraph; and all acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

Mr. CONKLING. I was inquiring of the chairman of the committee privately, in order to get some information about this bill, which I do not want to object to, because I have no knowledge to warrant me in doing so. I should like to hear some statement in regard to it generally, but especially as to this point: upon what evidence is the Secretary of the Navy to make these corrections and supply these omissions? I presume there is some way of doing it. I should like to know by what law and by what process it is to be done.

Mr. CRAGIN. The object of this bill is simply to correct some errors in prize-lists; for instance, if a prize-list omits a name that should be on it, and if the distribution is made, there is no reason that the committee can see why the individual whose name is omitted by mistake should not be paid. This bill was prepared by the Fourth Auditor, and I have a letter before me from the Fourth Auditor, recommending it as quite necessary. There is another class of cases where an officer has been paid for a wrong rank; for instance, paid as a master when he should have been put on the prize-list at the next highest grade; and one effect of this bill will be to pay him that difference.

The second section of the bill relates to about five or six officers who at the beginning of the war were detailed as fleet captains or division commanders. There was then no such officer designated by law. They were captains, perhaps commanding a single vessel; and they were taken from their own vessels and made fleet commanders, and consequently they did not get any prize-money at all. They would have received some portion if they had remained in command of their individual vessels in 1864.

Mr. SARGENT. If the Senator will allow me, I believe they were put to more responsible duty and harder service, and by performing that more responsible duty and harder service they failed to receive any compensation whatever.

Mr. CRAGIN. That is so. In 1864 Congress passed an act giving prize money to fleet captains and division commanders; but a few of them acted in that capacity prior to the passage of that law. There are only six of them, I think, all told, and this second section is designed to cover that class of cases. I have a letter from the Fourth Auditor saying that the passage of this bill will not involve more than $50,000 in money, and that is to be taken from the Navy-pension fund and not from the Treasury. I think there can be no possible objection to the bill.

Mr. LOGAN. I should like to ask the Senator a question. Do these gentlemen who are placed on the prize-list as commanders of fleets or divisions receive prize-money according to that rank?

Mr. CRAGIN. According to the act of 1864.

Mr. LOGAN. According to that rank, is what I want to ask?

Mr. ANTHONY. Under the existing law.

Mr. LOGAN. If that is the meaning of the bill, it is wrong evidently. The existing law applies to men having the rank of fleet commanders, and nobody else. This bill applies to men who were transferred without the rank. If that is not the case I do not understand the explanation.

Mr. CRAGIN. There was no such rank in 1862 and in 1863. In 1864 the act authorized prize-money to be paid to fleet captains, and designated the amount; and this bill proposes to pay these five or six men the same amount.

Mr. LOGAN. As if they had had that rank?

Mr. CRAGIN. The same amount as authorized by the act of 1864.

Mr. FRELINGHUYSEN. I think I can explain it to my friend from Illinois. I understand that when the war commenced there was no such office as fleet captain or division commander. The exigencies of the service required the creation of that office. They consequently were not enumerated in the prize act, and received no prize until 1864, when the act was passed giving fleet commanders and commanders of divisions a share in prizes; but that act was only prospective: it did not relate back to the beginning of the war. The object of this section is to place fleet captains and division commanders who took prizes from 1861 to 1864, when the act was passed, in the same position as to prizes that fleet captains were after 1864. The money comes from the naval-pension fund. One-half of the receipts from prizes goes into the naval-pension fund, and it is very properly taken from there, inasmuch as one-half the amount which we now appropriate went into that fund, which would not have gone there if the law had related back as it ought to have done to 1861, instead of commencing in 1864.

Mr. LOGAN. That explanation proves exactly what I said—that you passed a law creating a certain rank; and then you apply that law to all persons who have a similar command without the rank.

Mr. FRELINGHUYSEN. The rank was created in 1861.

Mr. LOGAN. The rank was created in 1861. In 1864 Congress gave prize-money to that class, and, as I understand this, it is persons who were detailed in the mean time. It is to apply to a captain of a single vessel who is detailed and ordered to the command of a division. Is not that it? And yet he is not the commander of the division in fact. I understand it exactly.

Mr. HOWE. I do not understand it so.

Mr. LOGAN. I do.

Mr. HOWE. I understand that when the prize law was enacted, before the late war, it accorded prize-money to all the officers known to the naval organization at that time. In 1861 the increase of the Navy required new ranks, larger commands; and so a few of our officers were rated above the provisions of the prize law as it stood at that time. We had all through the war, therefore, a few officers in command of our Navy who were not provided for in the prize law, and then when the prize law was revised they were provided for. They had been filling the commands and had been taking prizes, but

were not allowed any share of the prize-money, because they filled commands not provided for in the prize law at the time.

Mr. LOGAN. I understand it exactly as I did before. It is desired to give them prize-money according to a rank they did not have. If you take a captain from a vessel and assign him to the command of a division, he is still a captain.

Mr. FRELINGHUYSEN. But there is just the point. He is a captain; but inasmuch as he is detached from his ship, the law does not reach him, and, as a matter of fact, (for I took the pains to go to the Secretary of the Navy and inquire,) these captains, who were made captains of fleets by being so appointed, lost the prize-money which they would have been entitled to under the law which had existed since 1800 by being appointed to this position.

Mr. LOGAN. It deprived them of prize-money as captains.

Mr. FRELINGHUYSEN. Of any prize-money.

Mr. LOGAN. But does it deprive them of prize-money as captains or deprive them of prize-money as division commanders? That is the point.

Mr. SARGENT. They never received any prize-money whatever.

Mr. LOGAN. Now, what do you propose to give them—prize-money as captains or as division commanders? That is the point.

Mr. SARGENT. The Naval Committee propose to give them exactly the same pay that the same officers serving in the same manner received after 1864, there being no distinction between the service in 1863 and the service in 1864.

Mr. LOGAN. But there is here a distinction that we do not seem to understand very well; and I will illustrate it. Suppose I illustrate it by a position in the Army. You have a colonel commanding a regiment of the Army; he is entitled to a colonel's pay. Suppose this prize law applied to a colonel in the Army, but he was assigned to duty as a brigade commander, which is the command of a brigadier-general. That illustration shows exactly what this bill is trying to do. Instead of paying him as colonel, you would pay him by this bill as brigadier-general. That is not the rule, and ought not to be the rule. It is an honor to a man to have a higher command than his rank gives him, but no one ever expects pay for it, and it is not just that he should have it. This bill gives a man who is captain in fact, and who holds that rank and none other, as I understand it, if he happens to be assigned—not increased in rank, but merely transferred to duty in a rank that belongs to another by being allowed to command a division—the same share of this money that an actual division commander would have.

Mr. FRELINGHUYSEN. I would suggest to the Senator from Illinois that I do not know that there is any difference in the amount or proportion of prize-money that a fleet captain gets under this law and that a captain gets; but whether there is or not, that is a subject which was determined by Congress in 1864, when they fixed the prize-money.

Mr. LOGAN. I ask the Senator from California, who I see wishes the floor, to state to the Senate whether, if a captain be assigned to the command of a division without his having that rank, he under this bill gets the prize-money of a division commander or of a captain?

Mr. SARGENT. I intended to reply to the argument of the Senator on that point; but I do not wish to do it unless I can have the floor for that purpose.

Mr. LOGAN. The Senator can have the floor. I merely asked him to state that, so that I might be correct about it.

Mr. SARGENT. Unquestionably a captain receives under this legislation a larger amount of prize-money than he would if he remained on board his own vessel performing the lesser duties of captain, although, in fact, these officers, being put to a higher and more arduous duty, have not received anything at all. But the argument of the Senator from Illinois is unsound in his comparison with the colonel who fills a brigadier's station, and for this reason: It is the general policy of the law applying to all colonels who are put in the position of brigadiers for temporary service that they shall receive the pay simply of colonels, and nobody proposes to change that; but suppose it had been changed at a certain time, so that a portion of those who served as brigadiers, being colonels, should receive a brigadier's pay and others should only receive a colonel's pay; would not that create an inequality which ought to be remedied by law? Either it would be wrong by statute to give those who served as brigadiers a higher pay than colonels, or all should be treated alike, all should receive the higher pay. Congress in 1864 legislated that these captains, serving in this higher capacity and performing these more arduous duties, should receive a certain proportion which it attached to the office they held, and which was then recognized by statute; and I say that it is only fair and just, if it applied from 1864 to men performing this service in 1864, that it should apply to those performing it in 1863; and there is the difference between the position of the Senator and the real facts of the case.

I hold in my hand a letter written on this subject, which expresses so concisely and so clearly the merits of this proposition of the Naval Committee that I will ask the indulgence of the Senate while I call attention to it. The writer says:

> Will you allow me to call your attention to the situation of the law concerning the shares of commanders of divisions and fleet captains in prize-money, during the late war?
>
> The law on the subject existing at the opening of the war, was the act of April 23, 1800, (2 Statutes, 52,) which provides that the prize-money belonging to officers and men, in certain proportions, should be distributed among designated officers and men.
>
> These enumerated individuals were obviously intended to include every man in the ship or fleet concerned in taking a prize.
>
> The officers are named, from the commanding officers of fleets or squadrons down to drummers and fifers; and to guard against any exclusion, the words "and extra petty officers" are added.
>
> At the opening of the war, the magnitude of the operations of the commanders of the large squadrons assembled, required the services of new classes of officers known as commanders of divisions and fleet captains; certain officers were withdrawn from their ships, and served in these capacities during the large naval operations of the first years of the war.
>
> Considerable amounts of prize-money belonging to officers and men were distributed under the law; but commanders of divisions and fleet captains, unknown to the service in 1800, were not named in the law, and received no share in the distribution. Left on their own ships in the old routine of service, they would have shared with the rest; but called to the larger duty, extending over all ships concerned in a capture, they became the only men in a fleet who were excluded from share in the prize-money gained.
>
> On the 7th of July, 1862, an act was passed for the better government of the Navy, but attention had evidently not been called to this irregularity at that early period, and no provision was made to cover it.
>
> But on June 30, 1864, an act was passed entitled "An act to regulate prize proceedings and the distribution of prize-money, and for further purposes." (13 Statutes, 306.)
>
> The subject being dealt with specifically, the irregularity was removed by the tenth section, which makes new provisions for distribution, and includes in the second and third paragraphs the officers not previously enumerated. The first three paragraphs are as follows:
>
> "First. To the commanding officer of a fleet or squadron, one-twentieth part of all prize-money awarded to any vessel or vessels under his immediate command.
>
> "Second. To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one-fiftieth part of any prize-money awarded to a vessel of such division for a capture made while under his command, the said fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors: *Provided*, That such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive as commander of a single ship making or assisting in the capture.
>
> "Third. To the fleet captain, one-hundredth part of all prize-money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share, in proportion to his pay, with the officers and men on board such vessel, as is hereinafter provided."
>
> Thus, after the passage of this act these officers were entitled to the share deemed proper by Congress, in view of their positions, and the nature of their services. But this makes the injustice done to the few officers who had served in these positions, up to that time, more manifest. As the law now stands, they alone of all the Navy of the United States are deprived of all participation in the results of their services.
>
> To redress this, the following provision was proposed to be inserted in the Navy appropriation bill of last year:
>
> "That the second and third paragraphs of the tenth section of the Navy prize law, approved June 30, 1864, which relate to the shares for commanders of divisions and fleet captains, shall apply to officers serving in those positions from April, 1861, the commencement of the late war, and the shares shall be paid in the manner as provided for division commanders in the second paragraph."
>
> This was not then passed. My object is to ask you to look over this legislation, and if the claim is right to favor the passage of such a provision at this session. It will be observed that the shares awarded are to come, as provided in the act of 1864, out of the half paid into the Treasury of the United States and credited to the Navy-pension fund. (See act of July 17, 1862, section 11, 12 Statutes, page 607.)
>
> This fund is already too large for its purposes, so much so that the Government pays only half the usual rate of interest on it.
>
> It would seem eminently just that the small amount of it necessary to repair a manifest injustice to a few faithful officers should be used for that purpose. I believe the number does not exceed six in both classes.

This is not a depletion of the Treasury of the United States; and I know of no better use that this large fund can be put to, or the small portion of it which is called for, than to pay the men who served gallantly in these exposed and responsible positions from 1861 to 1864 the same rate that they or others were paid rendering the same service from 1864 down to the close of the war. And that is all there is of it. It does not change the rank of any one; and so far as the policy or principle of the payment itself is concerned, that was settled by the legislation of 1864. The Naval Committee considering this bill thought that this was just and equitable, and therefore reported the bill as it now stands before the Senate.

Mr. LOGAN. I do not like to offer any interference in matters of this kind; but I have seen such legislation as this proposed very often. What is it? These things are worked up; and certain men are to receive benefit from it, or certain widows, or somebody. And I think it is the duty of any one who sees a thing of this kind, and who does not agree with it, to suggest an objection to it. Suppose the Senator from California had been a colonel in the late war receiving a salary of $2,000 a year, and in 1864 Congress should have increased the salary of colonels up to $4,000, would he have the face to come here and ask that he should be paid $4,000 for the time he served under a $2,000 salary? That is exactly this case. Here are three or four officers in the Navy who did not happen to be fortunate enough in certain engagements or captures to get a portion of prize-money received by other officers having a similar command under a law giving them a different rank, and now they ask us to pass a law relating back to that time, and give them $50,000 out of the Treasury. O, but my friend from California says, this is not out of the Treasury. Then, in God's name, where is it out of? Where does it come from, if it does not come from the Treasury? The very bill itself provides that the appropriation may be paid, "using for such purpose any money in the Treasury not otherwise appropriated."

Mr. CONKLING. That is stricken out.

Mr. LOGAN. Very well; the Senator from California says it comes from the prize-money. What is the prize-money, except a sum set

apart to pay specific things? But if that is exhausted, and they are entitled to more, where does it come from? It comes from the Treasury. Where does the pension fund come from that belongs to the marines or sailors? It is a part of the treasure of the Government, and a part of that is to be used for paying prize-money. It is all nonsense to say that this does not come out of the Treasury. It comes out of the Treasury just as much as if it were appropriated especially for the purpose out of the Treasury. I do say that this thing of passing laws nearly every session applicable to a few individuals belonging to the Navy has got to be so common, that everybody must expect it. A claim for distribution of prize-money, or for something or other, is worked up every session of Congress; and they come to Congress and apply for $50,000 or $100,000 out of the Treasury of the United States to pay somebody who was not entitled to one cent under the law at the time he did the service. That is precisely this case. But I see the Senator from New Jersey is anxious, and I will let him say what he desires to say.

Mr. FRELINGHUYSEN. I am not very anxious; I was only going to make a suggestion to my friend. I do not think anybody ought to criticise him for looking into this matter. At the last session of Congress I voted against the amendment which was proposed to the naval appropriation bill, because I had the same impression of it that he now has; I thought it was paying these men what they had no right to expect. But when I found that by making them fleet captains, and so detaching them from their ships, we had taken away from them the benefit of the law as it existed and had existed for sixty years, I thought it was only doing them simple justice to give them at any rate what they would have received if they had not been made fleet captains.

Then, as to the question whether the appropriation for fleet captains is too much or too little, I take it for granted that that subject was considered in 1864, when the amount was fixed, and that this bill is only doing justice by making that law revert back to 1861.

One word as to this money coming out of the Treasury. It is true, as the Senator says, that it comes out of the Treasury; but he must remember that it went into the Treasury in consequence of these officers being detached from their ships and being made fleet captains. The prize-money which they would have received went into that naval-pension fund.

Mr. LOGAN. Did these men seize the prize themselves, or did their commands?

Mr. ANTHONY. Certainly, or they could not have any claim to prize-money.

Mr. LOGAN. The Senator knows very well that a fleet of vessels may be separated for two hundred miles, and if one captures a prize it is distributed among the whole.

Mr. FRELINGHUYSEN. On that point I have paid all the attention that anybody can pay. I had a conversation on this subject with the Senator from Vermont, who is quite critical in reference to these subjects, and he said he would not vote for this bill until he was satisfied that these men did not receive as captains their part of the prizes. So I went to the Navy Department and ascertained that they did not receive one cent, because they did not come within the provisions of the law, being detached from the ships' rolls by being made fleet captains.

Mr. LOGAN. Exactly. A man in the Army or Navy, it makes no difference which, is always ambitious to have a higher command than he has, and there is not an officer in either service to-day who would not take promotion to a higher command, and receive nothing but his rations, rather than have a low command and high pay. That is well known. Here are gentlemen who, perhaps at their own solicitation, were assigned to higher commands, and in that way got higher rank and more power, and exercised more in the Navy than others; and after the war is over they come here and ask you to pay them money that they would have received if they had had the rank to the duties of which they were assigned. That is the position precisely.

Mr. MORRILL, of Maine. Will the Senator allow me to make a single statement about this matter?

Mr. LOGAN. Certainly.

Mr. MORRILL, of Maine. This is to give compensation in the way of prize-money to certain gentlemen who were captains in the service during the war, who did not get any prize-money. That is the proposition. Why do we do that? Simply because by the action of the Government these captains, who would have been entitled to prize-money, were by an order transferred to another service, and therefore they could not receive any prize-money. In 1864 we passed a law increasing the prize-money, that is, increasing the rates by which they should receive it. These captains who were put out of their positions, and so out of any possibility of receiving anything as prize-money by the action of the Government, come here and say, "We were not fairly treated; we were put aside from any opportunity of vindicating a claim for this money; now, there having been a provision for persons situated exactly as we were at the time, and that provision having been enlarged by the act of 1864, we say that the Government, who embarrassed us by their order, ought now to give us a claim on that pension fund." That is all there is of it, and it seems to me that it is but an act of justice.

Mr. LOGAN. Will the Senator allow me a word right there?

Mr. MORRILL, of Maine. Certainly.

Mr. LOGAN. So far as he has gone I agree with him, that they are entitled to pay as captains, and that is the point I have been making all the time; but this bill gives them pay as fleet commanders, which makes a very great difference.

Mr. ANTHONY. As division commanders.

Mr. LOGAN. As division commanders; and gives them pay according to the rank. You propose to give rank and pay to men who had no such rank, and who were entitled to no such pay under the law. That is the point exactly.

Mr. ANTHONY. Mr. President, we give them precisely the pay that the same grade of officers is entitled to by existing law. If you reduce their pay to that of a lower grade, then we ought to alter the law and reduce the prize-money allotted to other officers correspondingly.

The Senator says any officer of the Navy would, for the sake of promotion, give up his pay and fight upon rations alone. So he would. There is not an officer in the Army or Navy, fit to be there, who would not go into the fight not only without pay, but without rations, if necessary; but do we want them to do so? Do we want to deprive them of that——

Mr. LOGAN. If the Senator will allow me, nobody desires to deprive them of anything. I only referred to the fact that these men would take higher rank and higher command without pay, but they received the same pay as captains; and if you will make your prize-list according to their rank, nobody will object to it. But you are attempting now, inasmuch as they received not rank, but by assignment a higher command, to pay them according to their command without their having the rank. That is the difference.

Mr. ANTHONY. We desire to pay them, according to the existing prize law, the same pay that those who have performed the same service have had since, the same pay which they would be entitled to now if they should perform the same service again. There was a little hiatus, a time when these men were the only men engaged in the capture of prizes who did not receive a portion of prize-money. Of course it was a mistake. Congress did not mean to select out a certain class of officers and say that everybody else, from fleet captains down to seamen, shall have prize-money, but that the division commanders shall have none. As soon as that mistake was discovered it was corrected by legislation, and now we ask to give to these men who performed that duty in the hiatus between the two laws precisely what they would have had if the law had been passed in the beginning—precisely what would have been done if attention had been called to it. It is merely to correct an error.

Mr. LOGAN. Now, Mr. President, I have been driven to make a suggestion that I did not intend to make. I see the pertinacity with which Senators persist in having pay taken out of the Treasury and given to men for rank that they never had; and I will state a little fact in connection with this matter. There was a fleet during the war, made up of soldiers of the Army, on the Mississippi River, that captured more prizes than the whole Navy put together, and they were deprived of prize-money until very recently; and when the distribution comes to be made to these men, who were as much entitled to it as any men, then it is thought very well to give a little over to officers of the Navy who did not have the rank to entitle them to it, so as to deprive these men of getting that to which they are entitled. That is the milk in the cocoa-nut.

Mr. ANTHONY. Does not the Senator think these men ought to have their prize-money?

Mr. LOGAN. Yes, sir; and I am willing to give it to them according to their rank, but you desire to give it to them according to their command, a thing not known in military or naval parlance.

Mr. ANTHONY. I desire to give it to them according to law. I desire to make the law applicable to these men precisely as it is applicable to all other men in the same situation.

Mr. WEST. Were they paid as captains?

Mr. ANTHONY. No; they were not paid at all.

Mr. LOGAN. I am willing they should be paid as captains; that was their rank, and let them have pay according to their rank, although it is not fair that they should have any prize-money if they did not participate in the captures. I have no objection, however, to their having pay as captains; but when you give them pay according to their command and deprive others, then it is an outrage, a wrong.

Mr. ANTHONY. Whom do you deprive by this law?

Mr. LOGAN. The men the law gave it to.

Mr. ANTHONY. They have got it.

Mr. LOGAN. I beg the Senator's pardon; they have not.

Mr. ANTHONY. I am sure it has been distributed, and these were the only men who have not received a portion.

Mr. LOGAN. It has been distributed among the rank of the Navy, the Navy proper; I understand that; but there are other people entitled besides the Navy proper.

Mr. ANTHONY. Then we will give it to them; at least I will.

Mr. ROBERTSON. I move to strike out the second section of the bill.

The PRESIDENT *pro tempore*. That will be in order when the bill reaches the Senate. It is not in order at present.

Mr. STOCKTON. I did not suppose it would be necessary, after the clear statement made by the Senator from California, to say one word upon this subject, for it does seem to me to be the simplest proposition that ever was presented to the Senate; but inasmuch as I am a member of the committee that reported the bill, and as some

gentlemen of the Senate do not seem to understand it, I ask the indulgence of the Senate for one moment while I present my views upon the subject.

The fact is, as stated in the communication which has been read, that at the present moment, of all the Navy of the United States, a few officers of high rank who were assigned to the important position, during the war, of fleet captains and division commanders, are the only ones who have not received any prize-money whatever. What is prize-money? Prize-money is that portion which every maritime service, including the service of our own country, has devoted of the proceeds of the captures made to be divided in a certain way among the officers and crew; and in the prize laws of our country every man who is engaged in this service is enumerated, from the man who commands a squadron to the fifer-boy who blows on the fife; and every man gets his prize-money in accordance with the rank which is assigned to him; and yet it has so happened, and it is admitted by everybody, that a few officers—very few in number—who had the most important and arduous duties in the service have never received one single cent. I think that is a proper case to be remedied in a bill professing to correct errors in the distribution of prizes. How did this occur? It occurred because there was no such rank in the service when the prize law was originally passed, as we had not a great number of fleets; and it was not necessary until the war broke out to have a great number of fleets and divisions of fleets, and there was no such officer as a division or fleet commander. It then became necessary to have such officers. You took the captain of a ship who, if he had stood on board his ship, would have received his prize-money; not, perhaps, as the Senator from Illinois says, precisely the same amount (but that we shall see about hereafter) as he will receive under this bill; but he would have received nearly the same amount as captain of a ship, and possibly from his opportunity he might have received more; but you took him from that place where he was absolutely entitled by law to a certain share of prize-money, and you gave him the position of a fleet captain or division commander. As that title was not then borne on the books, he received not a dollar of prize-money. He could not receive a dollar as captain in command of a ship when a prize was taken, for he was not then a captain in command of a ship. So that all that portion of the prizes that was to be distributed was distributed without his rank being considered.

Subsequent to that Congress saw the injustice of this omission and did legislate on the subject, and that legislation was that that fleet captain or that division commander should be borne upon the list and should receive his proportion of the prize-money; and under that officers of these grades received prize-money from that time on, so that Congress admitted the injustice and fixed the rate of prize-money for these grades; but by an error it omitted to include those who had been so assigned to these separate duties during that limited period, involving, I think, two or three years of the war. In that way they stand now isolated from all their companions, because their services were so valuable at that time, and are refused any share in the property they captured because, by reason of a technical error in the law, they have not been provided for. In other words, as my colleague well said, we have their money, to which in the judgment of this committee they were entitled except for the improper wording of the law; the law, in other words, not contemplating the exigencies which arose when the war broke out.

I do not think that any Senator who understands this case would be willing that they should not be paid; and I certainly do not understand the Senator from Illinois to take any such position. His position, if I understand him, is simply that he thinks they ought to be paid as captains, and not paid as fleet commanders. The question at the present moment here is precisely what that difference is. Perhaps some other gentleman on the committee may be able to state it, I cannot; but I think it must be very trifling. Whatever it may be, however, as the Senator from Rhode Island has said, Congress has legislated on the subject. There is a general law now in existence, by which we have decided that all these persons should be paid according to their rank and position, and should be assigned their share as fleet captains and division commanders; so that they can be paid in no other way. If they were not acting as captains of ships, they are not entitled to any prize-money, unless they get it under the very rank in which they were serving. What that shall be Congress has fixed; but that law of Congress does not cover this state of case, which existed for a few years previous to the passage of the act.

That is the whole case—to make the general prize law, as adopted by the Congress of the United States since this difficulty was discovered, applicable to this little *interim*, and not let these officers remain isolated examples, as they now are, deprived alone of all the Navy of any share in the prizes which they themselves assisted in capturing.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business.

Mr. WEST. The unfinished business, as I understand, is the resolution on finance.

The PRESIDENT *pro tempore*. The centennial bill.

Mr. WEST. I did not understand that.

The PRESIDENT *pro tempore*. The centennial bill is the unfinished business.

Mr. WEST. I am instructed by the Committee on Appropriations to urge the attention of the Senate to the Army appropriation bill which now lies on the table; and with that view I move to postpone the pending and all prior orders, and take up the Army appropriation bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana.

Mr. SCOTT. Mr. President——

Mr. RAMSEY. There is morning business yet to be done.

Mr. SCOTT. I desire to say a word upon this motion, if it is to be pressed.

The PRESIDENT *pro tempore*. The motion is before the Senate.

Mr. SCOTT. I am asked to yield to morning business, and I do not object to that.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive the morning business pending this motion.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 562) providing that the name of Brevet Major-General Horatio P. Van Cleve may be placed upon the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

SUPPLY OF WATER TO WASHINGTON.

Mr. ROBERTSON. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of War be, and he is hereby, directed to ascertain and report to the Senate, at his earliest convenience, what danger, if any, exists of a water famine in this city; what is the average quantity of water that flows over the Great Falls of the Potomac River per day, and what is the height of the same above tide when the dam from the Virginia to the Maryland shore is completed; what quantity of water per day is necessary to feed the Washington Aqueduct and the Chesapeake and Ohio Canal at the Great Falls of the Potomac, and what is the size and discharging capacity per day of the Washington Aqueduct; how high is the bank of the distributing reservoir above tide-level; what is the capacity and distance of the same from the Great Falls and from the center of Washington City; how many water-mains have been laid from the distributing reservoir, the size and discharging capacity in the center of Washington City, and what proportion of their discharging capacity per day is consumed at present by the cities of Washington and Georgetown.

Mr. HAMLIN. It occurs to me that almost every fact there called for is now within our possession; and I do not think of a single item, except the quantity of water daily used. I believe all the other facts are now in print from the reports of the engineers and officers of the Government who have been connected with that work. I think the resolution had better lie over until to-morrow and let us look at it.

The PRESIDENT *pro tempore*. The Senator from Maine objects, and the resolution will lie over.

INFORMATION AS TO PUBLIC DEBT.

Mr. WEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be directed to report upon the expediency of furnishing to each member of the Senate a copy of "Practical information concerning the public debt of the United States, with the national banking laws," published by W. H. & O. H. Morrison.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2330) to extend the provisions of section 21 of chapter 200 of the acts passed at the second session of the Thirty-seventh Congress, giving to unnaturalized persons enlisting in the naval service or Marine Corps of the United States the same rights as are now given by law to such persons enlisted in the Army of the United States; and

A bill (H. R. No. 2225) to amend the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July 1, 1870.

The message also announced that the House had passed a resolution for the printing and binding of twenty-five hundred copies in quarto (uniform with the series) of Professor Hayden's final report on the Cretaceous Flora of the West; in which the concurrence of the Senate was requested.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from Louisiana [Mr. WEST] to postpone the unfinished business, being the centennial bill, and all prior orders, and proceed to the consideration of the Army appropriation bill.

Mr. SCOTT. The motion made by the Senator from Louisiana proposes to postpone a question which has been already two days under consideration for the purpose of taking up an appropriation bill. I think I need not say to the Senate that our past experience satisfies us that it is a bad economy of time to have a measure under consideration for several days and then postpone it for the purpose of taking up another; for when we get back to the consideration of that which we have laid aside, we have to go over very much the same ground that has been already traversed in the consideration of it. Apart from that, I hope it is evident to the Senate that it is important that this bill, which has been under consideration, should be disposed of speedily. The character to be given to this bill is of importance. What it proposes to aid is to be a national or an international exhibition; and the character which shall be given to it is to affect legislation which will follow, and both of these it is important to have settled very soon. I think there is no necessity for displacing

it, and I did not apprehend that the motion to displace it would come from the quarter that it does. It was taken up in consequence of the postponement of the financial debate—I will not say the financial bill, for the debate covers everything. If any measure was to antagonize it this morning, I supposed it would be the financial bill. Now, I understand that at least two Senators are absent who have hitherto participated in that debate, and who desire still to participate in it, and in consequence of their inability to be present, (for they are both ill,) the chairman of the Committee on Finance does not deem it his duty to antagonize that measure with the consideration of the centennial bill. As he does not, I hope there will be no hesitation about going on with the bill and voting down this motion of the Senator from Louisiana.

Mr. SHERMAN. The Senator from Pennsylvania has stated correctly that I would not call up the discussion on the financial question because of the absence of the Senator from Michigan [Mr. FERRY] and the Senator from Indiana, [Mr. MORTON.] The Senator from Michigan, I think, has the floor, or intends to take the floor very soon, and is unable to appear here to-day. In regard to the course of business, instead of consuming a great deal of time in discussing the order of business, my opinion is that as the centennial question is up now we had better dispose of it. If no one else does, I intend, before the debate proceeds much further, to move to refer the bill to the Committee on Appropriations, so that we shall have a distinct and definite plan before us before we act further on the question of the centennial exposition. If that motion should be adopted it would soon pass away from the Senate.

Mr. SARGENT. Perhaps that might be done by common consent now.

Mr. SHERMAN. When that is done, there will be no objection to taking up the Army bill. I trust Senators will see that if we are to antagonize these various propositions with each other we shall consume a great deal of time. I imagine that the centennial bill or the motion to refer it can be soon voted upon. If that should be voted down, of course it will take more time, and the Senator from Louisiana can then take his own choice about antagonizing the Army bill with it. It strikes me that we can dispose of the centennial bill in the course of an hour, either by passing it or referring it with a view to get an appropriation, and then go on with the Army bill.

Mr. WEST. It has been very truly remarked that the debate on the centennial bill has occupied the Senate for two successive days, and I do not think any Senator on this floor concludes that that debate will terminate with this day's session. As a consequence, at the close of the morning business to-morrow we shall have the interminable question of finance once again before the Senate. Then we can by no means conclude upon any definite time when the Army appropriation bill can be acted upon. In the mean time the other appropriation bills will be accumulating upon the Senate, and we shall have such a mass of business here as will necessarily exclude all the current business. I leave the matter, however, to the Senate. I am acting under instructions from my committee, but with no aversion or antagonism to the centennial bill whatever. I leave the question to the decision of the Senate entirely.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from Louisiana to lay aside the pending and all previous orders, and proceed to the consideration of the Army appropriation bill.

Mr. SUMNER. There was a suggestion made on the other side that seemed to me not without force, founded on the obvious character of the pending centennial bill. Of course, we all see now that it is an appropriation bill in disguise; it is a masked appropriation bill; and it is so to be treated. It seems to me, therefore, that it should go at once, and just as fast as it can, to the Committee on Appropriations, that they may consider it and see whether that committee will take the responsibility of calling upon the country at this moment to pay sums counted out by millions for an object which certainly a large number of Senators, if not a majority, are against. I say, counting out by millions; for although they only call now for $3,000,000, yet no person familiar with the subject supposes that, if once committed to that extent, we can stop. I have heard a very experienced person, as familiar with this question as any one, knowing the course of things in Europe, say that we cannot go to the end without $30,000,000. Under these circumstances it seems to me the Appropriation Committee is the committee for us. Let this business go to that committee without delay. I hope, therefore, that the Senators from Pennsylvania will see that this measure is committed, without any discussion, without taking any time, to the committee that has charge of the appropriations of the Government.

Mr. SCOTT. The Senator appeals to the Senators from Pennsylvania, and I have listened to remarks which perhaps were not quite in order, but they suggest a question which I should like to put to the Senator from Massachusetts. I have learned, very distinctly, that he is against an international exhibition. Is he against a national exhibition on the 4th of July, 1876?

Mr. SUMNER. On the contrary, I am for it; and wish an exhibition that shall redound to the grandeur of this country, and that shall commemorate its institutions, so that all throughout the world shall see and know it.

Mr. SCOTT. Then, if the Senator desires to have such an exhibition on the 4th of July, 1876, it has been distinctly announced upon this floor that the machinery thus far provided for the purpose of defraying the expenses of that exhibition has been insufficient; and does he desire to send this bill to the Committee on Appropriations with his amendment, that the Government of the United States shall not pay one dollar of the expenses, and without an indication from the Senate of whether a majority of the Senate are with him or against him on that subject? It seems to me it would be an idle thing to send this bill to the Committee on Appropriations without an indication from the Senate either of the character of the exhibition or of their willingness to appropriate money to either a national or an international exhibition.

Mr. SUMNER. Mr. President, whether the bill goes to the committee with my amendment or not is a matter of great indifference. I only wish that it should go to the committee with the existing legislation on the subject, by which we are bound to the people of the United States not to assume any liability on account of this undertaking. To that is the faith of Congress now pledged, and the Senator from Pennsylvania makes a mistake when he calls upon us to carry out an assumed faith toward these contractors. The obligation is the other way. The faith assumed by Congress is that the Government of the United States shall not be called on to make any contribution. I think we ought to adhere to the end, whether this exhibition is national or international, to the declaration of Congress twice over—not once, but twice—embodied in these very acts, so that all these contractors had ample notice thereof.

Mr. CAMERON. I have been very much surprised at the remarks of the Senator from Massachusetts. He says this has been a masked appropriation bill. That is not correct. We asked for no appropriation when this bill came here; we did not desire to have an appropriation; but the Senator from Massachusetts seems determined that it shall be an appropriation. He says he is in favor of a national and not an international exhibition. I ask him, if he is in favor of that, and if he is anxious that it should be carried out to the honor and glory of the country, will he vote one dollar, or how many dollars will he vote for a national exhibition?

We have asked so far nothing. When the question has been forced upon us, when gentlemen have talked about $15,000,000 or $20,000,000 or $30,000,000, we have said that in no event will there be asked by the gentlemen who have charge of this exhibition more than $3,000,000. I stated that yesterday in my place; and yet the Senator gets up and to-day says it will involve $30,000,000. I believe my judgment is as good as that of the Senator from Massachusetts, and I know my word is as good as his on any question; and I will not allow him or anybody else to come and put a character upon this bill which does not belong to it. I have said from the beginning that we desire this bill passed so that the people who have charge of the enterprise—and they are composed of members, two, I believe, from every State in the Union—shall know what they may depend upon and what they shall do for the purpose of making this not only respectable, but creditable and glorious to the country. This way of a Senator saying that he is in favor of a national exhibition, and that he is willing to make it creditable to the country, without saying that he will be willing to vote money to make it creditable, or saying that he will give one cent or one dollar toward it, strikes me as very strange.

I repeat again, we want this question decided. If Congress will not do anything for us when we come to ask them, we will do for ourselves the best we can, and we will take care of the honor of the United States, if other Senators will not help us.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana, to postpone the pending and all prior orders, and proceed to the consideration of the Army appropriation bill.

Mr. WEST. I call for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. HAMILTON, of Maryland. On this question I am paired with the Senator from Iowa, Mr. WRIGHT. I should vote "yea" if at liberty to do so.

Mr. THURMAN. On all questions connected with this bill I am paired with the Senator from Indiana, Mr. MORTON. If he were here he would vote "nay," and I should vote "yea" on this motion.

Mr. RAMSEY. On all questions pertaining to this bill I am paired with the Senator from North Carolina, Mr. MERRIMON. If he were here he would vote "yea," and I should vote "nay" on this motion.

The yeas and nays being taken, resulted—yeas 16, nays 30; as follows:

YEAS—Messrs. Allison, Anthony, Carpenter, Davis, Hager, Howe, McCreery, Morrill of Maine, Norwood, Oglesby, Sargent, Sprague, Stevenson, Sumner, West, and Wright—16.

NAYS—Messrs. Alcorn, Bayard, Cameron, Clayton, Conkling, Cooper, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Gordon, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Logan, Morrill of Vermont, Pease, Pratt, Ransom, Robertson, Scott, Sherman, Stewart, and Stockton—30.

ABSENT—Messrs. Bogy, Boreman, Boutwell, Brownlow, Buckingham, Chandler, Conover, Edmunds, Ferry of Michigan, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Johnston, Jones, Lewis, Merrimon, Mitchell, Morton, Patterson, Ramsey, Saulsbury, Schurz, Spencer, Thurman, Tipton, Wadleigh, and Windom—27.

So the motion of Mr. WEST was not agreed to.

STATE OF LOUISIANA.

Mr. CARPENTER. On Friday last I gave notice that on Monday of this week I should move the Senate to proceed to consider the bill

for a new election in Louisiana. The Senator from Indiana was then confined at his house, and is to-day, but, I understand, expects to be here to-morrow. If he comes here to-morrow I shall make the motion then.

Mr. HAMILTON, of Maryland. I give notice that after the disposition of the financial question I propose calling up the resolution for the admission of Pinchback as Senator from Louisiana, on which I will submit some remarks.

CENTENNIAL EXHIBITION.

The PRESIDING OFFICER. The bill (H. R. No. 1394) in relation to the centennial exhibition is now before the Senate, the pending question being on the amendment offered by the Senator from Vermont [Mr. MORRILL] to strike out from the word "extend," in line 3, to the word "exposition," in line 6, the words "in the name of the United States a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition," and in lieu thereof to insert "a respectful and cordial invitation to the governments of each one of the United States to be represented and take part in the national exposition;" so as to make the bill read:

That the President be requested to extend a respectful and cordial invitation to the governments of each one of the United States to be represented and take part in the national exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876.

Mr. SHERMAN. The debate yesterday, Mr. President, convinced me at least that the Senate ought not to pass the bill that is pending now before it in its present shape. This bill commits us to hold an international fair without any limitation as to cost, without any plan or arrangement. The introduction of this bill is a substantial abandonment of the old plan to conduct a world's fair in Philadelphia. The old basis contemplated that this exposition should be paid for by the voluntary contributions of States and individuals. It is now conceded on all hands that the plan of the centennial board of finance to raise this money has failed, and therefore an appeal must be made to the Government of the United States to aid in paying the expenses. The law of its organization prohibited and denied on the part of the United States any claim, and expressly excluded it from appropriating any money, for this purpose. It seems to me, therefore, that the plan of conducting this centennial exposition having been abandoned, the question is now a new one, with the Government partially committed by an invitation issued under existing laws.

Mr. President, I believe, with every Senator who has spoken on this subject, that there ought to be a grand exposition, a grand celebration, a universal feeling of joy and congratulation on our one hundredth anniversary that our Government, starting with such humble beginnings, has grown to be so great a power. It is an event that is worthy of celebration. But the mode and manner in which it was proposed originally that the celebration should be conducted has been practically abandoned by those having it in charge. The introduction of this bill is sufficient evidence of it. The declaration made to us by the Senators from Pennsylvania that they expect an appropriation from Congress to aid in it is a practical abandonment of the old plan. Under these circumstances, while we think this celebration ought to be conducted, and conducted with a considerable degree of magnificence, commensurate with the occasion and the importance of the event to be commemorated, it is perfectly manifest that the plan blocked out heretofore must also be abandoned, and that the Government of the United States must step forward in some way and assume the burden of this exhibition and conduct it from the public Treasury. That might as well be conceded.

It seems to me, therefore, that the better way would be to refer this whole subject, including this bill, to one of the committees of the Senate, and let that committee submit to us a plan under which States and individuals may join with the Government of the United States in holding this exposition as a part of the centennial celebration. We may, no doubt, to some extent, avail ourselves of the labor of those who have gone before us, the labor of this commission, composed of two members from each of the States, and of the board of finance incorporated by the previous act of Congress, and use their organization as the basis of this exposition. But, sir, we are at perfect liberty to change the plan, to change the mode, to change the manner, to change the name, to change the organization to any extent we see proper.

I shall therefore move that this bill, together with the whole subject of the centennial exposition, be referred to the Committee on Appropriations without instructions; and I say in advance, that if that committee shall report a carefully prepared plan, with suitable limitations, for the management of this exposition, I will vote for it, even if the amount involved is pretty large. I think the Government of the United States, though not under the law committed, yet is practically committed, in public opinion if not by the law, to aid in this exposition. I think that Philadelphia is the proper place to hold it, and that we may very well avail ourselves of all the work and all the preparation that have been made to hold it in Philadelphia, and to hold part of it at least in the form of an exposition of the products of American industry. I am therefore prepared to vote for any carefully prepared bill that contains qualifications and limitations, guards and protections, which will pledge the United States to pay a pretty large sum of money for that purpose.

But certainly I never intended to vote for a proposition to invite all the nations of the world to participate in a world's fair at Philadelphia, without any limitation as to amount, without any plan, without any organization, without some security that States and individuals would pay a considerable portion of the expense. It seems to me the statements already made by the Senators from Pennsylvania, by the Senator from Massachusetts, and the Senator from California are absolutely conclusive against the idea that we should commit ourselves in this wholesale, blind way to conducting such an exposition, without having any power or control over it.

The bill now before us, if passed, binds us hand and foot. The Government of the United States then undertakes, under its auspices, to carry into execution this international exposition under an organization now complete, and if the trustees and board of finance of that organization should make contracts for an expenditure of $50,000,000, although it is scarcely to be supposed that they will, and I know from the character of the gentlemen composing the commission they will not, yet this bill places it in their power to contract obligations which the Government of the United States would have to meet to any amount whatever, without limitation or restriction. These gentlemen are not officers of the Government; they are not under the pay of the Government; they are not under the control of the Government; and although we might seek hereafter to limit the amount of appropriations, to guard and protect them, yet having once proclaimed to all the nations of the world that we intend to hold an international exposition at Philadelphia at the time stated, and under the organization already existing, we are in the position of a bountiful host inviting guests to his table without any preparation whatever, without counting the cost, and without even being certain that he will be able to pay the cost.

With these few remarks—and I did not intend to participate in this debate—I will submit the motion to refer, assuring the Senators from Pennsylvania that I do not desire at all to defeat this proposed exposition. I believe the general sentiment of the people of Ohio is that not only the State but the people and the nation ought to contribute more or less to paying the expenses of a grand celebration in 1876 of the centennial anniversary of American independence; and of all the places that have been named, ninety-nine out of a hundred of them would suggest that Philadelphia was the place. They are perfectly willing to bear their share of the expense; but, like prudent people, they want to know how much it will cost, the mode and manner in which it shall be conducted, whether as a national or international exposition, the character of the buildings to be erected, who are to erect them, what plans have been devised, the extent of the plans, and, more than all, the cost and management of the exposition. If they are assured that it will be conducted with fair liberality, and yet at the same time with wise economy, I have no doubt the people of Ohio would be very glad, through the national Treasury and the State authorities and by individuals, to aid in this exposition; and when the Committee on Appropriations shall report such a scheme as that, I shall give it my hearty assent.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Ohio moves that the pending bill be referred to the Committee on Appropriations without instructions.

Mr. STEWART. Mr. President, when the proposition to have an exhibition to commemorate the centennial anniversary of our independence was first mooted, it was proposed to have it at Washington; and I opposed it for the reason that Washington was not in a condition to entertain the guests who would come here; that the expense of preparation and maintaining a creditable exhibition would be so great that it would be too burdensome upon a city like this. It was discussed for some time, and was finally abandoned or beaten. That was the first proposition.

The next proposition was to have an exhibition at Philadelphia. New York and Philadelphia were competing for the exhibition. The proposition was to have it entirely supported by the voluntary contributions of individuals, corporations, and States; that the Government of the United States should have nothing to do with it. I thought I saw then very clearly that if the Government of the United States was to have nothing to do with it, Philadelphia was not the place in which to hold it; that New York was the great center of wealth, the great center of water and railroad communication, the commercial depot of the whole nation, and New York was better calculated to carry on an exhibition of this kind voluntarily than Philadelphia. I did not believe that Philadelphia could carry out the project. It was said that she could; that she could do it as well as New York. I doubted then that any city in the United States would be able to do it by voluntary contributions. I was quite confident that Philadelphia could not. Philadelphia could do more toward it than Washington. My objection to Washington was because Washington could do very little toward it by voluntary contributions. There were many things in the history of Philadelphia that made it the appropriate place, it is true, but the great wealth of New York as compared with Philadelphia made that the more appropriate point. But it was said that Philadelphia could very well do this. She has undertaken it, and she has failed to accomplish it. Arrangements have been made for an international exhibition, and invitations or suggestions to foreign governments to come here and participate have been sent out, and some of them have signified their willingness to come.

Now, it must be remembered that when we celebrate in our way the birth of the nation, we shall most certainly claim that we gained our independence by arms. We shall declare in our speeches that we whipped Great Britain, and detail the mode of whipping Great Britain, how we humiliated her on this battle-field and on that battle-field, although, as suggested by a Senator, it might not in all cases be exactly true; we might feel inclined to exaggerate, as we probably would. We want on that day the liberty of exaggeration; we do not want to offend anybody. We shall want to brag a good deal about what we have done, and it would not be exactly the entertainment for those who were whipped, as we shall claim, whether they were or not. We had the final success; that is certain. Whether we were victors on every battle-field is a question; but we shall claim that we were victorious everywhere and on all occasions, and our people will want to talk in that strain. There will be an outpouring of feeling of that kind, which is not exactly the kind of thing to invite Great Britain to. Now we are on the most friendly relations with Great Britain. The negotiations which resulted in the Geneva award have produced a most friendly feeling. But I do not believe our centennial celebration is exactly the occasion on which to invite Great Britain. I think there is a great deal in that suggestion. A world's fair would be; but a celebration of our victory I do not believe is just the thing to invite them to. But that is a matter of taste more than anything else.

It is very evident that a world's fair or an international exhibition is going to be a very expensive thing. It is going to cost a great deal more than a national exhibition. I believe we are abundantly able to have a national exhibition. I do not think, in our present embarrassed condition, we are in a position to spend fifteen or twenty million dollars, and we must do that to go through it properly; and we may as well face the question just as it comes before us. If we are to invite all the nations of the world, and make such a show as shall be creditable to our country, we must spend fifteen or twenty millions, and we will do it. I shall be surprised if it does not reach twenty-five or thirty millions before we are through with it, because on that occasion we shall be bound to outstrip the world. We shall feel so good and so grand over the one hundredth birthday of our American independence that we will not allow the exhibition to be a failure. We will entertain all the world on that occasion. At all events, we will provide an entertainment for them, whether they come here to accept of it or not. We are bound to do it if we go a step farther. The Government of the United States now is not committed to the pecuniary aspect of the question at all. On the contrary, it was stated that the Government should not in any event be liable for anything; that the Government was not to contribute anything. If the undertaking cannot be carried on by individuals, the Government must take hold of it.

Now, in taking hold of the question, I say we are perfectly free to take hold of that proposition which we can carry out creditably to ourselves, and that is a national exhibition, upon which we must spend, since it has come to this, two or three or five million dollars. Let us limit it to a national exhibition, and let us make that exhibition creditable to the nation. Let us invite nobody, spend no money to entertain the world; but let us meet together and rejoice as we should on that great day. It has got into such a position that to make it creditable as a national exhibition something must be done. I am aware of that, and I am willing now to vote for a reasonable amount of money to make it a creditable national exhibition. If this bill can be referred to the Committee on Appropriations with instructions to prepare a bill fixing the amount to be paid, and the times at which it shall be paid, with safeguards under which it shall be paid, so that the whole country can know exactly who is responsible for the money, how it is to be used, and for what purpose—if that can be clearly understood, and the money spent for the purpose which is intended, I think the nation will be satisfied; I think we shall all be satisfied.

It is very evident that nothing creditable can be done now by private subscriptions. That plan has failed. The place has been selected, and for a national exhibition no place is more appropriate than Philadelphia. Let us make Philadelphia, then, the center of all the celebrations on this great holiday. Let us celebrate it as a nation, and rejoice over our victories and our successes, our victories in arms, our victories in peace, and our material resources. Let a reasonable appropriation be made, with proper guards, in a well-prepared bill. Let the bill come before the invitation. Let the bill come first, and let us know, when we are assuming new responsibilities what they are.

We have no right to extend invitations to the world unless we mean to pay for the exhibition, and we as legislators have no right to vote for that invitation until we know the amount we are to pay for it, and know whether the resources of the Government in the present condition of the finances of the country will justify it. We have no right to place the nation in a false position here.

There will be no harm done if we come up frankly and say, "We have concluded that it is more appropriate, all things considered, that this shall be a national exhibition; that it shall be a celebration of our national independence; that it shall be a patriotic movement on the part of the people; and on that occasion we will exhibit our wares, we will exhibit our products, we will exhibit our industries, and we will rejoice over our political and civil liberties." If we confine it to that, and confine our appropriations to certainties, and not deal in generalities and uncertainties, the country will be satisfied. But if we extend more invitations, if we take another step blindly in that direction, we shall be censured, and justly censured.

We ought not to have done what we have already done. We ought to have understood in the beginning that a national exhibition could not be held without the aid of Congress. I did not believe then that it could, and we made a mistake in going as far as we have. Everybody sees the mistake now. The manly way to rectify it is to acknowledge that it was a mistake; to say that that is not the thing that we want in 1876; we want a national exhibition, and we will make it the grandest national exhibition the world ever saw. That we can do; but we cannot make it the grandest international exhibition the world ever saw. We cannot succeed in that. There are elements of discord in that idea. We shall not have unity of purpose. It is expensive; it is discordant; it is not exactly the thing. The hearts of the whole American people will not be in such an exhibition. We see it by the diversity of opinion here.

On a question of this kind there should be almost absolute unanimity in this Chamber and in the other, and in the whole country. The diversity of opinion expressed through the press, the resolutions of the different States, the distrust that is now manifest, admonish us that the next step should be in the right direction.

Let us make it a national exhibition. Let us guard the expenditure of the money and have it expended for certain purposes to be specified in the act, and we shall have the co-operation of the whole country, which is more important now than anything else; we shall have the co-operation of every Legislature, we shall have the co-operation of every leading journal, we shall have the co-operation of every Senator.

We can all unite and agree upon this: that we are able to have a national exhibition; we are able to make it a grand event in the history of this country. We are a unit upon that question. Let us stand where we can stand together, and make it a success. The other plan will involve the country in an expenditure of fifteen, twenty, or thirty millions, bring scandal, discord, and discontent, and do more harm than good. That is my opinion of it.

I hope, therefore, that the bill will be referred to the Committee on Appropriations, and that they will report a bill which shall appropriate a sufficient amount, under proper safeguards, to give us a national exhibition of which we shall be proud.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) The question is on the motion to refer the bill to the Committee on Appropriations.

Mr. STEWART. I move to amend that motion by adding, "with instructions to report a bill providing for a national exhibition."

Mr. ANTHONY. I think we had better refer the bill without any instructions.

Mr. STEWART. Very well. I withdraw my motion.

[Mr. STEVENSON addressed the Senate. His remarks will appear in the Appendix.]

The PRESIDING OFFICER, (Mr. DENNIS in the chair.) The question is on the motion to refer this bill to the Committee on Appropriations.

Mr. SCOTT. Mr. President, the immediate question before the Senate is on the reference of this bill to the Committee on Appropriations. Suppose that motion is carried, what duty will then devolve upon that committee? I wish to advert first to that point before I undertake to make any reply to some of the remarks that have fallen from the Senator from Kentucky, [Mr. STEVENSON,] and some others that perhaps I may deem necessary to refer to.

The question which the Senate has been considering for several days is, whether this exhibition shall continue to have the character of an international exhibition. Are we to devolve that question upon the Committee on Appropriations? Are they to assume the responsibility which the Senate is not willing to meet? I do not wish to repeat the argument I made to show that whatever may have been the individual declaration of Senators upon the floor, the law passed by Congress has enacted that this shall be an international exhibition. I do not wish to repeat what I have already said about the position in which those having charge of this exhibition are now placed, and from which they seek to be relieved by the action of Congress. I do not wish again to refer unnecessarily to what has been done by the Legislature of Pennsylvania, the governor of that State, and the President, in pursuance of the notice which was given to him. But I do wish again to ask the Senate to remember that in pursuance of what has already been done, six of the powers of the earth have signified their acceptance of what our ministers abroad construed as an invitation; and since I have been in my place this morning the evidence has been placed in my hands of acceptance by two additional nations of this invitation, Austria and the Sandwich Islands. I have before me copies of the acceptance of both those powers.

Mr. BAYARD. Will the Senator from Pennsylvania permit me to ask him a question?

Mr. SCOTT. Certainly.

Mr. BAYARD. I should like to ask him whether this invitation is supposed to entail upon the Government of the United States the personal entertainment of the foreign delegations. I apprehend that nothing of the kind is intended; that when you give a public and governmental invitation, it is just such as the Government of the United States received from Austria, and from France, and from

Great Britain, and that it does not involve the personal invitation of the sovereign or any one of his or her suite any more than it involved the personal invitation of the President of the United States or of the Vice-President or of any other dignitary of our country. Therefore when we speak of entertaining crowned heads, which I have heard spoken of with some horror because of the necessary expenses supposed to accompany it, it seems to me (if I understand the question aright, and I ask it to obtain information for myself and for other members of the body) that the invitations which are sought to be extended here are simply official invitations that they shall send their commissioners with the usual machinery to see that the delegations of persons and such merchandise as may happen to come to this country may be properly cared for and distributed. I should like an answer from my friend on that subject, for I know he is competent to give it.

I will ask him, furthermore, whether he has not in his hand an exact copy of the invitation issued to the United States by the countries I have named, to show the precise character of what these invitations amount to, and whether or not the expenses of individuals who are asked is expected to be borne by the United States Government or by the government extending the invitation?

Mr. SCOTT. The Senator from Delaware has, by giving his own impressions of the extent of these invitations, to a large degree, answered the question which he put to me. I think I have already stated, and if I have not, I certainly have no hesitation in stating now, my belief that the invitations proposed to be extended to governments have nothing in them personal to the rulers of those countries, but they are intended to be simple invitations through the rulers to their people to come and participate in this exhibition, and the only official act which the governments of those countries are expected to do is to appoint the commissioners, who here may, in an official character, represent and take charge of the interests of such of the citizens of those countries as may come to participate in the exhibition.

So far as the expense is concerned of those commissioners or of the participants in the exhibition, I take it for granted that we expect and intend to do no more than the Emperor of Austria, than the Emperor of France, or than the Queen of Great Britain did when the expositions were held in their countries, and none of them defrayed the expenses of our commissioners.

Upon the other point, as to the invitation that was sent. The Senator from California, in the course of his remarks yesterday, read the invitation sent by the Austrian and French governments to this country, and in neither of them was an expectation expressed that this Government would do anything more than be represented at and send commissioners to those exhibitions.

Mr. SARGENT. I think that is a very important point, and really designates the departure which we are taking by this new legislation from the course which other governments have pursued toward us. By the notice which we received from the French minister we were asked to give our concurrence in the exhibition and to send commissioners. By the notice which we received from Austria we were notified that such a thing was decreed, and we were requested to send commissioners, and there they stopped. There was no invitation, "cordial" or otherwise, to this Government to be represented and take part in the exhibition. But by the legislation which is now proposed we are to extend "a respectful and cordial invitation to the governments of other nations"—to do what? To send commissioners? Not at all, but to be themselves represented and to take part; not to send commissioners to look after the works of art or the articles of industry that may be sent. It is put upon a different footing entirely. If this departure means anything, it means that we invite them here as our guests, to be present and at our charge. If this bill simply provided, in the language of the documents to which I referred yesterday, that the foreign nations should be requested to send commissioners to see that those who send from their shores articles of industry or art should have proper accommodations or should have some organ of communication with this Government, it would be a very different proposition. But the proposition now before us invites those governments themselves to be present and take part in the exhibition. If that language is there, it certainly is worthy of criticism; it certainly is a proper subject for criticism; and I call the attention of the Senate to the difference between the language of this bill and the language of the invitations to which I have already referred.

Mr. SCOTT. I have before me the language both of the bill and of the invitation which was read by the Senator from California, and if there be anything in the language of the bill now before the Senate which is inapt or goes too far, I know of no Senator on this floor who is more capable of correcting it and making it both apt and appropriate than the Senator from California.

But now let me contrast the two invitations, and see whether the one proposed means anything more than that which was given by the French government to our own Government. I read, as contained in the remarks of the Senator from California, the clause which I consider the invitation given by the French government to our own:

> The government of His Majesty charges me to give notice officially of these aforesaid decrees to the Cabinet of Washington, to invite its valuable concurrence, and to designate an authority with which the imperial commission could have a direct understanding.

The "Cabinet of Washington" of course is treated as the Government of the United States. Its "valuable concurrence" in this exhibition is invited, and it is requested "to designate an authority with which the imperial commission could have a direct understanding." The Cabinet of Washington, receiving this invitation, certainly might just as readily construe it into a personal invitation to each member of the Government to be present, as the Queen of England or any other of the crowned heads of Europe could construe the proposed invitation here to be personal. Let me read it. What is the President authorized to do?

> To extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition, to be held at Philadelphia under the auspices of the Government of the United States.

Now, what is the difference? "To be represented and take part in"—that is what we ask them to do. They asked us to give the valuable concurrence of the Cabinet of Washington in their exhibition, and to designate an authority with which the imperial commission could have a direct understanding. I have no objection to taking the very words of the French invitation, if it will suit the Senator from California better, and ask the "valuable concurrence" of these governments in this exhibition, and to designate an authority with which correspondence could be held. But there is the point.

I do not wish to repeat again anything that I have said about crowned heads coming here. I said I hoped they would come. I have no objection to their coming. But certainly it must be the farthest thing from the expectation or intention of any Senator here, if the Khedive of Egypt, the Sultan, or any king or emperor, should see proper to come here, that the Government would be expected to appropriate money for the purpose of entertaining him in the manner in which he would look to be entertained if making a visit to one of his crowned companions. The whole spirit and genius of our institutions revolt at the idea; and I am amazed at anybody entertaining such a proposition for a moment. It argues to me a vehemence of zeal against this exhibition that I confess is to me somewhat incomprehensible.

But, sir, I want to get back to this question of what the Committee on Appropriations will be expected to do and what kind of instructions they will consider themselves under if this bill is sent to them; and I am glad the chairman of that committee is now present. Here are two acts of Congress, each one of which recognizes an international exhibition—the first act and the act creating the corporation. They impose certain duties upon these commissioners. They have gone on to discharge them. They have provided regulations, and communicated them to the President, which anticipate and prepare for the attendance of foreign nations at this exhibition; and now after eight governments have accepted them, one of two things must be done: either the people of these governments are to come and participate in this exhibition and find such accommodations as these commissioners can make for them under the acts as they stand, or they are to be told that we do not wish them to come and that no appropriation of space in the exhibition will be set apart for them.

I think it is due to the gentlemen having charge of the exhibition that they shall know whether they are to set apart in the buildings which are to be prepared space for foreign exhibitors or not. If it is to be a national exhibition to the exclusion of an international one, certainly it is due to them and to all the world that it should be announced now. Are we to send that question to the Committee on Appropriations? Does the honorable chairman of the Committee on Appropriations want that question sent there with the light which this discussion has shed upon it, and without specific instructions, for his decision?

Mr. MORRILL, of Maine. I hope not.

Mr. SCOTT. He says he hopes not, and I hope not; I trust the Senate will meet that question, let it be determined which way it may. I am not here with any undue zeal, I hope, for either aspect of this case; but it is perfectly apparent that if an international exhibition is to go on, one amount of appropriation and one species of preparation must be made to meet it; if that is to be excluded, then another amount of appropriation and another species of preparation must be made to meet that; and, in the present posture of affairs, the Senate should decide what character this exhibition shall have. If the vote of the Senate declares that it shall be national only, the commissioners will understand that and prepare for it. The bill may finally go to the Committee on Appropriations; I may not perhaps dissent from that, after the character of the exhibition shall have been determined by the Senate, because that will indicate to the Committee on Appropriations what they are expected to do, whether they are to provide in the appropriation which they make for an international or for a national exhibition. It has been so far discussed that I think it would hardly be worth while to pass this bill and then go over the discussion again on an appropriation bill. It may as well be made to cover both points at once, to determine the character of the exhibition, and make the appropriation which will be needed to carry it out.

Something has been said about the amount that will be required for the purpose of carrying on this exhibition. Last evening the Senator from Ohio [Mr. THURMAN] put the question to me what the estimates were of the amount that would be needed for the purpose of erecting the buildings. I did not answer him at that time, for the reason that I did not want to make any inaccurate statements. I said to him that I was not exactly prepared to respond to the inquiry, but

that I hoped to be able to do so. I had been making some inquiries on that very point, and wished to make that statement as accurate as I possibly could before I answered it. Now, Mr. President, I have had placed in my hands by gentlemen who have been connected with this exhibition the estimates which have been made for the purpose of putting up these buildings. I will not read the whole of the estimates in detail; but including the main pavilion, which is to cover thirty acres, and include all the necessary offices for management, foreign and State commissions, sanitary arrangements, and restaurants, which at other exhibitions have required separate buildings, the estimate is $3,500,000.

Mr. SARGENT. What is the material?

Mr. SCOTT. That I am not prepared to answer, because I believe their advertisements for proposals contemplated several classes of buildings; and I am not prepared to answer which one this estimate was based upon. I have understood that there has been a very careful estimate, and a very careful preparation made to render this building both appropriate for the purpose and entirely secure; and that it contemplates a substantial, useful, and safe building in all respects.

The estimate for the machinery hall is $850,000; for the agricultural hall, $400,000; for the horticultural hall, $200,000—making $4,950,000 for the buildings. Then follow the estimates for water supply, sewerage, drainage, &c., which are not properly the buildings themselves, but are accessories to them, and enter into the general expenses, making it up to $6,500,000; and that includes the incidental expenses for two and a half years and the expenses of the general administration during three years. After all this estimate had been made, 25 per cent. was added for contingencies, making $8,125,000 as the full estimated cost.

Mr. SARGENT. Does that include the furnishing of the buildings, and gas fixtures?

Mr. SCOTT. It includes gas fixtures, expenses of building offices, &c.

Mr. SARGENT. Furniture and carpets?

Mr. SCOTT. They do not expect to have carpets.

Mr. SARGENT. They must have in the offices.

Mr. SCOTT. I have not got an inventory of what is expected to be in these buildings; but this estimate covers, as I understand from these gentlemen, all that is necessary to put the exhibition into successful operation, and I do not think they intended to be extravagant; for I am sure, from all the experience abroad in exhibitions of this kind, they would not expect to carpet this building.

Mr. SARGENT. I do not suppose they intend to carpet a floor covering thirty acres; but I do suppose that the offices of administration would be carpeted very luxuriously, and all these offices will require furniture, and this general hall will require stands and counters and fountains and many other accessories of that sort, all of which are costly.

I should like to have the Senator state how many acres the Vienna building covered, if he can, and why that cost so many millions, admittedly, even on his own figures, and this one is to cost but three millions. I do not want to interrupt the Senator, but I should like information on that point.

Mr. SCOTT. Before this exhibition gets through, as the Senator from California has been giving his attention to the chairs and sofas, and the carpets, and all the details that are to go into the buildings, I hope the commission will secure his valuable services; for I have no doubt he will be able to give them very great aid. I desire to get candidly before the Senate the general features of this bill; but I do not expect to be able to answer how many chairs, sofas, and carpets are expected to be used in this enterprise.

Mr. SARGENT. If my friend will allow me a moment, I am giving my attention to the Treasury of the United States; and I consider it my duty to do so as a Senator of the United States. I yielded very cheerfully every time the Senator desired to ask me a question yesterday; and by looking over my remarks he will find that he interjected a great many into mine, and I answered a great many questions. Now as this was a very important consideration, what was this thing going to cost, I was calling the attention of the Senator to the elements of the cost. If he was not prepared to answer, a simple negative would be sufficient. It was not necessary to reflect upon my motives, or to imply that I assumed any superior knowledge or that my services might be useful or not to this commission, to which I do not belong and in which I have not the slightest desire to figure.

Mr. SCOTT. I certainly have yielded with entire courtesy to the Senator every time he wished to ask a question. All I desired was to protest against the length of time which would be taken up if we were to go so far into details as to come down to the question of carpets. I am not in a bad humor. I cannot answer the question of the Senator on that point.

Mr. SARGENT. It was not necessary to make a personal reflection or to intimate that my services would be useful somewhere else than in the Senate.

Mr. SCOTT. I have never intimated that the Senator's services would be more useful elsewhere than in the Senate. Certainly he is getting into a bad temper if he thinks I intimated anything of that kind. We all know how valuable his services are here; but after he shall have gone through the arduous labors of the Senate, I hoped perhaps he might be able to give a month or two to the patriotic service of aiding the centennial exhibition.

Mr. SARGENT. I accept the Senator's apology.

Mr. SCOTT. I have no apology to make.

Mr. SARGENT. Then you need it.

Mr. SCOTT. If any is needed, it is needed in another direction for putting remarks into the mouth of a Senator which he has not uttered.

Mr. SARGENT. The Senator's remark was entirely uncalled for by anything that I said, and I called his attention merely to the fact that such reflections upon a brother Senator are entirely unnecessary. When he says that my remarks would be better made to the commissioners, and as a member of the commission, I do not aspire to any such honor, and I do not wish to be remarked upon in that manner.

Mr. SCOTT. Mr. President, I have had the honor of a seat on this floor for a little over four years, and I think this is the first time that ever any brother Senator has undertaken to put into my mouth words reflecting upon his conduct which I did not use. I did not say that the Senator's services would be more valuable elsewhere than they were here, which is the only thing that he has undertaken to say was of a personal character. I appeal to the Senate to say whether I made any such intimation against him or not; and I do not propose to be put in the position by that Senator or anybody else of forgetting my senatorial duty and saying what is not proper to a brother Senator. I leave that question with the Senator, and I do not wish to be diverted, by interpolating anything that has not been said in this debate, from what I do wish to say.

I have given the estimate made by these gentlemen, giving more of the items than I intended to at first, because it will be impossible for the Senate to wait and listen to an inventory of this kind. They follow that up by an estimate of the receipts which they expect they will receive. They exclude from those receipts the $1,500,000 which are expected to be used for erecting a permanent building. They estimate "receipts from admission fees, the lowest estimate made by men familiar with all exhibitions, on the basis of fifty cents admission, no season tickets, $2,000,000;" "subscriptions already made"—excluding, as I have already stated, those of the city and State—"$1,500,000; rents for restaurants and ground for proper private exhibitions, &c., $200,000; sale of buildings, $980,000; making, in all, $4,730,000." If an appropriation were made of $3,000,000, it would make the total receipts $7,730,000, and the extreme cost, according to this estimate, $8,125,000, which would leave to be raised still by popular subscriptions, $395,000. Now, upon the estimates that have been made for these buildings, and the proposals issued upon them, I am informed that responsible bids are already made for the main pavilion of thirty acres at $3,000,000, or half a million less than the estimate I have given.

I make this statement because the allegation has been made here that we may expect this exhibition to cost $20,000,000. I have no idea that any such expenditure as that will be incurred. I have no idea that these gentlemen dream for one moment of incurring any such expenditure; and, as I have already repeatedly said upon this floor, none of them object, indeed they rather invite, the co-operation of any officer that the Government shall think proper to appoint to participate with them in the control of these expenditures.

Now, sir, as I have risen again upon this question, (and I think, unless I am prompted to it by something which I hope will not occur during the discussion, it is the last time I shall rise upon it,) I wish to notice one or two positions that have been taken during the debate that I think my duty requires me to notice; and I do so, I wish to assure the Senator from California especially, without the slightest desire to reflect upon either the motives or the feelings of any person who has participated in this discussion. I now notice a statement which he made reflecting upon the governor of Pennsylvania. I do not wish to take up time in reading the statement, but the amount of it was that the governor ought not to have made the certificate which he did. But first I will refer to what he said of these subscriptions before I come down to the point in reference to the governor:

A large percentage of the subscriptions made for all such purposes never is collected. The obligation to pay them is imperfect, reposing rather in honor than otherwise; and the accidents of business prevent men from redeeming their promises of that kind frequently, and a panic has intervened which has crippled many.

I only wish to direct the Senator's attention to that quotation to show him that he is mistaken in it. This is not simply a voluntary subscription which the subscribers may meet in honor or otherwise, as they see proper. It is a subscription to a corporate stock, the corporation possessing the legal right to collect it. Therefore it is not that kind of subscription which depends simply upon the honor of the party making it. The observation is perfectly just that a panic has intervened, and there may be a few business men who have failed and may not be able to meet the liability; but the character of the large majority of all these subscriptions, so far as they have come under my observation, is such that I think very few of them will ever be in that class.

I now come to a point to which I ask attention for one moment:

But the only amount which there was a certainty they would get, a million and a half, was not pledged for suitable buildings for this exposition, and the governor of Pennsylvania knew the fact and ought not to have certified that there was provision made for such suitable buildings, if he has so certified.

There is a mistake again in the facts. It is true the amount is not appropriated for the purpose of putting up temporary buildings, but it is given for the purpose of a building expressly adapted to the purpose of this exhibition, set apart for its use, and to be used during

the time that it shall be in operation. The Senator from California may not have been aware of all the facts relating to the manner in which the building was to be used. It is to be upon ground that has been conveyed to the centennial commissioners. They have absolute control of it. It is intended to be a part of the buildings prepared for this exhibition, and so far adapted to it that it has entered into the harmonious plan which they have adopted for the purpose of making it a successful business exposition. I do not suppose the Senator from California intended to convey the idea that this building might not in the end be used at all for this purpose, although that is the effect of the language he used. I only call his attention to it for the purpose of showing that the building is intended to be, and will be, a component part of the arrangement for this exhibition from the beginning to the end of it. His language was:

I mean to say just what I think, and I say the governor of Pennsylvania never should have so certified when the million and a half given by his State and city was not for the purpose of the exhibition or for suitable buildings, but was simply for a memorial hall, there to remain, and which might not be at all adapted to the purposes of the exhibition, and if it were is inadequate.

He throws a doubt by this language upon the question of whether it is to be used at all for this purpose. I simply wish to assure him, in all candor and in all kindness, that if he had that doubt, it is unfounded, for the reason that full arrangements have been made to have this building enter into and be a component part of the system of buildings used for this exhibition.

As to whether the governor ought to have certified or not, the Senator, of course, is entitled to his opinions upon the facts as they are before him. But what were the facts? One million and a half of dollars had been subscribed by citizens of the State; $500,000 had been given, not taken in corporate stock, by the city of Philadelphia; $250,000 appropriated directly out of the treasury of Pennsylvania, not made corporate stock, and $750,000 provided for to be raised by a tax upon certain street railroads in the city of Philadelphia; that million also to go in with the subscription of the city of Philadelphia and be used, as I have stated, in erecting this memorial hall, which was to be occupied during the whole exhibition and remain afterward.

I refer to this to show that the governor of Pennsylvania acted in good faith. This $3,000,000 which was considered to be secured was to be supplemented by what the finance commission believed at that time would be subscribed; and I know that on the 4th of July, 1873, at the time the buildings were transferred, that commission believed they had assurances from at least nineteen of the States that the moment they had their machinery ready to appeal to the people of those States the amount allotted to them would be taken in subscriptions to the corporate stock. With this amount secured, with the amount which they believed they would secure through this agency, who can say, especially in the light of these estimates, that it was not a provision for the erection of suitable buildings? If the buildings were to cost $4,900,000, and $3,000,000 were secured, would not the receipts of the exhibition and the materials, without considering the subscriptions that were expected to be received, be a reasonable assurance that there was no risk in proceeding then and securing suitable buildings? I feel more interested in this question because it may be considered a reflection upon the governor of Pennsylvania than because of its immediate bearing upon the aspect of the case now before us.

There was one other thing stated by the Senator from California, which perhaps he did not intend. When he spoke of the appropriation which is asked, after quoting the words of the bill, "to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in an international exposition to be held in Philadelphia, under the auspices of the Government of the United States," he proceeded:

The corporation drops out entirely now. The $10,000,000 drop out. It is not under the auspices of a corporation in the city of Philadelphia. It is under nobody's auspices but the Government of the United States, and now for the first time it comes, and comes so strongly, that I said when I read the bill, and I said a few minutes ago, that if this bill passes, both as a Senator and as a member of the Committee on Appropriations, having in charge the interests of the Government specially in that particular, I shall feel that my conscience is bound.

There certainly is language used here which would convey the idea that the "auspices of the Government of the United States" had never before been mentioned in this whole transaction, whereas the very bill which provided for this exhibition begins with saying that the exhibition is to be held "under the auspices of the United States." That no appropriation was contemplated is true. The disclaimer was in the bill, and nobody is here disputing the fact that it was so. All I am contending for is that nothing but good faith has been in this transaction from the beginning to the end; and it is because the machinery provided failed to raise the necessary money that these gentlemen come here now and place this matter as they do before the Congress of the United States.

The Senator went further, and I regretted that he did go so far as he did in saying that he would have preferred that this exhibition had been held either the year before or the year after 1876. That is to be a presidential year, and the Senator fears that our dirty linen will be washed before the eyes of Europe. Mr. President, I think I appreciate as fully as the Senator does those imperfections which come out upon the surface of republican institutions, but I do not think it is wise for us to animadvert particularly upon them. I think none of us need fear to submit our institutions as a whole—New York with its newsboys and newspapers, Philadelphia with its right angles and its beautiful homes, our broad prairies, the homes of labor, the school-houses, the churches, the intelligent people, the happy and contented laborers all over our land—in contrast with even the scenes which Dickens met on his first visit in the streets of New York and caricatured, as the Senator agrees he did, in the quotation he read to us. I do not think we need fear any of these contrasts with either the people or the institutions of Europe. Even if the peers of Parliament come here, I do not believe they will find us adjourning the Senate on an American Derby-day to go down to the horse-races; and while they may see in our presidential year many of the exaggerations, many of the falsehoods, which crowd into our political newspapers during that time, it is not through these characteristics mainly that we expect to speak to the people who come to the United States in 1876.

Mr. President, there are many imperfections in our institutions; there are many in all governments; but we do not expect either to make an unusual exhibition of our imperfections, nor to make an unseemly or immodest parade of what we believe to be the virtues of our Government. Some Senators seem to think that from the 19th of April to the 19th of October, 1876, there will be a continuous Fourth of July oration pouring out all the time, exalting the United States in disparagement of all other nations. Does anybody really entertain any such idea? There may be a Fourth of July oration; and, as I stated the other day, I would be glad to hear the Senator from Massachusetts [Mr. SUMNER] make it; there may be several of them; but it is not through orations of that character that we expect to speak to these people; and if we do make any of them, I do not think we need apprehend a collision which will bring republicanism and monarchy to "bloody noses," which the Senator from California spoke of as being here metaphorically at that time. No, sir; we expect the products of art, of genius, of industry to be in that exhibition. We expect the products of the plow, the loom, the anvil, and our varied manufactures to be there. We expect the locomotive to be there in its beauty, for it is "a thing of beauty and a joy forever." We expect all the fabrics that the ingenuity of our workmen can put there. We expect those appliances and those inventions which have contributed as much to the alleviation of the toils and burdens of every-day life, to the advancement of the civilization of this age, as have all the finer fabrics and the fine arts of Europe to be there. We expect the models of our school-houses to be there, as they were in Austria. We expect our well-clad and well-fed laboring people to be there; and through all of these things silently we expect republican institutions to speak, not offensively to obtrude themselves upon those who come from other lands; and if they show the contrast to be favorable to us, they will say to them, "Come with us, and we will do you good." But if the contrast be unfavorable, we ourselves have invited it.

No, Mr. President, there is not any such view of exalting ourselves or of disparaging anybody else. These world's fairs, these international exhibitions have been great educators. They have contributed to the advancement of the race. They have cultivated kindly feelings between nations. They have been instruments for wiping out the asperities and removing the misunderstandings that have existed between men and nations; and I cannot think there is the slightest danger of the realization of those apprehensions which some gentlemen have of monarchical and republican institutions coming in conflict.

Why, sir, the author from whom the Senator from California quoted came among us once, and he saw our foibles and our vices, and he wrote the caricature which was read to us. But he came back again; he was with us a second time; and, if I recollect aright, he made us a graceful apology for the injustice he had done us, and wished to be counted our friend and admirer afterwards. It may be so with those who are now thinking that republican institutions are a failure.

I do not regret that the anniversary of 1776 comes in a presidential year, for that year will afford the people who come here the opportunity of studying the exaggerations, the dangers, the vices of our institutions, as well as their merits, and let them see them all together. Let us keep nothing back. When we go to Europe we expect to see the vices of those countries as well as their virtues. And even on the subject of our elections, I do not think we need very much fear. I remember being in the city of Cork in 1853, a little over twenty years ago, upon one occasion when there was a special election to fill a vacancy for a member of the British Parliament, and I think it would have done the woman's-rights people of this country good to have seen the women who surged around the open polling places of that election for a member of the British Parliament; and I do not think that ever in any place, even in the Five Points of the city of New York, an American election was held which would suffer in contrast with that election held in the United Kingdom.

Mr. President, I have been somewhat surprised at the various aspects this question has taken. The Senator from Massachusetts [Mr. SUMNER] first told us we must not have an international exhibition at all, but he is for a national exhibition. Many other Senators are for a national exhibition; but, strange as it may seem, even the Senator from Massachusetts wants a national exhibition, and is not willing that the Government of the United States should pay anything toward defraying the expenses of that national exhibition. Where are the expenses to come from?

Mr. SUMNER. May I remind my friend that I stand on the two

acts of Congress by which the Government of the United States is expressly relieved from all liability on account of this business? I say, then, go on and have an exhibition—I think it ought to be national—but do not call upon the United States; just follow the law; that is all.

Mr. SCOTT. Then, I understand Massachusetts wishes to have a great national exhibition, but she does not want to pay one dollar of the expenses.

Mr. SUMNER. I will answer my friend. Massachusetts wishes that Pennsylvania on this occasion shall follow her own law, the law that was passed at her instigation, and which she accepted, and which between the United States and those corporators is in the nature of a compact. That is the simple desire of Massachusetts. Had Pennsylvania not interfered and undertaken this business herself I know not that we should not all have been ready to unite in some legislation by which the Government should assume this important duty; but we have been anticipated by Pennsylvania, or by Philadelphia, and they have accepted the terms, the conditions that the Government of the United States should never pay a dollar.

Mr. SCOTT. Mr. President, the prevailing idea will come out. Pennsylvania has "interfered" with somebody. "Interfered" is the word, and I suppose I understand the interference.

Mr. SUMNER. Did I say "interfered?"

Mr. SCOTT. Yes; the word was "interfered;" and now I trust the Senator will permit me to go on.

Mr. SUMNER. Certainly.

Mr. SCOTT. Pennsylvania came in and "interfered." We have had a resolution of the Legislature of Massachusetts quoted in this debate; and that resolution has a history; and it had accompaniments; and we were told in a brilliant speech by a man whose name carries with it historical recollections, a prestige of ancestry, that this was not the way to celebrate the centennial anniversary of the 4th of July, 1776; not the way to have garnered in these buildings as a centennial celebration the products of the easel and of the chisel; not the way to have there the products of the loom, the plow, and the anvil. That was not the way. O, no; and even after invitations had been extended and after appropriations were being made, if paintings and sculpture were on their way boxed and ready to come, that would even have rivaled the productions of Phidias and Praxiteles, they are to be unpacked, sent back to the easel and the studio again, so that Boston, educated, enlightened, intelligent, æsthetic Boston, may luxuriate in the mental joy of fulfilling an apocryphal prophecy, and be made glad by hearing the clangor of horns and the sound of multitudinous drums and guns, and the exhibition of fire-crackers, and the smell of burnt powder, instead of an exhibition of the arts and industries of the nations. We have "interfered" with all this, and therefore it ought to be a national exposition and not an international exposition.

I am sorry we "interfered." It was not the intention of Pennsylvania to interfere with anybody. She wishes and hoped to make everybody happy. It was considered appropriate that this exhibition should be held at Philadelphia, and a gentleman who had his origin in New England introduced a bill in the House of Representatives announcing it as an international exhibition. It was so declared in the discussion that took place upon the bill; and now at this time we are met on one side by saying, "The international feature must be abandoned; it will be a failure—a failure after eight of the governments of the earth have accepted the invitation; a failure, because we cannot meet the expense;" on the other hand we are told, "Hold your national exhibition, and although the plan agreed upon has failed to raise money, let Pennsylvania go on; the United States will not give you a dollar."

Pennsylvania is not selfish in this matter. She has raised this amount of money, but she comes here saying, "If it is to come out of the Treasury, we will pay our share of the taxes to meet the appropriation." She will give the money she has subscribed, and pay her share of the taxes too. And although I am not willing to stand here and make pledges for anybody, I feel satisfied that, if this appropriation is made, another $1,000,000 of the stock of this exhibition will be taken in the city of Philadelphia, because then its success will be assured.

It has not been an "interference;" it has not been a local celebration; and there has not been any desire to make it such. The very argument read by my friend from Kentucky, [Mr. STEVENSON,] in which he quoted my remarks, was intended to show that it ought not to be treated as a local celebration; and that if this corporation were to be made a local one, that argument might be made.

Mr. President, the view of Philadelphia, the view of Pennsylvania, on this whole subject has been broad, has been catholic, has embraced not simply the nation, but humanity throughout the world. She has sought to bring here men of all climes and creeds; and of all other obstacles she never expected to find the Senator from Massachusetts standing in her way. This morning, as showing the current of the Senator's thoughts, when he was referring to the remarks I made on this subject, he spoke of "the Senator from Philadelphia," although I do not happen to live in that beautiful and patriotic city. Philadelphia is brought forward prominently as the scape-goat to carry off the sins, if there be sins, connected with the preliminary preparations for this centennial exhibition.

Mr. President, once for all, for Philadelphia, for Pennsylvania, we wash our hands of all selfishness. We wish it to be understood that we want to do what is right about this centennial exhibition. We wish to cultivate fraternal feeling with the people of all the States, with the people of all nations who will come; and in order that we may know upon what scale that is to be done, to what extent we shall go, we ask the Senate, before this bill is sent to the Committee on Appropriations, to determine what character this exhibition shall have, national or international; that once determined, I shall make no objection to referring this bill to the Committee on Appropriations, that they may make such appropriation as they may deem proper, as they think ought to be made, after its character shall have been settled.

Mr. President, I ought, perhaps, to apologize for having asked the attention of the Senate as long as I have done on this subject; but I have felt it a duty for the reason that, however unjustly, the Senate considers this business as belonging to Pennsylvania and Philadelphia, and, however feebly I may be able to do it, I cannot hear the reputation, the fair fame, or the good faith of either the State or her capital city assailed, even by implication, without attempting to vindicate their honor and their good name.

Mr. SARGENT. Mr. President, it is to be regretted, in all measures of this kind, where an appropriation is asked which is not provided for by any existing law, that the feelings of a Senator should be warmly interested in the success of the proposition. Whenever that is so, a new, and I might almost say a foreign, element is cast into the discussion. It is so difficult for us upon this floor to disregard the strong wishes of a fellow-Senator, that sometimes we are embarrassed in the pursuit of that which would otherwise be a very plain duty. I have felt this all the way through in the consideration of this bill, and I feel it at this moment. I know that the Senator who has just taken his seat has very strong feelings upon this matter, so much so that sometimes, in the heat of debate, he goes further than he himself thinks in ascribing motives to other Senators, or in deprecating their antagonism of his measure; or, in other words, making it uncomfortable for them to give full expression to the opinions which they have on the subject. I have felt that embarrassment somewhat, and perhaps other Senators have felt it. I have no doubt that during the last Congress Senator Trumbull may have felt it in some degree when he rose to speak on a constitutional question, and was informed by the Senator, in the natural zeal with which he surrounded the subject in his mind, that probably he was only speaking to exhaust time until Senators could arrive, for really he could not oppose the bill.

When the Senator gave us the cost of the shell of a building, and I informed him that there must be furniture in that enormous building, probably carpets for the offices of the building, that there must be fountains, that there must be accessories to make it graceful and beautiful, which would cost a great deal of money, instead of giving any weight to the suggestion, I was informed that it was a great pity I could not be on that board to inform them of these things, with which I seemed to be so familiar. Perhaps I took quick and unreasonable offense at a suggestion of that kind, thinking my place was here as a Senator of the United States to guard the United States Treasury, and if there was to be a draft upon it, to ascertain even by an attention to details, of which I did not assume to be better informed than the Senator himself, how great that draft would be. That is all I desire to say on that matter.

But a more important consideration, which I rose to suggest, is that I was not in error yesterday when I criticised, as I then said, boldly, the act of the governor of Pennsylvania upon the insufficient premises which were before him, in certifying to the President of the United States that proper provision had been made for buildings for this exposition. It is shown even by the statement read by the Senator from Pennsylvania this morning that four or five millions are necessary for this purpose, and it is not pretended there was at the very outset, taking the million from the State and the half million from the city of Philadelphia, and the million and a half of perhaps good subscriptions, all together, suitable provision for the buildings of this exposition, and we are not informed now what the material is to be. It may be mere wood-work, with a few windows here and there. We have no statement that it is to be a crystal palace, such as was erected in New York some years ago, such as was erected in London, in Paris, and in Vienna, or anything commensurate to the purpose, even at the cost of $4,000,000.

I do not wish to reflect upon Governor Hartranft, for I was satisfied, in the discussions that took place over his name during the election at which he was chosen the governor of Pennsylvania, that he was unjustly aspersed, that he was really an excellent man, worthy to be the governor of the State of Pennsylvania, and I have no doubt that such is his character, and I have no desire to detract from his merits or to insist that he has willfully done an improper act; but I do say that he has not exercised sufficient circumspection in performing that deliberate act which we laid upon his conscience by our statutes to perform carefully and circumspectly, in certifying to the President of the United States, as the basis for this invitation to the nations of the earth, that suitable provision had been made for these buildings. He certainly, better than any one else, knew just what the statute of Pennsylvania was which tied up a million and a half of this money, and showed that it was not for the general purposes of the exhibition; for I find at the end of it:

Approved the 27th day of March, A. D. 1873.

J. F. HARTRANFT

If any gentleman in Pennsylvania, or anywhere else, would know officially of this statute, it was the gentleman who gave it vitality by his signature.

Now I invite the attention of the Senate to the peculiarities of this statute. I did not do it yesterday; in fact I was not then aware of some of the provisions which were contained in it; but every line of the statute goes to strengthen the deductions which I made yesterday and the conclusion at which I arrived, and which I urged upon the attention of the Senate. I will read this statute, although it is lengthy, and I call attention to some peculiar propositions that are in it which are admonitions to ourselves. The first section provides:

That the sum of $1,000,000 be, and the same is hereby, appropriated for the erection of a permanent centennial exposition building for the people of this Commonwealth—

Not for the people of the United States, but for the people of the Commonwealth—a local matter—

and for the use of the centennial anniversary of American independence, under the direction of the United States centennial board of finance, incorporated by act of Congress, to be paid, however, only as hereinafter provided.

It will be observed this is a perpetual building, not to be taken down and sold with the other property of the association, to cover any deficiency which may exist when their affairs are being wound up, therein justifying the remark which I made yesterday that this was not to be part of the assets of the corporation, but simply a local building.

No larger sum than shall be received into the State treasury on account of the centennial anniversary fund hereinafter provided shall be paid by the State treasurer on account of the permanent centennial exposition building during the present year, and not exceeding $300,000 shall be paid of the amount hereby appropriated during the year A. D. 1874, and not more than $300,000 for the year A. D. 1875; and the residue of $1,000,000 shall be paid on or before the 4th day of July, 1876: *Provided*—

And here is a very peculiar provision; and I want to see the section of the constitution of Pennsylvania wherein it differs from the Constitution of the United States—

That the moneys herein appropriated are in no event to be drawn from or out of the revenue of the Commonwealth, which, under the constitution and laws of the State, are set apart for payment of the State debt.

Under the Constitution and laws of the United States are not the funds which we raise set apart for the payment of the United States debt?

Mr. SCOTT. That is a local affair, which I will explain. The canals and railroads of the Commonwealth were sold many years ago, and there are bonds in the treasury of the State called the sinking fund for the payment of the State debt, and it is to that matter that that exception refers. It would not be understood, of course, by those not conversant with the history of the State.

Mr. SARGENT. At any rate we are informed by the constitution and laws of that State. The laws, of course, are liable to be repealed by any subsequent law. So far as any stress is placed on the word "law," it is obvious, as every lawyer will understand, that no stress can be placed on an act of the Legislature which any subsequent Legislature or that one may repeal. So far as the constitution of the State prohibited an appropriation for it, so far it would cripple the Legislature of that State from contributing to the success of this exposition, and that must have been in contemplation, or rather known to the gentlemen who procured the original measures under the statement that the local authorities, if necessary, would pay all these expenses.

And if, from any cause, the revenue especially provided as a centennial anniversary fund by the fifth section of this act shall be insufficient to provide the whole moneys hereinbefore appropriated, no more money than the sum of $250,000 shall be paid from the State treasury to the purposes aforesaid.

If they could pay one-fourth of the amount out of the State treasury "to the purposes aforesaid," if this special revenue were not collected, why could they not pay a million out of the State treasury for the purposes aforesaid? That clause is an answer to the remark the Senator made just now, if I understand it. Certainly if one-fourth of the amount can be paid in defiance of the constitution and laws of the State, the whole amount could be paid in defiance of the constitution and laws.

Mr. SCOTT. The Senator misapprehends it. There is a constitutional provision which places in the treasury the bonds of which I spoke, and sets them apart for the payment of the State debt. The provision of the law he is reading is that no part of this money shall be paid out of that sinking fund.

Mr. SARGENT. I call the attention of the Senator to the words—

That the moneys herein appropriated are in no event to be drawn from or out of the revenue of the Commonwealth.

It does not refer merely to canal funds.

Mr. SCOTT. Read what follows.

Mr. SARGENT. "Which under the constitution and laws of the State are set apart for payment of the State debt."

Mr. SCOTT. Exactly; and the constitution does set apart those bonds specifically for the payment of the State debt, and they cannot be used for any other purpose.

Mr. SARGENT. The Senator unquestionably is correct; but admitting that, still the argument fails, for if from the other revenues of the State, which are not set apart for the payment of the State debt, $250,000 can be appropriated, certainly $1,000,000 can be appropriated, and there ought not to be this illiberal provision that only $250,000 shall be expended even for their own perpetual building. But let us pass to section 2:

Before any part of the money hereby appropriated shall be paid, satisfactory evidence shall be furnished by the State centennial supervisors, hereinafter named, that at least $1,000,000 of *bona fide*, responsible private subscriptions shall have been made within the city of Philadelphia to the capital stock of the said United States centennial board of finance, which shall be officially certified to the governor by the said supervisors, and a sum not less than $500,000 shall have been appropriated by the municipal authorities of the city of Philadelphia, to be applied to the erection of the permanent centennial exposition building hereinafter provided for.

So that any appropriation at all from the State treasury or from this special fund was conditional upon there being $1,000,000 of *bona fide* subscriptions by citizens of Philadelphia; and I have remarked all that I desire to upon the goodness or worthlessness of the whole or any part of subscriptions of that character. It is very true that these subscriptions are the subscriptions to the stock of a corporation, and corporations have, under the laws of every State, the power to enforce the payment of their subscriptions; but that takes no account of failures, of removals, and of a great many other things, and we certainly have had a panic which has shaken the credit and the abilities of very many men, not only in the city of New York, the great center, but also in the city of Philadelphia and the other large cities. But at any rate the Legislature, treating this as a new proposition, would not allow one dollar to go out of their treasury, either to a special or general fund, unless on this condition-precedent, not themselves assuming that the citizens of Philadelphia would do these things, assuming that it was necessary to protect themselves and compel them to do them.

And now let me ask, if this is a national and general exposition, why should the city of Philadelphia and the State of Pennsylvania be required to appropriate by private subscriptions this $1,000,000 if there was no special local benefit from it, if people were not to be drawn from all parts of the country to Philadelphia to patronize hotels, to employ the street railroads, to make purchases there? Why should the Legislature of Pennsylvania require this million to be subscribed by the people of Philadelphia? It was because it was expected to be of local benefit, by calling people from all the States of the Union to assemble during a large number of months in the city of Philadelphia; and therefore it is that it is, as recognized by this statute, in so great a degree a local measure and pressed so strongly by the Senators who represent that locality.

But they further provided that not only should the people of Philadelphia subscribe $1,000,000 to the stock of the corporation, and not less than $500,000 be appropriated by the city authorities for the erection of the permanent building before spoken of, but further—

And a contract shall have been executed by the said centennial board of finance, and the centennial board of finance incorporated by the act of Congress, with the State centennial supervisors hereinafter named, the commissioners of Fairmount Park, and the representatives of the city of Philadelphia, as the authorities of said city shall appoint for the purpose, stipulating that a permanent fire-proof building shall be erected in Fairmount Park as part of the centennial exposition buildings, to cost not less than $1,500,000, which building shall remain in Fairmount Park perpetually as the property of the people of this Commonwealth for the preservation and exhibition of national and State relics and works of art, industry, mechanism, and products of the soil, mines, &c., of this State.

In passing the statute they required, not carelessly and loosely, as did the Congress of the United States, that somebody not under our jurisdiction should certify to a certain state of facts, but they required that a contract should be actually made, approved by these parties, for the erection of a building which should be fire-proof, describing it, and that it should cost not less than $1,500,000, and there to remain permanently for the exclusive use and benefit of the State of Pennsylvania and city of Philadelphia. We did nothing of the kind, and consequently we are brought face to face with the proposition we are now discussing, and that is, that, confiding to the governor of Pennsylvania the duty of certifying that suitable provisions were made, he did not follow the form of the statute he himself signed in his own State, but certified on the faith of some rambling subscriptions and on a restricted appropriation by his own State and its chief city. And all this is to be—

Under such regulations as the Fairmount Park commissioners, the State centennial supervisors, and the proper representatives of the city of Philadelphia shall from time to time prescribe.

The whole of it seems to be withdrawn from the purview of this corporation which we have created, and which is to spend the money of the United States and private subscriptions.

But in passing from that let us go further. In section 3 they name the State centennial supervisors:

Alexander Henry, J. Gillingham Fell, and John O. James, of the city of Philadelphia, William M. Lyon and John H. Shoenberger, of the county of Allegheny; George R. Messersmith, of Franklin County; William Bigler, of the county of Clearfield; Ario Pardee, sr., of the county of Luzerne; and John H. Ewing, of the county of Washington, be, and they are hereby, appointed State centennial supervisors—

They did not have confidence in this corporation, whose responsibility and whose head have been so much praised on this floor; they appointed their own centennial supervisors—

who shall, in addition to the powers and duties hereinbefore prescribed, formally approve the design, plans, and specifications for said permanent centennial exposition building, and report the same with their approval, to the governor—

Where comes in our board of finance, where come in our regulations

of the size or accommodations of this building, of the uses to which it shall be put?

and they shall formally approve any contract or contracts for the erection of said building and for materials for the same—

The same want of confidence in the authorities which at the suggestion of those interested in this exposition we have created—

and also report such contract or contracts, with their approval.

To whom? To the corporation or its officers? To Mr. HAWLEY, its president? Not at all, but "to the governor" of the State.

And no part of the money hereby appropriated shall be paid until such design, plans, specifications, and contract or contracts shall have been officially approved by said supervisors and so certified to and approved by the governor. When said supervisors shall certify to the governor that the labor done and materials furnished for said building amount to the sum of $100,000, the governor shall draw his warrant on the State treasurer in favor of the treasurer of the centennial board of finance for $50,000.

There is the first time they appear. They are not to judge of the materials; they are not to approve the plans; they are to have no supervision; they are to be held off at arms-length; but when $100,000 of work has been done to the satisfaction of other people, then $50,000 is put into their hands for payments; they are made messengers to carry the money or take the receipt, for that is all it amounts to. There is the confidence which is evinced by the Pennsylvania Legislature in this scheme and the management of it, which Congress has been led into sanctioning.

And thereafter whenever the said supervisors shall certify to the governor that the additional work done and materials furnished amount to the sum of $100,000, and that the money previously paid has been fully and properly applied—

Observe the limitation, when "the money previously paid" and put into the hand of our board of finance has been properly applied, has not been stolen by them or somebedy else—

he shall draw his warrant in like manner for $50,000, if so much shall remain unpaid, in accordance with the stipulation for the annual payments contained in the first section of this act; and when said supervisors shall certify that said centennial exposition building is complete, that the full sum of $1,500,000 has been expended on the same, and that the previous payments have been fully and properly applied, the residue of $1,000,000 shall be paid, as hereinbefore directed; but no larger amount shall be paid during any one year than is provided in the first section of this act.

Is not every line of this statute a commentary of the opinion of the Legislature of Pennsylvania on the competency of this machinery—this corporation which we have set at work? Not a dollar will they let them handle unless by driblets, when it shall first have been shown to the satisfaction of the local supervisors of the State of Pennsylvania and of the governor that twice the amount of work has been done, and that the amount previously paid has been properly applied. And yet you ask Congress now to go forward and put three millions in the hands of this corporation. That is the most modest proposition that comes here. Some say, and probably with truth, that it will need five or eight, or perhaps even twenty million dollars. We are to put this money in the hands of this corporation when the Legislature of Pennsylvania will not put $50,000 into its hands! It seems to me that to ask that of us is absurd.

But how are they going to raise this fund in Pennsylvania? They are not going to take it out of the general revenue of the treasury, though it was not tied up by the constitution of the State; for they provide in section 5—

That in order to provide revenue to enable the State to meet the appropriation hereinbefore made, on or before the 1st day of July, A. D. 1873, all street passenger railway companies now incorporated in the city of Philadelphia shall make return to the State treasurer, under oath of the proper officers, stating the gross receipts of each of said companies, from the passage of this act until said return is made, and like quarterly returns shall be made by said companies thereafter until the 1st day of April A. D. 1877, inclusive; and with each report there shall be paid by said street passenger railway companies to the State treasurer 3 per cent. of such gross receipts, which revenue shall be placed by the State treasurer to the credit of the centennial anniversary fund; and all moneys paid by said State treasurer, on account of the appropriations hereinbefore made, shall be paid out of the said centennial anniversary fund until the same is exhausted, and the residue, if any, required to be paid during any one year, shall be paid out of any moneys in the treasury not otherwise appropriated.

I am told—I do not know whether the information is correct or not—that the street railway companies are raising constitutional questions; that they are resisting the authority of the State to levy this special tax upon them and upon their industry; that they are going to take the case into court; and if it goes into court it may take years before it is decided; that it is now litigated, or about to be litigated; and I myself must confess that I can see reasons why they might well resist the payment of a tax of this character. And if that is so, then $1,000,000 more of this appropriation falls out; and I should like to ask on what foundation the governor of Pennsylvania certified that there had been suitable provision made for building for this exposition? This statute of that State proceeds:

On the 1st day of April, A. D. 1877, the tax upon the gross receipts of said railroad companies shall cease and determine. Any of said street passenger railway companies which shall, within thirty days after the passage of this act, file with the State treasurer an official acceptance of its provisions, shall thereupon, each and every of them, be released from any penalty or penalties to which they or any of them might be liable under any proceeding in law or equity for any violation of the provisions of their charters, respectively, prior to the passage of this act—

That seems to be sugaring the pill which they are to take if it is nauseous. All the bad things you have done heretofore, all the violations of your charters, shall be condoned and pardoned—

and the faith of the State is hereby pledged to such accepting companies that the legal rate of fares said companies are now authorized to collect shall not be reduced by legislative enactment before the 1st day of April, A. D. 1877. Any street passenger railway companies incorporated after the passage of this act shall also report their gross receipts and pay the tax on the same from and after they commence to carry passengers, as hereinbefore provided.

Approved the 27th day of March, A. D. 1873.

J. F. HARTRANFT.

If the State of Pennsylvania, with the same magnanimous spirit, had levied a tax of 3 per cent. upon the gross receipts of the hotelkeepers in the city of Philadelphia, it certainly would have covered the case precisely; it would have provided by the most effective means in its power that all the money which should be expended for the purpose of the centennial exhibition on behalf of the State should be drawn from the visitors to the city, or the largest proportion possible. For who would patronize the street cars? Not the local residents who have their carriages and other modes of conveyance, to a certain extent. Unquestionably they would patronize the street cars to some extent, but the strangers universally moving about the city, having none of these local conveniences, would have been their principal customers. If they had only added to that a tax on the receipts of the hotels, then the measure would have been complete; it would have had a symmetry which certainly would have excited the admiration of any one who examined this financial system.

Now, sir, in view of this statute and the knowledge of the governor of it, and the fact that the buildings provided by the State and by the city were not for the ordinary and usual or general purposes of the exposition, but were for a side-show merely, for an art gallery; that it was not designed that those buildings like the other buildings of the corporation should be part of its assets and liable to pay its debts; that there was a failure, or at any rate not at that time a realization, of the expected subscriptions from other places; that the whole thing rested in theory except that which depended upon State law, and that that was so badly tied up that it did not answer the spirit of the legislation of Congress—in view of all this the governor, at least, allow me to say, was hasty in certifying that suitable provision had been made. And now, sir, we are confronted with the fact, in the light of the experience which has taken place since that certificate was made, that he did certify too hastily; that suitable provision had not been made at that time, and has not been made down to the present time. That I say, without any desire to bear hardly upon that gentleman; without knowing him; and I have no wish at all to detract from his reputation, but simply impeaching his judgment in this matter; and if it be said that he exercised good judgment, then I am driven to the other horn of the dilemma, and I am compelled to give reasons why he violated good faith; that I prefer not to do.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) The motion is to refer this bill to the Committee on Appropriations.

Mr. BAYARD. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 3, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

HOMESTEAD BILL.

The SPEAKER. The House resumes the consideration of the unfinished business of last evening, which is the bill reported by the gentleman from Pennsylvania [Mr. TOWNSEND] from the Committee on the Public Lands, the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain. The Clerk will read the bill.

The bill was read.

It provides in its first section that sections 10, 11, 12, 13, 14, and 15, of the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4, 1841, and the acts amendatory thereof; the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the acts amendatory thereof; and the act entitled "An act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida," approved June 21, 1866, be, and the same are thereby, repealed; provided, that the act shall not be construed as repealing the act entitled "An act to amend an act relating to soldiers' and sailors' homesteads," approved June 8, 1872, nor the act entitled "An act to encourage the growth of timber on western prairies," approved March 3, 1873, and any amendments to said acts.

The second section provides that any settler, in person, on the unappropriated public lands of the United States, not pine lands, mineral, coal, or saline, who is the head of a family, or a single person over the age of twenty-one years, and is a citizen of the United States, or who shall have declared his intention to become such, as required by the naturalization laws of the United States, shall be entitled to enter the lands covered by such settlement, not to exceed one quarter-sec-

tion, or one hundred and sixty acres, or a less quantity of unappropriated public lands, held at the minimum price of $1.25 per acre, or eighty acres or less of such unappropriated lands, held at $2.50 per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed.

The third section provides that when the settlement is made on unsurveyed lands such settler shall, within four months from the receipt of the township plat of survey, at the district land office, make application to the register of the proper land office for the land embraced in his or her settlement; and where the settlement is upon surveyed lands, said application shall be made within four months from date of settlement; and the party shall make affidavit that he or she is the head of a family, or is a single person over twenty-one years of age; and that he or she has made actual settlement on the land, and that said application is made for his or her exclusive use and benefit, and for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and that he or she has not heretofore claimed the benefit of the homestead laws upon the unappropriated public lands of the United States, or, having made such claim, has been unable to perfect the same through no default on his or her part; and that, to the best of his or her knowledge and belief, there is no person residing on the land entitled to enter the same as a homestead; and, upon filing such affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified; provided, however, that no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry, or, if he be dead, his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee in case of her death, shall prove, by two credible witnesses, that he, she, or they have resided upon and cultivated the same for the term of five years immediately succeeding the date of entry, and shall make affidavit that no part of said land has been alienated, then, in such case, he, she, or they, if at that time a citizen or citizens of the United States, shall be entitled to a patent as therein provided by law; and it is further provided, that in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right, under the certificate or fee under the patent, shall inure to the benefit of said infant child or children, to the exclusion of any other person or heirs, and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose, and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office-fees and the sum of ten dollars herein specified, or the said minor heirs may, with the consent of their guardian, continue the settlement and cultivation of the land for the unexpired term of five years, and make proof of the same, as in other cases, provided that if said heirs are not then of age, the proof may be filed by their guradian; and further provided, that where a settler may die before making an entry under this act, leaving a widow, then said widow shall be entitled to the benefits of his settlement, and allowed to make the entry of the tract in her own name, and receive a patent for the land, upon compliance with the other requirements of this act.

The fourth section provides that when two or more qualified persons shall have settled on the same quarter-section of land, the right of entry shall be in him or her who made the first settlement; and all questions as to the right of entry arising between different settlers shall be settled by the register and the receiver of the district within which the land is situated, subject to revision by and appeal to the Commissioner of the General Land Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior; provided, however, that all contests based on alleged prior settlements shall be initiated within four months from the date of entry of either of the claimants; and that all appeals, whether from the decision of the district land officers or the Commissioner of the General Land Office, shall be made within two months from the date of the receipt by the appellant of notice of the decision in the case.

The fifth section provides that any person owning and residing on land at the date of this act may enter, under the provisions of the act, other unappropriated public lands of the United States, not pine lands, mineral, coal, or saline, and adjoining his or her land, and which shall not in the aggregate exceed, together with the land so already owned and occupied, one hundred and sixty acres of minimum, or a proportionate quantity of double minimum land; provided that the person so entering land for an adjoining farm shall not be required to reside upon the same, but shall in good faith use and improve the same for the purposes of an adjoining farm.

The sixth section provides that whenever the vacancy of the office, either of register or receiver, or of both, shall render it impossible for the claimant to comply with any requirement of this act within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim; provided that such requirement is complied with within the same period after the vacancy is filled as would have been allowed him had such vacancy not existed.

The seventh section provides that no lands acquired under the provisions of the act shall be liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

The eighth section provides that if at any time after entry, and before the expiration of the five years aforesaid, it shall be proved, after due notice to the settler, personally if practicable, or by publication in one newspaper for four weeks in the county where such land may lie, and if no newspaper be published in such county, then by such publication in a newspaper in the county where the proper district land office is located, to the satisfaction of the register and the receiver of the land office and the Commissioner of the General Land Office, that the person making such entry shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event said settler shall be considered as having forfeited his claim to said land, and his entry shall be canceled, and the land shall revert to the Government, and shall be disposed of as other public lands.

The ninth section provides that when it shall be proved, to the satisfaction of the Commissioner of the General Land Office, that any person making an entry under the act shall have abandoned such entry and his wife and family, and the said wife has continued the settlement and improvement of the land according to the provisions of the act, then and in that event she shall be entitled to make the proof of such settlement, and to receive patent for the land in her own name.

The tenth section provides that no person shall make more than one entry on the public lands under the provisions of the act; provided that no person shall be debarred from the privileges of the act by reason of having theretofore had the benefit of the pre-emption laws of the United States; but no person who has made an entry, and consummated or abandoned the same under the homestead laws, shall be entitled to the privileges of the act, unless such abandonment shall have been made for reasons filed in writing, under oath, with the register of the district land office and approved by the Commissioner of the General Land Office; provided further, that all persons who may have at the passage of the act valid pre-emption claims shall be allowed to perfect the same, and acquire title under the provisions of the pre-emption laws in force prior to the passage of the act.

The eleventh section provides that the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved March 3, 1857, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

The twelfth section provides that where, by reason of distance, bodily infirmity, or other good cause, the applicant is prevented from personal attendance at the district land office, it shall and may be lawful for such applicant to make the affidavit required herein before any person legally authorized to administer oaths, and to transmit the same with his application, and the proper fee and commissions, to the register and the receiver; provided that the register or receiver of the district land office may, at his option, visit in person the county in which any of such lands are located, and take the proofs required as above; and for such proofs in each case taken by such officer at places other than at the district land office, in addition to the fees above provided for, he shall be entitled to receive the sum of three dollars as a personal fee for such extra services.

The thirteenth section provides that beside the ten dollars' fee exacted by this act, the homestead applicant shall pay to the register and the receiver each, as commissions at the time of entry, 1 per cent. upon the cash price as fixed by law, of the land applied for, and a like commission when the claim is finally established and the certificate therefor issued as a basis of a patent; and the register and the receiver shall be allowed, jointly, at the rate of ten cents per one hundred words for the testimony which may be taken and reduced to writing by them for claimants in proving their claims; provided that the salary and fees allowed any register or receiver, under this and other acts, shall not exceed, in the aggregate, the sum of $3,000 per annum; and all fees received in excess of this sum shall be paid into the Treasury of the United States.

The fourteenth section provides that any settler who shall make entry under this act may perfect the same before the expiration of the five years, and obtain a patent for the land upon making proof of settlement and cultivation for not less than eighteen months from date of entry, and paying for the land at the price it was held by the Government at the date of original entry; said payment may be made with cash, military land-warrants, or agricultural-college scrip, in the same manner as has heretofore been authorized in payment of pre-emption claims.

The fifteenth section provides that the Commissioner of the General Land Office is thereby authorized and required to prepare and issue such rules and regulations consistent with the act as shall be necessary and proper to carry its provisions into effect.

The sixteenth section provides that if upon survey of any tract of land, or upon release of any reservation, and restoration of the land embraced therein to entry under the provisions of the act, two or more settlers shall be found on the same quarter-section, each shall be admitted to enter his or her improvements as near as may be by legal subdivisions, to include the residence of the applicant; provided, however, that if two or more persons shall be found in such case to reside on the same smallest subdivision, then joint entry by the parties shall be allowed by purchase of such subdivision for cash only.

The seventeenth section provides that any person above the age of twenty-one years, and who is a citizen of the United States, or who may have declared his intention to become such, shall be entitled to enter, by purchase with cash only, a tract of land not exceeding forty acres, as a site for mechanical, commercial, or manufacturing purposes, upon proof satisfactory to the Commissioner of the General Land Office that he is in the actual possession of such premises, and that no valid adverse claim existed at the date of his occupancy, and has occupied and held possession of the same for such purposes, for his own use and benefit, for a period of not less than one year; provided that notice of his intention to claim said tract shall be filed with the register within two months from the date of actual possession, and that the payment therein required shall be made within eighteen months of such filing.

The eighteenth section provides that all lands within the lateral limits of any railroad grant, the title to which shall remain in the United States, whether an odd or even section, shall, upon becoming subject to sale or to the provisions of this act, be held at the double minimum price of $2.50 per acre, unless otherwise specially provided by law.

The nineteenth section provides that in all cases of entries of the public lands of the United States made under the homestead law and its amendments, where it shall appear that the parties have substantially complied with the requirements of said law, but have failed to get upon the land within six months from the date of entry, or have otherwise failed in the minor requirements of the law, such failure shall not be construed to work a forfeiture, but the entry shall be subject to the equitable consideration of the Commissioner of the General Land Office, who may, if he is satisfied that the entry was made in good faith, and that the failure of the settler was not from his own neglect, approve the case, and issue patent in the usual manner; provided that such entries have not heretofore been canceled by the Commissioner of the General Land Office.

The twentieth and last section provides that the act shall take effect from and after the 1st day of September, 1874.

Mr. TOWNSEND. I do not propose to occupy the attention of the House at any length this morning, because I know that gentlemen are very desirous of having the morning hour for reports of committees. I have, therefore, only to say that this bill is the result of the experience of the Land Office, the experience of the gentlemen connected with the land States and Territories, and the experience of all who have had anything to do with the public lands. It abolishes the old pre-emption laws which were the prolific source of a large amount of frauds and perjuries, so much so that the public lands of the United States under that pre-emption law were gradually accumulating in the hands of a few speculators to the exclusion of the men who desire to go and settle upon the public lands and make homesteads thereon. Those frauds and perjuries have been of the most cool and unblushing character. And since this Congress has been in session there has come to my knowledge a case wherein something like six thousand acres of the public land of the nation have got into the hands of a few speculators by the most atrocious frauds and the most villainous perjury. Men who never were upon the land have sworn to making entry; men who never were in the neighborhood have been accepted as witnesses; and the improvements that were sworn to in claims that were filed in the land office have never been made at all. Yet all the proofs were clear, such as the land office could not disregard; and under those atrocious and fraudulent operations patents have been issued for over six thousand acres of the public lands.

It is in order, then, to prevent such frauds and perjury, and that the public lands that are arable and that may be homesteaded may be put into the hands of the people who wish to settle upon them, that they shall not come into the hands of speculators, that this bill has been drawn. It has been very carefully drawn. It has been examined by the Commissioner of the Land Office. It has been carefully examined by the Committee on the Public Lands, who reported it unanimously, and has been submitted to men who are acquainted with the operations of the public-land system throughout the Western States.

As it has been before the House now for more than a month, I do not desire to occupy any more of the time of the House, further than to say that the Committee on the Public Lands have instructed me to report three or four amendments to the bill, and after that to ask that the bill be put upon its passage.

The first amendment I have to offer is in section 2, line 2, to strike out the words "pine lands."

The Clerk read the amendment, as follows:

In section 2, line 2, strike out the words "pine lands," so that it will read:
That any settler, in person, on the unappropriated public lands of the United States, not mineral, coal, or saline, &c.

Mr. SPEER. Will the gentleman explain the reason for this amendment?

Mr. TOWNSEND. The reason why the words "pine lands" are stricken out is this: That although there might be some pine lands in the Northern States that would not be used for homesteads, yet in the Southern States the pine lands are homesteaded, and are found to be good and available lands for homesteading and for agriculture.

The amendment was agreed to.

Mr. TOWNSEND. The committee also instruct me to move to amend on page 6, section 5, line 4, by striking out the words "pine lands," so that it will read:

That any person owning and residing on land at the date of this act may enter, under the provisions of this act, other unappropriated public lands of the United States, not mineral, coal, or saline, and adjoining his or her land, and which shall not in the aggregate exceed, together with the land so already owned and occupied, one hundred and sixty acres of minimum, or a proportionate quantity of double minimum land, &c.

The amendment was agreed to.

Mr. TOWNSEND. On page 8, section 10, line 7, I move to insert before the words "homestead laws" the words "pre-emption or." Also, in the same section, line 13, I move to insert between the word "pre-emption" and the word "claims" the words "or homestead." Also, in line 14, I move to insert after the word "pre-emption" the words "or homestead." Also, in line 15, of the same section, I move to insert after the word "force" the word "immediately."

The amendments were severally agreed to; and the section as amended reads as follows:

SEC. 10. That no person shall make more than one entry on the public lands under the provisions of this act: *Provided*, That no person shall be debarred from the privileges of this act by reason of having heretofore had the benefit of the pre-emption laws of the United States; but no person who has made an entry, and consummated or abandoned the same under the pre-emption or homestead laws, shall be entitled to the privileges of this act, unless such abandonment shall have been made for reasons filed in writing, under oath, with the register of the district land office and approved by the Commissioner of the General Land Office: *Provided further*, That all persons who may have at the passage of this act valid pre-emption or homestead claims shall be allowed to perfect the same, and acquire title under the provisions of the pre-emption or homestead laws in force immediately prior to the passage of this act.

Mr. TOWNSEND. Those are all the amendments the committee have instructed me to offer.

Mr. BECK. If the gentleman will allow me, I desire to ask him a question for my own information, and it is this: Is this substantially the same bill that was passed by the House in the closing hours of the last Congress?

Mr. TOWNSEND. It is substantially the same bill with the amendments and improvements that have been suggested to the committee by the General Land Office from its experience since that time.

Mr. BECK. The next inquiry I wish to make is whether, in the repeal of the old pre-emption laws, any provision is made to dispense altogether with the requirement of the iron-clad oath?

Mr. TOWNSEND. The bill does not require any oath at all. There is no oath of any kind or character in the law except the oaths necessary to make the proper proof.

Mr. BECK. I suggest to the gentleman this amendment, which he can insert wherever he pleases:

Provided, That no oath other than an oath to support the Constitution of the United States shall be required from any person in order to entitle him to the benefit of this act.

When this bill, or one substantially like it, was before the last Congress in its closing hours, I introduced an amendment, which was accepted by the committee, and was to this effect:

That no oath or affirmation other than an oath or affirmation to support the Constitution of the United States shall hereafter be required to be taken by any person claiming the benefit of this act or any act of which this is amendatory.

I introduced that amendment, which was adopted by the House, for this reason: that since the close of the war, up to the present day, no man from all the South who directly or indirectly, by reason of his residence or anything else, had given any aid or comfort to the rebellion, could ever pre-empt a foot of the public lands of the country; and that law stands to-day. Men may come from all parts of the earth, civilized or uncivilized, and the moment they declare their intention to become citizens of the United States they can pre-empt the lands of the United States, but as against nine States and eleven millions of people of the United States all the lands of the United States have been hermetically sealed, because they have been unable to take this iron-clad oath. That law applied to homesteads as well as pre-emptions until by an act of 1868, the title of which was to provide for swamp-lands in Louisiana and Alabama, the iron-clad oath was dispensed with. That law did not repeal the former acts, but the Commissioner of the Land Office, with commendable liberality, construed that act, which upon its face applied only to lands in Louisiana and Alabama, to apply to all the homesteads of the United States; and from that time to this he has not required that oath from homestead settlers. But, sir, the withholding of its requirement is a matter of grace by a liberal construction from a liberal officer of the department, and not by law. This amendment cannot possibly do any harm; and in order to avoid the possibility of a change of construction, let us say directly that lands shall be open to all men, and that no iron-clad oath shall be required. We adopted the amendment before, and I think we ought to adopt it now. It can do no harm.

Mr. TOWNSEND. I do not see the least necessity for the amendment, because this bill provides for all of the oaths and proofs that are necessary. But if the gentleman will feel easier to have that amendment ingrafted upon the bill, I do not see any objection to it.

Mr. BECK. I can see none.

Mr. HEREFORD. I would suggest to my friend from Kentucky [Mr. BECK] to modify his amendment so as to provide that no oath touching loyalty or disloyalty shall be required.

Mr. BECK. I am willing it shall be in any form so as to exclude the idea of requiring the iron-clad oath.

Mr. ELDREDGE. I would suggest also that the amendment be modified so as to include the cases where entries have already been made. The gentleman from Kentucky [Mr. BECK] has suggested that the practice heretofore followed in regard to homestead entries of not requiring the iron-clad oath is a mere matter of construction by the Commissioner of the Land Office. If so, then there may be a doubt whether the law has been complied with. Let the amendment be so modified as to validate all cases where entries have heretofore been made.

Mr. BECK. I know we put the amendment in the bill of the last session for safety.

Mr. TOWNSEND. I am willing that the amendment should be offered. Let it be read.

The Clerk read the amendment, as follows:

Provided, That no oath other than an oath to support the Constitution of the United States shall be required from any person in order to entitle him or her to the benefits of this act, except those prescribed in this act.

Mr. ELDREDGE. I ask that there be added to the amendment these words: "nor shall any entry heretofore made be invalidated for want of any other oath."

Mr. TOWNSEND. I have no objection to that.

The SPEAKER. Will the gentleman indicate where the amendment shall come in?

Mr. BECK. Let it come in where the gentleman from Pennsylvania [Mr. TOWNSEND] who has charge of the bill may say it should come in.

Mr. TOWNSEND. Let it come in at the end of the third section, immediately after the provision in relation to proofs.

The amendment was agreed to.

Mr. PAGE. I ask the gentleman to allow me to offer an amendment.

Mr. TOWNSEND. I will hear it read.

Mr. PAGE. I desire to move to amend by adding to section 4 the following:

Provided, That the proof required under this section may be taken before a judge of a court of record, or a clerk thereof, in the county in which such land is situated, and when so taken shall be submitted to the register and receiver of the land office, and shall have the same effect as if taken before those officers.

Mr. TOWNSEND. I cannot admit that amendment, because it is provided for in section 12.

Mr. PAGE. That section provides for affidavits only; it does not provide for proofs.

Mr. TOWNSEND. That is the same thing.

Mr. HAWLEY, of Illinois. It refers to final proofs also.

Mr. PAGE. It refers only to *ex parte* affidavits.

Mr. TOWNSEND. I do not think any such amendment is necessary.

Mr. HOLMAN. I wish to make a suggestion in regard to the scope and effect of this bill. From a hasty reading of it, itwould seem—and that seems to have been the effect also of the bill before the House at the last session—that the purpose is to provide a virtual repeal of all laws authorizing any disposition of the public lands, except as contemplated by this act.

Mr. TOWNSEND. No, sir; it expressly excepts the soldiers' and sailors' homesteads; it does not interfere with the sale of public lands by proclamation.

Mr. HOLMAN. I desire to ask the gentleman to let his bill go a little farther, to provide that all laws authorizing the sale of public lands subject to homestead provisions, except as authorized by this act, shall be repealed. If the gentleman will do that, I think he will be instrumental in the enactment of the most enlightened and humane law which ever passed a Congress. Of course the location of the bounty-land warrants is inevitable; and, as a matter of course, every one desires that the homestead laws for the benefit of soldiers and sailors shall be perpetuated. But in addition to that, and for the purpose of giving permanent effect to the homestead law, in order to make it apply to all public lands capable of cultivation, it seems to me that we should take this enlightened step forward, and provide that no part of the public lands subject to the homestead provision of this act shall be open to sale. I think the gentleman from Pennsylvania would strike the public heart with more force and meet with more universal approval if he should insert a provision withdrawing all public lands from sale and speculation, than by any other act of legislation that can be devised.

Mr. HAWLEY, of Illinois. I will ask the gentleman from Indiana [Mr. HOLMAN] if he has not a very distinct recollection that during the last Congress I brought in from the Committee on the Public Lands a bill doing that very thing; and that the previous question was seconded, and then a motion to reconsider was made by the gentleman from Indiana, [Mr. HOLMAN,] which put the bill over so that it could not pass?

Mr. HOLMAN. The gentleman's recollection is substantially correct. But it was then a contest between the soldiers' bounty act and the act providing the withdrawing of the public lands from sale. And as between those two measures, I favored the one for the benefit of the soldiers.

Mr. HAWLEY, of Illinois. A further question at this point. Does not this bill accomplish, substantially, the same thing, as long as the Government does not advertise any of the public lands for sale?

Mr. HOLMAN. But cannot the Government advertise the lands for sale?

Mr. HAWLEY, of Illinois. It has not done so for many years.

Mr. HOLMAN. Does not the gentleman from Illinois know (for he has had large experience in this matter) that the object most desirable in our legislation with reference to the public lands is to stop speculation in those lands? The lands of this nation are not legitimate subjects of speculation; they should be held for the sole purpose of securing homes to actual settlers. Any law that does not seek this object fails to meet the great want of our legislation in respect to the public lands.

Mr. HAWLEY, of Illinois. The gentleman and I entirely agree in the view that all our public lands ought to be disposed of under the homestead law. During the last session I brought in such a bill as I have indicated. When the Senate bill, almost exactly like this, came over, upon my motion it was passed by the House, and would have become a law but for the fact that the gentleman from Kentucky proposed an amendment substantially similar to that now presented, which was adopted by the House; and the bill, going to the Senate in the expiring hours of the session for concurrence in the amendment, failed.

The Senate has agreed to this bill; and it accomplishes substantially what the gentleman from Indiana and I so much desire. I hope, therefore, he will not antagonize the bill by insisting on his amendment. I know the difficulty of securing legislation on this subject.

Mr. HOLMAN. The gentleman from Pennsylvania has yielded to me, and I cannot allow the gentleman from Illinois to take up my time. The gentleman from Illinois certainly knows that as long back as five years ago the sentiment of the House was in favor of repealing all laws which permitted speculation in the public lands. For five years at least the universal sentiment of the country has been against such speculation.

Mr. HAWLEY, of Illinois. I agree with the gentleman as to that.

Mr. HOLMAN. We are all aware of the fact that the evil which, under the homestead law, we designed effectually to stop, was speculation in the public lands—the securing to homesteaders alone of every acre adapted to cultivation.

Mr. HAWLEY, of Illinois. I would like to ask the gentleman one question.

Mr. HOLMAN. I trust my friend from Pennsylvania will allow my amendment to be offered, so that it may be voted upon by the House.

Mr. TOWNSEND. I do not propose to admit the amendment, for the reason that all the arable public lands of the United States will be taken up under the homestead act; but there are some lands—barren lands, not worth probably ten cents an acre—which the Government will never get rid of except by doing what has been done heretofore—by putting them up for sale after a proclamation by the President. But the present bill is abundantly sufficient to give to every man in the country a home.

Mr. HAWLEY, of Illinois. Can any of these lands be disposed of otherwise than under the homestead law, unless by advertisement? In other words, if this bill be passed would not the lands be disposed of under the homestead law unless they were advertised? Because by this bill we repeal the pre-emption law; and the policy of the Government has been for many years not to advertise lands for sale.

Mr. TOWNSEND. I yield three minutes to my colleague on the committee, the gentleman from Minnesota, [Mr. DUNNELL,] after which I must call for a vote.

Mr. HOLMAN. I have another amendment here which I hope my friend from Pennsylvania will allow me to submit. I think he will not object to it when he hears it. It proposes to provide:

All lands heretofore granted to any railroad or other corporation, by any act of Congress, or to any State, for the construction of railroads, and which have been or shall be forfeited by a failure of such corporation or State to conform to the provisions or conditions of the grant, are hereby subjected to entry under the provisions of this act.

Mr. DUNNELL. While the chairman of the committee is considering that amendment, I wish to call attention to the report of the Commissioner of the General Land Office for 1871. There had been an increasing friction between the practical operation of the pre-emption law and the homestead law, and it was early seen that the two systems could not work in harmony for any very great length of time. Six or eight years ago the Commissioner of the General Land Office called the attention of Congress to the fact that sooner or later the pre-emption laws of the country must be repealed. In the report of that officer submitted in October, 1871, I find on page 62 a clear and succinct statement of the objections to the separate existence of the two systems, and a recommendation that they be consolidated. I ask the Clerk to read a part of this report as setting forth in a few words the argument in favor of this bill, which is substantially if not exactly the same as one which was passed by this House in the last session.

The Clerk read as follows:

The great ends to be secured by this proposed consolidation of the homestead and pre-emption laws are the following:

1. The harmonious adjustment of conflicting claims under the operation of this office, thereby giving a consistency and uniformity to its administration not otherwise attainable.

2. The prevention of irreconcilable conflicts between different settlers; one claiming under the pre-emption law, based upon alleged priority; the other presenting a claim equally equitable under the homestead act, which does not recognize such priority.

3. The total discontinuance of the pernicious practice of speculators who flock along the great lines of projected railroads, and into other sections of country giving promise of favorable development, and by merely filing declaratory statements upon the public lands, prevent their acquisition by *bona fide* settlers and secure and hold claims for purposes of illegal sale. This practice has compelled honest pioneers to purchase the fraudulent claims of such illegal pre-emptors or incur expensive litigation to secure title; it has harassed and vexed those who in good faith made actual settlements, and delayed and prevented the disposal of the public lands; it has caused an excessive and unprofitable expenditure of the labor and money of the Government, as well as of the settlers, in proceedings to adjudicate the questions thus forced upon them.

4. The certainty of a speedy settlement of conflicting interests by the simplicity of the action required to establish priorities, and other proofs of compliance with law.

5. An additional revenue to the Government from the fees required in the inception of a claim by formal entry which actually appropriates the land, and which offers a greater incentive to its final consummation by patent, than a mere informal filing made without appreciable cost, and held as lightly as it is easily initiated.

6. The clearing from the Government records of a vast accumulation of filings, many of which are purely fictitious, never intended in good faith, but are merely the designations of the claims of speculators, and thus stand to the prejudice of *bona fide* claimants.

Mr. DUNNELL. Mr. Speaker, I have nothing I could possibly add to the very strong argument which has just been read from the report of the Commissioner of the General Land Office.

Mr. TOWNSEND. I now yield to the gentleman from Indiana to offer his amendment.

Mr. HOLMAN. I offer the following, to come in as a new section preceding the last section of the bill.

The Clerk read as follows:

All lands heretofore granted to any railroad or other corporation by any act of Congress, or to any State, for the construction of railroads, and which have been or shall be forfeited by a failure of such corporation or State to conform to the provisions or conditions of the grant, are hereby subjected to entry under the provisions of this act.

Mr. TOWNSEND. I do not object to the amendment.

The amendment was agreed to.

Mr. TOWNSEND. I yield now to the gentleman from California for three minutes.

Mr. PAGE. I desire the Clerk to read the fourth section, with my amendment, in order that the House may clearly understand it.

The Clerk read as follows:

SEC. 4. That when two or more qualified persons shall have settled on the same quarter-section of land, the right of entry shall be in him or her who made the first settlement; and all questions as to the right of entry arising between different settlers shall be settled by the register and the receiver of the district within which the land is situated, subject to revision by and appeal to the Commissioner of the General Land Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior: *Provided, however*, That all contests based on alleged prior settlements shall be initiated within four months from the date of entry of either of the claimants, and that all appeals, whether from the decision of the district land officers or the Commissioner of the General Land Office, shall be made within two months from the date of the receipt by the appellant of notice of the decision in the case: *Provided further*, That all proofs required under this section may be taken before a judge of a court of record, or a clerk thereof, in the county in which such land is situated, and when so taken shall be submitted to the register and receiver of the land office, and shall have the same effect as if taken before those officers.

Mr. PAGE. Now, Mr. Speaker, my object in offering that amendment is simply this: In California, and in a large number of the Western and Southern States, we do not have the same easy mode of traveling about which they have in Pennsylvania and in the other Eastern and Middle States. Therefore it would subject the people in California and in the Western and Southern States to great annoyance and expense in being compelled to travel, in some instances, from fifty to one hundred and fifty miles to the register or receiver of the land office of the district where they may reside. This law will allow the proof to be made, in those cases where there shall arise a question as to the right of the party to settlement upon the lands, before a judge or clerk of the court of record in the county where the land may be situated. In the land district where I reside such an expense would amount, under the provisions of this bill, to from fifty to one hundred and fifty dollars.

The design of this measure is to afford an easy acquisition of homesteads by the people, not only of the great West but of the whole country, and such being the object, I trust the chairman of the Committee on the Public Lands will not object to the amendment I have moved to the fourth section, because, as I have stated, it will cost in most instances in my district, where they have to travel by their own conveyance, and at great expense to themselves, from fifty to a hundred and fifty dollars, to go to Sacramento.

Mr. DUNNELL. This amendment ought not to be accepted.

Mr. TOWNSEND. I decline to admit the amendment.

Mr. RANDALL. Does the gentleman from California intend his amendment to apply in the future, or to affect cases in the past and which are now in controversy?

Mr. PAGE. I propose that my amendment shall apply only to the future, with the provisions of this bill.

Mr. TOWNSEND. Section 12 provides for the case where the applicant is prevented from personal attendance at the district land office, making it lawful for the applicant to make the required affidavit before any person having authority to administer oaths. The provisions of that section are a complete answer to the gentleman from California, [Mr. PAGE.]

Mr. LOWE. I desire to offer the amendment which I send to the Clerk's desk.

Mr. BARBER. Will the gentleman from Pennsylvania yield to me to offer an amendment?

The SPEAKER. To whom does the gentleman from Pennsylvania yield?

Mr. TOWNSEND. I yield to the gentleman from Kansas, [Mr. LOWE.]

The Clerk read as follows:

Add to section 8:

And no grant of land to any railroad company, or to any State for the use of any railroad company, shall be deemed or held to attach, or to have heretofore attached, to any land while a subsisting entry exists under this act or the homestead act of 1862, but such land shall be deemed to be appropriated and withdrawn from other disposition until an actual reversion of the same to the Government takes place by the proof of an actual change of residence or abandonment by the claimant, as herein provided, or as provided in the homestead act of 1862.

Mr. LOWE. Now I ask the gentleman from Pennsylvania to give me five minutes to explain the effect of that amendment. I offer it in the interest of one thousand homesteaders, who are liable to lose their lands by the contradictory rulings of the Land Office.

Mr. TOWNSEND. I cannot yield further, and call the previous question.

Mr. BARBER. I hope the gentleman will yield to me to offer an amendment which is necessary, and which I think will not be objected to.

Mr. PAGE. I hope the chairman of the Committee on the Public Lands will not urge this bill at present. It is a very important measure.

Mr. BLAND. With the permission of the gentleman from Pennsylvania, [Mr. TOWNSEND,] I will say that the people interested in these homesteads in the West have to pay in many instances from fifty to a hundred dollars to go to the district land office to make proofs, and they are demanding everywhere the right to make the proof in the county where the land is situated; and no bill that does not incorporate that provision will meet their approval. Such a provision will prevent frauds, because a man cannot appear in the county where he resides with witnesses who will commit perjury, while he can do so at the land office.

The register in the district where I reside undertook to go around the various counties in the district that this proof might be made where the witnesses resided; and he writes me that when proof was made in that way frauds could not be committed; that it was only when he went back to the district land office that the parties appeared and made fraudulent proofs. He writes me, further, that the Land Office here prohibits him from going into the interior counties and permitting the parties to make proofs there before him.

I say there is no man in the West but will sustain such a provision, and for one I will oppose the bill until that provision is incorporated with the bill. It does not contain it now. It merely contains the provision that where, from bodily infirmity, &c., an applicant is prevented from attending the district land office, he may make the proof before any person legally authorized to administer oaths; but it does not provide that this may be done in all cases, as it ought to do.

Mr. TOWNSEND. I would say to the gentleman from Missouri [Mr. BLAND] that section 12, it seems to me, is ample to cover every case where a man is properly prevented from appearing personally at the district land office to make his final proof. It provides for the cases where he is prevented "by reason of distance, bodily infirmity, or other good cause."

Mr. BLAND. It should be admitted that there is "good cause" in all cases that the applicant should be allowed to make his proof in the county where the land is situated, instead of having to go to the district land office.

Mr. DUNNELL. I desire to say a word on this amendment. I have as much sympathy for the settler as any man on this floor, and urged the amendment to be found in section 12 of the bill, that in certain cases, where there was good cause for it, the applicants should be allowed to make proof before some person legally authorized to administer oaths, instead of having to go to the district land office. But surely gentlemen cannot see how dangerous it would be to permit men to make their final proofs before a clerk of the court. That clerk of the court has not a single record of the land office in his possession; he may know nothing at all about the kind or character of the proofs; the applicants may go before that court and make proof that would be absolutely defective, and when received at the land office it might be too late to make a revision. Under no circumstances, Mr. Speaker, should there be a proof allowed outside of the land office. The records should be there, the applicants should be there, the certificates should be there, and the law should be there.

Mr. CALDWELL. Will the gentleman allow me to ask him a question?

Mr. DUNNELL. I do not wish to be stopped in the short argument I am making on this point. I yield to the gentleman, however, for a question.

Mr. CALDWELL. Does not the law already allow the initiative, the preliminary affidavit, to be made before any officer authorized to administer oaths in the county which is the residence of the applicant?

Mr. DUNNELL. Yes, sir.

Mr. CALDWELL. If that be so, why should not the final proof be made in the same way?

Mr. DUNNELL. In reply to the gentleman's question, I would ask him if the initiatory oath is not a wholly different thing from the

final proof in all its essential characteristics? The applicant's title rests upon the character of his final proof. If the applicant wants to get a good title to the land he has been on and cultivated for five years, let him make his final proof where he is certain to get the best kind of title. But if he takes it before the county clerks of courts there will be opened a source of fraud. The passage of this law is intended to dry up the frauds that have been practiced under the old system; and not for a moment should we consent to the amendment which has been proposed. It is against the interest of the settler.

Mr. PAGE. I desire to ask the gentleman a question. Is not this proof, when taken at the office of the register and receiver, taken by a clerk and submitted to him?

Mr. DUNNELL. No; not that I know of.

Mr. PAGE. In nine cases out of ten the register and receiver are not present when the proof is taken, but it is simply examined by them after it has been taken down by a clerk.

Mr. DUNNELL. But the plats are there, and all the papers of the office.

Mr. PAGE. What plats do you want in determining a question as to which party first settled upon certain land? It is simply a question of fact, to be tried by the clerk of a court of record.

Mr. DUNNELL. I hope the House, if it is friendly to the passage of this bill, will not admit this amendment.

Mr. TOWNSEND. I yield for a moment to the gentleman from Alabama, [Mr. CALDWELL.]

Mr. CALDWELL. I understand the object of allowing parties to make the preliminary oath in the county of their residence was to enable those who from bodily infirmity were unable to reach the land office to make it; and, sir, if the object of the law was in the interest of parties who are entitled to homesteads, I can see no reason why the final affidavit should not also be made in the county of the residence of the party making it. It is in the interest of those persons who, under the law, are allowed to enter these homesteads. Many of these parties, as the House has already been informed, living in the South and in the West, are required to travel from fifty to one hundred miles to appear before an officer in order to make the affidavit. What sound reason is there why those parties should not be allowed to make these affidavits at home, where they are known and where the lands are known? It seems to me that this of itself would be a protection to the Government, and prevent all frauds.

I will add further that there are many parties in the South and in the West who have taken the preliminary steps to secure to themselves and their families homesteads, who would not be able to meet the expense of traveling one hundred or one hundred and fifty miles, and paying hotel bills, to appear at the land office. I think the amendment of the gentleman from California is meet and proper; and I hope the House will not sustain the previous question, but will allow an opportunity for amendments. We have already legislated in regard to the initiatory oath, and the parties should be allowed to make the final oath in the same manner.

Mr. TOWNSEND. I yield for a moment to the gentleman from Nebraska, [Mr. CROUNSE.]

Mr. CROUNSE. I represent a State which is perhaps as much interested as any other State in this question, and I venture to say that the amendment of the gentleman from California [Mr. PAGE] will meet the hearty approbation of the settlers in that State. Anything which tends to obviate the expense which now attends the taking of proof in these cases, will, I say, commend itself to our people; and I apprehend that if there is any difficulty about the matter, we can easily so frame this bill as to guard entirely against any abuse of the privilege. The privilege of taking the proof in this way will relieve the settler of the great expense which must attend his going, in many districts, from one to two hundred miles to take the proof, and in contested cases taking his witnesses with him. The amendment of the gentleman from California will tend to obviate the embarrassment caused in this way.

Mr. TOWNSEND. I yield to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. I move to amend section 3, line 28, by inserting after the word "widow," the words, "if she be the mother of his children and if she be not the mother of his children then she and his children jointly;" so that it will read:

Provided, however, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, if she be the mother of his children, and if she be not the mother of his children then she and his children jointly, or in case of her death his heirs or devisee, or in case of a widow making such entry her heirs or devisee in case of her death, shall prove, by two credible witnesses, that he, she, or they have resided upon and cultivated the same for the term of five years immediately succeeding the date of entry, and shall make affidavit that no part of said land has been alienated, then, in such case, he, she, or they, if at that time a citizen or citizens of the United States, shall be entitled to a patent as herein provided by law, and so forth.

The object of the amendment is to meet this state of things: If the person making the entry dies, leaving a widow of a second marriage, with no children by that marriage, yet having children by a former marriage, we now allow the widow to take the property, to the exclusion of the children.

Mr. TOWNSEND. I have no objection to that amendment.

The amendment was agreed to.

The SPEAKER. The hour has expired, and the question is on ordering the bill to be engrossed and read a third time.

Mr. PAGE. I rise to a parliamentary inquiry. If the House does not second the previous question, will my amendment then be in order?

The SPEAKER. The House yesterday directed that this bill should be considered as operating under the previous question after one hour's debate. The Chair has sent for the Journal.

Mr. PAGE. What is the motion now?

The SPEAKER. There is no motion, except that the bill be engrossed and read a third time prior to its passage.

Mr. LOWE. Is a motion in order to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is not.

Mr. BLAND. I hope this bill will not be passed until we have had some opportunity of amending it.

Mr. LOWE. I hope the bill will not be passed in its present shape. There are several amendments that ought to be made to it.

The SPEAKER. The Chair directs the Journal of yesterday's proceedings on this subject to be read.

The Clerk read as follows:

On motion of Mr. TOWNSEND, by unanimous consent,

Ordered, That the bill of the House No. 1760, to secure homesteads to actual settlers on the public domain, heretofore committed to Committee of the Whole on the state of the Union, be considered in the House to-morrow morning, immediately after the reading of the Journal, the previous question to be considered as seconded and the main question ordered after one hour's debate.

Mr. PAGE. I move to strike out the enacting clause of the bill.

The SPEAKER. That motion is not in order pending the operation of the previous question. The only action of the House in regard to this bill, to dispose of it, is either to pass it or reject it.

Mr. CESSNA. Cannot the gentleman reach his purpose by waiting until the bill has been read a third time, and then moving to recommit it with instructions to make the amendment indicated by him?

The SPEAKER. The gentleman from Pennsylvania [Mr. TOWNSEND] will then be entitled to the floor to test the sense of the House upon the previous question on the passage of the bill. If that be not seconded, then a motion to recommit, either with or without instructions, would be in order.

The question was then taken on ordering the bill to be engrossed and read a third time; and upon a division there were—ayes 64, noes 41; no quorum voting.

Tellers were ordered; and Mr. TOWNSEND and Mr. PAGE were appointed.

The House again divided; and the tellers reported that there were—ayes 90, noes 66.

So the bill was ordered to be engrossed and read a third time.

The bill was then read the third time.

The question was upon the passage of the bill.

Mr. TOWNSEND. Upon that I call the previous question.

Mr. LOWE. I desire to move to recommit the bill.

The SPEAKER. That motion is not now in order. Should the previous question not be seconded by the House, then the motion will be in order.

Tellers were ordered upon seconding the previous question; and Mr. TOWNSEND and Mr. PAGE were appointed.

The House divided; and the tellers reported that there were—ayes 81, noes 67.

So the previous question was seconded.

The question was, Shall the main question be now put?

Mr. LUTTRELL. Upon that I call for the yeas and nays.

The yeas and nays were not ordered, there being but 16 in the affirmative, not one-fifth of the last vote.

The main question was then ordered.

Mr. PAGE. Will it be in order for me, with the consent of the gentleman from Pennsylvania, to move my amendment on this bill?

The SPEAKER. That will require unanimous consent.

Mr. TOWNSEND. I object.

Mr. PAGE. Then I call for the yeas and nays on the passage of the bill.

The question was taken upon ordering the yeas and nays; and there were, upon a division—ayes 24, noes 102; not one-fifth voting in the affirmative.

Before the result of the vote was announced,

Mr. SHERWOOD called for tellers on the yeas and nays.

Tellers were not ordered, there being but 15 in the affirmative, not one-fifth of a quorum.

So the yeas and nays were not ordered.

The bill was then passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORTATION OF CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. BROMBERG. I desire to give notice that on Monday next I shall move to suspend the rules in order that the House may take up for consideration the bill (H. R. No. 1584) to prevent the importation of contagious and infectious diseases into the United States, for consideration after the Louisville and Portland Canal bill shall have been disposed of. In this connection I call the attention of members to House Executive Document No. 85 of this Congress, to Senate Execu-

tive Document No. 9, third session Forty-second Congress, circulars Nos. 1 and 5 War Department, on epidemic cholera, a report on epidemic cholera and yellow fever in the United States Army during 1867, and the report of the supervising surgeon of marine hospitals in 1873.

WESTERN JUDICIAL DISTRICT OF ARKANSAS.

Mr. BUTLER, of Massachusetts. I desire to enter a motion to reconsider the vote whereby the House on yesterday gave permission to the Committee on Expenditures in the Department of Justice to send for persons and papers, and to employ a clerk and stenographer, in reference to the western judicial district of Arkansas. As that whole matter must come before the Committee on the Judiciary, I do not think it necessary for two committees to be allowed to send for persons and papers in relation to the same subject.

Mr. SPEER. Did the gentleman vote on the prevailing side?

The SPEAKER. There was no record made of the vote, the yeas and nays not having been called.

Mr. SPEER. I move to lay the motion to reconsider on the table.

The SPEAKER. That motion is not in order, for the reason that there is other business before the House.

Mr. SPEER. I think the RECORD will show that the resolution was adopted on yesterday without opposition.

Mr. BUTLER, of Massachusetts. But there was no motion to reconsider and lay on the table.

Mr. SPEER. But the resolution was agreed to by unanimous consent.

The SPEAKER. That does not prevent a reconsideration.

Mr. SHERWOOD. When a resolution is adopted under a suspension of the rules can a motion to reconsider be made?

The SPEAKER. It cannot.

Mr. KILLINGER. What is the resolution referred to?

The SPEAKER. The Clerk will read the resolution.

The resolution was read, as follows:

Whereas the House did, on the 16th day of February, direct the Committee on Expenditures in the Department of Justice to inquire into the expenses, disbursements, and general management of the western district of Arkansas since its organization in 1871; and whereas said committee in pursuing its inquiries under the aforesaid resolution of the House doth require for said investigation additional powers and facilities to those already conferred upon it: Therefore,

Be it resolved, That the said committee have authority to send for persons and papers, to administer oaths, and to employ a clerk and stenographer for such period as it may deem proper.

Mr. BECK. What is the business pending before the House to prevent a motion to lay the motion to reconsider on the table?

The SPEAKER. The gentleman from Iowa [Mr. MCCRARY] is entitled to the floor from half-past one for the consideration of the bill under his charge. The ordinary usage of the House is this: When a subject has passed from the consideration of the House, on the succeeding day any gentleman can enter a motion to reconsider. That is a privileged motion, but not of sufficiently high privilege to deprive the gentleman from Iowa of the right he has to the floor by a suspension of the rules.

Mr. SPEER. A resolution having been adopted by the House yesterday under a suspension of the rules——

The SPEAKER. The gentleman is mistaken; it was not adopted under a suspension of the rules.

Mr. SPEER. I think that motion was made by the gentleman who offered the resolution, and the Chair stated that it was adopted without opposition.

The SPEAKER. The recollection of the Chair differs from that of the gentleman from Pennsylvania, [Mr. SPEER.] The gentleman from New York [Mr. E. H. ROBERTS] was upon the floor with a motion to suspend the rules and go into Committee of the Whole. Pending that motion considerable business was done by unanimous consent.

Mr. SPEER. I myself offered a resolution under a suspension of the rules.

The SPEAKER. By unanimous consent.

Mr. SENER. What is the object of the gentleman from Massachusetts [Mr. BUTLER] in making this motion to reconsider?

The SPEAKER. Does the gentleman from Iowa [Mr. MCCRARY] yield further?

Mr. MCCRARY. I yield to the gentleman from New York, [Mr. HALE,] provided his proposition takes no time.

Mr. HALE, of New York. The Committee on Printing have directed me to report, with a recommendation that it pass, a resolution relative to printing Professor Hayden's final report on the Cretaceous Flora of the West.

Mr. SPEER. Before the question raised by the gentleman from Massachusetts [Mr. BUTLER] passes from the House, I desire to know whether my motion to lay on the table the motion to reconsider is pending.

The SPEAKER. It is not; but the gentleman can make that motion whenever the motion to reconsider is called up. If the gentleman from Massachusetts does not call it up within a reasonable period, it will be the right of any other member of the House to call it up. No member, by making a motion to reconsider, can suspend a subject indefinitely. Within a reasonable time he is entitled by courtesy to be recognized for the purpose of calling up the motion; but if he does not avail himself of his right within a reasonable time, any other member can call up the motion.

Mr. SPEER. What would the Chair construe as a reasonable time?

The SPEAKER. Probably the Chair would not differ with the gentleman from Pennsylvania [Mr. SPEER] on that point. The Chair would allow the gentleman first to suggest what should be regarded as a reasonable time. [Laughter.]

While this subject of reconsideration is up, the Chair will remind the House of two important points. The rules provide that on the day when a measure passes, or on the succeeding day, it shall be in order to enter a motion to reconsider, to be taken up as privileged at a subsequent time. Within the time allowed for the making of the motion, the gentleman making it is at liberty to withdraw it; but if the time within which a motion to reconsider can be entered is allowed to pass, the gentleman who has entered such a motion cannot thereafter withdraw it, because to allow him to do so would deprive every other member of the right to enter the motion. Nor can a gentleman, by entering a motion to reconsider, keep a question suspended beyond a period which the Speaker, under his responsibility to the House, would regard as a reasonable time for the settlement of the question.

Mr. SENER. Is it in order to lay on the table the motion of the gentleman from Massachusetts [Mr. BUTLER] to reconsider?

The SPEAKER. It is not before the House at the present time.

Mr. BECK. As the Speaker is aware, I know very little about the rules, I am sorry to say; hence I ask whether the entering of this motion to reconsider by the gentleman from Massachusetts gives him the right to be heard upon the question for one hour when he shall call up the motion?

The SPEAKER. Certainly.

Mr. BUTLER, of Massachusetts. I will relieve my friend from Kentucky. I do not intend to occupy an hour.

Mr. BECK. It is the question of right that I am inquiring about.

The SPEAKER. Undoubtedly the gentleman would have that right under the rules.

Mr. BECK. I want to say that it has been my endeavor constantly to have motions to reconsider laid on the table, so that propositions like this should not be brought back on a motion to reconsider. I missed the opportunity in this particular case, I presume.

The SPEAKER. It is very seldom the gentleman from Kentucky misses the opportunity. He did it, however, in this instance.

Mr. SPEER. Under the present ruling of the Chair, would it have been in order yesterday for the gentleman from Virginia [Mr. SENER] to move to reconsider and to lay the motion to reconsider on the table?

The SPEAKER. Certainly it would have been clearly in order; and it was the impression of the Chair that it had been done; but neither the RECORD nor the Journal shows such to have been the fact; and by that authority we are all bound.

Mr. SENER. I will state, in my own vindication, that I was about to make the motion to reconsider and lay on the table when the gentleman from Pennsylvania sitting next to me said that, the proposition being adopted under a suspension of the rules on Monday, the motion to reconsider and lay on the table did not lie; and five minutes afterward I heard another gentleman on the floor making that motion; and the Chair distinctly stated that when a proposition was adopted under a suspension of the rules no such motion was in order.

The SPEAKER. That is the fact; but when a proposition is adopted by unanimous consent the case is different.

Mr. SENER. I did not hear unanimous consent asked. I thought the resolution was adopted under a suspension of the rules. Of course my impression differs from that of the Chair.

The SPEAKER. The impression of the Chair, however, is fortified by the Journal and the RECORD, which, unfortunately, do not fortify the impression of the gentleman from Virginia.

Mr. SENER. That is true.

CRETACEOUS FLORA OF THE WEST.

The SPEAKER. The Clerk will now read the resolution reported by the gentleman from New York [Mr. HALE] from the Committee on Printing.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound twenty-five hundred copies in quarto (uniform with the series) of Professor Hayden's report on the Cretaceous Flora of the West—one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States Geological Survey of the Territories.

There being no objection, the resolution was considered and adopted.

Mr. HALE, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECONSIDERATION OF REFERENCES.

Mr. RANDALL. The Journal shows that a number of propositions, in addition to that of the gentleman from Virginia, [Mr. SENER,] were adopted yesterday by unanimous consent, and that the motion to reconsider has not been laid on the table. I move, therefore, that in reference to all other matters done yesterday by unanimous consent, the motion to reconsider be laid on the table.

There being no objection, the motion was agreed to.

FUR-BEARING ANIMALS IN ALASKA.

Mr. CONGER. I ask unanimous consent to report from the Com-

mittee on Commerce for consideration now, the bill (H. R. No. 225) to amend the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July 1, 1870.

The bill, which was read, provides that the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July 1, 1870, is thereby amended so as to authorize the Secretary of the Treasury to designate the months in which fur-seals may be taken for their skins on the islands of Saint Paul and Saint George, in Alaska, and in the waters adjacent thereto, and the number to be taken on or about each island.

Mr. MAYNARD. How does that come in?

The SPEAKER. The gentleman from Michigan asks unanimous consent to have it brought in.

Mr. CONGER. I am instructed by the Committee on Commerce unanimously to report it to the House and to put it on its passage.

Mr. MAYNARD. Is it offered by the gentleman on his individual motion?

The SPEAKER. The gentleman from Michigan, from the Committee on Commerce, asks unanimous consent to be allowed to report this for consideration now.

Mr. MAYNARD. I understood the gentleman from Michigan to say that this bill has had the examination and approval of the Committee on Commerce.

Mr. CONGER. It has; and if the House will allow me, I will make a brief explanation.

The SPEAKER. The right of objection will be suspended while the gentleman is making his remarks.

Mr. CONGER. Mr. Speaker, I wish to make a single remark in reference to this bill. It was prepared by the Secretary of the Treasury, and sent to the Committee on Commerce by the House. It provides that the Secretary, in his discretion, may determine the number of seals which may be killed on each of the islands of Saint Paul and Saint George, and the time when they may be killed. The Government receives a revenue of $261,000 a year as royalty for the killing of fur-seals on these islands, and it is all done under the discretion of the Secretary of the Treasury. One hundred thousand seals are permitted to be killed annually. By the law it is provided three-quarters of that number may be killed on the island of Saint Paul, and the remaining one-quarter on the smaller island of Saint George. In the then state of knowledge of these islands it was thought that was the proper proportion. A Government agent was sent nearly two years ago to examine the number and the habits of the fur-seals on each island; and that agent, Mr. William H. Elliot, has made an exhaustive report on the whole subject, which has been printed. From that report it appears only about one-twentieth or one-thirtieth of the seals inhabit Saint George Island. The proportion therefore allowed by the law to be taken from the smaller island is manifestly too large. The number, too, varies on that island from year to year.

The necessity for this legislation is that there is but one steamer leaving San Francisco, authorized by the Government, to go to these islands. A very good steamer leaves San Francisco in the spring, about the 1st of April, and then in the fall to bring down the skins which have been taken. The Secretary of the Treasury desires this action of the House that he may send instructions to the Government agent by the steamer leaving in April, and in order to do that this bill must pass the House and become a law at once.

The bill makes no change in the law in regard to the number of fur-seals which may be killed, but merely authorizes the Secretary of the Treasury to determine and to so instruct the agent of the Government what number may be killed respectively on each of these islands. It also enables him to determine the time when these fur-seals may be killed. The time is now fixed for four months in the year. It is found it should commence earlier, about the middle of May, as the fur-seals arrive at that time. It would give longer for the taking of fur-seals, and thus prevent their being scared away from the islands.

The committee are of the opinion the bill is a proper one to be passed.

Mr. POTTER. I hope the gentleman from Michigan will amend the bill so as to provide it shall not be lawful to take and kill fur-seals on these islands at any other time than in the months designated.

Mr. CONGER. The law is so now. We extended the first portion of the time fifteen days. The time was originally fixed by the Russian calendar, and, of course, according to the old style, and we have thus accidentally, by adopting that calendar, left out eleven days which ought to have been included.

Mr. KELLOGG. Why should not we fix the time in this bill as it should be, and not leave it to the discretion of the Secretary of the Treasury?

Mr. McCRARY. Unless this bill can be disposed of without further discussion, I must insist on going on with the regular order.

Mr. CONGER. There is no other time in which these animals may be killed. Those interested in taking the skins of these fur-seals would not kill them at times when they are shedding their fur or when their fur has not acquired proper consistency.

Mr. KELLOGG. Why not fix the time in the bill?

Mr. CONGER. It is already fixed in the law, and we only add fifteen days to that time.

The SPEAKER. Is there objection to the bill being taken up for consideration?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD. When does the morning hour begin?

The SPEAKER. There is no morning hour.

Mr. RANDALL. Unless the gentleman from Iowa yields absolutely or goes on with the regular order, I must object.

Mr. GARFIELD. I ask unanimous consent to report an appropriation bill.

Mr. RANDALL. I object.

INTERSTATE COMMERCE.

The SPEAKER. The House proceeds to the consideration of the special order, which is the bill (H. R. No. 1385) reported from the Committee on Railways and Canals to regulate commerce by railroads in the several States. The gentleman from Iowa [Mr. McCRARY] is entitled to the floor.

Mr. McCRARY. If agreeable to the House, the first reading of the bill may be omitted. But if any gentleman desires that it shall now be read, I have no objection myself.

The SPEAKER. If there be no objection, the first reading of the bill will be dispensed with. The Chair hears none.

Mr. McCRARY. Mr. Speaker, I desire, at the very outset of this debate, to call the attention of the House particularly to the bill itself, so that its purpose and scope may be clearly understood, and that the issue which we are to discuss and decide may not be misapprehended.

I need not say to the House that it is now settled beyond controversy that a railroad is a public highway, and that a railroad company is a common carrier. These propositions have been settled by the decisions of the highest courts of the States and also by the decision of the Supreme Court of the United States itself.

The pending bill relates exclusively to interstate commerce. It asserts the right and the duty of Congress to regulate such commerce as is carried on among the several States by means of railroads. It provides two things in the nature of regulations. These are, first, that persons engaged in this commerce shall be prohibited from making unreasonable or extortionate charges; and, secondly, that they shall be prohibited from unjust discrimination in the matter of charges. The bill, Mr. Speaker, is therefore simply declaratory of the common law itself.

I desire to say here and now that this bill has not been prepared and reported to the House in any spirit of hostility to railroads or to railroad men. It requires of persons engaged in this commerce nothing which any fair-minded man can say is not fair and just and reasonable. It requires of them only that which the common law, as it has stood from time immemorial and as it stands to-day, and as it is administered in all the courts of the land, requires of them.

My first duty is to make clear to the House this proposition. I say that, according to common law, a common carrier is bound to carry for all persons who may apply to him, without unjust discrimination, and for a reasonable compensation; and that the common law, like this bill, prohibits both unreasonable charges and unjust discrimination.

This doctrine of the common law was announced by the Court of King's Bench in England as early as 1703, by a no less distinguished judge than Lord Chief Justice Holt himself, who, in delivering the opinion of the court in the case of Coggs *vs.* Bernard, reported in 2 Lord Raymond's Reports, says that the common carrier "exercises a public employment."

Later than that, in the same court, the doctrine was laid down in more emphatic language, at a time when Lord Mansfield was a member of the bench. In the case of Harris *vs.* Packwood, which is reported in 3 Taunton, and which was decided, I believe, in 1810, the decision of the court, as announced by Lawrence, J., has these words:

> I would not, however, have it understood that carriers are at liberty by law to charge whatever they please. A carrier is bound by law to carry everything which is brought to him, for a reasonable sum to be paid for the same carriage, and not to extort what he will.

The doctrine of the common law on this subject is summed up by Judge Redfield, who is, as I presume every gentleman here will concede, the very highest authority in this country upon the general subject of railroads and the laws which govern them. In an article published in the American Law Register for January, 1874, occur these words, and I call the attention of the House to them, because they contain in a single sentence the law upon this subject—the common law, as I contend, has existed from time immemorial.

It is the duty, he says, of common carriers "to carry for all who apply, for reasonable compensation; and to make no unreasonable or unjust discrimination among those who desire to employ them." And he cites a long list of authorities, which any gentleman may examine if he chooses, and which will leave no doubt whatever as to the soundness of the proposition.

The same author, in a work published some years ago—Redfield on Carriers and Bailments, announces the same doctrine, in these words:

> Carriers of goods and passengers, who set themselves before the public as ready to carry for all who apply, become a kind of public officers, and owe to the public a general duty, independent of any contract in the particular case.

The supreme court of Massachusetts, in the case of the Fitchburgh Railway Company *vs.* Gage, which is reported in 12 Gray's Reports, 398, quoted and indorsed the language which I have quoted from 3 Taunton.

So, Mr. Speaker, there can be no doubt of the proposition I lay down, that these common carriers, like all other common carriers, are bound by the common law to do the very things which this bill requires that they shall do. I may be asked, then, if the common law supplies a remedy, which covers the whole ground, why we need any legislation. But, Mr. Speaker, every gentleman will see, upon a moment's reflection, that although the right which the common law gives is the same which it is proposed to give by this bill, yet that the remedy which the common law affords is entirely inadequate. It is true, sir, that whoever believes he has been wronged and injured by extortionate charges, or by unjust discrimination, may bring his action at common law against the railroad company which has injured him. But every lawyer knows that the only remedy that he can get is his actual damages. No individual can afford to engage in a litigation with a railroad company in such a case, for the reason that the sum to be recovered will, in every case, prove to be much less than the costs and expenses of the suit. The purpose of the bill, then, is, in a word, to enforce the rights which the people have under the common law, against these great corporations which are engaged in this commerce, by suitable and sufficient penalties. Gentlemen will see by examining the bill what those penalties are. I have not time now to go into details.

Taking it, then, as a clear proposition, that the duty which this bill requires of these carriers is reasonable and just, and is precisely what the common law itself requires, I proceed now to discuss the other questions which arise upon this bill, and they are these: Has Congress power to regulate commerce among the several States, as carried on by means of railroads? If so, may that power be exercised by providing against extortionate and unreasonable charges and against unjust discriminations, leaving the courts and juries, as the common law does, to decide what is and what is not a reasonable charge, and what is and what is not an unjust discrimination? And, if the power exists, and if it extends thus far, is it expedient for Congress to exercise it?

As to the question whether Congress has the power under the Constitution to regulate such commerce as is carried on by means of railroads among the several States, I shall have occasion to do litfle beyond merely quoting from the decisions of the Supreme Court of the United States, because this is no longer, Mr. Speaker, an open question. That Congress has this power, and that it is exclusively in Congress, is now settled. I do not say how far the power extends. I do not undertake, at this point, to enumerate the things which Congress may do under this power; but I do say that no lawyer who examines the decisions upon this subject can maintain for a moment that Congress does not have this power, and that it does not extend to the regulation of commerce as carried on by railroads. It is one of the wonderful things in connection with the Constitution of the United States, it is one of those things which exhibit the wisdom of our fathers who framed it, that it has shown its capacity to adapt itself to all the exigencies which have arisen in that eventful period of history since it was adopted.

Of course, Mr. Speaker, when our fathers inserted in the Constitution the provision under which I claim this power, namely, that "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," the convention which adopted that provision did not have in its eye a commerce conducted by means of railroads, because railroads had not been thought of at the time the Constitution was adopted. But they were too wise to limit the power of regulation to any particular mode of carrying on commerce. If they had limited it to the kind of commerce that existed at that day, and to the kind of vehicles by which commerce was carried on at that period, the power would only have extended to commerce carried either by wagons on land or sailing-vessels on water. Steamships and steam-cars were not then engines and agencies for carrying on the commerce of the country as they are to-day; but they wisely made the Constitution an instrument of enumeration and not of definition. They used the word "commerce," and the Supreme Court has well decided that that word means commerce however carried on, by whatever means, whether on land or water, whether on steamboat or steam-cars.

I wish to call the attention of the House, Mr. Speaker, very briefly to the authorities upon which I base my declaration here, that we have power to regulate this class of commerce, which is my first proposition; and I will in the first place ask the Clerk to read an extract from the opinion in the case known as the Clinton Bridge case, reported in 1 Woolworth's Circuit Court Reports, from the language of the opinion delivered by Mr. Justice Miller, of the Supreme Court of the United States, then sitting in the circuit court.

The Clerk read as follows:

> Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted. By it merchandise is transported across states and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has, with great benefit, been subjected to the control of salutary congressional legislation. Is there any reason why the other should not be? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and which is therefore neither foreign commerce nor commerce among the States, it seems to me that when these roads become parts of the great highways of our Union, acting an important part in a commerce which embraces many States, and destined, as some of those roads are, to become channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce both with foreign nations and among the States, and to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government.

Mr. McCRARY. Now, Mr. Speaker, I desire to read a paragraph from the article to which I have already referred, written by Judge Redfield, and I may have occasion to refer to this article several times. I do this because of the high standing of the author of the article. He tells us in the article itself that he has been engaged in the investigation of this subject of railway laws, as a specialty, for a long time, almost the period of the life of a generation. Every gentleman knows that he is the author of a number of works which constitute standard authorities in this country upon various subjects, and that upon this particular subject he is the author of a work which I do not hesitate to say stands at the head of the authorities in this country.

Mr. BUTLER, of Massachusetts. Does the gentleman refer to Judge Redfield, formerly of Vermont and now of Boston?

Mr. McCRARY. I do.

Mr. BUTLER, of Massachusetts. He is the very highest authority.

Mr. McCRARY. It is not only because he is the very highest authority, as the gentleman suggests, but there is another reason why I wish to give prominence to his opinions in this discussion, and that is, that he belongs to that school of politicians who have always been very jealous of the encroachments of Federal power upon what are denominated the rights of the States.

Upon the question which I am now discussing, as to whether this power extends to the regulation of that commerce which is carried on by railroads, Judge Redfield uses this language:

> The power of Congress in regard to interstate commerce—that is, commerce between different States, whether two or more—is most unlimited, by the very terms of the national Constitution. It extends as far as the national sovereignty extends In regard to the regulation of fares and freights upon existing railways, Congress has the same power to regulate commerce among the States, whether upon land or water, and to the same extent that any national legislature has to regulate upon its railways or its vessels or ships of any kind. This will become very apparent by the consideration that this power resided, to its full extent, exclusively in the States before the adoption of the national Constitution, and that it was transferred entire to the national Government by enumerating among the exclusive powers delegated to the national Government the power to regulate commerce with foreign nations and among the several States.

But it is unnecessary to discuss or to cite other authorities upon this subject, except one to which I wish now to call the attention of the House. This clause of the Constitution has been the subject of discussion in the Supreme Court of the United States in very many cases. It has been the subject of many elaborate and most able opinions emanating from that august tribunal. But the point to which I am now calling the attention of the House was fairly and squarely decided in a very recent case from the State of Pennsylvania, and reported in 15 Wallace's Reports, known as the State freight-tax case. In that case the question was as to the constitutionality of a statute passed by the Legislature of Pennsylvania which imposed, or undertook to impose, a tax upon the tonnage of all freight carried upon railroads chartered by the State of Pennsylvania. That tax was attacked upon the ground that to impose a tax upon such freight as was carried across the State, or carried from within the State to a place without the State, was in the nature of a regulation of commerce, and therefore was beyond the power of the State and within the exclusive jurisdiction of the national Government. And the Supreme Court of the United States held the affirmative on both propositions. It held that to impose a tax upon freight carried on lines extending from State to State was a regulation of commerce, because it was the imposition of a rule or regulation for conducting and carrying on that commerce. And they held, secondly, that being in the nature of a regulation of commerce, it was not only beyond the power of the State, but it was exclusively within the power of the national Government. I cannot read at length from this opinion. Suffice it to say, it is an exhaustive treatise in itself upon the whole question. The opinion was delivered by Mr. Justice Strong, and I may say, in passing, that I think he has not a superior upon that bench or any other in the land. I can take time to read but a few passages from his opinion:

> Beyond all question the transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution, when to Congress was committed the power to regulate commerce among the several States. * * * * Nor does it make any difference whether this interchange of commodities is by land or by water. In either case the bringing of the goods from the seller to the buyer is commerce.

Upon the other point, as to whether this power is exclusively in Congress or not, I wish to quote from the same authority.

Let me say in passing, so that there may be no misapprehension upon this point, that there has been in the Supreme Court of the United States a class of cases in which this opinion has been expressed, although perhaps it has never been distinctly decided, that the right to do that which is in the nature of a regulation of commerce may be exercised by the States until Congress has assumed jurisdiction over it. But this class of cases has been limited strictly to those which apply to the bridging of small rivers within any State

or to building dams across those rivers, and never has been extended to any regulation of commerce which in the nature of things requires or admits of a national regulation.

But, Mr. Speaker, the opinion from which I am about to read will express this idea more clearly than I can express it:

It is not necessary to the present case to go at large into the much-debated question whether the power given to Congress by the Constitution to regulate commerce among the States is exclusive. In the earlier decisions of this court it was said to have been so entirely vested in Congress, that no part of it can be exercised by a State. It has indeed often been argued, and sometimes intimated by the court, that so far as Congress has not legislated on the subject, the States may legislate respecting interstate commerce.

Then comes this language, to which I wish to call attention:

Yet, if they can, why may they not add regulations to commerce with foreign nations, beyond those made by Congress, if not inconsistent with them? For the power over both foreign and interstate commerce is conferred upon the Federal Legislature by the same words. And certainly it has never yet been decided by this court that the power to regulate interstate, as well as foreign commerce, is not exclusively in Congress. Cases that have sustained State laws, alleged to be regulations of commerce among the States, have been such as related to bridges or dams across streams wholly within a State, police, or health laws, or subjects of a kindred nature, not strictly commercial "regulations."

Then comes the final decision of the court:

However this may be, the rule has been asserted with great clearness, that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress. Surely transportation of passengers or merchandise through a State, or from one State to another, is of this nature.

By this case, then, it is distinctly held, first, that wherever the subjects over which the power to regulate is sought to be exercised are in their nature national, so as to admit of one general and uniform system of regulation, there the power to regulate is exclusively in Congress; and, secondly, that the carrying of freight from one State to another is of this character.

Let me say here that in the case of Gibbons *vs.* Ogden, in 9 Wheaton, to which I shall presently refer upon another point, the power to regulate is extended and applied to steam-vessels, and in the State freight-tax case the power to regulate was extended and applied to railroads.

There is, then, Mr. Speaker, no room to doubt that I am right upon my second proposition; namely, that this power of regulation, whatever it may be, however far it may extend, may be applied to the regulation of that kind of commerce which is carried on among the several States by means of railroads.

Let us inquire then, Mr. Speaker, in the next place, whether this power to regulate this commerce may be exercised by providing, as this bill proposes, that persons engaged in it shall not be guilty of extortion or of unjust discrimination. If this is not a regulation of commerce, will some gentleman tell me what it is? Is it not a rule for the government and control of the persons engaged in this commerce? The rule is that they shall charge only that which is reasonable; the rule is that they shall not be guilty of unjust discriminations. If these are not rules, what are they? A regulation is simply a rule. The regulation of commerce, as was declared by Chief Justice Marshall in the opinion in Gibbons *vs.* Ogden is the prescribing of rules for carrying on commerce.

But, Mr. Speaker, I will not ask the House to rest upon my opinion on this subject. I wish to call attention now to some authority upon this point. In no case among the many in which this power to regulate commerce has been discussed has the subject been considered so exhaustively as in the great case of Gibbons *vs.* Ogden, the opinion in which was announced by Chief Justice Marshall himself. I beg the indulgence of the House while I quote (not at any very great length) from this decision, upon the question as to the nature and extent of the power conferred upon Congress by the Constitution of the United States to regulate commerce among the several States. Chief Justice Marshall says:

To what commerce does this power extend? The Constitution informs us, to commerce "with foreign nations and among the several States, and with the Indian tribes." It has, we believe, been universally admitted that these words comprehend every species of commercial intercourse between the United States and foreign nations. No sort of trade can be carried on between this country and any other to which this power does not extend. It has been truly said that commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term. If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain, intelligible cause which alters it. The object to which the power is next applied is to commerce "among the several States." The word "among" means intermingled with.

I wish gentlemen to weigh the force of this language. Our power is not limited to the mere crossing of a State line, but extends to all that commerce which is intermingled with the States, beginning in one State and ending in another, and therefore, in the very nature of things, beyond the reach and control of any single State.

A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior.

It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. Such a power would be inconvenient, and certainly is not necessary. Comprehensive as the word "among" is, it may very properly be restricted to that commerce which concerns more States than one. The phrase is not one which would probably have been selected to indicate the completely interior traffic of a State, because it is not an apt phrase for that purpose; and the enumeration of the particular classes of commerce to which the power was to be extended would not have been made, had the intention been to extend the power to every description. The enumeration presupposes something not enumerated, and that something, if we regard the language or the subject of the sentence, must be the exclusively internal commerce of a State.

I think, Mr. Speaker, there cannot be found anywhere a better definition of the appropriate jurisdiction of Congress and of the line which marks the division between State and Federal power than is found in the following language of Chief Justice Marshall in the opinion to which I am referring:

The genius and character of the whole Government seem to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself.

But, Mr. Speaker, I am now dwelling more particularly upon the question as to the nature and extent of this power to regulate commerce; and upon this point allow me to quote from this opinion:

It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself; may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms and do not affect the questions which arise in this case, or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects—

Mark the words, Mr. Speaker, "is plenary as to those objects"—

the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections—

Which, I apprehend, sir, we can all appreciate here—

are in this, as in many other instances—as that, for example, of declaring war—the sole restraints on which they have relied to secure them from its abuse. They are the restraints upon which the people must often rely solely in all representative governments.

According, then, to this opinion of Chief Justice Marshall, our power under this clause of the Constitution is complete in itself. It is plenary as to every one of the objects enumerated. It acknowledges no limitations other than those found in the Constitution itself, and it is equal in extent with the power of any single government having in its organic law no other restraint than we find in the Constitution.

Now, sir, will it be said that a power which is thus plenary, a legislative power which is thus complete, does not authorize Congress to say to those men engaged in commerce among the several States, "You shall discharge the duties you assume as common carriers under the common law, and this shall be one of the rules and regulations concerning the commerce in which you are engaged?" Will any gentleman assert that plenary power cannot require of these common carriers the discharge of this plain, simple, just requirement of the common law itself as well as of justice and equity?

Allow me, Mr. Speaker, upon this question, to read again from the article of Judge Redfield. He says:

We are not aware that any fair question can be raised in regard to the right of Congress to control the fares and freights upon interstate railways. No such question has been raised in England in regard to the power of Parliament, and we do not comprehend how one could be raised in any country, unless there were some constitutional restriction upon the sovereign power.

And I may as well say here, as I failed to do it in more appropriate connection, that the Parliament of Great Britain has for many years provided for the regulation of fares and freights on the railroads of that country. And if Chief Justice Marshall was right in saying the power of Congress is plenary, and is as great as that of any single government, then, of course, it follows that Judge Redfield is right in saying that no fair question can be made as to the power of Congress to enact this regulation.

I read again from Judge Redfield:

In the absence of all such restriction the supreme power might impose conditions upon existing companies which would annihilate their business at once. But of course we name this only to show the unlimited nature of the power, and not because we suppose it would ever be resorted to. This is admitted by all in regard to the legislative power of the British Parliament; and we have never been able to find any one who could assign any sensible reason why the legislative power of the American Legislatures, both State and national, in the absence of constitutional restrictions, should be less than that of the British Parliament.

Mr. ELDREDGE. Will the gentleman from Iowa allow me to ask him a question right there?

Mr. McCRARY. Yes, sir.

Mr. ELDREDGE. I would like to know of the gentleman whether he thinks there is any parallel between the power of the British Parliament and that of the Congress of the United States? Does not this distinction exist, that Congress has "only such power as is expressed in the Constitution," while the power of the Parliament of Great Britain has no constitutional restraint, but is held by itself and by the government of Great Britain to be without limitation of power; that the British Parliament is held to have all the power which any government can exercise, while the Government of the United States must find in its Constitution the express right to power for whatever it shall attempt to do?

Mr. McCRARY. I might concede to my friend from Wisconsin, whom I know to be an extreme advocate of the doctrine of State rights, that Congress has no power except that which is expressly conferred by the Constitution itself. I do not concede that. We have established national banks, and we have done a great many things where the right was derived, not from express provision, but fair and necessary implication; for the purpose of this argument, however, I can plant my feet upon the extreme doctrine of the State-rights democracy and still maintain my position against the gentleman from Wisconsin or anybody else, because nobody can deny the declaration of Chief Justice Marshall, that as to powers expressly conferred upon Congress, the jurisdiction and sovereignty of Congress are supreme and plenary. It acknowledges no limitation unless the limitation is found in the Constitution; and there is no limitation in the Constitution upon the power of Congress to regulate commerce. And since the power is given and is not limited by the Constitution, it can have no limitation other than the wisdom and discretion of Congress acting, as Judge Marshall says, under their responsibility to the people.

Now, I say again, as I said awhile ago, that we can adopt this proposition if it be in the nature of a regulation. Is it not in the nature of a regulation? In deciding the State freight-tax cases, the Supreme Court of the United States put this decision solely and entirely upon the fact that to put taxes upon commerce or upon freight to be carried from one State to another was in the nature of a regulation; and therefore they held that, as to all freight carried from one State into another, and as to all freight carried across a State, this regulation can only be provided by the action of Congress. I desire to read a sentence from the opinion of Mr. Justice Strong in this case:

Then why is not a tax upon freight transported from State to State a regulation of interstate transportation, and therefore a regulation of commerce among the States? Is it not prescribing a rule for the transporter by which he is to be controlled in bringing the subjects of commerce into the State and in taking them out?

There is the test which the Supreme Court puts, in order to determine whether this thing is a regulation of commerce or not. Is it any less, I ask again, a regulation to provide that the transporter shall be limited in his charges to such as are reasonable and to such as are just and equitable? I think then, Mr. Speaker, I am entirely justified in saying that both upon authority and upon reason, the proposition contained in this bill is a fair regulation of commerce, and that if it be adopted it will be held to be a proper and legitimate exercise of the power of Congress to regulate commerce.

But I must pass on to say a few words as to the question of the expediency of this measure. It may be said that it is not expedient to pass this bill, and possibly it may be said that it is not competent for us to pass the bill, for the reason that it interferes with the right and power of the several States to control the corporations created by them. Sir, no man believes more firmly than I do that each and every State has a right to control the corporations which it creates. But, sir, when it is contended that a State may charter a private corporation and may authorize that corporation to engage in interstate commerce, and by this means defeat the power of Congress to regulate that commerce, then I deny that the State has that power. No State has any power to charter a corporation and authorize it to engage in interstate commerce; or if it has that power, it must authorize it to engage in that kind of commerce, subject to the power of Congress to regulate and to control it. The moment a State corporation engages in interstate commerce, that moment it comes within the power and jurisdiction of the national Government. If we were to concede that the mere fact that the State has created a corporation which has engaged in interstate commerce deprives Congress of all power over that kind of commerce, we would concede to the States the right to abrogate the Constitution itself; we would concede to the States the power to deny the exercise by Congress of the power conferred upon it by the Constitution.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. G. F. HOAR in the chair.) The time of the gentleman from Iowa has expired.

Mr. ARTHUR. I move that the gentleman's time be extended.

The SPEAKER *pro tempore*. It is moved that the time of the gentleman from Iowa be extended. The Chair hears no objection.

Mr. McCRARY. I thank the House for its indulgence, and will endeavor to conclude as soon as I can.

The question whether a State may regulate fares and charges upon railroads chartered by the State does not arise in the discussion of this bill. It has been a question in the courts of our country whether the States in some cases have not forfeited their right to regulate fares and freight by the terms of the charters they have conferred upon these corporations. The railroad companies endeavor to shelter themselves under the Dartmouth College decision. They insist that their charters are contracts between them and the States, and that they authorize the companies to fix at their discretion the rates which they will charge. I do not think they stand in the category of the corporations referred to in the Dartmouth College case. They are public corporations. They exercise the functions of the State, as was well said by Mr. Justice Strong in another case, reported in 16 Wallace—Olcott *vs.* The Supervisors. But that question does not arise here. Whether any State in any given case has forfeited its right to control the charges of railroads within its own limits is not a question which arises upon this bill.

Whatever restriction a State may have placed upon its own power, it has in no case, because it cannot do it, placed any restriction upon the power of the national Government. The power of Congress to regulate commerce exists independently of the means and agencies by which that commerce is carried on. The power of a State to control its corporations must be exercised with reference to the subjects over which the State has jurisdiction, and the State cannot step out of its proper sphere and by a contract made with a corporation within its limits tie the hands of the national Government in this matter of the regulation of commerce. The power of the State to regulate must be limited to such contracts, transactions, and engagements as are subject to be regulated and controlled by State law, and cannot affect any subject-matter which comes within the jurisdiction and control of national law.

And let me say here that the Committee on Railways and Canals, in preparing and reporting this bill, have not gone as far as some gentlemen desired to go; have not gone as far as some gentlemen on the committee would have been willing to go. But in view of the fact that this is a pioneer measure on this subject, the committee have thought it best to keep, clearly and distinctly, within the provisions of the common law itself, and to propose no regulations which any fair-minded man can say is not just and reasonable.

If, Mr. Speaker, the rates charged by railroad companies for carrying freight and passengers were fixed in the manner that most prices are fixed, by fair, open, free competition, it might not, and I apprehend it would not, be necessary for Congress to interpose. The wrongs of which we hear so much, the injustice of which there is so much complaint, the discrimination which is so common and so unjust, probably would never have existed if the rates of freights were fixed, as I have said, by free and open and fair competition. But, sir, every gentleman knows well that the rates charged by these great corporations are fixed not by competition but by combination; and it was the shrewd aphorism of old George Stephenson, "that competition is impossible wherever combination is possible." Upon this subject, Mr. Charles Francis Adams, of Massachusetts, who has made this question a study, has given us a better statement of the facts than I can give myself. He says, in an address recently delivered before a committee of the Massachusetts Legislature:

Take, I pray you, the case of New York and Chicago, two cities a thousand miles apart, between which railroads have been constructed as fast as private capital could construct them. Every gentleman on this committee knows that not a rate is charged between New York and Chicago which is not established by combination. You know that every time the tariff is to be raised or lowered, the freight agents of the several companies meet in convention, and they decide how much it shall be raised, or how much it shall be lowered, and the change agreed upon takes effect upon all the roads on a given day. You know—every man who has looked into this subject knows—that the only competition which exists is between land transportation and water transportation. When water enters into the struggle, when navigation opens, then the freight agents meet, and rates are reduced; when the lakes freeze up, then the freight agents meet again, and the rates are raised. Whether reduced or raised, however, the change always is the result of combination.

Again, let us look at this question from another point of view. The idea of competition certainly implies the existence of several agents. As regards railroads, however, even the combination of competitors is limited to a few localities. Except at competing points—points, that is, upon which railroads converge—transportation by rail is a pure, absolute monopoly, affected only by municipal law and considerations of self-interest, and in no degree subject to the influence either of competition or of supply and demand. Now how large a proportion of all the towns on our railroads are points of railroad convergence? In other words, how many of them can look to competition for even a pretense of protection against monopoly? Take, for example, the Boston and Albany road. It runs through a densely inhabited region, filled with manufacturing cities and towns. It is two hundred miles in length, it has eighty stopping places; but of points of railroad convergence—places at which a possibility of competition exists—it numbers just seven. Take, again, the Central road of New York. Including its Auburn division, it has four hundred and five miles of road in the very garden and central thoroughfare of the continent; on the whole four hundred miles there exist just nine points of convergence. Six hundred miles of railroad, with sixteen competing points; and those inhabiting all the other localities may use the Central or the Boston and Albany, as the case may be, or they may stay at home—whichever they prefer. But is it not something of a mockery to refer this system for its regulation to the principles which control the production of boots and cotton cloth? And if this is so here, in the manufacturing East, it is not hard to imagine what must result in the agricultural West, where the very nature of the leading industry renders it impossible for population to concentrate at points of railroad convergence. In the West, the mass of the people feel themselves helpless, and hence the angry feeling now prevailing against the railroad companies throughout that region.

Now, Mr. Speaker, in confirmation of the statement of Mr. Adams, I desire to call the attention of the House to the fact that on the 30th day of December last the agents of the several great trunk lines of railroad extending from the West to the East assembled in the city of New York, and increased the prices to be charged upon every pound of freight to be brought from the West to the East at least 33 per cent., and they were honest enough in the proceedings of their meeting to record the fact why they did it. Was it because they had been charging freights that were too low? Was it because they had made no money during the summer? Not at all, Mr. Speaker; but because the lakes had frozen up, and the competition between water transportation and land transportation had ceased for the time being. I beg leave to have read from the New York Tribune of the 1st of January the proceedings of this meeting, which are very brief:

The Clerk read as follows:

For some time past the subject of an increase of freight rates to the West by the trunk lines, as the New York Central, Erie, and Pennsylvania Railroads are known, has been discussed by the officials of the roads mentioned. Heretofore the rates have been raised when navigation on the lakes closed, as then the competition by steamers is abruptly ended. It is understood that this year the opposition of the Grand Trunk Railroad of Canada and the Vermont Central Railroad has been the cause of the delay in raising the rates to and from the West. The new rates go

into effect from January 1. The following is a comparative statement of the old and new rates for the five classes of freight per one hundred pounds:

To Cleveland—Old rate, 49, 46, 39, 30, 23; new rate, 65, 59, 49, 39, 30.
To Cincinnati—Old rate, 70, 64, 55, 41, 32; new rate, 92, 83, 70, 55, 41.
To Indianapolis—Old rate, 71, 66, 57, 43, 33; new rate, 95, 85, 71, 57, 43.
To Louisville—Old rate, 86, 81, 71, 55, 44; new rate, 113, 102, 86, 71, 55.
To Saint Louis—Old rate, 97, 91, 79, 61, 49; new rate, 128, 116, 97, 79, 61.
To Quincy—Old rate, 97, 91, 79, 61, 49; new rate, 128, 116, 97, 79, 61.
To Chicago—Old rate, 75, 70, 60, 45, 35; new rate, 100, 90, 70, 60, 45.
To Detroit—Old rate, 53, 49, 42, 32, 25; new rate, 70, 63, 53, 42, 32.
To Toledo—Old rate, 58, 54, 46, 35, 29; new rate, 77, 64, 58, 46, 35.

These figures interest all shippers, either East or West. The increased rate has been anticipated for some time past, and therefore it will not cause much surprise. In consequence of this belief, large quantities of freight have been sent forward during the past two or three weeks, and it is probable that shippers will, during the next three days, forward all the freight they can in order to take advantage of the old schedule of rates.

Mr. McCRARY. An examination of these figures will show that the rates were raised something more than 33 per cent. Upon that same subject I beg leave to read a paragraph or two from Judge Redfield. He says, speaking of railroad commerce:

It has become so indispensable to the very existence of the country, and such an overwhelming monopoly, that the very life of all the internal trade and commerce of the country is already at its mercy, and must forever remain so, unless Congress shall interpose some effective remedy. The States have, as we have seen, no power to act in the matter of interstate communication, and this is the principal seat of the difficulty; and if the States had now the same power they had under the old Confederation, it needs no argument to show that forty independent legislatures could never agree upon any effective system of interstate commercial intercourse, or even if they could agree upon such a plan, which is scarcely less than impossible, they have no combined judicial machinery to carry it into effect. There could be no hope of relief from any imaginable source but in the national prerogatives.

And here let me call the attention of the House to the fact stated by Judge Redfield, that we are driven to one of two alternatives: either the regulation of this vast and rapidly increasing commerce among the States by national legislation, or else that it shall remain permanently without any regulation at all, and I ask gentlemen to consider seriously whether this great commerce; whether these vast combinations, whether these powerful monopolies which have to do with the rights and interests of all of our forty millions of people, ought to be left entirely free and independent of any legislative control or regulations.

The States cannot regulate them. Any attempt by the States will be held void, as the State tax of Pennsylvania was held void. And the question now confronts us, whether we shall allow this commerce to remain without regulation, or assert the power which the Constitution confers upon the Government of the United States. Judge Redfield further says:

The result is entirely certain, that if the railways are allowed to pursue the unrestrained course now entered upon by them, the expenses of transportation will ultimately absorb all the profits of interstate trade and manufactures. Foreign transportation, and that upon the coast or the navigable rivers among the States, requires no such stringent rules of limitation; competition is so free and unrestrained there as to correct any evil tendency in this direction. But railways are absolutely beyond all healthy competition.

I beg to call the attention of the House to a fact or two in illustration of the necessity for this legislation, which I find in the speech of Charles Francis Adams from which I have already quoted. I wish particularly to direct the attention of the House to a fact which he states, and which is the statement of one isolated fact which may be multiplied by tens of thousands all over the country:

In the State of Massachusetts, since I have been a commissioner, a railroad superintendent has frankly acknowledged to me that where freight was shipped and paid for to the end of the line, if that freight was switched off at a non-competing point but ten miles from where it came on to his line, and a hundred miles short of its paid destination, he always charged the cars containing that freight twenty dollars extra. Twenty dollars for *not* hauling it one hundred miles. And he justified his extortion.

He also in a note calls attention to some facts which were brought to light at a meeting held in Rochester, New York, by the business men of that place. It appeared that goods could be sent from New York to Indianapolis for twenty-five cents per hundred pounds, when the freight from Rochester to the same place was from one dollar to one dollar and a quarter per hundred pounds. One firm had paid one dollar and thirty cents from Rochester to Hannibal, Missouri, while at the same time the same class of freight was shipped from Worcester, Massachusetts, to Hannibal, for sixty cents per hundred pounds, and from Philadelphia for forty cents. But I will not delay the House by an enumeration of instances of this character. Everybody knows, it is the experience of mankind, that a monopoly is a dangerous thing, and that it is not safe to allow, and we cannot adopt as a permanent policy of this country, that these interstate railroads, being above the control of the States, shall be permitted to fix at their own will, and subject to no law whatever, the price which they will charge for transportation.

Mr. Speaker, it can do no harm to say to these men, "You shall charge only that which is reasonable;" it can do no harm to say to these men, "You shall not be guilty of unjust discrimination," if you allow them to go before the courts and try the question, as they might try it at common law, as to what is just and what is unjust.

I would like to quote once more—at the risk of wearying the House—from an authority which I think will have great weight with some gentlemen upon this floor. I mean Mr. John Stuart Mill. I read from the second volume of his Political Economy. Speaking of railways and canals he says:

There are always, in a great degree, practical monopolies; and a government which concedes such monopolies unreservedly to a private company does much the same thing as if it allowed an individual or an association to levy any tax they chose for their own benefit on all the malt produced in the country, or on all the cotton imported into it. To make the concession for a limited time is generally justifiable, on the principle which justifies patents for inventions; but the state should either reserve to itself a reversionary property in such public works, or should retain and freely exercise the right of fixing a maximum of fares and charges, and from time to time varying that maximum.

Mr. Mill, I may say in passing, was not one of those economists who believe in any improper or extravagant exercise of the functions of the government.

But I have heard it said, as an objection to the expediency of the legislation now proposed, that the charges of these railroads were only sufficient to pay a fair dividend or interest upon the cost of their construction and operation. Sir, a little investigation of the subject will show that the stock issued by these corporations represents, in most cases, far more than the actual cost of their construction and their improvement. A gentleman who has given this subject a great deal of study, who is himself a gentleman of great learning, I mean Mr. Hubbard, of Boston, who has laid a memorial upon this subject before the House, has stated some facts bearing upon the point that I now wish to make. That point is that we ought to raise such a commission as this bill proposes. We ought to have an inquiry as to what these lines have cost. We ought to have an adjudication of what is a fair dividend for them to receive, and then they ought to be limited in some way so that they should not receive more. He says:

The Syracuse and Utica section of the New York Central Railroad, it is said, cost $800,000, and is now represented in stock and debt by $6,800,000. The total capital of the New York Central road is over $100,000,000. Its stock dividends in two years were $45,000,000; nearly equal to the entire cost of the road.

Who pays this interest and these dividends upon this watered stock? These profits must be made up by exorbitant charges upon the people who patronize the road.

The annual dividend (8 per cent.) paid on this fictitious stock is equal to nearly 15 per cent. of the gross receipts; that is, the rates might be one-seventh less than they are if this stock dividend had not been declared. The directors and stockholders of this corporation are not guilty beyond others; they have only carried out the principles upon which all roads are conducted, and which the public has tolerated.

Sir, is there no remedy for this? Shall the Congress of the United States say that there is no relief, that no part of the burden which these corporations thus impose upon the people can be lifted?

This gentleman states some other interesting facts, showing the great value of a commission such as this bill proposes to organize, with power to gather statistics, to compel returns, to ascertain facts in regard to this commerce. In the State of Massachusetts there is such a commission, and one of the facts ascertained by the reports of that commission is, that in 1873 the cost of moving a train of cars was $1.26 per mile. Now, there is a basis upon which can be made a calculation from which we can learn how much beyond the actual cost of transportation the people of this country annually pay for carrying freight over these railroads. Mr. Hubbard calls attention to these facts:

In the year 1873 about three hundred and fifty million bushels of grain raised in the valley of the Mississippi were transported by railroad to the Atlantic slope; the average freight per bushel was 50 cents. In the same year the average cost per train per mile on all the railroads in Massachusetts was $1.26.

At this rate, the cost of moving a train of thirty cars, of ten tons each, from the Mississippi River to New York, by an air-line railroad, would have been $1,260, or 12.8 cents per bushel. Allowing an equal sum for interest and dividends on the cost of a railroad connecting the same points, or 50 per cent. of the gross receipts, wheat could have been transported to New York at 24.2 cents per bushel—equal to a saving of $85,000,000 on the amount transported.

Will any gentleman say that that is reasonable and just? Will any gentleman say that it is sound policy for us to concede here and now that there is and can be no remedy? Take the distance from Chicago to New York. Mr. Hubbard's calculation is on the basis of the distance from the Mississippi River to New York; but making the same calculation for the distance between Chicago and New York, you will find, supposing the cost to be the same per mile as in Massachusetts, that the actual cost of transportation was 10.7 cents per bushel. We know very well that the actual charge is about four times that rate.

Now, sir, I do not undertake to say what the rate ought to be. That is a question of some difficulty. I think Congress would be greatly embarrassed if it should attempt to fix in any bill an iron rule to apply to all railroads. But I do say that a commission organized under the provisions of this bill, with power to make investigation, to take testimony, to examine books and records, can, upon an ascertainment of the facts, prepare a schedule of reasonable rates, which will at least have value enough to be justly received in a court of justice as *prima facie* evidence of what is fair.

To meet the objection which may be raised here against the attempt to have prepared a schedule which shall be *prima facie* evidence as to a fair and just charge, I desire to cite some authorities in support of the principle that the proper legislative authority may declare what shall be *prima facie* evidence in the trial of causes in the courts of the country; that the rules of evidence as they exist at common law are subject to be changed from time to time by legislative authority. I ask attention to the following authorities, which I find referred to in the recent report of the Illinois railway commissioners:

Judge Cooley, in his able treatise on the constitutional limitations which rest upon the legislative power of States, says: "It must be evident that a right to have one's controversies determined by existing rules of evidence is not a vested right.

These rules pertain to the remedies which the State provides for its citizens; and generally in legal contemplation they neither enter into and constitute a part of any contract, nor can be regarded as being of the essence of any right which a party may seek to enforce. Like other rules affecting the remedy, they must, therefore, at all times be subject to modification and control by the Legislature, and the changes which are enacted may lawfully be made applicable to existing causes of action, even in those States in which retrospective laws are forbidden. For the law as changed would only prescribe rules for presenting the evidence in legal controversies in the future; and it could not, therefore, be called retrospective, even though some of the controversies upon which it may act were in progress before. It has accordingly been held in New Hampshire that a statute which removed the disqualifications of interest, and allowed parties to suits to testify, might lawfully apply to existing causes of action. So may a statute which modifies the common-law rule excluding parol evidence to vary the terms of a written contract; and a statute making the protest of a promissory note evidence of the facts therein stated. These and the like cases sufficiently illustrate the general rule, that the whole subject is under the control of the Legislature, which prescribes such rules for the trial and determination as well of existing as of future rights and controversies as in its judgment will most completely subserve the ends of justice." (Page 367.)

These propositions of the text are fully sustained by numerous authorities cited in the notes.

In Ogden *vs.* Saunders, (12 Wheaton, 349,) Chief Justice Marshall, after considering statutes of frauds, statutes against usury, and statutes of limitations, says: "All have acquiesced in these enactments, but have never considered them as being of that class of laws which impair the obligations of contracts. In prescribing the evidence which shall be received in its courts, and the effect of that evidence, the State is exercising its acknowledged powers. It is likewise in the exercise of its legitimate powers when it is regulating the remedy and mode of proceedings in its courts."

In Commonwealth *vs.* Williams, (6 Gray, 1,) it was held by the supreme court of Massachusetts that a statute providing that in prosecutions for common selling of spirituous and intoxicating liquors, delivery in or from any building or place, other than a dwelling-house, "shall be deemed *prima facie* evidence of a sale," was constitutional and valid. The court says, "It is no new thing in the history or administration of the law that peculiar and artificial force is given or attributed to particular facts or series of facts, as means and instruments of legal proof. This may be seen in many of the rules of evidence which prevail by the common law, and in others which derive their force from legislative acts. These, then, are conclusive presumptions, which from motives of public policy, or for the sake of greater certainty, or for the promotion of the peace and quiet of the community, have been adopted by common consent. Sometimes the common consent by which this class of presumption is established, is declared through the medium of the judicial tribunals, and thus becomes a part of the common law of the land. And sometimes it is expressly declared by the direct authority of the Legislature, in statutes duly enacted."

In Hand *vs.* Ballou, (12 New York, 543,) the court say, "The Legislature certainly have power to determine, by law, what shall in civil cases be received by the courts as presumptive evidence."

In Allen *vs.* Armstrong, (16 Iowa, 513,) the court, per Dillon, J., say, "That the Legislature is competent to declare that the tax deed shall be presumptive or *prima facie* evidence of the regularity and validity of all prior proceedings is everywhere admitted."

In 13 Howard, 476, the Supreme Court of the United States, per Grier, J., say, "The power of the Legislature to make the deed of a public officer *prima facie* evidence of the regularity of the previous proceedings cannot be doubted."

But it may be said, Mr. Speaker, that we are seeking the remedy in the wrong direction. There is a class of persons who say that this whole problem is to be solved by improving our existing water-routes and by opening up new ones in different parts of the country. No gentleman on this floor is more thoroughly in favor of improving our water-routes than I am. I know that water transportation is one of the important factors in the solution of this question. But I also know that though you may expend any amount of money in the improvement of the Mississippi River or any other line of water communication, you will still need the aid of legislation in order to compel railroad companies to carry to and connect with these routes upon fair and reasonable terms. Whoever has tried the experiment of carrying grain or produce from a point one hundred miles from the Mississippi River to the banks of that stream, and then down the river by boat, knows that the railroads running to that river will discriminate against river commerce to such an extent as to destroy, practically, all its advantages. We may expect that corporations will act as their interest dictates. Experience proves that they invariably do this. Railroad corporations have always done it, and always will do it, until they are compelled by law to carry their freights to and connect with the water-routes on fair terms.

There is another class of gentlemen who say the problem must be solved by building a Government line of railroad. I will not discuss that proposition, but will only say here and now, a proposition to build a railroad, either in whole or in part, with money from the national Treasury, should be considered only, if at all, as a last resort; but if we had such a railroad we would still need the control of other railroads to compel them to connect with it, for the same reasons I have already given.

Another objection to the bill is that which I have heard some gentlemen suggest—that it is impossible to do this. Some gentlemen concede that the power exists, and that it is in Congress, but say it cannot be exercised. They say no commission, however learned and able, can make a schedule of reasonable rates. Are they ready to concede that railroad companies possess all the talent and all the ability in the land? They must concede that if they take that position, for the railroads are operated now and must always be operated upon schedules of rates. The officers and agents of these companies themselves do the very thing this bill provides a commission shall do. They divide all freight to be transported into four or five different classes, and fix the rate on each. Surely a commission of honest and able men, after examining the whole subject, after taking testimony, after informing themselves as fully as railroad companies themselves are informed, can discharge this same duty.

Everybody knows that the great work of such a commission would be to consider what is a fair rate for the transportation of the products of the agricultural regions of the country to the sea-board. That is the first great question to be considered. It will have to be considered perhaps long and carefully. The commission may require time to do it. They are given time by this bill. They are, "as soon as practicable after such investigation" is concluded, to prepare and publish a schedule, &c.

I think, sir, it does not become the Congress of the United States to say that it has not power to exercise any authority which is conferred upon it by the Constitution of the United States. The American people will not tolerate such a doctrine. These great corporations and this immense commerce must and will be controlled. They will not be left permanently free from any regulation. They are not or ought not to be above the law. If this Congress shall conclude that it cannot regulate them, another Congress will be sent here that will hold a different view. There is no more vital question which agitates the people of this country than this. These great and rapidly increasing commercial interests imperatively demand regulation and control by law. Here is the power, and the only power on earth, which has the right and upon which devolves the duty of adopting such a remedy as the case requires. I hope, sir, this Congress will not hesitate to discharge its duty in the premises.

I thank the House for the indulgence they have extended to me of speaking almost twice as long as I intended, and much longer than the rules allow.

Mr. MELLISH. I would suggest to the gentleman to move that the bill be printed in the CONGRESSIONAL RECORD, as the copies on file have been exhausted.

Mr. MCCRARY. I ask unanimous consent, as suggested, that the bill be printed in the CONGRESSIONAL RECORD, as the usual supply of copies has been exhausted.

There was no objection, and it was ordered accordingly.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every line of railroad extending into or through two or more States, and employed in carrying freight or passengers between points or places in different States, and whether owned and operated by one company, corporation, or person, and known by one name, or owned and operated by several companies, corporations, or persons, and known by several different names, shall be regarded as employed in commerce among the several States; and the company or companies, corporation or corporations, person or persons, owning or operating such line of railroad shall be, both jointly and severally, liable for any violation of the provisions of this act.

SEC. 2. That no such company, corporation, or person so engaged in operating a line of railroad into or through two or more States as aforesaid shall charge, collect, demand, or receive more than a fair and reasonable rate of toll or compensation for the transportation of freight of any kind, or of passengers, or for the use or transportation of any railroad car upon its track, loaded or unloaded, between places in different States. Such reasonable rate of toll or compensation shall be ascertained and fixed in the manner hereinafter provided. And for each and every violation of this act, by charging, collecting, demanding, or receiving more than such reasonable rate, the person or persons so offending shall be jointly and severally liable for extortion, as hereinafter provided.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a board of railroad commissioners, which shall consist of nine members, one of whom shall be selected from, and be a resident of, each of the judicial circuits of the United States. Said board shall be composed of disinterested persons, and no person shall be a member thereof who is in any manner interested in the stock, bonds, or property of any railroad or other transportation company; and the duties of said board shall be as hereinafter provided.

SEC. 4. That the members of said board shall hold their offices for a term of six years, and until their successors are appointed and qualified, unless sooner removed by the President; and they shall receive, as full compensation for their services, the sum of $4,000 per annum each, and their actual and necessary traveling expenses, to be stated under oath, and audited as the Secretary of the Treasury may direct. At the first meeting of the board after their appointment, they shall divide themselves by lot into three classes. The members of the first class shall continue for two years; of the second class, for four years; of the third class, for six years, so that one-third may be appointed every second year. And whenever vacancies shall occur in said board, the President, by and with the advice and consent of the Senate, shall fill such vacancies by appointment for the unexpired portion of said term.

SEC. 5. That said board of railroad commissioners shall institute a thorough investigation and inquiry into the rates of toll and compensation charged for transporting freights and passengers over each of such lines of railroad as are herein described and designated, and into the reasonableness thereof; and shall, as soon as practicable after such investigation and inquiry, prepare for the owners and operators of each of such lines (except such as may be omitted as hereinafter provided) a separate schedule of reasonable maximum rates of charges for the transportation of passengers, and freight, and cars, loaded or unloaded, on or over said lines respectively. Said schedule shall be duly authenticated by said board of commissioners, shall be printed, and kept posted up in each of the offices and depots of such railroad company, corporation, or person. Each commissioner shall certify under his hand a printed or written copy of every schedule, and of every amendment to or revision of any schedule affecting any line of railroad extending into his circuit, and cause the same to be filed in the office of the clerk of the circuit court for his circuit as soon as possible after the completion of such schedule or of such amendment or revision; and such official copy, when so filed, shall be received and held in all courts as conclusive evidence of said schedules, whether original, amended, or revised, and of all things therein contained. Copies of the same, duly certified from said circuit clerk's office, shall be received and read as evidence on any trial, in any court, to the same extent as the original on file. And from and after the filing of such original, amended, or revised schedules in the clerk's office, the railroad companies, and all others interested therein, shall be deemed affected by notice thereof, and of the contents of the same. For the purpose of prosecuting any investigation under this act, and for the purpose of ascertaining and fixing such reasonable maximum rates of charges, the said board shall have the power to administer oaths, to take the testimony of witnesses, to send for persons and papers, and to require the production before them of books, records, and papers; and for this purpose they may issue process, which shall be served by any marshal or deputy marshal of the United States. And in case any person summoned to appear as a witness before said board shall fail or refuse to appear, or if any person required by said board to produce before them any books, records, or papers in his possession, shall fail or refuse to produce the same, it shall be the duty of the board forthwith to report the facts to the nearest judge of the district or circuit court of the

United States, who shall hear the matter summarily, whether in term time or vacation, and shall make such order in the premises as may be deemed proper to compel such person to appear before said board, and answer all proper questions and produce all papers, books, or records in his possession required by said board to be by him produced, and which, in the judgment of the court, are proper evidence to be considered by said board; and such judge may enforce his orders and punish disobedience thereto as in cases of contempt. Said commissioners may, from time to time, and so often as circumstances may require, change and revise said schedules, and shall give notice of such changes or revisions in the same manner as hereinbefore provided. The schedules aforesaid shall not be deemed invalid on account of any failure of the commissioners preparing the same to include therein all and every article or class of freight, but shall be held to be good and valid as to all articles or classes which are included or embraced therein; but it shall be the duty of such commissioners, whenever it comes to their knowledge that any article or class of freight has been omitted from any such schedule, to amend the same as soon as practicable by adding any such omitted articles or class: *Provided*, That if said board of railroad commissioners shall, after inquiry and investigation, be of the opinion that the charges of any one of the lines of railway described herein are already fair and reasonable, they may, in their discretion, omit to prepare a schedule for such line; but such omission shall only continue so long as the charges on such line shall continue to be fair and reasonable.

SEC. 6. That said board of railroad commissioners may sit at such place or places as they may see fit, and a majority of the members thereof shall constitute a quorum. A sub-committee of said board, of not less than three members, may sit for the purpose of taking testimony and making investigations under this act, and when so sitting such sub-committee shall have all the powers of said board in relation to taking testimony, administering oaths, issuing process, and compelling obedience thereto. Said board may also, at any time, depute any one of their number to take depositions, to be read in evidence at any hearing before the board, who shall have the same power to summon and examine witnesses and administer oaths as are herein given to the whole board. Persons duly summoned, who shall fail to appear or testify, or to produce any books, papers, or records in their possession when required, before such member, shall be liable to be proceeded against in the same way, and to the same penalties as are herein provided for failure or refusal to appear or testify, or to produce papers, records, or books, before the whole board.

SEC. 7. That said board of railroad commissioners shall be authorized to employ a secretary, who shall be paid an annual salary of $3,000, to be paid as other salaries; and they shall also choose their president, and may adopt such rules and regulations for the government of their proceedings, not inconsistent with this act, as they may see fit. Witnesses summoned to appear and testify before said board, who are not officers or agents of any railroad company concerned in the investigation, shall be allowed and paid the same fees as witnesses when summoned to appear and testify before the courts of the United States; said fees to be certified by the president and secretary of the board, and audited and paid as the Secretary of the Interior may direct: *Provided*, That no witness shall be summoned from a place outside of the district in which the board or sub-committee may be sitting, unless the distance be less than one hundred miles.

SEC. 8. That any corporation, company, or person being engaged in the operation of any line of railroad into or through two or more States or parts of States as aforesaid, who shall, after such schedule shall have taken effect in relation thereto, be guilty of extortion by charging, collecting, demanding, or receiving more than a reasonable rate of toll or compensation for the transportation of freight, passengers, or cars over or upon any such line, shall forfeit and pay for each offense a sum of not less than $500 nor more than $5,000, to be recovered by action to be brought in the name of the United States in any district or circuit court of the United States, or if in a Territory, in any district court of the United States therein, in the form of an action of debt, or by such other form of action as may be provided by the law of the State in which such action is brought in like cases; and it shall be the duty of the district attorney for the proper district to institute and prosecute all suits for the recovery of the penalty aforesaid; and the corporation, company, or person being guilty of such extortion shall also be liable to the party injured thereby for the damages caused by such extortion, including a reasonable sum for attorneys' fees, to be fixed by the court trying the case, which such injured party may recover by action in his own name in either of the courts aforesaid; and the form of the action may be the same as in case of a suit to recover the penalty as hereinbefore provided. Either party to any action brought under the provisions of this act shall have the right to a trial by jury; and in any action instituted under the provisions of this act, whether it be a suit to recover the penalty aforesaid or a suit by the party injured to recover damages as aforesaid, any number of separate and distinct violations of the provisions of this act may be stated separately in separate counts, and a recovery may be had upon each. If, upon the trial of any such suit, brought either to recover said penalty or to recover damages as aforesaid, it shall be made to appear that the defendant has charged, collected, demanded, or received, for the transportation of freight, or passengers, or cars, a rate of toll or compensation greater than that fixed by the schedule aforesaid, then and in that case such defendant shall be deemed and held guilty of extortion, and liable therefor, unless such defendant shall show affirmatively that the rate charged, collected, demanded, or received for such transportation was, nevertheless, fair and reasonable: *Provided*, That nothing in this act contained shall be deemed and taken to diminish or take away any common-law right of action on the part of individuals aggrieved against such railroad corporation or common carriers, or any action taken in the matter by any State so far as regards commerce within the control of such State.

SEC. 9. That the provisions of this act shall apply to all persons, firms, companies, or associations, whether incorporated or not, who are or may be engaged as carriers of freight and passengers, or in carrying freight only, or in carrying passengers only, upon any lines of railway extending into or through two or more States; but this act shall not be construed as extending to or affecting such commerce as is actually and in good faith completely internal within any one of the several States. Each of the schedules of charges herein provided shall take effect from and after thirty days from the date of its being filed in the clerk's office as aforesaid.

SEC. 10. That in all cases where two or more persons, companies, or corporations unite together for the purpose of transporting freight or passengers over several lines of railroad from a place in one State to a place in another State, the several lines thus operated together shall be treated, for all the purposes of this act, as one line; and each and every of such persons, companies, and corporations shall be bound by the provisions of this act, and liable for any violation thereof. And in all cases where several lines of railway are united or connected together, and engaged in carrying freight or passengers into or through two or more States, by a continuous route, whether under one management or not, it shall not be lawful for them, or any of them, to evade the operation of this act by any form of contract designed for that purpose; and it shall be competent in all suits brought under this act to show that the defendant was in fact, when the alleged extortion occurred, engaged in operating a part of a continuous line of interstate commerce; and upon such fact being made to appear, such defendant shall be held subject to the provisions of this act, whatever the character or form of the contract between such defendant and the shipper may have been.

SEC. 11. That it shall be the duty of said railroad commissioners to personally investigate and ascertain whether the provisions of this act are violated by any corporations, companies, or persons engaged in the business of transportation as aforesaid; and for the purpose of making such investigations, they shall have all the powers conferred upon them by section 5 of this act; and whenever the facts in any manner ascertained shall, in their judgment, warrant a prosecution, it shall be the duty of said commissioners to cause suit to be commenced and prosecuted against the offending party or parties, to recover the penalties provided by this act in such cases. And the several district attorneys shall, whenever informed in any way that this act has been violated, institute the necessary proceedings for enforcing the penalties herein provided. Suits brought under this act may be commenced in any district through or into which the line of the corporation, company, or person sued may extend; and service of process may be made upon any agent or officer of such corporation, company, or person within such district.

SEC. 12. That each and every provision of this act shall apply to lines of railroad within the Territories of the United States, and to all lines extending from a place in one of the States to a place within any one of such Territories, and to any and all corporations, companies, or persons engaged in the operation of any such lines, to the same extent and in the same manner as to such lines as may extend from a place in one State to a place in another State.

SEC. 13. That the railroad commissioners aforesaid shall, before entering upon the discharge of their duties, severally take and subscribe an oath or affirmation that they will honestly, faithfully, and impartially discharge the duties of said office; which oath shall be filed in the office of the Secretary of the Interior. In case of voluntary collusion on the part of said commissioners, or either of them, with any railroad company or other party, to delay, defeat, or hinder the proper enforcement of this act, or willful negligence to perform any duties required thereby, proceedings shall be at once commenced by indictment, at the instance of the United States attorney for the proper district, in any circuit court of the United States where the offense may have been committed, for malfeasance in office, and on conviction of the same such person or persons so found guilty shall be fined not less than $10,000, nor more than $50,000, and shall in addition be sentenced to imprisonment for not less than three nor more than ten years, and be disqualified from holding any office of honor, trust, or profit under the United States; and the court, in its discretion, may direct such person or persons so convicted to be imprisoned until such fine and costs be paid; and a lien is hereby declared in favor of the United States on all the real property of any commissioner so convicted from the day of the date of the return of the indictment into court.

SEC. 14. That in addition to the other duties of said board of railroad commissioners they shall open and keep, in the Department of the Interior, a bureau of railway statistics, and in this capacity they shall gather, collate, and annually report to Congress statistics and facts relating to commerce among the several States by railroad; to the railroad systems of this and other countries; to the construction and operation of railroads; and to the actual cost of such construction and operation, as well as to the actual cost of transportation of freight and passengers by railroad, and the profits realized by carriers. And they shall also inquire, and from time to time report to Congress, what, if any, further legislation by Congress is necessary for the just and reasonable regulation of such commerce, or for defining the rights and duties of persons engaged as common carriers on lines extending from State to State, for securing the safety and convenience of persons traveling thereby, or for the protection of immigrants traveling upon such lines. And for these purposes they shall have power to require returns to be made to them by all railroad companies, and by all persons and companies engaged in transportation by railroad. They shall also have power, through the Department of State or otherwise, to procure careful and authentic reports upon the railroad system in use in foreign countries. And in prosecuting their investigations under this section they shall have all the powers in relation to obtaining evidence and examining witnesses which are conferred by section five of this act. And if any railroad company or person, being required and notified by said board to make return to them of any facts or to answer any interrogatories concerning any of the matters about which said board is authorized to inquire, shall fail or refuse so to do for ninety days after the time fixed by said board for making such return, they shall forfeit and pay to the United States a penalty of not less than $5,000 for each offense, to be sued for and recovered as is hereinbefore provided in relation to other penalties.

SEC. 15. That all unjust discrimination in the matter of charges for carrying freight or passengers over or upon any such line of railroad as is herein described is hereby prohibited; and any corporation, company, or person, engaged in operating any such line of railroad who shall be guilty of any such unjust discrimination in making or collecting such charges, in favor of or against any person, firm, or company, or in favor of or against any particular place on the line, or at a terminus of such road, shall be subject to the same penalty as that provided in cases of extortion under this act; and such penalty shall be enforced in the same manner as in such cases of extortion; and the party injured by any such unjust discrimination shall have his action for damages in the same manner as in cases of extortion.

Mr. McCRARY. If the gentleman from Kentucky, [Mr. ARTHUR,] who is to speak next, would prefer to go on in the morning, I will move that the House adjourn.

Mr. ARTHUR. I prefer to go on now.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 527) for the relief of Hanson Harmon; and

A bill (S. No. 449) granting a pension to Mrs. Amy A. Hough.

The message also announced that the Senate had passed the bill (H. R. No. 2224) appropriating $1,400 to pay the operators in the departmental telegraph connected with the two Houses of Congress, with amendments; in which the concurrence of the House was requested.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

[Mr. ARTHUR addressed the House; but did not finish his remarks. His speech in full will appear in the Appendix.]

Mr. HURLBUT. The gentleman from Kentucky has not concluded his argument, but as he seems to be somewhat weary, if he will yield to me I will move the House adjourn.

Mr. ARTHUR. I will yield the floor for that purpose.

Mr. HURLBUT. I move the House adjourn.

LOUISVILLE AND PORTLAND CANAL.

Mr. HOLMAN. I move, by unanimous consent, that the report of the Committee on Commerce in regard to the Louisville and Portland Canal bill, which has been made a special order for Monday next after the morning hour, be ordered to be printed.

The motion was agreed to.

CHARLES D. POSTELL.

On motion of Mr. GARFIELD, by unanimous consent, the Commit-

tee on Appropriations was discharged from the further consideration of the memorial of Charles D. Postell, of the National Military Home, Dayton, Ohio, for relief, and the same was referred to the Committee on Invalid Pensions.

TICE METER.

On motion of Mr. GARFIELD, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the petition of distillers of the third collection district of Illinois, praying that the money paid by distillers for the Tice meter be refunded; and the same was referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

Mr. GARFIELD. Before adjourning I hope we may come to some arrangement by which at least a portion of to-morrow's session will be given to the Committee on Appropriations for the consideration of the appropriation bill in the Committee of the Whole on the state of the Union. I very much desire to call up the legislative appropriation bill to-morrow.

Mr. HURLBUT. We can arrange that to-morrow.

LEAVE OF ABSENCE.

Mr. HALE, of New York, by unanimous consent, obtained leave of absence for two weeks.

AMENDMENT OF RULES.

Mr. COX, by unanimous consent, submitted the following amendment to the rules; which was read, referred to the Committee on the Rules, and ordered to be printed:

Amend Rule 131 by adding thereto the following:
Committees may also file at the Clerk's desk such petitions as they may decide have been wrongfully referred to them, indorsing upon them the committees to which they should be referred, together with the names of the committees reporting them back.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AVERILL: The petition of Edward P. Johnson, for relief, to the Committee on Military Affairs.

By Mr. CESSNA: The petition of citizens of Franklin County, Pennsylvania, for the repeal of that portion of the act of June 6, 1872, which reduced the duties on certain commodities 10 per cent., to the Committee on Ways and Means.

Also, the petition of the New Garden Monthly Meeting of the Society of Friends, of Chester County, Pennsylvania, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of Edward Heinzel, for a pension, to the Committee on Invalid Pensions.

By Mr. CROUNSE: Resolutions of the Merchants' Club of Omaha, Nebraska, asking transfer of the control of Indian affairs to the War Department, to the Committee on Indian Affairs.

By Mr. DAVIS, of West Virginia: The petition of William W. Morrow, late first lieutenant First Virginia Artillery, for payment for military services and for reimbursement of recruiting expenses, to the Committee on Claims.

By Mr. DONNAN: A paper for the establishment of a post-route in Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. GARFIELD: The petition of Harriet Tuttle, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of citizens of Ohio, in relation to the eight-hour law, to the Committee on Education and Labor.

By Mr. HALE, of New York: The petition of Eliza Tolman, for a pension, to the Committee on Invalid Pensions.

By Mr. HARRIS, of Virginia: The petition of citizens of Augusta County, Virginia, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

By Mr. HAWLEY, of Connecticut: The petition of Thomas Belknap, Normand Lyman, and others, of Hartford, Connecticut, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. HUNTON: The petition of William Ballenger, of Drainesville, Virginia, to be paid for stores furnished the Union Army in 1862 and 1863, to the Committee on War Claims.

By Mr. HYDE: Papers for the establishment of post-routes from Lineville, Wayne County, Iowa, to Cairnsville, Harrison County, Missouri; from Cairnsville, Harrison County, Missouri, via Akron, to New Buda, Iowa; and from Princeton, Mercer County, Missouri, via Cairnsville and Eagleville, to Allendale, Worth County, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: The petition of Willis N. Arnold, of Mifflin, Tennessee, to be paid for services as scout and guide during the war, to the Committee on Military Affairs.

By Mr. McNULTA: Affidavit of Charles M. Foster, in the matter of the application of the Pekin Alcohol Manufacturing Company, for relief, to the Committee on Ways and Means.

By Mr. PURMAN: Resolutions of the Legislature of Florida, for an appropriation for a custom-house at Cedar Keys and a marine hospital at Sea Horse Key, Florida, to the Committee on Public Buildings and Grounds.

Also, the memorial of the Legislature of Florida, asking that the barracks at Saint Augustine be transferred to the State of Florida for a lunatic asylum, to the Committee on Military Affairs.

Also, resolutions of the Legislature of Florida, for the establishment of mail-routes from Monticello, in Jefferson County, to Perry Court-House, in Taylor County; from Cedar Keys to Withlacoochee River, and thence to Paunasofka Lake; and from Brooksville to the head of Crystal River, all in Florida, to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: The petition of S. A. Harvey, mother and guardian of the minor children of William E. Scherr, late captain Company E, Twenty-sixth Pennsylvania Volunteers, for pensions to said minor children, to the Committee on Invalid Pensions.

By Mr. SENER: The petition of Jacquelin M. Wood, of Lynchburgh, Virginia, for relief, to the Committee on Claims.

Also, the petition of Benjamin T. Tinsley, of Roanoke County, Virginia, to be reimbursed for cotton seized and destroyed by the United States forces at Columbus, Georgia, to the Committee on War Claims.

By Mr. STORM: The petition of tobacco manufacturers and dealers, for the abolition of the import duty on mass or stick licorice, to the Committee on Ways and Means.

By Mr. WILLIAMS, of Indiana: The petition of Hiram A. Benefield, for relief, to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *March* 4, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of Wisconsin, in favor of the speedy construction of a ship-canal around Niagara Falls; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. JOHNSTON, presented the petition of R. Johnston, administrator of A. Vasse, deceased, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

Mr. BAYARD. I present a petition, which is printed and purports to have been signed by 38 national banks of the city of New York, by 34 trust companies of that city, by several life insurance and fire insurance companies, and by very nearly two hundred of the most eminent bankers and mercantile firms in that city, representing that they are greatly alarmed at the assumption by the Secretary of the Treasury of the right without warrant of law to issue new United States notes commonly known as greenbacks. I move that this petition be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that he has received a similar paper, the petition itself and all the signatures being printed; and in such cases he has not deemed it his duty to lay them before the Senate, there being no way to identify the genuineness of the signatures.

Mr. SHERMAN. The original was presented by the Senator from New York.

Mr. BAYARD. I understand now that the original was presented yesterday; and it was upon the assurance that those signatures were verified that I undertook to present it now as an exposition of the feeling and opinion of those of our fellow-citizens who are best entitled to come to the correct conclusion on this subject from their experience and from their knowledge.

The PRESIDENT *pro tempore*. The paper will be referred to the Committee on Finance, if there be no objection.

Mr. MITCHELL presented a petition of citizens of Portland, Oregon, praying the passage of the bill granting aid in the construction of the Portland, Dalles and Salt Lake Railroad; which was referred to the Committee on Railroads.

Mr. HARVEY presented a resolution of the Legislature of the State of Kansas, in favor of Congress taking such steps immediately as will secure the settlement and payment of numerous claims now on file at Washington City, by citizens on the frontier, for loss by Indian depredations; which was referred to the Committee on Indian Affairs.

He also presented a resolution of the Legislature of the State of Kansas, requesting Congress to take immediate steps for the relief of certain homestead settlers and to make satisfactory arrangements with railroad companies having conflicting claims, whereby the settlers will be enabled to retain their homesteads and enjoy the blessings of their labor and their money expended in improving the same; which was referred to the Committee on Public Lands.

He also presented a resolution of the Legislature of Kansas, requesting their Senators and Representatives in Congress to use all honorable means in their power to procure the immediate adoption

of such measures as will result in making certain Indian lands subject to taxation the same as all other lands in Kansas not owned exclusively by the United States Government; which was referred to the Committee on Indian Affairs.

He also presented a resolution of the Legislature of Kansas, in favor of the passage of a law extending the time of payment to the settlers upon the Sac and Fox diminished reserve; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Osage County, Kansas, settlers upon the Sac and Fox land of the diminished reserve, praying an extension of time within which to pay for the same; which was referred to the Committee on Indian Affairs.

He also presented a resolution of the Legislature of Kansas, in favor of the transfer of the Bureau of Indian Affairs to the War Department; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Mrs. Mary A. Holmes, of Columbia, South Carolina, praying compensation for fifty bales of cotton destroyed in Perry County, Alabama, in 1865, by United States troops, asked to be discharged from its further consideration; which was agreed to.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of John M. McPike, praying compensation for beef furnished to the Utah volunteers in 1860, and the bill (S. No. 354) for the relief of Jordan & McPike, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, reported a bill (S. No. 563) for the relief of John M. McPike; which was read, and passed to a second reading.

Mr. SCOTT. The Committee on Claims, to whom was referred the bill (H. R. No. 1580) for the relief of the heirs of Asbury Dickins, instruct me to report it back with a recommendation that it do not pass. A similar Senate bill was referred to the committee, upon which a report was made some time ago adversely by a majority of the committee, a minority dissenting from the report of the majority, and this House bill is reported back in the same manner.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1581) for the relief of George S. Wright, administrator of the estate of John T. Wright, deceased, reported it without amendment.

Mr. MORRILL, of Maine, from the Committee on Indian Affairs, who were instructed by a resolution of the Senate to examine and report "whether, in their judgment, any obligation rests upon the United States to reimburse the several States and Territories, and the citizens thereof, for expenses incurred and damages sustained by reason of the incursions of hostile Indians, and if such obligation exists, whether any legislation looking to such reimbursement is practical and expedient," submitted a report; which was ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the petition of Hon. D. C. Leach and R. Goodrich, and 94 others, praying Congress to provide means by which certain parties named may obtain patents for their lands or be indemnified for means expended, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 200) for the relief of settlers on the Cherokee strip in Kansas, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 668) relative to private contracts or agreements made with the Indians prior to May 21, 1872, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 505) to amend an act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1849, and for other purposes, approved July 29, 1848, reported it without amendment.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1575) for the relief of Richard H. Swift, former assessor of the fourth internal-revenue district in the State of Alabama, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 564) for the relief of Mrs. Emma A. Porch; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREERY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 565) for the relief of Alexander M. Mayo; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2330) to extend the provisions of section 21 of chapter 200 of the acts passed at the second session of the Thirty-seventh Congress, giving to unnaturalized persons enlisting in the naval service or Marine Corps of the United States the same rights as are now given by law to such persons enlisted in the Army of the United States, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. No. 225) to amend the act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," approved July 1, 1870, was read twice by its title, and referred to the Committee on Commerce.

HAYDEN'S CRETACEOUS FLORA OF THE WEST.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound twenty-five hundred copies in quarto (uniform with the series) of Professor Hayden's report on the Cretaceous Flora of the West—one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States Geological Survey of the Territories.

Mr. SHERMAN. That resolution I presume should be referred to the Committee on Printing, but before it is referred I desire to say that it comes within the principle of the case decided already by the Senate, and I hope the Senate will stand by that position. Why should we print this expensive folio volume and give it to the Departments, when we know that if it is distributed by the Departments it will be at an expense of not less than a dollar a volume, to be paid by the Government of the United States? I certainly shall not vote for any such proposition.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

TRANSPORTATION FROM WEST TO EAST.

Mr. RAMSEY. I submit the following resolution:

Resolved, That the Committee on Transportation Routes to the Sea-board be instructed to consider and report upon the expediency of improving water and railway communications from the Mississippi Valley to the sea-board, and to regulate commerce among the States by cheapening transportation between the East and West, by improving the navigation of the Mississippi River from its source to the Gulf of Mexico, and the lake navigation from Lake Superior to Lake Ontario; and by chartering a double-track freight railroad from the Missouri River to the ocean at the low maximum rate of six mills a ton a mile.

Mr. CONKLING. The Senator doubtless knows, by conference with his colleague, the chairman of the committee, that he has no objection to this resolution.

Mr. RAMSEY. I have no information from my colleague on the subject.

Mr. CONKLING. I rose to suggest that it might be well to allow this resolution to lie over until the other Senator from Minnesota [Mr. WINDOM] comes in. He may want to suggest some amendment.

Mr. RAMSEY. Very well. My desire was to have it lie on the table.

The PRESIDENT *pro tempore*. The resolution will lie over.

DISTRICT GOVERNMENT INVESTIGATION.

Mr. THURMAN. I offer the following resolution:

Resolved, That the joint select committee to investigate the proceedings of the government of the District of Columbia have leave to sit during the sessions of the Senate.

A similar resolution has passed the House, and it is necessary that one should pass the Senate to give the authority.

The resolution was considered by unanimous consent, and agreed to.

LIQUOR-TRAFFIC COMMISSION.

The PRESIDENT *pro tempore*. If there be no further morning business, the Secretary will report the first bill on the Calendar.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic, the pending question being upon the amendment of Mr. BAYARD to the substitute reported by the Committee on Finance as amended by the Senate.

The amendment to the amendment of the committee, as amended, was in section 2, line 2, after the word "salary," to insert "all of whom shall not be advocates of prohibitory legislation or total abstinence, in relation to alcoholic or fermented liquors."

Mr. WRIGHT. I trust the Senate will not adopt this amendment. The language of the bill is already sufficient, as it seems to me, to cover every possible case. By reference to the language of the bill itself it will be seen that no person is excluded. There is nothing in the bill itself that contemplates that persons in favor of prohibition shall be appointed on this commission any more than that those who are opposed to prohibition shall be appointed. It seems to me it would be quite as just and quite as proper to provide that no minister, no lawyer, no physician, should be appointed on this commission as to put in this provision that is offered by the Senator from Delaware. As the bill stands, the kind of persons to be appointed on this commission, general in description, is pointed out; and now it is proposed to provide that the commission shall not be made up entirely of a particular class of persons. It is not proposed by the friends of the bill that the commission shall be thus made up. The language of the bill is such that persons on either side and all sides of this question can be appointed; and it seems to me, coming, as this amendment does, from a Senator who is opposed to the bill under all circumstances and is not disposed to vote for it, the friends of the measure should not favor this amendment.

Mr. BAYARD. There is nothing in the amendment offered which militates against what, I trust, is the intent of the measure. The professed intent of the measure is the procuration of reliable statistics on an exceedingly important subject. It is a subject in regard to which the most radical differences of opinion exist among men; and we should be very blind to the condition of public sentiment on this subject if we did not know that both sides of opinions should have representation upon this proposed commission. I do not propose that this commission shall be placed in the hands of men of preconceived views and opinions against it, but simply ask that all of those who are concerned in procuring this testimony and returning their opinions, by way of report, to Congress or to the President, (I forget the terms of the bill in that respect,) should not be committed to certain well-known views. The Senator from Iowa, it is not improper for me to remark, and myself, might be taken as representative men of these two classes of opinions; he approving of the system of coercive legislation in regard to these things, and I totally disapproving; yet both of us, I trust, are equally admirers of temperance, whether applied to alcoholic drinks or to anything else.

Now what reasonable objection there can be to allowing this commission to be composed of men of equally high character and intelligence, but of variant opinions as to this general policy discussed, I cannot see. If it be the intention to confine this commission and its action to partisans—and I use the word "partisan" in no offensive sense—to gentlemen of biased and preconceived opinions on this subject, so that the color of their views shall run through the report which they shall make to Congress, then, I simply say, you will not have a proper basis either for public opinion or for public law.

Mr. FRELINGHUYSEN. It seems to me that passing this amendment is really giving a partisan character to the commission. That is the trouble with it. It is selecting out persons of peculiar views, who are in favor of the liquor traffic, to put on this commission. Now the bill, as I understand it, leaves it to the President untrammeled, without direction, and, as I understand, it also provides that these commissioners are to be appointed by the advice and consent of the Senate, so that we shall have abundant opportunity to see that the commission is a fair one.

Mr. WRIGHT. I wish to add to what I have already said, that this bill, as now framed, provides that these persons shall be selected "solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation." That is the general provision of the bill with reference to the qualification of these persons. It seems to me that the language of the amendment is entirely superfluous, and tends to tie the hands of the appointing power and the hands of the Senate upon this subject, and quite unnecessarily.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware to the amendment.

The question being put, there were, on a division—ayes 21, noes 20.

Mr. WRIGHT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SUMNER. As the yeas and nays are to be taken, I desire to say one word. It does seem to me that this amendment is unusual. I know not if any such limitation has ever been before suggested with regard to the appointing power. This is to go forward and say to the President that he is to find these commissioners out of a certain class of people, or at least one or more of the commissioners out of a certain class. No such language can be found in any statute with reference to any other appointment to be made by the President. It is here original, and for the first time introduced. Why? I can discover no other reason than to embarrass the inquiry; and precisely because it is to embarrass the inquiry, I am against it.

I think that this inquiry should be undertaken in good faith, and that Congress should arm the President with all proper power to institute this commission without limitation; without any new propositions, any new suggestions which shall curtail the power that the President habitually exercises under the Constitution when he appoints to office. It will be for him to look over the country and find the proper men, whether they incline one way or another way. It is in his discretion, and that discretion is afterward to be ratified by the Senate. Sir, that is enough.

Mr. CONKLING. Mr. President, after hearing the honorable Senator from Massachusetts, whose sincerity in behalf of this measure is not doubted, I am led to suspect that I have mistaken the meaning and effect of this amendment; and, therefore, as it is very brief, I beg that it be again reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert, after the word "salary," in the second section, second line, the words, "all of whom shall not be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors."

Mr. CONKLING. The thought which that amendment suggests to my mind is this, or would be this had I not heard the Senator from Massachusetts disapprove it, and had I not seen other Senators vote against it: Here is authority to institute and conduct an inquiry; and it is to be conducted by men who are to receive no compensation for their services. I call attention to the want of compensation to remind Senators that the selection of commissioners does not fall within the general rule prevailing in such cases. Why? Because generally you would seek for persons wholly impartial, wholly disinterested, not prepossessed of any theory, if you were going to make search for absolute, abstract truth on both sides. That, under this bill, you cannot have. Why? Because if you are going to ask competent citizens, business and educated men, whose capacity is such as to warrant their selection, to execute the proposed inquiry for nothing, you must, of course, go among those who feel a sufficient interest in the subject to induce them to contribute this much of their time and of their labor. Therefore I will assume that the President, if he finds men who will act for nothing, must select those who, on the one side or the other of the chief question concerned, feel some special interest in it, or solicitude about it.

Again, I am reminded that the inspiration of this inquiry is from strict temperance men. It is that circumstance, among others, which gives it the respect I feel for it. It is inspired and prompted by those profoundly impressed with the misery and evil flowing from the excessive use of intoxicating drinks. Thus naturally, here and with the President and in the public understanding, this proceeding takes the color of a total abstinence inquiry, and the bill is already tatooed with amendments showing this to be the general and accepted understanding. The Senator from Connecticut [Mr. FERRY] objected to it on constitutional grounds, and because, as he saw it, it looked to nothing but temperance legislation by Congress; and in answer to that Senators said, I being myself one of them, "Why, no; this is not to be a one-idea proceeding, and does not presuppose legislation by Federal authority upon the question of the use in States of intoxicating drinks. The information, it was argued, may be useful for many purposes of legislation—for revenue legislation, for legislation touching many other things easily to be suggested, all clearly within our province." The Senator from Delaware offered an amendment directing that the inquiry should be pointed in the direction of information valuable for legislation touching revenue, and I believe his amendment was adopted without a division of the Senate. All of these amendments show that in the inception of this movement its idea was a strict temperance inquiry, with a special view, and it has been enlarged in order to amplify and change it somewhat in that regard.

With this start, in general understanding, of the nature and object of the inquiry, what is the best way to make up the commission? Do the discreet friends of the bill want a partisan, one-sided investigation, which will enable everybody to say that there was an exclusion of all adverse views? Is that the way the tribunal should be constituted? Should any tribunal be so constituted, be it a jury, a parliamentary body, a court, or any other group of men to which an inquiry is to be submitted, whose judgment should carry conviction to the public mind—should it be wholly one-sided, of men prepossessed on one side? Could we provide a broad field of selection, by paying for the service, the choice should be of those not prepossessed at all; but, as I have already said, that is not attainable in this case, because, the service being gratuitous, you must have those so interested in and related to the subject, that their interest will prompt them to give their time and attention to it. What then is the next best thing? Why, to have both sides represented; and now I understand this amendment to provide in effect that of these five commissioners there shall be at least one not known as an advocate of prohibitory legislation or of total abstinence.

Can any Senator doubt, can any temperance man, however devoted he may be, doubt that if value is to attach to the report of this commission, to even the statistics and data to be gathered, still more to the judgment the commissioners pronounce, that value will be greatly enhanced by the presence on the commission of one man who it might be supposed had bias and partisanship enough the other way to ask questions, and to introduce any document, fact, or evidence to qualify or add to the residue of the report? There can be no doubt of this; and therefore I had supposed, as I heard the amendment read, that in place of being calculated to hamper the President, and embarrass or prevent this investigation, or to do anything in derogation of it, it was an amendment likely to disarm the prejudice and resentful feeling which might carp at the action of Congress, as a raid, with doubtful powers, upon certain opinions and certain property.

It seemed to me the effect of it would be to give the appearance of fairness, of impartiality, to this investigation, and I confess if left to my own judgment, without the opportunity to inquire, I should have said that those who have most promoted the investigation, were the question asked of them, would say, "Certainly, we want no false report; we want no report which will look one-sided and prejudiced; we want no commission so constituted as to put into the hands of the enemies of temperance a weapon with which to weaken the effect of what it may say or do." That would have been my idea; but, as I said, I am led to suppose that I must be wrong, because Senators in whose judgment much more confidence may be reposed than in mine seem to disapprove of it. Surely there must be considerations which have wholly escaped me.

One word as to hampering the President. We have not been special in solicitude about violating the Constitution by controlling the President; and for a Senate which has voted for the civil-service rules, which rules, in case of the appointments referred to, virtually restrict the selection to three men, to balk at the pending amendment seems to me straining at a gnat after swallowing a camel. It is clearly competent for Congress to say, in creating a commission, that one member of the commission shall be a lawyer, or that one member of the commission shall be skilled in a particular art, or that one member of the commission shall not be a representative of a par-

ticular class of opinions with regard to the subject-matter. Can any doubt this? It seems to me the objection here is a refinement upon sophistry, in view of enactments for which, by large majorities, the Senate has often voted. I have no difficulty with the Constitution.

Now as to the suggestion that it will in fact hamper the President, would it not be convenient for the President to know, is it not fair that we shall enable the President to know, whether by this inquiry and the commission to conduct it we mean a proceeding in the interest in all respects of one class of opinions, or whether we mean an inquiry to be conducted to the end and to all the ends, wherever the truth may lead—by "the truth" meaning not only such facts as bear upon the particular view in which it might be supposed we are legislating, but such facts as bear upon all other views pertinent to the subject? It seems to me it would be not only usual and ordinary, but convenient, and as I say fair, to apprise the appointing power what is the nature of the investigation we propose. If we want him to select some man eminent in statistics to present the statistical view, it would be right to say so. If we mean that he is to select five gentlemen conspicuous as philanthropists in order to present the moral, social, and religious aspects of this evil with its illustrations, I think it would be quite right that the bill should so indicate. This amendment presents fairly the question what we do mean, and unless there is something about it which does not occur to me, so far from embarrassing the inquiry, its tendency and effect would seem to be to lift it up in public respect and free it from the criticisms and assaults of those who might say this is a mere one-sided, partisan, fanatical affair from which we are excluded, and everybody else who could tell the other side of this story was excluded.

Mr. BAYARD. Mr. President, it is very natural that the honorable Senator from Massachusetts should criticise the language of my amendment, and, in his well-known confidence in the discretion of the appointing power, take exception to the qualifications that I sought to impose upon the commissioners proposed by this act. But in his anxiety to profess and exhibit his confidence in the Executive, he surely forgot that there are many classes of appointments wherein the qualifications of the official are referred to. The Constitution itself does say, I think, in providing for the nomination and appointment of judges of the Supreme Court of the United States that they shall be persons learned in the law. In almost every election law, not only those which have been passed, as I think improperly, by Congress, but those which have been properly passed by the States, inspectors of election and officers otherwise connected with the election, are mentioned by law as belonging one to each of the several parties, it being always presumed that there are two sides to every election, and two parties to represent them. How often in the selection of juries, in the very nature of things, is the word "impartial" insisted upon? I have been accustomed to practice law under statutes which require the performance of very high discretionary duties only by impartial freeholders.

Now, the result of the amendment that I offered, and which has been very well stated by the Senator from New York, is simply that in providing this commission there shall be mixed opinion on the subject to which it relates in the minds of those who are to have the power of collecting the information and reporting it to Congress. There is nothing novel, I submit to the Senator from Massachusetts, either in the nature of the proposition or in its language. There is abundant precedent for it, and there is abundant reason for it, and I have heard no reason yet which strikes my mind as being sufficient for its rejection.

Mr. MORRILL, of Maine. Mr. President, this is a proposition, in a general way, to create a commission to consider the effect of the traffic in, and the manufacture of, ardent spirits upon the morals and the economic and social relations of the American people. I assume that is what it means. Undoubtedly it is idle to disguise the fact that it is moved in the interest of a class of people who take a deep concern in the question of temperance, in promoting temperance and sobriety, public and private. But in the consideration of any questions of this kind, I suppose all aims, and objects, and pursuits, would be directed to the general purpose of promoting temperance. It is an entirety; it cannot be divided; there is but one side to such a proposition. Everybody here and everywhere else believes in temperance; and whatever investigation you make, whether public or private, it will be to the end of promoting among the American people the cause of temperance, both public and private sobriety. You cannot divide it by any other line. There is in this Chamber, there is out of it, nowhere any man, woman, or child who has come to years of discretion who does not commend temperance.

It is true, when we come to consider the question of the promotion of temperance as a general cause or as affecting individuals, we disagree widely as to the best methods of promoting that very general subject.

Some will say that it must be remitted to the domain of morals wholly and entirely, and that any attempt to correct either the traffic in ardent spirits or the use of ardent spirits outside of that will in the end prove futile. Perhaps it has not been stated quite as broadly as that this morning or in this debate; but that is a somewhat general impression that lies in the public mind, that this is one of those social evils which must be remitted to the domain of morals for its reformation.

Then public sentiment divides again when you come to the question of legislation and the methods which are pursued in the country between the principle of prohibiting the traffic in alcoholic drinks as a beverage absolutely and licensing it.

Then it is idle to say that there is not another question which lies very near the object of this investigation, and that is the participation which the Government itself has in the manufacture of and traffic in intoxicating drinks by the revenues it gathers annually from their manufacture and sale.

On the whole, Mr. President, it will be seen that while everybody will desire that this investigation shall redound to the promotion of the cause of temperance as a general proposition, it is desirable, as the Senator from New York has stated, I think, that all sides of the question should be fairly presented; in other words, that all methods for the attainment of this general object, popular sobriety, all the methods leading to the accomplishment of that general end, shall be examined into carefully. Those who believe that it can best be attained by moral suasion should have an opportunity for an expression; those who believe that prohibition as a principle of legislation is sound, prohibiting the traffic in alcoholic drinks as a beverage, should have an opportunity to furnish the facts and exhibit the statistics, and spread before the American people the arguments and the illustrations. A believer in that myself, I should be glad to challenge the sharpest investigation, the most thorough proof in regard to the whole subject. Those who believe that it can be demonstrated that the wiser policy is to license this traffic under certain limitations and conditions should also have an opportunity for the largest collection of facts and arguments that may be prepared on that general subject.

Therefore, Mr. President, while I favor the largest investigation on this whole subject, while I believe that no more important subject can be brought to the attention of the American people, and while I do not question the authority of Congress over this subject because of its relation to the manufacture and sale of intoxicating drinks in the country, and to the end that it may affect the legislation on that subject, I am in favor of the most ample opportunity to all sides to express their views. I therefore hope that my honorable friend who has charge of this bill will not deem it at all hostile or detrimental to this general subject and to the general purpose of this measure that the amendment of the Senator from Delaware shall be ingrafted upon it.

Mr. HOWE. I am not going to debate the question. I did desire to say a few words in opposition to this amendment; but the hour of one is at hand, and I do not wish to be the cause of postponing the further consideration of this measure to another day, and therefore I will forbear to say anything, but ask for a vote of the Senate, which I know my friend from Iowa who has charge of the bill very much desires; first upon the pending amendment, and then upon the bill itself; and I think we can get it out of the way.

Mr. CARPENTER. Simply in explanation of the vote I shall give in favor of the amendment of the Senator from Delaware, I desire to say that I understand this to be a movement looking to future legislation in this body; and the report of the commission will have far greater weight, far greater influence, on the side of this question which the Senators offering this bill have in view and at heart if the commission is not made up all on one side. Our rule here in fixing committees on all important questions, on all political questions, is to put at least one democrat on a committee. The same thing ought to be done here. The commission should not be made up exclusively of any one class, but both sides should be represented, and in that way the report will have five times the influence that it will if it is understood to be a report made entirely by those on one side.

Mr. HOWE. Now I hope that one o'clock will not come for five minutes, that I may say two words in justification of the vote that I propose to give against the pending amendment.

Mr. President, if you want to have an investigation conducted by a balanced committee, by a committee which does not mean to work to any end, this amendment will not secure such a committee, because you must then command the President to appoint at least some who are in favor of temperance, as well as to do what the pending amendment proposes—command him to appoint some who are not in favor of temperance.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The hour of one o'clock having arrived, it becomes the duty of the Chair to call up the unfinished business of yesterday, the centennial bill, the pending question being on the motion of the Senator from Ohio, [Mr. SHERMAN.]

Mr. CARPENTER. I gave notice the other day of a desire to call up the bill which I introduced for a new election in Louisiana, for the purpose of submitting some brief remarks on that bill. If it is the pleasure of the Senate, I should like to be heard on that subject now, and I will ask that the pending order be laid aside informally for that purpose.

Mr. HOWE. I suppose my colleague does not mean to insist on that just at this moment.

Mr. CARPENTER. I insist on nothing; but I understood the Chair to state that the morning hour had expired.

Mr. HOWE. The morning hour I suppose has expired, and the question is whether I shall have three minutes.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. HOWE] asks unanimous consent to proceed with his remarks on Sen-

ate bill No. 161, and that the unfinished business be laid aside informally for that purpose. The Chair hears no objection.

Mr. HOWE. There are simply two ideas that I wish to express. The first is that you cannot, by agreeing to this amendment, be sure of getting a committee which represents two parties or represents two sides to any given or namable controversy. That is one objection which I have to this amendment. The other objection I have to it is more radical, more fundamental. It is that I know of but one side to any controversy that can be predicated or can be predicted as growing out of the bill before the Senate.

Mr. President, this investigation, conducted by whom it may be, will have one of two ends in view: either to show to the national Legislature that it can do something to restrain and restrict the manufacture and the sale of intoxicating drinks, or that it can do something to promote the manufacture and the use of intoxicating drinks. If the last be the end proposed for the investigation, I do not wish to aid it; it needs no aid. I supposed the first was the end proposed by the investigation; that we were to have an inquiry in order to show to the Legislature that it could, within the sphere prescribed to its action by the Constitution, do something to restrict the use or the abuse of alcoholic beverages. If that can be shown to us, I am willing to have the inquiry. I want to see what it is. Anybody who can teach us that great lesson will do the public a service; but unless an investigation can teach us that, I do not want to learn anything from an inquiry of the sort. I take it that is the only lesson we need.

For these two reasons I hope this amendment will not be agreed to.

Mr. CONKLING. I ask permission of my friend behind me [Mr. CARPENTER] to occupy a moment in reply to my honorable friend from Wisconsin, [Mr. HOWE.] During a somewhat active practice of law for twenty years, and a somewhat varied life, I have learned, I hope thoroughly, a good deal of the evils coming from the use of intoxicating drinks, and I believe with sincerity I may contest with any member of this body a claim to primacy in an earnest wish to do anything I may to mitigate that evil. I assure my honorable friend from Wisconsin that I am quite as honest, quite as earnest, as he can be in this regard; and now I make one prediction, or if it shall not deserve the name of prediction one guess, in regard to this matter.

An amendment has been offered to give one man in five of the triers to one side of this question, in place of having all five on one side; and I thank my friend for interjecting his question, "What question?" The question whether by the compulsion of law, whether by the hand of State or municipal police, you can enforce what are termed sumptuary laws; whether, although the jaws of the sons of all New England ache with chewing tobacco to-day, the best way to put an end to the use of tobacco is by law to enact that they shall not chew? Turning to another branch of the question, I say it is this: Whether total abstinence from everything that can intoxicate, be it distilled spirits, malt liquors, or the light wines of the Rhine or France, or of California, Missouri, and New York; whether total abstinence from the use, on any occasion, as a beverage, of all that can intoxicate is, or is not, a permanent and absolute truth in social economy?

The Senator from Wisconsin has his opinion upon both these questions. I have my impression at least; but I speak of them both in answer to his inquiry what question do I mean when I speak of sides to a question here.

Now I return to the guess I rose to make. I have said, speaking of these questions, we are about to inquire in reference to them. Those who hold views on one side, it is proposed by the Senator from Delaware, shall have one in five of the committee to investigate. My guess is that if the Senate votes down that amendment and declares upon the record that it means a wholly partial, prejudiced, one-sided inquisition, under the name of an inquiry, it will do more to embarrass, defeat and destroy the value of this investigation than it could by any other vote it might give. I venture to say that, in answer to my friend. He will live to know how it is. If I do I will acknowledge my error with as much grace as I may, if it turns out that I am mistaken. I do not believe the friends of this inquiry can afford that. Had not the amendment been offered, had the bill passed without reference to that point, it would be a different case; but when it is proposed to allow one man in five to be on one side of the question to be tried, I do not believe you can afford to say you will not grant as much as that.

Mr. HOWE. I was true to the contract I made; I did not occupy more than three minutes——

Mr. BUCKINGHAM. I hope the Senator will be permitted to go on, and that we shall get a vote on this bill.

The PRESIDING OFFICER. This debate proceeds by unanimous consent, subject to a call for the regular order.

Mr. HOWE. But the three minutes have involved me in a seeming necessity for asking for three or five minutes more; and that I may spend as few minutes as possible, I beg to be indulged with one more reading of the amendment.

The PRESIDING OFFICER. The amendment will be reported.

The Chief Clerk read the amendment proposed by Mr. BAYARD.

Mr. THURMAN. Will my friend from Wisconsin allow me to suggest to him that this matter cannot be disposed of this morning, and that his colleague [Mr. CARPENTER] has permission of the Senate to be heard at one o'clock to-day, and is prepared to go on upon another and very interesting subject. As this bill cannot be disposed of to-day, would it not be better to allow his colleague to proceed with the speech of which he has given notice?

Mr. HOWE. I was in hopes that this matter could be disposed of to-day.

Mr. THURMAN. It cannot be. It is impossible.

Mr. HOWE. There I am confronted with another prediction. I shall not insist if it is going to embarrass my colleague or the Senate to hear me five minutes this morning. I thought this bill could be disposed of. I knew I could be disposed of in a very few minutes if I could be indulged, but if anybody else is going to be embarrassed by it I certainly shall not persist, especially if my colleague——

Mr. THURMAN. I know of other amendments to be offered to the bill that will produce debate.

Mr. HOWE. Very well; I will yield the floor.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The unfinished business of yesterday is now before the Senate.

Mr. CAMERON. I trust the Senator from Wisconsin [Mr. CARPENTER] will not insist on his motion, but will allow us to finish the centennial bill. I have some strong reasons for making this request. Several Senators are not here who would vote on the side on which I shall vote. Then I have some personal reasons. I cannot leave the Senate while that bill is pending. It has become so much a Pennsylvania question that I should be deemed neglectful, in the estimation of my best friends, if I were to leave it. This moment I have received a telegram from home announcing to me the death of a child of one of my dearest friends; the first-born son of a man I love as if he were my own son; and I feel it my duty to go there and mingle my tears with his; and nothing would prevent me from going except this higher duty which I owe to the State of Pennsylvania, to which State I owe all I have.

It may seem a weakness in me to talk about going to the funeral of a boy ten or twelve years old, a hundred and fifty miles away, and perhaps it would be were I a young man; but when one has his foot upon the line which divides time from eternity he begins to look back upon all that belongs to home and its endearments; he begins to remember those to whom he owes everything that he has acquired; he begins to feel that there are higher duties than any which belong to self. I know that the parents of this child will be in deep distress, and I am anxious to go there. I think the Senator from Wisconsin, when I appeal to his heart, will allow us to finish this bill without any interruption, and I trust that the Senate, especially the young men who are full of joy and goodness, and Senators who approach my age, will vote to allow us to bring up this bill and end it now, so that I may go and see my friends in their deep distress, their irreparable loss.

Mr. CARPENTER. It was my purpose to make a speech against the centennial bill. Now, I make this proposition to my friend from Pennsylvania, that if he will give me the time to speak on the Louisiana bill, I will omit the speech against the centennial bill, and he will therefore lose no time in passing that bill. I make that as a proposition to him.

Mr. CAMERON. Mr. President, this is one of those subjects on which I can make no bargain. I trust we shall go on with the regular order.

The PRESIDING OFFICER. The bill (H. R. No. 1394) in relation to the centennial exhibition is before the Senate. The Chair understands that the Senator from Wisconsin moves to postpone it.

Mr. CARPENTER. If such is the sense of the Senate, I will make that motion. I do not want to crowd myself on the Senate out of courtesy to me, and I do not want to be discourteous to the Senator from Pennsylvania. I do not mean to occupy over an hour, and I prefer to do it now.

Mr. THURMAN. By unanimous consent the pending order can be passed over informally and the Senator allowed to proceed, and then the centennial bill keeps its place.

Mr. WEST. As I understand, the Senator from Wisconsin proposes to call up a bill that now lies on the Secretary's desk, for the purpose of submitting some remarks to the Senate on that bill. Is that the proposition?

Mr. CARPENTER. Yes, sir.

Mr. WEST. I would inquire of the Senator whether he proposes to follow up his remarks with a proposition to refer that bill to a committee or not?

Mr. CARPENTER. I understand the Senator from Louisiana desires to speak on it. I certainly shall not be discourteous to him by making a motion that would cut off any remarks he might desire to make. The Senator can trust me on that point.

Mr. WEST. You will not press me?

Mr. CARPENTER. I will not press anything discourteous to you in time, place, or circumstance.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent to lay aside the pending bill informally. Is there objection?

Mr. CAMERON. I object.

The PRESIDING OFFICER. Objection is made; and it is now moved that the pending and all prior orders be postponed, with the view of taking up the bill indicated by the Senator from Wisconsin.

The motion was agreed to; and the Senate proceeded to consider the bill (S. No. 446) to restore the rights of the State of Louisiana.

[Mr. CARPENTER addressed the Senate. His remarks will appear in the Appendix.]

Mr. FRELINGHUYSEN. Mr. President, I have some remarks to submit on this question.

Mr. CAMERON. Mr. President——

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) Does the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. CAMERON. I trust the Senator from New Jersey will not prevent me now from getting up the centennial bill. I made an appeal this morning to the Senator from Wisconsin, [Mr. CARPENTER.] He said he would occupy only an hour, and he would not listen to my appeal. It was the first time in my long service that such an appeal was not granted. Now I ask the Senate to take up the centennial bill. I desire to have that bill settled.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the present bill and all other orders be postponed for the purpose of resuming the consideration of the centennial bill.

Mr. THURMAN. I wish the Senator from Pennsylvania would not make that motion just now. It is obvious that the centennial bill cannot be finally voted on this afternoon. There are several Senators who intend to speak on that bill, some of whom are here and some of whom are not, and we cannot get a vote. Probably we can get through it to-morrow, whether we begin it now or not. I should like very much, if it were the pleasure of the Senate, to be allowed to make some observations—I shall not be more than fifteen or twenty minutes at the outside—on the bill which is now under consideration. I should be glad if the Senator from Pennsylvania would see his way clear and let us have half an hour on this bill before he presses his centennial bill, and then he can take it up and make it the unfinished business, and we can go on with it to-morrow.

Mr. CAMERON. There is no man in this Senate for whom I have a greater respect than the Senator from Ohio, for we have known each other for more than thirty years. I have never refused any appeal made to my feelings. I am desirous of leaving here at the earliest moment. If we take up the centennial bill now and pursue it until to-morrow night, or the next morning, I shall be enabled to go to the place of which I spoke this morning by Friday; but unless we take it up now that cannot be. I trust there will be no more difficulty about it, especially as the Senator from Wisconsin said this morning that he would not interfere after he had made his speech. He said also that he would not occupy more than an hour. I ask the Senate now, in a spirit of kindness to myself, (and I would not do that if the speech of the Senator from Ohio would lose its effect by this postponement) to go on with the centennial bill and pursue it until it is ended, if it can be by to-morrow or the day after.

Mr. CONKLING. Am I right in supposing that the Senator from New Jersey has the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor, but has yielded.

Mr. CONKLING. He has yielded to the Senator from Pennsylvania?

Mr. CAMERON. Yes.

Mr. CONKLING. Then I am very clear that the Senator from Pennsylvania ought to be indulged. He makes an appeal to the Senate which, fortunately, it is never necessary very often in life for any one to make. He wants to go away in consequence of a death which, under the circumstances, comes near to him. It seems to me that unless that request is countervailed by some other similar consideration, as if the Senator from Ohio were called away upon a like errand and wanted to be heard before he went, it should prevail; and if the Senator from New Jersey, who has the floor, yields, I do not see how the rest of us can justify ourselves in refusing to unite with him in his effort to oblige the Senator from Pennsylvania.

Mr. THURMAN. I do not understand that the Senator from Pennsylvania expects to leave this afternoon.

Mr. CAMERON. No.

Mr. CONKLING. But I understand that he would leave this afternoon if he could. He will leave now as soon as he can without subjecting himself to the charge of desertion in respect to the centennial bill; and the Senator from Ohio does not need me to tell him that the sooner the Senator from Pennsylvania gets up his centennial bill the sooner he will have it concluded. Certainly nobody could argue candidly that by postponing his bill until to-morrow he will hasten the time when its termination will occur.

Mr. THURMAN. I must say, very candidly, that if he would allow half an hour more to the bill now under consideration, and then take up the centennial bill, so that it shall be left as the unfinished business, he will get through with it to-morrow, if he can get through with it to-morrow at all, just as well as if we should proceed to consider it right now.

The PRESIDING OFFICER. The question is on the motion to postpone the present bill and all prior orders, for the purpose of taking up the centennial bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain; in which it requested the concurrence of the Senate.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. HITCHCOCK submitted an amendment intended to be proposed by him to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain was read twice by its title, and referred to the Committee on Public Lands.

CENTENNIAL EXHIBITION.

The Senate resumed the consideration of the bill (H. R. No. 1394) in relation to the centennial exhibition.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Ohio [Mr. SHERMAN] to refer this bill to the Committee on Appropriations, upon which the yeas and nays have been ordered.

Mr. SCOTT. I understood that the Senator from Delaware and the Senator from New Jersey, neither of whom was in his seat at the time the motion was agreed to, desired to speak on the bill.

Mr. THURMAN. The Senator from Delaware [Mr. BAYARD] has the floor.

Mr. LOGAN. If he does not claim the floor, why cannot we take the vote?

Mr. THURMAN. There is something more to be said on the bill.

The PRESIDING OFFICER. The Senator from Ohio is now recognized.

Mr. THURMAN. I had not expected to say a word on this bill to-night; but as the Senator from Delaware, [Mr. BAYARD,] who is entitled to the floor, prefers not to speak now, and the Senator from New Jersey [Mr. STOCKTON] also prefers that I should say what I have to say at this time, I shall do so very briefly.

I am opposed to a reference of this bill, after what was said by my colleague, who made that motion. He announced frankly and without reserve that his object in making the motion was to send the bill to the Committee on Appropriations in order that they might report an appropriation. A vote, therefore, to send the bill to that committee is a vote in favor of an appropriation. It might as well be understood first as last that if you send it to that committee, you send it there in order that they may report an appropriation; and when it comes back with the appropriation the only question will be whether the appropriation is large enough, or whether it is too large. Now, as I am opposed to any appropriation at all, either for an international exposition or for a national celebration, I cannot vote to send this bill to the Committee on Appropriations.

I say that I am opposed to any appropriation at all, either for the one purpose or for the other—not that I am opposed to a national celebration of the one hundredth anniversary of American independence; not that I would not vote for an appropriation for that purpose, if I believed that we had the constitutional power to make it; but it is because I do not believe that we have any such constitutional power, that I cannot vote for any such appropriation.

Now, in the first place, with respect to the constitutional power, what Senator on this floor has pointed to one line or one letter of the Constitution that authorizes any such appropriation? My distinguished friend from Pennsylvania who sits nearest to me, [Mr. SCOTT,] than whom there is no man in the Senate better qualified to answer such a proposition if it could be successfully answered, when appealed to to point to that provision in the Constitution which authorizes Congress to give money for any such purpose, was compelled to answer simply by saying the thing had been done before, or things equally without warrant. No man has ventured to point to any such provision, and I imagine that the only provision which can be pointed to is the very well-known clause in regard to the power of Congress to levy taxes. Now let us see what that is. The first clause of section 8 of the first article of the Constitution reads:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

I need not say to every lawyer in the Senate that these words, "to pay the debts and provide for the common defense and general welfare of the United States," are not construed now by any lawyer anywhere to be a distinct and substantive grant of power. It is very true that the Senator from Texas [Mr. FLANAGAN] the other day treated it as a substantive and independent grant of power, and thought that the Constitution gives us power to provide for the general welfare of the United States, just precisely as we may see fit to provide for it. I need not say to those who are somewhat more familiar with this subject that that interpretation of the Constitution would wipe out all the rest of it and every limitation of power whatsoever that is contained in it, and that it would be useless to talk of a strict construction or a latitudinarian construction, if there were in the Constitution a distinct, substantive, independent grant of power to the Congress of the United States to do whatever in its discretion would promote the general welfare of the United States. No, sir; the history of that clause and its meaning is well understood—not that it is not capable of different interpretations. The interpretation that has obtained more generally than any other

is that suggested first, I believe, by Mr. Madison, and adopted by Judge Story in his Commentaries, to insert after the word "excises" the words "in order;" so that the clause should be read as if it were thus: "to lay and collect taxes, duties, imposts, and excises, in order to pay the debts and provide for the common defense and general welfare of the United States." That is the interpretation which perhaps has the greatest weight of opinion in its support.

An interpretation, I know, has been contended for that is almost as bad as that other interpretation contended for by the Senator from Texas the other day, which makes the clause "to provide for the general welfare" a distinct, substantive, and independent grant of power, for it is said that you may levy "taxes, duties, imposts, and excises in order to pay the debts and provide for the general welfare of the United States," that is that your power to raise taxes is only limited by the general welfare, and that for any purpose that Congress in its discretion deems to be promotive of the general welfare, Congress may levy taxes; and if it may levy taxes for such purposes, of course it can expend them for such purposes. That is the argument. Therefore no matter what it is, if Congress shall suppose that it is "for the general welfare of the United States" to set up a particular government in the Sandwich Islands, or to establish schools in China or Japan to educate those people because they have intercourse with us, if Congress should deem that that would be for "the general welfare of the United States," it could levy taxes for that object, and having levied them it could expend them for that purpose. That is the argument upon which many an appropriation that, in my judgment, is entirely violative of the spirit, if not the very text, of the Constitution has been supported, and upon which alone, so far as I can see, must this appropriation be supported if it can be supported at all.

But, sir, is it true that Congress has a right to levy taxes for any purpose whatsoever, that in its discretion it may consider may be promotive of the public welfare? I deny the proposition. Congress has a right to promote the general welfare, as it has a right to provide for the common defense; but here is the rule, a rule that ought to be as inflexible as the laws of the Medes and Persians, that you can only provide for the general welfare by exercising the powers that are delegated to you in the Constitution. That is the mode in which you are to provide for the general welfare; not by going outside of the express delegations of power and roaming through all the universe of things to find something that in your judgment would be promotive of the general welfare. You can promote the general welfare by the exercise of the powers expressly conferred upon you and such as necessarily result by implication from those express grants; but you cannot go outside of that and treat these words, "to promote the general welfare," as a substantive, distinct grant of power. You can do that no more under the guise of the taxing power, than you could do it if that clause was wholly distinct from the clause of taxation. That, therefore, is my objection to this.

Sir, I make no cheap boast of patriotism or of sentiment about the celebration of the 4th of July. I feel it as deeply as those who speak loudest about it. I have no rhetorical phrases to utter upon that subject. I should scorn myself if I thought it necessary to utter any rhetoric to prove my devotion to free institutions, or my admiration of the most memorable day in the history of this world. I have nothing of that kind to do, and I say that I would, if I had the power, grant aid in a great national commemoration of the Sabbath-day of American freedom and of American independence at Philadelphia. It is simply because I have not that power that I will not give that aid. That is my first objection to sending this bill to the Committee on Appropriations.

Then I am opposed to the idea upon which the legislation of Congress on this subject has heretofore gone, all which legislation I voted against, and upon which this bill goes—the idea of an international exposition in conjunction with the celebration of American independence. Why, sir, two more incongruous things could hardly be conceived; it is not necessary for me to go over that ground. They are plainly and manifestly incongruous. I do not say that necessarily our celebration of national independence will exclude foreigners; and it is not simply a celebration of national independence, for he takes but a very short-sighted view of the 4th day of July, 1776, who thinks that that was simply the inauguration of American independence; it was the inauguration of something more precious than American independence—it was the inauguration of free government on this earth, a thing more important than the independence of these Colonies from British rule. Yet I do not say that a skillful and adroit man, with great good taste and judgment, might not deliver an oration on the 4th of July, 1876, in the presence of all the representatives of royalty throughout the world, nay, even in the presence of all royalty itself if it should be there, that would not offend the just sensibilities of any man; but I do say that such an oration would not be the kind of literature that the American people have been accustomed to hear on the 4th day of July; not the kind of celebration that John Adams foretold, or was supposed by Webster to have foretold, would be resorted to on the birthday of American freedom—not that ringing of bells, not that lighting of the bonfires, not that shout of the multitude, not those burning words of freedom from the lips of the orator which Webster supposed John Adams to have uttered in the Congress that declared our independence, and which, in fact, he did in part predict in that very memorable letter to his ever-honored and cherished wife. No, sir, it would be no such oration as that; and it would be no 4th of July in the true spirit of a people proud in their independence, but a thousand times prouder of their freedom, their liberty, and the example they set to the world—an example which they hope in time and in the progress of civilization, education, and intelligence, will overturn every throne that now has a foot-hold on this globe, however deep may be its foundations. Well, sir, I cannot vote for so incongruous a thing. I cannot see how it can be. I cannot see how they can go together; and therefore it is that for that reason, were there no other reason, in my humble judgment the sooner we retrace our steps the better it will be.

I certainly sympathize with the gentlemen of the centennial commission, and with the gentlemen of this board of finance, and with all who have been aiding and abetting them, some of the most accomplished gentlemen and still more accomplished ladies of the land, in the efforts they have made to promote this celebration. No one will regret more than I if their labor should be lost; but I cannot sacrifice my convictions of the Constitution of the land and my convictions of propriety, taste, and good sense because there may be some mortification in the failure of an enterprise that every one sees now must be a failure unless we come to its aid.

There is still another reason why I cannot vote for this bill, and why I am in favor of retracing our steps, and the sooner the better. I do not mean to be in the slightest degree offensive in what I say. I do not mean to charge or insinuate that there has been any false pretense from first to last in all this business; and yet I do say that public morality is involved. I do say that it is a question of public morality. The first bill passed both Houses of Congress in 1871, approved March 3, 1871. When that bill was under consideration, it was most distinctly declared by those who advocated it that the Government of the United States would never be called on to pay one dollar; and when the Senator from Pennsylvania who sits farthest from me, [Mr. CAMERON,] and who had the bill in charge in this body, was asked "Why, then, do you want this act passed?" his answer was "Simply to give the thing character." That was all; simply to give it character. And it was most distinctly asserted that the Government of the United States never would be called upon for one single dollar. That bill passed. At the next session, on the 1st of June, 1872, another bill was approved, the act incorporating the centennial board of finance. When that bill was before us, it was again distinctly asserted in both Houses that the Government would not be called upon for one single dollar of expense; and, "to make assurance doubly sure" it was put distinctly in the bill itself that the Government was to be liable for not one single cent, either of compensation to anybody employed or for any debt that might be created. Nothing could be clearer; and that amendment was adopted by the unanimous vote of the Senate; not a man voted against it. It was reported by the Senator from Pennsylvania himself, reporting the bill back from the Committee on Foreign Relations with that amendment. The amendment was adopted without division, without one single "No" in all the Senate; and thus the pledge made, the only pledge made in the bill, is a pledge to the people of the United States that they should never be taxed to bear a dollar of the expense of this exhibition.

Now, sir, I remember that amendment very well, and the passage of that bill very well. I remember then that in my judgment I thought the whole thing would prove to be a failure. I remember that I said in private conversation, for I took very little part in the debate, "This thing cannot succeed; a great international exposition cannot succeed and never has succeeded without Government coming to its aid, and coming with millions to its aid. In all the history of this world there has been but one such exposition which financially proved a success, and that was in London, with her three millions of population. Everywhere else they have entailed heavy expense on the government. And this attempt by Philadelphia with her municipal financial aid or with the aid of the State of Pennsylvania, or with the voluntary subscriptions to stock contemplated by the bill creating a centennial board of finance, will be an utter failure so far as having a successful international exhibition is concerned." I did then suppose that the whole upshot of the business would be that it would very soon be found out that they could not raise the money necessary to such an exposition, and that the whole thing would be dropped.

But now, sir, when experience has proved what every man ought to have foreseen, that they cannot raise funds enough for the international exposition, instead of dropping it, they come to Congress and ask us to take it upon our shoulders and carry it through at an expense of ten, or fifteen, or perhaps twenty million dollars. There is no hope for it. We have heard some controversy as to what the exposition at Vienna cost Austria. My friend from California [Mr. SARGENT] says it cost Austria $10,000,000, and I understood him to say that there is a deficit of seven millions. That makes seventeen millions. Well, sir, if it cost Austria $17,000,000, where a florin will buy as much as a dollar will here, especially in those works which would be the subject of exposition, I want to know what is going to be the cost here. And now at a time when the whole business of this country is stagnant, and stagnant because Congress does not do its duty of deciding one way or the other upon what shall be the financial policy of the Government—for let us decide either way, business will resume its course in the wonted channels of commerce and trade—at the very time when business is stagnant, and when the Treasury of the United States has been staggering along, almost

at times on the verge of bankruptcy, and when there is a universal cry throughout the country for reform and retrenchment, and when we are turning out poor clerks from the Departments here every day, men and women, in order to retrench a little, save a few thousands of dollars here and there, although I have seen them pass my house with tears in their eyes, not knowing where they would get their next day's bread since they had been turned out at a time like this, we are called upon to embark in an enterprise which my colleague calls "Philadelphia's little show," but which is likely to be the greatest and the most expensive show that ever was indulged in by the people of the United States, if this bill shall pass and the appropriation shall be made which it will require. And let no man tell me that if the Committee on Appropriations report a bill appropriating $3,000,000, or $5,000,000, the thing will stop there. No, sir; if it does stop there with an appropriation of $3,000,000, or even $5,000,000, the exhibition will be a failure and a disgrace to the country, and the American people will not submit to that. They do not like to be disgraced, or at least Congress does not like to be disgraced. Therefore, I say they may report a bill to-morrow and say that they will appropriate $5,000,000 and never will appropriate a dollar more, and they will not have said anything more than they said in the act of 1871. Congress then said that they would never appropriate one dollar, that the United States was never to be liable for a single dollar; and it will be just as easy to break another pledge, a pledge that it shall be liable only for five millions, and make it ten millions, fifteen millions, or twenty millions, if need be, as it is to break that pledge to the people of the United States that not one dollar of theirs should ever be expended for this purpose. No, sir; it is all useless; it will be like the estimate for a work of public improvement or a public building, the New York post-office for instance. I think the estimate for that work was $4,000,000 originally; that was to be the total cost of it; and yet if I am not mistaken in my recollection, nearly nine millions have been expended already, and the entire cost of it will exceed ten millions. So, sir, it will be with this exposition. You began by declaring you would give nothing. Now declare that you will give three millions and no more, and the end of it will be like the estimate for a public building, you will give all that taste, luxury, extravagance, or pride in the end may demand.

Mr. FRELINGHUYSEN. Mr. President, I offer an amendment.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add to the motion to refer, the following instructions:

With instructions to report a bill making appropriation of a sufficient sum of money from the Treasury of the United States, not exceeding $3,000,000, toward defraying the expense of the centennial celebration and exhibition to be held under the auspices of the United States at the city of Philadelphia in 1876, under such regulations as will secure the faithful application and expenditure of said appropriation.

Mr. FRELINGHUYSEN. Mr. President, the Senator from Ohio and the Senator from Kentucky have each challenged the constitutional right of Congress to make an appropriation for either a national or an international exposition. And it occurs to me that it would be a strange thing if every State, county, and township in the United States should have the power to apply public money to an exhibition, but that this great nation, which guarantees to them all the powers they have, is devoid of such power. It would be strange if every petty principality in the world should have the right to make an expenditure to celebrate its natal day, and the United States of America should have no such power. Mr. President, I do not so read the Constitution, and I have no difficulty in placing my finger on the provision of the Constitution which authorizes the expenditure.

The United States is not, sir, a mere agency of the States. It is a nation. It ceased to be an agency when the Constitution took the place of the Articles of Confederation; and we became the better recognized in the world as a nation when on our nationality being disputed by some of the States we successfully asserted it in the recent war.

What does the Constitution declare? In the eighth section of the first article, to which reference is made, there are some eighteen specifications of powers conferred upon the Federal Government. We are there authorized to legislate over the District of Columbia, to regulate commerce, to establish post-offices and post-roads, declare war, raise an army, provide a navy, &c.; and that article declares besides that the General Government has the power to collect taxes in order—I adopt the construction of the Senator from Ohio—in order that we may "provide for the common defense and general welfare of the United States."

It is claimed by the distinguished Senators from Kentucky and Ohio that the power to collect taxes to provide for the general welfare is only ancillary and in aid of the specific powers, referred to by this article, granted to Congress.

Mr. President, that construction cannot be given to this important provision, for two reasons.

The first reason is because at the end of this section, containing the specification of powers, the ancillary power to render those powers effective is given. It is there declared that Congress shall have power to pass all laws necessary and proper to carry into execution the foregoing powers. This provision, therefore, would have no office as an ancillary power.

But the conclusive answer to the claim that the provision to "provide for the general welfare" is only to be construed as a power given in aid of the specified powers is, that the Constitution does not say that it is ancillary to or in aid of those specifications, and you have no right to and cannot interpolate those words into the Constitution. The fact, sir, that so broad a power may be abused is no more of an argument against its existence than is the fact that the power of legislation may be abused, an argument against the existence of that power.

The meaning of the provision of the Constitution, as to the general welfare, is that we have power to collect taxes in order to provide for the common defense and general welfare of the United States. It is a provision giving us as an aggregation of States, as a nation, the power to provide for our nationality as contradistinguished from provisions which relate to the States, and is to be so exercised, while we take care that we do not interfere with the rights of the States. That is the construction of this provision of the Constitution which has been given by some of those who have gone before us.

I will read a short extract from a message of President Monroe to the House of Representatives, on the 4th of March, 1822, in which he says:

It is manifestly incidental to the great objects of the first branch of the grant which authorizes Congress to lay and collect taxes, duties, imposts, and excises; a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together, as they must be, for the one follows immediately after the other in the same sentence, it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts and provide for the common defense and general welfare of the United States—an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated. * * * * *

Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy it would have been to have provided for it by a declaration to that effect. The omission of such declaration is, therefore, an additional proof that it was not intended that the grant should be so construed. * *

Each Government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the nation. * * * * * * *

It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of State rights; shunning that, it seems to be more reasonable and proper that the powers of Congress should be so construed as that the General Government, in its intercourse with other nations, and in our internal concerns, should be able to adopt all such measures lying in the fair scope and intended to facilitate the direct objects of its power as the public welfare may require and a sound and provident policy dictate.

Then, John Quincy Adams, in his message of the 6th of December, 1825, gives a like construction to this provision of the Constitution. He says:

The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact. And no government, in whatever form constituted, can accomplish the lawful ends of its institution but in proportion as it improves the condition of those over whom it is established. * * * But moral, political, and intellectual improvement are duties assigned by the Author of our existence to social no less than to individual man. For the fulfillment of those duties governments are invested with power; and to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated powers is a duty as sacred and indispensable as the usurpation of powers not granted is criminal and odious. * * *

If these powers and others enumerated in the Constitution may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the cultivation and encouragement of the mechanic and the elegant arts, the advancement of literature, and the progress of the sciences, ornamental and profound, to refrain from exercising them for the benefit of the people themselves would be to hide in the earth the talent committed to our charge, would be treachery to the most sacred of trusts.

The construction I present does not originate with me, and is not an idea that has sprung up to-day; it is the view of Monroe and of John Quincy Adams, and which has been acted on in numerous cases of legislation. This construction, too, I insist, has gained force by the history of our country during the last decade. It has become stronger and more clear just as our nationality has become better established.

Mr. STEVENSON. Will the Senator from New Jersey allow me to ask him a question?

Mr. FRELINGHUYSEN. Certainly.

Mr. STEVENSON. Does he regard the right "to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States" as unlimited? Is that power unlimited?

Mr. FRELINGHUYSEN. I will answer the Senator.

Mr. STEVENSON. And if not unlimited, I hope I shall not trouble the Senator by asking him to tell us where the limitation is.

Mr. FRELINGHUYSEN. Mr. President, as I said before, the possible abuse of any power is no argument against its existence; if it was we could disprove the existence of each and every power conferred by the Constitution.

I think my suggestions and the authorities I have read show that the power to collect taxes to provide for the general welfare is not ancillary to the specific powers, because the ancillary power is otherwise provided, and because the Constitution does not say that it is intended in aid of the specified powers. It is clearly a power to promote the welfare of the nation of the United States, as distinguished from the several States, and to be exercised so as not to interfere with the

rights of the States; and the limitation of the power is that it is to be used for the welfare of the nation as such, and so as not to conflict with the rights of the several States.

Mr. President, one word in reference to this amendment. I do think it would be a matter of regret should we refuse to make a reasonable appropriation for this exposition. There can be no objection to our opening our doors to other nations, inasmuch as we have heretofore availed ourselves of the like entertainment offered by them to us. No one, I think, can object seriously to the expenditure. There are times when we may even afford to waste a little money. There is a time when it is right to break the alabaster box. The injunction, you remember, came to Moses on Mount Sinai, to "hallow the fiftieth year, and proclaim liberty throughout the land;" and it was done in no miserly manner; not by an expenditure of a few thousand dollars, but by resting from all labor during the whole year; by forgiving all debts; by setting the bondman free, and by rejoicing throughout all the land because of their deliverance from bondage. We surely will not raise a question whether we, on the centennial of our birth, can afford the expenditure. No, sir; that is not the objection.

The main objection against this exhibition, originating with the honorable Senator from Massachusetts, [Mr. SUMNER,] and adopted by the Senators from Nevada, and Kentucky, and Ohio, is that it would be contrary to good taste, refined delicacy; that it would in fact be impolite for us to invite the representatives of other nations to stand on our broad continent while we celebrated somewhere our jubilee of liberty. Why, sir, such exquisiteness would become girls of sixteen, but not us.

Mr. President, does any one suppose that it is proposed to have a saturnalia of vulgar boasting in the very aisles and walks of the exhibition; that it is the purpose to visit the alcoves and tables of our guests with drum and fife and din "Hail Columbia" and the "Star-Spangled Banner" into their ears; that we intend to have a corps of Fourth of July orators to harangue them, or a flock of American eagles to prey upon them? I trust something may be left to the good sense, to the good breeding, and to the native politeness of the American people.

And who is it that is to be offended? Is it France, who aided us most efficiently in obtaining the very liberties we celebrate, and who now boasts a republican government? Is it Spain, who, having outlived tyranny, now claims that she has a government by the people and for the people? Is it Italy, the home of the Cæsars, with its constitutional government? Or Germany, the cradle of religious freedom? Is it Switzerland, that had a republic, I believe, before our continent was discovered? Is it Holland, with her states-general, the asylum for the Huguenot and the Puritan, and the port from whence our fathers started when they came here to plant the tree of liberty? Or is it merry old England, which is to be insulted by our rejoicing over civil liberty? Why, Mr. President, the descendants of those renowned barons who waded through seas of blood to establish their own liberty will not be offended at our rejoicing. That people from whom we get the very foundation-stones of our liberties, the common law, and the great charter of Runnymede, will they object to hosannas to civil liberty? That people who, more than any other in the world, have brought the royal and the ecclesiastical tyrants to the block, and there taught them that law and not men was supreme, will not be offended by our celebration. The day has passed when we were wont to cherish animosity to England, and accustomed to talk of our grievances as colonists. Our passions are hushed; our animosities are subdued. She has with us one law, one language, one religion, and similar institutions. She is our kinfolk. She needs us and we need her; and whether you vote an appropriation or not, I predict that on the 4th of July, 1876, in old Independence Hall, we will strike hands with old England for the good of all mankind.

The representatives of these peoples among us smile at the idea of our assuming that they admit we are better friends of civil liberty than they, and at our supposing that they will be offended at our celebration.

If we want, sir, to make this exhibition a pecuniary and popular success, we must make it not national but international. One of the dullest and most stupid things in the world is a mere domestic fair or exhibition. Should we have at Philadelphia the Turks, Algerines, and Chinese, with the people from Nubia and Egypt and Greece and Persia, with their customs and their costumes, curiosity will be excited and the people will come from all parts of our land and make this exposition a grand popular and pecuniary success. They will there, too, be instructed as well as interested by the comparison of the works of art and of skill of the countries of the world. Twenty thousand people, too, no doubt, would come from foreign lands, and should they spend an average of $500 each, we would have our $10,000,000 of money. .

Besides, there is a matter of character in this question. We have been referred to the protests that Congress shall pay no money in aid of the exhibition, contained in the acts we have passed.. But, sir, we did not send that protest to other nations when notice was given them that there was to be an international exhibition here.

Mr. THURMAN. Will the Senator allow me to interrupt him there?

Mr. FRELINGHUYSEN. Certainly.

Mr. THURMAN. I wish the advocates of this bill would take either one ground or the other. According to my poor understanding, and according to the poor understanding of our diplomatic representatives abroad, the circular of the Secretary of State directing them to communicate the matter of this international exhibition to the governments to whom they were accredited, was an invitation. I never should have thought otherwise; but now it turns out, according to a letter read by the Senator from Pennsylvania, [Mr. SCOTT,] a letter from the Secretary of State to our diplomatic representatives abroad, that they have totally misunderstood his meaning; that it was no invitation at all. Treating it as an invitation, about six powers have accepted it. But if it is an invitation, here is the glaring fact, that although it was given eight months ago, but one of the first powers of Europe has accepted it. If it is not an invitation, then I want to know why the Senator from New Jersey talks about our having communications back that will pay in money? If it is not an invitation, nobody has been invited, and the thing stands on a plain *tabula rasa*.

Mr. FRELINGHUYSEN. I wish that my friends in the Senate would never ask me questions more difficult to answer than that asked by the Senator from Ohio. I suppose that in strictness it was not an invitation that was sent; no more so at least than if my friend should send me a card stating that he was at home on Thursday evening from nine to eleven. That would not be an invitation; it does not tell me to come; but according to the customs of society I should feel authorized to visit him, and no doubt would be entertained. Notice was given foreign nations that this exhibition was to take place, and they understood it to be an invitation; and we cannot now withdraw it without subjecting ourselves to the charge of inhospitality.

Mr. THURMAN. Then I beg my friend to answer my other question. What does the Secretary of State mean by addressing a circular to our diplomatic representatives saying that it was not an invitation?

Mr. FRELINGHUYSEN. The question of the propriety of the conduct of the Secretary of State is not before us; but we know that he is a prudent officer. He probably saw in the laws the provision that Congress was to incur no expense, and probably feared that the mere notice that there was to be an exposition which the nations had received as an invitation, might commit our country further than he was authorized to permit.

Mr. President, I submit that we do not treat Pennsylvania fairly in this matter. To speak plainly, I think we treat her badly. It was by reason of the historic associations that cluster in this regard around Philadelphia that by common consent that locality was selected as the one of all others where this exhibition should be held. That being fixed, what was the State of Pennsylvania to do but go forward and take the initiative in the movement? And she and her people have subscribed two and a half millions to the fund; while every other State, with the exception of the subscription from the State I have the honor in part to represent, has withheld all aid or support. And now Congress says, "We will not interfere; go on with your grand show." It is not Pennsylvania's show; it is not Philadelphia's; it belongs to me, and to every other American citizen, and to every State of the Union. Whether, sir, we vote money or refuse to vote it, that exhibition I believe will go on. Our people have never yet taken the back track on the question of liberty, whether it was to wrest it from a foreign power, or whether it was to defend it at home, and they will not give up this celebration of the hundredth anniversary of its birth.

Mr. President, this is a measure in aid of peace, of good feeling, and the assimilation of the nations of the earth; and should have our hearty support. The ocean steamer and the telegraph have made of the nations a republic; so that a cry of distress in the feeblest nation is echoed all over Christendom; and next to these agencies, expositions like that proposed have done most to promote this friendly regard among the peoples of the earth. The people of other countries wish to know us. Up to the time of our recent war they had little faith in the permanency of our Republic. They believed that we would not submit to military discipline; that our Government was a rope of sand, which would break as soon as the concussion came. They have now changed their opinion. They see us united in good fellowship, a strong power; and they wish to know us better. Much ignorance exists in reference to us abroad. A gentleman told me recently that his daughter attended for some time a school in Liverpool, and that he examined the geography she studied, and found it contained only twenty-eight questions in reference to the United States, and that fourteen of those were wrongly answered. One question was, "What is the capital of the State of New York?" And the answer was, "The city of New York." [Laughter.] Again, "What is the capital of Pennsylvania?" "Philadelphia." "What is the chief town of Illinois?" And what does my friend from Illinois suppose the answer was? "Keokuk!" [Laughter.]

Let the people of other lands come here and learn what our civilization is; let them see our schools, our churches; see our treatment and high estimate of woman; and see our refinement. Let them come and see a people who have inalienable rights; and when they go home they will not rest until they have inalienable rights for themselves.

Mr. STEWART. Mr. President——

Mr. SARGENT. Will my friend give way to a motion to adjourn?

Mr. STEWART. I want to make just a remark or two, and then I will yield.

Mr. SUMNER. Let us have an adjournment.

Mr. RAMSEY. It is five o'clock.

Mr. SUMNER. And many Senators wish to speak.

Mr. STEWART. I will not occupy a moment. I simply rise to call attention to the fact that we are now told we have much to learn in republicanism from the monarchies of Europe, and to suggest to my friend from New Jersey that our style of oratory on that occasion must be very much changed from the Fourth of July orations I have been accustomed to if we are to adopt his style to-day. If we are to model our republican institutions and our ideas of liberty on the examples he has given us to-day from the Old World; if we are to learn from them and not they from us; if we cannot speak of liberty without offending them because they are so eminently free, our style of oratory has been a mistake all the time. We have been claiming for ourselves free institutions, that we had something better than they had in the Old World; we have been proclaiming that we intended to agitate the question of republian liberty until the Old World became republican. That has been our idea; and now are we to say that our ideas of republican institutions are not sufficiently advanced to grate at all upon them, or to conflict at all with their settled notions, and that they would admire all we have to say; that England has so far advanced, that she has such free institutions and such a liberal people that they will admire our political ideas and our style of Fourth of July orations? I think if we pass eulogies on their free institutions up to the standard of the Senator from New Jersey, we shall offend our people somewhat. I do not think they will come prepared to hear such eulogies. I do not think the millions who have come here to escape the oppression of the Old World will go to the celebration with a great deal of relish to hear the republican institutions of Europe eulogized.

Mr. SUMNER. Now let us have an adjournment.

Mr. STEWART. Very well, I will give way.

Mr. STOCKTON. Mr. President——

Mr. SARGENT. I believe the Senator desires the floor.

Mr. STOCKTON. That is all I desire.

The PRESIDENT *pro tempore*. The Senator from New Jersey is recognized.

Mr. STEWART. I have not got quite through. I want to make a few more suggestions.

The PRESIDENT *pro tempore*. The Chair was mistaken.

Mr. SARGENT. So was I.

Mr. STEWART. I will give way to a motion to adjourn.

Mr. SARGENT. I move that the Senate adjourn.

Mr. CAMERON. I ask the ear of the Senator from California for a moment.

Mr. SARGENT. It is impossible to sit this bill out to-night.

Mr. CAMERON. I beg the Senator from California to listen to me for a moment.

Mr. SARGENT. With great pleasure.

Mr. CAMERON. Then I give notice that I shall ask the Senate to-morrow, if we adjourn now, to continue the centennial bill until it is finished. You will have to decide it some time, and you may as well decide it now as hereafter. By deciding it now you will do a great favor to my feelings and my affections, and I beg that you will do so.

The PRESIDENT *pro tempore*. The Senator from California [Mr. SARGENT] moves that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 4, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

FORT SANDERS MILITARY RESERVATION.

The SPEAKER laid before the House a letter from the Secretary of War, in relation to House bill No. 773, to reduce the Fort Sanders military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

OSAGE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting draught of a bill authorizing the Secretary of the Interior to use funds from sale of lands for the benefit of the Osage Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the bill providing for the construction of the Portland, Dalles and Salt Lake Railroad; which was referred to the Committee on Railways and Canals, and ordered to be printed.

S. B. SPURLOCK, ET AL.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of February 24, 1874, in relation to the claim of S. B. Spurlock, Asa Faulkner, and Lewis Faulkner; which was referred to the Committee on War Claims, and ordered to be printed.

KENOSHA HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the condition of the harbor at Kenosha, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

ARKANSAS VALLEY RAILWAY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the bill (H. R. No. 750) granting the right of way over the Fort Lyon military reservation, Colorado Territory, to the Arkansas Valley Railway Company; which was referred to the Committee on Military Affairs, and ordered to be printed.

HENRY S. ZUMRO.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Judge-Advocate-General upon the claim of Henry S. Zumro; which was referred to the Committee on War Claims, and ordered to be printed.

SETTLERS ON FORT RANDALL MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the bill for the relief of certain settlers on the Fort Randall military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

FLATHEAD INDIANS IN MONTANA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an appropriation for the relief of the Flathead Indians in Montana; which was referred to the Committee on Indian Affairs, and ordered to be printed.

KANSAS INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in relation to an estimate of appropriation required for the settlement, subsistence, and support of the Kansas Indians on their new reservation in the Indian Territory; which was read, and referred to the Committee on Indian Affairs, and ordered to be printed.

PLYMOUTH HARBOR, MASSACHUSETTS.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of December 10, 1873, in relation to the survey of Plymouth Harbor, Massachusetts; which was referred to the Committee on Commerce, and ordered to be printed.

MILITARY TELEGRAPH IN TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the cost of a military telegraph in Texas; which was referred to the Committee on Military Affairs, and ordered to be printed.

A. D. FISHER.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a draught of a bill for the relief of A. D. Fisher; which was referred to the Committee on Claims, and ordered to be printed.

REPRESENTATIVE AT LARGE FROM LOUISIANA.

The SPEAKER also laid before the House additional papers relating to the election of Representative at large from the State of Louisiana; which were referred to the Committee on Elections.

CONTRACTS OF THE WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of April 21, 1808, a statement of contracts made by the various Bureaus of the War Department on behalf of the United States during the year 1873; which was referred to the Committee on Military Affairs, and ordered to be printed.

CURRENCY.

Mr. POTTER. I desire to present the memorial of E. S. Jaffray & Co., and hundreds of others, merchants, bankers, banks, insurance companies, and business men, of the city of New York, representing an aggregate capital of over $470,000,000, against any increase of irredeemable currency by the Government, and protesting against the action of the Secretary of the Treasury in issuing Treasury notes without authority of law. I ask that the memorial be referred to the Committee on Banking and Currency, and printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The memorial is as follows:

To the Senate and House of Representatives in Congress assembled:

Your petitioners beg leave respectfully to represent that they are greatly alarmed at the assumption by the Secretary of the Treasury of the right to issue new United States notes, commonly known as greenbacks, without the sanction of law.

The issue of irredeemable paper money, and making it a legal tender, is simply levying a forced loan upon the people of the United States. Such an extreme measure can only be excused by the vital necessity arising from a great war, and is even then in direct violation of all ordinary constitutional powers. So far as your petitioners are aware, no civilized government has ever resorted to the issue of irredeemable paper money in a time of peace; and it is a most remarkable event that

the great, rich, and prosperous nation of the United States should resort to such a ruinous expedient, without the slightest necessity to excuse it.

Your petitioners, consequently, respectfully but most earnestly urge your honorable body to put an immediate stop to the further issue of greenbacks by the Secretary of the Treasury, and to make arrangements, by the negotiation of bonds or otherwise, to call in and cancel at once every dollar of the so-called reserve which has been issued.

The memorial is signed as follows:

E. S. Jaffray & Co.; Morris Franklin, president New York Life Insurance Co.; C. W. Bouck, president Brooklyn Life Insurance Co.; Whitney, Cook & Co.; Adler Bros. & Newbouer; Ward, Dickson & Co.; C. Doremus; Brower Bros.; Rothschild & Heyman; Denny, Poor & Co.; Clark Bros. & Co.; N. Sullivan & Co.; A. Gieve &Co.; Paton & Co.; Du Bois, Magovern & Co.; Magovern & Co.; David Valentine & Co.; P. A. Dailey & Co.; Butler, Pitkin & Co.; Butler, Broome & Clapp; Buckley, Welling & Co.; Austin, Thorp & Co.; P. Van Volkenburgh & Co.; John M. Davies & Co.; Strasburger, Pheiffer & Co.; Charles Zinn & Co.; Mills & Gibb; Bairdain, Davison & Co.; Carhart, Whitford & Co.; Lesher, Whitman & Co.; S. A. Beekman & Co.; Catlin, Brundrett & Co.; Johnson Bros. & Co.; Collins, Downing & Co.; James Wilde, jr., & Co.; Waterbury, Smith & Co.; C. G. Gunther's Sons; Adriance, Robbins & Co.; Emery, Ivey & Lee; S. & M. Davidson & Co.; Rosenfeld Bros. & Co.; J. B. Spelman; E. S. Mills & Co.; Edmund Yard, jr., & Co.; Lawson Bros. & Co.; Faulkner, Page & Co.; Park & Tilford; James McCreery & Co.; R. M. Buchanan, cashier of Fulton National Bank; Dry Goods Bank, William P. Brintnall, president; National Bank of the State of New York, G. N. Duer, president; National Bank of the Republic, R. H. Lowry, president; Mercantile National Bank, Norman White, president; The Produce Bank, Thomas L. Raymond, president; Irving National Bank, by John Castree, president; Grocers' Bank, by Samuel B. White, president; North River Bank, A. B. Hays, cashier; New York National Exchange Bank, C. B. Outcalt, cashier; People's Bank, George J. N. Zabriskie, cashier; Manufacturers and Merchants' Bank, Theo. D. Warren, cashier; East River National Bank, Charles Jenkins, president; Second National Bank, O. D. Roberts, cashier; New York County National Bank, George H. Wyckoff, cashier; Ninth Ward Bank, T. J. Coleman, president; Bank of America, per William L. Jenkins, president; Merchants' National Bank, J. D. Vermilye, president; Bank of New York N. B. A., C. P. Leverich, president; D. R. Mangam, president National Trust Company; J. C. Cruikshank, secretary National Trust Company; John E. Dewitt, president United States Life Insurance Company; Charles E. Pease, secretary United States Life Insurance Company; William Walker, president Universal Life Insurance Company; John H. Bewley, secretary Universal Life Insurance Company; George T. Hope, president Continental Fire Insurance Company; Cyrus Peck, secretary Continental Fire Insurance Company; J. F. Halsted, president Fireman's Insurance Company; Stephen Crowell, president Phœnix Fire Insurance Company; Morris Franklin, president New York Life Insurance Company; John J. Cisco & Son; Drexel, Morgan & Co.; Vermilye & Co.; James B. Colgate & Co.; McKim Brothers & Co.; Turner Brothers; J. & J. Stuart & Co.; Kuhn, Loeb & Co.; W. B. Shattuck & Co.; Gwynne & Day; Taylor Brothers; Hallgarten & Co.; Charles Unger & Co.; Van Schaick & Co.; W. T. Hatch & Son; Blake Bros. & Co.; Nichols, Stone & Co.; Schafer Bros.; J. A. Stewart; E. King; Peck & Martin; J. N. Phelps; Bank of the Manhattan Company, J. M. Morrison, president; F. Chandler, president National Mechanics' Banking Association; Mechanics' National Bank, by Benjamin B. Sherman, president; Union National Bank, D. C. Hays, president; Leather Manufacturers' National Bank, D. L. Holden, cashier; A. Lane, cashier of the Fourth National Bank; Hanover National Bank, per William H. Scott, president; The American Exchange National Bank, by George S. Coe, president; The German American Bank, O. H. Schreiner, cashier; The Chatham National Bank, George M. Hard, cashier; National Park Bank, by William K. Kitchen, president; The Nassau Bank, W. H. Rogers, cashier; J. L. Everitt, cashier National Broadway Bank; The Importers and Traders' National Bank of New York, by James Buell, president; Chemical National Bank, G. G. Williams, cashier; National Shoe and Leather Bank, J. M. Crane, cashier; Tradesmen's National Bank, A. Halsey, cashier; Security Bank, Benjamin H. Dewey, cashier; National Citizens' Bank, S. R. Comstock, president; Havemeyer, Eastwick & Co.; North River Sugar Refining Company, George H. Moller, secretary; Beebe & Brother; John M. White & Co.; Busk & Jevons; Zophar Mills; P. W. Engs & Sons; A. A. Low & Brothers; Woodruff, Spencer & Stout; H. K. Thurber & Co.; James Vincent & Co.; E. Welch; James Lynch; Strang & Holland Brothers; D. H. Houghtaling & Co.; Mallory & Butterfield; John W. Mason & Co.; Tobias & Windmuller; H. & G. B. Farrington & Co.; Prescott & Sons; John W. Mason; George B. Walbridge; Benjamin Drake; Edward Ostrom; Weizel, Wells & Co.; J. S. Rockwell & Co.; The J. L. Mott Iron Works, Jordan L. Mott, president; E. F. Holbrook & Brother; Martin Kalbfleisch's Sons; Morris, Delano & Co.; William Bryce & Co.; Hadden & Co.; William A. Dodge; Paul Zunz & Co.; D. A. Vanhorne & Co.; Joseph Ripley & Sons; Horace A. White & Co.; Chard & Howe; E. & G. Friend & Co.; Rosevelt & Son; G. T. Jackson; C. Eratti; Harris Wines; G. & W. Smith; J. Lee & Co.; H. H. Nazro; S. M. Parker & Co.; H. M. & W. Le Count; Green Bros.; Fielding, Gwynn & Co.; Herman Bros. & Co.; Bauendahl & Co.; W. C. Langley & Co.; W. W. Huntington & Co.; William Henry Smith & Co.; James F. White & Co.; Pastor, Walkinshaw & Co.; Kutter, Luckemeyer & Co.; William Turnbull & Co.; Chase, Stewart & Co.; Lowe, Harriman & Co.; E. W. Holbrook & Co.; Kibbe, Chaffee, Shreve & Co.; William Lottimer & Co.; Charles G. Shaw; Fred. Victor & Achelis; Pomeroy & Plummer; E. Packard & Co.; William Watson & Co.; John H. Anderson & Co.; John & Hugh Auchincloss; Rhoades & Grosvenor; Macaulay & Co.; James F. Wenman & Co.; J. Yeoman; G. Heincken & Co.; G. G. Moore & Co.; Ralli Brothers; C. Mennelas; Calvocoressi & Rodocanachi; Louis H. Zerega & Co.; Edward Heilburth; Charles Scott & Co.; Arnold, Constable & Co.; Devlin & Co.; Lord & Taylor, per J. O. Otto, attorney; Cochran, McLean & Co.; Bartlett, Reed & Co.; Morrison, Herriman & Co.; Lehmaier Brothers; E. B. Strange & Brothers; William Strange & Co.; Field, Morris, Fenner & Co.; Duden, Frères & Co.; J. L. Allien & Co.; Samuel McLean & Co.; Kiefer & Co.; W. A. Ransom & Co.; Ivison, Blakeman, Taylor & Co.; Benedict, Hall & Co.; Lee, Tweedy & Co.; John S. Dickerson & Co.; W. Oothout & Co., per Edward Oothout; Naylor & Co.; Francis Hobson & Son, John Hogan, agent; Sanderson Brothers & Co., per Edward Firth; William Jessup & Sons, W. O. Woodford, attorney; F. S. Winston; Charles J. Martin; D. A. Heald; J. H. Washburn; William Leconey, 119 Broadway; J. A. Perry; H. H. Lamport; Ezra White & Sons; J. & C. Johnston; W. C. Browning & Co.; J. & J. W. Crossley; Orange Judd Co., L. A. Chase, treasurer; Marvin & Co.

PRINTING OF THE BANKRUPT LAW.

Mr. SPEER, by unanimous consent, submitted the following resolution; which was read, and, under the law, referred to the Committee on Printing:

Resolved, That there be printed for the use of the House one thousand extra copies of bill H. R. No. 792, to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, with the amendments of the Senate thereto, the number already printed being exhausted.

REFUNDING OF THE COTTON TAX.

Mr. WHITE, (on behalf of Mr. STEPHENS, who is detained from his seat by illness,) introduced a bill (H. R. No. 2338) to refund the cotton tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTIES ON IMPORTED WINES.

Mr. WOOD, from the Committee on Ways and Means, reported a bill (H. R. No. 2339) to regulate the duties on imported wines; which was read a first and second time.

The bill was read at length.

Mr. RANDALL. How does that get in?

The SPEAKER. It is reported by the gentleman from New York [Mr. WOOD] from the Committee on Ways and Means, which is entitled to report at any time for committal. The gentleman asks that it may be considered in the House.

Mr. RANDALL. I raise the point of order that the bill, being a tax bill, must have its first consideration in Committee of the Whole.

Mr. WOOD. Before the gentleman objects I desire to say that it is a proposition to increase the revenue nearly $2,000,000; and there are various grave reasons why it ought to be passed as speedily as possible. It will take but a few minutes. I do not intend to detain the House by a speech upon it, and I hope the gentleman will withdraw his objection.

Mr. RANDALL. I have no doubt that the Committee on Ways and Means understand this subject thoroughly, because they have examined it; but the House is not in the same advantageous position, and therefore I make the point of order.

Mr. W. R. ROBERTS. Why, this is in the line of protection; and I wonder that the gentleman objects. The very thing we should tax is wine.

Mr. WOOD. The bill could have been passed by this time. I will state very briefly the changes proposed in the existing law by the bill.

The SPEAKER. The gentleman from Pennsylvania having made the point of order, the bill is referred to the Committee of the Whole on the state of the Union.

ORDER OF BUSINESS.

Mr. McKEE. I call for the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at fifteen minutes past twelve o'clock, and reports are in order from the Committee on the Territories.

EXECUTION OF THE LAWS IN UTAH.

Mr. McKEE, from the Committee on the Territories, reported back, with amendments and with the recommendation that it do pass, the bill (H. R. No. 2204) concerning the execution of the laws in the Territory of Utah, and for other purposes.

Mr. McKEE. This bill is quite lengthy, and unless it is to be considered now I do not wish to take up time in the morning hour by having the bill read. It has been printed with the exception of a few small amendments, and I would rather that some day should be set for its consideration so that the whole House may have time to read and consider it, and, if they wish it, time to discuss it. I do not wish to press it now and keep it in the morning hour from day to day. It is an important bill, and might take up the morning hour indefinitely. I ask unanimous consent that it be set for consideration for the third Tuesday in March, at half-past one o'clock. There is a proposition prepared by the minority of the committee which has not been presented, but which they wish to bring before the House this morning.

Mr. CROUNSE. In behalf of five members of the committee I wish to present a substitute for this bill.

Mr. McKEE. I ask that this bill may be made a special order for the third Tuesday of this month, at half-past one o'clock, and from day to day until disposed of.

Mr. COX. I think it had better be set for a more distant day.

Mr. BUTLER, of Massachusetts. I desire to call the attention of the House for a moment to the fact that, in my judgment, this bill should be committed to the Committee on the Judiciary. It is essentially a judicial question. The title of the bill is "Concerning the execution of the laws in the Territory of Utah, and for other purposes." It proposes to remodel all the courts, all the juries, and the various machinery of the courts in Utah. The subject was first before the Committee on the Judiciary, and we began its consideration. It was afterward taken up by the Committee on the Territories. I understand that committee to be very nearly equally divided upon it, six in the majority and five in the minority. I think that we, in the Committee on the Judiciary, can come to a more unanimous conclusion, one way or the other. I do not wonder that the Committee on the Territories are divided. This is a new matter to them, one entirely beyond their proper cognizance. I hope that the bill will be referred to the Committee on the Judiciary, who already have three bills upon this subject before them, including one of which this was a draught, and which is under consideration by my learned colleague, the gentleman from Vermont, [Mr. POLAND.] At the proper time I will make the motion to refer.

Mr. McKEE. I desire to state that as to the question of jurisdiction the Committee on the Territories, under the rules of this House, have almost exclusive jurisdiction of this subject, while the Committee on the Judiciary has only such jurisdiction as may be conferred upon it by a reference of the bill; only that and no more.

Mr. POTTER. This bill is something like one which was before the last Congress, and which was referred to the Committee on the Judi-

ciary. It was discussed during the entire two sessions of that Congress, and the committee finally, after a very mature consideration, arrived at a unanimous conclusion upon the subject. The chairman of the committee, Judge Bingham, was directed to report the bill to the House, but owing to the lateness of the session he had no opportunity to do so. This bill provides for a new system of drawing juries in the Territory of Utah, owing to the particular situation of affairs there, but at the same time it is important in the precedent it will establish. The consideration of the subject has been again resumed by the Committee on the Judiciary of this Congress, and I quite agree with the chairman of that committee, [Mr. BUTLER, of Massachusetts,] that it is probable we will soon arrive at nearly a unanimous conclusion upon the subject. I think if we proceed to consider the report of the Committee on the Territories it will not result in any wise or prudent legislation.

Mr. McKEE. The Committee on the Judiciary have failed to bring forward a bill; they failed in the last Congress. This bill is nothing new; it has been passed heretofore by the House, and I think by the Senate.

Mr. POTTER. We have failed to bring it before the House this session because our committee has not yet been reached on this call, and we failed last session merely because the committee were not called.

Mr. HALE, of Maine. I ask the gentleman from Mississippi [Mr. McKEE] in his proposition for assignment to except appropriation bills.

Mr. McKEE. I make that exception.

The SPEAKER. The proposition requires unanimous consent.

Mr. BUTLER, of Massachusetts. I object, and move that the bill be referred to the Committee on the Judiciary.

The SPEAKER. The bill has not yet been read; all this discussion is informal, but the Chair has indulged it, because he supposed some arrangement might be agreed to.

Mr. McKEE. I call for the reading of the rule relative to the jurisdiction of the Committee on the Territories.

The Clerk read the rule, as follows:

It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as in their opinion may be necessary to secure the rights and privileges of residents and non-residents.

The SPEAKER. There is no doubt whatever that the Committee on the Territories have perfect authority to report this bill, nor is there any doubt whatever that the House has the right to refer it to another committee; it is merely a question for the majority of the House to determine.

Mr. COX. With the permission of the gentleman who reported this bill [Mr. McKEE] I would like to say one word in favor of its reference to the Committee on the Judiciary.

Mr. McKEE. I will withdraw the bill for the present in order to report other bills from our committee, after which I will report this bill; and if the House will sustain me, I will keep it in the morning hour until disposed of.

Mr. COX. Well, Mr. Speaker, is the motion of the gentleman from Massachusetts now pending or is the bill withdrawn?

Mr. McKEE. It is only withdrawn temporarily, in order that we may report another bill. This bill will come up again before this morning hour is out.

RAILROAD IN THURSTON COUNTY, WASHINGTON TERRITORY.

Mr. HOSKINS, from the Committee on the Territories, reported back with an amendment, in the form of a substitute, the bill (H. R. No. 767) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the North Pacific Railroad at or near Tenino.

The SPEAKER. The substitute will be treated as an original bill.

The substitute (H. R. No. 2340) was read. It provides that the county commissioners of Thurston County, in Washington Territory, be authorized and empowered to contract with any legally authorized corporation or individuals to construct and equip a railroad from Budd's Inlet, Puget Sound, to connect with the North Pacific Railroad at or near Tenino, all in the said county of Thurston, and to issue bonds of Thurston County in aid thereof, which bonds shall bear interest not exceeding 10 per cent. per annum, and the principal whereof shall not exceed in amount 7 per cent. of the value of the taxable property of the county, as legally assessed for territorial taxation, and shall not in any event exceed in the aggregate $200,000, notwithstanding this sum may be less than 7 per cent. of such taxable valuation; and any such bonds in excess of said 7 per cent. of the territorial taxable valuation of the property of the county, or in excess of $200,000 in the aggregate in any event, shall be absolutely void; and all persons interested are required to take notice thereof. The county commissioners are authorized to designate the time and manner of payment of the principal and interest of said bonds; and also to determine the class and gauge of said railroad; but no bonds are to be issued until the full and final completion of the road; and the county is not to contract with any person, firm, or corporation to construct the road until such person, firm, or company shall enter into a good and sufficient bond in the penal sum of $100,000, to be secured by a first mortgage on the road, conditioned that they will operate the road with passenger and freight trains for a period of twenty-five years. The second section of the bill provides that when the county commissioners shall have agreed upon the terms for the construction of the road with any individual, firm, or corporation, they shall call a special election, at such time as they may designate, by causing three notices of such election, which notices shall embrace the terms of the proposed contract, to be posted for twenty days in each election precinct of the county, in the most public places in each precinct, at which election the proposed contract shall be submitted to the legal voters of the county. If two-thirds of the votes cast at that election shall be in favor of the contract, and such two-thirds shall be equal in number to a majority of the votes cast in the county at the next preceding election for a Delegate in the Congress of the United States, then the county commissioners shall complete the agreement and issue the bonds provided for by this act, but not otherwise. Such election is to be held at the same places, and in the same manner, and the returns thereof made and filed with the same officers, as required in the case of elections for county officers under the laws of the Territory.

Mr. RANDALL. Is the bill printed?

Mr. HOSKINS. The bill as originally introduced has been printed; but the substitute reported by the committee has not been printed.

Mr. RANDALL. Then I make the motion to refer the bill to the Committee of the Whole on the state of the Union, and to have it printed, because it involves the very important question whether the Government of the United States should force upon a county of a Territory the creation of a debt.

Mr. HOSKINS. With the permission of the Chair, I will state the provisions of the bill. I am not particular, so far as I am concerned, whether it be recommitted or be passed now.

Mr. BUTLER, of Massachusetts. I reserve the right to make a point of order on the bill.

Mr. RANDALL. As the gentleman reporting the bill is not unwilling, then I suggest that the bill be allowed to go to the Committee of the Whole, and be printed. Thus we shall all have an opportunity to examine it.

Mr. HOSKINS. Let me first state the provisions of the bill; and objections may be raised afterward.

The bill provides that the county of Thurston, in the Territory of Washington, may issue the bonds of that county in the sum of $200,000, for the purpose of aiding in the construction of a railroad from Olympia, the capital of the Territory, to Tenino, a point on the Northern Pacific Railroad. It provides that the county commissioners may enter into a contract with any individual, firm, or corporation to build this road; but before the contract is to be concluded the terms of the contract are to be submitted to the legal voters of the county at a general election called for that purpose.

Mr. SPEER. How many voters are there in the county?

Mr. McFADDEN. From forty-five hundred to five thousand.

Mr. HOSKINS. If two-thirds of the votes at that general election shall be cast in favor of making the contract for this purpose—those two-thirds being equal to a majority of all the votes cast at the last election for a Delegate in Congress—then the county commissioners are authorized to perfect the contract. This is also guarded; so in no event can bonds be issued against this county to exceed 7 per cent. of the taxable property of the county; neither can they issue bonds in excess of $200,000; and they cannot issue a single bond until it shall have first been approved by two-thirds of all of the votes cast at a general election held for that purpose. Therefore, I conceive, Mr. Speaker, it would be impossible to guard the bill more strongly, thoroughly, and specifically than this bill is guarded in order to protect the rights of the citizens in this county of Thurston.

Mr. KASSON. I should like to ask the gentleman from New York if this bill is proposed to Congress by virtue of a petition of the citizens of that county?

Mr. HOSKINS. Mr. Speaker, I hold in my hand a memorial from the citizens of the county of Thurston, stating that this question has been once submitted to them, and a majority of all the citizens in the county of Thurston has voted in favor of this proposition before coming to Congress asking for this legislation. It has been submitted also to the Legislature of Washington Territory and has passed that territorial Legislature. It has been approved by the people and by the territorial Legislature; and the memorial stating these facts and asking for this legislation, I hold in my hand.

Mr. KASSON. I should like to ask the gentleman from New York this further question: Would this be deemed invalid as an act of the territorial Legislature without the sanction of Congress? I wish to know that fact, because I do not remember of a bill like this ever having passed Congress before, relating to a particular county. I may be mistaken; but I do not remember before of any similar case of legislation so peculiarly local.

Mr. HOSKINS. In answer to the gentleman from Iowa, I have only to say that I am informed by the Delegate from Washington Territory this whole question has been canvassed in that Territory thoroughly as to whether the territorial Legislature has power to grant the relief requested, and it has been determined by judicial authority they have not the power in the territorial Legislature, under the organic act, to pass this legislation. Therefore they come to Congress to get it legalized, in order that their bonds may be put upon the market and the road constructed.

Mr. KASSON. I thank the gentleman for that information, and will say one thing more. I would rather change the organic law of

the Territory in that respect, leaving the responsibility with the people, through their immediate representatives, than to pass a special act for the first time within my knowledge in which Congress deals with the local affairs of a county.

Allow me to add a single word further. In my own State our counties have had a most bitter experience with this kind of legislation. They have, by virtue of just such legislation as this, almost bankrupted themselves, bringing discredit on the State and indebtedness to the people. Hence, as far as we are from that Territory, I repeat, I would much rather change the organic law, if this thing must be done, leaving the responsibility with the people there, than to do it by an act of Congress.

Mr. HOSKINS. This is a unanimous report from the Committee on the Territories which I have presented, and I have also presented all the facts bearing upon the case. I now yield to the gentleman from Washington Territory, who will be able further to explain why it is necessary this bill should pass at once.

Mr. MCFADDEN. I wish to say to my friend from Iowa on my left [Mr. KASSON] this is not singular legislation at all. An act has been heretofore passed authorizing the people of Walla Walla County to do this same thing on a certain vote by a majority of the people.

Mr. HOSKINS. I hope the House will be brought to order, as it is impossible to hear the Delegate from Washington Territory.

The SPEAKER. The House is now in order, and the gentleman from Washington Territory will resume his remarks.

Mr. MCFADDEN. I was remarking, Mr. Speaker, that this legislation was not singular at all; that Congress by an act had authorized Walla Walla County to resort to the same process for raising funds to aid in the construction of what was known as the Columbia and Walla Walla Railroad Company. The proposition was submitted to the voters of Walla Walla County, but not being acceptable to them it was voted down.

By the sixth section of the organic law of Washington Territory we are prohibited from incurring any responsibility, such as is contemplated by this bill, and the only remedy we have is to come here to secure the privilege of doing this thing under authority of an act of Congress.

This is a matter which has been thoroughly passed upon by our people. There are gentlemen upon the floor of this House who are familiar with the necessity for railroad connection between the extreme southern terminus of Budd's Inlet, which is the southern point of Puget Sound, and the line of the Northern Pacific Railroad at Tenino. We do not come here and ask Congress to grant us a subsidy of land; we do not come here and ask Congress to appropriate money to aid in the construction of this road; we only ask that our hands may be unfettered from the restrictions imposed upon us by the organic act so we may be permitted to use the means provided by our own labor for constructing with our own means this necessary railroad connection.

I know that difficulties have arisen in some of the States from the principle of legislation authorizing the giving of aid to railroads by the issue of bonds of the different counties. But I take it, Mr. Speaker, that no bill with that put in was ever more carefully guarded than this. The county commissioners are required, when they shall agree on the terms of the contract with individuals or a corporation for the construction of this road, to submit the terms of the contract to the legal voters of the county. The proposition shall be embraced in printed notices, which are to be placed for twenty days in each election precinct; and to carry the proposition it will be necessary that two-thirds of the votes cast at the polls shall be in its favor; which two-thirds of the votes shall in the aggregate equal the majority of the votes cast at the next preceding election for Delegates of Congress. Unless this is secured the measure is defeated.

I will say to the House that this proposition was submitted to the voters last fall in my county of Thurston, and the pressing necessity for the enterprise and the urgent reasons weighing with the people in its favor were such as to lead to a seven-eighths vote being cast in favor of the proposition.

There is another provision to which I wish to call the attention of the House. It is that no dollar of money can be appropriated, and that no bond can be issued by the county commissioners to pay for this enterprise, either directly or indirectly, until the road has been built, thoroughly equipped, and in running order.

Now, I ask, is it possible that the people can be wronged by a measure of this kind? You have given to railroad companies lands and large sums of money to construct railroads. We a feeble community, remote from the center of population and the center of capital, ask simply that you shall not fetter our hands, but enable us to use our own means in the construction of this road, so necessary for the development of the resources of our country. Who can be injured by it? What improper principle of legislation will be recognized? For certainly no gentleman will rise to-day and undertake to say, however objectionable the principle might be in the abstract, that any constitutional objection can apply to a proposition of this kind. The question is, I take it, *res adjudicata*. There are but two adverse decisions, one of which has been repudiated by the Supreme Court of the United States; and the rulings of that court as late as the present term recognize the right to issue those bonds, and recognize the validity of those bonds, even when improvidently and irregularly issued.

It will be seen on the reading of the bill, if gentlemen will give it their attention, that the provision of this bill, authorizing the county commissioners to issue bonds, is thoroughly guarded in every particular. Perfect and complete protection is thrown over the citizens of the county. They cannot be involved in the construction of a road which will not be completed. They cannot be involved in the construction of a road which will not be equipped and put into running order. The bill requires that at the time the contract is entered into, the persons with whom the contract is made, and who have undertaken the construction and equipment of the road, shall execute a bond to the people in the sum of $100,000, conditioned that the road shall be equipped and run with freight and passenger trains for the period of twenty-five years.

I regret, Mr. Speaker, that this bill had not been printed with its several provisions guarding and protecting the tax-payer; but I supposed, this being a short road, that might not have been considered necessary. I do not wish to detain the House. I would have liked that the bill had been printed, and that every member could have had an opportunity of scanning carefully the provisions giving protection to the tax-payer; and then I would have had an opportunity more distinctly to have explained to the House the importance and necessity of this enterprise. I will only say further that it is an enterprise in which the interests of our people are bound up; and they are now anxiously waiting, daily and hourly, for the news of the passage of this bill. An engineer has already made his report on the line of road and the estimated cost of its construction; and the road, if the House will allow us to use our own means in its construction, will be running and equipped with freight and passenger cars by the 1st day of July next.

Mr. AVERILL. I ask the gentleman from New York [Mr. HOSKINS] if this road runs through, or will in any way interfere with, the Indian reservation of Washington Territory?

Mr. MCFADDEN. Not at all.

Mr. HOSKINS. I am very glad that this question has been propounded. When I was up I had intended, in the very few remarks I submitted, to touch upon that point; and I desire to say to the members of this House that this road is a road between sixteen and seventeen miles in length, running from the capital of Washington Territory, Olympia, to a place called Tenino, on the Northern Pacific Railroad. It does not run through one foot of reservation or territory owned or claimed by the Indians. Nor will the proposed route pass through one single foot of property or territory belonging to the United States. Every inch of this road will pass through property owned by citizens of this Territory, and not a single foot of it will be claimed by Indians or by the United States. The bill is not subject to the objection that it appropriates one single foot of the public domain or one single dollar from the national Treasury.

Mr. STARKWEATHER. I desire to ask the gentleman this question: If there is any objection on the part of the citizens to the construction of this road?

Mr. HOSKINS. I will say, in answer to the question of the gentleman from Connecticut, that I am told—of course I cannot state from my own knowledge—but I am told by the Delegate from the Territory that the people along the line of the road are anxious to contribute to its construction. All that is asked is the right of way without a single dollar of appropriation. The citizens along the road simply desire to be permitted by Congress to build the road on their own territory, and with their own money, and the bill is guarded by everything that can be thrown around this concession. It protects the citizens in all their rights.

I may say further, in addition, that it interferes with no private rights, that there is no corporation claiming the right of way over or upon the line proposed, and I repeat, that the bill asks no appropriation of the public domain or of the public treasure.

I now yield five minutes to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. I presume this is as meritorious a bill as any private bill of this nature that can be proposed. My objection is not to this particular bill, but to the principle involved in it, namely, the authorizing of counties, towns, or cities by Congress to pledge their credit to aid in building a railroad or any other private enterprise of that character. As was said by the gentleman from Iowa, all through the West, not only in his own State, but in Wisconsin and Illinois, towns, cities, and counties are covered with these bonds and obligations. The records of the Supreme Court are now burdened with cases involving the validity of those bonds. The State courts have decided over and over again, some of them at least, that neither in equity nor in right can the State grant power to a municipal corporation to pledge the credit of its inhabitants to aid in the building of these railroads, and I am against the whole principle. I believe, on the contrary, that instead of authorizing any Territory to give that aid, we ought to expressly prohibit it.

I could point out how this matter is manipulated by these railroad corporations, their employés, for instance, moving along from town to town and county to county and living there long enough to get a habitation merely to enable themselves to vote to pledge that county, to bind its inhabitants for the future to be taxed to aid in the building of those railroads, having no personal interest in the welfare of the county. But I cannot stop to discuss that proposition. Our own State has put in its organic act lately, and made it a part of the constitution of the State, that hereafter no town, county, or city, or muni-

cipal corporation within that State, shall bind itself or its inhabitants to give such aid or pledge its credit. That provision is approved by the people and was adopted by an overwhelming majority, and we feel a pride in that portion of our constitution as much as in any other portion of it. I hope therefore that this provision will not be adopted.

Mr. HOSKINS. I now yield three minutes to my colleague from New York, [Mr. POTTER.]

Mr. POTTER. I accept, for the purpose of this discussion, the statements made on the floor of the House to-day, as to the value of this railway as a measure of local improvement and its entire freedom from special objection, but, notwithstanding that, I beg the attention of the House to the principle involved in this bill. The Congress has provided, and I think most wisely provided, in the organic act organizing the Territory of Washington, that there shall be no power in any county, or municipal corporation, or even in the territorial Legislature itself, to authorize one part of the inhabitants to pledge the property of the other part for any work of public improvement. Now it is proposed to repeal, as far as this railway is concerned, that wise provision, and to repeal it at a time when, as the gentleman from Illinois has shown the House, all the States of the Union which have pursued this policy have found it dangerous, resulting in litigation and sometimes in repudiation, until to-day, in the fundamental law of Pennsylvania, and I think in the fundamental law of several of the other States, an absolute prohibition is put upon the Legislatures of those States against conferring any such powers as we are asked to confer now on this far-off county in Washington Territory without knowledge of the locality or the necessities of the case.

The gentleman who has charge of the bill has said that the inhabitants of the locality only ask power to pledge their own property to build a railroad for themselves. Not at all. That power they have now; but this bill, if it becomes a law, will confer upon two-thirds of the inhabitants of that county the power to pledge, not their own property, but the property of the other third, for the purpose of this railway. That is, it will enable two-thirds of the inhabitants to pledge the property of the other third for an improvement that but this two-thirds of the people want.

This is a power against every principle of sound legislation. It never should have been tolerated in any republican government, and ought to be condemned right here and now by this House.

Mr. HOSKINS. I yield five minutes to the gentleman from Nebraska, [Mr. CROUNSE,] a member of the Committee on the Territories.

Mr. CROUNSE. This bill involves a principle upon which the people of this country are divided, a principle which has divided the courts of this Union. I may perhaps say that while the sentiment heretofore has been in favor of granting this kind of aid, there may be a revolution going on which is working the other way. If so, that revolution is induced not because the principle underlying this legislation is wrong and pernicious, but because in the practice of it abuses have grown up which have been burdensome and oppressive to the people who have been legislated for. I apprehend that it is only the abuse that needs to be guarded against. The case which is presented here is a case where, without the interposition of this Congress, no aid of a public character can be given to this enterprise; and it devolves upon us the duty of considering calmly whether in its provisions this bill is sufficiently guarded in all particulars to make it a proper one for the approbation of this Congress. I apprehend that this is a bill of that character.

I know that the Committee on the Territories approached the consideration of this bill in the same spirit which perhaps actuates many members here, a spirit of hostility to any legislation of this kind. The bill was considered carefully, section by section, with reference thereto, and every possible guard that could be suggested has been incorporated into this bill. I come from a State where this sort of legislation has prevailed to some extent; and I know that upon the whole it has been beneficial to the State of Nebraska. I represent to-day upon this floor not less perhaps than three hundred thousand souls; I represent a State that has not less than twelve hundred miles of railroad. Every foot of that railroad has been built by just the kind of aid which is sought here. And I know further that not one foot of that railroad would probably have been built to-day had it not been for such aid, and Nebraska would to-day have been almost a wild without it.

The gentleman from Illinois [Mr. BURCHARD] is one of a number of Representatives whose constituencies are worth millions, and who, without their great railroad interests, would, as it were, be worth nothing. The railroads, and they alone, have built up the States which they represent. This Territory is away off by itself; it is represented here by a Delegate who has the simple privilege of opening his mouth, but who has no vote upon a question of vital interest to his people. For some reason or other in the organic law of that Territory was a clause prohibiting giving aid of this kind. That Delegate has brought forward here a case which I think in all particulars must commend itself to the good judgment of every member here. His people cannot at once raise the means for building this road. They are willing, however, to put an incumbrance upon their property of every kind, not to exceed 7 per cent., and let the burden be distributed equally over them all, when by a two-thirds vote it shall be deemed advisable by the people. With all these guards around the bill it does seem proper that the gentleman making this request, perhaps the only one which he will ask in behalf of his Territory, should not be refused by this Congress.

Mr. SPEER. I desire one moment to correct a statement which has been made.

Mr. HOSKINS. I call the previous question on this bill; and I give notice that I will not withdraw that call.

Mr. SPEER. It has been stated here that there were between 4,000 and 5,000 voters in the county affected by this bill. I desire to say that there are but 778 voters, and the passage of this bill may result in a tax of $250 on each one of them.

The question being taken upon seconding the call for the previous question, upon a division there were—ayes 46, noes 47; no quorum voting.

Tellers were ordered; and Mr. HOSKINS and Mr. BURCHARD were appointed.

The House again divided; and the tellers reported that there were—ayes 80, noes 78.

So the previous question was seconded.

Mr. RANDALL. On ordering the main question I call for the yeas and nays.

The yeas and nays were ordered, there being 39 in the affirmative, (more than one-fifth of the last vote.)

Mr. BURCHARD. Pending the order for the main question, I move to lay the bill on the table.

The question was taken on laying the bill on the table; and upon a division there were—ayes 68, noes 69; no quorum voting.

Mr. BURCHARD. I call for the yeas and nays on that motion, for it will come to that.

The yeas and nays were ordered.

Mr. HYNES. Would it be in order to move to reconsider the vote by which the previous question was seconded, so as to recommit the bill to the committee?

The SPEAKER. If the motion to lay on the table was withdrawn the motion to reconsider would be in order.

Mr. BURCHARD. I have no objection to its being recommitted.

Mr. RANDALL. It should go to the Committee of the Whole, if anywhere.

Mr. FORT. I think it should go back to the committee.

Mr. BURCHARD. With the understanding that it shall be recommitted I withdraw the motion to lay the bill on the table.

Mr. RANDALL. I shall object to recommitting the bill to the Committee on the Territories. We already have the sense of that committee on the subject. I propose that the bill be referred to the Committee of the Whole.

The SPEAKER. If the motion to lay on the table is withdrawn, a majority of the House can determine the reference.

The motion of Mr. HYNES, to reconsider the vote by which the previous question was seconded, was agreed to.

The question recurring on seconding the previous question, it was not seconded.

Mr. HYNES. I now move to recommit the bill to the Committee on the Territories.

Mr. HOLMAN. I move to amend the motion so as to refer the bill to the Committee of the Whole.

Mr. HYNES. I accept that amendment as a modification of my motion.

The SPEAKER. Then the motion is simply to refer the bill to the Committee of the Whole on the state of the Union.

Mr. BUTLER, of Massachusetts. And that it be printed.

Mr. HYNES. I modify my motion by adding a provision that the bill be printed.

The motion, as modified, was agreed to.

So the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEATTLE AND WALLA WALLA RAILROAD.

Mr. HOSKINS reported, from the Committee on the Territories, a bill (H. R. No. 2341) granting the right of way to the Seattle and Walla Walla Railroad and Transportation Company, and for other purposes; which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

EXECUTION OF LAWS IN UTAH.

Mr. McKEE, from the Committee on the Territories, reported back the bill (H. R. No. 2204) concerning the execution of laws in the Territory of Utah, and for other purposes.

The Clerk proceeded to read the bill, but was interrupted by

Mr. G. F. HOAR, who said: I desire to make a point of order on this bill. The bill is very long, and perhaps it may save time to make the point now, though I will reserve it until the close of the reading, if the Chair deems that course best.

The SPEAKER. What point does the gentleman make?

Mr. G. F. HOAR. The rule adopted by the House at the present session provides that—

Bills making appropriations of money or property, or requiring such appropriations to be made, shall be first discussed in Committee of the Whole.

Now, this bill provides for a large number of new offices. For instance, in the first section it provides for the appointment of deputy marshals, and in the third section for the appointment of assistant district attorneys. It prescribes the duties of these new officers, and that "the same fees and emoluments as the district attorney would be entitled to for the same service shall be allowed for the services of assistant district attorneys." Then the twenty-third section provides for the appointment of other new officers of the United States, to wit, judges and clerks of election. All these provisions peremptorily require an appropriation of money from the Treasury of the United States.

Mr. McKEE. The bill makes no appropriation of money and requires no new appropriation. A deputy marshal or an assistant district attorney will draw but the same pay which the marshal or the district attorney would have drawn. The bill creates no new office, but merely assistants; and it makes no appropriation of money.

Mr. G. F. HOAR. There may be ten of these assistant district attorneys trying different causes at different times; and they are all to be paid by fees from the Treasury of the United States; and an appropriation of money must be made to provide for their compensation. It must be manifest that the creation of a dozen new offices must impose additional expense upon the United States. Under this bill the Government may be paying from the Treasury ten men when without the bill it would be paying but one man.

Mr. McKEE. To speak more correctly, the United States will be paying for so many prosecutions—no more, no less. If an assistant district attorney, instead of the district attorney himself, attends to a prosecution, the assistant receives the pay instead of the district attorney. The bill requires no new appropriation.

The SPEAKER. Does the bill authorize the appointment of any officer not already authorized by the Government of the United States?

Mr. McKEE. It requires the appointment of assistant attorneys.

The SPEAKER. Not now authorized by law?

Mr. POTTER. And assistant marshals.

The SPEAKER. The point which the Chair wants to get at is this: Does the bill create any additional office or officers for which the United States will be responsible and which do not now exist by law?

Mr. BUTLER, of Massachusetts. Eight or ten.

Mr. McKEE. I say they are not new offices.

The SPEAKER. The gentleman from Massachusetts, in making his point of order, directed attention to the twenty-third section, among others. As that section is brief, the Chair will ask the Clerk to read it.

The Clerk read as follows:

SEC. 23. That at any general or special election held in the Territory of Utah, the election precincts shall be established and designated at least thirty days before the election. The governor, United States attorney, and secretary of the Territory shall have power to appoint one judge and one clerk of election for each election precinct in the Territory so established, and to establish such additional precincts as may be necessary to secure to the people a free and fair election, and to appoint the judges and clerks of election at such additional precincts.

Mr. G. F. HOAR. Let me make one suggestion. Will it be germane for me to move a provision specifically establishing the salary of these officers?

The SPEAKER. The Chair was coming to that. He will direct the Clerk to read the first section of the bill.

Mr. McKEE. Right here I should like to say these are territorial officers, and that the Government does not pay them at all.

The SPEAKER. The Clerk will now read a portion of the first section of the bill.

The Clerk read as follows:

That the United States marshal of Utah Territory may appoint deputies in each of the judicial districts of said Territory; said deputies shall be authorized to enter upon the discharge of their duties upon the approval of such appointments by the judge of the district court of the district in which each is appointed.

The SPEAKER. The Clerk will also read a part of the third section of the bill.

The Clerk read as follows:

SEC. 3. That the United States district attorney of said Territory may also appoint assistants in each of the judicial districts of said Territory: *Provided*, That before any such assistant shall enter upon the discharge of his duties, his appointment shall be approved by the presiding judge of the district court of the district for which such appointment is made; and said assistant shall take and subscribe to the same oath prescribed by law to be taken by the district attorney, and said appointment, approval, and oath shall be entered upon the records of said courts.

The SPEAKER. The Chair directs particular attention to the following paragraph:

The Clerk read as follows:

The same fees and emoluments as the district attorney would be entitled to for the same service shall be allowed for the services of assistant district attorneys.

The SPEAKER. The gentleman from Mississippi, who reports the bill from the Committee on the Territories, will observe this does actually create a large number of new offices under the authority of the United States; and although it does not designate any special salary to be paid to them except in the case just read, yet it would be perfectly germane to move as an amendment to the bill an appropriation of a sum of money specifically fixing their salaries. The rule which the House is now acting under, adopted at the beginning of this session, was intended to entirely do away with any indirect appropriation from the Treasury; and the Chair thinks this does bind and require the United States to make an appropriation of money should it become a law. The Chair further thinks an amendment to this bill should it be considered in the House, fixing a specific salary for the officers authorized in this bill, would be a germane amendment which he could not rule out.

Mr. McKEE. I submit to the Speaker that when a proposition is made to give salaries to these officers, then, and not till then, does this question of order arise.

The SPEAKER. Does the gentleman from Mississippi contemplate that all the officers provided for in this bill shall serve without salary?

Mr. McKEE. Only with such salary as is now allowed by law; that, and not one dollar more.

The SPEAKER. But these offices do not now exist.

Mr. McKEE. An assistant attorney can hardly be considered as an officer at all, because at all times any United States attorney may get any other attorney to assist him in the discharge of his duties.

The SPEAKER. But how will it be in regard to the different judges of election precincts throughout the Territory?

Mr. McKEE. They would come in under the territorial law. There are such judges of election precincts in existence in that Territory now.

The SPEAKER. And they are authorized to be appointed by the United States for this purpose.

Mr. McKEE. There is a provision as to who shall appoint them, and that one at least shall be appointed by the governor instead of allowing the territorial Legislature to appoint them all. It merely provides for the appointment of one by the governor, and does not change the source of their pay in any respect whatever. It does not make any change in the least in that respect, but merely provides the governor shall appoint in certain cases.

Mr. GARFIELD. The Committee on Appropriations now reports appropriations to pay for prosecutions by the United States district attorneys in the Territories. Such appropriations come regularly in the appropriation bill, and in case any new offices are provided by this bill, we would have, of course, to provide for an appropriation to pay for their services.

The SPEAKER. The Chair cannot help thinking this bill will require for its enforcement a considerable appropriation of money from the United States Treasury. Does the gentleman himself state that it would not require any appropriation?

Mr. McKEE. I certainly do; and I also state that I would oppose any amendment offered to the bill in the House which would propose any appropriation, as I would oppose any appropriation bill to pay these officers any further salary than that which they now get. They do not get more money than the district attorney would get for discharging these duties without the assistance of these persons.

Mr. BUTLER, of Massachusetts. The gentleman from Mississippi will pardon me for a single observation. Now all the fees go to the district attorney up to a certain point. When he gets his salary the remainder is covered into the Treasury of the United States. The fees may amount to $100,000, but he only gets a certain amount. If he has so many assistants authorized by law, who are to receive pay under this bill, then they are to be paid out of the fees and emoluments, and to that extent the money is taken out of the Treasury of the United States.

Mr. POTTER. They would have to be paid by appropriation either in this or some other bill.

Mr. ELDREDGE. I wish to make a suggestion.

The SPEAKER. The Chair desires to hear suggestions, because on a point of this kind he wishes to decide after the fullest deliberation.

Mr. ELDREDGE. I suggest that that bill is so framed that an amendment could properly be added to it which would pay these additional officers, even if the bill should not provide that.

The SPEAKER. That is what the Chair has already suggested.

Mr. McKEE. Could not the same amendments be put into other bills?

The SPEAKER. They would not be germane. Any bill that can be considered in the House, as against the point that it should go to the Committee of the Whole, cannot have a germane amendment made to it appropriating money. The point is whether, if this bill is allowed to be considered in the House, an amendment affixing different salaries to the offices from what the committee proposes is not germane. The Chair does not wish to put himself in this attitude, that a bill shall be considered in the House, as against the point that it should have its first consideration in Committee of the Whole, and then exclude an amendment which would be obviously a germane amendment to the bill. Suppose for one moment—and the Chair invites the attention of the chairman of the committee to this—suppose for one moment that, where a bill reports certain fees and emoluments to be allowed to the assistant attorney, some gentleman proposes double those fees and emoluments, on what ground can the Chair rule that out as an amendment not germane?

Mr. McKEE. Then I contend that in all cases we shall have a strict construction of this rule.

The SPEAKER. That is what the Chair has been trying to do for the past three months—to give a very strict construction to the rule. And the Chair begs the attention of the House to this point, that any bill which may be legitimately considered in the House, as against the point that it shall go to the Committee of the Whole, cannot have a germane amendment appropriating money or property, and any amendment of that nature would therefore be ruled out at once. And

that is one of the touch-stones whereby to test the rule, that if a bill, even against the apparent wording of the text, is open to a germane amendment, making an appropriation, the bill becomes obnoxious to the point of order.

Mr. McKEE. Then we can hardly introduce any bill that touches in any way upon any office but it may be ruled that it shall go to the Committee of the Whole.

The SPEAKER. The rule simply is, that the Committee of the Whole shall first discuss the bill. The gentleman from Mississippi [Mr. McKEE] will observe that this is merely as to the process, the parliamentary process, not affecting the merits of the bill at all. The Chair has no right to rule, and does not desire to rule in any way at all, touching the provisions of a bill. He merely rules as to the parliamentary process to which it shall be subjected. And the Chair thinks, after having looked at the matter carefully, that this bill is unquestionably liable to the point of order, and must have its first consideration in Committee of the Whole.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

Mr. CROUNSE. I propose to move a substitute for the bill when it is considered in Committee of the Whole, and I ask that the substitute, which I send to the desk, may be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order.

The SPEAKER. The regular order being called, the gentleman from Kentucky [Mr. ARTHUR] is entitled to the floor on the transportation bill.

Mr. GARFIELD. I ask the indulgence of the gentleman from Kentucky, while I inquire of the House whether an arrangement can be made for taking up the legislative, executive, and judicial appropriation bill? I do not wish to interrupt the progress of the debate on the transportation bill, and least of all would I desire to interfere, in any way, with the speech of the gentleman from Kentucky. But I am desirous that the House will fix a period, either to-day or to-morrow morning, when we may take up the legislative appropriation bill. I ask unanimous consent that to-morrow morning, at the conclusion of the morning hour, that bill shall be made the special order.

Mr. RANDALL. I must object to that.

Mr. GARFIELD. I understand there are two gentlemen who wish to speak on the bill pending to-day, and I think after they have been heard we may proceed to take up the legislative appropriation bill to-morrow.

Mr. RANDALL. The bill in relation to the distribution of documents comes up to-morrow morning. I have no objection to the legislative appropriation bill being taken up after that is disposed of.

Mr. GARFIELD. If the bill to which the gentleman alludes is taken up to-morrow it will run through the whole day.

IMPROVEMENT OF MOUTH OF MISSISSIPPI.

Mr. STONE, from the Committee on Railways and Canals, reported a bill (H. R. No. 2342) for the improvement of the mouth of the Mississippi River; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Railways and Canals, not to be brought back by a motion to reconsider.

BANKRUPTCY BILL.

Mr. POLAND. The supply of copies of the bankruptcy bill having become exhausted, I ask that, by unanimous consent, the bill be reprinted—the usual number of copies.

There was no objection, and it was so ordered.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE, from the Committee on Appropriations, reported a bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. BECK. I reserve all points of order on the bill.

Mr. LOUGHRIDGE. I ask that the bill be made a special order in Committee of the Whole on the state of the Union after the legislative, executive, and judicial appropriation bill shall have been disposed of.

Mr. COBURN. I would inquire for what time the legislative bill has been fixed?

The SPEAKER. Not for any time; but the gentleman from Iowa asks that this bill shall be made a special order after that bill is disposed of. It is rather an indefinite way of making a special order, but it will come up some time. Is there objection to the request of the gentleman from Iowa? The Chair hears none, and the order will be made.

IMPROVEMENT OF CAPITOL GROUNDS.

Mr. PLATT, of Virginia, I desire to give notice that on Monday next, if I can obtain the floor, I shall move to suspend the rules, to have taken from the Committee of the Whole on the state of the Union Senate bill No. 360, in regard to the improvement of the Capitol grounds.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire unanimous consent of the House to allow us to go into Committee of the Whole on the state of the Union, for the special consideration of the legislative, executive, and judicial appropriation bill to-morrow, at the end of the morning hour, for general debate only.

Mr. RANDALL. I desire to ask two questions of the Chair. The first is, what the effect of that motion will be upon the motion to reconsider, entered by the gentleman from Indian, [Mr. SHANKS,] in reference to the bill for the distribution of documents, &c.? And the other question is, what effect this motion would have on Friday; whether the appropriation bill would override private bills?

The SPEAKER. The gentleman from Indiana, who entered the motion to reconsider, could not call it up in opposition to the transportation bill now pending in the House. The transportation bill was made, under a suspension of the rules, which suspended the rule giving a motion to reconsider privilege, a special order in the House after half-past one o'clock, and the motion to reconsider cannot come in conflict with that. It may be called up immediately after the reading of the Journal, and may be considered until half-past one o'clock, or it may be called up immediately after the transportation bill is disposed of. It does not lose its privilege by not being called up on the day on which the gentleman gave notice he would call it up.

Mr. RANDALL. My second question is whether this order will interfere with private bills on Friday?

The SPEAKER. It could not interfere with private bills unless the House by a majority vote should refuse to go into Committee of the Whole on the Private Calendar, and then the Chair would entertain a motion to go into Committee of the Whole on the state of the Union.

Mr. COBURN. I desire to inquire whether the currency bill was not fixed for the 11th?

The SPEAKER. Yes; on Monday last the House fixed that the bill reported by the Committee on Banking and Currency should be considered on the 11th instant, which is Wednesday of next week, at half-past one o'clock, to the exclusion of all other orders. It will then be taken up unless this transportation bill should not be disposed of. If it is not disposed of at that date, it will take precedence of the currency bill; but the currency bill will come up immediately after it is disposed of.

Mr. COBURN. But if the legislative bill is taken up under this order, will it supersede that?

The SPEAKER. Not at all. The currency bill is in the House, and the appropriation bill is in Committee of the Whole on the state of the Union.

Mr. SMITH, of New York. I desire to state, before this order is made, that my colleague on the Committee on Elections, from Missouri, [Mr. HYDE,] is instructed by the committee to call up the contested-election case from the first district of Georgia to-morrow.

Mr. GARFIELD. I hope the gentleman will let that pass over.

The SPEAKER. The Chair understands the request of the gentleman from Ohio [Mr. GARFIELD] to have reference merely to some general debate on the appropriation bill, not anticipating or asking any action on it.

Mr. RANDALL. Would not the precedence given to the transportation bill under a suspension of the rules interfere also with the election case in like manner?

The SPEAKER. It would.

Mr. McCRARY. If the House gives this unanimous consent, when will the transportation bill again come before the House?

The SPEAKER. The very next day. The Chair will remark, however, that the transportation bill holds its place subject to the House going into Committee of the Whole on the appropriation bills.

Mr. GARFIELD. I will say that I do not desire to interfere with that bill.

The SPEAKER. If a majority of the House to-morrow sustain the motion of the gentleman from Ohio [Mr. GARFIELD] to go into Committee of the Whole on the appropriation bill, they can do so; that was made an exception.

Mr. GARFIELD. I desire to make an arrangement now, so that gentlemen who wish to speak may have notification, and therefore I make the request.

The SPEAKER. The gentleman can give notice that at half-past one to-morrow he will make his motion. He has a right to make it. Is there objection to making this arrangement? If there be none, the House will to-morrow, at half-past one o'clock, go into Committee of the Whole on the state of the Union on the legislative, executive, and judicial appropriation bill, for debate only.

Mr. WOLFE. I object.

Mr. GARFIELD. Then I shall make the motion to-morrow.

INTERSTATE COMMERCE.

The House then resumed the consideration of the bill (H. R. No. 1385) reported from the Committee on Railways and Canals to regulate commerce by railroads in the several States, upon which Mr. ARTHUR was entitled to the floor.

Mr. McCRARY. Before the gentleman from Kentucky proceeds, I ask consent that he may occupy the same time I did, which will exceed his hour.

There was no objection.

Mr. ARTHUR then resumed and concluded his speech commenced yesterday. It will be found in full in the Appendix.

Mr. HURLBUT obtained the floor and yielded to Mr. DONNAN.

PRINTING EXTRA NUMBER OF BANKRUPT BILL.

Mr. DONNAN. I desire to submit a privileged report from the Committee on Printing. I am instructed by that committee to report back a resolution which I send to the Clerk's desk with an amendment.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the House one thousand extra copies of House bill No. 792, to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, with the amendments of the Senate thereto, the number already printed being exhausted.

The amendment reported from the committee was to strike out the last clause of the resolution, "the number already printed being exhausted."

The amendment was agreed to.

The question was upon the resolution as amended.

Mr. SAYLER, of Ohio. Before the resolution is adopted, I desire to say that there should be more printed than it provides for. There are three hundred members of this House, and I myself have applications for one dozen copies of this bill. I would suggest that there should be at least two thousand copies printed.

Mr. DONNAN. There have been already five thousand copies of this bill printed. The committee believe, under the instructions of the House, that it is their duty to be as economical as possible in the matter of printing.

Mr. SAYLER, of Ohio. This is a very important bill, and it will cost but little more to print two thousand than one thousand copies.

Mr. SPEER. I introduced this resolution, and I have no objection to the amendment.

Mr. DONNAN. The committee have no objections to the House enlarging as much as they please. They report back the original resolution.

Mr. SAYLER, of Ohio. I move to increase the number to two thousand copies.

Mr. SPEER, I hope that amendment will prevail.

Mr. CESSNA. I hope the amendment will not be insisted upon. This bill, with the Senate amendment, is now before the Committee on the Judiciary of this House, and is being amended very considerably, and will be much more before we are done with it; so that when it comes before the House the additional number now to be ordered will be of little or no use to members. It is not probable the bill will pass in its present shape, and if any extra copies are to be printed, let them be ordered when the bill shall come from the committee.

Mr. DONNAN. The committee believe that one thousand additional copies, furnishing three to each member, will be sufficient.

Mr. WILBER. What will we do, then, when we have letters from our constituents calling for these bills?

Mr. DONNAN. Do as we do about the Agricultural Reports; do without them.

Mr. POTTER. I think a reasonable number with the Senate amendments should be printed, for we have calls for the bill in that form.

Mr. WILBER. If the committee think it so expensive to the Government, I will myself pay one-half of the additional expense.

The question was taken upon the amendment increasing the number to two thousand copies; and it was not agreed to, upon a division—ayes 20, noes not counted.

The resolution, as amended, was then adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

The House resumed the consideration of the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

Mr. HURLBUT. Mr. Speaker, I pray the attention of the House to the remarks which I feel called upon to make at this time; first, in consideration of the magnitude of the subject and the vastness of the interests that are involved in this proposition; and, second, on account of the claim of the great masses of the people of the United States for legislation of this kind. I am aware that we are approaching a test vote in this House upon a proposition which is novel in its terms. It is an extension of a well-known, thoroughly understood power of this Government, belonging to it under the express terms of the Constitution, in a mode and in a form which have not yet been considered by the country.

If I understand the force of the argument which has been made upon the other side by the gentleman from Kentucky, [Mr. ARTHUR,] the great objection that he finds is that this power in this form has never hitherto been exercised. But powers and occasions for their exercise are different things. The occasion comes in the ordinary flow of events; the power given by the Constitution, or inherent in the State, in the case of a State, is exercised when the exigency presents itself. Then, so far from that being an objection, it is simply proof of the fact that this Constitution of ours was created by men so thoroughly imbued with the profound wisdom of the old common law that in accordance with the teachings of that law they prescribed certain great general principles which fit themselves to and apply to all the various circumstances which arise within the limits of the life of a nation. That, sir, is the great glory of the common law; it is the great glory of the Constitution. It is not a Constitution of enumerations of occasions under which power may be exercised. But it consists of grants of power; and the occasion for the exercise of power is to be determined by the body who are intrusted with that power.

It seemed to me, as I heard my silvery-tongued friend from Kentucky discourse upon this question, that there was some slight echo of that wretched old heresy of extravagant State sovereignty breaking out once in a while in his discourse. I had hoped that that thing was dead; that that extreme adoration of the State organization, and placing it in antagonism to the national authority, had been wiped out by the course of events which have transpired within these last twelve years. I know, sir, that from the foundation of this Government there have existed two sets of ideas with regard to the power of the national Government, which have been in conflict during all that time; and I know, sir, that it was the conflict of those two ideas, and nothing else, that brought about that arbitrament by which the nation through war, the last, final, fatal appeal, was consolidated, and brought out, no longer a mere raft of ill-assorted logs floating at random down the stream of time, but alive, instinct with life all through—a thing of life and power and command. And to us standing here now, remembering where we are and who we are, it seems plain duty to consider carefully, not whether we run against some old, exploded theory of special, peculiar State sovereignty, but whether honestly and in good faith we can carry out by this or any other kindred measure the great purpose for which the Constitution was made.

The gentleman from Kentucky said wisely and well that the rule of construction with regard to the Constitution (he might have said the same as to all other legal language) was to consider the words in connection with the circumstances surrounding the men who used the words, construing the enactment in reference to the evils sought to be removed or the good sought to be achieved. Now, sir, I hold that same doctrine. I hold that this Constitution of ours starts off with a declaration of the objects for which it was formed, the occasions which called it into being; and I find declared as those objects "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare."

Now, sir, the Constitution and the laws made under it do not act through any intervening bodies; they strike straight down upon the individual citizen. The laws of the United States, if shaped in accordance with the provisions of the Constitution, act by their own force, vitality, and vigor upon each and every individual citizen or interest or growth of the entire country.

This power to regulate commerce as given in the Constitution is comprehended in but a few words; yet look how vast it is:

Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Mr. NIBLACK. Does the gentleman claim that that clause in the Constitution has been in any way affected by the late war?

Mr. HURLBUT. No, sir; but it has been wonderfully well enforced. [Laughter.]

Mr. NIBLACK. If it has not been affected in any way, why do not the old rules still apply to it?

Mr. HURLBUT. I am applying the old rules to it. I hope to convince the gentleman before I get through that the old rules are the safe rules; and that there is no novel proposition of law in this bill.

Now, sir, under that simple clause of two lines and a half, as carried into operation by beneficent laws issuing from the Congress of the United States, our commerce by land and by water has developed itself. It is the fashion of some people to suppose that navigable waters are valuable simply because they are navigable. But the mere navigation is nothing. The point on which this jurisdiction of the United States applies to all the waters within our limits, is that those waters are capable of bearing and do bear commerce.

Nor does it make any difference in what mode, in what form, by what vehicle, by what contrivance of human ingenuity the commerce contemplated by that provision is carried on; the jurisdiction of Congress under the Constitution attaches to, and inheres in, the subject-matter; it pursues, controls, protects, guides, limits that commerce, without reference to the mode in which it is carried on. Thus, sir, every movement of our industry throughout this entire Union, the transportation of our vast productions of cereals in the West, which seek markets among the manufacturing and commercial people of the East, and the returns which come from the East and flow to the West; all the trade which moves upon the Mississippi and its vast tributaries; everything that in any manner or form comes properly within the language, "commerce among the States," falls necessarily under, and is subject to, the control of the Congress of the United States by virtue of this grant.

But, sir, there are other reasons why we should consider this, independently of its magnitude. In this Government of ours, if I understand it at all, (and I have tried to,) there is only one sovereign thing in these United States, and that is the deliberate and lawfully declared will of the people of the United States. All these other forms, laws, constitutions, judicial determinations, are and must be, in the very

nature of our Government, subjected to and controllable by that deliberate and settled public will. It may take time to do it; it takes time to change our Constitution; but the people are able to do it and have done it. It does not take so long a time to change the laws of Congress. There are gentlemen here who have witnessed this year with what rapidity they have been able to change at this session a law passed at the last. But in whatever mode this public opinion seeks to express itself, however long and however circuitous the route may be, if once the people of these United States deliberately assume for themselves to decide that a certain thing shall be done, it simply must be done; it is the inevitable necessity of a government based on such a foundation as ours.

Now, sir, that this measure is demanded by the great mass of the working people of the nation, by the great mass of the producing elements of the nation, the statistics of this country fairly and unquestionably show.

I now, Mr. Speaker, propose to consider for a little while the precise legal status of a railway and a railway company under the laws of the States first——

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. HURLBUT. I presume I will.

Mr. ELDREDGE. I understand the gentleman to state our form of government is subject to the will of the people.

Mr. HURLBUT. Certainly.

Mr. ELDREDGE. However long it may take, the people can and will ultimately have their will through the Constitution. Now, sir, I suppose this bill, on his own construction, is not an amendment to the Constitution; and it seems to me the gentleman evades or passes by the real question, which is, whether under the existing Constitution, under the expressed will of the people, in the only manner in which they can express their will—whether under that, this bill which the gentleman is advocating, is in accordance with that will of the people; whether its provisions are constitutional, or, in other words, whether they are in accordance with the will of the people in the Constitution?

Mr. HURLBUT. I think I understand the gentleman's question. I think I shall answer it before I get through. I am obliged to my friend for the interruption, for it gave me an opportunity to rest.

Now, sir, it is essential to this question, as I understand it, to arrive at some definite legal conclusion as to the precise status in law of a railroad company. My friend from Iowa [Mr. McCRARY] who opened this discussion, stated and proved that a railroad was not only a public highway, but it was also a common carrier. But a railroad differs from an ordinary common carrier in a most important particular, and the thing which has been relied on by the courts of every State of this Union which have yet passed on this question, in order to sustain the jurisdiction of the State over these roads, is this, that no railroad is constructed without having given to it by the State the exercise of the very highest attribute of sovereignty; that no railroad is built except by the use or abuse, as it sometimes is, of the great prerogative of eminent domain. Now, sir, if anything is more dear to this American people than another, it is the sanctity of title in land. The doctrine which we derive from our English fathers, that a man's house is his castle, is extended to the ownership of land; and there is nothing so jealously watched by this people as this imprescriptible right of every citizen to hold his land free from interference. And yet, sir, in the exercise of this great prerogative of eminent domain these railroads, creatures of the State, corporations established by it, come along and remorselessly, without my consent, take from me just so much as they deem necessary of my land, keeping in view, of course, compensation. Without that power they could not buy their way through.

I will quote authority, and beg particular attention of gentlemen on the other side of this question, because I intend to show the same principles which apply to the jurisdiction over these railroads of the several States, in regard to internal commerce, apply with equal force to the jurisdiction of Congress over interstate commerce, which the States cannot regulate or control. The first case I will read to the House probably condenses the whole doctrine on this subject in as short, compact, and careful a form as any.

I will read from The Louisville, Cincinnati and Charleston Railroad Company *vs.* Chappell, 1 Rice, South Carolina Reports, page 398—a report now something over forty years of age. The court say, per Richardson, J.:

> Such a railroad as ours should be held as a highway on account of its great objects, and for the same reasons to be kept under public control. Is it not wise to hold such a company as the guardians or lessees of a great highway, endowed with a public franchise, yet subject to the control which their purposes indicate as necessary and proper for such an establishment, and which the general right to use the road absolutely requires? Such a road must be held as a part of the public domain, farmed out to individual men for its practical administration and order alone; and if placed aloof from such control, it would inevitably become suspected of partiality, and odious to the people.

The next which I will ask the attention of the House to is Railroad Company *vs.* Davis, 2 Devereux & Battle, North Carolina Reports, page 469. The court say:

> The general management has been left to individuals whose private interests prompt them to conduct it beneficially to the public; but it is not wholly confided to them. From the nature of their undertaking and the character of the work, they are under sufficient responsibilities to insure the construction and preservation of the work, which is the great object of the Government. The public interest and control are neither destroyed nor suspended. The control continues as far as it is consistent with the interests granted, and in all cases as far as may be necessary to the public use. The road is a highway, although the tolls may be private property by force of the grant of the franchise to collect them. * * * As to the corporation, it is a franchise, like a ferry or any other; as to the public, it is a highway, and in the strictest sense *publici juris*.

That is another case thirty-five years old.

In 20 New York Reports, page 131, case of Vedder *vs.* Fellows, the court, by Strong, J., say:

> The railroads are public institutions, established by law for public accommodation. They have, except where they adjoin or are near navigable rivers, superseded all other extensive ways of conveyance, and have thus rendered travelers and owners of freight in a great measure dependent upon their means of locomotion. The companies have thus public duties to perform, and they ought not to, and in my opinion they cannot legally, subject either passengers or freight-owners to regulations that are palpably unreasonable.

The same doctrine is repeated in the case of Sanford against a railroad company, (34 Pennsylvania Reports, pages 380, 381,) and the decision goes a little further than the other:

> The right to take tolls is a compensation to be received for the benefits conferred. If the public are entitled to these advantages, it results from the nature of the right the benefits should be extended to all alike, and that no special privilege should be granted to one man or set of men and denied to others.

So, in Essex and Northeast Railroad Company *vs.* Casey, (26 Pennsylvania Reports, pages 307, 308,) the court, by Justice Black, says:

> Railroads made by the authority of the Commonwealth, upon land taken under her right of eminent domain, and established by her laws as thoroughfares for the commerce that passes through her borders, are her highways. No corporation has any property in them, though corporations may have franchises annexed to and exercisable within them.

Now, sir, I affirm that under the grant given in the Constitution the Congress of the United States has at least the same power as to interstate commerce as the States have as to internal commerce by railway—at least that.

The gentleman from Kentucky [Mr. ARTHUR] seems to think it an unheard-of thing that any sovereignty, State or national, should interfere with wages demanded for service or prices of labor or articles.

The gentleman has surely forgotten the almost innumerable instances in which States have done it, and are now doing it. Let me refresh his memory with a few instances in point.

In the People *vs.* Mayor of New York, (32 Barbour,) the city of New York was the owner of certain ferries by grant, which constituted a contract; but the court said:

> In regard to ferries, there is a still further right which the public may exercise, to wit, the right of regulating the rates of ferriage, and of so controlling ferry franchises and privileges in the hands of grantees or lessees that they shall not be abused to the serious detriment or inconvenience of the public.

Most cities limit the charges of hackmen, and although the hackman pays a license fee for his privileges, the rates may be, and often are, reduced upon him without his consent. The hackman is a common carrier as well as the railroad; his occupation is as honest, and of equal dignity in law, although not of such controlling importance. Why does the law interfere with the hackman as to the price of his labor?

A common mill to grind grain is a general convenience, and the occupation is honest; but all the States, so far as I know, limit the tolls to be taken for work done, and compel the miller to take the grain in the order in which it is delivered.

Some of the States limit the charges of innkeepers, a provision much to be desired in Washington. Some, again, fix the fees of lawyers and physicians. Nearly all fix a rate of interest, and thus limit the honest trade of money-lending. All these are limitations on the right of the citizen to do what he pleases with his own.

Consider again the assize of bread, by which bakers are required by law to make bread of a certain weight for a certain price, according to the price of flour.

All these limitations are as old in many instances as the common law itself, and depend upon the right and duty of government to protect the people against imposition and extortion.

If, then, the power of Congress over interstate commerce is equal to the power of the State over strictly State commerce, it is only sought to apply by this bill a principle familiar to the legislation of the State in a similar subject-matter.

Does the gentleman object to the act of Congress limiting the fees of attorneys in pension cases? This stands on the same ground of preventing imposition. But I have not time to pursue the subject by looking up the many important points in which Congress has limited the action of common carriers by water in favor of life and security.

The gentleman from Kentucky, [Mr. ARTHUR,] in reading the case of Gray *vs.* The Clinton Bridge Company, one of the cases on which our side, perhaps mistakenly, relied, commented upon the facts in the case.

Now I have lived, sir, long enough in the West to see this entire system of railroads grow up. I saw the first pioneer road from Chicago to the prairies of Illinois more than thirty years ago; and in that period of time I have seen this vast net-work of railways grow to proportions which, in that State, overshadow and utterly put out of sight any other means of conveyance, or any other means of commerce.

When it was first sought to extend these railroads across the Mississippi River, I can recollect very well, and so will some of my friends who are here from Missouri, the outcry that went up from that State against the first establishment of a bridge across the great navigable

highway of the West. Gradually the courts of the country and the public opinion of the country recognized this great fact, that the railroads were in fact developing for themselves a controlling position as channels of commerce. And so the court in the case of Gray *vs.* The Clinton Bridge Company ruled, and ruled correctly, that the great railroad and great river met on terms of absolute equality; that though not dreamed of by the wildest imagination at the time of the adoption of the Constitution, yet when it came to crossing the great navigable waters of the Mississippi River, the railroad had become so completely an element of commerce as to have precisely equal rights with the river.

Now, if that is conceded—and such is the clear law and clear fact—it settles the question whether or not these railways have become and are now channels of a portion of the commerce of our country. If so, then the provision of the Constitution inures to the commerce moving over those roads as thoroughly, as completely, and to the same extent, as it applies to any other mode or channel of commerce.

Now, sir, the common carrier who builds his boat on the Mississippi River and runs down that great stream does not come to the Legislature and ask for the exercise of this high prerogative of eminent domain. He stands simply on his common-law position as a common carrier; and through his distance, therefore, from the governing power, his chances of being controlled by the governing power are all the further and the more remote from the fact that he is not in the exercise of any special privilege and special grant for which the Government is responsible, and the grant of which makes him a public officer.

In support of this proposition, Mr. Speaker, I desire to state, for the consideration of the House, some figures which have been collated with a good deal of care from the reports of the various boards of trade of this country; which will show how the matter stands as regards the actual transfer and movement of commerce over those lines, especially in that portion of the country which I am most familiar with. I would state that it appears from these collated tables that a trifle more than thirty-one million tons were moved from the West to the East and back by all the great lines of communication by land and water.

Now, sir, out of that thirty-one millions of tons, the Erie Canal, which is the only means of communication directly competing with the railroads in the State of New York, transported only about six millions, and the balance of all that vast movement lay in the hands, under the control, and subject to the charges of these great corporations. It is certain, Mr. Speaker, that if we do not regulate these railways they will simply regulate us. If we neglect the duty which I believe is borne in upon this Congress of taking charge of and correcting the unreasonable rates that have been laid upon the movements of commerce by the railways, they will continue to do what they have done for the last eight years. I remember very well that there was a time in the State of New York when two men sought to control all the great railway lines across that State—that was in the palmy days of Fisk and Gould. They stole the Erie Railroad, and with the stealings that they made by the misuse of the property originally stolen, they sought to buy the other great competing line. The brain of that partnership survives; the blackguard body of it is dead; but the brain of it, in the person of Gould, was guilty of one tremendous blunder when, in answering a question of a committee of the house of representatives of the State of New York, he allowed the expression to drop from his lips that, with the control of the New York Central added to the control he already had over the Erie, he could sit down at his breakfast table and mark down or mark up the prices of all commodities. Now, sir, that proposition stands true to-day.

I am not here to arraign the management of these great roads. I do not consider it criminal in men to take advantage of their position and of the necessities of the country to accumulate vast fortunes. I am not here to cast any reflections upon the growth of these great railroad systems of our country. I know by my own personal experience and observation how far they have already developed and made possible the improvement of large portions of our country which otherwise, by the common means of transit, we might not have reached for half a century. But power, to whomsoever given, has its limits. Why, sir, we heard from my friend from Kentucky the dangers of the powers exercised by Congress. He pointed out to you eloquently the dangers to come to individual, civil, and political liberty in this country by assuming to carry out what is sought by this bill. But, sir, in that measure there is no real danger; there is no danger so great to the industrial interests of this country, there is no danger so great to the political morality of this country, as the uncontrolled dominion of these gigantic corporations. Why, sir, ten men if they choose to unite, as they generally do, can take off one-third or one-half of all the productive industries of my own State.

Now, sir, I do not choose to confess, as gentlemen seem to do, that this Government of ours is so absolute a failure that we cannot grapple with and constitutionally grapple with and fairly control, all things which tend to the common benefit within the powers given to us under the Constitution. My friend from Iowa, [Mr. MCCRARY,] in opening this debate, read some very well considered remarks from Mr. Adams, who unquestionably has given this subject a great deal of consideration, and very careful and patient consideration. It all resolves itself back again into that same argument, that same plain, homely, common-sense saying of the old English engineer, George Stephenson, which was also quoted by the gentleman from Iowa, that competition is an impossibility where combination is possible. Tell me, sir, where combination is not possible. Remember that these great systems of roads are stretching out farther and farther through the country. They are seeking to bring in new tributaries, to gain new powers. I remember it being stated—it may possibly have been one of the scandals of the day—that even during the palmy time of unchecked railroad management in New York, it not only controlled the Legislature, but that it owned the courts. Now, sir, the courts have escaped from all domination. The courts of the country are now prepared, in obedience to the will of the people, to hold to rigid account these public stewards, because that is all they are; they are simply certain trustees to whom the State has given rights; to whom, in the language of Judge Redfield, it has farmed out a part of the national domain; public officers; and the courts are now prepared to hold them responsible under the common law, in case they violate their duty or enter into improper combinations; liable, as I fully believe the law to be, to indictment for such combinations; liable to *mandamus* if they neglect these public duties; liable to the actions of private individuals for any abuse which they may have committed.

But, sir, in practice—and I speak from some knowledge on the subject—this right of private action which exists everywhere against corporations having this prerogative and performing these duties, is nugatory in the hands of an individual. I will state the reason why, because I have lived in the country where this fight has been going on for about ten years.

In the first place, the producers are never shippers. The farmer brings his grain or his produce down to the small depot, where he sells it to the commission man. The commission man is in the daily habit of passing his produce forward over the road. Then an extravagant toll is taken from the commission man first, of course indirectly from the producer. But that commission man dare not for the life of him bring an action against the railroad company. Why, sir, in my own town where I live, seventy-five miles from the city of Chicago, the regular charge nowadays on the Chicago and Northwestern Railroad for the transportation of grain is fifteen cents per bushel for that seventy-five miles. Yet from Omaha, four hundred and twenty miles farther west, grain passing right by our doors is brought to Chicago at the same charge per bushel.

Now, to the plain, bucolic mind, the granger mind, if gentlemen so please to call it, that is the statement of a proposition which is manifestly unjust. And even if a man be so elevated above the common plane of ordinary suffering humanity, which sends us here to this House, no matter how high he may elevate himself in his own judgment, that simple statement of fact is in itself evidence of a gross and palpable injustice, inequality, and wrong committed. And I could give many such instances as that.

Now, I believe, as law, that the State has ample power, within her own limits and in matters of commerce that only move from one point within her boundaries to another, to control all this question. I admit that. But the State has no power to touch, determine, limit, or in any way control, commerce which is moving across her borders, by a contract made beyond her limits, and to be completed in another State on the other side of her borders. Therefore, unless the Congress of the United States assumes this jurisdiction of interstate commerce, there exists no power under heaven that can do it.

Take the State of Illinois, for instance. It lies like a wedge, extending from Lake Michigan, on the north, down to the Ohio River. Across her limits flows eastward all the commerce that moves by rail of the whole country beyond. It is the outlet for all of it. Now, sir, we are trying to establish, and we have established, the proposition of State control by constitutional enactment; we are trying to control, and we will control, no matter how long the fight may last, these corporations within our own State as to their movements within the State. But just across our limits, on the other side of the Mississippi, is the great city of Saint Louis, desiring to send vast amounts of commercial commodities East, and receiving large contributions from the East. I affirm, as a settled principle of law, that any contract made in Saint Louis for the delivery in New York, by railroad, of commercial productions, is wholly and absolutely beyond the control of the State of Illinois. We cannot touch it.

Gentlemen perhaps have forgotten what they have done themselves here within a short time. So great was the necessity in one case which arose, and which the older members of this House, those who were here in 1866, will remember; so urgent and compulsory was the necessity in the case of the Camden and Amboy Railroad and the State of New Jersey, that the Congress of the United States, not in a hurry, not hastily, but after a debate which extended through the whole of one session and occupied part of another, did actually take hold squarely and strongly of this system of roads created by State authority, and passed an act which is to be found on page 66 of the pamphlet laws of 1866. That act provides—

> That every railroad company whose road is operated by steam, its successors and assigns, be, and is hereby authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way through one State to another, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination.

Now, that act is manifestly necessary. It is true that the line of

border between any two States is a mathematical line. But it is equally true that in contemplation of law there is a gap, a solution of continuity, between a road chartered by one State and a road chartered by the adjoining State. And this was made a general law. In the first sessions where it was pending, the objection was made to it that it was intended to be a law specifically aimed at a particular road and a particular State. And so it was made general. And under that law every connection that is made by roads of conterminous States arriving at the boundary and intended to be continuing lines are legalized and justified; and no State can now pass any law which shall prohibit the continuous transportation of merchandise over these roads.

But the Congress of the United States has done more than that. I take it that if there is any right which the common carrier, the railroad man, or anybody else has, according to the theory of my friend from Kentucky, [Mr. ARTHUR,] it is to determine for himself how he will do his own business; that is an axiom.

But, sir, I find a law passed at the third session of the Forty-second Congress, entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States." That act, among other things, provides that—

No railroad company within the United States whose road forms any part of a line of road over which cattle are transported, shall confine the same in cars, boats, or other vessels for a longer period than twenty-eight consecutive hours.

I do not intend to read the whole law; but it provides a penalty for the offense thus defined. Now, sir, I do not see any difference in principle between one kind of regulation and another.

[Here the hammer fell.]

Several MEMBERS. Go on.

Mr. WILLARD, of Vermont. I move that the gentleman's time be extended. He evidently has not got nearly through his argument.

The SPEAKER *pro tempore*, (Mr. BURROWS in the chair.) If there be no objection the gentleman's time will be extended.

There being no objection, it was ordered accordingly.

Mr. HURLBUT. Granted once the power, granted once that the Constitution confers upon this body the power to regulate this subject-matter, and you are concluded inevitably to the ruling laid down by Chief Justice Marshall in Gibbons *vs.* Ogden, that for the purposes for which that power was given and in the execution of the power conferred by the Constitution the jurisdiction of Congress is "plenary." I beg gentlemen to remember that if there was ever a man in the world that understood the weight and the power of words it was Judge Marshall. When he said "plenary" he meant that all power was vested. When the Pope of Rome claims for himself plenary jurisdiction, all Catholics believe it; and all heretics like myself, whether they believe it or not, know what he means. You cannot get up as strong a combination of words to express the idea of unbounded authority as those words, "plenary jurisdiction." But Chief Justice Marshall does not stop there. After saying that the power granted is plenary, he says that the only control that can by any possibility be given, and the only control upon which the fathers and framers of the Constitution relied, was that solemn responsibility which each Representative must feel to the people who send him here, and who, by their approval or disapproval, may control his action. Now I do not know any mode in which that proposition can be stated more distinctly, more powerfully, more clearly, more absolutely.

But, sir, I come back now to consider this question in the light in which my friend from Kentucky himself put it. He said, if I heard him correctly, (I regret that I had not an opportunity to hear perhaps all that he did say, yet I believe I got the line of his argument upon that subject,) that taking into consideration as the rule of construction of the language of the Constitution the evils that were sought to be removed, it was found upon an examination of contemporaneous documents that the evil sought to be remedied was the restriction upon commerce. Now, if that gentleman or any other will tell me a greater restriction that can be imposed upon interstate commerce than unreasonable and oppressive charges on that commerce, I wish to know what it is. The courts of the United States have held that the State cannot impose restrictions upon interstate commerce. Is it assumed that a corporation, the creature of the State, can do in substance and by indirection what the State that created it cannot do directly and by law? Can it be that the creature has grown to be, as many people affirm, a great deal more important, more controlling, and more powerful than the creator? Is it true that all our legislation has simply ended, like the experiment of the student in that horrible novel of Frankenstein, in our creating out of these dead things around us an instrument of evil and mischief and power enough to destroy and overthrow and tear to pieces, and which we are not able to control? I do not believe any such doctrine. I surrender no such right; and on behalf of myself and my people I affirm that if this national Government, in the exercise of a power given to it in terms in the Constitution, cannot so control these overgrown, gigantic corporations of its own manufacture and its own creation, than this Government has become a failure.

I have tried to show (with what success it is not for me to say) that the power of controlling this interstate commerce belongs here—in the first place, from necessity, because the States individually cannot exercise it; and in the next place from the inconvenience of any other mode of exercise than by congressional authority. Why, sir, if you admit for one moment the doctrine that each particular State can have a right to determine for itself the burdens that it will impose upon the commerce of its sister States passing over its borders, you relapse at once into all the evils which made the old Confederation so hateful, and which compelled and commanded the adoption of our present Constitution.

It thus appearing from the necessity of the case; from the inconvenience and evils resulting from any other construction; from the positive, clear, and undeniable terms of the Constitution; from the deliberate exposition of the highest courts in the nation, that unlimited, plenary, absolute jurisdiction over this question is vested in Congress, its seems scarcely possible that by any quibble or device, by any apprehension of possible failure in the body of men who are to be selected, or from any other cause, this Congress should hesitate long in carrying out this great remedial process.

I think I heard my friend from Kentucky, in the latter part of his speech, making all those charges which it is necessary and proper and customary for a minority man to make against the majority. That is all right; we expect it. He says that the appointment of the commissioners provided for in this bill must be vested in somebody; but, sir, the Constitution vests it in the President, and the bill conforms to that direction. The President has his duty to perform. He may perform it wisely or he may not; that is a thing I do not care to look into or prognosticate about. I presume and expect he will perform it fairly, honestly, and justly; but whether he shall appoint men of such undeniable character, reputation, and position as to make success certain, or whether he may, by ignorance, accident, or anything else, appoint inferior men, is for him to determine The President must act, and will act, upon his own responsibility in the performance of his constitutional duty. We must act, in our sphere, upon our responsibility in the performance of our constitutional duty.

The simple question is whether it is our duty so to act; whether this is an evil existing in the country over which we have power. You cannot deny the existence of the evil. There comes up from every part of this country a sound of warning which I pray gentlemen to consider. It may take—it has taken, in some instances and in some places—an absurd form of protest, a rash, wild character of demonstration; but the very fact that all the country is moved throughout its whole wide extent, from California to the Atlantic, the very fact these feverish symptoms are existing, the very fact that they break out in these demonstrations as constitutional disturbance in the body breaks out in carbuncles and boils, all indicate distinctly and correctly a clear, manifest, deep-seated sense in the people of injustice suffered and tolerated. And I say no government, no administration, no party, no Congress has the right to disregard these symptoms of great constitutional disturbance in the body-politic.

The basis, the whole stimulant, is right here in the excessive, destructive charges which are imposed on the industry of the country. I have seen the corn of my own State, within the last year, offered in the markets at from twenty to twenty-five cents a bushel, nine hundred miles from New York, when it stood in New York at from eighty to ninety. The damage is not only in the value of the article actually destroyed by excessive charges, but in the variability of prices. No man, farmer, commission man, or anybody else, knows what the price is going to be. I have the report of the Board of Trade of the city of Chicago, which shows that the rate of transportation of wheat to New York from the city of Chicago averaged during the last year thirty-two cents a bushel, and that instantly upon the closing of navigation, when the competition of the lakes and canals died out, it went from thirty to forty-five cents a bushel.

Nor is this evil merely loss to the farmer and the purchaser, but it is a loss to every character of industry everywhere all over the country. They tell me in the Southern Gulf States corn is in eager demand at one dollar a bushel, yet five hundred miles only separate that country from the very heart and center of the corn-growing districts. Is it right such inequality should exist if within our power to correct it?

I would go on with illustration after illustration on this question, but I will take leave, with the consent of the House, to print the tables to which I refer, only recapitulating the results.

At this very season, in ten States which we call the Northwestern States, from the last season there has accumulated of surplus production more than all the channels now in existence can take away. There is a pressure behind of supply, and the control of the lines of transportation, of all branches taken together, establishes a grinding monopoly. It is impossible, in the nature of things, to have competition. The gentlemen who control the great trunk railroads can put their heads together and mark up or mark down the price of corn and all that depends on corn, and mark up or mark down wheat and all that depends on wheat, in that whole region of country.

Now, Mr. Speaker, I do not desire to detain the House any longer, except to enforce upon them, if I can in the few moments I have left, the necessity, the paramount and controlling, necessity of acting at once. And I wish it distinctly understood, as one of the members of this committee and as a Representative in Congress upon this floor, that I have no sort of shadow of fear of assuming a far wider control over this matter than is proposed by this bill. I commit no one else, but speak fearlessly for myself upon this subject. I believe wherever the commerce of this country moves, which can properly be denominated interstate commerce, the controlling hand of the Government

of the United States can be laid upon it. I believe every State and every State institution is subordinate to that control, so far as interstate commerce is concerned. I believe that every ferry, and railroad, and canal which is made a part or a link in this great system of interstate commerce is, by the express terms of the Constitution of the United States, subject in all respects to the control of the Congress of the United States.

I take my position in this regard upon the laws and the authorities which I have already read.

I believe for myself that it is wise and proper; and, sir, I know no reason—I have heard none advanced—why there should be any self-imposed limitation, any limitation imposed by ourselves upon ourselves in the exercise of this power.

This bill provides only this: It provides that all these corporations created by State authority which are by law common carriers, and which are also by law public highways, and which are also by law agents of the power that made them, exercising a public duty, forming a part of the State or national domain—that all charters that ever have been granted, or that ever may be granted from any State in this Union, are, by the inherent power of the Constitution, subject to the control of Congress whenever that control is exercised, and are granted in the contemplation of the law subject to that control, and subject to that power, so far as they are engaged in interstate commerce. And, for one, I am ready to meet the consequences of that doctrine, and stand on that as I stand on all these other propositions, by the clear and solemn determination of all the courts throughout these United States, including the Supreme Court of the United States.

And, Mr. Speaker, while I have the floor, I may as well express my views as to the extent of this power of Congress. I believe with Justice Miller, in his decision in the Clinton Bridge Company case, that Congress has the power whenever it likes, whenever it sees good occasion to do it, to charter a railroad over and across any State—that if any State sets itself up—avails itself of its local position—to prevent the free flow of the commerce of the country through it, the power granted by the Constitution to Congress can be exercised and should be exercised to open a channel through which that commerce can pass. More than that, sir, I believe that even without that apparent restriction there is a power in Congress, if they wish to exercise it, to create great trunk lines. I do not believe the Government should build them, but that they have the power so to do is as certain as that they have the power to remove obstructions from the mouth of the Mississippi River. In other words, the doctrine as to interstate commerce by railroads is precisely the same as it is as to rivers. Once admit that they are channels of interstate commerce, the power to remove all obstructions that, in their judgment, are in the way of the free exercise of that commerce, is vested in Congress and ought to be carried out as completely as it is in the case of rivers.

Mr. BROMBERG. Will the gentleman answer me a question?

Mr. HURLBUT. I will try.

Mr. BROMBERG. Does the gentleman contend that railways are on the same level with rivers, as to the control of Congress?

Mr. HURLBUT. I do, so far as interstate commerce is concerned. I do not know that Congress has anything to do with the petty commerce carried within the limits of a frog-pond of a State. But when it becomes national in its character, whatever passes from one State into another by a line of railroad, by a river, by a lake, or anything else—over that Congress has control.

I can set no barrier to human improvement. I do not know but in the next fifty years some system may be discovered, in the advance of science, that will be as immeasurably superior to the existing railroad as that railroad is to the old-fashioned highway. I do not know but it may be so. But whatever it is, whatever the ingenuity of man may be able to develop in the way of carrying on commerce from one State into another, or across, or through another State, that commerce and the machinery by which it is carried, that form of transportation, whatever it may be, comes necessarily, completely, and unlimitedly under the control of Congress under this clause of the Constitution.

Mr. BROMBERG. Will the gentleman then say that Congress can regulate the trade of a steamship company from New Orleans to New York?

Mr. HURLBUT. I have no doubt it can if it becomes necessary. The gentleman cannot frighten me by any results of logic. When I have laid down a proposition I never go back from the results it involves. Should it become necessary to do so Congress can do it. They can do anything that belongs to the regulation of commerce between the different States.

Mr. BROMBERG. Can Congress control the rate of commission which a factor in Mobile may charge upon the cotton he sends down the Mississippi?

Mr. HURLBUT. If Congress regulates the rate of transportation on your railroads in Alabama and Mississippi, from what I know of them, I think both the factor and the farmer will be better off. But it is hardly necessary to enter upon the point of what may be done in regard to the commission agent. There are, of necessity, certain matters of internal commerce, in regard to which I apprehend no man claims that the jurisdiction of Congress arises. But wherever the thing assumes national proportions; wherever it reaches a position of respectability in amount so as to be more than a merely local affair; wherever it involves a movement from one or more States; wherever the transportation is considerable, and wherever one law and one system of regulation will cover all that class of transportation through the country, that is the test of nationality, as I understand it, from the Constitution and the decisions of the courts.

Now, Mr. Speaker, I believe that I shall leave this subject to the consideration of the House, and I do not know, sir, that anything that I could now say would tend at all to add any weight to what I may have said, or, what is of far more consequence, to the success of the right principle in a matter of this importance. And yet I hardly like to leave this question now, without again requesting of the members of this House that they will for themselves examine the plain principles of the Constitution as they are set down in plain words, and the construction upon this subject which has been given by the Supreme Court of the United States, reaffirming, after a lapse of thirty-four or forty years, the same doctrine which all the courts of all the States originally held as to the rights of railroad companies.

Sir, I think I can see that the mere enactment of a law of this kind, the mere assertion on the part of Congress that it can shoulder upon itself the responsibility which is cast upon it under the Constitution; that it will in the interest of labor, of commerce, of civilization, of growth everywhere throughout this vast continent, shake off these fetters and manacles, will do much good. Sir, latterly this great country of ours has lain prostrate, like Gulliver when the Liliputians tied him in his sleep. All sorts of chains, of laws, of usage, of fraud have been heaped upon the limbs of the sleeping giants.

Wealth has been accumulated in private hands within the last twenty years at a rate such as no country ever saw, and in ninety-nine cases out of a hundred of these colossal fortunes that have been built up, they have been built by the abuses suffered and tolerated up to this time upon the hitherto silent, but now loud-speaking, industries of the country. It is time, sir, that we, as the representatives of the people, should know, and knowing should utter our voice, that there exists nowhere—nowhere, thank God, in the Constitution of the United States, any such contrivance as shall render the whole productive industry of the country subject to the domination, control, and cruel mercies of the speculators in railway bonds, crushing down the industries of the country to make false dividends upon false stock.

Mr. STONE obtained the floor, and said: I yield to the gentleman from Vermont, [Mr. WILLARD.]

Mr. WILLARD, of Vermont. As there is to be an evening session this evening for the Committee on Revision of the Laws, I now move that the House take a recess until half-past seven o'clock p. m.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RAINEY until Tuesday next, on account of sickness in his family; to Mr. DARRALL, for two weeks; and to Mr. RANSIER, for one week, on important business.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 353) for the relief of David Braden; and

A bill (S. No. 365) for the relief Matthew Woodruff, late sergeant of Company G, Twenty-first Missouri Volunteers.

The question was taken on the motion of Mr. WILLARD, of Vermont, and it was agreed to; and the House (at four o'clock and forty minutes p. m.) took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock, p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. SAYLER, of Ohio. We have now reached the chapter on pensions; and in beginning that portion of the work I move to amend section 4759, page 1208, in lines 4 and 5, by striking out the words "by reason of any wound received or disease contracted while in the service of the United States and in the line of duty," and inserting in lieu thereof the words "under the conditions therein stated;" so that it will read:

SEC. 4759. Every person specified in the several classes enumerated in the following section who has been, since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided, and continue during the existence of the disability.

I will state the reason for that amendment. It is simply to avoid repetition. Sections 4759, 4760, and 4761 of this chapter are made from section 1, of the act of March 3, 1873. The only difference is a differ-

ence in arrangement and a separation of the several parts of that section. The conditions under which pensions are granted to different classes of pensioners are fully set forth in section 4760.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move to amend section 4760, page 1208, line 10, by striking out the hyphen at the end of the line and inserting a comma; so as to make it read "engineer, sailor, &c." Engineer and sailor are two different words, and are not a compound word.

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4761, page 1209, line 5, I move to insert, after the word "wounded" the words "or injured;" so that it will read:

SEC. 4761. No person shall be entitled to a pension by reason of wounds or injury received or disease contracted in the service of the United States subsequent to the 27th day of July, 1868, unless the person who was wounded or injured or contracted the disease was in the line of duty; and, if in the military service, was at the time actually in the field, or on the march, or at some post, fort, or garrison, or *en route*, by direction of competent authority, to some post, fort, or garrison; or, if in the naval service, was at the time borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station or hospital.

That is the general phraseology, and there is a distinction between the words "wounded" and "injured."

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4762, page 1210, line 23, I move to strike out the words "enlisted men," and to insert the words "other persons;" so that it will read:

SEC. 4762. The pension for total disability shall be as follows, namely: For lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding and master commanding in the naval service, thirty dollars per month; for major in the military service and in the Marine Corps, and lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant surgeon in the naval service, twenty-five dollars per month; for captain in the military service and in the Marine Corps, chaplain in the Army, and provost-marshal, professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain in the naval service, twenty dollars per month; for first lieutenant in the military service and in the Marine Corps, acting assistant or contract surgeon, and deputy provost-marshal, seventeen dollars per month; for second lieutenant in the military service and in the Marine Corps, first assistant engineer, ensign, and pilot in the naval service, and enrolling officer, fifteen dollars per month; for cadet midshipman, passed midshipman, midshipmen, clerks of admirals and paymasters and of other officers commanding vessels, second and third assistant engineer, master's mate, and all warrant officers in the naval service, ten dollars per month; and for all other persons whose rank or office is not mentioned in this section, eight dollars per month; and the masters, pilots, engineers, sailors, and crews upon the gun-boats and war-vessels shall be entitled to receive the pension allowed herein to those of like rank in the naval service.

The reason for that is that there is a class of pensioners who are not enlisted men.

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4763, on page 1210, line 10, I move to strike out the word "so."

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4765, page 1211, line 25, I move to insert, after the words "per month," the words "from and after June 4, 1872;" and in line 27, after the words "per month," insert the words "from the same date."

It will be seen from the wording of this section, at the beginning of it, that this class of pensions is intended to date from and after June 4, 1872, and it is, perhaps, important that it should be clearly expressed in the two provisos, especially in view of the act passed March 3, 1873, as some question might arise as to the time of commencement. The undoubted intention was that the pension should begin on the 4th of June, 1872. I move also, in the same section, lines 31 and 32, to strike out the words "provided further that," and begin the word "except" with a capital "E," and make the proviso a separate section. Also, in line 34, after the words "surgeon's certificate," to insert the words "establishing the same made under the pending claim for increase;" also strike out the word "that" in line 34.

The amendments were agreed to.

The section as amended will read as follows:

SEC. 4765. From and after June 4, 1872, all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of $31.25 per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month: *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they cannot use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month from and after the 4th of June, 1872; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of thirteen dollars per month from the same date: *Provided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree. Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate, establishing the same, made under the pending claim for increase; and in this as well as all other cases the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

Mr. SAYLER, of Ohio. In section 4767, on page 1212, in line 2, I move to strike out the comma and the word "while" after "veteran furlough;" so that the section will read:

SEC. 4767. Officers absent on sick leave, and enlisted men absent on sick furlough, or on veteran furlough with the organization to which they belong, shall be regarded in the administration of the pension laws in the same manner as if they were in the field or hospital.

That amendment, perhaps, needs a little explanation. I had some difficulty in determining the meaning of this section; but I think, by striking out the word "while" and the comma, we get the meaning of the section, "that officers absent on sick leave, enlisted men absent on sick furlough, or on veteran furlough with the organization to which they belong." There should be no separation between those words.

Mr. RUSK. I am not sure whether that is the meaning.

Mr. SAYLER, of Ohio. In cases where a furlough is extended to an entire regiment or company, it was intended to include those cases.

Mr. RUSK. Yes; that is correct.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move to amend, on page 1212, by striking out section 4770. That section is a mere repetition, and is embraced in 4790, in the same words, under this title.

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4771, on page 1212, I move to insert a hyphen between "fore" and "going" at the end of line 10.

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4773, on page 1213, I move to insert a hyphen between "with" and "out" at the end of line 5.

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4774, on page 1213, in line 6, I move to strike out the words "the widow" before the words "has abandoned," and to insert "she;" and in line 10 to strike out the word "then;" so that it will read:

SEC. 4774. If any person has died, or shall hereafter die, leaving a widow entitled to a pension by reason of his death, and a child or children under sixteen years of age by such widow, and it shall be duly certified under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of the same, on presentation of satisfactory evidence thereof to the Commissioner of Pensions, no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of law to the contrary notwithstanding; and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, and said pension shall be paid to the guardian of such child or children; but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid.

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4775, on page 1214, in line 9, I move to insert after the word "support" the words "in whole or in part;" also, in line 20, to strike out the word "are" and insert the word "were;" so that it will read:

SEC. 4775. If any person embraced within the provisions of sections 4759 and 4760 has died since the 4th day of March, 1861, or shall hereafter die, by reason of any wound, injury, casualty, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension, and has not left or shall not leave a widow or legitimate child, but has left or shall leave other relative or relatives who were dependent upon him for support in whole or in part at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled, to commence from the death of such person, namely: first, the mother; secondly, the father; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly: *Provided*, That where orphan children of the same parent have different guardians, or a portion of them only are under guardianship, the share of the joint pension to which each ward shall be entitled shall be paid to the guardian of such ward: *Provided*, That if in any case said person shall have left father and mother who were dependent upon him, then, on the death of the mother, the father shall become entitled to the pension, &c.

It should be in the past tense, the man being dead.

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4779, on page 1216, in line 4, I move to strike out the word "of" after the word "seventy-seven."

The amendment was agreed to.

Mr. SAYLER, of Ohio. In section 4780, on page 1216, in line 2, I move to insert after the words "of pension" the words "to persons whose right accrued after the 4th day of March, 1861;" so that it will read:

SEC. 4780. The provisions of this title in respect to the rates of pension to persons whose right accrued after the 4th day of March, 1861, are extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the 4th day of March, 1861, to take effect from and after the 25th day of July, 1866; and the widows of revolutionary soldiers and sailors receiving a less sum shall be paid at the rate of eight dollars per month from and after the 27th day of July, 1868.

The reason for that amendment is this: This section 4780 is one of the sections taken from the act to codify the pension statutes of March 3, 1873, and that was a codification of acts passed only since the 4th of March, 1861. This will be evident from the connection that it has in the original law, and it is important that it should be directly expressed here. Gentlemen of the Committee on Pensions

will remember that by the third section of the act of 1866 it was attempted to equalize bounties. That third section was regarded as somewhat obscure, and in 1868 an act was passed explanatory of the third section of the act of 1866. This is the substance of that act. There will be frequent reference, in subsequent portions of this title, to this section, because from this date began the equalization of pensions.

The amendment was agreed to.

Mr. SAYLER, of Ohio. The next amendment is to section 4785.

The section was as follows:

SEC. 4785. No claim for pension not prosecuted to successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army, or the Surgeon-General, or the Secretary of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed.

Mr. SAYLER, of Ohio. The amendment is, after the words "or the Surgeon-General" strike out the comma, and the words "or the Secretary;" so that it will read "Adjutant-General of the Army, or Surgeon-General of the Navy." Those are the exact words of the act of March 4, 1873, and I find no reason for inserting the words "or the Secretary." On the contrary, the Adjutant-General of the Army and the Surgeon-General of the Navy are the only two officers recognized as having control of this matter.

The amendment was agreed to.

Mr. SAYLER, of Ohio. The next amendment is to section 4786.

The section was as follows:

SEC. 4786. If any pensioner, or any person entitled to a pension, who, during the pendency of his application therefor, has died since March 4, 1861, or shall hereafter die, his widow, or if no widow, his child or children under sixteen years of age at the time of his death, shall be entitled to receive the accrued pension to the date of death. Such accrued pension shall not be considered as a part of the assets of the estate of deceased, nor liable to be applied to the payment of the debts of said estate in any case whatever, but shall inure to the sole and exclusive benefit of the widow or children; and if no widow or child survive, no payment whatsoever of the accrued pension shall be made or allowed, except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the decedent, in cases where he did not leave sufficient assets to meet such expenses.

Mr. SAYLER, of Ohio. The amendment is to strike out the first sentence, and to insert in lieu thereof the following:

If any pensioner has died, or shall hereafter die, or if any person entitled to a pension, having an application therefor pending, has died, or shall hereafter die, his widow, or if there is no widow, the child or children of such person under the age of sixteen years, shall be entitled to receive the accrued pension to the date of the death of such person.

There is no difference in the meaning; this is a mere change of phraseology. But the sentence as it now stands is not grammatical, and is very awkward.

The amendment was agreed to.

Mr. SAYLER, of Ohio. The next amendment is in section 4789.

The section was as follows:

SEC. 4789. The term of limitation prescribed by sections 4777 and 4785 shall, in pending claims of Indians, be extended to two years from and after the 3d day of March, 1873; that all proof which has heretofore been taken before an Indian agent, or before an officer of any tribe, competent according to the rules of said tribe to administer oaths, shall be held and regarded by the Pension Office, in the examining and determining of claims of Indians now on file, as of the same validity as if taken before an officer recognized by the law at the time as competent to administer oaths; all proof wanting in said claims hereafter, as well as in those filed after the 3d day of March, 1873, shall be taken before the agent of the tribe to which the claimants respectively belong; in regard to dates, all applications of Indians now on file to be treated as though they were made before a competent officer at their respective dates, and if found to be in all other respects conclusive, they shall be allowed; and Indians shall be exempted from the obligation to take the oath to support the Constitution of the United States required by section 4801, providing for pensions to certain soldiers and sailors of the war of 1812 and to widows of deceased soldiers.

Mr. SAYLER, of Ohio. The amendment is to insert the word "shall" after the words "applications of Indians now on file;" and at the end of the section strike out the words "required by section 4801, providing for pensions to certain soldiers and sailors of the war of 1812 and to widows of deceased soldiers." I will explain that amendment.

Of course the first is merely verbal, changing the form of expression from indirect to direct, which is the form adopted throughout the entire title.

The amendment striking out the latter part of the section is made for the reason that section 4801 there referred to contains no reference whatever to an oath; it is substantially taken from the first section of the code, found in volume 16, Statutes at Large, page 411, which refers to an oath to support the Constitution of the United States. No reference whatever is found in section 4801 of this title to any such oath. The only purpose of such reference was to say that Indians should not be required to take an oath to support the Constitution of the United States, and that is fully expressed in the section by simply cutting off the lines, which only refer to a section which has no allusion whatever in it to any oath.

The amendment was agreed to.

Mr. SAYLER, of Ohio. The next amendment is to section 4792.

The section referred to was as follows:

SEC. 4792. No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid and the pay of his rank or station in the service, unless the disability be such as to occasion his employment in a lower grade or in the civil branch of the service.

Mr. SAYLER, of Ohio. The amendment is to insert, after the words "unless the disability," the words "for which the pension was granted." Those words are found in the original act, on page 657, volume 5, and I know no good reason for leaving them out.

The amendment was agreed to.

Mr. SAYLER, of Ohio. The next amendment is to section 4795.

The section referred to was as follows:

SEC. 4795. The half-pay of such widows and children shall be half the monthly pay of the officers, non-commissioned officers, musicians, and privates of the infantry of the regular Army, and no more, and no greater sum shall be allowed to any such widow or minor children than the half-pay of a lieutenant-colonel. But the two preceding sections shall not be construed to apply to or embrace the case of any person receiving a pension for life on the 3d day of June, 1858; and, wherever half-pay has been granted by any special act of Congress, and renewed or continued under the provisions of those sections, the same shall continue from the date above named.

Mr. SAYLER, of Ohio. The amendment is to add to the section the following:

Provided, That pensions under this and the two preceding sections shall be varied in accordance with the provisions of section 4780 of this title.

The reason for that amendment is found in what I remarked a while ago in reference to the act of 1866, equalizing pensions from that date, and the act of 1868, explanatory thereof. The class of pensions referred to in this section are to be varied precisely in accordance with the terms of those two acts, just as all pensions that were granted since the 4th day of March, 1861, are to be varied. All pensions, no matter what they were, were equalized by the acts of 1866 and 1868; and it will be seen by reference to sections 4793, 4794, and 4795, that they relate to pensions prior to the 4th of March, 1861.

The amendment was agreed to.

Mr. SAYLER, of Ohio. The next amendment is to strike out sections 4796, 4797, and 4798.

The sections referred to were as follows:

SEC. 4796. The volunteers who were received into the service of the United States by virtue of the provisions of an act approved 13th of May, 1846, and who were wounded or otherwise disabled in the war with Mexico, shall be entitled to all the benefits which are conferred on persons wounded in the service of the United States.

SEC. 4797. Engineers, firemen, and coal-heavers in the Navy shall be entitled to pensions in the same manner as officers, seamen, and marines; and the widows of engineers, coal-heavers, and firemen in the same manner as the widows of officers, seamen, and marines, at the following rates: The pension of a chief engineer shall be the same as that of a lieutenant in the Navy; and the pension of the widow of a chief engineer the same as that of the widow of a lieutenant in the Navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; and the pension of the widow of a first assistant engineer the same as that of the widow of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; the pension of the widow of a fireman or coal-heaver the same as that of the widow of a seaman. But an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the 31st day of August, 1842, nor shall the widow of an engineer, fireman, or coal-heaver be entitled to any pension by reason of the death of her husband, if his death was prior to that date.

SEC. 4798. The amount of pension in every case arising under the preceding section shall not exceed the half-pay of the deceased officer, seaman, or marine, as it existed in January, 1835, or such rate of pension as is allowed by the preceding section.

Mr. SAYLER, of Ohio. I move now to insert in place of the sections just stricken out that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. —. If any officer, warrant or petty officer, seaman, engineer, first, second, or third assistant engineer, fireman, or coal-heaver of the Navy, or any marine, has been disabled prior to the 4th day of March, 1861, by reason of any injury received or disease contracted in the service and line of duty, he shall be entitled to receive, during the continuance of his disability, a pension proportionate to the degree of his disability not exceeding half the monthly pay of his rank as it existed in January, 1835. But the pension of a chief engineer shall be the same as that of a lieutenant of the Navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; but an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the 31st day of August, 1842.

SEC. —. If any person referred to in the preceding section has died of injury received or disease contracted under the conditions therein stated, his widow shall be entitled to receive half the monthly pay to which deceased was entitled at the date of his death; and in case of her death or marriage, the child or children under sixteen years of age shall be entitled to the pension. But the rate of pension herein allowed shall be governed by the pay of the Navy as it existed in January, 1835; and the pension of the widow of a chief engineer shall be the same as that of a widow of a lieutenant in the Navy; the widow of a first assistant engineer shall be the same as that of the widow of a lieutenant of marines; the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of the widow of a fireman or coal-heaver shall be the same as that of the widow of a seaman. But the rate of pension prescribed by this and the preceding section shall be varied from and after the 25th day of July, 1866, in accordance with the provisions of section 4780 of this title; and the widow of an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of the death of her husband, if his death was prior to the 31st day of August, 1842.

Mr. SAYLER, of Ohio. Mr. Speaker, this amendment embodies substantially what is found in sections 7497 and 4798 of the revision; but in addition to prescribing pensions to engineers, firemen, and coal-heavers it embodies all the law pertaining to naval pensions prior to 1861. It is the embodiment of the acts of August 11, 1848, June 30, 1834, and January 28, 1813. It is merely an expression of

the law of naval pensions. I propose that it shall follow immediately after section 475.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I propose to offer a substitute for section 4796.

The section was as follows:

SEC. 4796. The volunteers who were received into the service of the United States by virtue of the provisions of an act approved 13th May, 1846, and who were wounded or otherwise disabled in the war with Mexico, shall be entitled to all the benefits which are conferred on persons wounded in the service of the United States.

Mr. SAYLER, of Ohio. I propose the following sections as a substitute for section 4796, to come in immediately after the sections just sent to the Clerk's desk:

SEC. —. Any officer, non-commissioned officer, musician, or private, whether of the regular Army or volunteers, disabled by reason of injury received or disease contracted while in the line of duty in actual service in the war with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability, not exceeding for total disability half the pay of his rank at the date at which he received the wound or contracted the disease which resulted in such disability. But no pension shall exceed half the pay of a lieutenant-colonel.

SEC. —. If any officer or other person referred to in the preceding section has died, or shall hereafter die, by reason of any injury received or disease contracted under the circumstances therein set forth, his widow shall be entitled to receive the same pension as the husband would have been entitled to, had he been totally disabled; and in case of her death or remarriage the child or children of such officer or other person referred to in the preceding section, while under the age of sixteen years, shall be entitled to receive the pension. But the rate of pension prescribed by this and the preceding section shall be varied after the 25th day of July, 1866, in accordance with the provisions of section 4780 of this title.

The sections proposed as substitutes for sections 4797 and 4798 pertain to old naval pensions, while the sections substituted for section 4796 pertain to pensions growing out of the Mexican war.

Section 4796 is the seventh section of the act found on page 10 of volume 9 of the Statutes at Large, and seems to be the only reference in this entire title to the pensions connected with the Mexican war. The two sections which are suggested as a substitute for this section embody the acts of September 28, 1850, February 22, 1849, and July 21, 1848, as well as the act of May 13, 1846, which is the section contained in this revision. The entire subject of pensions to the soldiers of the Mexican war seems in some way or other to have been omitted from the revision, which omission is supplied by these two sections.

I desire to state in this connection that in regard to these two sections as well as the former sections in regard to naval pensions, I have had very valuable assistance from the Department and especially from Dr. Ewing of that Department. I think the sections as proposed will cover the entire subject.

The amendment was agreed to.

Mr. SAYLER, of Ohio. There is another omission in the revision—the omission of definite and exact reference to the pensioners of the war of 1812, and of the Indian wars since 1790. I propose the following as an additional section to be inserted immediately after the amendment just read:

SEC.—. The widows and children under sixteen years of age of the officers, non-commissioned officers, musicians, and privates of the regulars, militia, and volunteers of the war of 1812, and the various Indian wars since 1790, who remained at the date of their death in the military service of the United States, or who received an honorable discharge and have died or shall hereafter die of injury received or disease contracted in the service and in the line of duty, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time he received the injury or contracted the disease which resulted in his death. But no half-pay pension shall exceed the half-pay of a lieutenant-colonel; and such half-pay pension shall be varied after the 25th day of July, 1866, in accordance with the provisions of section 4780 of this title,

This section embodies the law, so far as it is necessary to preserve it, with reference to the pensioners of the war of 1812 and of the Indian wars since 1790, and is the substance of the acts of July 4, 1836, February 22, 1849, and February 3, 1853.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I offer the following additional section, which is intended to cover any possible case of revolutionary pensions:

SEC. —. All pensioners whose names are now on the pension-roll, or who are entitled to restoration to the roll under any act of Congress, shall be entitled to the continuance of such pensions under the provisions and limitations of this title, and to such further increase of pension as is herein provided.

Mr. Speaker, it appears that there are still on the pension-rolls about five hundred widows of revolutionary pensioners. These, I suppose, are instances of young women who married old soldiers; at least their names are there; and while it is not necessary to preserve all the old laws with reference to revolutionary pensions, this section is proposed as a safeguard against any possible injury being done to the rights of any of these parties.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move to amend by striking out sections 4808 and 4809.

The sections were as follows:

SEC. 4808. No widow entitled to a pension, and claiming a pension, whose husband was drawing one at the time of his decease, shall be required, in any such case, to furnish any further evidence that her husband was entitled to a pension; nor shall any evidence, in any case, be required to entitle the widow to a pension, when the evidence is in the archives of the Government, other than such proof as would be sufficient to establish the marriage between the applicant and the deceased pensioner in civil personal actions in a court of justice.

SEC. 4809. In all applications for pensions by the widows of deceased soldiers, under the act of July 21, 1848, the returns on the rolls of the disease of which the soldier died, and the official opinion of the Surgeon-General founded thereon, that from the nature of the disease it was contracted while the soldier was in the line of duty, shall be considered satisfactory evidence thereof, and it shall be the duty of the Commissioner of Pensions, in all cases of application for pensions under that act, to apply to the proper officers for such evidence, without requiring the applicant to furnish the same.

Mr. SAYLER, of Ohio. Section 4808 is taken from the act of May 7, 1846, Statutes at Large, volume 9, page 6; and section 4809 is taken from the act of March 3, 1849, Statutes at Large, volume 9, page 418. Both of these sections have reference solely to cases arising out of the Mexican war. They have ceased to be of any value whatever in that respect, and should not be made applicable in this general title to other cases. I therefore move that they be struck out. They pertain solely to evidence in Mexican-war cases.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move in section 4810, page 1322, line 7, to strike out "prior to January 1, 1800;" so it will read:

SEC. 4810. In all cases where a pension has been granted to any officer or soldier of the Revolution in his life-time, the evidence upon which such pension was granted shall be conclusive of the service of such officer or soldier in the application of any widow or woman who may have been the widow of such officer or soldier, for a pension; and upon proof by her that she was married to any such officer or soldier, and that she is a widow, she shall thereupon be placed upon the pension-rolls at the same rate that such officer or soldier received during his life-time.

This refers to the pensions of the widows of revolutionary officers and soldiers. It requires proof that the applicant is a widow, and was married to such officer or soldier. The act of July 1, 1848, required proof of marriage to such officer or soldier prior to January 1, 1794. The act of July 29 of the same year contains the words found in this revision, but in making the revision the gentlemen who did it seem in some way or other to omit the act of July 3, 1872, which extends the pension to those subsequent as well as to those married prior to 1800, so there is no restriction whatever, and the words should be stricken from this section.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move in section 4815, page 1223, in line 5, to strike out the words "to him or her;" so it will read:

SEC. 4815. That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant, he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move in section 4828, page 1226, line 1, to strike out the word "Navy" and insert the word "Interior."

This was taken from the act of February, 1813, but that act was changed by the act of March 3, 1849, and the duties were transferred from the Secretary of the Navy to the Secretary of the Interior.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move, in the same section, in lines 16, 17, and 18, to strike out the word "paid," and insert the words "from moneys appropriated for the payment of pensions;" so it will read:

SEC. 4828. The Secretary of the Interior is required to place on the pension-list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board of any private armed vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy, or in the line of their duty as officers, seamen, or marines of such private armed vessel; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing-master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate, and prize-masters, a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be from moneys appropriated for the payment of pensions by direction of the Secretary of the Navy, out of the privateer-pension fund, and from no other.

The closing portion of the paragraph in that section reads as follows: "which several pensions shall be paid by direction of the Secretary of the Navy, out of the privateer-pension fund, and from no other." That is the act found in volume 2, page 799, volume 3, page 86; but the manner of this payment was changed by the act of April 5, 1856, found in volume 11, section 3, page 4, which provides this particular class of pensions shall be paid from moneys appropriated for the payment of pensions; that is, from the general pension fund. The change made by the act of 1856 seems to have escaped the attention of the gentlemen who revised the laws.

The amendments were agreed to.

Mr. SAYLER, of Ohio. I move in section 4838, page 1228, line 13, to strike out the word "total;" in line 14, after the word "limb," to insert the words "or other essential portion of the body;" and after the word "or," in the same line, to insert the word "for;" so as to read:

SEC. 4838. In all cases of application for the payment of pensions to invalid pensioners to the 4th day of September of an odd year, the certificate of an examining surgeon duly appointed by the Commissioner of Pensions, or of a surgeon of the Army or Navy, stating the continuance of the disability for which the pension was originally granted, describing it, and the degree of such disability at the time of making the certificate, shall be required to accompany the vouchers, and a duplicate thereof shall be filed in the office of the Commissioner of Pensions; and if in a case of continued disability it shall be stated at a degree below that for which the pension was originally granted, or was last paid, the pensioner shall only be paid for the quarter then due at the rate stated in the certificate. But where the

pension was originally granted for a disability in consequence of the loss of a limb or other essential portion of the body, or for other cause which cannot, either in whole or in part, be removed, or when a disability is certified, by competent examining surgeons, to the satisfaction of the Commissioner of Pensions, to have become permanent in a degree equal to the whole rate of pension, the above certificate shall not be necessary to entitle the pensioner to payment.

Mr. Speaker, the word "total" is not in the act of March 3, 1873; and I know of no good reason why we should insert it here. After the word "limb," in line 14, in this same section, are also found the words which I have suggested, "or other essential portion of the body." The word "for" is not in the original act, but needs to be inserted to preserve the construction of the sentence.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move in section 4849, page 1230, to prefix these words: "in addition to the compensation allowed in this title;" and change the capital "E" in the word "Each," at the beginning of line 1, to a small "e;" so it will read:

SEC. 4849. In addition to the compensation allowed in this title, each pension agent shall be allowed, as full compensation for all service, including postage required by the provisions of sections 4831 and 4832, the sum of thirty cents, and no more, for each voucher prepared and paid by him, which amount shall be paid by the United States.

Section 4848 of this title prescribes the pay that shall be given to agents for disbursements made above. Section 4849 prescribes the pay that agents shall receive for execution of certain papers. The words "in addition to the compensation allowed in this title" are found in the original act. It seems to me they would be better placed here, or it would seem to imply the compensation for papers is the only compensation agents would receive. At any rate, it is the law as it stands, and it is better to insert than to omit it.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move to strike out section 4850 and section 4854; which are as follows:

SEC. 4850. Every guardian having the charge and custody of the pension of his ward who embezzles the same in violation of his trust, or fraudulently converts the same to his own use, shall be punished by fine not exceeding $2,000 or imprisonment at hard labor for a term not exceeding five years, or both.

SEC. 4854. Every agent or attorney, or other person instrumental in prosecuting any claim for pension or bounty-land, who wrongfully withholds from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be fined not exceeding $500, or imprisoned at hard labor not exceeding two years, or both.

I desire to state my reason for that. Sections 4850, 4852, 4854, and 5553 of the crimes act were all taken from section 31 of the act of March 3, 1873.

Section 4850 prescribes the punishment that shall be visited upon a guardian who embezzles or fraudulently converts to his own use any pension belonging to his ward.

Section 4854 prescribes the punishment for an agent or attorney who wrongfully withholds from a pensioner or claimant any portion of the pension he has collected for him.

Section 5553 of the crimes act is taken from this act, and prescribes the punishment that shall be inflicted on an attorney who charges more than is provided in section 4852. It is also a portion of the same section, 31, of the act of March 3, 1873.

Now, in discussing this in the committee, we have decided that it is better to transfer all these penalties and offenses to the crimes act. Hence, we propose to strike out section 4850, which prescribes the punishment that shall be inflicted on a guardian who embezzles or fraudulently converts the pension of his ward, and section 4854, which prescribes the punishment which shall be inflicted on an agent or attorney who withholds from a pensioner or claimant any part of his pension or claim allowed. And at the proper time when that is reached the committee will propose to strike out also section 5553 in the crimes act, and introduce a substitute, including the whole of that class of offenses, so that they will all be embodied together in the crimes act. I only ask the House now to assent to my proposition to strike out these sections from this title, with the understanding that they will be reinstated in the crimes act. There are some amendments to be made there also, and the whole will be made correct when we reach that portion of the revision.

Mr. CRITTENDEN. I understand the gentleman to say that the crimes act embodies all the penalties for violation of any of the laws of the United States.

Mr. SAYLER, of Ohio. I did not say that; because there are instances through the revision where penalties for offenses are permitted to stand in connection with the titles where those offenses are specified. But inasmuch as part of section 31 of the act of March 3, 1873, has already been embodied in the crimes act, it has been thought better by the committee that all the offenses that it provides for shall be placed together in the crimes act.

Mr. CRITTENDEN. I would suggest to the gentleman from Ohio whether it would not be better, and have a more salutary effect to keep here these penalties which are made a part of this law? I merely put this in the shape of an inquiry, in order to elicit a little more information in regard to this point.

Mr. SAYLER, of Ohio. I can only say to the gentleman that the committee has discussed that point to some extent, and we have come unanimously to this conclusion, that these penalties should be in one place or the other; that there is no propriety in separating them as they are separated in the revision. And upon a full discussion of it we have concluded it was better, inasmuch as these are made severe offenses, punishable not only with fine but with imprisonment for from two to five years, that they should be embodied in the crimes act and put there in one place, so that there should be no difficulty in finding them.

Mr. POLAND. I may be allowed to state further, Mr. Speaker, in answer to the inquiry of the gentleman from Missouri, that there are various places in the revenue laws, the internal-revenue law, and the customs-revenue law, where penalties for the violation of the laws are incorporated in the laws themselves. And where we have found the whole provisions upon that subject placed in the revision of the revenue laws, the internal-revenue law, or the customs-revenue law, we have left them there. We should probably have done the same in reference to these penalties for the violations of the pension law, except that the revisers had transferred the penal sections to the crimes act; and the committee determined that they should be all together in some place. If a portion of them were to be in the crimes act, we thought it better to transfer them all there.

Indeed, I think it would have been better if the revisers had started on the plan of putting all offenses under any law in the crimes act. But they have not done that. The committee, however, decided that all the penal sections relating to the same subject ought to be together, and, therefore, they propose to transfer these to where a portion of the penalties are already found; that is, in the crimes act.

Mr. CRITTENDEN. I think the committee would be in the right if all the penalties were found in the crimes act. But since a part are in the crimes act, while a part are in a different place, I am rather of the opinion that it would have a better effect to permit these penalties in the pension law to remain where they are, unless we undertake to codify all of those penalties in the crimes act. I agree with the committee that it would be better to put them all in the crimes act, but as they have not been put there, my impression is that it might be as well to let these sections remain as they are.

Mr. SAYLER, of Ohio. We cannot do that. In this instance there would be no propriety in doing as the gentleman suggests, unless we brought section 5553 from the crimes act over to the pension act.

Mr. POLAND. The class of persons aimed at by these penalties is not a class of persons likely to sin in ignorance of the laws. Pension agents and attorneys are usually sharp enough; I do not think we need take any pains in regard to them. I have not any doubt in relation to the wisdom of what my colleague from Ohio proposes here in behalf of the committee. My great doubt is whether we ought not to have done the same thing in all cases. But in most of the penal sections of the revenue laws the offenses are of a much lighter grade than this, and might more appropriately be left to stand as part of those laws than higher crimes, with the severe penalties that these sections are intended to meet. This seems to me the only appropriate place for these sections.

The amendment was agreed to.

Mr. SAYLER, of Ohio. I move on page 1231, section 4852, in line 1, to insert after the word "attorney" the words "or other persons;" so that it will read:

SEC. 4852. No agent or attorney or other persons shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars.

It is so in the act from which this section was taken; and it is important, I think, that is should be inserted here; otherwise it might leave open the plea that the party was not an agent or attorney, although it would scarcely be a legal plea.

The amendment was agreed to.

Mr. SAYLER, of Ohio. On the same page, in section 4855, in line 7, after the word "resection" I move to insert the words "or who was entitled to receive such limb or apparatus since said date."

I will state the reason for that amendment, and I can do it best by reading the section as it will be if amended. It is as follows:

SEC. 4855. Every officer, soldier, seaman, and marine, who was disabled during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department, since the 17th day of June, 1870, with an artificial limb or apparatus for resection, or who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every five years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army.

The act having been passed in 1870, there may be persons who did not receive the apparatus for resection or artificial limbs to which they were entitled under the law, and hence it is necessary to put in this amendment to meet any case of that kind.

The amendment was agreed to.

Mr. SAYLER, of Ohio. The next amendment is on page 1231. In section 4858, line 1, I move to strike out the word "person," and insert the word "soldier;" so that it will read:

SEC. 4858. Every soldier who lost a limb during the war of the rebellion, but from the nature of his injury is not able to use an artificial limb, shall be entitled to the benefit of section 4856, and shall receive money commutation as therein provided.

I do not know why this change should have been made in the revision of the laws. The law did not intend to imply that everybody who lost a limb during the war of the rebellion should receive an artificial limb.

The SPEAKER *pro tempore*. The Chair would inquire if the act in regard to artificial limbs included sailors.

Mr. SAYLER, of Ohio. The language is, "every officer, soldier, seaman, and marine."

The SPEAKER *pro tempore*. Then, in section 4858, would the amendment of the gentleman from Ohio include all that he desires to accomplish?

Mr. SAYLER, of Ohio. Well, probably it would be better, Mr. Speaker, to enlarge the language. I took the word "soldier" from the act of June 17, 1870. As the section stands here, "every person who lost a limb during the rebellion" is rather too broad an expression. A man might have lost his leg up North in an entirely different kind of business. I will withdraw my amendment and offer the following, at the suggestion of my colleague on the committee, from Massachusetts, [Mr. E. R. HOAR.] After the words "every person," insert the words "in the military or naval service."

Mr. BROMBERG. What does the law say?

Mr. SAYLER, of Ohio. The law says "every soldier;" at least that is the act of June 17, 1870.

Mr. BROMBERG. Why change it, then?

Mr. SAYLER, of Ohio. I will state why. This title was made up from a great many different laws, and it is necessary to make the words conform to the text as they are found here in this title. There are other acts which apply just as well to seamen and marines as to soldiers in the land service, and the laws included in this section in being placed here should not be limited in conferring the benefits upon all these parties. I suppose that is the reason why the word "persons" was employed by the revisers. I will state that this is the last amendment I have to propose.

The amendment was agreed to.

Mr. CRITTENDEN. I desire to call the attention of the gentleman to page 1211, section 4765, line 32, the last provision of that section. I was not here at the time the gentleman offered his amendment; I have only just come into the House; and I would like to know what the amendment was which was offered by the gentleman. I will state this, that the Committee on Invalid Pensions had an amendment to this section under discussion a few days since, and we agreed upon an amendment to this section.

The Clerk read the amendments proposed and adopted to section 4765, as follows:

In line 32 strike out the words "provided further that;" begin "except" with a capital "E;" make the proviso a separate section; and in line 34, after the words "surgeon's certificate," insert the words "establishing the same made under the pending claim for increase."

The Clerk then read the section as amended, as follows:

SEC. 4765. From and after June 4, 1872, all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of $31.25 per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month: *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they cannot use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of thirteen dollars per month: *Provided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree. Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate, establishing the same, made under the pending claim for increase; and that in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

Mr. CRITTENDEN. Now, if I have the permission of the House, I would like to have read the amendment which was proposed by the Committee on Invalid Pensions. My impression is that it is somewhat better than the amendment agreed upon by the committee.

Mr. POLAND. Is the amendment an alteration of the law?

Mr. CRITTENDEN. No; I think not. I think it is a little more expressive of the words of the law than as the section now stands.

The Clerk read Mr. CRITTENDEN'S amendment, as follows:

That the third and last proviso of section 4 of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, be so amended that it shall read:

Provided further, That except in cases of permanent, specific disability, the increase of pension shall commence from the date of the examining surgeon's certificate that first shows the increased disability.

Mr. CRITTENDEN. Probably I can make that a little plainer by illustrating it. A is wounded during the war; a surgeon examines his case and pronounces him entitled to a pension, we will say at four dollars a month. At the expiration of a year he is re-examined, and upon the second examination the first is confirmed. At the expiration of the second year he is re-examined again, or he is re-examined every six months, if you please; and the third surgeon says he is entitled to an increased amount of pension. At the end of the third year he is re-examined. The fourth surgeon says he is in better condition than he was when first examined. Now the question is, is he not, by the provision here, referred back to his first pension, of four dollars per month, instead of being allowed to continue to receive his pension of eight dollars per month upon the third surgeon's certificate that his disability has increased? The intention of the Committee on Pensions is that he shall continue to receive the pension given him upon his re-examination, that is, eight dollars a month.

Mr. BARBER. He cannot get this increase without making application for an increase.

Mr. CRITTENDEN. Application has to be made, of course.

Mr. SAYLER, of Ohio. I think the gentleman will agree with me at any rate that the proviso should be made a separate section; that is a merely formal matter.

Mr. CRITTENDEN. I agree with the gentleman fully there.

Mr. SAYLER, of Ohio. I believe I understand the proposition of the gentleman from Missouri, [Mr. CRITTENDEN.] He proposes that the section shall read, "That except in case of permanent specific disability the increase of pension shall commence from the date of the examining surgeon's certificate showing increase of disability." I do not see that there is any great difference between that amendment and the one we propose, except that we state negatively what that amendment states positively. The amendment proposed by us is, "That except in case of permanent increased disability, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same made under the pending claim for increase." In other words, the amount of pension is determined under a particular surgeon's examination at the time the claim is made for an increase. As I understand, that has always been the practice of the Department. It is in accordance with that practice that we have framed this section.

Mr. CRITTENDEN. Just here a moment, if the gentleman will permit me. I will state why it is that we desire to have this language in the most positive form that we can put it in. My observation of the Pension Office is, and I speak of it with great respect, and with no desire to cast any reflection upon the office, that unless the language is pointed, and unless the office is directed by positive language to give these pensions, I do not care how negatively you may express it, they will every time take advantage of the law. They do it, I think, with the very best of motives, to preserve the public funds. But with my short experience in connection with the Committee on Invalid Pensions, I think they are a little too careful of the public funds, and very frequently keep soldiers out of pensions when they really should have them. Therefore we have agreed upon this language of the most affirmative character that could be used.

Mr. SAYLER, of Ohio. I do not know that I would disagree with the gentleman as to the propriety of the amendment in the form he suggests; but my impression is that we have gone as far as we ought to go in arranging this section. We have conformed it to the law as it is, and to the usage of the office as it is. And, as I understand our duties, that is as far as we are entitled to go. It may be possible that it would be better if the section went a little further than it does. The gentleman admits that his positive amendment will carry it a little further and effect a change in the operations of the Pension Bureau. The Committee on Revision do not feel at liberty to attempt anything of the kind. If the gentleman desires such an amendment I think he had better not urge it in so small a House as this, but present it as an amendment to the pension law.

Mr. CRITTENDEN. I will withdraw the amendment.

Mr. POLAND. I have an amendment to propose to the chapter on crimes. I move to strike out section 5553.

The section referred to was as follows:

SEC. 5553. Every agent or attorney for the preparation and prosecution of a claim for pension or bounty land, who directly or indirectly contracts for, demands, receives, or retains any greater compensation for his services as such agent or attorney than is prescribed by law, shall be fined not more than $500, or imprisoned at hard labor not more than five years, or both.

The motion to strike out was agreed to.

Mr. POLAND. I move to insert in place of the section just struck out, and to supply the place of the two sections struck out of the chapter on pensions, that which I send to the Clerk's desk.

The sections proposed to be inserted were as follows:

SEC. —. Any agent or attorney, or any other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand, or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is provided in the title pertaining to pensions, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offense, be fined not exceeding $500, or imprisoned at hard labor not exceeding two years, or both, at the discretion of the court.

SEC. —. If any guardian, having the charge or custody of the pension of his ward, shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, he shall be punished by fine not exceeding $2,000, or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court.

The additional sections were agreed to.

Mr. POLAND. I now yield to my colleague on the committee, the gentleman from Rhode Island, [Mr. PENDLETON.]

Mr. PENDLETON. I move to amend, so as to make the word "spirits," in sections 3311 and 3312, read "spirit."

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3313, by striking out

the final "s" in the word "spirits," and by inserting at the end the words, "set forth and declared for the inspection and gauging of spirits throughout the United States;" so that the section will read as follows:

SEC. 3313. In all sales of spirit a gallon shall be held to be a gallon of proof spirits, according to the standard prescribed in the preceding section, set forth and declared for the inspection and gauging of spirits throughout the United States.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3318 by transposing the words "except as to the tax thereon;" so that the section will read as follows:

SEC. 3318. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, or grapes, from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so.

The amendment was agreed to.

Mr. PENDLETON. I move to amend, by striking out in section 3321 the words "hereafter set up," in line 11; so that the section will read as follows:

SEC. 3321. Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner of Internal Revenue. Stills and distilling apparatus shall be registered immediately upon their being set up. Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited. And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3322 by inserting after the word "collector," in line 36, the words "or proper deputy collector;" and by inserting after the word "change," in line 37, the words "and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district;" so that the section will read as follows:

SEC. 3322. Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash-tubs and fermenting-tubs, the cubic contents of each tub, the number of receiving cisterns, the cubic contents of each cistern, the number of hours in which the distillery will ferment each tub of mash or beer, the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet, in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process. In case of a rectifier, the notice shall state the precise place where such business is to be carried on, the name and residence of every person interested or to be interested in the business, the process by which the applicant intends to rectify, purify, or refine distilled spirits, the kind and cubic contents of any still used or to be used for such purpose, the estimated quantity of spirits which can be rectified, purified, or refined every twenty-four hours in such establishment, and that said rectifying establishment is not within six hundred feet, in a direct line, of the premises of any distillery registered for the distillation of spirits. In case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying establishment, or in the time of fermenting the mash or beer, notice thereof, in writing, shall be given to the said collector or proper deputy collector of the district within twenty-four hours after such change, and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner of Internal Revenue may, from time to time, prescribe. Every person who fails or refuses to give such notice shall pay a penalty of $1,000, and shall be fined not less than $100 nor more than $2,000; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3325, by striking out in line 6 the word "mortgage" and insert "mortgagee;" and by inserting after the word "or," in line 27, the words "in any case of such prior erection;" so that the section will read as follows:

SEC. 3325. No bond of a distiller shall be approved, unless he is the owner in fee, unincumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, or unless he files with the collector, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other incumbrance, and that in case of the forfeiture of the distillery premises, or of any part thereof, the title of the same shall vest in the United States, discharged from such mortgage, judgment, or other incumbrance. In any case where the owner of a distillery, or distilling-apparatus, erected prior to the 20th day of July, 1868, has only an estate for a term of years, or other estate less than fee-simple, in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or in like case, where the lease or other evidence of title is held, but was not required by the laws of the State to be recorded in order to be valid at the time of its execution; or in any case of such prior erection where the title was then, and has continued to be, in litigation; or in any case of such prior erection where such owner is possessed of the fee, but incumbered with a mortgage executed and duly recorded prior to said 20th of July, 1868, and not due, or in any case of such prior erection where the fee is held by a feme-covert, minor, person of unsound mind, or other person incapable of giving consent, as hereinbefore required, the value of such lot or tract of land, together with the building and distilling-apparatus, shall be appraised in the manner to be prescribed by the Commissioner of Internal Revenue; and the collector may at the discretion of the Commissioner, be authorized to accept, in lieu of the said written consent of the owner of the fee, the bond of such distiller, in such form as the Commissioner may prescribe, with not less than two sureties, conditioned that in case the distillery, distilling-apparatus, or any part thereof, shall by final judgment be forfeited for the violation of any of the provisions of law, the obligors shall pay the amount stated in said bond. Said sureties shall be residents of the collection district or county, or of an adjoining county in the same State in which the distillery is situated, and owners of unincumbered real estate in said district or county, or adjoining county, equal to such appraised value, and the penal sum of said bond shall be equal to the appraised value of said lot or tract of land together with the buildings and distilling-apparatus: *Provided*, That in the case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner of Internal Revenue, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale, on complying with all the other provisions of law.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3330 by substituting for the word "spirit," in line 8, the word "spirits."

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3342 by inserting after the words "rectifier of spirits," in line 7, the word "or."

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3343 by an addition after the word "therewith," at the end of the section; so that it will read as follows:

SEC. 3343. It shall not be lawful for any distiller to commence or to continue the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration and survey of distilleries, and the arrangement and construction of distilleries and the premises connected therewith. Nor shall it be lawful for a person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within a distance of six hundred feet in a direct line.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3344 by inserting after the word "distillation," in line 9, the words "or rectification;" and by inserting after the word "spirits," in the same line, the words "or for the compounding of liquors;" so that the section will read as follows:

SEC. 3344. Every person who carries on the business of a distiller without having given bond as required by law, or who engages in or carries on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, shall, for every such offense, be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all stills or other apparatus fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all the right, title, and interest therein of every person who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery, which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

The amendment was agreed to.

Mr. PENDLETON. I wish to move an amendment to section 3345.

The section was as follows:

SEC. 3345. No mash, wort, or wash, fit for distillation, or for the production of spirits or alcohol, shall be made or fermented in any building, or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol, or any vapor of alcoholic spirits, in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than $500, nor more than $5,000, and be imprisoned not less than six months, nor more than two years: *Provided further*, That nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively.

Mr. PENDLETON. I move to amend, by adding at the end of the section the following:

But nothing herein contained shall be construed to authorize the distillation of such fermented liquids, except in an authorized distillery.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3349 by transposing the last sentence; so that the section will read as follows:

SEC. 3349. Whenever any officer requires the water contained in any worm-tub in a distillery, at any time when the still is not at work, to be drawn off and the tub and worm cleansed, the water shall forthwith be drawn off, and the tub and worm cleansed by the distiller, or his workmen, accordingly; and the water shall be kept and continued out of such worm-tub for a period of two hours, or until the officer has finished his examination thereof. For any refusal or neglect to comply with any provisions of this section the distiller shall forfeit the sum of $1,000. And it shall be lawful for the officer to draw off such water, or any portion of it, and to keep the same drawn off for so long a time as he shall think necessary.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3357 by transposing the line embracing the words "tax paid;" so that the section will read as follows:

SEC. 3357. Any distilled spirits may, on payment of the tax thereon, be withdrawn from warehouse on application to the collector of the district in charge of such warehouse, on making a withdrawal entry in duplicate and in the following form:

ENTRY FOR WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE.

Tax paid.

Entry of distilled spirits to be withdrawn, on payment of the tax, from ——— warehouse, by ———, deposited on the ——— day of ———, anno Domini ———, by ———, in said warehouse.

And the entry shall specify the whole number of casks, with the marks and the serial numbers thereon, the number of gauge or wine gallons, and of proof gallons, and the amount of the tax on the distilled spirits contained in them, all of which shall be verified by the oath of the person making such entry; and on payment of the tax the collector shall issue his order to the store-keeper in charge of the warehouse for the delivery. One of said entries shall be filed in the office of the collector, and the other transmitted by him to the Commissioner of Internal Revenue.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3359 by inserting after the word "warehouse," in line 6, the words, "or other warehouse for distilled spirits authorized by law;" so that the section will read as follows:

SEC. 3359. Whenever any person removes, or aids or abets in the removal of any distilled spirits on which the tax has not been paid, to a place other than the distillery warehouse provided by law, or conceals or aids in the concealment of any spirits so removed, or removes, or aids or abets in the removal of any distilled spirits from any distillery warehouse or other warehouse for distilled spirits authorized by law, in any manner other than is provided by law, or conceals or aids in the concealment of any spirits so removed, he shall be liable to a penalty of double the tax imposed on such distilled spirits so removed or concealed, and shall be fined not less than $200 nor more than $5,000, and imprisoned not less than three months nor more than three years.

This amendment was given to us by the Department, the officers of which insisted that it ought to be put in, because it is found in the law. They claim there may be spirits in bonded warehouses.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3364 by inserting after the word "indicating," in line 4, the words "in each case;" and by striking out in line 5 the word "each;" so that the section will read as follows:

SEC. 3364. Every store-keeper shall keep a warehouse book, which shall at all times be open to the examination of any revenue officer, and shall enter therein an account of all articles deposited in the warehouse to which he is assigned, indicating in each case the date of deposit, by whom manufactured or produced, the number and description of the packages and contents, the quantities therein, the marks and serial numbers thereon, and by whom gauged, inspected, or weighed, and if distilled spirits, the number of gauge or wine gallons and of proof gallons; and before delivering any article from the warehouse he shall enter in said book the date of the permit or order of the collector for the delivery of such articles, the number and description of the packages, the marks and serial numbers thereon, the date of delivery, to whom delivered, and for what purpose, which purpose shall be specified in the permit or order for delivery; and in case of delivery of any distilled spirits the number of gauge or wine gallons, and of proof gallons, shall also be stated; and such further particulars shall be entered in the warehouse books as may be prescribed or found necessary for the identification of the packages, to insure the correct delivery thereof and proper accountability therefor. And every store-keeper shall furnish daily to the collector of the district a return of all articles received in and delivered from the warehouse during the day preceding that on which the return is made, and mail at the same time a copy thereof to the Commissioner of Internal Revenue, and shall, on the first Monday of every month, make a report in duplicate of the number of packages of all articles, with the respective descriptions thereof, as above provided, which remained in the warehouse at the date of his last report, of all articles received therein and delivered therefrom during the preceding month, and of articles remaining therein at the end of said month. He shall deliver one of these reports to the collector having control of the warehouse, to be recorded and filed in his office, and transmit one to the Commissioner of Internal Revenue, to be recorded and filed in his office.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3366 by striking out in line 7 the word "complete," and inserting the words "true and exact;" so that the section will read as follows:

SEC. 3366. Every person who makes or distills spirits, or owns any still, boiler, or other vessel used for the purpose of distilling spirits, or who has such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or who uses any such still, boiler, or other vessel, shall from day to day make, or cause to be made, in a book or books, to be kept by him in such form as the Commissioner of Internal Revenue may prescribe, a true and exact entry of the kind of materials, and the quantity in pounds, bushels, or gallons purchased by him for the production of spirits, from whom and when purchased, and by what conveyance delivered at said distillery, the amount paid therefor, the kind and quantity of fuel purchased for use in the distillery, and from whom purchased, the amount paid for ice or water for use in the distillery, the repairs placed on said distillery or distilling apparatus, the cost thereof, and by whom and when made, and of the name and residence of each person employed in or about the distillery, and in what capacity employed. And in another book he shall make like entry of the quantity of grain or other material used for the production of spirits, the time of day when any yeast or other composition is put into any mash or beer for the purpose of exciting fermentation, the quantity of mash in each tub, designating the same by the number of the tub, the number of dry inches, that is to say, the number of inches between the top of each tub and the surface of the mash or beer therein at the time of yeasting, the gravity and temperature of the time of yeasting, and on every day thereafter its quantity, gravity, and temperature at the hour of twelve meridian; also, of the time when any fermenting-tub is emptied of ripe mash or beer, the number of gallons of spirits distilled, the number of gallons placed in the warehouse, and the proof thereof, the number of gallons sold or removed, with the proof thereof, and the name, place of business, and residence of the person to whom sold.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3368 by striking out in line 3 the word "four," and inserting the word "two;" so as to read "in the two preceding sections."

The amendment was agreed to.

Mr. PENDLETON. I move to amend section 3372 by striking out in line 11 the word "assessor" and inserting "Commissioner."

The amendment was agreed to.

Mr. PENDLETON. I move in section 3377, line 16, after the word "allowed" to insert "provided, that the total net compensation to collectors as fixed by this title shall not be thereby increased;" so it will read:

SEC. 3377. The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected; and when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of $\frac{1}{2}$ of one per cent. on the amount of such tax, in addition to any other commission by law allowed: *Provided*, That the total net compensation to collectors as fixed by this title shall not be thereby increased.

The amendment was agreed to.

Mr. PENDLETON. I move to insert in section 3381, line 17, after the word "person," the words "or firm;" so it will read:

SEC. 3381. Every rectifier and wholesale liquor dealer shall provide a book, to be prepared and kept in such form as may be prescribed by the Commissioner of Internal Revenue, and shall, on the same day on which he receives any foreign or domestic spirits, and before he draws off any part thereof, or adds water or anything thereto, or in any respect alters the same, enter in such book, and in the proper columns respectively prepared for the purpose, the date when, the name of the person or firm from whom, and the place whence the spirits were received, by whom distilled, rectified, or compounded, and when and by whom inspected, and, if in the original package, the serial number of each package, the number of wine gallons and proof gallons, the kind of spirit, and the number and kind of adhesive stamps thereon. And every such rectifier and wholesale dealer shall, at the time of sending out of his stock or possession any spirits, and before the same are removed from his premises, enter in like manner in the said book the day when and the name and place of business of the person or firm to whom such spirits are to be sent, the quantity and kind or quality of such spirits, the number of gallons and fractions of a gallon at proof, and, if in the original packages in which they were received, the name of the distiller and the serial number of the package, &c.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3386, in lines 1, 2, and 4, respectively, to insert the words "cask or" before the word "package."

The SPEAKER *pro tempore*. The same word "package" occurs in line 12.

Mr. PENDLETON. I suppose the words "cask or" should be inserted there also. I make that amendment. The section would then read:

SEC. 3386. All distilled spirits drawn from any cask or package and placed in any other cask or package containing not less than ten gallons, and intended for sale, shall be again inspected and gauged; and the cask or package into which it is so transferred shall be marked or branded, and such marking or branding shall distinctly indicate the name of the gauger, the time and place of inspection, the proof of the spirits, the particular name of such spirits as known to the trade, and the name and place of business of the dealer or rectifier, as the case may be; and, except where such spirits have been rectified or compounded, the name also of the distiller and the distillery where such spirits were produced, and the serial number of the original cask or package; and where such spirits have been rectified, the name of the rectifier, and the serial number of the rectifier's stamp; and the absence of such mark or brand shall be held as sufficient cause and evidence for the forfeiture of such unmarked packages of spirits.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3385, line 2, to strike out the word "three;" so it will read:

SEC. 3385. All blanks in any of the forms prescribed in the preceding sections shall be duly filled in accordance with the facts in each case. And the stamps therein designated shall in every case be affixed to a smooth surface of the cask or other package, which surface shall not have been previously painted or covered with any substance, and so as to fasten the same securely to the cask or package, and shall be duly canceled, and shall then be immediately covered with a coating of transparent varnish or other substance, so as to protect them from removal or damage by exposure; and such affixing, cancellation, and covering shall be done in such manner as the Commissioner of Internal Revenue may by regulation prescribe.

The amendment was agreed to.

Mr. PENDLETON. I move in section 3395, line 5, to insert before "one hundred" the words "less than;" so it will read:

SEC. 3395. When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing-capacity of less than one hundred and fifty gallons a day, for any violation of law, of whatever nature, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein, shall be so destroyed as to prevent the use of the same or of any part thereof for the purpose of distilling; and the materials shall be sold as in case of other forfeited property.

The amendment was agreed to.

Mr. PENDLETON. I move, in section 3396, line 2, after the word "warehouse," to insert the words "or other warehouse for distilled spirits authorized by law;" so it will read:

SEC. 3396. Whenever seizure is made of any distilled spirits found elsewhere than in a distillery or distillery warehouse, or other warehouse for distilled spirits authorized by law, or than in the store or place of business of a rectifier, or of a wholesale liquor dealer, or than in transit from any one of said places; or of any distilled spirits found in any one of the places aforesaid, or in transit therefrom, which have not been received into or sent out therefrom in conformity to law, or in regard to which any of the entries required by law to be made in the books of the owner of such spirits, or of the store-keeper, wholesale dealer, or rectifier, have not been made at the time or in the manner required, or in respect to which the owner or person having possession, control, or charge of said spirits, has omitted to do any act required to be done, or has done or committed any act prohibited in regard to said spirits, the burden of proof shall be upon the claimant of said spirits to show

that no fraud has been committed, and that all the requirements of the law in relation to the payment of the tax have been complied with.

The amendment was agreed to.

And then, on motion of Mr. POLAND, (at twenty minutes past nine o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BELL: A paper relating to the claim of Elizabeth J. Woods, widow of William Woods, deceased, for payment for services of her husband as interpreter in the treaty with, and removal of, the Cherokees in 1837 and 1838, to the Committee on Claims.

By Mr. BUTLER, of Massachusetts: The petition of Jacob P. Lange, of Baltimore, Maryland, for relief, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of Ann Griffin, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Henry C. Mills, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Annabella Evans, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mary O'Kane, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Anna Taylor, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Elizabeth J. Clampitt, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Sarah E. Porter, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Harriet M. White, for bounty, to the Committee on Military Affairs.

Also, the petition of Reuben J. Murray, for bounty, to the Committee on Military Affairs.

Also, the petition of Samuel S. Dennis, for relief, to the Committee on War Claims.

Also, the petition of Thomas McBride, for relief, to the Committee on War Claims.

Also, the petition of Allen Gunter, for relief, to the Committee on War Claims.

By Mr. COBB, of Kansas: The petition of William and Richard Hewitt, of Marysville, Kansas, to be reimbursed for depredations by the Pawnee Indians, to the Committee on Indian Affairs.

By Mr. CROSSLAND: Papers relating to the claims of E. H. Chamberlain, Maria S. Saunders, Wilson Thompson, Robert Enders, Josephine B. Keller, Henry Kordenbrooke, David Caruthers, John E. Williamson, John Q. A. King, John W. Cobbs, William A. Bell, D. Wand, T. T. Settle, Thomas H. Flournoy, John Mack and wife, L. I. Atchison, Casper Ashoff, William C. Fritter, C. J. Coleman, Isaac Keller, Jacob Davis, Robert Watson and wife, J. W. Bloomfield, William A. Rawlings, John W. Cobbs, David W. Settle, Thomas F. Settle, Lucy F. Didier, Julia T. Wahl, D. T. Craig, E. Hubbard, Robert J. Crow and wife, John L. Allen and wife, August Slusmeyer, Mary Jane Thompson, John S. Allard, I. M. Bigger, Reuben Loeb, Benjamin G. Brazelton, and Robert C. Campbell, severally, to the Committee on War Claims.

By Mr. CRUTCHFIELD: The petition of James F. Early, of Sequatchie County, Tennessee, for compensation for military services in the late war, to the Committee on War Claims.

Also, the petition of Sarah Taylor, mother of Frank Taylor, private Company G, First Kentucky Infantry, for a pension to date from July 8, 1861, to the Committee on Invalid Pensions.

By Mr. DONNAN: The petition of H. M. Dean, and others, of Iowa, physicians, for the passage of the bill to increase the efficiency of the Medical Department of the Army, to the Committee on Military Affairs.

By Mr. HARRISON: Papers relating to the claim of Sugg Fort, for commissary stores, to the Committee on War Claims.

By Mr. HAZELTON, of New Jersey: The petition of citizens of Gloucester County, New Jersey, for privilege of ferry-landing at League Island and right of way over the Government lands, to the Committee on Naval Affairs.

By Mr. KASSON: The memorial of Professor C. G. Lockwood, and others, for the introduction of a uniform and metric decimal system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. MYERS: The petition of Samuel Z. Cooper, late private Company H, Twenty-second Pennsylvania Cavalry, to be restored to the pension-rolls, to the Committee on Invalid Pensions.

Also, the petition of David B. Champion, late private Company A, One hundred and eighty-third Pennsylvania Volunteers, for increase of pension, to the Committee on Invalid Pensions.

By Mr. NEGLEY: The petition of 37 citizens of Pittsburgh, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

By Mr. O'BRIEN: Papers relating to the application of Robert Hardie for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. PARSONS: The petition of Adam Miller, of Annapolis, Maryland, for relief, to the Committee on Military Affairs.

By Mr. SHEATS: The petition of D. H. Speegle, Robert Calvert, and others, of Ryan's Creek, Alabama, for modifications of the homestead law, to the Committee on the Public Lands.

By Mr. THORNBURGH: The petition of Martha C. Capps, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mary D. Williams, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *March* 5, 1874.

Prayer by Rev. WILLIAM HARRIS, D. D., of London, a member of the recent Evangelical Alliance, on behalf of the Congregationalists of Great Britain.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WRIGHT presented the following joint resolution of the Legislature of Iowa; which was referred to the Committee on Finance, and ordered to be printed:

Joint resolution memorializing Congress for an increase of the currency of the country.

Whereas the real and personal property of the country has increased nearly 100 per cent. in the last decade, and the value of manufactured products more than double during the same time, while the amount of currency in circulation has been contracted about two hundred and fifty millions; and whereas we believe the amount of currency in the country, and especially in the Northwest, is inadequate to carry on the exchanges necessary for a healthy and prosperous condition of affairs, and however desirable it may be to bring about specie payment, an undue contraction of the legal-tenders of the country by which business is embarrassed and production impaired is not the proper method of obtaining that end: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That we request our Senators and Representatives in Congress to vote for such measures of relief as the present condition of the country demands, prominent among which we believe is a large addition to the present volume of the currency of the country.

Resolved, That the secretary of state is hereby instructed to furnish each of our members in Congress with twenty-five copies of this resolution.

Approved February 27, 1874.

Mr. ANTHONY. I present the petition of A. M. Rice and Nathaniel Church, and others, of Little Compton, Rhode Island, praying that, in view of the happy issue of our late arbitration with Great Britain, Congress take measures to invite the other nations to seek an express stipulation for arbitration, and that they will not resort to war till peaceful arbitration has been tried, and never without a full year's previous notice. I move its reference to the Committee on Foreign Relations.

The motion was agreed to.

Mr. ANTHONY presented the petition of the State executive committee of civil rights of the State of Rhode Island, praying the Senate to pass Senator CHARLES SUMNER'S supplementary civil-rights bill; which was referred to the Committee on the Judiciary.

Mr. DAVIS. I present a joint resolution of the Legislature of the State of West Virginia, directing its Senators and requesting its Members of the House of Representatives to favor the passage of an act providing for the holding of an annual session of the district court at Martinsburgh, West Virginia. I will state that now the nearest district court from Martinsburgh is two hundred miles, and on this side of the mountains. There appears to be a necessity for a court there. I move that the resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MITCHELL presented a petition of citizens of Oregon, praying that the money-order system be extended to every post-office in the United States; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUCKINGHAM presented the petition of Isaac M. Hall and other citizens of Groton, Vermont, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. BOREMAN presented a resolution of the Legislature of West Virginia, in favor of the passage of an act providing for the holding of an annual session of the district court for the district of West Virginia, at Martinsburgh, in the county of Berkeley; which was referred to the Committee on the Judiciary.

Mr. LEWIS presented the petition of Frank G. Senseny and others, heirs of Jacob Senseny, deceased, praying compensation for the use and occupancy of certain buildings in Winchester, Virginia, by United States troops, in 1864 and 1865; which was referred to the Committee on Claims.

Mr. SHERMAN presented the petition of the members and congregation of the Methodist Episcopal church of Franklin, Richland County, Ohio, signed by the pastor, Rev. John McNabb, and other officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SUMNER presented the petition of the Massachusetts Total Abstinence Society, William B. Spooner, president, William C. Greene, secretary, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

He also presented the petition of George Frances and 48 others, and the petition of Emry C. Games, and 68 others, citizens of Delaware, praying the passage of the bill known as CHARLES SUMNER'S supplementary civil-rights bill; which were referred to the Committee on the Judiciary.

Mr. SUMNER. I also present a large number of petitions from citizens of Massachusetts, in different towns, interested in patents, in which they set forth abuses from the extension of patents, by means of which monopolists have enriched themselves to the extent of several million dollars; and they protest against such extensions, and request the Senate and House of Representatives, and particularly those members whose constituents they are, to use their earnest endeavors and influence to relieve them from such further onerous burdens. I move to refer the petitions to the Committee on Patents.

The motion was agreed to.

Mr. MORRILL, of Vermont, presented the petition of George Carpenter and others, citizens of Groton, Vermont, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SCHURZ presented the petition of Patrick Sullivan, late lieutenant Nineteenth Regiment Wisconsin Volunteers, praying compensation for services rendered in recruiting men for the Army in 1862; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of Elizabeth Haines, a nurse in the United States hospital at Keokuk, Iowa, praying that a pension be granted her for disability contracted in the United States service and in the line of duty, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. SCOTT, it was

Ordered, That the petition and papers in the case of R. W. Gibbs be taken from the files and referred to the Committee on Claims.

On motion of Mr. LOGAN, it was

Ordered, That the petition of George R. Naylor be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. RAMSEY, it was

Ordered, That the pension certificate of Mrs. Barbara A. Nock be withdrawn from the files of the Senate and delivered to her, to enable her to draw her pension.

On motion of Mr. MERRIMON, it was

Ordered, That the papers in the matter of the claim of the Methodist Episcopal Church South be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. FERRY, of Connecticut. I am instructed by the Committee on Patents, to whom was referred the bill (S. No. 351) to amend an act entitled "An act confirming and extending a patent right to Levi W. Pond and the Eau Claire Lumber Company," approved June 10, 1872, to report it back with the recommendation that it be rejected.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. FERRY, of Connecticut. I do not ask that the bill be indefinitely postponed, but rejected. On a former occasion the Senate decided that a bill indefinitely postponed might be called up at any time by a mere majority of the Senate.

The PRESIDENT *pro tempore*. The question, then, is on the third reading of the bill.

The question being put was determined in the negative, and so the bill was rejected.

Mr. FERRY, of Connecticut. The same committee make the same report in regard to the bill (S. No. 352) to repeal an act entitled "An act confirming and extending a patent right to Levi W. Pond and the Eau Claire Lumber Company," approved June 10, 1872. It is another form of the same matter.

The PRESIDENT *pro tempore*. The question is on ordering the bill to a third reading.

The question being put, the bill was rejected.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads, to whom was referred a number of petitions, asking that the postal money-order system be extended to all the post-offices in the country, have instructed me to report adversely to the prayer of the petitions and ask to be discharged from their further consideration.

The report was agreed to.

Mr. RAMSEY. In that connection I desire to have printed a communication from the Post-Office Department on this subject, which I present.

The communication was ordered to be printed.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 919) to provide for the issuing and recording of commissions to postmasters appointed by the President by and with the advice and consent of the Senate, reported it without amendment.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Lucinda Schrom, praying for a pension, submitted a report accompanied by a bill (S. No. 566) granting a pension to Lucinda Schrom, widow of Jacob R. Schrom, late of Company A, Forty-ninth Regiment Missouri Volunteers.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Hester Stoll, praying for a pension, reported it adversely, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Mary E. Naylor, praying for a pension, submitted a report, accompanied by a bill (S. No. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, late a private in Company C, Second Kansas Militia.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. INGALLS also, from the same committee, to whom was referred the petition of Hugh P. Lytle, praying for a pension, reported a bill (S. No. 568) granting a pension to Hugh P. Lytle, late private Company H, Thirty-second Regiment Ohio Volunteers; which was read, and passed to a second reading.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association, reported it without amendment, and submitted a report; which was ordered to be printed.

BILL RECOMMITTED.

On motion of Mr. McCREERY, it was

Ordered, That the bill (H. R. No. 496) for the relief of those suffering from the destruction of the salt-works, near Manchester, Kentucky, pursuant to the orders of Major-General Carlos Buell, be recommitted to the Committee on Claims.

BILLS INTRODUCED.

Mr. BOREMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 569) to compensate J. B. Davis & Brothers for rent and damage to their property in New Creek, West Virginia, by the United States troops during the late war; which was read twice by its title, and referred to the Committee on Claims.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 570) to organize the Territory of Oklahoma, and for the better protection of the Indian tribes therein, and for other purposes; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 572) to authorize the Baltimore and Ohio Railroad Company to construct a lateral railroad within the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 573) for the relief of Henry B. Reese, paymaster, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 574) for the relief of Willis N. Arnold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SPRAGUE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 575) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation; which was read twice by its title, and, referred to the Committee on the District of Columbia.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 576) to provide for deductions from terms of sentence of United States prisoners, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 577) for the improvement of the mouth of the Mississippi River; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 578) granting a pension to Elizabeth Leebrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 279) to authorize the issue of swamp-land indemnity certificates, and their location by actual settlers; which was read twice by its title, and referred to the Committee on Public Lands.

TIMBER ON WESTERN PRAIRIES.

Mr. SPRAGUE. I move now to proceed to the consideration of the

bill (H. R. No. 1558) to amend the act entitled "An act to encourage the growth of timber on western prairies."

The PRESIDENT *pro tempore*. Is there objection to this motion?

Mr. WRIGHT. There is.

Mr. SPRAGUE. I would state that there is a general desire in the Northwest to have this bill passed to perfect an act of the last Congress. The modifications of the Senate and House are very immaterial as to principle; and it is very necessary to act on the bill soon, as the season is rapidly approaching when the planting of trees will be too late. Northwestern Senators especially should permit this bill to be considered now and passed upon, on that account.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, to proceed to the consideration of this bill.

Mr. WRIGHT. I certainly have no objection to this particular bill, and I do not know but that I shall support it as cordially as any Senator; but I object to taking up this bill when we have had the bill known as the commission bill before the Senate for several mornings, and when I am sure the Senate is getting tired of it, as I am. I want to have that bill up as soon as possible and have it disposed of, and I trust nothing will be allowed to interfere with it. I know nothing about the merits of this bill; I have no doubt but that I shall be in favor of it, judging from its title, but I insist on proceeding with the Calendar.

Mr. SPRAGUE. I will state to the Senate that the bill will occupy but very little time. The amendments reported by the Committee on Public Lands are simply to put the bill in working order. There will be no controversy about it. All that will be necessary will be to read the bill, with such explanations as a word can give, and it will be passed in concurrence with the House. It is a House bill in which all the western members must be necessarily very much interested.

Mr. WRIGHT. The same thing occurred here on Tuesday morning. A bill which it was said would not take three minutes was taken up and occupied three-quarters of an hour. I cannot tell how long this bill will occupy; but I cannot consent that it shall displace the regular order on the Calendar.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1558) to amend the act entitled "An act to encourage the growth of timber on western prairies."

The first section amends the act to encourage the growth of timber on western prairies, approved March 3, 1873, so as to read as follows:

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy, growing condition for eight years, forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands of the United States, or twenty acres on any legal subdivision of eighty acres, or ten acres on any legal subdivision of forty acres, or one-fourth part of any fractional subdivision of land less than forty acres, shall be entitled to a patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses: *Provided*, That not more than one quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act, unless fractional subdivisions of less than forty acres are entered which, in the aggregate, shall not exceed one quarter-section.

The second section provides that a person applying for the benefit of the act shall, upon application to the register of the land district in which he or she is about to make such entry, make affidavit before the register, or the receiver, or some officer authorized to administer oaths in the district where the land is situated, who is required by law to use an official seal, that the entry is made for the cultivation of timber, and upon filing such affidavit and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter-section shall be required to break ten acres of the land covered thereby the first year, ten acres the second year, and twenty acres the third year after date of entry, and to plant ten acres of timber the second year, ten acres the third year, and twenty acres the fourth year after date of entry. A party making an entry of eighty acres shall break and plant, at the times prescribed, one-half of the quantity required of a party who enters a quarter-section; and a party entering forty acres shall break and plant, at the times prescribed, one-quarter of the quantity required of a party who enters a quarter-section or a proportionate quantity for any smaller fractional subdivision, but no final certificate shall be given or patent issued for the land so entered until the expiration of eight years from the date of the entry; and if, at the expiration of such time, or at any time within three years thereafter, the person making such entry, or if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses that he or she or they have planted, and, for not less than eight years, have cultivated and protected the quantity and character of timber stated, they shall receive a patent for such quarter-section or legal subdivision of eighty or forty acres of land, or for any fractional quantity of less than forty acres.

The third section provides that if at any time after the filing of the affidavit, and prior to the issuing of the patent, it shall be proved, after due notice to the party making such entry and claiming to cultivate such timber, to the satisfaction of the register and the receiver of the land office, subject to appeal to the Commissioner of the General Land Office, that such person has abandoned the land, or failed to do the breaking and planting required, or failed to cultivate, protect, and keep in good condition such timber, then the entry shall be canceled, and the land shall revert to the United States, and become subject to disposal as other public lands, unless again entered, under the provisions of the act, within the period of two years after such cancellation.

The fourth section declares that every person who, under the provisions of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, or any amendment thereto, has a homestead on the public domain, and who, at any time after the end of the third year of his or her residence thereon, shall, in addition to the settlement and improvements now required by law, have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of the homestead, shall, upon due proof of such fact by two credible witnesses, receive his or her patent for the homestead.

The fifth section declares that no land acquired under the provisions of the act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of certificate therefor.

The Commissioner of the General Land Office is, by the sixth section, required to prepare and issue such rules and regulations, consistent with the act, as shall be necessary and proper to carry its provisions into effect.

The first amendment reported by the Committee on Public Lands was to add to section 2 of the bill the following:

And in case of the death of a person who has complied with the provisions of this act for the period of three years, his heirs or legal representatives shall have the option to comply with the provisions of this act, and receive, at the expiration of eight years, a patent for one hundred and sixty acres, or receive without delay a patent for forty acres, relinquishing all claim to the remainder.

The amendment was agreed to.

The next amendment was to strike out section 3, and to insert in lieu thereof the following:

That if, at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall abandon the land, or fail to do the breaking and planting required by this act, or any part thereof, or shall fail to cultivate, protect, and keep in good condition such timber, then, and in that event, such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act: *Provided*, That the party making claim to said land, either as a homestead settler or under this act, shall give, at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office, and the rights of the parties shall be determined as in other contested cases.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. SPRAGUE. I desire to propose an amendment on page 3, line 27 of section 2, to strike out "three" and insert "five;" so as to read:

And if at the expiration of such time, or at any time within five years thereafter, the person making such entry, &c.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PENSION BILLS.

Mr. PRATT. I ask the indulgence of the Senate to take up a few pension cases which have originated in the Senate, and it is important that the bills shall pass and be sent to the House. They are only five in number. There is a printed report in each case, and I do not suppose any objection to the merits will be preferred by any Senator. I hope the indulgence of the Senate will be given me for a moment to take them up. I call for the first bill, (S. No. 477,) granting a pension to Jemima Maxwell.

Mr. WRIGHT. I suppose it will not avail to make an objection, but I must interpose it and take the sense of the Senate again as to whether they will postpone what I regard as really the regular order, the Calendar, and take up bills out of their order. I appeal to the friends of the pending bill, on the call of the Calendar, if they propose to pass it or have action on it, to stand by it and get it out of the way.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana, [Mr. PRATT.]

Mr. ANTHONY. I wish the Senator from Iowa might have some day assigned for the consideration of his bill. I am in favor of the bill, but we have devoted the morning hour for some time, very profitably indeed, to the consideration of unobjected cases, and I think it ought to be saved for that purpose, and that long and contested cases should have a proper place assigned them. I will vote to take up the bill of the Senator from Iowa at any time. I will vote, as soon as the bill in which the Senator from Pennsylvania is so much interested is out of the way, that we shall proceed with the bill of the Senator from Iowa; but I really think the morning hour ought to be given to uncontested cases.

Mr. WRIGHT. I should be very willing indeed if I could get the consent of the Senate to fix some time when the bill shall be disposed of.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unani-

mous consent that the bill for a commission in regard to intoxicating liquors may be considered as in order after the centennial bill is disposed of. Is there objection? The Chair hears none. If there be no objection the bills indicated by the Senator from Indiana will be proceeded with.

JEMIMA MAXWELL.

By unanimous consent, the bill (S. No. 477) granting a pension to Jemima Maxwell was read a second time, and considered as in Committee of the Whole.

The Secretary of the Interior is by the bill directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jemima Maxwell, widow of John Maxwell, deceased, late of Company D, Fifth Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

JOHN A. FISHER.

Mr. PRATT. Now I ask for the consideration of the bill (H. R. No. 1402) granting a pension to John A. Fisher.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is a direction to the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of John A. Fisher, late first lieutenant in Company D, Twenty-third Regiment Missouri Volunteers, and to pay him such pension as that allowed to the class of pensioners with which his present disability would class him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN C. SKINNER.

Mr. PRATT. The next case is Senate bill No. 518.

There being no objection, the bill (S. No. 518) granting a pension to Benjamin C. Skinner was read a second time and considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension roll, subject to the provisions and limitations of the pension-laws, the name of Benjamin C. Skinner, late of Company K, Fourteenth Regiment of New Hampshire Volunteers, and to allow him a pension of eight dollars per month from and after the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EUGENE SMITH.

Mr. PRATT. The next case is Senate bill No. 539.

There being no objection, the bill (S. No. 539) granting a pension to Eugene Smith was read a second time, and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eugene Smith, late of Company F, First Nebraska Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FANNY NEWCOMB.

Mr. PRATT. The next and last case for to-day is Senate bill No. 540.

By unanimous consent, the bill (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers, was read a second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTING OF THE DEBATES.

Mr. ANTHONY. Mr. President, the Committee on Printing, instructed by the Senate to make a contract for reporting the debates of the Senate during the Forty-third Congress, have entered into a contract with Mr. Dennis F. Murphy, who has long been the reporter of the Senate, and whose qualifications are too well known to all Senators for me to eulogize them. This contract proposes to pay to Mr. Murphy the sum named in the law referred to in the resolution directing the contract to be made. This is, I believe, $4,000 per Congress less than we have been actually paying, and it is also about $8,000 per Congress less than the House of Representatives has been paying for the same service. In the committee of conference, of which the Senator from Maine [Mr. MORRILL] was chairman, there was a consultation held with the reporter on the part of the Senate, and one on the part of the House, and that was the sum for which they consented they would perform the service, although they thought it was lower than it ought to be; and the committee thought on the whole that would be about right.

Mr. CONKLING. What is the service to be performed?

Mr. ANTHONY. To report the debates and supply them to any person whom Congress may authorize to print them.

Mr. CONKLING. They will continue to be printed at the Government Printing Office unless by future action we order otherwise?

Mr. ANTHONY. Undoubtedly. The mode and place of printing are left entirely to the discretion of Congress, but the reports are to be made entirely by Mr. Murphy, or at least under his responsibility. The committee thought it better to contract with one man than to contract with a number of persons.

Mr. CONKLING. Is this for both Houses?

Mr. ANTHONY. No; for the Senate. The House of Representatives have a different arrangement. I make this statement, perhaps not necessarily, as we have been authorized and directed to make a contract, but before the contract was signed I desired the Senate to know what it was; and, in the language of the Prayer-Book, I will say, "If any man know just cause or impediment why this contract should not be entered into let him speak now, or ever after hold his peace."

Mr. MORRILL, of Maine. With that large liberty which is invited, I should like to ask the Senator one question; and that is whether this contract is made in harmony with the legislation which passed Congress in the early part of the session?

Mr. ANTHONY. Precisely. It is in accordance with all the legislation on the subject.

Mr. SHERMAN. Has it been read?

Mr. ANTHONY. It has not been read. It is a contract which can be read if the Senator desires.

Mr. SHERMAN. O, no.

Mr. ANTHONY. If it does not conform to the law my colleagues on the Committee on Printing are responsible. Being a legal document, I have intrusted that part of it entirely to them. The only thing I have endeavored to secure myself was, that in case Congress should become bankrupt, as there seems to be danger of it, I should not be held personally responsible to Mr. Murphy for the money. I believe I am safe there.

Mr. BAYARD. Does the Senator from Rhode Island rise to a personal matter?

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island offer a resolution?

Mr. ANTHONY. I have made a verbal report.

Mr. BAYARD. From the language used I thought possibly he was making publication of his own bans. [Laughter.]

Mr. ANTHONY. I hope it may prove so; but I submit that in that case I am entitled to have a different party to the contract. [Laughter.]

LIQUOR-TRAFFIC COMMISSION.

The PRESIDENT *pro tempore*. The Secretary will report the first bill on the Calendar.

The CHIEF CLERK. The first bill on the Calendar is the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic.

Several SENATORS. That was postponed.

Mr. SHERMAN. We might as well finish that now as at any other time. The debate is exhausted I trust.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware [Mr. BAYARD] to the substitute reported by the Committee on Finance as amended by the Senate.

The amendment to the amendment of the committee, as amended, was read, being in section 2, line 2, after the word "salary," to insert "all of whom shall not be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors."

Mr. HOWE. I tried yesterday, under great difficulties, to state one or two objections I had to that amendment; and I will make another diligent effort to-day, with the permission of the Senate.

This bill proposes to authorize the appointment of a commission. A commission to do what? To investigate the alcoholic liquor traffic, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and the criminal to be arraigned is Alcohol. Now, what sort of a commission? The bill says that the commissioners shall be "selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation"—an honest, impartial, and thorough investigation of the conduct and merits of this criminal, Alcohol; and the honorable Senator from Delaware, for the first time, I believe, in the history of this Government, proposes to prescribe a qualification for those who are to fill the offices which this bill creates. I do not know that an attempt of that kind has been made heretofore by law. Something kindred to it perhaps is attempted by what are known as the civil-service rules.

Now, we are creating an office and proposing to direct the President as to the qualifications, or one qualification, that some of the officers shall have. The amendment proposed by the Senator from Delaware is to declare that all these commissioners "shall not be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors;" in other words, that some portion of this commission shall be composed of men who are not advocates of total abstinence and not advocates of prohibitory legislation. The bill as it stands says that the commissioners shall all be honest and all be impartial; and the Senator from Delaware would have us add that at least a part of them shall not be the advocates of prohibitory legislation or advocates of total abstinence.

I said yesterday that if you want to do anything more to secure an impartial investigation than to adopt the language of the bill as it now stands, you must not adopt the amendment of the Senator from Delaware without adding something to it. If you want to be absolutely sure that there will be friends of total abstinence as well as the opponents of total abstinence on the commission, then you must say so; and when you tell the President that he shall appoint a part of the commission from those who are the opponents of total abstinence, tell him also that he must put on some who are the friends of

total abstinence. The expression of one thing, it is suggested to me, excludes the other. So the Senator from New York reminds me; and so I was afraid that when you proposed by an amendment expressly to tell the President that he must put some good free-drinker on the commission, that might be held by some strict constructionists as telling him that he must exclude everybody else from the commission. I think we should guard against that if we want an impartial investigation.

Mr. FERRY, of Connecticut. How are you going to find out as to that?

Mr. HOWE. I thank my friend from Connecticut for suggesting that difficulty. It had occurred to me before, but I forgot to speak of it. How is the President going to determine this qualification? That is a very grave inquiry. Certainly it ought to be determined by a competitive examination, I should suppose. The different candidates to fill that portion of the commission provided for in the amendment of the Senator from Delaware ought to be brought before a committee, and the committee ought to be able to tell which three of those candidates were the three who could drink the most; and I suppose the President ought to be required to select one of the three. [Laughter.] I said for one I did not care to have so impartial an investigation as this.

The Senator from New York yesterday took occasion to protest the sincerity of his friendship for temperance, and for temperance reform. I was sorry that he felt any necessity for making such an affirmation, and I was the more sorry that, if he found it necessary to affirm his sincerity, he should not have found some better standard by which to test it than he found in myself. He seemed to think he had done enough to vouch for it when he said he was as sincere and honest as myself. I think if the country needs any assurance from him, it will need something much more positive and unqualified and specific than that. I do not pretend to be a reformer of any description; I am a republican. I do not pretend to be a temperance lecturer; I am a mere legislator. I do not stand here in the interest of the temperance reform or any other reform.

A great mass of the people of the United States seem to be of the opinion that I, in common with my colleagues on this floor, have not understood our whole duty as law-makers. They think that if they were permitted to make some inquiries and to collect some facts touching this great criminal, they could enlighten me and my friends about me as to our duty. I am willing they should have that opportunity. I want them to have it. If I do not understand my duty, I would like to be made to see it better. I have one idea, I suppose, in common with that of every Senator here, that among all the criminals who stalk abroad in this country Alcohol is one of the greatest. I did not gather that idea from the Philadelphia platform. I entertained that notion before I ever read the Philadelphia platform. And I did not discover anything in the Baltimore platform, let me say, by the way, which disturbed that idea at all, or eradicated it. I believe that it is a great criminal. I believe it is the progenitor of more pauperism, of more crime, of more villainy of every known variety, than any other one criminal that we know anything about; and if there are in the United States citizens who, by long and careful consideration or by inquiry, by the examination of witnesses, can collect for us any facts, and can show the Legislature of the United States any way in which this criminal can be checked in his career, I shall be glad to find it.

But why have two classes of opinion on the question of total abstinence represented on the commission? Is there any sort of danger that this Senate will be thrown into a frenzy of devotion to total abstinence by any report that may be made by any possible commission? I have not any alarm on that score myself. However single-minded this commission may be, however devoted they may be to the cause of total abstinence or to the cause of prohibitory legislation, there is nothing in the bill to show that any member of the commission will be in favor of the one or the other of these principles. But suppose them all to be so, I have not the slightest apprehension that they will carry the Senate of the United States off its feet. The career of the Senate for seventy-five years I think furnishes an abundant guarantee that we shall not strike through the Constitution even to reach so flagitious a felon as Alcohol is. If there are those in the United States, therefore, who are opposed to total abstinence, who are opposed to prohibitory legislation, I think they can afford to trust the Senate; they will find friends enough in the Senate. They can rely upon me. I am not likely to betray them. So that you see I do not want in this sense an impartial investigation. I want it to represent one view; I want it directed to one end; and if it reach that end it will be all the more satisfactory to me, I feel free to say.

Mr. President, for these reasons, I shall vote against this amendment.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Delaware to the amendment of the Committee on Finance, upon which the yeas and nays have been ordered.

Mr. CONKLING. I wish to say one word, which I believe will provoke no reply. The only practical objection I have heard to this amendment came to me this morning from a friend greatly interested in the cause of temperance, who suggested that if such a requirement was made, and men not specially temperance men should refuse to serve, it might prevent the other commissioners from proceeding. I simply call attention to that to say that the refusal of one to act would not, as I understand, hinder for a moment the proceedings of the rest; and if, as the Senator from Wisconsin says, it would be a matter of course to put on somebody from one side as well as the other, if there are sides, then certainly this amendment can do no harm.

The question being taken by yeas and nays, resulted—yeas 23, nays 22; as follows:

YEAS—Messrs. Bayard, Bogy, Clayton, Conkling, Cooper, Davis, Dennis, Goldthwaite, Hager, Hamilton of Texas, Hitchcock, Johnston, Kelly, Lewis, Logan, McCreery, Merrimon, Norwood, Oglesby, Robertson, Schurz, Stewart, and Stockton—23.

NAYS—Messrs. Anthony, Boreman, Buckingham, Cameron, Conover, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Ingalls, Mitchell, Morrill of Vermont, Pratt, Sargent, Scott, Sherman, Sumner, Windom, and Wright—22.

ABSENT—Messrs. Alcorn, Allison, Boutwell, Brownlow, Carpenter, Chandler, Cragin, Dorsey, Edmunds, Ferry of Michigan, Gordon, Hamilton of Maryland, Harvey, Jones, Morrill of Maine, Morton, Patterson, Pease, Ramsey, Ransom, Saulsbury, Spencer, Sprague, Stevenson, Thurman, Tipton, Wadleigh, and West—28.

So the amendment to the amendment was agreed to.

CENTENNIAL EXHIBITION.

The PRESIDING OFFICER. The morning hour having expired it becomes the duty of the Chair to call up the unfinished business of yesterday, which is the bill (H. R. No. 1394) in relation to the centennial exhibition, the pending question being on the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] to the motion of the Senator from Ohio [Mr. SHERMAN] to refer the bill to the Committee on Appropriations.

Mr. STEWART. Mr. President, when the Senate adjourned yesterday I was calling attention to some remarks of the Senator from New Jersey, [Mr. FRELINGHUYSEN.] I am glad those remarks are in print now, so that there will be no misunderstanding of what he said. I agree with a portion of what he said; but I proceed to call his attention to that portion of his speech with which I differ. He says:

> The main objection against this exhibition, originating with the honorable Senator from Massachusetts, [Mr. SUMNER,] and adopted by the Senators from Nevada, and Kentucky, and Ohio, is that it would be contrary to good taste, refined delicacy; that it would in fact be impolite for us to invite the representatives of other nations to stand on our broad continent while we celebrated somewhere our jubilee of liberty. Why, sir, such exquisiteness would become girls of sixteen, but not us. Mr. President, does any one suppose that it is proposed to have a saturnalia of vulgar boasting in the very aisles and walks of the exhibition; that it is the purpose to visit the alcoves and tables of our guests with drum and fife and din "Hail Columbia" and the "Star-Spangled Banner" into their ears; that we intend to have a corps of Fourth of July orators to harangue them, or a flock of American eagles to prey upon them? I trust something may be left to the good sense, to the good breeding, and to the native politeness of the American people.

I had supposed that if we were to appropriate a large amount of money for the purpose of furnishing these halls and paving these walks and cushioning these alcoves with greenbacks, if we cannot have hard money, and preparing these tables, we might, on that occasion, sing "Hail Columbia" and whistle "Yankee Doodle." I had supposed we might, over the results of our greenbacks, go to Philadelphia and sing national songs, and we might have Fourth of July orators on that occasion. I know no more appropriate occasion than the Fourth of July for Fourth of July orators; but we are told it would be bad taste to have vulgar Fourth of July orators. They cannot be there because it would offend foreign princes. We should have too much exquisite taste to do that.

Then we cannot have the American eagle there. The Fourth of July without the drum and fife and "Hail Columbia" and "Yankee Doodle" and the American eagle, it seems to me, would be the play of Hamlet with the part of Hamlet left out. I thought, perhaps, that I had mistaken all this thing, that I was entirely lost about celebrating the Fourth of July, and that I had been dreaming all the time; but this morning I sent to the Library to see what had been said on Fourth of July occasions by men who are regarded as patriots and who ought to be regarded as good examples. Take any of them; they are all about the same. I have examined some dozen Fourth of July orations, and I find them all flourishing the American eagle and speaking of "Hail Columbia," and having it sung at intervals; and I find them doing all those things which the Senator from New Jersey says we shall have too much good taste to venture to do in the aisles and about the walks and about the tables and the alcoves of our guests which we are asking this appropriation to furnish.

John Quincy Adams delivered an oration in this city in 1821, and according to the Senator from New Jersey, if I have not misread his speech—and I have read it over this morning—it would be very much out of taste; it has got too much of the American eagle; it has got too much of the praise of liberty and republicanism in it to be agreeable on such an occasion. I will read one passage to show what he said, and ascertain whether that would be the doctrine we should contend for if we invited European nations to listen. We are inviting their governments; we are not inviting the people; we have a standing invitation to the people, and they are coming by millions. They come here and enjoy the blessings of our liberty, and participate in the freedom that we enjoy, and help to render our country still greater, and to extend its blessings. What did Mr. Adams say about it? I read from his oration of July 4, 1821. Referring to the Declaration of Independence, he says:

> The interest which in this paper has survived the occasion upon which it was issued; the interest which is of every age and every clime; the interest which quickens with the lapse of years, spreads as it grows old, and brightens as it recedes, is in the principles which it proclaims. It was the first solemn declaration by a nation of the only legitimate foundation of civil government. It was the corner-stone of a new fabric, destined to cover the surface of the globe. It demolished at a stroke the lawfulness of all governments founded upon conquest. It

swept away all the rubbish of accumulated centuries of servitude. It announced in practical form to the world the transcendent truth of the inalienable sovereignty of the people.

How will that sound to those who do not believe at all in the inalienable sovereignty of the people? How will that sound to those who believe in the divine right of kings? I do not wonder that the Senator from New Jersey suggested that it would be improper for Fourth of July orators to go about the aisles, the alcoves, or walks of this international exposition, if they are going to talk such talk as that. Then John Quincy Adams did another thing which would certainly call for action on the part of the police of Philadelphia. You will be astonished when you find the fact that on that occasion, and it is incorporated as part of his speech, he read the Declaration of Independence, which enumerates the wrongs that we suffered, which denounces tyrants in the strongest terms and in the most statesman-like way; which is an uncomfortable doctrine to them, to which they have not become reconciled yet, and will not become reconciled if you bring them here. They will never be reconciled to that Declaration which he read on that occasion.

I undertake to say it is all very well if persons believing in aristocratic institutions come here of their own accord, or come here as representatives of their governments, and voluntarily listen to such discourses as these and others that must be delivered on that occasion; but I say there is an incongruity in inviting them here to hear them. If your invitation was extended to the downtrodden people of Europe, if it was extended to those who seek to throw off the forms of government under which they live and adopt ours, to those who believe that the sovereignty ought of right to be in the people, there would be some fitness and appropriateness in the invitation which would strike everybody. But we are called upon by the proposed law to do what? We may as well understand exactly what is proposed, because heretofore we went on without understanding, and I called attention to the fact when these proceedings were being hurried through that the matter was not sufficiently considered, and I was almost the only one except the Senator from New York who called attention to the way the legislation was being had at the time. I say if we are to go further, let us know what we are doing and for what we are doing it. Let it be discussed like all other questions. Here is the bill:

That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876.

This invitation is to be extended to the governments, and it is to take part in an international exposition, and not in a celebration; and yet we are all the time talking about a celebration. We are going to depart from the celebration altogether, and have an international exhibition. The celebration is to be excluded. If the people want to celebrate the day, they must go elsewhere. The seats which they fill with this money are to be occupied by a class of persons that does not want to listen to the celebration. The idea is not a celebration at all, but an international exhibition. The patriotic people who wish to celebrate the hundredth anniversary of our independence are not to be there. Fourth of July orators and the American eagle are to be excluded, unless we bring the English lion and all the balance of them, and parade them around. We might have an eagle with a lion's skin on, or something of that kind. But that day, if it is to be commemorated at all, should be commemorated as the birthday of American liberty. It should be free to every one who desires to rejoice in the principles of American liberty; it should be free to every one who wishes to boast, if you please—call it vulgar boasting if you choose—who wishes to boast of the struggle of our ancestry. Suppose our people do say some extravagant things, they have never done any harm on that day; but we are to have that building put up and occupied by persons who cannot listen to these orations, who cannot listen to these boasts, who cannot afford to have the American eagle put before them, unless you put up all the flags of the earth, and call the affair "international!" We may as well understand this matter. Now that we have got it under review we had better get it right. We had better know exactly what we are going to have, what kind of an entertainment we are to have. When the original bill of 1871 was before the Senate, prior to its passage I called attention to it in this way:

Mr. STEWART. Mr. President, when it was proposed to hold an exposition of this sort in the city of Washington I opposed it, not because I was opposed to Washington, but because I thought it would be a failure here; because I thought Washington had not the requisite facilities for having such a celebration. Now the proposition is to have it in Philadelphia. Philadelphia is much better adapted to the purpose than Washington; but I doubt very much whether Philadelphia has the facilities to get up a celebration that New York has. New York appears to present greater advantages. It seems to me this is a serious matter, and that it should not be hurried through too rapidly. If it is to be done by private subscription, if the people are to do it, it seems to me New York is much better able to make an exhibition that will be creditable to the United States than any other city of the Union.

Mr. WILSON. Except Boston.

Mr. STEWART. I think it has more wealth and power in that direction than Boston. If this exhibition is to be held, I should like to see it a creditable one. I consider it a matter of so much importance, without desiring to take part in the controversy between the two cities or to enter into any partisan conflict about it, that it seems to me the measure should be allowed to stand a sufficient time to have the country investigate it and say what would be most satisfactory to the whole Union, and the pride of the Union; because this matter is a matter of pride. Every American would be very sensitive about an international celebration. We want to make the best show we can, not only to gratify our pride, but in the interests of science, commerce, and civilization. When this exhibition is held we want the hearty co-operation of the whole nation. If the city of New York, the great center of commerce and trade, should feel itself slighted, it seems to me that would be a great damper to this thing in the start.

That is exactly what has occurred. But it was stated then that this was a mere local matter, a mere show in Philadelphia; that no money was asked from the Government; that Philadelphia was abundantly able to do all this. That is what was said; and it was stated here that it was immensely popular, that this scheme had the approval of the nation. If so, why does the plan that has been adopted invite the nation to participate? The Legislatures that elected us are in session, or soon will be in session, and they have a right to act on it. They have declined to act, not because they are not just as patriotic as we are. Not one of them has acted, I believe, except Pennsylvania and New Jersey, and there is no question, as suggested by the Senator from Wisconsin, [Mr. CARPENTER,] as to their power. We dare not question their patriotism; we dare not question their public spirit. They are the best judges of what they require. They have been requested to participate, but have declined or refused; and for that reason we are called upon here to compel our constituents, to compel the Legislatures, and compel the people of our States, to pay whether they desire to do so or not.

The plan has not been as popular as was anticipated. The plan of an international exhibition has not been sufficiently popular to receive a favorable response from the States and acquire the requisite aid. Consequently they say it is going to be a failure, unless Congress steps in. I think there is much objection to the plan. If it was to be an international exhibition, we should take the commercial center, the center of wealth, and then bestow all that we could upon it and make it a success. If it is to be a national celebration of the Fourth of July, the city of Philadelphia is the proper point. It is surrounded by memories that make it appropriate. They have a history there that makes it an appropriate place. As a national celebration it need not be very expensive; and I have no doubt if the people of the United States were simply called upon to appropriate their proportion for a national celebration, they would be willing that we should vote it. It need not be expensive; it need not require expensive buildings; it need not require a draft upon the Treasury that is to impoverish the country. It ought to have, and I think it would have, if started in the right direction, the co-operation of the whole country. But an international exhibition without the co-operation of the country is a mistake. After we have put it in this law that the Government of the United States shall not be called upon to contribute, it is now a mistake for us to undertake here to make a contribution which the States have refused, or at least neglected to make; and if you do it, you will find further difficulties in the way.

I am as anxious that the day of our centennial anniversary shall be properly celebrated as any one here. I am anxious that anything reasonable should be done; but an international exhibition is a matter of very great expense, and the States have signified that they do not feel willing to embark in the enterprise at this time. And when we are unable to resume specie payments, when we have a deficiency in the Treasury, and when the States have declined to go forward and take part in this exhibition under the plan proposed, it is no time for us to go forward and extend this invitation.

What does it involve? There is no use of passing over the matter lightly. This involves from $15,000,000 to $20,000,000; and if this invitation is extended, rather than have the United States disgraced, as it would be if the appropriation was not forthcoming, I should feel called upon to vote for an appropriation of $15,000,000, $20,000,000, or $25,000,000, if necessary. Then our honor would be really involved. If we authorize an invitation to all the nations to come here, we must provide the dinner; we must provide the entertainment. We should then be bound, as much as we should for any obligation of the country, if you once extend this invitation. It is a proposition involving fifteen or twenty million dollars. It could be held cheaper in New York, because there is more accommodation there; but we cannot do better. It could be held cheaper in Philadelphia than in Washington, and it could be held cheaper in Washington than in Alexandria; but in any place it is expensive.

If on that occasion people come here from Europe to see our national celebration without an invitation, they come of their own accord; they come to hear whatever we may say, the same as they come into these galleries. Then no man feels a restraint, and the Fourth of July orators are not excluded from the aisles, or the walks, or the avenues; nor is the American eagle excluded, nor "Hail Columbia," nor any of the accompaniments of a Fourth of July celebration.

The Senator from New Jersey further says—and this seems to me very remarkable:

The representatives of these people among us smile at the idea of our assuming that they admit we are better friends of civil liberty than they, and at our supposing that they will be offended at our celebration.

Of course if we invite them here we are not going to repel them. If we are to invite them we shall have to exclude anything in our discussion that is unfriendly to them. We shall have to exclude the discussion of the fundamental doctrine of republican liberty, that the people are sovereign. We cannot discuss that; we cannot invite them to discuss that; we have too much feeling for them. I simply say that the discussion that is appropriate to that occasion is incompatible with the invitation. That is all I say. There are plenty of subjects

that we can discuss that would be agreeable to them, plenty of subjects that we have in common with them. We have a common interest in inventions, in the progress of the arts and sciences, and in the progress of civilization. We have plenty of subjects in harmony with them, and we are abundantly prepared, on a proper occasion, to have a national exhibition at which we can invite them and have it pleasant; but this particular idea of ours, this peculiar notion of ours, that no government not called by the will of the people is legitimate; that all authority not emanating directly from the people is usurpation; this particular notion of ours, which we want to discuss on our Fourths of July, is not the entertainment which will invite those who differ with us. It is a day of rejoicing, and we do not want to invite those who will not rejoice with us. If we do extend this invitation, and there is hesitation on the part of any one great power, it will mar it. Great Britain has not accepted it, and suppose she should not accept it, that will mar your international exhibition, for the idea of an international exhibition with Great Britain, the foremost commercial nation on the earth, left out; with our ancestors left out, with their progress, their history left out, is a kind of entertainment we do not want to see. When we have an international exhibition we want Great Britain here. We are now on the most cordial relations with Great Britain. We speak the same language, and we rejoice in many things in common in our literature and our laws. She is our neighbor in every sense of the word, and her people are our kinsfolk. We want them here, but we do not want to invite them to hear our Fourth of July orators speak of the injustice of that nation to us. We do not want to invite them here to draw a comparison between our free institutions and their aristocratic institutions; nor do we want to be debarred on the one hundredth anniversary from discussing those questions and speaking freely of them.

It seems to me that the first thing to do is to limit this celebration to a national character, and then limit its expense in such a manner as that the nation shall all join; and if you have a proposition upon which all agree you will get more money than you will by forcing this through with the country divided on this question. Suppose when the time comes one State is dissatisfied; then the whole thing is marred. We want on that day unanimity. We would rather go to Philadelphia; we would rather go to those sacred grounds, without a building erected; we would rather camp out there and enjoy the friendship and hospitality of that people in the open field, than to have any not there that we had invited, or any person contribute to it by force. We want no forced taxation for such an occasion as that. Let it come from the outgushing of the American heart, the patriotic heart, and you will get all the money necessary for such a purpose; but after having passed an act of Congress saying that the Government should not charge a cent to come here, if by the power of taxation you force them to contribute against the resolutions of States, and the protests of a large portion of the press, you will fail.

I am in favor of celebrating the one hundredth anniversary of American independence and American liberty, and will do anything that I can for the co-operation of the whole American people which will make it a great celebration. It was a false step to undertake it until the States had been more fully consulted, as it now appears. Perhaps some committee can devise a mode by which that step can be retraced, perhaps some committee can see what the country wants. Let us do that, and do it with the co-operation of all. As I said when the original bill was up, the mere dissatisfaction of the great city of New York would throw a damper upon the whole enterprise. Do we not see it now?

I would not be unjust to Pennsylvania. The Senator from New Jersey accused us of injustice to Pennsylvania. I will do as much as any one in my circumstances can to conduct this celebration in the proper form. It ought not to be regarded as specially the celebration of Pennsylvania or New Jersey. It should come in such a shape that it will be acceptable to the whole United States, and every man, woman, and child therein. We will have it in Philadelphia, but we do not want to see Pennsylvania taxed with it. We will have it there, where the Declaration of Independence was framed, which John Quincy Adams read in 1821 in this city, and commented on more eloquently than it is possible, I think, for almost any one now living to do. I say that we will have it where that Declaration was put forth; we will have it in Philadelphia. But we will take from it everything that divides the people of the United States. I would be satisfied, if I were from Pennsylvania and advocating this bill, and I would insist upon its taking such a shape as to receive the unanimous support of the States. But it has not received it, and I regret it.

I did not intend to say this much. I think the fact that the promoters of this scheme are forced to come here contrary to the provision they put into the law shows that they have not hit upon the right scheme. There is some defect in it; and that it is not popular through all the States we have had evidence. I think that fact should now at this late day lead to an investigation, because we do not want to adopt the scheme and have the investigation afterwards. We want the investigation now; we do not want an investigation as to how this money is applied after the exhibition; we want everybody satisfied beforehand. We do not want it called a job at a time when it will mar the pleasure of the nation.

That this celebration will be expensive, we have the examples of other international exhibitions. We have the statements from Paris, Vienna, and London, all involving really great expense. It is said it will be peaceful. I hope it will be peaceful; but peace has not followed those exhibitions heretofore. After the London exhibition they had the Crimean war, and after the Paris exhibition they had the Franco-German war and the overthrow of the empire. In Austria no great good has resulted from the Vienna exposition. They certainly did not improve their financial condition by it, for they had a financial pressure there last fall. They have not been specially benefited. We do not know whether it has promoted peace, whether there may not be heart-burnings growing out of its dissatisfactions, that may stir up wars in Europe hereafter or not. Many writers ascribe the downfall of Napoleon's dynasty in part to the pomp and splendor displayed on the occasion of the Paris exhibition, and the envy and ill-will there engendered against him. That may have had something to do with it; I do not know.

I do not know that such exhibitions are particularly in the interest of peace; still I think that an exhibition, under proper auspices, if the people of the United States could be brought to feel that they were abundantly able to unite on such a project to make it a grand success, would do well enough. But here, after a scheme has been proposed and the States have not adopted it, and after Congress has put a pledge in the law which it passed that it would not further tax the nation, now to ask us to extend an invitation involving $20,000,000 or $25,000,000, or at least $10,000,000 or $15,000,000, I am certain will meet with such opposition that we shall all be sorry it occurred.

I hope the bill will go to the committee, to be properly digested, and if they can come here with a plan by which Congress may do something that will be approved by the country, very well.

Mr. STOCKTON. I have an amendment to offer to the amendment of my colleague, which I send to the desk to be read.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from New Jersey offers an amendment to the amendment, which will be read.

The CHIEF CLERK. The proposed amendment is to add:

And with additional instructions that the exhibition to be held in commemoration of the one hundredth anniversary of American independence, shall be international in its character, so to exhibit the progress of the United States in the industries and arts beneficial to mankind, in comparison with those of older nations, as provided in the act of Congress approved March 3, 1871.

Mr. STOCKTON. I should like to ask the Clerk to read the original act of 1871, which I have in my hand, in explanation of that amendment.

The Chief Clerk read as follows:

An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

Whereas the Declaration of Independence of the United States of America was prepared, signed, and promulgated in the year 1776, in the city of Philadelphia; and whereas it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, A. D. 1776, the birthday of the nation; and whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations; and whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate; and whereas as the exhibition should be a national celebration, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of American and foreign arts, products, and manufactures, shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

SEC. 2. That a commission to consist of not more than one delegate from each State, and from each Territory of the United States, whose functions shall continue until the close of the exhibition, shall be constituted, whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition; and, after conference with the authorities of the city of Philadelphia, to fix upon a suitable site within the corporate limits of the said city, where the exhibition shall be held.

SEC. 3. That said commissioners shall be appointed within one year from the passage of this act, by the President of the United States, on the nomination of the governors of the States and Territories respectively.

SEC. 4. That in the same manner there shall be appointed one commissioner from each State and Territory of the United States, who shall assume the place and perform the duties of such commissioner and commissioners as may be unable to attend the meetings of the commission.

SEC. 5. That the commission shall hold its meetings in the city of Philadelphia, and that a majority of its members shall have full power to make all needful rules for its government.

SEC. 6. That the commission shall report to Congress, at the first session after its appointment, a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the buildings; a complete plan for the reception and classification of articles intended for exhibition; the requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition; and such other matters as in their judgment may be important.

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

SEC. 8. That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

Mr. STOCKTON. Mr. President, it will be seen that this act was

an act to celebrate the centennial anniversary of the birthday of this country, by an international exhibition, where foreign arts, manufactures, and products and our own could be compared. This act was introduced into the Senate from the Committee on Foreign Relations in 1871. It is for an international exposition in its preamble; it is for an international exposition in every section of it. That is declared expressly, in its first section, to be its very object. It does, in conclusion, direct the President of the United States, when certain information in reference to the progress of this matter shall be given him, to make a proclamation and to communicate the time, place, and circumstance of the exhibition to our diplomatic representatives abroad, in order that they shall, in accordance with their duty, communicate it to the governments to which they were respectively accredited. This was the proposition introduced into the Senate of the United States in 1871, and into that proposition was incorporated a proviso that the Government of the United States should not be made liable for any debts incurred by the parties who were to be trusted with the management of this matter. It was to be under the auspices of this Government. The executive head of this Government was to communicate this information of time, place, and circumstance to foreign powers from whose shores we had so recently come. But the United States was not to be liable for the debts of this machine which was to do the work—a proper precaution; a very proper precaution. I have not looked whether that clause was in the bill when it came from the committee or not, nor do I care. It was an exceedingly proper precaution. The credit of the United States was not then to be trusted, without a direct appropriation of money, to any set of men, no matter how much respected in the communities from which they came. We would not permit ourselves to be liable without our own consent, although it was to be done under the national auspices, and we wished it godspeed, and we commended this international exhibition to foreign peoples and foreign governments.

In pursuance of this authority given by the act, the President of the United States having received the information which was the prerequisite to his issuing this proclamation, did issue it. He did proclaim the time, the place, the circumstance, and the manner of this celebration, and a circular was sent, through the State Department, to all our foreign representatives abroad, and they did communicate this to the governments to which they were accredited, and eight, I am informed, of the governments already have cordially accepted the invitation in the same spirit and for the same purposes that we had accepted three invitations to visit their shores when they had such exhibitions.

But, Mr. President, out of an abundant anxiety and precaution, I presume, or from some other motive, no doubt creditable to him, the Secretary of State saw that these letters were being answered as if they had been direct invitations. Whether he had any reason to doubt that the invitations were perfectly understood as they were intended to be, or not, I am uninformed, but out of abundant precaution he did issue another circular, which the Senator from Pennsylvania [Mr. SCOTT] referred to on a previous occasion, in which he cautioned our ministers and diplomatic agents abroad that what he had sent to them previously was not an invitation, but was the President's proclamation in the words of the act of Congress, and sent to them under the order of the act of Congress, and they must go no further with it. Some gentlemen asked in the course of this debate why they had not all ascertained if these invitations were given. That last circular was also communicated to some of these powers, and that little delicate question as to whether that was an invitation, intended to be a cordial invitation or not, or whether it was a notice which amounted to an invitation, (when attention was called to it by our Government issuing another circular,) has undoubtedly made a little hesitation, which it was our duty to relieve one way or the other. It was a little matter of delicacy which any one can see, and of which every one in this body of any faith must be in favor of settling. Every one must be in favor of settling the question of this invitation with that proper courtesy and delicacy which become a great Government like ours, who have so recently sent their commissions at great expense to foreign shores to attend their exhibitions, and who have so recently themselves construed such invitations and replied to them.

So far as the simple matter of courtesy I say, nobody can doubt it that we must relieve the country. For this purpose, and no other purpose, as I understand it, was the bill now before us introduced into the House of Representatives. The proposition in the original bill, you will recollect, was reported from the Committee on Foreign Relations, of which the Senator from Massachusetts [Mr. SUMNER] was, I think, then the chairman. The proposition, you remember, was for an international exposition, and nothing else. The invitations, such as they were, were sent out in the very words of the act, and this question now arises. They come to Congress, and here is the little question which they present to us: Perhaps we have erred in the very words of invitation, but you must have meant that in your act; but we do not wish to transgress the intention you have. What do you mean by it? Shall we make it an invitation and send it, or do you want it stopped? That was, as I understand it and as I have heard it fully explained before in a committee of which I am a member, the sole object of the introduction of this bill which has led to this debate.

But, Mr. President, it has become perfectly evident since the passage of the original act, from various circumstances which have been recalled in this debate, that something more must be done. One circumstance was the financial crisis that has occurred. Another was, if you choose to put it so, and it is quite possibly so, that those gentlemen of character, and position, and energy, who had undertaken to carry this thing through, with this panic upon them were not receiving money sufficient for this purpose in the way they had hoped. Put it that way if you choose, and now they come here to this Congress, and having accepted the charge of this international exhibition given to them by this body, they tell us of this delicacy about the invitation. They say, "In considering the question of whether you are going to invite these people, to confirm, in other words, the invitation, shall it be ordered so as to send what we have sent or not? We tell you frankly that an element in that consideration is where we are to get the money. We do not want this to be a failure. It shall not be a failure. We mean it shall be a success. We do not know where to get the money. At all events the people do not come forward and give us the money as they would do if they knew that Congress would not help us. Therefore, although you are not liable, in the very words of your act, although Congress is not liable for one single act we do, for one single contract we make, knowing that we cannot make them liable, we come to you and say to you that until you tell us whether you want it to be a great international entertainment or not, whether you mean to approve of these invitations and until you tell us whether you will make a proper appropriation for it, we are afraid to go on." And, Mr. President, with that frankness, that honesty, and that truthfulness of statement in these events which prevented this thing from having even the appearance of a snare or a deception, it was charged upon instantly in this body as an appropriation bill in disguise. On the very first morning when the question was whether it should be brought up or not, when the officer presiding ruled time after time that any discussion of the measure was out of order, Senators in this body on both sides of politics jumped to their feet and insisted upon arguing that it was an appropriation bill in disguise; that it was unconstitutional; that, as a Senator said yesterday, it violated public propriety!

Mr. President, I have said to the very best of my ability, in the fewest words I could, this much about the history of this matter in the opening of the few remarks I have to offer in vindication of the character and action of those gentlemen whose patriotism has made them willing to accept this trust, and who, from their prominence in all virtues, have had this trust forced upon them by their fellow-citizens and by the power to whom you intrusted the selection. Now, sir, while I trust that I shall discuss the few points that seem to me to be necessary to be discussed in this question with the quietness and calmness becoming my position in the Senate, I will say that I felt mortified as an American Senator that the question whether we should make a national or international exhibition of this; and the other question, whether we had gone too far to retract; the question of the proper way to celebrate the Fourth of July; the question of whether we should at this time appropriate money or not for such a purpose, could not be calmly and quietly discussed without having charges made on the gentlemen who have come and told you so frankly and simply their story with an honesty that pertains to them; and that those gentlemen of the Senate who felt it their duty from natural impulses, or from the instruction of their Legislatures at home, or the feeling of their people, to present the matter to you for your judgment, should be forced to listen to the suggestion that an attempt was being made to deceive any man in this body, and they ran with hot haste to prevent even that suspicion.

Mr. President, the Senator from Ohio who spoke yesterday, [Mr. THURMAN,] whom I regret not to see in his seat now, it is well known occupies a position in the democratic party not excelled by any man on this floor or elsewhere; and if it is not well known it ought to be that there is no gentleman in that party on this floor or elsewhere whom I respect and esteem more, and from whom I so unwillingly differ, particularly on a constitutional point. That Senator comes here full of years and full of experience; he comes here having served in the House of Representatives before his advent here, and comes to us now again for a new term, indorsed by the democracy of Ohio. His position is proud; he has a right to speak, and speak authoritatively; and therefore, when that Senator rose yesterday to speak on this bill, and I was making an effort to obtain the floor, I most cheerfully and readily yielded to him; not from courtesy to him alone, I regret to say, but because I desired, before I opened my mouth on this question in the Senate, to know and hear what were the views of my learned and distinguished friend from Ohio.

I regret to say that the expressions and the constitutional arguments which he brought forward alike failed to convince my mind or affect my judgment. The Senator took three "positions," as he called them, or perhaps four.

The first position was, that as to this celebration and the appropriation of money for it—for he said this motion to refer to the Committee on Appropriations means appropriating money—he was fully convinced that the bill, as proposed to be amended, would be unconstitutional. He said that if it were not unconstitutional he would go, with all his heart, for a national exhibition. He apologized for not expressing with ardor and enthusiasm and devotion his affection for his country and her natal day. He said he would scorn himself if he felt it necessary to parade such feelings as those before the public in his vindication. But it was alone, and he repeated it more than once, on the ground that his constitutional view, his solemn duty

as a sworn Senator here, prevented his giving that vote which his heart led him to give, which his heart was urging him to give—it was on that ground alone that he could not support the bill.

Mr. President, I cannot believe that distinguished Senator; that is, I cannot believe that he knew himself when he said he would scorn himself if he could give expression to that love of country and patriotism which ten minutes afterward burst from his glowing lips. I cannot believe that when every gentleman in the Senate, and the whole audience and the American people, heard with pleasure, and gratitude, and approbation, his eloquent and glowing words, he alone, of all the world, was despising himself for his utterances. I respect him too much, and I love him too much, to believe that he is so unfortunate and so little appreciates the love and affection of those who surround him, to think that we believe he scorns himself for one patriotic word he ever uttered in all his good life.

But, Mr. President, what a curious thing it is to see how great men's minds, filled for years past with constitutional constructions and desirous to explain properly and construe it rightly, finally become afflicted with a mania, until they look at every little bill, look where it cannot be found, for concealed violations of its provisions. These gentlemen discover difficulties which exist only in their heated imaginations. O, how I should like to have seen my friend before he made up his mind, so much as he says against his heart, to take the course he has taken on this bill, to have said a few little things to him. He asks "Where do you find the power under the Constitution to vote away the public money for an exhibition, national or international?" Has any Senator pointed him to a clause of the Constitution? Then he assumes that some Senator would point him to the clause concerning the general welfare. He says the clause authorizing Congress to provide for the general welfare is not a substantive clause, and has not been construed so. He says it is a clause dependent upon the power of taxation; that the power of taxation is a substantive clause and is unlimited. And yet the clause attached to it, he says, should have written before it "in order," to make it dependent. Let him have this construction; then there is the unlimited power to tax in order to provide for the general welfare. There is no man stricter in his construction of the Constitution than myself, but I do like to start with that little grain of common sense which it is wise to use in most affairs of life; and I cannot see but that "the general welfare" is within certain limits just such a question as in any court of law would be considered.

What is "the general welfare?" Where is the court to decide what is "the general welfare," when the Constitution has given us an unlimited power to tax for the general welfare? "Well," says a Senator from another State, or perhaps the same Senator, "do you mean to say that that clause is unlimited; that we can do anything we please which we think is for the general welfare?" No; I do not. It is limited by the meaning of the words "general welfare." It is limited, as every other clause in the Constitution dependent and substantive is limited, by the proper construction of the words used and the sense they were used in; and that Senator who, sitting here, will vote away the public money for the general welfare without putting in his heart and exercising his judgment, to ascertain whether by precedent, whether by a proper construction of the words, it is for the general welfare, is simply violating his duty and his oath.

We cannot make words any more definite. The Congress of the United States are made by the Constitution the judges whether a tax levied is for the public welfare. It may possibly in the beginning, as much as anything else, have meant a union of these States in matters of foreign commerce, in matters of protection against Indians and others; and as the range became more vast, it may mean other things; but what that "general welfare" is, and whether taxes are properly levied for that purpose, in order to maintain it, is a question for every Senator's own conscience. Yes, sir, it is a question for the conscience of every Senator, and that is a tribunal from which there is a court of appeal even on earth. There may be no court of appeals from his conscience that violates the construction he adopts; but there is a court of appeal when the House of Representatives come before the people biennially for election, and it is felt in every fiber of this body and the other. Every man who votes on this bill does so knowing that the people are asking us "what we are doing with the public money," and are crying for economy; and that is the constitutional tribunal, that is the conservative feature, that is held over the judgment of Senators and Members when they are called upon to construe the meaning of voting money for the general welfare.

But, Mr. President, I do not take the position, nor do I mean to put myself on the record as taking the position, that this appropriation should be placed among those statutes which are passed for the general welfare. It may be so. It might be that if driven to it I might take that position. But that being the clause in the Constitution to which the Senator from Ohio alluded, as in my humble judgment he failed to show by his argument that it would not authorize what we are doing, I have deemed it proper to reply to him on that clause. But I do esteem that we have the absolute and perfect right, under that portion of the Constitution which gives us power to regulate commerce with foreign nations and between the States, to establish a building for the purpose of exhibiting the arts and products of other nations in comparison with the arts and products of this country; and if we have not, if we have not stretched the power to regulate commerce away beyond that, if precedent after precedent cannot be produced to show that this is no stretch whatever of power, then I am misinformed, and my reading has been to very little purpose.

If I recollect aright, the Articles of Confederation gave to Congress no power to regulate commerce with foreign nations and between the States. My impression is that one of our ministers in France communicated to one of the members of the convention forming the Constitution, that one of the most important things to be done was to see to it that the new government had power to regulate commerce with foreign nations; because it was manifest that if each one of these separate sovereignties, which were united together and bound together only by the Articles of Confederation, was unrestrained in reference to carrying on commerce with any foreign nation, starting in a career of rivalry with one another, such places as the ports of New Jersey, Jersey City, and New York, the mouth of the Delaware, and such places as had great openings to the sea, could make for themselves such treaties, such arrangements, such regulations for foreign commerce, as to use it for their own benefit alone, and at the expense of all the other States. As this country became developed, and one State gave territory vast enough to make an empire, which has been since formed into other States, and as the population landing on the sea-shore in our great ports has flown back, and when Chicago and the western cities were made absolutely ports of entry, so that the goods landed at Jersey City are sent in bulk to those cities, the value of this clause has been seen; and it is the West that is protected, and they who have no gates on the sea that are benefited, by the power that we yielded, not for our advantage, to the central Government to control foreign commerce, and it was then inserted, and wisely inserted, that the same control should exist over interstate commerce.

Mr. President, a part of this exhibition is the introduction of goods to be disposed of. It will not be disputed that Congress, which establishes duties, which has levied duties, and taken them off for specific purposes, can take off the duties on goods sent to this exhibition. It will not be disputed that Congress can establish and build bonded warehouses. It will not be disputed, certainly not by the Senators who sit around me, that Congress, under a power as limited in scope as the power to establish a Supreme Court and such inferior jurisdictions as it should find necessary, has gone into the States and into Territories; has bought lands; has put upon them public buildings; has spent millions and millions of dollars, nearly $10,000,000 within the last few years, to erect buildings for district judges to sit in, who are not constitutional judges, but created by Congress. And where is the power in Congress to put up these buildings for court-houses? It rests on the clause authorizing Congress to create jurisdictions inferior to the Supreme Court. There is not one word in the Constitution that tells you that these inferior courts shall be courts with grand juries and petit juries, and crowds of suitors attending them, so that there is no building in a town large enough to hold them, so that in those places you are necessarily driven to put up buildings to hold the courts. The Constitution does not say that you must establish such courts. It is only such inferior jurisdiction—inferior jurisdiction consistent with the Constitution, my friends will say. Where does the power come from which has been exercised always? It comes from that one grain of common sense with which I proposed to start, and which the courts have called in other cases "incidental power."

When a private corporation is chartered by any Legislature in this country, and power is given it to do certain acts, say to make a railroad from one place to another, in section after section proceeds to give it the incidental power to carry out the purposes for which the act was passed, if it did not give those powers, it would have them still just the same. And yet the whole policy of the law has been from the origin of such corporations that everything shall be construed in favor of the grantor and against the grantee, and these incidental powers are construed with the greatest possible strictness; the court never permits anything to be inferred but an absolutely necessary inference; and on that learning the body of the common law is vast. So time necessity has led the strictest constructionists of the Constitution to admit that it was an incidental power to have a building in which you could hold a court if you had authority to have a court there.

Now let us look briefly at other precedents and the course of things in reference to the question I am speaking of. As far back as 1836 an appropriation was passed for an expedition to the South Sea Islands. We all remember that subsequently there was an appropriation made to assist the sufferers by earthquake in Venezuela. There was an appropriation, for which I think some of these objecting Senators voted, to fit out the Polaris to go to the North Pole. We have since then sent three sets of commissioners abroad to world's fairs, to London, to Paris, and Vienna. We have spent, I suppose, on each one of these exhibitions more than half a million of dollars. The two vessels that went to Vienna under the orders of Congress must have cost the Navy Department over $250,000. When those agents whom we had sent to Paris came back, we published in six large and beautiful volumes their reports. Those reports were in such demand that members of Congress were importuned, and all their supply was exhausted. The country to-day is thankful for them; they are exceedingly valuable; and no one regrets that they were published.

Under what power was all this done? Was it the general welfare? Was it commerce? Foreign commerce? Intercourse? Intercourse

with foreign nations? Or intercourse between the States? The Supreme Court has construed the commercial clause over and over again, in many cases. They have given it an enlarged and extensive meaning, which I think is dangerous in many cases of private transactions, and which I have combated, to the best of my ability, professionally. Under the construction they have given, it means intercourse with foreign nations. If the act of 1871, introduced by the Committee on Foreign Relations, in its preamble, in every section of it, in its direction to the President of the United States, and in the communication of his proclamation to the ministers abroad, is not directly on the subject of regulating intercourse with foreign nations, I have no means of construing in my mind what was meant by that expression when it was used in the Constitution.

The Senator from Ohio on this floor, in my presence, and opposed by me, feebly as I was able to do it at the time, advocated a bill authorizing the Government of the United States to condemn land in a city of his own State, without the authority of the State, for the purpose of putting a public building on it. Verily, it seems to me in this he strained at a gnat and swallowed a camel. I could not swallow that camel, nor do I think any other democratic Senator swallowed it. But when it was an appropriation for a public building in the State of Ohio, he advocated the doctrine that the United States had a right to condemn land; but with all the patriotism and fervor which he showed yesterday, with all the constraint that he had at being controlled by his strict construction and his devotion to the Union, he could not get over this little gnat, and he said nobody in the Senate had yet pointed out to his enlightened and experienced mind under what clause of the Constitution we, the American people, could celebrate the Fourth of July!

But, Mr. President, I have been led to discuss this constitutional question accidentally from referring to a remark of the Senator from Ohio.

The Senator from Ohio proceeded a little further. He then told you, with a pathos that was equal to his previous eloquence, how he had seen the clerks of the Treasury Department, with tears in their eyes, passing by his windows; his soul was melted with sympathy; and he appealed to us stony-hearted men who were willing to vote away the public money to celebrate the Fourth of July, while certain persons, clerks, were being discharged from the Treasury Department! I am sure that every Senator must have been affected by such an appeal. I did not know until the Senator from Ohio had assumed that position that the object of the Government was to support Treasury clerks. I did not know that we had become an eleemosynary institution. I did not know that places in the Treasury Department were meant for the benefit of individuals, but thought rather that they were employed by the Government to do a certain duty, and when the Government did not need them, hard as their fate might be, they would have to seek employment elsewhere. It also occurred to me while he was speaking, that perhaps if it would cost $10,000,000 or $20,000,000 to carry on this exhibition, these poor clerks, these men and women with tears in their eyes, might find employment in connection with this exposition when nothing else was doing and everything was paralyzed. I have heard of public works being set on foot to relieve the poor in times of panic and distress.

But, Mr. President, remember that the Senator from Ohio had told you, in the most emphatic way, that he would vote for this bill if he did not believe it was unconstitutional; that he was restrained by no other motive. Is that consistent? Did he stop to think whether, as he said, this was not the time to take money out of the Treasury; whether he thought we ought to be more economical; whether he thought it might cost a certain amount of money when the money was needed in other places? That had nothing to do, in my humble judgment, with the constitutionality of the bill; and therefore that argument was inconsistent with the one which he had before advanced. His patriotism might have overcome this difficulty if the constitutional question was out of the way.

But, Mr. President, the Senator from Ohio also objected to the international character of this exposition. On the very first occasion when this matter was introduced before the Senate the Senator from Massachusetts, who, as I am informed, was chairman of the Committee on Foreign Relations when the original bill was presented, also objected to it on account of its international character. The Senator from Nevada who has just taken his seat, yesterday and to-day laughed at the idea of its international character. Gentlemen have talked about our celebrating the Fourth of July in the eyes of foreigners; and my distinguished friend from California read to you a caricature from Martin Chuzzlewit of scenes that were witnessed in New York, where newspapers professed to tell the stories of private families, where the popular prejudices and passions and false sentiments were catered to until they were disgusting. He read you that caricature, and then told you that he did not want these people here at that time, because we were going to have a presidential election in 1876, and what would you do with the princes and potentates of the earth here in the midst of a presidential canvass, in the midst of the passions which would certainly be aroused by it? Gentler, kinder than those who spoke in the same direction, much more thoughtful and delicate in his mind; thoughtful as the children of Noah, he would walk backwards and cover a naked parent. Sir, I am not ashamed of the American people. I am not ashamed of them in comparison with any other people, on the Fourth of July or on any other day; on presidential elections or any other occasions. I do not deny that scenes take place here and in every great city on occasions of excitement which would make Christianity shudder anywhere. That is an unfortunate accompaniment of human nature. It exists everywhere; and until the millennium comes and we have something more than human laws, perfect as they may be, to wipe out such stains and prevent such scenes, we cannot hope to live without them.

But I should not allude to this matter simply to show my sense of what I consider unfortunate remarks in this debate by gentlemen who have preceded me had I not a direct purpose to reach. I may be wrong in regard to the taste of the Senator from California, or the Senator from Ohio, or the Senator from Kentucky. They may understand this matter better than I do. It is not a matter of judgment; it is a matter of impulse. But what I desire to call the attention of the Senate to is the great wrong, the great injustice, that has been done to the advocates of this bill, both in and out of this body, and to the cause of truth and justice, by allowing the debate to run into such a false channel, running there not by any design I know, but running there by one Senator after another taking up and continuing a train of thought that he had just heard before. I think that the Senator from Massachusetts [Mr. SUMNER] introduced this idea. If he did not, I should be glad to be corrected. I think the gentleman from whose committee the original bill came, every line and word of which you will recollect is international, the gentleman who comes from Massachusetts, was he who originally suggested how incongruous it would be to have this an international exhibition, and who opposed this matter of invitation first, and who has the credit of being the brains which these other distinguished gentlemen have followed.

An international exhibition was provided for by the bill which he reported, and which, as I am informed, passed the Senate *nemine contradicente*, to which every one of you is committed as far as the honor of the country is concerned, as far as the credit of the nation in getting at it in the proper way is concerned, for you all sat silent and passed the bill. The President of the United States did nothing under the bill but what you told him to do. You admitted that it was international in every line of it, from the preamble down. As soon as the question comes up to direct an invitation to issue, the Senator from Massachusetts suggests that this invitation which called to us the presence of princes, potentates, and powers in such numbers, a formidable procession, is unsuitable to the celebration of our centennial anniversary, such as John Adams thought it was going to be, that it will be a mockery to invite them and a shame to us to have them here. I, of course, do not give his words, but this I gathered to be his idea.

Mr. President, I do wish the Senator from Massachusetts had given me that idea before I became one of the individuals who accepted the invitation when the measure came in from his committee originally. I should have thanked him for it, because I do not like to go back on an invitation given to gentlemen who have invited me, and at whose dinner-table I have enjoyed hospitality at their cost, and then to invite them, and tell them subsequently that they misunderstood it; that we did not mean to invite them, because the gentleman from whom the invitation came had changed his mind! I do not propose to permit myself to be put in such a position, or to assist in putting my country in a position that I would not be put in myself. We have a national character, and not only a national honor, but a national propriety and decency to maintain in our reciprocity with the other nations of the world, and I am not only not ashamed of it, but am honestly proud of it; and the record of ours can compare with that of any other nation on this globe.

I was going to say that the Senator from Massachusetts brings forward a long list of these princes and potentates. I recollect that he called on the Khedive of Egypt, who was to come here, and I think there was the eagle with one head, and the eagle with two heads, and the Gallic eagle, the eagle that swept over Marengo, and the eagle that saw the sun of Austerlitz set. Then there were "the lion and the unicorn fighting for the crown," and all these beasts and birds were to crawl in and take their places. It reminded me very much of the opera comique. They were to take their places representing these sovereigns. It reminded me also of a little geography book I once studied, where I saw a queen, sitting with a crown on her head and a scepter in her hand, and under it was written that little children ought not to want to be kings and queens for they had such a dull time, always sitting with a heavy crown on their heads and a scepter in their hands! That was the argument, nothing else, presented to the Senate of the United States, that under this invitation, asking foreign governments to send exhibitors, (invitations which we had accepted three times, and in response to which we had sent three sets of commissioners, and for which we had appropriated millions of dollars)—when we gave an exposition it should not be international, but be national; because, in the first place, it would cost too much; in the next place, we were not fit to receive, in person, all this royalty, who would be really intruding on us, because we have no palaces. We have no places for them to sit in proper state with their heavy crowns on their heads and their big scepters in their hands! That was the argument; and not one of the Senators has really exposed its flimsy sophistry. It is simply answered by this: It is not true. There has never been any such invitation sent. There has never been any proposition to send such an invitation. There

has been no country that ever thought of such an invitation. The act did not authorize it, and that Mr. Fish was more than careful in correcting what might possibly have been a mistake in the invitation is apparent from every paper before us. I do not complain of the Senator from Massachusetts in presenting his own view of the question in the way he did; but I do complain when he presents so strongly and forcibly, by such illustrations, that the Senate of the United States were tumbled into such a trap, particularly when that bill, international in every line, and authorizing the only invitation that ever has been given, or ever was proposed to be given, came from that Senator.

Mr. President, I do not wish to occupy any more time, but there is one word that I will say in conclusion. I ask Senators who have been kind enough to remain in the Chamber during the few remarks which I have been making to listen to me for one moment more. Throwing aside all the nonsense which I may have spoken and which others possibly may have spoken in this debate, I want to say one thing. Here is a proposition from honorable-minded men whom you perhaps have assisted in getting into a strait; but if they are in a strait they are not to blame. To them you have in some measure intrusted the honor and character of your country, for you said it was to be under your auspices. They do not ask you for a dollar, but ask you to advise them what they have to do. If you choose to advise them that you do not want the celebration gone on with, you have the same share in it precisely, and so has every member of this Congress. The only possible injury you can do these gentlemen is that you have wasted a good deal of their time uselessly, and they will be obliged to lose the hope of perhaps credit and reward in the way of thanks from a grateful country, and a large amount has been spent to which they have individually contributed.

The Senator from Kentucky in his opening remarks stated that, although it had been said that his State had instructed him on this question, he was not satisfied that it was so; but he made the further remark that he would not vote for this bill if he was instructed; that he would resign his seat before he would vote for this bill. Well, Mr. President, the Legislature of my State has instructed me, and it has instructed me by a perfectly unanimous vote, and I understand a unanimous vote after every member understood what the question was, not passing *nemine contradicente* in the ordinary way, but after a thorough understanding. I am told every member of the Legislature of New Jersey is in favor of this proposition. I do not speak of any particular form, but in favor of an appropriation by Congress for this purpose. I stated to you on a previous occasion that that Legislature, which I regret to say is republican at the present moment in its party politics, has voted a considerable appropriation for a little State like ours, more money than our share, dividing it proportionately among the States, by twenty or thirty thousand dollars. They have made that in the lower house, since this debate has been in progress, by an amendment, payable only on condition of either an appropriation by Congress or success being assured. There is a condition by which it is lost if this work does not in a brief period go on. Being so instructed, if I did not agree with my constituents—and this was not a party question—I should hesitate, believing that there was no constitutional question involved, not to obey their wishes. Even where I had doubts on a small constitutional point which I could not solve, and the Legislature of my State, with perfect unanimity, understanding what they were doing, told me that they wished me to vote for an appropriation to enable them to celebrate the Fourth of July, 1876, in Independence Hall, I would vote so. I would not take a scruple or a grain of doubt that I had in reference to the construction of a clause which has been construed by abler, wiser, and better men than myself, otherwise, against the unanimous opinion and vote of all parties in my own Legislature. I can see and respect the proposition of the Senator from Kentucky; that is, I might be placed in such circumstances that I would rather resign than obey instructions. If the question of the public security, or the right of private property, or a question that involved the great principles of the nation on which I was very decided in my views, were involved, and I should be instructed by a party that had come into power behind me in the Legislature, of course I should pay no attention to them; but if instructed by my own party, I should then feel it my duty to resign or to obey them, or to solve for myself at that moment the difficult question how far instructions should control my action here.

You will recollect that the Senator from Ohio said he would have scorned himself if he had been enthusiastic on this subject, and yet he is a kind and generous man, and he has reflected upon the faults and foibles of youth. If, coming from where I do, under these circumstances I should run back for one single moment to some reminiscences recalled to me in this debate, and particularly recalled to me by the Senator himself, perhaps the other Senators will excuse me, as well as the Senator from Ohio.

Two or three Senators have alluded to the death of Jefferson and the death of John Adams. The Senator from Massachusetts, with that learning and erudition which shed light upon all questions, and particularly questions like this, has told us the anecdote in reference to the letter of John Adams; and the Senator from Ohio only yesterday told us how the words put by Daniel Webster, on the occasion of his oration in eulogy of Adams and Jefferson, into the mouth of John Adams, were not Webster's words, but were words simply altered for the occasion or paraphrased, written on that day by John Adams in privacy to his wife:

> Through the thick gloom of the present I see the brightness of the future as the sun in heaven. We shall make this a glorious and immortal day. When we are in our graves our children will honor it. They will celebrate it with bonfires and illuminations, with tears, gushing tears, not of slavery and distress, not of agony, but grateful, thankful tears of joy.

On the centennial celebration of the result of the prediction of what that day did bring forth, we still recall that on the fiftieth anniversary of that day Adams died in the middle of the commemoration and while the bonfires and illuminations were still lighted, and there were tears, copious, gushing tears—not of joy, for there the prophecy failed—and Jefferson on the same day and hour was numbered with the dead, and so the eulogist said. So that day shall be honored. Illustrious prophet and patriot, so that day shall be honored. And as oft as it returns thy renown shall come along with it, and the glory of thy life, like the day of thy death, shall never fade from the memory of men.

And, sir, the people of the little State where the battle of Princeton was fought, and the little spot which is my home on the other side of the Delaware, within sight of where Washington crossed, in the dark and trying days of December, the plains of Monmouth, where one of our own maidens, like the Maid of Saragossa, when her chief was slain, shed no ill-timed tear, but filled his fatal post, cannot forget that they too shared in the glories of Independence Hall. They will not forget that this is the time, that Independence Hall is the place, and that the international exhibition in which we have embarked is the manner of the celebration; and they are willing to put their hands in their pockets and sacrifice all their little earnings, and set an example of doing it, in order that the rest of the nation may feel the same.

One other thing, Mr. President, and I am done. Sad scenes have passed since then. We have had to number many a name with the storied names we nurtured in our earlier time. We have had in the last few years many a dissevered family, many a broken heart, North and South. Many comrades have been slaughtered whom I care not to recall in these halls. Younger and sister States, the Western States, whose people have gone out and settled from the Old Thirteen, may remember that it is not wise for strength and manhood to trample on the parent that cherished their infancy; they may remember that we of the Old Thirteen, holding still the gates that lead to the control of foreign commerce, and bring vessels to these shores freighted for their good as well as ours, ask very little when they ask that they will come to Independence Hall and help us recall with them the memories of the past. It will be a bond that will seal up many a trouble that may be brewing between the East and the West; it will be a bridge that will bridge that chasm of which politicians have spoken for six or eight years; it will be a bridge that will cover that chasm into which I do not wish to look.

> On the rice-fields of fair Carolina,
> The head of the matron is bowed;
> The sire takes down his old match-lock,
> And back the old memories crowd.
> He thinks of the glory of Sumter,
> The valor of Marion's men,
> And his heart leaps the gulf in an instant,
> That yawns 'twixt the now and the then.

Mr. BAYARD. Mr. President, the question was properly stated by my friend from New Jersey, in saying that the Congress of the United States are called upon now to decide whether or not this proposed celebration of the centennial anniversary of the birth of the Government of the United States shall be a success or a failure. It is best, perhaps, to get rid of one of the most unpleasant features in the discussion which has been had, that there was a want of good faith in the origination of this measure; that the act of Congress of March 3, 1871, which was introduced by the honorable Senator from Massachusetts, as chairman of the Committee on Foreign Relations, and which, after providing distinctly for the celebration of the one hundredth anniversary of American independence, by holding an international exhibition, the purposes of which were clearly avowed in the preamble of the bill and appeared in every feature of its contents, should not be held at the expense of the United States; that is to say, by the seventh section it was provided—

> That no compensation for services shall be paid to the commissioners or other officers provided for by this act from the Treasury of the United States; and the United States shall not be liable for any expense attending such exhibition, or by reason of the same.

I do not doubt that there was a great deal of sanguine feeling at that time in the minds of those who favored the celebration, and that they did honestly believe that voluntary subscriptions would be made throughout the United States to the capital stock which was authorized by the act June 1, 1872, so that the United States Government would not be called upon to contribute to the expense of this matter. I have no question that such was their hope and such was their belief. And it is also perfectly plain to me that it was not a reasonable hope or belief even at that time; and the sequel has proved abundantly that it was vain. The crash that took place last fall in the money markets of this country has made it for the present almost impossible to procure subscriptions for this or any other purpose. There is, no doubt, a distress throughout the country

but little anticipated at the time this ball was set in motion. I think, therefore, that now, when a subsequent Congress has the question presented to it whether, because of the pecuniary failure of the enterprise so far as the voluntary subscriptions in the several States is concerned, it is to fail or not, I consider that there is no ground for imputation of any kind against the very worthy and honorable citizens who have been selected as commissioners and whose report has been made to the Senate, or from anything which has been done or suggested by the friends of the measure in the original debate in 1871, or during the present debate.

Let us, so far as the legislation by Congress and acts committed under their authority are concerned, glance at that for one moment. In 1871, on the 3d of March, was approved—

An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876.

That was followed by a second act, approved 1st of June, 1872, of incorporation, reciting this act, and proceeding "to provide for carrying out the objects of the said international exhibition and memorial celebration under the direction of the commissioners of the United States."

The act of June, 1872, provided also that a centennial board of finance should have authority to issue bonds not in excess of the capital stock, and to secure payment of the same by mortgage on its property and prospective income; and made it the duty of the Secretary of the Treasury of the United States, as soon as practicable, to prepare and issue such bonds and certificates of stock.

Then followed, on the 3d day of July, 1873, the proclamation of the President of the United States, reciting the two acts of Congress to which I have referred, and addressed to all nations who might be pleased to take part in the celebration. That was succeeded by the publication of a note by the Secretary of State to foreign ministers, drawing the exhibition to their notice and inviting them to take part therein.

Then followed the publication of general regulations in accordance with the law, by which the whole scheme was formulated, so that exhibitors and visitors should understand what they had to do in order to participate properly in this exhibition. After that we have publications of acceptance on the part of those who have been so invited; I mean foreigners. I think it has been stated, no doubt correctly, here, that eight of the foreign powers have signified their formal acceptance of the invitation.

In the fall of 1873 the report of the board of commissioners was made to the President of the United States, in accordance with the provision of the original act; and which we have now before us, in an elaborate and well-stated form, of what had been accomplished and of what was proposed to be done, of the estimated cost, and of all those other matters which they were instructed by the act incorporating them, and in pursuance of the letter and spirit of the act of Congress and the proclamations of the President, and the regulations established for carrying into effect the whole scheme of the exhibition. It therefore stands before Congress ready to be executed; and the simple question is, shall it fail for want of money appropriated by the Congress of the United States? I say nothing in regard to having gone too far, or not far enough; but it is perfectly plain that here have been large expenses, and elaborate, well-arranged machinery for the purpose of holding this exhibition in accordance with the act of Congress, which is liable to fail if the motive-power of money be withdrawn from it or be not bestowed.

Now, Mr. President, there is no doubt about one fact, that with the assent of every member of the Senate the act of incorporation was passed declaring that such a commemoration of the birthday of the nation, by holding an international exhibition, should take place. The record of the debates and the journals of this body will disclose the fact that it passed with no voice in opposition, whether that of my honorable friends from Ohio and Kentucky or any one else. It was passed without a division, and no objection appears on the record to it.

Mr. THURMAN. The Senator surely does not intend to misrepresent me. The record does not show who voted "yea" and who voted "nay," for the yeas and nays were not called, and there was no division when the vote was taken; but the record does not show that every Senator voted for it, and I for one repeat what I said yesterday, that I voted against that and against the previous bill.

Mr. BAYARD. I did not hear the honorable Senator say that he voted against the act of March 3, 1871. If he said so, I certainly should not have suggested anything to the contrary of his statement. No man accepts his statements with more perfect confidence than I. I merely repeat, that the bill was passed without a division, and that no vote is recorded against it. If the Senator had opposed the measure, he could have recorded his dissent. I do not know what were his remarks in private to other persons; but I speak by the record when I say that the bill was passed without a division and without any debate to disclose an opposing sentiment.

Mr. SUMNER. May I interrupt my friend just there?

Mr. BAYARD. Certainly.

Mr. SUMNER. Unless my recollection fails me entirely, the reason why the bill passed as it did was precisely because it contained, as a fundamental condition, that the United States should not be called upon to pay anything. That was the reason. The bill was subject to that condition; that was an essential part of it; and Senators were comparatively indifferent, therefore, to the character of the bill.

Mr. BAYARD. I think the honorable Senator from Massachusetts is in error in saying the bill was passed *sub conditione*. The bill contained a section which I have read at length. There was no condition upon which the bill was passed, except that which appears upon its face. I have read to the Senate, in the hearing of the Senator, the provision of the bill on the subject of expense. Whatever may have been the private understanding of Senators I know not; but I speak of that which appears by the record, which would appear in any court of justice if the case was between individuals. There stands the bill, passed without objection, or a single recorded vote against it. What were the motives of Senators in withholding their opposition, what were their suppositions on the subject, I do not know; but I think the honorable Senator is in error when he states that this bill was passed subject to any conditions other than its own express provisions.

But, Mr. President, the reasons or motives of men are not in question now. I have no doubt that the motives were honorable, and if they were not expressed, it was for reasons good and sufficient to the parties who withheld them. But it was understood after the bill was passed that the celebration was to take place, and that Philadelphia was to be the site. There was, then, to be a centennial memorial of something that had occurred one hundred years ago, the declaration of the independence of the thirteen Colonies, and the causes for it set forth in the immortal paper that was drawn up by the hand of that illustrious Virginian, Thomas Jefferson, and it was the date of that declaration which we intended to commemorate. I believed then, and believe now, that it is very important for the welfare of this country that we should revive the memories and practice among our people of the principles, the feelings, and the sentiments that led to that declaration and the events that followed it. We need it for those of us whose ancestors were living in this country at that day, who have in our veins the blood that flowed in the veins of the men who took part in those proceedings, and we need it for that large body of our adopted fellow-citizens who have since come here to incorporate themselves with this country, and who form so large, so honorable, so valuable and respected a portion of our fellow-countrymen.

It so happened that the city of Philadelphia, being at the time the chief city in the thirteen Colonies, was the place of meeting of the Continental Congress, and it was there that the lives, the fortunes, and the sacred honor of the representatives of the United States were solemnly and grandly pledged to make the United Colonies free and independent States. The Hall in which this paper was signed stands there to-day; and the bell that on that day tolled out liberty to the earth and to the inhabitants thereof is there still, although its iron voice is as silent as those of the men who heard its tones on July 4, 1776. Historical memories cluster thickly around Philadelphia, and the most noted battle-fields and scenes of the Revolution lie close at her doors. Valley Forge and Germantown, Monmouth and Trenton, Brandywine and Red Bank, are all in close circle around her.

I said in 1871, and I repeat to-day, that Independence Hall, in the city of Philadelphia, was the true birthplace of American Independence; and when we mean to celebrate its anniversary, whether it be annually or centennially, it is just as proper to seek the city of Philadelphia, where that Hall is, as it would be to celebrate the birthday of Shakespeare, at Stratford-upon-Avon. It is fortunate, too, that one of the finest sites imaginable, of almost unsurpassed beauty and convenience, lies upon the river Schuylkill, in the grand park of more than three thousand acres which belongs to the city of Philadelphia, and which has been dedicated to the use of this celebration and the accompanying international exhibition during their continuance.

There is no question that large obligations and responsibility rest upon the city of Philadelphia and the State of Pennsylvania to make this celebration in all respects worthy of the vast concourse that will assemble at the time indicated. Whether they will properly meet them I cannot say. I have felt, however, in reading the names of the citizens of that city and State who have connected themselves with the enterprise, that there is no reason to doubt that skill and diligence and science and integrity will all be contributed to make the celebration worthy. The future must decide how well they have performed the duties which have been imposed upon them, in great part upon their own solicitation and instance. They have sought this honor and they must answer for their manner of performing the duties that have accrued under it.

Mr. President, it is proposed that this shall be a national celebration. It could be nothing else if we mean to celebrate the birthday of our Government. No State could do it. All the States must do it, or it would fail in the one necessary quality of nationality. Then it is proposed to revive the spirit of 1776, and what that was, and what wrongs that spirit was meant to resist, plainly appear in the Declaration of Independence, which men seem to me so often to forget, even while the name of liberty sits lightly on their lips. It was to secure certain "inalienable rights" that "governments" were declared to be "instituted among men, *deriving their just powers from the consent of the governed*"—a golden sentence that should never be forgotten by any ruler, and that should be recalled to those who govern to-day in this country. This fundamental doctrine needs restoration in the minds of the American people. It has been sadly forgotten of late. The curtain did rise upon a ghastly and terrible scene of "States

dissevered, discordant, belligerent," which so appalled the prophetic eye of Daniel Webster. No one can to-day look with a brother's eye, the eye of a fellow-countryman, upon the condition of the Southern States without longing to give them relief. When this celebration shall come, as come I hope it may, I want to see the men of the North meet the men of the South with the same hearty clasp of good-will and brotherhood as their forefathers gave and received, and when independence is rejoiced over to remember the part that the South played in the war of the first Revolution in securing it for the North as well as for themselves. South Carolina, overrun by military power, trodden under foot by utterly overwhelming forces of the British government and by tories in her midst—let her be remembered as the State of Marion, of Sumter, of Pickens, of Rutledge, and of Laurens; and let us remember those men as keeping alive for us the lamp of liberty amid suffering and in poverty, until their stubborn courage won for them and for us the independence so sought for.

We have heard and seen of late so much of the war powers of the Constitution that I must confess I long to see some exhibition of the peace powers of the Constitution. I have always believed that the best hopes of the country lay in mutual good understanding between the people of its various sections. With good-will once more established, the occupation of that class in our midst who live upon the spoils that ever attend confusion and strife, and find their power and enjoyment in ill-will and misunderstandings between their fellow-countrymen, will have passed away; and this, I confess, is my chief reason for supporting this national celebration. But for this, and but for these hopes, I should be lukewarm and I should be disposed to consider even more closely the question of economy and to yield to any possible doubts I might have as to the constitutionality of this measure, and which might prevent me from giving my vote in its favor.

But there is much to be done by those who have the control of this Government to prepare for this celebration. I speak not merely of providing the necessary pecuniary means; I speak of placing this country in such a condition that it shall not be bitter irony to talk of liberty, of freedom, of equality among the States, of brotherhood among our people, when such facts as now exist and stare us in the face deny the existence of any or of all these things in a large portion of our country. Sir, when that day comes to be celebrated, political disabilities imposed in the heat of war and in the fervor of revolutionary periods must all have disappeared; test oaths excluding men from their just share in government must be wiped out; the voice of denunciation and proscription in relation to past differences must be silenced. Unless injustice shall have given way to justice, unless local self-government shall be freed from Federal overthrow, and peace and good-will reign in the American heart, in vain will architecture raise your lofty dome, and ingenuity and skill fill your halls with the products of your own and the industry of other nations; in vain will be acts of Congress, proclamations of the President, or glowing orations. All these will be of as little worth as the *pronunciamientos* of Mexican governments invoking the names of God and Liberty, an insult to one and a mere mockery of the other.

Mr. President, objections to this measure on the ground of alleged unconstitutionality have been made, and coming from the sources they do lead me to their most respectful consideration. I am so accustomed to doubt the correctness of my own views of matters of this nature when I find them opposed to those of my honorable friends, the Senators from Kentucky and Ohio, usually so sound as jurists, and always so unimpeachable as patriots, that their unhesitating and almost passionate denunciations of this measure have caused me to bestow upon it very careful consideration.

The question of our constitutional power to pass this bill is far graver to me than that of the mere expense involved, although I am not unmindful of the duty at all times, and especially in a period so full of pecuniary distress as the present, to insist upon a sound and careful economy in our disposition of public money. If the money is to be spent, it will be in giving employment, now so much needed, to our own citizens, and for an object which can scarcely fail to return ultimately, if not speedily, large benefits to the entire country. In a commercial point of view, which is far from being the highest in which this undertaking is to be considered, the proposition that our present expenditure shall result in large incidental and ultimate profit seems to me entirely reasonable.

The objection of a want of constitutional power is not affected, however, by amounts. If it can be maintained, it is as fatal to the smallest appropriation of money as to the largest. The principle must control both equally, or it cannot be said to exist. And here let me say I cannot quite understand the reasoning of gentlemen who conceded that such a celebration and international exhibition could be properly held under the auspices of the Federal Government, and yet no expense whatever should accrue to the Government.

Since the time the Israelites complained that they could not produce bricks without straw, it has been admitted that just means should be provided for every proposed end, and the very assumption of control by the Government of the United States over this celebration and exhibition implied the employment of its agents to do the work, and, as a consequence, payment in money for their services.

If an officer of the Army or Navy be detailed to act in co-operation with the promoters of this work—his official pay continuing—it is, in substance, an appropriation of just that amount from the Treasury in aid of the work. Also, if a national ship be employed in transportation of individuals or property in aid of such a work, it is substantially an appropriation of money, equal in amount to the value of such transportation.

In the very nature of things, the very undertaking to supervise and control such work by the Government involved some expense to the Government; it would be impossible to avoid it.

We have been asked to refer to that clause of the Constitution under which the power of Congress to appropriate money for a national celebration and international exhibition can be justified.

Let us first consider the question of national celebration.

If the nature of the object be national, as distinguished from local or sectional; if its performance invade no reserved rights of any State, or of the people; if it does not transgress any limitation as to extent of power or mode of execution enumerated in other clauses of the Constitution or its amendments; if, finally, the object be not only innocent, but manifestly conducive to "the general welfare of the United States;" if it be in harmony with the system of co-ordinate national and State control, surely it is an unreasonable, unwarranted, and dangerous rule of construction that will deny to these plain, yet pregnant and important, words all meaning whatsoever, and undertake to read the Constitution as though they were wholly omitted, and (to use the language of Story) "as entirely senseless, or inexpressive of any intention whatsoever."

I cannot consent to such doctrine, to attain which interpretation a change of punctuation from that of the official copy, and the interpolation of the words "in order to," are both resorted to.

Mr. President, every word of the Constitution is entitled to its relative weight; and, as Hamilton stated in No. 40 of the Federalist, "every part of the expression ought if possible to be allowed some meaning, and be made to conspire to some common end."

I have stated that provision for "the general welfare" finds expression twice in the Constitution. The preamble declares that to "provide for the general welfare" was one of the objects of creating the Government; and when the Constitution has passed through the careful hands, the close, unflinching criticism of its authors, and is given to us for our guidance, we find in the very front of the powers delegated to Congress, power to "*provide* for the common defense and general welfare of the United States."

If these words had stood *alone;* if the Constitution had not been arranged upon the scheme of a *distribution* of powers in the various departments of Government, and recognized the all-important reservation of power in the several States; if, in other words, limitation and distribution of powers, checks, and balances had not been the very nature and basis of our system, the words would have implied an *unlimited authority*, but because the language is to be construed in connection with all that follows and precedes it in the Constitution, is it to be deprived of all force and meaning; is it a vague and glittering generality, which Senators may in their discretion omit in reading, and treat with total disrespect in framing laws?

I cannot consent to any such doctrine. None could seem more unjust or dangerous than that plain words should be stripped of all natural meaning, and denied all effect, even when they are sensibly expressed in the place where they are found.

No, sir; the words do contain a grant of power, and impose the duty of its execution—not an unlimited, distinct, independent power; but, like all other grants in the Constitution, a qualified power, checked and balanced by other provisions, together with which it is to be construed.

And if the exercise of the power be in the *direct* line of the authority so conferred, if the intent and consequence of the act be germane to the grant of authority to perform it; if it be an act that no State is competent to perform, and an act transgressing no limitation elsewhere imposed by the Constitution, and invading no reserved right, then, under this grant of power to provide for the common defense and general welfare, warrant may be found for legislative action.

The Senator from Ohio told us yesterday that the language of the Constitution referred to was no longer construed by any lawyer to be a grant of substantive power. But I will read his language:

> I need not say to every lawyer in the Senate that these words, "to pay the debts and provide for the common defense and general welfare of the United States," are not construed now by any lawyer anywhere to be a distinct and substantive grant of power.

In other words, he asserts the doctrine that these plain words in the Constitution are an idle prelude, in some indefinite way descriptive of the enumeration of powers that follow in the same section, and that of themselves they are totally without force and weight.

Mr. President, no form of words in the Constitution was the subject of more criticism in the debates which led to the formation of that instrument than this first and most important delegation of power to Congress.

The first resolution adopted by the convention on this subject was:

> That the national Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation, and, *moreover, to legislate in all cases to which the separate States are incompetent*, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.

The latter clause was subsequently altered, so as to read:

> And, moreover, to legislate in all cases for the general interests of the Union, and also in those to which the States separately are incompetent, and in which the harmony of the United States may be interrupted by the exercise of individual legislation.

And the first draught of the Constitution was prepared in pursuance of these resolutions.

The journal of the convention shows the history of the long and careful examination of the subject until the final draught of the whole clause was adopted as it now stands:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States.

The language was brought forward and adopted in connection with the power of taxation, which was to be limited to the payment of the debts and to provide for the common defense and general welfare; and these last words were found in the Articles of Confederation and reproduced, as I have said, in the preamble of the Constitution, and inserted with full knowledge of their force and meaning in the text of the Constitution itself "in order" to grant a power of taxation co-extensive with all constitutional objects.

The historical examination of this subject is interesting and important; and the opinions of Mr. Jefferson, who was not, however, a member of the Constitutional Convention, and of Mr. Madison, (in his letter of 1830 to Mr. Stevenson, of Virginia,) and the commentaries of Judge Story, are, of course, familiar to those who have examined the subject, and differences of opinion have always existed; and many and distinguished names, among them Washington, Monroe, Hamilton, and Wilson, are arrayed in opposition to the views of Mr. Madison; one side insisting that to give the words in question the construction of an independent and substantive grant of power would practically create an unlimited national Government, and the other insisting that no unqualified power is to be inferred; but, properly construed, its limitation will prevent the accomplishment of any other than strictly national purposes, without the infraction of any of the other limitations of the Constitution, the reserved rights of the States or of the people.

But I do not propose, at this time, to enter further into this ancient and ever-important question which has called forth so many and varied opinions—one that cannot be subjected to definite classification—and in the application of the proper construction of which each case must be considered on the basis of its own facts, tendencies, and results.

I need scarcely say here to those who have taken the trouble to note my course in legislation that I am a strict constructionist of powers under the Constitution. I believe that ours is a Government only of special and enumerated powers, and not of general or unlimited powers; but I am unwilling to say that language which has been placed so carefully, not simply in the preamble of the Constitution but carried affirmatively a second time into the very enumeration of the powers delegated to Congress, was placed there so that it was intended to have no effect and to be mere idle words which can at will be left out of consideration. In construing the Constitution of the United States it is our duty to construe each part with relation to all. We are not at liberty to take one part and construe it without reference to others. I do not believe that this grant of power to the Congress of the United States was a mere empty prelude to the enumeration of other powers; but I believe that it did contain some grant of power qualified by the subsequent enumeration of powers, and the provisions of the Constitution, and the scheme of the entire form of government which was sought to be created.

There is no question here as to the source from which this money is derived. That does not arise. The only question is as to the appropriation of the money. Taxation brought it into the Treasury. We are not questioning the source, but the doubt is as to the power of appropriation; to appropriate public moneys for a celebration of the commemoration of the nation's birthday, and combined with that an international exhibition of the world's material progress in art, science, and manufactures. Can it be doubted that the object of this bill is a national object—not sectional, not local, but national? It is so in its nature; it is so in the description which the law has given it. In the first place, there is in this grant of power a restriction that the matter shall relate to the general welfare, so that general benefit to the entire Union should be reached; not a mere local or sectional benefit; secondly, that no grant of power expressly made should by force of these words be enlarged by implication. That is the most familiar, and, in my opinion, the safest principle of construction of the Constitution—*expressum facit, cessare tacitum*—that in construing a grant of express power in the Constitution you cannot ingraft upon that an implied power. There are incidents to powers, necessary incidents, which become as much a part of the power as the original grant, and upon that doctrine has proceeded our legislation since the question first came before our courts; but nowhere is it said that you are to seek to ingraft by implication another power where you already have an express grant in relation to the same subject.

The reserved rights of the States in the control of their domestic and internal affairs cannot be impaired by Congress under the grants of power to it. The "common defense" and "general welfare" are phrases to be construed with reference to the condition of our Government, and the scheme of its operation. You cannot, under the pretext of legislating for the public welfare, do anything that would destroy the autonomy of a State or deprive it of its just weight and place in our Federal system.

But there is a class of self-protecting, self-sustaining powers which are inherent, necessarily inherent in every form of government, arising from the very nature of things, which should be exercised under the general designation of power to tax, "in order" to provide for the general welfare. This subject was more considered, more debated in the convention which framed the Constitution, than almost any other. We are not left in doubt as to what was neglected or what was cared for. These words and this provision were made the subject of very close criticism, and of frequent alteration, to which I have already adverted.

The power of taxation is unlimited by the words and forms of the grant; but the nature of the Government, its Federal design and structure, have been held to limit the power of the United States. One illustration of this is that no instrumentality of a State government can be taxed under Federal laws. We have lately renewed the valuable affirmations of that most essential principle. The Supreme Court of the United States, within the last two years, and in more than one case, has decided that the instrumentalities of the States cannot be taxed by the Congress of the United States; and so a general income tax laid by Congress, under which law taxes had been collected on the judicial salaries in the several States, and upon the salaries of other State officers, was declared to be invalid, and the money was refunded from the Treasury of the United States. So, also, in respect to the tax upon State process in the courts, it has been declared to be invalid; and therefore the doctrine is recognized that it is just as essential to the States that their autonomy should be preserved from the invasion of Congress, under the pretext of taxation, as it is that the powers of the Government of the United States should be preserved from State taxation or interference.

The Constitution is to be construed as a whole, and every part with reference to every other part, and every question of power is referable to the nature and condition and structure of the scheme of government which was designed to be created by it. The Government is a Federal Government in its nature; it is composed of States whose existence is the essential basis of the Government. These State governments retain what Chief Justice Marshall calls the vast mass of powers necessary for their domestic and internal control; but to the General Government were committed powers essential for the general welfare of the United States. Either in the State governments or in the Government of the United States all governmental power necessary to sustain governments must be found; and in determining under which authority the proposed power is to be properly exercised, we must first ask what is the nature of the object to be accomplished. If it be local in its extent and usage, the State alone should exercise it. If it is palpably beyond the function of the State, and the power of the State is incompetent to exercise the power, it may fall—and it almost necessarily must fall—under Federal cognizance. Thus there are many public acts of Congress which have found warrant under the "general-welfare" and "common-defense" clause, and this has been the history and practice of our Government from its foundation, as I shall presently endeavor to show; and it would be difficult—nay, not only difficult, but almost impossible—to classify them under the express grants of power in the Constitution which are enumerated in the same section which has given Congress the power to provide for common defense and the general welfare. Therefore, when cases come before us, each must be weighed and considered in all its points of view, and then decided on upon its merits.

The present case before the Senate proposes an expenditure in celebration of the centennial anniversary of the nation's birthday. It proposes to put a milestone in the pathway of our journey as a people. From its very nature this cannot be accomplished by a State. It invades no State without her consent. It assumes no jurisdiction by the Federal Government over a State. It takes no private property, with or without compensation, in that State for public use. It limits no State power. It interferes with no man's individual liberty. It simply makes provision in money for an exhibition of national joy at national expense. It is a mere money appropriation. It cannot certainly be considered a dangerous exercise of power in its very nature, even supposing it were unwarranted by the charter; but it seems to me not unreasonable to say that it is warranted by the very fact of the United States Government being a government. If the contrary of this be true, then the cost of every Fourth of July salute from every Government vessel, every fortress, every arsenal, from every camp, that has been fired from 1776 until the present day—all these have been without warrant of law. And yet it has been the invariable practice, warranted by the opinion, by the judgment, of every man who was ever connected with the Government, that this thing should be done. Now, it will not do to say that powder is a cheap thing; that salutes cost but little. That is not the question. If they cost Government money, and if you appropriate money, no matter how small the sum, for the purpose of celebration, even to that extent, then you are upon principle estopped from denying that it becomes a mere matter of discretion how much larger your appropriations shall be in the same direction.

And let us also consider the international feature which it is proposed to strike out. I propose to consider the constitutional aspect first. The power to regulate commerce with foreign nations and between the different States is expressly conferred, and is among the enumeration of the powers that follow in the same article which confides to Congress power to provide for the common defense and general welfare, and to pass laws necessary and proper for carrying into execution the foregoing powers. How has that power been exercised

since its very origin? It has been exercised in such a variety of ways that to build a house, whether of wood, stone, or glass, for the purpose of commercial exhibition, inviting comparison from foreign nations of what they have produced with what our own people have produced, is far closer and far more immediately under the natural exercise of the power granted by the words of the Constitution than whole classes of acts which our Government from its very creation has undertaken. We have sent expeditions of humanity, expeditions in the cause of science, pure and simple, with but little regard to commerce; we have sent expeditions designed to pave the way for future transactions of commerce into all seas and at all times in our nation's history. We have sent them to the North Pole, and, if I mistake not, my honorable friend from Ohio was one of the champions for the expedition of Captain Hall.

Mr. THURMAN. There again my good friend is entirely mistaken. I voted dead and square against it.

Mr. BAYARD. Then I am mistaken as to that. I only know that the expedition of Captain Hall had money appropriated for it, and I had the impression that the Senator from Ohio favored it. It seems that I was mistaken in that. We have had explorations, under Government expense, of the Dead Sea. We have had expeditions to Japan. We have had them to South America; notably among them that of Herndon and Gibbon in exploring the waters of the Amazon and its tributaries. All these were made without this objection being urged that they were not fairly within the power of Congress. In short, from the very commencement of our Government we have had, under what is termed the commercial clause, a series of expeditions tending to the interests of commerce, and the appropriations have been passed with but little objection on the ground of unconstitutionality. Since 1850, three several European exhibitions have been held. We have appropriated money to send our commissioners to England, to France, and to Austria. We paid them salaries. We published their reports. Under what clause of the Constitution was this done? I do not know whether my two honorable friends from Kentucky and Ohio approved of any or all of these things, or whether they disapproved of them; but I merely cite to them what has been the practice of the Government in this respect, which was supposed to find its warrant under the commercial clause of the Constitution.

Now, it is palpable that an exhibition such as is proposed, with an international feature, by building a warehouse in the city of New York, or Philadelphia, or anywhere else, for the benefit of the entire country, that we may have the opportunity of inspection of the works of science, art, and industry of other countries, is certainly more closely and naturally connected with the exercise of the power of Congress to regulate commerce with foreign nations, and between the States, than any of the acts to which I have referred.

But there has been another large class of acts of charity. The very voice of humanity has been recognized and obeyed by the Congress of the United States by pecuniary appropriations. Here was a bill introduced in Congress in 1847 to relieve the famine in Scotland and in Ireland. On the 27th of February the bill was moved by a Senator from Kentucky (Mr. Crittenden) to be taken from the table. Mr. Webster expressed his approval of the object of the bill. Mr. Crittenden moved an amendment of the phraseology, not altering the intent and object of the bill. Mr. Calhoun, of South Carolina, also debated the subject, and in the course of his remarks I find that he not only approved of the appropriation of money for the relief of the starving people in Ireland and Scotland, but, as I read from the record of the debate, he "suggested that, as there was suffering also in France, a vessel should be sent to Great Britain and to France to carry the bounty of this country," and was understood to say that no constitutional difficulty interposed to prevent it. The bill was finally passed by a vote of 27 to 13, with the remark from Mr. Calhoun, which I have stated, approving of the measure and proposing to extend such acts, and declaring that there was no constitutional difficul'y whatever.

Mr. THURMAN. How about its history in the House?

Mr. BAYARD. I am speaking of the vote in the Senate, and have not its history in the House.

We had another case. In 1856 one of the most graceful and kindly acts of courtesy known to our history was performed by the Government of the United States under the authority of Congress. The British bark Resolute, which had formed, I believe, part of the expedition of Sir John Franklin, was abandoned in the ice near Greenland. She was found by some New England fishermen and brought to this country; and it was proposed that the Government should pay the expenses of the salvage, refit the vessel, and send her back to Great Britain, as an act of national courtesy, to promote good feeling between two great nations—as something not to be estimated in money. It was done; and Mr. Mason, of Virginia, offered a resolution appropriating $40,000, or so much as might be needed, for the purchase of the ship. He reported the resolution himself favorably, and it was passed unanimously.

There has been also a course of commemoration by the Government of the United States, since the foundation of the Government, by striking medals commemorative of notable events in our history. I have not by me a list of those medals, but I have examined it in other days, designing to make myself the owner of a set, as a historical commemoration of American virtue and valor. A medal is an expensive thing; it is a work of art, requiring skill and no little expense for its production. The battle on Lake Erie had a medal. I remember the medal struck in honor of the lingering survivors of those who had signed the Declaration of Independence. This was one of the earliest recollections of my childhood. Under what clause of the Constitution, let me ask, do you find authority for that? It was an act of national commemoration and celebration. It cost money, but a few thousand dollars perhaps; but it was the principle recognized and never denied—the power of the Government of the United States to commemorate acts deemed worthy of national celebration. It was patriotic; it interfered with no man's liberty, nor with the power of any State; and in those respects it is precisely in keeping with the present bill and its objects.

Sir, we have erected statues. Where is the authority for that? Where is the express grant of power to embellish the public buildings of your Government? The clause that Congress shall have exclusive legislation over the District of Columbia will certainly not include that. Exclusive legislation does not mean unlimited or unconstitutional legislation. It means that the Congress of the United States may, subject to the Constitution, do in the District of Columbia what the government of a State can do within its limits. It does not create an absolute government in the District, but exclusive power to legislate *under* the Constitution.

So, Mr. President, we have had from the commencement of our Government this continual current, nay, this torrent of precedents, approved by statesmen contemporaneous with the earlier and better days of the Constitution, whose respect and jealous care for it never were doubted, who were strict constructionists, who assented to the execution of no doubtful powers; and yet they have assented to this series of national celebrations, so similar in their nature and objects to that now proposed. And if you ask, where did they obtain their power? my answer is, where could they have obtained their power excepting under that grant contained in the eighth section of the first article, which my friends from Ohio and Kentucky would tell you is utterly without sense or meaning *per se*, although the words are capable of direct meaning, and have, we are bound to presume, some definite object and intent?

Now, sir, can it be that we have constitutional powers to send out distant expeditions of a purely scientific character, that we shall send delegations of our own citizens and provide for their expenses to foreign exhibitions, and be unable to do the same thing in our own country? As I said, it is plain to me that, under the commercial clause in the Constitution, the power to create this international exhibition is reasonably to be found. The question of its expediency is a totally different thing, which I do not propose in this connection to discuss.

Then, as to the other point, of providing money for a national celebration, it seems to me to be an inherent power. You cannot create a government without giving necessarily incidental powers of this nature. Any exercise of power by the Government of the United States which shall restrict individual liberty, which shall invade and impair the right of a State, which shall in any degree destroy that balance of power which is after all the great scheme which was intended for our Government, I shall watch with jealousy, and my vote shall ever oppose. I have differed with my learned friends from Ohio and Kentucky on points of greater constitutional importance than the present. I may say that one of them expressed, and both of them coincided in, the view that it was within the power of the Senate of the United States to unseat one of its members by a majority vote by declaring his seat vacant. That was their opinion. It was a question of profound importance; one in which I differed from them, because the proposition was, to my mind, fraught with such danger that I could not assent to it. I knew that it would lead to the destruction of the right of States to representation in the Senate, and deal a blow which would shatter our Federal system from turret to foundation-stone. And yet my honorable friends held a different opinion on that subject. But in this case—which, as I said, affects no question of individual liberty, no question of power over States or persons; which is a simple matter of expenditure in respect to a subject that is confessedly and purely national, neither local nor sectional, nor capable of being affected either by State or sectional authority—I find that they take again a different, and, if I may so term it, a still more conservative and restricted, view than I, and denounce the idea that power can be found under the Constitution of the United States to enable the nation to create or celebrate any holiday.

Mr. President, it is in the conflict of honest minds that truth is generated. I never regret discussions respecting limitations upon the power of Congress. I am glad that they should occur. I am glad that the power of Congress to act should always be carefully weighed and carefully proven. I have opposed, and expect always to oppose, the implication of the grant of unlimited powers to Congress. But while I do that, it will be for the substantial reason that such exercise of powers would plainly tend to overthrow the safeguards of liberty, and to disturb the proper relations of the different parts of our Government. When mere money is the question, and that to be spent in furtherance of a perfectly national object, connecting itself with the commerce of the country, or with the proper and patriotic celebration of events connected with our history as a nation, or when, as I said, the individual liberty of no man is questioned, where the power and right of no State is invaded, then my anxiety to search for defects in the grants of power is greatly lessened; and in the present case I do feel myself, even after listening to the arguments of my friends from

Ohio and Kentucky, able to vote for a proper appropriation to celebrate this centennial anniversary of the birth of the Government of the United States. With me the question is not so much as to the amount to be appropriated, but as to the principle involved in appropriating any amount at all. It seems to me that it is a natural incident to the existence of the Government that it should have this right to celebrate. Nor do I consider it a dangerous incident to the powers of the Government to permit the creation by Government of national holidays, and provide means for their celebration. I can see no danger in it. I cannot see the violation of principle in it. I cannot see the infraction of constitutional power in it.

Mr. President, passing now from these reasons, which I have been urged to give at the more length because of my respect for the sources from which the objections come, and which always impress me with much doubt when I find myself differing with men whose views generally in regard to our Government are so coincident with what I believe to be right, yet at the same time I desire to say one word in respect to a practical point in relation to the appropriation of money. This money, if I am to vote for the bill, must be devoted to national purposes only, to be expended under the direction and control of United States officials. I understand that to be secured. Further, I desire that the amount should pass under the inspection of the usual Committee on Appropriations, that we may not be appropriating money without having some proper basis of information as to amount and probable requirements; and next, that this amount of money appropriated by Congress shall, in the event of the success of this exhibition, or in the event of the sale of the buildings erected in part by this money, be returned to the Treasury of the United States in equal proportion with the other moneys that may be subscribed by individuals for the purpose of aiding the same thing.

I trust, indeed I am assured by my honorable friend from Pennsylvania who has been urging the passage of this measure, that it is intended to perfect it by providing that the moneys appropriated by the United States for this purpose shall be returned again to the Treasury of the United States; that from the proceeds of the receipts of the buildings for the purposes of the exhibition and from the sale of the buildings or materials the Government of the United States shall receive in due proportion the full amount to which it would be entitled as a shareholder in this concern. The fact that it is proposed to do this by a stock company, by allowing persons in that form to subscribe, does not in the least degree interfere with the propriety or the practicability of this arrangement.

Nor is there anything in the nature of an international exhibition which interferes at all with the proper commemoration and celebration of the birthday of our Government. Indeed, in my opinion, the international exhibition, continuing for a period of some four or five months, will form one of the chief causes of attraction of our people to the place where the celebration of American independence is held, and the rejoicing over the first century in the history of our Government will be chiefly in the hearts of the American people. But a small portion of them can assemble at any one place in this country; and, as I said, if it is to have value, it must be because the hearts of the American people give it value, for money cannot do that; but still money may aid the expression of vast numbers, and serve to impress the event which we commemorate, and revive the sentiments which gave birth to it. All these things will not be interfered with by the attractions of the deposit in the warehouses and buildings established by the Government of the curiosities of art, of literature, of science, of industry, and of manufactures of all kinds brought from foreign countries. On the contrary, the international feature will only tend to swell the success of the exhibition. And there is nothing in the declarations of the sentiments of pride which the American people may desire to express on that occasion that can be held just cause of offense to any one.

I pass by the idea that seems to be so absurdly pressed—I say that without disrespect—that the personal presence of the rulers of other countries is to be expected. Nothing of the kind. The international exhibition is a matter of commerce and business, and the same general character of representation will be there that we ourselves sent abroad. The invitation is not to come here and receive a royal welcome as royal guests, and travel in state through the country at public expense. That idea is preposterous. There is nothing in the language of the law or the invitations issued which would warrant such an idea for a moment. I do not know what may have happened in Europe between crowned heads who have become the personal guests of each other; but we have no such machinery of government, and what I do know is that American commissioners, or the representatives of the American Government, were not the guests received at the expense of the governments whose exhibitions they attended.

Therefore I trust, Mr. President, that this bill will pass, and that the Committee on Appropriations will be properly instructed, that they may know what is the will of the Senate on the subject, whether there is to be a sufficient amount of money appropriated to defray the reasonable anticipated cost of this proceeding, and that it shall be coupled with safeguards as to its expenditure, and as to the return to the United States of their share, if any there be, of the proceeds of this exhibition after the expenses have been fully paid and the exhibition is over. This bill being prepared with these safeguards shall then receive my vote. But the Senate have it in their power to declare whether there shall or shall not be a national celebration.

Mr. THURMAN. Mr. President, I do not propose to prolong this discussion to-day. I have no doubt this subject will be before us again unless the bill be rejected; and I shall then have an opportunity, after having seen the remarks of my friend from New Jersey, [Mr. STOCKTON,] and those of my friend from Delaware, [Mr. BAYARD,] to reply to their view of the Constitution if I shall consider it of any consequence whatsoever to do so. Owing to my service on a committee of the Senate which is authorized to sit during the sessions of the Senate, I had not the pleasure of hearing the constitutional argument of either of those gentlemen, though I heard a part of that of the Senator from Delaware. The very high respect I entertain for their legal ability may induce me to say something in reply to their views when I have an opportunity to read them. My purpose in rising now is simply to correct an error into which my friend from Delaware has fallen in regard to the relief afforded to Ireland in 1847. He read from the remarks made by several Senators on a bill introduced by Mr. Crittenden, of Kentucky, appropriating $500,000 out of the public Treasury to purchase food to be sent to relieve the famine then prevailing in Ireland. I asked him if that bill did not fail in the House. I understood him to say that it did not, but that it became a law.

Mr. BAYARD. My answer was that I had not the history before me. I was looking in the record of the Senate debates, and I stated expressly what had occurred in the Senate, and gave the vote in the Senate. I did not undertake to follow it in the House, but my impression was that the bill had passed.

Mr. THURMAN. I understood the Senator to state it simply as an impression that the bill had passed; and he naturally thought so from the fact that the Macedonian, one of our ships of war, did go from our shores to Ireland charged with grain and food supplied by the private contributions of citizens from the United States. But now I say to him that the bill introduced by Mr. Crittenden, and making an appropriation out of the Treasury of the United States, although it passed the Senate, never did pass the House of Representatives; nor did the Government make any appropriation of money for any such purpose. On the contrary, all the Government did was this: Senator Fairfield, of Maine, introduced a joint resolution lending, so to speak, the ship Macedonian and the corvette or sloop-of-war Jamestown to the persons who had contributed supplies for the relief of that famine, in order that those supplies might be transmitted to Ireland and to Scotland, and that joint resolution passed both Houses; and the Macedonian went out freighted with those contributions of private individuals; and so far was Congress from appropriating money that it struck out the little appropriation of $6,000 from the public Treasury that was contained in the original resolution; and the ship went forth, not in the command of an officer of the United States Navy, but in the command of an officer of the mercantile marine who was selected as a proper person to have charge of that vessel. All the Government did was to loan a vessel of the United States that was lying idle in one of our dock-yards to the contributors for the relief of the suffering people of Ireland and Scotland.

Mr. BAYARD. Then the case stands thus: The Senator makes it a point that you may take Government property, expensive and costly as we know a Government ship to be, and you may use it for a purpose of public charity, but you may not take the public property that exists in the shape of money. It strikes me, to be perfectly plain, that you cannot do indirectly what you cannot do directly; and what difference, in the name of all that is reasonable, is there to the people of the United States when you say to them, "Before we took your money we turned it into a ship, and when we had it in the shape of a ship we used it for certain purposes that we could not have used it for if it had remained in the shape of money?"

Mr. THURMAN. If my friend from Delaware cannot see any difference I will try to show him the difference some of these days when we get this matter up. If the Macedonian had been built for that purpose, then he might well enough say there was no difference between going to the Treasury and giving the money directly and taking the money from the Treasury to build a ship to carry on the project. But the Macedonian was not built for that purpose. She was a conquest. She was taken on the high seas by the frigate United States. She was a capture, and at the time that we lent her for this charitable purpose she was lying idle at our navy-yards. All, then, that the United States did was to lend a ship of the United States.

Mr. STOCKTON. Will the Senator permit me to say a word?

Mr. THURMAN. Certainly.

Mr. STOCKTON. It is as to a matter simply of fact, which perhaps the Senator knows. The two ships authorized by Congress to be sent out at the time of the Vienna exposition cost $250,000, which was in the naval appropriation bill. They were United States ships sent out for that purpose under the orders of Congress to carry the merchandise of the exhibitors from this country; so that the proposition he is making in reference to the Macedonian does not apply to this last action of Congress in reference to the Vienna exposition.

Mr. THURMAN. I am not making an argument. I am only vindicating the truth of history, as Colonel Benton used to say. As to the value of the precedents, we shall talk about that at some other time. If my friends suppose that I am asserting that the Constitution has never been violated in my humble judgment, that this clause of the Constitution has not been stretched beyond all proper limits, and things done under it that cannot be defended on any proper view of the Constitution; if they understood me as denying that such things

have been done, I beg leave to say that I have never denied any such thing. I do not suppose there ever was a constitution made that was not violated, and I feel very certain—and I feel quite sure that my friends will agree with me—that the Constitution of the United States has been violated too long and too often, and that its violation ought not to be the rule of our action.

Mr. SARGENT. Mr. President——

Mr. STEWART. Will the gentleman give way to a motion to adjourn?

Mr. ANTHONY. I understand that the Senator from Pennsylvania gave notice that he was going to ask his friends to sit this bill out to-day. I think we had better take a vote on this motion; he will be here in a moment.

Mr. SUMNER. There are several yet to speak.

Mr. STEWART. I move that the Senate do now adjourn.

Mr. RAMSEY. Had we not better go into executive session; there is executive business, I suggest to the Senator from Nevada.

Mr. STEWART. I will change the motion, and move an executive session.

Mr. THURMAN. If that motion is withdrawn for a moment I ask consent to offer a resolution.

Mr. STEWART. Very well.

Mr. THURMAN. I send it to the Chair to be read. It is important that it should be passed at once.

The SECRETARY read the resolution appropriating money to defray the expenses of the joint select committee to inquire into the affairs of the District of Columbia.

Mr. CAMERON. I object to that.

Mr. THURMAN. Does the Senator object to the consideration of that resolution now?

Mr. CAMERON. Certainly I do. I made an appeal yesterday to the Senate which I thought would not be objected to, and I said I trusted the Senate would allow us to finish the centennial business to-day.

Mr. SUMNER. Is that in order? There is a motion to go into executive session, which is not debatable.

Mr. CAMERON. That was withdrawn.

Mr. SUMNER. Withdrawn merely for the purpose of the introduction of a resolution, that was all; and the Senator from California has the floor.

Mr. SARGENT. I believe I held the floor, and gave way for that purpose.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The Chair thought the Senator from California had yielded the floor.

Mr. STEWART. Simply for a motion to go into executive session.

Mr. SARGENT. Only for that purpose.

The PRESIDING OFFICER. But that was suspended to enable the Senator from Ohio to introduce a resolution.

Mr. SARGENT. Very well, then I resume the floor.

The PRESIDING OFFICER. Objection was made to the consideration of the resolution, so that the Senator from California is entitled to the floor.

Mr. SARGENT. I yield to the Senator from Nevada.

The PRESIDING OFFICER. Does the Senator from Nevada renew his motion?

Mr. STEWART. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. I rise to a point of order.

Mr. SUMNER, The motion is not debatable.

The PRESIDING OFFICER. The Senator from Rhode Island will state his point of order.

Mr. ANTHONY. My point of order is that the Senator from Nevada moved that the Senate adjourn, and then withdrew the motion. If the Senator from Pennsylvania, who happened to be out at the moment, and who had charge of this bill, is not to be allowed the privilege of making a statement to the Senate, then we shall endeavor to administer the rules as they are. A Senator cannot withdraw a motion for one purpose. He either withdraws it or insists on it. Having withdrawn it, the Senator from Pennsylvania has the right to the floor.

Mr. CAMERON. So I thought.

The PRESIDING OFFICER. The Senator from Nevada withdrew his motion temporarily.

Mr. STEWART. I do not wish to cut off the Senator. I withdraw the motion.

Mr. THURMAN. I ask leave to withdraw the resolution. I will offer it at another time when the Senator from Pennsylvania is in better humor.

Mr. CAMERON. I am sure——

Mr. SARGENT. Am I entitled to the floor?

The PRESIDING OFFICER. The Chair understood that the Senator from California had yielded the floor to the Senator from Nevada.

Mr. SARGENT. Merely for the purpose of making a motion.

The PRESIDING OFFICER. He made his motion, and afterward withdrew it, whereupon the Senator from Pennsylvania took the floor, and the Chair so recognized him.

Mr. SARGENT. I would suggest to the Chair that his withdrawing the motion does not take me from the floor and give it to another Senator.

The PRESIDING OFFICER. The Chair understood that the Senator from California had yielded the floor absolutely to the Senator from Nevada, and the Senator from Nevada made his motion to go into executive session.

Mr. SARGENT. I beg leave to correct the Chair. I did not yield the floor absolutely. I simply yielded for the purpose of the motion.

The PRESIDING OFFICER. The Chair will state his understanding again——

Mr. CAMERON. I understand I have the floor.

The PRESIDING OFFICER. The Chair desires that Senators shall understand the ruling of the Chair. The Senator from California moved that the Senate adjourn——

Mr. SARGENT. No, sir; I rose to speak on the pending bill, and was recognized for that purpose, as I supposed. Then the Senator from Nevada appealed to me to give way for a motion to adjourn, which I did.

Mr. STEWART. Then several Senators said they wanted an executive session, and so I changed the motion to an executive session.

Mr. SCOTT. In the mean time, let me inquire how the Senator from Ohio got his resolution in? The floor was yielded to him.

Mr. SUMNER. By unanimous consent.

Mr. SCOTT. My colleague was recognized after that.

The PRESIDING OFFICER. The Senator from Nevada withdrew his motion temporarily. The Senator from Ohio then introduced his resolution. Objection was made to its present consideration, and thereupon he withdrew it. The Senator from Nevada renewed his motion and then withdrew it, and thereupon the Chair recognized the Senator from Pennsylvania.

Mr. CAMERON. For which I am very much obliged to the Chair. And now, Mr. President, I am surprised that anybody should object to going on with this bill. I am sure the kindly feelings of the Senator from California will not allow him to object any further to going on with this bill now——

Mr. SARGENT. I have no objection to making what few remarks I have to make now; but I understand there are other Senators who wish to speak. It is nearly five o'clock, and I do not suppose the bill can be finished to-night. I cannot speak for others, however.

Mr. CAMERON. I made an appeal yesterday, hoping we would finish the bill to-night; and I do not find in the Senate anybody, except my good friend, the Senator from Massachusetts, who objects. Somehow or other, latterly, when I have an appeal to make to the Senate, he always seems to be in the objective case.

Mr. SUMNER. I beg my friend's pardon. Do not broaden the case. I do not sympathize with my friend in his effort to push a bill which I think is going to entangle the Treasury to a great many millions of dollars—ten, fifteen, twenty, twenty-five possibly; and I do not sympathize with my friend in his effort to bring about that entanglement. That is all.

Mr. CAMERON. Now, in reply to that I have not a word to say. There is no gentleman in this body for whom I have a higher respect than I have for the Senator from Massachusetts; and whether we differ or whether we agree makes no difference in our personal relations; but I did ask of him, and I did ask of the Senate, that we should decide this question now. It can be no great trouble to the Senate, no great inconvenience to sit an hour or two hours, so as to dispose of this bill; and whatever may be the vote of the Senator from Massachusetts or anybody else, I shall not complain. But I want the decision made to-night; and I shall be greatly obliged to the Senate if they will refuse to adjourn until they settle this question. That is all I have to say about it. Gentlemen may very fairly differ about the propriety of an appropriation, or about a celebration at all. Of that I have no complaint to make. But I want the decision to be made now. That is all I have to say about it.

Mr. SARGENT. Mr. President——

Mr. STEWART. With the permission of the Senator from California, for the purpose of testing whether we will dispose of the bill now or let him go on in the morning, I move to proceed to the consideration of executive business.

Mr. SARGENT. I am willing to leave the matter entirely to the Senate, either to go on or not just as the Senate pleases. In order that it may be decided by the Senate, I will yield that the motion may be made, and will cheerfully assent to whatever the decision of the Senate may be.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

Mr. CAMERON. The motion of the Senator from Nevada is a mere evasion to go into executive session. We have no executive business to do now, and going there is only an evasion.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Pennsylvania that the motion of the Senator from Nevada is not debatable. The Senator from Nevada moves that the Senate proceed to the consideration of executive business.

Mr. CAMERON. I know it is not debatable, but I made that suggestion to the Senator himself, and hoped he would withdraw his motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The question being put, a division was called for; and the ayes were—21——

Mr. CAMERON. Mr. President——

Mr. SUMNER. I call the Senator to order.
Mr. CAMERON. How am I out of order?
Mr. SUMNER. The vote is being taken and the Senator cannot speak now.
The PRESIDING OFFICER, (having concluded the count.) There are 21 in the affirmative and 19 in the negative. The motion is agreed to.
Mr. CAMERON. Now I call for the yeas and nays.
Mr. SUMNER. It is too late. The result has been announced.
The PRESIDING OFFICER. The Chair will entertain the call.
The yeas and nays were ordered and taken.
Mr. LOGAN, (after first voting in the negative.) I am paired with the Senator from Missouri, Mr. SCHURZ, and I ask leave to withdraw my vote.
Leave was granted.
The result was announced—yeas 25, nays 22; as follows:

YEAS—Messrs. Bogy, Chandler, Cooper, Davis, Fenton, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Texas, Johnston, Jones, McCreery, Merrimon. Morrill of Maine, Norwood, Pratt, Ransom, Sargent, Saulsbury, Spencer, Stewart, Stockton, Sumner, and Thurman—25.
NAYS—Messrs. Allison, Anthony, Buckingham, Cameron, Clayton, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Hamlin, Hitchcock, Howe, Ingalls, Morrill of Vermont, Oglesby, Pease, Ramsey, Scott, Sherman, Sprague, West, and Wright—22.
ABSENT—Messrs. Alcorn, Bayard, Boreman, Boutwell, Brownlow, Carpenter, Conkling, Conover, Cragin, Dennis, Edmunds, Ferry of Michigan, Hamilton of Maryland, Harvey, Kelly, Lewis, Logan, Mitchell, Morton, Patterson, Robertson, Schurz, Stevenson, Tipton, Wadleigh, and Windom—26.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 5, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday was read and approved.

DISTRIBUTION OF DOCUMENTS.

Mr. GARFIELD. I demand the regular order of business.
Mr. SHANKS. Some days ago I entered a motion to reconsider the vote by which the House rejected a bill (H. R. No. 825) to provide for the distribution of public documents printed by the authority of Congress, and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the county where published. I wish to call that motion up for consideration at this time.
The SPEAKER. Did the gentleman vote with the prevailing side?
Mr. SHANKS. I did.
Mr. McKEE. Will that cut off the morning hour?
The SPEAKER. It is a privileged question, and would crowd out the morning hour if it should occupy much time.
Mr. COTTON. I move to lay the motion to reconsider upon the table.
Mr. SHANKS. I have not yielded the floor. Unless there is a disposition on the part of the House to debate the bill, (and I should like to say something on it myself,) I will now demand the previous question.
Mr. G. F. HOAR. I rise to a parliamentary inquiry. I desire to know whether when a motion to reconsider is called up by the mover it is in order to raise the question of consideration at a particular time, as in the case of the introduction of a bill; whether it is in the power of the House to decline at a particular time to proceed to the consideration of the question?
The SPEAKER. The Chair thinks it would be.
Mr. G. F. HOAR. I desire, then, to raise that question.
The SPEAKER. The Chair will direct the reading of the rule.
The Clerk read as follows:

When any motion or proposition is made, the question "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker. And it is competent for a member to raise the question of consideration upon a report, even though a question of privilege is involved in the report. But after a question has been stated, and its discussion commenced, it is too late to raise the question of consideration.

The SPEAKER. This is not a question of privilege, but it is a privileged question, which is not quite so high in rank as a question of privilege. And the rule, although not specifically applying to a privileged question, the Chair would be compelled to rule, includes it.
Mr. RANDALL. It makes no difference, if there is a majority in favor of considering it, which is equivalent to a reconsideration.
The SPEAKER. It is the same thing. It is a mere question of testing the sense of the House. As the Chair has often remarked, it leaves the whole question within the power of the majority.
Mr. G. F. HOAR. The Chair will pardon me for saying that I supposed the majority of the House could determine the question of consideration by a yea and nay vote. But as the gentleman from Indiana [Mr. SHANKS] does not propose to take up the time of the House by a discussion, I withdraw the question of consideration.
The SPEAKER. Pending the call of the gentleman from Indiana for the previous question on the motion to reconsider, the gentleman from Iowa [Mr. COTTON] moves to lay on the table the motion to reconsider.
The question being taken on the motion to lay on the table the motion to reconsider the vote by which the House refused to pass the bill, there were—ayes 43, noes not counted.
Mr. E. H. ROBERTS. I ask for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 102, nays 124, not voting 64; as follows:

YEAS—Messrs. Archer, Atkins, Banning, Barnum, Beck, Berry, Bland, Blount, Bradley, Brown, Buffinton, Bundy, Burleigh, Burrows, Cason, Cessna, Amos Clark, Freeman Clarke, Clayton, Cook, Cotton, Cox, Crooke, Crossland, Crounse, Dobbins, Duell, Eames, Fort, Foster, Frye, Garfield, Giddings, Gooch, Eugene Hale, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Hyde, Kasson, Kelley, Kellogg, Lamison, Lawrence, Lawson, Loughridge, Luttrell, McCrary, James W. McDill, MacDougall, McNulta, Merriam, Milliken, Monroe, O'Neill, Orth, Packard, Pendleton, Phelps, Poland, Potter, Rawls, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sherwood, Smart, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Storm, Sypher, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Wood, and Woodford—102.
NAYS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Averill, Barber, Barry, Begole, Bell, Bowen, Bright, Bromberg, Buckner, Burchard, Benjamin F. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crittenden, Crutchfield, Alexander M. Davis, John J. Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Field, Freeman, Glover, Gunckel, Hancock, Henry R. Harris, Harrison, Hatcher, Havens, Hays, John W. Hazelton, Hendee, Hereford, Hersey, George F. Hoar, Houghton, Howe, Hunton, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lamar, Lamport, Leach, Lewis, Lowe, Magee, Marshall, Martin, Alexander S. McDill, McJunkin, McKee, McLean, Mills, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Packer, Isaac C. Parker, Pelham, Perry, James H. Platt, jr., Thomas C. Platt, Randall, Rapier, Ray, Read, Rice, Richmond, Rusk, Sawyer, Shanks, Sheats, Sheldon, Sloss, A. Herr Smith, J. Ambler Smith, William A. Smith, Southard, Speer, Stone, Stowell, Strait, Strawbridge, Taylor, Thornburgh, Todd, Townsend, Vance, Wallace, Walls, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Woodworth, John D. Young, and Pierce M. B. Young—124.
NOT VOTING—Messrs. Barrere, Bass, Biery, Roderick R. Butler, Clements, Comingo, Creamer, Crocker, Curtis, Danford, Darrall, Dawes, Eden, Elliott, Farwell, Hagans, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Gerry W. Hazelton, Herndon, Hodges, Hooper, Hubbell, Hunter, Jewett, Lansing, Lofland, Lowndes, Lynch, Maynard, Mellish, Mitchell, Moore, Morey, Morrison, Niles, Page, Hosea W. Parker, Parsons, Phillips, Pierce, Pike, Pratt, Purman, Rainey, Ransier, Robbins, James W. Robinson, Milton Sayler, John G. Schumaker, Sener, Sessions, Lazarus D. Shoemaker, Small, George L. Smith, Standeford, Stephens, St. John, Swann, Thomas, Waddell, Wells, and Jeremiah M. Wilson—64.

So the House refused to lay the motion to reconsider on the table.
During the roll-call the following announcements were made:
Mr. PARSONS. I am paired with Mr. RAINEY, of South Carolina. If he were present he would vote "no," and I would vote "ay."
Mr. SENER. I was not in the House when the last name on the roll was called. If I had voted I would have voted "no."
Mr. ALBRIGHT. My colleague, Mr. BIERY, is absent on account of sickness. He directs me to say that if he were here he would vote "no."
Mr. SAYLER, of Indiana. My colleague, Mr. HUNTER, is absent from the city on business of the House.
Mr. ARCHER. My colleague, Mr. SWANN, is detained from the House by sickness.
Mr. GARFIELD. My colleague, Mr. ROBINSON, is detained from the House in consequence of severe illness. He has not been here for some days.
Mr. BARRERE. I am paired with Mr. CROCKER, of Massachusetts. If he were here he would vote "no," and I would vote "ay."
The result of the vote was then announced as above recorded.
Mr. SHANKS. I now call the previous question on the motion to reconsider the vote by which the House refused to pass the bill.
Mr. HOLMAN. I call for a division on seconding the previous question.
The SPEAKER. The Chair will order tellers, and appoints the gentleman from Indiana, Mr. SHANKS, and his colleague, Mr. HOLMAN.
The House divided; and the tellers reported—ayes 121, noes 50.
So the previous question was seconded.
The question recurred on ordering the main question.
Mr. HOLMAN and Mr. O'NEILL called for the yeas and nays.
On the question of ordering the yeas and nays there were—ayes 39.
So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.
The question was taken; and there were—yeas 123, nays 103, not voting 64; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Averill, Barber, Barry, Begole, Bell, Bowen, Bright, Buckner, Burchard, Benjamin F. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crittenden, Crutchfield, Alexander M. Davis, John J. Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Freeman, Glover, Gunckel, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hersey, Houghton, Howe, Hunton, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lamar, Lamport, Leach, Lewis, Loughridge, Lowe, Magee, Marshall, Martin, Alexander S. McDill, McJunkin, McLean, Mills, Moore, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Packer, Isaac C. Parker, Pelham, Perry, James H. Platt, jr., Thomas C. Platt, Randall, Rapier, Ray, Read, Rice, Richmond, Rusk, Sawyer, Sener, Shanks, Sheats, Sheldon, Sloss

J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Stone, Stowell, Strait, Strawbridge, Taylor, Thornburgh, Todd, Townsend, Vance, Wallace, Walls, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Woodworth, and John D. Young—123.

NAYS—Messrs. Archer, Atkins, Banning, Beck, Berry, Bland, Blount, Bradley, Bromberg, Brown, Buffinton, Bundy, Burleigh, Burrows, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Cook, Cotton, Cox, Crooke, Crossland, Crounse, Dobbins, Duell, Eames, Field, Foster, Frye, Garfield, Gooch, Eugene Hale, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Hyde, Kasson, Kelley, Kellogg, Lamison, Lawson, Luttrell, McCrary, James W. McDill, MacDougall, McKee, McNulta, Merriam, Milliken, Monroe, O'Neill, Orth, Packard, Page, Pendleton, Phelps, Pike, Poland, Potter, Pratt, Rawls, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Storm, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Wood, and Woodford—103.

NOT VOTING—Messrs. Barnum, Barrere, Bass, Biery, Roderick R. Butler, Clements, Comingo, Creamer, Crocker, Curtis, Danford, Darrall, Dawes, Eden, Elliott, Farwell, Fort, Giddings, Hagans, Robert S. Hale, Hamilton, Benjamin W. Harris, Hendee, George F. Hoar, Hodges, Hooper, Hubbell, Hunter, Jewett, Lansing, Lawrence, Lofland, Lowndes, Lynch, Maynard, Mellish, Mitchell, Morey, Morrison, Niles, Hosea W. Parker, Parsons, Phillips, Pierce, Purman, Rainey, Ransier, Robbins, James W. Robinson, John G. Schumaker, Sessions, Lazarus D. Shoemaker, Small, George L. Smith, Standeford, Stephens, St. John, Swann, Sypher, Thomas, Waddell, Wells, Jeremiah M. Wilson, and Pierce M. B. Young—64.

So the main question was ordered.

During the roll-call,

Mr. BARRERE said: I am paired upon this question with Mr. CROCKER; if he were present he would vote "ay," and I should vote "no."

The result of the vote having been announced, as above recorded, the question recurred on the motion to reconsider the vote by which the bill was defeated.

Mr. WHITEHOUSE. I desire to offer an amendment.

The SPEAKER. No amendment is in order.

Mr. POTTER and Mr. E H. ROBERTS called for the yeas and nays.

The question was put on ordering the yeas and nays; and on a division there were—ayes 32, noes 123.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 106, not voting 62; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Averill, Barber, Barry, Begole, Bell, Bowen, Bright, Buckner, Burchard, Benjamin F. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Alexander M. Davis, John J. Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Field, Freeman, Giddings, Glover, Gunckel, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, George F. Hoar, Houghton, Howe, Hunton, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lamar, Lamport, Leach, Lewis, Lowe, Magee, Marshall, Martin, Alexander S. McDill, McJunkin, McLean, Mills, Moore, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Packer, Isaac C. Parker, Pelham, Perry, James H. Platt, jr., Thomas C. Platt, Randall, Rapier, Ray, Read, Rice, Richmond, Rusk, Sawyer, Sener, Shanks, Sheats, Sloss, William A. Smith, Snyder, Southard, Speer, Stone, Stowell, Strait, Strawbridge, Taylor, Thornburgh, Todd, Townsend, Vance, Wallace, Walls, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Woodworth, and John D. Young—122.

NAYS—Messrs. Archer, Atkins, Banning, Barnum, Beck, Berry, Bland, Blount, Bradley, Bromberg, Brown, Buffinton, Bundy, Burleigh, Burrows, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Dobbins, Duell, Eames, Fort, Foster, Frye, Garfield, Gooch, Eugene Hale, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, Holman, Hoskins, Hyde, Kasson, Kelley, Kellogg, Lamison, Lawrence, Lawson, Loughridge, Luttrell, McCrary, James W. McDill, MacDougall, McNulta, Mellish, Merriam, Milliken, Monroe, O'Neill, Orth, Packard, Page, Pendleton, Phelps, Potter, Pratt, Rawls, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Storm, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Wood, and Woodford—106.

NOT VOTING—Messrs. Barrere, Bass, Biery, Roderick R. Butler, Clements, Comingo, Creamer, Crocker, Curtis, Danford, Darrall, Dawes, Eden, Elliott, Farwell, Hagans, Robert S. Hale, Hamilton, Benjamin W. Harris, Hodges, Hooper, Hubbell, Hunter, Jewett, Lansing, Lofland, Lowndes, Lynch, Maynard, McKee, Mitchell, Morey, Morrison, Niles, Hosea W. Parker, Parsons, Phillips, Pierce, Pike, Poland, Purman, Rainey, Ransier, Robbins, James W. Robinson, John G. Schumaker, Sessions, Sheldon, Lazarus D. Shoemaker, Small, George L. Smith, J. Ambler Smith, Standeford, Stephens, St. John, Swann, Sypher, Thomas, Waddell, Wells, Jeremiah M. Wilson, and Pierce M. B. Young—62.

So the motion to reconsider was agreed to.

Mr. SHANKS. I now move to recommit the bill to the Committee on the Post-Office and Post-Roads, with instructions to report forthwith a substitute covering substantially the points embraced in the bill I send to the Clerk's desk.

Mr. RANDALL. I hope the gentleman will strike out the word "forthwith."

Mr. BUTLER, of Massachusetts. Let the committee have leave to report at any time.

Mr. SHANKS. I will make that modification.

The SPEAKER. That would require a suspension of the rules. A majority of the House cannot order the committee to report forthwith or authorize it to report at any time. A simple motion to recommit with instructions is in order.

Mr. McKEE. Cannot I put in an amendment there?

Mr. TYNER. I desire to move to amend the motion of my colleague, [Mr. SHANKS,] so as to instruct the committee to report back the third section of the bill only.

Mr. PACKER. I call for a division of the question, so that we may have a vote first on the question of instructions, and then on recommittal.

The SPEAKER. It is not competent under the rules to call for a division of a motion to recommit with instructions.

Mr. SHANKS. I have not yielded the floor. I have been waiting to hear the instructions I have offered read, that I may call the previous question; but I will now ask the previous question.

The proposed substitute was read as follows:

A bill to enable Members and Delegates of both Houses of Congress to do the public business with their constituents and with the other departments of the Government, and to limit the franking privilege to certain newspapers.

Be it enacted, &c., That during any session of Congress, and for thirty days prior and subsequent thereto, all written and printed matter, and none other, sent to a Member or Delegate of either House of Congress, and the answers to such correspondence, and all written or printed matter, and such other things as have been or may be ordered by either or both Houses of Congress for distribution to the people, bearing upon the outside of the envelope or package the words "For public service," with the signature of a Member or Delegate of either House of Congress, and none other, shall go free of postage.

SEC. 2. That all newspapers regularly printed as journals, and not advertising sheets simply, shall go free of postage through the mails in the county where the same are published: *Provided*, That this shall not entitle them to free delivery in the towns and cities where such delivery is provided by law.

SEC. 3. That all postal matter shall have the postage prepaid thereon: *Provided*, That when any postmaster receiving postal matter is satisfied that full postage was intended to be paid thereon, but by accident or mistake the full sum has not been prepaid, such postal matter shall be forwarded, and any deficit thereon marked on such postal matter and collected on delivery.

SEC. 4. That whoever shall procure to be used the signature of any Member or Delegate of either House of Congress, or shall use any such signature to forward through the mails any postal matter whatever, of or concerning the private business of any Member or Delegate of either House of Congress, or of and concerning any matter of private interest only of such Member or Delegate of either House of Congress, or of any other person, or on any advertisement, circular, printed or written, or business or advertising card, shall be deemed guilty of a high misdemeanor, and on conviction thereof before any court of competent jurisdiction to try criminal cases in any district of the United States, shall be punished by imprisonment for not less than six months, and not more than two years, and by a fine of not less than $100 and not more than $500, or both, at the discretion of the court.

Mr. WHITEHOUSE. Is it in order to move an amendment to the instructions?

The SPEAKER. It is not pending the call for the previous question.

Mr. TYNER. I desire to make a parliamentary inquiry, whether the motion to refer this bill to the Committee of the Whole would take precedence of the motion to recommit with instructions?

The SPEAKER. If the previous question shall not be seconded, then the Chair will recognize the gentleman.

Mr. RANDALL. I desire to make a parliamentary inquiry. If this motion to recommit is not carried, then is not this bill thrown into the hands of its friends, by all parliamentary usage and decisions I have heard?

The SPEAKER. As the gentleman puts the question——

Mr. STARKWEATHER. This bill was once voted down by a large majority.

Mr. RANDALL. That vote has been reconsidered.

The SPEAKER. The Chair cannot determine in advance with what motives the motion to reconsider was agreed to; whether for the purpose of amending or of passing the bill.

Mr. RANDALL. I only want to get the child back to its mother. [Laughter.]

Mr. BUTLER, of Massachusetts. The mother abandoned it.

Mr. KASSON. It may be important to understand what is the exact question before the House. The motion of the gentleman from Indiana, [Mr. SHANKS,] as stated by him, was to commit this bill with instructions to report back a substitute covering substantially the points embraced in the bill which has been read. The bill which has been read is simply a restoration of the old franking privilege. If that is the exact bill which is to be reported back, we ought to understand it. If the motion is to report back substantially the bill, then that leaves an opening for a change.

Mr. SHANKS. That is almost a speech. There have been some amendments made to the bill which has been read.

The SPEAKER. That is in the nature of debate and of argument.

Mr. W. R. ROBERTS. I object to debate.

The SPEAKER. The Chair will direct the vote on seconding the previous question to be taken by tellers, and will appoint as such tellers the two gentlemen from Indiana, Mr. SHANKS and Mr. TYNER.

Mr. HALE, of Maine. If the previous question is voted down, what is next in order? I do not understand.

The SPEAKER. The Chair could not tell.

Mr. HALE, of Maine. Is not there a motion pending by the other gentleman from Indiana, [Mr. TYNER?]

The SPEAKER. If the call for the previous question shall be voted down, the Chair will undoubtedly recognize the other teller. When there are two tellers representing the opposite sides of a question it is the duty of the Chair to recognize the teller representing the prevailing side. Therefore the Chair would recognize the gentleman from Indiana, [Mr. TYNER,] who opposed the motion to recommit, should the previous question not be seconded.

Mr. HALE, of Maine. The gentleman submitted a motion to refer to the Committee of the Whole.

The SPEAKER. That motion was not in order.

Mr. TYNER. I give notice that I will submit that motion if the previous question is voted down.

Mr. SHANKS. I think these speeches are very much against me. [Laughter.]

The SPEAKER. The tellers will take their places. Debate is not in order.

The House divided; and the tellers reported that there were—ayes 102, noes 74.

So the previous question was seconded.

The question was, Shall the main question now be put?

Mr. TYNER. Upon that question I call for the yeas and nays.

The yeas and nays were ordered, there being 42 in the affirmative, (more than one-fifth of the last vote.)

The question was taken; and there were—yeas 122, nays 112, not voting 56; as follows:

YEAS—Messrs. Albert, Albright, Arthur, Ashe, Averill, Barber, Barrere, Barry, Begole, Bell, Bowen, Buckner, Burchard, Benjamin F. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crutchfield, Alexander M. Davis, John J. Davis, DeWitt, Donnan, Dunnell, Durham, Eldredge, Field, Giddings, Glover, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hersey, George F. Hoar, Houghton, Howe, Hubbell, Hunton, Hurlbut, Hynes, Kelley, Kendall, Killinger, Knapp, Lamar, Lamport, Leach, Lewis, Loughridge, Lowe, Magee, Marshall, Martin, Alexander S. McDill, McJunkin, McLean, Mills, Moore, Myers, Neal, Negley, Nesmith, Nunn, O'Brien, Orr, Packer, Page, Isaac C. Parker, Pelham, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Randall, Rapier, Ray, Read, Rice, Richmond, Rusk, Sawyer, Sener, Shanks, Sheats, Sloss, William A. Smith, Snyder, Southard, Speer, Stowell, Strait, Strawbridge, Taylor, Thornburgh, Todd, Townsend, Vance, Wallace, Walls, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, William Williams, Wilshire, Ephraim K. Wilson, and John D. Young—122.

NAYS—Messrs. Archer, Atkins, Banning, Barnum, Bass, Beck, Berry, Bland, Blount, Bradley, Bright, Bromberg, Brown, Buffinton, Bundy, Burleigh, Burrows, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Crounse, Curtis, Eames, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hendee, E. Rockwood Hoar, Holman, Hoskins, Hyde, Kasson, Kellogg, Lamison, Lawrence, Lawson, Luttrell, McCrary, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Milliken, Monroe, Niblack, O'Neill, Orth, Packard, Parsons, Pendleton, Phelps, Pike, Poland, Potter, Pratt, Rawls, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stone, Storm, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, and Woodworth—112.

NOT VOTING—Messrs. Adams, Biery, Roderick R. Butler, Comingo, Corwin, Creamer, Crocker, Danford, Darrall, Dawes, Dobbins, Duell, Eden, Elliott, Farwell, Freeman, Hagans, Robert S. Hale, Benjamin W. Harris, Hodges, Hooper, Hunter, Jewett, Lansing, Lofland, Lowndes, Lynch, Maynard, Mitchell, Morey, Morrison, Niles, Hosea W. Parker, Pierce, Purman, Rainey, Ransier, Robbins, James W. Robinson, John G. Schumaker, Sessions, Sheldon, Lazarus D. Shoemaker, Small, George L. Smith, J. Ambler Smith, Standeford, Stephens, St. John, Swann, Sypher, Thomas, Waddell, Wells, Wood, and Pierce M. B. Young—56.

So the main question was ordered.

During the roll-call,

Mr. COX said: I am requested to announce that my colleague, Mr. WOOD, is paired with the gentleman from Kentucky, Mr. ADAMS; my colleague, if present would vote "no," while the gentleman from Kentucky would vote "ay."

The result of the vote was announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City;

An act (H. R. No. 429) creating an additional land district in the Territory of New Mexico;

An act (H. R. No. 1225) granting a pension to William E. Prince, of Iowa;

An act (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War;

An act (H. R. No. 1759) for the relief of Henry S. Welles;

An act (H. R. No. 1920) to amend the fifteenth section of an act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;"

An act (H. R. No. 2076) to authorize the Secretary of the Treasury to discontinue the use of the cutter Relief as a revenue-cutter, and use said vessel for a boarding-station in Mobile Bay; and

An act (H. R. No. 2201) to render available a certain unexpended balance of appropriation.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, House bill of the following title:

An act (H. R. No. 1402) granting a pension to John A. Fisher.

The message also announced that the Senate had passed House bill of the following title, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 1558) to amend the act entitled "An act to encourage the growth of timber on western prairies."

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 477) granting a pension to Jemima Maxwell;

An act (S. No. 518) granting a pension to Benjamin C. Skinner;

An act (S. No. 539) granting a pension to Eugene Smith; and

An act (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

The SPEAKER. The question now recurs on the motion of the gentleman from Indiana [Mr. SHANKS] to recommit the bill with instructions to report the substitute which has been read at the desk.

Mr. COX. I move to lay the whole subject on the table.

Mr. HOLMAN. On that motion I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 24, noes not counted.

Mr. HOLMAN called for tellers.

Tellers were not ordered.

The motion to lay on the table was not agreed to.

The SPEAKER. The question again recurs on the motion of the gentleman from Indiana [Mr. SHANKS] to recommit the bill with instructions to report the substitute which has been read.

Mr. TYNER. On that question I call for the yeas and nays.

Mr. WHITEHOUSE. I ask to offer an amendment.

The SPEAKER. No amendment is in order.

Mr. SPEER. Is it in order to have a division of the question upon the pending motion?

The SPEAKER. It is not.

Mr. BUTLER, of Massachusetts. I ask to make a parliamentary inquiry. When the committee shall report back this bill, will it not be open for amendment?

The SPEAKER. Of course.

A MEMBER. If they ever do report it back.

Mr. BUTLER, of Massachusetts. The time to offer amendments will be when the bill is reported back.

The SPEAKER. In answer to the inquiry of the gentleman from Pennsylvania, [Mr. SPEER,] the Chair directs the Clerk to read an extract from the rules.

The Clerk read as follows:

A division of the question is not in order on a motion to commit with instructions, or on the different branches of instructions.

The SPEAKER. It is only in order to amend the instructions by adding to them.

Mr. WHITEHOUSE. I ask to have my amendment read.

Mr. RANDALL. I object.

Mr. TYNER. I wish to make a parliamentary inquiry. If the motion to recommit with these instructions be voted down, will it not be in order to make another motion to recommit with instructions?

The SPEAKER. It will not, because the main question has just been ordered, and will operate until the bill is disposed of. If the House should refuse to recommit with instructions, the next vote will be on the passage of the bill.

Mr. RANDALL. The bill of the committee?

The SPEAKER. On the passage of the bill reported by the Committee on the Post-Office and Post-Roads.

Mr. McKEE. Mr. Speaker, is there no chance for making any amendment?

The SPEAKER. There is only one mode by which the bill could be amended; and that is by reconsidering the vote by which the main question was ordered.

Mr. SMITH, of Ohio. If the bill be recommitted, can the gentleman who may report it back call the previous question upon it and cut off any amendment?

The SPEAKER. If the previous question be demanded, and should be seconded by a majority of the House, amendments would be cut off.

Mr. W. R. ROBERTS. If the motion to recommit be carried, can the bill be reported back immediately?

The SPEAKER. It could not. The bill could not be reported until the next call of the committee. It would require a suspension of the rules to change the time when the committee would be enabled to report. The gentleman from Indiana [Mr. TYNER] has demanded the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The SPEAKER. The question will now be taken on the motion to recommit the bill to the Committee on the Post-Office and Post-Roads, with instructions to report the substitute which has been read.

Mr. BUTLER, of Massachusetts. To report substantially that substitute.

The SPEAKER. The gentleman from Massachusetts insists on inserting in the motion the word "substantially;" but the Chair does not recognize that as a parliamentary word. The Chair does not understand what that word would imply.

Mr. BUTLER, of Massachusetts. If the Chair will allow me, I will explain. I do not think any bill is perfect; and a committee, according to my view, may be instructed to embody the principle of a bill in proper language, without being bound to adhere literally to the exact words of the measure in question.

The SPEAKER. If the motion as put should include the word "substantially," the House would not vote upon any definitive prop-

osition; because "substantially" is a word which might admit of wider or narrower construction, according to the views of particular individuals. Upon a question put in that form members would not know what they were voting upon. They must either vote for a distinct proposition or vote against it. Still the Chair is willing to have the gentleman make his own explanation. The pending vote is to recommit this bill with instructions to report back that which has been read at the Clerk's desk. Of course that is subject to amendment in the House afterward.

Mr. BUTLER, of Massachusetts. Subject to amendment in the House afterward. Then that is all right.

Mr. COBB, of Kansas. If that is voted down, do we not come directly to this bill?

The SPEAKER. Directly.

Mr. RANDALL. Nothing can interpose?

The SPEAKER. Nothing.

The question was taken, and decided in the negative—yeas 45, nays 182, not voting 63; as follows:

YEAS—Messrs. Albert, Arthur, Averill, Barber, Barry, Bell, Benjamin F. Butler, Cain, Caldwell, Durham, Eldredge, Freeman, Hamilton, Hancock, Harmer, Henry R. Harris, Herndon, Hersey, Houghton, Howe, Hubbell, Kelley, Kendall, Lamar, Leach, Alexander S. McDill, McJunkin, Moore, Myers, Negley, James H. Platt, jr., Pratt, Rapier, Shanks, Sheats, Sloss, Snyder, Stowell, Strawbridge, Taylor, Todd, Townsend, Wallace, Walls, and Wilshire—45.

NAYS—Messrs. Albright, Archer, Ashe, Atkins, Banning, Barnum, Bass, Beck, Begole, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Curtis, Alexander M. Davis, John J. Davis, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Killinger, Knapp, Lamison, Lamport, Lawrence, Lawson, Lewis, Loughridge, Lowe, Luttrell, Magee, Marshall, Martin, McCrary, James W. McDill, MacDougall, McKee, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Neal, Niblack, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pike, Thomas C. Platt, Poland, Potter, Randall, Rawls, Rice, Ellis H. Roberts, William R. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Henry W. Scudder, Isaac W. Scudder, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Starkweather, Stone, Storm, Strait, Thornburgh, Tremain, Tyner, Vance, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, Woodworth, and John D. Young—182.

NOT VOTING—Messrs. Adams, Barrere, Biery, Roderick R. Butler, Clinton L. Cobb, Comingo, Creamer, Crocker, Danford, Darrall, Dawes, Eden, Elliott, Farwell, Hagans, Robert S. Hale, Benjamin W. Harris, Hays, Hodges, Hooper, Hunter, Jewett, Lansing, Lofland, Lowndes, Lynch, Maynard, Mitchell, Morey, Morrison, Nesmith, Niles, Nunn, Hosea W. Parker, Pierce, Purman, Rainey, Ransier, Ray, Read, Richmond, Robbins, James C. Robinson, James W. Robinson, John G. Schumaker, Sener, Sessions, Sheldon, Lazarus D. Shoemaker, Small, J. Ambler Smith, George L. Smith, Standeford, Stephens, St. John, Swann, Sypher, Thomas, Waddell, Wells, Ephraim K. Wilson, Wood, and Pierce M. B. Young—63.

So the House refused to recommit the bill.

During the vote

Mr. BARRERE said: I am paired with the gentleman from Massachusetts, Mr. CROCKER, on this bill generally. I do not know exactly how he would vote on this motion, but I suppose in the affirmative; I would vote in the negative.

Mr. RANDALL. I ask by unanimous consent that the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The vote was then announced, as above recorded.

Mr. SHANKS. I insist on the demand for the previous question.

The SPEAKER. It is still pending; there is nothing else in order.

Mr. COTTON. I move that the bill be laid on the table.

The House divided, and there were—ayes 72, noes 78.

Mr. COX. I demand the yeas and nays.

The House divided; and there were—ayes 24, noes 113.

Mr. COX demanded tellers on the yeas and nays.

Tellers were not ordered.

So (one-fifth of those present not having voted in the affirmative) the yeas and nays were not ordered.

So the House refused to lay the bill upon the table.

The question next recurred on the passage of the bill.

Mr. RANDALL. I ask that the bill be again reported.

The bill was again read.

Mr. SHANKS demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 111, nays 119, not voting 60; as follows:

YEAS—Messrs. Albert, Albright, Arthur, Ashe, Averill, Begole, Bell, Bowen, Bright, Buckner, Burchard, Cain, Caldwell, Cannon, John B. Clark, jr., Clymer, Stephen A. Cobb, Coburn, Conger, Corwin, Crutchfield, Alexander M. Davis, John J. Davis, DeWitt, Donnan, Dunnell, Durham, Field, Glover, Gunckel, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, George F. Hoar, Houghton, Howe, Hunton, Hurlbut, Hynes, Kendall, Killinger, Knapp, Lamar, Lamport, Leach, Lewis, Lowe, Magee, Marshall, Martin, Alexander S. McDill, McJunkin, McLean, Mills, Moore, Myers, Neal, Negley, Nesmith, Niblack, O'Brien, Orr, Packer, Isaac C. Parker, Pelham, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Randall, Rapier, Ray, Read, Rice, Richmond, Rusk, Sawyer, Sener, Shanks, Sloss, William A. Smith, Snyder, Southard, Speer, Stowell, Strait, Strawbridge, Taylor, Thomas, Thornburgh, Todd, Townsend, Vance, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Woodworth, and John D. Young—111.

NAYS—Messrs. Archer, Atkins, Banning, Barber, Barnum, Barry, Bass, Beck, Berry, Bland, Blount, Bradley, Bromberg, Brown, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Cook, Cotton, Cox, Crittenden, Crooke, Crossland, Crounse, Curtis, Dobbins, Eames, Eldredge, Fort, Foster, Frye, Garfield, Giddings, Gooch, Eugene Hale, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hendee, E. Rockwood Hoar, Holman, Hoskins, Hubbell, Hyde, Kasson, Kelley, Kellogg, Lamison, Lawrence, Lawson, Loughridge, Luttrell, McCrary, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Milliken, Monroe, Niles, O'Neill, Orth, Packard, Page, Pendleton, Phelps, Pike, Poland, Potter, Pratt, Rawls, Ellis H. Roberts, James C. Robinson, Ross, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Sheats, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stone, Storm, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, and Woodford—120.

NOT VOTING—Messrs. Adams, Barrere, Biery, Roderick R. Butler, Clements, Comingo, Creamer, Crocker, Danford, Darrall, Dawes, Duell, Eden, Elliott, Farwell, Freeman, Hagans, Robert S. Hale, Benjamin W. Harris, Hersey, Hodges, Hooper, Hunter, Jewett, Lansing, Lofland, Lowndes, Lynch, Maynard, Mitchell, Morey, Morrison, Nunn, Hosea W. Parker, Parsons, Pierce, Purman, Rainey, Ransier, Robbins, William H. Roberts, James W. Robinson, John G. Schumaker, Isaac W. Scudder, Sessions, Sheldon, Lazarus D. Shoemaker, Small, George L. Smith, J. Ambler Smith, Standeford, Stephens, St. John, Swann, Sypher, Waddell, Wells, Wood, and Pierce M. B. Young—59.

So the House refused to pass the bill.

During the roll-call the following announcements were made:

Mr. PARSONS. On this bill I am paired with Mr. RAINEY, of South Carolina. If he were here he would vote "ay," and I would vote "no."

Mr. CLEMENTS. I am paired with Mr. BUTLER, of Tennessee. If he were here, he would vote "ay" and I would vote "no."

Mr. COX. My colleague, Mr. WOOD, is paired with Mr. ADAMS, of Kentucky. Mr. WOOD is against the whole franking business, and Mr. ADAMS would vote on the other side.

The result of the vote was then announced, as above recorded.

Mr. ELDREDGE. Is it in order to move to reconsider the vote just taken?

The SPEAKER. It is not. The vote by which the House refused to pass the bill has been reconsidered once.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole for the consideration of the legislative appropriation bill.

The SPEAKER. The Chair is informed by the gentleman from New Hampshire [Mr. PIKE] that he desires to make a report from the Committee on Elections, which it is supposed will occupy very little time.

VIRGINIA CONTESTED ELECTION.

Mr. PIKE. I am instructed by the Committee on Elections to report the following resolutions:

The Clerk read as follows:

Resolved, That Alexander M. Davis is not entitled to a seat in the Forty-third Congress, as a Representative from the fifth congressional district from the State of Virginia.

Resolved, That the contestant, Christopher Y. Thomas, is entitled to a seat in the Forty-third Congress as a Representative from the fifth congressional district from the State of Virginia.

Mr. LAMAR. There is also a minority report, which I desire to have read.

The Clerk read as follows:

Upon the evidence before the committee the undersigned do not dissent from the resolutions reported. But as the testimony of the contestant was taken after the time allowed by law, and for this reason the contestee did not take the testimony which he alleges he otherwise would have taken, we are of the opinion that his request for further time should have been granted.

R. M. SPEER,
L. Q. C. LAMAR.

The SPEAKER. The question is upon the resolutions reported by the majority of the committee. The question will be taken on the resolutions separately, and the Clerk will report the first.

The Clerk read as follows:

Resolved, That Alexander M. Davis is not entitled to a seat in the Forty-third Congress as a Representative from the fifth congressional district of the State of Virginia.

Mr. SPEER. I did not understand that the gentleman from New Hampshire [Mr. PIKE] intended to request immediate action upon the resolutions. I do not oppose them myself, but I thought that perhaps the sitting member might desire to be heard. I do not know whether he is in the Hall or not. It was not my understanding that immediate action was to be had on the resolutions.

Mr. PIKE. I understand that that was the understanding.

The SPEAKER. The Chair was informed by the gentleman from New Hampshire [Mr. PIKE] and the gentleman from Mississippi, [Mr. LAMAR,] who represented the respective sides, that the case was to be submitted for immediate action.

Mr. PIKE. That was the distinct understanding.

Mr. SPEER. I see that the sitting member is in the Hall. But unless he wishes to say something I have nothing further to say.

The resolution was agreed to.

The Clerk read the next resolution, as follows:

Resolved, That the contestant, Christopher Y. Thomas, is entitled to a seat in the Forty-third Congress as a Representative from the fifth congressional district of the State of Virginia.

The resolution was agreed to.

Mr. PIKE moved to reconsider the votes by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. THOMAS appeared and qualified by taking the modified oath of July 11, 1868.

ORDER OF BUSINESS.

Mr. GARFIELD. I now move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the legislative, executive, and judicial appropriation bill, for the purpose of general debate.

Mr. HAYS. I move that the House do now adjourn.

The motion was not agreed to.

Mr. SPEER. Will the gentleman from Ohio [Mr. GARFIELD] yield to me that I may offer a resolution of inquiry?

Mr. GARFIELD. I prefer not to yield.

The question was taken on Mr. GARFIELD'S motion, and it was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WOODFORD in the chair,) and proceeded to the consideration of the special order, being the bill (H. R. No. 2064) making appropriations for the legislative and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The first reading of the bill will be omitted, unless objection be made.

Mr. RANDALL. I object to the omission of the first reading of the bill.

Mr. BECK. I desire to inquire of the gentleman from Ohio whether any arrangement has been made as to the length of time to be allowed for general debate. I desire to be heard.

Mr. GARFIELD. I have made no suggestion, and shall not at present, until gentlemen are heard who desire to be heard, for limiting general debate. It is important that we should go forward as rapidly as we can with the bill; for our business in the Committee of the Whole, especially as regards appropriation bills, is behind. But on a bill that has so many sides to it as this I should not feel like making any suggestions now as to limiting debate. I would rather let the temper of the House in Committee of the Whole first manifest itself on that question. If gentlemen do not wish now to omit the first reading of the bill I suppose it can be waived for the present.

Mr. RANDALL. That is right.

The CHAIRMAN. The Chair understands that the first reading of the bill is for the present omitted. The gentleman from Ohio [Mr. GARFIELD] is entitled to the floor.

Mr. GARFIELD. I regret that I have to ask the attention of the Committee of the Whole at so late an hour of the day; but in the present condition of the public business I am unwilling longer to delay the consideration of the appropriation bills.

The bill now pending before the Committee of the Whole is the best gauge by which to measure the magnitude and cost of the national Government. Its provisions extend to every leading function of the Government in the three great departments—legislative, executive, and judicial—and includes the civil functions of the military and naval establishments. It appropriates for all the salaries and contingent expenses of all the officers and employés of the civil service. If its provisions could be thrown upon canvas, they would form an outline map exhibiting the form, the character, and the magnitude of the Government of the United States.

This is the proper stand-point from which to study the public expenditures, to examine the relation of expenditures to taxation, and of both to the prosperity and well-being of the nation.

What the House may do with this bill will be the test of what they will do with the appropriation bills generally. Their action upon this bill will lay the base line from which the scale of our expenditures for the coming fiscal year is to be measured; and it is for that reason, Mr. Chairman, that I ask the attention of the House, not only to the bill, but to the larger question of our expenditures and our revenues. A very wise man said many years ago, concerning the finances of a European kingdom, that if one of their annual budgets alone should survive the next deluge, if it were the only fragment left after dry land appeared, from that annual budget alone could be read and reconstructed the entire history of the nation.

A government is an artificial giant, and the power that moves it money—money raised by taxation and distributed to the various parts of the body-politic according to the discretion of the legislative power.

NECESSARY EXPENDITURES THE BASIS OF FINANCIAL POLICY.

The necessary expenditures of the Government form the base line from which we measure the amount of our taxation required, and on which we base our system of finance. We have frequently heard it remarked since the session began that we should make our expenditures come within our revenues—that we should "cut our garment according to our cloth." This theory may be correct when applied to private affairs, but it is not applicable to the wants of nations. Our national expenditures should be measured by the real necessities and the proper needs of the Government. We should cut our garment so as to fit the person to be clothed. If he be a giant we must provide cloth sufficient for a fitting garment.

The Committee on Appropriations are seeking earnestly to reduce the expenditures of the Government; but they reject the doctrine that they should at all hazards reduce the expenditures to the level of the revenues, however small those revenues may be. They have attempted rather to ascertain what are the real and vital necessities of the Government; to find what amount of money will suffice to meet all its honorable obligations, to carry on all its necessary and essential functions, to keep alive those public enterprises which the country desires its Government to undertake and accomplish. When the amount of expenses necessary to meet these objects is ascertained, that amount should be appropriated; and ways and means for procuring that amount should be provided.

There are some advantages in the British system of managing their finances. In the annual budget reported to the House of Commons, expenditures and taxation are harnessed together. If appropriations are increased, taxes are correspondingly increased. If appropriations are reduced, a reduction of taxes accompanies the reduction.

On some accounts, it is unfortunate that our work of appropriations is not connected directly with the work of taxation. If this were so, the necessity of taxation would be a constant check upon extravagance, and the practice of economy would promise, as its immediate result, the pleasure of reducing taxation.

Revenues and expenditures may be considered from two points of view: in relation to the people and their industries, and in relation to the Government and the effective working of its machinery.

So far as the people are concerned, they willingly bear the burdens of taxation, when they see that their contributions are honestly and wisely expended to maintain the Government of their choice, and to accomplish those objects which they consider necessary for the general welfare.

So far as the Government is concerned the soundness of its financial affairs depends upon the annual surplus of its revenues over expenditures. A steady and constant revenue drawn from sources that represent the prosperity of the nation—a revenue that grows with the growth of national wealth and is so adjusted to the expenditures that a constant and considerable surplus is annually left in the Treasury above all the necessary current demands; a surplus that keeps the Treasury strong, that holds it above the fear of sudden panic; that makes it impregnable against all private combinations; that makes it a terror to all stock-jobbing and gold-gambling—this is financial health. This is the situation that wise statesmanship should endeavor to support and maintain.

Of course in this discussion I leave out the collateral though important subject of banking and currency.

The surplus, then, is the key to our financial situation. Every act of legislation should be studied in view of its effects upon the surplus. Two sets of forces are constantly acting upon the surplus. It is increased by the growth of the revenue and by the decrease of expenditure. It is decreased by the repeal or reduction of taxation, and by the increase of expenditures. When both forces conspire against it, when taxes are diminished and expenditures are increased, the surplus disappears. With the disappearance of the surplus comes disaster—disaster to the Treasury, disaster to the public credit, disaster to all the public interests.

In times of peace, when no sudden emergency has made a great and imperious demand upon the Treasury, a deficit cannot occur except as the result of unwise legislation or reckless and unwarranted administration. That legislation may consist in too great an increase of appropriations, or in too great a reduction of taxation, or in both combined.

Twice in the history of this nation a deficit has occurred in time of peace. In both instances it has occurred because Congress went too far in the reduction of taxation—so far as to cripple the revenues and deplete the Treasury. It may be worth our while to study those periods of our history in which deficits have thus occurred. I do not speak of periods of war, for then the surplus is always maintained by the aid of loans; but I speak of deficits occurring in times of peace.

From the close of the last war with England, in 1815, our revenues maintained a healthy and steady growth, interrupted only by years of financial crisis. A constant surplus was maintained sufficient to keep the Treasury steady and diminish the public debt, and finally complete its payment. But in 1833, the great financial discussion, which at one time threatened to dissolve the Union, was ended by the passage of the compromise tariff of 1833—a law that provided for the scaling down of the rates of taxation on imports in each alternate year until 1842, when all should be reduced to the uniform rate of 20 per cent. *ad valorem*. By this measure the revenues were steadily decreased, and in 1840 the Treasury was empty.

During the nine preceding years the receipts into the Treasury had averaged thirty-two millions a year; but in 1840 they had fallen to nineteen and a half millions, and in 1841 to less than seventeen millions. True, the expenditures had grown with the growth of the country; but no large or sudden expenditure appeared in any of those years. The deficit appeared, and it was unquestionably due to too great a reduction of taxation.

This deficit brought political and financial disaster. To meet it, a special session of Congress was convened in June, 1841, and President Tyler sent in his message in which he declared that by the end of the

fiscal year of March 4, 1842, there would be a deficit of $11,406,132.98, and a further deficit by September, 1842, of $4,845,000. In his message of December 7, 1841, he reported a still further deficit and declared that these accumulated deficits were the results of the too great reduction of taxation by the legislation of 1833. These accumulated deficits amounted to more than all the receipts for that year. They were to that time what a deficit of three hundred millions would be to us to-day.

I understood the gentleman from Massachusetts [Mr. DAWES] to declare that Congress had never increased taxation in time of peace. Our history does not bear him out in this assertion.

The Congress of 1841–'42 was called upon to repair the wasted revenues by an increase of taxation. The debates of that body show that the bill they passed was treated wholly as a necessity of the revenue. The bill itself was entitled "An act to provide revenue for the Government." It became a law in 1842, and under its influence the revenues revived. In 1843 the surplus reappeared, and again the revenue scontinued to grow with the growth of the country. Excepting the period of the Mexican war, which, like all other modern wars, was supported by the aid of loans, the surplus continued down to and including the first year of Buchanan's administration.

During the four years of Pierce's administration, the revenues had exceeded seventy millions a year; but in the first year of Buchanan's term, an act was passed so largely reducing the duties on imports that the revenues dropped to forty-six and a half millions in 1858, and a deficit appeared which continued and accumulated until the coming in of Lincoln's administration.

Let us notice the growth of that deficit. On the 1st day of July, 1857, the public debt, less cash in the Treasury, was $11,350,272.63; on the 1st day of July, 1860, the account stood, total debt, less cash in the Treasury, $61,140,497, showing a deficit of fifty millions in the space of three years. When Mr. Lincoln was inaugurated, in 1861, the debt had increased to nearly ninety millions, and there had accumulated a deficit of more than seventy millions. And those four years of Buchanan's administration were not years of extraordinary expenditures. Indeed, during those four years, the expenditures had not averaged so great as in the last year of the administration of Mr. Pierce. The deficit then did not arise from an increase of expenditure, but from a decrease of revenue. For four years the Government had been paying its ordinary expenses by the aid of loans at ruinous rates, and by forced loans in the form of Treasury notes. Here, as in the former case, the final remedy for the deficit was taxation.

The first act of the last session of Congress in Buchanan's term was an act to authorize the issue of Treasury notes to meet the expenditures of the Government; and almost the last act of that session was the act of March 2, 1861, to provide for the payment of outstanding Treasury notes, and to meet the expenditures of the Government by increasing the duties on imports. This act was passed by a republican Congress, and was reluctantly approved by a President whose policy and whose party had produced the deficit, and brought financial distress upon the country by cutting too deeply and too recklessly into the public revenues.

Mr. NIBLACK. Will the gentleman allow me a moment?

Mr. GARFIELD. Certainly.

Mr. NIBLACK. I want to inquire simply whether that deficit did not arise mainly from the timidity which Congress felt about increasing taxes in time of peace, and which we now feel about assessing additional taxes?

Mr. GARFIELD. Quite likely there was timidity about putting on taxes. But the deficit was caused by taking too many of them off, and the surplus was restored by putting them on again.

Mr. NIBLACK. Is it not the old story over again, an unwillingness to tax unless some emergency like a great war compels us to do so?

Mr. GARFIELD. I am merely stating the history of these two deficits. Before I close I will discuss the question whether we are to have another or not.

Mr. NIBLACK. I only want to make a note as we go along, for, as the gentleman will remember, I happened to be here in Congress at that time, and I know that to have been the case.

Mr. GARFIELD. I have been appealing to the past to learn how deficits occur.

In view of its history, I am warranted in the declaration that our deficits in time of peace have resulted from legislation that has crippled the revenues, and that such deficits have been overcome only by replacing taxes too recklessly repealed.

Mr. Chairman, when this House convened in December last, we were startled by the declaration that another deficit was about to appear. We were informed that we might look for a deficit of forty-two millions by the end of the current fiscal year. This announcement was indeed the signal for alarm throughout the country; and it became the imperative duty of Congress to inquire as to whether there would be a deficit, and if so, to ascertain its cause and provide the remedy.

In this instance, to the ordinary causes that produce a deficit, there had been superadded the disastrous financial calamity that visited a portion of the business interests of this country in September last; a panic that fell with unparalleled weight and suddenness, and swept like a tornado, leaving destruction in its track. We have not yet sufficiently recovered from the shock to be able to measure with accuracy the magnitude of its effects. We cannot yet tell how soon and how completely the revenues of the country will recover from the shock. But we have sufficient data to ascertain, with some degree of accuracy, the part that the legislation of Congress has played in producing the situation in which we now find ourselves.

That we may more clearly trace the legislative steps by which we have reached our present position, I invite your attention to the condition of our finances at the close of the war. Leaving out of view the fiscal year ending June 30, 1865, in which there was paid over the counter of the Treasury the enormous sum of $1,290,000,000, the accumulated products of taxation and of loans, we begin our examination with the year that followed the close of the war, the fiscal year ending June 30, 1866. In that year, our aggregate revenues, from all sources, exclusive of loans, amounted to $558,000,000, and our expenditures to nearly $521,000,000, leaving us a solid surplus of $37,000,000. These were the gigantic proportions of our income and our payments. From these as a base line we sketch the subsequent history of our finances. From these vast totals, the work of triple reduction began: reduction of the revenue by the repeal of taxes; reduction of ordinary payments by the decrease of expenditures; reduction of the public debt by applying to it the annual surplus.

I present a table which exhibits in parallel columns the annual receipts and expenditures from 1866 to 1873. These columns represent the converging lines that mark the reduction of taxes and the reduction of expenditures. As these lines approach each other the surplus diminishes; whenever they touch and cross each other, the surplus is gone and the deficit will appear.

Receipts and expenditures of the Government.

For the fiscal year ending—	Secretary's annual report.	Receipts exclusive of loans.	Expenditures exclusive of principal of public debt.
	Page.		
June 30, 1866	2	$558, 032, 620 06	$520, 750, 940 48
June 30, 1867	33, 34	490, 634, 010 27	346, 729, 129 33
June 30, 1868	24, 25	405, 638, 083 32	377, 340, 284 86
June 30, 1869	20	370, 943, 747 21	321, 490, 597 75
June 30, 1870	3	411, 255, 477 63	309, 653, 560 75
June 30, 1871	5	383, 323, 944 89	292, 177, 188 25
June 30, 1872	5	374, 106, 967 56	277, 517, 962 67
June 30, 1873	4, 5	333, 738, 204 67	290, 345, 245 33

From this table it will be seen that, in every year, save one, since the war, the revenues have been decreased by the reduction of taxes; and in every year, save two, the expenditures have decreased.

Two forces have been constantly at work, the one reducing expenditures, the other repealing taxes; and yet, by the aid of one and in spite of the other, a handsome surplus has been maintained in each of these years. By comparing the two columns given in the table, it will be seen that, notwithstanding the diminution of taxes, the surplus increased, until in 1870 it reached $100,000,000. Keeping in view the column of receipts into the Treasury, let us call to mind the various acts and amounts by which the burdens of taxation have been removed. The echoes of the last battle had hardly died away when Congress began the grateful work of reducing taxation.

By the act of July 13, 1866, internal duties were repealed to the amount of		$65, 000, 000
By the act of March 2, 1867, internal duties were further reduced by the sum of		40, 000, 000
By the acts of February, March, and July, 1868, internal duties were still further reduced by the sum of		68, 000, 000
By the act of July 14, 1870, the reduction was:		
On internal revenue	$55, 000, 000	
On customs	29, 526, 410	
		84, 526, 410
By the acts of May 1, and June 6, 1872, the reduction as stated by the chairman of the Committee on Ways and Means, was, for eleven months of last year:		
On customs	$44, 365, 364	
On internal revenue	17, 695, 456	
		62, 060, 820
Making a total reduction, since the close of the fiscal year 1866, of		319, 527, 230

I have here stated, not the total that these taxes would have produced if allowed to remain on the statute-books, but the amount they were producing at the dates of their repeal.

I have now examined the course of revenue and expenditure to the close of the last fiscal year.

On the 1st day of July, 1873, the Treasury closed with a surplus of $43,000,000, twenty-nine millions of which, however, were due to the sinking fund. If this year is to show a deficit, it will be because the expenditures have increased, or because the revenues are diminished from those of last year.

What are the facts? I give the figures for the two years, omitting the sinking fund from each; those for 1873 as they stand on the books of the Treasury, those for 1874 as estimated by the chairman of the Committee on Ways and Means in his speech of February 12, as follows:

1873—Receipts	$333, 738, 204 64
1874—Receipts	281, 707, 922 99
Decrease	52, 030, 281 65

I do not admit the correctness of these estimates for the current year. The condition of the Treasury has grown better since the gentleman from Massachusetts made his speech. The gentleman from New York [Mr. E. H. ROBERTS] told us on Monday last that there is now good reason to believe that the revenues will be considerably larger than the figure estimated by the gentleman from Massachusetts, and that the expenditures for the current year would be considerably less than his estimate. But taking the estimate as he gave it, and considering the situation in its worst aspect, the figures of the gentleman from Massachusetts show this: that, comparing this fiscal year with the last, our revenues have fallen off more than fifty-two millions, and the expenditures have increased less than two millions. From his own showing, therefore, it is undeniably true that if we are about to meet a deficit, that deficit will occur not because increased expenditures have cut away the surplus, but because the revenues have suffered a loss of fifty-two millions during the current fiscal year—a loss nine millions greater than the surplus of last year.

Now, Mr. Chairman, how came we to lose this fifty-two millions of revenue, if, indeed, it is lost? The explanation of that loss can be found by examining our legislation that has reduced the revenues. Let us then go back to the month of July, 1870. The fiscal year had just closed with a surplus of one hundred millions. It was an opportunity to afford relief from the burdens of taxation. Congress determined by the act of July 14, 1870, to establish the sinking fund on a firm basis, by making a permanent appropriation for its annual support; and, having done that, repealed and reduced taxes to the amount of $84,500,000. That was the repeal which swept away the income tax, although it was to be collected for the following year. The Treasury did not at once feel the whole effect of so sweeping a repeal. In fact the income tax, repealed at that date, has been paying revenue into the Treasury ever since. During the last year, even, we received more than five millions of revenues from back taxes on incomes.

Mr. KELLOGG. Let me ask the gentleman whether we did not feel the effect of the repeal of customs duties immediately?

Mr. GARFIELD. In most cases, yes; but the chief reductions of 1870 were of internal-revenue taxes.

But, notwithstanding this heavy reduction, another was made in the months of May and June, 1872, which more particularly concerns the question of deficit we are now discussing. In spite of the reduction of 1870, an unusual amount of revenue came pouring into the Treasury during the year 1872—an amount sufficient, by the aid of reduced expenditures, to leave a surplus of more than $90,000,000. Was that revenue a stable surplus? Could it be relied on to continue and increase, even if no further reduction of taxes were made? Manifestly not. The Treasury had not yet felt the full effect of the reduction of 1870. There were paid into the Treasury in 1872 more than nineteen millions of back taxes on articles and occupations from which the tax had been removed by the act of 1870.

But there was another consideration which should have been borne in mind by Congress in its legislation of 1872. We were that year receiving an amount of revenue from customs far in excess of any other year. From commercial and other causes, which I will not pause to discuss, there had been an unusual and abnormal increase in the amount of foreign importations, an increase that we could not expect would continue. The revenues from customs that year were $30,000,000 above the average for the four preceding years, and ten millions more than in any other year of our history. It was not safe for Congress to calculate upon the continuance of that unusual revenue from customs.

For all these reasons it was inevitable that with any further repeal of taxes, the years 1873 and 1874 would show a falling off in revenues, resulting from former legislation; from the natural decrease of revenues from miscellaneous sources; and from the necessary falling off of importations from the unusual amount of the preceding year. These facts should have been taken into consideration in the spring of 1872, when it was proposed to make further reduction of taxes. No doubt a considerable reduction was possible and safe. The best estimate that could be made at that time fixed the limit of safe reduction at $50,000,000.

On the 3d of May, 1872, the chairman of the Committee on Ways and Means, in introducing his bill for further reduction of taxes, used these words:

> Fifty millions of reduction of taxes, including the reduction on tea and coffee—
>
> Which had just been made two days before—
>
> is the utmost limit of reduction admitted possible by any one who has the slightest responsibility for the administration of affairs for the financial credit of the nation.

Let it be remembered as a part of the current history of our legislation that the chairman of the Committee on Ways and Means, speaking not only by the authority of his own position, but by the authority of the Treasury Department, declared that fifty millions was the utmost limit to which it was safe to go in the reduction of taxes; and yet, by the two acts of May 1 and June 6, 1872, Congress cut off from the vital revenues of the Government more than $62,000,000, nearly forty-five millions of which were in gold.

We have the testimony of the chairman of the Committee on Ways and Means that the committee of conference, in the final adjustment of the bill, would have cut down still five millions deeper, but for the earnest protest of the Treasury Department. In his speech on the 3d of June, when the chairman presented the conference report to the House, he said that when the amount of proposed reduction "came to the ears of the Treasury officials, they brought down upon the committee official statements to show that if we reduced the revenues fifty-eight millions, those who were responsible for the administration of the Government were of the opinion that we should not have enough to pay the sinking fund." But for that protest the reduction would have been five millions greater; it would have been $67,000,000.

Now, Mr. Chairman, if the whole amount of this reduction had afforded relief to the people from the burdens of taxation, and had been safe for the Treasury, it would have been a cause for public rejoicing. But we have the authority of the chairman of the Committee on Ways and Means for the declaration that while the act of May 1, 1872, deprived the Treasury of more than $25,000,000 in gold, it did not relieve the burdens of the people by a single dollar; that the whole of this vast sum was divided between the foreign producer at one end and the wholesale dealer at the other. I quote from his speech of February 12:

> When we took off the $25,000,000 from tea and coffee it did not reduce the price to the consumer of either article one half-penny. I have the prices-current of the country to bear me out that I am substantially, if not mathematically, accurate in the statement that the whole of the duty taken off was divided between the producer at the one end and the wholesale dealer at the other.

If this revenue, thus uselessly thrown away, were to-day coming into our Treasury we should have no fear of a deficit.

Mr. Chairman, it is a grateful task to remove burdens from the industries and the earnings of the American people. No more grateful work can an American Congress be called upon to perform. But while we are relieving the people from the burdens of taxation, it should always be borne in mind that we are in danger of so crippling the revenues as to embarrass the Government and endanger the public credit. It is a great thing to remove all burdensome taxes; but there is danger that while Congress may imitate Tennyson's Godiva, who—

> Took away the tax,
> And built herself an everlasting name,

yet in so doing, it may cause the public credit to go forth from a despoiled Treasury, and, like the Lady Godiva, ride naked in the streets of the world. We have had abounding faith in the elasticity of our revenues. We have found that even reduction of rates frequently brings us increased revenues; that the buoyant and almost immortal life of our industries will make the tree of our revenues bloom again, how oftensoever we may pluck its flowers and its fruit. We think of it as the fabled tree which Virgil's hero found in the grove of Avernus. Whenever the bough of gold was plucked away another sprang out in its place:

> Primo avulso non deficit alter
> Aureus; et simili frondescit virga metallo.

But, sir, we may pluck the golden bough once too often. We may pluck away with it the living forces of the tree itself. Just that mistake has been made twice before in our political history; a mistake which has always been atoned for only by planting new shoots on which new revenues might grow.

Mr. COX. Will the gentleman from Ohio allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. COX. My friend from Ohio in 1872, I think, endeavored to cut down the taxes along with other gentlemen on both sides of the House. I would like to know from him what part of that action he objects to now; whether it was the removal of the duty on tea, or on coffee, or on what particular article? He reproaches us for our work. Will the gentleman, then, tell us wherein we were wrong?

Mr. GARFIELD. My worthy and learned friend will perhaps be relieved and pleased to learn that I was one of that small but unpopular company of twenty-five who voted against the repeal of the duty on tea and coffee, because they thought it unwise legislation.

Mr. COX. All right.

Mr. RANDALL. Will the gentleman allow me to make a suggestion?

Mr. GARFIELD. I yield to the gentleman.

Mr. RANDALL. Is it not true that while we reduced the revenue in that particular, we failed to reduce the expenditures, as we should have done?

Mr. GARFIELD. My friend is anticipating some rough notes which are lying before me, and which I will refer to in a few moments.

Now, Mr. Chairman, is it wonderful, in view of these facts, that our estimated revenues for the current year should be one hundred and two millions less than the revenues for 1871? What more is needed to explain this falling off than the admitted fact, that since the beginning of the fiscal year 1871 we have repealed and reduced taxes to the amount of one hundred and forty-six and a half million dollars? And yet with that enormous reduction no man would question the soundness of the Treasury; no man would doubt but that to-day, in spite of the panic and all its effects, we should have a strong surplus in the Treasury but for the useless repeal of the duty on tea and coffee. I do not say that it is necessary to restore that duty. I am pointing out the effect of its repeal. With the single exception of the reduction on tea and coffee, I have heartily joined in all our legislation to reduce taxation.

Thus far I have been discussing the causes which have brought us to our present situation. It is important for us now to inquire precisely what that situation is. In this review I have been considering the estimated receipts and expenditures for the current year, as the chairman of the Committee on Ways and Means understands them to be. And his view of the case was based, at least in part, upon the situation as the Secretary of the Treasury understood it to be in December last.

In his annual report of December 1, the Secretary of the Treasury said that in consequence of the commercial crisis—

> The revenues have already fallen off sufficiently to make it important and necessary to exercise the greatest economy in appropriations and expenditures for the future. And should there not be a revival of business at an early day, and an increase in the receipts over those of the past two and a half months, additional means will be required to meet expenses. Should such be the case, I recommend additional taxation judiciously laid, so as to be the least burdensome upon the people and business of the country, rather than a resort to borrowing money and increasing the public debt. It is on the grounds here generally stated that I suggested increased taxation. * * * * *
>
> In any event, I earnestly commend every reduction in the appropriations which may be found possible, to the end that the economy which the people, suffering under the present embarrassment in business, are everywhere disposed to make, may be shared and encouraged by the Government through their public servants.

In his letter to the Committee on Ways and Means, under date of December 12, the Secretary said:

> *The receipts from customs and internal taxes have not materially increased, and it is apparent that no considerable augmentation of those receipts is soon to be expected, under the laws now existing.* The public debt was increased by demands which could not be avoided, during the month of November, to the extent of over $9,000,000; and it is apparent that it will be still further increased during the current month by many millions.
>
> While the coin receipts are but little more than sufficient to pay the interest on the public debt and other coin expenditures, it will not be prudent to sell gold to increase the supply of currency.
>
> The current expenses of the Government have already consumed about $18,000,000 of what has been called the "reserve," and there remains only about $26,000,000, which can be used before the extreme limit of issue of United States notes authorized by law will be reached. The public credit can only be maintained by keeping the receipts of the Treasury fully up to the expenditures, for ordinary expenses, for interest on the public debt, and for the purchase of bonds for the sinking fund, to the extent provided by law. It is manifestly the true policy, in view of the necessity of maintaining that credit, so to levy taxes as to make it certain that the required amount will be raised with the possibility of some surplus revenue, rather than to incur any risk of a deficiency which would make it necessary to borrow money and thereby increase the debt.

He submitted to the committee a proposition to levy additional taxes on spirits, tobacco, and gas, and on railroad, steamboat, express, insurance, and telegraph companies, to an aggregate amount of $22,150,000; and said:

> I have presented the bills for increased taxation to the committee thus early, that the subject may at once be called to the attention of Congress for such action at an early day as may be deemed expedient.

In writing this letter the Secretary surveyed the situation as it appeared when the worst effects of the crisis were felt by the Treasury. It was at that date that a deficit seemed imminent; and it was the duty of the Secretary of the Treasury and of the chairman of the Committee on Ways and Means to give Congress the facts.

If there be a deficit, the duty of Congress is plain. First, to ascertain the smallest amount by which the necessary expenditures of the Government may be met; and if there still be a deficit, to meet it by restoring some of the revenues which we have crippled by too great a reduction of taxes. Retrenchment of expenses is the first duty, and the performance of that duty may be a perfect and complete remedy; but I do not indorse the doctrine that expenditures must be cut down, at all hazards, to the level of the revenues. If necessary, there must be help on both sides of the ledger. If there be a chasm to be bridged, it must be bridged by building from both shores; by decreasing the expenditures on one side and increasing the revenues on the other.

But, Mr. Chairman, the study which I have been able to give to this subject leads me to believe that the revival of business from the disastrous effects of the panic will so increase our revenues that by the aid of such reduction as may be made in the expenditures of the next fiscal year no deficit will occur; that the Treasury will not go to protest; that the public credit will not be impaired. Even the gentleman from Massachusetts, [Mr. DAWES,] who, to say the least, does not paint the situation with the color of the rose, tells us we shall have at the end of the present fiscal year, after all our deficiency appropriations are made, a surplus of ten millions. I think we shall have a larger sum.

The receipts for the month of February show a marked improvement. The official statement, published four days ago, shows that the debt was decreased during the month of February by the sum of $2,590,047.45; and, at the close of February, the Secretary estimated that the receipts for the current year will be eight millions more than the estimate which he sent to the Committee on Ways and Means at the beginning of that month.

Mr. Chairman, if I have been successful in the presentation of facts, I have made it apparent that, whatever danger of a deficit may have threatened the Treasury, that danger has been produced by two causes: too great a reduction of taxes, and the temporary crippling of the revenues by the commercial crisis. The last of these causes was beyond the control of legislation; but in spite of the storm no question of the soundness of the Treasury would have been raised if it had been kept strong by a sufficient surplus.

I come now to speak more particularly of our recent expenditures. As the gentleman from Pennsylvania [Mr. RANDALL] very properly suggests, it is necessary to inquire what has been done on the other side of the ledger. We have thus far been considering the revenues. What have been our expenditures? And here, Mr. Chairman, I am sorry to turn aside from the main line of discussion to notice the fact that frequent attempts have been made during the last three months to impress the public mind with the belief that the estimates, the appropriations, and the expenditures have not only been extravagant, but increasing, in recent years. If this is so, it brings to the door of Congress, and to all those whom Congress has intrusted with any share of responsibility on this subject, an imperative obligation to show cause for what they have done. I should not speak of this but for the fact that it has several times been referred to on this floor. That we may know just what the allegations are, I will quote three paragraphs from the CONGRESSIONAL RECORD.

On the 15th of December, in the debate on revising the estimates, the gentleman from Massachusetts [Mr. DAWES] said:

> Could I have my own way about it, the knife would go into that Book of Estimates * * until the difference between current receipts and expenditures should no longer exist. Sir, the Book of Estimates is a marvel to me. When I take up that broad book, so unlike that I used to carry under my arm, it is most unintelligible to me. The only thing I can realize and understand is, that year after year the estimates are going on increasing, until this year, in the face of these exigencies, the grand total of estimates is about twelve millions more than it was last year, and about fourteen millions more than the actual appropriations of last year.

In the next place, I call attention to a paragraph in a speech by the gentleman from Kentucky, [Mr. BECK,] on the 12th of January. In the debate on the naval appropriation bill he said:

> At the last session of the last Congress, after the last presidential election was over, and when members were not soon to be called to answer to the people, then, for the first time since I have been in Congress, for the first in the history of the country as I believe, Congress appropriated $15,329,000 more than all the estimates of all the Departments. Three hundred and eight million dollars was the amount the Departments asked; Congress gave them $319,600,000, and $4,000,000 more the other day, making $323,000,000, an excess of $15,000,000, the highest amount ever given in time of peace, and that, too, immediately after the last presidential election was over. And let this be observed—we are spending these immense sums now, when only last year $302,000,000 was called for by the estimates, and $299,000,000 was the amount of the appropriations.

And that we may have the whole chapter before us, I ask the Clerk to read the following paragraph in the speech of the gentleman from Massachusetts, [Mr. DAWES,] made on the 12th of February.

The Clerk read as follows:

> While we have been reducing our receipts on the one side we have been increasing our expenditures on the other. Listen now to the expenditures of this Government since the present Administration came into power. The first year the expenses of this Government were $322,865,277.80; in 1870 they were $309,653,560.75; in 1871 they were $292,177,188.25; 1872 they were $277,517,962.67; in 1873 they were $290,345,245.33; the appropriations for the present year sum up $319,652,644.31. In 1870 we reduced our expenditures to $309,000,000 and we paid $101,601,916.88 of the public debt; in 1871 we brought them down from $309,653,560.75 to $292,177,188.25, and we paid $94,327,764.84 of the public debt; in 1872 we brought them down still further to $277,517,962.67, and we paid $99,960,253.54 of the public debt in addition. In 1873 the expenditures ran up to $290,345,245.33, and we paid but $43,677,630,05 of the public debt. This year our appropriations have gone up from $290,000,000, our expenses for the last year, to $319,000,000, without paying one dollar of the public debt.
>
> Mr. GARFIELD. I would ask the gentleman if by accident he has not included in his figures of last year the sinking fund, amounting to $30,000,000, which was not included in the expenditures of last year? I think he will find that he has done so.
>
> Mr. DAWES. I have not done it by accident, but by design. The expenditures for each year, as I have given them, contain the sinking fund, or else I am misled by the Treasury Department itself.

Mr. GARFIELD. To these three points, as they represent the three ideas of estimates, appropriations, and expenditures, I desire now to respond briefly. I did respond to two of them at the time.

I will not pause to notice the rather singular criticism made by the gentleman from Massachusetts [Mr. DAWES] in reference to the bulk of the Book of Estimates, except to say that two years ago the Committee on Appropriations found this fault with the estimates: that they were too condensed in their statements; that the estimates and the reasons therefor were not given with sufficient detail; and at the suggestion of the committee the Secretary of the Treasury ordered a fuller statement, and gave us a quarto instead of a duodecimo. Now, while the quarto is somewhat too large for a pocket companion, yet it happens the bulk of the book is not a measure of the appropriations asked for; that the modest little quarto that former chairmen of the Committee on Appropriations carried under their arms estimated a great many millions more of appropriations than the swollen quarto which I have had the honor to carry during the last two years.

Referring to the statement of the gentleman from Kentucky, [Mr. BECK,] it would indeed be a grave matter and one requiring explanation if Congress had appropriated $15,000,000 above the amount estimated as necessary for the public service. I answered at the time that what the gentleman called the estimates of last session were only the aggregate given in the regular Book of Estimates sent in on the first day of the session. I also showed that from the day that book was sent in until the last day of the session additional estimates were constantly coming in. For instance, a whole book of estimates of deficiencies, amounting to more than $6,000,000, came in after the regular Book of Estimates was printed. I have here compiled from the records of the Committee on Appropriations a list of those estimates that came to the House or to the committee from the several Departments after the Book of Estimates came in, and the total amounts to the sum of $23,392,540.36. These were just as really estimates as though they had